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# Party Discipline and Democratic Reform in Japan

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by Muhammad Mustafizur Rahaman

*In 2005, the Japanese Upper House defeated the government's postal privatisation bill. Several members of the governing Liberal Democratic Party voted with the opposition. Prime Minister Junichiro Koizumi took this defeat as tantamount to a motion of no confidence against him and advised the Emperor to dissolve the Lower House as per article 7 of the constitution. This article looks at the traditional argument that parliamentary government requires strong party discipline. It asks if party cohesion and discipline is really central to the maintenance of parliamentary democracy and suggests that unless parties allow members to engage in a free discussion and criticism of government and to vote in accordance with their views, Parliament is unlikely to be very successful. The more freedom a member is granted, the more democratic is the legislative policy process. The paper argues that effective policymaking needs democratic reform.*

Japan is the first Asian country to have a parliament, which it created in 1889 under the Meiji constitution.<sup>1</sup> At that time it was called the Imperial Diet (*Teikoku Gikai*) and consisted of two Houses, the House of Peers and the House of Representatives. The House of Peers was composed of members of the Imperial family and those appointed by Imperial decree. Members of the House of Representatives were elected by a limited franchise (males paying over a certain amount in taxes). The movement for universal male suffrage, which had begun around 1900, finally attained its goal in 1925 through a sweeping revision of the House of Representatives Members Election law which provided for electing members of the House by universal adult

male suffrage. After the Second World War, a new voting law was passed extending suffrage to women, and a new Constitution, drafted by Allied (American) Occupation authorities, came into effect on May 3, 1947. The constitution proclaims that sovereignty resides with the people and that the Emperor is the symbol of the state. The Imperial Diet became the National Diet. The constitution declared that, "The Diet shall be the highest organ of state power."<sup>2</sup> The House of Peers was replaced by an elected House of Councillors. The allied occupation ended in 1952 and after a few years of political realignments, the conservative Liberal Democratic Party (LDP) came into being in 1955 as the largest political party. It maintained its hold on power for almost forty years until 1993. During that time, it initiated hundreds of pieces of legislation. The members in the Lower House rose to 512 by the late 1980s, and the Upper House grew to 252.<sup>3</sup> After 1983, a proportional representation system was introduced in the Upper House.<sup>4</sup> This system was also introduced in the Lower House in 1994, and was first used in the 1996 general elections.<sup>5</sup>

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Presently, the House of Representatives (*Shuugin*) has 480 members of whom 180 are elected under a proportional representation system and 300 are single-seat constituencies. The term of office of the House of Representatives is four years unless dissolved by the Prime Minister under Article 66 of the postwar Constitution. In contrast, the House of Councillors (*Sangiin*) has 242 members, 98 of whom are elected by proportional representation and 149 from the 47 prefectural constituencies. The term of the members of the House of Councillors is six years, half of the members being elected every three years. The table below shows the strengths of the different parties in the Houses.

### Legislative Process in the Diet

Legislative procedure in Diet can be divided into four stages—introduction, committee stage, plenary sittings, and promulgation. The process begins with submission of a bill either by Diet members or by the Cabinet. When a member initiates a bill, he or she must have the support of twenty or more members of the House of Representatives and ten or more of the House of Councillors. In both cases, bills are presented to the House through the Presiding Officer. He then refers the bill to the appropriate standing committee. On controversial government bills, opposition parties request the government to explain them in the plenary sitting. In the committee the bill is explained and detailed debate and discussion follow. When necessary, public hearings, hearings of voluntary

testifiers, and combined meetings (meetings of related committees) are held. After the end of the debate the bill is put to a vote. If any amendment is proposed, it is also explained and put to a vote. After taking the final committee decision on the bill, it is transmitted to the plenary session of the House. Upon presentation of the committee report, the speaker places the bill on the order of the day of a plenary sitting. The House discusses the bill and votes on it. Once the bill is passed, it is sent to the other House for similar procedures. When the two Houses reach different decisions regarding a bill, the Conference Committee of both Houses meets to consider a compromise. After passage by both Houses, it is submitted to the Emperor through the Cabinet by the Presiding Officer of the House that is the last to pass the bill.

### Party Behaviour and the Decay of Democracy

Political parties are important variables of parliamentary effectiveness. From British experience, Gary Cox argues that voters are party – oriented rather than candidate oriented<sup>6</sup> which compel the MPs to adhere to party policy. So, party discipline strongly influences the parliamentary behaviour of parliament members. The important questions with a view to exploring the impact of party on the legislature’s autonomy and viscosity are:

- How organized are parties in parliament and how much freedom do they permit in relation to voting and speaking?

Strengths of Party Groups in the Diet (as of August 2006)		
Party	House of Representatives	Councillors
Liberal Democratic Party	292	111
Democratic Party of Japan and Club of Independents/The Democratic Party and The Shin-Ryokufukai*	113	82
New Komeito	31	24
Japanese Communist Party	9	9
Social Democratic Party	7	6
The People's New Party and New Party Nippon and Group of Independents	6	5
Independents	20	5
Vacancies	2	0
<b>Total</b>	<b>480</b>	<b>242</b>

Source: Office of the House of Representatives, The National Diet, Tokyo.

\*Democratic Party of Japan and Club of Independents is applicable to the House of Representatives while The Democratic Party and The Shin-Ryokufukai is applicable to the House of Councillors.

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- If they do not conform to the party line, are they punished?
  - Are MPs allowed to cross the floor?

This section shows how parties treated legislators of the same party who opposed the party position in some important policy bills in Japan.

Postal privatisation was one of the important priority issues of Koizumi government. In the first attempt, the bills were passed in the Lower House cabinet committee by only one vote and later squeaked through the Lower House by a margin of five votes on July 5, 2005.<sup>7</sup> There was trepidation among the politicians, including Mr. Koizumi, the public, and observers that the bills surely succumbed to death in the Upper House. Prime Minister Koizumi threatened to dissolve the House of Representatives if the bills were rejected in the Upper House. On August 8, 2005, the Upper House killed the bills when 22 LDP members voted against them and 8 others abstained in the vote.<sup>8</sup> Shortly after that, the Prime Minister did what he promised he would, punishing the Lower House for the Upper House's rejection of the bills by dissolving the Lower House and calling for new election. Before the election the party promised to penalize the dissidents. During the election the LDP took stern steps to defeat the rivals, including forcing them from the party and not granting them LDP endorsement in the campaigns. Instead, in several districts, they sent politicians and other popular figures to run in their places, with the media labeling them "assassins" and "Koizumi's children." In other cases, the party actually supported opposition/Independent candidates against the rivals.

In retrospect, this strategy had three negative effects on the democratic process: (a) by posing the threat to dissolve the House, Mr. Koizumi probably made an effort to influence the behaviour of those parliamentarians belonging to LDP, who were against the bills; (b) Mr. Koizumi's rules of the game put the Diet under the extreme control of the executive; and (c) Attempts that were taken to punish the rebels were interpreted as a sign of vindictive politics.

Postal privatisation bills were not the only example in this regard. In the spring of 1987, LDP leaders threatened to expel from the party those who opposed a sales tax bill. By threatening the rebels with expulsion, LDP leaders succeeded in controlling them.<sup>9</sup> Nevertheless, in 1993 and 1994, many LDP Lower House members and Social Democratic Party of Japan Councillors members who did not follow their parties' position on political reform bill left their parties during deliberations.<sup>10</sup>

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## Party Control and the Diet's Legislative Role

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Strict party control is inherently a major source of problems associated with legislation. Between the first and 164<sup>th</sup> session (1947 to 2006) on average eighty-eight percent of cabinet-sponsored bills were passed in the Diet<sup>11</sup>, which reveals that Japanese legislative process is cabinet-dominant. The preliminary draft of a government bill is prepared by the bureaucrats and is scrutinised by the ruling party in its Policy Affairs Research Council (PARC) before its placement before the Diet. Once a bill is accepted by the PARC, its approval in the House becomes almost a foregone conclusion. Hence, the Diet and its committees, by and large, act as a 'rubber stamp' of the cabinet. Tight party control prevents parliamentarians from engaging in a free discussion of bills. The members are expected simply to listen to what is discussed in committee rooms and to follow their party's direction. Specialists<sup>12</sup> usually argue that Parties should allow members to freely behave up to a certain extent. A similar opinion was expressed by Sasaki Ryosaku, a Democratic Socialist Party (DSP) parliamentarian when he was interviewed in 1970 by political scientist Baerwald, a specialist on the committee system. Mr. Sasaki said, "Our political parties must be modernized, for which a first step would be to permit representatives to vote independent of party discipline."<sup>13</sup> So, freedom of parliamentarians in expressing their opinion both in the House and committees is the prime issue of any democratic reform that deserves special attention.

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### Impact of Party Control over Executive-Legislative Relations

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A balanced executive-legislative relationship is vital for strengthening the role of parliament. If a country vests excessive powers in the hands of the executive branch it, therefore, lacks the proper checks and balances a strong parliament could provide. Anthony King<sup>14</sup> identifies a number of modes of executive-legislative relations of which the intra-party and the opposition mode are considered politically significant. However, in both cases, government backbenchers can contribute greatly. King mentions that government backbenchers are the most important members in the House. Similarly Ahmed has written that "The more government backbenchers are willing to dissent from the government and its policies, the more likely is the prospect of parliament being assertive."<sup>15</sup> More specifically, party control deters backbenchers from playing the role of dissident in House politics. Backbenchers follow the party line due to the fact that their future depends on the party's prospects. In fact, parties are the prime movers in electoral politics.<sup>16</sup>

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One way of breaking the party monopoly is for individual politicians to develop personal reputations distinct from those of their party. Furthermore, electoral rules outline the extent to which individual politicians can benefit electorally by developing personal reputations distinct from those of their party.<sup>17</sup> It is noteworthy that the electoral politics of Japan make candidates dependent on their respective parties. Carey and Shugart proposed an ordinal scoring system of electoral systems according to the incentive to cultivate a personal reputation. According to their theory candidates have the opportunity to cultivate a personal vote.<sup>18</sup> Legislators can maintain their own personal campaign organizations (*koenkai*) in Japan. However, one has to take into account the electoral system. Personal reputation is least important under a closed list system. Under this situation, parliamentarians are not free from party control, unless the parties allow them to engage in debates without restraint.

### **Party Control and the need for Bipartisanship**

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The Japanese legislative process is in need of bipartisanship. Parliament's role is reduced when the ruling party and opposition do not find anything positive in each other's proposals. If the legislators simply follow their party direction, the passage of government bills in the House becomes ceremonial. More importantly, a partisan atmosphere lessens the viscosity of the parliament—its capacity to resist, change, or block the executive branch's legislative proposal.

Bipartisanship, as this article argues, can be built up at the party level and the individual level. At the party level, bipartisanship is synonymous with consensuality. The Japanese Diet shows a number of instances of consensuses. For example, the bill regarding the amendment of the electoral law was approved in the Special Committee on Election System with the support of ruling and opposition parties.<sup>19</sup> The Non-Profit Organization (NPO) bill became law on March 19, 1998, with the unanimous support of all the political parties. The bill to provide financial and other necessary support to those who had been abducted by North Korea and who returned in Japan was another good example in this regard. The bill was introduced by the chairman of Health, Labor and Welfare Committee of the House of Representatives and was enacted unanimously in the 155<sup>th</sup> extraordinary session. Two North Korean sanctions bills were enacted in 2004 with the support of ruling parties and Democratic Party of Japan (DPJ), the biggest opposition in the House and the same thing happened to the bill to establish special zones for structural reform which was enacted in the 155<sup>th</sup> extraordinary session. More recently (164<sup>th</sup> session,

2006) the ruling LDP, New Komeito, a member of the ruling coalition, and the opposition DPJ agreed to a bill regarding media regulations. However, at the individual level, such instances are, in fact, rare. Because the behavior of parliamentarians from the ruling and opposition parties alike is guided by party decision in Japan, there is little opportunity for the development of bipartisanship.

### **Consequence of Party Control over Professional Development of Diet Members**

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An informed membership is better able to contribute to policy matters in the Diet. Therefore, an expert and professional member is crucial for the effectiveness of the Diet as a whole and its committees. The Diet, in theory, offers the opportunity for legislators to develop expertise and professionalism throughout their parliamentary career. For example, committees are capable of offering parliamentarians a variety of incentives and opportunities, such as encouraging them to build up a more specialised knowledge of policy areas<sup>20</sup>, providing a means of keeping them busy and feeling useful,<sup>21</sup> and granting them more active and fulfilling participation in the governing process.<sup>22</sup> What is important in the above mentioned activities is the extent to which legislators are allowed to engage in free discussion in the Diet and its committees. If they are given freedom to a great extent, they would be encouraged to concentrate more on the policy issues, spontaneously express their opinion regardless of whether it corresponds to the party position or not. As a result, the process helps build an internal spirit of confidence, and makes the legislator more willing to be involved and take risks in the process. Professionalism means that the legislator is passionate about his or her parliamentary activities and free to decide what is best for the constituency and the nation.

Apart from law-making, a parliament has other functions such as latent legitimation, interest articulation, and administrative oversight.<sup>23</sup> Parliament can only carry out these functions effectively if legislators are secure in the freedom to speak in the Diet. By allowing different views to be expressed, parliament fulfills an important function of latent legitimation. In the case of interest articulation, constructive views of legislators act as a guard against special interest of a particular group. Administrative oversight is another important function of a modern legislature. Here also freedom of MPs is vital.

### **Cabinet Government versus Prime Ministerial Government**

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In Japan the prime minister is usually also the president of the largest party (in this case the LDP for most of

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the postwar). As party leader he can influence the party decision and nomination of candidates in the Diet elections, which makes available to him necessary carrots and sticks. As a result, he can impose some restrictions on his party's parliamentarians in speaking in the Diet.

Theoretically, a Cabinet government is more democratic in its approach than a prime ministerial government. The Japanese legislative process deserves more pragmatic democratic reform, which should be based on the following cardinal principles. First, party members should be given more freedom both in the House and its committees. Second, bipartisanship is required to make legislation effective. With a view to building a bipartisanship, the opposition should not always oppose ruling party's policy proposals and the ruling party should not reject outright the opposition's proposals. Third, following the Westminster model the prime minister should leave either party presidency or House leadership. The core principle of parliamentary democracy is democratic decision-making within the assembly. Following this basic principle, Japan should initiate reform both in the legislative process and inside the party politics.

#### Notes

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