

Minorities and Protest in Japan: The Politics of the Fingerprinting Refusal Movement

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In 1951, Japan's Bureau of Immigration and Emigration asked the Japanese Diet for permission to fingerprint foreign residents in order to prevent fraud. In their request, the bureau specifically invoked the example of the US policy of fingerprinting residents as an example. The following year, the Diet obliged by passing the Foreigner Registration Law.¹ A little over 30 years later foreign residents protested this law en masse. More than 10,000 foreign residents—led by Japan's largest foreign population, Zainichi Koreans (Korean residents of Japan)—refused to be fingerprinted or delayed being fingerprinted,² putting themselves at risk for fines and even imprisonment.³ The policy of fingerprinting special permanent residents, including the vast majority of the Zainichi Korean population, was eliminated in 1993, as agreed to in the 1991 memorandum between the Japanese and South Korean foreign ministers.⁴

I address two related questions about this social movement. First, why did the fingerprinting refusal movement develop at this particular historical moment, more than 30 years after the system was established? Second, while many foreign residents of Japan, and particularly Zainichi Koreans, have a number of grievances about their treatment in Japan, this is the only issue that has inspired this kind of social movement. Why has this largely symbolic

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¹ Hiroshi Tanaka, *Zainichi Gaikokujin—Hô No Kabe, Kokoro No Dobu* [Foreigners in Japan—the Walls of Law, the Gutter of the Heart] (Iwanami Shinsho, 1995), pp. 81-82.

² After an activist declined to be fingerprinted, she had three months to change her mind before it became a crime. This initial refusal was known as “reserving” one’s fingerprint (*hory_*).

³ The fingerprinting refusal movement is generally associated with “old-comer Koreans,” those who arrived in Japan before the end of World War II and their descendants, and the interview subjects of this paper are all old-comer Koreans. In 1984, the year before the fingerprinting refusal movement peaked, there were 587,177 old-comer Koreans in Japan (including both those with 4-1-14 status and treaty permanent residents). Thus, old-comer Koreans made up 85 percent of all Koreans in Japan, and 70 percent of total foreign residents in Japan. *Zairyû Gaikokujin Tôkei* [Statistics on the Foreigners Registered in Japan], 1985 (Tokyo: Hô mushô Nyûkoku Kanrikyoku [Ministry of Justice, Bureau of Immigration], 1985). Of course, those other than old-comer Koreans refused to be fingerprinted as well, but this essay focuses on old-comer Koreans.

⁴ Yuji Iwasawa, *International Law, Human Rights, and Japanese Law: The Impact of International Law on Japanese Law* (Oxford: Oxford University Press, 1998), pp. 155-56.

issue, rather than issues with more material consequence, such as employment and housing discrimination, been the one to bring about a mass social movement?

These questions are important for two reasons. First, while scholarship on international relations has recently begun to examine the ways that diasporas can influence home country politics,⁵ this case suggests that the opposite situation is also possible, that is, a diaspora has influenced the policies of the host country both through organizing a domestic social movement and gaining the support of the home country. Second, while rational choice scholars have emphasized the importance of dependence, monitoring, enforcement, and selective incentives in establishing social movements,⁶ there is little evidence that such mechanisms were at work in this case. In other words, more than 10,000 foreign residents refused to be fingerprinted or delayed the process—risking fines and prison time—in the absence of mechanisms that would have made it rational to do so.

In order to address the questions above, I make two arguments. First, a convergence of events served to open up a window of political opportunity for Zainichi Korean mobilization in the mid- to late 1970s. In particular, demographic changes in the Korean community, combined with the unresponsiveness of major Zainichi Korean social organizations to issues of importance of the Zainichi community, and Japanese ratification of international human rights treaties provided both the means and the motive for mobilization. Second, the window of political opportunity for mobilization began to close in the late 1970s due in part to changes in the way that Japanese bureaucrats approached the issue of immigration. This change caused the Japanese state to move away from an exclusive strategy for dealing with Zainichi Koreans and toward an inclusive strategy.

Paradoxically, this shift toward inclusiveness actually made it more difficult to organize mass social movements. The Zainichi Korean community has remained involved in various political organizations, but reforms at the national and local levels, by creating a moving target, have successfully diffused the development of another mass social movement on the scale of the fingerprinting protests; community organizers must constantly reframe their message in order to keep up with the reforms. In the language of Frank Upham, the Japanese bureaucracy ultimately wrested control of the “pace and course... of social change in Japan” away from the fingerprinting refusal movement, and hence diffused that movement.⁷ It is important to note that,

⁵ Yossi Shain and Aharon Barth, “Diasporas and International Relations Theory,” *International Organization*, vol. 57, no. 3 (2003).

⁶ Michael Hechter, *Principles of Group Solidarity* (Berkeley: University of California Press, 1987).

⁷ Frank K. Upham, *Law and Social Change in Postwar Japan* (Cambridge MA: Harvard University Press, 1987), p. 19. Upham does not address the fingerprinting refusal movement in his book, but his arguments about the relationship between the Japanese bureaucracy and non-government actors pursuing social change in Japan is consistent with the argument of this paper.

although the prospects for mass mobilization may have dimmed, this latter set of changes has not brought the Zainichi Korean community back to its former equilibrium; the organization of the community has changed.

This essay will begin by proposing a definition of the contested term “social movement.” Next, I will briefly demonstrate the weakness of rational choice-based approaches to account for Zainichi Korean mobilization. Finally, I will discuss the history of the community organization of Zainichi Koreans, with a view toward understanding the effect of political opportunities on social movement mobilization and community organization.

Defining Social Movements

One of the difficulties in studying social movements is that scholars contest even the very definition of the term. Sidney Tarrow’s discussion of social movements focuses on “contentious politics,” phenomena whereby “ordinary people, often in league with more influential citizens, join forces in confrontations with elites, authorities, and opponents,”⁸ while Dennis Chong’s study of the civil rights movement treats social movements in terms drawn from microeconomic theory, as “collective action” aimed at securing “public goods.”⁹ McCarthy and Zald make an attempt at theoretically inclusive definition of social movements in 1977, defining a social movement as “a set of opinions and beliefs in a population that represents preferences for changing some elements of the social structure and/or reward distribution of a society.”¹⁰ However, this definition presents two substantial problems. First, it makes it impossible to analytically distinguish a “social movement” from a “preference.” Second, defining a social movement as a set of opinions and beliefs fails to incorporate the meaning of the term “movement” into the definition. Indeed, there is nothing about a set of opinions and beliefs that necessarily “moves.”

Brian Mello has recently proposed an alternative definition for social movement that was meant to appeal to people from different theoretical backgrounds. Mello defines social movements as “political networks that are tied together based on some combination of shared goals, beliefs, and solidarity, which mobilize contentious, collective political action (generally) through ‘non-traditional’ methods such as strikes, protests, and street theater.”¹¹

⁸ Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics* (Cambridge UK: Cambridge University Press, 1998), p. 2.

⁹ Dennis Chong, *Collective Action and the Civil Rights Movement* (Chicago: University of Chicago Press, 1991), pp. 4-7.

¹⁰ John D. McCarthy and Mayer N. Zald, “Resource Mobilization and Social Movements: A Partial Theory,” *American Journal of Sociology*, vol. 82, no. 6 (1977), pp. 1217-18.

¹¹ Brian Mello, “Evaluating Social Movement Impacts: Labor and the Politics of State-Society Relations” (Ph.D. Dissertation, University of Washington, 2006), p. 1.

I use Mello's definition of social movement because it is inclusive—it does not exclude the definitions of any major theoretical approaches to social movements—and because it avoids the problems of McCarthy and Zald's definition. First, Mello defines social movement in a way that theoretically differentiates a social movement from a preference, and second, Mello's definition incorporates the meaning of "movement," as his definition focuses on "contentious, collective political action."

Rational Choice and Zainichi Korean Social Movements in Japan

Rational choice theorists have generally argued that social movements will form when organizers can solve the collective action problem underlying mass mobilization, thereby making it rational for individuals to participate in social movements. Such scholars frequently focus on independent variables, including "the interaction between resource availability, the pre-existing organization of preference structures, and entrepreneurial attempts to meet preference demand."¹² Michael Hechter suggests that groups can build solidarity (and thus overcome collective action barriers to social movement mobilization) when they can make members dependent on them and control members' behaviour through monitoring and sanctioning mechanisms.¹³ In his study of the civil rights movement Dennis Chong notes that the sanctions of non-compliance and selective incentives for compliance need not be material: "reputational concerns often underlie participation in collective action."¹⁴

Rational choice theory alone has difficulty accounting for the formation of the anti-fingerprinting movement for three reasons. First, I have not been able to find any evidence that the fingerprinting refusal movement used selective incentives, monitoring, or sanctioning mechanisms to build solidarity. The fingerprinting refusal movement did not reward compliance or monitor and sanction non-compliance. Indeed, I know of at least one person who, despite allowing himself to be fingerprinted, has retained a leadership position in Zainichi Korean community organizations for the past 30 years. I could discern no economic or reputational sanction facing him for allowing himself to be fingerprinted.¹⁵ Second, even if the fingerprinting refusal movement was able to offer selective incentives or a monitoring and enforcement mechanism, it is not clear why those opposed to employment

¹² McCarthy and Zald, "Resource Mobilization and Social Movements," p. 1236.

¹³ Hechter, *Principles of Group Solidarity*, pp. 52-55.

¹⁴ Chong, *Collective Action and the Civil Rights Movement*, p. 9.

¹⁵ Personal interview with author, 3/13/2002. In the interview he suggested that he allowed himself to be fingerprinted because had he refused and been arrested, then the materials of interest that he held might have been seized by the police. Had the anti-fingerprinting social movement placed a high premium on compliance at all costs, however, they could have arranged for important files to be kept by Japanese nationals who were not required to be fingerprinted.

and housing discrimination would not be able to rely on the same kinds of mechanisms. Third, it seems unlikely that fingerprinting refusers had any kind of dependence on the pro-refusal groups. Many of the groups that supported the movement were new and did not provide services other than supporting fingerprinting refusers.

Political Opportunities and the Fingerprinting Movement

Theoretical Model

In considering the importance of allies to social movement mobilization, I use Sidney Tarrow's notion of political opportunity structure. Tarrow argues that only consideration of the political opportunities facing movements can answer the following questions: "Why does contentious politics seem to develop only in particular periods of history and why does it sometimes produce robust social movements and sometimes flicker out into sectarianism or repression? And why do movements take different forms in different political environments?"¹⁶ Tarrow does not deny that rational choice approaches provide important insights about social movements. He argues that the rational choice-based notion of "competition among challengers for a pool of supporters helping to explain the dynamics of a cycle" is helpful in explaining social movement activity.¹⁷

However, rational choice theory is not useful in explaining the emergence of contentious politics at particular periods in history. This is because rational choice theory does not pay serious attention to the political environment in which movements are situated, focusing instead on the structural incentives within movements. Following Tarrow's insight about the inadequacies of rational choice, a focus on the external political environment from which they emerge—the political opportunities that particular movements face—is essential in understanding the formation of particular social movements at particular historical moments.

Through his empirical chapter on the emergence of dissent in the former Soviet Union, Tarrow suggests that the following political opportunities all played a role in the emergence of contentious politics: "(1) the opening of access to participation for new actors; (2) the evidence of political realignment within the polity; (3) the appearance of influential allies; (4) emerging splits within the elite; and (5) a decline in the state's capacity or will to repress dissent."¹⁸ Tarrow also considers variables that are relatively more constant, such as "state strength and prevailing strategies," and "modes of repression."¹⁹ In the following section of the paper, I examine the ability of the political

16 Tarrow, *Power in Movement*, p. 19.

17 Tarrow, *Power in Movement*, p. 198.

18 Tarrow, *Power in Movement*, p. 76.

19 Tarrow, *Power in Movement*, p. 81.

opportunity structure model to account for the mobilization of Koreans in Japan.

*Evidence for a Political Opportunity Structure among Japan's Korean Minority
Zainichi Koreans in the Immediate Postwar Period*

Japan's foreign population is diverse, but Koreans make up the vast majority of that population. Most Koreans in Japan trace their roots to the period during which Japan colonized Korea (1910-1945); by the end of that period, almost two million Koreans lived in Japan.²⁰ The majority of Koreans came to Japan for employment. Many former Korean peasants migrated to Japan because reforms that ended traditional land holding patterns (often in ways that benefited Japanese companies) rendered them landless. Japanese companies often encouraged migration, as Koreans represented a source of cheap labour.²¹ Moreover, in 1938 Japan began to specifically recruit Korean labourers to alleviate labour shortages in industries such as coal mining. This system of "recruiting" was frequently coercive, and in 1942 Japan began formally conscripting Koreans to serve as labourers. The statistics regarding this era are difficult to interpret; Japanese government statistics suggest that between 1939 and 1945 more than 600,000 Koreans were brought to Japan, and some scholars put the number at close to 1.5 million.²²

From Japan's surrender in 1945 until 1946, around 1.3 million Koreans returned to Korea, leaving 647,006 in Japan, and the Zainichi Korean population has remained relatively constant at 600,000 up to now, as is indicated in Table 1.²³ In 1946 former colonial subjects lost the right to vote and hold office due to the Revised Parliamentary Electoral Law, which was passed with the consent of the General Headquarters of the Allied occupying army.²⁴ In the immediate postwar period the Japanese had assumed that the occupying powers would require them to allow former colonial subjects from Korea and Taiwan who had remained in Japan to choose whether or not to keep their Japanese citizenship. However, on 19 April 1952, nine days before the peace treaty went into effect, when it had become clear that the Allied Powers would not request such a policy, Japan took citizenship away from all Koreans and Taiwanese, including those who remained in Japan.²⁵

In October 1945, several prominent communist activists in Japan's Korean community formed a group called Chōren (Choryōn in Korean) with the

²⁰ Chan-Jeong Kim, *Zainichi Korian Hyakunenshi* [100 Years of History of Koreans in Japan] (Tokyo: Sango Kan, 1997), p. 24.

²¹ Chan-Jeong Kim, *Zainichi Korian Hyakunenshi*, pp. 27-34.

²² Chan-Jeong Kim, *Zainichi Korian Hyakunenshi*, p. 118.

²³ Chan-Jeong Kim, *Zainichi Korian Hyakunenshi*, p. 170.

²⁴ Chan-Jeong Kim, *Zainichi Korian Hyakunenshi*, p. 143.

²⁵ Iwasawa, *International Law, Human Rights, and Japanese Law*, p. 130-31. See in particular footnotes 29 and 30 on p. 131.

Table 1
*Registered Foreign Residents in Japan by Nationality*²⁶

Year	N & S Korea	China	Philippines	U.S.A.	Brazil	Peru	Other	Total
1947	598,507	32,889	240	2,249			5,483	639,368
1950	544,903	40,481	367	4,962	169		7,814	598,696
1955	577,682	43,865	435	8,566	361		10,573	641,482
1960	581,257	45,535	390	11,594	240	40	11,510	650,566
1965	583,537	49,418	539	15,915	366	88	16,126	665,989
1970	614,202	51,481	932	19,045	891	134	21,773	708,458
1975	647,156	48,728	3,035	21,976	1,418	308	29,221	751,842
1980	664,536	52,896	5,547	22,401	1,492	348	35,690	782,910
1985	683,940	74,924	12,261	29,044	1,955	480	48,635	850,612
1990	687,940	150,339	49,092	38,364	56,429	10,279	82,874	1,075,317
1995	666,376	222,991	74,297	43,198	176,440	36,269	142,800	1,362,317
2000	635,269	335,575	144,871	44,856	254,394	46,171	225,308	1,686,444
2001	632,405	381,225	156,667	46,244	265,962	50,052	245,907	1,778,462
2002	625,422	424,282	169,359	47,970	268,332	51,772	264,621	1,851,758
2003	613,791	462,396	185,237	47,836	274,700	53,649	277,421	1,915,030

purpose of facilitating repatriation to Korea and promoting Korean ethnic education.²⁷ The group allied itself with the Japanese Communist Party, and when the two separate Korean regimes were established, Chōren declared its allegiance to the North. It was fairly common for Koreans in Japan to support the North Korean regime; the South Korean state run by Rhee was widely thought to be a puppet state of the US, and many considered Rhee to be “an American-educated petit bourgeois.”²⁸

While Chōren fought for issues primarily of concern to Koreans in Japan (such as the establishment of autonomously run ethnic schools), they also took an active role in Japanese politics that did not specifically relate to Koreans. In addition to their alliance with the Japanese Communist Party, Chōren took positions on issues regarding Japan’s postwar reconstruction.²⁹ Chōren’s political activities made the increasingly anti-communist US anxious, and in 1948 the allied-run General Headquarters (GHQ) ordered Japan to ban Chōren-run schools. This policy led to a riot in Kobe, and in 1949 GHQ banned the group. In 1951 Korean communists formed a group called Minsen, which was also somewhat active with the Japanese Communist Party. However, this group was dissolved by order of Kim Jung Il in 1955, to be replaced with a group called Chōren-Sōren.³⁰

Both the pro-South Mindan, which formed in 1946, and the pro-North Chōren-Sōren, which formed in 1955, wanted to avoid the fate that had befallen Chōren. Consequently, both groups explicitly distanced themselves from Japan’s “internal affairs”; both focused their efforts primarily on “repatriation and homeland politics” while strongly discouraging their members from taking on Japanese nationality.³¹ This policy was based on a state-centred assumption about citizenship and identity in that it links national identity with formal national citizenship, an assumption Mindan and Chōren-Sōren shared with the Japanese state. According to this outlook,

²⁶ Data from *Nihon Tōkei Nenkan* [Japan Statistical Yearbook] (Tokyo: Sōmushō Tōkei Kenkyōsho [Statistics Research and Training Institute, Ministry of Internal Affairs and Communications], 2005); *Nihon Tōkei Nenkan* [Japan Statistical Yearbook] (Tokyo: Sōmushō Tōkeikyoku [Statistics Bureau, Management and Coordination Agency], 1986); *Nihon Tōkei Nenkan* [Japan Statistical Yearbook] (Tokyo: Sōrifu Tōkeikyoku [Bureau of Statistics, Office of Prime Minister], 1960); *Nihon Tōkei Nenkan* [Japan Statistical Yearbook] (Tokyo: Nihon Tōkei Kyōkai [Japan Statistics Association], 1949). Countries featured in the table had more than 40,000 residents in Japan at some point during postwar period. In 2003 there were foreign residents from more than 43 countries in Japan.

²⁷ Keizō Yamawaki, “Sengo Nihon No Gaikokujin Seisaku to Zainichi Korian No Shakai Undō—1970 Nendai Wo Chūshinni [Foreigner Policy in Postwar Japan and Social Movements among Koreans in Japan—Focus on the 1970s],” in Takamichi Kajita, ed., *Kokusaika to Aidentiti* [Internationalization and Identity], (Kyoto: Minerva Shobō, 2001), p. 299.

²⁸ Sonia Ryang, *North Koreans in Japan: Language, Ideology, and Identity* (Boulder CO: Westview, 1997), p. 104.

²⁹ Erin Aeran Chung, “Non-Citizens, Voice, and Identity: The Politics of Citizenship in Japan’s Korean Community” (paper presented at the First Annual Summer Institute on International Migration Conference, University of California, San Diego, 2003), p. 34.

³⁰ Yamawaki, “Sengo Nihon No Gaikokujin Seisaku,” p. 299.

³¹ Chung, “Non-Citizens, Voice, and Identity,” p. 34.

when Koreans take Japanese citizenship, they renounce their Korean identity. For this reason the vast majority of Zainichi Koreans did not naturalize but in order to avoid discrimination they made efforts to pass as Japanese. This created the strange situation of “over 600,000 highly assimilated Korean permanent residents living within Japan’s territorial boundaries without full citizenship rights.”³²

The Opening of Political Opportunities

In the 1970s, five factors converged to weaken the influence of Mindan and Chōren-Sōren and thus to open a window for social mobilization in the Korean community. First, the demographics of Koreans in Japan were shifting. The fact that a large percentage of the Korean community had been born in Japan set off a process which Yamawaki calls “residentialization.” In short, Koreans were more likely to think of themselves as long-term residents of Japan, and they were unsatisfied with the policies of Mindan and Chōren-Sōren that assumed that they would eventually return to Korea.³³ Second, the massive protests against the Vietnam War in Japan in the 1960s served as a clear indication to Koreans in Japan that mass protest was a feasible and respectable alternative to silence.³⁴ Third, Japan signed a number of human rights treaties in the late 1970s and early 1980s, which gave potential activists new rhetorical and legal tools to use against Japan. These treaties also benefited potential activists by suggesting a new set of allies in the global human rights movement, even while Japanese courts held that the human rights treaties did not obligate Japan to end its fingerprinting policy.³⁵

Fourth, in 1970 a Zainichi Korean named Pak Chong-Suk passed the Hitachi company entrance exam. Hitachi offered him a job, but withdrew their offer when they found out he was a Korean citizen. Neither Mindan nor Chōren-Sōren supported Mr. Pak, because “employment in a major Japanese corporation was merely a step toward assimilation into Japanese society.”³⁶ Pak ended up winning his lawsuit in 1974, and legal scholar Yuji Iwasawa has compared the results of the Pak case on Zainichi Korean mobilization with the impact of *Brown v. Board of Education* on African-American mobilization in the United States.³⁷ The most immediate impact of the Pak case was the formation of a number of grassroots groups to support Pak. In 1975 these groups merged into an organization called Mintōren (the National Council for Combating Discrimination against Ethnic Peoples in Japan).

³² Chung, “Non-Citizens, Voice, and Identity,” p. 35.

³³ Yamawaki, “Sengo Nihon No Gaikokujin Seisaku,” p. 289.

³⁴ Yamawaki, “Sengo Nihon No Gaikokujin Seisaku,” p. 290.

³⁵ Amy Gurowitz, “Mobilizing International Norms: Domestic Actors, Immigrants, and the Japanese State,” *World Politics*, vol. 51, no. 3 (1999), p. 432-33; Iwasawa, *International Law, Human Rights, and Japanese Law*, pp. 150-57.

³⁶ Chung, “Non-Citizens, Voice, and Identity,” p. 39.

³⁷ Iwasawa, *International Law, Human Rights, and Japanese Law*, p. 202, footnote 331.

Fifth, public discourse in the Zainichi Koreans community was shifting. From the end of the war until the 1970s, public discourse among Zainichi Koreans was dominated by the assumption that Koreans in Japan were temporary residents who should eventually return to Korea. Although they had fundamental political differences, Mindan and Chōren-Sōren shared this assumption, and this informed their response to the case of Mr. Pak. However, Zainichi Korean thinkers, including Kang Jae Eun and Kim Tong Myung, began to question this assumption in the 1970s.³⁸ In Kim Tong Myung's phrase, Koreans in Japan could pursue a possible "third way," "a way to live in Japan as home, without being totally Korean or Japanese but by being 'zainichi.'"³⁹

The Fingerprinting Refusal Movement

These opportunities set the stage for grassroots social mobilization in the Zainichi Korean community. Hiroshi Tanaka suggests that, although the fingerprinting requirement had existed in Japan since the 1952 Foreigner Registration Law (*Gaikokujin Tōrokuho*), the issue gained salience with a widely publicized instance of fingerprinting refusal in 1980.⁴⁰ The number of refusers was particularly large in 1985: "of some 360,000 aliens who were to renew their alien registration, more than 10,000 refused or reserved fingerprinting."⁴¹ There were fingerprinting refusers in at least 35 Japanese prefectures.⁴² The movement had widespread grassroots support in the Zainichi Korean community, with groups to support fingerprinting refusers established all over Japan. Large numbers of local governments and local government officials, including the National Mayor's Association the National Convention of the Alien Registration Administration Councils and more than one thousand local assemblies, also made efforts in support of the fingerprinting refusers.⁴³ In 1985 both the South Korean government and a number of South Korean civil society groups indicated their disapproval of the system whereby Zainichi Koreans were fingerprinted.⁴⁴

This movement formed in the absence of support from Mindan and Chōren-Sōren. Although both groups claimed to oppose fingerprinting in

³⁸ David Chapman, "The Third Way and Beyond: *Zainichi* Korean Identity and the Politics of Belonging," *Japanese Studies*, vol. 24, no. 1 (2004), pp. 31-34.

³⁹ David Chapman, "The Third Way and Beyond," p. 34. This is Chapman's paraphrase of Kim's argument.

⁴⁰ Tanaka, *Zainichi Gaikokujin*, p. 78.

⁴¹ Yasuaki Onuma, "Interplay between Human Rights Activities and Legal Standards of Human Rights: A Case Study on the Korean Minority in Japan," *Cornell International Law Journal*, vol. 25, no. 3 (1992), p. 523.

⁴² "Shimōn Ōnatsu no Ugokihirogaru: Zenkoku de 500 Nin wo Kosu [The Fingerprinting Movement Expands: The Number Exceeds 500 Nationally]," *Asahi Shinbun*, 1 July 1985, p. 3.

⁴³ Iwasawa, *International Law, Human Rights, and Japanese Law*, pp. 150-51.

⁴⁴ "Kankokunai Dewa Shōmei Undō [A Signature Drive in South Korea]," *Asahi Shinbun*, 11 May 1985, p. 3.

principle, neither group made significant organizational contributions to the refusal movement.⁴⁵ Mindan began encouraging Zainichi Koreans to “reserve” fingerprints in March of 1985 (after the movement had begun to gain momentum), but they did not speak in favour of fingerprint refusal. In October 1985 South Korea’s Ministry of Foreign Affairs “clarified” Mindan’s position by arguing that they did not support Zainichi Koreans who violated Japanese law.⁴⁶ In the case of Chōren-Sōren, some officials held that “the fingerprinting requirement was a necessary consciousness-raising experience for Korean youth who, upon turning 16, were confronted with their Korean identities often for the first time.”⁴⁷

In order to get a better understanding of the causes of the fingerprinting refusal movement, I interviewed three Zainichi Koreans who refused to be fingerprinted in the early to mid-1980s. Although one of the people I interviewed remains active in various political groups, the other two are not active at all; their fingerprinting refusal was by far the most overtly political action they have ever taken. The two non-activists both traced their refusal to a similar kind of logic. One who had refused fingerprinting as a 16-year-old explained his decision by saying that “taking fingerprints [from Koreans but not Japanese] is ethnic discrimination.”⁴⁸ The other said that she refused to be fingerprinted because she felt there were no substantial differences between her and the Japanese, and she didn’t understand why she had to be fingerprinted and the Japanese didn’t.⁴⁹

Those two responses contrast sharply with the response of the individual who has remained active in Zainichi political causes. He said that he was upset about the fingerprinting movement because he didn’t like the idea that his children would have to be fingerprinted, and he went on to say, “Some friends and I joined a group that was opposed to fingerprinting, and we participated in various protests, but no matter how much we did, no matter how much we raised our voices in protest, Japanese society and the Japanese government didn’t listen to us.... I thought, ‘There is nothing we can do but overthrow this system,’ and I refused to be fingerprinted.”⁵⁰

What is most interesting about this quotation is the role that the intransigence of the Japanese government played in this activist’s decision to refuse to be fingerprinted. Unlike the other refusers, he remains an activist, and he located his discussion to refuse to be fingerprinted within a larger discussion of movement strategies. His statement suggests that, in addition to the political opportunities identified above, the fingerprinting refusal

⁴⁵ Kim, *Zainichi Korean Hyakunenshi* p. 227.

⁴⁶ “Shimōn Ōnatsu Kyōhi, Tōgekōsu [The Fingerprinting Refusal Movement has Passed over the Peak], *Asahi Shinbun*, 1 October 1985, p. 3.

⁴⁷ Chung, “Non-Citizens, Voice, and Identity,” p. 32.

⁴⁸ Interview with author in March, 2002.

⁴⁹ Interview with author in March, 2002.

⁵⁰ Interview with author in March, 2002.

movement benefited from a final and essential political opportunity, that is, the Japanese government did not take the concerns of Zainichi Koreans seriously. As the Japanese government began to address the concerns of Zainichi Koreans in the 1980s, this window of political opportunity for Zainichi Korean mobilization began to close.

This is not surprising in light of the theory of political opportunity structure. Tarrow argues, "Some states, whether strong or weak, have a prevailing strategy toward challengers that is inclusive, responding to and absorbing their demands (in Gamson's terminology, 'pre-emption') and facilitating their entry into the polity, whereas others have an 'exclusive' strategy."⁵¹

Tarrow goes on to cite studies claiming that inclusive strategies tend to produce more mobilization but less "confrontation and protest."⁵² In other words, inclusive polities can undermine efforts at establishing contentious politics by "pre-empting" the concerns of movement organizers.

In the following section, I examine the impact of a shift inside the Japanese state from the exclusive "1952 system" to the inclusive "1982 system" on social mobilization among Zainichi Koreans.

Bureaucratic Change and the Closing of Political Opportunities

In the 1970s and 1980s a number of important ministries of the Japanese government began to reevaluate the ways they treated foreign residents. In 1975 the Ministry of Construction allowed non-citizens to benefit from public housing.⁵³ In 1983 the Ministry of International Trade and Industry allowed foreign residents to become patent attorneys; in 1984 the Ministry of Posts and Telegraphs allowed foreign residents to carry mail; and in 1986 the Ministry of Health and Welfare changed its regulations so that all foreign residents who were legally in Japan for more than a year became eligible for national health insurance.⁵⁴

In order to understand the roots of these changes, I consider the case of one particularly important bureau in a bit more detail: the Bureau of Immigration and Emigration in the Ministry of Justice. Yamawaki argues that, in the immediate postwar period, the Office of Emigration and Immigration of the Ministry of Justice constructed a policy toward Zainichi Koreans based on what he calls a "separatist consciousness," the notion that Zainichi Koreans do not have any kind of long-term relationship with Japanese society.⁵⁵ He cites a number of statements by Japanese officials

⁵¹ Tarrow, *Power in Movement*, p. 82.

⁵² Tarrow, *Power in Movement*, p. 82.

⁵³ Iwasawa, *International Law, Human Rights, and Japanese Law*, p. 175.

⁵⁴ Iwasawa, *International Law, Human Rights, and Japanese Law*, pp. 164-66.

⁵⁵ Yamawaki, "Sengo Nihon No Gaikokujin Seisaku," p. 298.

that make this point, including a 1959 white paper by the Emigration and Immigration Office of the Ministry of Justice which states, "It can be said that our country has the most excess population in the world. For that reason, a population balancing policy and an immigration policy are often spoken about. Looking at it from that perspective, we should really limit the number of foreigners entering our country."⁵⁶

Yamawaki calls this approach to foreigners in Japan the "1952 system." The implications of this approach for Zainichi Koreans is indicated in a 1969 statement from Masuyama Minoru, the head of the Office of Emigration and Immigration, who states, "It is absolutely not in the interest of Japan for Koreans living in Japan to stay here. If they can it would be good if they left, and this way of thinking is dominant."⁵⁷ It is interesting to note how this kind of ideology fits with the dominant ideologies in the Korean community at the time, represented by Mindan and Chōren-Sōren. Both the Korean groups and the Japanese state conceived as citizenship as a proxy for identity. Both the Japanese state and the Korean groups seem to suggest that naturalization of Koreans is undesirable.

This ideology began to gradually shift in the 1970s. In 1975 a young bureaucrat in the Office of Immigration and Emigration named Sakanaka Hidenori won an office-wide essay contest with an essay that challenged this separatist orientation. Yamawaki argues that the Sakanaka thesis, as the document has come to be known, was tremendously influential in important circles within the Office of Emigration and Immigration, helping to reorient that office away from a separatist consciousness-based understanding of non-citizens role in Japan and toward the idea that resident Koreans should be treated with respect in order to avoid a "minority people's problem."⁵⁸

The Sakanaka thesis represents the core of what Yamawaki calls the "1982 system" for dealing with foreigners in Japan, and it came to influence policy in several important ways. Before discussing these, however, it is important to note two things. First, I am not claiming that the Sakanaka thesis became the sole guiding principle for all Japanese bureaucrats. There were undoubtedly opponents even within the Bureau of Immigration and Emigration, and the success of the Sakanaka ideology did not go uncontested by those in positions of power in Japan. Second, I do not mean to suggest a normatively positive judgment of the Sakanaka thesis or the 1982 system. The Sakanaka thesis was actually unpopular with some Zainichi Korean activists, in particular because it focused on assimilation.⁵⁹

56 Yamawaki, "Sengo Nihon No Gaikokujin Seisaku," p. 291.

57 Yamawaki, "Sengo Nihon No Gaikokujin Seisaku," p. 295.

58 Yamawaki, "Sengo Nihon No Gaikokujin Seisaku," p. 294.

59 Chung-To Bae, *Zainichi Korean—Rekishi, Genshō, Mirai* [Koreans in Japan: History, the Present Situation, and the Future] (Yokohama, Japan: Yokohama-Shi Kokusai Kōryū Kyōkai [Yokohama City International Exchange Association], 1999), p. 29.

This shift in the guiding ideology of the Office of Immigration and Emigration led to a large number of policy changes in Japan. Most relevant to the purposes of this paper, the gradual phasing out of the fingerprinting system serves as a reminder that the impetus for the 1982 system was to avoid a minority people's problem. In 1982, following a high-profile fingerprinting refusal case in 1980, the Japanese government made the punishment for fingerprinting refusal harsher. In addition to fines, those who refused to be fingerprinted were also to be denied reentry permits when they left Japan.⁶⁰ Also in 1980, Japan altered the requirement so that foreign residents only had to submit fingerprints every five years, instead of every three years.⁶¹ This had the effect of moving the next year when large numbers of foreign residents' registration cards were due to be renewed from 1983 to 1985, buying the government a few more years to develop a strategy to deal with fingerprinting refusers.

In 1985 the Japanese state began taking fingerprints in invisible ink rather than black ink and moved from a "rotating fingerprint" to a "flat fingerprint."⁶² Japan also began to punish fingerprinting refusers by deferring the furnishing of one type of alien registration card and indicating "refused fingerprinting" on another type of alien registration card.⁶³ Ultimately these reforms were not effective in stopping the anti-fingerprinting movement, because, as noted above, in 1985 over 10,000 people refused to be fingerprinting or reserved their fingerprint.

At the opening ceremonies for the Asian Olympics in Seoul in 1986, Japanese Prime Minister Nakasone promised that Japan would ask for the fingerprints of foreign residents only once in their lifetimes. In 1987 that policy was enacted, along with a policy that required those who refused to be fingerprinted to renew their residence permits once every two years, as opposed to other foreign residents who had to renew their permits once every five years.⁶⁴ This policy, while not satisfying the fingerprinting refusal movement, ultimately led to the serious weakening of that movement. Since most Zainichi Koreans were no longer required to be fingerprinted, it was not possible to repeat 1985's spectacle of massive numbers of fingerprinting refusers. The Japanese state had reasserted control over the pace of social change.

In 1989, as a part of a larger amnesty for some criminals enacted in response to Emperor Hirohito's death, fingerprinting refusers were granted amnesty, and the cases against 34 refusers were dismissed from court.⁶⁵ In

⁶⁰ Tanaka, *Zainichi Gaikokujin*, p. 93.

⁶¹ Tanaka, *Zainichi Gaikokujin*, p. 80.

⁶² Tanaka, *Zainichi Gaikokujin*, p. 94.

⁶³ Tanaka, *Zainichi Gaikokujin*, p. 94.

⁶⁴ Tanaka, *Zainichi Gaikokujin*, pp. 94-95.

⁶⁵ Tanaka, *Zainichi Gaikokujin*, p. 97.

1992, the fingerprinting system was abolished in the wake of the 1991 Memorandum of Understanding between the Japanese and South Korean Foreign Ministers.

Both the gradual nature of the phasing out of fingerprinting and the combination of legal carrots and sticks (e.g., invisible ink as well as the denial of reentry permits) suggest that Japan's policy had two aims. First, the government wanted to keep the numbers of refusers as low as possible. Second, the government wanted to avoid the appearance of a minority people's problem by reducing the opportunities for Zainichi Koreans to demonstrate their displeasure with government policy.

In addition to the gradual phasing out of the fingerprinting system, many of the other changes noted above—the elimination of nationality requirements on a number of different state-related employment areas, public housing, health care, pensions, etc.—simultaneously improved the lot of Zainichi Koreans and made it more difficult for Zainichi Koreans to organize social movements. Undoubtedly, Zainichi Koreans have made important legal gains, and these can be traced to a combination of international pressure, both from South Korea and from international human rights groups, the changes in bureaucratic agencies in the 1970s and 1980s, and Zainichi Korean activism. However, these reforms also had an adverse effect on the Zainichi community's ability to organize mass social movements. This reality has had a serious impact on Zainichi Koreans, who still face a number of substantial problems in Japan. Activists in groups like *Mint_ren* combat individual cases of ethnic discrimination in housing and employment, and Koreans with their own businesses sometimes face difficulties getting loans and renting properties. Moreover, as long as they keep Korean citizenship Zainichi Koreans are not allowed to vote.

Conclusion

The case of foreign fingerprinting refusers in Japan is a particularly interesting and important one because it stands at the nexus of international relations and comparative politics. The ultimate end of the fingerprinting system was shaped by both international factors—what scholars have called the “second-image reversed”⁶⁶—and domestic ones. Internationally, pressure from the South Korean state, based on feelings of ethnic solidarity with Koreans in Japan, and pressure from international human rights groups based on universalistic ideas about the dignity of all people, put pressure on Japan to end the fingerprinting system. Domestically, a Zainichi Korean population that increasingly thought of itself as being in Japan for the long term, coupled with supportive local governments and bureaucratic agencies

⁶⁶ Peter Gourevitch, “The Second Image Reversed: The International Sources of Domestic Politics,” *International Organization*, vol. 32, no. 4 (1978).

that were questioning and adjusting the way they dealt with foreign residents, created similar pressure.

Put another way, the fingerprinting refusal movement occurred in 1985 because of a convergence of political opportunities, including favorable demographic conditions, Japan's ratification of human rights treaties, ideational changes within both the Japanese state (the Sakanaka thesis) and the Zainichi Korean community (the "third way"), and domestic developments, such as court decisions and local government policies. Moreover, Zainichi Korean activists had difficulty organizing another social movement in the wake of the fingerprinting refusal movement at least partially because of the very success of previous activism. The reforms that Japan made in the 1970s and 1980s satisfied many—but by no means all—of the demands of Zainichi Korean activists, and they subsequently had a difficult time finding an issue on which to galvanize community outrage.

The Japanese state is again considering changing the way it deals with foreign residents in order to address issues, including Japan's aging population and Japan's participation in the global war on terror. As Japan begins to grapple with the problems of an impending population decline and aging population, many commentators and policymakers are calling for programs to introduce more foreign labour into Japan.⁶⁷ Moreover, Japan has recently reintroduced the fingerprinting requirement for foreigners as a part of its anti-terror strategy, although "special permanent residents," including Koreans who have been in Japan since before 1945 and their descendants—78 percent of Koreans in 2001⁶⁸—will be exempt from this requirement.⁶⁹ The question of how these changes will shape the political opportunities for social movement mobilization of foreign residents in Japan remains a promising topic for further research.

University of Washington, W.A., U.S.A., October, 2006

⁶⁷ Gabriele Vogt, "Facing the Challenge of Immigration? The State, Civil Society, and Structures of Interdependence," *German Institute for Japanese Studies Working Paper* 06/5 (2006).

⁶⁸ *Zairyū Gaikokujin Tōkei* [Statistics on the Foreigners Registered in Japan] (Tokyo: Nyūkan Kyōkai [Japan Immigration Association], 2002).

⁶⁹ Masami Ito, "Diet Passes Bill to Take Foreigners' Prints, Pics," *The Japan Times*, 18 May 2006.