

## Chapter 5

### Producing Categories for Convenience

#### *Introduction*

The previous two chapters were designed to examine how categories of citizen and foreigner are used in migrant activism in Japan as well as to identify commonalities and differences among the examples investigated in these chapters. The intention of doing so was to pay close attention to the tenacity of category-vocabularies and explore the political significance of relying on these vocabularies. The literature review in chapters 1 and 2 demonstrated that categories are political; in other words, classifying people into groups constitutes bordering of subjects. State boundaries constantly strive to read people by selecting appropriate categories to name them. These categories appropriate subjects and as such, carry their political significance in controlling subjects. Categories also generate resistance to bordering practices which control subjects. Hence, the politics of categories also carries implications for resistance. It is this second approach to categories which posed important questions to shape the design and scope of chapters 3, 4 and 5. Can categories be resisted? What does it mean that categories are still utilised to articulate resistance? What does the tenacity of categories mean for the image of the boundary, which is now increasingly *not* associated with the image of a line?

Animated by these questions, the previous two chapters focused on instances where categories are used by people, in this case, the participants in

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migrant activism in Japan. By doing so, these chapters interrogated how people engaged with the parts played by the tenacious reliance on categories. By drawing on the examples of the government talk, the KCU activities and the independent movements within the Nambu FWC, the chapters demonstrated that people use categories either to accept the subjects assigned to them or to challenge them. While chapter 3 showed the former case, chapter 4 demonstrated the latter. Both of these cases also demonstrated that linguistic boundaries between citizens' tongues and foreign tongues are intertwined in the politics of categories.

The key finding in both chapters is that categories of citizen and foreigner are enacted at the intersection between producing these categories and pretending to be 'the' people identified with them. In chapter 3, while migrant workers are categorised as foreigners and their voices are being taken away, they also pretend to be these speechless foreigners to achieve personal gain, that is, to solve their labour disputes. In this context, for people categorised as foreigners, accepting the role and pretending to be a foreigner was a chance to exhibit their enthusiasm in front of other union members who would eventually deal with their disputes. In chapter 4, while the people at the Nambu FWC used the idea of democracy to challenge the category of foreigner and speechlessness allocated to them, they also reproduced the people identified as 'citizens', in this case, English-speaking union members. Although the category of citizen indicated people who monopolised the domain of speech, it also included the people identified as 'foreigners', non-English speaking union members, who identified themselves as being a

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part of the domain of speech. In this way, these non-English speakers pretend to belong to the category of citizen, although their ability to be understood is taken away.

The present chapter is charged with the task of analysing further cases to examine the tenacity of categories in migrant activism in Japan. It does so by turning to less dramatic and more mundane aspects of activism where people resort to category-vocabularies simply to carry out their daily jobs, for instance, as lawyers and as union organisers. I will look into three different groups of people: the China Japan Volunteer Association (*Chū Nichi Volunteer Kyoukai*, CJVA) members, immigration lawyers and interpreters. I will argue that each example reveals a reliance on category-vocabularies, which was observed in the previous two chapters. However, I will also argue that the people investigated in the present chapter act as if they are simultaneously citizens and foreigners, deftly switching their roles depending on the context of their work. In doing so, citizens are associated with people who know how to behave in Japan as well as, recalling Anzaldúa's observations, people who have citizens' tongues, that is, the ability to speak Japanese. Meanwhile, foreigners are associated with people who are unfamiliar with Japanese customs and who lack the ability to speak Japanese. I will argue that the people this chapter focuses on represent both of these categories, and in this way, expose the categories' inability to name people.

### *The China Japan Volunteer Association*

#### Background Information on the CJVA

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In the spring of 2010, Mei and Wang, two women from China, contacted the CJVA by phone to seek help.<sup>1</sup> Mei and Wang had come to Japan through the training and internship programme (*kenshu sei · jisshu-sei seido*) and were working as trainees (*kenshu-sei*) in a Japanese company in Aichi prefecture, in central Japan. They were part of a group of five female trainees from China, who were working in a small company and sharing an apartment provided by their company.<sup>2</sup> One morning, their apartment was suddenly surrounded by a group of people, who forcefully caught Mei's and Wang's colleagues and took them away. Mei and Wang guessed that they were taken to the airport and sent back to China against their will. Having suspected that the company was about to go bankrupt since the owner had fallen ill, Mei and Wang thought that their colleagues were forcefully returned to China because the company could no longer afford to pay even the small sum of 'training' fees they were entitled to. Mei and Wang were frightened that, at any moment, they could be in the same situation as their colleagues. So they waited for a chance to secretly contact the CJVA.

Set up in 2006, the CJVA has 218 members who live across Japan including Okinawa and Hokkaido (the southernmost and northernmost prefectures respectively). It provides a hotline for Chinese people who have trouble in Japan, like Mei and Wang. These problems might vary from issues

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<sup>1</sup> The information on Mei and Wang discussed in this section and the ways in which CJVA handled the case was obtained by the interviews with Cho Ken-Ha, the founder of the CJVA, and Chin Tan-Shou, a member of CJVA, held on 15 May 2010 and 19 April 2010 respectively. Both of them took care of the case brought by Mei and Wang.

<sup>2</sup> As I will argue below, the companies usually provide accommodation for trainees and interns, so that they can better control and monitor their lives.

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related to international marriage (between Japanese and Chinese), education for children, traffic accidents, work-related problems and visa statutes.<sup>3</sup> Once they receive a phone-call, the members who answer the call either respond by themselves or circulate the information on the CJVA mailing list. Through the discussion and information sharing on the mailing list, the CVJA members offer some advice and, sometimes, directly initiate actions to solve the problems, like the handling of the Mei and Wang case. Between 2006 and 2011, the CJVA had received in total about 3000 consultations.<sup>4</sup> Its members include academics, lawyers, students and business people, all of whom are so-called new overseas Chinese (*shin kakyou-kajin*).<sup>5</sup>

The term ‘new overseas Chinese’ indicates people who have arrived in Japan since the late 1970s and early 1980s when China went through a series of domestic reforms.<sup>6</sup> As a part of the largest group of foreign nationals in

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<sup>3</sup> *China Record*, “‘Chu Nichi Volunteer Kyoukai’ ga Setsuritsu 5-shunen’ [The 5th Anniversary Since the “China Japan Volunteer Association” was Set Up.], 28 February 2011, <<http://www.recordchina.co.jp/group.php?groupid=49583>> [Accessed 2 November 2012].

<sup>4</sup> *Mainichi Shimbun*. ‘Chu Nichi Volunteer Kyoukai’, 19 February 2011. See also, ‘Zainichi chūgokujin no yakuwari wo kangaeru’, Japan-China Friendship Association, *Zainichi Chugokujin no Yakuwari wo Kangaeru* [Reflection on the Role of Chinese Living in Japan], <<http://www.jcfa-net.gr.jp/shinbun/2011/110315.html>> [Accessed 2 November 2012].

<sup>5</sup> In contrast to the new overseas Chinese, there are ‘old’ overseas Chinese (called *rou kakyou-kajin*, *Nihon kakyou*). They came to Japan before 1972 when China and Japan reopened diplomatic relations, many of them prior to the Second World War. See Ju, Hu-Hua, ‘Nihon Kakyou Kajin Shakai no Henyou’ [The changes of Overseas Chinese in Japan], *Graduate School of Humanities and Social Sciences Okayama University Journal*, No.20, p.(132)51. Regarding the origin of the word, kajin and kakyō, see footnote (2) on p.(136)47.

<sup>6</sup> It is important to note that the difference between old and new overseas Chinese is not as simple as I describe here. See Yokokura, Setsuo. (2008) *Zainichi Chugokujin to Nihon Shakai no Genzai* [Current Situations of Chinese living in Japan and their relationship to Japanese Society], in Kanagawa Daigaku Jinbun-gaku Kenkyu-jo (eds.) *Zainichi Gaikokujin to Nihon Shakai no Gurobaru-ka* [Foreigners in Japan and Globalization of Japanese Society] (Tokyo:

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Japan since 2007,<sup>7</sup> new overseas Chinese expanded their areas of activities and work into different fields including education, information technology and high-technology industries and media.<sup>8</sup> Some of these new overseas Chinese attain higher academic degrees such as PhD and work in major Japanese companies including Sony, Matsushita and Toyota.<sup>9</sup> Most of the CJVA members are part of this growing number of new overseas Chinese in so-called white-collar jobs. Alongside this group of new overseas Chinese, there are also pre-college and college students and trainees and interns like Mei and Wang,<sup>10</sup> who are perceived as reserves of future white-collar Chinese residents in Japan.<sup>11</sup>

### Representing Citizens and Foreigners

The organisational ethos of the CJVA is reflected in the way in which it handled the case of Mei and Wang: the CJVA aims to be a bridge between

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Ochanomizu shobou), pp.135-160.

<sup>7</sup> In 2010, Chinese nationals constituted 32.2% of registered foreign nationals, followed by people from the Korean Peninsula (26.5%), Brazil (10.8%), the Philippines (9.8%) and Peru (2.6%). See Ministry of Justice (2011) *Immigration Control in Recent Years, Part 1*, <<http://www.moj.go.jp/content/000081958.pdf>> [Accessed 6 July 2012], p. 20.

<sup>8</sup> See Dan Yaku Chu, 'Nihon no Shin Kakyou Kajin' [New Overseas Chinese in Japan], *Chiri [Geography]*, Vol.48, No.8, pp.16-22.

<sup>9</sup> Ju, Yu-Hua., 'Nihon Kakyou Kajin Shakai no Henyou', p.(133)50.

<sup>10</sup> People coming to Japan as trainees and interns obtain either the Trainee visa or Designated Activities visa. About 70 percent of visa recipients in both categories consist of people from China. See Ministry of Justice. (2011) *Part 1: Immigration Control in Recent Years, Shiryou hen [Data]*, (in Japanese) <<http://www.moj.go.jp/content/000081960.pdf>> [Accessed 6 July 2012] (No English translation of this section was provided). See also Igarashi, Megumi. (2010) 'Nihon ni okeru Chugokujin Roudousha wo meguru Shomondai [The situations of Chinese migrant workers in Japan], in National Diet Library (eds.) *Sekai no naka no Chugoku [China in the Global System]*, pp.194-214 <[http://www.ndl.go.jp/jp/data/publication/document/2011/201002\\_15.pdf](http://www.ndl.go.jp/jp/data/publication/document/2011/201002_15.pdf)> [Accessed 1 June 2012].

<sup>11</sup> Ju, Yu-Hua, 'Nihon Kakyou Kajin Shakai no Henyou', p. (132)51.

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Japanese and Chinese people living in Japan. To realise this overarching goal, the CJVA specifically serves two roles. Firstly, its members help troubled Chinese people to pursue their demands, and secondly, they also help the Chinese residents understand Japanese society. As Cho Ken-Ha, the founder and the president of the CJVA, argues, the CJVA takes the stand that some rights of foreigners living in Japan must be protected.<sup>12</sup> Hence, the first purpose of the CJVA. It also asserts the right of Chinese people living in Japan to change 'Japanese' society and make 'Japanese' people realise that 'foreigners' are residents in Japan. The CJVA tries to create a society where foreigners are treated fairly.<sup>13</sup>

In the case of Mei and Wang, the CJVA priority was to ensure that they would not be forcefully returned to China by their company or by the business cooperative (*kyoudou kumiai*) which allocated Mei and Wang to the company.<sup>14</sup> Therefore, immediately after Mei and Wang contacted the CJVA to express their fear of being sent back, its members started looking for a place for them to stay as a temporary refuge while they pursued their claims.<sup>15</sup> It has been fairly common practice for Japanese companies and

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<sup>12</sup> Interview with Cho, 15 May 2010.

<sup>13</sup> Interview with Cho, 15 May 2010.

<sup>14</sup> Situated under the JITCO, cooperatives such as business cooperatives and agricultural cooperatives directly deal with sending organisations in the countries where the trainees are from as well as the Japanese companies which accept trainees. The companies accept trainees and interns who are members of a cooperative. They often decide, together with the cooperatives, on matters related to the trainees, including forceful return to their countries of origin.

<sup>15</sup> Some companies and cooperatives hire people or use their employees to literally capture trainees who contact labour unions and other relevant organisations to protest against inhumane working conditions. See, for example, Gaikokujin Kenshusei Kenri Nettowaku [Network to Protect Rights of Trainees and Interns] (eds.) (2006) *Gaikokujin Kenshusei Jikyuu 300 Yen no Roudousha [Trainees and Interns Working With the Salary of 300 Yen per Hour]* (Tokyo:

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business cooperatives to force their trainees to return to their countries of origin once they find out that the trainees attempt to disclose their working conditions to concerned groups including labour unions and NGOs.<sup>16</sup> Having heard the story of what had happened to their colleagues, the CJVA members knew that Mei and Wang could be taken to the airport at any moment against their will. Therefore, the request for sheltering them was circulated on the mailing list. Some members quickly responded to the request, and, in the end, one female CJVA member living in Aichi prefecture, where Mei and Wang worked as trainees, offered to accommodate them at her place. The CJVA members also found out how Mei and Wang would like to deal with their situation. Did they want to receive their salary and then go back? Did they want to continue to work in Japan? Did they want to work in the same company or a different one?

For Mei and Wang, to complete their training period was the highest priority because their purpose to come to Japan as trainees was to work. As I discussed in chapter 1, the training and internship system, one example of the side-door policy, is a convenient way for the government to secure manual labourers from abroad while maintaining the official position that it refuses to accept them. The training and internship system is maintained by the gap between what the categories of trainee and intern signify and what is actually represented by these categories (manual labourers). Importantly, not only the

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Akashi Shoten)

<sup>16</sup> See, for instance, Gaikokujin Kenshuusei Kenri Network [Advocacy Network for Foreign Trainees] (eds.) (2009), *Gaikokujin Kenshuusei Jikyuu 300 yen no roudousha (2) [Trainees and Interns Working with the Salary of 300 Yen Per Hour (2)]* (Tokyo: Akashi Shoten).

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Japanese government but also migrant workers themselves engage in this gap to secure a chance to work in Japan by using the training and internship system. As a result of their work, trainees receive a small allowance, as little as 300 yen per hour, as ‘training’ participation fee.<sup>17</sup> Although their ‘allowance’ is more than half of the minimum wage of Japanese labourers, as one lawyer puts it, working in Japan as a trainee is believed to generate enough money to build a house in China. Therefore, migrant workers care less if they work in Japan through the façade of training.<sup>18</sup> Since trainees regard their training to be work, they feel cheated if they cannot complete their training period or if their ‘allowance’ does not properly reflect the amount of work they do.<sup>19</sup> In fact, Mei and Wang contacted the CJVA not because they were unhappy that they received no training, but because they were afraid that they might be forced to go back to China before completing their ‘training’ period.<sup>20</sup> Returning to China before completing the training period meant having less time to earn money in Japan than they originally signed up for. Hence, Mei and Wang requested the CJVA to make sure that

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<sup>17</sup> Regarding the working conditions of the trainees, see Gaikokujin Kenshuusei Kenri Network, *Gaikokujin Kenshuusei Jikyuu 300 yen no roudousha*, *Gaikokujin Kenshuusei Jikyuu 300 yen no roudousha 2*. Regarding the minimum age for Japanese employees, see: Ministry of Health, Labor and Welfare, (n.d.) ‘*Chiiki betsu Saitei Chingin no Zenkoku Ichiran*’ [*The list of the minimum wage in each prefecture in Japan*], <[http://www.mhlw.go.jp/seisakunitsuite/bunya/koyou\\_roudou/roudoukijun/minim umichiran/index.html](http://www.mhlw.go.jp/seisakunitsuite/bunya/koyou_roudou/roudoukijun/minim umichiran/index.html)>[Accessed 10 October 2012].

<sup>18</sup> Interview with Mizutani, 8 April 2010. The name has been changed. See also Gu, Mei-Juan. (2009) ‘Amakusa no Housei Ginou Jisshu-sei Soshou [Ginou Jisshu-sei no Uttae]’ [The Lawsuit by the Technical Interns Working in a Sewing Factory in Amakusa (Appeal by the technical intern)], in Gaikokujin Roudousha Mondai to Korekara no Nihon Henshu Iinkai [The Committee on the Issues on Migrant Workers and the Future of Japan] (eds.) ‘*Kenshu-sei’ ooiu Na no Dorei Roudou* [*The Slaves called ‘Trainees’*] (Tokyo: Kadensha), p.18.

<sup>19</sup> Interview with two trainees from the Philippines, 23 May 2010.

<sup>20</sup> Interview with Cho, 15 May 2010.

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they could stay until they had completed their ‘training’ and ‘internship’ period.

Having learned that Mei and Wang expressed their wish to complete their training period in Japan, the CJVA contacted their employers and the president of the business cooperative. The purpose was to listen to their side of the story and find out what would be the best way to realise Mei’s and Wang’s request while balancing the intentions of their employers. To achieve this, the CJVA members asked the company and the cooperative questions such as: Why did the company forcefully return their colleagues? Would the cooperative and company continue to use Mei and Wang as trainees in their current positions? Do they have any intention to send Mei and Wang back to China?

This is the second aim of the CJVA. It does not simply stand up for troubled Chinese persons but it also listens to their Japanese counterparts to provide the Chinese people with the perspective of the Japanese society. Most of the people contacting the CJVA are Chinese people who do not know much about the Japanese society and who cannot speak Japanese well.<sup>21</sup> To help these people, the CJVA members utilise their own experience of living and working in Japan for extended periods as well as their ability to communicate in Japanese, in order to teach the Chinese residents about how ‘Japanese’ society works.<sup>22</sup> Because of the lack of language abilities and knowledge of Japanese society, Chinese people may persist with some demands which are unlikely to be acceptable in Japan. The CJVA members consider that their

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<sup>21</sup> Interview with Cho, 15 May 2010.

<sup>22</sup> Interview with Cho, 15 May 2010; Interview with Chin, 19 April 2010.

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role is to guide these Chinese people by telling them what ‘Japanese’ society is like and which demands are worth pursuing and which are not. In this respect, as Cho says, the purpose of the CJVA is also to help newly arrived troubled Chinese to ‘adjust’ (*tekiou*) to Japanese society, teaching them about its practices and how things are done in Japan.<sup>23</sup>

For this second aim, it was crucial that the CJVA contacted Mei’s and Wang’s company and the cooperative to find an agreement between all parties, instead of simply asserting what Mei and Wang wanted. Through the process of communicating with both the disputed company and the trainees, the CJVA learned that the company was about to go bankrupt and could no longer employ Mei and Wang as trainees. The introduction of ‘Acceptance Supervised by Organisation’ system (*dantai kanri gata*) in 1990 enabled small and medium-sized companies, previously unable to use the training and internship scheme, to use this system to secure labourers.<sup>24</sup> Most trainees work in these small and medium-sized companies which have less than 50 employees, and which suffer from a shrinking labour force in areas such as construction, manufacturing and farming.<sup>25</sup> The company where Mei and Wang worked was a small company that would find it hard to rebuild its business once bankruptcy was declared. Therefore, the CJVA surmised that

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<sup>23</sup> Interview with Cho, 15 May 2010.

<sup>24</sup> Ito, Masayuki. (2008) ‘Gaikokujin Kenshuusei · jisshuusei, ryuugakusei no shomondai’ [The issues about trainees, interns and ‘students’], in National Diet Library (eds.) *Jinkou Genshou Shakai no Gaikokujin Mondai [The Problems of the Immigrant Policy and the Foreign Workers Policy in a Depopulation Society]*, pp.93-108, <<http://www.ndl.go.jp/jp/data/publication/document/2008/20080109.pdf>> [Accessed 1 June 2012].

<sup>25</sup> Iguchi, Yasushi. (2008) ‘Ugokihajimeta Gaikokujin Seisaku no Kaikaku’ [The Reform of Immigration Policies has Begun], *Jurisuto [Jurist]*, No.1350, pp.4-5, pp.11-12.

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there would be little chance for the trainees to continue their work in the company.

Having considered both parties' needs, the point of agreement suggested by the CJVA was that Mei and Wang would stay in Japan, working in a different company, to complete their 'training' period. The CJVA convinced the company and the cooperative not to send Mei and Wang back to China. The CJVA members pointed out that Mei and Wang were originally assigned to come to Japan as trainees and expected to complete their 'training' period. They asserted that it was Mei's and Wang's right as trainees to stay in Japan and that this right should not be ignored simply because of the financial status of their employer. The CJVA also convinced the trainees that there was little point in insisting on their right as 'trainees' to continue working in the same company and expect to receive salaries. The CJVA acted as a translator of Japanese practice to foreigners: what 'rights' are not worth insisting on as a 'foreigner' living in Japan. On this point, some CJVA members with legal expertise drafted a letter of agreement which could be used for legal battles if either side breached the agreement they signed. After the CJVA obtained signatures from both parties, Mei and Wang were relocated to a different company through the cooperative to resume their remaining 'training' years in Japan.

Thus, the CJVA members become citizens and foreigners at the same time. They assume that there are some 'Japanese' customs and practices that foreigners, in this case, the Chinese, have to learn and adopt. In this regard, the CJVA members become representatives of Japanese society to teach the

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Chinese residents how to behave in the ‘Japanese’ society. The CJVA members also argue that the ‘Japanese’ society has to change to accommodate the rights and needs of the Chinese residents. They stand up on behalf of the troubled Chinese to protect their rights, and in this way, are representatives of foreigners in Japan.

### Hiding the Intervention of the CJVA

Importantly, the CJVA aims to bridge both Japanese and Chinese by intervening *before* the relationship between them turns into conflicts requiring official intervention. As one of the active CJVA members says, the CJVA merely ‘adjusts’ the positions of both sides, so that they can solve the issue before the differences between them get out of hand.<sup>26</sup> Run by a group of volunteers, the CJVA does not have a legally registered status and hence does not have a legal mandate to mediate conflicts. This lack of registered legal status seems to maximise what CJVA aims to do, which is, to solve problems between Japanese society and Chinese people *before* the issues become too hard to solve, requiring *official* intervention such as lawyers, courts and labour unions. For instance, the case of Mei and Wang could have been handled by, or in collaboration with, labour unions, lawyers and the Labour Standard Bureau (*roudou kijun kantokusho*).<sup>27</sup> However, instead of contacting any of these groups, the CJVA quietly mediated the disagreement

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<sup>26</sup> Interview with Chin, 19 April 2010.

<sup>27</sup> For example, the majority of members in the Foreign Workers Branch of Zentouitsu (FWBZ) are trainees and interns. See, for example, (2010) ‘Aru Kojin Kamei Rouso no 30 nen’ [30 years of an Individual-based Labour Union], *Roudou Houritsu Junpo [10 Days Report on Labour Law]*, No.1722, pp.44-54.

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between the trainees and their employer on its own. Neither labour unions and lawyers nor the Labour Standard Bureau were notified about the incident and none of them intervened to solve the case.

The CVJA's quiet handling of the issue is reflective of what triggered Cho to set up the organisation. Cho founded the CJVA a day after learning of a case where a Chinese woman killed two children in a remote countryside town in Shiga prefecture in February 2006.<sup>28</sup> Having learned that she came to Japan as a wife of a Japanese husband but had to live in such an isolated town,<sup>29</sup> Cho felt sorry for her and suspected that she lived in extreme isolation. Cho reasoned that if there was someone from China who could have listened to her and mitigated her isolation, she might not have committed such a crime.

If only there were some Chinese people who had just listened to her, she would have never experienced that deep level of isolation and desperation, and such a horrific incident would not have taken place.<sup>30</sup>

On the next day when she was arrested, Cho set up the CJVA. Its aim was to provide a venue where Chinese people could consult and share their problems

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<sup>28</sup> She was later diagnosed as suffering from schizophrenia but was sentenced to life imprisonment. For the details of her trial, see Hirai, Miho. (2011) *Goku ni Kieta Kyouki [Insanity Disappeared into the Prison]* (Tokyo: Shincho-sha).

<sup>29</sup> *Asahi Shimbun*, "Najimenai" to Yougisha Morasu. Enji Futari no Chikaku ni Sumai' ["I cannot fit in here" says the suspect, living near two kindergarten children], 17 February 2006, <<http://www.asahi.com/special/children/OSK200602170040.html>> [Accessed 2 November 2012].

<sup>30</sup> *China Record*, "Chu Nichi Volunteer Kyoukai" ga Setsuritsu 5-shunen'.

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with the CJVA members, so that the relationship between the Chinese residents and the Japanese can be smoothed, thus avoiding collisions.<sup>31</sup>

To conclude, by representing both citizens (Japanese) and foreigners (Chinese) at the same time, the CJVA pretends to be either of them depending on the context of their work. To the troubled Chinese, they identify themselves as citizens who are teaching them how to adopt the practices of citizens. To the counterparts of the troubled Chinese, however, the CJVA members identify themselves as foreigners who demand that citizens accept the rights of Chinese living in Japan. In this way, they pretend to be both citizens and foreigners.

The lack of official intervention further suggests that the CJVA makes their double representational roles, as citizens and foreigners, hidden from the public arena. Since the CJVA aims to smooth the relationship between what they perceive as citizens and foreigners before they develop conflicts visible in the public arena, the CJVA hides its own intervention, and thus, the ways in which the CJVA intervenes, which is their double-representation. Through mediation between the Japanese and the Chinese, the CJVA skilfully manoeuvres between the categories of citizen and foreigner. At the same time, by intervening before the divisions between citizens and foreigners become visible to the public eye, the CJVA hides its own intervention and its own pretence. The hidden intervention of the CJVA hides the inadequacy of category-vocabularies. Although the categories no longer stand on their own, they appear to remain intact.

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<sup>31</sup> Interview with Cho, 15 May 2010. Interview with Chin, 19 April 2010.

### *Immigration Lawyers*

#### Background Information on Immigration Lawyers

Immigration lawyers play important roles in migrant activism.<sup>32</sup> Apart from working on individual cases, they work to change specific immigration policies on a wider scale. They lobby with other immigration activists to obtain support from parliamentarians, organise public meetings to disseminate information to the public, join demonstrations to show their support and sometimes organise demonstrations on their own to pressure the government.<sup>33</sup>

The crucial roles played by immigration lawyers are not limited to lobbying and organising protests. They become indispensable parties in migrant worker activism by simply performing their occupational duties as lawyers. Lawyers are usually hired by labour unions or directly by migrant workers to work on specific labour disputes. Their work involves attending

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<sup>32</sup> See for instance, Shipper, Apichai. (2008) *Fighting for Foreigners: Immigration and its Impact on Japanese Democracy* (Ithaca, New York: Cornell University Press), pp.97-99.

<sup>33</sup> For instance, about 40 lawyers set up the Lawyers' Network of Trainees and Interns (*Gaikokujin Kenshusei Mondai Bengoshi Renraku Kai*) in June 2008 to organise advocacy work as well as share information. Kanae Doi, a well-known immigration lawyer in Japan, organised a large-scale demonstration in March 2005 to protest detention practices. For information on the former example, see Ibusuki, Shouichi. (2009) 'Gaikokujin Kenshu · Ginou Jisshusei Mondai to Bengoshi no Torikumi' [How Lawyers Work on the Issues of Trainees and Interns], *Law and Practice*, No.3, <<http://www.lawandpractice.jp/files/sangou/ibusuki.pdf>>, [Accessed 1 November 2012]. See also the website set up by these lawyers, <<http://kenbenren.exblog.jp/i5/>>. For details of the latter example, see, Doi, Kanae. (2005) *Youkoso to Ieru Nihon he* [Let's Make Japan as a Welcoming Place] (Tokyo: Iwanami Shoten). See also the website of the campaign she started: 'Let's Form a Human Circle around the Ministry of Justice' <<http://www.asahi-net.or.jp/~bx8k-arkw/index.html>> [Accessed 1 April 2005].

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collective bargaining, representing migrant workers at court, giving some advice on demonstrations and making suggestions on the contents of negotiations between migrant workers and their employers.

For example, when one branch at the Nambu FWC decided to conduct a strike, its members contacted lawyers hired by the Nambu to check the legal implications of strike action in Japanese labour law.<sup>34</sup> When another branch decided to distribute leaflets describing a company's foul play, they also contacted the lawyers to ask about the specific location of a demonstration.<sup>35</sup> Should they distribute leaflets and organise a public demonstration on or off the company premises? What space exactly was considered company premises? Some union members also checked with the lawyers on the response they received from their employers and asked if these specific responses violated the collective bargaining rights provisions of Japanese labour law.<sup>36</sup> In this way, lawyers inevitably become involved in migrant activism since their legal advice affects how migrant workers present their demands and what sort of strategies they take to assert their demands. As I will argue in this section, it is through carrying out their occupational duties that lawyers use the categories of citizen and foreigner.

### Representing Citizens

During interactions with their clients, lawyers use the categories of citizen and foreigner to identify their roles in migrant activism. They identify

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<sup>34</sup> Notes from my attendance at Nambu FWC union activities, March 2010.

<sup>35</sup> Notes from my attendance at Nambu FWC union activities, March 2010.

<sup>36</sup> Notes from my attendance at Nambu FWC union activities, March 2010.

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themselves as ‘citizens’ who know the Japanese legal culture, while regarding migrant workers as foreigners who are unfamiliar with ‘Japanese’ legal practice. One labour dispute handled by an immigration lawyer, Yamada illustrates this.<sup>37</sup> Working in the field of labour issues for more than 25 years, Yamada is a well-known lawyer among activists. He tirelessly works for migrant workers and has won several ground-breaking cases to protect their rights. About 70 percent of his cases are related to labour issues; and half of them are brought about by migrant workers, most of whom are trainees and interns from China.<sup>38</sup>

One of his cases involved demanding a company to pay trainees overtime payments and to return monthly deductions, which had been withheld from their salaries under the false premise of placing a ‘deposit’ on the bank accounts of the trainees. While the company argued that the trainees were not ‘workers’ and hence denied responsibility for paying overtime payments, the trainees argued that they were used as labourers and should be treated as such.

At the time when Yamada started handling the case, the trainees had stopped receiving salaries from the company. They had no income because their training visa status did not allow them to do any work other than ‘training’. In addition, since they were living in a dormitory provided by the company, they were about to be evicted from their accommodation. Considering the situation, Yamada decided to use the industrial tribunal

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<sup>37</sup> All the names in this section have been changed.

<sup>38</sup> The information on this dispute was provided by Yamada. Interview with Yamada, 1 April 2010.

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system (*roudou shinpan seido*), which is designed to settle disputes expeditiously, rather than starting a lengthy court battle.<sup>39</sup>

At the industrial tribunal, statements from both sides were presented to the judge, who eventually suggested a settlement (*wakai*) where the company paid almost 90 percent of the money requested by the trainees. This was good news for Yamada and his clients, because the company had originally suggested a payment of about 60 percent of the unpaid overtime work requested by Yamada and the trainees, and refused to pay 100 percent of the requested sum.

For Yamada, this was a victory because, first of all, the claim was accepted that the trainees were to be regarded as ‘workers’, hence the company had to pay for overtime ‘work’. The judge’s proposition was also favourable to the trainees because the company bore a legal obligation to pay 90 percent of the sum that the trainees had originally requested. However, the trainees were not satisfied with the suggestion of a settlement. Above all, they could not understand why they had to agree with a ‘settlement’. For the trainees, it was the company that had treated them unlawfully and thus had to be treated accordingly. From their point of view, the settlement implied that not only the company but also they, too, were accused of misconduct.

Based on his knowledge of legal practice in Japan, Yamada thought that

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<sup>39</sup> Regarding the industrial tribunal system, see Takayagi, Kiyohide. (2010) ‘Ugokidashita Roudou Shinpan Seido’ [Labor Adjudge System], *Nagoya Keiei Tanki Daigaku Kiyou [Nagoya Management Junior College Journal]*, No.51, pp.15-28. See also *The Japan Times Weekly Online*, ‘Settling Labour Disputes Promptly’, 4 February 2006, <<http://weekly.japantimes.co.jp/ed/settling-labor-disputes-promptly>> [Accessed 1 November 2012].

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if they were to refuse the judge-solicited settlement idea, the dispute between the trainees and the company would be prolonged. Therefore, he explained to the trainees that agreeing with this settlement was the fastest way to receive most of the money they had requested. Eventually Yamada had two meetings with the trainees, each meeting lasting for several hours. In these meetings, Yamada finally managed to convince the trainees that the settlement was the best option for them.<sup>40</sup>

Another lawyer, Hayakawa, echoed Yamada's experiences, saying that she found it difficult to explain to 'foreigners' when to end disputes with their employers. Hayakawa argues that foreigners do not know how time-consuming it is to fight a legal battle in court without a settlement. Even if migrant workers are to fight until the end, there would only be a small chance that they would entirely win the case. She lamented that foreigners often insist on pursuing court cases until the end, believing that it is worth trying if there is a small chance of winning the case. Therefore, like Yamada, Hayakawa makes a savvy calculation on the best time to make her clients stop arguing with their employers and guides them to take a settlement option.<sup>41</sup>

The ways in which Yamada and Hayakawa handle their cases suggests that lawyers act not only as legal specialists but as representatives of 'Japan', to translate legal practices specific to 'Japan' to migrant workers. The relationship between the lawyers and clients could have been simply

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<sup>40</sup> Interview with Yamada, 1 April 2010.

<sup>41</sup> Interview with Hayakawa, 7 May 2010. Hayakawa received 60 percent of her cases from foreign nationals. Half of them are related to legal status and the rest are labour disputes by trainees and interns.

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regarded as that of a legal specialist and people unfamiliar with legal practices, which can be easily applicable to clients regardless of their nationality. Especially in a society like Japan where litigation is not actively practiced and law is remote from daily lives,<sup>42</sup> it is not farfetched to imagine that 'Japanese' clients, too, might find it difficult to know beforehand what 'proper' legal behaviour is. However, by attributing their clients' lack of legal knowledge to foreignness, the lawyers identify themselves as citizens, translating Japanese legal practice to foreigners.

### Hiding the Intervention of Lawyers

Since the occupational duty of lawyers is to represent the voice of their clients, even when they and their clients do not agree on a course of action, the disagreement remains hidden. Therefore, in front of judges, companies and employers, lawyers act as if they merely represent the voice of their clients, concealing that they, too, intervene in shaping the actions taken by their clients.

The case of one legal dispute brought about by a labour union illuminates how the lawyers hide their interventions. Some migrant workers in the union were sued by their employers over strike action, which required the union branch members to have frequent meetings with their lawyers to discuss how to proceed with the dispute. During one meeting between the union branch and their lawyers, the lawyers outlined, in concrete terms, the concessions the union members should be prepared to accept. However, some

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<sup>42</sup> Watanabe, Youzou. (1990) *Nihon Shakai wa Dokohe Iku [Where is Japan Heading for?]* (Tokyo: Iwanami Shoten).

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union members were reluctant to accept their suggestions, arguing that the proposed concessions were too much. Having seen the hesitation among the union members, one of the lawyers told the migrant workers that unless the union side showed its willingness to make compromises, the judges would develop a negative image of the union side, which could badly affect the outcome of the dispute.<sup>43</sup> In a subsequent meeting, the union members eventually agreed to follow the lawyers' suggestion and the lawyers presented this as the position of the migrant workers. When the actual court date arrived, the lawyers presented the position they had originally suggested and which was later agreed upon by the migrant workers. Afterwards, several migrant workers from the branch expressed their frustration that some lawyers did not really understand what the union members would have liked to achieve in the dispute, which was to fight their employers to the end.<sup>44</sup>

What the lawyers did was nothing but carrying out their occupational duty, that is, to behave as if they were a representative of the union branch. Although it is unclear whether the lawyers identified their roles as citizens teaching the 'Japanese' legal practices to the branch members,<sup>45</sup> the above case suggests that, regardless, the lawyers have to behave as if they represent

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<sup>43</sup> Notes from my attendance at a meeting between the lawyers, the union branch and union organisers held on 23 March 2010.

<sup>44</sup> Notes from my attendance at a meeting between the lawyers, the union branch and union organisers held on 23 March 2010; 29 March 2010.

<sup>45</sup> My impression was that, at least, the migrant workers identified themselves as foreigners and perceived the lawyers as 'Japanese' lawyers. For example, after one meeting, several migrant workers complained that the lawyers failed to write their names accurately in legal documents and argued that it would have been unthinkable if they were Japanese clients. They also expressed their frustration to one of the lawyers, while referring to another lawyer as being more understanding of them because she can speak English. Notes from my attendance at the meeting on 29 March 2010.

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their clients. As both Yamada and Hayakawa emphasise, lawyers ultimately have to follow the wishes of their clients because they simply represent their clients.<sup>46</sup> In contexts where some lawyers perceive their clients as foreigners, the lawyers behave as if they represent the voice of ‘foreigners’ in meetings and courts. As we have seen, for lawyers, the voices represented to the judges and the employers are the voices shaped through the interaction between citizens and foreigners, as a result of the lawyers teaching the ‘proper’ behaviour acceptable and normal in the Japanese legal field. Such interaction is inevitable especially when lawyers are passionate about the cause of migrant workers and hence try to ‘win’ the case for them even though ‘winning’ involves a settlement instead of fighting to the end. In this respect, in court and at meetings, lawyers act as if they merely utter the voice of their ‘foreign’ clients while hiding their involvement in shaping this voice.

To conclude, with regards to the relationship between immigration lawyers and migrant workers as their clients, some lawyers resort to category-vocabularies to identify themselves as Japanese and their clients as foreigners. In interacting with migrant workers, lawyers become ‘citizens’ who translate Japanese legal practices to their foreign clients. They interact with migrant workers to explain what normal legal practice is and what the best option is under Japanese legal practice. In this way, lawyers act as if they are representatives of citizens (Japanese) to teach ‘Japanese’ legal practices to ‘foreigners’ who are unfamiliar with how things are dealt with in Japan. At the same time, lawyers make sure that their parts in shaping the

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<sup>46</sup> Interview with Yamada, 1 April 2010; interview with Hayakawa, 7 May 2010.

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voices of their clients are hidden from judges and from parties to the dispute other than their clients. Lawyers act as if they merely represent the voice of foreigners and carry out their wishes. In this way, the lawyers represent both the categories of citizen and foreigner. As I argued, their professional duty drives the lawyers to assume this double representation while hiding it at the same time.

This suggests that, in the context where the lawyers carry out their professional tasks, category-vocabularies might appear and be functioning but might not be. They appear when lawyers identify themselves as citizens teaching ‘Japanese’ legal behaviour to foreigners who are unfamiliar with it. Category-vocabularies also appear when lawyers hide their roles in shaping the voice of their clients and merely present the voice of ‘foreigners’ in court. At the same time, categories also hint at their inability to name people precisely because lawyers act as representatives of citizens to their clients, while acting as representatives of foreigners to judges. This double representation assumed by the lawyers suggests that category-vocabularies do not simply name people but fail to identify exactly who are represented by these names.

### *Interpreters*

#### Background Information on Interpreters

As I showed in chapters 3 and 4, translation of languages is a crucial aspect of migrant activism in Japan. The participants in activism include people from different places, including those from Latin America, North

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America and Asia. Therefore, on various occasions, ranging from meetings with government representatives to street demonstrations and union activities, translators are needed to facilitate communication among migrant workers as well as between Japanese-speakers and non-Japanese speakers. As I discussed in chapters 3 and 4, translation serves its purpose though in different ways. In chapter 3, translation itself carried little weight on its own except that it generated foreignness which was crucial for the production of categories of citizen and foreigner. In chapter 4, translation carried actual weight, as the Nambu FWC members became more and more active through the provided translation services. The translation I look at below also carries actual weight, since it profoundly shapes the interaction between migrant workers and their counterparts.

Despite the critical role played by interpreters, due to lack of financial resources, professional interpreters are rarely used in migrant activism. They are instead members of NGOs, labour unions, church-based groups and friends of migrant workers. For instance, Rights of Immigrants Network in Kansai (RINK), a hub of various groups working on the issue of migrants in Osaka and its vicinity, provides bilingual assistance to migrant workers who have problems with visa status and labour-related issues. It is made up of Japanese-speaking members who are also fluent in other languages such as Chinese, Korean, Spanish, Portuguese and English. They help migrant workers to solve whatever problems they have in Japan through the medium of the language of migrant workers.<sup>47</sup> The KCU takes advantage of bilingual

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<sup>47</sup>See the RINK website <<http://www.ne.jp/asahi/rink/rink/index.html>>.

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union members. These union members attend collective bargaining and work as interpreters for their fellow union members. In the Nambu FWC, some union organisers perform the role of translators, attending collective bargaining while acting as translators between migrant workers and their employers. Precisely because the translators used in migrant activism are not simply translators but also members of NGOs and labour unions, the line between interpretation and mediation becomes murky. By drawing on the experience of three interpreters/mediators, I argue that it is in this ambiguous zone between interpreters and activists that people enact category-vocabularies of migration.

### Making Citizens and Foreigners by Manipulation

Compared to the previous two examples investigated in this chapter, the example of interpreters is different because they do not directly invoke category-vocabularies of their own. They neither explicitly call themselves as Japanese/foreigners nor identify the people whom they are interpreting as Japanese/foreigners. Despite this, I argue that category-vocabularies are enacted by the ways in which interpreters participate in migrant activism. As I will show below, interpreters do not merely translate one language into another, for instance from Japanese to English and Chinese and vice versa. Instead, they actively intervene in the translation process, taking advantage of the fact that they live in a solitary world of translation where no one else knows exactly how they interpret these two languages. Living alone in the bridging world of Japanese and foreign languages, interpreters manipulate,

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so to say, the ways in which the voice is uttered through different languages in order to achieve their own purpose, as NGO staff or as union organisers. In this respect, the manipulation made by interpreters/mediators indicates that languages are political.

An important thread running through my analysis of migrant activism in Japan is that linguistic boundaries are intertwined with category-vocabularies. I argued this in chapter 3 with reference to Anzaldúa together with Rousseau and Arendt, and again, in chapter 4 with reference to Anzaldúa with Rancière. I demonstrated that in migrant activism the ability to speak citizens' tongues is interconnected with the ability to have one's voice taken politically. Anzaldúa argues this by showing how Chicana tongue is tamed and made illegitimate because it belongs to neither the citizen tongues of America (English) nor that of Mexico (Spanish). Being illegitimate through the tongues they possess, the Chicanos are silenced, excluded from the domain of speech where citizens' tongues dominate.<sup>48</sup> Anzaldúa's observation is that the ability to command citizens' tongues is constitutive of drawing territorial boundaries which produce categories of citizen and foreigner.

In contexts where interpreters are used in migrant activism in Japan, interpreters do not attend meetings and collective bargaining between migrant workers and their employers merely as interpreters. As I argued above, these interpreters are usually NGO staff and union organisers, and hence, they double as mediators and interpreters. Because of this double role, for the interpreter/mediators, interpretation is not strictly a transaction

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<sup>48</sup> Anzaldúa, Gloria. *Borderlands/La Frontera* (San Francisco: Aunt Lute Books), see especially chapter 5.

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between Japanese and other languages but a tool, or more precisely, a political weapon, to achieve their own goals as mediators, that is, to realise the best results for migrant workers.

For this purpose, they control the gate of voice, so to speak, the gate beyond which the question of whether one's voice is taken politically or not resides. Putting it differently, the question of translation is linked to the question of obtaining the status of being political in two regards. Firstly, the question of *which* sounds, or noises, are made into intelligible translated voices. Whether one's 'voice' is made audible and legible in the citizens' tongues, in this case, Japanese, matters little unless the sound is first deemed important enough to be made into 'voice', into Japanese, through translation. Secondly, translation is also related to the question of politics because it determines *how* sheer noise becomes voice. Whether one exercises the ability to have one's voice taken politically depends on how sound is made into voice, which prepares the ground on which migrant workers and their counterparts interact. As I will show below, the case of Albert shows the former (*which*), while the cases of Mizutani and Fujiwara demonstrate the latter (*how*).<sup>49</sup> Albeit in different ways, these interpreters/mediators suggest that it is through translation of different languages that 'voice' for politics is determined. Interpreters/mediators decide which sound is made into 'voice' and how it is made into 'voice'.

Because of his ability to speak both Japanese and English, Albert, a union organiser, attends collective bargaining and meetings not only as a

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<sup>49</sup> All the names in this section have been changed.

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representative of the union but also as an interpreter. He has to make sure that union members achieve the most out of meetings and negotiations. In translating from English to Japanese and vice versa, Albert carefully selects whose comments are relevant to the discussion and which information can be delivered to the parties that migrant workers are speaking to. In one meeting I attended, he did this by carefully controlling the interaction between migrant workers speaking English and lawyers speaking Japanese. Only the comments which Albert deemed important were translated. When some union members presented their opinions to the lawyers, instead of interpreting the comments, Albert himself responded to their comments by saying: 'Focus on your point', or 'No need to say that now [in front of the lawyers]'.<sup>50</sup> As a union organiser, he is responsible for keeping the discussion on track and making sure that union members get the best result out of the meeting with the lawyers. In order to make sure that the meeting is productive for his members, he uses his position as an interpreter to select which voice is to be translated and gets through to the other side (Japanese), and which voice remains untranslated and hence unintelligible to the ears of non-English speakers. In this way, Albert uses his ability to command both English and Japanese to decide which sounds uttered by migrant workers are made into voices through translation, and which sounds remain noises without translation.

Mizutani and Fujiwara intervene in the interaction between migrant workers and their counterparts by controlling how the sound uttered by them is made into voice. No matter how angry migrant workers or their

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<sup>50</sup> Notes from my attendance at the meeting on 23 March 2010.

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counterparts are, if these interpreters/mediators decide that showing anger is unproductive to the negotiation, their angry voices are changed into tamed quiet voices through them. Equally, no matter how calm and non-confrontational migrant workers or their counterparts are, if interpreters/mediators find it necessary for the benefit of migrant workers, they change the tones of voices to stir confrontation, changing their otherwise quiet and neutral voices into angry voices.

For example, Mizutani, a translator between Chinese and Japanese and a member of one NGO, reluctantly admitted that she does not provide a word for word translation. As a consultant for Chinese migrant workers, Mizutani's priority is to find a point that both Chinese workers and their Japanese employers can agree on. To do so, Mizutani manipulates interactions to persuade both sides to settle the labour disputes between them.

What I do on a daily basis is indeed different from simple translation...I need to take care of the issues which I was asked for. So my ultimate purpose is to solve the issues brought about by the Chinese. [...] When I do translation for Chinese people, I deliberately try to translate to include some apologetic tones or emphasise positive comments about the other side, so that the other side feels the sincerity exhibited by their counterparts. When Chinese people get angry while I am translating, I also tell them to calm down by saying that 'I understand your feeling but...'. If I truly stick to the role of translator, I know I should not do this. But in cases where both parties are already in trouble, no matter how confrontational they

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become, nothing productive would come out of the meeting. [...] In other words, I am mediating while translating.<sup>51</sup>

Another interpreter/mediator, Fujiwara, more bluntly admits that, through his role as a translator, he makes sure that the labour union members achieve the most out of the negotiations with their employers.<sup>52</sup> Being an active and devoted union member since the mid-1970s, Fujiwara attends collective bargaining as an interpreter/mediator between migrant workers and their employers, translating between English and Japanese. Fujiwara laughingly confesses that he intervenes in the process in which statements are made by English-speaking workers and their Japanese employers. For instance, when Fujiwara sees it necessary to cause tension between the union side and the employers, he purposefully adds provocative tones to his translation. People who receive such a response feel offended, believing that Fujiwara directly translates the comments of the other side. At times, Fujiwara also deliberately translates in a confusing manner to provoke either (or both) the side of migrant workers and/or the side of their employers. Confusing and unclear answers make either the union side or the employers' side feel insulted because they feel that the other side avoids direct answers and is thus acting insincerely. As a translator as well as a union member overseeing the process of collective bargaining, Fujiwara is responsible for the result of the negotiations between the unions and the employers. By taking

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<sup>51</sup> Email correspondence with Mizutani, 19 April 2010.

<sup>52</sup> Interview with Fujiwara, 13 May 2010.

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advantage of his role as an interpreter, Fujiwara strategises on his own how to pull the strings in negotiations, so that the union side can achieve what they want.

What each case shows is that whose voice gets heard and how they are understood are heavily dependent on the interventions made by interpreters/mediators. Their intervention into interaction via two different languages indicates that the voices uttered by migrant workers and their counterparts are politicised in the sense that, whether their voices are understood politically depends on whether the sound they utter are made into voice and, to begin with, how it is made into voice. In this way, interpreters/mediators control the step *before* the interaction between migrant workers and their counterparts begins, and *before* their voices are made intelligible or audible, and hence, in the realm of politics between citizens and foreigners.

By controlling which sound is made into voice, and how such sound is made into voice, interpreters/mediators control the very inception of producing categories of citizen and foreigner. They reside at the threshold of category-vocabularies to decide whether and how the sound can be made into voice, so that this voice then poses the question of politics of speech. The question of speech, as we have seen in chapters 3 and 4, is about the ability to be understood politically. To obtain such ability is to obtain the status of citizenship and belonging in the political community. What interpreters/mediators suggest is that they reside at the gate of the domain of speech, where the categories of citizen and foreigner are made. They do so by

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controlling which sound gets through this gate and how they do so. In this way, they sit at the inception of categories, and thus, represent both figures of citizen and foreigner at the same time. For interpreters/mediators, the double representation of citizens and foreigners is not by identifying themselves as citizens and foreigner, like the case of the CJVA and the immigration lawyers, but by deciding, monopolistically and alone, which voice gets into the realm of speech where categories of citizen and foreigner are produced. In a way, they engage in the politics of speech.

### Making Citizens and Foreigners by Hiding the Intervention of Interpreters

Crucially, translator/mediators also hide their intervention, and in this way, hide that they reside at the threshold of category-vocabularies. They are focused on keeping the trust bestowed upon them as translators. Translators/mediators have to behave as if they merely represent the voices of migrant workers and their counterparts. If they were to reveal their active role in shaping both of these voices in the process of translation, they are unlikely to be employed again as 'translators', losing the advantage which enables them to interfere in negotiations without being noticed by either side. Revealing their intervention would mean losing languages as their political weapons, to realise the best results for the migrant workers whom they work with. Therefore, they act as if they are merely translating one language into another.

All three aforementioned interpreter/translators suggested that their

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intervention remains unnoticed. Mizutani, a translator between Chinese and Japanese, says as follows:

*I probably should not say it openly* that I do not necessarily translate every single word and phrase accurately. However, under certain circumstances and situations, I believe that my type of ‘interpretation’ is necessary.<sup>53</sup>

Although Fujiwara admits his active intervention through translation, he hides his involvement by asking participants at collective bargaining not to look at him but to look at each other.<sup>54</sup> He presents himself to others as if he is a mere translator who is not standing in the middle of interaction between union members and their employers. He extinguishes his own existence, wearing the mask of an interpreter. In this way, Fujiwara pretends to faithfully present voices of migrant workers uttered in foreign languages, as well as that of their employers in Japanese. He quietly intervenes, making sure that no one notices his deliberate *mis*interpretation.

Unlike Mizutani and Fujiwara who mediate without being noticed by either side, Albert hides his intervention by confusing, and getting himself confused about which role he is playing: as an interpreter or as a mediator. Since he himself is confused about separating these two roles, it is hard to pin down whether he is actually translating or merely manipulating. In the previously mentioned meeting where Albert was controlling the interaction

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<sup>53</sup> Email correspondence with Mizutani, 19 April 2010. My translation.

<sup>54</sup> Interview with Fujiwara, May 13, 2010.

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between his union members and their lawyers, he repeatedly emphasised that he was simply interpreting what their lawyers said: 'This is NOT what I think. This is what the lawyers think'.<sup>55</sup> However, his repeated emphasis got mixed up in his own decision of which comments were translated and which comments did not. As I discussed, he actively selects which voices to interpret or not to interpret. Albert sometimes acted as if he was a mere translator, and at other times, acted as if he was a union organiser. Exactly when he changed from one role to the other remained unclear. Albert is a union organiser who can speak both English and Japanese, which puts him in a mediating role while interpreting. During the process of interpretation, he himself inadvertently confuses his role, making it unclear exactly when he changed from one role to the other. In this way, his intervention, too, gets hidden.

By hiding their interventions, interpreters/mediators make the arbitrariness of categories hidden. Since they do not reveal that they reside at the gate of the realm of speech, they do not show that there is such a realm of speech to begin with. Without the realm of speech, all categories become a priori, because there is no politics of categories, no question of the ability to be taken politically. In this way, interpreters/translators make categories as a given, intact as if they were simply names already attached to people.

### *Chapter Conclusions*

The present chapter was charged with the task of further interrogating the tenacity of category-vocabularies. More specifically, given that the

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<sup>55</sup> Notes from my attendance at the meeting on 23 March 2010. Emphasis mine.

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previous two chapters demonstrate that there are commonalities as well as differences, the aim of the present chapter was to look at other instances where categories of citizen and foreigner were used by the participants in migrant activism. By doing this, the present chapter aimed to provide examples which could highlight how the categories were used and in what ways they engaged in the politics of categories differently or in the same manner compared to the ways demonstrated in the previous two chapters.

For this purpose, I looked at three different groups of people: the members of the CJVA, immigration lawyers and interpreters/mediators. Each example demonstrated that people used both the category of citizens and that of foreigners to represent them. In order to bridge the Japanese and Chinese living in Japan, the CJVA members become representatives of citizens in front of the troubled Chinese while taking on the role of foreigners in front of the parties in dispute with the Chinese. The aim of immigration lawyers is to carry out their occupational duties. For this purpose, they use the category of citizen to explain the proper and normal 'Japanese' legal behaviour to their clients who are identified as foreigners, unfamiliar with such behaviour. At the same time, in front of judges and employers, the lawyers act as mere representatives of their clients, whom they perceive as foreigners. Interpreters/mediators control whether and how the sound uttered by the people whom they are interpreting/mediating for gets into the realm of speech, which then produces the categories of citizen and foreigner. By residing at the inception of the production of categories of citizen and foreigner, interpreters/mediators demonstrate that they represent both parties. Unlike

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in the previous two chapters where people identified themselves as citizens or foreigners, the present chapter demonstrated that people engage in the politics of categories by representing both categories.

Although the participants in migrant activism use category-vocabularies differently from what was discussed in the previous two chapters, the present chapter points to the same implication drawn from them. Each example investigated in this chapter reveals, albeit in different ways, that category-vocabularies are no longer workable, without making this obvious. As I argued, chapters 3 and 4 demonstrated that people pretended to be foreigners or citizens. This pretence revealed that categories were no longer able to identify exactly who are named by category-vocabularies. The finding of the present chapter corresponds with this because each example showed that names were no longer workable. By representing citizens and foreigners at the same time and switching these names depending on the purposes they want to achieve, the people looked at in this chapter could not be named with category-vocabularies. Categories were no longer able to capture the essence of the members of the CJVA, or immigration lawyers, or interpreter/translators by giving them names.

Importantly, although the people deftly switch their names, category-vocabularies appear unaffected on the surface. In the previous two chapters, it was through pretence that categories appeared intact. Since people pretended to be citizen and foreigner, the categories appeared to be workable on the surface. In the present chapter, because people hid their double representation as citizens and foreigners, categories managed to

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maintain the image that they could still name people. Each example examined in this chapter demonstrated that people did so simply in the contexts where they used category-vocabularies. For the CVJA members, their activities are aimed to solve the problems between Chinese and Japanese before they become visible in the public arena. For this reason, the CJVA acts outside the public realm and keeps its intervention hidden. For the immigration lawyers, it is their occupational duty to conceal that their intervention, as citizens, shapes the voice of foreigners. They did so by appearing as if they were mere representatives of foreigners in front of judges and employers. For interpreters/mediators, admitting that they reside at the threshold of production of categories, and hence they *can* represent both citizens and foreigners, would fatally affect their professional reputation as both mediators and interpreters. For this reason, they act as if they are merely translating from Japanese into foreign languages and vice versa, and in this way, make categories seem as if they remain intact.