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## Asura's Three Faces?

—Nation State, Multicultural State and Sovereign State in Japan— (2)

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### V. Three Autonomies

The concept of “autonomy” is polysemic, depending on the academic field. To approach this difficult concept of autonomy, let us have a brief look at a classical philosopher's thinking. Immanuel Kant, a German

philosopher and one of the central Enlightenment thinkers, drawing on Jean-Jacques Rousseau, asserted that “*Autonomy*” and “*Heteronomy*” are conflicting concepts. *Autonomy* is about the right for one to make his or her own decisions, excluding any interference from others. *Heteronomy* refers to an action that is influenced by a force outside the individual; in other words the state or condition of being ruled, governed or under the influence of another<sup>(1)</sup>. Simply, the former is about self-determination; the latter is a determination influenced by another. Kant considered heteronomous actions to be nonmoral; that is, self-determination was essential for him.

The word “self-determination” is often explained as “sovereignty”. Because of the convertibility in some contexts of these two key terms, autonomy and sovereignty, I will try to approach this idea of autonomy as the help for finding the thought of “sovereignty” by searching for it in three different societal dimensions: individuals (V-1.); local government (V-2.); and central government (V-3.).

## V-1. Individuals

In the current Japanese Constitution (hereinafter, JC), one of the most important principles is the sovereignty of the people. This principle is provided in the Preamble of JC<sup>(2)</sup> and Article 1 of JC<sup>(3)</sup> as follows:

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- (1) For example, Immanuel Kant's *Kritik der praktischen Vernunft* was first published in 1788 by Johann Friedrich Hartknoch in Riga. This current paper uses a recently published version of this book by Anaconda Verlag GmbH, Köln, 2011, p. 46.
  - (2) First paragraph of the Preamble of the Japanese Constitution says: We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. (underlined by author)
  - (3) Article 1 of JC. The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with

“sovereign power resides with the people” and “the people with whom resides sovereign power”. It was a revolutionary<sup>(4)</sup> moment when the legal status of the Japanese people transformed from “Japanese subjects<sup>(5)</sup>” of the Emperor<sup>(6)</sup> in the Meiji Constitution of 1890 to “the people with whom resides sovereign power” in the new Constitution of 1946 after WWII. But what a meaning does this change have?

The possible answer to this question will be discussed precisely later (VII). For preparation for this investigation, let me now start with the origin of the word, “sovereignty”. Sovereignty could be an anachronistic concept that originates in bygone times when society consisted not of “citizens”, but of “rulers” and “subjects”. For this thought of sovereignty,

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whom resides sovereign power. (underlined by author)

- (4) Toshiyoshi Miyazawa had given his theory “August Revolution”, trying to solve a difficulty of the interpretation of an amendment from the Meiji Constitution to the JC. According to him, as the Japanese government accepted the Potsdam Declaration in August in 1945, a sort of legal revolution happened to the Meiji Constitution. Toshiyoshi Miyazawa, *Hachigatsu Kakumei to Kokumin Syuken Syugi* [August Revolution and Principle of the people’s sovereignty], *Sekai bunka* [world culture] 1946, Vol. 1, No. 4, p. 70. See also, John W. Dower, *Embracing Defeat: Japan in the Wake of World War I*, 2000. Especially Chapter 13 explains this revolutionary process, p. 379 ff.
- (5) The title of the chapter II of the Meiji Constitution was “Rights and Duties of Subjects”. In this chapter, the term “the Japanese subject” was used. For example, Article 18 of the 1890 Meiji Constitution provided: The conditions necessary for being a Japanese subject shall be determined by law. For this translation, see <http://www.chukai.ne.jp/~masago/meiji.html>.
- (6) In the Meiji Constitution, the same word of “sovereignty” as the English translation for “*shuken*” in JC was not seen. However, from expressions regarding the Emperor in some articles and the entire interpretation of this Constitution, it was obvious that the Emperor had sovereign power. Cf. Articles 1 and 4 as below. In article 4 we can see the word “sovereignty” as the English translation for “*tôchiken*”, though.

Article 1 of Meiji Constitution: The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.

Article 4 of Meiji Constitution: The Emperor is the head of the Empire, combining in Himself the rights of sovereignty, and exercises them, according to the provisions of the present Constitution.

the Treaty of Westphalia in 1648 became the cornerstone of international relations between nation states. Over time it has been largely accepted, that the “Westphalian system” constitutes the fundamental principle of international law that each state has sovereignty over its territory and domestic affairs; this is to the exclusion of all external powers, on the principle of non-interference in another country’s domestic affairs, and that each state, no matter how large or small, is equal in international law. This Treaty was the first occasion to be acknowledged as the birth of the concept of state “sovereignty”, which newly recognized that state possessed at the international legal level<sup>(7)</sup>. However, then, there was nothing to do with people in connection with “sovereignty”. In other words, there was no image of “people’s sovereignty” at that time. It took more than one century to realize popular sovereignty after the advent of the concept of “sovereignty”. It was during the process of the French Revolution, through the overthrow of the then King, who occupied sovereignty, that the belief occurred that people retain sovereignty. At this moment, people are required to be “autonomous individuals” with responsibility for their self-determination, and that is a crucial condition for becoming a “citizen”.

Based on this legal development of the concept, that Japanese people shall have “sovereign power”, they must also become autonomous individuals. To be “citizens”, they must think and determine by themselves in their political life.

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(7) From the perspective of an international political relationship scholar, Endo argued that the concept of a sovereign state puts great emphasis on evaluating of the Westphalian Treaty, as if it is privileged there. Cf., Seiji Endo, *Fukusû no Genjitsu to Taikô suru Gensetsu* [Discourse, which counteracts some Realities], in: Norihisa Yamashita, et al. (eds.), *Uestofaria Shikan o Dakkô Suru* [Deconstructing the Westphalian Discourse: International Relations as Historiography] 2016, p. 211 f. In attempt to approach the real meanings of the Treaty by revising the Westphalian Treaty historically, the tremendous work of Akashi is worth referring to. Kinji Akashi, *Uestfaria Jôyaku: Sono Jitsuzô to Shinwa* [Westphalian Treaty: Its Real Image and Mythology], 2009.

From the perspective of “sovereignty”, what kind of relationship is to be seen between the state, which was the original holder of “sovereignty”, and individuals, who are the new holders of it? Through democratic devices (e.g., elections), the sovereign power of people is entrusted to the representatives of the state. In the institutional framework of the state, each organization (e.g., legislature, administration and judiciary) has the responsibility to maintain and guarantee the rights of the sovereign people. In this sense, to maintain the real function of the sovereignty, the state and its individuals are both responsible for the existence of itself and the other.

## V-2. Local Government

French constitutional theory has been greatly affected by Jean-Jacques Rousseau, who insisted that sovereignty must be one and cannot be divided. As a result of this theory, two important factors must be taken into account. First, at the level of general will, general will is a collective will that targets the common good or common interest. According to Rousseau, freedom and authority are not contradictory, since legitimate laws are made based on the general will of the citizens. The individual citizen, in obeying the law, is thus only obeying himself as a member of the socio-political community. Second, at the level of governmental organizations, the centralized state, which has sovereign power, is regarded as indispensable because the bipolar structure of the central government and individuals is a basic (and fundamental) idea of sovereignty; middle entities, such as local governments, cannot exist as sovereign subjects.

In the Japanese constitutional scholarship, Rousseau’s ideas have been fiercely disputed. One of the elements of this argument is whether Rousseau’s concept should be adapted to local self-government, which had been newly introduced in Chapter 8 of JC at the time of its enactment in 1946<sup>(8)</sup>. Despite such a dramatic change for local

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(8) Cf. Hiroshi Ôtsu, *Bunken Kokka no Kenpô Riron*, [Constitutional Theory of

governance at the constitutional level, at least provisionally, the actual system of the local administration has for a long time not changed for the better. In other words, the previous centralized system has continued since the introduction of local self-government<sup>(9)</sup>. An enormous transition came only in the early 1990s. The movement to reform and decentralize Japanese governance started with an initiative of the Japanese government. Eventually, the enormous revision of the Local Autonomy Act of 1947<sup>(10)</sup> was achieved through the new “Act on the Amendments of Related Laws to Promote Decentralization<sup>(11)</sup>”. After this accomplishment, due to the expansion of this reform, the Japanese government kept advocating “local sovereignty<sup>(12)</sup>”. Although, based on Rousseau’s theory, the use of the word “sovereignty” in the phrase “local sovereignty” is wrong,<sup>(13)</sup> it could offer a new perspective. I would like to point out three aspects in this regard.

First, from a practical view, according to the direction of the reform, we should at least utilize the results of the decentralization reform, including the concept of “local sovereignty”, to realize the local government’s autonomy, where residents can easily experience their contribution as members of the local community towards the local politics and for

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the Decentralized State] 2015, p. 55 ff.

(9) Yoshiyuki Yoshida describes these processes and their problems, which author can agree with. See, Yoshiyuki Yoshida, Authority of the National and Local Governments Under the Constitution, in: Percy R. Luney, Jr., and Kazuyuki Takahashi (eds.) Japanese Constitutional Law, 1993, p. 109 ff.

(10) Act No. 67 of 1947.

(11) Act No. 87 of 1999.

(12) This phrase is not a new one but was originally used by “innovative municipalities [*Kakushin Jichitai*]” which were very active in realizing the local self-government in their own way in the 1960s and 1970s. To know the whole picture of this activity, *Zenkoku Kakushin Shichōkai, Chihō jichi sentā* [Nationwide innovation Mayor’s Association, Center of Local Self-government] (ed.) *Shiryō · Kakushin Jichitai* [Documents, Innovative Municipality] vol. 1 (1990) and vol. 2 (1998) are very useful.

(13) Same critic by Junko Iijima, *Chihō Jichi Ron* [Theory of Local Autonomy], Hōgaku Kyōshitsu 2010, No. 357, p. 16.

a step towards a more democratized society<sup>(14)</sup>.

Second, from the linguistic perspective, “autonomy” stems originally from the word *autonomia*. This word is derived from a compound word, *autonomos*, which comprises the two words; *autos* of Greek, which means “self”, and *nomos*, which means “law or norm”<sup>(15)</sup>. According to the actual usage of this word in ancient Greece, “[i]n internal affairs, it means the state of affairs where a community<sup>(16)</sup> is responsible for its own laws; in this sense it [...] means self-determination<sup>(17)</sup>”. Taking this position, a local government can naturally be a holder of autonomy.

Third, from the theoretical perspective, based on Rousseau’s model, central and local governmental bodies cannot co-exist; preserving the integrity of one state, on the one hand, while exercising local autonomy, on the other hand, is a very complex proposition. Some ambivalent cases could occur where the decision of the central government and that of the local government is not in accord. However, the comparative aspect could produce some answers to this question.

The Federal Constitutional Court of Germany has proposed one concept, “subdivided democracy [*die gegliederte Demokratie*]” to solve the tension between the integrity of democracy in a land and the right of self-government in a legal case<sup>(18)</sup> where a land in Germany (in this case, the Land of Schleswig-Holstein) had changed its election law, which gave voting rights and citizenship to some foreigners. The Court held that such an amendment was unconstitutional, and the court recognized the legal status of the local entities [*Gemeinde*] as a part of the state by emphasizing the nature of Article 28 of the German Basic Law<sup>(19)</sup>, which

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(14) See also, Towa Niimura, Decentralization Reform in Japan, *Seikei Hôgaku* 2018, No. 89, p. 238 ff. [http://repository.seikei.ac.jp/dspace/bitstream/10928/1091/1/hougaku-89\\_238-225.pdf](http://repository.seikei.ac.jp/dspace/bitstream/10928/1091/1/hougaku-89_238-225.pdf)

(15) C. T. Onions, (ed.), *The Oxford Dictionary of English Ethymology*, 1966.

(16) Underlined by author.

(17) Simon Hornblower and Antony Spawforth (eds.), *The Oxford Classical Dictionary*, 3rd ed., 1996.

(18) BVerfGE 83. 37. 54.

(19) In German “Basic Law [*Grundgesetz*]”, which is considered as Germany’s

guarantees the existence of local entities and their democratic structure. This decision has been widely acknowledged by German public law scholars<sup>(20)</sup>, in general. Of course, the federal system of Germany is different from the French centralized republic system, but regarding the integrity of the sovereignty of the people and, therefore, of democracy, both states have similarities. So does Japan. Interestingly already in 1970s, a very similar theory, namely, “branched democracy [*bunsetsu gata minsyu syugi*]” was introduced by a Japanese political scholar, Keiichi Matsushita<sup>(21)</sup>. He denied a former, solid, centralized state system,

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Constitutional Law, Article 28, provides Land Constitutions and autonomy of municipalities as below, translated in English:

- (1) The constitutional order in the Länder must conform to the principles of a republican, democratic and social state governed by the rule of law within the meaning of this Basic Law. In each Land, county and municipality the people shall be represented by a body chosen in general, direct, free, equal and secret elections. In county and municipal elections, persons who possess the citizenship of any member state of the European Community are also eligible to vote and to be elected in accordance with European Community law. In municipalities a local assembly may take the place of an elected body.
- (2) Municipalities must be guaranteed the right to regulate all local affairs on their own responsibility within the limits prescribed by the laws. Within the limits of their functions designated by a law, associations of municipalities shall also have the right of self-government in accordance with the laws. The guarantee of self-government shall extend to the bases of financial autonomy; these bases shall include the right of municipalities to a source of tax revenues based upon economic ability and the right to establish the rates at which these sources shall be taxed.
- (3) The Federation shall guarantee that the constitutional order of the Länder conforms to the basic rights and to the provisions of paragraphs (1) and (2) of this Article.

For this English translation of provisions, see, [https://www.gesetze-im-intern.et.de/englisch\\_gg/englisch\\_gg.html#p0148](https://www.gesetze-im-intern.et.de/englisch_gg/englisch_gg.html#p0148)

(20) For example, E. Schmidt-Aßmann, *Verwaltungslegitimation als Rechtsbegriff* [Administrative Legitimation as Legal Concept], AöR 116, 1991, S. 329 ff., S. 381.

(21) Matsushita Keiichi, *Shimin Jichi no Kenpô Riron* [Constitutional Theory of the Citizen's Autonomy], 1975.

which includes local municipalities as one part of the state's administrative body. Instead of this, he asserted "citizens' autonomy [*shimin jichi*"]". He also insisted that the implementation of local democracy can be achieved only through citizens who are rational and self-determined. He drew his inspiration from the famous book of John Locke, *Two Treatises of Government*<sup>(22)</sup>. Matsushita created the term "citizens' autonomy", advocating that citizens themselves can realize a truly autonomous society. Regarding the concept of government, he distinguished two levels of government: local and central. He insisted that in a society that is autonomously governed by its citizens, both the central government and the local government have sovereignty. In other words, through segmented sovereignty<sup>(23)</sup> by way of branched democracy, conflict that occurs from the nature of sovereignty, that cannot be separated, is solved, and the whole state is substantively governed.

### V-3. Central Government

In political theory, the "autonomy of the state" is often expressed as "state sovereignty". I simply put "the autonomy of the central government" here, referring to the central government as a natural subject that enjoys sovereignty because of the origin of the two words of autonomy and sovereignty. About this significance, I will explain it with a later topic, "sovereign state (VI-3.)". Here, I would like to mention just a phrase about the Westphalian system already written above. "Each state has sovereignty over its territory and domestic affairs, to the exclusion of all external powers, on the principle of non-interference in another country's domestic affairs, and that each state, no matter how large or small, is equal in international law".

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(22) Matsushita Keiich, *Locke "shimin seifuron" o yomu* [To read "Two Treatises of Government" of Locke], 2014.

(23) See, Matsushita, FN (21), p. 43.

## VI. Three State Theories

At the end of the enquiry of “three” faces, let us consider three state theories: nation state (VI-1.), multicultural state (VI-2.), and sovereign state (VI-3.), in this order.

### **VI-1. Nation State**

Defining the concept of the “nation state” is also a tough task. This concept is very changeable, depending on the measures. I will show each narrow and wide definition by seeking the characteristics of the people within a state boundary and in our modern world. As for a very narrow definition, it is argued that a state is called a “nation state” only if it comprises a single ethnic and cultural population that inhabits the state’s territory, and the boundaries of that state are coextensive with the boundaries of that ethnic and cultural population<sup>(24)</sup>. This presumes the existence of the “one nation, one state” model.

It is said that less than 10% of states in the world meet these criteria<sup>(25)</sup>. Surprisingly, we can find some interesting descriptions on some websites. “There are no pure nation-states, but examples that come close might include Japan and Iceland.<sup>(26)</sup>” A. D. Smith has also written recently, that Japan is relatively seen as mono ethnic, with some minor exceptions, that is, Korean and the Ainu<sup>(27)</sup>. I am wondering whether this is still plausible

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(24) As a classification of Anthony D. Smith, one of the most influential scholars of the nation state and nationalism, such a state is called a “national state”. The “national state” came after the triple revolutions, namely, economical, political and cultural revolutions, and from internal and external pressures: ethnic polities were gradually transformed into territorial nations; in this way, they became “national states”, though, never a “nation state”. Simply saying, for Smith, a nation state is made by nationalism, but a national state is a very narrow definition that corresponds with the “one nation, one state” model. See, Anthony D. Smith, *The Ethnic Origins of Nations*, 1986, p. 138 ff.

(25) <https://courses.lumenlearning.com/suny-hccc-worldhistory/chapter/introduction-to-nation-states/>

(26) <https://www.newworldencyclopedia.org/entry/nation-state>

after my survey for this paper. As we see in the world, such a narrow definition can no longer be applied, since the most obvious deviation from this purified “one nation, one state” model is the presence of minorities, especially ethnic minorities. Many nation states today accept specific minorities as parts of their nation; this generally implies that, in legal terms, members of minority populations are citizens of a given nation state and enjoy nearly the same rights and liberties as members of the nation's majority group. If we accept such a state as a “nation state”, then a wider definition is suitable for a precise description of them.

The problem of such a nation state is the nationalized process of becoming a nation state, which has adopted and endorsed a specific cultural group that is associated with it. Until recently, most states worldwide had aspired to be a “nation state”. In this model, the state was seen as the possession of a dominant ethnic majority group<sup>(28)</sup>, which used the state to privilege its identity, language, history, culture, literature, myths, religion and so on, and defined the state as the expression of its nationhood. Anyone who did not belong to this dominant national group was subject to either assimilation or exclusion. Such a policy is far from “natural” for the people forced to assimilate or be excluded. This is the main reason, why many states have abandoned the nation state policy and started to take multiculturalism as their state policy<sup>(29)</sup>.

In sum, a nation state joins the political entity of a state with the cultural entity of a nation, from which it aims to derive its political

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(27) This description can be seen in the preface of Anthony D. Smith's book, translated into Japanese. See, Anthony D. Smith, *Nationalism in the twentieth century*, 1979. The Japanese translation was supervised by Yasuji Suyama, *20 seiki no nashonarizumu*, 1995, p. iv.

(28) Sometimes a minority is able to establish dominance. For examples: white people in South Africa under the Apartheid regime, or the Criollo elites in some Latin American countries.

(29) Will Kymlicka, *Multicultural State and Intercultural Citizens*, 2003, *Theory and Research in Education* 1 (2): p. 147. p. 149. [https://www.researchgate.net/publication/240691758\\_Multicultural\\_States\\_and\\_Intercultural\\_Citizens](https://www.researchgate.net/publication/240691758_Multicultural_States_and_Intercultural_Citizens)

legitimacy to rule and potentially its status as a “sovereign state”. Here comes “sovereignty” again. Indeed, when we see the history of the nation state, the idea of a nation state is associated with the advent of the modern system of states, often called the “Westphalian system”, referring to the 1648 Treaty of Westphalia.

Based on this explanation, I would like to ask some questions: Is a “nation state” simply a “sovereign state”? Where are the “sovereign people” in this description? Of course, the idea of the “sovereign people”, that is, the people has sovereignty, was not yet recognised in its old era. In other words, after the recognition of the popular sovereignty, how can a nation state system structurally adapt a sovereign state concept?

## VI-2. Multicultural State

The term “multicultural state” does not prevail over “multiculturalism”. Referring to “multiculturalism”, what are the defining characteristics of a multicultural state? The term “multicultural” is often used as a description to characterize a society’s diversity. Based on ethnic, national and religious differences, the idea of multiculturalism in contemporary political discourse reflects a debate about how to understand and respond to the challenges associated with cultural diversity. In short, a multicultural state is one that applies multiculturalism as its integration policy. The focus is on multiculturalism as a normative goal in the context of Western liberal democratic societies, which had achieved a single national identity during the 18th and 19th centuries<sup>(30)</sup>. Furthermore, it was adopted as an official policy by most member states of the European Union.

As for a “multicultural state”, there are enormous variations in the sorts of state reforms that are demanded, not only between different countries, but also between different types of groups within a single

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(30) Multiculturalism has been an official policy in several Western nations since the 1970s. In Western, English-speaking countries, Canada applied multiculturalism as an official national policy in 1971, followed by Australia in 1973. In both states, this same policy is still being maintained.

country. Therefore, it is quite misleading to discuss a single model of the “multicultural state”. There is no doubt that the multicultural policy for immigrants must essentially differ from that of the indigenous people or for the national minorities<sup>(31)</sup>. A genuinely multicultural state recognizes not only that its citizens are different in their languages, cultures and religions, but also that they are different regarding their relations with the state. For some, multiculturalism will imply reducing barriers to integration into mainstream society. For others, this involves increasing powers of self-government<sup>(32)</sup>.

Recently, some governments in several European states have reversed this national policy and returned to official mono-culturalism. A similar reversal is the subject of debate in the United Kingdom, which has always been reluctant to introduce the major policies of the EU, among others, due to evidence of incipient segregation and anxieties over “home-grown” terrorism. All of us probably derive one of the reasons for these phenomena as a result of “populism” in the negative meaning to counteract an increasing stream of globalization.

Let us now again turn our comparative eyes towards Japan. Japanese society, with its belief in homogeneity<sup>(33)</sup>, has traditionally rejected any need to recognize ethnic differences in Japan. Even though ethnic minorities such as the Ainu denied the allegation that Japan is a homogeneous society. In 1986 the statement by the then Prime Minister Yasuhiro Nakasone that “Japan is a racially homogeneous nation” became a big scandal and was severely criticized. In spite of such a previous scandal, one of the most famous Japanese politician, Tarô Asô<sup>(34)</sup> has described

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(31) Will Kymlicka, *Multicultural Odysseys*, 2007, pp. 66-77.

(32) Kymlicka, FN (29) p. 153.

(33) About the origin of such a belief that Japan is a homogeneous state, Eiji Oguma has brilliantly surveyed and explained of the reason for the birth of this conviction: Eiji Oguma, *Tan'itsu Minzoku Shinwa no Kigen* [The Myth of the Homogeneous Nation], 1995.

(34) Tarô Asô was once Prime Minister of Japan (2008-2009), and is now Deputy Prime Minister and Minister of Finance (2012-now). In 2005, when Asô was Prime Minister, he gave that controversial remark. Recently, in

repeatedly, Japan is a “one civilization, one language, one culture and one race” nation.

From a distance Japan does look very homogeneous; however, there are some significant minority groups. According to the 2018 census statistics, 97.8% of Japan's population are Japanese, with the rest being foreign nationals residing in Japan. However, the number of foreign workers has increased significantly in recent years due to its change of policy to accept more foreign workers because of Japan's aging population and growing lack of a labour force. In the big cities, there are more foreigners than in the countryside. For example, in Tokyo, approximately one out of ten young people are foreign nationals. As above, about 2.2% of Japan's total legal resident population are foreign citizens. Of these, according to 2018 data from the Japanese government, the principal groups are as follows:

1. China: 764,720 (28.3%, 0.64%<sup>(35)</sup>)
2. South and North Korea: 479,198 (17.7%, 0.40%)
3. Vietnam: 330,835 (12.3%, 0.28%)
4. Philippines: 271,289 (10.0%, 0.23%)
5. Brazil: 201,865 (7.5%, 0.17%)

These statistics, however, do not include illegal immigrants. The statistics also do not count minority groups who are Japanese citizens, such as the Ainu or citizen descendants of immigrants. The total legal resident population as of September 2019 was estimated at 126.1 million. The population in Japan has been decreasing rapidly since 2004 when the

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January 2020 Asô made similar remarks that Japan is a homogenous state, again. That gave rise to public censure.

- (35) The former is the percentage of which the nationalities occupy the number of foreigners in Japan; the latter is that of the entire Japanese population. These data were revealed at the time when the presentation was held on 22nd October 2019. The current population and the percentage of legal foreign citizens as of June 2020 are: 1. China: 786,830 (27.3%); 2. South and North Korea: 435,459 (15.1%); 3. Vietnam: 420,415 (14.6%); 4. Philippines: 282,023 (9.8%); 5. Brazil: 211,178 (7.3%). See, [http://www.moj.go.jp/isa/publications/press/nyuukokukanri04\\_00018.html](http://www.moj.go.jp/isa/publications/press/nyuukokukanri04_00018.html)

overall population peaked at about 127.8 million. Two years later, in 2006, the Japanese government, the Ministry of Internal Affairs and Communications (MIC), offered municipalities to plan for some multicultural measures<sup>(36)</sup>.

### VI-3. Sovereign State

It is said that a sovereign state is a political entity that is represented by one centralized government that has sovereignty over a geographic area. From the aspect of international law, sovereign states are defined as having a permanent population, defined territory, and one government and the capacity to enter into relations with other sovereign states. A sovereign state has these qualities: 1) space or territory which has internationally recognized and defined boundaries; 2) people who live there on an ongoing basis; 3) regulations that govern foreign and domestic trade; 4) the ability to issue legal tender that is recognized across boundaries; 5) an internationally recognized government that provides police power and public services and has the right to make treaties, wage war, and take other actions on behalf of its people; and 6) its sovereignty means that no other state shall have power over the country's territory.

Based on these qualities, using them as criteria, I wonder whether Japan has been a real sovereign state at least once in its sovereign state history since the Meiji Restoration, when Japan is said to have become a sovereign state.

I would like to point out rebutting evidence for some of these qualities. For instance, territorial problems have remained since WWII, such as in

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(36) *Chiiki ni okeru tabunka kyosei suishin puran* [Plan for the Promotion of Multicultural Coexistence at the Local Level] was newly amended in 2020 to adjust for the changing circumstances in Japan and the world. For details of this amended plan, see, [https://www.soumu.go.jp/main\\_content/000706218.pdf](https://www.soumu.go.jp/main_content/000706218.pdf). See also, Nagy Stephen, Japanese-style Multiculturalism? A Comparative Examination of Japanese Multicultural Coexistence, *The Japan Journal of Multilingualism and Multiculturalism*, 2012, 18 (1) p. 1.

the Northern Territory against the Russian Federation, Takeshima Island against South Korea and Senkaku Islands against China. Depending on Article 9 of JC<sup>(37)</sup>, Japan has theoretically no army and no right of belligerency of the state. In this sense, the Japanese government cannot wage war. In accordance with this, just given the fact that the US Army remains, for example, in Okinawa and has had a big influence on our society, is enough disproof to the argument that Japan has sovereignty. I cannot explain each of the exceptional examples apart from the qualities of the sovereign state. Just a glance makes us understand how Japan stands far from the right place where a genuine sovereign state should be. However, I am afraid to mention that Japan is not the only exception to the "sovereign state" in the world. In this sense, this paper's attempt is not limited to Japan. In this meaning, the significance of the meaning of the "autonomy of the central government" that we suspended before (V-3.) is now not a matter of course but to be reconstructed due to its reality.

[To be continued]

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(37) Article 9 of JC. (1) Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

(2) In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.