

[Article]

## Asura's Three Faces?

— Nation State, Multicultural State and Sovereign State in Japan — (3)

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### VII. Three Acts again

Now let us review once again the three Acts previously discussed in this paper: firstly regarding “one nation” (VII-1); secondly, in the con-

text of “human rights”, such as equality, cultural rights, and citizenship (VII-2); and finally, concerning “state and individuals” (VII-3).

### VII-1. One Nation

From the perspective of the three recent Acts, this section of this paper briefly discusses Japanese history in relation to the concept of “nation”. While Japan may appear quite homogeneous from a distance, there exist several important ethnic minority groups today, including the Ainu and Ryukyuan peoples, who have already been mentioned in this paper. During the Edo period (1603–1868), which implemented a “national isolation policy” (1639–1854), the two aforementioned ethnic groups interacted with Japanese nationals and were incorporated into local governments (*han*). However, assimilation policies were not heavily enforced during this time. During the Meiji era (1868–1912), Japanese society underwent centralisation as a result of two key events: the Meiji Restoration and the enactment of the Meiji Constitution of 1890. This centralisation was largely due to the policy of abolishing the *han* system [*hai han chi ken*] in 1871, which led to the creation of a centralised local governing system and a sort of “nationalism”. Since that time, the Ainu people have been registered as “imperial subjects” of Japan in the commoners’ registry [*heimin seki*]. Although it was considered impossible for Ainu people to have an equal status and position as Japanese, the new Meiji government did not fully exclude the Ainu people. Instead, they classified them as “former aborigines” [*kyū dojin*], indicating their inferiority to the Japanese, a status that had been in use since 1878. Furthermore, a policy of assimilation was implemented. The unique customs and habits of the Ainu were banned, and their names were changed to Japanese names. Hunting and salmon fishing, which had long been a part of their culture, were prohibited in order to turn them into farmers. However, due to their subordinate status as “former aborigines”, the Ainu were unable to fully integrate into the new Japanese society<sup>(1)</sup>.

During the World Wars, Japanese imperialism led to the colonisation of Korea with the aim of establishing the ideal of the Greater East Asia

Co-prosperity Sphere [*Dai Tōa Kyōei-ken*]. This resulted in the annexation and occupation of Korea by Japan in 1910. Throughout the occupation, the Japanese government implemented a policy of mandatory assimilation. Korean culture underwent oppression during the Japanese occupation, including the labeling of Korean language as a dialect of Japanese and its subsequent ban. Koreans were forced to learn and speak Japanese and adopt Japanese names. Although most migrants returned to Korea after WWII, GHQ estimated that 650,000 Koreans remained in Japan in 1946. Consequently, with Japan losing its sovereignty after the War, Koreans lost their Japanese citizenship and were granted Korean citizenship. Japanese legislation prohibits dual citizenship for adults over the age of 20 and, up until the 1980s, required adoption of a Japanese name for citizenship. This regulation, in part, led to many *Zainichi* individuals refraining from acquiring Japanese citizenship due to finding the process degrading. Despite an increasing number of *Zainichi* people becoming Japanese citizens, identity remains complex. *Zainichi* individuals who do not choose to obtain Japanese citizenship often adopt Japanese names to prevent discrimination and lead a life akin to that of Japanese citizens.

As demonstrated by the historical record, it is evident that Japan cannot be considered a homogenous nation-state, as this identity has not been present since its establishment as a centralised state. Until recently, most of the Japanese population appeared to be unconcerned with racial discrimination and their own racial identity<sup>(2)</sup>. However, this lack of awareness has negatively impacted those who were compelled to relin-

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(1) On the occasion of the enactment of the new Ainu law, a book examining the history of discrimination against the Ainu people and the issues included in the new law. See, T. Morris-Suzuki=M. Ichikawa, ed. *Ainu no Kenri towa Nanika* [What are the Ainu rights?] 2020.

(2) Indeed, while Article 14 of the Japanese Constitution prohibits discrimination on the basis of race, a leading postwar constitutional scholar wrote, "Since there are few racial differences in Japan, discrimination based on race is rarely a real problem. See, Toshiyoshi Miyazawa, *Kenpō Kōwa* [Lecture of Constitutional Law], 1967, p. 69.

quish their own culture and adopt Japanese culture through the assimilation policy, which was implemented by granting citizenship under the guise of non-discrimination. The Japanese Constitution does not recognise the “cultural right<sup>(3)</sup>”, in an international context<sup>(4)</sup>. This unawareness was perpetuated for a lengthy period due to Japan’s unfavourable policies towards immigration. However, there has been a recent shift in social attitudes towards accepting new immigrants since the enactment of the Immigration Act. Overall, the social changes that prompted the implementation of the Hate Speech Act and the Ainu Act before and after the Immigration Act have brought about a newfound awareness of ethnic minorities in Japanese society.

Despite various problems that have been identified four years after the implementation of the Immigration Act (to be discussed later), there has been a significant development regarding the “Type 2 Specified Skill”. This special provision allows foreign nationals to reside in Japan without any limitation on the duration of their stay. Type 2 Specified Skill can be acquired by individuals with expert technical knowledge within Type 1 Specified Skill, which permits them to bring their relatives along and, in certain instances, to reside permanently in Japan. The range of industries classified as Type 2 Specified Skill was initially restricted to two working sector categories - construction and shipbuilding. However, on June 9, 2023, the Cabinet of the Japanese government<sup>(5)</sup> announced an expansion of its scope to encompass all industries, including both Type 1 and Type 2 Specified Skill, with the excep-

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(3) Though a minority opinion, Takashi Ebashi claims that the word of Art. 25 of JC “cultured living” should be meant “cultural rights”. Takashi Ebashi, *Senjū Minzoku no Kenri to Nihonkoku Kenpō* [Rights of Indigenous People and Japanese Constitution]: in Higuchi=Nonaka (ed.) *Kenpō Gaku no Tenbō* [Prospect of Constitutional Theory], 1991, 471-490, p.485. See also, Article 25 of JC. All people shall the right to maintain the minimum standards of wholesome and cultured living (underlined by author).

(4) See, ILO C169- Indigenous and Tribal Peoples Convention, 1989 (No.169), [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C169](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169)

tion of “care worker<sup>(6)</sup>”. As of the end of June 2023, approximately 170,000 individuals possess Specified Skills, accounting for 0.13% of the Japanese population<sup>(7)</sup>. The potential issues stemming from the enhancement of Type 2 Specified Skills remain undecided at present. Nonetheless, the Cabinet’s decision documents<sup>(8)</sup>, as illustrated from item numbers 1) to 5), indicate the current problematic circumstances triggered by the employment of foreign labourers.

1) The presence of irregularities in assessments for the qualification of a Specified Skill. It is noteworthy that measures are claimed to be implemented to ensure proper conduct in examinations, including proxy-testing and cheating. This suggests that there may be situations requiring such action.

2) The disappearance of individuals who possess a Specified Skill but only worked for a short duration is a concerning issue. The number of Technical Intern Trainees who have gone missing has been criticised as a form of “modern slavery”. Management organisations reported that between 1993 and 2023, 3,500 to 9,000 trainees went missing each year, resulting in a total of approximately 58,000 individuals disappearing over the 10-year period. The Technical Intern Training programme was initiated in 1993 with the objective of developing human resources in underdeveloped nations. However, it drew criticism for its exploitation of cheap labour, predominantly in industries characterised by harsh working conditions. Despite Specified Skill being introduced to ameliorate the

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(5) Cabinet decision of 9<sup>th</sup> June 2003, *Tokutei Ginō no Zairyū Shikaku ni kakawaru Seido no Un’yō ni kansuru Hōshin no Ichibu Henkō ni tsuite* [Partial Amendment to the Policy on the Operation of the System Pertaining to the Status of Residence for Specified Technical Skills], <https://www.moj.go.jp/isa/content/930004960.pdf>

(6) The “care worker” remains as Type 1 Specified Skill but is not subject to the expansion of Type 2, since it is possible to change the “resident status” to the “care worker” by obtaining a national qualification as a care worker. Incidentally, family stay is also permitted under this status of residence.

(7) Approximately 125 million people in 2022.

(8) See also, <https://www.moj.go.jp/isa/content/930004960.pdf>

issues plaguing the Technical Intern Training system, it is presumed that the same difficulties persist.

3) It is crucial to educate Specified Skill workers about complying with Japanese laws and regulations to ensure public safety. In the event of crimes, disappearances, malicious sending organisations' interventions, or other public security issues involving Specified Skilled foreign nationals, we will take necessary measures such as advising and guiding business operators, industry associations, etc. There is also a concern regarding the occurrence of crimes committed by Specified Skill workers.

4) Response to human rights violations in Specified Skills: If there is suspicion of an inappropriate case of human rights violation, the competent minister will take necessary measures to identify the case from business operators and industry associations under their jurisdiction. If necessary, the minister will share this information with relevant organisations.

5) Since acquisition of Type 2 Specified Skill is effectively limited to transition from Type 1 only, the standards for Japanese language proficiency required for both Type 1 and Type 2 are considered equal. However, an N3<sup>(9)</sup> (the ability to understand Japanese used in everyday situations to a certain degree) to N4 (the ability to understand basic Japanese) level of proficiency is required for obtaining the Type 1 visa<sup>(10)</sup>. It should be noted that this level is below the level of proficiency required to understand social situations in order to exercise citizenship in Japan.

## VII-2. Human Rights

What minorities in society demand from the majority is firstly, equal treatment free from discrimination. Secondly, they assert the right to have their unique culture and characteristics acknowledged. Moreover,

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(9) Only in the "fishery & aquaculture" and "food service industry" fields are applied.

(10) About Japanese-language proficiency test, see, <https://www.jlpt.jp/e/about/levelsummary.html>

this translates into a demand for minority inclusion in a society governed by majority rule: a call for citizenship.

The demand for human rights resulting from this process was the same for both the Ainu and the Koreans.

One objective of the Hate Speech Act is to prevent discrimination against Koreans in speech and behaviour. To provide historical context, the Japanese adoption of the assimilation policy during the annexation of Korea in 1910 resulted in Koreans being treated as Japanese citizens and being obliged to share in the myth of the Emperor as a god and becoming “imperial subjects”. As a result, many Koreans abandoned their cultural practices<sup>(11)</sup>. It may be noted that the plaintiffs in the case<sup>(12)</sup> where the Supreme Court ruled that the Constitution does not prohibit the granting of “voting rights” to foreign residents in local self-government through law were *Zainichi* Korean.

There is currently no legal discrimination against the Ainu. Court rulings have recognised their cultural rights, and they possess the right to vote. However, the enactment of the Ainu Act highlights that their next demand is “collective rights” recognition as an indigenous people and the ability to secure Ainu seats in the Diet as a minority to establish their own rules.

We have previously examined the human rights challenges encountered by the Ainu and Koreans within Japanese society, as illustrated by historical and contemporary circumstances. Subsequently, what are the potential human rights concerns for foreign workers in Japan?

Given the current emphasis on multiculturalism and diversity both domestically and internationally, it is unlikely that the growing foreign workforce in Japanese society will face the same “assimilation” policies as the Ainu and Koreans did in the past. Nonetheless, it remains challenging to envision a scenario in which individuals without a shared lan-

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(11) As a detailed study of this process, Eiji Oguma, *Tan’itsu Minzoku Shinwa no Kigen* [The myth of the homogeneous nation], 1995, pp. 235.

(12) Judgement of the Japanese Supreme Court of 28th February 1995 (1993 [Gyo-tsu] 163).

guage or culture make active efforts to achieve mutual understanding. In conclusion, individuals with similar experiences may establish communities and govern their lives according to their own standards, which may not necessarily align with Japanese society. It is crucial to refrain from accepting foreign workers solely to address labour shortages or for the purpose of cheap labour. It is essential to treat foreign workers with respect and dignity as individuals. Priority should be given to implementing policies that utilise the knowledge gained from past assimilation policies.

I am wondering whether the solution to the problem of Japan's shortage of workers<sup>(13)</sup> should be prioritised not by introducing foreign workers but by letting Japanese elderly and women work<sup>(14)</sup>, even if the policy is aimed at the future workforce. It is important to consider this issue before implementing any labour policy changes. The economic report confirms that labour shortages in certain industries are posing a challenge to business sustainability and growth. However, there are potential solutions at present, such as increasing wages and switching non-regular employees to regular employment status, which could secure the necessary workforce. If this potential labour force is effectively utilised, it should be possible to maintain current labour levels for roughly a decade<sup>(15)</sup>.

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(13) According to the Statistics Bureau of the Ministry of Internal Affairs and Communications on 29th September 2023 (for May 2023), the total unemployment rate was 2.7%, and the number of totally unemployed was 1.86 million (830,000 people left their jobs for personal reasons, 450,000 people took new leave, and 440,000 people left their jobs involuntarily).

(14) A similar point is also written in a Cabinet decision document by the Cabinet decision of 9<sup>th</sup> June 2003, *Tokutei Ginô no Zairyû Shikaku ni kakawaru Seido no Un'yô ni kansuru Hôshin no Ichibu Henkô ni tsuite* [Partial Amendment to the Policy on the Operation of the System Pertaining to the Status of Residence for Specified Technical Skills], <https://www.moj.go.jp/isa/content/930004960.pdf>

(15) Estimates by Japanese economic analysts. Tarô Saitô, *Nihonjin ni totte Hitodebusoku wa dorehodo Shinkokunanoka* [How serious is the labor shortage for the Japanese?], Tokyo Keizai online article on 9th May 2017. <https://toyokeizai.net/articles/-/170856>



Over a ten-year period, it is imperative that measures are taken to address the decline in the birth rate and the increasing age of the population. In addition, a systematic framework for the admission of foreign workers should be considered, taking into account human rights. Although the rapid acceptance of foreign workers as immigrants may seem to solve labour-related problems, it may create other problems. Stabilising a person without a foundation in Japan is both time-consuming and expensive. In addition, it cannot be denied that recognising foreign nationals solely as workers ignores their full human rights, including individual dignity. The lack of recognition of personal dignity means that an individual is not seen as a member of society with the capacity to make rules for himself or herself as a party to the “social contract”. Consequently, such an individual cannot be expected to abide by the rules of that society. This unconscious recognition of the problem is precisely why concerns regarding the deterioration of public safety within the society have been highlighted in Cabinet documents.

Expanding Type 2 Specified Skill increases the potential for Japan to accept foreign nationals as immigrants, allowing them to permanently reside in Japan. As a result, Japan must consider the possibility of becoming an immigration state in the near future. Are we prepared for the likelihood of an influx of foreigners in Japan? It is imperative that we consider the potential consequences of accepting many foreigners in a society that has traditionally been closed. Do we have the necessary systems in place to ensure that the human rights of these individuals are protected? Has there been sufficient legal and institutional discussion on this matter<sup>(16)</sup>? It is my assessment that Japanese society is not yet fully accepting the prospect of such an influx. In light of the present circumstances, hasty reactions to the shortage of labor must be avoided.

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(16) As an ambitious book examining the status and challenges of immigrant integration in Japanese society, see, Kikuko Nagayoshi, ed. *Nihon no Imin Togō* [Immigrant integration in Japan] 2021, about research not only in the area of work, but also with regard to the social activity of community involvement, pp. 140.

The acceptance of newcomers demands a thorough assessment, drawing upon the experiences of integrating Ainu and Koreans in Japanese society as a source of contemplation<sup>(17)</sup>.

### VII-3. State and Individual

The common denominator in these three seemingly unrelated Acts is, as all observers point out, Japan's transition from an ethnically homogeneous state to an "immigration state" and multicultural state. Given the current social conditions that led to the implementation of these three laws, including hate speech incidents, labour shortages and the challenges faced by foreign workers, as well as the debates and social reactions during the enactment process, the progress towards a multicultural society may trigger social fragmentation. Online discussions revealed a distorted understanding of the law<sup>(18)</sup>. Certain people oppose the law not because of its shortcomings, but because they see its protection of Ainu and Korean rights as an attempt to separate state and society. This is firmly linked to recent expressions of hate speech denying the existence of Ainu and Korean communities.

Now let us examine the French republican model, which originates from the "social contract theory". This model shall restrict the right to vote and form a nation only to citizens possessing nationality. The Republican model operates on a bipolar structure featuring the central government and individuals while negating the existence of intermediary groups. The state views individuals as singular entities, without any characteristics pertaining to their respective groups. This approach is

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(17) By the way, Melbourne city is said to be one of the most successful cities as a matter of multiculturalism, likewise some cities in Canada. However, we can't overlook the fact that these two successful states have almost 50 years history and experience of the multiculturalism. It should not be easy for Japan to become a successful multicultural country in one fell swoop. Already, the difficult path to multiculturalism has been indicated behind the enactment of this three new Acts.

(18) As research on such exclusionism in Japan, see, Naoto Higuchi, *Nihongata Haigai Syugi* [Japanese-style exclusionism], 2014.

advantageous for addressing conflicts stemming from disparities between majority and minority groups<sup>(19)</sup>. As a prerequisite for the establishment of the republican model, sovereignty had to be concentrated within the absolute monarch, namely the state. As discussed previously, the concept of “sovereignty” initially emerged in history with the Westphalian system, which prioritised the state’s independence in external affairs. Nevertheless, the idea of “popular sovereignty” had not yet surfaced during this time, and the development of this concept had to wait until the civil revolution in Western Europe. It was during this era of civil revolution that the notion of the “nation-state” came into being.

By the way, popular sovereignty was not recognised in Japan until after World War II. Prior to this, the Meiji Constitution adopted the concept of sovereignty of the monarch. The ensuing legal implications of the change from sovereignty of the monarch to sovereignty of the people shall be discussed below.

The shift from the Emperor’s sovereignty to “popular sovereignty” that occurred with the enactment of the postwar Japanese Constitution brought about a revolutionary change in the concept of “sovereignty” in Japan. Furthermore, it should have led directly to the question of who should be recognised as Japanese citizens with the “right to vote”.

In other words, in the first year of the Meiji era (the year in which the Ainu people were granted Japanese nationality), a nation was established with the Emperor as its sovereign, using mythology as the basis for legitimacy. However, if this myth is emphasised, the scope of the Japanese nation would be limited to the descendants of the Yamato people, who were subjects of the Japanese state in the mythical era, and the legitimacy of the rule over the people of the new dominion territories extended by the Meiji state, especially the non-Yamato residents of

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(19) From the perspective of emphasising the French-style republican model, Higuchi Yoichi has placed a great emphasis on the autonomy of individuals and advocated for the formation of autonomous citizens within Japanese society. See, for example, Yoichi Higuchi, *Kindai Kokumin Kakka no Kenpō Kōzō* [Constitutional Structure of the Modern Nation-State] 1994.

Hokkaido and Ryukyu, cannot be claimed.

Therefore, the Meiji government prepared a legal theory that those who had submitted to the imperialist state would be recognised as Japanese citizens in order of their degree of assimilation. In contrast to Nazi Germany's ideology of limiting the status of citizens to standard ethnic groups, the so-called "unity of Emperor and people" (*Kunmin ittai*) meant that those who reverently and joyfully obeyed the Emperor's rule would not be limited by their ethnicity.

The postwar legal shift to popular sovereignty was intended to be enacted through a social contract by individuals as autonomous entities. After the war, when the Emperor was no longer sovereign, these individuals, who identified as Japanese citizens as of August 1945, were willing to rebuild Japan within its borders<sup>(20)</sup>. Unfortunately, in the postwar era, there is inadequate appreciation of the fundamental nature of this constitution and the prewar principles still govern. Additionally, the perception that those who demonstrate allegiance to the nation equate to national citizenship persists. Nonetheless, loyalty towards the nation in the absence of the Emperor necessitates a profound attachment to the national framework or, if insufficient, to Japanese customs and culture. Therefore, it would be necessary to abandon the language and culture of the nation, and individuals who fail to assimilate into Japanese society would not be granted national status as Japanese citizens. From this perspective, it is interesting to consider the case of Koreans who had "nationality and suffrage" in the past. The same would do to Ainu who still have it today. To avoid creating social divisions, the republican model, which excludes all attributes of ethnicity, culture, in exercising

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(20) Contrary to author, who stresses the autonomous individual, Ebashi contends that the rebuilding of Japan must be understood as worldwide acknowledgment of all those who were residents on the Japanese archipelago as citizens. Takashi. Ebashi, *Senjū Minzoku no Kenri to Nihonkoku Kenpō* [Rights of indigenous people and Japanese Constitution], in Y. Higuchi ed. *Kenpō Gaku no Tenbō* [Prospect on the Study of the Constitution], 1991, p. 471, pp. 479.

“suffrage” when participating in nation building, is once again effective.

Basically, at the national level, foreigners who do not have the nationality of the state cannot be granted the voting rights even if they are autonomous individuals who do not claim any of their culture or collective rights in public space.

From the same perspective, demanding a policy of “multicultural coexistence” from the national government would also be inconsistent with the logic of the republican model. According to this model, in the public arena of national government, it must be the individuals who make the rules for all the people, i.e., general will (*volonté générale*), leaving aside thinking by the group to which they belong.

Nevertheless, culture plays a crucial role in one’s character formation. It would be difficult not to display any of its attributes in public. So, where can one maintain their own culture and at the same time respect and coexist with the culture of others? Celebrating one’s culture in private does not foster mutual understanding with those of different cultures, resulting in people living in their own cultural bubble. I believe that these problems can be solved at the local government level. Local governments, due to their different historical backgrounds and geographical landscapes, may have unique populations compared to other regions. These may include a significant number of indigenous people or foreign residents. The local government can provide precise responses to these distinctive situations. This is because they can work closely with the affected residents and formulate efficient rules and regulations that are suitable for their society.

As we saw, in 2004, when Japan’s population began to decline, the Ministry of Internal Affairs and Communications, which has jurisdiction over local governments, requested local governments to adopt various policies for multiculturalism. Perhaps due to foresight that foreigners would compensate for the decline in population, the government supports the effectiveness of “multicultural coexistence”, whereby foreigners from other cultures are accepted, and deems local autonomy as the appropriate entity to promote this concept.

Next, let us also consider whether a local authority could bestow voting rights upon foreign inhabitants within its jurisdiction. To achieve democratic representation by the citizens who make up a municipality, it would not contradict the integrity of democracy within the nation to adopt the framework of “segmented sovereignty by way of branched democracy” as already examined. By allowing for democracy to manifest through citizens who are rational and self-determined, i.e., “autonomous individuals” and mediating their participation in local politics, a consistent connection can be established between local and central politics.

## Conclusion: Asura again

Let us revisit Asura once again to provide a conclusion to this paper. Asura is initially a just god. Nevertheless, Asura's story tells us some lessons. One who steadfastly adheres to their own virtues and strives to maintain them, such as justice for Asura, risks becoming an evil deluded by “justice”. While multicultural coexistence may be crucial and justified, excessive fixation on it can endanger a society.

In the current era of globalisation, the reality of the “sovereign state”, which can take military action at will as long as it expresses its sovereign will, as envisioned by the Westphalian view of history, has been shaken<sup>(21)</sup>. In the name of globalisation, post-Westphalian and post-nationalism, or “international human rights” and “transfer of sovereignty”, are relativising the idea of national sovereignty, which is formed by “state” and “individuals”.

There is even a tendency to believe that the state itself is unnecessary. However, since the “international community” is not an entity that directly realises human rights either as an institution or as a reality, the existence of the state is inevitable even today. In order to realise human rights as an institution, a state is necessary to distribute various values

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(21) A.D. Smith, *Nationalism*, 2nd Edition, 2010, Ch.6.

with authority. Therefore, human rights to be realised in the post-Westphalian order also require a state apparatus. In this sense, the state remains indispensable in the post-Westphalian order<sup>(22)</sup>. And the reason why the state can distribute various values in such a way is that the state, which is a governing body composed of representatives entrusted by the sovereign people through their right to vote, i.e., citizenship, is a “sovereign state” that can also claim “sovereignty” against other nation in international world.

Today, we should reaffirm that “sovereignty” is originally the property of the nation, and that it is a property of self-determination that allows it to claim an independent status vis-à-vis other nation. A new model of the “sovereign state” is needed, one that includes the perspectives of “national sovereignty” and “popular sovereignty”, which were not recognised at the time of the Treaty of Westphalia.

At this stage, if the policy of multicultural coexistence has to consider not only the cultural level but also the granting of citizenship rights, it is appropriate to maintain multicultural coexistence at the level of local government. It would be more effective as a system for properly guaranteeing human rights if a “sovereign state” continued to exist on this basis. It seems premature to abandon the “sovereign state” idea and move toward a borderless society under the slogan of multicultural coexistence. However, the “sovereign state” here is not the one in which the “autonomous individual” of the old Westphalian system remains absent. It is a new concept of a “Sovereign State” composed of autonomous sovereign individuals.

Asura is described in Buddhism as a warlike, evil god, and that’s why he resides in the world of the battlefield. But after encountering the thought of Buddha, Asura took refuge in Buddhism and became one of

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(22) Seiji Endo, *Fukusū no Genjitsu to Taikō suru Gensetsu* [Discourse, which counteracts some Realities], p. 211, pp. 224. in: Norihisa Yamashita, et al. (ed.), *Uestofaria Shikan o Datsukōchiku suru* [Deconstructing the Westphalian Discourse: International Relations as Historiography] 2016.

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the eight legions who are the guardian gods of Buddha.

Please look again at the three faces of the Asura in picture 3<sup>(23)</sup>. Unlike most of the angry faces of other asura statues, the Asura at Kōfuku-ji Temple has a sad look on its face like a boy, and each of the three faces represents the growing process of the Asura's insight in the order of left, right, and front. Namely, the left face shows his remorse, biting his lip in frustration. The right face shows his repentance with a sad face. In the last progress of the front face we see a kind of mixed look of astonished joy and embarrassment, facing the Buddha's teaching at the first moment.



Picture 3: Three faces of Asura at Kōfukuji Temple, in order left, front, and right

Now I would like to use this Asura's progress story as a final metaphor for this paper. The left side is the "Nation State", the right side is the "Multicultural State" and the front side is the new definition of the "Sovereign State". The establishment of "Nation State" is perhaps a very ideal and effective theory associated with its historical legitimacy and avoidance of such conflicts as occur in real life between different nations residing in one state. However, in the context of increasing globali-

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(23) This photo is in author's possession, with the permission for using in this paper by Kōfukuji Temple office.



sation, including the fact that many of the major cities of the Western world are increasingly made up of a mosaic of cultures, an original state model based on the “nation”, especially the “one nation one state model”, is seen as impossible. Therefore, we need another theory to organise our whole society. The “Multicultural State” based on the idea of multiculturalism has emerged in this context. It is true that the idea of multiculturalism was and is not necessarily linked to the theory of the state. Moreover, in the name of multiculturalism, globalisation and the borderless society, the role of the state is seen to be diminishing. That is why we need to make some modifications to the oldest, but most recent concept of the state. For this necessity, I dare to offer a concept, namely the “Sovereign State”, in which the “sovereign people” as “autonomous individuals” play a central role in politics through the democratic invention, which we should re-evaluate and recover in this borderless global society. Looking at the progress of “Nation State”, “Multicultural State” and “Sovereign State”, we could perhaps say that this process looks like the three steps in Hegel’s dialectic, called thesis, antithesis and synthesis.

As history shows, Buddhism, including the story of Asura, originated in India and came to Japan mainly via China and Korea. Nowadays, many mass media report as if the tension between the East Asian countries is getting higher and higher, like the battlefield where Asura has long resided before. As we have seen, the new three Acts show that Japanese society cannot avoid becoming a multicultural society, which includes some dangers that could split our nation in the near future. However, I have a dream that by the way in which all people regard themselves and other people as “autonomous individuals<sup>(24)</sup>” with human dignity, and by the way in which such “autonomous individuals” as

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(24) According to Kymlicka, this term “autonomous individuals” could be qualified as “intercultural citizens”. See, W. Kymlicka, *Multicultural State and Intercultural Citizens*, 2003, *Theory and Research in Education* 1(2): 147-169. [https://www.researchgate.net/publication/240691758\\_Multicultural\\_States\\_and\\_Intercultural\\_Citizens](https://www.researchgate.net/publication/240691758_Multicultural_States_and_Intercultural_Citizens)

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“sovereign people” govern the whole “Sovereign State”. Then our world will become much more reasonable and peaceful.