

Comparative statement of The Japanese Constitution and Liberal Democratic Party's  
Proposal of a constitutional amendment in English

	Japanese Constitution <sup>i</sup>	LDP's proposal <sup>ii</sup>
PREAMBLE	<p>We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith. We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship,</p>	<p>Our nation, with its long history and unique culture, is a country that has the Emperor, the symbol of unity of the people, governed based on the separation of powers, legislation, government, and justice, under popular sovereignty.</p> <p>Our nation has overcome and developed from the ruins of the Second World War and a number of catastrophes and now currently holds a prominent position in the global community, promoting friendlier relations and contributing to the peace and prosperity of the world through pacifism.</p> <p>We, the Japanese people, protect our own country and tradition with pride and spirit, respect fundamental human rights, along with treasuring conformity, and formed this nation by families and communities helping each other.</p> <p>We, the people, respect freedom and discipline, protect our beautiful land and natural environment as we promote education and technology, and develop the country through economic activities. We, the</p>

	<p>and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.</p> <p>We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.</p> <p>We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.</p>	<p>Japanese people, in order to transmit good tradition and our nation to posterity for many years to come, herein, establish this constitution.</p>
Pacifism	<p>Chapter II. <b>Renunciation of War</b>  Article 9. Aspiring sincerely to an international peace based on justice and order, the Japanese</p>	<p>Chapter II. <b>National Security</b>  Article 9. Aspiring sincerely to an international peace based on justice and order, the Japanese</p>

	<p>people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.</p> <p>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.</p>	<p>people renounce war as a sovereign right of the nation, and cease the threat or use of force as means of settling international disputes.</p> <p>2. The provisions in the preceding paragraph shall not prevent from exercising the right to self-defense.</p>
National Defense Force	(a new proposal)	<p>Article 9(2). In order to ensure peace and independence as well as for the safety of Japan and the Japanese people, we shall possess the National Defense Force under the prime minister as commander-in-chief.</p> <p>2. When carrying out tasks provided under the provisions in the preceding paragraph, National Defense Force shall be subject to Diet approval and other controls as required by law.</p> <p>3. Besides the activities to perform the duties provided in paragraph 1, the National Defense Force shall conduct internationally cooperative activities in order to ensure peace and safety, as well as maintain public order or protect to the lives and freedom of the Japanese people, as required by law.</p> <p>4. Besides the provisions defined</p>

		<p>in the preceding two paragraphs, matters concerning the National Defense Force establishment, regulations and security protection shall be established by law.</p> <p>5. In order to deal with crimes, pertaining to duty or confidential matters of the National Defense Force, which are committed by National Defense Force service members or other public officials, the military court shall be established in the National Defense Force. In this instance, the defendant's right of appeal to the normal court must be guaranteed.</p>
People's Responsibility	<p>Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.</p>	<p>Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights, <b>shall realize freedoms and rights come with responsibility and obligation, and it must never interfere with the public good and public order.</b></p>
Consideration as individuals	<p>Article 13. All of the people shall be <b>respected as individuals</b>. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other</p>	<p>Article 13. All of the people shall be <b>respected as persons</b>. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public good and public order, be the supreme consideration in legislation and in</p>

	governmental affairs.	other governmental affairs.
Freedom of Expression	Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.  (a new proposal)	Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.  2. <b>Notwithstanding the provisions of the preceding paragraph, activities intended to harm the public good and public order, and associations for such purposes shall not be permitted.</b>
Basic Principles of Family and Marriage	Article 24. (a new proposal)  Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.  2. With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.	Article 24. <b>Family shall be respected as a natural and basic unit of society. Family members must help one another.</b>  2. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.  3. With regard to family, support, custody, marriage, divorce, property, inheritance and other matters pertaining to relatives, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.
Chapter 9 State of Emergency (Declaration of Emergency)	(a new proposal)	Article 98. In case of external armed attack situation, social disorder due to internal insurrection, large-scale natural disaster such as earthquakes and other states of emergency as

		<p>provided by law, the Prime Minister may, when it is found to be particularly necessary, declare the emergency by putting the matter to the cabinet, as provided by law.</p> <p>2. The prior or subsequent approval of the Diet is required for the declaration of emergency, as provided by law.</p> <p>3. The Prime Minister must cancel the declaration of emergency by putting the matter to the cabinet, as provided by law, in the situations as follows: when the Diet disapproves the declaration of emergency in cases mentioned in the preceding paragraph, when the Diet resolves to cancel the declaration of emergency, and when it is found to be unnecessary to continue the declaration of emergency as a result of changes in circumstances. When it is found to be necessary to continue the declaration of emergency more than 100 days, the prior approval of the Diet is required for each 100 days.</p> <p>4. (abbr.)</p>
(Effect of The State of Emergency Declaration)	(a new proposal)	<p>Article 99. When the state of emergency is declared, the cabinet, as provided by the law, may issue executive orders which have the same effect as law and the Prime Minister may execute necessary</p>

		<p>expenditures, other dispositions, and may issue necessary orders to the local governors.</p> <p>2. The subsequent approval of the Diet is required for the executive orders and dispositions in the preceding paragraph.</p> <p>3. When the state of emergency is declared, every person shall be subject to instructions of the state and other public organs issued to protect people's lives, bodies and properties, as provided by law. In this case, articles 14, 18, 19, 21 and any provisions concerning fundamental human rights, shall receive maximum respect.</p> <p>4. During the period when the state of emergency is declared and in force, the House of Representatives shall not be dissolved, and terms and election date of members of both Houses shall be arranged, as provided by law.</p>
CHAPTER X Amendments	Article 96. Amendments to this Constitution shall be initiated by the Diet, through a concurring <b>vote of two-thirds or more of all the members of each House</b> 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 at such	Article 100. Amendments to this Constitution shall be initiated by the members of the House of Representatives or the House of Councilors and resolved by the Diet, through a concurring <b>vote of majority of all the members of each House</b> , and shall thereupon be submitted to the people for ratification, which shall require approval of a majority of valid

	<p>election as the Diet shall specify.</p> <p>2. Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.</p>	<p>votes by referendum, as provided by law.</p> <p>2. Amendments to this Constitution when so ratified shall immediately be promulgated by the Emperor.</p>
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November 1, 2013

The Young Lawyer's Association for The Future of Freedom

明日の自由を守る若手弁護士の会

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<sup>i</sup> The translation of the Japanese constitution is quoted from the website of the Japanese prime minister's official residence.  
[http://www.kantei.go.jp/foreign/constitution\\_and\\_government/frame\\_01.html](http://www.kantei.go.jp/foreign/constitution_and_government/frame_01.html)

<sup>ii</sup> We, The Young Lawyers Association for The Future of Freedom, have translated the proposal into English. This is our private translation.  
The Young Lawyers Association for The Future of Freedom, and any of its members shall not be liable for any expenses incurred due to damage or loss arising from use of the translation.