

The Dissolution of Parliament and Japan's Bicameral System

By Sasaki Takeshi

JAPAN'S recent general election attracted a great deal of attention both domestically and internationally. Leaving aside the question of whether the election result will really serve to accelerate reform in Japan, it is indisputable that there have been extraordinary new phenomena in the political arena.

Two Points

First, the Liberal Democratic Party (LDP) Diet members who opposed the postal privatization bills were excluded from the list of LDP candidates, leading to a complex split within the party. The internal conflict that unfolded in the election campaign drew public attention. This is the first time in the history of the LDP that its President or Secretary-General has publicly wielded this much power. Prime Minister Koizumi Junichiro staged the entire election around a single campaign issue – the privatization of the postal services – that is also unprecedented as previous LDP prime ministers have attempted to maintain political stability by calling elections without clear campaign issues. Here we can see Koizumi's strong desire to use this election to bring discipline to Japanese political parties, but judging from politics to date, this was a gamble of major proportions.

In its simplest form, this was an attempt to change the LDP from a political party that merely participates in the ruling process to a more muscular and capable entity that actually does rule. This, of course, is inextricably linked with the strengthening of the political status of the prime minister. We will see how far it obtains the desired effect.

The second point is that Koizumi dissolved the House of Representatives for a general election because the postal privatization bills were defeated in the

House of Councillors. Such a move is without precedent in Japanese politics. Before they were put to the House of Councillors, the bills had already been passed by the House of Representatives despite the opposition of LDP members, yet it was this chamber the prime minister dissolved. So the election cannot help but have a halfway feeling. This snap election highlighted what Japan's bicameral system should be – a crucial contestation of the country's political system. It will undoubtedly stimulate future discussions on the paradigm of Japan's political system, and this is the point I would like to discuss here because this is the institutional problem that has the greatest impact on the function of the cabinet in Japan.

The Structure of Japan's Bicameral System

Japan has adopted a parliamentary system for more than a century, and it is a basic assumption in comparative politics that the nature of the bicameral system is one of the most important factors of a parliamentary system. The Japanese parliament is made up of the House of Representatives and the House of Councillors and both sets of parliamentarians are directly elected. The House of Representatives has advantages in dealing with budgets, treaties and the appointment of the prime minister, while the prime minister can dissolve it to seek the judgement of the people. In contrast, the House of Councillors has a six-year term and cannot be dissolved (though half of its members stand for reelection every three years). Otherwise there is no great difference between the two in terms of power, and when it comes to deliberation over bills in particular, both powers are roughly the same. The two houses are quite independent of

each other and, as was the case with the postal privatization bills, legislation that is not passed in both houses cannot be enacted.

The odd dilemma for this two-house system is as follows. If the House of Councillors always makes the same decisions as the House of Representatives, it runs the risk of being criticized as being a useless, carbon copy of the House of Representatives. However, if it produces the opposite decision to that of the House of Representatives, as was the case with the postal privatization bills, it can easily lead to criticism that the political role of the House of Councillors is excessive. For this reason, members of the House of Councillors are extremely sensitive to their political fragility, and very cautious about any constitutional debate to review the function of the House of Councillors.

Of course, there will be no problems if a certain political party or coalition has a large number of seats in both houses and thus can control the voting behavior of those members. This time, though, the LDP/New Komeito coalition had a majority of more than 30 seats over the opposition in the House of Councillors, and yet the bills were rejected because the LDP was unable to secure the allegiance of its members. In this situation, the House of Councillors becomes the most powerful vetting authority, and it was virtually impossible to directly overturn their opposition through regular procedures.

Given that situation, Koizumi employed a new political maneuver. After the House of Councillors rejected the postal privatization bills, he opted to use public opinion as a battering ram against the inner citadel of the House of Councillors. At the same time, Koizumi completely excluded

rebels within the LDP who voted against the bills and pushed them into political no-man's land. While this is politically understandable, it can be seen in quite a different light in terms of a political institution.

Koizumi's maneuver is based on the implicit premise that parliament is one entity. I term this the "assumptive unicameral approach." This suggests that, rather than decision-making based upon a strict demarcation between the House of Representatives and the House of Councillors, decision-making should be, and indeed must be, something that the Diet does as a whole. This suggests that both houses can be treated as one, and that the rejection of a bill in the House of Councillors can actually be reversed by the dissolution of the House of Representatives and public support.

However, this approach does not resolve the problem institutionally. Of course, the prime minister has the authority to dissolve the House of Representatives, but there is no inevitable link to any specific decision of the House of Councillors to reject the bills. In fact, there was a strong impression during the election campaign that something that had no connection in institutional terms was forcibly tied for political purposes. What stands out here is that the status of the members of the House of Councillors was not affected by the election, while the members of the House of Representatives who thought that they had played their part by providing a majority in favor of the postal privatization bills then found themselves having to contest an election. No one can deny that this is quite incongruous. Therefore, it will be no surprise if members of the House of Representatives argue and complain about this "assumptive unicameral approach," basing their argument on the independence of the House of Representatives. In this respect, this snap election hid a problem that deeply affects the very framework of Japan's parliamentary system.

Reform of the House of Councillors

Japan's bicameral system has long been a subject of debate. The Diet is a combination of two quite different chambers, and it possesses very little in the way of internal regulating functions. The relationship between the cabinet and House of Representatives basically follows the parliamentary model, but the one between the cabinet and the House of Councillors is clearly different. There are aspects of the latter relationship that are best understood in the context of a presidential system: The House of Councillors does not have a strong voice in the formation of the cabinet, and it cannot be dissolved. In other words, the House of Councillors has a high degree of independence from the cabinet, and with regard to lawmaking, it has the same authority as the House of Representatives. However, this does not necessarily mean that its relationship with the cabinet is remote and the members are regularly appointed to the cabinet, as is the case with the House of Representatives. It indicates that despite these two houses being based on different institutional premises, it ended up in reality treating both members politically equally.

In terms of the mutual adjustments between the two houses, when conflicting decisions are forthcoming on a bill, there is a process whereby the representatives of each house hold a committee and revisit the decisions based upon the outcome of the committee. In addition, under the constitution there is special provision stating that a bill that is rejected by the House of Councillors can still become law if it is passed a second time by the House of Representatives by a majority of two-thirds or more of the members present. On this occasion, Koizumi and the LDP executive did not resort to either of these procedures, and instead dissolved the House of Representatives immediately after the bill failed in the House of Councillors. They have made no

attempt to use, or chose to ignore, the options offered by the Diet's internal regulating functions. This further complicates the debate over the pros and cons of this snap election.

Much of the discussion on reform of the House of Councillors has focused upon how the powers of each chamber should be divided, and what actual limits this would place on the power of the House of Councillors. Such reforms have not been well received in the House of Councillors, and there has been no significant progress. Amendments to the Constitution are being discussed, but political parties show no enthusiasm whatsoever about the reform of the House of Councillors, and there are no useful proposals on the table. On the other hand, public opinion clearly supports fundamental reform of the bicameral system.

In political terms, reforms to reallocate the powers of the two chambers are virtually impossible. This would only be realistic if Japan were to switch to a federal set-up and create a second chamber that would be appropriate for such a system. Considering recent political developments, the best approach is to reduce the systemic asymmetry between the two chambers and aim to unify, then ultimately brings a single chamber system into view. The goal of this approach is to heighten the political responsiveness of the House of Councillors, and reviewing both the length of the councilor term and the reelection system should be considered. Moreover, it may be more realistic to allow for the dissolution of the House of Councillors rather than seeking to reduce its powers. This is the most important institutional issue that this snap election left behind and it should be the subject of lively discussion. **JS**

– This is the last article of the series –

Sasaki Takeshi is a professor of Gakushuin University. He specializes in politics and political history.