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The recent enquiry by the Japanese into the possibility of purchasing (the increasingly circumscribed) F-22 fighter jets would seem to indicate a change in attitude towards the use of more offensive military weapons which are expressly prohibited in Article 9 of the Japanese constitution. Ever since World War 2 and the drafting of the constitution in 1947, the attitude of the Japanese people has been one of definite passivism. The specific inclusion of Article 9, which prohibits the creation of armed forces and military hardware, was designed to prevent Japan again becoming a militarized nation as it had in the first half of the 20th Century. However, 62 years have passed since the constitution was ratified and the world has changed to such an extent that is it really necessary for a democratic nation in the modern era to prohibit itself a military, particularly with regards to the increased threat of North Korea and Japan's international military obligations through joint UN peacekeeping operations?

The full text of Article 9 reads as follows:

(1)Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.
(2) In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

The post-war Japanese constitution was drafted by the Government Section of the Supreme Command for the Allied Powers (SCAP), which oversaw the post-war occupation of Japan. The current document was drafted in only seven days after SCAP rejected the initial draft. Article 9 was included on the insistence of the SCAP and not, as reported by General MacArthur, by Prime Minister Shidehara. Due to SCAP heavy involvement in the drafting of the constitution, it was widely felt at the time that the constitution was being imposed by the U.S, and that it did not necessarily reflect domestic sentiments. This may help provide an explanation for the Ashida Amendment to article 9 following its inclusion by SCAP. The Ashida amendments were opening words of the two sentences which were added to precede the two paragraphs of Article 9. (i.e. "Aspiring sincerely..." and "In order to...")

The first paragraph could now be interpreted to mean that war was to be renounced only as a means to settle international disputes, thus leaving open the possibility of self-defence, while the second paragraph could be interpreted as qualifying the ban on armed forces, i.e. it might not apply to defence preparations against an aggressor.

With these amendments, it could be argued that Article 9 became redundant immediately, as Japan was still theoretically able to develop a military, albeit for defensive purposes and it is for

this reason why one could suggest that the creation of the Self Defence Force (SDF) in 1954 was not unconstitutional. The SDF is in fact an extension of the police force and not a standing army, which is how to get around the provision in the Article prohibiting "land forces"

Additionally, it is hard to argue against the fact that over the past 50 years, its 'defensive' forces and military spending have steadily increased, coupled with ever more expansive roles in peacekeeping and UN actions. The steady decline in the adhesion to the true meaning of Article 9 is even evident in Japan's Basic Policy for National Defense, which in 2006 stipulated that Japan would:

1. Maintain an exclusive defence-oriented policy. 2. Avoid becoming a major military power that might pose a threat to the world. 3. Refrain from the development of nuclear weapons, and to refuse to allow nuclear weapons inside Japanese territory. 4. Ensure civilian control of the military. 5. Maintain security arrangements with the United States. 6. Build up defensive capabilities within moderate limits.

The Korean War was perhaps the most crucial catalyst for this gradual introduction/ increase in Japan's military capabilities. With U.S troops committed in Korea, the American military became of the opinion that Japan need to be brought in more and more directly with Western defence efforts, particularly with the spread of communism in South East Asia. It is from this pressure came the creation of the National Security Force (NSF) in 1952 and the SDF in 1954.

Following on from this, the newly installed Safety Minister, Kimura, denied to the Japanese parliament that the NSF howitzers constituted "war potential" and cited an example of a jet airplane as something that would be classed as "war potential". Ironically, thirty years later, the SDF would be flying the most advance fighter jets in the world, F-15's, which would, by Kimura's own terms be a breach of the constitution.

From 1976 onwards, successive governments decided on a consensus number of one percent GNP to be spent on defence. However, with Japan undergoing an economic boom during this period, the defence budget effectively tripled over the next ten years, thus allowing incremental increases in Japan's defence forces to the extent that during the 1980s, the maritime and air Self Defence Forces underwent huge expansions. This included a growth in the number of fighter planes to 200 F-15s and 100 F-4s, replacement of surface to air missiles with U.S made Patriot missiles, increase in the number of destroyer-type ships from 50 to 60 and acquiring two guided missile destroyer-type ships with U.S Aegis air defence systems.

Despite this growth in military hardware, public sentiment has not always matched that of the government's spending. A poll taken in 2001, revealed that 51% of those polled were against easing the restrictions on the SDF's use of weapons, while 74% still believe in Article 9 and would not want to see it amended and 61% continue to see the SDF as unconstitutional. In the eyes of the public, the SDF is seen more as an auxiliary force, which is designed to aid relief efforts following a natural disaster; soldiers are seen more as back up fire-fighters than they are as peacekeepers.

The modern dilemma

The problem that faces Japan in the world today is how it should act on the international stage. What should it do about the rising threat of North Korea? How should it attempt to combat/ adapt to the growth in power of China?

Japan is no longer the defeated nation of the 50s and 60s. With the second largest economy in the world, Japan has been a stable democratic nation for over 60 years and is no longer under the watchful eye of the US. Its decision to be included in UN peacekeeping operations is a step in the right direction – particularly as Japan's participation is in no way unconstitutional. Article 51 of the UN Charter prohibits the use of force unless in self defence.

However, as in the 1960's the main concern for Japan right now is North Korea. While all the chatter coming out of the North is of nuclear development and ballistic missile capable of reaching Alaska, Japan is only some 650 miles from Korea, easily within range of a mid-range missile. Although Japan is well equipped defensively to attempt to stop any Korean missile strike, is it not time that it dropped Article 9 in order to develop the capacity to retaliate offensively?

Unfortunately this question poses a rather significant problem. The potential reaction of China to the idea of "offensive" Japanese weapons would need to be taken into serious consideration. China is now undoubtedly the dominant power in Asia and if it felt threatened by Japan it would of course want to 'show its strength'.

Despite a provision prohibiting armed forces and weaponry, for the past 60 years Japan has slowly managed to dissolve the meaning and effectiveness of Article 9. No one in the international community and least of all the Japanese people believe that Japan has any desire to become a global military power again and perhaps for that reason alone there seems very little point in retaining it.

But as in so many such cases, while the end state is obvious the process to attain it is far from clear.