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Japan, the United States, and the Philosophical Bases of Immigration Policy

John D. Skrentny[1], Micah Gell-Redman[1], and Jack Jin Gary Lee[1]

Abstract

Immigration policy can be understood as variably conforming to three different philosophies: economic utilitarianism, which is geared toward maximizing wealth; rights liberalism, where policy creates legal protections of human dignity, including that of citizens and migrants alike; and communitarianism, where the preservation of the host state's national culture is paramount. The extent to which these philosophies guides policy depends on the policy in question and also on the state making the policy. Although both the United States and Japan face demographic and economic challenges in the future and make economic utilitarian policy for skilled immigrants, the United States' tendency toward free-market economic utilitarianism has prepared it for these challenges more so than Japan, where policies more in line with communitarian principles and an economic utilitarianism focused on the costs of low-skilled immigrants have created greater demographic challenges in the future.

Keywords

immigration policy, United States, Japan, philosophy, demography, labor

Around the world, states make immigration policy to regulate which individuals may enter their respective territories, how long they may stay, and what they can, must, and should do. The specific shape of these policies may result from the workings of political dynamics that social scientists have long established as useful for understanding

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policy outcomes. These include, for example, configurations of political and legal institutions, state officials' desire to maintain their power, the will of the people, and the lobbying of interest groups.

Yet it is also the case that immigration policies have meaning to the policy makers—meanings that also may affect how the policies develop. State policies may institutionalize "policy paradigms" (Dobbin, 1994; Hall, 1993) or cultural models based on assumptions of how the world works (Campbell, 2004). Immigration policies may also follow from how states define the objects of policy and the moral worthiness of beneficiaries (Skrentny, 2006). In the simplest language, we may say that state policies, including immigration policies, represent particular philosophies or mixes of philosophies.

We argue in this Introduction that there are at least three such immigration philosophies in most modern states, and identifying them helps us to understand variations between different states, different immigration policy areas, and different points in time. In addition, we can understand the contentiousness of immigration policies in a new light when we see that there is often no one philosophy underlying them or even a dominant one. We describe the three philosophies and illustrate their variations using the two cases explored in this collection: Japan and the United States.

This volume brings together six in-depth case analyses, plus one wider comparative article, that explore Japan and the United States and how they handle labor migration. The authors examine the role of immigrants in the national economies at both the low-skilled and the high-skilled levels and also whether there are substitutes for migration—that is, whether there are alternatives to having foreign workers perform jobs in domestic labor markets.

Why compare the United States and Japan? At first look, these two cases seem so different as to be incomparable. The United States admits the most immigrants—far more (in terms of absolute numbers) than any other country in the world. The number of immigrants in the United States is at an all-time high, and the foreign-born percentage (approximately 12%) is near the all-time high set a century ago (Grieco & Trevelyan, 2010). On the other hand, Japan's admission of immigrants is, on a per capita basis, among the lowest in the world (Seol & Skrentny, 2009).

Yet there are still some key structural similarities here that suggest that the above differences can and should be understood comparatively. Both Japan and the United States are advanced, industrialized states, far along on the transition to information- and service-based economies (Aoyama & Castells, 2002). In addition, several articles in this collection also note that both are facing similar challenges in the decades ahead. Both have increasingly educated and aging populations, shrinking the available workforce for low-skilled jobs while simultaneously adding greater strains to state pension systems in the years ahead.

We identify three immigration philosophies: economic utilitarianism, rights liberalism, and communitarianism. Each provides standards of assessment for the advocacy

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and making of immigration policy. They can be understood as Weberian ideal types (Weber, 1949, p. 90)—abstract measuring tools for illuminating differences and similarities. In keeping with Weber's (1949) use of ideal types, we do not claim that the United States or Japan or any state, or any specific policy, perfectly exemplifies any particular philosophy, nor do we claim that any particular philosophy is exclusive of the others. In reality, policy makers commonly base immigration policies, or at least their arguments for particular immigration policies, on assumptions from multiple immigration philosophies. We put forth these ideal types as an interpretive tool, meant to illuminate how states may differ and how different immigration policies within a state may vary on the basis of their philosophical foundations. In order of their salience in American political discourse, they are as follows.

Economic utilitarianism. The goal of economic utilitarian immigration policy is to maximize wealth for the host state and/or its people understood as a collectivity and not individuals or subgroups. Other matters are of secondary or little importance. Therefore, immigration economic utilitarians are likely to accept or show little concern for the dynamic and disruptive effects of some policies as long as they promote growth. They may argue for policies that provide employers with a large and flexible labor supply and argue that immigration policy should be like trade policy: Entities should move freely across borders following the logic of supply and demand and comparative advantage (Chang, 1998). Native workers may have their wages lowered or be displaced and at least temporarily jobless in both low-skilled and high-skilled industries, while whole industries are transformed into immigrant enclaves. This is acceptable if it brings more wealth for all. Economic utilitarianism need not point to free markets; a more statist approach would use immigrants in a more controlled fashion, rotating them in and out of the labor force so that they stay only when they work and they work only when they are needed, saving states money on public benefits. In all cases, economic utilitarian policy is designed to maximize wealth, and the meaning attached to immigrants themselves is instrumental—they are tools to aid growth and development.

Rights liberalism. Although liberalism always refers to rights, we emphasize this term to highlight the overriding importance of citizen and human rights in this philosophy of immigration. If the symbol of economic utilitarian immigration philosophy is the economist, the symbol of rights liberalism is the lawyer. Rather than focusing on wealth and national development in the big picture, rights-liberal immigration policy is focused on rights, law, citizenship, and human dignity. Rather than viewed as tools to be used for economic growth, in liberal policy, immigrants are rights-bearing humans with their own lives and personal goals. Native workers may be seen as citizens also entitled to a panoply of state guarantees. Against economic utilitarians, rights liberals advocating for citizens argue that citizens should have their wages and jobs protected from undue competition from foreign workers. Also against utilitarians, rights liberals advocating for immigrants may emphasize workplace entitlements, as well as permanent settlement and family reunification, or

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make rights-based arguments for open borders (Carens, 1987). They will also fight for the rights of refugees and asylum seekers, who tend to be ignored by economic utilitarians. And just as lawyers may fight in court, rights liberals advocating for immigrants may clash with rights liberals advocating for citizens.

Communitarianism. Communitarian immigration policy takes seriously the national culture and social order that binds societies together (Weiner, 1996). Like economic utilitarians, immigration communitarians first consider the consequences of immigration for the overall society rather than considering whether any particular persons are having their rights denied. Unlike utilitarians, however, they consider the goal of policy to be not the growth of national wealth but the preservation of national identity or the harmony of national culture. This may be understood in terms of political values, religion, race or phenotype, and any practices that may be classified as a society's "way of life." Communitarian interest in the larger cultural community can lead to calls for immigration restriction, or it can lead to calls for cultural integration and assimilation. Scholars and writers advocating for immigration policy in this tradition include, in the West, Peter Brimelow (1996) and Samuel Huntington (2004). Progressive versions include Amitai Etzioni's "diversity within unity" perspective (The Communitarian Network, 2010).

In this collection, a picture emerges of Japan and the United States facing common problems but showing divergent immigration philosophies. It is true that both the United States and Japan, like most modern states, make at least some policy based on economic utilitarianism. They both use immigration as a means to provide inexpensive workers to economic enterprises that need them (or say they do), and in both states, there are efforts to maximize economic expansion by using skilled immigrants (Martin, 2012; Oishi, 2012). But while the U.S. allowance of a relatively free-flowing, flexible, low-skilled workforce (both legal and illegal) provides ample cheap labor for a variety of enterprises, and possibly holds down wages and thus inflation, the Japanese approach is different. Although still guided by an understanding of economic maximization, the Japanese approach minimizes costs to government by keeping numbers down and avoiding settlement rather than minimizing labor costs to firms by keeping numbers high (Seol & Skrentny, 2009). With low-skilled migrants, the rationality of economic utilitarianism in the United States and Japan runs in different directions (see Dobbin, 1993, for a similar argument in a different context).

But the United States' and Japan's immigration policy philosophies vary in other ways as well. Despite the toleration of a massive underclass of exploited, although economically productive, undocumented workers, the United States nevertheless also shows a strong orientation toward rights liberalism, especially oriented toward the rights of legal immigrants. For example, most immigrants come into the United States on the basis of family reunification rights rather than economic demand (Rosenblum, 2012). Limits on immigration are based not on communitarian concerns of national culture or racial composition (as in, for example, the 1920s; Skrentny, 2002; Tichenor,

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2002) but on concerns for the rights of citizens. Work visas are dependent on employers showing that no Americans are available for the job (Martin, 2012).

Japan, on the other hand, shows far more signs of a communitarian philosophy than does the United States. Japanese political leaders understand that increased immigrant settlement conflicts with Japanese national identity and is very difficult to achieve politically (Goble & Strausz, 2011). Beyond perceptions of Japan's ethnic homogeneity, fears about the social costs of accepting increased immigration have also been another factor (Abella, 2012). As Shinkawa (2012) points out, public opinion toward increased immigration has remained negative despite awareness of the problems posed by an aging population. These public attitudes parallel the lack of social integration of foreigners. Despite immigration policies that have sought to boost highly skilled migration to Japan, highly skilled foreigners and their families have encountered problems in communication and in building social relationships within Japanese society (Oishi, 2012).

These different immigration philosophies are most apparent in the diverging responses to common problems both countries share in the 21st century: aging societies, shrinking workforces and tax bases, and huge and growing demand on Social Security/pension systems. Simply put, the United States' willingness to allow mass immigration has put it in a far better situation than Japan to handle these problems.

Consider first the United States. What role has immigration played in confronting the demographic and fiscal challenges created by an aging, more educated society? As Frank Bean and coauthors note in their contribution to the volume, immigrants have come to the United States in large numbers, swelling the population size and, perhaps more importantly, reproducing at higher rates when compared with those of citizens. There are some obstacles to comparing fertility rates across population groups, but the data reported in Figure 1 clearly indicate that noncitizen women have children at a significantly higher rate than their citizen counterparts. Although this difference in fecundity surely depends on factors other than citizenship status, the basic truth remains that fertility rates among immigrants are relatively high.

Of course, the impact of higher fertility rates will depend in part on how many new immigrants continue to enter the country. Projections by the U.S. Census Bureau show that new immigrants will likely play an important demographic role in the next few decades, making the population both larger and more youthful (Ortman & Guarneri, 2009). This would be the case if the past decade's trends continue: The number of persons gaining legal permanent residence in the United States averaged approximately 1 million annually for the past 10 years (Office of Immigration Statistics, 2011).

What do the trends of continuing flows of new immigration and high levels of fertility among immigrants portend for the U.S. welfare state? Understanding the impact of immigration on the fiscal health of federal entitlements is notoriously complicated (Storesletten, 2000). Nevertheless, projections by the U.S. Social Security Administration are unambiguous as to the general effect of immigration on the solvency of old-age insurance. As the number of immigrants, legal and unauthorized, increases, the net cost of the Social Security system goes down (Stephens & Thomas, 2011, Tables V.A6 and

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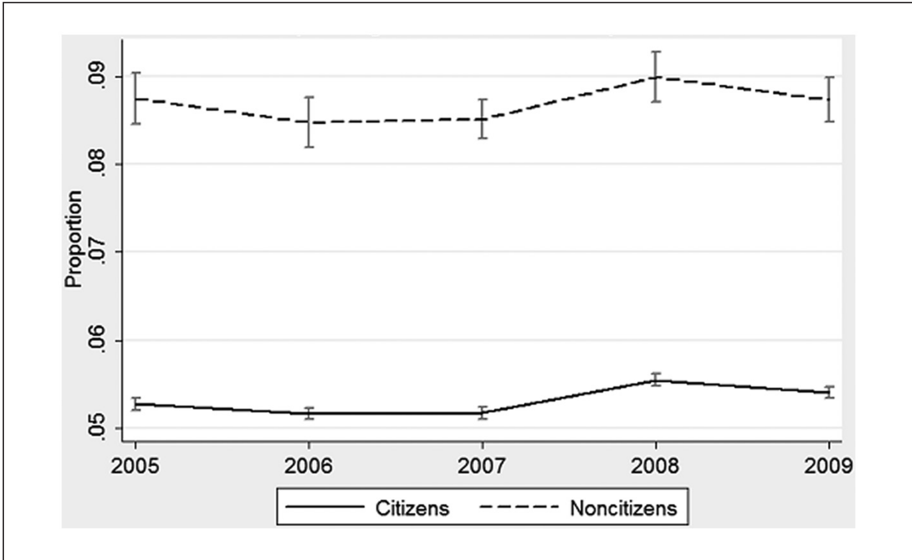

Figure 1. Women reporting a live birth in the past 12 months
Source: American Communities Survey, accessed via iPUMS (Ruggles et al. 2010).

V.B5). In other words, immigration makes it easier for the United States to meet its responsibilities to retiring Americans, at least as far as disbursing direct monetary benefits is concerned.

Although it is true that continuing immigration eases the fiscal burden on the Social Security system, understanding immigrants' broader impact requires taking a more comprehensive view of the welfare state. As Rosenblum (2012) points out, in the entire range of federal and state programs, low-wage earners on average receive more in benefits from government services than they pay in taxes. Since immigrants, especially those who are undocumented, make up a large proportion of low-wage earners, they likely impose some fiscal burden on taxpayers. But this burden appears to be quite small as a proportion of the average taxpayer's household income (Hanson, 2007).

Although immigrants may exact some small fiscal burden on U.S. taxpayers, their most prevalent role in the economy is as takers of the dirty, dangerous, and difficult jobs that have grown increasingly unattractive to Americans. Bean, Brown, and Bachmeier (2012) add a compelling dimension to this dynamic—the role of social dynamics and policy in shaping which low-skilled native workers are capable of occupying the jobs currently held by immigrants. The optimal mix of social and labor market policies remains elusive, and it seems that the policy dilemmas surrounding low-skilled labor will remain at least in the short term. Table 1 shows projections by the Bureau of Labor Statistics indicating that job growth in the next decade will likely come from sectors requiring the least amount of formal education.

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Table 1. Projected Employment Growth Across Skill Levels

Most significant source of postsecondary education or training	Job openings (in 1,000s) attributable to growth and replacement needs, 2008-2018	
First professional degree	746	1.5%
Doctoral degree	743	1.5%
Master's degree	1,008	2.0%
Bachelor's or higher degree, plus work experience	2,106	4.1%
Bachelor's degree	7,072	13.9%
Associate degree	2,372	4.7%
Postsecondary vocational award	2,927	5.7%
Work experience in a related occupation	4,196	8.2%
Long-term on-the-job training	3,081	6.0%
Moderate-term on-the-job training	7,058	13.9%
Short-term on-the-job training	19,619	38.5%

Source: Bureau of Labor Statistics (2009).

We do not claim here that American immigration policies provide only fiscal and social benefits. Rather, we argue that the United States' immigration philosophies—which emphasize, strongly though inconsistently, a free-market economic utilitarianism and rights liberalism—have legitimated policies that have mitigated the fiscal problems created by an aging society and the challenges of maintaining the Social Security system.

In contrast, consider the situation in Japan. Highlighting the relative lack of support for immigration as a policy option, Abella (2012) asks how the Japanese would choose between declining productivity, incomes, and social support on one hand and, on the other, unprecedented levels of immigration. In this volume, both Abella and Shinkawa show that Japanese policy makers have considered various alternatives to immigration to mitigate the problems of population decline. Proposals to boost immigration have also emerged. Most recently, the Policy Council of the Japan Forum on International Relations (JFIR), consisting of Japanese politicians and intellectuals (including Yasushi Iguchi, a contributor to this volume and codrafter of the recommendations), released a set of policy recommendations for the acceptance of foreign migrants (JFIR, 2010). Another key proposal presented by a coalition of Liberal Democratic Party of Japan (LDP) members also sought to increase immigration to allow 10 million immigrants across the next 50 years to offset Japan's declining population and workforce (Goble & Strausz, 2011).

Nevertheless, most Japanese policy makers have not seen mass or "replacement migration" (United Nations Population Division [UNPD], 2001) as a viable policy option to the challenges posed by an aging population. In response to the UNPD's (2001) report that predicted that Japan's population would drop to 104.9 million in

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2050 without immigration, Atoh (2000, p. 10) observed that the UNPD estimates were similar to the estimates of Japan's National Institute of Population and Social Security Research (NIPSSR). However, with regard to the UNPD's (2001, p. 53) projection that Japan would need an average of 609,000 immigrants per year to maintain the size of its working-age population at 1995 levels, he argued that "[s]uch calculation of replacement migration . . . seems to be economically unrealistic and politically unacceptable as policy options for the Japanese government" (Atoh, 2000, p. 9). To underline how immigration is not necessary, Atoh (2000, p. 9) emphasized alternatives to immigration that could help expand the workforce, such as the inclusion of more women and elderly in work.

Even so, the viability of such alternatives to immigration may be doubted. As Shinkawa (2012) examines in his contribution, before the publication of the UNPD's (2001) report, the Japanese state had already implemented various measures to mobilize women and the elderly as part of an increasingly flexible (and low-wage) workforce. His conclusions indicate the limitations of this labor mobilization strategy in light of the deregulation of labor markets and the marginal position of this more-recently mobilized labor force.

More importantly, the population dynamics driving Japan's demographic crisis have, in fact, maintained the trend of long-term population decline. According to more recent estimates by the NIPSSR, Japan's population is projected to decrease from 127.77 million in 2005 to 89.93 million by 2055, and the working-age population would decrease from 84.09 million to 45.95 million by 2055 (Kaneko et al., 2008, pp. 76-77). Both estimates are noticeably lower than the older UNPD and NIPSSR estimates. In particular, driven largely by delayed timing of marriage (Ogawa, 2003), Japan's total fertility rate (TFR) has been decreasing since 1974, when the TFR was 2.14, and has remained consistently lower than the levels needed to replace the population (Kaneko et al., 2009, pp. 6-7, Figure 2-1). In 2005, the TFR was approximately 1.25; it was 1.39 in 2009 (Kaneko, 2009, p. 7, Figure 2-1; Shinkawa, 2012). These figures point to the need for policy makers to create measures that would avoid fiscal strains in Japan's pension system, especially since Japan's population dependency ratio (the ratio of child and elderly populations to the working-age population) is projected to increase from 51.3% in 2005 (roughly 2 working-age persons to 1 dependent) to 95.7% (roughly 1 working-age person to 1 dependent) in 2055 (Kaneko et al., 2008).

Can immigration mitigate the fiscal consequences of an aging population and decreasing workforce? As in the case of the United States, the fiscal effects of immigration on the economies of receiving states are complex, and different scholars focus on different possible outcomes. For instance, Dekle (2004) demonstrated that Japan's aging population would lead to declining domestic output and saving and investment rates. This would, in turn, lead to greater inflows of foreign capital to sustain consumption. However, with the arrival of 400,000 immigrants annually, the larger workforce would increase domestic output and reduce the increase of taxes that would be needed to cover government debt and spending (Dekle, 2004). Shimasawa and Oguro (2010) identified the direct impact of immigration on Japan's pension system, showing how permanent immigration would lead to slightly smaller increases in the pension tax on

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wages and a smaller ratio of public debt to GDP. They did note, however, that these fiscal benefits would decline when immigrants retired and became dependent on the federal pension system (Shimasawa & Oguro, 2010).

Although both of these studies highlight the potential fiscal benefits of immigration, their projection models assume that immigrants would be permanently settled and socially integrated in ways that do not fit with the current state of Japanese immigration. For instance, Oishi (2012) points out how rigid pension regulations have discouraged highly skilled migrants from extending their stay in Japan. Specifically, the receipt of pension benefits requires at least 25 years of contributions into the system. If migrants were to withdraw from this system after 10 years of contribution, they would be able to reclaim a total amount equivalent to only 2 months' salary (Oishi, 2012). These regulations governing their access to pension contributions likely discourage highly skilled migrants from extending their stays. These and other policies have limited the integration of highly skilled foreigners—precisely the migrants that Japan hopes to attract.

In contrast to the relatively open policies for highly skilled migrants, Iguchi (2012) observes that the Japanese government has maintained restrictive policies toward low-skilled migrants since the late 1960s. When the government's position on foreign labor changed in 1988, Japan began to accept highly skilled migrants while restricting the low-skilled (Iguchi, 2012). Nevertheless, Iguchi shows that low- and semiskilled foreigners have consistently composed the majority of foreign workers in Japan from 1990 to 2009.

This disjuncture between policy and practice may reflect the divergent philosophies that underlie Japanese immigration. Communitarian, cultural concerns—which seem to be widely accepted by Japanese policy makers—have, along with concerns about costs, justified the formal nonacceptance of low-skilled foreign workers and acted as a brake on economic interests seeking foreign labor and economic utilitarians seeking more open borders and free labor markets. This has pushed low-skilled labor migration into unofficial categories. Low-skilled foreigners arrive as technical intern trainees, part-time student workers, or dispatch or subcontracting workers, the latter being a category associated with the long-term resident *Nikkeijin*, or Japanese-ethnic return migrants from Latin America. Meanwhile, arguments couched in the language of rights liberalism have made only limited gains for immigrants in Japan (Seol & Skrentny, 2009).

For the past few decades, the various immigration philosophies in the United States and Japan have justified a status quo, and there was little reason for drastic change. In the coming years, however, Japan's communitarian approach will likely face increasing pressures, first from interests arguing from an economic utilitarian standpoint and emphasizing the critical needs of the pension system. Immigration communitarians in Japan, and utilitarians whose rationality emphasizes the welfare costs of immigration, will push for more technological innovation and/or short-term stays for foreign workers. If and when migrants do begin to enter in large numbers, however, we will likely see a move toward a rights liberalism, carried by a growing number of interest groups representing immigrants. This political dynamic may justify an even wider door to immigration at all skill levels, and Japan may closely resemble the United States of

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today. Until that happens, the United States and Japan will have very different roles for immigrants in their respective workforces and very different understandings of the appropriateness of those roles.

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