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# TWENTY YEARS OF REVISIONISM

H. FUKUI\*

## INTRODUCTION

It would seem most natural that the 1947 Constitution of Japan should have been the target of strong revisionist pressure in the years following its promulgation, considering its contents and the special circumstances of its making. However, looking back upon the developments in this revisionist movement, one is struck by the degree of ambivalence and confusion in the attitudes of both the proponents and opponents of revision and by the apparent failure of the former to effect revision. It is my view that these two impressions are very intimately interrelated and that an understanding of this relationship is necessary if the issues involved are to be viewed in historical perspective. I also feel that it is helpful to focus on two broad aspects of the revisionist movement, one relating to its typological composition and ideological implications and the other to the nature and scope of its support.

The first of these aspects involves a distinction between three types of revisionism which are analytically separable but in reality overlapping. The most common type calls for revision of one or more specific provisions of the 1947 Constitution, other than Article 9, for technical, rather than ideological, reasons. The second type, a variation of the first, concerns specifically the most controversial article of the document, Article 9. For purposes of our discussion it will be helpful to distinguish these two types. At the same time, however, it should be noted that both are pragmatically motivated.

The third type of revisionism differs from the first and the second in that it aims at a total rewriting of the Constitution and springs from an ideological and emotional basis. It questions the propriety and legitimacy of the manner in which the "MacArthur Constitution" was drafted by Americans and "imposed" upon the Japanese government and people. It is primarily concerned with defending the national identity and traditional values of Japan against what is regarded as an unwarranted and unjust interference by the occupation regime in the determination of Japan's destiny.

The nature and scope of the support for each of these types of

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revisionism may be discussed at many different levels and in a variety of contexts. Our attention will be focused on one particular level and context, *i.e.*, on the level of party politics as engaged in by the conservative side of the political spectrum. The parts played by public opinion and the opposition parties and groups will be discussed only to the extent that they are immediately relevant and useful to the discussion thus focused.

As a preliminary step to the analytical discussion proposed above, it may be helpful to review the historical and factual background and the main characteristics of the revisionist movement.

### I. THE REVISIONIST MOVEMENT

When the original text of the new Constitution of Japan was made public on March 6, 1946, much dissatisfaction and criticism, as well as joy and enthusiasm, were expressed in the nation's major newspapers. For example, *Yomiuri-Hōchi Shimbun* commented on what subsequently became Article 9 in an undisguised tone of criticism, declaring that "the Japanese people would defend the nation's life and independence at the cost of blood," if necessary.<sup>1</sup> The greatly increased powers of the National Diet also came under fire as encouragement of dictatorship by a majority and abuse of power by political parties.<sup>2</sup> What was deemed excessive emphasis on the rights, and lack of emphasis on the duties, of the individual vis-à-vis society and the government was criticized as typical of nineteenth rather than twentieth century democracy.<sup>3</sup> And some critics advocated proportional representation in the upper house and the establishment of administrative tribunals.<sup>4</sup>

The form and language of the text, as well as the manner in which it had been drafted, were subjected to scathing criticism. Two readers in *Asahi Shimbun* deplored the lack of precision and elegance in the colloquial style Japanese used in the translation of the GHQ draft. They noted the repetitiveness and diffuseness that resulted, especially in the Preamble and Chapter III.<sup>5</sup> Mitsu Kōno, a member of the Socialist Party's Central Executive Committee, and quite a few others criticized the "undemocratic" and secretive manner in which the

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<sup>1</sup> *Yomiuri-Hōchi Shimbun*, Mar. 8, 1946.

<sup>2</sup> *Tokyo Shimbun*, April 21, 1946.

<sup>3</sup> Comments of Sakae Wagatsuma in *Mainichi Shimbun*, April 24, 1946.

<sup>4</sup> *Mainichi Shimbun*, Mar. 8, 1946.

<sup>5</sup> Comments of Shōichi Sudō and Masao Nakajima in *Asahi Shimbun*, April 24, 1946.

Americans and their collaborators in the Japanese Cabinet had worked on the matter.<sup>6</sup>

While much more cautious in tone, the opinions expressed by party leaders both inside and outside the Diet also indicated a significant amount of dissatisfaction. Obviously reflecting a desire to avoid offending SCAP, these opinions were self-consciously couched in generalities. Interestingly, the Socialists seem to have found the GHQ draft far more agreeable than did the Liberals and the Progressives.<sup>7</sup>

Once the contents of the GHQ draft were made public, the leaders of the conservative parties began to highly praise it. This no doubt indicated the psychological pressure felt by them under the circumstances, rather than a genuine change of heart. For example, Hatoyama in his public comment on behalf of the Liberal Party stated that he was greatly encouraged by the "maintenance of the Emperor system, safeguards for fundamental human rights, the renunciation of war and the establishment of a democratic system of government" which characterized both the GHQ draft and "the principles underlying our own draft."<sup>8</sup> His subsequent behavior suggests, however, that he did not really mean more than half of what he said. Of a similar nature was the statement attributed to Takao Saitō, Chairman of the Executive Council of the Progressive Party, in which he "welcomed" the provisions relating to the Emperor and the renunciation of war.<sup>9</sup>

In the course of Diet deliberations, which lasted from June 25 to October 7, 1946, the original text of the GHQ draft was revised in several important respects. However, the most substantial of these alterations were made at the initiative of GHQ, not of the Japanese Diet members.<sup>10</sup> In fact, the Japanese were responsible only for the

<sup>6</sup> Tokyo Shimbun, Mar. 8, 1946.

<sup>7</sup> See Hitoshi Ashida's testimony in KEMPŌ-CHŌSAKAI DAI-7-KAI SŌKAI GIJIROKU (The minutes of the 7th plenary session of the Commission on the Constitution) 117-18 (1957). This is not to deny, however, that even the Socialists found some parts of the GHQ draft objectionable; accordingly, they moved to amend it in the Diet.

<sup>8</sup> Mainichi Shimbun, April 3, 1946. See also Ichirō Kōno's comment in Yomiuri Shimbun, April 2, 1946.

<sup>9</sup> *Id.* Another newspaper reminded its readers that Saitō had declared at the previous extraordinary session of the Diet, in September 1945, that he would firmly oppose democracy if it meant popular sovereignty. Tokyo Shimbun, April 7, 1946.

<sup>10</sup> The GHQ-inspired amendments included the following: A change in the phrasing of provisions relating to the people's sovereignty in the Preamble and Article 1; addition of the words "education, property or income" in Article 44; insertion of the guarantee of universal adult suffrage for the election of public officials in Article 15; and insertion of the requirement that Cabinet ministers be civilians in Article 66. For discussion concerning the origin and circumstances of these and other amendments, see *Kempō chōsakai hōkokusho fuzoku bunsho* No. 2 (Report of the Commission on the Constitution, Attached Document No. 2), KEMPŌ CHŌSAKAI, KEMPŌ SEITEI NO KEII NI KANSURU SHŌ-INKAI HŌKOKUSHO (Commission on the Constitution, report

vaguely qualifying phrases in the war-renouncing Article 9 and the inclusion of several new articles in Chapter III. This meager achievement of the conservative-dominated Diet reflected the fact that an effective purge program had cleared its membership of those prewar and wartime leaders who would probably have been the most vocal dissidents.<sup>11</sup>

Considering the purge and the general political conditions prevailing in the early part of the occupation, which naturally reduced drastically the scope and range of Japanese initiative, the criticisms that were voiced or implied in the course of the Diet deliberations were surprisingly wide-ranging. Debate centered on the provisions relating to the Emperor, the national polity, and the renunciation of war, but it extended also to other sections, especially those concerning the rights and duties of the individual.<sup>12</sup> If the points raised in the press and elsewhere are taken into account, one may conclude that all the essential arguments which the revisionists were subsequently to employ in support of their positions had been raised by the end of 1946.

These criticisms all arose from two basic, interrelated propositions: (1) that the Constitution must be both practical and effective, and (2) that it must be established by the Japanese people themselves and must incorporate not only such universal principles as democracy and freedom, but also the "unique" history, traditions, individuality and national character of the Japanese nation.<sup>13</sup> As we shall see later, the first proposition provided the basis for the first two types of revisionism and the second for the third type of revisionism.

When the Japanese version of the original GHQ draft was approved by the Diet and duly promulgated on November 3, 1946, debate on the form and content of the Constitution ceased and did not resume until the middle of 1950. There were several reasons for this almost complete absence of revisionist agitation during the following three and a half years. The fact of continuing occupation itself discouraged criticism of the Constitution which had patently originated from GHQ.

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of the debates at the Diet on constitutional revision), CHŪOKŌRON (No. 812) 75-80 (1964). See also, Y. Hoshino, *Kempō kaisei o meguru kokkai-gijiroku* (The minutes of the debates at the Diet on constitutional revision), CHŪOKŌRON (No. 812) 75-80 (1956).

<sup>11</sup> SHŪGIN & SANGIN (eds.), *GIKAI-SEIDO SHICHIJŪ-NEN SHI: SEITŌ KAIHA HEN* (The history of the Diet system over seventy years: volume on political parties) 674, 680 (1961).

<sup>12</sup> *Kempō chōsakai hōkokusho fuzoku bunsho* No. 2, *supra* note 10, at 480-96.

<sup>13</sup> KEMPŌ CHŌSAKAI, *KEMPŌ CHŌSAKAI HŌKOKUSHO* (Report of the Commission on the Constitution) 374-89 (1964).

More specifically, the purge had excluded from public debate the most outspoken critics of the occupation administration and, by inference, of the new Constitution; their places had been filled by those who benefitted in one way or another from the new system. Just as important was the simple fact that the masses of the Japanese people were generally too preoccupied with immediate economic problems to pay much attention to the issue. On the other hand, those who were interested in the new Constitution were still confident of the adequacy of its provisions, regarding it as the symbol of a new and better Japan. They were trying to understand the meanings and implications of its novel provisions rather than to view them in a critical light. The powerful nationalistic reaction which was to propel the most radical type of revisionism several years later was totally absent at this stage.

The only exceptions to the absence of revisionism during the period before the Korean War were the responses of two academic groups to the Far Eastern Commission's instruction (to review the actual operation of the new Constitution one year after promulgation) of October 1946. The *Kōhō kenkyūkai* (Public law study association) proposed amendments aimed at accentuating the democratic and pacifist aspects of the new Constitution. It suggested that specific article be revised, especially in Chapters I, II and III.<sup>14</sup> Although the ideological motivation behind the actions of this group is undeniable, it should nevertheless be emphasized that the amendments proposed were specific, limited and intended primarily to reinforce or clarify the meanings of the existing provisions. The *Kempō-kaisei no shomondai* (Problems of constitutional revision) published by the *Kempō kenkyūkai* (Constitution study association, formed of Tokyo University professors of law) was even more clearly technical and particular in its application.<sup>15</sup> Neither of these groups was concerned primarily with the authorship of the 1947 Constitution, much less did they question its basic legitimacy.

The outbreak of the Korean War in June 1950 changed the situation completely. On July 8, MacArthur instructed the Japanese government to create a Police Reserve Force of 75,000 men and to in-

<sup>14</sup> Y. HASEGAWA, *NIHON NO KEMPŌ* (The Constitution of Japan) 197-99 (1957).

<sup>15</sup> *Id.* See also N. KOBAYASHI, *NIHONKOKU-KEMPŌ NO MONDAI-JŌKYŌ* (The operational problems of the Constitution of Japan) 282-83 (1964), and T. Sakuma, *Sengo kaiken-shisō no dōkō to shuyō-ron* (Movements for constitutional revision and the principal problems), in *KEMPŌ CHŌSAKAI SŌHEIAN: KEMPŌ KAISEI MONDAI NO HONSHITSU* (Criticism on the Commission on the Constitution: the essence of the constitutional revision problem) 145-46 (R. Arikura *et al.* eds. 1964).

crease the Maritime Safety Agency force by 8,000 men.<sup>16</sup> This action began the inevitable development of the problem of reconciling rearmament with Article 9. The original Police Reserve Force was renamed the Safety Force two years later, and in June, 1954 the latter became the Self-Defense Forces, made up of three full-fledged services. It became increasingly difficult for the government and the ministerial party to avoid seriously considering an amendment of the war-renouncing article.<sup>17</sup> Thus it may be said that developments in the Far East, particularly the establishment of the People's Republic of China in 1949 and the outbreak of the Korean War, provided the objective basis of a reconsideration of Article 9.

The controversy in the Diet over the interpretation of Article 9 and the constitutionality of the Police Reserve Force and its successors reached a high point in the 13th session of 1952 during debate on the Safety Agency Bill and the US-Japan Mutual Security Treaty and again in the 19th session of 1954 during debate on the Self-Defense Forces Bill.<sup>18</sup> The revisionist pressure generated by the controversy over the Self-Defense Forces had as its central and direct concern the single particular article. Nevertheless, it almost inevitably gave rise to a much more radical and sweeping type of revisionism based on ideological beliefs and emotionalism, rather than considerations of practical needs. This latter brand of revisionism quickly engulfed and absorbed the Article 9-centered revisionism.

The occasion for the emergence of the movement for total revision, or rather rewriting, of the 1947 Constitution was provided by the return to public life of the once purged bureaucrats and politicians. In the April 1952 House of Representatives election these prewar and wartime leaders managed to win a total of 139 seats, accounting for 33 percent of the Liberal and 37 percent of the Progressive members in the new House.<sup>19</sup> Included were many potentially outspoken critics of the new Constitution who had been forced into silence by the purge

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<sup>16</sup> Y. Oka, *Gendai-nihon-seiji ni okeru gai-atsu hannō* (Reaction of the politics to exterior pressures in the contemporary Japan), in *GENDAI-NIHON NO SEIJI-KATEI* (Y. Oka ed. 1958).

<sup>17</sup> For a general review of the developments involved see *id.* at 35-44, and Y. Oka, *Seiji* (Politics), in 2 *SENGO NIHON SHŌSHI* (A short history of postwar Japan) 330-53 (T. Yanaibara ed. 1960).

<sup>18</sup> For a concise review of the controversy and the major arguments exchanged in the Diet on the subject, see *KOKURITSU KOKKAI TOSHOKAN CHŌSA RIPPŌ KŌSA KYOKU* (ed.) *REFARENSU BUNKEN YŌMOKU DAI-4-SHŪ: KEMPŌ-RON 8-19* (1965). More intimate personal observations are available in S. HAYASHI, *HŌSEI-KYŌKU-CHŌKAN SEIKATSU NO OMOIDE 83-84* (1966).

<sup>19</sup> *Asahi Shimbun*, Oct. 3, 1952; and *MAINICHI NENKAN* 149 (1954).

program. They distrusted and hated the new Constitution not only because of their disagreement with its specific provisions but, probably more importantly, because they felt that they had been unfairly barred under duress from expressing their views when it had been voted through the Diet and "imposed" upon the nation under GHQ's pressure. It was characteristic of this type of revisionism that it derived its emotional drive directly from personal experience and resentment. This was true particularly of the views expressed at the time by men like Hatoyama and Ishibashi.<sup>20</sup>

While the fact of Japan's rearmament presented a practical and concrete case for an amendment of Article 9, the emotionalism introduced by the massive "come-back" of the prewar leaders gave rise to controversies over the origin and legitimacy of the Constitution itself.

In the following few years several groups were formed among politicians and ideologues to transform their aspirations for total rewriting of the new Constitution into an organized movement. A series of revisionist publications followed. In September 1953, some fifty leaders of right-wing groups adopted a resolution calling for the outright scrapping of the Constitution. Immediately thereafter, Hatoyama persuaded Prime Minister Yoshida to establish a committee in the Liberal

<sup>20</sup> Hatoyama wrote:

I had always thought, both during and after the war, that the Americans were capable of doing most outrageous things at the same time that they professed belief in justice and freedom, and for that reason I had a certain amount of contempt for them. I was therefore not particularly surprised when they designated me a purgee. I just thought that they had acted according to type.

I. HATOYAMA, HATOYAMA ICHIRŌ KAIKOROKU (Reminiscences of Hatoyama Ichirō 49-50 (1957)). The same sentiment had been earlier expressed by Tanzan Ishibashi, when he wrote:

However it may have been, it is clear that not all actions on the part of the high-ranking officials of the Occupation Forces were fair and just. Examples of unfair treatment can be found in the manner in which the Purge program was actually executed. One of such examples was my own case. For reasons not known to myself, the Government Section of the GHQ began to maneuver for my purge in early 1947. . . . When the (screening) committee established by the Japanese government finally decided against my designation on May 2, 1947, the Chief of the Government Section, Whitney, sent a memorandum dated May 7 to the Japanese government in which he demanded my removal on the grounds that I had been editor and president of *Tōyō keizai shimpōsha*, irrespective of the decision previously made by the latter. The government succumbed to this pressure and designated me at last on the 17th of the same month. . . . I do not think that the intentions of the United States to democratise Japan were wrong, I believe, however, that the United States herself was not entirely democratic. . . . The dictatorial men of power of the Occupation. . . would not admit of a single criticism of their own actions, and yet they were as brazenly self-righteous as to insist that they had bestowed upon the Japanese the freedom of speech. . . .

T. Ishibashi, *Hambei-kanjō hassei no riyū* (The reason why the anti-American feeling has arisen), CHŪOKORON (No. 781) 42-43 (1953).



Party to deal specifically with the issue of constitutional revision.<sup>21</sup> By early 1954 not only the Liberal Party but also the Progressive Party had established a formal committee on the Constitution, which in the months following prepared for publication basic outlines of revision.<sup>22</sup> In the meantime, both parliamentary and nonparliamentary revisionist groups were formed, such as the *Jishu-kempō kisei gūn dōmei* (Diet members league for the establishment of an independent constitution), *Jishu-kempō kisei dōmei* (League for the establishment of an independent constitution) and *Jishu-kempō kisei seinen dōmei* (Youth league for the establishment of an independent constitution). These groups published a series of aggressively revisionist material.<sup>23</sup>

At the party level the Democratic Party, which resulted from the November 1954 merger of the Progressive Party and the anti-Yoshida groups in the Liberal Party, was the most articulate advocate of this third type of revisionism. The policy program (*seisaku-taikō*) adopted at its inaugural meeting called not only for a general reconsideration of the 1947 Constitution in light of the "circumstances of its establishment and experience in practice," but more specifically for the creation in the Diet of a commission on the Constitution.<sup>24</sup> In the "outline of the basic policies", (*kihon-seisaku taikō*) subsequently ratified by the party's Executive Council and accepted by the Hatoyama Cabinet on December 14, 1954, this call was repeated, together with a parallel call for more adequate defense arrangements.<sup>25</sup>

Yet Hatoyama, once elected Prime Minister, was not as insistent or as enthusiastic as he previously had been on the issue of constitutional revision. In fact, his attitude became so cautious and circumspect that he was charged with having reversed his stand by Socialist and Liberal opponents in the Diet.<sup>26</sup> However, Ichirō Kiyose and others in the Democratic Party began to voice an extremist view,

<sup>21</sup> A useful chronology of relevant events during this period is available in *Chikujō-shiryō: nihonkoku-kempō kōfu-go 15-nen no chōkansu* (A bird's eye view over the fifteen years after the promulgation of the constitution of Japan: section by section materials) 238-51, a special issue of *HŌRITSU JIHŌ* (1961).

<sup>22</sup> *Jiyūtō Kempō-chōsakai, Nihonkoku-kempō Kaisei-an Yōkō-an* (Outline of the proposed revision of the Constitution of Japan) (Nov. 5, 1954); *Kaishintō, Kaishintō Kempō-chōsakai Hōkokusho: Genkō-kempō no Mondaiten no Gaiyō* (Report of the Committee on the Constitution of the Progressive Party: Outline of the problems inherent in the present Constitution) (1955).

<sup>23</sup> *Kokuritsu Kokkai Toshokan Chōsa Rippō Kōsa Kyoku* (ed.), *supra* note 18, at 16-19; Sakuma, *supra* note 15, at 147.

<sup>24</sup> Y. MIYAMOTO, *Shin-hoshutō Shi* (History of the new conservative parties) 370-71 (1962).

<sup>25</sup> *Id.* at 384-85.

<sup>26</sup> See his exchanges with Taketora Ogata of the Liberal Party and Jōtarō Kawakami of the Right Socialist Party on January 23, 1955, in the plenary meeting; and

according to which the new Constitution was null and void because of the peculiar circumstances of its making.<sup>27</sup> So the Hatoyama Cabinet proceeded in the summer of 1955 to introduce in the Diet a bill establishing a Cabinet Commission on the Constitution. After an initial failure in the Special Diet Session of March-July 1955, this bill was finally passed about a year later under the Third Hatoyama Cabinet.<sup>28</sup>

The merger, in November 1955, of the two conservative parties, the Liberal and Democratic, in a sense represented the culmination of the revisionist upsurge. The most dynamic proponent of the merger scheme was Bukichi Miki. He declared in a public statement in the spring of 1955 that the merger was conceived primarily as a means to achieve constitutional revision.<sup>29</sup> Revision, of the third type, was naturally included in the original platform of the Liberal-Democratic Party (LDP) as one of its six basic policy objectives.<sup>30</sup> In December 1955, Ogata, then a member of the initial four-man Presidential Proxy Committee (*sōsai daikō iinkai*) of the party, referred to constitutional revision as a principal objective of the unified party.<sup>31</sup> Half a year later, Kishi, the Secretary-General, appealed to the heads of the party's Prefectural Federations to work for conservative control of a two-thirds majority in the forthcoming House of Councillors election in order to make constitutional revision feasible.<sup>32</sup> In the meantime, a party committee on the Constitution was established with a view toward preparing a provisional draft of a revision by May 1956.<sup>33</sup>

In reality, however, the LDP committee on the Constitution never

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with Orinoshin Tanaka of the Left Socialist Party on March 22 in the committee on the budget of the House of Representatives. *Asahi Shimbun*, Jan. 24, 1955, and *Mainichi Shimbun*, Mar. 23, 1955.

<sup>27</sup> In his reply to Hisatada Hirose in the plenary meeting of the House of Councillors in July 1955, Ichirō Kiyose, then President of the House and Chairman of the Democratic Party Policy Affairs Research Council, stated that the writing of the new Constitution by GHQ contravened the terms of the Hague Conventions and point 3 of the Atlantic Charter. He also argued that it violated the spirit of Article 75 of the Imperial Constitution of Japan which prohibited revision of the Imperial Constitution during a period of regency. See *DAI-22-KAI KOKKAI SANGIIN KAIGIROKU* (Minutes of debates in the 22nd session of the House of Councillors) (No. 32) 3-5 (July 4, 1955). The same view had been expressed by Hatoyama three months earlier. *Asahi Shimbun*, Mar. 30, 1955. For a more general discussion of similar and opposing views on this subject, see *Kempō chōsakai hōkokusho fuzoku bunsho* No. 10 (Report of the Commission on the Constitution, Attached Document No. 10), *KEMPŌ CHŌSAKAI TOKUBETSU BUKAI, KEMPŌ MUKŌ-RON NI KANSURU HŌKOKUSHO* (Report on the argument that the present constitution is void) (1964).

<sup>28</sup> For background information, see *KEMPŌ CHŌSAKAI*, *supra* note 13, at 5-19.

<sup>29</sup> *Asahi Shimbun*, April 19, 1955.

<sup>30</sup> *JIMINTŌ-SHI HENSAN IINKAI, JIYŪMINSHUTŌ-SHI* (History of the Liberal-Democratic Party) 22-23 (1961).

<sup>31</sup> *Asahi Shimbun*, Dec. 4, 1955, and Dec. 20, 1955 (evening ed.).

<sup>32</sup> *Id.*, June 5, 1956 (evening ed.).

<sup>33</sup> *Id.*, Nov. 29, 1955 (evening ed.); *id.*, Dec. 24, 1955.

produced such a draft. Moreover, in July 1956 its chairman, Iwao Yamazaki, explicitly accepted the proposal of the party executive that all concrete preparations for revision should be left entirely to the Cabinet Commission on the Constitution and that the party committee's work should be confined to the education of the public and dissemination of relevant information.<sup>34</sup> Accordingly, although it was not officially dissolved, the committee ceased to function after the middle of 1956 and remained inactive until early 1961.<sup>35</sup>

The growth of militant revisionism in the wake of the San Francisco Peace Treaty provoked those committed to the defense of the 1947 Constitution to react just as violently. In August 1953, a loose organization of anti-revisionist intellectuals and their sympathizers was formed under the name of *Heiwa-kempō yōgo no kai* (Association for the defense of the pacifist constitution) to oppose the government moves towards rearmament.<sup>36</sup> In January 1954, a much broader and better organized anti-revisionist front appeared when some 135 "democratic" organizations gathered to build a *Kempō yōgo kokumin rengō* (National federation for the defense of the Constitution).<sup>37</sup>

The political parties of opposition also were mobilized. The reaction of the Japan Communist Party may well have been tactical rather than fundamental in view of its public commitment to "abolition of the Emperor system and establishment of a democratic republic."<sup>38</sup> The opposition of the Socialists seems to have been much more consistent and basic despite the obvious differences in emphasis between right and left wings prior to the merger of October 1955.<sup>39</sup> Their

<sup>34</sup> *Id.*, July 27, 1956.

<sup>35</sup> The last few pages of *Seisaku Geppō*, the official monthly organ of the LDP Policy Affairs Research Council, contains a record of the activities of various subdivisions of the organ. The first sixty-one issues (Feb. 1956 to Feb. 1961), however, did not refer to a single meeting or any other form of activity of the Committee on the Constitution.

<sup>36</sup> See the statements of the organization reprinted in 1 SHIRYŌ SENGŌ 20-NEN SHI: SEIJI (Materials relevant to the history over twenty years after the war: politics) 105 (K. Tsuji ed. 1966).

<sup>37</sup> *Id.* at 104-05, quoted from GOKENRENGŌ JIMUKYOKU, GOKENRENGŌ SHŌSHI (A short history of the National Federation for the Defense of the Constitution) (1965).

<sup>38</sup> *Shin-kōryō* (New platform), in Akahata, July 15, 1952. According to this proposal, the Emperor would be replaced by a President elected for a term of four years, the National Diet would be unicameral, the minimum ages of electors and candidates in a Diet election would be lowered to eighteen, the entire nation would constitute a single unified constituency, and proportional representation would be introduced. The Japan Communist Party has played, however, a leading role in the anti-revisionist movement. See NIKKAN RŌDŌ TSŪSHIN-SHA (ed.), SENGŌ NIHON KYŌSANSHUGI-UNDŌ SHI (The history of the communists' activities in Japan after the war) 570-89 (1955).

<sup>39</sup> Asahi Shimbun, May 3, 1952; *id.*, May 2, 1953; Mainichi Shimbun, Oct. 15, 1954.

anti-revisionist position was officially confirmed in the policy program of the unified Socialist party and subsequently led to concrete actions both inside and outside the Diet under the direction of the party's special committee on the defense of the Constitution (*Kempō-yōgo tokubetsu-iinkai*).<sup>40</sup> The anti-revisionists' goal was achieved at least temporarily when they succeeded in winning over one-third of the seats in the House of Councillors in 1956.

In the middle of 1957, the Commission on the Constitution began to function, despite the refusal of the Socialists to participate. Thereafter, the main arena of revisionist argumentation and agitation moved to the Commission from the parties and private groups.<sup>41</sup> Constituting an overwhelming majority in the Commission, the revisionist party politicians and academic ideologues worked hard to turn it into an effective and authoritative pressure group for their cause.<sup>42</sup> However, due to the persistent resistance put up by a small but determined anti-revisionist group, including the Commission Chairman Kenzō Takayanagi, and probably more importantly to the divisions and confusion among the revisionists themselves, it became increasingly evident that the revisionists were not in a position to dictate easily to the Commission's entire membership.

Coinciding with the failure of the revisionists in the Commission was the remarkable decline of interest in the revision issue by the LDP leadership. This was particularly so after Ikeda took over from Kishi as the party's President in 1960. When towards the end of 1961 militant revisionists in the party attempted to force the party leaders to adopt a much more unequivocally revisionist stand in the upper house election campaigns, their demand was turned down firmly.<sup>43</sup> It has since become more and more apparent that the extreme revisionists of the third type have become a very small minority in the LDP. Moreover, revisionism in general has lost much of its earlier glamour

<sup>40</sup> Nihon-shakaitō shi (The history of the Japan Socialist Party) 33-39 (K. Yao ed. 1962) Nihon-shakaitō tōitsu taikai jumbi iinkai, *Nihon-shakaitō kōryō: undō hōshin seisaku taikō* (The platform of the Japan Socialist Party: the outline of its policies and guide for its activities) 87 (Oct. 13, 1955); Nihon-shakaitō hombu, *Kokumin-undō ni kansuru hōkokusho* (A report on the anti-revision activities by citizens) in DAI-14-KAI TEIKI-TAIKAI TŌMU HŌKOKUSHO (No. 2) 5-10.

<sup>41</sup> For a succinct review of the Commission's activities, see Ward, *The Commission on the Constitution and Prospects for Constitutional Change in Japan*, 24 J. ASIAN STUDIES 401-29 (1965).

<sup>42</sup> R. Kuroda, *Chūkan-hōkokusho ni arawareta chōsakai no shisō* (The ideology prevailing in the Commission on the Constitution which appeared in its interim report), in KEMPŌ-CHŌSAKAI SŌHIGAN: KEMPŌ-KAISET-MONDAI NO HONSHITSU 102-15 (R. Arikura ed. 1964).

<sup>43</sup> Asahi Shimbun, Dec. 26, 1961. See also *Kappatsu ni naru jimintō kempō-chōsakai*, in SEKAI, 203-07 (March 1963).

and drive. By 1966 the only effectively organized revisionist groups were the 100-member quasi-faction in the LDP, the *soshinkai*, and the diffuse and rather ineffective movement led by Yasuhiro Nakasone, calling for a change in the method of election and powers of the Prime Minister.<sup>44</sup> The latter calls for a partial, rather than a total, revision.

Thus in the years since the formation of the LDP, ostensibly aimed at unifying revisionist efforts, revisionism and particularly its most radical form has declined rather than prospered. This has happened despite the fact that a few organized revisionist groups have been formed during this period. To explain this somewhat paradoxical situation we must now turn to an analysis of the logical structure and ideological basis of each type of revisionism.

## II. ANALYSIS OF THE THREE TYPES OF REVISIONISM

The type of revisionism which the two groups of university professors advocated during the occupation period was above all pragmatic, technical and specific. It aimed at amending one or more particular provisions in the 1947 Constitution without questioning, much less repudiating, its legitimacy and basic principles. Common sense would suggest that this type of revisionism would be the one most likely to arise under any circumstances and least likely to encounter strong objections. It is highly suggestive that the first expressions of this kind of revisionism should have come from "progressive" academics rather than "reactionary" bureaucrats or politicians.<sup>45</sup> Whether concerned with the functions of the Emperor, the relationship between the freedoms of the individual and public welfare, the nature and status of the House of Councillors, the method of designating the Prime Minister, judicial review, or the powers of local public entities, these revisionists were interested above all in practical problems.

It is doubtful that this type of revisionism would have encountered intense emotional or ideological opposition had it not been engulfed and drowned in the successive waves of the second and third types of revisionism. In fact, it is probable that some of the specific and limited amendments suggested by the proponents of this brand of revisionism would have proved acceptable even to the intellectuals who became staunch opponents of revisionism as it has subsequently developed. For example, most, if not all, members of the anti-revisionist group

<sup>44</sup> See H. Fukui, *The Liberal-Democratic Party and Constitutional Revision*, in *PAPERS ON MODERN JAPAN* 1968 at 40-41 (D. Sissons ed. 1968).

<sup>45</sup> *Kōhō-kenkyūkai* included among others, Professors Susumu Isoda, Masao Maruyama, Hajime Nakamura, and Kiyooki Tsuji.

of university professors in *Kempō-mondai kenkyūkai* (Constitutional problem study group) would probably not object to revision of a few particular articles. Discussing Article 29 and the question of the private ownership of property in a book recently published by the group, Shigeto Tsuru candidly concludes that the provision under review is "old-fashioned" and subject to re-examination.<sup>46</sup> Similarly, Akira Nakamura questions the definition of the status of the National Diet as "the sole law-making organ," while Hyōei Ōuchi frankly declares that the present constitution someday should be revised so that it may be made more "humane."<sup>47</sup> It is also well known that Chairman Takayanagi and Vice-Chairman Yabe of the Commission on the Constitution were, despite their resistance to the revisionists in the Commission, interested respectively in adding a new provision or provisions concerning the "elector's rights" and generally strengthening the present Chapter III.<sup>48</sup> In any event, it is clear that most opponents of the revisionist movement have been primarily opposed to the second and the third types outlined above, which have been trumpeted by conservative politicians and their academic supporters.

It was difficult to gain organized support for the first type of revisionism because the amendments desired were so various and particular. It was virtually impossible to bring the sponsors of these amendments together to form a solid organized group. The two academic groups mentioned above involved no more than a few dozen university professors who may well have disagreed among themselves as to the priorities of the specific amendments proposed. In this respect, the piecemeal type of revisionism differed considerably from advocacy of or opposition to the revision of the controversial Article 9 of the entire Constitution, either of which would present a clear-cut choice. For this reason it was logically and practically impossible to build a "movement" in support of this most common-sensical type of revisionism and to prevent it from being submerged completely in the more powerful forms of revisionism which followed.

The second type of revisionism was primarily concerned with the practical need for amending Article 9, a need which originally arose from limited Japanese rearmament under pressure applied from Washington at the outbreak of the Korean War. The motivation of its proponents was simple. They believed that armed forces were essential

<sup>46</sup> 1 *KEMPŌ-MONDAI KENKYŪKAI* (ed.), *KEMPŌ TOKUHON* (Readings on the Constitution) at 194 (1965).

<sup>47</sup> 2 *id.* at 30, 84.

<sup>48</sup> *Yomiuri Shimbun*, May 3, 1953.

to the survival and welfare of the Japanese people in contemporary international relations, characterized by tensions and conflicts between opposing ideologies, nations and blocs of nations. Thus, they called for the amendment of Article 9 with a view to legitimizing and strengthening the Self-Defense Forces. Prime Minister Hatoyama stated in March 1955 that it was "most unreasonable that Japan should be required to refrain from maintaining her own armed forces." He proposed to change the controversial article.<sup>49</sup> The same view was echoed later by Hosokawa and Uemura in the Commission on the Constitution, both of whom found Article 9 unacceptable in its present form.<sup>50</sup>

Another practical consideration which contributed to the growth of this type of revisionism was the prospect for substantial defense contracts which large numbers of manufacturers hoped would materialize as a result of rearmament.

To the extent that the call for large-scale rearmament was predicated on a particular view of communism and its alleged aggressive designs, or tinged with patriotic concern for Japan's status in the community of nations, the motivation of the revisionists of this category was no doubt in part ideological. It is nevertheless important to emphasize that an ideological repudiation of the "occupation regime" and the basic principles of the new Constitution was not necessarily involved. In other words, a partial and specific revision of the war-renouncing article alone was sought.

In considering the nature and scope of support available to this type of revisionism, it should first be noted that public opinion on the issue of Article 9 and rearmament had two interesting aspects. On the one hand, the pacifism represented and popularized by Article 9 rapidly developed into a popular cult. Pacifism became the object of fervent devotion among large numbers of Japanese. It became deeply instilled in their hearts incomparably faster than did any of the democratic principles of government also proclaimed by the new Constitution. During and immediately following World War II, the people of Japan experienced destruction, hunger and death directly, physically and personally, not just abstractly and intellectually. Thus, the post-war Japanese were emotionally devoted to the ideal of peace at almost any cost.

On the other hand, many Japanese realistically knew that Japan

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<sup>49</sup> KOBAYASHI, *supra* note 15, at 304.

<sup>50</sup> *Id.*

could not be entirely secure without arms and soldiers, especially when every nation in the world except Japan was armed. When the war broke out in Korea, it was thought that belligerent communist powers were bent on aggression against their weaker neighbors. Thus, while the people of Japan were emotionally devoted to the idea of a world without arms or fighting in which their experience of the last war would never be repeated, reason and "reality" seemed to point to the need for arms as insurance against unprovoked aggression.

This dilemma is illustrated by the results of two public opinion polls taken by *Asahi Shimbun* in November 1950, some five months after the war started in Korea. An overwhelming majority (80 percent) of those polled supported the United Nations, and yet refused to endorse Japan's contributions involving military means to the "UN" actions in Korea.<sup>51</sup> Most Japanese preferred to avoid military involvement even under the banner of the United Nations. However, Japan's rearmament was favored 54 percent to 28 percent, provided that the arms would only be used for the defense of Japan.<sup>52</sup> This paradoxical division between opposition to Japan's involvement in military engagements in any circumstances short of defense against direct attack and the generally favorable attitude toward rearmament, probably short of acquisition of nuclear weapons, has persisted. For example, a *Yomiuri Shimbun* survey of September 1964 disclosed that 76 percent of those polled supported rearmament for purposes of self-defense; 13 percent were in opposition.<sup>53</sup> On the other hand, an *Asahi Shimbun* poll one year later concerning the war in Vietnam showed just as conclusively that a majority (75 percent) were opposed to the United States bombing of North Vietnam for no other reason but that it would lead to the spread of the war and might threaten to involve Japan.<sup>54</sup>

The contradictory tendencies among the Japanese masses revealed by the results of these public opinion surveys have produced apparently illogical and paradoxical attitudes at the level of practical politics. The Self-Defense Forces have been progressively developed both in the numerical size and equipment without encountering effective organized resistance. On the other hand, public support for the revi-

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<sup>51</sup> For relevant information on the polls, see 5 SHIRYŌ SENGŌ 20-NEN SHI: SHAKAI (Materials relevant to the history over twenty years after the war: society) 83-85 (I. Shimizu ed. 1966).

<sup>52</sup> For similar results of another survey taken two-and-a-half years later, see *Asahi Shimbun*, June 22, 1953.

<sup>53</sup> *Yomiuri Shimbun*, Sept. 7, 1964.

<sup>54</sup> *Asahi Shimbun*, Aug. 24, 1965.



sion of Article 9 has remained unimpressive, particularly since 1955 when the Liberal-Democratic Party was formed.<sup>55</sup> This situation suggests that Article 9 is now a symbol and catharsis for the popular pacifist sentiment, and therefore is much less vulnerable to revisionist pressure than the substantial support for rearmament would lead one to expect.

This paradox has been further complicated by the continued domination of the government by the conservative parties. Under these circumstances rearmament naturally meant more than maintenance of armed forces of an entirely neutral character. Japan's military forces are closely tied to the United States military alliance system against Japan's communist neighbors. Rearmament under these conditions was particularly objectionable to those who wanted to see Japan improve, rather than worsen, her relations with those neighbors. It is worth pointing out that in the period under review here an overwhelming majority of Japanese citizens favored closer and friendlier relations with these nations, especially with China, including the normalization of diplomatic relations.<sup>56</sup>

Despite the presence of the powerful emotional drag suggested above, the movement for the revision of Article 9 might have enjoyed a somewhat better chance of success had it received sustained organized support from the conservative parties or the business community. However, neither was a reliable source of support, partly because rearmament proceeded rather smoothly. No formal amendment of Article 9 proved necessary. Moreover, as we shall later discuss in some detail, this type of revisionism, like the first, was soon made impossible by the emotion-charged movement for total revision.

There is little doubt that it was MacArthur's New Year's Day message of 1950, and his blunt demand for the creation of the Police Reserve Force in July of the same year, which gave rise to the controversy over the revision of Article 9.<sup>57</sup> It is important, however, to note that his call for rearmament did not ask for a formal amendment of that article. It was explicitly predicated on the assumption that Article 9 did not deprive Japan of her right to self-defense and therefore she could rearm without violating the constitutional injunction.<sup>58</sup> Subse-

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<sup>55</sup> For a pertinent discussion and tabulation of the trends in public opinion, see KOBAYASHI, *supra* note 15, at 312-14, 406-07.

<sup>56</sup> For example, in early 1960, 75% favored and only 5% opposed the normalization of diplomatic relations with China. See *Asahi Shimbun*, Jan. 22, 1960.

<sup>57</sup> Sakuma, *supra* note 15, at 146.

<sup>58</sup> The text of MacArthur's New Year's Day message is available in 1 SHIRYŌ SENGŌ 20-NEN SHI: SEIJI, *supra* note 36, at 65-66.

quently, Yoshida and his followers in the Liberal Party refrained from officially subscribing to this interpretation. They insisted instead that the "forces" and "war potential" mentioned in the article referred only to armed forces capable of fighting a modern war. The Police Reserve and Self-Defense Forces, as far as they were concerned, lacked such capability and therefore could not be regarded as contravening Article 9.<sup>59</sup>

In the meantime, the Progressives, who were generally much more outspoken in their advocacy of rearmament and constitutional revision, evidenced their serious interest in the issue by establishing a special party committee on defense (*bōei tokubetsu-iinkai*) in July 1953.<sup>60</sup> At about the same time, such leaders of the party as Hitoshi Ashida and Ichirō Kiyose began to echo publicly MacArthur's view that rearmament for self-defense was compatible with Article 9.<sup>61</sup> When Hatoyama replaced Yoshida as Prime Minister he followed this interpretation, explaining that maintenance of forces necessary for the adequate defense of Japan was constitutional under the existing Article 9, whether or not capable of effective employment in modern warfare.<sup>62</sup>

The attitude of a segment of the business community changed along with that of the conservative parties. Its interest in the possibilities of lucrative military production, dramatically awakened by enormous "special procurement orders" (amounting to over \$2 billion in 1951-53) received from United States armed forces during the Korean War,<sup>63</sup> led it to encourage large-scale and speedy rearmament in the years following. Efforts were channeled in particular through the *Keizai-kyōryoku kondankai* (Forum for economic cooperation) of *Keidanren* (Federation of economic organizations).<sup>64</sup> Under the pres-

<sup>59</sup> KOKURITSU KOKKAI TOSHOKAN CHŌSA RIPPŌ KŌSA KYOKU (ed.), *supra* note 18, at 10; Y. Hoshino, *Kemphō-ronsō no 15-nen* (Fifteen years of constitutional controversies), in HŌRITSU-JIHŌ, *supra* note 21, at 17.

<sup>60</sup> Asahi Shimbun, July 24, 1953; *id.*, Aug. 14, 1953.

<sup>61</sup> *Id.*, April 6, 1953.

<sup>62</sup> KOKURITSU KOKKAI TOSHOKAN CHŌSA RIPPŌ KŌSA KYOKU (ed.), *supra* note 18, at 10-11.

<sup>63</sup> H. Ōuchi, *Keizai*, in 1 SENGO NIHON SHŌSHI (A short history of postwar Japan) 122-30 (T. Yanaibara ed. 1960).

<sup>64</sup> The Forum was originally established in February 1951 as a *nichi-bei keizai-teikei kondankai* (forum for U.S.-Japan economic cooperation) and was reorganized in August 1952 into a body with three working committees—*sōgō-seisaku* (general policy), *bōei-seisan* (defense production), and *ajiya fukkō kaihatsu* (Asian reconstruction and development). Of these the defense production committee played a leading role subsequently as a semi-official link between the government and business in the planning and execution of the defense build-up programs. In February 1953, it produced a "Keidanren plan" of rearmament, according to which Japan would be equipped within the next six years with a land force of 15 divisions and 300,000 men; a mari-

sure and with the advice of this group, especially its defense production committee (*Bōei-seisan inkai*), organized research in the guided missile field was initiated in 1954, production of jet fighters (F-86-F and T-33-A) was officially started in 1955, and a joint defense production liaison council (*Bōei-seisan renraku kyōgikai*) was established in 1956 to coordinate the views and efforts of the government, the LDP and industry.<sup>65</sup>

However, the enthusiasm of big business for rearmament and defense orders was increasingly divorced from the revisionist movement. As de facto rearmament became more widely accepted not only by the conservative party politicians but also by the press and even by the Supreme Court,<sup>66</sup> the businessmen became markedly less articulate regarding the issue of constitutional revision. It is possible that they continued to regard the revision of Article 9 as a desirable goal, if revision could be achieved without too much sacrifice. They apparently ceased, however, to consider revision essential and imperative. As long as substantial defense contracts were forthcoming without a formal amendment of the article, they found no compelling reason why they should deliberately identify themselves with a not so popular cause.

As suggested earlier, the third type of revisionism called for total rewriting of the 1947 Constitution to achieve more conformity with the unique (or peculiar) traditions of Japan, especially the "national polity," symbolized by the Emperor system. In the beginning this line of ideological revisionism was propounded mainly by purged former bureaucrats, particularly those from the prewar Ministry of Home Affairs. Its intensely ideological and emotional character was subsequently inherited by a small group of academic ideologues in the Com-

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time force of 290,000 tons and 70,000 men; and an air force of 3,750 aircraft and 130,000 men. In August 1954, it distributed a pamphlet entitled *Jieigumbi hoji no hitsuyō to bōei-seisan no motsu yakuwari* (The need for the maintenance of self-defense forces and the role of defense production), which emphasized more vigorously than ever the need for adequate rearmament. See 2 T. HORIKOSHI (ed.), *KEIZAI DANTAI RENGŌKAI JŪNEN-SHI* (The history of the Federation of Economic Organizations over the past 10 years) 566-647 (1963).

<sup>65</sup> *Id.* at 631-32.

<sup>66</sup> In its controversial *Sumakawa* decision of December 16, 1959, 13 Saikōsaibansho Keiji hanreishū 3225, the Supreme Court avoided passing on the constitutionality of Japan's rearmament in relation to Article 9. It held, however, that Article 9 did not require Japan to be entirely defenseless, recognizing her right to self-defense. The Court thus legitimized by inference the presence and possible expansion of the Self-Defense Forces. See *Saikōsai o meguru hō to seiji*, a special issue of *HŌRITSU JIHŌ* (1960); *Sumagawa-jiken jōkokushin hanketsu tokushū*, a special issue of *JURISUTO* (1960); K. TSUNETŌ, *Heiwa-kempō to saikōsai no shimei*, *SEKAI* 20-30 (Feb. 1960); S. UNNO, *Naze kempō 9-jō no kaishaku o saketa ka*, at 31-36; N. UKAI, *15 tai ō e no gimon*, *CHŪŌKŌRON* (No. 867) 72-91 (1960).

mission on the Constitution and still more recently by the leaders of the *soshinkai* in the LDP.

Precisely because of the primarily ideological and emotional appeal of this type of revisionism, it enjoyed briefly a degree of popularity in post-independence Japan. However, since this type of revisionism would, if carried to its logical conclusion, upset the whole postwar framework of the nation's political and social organization and behavior, it was fundamentally unacceptable not only to the conservative "progressive" parties, such as the Socialists, but also to the conservative but not reactionary LDP politicians and their supporters. Above all it was unacceptable to the wide-ranging groups of nonaffiliated citizens who were benefiting in one way or another from the postwar changes symbolized by the new Constitution. Thus, from the viewpoint of either party politics or public opinion, chances for success of this type of revisionism were slight from the beginning.

The character and scope of the support total revision did enjoy, however, was much more varied and complex than was the case with either of the other types of revisionism. One of its outstanding characteristics was the prominence of former high-ranking bureaucrats in the leadership group of the movement. In fact, the early revisionist groups were almost exclusively composed of these bureaucrats. For example, the group which met in November 1953 consisted of seven former officials of the Ministry of Home Affairs and three former officials of the Ministry of Finance currently affiliated with the Liberal Party. In addition, there were four former officials of the Ministry of Home Affairs identified as Progressives.<sup>67</sup> Of the leading prewar bureaucrats, those who had been purged under the occupation of course had good reason to be hostile to the new Constitution.<sup>68</sup>

The implications of this peculiar composition of the groups working for total revision of the 1947 Constitution soon became evident. Ideological and emotional divisions developed between prewar and postwar party politicians. Generally speaking, majorities of the Progressive Party (later Democratic Party) and of the *Ryokufukai* (green breeze society) and a minority in the Liberal Party were in favor of this type of revisionism. A majority in the Liberal Party, led by

<sup>67</sup> The Liberals were Katsuroku Aikawa, Sensuke Fujieda, Seizō Katō, Yasumi Kurogane, Yoshio Mochinaga, Hirokichi Nadao, Kenji Tomita, Takao Hamada, Kōshirō Ueki, and Iwao Yamazaki. The Progressives were Yoshimi Furui, Kiyoshi Ikeda, Kingo Machimura, and Mikio Tatebayashi. See *Asahi Shimbun*, Nov. 8, 1953.

<sup>68</sup> For example, of those mentioned in note 67, the following had been purged: Aikawa, Mochinaga, Nadao, Tomita, Ueki, Yamazaki, Furui, Machimura, and Tatebayashi.

Yoshida, adopted a generally negative attitude towards total revision.

As soon as the Progressive Party was established in February 1952, it committed itself to total revision of the Constitution at the earliest possible time. Point Five of its original platform called for total reconsideration of the laws and institutions established under the occupation, explicitly including constitutional revision.<sup>69</sup> Notwithstanding intra-party factionalism, this line was followed consistently with a remarkable degree of unanimity even after the Progressives were joined by the Hatoyama Liberals to form the Democratic Party in November 1954.<sup>70</sup> The policy program of the Democratic Party reiterated the same revisionist plans and further urged the establishment of an official commission to prepare a draft revision.<sup>71</sup>

In sharp contrast to the outspoken revisionist line adopted by the Progressives and Democrats, Yoshida's negative attitude toward early constitutional revision remained consistent throughout the post-independence years up to the merger of 1955 and, indeed, long after that. On the eve of the merger, for example, he publicly stated that he was still firmly opposed to an early revision.<sup>72</sup> But despite the pressure exerted by Yoshida, the Liberal Party's committee on the Constitution (*kempō-chōsakai*) was established in December 1953. By November of the following year it had drafted the revisionist document, "the outline of the revision of the Constitution of Japan" (*nihon koku kempō kaiseian yōkō-an*).<sup>73</sup> However, the committee's work was abruptly interrupted in November 1954 when the anti-Yoshida factions led by Hatoyama and Kishi walked out to join the Democratic Party. In the ten-point policy program prepared for the general election of February 1955 the top executives of the party (who had been hand-picked by Yoshida) declared that no immediate attempt at con-

<sup>69</sup> For the text of the six-point platform, see Y. MIYAMOTO, *supra* note 24, at 181-82.

<sup>70</sup> While the party's annual conference in January 1954 officially resolved to work towards creation of a Diet committee for a total re-examination of the Constitution with a view to early revision, the two large factions in the party also expressed revisionist views on several occasions. In November 1953, for example, about thirty members of the "radical" faction, led by Kitamura, decided to press the party leadership to take a "more positive" attitude towards the issue and the same group called for the establishment of a nonpartisan Diet members' league for constitutional revision in February 1954. In the meantime, the "neutral" faction, led by Furui, Machimura, and others, included total revision of the Constitution in the program of the intraparty group, Dōyūkai, formed in February 1954. See *Asahi Shimbun*, Nov. 7, 1953; *id.*, Feb. 3, 1954.

<sup>71</sup> See text at p. 938 *supra*.

<sup>72</sup> *Mainichi Shimbun*, Aug. 16, 1955. See also 4 S. YOSHIDA, *KAISŌ JŪNEN* (Reminiscences of the ten years) 170-85 (1958).

<sup>73</sup> *Asahi Shimbun*, Oct. 19, 1954. For a discussion of its significance, see I. I. SATŌ, *KEMPŌ KENKYŪ NYŪMON* (Introduction to the study of the Constitution) 58-61 (1964).

stitutional revision would be made.<sup>74</sup> In the course of the same election campaign Taketora Ogata, who had just succeeded Yoshida, charged Hatoyama, the Prime Minister and President of the Democratic Party, with contemplating constitutional revision as a means of reinstating conscription.<sup>75</sup>

Another interesting aspect of this type of revisionism was that, despite the above-mentioned differences between the leaders of the two conservative parties, the groups supporting the movement recruited members from both parties. Indeed members were drawn from all of the conservative parties. For example, the group which met on November 6, 1953, to form an association for the study of constitutional revision (*kempō-kaisei kenkyūkai*) included at least two Liberals, six Progressives, one separatist Liberal, one *ryokufūkai* member and one *shōkaiha-kurabu* (minor parties club) member.<sup>76</sup> In other words, the movement had a bipartisan composition and this was no doubt why it soon became inseparably related to the movement for the unification of the conservative parties.

The same groups of prewar bureaucrats and politicians were behind both the revisionist and the unification movements. It is quite natural that this should have been so, since the primary objective of both movements was to change the status quo identified with the occupation regime and Yoshida's rule. Furthermore, one was clearly used as a means of achieving the other. No other man personified as dramatically as Nobusuke Kishi the correlation between the two movements.

Even before his election to the House of Representatives in April 1953, Kishi had been known for his avowed interest in a drastic change in the political arrangements established under the occupation. As soon as he was freed from the restrictions of the purge towards the end of 1952 he formed the *Nihon saiken renmei* (Japan reconstruction league), which had constitutional revision as one of its principal objectives.<sup>77</sup> In November 1953, Kishi's close friends met at his invitation to discuss the possibilities of uniting the three conservative parties in order to achieve constitutional revision.<sup>78</sup> Five months later he was one of the anonymous sponsors of the *Hoshu-shintō yūshi kondankai* (volunteers' meeting for the creation of a new conservative party).

<sup>74</sup> Asahi Shimbun, Dec. 30, 1954; *id.*, Dec. 31, 1954.

<sup>75</sup> Mainichi Shimbun, Dec. 22, 1954.

<sup>76</sup> Asahi Shimbun, Nov. 7, 1953.

<sup>77</sup> S. YOSHIMOTO, KISHI NOBUSUKE DEN (Biography of Nobusuke Kishi) 140-41 (1957).

<sup>78</sup> Asahi Shimbun, Nov. 9, 1953 (evening ed.).

The forty-four participating Liberals adopted a five-point draft platform for the would-be new party, which included revision of the "occupation-made Constitution."<sup>79</sup>

It should not be assumed that the differences of attitude among the conservative parties regarding the merger of the conservative parties strictly correlated with the divisions of opinion on the issue of constitutional revision. It is nevertheless significant that the groups most consistently revisionist—*i.e.*, the Kishi, Ishibashi and former "Neutral" factions in the Democratic Party—provided the prime motivation for the merger movement as well. Moreover, the Yoshida faction in the Liberal Party, persistently opposed to merger, was also known to be least interested in constitutional revision.<sup>80</sup>

One may regard the formation of the LDP in November 1955 as the culmination of the extreme emotional version of revisionism in the post-independence period. It is also testimony to the success of the movement's proponents both in and out of the conservative parties. It is, therefore, not at all surprising that the LDP officially committed itself to the achievement of the earliest possible constitutional revision.<sup>81</sup> No more unexpected was the immediate establishment in the party of a committee on the constitution (*kempō chōsakai*) and the Cabinet Commission on the Constitution shortly afterwards. What was surprising is that, as earlier pointed out, despite all these seemingly promising developments revisionism has steadily declined instead of prospering. In the following pages we shall attempt to explain this failure of revisionism in the period following the merger.

### III. THE FAILURE OF REVISIONISM

It should first be noted that public opinion, as clearly reflected in the results of Diet elections since 1955, is not strongly in favor of revision. As mentioned earlier, the Socialists, reinforced by the other smaller opposition parties, have managed to secure over one-third of the seats in both Houses of the Diet. Thus it is theoretically impossible for the LDP to force a revision bill through the legislature even if they so desired. The situation in the Diet is also reflected in expressions of public opinion. Opinion polls conducted by various organizations revealed two noteworthy trends: (1) Until about 1956 the revisionsists

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<sup>79</sup> The other two anonymous sponsors were the party's vice-president, Ogata, and Tanzan Ishibashi. *See id.*, April 15, 1954.

<sup>80</sup> *Id.*, June 13, 1955.

<sup>81</sup> JIMINTŌ-SHI HENSAN IINKAI, *supra* note 30, at 22-23.

had enjoyed somewhat greater grass roots support than the anti-revisionists, but this balance has since been reversed; and (2) "don't know" and "undecided" responses have registered consistently high percentages.<sup>82</sup> Neither of these trends encourage hasty attempts at revision.

The public attitude, as reflected in the results of both opinion polls and Diet elections, would explain to the satisfaction of most observers why the LDP's performance on the revision issue has been unimpressive in the thirteen years since its formation. There remains an underlying question, however: What has then been responsible for these trends in the public attitude?

In addition to the obvious existence of inertia which favors the maintenance of the status quo rather than drastic change, another probable factor has been the logical implications of radical revisionism itself.

As already noted, the call for a total revision was mainly justified by references to the peculiar circumstances in which the 1947 Constitution was drafted and then "imposed" on the "reluctant" Japanese government and people.<sup>83</sup> Logically, revision on this ground had to be total, potentially involving every chapter and article. This complete ideological repudiation of the new Constitution had to rely on a highly emotional and nationalistic reaction for sustained support. In reality, however, nationalism since the San Francisco Peace Treaty has been much more pragmatic than emotional and no virulent reaction has been forthcoming. Not only have the masses refused to dance to the tune of the extreme revisionists, but they have been positively antagonized.<sup>84</sup>

It may be useful to recall that this kind of revisionism has from the beginning been intimately associated with groups of prewar bureaucrats. The generally negative reaction of public opinion indicates

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<sup>82</sup> See KOBAYASHI, *supra* note 15, at 406-07, and Fukui, *supra* note 44, at 33.

<sup>83</sup> See, e.g., Yamazaki's statement of February 16, 1956, accompanying his introduction of the Commission on the Constitution Bill in the House of Representatives, in *Asahi Shimbun*, Feb. 16, 1956 (evening ed.).

<sup>84</sup> It should be added that the potential reservoir of support in the press was also damaged. According to Kido, in 1954, 25 of the 40 dailies that carried editorials on the constitutional issue were generally revisionist and only 8 were opposed to revision explicitly. After the House of Representatives election of February 1955, however, the majority became much more cautious, emphasizing the need to maintain the basic principles of the new Constitution. In 1956, only 5 of the 34 dailies carrying editorials on the issue were clearly revisionist, 6 were explicitly anti-revisionist, and 23 were noncommittal. Since then this pattern has remained consistent. See Y. Kido, *Kaiken-mondai to jōnarizumu* (The problem of constitutional revision and journalism), in 2 KEMPŌ-MONDAI KENKYŪKAI 133-44 (1965).



to a certain extent the psychological gap which exists not only between prewar and postwar generations but also between the bureaucratic elite and masses. The failure of the former to obtain sustained support for their impassioned drive for constitutional revision merely reflects their failure to fill that psychological gap. The masses, consciously or unconsciously, have identified themselves as beneficiaries, rather than victims, of the occupation regime and the new Constitution.

Just as significantly, the introduction of this emotional type of revisionism close on the heels of its more pragmatic counterparts created a great deal of confusion. Whatever elements of specificity and particularity had previously existed were replaced by sweeping generalities and emotionalism. It has therefore become increasingly difficult to discuss "constitutional revision" without all the emotional and ideological connotations which those words have come to acquire. Indeed it has even become difficult to distinguish the three different types of revisionism. This situation has no doubt been largely responsible for the high percentage of "don't know's" and "undecided" responses in the opinion surveys.

The development of the revision issue in the LDP after 1955 and in the Commission on the Constitution between 1957 and 1964 may best be understood in light of the above-mentioned implications of extreme revisionism and the adverse trends in public opinion which it has caused.

Originally, the main support for the LDP committee on the Constitution came from the groups of prewar bureaucrats and politicians, such as Kishi and Hatoyama. However, prewar elements, including the leading prewar bureaucrats, declined in importance as a conservative force as their numbers in the Diet were steadily decreased and their role in the decision-making processes of the party was appreciably reduced.<sup>85</sup> Under these changed circumstances the committee was gradually divested of the emotional influence of the prewar men. A new generation began to exercise control although the younger men were also former high-ranking bureaucrats, such as Kiichi Aichi, Naomi Nishimura and Uichi Noda.<sup>86</sup> The predominance of these bureaucrats was maintained as late as the end of 1965 when nearly a

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<sup>85</sup> See Fukui, *supra* note 44, at 37.

<sup>86</sup> JIYŪMINSHUTŌ, SEIMU-CHŌSAKAI MEIBO: SHŌWA-40-NEN 11-GATSU 10-KA GENZAI (The list of the members of the LDP's Policy Affairs Research Council: as of November 10, 1965) 27-28 (1965).

half of the committee members were drawn from this particular category of LDP membership.<sup>87</sup>

Perhaps more important for the purposes of our discussion is the subtle change of emphasis which has been taking place among this newer group of former bureaucrats turned politicians. Whether due to the election results or a genuine change of mind, by the time the Commission on the Constitution Bill was passed in mid-1956 the majority of revisionists in the LDP had come to realize that the goal of total revision could not and probably need not be achieved.

In the course of the deliberations in the Commission, often marked by acrimony, dogmatism and uncertainties, it gradually became apparent that the ideological, fundamentalist revisionism was now championed not so much by the LDP-affiliated Diet members as by a few scholar-ideologues, such as Kamikawa, Ōnishi and Yagi.<sup>88</sup> It is true and significant that most of the former bureaucrats of the Ministry of Home Affairs, who had led the extreme revisionist movement in its earlier phase, remained consistent in their commitments to total revision. It is just as significant, however, that the majority of the LDP-affiliated Commission members now advocated partial and limited revision.<sup>89</sup> When they signed the "joint memorandum" initiated by Yagi, Ōnishi, and others, they did so as supporters, rather than as authors or initiators. The politicians were obviously more realistic and pragmatic in the early 1960's than they or their colleagues had been less than a decade before. Furthermore, this increasingly moderate approach was echoed outside the Commission by a corresponding change in the official LDP attitude towards the issue.

The change in attitude of the LDP's top leadership groups has been reflected in the occasional public pronouncements made by the party in connection with Diet elections and annual party conferences. Although reference has been made to the issue in a number of these pronouncements, the essential arguments have been a reiteration of

<sup>87</sup> As of November 1965, 48% of the committee's members were of this category, as compared with 8% for lawyers, 3% for journalists, and 25% for miscellaneous. These figures are derived from cross-checking data in, *id.*; SHŪGINGIN MEIKAN (List of members of the House of Representatives) and KIZOKUIN SANGIIN GIN MEIKAN (List of members of the House of Peers and House of Councillors) volumes of SHŪGIN & SANGIIN, *supra* note 11, *op. cit.*, *passim.*; and Y. KIKUOKA (ed.), KOKKAI BINRAN (Handbook on the Diet) 99-150 (31st ed. 1965).

<sup>88</sup> For a survey of the major groupings in the Commission, see Ward, *supra* note 41 at 407-15; R. Arikura, "Chōsa" no gakumonteki-igi to seijiteki-igi (The academic meaning and the political meaning of the investigation), in KEMPŌ-CHŌSAKAI SŌHIAN: KEMPŌ-KAISEI-MONDAI NO HONSHITSU, *supra* note 15, at 27-29; Tokyo Shimbun, Jan. 9, 1963.

<sup>89</sup> See sources cited at note 88, *supra*.

points previously made.<sup>90</sup> Furthermore, the general tone of the arguments presented has become progressively more moderate and ambiguous.

The official organ of the party's Policy Affairs Research Council, *Seisaku Geppō*, has carried a fair number of solidly revisionist theses, as if to make up for the inaction of the party executives. A careful examination of these theses shows, however, that a majority have been written by a single theoretician on the staff of the Council, Yoshio Miyamoto.<sup>91</sup> Although many of his revisionist arguments are persuasive, they impress the reader more because of their increasing moderation and eclecticism than because of their consistent emphasis on extreme revisionism.<sup>92</sup>

Despite, however, this important change which has doubtless occurred at the leadership and rank and file levels, the LDP has continued to justify its greatly moderated revisionist position by references to the circumstances under which the 1947 Constitution was drafted. This indirect call for total revision is obviously in conflict with the LDP's changed position and yet the party persists in repeating it. Possibly this has been done more out of habit than out of a belief that it provides the most persuasive argument for revision.

This combination of incompatible approaches, one pointing to an increasingly moderate and pragmatic demand for specific and limited amendments, the other logically requiring total and complete rewriting of the new Constitution, has caused as much confusion in the Commission on the Constitution and the LDP as it has in the mind of the man in the street.

In the Commission the division between the few ideologues genuinely and consistently committed to total revision and the majority of the LDP-affiliated members was, to say the least, blurred. By the same token, the official pronouncements of the LDP concerning the issue became by the early 1960's a hodgepodge of two incompatible propositions. For example, the party's July 1962 platform contained the following four points regarding the question of constitutional revision:

- (i) In view of the fact that the present Constitution of Japan has been

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<sup>90</sup>For the texts of these pronouncements, see *Jiyūminshutō Kempō-chōsakai, Kempō-kankei Shiryō* (Materials relating the Constitution prepared by the LDP's committee on the Constitution) 5-16 (Nov. 1964) (mimeo.).

<sup>91</sup>Of the nineteen signed theses on the constitutional issue printed in the first 127 issues of the monthly organ (January 1956 to August 1966), Miyamoto contributed ten.

<sup>92</sup>See especially his *Kempō-kaisei hantai ron hihan* (critique of the opposition to constitutional revision) in the July 1965, and subsequent issues.

established under an occupation administration, it was natural that it should be reconsidered freely by the Japanese people themselves and amended in such a way as to make it better conform to the changing conditions of the nation's requirements ;

(ii) Since, however, the issue was of utmost seriousness in its implications for the nation's future, the actual substance and timing of the revision must be studied with great care and caution ;

(iii) The actual substance of the revision to be effected must not be determined before the Commission on the Constitution produced its final reports and then only in such a manner as to reflect the unified will of the people ; and

(iv) The prospective revision did not and should not aim at restoring the principles of imperial sovereignty or the prewar family system, instituting conscription, or suppressing the fundamental human rights.<sup>93</sup>

Nothing shows more clearly than these juxtaposed promises the dilemma presented to LDP policy-makers by their refusal to refrain from condemning the undemocratic circumstances surrounding the birth of the 1947 Constitution and their desire to ask for only limited revision at the most.

The last important aspect of the revisionist movement to be considered is its factional background. It has already been mentioned that during the Liberal Party's ascendancy and Yoshida's rule the strongest revisionist pressure emanated from the Progressives and Democrats and the anti-Yoshida minority factions in the Liberal Party. After the unification of these conservative parties into the LDP in 1955, the elements of factionalism continued to influence the development of the issue within the newly unified party.

The logic of factionalism in the conservative parties, especially the LDP, dictates that the dominant faction or factions (those in control of the top party positions) avoid raising issues that may intensify intra-party disunity and conflict with opposition parties. Their goal is to maintain the existing balance between the parties and within their own party so as to perpetuate their hegemony. On the other hand, the same logic dictates that a dissident faction or factions (those excluded from the most prized party positions) do exactly the opposite, to cause the existing balance of power to change as quickly as possible. This logic has no doubt influenced the pattern of support for the revisionist movement in the LDP, as we shall briefly discuss below.

Immediately following the merger, those associated mainly with the

<sup>93</sup> JIVŪMINSHUTŌ, ZENSHIN SURU NIHON : SEISAKU KAISETSU (Japan that advances : explanation of policies) 316-19 (1962).

anti-Hatoyama coalition of dissident factions, the *Jikyoku-kondankai*, were potentially the most devoted revisionists in the LDP.<sup>94</sup> Because this coalition was led by the Yoshida faction many members tended to keep relatively silent in the following few years. More outspoken advocacy of immediate and total constitutional revision would have embarrassed the majority in that faction, who had an anti-revisionist record, and consequently would have undermined the unity and effectiveness of the coalition which had been built over another controversial issue, normalization of diplomatic relations with the USSR.

After the LDP's presidential contest in December 1956, many of the revisionists were associated with two dissident factions led respectively by Kishi and Ishii.<sup>95</sup> Two months later, however, Kishi replaced Ishibashi as Prime Minister and his faction acquired dominance. The revisionists associated with the Kishi faction were placed in a position where it was unwise to press the revision issue too strongly. On the other hand, the aggressively revisionist elements in the Ishii faction found it impossible to launch an effective campaign by themselves because of the minority position of their faction.

When Kishi was replaced by Ikeda in the wake of the anti-Security Treaty riots of 1960, the resulting changes in the interfactional positions freed the revisionists in the Kishi faction from the restrictions inherent in the dominant factional position. It became not only possible but tactically desirable for them to raise the controversial issue. Under these changed circumstances they attempted to revitalize the party committee on the Constitution as an effective base for their activities. Their attempt failed, however, precisely because of its factional implications. Like most other formal party organs the committee was under the effective control of the dominant factions. In the spring of 1964, for example, the Fukuda (former Kishi) and the Ishii factions combined contributed only about 17 percent of the committee's members and the addition of the generally sympathetic Satō faction would not bring this percentage above 30 percent.<sup>96</sup> For this reason they were then compelled to turn to the possibilities of building

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<sup>94</sup> For a list of the *jikyoku-kondankai* members, see T. WATANABE, *HABATSU: NIHON HOSHUTŌ NO BUNSEKI* (Factions: an analysis of the conservative parties in Japan) 24-25 (1964); and *Asahi Shimbun*, Sept. 26, 1956.

<sup>95</sup> For a discussion of membership characteristics of these two factions, see WATANABE, *supra* note 94, at 99-105, 130-35.

<sup>96</sup> These figures are derived by cross-checking *JIYŪMINSHUTŌ SEIMU-CHŌSAKAI MEIBO: SHŌWA-39-NEN 3-GATSU 1-JITSU-GENZAI* (The list of the members of the LDP's Policy Affairs Research Council: as of March 1, 1964) 27-29 (1964), and Y. KIKUOKA (ed.), *KOKKAI BINRAN* (Handbook on the Diet) 326-29 (26th ed. 1964).

a new and informal intra-party group, *soshinkai*, as a substitute for the official committee on the Constitution.

The most recent bastion of the revisionist movement in the LDP, which was thus built initially under the dominant influence of three dissident factions (Fukuda, Ishii and Satō)<sup>97</sup> could conceivably have proven effective in articulating such revisionist sentiment as existed in the party. However, its purpose has been largely defeated, once again by the same familiar logic of factionalism. In November 1964, Satō succeeded the ailing Ikeda as the party's new President and Prime Minister and, as a result, the two revisionist factions led by Fukuda and Ishii joined Satō's as the core of the new dominant factional alliance. Since that time the revisionists have chosen to keep discreetly silent on the issue.

#### IV. CONCLUSION

As we have seen, there have been good reasons for the apparent decline of militant revisionism in the LDP since 1955. The emotional and ideological character of the third type of revisionism, which became the dominant form after the San Francisco Peace Treaty, not only frightened away many who would have supported a more limited revision program but also introduced elements of confusion and uncertainty. Support for the revisionist movement was further eroded by factionalism within the conservative parties. As it stands today, the goal of constitutional revision, whether partial or total, seems farther away, rather than closer, than it was thirteen years ago. One may even conclude that extreme revisionism is dead. No significant group in present-day Japan seems to be seriously interested in working for total rewriting of the "occupation-made" Constitution against the formidable odds described in the foregoing pages. Indeed, there seems to be little hope for any kind of revision in the immediate future. The continued success of the opposition parties in controlling over one-

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<sup>97</sup> The percentages of the members of these two factions officially associated with the group in 1936 were 37.5% and 35.7%, respectively, both being more than twice as high as that of any other faction. Between them they constituted 35% of the group's identifiable members with seats in the House of Representatives, a ratio which is quite remarkable considering that their combined share of the LPD-affiliated members of the House at the time was a mere 13.6%. If one adds the Satō faction's share of 17.5%, the three dissident factions easily controlled a majority of *soshinkai's* members. Information relevant to this generalization was derived from *SOSHINKAI, SOSHINKAI TO WA? (What is Soshinkai?)* (July 1963); *KOKUMIN SEIJI NENKAN 1962 (Yearbook of politics for the nationals)* at 602; *SHÜGIN GIIN MEIKAN* and *KIZOKUIN SANGIIN GIIN MEIKAN*, *supra* note 87; and Y. KIKUOKA (ed.), *KOKKAI BINRAN* 97-150 (25th ed. 1963).

third of the votes in both Houses of the Diet makes revision technically impossible and this balance of power in the Diet is not likely to change drastically in the foreseeable future.

In the long run, however, a series of important changes might occur in the ideological atmosphere to change the nature and scope of support for some type of revisionist program. To be sufficiently effective to bring about actual constitutional revision these changes would have to include at least the following two developments: Conscious isolation and identification of the different types of revision, and concentration of revisionist efforts on achieving the first type on strictly pragmatic grounds. These changes will no doubt be hard to achieve, but they must be achieved if existing ideological and emotional barriers to revision are to be overcome. Without such changes there will be no constitutional revision for a long time to come.