

Tama-chan and the Seal of Japanese Identity

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Abstract

On 22 February 2003 a group of foreign residents of Japan gathered in Yokohama's Nishi Ward next to the Katabira River to protest the awarding of a residency certificate (*juminhyo*) to a seal called Tama-chan. Tama-chan had frequented the river and as such was awarded the certificate because he was "more or less like a fellow resident" (Brophy 2003). The group of foreign residents criticized what they believed to be discrimination by the Japanese state because, whilst a seal is able to gain a residency certificate, foreign residents are legislatively excluded from obtaining one. The Tama-chan protest provides an opportunity for investigating not only the residency registration system but also other population registries such as the Japanese family registration system and alien registration system. In this paper, I argue that a deeper and more informed understanding of the processes of marginalization of migrants in Japan can be achieved through a comprehensive investigation of Japan's population registries and their respective histories. I also discuss how these population registries are sites of tension in which contained notions of Japanese citizenship and national identity are being contested by migrant populations with vested interests in Japan as home thus revealing the inadequacies, inconsistencies and ambiguities of these registration systems.

Introduction

In 2002, a seal made frequent appearances in the polluted waters of the Katabira River in Yokohama's Nishi Ward. Dubbed Tama-chan, the seal gathered considerable attention throughout 2002 and 2003 and became a media celebrity in Japan. Described as "cute" (*kawaii*), the popularity of Tama-chan grew with numerous fan clubs being formed and throngs of onlookers gathering whenever he appeared. Tama-chan was so popular in fact that he was awarded a special residency certificate (*tokubetsu jūminhyō*) which symbolized official sanction as a resident of Japan. The special residency certificate was given because, according to officials, there was a great deal of pressure from local residents insisting that the seal was "more or less like a fellow resident".¹

This turn of events and the popularity of Tama-chan were quickly recognized as an opportunity by a small group of foreign residents who wanted their voices to be heard. On 22 February 2003, this group gathered in Nishi Ward next to the same River in which Tama-chan had frequently appeared. This was not a gathering in hope of seeing Tama-chan, nor was it a celebration of the seal's fame. Marking it as an unusual assembly was the fact that the entourage wore makeup and other garb in order to take on the appearance of a seal, complete with whiskers, wetsuits and painted noses. This gathering was an exercise in drawing attention to what these residents believed to be blatant discrimination by the Japanese state.

Organisers of the protest made it clear through the media that they were opposed to a residency registration system that excluded them because of their nationality, despite being long-term tax paying residents. Highlighting contradictions and ambiguities with humour, the protestors underscored the fact that, while they

¹ Brophy 2003.

were excluded from registering as residents, Tama-chan, a non-tax paying fellow “mammal”, was granted a residency certificate² by the official issuing authority.³

Although humour was used in making their point, the protestors drew attention to serious concerns of discrimination and marginalisation faced by Japan’s foreign resident population. Japan, like other nations, is seeing unprecedented increases in immigrants who, although initially considered to be temporary sojourners, are increasingly putting down permanent roots.⁴ Legislation and social practices that differentiate between foreign residents and resident Japanese nationals have been critiqued by ‘old-comer’ migrants from the early post-war period. However, these same practices are being increasingly scrutinized by newcomer migrants as well, raising key questions on citizenship, marginalisation and policies that discriminate.

The Tama-chan protest provides an opportunity for investigating not only the residency registration system but also other population registries such as the Japanese family registration system and alien registration system. In this paper, I argue that a deeper and more informed understanding of the processes of marginalization of migrants in Japan can be achieved through a comprehensive investigation of Japan’s population registries and their respective histories. I also discuss how these population registries are sites of tension in which contained notions of Japanese citizenship and national identity are being contested by migrant populations with vested interests in Japan as home, revealing the inadequacies, inconsistencies and ambiguities of these registration systems.

² Tama-chan was given a ‘special’ residency certificate (*tokubetsu jūminhyō*) which is different from the certificate usually issued to Japanese residents. The practice of giving a special residency certificate to humans as well as non-humans is a common practice in Japan. In some cases the certificate has been issued to animation characters, such as Tsurikichi Sanpei, a manga character who was given a special residency certificate by Masuda Town in Akita prefecture in 2003.

³ Japan Today 2003.

⁴ The number of registered foreigners in Japan has increased from 1,354,011 in 1994 to 2,084,919 in 2006 (Ministry of Justice 2003, 2006a).

The *Koseki*, *Jūminhyō* and *Gaikokujin* Registration Systems

There are three main population registration systems in Japan, the residency registration system (*jūminhyō*), the Japanese family registration system (*koseki*) and the alien registration system (*gaikokujin tōroku*). The modern day version of the *koseki* was introduced in 1872, much earlier than the *gaikokujin tōroku* and the *jūminhyō*, both of which were introduced in the post-war period (1952).⁵ The power of the *koseki hō* is pervasive and entrenched. It is the foundation of many of Japan's contemporary laws and its long history has contributed to its embeddedness in Japanese society. Having one's name registered on the *koseki* is recognized throughout Japan's bureaucracy as definitive proof of Japanese identity. The *koseki* contains details of gender, date and place of birth, details of one's parents, siblings and records of divorce and marriage. It is based on the Family Registration Law (*koseki hō*) which was, until the introduction of the Nationality Law (*kokuseki hō*) in 1950, the principle means for defining and determining nationality in Japan.

The *jūminhyō* is a separate document to the *koseki* and serves a different purpose. The *koseki* is administered by the state, whereas the *jūminhyō* is used as proof of residence and is the responsibility of the public affairs division of each municipality. The *jūminhyō* is used for recording the residential details of people in local municipalities, managing the electoral register as well as being the basic administrative unifying system for recording, managing and plotting accurate information on current residential addresses of all Japanese nationals living in Japan. Information such as how long an individual has lived in a location, who they lived with, previous and forwarding addresses and the name of the head of the household (*setai nushi*) are all recorded on the *jūminhyō*.

⁵ The *jūmin tōroku hō* (resident's registration law), on which the *jūminhyō* is based was introduced in 1951 and implemented the following year in 1952, the same year as alien registration. The Resident Registration Law was replaced by the Basic Resident Register Law (*jūmin kihon daichō hō*) which was promulgated in 1967.

In the beginning, although administered by local municipalities (*jichitai*), the *jūminhyō* was closely controlled by the central government and closely aligned with family registration (*koseki*). This nexus can be seen in the way the *jūminhyō* conforms to the hierarchical format of the *koseki* in having provision for registration of the head of the household at the top of the document.⁶ Moreover, similarities can also be found in how both the *koseki* and *jūminhyō* registration systems recognize the family as the basic social unit. Thus, although different documents with ostensibly different purposes, the *koseki* and *jūminhyō* are closely related and overlap in a number of aspects.

Furthermore, both the *koseki* and the *jūminhyō* systems rigidly differentiate between those who hold Japanese nationality and those who do not. Both systems legislatively exclude non-Japanese nationals from being registered on them. The Basic Resident Registration Law clearly states in article 39 that the *jūminhyō* does not apply to “non-national” residents in Japan.⁷ Similarly, non-nationals are unable to register on the *koseki*. Instead, all non-national residents in Japan must register on the alien registration system (*gaikokujin tōroku*) which is administered by the Ministry for Internal Affairs and Communications (*sōmushō*).⁸ The Alien Registration Law (*gaikokujin tōroku hō*), on which this registration system is based, was implemented when Cold War concerns over communism and the outbreak of war in Korea toughened the stance of Japanese authorities toward Japan’s resident Korean population (*zainichi*).

⁶ The head of household on the *jūminhyō* is called the *setai nushi*. However, on the *koseki* the term *hittōsha* is used.

⁷ Ministry of Internal Affairs and Communications.

⁸ Foreign residents staying in Japan longer than three months must register at the local ward office closest to where they live and carry an alien registration card (*gaikokujin tōroku shōmeisho*) at all times. According to the law, any foreign resident not carrying an alien registration card could be arrested and deported.

Governmentality, Surveillance and the Other

Population registration systems introduced from China have existed in Japan since the early 5th century. The first large scale and most significant population census, the *kōgo no toshi no seki*, was introduced in the year 670 under the *ritsuryō* system of governance. It was renewed every six years and used for collecting taxes as well as to gather information on individuals and families.⁹ The decline of the *ritsuryō* system and the establishment of private land estates (*shōen*) saw the disappearance of the family register after 1004. Population registries were virtually non-existent for the next 600 years. In the late sixteenth century, after more than a century of civil war, the Japanese authorities produced the *shūmon aratame ninbetsuchō* (population census of religious affiliation). This was in response to concerns over the activities of Christians and the perceived threat that Christianity posed to unification. In an effort to eliminate Christianity, surveillance was maintained through the *ninbetsuchō* which not only recorded family details but also temple affiliations. The *ninbetsuchō* was suspended two years after the beginning of the Meiji period in 1870 and the Family Registration Law (*koseki ho*), which paved the way for the modern day *koseki*, was introduced in 1871. In the following year the first nation-wide compilation of family records (*jinshin koseki*) was completed.

The Meiji period (1868-1912) during which these changes to the *koseki* occurred, is equated with the modernization of the Japanese state. It was a period when Japan moved to secure sovereignty by defining its national borders and developing a centralized government system in which the state became increasingly, in Foucaultian terms, “governmentalized”.¹⁰ That is, in the race to modernize and create the nation state of Japan, governance and construction of the population

⁹ Sato 1981, 14.

¹⁰ Foucault 1991, 103.

through various forms of surveillance, social control and policing became an imperative for the Meiji elites. As Appadurai argues, upholding the very legitimacy of a nation state and the meaningful presence of its boundaries is, amongst other things, dependant on policing its borders and the construction of its citizens.¹¹ Indeed, in broader terms, surveillance is accepted as a core institutional element of modernity.¹²

Through the *koseki* and the process of population registration the Meiji government was able to survey and establish who lived within the borders of the nation state of Japan. It was also a way for the Meiji elite to mould its citizens through, as I will further explain below, the notion of the broader family nation. The way in which this occurred can again be usefully addressed through Foucault and the notion of “governmentality”. Foucault argues that power, at the core of governmentality, demonstrates its complexity through various apparatuses of security.¹³ In his analysis of modern power, Foucault used eighteenth century reformer Jeremy Bentham’s “panopticon” as a model.¹⁴ The panopticon is an arrangement that enables prisoners in a penitentiary to be observed by a guard located in a central tower. Each prisoner can be observed while the guard remains invisible, becoming in effect an “object of information, never a subject in communication”.¹⁵ The prisoners are unable then to determine when they are being observed and when they are not. Foucault’s concern was less with the panopticon itself, rather he was more interested in how such a structure could be used in explaining the process and exercise of modern power. I believe Foucault’s analysis here illustrates how the nation-wide compilation of family records through the *koseki* was one important way that allowed the Meiji government, and governments since, to govern the population. Such population governance was

¹¹ Appadurai 1996, 189.

¹² Giddens 1990.

¹³ Foucault 1991, 102.

¹⁴ Bentham 1995.

¹⁵ Foucault 1995, 200.

facilitated by the continuous exercise of power through various social institutions that used the *koseki* register as an apparatus of security, surveillance and social control.

Assisting the exercise of governmental power in the Meiji period were notions of what constituted a family as represented through the *koseki* and formalized with the introduction of the Civil Code in 1898. The Civil Code established the ‘*ie*’ system and called for one family member, usually the father, to be registered as the head of the household on the *koseki*. The significance of such a hierarchical and patriarchal structure for the family registry is demonstrated by the importance that was placed on the family as a cultural tool by which Japanese nationalism aimed to become powerful enough to withstand the West.¹⁶ Consolidating the link between nationalism and the *ie* system, the dominant discourse of the 1890s increasingly symbolized the Emperor as the father of the family nation-state (*kazoku kokka*) in which the Imperial household and the Japanese people were genealogically bound as family.¹⁷

As Howell observes, however, the great paradox of modern Japanese history was that the emperor system “evolved more or less contemporaneously with the acquisition of a culturally and ethnically diverse colonial empire”.¹⁸ This was the case with populations on the periphery of Japan proper and later with colonial populations of neighbouring nations. Not considered to be truly ‘Japanese’, the populations of the peripheries were necessarily, although conditionally, included in defining and consolidating the borders of the modern nation of Japan. The *koseki* also assisted population management and the assimilation process in colonizing the inhabitants of

¹⁶ Hamada 1997.

¹⁷ Fujitani argues that the “seeing-Emperor facilitated the production of the nation state” through the people’s belief that they were under constant observation (1998: 25). The *koseki*, I believe was also vital in maintaining this sense of constant observation and assisted with the belief that all Japanese people were organically linked to the Emperor.

¹⁸ Howell 2004, 5.

the peripheries as quazi-members of the state and turning them into sovereign individuals. This enabled inclusion and demarcation to occur simultaneously.

In the late eighteenth century, influential European notions of nationhood and the encroaching influence of Russia required a greater emphasis on population management and consequently the Japanization of the Northern frontier of Hokkaidō.¹⁹ Part of the process of redefining the Ainu as Japanese was to include the entire indigenous Ainu population on the official household registration system. Although the process of including the Ainu in Northern Honshū on the population census began before 1868,²⁰ the nation-wide compilation of family records implemented in 1872 completed the process by including the remaining Ainu of Hokkaido. A different registry from the *koseki* was created in 1873 for the Ainu of Karafuto (Sakhalin), called the Revised Karafuto Native Household Census (*Karafuto Dojin Iekazu Ninbetsu Okaichō*). This was the first household registry that created a category of *jun-nihonjin* (quasi-Japanese) and emphasised registration according to location (*chiiki seki*). Further differentiation from the *wajin* (Japanese) population occurred in 1878 when the Ainu were registered on the *koseki* as ‘former native’ (*kyūdojin*) households.²¹

Other peripheral frontiers such as the Ogasawara (*Bonin*) Islands were included as a frontier of the Japanese nation. In 1875, these islands were inhabited by an eclectic group of travellers from various places around the world including America, Denmark, Italy, Hawaii and Britain. In 1876, Japan proclaimed sovereignty

¹⁹ see Morris-Suzuki 1998, 21.

²⁰ In 1756 the indigenous Ainu populations of Sotogahama, and later in 1806, the Ainu of the Tsugaru region in northern Honshū were recorded (*henkan*) on the forerunner to the *koseki*, the *ninbetsuchō* (Emori 1997: 195). The registration of the Ainu on the *ninbetsuchō* not only represented the assimilation and Japanization (*wajinka*) of the indigenous populations of Japan, it also symbolized the first step in the broader governance of peripheral populations that were later to become part of the newly forming nation of Japan.

²¹ Sato 1988, 154; Siddle 2003, 451-2.

over the islands and the new Meiji government made it clear to these residents that either they were to naturalize as Japanese or face expulsion from the islands (*taikyo ka kika ka*).²² By 1882, all were naturalized as Japanese citizens. According to Sato,²³ until the end of the Pacific War these individuals were labelled *kikajin* (naturalized people) and, similar to the Okinawans, were seen as inferior and discriminated against by mainlanders.

The Ryūkyū Kingdom in the southern periphery was another frontier that was redefined as Japanese territory and part of the emerging modern nation. Consequently, in 1887, the people of the newly formed Okinawa prefecture were also recorded on the *koseki*.²⁴ As mentioned above, Okinawans were described as ‘backward and inferior’²⁵ and seen as part of Japan yet separate.²⁶

Through differential registration and an administrative system that included records of genealogy and birthplace, the internal Other was redefined and conditionally included as quazi-members of the modern Japanese state. The *koseki*, as a nation-wide register, provided a means by which administrators could govern and construct the population so that it simultaneously included and contained the peripheral populations. Control and redefinition of the peripheries as Japanese was also a mechanism by which the Meiji leaders could legitimize an expectation of participation in national objectives and shape these inhabitants as active subjects along with the rest of the population.²⁷ These subjects were expected to assimilate and eventually become Japanese.

²² Sato 1988, 155.

²³ Ibid 155.

²⁴ The Ryūkyū Islands were annexed by the Meiji government and became Okinawa prefecture in 1879. Sato 1988, 154.

²⁵ Siddle 1998, 117.

²⁶ Under the US occupation from 1945 Okinawa ceased to be a prefecture of Japan and Japanese nationality for Okinawans was revoked. It was reinstated in 1972 when Okinawa was returned to Japan.

²⁷ Yasumaru 1977.

In the late nineteenth and early twentieth centuries, ambitions of empire pushed the frontiers even further beyond the Japanese archipelago to neighbouring nations. Such ambitions required rigid social control and tested the mechanisms of surveillance both within and without the Japanese nation. The *koseki* register again proved valuable, this time facilitating the colonial gaze as the Japanese Empire expanded its frontiers. In the process of becoming subjects of the Empire, Koreans and Taiwanese were strategically differentiated from the rest of the Japanese populace. This was done through a separate *koseki* system based on the Revised Karafuto Native Household Census mentioned above. Two registries were created depending on geographical location (*chiiki seki*), one for domestic or internal territory (*naichi*) and one for overseas or external territory (*gaichi*). In essence, this was a surveillance system that differentiated and maintained a clear line of demarcation between the inhabitants of the metropolis (colonizers) and those inhabiting the colonies (colonized).

Taiwan was the Japanese Empire's 'experiment' in colonialism and to facilitate control and management of the colonized population the Regulations for Taiwan Households (*taiwan toguchi kisoku*) was established in 1905. This system was controlled and administered by the police and, similar to the Ainu, the Taiwanese were categorized as *jun-nihonjin* (quasi-Japanese). By 1923, the greater part of the Meiji Civil Code was in practice in Taiwan and by 1933 the household (*ie*) system was also firmly in place.

In Korea there already existed a family registration system introduced from China (*ho-ju*).²⁸ However, by the time the Korean Family Registration Order (*Chōsen*

²⁸ In 2005, lawmakers in Korea voted in favour of replacing the *hoju* family registration system. This is being done through a revision of the Civil Law. The *hoju* system was declared unconstitutional because of its patriarchal structure in granting priority to men over women as head of the family and will be replaced on January 1 2008.

koseki rei) was officially introduced in 1922, the system largely replicated the Japanese *koseki* system. The only difference was the clear differentiation of insiders (*naichijin*) and outsiders (*gaichijin*). Individuals moved across borders but the *koseki* ensured they were still anchored to their birthplace and thus easily identifiable. In 1930, Japan conducted a third national census which in lead up to the introduction of a system in which colonial subjects were forced to change their names to Japanese-style names (*sōshi kaimei*). This was a part of the *kōminka* campaign that aimed at turning both Korean and Taiwanese colonials into Imperial subjects of the Emperor; a crucial part of the process of assimilation.

After the end of the Second World War in 1945, the separate *koseki* systems continued to be useful in maintaining distance between national subjects and those colonial subjects remaining in Japan. Although most Koreans and Taiwanese returned to their respective homelands soon after Japan's defeat, there were over 600,000 Koreans, Chinese and Taiwanese that remained in Japan. The successful categorization of Imperial Japan's population that the *koseki* facilitated in the interwar period also proved to be useful in maintaining this segregation in the immediate post-war period. At this point, Japan went from creating and expanding sovereignty to protecting it.

Former colonial subjects remaining in Japan after World War Two retained their Japanese nationality for a short period. However, numerous rights such as that of suffrage and political representation were soon revoked. On 17 December 1945, an amendment in election laws was passed through the Lower House that ensured only those registered on the *naichi koseki* would be able to vote (Sato 1988: 188). In other

words, the social categorization created during the colonial period based on the *koseki* was again used to marginalize Koreans, Chinese and Taiwanese in post-war Japan.²⁹

Although the two *koseki* systems were efficacious in distancing the former colonial Other, the introduction of an alien registration system was perhaps the most successful social sorting mechanism for ensuring a clear demarcation between the ‘Japanese’ and *all* Others. On the second of May 1947, the day before the revised constitution of Japan was effected, the Alien Registration Ordinance (*gaikokujin tōroku rei*) was established and former colonial subjects living in Japan were proclaimed to be aliens or foreigners (*gaikokujin*). The Alien Registration Law (*gaikokujin tōroku hō*) was subsequently introduced in 1952 and it became compulsory for all foreigners in Japan to register and be issued with an alien certificate of registration (*gaikokujin tōroku shōmeisho*). The alien registration system was implemented at a time when Japan was recovering its sovereignty after defeat. Further, in regaining sovereignty, the Japanese political elite were also determined to strengthen myths of Japan as a homogeneous nation (*tan'itsu minzoku*) and exclude former colonial subjects such as the Koreans and Taiwanese.³⁰

Not only did the alien registration system remove the threat of former colonials laying any claim to membership of the Japanese nation, it excluded them from all rights as citizens. Along with the right to suffrage, access to welfare and pensions were revoked and opportunities for full employment were limited. Moreover, the alien registration system also worked as a surveillance system keeping tabs on foreigners and controlling the threat of communism that was embodied in suspicion

²⁹ Kashiwazaki 2000, 21.

³⁰ Morris-Suzuki 2006, 316.

aimed at the *zainichi* Korean population.³¹ As Lyon argues, surveillance acts as a type of social sorting mechanism “to discriminate and to exclude the suspicious category”.³² The context in which the alien registration system evolved was certainly one of suspicion and a perceived necessity for social control, public order and an assurance that former colonials be excluded from any involvement in the workings of the Japanese state.

Particularly powerful was the threat of possible incarceration or deportation that the Alien Registration Law upheld. Further highlighting the panopticon-like effects of the alien registration system is the fact that these same punitive measures were available to the authorities if cards could not be produced wherever and whenever requested. There are still harsh penalties for not carrying one’s alien registration card — a person can be imprisoned for a period of up until 12 months or fined two hundred thousand yen (Ministry of Justice).

Although there have been significant changes in the way the three registration systems work in contemporary Japan, they remain largely intact and continue the function of population surveillance, identity verification and the construction of the Japanese citizen.

Contemporary Surveillance and the Other

In a post 9/11 world in which the “war on terrorism” seems to justify legitimizing increasing modes of surveillance that permeate our everyday lives, governments are finding it easier to implement policies ostensibly described as being for our protection. Protests against such measures are often directed at the subsequent

³¹ Not only the Japanese authorities were distrustful, the Supreme Commander of Allied Powers (SCAP) was also particularly suspicious of the *zainichi* Koreans in Japan and the various organizations such as the League of Koreans (refer to SCAP Government Section 1949: 356)..

³² Lyon 2003a, 37. Although Lyon is mostly concerned with contemporary surveillance practices in a global context, I believe his notion of surveillance as social sorting to be applicable to these historical contexts as well.

loss of freedom and inevitable invasion of privacy. It is not unusual for the effects of surveillance and social control to be discussed in terms of the trade-off between security and freedom or security and privacy. However, discussions about simplistic trade-offs can often do more to obscure important issues³³ and simplify complex concerns of discrimination and marginalization than to provide clarity.

Furthering Foucault's discussions on panopticism we can see how surveillance induces "a state of conscious and permanent visibility that assures the automatic functioning of power."³⁴ So to arrange things that the surveillance is permanent in its effects, even if it is discontinuous in its action". As such, power can be described as omnipresent, net-like and capillary in its action,³⁵ rather than as unilateral and top down. The effects of which are readily distinguishable when we look at the various institutions and procedures that utilize the *koseki*, *gaikokujin tōrokshō* and the *jūminhyō* registers.

For example, for Japanese nationals the *koseki shōhon* (official extract of family background) is the definitive document used in numerous contexts for proof of identity. It is used in applying for a passport, job applications, obtaining a driver's licence, school admissions and when joining many organizations in Japan. However, for foreign residents the procedures are different and in most cases the alien registration card is used. The *koseki/jūminhyō* registration systems and the alien registration system create a diametric differentiation of based on nationality. Proof of identity and residency processes thus clearly classify and categorize individuals as either 'Japanese' or 'foreign'. This opens up the possibility of prejudicial treatment and discrimination and can also be the cause of social stigma.

³³ Monahan 2006, 2.

³⁴ Foucault 1995, 201.

³⁵ Foucault 1980, 39.

Such was the case for many second-generation resident Korean children in Japan who had to endure the process of submitting documentation at school for identity verification.³⁶ This fact was brought to light when a famous second-generation resident Korean baseball player Niura Toshio described how, when he was in elementary school, all children were required to submit their *jūminhyō*. For Niura, having Korean nationality meant that he had no *jūminhyō* to submit, instead he had to use his proof of alien registration certificate (*gaikokujin tōroku zumi shōmeisho*). It was larger than the *jūminhyō*, different in colour and stipulated his nationality³⁷ ensuring that Niura stood out from his classmates. Niura's situation was not unusual for second-generation resident Korean children growing up in Japan.³⁸

As mentioned above, problems with differential population registration also occur when a Japanese national marries a foreign spouse. Because each individual is registered on a different system and administered by different government departments, in many cases, there is no official link made between the foreign spouse and their family on the *jūminhyō*. For example, Lee Hong-jun, provides a personal account of the marginalizing affects of the *koseki* in a *zainichi* Korean community journal in 1993, he clearly demonstrates how the *koseki* impacts on the lives of families and individuals outside of what, according to policy, constitutes a Japanese family. Lee described himself as a second-generation resident Korean, born and educated in Japan but with South Korean nationality. The article provides valuable insight into how Japanese state policy and legislation affects some individuals and families from diverse backgrounds. At the time of the article, Lee's wife held

³⁶ There is a large number of special permanent Korean residents in Japan who are former colonial subjects or their descendants. Although the younger generations were born and educated in Japan, they still suffer discrimination and prejudice (for more information on resident Koreans in Japan see Chapman 2007).

³⁷ Yang Tae-ho 1996, 29.

³⁸ The practice of using the *jūminhyō* at schools for identity verification is something that, at least in Shinjuku Ward, has ceased (personal communication with Shinjuku Ward official, 2007).

Japanese nationality and their two sons were aged two and six.³⁹ Because Lee and his wife both retained their original last names and because they had different nationalities, it was not possible for the marriage to be officially recorded on the Japanese family register (*koseki*).⁴⁰ On the residency certificate (*jūminhyō*), although Lee's wife was registered as the head of the household (*setai nushi*) with both children entered as family members, Lee's name did not appear anywhere on the document. The only official document on which Lee was registered in detail was his alien registration card (*gaikokujin tōroku shōmeisho*).⁴¹ However, none of the other family members name's appeared on this document. Consequently, according to official documentation, claimed Lee, his family consisted of an unrelated man living with a woman and her two children.⁴²

In 1993, situations such as Lee's were not as common as they are today. An increase in marriages between Japanese and 'foreign' spouses has led to even more families and individuals being affected by the differential treatment the *koseki* and *jūminhyō* systems deliver upon members of the same family.⁴³ However, according to government ordinance 292 affected in 1967, local municipalities are able to make provision for non-Japanese spouses of Japanese nationals to be listed, albeit a small entry, in the *bikōran* (comments column) of the certificate.⁴⁴ Being only an ordinance, the inclusion of a foreign spouse's name is not automatic and is something that has to be requested. Also, granting of such entry is the prerogative of local level authorities and is not guaranteed. On the other hand, the Juki Net, the electronic on-line version

³⁹ Lee 1993,: 225.

⁴⁰ The *koseki* law requires that both husband and wife adopt the same surname once married.

⁴¹ After marriage a foreign spouse's name automatically appears in the *koseki* as being married to the *hittōshi*. However, this is merely a comment in the remarks column.

⁴² Lee 1993, 222-223.

⁴³ There has been a significant increase in the number of international marriages. In 2005 there were 41,481 international marriages in Japan, which equates to 5.8 percent of all marriages. This is compared to 12,181 in 1985 which represented only 1.6 percent of the total (Ministry of Health, Labour and Welfare 2005).

⁴⁴ This was made possible by a 1967 ordinance change.

of the *jūminhyō* launched in August 2002, has no provision for the registration of foreign spouses. Furthermore, only a Japanese national can be registered as the head of household (*setai nushi*) on the *jūminhyō*. If the non-Japanese spouse is to be considered as the head of the household judged on either income or a desire to be recognized as such, this information can be included but only in the comments column (*bikōran*) and on the Alien registration card of the holder.⁴⁵

We can see by the Tama-chan protests that the exclusion of non-national Japanese on the *jūminhyō* has led to questions by long-term foreign residents about entrenched notions of what constitutes citizenship. As the Tama-chan protestors argued, because the certificate of residency is a document used in official dealings with state organisations and authorities, such as schools, the immigration department, licensing and employing authorities and financial institutions, being excluded from the *jūminhyō* often causes “unnecessary problems” for families with a ‘foreign’ spouse.⁴⁶ In particular, with only one parent registered on the *jūminhyō*, government departments have mistaken some families as single parent households, the legitimacy of children has been questioned by schools and in some instances issues of child custody in divorce cases between Japanese and non-Japanese spouses have surfaced.⁴⁷

In 2002, such problems were brought to the attention of the Japanese government by the Japan Federation of Solicitor Associations (2002). Subsequently, in 2003 a document called the *tōroku genpyō kisai jikō shōmeisho* (certificate of registered items) was made available for all foreign residents.⁴⁸ This document, as explained to the author by an official at the Shinjuku Ward office in Tokyo (2007), is

⁴⁵ Private correspondence with Shinjuku Ward official 2007.

⁴⁶ Brophy 2003.

⁴⁷ Ibid. Other points of reference where foreign residents have asked questions about these registration systems can be found at the following internet sites: <http://www.tabunka.org/newsletter/story.html>, <http://www.debito.org/juuminhyouupdate.html> and <http://www.crnjapan.com/references/en/koseki.html>.

⁴⁸ This document is a new version of the previous *gaikokujin tōroku zumi shōmeisho* (proof of alien registration).

seen as the equivalent of the *jūminhyō* for alien residents. Although this is a step forward in assisting with processes that require affirmation of family members and the relationships between them, this new certification still differentiates on the basis of nationality. Furthermore, it still falls short of including foreign spouses of Japanese nationals on an equal footing with other family members on the *jūminhyō* or the *jukinet*.

In essence, both the *jūminhyō* and the *koseki* are authoritative mechanisms which define, construct and categorize the population according to normative expectations of family and identity in Japan. The continued existence of these two systems also demonstrates the ongoing importance of the *ie* system in Japanese society, which although officially abolished through the 1947 Civil Code, as Sugimoto argues,⁴⁹ still remains an integral part of Japanese society perpetuated through the *koseki* system and the *jūminhyō*. Stevens and Lee, in discussing maternity and child health care for foreigners in Japan underscore how foreign women are especially disadvantaged by the *ie* system and the *koseki*.⁵⁰ This, they argue, is because “the *koseki* can be seen as a kind of co-requisite to Japanese citizenship”, thus disadvantaging foreign women through not only ethnicized difference but through gendered difference as well.

Nakamatsu, in a study on Chinese, Korean and Filipino wives of Japanese men living in Japan, states that the social implications of the *koseki* had a “considerable impact” on the decision of participants to naturalize or not.⁵¹ For most of the participants in this study, practical aspects of being naturalized were weighed against issues of losing one’s own national identity with most affected by a feeling of exclusion by the *koseki* system. The case of marriages between foreign and Japanese

⁴⁹ Sugimoto 1997, 137-138.

⁵⁰ Stevens and Lee 2002, 92.

⁵¹ Nakamatsu 2003, 195.

spouses and the dilemma of whether or not to naturalize, deeply affects the identity of the individuals involved. As one spouse married to a Japanese national put it,

It matters to me, because I believe the issues it touches on are quite deep. For me, identity is the key issue in culture shock and in the struggle for bicultural adjustment. As a foreign woman married to a Japanese man, finding and maintaining a comfortable self-definition is somewhat more challenging than if I had married within my own country and culture.⁵²

Who's In and Who's Out?

According to Kondo,⁵³ Japan strictly applies the principle of *jus sanguinis* (*kettōshugi*) or citizenship by descent.⁵⁴ This means that Japanese nationality is acquired through one or both parents.⁵⁵ However, acquiring Japanese nationality is also possible if one is married to a Japanese spouse or by meeting the requirements stipulated in article five of the Nationality Law (*kokuseki hō*) namely: (1) having five years of continuous residence in Japan; (2) being of upright conduct; (3) being twenty years of age; (4) having the ability to secure a livelihood; (5) having no nationality or be able to rescind one's nationality when taking on Japanese nationality and (6) never having plotted or advocated to overthrow the constitution or the government of Japan.⁵⁶ Ostensibly, application for Japanese nationality seems to be reasonably straight-forward and an argument can be made that if foreign residents in Japan want to be placed, at least legislatively, on an equal footing with Japanese nationals and have access to full rights as citizens, then they only need naturalize as Japanese. This argument however, as demonstrated by the discussions presented above, is somewhat simplistic and ignores many of the problems and circumstances encountered by long-

⁵² Isozaki <http://www.tabunka.org/newsletter/story.html>, accessed 7 November 2007.

⁵³ Kondo 2001, 227.

⁵⁴ Sweden is another country that applies a strict *jus sanguinis* in the granting of citizenship (Kondo, 2001: 227).

⁵⁵ There have been exceptions in Japan to the strict application of *jus sanguinis* in cases of a child being stateless or when both parents are unknown (Kondo, 2001: 227). Provision is made for this in the Nationality Law.

⁵⁶ The last condition in this list was added in 1950.

term foreign residents who are unable or unwilling, for whatever reason, to naturalize as Japanese.

The bureaucratic process of naturalization itself can be arduous and often takes twelve months or more to complete.⁵⁷ The *koseki* ensures that naturalized Japanese are easily distinguished through records that track three generations of family. Furthermore, the Nationality Law, which is based on the Family Registration Law, prevents dual nationality for Japanese nationals after the age of twenty two, forcing those naturalizing to forego their previous nationality and any associated identity it symbolizes. This expectation is problematic, particularly for special permanent residents of Korean decent in Japan.⁵⁸ The historical context surrounding harsh policies of assimilation during Korea's annexation by Japan (1910-1945) and the stigma attached to naturalization by many within the *zainichi* community make the decision to naturalize a vexed one.⁵⁹

The primacy placed on lineage as a marker of Japanese identity by the Japanese government is demonstrable through the 1985 and 1990 modifications to the Immigration Control and Refugee Recognition Act.⁶⁰ The 1985 change allowed spouses and children of Japanese nationals the ability to naturalize after only three years of residence as compared to five for everyone else. The 1990 change allowed up to third generation descendants of Japanese emigrants (often referred to as *nikkeijin*) to work legally and unrestricted in Japan. This 'front door' (ethnic repatriates) entry stands in contrast to the 'side door' (trainees) and 'back door' (irregulars)⁶¹ shunting

⁵⁷ Asakawa 2003, 105-137.

⁵⁸ Special permanent residency was granted to old-comer former colonial Koreans and their descendants as part of the 1965 Normalization Treaty between South Korea and Japan.

⁵⁹ Chapman 2007, 130-138. At present some 10,000 *zainichi* are naturalizing each year (Ministry of Justice, 2006b), the majority of which are children with both Japanese and *zainichi* parents being naturalized at birth.

⁶⁰ See also Selleck 1997, 202 and Mackie 2002, 203.

⁶¹ Kondo 2002.

of other unskilled workers endeavouring to gain entry into Japan. In verifying Japanese lineage *nikkeijin* must produce, amongst other documents, the *koseki tōhon* in which their family records appear, underscoring the *koseki* as the ultimate authoritative mechanism in determining Japanese identity.⁶²

Conclusion

The central concern that comes to the fore in discussing the Tama-chan protest is how population registries marginalize or exclude foreign residents in Japan. The *koseki*, *jūminhyō* and *gaikokujin tōroku* systems uphold the principle of *jus sanguinis* in legislatively preventing those who do not have Japanese nationality from full access to citizenship. Moreover, the differential treatment by Japan's population registration systems not only creates a two tiered system of citizenship, it also sustains deeply entrenched notions of Japanese nationality and ethnicity as intrinsically linked through the primacy of decent or blood.

The maintenance of these registries in their present form also ignores the historical contexts in which they were developed. Japan's population registries have been used as tools by which Japanese elites could construct and control the population. Part of the process of constructing the Japanese citizen has been to exclude or marginalize the Other based on difference coded in terms of ethnicity. As I have argued, closely examining the history, functions and workings of these population registries provides a clearer understanding of how the mechanisms of marginalization and exclusion of foreign residents work in contemporary Japanese society.

Furthermore, as we can see through dissent such as the Tama-chan protest, citizenship based on nationality and genealogy is an approach to citizenship that is becoming less sustainable with each passing year as the growing population of

⁶² The *koseki tōhon* register contains the names of extended family as well as immediate family members.

migrants increasingly consider Japan to be their permanent home. As I mentioned at the beginning of this paper, the objections of migrant residents highlights the inadequacies and inconsistencies of population registration systems in contemporary Japanese society. Although foreign residents in Japan can naturalize and in principle access the same rights accorded to Japanese nationals, the maintenance of separate family, resident and alien registration systems creates extra layers of differentiation that sustain notions of the Self and Other based on conflated orthodoxies of nationality and ethnicity.

Population registries that differentiate between residents in this way are paradoxically opposed to recently emerging discourses describing Japan as a society striving for multicultural coexistence (*tabunka kyōsei*). Such legislation and policy also stands in contrast to developments at numerous local level municipalities where migrants are not only being accepted but supported by those recognizing and embracing the increasing diversity of contemporary Japanese society. In a recent study by Asakawa Akihiro, many of the subjects who underwent the process of naturalizing as Japanese agreed that allowing dual or multiple nationality and a *jus soli* (citizenship according to birth) approach to citizenship are necessary for Japan to adjust to the present era of globalization.⁶³ Rethinking the construction and role of population registries in Japan may also be another way of moving a step closer to this realization.

⁶³ Asakawa 2003, 178.

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