



Examining the Upper House's Raison d'Être in Connection with Koizumi's “Postal Dissolution”

Siey's bicameral dilemma

“If a second chamber dissents from the first, it is mischievous; if it agrees, it is superfluous.” So remarked the French philosopher Abbé Sieyès during the period of the Revolution. If the two chambers act in concert, the second has no purpose. On the other hand, if the second chamber asserts its independence and stops the first chamber from acting, the legitimacy of the second chamber is called into question. This is the dilemma of a bicameral system such as we see in Japan, whose National Diet consists of two chambers, the House of Representatives and the House of Councillors. The problem struck especially close to home around the time of the “Koizumi Postal Dissolution” of 2005. How should we view a situation in which the Upper House rejects a key piece of legislation that has passed the Lower House?

First, let's examine the rationale underlying the adoption of

the bicameral system. A fundamental tenet of political deliberation and decision-making is the idea of political equality. Under this principle, each citizen's opinion is supposed to carry exactly the same weight in government; in the context of elections this means “one person, one vote.” Recently, moreover, the issue of equal weight for every vote has been raised, as people have argued that the value of a vote should be the same for every electoral district.

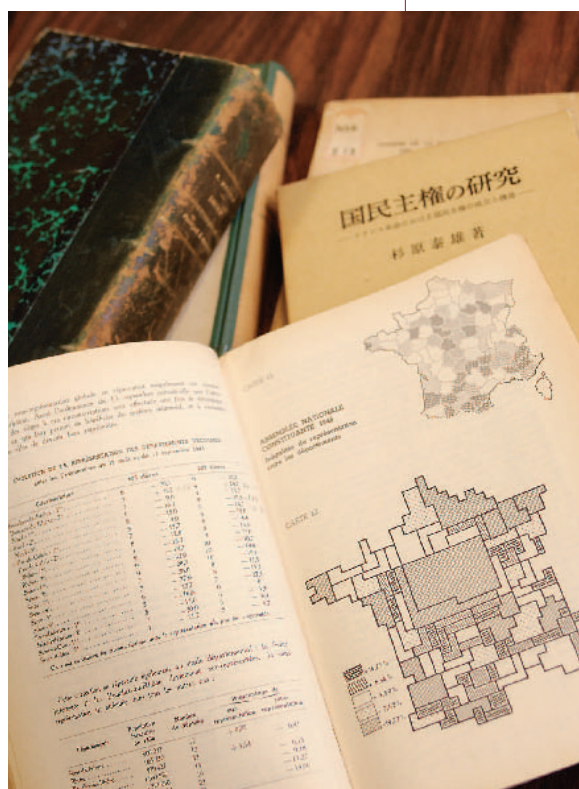
To some degree, political equality has existed ever since the adoption of universal suffrage. Yet people have often expressed doubts as to whether universal suffrage alone can capture the diversity of popular opinion. For example, there are those who advocate “functional representation,” insisting that economic and professional interests should be represented in a way that is impossible under current concepts of political equality.

Although people commonly refer to European countries as “nation states,” there are in fact

many instances in which a single state is constituted from people of varying ethnicities, languages, and religions. Many people believe that if people of particular ethnicities or religions are concentrated in particular regions of a country, each such region should have political representation.

In such cases, dividing the legislative assembly into two chambers can be a way of giving voice to groups that might not be heard in a single assembly whose members are elected according to the principle of political equality based on population. That said, in reality, second chambers are not always established in keeping with such principles; more often they are the product of compromise among contending forces.

Worldwide, there are a considerable number of countries



Masahito Tadano
Professor, Graduate School of Law

with single-chamber systems as well. However, when the population exceeds about 10 million, there is a tendency for countries to adopt a bicameral system. This is probably because they have found from experience that once the population reaches a certain size it becomes difficult to make the will of the people heard through a unicameral legislature, and they have responded by adopting a bicameral system. Even among smaller countries, those with a federal government generally have a bicameral legislature.

Parties and electoral systems - filtering popular opinion

In politics, popular opinion does not usually find its way into government directly. To some degree, the will of the people is filtered and boiled down so that those opinions worth representing can be acted on. The manner in which this filtering mechanism works is therefore a key to putting the will of the people to work in government.

Political parties perform this filtering function. However, if the system gives political parties too dominant a function, the popular voice as filtered through the parties becomes too fixed, and new ideas are unlikely to be taken up.

In Europe, political parties mirroring society's basic conflicts and oppositions emerged around the time universal suffrage was adopted. Japan, however, did not really go through this process. For this reason, the Japanese may need to begin to give more thought to the proper role of political parties.

Another institution that performs an important role in filtering popular opinion is the electoral system. The people's voice will be heard differently depending on whether one adopts single-seat districts or a proportional representation system.

For Japan's House of Representatives, a system centered on single-seat districts was adopted with the aim of developing a two-party system. Yet fundamental doubts linger as to whether popular opinion can be adequately reflected within such a framework. A proportional representation component has been added as well, but is this really sufficient?

The role and meaning of the House of Councillors has received considerable attention of late amidst the debate over revision of the Japanese Constitution. It has been said that Japanese House of Councillors was relatively powerless. However, one thing we have learned from the 1990s, when the opposite parties had a majority at the House, is that the House of Councillors is by no means powerless. For the House of Representatives to pass legislation rejected by the House of Councillors requires a two-thirds majority. This raises a major obstacle, indicating that the House of Councillors in fact possesses considerable political power.

Under these circumstances, some people have proposed making the House of Councillors weaker. But before making

such a change, we must ask why our Constitution established a strong House of Councillors to begin with. The main point of my argument is that we need to understand the significance of a strong House of Councillors. Limiting the powers of the House of Councillors seems to be a simple and straightforward approach, but it will not solve our problems on a fundamental level. The point of having two legislative chambers is to encourage compromise. If the two chambers are in disagreement, the thing to do is convene a conference committee of both chambers and iron out the differences in the public forum of the Diet.

Further, because popular opinion is changing, not fixed, a different popular opinion may find its way through the filter depending on when the election is held, even if it is held under the same system. One function the House of Councillors is expected to perform is to help reconcile different levels of popular opinion and interpret their subtle nuances.

Was Koizumi's "postal dissolution" appropriate?

The French use the word *plebiscite*, as distinct from a typical referendum. A referendum becomes a *plebiscite* if it is used to gauge public confidence in a political leader. The "Koizumi postal dissolution" of 2005 was very much in the nature of a plebiscite. There were many reasons for various politicians' opposition to Koizumi's plans to privatize the postal system, but the Prime Minister's dissolution of the House of Representatives to seek a public mandate resulted in oversimplification of the issues. While some might call such election timing "direct democracy," it is questionable whether complex issues should be settled in this manner.

The trend in Japanese politics over the past decade or so has been toward strengthening the leadership of the Prime Minister. The idea is to narrow down the choices, let the voters choose among them, and then allow the winning side to exercise its leadership. This is called a "manifesto election." If one believes that mandate elections are desirable, then one is likely to view the "Koizumi postal dissolution" in a positive light. However, this raises the question of why the Prime Minister stepped down in September 2006.

The question remains, can the popular will truly be heard at the national level under today's political system? I believe that the best choice for Japan in the years ahead is a proportional representation system. The reason is that it is consistent with the ruling structure established by the Constitution of Japan, in which people representing diverse viewpoints gather in the National Diet to decide political policy.

To conclude, I believe that, in its intended form, the current bicameral system makes good sense. The challenge for us now is to create the conditions under which it can function as it was intended to.