CHAPTER 1

Border politics

Rethinking Japan's migration controls

THE CRIME OF MR KOH

One day in the summer of 1949, 'Mr Koh'[1] went back to his birthplace to look after his mother, who was critically ill. In November of the same year she died, and after the funeral, Mr Koh returned home to the small wooden house in a Japanese provincial town where he lived and worked. There, in his absence, his wife and children had been looking after the family second-hand goods business, supplementing its income in the summer months by making and selling ice creams.

This is a very ordinary story: one of those moments of crisis which besets the lives of most families at some time or another. But in this case, the seemingly ordinary train of events had extraordinary consequences: the arrest and imprisonment of Mr Koh. These events in turn generated a petition to the prefectural governor and a flurry of correspondence between Japanese officials and the General Headquarters of the Supreme Commander Allied Powers (GHQ/SCAP), the body responsible for the postwar occupation of Japan.

How is it that such normal human behaviour attracted so much bureaucratic intervention and displeasure? The problem was this: although Mr Koh and his wife had lived in Japan since the 1920s, both originally came from Korea, where other members of their family still lived, and (as we shall see), in the late 1940s and early 1950s there was no way in which Mr Koh, or the other 600,000 or so Koreans in Japan, could legally cross the border between Japan and Korea, even to visit a dying parent. Besides, in 1947 the Japanese government had introduced an Alien Registration Law which required 'foreigners' like Mr Koh and his family to carry registration cards at all times. Early attempts at registration had proved ineffective, and in January 1950 – while Mr Koh was trying to find a boat to take him back from Korea to Japan – a new registration had been conducted, and a new set of cards issued.

Even though Mr. Koh managed to slip back into Japan undetected, he had missed the deadline for re-registration; and without one of the new cards, he could now live only an outlaw existence in Japan. Hoping to resolve the problem, three days after his return, he presented himself to the local police station and tried to explain the special circumstances that had forced him to leave and re-enter Japan. His story, however, met with scant sympathy. The police chief seems to have suspected ulterior motives for the trip to Korea, and Mr Koh was promptly arrested for illegal entry to Japan and violation of the Alien Registration Law, crimes punishable by a sentence of up to two years' hard labour followed by deportation.

Mr Koh's story is not unique. Many other people suffered similar fates in Japan in the late 1940s and 1950s, and we shall encounter some of their stories later in this book. What is unusual is that the Koh family possessed a modicum of property (the authorities meticulously calculated their assets, including the ice cream-making machine, at 800,000 yen), and they also had a strong network of friends and neighbours in the Japanese country town where they lived. Mrs Koh and the couple's eldest son, who was studying at a university in Tokyo, embarked on an energetic campaign to have Mr Koh released from prison, and to secure his right to remain in Japan.

They succeeded in collecting supportive statements from members of their local community – the shoemaker, the watch-mender and the local postmaster – and gathered more than 1,800 signatures on a petition to the prefectural governor. Mr Koh's imprisonment therefore generated a substantial amount of documentation. The papers on the case in the GHQ/SCAP files run to over one hundred pages, and speak eloquently of the anguish of a man facing the probable loss of the business he had built up over twenty years, the break-up of his family and deportation to Korea – a country by then in the process of being torn apart by civil war. Reading them, I am reminded of a comment made by Peruvian economist Hernando de Soto in a different context: 'migrants do not so much break the law as the law breaks them'.[2]

Amongst the letters on the file are appeals from the eldest four of the family's five children: Mr Koh's nine-year-old daughter Keiko, for example, addressed herself to General Douglas MacArthur, Supreme Commander Allied Powers, in pencil as follows:

Your Highness,

Please use your power as a General to send Father home. I pray to God that he will come home any day now. My mother and big brother can't sleep at night for worrying about Father. If Father is forced to return to Korea, I won't be able

to go to school any more. Do send him back to us quickly. It's lonely at home without Father. Please.

There were letters of testimony from the mayor (who assured the Allied occupation authorities that Mr Koh had no 'dangerous thoughts') and even from the prefectural governor himself. In his desperation, Mr Koh also tried to invoke help from much further afield. As he wrote in an appeal addressed to General Douglas MacArthur, sometime around the end of the war he had befriended a group of British prisoners of war, who had been working as forced labourers in a nearby Japanese coal mine. Apparently they had come to trust Mr Koh after realizing that, as a Korean, he was regarded with hostility by the Japanese police. In his letter, he painstakingly spells out their unfamiliar names and addresses: Mr C. R. Loveday from Norwich, Edward George Parnell from Mansfield, and a W. Jones, who has jokingly given his address as 'Tin Pan Alley, Blighty, England'. Attached to the letter is a little photo which one of the prisoners of war had left behind as a token of friendship – a faint and incongruous image of a young English couple gliding across a skating rink adorned with fairy lights.

'Upon their departure from this country', wrote Mr Koh to General MacArthur (who doubtless never read his letter)

> they told us that they would never forget my friendship and were pleased to be of service to us whenever I met difficulties. I am now in a very difficult situation. I pray for assistance of these friends of mine who are now in Europe, far away from this jail, and I wish them to become petitioners for me.[3]

THE BALLOT BOX AND THE BORDER POST

Stories like that of Mr Koh impel me to write this book. For the disaster that overtook him vividly illustrates the impact which migration and border controls have on individual lives. His story is also just part of a much larger but little-known history of undocumented crossings of the border between Japan and its Asian neighbours in the postwar decades. Without understanding this history, it is impossible to understand the issues of migration in modern Japan.

This book is an attempt to explore the creation of Japan's contemporary migration and border control system, and to discover how it has affected both the destiny of individuals and the nature of Japanese society itself. I began this study as part of a collaborative project with my colleague Amarjit Kaur, looking at border controls in four countries: Malaysia,

Indonesia, Australia and Japan. At the time when we started our research, soon after the 9/11 attacks in the United States, border security was an issue of impassioned political debate in many parts of the world. In Australia, the Howard government was introducing what many saw as draconian policies to curtail the arrival of boat people on the nation's shores; Southeast Asian countries such as Malaysia, Thailand and the Philippines were moving to close the long-porous borders between their nations; and in Europe, the opening of frontiers between members of the European Union (EU) was accompanied by growing fears of an influx of non-European 'others'.

In some ways, Japan appeared the odd one out in the group of nations we had chosen to study – a nation with relatively little linguistic or ethnic diversity, and one which had long maintained tight controls on entry to the nation. Yet Japan was not immune from the waves of anxiety over border security that swept the world in the first decade of the twenty-first century. There, too, newspapers ran lurid headlines about illegal immigrants, people smugglers and so-called 'foreigner crime' (*gaikokujin hanzai*).

In framing our study, we deliberately chose to focus not on 'immigration policy', but rather on 'migration and border controls'. The distinction may seem small, but it is significant. Discussion of 'immigration policy' tends to direct the eye to the laws and statements of central governments, to nationwide statistics and to debates about the contribution or otherwise of migrants to national prosperity and power. As Iyotani Toshio has observed, studies of immigration policy often implicitly define their *raison d'être* in terms of their contribution to national policy making, and tend to view migrants as 'subjects in need of management'.[4] We were more interested in exploring what happens on the ground, when migrants (legal or otherwise) arrive at the frontier. Who inspects their papers, and decides to accept or reject them? How are illegal migrants treated once they are detected, and how do they respond to that treatment? To put it another way, we wanted to reverse the normal angle of vision described by Iyotani. Movement across the areas which were to be divided by the modern borders between Japan, Korea, China, Taiwan and Russia had continued for centuries before the borders themselves were drawn. Rather than asking what impact migrants have on the economy and society of the nation state, then, we tried to confront the question, what impact do nation states and national borders have on the people who move around?[5]

Thinking about these questions prompted a comparison between two very different places where individuals encounter the presence of

the nation state: the ballot box and the border post. In most theories of modern democracy, the crucial encounter between the individual and the state takes place at the polling booth – in that all-important sanctum of democracy where citizens, having listened to the debates of the election campaign, cast their secret ballots for the candidates of their choice. For many people (a growing number), however, the crucial encounter with the state occurs not in the polling booth but at the border post: in that little booth at which one's right to cross the frontier is decided, or in the immigration offices where residence documents are issued, visas renewed and suspected 'illegal immigrants' investigated. Here, the relationship between individual and state is radically different from the relationship which is established in the polling booth.

Within the polling booth, the state and the individual are bound together, in theory at least, by a contract governed by rules set out in the constitution. The constitution promises the people the right to choose those who will govern them, and the people in turn agree to abide by the laws instituted by their rulers. Though the practice of democracy seldom fully accords with the contractual ideals set out in most constitutions, the ideal of the contract remains a powerful force in contemporary society.

At the border post or immigration office, however, the encounter is inverted. Here it is not the people who choose the government, but the state which chooses people – selecting those who will be allowed to enter its territory, and determining the terms of entry. This relationship is almost entirely non-contractual. Nation states generally have laws defining, in rather broad terms, which categories of people may or may not cross the border, but the way in which the laws are applied to each individual is determined by the officials on the spot. Even in the most democratic of societies, the power of these officials is generally arbitrary and almost absolute. There is no need for them to justify their decisions. The ways in which they exercise their power are not open to public scrutiny and can seldom be challenged. The circumstances of Cold War East Asia, as we shall see, meant that a particularly large proportion of border crossers in postwar Japan were governed by bureaucratic discretion rather than by clear laws. As a result, many found themselves in a situation where they had almost no legally enshrined rights of residence.

Robert Miles, writing in the British context, has shown how airports, which are 'sites of migration control and therefore of state power', provide an 'excellent opportunity to observe the practice and consequences of the institutional organization of social differentiation and exclusion'.[6] In the modern nation, encounters between migrants and the state take place not

just at the physical boundaries of national territory, but also at a variety of specialized places which mark the presence of the 'frontiers within'. These places include refugee and repatriation camps and migrant detention centres. In the course of this research, I have found myself focusing on particular confined spaces in which the encounter between foreigners and the boundary-drawing power of the Japanese state was distilled: Senzaki and Hario repatriation camps in the late 1940s, Ōmura Migrant Detention Centre throughout the postwar decades, Niigata Red Cross Centre in the 1960s, and (in a different way) the US military bases scattered across Japanese soil. By looking closely at the architecture and daily life of these special points of contact, we can, I think, open up new ways of looking at the nature of cross-border movement.

Exploring the formation of Japan's modern border controls was, to me, eye-opening. Aspects of Japan which had been wholly invisible when I read national government reports and statistical overviews of migration suddenly came into view. To my particular surprise, I discovered that the story of the creation of Japan's modern migration controls had unexpected connections to my home country, Australia. The Australian National Archives in my home town, Canberra (which I visited for the first time in search of information on the Australian section of our comparative project), proved to be a mine of information on 'illegal entry to Japan'.

The material I found there forced me to rethink my image of immigration and the migrant experience in modern Japan, and especially to focus on a period of Japanese history which I had always assumed to be a hiatus in movement into and out of Japan – the period from Japan's surrender to the Allies in 1945 to the late 1970s. Far from being a blank in Japan's migration history, it soon became clear that this was a time of crucial (though often forgotten) cross-border movement. It was also the formative period in the creation of a migration control system that remains largely intact to the present day, and has had a profound effect on the nature of Japanese society for the past half-century and more.

The wealth of historical documents on this topic, which exist not only in Japanese archives but also in the United States, Korea, Australia and (as I later discovered) New Zealand, Switzerland and elsewhere, was a reminder of the international dimensions of border controls. Border politics are neither national nor international politics, but always both at once. Borders have two sides, and what happens at the frontier post is influenced by forces from both sides, though in some times and places the power on one side may be far greater than the power on the other. (Indeed, at times such as the postwar occupation of Japan and Korea,

the same power may have primary control over events on both sides of the border.) Most importantly, borders are part of an international system, and that system has an important effect on the border controls imposed by individual nations. As Malcolm Anderson points out, 'there is no compelling reason why the state should be the sole arbiter of immigration, and some matters may be regulated by international organization'.[7]

The international dimensions of border politics are often obscured by the tendency of scholars to look at migration history from within the framework of the nation state. In the case of Japan, for example, many accounts of migration history treat Japan's policies towards border crossers as though they were almost entirely and autonomously determined by the Japanese state. As we shall see in the chapters that follow, however, these policies have been shaped by Japan's shifting political relations with its neighbours, and crucially by its postwar relationship with the United States. As we gain a clearer picture of the global forces which have helped to mould Japan's migration control system, so we can more clearly appreciate the need for future visions of migration to be created through negotiations and dialogues that cross national boundaries.

MIGRANTS AND NATIONAL BORDERS: THE MODERN DILEMMA

The concept of the nation assumes that clear distinguishing lines can be drawn between some people ('nationals') and others ('aliens'). The nation is static. It occupies a clearly bounded block of territory on the map; its people are a group whose origins and destinies lie firmly within those boundaries. But in this, from the very start, there was a paradox. For modern nations came into being as parts of a global system, and that system itself was created by human mobility – by the Renaissance voyages of exploration, and by the mass migrations which created that quintessential modern nation state, the United States of America.

Nation states, therefore, need both movement and stasis, both boundaries and boundary crossings. On the one hand, to compete successfully in the global system, nations need trade, diplomacy and the cross-border movement of labour. In economic terms, border crossers are a necessary resource: a source of new knowledge, international economic connections or cheap labour. But in political terms they are non-citizens – destabilizing the tidy boundaries of the national political community. For that reason, the rules and institutions created to guard borders and to distinguish

'nationals' from 'aliens' have become some of the most contentious aspects of state policy in the modern world.

This tension has become particularly fraught in recent decades, as globalization has increased cross-border flows of communication, ideas and people.[8] In a time of rapid technological change, nations contend to import workers with scarce skills, or those willing to perform the low-paid tasks which the state's own citizens find unattractive. The result is both an acceleration of migration flows and increasing differentiation between different groups of migrants.[9] Meanwhile, concerns over national security had begun to be reflected in heightened border control measures even before the 9/11 attacks,[10] and concerns over border security have been further intensified in the context of the 'global war on terror'.

Global population trends add a further twist to the story, and one that has particular importance for Japan. By the first decade of the twenty-first century, Japan had become the most rapidly ageing society in the world. A combination of high life expectancy, dramatically falling birth rates and a rise in the age of marriage meant that Japanese demographic growth dropped precipitously, and since 2006 the population appears to have entered a phase of decline.[11] Sober predictions suggested that the population of 127 million will shrink to about 100 million by 2050, and that by the end of the century it may be no more than 64 million. Some scholars project an even more alarming decline to around 46 million by 2100.[12]

The spectre of 'vanishing Japanese' prompted nationwide schemes like a 1992 Welcome Baby Campaign, and when these failed to yield results, policy makers increasingly turned to the idea of migration as a solution to a growing imbalance between the dwindling workforce and the burgeoning aged population. A far-reaching Vision of Japan in the Twenty-First Century, produced by a government-appointed think tank in 2000, called for the creation of a new immigration policy. The report's authors argued that

> in order to adjust to globalization and to maintain Japan's vitality, it will be essential in the twenty-first century to create a general environment in which many foreigners can live normally and comfortably in Japan … Increasing ethnic diversity has the potential to expand the scope of Japan's intellectual creativity and to raise the level of social dynamism and international competitiveness.[13]

Others have presented the argument in starker terms. The former head of the Tokyo Immigration Bureau (Nyūkoku Kanrikyoku), Sakanaka Hidenori (of whom more hereafter), published a book soon after his retirement in 2005, in which he presented a personal view on the challenges

facing Japan. Dramatically entitled *A Migration Control War Diary* (Nyūkan Senki) Sakanaka's book depicts the nation as faced with the choice between becoming a weak, stagnant 'small Japan' with high taxes and a shrinking economy, or a vibrant 'big Japan' with a major role to play on the world stage. To achieve 'big Japan' status, he argues, the country needs dramatically to change its attitude to migration, opening its doors to an annual inflow of 500,000 immigrants a year. His utopian image of the 'big Japan' of 2050 envisages a total Japanese population of 120 million (little changed from today), but with an immigrant population of 20 million, ten times today's figure of registered foreign residents.[14]

The existing system, however, is deeply entrenched, and resistance to change remains profound. Many of Sakanaka's former colleagues appear wary of grand plans for an opening of borders. Recent official statements from the Immigration Bureau urge caution. They acknowledge that some changes to migration restrictions may be needed to address the problem of an ageing population, and recognize the need to 'develop an environment where foreign nationals can live comfortably'. But they also express alarm at the level of immigration which would be necessary to offset future population decline. It is, the Bureau insists, 'not appropriate to simply supplement the declining birthrate by accepting foreign nationals alone'.[15]

So the Bureau's response to current challenges has been a series of relatively minor changes to migration categories and procedures, all of which have left fundamentally intact a migration control system first established more than half a century ago. To understand how this system has become so enduring, and how it has influenced not simply levels of immigration, but even popular visions of Japanese national identity itself, we need to examine how the system was established. And to do this, we need first to take a closer look at some of the existing narratives of Japanese society and its encounters with immigrants.

THE 'CLOSED COUNTRY' NARRATIVE

One of the most influential of these narratives presents Japan's restrictive policy towards foreigners as a natural outcome of the nation's historical and cultural peculiarities. Japan, we are told, is an ethnically homogeneous country which, in the course of its history, experienced many centuries of closure to the outside world. Tight restrictions on migration in modern Japan, both pre-war and postwar, are seen as a natural extension of this history.

This perception of Japan as inherently hostile to migrants is one frequently evoked by the Japanese government itself. The Immigration Bureau's cautious attitude towards a loosening of migration controls, for example, is reinforced with an appeal to tradition and culture: 'If you trace back the history of Japanese society and give thought to the Japanese people's perception of society, culture and their sensitivity, it would not be realistic to suddenly introduce a large amount of foreign labour.'[16]

Others who take a more critical approach to Japan's migration policies also emphasize the central importance of culture in determining these policies. As one account puts it,

> The Japanese have long believed themselves to be a pure race. This has extended to ideas of uniqueness and superiority. Certainly it is indisputable that they are a highly homogeneous people, in the order of 99 per cent. Foreigners on Japan's soil present a threat to that homogeneity, that purity, that self-assured superiority, that uniqueness … They represent, then, an interconnected mix of negatives – the outside, the unknown, the threatening, the disruptive, the impure. In short they are best avoided.[17]

Japan's systems of citizenship and migration control are sometimes seen as an inevitable outcome of this deep-rooted 'closed country' (*sakoku*) mindset: 'Japanese nationality law is, first and foremost, a by-product of the *sakoku* mentality'; 'no other legislation more vividly embodies the *sakoku* mentality than the immigration and labour laws'.[18]

Criticisms of widespread xenophobia in Japanese society are well founded (though Japan is not unique in this respect, and the figure of '99 per cent' homogeneity raises profound questions about the measurement of homogeneity itself). There is also no denying that insularity and myths of ethnic homogeneity have helped to shape public and official attitudes to immigration. But the origins and impact of that xenophobia are complex. As Oguma Eiji has argued, the myth of Japanese homogeneity itself seems to have been less pervasive in the first half of the twentieth century, when Japanese efforts to construct a multiethnic empire in fact generated widespread debate about the role of migrants in Japanese history and prehistory.[19] In the 1930s and 1940s, the multiethnic origins of the Japanese were sometimes even vaunted as the source of Japanese national superiority.[20] It was in the immediate postwar decades that the notion of Japan as a self-contained, unique and ethnically 'pure' nation acquired its greatest power over the public imagination.

Most significantly, though, the framework of laws and institutions which restricts immigration to Japan today was actually created during