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Edited by Nelson H. H. Graburn, John Ertl, and R. Kenji Tierney

**MULTICULTURALISM IN
THE NEW JAPAN**

Crossing the Boundaries Within



2008

Edited by
Nelson H. H. Graburn
John Ertl
R. Kenji Tierney



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PREFACE

THIS VOLUME STEMS FROM A CONFERENCE titled “Japan: Crossing the Boundaries Within” held at the University of California, Berkeley in March 2002. Current and former Berkeley students are responsible for a large part of both the conference and this book. The project also owes much to the support of other faculty and units at the university.

The idea for the conference stemmed from the convergence of my own research on the internal internationalization of Japanese domestic tourism and Kenji Tierney’s extensive work on Sumo, which was becoming dominated by “foreign” wrestlers. The experiences of Berkeley students conducting doctoral research in the 1980s and 1990s showed that the monolithic stereotype of the xenophobic Japanese was full of exceptions. Jeff Hester’s work with *Zainichi* Koreans in Osaka and John Nelson’s work on contemporary religions in Nagasaki and Kyoto were illustrative of these new trends. Yuko Okubo’s work among Osaka schoolteachers and immigrant families and Keiko Yamanaka’s work among immigrants showed considerable ambivalence towards minorities, but all contained accounts of some Japanese welcoming or even supporting the visible foreigners. John Ertl’s Master’s research in a small town in Tochigi Prefecture showed a very positive attitude towards foreigners, and undergraduate Aina Hunter reported on the very positive reception she and other African Americans had received in Japan.

Among Japanese social scientists, Takezawa brought to our attention the publicity about the positive relations between minority and majority residents of Kobe following the Hanshin earthquake of 1995, and the emergence of the concept of *tabunka kyôsei* (many cultures living together). Sociologist Komai Hiroshi’s activism towards immigrants became famous and was exemplary of a growing band of Japanese professionals working to form a “new Japan.” My own experiences in Japan since 1974 found marked changes in attitudes about both foreigners and immigrants and the possibilities of non-Japanese, even Korean, ancestry being discussed openly with humor and some pride. We wanted to write a book that would make clear to people unfamiliar with Japan that there are great changes taking place in many ways and levels and in many positive directions leading, we hope, to a nation more fully aware and proud of its cultural mosaic.

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TRANSNATIONAL COMMUNITY ACTIVITIES
OF NEPALI VISA-OVERSTAYERS IN JAPAN:
GOVERNANCE AND TRANSNATIONALISM FROM BELOW

Keiko Yamanaka

Introduction

NEARLY TWO DECADES AFTER AN INFLUX of immigrant workers in the late 1980s, Japan stands at the crossroads of becoming a multicultural society.¹ Global migration has revealed the glaring inadequacy of the nation's laws and public services in meeting the needs of increasing numbers of noncitizen residents and their families. It has also brought to the fore among Japanese citizens an awareness of the need for a human rights consciousness, which is required to develop universal standards for building a multicultural society (Yamanaka 2003a). In response, a few dedicated Japanese volunteers have organized groups and networks to alleviate problems faced by immigrants and promote public awareness of issues of equal rights and cultural diversity (Shipper 2002). At the same time, immigrant populations have organized mutual-help associations to mobilize their cultural and community resources in defense of their rights. In many cases, these citizens' and immigrants' organizations have collaborated toward common goals.

This article presents some examples of such immigrant-citizen coalitions to enhance democratic governance at the grassroots level, drawing from my study of a small community of Nepali visa-overstayers in Tokai, central Japan. The research population, estimated at five hundred, comprises primarily working-age males of Tibeto-Burman language-speaking Buddhist groups from western and eastern Nepal, commonly referred to as "Mongols" by anthropologists as well as by themselves. Most of these

migrants entered Japan with valid tourist visas and overstayed after their three-month expiration date, while working illegally in small-scale manufacturing and construction industries. They have willingly endured the hardships inflicted upon them as unauthorized workers in jobs shunned by Japanese in exchange for wages that far exceed those in Nepal. In their scarce free time, they have established a variety of organizations and community activities in which Japanese citizens often participate as friends, guests, and advocates of their rights.

These vibrant community activities by unauthorized workers raise intriguing questions about their agency and self-governance, and about Japanese immigration policies, public reception, and civic activism affecting the life spaces of these foreigners. Japan's 1990 Revised Immigration Law rules that foreign labor is limited to skilled occupations, while prohibiting hiring unskilled foreigners (Cornelius 1994; Tsuda and Cornelius 2004; Yamanaka 1993). Consequently, unauthorized immigrants are subject to high levels of prejudice, discrimination, and exploitation by the bureaucracy, employers, and the public. Despite all this, Tokai Nepalis are able to carry out a variety of transnationally organized projects and activities, frequently in collaboration with Japanese citizens. How can this be explained?

This chapter focuses on three topics that shed light on the social-political contexts in which Nepali transnational community activities take place, supported by small but committed numbers of Japanese citizens and activists: Nepali migration history, social capital, and increasing political activism; growing contradictions in Japan's restrictive immigration policy; and emerging global civil society movements that bridge civic activism across national and cultural boundaries. The analysis begins with a brief theoretical discussion, followed by a detailed description of the Nepali immigrant community and examples of its transnational community projects and activities, in which I participated between 1998 and 2000.

Transnationalism from Below

The recent flurry of literature on "transnationalism from below" emphasizes the importance of agency that has been generated among immigrant populations of humble origin as a result of transnational activities (Guarnizo and Smith 1998). Until the 1970s, elite groups with national and corporate interests had monopolized international space and cross-border activities. With the recent upsurge of global migration in the 1980s, "ordinary people" have comprised the majority of immigration flows, engaging in various kinds of trans-border activities, both economic and non-economic (Portes et al. 1999). By "non-elite immigrants," I mean those immigrants at the destination and their counterparts at the place of origin whose interests are grounded in their families and communities, rather than in the state, corporations, or markets. As noncitizens belonging to marginalized classes

and ethnicities, these immigrants routinely encounter market exploitation and everyday racism in the host societies.

Transnational activities, be they cultural, entrepreneurial, or political, provide the immigrants with means of overcoming such adverse forces. By linking their interests and activities with those of counterparts in their countries of origin, the immigrants are able to draw upon resources and ideas grounded in everyday practices and social relationships in their native lands. Here I refer to "transnational community activities" as cultural, social, and political activities of non-elite immigrants for common goals that take place across borders on a regular basis. Such grassroots activities allow immigrants to affirm their cultural identities, while enabling them to expand collective interests by demanding equal rights and social justice. Transnationalism from below thus produces counter-hegemonic power to resist the global and institutional inequality to which immigrants and their families are continuously subjected (Mahler 1998).

From the 1980s onwards, coeval with global immigration, there has been a rise of transnational civil society movements throughout the world. Combined with human rights conventions sponsored by international organizations, transnational civil activism constitutes a third force in counteracting the power of global capitalism and its collaborating governments in protection of relatively defenseless citizens. "Civil society" refers to voluntary organizations independent of national governments and global markets, formed to enhance citizens' participation in democratic governance (CIVICUS 1994; Janoski 1998; Stienstra 1999). These include non-governmental organizations (NGOs); nonprofit organizations (NPOs); citizens' groups and networks; educational, religious, and charitable institutions; community organizations; and labor unions. In the face of global corporate power, concerned citizens have formed grassroots organizations in order to take back control of their life spaces on such issues as human rights, migration, environment, inequality, health (particularly HIV/AIDS), and war.

Such civilian mobilization has recently drawn academic interest to forms of "governance from below," wherein ordinary citizens participate in "the exercise of power in a variety of institutional contexts, the object of which is to direct, control, and regulate activities in the interests of people as citizens, voters, and workers" (Robinson 1996: 347). Scholars find such transnationally democratic governance similar to forms of political "transnationalism from below," wherein coalitions of citizens of various nationalities, ethnicities, and classes exercise power transcending national boundaries (Guarnizo and Smith 1998).

The transnational nature of labor migration and the need to protect immigrant workers help establish global civil society institutions through transnational advocacy networking (Piper and Uhlin 2002). Unlike Europe, Asia has no regional organizations that oversee immigration and

and employers' treatment of immigrant workers, making cross-border activism critical in the face of often authoritarian governments.

Since the late 1980s, Japan provides an interesting example of global labor migration, transnational community activities, and transnational civil activism. By then, like all highly industrialized countries, Japan, as an economic giant plagued by low fertility and a rapidly aging population, had received an influx of immigrant workers, not only from nearby Asia but also distant Latin America, as a result of large differentials in wages and living standards between these countries and Japan (Yamanaka 1999). However, Japan is often cited as a country that does not regard labor importation as a viable option for solving an acute labor shortage. The maintenance of ethnic and class homogeneity is said to be the primary reason for the country's exclusion of unskilled foreigners.

Nonetheless, Japan is home to many global immigrants, both authorized and unauthorized, and is becoming increasingly characterized by a multiethnic population, human rights discourse, and transnational civil activism.

A Nepali Immigrant Community in Central Japan

I began research on Nepali labor migration to Japan during a six-month residence in Kathmandu in 1994 (Yamanaka 2000b). Among my informants were two men who had recently returned after several years' sojourn in Japan and who provided me with contacts among workers remaining in Japan. Thus I was able to enter a community of unauthorized workers in Hamamatsu, a city of half a million in western Shizuoka Prefecture, 257 kilometers southwest of Tokyo. Hamamatsu and its satellite cities, Kosai and Iwata, among others, host headquarters for automobile and motorcycle companies, including Suzuki, Yamaha, and Honda, together with thousands of subcontractors who supply the parts. Contiguous and to the west of these cities lies Toyohashi, a city of 350,000, and its neighbors, including Iyokawa and Toyota, in the eastern part of the adjacent Aichi Prefecture. They host another giant car company, Toyota, and its thousands of subcontractors.

Immigrant workers, both documented and undocumented, find this industrial area (referred to hereafter as Tokai) attractive because of its chronic labor shortage among small-scale employers. In March 1998, for example, 10,110 Brazilians of Japanese descent were registered as long-term residents in Hamamatsu alone (Yamanaka 2000a, 2003b). The number of unauthorized workers in Tokai is difficult to estimate, but there are many, mostly from Asia. Nepali informants estimate about five hundred Nepali men and women work in the area,² out of an estimated three thousand Nepali visa-overstayers in Japan according to Japanese immigration records from 1986 to 1995 (Yamanaka 2000b: 65). From November 1994

until July 2000, I visited the community, administering questionnaires, observing community affairs, and participating in organized activities. I also revisited Nepal in 1995, 1997, 1998, and 2000, its capital city Kathmandu, and Pokhara, its fourth-largest city, interviewing returnees from Japan and selected citizens who were knowledgeable about migration history, ethnic politics, and current events in Nepal.

Diverse Backgrounds

The research population consists primarily of members of Tibeto-Burman language-speaking Buddhist groups from Nepal's western and eastern middle-hills—groups such as the Gurung and Magar from the west and the Rai and Limbu from the east. Men of these groups, identified by the British as "martial races," were recruited by the British and Indian Armies as "Gurkha" soldiers for some 180 years, serving throughout the world in times of peace and war. Rural Nepalis became increasingly dependent on remittances, while developing a "culture of emigration" with extensive transnational Nepali networks, groups, and organizations throughout the world, particularly in East Asia where Hong Kong has hosted the headquarters of the British Gurkha Brigades since 1970.

Increasing global migration in the late 1980s, coinciding with Britain's preparation for the return of Hong Kong to China, entailed yearly reductions of recruits into the Gurkha Brigades during the mid 1990s. After a short recession in the mid 1980s, the Japanese economy rapidly expanded later in the decade, resulting in serious labor shortages among such labor-intensive industries as manufacturing, construction, and services. Hundreds of thousands of migrant workers, both male and female, arrived mostly from neighboring Asian countries, including Nepal, to supplement Japan's rapidly dwindling and aging labor force (Morita and Sassen 1994; Yamanaka 1999). Japan's official prohibition on unskilled foreign labor was no deterrent to the 300,000 illegal visa-overstayers who had arrived by the early 1990s, engaged in manual labor while remitting savings to their home countries (Cornelius 1994: 384).

After a few adult Tibeto-Burman Nepali males had arrived and established a channel for immigration, their families, including brothers, cousins, uncles, and a trickle of wives and sisters, followed in their footsteps. Recognizing the rewards of labor migration, members of ethnic groups without a history of overseas service soon followed. Included were three groups that have historically constituted Nepal's power brokers, monopolizing major positions in the government, bureaucracy, military, economy, and religion: the Newar (the indigenous population of the Kathmandu Valley), and the two Hindu elite caste categories, Brahman and Chhetri. Thus the small Tokai Nepali community was characterized by men and women of extraordinary diversity in terms of ethnicity, class, region, language, and religion.

However, all these diverse Nepali shared characteristics relevant to emigration. They had been relatively well educated in Nepal, and many had graduated from high school or beyond. Yet the majority were students or in relatively low-prestige occupations, such as self-employed shopkeepers or farmers. Some had previously migrated for work to the Middle East, Europe, and other regions. In the late 1980s and early 1990s, inflation and soaring unemployment in Nepal brought relative poverty, particularly in urban centers such as Kathmandu and Pokhara (Subba 1996). Among the educated who lacked job experience or personal connections, especially those of ethnic minority status such as Tibeto-Burman groups, emigration became an increasingly attractive occupational alternative.

Illegal Employment

After the expiration of their tourist visas, all these diverse Nepali immigrants become categorized by immigration law as "illegal foreign residents," absorbed informally into the workforce as inexpensive, temporary, and tractable laborers working for the weakest, most unstable employers. Although demanding tasks and abusive employers are common, Nepali workers in Tokai generally express considerable satisfaction since they earn wages far higher than in Nepal. My survey of 159 men and 30 women revealed that in the mid 1990s these unauthorized workers earned wages comparable with those of documented workers (such as Japanese Brazilians) and even of Japanese coworkers (Yamanaka 2000b: 84–88; Yamanaka 2003b: 182–186). On the average, Nepali men earned 1,125 yen per hour (then approximately US \$11), and women earned 835 yen (US \$8). In Kathmandu, a governmental official or university professor earned about 5,000 Nepal rupees (roughly US \$100) a month. In Tokai, an illegal, unskilled male made that amount every day.

The data further reveal that, while workers' age, education, and ethnicity have little relationship to their wage levels, the type of industry, the years spent in Japan, and the number of job changes all make small but significant differences to their earnings. Comparisons of manufacturing industry wages among illegal Nepali, legal Japanese Brazilian, and Japanese workers show that differences in national, ethnic, and legal status do not contribute significantly to wage differences. In contrast, gender divides and ranks workers in Japan according to well-established patterns of wage and social discrimination against women (Brinton 1993; Yamanaka 2003b). These data suggest that small-scale Japanese employers value highly unauthorized (in this case Nepali) male workers' willingness and physical capacity for the demanding jobs shunned by Japanese.

Social Marginality

The ultimate goal of foreign workers, particularly unauthorized ones, is to save a large sum of money and return home as soon as possible. Japan is a

"heaven" for achieving this goal, according to one Nepali immigrant. But its underground labor markets are far from heavenly in their treatment of illegal workers. Small factories and construction sites are ridden with labor exploitation and occupational hazards. Small-scale employers, lacking capital and credit, frequently ignore safety codes, postpone paying salaries for months, or go out of business without paying their employees. Illegal workers have no recourse but to seek a new employer.

In addition, Nepali illegal workers suffer severe social invisibility and personal isolation. As day laborers, they work in factories or construction sites for ten hours a day, six days a week. Fear of being apprehended inhibits both their public and private social participation. The limited duration, frequent geographical mobility, and clandestine nature of their presence in Japan prevent most of them from making friends beyond the Nepali community.³ As illegitimate aliens, they lack access to inexpensive medical care, posing a serious threat to those who perform hazardous jobs in workplaces often devoid of adequate safety measures.

Examples of Nepali Community Activities: Sunday Get-Together

Shortly after beginning my research in Hamamatsu, I became familiar with the lively and well-organized community activities of these immigrants. For example, thirty to fifty Nepali men (and a few women) gathered every Sunday afternoon—their only day off—in a small, circular park within the Central Bus Station.⁴ There they chatted in their various languages, exchanging information about friends, jobs, and news from home. There they could entrust part of their earnings to a designated agent, who would deposit them in a bank, to be forwarded to their families in Nepal. This kind of meeting is important for all foreign workers, for their social and cultural needs are great in their unfamiliar environments. Having a regular time and place to meet avoids their having to make individual arrangements (cf. Filipina domestic workers in Hong Kong, see Constable 1997).

Organizational and Communal Activities

In addition to Sundays, Nepalis in Tokai meet for more highly structured activities, in which Japanese activists, volunteers, friends, and sometimes employers often assist and participate. Several examples of these from my 1998–2000 research included:

Annual Program of the Nepali Welfare Society of Japan (Toyohashi, February 1998). The Nepali Welfare Society of Japan (NWSJ), established in 1995, sponsored a program in a public hall to celebrate its third anniversary. Immigrant men and women of the Himalayan Club performed Nepali music and dance. About four hundred Nepali attended together with several Japanese friends and volunteer activists.

Opening ceremony of a Nepali store (Toyota, September 1998). The opening of a new store stocking Nepali and other Asian foods, videos, tapes, mag-

azines, and so on, and owned by a Nepali legal resident, was celebrated. A Japanese Buddhist priest conducted a *puja* (Hindi for "ritual") in front of the decorated store, while some two hundred Nepali watched from the parking lot and the street. A popular Nepali actress visiting Japan gave a short speech.

Dashain Festival party (Toyohashi, October 1998). The NWSJ rented a large hall to celebrate the Nepali festival of *Dashain*. This featured Nepali music followed by a catered Japanese buffet. At least two hundred Nepali attended, including a former Nepali government cabinet member. A local Japanese labor union leader was an honored guest.

Wedding reception (Hamamatsu, February 1999). A Nepali couple, recently married in Japan, held a Sunday afternoon reception in an Indian restaurant. About one hundred Nepali and ten Japanese friends and employers celebrated with abundant Indian food and beer.

Summer bowling championship (Toyokawa, July 1999). Tamu Dhii Nagoya, a branch of the Gurung Association-Japan, sponsored a bowling tournament. They reserved half of a large Japanese bowling hall. Sixteen teams competed, some wearing team uniforms or carrying team flags, and trophies were awarded to the winning team and "the most valuable player." Japanese bowlers were apparently oblivious to the lively and conspicuous crowd of Nepalis. Participants and spectators numbered about one hundred, most of whom then moved to a Japanese-owned Asian restaurant to celebrate with South Asian snacks and beer.

Charity show (Hamamatsu, June 2000). To collect money for charitable activities in Nepal, the Mount Everest Club organized a cultural show in a public hall. Six artists were brought from Nepal to provide a program of Nepali music and dance for some three hundred Nepalis. A Japanese activist who helped process the application forms for visas for the Nepali artists also attended.

Publications. A number of subgroups within the Tokai Nepali community published magazines, on their own or in cooperation with Nepali organizations elsewhere in Japan. The articles, mostly in Nepali, were written and edited in Japan by immigrants. They were then sent to Nepal to be printed before being returned to Japan for distribution. The magazines included: *Himali Sandeshi*, published by NWSJ; *Koseli*, published by the Himalayan Club; *Tamu Dhii*, published by the Tamu Dhii, Gurung Association; and *Peace*, published by the Tamang Association.

Mutual assistance. Leaders of the NWSJ and other ethnic associations keep close contact with Japanese NGO volunteers and labor union officials for assistance in negotiating with employers and the Labor Standards Bureau in the frequent instances of labor abuse such as unpaid wages and work-related injuries. Likewise, when a member requires expensive treatment such as hospitalization, surgery, and medication, major regional or-

ganizations initiate donation drives among their communication networks of more than two thousand Nepali in the Tokai area and the Tokyo Greater Metropolitan Areas.

Tolerance, Acceptance, and Support

These Nepali community activities suggest that despite Japan's reputed inhospitality to unauthorized workers, there are islands of passive tolerance that afford these visa-overstayers refuge from the sea of suspicion and hostility that surrounds them. The frequent participation of Japanese citizens also suggests not only social acceptance of the unauthorized immigrants by those Japanese who interact with them, but also strong support by committed Japanese activists for their organized activities. The following observations offer further confirmation:

- (1) Members of the Nepali community have welcomed me, a Japanese woman (recently back from Nepal), to study their migration experiences and have invited me to participate in many of their organized activities.
- (2) The Nepali frequently hold community activities in highly visible public and commercial spaces where Japanese people are present and sometimes participate.
- (3) Official visitors from Nepal—politicians, diplomats, performers, and artists—often participate in these events or send congratulatory messages.

Explanations for this state of affairs must be sought in an understanding of the broader historical, social, economic, and political contexts of the two countries.

Nepali Human, Social, and Political Capital

For Nepal, the sending country, the most relevant factors are the immigrants' migration history and the human, social, and political capital that enables them to act in unison on the basis of their shared identity and experience. Specifically, Nepal's sudden 1990 "democracy movement" unleashed unprecedented political energy and unity among Nepali citizens—especially the small but increasingly discontented urban middle class—against the autocratic one-party regime in Nepal at that time. This movement coincided with processes of global migration that brought young, educated men (and women) to Japan to work as immigrants without rights in Asia's wealthiest country.

Migration History and Social Capital

The Gurkhas' role in preserving Britain's colonial power in South and Southeast Asia has been amply documented (Banskota 1994; Caplan 1970; Cross 1985; Des Chene 1991). That 180-year tradition of foreign military service has also shaped the history and cultures of the Tibeto-Burman Buddhist groups. It has provided thousands of Gurkha households with a steady source of cash to supplement the subsistence economies of terrace farming and cattle herding in precipitous Himalayan pastures. Soldiers' remittances and retirees' pensions enabled their households to enjoy living standards higher than those of households without soldiers (Blaikie et al. 1980; Caplan 1970; Hitchcock 1966; Macfarlane 1976; Pignède 1966).

During their fifteen or more years of military service in the British or Indian Army, individual young soldiers were exposed to foreign military organizations, regulations, and technologies, as well as to diverse cultures and ideas throughout the world. Wives and children frequently accompanied them to the military cantonments in stations such as Hong Kong, Singapore, and Dehra Dun. Thus, many Gurkha children grew up in a Nepali diaspora with identities and experiences distinct from those of most Nepali children (Pettigrew 2000). Upon retirement, ex-soldiers returned to their home villages, where they often exercised political leadership and contributed to economic development (Des Chene 1991; Höfer 1978). Foreign military service has also resulted in the formation of many Gurkha mutual benefit organizations in the areas of health, education, political activism, and other common interests.

Dense networks of organized reciprocity and civic solidarity constitute a basis for grassroots democracy and effective governance to develop among a citizenry (Putnam 1995). Drawing the analogy with "human capital" as enhancing individual productivity, Putnam defines "social capital" as "features of social organization such as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit" (1995: 67). This notion of collective action helps to explain why and how Nepali workers in Japan, often children or other relatives of ex-Gurkha soldiers, have so frequently organized community activities for their mutual interests.

A few active members of such Nepali organizations and activities in Japan were immigrants of Newar, Brahman, or Chhetri origins who lacked any military or other tradition of migration. They were able to unite as a result of strong feelings of national identity rooted in common political awareness drawn from the dramatic changes of the early 1990s that transformed Nepal from an autocracy to a democracy.

Democracy Movement and Political Capital

In April 1990, a massive popular movement resulted in the replacement of Nepal's 29-year-old one-party system with a new multi-party system (Brown 1996; Hoftun et al. 1999). In November 1990 the nation established

a constitutional monarchy with sovereignty vested in its citizens. The 1990 constitution guaranteed democratic principles, most notably freedom of speech, assembly, and religion. Until then, following an earlier short-lived attempt at democracy (1951–1960), the authoritarian (Panchayat) regime had suppressed the country's extraordinarily heterogeneous population. Estimated at 18.5 million in 1990, the Nepali population comprised more than sixty ethnic and caste groups, each with its distinctive history and social status, and drawing from a variety of languages and religions (Bererman 1963; Nepalese Central Bureau of Statistics 1996). The majority engaged in subsistence agriculture in the Himalayan middle hills, having survived for decades the poverty and inequality that characterized the Nepali village social order (Caplan 1967; Hitchcock 1966; Pignède 1966).

The sudden 1990 restoration of multi-party democracy inspired Nepali citizens of diverse ethnicities, religions, regions, languages, classes, and ideologies to assert their rights and participate in national and local politics for the first time in thirty years. Long oppressed under autocracy led by the Hindu elite, many Tibeto-Burman Buddhist minority groups also established political parties and organizations to promote their collective interests and cultural identities (Hoftun et al. 1999: 320–330). It was during these vibrant and volatile moments in Nepal's history in the late 1980s and early 1990s that young, relatively educated Nepali men departed for Japan. Upon arrival, they found themselves surrounded by an unfamiliar culture and a hostile immigration policy that defined them as illegal workers and visa-overstayers.

Japan's "Back Door" Immigration Policy

Nikkeijin and Asians

The influx of 100,000 or more foreign workers in the late 1980s posed a complex dilemma for the Japanese government (Cornelius 1994; Tsuda and Cornelius 2004; Weiner and Hanami 1998; Yamanaka 1993). By relaxing immigration policies, Japan might satisfy its demand for labor from the large pool of unemployed and underemployed in neighboring Asian countries. Yet policy makers saw mounting evidence from Europe and North America that temporary foreign workers could become permanent immigrants who would be a source of political, economic, and social tensions.

The government therefore chose an ad hoc policy that combined the two options—bringing in cheap foreign labor but limiting it to "Japanese" people. The 1989 amendment of the Immigration Control and Refugee Recognition Law (hereafter, the Revised Immigration Law), which took effect in June 1990, permitted descendants of Japanese emigrants (*Nikkeijin*, literally "people of Japanese descent") up to the third generation to enter the country legally, without restriction on their socioeconomic activities. This law also instituted criminal penalties for the recruitment and hiring of

illegal foreign workers: three years imprisonment or a maximum fine of two million yen (roughly US \$20,000).

The Revised Immigration Law immediately affected inflows of foreign workers and their employment opportunities. Encouraged by their legalized status, *Nikkeijin* began to arrive en masse, mostly from Brazil (and a few from Peru; in this book, see Tsuda, chapter 6). The admission of Brazilians increased fourfold from 19,000 in 1988 to 79,000 in 1990. By 1996 more than 200,000 *Nikkeijin* workers and their families had registered as residents in major manufacturing cities, such as Hamamatsu and Toyohashi in Tokai and Ota and Oizumi in Gunma Prefecture (Roth 2002; Tsuda 2003; Yamanaka 2000a, 2003b). Clearly this law offered a golden opportunity to ethnic Japanese from Latin America. However, it closed the door to other unskilled workers, mostly Asians without Japanese ancestry. But, even after the passage of the revised law, Asian workers continued to enter the country with non-employment visas as tourists, business personnel, company trainees, students, and entertainers, often overstaying when their visas expired. By 1993, immigration records suggested a population of 300,000 illegal visa-overstayers of diverse nationalities (Cornelius 1994: 384). This type of de facto immigration policy is elsewhere termed a "back door" policy (Yamanaka 1999).

Valuable Workers

Responses of employers to the 1990 immigration reform varied depending on available capital and labor pools. Threatened by criminal penalties, middle- to large-scale employers with more than thirty employees and a secure financial basis discharged unauthorized workers and replaced them with *Nikkeijin*. Mini- to small-scale employers (with less than thirty employees), however, could not afford the luxury of hiring *Nikkeijin* who, as documented immigrants, commanded higher wages than illegal workers. When these employers could not satisfy their labor needs with local workers, they turned to illegal visa-overstayers despite possible criminal charges. My Nepali research sample comprised one of many such illegal labor pools readily available for such employers in the Tokai Area. Once they had accepted illegal workers, they often discovered the high quality of their labor. One employer told me why he had ignored the 1990 Revised Immigration Law when he hired Nepali employees:

My Nepali workers are smart and dedicated to their jobs. They have learned everything very quickly. They arrive here early in the morning before anyone else and go home late in the evening after everyone has gone. They are much younger than my Japanese workers, who are in their fifties and sixties. Their good eyesight is very helpful in inspecting the machine parts. Even though the law says I should not hire illegals, I see no reason to replace them. Because our products do not carry my company name, I do not

have to worry about the company image. If I were caught by the police, the local newspaper would report it in only one line. Nothing more than that.

The employer's conjecture proved to be right. Shortly after the interview, three apartments near his factory were raided by immigration officials. Six unauthorized Nepali were arrested and deported, two of whom were his employees. But he was not cited, and following the arrests, the three remaining unauthorized Nepali continued in his employ. This example clearly suggests that labor-short small-scale employers lose little and gain much by hiring unauthorized workers. The criminal penalty for hiring unskilled foreigners has existed since June 1990, but it is rarely enforced. Cornelius (1994: 391) reports that in each of the years 1991 and 1992, only 350 Japanese employers were penalized for violations of the revised law. This suggests that although the law was implemented to stem an influx of undesirable foreigners, the government is reluctant to enforce it rigorously because employers need their labor. At the same time occasional, often publicized, incidents of enforcement are necessary to demonstrate to workers and employers alike that immigration officers have the situation under control.

Visible vs. Invisible Foreigners

In the meantime, the mass media have broadcast police reports of increasing violence and crimes committed by foreigners at both national and local levels. In Hamamatsu in 1994, eighty-eight foreigners were apprehended as suspects in 120 criminal cases according to Hamamatsu Police Headquarters (1994, 1995, 1996). In the following year, the figure rose to ninety-four foreigners apprehended in 505 cases. Most of these were for minor offences such as petty theft or shoplifting. According to Herbert (1992), Japanese police reports on the crime rate among foreign workers are inflated as a result of bias against them and serious flaws in data collection. For example, the "crimes" included those that could only be committed by foreigners, victimless crimes such as expired visas and undocumented employment. In Hamamatsu, during 1994, such crimes accounted for 44 percent of all crimes by foreigners. Yet these contributed to the reported increase in crime rates by foreigners and to their growing image as dangerous criminals threatening the safety of Japanese citizens.

Prior to the influx of *Nikkeijin*, Japanese citizens of Hamamatsu rarely saw "foreigners" with distinctive language, behavior, dress, and physical appearance. By the mid 1990s, as a result of the *Nikkeijin* influx, *Nikkeijin* Brazilians and their children were visible in many everyday settings, including supermarkets, shopping malls, public transportation, public housing developments, festival and entertainment sites, public parks, and schools. The sudden increase in "foreigners" (*Nikkeijin*), many with Japanese facial features but with distinctly foreign dress, demeanor,

guage, spawned confusion, fear, and resentment among local citizens (Weisman 1991). Increasing media reports on crimes by foreigners, including *Nikkeijin* Brazilians, led Japanese citizens to direct their suspicion at Brazilians. The recent racial discrimination lawsuit brought by legal Brazilian resident Ana Bortz, journalist and non-*Nikkeijin* wife of a *Nikkeijin* immigrant in Hamamatsu, epitomized the process of racialization of Japanese Brazilians as cultural strangers and even criminals (Yamanaka 2003a).

In contrast to documented Brazilians, unauthorized Asians, many of whose phenotypes resemble that of Japanese, tend to remain invisible in public. For example, the Nepali who regularly congregate in certain meeting places on Sunday afternoons are mostly of Tibeto-Burman ("Mongol") appearance. As a result, most ordinary citizens are unaware of their presence on Hamamatsu streets, looking on with complete indifference when they encounter them. John Lie (2001: 21) describes a similar situation in downtown Tokyo: "In a bustling cosmopolitan city like Tokyo, civil indifference is the hegemonic mode of social interaction. In repeated observations in public places, I rarely spotted anyone showing interest in the Asian workers."

In short, an understanding of the passive acceptance of illegal workers by Japanese must be sought in the context of national ideology and stereotypes, laws, and institutions, all of which emphasize social homogeneity, on the one hand, and in the context of Japan's rapidly aging population and economic conditions that contribute to the prevailing labor shortage on the other. The closed national ideology led the government to implement a contradictory policy in 1990, which permitted only skilled foreigners to work in the country, while the labor shortage led it to leave a "back door" open for unskilled Asian foreigners to enter and fill jobs shunned by Japanese. This contradiction has resulted in widely inconsistent foreign labor policies, practices, and responses among a broad range of parties, including employers, the national government, municipal governments, media, and ordinary citizens.

Transnational Grassroots Coalitions

This examination of Nepali community activities highlights the emergence of transnational civil activism at the grass roots. Immigrants and Japanese volunteers have come together to seek humanitarian policies and practices for the rights of immigrant workers and noncitizen residents (Gurowitz 1999; Roberts 2000). A unique feature of this transnational coalition is that the Nepali are unauthorized workers whose ability to defend their rights on their own is extremely limited. Business establishments frequently exclude or discriminate against foreign customers by demanding official documents or proof of a Japanese citizens' guarantee in exchange for providing service (Yamanaka 2003a). Without Japanese NGOs and individual

citizens' cooperation and assistance, it is unlikely that Nepalis would be able to arrange to hold an event in a public space or negotiate with abusive employers for unpaid wages.

Nepali Community Activists

The Nepali are well aware of these legal and social constraints on their residence, employment, and freedom. To reduce them, some of them have taken interethnic collective action aimed at promoting the interests of all Nepali nationals in the Tokai area. In 1995 in Toyohashi, those who wished to address common problems arising from their immigration status and cultural unfamiliarity launched a mutual-help organization, the NWSJ. Two years later, those who were concerned about the preservation of Nepali culture established the Himalayan Club. In the same year, those interested in sports organized the Mount Everest Club. In contrast, organizations such as the Gurung Association and the Magar Association are organized on the basis of ethnic membership, thus promoting the identity and culture specific to Nepali of particular ethnic communities throughout Japan. Leaders of these organizations make special efforts to cultivate rapport with Japanese NGOs and citizens sympathetic to their plight. They frequently call upon these Japanese for advice and help in times of crisis. Frequently they invite them to Nepali community events as honored guests, requesting public speeches, and thanking them with gifts and awards.

An active member of the NWSJ explained in 1998 why he and others are committed to organized activities:

We lack freedom here because we don't have proper visas. We have many problems. For example, those who have just arrived are so afraid of being arrested that they stay in their apartments for weeks. Because Japan has been in recession for years by now, unemployment is rapidly increasing among us. Job hunting is difficult. Unpaid wages frequently occur. But we have nowhere to report abuse cases. Nepali are afraid of the Japanese authorities and therefore do not want to have anything to do with them. So they often put group pressure on someone who has been injured at work so that he will not bring the case to the Labor Bureau for the compensation he is entitled to. It is sad. We need to educate ourselves. We also need to be in touch with Japanese because we are unable to help ourselves.

Japanese Civil Activists

By the mid 1990s Hamamatsu witnessed the establishment of a number of grassroots organizations by citizens and noncitizens, including the Hamamatsu Overseas Laborers Solidarity (Herusu no Kai) formed by citizens to protect foreigner's labor rights; the Grupo Justiça e Paz (Group Justice and Peace) committed to increase foreigners' enrollment in the National Health Plan; and the Medical Aid for Expatriates in Hamamatsu (MAEP) which

by citizens and noncitizens to provide uninsured foreigners with free annual checkups (Yamanaka 2005)

These NGOs and their volunteers believe that immigrants, especially unauthorized immigrants, are victims of extreme labor exploitation and human rights violation based on nationality, ethnicity, and legal status. They blame these injustices on the globalized labor market system operating within now defunct nation-state frameworks. Labor unionists fear that employment of foreign workers will undermine Japanese labor standards for which they and their predecessors have long fought. Medical professionals are concerned that general health conditions may deteriorate if immigrants do not receive medical check-ups and treatment equal to those of the Japanese. Religious workers are interested in reaching those foreigners who share their beliefs and rituals. Human rights activists are motivated to eliminate open hostility and discrimination against immigrants.

As Japan becomes a multiethnic society, members of Japanese civil society are becoming energized to seize the opportunity to act on their agenda and interests (Shipper 2002). In the view of concerned citizens, unauthorized foreigners are "the new untouchables" of the world—victims of the contradictory systems that produce and reproduce suffering among immigrants from the Third World (Harris 1995). They believe that the negligence of the state allows such injustice to go unattended despite the fact that corporations continue to demand inexpensive labor (Roberts 2000). The combination of increasing global immigration and growing civil society in Japan has thus spawned a significant, albeit small, alternative to global governance, in which immigrants and citizens both play a major role in defending migrants' rights, human rights, and cultural rights, thus enhancing their agency in Japan and in today's increasingly interactive world.

Conclusion

The example of Nepali visa-overstayers in Japan shows the importance of "transnationalism from below" in the analysis of immigrants' agency and governance under expanding global capitalism. The study findings highlight: Nepali transnationalism drawn from shared identity and social capital; contradictions in Japanese immigration policies and practices that attract illegal Asian workers; and Nepali-Japanese grassroots coalitions that bridge immigrants and citizens in efforts to redress global and local inequality.

By initiating community actions transcending borders and cultures, the unauthorized Nepali attempt to control their living environment—an environment that is predominantly defined by their illegal status and consequently weak market position (Yamanaka 2000b). Rather than forfeiting their right to self-determination, the Nepali have chosen to exercise their

agency and creativity for local survival by mobilizing their transnational resources to generate empowering community actions.

The Nepali are attempting to reconstruct the kind of everyday life in which they might have participated in Nepal. Such activities include holiday celebrations, cultural performances, community association meetings, wedding receptions, and various types of sports and leisure. Thus, Nepali immigrants confirm with one another their Nepali identity and migrant solidarity while demonstrating their ability to be good citizens to the Japanese public. They are simultaneously sending a message to their homeland that, despite their long absence, they still belong to its people and soil. Transnational community activities by unauthorized Nepali in Japan thus exemplify agency, resistance, and the will of self-governance among one of the world's most vulnerable populations.

Notes

1. This is an expanded version of "Transnational Activities for Local Survival: A Community of Nepalese Visa-Overstayers in Japan," in *Behind Many Masks: Gerald Berreman and Berkeley Anthropology, 1959–2001*, ed. K. MacKinnon, a special issue of *Kroeber Anthropological Society Papers*, 2002: 146–167. I wish to thank Gerald Berreman, my husband, for introducing me to Nepal and offering his support throughout this research. I am deeply indebted to many Nepali friends in Japan and Nepal without whose cooperation this study would have been impossible, but whom must remain anonymous.
2. I estimate the proportion of women in the Tokai Nepali community at around 20 percent. Most are wives of Nepali migrants and are themselves working in manufacturing industries (Yamanaka 2000b: 82–83).
3. After a few years in Japan, some Nepalis develop friendships with Japanese while a few Nepali men marry Japanese women (e.g., Kaneko 1998). It is my observation that most Tokai Nepali men lack the opportunity to meet anyone outside of the Nepali community and their workplaces.
4. There is a small police station (*koban*, "police box") in the park directly across from the landscaped area where these Nepalis routinely congregate. Through the *kôban*'s large one-way window, the police can easily monitor their activities, but I have not heard of any police intervention.

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