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A New University, A New Student Journal...

Akita International University opened its doors in April 2004. As the newest Japanese university—a public university corporation—established by a local prefectural government in northern Japan, the institution is unique. All courses are taught in English; all first-year students live in on-campus dormitories; all students must study abroad for one year. Of interest to this publication, while full-time students meet their study-abroad requirement at more than 100 partner universities across the world, undergraduate students from those same (and other) universities study abroad here at Akita International University. Apart from the expected intercultural exchanges and linguistic challenges—for both groups of students—what we have noticed is distinction in thinking critically about global issues and a commensurate ability to express that thinking in writing.

For 6 years we have been teaching courses here, two of us since the school began. We have read a number of remarkable papers. Our eager students have occasionally written papers equal to the best work of university students anywhere. We wanted to encourage that practice, inspire other students to complete their very best work as well, and let our own faculty as well as the outside world see what our students achieve. An academic journal written in English and produced solely by students would probably be a first in Japan and would enhance Akita International University's reputation as a repository of bright, talented and serious young people for whom the acquisition of knowledge—and English—is paramount.

Once this journal is underway, ideally students across the globe will submit papers, thus making the journal a truly *international* journal of liberal arts. The focus has been placed on international liberal arts, as that is what is taught and nurtured here at this university.

This journal is student-directed. From vetting submissions to advising selected authors in revision to final production, the work has been that of undergraduate students. We have merely served as faculty advisers and assisted in getting the first volume completed. We would like to point out that this journal was generously funded by a university President's Research Fund grant, of which an adapted portion of its proposal appears on this page. We thank President Mineo Nakajima for his foresight in supporting this promising endeavor.

We encourage all readers to offer their thoughts after considering the papers which appear here. However brief, we hope you find this journal worth your time!

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Power of Language

Ai Saito

Many people probably agree with the idea that language has great power, as it is the most important communication tool for all people. But individual languages may also play many roles beyond their complex functions of communication. Languages have the power to encourage people and give them confidence, as well as to be sources of discrimination, which can hurt people both consciously and unconsciously. People may feel their identities and their cultures are demeaned when their languages are not accepted or are even attacked by other people.

Many people may assume that language always depends on speech. However, not all “languages” involve vocalization or auditory reception because some languages can neither be written nor heard. These languages are called “sign languages” and are used all over the world, usually by deaf people, in order to communicate their thoughts and feelings. However, deaf people have had painful experiences because of the discrimination against their languages in the past. In fact, sign languages need to be considered as complex and as rich as spoken languages. Sign languages are not only communication tools for deaf people, but they also give deaf people confidence and pride in their communities. More than this, they are essential in the creation of individual identity, just as spoken languages are for most of the human population.

In fact, people can be easily oppressed and marginalized because of their language, but the sign languages used by the deaf are especially stigmatized. Because most people do not understand the true nature of sign language, the people who use it natively are vulnerable to painful abuse. Discrimination against sign language is closely connected to widespread discrimination against deaf people more broadly. Feminist poet Adrienne Rich made the comment, “What hurts people is not language itself, but how others use their languages.” bell hooks applies this remark to the experiences of African American people being oppressed by those who speak “standard English” (1994, p. 168). As early as the 19th century, African Americans were prohibited to speak their native languages and thus were unable to communicate with other slaves. Actually African-born slaves spoke many different African languages and they were using their own languages to communicate. hooks was born in the middle of 20th century and she researched and wrote about African Americans’ historical situations and their close relationship to their linguistic heritage. According to hooks, after African American people lost their native languages, they were

expected to learn “standard English.” Over time, African Americans created their own dialect, known as Black English, based on Standard English, which was for them the oppressors’ language. In some ways, the deviations of Black English from the so-called standard were probably also a form of resistance to white domination.

Deaf people had experiences similar to African Americans in the latter part of the 19th century. In the past, deaf people also suffered painful experiences not only because they were deaf but because they used sign language. *Roukyouikunokouzai* [the benefit of deaf education] (2004) explains how deaf people felt oppressed by vocal languages in the past. *Roukyouikunokouzai* discusses what kind of system is best for deaf people’s education. It reports that the superiority of vocal languages was declared in the Milano Deaf Education Conference, which was held in 1880, and whether deaf people should learn through sign language or vocal language was a controversial issue at that time. *Roukyouikunokouzai* also explains that the Milano Deaf Education Conference, a national conference, discussed the best form of education for deaf people in 1880. It also shows us that people decided to ban sign languages in public to make deaf people more accustomed to hearing-people’s society. It is clear from this that deaf people and sign language were regarded as inferior to so-called “normal” hearing people and spoken language, and they were oppressed by hearing people in places like Europe and America. In addition, according to Nakamura (2006), in the middle of 20th century in Japan, deaf education greatly changed and many deaf children were forced to study lip-reading in schools. As a result of this education, many students struggled without the use of sign languages in Japan. Nakamura (2006, pp. 88-89) cites Funata, a deaf Japanese woman who was born in 1951, to describe traditional deaf education:

During class, no one could understand what the teacher was saying and everyone got very sleepy. We were forbidden to sign during class. Occasionally the teacher would throw blackboard chalk at someone; it would hit you on the forehead and hurt a lot. So when the teacher had his back to the class room, we’d all sneak a conversation with our friends using signs.

Moreover, Nakamura also says that deaf children were forced to hide their deafness, and their parents and teachers would also force them to behave as if they could hear. As bell hooks mentioned, deaf people also had a hard time forming their own communities. According to Senghas and Monaghan (2002, p. 80), it took a long time for deaf people to unite themselves and to create their own social relationships, which they needed to do for emotional and practical support. Considering these statements, it can be said that people who were deprived of their languages, such as African Americans and deaf people,

experienced serious social deprivation and needed much time and effort to recreate relationships. No matter what kind of language they use, people may feel oppressed and lose their confidence when their languages are prohibited.

Sign languages should not be denigrated only because they lack a vocal system. Corballis (2007, pp. 30-31) says non-vocal languages are inefficient in dark places or from a distance. It is true that non-vocal languages may have some disadvantages. Conversely, they have an advantage over spoken languages in that they are not affected by extraneous noise, as spoken languages often are. However, sign languages are sophisticated languages like vocal languages. Langer (2007, p. 38) insists that languages don't need to be vocal but they have to be "denotative." In Langer's statement, 'denotative' indicates or represents something directly because all languages originate from highly complex symbolic systems. According to Langer, symbols not only refer to objects, but also express abstract information, such as notions or concepts. Langer also states that signs can represent ideas and imaginary things, which are difficult to convey only through gestures. According to Langer, gestures are not developed enough to show these symbols, because gestures just represent an object's shape or form. Considering Langer's opinion, it seems that gestures and sign languages are quite different operations because of sign language's sophisticated system: sign languages have to be regarded as real languages. The distinction between gestures and the signs found in sign languages is essential to understanding the nature of human language when compared to animal communication. Animals, particularly apes and monkeys, use gestures. These are finite symbols for specific objects or actions. However, the finite sounds of human language and the signs of deaf sign language can be combined to express an infinite array of meanings.

Another point of view comes from Bonvillain (2003, p. 30), who introduced the term, "manual language." "Manual language" refers to a communication system that conveys information by moving one's hands, which is the basis of American Sign Language (ASL) and all other sign languages around the world. According to Bonvillain, ASL has 41 different hand shapes and possesses three elements, which enable speakers to distinguish between similar meanings. These signs correspond to spoken language in respect to place of articulation (where people put their hands), and manner of articulation (how people move their hands), and orientation (the direction of the hand movement). Bonvillain also insists that sign languages have complete grammatical systems, such as showing tense (past, present, future) and possess a vocabulary consisting of nouns, verbs, adjectives, and adverbs similar to vocal languages. Because of these factors, sign languages have complex and sophisticated systems like all other human languages. Therefore, even though sign languages do not have a vocal system, they are certainly not inferior to vocal languages

in respect to their powers of expression and communication.

It should be apparent that sign languages are sophisticated symbolic systems. Then, why have deaf people been prohibited from learning in their native languages? As stated above, it is obvious that learning vocal languages is nearly impossible for deaf people because of their deafness, even if they are able to learn grammar and vocabulary. However, they can learn foreign sign languages just like hearing people can study other vocal languages. There are various sign languages around the world, including American Sign Language, Japanese Sign Language, and British Sign Language.

How can sign languages affect deaf people's worldviews? Takamura (2005, p. 13), a deaf Japanese woman, says that after learning American Sign Language, she could break the barrier between herself and hearing people and discover many things through new language. She learned American Sign Language in the U.S. and later she taught ASL in a Japanese university for deaf students. Takamura additionally states that, after she mastered American Sign Language, she could communicate with both American deaf people as well as hearing people in the U.S. Takamura says that she found that all people have the same right to enjoy their life regardless what kind of language they use. Takamura also says that she could break the barrier between herself and hearing people because people in the U.S. treated deaf people and hearing people equally. Based on her experience, it seems that deaf people can broaden their worldviews by learning foreign sign languages, just as hearing people learn foreign spoken languages, and more importantly, sign languages can give deaf people pride. According to Senghas and Monaghan (2002, p. 78), when people accept sign languages, other cultural aspects such as their story-telling and patterns of greetings are accepted at the same time, which enables deaf people to become a part of the larger society and to make connections with members of the mainstream culture. Consequently, sign languages are meaningful not only as communication tools but also as tools to strengthen the group consciousness of the deaf.

Certainly, every hearing person knows how difficult it is to talk in an unfamiliar language. Similarly, following hearing people's conversation is much harder for deaf people than what hearing people may expect. Therefore, sign languages are necessary for deaf people to receive information. In addition, knowing languages can greatly enrich a person's life. Helen Keller (2007, p. 100) said that knowing many beautiful words gave meaning to her life, and she could experience and look forward to days full of joy. Keller was the most famous deaf-blind person in the world and she learned languages by point system and hand spelling. She lost both her sight and hearing when she was a child and started learning languages with a private teacher. Keller also says that, before she

acquired the power of language, she felt her world was like a dark sea full of fog without light. However, learning language changed her life greatly even though she wasn't referring at the time to sign language. Nonetheless, it seems that sign languages can provide deaf people with meaning and joy in their lives.

It is obvious that deaf people are able to learn better in sign languages than in vocal languages. Some people may say that deaf people should learn vocal languages to adapt to society because sign language speakers are a minority group. Moreover, some people may also say that sign languages are useless because only a handful of people will understand them and therefore there are not so many opportunities to use sign languages in society. However, these are clearly hearing people's personal views and they are insulting to the deaf. According to Vicars (2006), deaf people do not consider themselves "disabled," and sign languages are a common language system among deaf people, enabling them to unite with others. These statements mean that sign languages are needed for deaf people to be themselves and to be proud of both their language and culture. Considering these situations, sign languages are necessary for deaf people not only for their communication, for a sense of identity and group cohesion, but also as a part of the shared endowment of all human language.

Nowadays, more and more countries are accepting sign languages as official languages, including New Zealand, Portugal, and Finland. According to *A Sign Language Becomes Official in NZ* (2006), the New Zealand government took a vote to decide this issue. As a result, New Zealand sign language became one of New Zealand's native languages and was recognized as an official language. It was an historic moment for more than 210,000 deaf people in New Zealand, and hearing people there will have more opportunities to know both more about sign language and deaf people. In countries that are accepting sign languages as official languages, hearing people will feel no barrier to communicate with deaf people because they can be more familiar with sign language in their daily lives. Moreover, many schools accept deaf students and provide them with education through sign language interpreters. It seems that, in these situations, deaf people will feel that they are accepted by hearing people because they are using an official language. Accordingly, deaf people are empowered when they are accepted by hearing people because they can express themselves freely and publicly in their own languages.

Finally, sign languages should be regarded as languages despite the fact that they do not have vocal systems. Nonetheless they have sophisticated functions that all vocal languages have. Moreover, the presumed inferiority of sign language should become a thing of the past. Until now, deaf people could not freely use sign languages, which led them

to lose their opportunities to gain knowledge and express themselves in that it is obvious that learning through sign language is more efficient for deaf people than learning in vocal language. Sign languages give deaf people the power to live and communicate with others. Clearly, deaf people are not inferior to hearing people. Even if hearing people cannot understand sign language, when hearing people really accept deaf peoples' language, deaf people will have more power to express themselves.

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Immigrant Issues in Japan

Bayartsengel Damdinjav

As a result of globalization, international society has seemed to embrace the idea of free movement of goods, service, capital and people. While there is a long history of cross border migration in many parts of the world, human movement is less readily accepted than that of goods. Since the time when Christopher Columbus voyaged across the Pacific Ocean, people have always been willing to find secure places to settle down. In the modern world, one can see the fact that there is a tremendous inflow of immigrants in almost every part of the world. Japan was one of the few countries not to have experienced a massive inflow of immigrants until the beginning of the 20th century. However, with territorial expansion in the early 1900s and economic development in the postwar era, a noticeable number of foreigners started settling in Japan. Similarly, the settlement of a massive number of immigrants could be seen in other parts of the world, and those countries already experienced dealing with this issue and, as such, now try to look at immigrants as indispensable resources for the development of their societies (Komai, 2001). However, the Japan of today finds itself in a world that is being rapidly globalized. Unlike its isolationist Edo-era forebear, it can't separate itself from the flow of people if it wants to integrate into the global political economy and reach its ambition of being a leading country in world politics. It seems that it is inevitable that Japan will realize a multi-ethnic society, overcome impending matters and deal with immigration issues before it faces social and economic crises.

Japan has no choice but to recognize its society as multi-ethnic and to pay more attention to existing ethnic groups within its borders. Unfortunately, it seems that the Japanese government has been unwilling to deal with this issue even when facing the fact that, since the early 20th century, thousands and thousands of people from Japanese colonial territories, including Korea, China, and Taiwan, have been settling in Japan. According to Komai (2001, p. 16), those settlers in Japan from Japanese former colonies are described as *oldcomers*, whereas those who came to Japan after the high economic growth period, mostly from East Asia, South-East Asian and South American countries in the 1980s and the 1990s, are called *newcomers*.

It may be difficult to envision Japan as an “international” or “multicultural” society, but that is precisely what is happening in Japan. According to the Ministry of Justice (MOJ), the majority of foreign residents are from Korea, with a population of approximately

600,000. Many of these Koreans were brought to Japan as forced labor during the Japanese annexation of Korea. There is also a considerably large number of Chinese and Taiwanese who came to Japan during the Japanese colonization period and their presence boosted Japan's population by 590,000. Due to rapid Japanese economic development which started in the mid-20th century, there has been a wave of *newcomers* to Japan.

The largest numbers of *newcomers* in Japan are Japanese-Brazilians. In the early 1980s, the descendants of Japanese immigrants to Brazil were privileged to stay legally in Japan. According to statistics drawn up by the MOJ in 2006, there are approximately 317,000 Japanese-Brazilians residing in Japan. In the same year, an MOJ report estimated the number of immigrants in Japan, excluding those who were smuggled into the country, to be around 2,084,919. According to Komai (2001, p. 24), approximately 15,000 people are smuggled into the country every year. Foreigners now make up 1.63% of Japan's total population. These statistics indicate that Japan is already a multi-ethnic society rather than a mono-ethnic society.

According to Lie (2001, p. 84), there are three paths that all nations take on their road to multi-ethnicity: state-making, colonization and migration. Lie elaborates on these three mechanisms: when a country becomes powerful, it not only expands territorially, but it also attracts outsiders because of a thriving economy and culture. Unquestionably, modern Japan became multi-ethnic via all three paths, if one looks back at Japanese history. According to Lie, in the course of modern state-making, the *Burakumin*¹ became one of the ethnic minority groups. Territorial expansion of modern Japan incorporated Hokkaido and Okinawa, as well as Taiwan, Korea and other parts of the Pacific and Asia. The capitalist industrial revolution encouraged immigration. It seems that the modern history of Japan is a history that attests to the multi-ethnic constitution of which its people are made up. However, irrespective of these facts, the Japanese government has been reluctant to recognize Japan as multi-ethnic and, as such, the minorities that live under its influence go unprotected from discrimination on not only a social level, but a policy-making level, too.

Simply put, foreign residents in Japan face discriminatory action. Even legally residing foreign residents, who are well versed in Japanese conduct, can have difficulty in getting public services, finding accommodation and receiving education. According to Debito (2000), in Otaru, Hokkaido, foreign residents are refused entry to *onsen*² on the basis that

¹*Burakumin* were people who traditionally worked in slaughterhouses and as butchers and tanners in Japan and who were shunned as outcasts.

²hot springs

their foreign appearance will drive Japanese customers away. Foreigners are also often rejected when trying to find a place to live. Uechi (2008) elaborates on this issue and says that, even if foreigners are able to cover accommodation expenses and find a guarantor, they still meet difficulties in finding places to live simply because they are not native-born Japanese. For Korean residents in Japan who are struggling to keep their Korean identity, it seems that it is very difficult to have their children educated about their Korean heritage. Some schools in Korean residential areas such as Ikuno Ward, Osaka, face financial difficulties in running private schools which are attended by descendants of Korean residents because the Ministry of Education of Japan does not recognize these schools on the grounds that these schools do not follow the government prescribed curriculum. In ordinary Japanese schools, children of Korean descent tend to face discriminatory attitudes from Japanese classmates and their teachers (Maher, 1995). In the political arena, there has actually been a motive for not furthering foreigners' rights among some Japanese politicians simply because they do not stand to gain from doing so: working for foreigners' rights will not help politicians get elected and even be to the dissatisfaction of some Japanese who do not want to accept foreigners. It seems that these discriminatory actions against foreign residents are the result of the Japanese government not directing enough attention towards its foreign residents.

It might be difficult to envision what the situation for illegal immigrants in Japan would be like, given that even foreign residents who have legal permission to reside in Japan face some difficulties. Clark (2009) described an illegal immigrant couple with a Japanese-born child who was fluent in Japanese who were caught by the immigration bureau and were about to be expelled from Japan. Clark says that the Japanese immigration policy is against precisely what Japan needs to do in order to build up its population. Barry and Debito (2004) point out that Japan will face a chronic labor shortage even though the ongoing economic downturn is affecting job markets. Simply put, Japan needs immigration for its future if it wants to tackle the problems caused by an aging population, such as a shrinking tax base, but current policies toward immigrants and foreign residents are not suitable for what Japan needs for its near future. According to Sayuri (2009), Japan will face severe difficulties with its population size. Japan's population is expected to drop below 90 million by 2050, which is 30-40 million less than the 2005 level. When Clark raises the question of how to resolve these issues, "why not amnesty for those who are clearly well behaved and of benefit to Japan?," the answer from authorities is that it would just encourage further breaches of the law.

There is also another important issue involving illegal immigrants, that is, human rights. Komai (2001) argues that illegal immigrants are facing serious problems because of their

struggle to obtain legal protection, especially with medical issues. Their illegal status makes it almost impossible to receive medical treatment because of the fear of being caught by the authorities and being expelled from the country. They often are denied medical care, which makes their life more difficult in Japan. Here the question of the applicability of international law comes into play. International law declares the universal human right of getting medical care readily regardless of who or where you are. The situation in Japan indicates a clear violation of universal human rights (Komai, 2001). It seems that the Japanese government is doing little about the immigration issue other than trying to stop the flow of immigrants. Yet there are so many foreigners, both legal and illegal, residing in Japan that the Japanese government has to give them due consideration.

With a population in free-fall, a pension problem exacerbated by an aging population and labor shortages becoming more severe, calls are growing for Japan to give the nod to immigrant workers and foreign residents to live in Japan without discrimination and without social and political strings. Since the 19th century, there has been a noticeable influx of immigrants in Japan. However, they have been discriminated against by a mainstream society that prefers to see itself as homogenous. Yet given these various pressures, the Japanese government will soon need to reconsider and change its restrictive immigration policies and admit large numbers of foreign workers to sustain its economy. To fully see the benefits of foreigners in Japanese society and overcome impending social and economic challenges, it is critical that the Japanese government recognize its society as multi-ethnic because Japan already has large numbers of foreigners. Furthermore, Japan must give foreign workers and residents more rights, such as the right to education and the right to readily access medical care, as well as eliminate any source of discriminatory actions from mainstream society.

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Reshaping Identity of Global Companies

Kensuke Suzuki

I was standing in the middle of the National University of Singapore campus, where a vast number of people from all different backgrounds actively mingle. In the face of a daunting throng of diverse people right in front of me, I was feeling completely at a loss: I had a conflicting pressure and uncertainty about myself. I was not sure about my own identity. It was not solely because of my nationality, but also my responsibility and mission. As an exchange student and as a Japanese person, I was distressed to find what and how I could contribute to society and others, and what role I should play throughout my entire lifetime for society and others. This was the struggle I experienced back in 2007. This is my identity. Without it, I would not be able to handle changes in my environment.

In a similar way, global companies are experiencing an identity crisis. There is one undisputable reality for global companies: the landscape of geopolitics is rapidly changing. For example, the new president of the United States indicated that he intended to tackle the issues of the Middle East when he came into office, while Russia and Ukraine recently signed a long-term gas deal. These rapid and drastic changes continuously alter power equations in the world, and they will most certainly force not only governments, but also global companies, to take these uncertainties into consideration in decision making. Like all of us, companies need their own identity to survive global competition. These trends, I believe, imply that global companies must find roles to play in the 21st century. They are obliged to decide how they should encounter rapid changes in geopolitics.

Moreover, national boundaries or economic boundaries, it seems, are being reactivated. If we look at Europe, even though the integrated and developed financial markets have encouraged its economic growth, there is rising concern that it may also open up additional channels for the transmission of financial shocks, including those across borders (Organization for Economic Co-Operation and Development, 2009). States are tightening regulations and protecting domestic industries. It is obvious that regional boundaries are coming back, at least on the surface. But there is the possibility that these phenomena are just stepping stones for further globalization. These boundaries are rather confusing; the pendulum seems to be swinging back, but, unfortunately it is just revolving in the same traditional direction. Therefore, it is also threatening the identity of global companies, which, in turn, can trigger further turmoil. Business leaders around the world who have to lead their companies now must find a real meaning that they can, should, and must

create for the world. Very possibly, only companies that can confront the identity crisis will be ready to face future challenges. But are there any desirable guidelines?

I want to imagine three scenarios for the future of the business world. One or two of them may be more realistic than the other, but each of them, I believe, is possible. At the heart of my idea is the imagination that created the identity of human beings to begin with, which should now inspire global companies and nations as they create stronger identities for themselves: companies as a source of new responsibility, realizing the importance of regional corporate culture and the continued need for sustainable mission statements in order to address the revival of political and economic boundaries.

Scenario One

Imagine: Year 2019

The word ‘company’ is not often used anymore because the border of “a” company has drastically changed. In the 21st century, with the shareholders’ narrow view of a firm, a company is owned by shareholders. In stakeholders’ view of the firm, a company can be defined as all the stakeholders involved. But recently, because the impact of global companies’ actions became rather powerful, the border of companies has been widening, just as their responsibility. Companies now include the societies they exist in. That is now called “the societal view of the firm” in the new era. The concept of companies has become a collection of people and societies, rather than a collection of distinctive capabilities and assets.

Scenario Two

Imagine: Year 2039

Japan is now a part of the East Asian Community (EAC), which was established in 2030. It has a common market, a common law, and a common currency. The currency it is using for business transactions is no longer the Japanese yen; there is a new currency system called the AMS (Asian Monetary System), which serves as a common currency in East Asian countries. The Euro, the American Dollar, and the AMS are now the basket of currencies. Surprisingly, the growth in GDP in Asia has been outgrowing the rest of the world. What became known in the 2030s as the concept of “Asian” has become broader and broader. It is now far from the idea of the integration of Asia promoted by all Asian countries.

Now Japanese companies have been jointly operating with other Asian companies; they have merged with and acquired Korean, Chinese, and other non-Japanese companies. This began the emergence of universal Asian companies. With mixed corporate governance, however, in facing many important decisions, Japanese business leaders have had to compromise to avoid risk or conflict. In addition, the volume of migration into and from the country dramatically increased, which, with the given institutional framework of EAC, the Japanese government has had no right to control. Human resource management systems in companies have become bewildered and the structure and control system has failed to function. Unfortunately, Japanese companies have failed to reshape the regional and national culture of their corporate identities.

Scenario Three

Imagine: Year 2059

Since the early 2050s, the world population, especially in India and China, has increased faster than ever. The environmental situation on earth no longer allows companies to exploit natural resources, especially fossil energy. Until 2055, a large American oil company, Fossiburton, was earning stable profits by supplying oil and natural gas. The company's mission statement was "to continue to be the world's premier petroleum and petrochemical company." By 2059, however, the global automobile industry, heavy industry, and steel industry completely stopped using fossil energy; there are now cheap renewable resources, thanks to rapid technological development. Not only that, because all the countries now adapt strict environmental legislation and regulations laws, the company's business model itself has become unnecessary and outdated. Unfortunately, Fossiburton failed to reshape a sustainable mission statement for its identity.

New responsibility for global companies

As can be seen in Scenario One, there should be new responsibilities for global companies because business is a social process. Global companies should exist to create meaning and value in society. They cannot be amoral or immoral; the core of business has to be moral. If a business wishes to prosper, it needs to be seen as an "ethical company" and make meaning in society in the interests of all its stakeholders (Wolf, 2008). Global companies, I argue, must put prior importance on their stakeholders and societies, rather than pursuing short term shareholders' values. Being proactive about effects on others and whole societies, rather than waiting for state intervention, will help global companies build societies' trust and loyalty (Freeman, 2007).

OECD research shows that companies have invested heavily in improving their ability to respond to “soft societal expectations not written down in law books” because they recognize their interdependence with societies (Directorate for Financial and Enterprise Affairs, 2008). This is a new responsibility for companies and the concept will certainly change the way companies exist now. The *raison d’être* of companies must factor into their responsibility for stakeholders. This will force each global company to take “an entirely new understanding of its purpose in a global society” (Behrendt, 2003). There needs to be a paradigm shift in corporate responsibility and morality.

Creating regional corporate culture

In Scenario Two, it may be seen that, as the revival of “regionalism” begins to emerge, a new corporate identity will come about. For instance, the collapse of the Soviet Bloc and the Soviet Union itself, as well as the accession of Ireland and other peripheral states to the EU, created a new geopolitical dynamic from the recent past. With this change, Europe could no longer be seen as coterminous with the EU (Hay, 2003). Also, in Southeast Asia, some initiatives for regional co-operation have been launched, such as the concept of an ASEAN Community, which may indicate the possibility of realizing an East Asian Community (Fostering Regional Integration, 2007). These geopolitical changes and dissolved national boundaries will have a significant impact on the way global companies survive. Instead of as “nations,” each “region” or “community” will have a more unified and stronger identity.

Then, what will become of corporate culture, or governance in Europe, America, Asia, and the rest of the world, one may wonder? One concern may be that different national corporate cultures may boil away and regional cultures emerge. If national cultures cease to exist and employees start identifying themselves by region, traditional ideas (and loyalties) about national identity and boundaries will have less meaning. National identity, however, must be maintained no matter how other boundaries become indistinct. This is the only way to remember history, and without it, a company would not be able to make important decisions according to a certain set of behavioral patterns or values. It would make companies lose both regional *and* national identity. For this reason, I believe that there needs to be a dual-identity for global companies. The different ways of corporate governance will blend with each other and generate a new equilibrium point.

Reshaping sustainable mission statements

Mission statements should reflect the values, beliefs, and assumptions of companies.

Scenario Three may indicate that companies as well as governments must have a new, creative, and dramatic mission statement. Companies that do not have sustainable mission statements will collapse because they will not be able to adapt to rapid geopolitical and environmental changes. Their mission statements should build a new society in the 21st century that will create a powerful shift to an energy revolution, a society that does not depend on economic growth and fiscal prosperity. Cooperation among businesses, especially in emerging economies and public sectors, is definitely necessary. It is time for us to reconsider the true meaning of global companies and their mission statements.

What is to be done?

As drastic geopolitical changes take place and all sorts of boundaries reemerge, it may look as if they suggest that the process of globalization is reversing itself. This trend is certainly confusing global companies; it is threatening the competing identities of global companies. If so, they can lose an international competitive advantage and it would hinder not only the growth of companies, but also our growth as human beings. However, I believe that it is in this process that the possibility of *real* progress of those companies lies. Whether they can actually overcome this identity crisis is uncertain. The hope is that they will be aware of the fact that they can be a source of new responsibilities for society, a witness of the need to process both regional and national corporate cultures, and a realization of the significance of sustainable mission statements. What ideal global companies can accomplish during this crisis will be an accurate realization of right vision, sincere hope, and fundamental ethics. That will not only inspire future business leaders, but also help to reshape their identities.

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Japan's Nuclear Policy: Will Japan Go Nuclear?

Megumi Okazaki

Introduction

Fifteen years after the end of the Cold War we still have not found the means to stop nuclear proliferation. According to GlobalSecurity.org (2005), nuclear powers still stockpile about 28,000 nuclear weapons in the world and more than half of them are deliverable. Iran and North Korea have now also emerged as nuclear threats. In addition to these nations, terrorist groups are equally eager to acquire nuclear weapons, posing a serious threat to the international community (Toki, 2008).

Within this global context, there has been a growing concern about the possibility of a nuclear-armed Japan. Since North Korea's nuclear program was disclosed in the early 2000s, many current and former U.S. officials have referred to the possibility of Japan developing its own nuclear weapons program for self defense. Especially following the North Korean nuclear test in 2006, this issue has been discussed openly by politicians even within Japan (Plesch, 2003).

For the past five decades Japan has played a leading role in the field of international disarmament and nuclear non-proliferation by actively committing itself to the Non-Proliferation of Nuclear Weapons Treaty (NPT) and the Comprehensive Nuclear-Test-Ban Treaty (CTBT). Japan has also presented multiple United Nations resolutions for the elimination of nuclear weapons to the General Assembly annually since 1994 (Tomohiko, 2009). Despite these contributions, as a response to a worsening global security environment, will Japan seek to join the nuclear power states?

In this paper, I will first briefly explain the background of Japan's nuclear policy following World War II as well as the current official Japanese position toward nuclear non-proliferation. Secondly, I will discuss the changing security environment in Asia and its impact on Japan's nuclear option. Then, I will consider the contradictory reality of Japan's nuclear dilemma as reliant on the U.S. extended nuclear umbrella while calling for non-nuclear proliferation. Finally, I will analyze Japan's nuclear policy, focusing on its alliance with the U.S. in a new security policy.

Background

Japan's non-nuclear policy has two main aspects: Japan's strong domestic identity as a 'non-nuclear state' and Japan's reliance upon the extended U.S. nuclear umbrella.

Japan's identity as a non-nuclear state has been shaped by the tragic memories of Hiroshima and Nagasaki. Even though current young generations had not experienced the disaster, its tragedy has been passed down from generation to generation through documents, mass media and education. The strong belief that nuclear weapons are "essentially immoral" and should be completely eliminated has been steeped into the perspective of the Japanese people (Tomohiko, 2009). Since the end of World War II, based on this belief, Japan has strongly pursued a so called "three-non-nuclear principle"—not possessing, not developing, and not introducing nuclear weapons into Japan.

However, as China started developing nuclear weapons in the mid-1960s, Japan has recognized the necessity of a greater security strategy to maintain its non-nuclear status. Therefore, in 1968, the Japanese government officially announced that Japan would rely upon the U.S. nuclear umbrella for its own security (Tomohiko, 2009). Since then, Japan has strictly followed its non-nuclear principle, protected by the U.S.'s extended influence, even when other nuclear states strengthened their power, (Ibid.).

Before starting a discussion on the possibility of a Japanese nuclear option, I would like to explain the capability of Japanese nuclear armament. As Japan's former Prime Minister, Taro Aso, declared in the Fall of 2006, "Japan is capable of producing nuclear weapons" (Izumi and Furukawa, 2007). Following the U.S. and France, Japan is currently the world's third largest producer of nuclear power. Japan's nuclear power industry has cultivated a stockpile of more than five tonnes of plutonium, which is enough for hundreds of weapons (Plesch, 2003).

However, there are also views that Japan has many barriers to overcome to establish a nuclear arms program. According to Chanlett-Avery and Nikitin (2009), Japan has not yet developed the basic infrastructure that would be necessary for the production of nuclear weapons, including "a nuclear doctrine, a legal system for the protection of information, a unified command and control system, or a unified intelligence system." Bilateral and international treaties, such as the NTP and the IAEA, also strictly regulate Japan's use of nuclear materials. In addition, if Japan pursued a nuclear option, it would face strong opposition from scientific and academic communities in Japan which still retain a pacifist position. Moreover, the Japanese democratic government would suffer from the

painstaking process of selecting the location of nuclear test sites and nuclear weapon production and storage facilities (Izumi and Furukawa, 2007).

Japan's official position toward nuclear policy

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationships and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. (The Constitution of Japan, Preface)

As is clearly stated in its Preface, one of the most significant principles of the Constitution of Japan is the promotion of pacifism. Especially relating to foreign policy, the Ministry of Foreign Affairs of Japan declares four basic aims towards disarmament and non-nuclear proliferation policy. First of all, high priority is placed on the promotion of world peace. Post-War Japan has initiated policies emphasizing economic and cultural development and the promotion of its national welfare, rather than reinforce its military capability. In order to maintain peace and stability, Japan has attempted to promote harmonious relationships with its neighbors to avoid any circumstances which could cause an unwanted arms race. Secondly, Japan seeks to take the initiative in educating and promoting nuclear non-proliferation, considering it a self-established responsibility to detail the experiences of Hiroshima and Nagasaki for the world. Third, the Japanese government adopts a humanitarian approach to keep war situations from accelerating. Finally, the Japanese government also pays attention to the aftermath in war zones not only to protect people's lives, but also to preserve their living environments and cultural prosperity (Ministry of Foreign Affairs of Japan, 2008).

In spite of this pacifist constitution and its non-nuclear policy, however, the possibility of Japan's nuclearization has been discussed by Japanese officials several times. Article 9 of the Constitution, which declares "the right of belligerency of the state will not be recognized," is very controversial. The Japanese officials who raised the question about Japan's capability to develop their own nuclear weapons—beginning with Prime Minister Nobusuke Kishi (1957) through former Prime Minister Shinzo Abe (2006)—repeatedly argued that Article 9 does not restrict the possession of nuclear weapons for defensive purposes, "depending upon the world's situation, circumstances and public opinion" (Chanlett-Avery and Nikitin, 2009).

Fortunately, Japan has not chosen the nuclear option so far. This could be evidence that a nuclear option still remains unacceptable to the general public in Japan.

Japan's policy toward the changing security environment in Asia

Since North Korea withdrew from the Treaty of the Non-Proliferation of Nuclear Weapons (NPT), there has been growing concern that international pressures might prompt Japan towards the nuclear option. Plesch (2003) stated that Japan is the world's fourth largest defense spender, with a naval force larger than that of Britain's. This has resulted from pressure to take a stronger military stance. He also predicted that Japan might attempt to possess nuclear weapons. Some U.S. officials have even argued that "the U.S. should encourage Japan to develop a nuclear capability in order to cope with North Korea's nuclear development and to accommodate the rise of China" (Frum, 2006). White (2008) argued that a stable and sustainable relationship between the U.S. and China is the key for a peaceful future in Asia, and that requires Japan to become more strategically independent from the U.S. To do so, he added, Japan needs to develop its own nuclear capability and become an equal partner of the U.S. as a strong power in Asia.

Contrary to these concerns, both official and public reactions in Japan to the North Korean threat have been much more restrained than those of foreign countries. According to a poll conducted by the *Asahi Shimbun* newspaper just after North Korea's nuclear test on October 9, 2006, about 82 percent of the respondents were "concerned" about the issue. Some 44 percent of those polled felt a "strong threat" from North Korea. However, as soon as it was recognized that the test did not cause any serious radioactive contamination risks, the public interest in this issue faded away promptly (Izumi and Furukawa, 2007). The Japanese media also did not acknowledge any extensive discussion within the government regarding a Japanese nuclear option. Even though it certainly shocked the Japanese public, the North Korean threat is not necessarily considered as the most decisive factor in shaping Japan's national security strategy. The Japanese government continued to place high priority on the abductions issue after the North Korean tests, and even discussion about introducing new legislation to regulate North Korean ships on the high sea has gradually faded (Izumi and Furukawa, 2007).

In addition, after North Korea's satellite launching in April 2009, 72.8 percent of people polled in Japan were opposed to Japan's nuclearisation, whereas 19.4 percent of the respondents supported it, which was only a 2 percent increase since the poll taken after North Korea's nuclear test in 2006 (Sankei, 2009). Co-existing peacefully with a nuclear-armed China for about half a century, the neighboring countries' nuclear weapons are not necessarily the highest priority for a majority of the Japanese public (Izumi and Furukawa, 2007).

As for keeping a balance with China's rising political influence, the Japanese government seeks to enhance its diplomatic standing in the world, rather than to develop its own nuclear weapon. Japan recently sought a permanent seat on the U.N. Security Council and is now trying to encourage regional integration in Asia in order to promote a stable global and regional security environment (Izumi and Furukawa, 2007).

Since the end of World War II, Japan has cultivated trust with its neighbors by complementing international nonproliferation regimes with various national, bilateral, and multilateral measures. The Japanese government seems to regard Japan's international reputation with greater value than that of developing its own nuclear deterrent against North Korea. Instead, Japan favors promoting cooperation with the U.S., relying on the U.S. nuclear umbrella.

U.S. policy change and Japan's nuclear dilemma

In addition to the North Korean nuclear problem and China's rising power, there is another factor which raises the question about the possibility of Japan developing its own nuclear weapons. In the Prague speech on April 5, 2009, U.S. President Barack Obama stated, "We will reduce the role of nuclear weapons in our national security strategy and urge others to do the same. We will begin the work of reducing our arsenals" (Whitehouse.gov, 2009). He also added, "As the only nuclear power to have used a nuclear weapon, the United States has a moral responsibility to act" (Ibid.). His statement, which implied strong support for nuclear disarmament, would seem to be completely agreeable to Japan, which has such a strong non-nuclear identity. However, this shift in U.S. security policy will raise another issue for Japan, since it relies on the U.S. nuclear umbrella for security.

Some Japanese Foreign Ministry officials have repeatedly made unofficial comments opposing "Non-First Use (NFU)." Former Japanese Prime Minister Taro Aso also commented, "I wonder if that is a realistic way to ensure Japan's safety" (Cirincione, 2009). The Japanese government has long held an undeclared view that the U.S. nuclear umbrella should be effective as a deterrent of potential threats, such as biological weapons, chemical weapons and even conventional weapons (Cirincione, 2009). Given Japan's unstable security environment due to North Korea's developing nuclear and missile programs and China's growing military power, Japan feels the necessity to ensure the U.S. commitment to deterring threats from nuclear and other weapons of mass destruction (Tomohiko, 2009). In response to Japan's attitudes, Former Australian Foreign Minister Gareth Evans criticized the Japanese government's negative attitudes towards NFU,

claiming that Japan is blocking a shift towards nuclear disarmament (Kawasaki, 2009).

Japanese officials' negative attitudes towards the U.S. policy change caused a controversial discussion within the U.S. that a reduction in the role of nuclear weapons would weaken the U.S.-Japan security relationship. Payne noted, "If the U.S.-extended nuclear deterrent loses credibility, some in Japan believe that other security options will have to be examined" (Cirincione, 2009). Former U.S. Defense Secretary James Schlesinger even suggested that Japan might choose to acquire its own nuclear weapons (Ibid.). Now, the possibility of Japan's nuclear option is used as a justification for the U.S. maintaining its massive nuclear arsenal indefinitely. Conservatives in Washington tried to prevent the U.S. government from conducting an important policy change that would be a step toward nuclear disarmament by telling the President that nuclear reductions actually will promote proliferation (Kawasaki, 2009).

The Japanese government's response to these concerns is quite determined. Fukuyama and Umebayashi (2009) clearly have stated, "The argument that Japan will go nuclear if Washington reduces the number and missions of U.S. nuclear forces is nonsense." They argued that the attitude of Non-First Use by the Democratic Party of Japan (DPJ) is likely to be quite different from the Liberal Democratic Party of Japan (LDP), and they also emphasized that no political party in Japan supports possessing nuclear weapons (Cirincione, 2009). They well understand that the threat to Japan is not the elimination of weapons; it is their spread. Inviting future arm races is the last policy they would choose. Japanese Foreign Minister Katsuya Okada also expressed Japan's intention to work with the U.S. to achieve an NFU policy. Prime Minister Hatoyama also supported the elimination of nuclear weapons: "It is high time for us to take action. We have no time to waste" (Ibid.).

Now, in order to resolve the dilemma of being under the U.S. nuclear umbrella and yet working toward a world without nuclear weapons, what should Japan do? Kawasaki (2009) warned that Japan should give up its reliance on the U.S. nuclear umbrella and build a "nonmilitary" security mechanism based on preventive diplomacy following its pacifist Constitution. He argued that Japan's reliance on the U.S.'s powerful nuclear capability gives China the perfect excuse to continue its military buildup, which will threaten Japanese security (Kawasaki, 2009). Toki (2008) also suggested that "Japan should spread the facts of the inhumanity of nuclear weapons by sharing more of the Hibakusha (atomic bomb victims) experiences."

Conclusion

Since the end of World War II, the Japanese government has raised the question of a Japanese nuclear option on various occasions. However, the outcome has been always the same: Japan's possession of its own nuclear weapon would not outweigh its risks. First of all, a nuclear-armed Japan could cause further nuclear proliferation and would threaten the world's security environment. Secondly, given its limited geographic characteristics, Japan could not secure a location for testing and storing nuclear weapons safely. In addition, Japan places higher value on the credibility of the international nonproliferation regimes which it has cultivated for more than half a century.

Furthermore, anti-nuclear sentiment remains very strong in Japan. Sixty-four years after the tragedies of Hiroshima and Nagasaki, Japan still remains the only state to have experienced the consequences of nuclear weapons. The Japanese public feels a strong responsibility to share this experience in order to seek the world's peace. A public opinion poll conducted by the Ministry of Foreign Affairs of Japan in 2008 shows that about 70 percent of the respondents considered it of the utmost importance to work towards the complete abolition of nuclear weapons. Moreover, more than 73 percent of those recognized the necessity for Japan to take an initiative in the field of educating and promoting disarmament and nonproliferation, to not let any nation or people fall victim to the horrors of nuclear weapons again (Ministry of Foreign Affairs of Japan, 2008).

Now, along with a positive shift in U.S. nuclear policy, the main question for Japan is how to reduce its dependence on nuclear weapons for security. Cirincione (2009) noted:

We should strive to eliminate all nuclear weapons, step by step, with all nations reducing together. While we reduce—and after we abolish—nuclear weapons, Japan will be defended by the strong and enduring U.S.-Japan alliance. This alliance is about much more than nuclear bombs. It is backed by powerful conventional forces and more importantly, the close, often personal, political bonds between the U.S. and Japan.

Japan and the U.S. have been working together in the field of nonproliferation. It is time to promote cooperation in the field of nuclear *disarmament* to realize a world without nuclear weapons. I strongly hope the NPT Review Conference scheduled for May 2010 will be a major turning point for the world to make progress toward a peaceful world without nuclear weapons.

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Codetermination in U.S. Foreign Policy: The War Powers Resolution

Yuto Hosogoe

Introduction

The principle of codetermination between the President of the United States and the U.S. Congress has been a fundamental concept in U.S. foreign policy. The U.S. Constitution, Article I, states that Congress shall have the power to declare war, while Article II specifies that the President shall be Commander-in-Chief of the Army and Navy of the United States. The architects of the Constitution intended that decision-making in foreign policy should be shared between the President and the Congress. However, the Constitution is not clear on where war powers lie because of the founders' intention that both branches should have balancing roles in foreign policy. In reality, the President can immediately respond to a national crisis because of the following presidential advantages: a national constituency, which is always in session, and the overall control of information, as Hook (2008) illustrates. In contrast, the operations of Congress are generally said to be time-consuming, laborious, and inefficient due to its sheer size and partisan division. Thus, the domination of the President over Congress in foreign policy has expanded, becoming more powerful through many national crises which needed to be quickly and decisively addressed.

There has been a movement in Congress to correct the war powers balance since the 1960s, which eventually led to the creation of the War Powers Resolution of 1973. As Mezey (1989) explains, the War Powers Resolution sought a more timely and effective congressional role in decisions concerning the commitment of U.S. troops to foreign hostilities while retaining presidential discretion to respond to foreign situations. There appears to be a serious perception gap between the executive and legislative branches regarding implementation of the resolution. The presidents consider it as a serious threat to presidential prerogative war power as Commander-in-Chief. Yet I believe that Congress enacted the resolution because congressional members just wanted to check presidential actions in war-making processes. The Congressional attitude may be realized in the tendency for Congress to be unwilling to invoke its provisions firmly and then to be held responsible for the consequences. Both branches should be more aware of these varying positions and perspectives. Only after each branch tries to recognize what the other thinks about the resolution can the conflict between Congress and the President in

foreign policy be transformed into genuine collaboration for conducting a united U.S. foreign policy.

The intention of the resolution is to curb Presidential power because in the American system of checks and balances, at times, a confrontation between the President and Congress is necessary. Although the original purpose of the resolution is to restrain presidential power, it has often not been effective because congressmen are often forced into an agreement with the President's decisions by their own fear of public disapproval and the danger they will be portrayed as "un-American" for less than total support of American military action.

The transformation of power balance

According to the U.S. Constitution, making and conducting foreign policy is supposed to be a collaborative effort between the President and Congress. However, the political reality is the continuing expansion of presidential power and a continuing ineffective opposition from Congress to acts of war. The writers of the Constitution had assumed that Congress—with its power to declare war, to control governmental spending, and to give advice and consent—would effectively restrict the President. In contrast to this expectation, presidential power has only increased not merely through national crises, which required strong leadership, but from domination of the executive office over public opinion through use of the bully pulpit and the mass media. Presidential power became especially strong through World War I and II. Yet presidential domination in foreign policy was not seriously challenged by Congress because Congress thought that the President could act more successfully on foreign policy issues, as Hook (2008) states. Thus, there had been somehow a broad cooperation between the two branches, in which Congress had legitimized presidential decisions and relied on the advice of qualified personnel serving at the pleasure of the President.

However, doubt over the legitimacy and credibility of a presidential war surfaced in Congress and the entire public because of the Vietnam War, which became a sufficient incentive for Congress to reconsider a more balanced partnership in foreign policy making processes. Spitzer (1993) points out that, although the scale of American involvement was less than that of World War II, the length of the war, combined with growing doubts over its justification and its progressively greater human and material costs, created discontent among the public and Congress. The Vietnam War made clear to Congress that a more active congressional role was necessary to implement a more mature foreign policy reflecting the complex and varied interest groups throughout the United States. The war in

Vietnam and public dislike for costly foreign engagements have pushed Congress into a more confrontational attitude with the President, suggesting the need for a law limiting presidential war powers and preventing another presidential war without formal authorization from Congress, that is, the War Powers Resolution.

Presidential response toward the resolution

American presidents have been arguing that the War Powers Resolution, which undermines their prerogative power as commander-in-chief, is unconstitutional. Presidents always have disregarded the relatively mild consultation requirement as well as the powerful reporting requirement. Presidents often claim that the resolution prevents the nation from functioning decisively in a crisis. Faced with increased congressional reluctance to deploy military forces overseas, the President continues to maintain that he has unilateral authority based on his role as commander-in-chief, as Mezey (1989) says. Presidents have argued that they are directly responsible for acting promptly to deal with threats to U.S. interests, including the deployment and use of U.S. forces, where necessary, in defense of the national security, as Mann (1990) shows. Mann (1990) continues to say that presidents argue that Congress should not, as a matter of sound policy, and cannot, as a matter of constitutional law, impose statutory restrictions that impede the President's power to carry out these responsibilities. For that reason, presidents generally just let Congress know their decisions and, after the fact, ask for corroborating congressional approval. Behind strong opposition to the resolution by presidents, there might be fear that the President must come to accept limits to his capacity to use U.S. troops if he honors the actual terms of the resolution. So far, presidents have made basic reports to Congress while denying the legality of the entire resolution, because every president wants to avoid an intense conflict with Congress as much as possible. Presidents feel that their war powers as commander-in-chief are seriously threatened by the resolution, so that presidents have been avoiding the constraints inherent in the resolution with every possible reason they can think of. Therefore, the War Powers Resolution has been seen as an obstacle to implementing foreign policy by presidents.

Congressional reluctance to invoke the resolution

The War Powers Resolution itself does not ensure the end of a presidential monopoly in war-making, but it certainly provides Congress with means to restrain a presidential war only if Congress has the will to invoke it. Congress asserts that it also has a role on the grounds of its constitutional power to declare war and of the provisions of the War Powers Resolution, but Congress, in practice, cannot stop presidential wars easily. One

reason why Congress cannot effectively implement the resolution may result from the fact that Congress is made up of hundreds of members, who have their own constituencies and perspectives. As Mann (1990) points out, Congress has no solidly unitary position or statement of institutional interest. All of the Congressional members would not be able to agree on a point concerning the role Congress should have in U.S. foreign policy. I believe that Congress wants to be visibly involved, but not held responsible if a military operation goes wrong because of its decision to oppose the President.

Mann (1990) maintains that there are several possible explanations that account for the reluctance of Congress to trigger the War Powers Resolution. Many presidential actions, because of their quickness and decisiveness, are completed before Congress has a chance to respond. Also, Congress runs the risk of making two possible types of errors when it confronts situations involving the military. First, Congress may be blamed for not doing enough to stop a harmful situation by not getting involved. Conversely, it may prevent the United States from taking an aggressive course of action if Congress places heavy limitations on the President, which leads to its being blamed for interfering with the President's power as commander-in-chief. Thus, there may be congressional ambivalence over what role Congress should have in U.S. foreign policy.

Furthermore, even the opposition party hesitates to interfere with a war already in progress at the orders of the President because it will be accused of unpatriotically undermining the troops, whose lives are at risk during any military operation. Only after several years have passed is there often enough public support for ending a war, and this is far too late to prevent the damage from hasty military action initiated by the President.

Vagueness of War Powers Resolution

There are obvious problems with the War Powers Resolution, which is largely due to the vagueness of its terms, especially in its consultation and reporting sections.

1. Consultation

Section III of the resolution specifies that, "The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." However, there are many ambiguous phrases that can be interpreted in many ways in the wording of the resolution, which allows presidents to interpret each phrase in different ways to serve their own interests. The President desperately tries to

avoid consultation, while Congress does not want to be left in the dark.

First, there is a problem with the definition of what the condition of “hostilities” is. Mann (1990) believes that the report of the House of Representatives defines hostilities as not merely a situation in which fighting actually has begun, but as including a state of confrontation in which no shots have been fired but where there is a clear danger of armed conflict. However, presidents tend to define an hostility as an actual fight with an enemy in order to avoid any consultation with Congress. Even if the President accepts there are serious hostilities, it is also unclear about who in Congress should be consulted, as Kronenwetter (1988) points out. The Senate, to which the Constitution gives particular powers in foreign affairs? The House? Both bodies? The majority party leaders? The resolution gives no clue. In reality, prior notice has usually been limited to congressional leaders with whom the President works well.

Second, the clause “in every possible instance” leaves substantial discretion to the President regarding the form and timing of consultation, as Fisher (1993) indicates. The phrase implies that the President is not forcefully required to consult Congress before introducing troops into hostilities. Mann (1990) reveals that the phrase “in every possible instance” makes room for the President to say that the consultation was not possible in a particular instance. According to Kronenwetter (1988), the most common reason allowing the President to advance a military operation without consulting Congress is the need for secrecy. The President frequently states that an operation that needs secrecy cannot be made public, so the President alone must sometimes manage it without informing Congress. Hence, the consultation is left up to the President’s discretion whether he thinks it is possible.

Third, and most importantly, it is not clearly defined what “consultation” means. As Kronenwetter (1988) makes the point, does the consultation mean the simple process of informing Congress, or something more? According to Mann (1990), there is a huge gap in how to interpret the consultation: presidents have interpreted consultation to mean “inform,” whereas Congress has argued that it means much more, saying that, “Consultation means that members of Congress are being asked by the President for their advice and, in appropriate circumstances, their approval of action contemplated.” As Mann (1990) points out, the President typically just informs Congress after he has made decision. Most Presidents have simply notified congressional leaders shortly before the use of force. Since decisions are generally made in the President’s mind prior to the consultation, there is almost nothing Congress can do.

2. Reporting

There is a loophole in the reporting requirement that the President also can take advantage of. Mezey (1989) summarizes the reporting requirement as follows: within forty-eight hours of the introduction of U.S. troops into hostilities, the President is required to submit a report of his actions to Congress. This report marks the beginning of a sixty-day period when the President has to terminate troop deployment unless Congress declares an extension. Fisher (1993) argues that a serious problem in the reporting section is that the sixty-day clock does not actually begin to tick unless the President reports to Congress under a very specific provision.

Activities are classified in three ways: (1) when forces are introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances; (2) when troops equipped for combat are introduced into situations where hostilities are not considered imminent; and (3) when the U.S. military presence in a foreign nation is substantially increased. The differences in these classifications are important especially because the definition of imminent hostilities is not clear. The first classification, which describes imminent hostilities, does trigger the sixty-day clock, while the other two only force the President to report to Congress. Of course, presidents do not report under the first classification, which might result in the forceful removal of troops by Congress. Mezey (1989) points out that, because of this loophole, presidents do not formally report the introduction of troops to Congress, arguing that the troops are not really engaged in imminent hostilities. Thus, even if the President reports to Congress, he reports under the other two sections to avoid the sixty-day clock. In fact, the first section, which sets the sixty-day clock, has almost never been cited, and imminent hostilities have never mentioned by presidents. Many presidents have asserted that their missions are humanitarian efforts or include no expected involvement of actual and imminent hostilities.

Ineffectiveness of War Powers Resolution

Thus, ambiguity in the consultation provision regarding what the definition of consultation is, when the consultation should occur, and of which members in Congress should be consulted, has caused some difficulty in limiting presidential war power. Also, because of the loophole in the reporting requirement, it is highly likely that a sixty-day clock does not actually start to tick. After analyzing the effectiveness of the War Powers Resolution, which demonstrates Congress's attempts to involve itself in the war-making process, I believe that presidents still continue to have considerable power. Spitzer (1993) presents several reasons why presidents continue to have the same amount of power as before the

resolution was enacted. Members of Congress are reluctant to interfere in a way that might be interpreted later as having contributed to a defeat in war. Congress desires to have the role to check President's actions, but at the same time, Congress does not want to be held responsible for the results caused by its insistence on its involvement in war-making decisions.

Then, why could Congress not tolerate a confrontational stance against presidents, since the resolution's purpose is to restrain presidential power? It is often the case that, even if some congressmen do not agree with a President's decision, congressmen seldom go as far as seriously opposing the President. The Iraq War was such a case. The vote on whether the United States should go to war against Iraq, Joint Resolution 114, was taken on October 11, 2002. There were initially 23 Senators and 133 members of the House of Representatives who voted against the Bush administration's decision to attack Iraq, compared with 77 Senators and 296 members of the House of Representatives who supported the war on Iraq. Those who were against President Bush's decision had insisted, "Let us not give the President unchecked power. Remember the Constitution." A vocal group of lawmakers charged the Joint Resolution 114 was too broad and premature. However, the Bush administration and its outnumbered supporters in Congress had asserted that there was evidence of weapons of mass destruction in Iraq, even though Iraq had clearly denied having them. Supporters for President Bush's decision gave many reasons for the necessity of a war in Iraq, including: It was important for the nation to speak with one voice at that critical moment. The U.S. needed to block Iraq before it gave Saddam Hussein more time to prepare for war on his own terms.

As President Bush, with his supporters in Congress, rallied public support, those who opposed the presidential decision must have feared that they might be criticized for not being patriotic. I suppose that maintaining a clear opposition to a presidential decision could result in severe political consequences, such as losing the next election or the trust of the President. In the end, the U.S. Congress authorized President Bush to use military force against Iraq. The President honored the congressional decision, declaring, "America speaks with one voice." As a result of the decision President Bush made, a decision Congress could not stop, the Iraq War led to the death of many U.S. soldiers and more than 200,000 wounded and, in the view of many around the world, degraded America's reputation for holding a higher moral standard. In fact, no weapons of mass destruction were ever found in Iraq. Thus, the War Powers Resolution, whose purpose is to prevent a unilateral presidential war, has often been ineffective in controlling the President's war-making powers, despite the dangers revealed in the escalation of military action and its tragic results, exemplified most recently in Iraq. The reasons proposed by the President

for going to war have been seen in retrospect to be suspect and even disingenuous. Yet the Congress was not willing or able to prevent the war.

Conclusion

The purpose of the War Powers Resolution is to restrain presidential power and fulfill the original intention of the architects of the U.S. Constitution, that is, that a check and balance should be at work in policy making. Although particular presidents may have come to engage in more selective and careful introduction of U.S. forces because of the existence of the War Powers Resolution, the original purpose has not yet been realized. There are some fundamental problems with the resolution itself, such as the vagueness of the consultation and reporting sections as well as the presidential perception that the resolution is a huge obstacle to implementation of U.S. foreign policy. There has been a potential perception gap, in which Congress may just want to check presidential actions involving the use of the military while presidents have considered the resolution as a serious threat that infringes on presidential war power

The War Powers Resolution was enacted to restrain presidential war power and to retain congressional power to check the President even if conflict between the two branches were necessary. However, in political reality, congressmen often cannot go as far as opposing the President with a majority of supporters in Congress when just some of them do not agree with the President. They fear being criticized as being unpatriotic and facing possible political consequences that a strong opposition to presidential decisions may cause. Therefore, the War Powers Resolution causes conflict between the two branches, which may be necessary in the process of checking and balancing the power of the executive and legislative branches; however, in practice, the resolution has been largely ineffective in fulfilling its original intention of restraining presidential war power.

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Information for Contributors

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