



# The Asia-Pacific Journal: Japan Focus

in-depth critical analysis of the forces shaping the Asia-Pacific...and the world.

## Migrants, Subjects, Citizens: Comparative Perspectives on Nationality in the Prewar Japanese Empire

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Former Prime Minister Mori Yoshiro seems an unlikely champion of a multicultural Japan. His brief term of office is, after all, perhaps best remembered for the furore he evoked by a speech in which he described Japan as a "Divine Nation headed by the Emperor". This echo of prewar nationalism stirred fears at home and abroad that senior Japanese politicians still subscribed to Shinto myths of a unique and racially superior Japan. Yet Mori today is an active participant in the ruling Liberal Democratic Party's "Diet Members' League for Promoting Exchanges of Foreign Human Resources" (Gaikoku Jinzai Koryu Suishin Giin Renmei), an awkwardly-named body whose mission is to promote mass immigration by making Japan a magnet for skilled workers from around the world. (Akashi and Ogawa 2008, 69)

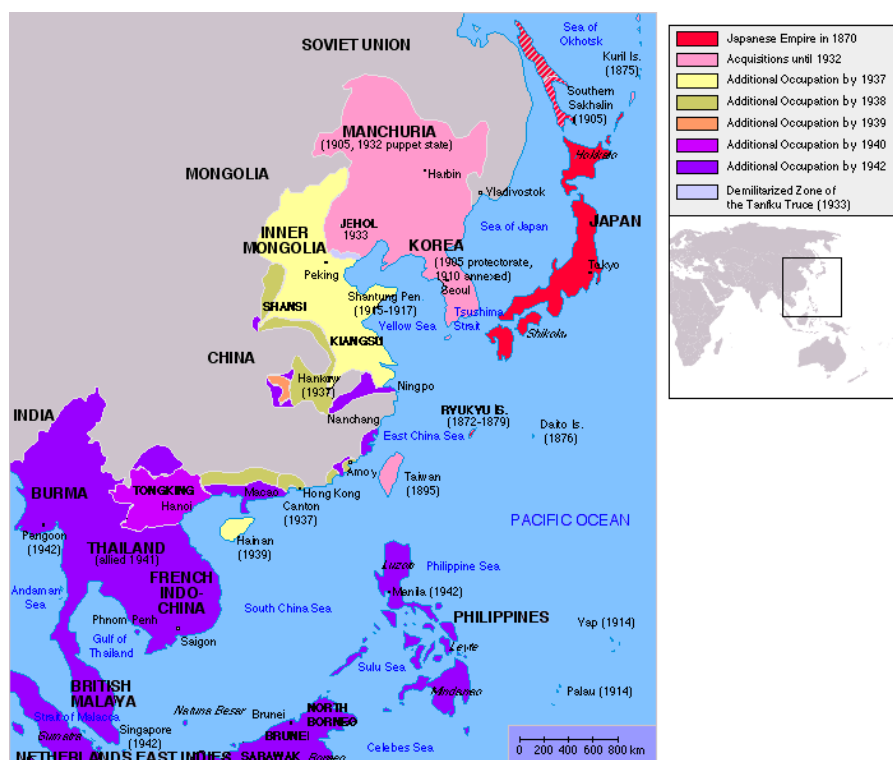
Mori's capacity to combine nostalgia for wartime nationalism with enthusiasm for boosting the number of foreigners in Japan is, however, perhaps not so odd after all. The inspiration for the activities of the Diet Members' League is a fear that a low birth rate and declining population will irrevocably damage Japan's power and prestige. For this reason, its members have given a friendly reception to the views of Sakanaka Hidenori, former head of Japan's Immigration Bureau, who advocates an expansion in the size of Japan's foreigner population to 10 million, or even maybe 20 million (ten times the current size) by the middle of this century, thus creating a "Big Japan" with enhanced global power and prestige. (Sakanaka 2005; Akashi and Ogawa 2008)

Public statements by the Diet Members' League are part of an intensifying debate in Japan about immigration and the place of foreigners in Japanese society. Against a background of impending population decline and global competition for skilled labour, the conventional battlelines of the migration debate are being redrawn. Now some conservative politicians are looking seriously at the need to revise social policies, and even to reform Japan's nationality law, in order to adapt to an age of higher migration. Meanwhile, leading members of the opposition Democratic Party have been debating a proposal to give local voting rights to foreign permanent residents: a proposal which Sakanaka firmly excludes from his vision of Big Japan, and which LDP politician Hirasawa Katsue describes as "the first step towards the loss of Japanese identity and the dissolution of the heart of the nation state". (Nishi Nihon Shimbun, 18 April 2008). Such political crosscurrents highlight a complex relationship between nationalism and internationalism, between belief in a "unique Japan" and in "coexistence [kyosei] with foreigners", and between nostalgia for the past and visions for the future.

### Colonial Origins

These controversies surrounding migration and nationality are deeply embedded in Japan's colonial history, just as current debates on multiculturalism and citizenship in Britain and France are deeply embedded in the history of the British and French Empires. The prewar past has a bearing on the present for several reasons. First, the policies pursued by Japanese governments in the first half of the twentieth century helped to determine the nature of the foreign presence in Japan today. Many Koreans in Japan are descendants of migrants from the colonial era. Many members of Japan's Brazilian and Peruvian communities, which together numbered over 370,000 in 2006, are descendants of those who emigrated in the first half of the twentieth century, often under schemes supported by the Japanese state as a means of strengthening their nation's social cohesion and international influence. (Immigration Bureau 2007, 18-19)

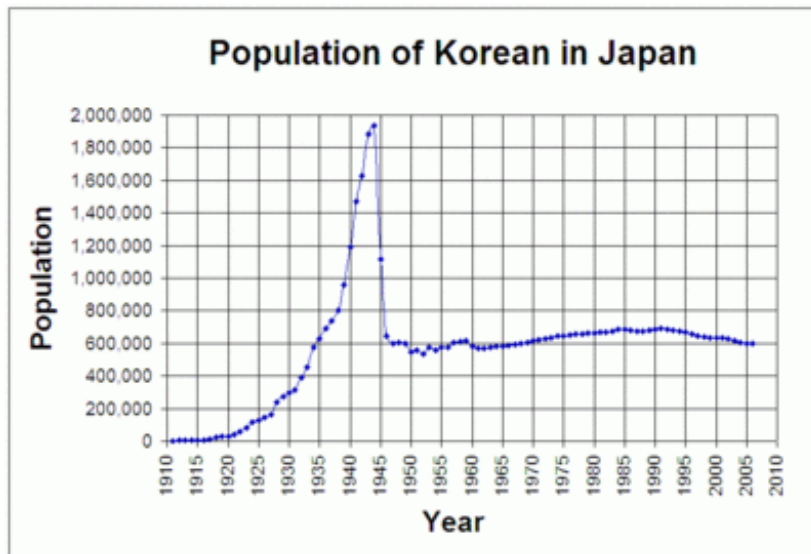
Second, the ideas that resurface in present-day debates have a lineage that goes back to the nineteenth and early twentieth centuries. The legal framework of Japanese nationality was first set in place at a time when the creation of the Japanese colonial empire was just beginning, and this framework was further refined and developed as the empire grew. The boundaries of nationality, subjecthood and citizenship were therefore dynamic and contested. They were also riven with paradoxes, many of which arose from a central contradiction: the need for the Empire to unite its diverse subjects into a single loyal body while simultaneously seeking to divide rulers and ruled into a hierarchy of groups with separate sets of rights. As the Japanese empire expanded during the Asia Pacific War, colonial subjects in Korea and Taiwan were encouraged to see themselves as part of the inner circles of a multiethnic Greater Asia Co-Prosperity Sphere [Dai ToA Kyoeiken], in which increasingly complex layers of rights and duties distinguished peoples of the metropolitan core, the formal colonies, quasi-colonies like Manchukuo and occupied areas. Identity, subjecthood, legal nationality and voting rights did not necessarily go together, and seldom coalesced into a single national heart.



Map showing stages of incorporation in

## Japanese Empire, 1870-1943

The age of colonial empires, like the present day, was a time of mass migrations, and the prewar Japanese empire was a space crossed by a complex web of movement. By 1932, there were estimated to be some 825,000 Japanese nationals living in foreign countries, Japan's mandated territories and the quasi-colony of Manchukuo, as well as about a million Japanese settlers in the colonial territories of Korea, Taiwan and Karafuto. (Allison 1934a) The number of foreigners in prewar and wartime Japan was relatively small - around 54,000 in 1930 and 39,000 in 1940. (Homusho Nyukoku Kanrikyoku 1964, 10) This figure, however, did not include the large number of Korean and Taiwanese colonial subjects who migrated to Japan particularly from the late 1920s onwards. By 1938 there were probably some 800,000 Korean residents in Japan - over 1% of the total population of metropolitan Japan [naichi], and by 1945 the number had exceeded two million. (Pak 1975, 9)



Around 42,000 Chinese labourers were also transported to Japan during the War, of whom some 31,000 were still in Japan at war's end. In addition, there were about 28,000 migrants from the Japanese colony of Taiwan in Japan, making a total Chinese population of almost 60,000 in 1945. (Vasisht 1997, 132) Japan's imperial expansion was also associated with other movements of people between colonial territories or across the frontiers of empire: mass emigration from Korea to Manchuria, for example, as well as a smaller flow of immigrants from China to the Japanese colony of Taiwan.

Migration was the lifeblood of empire, and those who governed the empire sought to maximise the economic and strategic benefits for cross-border movement while also controlling, channelling and filtering it so as to contain its subversive potential. The tools they devised for this purpose were often ingenious. Here I shall begin by using a comparison between the British and Japanese empires to clarify both commonalities and distinct features of the Japanese system. I shall then go on to look at the way in which prewar migrations challenged and sometimes shifted the boundaries of Japanese subjecthood and nationality, before concluding with some reflections on the implications of this history for the current migration and nationality debates.

### Imperial Subjects

"There are only two nations, East and West". This quotation, from no less an authority than Napoleon Bonaparte, forms the opening sentence of a discussion paper on imperial citizenship written in 1914 by the forum of British foreign affairs experts known as the Round Table. The document's authors go on to observe: "in this Napoleon's aphorism is essentially correct, that history has been for the most part a settling of accounts between East and West. The chief pieces have been those of Europe and Asia, and uncivilized races have occupied the position of pawns in the game". (Round Table 1914, 1) The Round Table's reflections on the evolution of the British Commonwealth, which they portrayed as "the highest development of political ideas typical of Europe", exposed the profound ambiguities and dilemmas of subjecthood and nationality in the colonial world. On the one hand, the might of an empire is demonstrated by the size of its population. From this point of view it is desirable to have an inclusive system of membership which defines all inhabitants as sharing a single nationality. On the other hand, it is necessary to justify the right of one section of the population to exercise control over others. Hence the tendency for most colonial empires to develop an increasingly sharp distinction between the formal status of nationality (shared by all or most inhabitants of the empire) and substantive citizenship (rights to participate in the political process, which were unequally distributed between colonisers and colonised.)

The Japanese model of colonialism is often likened to the assimilationist French model, which involved an extension of the metropolitan order to the colonies, and contrasted with the British model, which is seen as involving a higher degree of autonomy for local people. (See for example Tanaka 1984, 159) This distinction, however, seems too sharp. France, Britain and Japan all had highly complex imperial systems in which the strength of metropolitan control and the degree of assimilationism varied both between regions and over time, and Japan in fact borrowed and adapted eclectically from both French and British precedents.

The Japanese empire, interestingly enough, acquired its formal legal framework for nationality before the British Empire did. The first Japanese Nationality Act [kokuseki ho] was passed in 1899, and a local version of the Act was extended to the recently-acquired Japanese colony of Taiwan in the same year. When Japan acquired Taiwan in 1895, Taiwanese residents who did not wish to live under Japanese rule had been allowed two years to remove themselves and their property from the colony; those who remained were then deemed to be Japanese subjects. (Tanaka 1984, 156) In the case of subsequent colonial acquisitions, issues of citizenship were somewhat less clear-cut.

The colony of Karafuto was obtained from Russia in 1905 as part of the spoils of victory in the Russo-Japanese War, but it was only in 1924 that Karafuto obtained its local version of the Nationality Law (modelled closely on the 1899 Act). When Japan assumed control of Karafuto it allowed existing residents to leave the colony, taking their property with them, if they wished to do so. But in the case of Karafuto those who remained did not become Japanese subjects, but retained Russian nationality. In fact, the great majority of the pre-1905 population elected to return to Russia, the main exception being some 2000-3000 indigenous people (Ainu, Nivkh and Uilta). The status of these indigenous groups remained obscure for many years. It was only in 1932 that the colonial authorities officially recognised all Ainu inhabitants of Karafuto as Japanese subjects, and even after that other indigenous people continued to be treated separately, being enrolled in "native registers" [*dojin meibo*] rather than included in the standard family registration system. In Korea, which became a fully-fledged Japanese colony in 1910, local residents were deemed - automatically and without choice - to have become Japanese subjects, but a local version of the Nationality Law was never introduced, for reasons which we shall explore a little later.

Britain, on the other hand, did not acquire its first comprehensive nationality law until the passing of the 1914 Nationality and Status of Aliens Act. It is true that, in the British case, some important aspects of nationality had been dealt with by the Naturalisation Acts of 1844 and 1870, but the first of these explicitly did not apply to the colonies (which were allowed to have their own separate naturalisation laws), and the application of the 1870 law to the colonies was uncertain. (Parry 1957, 76-82) The Japanese law of 1899 and the British law of 1914 resembled each other in the sense that they both defined the people of the empire as "Imperial Subjects", rather than as "citizens", and that the status of an Imperial Subject was defined primarily in terms of allegiance to the Crown or Emperor. The greatest difference between the two systems, however, was that nationality in the British empire was based on the principle of *ius*

solī, which grants citizenship to anyone born in the nation or colony - in part a legacy of the fact that for long periods of British history a substantial proportion of the ruling class had been of foreign ancestry - while Japanese nationality was based on *ius sanguinis*, which grants citizenship based on ancestry.

In imperial systems, contrary to the theoretical ideals set out in many texts on citizenship, formal status as members of the Imperial community did not confer equal civic rights. In devising its systems for the rule of colonies, Japan was in fact strongly influenced by the British model of the Crown Colony, where political power rested mainly in the hands of a Governor General, advised by a small appointed council. (See for example Takekoshi 1907, 37-38) Imperial ideologues generally justified the inequalities of imperial subjects by means of ideas of social evolution, which they saw as imposing on "civilized" nations a duty of "trusteeship for the welfare of backward peoples". (Royal Institute of International Affairs 1937, 141) The members of the Round Table, reflecting on Britain's colony of India in 1914, wrote: "as a whole the East does not understand the conceptions nor have its people acquired the habit which make self-government possible. The gradual introduction of these customs and habits is a work which will take centuries of orderly government to complete". (Round Table 1914, 117) This view of the unequal evolution of different races was reflected in the complex subdivision of the empire into colonies where legislative power was vested in an appointed Governor alone, those where the Governor was advised by a partly appointed and partly elected legislative council, those with wholly elected legislative councils and those with their own systems of government which control most matters apart from external affairs.

The idea of social evolution also served as the justification for the inequality of civic rights within the Japanese empire. In 1918, for example, a government committee discussed the possibility of granting colonial subjects the right to elect members to the Japanese Diet, as well as the possibility of enforcing conscription in the colonies, but concluded that "the time had not yet come" for such measures. To justify its conclusions, it compared the colonies with the prefecture of Okinawa, which until 1879 had been the Ryūkyū Kingdom – an independent state, though one which paid tribute both to China and to the Japanese Domain of Satsuma – and had only gradually been incorporated into the Japanese nation. In Okinawa, conscription and voting rights had been introduced later than in other parts of Japan. (Tashiro 1974, 794)

These comments point to a second issue which, in addition to the question of representation, created particular complexities for nationality law in imperial systems: the question of military service. In traditional citizenship theory, the duty of military service is seen as being the obverse side of the rights of citizenship, and this relationship was very strongly emphasised in prewar Japanese writings on the subject. It seems clear that one of the main reasons for the maintenance of a firm distinction between subjects from overseas colonies [gaichi] and "mainland" Japanese [naichi] subjects in the Japanese system was a desire to exclude colonial peoples from conscription, on the grounds that they lacked the necessary loyalty to the state. (Tashiro 1974, 791) When all out war arrived, however, this ultimately proved untenable, and, after energetic recruitment of "volunteers", by the final stages of the Asia-Pacific War Japan found it necessary to introduce conscription in the colonies of Korea and Taiwan, and to link this with promises of increased civic rights (discussed below).

In the British Empire conscription was enforced only during the First World War and from 1939 to 1962. During the world wars, Britain relied massively on the recruitment of Commonwealth troops from Australia, Canada, New Zealand, India and elsewhere. In peacetime however, the issue in the British Empire was not one of excluding potentially "disloyal" colonial subjects from conscription, but rather one of identifying particular colonial groups (such as the Gurkhas) who provided potential sources for the recruitment of volunteer professional soldiers.

The British and Japanese colonial states, however, shared a concern with a third problem of imperial subjecthood: the problem of the movement of peoples. Since all inhabitants of the empire possessed the same nationality, they would theoretically appear to have had the right to migrate and settle anywhere within the empire, but in fact colonial powers had a very strong vested interest in controlling the movement of people: on the one hand, preventing migration to areas where they wished to maintain high wages and restrict ethnic diversity; on the other, encouraging the movement of people to areas with labour shortage. Although the underlying concerns were the same, the approach to this issue was different in the cases of Britain and Japan.

In the case of Japan, a single coherent framework was used to separate formal nationality from substantive citizenship: that is, to divide the rights and duties of subjects of the colonies [gaichi] from those of "Japanese proper" [naichi], and so to deal simultaneously with the questions of unequal civic rights and conscription, and with the problem of the potential intermingling of people from different parts of the empire. This framework was the *koseki* or family register system, which has been described as creating "states within a state". (Tashiro 1974, 795) In other words, while all colonial peoples possessed "Japanese nationality" - *Nihon kokuseki* - in terms of international law, they also had what might be termed a "regional citizenship" in terms of their family registration [koseki]. Each colony had its own family registration law, and people were not free to move their registration between one colony and another, or between the colonized "external territories" [gaichi] and "Japan proper" [naichi].

This system did not in itself prevent the movement of people between different parts of the empire, but it did ensure that (for example) colonial migrants to Japan were always distinguishable from the metropolitan population in terms of legal status. It also made it easier to draw up laws which discriminated between the rights of coloniser and colonised in the various overseas territories. In Korea and Taiwan, for example, separate school systems were established for local people (who had Korean or Taiwanese family registration) and for Japanese settlers (who, wherever they went in the empire, retained their naichi registration), though a small number of places in schools for settlers were reserved for socially elite or academically outstanding "colonials". (Tanaka 1984, 160) The description of the system as creating "states within a state" seems particularly appropriate because the rules for changing family registration precisely mirrored the rules for changing nationality. For example, in marriages between people with family registration in different regions of the empire, the wife acquired the family registration of her husband, just as, in marriages between people of Japanese and foreign nationality, the wife was assumed to take her husband's nationality.

In the British empire, there was no such comprehensive set of sub-systems to separate different categories of imperial subject. As Robert Huttenback has observed, "owing to its somewhat haphazard growth, the British Empire lacked the administrative and structural continuity apparent in more planned enterprises such as the French and German Empires". (Huttenback 1976, 22) During the 19th century, many settler colonies were given a substantial measure of self-rule (evolving from the status of "Crown Colony" to "Dominion"), and many went on to enact their own migration regulations. Before the Second World War, moreover, some colonies or former colonies (notably Canada, South Africa and Ireland) introduced nationality laws of their own, defining the rights and duties of the nationals of their particular territories, who nonetheless remained British subjects. Other colonies and Commonwealth countries like Australia, however, did not create their own separate nationalities until after 1945.

Within this complex structure, the interests of colonial governments and the metropolitan power did not always coincide. (Huttenback 1976) In the settler colonies, a key issue from the mid-19th century onward was the desire to control and limit the inflow of non-European immigrants, many of whom came from other parts of the Empire. The obvious way to do this was through the use of crudely racial classifications. In 1896, for example, New South Wales banned the entry of "all persons belonging to any coloured race inhabiting the Continent of Asia or the Continent of Africa, or any island adjacent thereto, or any island in the Pacific Ocean or Indian Ocean". (see Lake and Reynolds 2005, 144) However, this approach met with considerable resistance in Britain itself, in part because it evoked waves of protest in Britain's largest colony, India, and in part because it complicated relations with other countries, notably Japan.

The New South Wales legislation and race-based labour migration laws in Queensland drew heated protests from the Japanese government, which felt (as Secretary of State for the Colonies Joseph Chamberlain put it) particular distress that "Japan should be spoken of in formal documents, such as the colonial Acts, as if the Japanese were on the same level of morality and civilization as Chinese, or other less advanced populations of Asia". [2] It was in response to these sensitivities that in 1901 the newly federated Australia passed an Immigration Restriction Act which made no explicit mention of race, but instead required entrants to Australia to be able to demonstrate knowledge of a European language: a knowledge that would be confirmed through a dictation test administered by an immigration officer. This form of language and education test had been introduced in Natal four years earlier, and was therefore commonly known as the "Natal Formula". (Huttenback 1976, 141)

The real meaning of the test was very firmly spelled out in the lengthy confidential notes for Australian immigration officers, produced by the Federal Government to help them administer the law effectively. These carefully explain:

It is intended that the dictation tests shall be an absolute bar to admission. Officers will therefore take means to ascertain whether, in their opinion, the immigrant can write English. If it is thought that he can, the test must be dictated in some other European language, one with which the immigrant is not acquainted...

The dictation test is not to be applied to Japanese, Indians and Hong Kong Chinese, who are the holders of passports from their governments...

Officers will use their discretion when applying this law. Persons who are suffering from any serious physical incapacity, and who are without means, may be regarded as coming within its terms; but Europeans of sound bodily health, notwithstanding that they have no money, should not be so regarded, and are to be admitted without restriction. [3]

With the aid of such devices, by the beginning of the First World War, Australia, British Columbia and South Africa had all passed laws which, in one way or another, prevented the immigration of most non-Europeans.

In practice, then, the subjects of the Empire belonged to a multi-layered system, which served to ensure the inequality of rights and duties between different parts of the empire even as it sought to cement a shared identity as members of the imperial community. As one prewar study described the situation in the British Empire, "in conferring political rights the state may discriminate between various classes of subjects, and in many parts of the Empire it does in fact discriminate, particularly on racial and economic grounds." (Royal Institute of International Affairs 1937: 309)

### Japanese Emigrants and the "Dual Nationality Problem"

Nowadays nationality is often seen as being symbolised by the passport: the standardised ubiquitous prerequisite for international mobility. It is important to remember, though, that the contemporary form of multiple-use passport only gradually came into widespread use during the first half of the twentieth century. Emigrants leaving Japan in the late nineteenth century were expected to obtain official letters of permission, but frequent references to "illegal" or "unofficial" migrants suggest that many travelled without official documents. In the interwar period, Japanese travellers planning to go abroad generally had to obtain a new passport for each trip: only privileged categories (such as employees of major companies) could acquire passports for multiple journeys. On the other hand, a long-standing agreement with China ensured that throughout the 1920s and 1930s passport-free travel was possible in both directions between China and Japan. (Grew 1936) Restrictions on Chinese immigration were therefore enforced, less by the border controls with which we are familiar today, than by internal controls which made it difficult for Chinese migrants to obtain work or housing in Japan.

Even the very word *imin* - the Japanese term which covers both immigration and emigration - did not come into widespread use until the late nineteenth century. Before that, Japanese emigrés were often referred to by the term *dekaseginin* - "people who go out to earn money" - the same word which was used to describe seasonal labourers who left their home villages to seek work in other parts of Japan. (Hata 1970, 14-15) In other words, many of the ideas, rules and institutions which we now take for granted as marking the boundaries of national populations were only gradually developed through contact and friction with the modern world order. In this process, the Japanese state found itself confronting new and unforeseen problems relating to the definition of nationality.

The outflow of Japanese emigrants began on a small scale in the mid-1860s, and gathered pace after the Meiji Restoration of 1868. In that year, 148 Japanese went to Hawaii on labour contracts, while a further group of samurai from the defeated side in the Restoration struggle migrated to California. (Daniels 2006, 31; Dresner 2006, 53) Early Meiji emigrants were a diverse assortment of people including students officially sent overseas by the Japanese government, "pseudo-students" from less illustrious backgrounds who earned their keep while studying or enjoying the novelties of US or European society, sailors, itinerant entertainers and prostitutes. Few intended to settle permanently abroad: rather, they saw themselves as earning money or acquiring skills which would enable them to create a better life for themselves on their return to Japan. (Hata 1970; Ichioka 1988, 7-19) Official attitudes to this exodus varied. Some, like the famous westerniser Fukuzawa Yukichi, favoured the migration of Japanese geisha and prostitutes, whom he saw as potential pioneers of Japanese overseas expansion. From the mid-1880s to the mid-1890s, the Japanese government also encouraged the emigration of some 30,000 contract labourers to the plantations of Hawaii, since it saw this as a means of releasing social tensions caused by economic recession in Japan. (Daniels 2006, 31)

At the same time, however, other Japanese observers lamented the bad image of Japan projected by "undesirable elements". In the early twentieth century, attempts to regulate the behaviour of "undesirable" emigrants became linked to fears of rising anti-Japanese racism in the United States, Canada and elsewhere. But Japanese concern at the impact of emigration on national prestige predated by many years the emergence of anti-Japanese exclusion movements, and this suggests that the processes of emigration challenged the unspoken, and perhaps unconscious, images of Japanese nationality developed by bureaucrats and politicians in the course of Meiji period debates on the modern nation state.

The official image of "the Japanese national", in other words, was shaped not simply by ethno-racial preconceptions but also by preconceptions of gender, class and lifestyle. To the extent that they represented Japan to the world, emigrants were expected to represent a Japan which conformed to urban, middle-class ideologies of officialdom: they should embody the sober, frugal, hard-working values of a modernising Japan. Late nineteenth-century consular officials complained, not simply of emigrants who drank, gambled or engaged in prostitution, but also of those who made spectacles of themselves by going around the streets of foreign cities dressed in traditional Japanese garb. In the 1880s, for example, the Japanese consul in New York expressed particular horror at one Matsuda Kojiro, a sumo wrestler who insisted on dressing in quilted gown, obi sash and wooden clogs with supreme indifference to the fact that he "looked outlandish and indecent to the eyes of Americans". (Quoted in Hata 1970, 30)

By the beginning of the twentieth century, the nature of Japanese emigration had begun to change. The numbers of migrants were now much higher, running at around 10,000 a year in the early years of the century, and the majority of migrants were agricultural and other labourers from relatively poor rural regions of Japan, many of whom were recruited by labour contracting companies. The main destinations for migration at this stage were Hawaii, Canada and the United States, but in 1907 an agreement to encourage Japanese migration was reached with the state of Sao Paulo in Brazil, which was to become a major magnet for emigrants in the 1920s and early 1930s, and from the period of the First World War onwards emigration to Southeast Asia also began to expand rapidly.



Japanese migrants in Vancouver, 1892

By the end of the 1920s there were some 140,000 Japanese residents on the US mainland, around 134,000 in Hawaii, 130,000 in Brazil and about 30,000 in the Philippines, Malaya and the Dutch East Indies combined. (Garrels 1930, 4) As the geographical spread of Japanese emigration extended, so its social character also evolved. More and more migrants were now beginning to recognise that their departure from Japan was permanent, and Japanese community associations were beginning to establish schemes to help emigrants purchase land in their new home countries. (Ichioka 146-153)

In responding to these changes, Japanese bureaucrats continued to see the migrant in patriarchal terms, as a national liability whose behaviour was to be guided and controlled so as to present a favourable image of Japan to the outside world. The state, for example, took a very active role in regulating the "picture bride" system which proliferated in the United States as male Japanese emigrés to America sought wives from home. Under this system, emigrant men sent photographs and details of their lives to friends or relatives in Japan, who selected a bride for them. The marriage ceremony took place in Japan, with the bridegroom in absentia, and the bride then obtained permission to join her husband overseas.



Picture brides

The Japanese government sanctioned the system until 1920, when public criticism in the US caused them to suspend the issuing of passports to "picture brides" bound for America. It also took it upon itself to intervene in many aspects of the marriage arrangements. Ordinary labourers were ineligible to sponsor "picture brides" until 1915, and thereafter were given permission only if they could prove that they had savings of over \$800. Women had to enter their names into their prospective husband's family register six months before applying for a passport. They could not be more than thirteen years younger than their husband, and had to submit to rigorous health examinations before leaving Japan. (Ichioka 1988, 166-167)

Regulations like these were inspired by two distinct motives. On the one hand, they demonstrated a genuine if paternalistic concern to protect women from abusive husbands, but at the same time they were also clearly designed to protect the public image of the Japanese citizen by imposing an official model of proper marital relationships. A similar mixture of motives also prompted the passing of the 1896 "Migrants' Protection Act" [Imin Hogo Ho] whose main aim was to control the activities of the Japanese labour contracting firms which were responsible for recruiting a large proportion of Japanese emigrants. Labour contracting companies were required to post a bond and obtain a licence from the government, to draw up written contracts with the workers they recruited and to take responsibility for helping sick or indigent workers return to Japan. At the same time, emigrants who were not recruited by contracting companies were obliged to name two guarantors who would assist them if they ran into difficulties overseas. (Ichioka 1988, 47-48)



Labor contractors in Vancouver

The Act marked a new stage in the history of an extremely close relationship between the Japanese state and migrant recruiting companies. In 1917 the government again intervened to force the forty or so existing labour contractors to merge into a single firm: the Overseas Development Company [Kaigai Kogyo Kaisha], and from 1921 onwards the company was supported by annual government subsidies. (Allison 1934a, 5-6) The symbiotic relationship between state and labour recruiters is well illustrated by the case of Japanese migration to Brazil. During the first quarter of the twentieth century, increasing hostility to Asian immigration in the United States and Canada led to growing restrictions on the inflow of Japanese workers, and in 1924 America's racially discriminatory Immigration Act put an end to labour migration from Japan to the USA.

American exclusionism, coming at a time of considerable economic distress in rural Japan, encouraged migrants and government officials to look for other destinations. In 1927-1928 the Japanese government drew up a colonisation plan with the Brazilian government, the local administration of the Sao Paulo region and three large Japanese companies: the Overseas Development Co., the Osaka Steamship Co. and the partly state-owned Oriental Development Co. [Toyo Takushoku Kaisha]. Under this plan, migrants were recruited particularly from the poorer rural districts of southwestern Japan - including Kumamoto and Fukuoka Prefectures, as well as Hokkaido and Okinawa - to work on Brazilian coffee and cotton plantations and silk farms, some of which were directly owned by the Overseas Development Company. (Suzuki 1969, 172; McClintock 1933)

Both sending and receiving ends of the migration process were carefully regulated. Migrants who signed up with the Overseas Development Company were usually transported to Kobe, where they spent a week or ten days in the Kobe Emigrants' Hostel, opened in 1928. Here they were given health checks and vaccinations and their personal possessions were disinfected. The hostel also provided classes in Portuguese, sewing, hygiene and physical education, and lectures on religious, social and agricultural conditions in Brazil. Once their processing was complete, the migrants embarked on a long and circuitous voyage to South America via China, Singapore, Ceylon, Mombassa and Cape Town - a route determined by the commercial considerations of the Osaka Steamship Company, which picked up and unloaded cargo along the way. The ¥200 fare per emigrant was wholly paid by the Japanese government, and in 1933 the Osaka Steamship Company was said to have earned a revenue of ¥2.7 million from the transport of migrants to Brazil. (McClintock 1933, 14-16)

When they arrived at the port of Santos in Brazil, migrants were met by a representative of the Overseas Development Company, who arranged their transport to the plantations where they were to be employed. Labour contracts bound them to work for the plantation, often for six years but sometimes for as long as ten, but in the meanwhile most hoped to save enough money to acquire their own smallholding or market garden. (Konno and Fujisaki 1994, 62-63) As the US Vice-Consul in Kobe observed, after a visit to the Kobe Emigrants' Hostel, "the Japanese emigrant to Brazil takes with him a very slender store of the world's goods: bedding, a few extra kimonos and a thin suit, some pots and pans and a great deal of optimism." (McClintock 1933, 14)

As migrants settled into their new lives, and as the second generation of overseas Japanese was born, the government faced new problems of defining the boundaries of Japanese nationality. The 1899 Nationality Law had envisaged that Japanese nationals who became naturalised citizens of foreign countries would lose their Japanese nationality. This, in fact, was not relevant to migrants to the United States because racially discriminatory pre-war US citizenship regulations limited naturalisation to "free white persons" and descendants of slaves. (Ichioka 1988, 1) First-generation Asian immigrants were therefore denied the right to naturalisation. Under the *ius soli* system of citizenship, the children of Japanese migrants, if born on US soil, did automatically have a right to US nationality. However, Japan's Nationality Law stipulated only that people who became naturalised citizens of foreign countries would lose their Japanese nationality, but contained no provision for people born overseas to renounce that nationality.

As the number of second generation migrants grew, this issue became a growing problem. For one thing, it meant that the overseas-born children of Japanese migrants were liable to conscription if they returned to Japan; for another, it fuelled fears amongst host populations that Japanese migrants would never become wholly reliable citizens of their new homeland, but would always retain a prior loyalty to Japan. From around 1910 onwards, with a rising tide of anti-Japanese sentiment in North America, the question of dual nationality became a topic of increasing debate both within Japan and amongst Japanese communities overseas, and Japanese emigré groups began to lobby the government for a change in the law. (See for example Yoshida 1913).

The response was at first a cautious one: in 1916, the Nationality Law was amended to allow second generation emigrants to renounce Japanese citizenship, although adult males could only do so after they had completed compulsory military service. This was followed, however, by a more fundamental reform, introduced in 1924, which made it necessary for children born in *ius soli* nations (specified as the USA, Argentina, Brazil, Canada, Chile and Peru) to be registered with the Japanese consulate within two weeks of their birth if they were to retain Japanese citizenship. These changes helped to clarify the boundaries of Japanese belonging, but, perhaps predictably, they failed to silence anti-Japanese sentiments amongst some sections of the US population, since these sentiments were based much more on racial stereotypes and fears of economic competition than they were on legal realities. In the mid-1930s V. S. McClatchy, the Executive Secretary of the exclusionist California Joint Immigration Committee, was still complaining that “only” one-third of the Japanese born in Hawaii since the revision of the law had chosen to renounce their Japanese citizenship. (McClatchy 1936)

### Colonial Migrants in Japan

The response of the Japanese government to the emigrant issue reveals deep ambiguities in the official attitude to nationality. At one level, there was a profound mistrust of the notion of dual nationality, which was seen as creating administrative untidiness and potential conflicts of loyalty. But at another, the government wished as far as possible to retain some hold over the conduct of emigrants, and was therefore reluctant to do anything to encourage overseas Japanese to renounce their original citizenship. But if the status of emigrants created complexities, the status of Japan’s colonial citizens was even more fraught with paradoxes, inconsistencies and expediencies.

In relation to the world order - the realms beyond the boundaries of the Japanese empire itself - colonial subjects were Japanese. If they lived abroad (like the substantial number of Koreans who migrated to Latin America), they were expected to register with the Japanese Consulate as did all other Japanese citizens; if they competed in the Olympics (like the Korean marathon gold medalist Son Kitei), they competed for the Japanese team. But within the bounds of the empire itself, a quite different set of distinctions came into play. Here, colonial subjects were holders of “external territory family registration” [*gaichi koseki*] as opposed to “internal territory family registration” [*naichi koseki*] - a status which could only be changed in the most exceptional of circumstances. As such, their rights and duties, as well as the regulations covering the recording of their births, marriages and deaths, were governed by the local rules of the colony (Korea, Taiwan etc.) rather than by the rule of metropolitan Japan. The bureaucratic tangles created by this dual system of belonging are vividly illustrated by the handbooks of case law issued in the pre-war period to guide courts and officials through the maze of the family registration system.

What should be done (asks one bewildered official) when a Japanese woman has married a Korean man in Japan, and registered her marriage correctly under metropolitan Japanese law, but the head of the husband’s family has not consented to the marriage, which makes the marriage invalid under colonial Korean regulations? Could an official in Japan take responsibility for entering an illegitimate child, born in Japan to a Taiwanese man and a Japanese woman, into the father’s Taiwanese family registry? When a Korean man (who was born before Korea became a colony) was adopted as an heir by a Japanese family, should his date of birth be entered into the Japanese family register according to the traditional Korean dating system or according to the Japanese system? (Sakamoto 1938, 62-63)

These, and dozens of similar cases, remind us that despite the discrimination which permeated the colonial order, the movement of people through the empire constantly created human complexities, hybridities and blurred boundaries. In theory, colonial subjects enjoyed the legal right to enter Japan but (because of the immobility of family registration) not to equal legal status within metropolitan Japanese society. In practice, however, the state used a variety of mechanisms to control the flow of migration: at some times, restricting the flow of migrants into Japan; at others, conscripting labour for work in Japan or other parts of the empire. In Korea, the agricultural policies introduced by the colonial government created a widening divide between large and small farmers, and produced a growing problem of rural poverty which drove many Koreans to seek work in the industrial cities of Japan. During the 1920s, the Korean population in Japan expanded rapidly, from around 30,000 to some 300,000, and the government was beginning to introduce measures to stem the migratory tide. Koreans travelling to Japan began to be required to obtain “embarkation certificates” from the police in their home regions, and these were only issued when the migrants could prove that they had sufficient means to support themselves, or relatives in Japan who could help them find accommodation and work.

By the late 1930s, though, the situation had shifted again. The escalating war in China led to growing demand for labour in mines, armament factories and heavy industry, particularly as increasing numbers of Japanese workers were drafted into the armed forces. To fill the gap, Japanese companies and government turned increasingly to colonial Korea. The forced labour [*kyosei renko*] system introduced during the war years consisted in fact of a complex and changing maze of ordinances allowing colonial authorities to recruit workers with varying degrees of coercion.

Under the Labour Mobilization Laws of 1939, companies were able to recruit labour in the colonies; under a revised scheme initiated in 1942, they submitted requests to the appropriate government authorities, who then vetted them and passed on “quotas” for labour recruitment to colonial officials in various regions of Korea. How these officials fulfilled their quotas was very much a matter for local discretion, but might include anything from financial inducements, to threats and promises, to outright force. A direct system of labour conscription was introduced in 1944. (Pak 1975, 14) Similar methods were used (though on a somewhat smaller scale) to recruit labourers from Manchuria and North China, and prisoners-of-war from China were also sent to work in Japan (Vasishth 1997, 130-131; Sugihara 2002) Most notoriously, a combination of deception and threats was in many cases used to recruit women for employment in military brothels during the Pacific War: about 80% of women conscripted into military prostitution are believed to have come from Korea.



Chinese plaintiffs enter Nagasaki court to demand payment for wartime forced labor, 2004

The lives of colonial migrants to Japan varied greatly according to their social circumstances. Migrant or conscript labourers generally faced extremely harsh working conditions and received far lower wages than their Japanese counterparts. Forced labourers in the mines and military-related industries were often held as virtual prisoners, and risked death if they tried to escape. (Underwood 2006) On the other hand, the substantial numbers of colonial subjects who came to Japan to complete their university education were often able to associate relatively easily with members of the Japanese intellectual elite, despite the underlying inequities of the colonial order. It should be remembered, too, that migrants were not wholly devoid of civil rights. In 1918, during a debate on the

legal systems of the colonies, a number of Japanese parliamentarians raised the question of the voting rights of Taiwanese and Korean residents in Japan. The Japanese electoral law was not based on the family registration system but rather bestowed the franchise on all "male imperial subjects" who lived in Japan proper and (until 1925) who paid more than a specified amount of tax. In 1920 the Ministry of the Interior issued an administrative ordinance making it clear that this included "male imperial subjects" from the colonies living in metropolitan Japan. At that stage, the ruling was almost entirely academic, since hardly any colonial migrants were wealthy enough to qualify for the vote under Japan's property-based franchise. (Matsuda 1995, 21-25)

The story changed, however, after 1925, when universal male suffrage was introduced. A growing number of Korean and Taiwanese migrants to Japan registered to vote, and in the 1932 general election twelve Korean candidates stood for the Japanese parliament, of whom one - Pak Chunkim, from the Tokyo constituency of Honjo-Fukagawa - was elected. (Matsuda 1995, 102) The inclusion of colonial migrants in the Japanese franchise, however, was not a simple victory for civic rights. For one thing, the proportion of immigrants who enrolled to vote remained very low, in part because the franchise was restricted to males over 25 those who had lived in the same constituency for at least one year. As a result, the total number of Korean residents enrolled to vote in 1936 was a mere 41,829. (Matsuda 1995, 37) Besides, the Korean migrants who became active participants in domestic Japanese politics were drawn from the relatively small pro-Japanese group who believed that cooperation with colonialism was the best means of winning concessions from the colonisers. They failed to gain support from those sections of the politically-aware migrant community who saw their only hope for the future as lying in the struggle for independence.

Throughout the 1920s, 1930s and early 1940s there were intermittent debates on the desirability of extending some form of voting rights to colonial subjects, not just in metropolitan Japan but also in the colonies. These, however, came to nothing until the very last months of the Pacific War. At this stage, the desperate military situation persuaded the Japanese government that it was necessary to introduce military conscription for colonial subjects. As compensation for this new civic duty, it was also proposed that the franchise should be extended to the colonised areas of Korea, Taiwan and Karafuto, who would be allowed to elect (respectively) twenty-three, five and three members to the Japanese Lower House. Even this concession, however, was heavily hedged around with qualifications. The colonial franchise, unlike that for Japanese, would be restricted to men who paid more than 15 yen in direct taxes, thus excluding a large proportion of tenant farmers and workers. In any event, the electoral reform, which was passed in May 1945, was too late to have any practical effect. Before an election could be held under the revised system, Japan had surrendered to the Allied forces. (Tanaka 1984, 162)

### **Across Imperial Boundaries**

The creation of the Japanese empire did not simply result in an outflow of Japanese administrators and settlers to the colonies and an inflow of colonial migrant workers into Japan. Instead, it produced much more complex cross-currents whose consequences (in some cases) are still being felt today. Like all modern empires, Japanese colonialism created a multi-layered structure in which the colonised might also participate in the processes of colonisation. In the British empire, many Irish colonial subjects sought escape from poverty at home by serving in the imperial army in India. In the Japanese case, Okinawans formed a disproportionately large part of the Japanese settler population in Taiwan and the Micronesian Mandated Territories (though as a group they faced the prejudices of colonists from other parts of Japan). Some Taiwanese and Koreans, in turn, volunteered for service with the Japanese army or served as auxiliaries with the Japanese occupation forces in wartime Southeast Asia.

In the interwar period, the tight restrictions which prevented the migration of foreign labourers (other than colonial subjects) into metropolitan Japan were not necessarily applied in the colonies. In Taiwan, for example, a more flexible set of regulations allowed a fair amount of coming and going between the island and the Chinese mainland during the 1920s. Labour contractors based in Taiwan were authorised by the Government General to recruit Chinese labour for work in plantations and other colonial projects, and Chinese labourers were allowed to enter the colony provided that they had a certificate issued by one of these agencies. In 1924, for example, some 6,800 Chinese labourers and 3,000 other Chinese were admitted to Taiwan. (De Vault 1925) A similar situation existed in the northern colony of Karafuto, where the colonial authorities repeatedly complained of a shortage of labour for development purposes. Apart from the small indigenous population and a few hundred remaining ethnic Russians, the great majority of the colony's population was made up of settlers from Japan (particularly from Hokkaido and northern Honshu. Yet, because of the harsh climate and tough frontier reputation of the colony, the government had difficulty in attracting migrants to Karafuto. Initially, the population expanded rapidly, from around 12,000 in 1908 to almost 100,000 in 1920, but thereafter the pace of expansion slowed. (Karafuto Cho 1973, 86-90) By the 1930s, the population was around 300,000, but officials and entrepreneurs were finding it almost impossible to recruit enough Japanese workers for some of the most arduous labouring tasks in the colony.

The most intractable problem was railway construction: particularly the building of a railway line through the rugged mountainous interior of the island, linking the colonial capital of Toyohara in the east with the west-coast port of Maoka. This project, which was completed in 1928, involved particularly atrocious working conditions, and many labourers died as a result of the extreme cold, landslides, rockfalls and tunnel collapses. Here again, as in Taiwan, the colonial authorities chose to supplement an inadequate Japanese workforce with Chinese labourers, who were recruited by contracting companies for very low wages. An uncertain number of Chinese, but probably several thousand, were brought to Karafuto to work on the railway in the mid-1920s, although tensions with the Japanese workforce eventually led to the abandonment of the labour recruitment scheme. (Karafuto Cho 1973, 1245; Karafuto Cho Keisatsu Bu 1990, 391-393)

In the 1930s, though, and particularly from the late 1930s onwards, growing numbers of Korean workers were recruited to supplement the Karafuto labour force. By 1929 there were over 4,000 Koreans in Karafuto, many of them employed in the colony's coal mines, and after the outbreak of full-scale war in China in 1937 the number soared. The precise number of Korean workers brought to Karafuto during the war is unknown, but it is thought to have reached a peak of around 50,000 - well over 10% of the colony's population, before declining slightly in the final months of the war as workers were transferred to metropolitan Japan. The first postwar census conducted after the Soviet Union gained control of Japanese Karafuto [now re-incorporated into the Russian region of Sakhalin] found that there were 23,498 Korean residents (15,356 men and 8,142 women). However, this figure is almost certainly an underestimate, since just six years later the census of 1951 counted 42,900 Koreans in Sakhalin. (Kuzin 1993, 200-201)

The postwar Japanese government and the allied occupation authorities in Japan moved fairly quickly to repatriate ethnic Japanese from the colony, but no efforts were made to evacuate the Koreans, despite the fact that, until the Treaty of San Francisco came into effect in 1952, they were still "Japanese nationals" under international law. (Hirowatari 1993, 101) Apart from a few who managed to flee in the immediate post-surrender confusion, most remained stranded in Sakhalin. Today there are some 40,000 Korean residents in Sakhalin, some still seeking to return to the Korean homes and families which they left more than fifty years ago in the belief that they were going abroad to fulfil a one-year or two-year contract. It was only in 1992 that the Japanese and South Korean governments finally agreed to contribute to a scheme under which some of the first generation of Sakhalin Koreans were able to return home. (Underwood 2007)

In the 1920s and early 1930s, however, the largest and most controversial migratory movement was the exodus of Koreans into Manchuria and North China. Korea and the adjacent Chinese region of Chientao (Jiandao) had ancient historical connections, and there were already over 200,000 Koreans living in the region when Korea became a Japanese colony in 1910. (Park 2005, 44) During the following two decades, rural poverty in Korea not only encouraged large-scale labour migration to Japan, but also prompted a massive flow of landless farmers from Korea into Manchuria. According to one estimate, by the early 1920s there were half a million Koreans in Manchuria, the Tumen Region and Eastern Inner Mongolia, as compared with just 2,000 metropolitan Japanese. (Hsu 1932, 142) By 1935, the number of Koreans in Manchuria had exceeded 800,000, and by 1942 it had reached about 1.5 million. (Park 2005, 44) For these migrants, the difficulties of adjusting to a new life in a harsh environment were aggravated by their uncertain nationality status. In many cases, they faced discrimination from Chinese authorities because they were "aliens". Tensions between immigrants and local people were reflected in conflicts like the Wanpaoshan (Manbosan) Incident of 1931, where Korean tenant farmers in Manchuria clashed with Chinese landowners: an event which sparked subsequent anti-Chinese riots in Korea.

If Korean migrants to Manchuria attempted to solve their problems by becoming naturalised Chinese, or later Manchukuo, citizens, however, they encountered a new problem. The Japanese government, which had substantial economic and strategic interests in Manchuria, wanted to enhance its claims to a presence in the region. It therefore continued to regard all Koreans in Manchuria as Japanese subjects, required them to maintain their Korean family



residence, and insisted on the right for its consular representatives to attend court cases involving the migrants. (Hsu 1932, 143; Shinobu 1932, 286-287) Statements by Japanese legal experts, in fact, suggest that the desire to maintain a claim over this emigrant group was a major reason for the failure of the Japanese government to officially extend the provisions of the Nationality Law to Korea: since the 1899 law made it clear that Japanese subjects who took up foreign nationality would lose their Japanese nationality, its application to Korea would have made it all too easy for the emigrants to transfer their allegiance to China. (see Shinobu 1932, 286-287) Many Koreans in Manchuria thus acquired dual nationality, but as Park Hyun Ok observes, this dual nationality "represented the incompatibility of national membership in the Korean and Manchukuo states rather than enjoyment of membership in both." (Park 2005, 137)

## Legacies

In a new age of global movement, some of the underlying paradoxes of the imperial age appear to be resurfacing. Once again, the economic imperatives promoting large-scale migration interact in complex ways with the political impulse to control, channel and screen, separating "desirable" from "undesirable" and creating multiple categories of residents with hierarchies of political rights. The dictation test is long dead, but the British government increasingly uses language tests in selecting migrants, and has even threatened to exclude immigrant spouses who cannot pass an English test. Both Britain and Australia, meanwhile, have recently introduced citizenship tests, based on multiple-choice questions about national culture, for those seeking naturalisation. Though more sensitive and subtle in their operation than colonial era antecedents, such "cultural literacy tests" perform a similar function – screening out those considered undesirable in terms of class and culture, and reassuring existing citizens that the walls surrounding their nation state are robustly guarded. And, like the dictation tests of old, the content of such tests can be carefully adjusted to open doors to certain categories of migrant while closing doors to others.

In Japan too, the history of migration and nationality in the prewar Japanese Empire has an important bearing on contemporary politics. The multiple and intersecting movements of people across the space of empire had lasting implications for Japan and for East Asian society more generally. Today, for example, the return migration of ethnic Koreans from Manchuria and China is transforming the social make up of some urban communities in South Korea. Official figures of "Chinese immigrants" in Japan also include an unknown number of ethnic Koreans from the region that was once Manchukuo. (Kwon, Miyajima, Tanigawa and Lee 2006) Efforts by Koreans from Sakhalin to return to Korea continue to generate political controversy. Though a scheme has been established by the South Korean and Japanese governments to assist the return of some first-generation Sakhalin Koreans, this is limited in scope and fails to fully satisfy demands for resettlement and recompense. (Underwood 2007)

The institutional legacies are equally profound. Debates on local voting rights for foreigners in Japan today often overlook the fact that Korean and Taiwanese men in Japan had voting rights from the Taisho period until 1945, and that these were unilaterally rescinded by the Japanese government in December 1945, at the very moment when Japanese women were given the vote. This disenfranchisement occurred at a time when the long-term nationality status of Korean and Taiwanese residents in Japan still remained to be settled. Despite insistence from some legal advisers to the Allied Occupation that former colonial subjects in Japan should be given a choice of nationalities, when the San Francisco Peace Treaty came into force in 1952 the Japanese government unilaterally revoked these residents' claim to Japanese nationality. (Kim 1997) These events still cast a shadow over current debates about the legal rights of the 440,000 descendants of colonial period migrants [4] who still live as foreigners in Japan today, and over the identity and cultural rights of the hundreds of thousands more who have obtained Japanese nationality by naturalization. Meanwhile, the issues of dual nationality which surfaced in the 1920s and 1930s also have echoes for twenty-first century Japan. For Japan, the challenge will be to devise responses to the new age of mobility which will overcome the remaining troubled legacies of colonialism, and create a secure basis of civil and social rights for foreigners, old and new.

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## Notes

[1] Holders of Special Permanent Residence (*tokubetsu eijosha*) are colonial-period immigrants and their descendants, who are treated differently from others because colonial period immigrants were Japanese subjects when they moved to Japan, and were only turned into "aliens" by an administrative fiat of the Japanese government at the time when the San Francisco Peace Treaty came into force in 1952.

[2] Dispatch from Chamberlain, 20 October 1897, in Australian National Archives, series no A8/1, control symbol 1902/51 Part 6.

[3] "Immigration Restriction Acts 1901 and 1905, Notes for the Guidance of Officers", in Australian National Archives, series no A1/15, control symbol 1922/7119.

[4] In 2006 there were 443,044 holders of "Special Permanent Residence", the status given to colonial period migrants, mostly from Korea, and their descendants. See Immigration Bureau, [Immigration Control 2007](#).

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