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# Managing borders and managing bodies in contemporary Japan

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## **Managing Borders and Managing Bodies in Contemporary Japan**

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**Abstract:** Matters of border control in twenty-first century Japan interact with current social issues involving demography, the labour market, and economic relationships with other countries in the region. Japan faces a rapidly aging population, the highest life expectancy in the world, a birthrate well below replacement level, and a shrinking population. Smaller families find it difficult to provide primary care for the sick, the elderly and those with disabilities, and the welfare system is stretched to the limit. At the same time, Japanese people are increasingly unwilling to undertake work regarded as ‘manual labour’ or ‘unskilled labour’. Thus, the management of border control is related to the labour market, and the management of welfare. This is a range of policies which I would like to refer to as involving the *management of bodies*. This article thus focuses on ‘the management of borders’ and the ‘management of bodies’ in contemporary Japan.

**Keywords:** Globalisation, Migration, Labour, Japan, Border Control, Biopower,

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In April 2009 it was reported that the Japanese government was offering a one-off

grant of ¥300,000 (approximately US\$3,000) per person to some immigrant workers in order to facilitate their return to their homelands.<sup>1</sup> The offer was directed at immigrant workers of Japanese descent— colloquially known as *Nikkei-jin* – who had been encouraged to come and work in Japan in the 1990s from Peru, Brazil and other parts of Latin America (‘Axed Brazilians, Peruvians to be paid to leave Japan’, 2009). The community of these immigrants and their families has thus existed in Japan for close to two decades.

The report that Japan was trying to find a way of encouraging these immigrants to return to their countries of birth suggests that we are entering a new iteration of the cycles of labour mobility between Japan and other nations. Recent trends in labour mobility reflect Japan’s place as one of the most influential economies in the Asia-Pacific region – even in the wake of the global financial crisis – and as one of the magnets for documented and undocumented migrant labour. The changing fortunes of these labour immigrants of Japanese heritage also, however, need to be placed in the context of a longer history of emigration and immigration, dating back to the nineteenth century. The ‘*Nikkei*’ immigrants are the descendants of those who left Japanese rural areas in the late nineteenth and early twentieth century to escape rural poverty, with the encouragement of the governments of the time (Befu 2000: 17–40; Dresner 2008: 66–94; Quan 2004: 339–367). In 2007 it was estimated that there were 2.15 million registered foreign residents in Japan, nearly twice as many as in 1990. This figure would include these recent immigrants, but also the (non-naturalised) descendants of Korean and Taiwanese families who have been in Japan since the colonial period (Daimon 2009), and smaller numbers of skilled sojourners, trainees and international students. There are an estimated 110,000 unregistered foreign residents (‘Editorial: The foreign residents among us’ 2009).<sup>2</sup>

Several other recent reports further suggest that this first decade of the twenty-first

century is an important period in the management of borders in contemporary Japan. There have been controversies concerning requests for permanent residency by some who had originally entered illegally or had overstayed (Fukue and Matsutani 2009; '10-year overstayer is granted new visa', 2009). Other controversies concern the nationality of descendants of Japanese fathers and non-Japanese mothers (Agnote 2008a; 2009); and there has been discussion of whether to remove restrictions on dual nationality (Matsutani 2009). We have also seen new international agreements directed at encouraging the temporary migration of care workers to Japan from Indonesia and the Philippines (Agnote 2008b; Kaneko 2009, Itô 2008; Itô in press). Meanwhile, the government is gradually reforming its border control regime. In this article, I will consider these recent issues of border control, and how they interact with the management of the labour market and the management of social policy issues.

These matters of border control interact with current social issues involving the changing demography of Japan, a changing labour market, and changing economic relationships with other countries in the region. Japan is now facing a rapidly aging population with the highest life expectancy in the world, a birthrate well below replacement level, and a shrinking population. Smaller families find it difficult to provide primary care for the sick, the elderly and those with disabilities, and the welfare system is stretched to the limit. At the same time, Japanese people, until recently, almost universally saw themselves as 'middle-class', and have been unwilling to undertake types of work regarded as 'manual labour' or 'unskilled labour'.<sup>3</sup> Thus, as I shall argue below, the management of border control is also related to the labour market, the management of welfare, and the state of the caring professions. This is a range of policies which I would like to refer to as involving the *management of bodies*. This article thus focuses on 'the management of borders' and the 'management of bodies' in contemporary Japan.

The 'management of bodies' could also be framed in terms of Foucault's concept of 'biopower'. As biopower, individuals are mobilised by the state as resources: as workers, as citizens, and as family members responsible for the reproduction of the population (Foucault 1980: 138–145; Schirato and Webb 2003: 135). In the current age of economic globalisation, however, the management of biopower is also a matter which crosses national boundaries. Global corporations attempt to maximise profits through accessing cheaper labour power. Or, as Hancock et al explain, 'transnational capitalism demands flexible bodies for flexible accumulation' (2000: 1). While workers attempt to maximise their income through crossing national borders, nation-states attempt to regulate these flows through border controls (Mackie and Stevens 2009: 260).

### **Japan's Demographic Challenge**

In April 2009, a Japanese government white paper reiterated that 'Japan is graying and its birthrate is falling faster than any other country in the world' ('Japan birthrate fall world's No. 1', 2009). Japan's total fertility rate – the average number of children born per woman aged between 15 and 49 – dropped continuously until the early 2000s. The fertility rate was 2.16 in 1971, 1.29 in 2004, bottoming out at 1.26 in 2005, then inching up to 1.34 in 2007. Japan has the highest life expectancy in the world: 85.62 years for women; 78.8 years for men; and 82.12 for the total population. Young people are marrying later, having fewer children, and the mean age at which women have their first child rose from 25.6 in 1970 to 28.9 in 2004. An increase in the number of irregular workers and the worsening employment situation also contribute to a reluctance to marry and have children. The population is shrinking. It stood at 127,692,000 as of Oct. 1, 2008, down 0.06 percent from the previous year. In 2005, the number of deaths surpassed that of births for the first time by 21,266. In 2008, there were a record 51,317 more deaths than births. It is estimated that the population will shrink to about 90 million by 2055

(‘Editorial: Raising the Birthrate’. 2009).

Currently, in Japan there are two bulges in the population chart: those from the postwar baby boom who are at or close to retirement age; and those in their thirties, born in the secondary boom of the 1970s. People aged 65 or older accounted for 22.5 percent of Japan's total population as of April 2009, and this is projected to increase to around 35 per cent by 2050. In 2004, an astonishing 1.02 million persons (out of a total population of 127.69 million) in Japan were aged 90 or more. In April 2009 there were an estimated 17.14 million children under the age of 15, or 13.4 per cent of the population, marking a record low for the 28th straight year (‘Number of Children continues to fall’. 2009).

If we add up the population under 15 and the population over 65 and divide this by the productive population (those from 15 to 64) we get a dependent population rate of around 50 per cent. In other words, the two thirds of the population of productive age have to work to support the other third who are too old or too young to work. The productive population is expected to decline from 81.64 million in 2009 to 45.95 million in 2055. This is a matter of economics (of paying for pensions, welfare and medical care from the taxes of a shrinking labour force) but also a matter of labour (of finding the labour power to deal with the physical care of the aged).<sup>4</sup> As Huguet points out, in order to improve this ratio, Japan would need to raise its birth rate, raise its retirement age, and allow substantial increases in the immigration of people of working age (Huguet 2003: 107–124). The government’s efforts to raise the birth rate have been ineffective, (Roberts 2002) and the crisis in elder care has been dealt with by encouraging the immigration of workers on a temporary basis, as will be discussed below.

Imagine a married woman in her fifties, whose husband is the primary breadwinner.<sup>5</sup> It is likely that her parents and her husband’s parents will be alive and in

their late seventies. One or more of her grandparents might be still be alive and in their nineties. She might be engaged in part-time work, but will have to juggle work with caring for the needs of aging parents and in-laws who may or may not live close by. Many such women give up paid work in order to manage the care of aging relatives. The government has attempted to deal with these issues with a system of carers' insurance (*Kaigo Hoken Hô/Law Concerning Insurance for Nursing Care*, 1997, amended 2000), but carers are likely to be employed on a casual or part-time basis. This means that someone has to manage the activities and timetabling of relatives, paid carers and volunteers, and this burden falls disproportionately on women.

Until the 1990s, it seemed unimaginable that Japan might consider the use of the services of immigrant workers in order to deal with the crisis in elder care. In the first decade of the twenty-first century, however, this has become a reality. As there are not enough Japanese workers willing or able to engage in caring labour, it has become necessary to bring in immigrant workers who are qualified as nurses or carers. Nevertheless, the scale and forms of such immigration are being closely controlled and monitored. At the same time, there has been a decline in the kind of manufacturing and labouring jobs which have been filled by short-term labour immigrants in recent years.

### **Managing the Labour Market**

In the latter decades of the twentieth century, the Japanese economy gradually shifted from one based on agriculture and manufacturing to a largely post-industrial economy based on services, technology, knowledge, information and finance. In 2008 primary industry accounted for 4.2 percent of employment, secondary industry 26.4 percent and tertiary industry 68.2 percent. There has been a steady decline in the percentage of workers engaged in primary industry throughout the post-World War II

period; the number engaged in manufacturing has shown a decline in every year since 1993 (except for a brief upturn in 2006); and there has been a corresponding increase in the percentage of workers engaged in tertiary industry from 1980 to the present (Statistics Bureau, Japan, 2009: 132).

From the 1970s to the 1990s, a large part of manufacturing production was moved offshore, in search of looser environmental controls, weaker labour unions, and cheaper labour power. Some sectors of manufacturing, involving sub-contracting and sub-sub-contracting to the large industrial conglomerates, did, however, stay onshore, and this work was variously undertaken by married women in part-time or casual positions, rural labour on a seasonal basis, and from the 1980s by immigrant labour. Some immigrants worked legally as *kenshūsei* (trainees) on limited term contracts and short-term visas, while others entered on tourist visas and overstayed. The construction industry also became reliant on (largely undocumented) immigrant labour in these years (Yamanaka 2000: 63). The savings to employers are not necessarily in wages. Rather, irregular workers 'cost their employers significantly less because they do not receive the numerous expensive benefits, entitlements and job security that Japanese regular employees do' (Yamanaka 2000: 87–88).

For the last decade, however, the automotive industry has been in crisis. This crisis has been reflected in a number of mergers between Japanese and European automobile manufacturers. This has also resulted in the hiring of managers from overseas, such as the high profile Carlos Ghosn, CEO of Nissan since 1999 on its merger with Renault. This crisis deepened in the wake of the global financial crisis of 2008 and 2009. The collapse of the automobile industry is significant for it was formerly one of the mainstays of the economy and a major export industry, and wages for skilled workers in this sector to a large extent determined wages in other sectors. Subcontractors to this industry have, more



recently, been major employers of labour immigrants, and thus it is these immigrants who have been disproportionately affected by the most recent economic downturn ('Axed Brazilians, Peruvians to be paid to leave Japan', 2009). Trainees (*kenshūsei*) have also been affected. Data from the Japan International Training Cooperation Organization show that the number of companies' applications for permitting foreigners into Japan as trainees or technical interns in October 2008 fell 18.8 percent from a year earlier to 4,753; the figure for November 2008 stood at 4,692, down 25.5 percent from a year before. The number of people entering Japan to become trainees had been increasing since the foreign trainee system started in 1993, topping 100,000 in 2007 ('Foreign trainees at Japan firms growing rare'. 2009).<sup>6</sup> Nevertheless, this also takes place at a time when there are shortages of skilled labour, due to the changing demographics of the population and the changing labour market.

Japan has been hard hit by the most recent global economic crisis. The Japanese economy was unable to sustain growth in 2008, due to a decline in export growth, and the economy recorded its first contraction since 2002. Corporate profits plunged and business investment fell. Unemployment rose until mid-2009, and most new positions created have been part-time rather than full-time permanent positions, meaning that there has been little growth in wages, and a resulting lack of consumer confidence (Economic and Social Commission for Asia and the Pacific 2009: 143–5). The depth of the recession was July 2009, with some modest improvement from August 2009 ('Unemployment rate falls to 5.5%'. 2009).

In the current economic situation, there are regular calls for reform of the regulation of labour immigration ('Plan to woo skilled workers urged'. 2009; 'Point system eyed to attract foreign experts'. 2009). There is an implicit privileging of mental labour over physical labour encoded in immigration policy – a mind/body split whereby intellectual,

white collar work is given recognition, but not manual and physical labour, and certainly not sexual labour (Mackie 2002: 200–229). Some élite white-collar workers enter Japan temporarily on working visas, and this is recognised under the rubric of ‘internationalisation’ (*kokusaika*). These élite white-collar workers have much in common with the élite middle-class white-collar Japanese worker, except for their nationality and lineage. The entry of such workers was facilitated by amendments to the Immigration Control Law (*Shutsunyūkoku oyobi Nanmin Nintei Kanri-hô*) in 1990, at the same time as it became possible for those of Japanese descent to enter Japan to work, albeit generally in less privileged occupations.

The Japanese Department of Immigration does not explicitly permit immigration for the purpose of engaging in unskilled labour. There are, however, several major loopholes. Students may engage in limited part-time work, and some workers enter the country under the category of ‘trainees’ (*kenshûsei*). As noted above, a special category for those of Japanese ancestry has brought immigrants from Japanese-descended communities in Latin America to Japan as workers. Despite their Japanese ancestry, these workers often came to Japan with limited Japanese-language skills and cultural competence, and thus were relegated to relatively unskilled occupations.

It is seen as ‘natural’ that Japanese young people are increasingly reluctant to engage in manual work, and that these places may be taken by immigrant workers, even if illegally. The phrase ‘difficult, dirty and dangerous’ (*kitsui, kitanai, kiken*) used to describe these marginalised occupations aligns them with the abject (Mackie 1998: 45–64). The relegation of these marginalised occupations to the least privileged members of society, including immigrant labour, allows members of the Japanese ‘mainstream’ to imagine themselves as fully middle-class, as engaged in white-collar ‘mental’ work rather than physical or unskilled work. The mind/body split is built into the very structures of

modern capitalist societies like Japan, and is intimately entwined with class structure. The most prestigious occupations are those which have more of a mental component and less of a physical component. The use of immigrant labour in particular occupations means that these occupations come to be associated with particular ethnic groups, or, in other words: are *ethnicised*. This is the context for the immigration of workers of Japanese descent from the 1990s (Yamanaka 2000: 81).

While much of the discussion of immigrant labour in other parts of Asia has focused on domestic work (Piper 2004: 216–231; Moya, 2007: 559–579; Misra and Merz, 2005: 9), Japan is relatively distinctive in not importing large numbers of domestic workers. The explanation for these distinctive patterns of immigration lies in the connection between the gendered division of labour, the labour market and demography. In Singapore, for example, middle-class educated women have been encouraged to stay in the full-time workforce in elite occupations, thus necessitating the employment of domestic labour (Cheah 2006: 178–266).<sup>7</sup> In Japan, by contrast, the ‘double-burden’ of childrearing and paid work has often been handled by women leaving the full-time workforce in the years when their childrearing demands are heaviest, to return to the part-time workforce when children are older (Osawa 2005: 111–129). The relatively flat income distribution in Japan also means that it is rarely feasible to employ domestic help. With the aging of the population and the plummeting birthrate, the pressing need is for the care of the aged and infirm.

Because of the official prohibition on importing ‘unskilled’ labour, it is illegal to import labour for the purpose of domestic work, although anecdotal evidence suggests that some families are finding ways to employ overseas domestic workers. In one loophole, diplomatic personnel may employ domestic workers or chauffeurs who speak English, and this allows them to employ overseas workers. While such workers have a

legitimate visa status, their home-based work does not come under the purview of the Labour Standards Law (*Rôdô Kijun Hô*, 1947), the legislation which regulates the working conditions of regular workers in workplaces such as offices and factories.<sup>8</sup>

Many commentators, however, see international marriage as a form of labour migration. The women who immigrate as wives of Japanese men often provide domestic labour, childcare and care of the sick and aged in their marital families, not to mention engaging in paid labour in their communities (Itô 1992; Mackie 1998: 45–63; Piquero-Ballescás 2009: 77–99). As Piquero-Ballescás points out, women who had originally entered as ‘tourists, entertainers, spouses/children of Japanese nationals, trainees or students’ were, in effect, ‘recruited as caregivers and providers of emotional labor in Japan’ (2009: 78). In a highly gendered labour market, women of the *Nikkei* community, too, have apparently often been employed as *tsukisoi-nin* (workers who provide informal personal care for the sick or elderly, rather than medical or nursing care) and some have actually come to Japan for that purpose (Tsuda 2003: 294; 297). Once again, there are gendered expectations in the discourse on marriage and caring.

Piquero-Ballescás’ comments on the relationship between immigration, the labour market and various forms of caring labour also remind us that, while immigration categories are rigid, individuals find ways of moving between these categories. Someone might initially enter on a tourist visa, but overstay to engage in various forms of undocumented paid labour. Or, someone may have originally entered as an entertainer (under an earlier visa regime), but enter into a relationship which transforms her into the ‘spouse of a Japanese national’, and thus be eligible to apply for permanent residency. Regardless of state attempts to regulate the entry of various categories of residents, once within the boundaries of the Japanese nation-state, individuals inevitably form relationships with Japanese nationals or with other immigrants. The offspring of these

relationships have been the subject of many of the recent controversies concerning nationality and residence category. It has recently been reported that '[o]ne in every 30 babies born in Japan has at least one foreign parent' and 'about 6.5 per cent of all marriages in Japan in 2006 were international' (McNeill et al 2009: unpaginated). The management of border control is thus intimately connected with the management of the labour market and the management of 'biopower' more broadly.

### **Managing Borders**

The boundaries of the nation-state are policed through laws on immigration, residency, citizenship and naturalisation. The law defines visa categories which determine the conditions whereby an individual can live, work and form relationships within the boundaries of the nation-state. These visa categories may also determine access to benefits such as public housing, unemployment insurance, medical insurance, welfare benefits or medical treatment.<sup>9</sup> Those who remain outside the boundaries of the nation-state include stateless persons and refugees (asylum seekers). Some individuals are in an intermediate category with limited rights to live and work within the boundaries of the nation-state, such as permanent residents, non-Japanese spouses of Japanese nationals, trainees, international students, skilled international workers, and residents of Japanese heritage. Others may be within the physical boundaries of the nation-state, but without a recognised status: undocumented workers who engage in work which is not compatible with their visa category, or 'overstayers' who remain in the country after their visa has expired.<sup>10</sup>

The Constitution of Japan states, in Article 10, that 'the conditions necessary for being a Japanese national shall be determined by law'. The laws which regulate the various categories of people resident in Japan include the Nationality Law (*Kokuseki-hō*,

Law No 147, enacted 25 May 1950, effective 1 July 1950), and the Immigration Control and Refugee Recognition Law (*Shutsunyūkoku oyobi Nanmin Nintei Kanri-hô*, Cabinet Order No 319, enacted 4 October 1951, effective 1 November 1951; amended 1985, 1990, 2004, 2006, 2009). Naturalisation is regulated by Articles 4 to 13 of the Nationality Law. These interact with the Family Register Law (*Koseki-hô*, Law No 224, enacted 22 December 1947, effective 1 January 1948),<sup>11</sup> Alien Registration Law (*Gaikokujin Tôroku-hô*, Law No 125, enacted and effective 28 April 1951), the Resident Registration Law (*Jûmin Tôroku Hô*, 1951, amended as the Basic Residency Records Law, *Jûmin Kihon Taichô Hô*, in 1967), and articles of the Civil Code concerning marriage and divorce.

Once someone has entered the country, legally or illegally, their rights can be determined with reference to the various International Covenants. Japan has ratified the International Covenant on Economic, Social and Cultural Rights (1978), the International Covenant on Civil and Political Rights (1978), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1980), the Convention Relating to the Status of Refugees (1981), the International Convention on the Elimination of All Forms of Racial Discrimination (1995), and the Convention on the Rights of the Child (1994), but has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Hatsuse 2005: 165–166) or the 1980 Hague Convention on International Child Abduction. As in many other countries, the ability of migrant workers to claim rights under these conventions will often depend on the advocacy of non-government organisations (Piper 2004: 22).

It should be noted that the boundaries of nationality and the geographical borders of the nation-state are not identical. Because nationality is determined on the *jus sanguinis* (bloodline) principle rather than the *jus soli* (place of birth) principle, it is possible to be

born and raised within the physical boundaries of the nation-state without having Japanese nationality. Until 1985, the Nationality Law was based on patriarchal principles. It was assumed in Japan, as in many other countries, that fathers had the right to determine the nationality and domicile of family members. Only men had the right to pass on Japanese nationality to their children, and the provisions for naturalisation of foreign spouses were different for men and women. This became an issue after several cases of stateless children (with Japanese mothers and non-Japanese fathers) appeared. These provisions were modified in the mid-1980s, as the Nationality Law was overhauled in preparation for Japan's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Although the most blatantly sexist provisions of the Nationality Law were modified in 1985, the implementation of this law still has gendered implications. Both men and women have the capacity to pass on nationality to their children, but the child of a Japanese father and non-Japanese mother may only have the 'right' to Japanese nationality if the father provides official recognition (*ninchi*) of the child.

The necessity for the father to explicitly provide recognition (*ninchi*) of his parentage has meant that it has been difficult for some non-Japanese mothers to claim Japanese nationality for the children of Japanese fathers. Furthermore, a child born out of wedlock between a Japanese father and a foreign mother could, until recently, get Japanese nationality only if the father admitted paternity during the mother's pregnancy, or if the couple married before the child turned 20. The Nationality Law has recently been revised so that a father can recognise paternity even after the birth of the child. This is the consequence of a Supreme Court ruling of 4 June 2008 that the provision of the law on children born outside marriage was unconstitutional ('Ruling Slams Unequal Bias in Paternity Recognition' 2006; Kamiya and Matsutani 2008; 'No Paternity Pranks Yet, Cops Say' 2009; 'Three held in baby nationality scam'. 2009).

The issue of paternity has taken on a further transnational dimension in campaigns for the recognition of the nationality of children of Japanese fathers and non-Japanese mothers born in other countries. Some are children born of Japanese fathers during World War II; others are offspring of temporary liaisons between Japanese tourists or sojourners and local women. A small number of the offspring of Japanese soldiers in the Philippines have been successful in claiming Japanese nationality (Agnote 2008; Agnote 2009).

There have been several recent high-profile cases concerning overstayers. Maryam Amine, a twenty-year old Iranian student, was allowed to stay on as a foreign student after her parents and younger sister were deported in 2007. Her parents had entered Japan on short-term visas in 1990 and 1991 and had overstayed. She was recently granted a special residence permit by the Ministry of Justice and is expected to work as a nursery school teacher once she graduates ('10-year overstayer is granted new visa', 2009). In another protracted case, a thirteen-year old girl (born in Japan of Filipino parents who had entered on false passports and overstayed) was recently granted a special one-year residence permit in order to complete her education, but her parents were ordered to return home to the Philippines. The young woman, Noriko Calderon, will need to apply for a residence permit on a yearly basis, and may be able to apply for naturalisation on turning twenty. These high-profile cases have been advanced through the support of non-governmental organisations and support groups. These young women provide a rather appealing image of the overstayer, and possibly distract attention from the large numbers of overstayers who are deported each year.<sup>12</sup> According to the Immigration Bureau, there were 113,072 illegal foreign residents in Japan as of January 2009, after 39,382 were deported in 2008. Some 7,388 foreigners received special permission to stay in 2007 ('Filipino girl's parents told to leave'. 2009; Fukue 2009a; Fukue 2009b; Fukue 2009c; Fukue and Matsutani 2009; Watanabe 2009).



Currently, the systems of registering and tracking Japanese nationals and the systems of registering and tracking non-Japanese residents are separate. Japanese nationals have a family register entry, a resident registration and a nationality. Non-Japanese residents have an alien registration card (Chapman 2008: 423–443). Under a Bill for the amendment of the Nationality Law and the Immigration Control Law (promulgated 15 July 2009), the two systems will be brought into line, and non-Japanese residents will have a residence (*zairyû*) card which will allow for closer tracking of their movements through the resident registration system. The new registration system will be administered by the Justice Ministry at national level rather than by local governments as occurs in the present system. While this appears neutral on the surface, in that the treatment of Japanese and non-Japanese residents will be more similar, advocates for immigrants fear that the result will be increased surveillance of non-Japanese residents (Hongo 2008; ‘Bill on Immigration Overhaul OK’d’ (2009); ‘Foreigners stage a sit-in outside Diet to protest immigration bills’. 2009; Matsutani 2009a; Matsutani 2009b; Matsutani 2009c; Matsutani 2009d; Matsutani 2009e; Nagata 2009a; Nagata 2009b; Ito 2009; for the Bill to amend the existing laws, see Ministry of Justice. 2009). In order to highlight the workings of the twin themes of the management of borders and the management of bodies, I would now like to focus briefly on two groups: immigrant workers of Japanese heritage, and immigrant care workers.

### **Labour immigrants of Japanese descent**

In 1990, the Immigration Control Act was modified to allow descendants of Japanese emigrants to enter Japan for up to three years, in a long-term resident category with no restriction on engaging in employment (*Shutsunyûkoku Oyobi Nanmin Nintei Kanri-hô [Nationality and Refugee Recognition Law]*, as amended 1990). Those who enter under this visa category may also bring their family members into Japan, and these

may be people who have even less connection with Japanese society. The yearly admission of Brazilians quadrupled from 19,000 in 1988 to 79,000 in 1990. By 1996 more than 200,000 *Nikkeijin* workers and their families had registered as residents in major manufacturing cities. (Yamanaka 2000: 71; Oka 1994: 41–49; Hatsuse 2005, p. 160). By 2007, there were 317,000 Japanese Brazilians in Japan (Daimon 2009).

In the 1990s, the temporary immigration of people of Japanese descent was seen as a more acceptable way of dealing with labour shortages than inviting ‘guest workers’ with no apparent ties to the Japanese nation-state. Although the Japanese heritage of such immigrants was probably expected to cut down on problems generated by perceptions of difference, local communities soon found they had to deal with contact between groups with different social and cultural expectations, while schools needed to address the necessity of multilingual and multicultural education for the children of these families. The co-existence of the descendants of Japanese emigrants reinforces the primacy of Japanese lineage, but also has the potential to undermine the naturalised assumption that blood-line equates with cultural competence. This assumption is a feature of many national cultures, as pointed out by Barry Hindess, ‘[n]otions of descent (and the apparently more respectable surrogate notion of a distinctive national culture that cannot readily be acquired by persons who are not born into it) have always played an important part in the way citizenship has been understood within particular communities’ (Hindess 1992: 22).

A labour ministry survey of companies in October 2008 found that there were some 486,400 foreign workers in Japan. Of these, 43.3 percent were Chinese, 20.4 percent Brazilians and 8.3 percent Filipinos. Many of these workers underpinned the production of cars and other exported products when the economy was good. In addition, many small firms and agricultural enterprises

employed foreign trainees ('Editorial: Support Needy Foreign Workers'. 2009). However, the national unemployment peaked at 5.7 per cent during 2009, and the automobile industry was particularly hard hit. This industry is concentrated in central Japan in Aichi prefecture, where an estimated 220,000 registered foreigners reside (Yamanaka 2000: 80).

In April 2009 the government offered ¥300,000 to any unemployed immigrant worker of Japanese ancestry who wished to leave the country, and ¥200,000 each to family members, on the condition that they would not return to Japan. The government also allocated ¥1.08 billion for training, including Japanese-language lessons, for the workers of Japanese ancestry ('Axed Brazilians, Peruvians to be paid to leave Japan', 2009). Some local governments also started support programs for such workers. For example, in Aichi Prefecture, the prefectural government and business community established a fund to help immigrant workers learn Japanese. Several local governments also petitioned the national government for emergency support (26 cities request emergency support for foreign workers'. 2008) Hamamatsu City in Shizuoka Prefecture reported plans to train unemployed foreigners to work in nursing care, an attempt to implement change in what is a highly gendered and ethnicised labour market ('Editorial: Support Needy Foreign Workers'. 2009). As Yamanaka points out, 'immigration policy has created a labour force rigidly stratified by such collective characteristics as legal status, ethnicity, nationality, gender and skill level' (Yamanaka 2000: 63). Nearly two decades later we are seeing the failures in planning for the long-term needs of the *Nikkei* communities. If we compare the history of the use of immigrant labour of Japanese descent with current attempts to use short-term immigrant labour in the caring professions, the segmentation of the labour market according to ethnicity, nationality, gender and skill level is thrown into sharp relief.

## **Transnational Care Work**

Recent policies which provide insurance for the costs associated with the care of the aged attempt to come to terms with the social requirements of a population where the aged comprise an ever-increasing proportion of the population (*Kaigo Hoken Hô/Law Concerning Insurance for Nursing Care*, 1997, amended 2000). As a supplement to the care provided by family members, volunteers, paid carers and nursing professionals, the Japanese government is moving slowly on bringing in care workers from overseas. This is being managed by bilateral agreements with Indonesia and the Philippines.<sup>13</sup> One reason for the cautious progress of these programs is the necessity to negotiate with advocates for the nursing and caring professions within Japan: the Japanese Nursing Association and the Japan Association of Certified Care Workers.

The agreement with Indonesia was concluded in 2007, and the first care workers entered the country during 2009 and commenced training and language study. However, almost as soon as the first workers entered the country, concerns were being raised about the effects of the economic recession. In addition, fewer jobs were being offered than expected because of a perceived burden on facilities for supporting the Indonesian workers, including Japanese language education, and the commencement of a similar program with the Philippines in the same year. Japan was to accept up to 792 Indonesians in fiscal 2009, but the number of jobs offered by Japanese hospitals and care facilities totalled only 169 as of April 2009. The plan is to accept up to 400 nurses and up to 600 caregivers over two years starting from fiscal 2008. A total of 208 Indonesian workers came in the first year of the program. Around 1,000 nurses and caregivers in Indonesia registered as applicants to work in Japan ('Job shortage hits Indonesia nurses' 2009).

For those who started work in Japan during 2009, there were reports of language

problems and issues in adjusting to a different workplace environment. All of the care workers admitted so far will work in hospitals and nursing facilities and not in private care. They will be expected to pass exams in three or four years in order to gain qualifications if they wish to stay on in Japan. They could in some ways, then, be seen as a specific form of 'trainee'. They have been provided with a six-month language course which allows them to communicate in basic spoken Japanese, but much more specialised language training will be necessary in order to tackle the national caregiver qualifying examinations. The second group of Indonesian workers, up to about 800 nurses and caregivers, were planned to arrive at the end of 2009 (Kaneko 2009).

The agreement with the Philippines (JPEPA) was signed in September 2006, but it took the Philippines Senate nearly two years to ratify it. Besides providing a framework for liberalising trade and investment between the two countries and allowing Filipino nurses (*kangoshi*) and caregivers (*kangofukushi*) to work in Japan, the agreement also detailed possible cooperative programs, including training courses for the regulation of and supervision of financial institutions, trade and investment cooperation, cooperation in the field of small and medium enterprises, technical cooperation in the field of science and communications technology and promotion of tourism. Under the agreement, Filipino nurses and caregivers were scheduled to arrive in Japan in 2009 and 2010 to undergo language training for half a year before going to work at hospitals and nursing-care facilities across Japan. The nurses and caregivers are endorsed by the Philippine Overseas Employment Administration. The Japan International Corporation of Welfare Services (JICWELS) is responsible for finding hospitals and health-care institutions in Japan willing to hire the qualified Filipino nurses. It is planned to accept 1,000 Filipino workers over a two-year period (Piquero-Ballescás 2009: 78; Agnote 2008; 'Filipino caregivers coming this year'. 2009).

In the Philippines, more than 400 nursing schools are producing more nursing graduates than can be employed by hospitals and rest homes. Many of the fresh graduates are pinning their hopes on finding a job overseas. For those from the Philippines, who have been educated in English, however, other countries, such as U.S., Canada, Australia, New Zealand, and Britain may seem more accessible than Japan. Concern has also been expressed internationally about the exodus of medical professionals from developing countries to first world countries. This has prompted the World Health Organisation to develop the Global Code on International Recruitment of Health Personnel (Cheng 2009, pp. 111–112). As wealthy first world countries seek personnel from around the world to care for the bodily needs of their citizens, third world countries increasingly suffer from a lack of medical professionals, nurses and care workers to look after the needs of their own populations.

### **Conclusions**

The issues currently being faced in contemporary Japan are a harbinger of issues soon to be faced by other advanced economies which are characterised by rising life expectancy and plummeting birth rates. To trace the circuits of labour mobility in the Asia-Pacific region is also to map the patterns of economic inequality in the region. The mobilisation of people as workers, citizens and members of reproductive families has hitherto mainly been considered within the frame of the nation-state, with reference to Foucault's concept of 'biopower' (1980: 138-145). Globalisation, however, prompts us to consider questions of biopower on a regional and global scale, transcending the scale of the nation-state. The management of labour power, the management of populations and the management of care for the bodies of individuals also need to be considered in a transnational frame (Mackie and Stevens 2009: 269). Global corporations attempt to maximise profits through accessing cheaper labour power, while workers attempt to

maximise their income through crossing national borders. Meanwhile, governments try to find ways of providing care for aging populations. Some who cross borders undertake occupations characterised as ‘dirty, difficult and dangerous’, while others cross borders to take care of the bodies of others in nursing, caregiving or domestic labour. Nation-states attempt to regulate these flows through border controls. National governments like Japan, however, struggle to manage a labour market which is stratified and segmented according to gender, class, caste, ethnicity and nationality. Indeed, this segmentation is in part attributable to the ad hoc decisions on recruiting labour power through specific bilateral agreements. The body comes into play in distinguishing between prestigious, skilled occupations and less prestigious ones which are seen as unskilled and often seen as involving physical or manual labour. The body also comes into play in the need to provide care for those who are aging or infirm. The case studies in this article demonstrate that the management of border control and the management of the labour market are ultimately concerned with the management of bodies.

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<sup>1</sup> Research for this article was completed as part of an Australian Research Council-funded project on The Cultural History of the Body in Modern Japan.

<sup>2</sup> ESCAP reports on the increase in the foreign population in Japan in recent decades: from 877,000 (0.7 percent) in 1990 to 2,048,000 (1.6 percent) in 2005 (Economic and Social Commission for Asia and the Pacific 2009: 185).

<sup>3</sup> The most recent economic crisis has possibly challenged this belief. See Field (2009, unpaginated).

<sup>4</sup> Former Liberal Democratic Party Prime Minister Koizumi Jun'ichirô instituted a program of fiscal restraint in 2006 which curbed increases in social security spending, but Koizumi's policies have not been followed by subsequent governments (Fukada 2009). At the time of writing, the new Democratic Party of Japan Prime Minister Hatoyama Yukio was foreshadowing a greater emphasis on welfare in the national budget and a retreat from the large construction projects which had been a feature of Liberal Democratic Party governments.

<sup>5</sup> Needless to say, much of the discussion of issues concerning childcare, domestic labour and care for the disabled, infirm and elderly assumes a gendered division of labour and a nuclear family based on a heterosexual couple, notwithstanding challenges to these assumptions from feminist groups and advocates for male participation in childrearing (Roberts 2002: 54–91). When it comes to the care of the aged, however, because women have a higher life expectancy than men, and husbands tend to be older than wives, it is most likely that wives will outlive their husbands.

<sup>6</sup> Concerns have also been raised about the working conditions of trainees. It was recently reported that thirty-four people involved in training programs had died in fiscal 2008, a record high: the deaths were from work-related accidents, traffic accidents, and brain and heart disorders. Advocates for the workers have attributed these deaths to overwork ('Overwork blamed for record-high 34 foreign trainee deaths'. 2009).

<sup>7</sup> Once again, much of the discussion of these issues assumes a heterosexual nuclear family with a gendered division of labour where women have the primary responsibility for childcare, childrearing, domestic labour and other forms of caring labour.

<sup>8</sup> It has been noted in several other national contexts that domestic workers do not come under the purview of labour legislation (Cheah 2006: 206–207; Piper 2004: 220; 'Editorial: The Rights of Domestic Workers'. 2009).

<sup>9</sup> Until relatively recently, some Japanese legislation included a clause which meant that certain welfare benefits or access to some public service positions was limited to Japanese nationals. In the Japanese literature this is known as the '*kokuseki jôkô*' or 'nationality clause'. The 'nationality clause' was removed from several welfare laws in 1982, and some teaching positions and academic positions have become available to non-nationals in recent years (Chapman 2007: 68; 82)

<sup>10</sup> Illegal entry and overstaying are both criminal offences subject to a prison term or a fine, although in practice offenders are often put on probation and deported if no other criminal offences are involved (Hatsuse 2005: 155–156).

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<sup>11</sup> The Family Register Law interacts with the Nationality Law in that ‘Japanese nationality is the aggregate of people in local family registers. The Nationality Law determines who is qualified to be a member of a register, and Japanese nationality derives from the fact that the register is affiliated with a local (municipal, prefectural) polity that in turn is part of Japan’s sovereign territory’ (Wetherell: 14–15, 27–28).

<sup>12</sup> See also a recent case where a woman and her children were allowed to stay in Japan for a further year after the father’s resident permit had expired so that the children could pursue their education (‘Immigration gives mom, kids reprieve’. 2009).

<sup>13</sup> Both countries are significant as sending countries for labour migrants, with remittances as a major element of their economies. ESCAP reports that Indonesia and the Philippines are estimated to be in the top ten remittance-recipient economies (in dollar terms) in the Asia-Pacific region (Economic and Social Commission for Asia and the Pacific 2009: 15).