

2009 Global Forum on Modern Direct Democracy 9/13-16, Seoul  
**Transformation of the Civil Society of Japan  
and Direct Democracy**

~ World of Japanese-type direct democracy  
as seen from Machizukuri ~

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## **Introduction : Direct democracy in expansion**

Direct democracy, as opposed to indirect, representative democracy, is a political system that enables citizens to participate directly, rather than through representatives, and have their will reflected, in the decision making of a community they belong to. While it commonly refers to direct participation in national politics, in its wider sense, decision making in municipalities is also included. It sometimes refers to systems of national referendum and initiative, and an outline of the direct democracy in this sense in Japan is given in this essay. This short essay focuses on one idea which gives foundation to direct reflection of citizens' will in a society, including direct democracy. The idea of "new public," born out of citizens' activities symbolized by Machizukuri in the 1990s in Japan, asserts that citizens are the creator of "public" and it is from this viewpoint that the idea, the basis for the Japanese-type direct democracy, is examined. The idea of "new public," thus, is a redefinition, by citizens, of the dominant Japanese concept of "public."

### **1. "New Public" : the idea and the background of its emergence**

#### (1) Citizens create "public" : How the idea was born

"New public," an expression unique to Japan and born out of a particular time background, has a universality leading to Public. In everyday life of people, instances of "small public" are born continuously out of hopes and wishes they hold.

For instance, until the first half of the twentieth century, the desire of handicapped people and senior citizens needing care to live on their own remained solely a personal one. The first step was made towards a welfare care system when these recipients of help and personal supporters around them chose to open their private sphere and asked the society to share burdens. This was when "small public" was born. "Small public", born out of citizens' will and action to "open private and become public," then gives birth to a horizontal connection between citizens. Chains of will and action thus generate "expansive public," hence "new public." This idea spread between the 1980s and 90s from care recipients and citizen care workers to concerned experts and to citizens and self governing bodies in many areas.

#### (2) Concept of Japanese-type "public"

Because it means creation of "public" by citizens, "new public" is a redefinition of the Japanese concept of "public" by the hands of citizens. Let me explain it.

In the modern state of Japan which started in the late nineteenth century, "public" was monopolized by the state. Let us call in this essay this type of "public" as defined by the state

the “Japanese-type public.” In this “Japanese-type public,” the state comes at the top of “public”, while citizens are defined as “private” most distant from “public.” Here, “public” exists in a vertical, up-to-down relationship.

After the Second World War, adopting the New Constitution<sup>i</sup> which came into effect in 1947, Japan became a modern parliamentary democracy equipped with such institutional frameworks as popular sovereignty, respect of basic human rights (equality of both sexes, female suffrage, etc.), renunciation of war, etc. Even under the New Constitution, nevertheless, monopoly of “public” by the state remained unchanged. The public interest corporation system then, for instance, was one that tied foundations and corporations to a vertically split administrative bureaucracy and supervised them. Moreover, to establish a juridical person, the amount of a few million yen had to be prepared as a fund, and the procedure of establishment took two or three years. This contradiction within the national system still continues to put an invisible constraint on the formation of a civil society in Japan.

## **2. Outline of direct democracy in Japan**

The followings are the existing systems of referendums which constitute the core of direct democracy in Japan:

### 1) Referendums based on the Constitution and other laws

- (1) National referendum for ratification of amendments to the Constitution (Constitution article 96-1)
- (2) Popular vote for enactment of a special law applicable solely to one local public body (Constitution article 95)
- (3) National vote of reviewing the appointment of Supreme Court judges (Constitution article 79-2)
- (4) Popular vote for establishing councils on merger (Law concerning particular cases in merger of cities, towns and villages. article 4-14, 5-21)
- (5) Vote of the electorate concerning a petition demanding dissolution of the assembly (Local Autonomy Law article 76-3)
- (6) Vote of the electorate concerning a petition demanding recall of members of the assembly (Local Autonomy Law. article 80-3)
- (7) Vote of the electorate concerning a petition demanding recall of chiefs (Local Autonomy Law. article 81-2)

### 2) Referendums through enactment of general ordinances based on the Local Autonomy Law Article 14

The Local Autonomy Law authorizes self governing bodies to legislate ordinances on their own.

Between 1979 and 2002, the number of ordinances which “provide the confirmation of residents’ will by referendums on important issues and which were put to consideration by the legislature” amounted to 223, and enactment of ordinances in this manner has spread nationwide in recent years. Opinions are split on whether the referendums should be binding, namely local chiefs and assemblies are obliged to comply with the results, or non-binding and consultative, namely they are merely obliged to respect the results.

Moreover, of a number of petitions for referendums made by residents, only a small portion – less than 20 % - have passed assemblies, showing a conflict between the two different ideas of “public” underlying parliamentary democracy and direct democracy in the form of popular votes.

### **3. Expression and materialization of residents' will through citizen activities: Formation and transformation of the citizen sector**

Insufficiency of the existing referendum systems is apparent. Citizens, municipalities and experts recognizing this are working on improving the systems.

In immediate circles in everyday life of people, at the same time, problems and issues that need to be solved and improved arise almost interminably. Citizens' activities of "small public" have tackled these problems free from the constraint of the Japanese-type "public," and these activities, over nearly a half century up until the start of the 21<sup>st</sup> century, have nurtured a citizen sector with width and density.

#### 1) Formation and transformation of the Japanese-type citizen sector

In the modern history of Japan, the citizen sector has its origin in political movements including the anti-war movement which started after the defeat of 1945. Labor movements played a central role in the 1950s, and the following decade of the 60s was characterized by anti-pollution, anti-urban development campaigns.

As early as the end of this decade, activities of community development emerged in the fields unrelated with the administration. Time moved into the 70s, when citizen activities became popular to materialize new policies and new systems they proposed.

#### (1) Emergence of Machizukuri

Citizens called these activities "Machizukuri." Machizukuri contained a wide range of activities which, in addition to the activists of the movements mentioned above, citizens living an ordinary life in town started from their own will free activities of "small public" that any individual and any group could start at any time inside a community.

From the 1990s on, self-governing bodies came to precede the government in preparing legal systems, one instance being the adoption of Machizukuri ordinances incorporating citizen participation as one of their policies responding to citizen activities.

In the 1990s, the method of "Machizukuri workshop" encouraging dialog-oriented argument and collaboration became an effective tool to promote participation of citizens and local authorities as well as collaboration between them. With the introduction of this new tool, Machizukuri spread around the country in an explosive way.

#### (2) Realization of the NPO Law by citizens: Birth of the NPO sector and challenges it faces

At the end of the 1990s, after a five-year-long movement joined by people from a wide range of fields, the bill of the NPO Law submitted by a group of members of Parliament passed the diet, thus bringing into existence the NPO juridical person system needed to enhance citizen activities.

The Law opened a new world of NPOs, the major supporters of "small public," and a succession of citizen organizations became recognized as NPOs, their number having amounted to 35,000 in a decade after the Law took effect. Activities of NPOs, rich in creativity, have successfully provided services responding to diverse issues arising in the society, and their presence was rapidly recognized. NPOs certainly opened a big world of "new public."

## 2) Widening social differences and the challenges of community revitalization

In the new century, the global economy has been shaking community economies. Due to the market-style policy taken by the government since the end of the former century and the decade-long economic depression and widening social differences witnessed in the first years of this century, the image of Japan as an ever-growing advanced country has enormously changed. An overriding fear of poverty is threatening a number of people.

Besides individual poverty, decaying local communities and local economies, deteriorating welfare and Medicare systems, and the state finance facing bankruptcy combine to magnify a multi-layered crisis.

## 3) Citizens' challenge to "New public" as seen in several instances

How has Machizukuri tackled such structural issues as the formation of social systems confronting the global economy, invention of anti-poverty measures (positions for minors and youths, empowerment, safety nets, etc.), and revitalization of decayed communities?

Let us take a look at several cases and examine wills of people observed there.

### (1) Fighting against shocks caused by the global economy

Activities fighting aftermaths of the downfall 2007 of the global economy are in expansion. Typical instances are getting momentum.

These typical instances include ①efforts to tackle problems of the homeless and poverty, ②programs to provide positions in the society to which minors and youths can belong, a proposal of a society knit closely and not exclusive, and ③a movement to secure children's right to play evolving to complete ratification of the Convention on the Rights of the Child which was adopted by the UN in 1989 and conditionally ratified by Japan in 1994.

### (2) Creating local economic systems

In order to establish local economic systems confronting the global economy, since the late 1990s, ④NPO banks, fundraising associations, grassroots funds, and other organizations have been working to create a monetary circulation system suitable for local economies.

### (3) Converting wastes into resources

Widening efforts since the 1990s of converting wastes into resources include ⑤renovation of decrepit buildings and ⑥NGO projects turning used commodities into international resources, undertakings connected with global environment issues

### (4) Community economies run by rural producers

Many rural producers are now ⑦controlling processing as well as distribution stages themselves and creating sites and networks for communication with urban areas. This is an example testifying to community economies in growth.

### (5) Community economies run by co-ops

Community economies run by cooperatives (co-ops) also attract our attention. Beyond the boundary of consumer movement, ⑧co-ops in urban areas are engaged in a variety of projects, which include working together with producers on production scenes, running workers collectives and welfare juridical persons, giving aid to citizen activities using grassroots funds, establishing NPO banks and systems to save multiple debtors, etc. Through these projects, co-ops are realizing a world of citizens independent from the global economy.

### (6) Community revitalization through grassroots exchange in art

"The Triennial Art Festivals of the Earth" have been held in Niigata prefecture from 10 years ago. In this case, a huge expansion of rural and mountainous regions resulting through cooperation of local authorities was chosen as the site. Artists coming from around the world

settle here, become friendly with residents, work and welcome spectators. These festivals help enhance grassroots exchange in art as well as community revitalization. In recent years, other two cities, having expanded city area resulting from merger, are going to hire this community revitalization method as well as nurture a sense of community in the new city area.

#### (7) Volunteer activities in evolution

Change and evolution of volunteer activities are proved in some instances. Funabashi Alley Club and Komazawa Water Tower Club, both in Setagaya city in Tokyo, have clearly stated purposes and, making good use of the local townscape ordinance, engaged in preservation of good and old landmarks. With aid from Machizukuri Center and other institutions and through the formation of networks with neighboring areas, both groups have made unique and significant achievements.

These recent examples cited above represent activities encompassing a diversity of fields which may lead to the solution of bigger social and economic problems. They are the results of the accumulated actions to tackle differing problems that differing areas pose. Innumerable instances of “small public” widespread in the society will be connected together to form “expansive public,” which then will develop into “new public.”

It may be said that they stand for a form of direct democracy as actions of citizens, if not one as an institution.

### **Conclusion: Placing “New public” at the core of the systems by its supporters**

In the new century, a climate is heightening to create as well as run the future of both citizens and communities by the hands of citizens themselves, reflecting expanding popular will to shoulder “new public.” While our immediate goal in Japan is, through this expansion, to further consolidate the existing direct democracy secured by local ordinances, our fundamental goal is, building on this accumulated solidity, to “place new public at the core of the systems.” This, needless to say, means the realization of a conversion from “public” as a manifestation of state power to “public” as an embodiment of popular sovereignty. This conversion will provide an authentic foundation upon which direct democracy rests.

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<sup>i</sup>. Based on the principle of popular sovereignty, the New constitution adopts the symbolic emperor system. Advocating respect for basic human rights on the basis of the dignity of individuals, the constitution secures various constitutional rights of people. It also provides such national administrative systems as the National Diet, cabinet, judiciary and local autonomy as well as the fundamental national order. The constitution is also characterized by its renunciation of war and non-maintenance of war potential.