Japanese Journal of Political Science 1 (2) 333–336 Printed in the United Kingdom © Cambridge University Press 2000

Legislative Records, 2000

TOMOAKI IWAI
Nihon University

The political scene behind Japan's legislation in 2000 was uneasy and flurried. The ascent to political power by Prime Minister Yoshiro Mori following the sudden death of Prime Minister Keizo Obuchi, the shift in political framework caused by the separation of the Liberal Party from the coalition government, and the general election came one after the other in a series of restless succession.

Fundamentally, in parliamentary cabinet systems, the prime purpose of legislation is to realize the benefits of parties in power. Although Japan's Diet has been operating under such system, cases of enacting laws to benefit the parties in power have remained rather inconspicuous in the past, chiefly due to the relative independence of law drafting processes undertaken by bureaucrats. However, legislation in the National Diet of 2000 has featured a marked shift in the fundamentals of the parliamentary cabinet system. Aiming at gaining advantage in the general election of June 2000 and the coming Upper House election, scheduled to take place in July of 2001, and to give stability to the coalition government, the parties in power have focused on enacting laws conspicuously reflecting their aims.

Japan's topmost problem in the area of policymaking during these past several years is the revitalization of the economy that has been low for quite a long period. The Obuchi regime executed counter-cyclical fiscal policies, drafting the greatest amount of finances in history; the Mori regime, which directly succeeded the Obuchi regime, initially followed Obuchi's line in fiscal policy, and put great effort into the enactment of laws related to counter-cyclical fiscal policies. The Derivative Sales Law establishing the rules of derivative sales and marketing, the Electronic Signature Authentication Operations Law promoting e-commerce, the Labor Contract Succession Law and major revision of the commercial code facilitating corporate-partitioning, the Industrial Technology Enhancement Law further enhancing cooperation between the industrial world and universities, and the Special Accommodation Law for Public Utility of Deep Underground promoting the development of deep underground all correspond to the development of new industrial society and are considered to be policies vital for economic stimulation.

Nonetheless, deregulation and liberalization, which are essential for economic revitalization, also appear as threats to the vested interests of a number of people,

https://doi.org/10.1017/S1468109900002085 Published online by Cambridge University Press

mainly consisting of the supporters of the Liberal Democratic Party (LDP), in that they urge for drastic changes in the status quo. Therefore, various legislative measures have been taken so that these policies do not act against the ruling parties in the general election. The lifting of the payoff ban, which has had been originally scheduled to take place in 2001, has been postponed by one year. The Deposit Insurance Law has also been revised to expand the areas covered by deposit insurance. Using depositor protection and removal of depositor anxiety as major reasons for revision, the ruling parties executed this legislation despite sharp cries of warning that arose from a number of economists who are convinced that this revision would only slow down the recovery of Japan's financial system. These legislative measures are thought to be the results of trying to appease medium and small financial organizations and large depositors, many of whom are core supporters of the Liberal Democratic Party.

On the other hand, the existence of the general election has also led to legislation designed to convince the populace that the government (the parties in power) is in fact actively engaged in protecting the weak. The Child Abuse Prevention Law preventing abuses against children, the Consumer Contract Law protecting the interests of contracts, revision of the Child Allowance Law attempting to stop the decline in the child population by enlarging government aid, the Barrier-Free Transportation Law, a measure to support the handicapped people who demand traffic facilities to become barrier-free, revision of the Social Welfare Projects Law aiming for greater enrichment of social welfare by increasing the range of user choices, revision of the Investment Law, a countermeasure against charging high interest rates on commercial and industrial loans to medium and small enterprises, are all examples of legislation designed to protect the underdogs of society.

Moreover, another feature of the legislation enacted in the Diet this year is the enactment of laws that serve as countermeasures against social anxieties that have been building up for a while due to increases in the overall crime rate: the rising number of felonies and brutal crimes and the recent drop in the average age of criminals. The Criminal Victim Protection Law alleviating the stresses put on victims of crimes by giving more consideration for human rights in places like the judiciary court; the Stalker Prevention Law rendering stalking as a form of crime; revision of the Juvenile Law lowering the age limit set for the application of punishments to juveniles in an effort to suppress the growth in the number of juvenile delinquencies are all realizations of civil demands which arose as social anxieties continued to spread.

These measures for protecting the social underdogs and other legislations that are highly sensitive to public opinion cannot be discussed without taking the coalition government and the elections into consideration. For example, the revision of the Child Allowance Law increasing support for raising children has been forced through despite severe financial situations, because its realization has been strongly demanded by the Komei Party, one of the three members of the coalition. At the

https://doi.org/10.1017/S1468109900002085 Published online by Cambridge University Press

same time, it is important to notice the fact that this revision also serves as a means for the Liberal Democratic Party to regain support in metropolitan districts, where the LDP lost all of its seats during the 1998 Upper House election.

Manifestation of legislative measures taken by the government parties to gain advantage in elections and to sustain and strengthen coalition governments has become a distinctive feature of Japanese politics since the late 1990s. Nevertheless, the general election of June 2000 has forced the LDP to step back, while the Komei Party has suffered a dramatic loss in the number of seats in the Lower House. Following this result, the government parties have attempted to revise the Public Office Election Law in an effort to reform the Upper House electoral system so as to gain advantage in the Upper House election scheduled to take place in July 2001. Taking the scandal of Kuse, Chair of the Financial Reconstruction Commission, regarding his monetary acquisition of a higher position on the proportional representative candidate list as a perfect opportunity, the parties in power opted for switching from the current restrictive listing system to nonrestrictive listing system in the proportional representative section of the Upper House, thereby urging the candidates to engage more in vote-collecting activities, strengthening control over their support organizations, and thus gaining advantage in the election.

In comparison, the Komei Party, which is seeking opportunities to manifest its originality as a political party, has demanded the revision of the Public Office Election Law so as to give suffrage in regional elections to foreigners residing in Japan for a certain length of time and the enactment of the Good Offices Profit Punishment Law in order to ban politicians from appointing bureaucrats to good offices in return for political funds. Both of these demands have raised strong objections within the LDP but have ended up being submitted to the Diet in an effort to prioritize the maintenance of the coalition.

As seen from above cases, the general election has been the key factor in the first half of the legislations that took place in the National Diet of 2000, whereas the coming Upper House election has been the dominating factor in the latter half. At the same time, the first half focused on the enactment of general laws, such as economic and underdog protection laws. to benefit the government parties, while the latter half, is dominated by laws relating to political reforms and has displayed yet stronger policymaking with an eye at preventing the decrease in the number of seats held by the government parties in the Upper House election from taking place. On the other hand, one can also see examples of the Liberal Democratic Party giving priority to coalition stability by yielding to the demands of the Komei Party and suppressing objections coming from within the LDP. Also evident is the phenomenon of the government parties seeking to gain more support from the populace by taking initiatives in enacting laws that were originally proposed by opposition parties.

In spite of this, almost no law dealing with structural reforms that could possibly upset the vested interests of support groups has been enacted from fear of alienating

https://doi.org/10.1017/S1468109900002085 Published online by Cambridge University Press

them, and a large number of problems have either been postponed or suspended. This has led countries such as the United States, which is urging Japan to execute economic structural reforms and to reconstruct its finance, to deepen their distrust of Japan's policymaking. Ironically, the electoral law issues have served as shackles binding both the government parties and the opposition parties in terms of policy-making, and the lack of parties that can show clear policy stances in the area of legislation has also led to the growth of distrust in politics among Japan's citizens.

(trans. Lucian A. Z. Hotta)

https://doi.org/10.1017/S1468109900002085 Published online by Cambridge University Press