The Impact of Nation Formation on Human Rights and Human Security: A Case Study of Japan

Satoko Haru *

I. Introduction

The concept of human rights and security have long existed within the language of societies and politics, however the establishment of the Universal Declaration of Human Rights (from here on the UDHR) in 1948 firmly laid the foundation on which nation-states should aim to protect human rights within the international arena (UN, 1948). Nevertheless, the constant failures to defend these rights necessitate a reconsideration of the universality of the two values: human rights and (human) security. Indeed, take the case of refugee and displaced individuals. As of June 2019, a total of 70.8 million people were recorded as forcibly displaced, of which 41.3 million were internally displaced (IDP), 25.9 million were refugees and 3.5 million were asylum seekers (UNHCR, 2019). These numbers continue to rise despite the existence the 1951 Convention Relating to the Status of Refugees (from hereon the 1951 Convention) and the Guiding Principles on Internally Displaced Persons, in addition to the UDHR, all of which were established to ensure the protection of said vulnerable groups.

One of the states that struggle with this "universality" of values between the international and domestic spheres is Japan, which will be given as the case study for this paper. In this example of refugee intake, despite their avid support for Official Development Assistance (ODA) projects and human security, domestically, Japan granted refugee status to just 42 asylum seekers in 2019,

despite an increase from the mere 28 granted the previous year, maintaining the lowest acceptance rate by far within the G7 states (Japan Times, 2019). This stark contrast in foreign and domestic policies makes it unsurprising that Japan continues to face criticism over its limited intake of refugees and how the state addresses asylum seekers who enter the state. Evidently, Conventions and Protocols are limited in their function as more often than not, domestic policies supersede them as a result of national sovereignty.

Thus, the main research question "to what extent is the understanding of human rights and human security influenced by how the nation is formed?" will be answered by exploring the following: first, how the nation is formed in relation to the state, focusing particularly on Benedict Anderson's concept of the "imagined community" (Anderson, 1991). Second, how Japan fits within this context by also investigating the impact of the US Occupation on Japanese national rhetoric. Third, by highlighting the importance of the postcolonial approach in the rights and security discourse. Finally, the paper attempts to deconstruct the presumption of the universality of human rights in the sphere by exploring how the international realms came to be structured with certain liberal inclinations, critiquing the assumption that such notions are directly translatable across all vernaculars. It is important to note that although Japan is used as a case study, this issue is not exclusive to Japan, and is based on the relation between human rights and the "imagined" nature of the nation itself, as the paper hopes to make clear.

II. Nation Formation

First, it is important to establish the concept of the nation and its relation to sovereignty within rights and the securitization[1] discourse. Consequently, this

(1) Securitization theory as proposed by Buzan and Waever (1998), in which security is considered a speech act, thereby automatically creating a security issue of a phenomenon merely by using the term "security". Consequently, it is argued that when considering the security (traditional or human security), it is important to consider who/what is being securitized (seen as the threat), who is claiming this as a threat, and who/what is being protected from the threat (Buzan and Waever, 1998).

section looks at the formation of nations, and how this in turn affects the interpretation of human rights and security. Here, the focus of the argument is how nation-states are formed. Namely, whether the state was the product of a preexisting national sentiment, or if national identity became cohesive as a result of the rise of the state. The question is crucial as it determines how narratives are produced and spread within a nation that legitimizes state sovereignty, and in turn how the disruption of such natural occurring processes to nationhood can have significant effects on the implementation of rights and security respectively.

This question of nationalism has been discussed primarily between two schools; the ethnosymobolists and the modernists. On the one hand, the former takes a primordial or perennial perspective, in that nations have pre-existed the state through blood ties, shared values, traditions and religions (Smith, 1996). The latter school on the other hand, maintains that nations are a modern phenomenon and invented as a consequence of the creation of states that unified its citizens by various means of the monopoly of power, social institutions and language (Gellner, 1996). This paper, however, focuses on a third perspective, where nations are viewed as "imagined communities" and the citizens are bound together through the simultaneity of time, shared space, and the spread of narrative through print-capitalism (Anderson, 1991). Indeed, it has been argued, that mankind underwent three stages of societal evolution: the pre-agrarian, the agrarian and the post-agrarian (industrial), and that the creation of the state and its territorial borders during the third stage was the beginning of the rise in national consciousness of the citizens (Hobsbawm, 1992). This implies that while nations are indeed a modern phenomenon, the laws, the curriculum and other national symbols that eventually became banal signifiers to serve as a reminder to the citizens of their nationality were created from the shared sentiment that may have existed previously, but only now emphasized (Anderson, 1991). Examples include multicultural states such as Switzerland, the United States, or postcolonial states such as Singapore where, despite different languages and religions, their citizens still refer to themselves as Swiss, American or Singaporean respectively.

Moreover, the inclusion of time, space and print-capitalism is significant when considering how nations are limited through restrictions of territorial borders, national sovereignty and it being a community (Ibid). Thus, national sentiment is not something that can be created freely outside of the aforementioned limits, or evoked, but rather is a collective imagination of belonging within the boundaries, where they did not previously exist (Ibid). The simultaneity of time and shared space functions in such a way that routines and behaviors create a sense of unity among the citizens within the territory despite each individual not knowing every other individual directly, hence engraining this imagined notion of a community (Ibid). The rise of print-capitalism as a result of the modernization processes helped to further entrench national consciousness and broaden the means of communication onto written language (Ibid). Indeed, it had helped shift the language from Latin, which was considered elitist, to a fixed language, in other words, a nationalized language that would be understood by all citizens within the state. Anderson's argument is such that the rise of print, created official languages that would be accessible to everyone, and a means to which aided the process of the nationalization of educational institutions to increase literacy (Ibid).

The fluidity of national identity, therefore, makes it possible to view the nation as a cultural system, which Anderson compares to the likes of religion and the dynastic realm as both are ambiguous in its origins, but nevertheless played a key part in unifying societies by depending on communication of ideas and the routine practices of people (Ibid). While these aspects are not explicit, they are imagined by individuals, which in itself is what creates national identity, which in turn also legitimizes state sovereignty in terms of the state holding the monopoly of power over a given territory.

III. Japan as an "imagined community" and the consequence of the US Occupation 1945-1952

Clearly, nations and how they are formed are important in creating national unity as such identities are born through a long process of creating a unique

narrative that strengthens the imagined community, which separates one nation to another. However, when states experience colonization, occupation or any form of intervention, this natural progression towards nationhood is disrupted. Japan provides an interesting example of a nation that was not colonized in the traditional sense, however the US Occupation during 1945-1952 could arguably be considered a form of the "civilizing mission" (Shani, 2014), which reflects the more modern type of intervention.

While Japan may often be argued to be a homogenous state, its archipelago nature, its linguistic and social vastness that spread across the regions from Hokkaido to Okinawa makes it equally possible to suggest that the homogeneity stems from the collective imagination of the nation as opposed to close ethnic ties. Despite the isolationist policies, the proximity between the outer islands to neighboring states such as China and Korea, meant that some form of trades and exchanges were inevitable. Thus, it would be a mistake to generalize Japan as having always been ethnically homogenous (Amino, 2012). Furthermore, although there was the centralization of the government in the Yamato region between the 7th and 8th centuries, it was not unified as a nation-state as the term "Japan" (Nihon) was not used domestically and only used to represent the government in international negotiations (Ibid). It was in the Meiji era, when education became institutionalized, and languages shifting towards the "official" Japanese, that Japan became a unified nation as citizens began to become aware of their national belonging.

Education was therefore imperative, where Japanese literacy has always been high, and one of the highest during the transition to modernity despite it being a non-western state (Ibid). Japan had arguably set up their educational system long before the Meiji era, as forms of such institutions could be traced back to the mid 15th Century (Ibid), which demonstrates their willingness to create national belonging, however, it was not until the Meiji Restoration that these institutions became nationalized. The fundamental objectives of the Era were the "national unification, unquestioning loyalty, the acquirement of modern scientific and economic technique and the perfection of national defense"

(Keenleyside & Thomas, 1937, p.73). Education therefore was seen as a tool designed to achieve national objectives in a more efficient manner, which resulted in the authorities investing heavily on educational institutions (Ibid). One such example is the "Nihonjinron", which translates to the "study of the Japanese" that emphasizes the uniqueness of Japanese character and culture. It has often been used to support the natural homogeneity argument of Japan. However, it can also be comprehended as the use of time, space[2] and print to create an image of a nation that had long been united, despite its dispersed nature. Furthermore, it has been argued that the study gained its prominence again after WWII when there was a need for nation-building, and the comparison of Japan's character to the "other" (the West) became increasingly common (Buntilov, 2016).

Considering Japan as an imagined community, the subsequent impact of the US Occupation was significant as it did the following: it changed the system of rules, as well as altering the discourse of values. Although liberal-peacebuilding agendas as a project did not yet exist, the nature of the Occupation could be considered as one of the first liberalizing agendas where one powerful state occupied another with the prime goal of creating a peaceful society through democratization of the economic and socio-political system.

World War II did not really end for the Japanese until 1952, and the years of war, defeat and occupation left an indelible mark on those who lived through them. No matter how affluent the country later became, these remained the touchstone years for thinking about national identity and personal values" (Dower, 2000, p.23).

As an Imperialist nation, the original social contract within Japan based itself on the dynastic system, where those who lived within the territory paid

---

(2) The "Nihonjinron" also highlights the uniqueness of Japanese people in relation to the climate and the environment. It explores how farmers have learned to work with the seasonal changes, as well as the relationship between the people and the mountains and the seas (Befu, 2001).

allegiance to the Emperor in return for protection. The Meiji Constitution reflects this as it refers to "Shinmin" (subjects) as opposed to "Kokumin" (citizens). This is an important point to keep in mind considering Japan is a Constitutional democracy in which consequent domestic laws remains in line with the Constitution (Yokota, 2018). Considering these factors, the re-writing of the Constitution had a large influence in terms of re-defining and re-imagining the Japanese national. Indeed, during the process of its re-writing, the General Headquarters[3] faced difficulties in translating certain concepts that did not previously exist within Japanese discourse. The term "people" for example was not usually used in such circumstances and was eventually translated to "kokumin" rather than "jinmin" (people) which would have been a direct translation. Similarly, and particularly significant in the case of foreign nationals, was the translation of "the people in Japan" which became "nihonkokumin" or "the people *of* Japan", making the translation exclusive to Japanese citizens (Ibid). As a result, the new Constitution could be understood to provide rights and protection to Japanese citizens only, as opposed to any who live within the territory, or were "subjects" like it was prior. The implication of this is that the criteria for being Japanese became increasingly narrow, as those who may previously been accepted within the imagined Japanese community, legally, may become excluded. Likewise, it also greatly restricts the potential for integration within the society as inclusivity arguably requires citizenship as well as the continued sense of "being Japanese". These issues, therefore, reflect the difficulty in translating what are often thought of as common values, into a cultural system that has a different vernacular. By enforcing concepts that previously did not exist, the effectiveness of liberalizing and democratizing projects is questioned in terms of facilitating further discord of assumed norms and domestic cultural differences.

---

(3) General Headquarters (of SCAP) the Supreme Commander of the Allied Forces

IV. The postcolonial approach

Thus, much of the approaches to rights and security are still based on liberal democratic approaches. Indeed, although liberal peace-building projects are argued to be effective and indeed advocated by many international organizations as a means to promote peace and implement human rights values, the efficacy also depends on achieving peace at a surface level, or whether normative values of rights and security are to be ingrained within the society. Liberal agendas including the more recent endeavors of UN Peace-keeping Operations (UNPKO) and even the Sustainable Development Goals (SDGs), justify its initiatives on the belief that peaceful societies grow from democratic systems. However, it is unrealistic to believe that a one-size-fits-all approach to peace-building can be applied to any given situation and state. This can be explained by Richmond's "empty peace" theory whereby the top down nature of peace implementation thins out towards the bottom, therefore having little influence at the grassroots level (Richmond, 2007). Thus, while democratization may be effective on a surface level, unless the previous cultures of the society are also considered, a different problem arises where there is a disconnect between the top and bottom levels, which can also be perceived as a reflection of the new and old identities.

In addition, the nature of the imagined community means that the disruption of identity-building arguably results in an unclear interpretation of values, including that of rights, which oftentimes are assumed to be universal, however in reality is not the case. The impact that liberalizing projects have therefore, may in fact contribute to a nation-state experiencing two stages of nation-formation as opposed to one (the first actual creation of the state followed by the second with enforced ideals) which in turn drastically affect the narrative of the state, altering original interpretations of values into political concepts. Thus, like with the case of Japan, despite its democratization, the nature of interventions as such creates a discord in understanding, whereby although Japan may have accepted human rights treaties and continue to support IGOs, it struggles to completely understand the politicized concept of human rights and security for individuals within the domestic sphere. As a result, it is necessary to revise these

core concepts used in these so-called civilizing missions and question the assumed nature of their universality within the context of national identity.

These are various ways in which rights and security have been critically analyzed. Critical Security Schools move away from traditional problem-solving security approaches by creating a space in which pre-existing policies can be broken down. Here, the Welsh School focuses on an emancipatory perspective as an attempt to empower the individual (Booth, 2005). Although such shifts in thought were revolutionary, ultimately, their discourses do little to alter any hegemonic structures that lie at the heart of the absence of emancipation in the first place as, despite it being theoretically desirable, it is also in danger of encouraging military (and non-military) interventions (Chandler and Hynek, 2013). Indeed, other critical approaches include the post-secular, focusing on ontological security[4] by arguing that international norm creation results in the insecurity of the identity (Shani, 2014). Although this latter perspective is much closer to the issue presented in this paper, it is argued that it was the phenomenon of colonization that truly embedded the western notions of rights and security as the normative framework in the international sphere.

While the term postcolonial has various definitions, the paper uses the working definition as suggested by Krishna (2019), which refers to "the combination of economic, social, political, cultural and other policies by which an external power dominates and exploits the people, ideas and resources of an era" (Krishna, 2019, p.350). The approach deviates from traditional International Relations thinking by questioning the historical origins of the International Order and its centrality in Europe by further deconstructing the morals and legal perspectives that were born as a result of the rapid industrialization in the 18th

---

(4) As suggested by Shani (2017) as the "psychological security of the self" in which individuals require a stable sense of self prior to interacting with others. Its relevance to human rights and human security is such that it is not possible to ensure emancipation and dignity as the concepts require, without ontological security. In other words, insufficient ontological security arguably results in distrust and the constant exclusions of others in order to ensure a stable sense of belonging within certain categories (Shani, 2017).

Century that ingrained such thoughts as the norm (Ibid). Moreover, it differs from other critical approaches as it emphasizes the colonial power relations, and the epistemological privilege of knowledge that comes from western thought (Ibid). Rather than focusing on what nations do to each other, it reflects on what the nation is, or engages itself in the process in which nations constitute and reproduce themselves, thereby providing a useful critique towards the emancipatory approaches which, despite its efforts to provide a move towards the "local", has itself been complicit in embedding the western political agenda within the international system (Duffield, 2010 in Chandler and Hynek, 2013, p.54). Consequently, the postcolonial approach is the most relevant within the context of nation formation as the constant need for the West to turn to liberalization and democratization of non-liberal and non-democratic states arguably lies in the ever-present hierarchical system that still remains, emphasizing the notion of the responsibility of western state to provide peace and politized values into nations that are otherwise seen as backwards precisely because of their lack of democratic politics.

V. Human Rights and Human Security

In terms of history, human rights have had a long and complex evolution where it has shifted from a value in the private sphere, to a concept in the public sphere with secularization (Ishay, 2008). More recently, Human Security was created on the basis of the former as a means to provide protection to individuals as opposed to the state. Both concepts have, however, often been criticized as being idealistic, and their failures to protect the rights and security of individuals have been especially highlighted over the past few decades. This section will therefore see how human rights became universalized and how its deviance from its origins as a religious value affected its interpretations, as well as revisiting the critiques made by Arendt (1951) and Agamben (1998).

Human rights find its origins in the most fundamental writings of each religion, shared by the common belief that human beings are altruistic in nature and that all humans are of equal worth (Ishay, 2008). However, between the 16th

to 18th Century, Europe saw various historical transformations take place that eventually shifted the basis of human rights from a religious to a secular sphere. First, the Protestant Reformation created new opportunities for the rise of humanist thought, dissolving much of the power that Roman Catholicism had maintained, and secularizing rights from the divine, to the emphasis on rights of individual life and properties (Ibid). Following, the fall of the feudal system through revolutions in France, saw the growing trend of codification of human rights and the beginnings of the concept of national sovereignty, evident in the Declaration of the Rights of Man and of the Citizen in France (1789) and the Bill of Rights in the US (1791). Finally, the scientific, technological and philosophical discoveries during the Enlightenment saw western Europe advance much faster than other parts of the world, resulting the move to the east and south to spread their sphere of influence (Yokota, 2003).

In her work, "The Origins of Totalitarianism", Hannah Arendt argues how this Imperialist expansion was pivotal in extending the notion of sovereignty to the other continents. Indeed, the significance of colonization, was how it allowed Imperial rulers to entrench their views into the political sphere of each state, creating the western hegemony that still exists today. The colonial era therefore was impactful in terms of the nation-building processes, especially for the states that were colonized, however it was also the end of WWII where the politicized notion of Human Rights (capitalized) became embedded within the global sphere through the UDHR, within the aforementioned framework of sovereignty (Arendt, 1951). Thus, arguably these politicized sets of rights cannot be accepted as wholly universal because, the UDHR reflects Arendt's claims that since its entry into the political sphere, human rights have been closely linked to citizenship, and is therefore not entirely all-inclusive (Ibid). This view is supported by Agamben and the bare life theory, which suggests that those who have lost their belonging ("Homo Sacer[5]") become outsiders of the community

---

(5) Homo Sacer is understood as the sacred man. Its origins can be found in ancient Roman law, whereby the term "sacred" is to be understood as a man who is cursed or an outlaw (Agamben, 1998).

and therefore their denial of protection can be justified.

> The sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide; in the first tribunitial law, in fact, it is noted that "if someone kills the one who is sacred according to the plebiscite, it will not be considered homicide (Festus in Agamben, 1998, p.71).

A distinction must be made therefore between who is allowed such protection, and who is not. Here, Agamben distinguishes between the "bios" and the "zoe" where the former represents life in its most basic form (Ibid). It can therefore be understood that Homo Sacer reflects the double exclusion that takes place whereby, although it is expected for individuals to be free and have rights, it is also expected that they hold a nationality, without which, the former cannot be ensured. Therefore, it is the very fact that they are "bare" that they are left insecure (Ibid). When considering, therefore, who provides protection for whom, it is evident that the government of the sovereign nation oversees who is privileged to hold these rights. This limits the full protection of human rights, as the rights no longer lay with the human, but rather with civic rights, with an emphasis on citizenship (Parekh, 2004). Thus, the UDHR cannot guarantee the protection of fundamental rights, contrary to its claim, and there is a necessity to revisit this paradox. In the case of Japan, this is not only relevant with regards to nationality, but also the Koseki (household registration) system that is required to be recognized as a citizen. As such, those who do not hold this (including Japanese nationals), fail to fit within the Japanese community (Shani, 2014). Consequently, in relation to the "imagined community", it becomes evident that the national narrative has socio-political and legal consequences in creating inclusion by excluding others. In such cases, it can be argued that nationality has transcended the state in securitization by providing rights to only those who fit the requirements of the imagined community

Thus, the international thought on human rights that is based on this notion

of state sovereignty, liberal and democratic governance, while organically developed in Europe and the US, is certainly not the case in other states. National sovereignty is the claim of an individual right over the sovereign as demanded by the people (Arendt, 1951), however, in postcolonial nations, these ideals were not demanded so much as they were imposed upon by an external actor. Imperialism through colonization must be rendered significant as, similar to nationalism in the modern era, one party sees itself to be the superior model of the other. Thus, while human rights may fundamentally be inalienable and irreducible, its secularized and politicized nature results in displaced persons being left without rights, as a result of the removal of their citizenship or any characteristic that reflect national belonging (Ibid). Moreover, as the global system started to revolve around sovereign states, those who no longer held citizenship or those who were in-between states found themselves to be out of the system, and in a position where they could no longer be protected by neither their original nor their potential states as they did not fit legally, but also was an outcast to the society that excluded them from the imagined community. Clearly, the deprivation of social status or belonging can therefore be seen as a first step towards creating a rights-deprived individual. Thus, one of the restrictions of the politicized rights and security, is the importance it places on citizenship and legal status. Consequently, when this is no longer the case, it leaves the person "right-less" resulting in the imagined community extending so far as protecting the unity of the nation-state as well as the international hegemonic system.

VI. Conclusion

This paper has explored how nation formation may affect the way in which human rights may be understood and subsequently implemented in each state. It has done so by first suggesting the nation as an imagined community, where they are not unified through fixed characteristics but is fluid in nature, being malleable to change through time, space and print-capitalism. In the paper, Japan is explored in this perspective, whereby it is argued that the perceived homogeneity is a result, not of deep-rooted ethnic ties, but rather of certain

narratives that have spread through print and the simultaneity of time.

The way in which nation formation impacts human rights and human security is significant because the international system, based on Eurocentric thought, spread with Imperialism, maintaining the assumption of epistemological superiority but also of the belief that human rights and security in the political sphere could be understood universally. The implementation of these notions through colonization onto non-Westphalian nations creates a discord of domestic and international values as it disrupts the original domestic vernacular. This was important as it provides an explanation for the tendency in which postcolonial nation-states experience ontological security, where the disconnect between the previous pre-colonial identity and the postcolonial identity is fragmented (Shani, 2017). Moreover, this fragmentation is further emphasized as a result of the enforcement of new identity, as opposed to the natural progression to create an alternative national narrative (Ibid). Consequently, it can be argued that not only is the act of liberalization itself problematic in terms of creating a more peaceful state, but also that this in turn accommodates and further entrenches the Eurocentric basis on which the current discourse of the two concepts are based upon.

Clearly the transformation of values into political concepts means that these values became politicized and therefore regulated as elements of the state system. The implication of this is significant in that unless the differentiation between values and concepts are realized, the full protection of vulnerable individuals cannot be guaranteed. Indeed, as both Arendt and Agamben suggests, the notion of national sovereignty and open borders are often considered mutually exclusive as the body itself is politicized and therefore subject to the state (Agamben, 1998). Consequently, the extent to which human rights and human security is impacted by the imagined community is significant as ultimately it is the creation of narrative, along with the simultaneity of time that determines national belonging, and thus the subsequent understanding and implementation of political concepts. The fact that this imagined community can easily be molded to suite new narratives therefore makes current agendas such

as the UNPKOs and the SDGs (that are based on human security and rights discourse) dangerous as it threatens to deconstruct societies that have very different notions of rights and security in the first place, and instead be seen as a "civilizing mission" (Shani, 2014). Thus, not only is it misleading to consider human rights and security as "universal", but in order for these concepts to be as inclusive as it claims, the relation between sovereignty and individual must be questioned as citizenship obstructs those who are "right-less" from obtaining privileges to these fundamental rights.

References

Agamben, G. (1998). *Homo Sacer :Sovereign power and bare life*. Stanford, Calif.: Stanford University Press.

Anderson, Benedict R.O'G. (1991). *Imagined communities: Reflections on the origin and spread of nationalism* (Rev. ed ed.). London; New York: Verso.

Arendt, H. (1951). *The origins of totalitarianism*. New York: Harcourt, Brace.

Befu, H. (2001). *Hegemony of Homogeneity: an anthropological analysis of "Nihonjinron"*. Melbourne: Trans Pacific Press.

Buntilov, G. (2016). Common Narratives in Discourses on National Identity in Russia and Japan. *Asian Philosophy, 26* (1), 1-19. DOI 10.1080/09552367.2015.1136199

Buzan, B., Waever, O., & de Wilde, J. (1998). *Security: a framework for analysis*. Boulder, Colorado: Lynne Rienner Pub.

Chandler, D., & Hynek, N. (2011). *Critical perspectives on human security: Rethinking emancipation and power in international relations*. London: New York: Routledge.

Dower, J. W. (2000). *Embracing defeat: Japan in the wake of World War II*. (Norton paperback [ed.]. ed.). New York: W.W. Norton.

Gellner, E. (1996). Ernest Gellner's Reply: "Do nations have navels?". *Nations and Nationalism 2*(3). 366-370. Retrieved September 17, 2019, from:
https://onlinelibrary.wiley.com/doi/10.1111/j.1469-8219.1996.tb00003.x

Hobsbawm, E. (1992). *Nations and nationalism since 1970: programme, myth, reality* (2nd ed.). Cambridge: Cambridge University Press.

Ishay, M. (2008). *The history of human rights: From ancient times to the globalization era*. Berkeley: University of California Press.

Keenleyside, H. L., & Thomas, A. F. (1937). *History of Japanese education and present educational system*. [Tokyo]: The Hokuseido press.

Newman, E., Paris, R., & Richmond, O. P. (2009). *New perspectives on liberal peacebuilding*. Tokyo: New York: United Nations University Press.

Parekh, S. (2004). A meaningful place in the world: Hannah Arendt on the nature of rights. *Journal of Human Rights, 3* 1, 41-52. DOI: 10.1080/1475483042000185215.

Paris, R. (2010). Saving liberal peacebuilding. *Review of International Studies, 36* (1), 337-365. DOI: 10.1017/S0260210510000057

Prime Minister of Japan and His Cabinet (1947). The Constitution of Japan (undated). Retrieved September 15, 2019, from

https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html

Richmond, O, P., & Franks, J. (2007). Liberal Hubris? Virtual Peace in Cambodia. *Security Dialogue, 38*(1), 27-48. DOI: 10.1177/0967010607075971

Shani, G. (2014). *Religion, identity and human security*. London: Routledge.

Shani, G. (2017) "Human Security as Ontological Security: A Postcolonial Approach." *Postcolonial Studies, 20* (3), 275-293. Retrieved September 14, 2019, from:

https://www.tandfonline.com/doi/abs/10.1080/13688790.2017.1378062?journalCode=cpcs20

Smith, A, D,. (1996). Opening statements Nations and their pasts. *Nations and Nationalism 2*(3), 358-365. Retrieved September 17, 2019, from:

https://onlinelibrary.wiley.com/doi/10.1111/j.1469-8219.1996.tb00002.x

Tanaka, C. (19 June, 2019). World Refugee Day: How is Japan fulfilling its obligations in 2019? *Japan Times*. Retrieved September 13, 2019, from:

https://www.japantimes.co.jp/news/2019/06/19/national/world-refugee-day-well-japan-fulfilling-obligations-2019/#.XXuQSpMzbOQ

UNHCR (2019). Figures at a Glance (June, 2019). Retrieved September 13, 2019, from:

https://www.unhcr.org/figures-at-a-glance.html

UN (1948). The Universal Declaration of Human Rights (undated). Retrieved May 12, 2018, from:

http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

網野, 善, Christy, A. S., & Tonomura, H. (2012). *Rethinking Japanese history [Nihon no rekishi o yominaosu]*. Ann Arbor, Mich.: Center for Japanese Studies, the University of Michigan.

横田洋三. (2003). 日本の人権/ 世界の人権. 東京: 不磨書房

横田洋三. (2018). 世界人権宣言―採択の経緯と今日的意義. 法律のひろば, 71(11), 4-17.

**The Impact of Nation Formation on Human Rights and Human Security:
A Case Study of Japan**

<Summary>

Satoko Haru

The ever-increasing numbers of refugees worldwide comprise an example that reflect one of the many human rights that ceases to be protected despite the presence of the Universal Declaration of Human Rights as well as concepts of Human Security being emphasized within International Organizations. While many of the critiques and explanations as to why this is, focuses on rights-based and policy-based approaches, the paper takes a postcolonial approach to question the Eurocentric nature of international relations that arguably play a more significant factor in the shortcomings of rights and security.

The relationship between the nation and postcolonial thought is important, as it emphasizes the fluidity of national narrative, and therefore highlights the effects of colonialism and other forms of intervention. As a result, the paper suggests the nation as an entity bound together through shared time and space of those within the fixed boundaries, a notion proposed by Anderson (1991) that sees the nation as an "imagined community" (Anderson, 1991). The implication of this is that although national sentiment may hold its roots in shared values such as language, religion and ethnicity, this is not enough to ensure unity of the nation. Indeed, the creation of the state and the monopoly of the institutions within the borders evoked national consciousness in the industrial eras (Hobsbawn, 1992). Thus, it can be understood that the nation is not fixed, and is vulnerable to change in narrative, especially within interventions, as the case of Japan and the effects of the US Occupation demonstrates. The change in the socio-political and legal sphere in particular arguably contributed to the disconnect it experiences at

current with the domestic failures to fully protect refugees, despite its foreign efforts of aid.

Thus, through the postcolonial approach, the paper attempts to deconstruct the assumption that both human rights and human security as political concepts are universal and critiques the western hegemony that presume such notions are translatable across all vernaculars. The secularized nature of human rights, shifting its roots from the private to the public resulted in the politicization of the body, as natural law was superseded by civic law (Arendt, 1951). Additionally, as rights focused predominantly on the rights of citizens, security, despite the shift of focus on the individual, still securitizes social issues, both therefore creating an "other". Consequently, it is argued that both rights and security reflect a double exclusion whereby although it claims for the emancipation of individuals, nationality is also a prerequisite, without which, rights cannot be ensured. Hence, the notion of "bare life" where the very nature of being human, leaves the individual insecure (Agamben, 1998). The international thought is that is based on this Eurocentric notion of rights, therefore cannot be said to be translatable across all cultures and language as not all states are liberal democracies. The postcolonial approach is therefore the most relevant in terms of questioning the universality of rights because in the context of nation formation, the constant need for the west to turn to liberal projects are rooted in the ever-present hierarchical system that consistently engrains western thought into non-western states.