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Hironori Onuki

University of Wollongong, honuki@uow.edu.au

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Keywords

workers, migrant, global, governance, neoliberal, moments, accumulation, constitutional, primitive, mobility:, labor

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The Neoliberal Governance of Global Labour Mobility: Migrant Workers and the New Constitutional Moments of Primitive Accumulation

Hironori Onuki

Abstract

One feature of the “age of migration” in which we live has become an increasing movement of labour from the Global South to North, mainly in “low-skill” and low-wage jobs. This article examines how far and in what ways contemporary capital-driven migration-related policies in labour-receiving and labour-sending states have shaped the subjectivity of transnational migrant workers and their positioning in host societies. It does so through the notion of *new constitutional moments of primitive accumulation*, which designates the production of social spaces for the commodification of labour through the implementation of specific migration policies by labour-receiving states in the Global North and which are reinforced by the interests of labour-sending states in the Global South. By using this concept, especially with reference to changes in Japan’s immigration policy since the early 1990s, I argue that the governance of global labour mobility has not only separated migrant workers from their means of subsistence in the home societies, but also constructed them as precarious subjects in the labour markets of the host societies.

Keywords

neoliberal governance, migrant workers, primitive accumulation, new constitutionalism, Japan

INTRODUCTION

Global labour migration is not a historical novelty, but its forms and trends have shifted through ongoing changes in the global political economy. Revolutionary developments in transportation and communication technology, which have reduced the costs and enlarged the spatial range of movement, have dramatically reconfigured the pattern of global labour flows while increasing their scope and speed. The current conspicuousness of South-to-North and East-to-West migratory flows marks a distinct shift from the North-to-South pattern characteristic of the nineteenth century. In this context, the increasing transfer of labour from the developing to developed economies, mainly in “low-skill” and low-wage jobs, has been a central features of the late twentieth and early twenty-first century, which Stephen Castles and Mark J. Miller call the “age of migration.”¹

Reflecting such current dynamics of global labour migration, this article primarily explores how far and in what ways contemporary capital-driven migration policymaking in labour-receiving and labour-sending states have shaped the subjectivity of transnational migrant workers and their positioning in the host societies. It does so by incorporating Stephen Gill’s notion of “new

constitutionalism”² into a renewed understanding of what Marx called the “so-called primitive accumulation.”³

Within the contemporary context of the predominance of the neoliberal orthodoxy in guiding the formation of global governance, remobilized debates about Marx’s notion of primitive accumulation underlines how this notion is vital in highlighting an ongoing process in which capital must continuously constitute and reconstitute a basic ontological condition for accumulation.⁴ On the other hand, Gill remarks that neoliberal globalization has largely been secured through the rise of the “new constitutionalism” which refers to neoliberal economic agreements and state policy reforms that “lock-in” the disciplinary power of capital and capitalist advancements while posing challenges to democratic politics.

This article seeks to unite these conceptual discussions through a concept of *new constitutional moments of primitive accumulation*. These moments designate the production of social spaces for the commodification of labour through the implementation of specific migration policies by labour-receiving states in the Global North, and are reinforced by the interests of labour-sending states in the Global South. By using this concept, particularly through reference to changes in Japan’s immigration policy since the early 1990s, I argue that the governance of global labour mobility, increasingly ushered by the heightened power of capital and the disciplinary control of neoliberal market norms, has not only separated migrant workers from their means of subsistence in the home societies, but also constructed them as precarious subjects in the labour markets of the host societies.

Since the end of World War II, Japan had long been thought to be immune from the globalization of labour migration. Compared with most Western advanced industrial nation-states that launched labour importing schemes to deal with the shortages of workers in the 1950s and 1960s, Japan achieved rapid economic growth without relying on mass labour immigration in the 1960s and 1970s.⁵ The social history of Japan’s “miracle” industrialization had underlined the understandings of the Japanese modern nation as a racially homogeneous entity and the incorporation of culturally and ethnically different “others” as a serious threat to its social security.

However, the sharp appreciation of the yen in the wake of the 1985 Plaza Accord and the growing status of Japan in global and regional capitalism around that period attracted migrants who sought employment opportunities overseas. At the same time, the escalation of labour scarcity through the “bubble” boom of the Japanese economy generated a massive and rapid influx of the so-called “unskilled workers” (*tanjun rodosha*) to Japan from abroad.⁶ Furthermore, during the consequent economic recession, unskilled migrant workers had been a part of the neoliberal transformation of capital-labour relations characterized by the deepening and widening precariousness of labour through prolonging their stay in Japan.⁷ More recently, the demographics of an aging population in Japanese society have also resulted in growing demands for migrant workers to maintain economic productivity and secure elder care provision.

With these trends in mind, I develop the argument outlined above by drawing on my field research of the everyday lives of migrant workers in Japan and the Philippines.⁸ The discussion proceeds as follows. I first delineate a theoretical framework that drives my analysis here,

particularly drawing attention to how the notion of the new constitutional moments of primitive accumulation helps elucidate the dynamics in the neoliberal governance of global labour migration. The article then turns to the two cases as the embodiment of such moments within the recent restructuring of Japan's labour immigration regime: (1) The acceptance of foreign trainees under the development of Japan's Industrial Training and Technical Internship Programs; and (2) The introduction of Filipino care workers into the Japanese labour market through the Japan-Philippines Economic Partnership Agreement (JPEPA).

The discussion highlights how these two moments have made the short-term rotating supply of migrant workers possible by securing "cheap" and "disposable" labour under regimes of flexible accumulation in the current era of neoliberal globalization. The global growth of precarious employment and unprotected workers has become the emergent focus of critical scholars in the field of international political economy.⁹ Drawing on this literature, and developing the notion of new constitutional moments of primitive accumulation, this article aims to facilitate the analysis of how neoliberal restructuring of the global political economy operates to diversify workforce while heightening the segmentation of labour market on a world scale.

PRIMITIVE ACCUMULATION, NEW CONSTITUTIONALISM, AND THE NEOLIBERAL GOVERNANCE OF GLOBAL LABOUR MIGRATION

Positing the political ideals of human dignity and individual freedom as "the central values of civilization," neoliberalism proposes that human wellbeing can be best guaranteed by the "free" market.¹⁰ Critics argue to the contrary that the globalization of neoliberalism since 1970s has often been closely associated with a crisis of social and economic reproduction.¹¹ In particular, the neoliberal restructuring of global governance has reignited debates among critical scholars about Marx's understanding of primitive accumulation to explain an intensified commodification of life, nature and human knowledge and its impacts on the relations of production and social reproduction.¹²

For Marx, primitive accumulation is "the historical process of divorcing the producer from the means of production" in which "the social means of subsistence and of production are turned into capital, and the immediate producers are turned into wage labour."¹³ It therefore designates a revolution in social property relations – processes of proletarianization through varied forms of violent expropriation and the creation of capitalist modes of production and subsistence that lie at its core. Derived from Marx's conceptualization, recent discussions of this concept largely stem from two different interpretative frameworks: one in which primitive accumulation represents a time-defined and initial stage in the linear model of development (what Massimo De Angelis terms "historical" primitive accumulation) and the other in which the concept signifies an enduring feature immanent to capitalist social relations (what he refers to as "inherent-continuous" primitive accumulation).¹⁴

The advocates of the historical primitive accumulation conception present the process of "enclosures"¹⁵ as the historical phase that arranged preconditions of the capitalist mode of production.¹⁶ Primitive accumulation, distinctly separated from "capital logic" (or accumulation proper), is considered to cease once the processes of expropriation create and consolidate

commodity market systems for labour-power, land and so on. However, such a confinement of primitive accumulation to a question of genealogy within the temporal transition from feudalism to capitalism is, as De Angelis aptly alleges, problematic theoretically and politically.¹⁷ While the historical primitive accumulation framework theoretically obscures the clashes among various social forces by conceiving capital as a totalized *system* rather than a *force* with totalizing drives that exists together with other forces that act as limits on it, this approach politically downplays the dynamics of collective and/or individual actions that contest and negotiate capitalist development.

In contrast, those who explore the inherent-continuous primitive accumulation perspective illustrate how primitive accumulation is not just a one-time phase in the founding of capitalism that has been left behind, but rather an ongoing strategic problem in conflictual capitalist relations. Thus, capital must continuously engage in this process to reconstitute a basic ontological condition of accumulation. De Angelis' re-reading of Marx's critical political economy concentrates on the fundamental ontological connection between primitive accumulation and the expanded reproduction of the capital-*relation*.¹⁸ In his view, whereas accumulation proper and primitive accumulation in Marx's theoretical edifice share the same principle, the separation of people from the means that allow them to live and produce, these two processes differ not substantively but in terms of the "*conditions, circumstances and context* in which this separation is enforced."¹⁹ The former signifies the constant proliferation of the same separation. The latter encompasses the *ex-novo* separation primarily through the so-called "extra-economic" form of power exercised by the state or particular sections of social classes,²⁰ and through an ongoing creation of a new social space for commodification, even in "mature" capitalist economies, which has not yet acquired the fetishistic essence assumed by capital's normalization. Through the process of primitive accumulation, the prioritization of capital's accumulation within the doing of human activity (what De Angelis describes as "separating the doing and the deed") confront the challenges by the workers to protect social spheres of life from capitalist commodity markets and to think of alternatives beyond capital.²¹

In other words, social contestations and struggles are constitutive and ongoing features of capitalist relations of existence and accumulation. From this viewpoint, De Angelis conceives of the neoliberal transformation of the global political economy as a form of the "new enclosure" aimed at destroying the welfare or "social barriers" erected in the post-war era.²²

David Harvey similarly renews the interpretation of primitive accumulation as ongoing processes, exposing the inner contradictions of the "new" imperialism by attributing it to the role of "spatial-temporal fixes"²³ in the context of chronic problems of capital over-accumulation. Pointing to the advent of neoliberal orthodoxy through which capitalists, backed by state powers (as embedded in and symbolized by the IMF, the World Bank and the World Trade Organization), have "actively manufacture[d]" new realms of proletarianization and private appropriation of public property even within the global core, Harvey regards privatization as the cutting edge of "accumulation by dispossession," which he substitutes for the term primitive accumulation.²⁴ It is noticeable here that, largely influenced by Harvey's renaming of primitive accumulation as "accumulation by dispossession," the main focus of recent study from the inherent-continuous primitive accumulation perspective has been the displacement of the large number of people through capital-driven strategies of development in the Global South. *Review*

of African Political Economy, for instance, recently published a special issue that was concerned with “a new wave of accumulation by dispossession in Africa” and, more specifically, how the large-scale practices of land “grabbing,” often promoted by foreign capital intervention, is shaping Africa’s political economy.²⁵

Whereas both Harvey and De Angelis explicate primitive accumulation as continuously inherent to capitalist relation of production and social reproduction, as Gillian Hart claims, there are key differences between their conceptualizations, particularly derived from Harvey’s focus on tendencies to overaccumulation and De Angelis’ primacy emphasis on the struggles of working class. Hart further elaborates: “For Harvey contemporary struggles beyond the workplace represent reactions to accumulation by dispossession, whereas for De Angelis they are active constitutive forces.”²⁶

These conceptual differences are important and much research stemming from Harvey’s formulation has shed light on the contested impacts on capital- and state-led development strategies on people’s everyday lives in the Global South. However, massive displacement of people within the context of neoliberal globalization is not the only ways in which the ongoing process of primitive accumulation has currently shaped the nature and contours of the global political economy. What is crucial to underline here, as noted above, is that the ongoing process of primitive accumulation also involves the continuous production of a new social space for commodification in not only the underdeveloped capitalist economies of the Global South but also the highly developed economies of the Global North. In a similar vein, Saskia Sassen stresses that the study of contemporary versions of primitive accumulation needs to go beyond logics of extraction in order to recover the “current systemic deepening of advanced capitalist relations of production.”²⁷

Thus, moving beyond the limits of Harvey’s “accumulation by dispossession” formulation, the renewed interpretation of primitive accumulation as an ongoing process brings to light the ways in which “primitive accumulation encompasses an enormous socio-spatial range of activities”²⁸ and also the production of spaces within which they happen. Such a broader understanding of primitive accumulation seemingly provides important insights in analyzing the multifaceted dynamics of migratory labour flows on a transnational scale in at least two ways.

First, what seems so compelling about the idea of primitive accumulation as an inherent-continuous strategy in diverse phases of capitalist development is its potential not to universalize the specific structural qualities of capitalist relations, but *instead* to grapple with transnational connection, that is, the divergent yet increasingly interconnected routes of socio-spatial change generated through the importation of capitalist sociality across the international milieu.²⁹ As De Angelis contends, the continuous character of enclosures enables a critical reflection on the ways in which “people of the North, East and South are facing possible phenomenally different but substantially similar strategies of separation from the means of existence.”³⁰

In this sense, the employment of this inherent-continuous primitive accumulation perspective, on the one hand, helps to disclose how the series of neoliberal socio-economic structural adjustment processes in developing societies are related to the transnational outflows of labour. On the other hand, it also calls attention towards the ways in which states’ withdrawal from social

provisioning in highly industrialized nations, as a response to the neoliberal transformation of capitalist relations of production and social reproduction (along with the changes in the form and nature of the family), has promoted the inflows of migrant workers to fill the needs of workforces within the re-privatized segments of the labour market. As such, the re-reading of primitive accumulation as an ongoing process invokes the endeavour to illuminate the relationship between global labour migration and territorially differential experiences of neoliberal restructuring of the global political economy, thereby elucidating how substantially similar strategies of new enclosures guided by the power of capital and reinforced by states' policies have generated phenomenally diverse impacts on different societies.

Another crucial contribution brought about by the understanding of primitive accumulation as a persistent process for the study of the governance of global labour migration is its emphasis on the discursive constitution of distinct subjects within the extensive and intensive frontiers of accumulation mechanisms. With the enduring conflict between capital and labour, as De Angelis puts it, primitive accumulation continues to function not only as a strategy to promote, preserve and reassert capitalists' aspiration to craft "life-worlds in its own image" in the face of resistance but also as discourses to "integrate the social body in particular ways" by defining "new subjects normalized to the capitalist market."³¹ Furthermore, Silvia Federici highlights how primitive accumulation entails an "*accumulation of difference and divisions within the working class*" through brutally planting hierarchies built upon gender as well as race and age in people's bodies.³² Such deep divisions, according to her, serve to "intensify and conceal exploitation."³³

These analyses suggest that the use of the inherent-continuous primitive accumulation perspective opens up a path to explore the ways in which transnational migrant workers have been discursively and materially constituted as particular subjects under specific migration regimes in specific socio-economic locations. This exploration also helps to address the question of how particular representations of migrant workers are implicated in the deepening of the racialization and feminization of labour market segmentation along with the neoliberal restructuring of capitalist relations of production and social reproduction. In this respect, to complement the inherent-continuous primitive accumulation perspective and to better grasp increasingly capital-market driven regulations of migrant labour flows from the Global South to North *and* their implications for the subjectivity and positioning of migrant workers in the labour markets of the host societies, it is useful to incorporate Gill's notion of the "new constitutionalism" into the current discussion of primitive accumulation.

Within the contemporary context of intensified globalization, Gill underlines that there has been a neoliberal counter-revolution to marketize all human activities through facilitating deregulation, privatization and the withdrawal of the state from many areas of social provisioning, promoted by the structural forces of "disciplinary neoliberalism" and the "new constitutionalism."³⁴ The notion of disciplinary neoliberalism, on the one hand, is primarily concerned with extending the alienation, exploitation and commodification of labour by intensifying and deepening the scope of market disciplines associated with the structural power of capital in organizing peoples' everyday lives.

The enhancement of the structural power of capital coincides with a transition to the geographically and temporally fragmented and decentralized re-organization of capital

accumulation.³⁵ This highly exploitable system of flexible accumulation has transformed and rationalized the welfare-state model of capital-labour compromise to reinforce the power of capital while simultaneously degrading that of labour. Within the framework of disciplinary neoliberalism, the accelerated push for greater flexibility in the labour markets has been a key feature of global and national politico-economic reorganization of the social relations of production. The flexibilization of labour markets means a redistribution of risks, which has increased with the intensification of global competition, away from the state and capital towards labour.³⁶

In other words, the neoliberal imperative for labour market flexibility, accelerated and legitimized by the political ideals of possessive individualism and personal responsibility, has extended and deepened the marginalization as well as exploitation of labour through such means as driving down wages and expanding the pool of workers available for temporary and part-time employment.³⁷ This has also brought about the global proliferation of precarious employment and unprotected workers.

These structural forces of disciplinary neoliberalism, as Gill further elaborates, have largely been secured through their political-judicial counterpart, the “new constitutionalism.”³⁸ According to Gill, to fundamentally facilitate capital accumulation now and in the future, new constitutionalism involves three interrelated sets of measures that shape neoliberal governance of the global political economy and strengthen the power of capital: (1) Measures to reorganize state apparatuses through not only the liberalization of trade and investment but also the privatization of public resources and services, in a process that is underpinned by various legal mechanisms including judicial review as well as multilateral, regional and bilateral agreements; (2) Measures to create and expand capitalist markets by re-writing laws and statutes to extend the scope and scale of accumulation and to intensify the prerogatives of the holders of private property rights over labour, environmental and other human rights; and, (3) Measures to maintain de-politicization of the “economy,” especially within the management of the current crisis of accumulation, through legitimating the removal of strategic economic policy from political contestation while attenuating and co-opting popular democratic forces and potential opposition.

Building upon this understanding, Gill and Isabella Bakker demonstrate how the various measures of new constitutionalism shift responsibility for social provisioning and risks onto individuals and families.³⁹ One outcome of this is the rise of care deficits or gaps within and between societies that eventually promotes the transnational flow of migrant workers, especially as care labour. Put alternatively, the currently dominant neoliberal governance of production and social reproduction is steered by the forces of new constitutionalism, which increasingly relieve capital of its contribution to collective care costs and promote restrictive macroeconomic policies, resulting in the re-privatization and marketization of public care services.

Central to my analysis here is that the various measures of new constitutionalism promote the regulatory power of market forces to reshape the nature of migration policies under the disciplinary neoliberal regimes of global labour mobility at the expense of the human security of migrant workers. As Michael Kearney remarks:

...the task of effective immigration policy is to separate labo[u]r from the jural

persons within which it is embodied, that is, to disembody the labo[u]r from the migrant worker. Capitalism in general effects the alienation of labo[u]r from its owner, but immigration policy can be seen as a means to achieve a form of this alienation that increases greatly in the age of transnationalism, namely the spatial separation of the site of the purchase and expenditure of labo[u]r from the sites of its reproduction, such that the locus of production and reproduction lie in two different national spaces.⁴⁰

That is, the marketization of labour migration governance, steered by the structural forces of new constitutionalism, escalates the alienation and commodification of migrant workers by ignoring wider social question about how this labour supply is produced and reproduced. Here, my aim of integrating the new constitutionalism into the *longue durée* of primitive accumulation is to demonstrate how the advancement of the new constitutionalist mechanisms has been occurring within the geographical expansion and spatial-temporary rearrangement of capital accumulation.

More specifically, the development of the notion of what I call new constitutional moments of primitive accumulation allows for a better understanding of the ways in which specific migration policies of labour-receiving states in the Global North, endorsed by the interests of labour-sending states in the Global South, have facilitated the production and expansion of social spaces for the commodification of migrant workers while leaving these workers without effective means of protecting themselves. Put alternatively, it highlights and contextualizes changing social relations that to a large degree govern the everyday lives of migrant workers and shape their subjectivities.

By using the notion of new constitutional moments of primitive accumulation, the next section turns attention to the neoliberal restructuring of the Japanese labour immigration policies since the 1990s. This conceptual approach helps to illustrate how the neoliberal shift towards more capital-market oriented governance of global labour mobility promotes the discursive and material constitution of migrant workers as precarious subjects in the labour markets of the host societies.

NEOLIBERAL REFORMS TO JAPAN'S LABOUR IMMIGRATION REGIME

Historically speaking, Japan's modern nation building and industrialization since the Meiji Restoration in 1868 were no exception to the rule that capitalist economic development has always relied on the migration of labour within as well as across national borders.⁴¹ After the end of World War II, however, the dominance of conservative politico-economic leaders elided the past, by promoting the self-image of Japan as a homogeneous unity to serve as its ruling political instrument in defining the legal-practical management of Japanese nationality and citizenship and considering the incorporation of the ethnically and culturally different "others" as a threat to the harmony of its society.⁴² While Japan's Nationality Law, issued and enshrined in 1950, determined national citizenship according to the patrilineal principle of *jus sanguinis* ("law of blood"),⁴³ its Immigration Control Act, originally enacted in 1951, expressly prohibits the transnational influx of unskilled labour to Japan.⁴⁴

Nevertheless, particularly from the mid-1980s, when the term “internationalization” (*kokusaika*) was widely, but vaguely, used as a dominant political slogan within the context of the global expansion of the Japanese economy,⁴⁵ the estimate number of migrant workers flowing to Japan across its national borders had increased remarkably from 119,100 in 1986 to 600,700 in 1992.⁴⁶ Although the proportion of these migrants in Japan was still the lowest among the major advanced industrial nations, the rapidly augmented inflows of *gaikokujin rodosha* (literally meaning, “foreign national workers,” intimately associated with unauthorized migrants from underdeveloped, non-Western regions) became perhaps the most discussed social “problem” in the late 1980s.⁴⁷

In the second half of the 1980s, a marked escalation of labour scarcity with the onset of the Japanese economy’s “bubble” boom induced the intensified streams of unskilled migrant workers coming into Japan, mainly from other Asian developing nations, and generated a great deal of debate on whether Japan should have embraced the growing cross-border influx of these workers.⁴⁸ This dispute, regarded as a “first-round” debate on the basic direction of Japan’s immigration policy,⁴⁹ led the Japanese state to reform the Immigration Control Act in 1990. The severe and persistent shortage of workers within the dramatic expansion of the Japanese economy imposed difficulty especially on small- and medium-sized enterprises (SMEs) in manufacturing, construction and service industries, which were increasingly shunned by Japanese workers because of their “bottom-wage” and “socially undesirable” – or “3K” (*kiken*, *kitsui*, and *kitanai* – dangerous, difficulty, and dirty) – nature of jobs. Indeed, the stiffer market competition through the neoliberal restructuring of the global political economy further reinforced the need for low-cost and flexible labour among subcontracting firms within Japan’s vertically organized industrial structure, known as the *keiretsu* system.⁵⁰

Consequently, Japanese SMEs increasingly depended on migrant workers who were willing to accept low wages and insecure working conditions. To ameliorate the acute demand for “cheap” labour, the 1990 revised Immigration Control Act, though maintaining Japan’s post-war official stance on the strict ban against the transnational immigration of unskilled workers, created *ad hoc* means of recruiting migrants on a temporary basis under visa status recognized as non-employment purposes. The first-round debate suddenly receded when the Japanese economy fell into recession following the burst of its bubble boom in the early 1990s.

In the 1990s, Japan’s efforts to tackle its subsequent decade-long recession entailed the structural and regulatory reforms of industrial organizations as well as employment patterns. In particular, Japanese business leaders encouraged the flexibilization of the labour market in order to equip firms with a greater ability to adjust labour costs and employment management according to fluctuations in the global economy.⁵¹ Together with this push toward greater flexibility in the Japanese labour market, the prospect for the impending absolute decline of Japan’s labour force due to its “aging population” (*koreika*) and “dwindling birth rate” (*shoshika*) has triggered a “second-round” dispute with the rekindled interest in the transnational immigration of unskilled workers since the late 1990s.⁵² For instance, the National Institute of Population and Social Security Research projected that the population of the working-age (15-64) in Japan will drop from its peak at 87.17 million in 1995 to 53.89 million in 2050.⁵³ Under such salient socio-demographic trends, the Japan Business Federation (*Nihon Keidanren*),⁵⁴ which is composed of the leaders of Japan’s leading companies, has called for freer entry of migrant workers into Japan

by emphasizing that “the diversity of a corporation’s own work force has become a source of profitability” within the context of enhanced global market competition.⁵⁵ For these employers of Japanese large corporations, the role of unskilled migrant workers is no longer to simply fill in a labour market gap but *rather* to function as a part of diversified and expanded flexible labour supply.

Urged by the business circles, the Japanese state has seemingly attempted to expand yet strictly monitor the transnational inflows of unskilled migrant labour.⁵⁶ Such paradoxical “migrant profiling” projects⁵⁷ with the aim of securing labour supply in a neoliberal regime of flexible accumulation are exemplified by: (1) The acceptance of foreign trainees under the institution and deregulation of Industrial Training and Technical Internship Programs; and, (2) The introduction of Filipino care workers in Japan under the Japan-Philippines Economic Partnership Agreement (JPEPA). By examining these two cases as the new constitutional moments of primitive accumulation, the following discussion demonstrates how these two moments, reinforced by the capital-led accumulation strategies of labour-sending states in the Global South, have constituted migrant workers as precarious subjects in the Japanese labour market while severely limiting their means to protect their human security.

Foreign Trainees under Japan’s Industrial Training and Technical Internship Programs

The present form of Industrial Training and Technical Internship Programs – hereafter, the Training Programs – was launched with the creation of “trainee” as an independent visa status at the 1990 revision of Japan’s Immigration Control Act. Their officially pronounced objective is to foster the “development of human resources” in ways that would contribute to “economic growth in developing countries and regions” through the transnational transfer of Japanese advanced industrial and vocational skills.⁵⁸ Trainees are “supposed to conduct activities to learn and acquire the technology, skills, or knowledge at public or private organizations in Japan.”⁵⁹ The “standard ordinances” released by the Ministry of Justice (MOJ) define the skills to be imparted through the Training Programs something that should not be attainable through the repetition of simple manual tasks and that must be difficult or impossible to acquire in trainee’s countries of origin.⁶⁰ Thus, trainees are categorically distinguished from migrant workers employed in the unskilled job sectors.

Nevertheless, after the establishment of the Training Programs, many SMEs, which suffered most from the shortage of “cheap” labour under the condition of intensified global market competition yet were unable to satisfy the strict requirements under the conduct of the Programs, put mounting political pressure on the Japanese state to relax their qualification criteria. Consequently, the state issued by-laws in 1990 and 1992 to significantly “deregulate” the conditions for the acceptance of trainees and the implementation of the training.⁶¹ As a result, the deregulated Training Programs have served as a means of unskilled migrant labour supply for SMEs, most of which are too small to have sufficient capacity and knowledge to offer trainees adequate training or transferable technologies. This is largely true for many of the host companies that do not have any overseas trade or capital relations. For instance, a Japanese mentor of Filipino trainees at a machine sheet metal factory explains his desire to teach these trainees new skills but, at the same time, posits: “It is impossible for us to know what kinds of

technologies and skills are needed in the Philippines.”⁶² Moreover, the political scandal that erupted in 2000 disclosed how the deregulation and subsequent expansion of the Training Programs were encouraged through illegal political donations of more than \$6 million⁶³ to certain influential politicians by the then president of the KSD Foundation for Promoting the Welfare of Independent Entrepreneurs.⁶⁴

The main point in the deregulation of Japan’s Training Programs was the establishment of the “association managed training” (AMT) scheme that enabled SMEs and small farms to invite trainees through intermediary organizations (e.g. Chambers of Commerce and Industry, Small Business Associations and Agricultural Cooperatives). Whereas the previous ordinances limited the number of trainees to less than 5 per cent of company’s regular employees (meaning that a firm with 20 employees could invite 1 trainee), the AMT scheme allowed an institution with 50 or fewer employees to accept 3 trainees per year.⁶⁵ To monitor and facilitate the importation of trainees through the AMT scheme, the Japan International Training Cooperation Organization (JITCO) was created in 1991 as a semi-governmental institution with financial support from private industries.⁶⁶ Furthermore, the establishment of the Technical Internship Program in 1993 and its expansion in 1997 allowed trainees who complete one-year period of the Industrial Training Program to master more advanced and practical skills through two-year “working” experience in the production process, resulting in a maximum of three years for the Training Programs.

Through these reforms of Training Programs directed at alleviating the conditions of trainee acceptance and training practice, the annual number of people entering Japan as “trainees” more than doubled from 43,649 in 1991 to 101,879 in 2008. It was remarkable that the number of trainees under the AMT scheme rose from 2,537 in 1992 to 61,641 in 2008, accounting for more than 90 per cent of those accepted through the JITCO-supported private channel.⁶⁷ Within this dramatic growth of trainees entering Japan, the overwhelming majority of trainees hail from Asia (95.5 per cent in 2008).⁶⁸ Since 1990, China has stood in first place with its rapidly growing number comprising approximately two third of total acceptances and, more markedly, more than 80 per cent of JITCO-supported acceptances via the private channel. Other nationalities of importance are Vietnam, Indonesia and the Philippines. Among the industries in which trainees are accepted through the deregulated AMT scheme, “garment and textile” has been the largest proportion (19.9 per cent in 2008), followed by “food processing” (15.4), “agriculture” (10.3), and “construction” (8.5). Most of the Japanese host companies under the AMT scheme are small-sized factories and farms: companies with less than 20 employees (40.3 per cent), those with 20-49 (12.4 per cent), and those with 50-99 (13.3 per cent).⁶⁹

The institution and enlargement of the Japanese Training Programs are largely characterized by the shifts of regulatory power from the state toward private forces to reshape the nature and operation of the Programs. As Ippai Torii aptly puts it, the privatization of regulatory authority over the operations of the Training Programs has widened the contradiction between their real practices and official justifications, that is, the temporary intake of unskilled migrant labour and technology transfer through training.⁷⁰ Here, at least four distinct features of ITTIPs make the effective introduction of “cheap” migrant labour on a temporary basis possible under the current regime of flexible accumulation.

First, the Training Programs are designed as the rotating supply of trainees, secured by a limitation on their training period to a maximum of three years. The rotation mechanism prohibits the settlement of migrant workers in Japan and adjusts flexibly labour supply. Yet, it may also cause some problems, including the huge administrative costs to promote and regulate the returns of trainees to their countries of origin and the risk of incurring international criticisms of egoism and/or exploitation – using trainees’ labour-power when needed while deporting them when not needed. In this regard, as Tetsu Sano notes, the deregulation of the Training Programs can be regarded as the institution that is adjusted to overcome efficiently these possible constraints.⁷¹ More specifically, the AMT scheme systematizes the regime in which private receiving organizations and host companies, rather than the state, take responsibilities to thoroughly ensure trainees’ return. Indeed, since the official objective of the Programs has persistently been claimed as a part of Japan’s international development aid, their operations can be presented as a way to alleviate international criticisms.

Second, the Training Programs institutionalize the supply of relatively “cheaper” labour than other means to introduce migrant workers into Japan, since “training” is officially defined as non-employment activity. Thus migrants entering the country under these Programs do not retain any labour rights, including minimum-wage standards and freedom to change jobs. In fact, trainees do not receive wages but only “training allowances” to cover their living expenses. Since the state’s guideline simply indicates that the sum of compensation paid to trainees must be “within an appropriate range,” it essentially depends on the discretion of host companies and receiving organizations.⁷² Sonoko Kawakami notes that as the number of trainees has increased, the average training allowance has declined yearly; under the AMT scheme, it shrunk from about \$713 per month in 1997 to \$535 in 2008,⁷³ which was equivalent to a third of the starting monthly salary standard for Japanese high-school graduates (\$1,300).⁷⁴ Furthermore, though technical interns (trainees proceed to the Internship Program) are allowed to earn wages supposedly commensurable with those of their Japanese counterparts who undertake the same jobs, their amount tends to be much lower: their average in 2007 was \$1,000,⁷⁵ as compared with the above-noted starting income level among Japanese high-school graduates.

This trend is also echoed in the results of the survey conducted by JITCO that discerns how the employers often determine technical interns’ wage-levels based on regional minimum-wage standards, by disregarding their balance with the remunerations of Japanese employees.⁷⁶ More strikingly, Koichi Yasuda’s study in Gifu, one major trainee-receiving district known for the concentration of garment and textile industries, finds that many Chinese trainees (according to him, approximately 4,000 in 2006) earned a mere \$2.5 an hour, worked more than 250 hours of overtime per month, and were permitted one day-off in a month. In one interview, a garment factory owner declared: “The garment and textile industry has been exposed to severely intensified global economic competition. If we pay *the Chinese* the wages equivalent to the Japanese workers, most firms will go bankrupt.”⁷⁷ As this comment reflects, the employers appear to rationalize their manipulation of trainees as the source of “cheap” labour by not only emphasizing the Training Programs as the means to transfer technology, but also by drawing on their racially discriminatory bias against “foreign” workers.

Third, most trainees have signed very strict contracts with the receiving organizations prior to their arrival in Japan. In many cases, these contracts include the stipulations that the trainees

must obey their hosts' instructions without question, and that they should not desist from the Training Programs before the completion of their full period. More strikingly, many female trainees are compelled to ratify the compulsory agreements that ban their possible pregnancy during the training terms.⁷⁸ These clauses give the Japanese receiving organizations and host companies a significant degree of power over these trainees. The narrative of a female Chinese trainee, Ting,⁷⁹ suggests how such unequal power relations make it possible for the physical violence and coercive sexual assaults by employers as well as officials of the receiving organizations that arrange their training to be ubiquitous. She came to Japan in 2004 with the aim of "learning" agricultural technologies. However, she was not only forced to work as a domestic care-giver at the house of the employer, but also sexually abused by him more than 60 times. Though she managed to escape from the firm and rush into the Immigration Office after one year and three months, she still suffers from severe PTSD (post-traumatic stress disorder), feeling terror even at the sound of opening and closing doors.⁸⁰

Finally, many trainees, particularly those coming from China and Vietnam, are saddled with heavy debt because they are obliged to pay "guarantee deposits" to trainee-sending organizations in their home countries, which they will lose if they resign from the Training Programs. For instance, Cui, a Chinese who undertook his training at a pig farm in Kisarazu City, Chiba (the suburb of Tokyo), deposited approximately \$10,000. He managed to pay this excessive amount of money by selling his parents' land and house as well as borrowing money from relatives, friends and a lender. Therefore, for Cui, together with many other trainees, a breach of contract through abandoning their training and/or being deported means the ruin of their attempts to bring their families out of poverty. Under the psychological and economic pressure to earn as much as possible in Japan in order to pay off their debts and to ensure financial security for their families, even when trainees have grave complaints, they continue to carry out the training, patiently waiting for the end of their terms. This mentality is reflected among trainees who are terrified of the phrase often used by their employers, "*kikoku saseruzo*" – which literally means "deport you."

Thus, the privatization of the Training Programs serves as a device in constraining the agency of trainees to raise their voices against their unexpected and discriminatory conditions under the supposedly altruist conduct of the Programs. For instance, Chris and JM, two male Filipino trainees, describe their everyday lives in Japan as if "[they] are in a jail". In August 2006, Cui, the above-mentioned Chinese trainee in Kisarazu City, killed the chief director of an agricultural cooperative association, which was the receiving organization that had arranged his training in Japan, and injured two other staff members.⁸¹ According to the details of the case that were disclosed during the court trials,⁸² after arriving in Japan, he realized that his "wage" was lower than he expected, and he requested the receiving organization to re-arrange his training. When the chief director of the organization pretended to accept his appeal while conspiring to forcefully deport him back to China, he responded to this plot with knife in the face of fears of losing his guarantee deposit. After the first hearing, the defendant was sentenced to seventeen years in prison. He was eventually transferred from the "jail-like" everyday life of being a trainee to a real jail.

Thus, the successive deregulation of the Training Programs and their stated objective of "technology transfer" have made it possible for these programs to function as the highly

controlled short-term rotating supply mechanism of “cheap” unskilled migrant labour. While the Japanese state continuously emphasizes the principal of the Training Programs as international aid despite their phony operations, these Programs tend to be recognised by official counterparts in the Global South as the important component of their neoliberal development strategies. The narrative of Yun, a Chinese female who completed her three-year training at the garment company in Ibaragi (another suburb of Tokyo), clearly shows her lack of awareness about the stated purpose of Japan’s Training Programs:

I wanted to go to work in Japan, because I wanted to earn more money. I liked the study, but I could not go to higher school on my parents’ money. So, I wanted to obtain money by working in Japan to go to higher school and to support my brothers’ education.... When I came through the Training Programs to Japan, I had no ideas about the meanings of “trainee” and “technical intern.”

She remarks that a “trainee” coming to Japan is called officially *dagong* in Chinese, which exactly means “overseas migrant workers.” In fact, according to Wang Yanzhang, the dispatch of trainees to Japan is added to the official statistics of transnational labour exports in China.⁸³ Contextually, what is crucial to further note here is that in 2001, the Vietnamese state institutionalised the system of collecting deposits from trainees going to Japan, in the name of preventing them from escaping from their Training Programs but in practice mainly for effectively executing its neoliberal projects of dispatching workers abroad while tightly maintaining Vietnamese trainees’ links to their home country.⁸⁴ For Vietnam as well as the Philippines (which will be discussed below), transnational labour outflows and remittances have played more important roles than foreign direct investment and foreign aid programmes in their national economies for the purposes of tackling the problems of unemployment and the lack of foreign exchange. In this context, state officials in trainee-sending countries widely perceive Japan’s Training Programs as the important part of their capital-led migration-as-development strategies.

In sum, the institutionalization of the privatized regulatory regime under the conduct of Japan’s Training Programs, endorsed by the neoliberal development strategies of trainee-sending states, has facilitated the production of space for the commodification of “cheap” and precarious migrant labour under the name of Japan’s “international aid project.” However, especially since the above-mentioned Kisarazu incident, the controversial operations of the Training Programs increasingly commanded public attention as sensational themes. The widely reported violations of trainees’ human rights prompted a variety of governmental and nongovernmental organizations within and outside Japan to claim that the Training Programs often degenerated into fertile soil for “human trafficking” and contemporary “slave-like” conditions.⁸⁵ Accounting for nationally and internationally mobilized criticisms against the Training Programs as well as the proposals to further expand these Programs by Japan’s business leaders of *Nihon Keidanren*, the Ministry of Economics, Trade and Industry (METI) and the Ministry of Health, Labour and Welfare (MHLW),⁸⁶ the Japanese state revised them in 2010. As a result of this revision, trainees even at their first year come to be regard as the “apprentices” who are protected under Japan’s labour-related laws, such as the Labour Standards Law and the Minimum Wage Act.

This reform can be considered one step forward for the aim of “enhancing the protection of

trainees,”⁸⁷ but it appears to be only *ad hoc* measures to cope with contradictions deeply rooted in the capita-driven operations of the Training Programs that intensify the commodification of trainees. Like the Kisarazu incident that took place prior to the 2010 revision of the Training Programs, Chen, a male Chinese trainee working at a fish-processing firm in Etajima City, Hiroshima, was arrested for allegedly murdering the firm’s owner and its Japanese colleague as well as six others “due to troubled relations with them” on March 14, 2013.⁸⁸ Though the details of this case have not yet been disclosed, it seemingly suggests that the partial reform of the Training Programs fails to recognize the ways in which the deregulation of the Programs, which represents as one of new constitutional moments of primitive accumulation within the neoliberal restructuring of Japan’s labour immigration regime, has made trainees as extremely precarious and unprotected subjects in Japan while severely constraining their political agency to contest and negotiate the coercive structures of their everyday training practices.

Filipino Care Workers under the Japan-Philippines Economic Partnership Agreement

Together with the acceptance of foreign trainees under the increasingly privatized and expanded conduct of the Training Programs, the introduction of Filipino “care” workers to the Japanese labour market through the Japan-Philippines Economic Partnership Agreement (JPEPA) is remarkable as the neoliberal restructuring of the Japanese labour immigration regime. Similar to Japan’s previous free trade treaties with Singapore, Mexico and Malaysia, the JPEPA mainly concerns tariff reduction to facilitate bilateral exchanges of goods and services.⁸⁹ Yet, its distinctive feature is to facilitate the movement of “natural persons” and, more specifically, to allow the Philippines to send up to 400 nurses and 600 care workers into Japan over a period of two years. The conclusion of the JPEPA on September 9, 2006, was described in the Japanese media as “[a] new step toward opening Japan’s labour market”.⁹⁰ Indeed, the Japanese state has signed a similar Economic Partnership Agreement (EPA) with Indonesia, which includes the same clause, permitting Indonesian nurses and care workers to work in Japan.⁹¹ Further, it is currently discussing the possibility for the reception of Thai care workers through the recently ratified EPA with Thailand.⁹² The inflow of migrant care workers to the Japanese labour market has accelerated heated debates over how to tackle the acute demand for elder care in the context of a historically unprecedented expansion of the aging population.

As feminist historical materialists argue, the neoliberal reconfigurations of capitalist relations of production and social reproduction have not only ontologically reorganized the gender order,⁹³ but also, in particular, created what Joya Misra et al. call the “globalization of care work”,⁹⁴ that is, the gendered, racialized and classed “international division of reproductive labour” through the migration of mainly female workers from the global “South” to “North.”⁹⁵ The re-privatization of social reproduction and women’s greater participation in the paid labour market, together with the aging population in highly industrialized societies, have led to a rapid growth in the market provisioning of social reproduction needs.

What is prominent in this context is that the commodified supply of reproductive labour has been intensified by the rise of “care deficits” (a lack of paid care or affordable paid care as well as a lack of informal, family care) and has led to a dramatic proliferation in the cross-border migration of care workers. The transnational mobility of predominantly female migrants for

employment in care-giving jobs, with many becoming domestic workers, has accelerated the “feminization of international migration”⁹⁶ and has attracted a great deal of research attention.⁹⁷ With this global trend in mind, I here illuminate how the JPEPA, as an embodiment of new constitutional moments of primitive accumulation, not only creates a space for the escalating commodification of migrant care labour but also constitutes Filipino workers as precarious subjects in the Japanese labour market.

According to the general remarks of the JPEPA, the main objective of the reception of Filipino care workers to Japan is to contribute to the shared development of medical and social welfare in both nations.⁹⁸ Since the JPEPA does not set up the system to mutually recognize national licenses, these Filipinos are the candidates for *kaigo fukushishi* (certified care workers) in Japan.⁹⁹ They must have graduated with a four-year university degree and, in addition, in most cases they must have received a *care-giver* certificate issued by the Technical Education and Skills Development Authority (TESDA) in the Philippines.¹⁰⁰ The candidates selected by the Philippine state agencies have to enrol in a six-month program that is composed of language education and care-giving preparation in Japan. The costs of this training are covered by Japan’s official development assistance fund. After this instruction, they undertake on-the-job training (OJT) for a maximum of four years, by signing employment contracts with the care institutions approved by a semi-governmental organization, the Japan International Corporation of Welfare Services (JICWELS). Upon completing the three-year OJT, they take Japan’s national license examination in Japanese. After passing the examination, Filipino candidates are able to work in Japan as *kaigo fukushishi* for another three years (which is renewable). However, those who fail must leave Japan by the end of their four-year visa terms.

Elsewhere I demonstrate how the Japanese and Philippine states’ discourses that both regard care labour as a commodity stress the introduction of Filipino care labour in Japan under the JPEPA as Japan’s “special gift” toward “innately gifted” Filipino workers.¹⁰¹ For the Japanese state officials, the JPEPA is deemed a crucial economic policy to make up its delay within economic agglomerations developing in East Asia, largely led by China’s cooperation with the Association of Southeast Asian Nations.¹⁰² Yet, there have been conflicting views between state ministries regarding the “movements of people,” particularly those of care workers, in this framework. Viewing the successful establishment of the EPAs with its neighbouring Asian states as vital in sustaining Japan’s global competitiveness, the METI has proposed the creation of a mutual recognition system for care workers’ qualifications with the aim of facilitating the flows of such workers.¹⁰³ The expansion of the EPAs and the active acceptance of migrant care labour to Japan is also advocated by the business leaders in *Nihon Keidanren* to manage growing demands for elder care work.¹⁰⁴

In contrast, with a denial of labour shortage in Japan’s care-giving sector, the MHLW has claimed that the inflows of migrant care workers to Japan must be confined to the extent that they will not have any negative impact on the Japanese labour market.¹⁰⁵ Because this stance dominated the central government apparatus in concluding the JPEPA and finalizing the above-mentioned procedure, the introduction of Filipino care workers has been considered Japan’s “exceptional” political compromise in accommodating the overall parameters of the JPEPA.

For the MHLW that denies the necessity of migrant care labour, its primary goal is to “secure

care workers domestically” by mobilizing the potential labourers who hold certificates but do not currently engage in care-giving jobs and improving working conditions in this sector.¹⁰⁶ Yet, the high presence of the elderly along with the future trend of their rapidly expanding share in Japan’s total population has sharply escalated needs for care workers.¹⁰⁷ Reflecting this condition, as Nobue Suzuki notes, the MHLW’s viewpoint is based on the idea that caring for the elderly is a familial obligation, underpinned by the institutional gender division of labour – women as primary care providers working out of “love” in families – which has played an instrumental role in Japan’s post-war economic growth.¹⁰⁸

Whilst the sway of this belief still remains in Japan’s recent policy reforms for the re-privatization of care work, since the late 1980s the state has recognized the rise of the nuclear family and the growing feminization of labour.¹⁰⁹ The Japanese state has then paradoxically expedited a readjustment from family-based to socially shared care provision for the elderly. This discourse of the “socialization of care” makes the practices of care-giving socially visible as paid labour and serves as a motivating force behind their marketization, formalized with the long-term care insurance (LTCI) system begun in 2000.¹¹⁰

The implementation of LTCI aims to offer diversified and sufficient elder care services by urging deregulation in the welfare sector and encouraging the entry of private companies into the care service industry.¹¹¹ Mariko Adachi’s scrutiny of the LTCI within the neoliberal restructuring of Japan’s political economy alleges that its essential motive is *not* institutionalizing a sustainable system of elder care provision *but* decreasing public expenses of medical care insurance to achieve a balanced budget.¹¹² With the launch of the LTCI, the accelerated commodification of care labour in the capitalist market has deteriorated the working conditions in the care-giving sector, socially devalued as feminized reproductive jobs and in association with the image of 3K jobs.¹¹³ The marketization of care work, due to its labour-intensive characteristic, has induced the utilization of “flexible” low-wage part-time and contract workers (mainly female and young ones) to reduce labour costs, augmenting precarious and insecure employment. These trends, together with the physical and mental requirements for the supply of “high-quality” care services in market competition under conditions of stagnating or even declining wages, have resulted in very high turnover rates among care workers (20.2 percent in 2006, which is outstanding, as compared with other sectors).¹¹⁴ Managers and workers at care institutions have accentuated their understaffed working conditions. Hence, there is a striking gap between the state’s claim of “securing care labour domestically” and the severely impending labour shortages in the (re)privatized care work within dramatic demographic changes.

Under such a shift toward the neoliberal capital-oriented reorganization of social reproduction and care industry, the scheme outlined in the JPEPA appears to initiate the reception of commodified migrant labour largely on a temporary basis. Of crucial importance is the stipulation that Filipino candidates must acquire Japan’s *kaigo fukushishi* certificate to work after their initial four-year term. While it is doubtful whether the intensive six-month language training in Japan would sufficiently equip these Filipinos to work in Japanese-speaking care-giving environments, what is a more critical question is whether these workers are able to pass the written exam in Japanese: in 2006 its pass rate was only 47 per cent even among Japanese nationals.¹¹⁵ Although the introduction of Filipino care labour to Japan under the JPEPA could be regarded as increasing migration and settlement,¹¹⁶ this prerequisite creates extremely high

barriers, potentially preventing most of Filipinos from settling in Japan. That is, the JPEPA has actually created a receiving procedure that compels Filipino workers to become the sources of flexible and “cheap” labour, especially without Japanese licenses, to ameliorate the immanent care labour needs.

Furthermore, the commodification of Filipino care labour under the JPEPA scheme has been reinforced by the Philippine state’s perception of the opening of Japan’s labour market as a “new” means to earn Japanese currency that is essential in sustaining the national economy.¹¹⁷ Since the 1980s, the Philippines has been known for the rising outflows of care workers and nurses, prompting Rhacel Salazar Parreñas to note that “[c]are is now the country’s primary export.”¹¹⁸ Within the neoliberal shift in the Philippine state’s transnational labour deployment strategy that emphasizes the “protection of overseas Filipino workers” through the “professionalization of their occupations,” which in turn secures the inflows of foreign currency to its national economy, the government standardized the national certificate for “care-giver” in 2002. Here, Ruri Ito et al. expose how the discourse of the “innate gift” of Filipinos to care has been penetrated into the Philippine state’s attempts to *both* “professionalize” care-giving jobs that are deemed predominantly “unskilled” *and* to turn care-giving work performed by Filipinos into an international commodity.¹¹⁹ Put differently, the Philippine state is enthusiastic to professionalize care-giving work so as to enable the commercialization of Filipino care-givers as an internationally deployable labour. It has done so through disseminating an image of Filipinos as “family-minded” and “gentle” and as individuals who possess inherent ability to provide “high-quality” care.

Thus, the transfer of Filipino care workers to Japan under the capital driven framework of the JPEPA constitutes these Filipinos as “cheap” workers and precarious subjects in the Japanese labour market. If the inflows of migrant care labour to Japan are expanded through Japan’s EPAs with Thailand and other states,¹²⁰ the JPEPA scheme can be arguably seen as a basis for systematically establishing the short-term rotating supply of commodified migrant care labour to fill Japan’s impending vacuum in the gendered and socially “unfavourable” care provisioning sector.

CONCLUDING REMARKS

This article has developed the notion of the new constitutional moments of primitive accumulation to explore the dynamics of capital-driven reforms to the governance of global labour migration. Particularly focusing on the neoliberal restructuring of the Japanese immigration regime since the 1990s, it has drawn attention to: (1) The acceptance of trainees under the deregulated operations of Japan’s Training Programs; and (2) The introduction of Filipino care worker to Japan under the scheme of the JPEPA. The analysis of these two cases as the embodiment of the new constitutional moments in the *longue durée* of primitive accumulation has showed the ways in which these moments have not only produced the social spaces for the commodification of migrant labour but also constituted migrant workers as precarious subjects in the Japanese labour market. It has also highlighted the ways in which these policies are reinforced by the neoliberal strategies of migration-as-development among labour-sending states in the Global South.

As this study has showed, the capital-led reforms in the regulatory regimes over the global flows of labour tend to sharply constrain the political agency of migrant workers to resist and (re)negotiate their severely exploitative and discriminatory condition of living and working in the host societies. Nevertheless, De Angelis' renewed understanding of primitive accumulation aptly emphasizes social contestations and struggles as constitutive and ongoing features of capitalist social relations of (re)production. In this light, a crucial avenue for future research is to not simply presuppose migrant workers as "powerless" and passive recipients of state policies, but rather to explore their everyday struggles as political agents who play an important role in shaping the natures of the labour market and immigration regimes in the host societies even at the most subaltern level. In so doing it is vital to pursue possibilities to go beyond the coercive and oppressive structure of neoliberal regulatory regimes in order to develop more socially just forms of the governance of global labour mobility.

NOTES

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¹ Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World*, 4th ed. (New York: Guilford Press, 2009).

² Stephen Gill, "The Constitution of Global Capitalism," in *International Studies Association Annual Convention* (Los Angeles, CA2000); "Globalisation, Market Civilization, and Disciplinary Neoliberalism," *Millennium: Journal of International Studies* 23, no. 3 (1995).

³ Karl Marx, *Capital: A Critique of Political Economy, Volume 1*, trans. Ben Fowkes (New York: Penguin Group, 1976), part 8.

⁴ Massimo De Angelis, "Marx and Primitive Accumulation: The Continuous Character of Capital's 'Enclosure'," *The Commoner* 2(2001); "Separating the Doing and the Deed: Capital and the Continuous Character of Enclosures," *Historical Materialism* 12, no. 2 (2004); *The Beginning of History: Value Struggles Adn Global Capital* (London and Ann Arbor, MI: Pluto, 2007); David Harvey, "The 'New' Imperialism: Accumulation by Dispossession," in *The New Imperial Challenge: Socialist Register 2004*, ed. Leo Panitch and Colin Leys (London: Merlin Press, 2003); *The New Imperialism* (Oxford: Oxford University Press, 2003).

⁵ Kiri Morita, "Soron: Shihon Shugi No Sekaiteki Tenkai to Kokusai Rodoryoku Ido [General Statement: The Global Expansion of Capitalism and International Movement of Labour Power]," in *Kokusai Rodoryoku Ido [Internatioanl Movement of Labour Power]*, ed. Kiri Morita (Tokyo: University of Tokyo Press, 1987).

⁶ It is obvious but worthwhile to note that these unskilled migrant labourers are not necessarily "unskilled" in terms of the quality of their labour but are described as unskilled in terms of the type of jobs that are demanded of them mainly at the small- and medium-sized enterprises (SMEs) in industrial sectors such as manufacturing, construction and service. As Yoko Sellek and Michael A. Weiner aptly add, since the Japanese word "tanjun" denotes not only "unskilled" but also "simple" or "not clever", it can attach derogatory images to the workers associated with the term. Yoko Sellek and Michael A. Weiner, "Migrant Workers: The Japanese Case in International Perspective," in *The Internationalization of Japan*, ed. Glenn D. Hook and Michael A. Weiner (London and New York: Routledge, 1992).

⁷ Mike Douglass and Glenda S. Roberts, "Japan in a Global Age of Migration," in *Japan and Global Migration: Foreign Workers and the Advent of a Multicultural Society*, ed. Mike Douglass and Glenda S. Roberts (Honolulu, HI: University of Hawai'i Press, 2003[2000]).

⁸ I conducted with interviews with migrant workers (future, current and past), state officials, business groups, and

representatives of non-governmental organizations (NGOs) and labour unions in Japan and the Philippine from February to August 2007, with some follow-up in the summer of 2012 in Japan.

⁹ Matt Davies, "The Public Spheres of Unprotected Workers," *Global Society* 19, no. 2 (2005); Matt Davies and Magnus Ryner, eds., *Poverty and the Production of World Politics: Unprotected Workers in the Global Political Economy* (New York: Palgrave MacMillan, 2006); Zoran Slavnic, "Political Economy of Informalization," *European Societies* 12, no. 1 (2010); Leah F. Vosko, *Temporary Work: The Gendered Rise of a Precarious Employment Relationship* (Toronto, Buffalo and London: University of Toronto Press, 2000); *Precarious Employment: Towards an Improved Understanding of Labour Market Insecurity in Canada* (Montreal: McGill-Queen's University Press, 2006).

¹⁰ See the founding statement of the Mont Pelerin Society created by Friedrich von Hayek, one of the most influential advocates of neoliberalism; available from: <https://www.montpelerin.org/montpelerin/mpsGoals.html>; accessed on February 16, 2013.

¹¹ Isabella Bakker and Stephen Gill, eds., *Power, Production and Social Reproduction: Human in/Security in the Global Political Economy* (New York: Palgrave Macmillan, 2003); David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005).

¹² Samir Amin, "Economic Globalism and Political Universalism: Conflicting Issues?," *Journal of World-Systems Research* 6, no. 3 (2000); De Angelis, "Marx and Primitive Accumulation: The Continuous Character of Capital's 'Enclosure'; "Separating the Doing and the Deed: Capital and the Continuous Character of Enclosures; *The Beginning of History: Value Struggles and Global Capital*; Tim DiMuzio, "The Longue Durée of Primitive Accumulation: Global Governance, Human in/Security, and World Order," in *Fifth Pan-European International Relations Conference* (Hague 2004); Gillian Hart, "Denaturalizing Dispossession: Critical Ethnography in the Age of Resurgent Imperialism," *Antipode* 38, no. 5 (2006); Harvey, "The 'New' Imperialism: Accumulation by Dispossession; *The New Imperialism*; Genevieve LeBaron, "The Political Economy of the Household: Neoliberal Restructuring, Enclosures, and Daily Life," *Review of International Political Economy* 17, no. 5 (2010); Nicola Phillips, "Migration as Development Strategy? The New Political Economy of Dispossession and Inequality in the Americas," *ibid.* 16, no. 2 (2009); Adrienne Roberts, "Privatizing Social Reproduction: The Primitive Accumulation of Water in an Era of Neoliberalism," *Antipode* 40, no. 4 (2008); Saskia Sassen, "A Savage Sorting of Winners and Losers: Contemporary Versions of Primitive Accumulation," *Globalizations* 7, no. 1 (2010); Robbie Shilliam, "Hegemony and the Unfashionable Problematic of 'Primitive Accumulation,'" *Millennium: Journal of International Studies* 32, no. 1 (2004).

¹³ Marx, *Capital: A Critique of Political Economy, Volume 1*, 874-875. As more detailed analysis of Marx's understanding of "so-called primitive accumulation", Tim DiMuzio summarizes its excursus in threefold: (1) "[T]o demonstrate that liberal political economy confused two kinds of private property 'one of which rests on the labo[u]r of the producer himself, and the other on the exploitation of the labour of others'"; (2) "[T]o demonstrate that capital is not a thing but a social relationship between owners of property and those who, having been stripped of property, must sell their labo[u]r-power to survive, create and reproduce"; and, (3) "[T]o note how this process coincide with intensified form of human insecurity and was met with fierce resistance from affected populations." DiMuzio, "The Longue Durée of Primitive Accumulation: Global Governance, Human in/Security, and World Order."

¹⁴ De Angelis, "Marx and Primitive Accumulation: The Continuous Character of Capital's 'Enclosure'," 2-5. According to De Angelis, the differentiation of these two interpretations of primitive accumulation is not recently emerging but historically originated from the Marxist tradition. The view of "historical primitive accumulation" derives from Lenin's work, *The Development of Capitalism in Russia*, while the "inherent-continuous primitive accumulation" interpretation stems from Rosa Luxemburg's *The Accumulation of Capital*.

¹⁵ In this article, I use the terms "primitive accumulation" and "enclosure" as theoretically interchangeable terms.

¹⁶ See, for instance, Paul Zarembka, "Primitive Accumulation in Marxism, Historical or Trans-Historical Separation from Means of Production?," *The Commoner* no. March (2002).

¹⁷ De Angelis, "Separating the Doing and the Deed: Capital and the Continuous Character of Enclosures."

¹⁸ *Ibid.*

¹⁹ *Ibid.*, 66., emphasis in the original

²⁰ Marx, *Capital: A Critique of Political Economy, Volume 1*, 899.

²¹ Social protection against the intrusion of market mechanism into the everyday spheres of human life is also underlined by Karl Polanyi in his concept of "double movements". Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston, Mass.: Beacon Press, 1957[1944]).

²² De Angelis, "Separating the Doing and the Deed: Capital and the Continuous Character of Enclosures," 73. For De Angelis, "social barriers" refer to the limits imposed on capital's endless drive to commodify and accumulate by a

social force that locates its activity in opposition to it. See also a set of articles in *The Commoner*, 2 (September 2001) (available from <http://www.thecommoner.org>; accessed on March 16, 2013) for further discussions about “new enclosure.”

²³ The idea of the “spatio-temporal fix” was developed by Harvey in the 1970s and 1980s and has been widely discussed by other scholars. It is worthwhile here to cite Harvey’s short summary of the concept: “The basic idea of the spatio-temporal fix is simple enough. Overaccumulation within a given territorial system means a condition of surpluses of labour (rising unemployment) and surpluses of capital (registered as glut of commodities on the market that cannot be disposed of without a loss, as idle productive capacity, and/or as surpluses of money capital lacking outlets for productive and profitable investment). Such surpluses may be absorbed by: (a) temporal displacement through investment in long-term capital projects or social expenditures (such as education and research) that defer the re-entry of current excess of capital values into circulation well into the future, (b) spatial displacement through opening up new markets, new production capacities and new resource, social and labour possibilities elsewhere, or (c) some combination of (a) and (b).” Harvey, “The ‘New’ Imperialism: Accumulation by Dispossession,” 64. For more details, see *The Limits to Capital*, New ed. (London and New York: Verso, 1999 [1982]).

²⁴ “The ‘New’ Imperialism: Accumulation by Dispossession,” 75; *The New Imperialism*, 141, 157-161. See also Samir Amin, “Exiting the Crisis of Capitalism or Capitalism in Crisis?,” *Globalizations* 7, no. 1-2 (2010).

²⁵ *Review of African Political Economy* 38, no. 128 (2011). See also Derek Hall, Philip Hirsch, and Tania Li, *Powers of Exclusion: Land Dilemmas in Southeast Asia* (Honolulu, HI: University of Hawai‘i Press, 2011); Sandra Veutheya and Julien-François Gerber, “Accumulation by Dispossession in Coastal Ecuador: Shrimp Farming, Local Resistance and the Gender Structure of Mobilizations,” *Global Environmental Change* 22, no. 3 (2012).

²⁶ Hart, “Denaturalizing Dispossession: Critical Ethnography in the Age of Resurgent Imperialism,” 983.

²⁷ Sassen, “A Savage Sorting of Winners and Losers: Contemporary Versions of Primitive Accumulation,” 26.

²⁸ Jim Glassman, “Primitive Accumulation, Accumulation by Dispossession, Accumulation by ‘Extra-Economic’ Means,” *Progress in Human Geography* 30, no. 5 (2006): 622.

²⁹ Hart, “Denaturalizing Dispossession: Critical Ethnography in the Age of Resurgent Imperialism.”

³⁰ De Angelis, “Marx and Primitive Accumulation: The Continuous Character of Capital’s ‘Enclosure,’” 20.

³¹ “Separating the Doing and the Deed: Capital and the Continuous Character of Enclosures,” 67, 82.

³² Silvia Federici, *Caliban and the Witch* (New York: Autonomedia, 2004), 63.; emphasis in the original

³³ *Ibid.*, 64.

³⁴ Gill, “Globalisation, Market Civilization, and Disciplinary Neoliberalism;” “The Constitution of Global Capitalism.”

³⁵ See also Stephen Gill and David Law, “Global Hegemony and the Structural Power of Capital,” *International Studies Quarterly* 33, no. 4 (1989); Kees van der Pijl, *The Making of an Atlantic Ruling Class* (London: Verso, 1984).

³⁶ Ulrich Beck, *The Brave New World of Work*, trans. Patrick Camiller (Cambridge: Polity Press, 2000).

³⁷ Jamie Peck, *Work-Place: The Social Regulation of Labor Markets* (New York and London: The Guilford Press, 1996); Kim Moody, *Workers in a Lean World: Unions in the International Economy* (London and New York: Verso, 1997).

³⁸ Gill, “Globalisation, Market Civilization, and Disciplinary Neoliberalism.”

³⁹ Stephen Gill and Isabella Bakker, “New Constitutionalism and the Social Reproduction of Caring Institutions,” *Theoretical Medicine and Bioethics* 27(2006); Isabella Bakker and Stephen Gill, “New Constitutionalism and Social Reproduction,” in *Beyond States and Markets: The Challenges of Social Reproduction*, ed. Isabella Bakker and Rachel Silvey (London and New York: Routledge, 2008). See also Isabella Bakker, “Social Reproduction and the Constitution of a Gendered Political Economy,” *New Political Economy* 12, no. 4 (2007).

⁴⁰ Michael Kearney, “Borders and Boundaries of State and Self at the End of Empire,” *Journal of Historical Sociology* 4, no. 1 (1991): 58-59.

⁴¹ Sellek and Weiner, “Migrant Workers: The Japanese Case in International Perspective.”

⁴² Hiroshi Komai, *Foreign Migrants in Contemporary Japan*, trans. Jens Wilkinson (Melbourne: Trans Pacific, 2001[1999]); John Lie, *Multiethnic Japan* (Cambridge, Mass: Harvard University Press, 2001); Eiji Oguma, *A Genealogy of ‘Japanese’ Self-Images*, trans. David Askew (Melbourne: Trans Pacific Press, 2002[1995]).

⁴³ Chikako Kashiwazaki, “Jus Sanguinis in Japan: The Origin of Citizenship in a Comparative Perspective,” *International Journal of Comparative Sociology* 39, no. 3 (1998); Tessa Morris-Suzuki, *Re-Inventing Japan: Time, Space, Nation* (New York and London: M.E. Sharpe, 1998).

⁴⁴ Immigration Control Act (renamed as Immigration Control and Refugee Recognition Act in 1981 – hereafter, Immigration Control Act) stipulated the guidelines to not only control and monitor non-Japanese persons in terms of

their entry into, residence in and departure from Japan, but also to typify the statuses through prescribing the purview of residential activities (including employment) that the individuals with each status were permitted to perform. This “status-of-residence system” (*zairyu shikaku seido*) allowed the inflows of skilled professionals to be engaged in activities that require either some special technical expertise or knowledge of other cultures, which Japanese nationals cannot offer, but prohibited those of unskilled workers to fill vacancies in low-wage jobs.

⁴⁵ Shuichi Kato, "The Internationalization of Japan," in *The Internationalization of Japan*, ed. Glenn D. Hook and Michael A. Weiner (London and New York: Routledge, 1992).

⁴⁶ Hiromi Mori, *Immigration Policy and Foreign Workers in Japan* (New York: St. Martin's Press, 1997), 20., Table 1.4 These numbers include both authorized and unauthorized migrant workers.

⁴⁷ John Lie, "The 'Problem' of Foreign Workers in Contemporary Japan," *Bulletin of Concerned Asian Scholars* 26, no. 3 (1994): 3.

⁴⁸ A good summary of arguments advanced from different standpoints within debate on the Japanese immigration policy since the mid-1980s can be found in: Betsy Brody, *Opening the Door: Immigration, Ethnicity, and Globalization in Japan* (New York and London: Routledge, 2002), 37-40; Masami Sekine, "Guest Worker Policies in Japan," *Migration* 9(1991): 60-63.

⁴⁹ Yasushi Iguchi, *Gaikokujin Rodosha Shinjidai [Foreign Workers in the New Age]* (Tokyo: Chikuma, 2001).

⁵⁰ Yoko Sellek, "*Nikkeijin*: The Phenomenon of Return Migration," in *Japan's Minorities: The Illusion of Homogeneity*, ed. Michael Weiner (London and New York: Routledge, 1997); *Migrant Labour in Japan* (New York: Palgrave, 2001).

⁵¹ *Nikkeiren* [Japan Federation of Employers' Association], *Shin Jidai No "Nihon-Teki Keiei" ["Japanese-Style Management" in the New Era]* (Tokyo: Japan Federation of Employers' Association, 1995).

⁵² The birth rate in Japan has been very low (1.32 in 2006), and the number of children below 15 years of age now accounts for only 14 per cent of its total population, which is, along with Italy, the lowest share in the world. Mike Douglass and Glenda S. Roberts, "Preface to Paperback Edition," in *Japan and Global Migration: Foreign Workers and the Advent of a Multicultural Society*, ed. Mike Douglass and Glenda S. Roberts (Honolulu, HI: University of Hawai'i Press, 2003), xiii; Labour and Welfare MHLW (Ministry of Health, Japan), "Heisei 19 Nen Jinko Dotai Tokei No Nenkan Suikei [2007 Annual Vital Statistics Report]," (2007). Furthermore, according to the *White Paper on Aging Society* released by the Japanese Cabinet Office, Japan will have the world's oldest population by 2025, with the share of people aged 65 or older reaching 40.5 per cent (one in every 2.5 of the Japanese) by 2055. What is quite spectacular is Japan's speed of aging, as pointed out in a report by Yuchengco Center, De La Salle University, in the Philippines: "Industrialized countries are experiencing a rapid ageing [*sic*] of their populations. In 2000, the share of the elderly (persons 65 years and older) to total population in these nation-states averaged 14.3 per cent, with a range of 12.3 in the U.S.A. to 17.4 per cent in Sweden. Japan's experience has attracted attention not only because of the alarmingly high share of the elderly...but also due to the relatively short period in which this proportion increased (around 25 years)." Cabinet Office, Japan, "White Paper on Aging Society 2007," (Tokyo: Cabinet Office, 2008); Yuchengco Center, *Caring for the Japanese Elderly: An Assessment of Potential Provision of Services by Filipino Caregivers* (Manila, Philippines: De La Salle University, 2004), 6.

⁵³ National Institute of Population and Social Security Research, "Population Projections for Japan: 2001-2050," (2002).

⁵⁴ *Nikkeiren* (Japan Federation of Employers' Association) was merged with *Keidanren* (Japan Federation of Economic Organizations) in May 2002 and created *Nihon Keidanren* (Japan Business Federation) as a comprehensive business leaders' organization.

⁵⁵ *Nihon Keidanren* [Japan Business Federation], "Interim Recommendations on Accepting Non-Japanese Workers: Bring Dynamism of Diversity into Japan by Opening Doors to Transnational Human Resources," (2003); "Recommendations on Accepting Non-Japanese Workers," (2004); "Second Set of Recommendations on Accepting Non-Japanese Workers (Summery)," (2007). See also *Asahi Shimbun*, "Omomi Masu Gaikokujin Rodo [Increasing Significance of Foreign Labour]," August 21 2005.

⁵⁶ Such a shift in the state official approach to the immigration of unskilled labour was at first articulated by the Ministry of Justice. Japan) MOJ (Ministry of Justice, Immigration Bureau, "Shutsu Nyukoku Kanri Kihon Keikaku, Dai 2 Ji [Basic Plan for Immigration Control, 2nd Edition]," (2000).

⁵⁷ Ichiro Watado, Eriko Suzuki, and APFS (Asian People's Friendship Society), eds., *Zairyu Tokubetsu Kyoka to Nihon No Imin Seisaku: "Imin Senbetsu" Jidai No Torai [Special Residence Permission and Japan's Immigration Policy: The Advent of Immigrant Profiling' Era]* (Tokyo: Akashi, 2007).

⁵⁸ MOJ, "Guidelines Concerning Entry and Residence Management of Trainees and Technical Interns," (2007).

⁵⁹ Japan Immigration Association, *A Guide to Entry, Residence and Registration Procedures in Japan for Foreign*

Nationals (Tokyo: Nihon Kajo Suppan, 1990), 33.

⁶⁰ Some other basic conditions include the followings: (1) A trainee must be at least 18 years old and must have arrangements to engage in work requiring the skill of which training they received in Japan upon return; and (2) The host company must assign a training instructor who is a full-time employee with at least five years' experience in the skill concerned. Nana Oishi, "Training or Employment?: Japanese Immigration Policy in Dilemma," *Asian and Pacific Migration Journal* 4, no. 2-3 (1995): 370, note 371.

⁶¹ Mori, *Immigration Policy and Foreign Workers in Japan*.

⁶² Interview with the Japanese mentor of Filipino trainees (July 13, 2007).

⁶³ Monetary figures are generally given in the U.S. dollar (\$). Although it is impossible to be indicative of historically drastic currency fluctuations in the yen/dollar exchange rate, this study uses the rate of ¥120/\$1 at the time of my field research in 2007 as a basis to indicate monetary figures.

⁶⁴ Sonoko Kawakami, "Abuses of Foreign Trainees Linked to Political Scandal in Japan," *APWSL Japan: Newsletter from Japan Committee of Asian Pacific Workers' Solidarity Links*, April 2001.

⁶⁵ In terms of the agricultural sector, each farm became eligible to accept up to two trainees annually.

⁶⁶ JITCO was created under the joint auspices of five state ministries – including the Ministry of Justice, the Ministry of Health, Labour and Welfare (MHLW), the Ministry of Economics, Trade and Industry (METI, which was formerly known internationally as the Ministry of International Trade and Industry, MITI), the Ministry of Foreign Affairs and the Ministry of Construction.

⁶⁷ JITCO (Japan International Training Cooperation Organization), "Jitco Hakusho, 2009 Nendo Ban [2009 Jitco White Paper]," (Tokyo: JITCO, 2009); Sonoko Kawakami, "Deta Kara Miru Gaikokujin Kenshusei Ginojishusei [the Data Analysis Concerning Foreign Trainees and Technical Inters]," in *Gaikokujin Kenshusei [Foreign Trainees]*, ed. Gaikokujin Kenshusei Mondai Nettowaku [The Network for the Problems of Foreign Trainees] (Tokyo: Akashi, 2006).

⁶⁸ JITCO, "Jitco Hakusho, 2009 Nendo Ban [2009 Jitco White Paper]."

⁶⁹ JITCO, *ibid.*

⁷⁰ Interview with Ippei Torii, the secretary general of *Zentoitsu* (All United) Workers Union (ZWU) in Tokyo and a steering committee member of *Gaikokujin Kenshusei Kenri* (Foreign Trainees' Rights) Network (GKK Network, <http://k-kenri.net>; accessed on February 15, 2013) (April 30, 2007).

⁷¹ Tetsu Sano, "Gaikokujin Kenshu Ginojishu Seido No Kozo to Kino [the Structure and Function of Foreign Trainee and Technical Internship Programs]," in *Kokusai-Ka No Naka No Imin Seisaku No Kadai [the Issues of Immigration Policy within Internationalization]*, ed. Hiroshi Komai, *Koza Gurobaruka Suru Nihon to Imin Mondai [Series on Globalizing Japan and the Problem of Immigration]* (Tokyo: Akashi, 2002).

⁷² Hiroshi Komai, *Migrant Workers in Japan*, trans. Jens Wilkinson (London and New York: Kegan Paul International, 1995[1993]), 49.

⁷³ Kawakami, "Deta Kara Miru Gaikokujin Kenshusei Ginojishusei [the Data Analysis Concerning Foreign Trainees and Technical Inters]; JITCO, "Jitco Hakusho, 2009 Nendo Ban [2009 Jitco White Paper]."

⁷⁴ Labour and Welfare MHLW (Ministry of Health, Japan), "Heisei 20 Nen Chingin Kozo Kihon Tokei Chosa Kekka (Shoninkyu) No Gaiyo" [the Gist of Results of Basic Survey of Wage Structure (Starting Salary for New Graduates) 2008]," (2008).

⁷⁵ JITCO, "Jitco Hakusho, 2009 Nendo Ban [2009 Jitco White Paper]."

⁷⁶ Yumi Nishioka, "Ginojishusei No Katsuyo Jittai to Nihonjin Shain Tono Daitai Kankei Ni Tsuite [the Utilization of Technical Interns and Their Substitutive Relations with the Japanese Employees]," *Nihon Rodo Kenkyu Zasshi [Journal of Japan Labour Study]* 531(2004): 29.

⁷⁷ Koichi Yasuda, "Gifu No Hosei Kojo De Jisshusei Ga Kumiai Kessei" [the Union Formation by Technical Interns in Gifu's Textile Firms]," *Rodo Joho [Labour Information]* 686-7(2006): 27.; emphasis added

⁷⁸ *Asahi Shimbun*, "Gaikokujin Kenshusei Ukeire [the Acceptance of Foreign Trainees]," June 17 2007.

⁷⁹ The names of trainees who I quote in this article are all pseudonyms, except those mentioned in newspapers and other secondary sources.

⁸⁰ Hiroshi Nakajima, "Sei Boryoku Ni Sarasareru Kenshusei Tachi" [Trainees under Sexual Violence]," *Rodo Joho [Labour Information]* 701, no. 2 (2006).

⁸¹ Philip Brator, "Immigrant Workers in Japan Caught in a Real Racket," *The Japan Times*, July 1 2007; Koichi Yasuda, *Gaikokujin Kenshusei Satsujin Jiken [the Murder Case by a Foreign Trainee]* (Tokyo: Nanatsumori, 2007).

⁸² I attended the trials at Chiba District Court in March 5, April 26, June 18, and July 19, 2007.

⁸³ Wang Yanzhang, "Gaikokujin Kenshu Ginojishu Seido Kara Ni-Chu Kan Rodoryoku Kyoryoku O Miru [the

Analysis of Labour Force Cooperation between Japan and China from Foreign Training and Technical Internship Programs],” in *Tottori Research Center (TORC) Report* (2004).

⁸⁴ Hiroshi Komai, *Gurobaruka Jidai No Nihon Gata Tabunka Kyosei Shakai [the Japanese Model of Multi-Cultural Society in the Globalizing Era]* (Tokyo: Akashi, 2006), ch. 3

⁸⁵ US Department of State, "Trafficking in Persons Report 2008," (Washington, DC: US Department of State, 2008); GKK Network *Gaikokujin Kenshusei [Foreign Trainees]*, vol. 2 (Tokyo: Akashi, 2009); United Nations, "International Covenant on Civil and Political Rights," (Geneva2008); *Weekly Toyo Keizai*, "Kenshusei Toiu Na No 'Dorei' ['Slave' in the Name of Trainee]," September 16 2006, 56.

⁸⁶ Nihon Keidanren [Japan Business Federation], "Gaikokujin Kenshu Ginojisshu Seido No Minaoshi Ni Kansuru Teigen [the Suggestions for the Revision of Foreign Training and Technical Internship Programs]," (2007); Trade and Industry METI (Ministry of Economy, Japan), "'Gaikokujin Kenshu, Ginojisshu Seido Ni Kansuru Kenkyukai' Torimatome [the Report by 'the Study Group on Foreign Training and Technical Internship Programs']," (2007); MHLW, "Kenshu Ginojisshu Seido Kenkyukai Houkoku [the Report of the Study Group on Training and Technical Internship Programs]," (2008).

⁸⁷ MOJ, "Revision of the Training and Technical Intern Training Programs," (2009).

⁸⁸ *The Japan Times*, "Trainee Admits Double-Killing at Fish Firm, Says Colleagues Mistreated Him," March 16 2013.

⁸⁹ Japan) MOFA (Ministry of Foreign Affairs, "Agreement between Japan and the Republic of the Philippines for an Economic Partnership," (2006).

⁹⁰ *Asahi Shimbun*, "Nippi Kyotei: Rodo Kaikoku He Aratana Ippo [the Japan-Philippine Agreement: A New Step toward Opening Japan's Labour Market]," September 26 2006.

⁹¹ MOFA, "Agreement between Japan and the Republic of Indonesia for an Economic Partnership," (2007).

⁹² MOFA, "Agreement between Japan and the Kingdom of Thailand for an Economic Partnership," (2007); "Japan-Thailand Economic Partnership Agreement: Annex 7 Referred to in Chapter 9 Specific Commitments for the Movement of Natural Persons. January. ," (2011).

⁹³ Ruth Pearson, "The Social Is Political: Toward the Re-Politicization of Feminist Analysis of the Global Economy," *International Feminist Journal of Politics* 6, no. 4 (2004); V. Spike Peterson, *A Critical Rewriting of Global Political Economy: Integrating Reproductive, Productive, and Virtual Economies* (London and New York: Routledge, 2003).

⁹⁴ Joya Misra, Sabine Merz, and Jonathan Woodring, "The Globalization of Care Work: Neoliberal Economic Restructuring and Migration Policy," *Globalizations* 3, no. 3 (2006).

⁹⁵ Rhacel Salazar Parreñas, "Transgressing the Nation-State: The Partial Citizenship and 'Imaged (Global) Community' of Migrant Filipina Domestic Workers," *Signs: Journal of Women in Culture and Society* 26, no. 4 (2001); "The International Division of Reproductive Labor: Paid Domestic Work and Globalization," in *Critical Globalization Studies*, ed. Richard P. Appelbaum and William I. Robinson (New York and London: Routledge, 2005).

⁹⁶ According to the *World Migration Report 2005*, the number of migrants has more than doubled since 1975, and there are now an official estimated 175 million migrant workers globally. Of these, almost half are women (48.6% in 2000). As Nana Oishi adds, the female share of emigrants rose most rapidly from 1978 to 2002 in the Philippines, Indonesia, and Sri Lanka, become well over 50% for these three countries. The important point to be highlighted is that both the Philippines and Indonesia are the major sending societies of transnational care labour not only in Asian region but also globally. IOM (International Organization for Migration), *World Migration 2005: Costs and Benefits of International Migration* (Geneva: IOM, 2005); Nana Oishi, *Women in Motion: Globalization, State Policies, and Labor Migration in Asia* (Stanford, CA: Stanford University Press, 2005), 5.

⁹⁷ Anna M. Agathangelou, *The Global Political Economy of Sex: Desire, Violence, Insecurity in Mediterranean Nation States* (New York: Palgrave MacMillan, 2004); Bridget Anderson, *Doing the Dirty Work?: The Global Politics of Domestic Labour* (London and New York: Zed, 2000); Yoko Kawachi, "Guroabru Keizai Jidai Ni Okeru Kango Rodo No Kokusai Ka [the Internationalization of Nursing Work in the Era of Global Economy]," *Kyusyu International University Journal of Economics & Business Studies* 14, no. 1 (2007); Mireille Kingma, *Nurses on the Move: Migration and the Global Health Care Economy* (Ithaca, NY: Cornell University Press, 2006). See also the set of articles in *Globalizations* 3, no. 3 (2006).

⁹⁸ MHLW "Keizai Jo No Teikei Ni Kansuru Nihon Koku to Firipin Kyowa Koku Tono Aida No Kyotei Ni Motoduku Kango Oyobi Kaigo Bunya Ni Okeru Firipinjin Kangoshi to No Ukeire No Jisshi Ni Kansuru Shishin (an) [the (Proposed) Guide for the Reception of Filipino Nurses and Care Workers through the Economic Partnership Agreement between Japan and the Republic of the Philippines]," (2006); MOFA "Agreement between

Japan and the Republic of the Philippines for an Economic Partnership."

⁹⁹ It needs to underline the gaps in meanings and qualifications between the Japanese *kaigo fukushishi* and Filipino *care-givers*. The detail discussion about these gaps is beyond the scope of this paper. Yet, to avoid the confusion, the care workers who hold Japan's national certificate are referred as "*kaigo fukushishi*" in this study. Nobue Suzuki, "Carework and Migration: Japanese Perspectives on the Japan-Philippines Economic Partnership Agreement," *Asian and Pacific Migration Journal* 16, no. 3 (2007); Takashi Yamasaki, "Kango-Kaigo Bunya Ni Okeru Gaikokujin Rodosha No Ukeire Mondai [the Issues of the Acceptance of Foreign Workers in the Nursing and Care-Giving Sectors]," *The Reference* 661, no. February (2006).

¹⁰⁰ This depends on the courses in which Filipino candidates enrol, and there are two courses, "taking national examination course" and "attending certified care worker school course". However, since the fees for attending Japanese schools need to be covered by candidates themselves, most of them are likely to involve in the "taking national examination course". For the candidates in this course, the obtainment of care-givers' certificate issued by the TEADA is mandatory.

¹⁰¹ Hironori Onuki, "Care, Social (Re)Production and Global Labour Migration: Japan's 'Special Gift' toward 'Innately Gifted' Filipino Workers," *New Political Economy* 14, no. 4 (2009).

¹⁰² Wako Asato, "Nippi Keizai Renkei Kyoutei to Gaikokujin Kaigoshi-Kangoshi No Ukeire [the Reception of Foreign Nurses and Care Workers through the Japan-Philippine Economic Partnership Agreement],," in *Kaigo-Kaji Rodosya No Kokusai Ido: Esunishitei, Jienda, Kea Rodo No Kosa [the International Transfers of Care and Domestic Workers: The Intersections of Ethnicity, Gender, Care Labour]*, ed. Yoshiko Kuba (Tokyo: Nihon Hyoron, 2007).

¹⁰³ METI, "Global Economic Strategy," (2006).

¹⁰⁴ Shinobu Wajima, "Kango-Kaigo Bumon Ni Okeru Gaikokujin Rodosha No Ukeire Ni Tsuite: Siyosha Gawa No Tachiba Kara [About the Reception of Foreign Workers in Nursing and Care-Giving Sectors: From the Standpoint of the Employers]," *Sekai no Rodo [Labour in the World]* 55, no. 7 (2005).

¹⁰⁵ MHLW, "Gaikokujin Kaigo Fukushishi No Shugyo Seigen No Kanwa to [the Liberation in the Employment of Foreign Care Workers, Etc.]," (2005).

¹⁰⁶ Interview with a MHLW official (June 8, 2007). Japan Association of Certified Care Workers (JACCW) also posits that, while considering the introduction of "foreign" care workers as a possible option for the future, the priority should be placed on the improvement of working conditions in the care-giving sector to mobilize the potential Japanese care workers. According to JACCW, there were 465,000 certified care workers by 2005 (with the increase of 65,000 every year). Indeed, the MHLW claims that there are approximately 200,000 potential care workers who hold *kaigo fukushishi* certificates but currently are not practicing their professions. JACCW, "Gikokujin Rodosha No Ukeire O Meguru Kangaekata Ni Tsuite [the Ways of Thinking About the Acceptance of Foreign Workers]," (2005); *Mainichi Shimbun*, "Indoneshiajin Ukeire: Kaigo Genba to Seifu Zure [the Acceptance of Indonesians: The Gap between Care-Giving Sites and the State]," April 20 2008.

¹⁰⁷ Currently about 1,100,000 workers are engaged in the care-giving sector; however, according to the MHLW, the rapid growth of the elderly will require 400,000 to 600,000 new workers in the next ten years. Elsewhere, the MHLW also estimates that, by 2030, one in every twenty among Japan's total labourers will have to be employed in the caring industry in order to maintain the current level of care provision. "Indoneshiajin Ukeire: Kaigo Genba to Seifu Zure [the Acceptance of Indonesians: The Gap between Care-Giving Sites and the State]; Ritu Vij, *Japanese Modernity and Welfare: State, Civil Society, and Self in Contemporary Japan* (New York: Palgrave Macmillan, 2007), 172-173.

¹⁰⁸ Suzuki, "Carework and Migration: Japanese Perspectives on the Japan-Philippines Economic Partnership Agreement."

¹⁰⁹ *Ibid.*, 361-362. Japanese female labour participation is continuously increasing in the past four years (approximately one half of women over age fifteen were employed in 2007). MHLW "Heisei 19 Nen Hataraku Josei No Jitsujo [the 2007 Actual State of Working Women]," (2008).

¹¹⁰ Nozomu Shibuya, *Tamashii No Rodo: Neoriberarizum No Kenryoku Ron [the Labour of Soul: The Argument of Power Relations in Neo-Liberalism]* (Tokyo: Seidosya, 2003), 25.

¹¹¹ Senichi Inoue, "Kaigo Bijinesu to Gaikokujin Rodosha [Care Business and Foreign Workers]," *The Annals of Osaka University of Human Science* 4, no. March (2005): 98; Mutsuko Takahashi, "Beyond Crisis and Dissonance: The Restructuring of the Japanese Welfare State under Globalization," *Social Policy & Society* 3, no. 3 (2004): 286.

¹¹² Mariko Adachi, "Kea Rodo No Kuraishisu: Gurobarizeshon, Zaisei Kinshuku, Giji Shijo [the Crisis of Care Labour: Globalization, Fiscal Restraint, Pseudo-Market]," *Gendai Shiso [Contemporary Thought]*, no. February (2008).

¹¹³ Ryoko Sawami, "Kaigo No Genba Ni Sinpu O Fukikomu Gaikokujin Herupa Tachi [Foreign Helpers Who Bring

New Winds into the Site of Care]," *Fujin Koron*, no. October 7 (2005).

¹¹⁴ Inoue, "Kaigo Bijinesu to Gaikokujin Rodosha [Care Business and Foreign Workers]; *Mainichi Shimbun*, "Indoneshijin Ukeire: Kaigo Genba to Seifu Zure [the Acceptance of Indonesians: The Gap between Care-Giving Sites and the State]; Ryoko Sawami, "Konran Suru Kaigo Hoken No Genba Kara [from the Sites of Confused Care Insurance]," *Sekai*, no. December (2006).

¹¹⁵ MHLW, "Shakai Fukushishi Oyobi Kaigo Fukushishi Ho No Ichibu O Kaisei Suru Horitsu an Nitsuite [About the Bill for Partial Amendments to Social Welfare and Care Welfare Laws]," (2007).

¹¹⁶ Asato, "Nippi Keizai Renkei Kyoutei to Gaikokujin Kaigoshi-Kangoshi No Ukeire [the Reception of Foreign Nurses and Care Workers through the Japan-Philippine Economic Partnership Agreement]," 38.

¹¹⁷ JILPT (Japan Institute for Labour Policy and Training), "Nihon Tono Fta Kosho: 'Kango, Kaigo Bunya No Rodo Shijo No Kaiho' O Motomeru [Fta Negotiation with Japan: Demand for the Opening 'the Labour Market in the Nursing and Care-Giving Sectors']," (2004); *Nikkei Sangyo Shimbun*, "Kangoshi Shijo Kaiho [the Opening of Nursing Labour Market]," January 7 2005. For a detail review of the history of the Philippines' institutionalization of overseas employment, see Joaquin L. Gonzalez III, *Philippine Labour Migration: Critical Dimensions of Public Policy* (Singapore: Institute of Southeast Asian Studies, 1998).

¹¹⁸ Rhacel Salazar Parreñas, "The Care Crisis in the Philippines: Children and Transnational Families in the New Global Economy," in *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*, ed. Barbara Ehrenreich and Arlie Russell Hochschild (New York: Metropolitan Books, 2003), 41.

¹¹⁹ Ruri Ito et al., "Ika Ni Shite 'Kea Jozu Na Fuiripinjin' Ha Tsukurareruka?: Kea Giba to Sai Seisan Rodo No 'Kokusai Shohin' Ka [How 'Caring Filipinos' Are Made?: Care-Givers and the 'International Commodification' of Reproductive Labour]," *Frontiers of Gender Studies Journal* 3, no. March (2005).

¹²⁰ The former chief of Tokyo Immigration Bureau, Sakanaka "Fuiripinjin Shuro Kaikin Sutato: Gaikokujin Kangoshi-Kaigoshi No Ukeire Joken Ha Kibisi Suguru [the Opening of Working Permission for the Filipinos: Too Strict Conditions for Foreign Nurses and Care Workers]," *Ekonomisuto [Economist]*, January 30 2007. posits: "Japan must need to accept some hundreds of thousands of 'foreign' care workers in future." Also, the UN estimated in 2000 that as a result of decreasing population under its aging-cum-low-birth condition, Japan will need to accept the influx of twenty million "foreign" labourers by 2050 in order to maintain its current economic scale *Weekly Daiyamondo*, "Shokuba Kankyo No Shin Joshiki: Ikuji-Kaigo Sapoto Seido Ha Jujitsu, Gaikokujin Rodosha to Seki O Naraberu [the New Common Sense of Working Environment: Improvement in the Child-Care and Elderly-Care Support, and Working with Foreign Workers]," April 14 2007..