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論　文

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Assessing the Effectiveness of International Law in Anti-corruption Efforts: a Case Study of Nigeria

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Abstract

This thesis is about assessing international legal frameworks and determining how international law on anti-corruption efforts in Nigeria are effective or ineffective. The thesis engaged in process tracing methods to arrive at its conclusions. Three basic causal mechanisms-coercion, persuasion/ stigmatization, and cooperation- were engaged to ascertain the effectiveness of international law on anti-corruption efforts in Nigeria. For the three causal mechanisms to be evaluated, the executive and judicial arms of government were used as case studies to look at how public offices are corrupt. At the end, it was discovered that international law, at some point, proved effective in Nigeria but later did not. Furthermore, it was also found that international law was not effective domestically within Nigeria, but effective on corrupt Nigerians who were caught outside of Nigeria.

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Chapter 1: Introduction

Background to the Study

    Corruption is a practice that is not restricted to any human race, class, religion, or ethnic affiliations; it embodies disruptive and destructive consequences for societies and states, and these consequences are evident and well documented (Iyanda, 2012). It continues in contemporary times to ravage countries in which high levels of corruption exist. The construct and manifest representation of corruption is a term that has been variously defined. A streamlined and prevalent meaning approved by the World Bank, which maintains corruption as the misuse of people's authority for personal advantage (Gray and Kaufmann, 1998; Tanzi, 1998), will be utilized in the context of this study.

    It is well accepted by scholars that corruption in practice could hinder the development of society and lead to the deprivation of members of society. However, some scholars differ and posit that acts of corruption could trigger social advancements (Otite, 1986). This minority opinion contradicts the more popular opinions of the disruptive and destructive nature and consequences of corruption which has snowballed into a worldwide outcry and has coalesced into open calls for eradicating the scourge of corruption.

Corruption affects every facet of human existence where it is being practiced. According to the Office of the High Commissioner for Human Rights (OHCHR), corruption distorts policies and priorities, and undermines the firmness of institutions processes. It also leads to the failure, lack of community support, and confidence within government organizations because of the lack of authenticity from different regimes (OHCHR, n.d.). Mirzayev (2020) said that economies that are corrupt are not capable of prospering as compared to those that are not corrupt. According to Transparency International (TI), corruption affects us all. Also, it reiterates that corruption jeopardizes viable commercial growth, moral ideals, and fairness. Furthermore, corruption has the capacity to destabilize societies and jeopardizes the power of law (We are all affected, 2015). Furthermore, Independent Broad-based Anti-Corruption Commission (IBAC) (Impacts of Corruption, n.d.) opines that corruption harms and offends everyone within that community in which corruption is being perpetrated. The effect of corruption lives beyond the individual who commits it. Corruption makes citizens to lack confident in public officers in the capacity to act in their best interest. Corruption is rife in Nigeria and has inhibited social and political cohesion amongst its people. As a consequence of the rifeness of corruption in Nigeria, there has been an erosion of religious and cultural values, leaving social structures in tatters (Rotberg, 2009)

    Despite the overt social and political claims to religion(s) and an embrace of cultural heritages by Nigerians, acts of corruption have eroded Nigeria's traditional values leaving society too debased to reflect on the consequences of its actions and instead wholly accept the Machiavellian philosophy of "the end

justifying the mean" (End Justifies the Means in Machiavelli's Philosophy, 2012). This typifies the nature of corruption among government officials and their agents, and why international regulations do not appear to curtail the corruption's prevalence in Nigeria. As a practice, corruption is now deeply rooted in Nigeria.

Consequently, both the rulers and the citizens of Nigeria are gradually realizing the negative effect of corruption on the economy, social life, political life, as well as psychological constitution of the citizens (Ortiz-Ospina & Roser, 2016). However, it is clear to everyone that no country in the world is free and safe from corruption. The measure upon which corruption is based on are on the increase in the continent of Africa where there is high poverty and underdeveloped countries (Ortiz-Ospina & Roser, 2016).

TI defines corruption as involving "behavior on the part of officials in the public sector, whether politicians or civil servants, in which they improperly and unlawfully enrich themselves or those close to them, by the misuse of the public power entrusted to them" (Transparency International, 2018). This further definition of corruption provides an elaboration of the World Bank definition referenced at the outset because it goes to show that corruption is not only limited to the misappropriation of funds, but especially the misuse of power and privileges that accrues to a person by virtue of his position or office.

TI's 2019 CPI report repeatedly stated that Nigeria is corrupt based on the position that Nigeria received on the CPI. Nigeria's position was 146th on the corruption ranking over 180 (Adesoji, 2020). This ranking was based on specific criteria which included: the number of corrupt public officers, politicians, and willingness of countries to give and accept bribes in the area of procurements and embezzlement of government funds (Salisu, 2006).

The CPI assesses different countries internationally by assessing how corrupt a government is based on specific measures every year. These evaluations began in 1995, however Nigeria was not included until 1996. CPI has the mission of reducing corruption and increasing transparency, making governments accountable, and bringing leaders to a sense of integrity worldwide. To ascertain how corrupt a government is, survey is carried out by interviewing members of the public within different sectors (CPI, n.d.).

In true form, the serious concern attached to the practice and consequences of corruption from the perspective of the citizens is difficult to be described because, presently, corruption is a tedious problem in Nigeria due to the country's stigmatization as one of the most corrupt counties globally. According to TI, in the CPI report from 2014, more than 75% of the countries surveyed were below average in corruption ranking. As a matter of fact, some countries were in the scale of 0-50. These countries were tagged to be heavily corrupt. (New Telegraph Editorial, 2014).

According to CPI's 2019 report released by TI, Nigeria scored 26 out of 100 marks to be at the 146th position out of 180 surveyed countries, thus showing that Nigeria is one of the worst corrupt nations worldwide (Nigeria Corruption Index1996-2019, 2020).

Purpose of the Study

The purpose of this study is to explore how international law addresses the issue of corruption, and how international law has impacted domestic efforts to combat the scourge of corruption in Nigeria. The thesis therefore aims to contribute to existing scholarship in the

following ways:

- Provide a better understanding of how international law works
- Identify the level of corruption in the corridors of power in Nigeria
- Examine the place of international law against the fight corruption in Nigeria
- Evaluate the effect of international law mechanism on Nigeria's anti-corruption fight

Scope of the Study

The scope of this thesis focuses on the legal framework and application of international law on the management and prevention of corruption in Nigeria between 2007-2019.

The reason for choosing this time frame is because it marked the successful transition of power from a civilian government to another (from Chief Obasanjo to Alhaji Umaru Yar'Adua) with their commitment to fight corruption in all ramifications, and the contemporary civilian administration of President Muhammadu Buhari who unseated an incumbent President Goodluck Jonathan in 2015 on the populist appeal to fighting corruption. As such, we can explore how international law has worked in the context of two civilian administrations that had made appeals to fighting corruption

The intensification of the incidence of corruption within the timeframe and the overt recognition of its pernicious and pervasive consequences in the country makes the scope of the research more relevant. In 2016, Nigeria's CPI score was 28 out of 100 and declined to 26 out of 100 according to the 2019 report (Nigeria Corruption Index1996-2019, 2020). Thus, proving that over the past four years, corruption in Nigeria is on a steady incline.

Statement of the Problem and Research Questions

From the return of Nigeria to civil rule in 1999, various administrations established numerous institutions and designed numerous policies to fight corruption. These institutions have not functioned appropriately largely due to public perception and the national ethos of complacence which has resulted in the institutionalization of corruption in Nigeria.

Thus, in many countries in different continents, Nigerians were treated with suspicion and embarrassment and foreigners are wary of making Nigeria their investment destination. Government has made efforts to combat corruption, but these efforts are thwarted by corrupt individuals and institutions who do not want to see corruption diminished because of their benefit they receive.

It is believed that corruption is rampant in Nigeria so much so that public disapproval of it has gradually turned into tacit acquiescence and positive acceptance. This unfortunate and negative image therefore raises a potent question as when is Nigeria planning to get out of this swamp in which she is bogged down and join the comity of respected and dignified nations of the world? There is no better time to act than now to investigate the problem of corruption for the sake of the unborn generation.

Despite the several legislations and multiple institutions put in place to fight corruption, little result has been achieved. This has made people to lose hope in the government and its institutions' ability to get out of this difficult situation. The political and socio-economic damaging consequences of corruption have been so devastating that unless decisive steps are taken, the country might as well be doomed.

Therefore, the specific research questions that will be explored in this thesis are:

i. 1. How effective is international law on Nigerian's fight against corruption?

    2. Despite the preponderances of international legal instruments, has corruption diminished among government officials and government agencies?

ii. 3. How much has international legal and international frameworks impacted on Nigeria's anti-corruption efforts?

Questions 1 and 2 will be answered directly while question 3 will be subjected to hypothesis testing.

Research Hypotheses

- H_1: International law has impacted Nigeria's anti-corruption efforts as a result of the issue of linkages drawn by foreign governments (coercive model).

- H_2: International law has impacted Nigeria's anti-corruption efforts as a result of stigmatizing the practice of corruption (persuasive model).

- H_3: International law has impacted Nigeria's anti-corruption efforts as a result of cooperation with other states and international non-governmental organization (liberal model).

Methods and Research Design

The case study qualitative research method will be applied to this thesis. This method of qualitative research is appropriate because this research work will rely on documented real-life instances to buttress its stand points on the subject of corruption within Nigeria. The case study approach is "an empirical enquiry that investigates a contemporary phenomenon within its real-life context" (Atkinson, 2002, p. 10). Consequently, information is collected via published works such as books, conference papers, articles, online publications, and journals newspapers. The primary interests in these materials are as they relate to the issues of corruption, particularly as it concerns corruption in Nigeria.

According to Obasi (2000), secondary sources rely on information pieced together from documents. These documents may be printed and unprinted materials, about the events of government and NGO which is a significant channel of information for qualitative political analysis (Obasi, 2000). This type of data could be obtained easily even without the consent of the original owner or the creator of such documents. The advantages of secondary sources "are that it is economical, the cooperation of the individual about whom information is being sought is not required; thus, creating an analytical basis for establishing trend of events". (Obasi, 2000, p. 120).

Data Analysis

An aspect of content analysis, which is a qualitative descriptive analysis, will be adopted for this study. According to Asika (1991), "qualitative descriptive analysis essentially has to do with summarizing the data generated in the research" (p. 118). By doing this, it will be possible to process-trace how international has (or has not) impacted corruption in Nigeria and therefore identify causal mechanisms at work.

This research work is a non-experimental research, however to analyze the information, a qualitative descriptive analysis will be adopted from our sources on the efforts or actions of International Law and the application of its mechanisms – Coercion and Persuasion – in the fight against corruption in Nigeria. Qualitative descriptive analysis will therefore be used to identify causal pathways and causal mechanisms at work in order to explore how international

law matters, or fails to matter, in the Nigerian context.

Significance of the Study

This thesis has theoretical and feasible importance. The theoretical aspect of this study, by clarifying issues and facilitating understanding of the role International Law against corruption, will be a further contribution to the pool of knowledge and a source for additional research and inquiry on this topic.

Practically, the study will be of interest and immense benefit to scholars, international observers, as well as experts in International Law and International Relations in Africa specifically and Nigeria explicitly, on how best to tackle corruption from a new or already existing dimension.

This Chapter provided an introduction to the research. It outlined clearly established in the background to the study, followed by the purpose of the study that specified the aim and objectives of the research, and then the scope of the study which identified the time period that the research addressed. Next, was a statement of the problem of the study, which led to the research questions and the research hypotheses that will be used to validate the questions. Thereafter, the processes of data collection, evaluation of such data and the research design adopted were all established. Chapter 2 will focus on the literature review of scholars in line with my research with a view of filing academic gaps with keen attention given to the two case studies for this thesis. I will examine the theoretical framework that best suits this research. This is critical because it will make the reader understands from which point of view theoretically this research is borne.

Chapter 2: Literature Review

Introduction

In the last chapter, the background and scope of this study have been discussed. In this chapter, a literature review will be conducted, followed by the presentation of this thesis' theoretical framework. First, published works that deal with the issue of corruption as a phenomenon and some that are tangential to the topic are to be discussed alongside a conceptual clarification of the key terminologies, after which a theoretical outline for the examination of the study will also be executed to cumulatively give a clear outline and enhance the comprehension of the research work.

Review of Literature and Conceptual Clarification

Corruption is a conduct, which differs from the typical responsibilities of a public position and violates a moral code because of confidential rapport and individual benefit. This behaviour includes inducement, which is rewarded to change the pattern of behaviour of a person in a position to act in a manner they shouldn't have acted, had he not received the award (J. S. Nye in Heidenheimer *et al*, 1989).

Corruption is present in areas where there is a public office holder who is charged with a responsibility of trust. This office holder can be influenced by money or other rewards not provided for legally, in order for them to provide justice and thereby loose the public's trust and interest (Onuigbo, & Eme, 2015). Corrupt practices typically included payment of nonexistent workers, inflation of salaries and allowances of staff members, illegal variation of contact payments, fraud, bribery, manipulation of contract money by budget handlers, outright

payments for incomplete jobs, indiscriminate increase to paid workers, misappropriation of government funds by those who are supposed to handle government funds, and intentional creation of irregularities in accounting processes. (Onuigbo & Eme, 2015).

Corruption is also defined as "an arrangement that involves an exchange between two parties (the demander and the supplier) which (i) has an influence on the allocation of resources either immediately or in the future; and (ii) involves the use or abuse of public or collective responsibility for private ends" (Macrae, 1982, p. 678). Chiamogu and Chiamogu (2019) used the International Monetary Fund definition of corruption based upon Gurgen and Wolf's (2000) definition which stated that corruption is the "abuse of authority or trust for private benefit: and is a temptation indulged in not only by public officials but also by those in positions of trust or authority in private enterprises or non-profit organizations".

According to Nkom (1982), corruption is the convection of government funds and influences for private gains. In his views, the art of corruption entails bribery or use of illegal rewards to make people in leadership positions to act or decline from acting in such a way that the giver of the bribe will benefit. Furthermore, corruption includes misappropriation of funds and government resources for individual gains and nepotism (Nkom, 1982). More so, Doig (1996) stated that the act of corruption is the erroneous use of public office, resources, facilities for everyone to the benefit of the individual or personal interests. In his submission, corruption involves gross misconduct of public officers which is usually kept in the dark by a plethora of internal regulations (Doig, 1996).

From the submissions of Nkom (1982) and Doig (1996) it is clear and easy to find scholars referring to corruption as the deviation from what is normal and expected of a public office holder. Therefore, corruption includes misapplication, kickbacks, bribery, misappropriation, and the use of one's office to benefit himself. Thus, all transactions which deviates from what is normal and helps a public office holder to use the resources of government for his personal gains amounts to corruption.

According to Gibbons and Rowat (1976) corruption is political. He believes corruption is related to the method in which public officers abandon the interest of the public irrespective of the opinion of the masses, thereby amassing undue advantage to themselves at the detriment of the citizens. A more comprising meaning of corruption came from Akindele (1995), in which he states that corruption extends across social, political, morals, economics, and psychological aspects of the society.

Akindele (1995) opined corruption is idealistic, intellectual, cultural, and moral. On the other hand, a simple but all-embracing definition of corruption is seen happening as acquiring of funds that one is not entitled to (Salawu, 2007).

From the above there is a departure from what the public witness as the correct way of exchanging service on the part of everyone living within society. This suggests that corruption is viewed in different perspectives by different people- where when it serves their individual interest, it is acceptable but when the existence and actualization of the phenomenon results in a negative outcome for such persons, then corruption becomes reprehensible.

Similarly, like other social sciences concepts, corruption is arranged by concepts termed by Gallie (Fagbadebo, 2007) as extremely contestable. In other words, defining

corruption could be restricted, analyzed or attached. Onigu (1986) saw corruption as a total departure from integrity, sincerity and the acceptance of favour and bribery.

Corruption, like most concepts in the social sciences, is classified into the group of concepts described by Gallie as highly contestable concepts (Fagbadebo, 2007).

While all of the above definitions of corruption highlight different aspects of corruption, this thesis uses the World Bank definition of corruption because it provides a broad and inclusive terminology that captures much of what has been discussed above.

The Manifestations and Consequences of Corruption

Corruption comes with a high cost. The price could be political, economical, social, and/or environmental. Politically, corruption is an obstacle to civil rule and the upholding the law. In a civil system, government offices and institutions could lose their authority and importance when found guilty of corruption. A society that gives room for corruption to prevail endangers the people that citizens and the system to the growth of democracy. Nigeria's subscription to the ideals of democracy and the concomitant political leadership that emanates from it is unable to flourish in a corrupt atmosphere.

In the area of finances and economics, corruption can lead to a weakened and diminished national wealth. It threatens public resources needed to fund gargantuan and massively uneconomical, prominent projects such as hydro-electric and gas turbine power plants along with the siting of crude oil refineries in locations that are not strategically viable where they have to be supplied with pipelines that cost billions of naira to procure and install.

The money embezzled by public officers, if utilized for the collective good of the people in the area of infrastructure, could have led to a massive uptake in human development capitol. This growth in human development capitol will lead to economical growth and thereby attract foreign investors.

On the social aspect, citizens have no trust on leaders and institutions. This also includes political leaders, which they believe are unrepentantly corrupt. To compound the issues of the society, the populace has developed nonchalant attitude and hatred for the respect of government rules, thus making the society weak.

Environment is not left out. Environmental rules and regulations, which will make for better living conditions, have been abandoned by those who are to enforce them. This results into natural resources such as crude oil, organic and inorganic minerals being exploited and therefore effecting the health of the citizens. Ironically, it is those projects that are markedly destructive and environmentally unfriendly that are given special attention by the government because they are simple avenues of ripping of and tacking advantage of the society of what ought to benefit all.

Corruption and Bribery

According to the European Treaty Series - No. 173 (1999) from the Council of Europe's Criminal Law Convention as correlated to corruption signifies that, "possible definitions have been discussed for a number of years in different fora but it has not been possible for the international community to agree on a common definition. Instead, international fora have preferred to concentrate on the definition of certain forms of corruption" (p. 1).

The most popular form of corruption is

bribery since it well-established. However, it is not the only one. Although the tangible phrasing of the meaning varies marginally, bribery is commonly distinct as the act of collecting and/or receiving gratification from an individual or organization to act in a manner you ought not to have acted if the bribe was not given. A lot of international legal frameworks use the phrase "corruption" as heading even though they tend to focus mainly on bribery, and excluding the other elements involved in corruption.

According to Cheng and Zaum (2012), scholars are showing their uneasiness towards the generalized use of the term 'corruption' and thereby creating a divergent view by scholars. The dissonance amongst the scholars in the field of International Relations cannot agree upon the weight in which the definition should be measured. While some argue that the definition is simple, others argue that the definition is complication, thus causing the social problems. The issue of the social problem is that while some believe that corruption focuses on public office, which makes it difficult to be applied to corporate or government institutions, others argue that this will make corruption difficult to be fought in sectors that are not public.

Corruption and Nigerian Society

The consequences of corruption on all aspects of the Nigerian society from cultural to political and economic to environmental are all overwhelming. This has been a cog in the circle of Nigeria's progress, as is exemplified by the modern-day situation in Nigeria.

Since the return of democracy social networks like the media, have uncovered and made known to the general public, instances of corruption on high scales. This has not led to reduction in corruption practices but rather a steady incline (Okonkwo, 2018). It is sad to know that all aspects of the Nigerian society have been severely eroded by corruption.

The situation described above made Preye and Weleayam (2011), to suggest that Nigerians are discouraged by this situation, and therefore, refuse to believe that honesty and integrity are worth exhibiting. Preye and Weleayam's (2011) theory hinges on the attitude of Nigerians in public offices, towards handling resources under their care.

The majority of the populace or the followership is also guilty of acquiescence to the lure and filthy gains of the corruption, as most openly subscribe to this misdemeanor in as much as there is personal gain and no immediate sanction for such benefit no matter how grievous the cost. Thus, corruption is found in the family, in all levels of institutions of learning, worship and congregation centers, government established area, security and business centers, political cycles, communal gathers, age group organizations, employment cycles, and all other aspects of national life. The corruptions described above have shown an increase over the years. It is these realities that exist in the contemporary Nigerian nation-state, where the construct and manifestation of the phenomenon of corruption is considered as a way of life.

During all these branches of corruption, the most destructive of all is political corruption. This is because the politicians and political gladiators determine, to a large extent, what goes on in Nigeria. The politicians and political elites allocate appropriate funds to all areas where funds are needed in the community. These allocations and how they are managed is responsible for the corruption within the society.

Corruption in the Presidency and Federal Executive Council

The ultimate political and governmental

position in Nigeria is presidency which has been entangled with many forms of corruption. Chief Olusegun Obasanjo was engaged in some corrupt scandals during his eight-year Presidency administration. The celebrated case involving Alhaji Atiku Abubakar, former Vice President, was charged and prosecuted for his involvement and role played in the criminal activities regarding the Petroleum Technology Development Fund (PTDF).

Furthermore, Obasanjo acquired shares in Transcorp Corporation by using his presidential rank and authority. In addition, he also used his power to convince the financially privileged to construct a private presidential library in the capital of his home state, Abeokuta. Moreover, during his eight-year term, Obasanjo budgeted $16 billion to be used for power generation. Unfortunately, these funds have not been discovered and located since there is still a limited power supply throughout Nigeria.

Alhaji Umaru Musa Yar'Adua succeeded Chief Olusegun Obasanjo in 2007. Due to the incidence of his persistent ill health, which eventually resulted in his death in office in 2010, the administration of Umaru Yar'Adua recorded a cleaner bill in terms of the low incidence of corruption in the presidency, though the virus ran a devastating course in the presidency and by extension, severely depleted the national coffers due to the unpatriotic and wantonly profligate activities of the apparatchiks of government that cashed in on the opportunity presented by the medical indisposition of late President Umar Yar'Adua to line their pockets and fatten their accounts with public funds. The late Umaru Yar'Adua was also said to have surrendered to the power of corrupt politicians who wanted a former Economic and Financial Crimes Commission (EFCC) chairman, Nuhu Ribadu out of office on the ground that he was

obstructing their corrupt practices.

Just like Chief Obasanjo, the successor to Yar'Adua in the person of the easy-going and self-effacing Dr. Goodluck Jonathan was not left out of the polemics involving corruption. His administration was accused of various corrupt practices. He was said to have received a gift of a church building in his village from an Italian construction company. Many ministers under him such as the former Minister of Petroleum in the government, Mrs. Diezani Allison-Maduekwe, the former Aviation Minister, Princess Stella Adaeze Odua, and many others, were grossly accused of stealing billions of Naira.

Corruption in the Judiciary

The Nigerian judiciary has been entangled in an abundant amount of corrupt cases. If this is not checked it will bring the justice system and the justice administration to a standstill. Many judges and justices who were involved in the election petition tribunals became very rich and lived flamboyant lifestyles and display opulence which shows that they are not just millionaires, some people even have cause to believe that the higher ranking ones among them are billionaires.

It is worthy of note that election tribunals in Nigeria have become a source of illegal income and illegal revenue for judges who deliver justice based on the highest bidders. A close assessment of judges who have opportunities of presiding over or been members of election tribunals, reveals that most, at the conclusion of this crucial national assignment, suddenly become very wealthy beyond the known level of the remuneration of a sitting judge in the Nigerian judiciary.

The Nigerian judicial system is termed to be weak because of corruption. This is so because the judges are poorly remunerated. When such situations continue, the poor and

under privileges of society suffer from that weak judicial system. Again, there is absence of clear separation of power that exists between the judicial arm and the executive arm of government of Nigeria. This makes the later to exercise an undue advantage over the judiciary because the appointment of judges and the renumeration of judges and other official officers remain in the hands of the executives.

Lack of strong judicial system manifests unequitable, political, and economic distribution. This is responsible for the exercise of dominance of authority from larger ethnic groups over smaller ethnic groups.

For democracy to be sustained, a strong judicial system is imperative because it is generally accepted that the judiciary is the last hope of the civil populace in that the symbol of justice lies in the principle of rule of law which is premised on the acceptance of equality of all before the law. In the event of conflict, justice dispensed in the past is important in destroying the habits of oppression that has provided support for violence.

Nigeria and Anti-Corruption Statutes

A plethora of anti-corruption legislations exist in Nigeria at all levels of government. Both the Criminal Code and the Penal Code specifically prohibit, criminalize, and punish corruption and abuse of office. Other legislative efforts at curbing corruption are evidenced in the enactment of the following statutes (Alubo *et al* (eds.), 2009):

- Investigation of Assets (Public Officers and other Persons) Decree 1968;
- The Corrupt Practices Decree 1975;
- Public Officers (Special Provisions) Decree 1976;
- Miscellaneous Offence Act 1983;
- Recovery of Public Property Decree 1984;

- Bank Employees (Declaration of Assets) Decree 1986; and
- Promulgation of Mutual Assistance in Criminal Matters within the Commonwealth (Enactment and Enforcement) Act No 13 1988.

The legislations cited above were designed to make Nigeria domestic laws to have the force to fight corruption. The last legislation listed contains details on how to handle stolen proceeds recovered from the criminal. The National Drug Law Enforcement Agency (NDLEA) Act 1990 was the first promulgated law to deal with money laundering. Nigeria has a list of Acts for dealing with the corruption as it relates to domestic financial crimes. These Acts include:

- The Public Complaints Commission Act 1990;
- The Code of Conduct Bureau and Tribunal Act 1990;
- The Failed Bank (Recovery of Debts) and Financial Malpractices Act No. 18 of 1994;
- Failed Banks Act No. 16, of 1996;
- Foreign Exchange (Monitoring and Miscellaneous Provisions) Act 1995;
- Advanced Fees Fraud and other Related Offences Act No 13 of 1995;
- Banks and the Financial Institutions (Amendment) Act 2002;
- The Independent Corrupt Practices and Other Related Offences (ICPC) Act 2000; and
- Economic and Financial Crimes Commission (EFCC) Establishment Act 2004.

Even the Constitution of the Federation Republic of Nigeria 1999, in Chapter 2, Section 15 subsection 5 "The State shall abolish all corrupt practices and abuse of power" (Constitution of the Federal Republic of Nigeria,

1999). It is ironical, however, that regardless of the magnitude of available anti-corruption legislations in the country, corruption is yet to reduce in Nigeria. What is also worrisome is the fact that despite the apparent profusion and existence of corruption, statistics show an imaginably low rate of cases reported to the police.

African Instruments Against Corruption

As a continent, the plague of corruption has hit Africa hard. Widespread patterns of corruption can be tracked back to African colonial times, which displaced old methods of monitoring corruption in favour of colonial masters. A lot of anti-corruption initiatives are existent in Africa. The effectiveness of these initiatives is questionable because the continent is still worst hit of corruption as indicated by Transparency International (Transparency International, 2012).

On July 11, 2003 in Maputo, Mozambique, the African Union Convention on Preventing and Combating Corruption (AU Convention) was adopted and began operation around 2006. As of July 1, 2012, 45 states signed the Convention and 31 countries had ratified the Convention. A total of 11 Advisory Board members were to supervise and execute the implementation of the AU Convention. The main focus of the board is to set up its organizational structure since it was established in 2009.

An additional two-year period was provided for the Strategic Plan 2011-2015 for consolidation on building of the organizational efficiency of the AU Convention. In view of this, countries' reviews are not accepted but the Strategic Plan stated that the Advisory Board's role is that of strategic thinking. Monitoring is just one of the roles of the Advisory Board.

Drawing lessons from the UN is the 60s and 70s from the corruption discourse, which was correlated to the negotiations based on conduct for transnational corporations the Board has the role of collecting and analyzing information in order to conduct and review behavior of multi-national companies which are operational in the continent of Africa. The information analyzed was to be dispersed to national authorities (Amao, 2011).

It is apparent that activities of the Board will not imply a rigorous monitoring process such as the Group of States against Corruption (GRECO) or Organization for Economic Co-operation and Development (OECD) implementation procedures anywhere soon. A scholar has argued for the creation of an African Commission against Corruption, which would allow for pressure to be exerted on African leaders to probe cases of corruptions and which would be backed by UN investigators.

On August 14, 2001, the Southern African Development Community Protocol against Corruption (SADC Protocol, 2001) was enacted and became operational in 2005. The aim of the SADC Protocol is to cooperate states define corruption in order to enhance transnational boarder cooperation (SADC Protocol, 2001). This document deals with large numbers of corrupt issues, both in the private and government sectors (SADC Protocol, 2001). It also provides a clear list of decisions that states should "undertake" to prevent corruption (SADC Protocol, 2001). The Protocol was not efficient in its realization method. In order to be efficient, a committee was established in which individual states should report to bi-annually (SADC Protocol, 2001). It is sad to note that this mechanism has not been used.

On December 21, 2001, the Economic Community of West African States Protocol on the Fight against Corruption (ECOWAS Protocol)

was signed but has yet to be implemented and enforced. Similarly, to SADC Protocol, the ECOWAS Protocol has yet to be executed. The ECOWAS Protocol offers a variety of procedures such as conduct for government officials, governmental purchases, protection of those helping government fight corruption, NGO involvement and government officials' assets will be disclosed. Unlike the SADC Protocol, the ECOWAS also references freedom of press and the right to information. This is an uncommon and unique model of an anti-corruption system since it specifically mentions basic liberties and privileges.

International Anti-Corruption Statutes and Institutions

There is plethora of anti-corruption legislation at international level amongst which is the United Nations Convention Against Corruption 2004. This meeting demands the formation of anti-corruption agencies, lest they are already available, either as preventive anti-corruption body or as agents saddled with the responsibility of fight corruption through the engagement of law enforcement. The convention, which has addressed the negative impact of international corruption, is a remarkable law that is practical and provides for new methods for fighting corruption through international coexistence.

The above convention completely introduced new mechanisms that their leaders can make use of to rid their countries of corrupt practices and activities. On the aspect of preventive measures, the convention suggests that prevention of corruption is vital for making corrupt practices decline. Also, the convention advised leaders of countries to criminalize the most prevalent form of corruption in all sectors of the economy. In the same vain, the convention requires all member states who are signatory to the convention to return all illegal funds to the countries in which they were stolen (Holder, 2009).

Another international legislation is the United Nations General Assembly Model Treaty on Mutual Assistance in Criminal Matters. The treaty above was the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (approved by the General Assembly Resolution 40/32 of November 29, 1985) adopted on the case of Milan Plan of Action. The treaty stimulates that participates shall afford each other assistance on investigations or court actions in relation of infractions upon request when the matter under consideration falls within the jurisdiction of the party requesting for it.

The foregoing shows that corruption is a global menace deserving of global effort. According to one-time Attorney General of the United States of America, Eric Holder (2009):

> "We must work together to ensure that corrupt officials do not retain the illicit proceeds of their corruption. There is no gentle way to say it: when kleptocrats loot their nation's treasures, steal natural resources, and embezzle development aid, they condemn their nation, children to starvation and disease. In the face of this manifest injustice, asset recovery is a global imperative".

The United States is an example of a country that is determined to fight corruption globally and has shown commitment in ensuring and guaranteeing that corrupt heads of states do not escaped with stolen money from their countries by keeping it in the US (StAR, 2011). The US also ensures that leaders who keep stolen money in private vaults in the US, are prosecuted and the money is returned to their home country (StAR, 2011).

Also, the International Police Organization (INTERPOL), which is the only worldwide law enforcement agency, has been at the top of fighting corruption globally (Corruption, n.d.). The database of INTERPOL consists of details of suspected people who is presumed to have stolen money from their countries (Corruption, n.d.). Such information is used to initiate an action against them for the recovery of their stolen wealth.

The like of James Onanefe Ibori, the erstwhile Delta State Governor of Nigeria who fled the country when he was to be arrested for money laundering and corrupt enrichment and also had a case to answer in England, was fished out of his hiding place in United Arab Emirates (UAE) by INTERPOL. Following his arrest and deportation to the United Kingdom, he was subsequently tried and jailed for five years; if he had remained in Nigeria, he would have gone scot free.

Recently, multinational corporations are beginning to join a global movement to tackle corruption. The World Bank has been giving its unflinching support to the fight against corruption, after realizing that over 35% of the Bank's money spent on aid projects are lost through corruption (Ferguson, 2018). Transparency International, an international non-governmental organization (INGO) based in America with branches in over 70 countries is also taking an active part in the global participation against corruption as a crime.

In Europe, the Council of the European Union on Justice and Home Affairs is working on the belief that countries should actively pursue corruption as a crime against humanity and gross human rights violation. Across the globe, corruption is facing a serious and steady battle but in the words of Nuhu Ribadu, former EFCC boss, "when you fight corruption, it fights back" (FG Drops Charges Against Ribadu, 2010), reflects the resilience of the phenomenon by virtue of its beneficiaries who will stop at nothing, including having to maim or outrightly kill those who stand in their way in anti-corruption crusading. This shows that anti-corruption movement in Nigeria and anywhere else in the world is a herculean task.

Transparency International

Established in 1993 by a previous World Bank Director and headquartered in Berlin, Germany, INGO known as Transparency International (TI) has been a leading influence behind the universal fight against corruption. Its prominent corruption monitoring and correction means is the Corruption Perception Index (CPI).

The CPI rates countries using the apparent level of corruption, based on opinions carried out amongst, to a large extent, international businesspeople, and experts (mostly expatriates). A total of 144 Household Surveys have been concluded as of 2002. The perception of international businesspeople and experts do not seem to deviate substantially from that of the local population though they are not necessarily identical (Thompson and Shah, 2005).

Scholars in the field of corruption have disagreed that the standards by which TI carry out corruption rankings is not flawless because in their thinking, the outcome of the result may not reflect the true amount of corruption. In the same vain the information that CPI analyzes is received from various channels, which can possibly render the definitive rating obfuscated (Thompson and Shah, 2005). Every year the participating countries vary since the CPI ranking is based on adequate and efficient data. Unfortunately, the comparison amongst the country's yearly rankings is undependable given the variables used to compile the ranks.

Scholars from emerging states have kicked against the ways and methods in which CPI evaluates corruption rankings according to Western standards of corruption. According to this school of thoughts, the scoreboards only put countries of cultivating states against each other and do not help them to fight corruption. However, this scores from CPI are quoted by publications internationally to stigmatize the effected countries.

Additionally, TI also publishes a Bribe Payers Index (BPI) and a Global Corruption Barometer (GCB). While the GCB is only based on 90,000 household surveys, the number is insignificant as a fraction of a whole to ascertain an accurate result. The trivial and insufficient number of surveyed households makes the GCB more limited than the CPI. On the other hand, the BPI base its ranking on the number of companies that are perceived to have the capacity to give bribes abroad. The BPI survey is based on business owners who deal with international companies. This method of carrying out a survey that will label a country corrupt or not corrupt, is grossly unreliable.

Obtaining data for CPI and BPI is compiled in different means which include phone calls, emails, interviews, etc. The composite findings relate disproportionally to data for urban areas as compared to semi-rural and rural areas. Critics have argued that interviewing firms may lead to biased results, as firms will often minimize their willingness to pay bribes abroad when completing TI surveys.

In 2011 the Netherlands was ranked as the 7th corrupt country, out of the 183 countries evaluated. The GCB indicated that from all households surveyed, 2% admitted having paid a bribe in 2010 and 85% deemed the government's efforts to combat corruption to be ineffective. In addition, the GCB found that corporate businesses and the organized private sector were the most corrupt sector. Belgium received the 19th position in the 2011 CPI ranking.

Also worrying is the poor ranking on judicial independence, where for example Belgium is ranked as the 29th country out of 142. On the other hand, The Netherlands fares better with a 6th position. Enforcement of the OECD Convention by Belgian authorities is labeled moderate. The Netherlands received the same score of moderate enforcement, though the OECD reports concerning the Netherlands are more positive than those in Belgium. One study found that once criminal prosecutions on allegations of corrupt practices were instituted in the Netherlands, 9 out of 10 of such prosecutions led to a criminal conviction (de Graaf, 2007).

Applicability of International Treaties on Corruption in Nigeria

The Nigeria Constitution recognizes the place of International Law in regulating the activities of its citizens. Section 12 subsections 1 and 2 of the Constitution of the Federal Republic of Nigeria (1999) as amended provides that:

> "No treaty between the federation and other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly. The National Assembly may make laws for the federation or any part thereof with respect to matters not included in the Exclusive Legislative List for the purpose of implementing a treaty" (p. 23).

Nigeria is a dualist state by inclusion of the provision of Section 12 of the Nigeria Constitution. However, Nigeria has a notorious track record of endorsing or approving

international treaties and doing practically nothing to execute and fulfill them. Numerous international contracts are immobile in different ministries, department, and bureaus of the government all over the country.

Theoretical Framework

Having discussed corruption and its domestic and international legal context, we can now turn to how different theories of IR have explained the (in)effectiveness of intercontinental law as an instrument of domestic shift. The theories reviewed here reflect different causal pathways that can be found in the three hypotheses presented in Chapter 1. The first to be discussed here, liberalism, is embedded in our understandings of modern democracy. It is denoted by a prevalence of the term 'liberal democracy' in most western countries and other emerging democracies all around the world. Meiser (2018) avers that liberalism as a theory of IR is anchored on the notion of the inalienable rights of the individual to 'life, liberty and property' and these are the reasons for the existence of governments. This, therefore, prioritizes the well being of the individual as a pivot in determining a just political system. The preoccupation of the liberal approach to IR is the existence and (re)scrutiny of institutions that guarantee the freedom of the individual by curtailing the excesses of political power. The policy directions and activities of a state can have immense influence on the liberty of its citizens; the liberal theory therefore concerns itself with a holistic examination of governmental policies as it affects its citizens (both home and abroad).

Badie, Berg-Schlosser and Morlino (2011) posit that liberalism is advanced by the notions of "individual freedom, politics, participation, private property and equality of opportunity" (p.

1434). All these point towards a guarantee of the freedom of the individual in a polity governed by laws that are not inimical to the freedom of the entity. Badie, Berg-Schlosser and Morlino (2011) opined that the standard form of liberalism is denoted by a dedication to the following institutionalized norms:

> "citizens must possess judicial equality and other fundamental civil rights such as freedom of religion and the press, states effectively draw their sovereignty from a representative legislature who derive their authority from the electorate, the economy must rest on the recognition of the right to private enterprise including the right to ownership of property and private means of production and economic decisions should be predominated by forces of demand and supply and should be free from the control of bureaucracies". (p. 1434)

As a social school of thought, Liberalism postulates the notion of sovereignty amongst states; that a state is not subject to the mandate and power of another state nor should it be subject to internal authorities like monarchies, the military, or bureaucracies. The state should legitimately draw its authority from the powers bestowed on it by its citizens. Citizens are required to be free from arbitrary state powers; political freedom is a guarantee norm while constitutional democracy is advanced.

Liberalism also emphasizes the *cooperation* amongst states on dealing with issues collectively since no state can live in isolation. However, the sovereignty of states is not subjugated. International Law is seen as an instrument that can facilitate international cooperation and therefore law is viewed as impactful. Liberalism also helps shed light on the question of cooperation because it allows for us to explore how non-governmental actors matter

in international politics and how domestic interest groups can constitute state preferences (Moravcsik, 1997).

Liberalism's focus on inter-state cooperation perhaps provides a scaffold for better comprehending Nigeria's fight against corruption as seen in the cooperation enjoyed from the UK and UAE in the arrest, prosecution, conviction, jailing and repatriation of stolen money by James Ibori and Joshua Dariye. The details of this case are presented and explained in Chapter 3. In fact, if cooperation proves to be an effective mechanism to address corruption in Nigeria, then there will be empirical support for H_3.

The coercive model can be viewed as the realist model as IR realism sees the effectiveness of international law as a reflection of state power. Powerful states enforce the law on less powerful states (Morgenthau, Thompson, & Clinton, 2005). Here we would expect to see Nigeria's domestic anti-corruption efforts as largely occurring in response to external pressure, and in the absence of international pressure, we would expect to see less compliance with international legal frameworks on corruption. Basically, the theory of realism centers around power and security therefore, states continuously seek power and security because states exist on their own. This is so because states seek autonomy because other states are not trusted. Realism seeks to be equally self-reliant in a world that is hazardous because a friend today could be the worst enemy tomorrow. Realism advocates power or the use of force. The theory of realism is relevant to this paper because the use of coercion in the implementation of international law relies on the policy of state or international non-governmental organizations exercising its power on erring state in the compliance of agreed policies. This theory accounts for the USA attaching

conditions before the repatriation of the money stolen by Sani Abacha, a former Head of State of Nigeria. Similarly, in a recent corruption case involving a former governor of Abia State of Nigeria, Orji Uzor Kalu, was convicted by Court of Appeal to have allegedly stolen about 7 billion Naira and was sentenced to 13 years imprisonment. Kalu appealed the case and the Supreme Court discharged and acquitted him of his crime because there was no external force to ensure justice was served. The details of this case can be found in Chapter 3 of this thesis. It is clear that for anti-corruption law to be effective domestically, Nigeria needs the support of foreign authorities to have the willpower of enforcing anti-corruption laws because the country lacks the political will to bring to justice those who are corrupt. In a scenario in which a coercion model deems helpful in decreasing corruption in Nigeria, there would be backing for H_1.

The third model reflects assumptions drawn from IR constructivism (Finnemore & Sikkink, 1998). Here, it is assumed that rather than a reflection of power or international cooperation among a community of democratic states that international law matters because states can be persuaded into accepting new norms of behavior. Theys (2018) averts "that states can have multiple identities that are socially constructed through interaction with other actors" (p. 2). These identities influence states differently while small states focus on survival, big states focus on global dominance, politically, militarily, and economically. The main thrust of constructivism is that relations do not exist on their own because identities are changeable through interaction and communication. Constructivism argues that social practices lead to cooperation and therefore international politics is a social construct.

Here we would look to see whether transnational advocacy networks played a significant role. The theory of constructivism is relevant in this because it implores persuasion and shaming as ways of making states comply with international norms and behaviors. International non-governmental organizations such as TI and global institutions such as UN and its agencies use persuasion and stigmatization to influence states behaviors. This is a causal mechanism for the implementation of international law as discussed within this thesis. However, TI played a significant role in making Nigeria to establish anti-corruption agencies in 2001 and 2003, respectively, by consistently publishing how corrupt Nigeria is since 1996 to date. It is evident that persuasion played a vital role in Nigeria's fight against corruption which gives credence to H_2.

This chapter of the research concentrates on a detailed review of existing related literature as well as those that have inferential relationship with the topic of this study. A second and critical aspect of this chapter is an elaborate and comprehensive discussion of the framework for analysis of the research. Here, the theoretical framework is established using liberalism as a theory of international relations to set the basis for the discussion on the applicability of the principles of 'coercion, persuasion, and cooperation' under the instrumentality of international law as advanced by international governmental and international non-governmental organizations in the efforts at eradicating corruption in Nigeria.

The next chapter shall focus on the first case study, which is corruption in the executive arm of government of Nigeria.

Chapter 3: Corruption in Nigeria's Executive Arm of Government

Introduction

The previous chapter of this thesis focused on literature review and theoretical framework. However, this chapter shall explore critically corruption in the Nigeria's executive arm of government. The chapter presents cases of corruption of executive officers getting away with corruption domestically, but some being made to face consequences abroad for the same offenses for which the Nigerian judiciary had dismissed them.

Nigeria has adopted different measures in fighting corruption. These measures include efforts of government through law and traditional means which has been advocating public sectors reform in the area of procurement and financial management. Various administrators have enacted different laws and established various bureaus charged with fighting corruption.

Transparency and legal penalties are at the core and are crucially significant in the fight against corruption in Nigeria as it is elsewhere; however, more innovative, incisive and complementary approaches of holistic composition and operationalization are needed to foster a comprehensive paradigm and socio-psychological movement from the attitude of corruption to an attitude abhors corruption at all levels of societal positions.

Former Nigerian President, Chief Olusegun Obasanjo had presented a bill to the National Assembly tagged "The Prohibition and Punishment of Bribery, Corruption, And Other Related Offences Bill of 1999" during his term in office. While it is believed that the administration of Obasanjo actually initiated the first and most perilous shot at corruption,

the fight against corruption appears, to be more than in other administration, the major focus of the Muhammadu Buhari civilian regime since May 29, 2015, especially having featured as the major plank on which his other campaign promises rested.

The abuse of public office for individual gains, is generally accepted as the definition of corruption. In Nigeria, corruption is brazenly prevalent at all levels of government and other decentralized centres of government. Just as the area covered by corruption is wide, the definition, meaning and scope of corruption is also broadened to accommodate the misuse of offices for personal interests. It is basically the illegitimate use of public power or position to benefit a private interest (Morris, 1991; Uzochukwu, 2018).

Senior (2006) opined that corruption is an act to privately give goods or services to another, so that the giver can influence the receiver to benefit the giver from corrupt booties. Corruption encompasses the singular abuse of a government official in the way that embezzlement, misappropriation, cronyism and favouritism become part of a privileged public officer.

Corruption stance from all offices of government and sometimes even private offices, which could be petty or grand, and organized or unorganized. Corruption breads criminal activities which include fraud, stealing, extortion, and money laundering. The list is never ending. However, in order to understand the concept of corruption clearly, it is necessary to distinguished between crime and corruption analytically. While corruption is a crime within the framework of the *corpus juris* in Nigeria, the reverse is not necessarily so. Crime is thus wider than and encompasses corruption as a phenomenon. Globally, the single hindrance to economic and social development is corruption (The UNODC/NBS report on corruption, 2017).

Political corruption is the most rampant form of corruption within Nigeria. This kind of corruption is experienced when political offices responsible for making and implementing laws, are corrupt themselves beyond redemption. Political corruption also takes place when the executive and legislators make laws for the purposes of such laws benefiting them at the detriment and disadvantage of the masses. These laws effect the way decisions are made in a given country. It gives room for manipulation and distorts rules and processing of governmental institutions. It is the illegitimate use of bestowed authority for purposes other than what it is meant for.

Bureaucratic corruption on the other hand arises in public administration particularly at the execution of policies. This nature of corruption is sometimes referred to as 'petty' or 'low level' corruption. It is the kind of corruption that is confronted by citizens daily in public and private offices, which has become more or less routine and unconsciously accepted as 'normal' even though all the parties involved in it at every point in time know 'consciously' that it is wrong.

This 'obvious wrong' in local, state, regional and national bureaucratic dealings have become an inglorious aspect of the national character of the Nigerian citizen. However, it is more social class-specific because of its operational spectrum and key elements are situated in the policy execution levels of public, and in some cases, private organization administration. Indeed, it has been posited that poor in the society are most likely to be effected by corruption more than the privileged and elite, because the poor rely heavily on the social amenities provided to them by the government (Justesen & Bjørnskov, 2014).

Overview of Corruption in Nigeria's Government

Corruption in Nigeria began in the 1950s during colonial rule in the country, when the first committee of investigation was arranged to investigate the affairs of the African Continental Bank with relation to Dr. Nnamdi Azikiwe, who at this time was a Minister in the Eastern Region and was known to have had extensive business interest before he took up public office.

Azikiwe was suspected of abusing his status and therefore was investigated, found guilty of using public funds to sponsor the shares within a local bank. The investigation commission asked him to transfer the ownership of the bank to the eastern government of Nigeria (Nwankwo, 1999).

In the early 1960s, late Chief Obafemi Awolowo was investigated by the Commission of Inquiry to ascertain his relationship with a private property company outfit called National Investment and Property Company. This company alleged that the western government of Nigeria, headed by Awolowo, owed its £7,200:00 pounds. The Commission of Inquiry was settled with the responsibility of ascertaining the relationship between Awolowo and the company. In his ruling, Justice G. B. Coker found that Awolowo had interest in the company and was using the company to defraud the government. The properties of the entire company were taken over and controlled by the government and Awolowo was indicted.

In the administration of Gowon, Nigeria head of state from 1966-1975, corruption was on the increase. A classical case of corruption was experienced in the cement scandal of 1974, in which Nigeria placed order for cement from the United States, Romania, and Union of Soviet Socialist Republic (USSR). The price of cement was inflated by corrupted Nigerians.

A Commission of Inquiry was established to investigate the inflation of prices of the cement that was ordered. The panel found the permanent secretary and other workers of the Ministry of Defense guilty and therefore relieved of their duties, but criminal charges were never brought against them.

The government of Gowon was overthrown through a coup de 'tat in 1975 by General Murtala Mohammed on the grounds that the previous administration was corrupt with reckless abandonment on assumption of office as the head of state of Nigeria (Lawal & Tobi, 2006). He set up an investigative panel to probe the immediate past government's spending. Twelve governors and commissioners were invested by the panel out of which ten were found guilty and had their properties confiscated (Lawal & Tobi, 2006).

Upon the assassination of General Murtala Mohammed, General Olusegun Obasanjo became the head of state because he was the next in line. He ruled Nigeria from 1979-1983 (Lawal and Tobi, 2006). By 1983, he handed his power over to the first democratically elected government of Alhaji Shehu Shagari (Lawal & Tobi, 2006). Shagari's administration investigated Obasanjo's administration and found a total of ₦2.8 billion was kept in a private vault in the United Kingdom for three years(Lawal & Tobi, 2006). The interest on that money was shared amongst individuals. The panel, however, asked for the return of the said amount, which was returned without the interest (Lawal & Tobi, 2006).

The Shagari's administration was alleged to have been extremely corrupt because his administration depleted the external reserve of Nigeria indiscriminately (Lawal and Tobi, 2006). This according to Major-General Muhammadu Buhari, led to his overthrowing the government. The Buhari's administration came with a promise

of wiping out corruption in Nigeria completely (Lawal & Tobi, 2006). In order to achieve this, he instituted a disciplinary institution called War Against Indiscipline (WAI) (Lawal & Tobi, 2006). On assumption of office in 1984, Buhari set up tribunals to investigate both handlers of the federal and state governments (Lawal & Tobi, 2006). The tribunals found 51 politicians guilty and a refund order was placed on them to return their illegal wealth to the coffers of Nigeria's government (Lawal & Tobi, 2006).

On August 27, 1985 General Ibrahim Babangida toppled the administration of Buhari because according to Babangida, the anti-corruption crusade of Buhari showed no sign of commitment to fighting corruption. Instead, the regime plundered Nigeria further into corruption (Lawal & Tobi, 2006). Babangida ruled Nigeria for eight years. Lawal and Tobi (2006), explain that the regime of Babangida is the most characterized of corrupt practices in the history of Nigeria. Lawal and Tobi (2006) described Babangida's regime as "eight years of kleptocratic rule characterized by corrupt practices of different shades" (p. 646). Below are some of the highlights of General Babangida's corrupt practices:

- "$2 billion Gulf war windfall in 1991
- 30% of oil revenue directed to frivolous uses throughout the time
- Huge extra-budgetary spending: 1989 = ₦5.3 billion; 1990 = ₦23.4 billion; 1991 = ₦35 billion; 1992 = ₦44.2 billion; 1993 (by August) = ₦59 billion.
- $200 million siphoned from Aluminum Smelter project
- ₦400 million wasted on Better Life Project
- Colossal corruption at the NNPC; for example, $101 million for the purchase of strategic storage facilities" (Lawal &

Tobi, 2006, p. 646).

The Okigbo panel instituted by the General Sani Abacha junta that kicked out the feeble and tottering Interim Government contraption that was concocted by General Babangida when he 'stepped aside' on August 27, 1993 following the self-inflicted crisis of the termination of the June 12, 1993 elections. The panel implicated him and the Central Bank Governor of flippant and criminal expending. The Abacha junta then earned the inglorious reputation of trying to 'out steal and surpass the corruption record' of the previous military regimes. Babangida was alleged to have embezzled $1.13 billion and £413 million British sterling, in addition to the $386.2 million swindled from overestimated contracts (Fagbadebo, 2007).

The replacement regime of General Abdulsalami Abubakar, which was sworn in to pilot the affairs of the country following the sudden and inexplicable death of the maximum dictator, General Sani Abacha on June 8, 1998 cannot equally be pardoned of sleaze (Amzee, 2015). A panel of inquiry led by Christopher Kolade to review government expenses related to contracts, licenses and appointments under Abacha administration found astonishing results of corruption (Amzee, 2015).

The panel's report revealed that over 4000 contracts, over 570 licenses, over 800 appointments, over 760 awards and over 100 approvals were made in a duration of five months of the regime's tenure (Amzee, 2015). All of these contracts, licenses and appointments ran foul of the budget (Amzee, 2015). This simply means that some individuals siphoned billions of Naira. Again, the panel revealed that the foreign reserve of Nigeria which was $7.6 billion in 1998 was depleted to $3.8 billion by May 1999 (Amzee, 2015).

The panel submitted that the 4072

contracts cost the country ₦635.62 billion as against ₦88 billion budgeted for in 1998 budget. The panel also revealed the depletion of the foreign reserve which, as at the end of 1998 stood at $7.6 billion, but shrank to $3.8 billion dollar by May 1999 (Amzee, 2015).

The Fourth Republic, which was instituted with the handover of power by the military regime of General Abdusalami Abubakar to the civilian administration of Chief Olusegun Obasanjo on May 29, 1999 "has also been bedeviled by all kinds of social vices, particularly perjury and corruption. These include bribes for budget approval by the National Assembly, payment of huge amount of money before being confirmed as ministerial nominees by the legislators, outright embezzlement and looting of public funds and the use of excessive money during election campaigns, etc." (Obasanjo, 1999).

The legislative arm of government is not left out in the issue of corruption. The corruption of the law makers ranges from certificate forgery to actual collection of money in exchange of favours. The case of the speaker of the lower chambers (House of Representatives) of the national assembly, Alhaji Salisu Buhari, is a good example (Amzee, 2015). He was removed out of office on the grounds of certificate forgery. The upper chambers (House of Senate) is also not left out. The former senate president, Chuba Okadigbo, was removed out of office for awarding contracts to show signs of favouritism to those who were loyal to him (Amzee, 2015). His Deputy, Haruna Abubakar, was also guilty of spending large sums of money to celebrate Sallah (a yearly Muslim celebration) which he could not account for the source (Amzee, 2015).

Adolphus Wabara who took over Okadigbo as the Senate President was impeached because he collected ₦55 million bribe from the former minister of education, Prof. Fabian Osuji, to inflate the education budget (Amzee, 2015). The minister was also sacked by the administration of Obasanjo (Amzee, 2015).

Tafa Balogun was alleged to have collected ₦250 million from Dr. Chinwoke Mbadinuju (former governor of Anambra Slate) to cover up a case murder of a chairman of the Nigerian Bar Association (Anambra State) Chapter and his wife. Also, over ₦17 billion was retrieved from Balogun by the Economic and Financial Crimes Commission (EFCC) (Amzee, 2015). Although he was arrested, he was never really punished for his many offences.

Former governors such as Danjuma Goje, Gbenga Daniel and Alao Akala were just apprehended by the EFCC for corruption. Goje was accused of fraud up to the tune of ₦37.9 billion in loans taken from different banks which defrayment was supposed to last until 2015 (Bamidele, 2011). Alao Akala who governed Oyo State was indicted for fraud amounting to ₦25 billion, while Daniel was accused of misappropriating ₦58 billion (Bamidele, 2011).

It can de deduced from the foregoing that despite the existence and knowledge of international statutes against corruption, it still remains the bane of development of Nigeria, especially in the realm of politics as the arena is seen as a money making venture for public office holders and their cronies to accumulate prosperity at the sacrifice of the state and its inhabitants. However, of relevance are cases of corruption where international law interacted with domestic laws to punish the corrupt. The cases below have such linkages.

Cooperation between Nigeria and various international countries and organizations led to the some of the findings and reclamation of endowments and belongings to the Nigerian people. Of important notice is the agreement

reached between the Nigerian government and the UK in 2006. The MoU between both countries state, "criminal assets stolen in Nigeria and seized in the UK or within its jurisdictions, are to be repatriated to Nigeria" (Goodwill, 2016). Signing the agreement, Robert Goodwill, the then UK immigration minister stated that:

> "Crimes of this sort are not confined to our own borders and it is therefore essential that we work with international partners to tackle it. This agreement spells out how the UK and Nigeria will ensure that criminal finances that have been misappropriated from Nigeria will be returned for the benefit of the Nigerian people".

With its creation of the Global Forum for Asset Recovery, the UK has contributed immensely to Nigeria's fight for the repatriation of stolen assets and monies that should have largely benefited the Nigerian people.

This led to the recovering of assets illegally acquired by Joshua Dariye, former governor of Plateau state, Nigeria. Mr. Dariye was forced to return $250,000 USD to the coffers of Plateau state. He has also been sentenced by a Nigerian court and condemned to serve 14 years in jail after evidence were made available to the Nigerian government by the UK of Mr. Dariye's illegal acquisition of assets. A further $2.8 M USD of Mr. Dariye's illegal acquisition has been frozen by a court in the UK and it is expected to be repatriated to Nigeria once legal hurdles have been cleared.

Also, ex-governor of Delta State, Mr. James Ibori, has been investigated by the UK police and sentenced to 13 years in jail by a local judge in London for siphoning public finances as a governor of his state from 1999 to 2007. According to PremiumTimesNG.com, an online newspaper, Ibori was sentenced for stealing at least $250 million US dollars of Delta State's

public funds while he was governor for eight years (Premium Times, 2015). The conviction of James Ibori in London became a landmark case because he was the very first governor of Nigeria to be jailed for corruption. This was possible because of the cooperation between Nigeria and the UK governments. Had the case been tried in Nigeria, chances are he would not have been convicted. The recent case of Orji Uzor Kalu supports the fact that Nigerian courts are not capable of convicting political big wings. On Friday, May 8, 2020 the Supreme Court of Nigeria nullified his sentence to serve 12 years for corrupt practices and laundering money. As a governor, he was convicted and sentenced with others for purportedly robbing his state of public funds worth N7.1 billion, on December 5, 2019. This trial lasted for 12 years. However, his sentence was nullified by Supreme Court on the premise that the trial judge Justice Mohammed Idris who handed down the judgment, lacked the power to give the verdict based on the fact that he was already promoted from a high court Judge to Justice of the appeal court (Adesomoju, 2018). The nullification by the Supreme Court is not based on the principle that he is not corrupt, but that the trial Judge lacks power because he has been promoted. In a well-developed judicial system, such as the UK, politicians are unable to get away with corrupt activities such as laundering. Whereas in Nigeria, in which political trials concerning the same or similar crimes are committed, politicians are excused or dismissed. James Ibori was convicted because his trial did not take place in Nigeria, unlike Orji Uzor Kalu.

Therefore, as we can see from Dariye's case, international cooperation proved effective through supportive efforts of states or international non-governmental organizations. These efforts helped the Nigerian government to access the stolen funds of Dariye from the UK.

The late General Sani Abacha, former head of Nigeria, ruled for six years and is alleged to have been the most corrupt leader in Nigeria (How British Banks are Complicit in Nigerian Corruption, 2010). He recklessly laundered over one trillion dollars to different banks in the UK, Switzerland, United States, and others (How British Banks are Complicit in Nigerian Corruption, 2010). Following the Abacha scandal, Nigeria improved on its anti-corruption efforts to gain political relevance within and outside Africa. This effort was birthed because of pressure (persuasion) from the Financial Action Task Force (FATF), which establishes the universal rules related to anti-money laundering, and Transparency International (TI), which is saddled with the responsibility of combating global corruption through stigmatization. In 2001, Nigeria was enlisted on the FATF list of countries not conforming to the standards of FATF. As a result, Nigeria had a terrible global image (How British Banks are Complicit in Nigerian Corruption, 2010).

The pressure of FATF and TI on Nigeria led to the formation of an anti-corruption institute called the Economic and Financial Crimes Commission (EFCC) and Independent Corrupt Practices and Other Related Matters Commission (ICPC). These institutes' obligations and duties of fighting corruption within and surrounding Nigeria comes with a heavy burden and responsibility. Nigeria was eliminated from FATF list in 2006 because of the establishment of anti-corruption institutes.

The persuasion by FATF and TI led to the establishment EFCC and ICPC. In Nigeria's history, this was the first time a conscientious effort was made to fight corruption truthfully.

International organizations and countries do not only limit themselves to cooperating with countries in need of repatriated funds or loans, but also go ahead to subtly (or otherwise) persuade these countries to do their bidding before much needed funds are released. The debt-trap diplomacy that is often attributed to China has come to be applied by the International Monetary Fund (IMF) in a less intrusive manner. The conditions that IMF spelt out for granting Nigeria's COVID-19 emergency relief loan request suggest that the IMF covertly disregards Nigeria's economic independence. In April 2020, the IMF approved a 'contributory loan' request for Nigeria to the tune of $3.5 B USD, through its definition and specification of terms, it will forcefully persuade the government to agree to its conditions. Overtime, the IMF has persuaded the federal government of Nigeria to remove fuel subsidies and increase electricity tariffs, these loan-granting conditions have continuously been considered by many as a way of making Nigeria do the right thing hence government officials enrich themselves through fuel subsidies. The IMF and its sister organization, The World Bank, are seen by most Nigerians as international symbols of observers helping to shape the decisions of the Nigerian government.

The conditions attached by the US on the return of looted funds to Nigeria succinctly suggest that Nigerian leaders are not trusted to efficiently manage the funds. General Sani Abacha (deceased) once ruled Nigeria with an iron fist and stashed in western banks assets belonging to Nigeria under his family name. His demise revealed a plethora of information on the extent to which he and his colleagues and associates looted and robbed the resources of Nigeria leading to successive democratic governments in Nigeria requesting that the monies be returned. The US has tied the return of $3.07 M USD to Nigeria's investing the money in three major projects that span the three major sub regions of Nigeria. These projects include;

the completion of the Lagos-Ibadan express way, stationed in the western part of Nigeria, the construction of a second Niger bridge (eastern Nigeria) and the completion of the Abuja-Kano road (northern Nigeria) (Ajeluorou *et al*, 2020). The concerns of the US are stem from claims of massive corruption in the Nigerian government and its intentions are seen laudable. The financial institutions who accepted the funds from Abacha and his cronies may be perceived to have aided and abetted in the act of corruption by not carrying out due diligence to know the origins of the funds. However, the US placing conditions for the release of the funds is coercising the Nigeria government against embezzling the funds again. Therefore, this act should be seen as an agent of cooperation and development.

Adopting a historical and analytical approach, Chapter 3 explores the evolution of corruption in the executive arm of government in Nigeria, commencing from way back in the colonial era long before Nigeria set out on the path of self-determination. It will be established in this chapter that corruption as a phenomenon bedeviling the realm is deep-entrenched in the formative nucleus of all administrations that have governed the country – be they civilian or military – and that in such situation, it will be very difficult if not almost impossible, to eradicate the scourge from the national ethos and management of the polity.

The chapter also examines a few cases of corruption of executive officers of Nigeria and how the judiciary allows them to get away with their crimes. The cases of former governors James Ibori and Joshua Dariye were different because they were tired in the UK. These cases proved the efficiency of international law being the best law fighting corruption in Nigeria because the laws of Nigeria are weak and there

is no willingness on the part of law makers and the handlers of Nigeria to amend the laws because it favors them. In the chapter, the hypothesis was clearly proven with cases that clearly support these claims.

The upcoming chapter will examine the judiciary of Nigeria and explore the corrupt activities that exist in this arm.

Chapter 4: Corruption in Nigeria - The Case of The Judiciary

Introduction

The previous chapter explored the executive arm of government of Nigeria and critically examined the corrupt practices that exists in that arm. This chapter shall explore the corruption that exists in the judiciary which makes conviction of corrupt officers almost impossible in Nigeria.

The judiciary is made up of a judicial system which comprises of judges, magistrates, registrars, bailiffs, lawyers and other officers who are assigned the task of ensuring a smooth operation of the courts, resolution of conflicts and disputes, and an unhindered dispensation of justice. A judicial officer, as a member of the judiciary, must always be seen to uphold the law and be objective in the contribution to the dispensation of justice.

In any democratic dispensation where there is the rule of law, it is the responsibility of the judicial officer to decipher and translate the constitution and other laws in order to retain and sustain order and law. Consequently, the credibility of a political system is usually assessed based on the extent to which the judicial arm can hold the 'scale of justice' over and above the other arms of government.

The relevance of an autonomous and knowledgeable judicial system that is impartial,

efficient, and reliable cannot then be over-emphasized. This requires a strict compliance with objective criteria for the employment and sacking of judges and other judicial officers at all levels, sufficient pay, guarantee of tenure and freedom from interference by both the executive and legislative arms of government both in direct and indirect terms. This is in realization of the trite fact that unless the judiciary is independent, it will neither be able to pass judgments impartially, nor defend the citizens against wrongful use of power by an unpopular administration.

To be specific, the challenges of corruption in this arm of government that is to uphold the rule of law is manifest in the allegations that patently corrupt and incapable persons are routinely appointed into the superior courts, as a result of which they have caused significant damage to the dignity and image of the judiciary by their conduct and judicial pronouncements.

In the recent past – that is about two years till date in this current civilian administration, the media has been awash with news of arrests and prosecution of judges accused of corruption and receiving of bribes and other favours, especially in the course of adjudication of high profile cases such as election petitions, corruption cases, and the trial of other politically exposed litigants, etc.

Overview of Corruption in Nigeria's Judiciary

It is noteworthy that allegations of corruption against judicial officers, especially when substantiated, strikes at the very root of Nigerian democracy since the judiciary is saddled with the duties of preserving the rule of law and carrying out the task of dispensation of justice. The management of justice makes the public to detest corruption, while making judicial determinations and decisions. The

result as reported by the National Bureau of Statistics (NBS, 2017) is that "not many of the businesspeople turned to the justice system to resolve their disputes anyway".

Data from Transparency International (TI) and other non-governmental organizations – be they local, regional, national, or international – suggest that corruption in the judiciary is indeed predominant in Nigeria and has been institutionalized. Thus, some judges could use discretion to either allow or exclude evidence that is relevant in a case having in mind to justify the guilt or acquittal of a potential criminal. Staff of the judiciary may manipulate records in order obfuscate a case in which interest has been expressed. This has led to very embarrassing situations, such as the conviction of former Governor of Delta State, James Ibori, by a UK court – having been acquitted by a Nigerian Court eight years prior to the conviction (FG To Re-open Ex-Governor Ibori's Case, 2017).

TI has equally noted that in states like Nigeria, in which the prosecution has a near autonomy of making criminal cases before the court, a questionable law officer can or may effectively protect an accused person by blocking off all avenues for prosecution. Classic examples include the curious and sudden withdrawal of all allegations against Nuhu Ribadu, a one-time Chairman of EFCC, at the Code of Conduct Bureau (CCB) by the then Minister of Justice on issues that bordered on assets declaration (FG Drops Charges Against Ribadu, 2010).

Another celebrated case that experienced the sudden abandonment of all corruption charges is that against the present Emir of Kano, Sanusi Lamido Sanusi, by the Federal Government the moment he was crowned Emir in 2014, in reaction to which the former Sanusi – the former Central Bank Governor

– withdrew the suit he had filed against the Federal Government at the National Industrial Court over his 'unlawful suspension' from office as CBN Governor (Sanusi's Suspension, 2014).

Before then, the National Bureau of Statistics had published the first Crime and Corruption Survey on July 1, 2010 in Abuja (NBS, 2017). In that survey it was reported that the businessmen and businesswomen in Nigeria, were deeply involved in corruption. By extension, it was equally found out that judicial corruption frustrates businesses. While the executive has set up anti-graft agencies such as ICPC and EFCC to assist in stamping out this menace, most of the cases that are taken to court by these agencies equally suffer undue delays that make success a mirage.

Another major problem that has encouraged judicial corruption in Nigeria is the obvious weakness of the National Judicial Council (NJC) agency which is provided for under the enabling law. A cursory examination of Paragraph 20 of the Third Schedule to the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and which is the enabling law on the basis of which the NJC was created, would reveal that the appointment of senior judicial officers, members of judicial council, and the determination of their tenure in office are all at the discretion of the Chief Justice of the Federation. This makes judicial officers vulnerable and loyal to the Chief Justice of the Federation. This accounts for a huge corruption in the judiciary.

Given the enormity of such powers, there is a strong likelihood of its abuse by a sitting Chief Justice at any point in time, who may use such position in pursuit of a corrupt or personal agenda, and instances like that have been noted in Nigeria. Thus, the provision of paragraph 20 of the third schedule of the 1999 Constitution as

amended has made successive Chief Justice of Nigeria (CJN) to exploit and manipulate the NJC to suit their selfish interest instead of dispensing justice.

This is the disadvantage of having a serving head of an institution as the head of its disciplinary body. This arrangement is subject to a high likelihood of abuse, except serious consideration is given made to separate the disciplinary position from administrative position as witnessed with the Nigerian Police Service Commission and the Civil Service Commission which have separate directors from the heads of the institutions.

Arguments abound that the CJN, President of the Court of Appeal, Chief Judges of State Courts, Federal Courts, Retired Supreme Court, Court of Appeal Justice, and Nigerian Bar Association (NBA) provided their tenure is predetermined and secured should be compulsory members of the NJC.

Equally worrisome is the requirement that the anti-graft agencies cannot prosecute an erring judicial officer unless he has already been sanctioned by the National Judicial Council. This has generated profoundly serious controversies and has indeed been a subject of litigation in some instances. On December 11, 2017 a landmark judgement was delivered on the exclusive power of the NJC to investigate cases regarding an erring seven officer of the judiciary indicates the court interpreted Section 158 of the 1999 Constitution of Nigeria as amended and upheld that such judicial officer, who runs foul of law, must first be found wanting and relieved of his position as an officer of the judiciary by the NJC before appearing before of a court competent jurisdiction for prosecution.

The Court of Appeal justifies its position on the doctrine of separation of power by suggesting that the judicial arm of government

be promised guaranteed autonomy. In the absence of independence, the judiciary will be stripped of its powers to operate. Since the NJC established to insulate the judiciary from external persuasion, it must therefore be given free opportunities to discharge its duties without undue pressure from other branches of the government.

This does not however relieve the Judiciary and its officers of the duty of accountability as being accountable is important for the independence of the judiciary. This is predicated on the insight that the accepted and practiced tradition of judicial independence, as expected in a democratic system of government, depends essentially on the support judiciary enjoys from the public no matter the judgement they provide (Burbank, 2009).

In this case, the Court specifically made the following pronouncements among others:

"whenever a breach of Judicial Oath occurs, it is a misconduct itself, and the NJC is the appropriate body to investigate such breaches by the judicial officer and if found to be so, such judicial officer shall face disciplinary action and the NJC may recommend the removal of such a judicial officer to the appropriate authority, which is either the President – in the case of a Federal Judicial Officer or the Governor of the state in the case of a State judicial officer – and/or take other actions appropriately" (FGN V CJN, 2019).

The above dictum of the court makes it clear that a judicial officer can be made accountable for his wrongdoing after he or she has been stripped of their position by the NJC. The relevant agency of government saddled with the responsibility of enforcing law is a liberty to arrest and make the judicial officer account for his sins. The court went further to say that

any agency that does not follow these laid down rules of prosecuting a judicial officer denies the NJC its powers to first sack before such an officer is prosecuted.

Quite frankly, this judgement drew divergent reactions from the public. Some, inclusive of EFCC faulted the court's judgement because they presumed that the court conferred immunity on judges. Others praised the court and emphasized that it will strengthen democratic rules. Nigeria practices democratic, presidential system of government patented after the US. The judgement above guarantees the independence of the judiciary as political interference on judicial matters will destroy a nation even faster than corruption (Nwosu, 2018).

In an article titled 'Guarding the Guardians: Judicial Council And Judicial Independence', published in the *American Journal of Comparative Law*, Garoupa and Ginsburg (2008) stated that Judicial Councils is a group that is established to accommodate appointing, promoting and discipline judicial officers from participating in political processes while also being accountable. The whole essence of the council for is for members to manage its affairs as against being controlled politically. The reason for the creation of the council was to ensure the independence of judiciary after a long period of military rule. In order to guarantee judiciary independence, therefore, lots of countries globally enshrined judicial council in their constitution. Despite its laudable advantages, the article however found out that there is little connection between Judicial Councils and quality of powers held and exercised by the different arms of government in a state (Garoupa & Ginsburg, 2008).

In the Nigerian scenario, one major criticism brought against the judgment of the Court

of Appeal as referred to above is that the judgement seeks to confer immunity on judges contrary to the provisions of Section 308 of the 1999 Constitution of Nigeria (as amended). The Constitution confers immunity on the President, Vice President, Governors and Deputy Governors only. Judges are not, in anyway, provided immunity by the Constitution.

It has however been contended that the NJC should emerge and tackle the challenge brought upon by critics of the Court of Appeal's judgement, who believe that the judgment runs foul of the Constitution (FG Drops Charges Against Ribadu, 2017). If the agency believes in the sanctity of the Constitution and in the principle of separation of power, the agency should stand up against the decision of the Court of Appeal.

Corruption Cases in Nigeria's Judiciary

In order to understand the issue that is being discussed, an examination of some corruption cases shall be looked into. On May 21, 2015, a Senior Advocate of Nigeria (SAN), Kunle Kalejaiye, was relieved of his position and equally disciplined by the Legal Practitioners' Disciplinary Committee (LPDC) because he was found guilty of professional wrongdoing. However, the Supreme Court Registrar was instructed to remove his name from the payroll.

The offense of Kalejaive was that he engaged in private phone conversations with the Chairman of Election Tribunal of Osun State Governorship Election, while representing the People's Democratic Party (PDP) in that same election (Kunle Kalejaiye Stripped of SAN Rank, 2015). He was found of professional misconduct, relieved of his duty by making him retire compulsorily (Kunle Kalejaiye Stripped of SAN Rank, 2015).

On October 21, 2015, Justice Lateef Lawal-Akapo of the Ikeja High Court, Lagos found Mrs. Oluronke Rosolu, a Court Registrar, guilty of fraud. She was said to have collected the sum of $330,000 from retired Lt. General Ishaya Bamaiyi, a former Chief of Army Staff. Upon being found guilty, she was sentenced to ten years imprisonment. Justice Lawal-Akapo in his judgement said, as an officer of the law you were supposed to be an image maker and not act in contrary (Premium Times, 2015).

In November 2015, the NJC got Justice Lambo Akanbi suspended because he was found guilty of professional misconduct. He was subsequently sacked by the President as advised by the NJC (General, 2020).

In 2016, Rickey Tarfa, a Senior Advocate of Nigeria, was charged to court by the EFCC on three-count charges. The defendant made a no-case submission, the court however, held a contrary view by stating that he has case to answer.

Equally, Justice Hyeladzira Nganjiwa was accursed by the EFCC of receiving in bribe $260,000 and ₦8.65 million gratification. He was brought before court on June 23, 2017. In the middle of the trial before Justice Adedayo Akintoye, court of appeal in December 2017 squashed the charges against the Justice in an interlocutory application, thereby setting the judge free. This he justified by saying that a judge must first be found guilty and sacked by NJC before he can be prosecuted.

It is however of crucial interest to point out here in this study that the EFCC, in its rejection of this judicial decision, went ahead to lodge an appeal in the Supreme Court via its lawyers. In doing so, EFCC contended that there is no law in Nigeria making the exercise of powers of law administration agencies on inquiry and trial rely on the exercise of powers by the NJC in the instance of criminal offences said to have been

committed by officers of the judiciary while discharging his responsibilities (Adesomoju, 2018).

The major thrust of this research is outlined, discussed and evaluated in detail in Chapter 4, where attention is concentrated on the issue of corruption in the Nigerian judiciary and how the incumbent government exposed some high profile cases and the outcome of these cases. The chapter equally identifies the deficiencies in municipal legislation, the loopholes in the national laws that judicial officers exploit to the detriment of the state and society in their corrupt acts and the negative impact of this on the fight against corruption, and arrives at the point that these efforts will amount to very little in the long run principally due to the fact of the unwillingness of the government to fully execute the international law provisions that the country is signatory to, in battling the bane of corruption in the nation.

Cases of corruption involving senior judiciary officers were examined in this chapter Although there are no known corruption cases of judicial officers directly involving international law or international jurisdiction, the chapter tries to explore how corrupt high judicial officers are, which makes them incapable to secure convictions of corrupt individuals or organizations. The fact that Nigerian judges do not reference international legal standards creates a problem for norm-based constructivist approaches to understanding how international law works and suggests that scope for norm diffusion through legal processes may be very limited.

In my view, and based on the results of this research, it is clear that the only hope for fighting corruption in Nigeria resides in the international law until amendments of domestic laws and the integrity of judicial officers is guaranteed. But, given what we have learned from the case studies, how can international law play a role in this process?

The following chapter will focus on the summary of the thesis and recommendations.

Chapter 5: Discussion, Conclusion and Recommendations

Discussion

This study has examined international law as a means for addressing the practice of corruption in society, using Nigeria as a case study. From the thesis we have discovered that international law to an extent was effective, but in some cases, it was ineffective because nations or states can decide to implement international law against corruption or not. This is because international law has its limitations that boarder on sovereignty, cooperation, jurisdiction, and whether or not corruption is an international crime. After utilizing documentary and other channels of data from primary and secondary foundations, the study has been able to show that from the perspectives of cooperation, coercion, and persuasion, international law can serve in the advocacy and effort to rid nations and climes of the unpalatable scourge of corruption.

Conclusion

Globally the last decade has witnessed an increase in the effort to fight corruption using the mechanism of international law. Not too long ago, two regional anti-graft conventions were established. The first was negotiated and accepted by members of the Organization of American States (OAS). The second was launched under the ages of the OECD.

Additionally, lots of international organizations are relentlessly dedicating money and

other resources to fight corruption. Some of these groups include the International Bank for Reconstruction and Development (IBRD)- often referred to as the World Bank group (WB)-, the United Nations (UN) and its agencies, European Union, and other INGOs such as International Chamber of Commerce and TI.

While certainly provoked by the response to corruption cases in Nigeria by international legislations, this study does not pretend to hold the answers to the total abolition of Nigeria corruption practices, but it aims to contribute to how international law works or does not work as it relates to the case of Nigeria, in particular, and the world in general.

In this thesis, the history of international law was visited in order to raise questions about the effort that international legal instruments have put in place to fight corruption and also to look at how the international law in the near future hopes to fight corruption. This is important because it will help to direct the international law on how best to fight corruption globally in a more balanced, effective, and efficient ways.

There is no doubting the fact that corruption is endemic in Nigeria. All arms of government such as the executive, the legislation, and the judiciary branches are all deeply involved in corruption. Cases of corruption are littered in Nigerian courts of government officials who are involved in corruption. It is sad to note that the judiciary, the branch in which justice should be served, is in itself submerged in cases of corruption by collecting bribes from defendants to either discharge them from corrupt cases, or allow for frivolous adjournment from criminal cases.

It is true that a lot of awareness internationally has been made on the issue of corruption by different organizations ranging from government and NGO institutions. There is still much to be done to have a world rid of corruption. One hurdle that must be addressed is what constitutes corruption. Different institutions have adopted different meanings of corruption. The second obstacle stems from jurisdictional problems. In some jurisdictions, what constitutes corruption obviously does not mean corruption in another jurisdiction. The third issue to be addressed is the ways on how stolen assets can be recovered. There is also a hot debate on the link between corruption and good governance on one hand, and corruption and human rights on the other hand.

Research Questions
Question 1: How effective is international law on Nigerian's fight against corruption?

It is a commonly known fact that Nigeria quickly signs and ratifies many international treaties and conventions. In 2017, Mohammadu Buhari signed a lot of international agreements. The question is, how important are these agreements? Can Nigeria clearly say that it is a monist or dualist state? Section 12 of the Constitution of Nigeria (1999) states "no treaty between the Federation and any other country shall have the force of law (except) to the extent to which any such treaty has been enacted into law by the National Assembly".

It is clear from practice that Nigeria is a dualist state and in a dualist state, the executive's ratification of a treaty does not authenticate that treaty. The legislative arm has a role to play. Their role is to domesticate that treaty before it becomes forceful. Nigeria is good at ratifying treaties and good at doing nothing about them. Such treaties are in different departments of government offices warming the shelves.

Normally, the reason for ratifying and

domesticating a treaty is to help individuals, organizations, and agencies that are harmed by others to get justice. In other developed countries, judges refer to other international laws domestically to support domestic laws in the dispense of justice. In the case of Nigeria, this is different. Judges in Nigeria are more likely not to refer to international legislation in the face of efforts to combat corruption not because they are averse to such acceptances but due to the intrinsic disinterest of the elite and ruling class to conform to propriety of processes in setting the right standards of governance.

International law has been effective in the fight against corruption on Nigerians who were caught and tried outside of Nigeria. It has helped with the arrest and sentencing of James Ibori, ex-governor of Delta State. Again, the repatriation of stolen funds of Late General Sani Abacha, former Nigeria leader, Alamieyeseigha previous governor of Bayelsa State, Joshua Dariye past governor of Plateau State and the subsequent conviction of the two governors were made possible under the international law jurisdiction. Overall, international law has been effective for Nigerian citizens when they were caught outside of Nigeria, however more work on the Nigerian government's part to implement international law within Nigeria is needed to make it effective.

Question 2: Despite the preponderances of international law, has corruption diminished among government officials and its agencies?

According to the 2018 TI Index, Nigeria placed 144 out of 175 countries regarding corruption. Averagely, Nigeria has ranked 121.48 between 1996 to 2018. Its highest rank was in 2005 in which it placed 152 and its lowest rank was 1997 and placed at 52. This clearly authenticates that corruption in Nigeria is high. However, government officials are careful to steal monies to private vault abroad because of the fear of being arrested by INTERPOL and tried in foreign countries. In this respect the growing number of international legal instruments that address corruption have had an impact in limiting the ability of corrupt actors to hide their assets abroad.

Question 3: How much has international legal and international frameworks impacted on Nigeria's anti-corruption efforts?

Corruption is one of the barriers that is not allowing Nigeria and Nigerians to live up to its full potentials. This epidemic called corruption has emptied Nigeria of trillions of dollars and responsible for development. Lack of development has been responsible for brain drain. Our educated youths who are supposed to develop the economy, are scattered all over the world for greener pastures. The social contract that is supposed to exist between the government and the people is eroded due to lack of trust from the people on the government.

The international legal framework has impacted on Nigeria's anti-corruption efforts in persuading Nigeria's government to establish the anti-corruption agencies such as the EFCC and the ICPC. It has also created the awareness of making Nigeria to speak against corruption even though they are still far away from fighting corruption ruthlessly. International law has impacted on Nigeria's corruption outside of Nigeria than inside Nigerian to the extent that through it high profile corrupt individuals were arrested, prosecuted, convicted, jailed, and assets recovered. One of the reasons why the international law has not impacted on Nigeria's anti-corruption efforts domestically is because of corrupt judges who take bribes to pervert justice.

Hypothesis

H$_1$: International law has impacted Nigeria's anti-corruption efforts as a result of issue linkages drawn by foreign governments (Coercive Model)

The effectiveness of international law using the coercive model mechanism is the application of pressure on the adversary decision-making to force them to act in the direction desired by the law. The place of coercive model in Nigeria fight against corruption its visible on the Nigeria ratification of basic laws on corruption at the international level, which means that officials of both the executive and judicial arms of the government are wary of the fact that instruments that exist in international law can be invoked against them outside the country if an indictment is established against them. This model of enforcement of international law was evident on the repatriation of Abacha stolen funds as explained in Chapter 3 of this thesis. This lends support to a realist focus on state power dynamics as explaining the effectiveness of international law, but as we have seen from the case studies, it does not capture the full story. But states have not been consistent in their application of coercive pressure on Nigeria. As a result, a coercive model, while proving at times effective, does not provide a causal pathway towards mitigating corruption in Nigeria. It is only in those instances of the most extreme manifestations of corruption that outside sates appear willing to coerce Nigeria.

H$_2$: International law has impacted Nigeria's anti-corruption efforts as a result of stigmatizing the practice of corruption (Persuasive Model)

From the findings of this research, Nigeria's first major effort to fight corruption actually predated international pressure and cooperative efforts that have been discussed earlier in this thesis. This early campaign by TI helped Nigeria enlist in FAFT in 2001. To be sure, stigmatization of Nigeria by TI 1996 to 2002 as the most corrupt nation among the states listed as of that time did help to elevate domestic concern regarding corruption. It is because stigmatization had some effect that a persuasive model is still instructive because certain INGOs such as TI rely on 'persuasion' that in principle uses 'shaming' to compel countries to initiate and sustain the fight against corruption. However, it might be the case that persuasion was more effective in raising concern about corruption in Nigeria abroad, in countries such as the United Kingdom, which would become an important external actor in Nigeria's anti-corruption efforts. Here we can find some support as well for constructivist understanding of how international law works, but overall, despite a significant advocacy effort, corruption remains endemic and corruption has not been stigmatized to the extent that would see corruption decrease. And, support for norm-diffusion remains limited as Nigeria judges have not been observed to internalize international norms in their own rulings.

H$_3$: International law has impacted Nigeria's anti-corruption efforts as a result of cooperating with other states and non-governmental organizations. (Cooperative Model)

The most effective international law model in fighting corruption in Nigeria based on this research is the liberal model as seen through cooperation enjoyed by the Nigerian government with other countries such as the UK and UAE in fighting corruption. This cooperation led to the conviction of James Ibori, Joshua Dariye and the repatriation of stolen funds by different political leaders. In this model, it is evident that liberal assumptions about how international law works can help shed light on fighting corruption in

Nigeria. However, more cooperation is needed amongst Nigeria and other countries in order to reduce the effects that corruption creates.

There is now a greater prospect for more international cooperation on the issue of corruption, which as noted above has proven effective, because we have seen a greater institutionalization of anti-corruption efforts at both the regional and global level.

The following is a summary of the researcher's findings from this qualitative research:

- Corruption refers to any act of dishonesty exhibited by any person who has a responsibility to uphold the code of conduct of a particular office.
- In reference to the Judicial system in Nigerian, the prevalence of corruption precedes the dispensation of unfair judgments.
- The existence of corruption leads to a situation in which bourgeoisies in the society get favoured in exchange for cash and other favours.
- Corruption within the Nigerian Judicial system has actually led to the proliferation of criminal activities particularly white-collar crimes, the perpetrators of which routinely pay their way to evade justice.
- The independence of the judiciary is necessary for democracy and the rule of law to thrive and so judicial corruption engenders a biased administration of justice.
- The causes of corruption are numerous including, but not limited to: greed, lack of transparency in the recruitment process of judicial officers; executive influence; poor remuneration of judicial officers; nepotism; favouritism; tribalism; etc.

It is a fact that the phenomenon of corruption is an endemic malaise that cuts across all sectors and spectrums of the Nigerian nation – it exists glaringly and its negative impact is brazenly seen and acknowledged by all, be it in private or in public intercourse. This creates a macabre contradiction in the country in which everyone – rich or poor, illiterate or educated, privately employed or working in the public sector, young or old, member of the elite or a commoner – openly understand that corruption is bad, undermines the economic foundation of the state and destroys the moral fabric of the society.

Yet, there is simultaneously widespread tolerance and sadistic respect for those that are glaringly affluent due to corrupt practices whether they hold positions of responsibility be it governmental or in the organized private as well as in the informal sectors of production and exchange relations in the society.

This situation does not also derogate from the fact that different groups, civil society organizations, knowledgeable individuals, community based associations and even proposed government policies consistently highlight the harms of corruption in the society and what the proliferation of this unsavoury phenomenon portends for the state and society in the long run.

Thus, it is today commonplace to hear dictums in Nigeria such as "kill corruption before corruption kills the nation" (African Arguments, 2015). It is equally germane to mention here that the extant civilian administration of President Muhammadu Buhari recorded the historic achievement of defeating an incumbent government then led by Dr. Goodluck Jonathan by campaigning strenuously that the suppression of corruption in Nigeria will be its cardinal focus.

However, after the first tenure of four years

from 2015 to 2019 and subsequent re-election, it will not be an understatement to hold here that not only has the regime not been able to effectively curtail corruption, recent trends and revelations rather show an embarrassing upsurge in both the act and unpalatable consequences of corruption in the nation.

The above fact necessarily creates a solid foundation for the significance of this research study, in its contributions to the on-going and never-ending discourses on the ways and means to address and if possible, eventually eradicate corruption from the Nigerian polity. To that extent therefore, this study has made positive input and contributed its own quota to the attempts at eradicating corruption in Nigeria, and has adopted the perspective of international law as an instrument to serve this objective, by relying on the principles of 'cooperation', 'coercion' and 'persuasion'.

Recommendations

In light of the vivid negative impact of corruption on the third arm of government (judicial branch) in Nigeria and its resultant impact on the politics, the recommendations below are necessary in assisting to end this menace taking into account the findings of this thesis which emphasize the effectiveness of international cooperation:

- Judicial officers are advised to abstain from being members of political parties for them not to bow to pressure in favouring members of their party at the expense of the populace.
- Anti-grafts agencies in Nigeria such as the DSS, ICPC, EFCC, and the Nigeria Police Force should step up in the area of monitoring public officers to ensure they do not live above their renumerations.
- The NJC should work within the limit

of the Constitution and the enabling law that establishes it. NJC also should discipline erring judicial officers within the required time without fear of contradictions.

- It is also imperative that the NJC review the composition of members and guarantee the tenure. Members of NJC should be judicial officers either in-service or retired, that are disciplined and have integrity.
- The appointment, promotion and discipline of judges should not be in the hands of the legislative or executive government branches.
- The CCB must ensure that public office holders across all components of government declare access before and after tenure of office. Erring officers must be punished according to the provisions of the law.
- The principle of checks and balances that exist amongst the branches of government must be given strict attention. This will help reduce corruption.
- In order for judges not to accept bribes their salaries must be enough to take care of themselves, their families and other required needs while discharging their responsibilities. This is encouraged to be done through an organized structure which is not being controlled by either the executive or legislator.
- It is advised that judicial officers work outside their locality where they are known to reduce favouritism and nepotism.
- It is strongly advised that the judicial arm of government of Nigeria should purge itself of individuals that are of questionable characters who put the judicial branch of government in bad

light.

- The judiciary should be reoriented to know that their profession is noble calling that upholds equity, justice, and fairness.

This chapter carried out a comprehensive summary of the preceding chapters of the study, draw conclusions on the subject of the impact of worldwide law provisions and applicability in combating Nigeria's corruption and close by proffering some pragmatic recommendations on how the synergy between international law, IGOs such as the UN and INTERPOL as well as INGOs such as TI and competent enforcement by Nigerian authorities will properly coalesce the principles of coercion and persuasion into effective tools for stemming and gradually rolling back the tide of corruption in the polity.

Glossary of Terms

Corruption: According to United Nations Conventions Against Corruption (UNCAC), corruption is using civic power for a personal gain (Corruption, n.d.). This definition is narrow in comparison to TI (2019) which describes it as using their delegated control for personal gain.

Bribery: The OECD (n.d.) divides the meaning of bribery into three categories: "offering", "promising", and "giving", each of which have their own meaning as it relates to bribery. "Offering" happens when the briber is prepared to 'offer' a bribe to another, whereas "promising" is having to do with a briber who has agreed to provide a bribe. For example, this could be from a public official. Finally, "giving" is when the bribe has been completed by the briber. The OECD (n.d.) made it clear that "offering" and "giving" do not necessarily involve an agreement amongst the involved briber(s) and official(s), therefore, the official may not even be cognizant of the bribery transaction.

Extortion: TI's (2019) opined that extortion stems from coercion through threats, violence and demanding unjustified support.

Embezzlement: According to UNODC (n.d.), embezzlement is described as an individual who has access to goods or items of value which can be sold or trafficked. The funds or profits earned from goods and items are pocketed by the individual. TI has a similar explanation for their meaning of embezzlement; however, they specifically mention that the individual is someone who has an official position at an institution.

Fraud: As synthesized by TI (2019), fraud is deliberately misleading someone for the sole purpose of profiting from an inequitable gain dishonestly. Organizations such as UNODC (n.d.) believe that even if a bureaucrat were to persuade a relief agency to provide more items than needed, the agency could also be suspected of committing fraud. This would be contingent upon their awareness of the request and whether they reported it or not. Committing fraud is deemed as a breach of unlawful act and defies civil law.

Favouritism: Favoritism is using one's authority to grant favors/jobs to a friend irrespective of their accreditations and skills, instead of an individual who is highly qualified (Admin, 2015).

Nepotism: Nepotism is using one's power and status to grant a favors/jobs to a family member, regardless of their qualifications. (Admin, 2015).

Tribalism: Is the state of being organized by, or advocating for, tribes or tribal lifestyles in a way that the official concedes opportunities and benefits to those of his ethnic or tribal stock, whether such persons are qualified or not.

Dedicated

To Pastor Williams Akinbamijo, for his fatherly role and spiritual guidance on my life.

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Moreover, I would like to quote from Martin Luther King Jr., "I have a dream that one day my four little kids will not be judged by the color of their skin, but by the content of their character". One would have thought that at this age and time in the world, in an ivory tower such as TIU, that one would not be judged by where he is from. I had two terrible encounters in which a lecturer, upon greeting him, asked me a surprising question- "Are you a refugee?" I was shocked and I responded, "No, why did you ask?" He laughed and said, "Never mind". This experience to me was weird because I told him I was from Nigeria. In his mind, all Nigerians in Japan, and indeed black people, are all refugees.

This is something that should have never happened in a university.

Another experience I had was when I made an appeal on behalf of the students to a lecturer in a class. Instead of the lecturer granting the appeal, he responded by saying, "Where are you from?". I told him Nigeria. The next comment he said was, "No wonder. Nigerians are known as 'talkatives', therefore you are a talkative". This statement almost made me to fight him in the class, however I kept my cool because other classmates of mine advised me not to react and to simply ignore him. I particularly did not find this funny because his attack on me was because I am from Nigeria and not because I committed an offense, it was purely because I was Nigerian. These two experiences almost made me to abandon my school, fall into depression, and ask, 'Why are blacks and indeed Nigerians, being discriminated against?'.

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Hāfu Female Models and Caucasian Appealing Look, Reorganizing Women's Images in Japanese Fashion Magazines, in the Case of *ViVi* between 1983 to 2019

Jiayi Zhang

Abstract

My research purpose is to make a critical examination of the gender image of 'Hāfu' female models in the Japanese fashion magazine industry, with linkage to its aesthetic domination on Caucasian beauty ideals, specifically in the perspective of post-feminism and colorism. Methodology approaches I used in this thesis are both qualitative content analysis and quantitative data collection on issues of *ViVi*, between 1983-2019, the most representative fashion magazines with wild circulation and high publishing rate.

Keywords: Japanese *Hāfu* female models, Japanese fashion magazine, *ViVi*, the female body, Feminism

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Chapter 1. Introduction

Nowadays Japanese society is preserving its tradition on paper-based media. When visiting the bookshops in Japan, the diversity of women-targeted publications is dazzling, from magazines of women's fashion to lifestyle. Based on the statistical report from JMPA[i], its annual Japanese magazine publication report suggested that there are 146 women-targeted magazines in Japan, and among which 62 of them are magazines designed for women's fashion and beauty[ii]. Concrete to Japanese fashion magazines, it is noteworthy that *Hāfu* (mix-blood) female models with Caucasian skin are widely presented as the beauty ideals for cosmetic and fashion clothing promotion. However, contradicts to the hypervisibility of Caucasian *Hāfu* women being presented as Japanese beauty ideal in Japanese fashion magazine, Japanese women in real life are not as hyper-visible as fancy *Hāfu* women because because they are often housewives who baby-cares children(*shufu*), working women in uniforms, and the elderly, who are some of the most frequently encountered women in public. They demurely maintain their images with good manners, following traditional gender norms of female virtue in Japan while minimizing their power in social performances.

If editorial media as a vanguard has evident influences on visualizing gender images, voicing the idea of liberalization innovatively, and prompting social shifts, Japanese fashion magazines can be seen as an outlet for Japanese women's long-term social resistance, which could encourage women's performance in female liberalization and achievement on self-realization.

Nevertheless, the integration of women's liberalization in Japan with Japanese *Hāfu* models is puzzling. The welcome of *Hāfu* and Caucasian looking models in this industry indicates Japan's social aesthetic concerning women is shifting towards westernized preference, even with the possibility of colorism. Because the preference for *Hāfu* female models with Caucasian skin tone overshadowed traditional Asian looking models' editorial performances with non-Caucasian skins. Moreover, the styling in Japanese fashion magazine industry, from the physical use of women's body to textual design on fashion trend slogan, they are both demonstrating 'women's power', the use of *Hāfu* white model images and bodies still embodies women's subordinate status as the one to be judged and enjoyed visually.

Even though a good deal of former studies examined the relationship between women's body, gender role, and feminism presentations in Japanese popular culture, limited research had been conducted on the gender portrayal of Japanese *Hāfu* female models with relation to what effects this group could have on demonstrating female power and make social changes in Japan, whilst having problematized recognition on their Japanese identity. Thus, this research selects the popular Japanese fashion magazine *ViVi* as the research objective.

Concentrating on the examinations of potentially existing gender and race issues that potentially exist on Japanese *Hāfu* models' image portrayal. The designated goal of research questions is to resolve my research puzzle on whether to conceive Japanese *Hāfu* models' images as a representation of Japanese gender liberalization and female culture globalization within the frame of Japanese culture. In contrast, to recognize *Hāfu* female models' images as a manifestation of conformity on

gender fetishization within the globalized consuming culture during the Japanese economic downturn. Besides, each question's division of research objects is based on different publication time frame: *ViVi* before the 2000s and *ViVi* between 2008 to 2019.

Literature Review

In order to trace *Hāfu*'s formation and social-historical position in Japan, I start by reviewing writing about the emergence and boom of *Hāfu* in Japan between the 1950s-2000s. Followed by are reviews regarding feminism analysis of the female body, beauty ideal, and male gaze so as to reasoning the slather of female *Hāfu* images and Japan's existing cultural inconsistent embodiment between oppression and liberalization on women's body and femininity. Additionally, by referring to verbal analysis on *Hāfu* portrayal incorporated by westernizing Japanese fashion languages, I attempt to locate "*Hāfu* female model phenomenon" within the context of globalizing female culture and reorganizing social value towards women in Japan.

Japanese *Hāfu* in a Socio-historical Glance

Shimoji (2008:156-175) chronicles the socio-history of *Hāfu* in Japan, which tells that using *Hāfu* female image in the Japanese media industry saw its early emergence in the 1970s. With correspondence to the emergence of the *Hāfu* boom at that time, they were treated as the unfortunate legacy of American occupation during the postwar as well as social appealing towards Americanization. Moreover, the Japanese media industry in the early 1970s welcomed *Hāfu* women with exotic looks for their ability to attract audiences and consumers proliferates the invasion of Euro-

American ideology into Japanese society. Being sloganeered as the *Hāfu talents* and 'the offspring of pioneers who break Japanese pure-blood fancy tradition' by famous magazine Miojo[iii], the attractiveness of *Hāfu* stalled for selling purpose but their recognitional identities as 'post-war products' of American soldiers and Japanese women suffered alienation. In 1970s[iv] the economic and technological boom further accelerated commercialization of white *Hāfu* images in multiple areas including cosmetics, as polished beauty ideal with talent westernized looking that whet customers' appetites. Whereas by mere commodification on the appearance worship of *Hāfu*, the social alienation towards them maintained. In 1980s[v] the agitation of covering and using female *Hāfu* in ancestor fashion magazines including *ViVi*, launched sexualization of *Hāfu* image that disassembling the definition of *Hāfu Japanese* into *Hāfu and Japanese* with distinguished gender meanings, the former embrace the images of beautiful female models whist 'Japanese' recall the masculine impression of men in working suits.[vi]

It is clear that from Shimoji's indication, *Hāfu* partially appeared on the horizon of Japanese mass media with limited recognition as the beauty ideals endorsed by Caucasian imaginary, whist this welcome of *Hāfu* in the media industry reinforced their unsettled Japanese identity using fetishization to popularize them as the object of sexual otherness rather than Japanese itself, besides demonstrating white skin privilege excludes non-white *Hāfu* groups. Hence when initial public recognition of *Hāfu* encountering imaginary bias as beautiful looking people, it further heightened the threshold of being a *Hāfu*, leads a predicament to non-model *Hāfu* who live in Japanese society. Since Haefelin (2012:7-17) deconstructs the social gender prejudice and stereotype on half as

barely beautiful-looking women by setting up criteria in order to objectively see what could be an ideal *Hāfu*, by judging not only their looks but also considering their multilingual language abilities as well as wealth execution, from her criterion she reveals the living dilemma faced by *Hāfu* who fail to address the higher expectation as 'privileged Japanese' when showing mediocrity in working skills and wealth. However, in both works, there is no indication of classifying the skin privilege within the *Hāfu* female group regarding the dominant preference and hypervisibility of Caucasian-skin *Hāfu* and invisibility of non-Caucasian skin *Hāfu* in the Japanese fashion magazine industry.

Appealing Looks, Colorism and White Aesthetic Ideology

Former studies have concentrated on the issues of colorism, discrimination based on light skin color in opposition towards dark skin. Its deep penetration into our society stemmed from the dissemination of the slavery system on black people, in which the work allocation allowed lighter skin to perform indoor labor, whereas heavy farm works outside the houses were assigned to people with darker skin. (Russell, Wilson, & Hall, 1992). Moreover, the global beauty industry witnessed the propagation of colorism into aesthetic bias, feminism, and gender issues. By relocating colorism to globalization and nationalism, Jha (2016:52-54) argues that the normalization of light skin aesthetics, such as skin-whitening cream, is the key to maximize the profit of western capitalism by manipulating transnational media in Asian countries. Apart from the economic dynamic, this normalization of white skin privilege through culture permeation stereotyped the image of light skin with a positive value of purity and kindness as well as success and power while

stigmatizing non-white skin as unfeminine and fell. The psychological shame and trauma that had been added onto the non-white female group is striking their self-esteem. At the same time, research already indicates that skin color discrimination has become a social problem within the global context, which embedded the uprising anger towards unfair treatments based between white and non-white in multiple areas. (Glen, 2009)

Based on the former views, it is logical for the prevailing colorism ideology in the field of printed media, magazines to unite and globalize facial attractiveness in various races. There is a growing body of evidence about a high cross-cultural agreement in beauty ideals based on facial features in different ethnicities and races. The assimilation of beauty ideal attributes to the increasing agreement on facial attractiveness regardless of variability on people's ethnic origins. (Eisenthal, Dror, and Ruppin,2006: 122)

In order to rationalize how white privilege and model race could proliferating female attractiveness. Bordo (2003:247-253) suggests that our era has been suffused with normalization and homogenization of racial and gendered images. They are influencing cultural perceptions and practices on shaping the ideal female body. She reveals that media manipulated rhetoric on liberalizing bold expressions on women's body images and triggered a vibe of gender equality in contemporary consuming culture. Nevertheless, this explicitness repositioned an indulgent bodied fantasy for women and further cultivated self-dissatisfaction and self-consumption on their own bodies. Ironically, gender equality was encouraged through make 'free' choice following media rhetoric of beauty trend, and the desire for beauty ideal that shield privilege of aesthetic hegemony, and unequal cost of money and time

satisfying that endless desire. Also, fashion's vicissitudes are continually pleasing women's desire and diminishing the meaning of gender and race; hence, women's pursuit of ideal 'self' becomes hollow and sexless, since 'self' turns into 'other,' and other would not be sexually and racially judged. Hill (2002) used female physical attractiveness rates in different skin-color groups. His results suggest that the perception of gender attractiveness for females remains toneless because of the strong light skin tone affection, the lighter skin women score higher than darker skin women. Russell (2003) revised the power of light skin privileges on women's looks that those who have white skin will be considered more beautiful and more feminine.

With specifical linkage to Japanese fashion aesthetics and its transition, former viewpoints emphasized the extrinsic influence of western ideology. Through the perspective of Euro-American cultural assimilation, Morimoto and Chang (2009) examined the 'country-of-origin' effects between Japanese models and advertisements and find that the welcoming vibe on foreign-faced models in the Japanese fashion market in which models with Caucasian faces and tangs are in great demand because they represent the beauty ideal to Japanese consumers. Still, controversy engendered while Okazaki and Mueller (2011) found the decline of Japan's economic myth during the post-bubble recession stagnates Japanese advertisements from being as hardcore-sell as American advertisements, in which "low-context" media culture was replaced by "high-context" with less explicit messages. Euphemistic advertising languages and implicit gender aesthetic with a hint of Japanese tradition which leave the space of imagination and fascination pleased the favor of domestic consumers in Japan. Yet opinion that seeks to neutralize disparity on

female attractiveness of traditional Japanese and Caucasian face was suggested by Isa and Kramer (2003), who disclosed the historical cause and cultural imperialism for high recognition on the Caucasian look in Japanese society and concluded that the undeniable role of beauty in society is to judge or being judged, albeit cultural factors could influence the definition on beauty. Specifically, the recent period from Showa period of 1926 has witnessed the westernization infusion on shaping Japan's female's physical beauty standard, alongside with the development of its cosmetic industry on a global scale, therefore being white appealing with light skin and gloss served as a creed for Japanese fashion system to package female models in high-end products' marketing plan. Hence in the process of cultural blending with the west, Japanese magazines bring about the inapproachable myth of fashion looks presented by both traditional Japanese as well as Caucasian looking models for Japanese readers. However, the female attractiveness of Japanese Caucasian *Hāfu*, with intermediated beauty looks fused with features of Japanese tradition and Caucasian appeals, was an important group ignorant by former gender research. Since the latest Japanese fashion trend and female consumer culture is refreshing, with dominant social value on fear of being ugly, Caucasian *Hāfu* provides a problematic face of debate for this research to address the new Japanese beauty value versus the face of being Japanese women, namely the reward use of white *Hāfu* images could be treated as a derivative that culturally sustain the white appealing values on its survival among the fast elapse of beauty and fashion.

Japanese Kawaii, the *Hāfu* Body and Japanese Feminism

On the other hand, standpoints that underlying *Kawaii* culture as the self-generating factor in contouring the kernel of Japanese female fashion contends the single highlight of westernized ideology in Japan. The term *Kawaii* was derived from Euro-American words: cute and playful. Exemplified by the western literal figure "Alice," Monden (2014) argues that Japanese popular culture complexified *Kawaii* with denotation sexualization and desexualization of young female body. In Japanese fashion magazines, images of *Kawaii* women are faintly twisted and objectify such direct sweetness into sexual allures of either embracing delicate and ladylike European-like looking or matured female bodies. It has long-termly represented a fashion essence of Japan ever since the 1970s, and the Japanese fashion industry has been strived to globalize the interpretation of *Kawaii*. Such evolvement of *Kawaii* in Japan gradually subverts the traditional perception of young femininity. With relation to present *Kawaii* images using female *Hāfu*, Want (2017:166-168) further argues that Japanese Caucasian looking adoration and prevalence of white *Hāfu* images is more than just a single manifestation of western beauty ideal infusion but a joint influence from Japanese indigenous ideology: *Kawaii*. Japanese women long for vulnerable and innocent beauty that is represented by white and light skin-tone that resembles a baby, and this results in the hypervisibility of white-female *Hāfu* images in Japanese fashion magazines.

Monden (2014:108) points out women's care and pursuit for fashion appearance derives from their inner desire of self-fetishization to catch the male attention. This further validates what Mulvey (1975) defined as "visual pleasure" and Bulter (1988) defined as "gender performativity." The former perceives that the world of visual is controlled by a masculinized view in which women as the object of "to be look-at-ness" that represents sexuality for male pleasure. The latter indicates a process of enacting and re-enact received gender norms that make femininity and masculinity came into being by what we do in our everyday lived experience, and beauty rituals are one way of performing femininity in order to fulfill heteronormative gender and sexual roles.

Feminist scholar Ann Cahill (2003:118) discussed the power of women dressing up as a direct way against instead of undertaking the male gaze. The experience of dressing up is an experience of pleasure, female playfulness that created a space of feminist subjectivity that include aesthetic as well as sensual pleasure for women not for man. It could be true to reckon the hyper-visible portrayal of their Asian-Western looking and bold-cute dressing style in magazines as beauty imaginations, could be deemed as demonstrations on new Japanese femininity crossing Japan's traditional modest female moral line, as well as fulfilling the imaginative releasing from social restraint on Japanese women's sexuality and bodies.

Nonetheless, Dilemma keeps existing when adopting the power of women within the social context of Japan. Japanese feminist scholars Kano (2017:269-274) quoted Japanese feminist Ueno's definition of *ribu* and *feminizumu*, attesting the landing of feminism in Japan had been encountered linguistical and cultural resistance. She also suggests that it was not until the 1990s that "gender-equality" finally launched in Japan as the national policy that rescued feminism from Japan's territorial trap. The recent development of women's femininity and gender norm in Japanese society was

proved to be influenced by the western third-wave feminism movement. Scholar Jha traces the development of the feminism movement and media on changing gender norms by culturally synthesizing women's social experience and their bodies. She suggests that 'cultural feminism' as one type of feminism developed by the Third-wave feminism movement during the 1990s has resulted in challenging the dualistic universality of gender norms and sexual identities. It also provides an analysis of capitalist consolidation of power in media and consumer culture, such as feminist media, there is language use shift from describing women as suffering and victim to the language of empowerment and resistance. Media started to focus on women's experience and practices of beautification as a site for pleasure and enjoyment. (2016: 20) She further argues that within the framework of cultural feminism, the realizing of 'femininity' should be detached from a set of learned norms about how to be a woman within a particular culture that socially constructed by sex and gender, so as to seek settlement of gender through the shifting social meanings.

Globalizing Media Images and Advertising Languages in and Japan

In the context of the globalization trend in the media market, the notion of utilizing advertising and editorial languages has been classified into the one following the international standardization, and the other obeys localization. Their executions take multiples factors such as culture, monetary, legalization, and conservancy into considerations. Persuaded by each measures' relative strengths, media workers who adopt universal standardization overhaul their works to be cost-effective, communicative, and consistent as well universal-appealed. In contrast, localization of works enhances cultural

independence and consumption nativism. Thus, the media's opposition is on whether to produce images of homogenized bandwagon or preserve indigenous style. (Morimoto and Chang, 2009:175)

Yet the specific circumstance in Japanese fashion editorial with pervasive of *Hāfu* images, it apparently bypasses the pattern of dichotomy suggested by former studies by merging elements of global standardization and localization into their editorial image portrayal of female *Hāfu* models, as a result of incorporating composite appetites of Japanese consumers in favor of white appealing looks. Since it could be deduced by the content analysis on magazine origin and models race in both Japanese magazines and global magazines published in 2005, the results show that the use of western models in Japan (55%) exceed global magazines (45%) by 10%; in addition, models of western races tend to appear more in fashion column of beauty, clothing, and jewelry in comparison with the greater use of Japanese models in lifestyle section food, travel, and sports. (Morimoto and Chang, 2009:182-183)

Apart from the suggested empirical evidence, the psychological factors also account for the Japanese consumptions of westernized look. Since La Ferle and Morimoto (2004:112) examined how Asian-American images as Japanese advertising variables generate the construction of self-esteem and social identity for Asian consumers, they specifically argue that Japanese consumers are becoming more and more global standardized in adapting the use of Caucasian models and foreign languages in Japanese media which mirrored the cosmopolitanism Japanese culture. Also, for Japanese consumers, the western values packaged under Caucasian faces and bodies embody hierarchy indication

of the high-end, elite, and success. Moreover, as a country with growing foreign marriages couples whose offspring lives in Japan as local residences, Amerasians for instance, their sense of ethic identification was proved to be strengthened through Caucasian-skewed media communication including works of literature with bilingual textual information (English and Japanese), because bilingualism is the unique traits of their self-identification. (La Ferle, C. and Morimoto, M, 2009: 160)

From the perspective that magazine images could affect gender, former studies proved that gender role stereotypes in magazine advertising are universal. Controversies have been raised regarding the causal relation of manipulating stereotypical gender portrayals of the female beauty ideal using media, in which women as a specific group of victims, undertaking traditional values of gender by exhibiting bodies for sexualizing femininity while suffered strike on self-realization as oppose to stringent specification on beauty aesthetic. (John B. Ford, Patricia Kramer Voli, Earl D. Honeycutt, Jr., and Susan L. Casey, 1998:113) To the concrete, their studies also prove the hybrid situation of gender role portrayal in Japanese fashion magazines, which combines the feature of traditional Japanese gender hierarchy and western feminism ideology on gender liberalization. Their analysis categorized models' age and the literary languages used on gender traits depiction, and they found the change that the gendered images showed in Japanese magazines imitate western gender-themed literature in which women are restrained by domesticity while being figured younger than men for achieving sexualized attractiveness. (114)

If adopting foreign terms that functioned in the liberalization of gender portrayal, it could be doubtful because in Japan, using foreign languages has become normalcy in media. Specifically, in Japanese fashion magazines, the integration of foreign linguistics with Japanese into Japanized fashion languages has been proved to be a noted feature. The linguistical analysis on the verbal strategy used by Japanese mass media from Haarmann (1986:107) already suggested that not limited to English, Japanized media language that used in multiple fields demonstrates it unstinted penetration into European languages including French, Italian, and Germany, and Japanese fashion periodicals as one of the biggest users, their combined use of Japanese and foreign terms are not bound by the subject of the nation, with applicability in describing both Euro- American design as well as embellishing Japanese traditional costume. Further, examination concentrates on the analysis of the multilingual essence of Japanese and how its recognition functions in constructing modern social language environment by native Japanese speakers.

Since it is indicated that followed by the 'Kokusaika trend in the 1970s', adopting western ideas by the combination of Japanese with foreign languages renders the multilingual panorama of editorial text culture in Japan. Yet western languages lost their essence through being monolingually Japanized as 'home-made foreign languages,' with an embodiment of its ethnical value and identity. (Haarmann's, 1986:109) racialization lies in the hypothesis of monolingual maintenance on the Japanese language in Japan where western languages are reckoned with prestigious imaginary and serve not for oral or cultural communication, but as sentimental appealing for Japanese readers concerning their necessities for certain languages, especially in the fashion realm. Hence this multilingual vibe with Japanese (communication basis) and western symbolic

(emotional simulation of Japanese readership) co-shapes the cognition on the national identity of Japan as well as cosmopolitanism of Japanese globalization. (Haarmann's, 1986:110)

In terms of achieving ideal feminism through utilizing Japanese katakana and western fashion terms, Tanaka (1994:108) examined the way of advertising languages communicate with social values and posed three key ideologies that have been commonly used in female-targeted advertisements all over the world: Individualism, Intelligence, and Feminism. Nevertheless, her research also questioned the Western language phenomenon of Japanese female fashion magazines: *ViVi*, *JJ*, *CanCam*, their exposure of western languages (English or French) in their magazine titles, texts, and advertising, yet do not means the globalization of Japanese female fashion language but Japanized western linguistic by extending and transforming words' meanings while defining Japanese femininity, for the purpose of rescuing Japanese cultural clash.

Yet the former studies highlight on using research objectives, either pure Western or Caucasian models or fashion magazines own by global publishers such as *Vogue* and *Marie Claire* while ignore examining the situation of developing westernization in indigenous Japanese magazine brands, as well as adapting white-appealing aesthetic using Japanese *Hāfu* models as Caucasian-Esque beauty ideals. However, in the light of global standardized images and languages, the use of Hafu models that features the westernized status appeal of Japan further left a question when analyzing images of *Hāfu* female models, concerning how they demonstrate the subtle relationship between westernization and maintaining Japanese tradition. Since the apparent lift on the issues of women's liberalization influenced by western ideology has been witnessed in Japanese

society during the recent decade, while little transformation could be seen in the magazine industry regarding their way of incorporating white *Hāfu* images and body with westernized magazine languages. Such combination not only mystified the gender role portrayal of *Hāfu* as exotic appeals but also hinder recognizing their national identity as Japanese otherness.

Ground the literature review, in a nutshell, exploring the history and current situation, understanding the transition of Japanese *Hāfu* identity from previous Japanese socio-historical studies is proved to be comparatively gloomy and negative. Owning to the fact that in Japanese society, the image portrayal of Japanese *Hāfu* had favored white female *Hāfu* and overemphasized their distinguished appealing looks. This brings about dilemmas that confine their image recognition to be sexualized and gendered as not 'Japanese.' Still, beautiful otherness yet neglects *Hāfu* people who own features that were not presented by media. In the meantime, the negativity on manipulating women's bodies and sexuality in the global media culture is evident, with both visual and commercial consuming needs of female sexuality fetishization had been adapted to localized culture including Japan. Many feminist studies also indicate an appeal on renewal of reading women's bodies to break resistance on the female body and achieve gender liberalization.

Concrete to the study on Japanese fashion magazine, former studies on have presented solid reading on Japanese women's image as either demure or *Kawaii* in the late *Showa* period[vii], a bubble era that witnessed Japan's leap in economy and culture. Yet, limited research was found to examine the change during the Heisei period of collapse on Japanese myth and connect gender study of the body with the image of Japanese female *Hāfu* models

concerning how visual treatment could generate their recognition on their identity of gender and belongs. Therefore, this research explores the gender representation of female *Hāfu* in Japanese fashion and explains their effect on the renewal of the embedded value of gender and Japanese women's social identity. I argue that *Hāfu* models as the beauty ideal of Japanese women, they still have an inevitable gendered presentation of being *Kawaii*, demure, or sexy to conform to. Hence their images cannot serve as feminism rescue, but rather a reinforcement on constraining women's gender images as the object of consumption. Moreover, even though the images of *Hāfu* models are ideal representations of globalized Japanese femininity, the hypervisibility of white *Hāfu* could result in bias on social acceptance against traditional Asian looking Japanese women.

Chapter 2. Viewing *ViVi* and *Hāfu* Model Historically: Japanese Female Fashion and Westernization; Femininity and Feminist Consciousness

Research question 1: What are the historical background and transition of *ViVi* and its model images? How *ViVi's* popularity has contributed to making nowadays prevalence of Japanese female *Hāfu* in the Japanese fashion industry?

Methodology Approach: Qualitative Content Analysis

In this chapter, to examine *ViVi's* came into being as a popular women-targeted magazine and the transition of its models' images within the socio-historical context of fashion trend in Japan, the summative and interpretive content analysis was selected as the research approach. Elo *et al.* (2014:1) suggest that through the processes of preparing and organizing samples of research content and describing the findings, the content analysis could be conducted both inductively and deductively. In the summative part, followed by the inductive time course between the 1890s-2010s, my data collections included the past periodicals of *ViVi* and other related Japanese women-targeted publications. For the interpretive part, my approach involved the deductive analysis of specific editorial figures of *ViVi* models and key textual information that appeared on the selected pages of research samples through the ways of comparisons and interpretations.

Sample Selection

The issue of *ViVi* involved in this chapter was confined to the period between January 1983 to December 2007. Considering the comprehensiveness, convenience, and reliability of the qualitative analysis of *ViVi* and relative materials before the 2010s, the acquisition of relative research samples refers to materials of different types. Firstly, the Magazine Data (2020) descriptive data was published by the Japanese Magazine Publication Association (JMPA), the only organization for magazine publishing companies in Japan. They include statistics on categorizations of Japanese women-targeted magazines, the years, and total amounts of recent publications. Following its statistics, seven other Japanese women-targeted were selected together with *ViVi* as the supporting analytical objects. The imagery data of old magazines were from auctions: yahoo, online archive, and *ViVi*.tv. The criteria for selecting sample magazine pages is that they must have a clear portrayal of models, either for the whole body or facial features. Moreover, the textual information must be identified in sufficient sizes.

Before *ViVi's* First Issue, Building up the Vibe for Japanese Women-targeted Magazine

In modern Japanese society, the representative role of women-targeted magazines in the paper media market is undeniable. Regardless of a book shop, convenient store, or in subways and trains, the visible existence of the physical prints, release announcement, or advertisement of women-targeted magazines is remarkably possessing these Japanese public domains. Yet concerning the came into being of

ViVi and its *Hāfu* beauty style, it is still closely referrable to early Japanese women's magazine that emerged in the past decade before.

Although the lack of editorial technology in photography and textual design, it was evident that as the early consciousness innovators in *Daisho*, Japan, these feminism magazines made full advantages of media languages in painting and texts as a means of expression. For example, the portrait paintings of a blonde woman and a traditional Japanese the first issue covers of

　　Fujin Gaho　　　　*Fujin Koron*　　　　*Shufu no Tomo*　　　　*Fujin Club*

Figure1[viii]**: The first issue of the main earliest women magazines before the 1910s**

Figure2[ix]**: Inner advertisement page of Fujin Club (1941.02)**

Fujin Gaho (1905) and *shufu no Tomo* (1917) denoted their feminism initiative of incorporating foreign liberalized female images and affirming the identity of Japanese women. Regarding the flower paintings in both *Fujin Koron* (1916) and *Fujin Club* (1920), as the abstract form of female images, they aesthetically praise women's liberation and independence. In the advertisement page in 1941's *Fujin Club*, the replenished textual information in traditional fonts provided varieties of guidance in fashion clothing, cooking, maternal life, and recommended feminist literature for Japanese women. Since they had offered new access to targeted further information for Japanese women, it created a monochrome world of propaganda values and ideas that provided relief from traditional Japanese gender roles. It established an ideological system in Japanese feminism that led to the concept of women's self-consumption. Eventually, they brought the foundation of early consumer groups for women's magazines in Japanese society.

Nevertheless, according to Furuda (2008: 62), the origin of Japanese women-targeted magazines, including today's *ViVi* and the maintenance of their prosperity, could be dated back to the 1970s. For the reason that not only the key definitions for Japanese women, such as wife (*Okusan*), housewife (*Shuufu*), and lifestyle (*Gurashi*) had their early appearance in these 1970s' magazines, they also played the role of educating women and providing guidelines for what an ideal woman should be like and how they could live their lives.

Moreover, concerning the name of '*ViVi*,' the alphabet name of western style could be retrieved from another 1970s context on women magazine boom. Since Furuda (2008:64) also points out that the heavy use of nowadays' alphabet names in Japanese fashion magazine corresponds with the success of the Japanese edition of Western magazines and reflected the intense admiration for Western culture on feminism in women's independence on material and mental lives at that time. In addition, western cultural civilization was overflowing throughout the Japanese magazine, and most of the female model appeared in women targeted magazines were Caucasian models. Even Japanese models were asked to wear western fashions that would make them look different from the typical Japanese women. At that time, the social vibe that renewed by women's cultural activities, including the 1910s' 'the establishment of Japanese women's magazines,' and the 1970s' 'the Japanese fever of western culture in gender, fashion and linguistic' and 1960s 'the wide fever of Caucasian model images' Japanese women. Alongside the arrival of the Japanese economic boom and consumer society, they contributed to the birth of the first issue of *ViVi* in 1983.

Notably, after the 1970s, Japan began to step into a consumer society. Unlike the advancement of digital media nowadays, as one paper media genre, fashion magazines played a vital role in directing Japanese women's consuming behavior at that time. In particular, according to female consumers' needs, fashion magazines diversified verities of information into forms of specific segments in advertisements, cataloged pages of cosmetics, and clothing. Such specified information satisfied and reinforced women's consuming desires to realize their physical and ideal self and sensitize women's consuming interests to be more targeted. Therefore, as the primary trigger of boosting women's consumption behavior that responded to Euro-American ideology's admiration, the turnover to new women targeted magazines positively emerged since the 1980s, and *ViVi* was one of them.

Figure 3[xii]: The first issue of Japanese *Akamoji* magazines

As suggested by Furuda (2008:69), there used to be a so called 'first issue rush' in the early 1980s that grouped into the four major magazines in "red letters"[x] genre, (*Akamoji*) including *JJ*, *CanCam*, *Ray* and *ViVi*[xi].

Followed by the above illustrations, it is evident that these new forms of *Akamoji* magazines technically differentiate their 1910s women's magazines predecessors in clear portrait photography of real female models. Also, the ideology representation of Euro-American appreciation became more pronounced. Since apart from the use of foreign look models in the first issues of *JJ* and *ViVi*, *CanCam* and *Ray* visibly embodied the foreign fashion styling on their cover models by wearing an oversized fur coat, sleeveless tops, or displaying unbound hair. Also, these four earliest *Akamoji* strongly implied such appreciation in the content arrangements on their cover-texts. For instance, in *CanCam*'s first issue, many foreign terms were being used, including "英国調のチェック," (British style Cheek) "イタリア物語の靴," (Shoes of Italian story) an "American Campus 20校のライフ・ファッション" (The life fashion in 20 American campuses).

In *ViVi*, apart from its English-written subtitle "for Roman Casual life" at the top left corner, the titles of "ミニを着こなし新展開，すぐ欲しいカジュアルシャツ，ポロシャツはヨー

ロピアン," (A new start by wearing mini, the immediately desired causal and polo shirts are from the European) "ロス＆シスコ．ウエストコースト青春譜" (LA and St Francisco, the core of youth) suggested its aesthetic appreciation to Euro-American countries. Besides, the idea of gender liberalization, such as 'self' and 'freedom,' were incorporated into different terms. For example, the 'self' initiation is presented when *JJ* and *CanCam* demonstrated their editorial attributes using the Japanese language as "女性自身" (women themselves) and "SELF誌" (the magazine for self). Regarding the slogans "流行色を自由着こなす" (Wearing the fashion color freely), "甘ったれファッションを捨てよう" (Let's throw away the sweetheart fashion) "ライフスタイル研究，フリー・キャスターで転職" (Research on lifestyle, Change jobs in free caster) that used in *ViVi*, *JJ*, and *Ray* respectively, the advocacy for women's freedom in dressing styles and careers were strongly expressed by their cover page texts.

Ever since the first publication of *ViVi* in 1983, the transitions on its female model images, fashion, and aesthetic idea from now on subtlety reflected the changes in the values of expressing the gender role and racial identity of Japanese female beauty ideal. Therefore, by concentrating on the idea 'transition on *ViVi* female models,' this section conducts content analysis on the

selected old magazine pages from *ViVi* (from the 1990s to the 2010s). Specifically, by examining how its female models distinguish from each other in Japanese, *Hāfu*, and foreigner racial identities, and their fashion images represented by different historical eras of Japan. From *ViVi's* past trajectory, I aim to discover the reason for *Hāfu* models' nowadays prevalence in the Japanese fashion industry.

ViVi Models in the 1990s: Caucasian Beauty Ideal and Westernized Japanese Women

The Japanese bubble period during the 1990s was known as an era when Japan experienced high economic growth. The unwonted economic boom stimulated consumption desire and eventually increased domestic consumption demand in multiple areas. In terms of fashion, the show-off consumption of western luxury brands suffused the Japanese consumer society at that time. Yet inside Japan's economic bubble, the representation of the intimate relationship between that financial abundance and Japanese women's luxurious style of consumption behavior was retrievable following Berggreen's depiction of Japanese artwork Elder Sister[xiii] (1991)

> "She is dressed in a Louis Vuitton suit and matching high-heeled shoes, and she wears multiple and excessive pearl necklaces and gold chains around her neck. She has a Gucci handbag on one shoulder, and is holding a Louis Vuitton umbrella, while the corner of a Hermès scarf flows from her handbag, flashing a glimpse of some of the most famous luxury fashion brands known to Japanese women in the late 1980s." (Berggreen:2018:180)

Such precise observation on a Japanese woman's image in the 1990s, with crucial depictions in Gucci, Louis Vuitton, and Hermès,

to 'brand' her body from up and down had already become a representative dress up style for Japanese women at that time. In other words, before the emergence of the Japanese economic bubble, the western luxury brands had already possessed a large group of consumers who praise such brand consumption concepts highly and ensure it could carry forward in the 1990s generation of wealth. Eventually, the luxurious consumption atmosphere in Japanese society brought about the editorial value of consuming Caucasian appealing looks and luxurious western brand culture in Japanese fashion media. Reflected in *ViVi* before the 2000s, the styling of its female models also reinforced a mood of westernized fanaticism on a fever towards British Royal Princess Dianna.

As one historical phenomenon that corresponded to the considerable rise of Westernized trend in the Japanese fashion industry, the "Dianna fever" in the 1990s is one historical phenomenon that corresponded to the considerable rise of Westernized trend in the Japanese fashion industry.

> "The British couple, in Japan for a six-day visit, have brought with them two qualities alien to the Japanese monarchy: movie-star glamour and a bit of the common touch." (Chira, 1986)

At that time, the attraction of Princess Diana was not only about her British royal nobility, since her appealing white look also recalled the western admiration complex of Japanese people. Short-loose hair, skirt suits with shoulder pads as the basis typicalized her dressing code as the ideal Caucasian woman of iconic fancy and elegancy. It eventually prompted *ViVi* to incorporate her fashion looks fully into the editorial looks of its female models during the 1990s.

With noticing aspect that as a western icon

of feminine elegancy, the image of *ViVi* model demonstrated less emphasis on gender eroticism in the form of women's physical incorporation sexuality when incorporating in Dianna's look. Instead, the style in western urban sophisticate women took place on representing Japanese female edgy fashion. In particular, regarding the fashion titles inside these 1990s *ViVi*, the shared points on initiating such sophisticated style were remarkable:

"リセ xiv てお嬢さん！パリトラッドの研究"
Be the young lycéenne lady! A research for Paris Tradition
"おとなのリセンヌスタイルになりたい"
Anticipating for the matured lycéenne style.

The textual information is directional on promoting the western urban style in the group of young ladies. Since the advocacy on expressing Japanese young women-hood *O-jo-san* relied on the wording of the French term lycéenne alongside the term "urban" "Paris," *ViVi* barely served as a propaganda media for mystifying the urban fashion culture in Paris in front of its targeted Japanese readers. Although a visual form of liberalizing traditional gender image, the packaging on "the becoming Paris girl fantasy" reinforced the consciousness inculcation on Japanese beauty aesthetic to be delocalized oriented that branded with deep admiration towards western countries.

Concerning *ViVi's* early use on *Hāfu* in 1990s, a visible styling with Dianna short that represented by a *Hāfu* model, the central positioning on this *Hāfu* model in an enlarged size also distinguished her from the other three Japanese models.

At the same time, plenty of other *ViVi's* editorial trending in the 1990s was designed to emphasize suit skirt as the going Japanese female fashion alongside with textual information that reinforced similar cultural indigenization on "Dianna suits."

"スーツの上手なきまわしには，スカーフ，ベルトは必需品"
Scarf and belt are the necessary items for a good-look suit styling.

Figure 4xv**: Early fashion look in 1990s *ViVi*.**

"スーツ上手の個性術を盗む！"

Steal the personality of a good suit

"山口美江さんのラグジュアリー着こなし"

To dress up in the luxury style of Mie Yamaguchi.

The titles above suggest how liberalized femininity ideas were emphasized by introducing suit as a female dressing up routine. Since accords with the Japanese female consumption needs on western liberalized consciousness, *ViVi* resourcefully initiates the idea of "self" and "personality" as the packaging for women to wear suits. As the core of suit trending, the extension on Dianna's celebrity charm was further incorporated by Japanese female celebrities who owned an elite and talented image. Including *Hāfu* female celebrity Mie Yamaguchi , with their suit fashion in luxury accessory, their high-end femininity also enabled wearing suit as the echo with booming luxury designer brand consumption in 1990s Japan.

Hāfu Models, Japanese Models & "Tool Women"

Concerning the 1990s as a whole, it was oblivious that both the Japanese bubble economy's consumption behavior and western icon admiration of Princess Dianna were the predominant trigger of *ViVi's* fashion idea. Even though the very first *ViVi* issue that covered *Hāfu* declared its initial orientation on model casting, the trajectory of *Hāfu* models in the 1990s *ViVi* was not as conspicuous as Japanese-looking models. With the potential embodiment of orientalism, the bubble consumption vibe had emphasized transforming traditional Japanese female image into the edgy look from the west. Hence *Hāfu* model as the intermediate female identity, their images were insufficient in inducing the belief on traditional Japanese women's full transformation. Consequently,

ViVi's Hāfu models appeared on the bubble fashion horizon and distanced without further escalation.

Yet Regardless of Japanese *Hāfu* model or *non-Hāfu* models, their fashion lacked individuality because their images were so normalized in serving as the fitting tools for the exhibition on advanced fashion styles from the west. Since neither *Hāfu* nor *non-Hāfu* models were able to create another new definition of what beauty ideal, new era femininity, or liberalized gender roles were for Japanese women.

ViVi from the 2000s: the Post Bubble Production on Individualism

If the *ViVi* model's images during the 1990s period had emphasized a femininity unification in maturity and vanity rather than youth and diversity, since the early 2000s, the burst of the economic bubble generated decreasing purchasing power in expensive luxury brands, Japanese people's enthusiasm for conspicuous consumption behavior was replaced by purchasing products that responded to personal needs and tastes. As a response, the 2000s fashion culture in *ViVi* shifted its highlight towards emerging creative street fashion that featured in individualism and subcultures, obtaining huge popularity among the younger generation of Japanese women. When examining *Hāfu* models' images in the 2000s *ViVi*.

It is obvious that their images demonstrate the status of being bold and unconstrained that differentiated the one in 1990s. Concerning their dressing style in particular, the use of black leather elements such as jackets and heavy boots, the visual presentation of *Hāfu* models in such items narrates the idea of women becoming rugged, strong, and masculinized. On the other hand, by using see-through blouses,

Figure 5[xvi]**: The styling of *Hāfu* models in 2000s *ViVi***

bikini, and model's long legs in a short skirt, the stereotypical appeals of female sexuality were emphasized using the body of *Hāfu*. Hence the image of *Hāfu* in 2000s *ViVi* enables the dual relationship between their bodies and its audience gazes, accommodating fetishization both actively and passively. At the same time, the literal titles alongside the *Hāfu* models' images:

> "理沙さんが気になっているのは，NY系の古着みたいなスタイリング."
> Risa is interested in the styling of Vintage New York clothing.

The narrations on American vintage styles as the favor of the *Hāfu* model, as well as the necessary items for achieving that vintage style, had differentiated the 1990s suit portrait of Japanese models in terms of image westernization. As the promotion of foreign fashion styles, without shedding orientalism light on the issue of "transformation from the east towards the upgraded west," using *Hāfu* models on American vintage relied on the inherence of their mixed national faces that were close to the designated images of western looks.

For the perspective of *ViVi's* targeted readers in the post-bubble 2000s, seeing the increasing appearances of *Hāfu* models in the magazine look books who were stood for American Vintage fashion, it served as another alternative for Japanese women to admire foreign female beauty ideal. Because their images rejuvenated the public accepting foreign look rhetoric in a refreshing and approachable way. At the same time, their low-cost vintage styling resonated with the public mood of separating Japanese society from the inflating bubble consumption and allowing the come into being of individual personality.

ViVi after the 2000s: Building up her Foreign Image, Becoming Today's *Hāfu* Model in *ViVi*

For most Asian countries, including Japan, the US's national image and the idea of American could be deemed the metaphors of liberalization and expressive individuality.

In *ViVi* after the 2000s Japan, the female beauty ideal's perceptions had been directly projected through an intensified aesthetic intertextuality between Japanese and American popular culture. With the uprising popularity of American pop culture in Japan at that time, *ViVi* began to invite American female celebrities as its cover persons. Instead of juxtaposing their images into the indigenous Japanese fashion culture, the appearances of American female

stars on *ViVi* manifested distinct individuality of their own. Even though only limited magazine pages were occupied by American female stars' image, herself in a single publication, her original image radiated into the best part of the magazine contents as the objective of trending reference. Hence, I argue that including the design of *ViVi* models' looks and fashion columns, the images of both *Hāfu* and Japanese looking models were manipulated as the styling simulacra derived from the original styling of those American pop star. At the same time, such reference gave rise to another bandwagon on the foreign female look, resulting in a "*Hāfu* boom" on the *ViVi* aesthetic that continues today.

Regarding the examination of the transformations and consolidation of the *Hāfu* model aesthetic in *ViVi*, it could be approached through the elaborated comparisons between the visual portrait of American female celebrities and *Hāfu* models. As exemplified by the figure above, three American female stars: Jennifer Lopez, Beyonce, and Britney, were invited as the cover persons. For their image, by applying a similar proportion of upper body portrayals, the photography emphasized the facial characteristics that identified themselves as female beauty icons from the US. Without incorporating indigenous Japanese elements, their styles initially featured in the long hair of blonde or brown and revealing attires. Hence not only represented themselves as the prototypes of appealing American women of the day, but their presence also provided an updated reference on expressing female individuality through Americanized ideology.

The magazine covers at the right side notably illustrated how the images of *Hāfu* models during the same period were influenced by *ViVi's* reference on American pop stars. Apart from their de-Japanese facial features and the similar glossy long hairstyles, through the clothing styles on V-neckline, mini skirt, tights, the ways of expressing *Hāfu* models' gender

Figure 6[xvii]**: American celebrities and *Hāfu* models in *ViVi* after the 2000s.**

Figure 7[xviii]**: *ViVi* models in foreign emblems.**

appeal resembles American female celebrities in the unconstraint ways of exposed female sexuality.

Moreover, echoed with the idea of Americanization or westernization, occasions existed when blurred nationalism of Japan was visualized through the images of both *Hāfu* and *non-Hāfu* models. Followed by the above illustration particular, by having a *Hāfu* model dressing up in a tight dress of colors in white, blue, and red in the first figure, she physically accommodated symbolics of the American national flag. Moreover, her body curve in a prideful and seductive posture embodied the aesthetic value of unconstrained female sexuality that distinguished Japanese traditional manner of gender performance. Moreover, its unconventional layout design that was rendering the "Red *ViVi*" into a blue one, with a pure white background set off, by contrast, the image of the *Hāfu* model was symbolically fetishized as the beauty ideal embracing Japan and the America.

In other issues of *ViVi* during the 2010s, similar scenarios exemplified how the model's identity as the beauty ideal was complexified through signifying their bodies as the accommodation of visuality for foreign national marks. To be specific, in the next two *ViVi* covers, the background setting made the national flags of the UK, and the US became clearly identifiable. Regarding the looks of the Japanese female stars Amuro Naomi in the middle, her outfit defeminized her body by hiding her sexual appeal. It empowered her image with a visual resistance to normalizing the femininity of Japanese women. Nevertheless, the presentation of British union Jack could be perceived as another large, powerful hierarchical symbol that enclosed her body and overwhelmed her identity as an ideal Japanese beautiful woman who was expressing her powerful gender image.

Additionally, concerning the coverage of the grey headline titles upon the waist of the model:

"今，時代はL.A ガール !! "

Now, it is the era for LA girls!

Detached from the cover person's designated image portrayal, the editorial function of this title could be argued as a puzzling message. By textually locating the appeal to young women in LA, within the inconsistency between the content of this title, the image portrayal of the model as well as the background design, the overloading expression purports to three different nations eventually caused the representation of the model's femininity encountered otherization amongst the divergence of editorial discourses.

As for the same scenario shown by the last figure, unlike the Japanese models, the image of the *Hāfu* models was not prevailed over by the editorial design of *ViVi*.

"カジュアルなのに女っぽい，進化した "セクシー "がやってきた !!

Girls to be "sexy!"

Casual but feminine, the evolution of "sexy" has arrived!! Girls to be sexy!

Accompanied by the title, the *Hāfu* model named Anna Tsuchiya was styled in the blonde curly hair and denim tube top, which typically represented the western pop fashion of sexy women at the time. Instead of being enringed by the background, her holding the American flag was in a relatively leading manner, indicating her ability to 'control over' the national symbol of America and obtain its power as a woman. However, with the editorial title on "the evolution of sexy girl," the consistency between editorial design and the image of the *Hāfu* was portrayed as an othering female beauty within non-traditional Japanese discourse. Because editorially combining the American-oriented concept with her non-Japanese facial feature

onto the cover merely empowered her liberalized expression on female sexuality. From Japanese readers' perspective, the settlement of her "look-at-ness" lies in the inevitable recognitions on her *Hāfu* looking could otherize her image identity as a belonging of the discourse of non-Japanese. It subsequently diminished her viability in performing liberalized gender expression for Japanese women. Therefore, joining the bandwagon of popular Western female fashion style through the symbolic embedment of the foreign national sign was a way of othering the image of *Hāfu* models.

Towards the Aesthetic of Sexualization and Fetishization

Another influence from such a foreign trend, it escalated *ViVi's* foreignized fashion expression and *Hāfu* preference to become increasingly open, featuring the explicit portrait of models' bodies.

In the wake of the cultural effect on western female icons after the 2010s, the emphasis on *ViVi's* fashion culture had transformed its elegant femininity explicitly as exemplified by the figures above, plenty of image portrayals on *Hāfu* models that characterized in exposing their bodies. Moreover, despite the facial features

of *Hāfu* models and their womanly shape had distinguished traditional Japanese models, an assimilated tendency could be identified through their casting criteria. For getting close to Japanese readers, the images of *Hāfu* models embraced both the appeals of cuteness and sexiness for getting close to the catering for Japanese popular culture on admiring *Kawaii*. Eventually, it implied the tendencies towards *Hāfu* female fetishization reinforcement.

As exemplified by the two figures above, the similarity between two female images: American celebrity Britney Spears and *Hāfu* models, could be clearly identified. Not merely to the fact that their uncovered-midriff outfits had exposed their body in the same manner, through which the shining navel studs were adorned within the cover frames. In this situation, regarding another fashion culture, the explicit portrayal of *Hāfu* models had already evaded the prevailing perception of 'elegant femininity.' On the other hand, through the textual design, the gender idea represented by two female images were subtly interconnected. When covering Britney, the magazine titled "真夏可愛い激安服," which means the cute but super cheap coat during the mid-summer, in contrast, alongside the metropolitan skyscraper, the title design in

Figures 8[xix]**: Adapting western iconic female images on to the explicit portrait of *Hāfu* (1).**

the *Hāfu* model cover claimed "L.A. celebrities styles! この夏L.Aガール大旋風！" point directly at L.A. trending whirlwind into Japan. The former theme Kawaii-nized on Britney's sexy image, while the latter one packaged the *Hāfu* image with female sexuality appeal based upon Americanization. Thus, westernization could be deemed a prototyped fetishization that generated the reinforcing gender sexualization of the *Hāfu* image.

Furthermore, based on a particular style of western female celebrity, there were also situations in which *Hāfu* model fetishization was generated using more direct ways. As exemplified by the its look books which introduced two fashion styles represented by Paris Hilton and Kate Moss respectively. Divided the single header into pink and blue, these two western female celebrities were

compared under the editorial narration that articulated their appeals of female sexuality in "パリスSEXY VS. ケイトCOOL" (Paris Sexy Vs. Kate Cool.) Through examining the magazine layout, although guidance looks had been inconspicuously provided at the page corners using Japanese looking models, its center placements of two *Hāfu* models featured their body prominently using the largest image size. Mapping with two themed fashion personals that given by the original figures above, along with the smaller textual descriptions at each side:

"パリスはエロ可愛い，お嬢さんスタイル"
Paris's style is erotic, cute, and lady.
"ケイトはこれぞモデルなカジュアル"
A Kate style is this is model's casual.

Hence given the targeted styling to be fulfilled, the *Hāfu* models reproduced the targeted celebrity's equivalent wearing items.

Figure 9[xx]: Adapting western iconic female images on to the explicit portrait of *Hāfu* (2)

However, the disparities between the original and the "*Hāfu* version" could merely be identified through their facial features. For the reason that "erotic" "cute" and "casual" already reinforced the labeling fetishizations on female bodies, with the coverage on the inherent beauty and identity as *Hāfu* models, through reproducing the original looks, the image of *Hāfu* also undertook duplicated fetishizations: to be fetishized as the simulacra version of sexy western celebrities, as well as to be fetishized through labeling self-image as *Hāfu*.

Moreover, if regarding the figures at the second line, the ill-concealing trend of *Hāfu* fetishization could be even more accessible through viewing the transition of models' look and magazine languages in *ViVi*. Not limited to the use of explicit terms "Bust" and "Hip," the repeating use on the erotic rhetoric "セクシー" (sexy), and "devilish" in "セクシー下着で小悪魔な女になる" (Become a devilish woman in sexy underwear) enclosed *Hāfu* in a sexualized linguistic vibe. The juxtaposition of models and numerous items on each page reinforced the fetishized positioning of *Hāfu* models as the object to be consumed that parallel the function of fashion goods.

Chapter 3. *ViVi* between 2008 to 2019: *Hāfu* Models vs. *Non-Hāfu* Models, Cover Girls and Solidification of Caucasian-appealing Aesthetics

Women's fashion magazines have played the role of being the tastemakers who are able to direct the trends of an era. Nevertheless, for readers, an eye-catching magazine cover could add an extra layer to a fashion magazine's attractiveness. The idea of 'cover girls' appeared in the early 20th century when images and paintings of women were widely used in American press and media in line with its development of advertisement and fashion industries. Its influence and function from the perspective of feminism were analyzed by Kitch, whose arguments indicate that the image of cover girls is the mirror that reflects the reception, disposition, and recreation of images of women through mass media. (Kitch, 2001:4)

Regarding cover girl culture in Japan, its dynamic is diversified through the combination of Asian-looking Japanese models, *Hāfu* models, and foreign origin models, which makes what is Japanese beauty ideal a sophisticated term to interpret. On the one hand, Japanese readers' perception of beautiful women could be directed by cover girls. In the case of *ViVi*, the use of *Hāfu* women as cover girls, their images influence readers' perceptions of what is Japanese beauty ideal. By offering a utopian vision of something that is distinguished as exotic-looking and a model whose image is worth emulating for domestic readers. On the other hand, an unconscious glimpse of *ViVi* covers with *Hāfu* images on the magazine displayed on shelves at random bookshops could passively shape a certain sense of identity recognition on both readers and non-readers of the female. The display of *Hāfu* images as a type of good for visual consumption evidently accords with women belongs to the 'to be looked-at-ness' argument (Mulvey, 1997). In contrast, the presentation of *Hāfu* further shifts the gaze from male-based visual pleasure to being looked at as a template for a beauty ideal for female consumers themself. The solidification within women's consciousness by modeling themselves on *Hāfu* looking models and holding the eagerness and endeavor to be looked at by others in the same way the *Hāfu* cover girls have been enjoyed intensifies the uneven hierarchy of gender in Japanese fashion magazine culture.

Methodology: **Contextual Data Analysis**

In the research of this chapter, I used content analysis to analyze how *Hāfu* images are used as cover girls in *ViVi*. The approach is achieved through four processes, including sample selection, data category construction, data collection, and statistical analysis.

Sample Selection & Data Category Construction

This study selects overall 144 volumes of *ViVi* covers which circulated from January 2008 to December 2019 was selected as research samples.

Based on the thinking angles of media presentation on *Hāfu* models' images and identity of gender and nation, the analysis in this chapter focus on the question of 'who is the model?' and 'how the model has been presented?' by conducting comparative examination on *ViVi's* use of *Hāfu* models, Japanese models as well as foreign models as cover girls. The specific construction of the data category is:

First: Who are the models in *ViVi's* cover?

Model's name and age

Model's Identity: Japanese *Hāfu* model, Japanese celebrity, foreign celebrity

Model's origin: Japanese, American Japanese, French Japanese, Bengalis- Japanese, New Zealander-Japanese, British-Japanese.

Second: How the model has been presented?

Data Collection and Reliability

The maintenance of the data collection's stability in this study is achieved by constantly referencing the Corresponding coding and explanations 1&2 above. In order to adjust conciseness onto the final presentation of my data statistics, the variable of each coding is directedly quantified as individual numbers without involving further mathematical calculation. As advised by (Rothmans 2007:438), the assessment of data quality through reliability could be examined through three aspects: providing an open and transparent process of coding manual, maximize focus on checking the reliability of data description and make attempts to unify measurement of selected datasets due to their possible variability on different subjects. Therefore, my coding manual is defined with clear constructions on coding categories of cover models, presented into a prototypical table chart designed by Excel. The measurement of the data collection strictly referenced to corresponding patterns that developed with reference to the original cover images of research object *ViVi*.

Statistical Analysis

The statistical analysis on the result of coded data is presented in the form of a pie chart and histogram, which was accomplished by Microsoft Excel 2010. In order to answer the research question 2 (Is the way that *Hāfu* is used in *ViVi* more westernized or indigenous, in terms of casting and styling? Any selection bias indicated on *Hāfu* model's looking and any change has happened?), the corresponding depictive statistics have been completed and presented using the form of frequencies for each cover models including *ViVi* Cover Models' Country Origin, Model's age, Skin Color, Hair Color, Eye Color, Cheek Color, Makeup as well as Clothing Style. Similarly, frequencies analysis was also implemented for answering research question 3, modesty comparing with Asian-looking and Caucasian female models in *ViVi*?) by comparing depictive statistics on the use of *Hāfu* and *non-Hāfu* models' bodies, including Facial expressions, Proportion of model's facial portrayal, Proportion of model's body portrayal, Model's Posing. In addition, the depictive

statistics on models' exposed body parts in *ViVi's* covers, including legs, breast, arms, and back, will be directly compared based on their exposed frequencies. The answering to research question 4 (Does the use of *Hāfu* demonstrate feminism info on gender liberalization or vice versa, reinforcing consuming culture of erotized women's body in Japanese society?) will interpret the result of statistical analysis on research question 3 and 4 and incorporate with the relative academic review on the issue of feminism, color, and gender identity.

The maintenance of the data collection's stability in this study is achieved by constantly referencing the Corresponding coding and explanations 1&2 above. In order to adjust conciseness onto the final presentation of my data statistics, the variable of each coding is directedly quantified as individual numbers without involving further mathematical calculation. As advised by (Rothmans 2007:438), the assessment of data quality through reliability could be examined through three aspects: providing an open and transparent process of coding manual, maximize focus on checking the reliability of data description and make attempts to unify measurement of selected datasets due to their possible variability on different subjects.

Therefore, my coding manual is defined with clear constructions on coding categories of cover models, presented into a prototypical table chart designed by Excel. The measurement of the data collection strictly referenced to corresponding patterns,

Findings and Results

Research Question 2: Is the way that *Hāfu* are used in *ViVi* more westernized or indigenous, in terms of casting and styling? Any selection bias indicated on *Hāfu* model's looking and any change has happened?

In all, 144 *ViVi* covers were analyzed, and among which there have been thirty people who were chose to be used as cover models. Concerning the models' types, there were twelve Japanese female celebrities and one Male celebrities[xxi], twelve Japanese *Hāfu* models, one female western celebrity[xxii], one male western celebrity[xxiii] and three K-pop stars.[xxiv]

Hence, based on the result illustrated by **Figure 10**, even though the numbers of *Hāfu* Models equal Japanese celebrities in 12, they possessed the highest frequency of occurrence in *ViVi's* cover for 81 times between the period of 2008-2019. Moreover, defining models based on the origin of countries was suggested by

Table1: Statistic of Model' s type and frequencies of occurrence in *ViVi's* cover (2008-2019)

Model type	Quantities of models	Count of frequency in cover
Hāfu Models	12	81
Japanese Celebrity	12	57
K-pop Stars	3	4
Western Celebrity	2	2
Total	30	144

Country origins of cover models

4 2 1
8 6 1
11
14 53
17
27

Legend:
- ■ Japanese
- ■ American-Japanese
- ■ French-Japanese
- ■ Combination
- ■ Bengalis-Japanese
- ■ American-Korean
- ■ British-Japanese
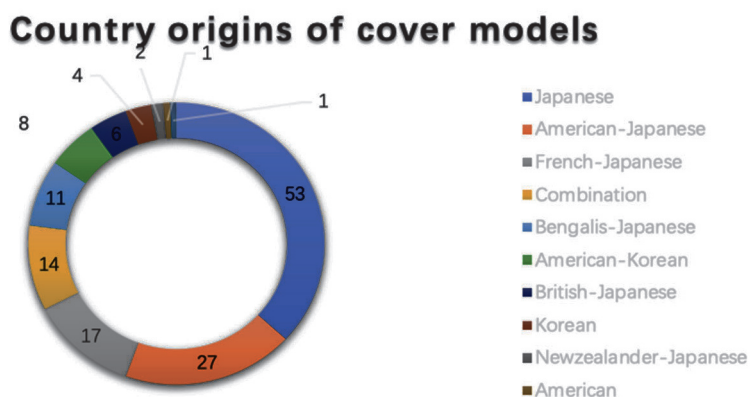- ■ Korean
- ■ Newzealander-Japanese
- ■ American

Figure 10: Country of origin of cover models (2008-2019)

Table 2: *Hāfu* Models' ages, blood lineage and frequencies as *ViVi's* cover girls.

Hāfu Model Name	Age of Debut in ViVi	Mix Origin	Frequencies as Cover models	*Years Active in ViVi*
Rinka[xxv]	34	French Japanese	3	3 (2007-2009)
Sawajiri Erika	24	French Japanese	1	1 (2010-2011)
Mizuhara Kiko	23	American Korean	11	16 (2013-2019)
Fujii Rena	20	American Japanese	18	10 (2004-2014)
Emma	20	British Japanese	7	5 (2014-2019)
Hasegawa Jun	19	American Japanese	5	5 (2005-2010)
Triendl Reina	19	German Japanese	16	8 (2011-2019)
Fujita Nicole	19	New Zealander Japanese	2	11 (2008-2019)
Rola	18	Bengalis Japanese	13	11 (2008-2019)

Maggi Nagatsuki	18	Canadian Japanese	3	6　(2010-2016)
Yagi Elisa	16	French Japanese	4	9　(2011-2019)
Tamashiro Tina	15	American Japanese	9	8　(2012-2019)

Table 3:

Name of Japanese Celebrities	Age of debut in ViVi	Career	Frequencies as Cover models	Years active in *Vivi*
Amuro Namie	25	Singer/ Model	17	16 (2002-2018)
Hamasaki Ayumi	21	Singer/Model	11	20 (1999-2019)
Koda Kumi	26	Singer/ Model	6	6　(2006-2012)
Kato Miliyah	26	Singer/ Model	3	5　(2012-2017)
Nishino Kana	21	Singer/Model	3	8　(2010-2018)
Itano Tomomi	20	Singer/Idol	2	2　(2011-2012)
Yoshizawa Ryo	25	Actor/Model	1	1　(2019)
Komatsu Nana	19	Actress/ Model	3	4　(2015-2019)
Imada Mio	21	Actress/Model	2	2　(2018-2019)
Hashimoto Kana	20	Actress/ Model	1	1　(2019)
Koki	16	Model	1	1　(2019)

Table 2&3, excluding the models of pure Japanese-origin, Korean stars, American celebrities, as well as the situation when models from each category are combined on covers, then regarding the distribution on *Hāfu* Models it is evident that for both Japanese *Hāfu* models and *non-Hāfu* models there exists a propensity that is indicated by casting system on *ViVi's*

covers. For 12 Japanese *Hāfu* models, 11 of them have Euro-American racial lineages, among which 3 of them have French and American blood, and one each for German, British, New Zealander, and Canada, respectively. Moreover, despite the frequency of cover models from 2008-2019 that indicates that the *Hāfu* cover girl with the highest frequency of appearances is American Japanese Fujii Rena (18) when combining their years of activity, the data suggest that *ViVi's* casting on *Hāfu* models has been more diversified within its Caucasian-aesthetic because younger *Hāfu* models who became active after 2010 as, except for German Japanese Triendl Reina, (16) others shared similar frequencies of occurrence in *ViVi* Covers. Whereas the two exceptions are Rola (13) and Mizuhara Kiko (11), *ViVi's* frequent use of them might be a triumph in unstereotypicalizing of the population of Caucasian *Hāfu* models in Japan.

Unlike *Hāfu* models whose debut as cover person generally starts between the age of 18-23 with a trend of lowering ages, when analyzing Japanese celebrities, the evident difference is that ever since the early 2000s, *ViVi's* casting criteria on indigenous Japanese models as cover girls, the covers emphasized more heavily on whether the model has a successful career and a high level of popularity. For instance, the top three frequencies on covers were monopolized by three female celebrities, Amuro Namie (16), Hamasaki Ayumi (11) and Koda Kumi (6), who had been precisely those with the highest prestige as the contemporary queens of Japanese pop music during the late Heisei period in the 2000s. However, the attempt in altering such image monopoly on adopting celebrity charms from experienced Japanese female singers was clarified after the year 2010, with a rejuvenation on the age of Japanese cover female celebrities, as well as their careers involving in the field of

actress.

Similar to the casting on *Hāfu* Models, inviting younger Japanese female celebrities having their magazine cover debut at a younger age around 20 does suggest the diversified market needs on seeing younger women in Japanese society, yet relative to the potential trend of the consumption on younger female Japanese models for both types, I argue that such media promotion of younger beauty ideal in the combination use on Japanese look and *Hāfu* look is a dual representation both for the identification as well as the individualization of Japanese female identity.

Defining the Looks of *ViVi's* Cover Girls: Color, Style and Racial Identification

ViVi as one young women-targeted magazines in Japan, its fashion technique in the aspect of color choices on hair, skin make up as well as contactless lens could be deemed as the potential reflection on the racial factors on deciding what is the popular looks of cover girl, should a she show more indigenous Japanese features of Black straight hair, dark eyes and natural skin-make up or covering all these natural-born features with a lightened artificial color. Followed elaborated data analysis of Comparison 1 and Comparison 2.1, 2.2&2.3 are categorizations on fashion styling techniques on use on color which had been applied onto *ViVi's* cover models, both Japanese and Japanese *Hāfu*. The purpose of this is to examine the frequency appearance on the indigenous look and non-indigenous looks for both types of cover girls and found out the potential bias on colorism and race that represented by their fashion looks.

Based on **Figure 11**, between 2008 to 2009, the visible difference in the visual treatment of color on models suggests the distinguished standard of being an attractive cover girl in *ViVi*.
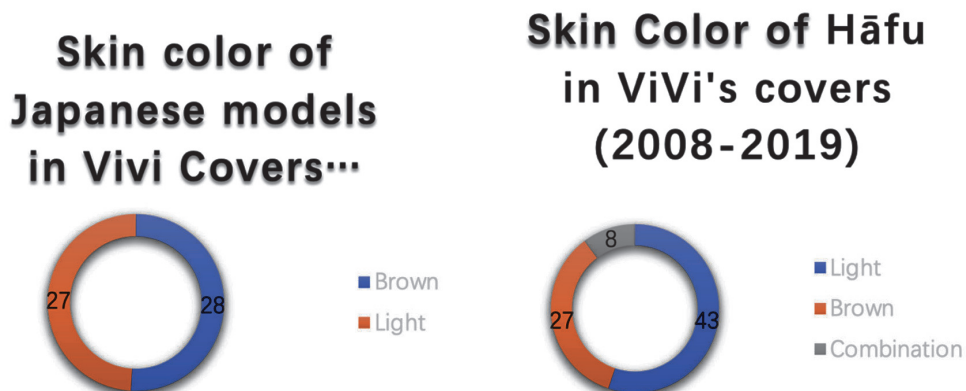
Skin color of Japanese models in Vivi Covers…

- ■ Brown
- ■ Light

Skin Color of Hāfu in ViVi's covers (2008-2019)

- ■ Light
- ■ Brown
- ■ Combination

Figure 11: Frequencies of skin colors of *Hāfu* and *non-Hāfu* in *ViVi* covers (2008-2009).

Table 4: Statistics of totality for different hair styles.

Categories of Hairstyle	Hāfu	Non- Hāfu models	Totality
Long Curly	27	25	52
Short Curly	9	11	20
Totality of curly hair	36	36	72
Long Straight	15	6	21
Short Straight	12	6	18
Totality of straight hair	27	12	39
Bun	5	7	12

To be specific, Japanese models' skin color saw a balanced distribution between brown and light skin in frequencies of 27 and 28. By comparison, apart from the combination situation that different types of models are included in one cover, when presenting *Hāfu* models, the appearance of light skin (43) exceeded brown skin (27) 16 times. As for the distribution of hair colors for both types of models, similarly, the main proportion was taken by brown and blonde hair and left fewer frequencies in the appearance of traditional black hair. Furthermore, regarding their hairstyling, the tendencies in the two graphs are alike. Even though long-curly hair is the most preferred hair styling for both types of *ViVi* models, the hairstyle differences are still evident. According to **Table 4**, concerning the situations when *ViVi* covers gave models with long hair designs, and with each statistic on frequencies between *Hāfu* and Japanese *non-Hāfu* models that shows in curly, straight and bun are 27,15,5 times versus 25,6,7 times respectively, and this means that *Hāfu* has more opportunities to be presented in long hair.

Similarly, when altering curly and straight hair as the contrastive parameters to be analyzed in comparison 2.2, the result between two types of models shows a subtle indication that while curly hair possesses an equal dominance of 36 times in totality for both types of models, the totality of *Hāfu* outnumbers *non-Hāfu* models in these two hairstyle categories.

Suppose black straight hair and brown skin were deemed as the traditional notion on the natural looks of Japanese women, when comparatively referring to *ViVi's* cover model's statistic on skin color and hairstyles. In that case, it is evident that as one of the famous Japanese editorial media that functioned in directing the fashion looks of Japanese women at the younger generation, by strategically covered lightened color looks that have been deviated from the traditional notion, *ViVi* demonstrates it applied value on promoting fashion styling of white-appealing looks as the beauty ideal for Japanese women in younger generations. With most of its covers between 2008-2019 displaying models in lightened skin make-up, westernized curly hair in brightened hair color of brown and blonde, it also reveals the fact that the market conditions of a Japanese fashion magazine in the young-women segment, the whitening, and polished women image is in active demand in the latest period as a response to their readers' consumption needs.

Research Question 3: Does the use of *Hāfu* female model images indicate a more suggestive sexuality or modesty comparing with Asian-looking female models in *ViVi*?

Since apart from the model's styling, which could be deemed the accessorial visual messages carried by *ViVi's* cover models, there are other direct visual elements that constitute the image of the models per se. Thus, based on the information integration that followed by the stated coding category, I further classified the image elements of selected *ViVi's* covers into the proportion of body portrayal and Facial portrayal, Models' posing as well as Clothing styles, and their statistical illustration are presented by following figures.

Regarding the data description on models' body portrayal between 2008-2019 in **Figure 12**, it is evident that for both *Hāfu* and *non-Hāfu* models, the above chest close-up is the most commonly used way on their body portrait in covers, and which accounts for 24 times and 26 times respectively. It might because *ViVi's* marketing positioning is not adult or male-oriented for satisfying a visual interest in carnal desire on the body. Female readers between 18 and 30 are more interested in appreciating the
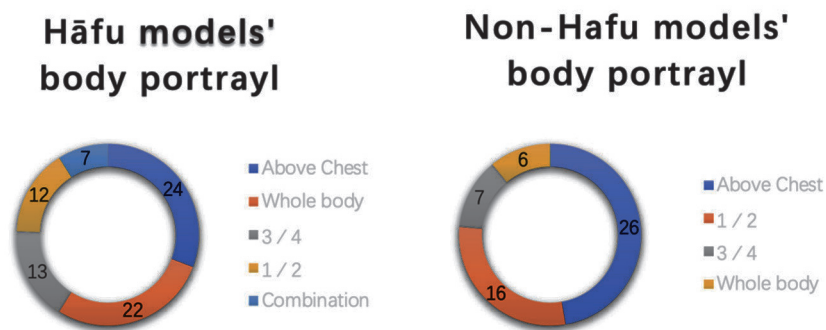

Figure 12: Proportion of body portrayal of *Hāfu* and *non-Hāfu* models in *ViVi's* covers (2008-2019)

beauty of models' facial features.

Nonetheless, in terms of the differences between two types of model, the result is also visible that compared to *non-Hāfu* models who had more than 1/2 body portrait in 16 times that second to the Above chest portrait, their least frequency shows in the whole bodies portrait in 6 times of appearance, as a contrast to *Hāfu* models with their second-highest frequencies in showing their whole bodies in 22 times. One objective reason for different design emphasis on the body proportions for these two types of models is because of the different consideration on the sales potential of their physical appearance in covers. Since based on the former analysis on the types of cover models, it is clear that most of the *non-Hāfu* models as *ViVi's* cover girls were Japanese celebrities whose face are the most recognizable trademark, and as exemplified in **Figure 13** when the Japanese national female pop singer Amuro Naomi as the cover model, the way of clear facial portrait at the above chest level was often used on her images. Thus, it is reasonable that the statistics on *non-Hāfu* showed the highest frequency appeared on the photographic portrait level of the above chest in 26 times than either 16 times in 1/2 portrait, seven times in 3/4 portrait, or six times in the whole-body portrait. Because with

less reliance on her body, the emphasis on her facial identity suggests the fact that a Japanese female celebrity who compared with female *Hāfu* models, there is a greater level of close emphasis on her identity without distancing her own facial feature as the most significant symbolic to recognize who she is as a famous star.

By comparison to *Hāfu* models, their body portrait diversified in average emphasis on the whole body for 22 times and the above chest for 24 times and in body proportion of 1/2 and 3/4 with frequencies in 12 and 13 times respectively. Hence from the differentiation on the physical portrait proportion, it implies that apart from the face, the functional use on the bodies of *ViVi's Hāfu* models in editorial clothing display is also important. As illustrated by **Figure 13** on the multiple portraits in the body proportion of whole and 3/4 on *ViVi's* popular *Hāfu* model Fujii Rena, it is clear that differentiated from Japanese celebrity Amuro Naomi, the facial feature as the essential symbol of Fujii's identity as a *Hāfu* model, and it were diminished by pressed photographic composition on her body figure. With editorial photography that highlights the fashion styling on clothing and posing which had been applied on her body, the expression on her visual identity needs accompaniments more than just her face. Furthermore, by bearing the

Figure 13: (Left) Above chest portrait on Japanese female celebrities (Right) Whole body and 3/4 of the body portrait on *Hāfu* model.[xxvi]

physical presentation on fashion materiality that applied into all sorts of angles and proportion on the body, it also means that as cover girls, the fetishization on the body of *Hāfu* exceeded above the body of Japanese celebrities to a certain extent because there are more situations when *Hāfu* have their body displayed to the readers.

Body Exposure and Female Fetishization

For the reason that the model images of *ViVi* are expressed through the magazine's editorial arrangement on models' bodies and their clothing, and it also serves as the most direct visual communication between *ViVi's* fashion message and idea and its readers. Their bodies were selected to present traditional modest fashion of elegant and casual, explicit sexy styles with an inevitable extent exposure on the body, or edgy boyish fashion that renders female sexuality. To make a comparative examination on the specific extent of gender image sexualization for both types of models (*Hāfu* and *non-Hāfu*), further categorizations on the textual image data were elaborated into calculating the frequencies of their body exposures in legs, arms, back, and breast.

In **Figure 14**, it is evident that in terms of direct body exposure in overall four categorizations, *Hāfu* models had more often revealed their body than *non-Hāfu* models in *ViVi* covers. Specifically, the most contrasting discrepancy was shown on the body exposure category of legs. With frequency numbers of 32 versus 8, *Hāfu* models, to a more considerable extent, were fettered by the conventional way of fetishizing their female body using legs as a contrast to *non-Hāfu* models.

What is more, similar contrast could be seen in the charts about models wearing backless clothing, and in which *Hāfu* models surpass *non-Hāfu* models in revealing their skin with the style of backless top fashion.

On the portrait of models' back the difference is also visible. Since in front of the camera, *Hāfu* has a more expansive 'mobility' in displaying their backs in different angles and proportions while the posing of showing the back from the Japanese model was comparatively buddled and modest. Thus, the visual effects in such case result in different spaces for sexualized imagination on models' body, because *Hāfu* models serve as the typical cover girl with clear-seen sexy bodies. Although *Hāfu* models had widened a visible gap between the category of exposing models' arms with *non-Hāfu* models, the only statistical parallelism is illustrated in the category of wearing bare breast fashion, when frequencies numbers on both types of models are close with each other. (17:15)
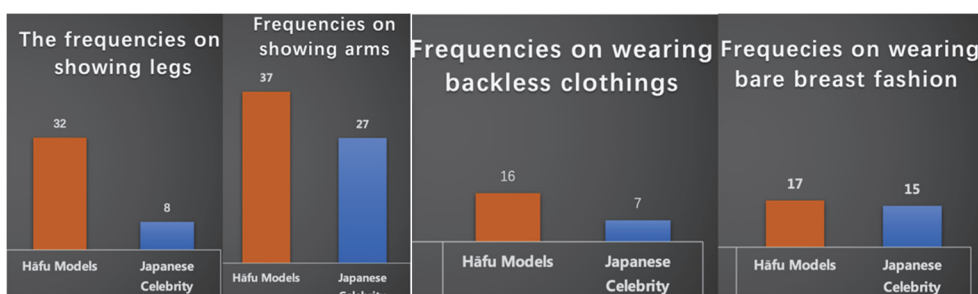

Figure 14: Comparative Frequency Statistics on the models' body exposure: Legs, Arms, Breast &Back in the covers of *ViVi (2008-2019)*

Figure 15[xxvii]**: Different leg portrait for *Hāfu* and *non-Hāfu*.**

Figure 16[xxviii]**: Different back portrait on *Hāfu* and *non-Hāfu*.**

Throughout all the statistical categorizations, there is no situation showed when either type of model is completely covered by clothing without any part of her body being exposed or vise versa, incomplete nudity when the presentation of the model's body is in a state of nature and without covering of clothing. Since both *Hāfu* and *non-Hāfu* model were presented in either "nudity at a general level", with a certain part of the bodies such as her arms or lower legs were exposed in the covers. Or in "nudity at a sexualized level" when explicit

exposure on models' body emphasized female sexuality. Visible nudity is shown either in her shoulders, legs, chest, or back. Combining all the degrees on models' body exposure and followed the four categorizations of exposed arms, legs, back, and breast, it is obvious that *ViVi's* use on the images of *Hāfu* is much explicitly sexualized than *non-Hāfu* with a greater extent of body exposure.

Chapter 4. Conclusion

In conclusion, this research examined the image of female *Hāfu* models based on the chronicle of *ViVi*, from the first issue in June 1983 to the lasted issue in December 2019. Through historically tracing its trending transition and the formation of the "*Hāfu* aesthetic" of *ViVi*, I suggest that the image transformation of *ViVi's Hāfu* models' has been in correspondence with the socio-historical discourse of Japanese economy's development and decline between the 1990s to 2010s. With its editorial advocacy from the "Female suit trending" driven by "Dianna fever" to the "street fashion", "western female icon styling". The evident shift on its model images manifested in preferencing *non-Hāfu* with traditional Japanese looks and diminishing *Hāfu* when articulating in transformation of "Japanese femininity" in high-end suit culture before 2000s. By comparison, *Hāfu* models image in *ViVi* after 2000s served as the beauty ideal in advocating for female image liberalization through the diversified look that grounded in cheap street fashion, as well as fulfilling styling reproductions on western female icon fashion. Nontheless, differentiated from the former "suit trending" within the discourse of gender image regulations, in which the initiative on preferencing female models with traditional Japanese looks was to enable the transformation

of "Traditional Japanese femininity into high end westernized elegance." In the case of editorial references on western female celebrities, the exoticized features on the *Hāfu* models' face and body harmonized with those western female images in the emphasized expressions on female individuality and spreading American aesthetic value on liberalizing the female body. Using *Hāfu* models allowed Japanese female readers to envision the imaged self that closely comforts their desired beauty expectation without detaching from Japanese women's shared identity.

Concerning race and colorism on admiring white-appealing looks, I found out it was not the permeated ideology of aesthetic in the *ViVi* issues before 2008. For instance, except for Caucasian European and white American models, who had natural Caucasian skin tones, both Japanese *Hāfu* models and *non-Hāfu* models were presented in a natural yellow skin tone representing typical Asian. In addition to this, when making styling references to the western female celebrities with dark skin tones, both *Hāfu* models and *non-Hāfu* models were adjusted into the styling of darker skin colors of tanned or wheat. At the same time, of note that the *Hāfu* models used during that period all had racial lineages with Caucasian countries from Europe and America, but the result and findings demonstrate that all of them were naturally represented in non-whitened skin colors. Therefore, when referring to how the images of *Hāfu* female models were presented in *ViVi* before 2008, it proved that my initial hypothesis on "Caucasian-appealing aesthetic" as a permanent characteristic was not valid.

However, when progressing my quantitative examination into the different time period between 2008 to 2019 that based on the same hypothesis of "white-appealing" as the core

aesthetic in *ViVi*, following models' individual imagery patterns, and in which the frequent occurrences of the model races, their colors of skin, hair, and nudity exposure rate of body, Eventually, according to the findings in each section, the result proved the validity of my "white-appealing" argument in *ViVi* between 2008 to 2019.

To be specific, in contrast to Japanese *non-Hāfu* models whose casting criteria emphasized their popularities as indigenous female celebrities, *Hāfu* models that appeared during the examined period, among which 11 out of 12 they have Caucasian racial lineages in Euro-American countries. Moreover, when relating to the color treatments on each type of model, the lightened colors of brown and blonde surpassed black in frequencies of hair colors and eye colors. Similarly, whitened skin tones and curled hairstyles appeared more often than brown and straight hair of traditional Asian. In this sense, it proved that *ViVi's* beauty aesthetic had been visibly shifted into a Caucasianized appealing one featuring both lightened skin color, and the coverage of Asian features using fashion stylings for both Japanese *Hāfu* and *non-Hāfu* models.

Furthermore, from the findings on body exposure frequencies, the extent of being fetishized differentiate *Hāfu* models distinguished *non-Hāfu* models in the extent of being fetishized. Not only because the higher exposing frequencies were owned by *Hāfu* models in all four coding categorizations of the leg, arm, breast, and back. Also, for the editorial portrait of these body categorizations, the image of *Hāfu* models has a more 'mobility' on sufficiently showing their bodies in multiple photographic proportions and angles. In this respect, *ViVi* sufficiently reinforces its *Hāfu* female model aesthetic from 2008 to 2019. Apart from the dominant casting on Caucasian-origin *Hāfu* as

cover girls, apparent changes in lightened color were used in each styling sections of both *Hāfu* and *non-Hāfu* models, crystallizing "white-appealing" as a sufficiently applied female beauty aesthetics in its cover content. At the same time, as a response to the primary puzzle on how *Hāfu* female models differentiated *non-Hāfu* in terms of gender image fetishization, verified coding comparisons prove *Hāfu* female model aesthetic as a more sexually oriented one than *non-Hāfu* by occupying higher frequencies in each coding comparisons sections of the explicit portrayal of their clothing and bodies.

To sum up, the conclusion of this research lies in answering how the *Hāfu* model functioned in feminism messages of feminism in *ViVi*. Based on the analyzing their images in different time slots, despite product positioning as "Japanese women-targeted magazines," under the disguise of aesthetic standards that are satisfying the Japanese female readers who had expectations to reshape their self-images, their face and body were editorially conformed to a masculine vision of traditional female beauty ideal. Therefore, abide by the patriarchal pleasure of viewing women, not limited to Japanese *Hāfu* models. In the process of "seeing and being seen," the reinforcement of masculine vision durably relays to female readers when shaping their ideal self-based on images of *Hāfu* models. In addition, it is visible that *Hāfu* models in *ViVi* were mostly placed on a column of fashion look books and make-up pages. Hence, they have been functioned on teaching Japanese women how to dress up to obtain a more fashionable and attractive appearance. With fewer editorial sections designed exclusively for *Hāfu* as a special group of female models and show their life experiences as beautiful *Hāfu* women to Japanese readers, the social reflection maintains when recognizing *Hāfu* models as the otherized

that not ground to Japanese real life. Eventually, the combination of mystified recognition and visual fetishization on female *Hāfu* models in *ViVi* weakened their power of persuasiveness in spreading feminism consciousness relating to "girls' power," or "female liberalization."

Research Limitation

This research shows limitations in several aspects. The first issue is that only female *Hāfu* models in *ViVi* were analyzed. In spite of its high publication amounts, there is a wider range of Japanese magazines media targeted different audiences that use female *Hāfu* models, and which may provide different historical and aesthetical trajectories and broaden the view of the "female *Hāfu* models phenomena" in Japanese fashion magazine industry. Secondly, the quantitative analysis is limited to the selections of the research period between 2008-2020, as well as on the codlings that only described the element of "beauty" of female models. Including the data for a longer period can add comprehensiveness to the analysis on a change of female *Hāfu* models on the statistical base, while designing other coding sections refines the image analysis.

Also, for limited access, my qualitative content analysis does not include questionnaire research targeting Japanese readers, how they view the prevalence of female *Hāfu* models' images adds objectivity to this research. Participant study and interview on *Hāfu* models and people who involved in the Japanese fashion magazine industry could bring the self- viewpoint of *Hāfu* into focus, elaborating analysis that takes how "being *Hāfu*" matters in their model career, as well as influences their living experiences in Japan.

Improvement for Future Research

In my future research, several improvements could be involved. For the content analysis approach, not restricted to examining *Hāfu* female models *ViVi*, homogeneous comparisons could be applied to multiple types of magazines which have *Hāfu* female models, including magazines of the *Akamoji* genre, cosmetics, the housewife-targeted lifestyle, and the male-targeted. Apart from magazines circulations inside the Japanese domestic market, future case studies could relocate "*Hāfu* female model phenomena" into the global sphere, involving different outlooks on how "*Hāfu* and white appealing aesthetic" have penetrated and cause impact in different fashion media magazine industries and readership perspectives in China, South Korea, and Thailand. Additionally, on the basis of expanded case studies, relevant research objects could be added to future participant studies and survey analysis.

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Notes

i　Japan Magazine Publishers Association (JMPA), the organization for magazine companies in Japan that in charge of their publication and market report.

ii　Statistics from *Magazine Data 2020*, (マガジンデータ 2020) published by JMPA on 2019.12.24.

iii　*Myojo* (In Japanese 週刊明星), It is a weekly magazine for women that published by Shueisha since 1958.

iv　当時の日本社会における「白人」もしくは「ハーフ」の商品化について…「ハーフ」はあくまでも日本社会で「他者化」されながら，「白人崇拝」の対象として積極的に「ハーフ」の表象は商品化された．（159-160 頁）

v　特にファッション界では，一九七〇年〜一九八〇年代にかけてファッションシーンの先駆けとなった女性雑誌が次々と発刊されるが，これらの雑誌においてもハーフの女性イメージが非常に多く用いられている．（163 頁）

vi　日本人論において男性化された「日本人」イメージがほぼ同時期に活発に消費されていた点である．「日本人」イメージはしばしば男性像として再生産され，男性化された日本人イメージが出版界や知識人の間で牽引され，大衆文化と化していた…日本人論の主体としての「日本人」イメージは消費された．その一方で，「ハーフ」表象は女性化され，消費社会における商品化の論理によって「消費の対象」として客体化されつつ再生産された．（163-164 頁）

vii　Known as the Modern Showa era, (昭和) it started from the year 1926 and ended at 1989. It was an era that witness the transition of Japan from an Empire to a Nation State.

viii　Between the early 1890s-1910s, there were four main early magazines that were launched for promoting women consciousness, including "*Fujin Koron* by *Chuokoron*, 1916"（婦人公論）"*shufu no Tomo*, by *shufu no Tomo*. Co. Ltd. 1917"（主婦之友）"*Fujin Gaho* by Fujin Gaho co.Ltd. 1905"（婦人画報）and "*Fujin Club*, by Kodansha, 1920"（婦人倶楽部）Images source: d マガジン

ix　The main content in this advertisement page (from left to right) are: Complete spring collection of fabrications; Useful Tips for pregnancy and parenting; the dories and skirt for young girl; Novel named *Produce Make-up*; the country of cherry blossom; the work ability of beauty. Image source: tokyowanyosai.com

x　Japanese pronunciation *Akamoji* magazine refers to Japanese fashion magazines that specifically targeted young women who aged 20 to 25. Including female college students and young office workers. Normally, their titles on the magazine covers are all in red.

xi　Together with the first issue of *ViVi* in 1983, *JJ*, published by *Konbusha* since 1975; *CanCam*, published by *SHOGAKUKAN* in 1981; Ray, published by *Shuufu No Tomo* since 1988 (source: d マガジン)

xii　Images: ヤクオフ

xiii　A Chromogenic print that created by Japanese contemporary artist Morimura Yasumasa in 1991

xiv　"リセ" is the shorten form of リセンヌ, a French borrowed word that originally written in lycéenne and means French girl in the Middle school.

xv　*ViVi* 1983.07, page 42, *ViVi* 1988.11, page 51, *ViVi* 1989.05, page 44-45. Source: ヤクオフ.

xvi　Figures: *ViVi* 1996.11, Source: ヤクオフ.

xvii　Figures: *ViVi* 2003.01, 2004.04, 2001.06, 2006.11, 2007.02. 2006.02 Source: *ViVi*.tv

xviii　Figures from left to right 2001.04, 2008.03, 2009.04 Source: *ViVi*.tv

xix　Figures: *ViVi* 2007.01, 2002.06, 2002.06. 2004.07 2005.11 (first line), 2005.11,2006.05 (third line) Source: ヤクオフ.

xx　Figures: 2006.10, Source: ヤクオフ.

xxi　Male Japanese actor Yoshizawa Ryo covered *ViVi* in October 2019.

xxii　American female celebrity Nichole Rich covered *ViVi* in October 2009.

xxiii　British male pop singer group One Direction, who were *ViVi's* cover persons in March 2015. The whole group with 5 male members is counted as one person in the data.

xxiv　Male K-pop Groups: TOHOSHINKI was the cover persons of *ViVi* in April 2013 and January 2018. Both EXO and Female K-pop

group TWICE covered *ViVi* in January 2017 and August 2017 respectively.

xxv　Unlike other *ViVi's* exclusive *Hāfu* models, Linka covered *ViVi* for three times for her popularity as one of the originators of Caucasian-looking *Hāfu* model in Japanese fashion industry, her career began in 1993 as still model for another famous Japanese fashion magazine *JJ* in 1993.

xxvi　The *ViVi* volumes on the right side: 2014.03. 2012.11, 2012.10, 2010.06, 2013.05, 2014.09, 2011.06, 2011.11

xxvii　The *ViVi* volumes on the upper line: 2019.09, 2015.04, 2008.01, 2008.07.The second line: 2009.02, 2013.03, 2014.04, 2011.12

xxviii　The *ViVi* volumes on the upper line: 2016.08, 2015.09, 2012.05. The second line: 2011.03, 2009.01, 2019.08.

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〇東京国際大学大学院紀要編集及び刊行に関する規程

（目　的）

第 1 条　この規程は，東京国際大学（以下，「本学」という）大学院における教育研究を助長し，学術的な教授研究の成果を学会及び広く社会に公表する手段として刊行する学術雑誌（以下，「大学院紀要」という）の編集・刊行に関する事項及びその他関連事項を定めることを目的とする。

（名　称）

第 2 条　本学が編集・刊行する大学院紀要は，次の 2 編とする。

（1）『人文・社会科学研究―東京国際大学大学院』（英語名称：The Graduate School Bulletin of Social Sciences and Humanities, Tokyo International University）

（2）『臨床心理学研究―東京国際大学大学院臨床心理学研究科』（英語名称：The Graduate School Bulletin of Clinical Psychology, Tokyo International University）

（編集・刊行組織）

第 3 条　大学院紀要の編集及び刊行は，本学 FD 委員会（以下，「委員会」という）の責任において行う。

2　委員会の下 FD 委員及び研究科長により構成される「大学院紀要編集会議」（以下，「編集会議」という）を置き，委員長の指示により編集及び刊行の実務を担当せしめる。

3　「大学院紀要編集会議」の責任者は，FD 委員の中から委員長が推薦し学長が指名するものとし，本規程における委員長の職務を都度委嘱することができる。

（掲載する学術的な教授研究成果の種類）

第 4 条　大学院紀要に掲載する学術的な教授研究の成果は，学術論文，研究ノート及びその他学術研究の成果と委員長が編集会議の意見を徴し判断したもの（以下，「大学院紀要掲載論文等」という）とする。

（査読制度等）

第 5 条　大学院紀要掲載論文等のうち「学術論文」については，査読制度により掲載の可否を判定するものとする。

2　学術論文の査読は，委員長の嘱託する査読審査委員が行う。

3　委員長は，査読審査委員の中の主査から提出された委員長宛て査読審査結果報告及び各査読審査委員の報告書に基づき，編集会議の意見を徴し掲載の可否を判定する。

（査読制度の非適用）

第 6 条　学術論文を除く大学院紀要掲載論文等については，前条の査読制度は適用しない。但し，編集会議は，大学院紀要掲載論文等の形式等につき，著者に修正を指示することができるものとし，当該指示に正当な理由なく著者が従わない場合，掲載を認めないことがある。

（寄稿資格）

第 7 条　大学院紀要への寄稿資格を有する者は，次の各号に定める者とする。

（1）本学大学院研究科に所属する学生

（2）本学大学院研究科修了後 3 年以内の者

（3）前各号の他，編集会議の意見を徴し委員長が適当と認めた者

（大学院紀要掲載論文等の形式等）

第 8 条　大学院紀要掲載論文等の形式，提出方法等に係る詳細は，別に定める「東京国際大学大学院紀要掲載論文等執筆・提出要領」（以下，「要領」という）による。

     2　大学院紀要掲載論文等の形式等は，原則として APA（American Psychological Association）方式とするが，当該論文等の分野において確立した標準の書式・形式等がある場合には，それに従うことも可とする。

     3　大学院紀要掲載論文等の原稿は，著者の責任において作成された完成原稿とし，形式が整っていない原稿若しくは完成原稿とみなし得ない原稿は，受理しない。

     4　大学院紀要掲載論文等の掲載原稿の校正等は，著者の最終責任においてこれを行う。

（使用言語）

第 9 条　大学院紀要掲載論文等の執筆に使用する言語は，日本語又は英語とする。

（発行の形態）

第 10 条　大学院紀要の発行の形態は PDF 等の電子媒体とし，本学ホームページ等において公表する。

     2　刊行された大学院紀要は，「国立情報学研究所（NII：National Institute of Informatics）が運営する学術論文や図書・雑誌等の学術情報データベース」CiNii での公開，国立国会図書館の NDL-OPAC への収載，海外における同様な方法での公表等により，適切に周知するものとする。

（発行者）

第 11 条　大学院紀要の発行者は，東京国際大学学長とする。

（発行時期等）

第 12 条　大学院紀要の刊行は，各編とも原則として毎年度 1 回とし，編集会議において発行予定期日，原稿締切日等を設定する。

（転　載）

第 13 条　大学院紀要に掲載された大学院紀要掲載論文等を執筆者が他所に転載する場合には，委員長の了解を得るとともに，初出が大学院紀要であることを明示しなければならない。

（改　廃）

第 14 条　この規程の改廃は，常務会の議を経て理事長が行う。

附　則：

1.　この規程は，2016 年 9 月 30 日より施行する。

2.　この規程の施行に伴い，以下に記載する「東京国際大学大学院研究科紀要刊行に関する規程」は廃止する。

  （1）「商学研究―東京国際大学大学院商学研究科」刊行に関する規程

  （2）「国際関係学研究―東京国際大学大学院国際関係学研究科」刊行に関する規程

  （3）「応用社会学研究―東京国際大学大学院社会学研究科」刊行に関する規程

  （4）「経済研究―東京国際大学大学院経済学研究科」刊行に関する規程

  （5）「臨床心理学研究―東京国際大学大学院臨床心理学研究科」刊行に関する規程

執 筆 者 紹 介 (掲載順)

| Donaldson Oziegbe Usiedo | 国際関係学研究科修士課程 | 2020 年 8 月修了 | 国 際 関 係 学 |
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