

Bill of Rights – Comparing United States and Japan

Japan does not have a separate “Bill of Rights,” per se. They do, however, have individual rights clearly spelled out *within* their constitution. This, I believe, is in large part due to the fact that their constitution was drawn up in 1947, after their defeat in World War II, and largely written by representatives of the United States.

Japan’s individual rights are outlined in Chapter III of their constitution, which is composed of Articles ten through forty. Many of the articles are, not surprisingly, very similar to those outlined in the American Bill of Rights. For example, Japan’s constitution guarantees the right to “life, liberty, and the pursuit of happiness” in Article 13. Sound familiar? Article 14 of the Japanese constitution guarantees equal rights to all the people. Article 16 guarantees the right to petition, which is in the 1st Amendment to the U.S. Constitution. Article 20 states the “Freedom of religion is guaranteed to all,” similar to our first amendment. Article 21 guarantees the right to peaceably assemble. Article 29 guarantees the right to private property. Article 32 guarantees a right to trial. Articles 33 through 35 outline prohibitions against illegal search and seizure without a warrant. Article 37 states, “In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.” Similarly, Amendment VI of the U.S. Bill of Rights states, “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury....” Article 38 states that “No person shall be compelled to testify against himself,” much like our 5th Amendment.

The individual rights listed in Japan’s constitution go further than the U.S. Bill of Rights, including many of the Amendments that were made to the U.S. Constitution after the original Bill of Rights had been ratified. Some of these include universal suffrage in Article 15 and the prohibition of slavery in Article 18.

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Other rights listed in the Japanese constitution are not in the U.S. Bill of Rights at all. These include the right to live where you want and work at whatever occupation you want, the right to academic freedom, the right to marry who you wish based on mutual consent, the right and obligation to work, the right of workers to organize, the right to equal education for boys and girls, and free public education. Also, in Article 14, it is stated that, “there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.” The inclusion of *sex* in this list seems to be what the promoters of the ERA wished for, but were denied late in the last century in the U.S. One of the most interesting articles in the Japanese constitution, I believe, is Article 25, which states, “All people shall have the right to maintain the minimum standards of wholesome and cultured living.”