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Development of National Migration Regimes: Japan in Comparative Perspective

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Abstract:

This paper offers three linked arguments. First, it argues that Japan alone amongst the industrialized democracies avoided importing guestworkers for decades due to the legacies in its experience of decolonization. The rapidity and abruptness of decolonization in Japan led to an extremely rigid entry control policy, which was closed to economic concerns. Second, the paper argues that the comparative study of immigration politics is ripe for the development of a theoretically grounded typology based on the institutional logics embedded in national migration regimes. Three ideal types are proposed: (1) decolonization (or post-colonial) regimes; (2) demographic regimes; and (3) economic (labor-market) regimes. The third argument is that "convergence" between national migration regimes exists in the layering of logics. That is, over time, most states have moved from regimes that are closer to one of the three ideal types to regimes that layer, or mix, multiple regimes.

Comparative studies of immigration politics usually begin with typologies. Gary Freeman outlines three categories of immigration experience amongst the "western democracies": (1) English-speaking settler societies founded by European emigrants; (2) countries of western Europe that experienced mass immigration after WWII; and (3) southern European countries that only transitioned to receiving societies since the late 1980s (Freeman 1997). Christian Joppke chooses his three cases of the United States, Germany and Great Britain because, he claims, they are representative of three types of nationhood: respectively, settler nation, ethnic nation, and a "paradoxical dual existence as nation-state and empire" (Joppke 1999). Cornelius, et. al., organize the cases – not all from the west – in their comparative study into (1) countries of immigration, (2) reluctant countries of immigration, and (3) recent countries of immigration (Cornelius, Martin, and Hollifield 1994; Cornelius et al. 2004).

Each typology is essentially descriptive in nature. Each suggests a theoretical emphasis in explaining immigration policies, but in each case the suggestion is imperfectly realized. Freeman's typology mixes timing of mass migration flows with region and language. Cornelius et. al. seem to emphasize national rhetoric, but their third category falls back upon timing. Joppke identifies nationhood as the primary factor, but as he develops his explanations for differences between entry control and incorporation policies in his narrative account of each case, he privileges state structures over national identity. His nationhood distinctions actually refer to differences in the degree to which policymakers "wanted" immigration. Ultimately, Joppke's typology also rests upon post-hoc description, not causal claims.

The goal of this paper is to move the study of comparative immigration politics towards a typology derived from our theoretical claims about what drives immigration politics and policy, and away from description. Descriptive categories have their place; however, they can become a distraction if they are mistaken for causal claims. For example, we are not getting very far in our understanding of immigration politics if we try to explain that the reason why nation-states that have more liberal entry control policies have them is because they accept immigration as a legitimate process. The reasoning is circular.

The peculiarities of Japanese immigration politics highlight the limits of prevailing typologies. Japan is clearly a liberal democracy; it began receiving significant migration flows only in the 1980s, after a four-decade cessation. Descriptively speaking, Japan surely fits within Cornelius et. al's "recent countries of immigration" category. But placing it there does not yield an explanation of why Japan is different. The other countries in the category share the experience of recent achievement of economic power and vitality: Japan reached that status much sooner. Efforts to place Japanese immigration politics within a comparative perspective must explain the puzzle of Japan having avoided using foreign migrants to supplement their labor markets during the years of rapid economic growth. Where other of the world's largest economies – including Germany, France, and the United States – have all imported foreign labor during periods of rapid economic growth and tight labor markets, Japan has a long history of sidestepping such policies. Why have Japanese policymakers been immune to the pressures that Gary Freeman neatly outlines as the source of "broadly expansionist and inclusive" entry control policies adopted by other liberal democracies (Freeman 1995)?

Two alternative arguments would seem to allow comparativists to move beyond this puzzle of Japanese exceptionalism with "obvious" answers. First, it is reasonable to assume that Japanese policymakers did not face the same economic pressures as did their counterparts in North America and western Europe. Second, some may assume that Japan's notorious reputation of xenophobia and racism constitutes a sufficient explanation for the absence of guestworker-type programs. This paper demonstrates that these arguments do not solve the puzzle. Instead, I will argue that the answer is to be found in the abrupt end of the Japanese empire with the loss of World War II and the specificities of the new migration regime created in its wake. The condition of decolonization has mattered more in the history of Japanese immigration politics than economic conditions have. Policies adopted to deal with the very particular issue of how to handle former colonial subjects who remained in Japan following the war were institutionalized legislatively and bureaucratically. The

institutions created had the unanticipated legacy of foreclosing the possibility of labor importation. The policies designed to control colonial subjects gave particular actors privileged access to immigration policy. Moreover, those policies and the actors involved in them created shared but often unacknowledged understandings, which became the basis for how policymakers would and could see other problems in the future. In sum, an historical institutionalist argument is required to understand the Japanese case.

Randall Hansen is the leading voice in the scholarship of immigration politics arguing the case for path-dependent analyses that pay attention to the long-term consequences of earlier policies (Hansen 2000; Hansen 2002; Hansen 2003). Hansen convincingly shows how the rise of multi-ethnic populations in western Europe was an unintended result of colonialism in the case of Britain and France, and guilt over World War II in Germany. Theoretically, his most important contribution is to point to the "larger causal story…about decolonization, European reconstruction, and postwar labor shortages" as providing the initial conditions shaping the policies that have had such momentous effects (Hansen 2002). What is needed now is a better comparative understanding of how those causal forces became institutionalized differently in different settings. Why was decolonization a force leading to more immigration in Britain and France, but to less immigration in Japan? Returning to the question opening the paper, why were the labor shortages and postwar economic reconstruction in Europe eased with recourse to migrant workers, but not in Japan? What kind of generalizations can be made, after all, if each country's future policies are shaped by those that have come before?

The answer rests with a return to the method of Weberian ideal types, which have long been used as the basis of comparative historical analysis (Gerth and Mills 1946 [1958]). The concept of a national migration regime should be the basis for our typology. For path-dependent analyses to do anything more than reaffirm the truism that history matters, they must specify the mechanisms which allow for earlier decisions to cast long legacies (Hansen 2000). The concept of regime describes the mechanisms (Fitzgerald 1996). National migration regimes comprise the separate actors with expertise about immigration-related issues and privileged access to decision making procedures, the networks between such actors, the laws and regulations already enacted, and the rhetoric around immigration issues. Regimes originate at specific points in time; their content reflects the pressing problems being dealt with at that moment (Pierson 2000; Pierson 2000; Pierson 2000). Ideal types of national migration regimes, then, should focus upon the factors that frame the understanding of the problems that give rise to the "solutions" that generate path-dependent effects.

The accumulated knowledge of many case studies suggests several factors most frequently affect policymakers crafting immigration policies anew: demographic pressures, economic pressures, and decolonization pressures have been the most important.[1] Because the solution for the puzzle of Japanese immigration politics rests upon decolonization pressures, the ideal-typical category of "decolonizing regime" will be elaborated most fully in this paper; however, the conclusion will comment upon the additional categories which seem necessary for a comprehensive typology.

Economic forces and labor importation

In order to sort out the conflicting influence of decolonization on entry control policies, this paper will consider the national experiences of the major European colonial powers: Belgium, France, the Netherlands, and the United Kingdom. Germany provides a contrasting case of a non-colonial power, and thus a kind of control upon the effects of rapid economic growth in the industrial democracies.

All of the five European countries discussed in this paper experimented with importating labor across national boundaries in the first decade or so following the end of World War II. They were part of a broader European trend, which saw significant population movements from southern European countries to northern countries and from former colonial territories into the old metropoles. Dozens of different legal statuses were attached to the people who migrated in these ways; however, most European states experimented with direct bilateral treaties intended to manage temporary labor migration. Table One, below, shows that four of the five European countries relied upon negotiated guestworker policies for over a decade: only the United Kingdom used this technique for a shorter time period. Japan has had no bilateral guestworker treaties.

It is widely accepted that the fateful decisions to import guestworkers into western European countries were necessitated by the demands of rapidly growing economies. "Recall," notes Hollfield, "that an unlimited supply of labor is essential in periods of rapid economic growth to keep wages down and profits up" (Hollifield 1992). Accounts of labor importing policies grant the labor market status as an independent, direct causal force. The influential government researcher and scholar Penninx writes thus, "the severe labor shortages in the major industrialized countries…led to liberal immigration regimes and to full-fledged recruiting systems to bring workers to those countries" (Penninx 1986). Or consider this version of the determinist argument: "As a

[1] Although not developed in this paper, I would argue that national migration regimes are destablized most frequently by populist backlashes against migrants or by economic shocks.

consequence of the vast concentrations of international capital in the host countries, additional manpower was needed to facilitate continued economic growth" (Rist 1979). While the economic recovery of Germany, France and other European countries following the devastation of WWII was truly remarkable, they are obviously not the only examples of rapidly growing economies, tight labor markets, or concentrations of international capital. The Japanese economy was also growing at a marked clip during the same period and yet Japan did not depend upon foreign labor to fuel its growth.

Table One: Post WWII Negotiated Guestworker Policies

	Dates	Partners	Numbers
Belgium	1946 early 1960s	Italy Turkey, Morocco	60,000 in 1946
France	1946-47, 1951 1950 1954 1961 1963 1965 1982	Italy West Germany Greece Spain Morocco, Tunisia, Portugal Yugoslavia, Turkey Spain	65,000 seasonal agricultural workers yearly
Germany	1955 1960 1961 1963 1964 1965 1968	Italy Greece & Spain Turkey Morocco Portugal Tunisia Yugoslavia	Initially slow – approx. 167,000 workers entered between 1955 and 1959 (Triadafilopoulos 2004) 2 million total by 1974 (Hansen 2003)
Japan	none		
Netherlands	1960 1961 1963 1964 1969 1970	Italy Spain Portugal Turkey Greece & Morocco Yugoslavia & Tunisia	
UK	1945-51	Italy (plus refugee camps)	90,000 to be recruited on three year contracts

Source: Dates and partners for Germany from (Hansen 2003); France (DeLey 1983; Money 1999); Belgium (Castles 1986; Suarez-Orozco 1994); Netherlands (Muus 2004); and UK (Castles 1986).

Clearly, policymaking decisions mediated the effect that tight labor markets had upon labor recruitment across national borders. Even so, it is worthwhile to consider statistical indicators of

labor market demand and economic growth to get a sense of the pressure exerted upon policymakers.[2] This section of the paper presents several such measures. The growth of the economy, measured as percentage change in yearly gross domestic product (GDP) at five year intervals and over five year periods is considered because it is one of the first statistics policymakers refer to when assessing the overall wellbeing of their national economy. Unemployment rates are presented because policymakers recognize them as the simplest indicator of how tight labor markets are. Population growth rates and total fertility rates may affect policymakers' long-term economic planning, since they help predict whether or not enough workers will be available in future years (Teitelbaum and Winter 1998). If labor market demand is to explain Japan's avoidance of guestworker policies, the growth rates should be slower, unemployment, population growth and total fertility rates should be higher.

Table Two: Growth in Gross Domestic Product, 1945-2000
Yearly and as Average of Previous Five-Year Period

	Belgium		France		Germany		Japan		Netherlands		U.K.	
	Yearly	**5yr avg**	**Yearly**	**5yr avg**	**Yearly**	**5yr avg**	**Yearly**	**5yr avg**	**Yearly**	**5yr avg**	**Yearly**	**5yr avg**
1945	5.98	-0.87	8.44	-8.68	-28.9	-3.33	-50.0	-10.4	2.36	-9.37	-4.39	1.09
1950	5.50	5.49	7.46	17.76	19.43	5.21	10.3	9.70	3.58	21.53	3.21	0.85
1955	4.74	3.39	5.74	4.46	12.01	9.51	8.6	9.13	7.42	5.41	3.64	2.89
1960	5.38	2.64	7.05	4.7	8.67	6.86	13.13	8.58	11.26	4.47	5.76	2.49
1965	1.89	5.30	4.88	5.76	5.46	4.81	5.63	9.63	5.45	4.89	2.53	3.27
1970	1.18	4.27	11.55	6.53	4.97	4.08	24.43	14.36	5.68	6.62	9.08	3.90
1975	-2.61	3.48	-0.71	3.39	-1.3	2.22	2.84	4.48	-0.15	3.21	-0.14	2.18
1980	4.4	3.27	1.38	3.04	1.01	3.28	2.89	4.44	1.25	4.47	-1.65	1.81
1985	0.94	0.72	1.89	1.35	1.93	1.13	4.45	3.38	3.11	1.29	3.52	1.98
1990	2.99	3.04	2.25	3.00	5.71	3.39	5.04	4.62	4.06	3.00	0.40	3.24
1995	2.4	1.32	2.04	0.99	1.28	3.64	1.42	1.45	2.3	2.11	2.79	1.33
2000	2.49	2.31	2.7	2.37	2.41	2.07	0.46	0.21	2.7	3.08	2.31	2.29

Source: Derived from (Gärtner 1997)

[2] Relying upon statistical measures of this sort is problematic, because they are socially constructed. The bureaucracies that produce data like those referenced in this paper are influenced by the political debates about the trends they purport to measure. Comparing statistics cross-nationally deepens the problem, since we cannot assume that the political debates affect the data-gathering equivalently across settings. One way to address these concerns would be to include narrative accounts of the debates; an approach which I will adopt as I continue to develop the argument presented here.

Looking at Table Two, which shows the yearly rate of growth in the GDP at five-year intervals from 1945 to 2000 and the average yearly growth for five-year periods, we see that the rate of economic growth in Japan has consistently been one of the highest amongst the six cases. The statistics from 1950-55, 1955-60 and 1960-65 are particularly worth considering, because, as shown in Table One, Belgium, France, Germany and the Netherlands negotiated most of their guestworkers treaties during those years. For each of these three five-year intervals, however, Japan had the first or second highest GDP growth rates amongst the six cases. From 1955-1960, Japanese growth rates were almost a full two percentage points above the second fastest growing economy, in Germany. From 1960-65, the gap was even wider, with the average yearly rate of growth during that period almost four percentage points higher than that of the number two country, France.

Turning to unemployment numbers, which are presented in Table Three, we find a similar story. Japan has consistently low unemployment rates for the entire fifty-five year period documented here. During the main guestworker policy decade of the 1960s, Japan's unemployment rates were under one percent. For the entire period sampled in the table, only Germany *ever* had lower unemployment rates than Japan, in 1965, with Germany having a rate of 0.6 percent while Japan's unemployment that same year was 0.8 percent.

Table Three: Unemployment from 1945-2000
In thousands and as percentage of workforce

	Belgium	France	Germany	Japan	Netherlands	U.K.
1945	117	68	…	440 (1.2%)	137	137 (0.5%)
1950	185 (9.0%)	153	1580 (10.2%)	680 (1.6%)	80 (2.0%)	314 (1.6%)
1955	118 (5.8%)	160	928 (5.1%)	500 (1.1%)	53 (1.3%)	232 (1.2%)
1960	114 (5.4%)	130	271 (1.3%)	440 (0.9%)	49 (1.2%)	360 (1.7%)
1965	55 (2.4%)	142	147 (0.6%)	390 (0.8%)	35 (0.9%)	329 (1.5%)
1970	71 (2.9%)	262	14.9 (0.7%)	590 (1.2%)	56 (1.1%)	577 (2.5%)
1975	203 (5.2%)	840	1074 (4.7%)	1000 (1.9%)	206 (5.0%)	902 (3.9%)
1980	369 (8.9%)	1467 (6.3%)	889 (3.8%)	1140 (2.0%)	263 (5.9%)	1238 (5.0%)
1985	558 (13.3%)	2442 (10.2%)	2304 (9.3%)	1560 (2.6%)	761 (15.9%)	2184 (10.8%)
1990	403 (9.6%)	2205 (8.9%)	1971 (7.0%)	1340 (2.1%)	346 (5.0%)	1664 (5.9%)
1995	390 (9.3%)	2931 (11.6%)	4035 (10.1%)	2100 (3.2%)	464 (7.0%)	2460 (8.6%)
1999	375 (8.6%)	…	3503 (8.8%)		222 (3.2%)	1776 (6.1%)

Sources: (Mitchell 2003; Mitchell 2003)

Finally, an examination of measures of population growth offers evidence that the demographic factors confronting Japanese policymakers were different from those facing their counterparts in some of the European cases, but not dramatically so. As shown in Table Four, population growth in Japan was higher than that in four of the five European countries during the 1950s, and higher than three of the five European countries in the 1960s. The evidence here does not as clearly support the refutation of the common wisdom that guestworker programs arose from unavoidable labor demands; however, neither does the evidence affirm a position of demographic determinism.

Table Four: Population Growth Rates, as % in 10 Year Periods

	Belgium	France	Germany	Japan	Netherlands	U.K.
1950-1960	0.5	0.9	0.6	1.2	1.3	0.4
1960-1970	0.6	1.1	0.7	1.0	1.3	0.6
1970-1980	0.2	0.6	0.1	1.1	0.8	0.1
1980-1990	0.1	0.5	0.1	0.6	0.6	0.2
1990-2000	0.3	0.5	0.3	0.3	0.6	0.3

Source: (U.S Census Bureau 2004)

Table Five: Total Fertility Rate (children per woman), in % Year Periods[3]

	Belgium	France	Germany	Japan	Netherlands	U.K.
1950-55	2.33	2.73	2.16	2.75	3.06	2.18
1955-60	2.50	2.71	2.30	2.08	3.10	2.49
1960-65	2.66	2.85	2.49	2.02	3.17	2.81
1965-70	2.34	2.61	2.32	2.00	2.80	2.52
1970-75	1.93	2.31	1.64	2.07	2.06	2.04
1975-80	1.70	1.86	1.52	1.81	1.60	1.72
1980-85	1.59	1.87	1.46	1.76	1.52	1.80
1985-90	1.56	1.81	1.43	1.66	1.56	1.81
1990-95	1.61	1.71	1.31	1.49	1.58	1.78
1995-2000	1.60	1.76	1.34	1.39	1.60	1.70

Source: (United Nations Population Division 2003)

[3] Total fertility rate represents "The average number of children a hypothetical cohort of women would have at the end of their reproductive period if they were subject during their whole lives to the fertility rates of a given period and if they were not subject to mortality"
United Nations Population Division. 2004. *World Populations Prospects: The 2002 Revision Population Database* 2003 [cited September 20 2004]. Available from http://esa.un.org/unpp/index.asp?panel=2..

Table Five shows similar patterns. Japanese total fertility rates were relatively high from 1950-55, such that policymakers would have had little reason to be alarmed about the long-term sufficiency of labor pools. On the other hand, the fertitility rate in the Netherlands was even higher for that same five-year period, while France's fertitlity rate was only slightly lower – by two one-hundreths of a point – than that of Japan. Moreover, from 1955-60, Japanese fertitilty rates dropped dramatically: and this was at a time when fertility rates in the United Kingdom, the Netherlands, Germany and Belgium actually increased, while those in France held steady. Any policymaker tracking fertility rates internationally would have had reason to begin worrying.

In summary then, there is virtually no evidence to support the idea that Japan's lack of guestworker policies can be explained by differences in the economic or demographic pressures confronting national policymakers. Indeed, the statistics presented here suggest that Japanese policymakers faced a more rapidly growing economy, lower unemployment rates, and quickly dropping fertility rates. On balance Japanese policymakers faced as much labor demand or even more than did their counterparts in these five European countries.

Racism and xenophobia

Many observers inside and outside of Japan believe that it is an exceptionally racist and xenophobic society. All too often this has been assumed to be sufficient explanation of Japan's choices regarding who to allow into the country and under what conditions. There are several problems with this kind of argumentation. First, there is no evidence that Japan became more racist and xenophobic after the loss of WWII than it was during the war years. Yet Japan has had significant differences in its entry control policies since the Meiji Restoration, going from a notoriously closed society at the beginning of the Meiji era, to hosting foreign students and experts, to becoming a labor importer on a massive scale during its imperial year to becoming once again comparatively closed after the war. Second, it can hardly be said that other countries that do import labor and allow immigration of other types are *not* racist. Offering comparative claims on racial attitudes and policies is an immense research project that I cannot pursue here; nonetheless, students of international migration have access to many fine studies of how race has been implicated in entry control policies. The record seems clear that policymakers across the world have just as often been willing to exploit members of racially distinct, unliked groups as to exclude them.

Decolonization as a source of migration regime

Why did Japanese policymakers never turn to guestworker policies during the years of rapid economic growth? I have shown above that neither of the likely explanations convincingly explain Japanese exceptionalism. The answer is instead to be found in policies put together as Japan transitioned from an expanding imperial-state ruling over a diverse population, to a forcibily democratized nation-state. The answer, that is, rests in the Japanese experience of decolonization.[4]

Empires by definition encompass many peoples. The Japanese empire was no different. In 1895, Japan gained its first overseas colony, Taiwan. The second, southern Sakhalin Island, came in 1905. In 1910, Korea was annexed. The legal arrangments differed in each case, but the people living in all of these territories were defined as Japanese citizens. Public intellectuals and policymakers vigorously debated how to manage the relationship between them and the imperial Japanese state for over thirty years (Oguma 1995). Throughout many twists and turns in that debate, the assumption was that these peoples would be assimilated into the Japanese nation. Scholarship has focused more on the oppressions Taiwanese and Koreans endured under imperial Japanese rule than it has on the debates about building a collective identity encompassing all subjects. Give the harsh nature of that oppression, this emphasis is perfectly reasonable. Even so, we should not forget that the political elite imagined a Japanese empire that encompassed multiple peoples. The rhetoric of the family-state used patriarchical images of the Emperor to bind all together, casting colonial subjects in the role of poorer, branch-line family members.

When Japan lost WWII, the victorious Allies acted upon the wartime decrees of the Cairo and Potsdam Declarations, and severed the four main Japanese islands from the colonized territories. Over two million persons from those territories lived in Japan at the end of the war. The task of sorting out where these people belonged created a critical juncture: a moment of political openness where many alternatives were considered. The decisions about how to manage the colonial subjects of Korean and Taiwanese origin were institutionalized as Japan's national migration regime.

Two important groups of actors participated in settling the questions of the "liberated peoples," a phrase used to mark them off from the victors and the vanquished. Americans managing the Allied Occupation of Japan and conservative Japanese political elites who continued

[4] The following seven paragraphs developing this claim summarize more detailed arguments developed in Tegtmeyer Pak, Katherine. 2000. Empire to Nation: Reformulation of Japanese Citizenship under Occupation. Paper read at Annual Meeting of the American Political Science Association, August 31-September 3, at Washington, D.C..

to hold positions of authority within the Japanese government sparred repeatedly over questions of citizenship in democratizing Japan.[5] During the seven years of the U.S. Occupation, their thinking about citizenship and immigration evolved in three rough stages. The periods are marked off by shifting attitudes towards the colonial subjects from the periphery, and a progressive narrowing of possible outcomes as early decisions began to create feedback loops that shaped those that came later.

During the first period, the Americans began to implement plans drafted in Washington, D.C. during the war to liberate Japan's imperial subjects. Koreans and Taiwanese were to benefit from two policies: assisted repatriation to homelands for those who desired it, and full civil rights and protection from discrimination for those who decided to stay in Japan. These changes created great uncertainty amongst Japanese government officials, who were no longer sure about whether or not they had any jurisdiction over these peoples. Some factions in the Japanese government sought to continue treating colonial subjects as citizens, as when the Cabinet sought to protect Koreans' suffrage in October 1945. That effort failed, however, as the Diet voted to grant suffrage only to those who had family registration in the core home islands (*naichi*). Other Japanese officials proposed allowing colonial subjects to choose their nationality. The status of these peoples remained unresolved and eminently contestable during this period.

The second period in the critical juncture centered around reforms to the Japanese constitution. The debates turned most centrally on the question of democratization. American officials were determined to end the myth of the divine Emperor, so as to place sovereignty firmly with the people and to ensure a full list of substantive citizenship rights. Japanese conservatives concerned about the the implications for national identity wanted to protect some special role for the Emperor. Because they had justified conservative rule with the family-state ideology centered on the Emperor, a complete change threatened them directly, as well as offending their deeply held convictions about the essence of Japan. Since the conservatives could no longer maintain the notion of the extended imperial family-state, they turned instead to a kind of nuclear family-state, a narrower definition of who belonged that was still grounded in cultural rather than civic ideals. Conservatives produced a series of changes to the wording of the new constitution, eliminating a clause offering special protections to foreigners and limiting civil rights' protections to nationals, instead of "all natural persons" as originally proposed in English. The constitution further specified

[5] There was considerable diversity of opinion within each of these groups; for the purposes of this paper it is unnecessary to discuss it in detail.

that the grounds for Japanese nationality were to be established by separate legislation enacted by the Diet.

The third period saw a consolidation of the decisions to limit the newly established civil rights to Japanese citizens, in a series of feedback loops that created new immigration and foreigners' registration statutes for the soon-to-be-ex-citizens of Japan. Conservative desires to maintain some sense of family ties as the basis for national identity were furthered by a negative political discourse about *daisankokujin* (third-country nationals) which scapegoated Koreans for the chaotic social conditions, such as black-marketeering and labor strikes, which complicated efforts at reconstruction. Visible participation by some Koreans in the Communist movement also fueled conservative sentiment, in a way that became more compelling to the Americans after the 1948 reverse course in Occupation philosophy, which was prompted by the development of the Cold War. In addition to the impetus of national identity, there was an instrumental dimension to conservative attitudes towards the *daisankokujin*. Allowing such "undesirables" to benefit from the democratization of Japan would have had clear negative consequences for conservatives seeking to maintain their political power. Four key pieces of legislation were informed by this discourse: the 1947 Foreigners' Registration Law which was applied to Koreans and Taiwanese, even though they still held Japanese citizenship at that point; the 1949 Entry Control Ordinance establishing a bureaucratic home for entry policy; the 1950 Nationality law based on the principle of *jus sanguinis* and naturalization granted at the state's discretion; and the 1952 San Francisco Peace Treaty which stripped Koreans and Taiwanese of their Japanese citizenship.

In August 1952, at the end of the Occupation, the Immigration Bureau was transferred to the Ministry of Justice; consequently, that Ministry was left responsible for all the adminstrative tools related to entry control, citizenship and naturalization, and foreigners' registration. The laws tightly restricted entry to Japanese territories with comprehensive visa categories. Moreover, they evinced an ethos of controlling the new foreigners, making sure that those who had been colonial subjects would not benefit from the democratization of Japan. By 1952, Japan's national migration regime was in place: it comprised an exclusionary rhetoric, fully elaborated exclusionary administrative techniques, and a single bureaucratic agency that enjoyed a monopoly in administering the laws.

Constructing Japan's postwar migration regime to these specifications had the unintended consequence of eliminating the possibility of importing labor from abroad. The policymakers who decided to enact the four laws mentioned above, and to consolidate control for entries, internal regulation and citizenship did not have economic needs in mind, but rather their preferences for

how to transform Japan from a multi-ethnic, plural empire that could privilege some subjects over others to a democratic nation-state where all citizens were constitutionally guaranteed equal treatment before the law. Those policymakers were further concerned to hold on to as much of the old ideology about Japanese identity as possible. Though macroeconomic planning was not on the minds of these policymakers, their decisions had critical, long-reaching consequences for economic policymaking all the same.

When Japan's economic miracle was underway, such that GDP was expanding at record rates in the 1950s, 1960s and 1970s, demand for labor tightened. Employers' associations clamored for relief on four different occassions in the 1960s and 1970s; every time they were rebuked by the Cabinet. The national migration regime put in place by the early 1950s institutionalized a dominant national identity that portrayed Japan as the home to a racially, ethnically, and culturally homogenous people. Any policy initiative that required changes to any part of the administrative apparatus regulating entry control had to confront the cumulative weight of that regime: the expertise and monopolistic policy control of the Ministry of Justice, the rhetoric of controlling national identity, and the need to change laws that still served the goal of marginalizing the people who remembered viscerally the unsavory history of the imperial era. Simply put, it was too much to overcome. Japanese employers were turned down in their quest for flexible labor from overseas, and had to turn instead to techniques for improving productivity of the labor available to them.

Decolonization as type

To summarize the argument so far, the critical juncture in the formation of a Japanese migration regime was created by the sudden end to empire caused by the loss of WWII. As Japan transitioned from empire to democratic nation-state, political elites had to develop new narratives supporting the legitimacy of the state. Political elites everywhere must justify their claims for rule: before they can explain why they should rule, they must necessarily delineate who is to be ruled. The elites of imperial Japan ruled an ethnically pluralistic community including people today recognized as Japanese, Korean and Taiwanese. They justified their rule through reference to an imperial family headed by the patriarchal figure of the Empire. Koreans and Taiwanese were poor relatives, despised for their differences on the one hand, but embraced as part of the imperial family, on the other (Duus 1995). In coming to terms with the loss of the imperial connection and the rise of democracy, elites had to reformulate their narrative towards colonial subjects. The narrative that prevailed shut them out. The institutions supporting that new narrative effectively limited all

immigration to Japan. Japan's experience as a colonial and then post-colonial power was thus the single most important factor shaping the national migration regime, which in turn has constrained discrete decisions about entry-control policies. To rephrase the point in terms of current debates about comparative immigration policy, Japan's long-term "success" at controlling immigration is due to its status as a post-colonial state.

Herein lies another paradox, which I mentioned earlier. In other settings, status as a post-colonial state is pointed to as a factor working against effective state control of immigration. Since the 1980s (and earlier), scholars have observed that metropole/periphery ties have provided important pathways for migration to France, Great Britain, the Netherlands, and Belgium (Appleyard 2001; Castles 1986; Fassman and Munz 1992; Hansen 2003; Martin and Miller 1980; Penninx 1986). Japan, once again, seems to be only a curious outlier from a general trend.

Upon closer examination, however, it becomes clear that post-colonial status is of similar importance to all of these states. Japan appears as an outlier only because its experience is closer to the ideal type. The pressures of decolonization trigger a need to recast identity narratives, to scale them back to focus on the people living in the metropolitan territory.[6] In order to stabilize the sense of new territorial boundaries, the logic of decolonization will push political elites to make it more difficult for former colonial subjects to enter the metropole. Japan's political history demonstrates this dynamic most clearly because the decolonization happened abruptly.

By contrast, the colonial powers in Europe underwent gradual processes of decolonization. Although World War II destabilized European colonial empires across the world, the process of decolonization unfolded gradually in a series of wars for independence and related decisions to cede control over territory from 1946-1980 (Abernethy 2000). During the years where they were trying to maintain their claim to rule, or at the very least, continued influence in their far-flung empires, political elites in European states were not about to entertain restrictive entry control policies that reinforced the rhetoric of independence and separation between metropole and periphery. To the contrary, they expanded connections, granting citizenship and entry rights where they had not previously existed. Hansen's book-length study of British immigration and citizenship beautifully details how a logic of maintaining ties to colonies shaped the policies allowing colonial subjects

[6] I emphatically do not wish to argue that the process of rescaling identity narratives requires an exclusionary outcome. It is still possible for political elites to devise identity narratives with varying degrees of openness to ethnic, racial or cultural difference for those persons within their territory.

continued access to metropolitan territories, even as they would rather that those persons did not actually come (Hansen 2000).

Once it became clear that empires were not going to be maintained, however, the willingness to preserve access to the metropole for colonial subjects eroded. The logic of decolonization, evident so clearly in the Japanese case, began to work in Great Britain, France, and the Netherlands as well.[7] Hansen's research demonstrates that as electorates in Commonwealth countries in the West Indies claimed greater independence (by rejecting a proposed Federation that would have reinforced their ties to each other and vis-à-vis the UK), the foundation for Colonial Office opposition to entry controls was removed (Hansen 2000). The 1962 Commonwealth Immigrants Act, which began the period of Britain's firmly restrictionist entry control policies, was enacted within a year.

Decolonization similarly shaped policymakers' goals in France and the Netherlands, although to a lesser extent and with a markedly less significant effect upon overall numbers of immigrants. In France, Algerian independence (1962) triggered efforts to tighten entry controls well before the 1973 economic downturn usually credited with bringing an end to labor recruitment (Money 1999). As Arab Algerians migrated to France in greater numbers during the second half of the 1960s, the French government set new restrictions in 1968 to prevent them from coming, which would have been politically inconceivable during the years that France was struggling to hold onto its Algerian colony. While the imperial logic prevailed, France had actually granted all Algerians citizenship that allowed them unregulated entry into the metropole. Further evidence of the switch to a logic of decolonization is found in French efforts to limit migration from Mali, Mauritania and Senegal, all of which had gained their independence in 1960. Policymakers in the Netherlands likewise showed themselves susceptible to the logic of decolonization by limiting the length of time during which former imperial subjects in Surinam could expect to enter the metropole to five years following independence, which occurred in 1975 (van Huis, Nicholaas, and Croes). Despite the impact of decolonization on thinking about population movements by policymakers in these two states, other policies facilitating entry continued.

The lesser effect of decolonization in the French and Dutch cases can be credited to their distance from the ideal type most clearly realized in Japan. The explanation for this difference rests upon the distinctive set of decisions that were made in the post-WWII era regarding population policy in these two countries. Where the abruptness of decolonization in Japan meant that Japanese

[7] Belgium will need to be included in this part of the discussion, eventually.

policymakers faced a clear imperative to address immigration and citizenship in a focused way, France and the Netherlands did not. Holding onto the colonial territories was one project for these two post-war states, as was also the case for the United Kingdom. Other problems were recognized, and framed in such a way that made acceptance of international labor migration appear appropriate. The need to rebuild the economy was arguably the most important of those problems. As reconstruction increased the rate of economic growth, organized interests in France and the Netherlands cooperated in refitting the state bureaucracy to maintain pre-war goals of mitigating labor shortages and demographic shortfalls through international migration. Because decolonization happened later, and gradually, in these two countries it had less of an effect. In other words, by the time decolonization became a focus, alternative national migration regimes organized around different themes were already in place. They were not to be easily overturned.[8]

The United Kingdom appears more similar to Japan, after 1962, because its use of flexible labor was handled outside of an entry control regime, due to the historically distinct dependence upon unregulated workers from Ireland. Because the U.K. did not establish extensive guestworker programs, an employment based migration regime was never consolidated. The regime in place was organized around colonial concerns; when decolonization set in, it collapsed and was replaced by a restrictionist regime

Even this briefest of discussions of the factors that mitigated the effect of decolonization in France and the Netherlands suggests what the other ideal types would be. The causal dynamics of demography and economic growth are well documented in the literature on European immigration policy. Moreover these same two factors have been criticial in the experiences of other states, including the so-called settler states, "recent country of immigration" South Korea, the South American states, and the Persian Gulf states. I hypothesize that national migration regimes in each of these states could be traced back to foundational moments, when policymakers put together legislation and craft bureaucratic agencies dedicated to managing cross-border movement of peoples. The concept of an ideal national migration regime is not sufficient in and of itself to explain the treatment of international migrants: the broader state type matters, as well. Thus a demographic national migration regime would have different consequences for entry control and, especially, incorporation and citizenship policies depending upon whether it was located within a democratic or authoritarian state. Canada and Kuwait treat migrants differently. The thrust of my

[8] *Populist backlashes can be conceptualized as a major destablizing force capable of upsetting an established migration regime in a democractic state..*

argument, however, is that measuring their policy outcomes against the ideal type marked off as demographic allows us to understand better that the difference between them comes from the democracy/authoritarianism distinction. Moreover, the use of ideal types pushes us to look for similarities between these two states, as well, a project that would otherwise not occur.

One more critical factor affecting immigration and immigrant policies has so far been neglected in this paper: national identity. I would be foolhardy (and self-contradictory, given earlier writings of mine) to argue that it is unimportant. It is important. Yet the evidence shows that even in nation-states widely understood as ethnically-based and unfriendly to outsiders – like Japan and Germany – there are times when migrants are allowed to enter, and even actively recruited. It may be that national identity regimes are a fourth type; the case of early twentieth century Germany presents strong evidence supporting the idea that national identity concerns limit citizenship policy (Brubaker 1992). Even in that case, however, the restrictiveness was demonstrated in citizenship policy alone, not in entry control policy. If we hope to use the concept of national migration regime to account for entry control and incorporation policies and the relationship between them, we may not have enough evidence that national identity is the dominant problem motivating the creation of national migration regimes. Instead, the more promising path of inquiry would be studies of how national identity discourses are shaped by national migration regimes. Themes of national identity are frequently used in the rhetoric justifying particular policies.[9]

Conclusion

At the opening of this paper, I promised to put the argument developed here to use by considering the "convergence hypothesis" presented Hollifield, Cornelius, and their many collaborators (Cornelius, Martin, and Hollifield 1994; Cornelius et al. 2004; Hollifield 1992; Hollifield 2000). The hypothesis proposes that "no truly deviant cases remain" amongst labor importing countries, as they have moved towards more tightly controlled borders, use of temporary worker programs, and more standardized criteria for whom to admit. The argument here would turn our attention towards convergence in regime rather than policy outcomes. The focus on national migration regimes directs us to study potential convergence at that end of the causal process: specifically, to pay attention to which actors are able to participate in policy decisions and to the rhetoric they use when framing their participation.

[9] I will also need to think about how national identity discourse shapes public opinion, which appears to be one of the two forces (along with drastic shifts in economic conditions) capable of upsetting prevailing national migration regimes.

I tentatively argue that convergence has happened, if at all, in the manner of a layering of institutional logics. Although national migration regimes constrain specific instances of policymaking, they are not static. As with institutions generally, they undergo incremental change constantly, and dramatic change periodically. Political actors displeased with the consequences of a regime can and do try to change it. For example we need only look to the experiences in Europe. European policymakers were able to establish economically-oriented migration regimes in the 1950s; as xenophobic backlashes to the consequent growth in resident foreign populations were organized by entrepreneurial political parties a more exclusionary logic was in turn implemented. Yet the earlier orientation towards meeting labor market demands with foreign workers was never abandoned, meaning that now in the twenty-first century a state like Germany has a mixed, or layered, national migration regime. Likewise, in Japan, the establishment of new policies, rules, has compromised the post-colonial migration regime and organizations that manage labor immigration. An economic logic has been layered upon the older exclusionary logic. Convergence, then, seems to mean that we now have many more "mixed" regimes, at least amongst the advanced industrial democracies.

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