

## “Japanese people” and “aliens” in the history of the establishment of the Constitution of Japan : Comparing U. S. human rights policies and the Japanese government’s actions

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### Summary

Since World War II, some foreigners in Japan have filed lawsuits to obtain Japanese nationality. Similar lawsuits were recently filed by Korean residents.

This paper will clarify the following points to consider the background of these trials.

First, we show the U. S. government’s views on the human rights of the people from former Japanese colonies before and after the occupation.

Second, the paper examines why the Japanese government stopped enfranchising the people from former Japanese colonies immediately before the Constitution of Japan was established, and studies the Japanese government’s political intention.

Third, the paper will consider why the foreigner protection clause in the GHQ draft of the Constitution of Japan was omitted.

Last, we also examine why people were not granted the right to choose their nationalities when the peace treaty was concluded between

Japan and 48 other countries in 1952 to officially end World War II.

By examining the arguments related to the above points, the paper makes some suggestions about the human rights theory for foreigners in Japan.