



A Look Back at the Summing Up on the Special Abdication Law

Oshima Tadamori, Speaker of the House of Representatives

Speaker of the House of Representatives Oshima Tadamori (72) was first elected in 1983, and has been elected a total eleven consecutive times. He has served as both Minister of Education and Minister of Agriculture, Forestry and Fisheries. He also spent a record 1,430 days as Chairman of the LDP Diet Affairs Committee. More recently, Oshima, with Vice Speaker, President and Vice President of House of Councillors, led a cross-party discussion group of party Diet Affairs Committee Heads set up to devise a bill to address the abdication of his majesty the Emperor. Making ample use of the skills he had honed during his time heading the Diet Affairs Committee, Oshima succeeded in building agreement between ruling and opposition parties.

In this article, Oshima looks back at the days leading up to the creation of the bill.



In August 2016, his majesty the Emperor expressed his wishes regarding abdication. As soon as I saw that video message, I was immediately struck by two thoughts. One was that the issue of abdication must not be allowed to become a party-political issue. The other was that it would be necessary to find points of agreement between the various political parties and groups.

Of course, at that point I did not have any clear idea about how the procedures necessary for abdication to occur might be implemented. But I knew that a change in the law would be necessary before abdication could happen, and that it would be deliberated on in our legislative assembly. I knew that when that occurred, it must not become a political issue. In my capacity as Speaker of the House of Representatives, I issued a statement that summed up my feelings, saying: “I hope that as representatives of the Japanese people... Diet members will handle this issue calmly.” And from that day, the search for a way to create a bill began.

On August 9, 2016, the day after the Emperor’s video message, I had a chance to talk to Prime Minister Abe Shinzo at the Hiroshima Peace Memorial Ceremony. At that time, when I asked the Prime Minister whether he intended to lead the handling of this issue himself, or whether it was better it be centered on somewhere else, he replied that he would “ask Suga.” Then, at a later date when I asked Chief Cabinet Secretary Suga Yoshihide about the

government's policy on the matter, he said that an advisory council would be set up, and that when their discussions got to a certain point they would consult with the legislature.

In fact, at that time I felt a vague sense of unease. I kept wondering exactly how much responsibility the legislature should take over this issue. It is the cabinet's role to advise on and approve the official duties of the Emperor. So, one way to view the abdication issue was that it should also be left up to the Cabinet. Just at that time, I read an interview with Ibuki Bunmei, who had served as Speaker of the House of Representatives before my immediate predecessor. Ibuki pointed out that, according to the constitution, the Emperor can only exist because he derives "his position from the will of the people."

He also stated that: "Regarding whether this difficult matter will be taken up by the ruling-party cabinet (which has jurisdiction over the Imperial Household Agency) or whether it is the Diet (which represents the will of the Japanese people; namely matters that concern the constitution and the nature of the Japanese state), I hope that the speakers of the house of representatives and the House of Councillors will discuss this matter thoroughly with the Prime Minister, and reach a conclusion that will not be a source of historical regret." (*Sankei shimbun*, August 30, 2016.)

He said that responsibility to consider the issue of Imperial abdication and how to ascertain the "will of the people" also lies with the legislature. I think that coming across these opinions of Ibuki helped me shake off any doubts I had.

Work to achieve consensus between ruling and opposition parties began in earnest from the start of September.

Lessons from the "Gasoline Diet"

Unusually, on this occasion the building of consensus between ruling and opposition parties was led by the speakers and vice speakers of the two Diet houses. This was an idea that came up around the end of September during discussions with the House of Representatives Vice Speaker, Kawabata Tatsuo. The starting point for our thinking was experiences of previous Diet paralysis.

Following the first Abe administration in 2007, the ruling party controlled the House of Representatives while the opposition controlled the House of Councillors. In other words, the Diet had become paralyzed. At the time I was working as LDP Chairman of the Diet Affairs Committee. Then during the 2008 Fukuda administration, the government was unable to gain upper house approval for its appointment of a new governor of the Bank of Japan and the post remained empty. This and other events were painful memories for me.

Something that caused even more trouble was fierce conflict between the ruling and opposition parties on a temporary gasoline tax rate to provide special funding for roads —

a situation that became known as the “Gasoline Diet.” On that occasion, the impasse between ruling and opposition parties was broken thanks to a mediation plan drawn up by the Speaker of the House of Representatives, Kono Yohei, and the Speaker of the House of Councillors, Eda Satsuki.

On the basis of these experiences I concluded that, when faced with a major issue that concerns the formation of national policy, it was good for the speakers of the two houses to cooperate and decide on matters.

Fortunately, thanks to discussions led by the four speakers and vice speakers of the two houses, we were able to achieve agreement during the course of that year. In this way, we four brought all the parties and groups to the table and were able to come up with a roadmap towards the setting up of a “joint committee regarding the deals of the legislature to imperial abdication and other issues.”

I had a vision of what that joint committee would look like; namely, a perfect example of solemn debate. But it didn’t get off to what you might call a smooth start. At one point, it got so bad that participants were making angry remarks, such as, “if it goes on like this, we will not be able to participate in this session.” The root cause was a backlash against a report which detailed the deliberations of the Advisory Council on Easing the Burden of the Official Duties and Public Activities of His Majesty the Emperor (hereafter Advisory Council) set up by the government.

Backlash to the advisory council

Around the time that I was listening to the opinions of different individuals in the speaker’s official residence, the government’s Advisory Council had held its first meeting on October 17, and promptly commenced its deliberations.

Of course, setting up an advisory council was a natural thing for the government to do when considering its response to the abdication issue. As I mentioned earlier, I heard about the government’s intention from Chief Cabinet Secretary Suga early on, and I also heard about their schedule for issuing an interim report. Personally, I believed that accepting the interim report then deliberating on it in the Diet was one of the available options. But as the Advisory Council held its third and fourth meetings, and the media started to report the contents of its interviews with specialists, various parties and groups began to express a fierce reaction.

Behind this were the various statements of Mikuriya Takashi, an Emeritus Professor at the University of Tokyo, and the Advisory Council’s acting chair. Professor Mikuriya also served as the Advisory Council’s spokesman, and each time it met he briefed the media on the contents of its deliberations. Hearing the way he spoke, Diet representatives reacted

strongly to his attempts to indicate a certain course of action without waiting for deliberation in the Diet.

Personally, when I heard Professor Mikuriya's comments in the media, I felt that he was trying to move things towards a particular conclusion; namely, addressing the issue via a special case law to permit a one-off abdication.

In a *Yomiuri shimbun* interview on December 24, Professor Mikuriya stated that, "we have got to the point where we anticipate a special case law." About this time, there was a burst of anger from the various parties and groups. They felt that the Diet, in being expected to receive the interim report then deliberate on it, was virtually being treated as a subsidiary organization of the government.

Politics is an activity conducted by living, breathing human beings. Sometimes, the psychology of politicians (and the psychology of the political parties which together they make up), can greatly influence the political situation. Around that time, we had finally started to create a space for calm discussion, but the Advisory Council was moving quickly ahead with its discussions and was deciding on a course of action. Having become extremely concerned that calm discussion in the legislature would be impossible, I decided that the Diet should of its own accord set up a joint committee, stage a full debate, and treat the Advisory Council's interim report as nothing more than reference for that. I informed Chief Cabinet Secretary Suga of this course of action.

I think that the government also well understood that the abdication issue must be considered in a calm environment. But if so, frankly I rather regret that they didn't consider that from the beginning when dealing with the Advisory Council. Nevertheless, even now I am grateful that Chief Cabinet Secretary Suga accepted my course of action and made the political decision to temporarily suspend the Advisory Council while discussions took place in the legislature.

And so, in January 2017 the joint committee finally made its formal start, and discussions by the legislature could begin.

Once proper debate had begun, on February 20 we four speakers and vice speakers of the two houses invited individual members of the various parties and groups to the speaker's official residence to hear their opinions. But of course, the different parties and groups had different opinions.

The most significant point of contention was whether a one-off abdication implied the need for a strong one-off law, or whether we should revise the Imperial Household Law and create a permanent system that enables abdication. The ruling LDP favored the former option, while the Democratic Party and Communist Party favored the latter. I couldn't help but sigh when faced with this situation.

One of the members, Noda Yoshihiko (Secretary-General of the Democratic Party) had

interviewed experts while he himself was Prime Minister, and as a result determined on the policy that “the establishment of female Imperial houses” should be considered. Since he had this experience of a rigorous attempt to deal with Imperial succession, he was as keen as anyone to address the Imperial House issue. Secretary-General Noda was strongly in favor of revising the Imperial Household Law. Day after day, I wracked my brains as to how we might find points of agreement.

If things stayed as they were, there would be little hope of moving things forward despite repeated discussion in the joint committee. Therefore, I organized the points of contention under six headings that included: the appropriate role of the symbolic Emperor; views concerning abdication, and the appropriate role of legislation. I asked each party to present opinions for each heading, created a table, and worked to move forward by increasing the number of points of agreement.

Nevertheless, debate on the crucial issue of whether there should be a special case law, or whether there should be revision of the Imperial Household Law remained in deadlock, and time was passing quickly. It was during a March 2 joint committee meeting, and with a statement from Vice-President of the LDP, Komura Masahiko, that the tide changed.

“[A special-case law] by no means precludes abdication by a future Emperor,” he said.

This was a sign that the LDP had approached a step closer to the position of the Democratic Party and Communist Party, which was to create a permanent abdication mechanism via revision of the Imperial Household Law. His statement came at a very good time. What’s more, the next day Secretariat Head of the Communist Party Koike Akira expressed approval towards Vice-President Koike’s statement and suggested that his party would take a flexible stance regarding a special case law. Possibly influenced by this, arguments in favor of this spread within the Democratic Party, and we were able to begin discussing concrete proposals for a special case law. Looking back, Vice-President Komura’s statement came at a crucial point in the search for consensus between the ruling and opposition parties. Likewise, Secretary-General Noda did a huge amount to bring his party together on the issue.

Thus, during the March 17 joint committee, the speakers and vice speakers of the two Diet houses devised a summing up of opinion with use of a special case law as a key element, and handed it to Prime Minister Abe.

In addition to the eight joint committee meetings that took place, I personally held more than 80 meetings with relevant individuals from the various parties and groups. Unbeknownst however, repeated discussions were going on behind the scenes. I believe that it was this accumulated exchange of opinion, and the cooperation of all the individuals involved, that eventually enabled a consensus in the Diet.

The need for political skill

After the summing up had been presented to the government, and then the Advisory Council's final report issued, finally it was time to start discussion towards creating a draft bill. For us, it was necessary for the government to thoroughly accept the conclusion of the legislature as the will of the people, then reflect that in a draft bill. The important thing here was to make sure the Diet and the government were not in a relationship where one was perceived as being above the other. Some political skill was needed to ensure we maintained a certain distance from the government, yet still allowed the government to appreciate our summing up.

Having said that, I did not personally have any direct dealings with Prime Minister Abe regarding the contents of the bill. This was because the Speaker of the House of Representatives needs to maintain a fair and neutral standpoint, and I felt it was not appropriate for a speaker to make various comments directly to the government. Fortunately, when I handed over the summing up to Prime Minister Abe, he said that he would deal with it as a matter of utmost importance.

Since specialist expertise in lawmaking was required to form the basic structure of the bill, three members of the Diet worked alongside government officials. These were: Chair of the LDP Policy Research Council, Motegi Toshimitsu; Komeito Vice President, Kitagawa Kazuo; and Mabuchi Sumio, head of the Democratic Party's committee on investigating the imperial succession issue.

It was during this work, on the morning of April 14, that a particular newspaper article stunned the various political parties involved. What appeared to be the outline of the government special case abdication bill, which I was yet to be briefed on by officials, was reported in detail.

Following this, the three members continued with their meetings and finished most of their summing up. But one issue remained: and that concerned the bill's name.

This was because our summing up included the name of the bill as the "Special case imperial household law regarding abdication of the Emperor and other matters." On the other hand, in reports on the outline of the special case law, "Emperor" had been changed to "his majesty the Emperor." This may seem like a trivial change, but the reason that we in the Diet agreed that it should be "Emperor" was because we could imply that a precedent would be set. The wording "his majesty the Emperor" gave the strong impression that the law would only apply to the current Emperor. According to the consensus in the Diet, this was not a point that allowed any compromise.

Among those who expressed their indignation openly was Vice Speaker Kawabata. When we met face to face he was unable to conceal his anger.

“Why is the legislature granted authority?” he asked. “What do you think the responsibility of the Speaker of the House of Representatives is?”

Vice Speaker Kawabata was absolutely right. Personally, I received exceptional cooperation from everyone and barely managed the summing up. It would have been inexcusable had the consensus broken apart at this late stage. I was filled with such feelings. Therefore, I decided that I had no choice but to take matters personally in hand. I asked Chief Cabinet Secretary Suga to remove the words “his majesty.” “This is the only issue,” I said. “I would like you and the Prime Minister to consider your response to this one item.”

My opinion on this issue was conveyed to Prime Minister Abe via Chief Cabinet Secretary Suga. Then ultimately, we were able to gain the understanding of Prime Minister Abe and removing “his majesty” was agreed. I felt a deep sense of relief when that happened.

Meanwhile, there was one other important matter. His majesty the Emperor’s expression of his wishes had prompted debate not just on the nature of the Emperor, but also on stable succession to the Imperial throne. A supplementary related resolution adopted during the drawing up of the special case law referred to this.

“Regarding the various issues related to assuring stable Imperial succession and the establishment of female Imperial houses etc... after this bill passes into law the government will quickly consider these issues based on the situation of members of the Imperial family and while aiming to maintain overall consistency, then swiftly report those results to the Diet.”

When drawing up this supplementary resolution, we paid particular attention to two wordings. One was the “etc.” that followed “female Imperial houses.”

The Democratic Party had requested that the supplementary resolution contain specific references to female Imperial houses. What’s more, even the LDP (which one would expect to be cautious about female Imperial houses) expressed an opinion during the joint committee meetings that the issue of female Imperial houses should also be considered. Meanwhile, some minority groups pushed for former Imperial houses to return to the Imperial family.

So even though the different parties and groups had different opinions, there was a shared awareness of the need to seriously consider the issue of stable Imperial succession. I believed that this “etc.” was a way to include the views of all the parties and groups.

The second wording was “after this Act comes into effect.” Although stable Imperial succession is an important issue which we need to consider, I believe that starting discussion immediately is impossible. When the current Emperor ascended to the Imperial throne I was serving as Deputy Chief Cabinet Secretary in the Kaifu Toshiki administration, and from that experience I was very aware how difficult a change in Emperor was. I was swamped by an enormous amount of work related to the enthronement ceremonies. We can

expect there to be considerable amount of preparation work for the coming abdication too. For that very reason, I believe it is the duty of the present government to first ensure that the abdication of his majesty the Emperor proceeds completely smoothly.

At the same time, once the abdication of his majesty the Emperor has been respectfully seen through, and once the new Emperor is in place, there will be new feelings on the issue and it will be necessary to conduct a debate that involves the Japanese people. In that sense, we paid particular care to the phrase, “after this Act comes into effect,” and the special case abdication law passed into law on June 9.

Second-time representatives with no experience of opposition

As I mentioned before, during the process of gathering consensus I organized the points of contention into six categories and canvassed opinion from the various parties and groups. In this way, through a process of discussion we were able to clarify small differences between the parties’ views, then use that to work towards forming a consensus — and looking at the current Diet, I feel that it would be good to make a little more use of such an attitude and method.

For example, take the ordinary Diet session that concluded on June 18, 2017. Regarding a change to the structural elements of criminal conspiracy, and the addition of the crime of preparing terrorism to the Act on Punishment of Organized Crimes and Control of Crime Proceeds, the attitude of government and opposition parties was strongly confrontational. If things went that way, major political divisions might have come about. As the Speaker, I hope to clarify the specific differences of opinion, then work towards constructive debate and the forming of a consensus.

In the first place, and to put it somewhat strongly, debate in the Diet is a stage for the opposition parties. Although the amount of time for questions is allocated according to the number of people in each group, the government parties have far more representatives, so it is customary for their time to be considerably curtailed. So, the question is: what use can the opposition make of their extra time for questions? On the other hand, one hopes that the ruling parties will show a tolerant attitude, taking the stance that decisions will be made only once debate has finally run its course.

From 1993, and again from 2009, I have twice experienced being in opposition: four years and two months in total. During those times, my main objective was to do whatever it takes to regain power. Yet if I think back, I feel that that tough experience of thinking out what I can actually do as an opposition representative has given me a starting point for my actions today.

We are now seeing a series of scandals involving a number of representatives of the LDP

on their second term in office, and there is criticism of them. Something these representatives have in common is that they have no experience of being in opposition during those difficult times.

I wouldn't say it is a good thing to go into opposition. Nevertheless, both ruling party and opposition Diet representatives have been given the same responsibility by the Japanese people. I would like all our Diet representatives to be very aware of that fact.

I started out as a member for Aomori Prefectural Assembly and have served as an LDP representative for almost forty years. In April 2015 when I became Speaker of the House of Representatives, the advice I heard most from my predecessors in the role was that, "The Speaker is the head of the legislature, the supreme organ of national sovereignty; and that is why he must be just, fair, and impartial." It really is difficult to know how to maintain distance from the LDP or the cabinet. Every day I consider the advice I have received from my predecessors and reflect on my actions.

Working as Diet representatives means we wield power, but it is power that has been entrusted to us by the Japanese people. If we forget that, we risk misusing that power. I must do my job of running the Diet with a consciousness that the eyes of the Japanese people are upon me. I am painfully aware of that every day.

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