RECONSTRUCTING A STATE'S RESPONSIBILITY TO PROVIDE SAFETY TO ITS CONSTITUENT POPULATION: GLOBALIZATION, INTERNATIONAL POPULATION MOVEMENTS AND TRANSTERRITORIAL PUBLIC

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Abstract

This paper discusses how a state can reconstruct its function to provide safety to its constituent population after having become a destination country of international population movements (IPM). First, the paper considers why it is the responsibility of a state to provide safety to its constituent population. Second, using an International Political Economy perspective, it is claimed that a change in economic circumstances will lead to a change in the political domain. Third, when they accept new norms, actors in world politics could change their ways of action. Fourth, if a norm alternative to nationalism is formulated, the state could alter its action to provide safety to foreign nationals. Fifth, a state's understanding of 'the constituent population of a society' can be modified in accordance with a changing knowledge of the characteristics of a state's boundaries. It is concluded that a state's responsibility to provide safety to its constituent population should remain unchanged, but an understanding of the form of such a population has to be updated. A state of destination country of IPM should characterize the foreign nationals within its territory as a 'transterritorial public', and provide safety to them just as it would to its nationals.

Key Words

International population movements, International political economy, State boundaries, Migrants, Safety.

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Introduction

This paper considers the following question: how can a state's function of providing safety to its constituent population of society be reconstructed, when that state has become a destination of international population movements? (1) This question is posed, because in Japan the protection of the rights of foreigners is increasingly recognized as an important issue to address after the country became a destination of population movements in the last few decades. International population movement is both a consequence of globalization, and a manifestation of flows of globalization. The destination countries, however, have not yet fully addressed problems arising from the arrival of new populations. Ensuring the safety of foreigners within a territory is a case in point, and this means that there remain a number of tasks to be carried out in order to make post-sovereign governance accord with the progress of globalization.

There is already a considerable volume of quality studies on how Japan's society and state responded to the arrival of international population movements (Kajita (ed.) (2002) and Komai (ed.) (2002), for example). There are also studies that examine how Japanese laws could be improved to protect the rights of foreigners. Three examples of such studies, by Kondo (2002) and Sugita (2005, 2007), two leading scholars of international law and political theory in Japan, respectively, are reviewed below.

Kondo and Sugita on the one hand, and the author of this article on the other, both recognize the need for a concept of rights applicable both to nationals and foreigners. Kondo (2002), for example, identifies the need for research to create a theory about the 'formulation of a membership of a society … in which conventional citizenship elements such as social rights or right to vote are disconnected from nationality' (pp.27-8). Similarly, Sugita (2007) draws readers' attention to the point that contemporary Japan needs something more than 'citizenship associated with nation', because the mobility of capital and goods, as well as of people – be they refugees or workers – is increasing (p. 79).

There is, however, a difference between Kondo and this author about what should be focused on. The extent of rights for foreigners suggested by Kondo are wide-ranging. Such rights include the right to vote, social rights, freedom to enter and stay in other countries, freedom

of residence, freedom to choose work, rights for access to emergency treatment and education, and naturalization (Kondo 2002: 22-32). This list of rights is extensive enough to cover almost all of three elements of citizenship as classified by Marshall (1992: 8). However, the right to safety, which is the base of civil rights, is not within the scope of Kondo's work, at least in the one article reviewed above.

Unlike Kondo, this paper pays particular attention to the safety of foreigners, because a lack of safety is a manifestation of the gap which emerged following the progression of contemporary globalization. When we talk of a state's provision of safety to its constituent population, we tend to assume a situation in which the state provides safety to its nationals within its territory (Case I in Table 1 below). It is evident why this case holds, because most national citizens do not move beyond state boundaries. However, when people are internationally mobile, specifying a standard for provision of safety to whom and where becomes complicated. Let us assume that one national from country A was involved in a crime while staying in a foreign country (country B). State A is responsible for the safety of its nationals, but it cannot exercise crime control directly within country B's territory; this is the task of state B (case III). Meanwhile, country A could not interfere with state B when the latter takes responsibility for providing safety to its nationals within its territory (case IV). Cases I and IV constitute two sides of the same coin. It is in cases II and III, then, where the scope of the state's responsibility to provide safety to its constituent population can (or is supposed to) extend in response to the international mobility of people. We can expect that state A in case III will take action to ensure the safety of its nationals in foreign territory. At the same time, state A may not be concerned about the safety of foreigners within its own territory, despite the fact that country A is a destination for international population movements. There are cases in which foreigners who have been trafficked to a foreign country are drawn into crime. In other words, case II demonstrates a 'gap' in the process of contemporary globalization which neither the origin nor destination country of international population movements can fully address if they remain as they have been. To bridge such a gap is one of the most important tasks when reconstructing a state's functions to respond to the progression of globalization.

Table 1 Where and to whom can a state as the destination country of international population movements be held responsible for the provision of safety for its constituent population (Compiled by author)

	Nationals	Foreign nationals
Within territory	**Case I** Provision of safety to legally confirmed nationals (Crime control in narrow sense)	**Case II** Provision of safety to foreign nationals staying within destination country's territory
Outside territory	**Case III** Provision of safety to nationals abroad (Consulate service)	**Case IV** Destination country cannot/should not intervene in origin country's affairs (International cooperation of the police and/or judiciary)

What Sugita (2005) and this paper have in common is an understanding that state boundaries are not closed. However, there is a difference over how to look at the current status of state boundaries. Sugita begins his study by highlighting the increasing degree of understanding after 2001 among countries of the North that state boundaries are not tightly sealed, in contrast to the assumptions commonly held beforehand (Sugita 2005: vi-ix). He continues to consider how state boundaries were drawn in the past, as well as how the boundaries should work today. Sugita points out that state boundaries were not drawn 'naturally' at all, but were the result of somebody's intentions; and such state boundaries should not be taken for granted, nor assumed to be unchangeable. Nevertheless, it is impossible to avoid state boundaries entirely; Sugita therefore proposes that we should pay more attention to state boundaries so that we can consider the boundaries in relative, not absolute, terms (Sugita 2005: 1-24). Sugita and the author of this paper share an understanding that the past assumption about state boundaries does not hold any longer (if it ever had). However, it appears that identifying how state boundaries are changing – in particular those of Japan – is beyond the scope of Sugita's research.

It may be the case that states are often kept in a 'blackbox' when discussed from the perspectives of legal studies or political theory. This paper intends to 'unpack' the state by taking an International Political Economy perspective. In other words, by closely looking at how the characters of state boundaries are changing, it will hopefully be possible to support the need for rights that are detached from the notion of nationality – hence the need for rights for foreigners within a territory, as will be shown in the following sections. The volume of research on the impact of international population movements on societies and states that

accept such movements is still relatively limited, compared with studies on other forces of globalization, be they production, capital, communications, or environmental changes. This paper discusses the important but less frequently investigated issue of international population movements.

In the ensuing sections, this paper considers the following issues. (1) What sort of responsibilities does a state have to its constituent population ?; (2) How were the relations between states and constituent populations formed?; (3) Why and how are the functions of state boundaries' changing?; and, (4) How do changes in state boundaries' functions affect the state's responsibility to its constituent population? After examining the above issues, this paper will provide an answer to the question set out at the beginning of the Introduction.

The main argument of this paper is that the need for a state to provide safety to its constituent population will not change; however, for whom and how this function should be operated can and should change in accordance with any reorganization of the constituent population. The provision of safety to foreign nationals is a necessary function of a state which acts as a destination country for international population movements. Following the progression of contemporary globalization, the characteristics of political economies and state boundaries of previously independent states, are undergoing many changes. This suggests that previous norms affecting who the state recognizes as its constituent population and to whom it should provide safety may be modified. Reorganizing such a standard of action has a significance to ensure the legitimacy of a state in today's globalization process.

Section 1 State, society and the provision of safety

This section considers two points that relate to a state's function to provide safety to its constituent population. The first is to ask since when has the provision of safety to a constituent population been a task of the state. The second is to find out how the provision of safety to its constituent population is being reconsidered, while a reorganization of a state's functions has taken place over the last few decades. To start with, this section briefly reviews the relation between state and society.

Relation between state and society

This paper discusses the state not because the author takes its existence for granted nor sees an unquestioning value in it. The state is important to us, because state and society are in a close relationship, and both of them can render influences on us that are both positive and negative. In other words, to discuss the state is the same as considering both the state and society in which the state exists. How, then, can we conceive the relation between state and society? State and society are different organizations, but they mutually depend on each other (Inoguchi 1988: 125). Society may be described as 'an organization which involves the state, and yet different from the state' (Inoguchi 1988: 108). There are tensions between state and society, and there are occasions when what these two require of the other contradict. In the past, interactions between state and society were relatively limited, but in the twentieth century, state and society 'have become mutually overlapped and increasingly permeate each other' (Inoguchi 1988: 125). It is only after the above-mentioned points have been confirmed when implications of the oft-heard definition of the state, such as the following, becomes evident: '[the state is] an organization which claims its legitimacy, to a certain number of residents within a territory, through its monopoly of violence' (Inoguchi 1988: 7).

State-society relations in ancient age

The characteristics of relations between state and society today are different from what they were in the past. States in ancient times tended to be 'privately owned by a ruler'. Societies in those years were more fragmented, and not as united as contemporary society is. Consequently, the states at the time may be described as a small attachment to society. In ancient Japan, for example, the state at the time was limited to 'the capital city where the ruler resides, and the extent of the state's power to permeate into society was very limited' (Inoguchi 1988: 11-12).

The necessity of law and order in a modern state

In contrast to the limited extent of the relation between state and society in ancient and medieval times, modern state acquired more tasks to perform in their relation with society. These tasks, which emerged within the process of development of the modern state, are: the pursuit and distribution of personal interest, the exploitation and suppression of certain classes, the autonomy of the state, territorial and international relations, and the social

participation of individuals and groups. Another task of the state, which is most relevant to this paper, is the safety and liberty of individuals (Inoguchi 1988: 24-31).

Hobbes and Locke considered that ensuring the safety and liberty of individuals is an important task of the state, and that it is necessary for the state to obtain the consent of the people in order to perform this task (Hobbes 1985, Locke 1988, Inoguchi 1988: 25). Ensuring individuals' safety and liberty emerged as part of the state's agenda within the process of development of the modern state, because rulers were increasingly interested in expanding the state's influence over society. The domestic societies of Europe in pre-modern years were chaotic, since competition for expanding private rights was common. Under such circumstances, the central task of rulers was to make sure that their intentions prevailed throughout the society. For this reason, the effective implementation of forced labour, conscription and taxation were necessary. It was also necessary, for the purpose of winning wars with other countries, for the state to avoid domestic conflicts and to make itself strong and powerful (Inoguchi 1988: 24-26).

The state-society relation conceived by Hobbes and Locke was not a mutual one (in particular in Hobbes's thinking), and the state is supposed to rule society. This is different from the ideal of a contemporary democratic state. Such an undemocratic characteristic is noted, but their accounts are important to this paper, because a state – even one which is deemed undemocratic by today's standards – is supposed to ensure the safety and liberty of individuals who constitute the society, and by extension, the state. A remark by Shinoda, one of the leading academics in Peace Studies in Japan, is relevant here, for he argues that 'if a sovereign is unable to secure safety [of individuals], that sovereign is failing to fulfil its responsibility under social contract' (Shinoda 2007: 117-8). If a state is unable to fulfil its social contract with its constituent population, the legitimacy of such a state will be in question.

Provision of safety and 'minimal state'

The arguments of Hobbes and Locke were both made in the seventeenth century. Are their arguments still relevant today, when the ideal of operating the international political economy has been switched from 'embedded liberalism' to neoliberalism, and the Keynesian welfare state has been in question for decades? Nozick, a leading theorist of libertarianism, calls a

state which performs such tasks as ‘protection against force, theft, fraud, enforcement of contracts’ a ‘minimal state’, and argues that such a state is ‘justified’ (Nozick 1974: ix; Morimura 2005: 134-5). Nozick’s account shows that, even from a twentieth century perspective which aspires to limit the state’s functions to a minimum, the state is responsible for providing safety to its constituent population.

State’s intervention into society

The relation between state and society has become much closer as modern states developed. To maintain itself, the state intervenes into society in the following four fields: (1) maintenance of domestic order, (2) ensuring safety in its external relations, (3) encouragement of production, and (4) promotion of trade (Inoguchi 1988: 89-96). The state developed such organizations (governing apparatus) as the military, police, intelligence, central bureaucracy, cabinet, parliament, local politics, courts and tax offices, to carry out the above-mentioned interventions (Inoguchi 1988: 65-80).

Among the above state institutions, the ones that are directly relevant to this paper are the police and courts. Both institutions aim to maintain order in society. To do so, the police deter actions that are deemed to be against justice and equality, hold those who actually took such actions in custody, and put some of them on trial if necessary. In addition, a further task of the police is to neutralize or suppress speech and actions which can cause unrest in the foundation of the state. It is the task of the courts to ensure that people obey the law, and justice is carried out. For this aim, courts can order punishment to those who are found guilty, as well as ordering a review of inappropriate laws (Inoguchi 1988: 68, 79).

This section so far has shown that ensuring individuals’ safety and liberty is one of a state’s responsibilities to society, and the police and courts exist as the state’s organizations to perform such a task. It is necessary to return to an argument made by Locke: as shown below, Locke says that the individuals to whom the state has the responsibility to provide safety and liberty should include not only what we call nationals today, but also foreigners within the state’s territory. Locke acknowledges that a state has the right to apply its law to foreigners, and punish them when necessary, finding justification in natural law (Locke 1968: 15). Locke also argues that it is the state’s responsibility to provide protection to foreigners within its territory (Locke 1968: 125). It is probably the case that a state’s right to punish foreigners

within its territory is often taken for granted. What is important for this paper is, however, that the state is also supposed to be responsible for protecting foreigners because of the requirement of natural law. It is appropriate to quote Shinoda again here who says that, according to the principles of the modern social contract, it is a 'state's primary responsibility to secure the safety of its nation *and* people within the said state's territory through such functions as the police' (Shinoda 2007: 135, italics added).

To sum up this section: the state and society are different organizations, but they mutually overlap and permeate each other. The state intends to rule society and its constituent population. Contrary to states in ancient times, the modern state has expanded its scale of power, and its interactions with society have become more frequent and closer; this has resulted in one of the state's core tasks being the provision of safety of its constituent population. Even from a minimalist perspective regarding the state's role, being responsible for the safety of the constituent population of society is indispensable for the state. Furthermore, it has also been found that the state is responsible for ensuring the safety and liberty of its nationals, but also to foreigners within its territory. Out of these findings, it is possible to expect, at least theoretically, that the state in the twenty-first century be responsible for the safety and liberty of individuals who constitute society, both nationals and foreigners within its territory.

Section 2 Politics and economy, state and society

As shown at the outset, this paper considers how the functions of a state could and should change in accordance with changes in the configuration of the population that constitute its society. Section 2 considers how an understanding held by a political actor about the mutual relation between state and society, as well as the one between politics and economy, can affect the above-mentioned review of the state's functions.

International Political Economy

It was common in International Relations theories in the past to assume that politics and economy are separate domains. This was particularly the case with Realist theories: the prime example of such an assumption is evident in Waltz (1979). Morgenthau (1985) appears to

have implicitly been aware of the influence of the economy on national power, but nevertheless he claimed that politics was independent from economy. Such an assumption seen in Realism – a separation between the state and the market, between politics and economy – did influence world views of political actors and their actions. To acknowledge the above, however, is different from accepting such assumptions; to what extent these assumptions hold demands scrutiny.

Politics and economy, the state and society are mutually inter-related, and affect each other. Suzuki, an International Political Economy scholar in Japan, summarizes Polanyi's important arguments regarding this:

> According to Polanyi, developments in the market economy and the formation of a nation state were indispensable to each other. The development of a market economy required a strong nation state which was able to internalize the cost for institutional and political reform of the pre-modern state; likewise, a market economy was needed for a nation state because of the latter's reform of pre-modern feudal society (Polanyi 1944, Chapters 5 and 6). Furthermore, Polanyi has pointed out that the modernization of the economy marked an important turning point for the relation between the market and the state. He was able to make this point out of observations that the market – which was embedded in state and society in the pre-modern period – became more autonomous in modern years than before, and then developed to include the state and society in itself (Suzuki 2007: 183).

There were many who argued for an analysis of international relations with close attention to the mutual relationship between the state and the market, as well as between politics and economy, but one of the most prominent is Strange (1994). From an International Political Economy perspective, the formulation of an international political economy is not a natural development, but the result of human actions (Strange 1994: 18). A similar point is made by Underhill who writes that '[p]olitical power and wealth creation have been intimately intertwined throughout the history of [the] modern international system' (Underhill 2000: 3). In other words, politics and economy affect each other.

Underhill proposes the following three premises when analyzing international political economy. These are: (1) political and economic domains cannot be separated in any meaningful sense; (2) markets and political authorities are an 'integrated ensemble of

governance', and are not separate as often assumed; and (3) domestic and international spheres are closely inter-related, and are not separate (Underhill 2000: 4-6). Instead of using Realist and Liberal theories of international political economy, both of which assume that politics is independent from economy, Underhill turns to the analytical perspective of Cox (Underhill 2000: 9-16). Cox's theory can be more appropriate, because it considers that domestic and international politics are inter-related, as are the market and economy, and all of these four domains can affect each other (Underhill 2000: 19).

Mutual relations between society, state and world order

Two concepts advanced by Cox, namely the state/society complex and historical structure, are relevant to this paper. The concept of a state/society complex is largely similar to the concept of a state as a key unit in international relations; but state/society is different from the state concept, because it assumes that state and society, as well as politics and economy, affect each other. Furthermore, with the assumption of the inter-relationship between politics and economy, it is also possible to explain the influence of an event within a state/society complex extends outside that state/society complex, and vice versa (Cox 1996: 36). With Cox's theory, it is easier to explain the existence of interconnections between domestic and international spheres. In other words, while a conventional understanding of the state tends to be associated with a 'billiard-ball' view of international relations, with the concept of a state/society complex it is possible to consider that the state is not covered with a hard shell.

The second Coxian concept is that of historical structure. Cox considers international relations as mutual interactions between the following three factors: the world order that exists in a certain period of time, the socio-economic relations in each country, and the characteristics of a state. Cox calls the combination of the above three (world order, social forces and forms of the state) as historical structure (Cox 1996: 97-101; Devetak 2005: 151). One mutual relationship that Cox analyses is the shift in managing principles of the international political economy in post-war years from embedded liberalism to neo-liberalism (Cox 1996). Using the historical structure concept is valuable for this paper, because it is possible to show that a change in the international sphere requires a state to reorganize the way it runs its domestic politics.

To sum up this section: it has been confirmed that in a modern society, the state and society, as well as politics and economy, affect each other. This is different from the premises held in conventional International Relations (International Politics) theory, but from an International Political Economy perspective, it is possible to hold these views. This section has found mutually influential relations between politics and economy, as well as the domestic and international spheres. Out of these findings, it is possible to make the following point: since politics and the economy affect each other, and so do the state and the market, there can be occasions where a change in economy necessitates a change in politics. To put this in another way: it is possible to reconsider the extent to which a state performs its functions when there is a change in the organization of a society – in particular that of the constituent population – which has taken place following some kind of economic event.

Section 3 Political actors and ideational structure

This section considers under what circumstances actors in world politics will change their standards of action. An example of such a standard is one held by state officials in a country which is a destination for international population movements: state officials can discriminate against foreign nationals within their territory by failing to be responsible for providing safety to the foreigners. When we classify theories of International Relations into Rationalism and Constructivism, it is the latter that can explain changes in actions taken by actors of world politics. Constructivism can, therefore, be effective in considering the above issue. What follows in this section explains briefly why can we expect a change in a political actor's standard of action from a Constructivist viewpoint.

Ideas, identities, interests and actors

Ideas and norms are thought to have important implications in Constructivist theory. To consider how an idea can affect the actions of a political actor, the formation of that actor's interest merits consideration. Rationalist theory (neo-realism and neo-liberalism) assumes that the interests of a political actor are a given before that actor initiates any action (Reus-Smit 2005: 192-3). Constructivist theory, in contrast, considers it necessary to explain the process in which an actor's interest is formed, and for this purpose pays attention to ideational structure.

Normative and ideational structures are thought to shape the social identities of political actors (Reus-Smit 2005: 196). In accordance to one's own identity thus shaped, the political actor forms interests. In Wendt's words, 'identities are the basis of interests' (Wendt 1992: 398). The actor takes actions based on their interests that are formed in this way. In other words, whether an actor's moves cause a positive or negative influence on another actor can depend on what sort of ideas the initiating actor has before taking the action.

Constructivism's emphasis on ideational structure does not at all mean that it disregards material structure altogether. Constructivists are well aware of the significance of both material and ideational structures. Wendt says on this point: 'material resources only acquire meaning for human action through the structure of shared knowledge in which they are embedded' (Wendt 1995, cited in Reus-Smit 2005: 1996). As an example of this, Reus-Smit refers to the case in which the military power of Canada is not considered to be a threat for the US, whereas that of Cuba is (Reus-Smit 2005: 196).

Norms' effects on political actors' action

It has been shown that a political actor is affected by ideational structure. It is considered that ideas include world views, causal beliefs and principled beliefs. Constructivism pays particular attention to principled beliefs, or norms. Norms can be defined as 'standard(s) of appropriate action applicable to those who share the same identity' (Iida 2007: 74). This is more than the repetition of the same action (Sudo 2007: 144-5).

The difference between Rationalism and Constructivism is also evident in the contrast between the 'logic of consequences' and the 'logic of appropriateness'. The 'logic of appropriateness' indicates the way in which Constructivist thinking conceives of the actions of a political actor. Contrary to the 'logic of consequences' in Rationalist thinking, Constructivists consider that an explanation of an actor's action requires more than a calculation of costs and benefits, but it is necessary to take the initial preferences of the actor into consideration (Sudo 2007: 134, Iida 2007: 71).

Sudo cites Elster to show how an actor's actions will be affected by social norms with the following four features.

> First, [social norms] are non-outcome-oriented injunctions to act. Second, they are shared with the other members of one's society or some relevant subgroup. Moreover, all members know that all are subject to the norms, and know that they know this, and so on. Third, because all share the norms, group members can enforce them by sanctioning violators. Sanctions range from various forms of avoidance behavior through social ostracism to outright persecution. Finally, norms are also sustained by the internalized emotion of shame (Elster 2000: 198).

When an actor's action is prescribed by a norm, such a norm is 'internalized' by the actor. In other words, the actor 'takes an action which is considered to be appropriate according to an internalized norm' (Sudo 2007: 134-5). For example, Sudo argues that the foreign policies of post-war Germany and Japan can be explained in terms of the internationalization of norms, because these cases show that states can act not only based on the logic of consequences – being concerned about who is stronger or weaker, who gains or loses – but also based on beliefs and international norms (Sudo 2007: 134-5). Furthermore, norms can provide an actor with guidelines for action, not only to regulate the actor into certain kinds of action. According to Nishimura, a norm can perform the following two tasks: the first is to control an actor's actions by controlling or promoting certain aims and measures, and the second is to shape an actor's interests and provide a policy choice (Nishimura 1996, cited in Sudo 2007: 145).

The amount of research conducted from a Constructivist perspective is increasing. The following are some examples of this research which demonstrate that ideas shape new identities for a political actor, which leads to a change in that actor's actions. Wendt (1992) argues that anarchy is an idea which was necessary for the development of modern states; considering this, changing anarchic structure will be possible if states have the will to do so. Katzenstein (1996) explains Germany and Japan's avoidance of the use of military power in the post-WWII years in terms of a change in their national identity. Terada (2003) reports that, despite the fact that moves toward regional integration are slower in Asia compared to Europe and in the Americas, an 'East Asian' identity has been already shaped. The significance of the studies by Katzenstein and Terada is in the point that they demonstrate that changes in the identity of a state have actually taken place in Asia, in particular in Japan. The concepts of anarchy and a billiard-ball view of international relations are closely related, and the billiard-ball view makes political actors assume that state boundaries are tightly

sealed. If changing our conception of anarchy is possible, so is our understanding on state boundaries.

To sum up this section: a political actor's action is influenced both by material and ideational structures. As it is an ideational factor that affects an actor, Constructivism pays particular attention to norms. Norms can regulate an actor's action, but also provide a direction for action. When an actor takes an action while being informed by a norm, that actor can act in accordance with the 'logic of appropriateness', and not only the 'logic of consequences'. Out of these findings, how can we expect a change in the actions of a state which fails to provide safety to foreigners within its territory, when it is informed by a certain norm? If there existed another norm, which informs the state and affects the first norm in some way, the state may be able to change its way of action.

Section 4 Recognition of the constituent population of a society and norms

This paper considers whether and how a state's function to provide safety to its constituent population can change, in particular in the case when the country is a destination of international population movements and reorganization in its constituent population has taken place. Because of the reasons shown later in this section, nationalism has an important implication for this discussion. In this section, therefore, there is a brief review of the development of nationalism, followed by a contemplation of the possibility of a change in thinking about the relation between politics and population.

Nationalism and foreigners

Within Nationalist thinking is the idea that political boundaries and ethnic/cultural boundaries should match. Compared to other issues in International Relations, theories of nationalism are relatively vague. However, Gellner's definition of nationalism is effective for the discussion in this section. He states that '[n]ationalism is primarily a political principle, which holds that the political and the national should be congruent' (Gellner 1983: 1). There are at least three reasons why nationalism attracted analytical attention within International Relations. The first is the relation between nationalism and the legitimacy of the modern state, the second is the

relation between nationalism and international conflicts (Carr 1945, Halliday 2005), and the third is nationalism's influence on domestic society and politics.

Nationalism has important implications for the making of modern states, because such states are able to claim their legitimacy to represent their populations. The formulation of modern states required the establishment of sovereign rights to conduct external affairs ('national self-determination'). The modern state is able to justify retaining such sovereignty when it is able to argue that the state represents the constituent population of society (Halliday 2005: 524-6). In order for a state to be able to represent its people, then, it is desirable that the entire constituent population is united as one group of people called the 'nation'. According to Carr, it was Rousseau who first gave the theoretical background for such unification of the entire population in a country as a 'nation' (Carr 1945: 7). As will be shown later in this section, it is nationalism that can impact on a population to unite as one group.

It is beyond the scope of this paper to discuss nationalism's impact on international conflicts. This paper concentrates on the impact of nationalism on the domestic society of a country. Nationalism brings about both positive and negative impacts on a domestic society. An example of a positive influence includes being a source of the collective identity of the nation, and working as a centripetal force for the society. Examples of negative influence are various, but the ones that are particularly important to this paper are discrimination against foreigners and xenophobia (Halliday 2005: 532-3). It is not uncommon in destination countries of international population movements (these are often countries in the North) to hear about discrimination against foreigners not only among citizens, but also among criminal justice officials. Contemporary Japan is no exception.

Nationalism as a human-made construct

Nationalism entails an important implication for this paper, because it constitutes a root cause of discrimination against foreigners in destination countries of international population movements. Nationalism does exist in many countries, and its influence was, and is, considerable. Nevertheless, such facts do not necessarily lead us to assume that discrimination in destination countries will never change in future.

This is certainly an optimistic statement, considering the extent and depth of influence of nationalism in various parts of the world today. However, considering that '[n]ationalism as ideology is a normative idea' (Halliday 2005: 526), an alternative norm may be developed in one way or another. In order to search for possibilities where the influence of nationalism as a norm may be weakened or controlled somehow at a certain point in future (Gellner 1983: 121), this section reviews accounts of Gellner and Anderson on how nationalism has been developed in the past.

Gellner puts emphasis on the modernization of industry in the development of nationalism in modern Europe. The incorporation of agrarian societies into industrial society involved the expansion of society, as well as a deepening of the mutual relation between society and the state. Gellner describes the changes in society at such a time as follows:

> Early industrialism means population explosion, rapid urbanization, labour migration, and also the economic and political penetration of previously more or less inward-turned communities, by a global economy and a centralizing polity. It means that the at least relatively stable and insulated Babel system of traditional agrarian communities, each inward-turned, kept separate by geography sideways, and by an enormous social distance upwards, is replaced by quite a new kind of Babel, with new cultural boundaries that are not stable but in constant and dramatic movement, and which are seldom hallowed by any kind of custom (Gellner 1983: 42).

It is culture which contributed to unite those who used to be members of different societies as members of a new society. Gellner argues that nationalism has worked to ensure that the boundaries of such a new culture coincide with that of the state (Gellner 1983: 43-4). As shown above, Gellner considers that nationalism is one (but not the only) consequence of the development of industrial society (Gellner 1983: 40). It is a fact that in nationalist discourse, legacies such as 'history' are used as a proof of nationalism's antiquity. However, nationalism is in fact 'the crystallization of new units' (Gellner 1983: 49), namely the modern industrial society.

Anderson, who described a nation as an 'imagined community', shares the same view with Gellner that nationalism is a consequence of the modernization of society and the state. Anderson pays particular attention to the role that a common language and printing played in making the constituent population of modern society possible to imagine that one is a part of

nation. Anderson is also careful to distinguish different patterns in the making of nationalism: nationalism in eighteenth century Europe was ‘nationalism from below’; in contrast, the late starters of industrialization in nineteenth century Europe adopted the method of nationalism making from their predecessors. In this sense, nationalism in those countries was ‘nationalism from above’. Such ‘nationalism from above’ was not limited to European countries of the nineteenth century, and applied to Japan in the late nineteenth century as well as the new countries which became independent in the late twentieth century after colonization (Anderson 1991).

To sum up this section: nationalism is a way of thinking which claims that (i) the constituent population of a society be united as a single group called a nation, and (ii) the boundaries of politics and the nation must match. The formation of the modern state and the market economy, as well as the making of nationalism, has affected one another. While nationalism can render a positive influence on domestic society by being a source of collective identity, it can also be a source of xenophobia or discrimination against foreigners within the country. Nationalism has had considerable impact on various parts of the world since its formation, and it still does so today. Nevertheless, nationalism is a normative idea; it has been found in the previous section that ideational structure can change, even though it takes time. How, then, can we expect a possibility for a change in thinking of a political actor who is influenced by nationalism? What if an actor of world politics understands the ‘reality’ of the international political economy today, and re-defines their own identity because of such an understanding? The next section therefore considers how the structure of the international political economy has been undergoing changes in the recent decades.

Section 5 International political economy, international population movements, and the contemporary state

The previous section has shown that, since they are affected both by material and ideational structures, political actors may be able to redefine their identity through recognition of a change in the international political economy. What sort of recognition of change, then, might alter the identity of a state which fails to take responsibility for providing safety to the foreigners within its territory, despite the fact that the country is a destination for international population movements? In order to consider the above point, this section

discusses how international population movements influence the characteristics of a state today, or, how state boundaries are changing due to the influence of international population movements.

International population movements and the formulation of the modern state

Before discussing how international population movements are affecting the way state boundaries work today, there are two points to be confirmed. The first is that population movements have, as shown below, contributed to the making of new societies and the geographical expansion of political economies. An increasing degree of economic activity in 'core' regions (cities) creates changes in the social structures of 'periphery' regions (agricultural areas), and this in turn creates the necessary conditions which make population movements possible. The expression 'population movements' tends to make us imagine as if people change places solely on their own 'free' decisions. However, those people who move make their plans for action under the constraints of the structures surrounding them (Taki 2003). Not all of those who consider moving actually migrate to a city, but some of them do. Such a process may be described as the periphery being incorporated into the core, but also as the former core and periphery are forming a new political economy. On this point it is worth recalling that Gellner, quoted in Section 4, was aware that the transition from an agricultural society to an industrial society involved labour migration.

It is a fact that among population movements across the world, the frequency of movements within domestic spheres is far larger than those in international spheres. However, the increase in the international mobility of capital has an important implication for international population movements. According to Sassen, international population movements can be understood as movements of capital and population – in the mid- to long-term – taking place in a two-way direction between the core and periphery in the international political economy (Sassen 1988). Taking these points into consideration, it is possible to understand that international population movements are, in one dimension, the result of actions taken by migrants themselves, but simultaneously, in another dimension, are a counter-response against the increasing degree of economic influence of the destination countries of international population movements (= industrialised country, exporter of capital) to the origin countries of the movements (= developing country, importer of capital).

The second point to confirm in this subsection is the mutual relation between the formation of the modern nation state and the making of civil rights (rights of nationals). As already seen in this paper, in the process of modern nation state building, the developments of national economies and nation states took place simultaneously. Unification of the constituent population of a society as a nation, namely nationalism, also occurred in this process. What is important, then, is that citizenship (= the relation between the state and the constituent population of society) was defined within a process in which the economy, the state and society affect one another.

International population movements and the contemporary state

This section will show – following Cox's theory regarding developments in world order, economy and how the characteristics of state influence one another – the following: it is possible to expect that, when there is a change in the character of international population movements, a destination country's actions might change as a result of the following developments:

(i) Change in world order: from 'embedded liberalism' to globalism.
(ii) Change in economy: from the coexistence of national economies that were relatively independent to a situation in which national economies partially overlap and mutual relationships deepen.
(iii) Change in characteristics of a state: recognition of a nation as well as a 'transterritorial public' as the constituent population of society. Such recognition could lead to the state's confirmation of its responsibility to provide safety to foreign nationals within its territory (a requirement of the social contract between a state and a society).

Such an expectation is possible, because the characteristics of international population movements and the characteristics of the state are changing following developments in the international political economy. In order to demonstrate this point, this section explains differences in international population movements' effects on state boundaries' ways of working in the post-WWII world, in particular the movements from developing countries to industrialised countries. This explanation will be made in terms of four points: (a) managing principles of the international political economy, (b) the geographical extent of political

economies, (c) the significance of international population movements on state boundaries' ways of working, and (d) a conception of the constituent population of society.

During the period from the end of WWII until the 1970s, when 'embedded liberalism' had been the managing principle of the world economy, the international mobility of capital was regulated. The world economy was understood to be made of national economies, and state boundaries were thought, in principle, to be tightly sealed. Countries in Western Europe accepted labour migration after the war, in order to reconstruct each country's national economy, or territorial nation states. It may have been inevitable, then, that the countries that received the migration tried to establish their relations with the migrants within the context of nationality, or the rights of nationals. (To state this is, of course, a totally different matter as to whether such treatments were acceptable.)

After the 1970s, the regulations for international capital mobility were relaxed, and mobility of capital increased. This is the period when the frequency of international population movements also increased (Castles and Miller 1993). International population movements to Western European countries in post-WWII years were used for the reconstruction of territorial nation states. In contrast, international population movements today are taking place between origin and destination countries, both of which are partially globalizing. This applies to Japan as well: post-war Japan began to export capital again in the early 1970s; this was the first time since Japan lost the Asia-Pacific War; Japan also began to accept migration from the late 1970s. State boundaries since the 1970s have become partially unclear, compared to the preceding decades. The billiard-ball view of the world (Wolfers 1962, Burton 1993) has become less persuasive, and a view that state boundaries have holes and are permeable (Scholte 1997) is more realistic. That state boundaries have become not so clear-cut means that political economies partially overlap one another. Considering this, it would be more realistic and accurate to assume that the constituent population of contemporary states consists of nationals and a group of people that are different from nationals.

States today will not lose entirely their character as territorial nation states in the foreseeable future. However, it is also the case that contemporary states are acquiring characteristics that are different from states in the past, and states are now partially overlapping each other. What are the repercussions of these developments? The relationship between a state and the constituent population of its society was defined as citizenship, and this took place alongside

the making of modern nation states. Similarly to this process, (re)defining the relationship between the contemporary state and its constituent population is possible, and indeed necessary. To perform such a task requires a new concept of the constituent population of society, which can include the population within a state's territory other than nationals. A concept like this should be able to exist next to that of nation. Sholte's concept of 'transterritorial publics' (Scholte 2006) certainly reinforces this argument. When a transterritorial public exists within a territory, the state has responsibilities not only to its nationals, but also to such a public. If a state in a destination country of international population movements changes its way of action to take responsibility for providing safety to foreigners within its territory, such a change may be possible through the state's recognition of developments in international political economy discussed above, and also of the emergence of a 'transterritorial public'.

To summarize this section: population movements take place together with the formation of a new society, or in line with the geographical expansion of a political economy. Since the modern period the relation between a state and the constituent population of its society has been defined in terms of citizenship (the rights of nationals). In other words, the terms of relations between a state and its constituent population of society were clarified within the process in which the economy, state and society affected one another. An examination of the relations between the international political economy and international population movements in the post-WWII years has found that the significance of the movements to state boundaries, or the way state boundaries work, have changed. It is no longer possible to conceive of state boundaries as having a hard shell, and it is more accurate to consider that there are holes in the boundaries. The boundaries of states, or those of political economies, have become partially unclear; this also means that states partially overlap with other states. With an understanding of these developments, it is possible to conceive that the constituent population of societies today consists of nationals and transterritorial publics. Assuming that a state in a destination country of international population movements becomes well aware of the above-mentioned developments in international political economy, changes in the character of state boundaries, as well as the emergence of a transterritorial public, the state can change its actions so that it becomes responsible for providing safety to foreign nationals within its territory in addition to its nationals.

Conclusion

The task of this paper has been to consider the following question: how can a state's function of providing safety to its constituent population of society be reconstructed when that state has become a destination of international population movements? To answer to this question, this paper has argued the following points.

Section 1 considered since when did the provision of safety to the constituent population of society become a responsibility of the state, and whether it is possible to demand the same responsibility from a state today. It has been found that the provision of safety to the constituent population is an indispensable task for a state; the state is supposed to provide safety for nationals as well as foreigners within its territory; and also that we can expect this responsibility from the state in the twenty first century.

Section 2 examined whether an understanding of the mutual relationships between a state and society, as well as between politics and the economy, can affect the process in which a state reviews the extent of its responsibility following a reorganization of the constituent population of society. The section found that, since politics and economy, as well as the state and market, mutually affect each other it is possible to expect a change in the political sphere as a result of developments in economy. In other words, it would be possible for a state to review the scope of its functions, following a reorganization of the constituent population of its society which is a consequence of developments in an economy.

Section 3 contemplated upon when a change in the standard of action is required of an actor in world politics, how such a change might be possible. Firstly, it was found that political actors are affected by ideational structure, or more specifically, by norms. And then, it also became clear that when a norm influences an actor's actions, the actor's standards of action may change, if the above-mentioned norm is altered, or if the actor accepts another norm.

Section 4 investigated whether there is a norm that can affect the function of a state to provide safety to foreigners within its territory. The section found that nationalism, which has considerable influence on modern states, does have an impact on the above function. It is also claimed, however, that considering nationalism is itself a norm, a state may be able – at least

theoretically – to adopt another norm which informs the state to operate with an assumption that the constituent population of a society is made up of more than only nationals.

Section 5 probed into how the identity of a state with the following characteristics might be changed: it is a state in a destination country of international population movements, and it takes less than full responsibility to provide safety to foreign nationals within its territory. For this purpose, the section explained how international population movements take place, and in response how the way state boundaries are changing. It has been found first that defining the terms of the relation between a state and the constituent population of its society took place within a process in which the economy, state and society influence one another. The section then checked the relation between the international political economy and international population movements in post-WWII years, and found that the significance of the movements to state boundaries is changing. Namely, the way state boundaries function is not the same as was believed in the past. It is more accurate to consider that state boundaries are porous today; this paper considers that this indicates states (= political economies) that send and receive migration are partially overlapping one another. Having noted this point, what has been said just above must be recalled here: 'defining the terms of relation took place within the process in which economy, state and society influenced one another'. In the past, this occurred with the making of the territorial nation state. Between the origin and destination countries of international population movements, a process similar to the above is taking place, though to a wider extent. This is why it is accurate to consider that the destination country's constituent population should include not only nationals, but also the 'transterritorial public'.

This paper has considered the question: how can a state's function of providing safety to the constituent population of society be reconstructed when that state has become a destination of international population movements? When a country becomes a destination of international population movements, the scope of the functions of the state in such a country will expand. However, unless this state recognizes that it now has a larger responsibility than before, the state will not take the full responsibility. The state is unable to recognize its responsibility, because it considers its relations with other states (in particular the origin countries of population movements) in terms of a billiard-ball view of the world. In the contemporary international political economy, a process similar to the making of the modern territorial nation state is taking place, but this time to a far larger scale. If the destination country of

international population movements is able to recognize the above-mentioned process, the state of the country might be able to – at least theoretically – reshape its identity to suit the reality of the international political economy, and to perform the above responsibility fully. Failing to do so would cast doubts as to the legitimacy of that state.

This paper has presented a conceptual framework for an analysis as to how a state's actions might change in response to the impact of international population movements. What is discussed in this paper may be applied to some industrialized countries today. A more specific analytical framework will be required when the contemporary Japanese state's response to the impact of international population movements is studied. Furthermore, to discuss whether and to what extent the Japanese state was responsible for the provision of safety to foreigners within its territory requires an empirical study.

Note

(1) The expression 'international migration' is often used when describing the movement of people beyond state boundaries. This paper uses another expression 'international population movements' instead. The reason for this is as follows: (a) similar to other human activities, there is a relation of mutual influence between structure and agent involved in international population movements. The expression 'international migration', however, tends to draw our attention excessively to the agency of peoples who actually move. By using 'international population movements', we may hopefully be able to pay attention to both structure and agent in the international movements of people. (b) Why, then, is it important for this paper to pay attention to both structure and agent in international population movements? If the agency of the people who move draws our attention too much, the focus of analysis may become too narrow when we want to discuss how to respond to the impact of international population movements. For example, this paper considers that international population movements include human trafficking. Assuming that there is a person in a destination country who has been trafficked, and that this person was involved in a criminal case (be it as a victim or a perpetrator). In order for the state of the destination country to give justice to such a case, it is definitely necessary to take into consideration both the structure and agency of international population movements which affects this case.

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