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LETTER FROM THE EDITOR

The School of Global Policy and Strategy here at the University of California, San Diego, is a beautiful mosaic of experiences and perspectives that span across the world. From Latin America to East Asia, the articles surface important topics and challenges through policy-focused research.

The goal of the journal is to act as a platform for students to present their original research on policy-related issues. This year's 23rd edition has international relations and public policy graduate students covering a wide range of topics. From a field research study on the implications of systemic racism in the Dominican Republic to an analysis of American Occupations' textbook policies in Japan, the journal includes a diverse set of global issues.

As editor-in-chief, I am truly humbled and grateful to have worked with everyone that helped bring the journal to fruition. I would like to extend a special thanks to all the authors, contributing editors, GPS staff, and our faculty advisor Professor Liz Lyons.

Happy reading everyone,

Ziqra I. Raza
Editor in Chief

The Future of U.S. Engagement in Asia-Pacific

Emerson Xu

Introduction

The Asia-Pacific is critical to global development and U.S. national interests across various sectors, including geopolitics, economy, and defense. Global prosperity rests on the stability of the region. As the most dynamic region globally, the Asia-Pacific is home to essential trade routes, natural resources, and half of the global population, in total composing nearly two-thirds of the world's economy¹. In recent times, the power competition within the region has been steadily intensifying. Other state actors, including American allies, partners, and newly emerging economies, are introducing new uncertainties and risks within the Asia-Pacific. The region's dynamism, economic potency, and political security have been recently threatened by military buildup, maritime disputes, nuclear proliferation, climate change, and inequality aggravated by the COVID- 19 pandemic. Therefore, to maintain a healthy power balance and levels of equality in the Asia-Pacific, demonstrating the full spectrum of U.S. participation remains vital. The U.S. should maintain an active and comprehensive engagement in Asia through diplomacy, defense, economic engagement, intelligence collection, and development efforts.

Current security and economic relations of the U.S. in the Asia Pacific:

The Asia-Pacific plays a crucial role in American security and prosperity due to its significant role in international trade and resource extraction. In addition, the region supports more than three million American jobs and is the source of nearly \$900 billion in foreign direct investment in the United States.²

Besides international trade, the Asia-Pacific also supports the U.S. economy with critical resources, including fossil energy, precious metals, and commercial fishing. China remains America's biggest trade partner, accounting for \$615.2 billion of American trade³. Other key trade partners, including Japan and the Republic of Korea (ROK), also engage in a security alliance and collective defense with America. Japan is currently the fourth-largest goods trading partner, accounting for \$183.6 billion in total (two-way) goods trade during 2020. Korea and Australia remain the sixth and twenty-first largest goods trading partners with the U.S., respectively. Taiwan also functions vitally in America's economic interests within the Asia-Pacific, as their provision of semiconductors is crucial in ensuring the U.S.'s comparative advantages against China⁴. Trade partnerships with the Association of Southeast Asian Nations (ASEAN) countries, including Thailand, the Philippines, and Singapore, also contribute significantly to the American economy.

Meanwhile, the Asia-Pacific also prevails in U.S. national security in confronting challenges to the rule-based order within Asia-Pacific and Free and Open Indo-Pacific (Asia-Pacific), which acts vitally for the long-term interests of the U.S. and the global community⁵. Overall, U.S. national security in defense and deterrence heavily rely on both formal security alliances (e.g., US-Japan Alliance, U.S.-ROK alliance Thailand, Philippines), and informal security partnerships with the Republic of China (Taiwan ROC), Australia (now including the United Kingdom by way of

room/speeches-remarks/2022/02/11/fact-sheet-indo-pacific-strategy-of-the-united-states/

³ Office of the United States Trade Representative. (n.d.). U.S.-China Trade Facts. United States Trade Representative.Retrieved March 6, 2022, from <http://ustr.gov/countries-regions/china-mongolia-taiwan/people's-republic-china>

⁴ F.P. Analytics. (2021, February 16). Semiconductors and the U.S. -China innovation race: Geopolitics of the supply chain and the central role of Taiwan. Foreign Policy. Retrieved March 6, 2022, from<https://foreignpolicy.com/2021/02/16/semiconductors-us-china-taiwan-technology-innovation-competition/>

⁵ The United States Government. (2022, February 11). Fact sheet: Indo-Pacific Strategy of the United States. The White House. Retrieved March 6, 2022, from <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/02/11/fact-sheet-indo-pacific-strategy-of-the-united-states/>

¹ The White House. (2022, February). Indo-Pacific Strategy of the United States, P. 4. Retrieved March 6, 2022, from <https://www.whitehouse.gov/wp-content/uploads/2022/02/U.S.-Indo-Pacific-Strategy.pdf>

² The United States Government. (2022, February 11). Fact sheet: Indo-Pacific Strategy of the United States. The White House. Retrieved March 6, 2022, from <https://www.whitehouse.gov/briefing>

AUKUS)⁶ Quadrilateral. Security Dialogue (QUAD)⁷. Meanwhile, the strategic significance of India and Singapore is increasing with time. Mongolia and New Zealand have also been included in the American security picture. Under the administration of Joseph R. Biden, U.S. policymakers aim to apply an Indo-Pacific (Asia-Pacific) strategy to make the region "open, connected, prosperous, resilient, and secure."⁸ Economic interdependence between the U.S. and its allies lays the foundation for comprehensive security partnerships. Thus, to support sustained progress and demonstrate American commitment to Asia-Pacific security, the U.S. should optimize its role in critical areas, including the Korean Peninsula, the South China Sea (SCS), and Taiwan.

The American role in today's Korean Peninsula:

The Korean Peninsula plays a decisive role in the U.S. national security and stability of the Asia-Pacific region. For the U.S., the main threats come from the Democratic People's Republic of Korea (DPRK), the authoritarian regime regarding the U.S. as its strategic enemy since its foundation. The persistence of political hostility and military confrontation between DPRK and ROK also challenged the stability of the Korean Peninsula due to the failure to end formal hostilities between the two Koreas and the unresolved question of reunification. Significantly, the DPRK's pursuit of nuclear weapons erodes international order and threatens U.S. national security.⁹ As the DPRK's capability to launch a nuclear strike against U.S. territory was

confirmed in 2017, security risks and costs of sanctions endured by the U.S. were significantly amplified¹⁰. Meanwhile, the negotiation framework and rounds of multilateral sanctions have failed to incentivize the DPRK to renounce its nuclear program. Previous U.S. foreign policy efforts, including the Agreed Framework, six-party talks, and Hanoi and Singapore summits, displayed limited efficacy in denuclearizing the Korean Peninsula and addressing any party's security concerns. Instead, DPRK remained active in its nuclear program despite the U.S. and international efforts. Following the instability of Kim Jun Un's health condition, the worsening of the humanitarian crisis since COVID-19, and the latest hypersonic missile test in Jan 2022,^{DPRK} threats toward regional security and U.S. national interests continue aggregating as a result of expanding uncertainty and fragility of the regime.¹¹.

To ensure international security and stability of the Asia-Pacific, the U.S. should be selective in deciding the role the country should play in the Korean Peninsula. Denuclearization of the Korean Peninsula, the establishment of the Peace Regime, and de-escalation of DPRK-ROK bilateral confrontation ensuring the interests of U.S. allies are critical agendas for the U.S. to defend its national interests in Asia-Pacific. Without coherence between the U.S. and its regional allies, the U.S. cannot realize the above strategic goals. ROK is one of the United States' most critical partners in the Asia-Pacific area to contain a nuclear North Korea and enhance nuclear nonproliferation on the Korean Peninsula. The US-ROK alliance aims to deter another North Korean invasion of the ROK, create a continental platform for U.S. forces to confront China and Russia and provide a front-line defense for

⁶ The United States Government. (2021, September 15). Joint leader's statement on AUKUS. The White House. Retrieved March 6, 2022, from <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/15/joint-leaders-statement-on-aukus/>
⁷ Smith, S. A. (2021, May 27). The quad in the indo-pacific: What to know. Council on Foreign Relations. Retrieved March 6, 2022, from <https://www.cfr.org/in-brief/quad-indo-pacific-what-know7>
⁸ The White House. (2022, February). Indo-Pacific Strategy of the United States, P. 6. Retrieved March 6, 2022, from <https://www.whitehouse.gov/wp-content/uploads/2022/02/U.S.-Indo-Pacific-Strategy.pdf>
⁹ Council on Foreign Relations. (2022, March 4). North Korea crisis | global conflict tracker. Council on Foreign Relations. Retrieved March 6, 2022, from <https://www.cfr.org/global-conflict-tracker/conflict/north-Korea-crisis>

¹⁰ Council on Foreign Relations. (2021, December 22). What is the status of North Korea's nuclear program? Council on Foreign Relations. Retrieved March 6, 2022, from <https://www.cfr.org/background/north-korea-nuclear-weapons-missile-tests-military-capabilities>
¹¹ Lee, M. Y. H., & Kim, M. J. (2022, January 6). *North Korea says it tested a new hypersonic missile - it is the second since September*. The Washington Post. Retrieved March 6, 2022, from <https://www.washingtonpost.com/world/2022/01/05/north-korea-hypersonic-missile/>

Japan.¹² Currently, the United States Forces in Korea (USFK) have approximately 28,500 troops stationed in ROK, whose significance lies in bridging intelligence sharing, operation, coordination, and facilitating Joint Force Exercises between the two countries for deterrence and contingency planning¹³. For the U.S., the security alliance also helps in contingency planning, which requires specific alerts concerning the unpredictability of the DPRK regime and disastrous consequences initiated by its nuclear program. Bilateral trade between the U.S. and ROK also emerges from mutual interests. The U.S. remains the second-largest export destination for ROK with full bilateral cooperation in advanced technology, financial services, and commerce of high accumulative values. Under the United States-Korea Free Trade Agreement (KORUS FTA), the trade will continue to prove critical in expressing the shared interests of the two allies. Thus, the comprehensive partnership between the two countries will continue to be vital to regional peace, security, and shared prosperity in the Asia-Pacific.¹⁴

To address security concerns on the Korean Peninsula and protect the power balance in the Asia-Pacific, the U.S. should remain effective in the region. The Biden administration must continue to approach DPRK with comprehensive programs combining hard-line penalties and attractive incentives; continue focusing on contingency planning with South Korean counterparts, and leverage DPRK's alliance's capabilities. In addition, the U.S. should play its role in promoting international cooperation to encourage collective actions concerning the nuclear issue of DPRK. It is crucial to project American leadership in the nonproliferation of the Korean Peninsula and the establishment of lasting peace on the Peninsula for U.S.

national interests and the security of the Asia-Pacific region.

The American role in the South China Sea:

The South China Sea is a crucial section of Asia-Pacific and thus requires close cooperation between the U.S. and its partners. To defend a free, open Asia-Pacific, the U.S. should display responsible leadership and commitment in assuring the free operation of the South China Sea (SCS) and the principle of non-discriminatory rights in maritime activities.

SCS is an essential maritime conduit in the Asia-Pacific, whose significance is expressed in its economic utilities and the marine environment's biodiversity. It is home to crucial trade routes for strategic commerce, including hydrocarbons and other raw materials. A reserve of 11 billion barrels of untapped oil and 190 trillion cubic feet of natural gas has been verified in the SCS. Due to its strategic geo-location in the Sea Lines Of Communication (SLOC), SCS is critically important to U.S. allies, including Japan, ROK, and ASEAN allies like the Philippines, Vietnam, and Brunei. More than one-third of the global shipping, with a total value of \$3.37 trillion, was attributed to SCS in 2016. However, maritime disputes and persistent conflicts dominate the region resulting from Chinese claims to large tracts of international waters for its interests¹⁵. Currently, Chinese interference in the SCS is a constant challenge to the freedom of the seas and the interests of U.S. allies in the form of gray zone tactics¹⁶. U.S. allies in ASEAN face consistent threats from the People's Liberation Army Navy (PLAN) and records of economic coercion. Their challenging behaviors include asserting

¹² *Foreign policy: Asia pacific*. The Policy Circle. (2021, September 17). Retrieved March 6, 2022, from https://www.thepolicycircle.org/brief/u-s-foreign-policy-asia-pacific-region/#section_1

¹³ Lee, S., Robert Carlin and Rachel Minyoung Lee, & Kim, H. (2020, August 25). *How to constructively and safely reduce and realign U.S. forces on the Korean Peninsula - 38 North: Informed analysis of North Korea*. The Stimson Center. Retrieved March 6, 2022, from <https://www.38north.org/2020/08/cwork082520/>

¹⁴ The United States Government. (2021, May 22). *U.S.-ROK leaders' joint statement*. The White House. Retrieved March 6, 2022, from <https://www.whitehouse.gov/briefing-room/statements-releases/2021/05/21/u-s-rok-leaders-joint-statement/>

¹⁵ U.S. Department of State. (2020, December 1). *U.S. position on maritime claims in the South China Sea - United States department of state*. U.S. Department of State. Retrieved March 6, 2022, from <https://2017-2021.state.gov/u-s-position-on-maritime-claims-in-the-south-china-sea/index.html>

¹⁶ Chorn, A., & Sato, M. M. (2019, October 1). *Maritime Gray Zone Tactics: The Argument for Reviewing the 1951 U.S.-Philippines Mutual Defense Treaty* | Center for Strategic and International Studies. Retrieved March 6, 2022, from <https://www.csis.org/maritime-gray-zone-tactics-argument-reviewing-1951-us-philippines-mutual-defense-treaty>

control over international waters, preventing neighboring vessels from fishing and mining, and disturbing Freedom of Navigation Operations (FONOPS).

Thus, to protect its allies, the U.S. should persuade China to obey international orders within SCS and Asia-Pacific. On the other hand, increasing defense investment to augment U.S. allies is indispensable for encountering threats from China. Thus, U.S. policy should facilitate negotiation over the Code of Conduct (COC) in SCS, amplify maritime deterrence and defense capability of American allies, and counter PLAN presence by utilizing collective defense and expanding security networks such as AUKUS and the QUAD.

The role the U.S. should play in Taiwan today:

Besides the SCS, Taiwan (The Republic of China, or ROC) remains strategically vital for the power balance in Asia-Pacific. Taiwan's significance requires a comprehensive policy. First, the island serves as a critical component in the First Island Chain, a geographical barrier composed of strategic islands that contain China's navy, the People's Liberation Army Navy, or PLAN, and prevent it from conducting offensive operations across the western Pacific.¹⁷ The strategic barrier is held together by American coordination with critical allies, including Japan, South Korea, Taiwan, and the Philippines. Taiwan's location makes it the center of this barrier. Taiwan also functions as a military pivot for coordinating U.S. forces operating in the western Pacific. Thus, under the U.S. Indo-Pacific Strategy, the security partnership between the U.S. and Taiwan serves a critical role in denying PLAN from entering the blue water and threatening American control over global sea lines of communication.

Currently, China is continuing to morph beyond ambitions to develop conventional sea- and air-based military

capabilities and extend to the cyber, space, and strategic domains, casting unprecedented security threats to Taiwan. In addition, a messaging problem challenges U.S. security decisions concerning Taiwan. Xi Jinping's administration has significantly increased investment in military deterrence and power projection for armed reunification. To discourage U.S. interference in Taiwan's affairs and reduce the potential for independence, the Peoples Republic of China (PRC) actively warns the ROC about risks and costs related to seeking autonomy and strategic cooperation with the U.S. Since 2018, PLA's presence in Air Defense Identification Zone (ADIZ) has reportedly increased. In addition, exercises and cross-strait operation simulations aiming at land recapture grew in number and scale. As a result, the probability of the conquest of the islands is increasing, enhancing the risk of war and compounding the autonomy crisis faced by Taiwan.

Recapturing Taiwan strengthens Chinese deterrence and PLA threats to the U.S. For the U.S., preventing China from seizing control of Taiwan is essential. From the military perspective, the island would serve as a forward base under Chinese rule, allowing PLAN to extend its aircraft and missile ranges by 150 nautical miles (nm) to the east. This advantage would enable China to intercept air and maritime traffic in the East China Sea, enhancing its capacity to strike targets in Japan and Guam, thus threatening U.S. security. On the other hand, the U.S. and foreign forces would be further out, putting their bases at greater risk of PRC missile or aircraft attack.¹⁸ Meanwhile, economic significance also justifies Chinese dominance of Taiwan as a strategic risk to U.S. security: The island will remain the 10th largest trade partner of the U.S., contributing \$85 billion in 2020. The trade value between the U.S. and Taiwan may seem paltry compared to the U.S.-China trade value (\$615.2 billion). However, the world-class semiconductor industry of Taiwan could tremendously multiply Chinese industrial capacities and its

¹⁷ Paal, D. H. (2019, January 31). *America's future in a Dynamic Asia*. Carnegie Endowment for International Peace. Retrieved March 6, 2022, from <https://carnegieendowment.org/2019/01/31/america-s-future-in-dynamic-asia-pub-78222>

¹⁸ Bolton, J., & Zitelman, D. R. (2021, August 23). *Why Taiwan Matters to the United States*. – The Diplomat. Retrieved March 6, 2022, from <https://thediplomat.com/2021/08/why-taiwan-matters-to-the-united-states/>

ample power. Thus, threats from China could amplify if Peking succeeded in recapturing the island. Therefore, when the PRC initiates armed conflict to recapture Taiwan, balancing the costs of engagement and those of defeat remains vital for the U.S. as American leaders consider the future of American power projection and the balance of power in the Asia-Pacific.

To balance U.S.-China-Taiwan relations, the One-China policy and strategic ambiguity dominate U.S. foreign policy despite Taiwan's technical status as a sovereign state. However, if the U.S. persists in strategic ambiguity during Chinese recapture, audience costs generated by failure to fulfill security commitment to U.S. allies would augment other security costs to U.S. territory.¹⁹ Meanwhile, a limited U.S. engagement during the crisis signals the decline of U.S. power, which further reduced American influence in global affairs with a credibility issue. Thus, the multiple costs further validate the significance of Taiwan. What matters most for the U.S. is Taiwan's political and ideological essence in U.S. foreign policy. It represents one of the most successful, prosperous democracies in the Asia-Pacific, which vindicates American investment in global democratization. The existence of the democratic regime in Taiwan contributes significantly to an Asia-Pacific order based on openness and trust, to which Chinese provocations pose a threat. The loss of Taiwan due to overt PRC intervention would damage American credibility and its global values-based policy, hitting at the heart of the ideological rivalry between the U.S. and the PRC. As a result, Washington is keenly interested in how any hypothetical Taiwanese transition is carried out. As a result, the United States has strategic, economic, and moral justifications for protecting the island from Chinese coercion. The autonomy of Taiwan is essential for the prosperity and stability of the Asia-Pacific and thus for U.S. national interests. The U.S. should pursue a set of policies to strengthen the two allies' economic, innovation, trade, and security ties, and long-term engagement and American

commitment during any armed reunification from China are imperative.²⁰

Conclusion:

The construction of the free, open, and equal Asia-Pacific has long been crucial to the world and U.S. interests. In the post-COVID era, the Asia-Pacific's economic resilience and growth potential will continue to play a critical role in the global recovery; the region's stability is thus a priority. Therefore, regional cooperation from defense and trade to environmental protection is necessary for future success. Ensuring the efficacy of collective actions requires codes of conduct, credibility, and a consensus over international order. American commitment as a responsible stakeholder and its engagement in the Asia-Pacific remained critical for its national interests and global security. The U.S. should maintain proactive participation in Asia's balance of power to help ensure a promising future for a region so crucial to the prosperity of humanity.

¹⁹ Haass, R., & Sacks, D. (2021, December 13). *The growing danger of U.S. ambiguity on Taiwan*. Foreign Affairs. Retrieved March 6, 2022, from <https://www.foreignaffairs.com/articles/china/2021-12-13/growing-danger-us-ambiguity-Taiwan>

²⁰ Lin, B. (2021). *U.S. Allied and partner support for Taiwan - Responses to a Chinese Attack on Taiwan and Potential U.S. Taiwan Policy Changes*. U.S. Allied and Partner Support for Taiwan, P. 11. Retrieved March 7, 2022, from <https://www.rand.org/pubs/testimonies/CTA1194-1.html>

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Foreign Policy Views of Key LDP Members

Lfteris Kafatos

I. Introduction

When looking at Japanese foreign policy today and where it might be heading tomorrow, it is useful to narrow our focus to the Liberal Democratic Party (LDP). Of the eight or so parties in Japan’s parliamentary system, the LDP is generally considered a business-friendly and security-focused, right-of-center political party. It has successfully held onto power in Japan’s legislative body, the Diet, since the party’s founding in 1955, with a recent exception being a brief interlude of Democratic Party rule between 2009-2012 (Economist 2021). This paper will examine certain influential politicians inside today’s LDP to see how their factional alignments influence their policy priorities. It will focus on a few recent interviews with some of the more influential politicians in question and examine a survey of Japan’s top political journalists to glean insights into who to watch and what is going on in the LDP. Specifically, this paper will focus on:

- (1) Key players in the LDP and what can be gleaned about their ideologies from their actions and factional alignments; and
- (2) The foreign policies of Prime Minister Kishida how he views relations with other nations.

Many of the works cited herein are in Japanese, and unless otherwise indicated, all quotes constitute my translations from the original Japanese. Also, names of Japanese personalities are presented in the Japanese style, i.e., family name first followed by given name.

II. Key Factions and Players in the LDP

Former Prime Minister Abe Shinzō has been widely considered the godfather of Japan’s foreign policy for the past decade. As the standard-bearer of the LDP for many years, Abe pushed forward with bold initiatives to strengthen Japan’s defense capabilities and expand its network of partnerships. Now, Abe is the head of the Seiwa Kai, a right-leaning faction with revisionist policy agendas. Kishida Fumio of the Kōchi Kai, which is not exactly left-leaning but is not overtly revisionist, is trying to consolidate power in a shifting political landscape.

Special attention will be given to key players such as Abe and Kishida, the former because of his influence and the latter because Japan’s current prime minister needs to be placed into some kind of context. Then this paper will turn to Kishida’s actual policies, especially focusing on his views on Japan-U.S., Japan-China, and Japan-Korea relations. It is my hope that this will shed light on Japan’s foreign policy in the broader regional context.

(1) Factional Differences and Their Roots

Like most political parties, the right-of-center Liberal Democratic Party is not an ideological monolith. Legislators in the Lower and Upper Houses – the House of Representatives and the House of Councillors, respectively – tend to belong to personalistic factions with differing belief systems and agenda priorities. Three points should be kept in mind about political ideology inside the LDP.

First, the differences in views within the party can be considerable, but there is also a lot of ideological overlap. For example, Abe’s Seiwa Kai faction might strongly push for alignment with America, while Kishida’s Kōchi Kai desires a more multilateralist approach. However, both want to maintain Japan’s security

arrangement with the United States. Oftentimes the difference is a matter of degree. Abe's faction may unequivocally support a U.S. military action somewhere in the world, whereas Kishida's faction may express support more tepidly or not at all.

Second, today's LDP factions have ideological roots in major statesmen from the era immediately following the war. As discussed in the book *Securing Japan*, the differing ideologies found in postwar Japan could broadly be classified as "liberals, nativists, Asianists, internationalists, militarists, nationalists, mercantilists, globalists, realists, and revisionists" (Samuels 2007, 15). The most relevant classifications here are the liberals/internationalists and the revisionists/nationalists (although there are also hues of mercantilism and realism).

The internationalists were represented by the likes of Yoshida Shigeru and later by his adherents Ikeda Hayato, Satō Eisaku, Ōhira Masayoshi, and Miyazawa Kiichi (Samuels 2007, 31). These were, generally speaking, internationally-minded nationalists who experienced Japan's disastrous militarism and concluded that pursuit of prosperity in the global economic system was the best way forward. But these statesmen should not be considered "liberals in any textbook sense" since they were "nationalists with an international agenda" (Samuels 2007, 22). The Yoshida Doctrine, as Samuels notes, had strong elements of "mercantile realism... focused on generating wealth and technological independence per the 'rich nation, strong army' doctrine, but it eschewed the military component" (Samuels 2007, 36). Kishida Fumio, Hayashi Yoshimasa, and Fukuda Tatsuo are examples of LDP politicians today who Yoshida and his kind have influenced.

Yoshida's rivals – in methodology if not necessarily belief systems – were the

revisionists/nationalists, as represented by Kishi Nobusuke and Nakasone Yasuhiro. Abe Shinzō's maternal grandfather, Kishi, was accused of being a "Class-A war criminal," something Abe has decried. Kishi begrudgingly accepted "a reciprocal security commitment with the United States as a step toward... 'autonomous defense'" (Samuels 2007, 30). Nakasone was a politician who caught attention for "waving the outlawed rising sun flag during the Occupation and calling for the removal of U.S. bases" (Samuels 2007, 35). Later, as prime minister, Nakasone became close with U.S. President Ronald Reagan and set the template for the Koizumi-Bush and Abe-Trump friendships. Abe Shinzō and Takaichi Sanae are examples of present-day politicians who admire these ideological forefathers. Again, the differences between the so-called liberals and revisionists may primarily be a matter of degree. For example, like Abe, Kishida wants to amend Article 9 of the constitution to do away with the ambiguity surrounding the constitutionality of the Self-Defense Forces, or SDF (Kishida 2021, 87). Also, like Abe, Kishida is considering the acquisition of strike capability to hit enemy bases. But, unlike Abe, he draws the line at hosting U.S. nuclear weapons on Japanese soil.

Third, the personalistic element can be a big factor in deciding which faction a legislator aligns themselves with. Of course, as in all politics, factional loyalty is commensurate to the degree of campaign support received. Politicians, as a rule, are most loyal to those who help get them elected. But personalistic loyalty is especially pronounced in the LDP, perhaps due to rigid rules of hierarchy found in the party and throughout Japanese society as a whole. Some politicians like Fukuda Tatsuo would like to do away with factionalism altogether since younger legislators feel beholden to the old guard (Nikkei 2021). Nevertheless, factionalism in the LDP is unlikely to vanish anytime soon.

Below is a breakdown of some of the major factions in today’s LDP.

(Fig. 1) Factions within the Liberal Democratic Party (LDP)

LDP Faction (& Leader)	No. of Legislators	Characteristics
Seiwa Kai (Abe)	96	Right-leaning, favors Art. 9 revision, strong mil.
Heisei Kai (Motegi)	53	Centrist, favors strong trade deals
Shikō Kai (Asō)	50	Also centrist, emphasis on economic policies
Kōchi Kai (Kishida Group)	45	Multilateralist, supports Jpn-U.S. alliance
Nikai Faction (Nikai)	43	Favors stronger business ties w/ PRC
Kōchi Kai (Tanigaki Group)	12	Moderate in right-leaning spectrum
Suigetsu Kai (Ishiba)	10	Nationalist and favors strong mil.

Source for 1st and 2nd columns: <https://data-cafe.com/election/faction.htm>, *List of LDP Factions and Legislators* (自民党 党内派閥別 所属議員 一覧); these are as of March 2, 2022, but factional numbers shift.

LDP’s coalition partner: The Kōmeitō Party

Notably, the LDP has almost always dominated the Diet in recent years, thanks in large part to the coalition government it can form with the Kōmeitō Party. This party is the political arm of a Buddhist religious movement known as the Sokka Gakkai. Although the Kōmeitō has certain right-leaning policies that fit with the LDP’s, it also has left-leaning policies such as the desire for a “broader social welfare system” and, crucially, “opposition to Article 9 reforms” (Ashley and Hayat 2021). Ashley and Hayat (2021) pointed out that unless the LDP can form a coalition government with a different party than similarly seeks to amend the constitution, it is unlikely the LDP will be able to change Article 9. This byproduct of teaming up with the Kōmeitō is likely remain regardless of whether a nationalist or internationalist LDP prime minister comes to power.

(2) Current and Former Prime Ministers in the LDP

Factional dynamics within the party today often orbit around former prime ministers' key leaders. Before examining some of the up-and-coming stars in the LDP, we first need to look at four of today’s political heavyweights who wield much influence inside the party. The focus will initially be narrowed to Abe Shinzō, Asō Tarō, Suga Yoshihide, and Kishida Fumio.

Abe Shinzō

In the past decade, no conservative politician has wielded more influence than Abe Shinzō. As the longest-serving prime minister in postwar history, Abe is currently the chairman of the LDP’s biggest faction, the Seiwa Kai (Bungei 2022, 153). Abe’s two tenures as prime minister were characterized by his unapologetically revisionist view of history, his Abenomics fiscal policies, and efforts to build close ties with the U.S., most notably with President Donald Trump.

Abe Shinzō (67)	
	<i>Ranking in poll:</i> 7 th *
	<i>Faction:</i> Seiwa Kai (96 members)
	<i>Position:</i> Seiwa Kai Chairman
	<i>Associated w/:</i> Suga Yoshihide, Hagiuda Koichi, Asō Tarō
	<i>At odds w/:</i> Ishiba Shigeru, Kishida Fumio
	<i>Policies:</i> Revisionist/hawkish on China. Seeks closer Japan-U.S. military ties. Wants to amend pacifist Article 9 of the Constitution. Suffers from ulcerative colitis, which ended his first term as PM and cut short the second. Favors free-market policies and open trade.
Photo: Wikipedia	


During his first stint from 2006 to 2007, Abe took a hawkish stance toward China while also starting the long process of trying to bolster Japan’s Self-Defense Forces. For example, under his watch, the Defense Agency was upgraded to a full and proper ministry (Yawata 2022, 313). Also, like his grandfather, Kishi Nobusuke, in 1960, Abe pushed through controversial defense-related legislation in 2015, the Peace and Security Law, which increased the scope of permissible SDF activity (Yawata 2022, 335). In a major survey conducted by the monthly magazine *Bungei Shunju*, which will be explained later, Abe only placed 7th for “most suitable to become prime minister” after Kishida’s current term expires. There was a broad consensus among the survey respondents that Abe is the LDP “kingmaker” (Bungei 2022, 118).

That is not to say Abe is necessarily content with influencing matters from the sidelines. It was not lost on anyone that, a short while after Kishida established his administration in Oct. 2021, Abe formed his faction in the LDP. One journalist in the survey who thought Abe should be prime minister again justified their response this way: “The possibility of China invading Taiwan is becoming more real. In the U.S., it looks ever more likely that Trump will become president again. Under such circumstances, you want Abe at the helm” (Bungei 2022, 118). They

also pointed out that Abe has more diplomatic capital than anyone else and has gathered some of the best and brightest to serve on his staff. Abe also has a very solid base of support within the party. “In a crisis, people would lean on him,” said one respondent (Bungei 2022, 118).

Asō Tarō

In Japanese politics, reference is often made to the influential “Two A’s,” the first being Abe and the second being former Prime Minister Asō Tarō, who also served as Abe’s deputy prime minister. There is speculation of a schism forming between these two influential LDP members since Asō may be striving toward creating a bigger faction with Kishida’s Kōchi Kai. If that were to happen, it would counteract the considerable influence of Abe’s faction.


ASŌ Tarō (82)	<i>Ranking in poll:</i> N/A
	<i>Faction:</i> Shikō Kai (50 members)
	<i>Position:</i> VP of LDP, and Shikō Kai Chairman
	<i>Associated w/:</i> Abe Shinzō, Kishida Fumio
	<i>At odds w/:</i> Koga Makoto
	<i>Policies:</i> Ideology is right-leaning, an economic pragmatist. Cautious about China. Like Kishida's, Asō's faction stems from the Kōchi Kai. He worked with Abe but may support Kishida. Also, Asō is the maternal grandson of Yoshida Shigeru of the "Yoshida Doctrine."
Photo: Wikipedia	

At almost 82 years of age, Asō is the oldest of the former prime minister group examined here. He served as prime minister from September 2008 to September 2009 and was lauded for his aggressive use of public financing against the economic slowdown that resulted from the 2008 Global Financial Crisis (Yawata 2022, 318). Asō is also credited with leveraging creative ideas to keep consumer spending up during economic downturns. But gaffes and missteps weakened him. Some associate him with the LDP's historic loss to the Democratic Party, resulting in Hatoyama Yukio coming to power and ending years of uninterrupted LDP dominance.

Nevertheless, Asō has a long history of serving in high-level positions. He served as minister of the interior and foreign minister under Koizumi Junichiro, LDP chief secretary under Fukuda Yasuo, foreign minister during Abe's first administration, and both deputy prime minister and finance minister during his second (Yawata 2022, 320). Accordingly, Asō's relatively short tenure as prime minister belies his influence within the LDP. If Asō teams up with Kishida's faction to form a Grand Kōchi Kai coalition, then Abe's faction, currently the largest, will lose power and influence.

Suga Yoshihide

Suga Yoshihide served somewhat competently as prime minister from September 2020 to October 2021 (Yawata 2022, 345-346). He was always considered an able technocrat and Abe loyalist. Suga served as Abe's chief cabinet secretary for many years, so the two had a strong bond of trust. After Abe suddenly announced his resignation due to health issues, Suga quickly threw his hat in the ring. As prime minister, he continued Abe-era moves to gradually increase the SDF's role in overseas missions, as seen in low-profile freedom of navigation operation (FONOPS) in the South China Sea (Radio Free Asia 2022). After making headway with the government's measures for dealing with the COVID-19 pandemic, Suga's support started sliding. He stepped down and was replaced by Kishida Fumio in October 2021.

<div>SUGA Yoshihide (73)</div> <div></div> <div>Photo: Wikipedia</div>	<div>Ranking in poll: N/A</div> <div>Faction: Not currently affiliated</div> <div>Position: Member, House of Representatives</div> <div>Associated w/: Abe Shinzō, Nikai Toshihiro</div> <div>At odds w/: Kishida Fumio</div> <div>Policies: Right-leaning but cautious on China. Served as Abe’s chief cabinet secretary for many years but may have felt slighted at the 2021 party president elections. Suga was PM during the 2020 Tokyo Olympics. Uncharismatic, but later lauded for his competent rollout of the COVID-19 vaccine. Hallmark agenda items include achieving a carbon-free society.</div>
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Despite his many years of unswerving loyalty, Suga and Abe eventually had a falling out. Reports in the press indicated that Suga was unsure he would get Abe’s support for the party presidential election in the fall of 2021 (Oshima 2022). As a result, Suga ended up supporting Kōno Tarō, who had teamed up with former LDP secretary-general – and Abe rival – Ishiba Shigeru (Oshima 2022). But now, with the Upper House elections looming in the summer of 2022, Abe and Suga seem to be taking pains to mend fences and laud each other publicly. As Oshima Yūsuke put it, the two want to “retain their influence in the party, and, it seems, resist Kishida Fumio.”

Also, Abe may be nervously eyeing his faction’s numbers. Suga, like Asō, has the potential to exert a lot of influence. If Suga – who does not currently belong to a faction but has followers – were to throw his support behind Kishida or another member, that could affect the balance of power within the party.

Kishida Fumio

The last LDP politician to be showcased here is the prime minister himself, Kishida Fumio. Having ranked 4th in the aforementioned survey, many respondents think the prime minister is doing a good job, although recently, his numbers have been slipping. One journalist noted, “The power map inside the LDP is forming into three

distinct poles: the Abe faction, the Kōchi Kai group, and the Nikai/Suga group. There is a possibility Kishida will defend his seat as prime minister and, for the next three years, function as the balancing presence in this tri-polar structure” (Bungei 2022, 119).

But one question is whether the Japanese electorate will still want a leader from the faction whose credo has been “economic diplomacy, lightly armed” (Sugiyama 2022). This generally served Japan well in the first 50 years of the postwar era, but regional geopolitics changed. One example is the recent territorial escalations from the People’s Republic of China (PRC). Beijing enacted its Coast Guard Law, allowing Chinese vessels to use force to protect contested territory (Kawashima 2021). The paradigm of relying heavily on U.S. military support may become increasingly untenable.

Kishida Fumio will be discussed in further detail after first looking at some high-profile candidates in his party.

(3) Major LDP Players and Promising Candidates

In its Feb. 2022 edition, the political editorial section of the *Bungei Shunju* monthly magazine published a detailed survey (pp. 108-110) of 123 of Japan’s top 500 political and economics journalists. The survey was conducted

anonymously so they could give their frank views on major candidates in the Liberal Democratic Party.

next prime minister of Japan? Both next term and in five years from now?” The results are in Fig. 2 below.

The initial questions posed were, “Who do you think is the politician best suited to become the

(Fig. 2) Who do you think is best suited to be Japan’s prime minister?

Ranking of Best PM Candidates (after Kishida’s current term)	Ranking of Best PM Candidates (5 years from now)
1. Hayashi Yoshimasa (31 votes)	1. Fukuda Tatsuo (28 votes)
2. Kōno Tarō (18 votes)	2. Kōno Tarō (14 votes)
3. Motegi Toshimitsu (16 votes)	3. Hayashi Yoshimasa (11 votes)
4. Kishida Fumio (09 votes)	4. Hagiuda Koichi (06 votes)
5. Takaichi Sanae (08 votes)	5. Izumi Kenta (05 votes)
6. Ishiba Shigeru (06 votes)	6. Ogawa Junya (04 votes)
7. Abe Shinzō (04 votes)	7. Takaichi Sanae (tied, 3 votes ea.) Obuchi Yuko Kobayashi Fumiaki Tamura Tomoko
8. Fukuda Tatsuo (tied 3 votes ea.) Noda Seiko Kamikawa Yoko Izumi Kenta	Note: Red denotes the name of the current prime minister.

Source: Feb. 2022 issue of monthly magazine *Bungei Shunju*, p. 110. Anonymous questionnaire respondents: 123 of Japan’s top political and economics journalists. (Translated by Lefteris Kafatos)
NOTE: Row colors denote approx. political leanings:
Revisionist: Liberal: Both:


Hayashi Yoshimasa

The top contender by far for “most suitable to be Japan’s next prime minister” was Hayashi Yoshimasa, who currently serves as Prime Minister Kishida’s foreign minister. Many of the respondents to the poll agreed Hayashi has both the ambition and credentials needed to become prime minister. First, he has a lot of government experience. He has served in five Cabinet-level posts, including minister of defense, minister of

agriculture, and now minister of foreign affairs. One respondent said, “Hayashi is known within the party for being a policy expert. He knows diplomacy, defense, finance, and education” (Bungei 2022, 110).

Hayashi also has a lot of experience overseas. Having studied at Harvard, he speaks fluent English and appears comfortable in international settings. In a recent one-on-one interview, Hayashi told an anecdote about the G7 ministerial in London in December 2021. Hayashi, urged on by other ministers, gamely sat

at a white piano and played John Lennon’s “Imagine” for the assemblage in a social setting. “Ironically,” he recounted, “this was when tensions between Russia and Ukraine were coming to a head” (Bungei 2022, 120).

<div><div><div>HAYASHI Yoshimasa (61)</div><div></div><div>Photo: Wikipedia</div></div></div>	<div><div>Ranking in poll: 1st</div><div>Faction: Kōchi Kai</div><div>Position: Foreign Minister</div><div>Associated w/: Kishida Fumio, Fukuda Tatsuo, Koga Makoto</div><div>At odds w/: Abe Shinzō</div><div>Policies: Proponent of liberal economic policies such as measuring well-being and contentment and not just GDP. Takes a harder line on ROK but is the former chairman of the Japan-China Parliamentarians Friendship Committee, a position he had to relinquish when he became foreign minister. Hayashi admires Miyazawa Kiichi and Kōno Yōhei. He has a Master’s degree from Harvard.</div></div>
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Hayashi is also said to have an understanding of economic policy far above that of his peers. Also, he has good relations with the Kōmeitō party that forms the coalition government with the LDP, which is another strength (Bungei 2022, 111-112). Some journalists and observers posited that Kishida appointed Hayashi as foreign minister to groom him as his successor. One journalist remarked, “They say Kishida intends to step down after his term is over. He could be laying the groundwork for a post-Kishida succession with Hayashi” (Bungei 2022, 111). Another respondent remarked, “In the LDP, there is Motegi’s faction and Abe’s faction and, right now, Kōchi Kai is positioned between them. After the (current term of the) Kishida administration, I think another Kōchi Kai administration with moderate ideology may take up the baton” (Bungei 2022, 111).

The two A’s: Asō and Abe

And yet, the Kōchi Kai faction has only about 44 members. Without the cooperation of larger factions, they will not be able to run a stable

administration. “If Hayashi will shoot for the premiership, he will have to go through ‘the two A’s,’” said one journalist. He added, “What remains to be seen is whether Hayashi will be able to get Asō on his side” (Bungei 2022, 111). Another noted, “Hayashi has Koga Makoto in his corner. In the 2012 party president elections, Koga supported Hayashi. Even though Koga is no longer a legislator, he still maintains a lot of influence in the party” (Bungei 2022, 111). But the situation is far from clear because, while Asō has ties to Kishida, he disapproves of Koga. One respondent noted, “Asō and Koga are both from Fukuoka and have done political battle many times over. Asō even told Kishida to ‘cut Koga loose’ but Kishida refused. That could adversely affect Hayashi’s chances” (Bungei 2022, 111).

In addition to winning over Asō, Hayashi may have trouble gathering the friends he needs for his bid. One journalist remarked, “I wonder if there are people that will support Hayashi when he needs it? His network within the party is weak.” They also pointed out that Hayashi “bypassed regular processes.” This last comment

is about the LDP practice where junior lawmakers are expected to do the grunt work for senior leaders for at least three years before being considered for any important posts. The same journalist noted, “He just switched over to the Lower House and was quickly assigned to a Cabinet-level post.. Other lawmakers may resent him for that” (Bungei 2022, 111).

Then there is the matter of Abe. Abe and Hayashi are both from Yamaguchi Prefecture and have a long political history of battling it out. It is rumored that after the first Abe administration ended due to his ulcerative colitis, Hayashi asked Abe to cede to him the Chūgoku block of his votes. Reportedly Abe did not like that, and the relationship between the two men has only worsened since. Local elections have become proxy wars between them. One journalist remarked, “A power struggle between Hayashi and Abe will heat up in Yamaguchi. Locally, there are more and more voices calling for Hayashi. And Kishida helped him get there” (Bungei 2022, 112).

Relations with the U.S. and China

Besides political battles, Hayashi and Abe, are also at odds on policy. Hayashi used to be chairman of the Japan-China Parliamentarians Friendship Committee. When Kishida announced his intent to appoint Hayashi as foreign minister, Abe and Asō were against it. “The sentiment was, ‘It might send the wrong message to the international community about our relationship with China,’” said one LDP watcher (Bungei 2022, 112). Hayashi was forced to step down as chairman. Another respondent pointed out that Hayashi has a nuanced view of relations with the U.S. and China, saying, “He thinks the competition between the U.S. and China has elements of both competition and cooperation. He is cognizant of the fact that he is viewed as pro-China. But he is probably one of

the few politicians truly able to handle the sensitive Japan-China relationship” (Bungei 2022, 112).

Hayashi’s ideology

Japan’s foreign minister is a self-proclaimed centrist in the party. In an exclusive interview, when asked how he envisioned getting more LDP legislators to join his Kōchi Kai faction, he referred to past inclusive leaders such as Ikeda Hayato and Ōhira Masayoshi. Ikeda Hayato was prime minister from 1960 to 1964 and was also the founder of the Kōchi Kai faction. He is best remembered for his initiative to double the per capita income of the Japanese people (Yawata 2022, 213). Ōhira served as prime minister from 1978-to 1980. Below is an excerpt from the interview with Hayashi where he referenced these two men:

Ever since Ikeda Hayato established the Kōchi Kai, it has carried on a tradition of choosing the best and most realistic policies for our times. One of our important leaders, Prime Minister Ōhira Masayoshi, called our way “the elliptical theory.” Rather than a circle, the LDP has an elliptical shape to it, so it always includes two circles and maintains a balance between them... Various schools of thought about hawks and doves can conflict while also coexisting, thereby creating a sort of harmony within the sphere. We hope to harness support from like-minded legislators while carrying on this unique ideological tradition (Bungei 2022, 123).

In the interview. Hayashi was also asked about the possibility of forming a Grand Kōchi Kai coalition with the Asō and Tanigaki groups, something Abe fears. Hayashi responded:

When I first came to office, LDP factions were not divided. I have a clear memory of Kōno Yōhei, Asō Tarō, and Tanigaki Sadakazu all

standing together in the Kōchi Kai... Kōno Yōhei said something that made an impression on me: “Our strength lies in the fact that we ... comprise both liberals and conservatives.” This is in line with Ōhira’s “elliptical theory” and that has stuck with me (Bungei 2022, 124).

Interestingly, Kōno Yōhei, one of the leaders Hayashi admires, is the father of Kōno Tarō, Hayashi’s rival. The elder Kōno was the minister who, in 1993, issued the controversial Kōno Statement, which officially acknowledged the Japanese government’s involvement in the comfort women issue (Tiezzi 2014). Many revisionist LDP members decry the Kōno Statement, and even the junior Kōno is said not to support his father’s statement.

Hayashi’s economic and foreign policies

When asked about his vision for Japan, Hayashi had this to say:

I believe in the vision where steady and gradual economic growth is the best security option for Japan. I am not talking about a path for growth which resembles what China is doing now. We need to seek economic growth while maintaining cooperation with the international community. By doing that, I think we can mitigate some of Japan’s security risks. For example, finding policies that can solve global issues such as environmental problems... (Bungei 2022, 124).

This rationale sounds like the school of thought that says the best way to avoid conflict with China is to create more economic ties and make Japan indispensable to the Chinese economy (Satake and Sahashi 2021, 22). But Hayashi is also cognizant of the political winds. When asked by the interviewer whether he supported Abe and his protégé Takaichi in their call for a “diplomatic boycott” of the 2022


Beijing Winter Olympics in light of human rights issues, Hayashi replied, “As Kōno Yōhei said, it is extremely important to take both of these opinions and consolidate them into one solid position” (Bungei 2022, 124). Eventually, the Kishida administration settled on a lighter version of a boycott.

Hayashi also talked about lessons from the Cold War and the standoff between the U.S. and China. Hayashi said, “Everyone used to say that what ended the Cold War was the victory of the capitalist economy built on democracy and freedom. But recently, China has achieved great nation status using a completely different economic system and model of governance” (Bungei 2022, 125). Hayashi also referred to the G7 ministerial and discussions about how to help democracy expand. “I think the concept of ‘New Capitalism’ as espoused by Prime Minister Kishida is in the same vein of this” (Bungei 2022, 126). But despite his open-minded and liberal rhetoric on economic matters, Hayashi seems to express almost revisionist sentiments when it comes to the Korean Peninsula. Regarding the recent controversy surrounding the Sado Mine, an industrial site where Koreans were forced to work by the Japanese military from 1910 to 1945, Hayashi stated the Koreans were recruited as laborers rather than forced to work at gunpoint, an assertion vigorously opposed by Seoul (Korea Herald 2022). Hayashi’s opinion is widely shared in the LDP, regardless of whether they are internationalists or revisionists.

Kōno Tarō

Kōno Tarō, son of Kōno Yohei, came in second place in the Bungei Shunju poll. Kōno Tarō was the favorite to win in the Fall 2021 bid for the premiership. Given his constant call for reform and perhaps his years studying at

Georgetown University, Kōno seemed to enjoy support from many Japan watchers in the West.

<div>KŌNO Tarō (59)</div> <div></div> <div>Photo: Wikipedia</div>	<i>Ranking in poll:</i>	2 nd
	<i>Faction:</i>	Shikō Kai
	<i>Position:</i>	Public Relations HQ Chairman
	<i>Associated w/:</i>	Asō Tarō, Suga Yoshihide, Ishiba Shigeru, Koizumi Shinjirō
	<i>At odds w/:</i>	Abe Shinzō(?)
	<i>Policies:</i>	Strong proponent of doing away with nuclear power. Cautious on China. Graduated from Georgetown Univ. Former foreign minister and defense minister under Abe. Scrapped the purchase of Aegis Ashore technology from the U.S. but supports revising Article 9 and making Japan the sixth in the “Five Eyes” intelligence pact.

But in a surprising upset, Kōno lost his bid for Prime Minister to Kishida and has now been somewhat reduced to the lowest executive position in the party. Some political journalists who participated in the survey pointed out that Kōno’s behavior during the party presidency election was “problematic.” One respondent commented, “During the debates, when I heard the tone he took with the moderator, it made me think that, unfortunately, he just doesn’t have the temperament needed to be prime minister.” A television journalist specializing in politics said, “Kōno has sound ideas, such as getting away from nuclear energy and reforming the pension system. But he kept making arguments that made him enemies, and, as we saw more and more of that, people’s impression of him worsened” (Bungei 2022, 113).

However, he is generally considered an ambitious and capable leader, being credited with ably handling the vaccine rollout when he worked in the Suga administration (Murakami and Kajimoto 2021). Also, it was Kōno’s image as a maverick fighting to reform the system that made him a top contender in the first place. One admirer remarked, “When troubled times come, we’re going to need a nonconformist like Kōno

Tarō.” Others commented on his ability to take action without being hobbled by the government bureaucracy. Another LDP watcher said Kōno might be the type of leader to “create a new system of governance in Japan” (Bungei 2022, 113).

Motegi Toshimitsu


Motegi, ranking third in the Bungei Shunju poll, was close behind former favorite Kōno. Observers note that he is steadily strengthening his position inside the Kishida administration. Motegi rose to the second-highest rank in the LDP and is now the chairman of the powerful Heisei Kai faction, currently the second largest with 53 members (Bungei 2022, 114).

Motegi also may be linking up with the right people in the LDP. On December 13, 2021, Asō Tarō gave a speech criticizing Motegi at a party. Asō is reported to have said, “I said to myself, ‘This Motegi guy, he’s got all of the important areas covered as far as I can see. He’s got analytical ability, he’s got the ability to explain, and he’s got a great memory,’” he recounted. “But, as you all know, there is the issue of his character... (laughter) Well, I feel like lately

he’s gotten a little better there.” Most of the poll respondents agreed with Asō’s assessment of Motegi.

What exactly is the character issue in reference to? Motegi is known for showing his irritation when reporters ask him questions he does not like. Also, he has a reputation for being a difficult boss to work for. In 2014, when he was head of the Ministry of Economy, Trade, and Industry (METI), his subordinates were purported to have created a 22-page “Motegi User’s Manual.” It included items such as being careful about how to bring his noodles when ordering room service and, referencing an incident on an ANA flight, how to steer a situation away from public outbursts (Bungei 2022, 115).

However, several LDP watchers pointed out that Motegi has changed. One journalist noted, “Once he became foreign minister, he tried to smile a bit more.” Another noted, “Sometimes he explodes. But he’s very smart, so recently, he’s doing his best to control himself. He’s also making proactive efforts to mentor younger legislators.” Motegi is known for lighting fires under younger candidates in his faction to help them win “big away games,” i.e., difficult elections for LDP candidates such as those in Okinawa. He is also known for having good relations with the two A’s, Abe and Asō. One journalist remarked, “Motegi has been a doer. He’s been able to get things done in important positions due to his ability to co-opt Abe.”

<div>MOTEGI Toshimitsu (66)</div> <div></div> <div>Photo: Wikipedia</div>	<div>Ranking in poll: 3rd</div> <div>Faction: Heisei Kai (53 members)</div> <div>Position: LDP Chief Secretary</div> <div>Associated w/: Asō Tarō, Abe Shinzō</div> <div>At odds w/: ?</div> <div>Policies: Right-leaning economic pragmatist. Cautious on China. Studied at Harvard’s Kennedy School. Served as foreign minister and METI minister before that where he negotiated the Japan-U.S. Trade Agreement with the Trump administration. Wields considerable power within the LDP. Motegi could also be a compromise choice for Prime Minister if an intraparty showdown occurs between Abe and Asō.</div>
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Almost all respondents agreed with this high assessment of his abilities. Motegi graduated from the prestigious school of economics at Tokyo University and had a long and illustrious career in the private sector. “He has a brilliant mind and can even outdo technocrats on policy wonk matters,” said one respondent. “And he is known for being a tough negotiator.... Motegi negotiated the Japan-U.S. Trade Agreement... He held his own in the very contentious talks with (then-U.S. Trade Representative) Robert Lighthizer” (Bungei 2022 114-115).


Nevertheless, Motegi has enemies, and many respondents expressed unflattering opinions about him, and not just for his “power harassment” of subordinates. “True, he’s in a position now close to the Prime Minister. Motegi is hungry for authority and power,” asked one. “But what is it that he as a politician really wants to achieve? It is totally unclear.” They went on to say, “Motegi doesn’t want power and authority to achieve some political ideal. He thinks of politics as a tool by which to achieve power” (Bungei 2022, 115). Still, Motegi’s influence is undeniable. When asked

what could be the biggest factor in deciding the fate of Kishida’s premiership, one journalist replied, “The biggest factor will be this: By whom will Motegi’s faction stand?”

Takaichi Sanae

Takaichi Sanae has the strong backing of Abe and made quite the name for herself in the run-up to the LDP party president elections in 2021. She placed fifth in the Bungei Shunju poll. Among the female candidates, such as Noda Seiko and Kamikawa Yōko, Takaichi is by far the most likely candidate for prime minister. Several LDP watchers said Takaichi is the appropriate type of “leader in a crisis” given her hawkish stance toward China (Bungei 2022, 115).

Another journalist characterized Takaichi as “a darling of the right.” They noted, “When the Kishida administration encounters turbulence in the standoff between the U.S. and China, we will probably see more people calling for a leader like Takaichi.” She has worked on legislation trying to make it possible for Japanese forces to attack enemy bases, and she has “authoritative views” on diplomacy and security matters. Supporters say she is hands-on when it comes to forming the policies behind her campaign promises and that she is not the type to “just want to be prime minister for the sake of it” (Bungei 2022, 115).

<div>TAKAICHI Sanae (61)</div> <div></div> <div>Photo: Wikipedia</div>	<i>Ranking in poll:</i> 5 th
	<i>Faction:</i> Unaffiliated but possibly Seiwa Kai
	<i>Position:</i> Member, House of Representatives
	<i>Associated w/:</i> Abe Shinzō
	<i>At odds w/:</i> Kishida Fumio
	<i>Position:</i> Revisionist. Former minister of internal affairs. Lacks experience in diplomacy but worked for a Democrat U.S. Congressman for two years. Received strong support from Abe despite distancing from his Seiwa Kai faction. She supported boycotting the Beijing 2022 Winter Olympics and other hawkish initiatives such as acquiring strike capability to hit foreign bases that threaten Japan.


Still, Takaichi has weaknesses, such as a lack of support within her party. She left Abe’s Seiwa Kai, whose members are now said to have something of an “allergic reaction” to her. Takaichi is not currently affiliated with any LDP faction, which most respondents cited as a big challenge for her. One journalist noted, “Even though she’s popular with the conservative old guard and some of the younger legislators in the faction, there does not seem to be a lot of support for her from other female members. She needs to improve on her habit of going it alone” (Bungei 2022, 116).

There are reports that when Kishida won the party presidency and premiership in Oct. 2021, Abe wanted Kishida to appoint Takaichi to the influential LDP secretary-general position. Kishida did not do that, but he did keep Abe’s brother, Kishi Nobuo, as defense minister. This reportedly did little to lessen Abe’s anger.

Fukuda Tatsuo

Another LDP candidate garnering attention is Fukuda Tatsuo. Although he ranked only eighth in suitability to become Japan’s next prime minister, he ranked first for “most suitable” five

years from now. Fukuda is widely considered one of the most promising up-and-coming politicians in the party.

<div>FUKUDA Tatsuo (54)</div> <div></div> <div>Photo: Wikipedia</div>	<div>Ranking in poll: 1st (best candidate for PM 5 years from now)</div> <div>Faction: Kōchi Kai</div> <div>Position: Chairman of the Executive Council</div> <div>Associated w/: Kishida Fumio, Hayashi Yoshimasa</div> <div>At odds w/: Abe Shinzō</div> <div>Policies: Cautious on China but critical of Japan’s defense budget. Calls for ending wealth and resource disparities between cities and rural areas. Fukuda is a critic of intraparty factionalism and yet mobilized young legislators from various factions to support Kishida’s bid for prime minister, thereby helping derail Kōno’s bid. He is close to Hayashi Yoshimasa.</div>
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One of the biggest indicators of Fukuda’s influence can be seen in how he created the Tōfū Isshin no Kai, a pan-factional group. He called for young legislators to join the movement, and approximately 90 of them answered the call. The survey respondents highly regarded Fukuda for his ability to feel the political wind. In reference to the heated party president race in late 2021, one LDP watcher said, “Many veteran journalists and legislators thought party support was going to go to Kōno. But Fukuda helped ensure that Kishida was the winner by gathering support behind him.” And Fukuda enjoys much support from those around him. He is said to pay close attention to both young and veteran legislators. (Bungei 2022, 116).

Despite being a young reformer, Fukuda understands the old ways. One journalist recalled the following anecdote: “Fukuda was learning from stakeholders with large agriculture and fishery constituencies. He appeared at one of their meetings and prostrated himself in a *dogeza* bow – dropping to his hands and knees – and asked for their guidance. I was impressed by his pure resoluteness and how he didn’t hesitate to prostrate himself in front of these stakeholders and the press.” While this type of kowtowing

may sound like the stuff of old samurai movies, it is seen as a sincere expression of much-valued humility and loyalty even in today’s Japan. As such, almost all the respondents gave Fukuda high marks for his smartness and sincerity. And, unlike the much-watched son of another former prime minister, Koizumi Shinjiro, Fukuda is lauded for avoiding political theater. Said one admirer, “Fukuda is a good guy. He’s good-looking and more sociable than his father was, which also works in his favor. He’s diligent and has the ability to understand things. And although he is strict with his staff, he is also hard on himself. People think highly of him for that” (Bungei 2022, 117).

As for things that hold Fukuda back, respondents pointed to his youthful inexperience and lack of clear policy goals for diplomacy and the economy. Another pointed out, “Also, his relationship with Abe is not good.” That relationship may have been colored by Fukuda’s father, who harshly criticized Abe back when he was embroiled in the Moritomo land scandal. Also, Abe was displeased with Fukuda’s move to form the Tōfū Isshin no Kai, a reformist movement of young legislators (Bungei 2022,

117). Fukuda was pressed on this point at a recent interview:

Interviewer: *Some say you started the Tōfū Isshin no Kai to stand up against Abe.*

Fukuda: Nothing could be further from the truth! In fact, I respect Mr. Abe. No other leader could have made the executive Cabinet Office function the way he did... I also think that from the standpoint of foreign policy, Prime Minister Abe was able to achieve historic legislation, the Peace and Security Law. It's also known that President Trump was asking Prime Minister Abe for advice prior to visiting China, and even Xi Jinping is said to have asked Mr. Abe, "What should I talk to Trump about?" So, you can see that Prime Minister Abe is very highly regarded internationally (Bungei 2022, 135).

The above should not necessarily be interpreted as support or endorsement of Abe. Fukuda's diplomatic response is typical of LDP politicians, especially younger ones who are age-conscious and wary of angering or alienating older influential members.

Fukuda's foreign policy views

Fukuda calls for "flexible" diplomacy between the U.S. and China. He wants to draw a line with China regarding the territorial disputes but considers defense spending limited in efficacy. Consider this quote from his interview:

Countries like China and Russia have defense industries. When they increase defense spending, that increase goes to fostering their industries. But in the case of Japan, the system is such that any increases in defense expenditure flow away to defense companies overseas. That is why we have to use all the means at our disposal, including diplomacy, to put a halt to China's military activities (Bungei 2022, 132).

Fukuda's reference to "defense companies overseas" is to American defense companies. His stance contrasts Abe's unambivalent purchases of expensive American military hardware.

Other possible candidates: Hagiuda, Ishiba, and Koizumi

Hagiuda Kōichi placed fourth in the poll for becoming prime minister five years from now. He is the current Minister of METI and a close confidant of Abe. Many respondents said Hagiuda is a "realistic candidate" who has earned the trust of others with his balanced views. One journalist noted, "Hagiuda knows a lot of people and has a good information network. Also, he's good at keeping people in the loop, and he's one of the few confidants who can tell Abe his opinion without holding back" (Bungei 2022, 117). Reporters from newspapers such as the *Asahi Shimbun* and *Mainichi Shimbun* – typically critical of the Abe camp – said, "Hagiuda really knows what he's doing." LDP watchers are expecting that Hagiuda will someday become a viable candidate for prime minister (Bungei 2022, 118).

As for Ishiba Shigeru and Koizumi Shinjirō, these two supported Kōno for the LDP party presidency in 2021. Since Kishida prevailed there, both have become less influential. In the Bungei poll, Ishiba dropped to sixth place, and Koizumi did not place at all. Some are hoping these two will make a comeback along with Kōno. One respondent noted that groups might form inside the formerly influential Ishiba faction. There may be more teaming up with others, such as the Suga group, the Tanigaki group, and the Mori faction. Another LDP watcher said, "The more Abe strengthens his position as LDP kingmaker, the more likely we are to see public opinion and internal party support shift to Mr. Ishiba" (Bungei 2022, 113).

Others disagree, seeing nothing but further decline for Ishiba.

Concerning Koizumi, son of the famous Prime Minister Koizumi (2001-2006), respondents commented on how he has lost his way and needs to get back to political basics. One said, “Koizumi needs to walk door-to-door in his town. Get a feel for people’s livelihoods and what they need and want.” This, they say, will do away with this image of being aloof. Said one journalist, “If Koizumi doesn’t overly fixate on quickly recovering power and shows he’s willing to put in the hard work, then he can probably make a comeback in five years” (Bungei 2022, 113).

Also, a brief mention should be made of Nikai Toshihiro, former secretary-general of the LDP. Nikai has strong ties to the business community and has connections in China (Economist 2021). When Abe abruptly announced he would step down as prime minister in August 2020, Nikai – betting against Kishida – threw his support behind Suga’s candidacy. Although now diminished due to Kishida’s victory, he still has a following and can exert influence over LDP legislators and their factional alignments. As long as Kishida is in power, Nikai is unlikely to see the LDP embark on the type of fence-mending with the People’s Republic of China (PRC) he may like to see. As for his long-term prospects, Nikai’s image as pro-China does not typically play well with voters. However, powerful business interests who wield influence over LDP policy agree with his policies, which are probably more pragmatic than Sinophilic.

(4) Prime Minister Kishida

This paper will now turn again to Kishida Fumio. Many poll respondents gave Kishida high marks for steadily running his administration during the pandemic and for his

much-touted “ability to listen” (*kiku chikara*). During a TBS News interview at his home, Kishida discussed this self-professed ability to listen to the electorate (TBS News 2021). He pulled out the now-famous little notebook he carries everywhere and writes what voters told him. He explained to the interviewer, “This notebook is, for me, a valuable asset” (TBS News 2021). One LDP watcher contrasted Kishida with his predecessor. “Suga ran his premiership like the president of a small company where he called all the shots. But not Kishida. He listens to what the technocrats and advisors have to say.” Also, he added, “Unlike Abe, Kishida doesn’t get worked up” (Bungei 2022, 119).

<div>KISHIDA Fumio (64)</div> <div></div> <div>Photo: Wikipedia</div>	<div>Ranking in poll: 4th</div> <div>Faction: Kōchi Kai</div> <div>Position: Prime Minister of Japan, LDP President</div> <div>Associated w/: Hayashi Yoshimasa, Fukuda Tatsuo</div> <div>At odds w/: Abe Shinzō</div> <div>Policies: Liberal economic internationalist with nationalist elements, cautious on China, tough on ROK's Moon administration. Seeks policy distance from the U.S. and wants to protect domestic markets, encourages wealth redistribution. Calls for a "world without nuclear weapons" but acknowledges the need for U.S. nuclear umbrella. Likely to avoid big moves until the Upper House election in July 2022.</div>
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Kishida's experiences in America

In an autobiography published in October 2021, Kishida writes about parts of his upbringing. His father was posted in New York in the early 1960s. Kishida, a young boy at the time, attended elementary school in Queens, where, according to him, he first realized “how big of an issue racial discrimination is in America.” Also, he claims white people said racist things to him “countless times,” although he was not always aware of it because his English was not good enough. Kishida recounts a story from when he was in second or third grade when a Caucasian girl in his class discriminated against him by refusing the teacher’s instruction to hold his hand when they were lining up on a field trip (Kishida 2021, 129-130).

This bitter experience formed the foundation of his “respect for diversity” belief, which – in his telling – is a core part of his vision for moving society “from division to harmonious collaboration” (Kishida 2021, 60). This catchphrase is also the subtitle of his autobiography, in which he lays out his domestic policies and plan for healing the wounds of division in Japanese society. He also writes, “Diversity is the very thing that brings vitality to a society” (Kishida 2021, 77). It is unclear whether this means he supports changes to

Japan’s strict immigration laws to increase or empower Japan’s foreign workers.

Kishida's foreign policies

Although the impression many have of Kishida is his focus on domestic policies, he has much experience in the international arena. Under Abe, Kishida was the longest-serving foreign minister in the postwar era for almost five years. Still, since coming into his own, he has struggled to get out of Abe’s shadow and outline his own unique foreign policy vision. On October 8, 2021, days after coming to power, Kishida gave his first major policy speech at the chambers of the House of Representatives titled “The Virtuous Cycle of Growth and Distribution.” As a sign of the times and his political priorities, Kishida’s speech both started and ended with Covid-19. In fact, over half the speech was devoted to how his administration planned to deal with the pandemic and the economic support he intended to mobilize for the people. The latter is a core pillar of his New Capitalism concept.

The speech was criticized by some for being sparse on foreign policy matters. But on the matter of his economic growth strategy, Kishida alluded to a plan to draft legislation that would promote Japan’s “economic security” (Kishida 2021 speech). Part of that plan, he said, would

be the creation of a system that would “prevent technology flowing out,” i.e., to the PRC, and he also alluded to creating a resilient supply chain in light of disruptions from the global pandemic. One of Kishida’s first acts as prime minister was the creation of a Cabinet position, Minister of Economic Security, whose main mission was to safeguard Japanese technology from Chinese theft (Inagaki and Lewis 2021). Also, in January 2022, Kishida took another step toward strengthening ties with like-minded nations by signing the Japan-Australia Reciprocal Access Agreement (MoFA 2022). And, true to his internationalist roots, Kishida wants to bring the European Union into the Comprehensive and Progressive Agreement for the Trans-Pacific Partnership, or CPTPP (Kishida 2021, 83).

- Japan-U.S. relations

During his policy address, Kishida devoted a few comments to Japan’s defense ally:

The axle on which Japan’s diplomatic and security policies pivot is the Japan-U.S. alliance. I will take the lead and lift the Japan-U.S. alliance, which is the cornerstone of peace and prosperity – for the Indo-Pacific and indeed the world – to even greater heights. We will strive to maintain the deterrence of our alliance and to alleviate the burden on the people of Okinawa due to the military bases while building trust with local residents through careful explanations and dialogue. We will strive for the quickest possible return of the land under Marine Corps Air Station Futenma and proceed with the construction of the alternate site in Henoko (Kishida 2021 speech).

It was noted that Kishida made no mention of alliance-related coordination such as FONOPS or joint exercises with U.S. partners and similarly made no reference to furthering the interoperability of the U.S. and Japan Self-Defense Forces. The lofty allusion to lifting the alliance to “even greater heights” seems

incongruent, given that half of his alliance-related utterances were about making the U.S. bases less awful for Okinawans. This is hardly a stunning endorsement of the Japan-U.S. alliance.

One of the phrases most often used in the LDP to describe the U.S.-Japan alliance is “lynchpin of Japan’s security.” This reflects the broad consensus in the party that the U.S. military presence is crucial to Japan’s security. Kishida, true to form, continued the tradition of using this phrase. And yet, in his book *The Kishida Vision*, he seems to express unease with the direction of U.S. policy and the desire to “speak honestly” with American leaders like President Trump. Kishida writes about the importance of telling Americans when they are wrong. In his telling, Japan needs to stand on its own, not be a U.S. “proxy” (Kishida 2021, 83).

In his book, Kishida also pays homage to Abe’s foreign policy skills and applauds him for “skillfully controlling” Trump (Kishida 2021, 84). That said, Kishida seems skeptical of hewing close to American policies, saying, “We as a nation must hold fast to our own diplomacy.” One example that highlights his unease of being in complete lockstep with the U.S. can be seen in the dismay he expresses over the January 2020 assassination of the Iranian General Soleimani (Kishida 2021, 89-90). Kishida asserts, “taking appropriate distance from America will be one of our challenges” (emphasis added). This is very different rhetoric from that of the Abe administration, which – whatever his personal feelings may have been – always took pains to publicly express solidarity with America.

U.S.-related comments at Diet deliberations

Left-leaning opposition parties often grill LDP administrations for being overly deferential to America. Kishida got a taste of this at his first major Diet deliberations in December of 2021. Almost six hours into the grueling back and

forth, an opposition lawmaker took Kishida and his administration to task for allowing U.S. military personnel to infect Japanese passengers with Covid on a domestic civilian flight. The argument was that the outbreak occurred since U.S. military personnel, per the Status of Forces Agreement or SOFA, are not subject to strict screening protocols as other passengers (Diet 2021). Such public health and safety incidents are often brought up by left-leaning parties who claim the U.S. military presence does more harm than good. The same lawmaker also brought up how the Governors Association of Japan supports a major rethink of the SOFA.

The opposition criticized the Abe-era relocation plan of Marine Corps Air Station (MCAS) Futenma, saying the land reclamation in the alternate site, Henoko, would destroy the pristine environment and go against the will of the Okinawan people. Kishida curtly retorted: “Henoko is the only solution for dealing with the dangers of Futenma Air Base while upholding our security” (Diet 2021). This answer is word-for-word, the same as those given by the Abe administration. Despite his dovish image within the party, Kishida does not seem intent on changing major longstanding structures in the alliance, even those bolstered during the more revisionist Abe’s tenure.

Takuma Kayo, a respected political commentator and professor at Tokyo Metropolitan University, commented on Kishida’s performance at the Diet. She said when it came to diplomacy and security discussions, Kishida remained grounded in realism. “He had a sense of balance,” she said. “He didn’t run to idealistic extremes, which shone through” (Nikkei Dec. 2021). Takuma was equally impressed with how Kishida handled questions regarding whether his administration would be boycotting the Beijing 2022 Olympics and U.S. President Joe Biden. Takuma said, “Kishida knows if Japan is in

lockstep with the U.S. and UK on this one, we will face the possibility of economic retaliation from China. So, even if the international community thinks Japan’s stance is ambiguous, Kishida still has to choose a way that allows China to save face” (Nikkei Dec. 2021).

Takuma also commented on the Constitutional Democratic Party’s demand that the Kishida administration participates as an observer in signatory deliberations for the Treaty on the Prohibition of Nuclear Weapons (TPNW). She said, “Given the reality that Japan is protected by America’s nuclear umbrella, there’s really no other option for him but to postpone such participation. Even without that, Japan can still exhibit leadership in nuclear disarmament.” On another security-related matter, Takuma expressed hope that Kishida would further discuss at regular Diet sessions how the government could rescue and evacuate Japanese citizens from overseas crises. “This isn’t an issue limited to Afghanistan,” she said. “It will come into play when dealing with a Taiwan crisis as well” (Nikkei Dec. 2021). These views are shared by many in the Japanese foreign policy realm.

Meetings with top U.S. officials,

Kishida, and his Cabinet seem to largely be on the same page with American counterparts on security matters. This can be seen in the “Joint Statement of the U.S.-Japan Security Consultative Committee (2+2),” released on Jan. 6, 2022. Kishida’s ministers – Foreign Minister Hayashi and Defense Minister Kishi – were heartened when their respective American counterparts, Antony Blinken and Lloyd Austin, reaffirmed that Article 5 of the Japan-U.S. Security Treaty applies to the Senkakus/Diaoyus. Japan, for its part, included content welcomed by the U.S., such as this statement: “Through its strategic review process, Japan expressed its resolve to examine all options necessary for national defense including

capabilities to counter missile threats” (DoS 2022).

Further, the joint statement called out China for its “rapid and opaque military expansion” and said this “jeopardizes the regional strategic balance.” The statement also expressed concern over the “large-scale development and deployment of nuclear weapons, ballistic and cruise missiles, and advanced weapons systems such as hypersonics.” The Japanese and U.S. ministers also agreed to consider “future cooperation in counter-hypersonic technology” (DoS 2022).

A couple of weeks later, similar solidarity was on display when Prime Minister Kishida met with President Biden for a virtual bilateral on Jan. 21, 2022. The joint statement reiterated the points brought up in the 2+2 meeting and underscored the two leaders’ support for “the mutual commitment of the two allies to the defense relationship” (White House 2022). They also agreed to hold a summit in Japan sometime in the first half of 2022 for the Quad, which comprises the U.S., Japan, Australia, and India. Prime Minister Kishida’s talking points for this meeting seemed very similar to those Abe might use when meeting with a U.S. president.

But there was new content as well. Prime Minister Kishida proposed establishing a Cabinet-level forum like the 2+2 for economic matters. The Japanese prime minister envisions this as a bilateral forum where Japanese and American officials can discuss economic issues between the U.S. and Japan (Nikkei Feb. 2022). Kishida’s reasons for wanting to upgrade the economic talks are twofold: One, in light of the pandemic and a rising China, the Japanese government wants to team up with the U.S. to ensure the security of semiconductor supply chains; and two, Kishida hopes to make it a forum for increasing America’s diplomatic engagement in the Indo-Pacific. Many have commented on the regional vacuum left by the

U.S. under the Trump administration.

Additionally, this may be a continuation of efforts that began in 2017-2018, where Japanese diplomats sought to isolate sensitive economic discussions from a mercurial and populist U.S. president. After all, despite the bonhomie between the two leaders, Abe was unsuccessful in convincing Trump to spare Japan from tariffs (Osborne 2018).

This virtual meeting in January 2022 was Kishida’s first major bilateral meeting as prime minister. How was the summit received? Maeshima Kazuhiro, a political scientist at Sophia University, praised Kishida’s performance, saying, “Under the Kishida and Biden administrations, Japan and the U.S. are starting to become more equal partners” (Nikkei Jan. 2022). He contrasted this with the dynamic under Abe, where, in his view, Japan was constantly trying to get the U.S. to understand the Japanese position. Maeshima also predicted that if Biden visits Japan in the first half of 2022 to attend the Quad Summit, that could help Kishida’s prospects in the July 2022 Upper House elections (Nikkei Jan. 2022), which are crucial to the continued survival of his administration.

Iwashita Mari, a chief market economist at Daiwa Securities, noted the reference to the Economic 2+2 and other tech initiatives such as protection and procurement of semiconductors. She also noted Kishida’s statement where he expressed hope the U.S. would join the TPP. “Since there was no response from the U.S. side to Kishida’s hope, we can see the U.S. is not eager to do that,” Iwashita said (Nikkei Jan. 2022).

Kotani Tetsuo, a global studies professor at Meikai University, hailed the meeting as an important step to achieving FOIP as Japan cheers on the Biden administration’s engagement with Asia. “At this summit, they discussed Japan’s ability to attack enemy bases

from which missiles might be launched, and how this might be made possible by amending Japan's National Security Strategy," he said (Nikkei Jan. 2022). But he posited that the U.S. was looking to see if Japan was willing to put its money where its mouth was. "If Japan's defense budget continues to increase," Kotani said, "Then the Americans might start becoming cautiously optimistic about Japan's political decision to finally procure such attack capabilities" (Nikkei Jan. 2022). It is unclear whether Kishida has the bandwidth or political will necessary to push forward with such a controversial initiative.

Kotani also noted complete U.S.-Japan unity on the Ukraine issue despite arguments for staying out of European matters and Russia's good side. Kotani said, "If Japan, as America's ally, won't stand by its side for such tough security matters like Ukraine, then we won't be able to get the U.S. to reciprocate in Asia." Some see the Ukraine crisis as a far-off issue that does not concern Japan. Kotani disagrees. "This kind of solidarity is a test of the true value of the alliance" (Nikkei Jan. 2022). Judging from the Japanese government's response to the Ukraine crisis, Kishida would seem to agree.

- Japan and the Korean Peninsula

When mentioning the Korean peninsula in his policy speech, Kishida stuck to familiar LDP territory:

We absolutely cannot accept North Korea's nuclear and missile development. We will strive for a comprehensive solution to the primary matters of concern – namely, the abduction, nuclear, and missile issues – based on the Pyongyang Declaration; and we will strive to clear away the unfortunate past and normalize ties with the DPRK. The abduction issue is of utmost importance. All abductees need to be returned home as soon as possible, and I will spare no efforts to make that happen. For my

part, I am prepared to meet directly with Secretary Kim Jung-Un, with no preconditions (Kishida 2021 speech).

Kishida sees the DPRK as the "biggest threat" in his autobiography because of its nuclear weapons (Kishida 2021, 73). The term "unfortunate past" in the above quote is ambiguous, but it probably does not mean dealing with Japan's wartime legacy of annexation.

On South Korea, Kishida's comments were short and curt: "South Korea is an important neighboring nation. In order to get back to healthier relations, we will strongly press the Korean side for appropriate dealings based on Japan's positions which have been consistent throughout" (Kishida 2021 speech). Kishida's thoughts about Japan's neighbor as depicted in his book are also not flattering, perhaps because he feels his hallmark achievement in 2015 getting "final and irreversible" closure with the comfort women issue was marred by Korean politics. He expresses anger at the South Korean side for reneging and calls on President Moon Jae-In to honor the deal (Kishida 2021, 74). But some claim Kishida is partially to blame for the breakdown. At a Ministry of Foreign Affairs press conference given after the negotiations with Seoul were concluded, Kishida confusingly tried to mollify domestic critics by saying reference in the agreement to Koreans being "forced to work" did not imply they were subjected to "forced labor" by the Japanese military (MoFA 2015). That, coupled with then-Prime Minister Abe's refusal to publicly apologize to South Korea, ensured the deal was "dead on arrival" (Kingston 2021). It did not help when, in January 2022, Kishida caved to nationalist pressure and pushed ahead with a proposal to have Sado Mine registered as a UNESCO World Heritage site despite protests from Seoul (Yamaguchi 2022).

Kishida's views on the value of Japan-ROK relations seem narrow and transactional. At one point in his book, he discusses the need for better relations with Korea in case a crisis breaks out on the peninsula and Japan needs to rescue Japanese tourists (Kishida 2021, 76). There is no grand statesman-like appeal here for better relations for loftier ambitions such as two strong democracies working together to stabilize the region.

At one point in his book, he even expresses thoughts that give the impression that he harbors prejudices against Korea. When Kishida told other foreign ministers at a gathering that South Korea has “an invisible ‘law of emotion’” dictating their foreign policy, he claims the rest of the assemblage nodded and “gave knowing looks” (Kishida 2021, 93). Regardless of whether that incident truly occurred as Kishida remembers it, the fact that he would convey such a story in a widely published book says something about his view of Japan-ROK relations.

In that sense, despite being more liberal or left-leaning than Abe, Kishida has not expressed the intent to come to grips with Japan's imperial legacy in a way that resembles Germany's reckoning with its Nazi past. Again, as Richard Samuels pointed out, even internationalist LDP members like Kishida should not be considered “liberals” in the Western sense. Kishida's stance is consistent with longstanding LDP policy, which is pointed to by critics as a sign that Japan lacks sincerity and remorse for its actions during the war. In short, the possibility of some kind of major and long-lasting improvement in Japan-Korea relations under Kishida seems remote.

- Japan-China relations

Kishida's Kōchi Kai faction is known for having members with close ties to the PRC. Kishida himself acknowledges dependence on the U.S. alliance but also asserts that “We live

right next door to China so we need our own kind of diplomacy” (Kishida 2021, 91). This is different from the Abe-era assertions that, when it comes to U.S.-Japan views on security matters, there is “no daylight between us” (Solís 2018).

In his policy speech, Kishida had these words to say about the PRC:

Building a stable relationship with China is important for both nations, and for the region and the international community. We will work with nations who share our universal values and assert to China what needs to be asserted. We will strongly press China to take responsible actions while also continuing our dialogue and collaborating on common issues (Kishida 2021 speech).

Despite having several proponents in his faction and the Cabinet who favor closer business ties with China, Kishida seems to parrot many lines used by Western diplomats. He often uses the “responsible stakeholder” argument, which the PRC has come to expect from Japan. After all, when it comes to security matters, Japanese leaders are viewed as taking cues from the United States. Also, Kishida had firsthand experience dealing with the PRC when he served as foreign minister from 2012 to 2017. Issues such as those involving the Senkakus/Diaoyus showed Kishida that the Japan-China relationship would remain fraught despite the influence of pro-China business elements in his party (Sugiyama 2021). The same thinking applies to proposals for China's and Taiwan's accession to the CPTPP. Like Abe, Kishida has thrown his support behind Taiwan for joining the agreement while expressing concerns about the PRC's bid (Radio Taiwan 2021).

Still, in his book Kishida writes about a 2013 tête-à-tête he participated in with Chinese Foreign Minister Wang Yi in Brunei. At one

point, the two moved to a separate room where not even the interpreters were in attendance (Kishida 2021, 117-120). Wang Yi – in fluent Japanese – talked to Kishida about his Kōchi Kai faction, saying, “Since you are a member of the Kōchi Kai, one would expect you to value the relationship with China” (Kishida 2021, 121). More important than the actual content of that discussion is the fact that Kishida wrote a few pages highlighting an episode where he, as a representative of the Government of Japan, had an intimate discussion with his PRC counterpart about the pro-China leanings of his political faction.

- Nuclear weapons and security posture

Kishida, who originally hails from Hiroshima, claims the atomic bombing of his prefecture profoundly impacted him both as a person and a politician. In his book, he writes, “I wish to devote my political life to achieving a world without nuclear weapons” (Kishida 2021, 64). He also asserts that, since Japan is the only nation to have ever suffered a nuclear attack, it should take the lead in the global denuclearization effort (Kishida 2021, 64). This is an area of major difference with Abe Shinzō, who recently called for Japan to consider hosting U.S. nuclear weapons on Japanese soil. Deference to his elder and appearances aside, Kishida quickly and publicly rejected Abe’s comment (McCurry 2022). Kishida, in his book and elsewhere, has been unambivalent on the matter: “Japan must not compromise when it comes to nuclear disarmament” (Kishida 2021, 94). He writes with pride about the role he played in bringing President Obama to visit Hiroshima Peace Memorial Park in 2016 (Kishida 2021, 96), a visit that healed some wounds and reinvigorated the disarmament movement.

Nevertheless, some point to Kishida’s nuclear stance and that of the LDP as hypocritical. After all, Japan enjoys the protection of America’s

nuclear umbrella. But his view may be nuanced. In a January 2022 Hiroshima News TV interview, three months into his administration, Kishida spoke to his constituency about the Treaty on the Prohibition of Nuclear Weapons (TPNW). He bemoaned that none of the nuclear powers are party to the treaty but emphasized, “We have to change that.” Kishida also said he has “people working on the Non-Proliferation Treaty (NPT),” and mentioned America as well. “We have to get our one and only ally, America, on board (with denuclearization efforts),” said Kishida. “If we can’t persuade them then we can’t persuade anyone” (Hiroshima News 2022).

And yet, Kishida is not a pacifist. At the lower house questioning session on Jan. 26, 2022, opposition lawmakers questioned Prime Minister Kishida about his considerations on acquiring “capabilities to attack enemy bases” on foreign soil (Nikkei Jan. 2022). In response to questioning from Kokuta Keiji of the Communist Party, Kishida replied, “We have no intention of discussing anything that would deviate from the fundamental roles of Japan and the U.S. [in the alliance], or from the Constitution or international law.” Kishida later reiterated, “We are looking at what we can do within those constraints... (emphasis added) we are not thinking at all about procuring the military capabilities for all-out war” (Nikkei Jan. 2022). And yet, in response to questioning by Nakatani Shinichi of the Democratic Party regarding what the Kishida administration was willing to consider in Japan’s security, Kishida replied: “I want to think realistically and leave all options on the table, including the ability to attack enemy bases (emphasis added). We must drastically strengthen our defense capabilities” (Nikkei Jan. 2022). Some of this rhetoric may be the result of political pressure coming from Abe and his Seiwa Kai.

In sum, Prime Minister Kishida started his administration with a strong focus on domestic

issues. Global occurrences such as the Russian invasion of Ukraine have forced him to put his international hat on, but he remains acutely aware of his domestic audience. Despite belonging to a right-leaning, business-friendly party, parts of Kishida's domestic agenda for the economy sound like the stuff of European social democrats. As for relations with the PRC and the U.S., he is trying to juggle the business relationship with China while expressing solidarity with Washington, albeit a little less vigorously than Abe did. Kishida is an internationalist and wants to foster ties with other countries as a deterrent against China, but also to reduce dependence on an increasingly unreliable America. Finally, on the issue of nuclear weapons, Kishida often speaks of the importance of denuclearization but there is little evidence to prove he is working vigorously to alter the status quo.

III. Conclusion

If Kishida does not blunder over the next few months and his Kōchi Kai members do well in the July 2022 Upper House elections, then his position will be largely stable until 2025. He will likely push forward with his domestic New Capitalism agenda and let the foreign policy vehicle proceed on autopilot on the course set by Abe, neither revving it up nor slowing it down unless forced to by external circumstances. Abe is attempting some backseat driving in the security realm as seen with his support for sharing nuclear weapons and his "strategic clarity" comments on Taiwan. But, deference to senior statesmen notwithstanding, Kishida is not likely to allow it.

But there are indications support for Kishida is slipping, such as an *Asahi Shimbun* poll where 53% of respondents said Kishida failed to show leadership during the pandemic (Asahi 2022). If Kishida continues to slide or misses the mark in a big way then he is likely to be replaced in the summer 2022 elections. By whom? That will

depend on what the electorate wants. If they want a continuation of the economic internationalist focus but with new blood then Hayashi Yoshimasa may get his chance to be prime minister. If the majority demands a different policy menu than what is on offer at the Kōchi Kai – but not too different – then Moteji Toshimitsu may rise to the top; or Kōno Tarō if, implausibly, voters suddenly want a reformer to come in and shake the whole system up. Also, the byzantine backroom factionalism for which the LDP is renowned is likely to influence the process.

Regardless of which of these candidates prevails in the next elections, as long as the LDP is in power, we are not likely to see big course corrections in Japanese foreign policy. Regarding the ROK, there may be a thaw in the chilly relations now that a conservative candidate has won back the Blue House. But it remains to be seen what fruits if any, can be expected from such a thaw. With the PRC, Japan will continue to hedge and balance economically while parroting acceptable political concerns. And as for the U.S., the LDP will do its utmost to continue the status quo, which means keeping the U.S. bases where they are, buying U.S. military hardware, seeking constant Article 5 assurances, and strengthening the SDF.

But the possibility of a big departure from this above-described course exists. If a major international incident that threatens Japan occurs in the next few months, Japanese voters may call for a strong revisionist candidate like Abe Shinzō or Takaichi Sanae. But, judging from initial reactions to Abe's talk about nuclear weapons on Japanese soil, this does not seem very likely. After all, most Japanese like their economy-centered governance model. And, despite some of the messy problems it presents, they like their pacifist constitution.

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Facebook's selective censorship in Vietnam and Russia: Cases on Private Actors' Involvement in Authoritarian Repression

Anthony Nguyen

In 2018, the Vietnamese government promulgated the Cybersecurity Law aimed at inducing target multinational social media companies to set up servers inside Vietnam and pass on server data inside Vietnam to the Vietnamese government. The promulgation of the Cybersecurity Law was made in response to nationwide protests against the Vietnamese government regarding the Special Economic Zone law (Sherman, 2019). After the passage of the Cybersecurity Law, Facebook started to censor anti-regime posts on its platform among high profile anti-regime dissidents that the regime considered “reactionaries” and “lawbreakers” (Sherman, 2019). Facebook has also acquiesced to censorship demands from the Thai government regarding anti-government and anti-monarchy posts on its platform (Chachavalpongpun, 2020). Similarly, other countries such as Russia have demanded that Facebook and Twitter censor anti-government posts, especially in the recent case of the 2022 Russian invasion of Ukraine. However, Facebook refused to accede to Russian demands to censor anti-government posts, unlike in the case of Vietnam and Thailand. The puzzle, therefore, is why does Facebook choose to be selective in terms of acceding to censorship demands amongst authoritarian regimes across the world? Why does Facebook choose to censor Vietnamese dissident posts rather than dissident posts from all authoritarian regimes?

In this paper, qualitative evidence through leaks of the Facebook Papers based upon private email conversations between Facebook company CEO Mark Zuckerberg and his internal company staff reveal how Facebook acceded to the demands of the Vietnamese government to censor anti-government dissident posts by Vietnamese users. This resulted from Zuckerberg's worry about the Vietnamese government banning his site and losing the

Vietnamese market to domestic competitors such as Zalo, which is becoming more dominant in Vietnam's social media scene. Recognizing the gap in theory that thoroughly explains this phenomenon, this paper will develop a plausible theory to explain why a private company such as Facebook would decide to selectively accept government requests for censorship in some authoritarian regimes while it outright resists other censorship requests in other authoritarian regimes.

Background

Facebook's acquiescence to censorship requests from Vietnam (and other countries)

On October 25, 2021, the Washington Post published an article online that detailed how Facebook acquiesced to censorship demands from the Vietnamese government on anti-government posts made by Vietnamese Facebook users,, whom the Vietnamese government refers to as “subversives to state power.” In their article, the authors claim that Mark Zuckerberg faced a dilemmic choice to either comply with the demands from the Vietnamese government to censor anti-government posts on Facebook or risk having its app being banned in Vietnam by the Vietnamese government, potentially losing access to the Vietnamese market that Facebook finds as “one of the most lucrative” (Dwoskin et al., 2021). In the end, Facebook chose the former option by complying with the demands of the Vietnamese government to censor anti-government posts made by Vietnamese dissident and non-dissident users rather than risk losing access to the country's internet market. As a result, many Vietnamese high-profile dissidents ended up facing restrictions on trying to post anti-government content or essays that criticized the government on Facebook, with many complaining that they were not able to post such content on Facebook or had their accounts locked out (BBC News Tieng Viet, 2018; Nguoi Viet Daily, News, 2021). Facebook did acknowledge that they are actively censoring content on their app that is critical of the Vietnamese government, “transparently” telling everyone on its Meta corporate website how

much content was blocked by Facebook upon the request of the Vietnamese government (Meta Corporation, 2022).

Facebook and other internet/social media giants have also acquiesced to censorship demands by semi-democratic and authoritarian governments in other countries. In an article published by Quartz, it was noted that Facebook has taken down “illegal” content at the request of governments in many countries such as Mexico, India, Brazil, and Turkey. In its data, Turkey heads the list for the most frequent requests made to Facebook to censor “illegal” content against the local laws of a country (Kozłowska, 2018).

Facebook’s resistance to censorship requests in some countries (the case of Russia)

In some countries, however, Facebook has been resisting some demands for censorship that authoritarian/semi-authoritarian regimes have requested. The best case currently happening is that of Russia, as the Russian government under Vladimir Putin has recently demanded that Facebook and other social media giants take down content critical to their war effort against Ukraine. It also demanded that Facebook and Twitter store all data of Russian Facebook and Twitter users within the Russian Federation by July 1 of this year or face fines or their websites be throttled by Russian internet regulators (Satariano & Matsnev, 2021). However, Facebook is resisting such demands,, and it has actively pursued a campaign in censoring/limiting access to Russian state media that are known to be driving disinformation in favor of the Russian state in their war on Ukraine,, as well as allowing Facebook users in the former Soviet countries to post death threats against Putin on their Facebook profile walls and news feeds (Barrett, 2022; Dwoskin & Zakrzewski, 2022; Ghaffary, 2022). As a result, Russia is threatening to block access to Facebook and Twitter from Russian internet users (Dwoskin & Zakrzewski, 2022). In the past, Facebook did acquiesce to Russian demands to shut down a Facebook group that supported the Russian opposition leader, Alexei Navalny (Presse, 2014). However, in recent

years, Facebook and many social media and internet giants have become more resistant to such demands for censoring from Moscow. Why does Facebook acquiesce to censorship demands from specific authoritarian regimes but not from others?

Literature Review

Before developing a theory explaining why private companies are selectively acquiescing to censorship demands of some authoritarian regimes but not of others, it is important to define the different types of censorship and how other scholars have tried to approach this research. What Facebook and many other social media and internet giants did in acquiescing to censorship demands from authoritarian and semi-authoritarian regimes is an example of regime-induced private censorship. Regime-induced private censorship occurs when private companies censor content and information based on government requests or for fear of punishment by the regime (Beazer et al., 2021). Regime-induced private censorship is not a recent phenomenon, and it has been a feature in authoritarian regimes when private companies are involved as part of the repression apparatus. For example, before the advent of the internet age and social media, television stations owned by private companies in authoritarian environments had often refused to broadcast messages or campaign material from the opposition side for fear that doing so would attract the regime’s attention and could lead to prosecution and potential closure of the privately-owned television station (Beazer et al., 2021). For a private company to censor anti-regime information, the private company would have its employees who supervise content material among users to learn how the regime itself censors anti-regime information by focusing on certain content and words deemed critical against the regime (Beazer et al., 2021).

Detailed instructions dictated by the authoritarian regime’s censorship board to the private companies are a prominent feature in regime-induced private censorship, especially in the case of China. Studies such as by King, Pan, and Roberts examine how authoritarian

regimes would induce private companies to censor content deemed critical against the regime, such as detailed pamphlet manuals (as in the case of China on privately-owned Sina Weibo social media). Other studies show that regime-induced private censorship can be episodic, as seen in a qualitative case study where certain words, keywords, or phrases that an authoritarian regime sees as “politically sensitive” would be part of the target list by the Chinese Communist Party for the private social media companies to block during certain politically important and sensitive events such as the CCP Party Congress, National People’s Congress sessions, and during sensitive anniversaries such as the June 4th Tiananmen massacre (Ruan et al., 2021).

Domestic private companies have little autonomy to go around the aspects of authoritarian government censorship compared to private foreign-owned companies. CEOs of domestic private companies can face fines or imprisonment if any of them decide to go against government directives on censorship. Private foreign-owned companies such as Google have more wiggle room to circumvent some aspects of government censorship as their CEOs do not reside in authoritarian countries and can simply withdraw from a country’s market if decisions to censor content become too costly for the company’s profit margins. This was the case for Google in China before its withdrawal from the Chinese market in 2010.

Google, as a foreign multinational company, tried to fight some skirmishes with the Chinese government regarding censorship of content while accepting Beijing’s demand to self-censor politically sensitive words and images on its search engine (Sheehan, 2018). One of Google’s creative acts was to provide a disclaimer that such material or image is censored to provide transparency to the user (Sheehan, 2018). The Chinese government was not happy about Google’s decision to provide transparent disclosures but did not punish Google (Sheehan, 2018). Continuing to abide by Beijing’s censorship demands became too costly for the company’s profit margins as a result of the hacking scandal from mainland China that

affected Google’s intellectual property and Gmail accounts of political dissidents and increasing repression as a result of the crushing of the Xinjiang riots in 2010 (Sheehan, 2018). As a result, it had to leave its mainland China headquarters and servers for Hong Kong by 2010.

On the other hand, another study showcases how the principal-agent problem, which is seen within China’s authoritarian regime, explains how private domestic social media and internet companies such as Sina Weibo do not fully comply 100% with government directives on censorship (Miller, 2019). According to this study by Miller, disobedience by Sina Weibo is driven more by the company’s concerns about censoring more strictly than their other competitor, Tencent company (Miller, 2019). Fragmentation inherent within the Chinese one-party authoritarian system drives the principal-agent problem that causes a few instances of non-compliance by Sina Weibo (Miller, 2019). Despite traditional theories that argue domestic private companies lack autonomy in making their business decisions on whether to strictly follow government directives on censorship, Miller’s study sheds light on how there are some possibilities that domestic private companies can disobey government directives to censor anti-government content if there is a principal-agent problem that exists within authoritarian regimes.

In the literature, Beazer et al. would classify the case of the authoritarian regime providing detailed instructions to the private companies to censor as the case of direct state censorship of content rather than regime-induced private censorship. Beazer et al. argue in their theoretical classification that the authoritarian state plays the main role in directing censorship. Private companies that participate in censorship were given explicit, detailed instructions, and were essentially deputies in following the authoritarian regime’s orders. However, what is missing in trying to lump regime-induced private censorship with direct state censorship, as Beazer et al. argue is that private companies do not always comply with government instructions and directives to censor information.

Beazer et al.'s definition might portray an accurate picture in the case of Chinese private domestic companies which do not operate in a fully autonomous environment under the strict, near-totalitarian environment of Chinese Communist Party rule, where the CCP plays an influential role in controlling or supervising the activities of private companies through CCP party committees or party cells within private companies. Facebook, as a global privately-owned multinational social media corporation, with its main headquarters in California, does not have a VCP (Vietnamese Communist Party) party cell controlling or influencing its activities. Facebook, in many cases, resisted pressures from other authoritarian regimes such as Russia in censoring anti-government content as well. Therefore, regime-induced private censorship remains a more accurate terminology in describing the phenomenon that Facebook and other private social media and internet multinational giants are doing. By accepting certain requests of some authoritarian regimes to censor content and rejecting requests from other authoritarian regimes that Facebook and other companies, such as Twitter and Google, see as not palatable for the interests as companies.

Theory

Based on the literature reviews, we will use past studies and patterns of how regime-induced private censorship by privately-owned social media and internet companies work to sketch out a theory to explain why privately-owned social media and internet companies acquiesce to government demands to censor anti-government and critical voices on social media platforms. A possible plausible theory to explain this is that privately-owned social media and internet companies such as Facebook, Twitter, and Google are economic actors, not actors to promote the internet or social media user's internet or social media user's welfare and rights/freedoms. As rational economic actors, their main goal is to create profit and ensure that the costs of doing business/operating a company do not affect the company's profit margins. As a result, social media companies as rational economic actors do not mind acquiescing to

demands of censorship by authoritarian and semi-authoritarian governments. By not acquiescing to demands of censorship by authoritarian and semi-authoritarian governments, a company's profit margins, and its business operations would be affected by threats and pressures from authoritarian regimes. In the case of domestic social media and internet companies, it would be possible to fine or imprison the company's executives. Foreign social media and internet companies would have their websites blocked by ISP traffic inside an authoritarian country and/or internet traffic being deliberately slow to throttle the connection to the website. To the minds of CEOs of foreign social media and internet companies, it would be a loss of market access to a lucrative consumer market of an authoritarian/semi-authoritarian country. Social media and internet companies are highly dependent upon local advertising revenue for them to earn profit.

To explain why social media and internet companies acquiesce toward censorship demands of some authoritarian regimes such as Vietnam but reject censorship demands of other authoritarian regimes, we will use the rational actor assumption in the previous paragraph to theorize when and how a social media or internet company would decide if the company should acquiesce towards censorship demands of an authoritarian regime. If an authoritarian regime makes a demand to a foreign social media company to censor anti-government content on the social media company's app or website without any imposition of costs by a third-party actor (a country that strongly opposes an authoritarian regime would enact sanctions on that authoritarian regime) on acquiescing towards an authoritarian regime's censorship demands, a social media company such as Facebook would be more willing to accept and acquiesce towards censorship demands of an authoritarian country. Not accepting or consenting to an authoritarian regime's demands to censor anti-government content would entail costs for the foreign private social media company to doing business with an authoritarian country. Such costs that a foreign private social media company could face include fines,

revoking license to do business within a country, and/or arrests of employees.

On the other hand, if a third-party actor (such as the United States and/or European Union) imposes costs on a social media company for doing business with an authoritarian country through sanctions or economic embargoes on that authoritarian country, then it is likely that a social media company would reject any demands from a sanctioned authoritarian regime to censor social media posts that are critical of a sanctioned authoritarian regime. Most of the major foreign social media companies, such as Facebook and Twitter, have their main global headquarters and operations within the United States. Such imposition of costs through sanctions or economic embargoes against an authoritarian regime would heavily affect how a foreign social media company would do business in an authoritarian regime. A foreign social media company would not want to incur the costs of evading sanctions and violating the US and European laws. Social media giants still have their operations rooted within Western countries and need to abide by laws within the US and Europe to have their companies fully operate.

Social media companies such as Facebook may try to resist further censorship demands from a non-sanctioned authoritarian regime. This may be achieved through statements opposing an authoritarian regime's censorship demands. By saying "free speech and expression" would be "affected" if the company acquiesces to further censorship demands is an avenue to pursue. The purpose of such a statement is to assure internet users, for rhetorical reasons, that Facebook is on the side of "free speech and expression" for users. However, in the context of economic actors, such companies are more likely to acquiesce to censorship demands rather than risk facing the costs of getting punished by an authoritarian regime through IP address blocks and throttling of the site that would lead to loss of access to a country's market. This is true especially if an authoritarian regime has the capacity and capability to make good use of such credible

threats against a foreign private social media company.

Hypothesis

In this study, the independent variable would be the independent variable would be an authoritarian regime's demands on a private social media/internet company to censor anti-government content. On the other hand, the dependent variable would be the private social media/internet company's acquiescence to the censorship demands of an authoritarian regime. The treatment effect would be on a third-party country such as the United States enacting sanctions/embargoes on an authoritarian country with negative relations. The third-party country would justify the sanctions due to the authoritarian country committing human rights violations or war crimes. The control would be on the third-party country not enacting sanctions/embargoes on an authoritarian country (such as Saudi Arabia) that has a positive relationship with the third-party country for reasons such as positive bilateral relationship/strong economic trade ties.

We expect that a private social media company would acquiesce to censorship demands from an authoritarian regime that is not sanctioned by a third-party country while rejecting demands to censor anti-government content from authoritarian regimes under sanctions by a third-party country.

Research Design

We will use the case studies of both Vietnam and Russia to demonstrate the treatment differences in how Facebook responds to both authoritarian regimes on the regimes' requests for censorship of anti-government posts. Both authoritarian regimes have similarities in terms of harsh treatment of political dissidents, the degree of authoritarian violence to run their countries, and that both Russia and Vietnam have a special political-economic relationship dating back to the days of the Cold War. These similarities here would be our control variables. There will be a treatment difference between

both Vietnam and Russia. Vietnam is an authoritarian country that is not economically sanctioned by Western powers. Russia is the other authoritarian country that is economically sanctioned by Western powers due to human rights violations and wars of aggression against its neighbors.

In terms of qualitative data evidence to demonstrate the plausibility of the theory on private social media companies responding to demands of authoritarian censorship, we will use public statements. These will come from Facebook CEO Mark Zuckerberg, official Facebook statements from the company's spokesperson, and statements by Vietnamese and Russian government officials. These have been published to mainstream media outlets to see how they made their decisions regarding requests of censorship from both Vietnam and Russia. We will also use data on the number of posts being taken down by Facebook that were transparently published on its corporate website as quantitative evidence to confirm such statements. We will use the primary source (quantitative data on content removal) that we have obtained from the company's website as well as secondary sources (media reporting on statements by Vietnamese and Russian government officials, as well as from the Facebook side) regarding censorship requests by both the Vietnamese and Russian governments.

Data Evidence

Case 1: Facebook's acceptance of Vietnamese censorship

The Vietnamese government, on November 20th, 2020, gave an edict by the country's information minister, Nguyễn Mạnh Hùng, to the Facebook Meta company via its state-run media that Facebook, and other global social media companies must comply with Vietnamese law to censor "anti-state" and other "harmful" content as a condition for the companies to continue to operate within the Vietnamese market (VietNamNet News, 2020). Refusal to comply with censorship demands would mean that the Vietnamese government would block the site. According to Minister Hùng, this edict

would help "in making sure that [social media] users would not think that going on to social media would mean acting anonymously and being irresponsible there" (VietNamNet News, 2020). In August 2019, Minister Hùng also revealed to the country's legislative assembly that "Facebook is restricting access to increasing amounts of content to Vietnamese Facebook users". They claimed that the company complied to take down "harmful posts" at a rate of "70%-75%" (Mohan, 2021). This revelation shows that Facebook likely had an informal but not publicized agreement with the Vietnamese government to censor "anti-state" content before 2019.

Three people (likely ex-employees of Facebook) spoke under conditions of anonymity to the Washington Post to describe how Facebook agreed to demands from the Vietnamese government to censor anti-government content among Vietnamese Facebook users online (Dwoskin et al., 2021). The three anonymous ex-employees told the Washington Post that through an email/internal memo conversation between Mark Zuckerberg and other executive employees within the company, Zuckerberg made a personal decision. This was to enforce censorship on Vietnamese users online regarding "anti-state" posts as the Vietnamese government was about to begin hosting its quinquennial 13th Communist Party national congress in January 2021 (Dwoskin et al., 2021). The Washington Post article did not specify the exact date when Zuckerberg's decision memo went into effect or when it was drafted. As a result of Zuckerberg's decision, censorship of "anti-state" posts by Vietnamese Facebook users increased before and during the Party Congress event, according to complaints by local human rights activists and free speech advocates from Vietnam (Dwoskin et al., 2021).

Facebook released a public statement to media organizations such as Reuters and the Washington Post through one of its spokespersons justifying why Facebook decided to agree to censor anti-state content under the request of the Vietnamese government. In a statement by one of its spokespersons to Reuters, they said that:

“We agreed in April [2020]. Facebook has upheld our end of the agreement, and we expected the government of Vietnam to do the same. They have come back to us [in August 2020] and sought to get us to increase the volume of content that we’re restricting in Vietnam. We’ve told them no. That request came with some threats about what might happen if we didn’t.” (Pearson, 2020b)

The spokesperson has also mentioned that such threats by the Vietnamese government against Facebook include “shutting down Facebook in Vietnam” (blocking the website and app and shutting down its physical advertising subsidiary office branch in Ho Chi Minh City) as well a slowing down internet connections to the website and app (Pearson, 2020a, 2020b). The Vietnamese government did make good use of its threats against Facebook by forcing the local Vietnamese internet communications companies to take Facebook’s local Vietnamese servers offline early in the year 2020 until the company agreed to increase censorship of anti-state posts by Vietnamese Facebook users. In a statement by one of Facebook’s spokespersons, they said that:

“We believe the action was taken to place significant pressure on us to increase our compliance with legal takedown orders when it comes to content that our users in Vietnam see.” (Pearson, 2020a)

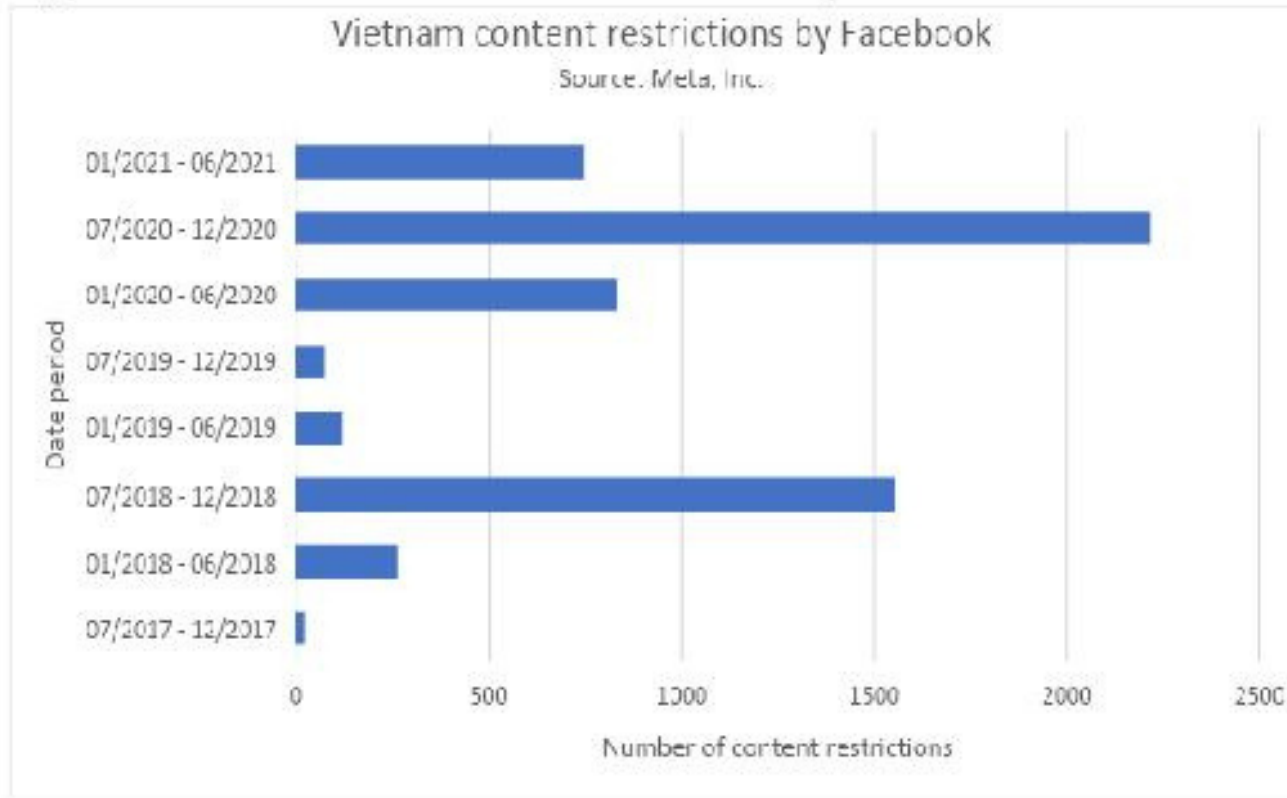
The company’s spokesperson also said that Facebook has confirmed that it had reluctantly complied with the government’s request to “restrict access to content which [the Vietnamese government] has deemed to be illegal (Pearson, 2020a).” In a statement to the Washington Post, Facebook said that the choice to censor anti-government posts among Vietnamese Facebook users is justified in order “to ensure our services remain available for millions of people who rely on them every day” (Dwoskin et al., 2021).

Facebook’s revenue amount in Vietnam, according to media reports, Amnesty International, and even within the Facebook Papers leaks, is averaged around \$1 billion a

year (Dwoskin et al., 2021). According to Facebook Paper leaks, Vietnam is one of the “biggest” contributors to Facebook’s growth. In the Washington Post report, some whistleblowers under Facebook ex-employee (product manager) Frances Haugen have filed complaints regarding Facebook’s actions to censor anti-state content among Vietnamese Facebook users to the Securities and Exchange Commission for the SEC to investigate the company’s unethical actions (Dwoskin et al., 2021). However, it is yet to be clear whether the SEC would take on the case or make a decision on CEO Mark Zuckerberg regarding his actions in accepting the Vietnamese government’s censorship requests (Dwoskin et al., 2021).

The Facebook Meta company did provide its data on its corporate website on the amount of content that was censored or taken down at the request of the Vietnamese government with its numbers shown in Figure 1 here:

Figure 1: Vietnam content restrictions by Facebook



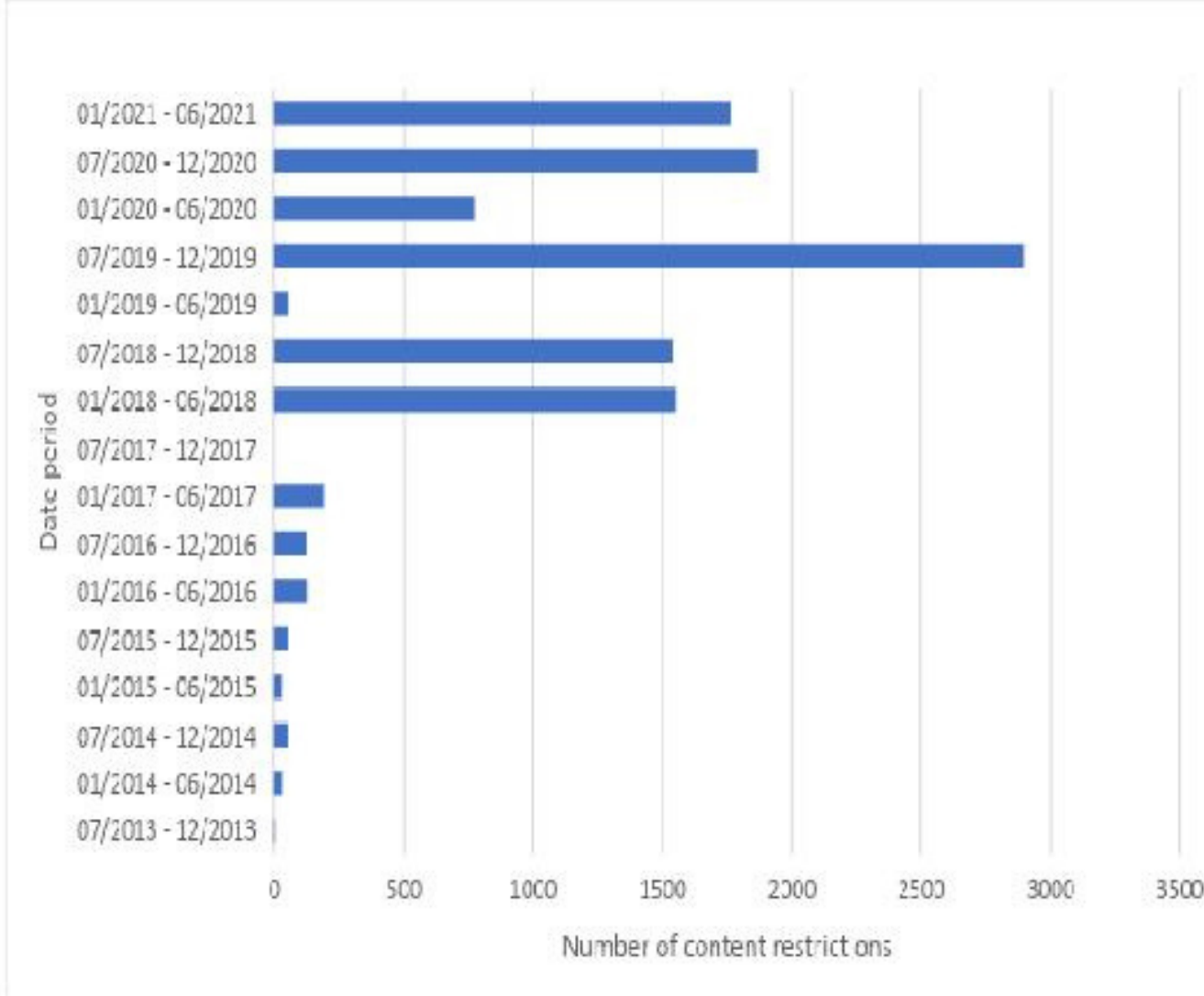
The data shows that the years 2018 and 2020 were when Facebook took down anti-state and other content that was deemed objectionable to the Vietnamese government. 2019 was likely when Facebook started to resist some government censorship requests until the Vietnamese government started throttling internet traffic to the Facebook app as punishment for Facebook’s resistance. As a result of the government’s throttling, Facebook significantly increased its content restrictions on Vietnamese Facebook users by early 2020. Case 2: Facebook’s resistance to Russian censorship

In contrast to the case of Facebook’s acquiescence to Vietnamese censorship demands, the case for Russia demonstrates the opposite, as Facebook was able to successfully resist censorship demands from the Russian government. Facebook acquiesced in December 2014 to censorship demands from Moscow in the case of a Moscow protest event organized by the Russian opposition leader, Alexei Navalny (Presse, 2014). According to a statement by Roskomnadzor (Russia’s internet regulator), the internet regulator agency’s spokesperson Vadim Ampelonsky said:

“The prosecutor has demanded to limit access to several resources calling for an unactioned mass event, including social networking groups. The demand has been fulfilled.” (Presse, 2014)

In the following years after 2014, Facebook continued to acquiesce to censorship demands from the Russian government, with the Facebook Meta company giving out its data metrics that showed increases in the number of posts being censored or taken down by Facebook at the request of the Russian government. Most of the posts that Facebook claims were taken down were mainly posts that promote “extremism, gang violence, sale/use of regulated and counterfeit goods, self-harm, and gambling” that are in contradiction to “local laws” (Meta Corporation, 2022). The data shown here in Figure 2 indicates that the years 2018, 2019, 2020, and 2021 are when Facebook restricted content from Russian Facebook users that were made requests from the Russian government. Despite some Western sanctions and ostracization of the Russian government as a result of Russia’s illegal takeover of Crimea from Ukraine, Facebook did not increase content restrictions during the height of the Russia-Ukraine tensions around 2014 and after, but it began to suddenly increase its takedown of Facebook posts and groups that were deemed objectionable from the Russian government after 2018.

Figure 2: Russian content restrictions by Facebook



On February 28th, 2022, the Russian government decided to invade and attack Ukraine. As a result, harsh sanctions and other economic punishment measures were imposed by Western and other pro-Western countries against Russia. Facebook in response has made statements that loosened any remaining restrictions on making political/anti-government posts against the Russian government. However, Facebook also allows its users within the former Soviet countries to explicitly write posts that call for the “deaths of Russian invaders” and “death to Putin,” as well as “death to Lukashenko” (Barrett, 2022). In a statement by Facebook, it says that:

“As a result of the Russian invasion of Ukraine, we have temporarily made allowances for forms of political expression that would normally violate our rules like violent speech such as ‘death to the Russian invaders’. We still won’t allow credible calls for violence against Russian civilians.” (Barrett, 2022)

Facebook has also said that posts calling for the deaths of Putin and Lukashenko would be allowed, with the exception that it would not allow posts that could carry out the credible threat of assassinating either Putin or

Lukashenko (Barrett, 2022). On the other hand, the Russian government demanded that Facebook stop itself from undertaking such actions or have its website and app be blocked by Russia's internet regulators. The Russian government also demanded that Facebook cease its activities of blocking or censoring videos and posts made by Russian state media that favored Russia in the Russo-Ukrainian War (Vengattil & Culliford, 2022). In a statement by the Russian embassy in the United States on Twitter, it says:

"We demand that the U.S. authorities stop the extremist activities of @Meta" (Chen, 2022)

"Users of Facebook & Instagram did not give the owners of these platforms the right to determine the criteria of truth and pit nations against each other" (Vengattil & Culliford, 2022)

Facebook did not budge or acquiesce to such threats and continued to oppose any further demands of censorship from the Russian government. As a result, the Russian government made credible use of its threats against Facebook by having its media regulator (Roskomnadzor) block Facebook and other private internet and social media giants such as Twitter, Instagram, and YouTube around March 3rd, 2022 (Milmo & editor, 2022). Facebook, in response, shrugged off such threats for now.

In comparing Russia with other authoritarian governments that are currently under sanctions or trade restrictions by Western powers (Belarus, Iran, North Korea, Cuba, Myanmar, Venezuela, and China), Facebook did not take any action in the last three years or more in restricting any anti-state content from Facebook users that have successfully create their own Facebook accounts (thanks to using VPN) (Meta Corporation, 2022). Facebook in some of these sanctioned authoritarian countries, such as Iran, North Korea, and China, is inaccessible without VPN equipment. In the case of Myanmar, where there is a high number of Facebook users among its citizens, Facebook did not take any action against pro-opposition posts among Burmese users despite pressure and requests from the

Myanmar military regime to restrict such content (Potkin, 2021).

Analysis

The qualitative quotes made from Facebook officials and the government officials of both Russia and Vietnam, shows the high number of content restrictions that Facebook made for both Vietnamese and Russian Facebook users. What occurred in the last 3-4 years demonstrates clearly that Facebook is more willing to acquiesce to authoritarian government demands to censor anti-state posts among Facebook users from authoritarian countries. This is as long as such authoritarian governments do not face heavy punitive sanctions from Western powers. Even though Russia did face sanctions for the conflicts in Crimea and the Donbas region, it was not punitive enough that it would ostracize Russia into international pariah status at the same level as North Korea, Cuba, Venezuela, and Belarus. Because of that, Facebook may have felt that the costs of not abiding by Russian government requests to censor "anti-state or illegal" content on Facebook would be much higher for the company. This could lead to the loss of the Russian market, a greater loss than the punitive sanctions that Western powers imposed on Russia.

The Russian invasion of Ukraine that happened in late February 2022 changed the calculus of not just Russia-US/Europe relations but also the calculus for Facebook and other privately-owned social media and internet companies. It would be much more costly for those companies to continue acquiescing to censorship demands of an authoritarian regime committing gross war crimes, atrocities, and human rights violations against the Ukrainian state and the Ukrainian people. The unity among Western countries in enforcing economic sanctions, which includes taking Russia out of the SWIFT financial system, restrictions on Russian aircraft from flying over Western skies, and other harsh sanctions would hurt the Russian

economy. Facebook and other internet and social media giants must rethink their past strategies in interacting with the Russian state, that is now acquiring international pariah status.

On the other hand, in the case of Vietnam, the authoritarian regime under the Vietnamese Communist Party exemplifies the best example of how Facebook is continuing to censor anti-state content from Vietnamese Facebook users. Because of Vietnam's strong ties with the United States and other Western countries, they are unlikely to impose any sanctions or economic punishment on Vietnam. Especially regarding human rights violations and religious freedom issues. Vietnam continues to be a place where Facebook and other social media and internet giants can conduct unethical activities. This includes censorship against Vietnamese online users. The lack of credible costs from any third-party country, such as the United States, to impose punitive actions on the Vietnamese government made acquiescing to censorship demands possible. While the SEC may try to investigate and perhaps impose a fine on Mark Zuckerberg for conducting unethical activities that benefit the Vietnamese government, such

punitive costs on Facebook are to deter Mark Zuckerberg from acquiescing to government's demands censor further anti-state content. Instead, Facebook fears much heavier punitive costs in the form of losing its \$1 billion+ annual revenue from the Vietnamese market rather than a small fine from the SEC that Facebook can simply pay off next year.

Conclusion

This paper sheds light on the unethical activities of Facebook. Despite their strong principles in defending free speech and expression, they acquiesce to demands from authoritarian regimes that are friendly to US and Western interests. They allow for the censoring of anti-state content despite these regimes continuing to violate the rights and freedoms of citizens. These findings help us understand this phenomenon and what policymakers in the US and other Western countries should do in devising policies to make sure social media and internet giants do not play a role in enabling authoritarianism.

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In the Wake of 168-13: The Implications of Institutionalizing Antihaitianismo

Broderick Topil

Abstract

Increasing economic opportunities in the Dominican Republic paired with the economic downfall of Haiti have historically led to a steady flow of Haitian migrant workers into the Dominican Republic. Whereas a steady demand for Haitian laborers and the government establishment of Haitian migrant villages has allowed Haitians to live permanently in the Dominican Republic, a redraft of the Dominican constitution and a subsequent court ruling have questioned the legal status of more than 100,000 people living in the country. Using interviews, observations, and an analysis of media articles, this article addresses the question: how has Ruling 168-13 affected antihaitianism (and, similarly, anti-Black sentiment) in the Dominican Republic? I hypothesize that prior to 168-13, there existed limited upward mobility of people of Haitian descent because of the Dominican birthright citizenship clause. However, now that this population no longer has legal standing in the Dominican Republic, this upward mobility ceases to exist and will contribute to the anti-Black legacy of the Dominican Republic. The interviews, observations, and media textual analysis largely confirm this article’s central hypothesis.

Introduction

*“The truth is that Ruling 168-13 does not strip of nationality or make a person stateless, because nothing can be taken away from what they never legally had.”*¹ This line, published in an editorial in the Spanish Caribbean newspaper *el Caribe*, emphasizes the Dominican focus on utilizing legal arguments to keep Dominicans of Haitian descent subjected to the discrimination

that has existed since the conception of the two countries that currently inhabit Hispaniola. In 2013, Ruling 168-13 was decided by the Supreme Court of the Dominican Republic that stripped approximately 240,000 Dominicans of Haitian descent of their Dominican nationality and subsequently their legal, economic, and cultural rights.² As a result, they have no legal papers and no ability to vote or open a bank account. These communities overwhelmingly populate *bateyes*—shanty towns in the middle of large sugarcane plantations—where they have no access to basic social welfare such as running water, consistent electricity, bathrooms, or schools. “We are so poor here in this community,” a Dominican of Haitian descent explained to a Northwestern University undergraduate conducting interviews in Batey 81, in the Eastern region of the country.³

Existing work on antihaitianismo is largely confined to one of three subcategories: historical legacies, sociological explanations, and the politics of social welfare provision. Altogether, this literature makes a compelling case for how antihaitianismo acts as a dynamic force that restricts Dominicans of Haitian descent from exercising basic human rights. However, what appears to be lacking in this field is an analysis of how arguments used to promote antihaitianismo have altered since the legitimization provided from 168-13. I argue that the legal institutionalization of antihaitianismo has resulted in more serious discrimination against this community and has given legitimacy to prominent anti-Haitian voices.

This article relies on the analysis of newspapers and journals to show how legal arguments for discriminating against Haitian Dominicans were only popularized after the court decision in 2013. Next, the analysis uses interviews and fieldwork conducted by student interns in the Dominican Republic to show how non-governmental organizations (NGOs) have encountered more difficulty working with this

¹ Mejia, Leila. "Sobre-la-sentencia-168-13." *Mereces Verdaderas Respuestas*. November 23, 2017. Accessed April 23, 2019. <https://www.elcaribe.com.do/2017/11/23/opiniones/sobre-la-sentencia-168-13/>.

² DR8 Team Iniciativa. "FOCOPI Final Presentation." Global Engagement Studies Institute. 2016.
³ DR10 Team Iniciativa. "Overview of Batey 81." Global Engagement Studies Institute. 8 October 2016.

population. This paper then seeks to analyze antihaitianismo in the wake of Ruling 168-13. In sum, the research contributes to the existing literature in that it helps identify where more work is needed to combat the ongoing challenges that antihaitianismo pose in the Dominican Republic.

Literature Review

Antihaitianismo has positioned itself into mainstream vernacular in the Dominican Republic. The word used to describe “a deep-seated cultural disdain for all things Haitian” (Simmons, 2010: 11) is most profound in the Dominican Republic. Simmons uses antihaitianismo as a partial explanation for why Haitian Dominicans have problems gaining access to proper healthcare. (Simmons, 2010:15) Nevertheless, as his research points out, the connections between structural violence against Haitian Dominicans and access to health facilities are still quite undefined. (Simmons, 2010:16) Perhaps this is because defining ethnic populations can prove challenging in the Dominican Republic. Whereas antihaitianismo is relatively rampant in this country, a level of *mestizaje*⁴ exists across Hispaniola, blurring the lines of ethnic groups and challenging the binary notion that people are either Haitian or Dominican. In some Latin American countries, mestizaje is being used to eliminate social prejudices against various racial groups. (Telles, Edward & Bailey, 2015: 1564) However, in the Dominican Republic, quite the opposite has occurred. Dominican elites used mestizaje to push their own narrative that Dominicans could hold on to their indigenous and Spanish ancestry while eliminating their African (thus, Haitian) identities. (Telles, Edward & Bailey, 2015: 1564) Therefore, mestizaje is a possible historical link between structural discrimination against Haitian Dominicans and less access to social welfare provisions.

Antihaitianismo is instilled in the youth of the Dominican Republic from a very young age, as suggested by Valerie Lamb and Lauren Dundes.

As part of their research, they conducted interviews with Haitian and Dominican youth and found that both groups had been told disconcerting things about the other. For instance, Haitians were warned that Dominicans would treat them as slaves, and Dominicans were warned of Haitian *vodou*⁵ among other mystical and frightening events. (Dundes & Lamb, 2017: 132) Thus, from a cultural and historical standpoint, it begins to make sense that Dominican elites can be both a product of and perpetrator of antihaitianismo. Since its independence, the Dominican government has utilized antihaitianismo to discriminate against Haitian Dominicans. (Morgan, 2019: 312) It is a product of antihaitianismo in that the word itself acts as a tool to “legitimize racism and nonrecognition of human rights.” (Morgan, 2019: 315) The essence of Morgan’s essay attempts to prove how this discourse has given rise to an essentialist form of government in the DR. (Morgan, 2019: 322). I similarly argue that the government is a perpetrator of antihaitianismo because of the laws that are continuing to be passed in the Dominican Republic to this day.

Antihaitianismo is well-defined amongst scholarly literature on Hispaniola, although the ways in which it works and operates across the island are perhaps where the largest differences arise. For some scholars, it takes the shape of structural violence and lack of social welfare for Haitian Dominicans. (Simmons, 2010) For others, antihaitianismo is used to perpetuate the colonial legacy of the island and purge their African ancestry. (Telles, Edward, and Bailey, 2015) And lastly, antihaitianismo is a societal structure that passes down from generation to generation, shaping the institutions that will likewise continue this narrative and work to further it. (Dundes & Lamb, 2019; Morgan, 2019)

Background

Antihaitianismo in the Dominican Republic is not a new phenomenon. Its history can be traced

⁴ Mestizaje is “the process of interracial and/or intercultural mixing.” According to Martinez-Echazabal

⁵ Vodou is “a creolized religion that originated in the West Indies of Haiti during the seventeenth century.” University of Delaware

to the era of dictator Rafael Trujillo when being anti-Haitian was used as a political tool to capture control of the country.⁶ The Trujillo dictatorship lasted from 1930 until his assassination in 1961. Beginning in 1937, Trujillo created a narrative of Haitians passively invading the country, invoking the Haitian occupation of the Dominican Republic from 1822 until 1844. (Martinez, 1999: 70) "He who does not know how to deceive does not know how to rule."⁷ Stated the strongman. Trujillo believed that by invoking the fears of the past, he could justify the political power grab necessary to enact a strongman dictatorship over the Dominican Presidency.⁸ By creating the narrative that Haitians living in the Dominican Republic were seeking to reinstate Haitian dominance over the whole of Hispaniola, Trujillo was able to assert himself as dictator.

Trujillo's actions had severe consequences for Haitians living in the Dominican Republic during this time. Haitians were subjected to attempts of mass deportation and ethnic-based massacre, such as the Parsley Massacre in October 1937.



Trujillo's other strategy to subjugate Haitians was to relocate them to sugarcane plantations so

that "they could contribute to the wealth of the Dominican nation without ever being acknowledged as part of it."¹⁰ Trujillo knew the value that sugar exports had to the Dominican economy and was able to successfully force Haitians to live in these confined, socially isolated parts of the country. The final piece of Trujillo's anti-Haitian campaign was solidified during this era through control of the national press. The Dominican public was constantly reminded of "the Haitian menace to the Dominican race and culture." (Vega, 1988: 23)

Through massacre, isolation, and a fear-invoking media campaign, Trujillo successfully made Haitians the enemy of Dominican nationals. Trujillo's anti-Haitian legacy has manifested its way through decades of Dominican history. After his death, Dominican politicians have likewise followed Trujillo's lead by targeting Haitian communities in the Dominican Republic. For example, when Joaquín Balaguer was elected President in 1966, he maintained Trujillo's narrative that Haitians were invasive enemies and must be confined to working on sugarcane plantations. However, around this time, discussion of the legality of Dominicans born to Haitian parents became more widespread.

The Dominican government had historically granted citizenship to this population through the legal framework established by the constitution. By virtue of *jus soli*, people born on Dominican soil were deemed Dominican citizens. (Sagás, 2017: 1) Even under anti-Haitian President Balaguer, his bureaucrats repeatedly rejected their President's call to deport the children of these Haitian migrants because they were Dominican citizens.¹¹ After rewriting the constitution in 2010, the citizenship clause was redefined to restrict citizenship by *jus soli* from children born to people "residing illegally on Dominican territory."¹² The 2010 measure was likely a

⁶Hintzen, Amelia. "The Origins of Anti-Haitian Sentiment in the Dominican Republic." NACLA. July 14, 2015. Accessed June 07, 2019.

<https://nacla.org/news/2015/07/14/origins-anti-haitian-sentiment-dominican-republic>.

⁷ biography.com

⁸ Ibid.

⁹ "The 1937 Parsley Massacre." Black Then. February 02, 2018. Accessed June 07, 2019.

<https://blackthen.com/1937-parsley-massacre/>.

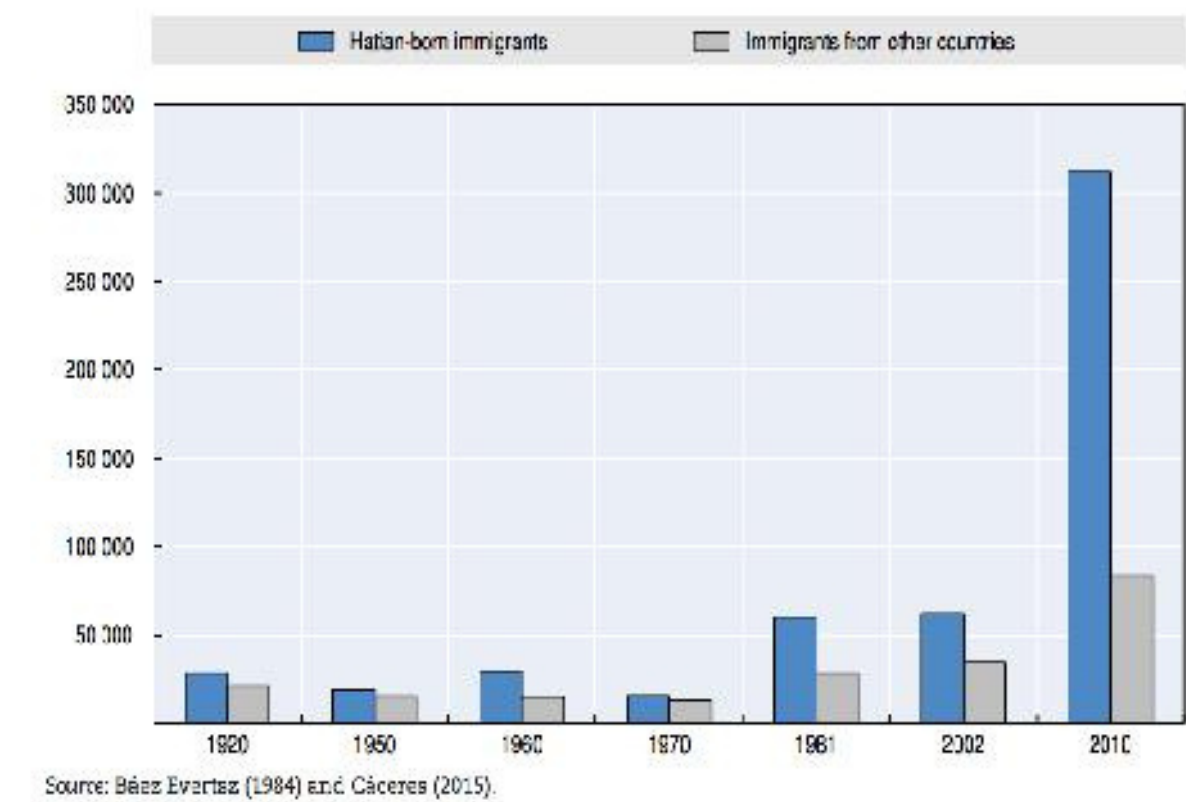
¹⁰ Hintzen, Amelia. "The Origins of Anti-Haitian Sentiment in the Dominican Republic." NACLA. July 14, 2015. Accessed June 07, 2019.

<https://nacla.org/news/2015/07/14/origins-anti-haitian-sentiment-dominican-republic>.

¹¹ Ibid.

¹² Constitution of the Dominican Republic 2010, p 9

response to the newest wave of Haitian migration into the Dominican Republic. The graph below shows the number of immigrants to the Dominican Republic, according to Dominican state censuses.



13

In the 8-year period from 2002 to 2010, over 300,000 Haitian-born migrants entered the country. The new constitution then built the framework for the more recent and more controversial Ruling 168-13, which restricted the right of *jus soli* citizenship even further: by excluding the citizens of people deemed ‘in transit.’ (Sagás, 2017: 1) The reason why Ruling 168-13 works so well here in analyzing the implications of institutionalizing racism in society is because of the historical parallels that it draws from the time of Trujillo and Balaguer.

Research Methods

The Dominican Republic is an ideal case to study how racial-based discrimination becomes more rampant when racist positions are legitimized by national governments. After spending three months in the Dominican Republic in the Fall of 2016 working for Soluciones Comunitarias, I was introduced to the effects that antihaitianismo has on Dominican society, painting a drastically different picture than what tourists may be exposed to in Punta Cana. Furthermore, my work introduced me to a network of activists, NGO employees, Peace Corps volunteers, and

Black Dominicans, through which my research is guided and supplemented. To show the relation between Ruling 168-13 and a rise in antihaitianismo, my methods will rely on three main facets: an observational analysis of two Dominican communities, interviews with the aforementioned individuals within this network, and an analysis of media texts from after the Ruling.

The observational analyses were conducted in the Fall of 2016 and were reconstructed based on formal conversations and written interviews with members of my team. The two communities—Batey 81 and Los Blancos, were chosen to highlight the different components of modern segregation in the Dominican Republic. These observational analyses, supplemented by the interviews and existing literature on antihaitianismo in the Dominican Republic, help guide the models created for this paper.

The interviews (both written and verbal) will contextualize the severity of antihaitianismo in the Dominican Republic and speak to how the work of NGOs and activists has shifted in the wake of 168-13. These interviews took place during two periods, during the Fall of 2016 and Spring of 2019. On the ground, they were conducted in the Eastern and Southern regions of the Dominican Republic, including in bateyes and towns/villages with a significant Black population. Naturally, the interviews that occurred were also with people associated with these regions, specifically with the communities of El Seibo, Pedro Sánchez, Santo Domingo, Los Blancos, and Batey 81. To avoid issues of ethical concerns, interviewees are kept anonymous except for in the cases where I have received explicit consent to publish their identity.

The final facet of this research is an analysis of Dominican media sources from after 168-13 to see how the narrative surrounding antihaitianismo has shifted. To do this, I constructed a small database of relevant Dominican online media publications, with the most popular being: *Listin Diario*, *Diario Libre*,

¹³ OECD/ILO (2018), *How Immigrants Contribute to the Dominican Republic's Economy*, ILO, Geneva/OECD Publishing, Paris, <https://doi.org/10.1787/9789264301146-en>.

El Caribe, and *Hoy Digital*.¹⁴ Next, I used text analysis to deconstruct how 168-13 has been utilized in stories related to the perceived crisis, as well as show how antihaitianismo is incorporated into media. This method of analysis will supplement the interviews by applying empirical evidence to human experiences. Together, I hope to add to the empirical work being done on the effects of institutionalizing racist ideology by incorporating new (some of which non-English speaking) voices into the narrative.

Observational Analysis: Segregation in the Dominican Republic

Although the historical prejudice against Haitians has been persistent, the story as to why Haitians wish to migrate to the Dominican Republic puts the recent influx of anti-Haitian rhetoric into context. Haiti is the poorest country in the Western hemisphere.¹⁵ Out of a population of 10.98 million, 2.5 million of these people live below the extreme poverty rate of \$1.23 per day. Another 3.5 million individuals live below the standard poverty rate of \$2.41 per day.¹⁶ GDP growth is relatively stagnant, sitting at around 1.5% per year. However, an increasing budget deficit (which, in turn, is financed by the Central Bank) is driving rapid inflation rates of nearly 15%.¹⁷ Accordingly, economic opportunities in the Dominican Republic have become increasingly more desirable, even while the working conditions may be brutal.

What started as a seasonal migration of Haitian workers into the Dominican sugarcane plantations transitioned into a full-scale system of production that confines Haitians to live and work full-time on the plantations in communities referred to as *Bateyes*. There is little integration of Haitians into Dominican society. Whereas most Haitians work in agriculture, much of their interaction with the urban Dominican population

takes place at the weekly market. In the city of Santa Cruz del Seibo, the Haitian workers set up a market on the edge of town each week, providing urban residents with the ingredients and supplies they need to make it until the next market, and then returning to their homes far from the public eye. “Dominicans lived within the town and Haitians lived on the outskirts of town,” one student remembered.¹⁸ This anecdote highlights the severe segregation between these communities in the Dominican Republic.

This segregation exists for two reasons: the anti-Black legacy of the Dominican Republic makes integration difficult, and the institutionalization of the batey system has created physical barriers for integration between the two communities to proceed. The first reason can be exemplified using the *pueblo* of Los Blancos. Los Blancos is a coastal town in the province of Barahona in the southernmost region of the Dominican Republic. The sporadically populated town is hardly recognizable on a map, consisting of no more than ten roads in total. Given that Los Blancos is only an 80-kilometer drive from the Haitian border, it makes sense that there exists quite a large population of people of Haitian descent. However, if one were to walk across the entirety of the town along its main road (Highway 44), they would hardly encounter these people because society confines them to living in poorer neighborhoods up the hillside. “I never had a neighbor that was Haitian,” explained Nwankpa.¹⁹

In the Fall of 2017, my team and I were tasked with censusing Los Blancos to identify issues that community leaders could later address—a tactic frequently used in the world of development. For hours each day, we would walk throughout the town with one of the local leaders, going door to door, and asking each household the same set of questions. This allowed us to better understand the pueblo, different from what was immediately viewable on printed maps. What we uncovered was a stark divide between Haitians and Dominicans in Los Blancos. The man-made stream that brings in

¹⁴ “Top 30 Dominican Newspapers & News Media.” AllYouCanRead.com. Accessed June 07, 2019. <https://www.allyoucanread.com/dominican-newspapers/>.
¹⁵ “The World Bank in Haiti - Overview.” The World Bank. April 5, 2019. Accessed June 07, 2019. <https://www.worldbank.org/en/country/haiti/overview>.
¹⁶ Ibid.
¹⁷ Ibid.

¹⁸ Nwankpa, Anita. Written interview by Author. 30 May 2019
¹⁹ Nwankpa, interview.

the pueblo's water supply from nearby Paraiso splits the town into two sections. The side closest to the ocean and to the major highway is where most Dominican residents live. Meanwhile, the side higher up on the mountain, north of the stream, is where most Haitian residents lived.

The tension between these two halves of the community was very distinctive. Because the community leaders participating in the census with us were Dominican, we noticed that they never took us to Haitian households. In the many days that I was out censusing, I never once was able to cross the stream and talk to the families that lived on the other side. When I asked my leader why we could not census that side, she told me that those people were *peligroso*.²⁰ This fits into a larger narrative of Haitians being portrayed as dangerous. Nwankpa explained: "My little host sister was shouting in a sing-song manner throughout the house that Haitians were 'thieves, very dark and bad people.'"²¹

More evidence of tension between these two halves came out in the survey responses. One of the most pressing areas of concern for the residents of the pueblo that were surveyed was the lack of sanitation due to a large number of Haitian households that do not have access to toilets or latrines. Residents of Los Blancos were quick to blame the Haitian residents for downfalls in their own community. The situation in Los Blancos perfectly illustrates how the anti-Black legacy of the Dominican Republic extends into present-day segregation. For this pueblo with a long history of Haitian presence (for instance, one Haitian-Dominican man surveyed said that he was over 100 years old and had lived in Los Blancos for most of his life), integration should have been significantly more likely. Instead, the same stigmas that existed during the era of Trujillo now make their way into mainstream Dominican vernacular, such as referring to Haitian residents as *peligroso*.

The other reason for segregation persisting in the Dominican Republic is the

institutionalization of the batey system. Bateyes, as described earlier, are "segregated rural slum communities built by the government on sugar cane plantations to house Haitian migrant sugar cane cutters."²² One of the bateyes that my team worked with was Batey 81. Located in La Romana province, Batey 81 is largely removed from the economic benefits gained from the resorts that make up the coastal edge of this province. As the numbering system suggests, the Dominican Republic is home to around 230 bateyes, with a total population ranging from 200,000 to over one million people.²³ The batey system allows for the legal oppression of Haitian migrant workers and their families by confining them to an area that suffers from economic isolation. Plantation owners can restrict pay and threaten to remove families from their houses if batey tenants do not work for a set amount of time.²⁴

The batey system contributes to segregation because of the physical barriers that confine the predominantly Haitian communities to remain in these locations. Many NGOs have identified the batey system as one of the most pressing threats to poverty alleviation in the Caribbean. USAID, The Clinton Foundation, and Direct Relief support initiatives to terminate this system. Batey 81, like the rest of the Black Dominican communities, was hit hard by Ruling 168-13. Soluciones Comunitarias, the non-profit that my team supported, was in this community specifically to address the issues that arose from financial isolation. After 168-13 took away the rights of this population to have access to credit and a safe place to store savings, they were trapped into an unsustainable style of living and no possibility of upward mobility. When the ruling went into effect in 2015, Soluciones Comunitarias became the only source of financing in Batey 81 and other Bateyes across the region.

²⁰ *Peligroso* is the Spanish word for "dangerous."

²¹ Nwankpa, interview.

²² "The Bateyes." Batey Relief Alliance. Accessed June 07, 2019. <http://bateyrelief.org/work/projects/the-bateys/>.

²³ Ibid.

²⁴ White, Alexandra. Interview conducted by author. 23 May 2019

Modeling Haitian Upward Mobility Before and After 168-13

Prior to Ruling 168-13, the Dominican Republic acted as an opportunity for migrant Haitian workers to escape their own poverty-stricken country and find work on the other side of the island. Still, the lasting effects of the segregationist policies of Trujillo and his successors proved to be clear barriers to being full benefactors of Dominican economic growth. So long as the sugarcane industry remained a lucrative venture, so was the oppressed fate of the many Haitians and Dominicans of Haitian descent. As the literature suggests, extreme barriers exist for Haitians to become integrated into Dominican society (Simmons, 2010: 15), but some evidence suggests that economic growth could be one of the key contributors to removing the stigma associated with being a Black Haitian descendant. This concept was exemplified during an interview with a 30-year-old Dominican NGO employee:

“if you [a Black Dominican] are from the middle or upper class, you are good and the relation can be good, but if you are not, then you are the devil to them [non-Black Dominicans].”²⁵

The pre-2010 constitution was key to any tendency towards Haitian upward mobility. Once migrants found work in the Dominican Republic, their children were immediately awarded citizenship which opened a pathway to self-economic growth. Figure 1 below shows how Haitian integration into Dominican society worked before Ruling 168-13.

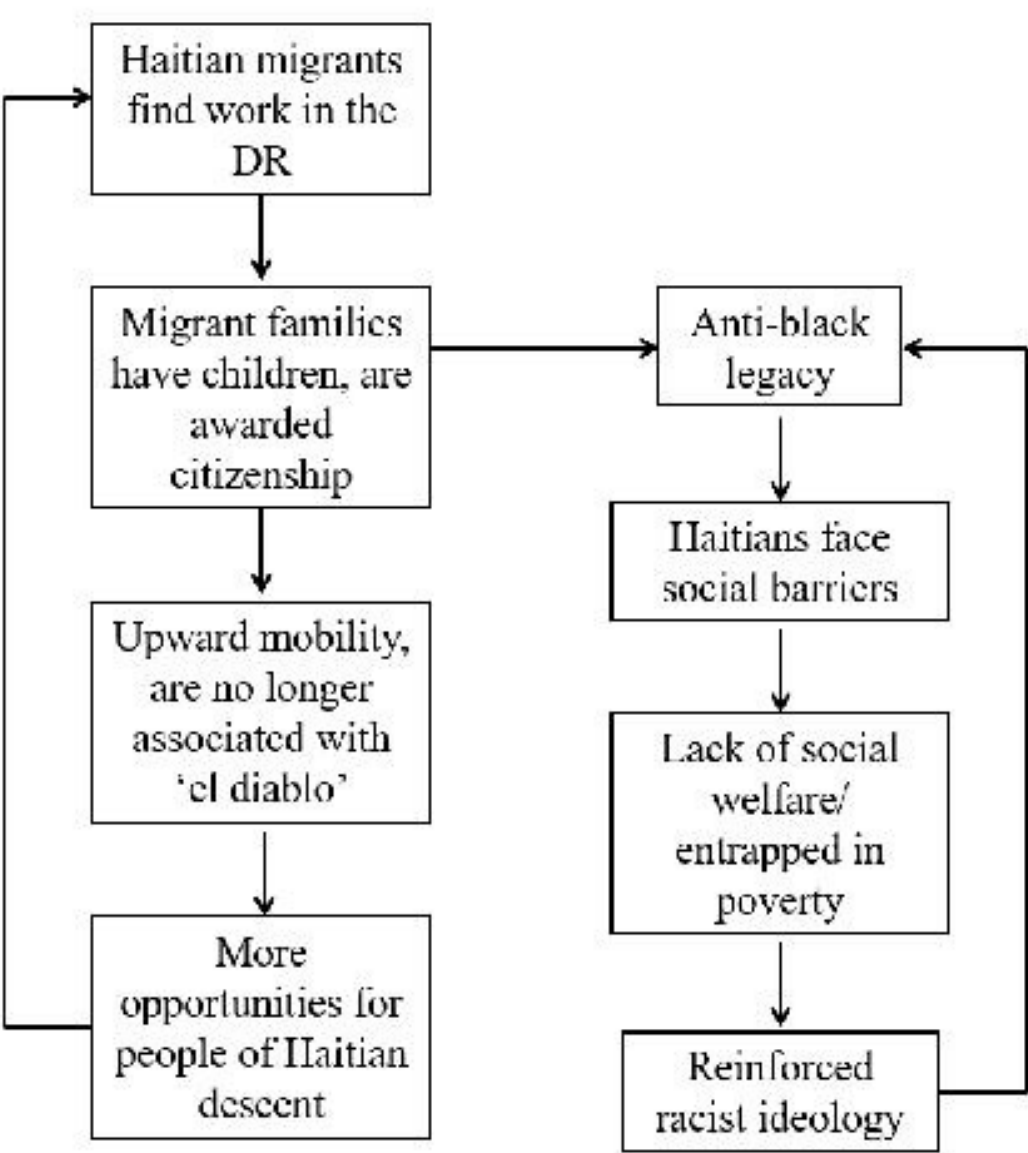


Figure 1

The flowchart begins with Haitian migrants coming to the Dominican Republic to find work. The process was the same for immigrants in the 20th century as well as prior to Ruling 168-13. Although Haitian migrants initially came for immediate economic relief, the more substantial economic benefits came when their children were granted benefits of citizenship for being born in the Dominican Republic.²⁶ The Dominican Republic, like the United States, has a clause in its Constitution allowing for *jus soli* (ie. birthright) citizenship. At this moment is where the challenges posed by being of Haitian descent become of importance. Just as the two cases in the previous section suggest, the anti-Black legacy in the Dominican Republic will continue to pose serious barriers to Haitian integration. However, being granted citizenship means that Haitian families can have access to services such as bank accounts, credit, and schooling, which contributes to personal economic liberation and subsequently eliminates the stigma associated with being Haitian. As the model represents, prior to 2013, there existed two contrasting feedback loops that people of Dominican descent faced.

On the left-hand side of the model is the positive feedback loop. With the opportunity for citizenship, Haitian-Dominicans was able to

²⁵ “Anonymous interview 2.” Interview conducted by Author. 21 May 2019. Translated by author.

²⁶ OECD, page 3

shed the perception of negativity associated with Blackness. This comes largely from the interviews and observational analysis. The wealthier that darker-skinned people became, the less dangerous they were perceived. However, I am not attempting to convey that Haitians had the same opportunities as their Dominican counterparts because that would be an incorrect assessment. The right-hand side of this model thus represents the negative factors that hindered Haitian mobility. The anti-Black legacy of the Dominican Republic, with its roots formalized during the Trujillo era, continues to contribute to the lack of access to social welfare that stems from a segregated society. This ultimately meant that they were locked into a system that kept them impoverished. In the Dominican Republic, being Black and being impoverished is where the connotations of being dangerous and evil are concentrated. Ultimately, before Ruling 168-13, there were an increasing number of opportunities for people of Haitian descent. The cycle of Haitian integration took two paths, one that was a positive-feedback loop leading to the improvement of Haitian lives, and another that was a negative-feedback loop, reinforcing the anti-black legacy of the Dominican Republic.

After Ruling 168-13, the cycle of Haitian integration took a dramatically different turn. Rather than two opposing feedback loops, the stripping of citizenship for people of Haitian descent practically eliminated any pathway for Haitian economic prosperity. The constitutional protection that had previously benefited people of Haitian descent was removed, and the previous model then fell apart. Without this pathway to personal economic growth, Haitian-Dominicans are no longer able to avoid the anti-Black legacy. The cycle after Ruling 168-13 is shown in Figure 2 below.

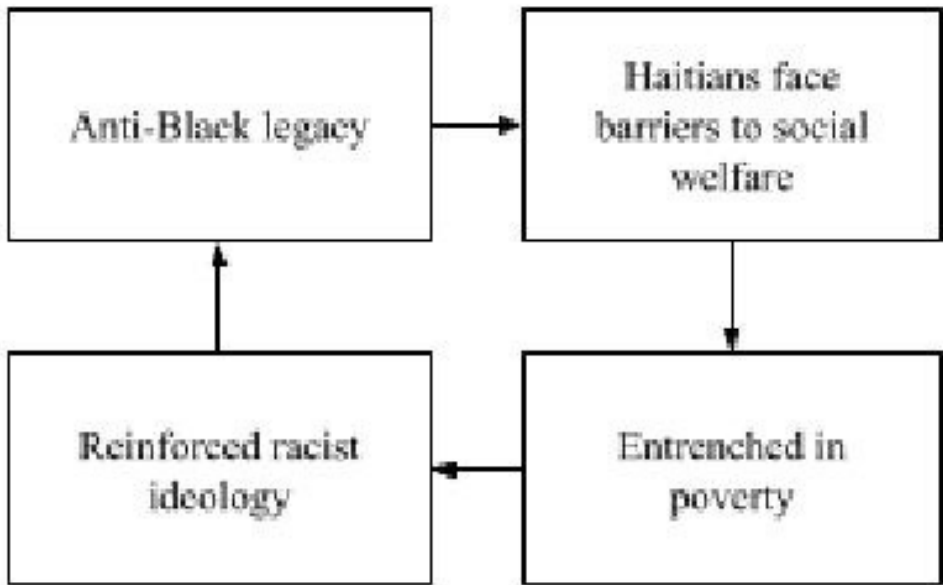


Figure 2

The dual-feedback system was removed and instead replaced by a consistent negative-feedback loop, worsening the problems that people of Haitian descent face in the Dominican Republic. The anti-Black legacy means that Haitians face barriers to social welfare provisions. Without access to these basic social welfare provisions, they fall into a poverty trap and become entrenched in poverty. (Kraay and McKenzie, 2014) The heightened poverty levels serve to reinforce racist ideology, as Dominicans contribute to the false narrative that Haitians are causing various societal problems. Ultimately, the anti-Black legacy in the Dominican Republic is reinforced and fuels this negative-feedback loop. By contrasting these two models, the effects of 168-13 become more evident—there exists a clear trend-break during the period where the status of citizenship was put into question or outright restricted for people of Haitian descent.

Increasing Antihaitianismo Since 168-13

Conducting interviews with community members in the Dominican Republic was helpful in identifying how antihaitianismo has increased since the implementation of Ruling 168-13 in 2013. One 30-year-old Dominican NGO employee explained that 168-13 “had changed [his] life socially and emotionally.”²⁷ Each of the people I interviewed in some capacity helped reinforce the model of racial and poverty entrapment from the previous section. Although the total number of interviews (written and spoken) conducted was relatively small (n=7), their contributions were very informative.

²⁷ Anonymous interview 2.

However, the interviews alone may not be a representative sample. All but one of the interviewees had heard of Ruling 168-13; the only person having not heard of the court ruling was a 37-year-old Dominican woman that worked in a town very far removed from areas of mass-Haitian settlement. Likewise, she was the only person who suggested that relations between races in the Dominican Republic were getting better. The rest of the interviewees were very aware of 168-13, and each suggested that race relations were getting worse in the country.

When 168-13 went into effect, many thousands of people were left stateless. In the most vulnerable communities (i.e., Haitian communities that were already segregated and socially isolated), the situation became direr. The year 2015 is when Soluciones Comunitarias began working in the *Bateyes* to aid in the economic development of these communities. This timeline matches near-perfect to when the deportation crisis began. Each of the interviews with the NGO employees expressed a similar sentiment. NGOs that specialized in the development of marginalized communities across the Dominican Republic all experienced more difficult because of the new stateless population.²⁸ Similarly, a Dominican national that works for an immersive tourist industry expressed an increase in outward distrust towards black Dominicans and Haitians.²⁹

Results of Media Analysis

My analysis concludes with a review of popular Dominican media. By compiling a database with online articles from *Listin Diario*, *Diario Libre*, and *el Caribe*, I used a coding tool to uncover how 168-13 were represented and justified in the media. The most salient arguments used to defend 168-13 were: Haitian migrants being an attack on Dominican sovereignty, Haitians never having rights, to begin with, and public opinion justified this ruling. The first two arguments are clear perpetuations of the Trujillo narrative, whereas

the last argument tends to be more of a ‘tyranny of the majority’ type situation.³⁰

The first argument frequently used to defend 168-13 was *to defend the sovereignty of the Dominican Republic*. Dominicans of Haitian descent are frequently referred to as foreigners, even when their descendants have been in the Dominican Republic for generations. During the 2015 protests across the Dominican Republic that occurred because of the looming deadline for individuals to provide evidence of their citizenship, Vice News reported that a man drove past the Black protestors shouting, “It’s time to send your asses back!”³¹ The issue of sovereignty plays into the Trujillo-style narrative that Haitians are infringing on the sovereignty of the Dominican Republic. It refers to previous Haitian attempts to control the island, such as the Haitian occupation in the nineteenth century.

The second argument is that *Haitians never had rights, to begin with*. In an article where this argument was most profound, the author explained that she had always interpreted the constitution to exclude Haitians from having rights in the Dominican Republic. She argued that to have one’s rights removed, one had to have rights to begin with. Descendants of Haitian migrants that came into the Dominican in 1929 cannot be considered citizens.³² This take is shared with the sentiments in the previous argument but interprets 168-13 as an attempt to clarify what many Dominican legal experts *might* have been expressing for decades. It shifts the blame for the crisis from the Dominican government and courts onto the victims themselves.

Lastly, the third argument is that *public opinion is enough to justify the ruling*. In 2014,

³⁰ *Tyranny of the majority* refers to a situation where a minority group is unfairly subjected to the will of a majority.

³¹ Fernandez, Eric. “In Photos: Anger Flares Over Tonight’s Deportation Deadline in the Dominican Republic.” VICE News. June 18, 2015. Accessed June 07, 2019. https://news.vice.com/en_us/article/3kwnkv/in-photos-anger-flares-over-tonights-deportation-deadline-in-the-dominican-republic.

³² Faxas, Natali. “Resultados Del Fallo 168-13 Aún Gravitan En RD.” Periódico El Caribe - Mereces Verdaderas Respuestas. September 22, 2015. Accessed June 07, 2019. <https://www.elcaribe.com.do/2015/09/22/sin-categoria/resultados-d-el-fallo-16813-aun-gravitan/>.

²⁸ Anonymous interview 2. Anonymous interview 3. Anonymous interview 5.

²⁹ Anonymous interview 4.

66% of Dominicans supported Ruling 168-13.³³ This sentiment is expressed in many of the pieces to justify why the Dominican government was correct in issuing a Ruling as such. The populist argument was expressed through several means. The online platform for *el Caribe* tracks the total number of views that each story receives. Thus, I was able to show that articles in favor of 169-13 received more traffic than stories that discussed the shortcomings of 168-13. Ultimately, the most-published pieces on the most visited news platforms showed support for 168-13, proving at least that Spanish-speaking Dominicans with internet access are still largely in favor of the Ruling.

Conclusion

In the wake of 168-13, the Dominican Republic finds itself in a situation all too familiar. Several hundred thousand people remain stateless, and the economic situation for these stateless people remains poor. As an answer to the original research question, I conclude that antihaitianismo has increased in the Dominican Republic since the implementation of Ruling 168-13. Whereas the magnitude of this increase is unclear, the consequences have been revealed through interviews, observation, and the work of NGOs operating on the island. This paper provides some evidence that Ruling 168-13 was a reaction to an influx of Haitian migrants in the past 30 years. The government was able to capitalize on the country’s anti-Haitian sentiment to retroactively target not only the recent immigrants, but the Dominicans of Haitian descent whose families have been in the country for generations. The proposed model in this paper is an attempt to demonstrate how Haitian mobility is restricted from before and after 168-13. In relation, institutionalizing this sentiment has given legitimacy to anti-Haitian groups and Dominican nationalists alike, which was represented in the media analysis. Finally, the voices that have emerged in support of the

Ruling frequently reiterate the narrative first used by the dictator Trujillo.

This research could be improved upon by including more voices in the conversation, spending more time in the Dominican Republic, and creating a more extensive database of Dominican media. As a non-native Spanish speaker, I encountered many limitations to conducting in-depth interviews, all the while attempting to incorporate as many non-English voices into this paper as possible. A recommendation for further research would be to trace the laws that President Danilo Medina’s government proposed in response to the crisis but are believed to have largely fallen short by international human rights watch groups and domestic activist groups.

Other than perpetuating what the rest of the world views as a humanitarian crisis, the Dominican government should instead focus on the OECD’s recommendation of: “improving policies to better manage and integrate immigrants so that they can legally invest in and contribute to the economy while staying safe and leading fulfilling lives.”³⁴ Little has been done by the Dominican government to address this crisis, most of the work has fallen on NGOs. Hopefully, through continuing to research antihaitianismo in the Dominican Republic and the continued pressure being put on the Dominican government to resolve this crisis, productive action will be taken to justly reinstate the rights of citizenship to the thousands left stateless. Finally, this research can help to understand the broader implications of what happens when racism becomes instilled into law by governments. Many countries face dilemmas of this type. What we can learn from the Dominican Republic case is that by allowing legal discrimination along racial or ethnic lines, many people will suffer in ways that are hard to imagine.

³³ "El 66% Respalda La Sentencia 168-13 Del Tribunal Constitucional." *Www.diariolibre.com*. May 16, 2014. Accessed June 07, 2019. <https://www.diariolibre.com/actualidad/el-66-respalda-la-sentencia-168-13-del-tribunal-constitucional-JPDL611901>.

³⁴ OECD report

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Appendix

Selected Interview Exerpts:

Nwankpa, Anita. Interview conducted by author. 30 May 2019

B: Tell me about your experience with the Dominican Republic.

A: Prior to living in the Dominican Republic for 3 months, as part of my study abroad experience during undergrad, my classmates and I briefly learned about the history of racial tension between Haitians and Dominicans and how it stems from slavery, colorism, etc. Unlike America, where we have some states or towns that are more diverse than others, I noticed that throughout the entire DR the proximity that Haitians lived next to Dominicans was always segregated.

B: Can you elaborate on this?

A: Among all the regions I lived in a common theme was that Dominicans lived within the town and Haitians lived on the outskirts of town, which were very poor living conditions when compared to their Dominican counterparts. While living with Dominicans, I never had a neighbor that was Haitian, even though my first host family was friends with many different Haitians and they were treated like any other family friend.

B: Do you have an example of this?

A: You could always find my host mom on the porch outside talking to Johnny, the older Haitian man that worked across the street at the weekly market. Besides him, she had a lot of other people that she associated with that are Haitian, but the same cannot be said for most Dominicans.

B: Can you talk more about your host family?

A: The first host family I stayed with had family members with all spectrum of brown melanin, ranging from the darkest brown to the fairest shade of light brown. I believe they were the most accepting of Haitians than my classmates' host families because they were darker in color, so colorism has less an effect on them than their fair-skin tone Dominican counterpart. Unfortunately, my host family is not immune to colorism. I'll never forget the day I came home from work and my little host sister was shouting in a sing-song manner throughout the house, that haitians were "thieves, very dark and bad people". She repeated her little song over and over, but the adults in the house kept telling her that it wasn't true and even pointed out that her skin color was the same as Haitian people. This only caused her to become upset because she started crying about how she didn't want to be mistaken for Haitian.

White, Alexandra. Interview conducted by author. 23 May 2019

B: What was work like when you first started?

A: English classes, community outreach projects (reforestation, clean ups, arts,) and lots of meetings with officials and organizations to get to know the community.

B: How has your work evolved over time?

A: Teaching business, environmental, and English classes. Consulting and developing local women's cooperative. Collaborated with FAO to start organic agricultural project, organized national environmental conferences, committee co chair for medical missions and Peace Corps Wellness committee.

B: How do you interact with the people that you work with?

A: Like they were my family. The culture is so inviting and hospitable. There isn't much separation between work and personal life, so relationships grow strong.

B: Have you heard of Sentence 168-13?

A: Yes

B: Has Sentence 168-13 changed your work or life? If yes, please explain how.

A: Not directly, but I know many people who worked closely with many Haitians whose lives were affected entirely.

B: In your own words, how would you describe the relationship between people of different races or ethnicities in the Dominican Republic? Do you have any examples?

A: Less dark people are racist towards more dark people and there is an absurd amount of public pressure towards "whitening" one's appearance. There is an unjust tension and tendency to be cruel against Haitians that is undeniable. For a country that has so much potential, the Dominican Republic withers it away with their constant abuse of humans and the environment.

B: Do you think relations between races are getting better or worse?

A: Worse

B: Could you talk more about your personal experiences with people of Haitian descent?

A: For me really, I had very little students who were Haitian and couldn't go to school. But other volunteers I knew worked directly in helping Haitians regain their legal integrity and independence first hand. Although, the entire law affected the tension in society, which is something everyone had to deal with. Watching Haitians get rounded up in Santo Domingo and tied in the back of trucks to be carted away was painful to watch.

It was so dehumanizing and abrupt, one wonders if these people ever even made it back to their families after being plucked from the streets.

“Anonymous interview 2.” Written interview conducted by Author. 21 May 2019. Translated by author.

B: How long have you been working in your field?

X: 5 years

B: What was work like when you first started?

X: Very interesting with many things to learn.

B: How do you interact with the people that you work with?

X: It is direct because without them we can not do anything or develop our projects, they are the central axis for the existence of our programs.

B: Who are your main beneficiaries?

X: The community members who are most marginalized.

B: Have you heard of Sentence 168-13?

X: Yes

B: Has Sentence 168-13 changed your work or life? If yes, please explain how.

X: Yes, it has very much changed my life socially and emotionally.

B: In your own words, how would you describe the relationship between people of different races or ethnicities in the Dominican Republic? Do you have any examples?

X: Well I could say that the relationship is very good between one group in another, and I explain why; If you are known for many years you are good and there is a case that if you are from the middle or high class you are good and the relationship can be good but if you are not like that, you are of the devil for them and they do not know the differences of the descendants of immigrants and I'm sure it's that the ignorant are made in the situation to discriminate and make people feel bad. here in Dominican the only ones that stink and annoy are the Haitians and their descendants but the Chinese, Spanish, North Americans, Venezuelans and others are not treated like the Haitians and / or children of Haitians.

B: Do you think relations between races are getting better or worse?

X: Worse

Poll Questions

Have you heard of Ruling 168-13?	
YES	NO
6	1

Do you think race relations are getting better or worse in your community (in the DR)?	
BETTER	WORSE
1	6

Tiers of Citizenship: A Critical Reading of the CAA-NRC-NPR Entanglement in India through the Lens of Refugees and Stateless Persons

Ayush Jain

India has witnessed important developments in processes and pathways related to citizenship determination and recognition over the past few years. These include legal changes in the form of amendments along with proposed and completed exercises to create a register of Indian citizens. Following a decades-long demand by certain actors, the State of Assam finally completed and published the list of verified Indian citizens as part of the National Register of Citizens (NRC) for Assam on August 31, 2019. A few months later, the Citizenship (Amendment) Act 2019, passed on December 11, 2019, by the Indian Parliament, included religion as a criterion for persecuted minorities from three neighboring countries to seek citizenship in India. The NRC process in Assam and the recent amendment to the citizenship act have drawn criticism. The Bharatiya Janata Party (BJP) led central government also expressed its intention to carry out the NRC process for the rest of India in 2019. As a documented list, the National Population Register (NPR) – which records both citizens as well as non-citizens residing in the country – serves as a first step towards the creation of a nationwide NRC, as per a response in the upper house of the Parliament of India on November 26, 2014.¹ The planned 2020 NPR exercise included additional sensitive details.

These measures led to widespread protests throughout India, with critics, including lawyers, activists, and other members of the civil society, calling the new citizenship amendment act (CAA 2019) inherently discriminatory towards Muslims and part of a larger divisive communal propaganda in its conjunction with the nationwide proposed National Register of Citizens (NRC) and National Population Register (NPR). In a bid to stop the potentially catastrophic

consequences of such a legal entanglement upon millions of 'existing' Indians (and other asylum seekers), protestors took to the streets in scores across different parts of India, citing the Constitution of India as their ally in the struggle for justice. In this context, this paper will engage with the concepts of citizenship and statelessness in the first section. In doing so, the paper will look at both the national and international legal texts to understand how Citizenship in India is granted and what statelessness in general implies, the negative implications of becoming a stateless person on different dimensions of life, and how it can be legally prevented. The second section of the paper will chart out a historical understanding of the CAA-NRC-NPR entanglement in the domestic context of India. Then, the paper will examine how the CAA 2019 is an unjust law even for refugees from the vantage point of the 1951 Refugee Convention and its 1967 Protocol. Finally, the paper will conclude with recommended legal pathways to adopt in the future to avert new incidents of statelessness and bolster mechanisms for refugee protection.

Understanding 'Citizenship' and 'Statelessness'

Citizenship is a central law within the domestic legal provisions of any nation-State. It is a unique form of legal identity that establishes a relationship between the State and its nationals. On the one hand, this legal relationship entitles the individual nationals of a State to enjoy the rights and legal protection offered by the State and its different constituent bodies. On the other hand, the individual is obligated to perform their duties to the country and its citizens. The following core international instruments assert the individual's right to recognition as a citizen by its nation-State:

- Article 15 (1) of the Universal Declaration of Human Rights (UDHR) unequivocally affirms that “everyone has the right to a nationality.”
- Article 24 (3) of the International Covenant on Civil and Political Rights (ICCPR) – a part of the International Bill of Human Rights along with the UDHR and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – sets forth that “every child has the right to acquire a nationality.”

¹ Source: 'Identifying Citizens While Preparing NPR' - Press Information Bureau, Government of India, Ministry of Home Affairs; November 26, 2014

- Article 5 (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) postulates that everyone, without any distinction or discrimination, has the right to a nationality.
- Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) talks about the equality between men and women vis-à-vis the rights to their nationality and regards to their children.
- Article 7 of the Convention on the Rights of the Child (CRC) posits the right of every child to acquire a nationality.
- Article 29 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW) also affirms the right to nationality for each child of a migrant worker.

The right to a nationality thus serves as a fundamental provision in major international treaties. There are two major legal pathways for acquiring nationality that countries worldwide follow: *jus soli* and *jus sanguinis*. The *jus soli* principle caters to the acquiring of nationality based on birth within the territory of a country, that is, through territorial links to the State. The *jus sanguinis* principle, on the other hand, caters to the acquiring of nationality based on descent, that is, through familial links to a country. Countries may have different clauses in their citizenship laws that adopt practices that incorporate the citizenship conferring criteria of both these modalities.

Within the context of India, Part II (Articles 5-11) of the Indian Constitution caters to the concept of citizenship.² The Citizenship Act 1955 serves as the legislative bedrock for governing all Citizenship-related provisions and rights of Indian nationals. This Act has been amended several times, including in 1986, 1992, 2003, 2005, 2015, and 2019. Under the citizenship rules, there are five routes to acquiring Indian citizenship. These include – by birth, descent, registration,

² It is interesting to note that Articles 6 and 7 talk about citizenship in the context of migration and borders that accompanied the Partition and thus form an intersecting nexus between refugees, forced migration, and citizenship rights. Article 8 expands the ambit beyond the borders of the Indian State for 'certain persons of Indian origin residing outside India' with some conditional clauses.

naturalization, or incorporation of territory. In addition, the Constitution prohibits the granting of dual citizenship.³

The German-American political thinker and philosopher Hannah Arendt famously coined a phrase in *The Origins of Totalitarianism* that has become a pivotal lens in understanding the importance and value of citizenship. According to Arendt, to enjoy the civil, political, economic, social, and cultural rights that various human rights treaties envision and propound, human beings first need to be recognized as members of an organized community. Citizenship rights, or the right to belong to a political community, then becomes, to use Arendt's words, the "right to have rights." In this context, the challenge of statelessness needs to be addressed.

Article 1 of the 1954 Convention relating to the Status of Stateless Persons defines a stateless person as "a person who is not considered a national by any State under its law." In other words, a stateless person is not recognized as a citizen by any State, including the country of their habitual residence. This non-recognition as a legal national by any State in the world can have serious implications on the life of such people. Often, they face extreme challenges or lack access to even the most basic of things and rights that others often take granted, including the right to access education, healthcare, marry another person, or even be registered at birth or death. Moreover, the condition of statelessness seriously impacts their mobility rights. Finally, it can put them at grave precarity due to their undocumented and unrecognized form of existence under the purview of the legal instruments of any State.

UNHCR currently reports on 3.9 million stateless persons globally. However, there is a general understanding that this figure is an understatement due to the various challenges

³ Subject to certain conditions, a person of Indian origin may be granted and registered as an OCI (Overseas Citizen of India) cardholder. This accords some rights akin to those that citizens enjoy, such as traveling to India without a visa, owning property, making business investments, etc. It is interesting to note the economic perspective for such a provision. It caters mainly to foreign citizens of Indian origin in developed countries. With over 30 million OCI cardholders, this group remits a significant sum of foreign currency in India.

in collecting data on stateless people.⁴ Moreover, the statistics itself is an ongoing evolving process, not only vis-a-vis how the populations of stateless persons undergo change on their own, but also with the changes in the legalities of citizenship conferring of nation-States. For example, Lebanon and Nepal are among those countries that have discriminatory citizenship laws vis-à-vis gender. Their nationality laws inhibit mothers from conferring their nationality upon their children. Such unfair citizenship laws are man-made created problems. As such, legislative changes can and should be incorporated to remove discriminatory provisions within nationality laws through gender or other indices.⁵ It is important to note here that Article 9 of CEDAW grants women “equal rights with men with respect to the nationality of their children.”

One of the critical components that need to be addressed while talking about and dealing with statelessness is birth registration. This paper identity constitutes the first form of identity recognition of the child by the State. This is instrumental for this process, often becoming proof for acquiring nationality, which is the key to unlocking access to other human rights. Several human rights covenants recognize the importance of this primary form of documentation by the State and, as such, assert them as a right that everyone is entitled to upon their birth. Article 24 (2) of ICCPR, Article 7 (1) of CRC, and Article 29 of ICMW all posit being immediately registered at birth as a basic entitlement for every child. Article 8 (1) and (2) of CRC further firmly assert the State's obligation to preserve and protect children's identity, including their nationality.

A Charting of the CAA-NRC-NPR Entanglement

The chronology and strategic connection of the CAA-NRC-NPR entanglement needs to be understood to recognize its challenges to refugees and stateless persons and to see its configurations within a larger South Asian context. The persecution of innocent civilians

in erstwhile East Pakistan led to the forced migration of millions of people from the territory of East Pakistan to India, mainly in the neighboring states of West Bengal and Assam. Due to the prolonged displacement of people from Bangladesh, even in the aftermath of the genocide and the liberation war in 1971, there were widespread movements in Assam demanding the identification and deportation of the 'illegal' migrants. After 6 years of student-led protests, the Assam Accord was signed between the leaders of the Assam Movement and the Government of India in 1985. It set the cut-off date as March 24, 1971, to address Bangladeshis' migration issue into Assam.

The Citizenship (Amendment) Act 1986 reformulated the path to citizenship through birth. It restricted the provision by mandating that at least one parent had to be an Indian citizen to acquire Indian citizenship by birth. The 2003 amendment to the citizenship act then brought along further instrumental changes by inserting a new section, 14 A, catering to the issue of national identity cards. Two chief clauses within this section state:

"(1) The Central Government may compulsorily register every citizen of India and issue a national identity card.

(2) The Central Government may maintain a National Register of Indian Citizens and establish a National Registration Authority."⁶

The Citizen (Amendment) Act, 2003 thus laid the foundation for the National Register of (Indian) Citizens (NRC)⁷ However, at the same time, it left a rather ambiguous space regarding its procedural operation, leaving it open for the future with "as may be prescribed." The expression and connection of the National Population Register (NPR) in the citizenship debacle can be found in the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003. Under the section of 'Preparation of the National Register of

⁴ The numbers can be around at least 10 million stateless people worldwide. See 'Better statistics to help end statelessness' by Petra Nahmias, Senior Statistician, UNHCR.

⁵ Recently, Madagascar and Sierra Leone, for instance, have avowed to remove the gender discriminatory criteria within their nationality laws.

⁶ See 'The Citizenship (Amendment) Act, 2003' (Accessed: <https://indiankanoon.org/doc/949775/>)

⁷ It is important to note that the Kargil War had a crucial role in the expression and formulation of the NRC with the proposed objective of identifying and deporting "infiltrators" in the aftermath of the conflict. This posits the genesis of a nationwide NRC in India and then in a looming South Asian context.

Indian Citizens', there are two important clauses that state:

"(3) For preparation and inclusion in the Local Register of Indian Citizens, the particulars collected of every family and individual in the Population Register shall be verified and scrutinized by the Local Registrar, who may be assisted by one or more persons as specified by the Registrar General of Citizen Registration.

(4) During the verification process, the Local Registrar shall enter particulars of such individuals whose citizenship is doubtful with the appropriate remark in the Population Register for further inquiry. In case of doubtful citizenship, the individual or the family shall be informed in a specified proforma immediately after the verification process is over."⁸

The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 thus, laid the groundwork for conducting a population registration exercise for both citizens and non-citizens at the national level. Meanwhile, the NRC process in Assam through the decades got derailed and went through different iterations as the issue waxed and waned in the public imagination. In 2009, the NGO Assam Public Works filed a petition to the Supreme Court to remove the names of 'illegal' migrants from the voters' list. This directly became the first instance of how the issue of NRC in Assam reached the Supreme Court. The NGO had further pleaded for the NRC documentation, and 'updatation' (update) exercise to be started at the earliest.

In 2010, along with the house listing phase for Census 2011, the then Congress-led UPA government first collected data for the National Population Register (NPR). However, a judgment by the Bombay High Court in 2013 refused to acknowledge passports (later terminated), birth certificates, and Aadhar cards as proof of Indian citizenship in a case against a man and three others accused of being illegal migrants. Thus, in this context of such a legal examination of documents and ID cards vis-a-vis the status of being a 'citizen' or an 'illegal' migrant, it becomes important to

understand the variation in the citizenship laws brought about by the amendments with regards to acquiring citizenship by birth, notably the Citizenship (Amendment) Act, 2003. The procedure for acquiring citizenship through birth entails the following conditions:

- "A person born in India on or after January 26, 1950, but before July 1, 1987, is a citizen of India by birth irrespective of the nationality of his parents.
- A person born in India on or after July 1, 1987, but before December 3, 2004, is considered a citizen of India by birth if either of his parents is a citizen of India.
- On or after December 3, 2004, a person born in India is considered a citizen of India by birth if both the parents are citizens of India or one of the parents is a citizen of India. The other is not an illegal migrant at all times of his birth.
- An 'illegal migrant,' as defined in section 2(1)(b) of the Act, is a foreigner who entered India.
 - (i) without a valid passport or other prescribed travel documents: or
 - (ii) with a valid passport or other prescribed travel documents but remains in India beyond the permitted period of time."⁹

The Citizenship (Amendment) Act, 2003 then not only inserted the provision of the National Register of Citizens (NRC) and connected it with the National Population Register (NPR) through the 2003 Citizenship Rules but also brought about significant changes to the acquiring of citizenship by birth by introducing and defining a new category of "illegal migrant."¹⁰ Through the amendment, these 'illegal' migrants are ineligible to acquire Indian citizenship through naturalization or registration. However, their children are also exempt from acquiring citizenship if they were

⁸ Source: Ministry of Home Affairs, Notification, New Delhi, December 10, 2003

⁹Source: accessed from <https://indiancitizenshiponline.nic.in/acquisition1.htm>
¹⁰ Researcher Anupama Roy considers the 2003 citizenship amendment as a 'hinge point' for the emergence of the contradictory trajectories of CAB (eventually CAA 2019) and NRC.

born in India on or after December 3, 2004.¹¹ Furthermore, these 'illegal' migrants can be detained or deported. It is crucial to note here that 'illegal' often overlaps with 'undocumented' and that many refugees, fleeing horrific circumstances, often have to cross borders without proper documents. Such a provision of deportation then, if not exercised with utmost responsibility and care, can prove to violate the humanitarian principle of non-refoulment, as enshrined in Article 14 (1) of UDHR and Article 33 of the 1951 Convention Relating to the Status of Refugees.

In August 2013, the hearing for the petition filed by the NGO Assam Public Works began. The Supreme Court directed in December 2013 that the NRC 'updatation' (update) exercise should start. Meanwhile, in the run-up to the 2014 national elections, BJP released its manifesto, which included the clause that "India shall remain a natural home for persecuted Hindus, and they shall be welcome to seek refuge here." It is important to note how religiously drawn the asylum criteria are in such a declaration. It limits seeking refuge for persecuted communities to only include those who identify as Hindus. The exclusion of Muslims in this frame stands out in particular.

The actual exercise to update the NRC to detect 'illegal' infiltrators and identify bonafide citizens only began in February 2015. In this context, some necessary amendments were made to the Passport (Entry into India) Act 1920 and the Foreigners Act 1946. The circular released on September 7, 2015, by the Press Information Bureau, Government of India, and Ministry of Home Affairs talked about the amendments vis-s-vis the "exemptions to minority community nationals from Bangladesh and Pakistan in the regularization of their entry and stay in India." It stated:

"The Central Government has decided, on humanitarian considerations, to exempt Bangladeshi and Pakistani nationals belonging to minority communities who have entered into India on or before December 31, 2014, from the relevant provisions of rules and order made under the Passport (Entry into India)

Act, 1920 and the Foreigners Act, 1946, in respect of their entry and stay in India without such documents or after the expiry of those documents, as the case may be. Accordingly, the Central Government has issued two notifications in the Official Gazette today under the Passport (Entry into India) Act, 1920, and the Foreigners Act, 1946.

There are reports that several Bangladeshi and Pakistani nationals belonging to minority communities in those countries, such as Hindus, Sikhs, Christians, Jains, Parsis, and Buddhists, were compelled to seek shelter in India due to fear of religious persecution. As a result, they have entered India either without any valid document, including passport/other travel documents, or with valid documents, but the validity of such document has expired. The issue of regularization of entry and stay of such Bangladeshi and Pakistani nationals in India has been considered by the Central Government."¹²

Similar exemptions for minorities from Afghanistan were made in the gazette notification issued on July 18, 2016.¹³ This means that members of these (non-Muslim) groups (keeping in mind the temporal, geographical, and religious limits) can enter without documents in India and stay, effectively like on Long Term Visas, while their Muslim counterparts cannot.¹⁴ A crucial point to note here is that India does not have any specific law governing refugees. In such a lacuna, the chief legislative acts that refugees are governed by, including those that apply to any foreigner in India. These include the Passport (Entry into India) Act, 1920 and Passport Act, 1967, the Registration of Foreigners Act, 1939 and Foreigners Act, 1946, and the Indian Citizenship Act, 1955. The amendments to the Passport (Entry into India) Act, 1920, and the Foreigners Act, 1946, constitute the stepping stones for charting the eventual Citizenship

¹¹ As such, then, the NRC process indicates an intergenerational crisis of statelessness within the existing framework of domestic citizenship laws in India.

¹² Source: Press Information Bureau, Govt of India, Ministry of Home Affairs; September 7, 2015

¹³ Source: The Gazette of India, published by Authority on July 18, 2016

¹⁴ It is important to note here that Muslims from ethnic minorities have also had to face the threat of persecution in the neighboring countries of India. Thus, the exclusionary criteria of the amendments carry a sectarian bias rather than a humanitarian one.

(Amendment) Bill and a clear exclusionary religious lens.

A day after amendments were made to include selective minorities from Afghanistan, the Citizenship (Amendment) Bill was introduced and tabled in the lower house to amend the Citizenship Act 1955. Under it, the bill proposed making illegal migrants who are Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan eligible for citizenship. In addition, it relaxed the citizenship requirement for such persons from 11 years to 6 years.¹⁵ The initial CAB 2016 was to be enforceable in the entire nation.

Meanwhile, regarding the NRC in Assam, the initial deadline of December 31, 2015, set by the Supreme Court to publish the updated list, was missed. Since then, the Supreme court has constantly been monitoring the progress of the exercise. When the government published the first draft on December 31, 2017, about 1.9 crore applicants out of 3.3 crores were included in the NRC list. However, over 40 lac people were excluded from the second draft of the list published on July 30, 2018.¹⁶ With growing concerns due to the exclusions, both the Supreme Court and the Chief Election Commissioner O. P. Rawat had to clarify in August 2018 that the NRC was only a draft and that exclusion from it did not imply an 'automatic removal' of one's name from the voter list of Assam.

The Press Information Bureau of the Ministry of Home Affairs stated on January 2, 2019, that "[a]t present, there is no proposal to extend the National Register of Citizens to States other than Assam." Less than a week later, the Citizenship (Amendment) Bill was passed in the Lok Sabha.¹⁷ However, following it, protests emerged throughout the Northeast, which forestalled the bill's progress. To allay the concerns of the Northeast, the BJP Manifesto of 2019 directly addressed their desire to implement the Citizenship

Amendment Bill in such a context by stating: "We are committed to the enactment of the Citizenship Amendment Bill for the protection of individuals of religious minority communities from neighboring countries escaping persecution. We will make all efforts to clarify the issues to the sections of the population from the Northeastern states who have expressed apprehensions regarding the legislation. We reiterate our commitment to protecting the linguistic, cultural, and social identity of the people of the Northeast. Therefore, Hindus, Jains, Buddhists, Sikhs, and Christians escaping persecution from India's neighboring countries will be given Citizenship in India."

In the same manifesto, the BJP stated its intent to implement the National Register of Citizens (NRC) through the lens of combating infiltration. It read: "There has been a huge change in some areas' cultural and linguistic identity due to illegal immigration, resulting in an adverse impact on local people's livelihood and employment. Therefore, we will expeditiously complete the National Register of Citizens process in these areas on priority. In the future, we will implement the NRC in a phased manner in other parts of the country." Thus, a direct avowal of implementing a nationwide NRC can be seen here, one that has severe implications for the deprivation of citizenship and other rights for the poor and other vulnerable sections of the society, who lack the means to certify specific demands of paper documents and establish them as a proof of their 'Indian' Citizenship.

On June 26, 2019, an additional draft related to exclusion from the NRC in Assam was published. With 1,02,462 additional names, it took the total number of excluded to 41,10,169. The final version of the NRC was released on August 31, 2019, with close to 2 million people left out. As a result, the citizenship status of around 2 million people hangs in precarity. This is a huge threat to the rights and lives of these people and poses a serious challenge to UNHCR's 10-year campaign of 'I belong' to end statelessness globally by 2024.

Moreover, suppose Assam is to be taken as a reference case. In that case, a nationwide NRC could spell an acute

¹⁵ Source:

http://prsindia.org/billtrack/the-citizenship-amendment-bill-2016-4348#_edn2

¹⁶ Source: Press Information Bureau Govt of India, Ministry of Home Affairs; December 18, 2018

¹⁷ Source:

http://prsindia.org/billtrack/the-citizenship-amendment-bill-2016-4348#_edn2

humanitarian disaster with a citizenship crisis that the world has not seen. Therefore, in keeping with the agenda of the ruling BJP government, the 1964 Foreigners (Tribunals) Order was amended by the Ministry of Home Affairs to enable the setting up of Foreigners Tribunals in all states.¹⁸

The Citizenship (Amendment) Act 2019 was enacted on December 12, 2019, after passing through both the houses of the Parliament and getting the President's assent. It states granting citizenship "to any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as an illegal migrant for this Act."¹⁹

On December 24, 2019, a budget of about 3941 crores was approved by the cabinet for the National Population Register (NPR) to be conducted along with the house listing phase of Census 2021. What has drawn severe concern in the new NPR are questions about the place and date of an individual's parents and the noting down of details of several identity cards, such as voter identity card, Aadhaar, driver's license, and passport number.

The NPR lays the base for a pan-India NRC as it documents all residents, whether citizens or foreigners. The 2020 NPR plans to include demographic, parentage, and biometric details and collect information from various documents to create 'one card.' This is exactly where the danger looms. Any discrepancy in documents or parentage can be identified through these details. In case of being charged with being an 'illegal' migrant, documents such

as Passport, Aadhar, Voter ID, etc. will not be sufficient (as the 2013 Bombay High Court Judgement shows). If a person is born in India after 1987, then according to the citizenship rules by birth, the person's citizenship is crucially tied up with the citizenship of their parents. Moreover, the NRC process in Assam is proof of how difficult – and at times arbitrary – citizenship certification can be. The lack of documentation²⁰ It can affect millions of poor and other marginalized sections, thus putting them at risk of being deprived of citizenship rights. Since CAA does explicitly not protect Muslims, any Muslim suspected of discrepancy in documents (in any form) can be questioned as an illegal migrant. With the gaps in the quasi-judicial spaces of foreign tribunals and other administrative shortcomings, if a person is deemed an 'illegal' migrant, they will be rendered stateless and put in detention centers.²¹ Such a mass exercise can grossly violate the fundamental right in Article 15 (2) of UDHR that states that “no one shall be arbitrarily deprived of his nationality.”

CAA 2019: An Unjust Refuge for Refugees

While the NRC process is a clear threat to the citizenship rights of millions of people, its conjunction with CAA lends it a very communally divisive aspect. However, the CAA 2019 alone fails to meet the standards of international refugee protection mechanisms and thus is not a just law even for refugees. According to the 1967 Protocol Relating to the Status of Refugees, a refugee is any person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual

¹⁸ From Amnesty International India's 2019 report titled 'Designed to Exclude: How India's Courts are Allowing Foreigners Tribunals to Render People Stateless in Assam.'

¹⁹ Owing to the former protests in the Northeast, the CAA 2019 strategically excludes some of the northeast regions on the grounds of the 'Inner Line' and Sixth Schedule to the Constitution. However, the regions of Assam and Tripura that have not been excluded have witnessed strong protests against the law.

²⁰ It is important to note that administrative challenges and deficiencies are often the first cause behind a lack of necessary documents such as birth registration. The civil registration authorities have limited officials and reach. In this context, this can lead to a vicious circle of disenfranchisement.

²¹ Deporting them is not a realistic possibility as the likelihood of Bangladesh and other neighbors accepting them as their citizens are marginal. Moreover, as most people have never ventured outside India but simply lack the required documentation to establish the same, such an exercise is unjust and inhumane.

residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

The definition notes at least five grounds for fear of persecution. Also, the definition has no cut-off date or geographical limits on the nation of origin for a refugee. CAA 2019 has no cut-off date or geographical limits on the nation of origin for a refugee. However, the CAA 2019 omits the word 'persecution' or fear of persecution, and there are no stated criteria to identify refugees and provide them with special protection.

Second, the CAA 2019 tries to limit the idea of refuge on religious grounds by mentioning members from 6 religious groups: Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians. In doing so, it leaves not only other religions or atheists but also the four other grounds for seeking refuge as mentioned in the 1967 Protocol definition.

Third, it also limits its mandate to people seeking refuge from only three countries, namely Pakistan, Bangladesh, and Afghanistan. Finally, it sets a cut-off date of December 31, 2014, for concerned people to have entered India to be eligible for the provisions of CAA 2019. There is no reasonable explanation for this. This means people from the six mentioned religions from the three neighboring countries who have fled persecution and entered India any time after 2015 will not be eligible for citizenship under the mandate of CAA 2019. They will continue to be examined on a case-by-case basis through the purview of eligibility and applicability of naturalization laws. In this context, CAA 2019 has many arbitrary clauses that do not pass the test of 'reasonable classification.' As such, CAA 2019 violates the fundamental right to equality, as enshrined in Article 14 of the Constitution of India.

Conclusion

There are major concerns regarding the citizenship debacle triggered by the entanglement of CAA-NRC-NPR. The CAA, in conjunction with NRC, works in a lopsided manner. Due to its religious, temporal, and geographical limits, Muslims, Adivasis, atheists, transgender people, people lacking certain documents, and other poor people and minorities excluded from the NRC may fail to be protected under the mandate of CAA and thus be rendered stateless. Moreover, the CAA 2019 is very limited and an unjust law even for asylum seekers and refugees.

It is critical to understand that legally delegitimized citizenship can have drastic consequences. The histories of changes in citizenship laws in Myanmar (in 1982), Bhutan (in 1958 and 1985), and Sri Lanka (in 1958) are proof of how particular groups can be deprived of their citizenship rights and rendered stateless. Ignored for decades, these forms of exclusion can have compounding effects, eventually resulting in conflicts and refugee crises that spill across borders. This indicates how issues of statelessness and refugees can intersect and increase the predicament of these groups. India is not a party to any international conventions related to refugees and stateless persons. For just refugee and statelessness-reduction laws, India should ratify these international instruments and make special provisions within its domestic legal mechanisms to frame inclusive citizenship laws and pathways and help uplift access to other rights. While the outbreak of COVID-19 and ensuing lockdowns upended the spontaneous protest movements, pressure from civil society organizations, lawyers, and ordinary protesters, along with salience in the media, can help shift the focus to these needs again.

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Who Writes Japan’s Textbooks?

An Analysis of SCAP’s Textbook Policies from 1949-1952

Marcia Yang

I. Introduction

Japan’s history textbooks have been the subject of controversy for decades. Foreign nations often criticize the textbooks for white-washing history, particularly Japan’s war crimes during World War II. Each time Japan’s history textbooks come under fire, the Ministry of Education responds that it is not responsible for writing textbooks, and that it has not written a textbook since before World War II (Cole, 2007). Yet, there is a distinct nationalistic narrative within the textbooks that was unlikely produced purely from the competitive nature of Japan’s textbook publishing industry. Indeed, Japan’s Ministry of Education has had indirect control over the content of textbooks and has had specific narratives inserted through its authorization system dating back to Japan’s occupation under the Supreme Commander of the Allied Powers (SCAP). This centralized control of textbook content seems antithetical to SCAP’s proposed educational reform goals of democratization and decentralization (Kobayashi 1978, Kyoiku no Sengoshi Henshu Iinkai 1986). This paper seeks to understand why Japan’s centralized textbook authorization system developed during Allied occupation despite SCAP’s initial intentions of creating a decentralized education system. Through the examination of Japanese textbooks, this paper hopes to provide insight on the larger question of “under what conditions do governments choose to centralize control over education?”. I assert that when teachers pose an existential threat to the regime, the government will respond with further centralization. In the case of the Japanese textbook system, control was centralized in response to domestic and foreign communist threats from teachers.

In the immediate beginning of Allied occupation of Japan, SCAP implemented many progressive reforms. From demilitarization to women’s rights, the reformation project was a sharp departure from Japan’s previous authoritarian regime. However, with the onset of the Cold War in 1949, SCAP wanted to build Japan into a reliable ally in the Asia-Pacific, leading to a reverse course in many previously implemented progressive policies. With regards to education policy, some argue that the reverse course began in 1951, after the report from the Committee for the Examination of Occupation of Reform Policy. However, the reverse course in education policy arguably occurred four years earlier in 1947 in response to the communist-leaning teachers’ unions and their connections with communist organizations abroad. In the lead up to the 1947 general election, SCAP was becoming increasingly concerned about Soviet and CCP influence in the teachers’ unions. In the election, the teachers’ unions showed their political organizational capabilities, making SCAP worried that a decentralized textbook authorization system would give more educational authority to teachers, ultimately opening up Japan’s textbooks to Soviet influence. This caused SCAP to turn away from the decentralized textbook authorization system that it had originally envisioned to a more regulated system under the control of the Ministry of Education.

This paper will begin by chronicling the events relevant to SCAP’s textbook policies immediately following the beginning of the occupation. The second section will explain why SCAP considered teachers to be an existential threat, recounting the rapid growth and politicization of teachers’ unions in Japan. The third section will then cover SCAP’s original vision for the textbook authorization system and its initial textbook reforms from 1945 to 1947. The fourth section will provide an analysis of the 1947 general election and why it represents a pivot in SCAP educational policy. Finally, the fifth section will detail an account of SCAP’s immediate response to the election and the subsequent centralization of the textbook authorization system.

II. *The Politicization of Teachers*

SCAP originally envisioned the Japanese education system as a decentralized and democratic system, which would rely heavily on input from local teachers (Kobayashi 1978). In the beginning, SCAP promoted the growth of teachers' unions because of their capability to challenge the centralized Ministry of Education (Smethurst 1967). SCAP believed that teachers' unions could prevent Japan's schools from becoming ultra-nationalistic and militaristic after SCAP ended its occupation (Aspinall 2001). In December 1945, SCAP passed the Trade Union Law, giving public employees the right to form free and autonomous unions, the right to collectively bargain, and the right to strike (Smethurst 1967). These three rights encouraged the initial growth of teachers' unions.

SCAP's attitudes toward teacher involvement in educational policy were largely based on teachers in the United States. In the 1940s, the United States' educational policy was decentralized, with most authority held by state and local governments (Moe and Wiborg 2016). Teachers were involved in selecting textbooks and forming curriculum, similar to what SCAP envisioned for Japanese teachers. Some teachers' unions existed at the time, but membership was low, and their organizational capabilities were limited. Teachers and their unions had little influence in elections and held few strikes. When SCAP encouraged the development of Japanese teachers' unions, it likely believed that the unions would be similar to U.S. teachers' unions and would ultimately have little political sway (United States Education Mission 1946). Once Japanese teachers' unions showed their political influence in the 1947 general election and their connections with Communist organizations abroad, SCAP attitudes toward teachers and teachers' unions quickly changed.

To understand the rapid growth and politicization of teachers, some historical background is necessary. When the militarists took control of Japan in the 1930s, an intense indoctrination campaign in schools began. Teachers and administrators were under intense

pressure to follow the orders of the militarists, and this pressure led to some committing suicide (Passin 1965). Speaking out against the central government was unthinkable, and thus no organized group of teachers existed. Immediately after Japan's surrender, the first teachers' organization formed in September 1945 (Smethurst 1967). Initially, there were several teachers' organizations that represented the broad spectrum of political views, but in June 1947, the unions converged into the communist-leaning Japan Teachers Union (JTU) with membership as high as 98% of all elementary school teachers (Smethurst 1967). The rapid growth in teachers' union membership was motivated by three main factors: SCAP's purge of right-wing teachers, the ordinary teachers' distrust in government, and the economic hardships faced by teachers in the immediate post-war years.

Beginning in October 1945, SCAP began to remove right-wing teachers from schools. SCAP removed a total of 120,000 teachers "known to be militaristic, ultra-nationalistic or antagonistic to the objectives and policies of the occupation" (Duke 1973). When teachers' unions first formed in Japan, there was a conservative teachers' union among them (Aspinall 2001). However, with the purge of right-wing teachers, the number of conservative teachers significantly dropped. In the initial competition among teachers' unions, the conservative teachers' union was already at a disadvantage because most members were removed during the purge. Since unions rely largely on their size to successfully bargain, conservative-leaning teachers were more likely to join left-leaning unions with larger membership bases because they could provide more benefits (Aspinall 2001). Thus, the right-wing purge promoted the growth of left-wing unions.

Following the war, many teachers radicalized against the government. They felt that the militaristic government had forced its indoctrination campaign on teachers and students, leading to many students enlisting and dying in the war (Dower 1999, Thurston 1973). Teachers not only felt personal responsibility for their pupils' deaths, but also blamed the government for promoting militarism in schools. This led many

teachers to protest the centralized government structure and desire more authority for teachers in determining curriculum and textbooks (Thurston 1973). This ideology aligned with the leftist unions, which promoted a decentralized educational governance structure along with organizational skills and tactical awareness to push forward their objectives (Aspinall 2001). Thus, even if many teachers were not communist themselves, they joined leftist unions because they could offer them protection and a means of protest against the previous militaristic regime. Moderate teachers' unions also offered protection, but they lacked the organizational skills to push for their policies (Aspinall 2001). So, many teachers ultimately joined leftist organizations even if they were not leftist.

Immediately following the war, the Japanese public as a whole suffered economic hardships, but teachers in particular faced harsher economic circumstances, which boosted union enrollment. Statistics collected by SCAP at the time showed that teachers and public employees suffered more hardships than the general public (Duke 1973). Average monthly expenses were three times higher than a teacher's average monthly wages, and food rationing was not nearly enough to survive (Thurston 1973, Smethurst 1967, CIE 1948). In these years, teachers commonly worked second jobs to survive and feed their families (Smethurst 1967). These jobs ranged from shoe shiners to private tutors, but teachers felt embarrassment from needing to work a second job and often worked far from their schools to avoid being seen by students (Duke 1973, Smethurst 1967). Before the war, teachers made low salaries, but the low salary was offset by the high respect they garnered from the community (Passin 1965). After the war, teachers made even lower salaries but now felt responsibility for promoting the war, eroding the high status they once felt. This led many teachers to join unions, as they promised higher salaries and an ideological stance against the previous regime. Teachers' unions took advantage of the rights guaranteed by the 1945 Trade Union Law to leverage and bargain with the government for better wages (Aspinall 2001). Even though it was against the norm at that time to join unions, 98% of elementary school teachers did so, suggesting

that the unions' ability to provide higher wages had great influence on their subsequent rapid growth.

These conditions led to not only the rapid growth of unions but also the politicization of teachers, which threatened SCAP's ideology and reform efforts. SCAP envisioned a representative democracy where the public would not have a large active role in forming policy (Dower 1988). Many teachers felt that leaving policy-making decisions to representatives in a central government would ultimately leave Japan open to authoritarian control. Thus, teachers and their unions promoted a more liberal interpretation of democracy with the public actively organizing and protesting for their desired policies (Aspinall 2001). This Marxist interpretation of democracy led teachers' unions to adopt more Socialist and Communist ideologies and push for more active involvement in education policy (Smethurst 1967). Because almost all teachers were a part of a union, SCAP interpreted the unions' activities as representative of the interests of all teachers. Thus, when the teachers' unions promoted Communist ideology, SCAP believed that a great proportion of teachers were communist sympathizers.

It is also important to note that SCAP was worried about the connection between teachers' unions and communist organizations abroad, such as the Soviet Union and the Chinese Communist Party (CCP). At the beginning of the occupation, there was disagreement within SCAP about how to handle the Japanese Communist movement. Some believed political pluralism was good for democracy and were sympathetic to the communist movement in Japan. The Military Intelligence Division went so far as to say that communism provided "a healthy and active stimulant to Japanese political thought" (United States 1946, 19). At the same time, some SCAP officials also believed that the Japanese Communist movement was likely under Soviet influence (Confidential letter 1945). Early in the occupation, General MacArthur said that "Japanese Communism is dominated from Moscow" (Locke 1945). As the Cold War intensified, anti-communism became more important than political pluralism, and SCAP

became increasingly worried about the Japanese Communist movement. After the 1946 May Day demonstrations, General MacArthur described the labor unions' manifesto as "translated from Russian" (Moore 1983). At this point, SCAP as a whole clearly agreed that labor unions and Japanese Communism were a threat to their democratization project.

SCAP was largely concerned about the teachers' unions because the top leadership consisted of members of the Japanese Communist Party (JCP), who had close ties with communist organizations abroad (Emmerson 1972). From the CCP and Kim Il-Sung's Workers' Party, the JCP adopted and promoted the idea of a "lovable communist party" by glorifying the Soviet Union and the CCP (Emmerson 1972). This subsequently led to the teachers' unions self-publishing teaching materials portraying the Soviet Union and CCP in a favorable light (Nishi 1982). SCAP was concerned that the Soviet Union had influence over Japanese education and that this would grow the Communist movement within Japan, complicating U.S. grand strategy in the Asia-Pacific in which Japan played a pivotal role (Nishi 1982). To prevent Japan from falling to communism, SCAP would have to crack down on the leftist teachers. After teachers gained legislative power in the 1947 general election, SCAP responded by giving authority over textbook authorization to the Ministry, instead of and not to teachers as it had planned.

III. Textbook Authorization System Before April 1947

Before the Meiji Era, translated foreign works were the basis for Japanese education. With the beginning of the Meiji Era and the Empire of Japan in the mid-1800s, these foreign works were removed from schools and replaced with state-authored textbooks. Both moral education and history textbooks emphasized loyalty to the imperial household and to the nation through the Japanese creation myth and assertions that the emperor was a divine being (Passin 1965). When the militarists took control of the government in the 1930s, they inserted militaristic ideology into textbooks as well (Passin 1965). By the time

SCAP began its occupation, they determined that most textbooks could not be used because of ultra-nationalistic and militaristic content (Nozaki and Inokuchi 1998).

Even before the occupation, the reformation of textbooks was an objective of the United States. In 1943, the Army and State Department began making plans to reform the Japanese education system by removing the ultra-nationalistic and militaristic textbooks (Mayo 1980). Early in the occupation, a group of 27 American educators were sent to Japan to report on the state of education and give recommendations for reforms (Kobayashi 1978). This report became the basis for early SCAP education policy reforms. In the First Report of the United States Education Mission to Japan, the system of Ministry control over textbooks was criticized. The mission stated a need for teacher consultation for the preparation and selection of textbooks, even going so far to say only Japanese educators should be responsible for these tasks (United States Education Mission 1946). Although time and economic pressure meant SCAP could not immediately involve teachers in producing new textbooks, SCAP adopted this position and aimed to delegate the authority of textbooks to teachers.

Despite its desire to involve local teachers, SCAP Civil Information and Education Division (CIE) initially maintained control over the textbook authorization process. When SCAP first began its occupation in September 1945, schools used materials from the militarist regime because of a lack of resources. SCAP ordered students and teachers to use ink to black out ultra-nationalistic and militaristic sections, but some textbooks were deemed completely unusable because of their content (Dower 1999). In the meantime, CIE rushed to publish new "stopgap" textbooks for courses beginning September 1946. These "stopgap" textbooks were intended to be used only for the 1946-47 school year since the contents were limited due to time constraints and lack of paper after the war (Kaigo 1966). Due to these constraints, CIE initially ordered the Ministry to compile textbooks as it had done before the war. SCAP provided the following guidelines for the new textbooks: (1) prohibition

of propaganda of any kind, (2) prohibition of militarism, ultranationalism, or propagation of shintoism, and (3) inclusion of economic, social, and cultural history (Nozaki 2008).

For the first several months of the occupation, the Ministry's Textbook Bureau worked to write and prepare the new history textbooks. SCAP was initially pleased with the manuscript because it included scientific accounts of the beginnings of Japan (Trainor 1983). However, the Textbook Bureau also included Japan's creation myth and stories of Japanese divine figures, which SCAP believed had contributed to Japan's pre-war ultranationalism (Thakur 1995). This led to the cancellation of the project in May 1946. After the cancellation of the Ministry's manuscript, CIE ordered the creation of a separate committee of writers of which SCAP had direct control over (Trainor 1983, Thakur 1995). The manuscript written by this committee was used for the 1946 school year and adopted as a "permanent" textbook until 1949 despite the initial intention to only use it for one year (Thakur 1995). This textbook would become the basis for following history textbooks.

The creation of a committee of writers marked a departure from SCAP's usual method of letting the Ministry handle orders. Previously, CIE gave instructions for the Ministry to enact, but because of the importance and sensitivity of creating a new history textbook, CIE oversaw the project itself (Thakur 1995). The CIE's committee was formed on May 21, 1946, and it was required to finish its manuscripts within one month of the committee's formation. During the writing process, CIE's Japanese employees examined the manuscripts daily (Nozaki 2008). Although the drafts had to be translated into English for CIE to correct and translated back into Japanese for the writers, the project was completed by the end of June 1946 (Thakur 1995). Leftist scholars and schoolteachers praised the project for creating a history textbook not written by the Ministry and for removing the Japanese creation myth from textbooks (Nozaki 2008). At the time, some scholars in Japan believed that this marked the end of Ministry control over textbooks (Nozaki 2008).

After "stopgap" textbooks were prepared for the 1946 school year, SCAP intended to

decentralize the textbook authorization process and involve more teachers. On February 26, 1947, CIE directed the Ministry of Education to form a textbook authorization committee by May that would include prefectural representatives and publication specialists (Thakur 1995). On March 20, 1947, the *Instruction Guidelines: General Guide | A Tentative Plan* was published by the Ministry of Education and CIE. This was a guide to help adjust to the new democratic and decentralized system that SCAP was promoting at the time. It stated that within certain goals and framework, schools and teachers should create educational content appropriate for their students and communities (Monbusho 1947). The teacher's authority in creating educational content was repeatedly emphasized and encouraged at this time despite the ongoing protests by leftist teachers' unions and SCAP's growing concerns about communist teachers.

On March 31, 1947, the Fundamental Law of Education and School Education Law were passed. Together these documents formed an "education constitution." The School Education Law Article 21 stated that school textbooks were to be screened by a "competent authority" (Beauchamp and Vardaman 1993). When the law was first passed, "competent authority" was interpreted as not only the Ministry but also the prefectural school boards (Nozaki 2008). This was a noticeable departure from Japan's pre-war system of state-authored textbooks, as teachers were encouraged to create and submit manuscripts for approval.

Even in the month preceding the 1947 general election, SCAP continued to publish legislation for the decentralization of textbook creation and authorization. Although the School Education Law was vague in defining "competent authority," other documents and orders by SCAP at the time suggest they considered prefectural school boards (Nozaki 2008). It is possible that SCAP was becoming worried about the communist movement among teachers and purposefully left this language vague to give them more room for change. However, up until the 1947 election, there was little evidence that SCAP was considering giving control of textbook

authorization to the Ministry rather than the teachers.

IV. April 1947 General Election

SCAP began to worry about communist influences on the teachers' union beginning with the 1946 May Day labor demonstrations. On May 1, 1946, labor unions held demonstrations in major cities across Japan with more than half a million demonstrators occupying the imperial palace plaza in Tokyo (Dower 1999). At the demonstrations, labor unions presented a manifesto that contained communist ideology. Following the demonstrations, there was unanimous agreement within SCAP that the unions were becoming too communist and socialist, but disagreement about how to curb the growing leftist movement (Dower 1999). Immediately after the May Day demonstrations, SCAP did not implement policies against the unions. However, on May 20, 1946, General MacArthur made a statement warning that "the growing tendency towards mass violence and physical processes of intimidation, under organized leadership, present a grave menace to the future development of Japan" (Dower 1999). In response, SCAP took a stronger stance against the labor unions. On January 30, 1947, General MacArthur canceled the February 1, 1947 general strike, marking a change in SCAP's treatment of unions. This shift in policy would later be extended to the education realm after the April 1947 general election.

Many argue this shift took place after the general election, not the 1946 May Day demonstrations or cancellation of the February 1947 general strike, citing evidence that SCAP still intended to give textbook authorization authority to teachers up until March 31, 1947. The May Day demonstrations began discussions within SCAP about how to handle Soviet influence over labor unions (Moore 1983). However, this did not lead to the centralization of education policy just yet. Similarly, the cancellation of the 1947 general strike did not lead to changes in SCAP's attitudes towards increasing teacher involvement in textbooks, possibly because of the involvement of many unions in the strike, not just the teachers' unions. Following the cancellation of the general strike, some members

of SCAP's labor division still argued that unions were key for a democratic country (Duke 1973). It is possible that SCAP believed cracking down on union strikes would quiet down the leftist activists among teachers. However, the 1947 General Election proved that leftist teachers would continue to mobilize politically.

The 1947 General Election was the first general election of the post-war period and the turning point for SCAP's textbook policy. The Japan Socialist Party (JSP) won 143 seats in the Lower House and 47 seats in the Upper House. The JSP formed a coalition with the Democratic Party, selecting JSP leader Tetsu Katayama as prime minister and Socialist scholar Moito Tatsuo as Minister of Education (Aspinall 2001). In this election, the JCP won only 4 seats, losing one seat from the 1946 Diet elections. Although the JCP lost a seat in the election, some of the elected officials were known communists that ran without the JCP's formal support (Aspinall 2001).

In the same election, left-wing teachers' unions won a total of thirteen seats in the Diet, eight in the upper house and five in the lower. Eleven of the candidates ran as JSP members, but two upper house candidates ran without any party backing. These two Upper House members were Hani Goro and Iwama Masao, leaders of the teachers' unions and known communist activists (Aspinall 2001, Thurston 1973). However, they ran their campaigns and entered the Diet without the formal support of the JCP (Duke 1973). Through this election, the teachers' unions proved their political influence in both the Diet and the streets, and they planned to use a two-pronged approach to gain their demands, which, over time, were less about wage increases and more about political ideology (Thurston 1973). This election crystallized SCAP's concerns that teachers were a growing threat to the democratization project.

SCAP's intolerance for teacher involvement following the 1947 general election was due to a culmination of increasing concerns about the teachers' union's connections with the Soviet Union and CCP and the capability of teachers to politically mobilize. The 1947 general election represented a dramatic turning point in SCAP's attitudes toward teacher authority.

V. *Textbook Authorization System After 1947 General Election*

Following the April 1947 General Elections, SCAP immediately amended its policies that had allowed greater teacher involvement in the textbook authorization process. The School Education Law was amended in May 1947 in the School Education Law Enforcement Regulations (Beauchamp 1987). Although this document was not an actual piece of legislation, the amendments were followed and several became permanent. Notably, it clarified the “competent authorities” in School Education Law Article 21 to be the Ministry of Education and not prefectural school boards as SCAP had originally intended (Beauchamp 1987).

One of SCAP’s primary concerns was about the politicization of teachers. SCAP officials believed that teachers were pushing their communist beliefs onto their students (Nishi 1982). This was exacerbated by the June 1947 joining of three teachers’ unions into the Japan Teachers Union (JTU), a union with Communist and Socialist leadership that claimed to represent 500,000 teachers across Japan (Smethurst 1967). The JCP controlled the communists within the JTU through its education, culture, and labor departments and was connected with the Soviet Union, CCP, and Workers’ Party (Duke 1973). Since 98% of elementary school teachers were a part of a union controlled by the JCP, SCAP was concerned that delegating authority to teachers would allow the education system to be overtaken by the JCP and as a result the CCP and Workers’ Party.

Although SCAP directed the Ministry to form a textbook authorization committee composed of prefectural representatives and publication specialists in February 1947, this committee was never formed. In its place, the Ministry eventually formed a committee with five commissioned examiners and sixteen Ministry-appointed committee members (Nozaki and Inokuchi 1998). The change in committee composition is most clearly explained as a reaction to the general election. Since the teachers’ unions proved their political mobilization capabilities in the election, opening up committee membership would have likely

allowed participation of Japanese left-wing activists, who were believed to be influenced by the CCP and Soviet Union. Decentralizing authority over textbooks would invite communist teachers to formally insert these narratives into public textbooks. To keep leftist activists out of the textbook authorization process, SCAP allowed the Ministry to appoint committee members through opaque processes. Efforts to decentralize and involve non-Ministry members into the authorization committee were abandoned once the political power and foreign connections of the left-wing teachers’ unions were shown.

In September 1947, the Ministry announced plans to form a textbook authorization system, and many committee meetings were held. The JTU sent several representatives to these meetings to push for a more decentralized process (Nozaki and Inokuchi 1998). However, SCAP and the Ministry of Education agreed on a centralized selection process that involved little input from teachers. In the spring of 1948, CIE gave the Ministry temporary textbook approval authority, and the Textbook Authorization Research Committee was formed with Ministry-appointed members (Thakur 1995). Through this system, anyone could write a textbook manuscript and submit it to the committee, but it would have to receive approval first from the Ministry’s committee and then from CIE. If CIE required corrections, the manuscript would have to be revised and resubmitted to the Ministry’s committee for approval (Nozaki and Inokuchi 1998). The committee had several guidelines for the authorization process, including that manuscripts should not contain anything that “disturbs the spirit of peace,” “distorts the truth,” or “is unsuitable for a textbook” (Fuchs et. al. 2017).

By August 1948, the Textbook Authorization Research Committee received 584 manuscripts to review, of which 60 were written by the JTU. The Ministry’s committee approved 418 manuscripts, but CIE approved only 90 out of the 418. Out of the JTU’s 60 manuscripts, the only one that passed the entire screening process was a music textbook (Duke 1972). The JTU argued the committee was purposefully rejecting the JTU and schoolteacher-authored manuscripts in favor of

textbooks that complied with the Ministry's preferred narrative (Nozaki 2008). In contrast, when the Ministry held textbook exhibitions with the approved textbooks on display for teachers to see, many teachers were excited by the "nongovernmental" textbooks (Tokutate 1995).

Before the 1947 general election, CIE intended for the textbook authorization committee to include prefectural representatives, and even after the general election CIE entertained the possibility of eventually involving prefectural representatives (Nozaki 2008). After the first prefectural school board elections were held, CIE soon abandoned this idea. On October 5, 1948, prefectural school board elections were held for the first time, and 77 out of 296 new board members were teachers sponsored by the JTU (Aspinall 2001). SCAP became worried about the politicization of school boards and the possibility of left-wing control of education administration (Aspinall 2001). Just as SCAP was concerned that foreign communist organizations could take advantage of Japan's budding political process through the teachers' unions, they were similarly worried about foreign communist influences in the prefectural school board elections. Even after the 1947 general election, SCAP considered reopening membership of the textbook authorization committee to prefectural representatives, but after the JTU's victories in the October 1948 school board elections, SCAP no longer called for the inclusion of prefectural representatives.

Notably, despite CIE's guidelines about the political neutrality of textbooks, the *Primer of Democracy* was published for high school and adult education use on October 30, 1948. The author Dr. Howard M. Bell wrote the social studies textbook with the explicit intention to indoctrinate students against communism and the Soviet Union. He emphasized that chapter eleven of the book was the most important, because it contained "the direct and deliberately caustic references to the Communist Party of Soviet Russia and its boss" (Nishi 1982). Some officials were concerned the textbook violated the Fundamental Law of Education Article 8, which stated that schools should not engage in political education against any political party (Beauchamp

and Vardamon 1993). However, CIE ultimately approved the textbook for publication to challenge the JTU's narrative of the Soviet Union and CCP (Nishi 1982). Although the JCP denounced the textbook for violating Article 8 of the Fundamental Law of Education, it was still published and used in classrooms (Nishi 1982). This instance shows that SCAP not only centralized the textbook authorization system to keep leftist teachers out of the process, but also used the system to promote its own anti-communist narrative despite objections based on SCAP's own policies.

Until July 1949, SCAP primarily took measures to keep the JTU out of educational policy making, but, in July 1949, it began a "Red Purge" of communist teachers. In the United States, professors and teachers with communist ties were being removed from universities and schools (Nishi 1982). This movement eventually came to Japan when Dr. Walter C. Eell began a nationwide lecture tour, where he stated that communist professors were unfit to teach (Kobayashi 1978). Initially, CIE said it did not support Dr. Eell's stance (Nishi 1982). However, during Dr. Eell's lecture circuit, tensions in Korea were rising. There were concerns that Japan would not be able to govern itself if SCAP focused its efforts on Korea precisely because of the presence of communists (Nishi 1982). As a result, the Red Purge began, and about 1,000 teachers, professors, and administrators were removed from educational institutions. Although the JTU's leadership was not touched, many of its low-level activists were removed from their positions (Nikkyoso 1987). During this crackdown, SCAP gave more control over textbooks and censorship to the Ministry to prepare for SCAP's eventual exit (Thakur 1995). Because the JTU was preoccupied with the Red Purge, it could not effectively mobilize and object to the Ministry gaining more control over textbooks (Thakur 1995). The purge's goals did not include ease of transferring of control of textbooks without backlash from the JTU, but it was a welcomed result.

In June 1949, the Ministry of Education implemented the Establishment Law of 1949, which established the Textbook Authorization and

Research Council. The law institutionalized the 1948 Textbook Authorization Research Committee without making structural changes in terms of membership. It made some changes in terms of the approval process, as manuscripts could now be approved subject to revisions. In 1950-51, the Council approved 412 and rejected 159 manuscripts. Of the 412, SCAP approved 195 without revisions, 142 with revisions, and rejected 75 manuscripts (Kaigo 1966). In the decade following the end of SCAP occupation, the conservative governments passed legislation to restrict the number of textbooks approved and gave the Ministry further control over the authorization system (Nozaki 2008). These policies followed the trajectory of centralization under SCAP and were often implemented in response to teachers promoting Communism. The postwar Japanese government followed the legacy of SCAP, resulting in the current system. This system of approving manuscripts subject to revision remains till today and it has arguably been abused by the Ministry to engage in historical revisionism.

VI. Conclusion

Unlike most other policies which began their reverse course in 1951, educational policy began its reverse course years earlier in 1947. Military and economic policies began their reverse course in response to concerns about growing communist influences abroad. Education policy began its reverse course in response to the growing domestic communist movement and its connections with foreign communist organizations. Like security policy, education policy changed to contain communist forces, but the communist forces were Japan's own teachers. Because of the particular circumstances immediately following World War II, teachers grew to be formidable ideological opposition to SCAP's democratization efforts. Due to Soviet influence over the teachers and their capabilities to gain legislative power, teachers' unions posed an existential threat to Japan's budding

democracy. In response to this threat, SCAP chose to centralize education rather than decentralize it as it originally intended. Specifically, SCAP did not want to allow Soviet influences to seep into Japanese textbooks, causing them to give textbook authorization authority to the Ministry instead of teachers. In some cases, SCAP even used the centralized system to publish anti-communist rhetoric that likely would not have been approved if teachers had control over the authorization system.

The centralized textbook authorization system was formed in response to concerns of communist-leaning teachers and the possibility of Soviet and Chinese influence on teachers. This system is still in place today. Over time, it has become even more opaque and centralized, and it has arguably inserted historical revisionism into textbooks, leaving Japan open to criticism from other nations. However, the Ministry avoids this criticism by arguing that it does not write the textbook, but only approves them. Yet, even under SCAP, this system was used to promote the preferred narratives of the authorizing committee. Following SCAP's example, without writing the textbooks themselves, the Ministry of Education has been able to control textbook content through the authorization system.

In its fight with the JTU, SCAP removed communist influence from textbooks, but it lost its original goal of removing nationalistic and militaristic narratives from textbooks. By giving authority over textbook authorization to the central government, SCAP has inadvertently allowed the Ministry to control textbook content. In the decades following SCAP's occupation, the Ministry has approved more nationalistic narratives. The intensity of nationalism in textbooks will not return to pre-war levels, but over time the authorization system has allowed for more historical revisionism. Nowadays, the idea of teacher involvement in Japan's textbook authorization process is unimaginable.

Table 1: Timeline of events with SCAP actions and teachers’ unions actions from October 1945 – June 1950

Dates	SCAP	Teachers’ unions
September 1945	SCAP occupation begins.	First unions are formed.
October 1945	SCAP begins its right-wing purge of teachers.	120,000 teachers are purged.
December 1945	SCAP passes the Trade Union Law.	Unions gain the right to form, the right to collectively bargain, and the right to strike.
May 1946	SCAP believes the Soviet Union wrote the labor unions’ May Day demonstration manifesto.	Teachers’ unions are involved in the May Day labor demonstrations.
January 1947	General MacArthur cancels the February 1947 general strike.y.	
February 1947	SCAP directs the Ministry of Education to create a textbook authorization committee made up of prefectural representatives and publication specialists.	
March 1947	Fundamental Law of Education and the School Education Law are passed.	
April 1947	The first postwar general election is held.	Teachers’ unions candidates win 13 seats in the Diet.
May 1947	School Education Law Enforcement Regulations are issued.	
June 1947		Zenkyokyo, Kyozenren, and Kyoso join together to form the Japan Teachers Union (JTU).
September 1947	Textbook Authorization Research Committee is announced.	The JTU sends representatives to take part in planning meetings.
October 1948	The first elections for prefectural school boards are held.	The JTU-sponsored candidates win 77 seats across the country.
June 1949	The Ministry of Education Establishment Law is enacted.	
July 1949	Red Purge begins.	Many low-level activists are removed, but top leadership remain.
October 1949	The Chinese Civil War ends and SCAP begins to turn its attention to Korea.	Red Purge ramps up, and many more activists are removed.
June 1950	The Korean War officially begins.	

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