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Master's Thesis of International Studies

**Domestic Political Process of Conflict
and Compromise on Collective Self-
Defense in Japan**

일본 집단적 자위권에 관한
갈등과 타협의 국내 정치과정

February 2023

**Graduate School of International Studies
Seoul National University
International Area Studies Major**

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Thesis by

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Domestic Political Process of Conflict and Compromise on Collective Self-Defense in Japan

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Abstract

Japan, which has a Peace Constitution has maintained the interpretation that, although it has the right to exercise collective self-defense throughout the postwar period, it cannot exercise it. Chiro Yoshikuni, the Director of the Cabinet Legislation Bureau, said, “As a sovereign state, Japan has the right of collective self-defense as used by international law, yet this is not allowed because it goes beyond the minimum necessary range.” This official position continued as the government’s interpretation for over 30 years. Japan maintained the defense-oriented policy that even if it is necessary for defense, preemptive strikes should not be made, and the invading enemy must be repulsed by military force only in Japanese territory. However, Japan has developed collective self-defense initiatives since the 1990s. The security threats from the rise of China and North Korea’s nuclear development, have further motivated Japan to lay the ground regarding how it should actively support the United States and exercise collective self-defense under former Prime Minister Abe’s campaign for a “proactive contribution to peace”. As a result, former Prime Minister Abe admitted a “limited” form of collective self-defense in the 2014 Cabinet Resolution “under three new conditions”. In accordance with each decision in 2014, the Peace and Safety Act and the International Peace Support Act, including the exercise of the right of collective self-

defense, were submitted to the Diet on May 15, 2015, and entered into force on March 29, 2016.

This thesis claims that there were implicit maneuvers that explain the political compromise made by the Abe administration for the “limited” exercise of collective self-defense, instead of the “full” form even though the second Abe government laid the legal ground for collective self-defense. This paper explores the process of Japanese domestic political conflict and compromises on collective self-defense by examining three different time periods: Phase I (February 2013 to June 2013): Compromise on Constitutional Revision, Phase II (July 2013 to February 2014): Conflict for Collective Self-Defense, and Phase III (March 2014 to June 2014): Compromise on Collective Self-Defense in ‘limited form’. Therefore, this paper argues that it is difficult to assess the 2014 Cabinet Resolution as the former prime minister Abe’s unilateral decision to normalize the country with full-scale collective self-defense rights.

Keywords: Collective Self-Defense, Japan’s Security Strategy, Political Compromise, Political Conflict, Second Abe Administration

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I. Introduction

Under article 51 of the UN Charter, Japan retains the rights to individual and collective self-defense (集団的自衛権). The San Francisco Treaty signed between the US and Japan acknowledges these rights, and it has been confirmed in the Soviet–Japanese Joint Declaration of 1956. Nevertheless, Japan, which has a Peace Constitution (article 9) has maintained the interpretation that, although it has the right to exercise collective self-defense throughout the postwar period, it cannot exercise it.

On May 29, 1981, Chiro Yoshikuni, the Director of the Cabinet Legislation Bureau, said, “As a sovereign state, Japan has the right of collective self-defense as used by international law, yet this is not allowed because it goes beyond the minimum necessary range.” The response was submitted to the Diet, which continued as the official position of the Japanese government for over 30 years (Shinoda, 2016:142-143). Furthermore, Japan has pursued an exclusively defense-oriented policy which implies that its defensive force is employed only in the case of an attack and defensive force is restricted to the bare minimum required for self-defense.

However, the issue of the revision of Japan’s Peace Constitution and the right of collective self-defense was the most intense debate in the post-war era in Japan. The Abe Cabinet has been pursuing a revisionist agenda to

revise Article 9 of the Constitution and the “proactive contribution to peace” to expand its security role in the international security environment. He formed an Advisory Panel on Reconstruction of the Legal Basis for Security (安全保障の法的基盤の再構築に関する懇談会, hereafter, The Panel on Security Legislation) to review the acceptance of the right of collective self-defense in 2006. However, as former Prime Minister Abe resigned in 2007, this did not bring about noticeable results. In 2012, right after when former Prime Minister Abe was reinaugurated, in February 2013, he reorganized the Panel on Security Legislation to review the possibility of the introduction of collective self-defense. The Panel on Security Legislation made a proposal calling for a change in the interpretation of the constitution in 2014, stating that ‘exercising the right of collective self-defense on a limited basis is permitted’ submitted to former Prime Minister Abe, and he held a press conference on the same day and stated the direction of condoning the exercise of the right of collective self-defense.

Meanwhile, Abe's intentions to reinterpret Article 9 of the Japanese Constitution for collective self-defense have sparked significant opposition from the Japanese public, with mass protesters taking to the streets right before the Cabinet Resolution in July 2014. In June 2014, a man self-immolated in protest against Prime Minister Shinzo Abe's proposal to reinterpret the constitution. In a public opinion poll, in June 2014, 34 percent of respondents answered that they should allow the right of

collective self-defense, and 50 percent said that they should not be able to use it (Nihon Keizai Shimbun, 2014). Opponents of Japan's collective self-defense stress that the Cabinet decision in 2014 threatens Japan's long-held post-war pacifist ideology under the Peace Constitution and it undermines the Japanese value of democracy (Toyoshita, 2014; Koketsu, 2014).

Although the opposition parties, Japanese public, and civic groups carried out vigorous opposition movements, former Prime Minister Abe Shinzo in the Liberal Democratic Party (LDP), which won a majority in the Diet, passed a Cabinet Resolution to advance a "limited" (限定的) form of collective self-defense in 2014 under three new conditions" (新三要件) in July 2014.

The Cabinet resolution in July 2014 necessitated reflecting the new concept of the threat to Japan's survival (存立危機事態) in the new Contingency Law (有事法制) under the three new requirements. Accordingly, 11 Contingency Laws, the new security legislation (安保法制), including the exercise of the right of collective self-defense was submitted to the Diet on May 15, 2015. In response to the security legislation, the opposition parties such as the former Democratic Party of Japan, the Constitutional Democratic Party of Japan, and the Communist Party submitted the abolition bill in 2016 and 2019. Yet, it was thwarted due to the dissolution and the closing of the Diet (Tokyo Shimbun, September 19,

2021).

The puzzle is that the second Abe government not only succeeded in reinterpreting the Constitution in 2014 but also laid the legal ground through the security legislation passed by both Houses in 2015 despite the domestic opposition in Japan. However, the first Abe government could not accomplish the acceptance of collective self-defense due to the opposition from domestic public opinion and opposition parties.

Therefore, the purpose of this research is to answer the following puzzling questions on Japan's collective self-defense. Why and which strategic changes of the second Abe government have contributed to collective self-defense during its political process of conflict and compromise? How could the second Abe government overcome the fierce opposition from Japanese citizens, and opposition parties, and push collective self-defense? Lastly, which policymaking dynamics and political interaction have been influential for the Abe government's collective self-defense initiatives during its decision-making process? The questions will be answered in this article.

II. Theoretical Framework

2-1. Literature Review

A large volume of prior research on Japan's collective self-defense tackles whether Japan's collective self-defense is an evolutionary change or a radical shift from the realist perspective focusing on Japan's surrounding security environment.

In the evolutionary change school, according to Liff (2014: 79), the cabinet resolution reinterpreting Article 9 of the Japanese Constitution in July 2014 partially lifted the long-standing self-defense ban on the right of collective self-defense, but Japan is still far from a 'normal nation' and can be seen as a threat to regional peace and stability. Smith (2019: 224) points out that the Abe government's reinterpretation of the right of collective self-defense in 2014 was controversial, but for a decade and a half, Japan has sent its military overseas in a coalition without permitting it to use force in the accomplishment of that mission. Lee (2014) suggests that even if Japan wants to become more active in peacekeeping activities, exercising its right of collective self-defense, and further protecting Japanese territory, this does not constitute militarism. Hosoya (2019: 203), argues that the security legislation for collective self-defense is a necessary arrangement for Japan

to respond to the new security challenges that have emerged last decades. According to Oros (2017), even as Japan has demonstrated a desire to become a more effective security actor, it retains a strong sense of continuity with the past due to constraining legacies: contested memories of the Pacific War and the role of the constitution; postwar antimilitaristic constraints; and the US-Japan alliance.

On the other hand, in the radical shift school, Hughes (2017: 120) argues that the three new conditions for the exercise of collective self-defense are rather a toothless *hadome* (constraints) which raises the likelihood of Japan losing strategic autonomy and hedging alternatives, and that, in the long run, it would improve the Japanese government's freedom of action to engage in collective self-defense and it would create the stage for upheaval instead of maintaining continuity. Park (2015: 34) suggests that just as Germany and Italy, which were war criminal states in WWII, are participating in the war on terrorism under the NATO alliance while possessing a regular defense force now, Japan is lifting the limitations of the existing demilitarization norms and expanding its role as a member of the security forces in the international community. Pempel (2014) points out that collective self-defense is unlikely to have a significant influence on Japan's grand security policy, yet, in the context of historical revisionism and excessive executive intervention, the constitutional reinterpretation offers a possibility for nationalistic Korean and Chinese leaders who want to

bolster their support within their own countries.

The studies on the Komeito influence on the collective self-defense initiatives emphasize compromises between the LDP and Komeito. Nakakita (2019: 293) examines that the “limited” exercise of the right of collective self-defense is the result of the compromise within the ruling party coalition consultation process between the LDP and Komeito. Nakano (2016), Lee (2015), and Yoon & Kim (2019) also explain the position of Komeito on the acceptance exercise of the right to self-defense.

The prior researches evaluate the implication of the right of collective self-defense of Japan mainly focusing on the security perspective during the regional contingencies and on attention on the US-Japan alliances and the consultation process between the LDP and Komeito. The existing research mainly pays attention to the collective self-defense during the second Abe government and does not primarily assess the domestic policymaking process of the reinterpretation of the Constitution and security legislation for Japan’s collective self-defense by settling the opposing tones from the different groups in Japan. In other words, although its collective self-defense initiatives faced fierce opposition from the public, opposition parties, and civil society, the aforementioned literature does not explain how the second Abe Cabinet addressed the various opposing voices in Japan and made a strategic shift and political compromises during its second administration. The explanation of the direct linkage between the enactment

of collective self-defense and the diverse domestic opinion in Japan is rather insufficient from Abe's return to power in 2012 to the security legislation in 2015.

2-2. Methodology

This paper will employ the qualitative research approach and relies on the following empirical materials. First, in order to examine the main causes of the domestic opposition, this paper will evaluate the nature of Japan's collective self-defense process based on the 2 reports submitted by the Advisory Panel on Reconstruction of the Legal Basis for Security under the second Abe Cabinet in 2014, the Cabinet Resolution on July 1, 2014, National Security Strategy in 2013, and National Defense Program Guidelines in 2013.

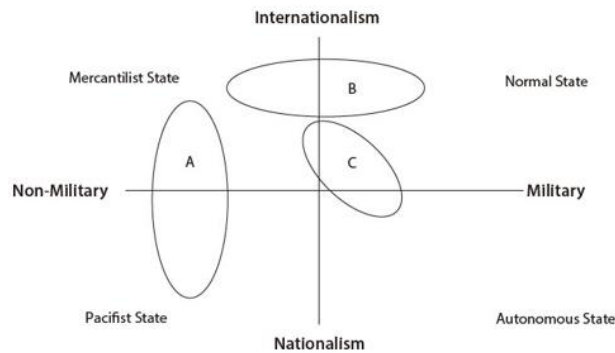
Second, the paper will shed light on the Abe Cabinet's political compromises processes for the right of collective self-defense during its decision-making process within the ruling party coalition and the LPD, within the LDP itself and opposition parties based on the reports on the Ruling Party Council on Security Legislation with Komeito, the debate of the LDP General Council, the Cabinet Legislation Bureau reports, the former Prime Minister Abe's speech, and the debate in the Diet during the first and second Abe Cabinet on Japan's collective self-defense. Then, how

have Japan's collective self-defense initiatives been conceived? The following section discusses how the initiatives on the Japanese collective self-defense have developed in the domestic, East Asian, and global contexts.

III. Historical Overview of Collective Self-Defense: Transformation

3-1. Domestic Context

Under the 1955 system, the Japanese pragmatic conservatives under the Yoshida doctrine prioritized the stability of citizens' lives by relying on the US for Japan's security issues and keeping its military budget minimal, and focusing on national economic development. The pacifists in Japanese politics were marginalized due to the increased regional instability in Northeast Asia which led the changes in the Japanese public's perception of national security (Samuels, 2007: 137). However, according to Park (2015: 15), since the 1990s, the competition between the normal nation-alists and the pragmatists came to the fore (axis B), and after the Koizumi era in the 2000s, the normal nationalization line took deep root, and autonomists seeking autonomy through military strength began to appear (axis C) (Park, 2002)



(Park, 2015: 15)

Whereas, since the mid-1990s, there has been an increase in bipartisan agreement among Diet members on constitutional amendments, implying an extension of conservative debate on the subject (Park, 2015: 16). According to a survey conducted following the December 2012 general election, 72 percent of elected Diet members supported the revision of Article 9.

According to the same survey, 79 percent of respondents supported exercising the right of collective self-defense (Mainichi Shimbun, December 18, 2012). Samuels (2007) further explained Japan's diplomatic and security lines by classifying them into four categories: neoautonomists, normal national-lists, pacifists, and middle-power internationalists.

<i>Use of Force Is Okay</i>	
Neoautonomists Heirs to nativists Seeking autonomy through military strength (Ishihara, Nishibe, Nakanishi, Kobayashi)	Normal Nation-alists Heirs to Big Japanists Seeking prestige through military strength (Koizumi, Abe, Ishiba, Ozawa)
<i>Distance from USA</i>	<i>Embrace USA</i>
Pacifists Heirs to unarmed neutralists Seeking autonomy through prosperity (Socialist Party, Communist Party)	Middle-Power Internationalists Heirs to Small Japanists Seeking prestige through prosperity (Kōno, Terashima, Miyazawa)
<i>No Use of Force</i>	

(Samuels, 2007: 128)

3-2. East Asian Context

After the cold war, Japan faced a turbulent change in the international security environment in Northeast Asia with the rise of China and North Korea's development of nuclear arsenal. The Taiwan Strait crisis of 1995–96 and North Korea's launches of the Daepodong missile in 1998, and North Korea's abduction issue heightened awareness of the threat from China and North Korea. Accordingly, Japan enacted the Contingency law (有事法制). Furthermore, Japan revised the Guidelines for U.S.-Japan Defense Cooperation in 1996–97, and in 1999, it adopted the Regional Contingencies Law (周辺事態法), providing the basis for the Japanese Self-

Defense Forces to be involved in contingencies in the surrounding areas of Japan. National Defense Program Guidelines (防衛計画大綱) (2004) announced by the Japanese government was the first to mention North Korea and China at the regional level and pointed out that North Korea's nuclear development and China's modernization of its naval and air force are potential unrest factors for Japan.

After the rise of China since the 2010s, the Abe administration, which took office again in 2012, pursued a similar policy direction to the Obama administration in that it presents “proactive contribution to peace” as a standard concept for foreign and security policy, and counterworks weapons of mass destruction and terrorism at the global level through close US-Japan security cooperation. Unlike the Obama administration, which took a hedging relationship against China, Japan developed a diplomatic policy focusing on containment against China (Park, 2016: 146). However, in Japan, there has been a debate about whether to accommodate or balance the rise of China. The Hatoyama administration of the Democratic Party of Japan, which was inaugurated in 2009, has taken a multilayered stance for cooperation according to the vision of the East Asian community. However, the nationalization of the Senkaku/Diaoyu Islands sharply worsened Sino-Japanese relations in 2011. The Abe administration of the LDP, which took office in 2012 after the Noda administration in 2011 of the Democratic Party of Japan (DPJ), was developing a policy that focuses on competition and

confrontation rather than cooperation with China, both on military and territorial issues.

The Sino-Japan conflict over Senkaku/Diaoyu Islands was regarded as a security threat from China in Japan and it strengthened its will to defend the mainland by enhancing its alliance with the United States. The expansion of China's military has resulted in severe clashes with Japan. Chinese maritime and air patrol operations are rising in frequency and regularity near Japan, and Beijing has disputed Japanese sovereignty over the Senkaku/Diaoyu Islands, dispatching coast guard and naval vessels to the East China Sea for its claims. Japanese policymakers are concerned about “gray zone” contingencies, which occur below the actual use of armed forces but can rapidly develop into a military conflict (Smith, 2019: 3).

3-3. Global Context

During the Cold War, Japan played a role as a rear base for US Northeast Asia policy in the framework of the Japan-US alliance and adhered to the method of contributing to the alliance by strengthening the Self Defense Force (SDF) capabilities. In the early 1990s, when the Cold War officially ended after the German reunification and the collapse of the Soviet Union in Europe, the aftermath also reached Northeast Asia. The fundamental revision of the military cooperation system based on Cold War-

type ideological competition between the communist and capitalist camps became inevitable, and the Japan-US alliance was no exception. The US security strategy, as the sole hegemon, and the ally of Japan, sought international peace and security through a multilateral security system in the early stages of the post-Cold War, and Japan responded with an international contribution strategy that contributes to collective security and international peace cooperation (Bong, 2016: 20).

Policymakers in Japan's government and members of the LDP were eager to deploy the SDF to support UN-mandated operations in the Gulf War in 1990–91, but were thwarted by constitutional interpretations that held such deployment exceeded the scope of self-defense. The eventual deployment of Maritime Self-Defense Force minesweepers in 1991 was only possible because it occurred during peacetime following the cessation of hostilities and thus did not violate constitutional prohibitions (Hughes, 2017: 104). The global challenges of the Gulf War of 1990–91, as well as the conflicts resulting from 9/11 in Afghanistan and Iraq in the early 2000s, have brought to the forefront questions about how it should actively support the United States and exercise collective self-defense. Japan has started to lay its ground for peacekeeping operations by passing the bill on PKO law in the Diet in 1992.

After 2002, the United States' security policy began to alter. Washington unified several security programs, including expanded

involvement and a war on terrorism. Japan was required to develop a more active international security role under new security policies. Right after the 9/11 terrorist attacks in 2001, Japan declared that it would take part in the anti-terrorism war together with the United States, calling for the defense of democracy. As a concrete action, former Prime Minister Junichiro Koizumi enacted the Law Concerning Special Measures on Humanitarian and Reconstruction Assistance in Iraq, which provided the basis for temporarily dispatching the Japanese Self-Defense Forces even to combat areas (Park et al., 2016). Abe's initiatives are part of his campaign for a "proactive contribution to peace" and Japan's rise to greater responsibilities within the US-Japan alliance and as an international security partner (Hughes, 2017: 96).

A key goal of the US "Pivot to Asia" or "Rebalancing" strategy since the 2010s is how to effectively manage rising China by incorporating it into the US-centered world order (Rice, 2013). According to Mearsheimer (2008: 162), during the post-Cold War period, the US strategy on China appeared in the form of a combination of two flows: a strategy for deterrence and containment policy of China from a realist framework and an engagement at a liberal level. As requests for burden-sharing resurface in the United States since Asia's balance of power is changing, the Japanese government would need to demonstrate that it is doing everything possible to defend itself (Smith, 2019: 227). The change in constitutional

interpretation for the right of collective self-defense and the entry into force of the new security legislation seems to signal a new turning point in the US-Japan alliance. Accordingly, the US government actively welcomed former Prime Minister Abe's exercise of collective self-defense rights in April 2015 and revised the “New Guidelines for the US and Japan” based on this decision (Park, 2014: 57).

As a result, former Prime Minister Abe Shinzo initiated to advance of a “limited” form of collective self-defense in 2014 under “three new conditions”. In accordance with each decision in July 2014, new security legislation was submitted to the Diet on May 15, 2015, and entered into force on March 29, 2016. The following chapter elucidates the changes in the security system in accordance with the collective self-defense initiatives driven by the Abe administration.

3-4. Reactions from the US, South Korea, China, and North Korea

The United States has officially announced that it supports the initiative of the Shinzo Abe administration in Japan, which promotes the exercise of the right of collective self-defense. Then-Secretary of Defense Chuck Hagel stated in July 2014 that “I welcome the Government of Japan's new policy regarding collective self-defense, which will enable the Japan Self-Defense Forces to engage in a wider range of operations and make the

U.S.-Japan alliance even more effective.” (Ministry of Defense of the US, 2014) The United States and Japan held the US-Japan Security Consultative Committee (2+2) in Tokyo in October 2013 with the participation of the foreign and defense ministers of the two countries and announced a joint statement containing these details. The new Guidelines for US-Japan Defense Cooperation in 2015 reaffirmed the importance of promoting this initiative in a manner that contributes to regional peace and stability, and in accordance with international law, including respect for the sovereignty of third countries.

South Korea, despite being sharing the closest ally with Japan, expressed concern based on the perception of the continuity of the pre-and post-war nature of Japan in that the collective self-defense initiative by Japan aims to reorganize Japan into a military superpower by pursuing pre-war militarism. Furthermore, Japan’s national strategic shift is most likely to threaten the security in East Asia reminding the colonial experience during the Pacific War in East Asia. Ministry of Foreign Affairs of South Korea (2014) stated that Tokyo should abandon historical revisionism and show rightful actions in order to dispel doubts and concerns in matters related to defense and security and to gain trust from neighboring countries. On the other hand, realist experts in South Korea focus on the strengthened US-Japan alliance along with the South Korea-US alliance and its contribution to security in East Asia.

China's response to Japan's new security legislation for collective self-defense has been negative. The Spokesperson of the Ministry of Foreign Affairs of China released a statement urging Japan "to stick to the path of peaceful development ... and refrain from jeopardizing China's sovereignty and security interests or crippling regional peace and stability." (MOFA of China, 2015) Other Chinese reactions to Japan's constitutional reinterpretation include denouncing the Abe administration for undermining the postwar international system (King, 2014). Editorials published in People's Daily demonstrated a critical view of Japan's moves for collective self-defense accusing Japan of the revival of militarism which is not only a blatant insult to historical truth and justice but also the destruction of the post-war international order (People's Daily, July 1, 2014).

Japan's collective self-defense sparked a strong backlash in North Korea as well. Pyeongyang issued a statement of condemnation for the 2014 Cabinet Resolution that North Korea would never condone Japan's right of collective self-defense. The North Korean state newspaper, Rodong Shinmun has criticized Japan's new security policy claiming that it is pursuing ambition for reinvasion and military superpower, ignoring the responsibility for remorse and compensation for the invasion during the colonial period (KBS News, May 16, 2014). The reports published in Rodong Shinmun express a strong voice denouncing Japan's decision on collective self-defense insisting that it will invade the Korean Peninsula

again and further blaming the US's action for admitting its decision.

The next chapter traces the process of Japanese domestic political conflict and compromises on collective self-defense by examining three different time periods: Phase I (February 2013 to June 2013), Phase II (July 2013 to February 2014), and Phase III (March 2014 to June 2014).

IV. Phase I (February 2013 to June 2013):

Compromise on Constitutional Revision

Since February 2013, full-fledged discussions on collective self-defense have begun after former Prime Minister Abe took office in December 2012. Abe reorganized the Panel on Security Legislation to review the possibility of the introduction of collective self-defense. It has been 5 years since its first established under the previous Abe government. Furthermore, discussions on amending Article 96 to ease the requirements for constitutional amendment aimed at Article 9 of the Constitution proceeded until the Upper House election on July 2013.

During its first government, the first Panel on Security Legislation was established as an organization directly under the Prime Minister, but the first Panel report was submitted to the Fukuda government after the regime change. The Fukuda government was passive about introducing the right of collective self-defense, and the discussion stopped there. Therefore, Abe made himself clear in his speech in Kagawa prefecture during the LDP presidential election that if he returned to power, he would change the interpretation of the Constitution through a Cabinet Resolution for collective self-defense.

Abe insists upon the acceptance of collective self-defense as a

contribution to strengthening the US-Japan alliance. North Korea's missile and nuclear development, the Senkaku/Diaoyu Islands dispute, and the Sino-Japanese confrontation were cited as examples of significant power shifts in the changing security environment in East Asia in February 2013 (Asahi Shimbun, February 22, 2013). At the House of Representatives Budget Committee on February 11, 2013, Abe answered Yuichi Goto of the DPJ about the constitutionality of collective self-defense and expressed his willingness to participate in collective security under the UN, saying that participation in the UN collective security is not excluded from the beginning (National Diet Library, 2013). However, as Abe's motivation for collective security is a matter directly related to Article 9 of the Constitution, the ruling and opposition parties' concerns were spreading before the upcoming Upper House election in July 2013. Natsuo Yamaguchi, the president of Komeito held a cautious stance that the issue of collective self-defense should be thoroughly discussed. Banri Kaieda, who served as the president of the DPJ also criticized Abe's statement that it is significantly inconsistent with the previous governments' discussion (Asahi Shimbun, February 10, 2013).

From April 2013, discussions on amending Article 96 to ease the requirements for constitutional amendment aimed at Article 9 of the Constitution have started to be underway. Article 96 of the Constitution is a clause that specifies the procedure for making amendments. The Diet Act

and the Act on Procedures for Amendment of the Japanese Constitution govern the process's details. Many politicians are calling for a revision of Article 96 so that they can begin revising other, more important Articles (like Article 9). Article 96 remained unchanged since it went into effect on May 3, 1947. Chapter 1 of article 9 states as follows:

Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or such election as the Diet shall specify.

(Chapter 1 of Article 96 of Japan's Constitution)

The LDP led by Abe appealed for the need to stipulate the right to self-defense so that collective self-defense can be exercised, changing the Self-Defense Force into the National Defense Force, and participation in international collective security. During the Research Commission on the Constitution of the House of Representatives held in May 2013, the agenda for the revision of Article 96 and collective self-defense could not gain full support from the Diet members of each party. Shintaro Ishihara from Japan Restoration Party and Yoshimi Watanabe from Your Party supported the stipulation of collective self-defense and contribution to international

collective security. On the other hand, Yamaguchi from Komeito and Kaieda from DPJ expressed prudence against Abe's proposal based on post-war pacifism in Japan (House of Representatives, 2013). Kaieda said the limited right to self-defense must be clarified before the UN's collective security activities operation based on pacifism. Similarly, Yamaguchi emphasized that the role of Article 96 is extremely crucial as a result of building peace and prosperity in post-war Japan, and the current clauses of the Constitution must be adhered (Asahi Shimbun, May 9, 2013).

Abe government's commitment to revising Article 96 targeted to lower the hurdles toward revising Article 9, but public support for revising Article 96 is not sufficiently secured. The executives of the LDP also stated that it is impossible to win two-thirds support in the Diet with only three parties in favor of the revision of Article 96, LDP, Japan Restoration Party, and Your Party (Asahi Shimbun, June 17, 2013). Yamaguchi, the president of Komeito also clarified that the existing condition, which is to gain two-thirds of the votes should not be changed on June 17, 2013. Therefore, the need to broaden the scope of discussions and cooperation with the Komeito, which was cautious about the revision of Article 96, was posed. It should be noted that Abe's strong tone of his argument on the revision of Article 96 shown during his speech on inaugural speech cannot be found that on May and June 2013. On May 5, 2013, Abe said it cannot be said that the public debate is still deepening and he hopes to discuss it carefully with Komeito.

He again announced that he is willing to proceed with the discussion on Article 96 with the existing condition of two-thirds of the votes, unchanged on June 16, 2013. The final pledge of the LDP stipulates that the conditions for constitutional amendment should be eased with a majority vote from two-thirds. In consideration of Komeito, which is cautious about the revision of Article 96, the momentum toward constitutional amendment seems to have weakened.

Abe's campaign to admit the exercise of the right of collective self-defense by changing the interpretation of the Constitution failed to gain support from the majority of citizens. According to a public survey conducted on May 2013, 53 percent of respondents opposed the right of collective self-defense while 33 percent agrees (Asahi Shimbun, May 2, 2013). Meanwhile, 63 percent of the advocates of the right of collective self-defense responded that the Constitution must be changed for the exercise of collective self-defense. Among advocates of the right of collective self-defense, 34 percent of the respondents agreed with Abe's attempt at collective self-defense through the reinterpretation of the Constitution. In addition, regarding the establishment of the National Defense Force, 62 percent of the citizens opposed it. The LDP and Abe have proposed the right of collective self-defense and the establishment of the National Defense Force, but there was no sign of gaining full support from the voters.

Abe, who once submitted a constitutional amendment draft under

the LDP in April 2012 which deleted Article 9, Paragraph 2 of the Constitution, again attempted to amend Article 96 of the Constitution to ease the requirements for the revision of Article 9, but it could not be accomplished due to lack of a consensus in the Diet and Japanese citizens. With the amendment of Article 9 in mind, the Abe administration preceded the process of amending Article 96 to ease the requirements, which is to gain a two-thirds vote in the Diet in both Houses. During its process, however, it failed to gain support from the Komeito, a partner of the ruling coalition that was negative to the Constitutional revision, and there was a backlash from the opposition party, and even the majority of citizens who support Abe government voiced their opposition to the exercise of the right of collective self-defense. Abe government also has shown a tendency to tone down its campaign to revise the Constitution before the House of Councilors elections in July 2013.

In phase 1, Abe attempted to place the exercise of the right of collective self-defense under the framework through a general revision of the Constitution (Articles 9 and Article 96). However, Article 96 to ease the requirements for amending Article 9 of the Constitution also met with significant resistance from the ‘pacifist’ ruling coalition partner of the LDP, Komeito. The Abe administration, which did not gain support in the Diet, was also blocked by Japanese citizens’ opposition, and as a result, the will to admit the right of collective self-defense alleviated significantly before the

Upper House election in July 2013 compared to the early days when he took office. His efforts to revise Article 96 can also be seen as discouraged.

V. Phase II (July 2013 to February 2014): Conflict over Collective Self-Defense

The collective self-defense initiative by the second Abe government was accelerated further after the victory of the Upper House election in July 2013. After the LDP's victory in the House of Councilors elections, discussions by the Panel on Security Legislation resumed in August 2013. The right for collective self-defense was under review to be reflected in the new National Defense Guidelines at the end of 2013, and examination for the new US-Japan Guidelines was also planned in 2014.

Komeito still did not abandon its reluctant stance, and Yamaguchi checked the Abe government in a Niigata-city street address on July 9 that Abe should focus on economic measures rather than the revision of the Constitution, and that other policies would be properly prioritized completed. He resolutely indicated that his party opposes the exercise of the right of collective self-defense unless it gains the Japanese people's understanding (Asahi Shimbun, July 9, 2013). As Yamaguchi revealed, it seems that it was difficult for Abe to obtain citizens' consent to the right of collective self-defense even after winning the Upper House elections. According to a public poll by TV Asahi in August 2013, 34 percent supported the right of collective self-defense, while 45 percent opposed it (TV Asahi, 2013).

In a speech of Komeito with Secretary-General Shigeru Ishiba on July 17, 2013, Komeito representative Yamaguchi asserted that as long as the Komeito and the LDP form a coalition, LDP would not drive recklessly. He further emphasized that there may be differences of opinion, Komeito would identify which way the Japanese people can be convinced and that Komeito and the LDP will cooperate together to meet those expectations.

Despite the low public consent, Abe further spurred its initiative for collective self-defense. On August 8, 2013, the Abe Cabinet decided at a Cabinet meeting to appoint Ichiro Komatsu, former Ambassador of France as Director of the Cabinet Legislation Bureau, breaking the practice of internal promotion. Komatsu is well-known as a proponent of the exercise of the right of collective self-defense (Asahi Shimbun, August 2, 2013).

The existing response which does not accept the right of collective defense submitted to the Diet on May 29, 1981, continued as the official position of the Japanese government for over 30 years. Chiro Yoshikuni, the former Director of the Cabinet Legislation Bureau, said on May 29, 1981, “As a sovereign state, Japan has the right of collective self-defense as used by international law, yet this is not allowed because it goes beyond the minimum necessary range.” By appointing Komatsu as Director of the Cabinet Legislation Bureau supporting Abe’s view, however, the environment for the change in the Constitutional interpretation of the Cabinet changed.

Yamaguchi, the president of Komeito emphasized that he supports the long-held government position that did not recognize the exercise of the right of collective self-defense (Hoshino, 2013: 4). During a meeting with Abe in September 2013, Yamaguchi urged Abe to respect the position of the Komeito. After considering the opposing stance of Komeito on collective self-defense, the Abe cabinet postponed the submission of the report on the Panel on Security Legislation set for 2013 until the beginning of the year 2014. Confirming the position of Komeito, Abe took a cautious stance. During his visit to the US on September 24, 2013, Abe told reporters that he had no intention of setting a geographical scope for the right of collective self-defense and said, “I have no intention of setting a time limit right now” and that he intends to postpone the reinterpretation of the constitution to next year (Ono, 2013: 3). It implies that Komeito prevented Abe from changing the constitutional interpretation within the year.

The reason why Komeito was able to play a “brake role” in the constitutional reinterpretation within the year 2013 was that it plays an important role in Abe’s administration. SokaGakkai’s support was essential in the next House of Representatives election in order to maintain a stable regime so that Abe could push for a constitutional amendment. He also had to embrace Komeito in order to meet the requirement for a constitutional revision proposal of a two-thirds majority in the House of Councilors and the House of Representatives (Nakano, 2016: 195).

In the LDP's Security Policy Division (安保部会) meeting in September 2013 concerning the scope of activities of the Self-Defense Forces during the exercise of the right of collective self-defense, the possibility of using force outside Japan was discussed. Nobushige Takamizawa, Deputy Secretary-General of the National Security Secretariat, when asked if the Self-Defense Forces would go to the other side of the world to wage war, said, "If we think about Japan's defense, it is difficult to say at once that the scope of Self-Defense Force activity has nothing to do with the other side of the globe." (Asahi Shimbun, September 19, 2013) Takamizawa's remarks "on the other side of the globe" caused a ramification in the discussion of the right of collective self-defense.

In this regard, it brought about a confrontation of opinion between the LDP and the Komeito. Former Defense Minister Gen Nakatani of the LDP advocated the need to change the constitutional interpretation at an early stage, revealing that the right of collective self-defense is not a geographical concept, it depends on a judgment about what to do with Japan's security. On the other hand, Tetsuo Saito, Secretary-General of Komeito expressed concern that "although it would be possible to go to the other side of the globe if collective self-defense was comprehensively acknowledged, it would be quite different from the path we have taken as a pacifist country so far". He showed a prudent stance on changing the interpretation of the Constitution, saying, "Even if it is not a collective form,

there is room for measure by individual self-defense.” (Asahi Shimbun, September 20, 2013)

In order to gain political consent, Abe put effort to convince by suggesting possible cases of exercise of collective self-defense. The examples posed by Abe assume the exercise of collective defense mainly under the US-Japan alliance in the case of regional contingency near Japanese territory. The cases that were raised by Abe during the House of Representatives Budget Committee in October 2013 were the following.

- 1) When an armed attack occurs close to Japan and the US asks to stop a vessel that attempts to supply weapons and ammunition to the attacking country while the US exercises collective defense (Budget Committee on October 22)
- 2) When the United States is under armed attack, the US asks to stop a vessel and inspect if any weapon is loaded (Budget Committee on October 22)

(National Diet Library, 2013).

Kitaoka Shin'ichi, the deputy chairperson of the Panel on Security Legislation and the president of the International University of Japan, cited the case for the support of the US military during regional contingency on the Korean Peninsula. When an American naval vessel near the coast of the

Korean Peninsula is attacked and the Self-Defense Forces support the US vessels, it may pass through South Korea's territorial waters. It would be required to obtain the consent of the South Korean government at that time. He stressed the US-Japan alliance perspective in collective self-defense, arguing that it would be possible to carry out activities even if it is not around Japan, such as protecting US ships, which would negatively affect the US-Japan alliance if not exercised.

After the landslide victory in the House of Councilors elections, Japanese citizens' disagreement over the Abe administration's policy of accelerating discussions on the right of collective self-defense was stark. The proponent of the right of collective self-defense was only 39 percent in the survey on August 2013. It was a 5 percent decrease compared to the public poll conducted in the period of the Lower House election, in which 45 percent of respondents supported collective self-defense. Similarly, the proposition of the supporters of the revision of Article 9 of the Constitution also decreased by 7 percent compared to the poll conducted before the Lower House election.

In phase II, it is possible to confirm the attempt to conceptualize the scope to which the exercise of the right of collective self-defense is to be admitted by Abe through the reinterpretation of the Constitution, mainly by citing examples. At this stage, Komeito also mainly played a role as "a brake" to check the Abe administration's initiative, and as a result, it had the

effect of delaying the submission of the report of the Panel on Security Legislation. Abe administration, which still lacks support from the ruling and opposition parties and the Japanese public, was attempting to seek persuasion by linking the US-Japan alliance with security by citing the case of an attack by the U during an operation near Japanese territory.

VI. Phase III (March 2014 to June 2014):

Compromise on Collective Self-Defense in ‘Limited Form’

The opposition by various actors was the most intense until the LDP-Komeito Ruling Party Council in June, such as prudence being presented within the LDP from March 2014, and in addition to civil society opposition, the Komeito further strengthened its cautious stance. From June when the Ruling Party Council was concluded, it was seen that it went through a relatively smooth process before the Cabinet Resolution.

There have been a series of prudence voices within the LDP during this period. At the LDP General Council on March 18, 2014, Kensei Mizote, chairman of the House of Councilors, held back from the Panel on Security Legislation, saying that it would be difficult to accept it as the government's opinion, where the conclusion of the right of collective self-defense was already postulated from the beginning. Former Vice President Oshima Tadamori gave a cautious opinion, saying, “The stability, continuity, and transparency of the Cabinet's constitutional interpretation must be properly secured.” He also raised awareness of the issue of the Cabinet Resolution. “It should gain the public's understanding by presenting a realistic and specific plan on

where and why to amend the existing Regional Contingency Law.”

Then-Vice President Masahiko Komura cited the Sunagawa ruling by Supreme Court in 1959 seeking consensus in the LDP. The ruling itself is related to the integrity of the US military presence to the Constitution, but what Komura emphasized was the “necessary measures for self-defense to maintain peace and safety and fulfill its existence in relation to the right to self-defense.” From the ruling, Komura insisted on the exercise within a limited scope, which included part of the collective self-defense in the minimum necessary measures for Japan's existence. At a meeting within LDP on March 31, 2014, it was said that collective self-defense falls under the minimum necessary for the protection of Japan (Asahi Shimbun, March 18, 2014). The argument for the use of collective self-defense based on Sunagawa had a sufficient effect in persuading the neoliberal faction within the LDP.

At the 9th Ruling Party Council held on June 24, 2014, Komeito and Abe administration reached an agreement on the cabinet decisions including the conditions for exercising the right of collective self-defense. Komeito, which has been repeated prudence in the past, agreed to the proposal to allow the exercise of the right of collective self-defense in the sense that it partially revises each decision stipulating the conditions for the use of force. In other words, Komeito defined ‘other country’ as ‘a close relationship with Japan’ in the phrase ‘even if it is an armed

attack on another country when Japan's existence is threatened and the people's rights are fundamentally damaged' and 'concern' as 'obvious danger' respectively. This was a result of reflecting Komeito's insistence that the phrase should be concrete to limit the scope of collective self-defense. The party was seeking to foreclose the possibility that the SDF might be dispatched to assist any country of any region, making it more likely that force would only be used to assist the United States and other close security partners (Hughes, 2017: 113).

Based on the proposal submitted by the Panel on Security Legislation, Abe organized the Ruling Party Council on the Security Legislation with Komeito and began to coordinate the practical cases for exercise of the collective self-defense. In order to broaden the scope of the agreement with the Abe administration, Komeito and the government examined detailed cases in which the exercise of the right of collective self-defense could be accepted. There was also a member of Komeito seeking detailed coordination of opinions with Shin'ichi Kitaoka, the deputy chairperson of the Panel on Security Legislation.

The Ruling Party Council presented major cases into three major categories that served as the basis for the 2014 cabinet decision at the Ruling Party Council. The Council specified 1) the actions against situations that do not lead to an armed attack (gray zones), 2) international cooperation including the United Nations PKO, and 3) activities

es that may fall into the armed attack (Ruling Party Council, 2014)

Table 1. Overview of Revision of the Security Legislation of Japan

<p>The actions against situations that do not lead to an armed attack (gray zones) (3 cases)</p>	<ol style="list-style-type: none"> 1. Countermeasure when an armed group presumed to be foreigners illegally landed on a remote island 2. Countermeasure when a self-defense vessel under training or surveillance on the high seas encounters a Japanese civilian vessel that is being subjected to illegal activities by armed groups 3. Protection of the US ship in peacetime when neighboring countries are preparing to launch ballistic missiles
<p>International cooperation including the United Nations PKO (4 cases)</p>	<ol style="list-style-type: none"> 1. Rear support for multinational forces based on UN Security Council resolutions to combat aggression 2. “Dispatch guard” by the SDF that has been participating in the PKO to rescue foreign troops and civilian agents who have been attacked in remote areas 3. Use of weapons by the SDF participating in the PKO to carry out their missions 4. Rescue of nationals based on the consent of the state
<p>The activities that may fall into the armed attack (8 cases)</p>	<ol style="list-style-type: none"> 1. Defensive activities for the US vessels transporting Japanese nationals evacuating from conflict zones 2. Defense activities for the US vessels operating on the high seas in case of contingencies in the neighboring area 3. Forced inspection of ships suspected of transporting weapon ammunition, etc. in case

	<p>of contingencies in the Japanese neighboring region</p> <ol style="list-style-type: none"> 4. Interception of ballistic missiles that pass through the airspace of Japan and are destined for the United States 5. Defense activities for the US warships operating on alert against enemy missile attacks in the waters surrounding Japan 6. Defense activities for the US warships in the waters surrounding Japan if the US mainland is attacked 7. Participation in demining activities 8. Participation in international joint escort activities for civilian ships
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(LDP-Komeito Ruling Party Council, 2014)

It is important to note that the contents of the cabinet decision in July 2014 do not deviate from the framework of this casebook, and the cases presented in the casebook were almost reflected in the 2015 security legislation revision process. With the new constitutional interpretation, the scope of self-defense measures allowed under Article 9 has been expanded to enable the exercise of the right of collective self-defense from the exercise of individual self-defense, but the existing principle of defense-oriented policy is inherited in that it is limited to the exercise of the minimum necessary capacity through the compromise process with Komeito.

In this regard, it has been positioned as a limited exercise of the right of collective self-defense. Regarding the third condition, although the reinterpretation of article 9 of Japan's Constitution permits the right of collective self-defense, Abe clarified that the notion of exclusive defense-oriented policy would not change at all, and emphasized that the limited exercise of collective self-defense rights did not deviate from exclusive defense-oriented policy (Sankei Shimbun, June 16, 2015).

VII. Outcome of the Political Conflict and Compromises

7-1. The Cabinet Resolution in 2014

The 2014 cabinet decision admitted the “limited” exercise of collective self-defense by reinterpreting the Constitution by reviewing the report submitted by the Panel on Security Legislation. The cabinet resolution calls its decision “limited” as the exercise of collective self-defense is only permitted under the following “three new conditions”.

- 1) When an armed attack against Japan occurs or when an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result threatens Japan’s survival and poses a clear danger to fundamentally overturn people’s right to life, liberty and pursuit of happiness (存立危機事態),
- 2) When there are no other appropriate means available to repel the attack and ensure Japan’s survival and protect its people,
- 3) Use of force limited to the minimum extent necessary.

Upon its decision, the Cabinet brought the grounds to the public notice for the reinterpretation of the Constitution by highlighting that the security environment around Japan has fluctuated dramatically and is still changing, and Japan faces complex and serious national security issues.

7-2. The Security legislation in 2015

The cabinet resolution in July 2014 necessitated reflecting the new concept of the threat to Japan's survival (存立危機事態) in the existing Contingency Law (有事法制) (Park, 2015: 24). Accordingly, new security legislation (安保法制) was enacted in September 2015 by passing the bill in the Diet following more than 200 hours of heated debate.

The new security legislation, which was passed by the House of Representatives on July 16, 2015, and the House of Representatives on September 19, 2015, consists of 11 law amendments and enactments. It redetermined the functions of the National Security Council, each SDF, national institutions, local governments, and airport and port facility management departments. Furthermore, it redefined the role that Japan should play as rear support for the US military, ship inspection, and handling of prisoners of war. The following table shows the overview of the new security legislation.

Table 2. Overview of Japan's new security legislation in 2015

	Existing law	Amendment	Notes
Security Threat	Regional Contingencies Armed Attack Situation	Threat to Japan's survival Situations under important influences Armed Attack Situation	7 amendments
International Peace	UN Peacekeeping Operation	Expansion of the scope of UN PKO activities	1 amendment
		Added multinational military activities	1 enactment
Others	Expansion of the SDF activity area Expansion of the decisions of the National Security Council		2 amendments

(Yoo, 2015: 1)

The previous concept of the regional contingencies (周辺事態) was revised into the situation under the important influence (重要影響事態). The new concept of the right of collective self-defense was reflected in the concept of the state of existential crisis (存立危機事態), and the following three types of security crisis were stipulated: 1) a direct armed attack against Japan, 2) a situation of significant influence, and 3) threat to Japan's survival. The broadly classified three circumstances were reflected in the revision of the new security legislation.

VIII. Conclusion

This paper argues that it is difficult to assess the 2014 Cabinet Resolution and the 2015 Security Legislation as the former prime minister Abe's unilateral choices made to support the conservative hawkish agenda, including revising Article 9 of the Constitution and eventually normalizing the country with full-scale individual self-defense right. Even though the Abe government laid the legal ground for collective self-defense, during its process, this paper presented that there were political maneuvers that explain the political compromise made by the Abe Cabinet for the "limited" exercise of collective self-defense, not in a "full" form.

In conclusion, during the period between the inauguration of the second Abe government to the 2014 Cabinet Resolution, conflict and compromise processes with Komeito have more influence on its policy-making process for collective self-defense. The collective self-defense initiative by the second Abe government was accelerated further after the victory of the Upper House election in July 2013. Abe government had to embrace Komeito in order to meet the requirement for a constitutional revision proposal of a two-thirds majority in the House of Councilors and the House of Representatives. The approval rating of the Abe administration fell from about 60 percent to 40 percent after the Cabinet Resolution in July

2014, showing Abe's uncompromising attitude to the public's opposition.
(NHK, 2022)

Albeit limitedly, the constitutional reinterpretation approving the collective self-defense transformed Japan's long-held foundation of the defense policy which was not allowed. Therefore, the nature of security in which Japan involves may also change in the adjacent seas, East Asia, and the global context such as regional contingencies in the Korean Peninsula, Taiwan Strait, Senkaku/Diaoyu Islands, and the global war on terrorism.

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Abstract

일본은 평화헌법에 입각하여 전후 집단적 자위권을 행사할 수 있지만 행사할 수 없다는 해석을 견지해 왔다. 1981년 치로 요시쿠니 내각법제국장관은 ‘일본은 주권국가로서 국제법상 집단적 자위권을 행사할 수 있지만 필요 최소한의 범위를 넘어서기 때문에 허용되지 않는다’는 답변을 국회에 제출했다. 이 입장은 30년 넘게 유지된 정부의 공식 해석으로 이어졌으며, 일본은 방어를 위해 필요하더라도 선제공격을 해서는 안된다는 전수방위원칙을 고수해왔다. 그러나 일본은 1990년대 이후 점진적으로 집단적 자위권 구상을 발전시켰다. 2000년대 이후 미국의 재균형정책, 중국의 부상과 북한의 핵 개발 등으로 인한 안보 환경 변화로 일본이 아베 전 총리는 “적극적 평화주의”를 내세워 2014년 7월 내각 결의에서 해석개헌으로 “신3요건”하의 집단적 자위권의 “제한적” 형태를 인정했다. 해당 각의 결정에 따라 2015년 9월에는 신안보법제가 성립되어 집단적 자위권 행사의 법적 기틀을 마련했다.

본 논문은 2차 아베 정부가 집단적 자위권 행사를 용인했지만, 그 과정에서 아베 정부가 집단적 자위권의 전면적 형태가 아닌 제한적 행사를 위한 정치적 갈등과 타협 과정을 1단계 (2013년 2월~2013년 6월): 헌법 9조 및 96조 개헌에 대한 타협의 시기, 2단계 (2013년 7월~2014년 2월): 집단적 자위권 도입을 위한 갈등의 시기, 3단계 (2014년 3월~2014년

6월): 집단적 자위권의 ‘제한적 형태’로의 타협의 시기 3가지 단계로 나누어 분석하였다. 따라서 본 논문은 일본의 ‘제한적’ 집단적 자위권 도입을 위한 2014년 7월 내각결의안은 위와 같은 일본 내 다양한 행위자의 정치적 갈등과 타협의 결과로 이루어졌으며, 아베 전 총리 개인의 독단적인 선택으로 ‘전면적’ 집단적 자위권을 내세워 보통국가화를 이룬 것으로 평가하기 어렵다고 주장한다.

Keyword: 집단적자위권, 일본 안보 전략, 정치적 타협, 정치적 갈등, 제 2차 아베 정권

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