



## High School Students Struggle Against National Anthem Enforcement

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*According to a survey by the Ministry of Education and Science, this spring's graduation ceremonies' enforcement rate of singing "Kimigayo" (the Japanese national anthem) crept ever closer to their target of 100%. Behind these figures, there remain a not insignificant number of students who question, object and oppose it. Students at Hokkaido's Sapporo Minami High School (the island's most academically prestigious high school), persistently challenged the national anthem enforcement, including requesting an Attorneys' Association to appeal on behalf of their human rights. Why did they resist and how do they reflect on their actions now?*

On February 14 of this year, the Sapporo Attorneys' Association served a "Recommendation" on Principal Yamamoto Takae of Sapporo Minami High School (1,170 students). The recommendation held that enforcing the national anthem at the impending graduation ceremony, without benefit of sufficient consultation with the students, would violate their freedom of expression and participation guaranteed by Clause 12 of the Children's Rights Act. It further stipulated that the principal should do "everything within his power" to gain the students' cooperation.

Less than two months' earlier, in mid-December, 2001, five Minami seniors (later joined by five others) asked the Attorneys' Association to appeal on behalf of their human rights. The Association's Human Rights Protection Committee responded to the seniors' complaint with remarkable alacrity.

There are two precedents for students filing pleas with human rights attorneys over enforcement of national flag raisings and playing of the national anthem: Saitama Prefectural Tokorozawa High School, 1998 and West Hiroshima Municipal Takaya Middle School, 2001. In both cases, "Recommendations" and "Demands" were issued, stating either that students' freedom of expression and right to participate, guaranteed under the Children's Rights Act, have been violated, or that their constitutionally guaranteed freedom of thought and conscience have been infringed.

### They Played the Anthem Anyway

In case of Minami no discussions were held, despite the "Recommendation," before graduation on March 1. On that day, as some four hundred seniors, parents, teachers and guests filed into the auditorium for the ceremony, the national anthem was heard. There were no instructions to "rise" or "sing" but the national anthem was played over the public address system. According to coverage in that evening's Asahi Newspaper, six graduating seniors rose and sang the national anthem.

Takanaka Kōji, one of the seniors who challenged enforcement of the national anthem in December and signed the human rights plea, quietly recalled the moment when the national anthem played six months earlier as " . . . the toughest moment. The person sitting right next to me stood up and sang in a loud voice. I marveled at his conviction, singing the anthem all the way through, while so many of the students around him remained seated. But if they hadn't played the national anthem, he wouldn't have had to expose himself like that in a sea of students." Takanaka's comments reveal how the playing of the national anthem forcibly exposes individuals' private beliefs and values.

Apparently some of the graduates rose, only to sit back down again, when so many of their classmates remained seated. Among the nearly thirty Minami seniors who actively challenged the playing of the anthem, there were many positions, but they all opposed enforcement. Student A, who wore a blue ribbon stamped "No Enforcement" on graduation day, recalls feeling heartbroken. "I wanted graduation day to be the most important day of high school. So when I heard the strains of the national anthem, I was torn up inside. I'd worked so hard to oppose the enforcement, it incensed me. I'll never forget that moment. I didn't want to see who would stand so I kept my eyes closed the whole time and clutched my ribbon."

Opinion Exchanges, the Phantom Student Convention, the Website

Minami, which is one of a few advanced schools in Hokkaido, has no uniforms and is renowned for its extremely tolerant atmosphere. Seniors have always performed at past graduations, and the ceremony has always been

understood as the culmination of three years of freedom. In the past, the national flag never adorned the stage and the national anthem was not played, but since passage of the National Flag and Anthem Act in 1999, the Hokkaido Board of Education has put increasing pressure on Minami, one of very few schools on the island to eschew the national anthem.

Principal Yamamoto, who transferred to Minami from an administrative position at the Hokkaido Board of Education last April, is an aggressive supporter of enforcement. According to a June issue of the Minami High School paper, his support is rooted in the National Curriculum Guidelines statement that, "Students should be directed to sing the national anthem together." Principal Yamamoto had declared his pro-enforcement position at a teacher's meeting in September 2001, but in December, several teachers demanded that he consider student opinion. As a result, discussion sessions between the principal and the students were convened on December 5 and 10. 150 students attended the first meeting, 130 the second, and discussions lasted 7 hours in all. Many students voiced doubts about enforcement, based on constitutionally guaranteed freedom of thought and conscience, and on the freedom of expression and right to participate guaranteed under Clause 12. Students repeatedly asked, "Why enforce the national anthem on Minami High School's graduation ceremony now?"

The principal responded to student concerns by explaining that the National Curriculum Guidelines made enforcing the national anthem a duty from which Minami High School could not be exempt, and that enforcing the national anthem heightens students' awareness of their nationality in an international world. Apparently, he also added that, although the anthem would be played, no one would be forced to sing, so that individual freedoms would be protected. The principal's remarks reflected the position of the Japanese state.

The December 5 issue of Minami High School's paper, the day of the first meeting, reported the results of a poll it had conducted about the graduation ceremony. The poll included the question, "Do you think the national anthem should be sung?" With 64.7% responding, 84% answered "No," and 1% answered "Yes." Student awareness of the issue was obvious.

Commenting on the second meeting with the principal, Student C noted, "The principal was much more unyielding than at our first meeting and insisted that it was a duty." Student A said, "I was left feeling so empty, so enervated." Takenaka recalled, "The principal's explanation of why Minami High School had to enforce the anthem now was completely unconvincing." Nevertheless, many students requested that the discussions continue. The principal refused.

Student B remembered desperately searching for an alternative during the deadlocked discussion, "No matter what we said, all the principal said was that he would enforce the rule. But I didn't want to give up. I rifled through my student handbook, trying to come up with a solution and found a rule that a Student Convention could be called with the signatures of over 100 students." Apparently Minami High School hadn't seen a Student Convention in over 20 years, so this was a great discovery. Nevertheless, at the teacher's meeting on December 12th, the principal announced that he would enforce singing of the national anthem at graduation and handed out leaflets to that effect the following day. The leaflet stated that the national anthem would be enforced, while guaranteeing students' freedom of thought and conscience and protecting their individual freedom.

Reading the leaflet, a friend of Student C's decided that he couldn't accept the enforcement. He put up posters and used the school's public address system to announce the formation of the "Committee to Consider the National Flag and Anthem." Student B attended a Committee meeting, along with 30 other students, and proposed calling a Student Convention. 12 students quickly formed the "Volunteers Opposed to the National Flag and Anthem Enforcement" and began soliciting the requisite signatures for a Student Convention the following morning. In two days, they collected over 563 signatures, vastly surpassing their 100-signature goal. The Student Convention was scheduled for the afternoon of December 25th, after the second semester closing ceremony, however, only 535 students attended, and without the 747 students required for a quorum, the first Student Convention to be held in 20 years went unrealized. The group quickly reformed as a Student Gathering and adopted a declaration opposing enforcement of the national flag and anthem at the graduation ceremony. However, they were powerless to take any further action at school.

Student D, who had been interested in the national anthem debate but had never taken action, now felt, "I just can't let the graduation take place as planned. I wanted a forum for further student debate on the question." In late December, student D created a website. At first, only the few friends with whom he shared the site's URL could access it.

However, immediately after news of the website ran in the January 16th issue of the Hokkaido Newspaper, hits on the site mushroomed. Within a day or two, the site reported 10,000 hits and the website was attacked on "2-Channel," a popular and controversial website which purports to provide scoops on scandals and controversies,

but often violates individual rights. Most of the attacks came from adults with support from organized pro-enforcement groups. Student D's original goal of providing a forum for Minami students to debate playing the national anthem at their graduation, rather than opposing the national flag and anthem, online, had backfired.

Some adults responding to the web forum said the students had no right to voice their opinions because they weren't taxpayers. Student D recalls, "It made me so sad and I began to lose faith in adults." Ultimately, he shut down the website in mid-February. Looking back, D reflected, "It was better than doing nothing. And in a way it's not necessarily negative that I was exposed to so many unsolicited adult reactions." On the other hand, he was ambivalent about " . . . all the trouble I caused my friends. I was prepared for criticism but they accused me of turning a school problem into a social issue by making the website. I feel responsible for exposing many students who wanted to maintain a low media profile. Our graduation ceremonies are already famous for their individuality and this issue only turned up the heat."

#### Children's Rights and "A Captive Audience"

While preparing for the Student Convention, student B learned from his father about a website dedicated to Tokorozawa High School's struggle against enforcement. Student B recalled, "That's where I got the idea of approaching attorneys with a human rights appeal. I was even prepared to go it alone, so I wrote an appeal at school and told my friends about it." Initially, four students signed the appeal, but eventually there were ten.

The gist of the appeal the students submitted to their attorneys on December 19 was twofold. First, they claimed that by unilaterally enforcing the national anthem at graduation, the principal had disregarded student positions expressed at both principal-student meetings. Second, by introducing the national anthem at graduation, the principal was forcing the students to display their convictions, thereby violating their human rights. The appeal called for a "recommendation" that the school not repeat such behavior. It was an appeal grounded in the freedom of expression and participation guaranteed in the Children's Rights Act and the freedom of thought and conscience guaranteed under the Constitution.

Student B recalled his reasons for filing the appeal: "If they play the national anthem at graduation, I probably won't stand or sing. But everyone can see who's sitting. That's what I didn't like. I don't mind demonstrating my position but maybe others do. It's not right to force people to reveal their thoughts. It's a violation of human rights and I refuse to have my human rights violated. That's how I explained my position to my friends." Student B's point was that coercion wasn't limited to the commands to "sing" and "rise." Since students have different views, in Student B's eyes, the very introduction of the national anthem was a form of coercion.

Four lawyers from the Sapporo Attorneys' Association responded to the appeal, volunteering to represent the students pro bono. At first, the lawyers took on the appeal because they felt it was " . . . very significant that young people were grappling with such fundamental questions." Eventually, they found the high school students' passion and energy contagious, and "drawing inspiration and hope" from the students, submitted a massive brief to the Association's Human Rights Protection Committee.

The attorneys' "recommendation," announced on February 14, significantly reflected the opinion of Nakagawa Akira, then a law professor at Hokkaido University's Legal Department, whose expert counsel the Human Rights Committee solicited. Nakagawa is recognized as the foremost researcher and legal practitioner for the Children's Human Rights Act, which Japan ratified in 1994. I asked Nakagawa about the significance of the attorneys' "recommendation."

According to Nakagawa, under Clause 12 of the Children's Human Rights Act, adults have a responsibility to listen to children's opinions, complaints and requests (the Duty to Insure Opportunity), and if adults cannot accept children's positions, they must explain their decision in good faith (Duty to Explain). If a child cannot accept the adults' position, the child has the right to ask again and the adult has a responsibility to respond, respecting the child's opinion (Duty to Respect Opinion). Nakagawa stresses that it is the give and take of such dialogue that is the heart of Clause 12 and is so critical in the process of children developing their own ideas and values.

Nakagawa points out that Minami High School's principal met the formal requirements of the law, but he did not establish the dialogue with them that is essential to the spirit of Clause 12.

Nakagawa also highlights another significant feature of the "recommendation," which is the "captive audience". Essentially, the recommendation argues, students are confined to schools and placed in a position where they have no choice but to attend graduations and first year ceremonies, with very little freedom to refuse or make other choices. This makes them a "captive audience." When the national anthem is unilaterally enforced under these conditions, the "captive audience" graduates, with no refuge, are coerced into listening to the national anthem whether they wish to or not.

## Individual Differences are Good

Most of the Minami seniors who protested the national anthem at their graduation had heard and sung the anthem, one way or another, throughout their primary and secondary school years. Student B, who had never heard the full national anthem before graduating, was an exception. Fellow students' questions provided the opportunity to escape from such a routinized educational system. Student B recalled his experiences working with the Constitutional Matters Conference, after graduation. "We worked together based on our shared opposition to enforcement. We often disagreed, but I learned that if you share a goal, you have to spend time talking to each other and even if you can't agree, you can respect another opinion.

He also defined his interpretation of coercion: "Your criteria for judging coercion can't be whether or not you have the option to not sing if you don't want to, or not stand if you don't want to. Simply by playing the national anthem, they're forcing you to make a choice. That's coercion."

Student B's report closes with the following comments on what was gained through the three months' of activity. "I learned that individual differences are actually good; ½ Having different opinions is by no means a bad thing. I learned so much from presuming that everyone was different, that we have to acknowledge each other's differences. I was able to make lifelong friends I really love through working with them." But Student B is far from cherishing the hope that the protests will be taken up by the next graduating class, "because what's the point, unless you see, think, judge and act for yourself." Six months after their graduation, the students are still glad they participated. They also talk about how their experiences taught them the importance of thinking things through. As this nation begins to establish a structure for going to war, here is a group of young people under 20, who chose their own words and actions, acknowledged their disagreements but persisted in dialogue to achieve consensus. The national anthem was enforced, but they are now obviously much stronger than the principal, the Board of Education or even the Ministry of Education and Science.

Teachers' associations find themselves backed into increasingly difficult situations with pressure in the form of disciplinary actions and transfers over the issue of the national flag and anthem in the schools. Yet students in school, though a "captive audience," also are subjects with rights. This means that they can register their objections at any time. Despite the fact that the national flag and anthem are currently enforced, any student who takes issue with this decision can raise the issue at any time. The questions raised by the Minami seniors teach us the possibilities of continuing to question why the national flag and anthem are necessary at future graduation ceremonies anywhere. The national flag and anthem issue is not closed, even if enforcement, according to the Ministry of Education and Science, has reached 100%. Not as long as there are students.

\*Four of the five former seniors interviewed for this article asked that their names not be used.

Translated by Linda Hoaglund