

Minshushugi and Democracy

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I

Today I would like to discuss *minshushugi* and democracy. As any Japanese audience knows very well, *minshushugi* is the Japanese word for democracy. “*Minshushugi*” and “democracy” may mean the same thing. But in my opinion, there is a deep gulf between Japanese democracy and American democracy. *Minshushugi* is not simply a Japanese version of American democracy. This is the reason why I have dared to entitle my talk “*Minshushugi* and Democracy.”

To begin with, I would like to speak about my private experience about a half century ago. When the Second World War ended, I was twelve years old and a sixth grader in elementary school. I believed that Japan had been created and governed by the gods and that the *Kamikaze* would blow away every enemy airplane and battleship before Japan would ever be defeated in the war. In short, I was a typical militarist boy. So I was extremely shocked to see the collapse of the Japanese empire. The occupation army came to Japan and they forced us to black out parts of our textbooks with India ink. Within a few years the Japanese political system changed drastically from the absolute Emperor system to a liberal democracy. This drastic change led me to think about the true meaning of American democracy and the Emperor system in Japan. In order to

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answer these questions, I took political science as my major and focused my studies on American politics.

Most people believe that the liberal democracy Japan has tried to establish was modeled after American democracy. But I doubt whether American democracy has been successfully transplanted into Japanese political culture, because our traditional culture has some elements that seem to be incompatible with American democracy. One of the most remarkable elements is our weak sense of individuality. While American democracy is based upon individualism, Japanese traditional culture pay higher esteem to group harmony. Japanese people usually suppress individual points of view in order to keep it.

Although this point has been discussed very often since Ruth Benedict's *The Chrysanthemum and the Sword*, it must be admitted that a kind of individualism has gradually crept into Japanese culture, especially since the 1980's. The reason for this individualization is rather simple—because every kind of group, from family to nation, has gradually lost its centripetal power over its members.

Even though individualization has occurred to some degree in Japanese political culture, there are still great difference between the two democracies. In my opinion, American democracy has three characteristics. First, it is a republican democracy. To be more exact, American democracy has some republican elements. Second, it is a direct democracy. This direct democracy is especially strong in local governments. Third, it is a constitutional democracy. In this point, it is important that the American constitution has been reinterpreted every now and then—and so “remade”—by the Supreme Court.

On the contrary, Japanese democracy does not have any of these. Republicanism has been almost taboo in this country since the establishment of the Emperor system in the Meiji era. Local governments have been miniatures of the national representative government in Japan, and direct democracy does not work even in local governments. Moreover, the Japanese Supreme Court has not worked in the American way; the interpretation of the constitution has been left to the Administrative Branch.

In short, American democracy and Japanese *minshushugi* have different ways of operating government. I think that these differences will determine the politics of the future in each country and also the international relations between the two. Therefore, it is worth examining these differences between the two democracies in more detail.

II

First, I would like to discuss the significance of republicanism in the two democracies. Democracy and republicanism have combined together today, but they were different originally. We can trace the origin of republicanism back to ancient Rome, where it was defined in contrast to the monarchy. While the monarchy was the most influential pattern of government all over the world until the end of the 19th century, republicanism criticized the idea of monarchy for its possible despotism and corruption.

According to the theory of republicanism, monarchy vests power entirely in the King and his small staffs and the concentration of power necessarily results in despotism and corruption. In order to avoid despotism and corruption, the monarchy should be replaced by republican government. If the monarchy is thus overthrown, the theory goes, the new government will be immune from despotism and corruption. How can this be possible? Republicanism emphasizes that the way to realize wholesome politics is through the autonomy of an enlightened citizenry with virtue. In this emphasis on civic virtue, republicanism differs from democracy, which stresses indiscriminating equality.

Republicanism revived in the Renaissance period in the city-states of northern Italy, and it was transmitted to the 18th-century American colonies through the English people. The American Revolution was led by republicans, not by democratic leaders. After the frame of republican government had been established, though, republicanism was gradually replaced by democracy. Jacksonian democracy symbolized the democratization of the federal government. But all republican elements have not disappeared from the American political tradition. For example, the intense reaction of American democracy to cases of political corruption such as the Watergate Scandal can be seen as a result of America's retention of the republican tradition.

Republicanism and democracy differ from each other. They oppose each other. While democracy proceeds toward egalitarianism, republicanism toward elitism. Therefore, it is natural that the Democratic Party gets strong support from the lower class, while the Republican Party gets strong support from the upper class. But we cannot deny that republicanism is a necessary part of democracy, and democracy would be mobocracy without any trace of republicanism. The idea of democracy signifies the autonomous and voluntary creation, by the people, of a polit-

ical order. In order to invest this idea with real meaning, it is necessary for every citizen to possess the capability of becoming a political actor. In other words, it is necessary for citizens to possess the capability of creating order in their own lives autonomously and independently. This sort of capability is deeply related to the idea of civic virtue that has been stressed in the republicanism since ancient Rome.

Postwar Japanese democracy arose under the influence of American democracy. But it received scarce influence from America's republican tradition. This was because the Emperor system was retained, albeit in symbolic form, thus cutting off the possibility of republican government. Indeed, we still retain some vestiges of the Meiji state. According to the Meiji Constitution, the Emperor was a "divine and inviolable" being, and all sovereign powers were vested in the throne. The Meiji Constitution did not stop at making the Emperor the absolute embodiment of political authority. He also embodied absolute spiritual authority. The Constitution stated that the Emperor should be revered by the people in the depth of their hearts. The sphere of popular morality was the object of manipulation and control by Imperial decree, as exemplified by the Imperial Rescript on Education (*Kyoikuchokugo* in Japanese) of 1890.

One premise of the Imperial Rescript on Education was that the Emperor was absolute and almighty, while his subjects were powerless and incompetent. Concerning morality, the emperor knew everything and the people knew nothing. The people needed an Imperial decree which declared what was morally right and what was morally wrong. The decree was consistent with the family-state analogy, in which the state was explained as an enlarged family and the Emperor, the head of the state, was seen as the father in the family. This analogy was an authorized explanation found in the elementary-school textbook in the Meiji era; according to this analogy, the Emperor should be seen as the father to teach virtues to the people, his children. The greatest problem with the Imperial Rescript on Education was that the people's morality did not lie in each person's mind and heart, but it was imposed by the absolute ruler. This kind of morality is just the opposite of the civic virtue stressed by republicanism.

After the Second World War, the Imperial Rescript on Education was repealed by a resolution in the Diet, but subsequent attempts to restore it often occurred. Almost all the Ministers for Education, Culture and Science have talked of the necessity of the Imperial Rescript on Education or something like it. This is quite strange from the viewpoint

of democracy. Almost all these Ministers have been members of the Diet and have got their position by collecting people's votes. In short, their position has rested on the judgement of the people. If politicians think that people's moral judgement is so infantile that the Imperial Rescript on Education is necessary, they actually destroy the ground they themselves stand on.

In short, some Japanese politicians believe that virtue should not belong to the individual but to the collective will. Even though some politicians or bureaucrats may not have sufficient virtue, Japan—as symbolized by the Emperor—is thought to be highly moral. The Emperor is not only the symbol of integration, but also the symbol of morality. In this country, politicians convicted of corruption can restore that morality by being re-elected; this kind of re-election is often called *misogi*, a term used basically for a *Shintoh* purification ceremony using water. This ceremony is meaningful only if morality belongs to the collectivity, including the electoral system. The absence of any republican tradition is another symptom that individualism has not yet matured in this country.

Nowadays small government and deregulation are popular political agendas, as both democracies have to recognize. A prerequisite condition for realizing these goals is that the people autonomously restrain their own interests for the public good even if there is neither a strong government nor any regulations to force them to do so. Such an autonomous self-restraint is possible only among people with civic virtue. In short, republicanism is a prerequisite condition for small government and deregulation. It is clear that American democracy has a much brighter prospect of realizing small government than Japanese democracy.

III

Human beings do not have civic virtue by birth; they need some training to acquire it. Local governments are the most proper place for this training. People's participation in local governments has a long history in the United States. It originated in the New England town meetings of the colonial era. All members of a community had the right to attend the town meeting and also an equal right to stand up and speak. This is a typical form of direct democracy. Indeed, the town meeting and its slightly enlarged form, called "a representative town meeting," are still alive

in some New England cities. However, the most important point is that in America all local governments have inherited a tradition of direct democracy from the town meeting. For instance, city councils are not a miniature of the Congress, but an extension of the town meeting.

In Japan, the Meiji Constitution did not have any article particularly concerned with local autonomy. Even so, the Meiji government did introduce a system of local government including prefectures, cities, towns, and villages. Local notables were allowed to govern within their local communities, and these local governments were placed under the strong control of the central government. Here, local governments existed just to retain premodern local communities exactly as they had been. It might have been corporate autonomy but not at all local autonomy based on the individual.

After the Second World War, the system of local government changed drastically. In its chapter 8 the new Constitution provided for local autonomy, and the Local Autonomy Act was enacted in 1947. As is well known, the new Constitution was enacted under the great influence of the occupation army, but the frame of government given by the new Constitution is quite different from the American frame of government. The system of local government is no exception. While this system is decentralized and pluralized in America, it is centralized and standardized in Japan. The most impressive difference is related to direct democracy. The United States has a long history of direct democracy, but in Japan we have almost no institutions of direct democracy except for limited systems of initiative and referendum.

I found an interesting contrast in the structures of city assembly halls in the two countries. In the United States, in most cases city councillors sit in a row, facing the observers; the chairperson is seated at the center of the councillor seats, also facing the observers. The number of seats for councillors is rather limited, perhaps from 10 to 15, while seats for observers amount to from 200 to 300. Observers usually have the right to speak, and their remarks are often recorded. City council meetings are often held in the evening for the convenience of the observers. The observers, ordinary people participating in the city assembly halls are an essential part of the city council. The city council is thus literally an extension of the town meeting.

In Japanese city councils, the chairperson's seat is placed almost at the center of the hall, and this seat is placed on a higher level. The ordinary councillors face the chairperson. Also the number of councillors is

relatively large. A city with a population of 500,000 is legally authorized to have 56 seats. Compared to the number of councillors, the observer's seats are relatively limited. In most middle-sized cities, the number of observer's seats is, at most, 100. The observers also face the chairperson, and so they can only see the backs of the councillors. Moreover, such observers do not have any right to speak, and always have to keep quiet. Thus we cannot find any element of direct democracy in the city councils of Japan. In short, a city council is just a miniature version of the national Diet in this country.

In the United States, direct democracy is institutionalized in various ways. For example, initiative and referendum are common channels through which American people directly influence their state and local governments. Recently, for instance, voters in California agreed by referendum to ban affirmative action by the state government. Perhaps the most notable case of a referendum was Proposition 13, which called for an upper limit on property taxes in California. On the contrary, Japan had a rare case of an initiative or referendum. The only type of initiative we know is a demand to enact, amend or abolish a local ordinance, a proposal which is discussed and decided by the local assembly. Similarly the only type of referendum we have is a ballot by residents to accept a special law applicable only to a specific prefecture or city. Recently several cities and one prefecture have carried out resident ballots in order to resolve controversial issues such as the acceptance of military bases, nuclear reactors, and disposal of industrial waste. But those are isolated cases; there is no symptom of the institutionalization of resident ballots in the system of local government in this country. Therefore, while American democracy is direct democracy at its grass-root levels, Japanese democracy is essentially a representative democracy, even at the level of local governments.

IV

The United States has a written constitution, the first such national constitution in world history. She is the first country to create constitutionalism with a written constitution. She has also inherited the British tradition. The British tradition includes British-style constitutionalism with an common-law constitution. Therefore, the United States has elements of an unwritten constitution in its form of constitutional government. One of these elements is the function of decisions by the Supreme

Court. The Supreme Court's decisions form judicial precedents, and these precedents can be understood as supplementing the written constitution.

Usually a written constitution has a clause allowing for amendment, but in most countries, procedure for amendment is so complicated that few constitutional amendments have materialized. The U.S. Constitution is no exception. As is well known, the U.S. Constitution has added twenty-six amendments over two centuries, but the first ten amendments were appended to the original constitution immediately after it became valid. Of the remaining sixteen two are now meaningless—the Prohibition clause and the clause repealing it. Therefore, the remaining fourteen are the genuine amendments. The difficulty of constitutional amendment was illustrated by the failure of Equal Rights Amendment in the 1970's.

Even though constitutional amendment is not easy, the possibility of amendment is itself a necessary part of constitutional government. A constitution was usually written long before, and its content does not necessarily correspond with the changing conditions of the modern age. Therefore, if formal amendments are difficult, some method of informal amendment is necessary. The Supreme Court decision has provided such necessary informal amendments. The British elements of American constitutionalism supplement a defect in American constitutional government.

The Supreme Court decision has another function in supplementing a defect in democracy itself. The Congress decides economic and social issues by a majority vote, but some issues are not suitable for the majority vote. For example, the issue of abortion divided people into the opposite camps, pro-choice and pro-life. Each standpoint is deeply connected with each person's value system. Therefore, it is not proper to resolve the issue of abortion by the majority vote. Discussion by the nine judges of the Supreme Court may be expected to find a better resolution than Congress. The issue of prayers in public schools has the similar characteristics. The Supreme Court is always expected to become the best institution to resolve this kind of issue.

In Japan, on the contrary, the Supreme Court has not functioned in the same way as the counterpart of the U.S. The Japanese Supreme Court has restrained itself from making decisions on political issues, thinking they should be discussed and resolved in the Diet. As a result, the Supreme Court has not often given a clear decision on a serious issue which involved a constitutional judgement. The Supreme Court has thus

avoided informal constitutional amendment based on its decision. Some people emphasize the necessity of constitutional amendment through interpretation (*kaishaku kaiken* in Japanese). Certainly it is true that we need some informal method of constitutional amendment, but in this country any interpretations of the constitution have actually been given by the Cabinet Legislation Bureau, which is a part of the administrative branch. It is a decisive violation of the principle of constitutionalism that the administrative branch thus carries out "constitutional amendment through interpretation". This kind of interpretation should become a duty of the Supreme Court. Constitutionalism is thus still under construction in this country.

V

Finally we had better add common problems facing two countries. First, political apathy is remarkable in both democracies. Democracy always needs active citizens who voluntarily participate in elections and movements; an endless expansion of political apathy is fatal to democracy. The clearest symptom of political apathy is the decline in voter turnout at the polls in the two democracies. In the U.S. the voting ratio was 54% in the 1992 presidential election and only 48.8% in the 1996 presidential election. These ratios are obviously low, and voting ratios in midterm elections and local elections are even lower than in a presidential election. While voting ratios are relatively high at the national level in Japanese elections, they are often desperately low at local level. The voting public seems to be disappearing in both countries.

Second, in both countries, most people are exclusively engaging in their private affairs and are totally preoccupied with self-interest. This tendency itself is not unnatural, but, as a result, politics comes to be privatized and driven by self-interest. When the economy is in good condition, most people have little interest in politics. When many economic indices begin to fall, people turn to politics in order to recover prosperity. Politics becomes just a servant of the economy for most people. But politics should be essentially independent of the economy. While the economy is an aggregation of private interests, politics aims at realization of public interests. Politics should consider the global preservation of the environment and the elimination of every form of segregation, regardless of race or gender. A public frame of mind seeking social justice is thus disappearing in both democracies.

Third, the sense of political ethics is declining in both democracies. As a result of the privatization of politics, the two democracies have rested ultimately on the distribution of benefits. To the extent that this sort of distribution of benefits is emphasized, the people come to evaluate politicians only in terms of their ability to “produce pork”; they pay little attention to things like politicians’ responsibilities and ethics. The politicians, for their part, pay attention to little except caring for the “home folks”; they spend little time thinking about issues like accountability and ethics. The Watergate scandal in America and the Lockheed and Recruit scandals in Japan are probably related to these two types of lack of concern. Restoration of political ethics is an emergent problem in both democracies.

We might say that democracies are degenerating in both countries, and we should seek ways to regenerate democracy. From this point, it can be said that American democracy has a brighter prospect than Japanese democracy. We can expect that the American political tradition including republicanism and constitutionalism may help regenerate democracy in the United States. Especially republicanism stressing civic virtue may contribute to a restoration of civic-mindedness and political ethics. On the other hand, we cannot see any bright prospect for the regeneration of democracy in Japan. The Japanese political tradition still poses serious obstacles to the establishment of democracy.