

State/Nation/Transnation

Perspectives on Transnationalism
in the Asia-Pacific

Edited by
Brenda S.A. Yeoh
and Katie Willis

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dedicated to the memory of Natalie Yap

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4 Citizenship and differential exclusion of immigrants in Japan

Keiko Yamanaka

Introduction

Japan was once a country of emigration and immigration. During the period from 1885 to 1945, the country sent 800,000 emigrants to other countries as labourers, as well as two and a half million settlers to territories it had annexed as a result of victories in wars. In a reverse flow of migration, between 1910 and 1945, labour migrants arrived in Japan in successive waves from imperial colonies, mostly from Korea. Expanding military aggression resulted in serious labour shortages in the country as adult males were drafted to fight overseas. Colonial immigrants supplied a large pool of alternative, inexpensive labour, rapidly increasing to two million by the end of the Second World War. The majority returned to their home countries as soon as Japan lost the war, but a minority of Koreans (and Chinese) remained in the country to establish their lives and raise children.

Now, half a century later, Japan has received more than half a million immigrant workers, mostly from Asia and South America. A heated debate arose in the late 1980s that polarized the participants into two opposing camps: one urging that the unskilled labour market be opened to increase the labour pool, the other that the door be closed to Third World labourers to preserve ethnic and class homogeneity. Omitted completely in this new debate on ethnicity and nationhood was the century-old presence of communities of 'cultural others' in the country. The 700,000 Korean and 200,000 Chinese descendants of earlier colonial immigrant populations in Japan have long suffered social exclusion and lack of civil rights because of their 'foreign' status and the ethnic prejudice deeply embedded in all levels of state bureaucracy and all forms of social institution.

In the 'age of global migration' (Castles and Miller 1998), the analysis of historical continuities in Japan's exclusion of immigrants has a crucial relevance for an understanding of renewing ethnic and national ideologies in contemporary Japan (Lie 2001). A case in point is the recent example of the 250,000 *Nikkeijin* (people of Japanese descent) who have 'returned' to their ancestral homeland from South America, mostly from Brazil, to work on contract in labour-starved manufacturing industries. Upon their arrival, these second- and

third-generation descendants of Japanese emigrants met a cold reception from a state that defined them as 'foreigners', corporations that treated them as 'temporary' employees and citizens who regarded them as 'inferior' to 'true' Japanese. This systematic exclusion of the *Nikkeijin* flatly contradicts the Japanese saying that 'blood ties are stronger than water'. Evidently, something other than genetics or ancestry is involved in defining Japanese notions of ethnicity, nationality and citizenship.

By reviewing immigration history before and after the Second World War, this chapter analyses changing meanings of ethnicity, nationhood and citizenship in Japan over time. A close link between ethnicity and nation in the Japanese definition of nationality has led to 'differential exclusion' (Castles 1997) of non-citizen, long-term residents for both old-comers (i.e., Koreans) and new-comers (i.e., *Nikkeijin*). This suggests that interrelationships between the three – ethnicity, nation and citizenship – need to be examined in the specific historical circumstances in which new ideologies and practices are constructed to accommodate volatile ethnic relations in order to cope with new challenges to the state, corporations and citizenry.

Japan constitutes an interesting example of contradictions between advanced global capitalism and an obsolete national ideology. Such contradictions inevitably lead to change. As a result of its economic success since the 1960s, Japan had been under international pressure to ratify many international human rights agreements. Some of these agreements and conventions that Japan signed have proved to be vital in effecting major reforms in the inequality and discrimination against women and ethnic minorities that are built into Japan's domestic laws and bureaucratic practices. Moreover, since the 1990s, a shift to decentralized power has triggered the rapid growth of civil activism throughout the country. The systematic exclusion of immigrants and their families based on their foreign birth has attracted the attention of activists, as a result of which multiculturalism and human rights have become an agenda vigorously pursued by many citizens' groups.

This chapter begins with a comparative and theoretical overview of the Western experience of migration and ethnic diversity and the resulting changes in definitions of citizenship over time. It then turns to an investigation of Japan's changing ideologies and practices of citizenship for long-term resident foreigners over the last five decades, focusing on (1) Korean colonial immigrants and their descendants between the late 1940s and early 1980s, and (2) Japanese Brazilians since the early 1990s. It concludes with a discussion of Japan's evolving definitions of citizenship, ethnicity and nationhood, with reference to its immigrant communities during the twentieth century.

Citizenship, diversity and activism

By the 1990s, relationships between citizenship and immigration had become an important topic of analysis in international migration studies. This has been especially relevant in the case of Western Europe, where massive numbers of

post-Second World War immigrants and refugees have settled with families. The end of the Cold War also contributed significantly to changing immigration patterns there, while the establishment of the European Union added further complexity to immigration policies and practices of its member nation-states (Cornelius *et al.* 1994). Citizenship constitutes the foundation of a nation-state by entitling its members to exercise their individual rights in exchange for fulfilling a set of civil duties (Marshall 1950). The ways in which rules for membership, entitlements and obligations apply to permanently settled immigrants and their children are indicators of the nature of a nation's democracy and the degree of its societal openness (Castles 1997, 1999). There are diverse patterns of relationships between citizenship and immigration in Western European nations, ranging from relatively inclusive ones (e.g., England and France) to relatively exclusive ones (e.g., Germany and Switzerland) (Brubaker 1989, 1992; Soysal 1994; Cornelius *et al.* 1994; Jacobson 1997; Piper 1998).

Historically, Western countries that host large numbers of immigrants have adopted one of three distinct models for managing ethnic diversity while maintaining national integrity (Castles 1997:115–17). The model of 'cultural assimilation' is currently the central ideology and practice of former colonizers, such as Great Britain and France, where the large presence of diverse immigrants and refugees demands their incorporation into dominant cultures and values (Brubaker 1992; Piper 1998). The model of 'ethnic pluralism', on the other hand, is the approach recently experimented with by traditional countries of immigration such as the USA, Canada and Australia, where the cultural assimilation model has proved to be ineffective and is therefore being replaced by tolerance of ethnic diversity as a way to organize these increasingly multicultural societies (Castles 1997; Juteau 1997). In contrast to these two is the model of 'differential exclusion', closely linked to rigid nation-states where national integrity rests on the ethnic homogeneity of the population. Under this model, ethnic diversity brought about by immigration is deemed a threat to social cohesion, leading to 'a situation in which immigrants are incorporated into certain areas of society (above all the labour markets) but denied access to others (such as welfare systems, citizenship and political participation)' (Castles 1997: 115). This model has commonly been adopted by countries such as those in Central and Eastern Europe, most notably Germany, where the formation of the nation-state came relatively late and met significant difficulties uniting the nation.

In practice, despite the promise offered by each model, equal rights have seldom been fully guaranteed for immigrants and ethnic minorities (Bader 1997; Cesarani and Fullbrook 1996; Dunne and Bonazzi 1995; Piper 1998; Steenbergen 1994). In countries practising differential exclusion, immigrants are often legally excluded from citizenship, as a result of which their children remain foreigners despite their cultural assimilation (Brubaker 1992: 8). In a country practising ethnic assimilation or cultural pluralism, immigrants and their families may be able to acquire citizenship through naturalization, but because of institutionalized discrimination in the labour market and social organizations, formal citizenship rarely ensures equal access to satisfactory opportunities (Miles 1982,

1993; Small 1994). Throughout Europe and the USA, deep-seated racism has cemented the image of strangers as threatening, especially the young males of racial minorities as potential criminals (Essed 1991). Moreover, achieving a comfortable material life may not satisfy immigrants in their cultural and spiritual lives if the host society denies them public expression of their religious values (Feldblum 1999).

The persistence of racism, together with the growing incongruity between the ideal and the practice of these multi-ethnic models of ethnicity and nationality in specific nation-state settings, has led scholars to seek new concepts that will apply transnationally. In the 1950s, when social and economic equality for all became a national goal in the UK, 'citizenship' constituted a promising concept because it was defined as shared rights and obligations in the entire population occupying the territory of a nation-state regardless of ethnicity (Marshall 1950). Since the 1960s, however, as a result of increasing numbers of non-nationals in their territories, states have expanded the rights of citizenship to residents without citizenship. The concept of 'substantive citizenship', as distinguished from formal citizenship, has therefore emerged to refer to *de facto* citizenship, which is 'concerned with the welfare of people as citizens, taking "welfare" in a broad sense to include such things as work, education, health and quality of life' (Roche, cited in Piper 1998: 90). In this definition, the 'people' include both citizens and permanently settled non-citizens. In the wake of a unified European market and polity, this kind of 'global' or 'transnational citizenship', comprising access to many of the benefits of statutory citizenship, is being granted to non-citizen permanent residents (Lister 1997: 55–63; Soysal 1994).

At the grass-roots level, exploitation and marginalization of ethnic minorities spurs community activism to protect and advocate their rights (Sassen 1998). A concrete example can be seen in 'global cities' such as London, New York and Los Angeles, where expanding global capitalism, weakened state power and enlivened rights activism intersect in dynamic and complex ways (Sassen 1991). In the racially and sexually segregated labour markets in these cities, the low-skilled – predominantly ethnic minorities, immigrants and women – serve the professional and personal needs of the highly skilled as manual labourers, service workers and domestic helpers. The growing asymmetry between the two in wages, working conditions and lifestyles makes the low-skilled visible as objects of economic, social and political exploitation (Naples 1998). Under growing neoliberal conservatism, the government reduces or discontinues social welfare programmes for the needy while refusing public services to non-citizens and illegal immigrants.

These contradictions of economic globalization sow the seeds of resentment, resistance and therefore social change. Daily experience of oppression enables ethnic minorities, immigrants, women and other socially disadvantaged groups to develop collective identities with shared interests that lead them to rally for change (Guarnizo and Smith 1998; Portes 1999). Advanced information and transportation technologies make instantaneous communication possible across national boundaries, thus permitting transnational networks to develop exten-

sively among activists and between communities of origin and destination (Vertovec 1999). The expansion of global capitalism also heightens the international consciousness of activists, which in turn leads them to apply international human rights principles and laws in the defence of rights of the oppressed, including specifically women, ethnic minorities and migrant workers (Gurowitz 1999, 2000). Designed to define and protect rights of all human beings as inalienable, these conventions therefore address issues confronting all residents regardless of legal status, nationality or ethnicity (Sassen 1998; Soysal 1994).

Differential exclusion in Japan

International labour migration is a response to differentials in labour and wages across national borders (Borjas 1990). By the mid-1990s, with more than five million migrant workers, Asia had become one of the most active sites of international labour migration in the world. This is primarily due to its rapid economic development and increasing regional integration, accompanied by growing economic disparity between a few rich countries and their many poor neighbours in the region. Literature on regional labour migration in Asia has therefore emphasized economic and demographic factors as the most important causes and effects of migration (Martin *et al.* 1995; OECD 1994, 1998). Currently, the five developed Asian polities with mature economies (Japan, Korea, Taiwan, Hong Kong and Singapore) import labour, whereas the two countries with more recently developed economies (Malaysia and Thailand) simultaneously import and export labour. Most East, Southeast and South Asian neighbours of these seven labour importers suffer from stagnant economies and large populations, and they therefore export redundant labour to the seven labour importers (Yamanaka 1999).

Despite the abundance and increasing ethnic diversity of immigrant labour, the literature on international migration has paid scant attention to the relationship between immigration and citizenship in the Asia-Pacific.¹ Migrant workers in Asia are especially vulnerable compared with those in Europe, where various regional organizations have worked to harmonize their countries' rules on migration and to define migrant rights on principles of individual rights (Soysal 1994; Piper 1998; Uçarer 1999). In Asia, there are no regional organizations to oversee immigration policies and the treatment of migrant workers by employers (Gurowitz 2000). Each government implements its own immigration policies, which are designed to rotate a pool of temporary workers in order to reduce the economic and social costs of massive long-term migration and the threat of possible permanent settlement (Martin *et al.* 1995; Wong 1997). These policies continue even though the countries constantly require large reservoirs of inexpensive foreign labour to maintain their competitive edge in global markets while satisfying the consumer lifestyles of citizens and the needs of middle-class households (see, for example, Chin 1998). Many Asian governments pursue national economic development while limiting political freedom and discouraging civil activism. As a result, the attention of citizens is directed towards consumption

and personal well-being, and away from public affairs (Pinches 1999). Some governments promote 'Asian values', emphasizing collective goals while discouraging individual rights (Rodan 1996; Bauer and Bell 1999). In short, the highly restrictive policies and citizenship rules that characterize the treatment of immigrants in Asian countries emphasize the critical importance of examining the rights of such immigrants (Castles 1999).

Among Asia's major labour-importing countries, Japan stands out for its reluctance officially to admit foreign labour despite growing labour shortages. The maintenance of ethnic and class homogeneity is said to be the primary reason why the government has closed the door to unskilled foreigners (see Kritiz and Zlotnik 1992: 11; Weiner 1998). Such official rhetoric notwithstanding, the country was home to about 1.8 million foreigners by 1997, 1.4 percent of a population of 126 million. This figure is comparable with 1.7 percent in Italy in 1993 (Castles 1997: 137). Japan also differs considerably from other Asian labour-importing countries in terms of national development over the last century. From the turn of the twentieth century until the post-Second World War period, Japan, like several Western countries, was a major colonial power in Asia. While some of the colonies achieved independence shortly after the war, others remained under foreign rule until the 1960s, which delayed political and economic development. Throughout the postwar era, Japan enjoyed economic prosperity as a stable constitutional democracy. In contrast, other recently industrialized countries, such as Singapore, Malaysia, Taiwan and Korea, underwent authoritarian or military rule, which suppressed popular democratic movements. After the postwar repatriation of its colonial immigrants (see below), Japan maintained a relatively homogeneous culture and class system while other Asian countries of immigration faced divisive political and ethnic conflicts inherited from the colonial era.

Nevertheless, Japan, like other Asian nations, lacked 'the long historical process which led to the emergence of the democratic citizenry' in European nations (Castles 1999: 33). Social scientists and legal scholars have long debated whether Japanese ways of exercising democracy and individual rights differ from those common in Western societies (see, for examples, Upham 1993; Feldman 2000). The analysis of immigration and citizenship in Japan thus requires a differential exclusion model that takes into account the historical, social and political contexts of its late nation building and relatively homogeneous population.

The differential exclusion of Koreans

Armstrong (1989: 337–8) suggests that the ideology of ethnic homogeneity played a key role in the rise of Japanese nationalism throughout the periods of the founding of the modern nation-state and rapid industrialization (1880–1910). It gave rise to an 'imagined community', comprising one big family or children of the Emperor, racialized on the basis of shared ancestry and culture (Anderson 1983). The fact that Japan is a nation of islands, together with

its two centuries of diplomatic isolation between 1633 and 1868, contributed to the persistence of that ideology (Yoshino 1992). However, never in its history has Japan been ethnically homogeneous (Lie 2001). From the fourth to the eighth centuries, Chinese and Korean immigrant artisans frequently settled in Japan and became Japanese. Under military regimes from the late twelfth to the middle of the nineteenth century, those who engaged in stigmatized occupations were treated collectively as a distinct 'untouchable', even sub-human, population that today comprises the two to three million *Burakumin* in Japan (de Vos and Wagatsuma 1966; Lie 2001: 84–9). During the period of modern nation building in the nineteenth and twentieth centuries, Japanese territorial expansion incorporated two other ethnically distinct populations, today numbering 1.6 million Okinawans in the far south and 250,000 to 300,000 Ainus in the far north (*ibid.*).

Modern Japanese history is also replete with massive flows of international migration in both directions (Suzuki 1992; Watanabe 1994). Between 1885 and 1942, nearly 800,000 Japanese migrated to North and South America, Asia, the Pacific and Russia in search of better economic opportunities (*ibid.*). The first wave of immigrants to North America, mostly single males, toiled as underpaid labourers in plantations, fields, orchards, fisheries and construction sites. When the 1908 USA–Japan 'gentleman's agreement' restricted entry, Japanese began to migrate to Brazil to work as farm labourers on coffee plantations (Yamanaka 1997, 2000a). Despite the immense difficulty of living under harsh conditions in rural Brazil, Japanese immigrants had become independent farmers by the 1930s, first leasing and then purchasing land in remote and undeveloped areas. By the early 1940s, 190,000 Japanese had emigrated to Brazil, followed by 60,000 during the two postwar decades (1953–73), increasing to 1.2 million in 1988 (São Paulo Jinbun Kagaku Kenkyujo 1988).

In a reverse flow of migration between 1910 and 1945, successive waves of migrants arrived in Japan from its imperial colonies, mostly from Korea, which had been annexed in 1910. As colonial subjects, all Koreans were granted Japanese nationality and were therefore able to move freely from Korea to Japan in search of jobs (Tanaka 1984: 156). What began as a trickle of colonial subjects grew to a large influx in the 1920s as the expanding Japanese economy demanded more inexpensive and unskilled labour (Weiner 1994; Yamawaki 2000). By 1925, 150,000 Korean immigrants worked in jobs shunned by the Japanese in labour-intensive and dangerous industries such as mining, construction and arms manufacturing. This number had risen dramatically to 800,000 by 1937, the year Japan initiated war with China. By this time, Japan had instituted a policy of completely assimilating Koreans into Japanese culture, as a result of which Korean children were forced in 1938 to follow the Japanese school curriculum, and in 1940, all Koreans were required to adopt Japanese names (Lie 2001: 105). At the height of the Pacific war (1942–45), Korean men and women, as Japanese nationals, became an important source of conscripted, and later forced, labour working under extremely harsh conditions (Weiner 1994). By the end of the war in 1945, the Korean population in Japan had grown to two million.

Japan's surrender in 1945 liberated its Korean colonial subjects, the majority of whom were soon repatriated to their homeland. However, a quarter of them (600,000) chose to remain in Japan for political, economic and familial reasons. With the looming threat of war in the Korean peninsula, repatriation efforts were further deterred (Lie 2001: 197). For seven years between 1945 and 1952, the state regarded its former Korean-born nationals as foreigners, excluding them from political participation and requiring them to register as foreign residents (Onuma 1993; Tanaka 1995). In 1951, Japan signed the San Francisco Peace Treaty with the USA, with the result that the country had full independence restored, and it re-entered the international community. In April 1952, when the treaty took effect, the Ministry of Justice issued a communication by which the 600,000 Koreans were formally deprived of Japanese nationality.² In 1950, when the Nationality Law was revised, Japan had retained the principle of *ius sanguinis* (law of blood) in defining Japanese citizenship. As a result, descendants of non-Japanese nationals, including Koreans, are to this day defined by law as foreigners no matter how long or over how many generations they have lived in Japan (Miyajima 1997: 126).

In 1965, the Japan–Korea Peace Treaty imposed South Korean nationality on most ethnic Koreans in Japan but granted them permanent resident status in the country. Both the Japanese government and leading Korean organizations regarded Koreans in Japan as foreigners or sojourners, despite their lives having already taken deep root in the country (Lie 2001: 108). By 1990, the Korean population had increased to 700,000, constituting Japan's largest foreign population. From the late 1940s, the loss of Japanese citizenship had denied Koreans most of the benefits of public services to which Japanese citizens are entitled, including national health insurance and workers' pensions – this despite their obligation to pay taxes on their earnings (Miyajima 1997: 127). This institutional discrimination was eliminated only in 1981, when Japan ratified the United Nations Convention and Protocol Relating to the Status of Refugees, which required its signatories to grant equal treatment to foreign nationals in the areas of social services, social security and welfare (Takafuji 1991; Tanaka 1995; Gurowitz 1999).

As a result of being defined as foreigners and despite their permanent resident status, Koreans were subject to surveillance under the Alien Registration Law, which, until 1992, required fingerprinting as well as an alien registration card (Lee and de Vos 1981: 141–2; Tanaka 1995: 77–100).³ Most private companies and public offices have continued to exclude Koreans on the basis of their nationality. As a result, they are heavily concentrated in self-employment as owners of small businesses and workers in family businesses (Tanaka 1995: 129–50). In the mid-1980s, for example, in Kanagawa Prefecture, more than 40 percent of Korean residents were self-employed, compared with 20 percent of Japanese residents (Kimbara *et al.*, cited in Miyajima 1997: 133). Today, most young Koreans have adopted the Japanese language and education, thus identifying themselves as culturally Japanese (Fukushima 1993; Harajiri 1998; Kajita 1998). However, widespread discrimination and deep-seated prejudice have

caused the majority of them to use Japanese names in order to remain invisible. As a result, many report experiencing serious conflict as a result of the disparity between their Korean ancestry and Japanese upbringing (Fukushima 1993).

At the outset of Japan's postwar economic reconstruction, the 1952 denationalization of 600,000 Koreans had consolidated the postwar Japanese myth of ethnic homogeneity in a population then of 100 million (Oguma 1995; Onuma 1993). In the late 1950s, when Japan's postwar 'economic miracle' was about to take off, the notion of 'one nation, one people' served as a new national ideology to unite the nation and the labour force in pursuit of economic goals. The emphasis on social homogeneity was also closely linked to political objectives of the time: the construction of postwar democracy and the welfare state was based on the assertion that 'everyone is equal because everyone is Japanese'. In reality, such ideology had long been contradicted by the presence of diverse ethnic minority communities (notably Okinawans, Ainus and Burakumins in addition to Koreans), as well as by labour market exploitation of female and older workers and by the underdevelopment of peripheral regions. By the late 1960s, when Japan was acclaimed as the country with the highest rate of economic growth in the world, Japanese nationality provided its citizens with a source of ethnic pride. As a result of the nation's postwar educational curriculum, postwar generations – comprising two-thirds of its population – are today unaware of Japan's multi-ethnic history and its contemporary legacy. They have therefore accepted the idea of 'mono-ethnic Japan' uncritically. In their minds, Japanese nationality is synonymous with Japanese ethnicity (Lie 2001).

The arrival of global workers

The arrival of the age of global migration in the late 1980s opened a new chapter in Japan's recent history. Its growing labour needs increasingly challenged its tenacious efforts to maintain the myth of a mono-ethnic state and nation. As immigrant workers arrived, not only from South, Southeast and East Asia but also from South America, the reality of a 'multi-ethnic Japan' could no longer be denied (Lie 2001).

Between the late 1960s and early 1970s, Japan's rapid economic expansion caused severe labour shortages as its prolonged economic boom demanded more labour than ever before. Although foreign labour was requested by employers as a way of alleviating labour shortages, the government advocated other solutions. These included increasing productivity by the introduction of automation, exporting production to low-wage countries (especially in Asia), mobilizing unused labour (e.g. women and the elderly), allowing inflation to increase, and permitting the transfer of income from capital to labour (Bartram 2000: 19). In the late 1960s, when these labour-saving measures proved inadequate to alleviate labour shortages, Japan resorted to some attempts to recruit foreign workers from neighbouring Asian countries (Lie 2001: 10). However, by 1975, OPEC's oil embargo had triggered a serious economic recession, and demands for labour quickly fell. The recession lasted for ten years, creating a surplus of labour until

the mid-1980s (Bartram 2000: 26). Thus, as a result of having virtually avoided importation of labour for four decades, Japan became an anomaly among highly industrialized countries with similar problems of labour supply during the postwar economic boom. Most of the others had chosen to rely heavily on foreign labour as a solution (*ibid.*: 15).

By the 1970s, Japan's rapid economic success had elevated the country to one of the most influential nations in world affairs. An effect of this global recognition was that Japan became signatory to many international conventions on human rights proposed by the United Nations and other international organizations (Takafuji 1991; Gurowitz 1999). In 1979, Japan ratified both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. This was followed by the 1981 ratification of the International Convention on the Status of Refugees and Protocol and, in 1985, ratification of the International Convention on Eliminating All Forms of Discrimination against Women. In 1994, Japan also signed the International Convention on the Rights of Children, and in the following year, the International Convention on Eliminating All Forms of Racial Discrimination. These international conventions are all based on the principle of equality for all nationalities and races as well as between the genders (Takafuji 1991). Once having signed an international convention, a government is obliged to make every effort, including legislation, to eradicate inequalities built into institutional arrangements in the country.

Among the international conventions ratified by Japan during the postwar era, the International Convention on the Status of Refugees and Protocol has proved to be the most important in eliminating existing discrimination embedded in laws and administration against non-citizen residents (*ibid.*; Tanaka 1995). The government was obliged to revise domestic laws by which foreign residents had been treated unequally, especially in the areas of social security and welfare. As a result, Japanese nationality was no longer required for eligibility to obtain social benefits, including health insurance, worker pensions and public housing (Miyajima 1997). Subsequently, the 1985 ratification of the International Convention on Eliminating All Forms of Discrimination against Women led the government to revise the Nationality Act so that women would be equal to men in determining the nationality of their children. This has had a significant impact on the Korean population, because it opened a legal window through which children born of marriage between Japanese and Koreans could be Japanese citizens.

A sharp upward revaluation of the yen following the 1985 Plaza Agreement triggered a short-lived recession among export-oriented industries (Yamanaka 1993). However, the yen's high value increased the already large wage differentials between Japan and neighbouring Asian countries. In 1987, Japan finally emerged from its long economic recession. With the economy fully revived, small-scale manufacturing subcontractors turned to other Asian countries to meet their increased demand for labour. Construction companies, long troubled by labour shortages, also began to hire foreign workers as a construction boom

got under way. The expanding service sectors also sought inexpensive, unskilled workers as the economy increasingly became information- and service-oriented. It was at this time that declining petroleum prices in world markets, together with heightening tensions in the Persian Gulf, drove many South and Southeast Asian workers out of Middle Eastern oil fields. Concurrently, China liberalized emigration rules, thereby adding to the pool of migrant workers in Japan. In 1989, a total of 3,500 Indo-Chinese 'boat people' arrived on Japan's southern shores seeking political asylum and employment.

All signs pointed to the fact that Japan was attracting global immigrant workers. From the late 1980s to the early 1990s, no less than 200,000 unskilled foreigners entered the country's labour force illegally (Morita and Sassen 1994). The majority came from other Asian countries on short-term visas, issued to tourists and business personnel, and overstayed. In July 1990, the officially estimated total of unauthorized visa overstayers was 107,000 in Japan, doubling to 216,000 by November 1991 (Cornelius 1994: 384). Since the late 1980s, a substantial debate has arisen among Japanese intellectuals, industrialists and policy makers over the economic and cultural impacts of the arrival of these diverse ethnic groups and nationalities on the Japanese population (Gurowitz 1999: 435–6). Their arrival has been likened to that of Commodore Perry with his 'black ships' in 1853 and is therefore referred to as the 'second black ship'.⁴ Both these events brought threatening strangers to what had been conceived of as a homogeneous and unchanging society.

Ethnicity and the new immigration policy

In June 1990, the Japanese government implemented its Revised Law on Immigration Control and Recognition of Refugees, which retained the principle of limiting foreign labour to skilled occupations, while instituting criminal penalties for employers found to have hired illegal foreign workers (Yamanaka 1993, 1996; Cornelius 1994; Weiner and Hanami 1998). In an effort to maintain the flow of unskilled workers while stemming the flow of unskilled 'foreigners', the same law created a 'long-term residence' (*teiju*) visa category for foreign descendants of Japanese emigrants (*Nikkeijin*). This applied to (1) *Nisei* (a child of persons born as Japanese); and (2) *Sansei* (a child of a child of those who were born as Japanese and who once held a household registration record in Japan). This new category would allow *Nikkeijin*, regardless of nationality, to stay for up to three years in Japan with no restrictions on their socio-economic activities. Spouses and children of those *Nikkeijin* allowed long-term residence would be permitted to remain, usually for up to one year. Renewal of visas in this category could be accomplished easily and was therefore frequently done. As a result, the *Nikkeijin* and their families often remained even longer than initially permitted. This long-term residence visa also became available to Indo-Chinese refugees already resident in Japan and to the non-Japanese children of non-Japanese spouses of Japanese citizens; but from the beginning, the majority of the users have been *Nikkeijin* from Brazil, China and Peru (Japan Immigration Association 1998: 16).

These provisions of the Revised Immigration Law established new rules for managing the emerging ethnic diversity of unskilled workers. Foreign workers are divided into two categories based on the criterion of 'Japanese blood'. The first category comprises Asians of diverse nationalities and ethnicities *without* Japanese ancestry, the majority of whom are illegal, i.e., undocumented, employees in labour-intensive industries such as construction, manufacturing and services, estimated to be 280,000 in 1998 (Japanese Ministry of Justice 1998). A small minority (about 40,000 annually) are admitted to serve legally under special provisions as company trainees but commonly end up as manual labourers, mostly in manufacturing industries. In addition to these pools of cheap labour are foreign students at the pre-college level (about 10,000 annually), who are permitted to work for up to four hours per day to support themselves while studying in Japan. Asian female entertainers (about 60,000 annually) are admitted as 'professionals', providing cheap labour in occupations shunned by Japanese women such as singers, dancers, bar hostesses and prostitutes.

The second category of foreign workers includes a wide range of nationalities *with* Japanese ancestry, whose activities are unrestricted as to occupation. The 1990 Revised Immigration Law has opened the door to all descendants of Japanese emigrants. This new legal provision became necessary in the late 1980s, when *Nisei* and *Sansei Nikkeijin* began to arrive from South America, many of whom no longer held Japanese nationality (Yamanaka 1996). This was a result of the pre-1984 Nationality Law, which stipulated that when a child was born abroad, the parents were required to register the birth within fourteen days at a Japanese embassy or consulate or the child would lose his or her Japanese nationality.⁵ This law was intended to prevent dual nationality in the case of Japanese born in a country where the principle of *ius soli* (law of place) was in operation, as in Brazil and the USA. For many immigrants in Brazil who live in remote areas distant from a Japanese consulate, this registration rule imposed a hardship. Many second-generation Japanese children were therefore not registered as Japanese nationals and thus lost their Japanese nationality permanently. Under Japanese law, they were defined as foreigners despite their Japanese 'blood'. This contrasts sharply with, for example, the German definition of German nationality. Although Germany, like Japan, mandates *ius sanguinis*, it implements the principle in a manner broad enough to include all people of German ancestry, regardless of generation or registration, as eligible to return to their ancestral homeland (Wilpert 1991).

The above widely cited explanation for the creation of Japan's long-term residence visa category has been recently challenged by Japanese sociologist Kajita (1999), who interviewed a team of officials in the Ministry of Justice who were in charge of amending the law in the late 1980s. His interviews revealed that there was then a need to create a category of long-term residence inclusive enough to handle the three distinct groups of foreigners whose legal status had been ambiguous under the previous law: (1) permanently settled Indo-Chinese refugees; (2) *Sansei Nikkeijin*; and (3) family members of holders of permanent or

long-term visas.⁶ The policy makers Kajita interviewed described *Nikkeijin* as comprising not those from Latin America but primarily Japanese women and children who had emigrated to Manchuria or children born to Japanese parents in Manchuria who had remained there throughout the postwar period.⁷ The creation of the long-term residence visa category, they reported, was therefore an administrative decision intended to deal with the unresolved problem of Japanese stranded in Manchuria. The officials also described to Kajita that it was not intended to ameliorate the serious labour shortages prevalent at the time of the Revised Immigration Law.

An ironic consequence of the revised law was an unexpected, massive influx of *Nisei* and *Sansei Nikkeijin* from Latin America, mostly Brazil, following its June 1990 implementation. Attracted by the availability of legal residence and the strong demand for labour, the number of registered Brazilian *Nikkeijin* and their families grew rapidly. Despite the economic recession that began in 1992, their number had surpassed 200,000 by 1996, reaching 233,000 in 1997 (Japan Immigration Association 1998: 8). Most *Nikkeijin*, males and females, found employment as manual labourers in the labour-short manufacturing industries (Yamanaka 1997, 2000a). The rapid growth of a non-citizen population in cities and towns throughout the country has created a situation inconsistent with the national policy of prohibiting unskilled foreign labour. From the perspective of the Ministry of Justice, Brazilian *Nikkeijin* are simply temporary residents who are unrestricted in their activities. Whether or not they work, or in what occupations, does not concern the ministry because they are not defined as 'workers' (Kokusai Jinryu 1990: 11–16). On the other hand, as legal residents, the *Nikkeijin* constitute an available reservoir of inexpensive, unskilled labour in high demand by Japanese employers. Most *Nikkeijin* come to Japan with the intention of making a large sum of money in a few years and then returning to their homelands (Yamanaka 2000a).

Inconsistencies in the definition and expectations of Brazilian *Nikkeijin* by the different parties concerned have inevitably generated complex sets of contradictions in Japanese labour markets, social welfare services and civil rights. These contradictions can be exemplified and analysed by reference to the experiences of the *Nikkeijin* population and its host community in a Japanese city, as revealed in interviews and observations conducted in the period 1993–2000 (*ibid.*).

The differential exclusion of *Nikkeijin* in Hamamatsu

Hamamatsu, with its population of 560,000, is one of many industrial cities that have acquired significant *Nikkeijin* immigrant populations since 1990. Together with its satellite cities, including Kosai and Iwata, it houses the headquarters of several major motorcycle and automobile companies, including Suzuki, Yamaha and Honda, as well as thousands of small- and large-scale subcontractors, which supply the parts for the major manufacturers. Contiguous with and lying to the west of these cities is Toyohashi, a city of 350,000 people, and its neighbours, Toyokawa and Toyota in the eastern part of adjacent Aichi Prefecture. These

host another giant car maker, Toyota, with its thousands of subcontractors. Immigrant workers, both documented and undocumented, find this area attractive because of the chronic labour shortage among small-scale employers (see, for example, Kuwahara 2001; Yamanaka 2000a, 2000b).

Until 1988, few Brazilians lived in Hamamatsu, so 1,900 Korean permanent residents, descendants of prewar colonial immigrants, had theretofore comprised the city's largest, but largely invisible, ethnic minority. The first wave of Brazilians, 815 in number, arrived in 1989 in response to Japan's booming economy. In 1990, with the implementation of the Revised Immigration Law, the Brazilian influx to the city grew suddenly to 3,500. Hundreds and thousands followed each year for the next ten years. By late 1998, 10,000 Brazilian nationals and their families had registered as alien residents, accounting for two-thirds of Hamamatsu's foreign population of 16,000 and comprising 3 percent of its total population.⁸ By the middle of the 1990s, various ethnic enterprises, broad cultural activities and extensive social networks had developed in its community, and between Japan and Brazil (Yamanaka 2000a). The Brazilian immigrant community in Hamamatsu thus exemplifies a 'transnational community' sustained by 'a range of modes of social organizations, mobility and communication' (Vertovec 1999: 449). As these descriptions and statistics suggest, by the late 1990s, Hamamatsu was spearheading the unprecedented grass-roots 'transnationalization' that is currently sweeping Japan in many non-metropolitan industrial cities. That is, a form of social transformation is occurring in which citizens and immigrants interact with one another in their daily lives at work and on the streets, as a result of which each party is developing a new sense of collective identity and history.

Social marginalization

Prior to the recent influx of *Nikkeijin*, Japanese citizens in Hamamatsu rarely saw 'foreigners' with distinct languages, behaviour and physical appearance. By the mid-1990s, *Nikkeijin* had become a conspicuous presence in many everyday settings, including supermarkets, shopping malls, public transport, public housing developments, festival and entertainment sites, and public parks and schools (Roth 2002). The sudden increase in 'foreigners' (*gaikokujin*), many with Japanese facial features but distinctly foreign dress, demeanour and language, has spawned confusion, fear and resentment among local citizens (Weisman 1991). The Revised Immigration Law had been intended and expected to attract *Nikkeijin* as racially and culturally familiar substitutes for the shrinking Japanese workforce and for the 'alarming' influx of labour migrants from such countries as Bangladesh, Pakistan and the Philippines (Yamanaka 1996). These intentions and expectations proved to be ill-fated.

Upon arrival, *Nikkeijin* found themselves regarded not as Japanese but as cultural strangers (Yamanaka 1996, 1997, 2000a). They were treated as lower-class migrant workers from a backward country. The Japanese found the *Nikkeijin* to be disturbingly foreign and unwilling to conform to Japanese customs. Their

complaints centred mostly on such everyday behaviour as the *Nikkeijin*'s irregular habits of garbage disposal, late-night visits with friends and noisy congregations in public places, all of which violated informally established community rules (Ikegami 2001). Although seemingly minor, such behaviour was sufficiently significant and resented by citizens that they came to comprise the basis for negative stereotypes of foreigners as uncivilized, undesirable and untrustworthy residents and customers.

Economic exploitation

Underlying the suspicion and antagonism between these two peoples of largely shared ancestry is the contradictory ethnic and class criteria employed in seeking to attract inexpensive Brazilian labour to Japan (Yamanaka 1996; Tsuda 1999). By law, Japanese ancestry has privileged ethnic Brazilians by offering them long-term residence visas irrespective of occupation. However, the majority of them work in factories, comprising a reservoir of temporary manual workers. According to Castles *et al.* (1984: 12), the guest-worker system embodies institutional discrimination designed to recruit and control temporary migrant workers. For local industries, the advantage of hiring migrant workers from the Third World rests on their vulnerability as a result of dire economic need, non-citizen status, linguistic handicaps and unfamiliarity with local labour customs. Foreign workers provide a cheap alternative labour pool that performs essential manual jobs shunned by local Japanese. In times of recession, they are the first to be laid off, while their Japanese co-workers' jobs and wages remain secure. Their work requires physical strength and on-the-job experience but no complex technical or communication skills. It exposes them to danger and stress while providing no prospect of promotion and none of the fringe benefits that their Japanese co-workers enjoy. Brazilian workers of Japanese ancestry are no exception to this kind of systematic discrimination.

The economic exploitation of Brazilian guest workers is most obvious and firmly established in the system by which job brokers hire them on short-term contracts and send them to their actual workplaces in subcontractors' factories. This service saves factory owners the large expenses associated with hiring and firing, labour management, fringe benefits, social security, bonuses, and so on. Hiring foreigners through brokers also helps Japanese manufacturers in their public relations. Sensitive to their product images and company reputations, manufacturers are able to avoid the social stigma of exploiting foreign workers for cheap labour on the grounds that 'only brokers do that'.

Exploitation of foreign workers also excludes foreigners from the housing market. Japanese landlords customarily require one month's rent in advance, a rarely returned damage deposit and a non-returnable deposit. In addition, they require the signature of a guarantor – either an employer or a relative – to secure regular payment of rent. Most landlords are also unwilling to lease apartments to foreigners. As a result, foreigners face serious difficulty in obtaining housing on their own. Job brokers frequently sublet apartments or houses to their

foreign employees during the period of their employment contracts. This sublease system severely restricts foreigners' choice of residence and limits their occupational mobility. At the same time, it constrains their private lives, particularly their children's schooling, by the frequent and unpredictable change of jobs and residential locations.

Political exclusion

Since the early 1990s, the sudden and growing influx of Brazilians into Hamamatsu has put the local administration under tremendous pressure to accommodate the diverse needs of immigrants and their children in the area of social services. In the first few years, the city had welcomed Brazilian immigrants as new workers and residents by implementing various programmes to assist them in adjusting culturally and socially (Tegmeyer Pak 2000). When, after 1992, the city's economy suffered a serious recession, its government grew increasingly anxious about the continuing flow of immigrants into the city.

A turning point was reached in 1993 when, following central government guidance, Hamamatsu adopted a policy whereby newcomers of foreign origin were no longer entitled to membership in the National Health Plan. Instead, the city instructed foreign workers to participate in the National Social Security Plan, which combined health insurance with an expensive old-age pension plan. Because most immigrants did not intend to stay in Japan longer than a few years, they did not want to pay for the pension plan even though this meant they would have to forgo health insurance. Furthermore, employers and workers were to finance this National Social Security Plan jointly and equally. Since most employers of foreign workers were small-scale labour brokers, they were financially motivated to ignore such an expensive programme.⁹ As a result, among foreign residents of the city (of whom Brazilians comprised the majority), the proportion of those covered by the National Health Plan plummeted. According to a report by a volunteer group (*Grupo Justiça e Paz* 1999), in 1998 only 13 percent of the foreign population in Hamamatsu was enrolled in the National Health Plan.

Children's education was another critical aspect of immigrants' life that required urgent attention by the local government. In 1996, 372 of the 1,134 Brazilian children under 14 years of age in the city were enrolled in its public primary and junior high schools (Ikegami and Kinpara 1997: 17). The sudden and rapid increase in Portuguese-speaking pupils left Japanese teachers and the city's Board of Education ill-prepared, causing great difficulty in meeting their educational needs. In response, the city administration and its affiliated organizations hired bilingual Brazilians and Japanese as advisers, coordinators and teachers to assist Brazilian children studying in Japanese classrooms. Such efforts by the city notwithstanding, the task of meeting the educational needs of immigrant children remains overwhelming. In the national education system of Brazil, instruction in Japanese is virtually unobtainable for Japanese Brazilians. In Japan, schooling in Portuguese is difficult for them to access.¹⁰ As a result,

most Japanese Brazilian children are linguistically and culturally unprepared to benefit from Japanese schooling. Moreover, as non-citizens, they are not required to attend schools. Therefore, many Brazilian children remain unschooled or soon drop out. Many teenagers instead work in factories to make money. Others kill time roaming the streets in groups, which gives local citizens the impression that Brazilian teenagers are truants and delinquents.

Foreigners as criminals

The systematic exclusion of Brazilian workers and their children by the local administration and industries has reinforced the cold reception that they receive from Hamamatsu citizens. Prejudice and discrimination are common in stores and restaurants when serving immigrant customers (Essed 1991). Difficulty in communicating with foreign customers has resulted in some merchants becoming reluctant to serve them. Foreigners often bring with them unfamiliar customs and behaviour, such as removing merchandise from its packaging and eating food before paying for it, and congregating, loitering and speaking loudly in stores and restaurants. These violations of Japanese customs aggravate the merchants' negative perceptions of foreigners. Such cultural conflicts have rapidly led to rumours and widespread suspicion among Hamamatsu merchants that foreign customers are troublemakers, even criminals. A news item in the *New York Times* (Weisman 1991) included a report by Brazilians that when they entered a department store in Hamamatsu, a loudspeaker warning was broadcast that a group of foreigners had come in and clerks should be on guard.

The mass media have paid a great deal of attention to police reports of increasing violence and crimes committed by foreigners at both national and local levels. According to the annual reports by the Hamamatsu Police Headquarters (1995, 1996), in 1994, eighty-eight foreigners were apprehended as suspects in 120 criminal cases. In the following year, the figure rose to ninety-four foreigners apprehended in 505 cases.¹¹ Most of these were minor offences such as petty theft or shoplifting. According to Herbert (1992), Japanese police reports on the crime rate among foreign workers are inflated because of bias against them and serious flaws in data collection methods. For example, the reported 'crimes' included those that could only be committed by foreigners, such as overstaying and illegal employment, which in any case are victimless crimes. In Hamamatsu, such offences accounted for 44 percent of all crimes in 1994. These contributed to the reported increase in crime rates by foreigners and, as a result, to the growing image of them as dangerous criminals who threaten the safety of Japanese citizens.

Challenges to differential exclusion

Having faced systematic exclusion and discrimination at the hands of the Japanese bureaucracy, industry and citizenry, some Brazilians in Hamamatsu have become increasingly conscious and assertive of their civil rights as residents

(see, for example, Koga 2000). A court ruling in 1999 in a lawsuit relating to charges of racial discrimination was symptomatic of growing pressure on the state and local governments to remove institutional discrimination in their treatment of immigrants, and on citizens to overcome negative attitudes and behaviour (Yamanaka 2003).

The lawsuit was brought by Brazilian journalist Ana Bortz, a non-*Nikkeijin* wife of a *Nikkeijin* man in Hamamatsu (*Japan Times* 1998) in August 1998. Bortz sued a jewellery store owner and his mother, who, she testified, had refused to serve her and attempted to expel her from their store on the basis of her 'nationality'. On 12 October 1999, a district court judge astounded the nation by ruling that Ana Bortz had suffered discrimination solely because of her Brazilian nationality. The defendants were ordered to pay \$15,000 in compensation. The ruling was based on the legal premise, unprecedented in Japan, that the nation's 1995 ratification of the International Convention on the Elimination of All Forms of Racial Discrimination made it mandatory that Japanese citizens abide by its provisions. The government had failed to legislate against 'all forms of racial discrimination', broadly defined, despite its obligation to do so as a signatory to the convention's principles. The judge ruled that, in the absence of such legislation, the articles of the international convention would serve as the standard for defining illegal discrimination and would provide the basis for compensating the plaintiff for the damage that the discrimination had inflicted upon her. Japanese courts had never before ruled on a discrimination case between private persons. Thus the Bortz case stands as the first legal judgement in Japanese history on the issue of discrimination and therefore sets a precedent for future anti-discrimination litigation. Its significance has been recognized far beyond Japan. It was, for example, the subject of a front-page story in the *New York Times* on 15 November 1999 (French 1999).

The mounting problems facing immigrants have recently drawn Japanese volunteers into social activism to benefit the immigrants (Roberts 2000; Shipper 2002). Among the volunteers are healthcare professionals, legal experts, community activists, labour unionists and religious groups. These concerned citizens have formed support groups to provide cultural and technical assistance to immigrants, thereby contributing to the achievement of civil, human and social rights and equal opportunities for all residents. Underlying this surge of community activism in Japan is a growing emphasis on self-governance at the grass roots. Arising from the ashes of the 1995 Kobe earthquake and encouraged by the 1998 Law to Promote Specified Non-profit Activities, this new civil society movement stresses voluntarism, public interest, non-profit making and non-governmental organization (Tajiri 2001: 19). In contrast to traditional community activism serving the interests of a specific neighbourhood, the new community activism addresses broad societal concerns, including education, health, ageing, disability, immigration, human rights, multiculturalism and the environment.

The unprecedented influx of immigrant workers into Hamamatsu since the early 1990s has mobilized small but committed numbers of concerned citizens to

organize a variety of community services for foreign citizens and their families. These citizens' services were intended to meet the needs of foreigners whose lack of citizenship denied them public services, legal rights and political participation. As early as 1990, the Hamamatsu Overseas Labourers Solidarity (*herusu no kai*) began consultation and mediation services for legal and illegal workers caught in labour disputes. In the mid-1990s, having witnessed increasing numbers of uninsured patients, the Medical Association for Foreigners (MAF) of Hamamatsu launched a programme of free annual check-ups in collaboration with local hospitals, professional associations and voluntary organizations. In 1999, the *Grupo Justiça e Paz* (Association for Justice and Peace), an inter-ethnic group of Japanese, Brazilians and Peruvians, directly petitioned the Ministry of Health and Welfare regarding foreign residents without health insurance. During these years, in response to an absence of means by which foreigners could learn the Japanese language, a number of citizens' voluntary groups offered free Japanese classes to foreigners (Takeuchi 2001).

These social and political processes affecting immigrants' rights and quality of life have taken place in the context of the dramatic economic, demographic and political changes that Japan is currently undergoing. The severe slowdown in economic growth since 1992 has triggered many institutional changes in national and local administration, corporations, finance, industry, labour, employment, law, education and welfare. A sharp drop in the fertility of Japanese women throughout the postwar period has given Japan one of the lowest fertility rates in the world: 1.36 in 2000 (Yeoh *et al.* 2003: iv). As a result, the country faces a rapidly ageing society in which the proportion of the population 65 and older is expected to reach 25 percent by 2020 (Kimura and Muto 1992: 21–31). Population decline is expected to begin as early as 2010, with obvious consequences for labour supply and a need to supplement it with increased immigration. This is demonstrated tellingly in the recent report by the UN Population Division (2000). The report predicts that Japan will need 33.5 million immigrants over the period 1995–2050 in order to keep the size of the working-age population constant at 1995 levels. This would require an average of 609,000 immigrants per year during this period (*ibid.*: 50).

Conclusion

Drawing upon two immigrant populations in different historical periods, this analysis of citizenship and ethnic diversity reveals the mechanisms by which differential exclusion of non-citizens as cultural others and temporary residents with few rights is reproduced. It also demonstrates that Japanese nationalism is closely associated with definitions of who belongs to the nation and territory and who does not. However, these definitions can be altered as national goals and boundaries shift with the rapid changes in international politics and economy. The 'imperial' Japanese state defined Koreans as colonial subjects and citizens to be mobilized into the labour force and the military. In times of peace and prosperity, the 'democratic' state defined former colonial citizens as foreigners,

excluding them from social and political participation. In the age of global migration, the 'capitalistic' state has redefined foreigners of Japanese ancestry as a source of temporary foreign labour while excluding them from becoming members of the ethnic and national community.

Japan's complex international migration history during the period of modern nation building has had interesting consequences in the current age of global migration. Korean 'external' immigrants, the result of colonial immigration, and *Nikkeijin* 'internal' immigrants, the result of return migration following emigration nearly a hundred years ago, have both experienced social, economic and political discrimination based on their foreign nationality. The historical circumstances of these two immigrant flows differ radically, but both groups have been subjected to variants of what Castles (1997) calls differential exclusion, in which membership in civil society does not confer a right to citizenship in the nation-state. The close link between ethnicity and nationality in Japan's definition of citizenship has denied citizenship to Koreans who have been born and raised to be 'sociological Japanese' (Kajita 1998). By contrast, the Japanese definition of citizenship has provided South American *Nikkeijin*, whose cultural roots remain in their countries of birth and yet are 'ethnic Japanese', with access only to its labour market and not to social citizenship.

Now, with the growing population of 'visible races' such as Brazilians, Peruvians, Iranians, Bangladeshis and Pakistanis, neither the nation nor the state can avoid acknowledging the country's ethnic diversity and acting in accordance with international standards of civil and human rights to guarantee freedom, equality and justice to all groups. As a response to the market-led development and glaring governmental neglect, since the mid-1990s, robust grass-roots activities by immigrants and citizens who have stood up for the rights of immigrant workers on issues like labour abuse, health, education and human rights have emerged. These activists of all ages, sexes and classes have struggled to understand and cope with inter-ethnic interactions. As a result, a new social agenda that constructively confronts the complexities of the unprecedented multiculturalism has evolved among them. Their voices are now emerging as a new and increasingly prominent popular discourse that challenges the rigid notions and practices of the nation-state, which were hitherto upheld by the government and the public at large.

Notes

- 1 Recent books edited by Oomen (1997) and Davidson and Weekley (1999) are notable exceptions.
- 2 The San Francisco Peace Treaty had formally ended the seven-year occupation of Japan by the USA. In April 1952, when the treaty took effect, the Japanese government exercised its sovereignty by legally defining former colonial citizens as foreigners, thereby completing their exclusion from membership in the nation-state (Onuma 1993: 264).
- 3 In August 1999, the Revised Alien Registration Law ended the practice of fingerprinting all foreigners (Gurowitz 1999: 431).

- 4 From 1641 to 1854, Japan had enforced a national policy of isolation, closing all seaports except Nagasaki, which remained open for trade exclusively with the Netherlands and China. In 1853, Commodore Perry approached with four black steamships in Tokyo Bay, demanding that Japan open the country. This led to the Japan–USA Friendship Treaty about opening two other seaports. Soon Britain, Russia and the Netherlands had signed similar treaties, ending Japan's 200 years of isolation.
- 5 In the 1984 revision of the Nationality Law, the period within which children born abroad must be registered was lengthened from fourteen to ninety days (Yamada and Tsuchiya 1984).
- 6 According to Kajita (1999), when the immigration law was about to be revised in the late 1980s, the Ministry of Justice was also preparing the new provision regarding the legal status of third-generation Korean residents. The previous (1965) agreement with the Korean government had conferred permanent resident status on Koreans up to the second generation of residents in Japan. It was apparently coincidental that revisions of this 1965 Japan–Korea agreement and the 1981 Immigration Law took place at about the same time.
- 7 More than 60,000 have returned from China as *Nikkeijin* (in the long-term residence visa category) or family members of former Japanese settlers to Manchuria (in the relatives of Japanese visa category) (Kajita 1999).
- 8 In November 1998, other major nationalities registered in Hamamatsu included 1,695 Koreans, 973 Filipinos, 892 Chinese, 876 Peruvians and 436 Vietnamese (Hamamatsu City Municipal Office 1999).
- 9 Since April 1996, a partial refund of the first three years of instalments that foreigners invested in the National Social Security Plan has been made available to them when they leave Japan (Roth 2001: 73–4). However, this benefits few Brazilians as they rarely enrol in the plan. If they were to do so, they would receive no return beyond their first three years because many work more than three years, while continuing to be required to pay into the plan.
- 10 Brazilian schooling is not entirely unavailable in Japan. In the absence of Brazilian governmental assistance, in the early 1990s, Brazilian families and communities commonly resorted to home schooling or correspondence courses. Some of these developed into small-scale Brazilian schools. By the late 1990s, private schools in Brazil, such as Colégio Pythagoras, opened branch schools for Brazilian children in Japan. However, these efforts do not meet the educational needs of most immigrant children. They also fail to provide quality education because of the lack of qualified teachers and adequate facilities.
- 11 In 1996, those apprehended seemed to have been responsible for an average of four criminal cases each, which explains why many more were not apprehended in 1996 than had been in 1995. According to a police officer in Hamamatsu, during their investigations, police frequently find that suspects who have been held responsible for one crime are often proved to be responsible for other crimes as well (Hamamatsu Police Headquarters 1998).

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