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Hammering Down the Educational Nail: Abe Revises the Fundamental law of Education

Adam Lebowitz and David McNeill

True to his word, Abe Shinzo is radically overhauling Japan's education system, the single most important item accompanying his attempt to revise the Constitution. In his basic policy speech to the Diet in 2006, the prime minister vowed to rewrite the Fundamental Law of Education, rebuild education and "nurture people who value their families, their communities, and their country." That makes his reform agenda the most ambitious since 1947, when the education law, written under US occupation, swept away the fascist-tinged classroom policies of the Imperial era.

Few dispute that Japan's contemporary school system is plagued with serious problems. Educators say academic standards are falling, schools are a mess, and students are increasingly unmanageable. A 2001 poll by the Education Ministry found that a third of teachers and principals had experienced regular periods where teaching had "ceased to function" because of classroom disruptions. Officially, about 130,000 Japanese children refuse to attend school at all; the real figure is probably much higher.

Relentless media coverage of bullying, violence and suicides, and best-sellers on class breakdown and feral youngsters have added to the sense that schools are crumbling and children are out of control, though whether the moral panic these subjects now trigger is matched by real statistics for juvenile crime is at least debatable. But will Abe remedy these ills with his brand of conservative medicine: strengthening central control and rolling back Japan's experiment in "liberal" teaching methods?

His Educational Rebuilding Council released its second report in May, recommending that public schools reintroduce Saturday teaching and increase weekly class hours by 10 percent. That will put another nail in the coffin of the yutori kyoiku or relaxed education, which chopped 30 percent of the core school curriculum in 2002 and replaced it with a more autonomous, elective-based system.

In June, the House of Councilors passed three new bills that expanded official educational goals to include "nurturing public spirit," fostering "an attitude that loves the nation," and leading students to "a correct understanding" of Japan's history. The legislation stipulates that teachers will have to renew their licenses once every ten years, a process that will include 30 hours of officially sanctioned "training." After the June 20 vote, Abe called the bills "the most important" of the 2007 Diet session. "Education reform is the priority of my government," he said.

The legislative drive has life left in it yet: Abe's rebuilding panel has proposed more changes, including making "moral education" a core subject in schools. The one item not on the reform agenda is more funding. Japan spends just 3.5 percent of GDP on primary and secondary education, well below the 5.1 percent OECD average. Spending on third-level education is just 0.5 percent, compared to 0.9 percent in the US. Many teachers say the inevitable result will be that they are asked to shoulder the burden of somehow making the government plans work with low levels of financial support for education.

These proposals share some features with education reforms in other developed countries, where the state has dramatically expanded its coercive and punitive role in the lives of citizens even as spending on social programs has been rolled back. In May, the Diet enacted new legislation that will lower the minimum age of incarceration from 14 to "about 12," a move condemned as a retreat from progressive approaches to juvenile crime, but which follows the lead of the UK and other countries.

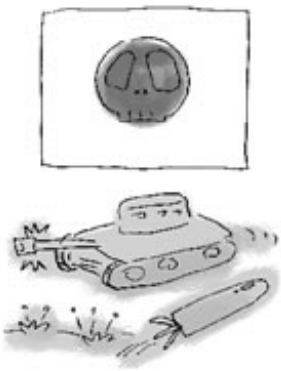
Educational reform, however, inevitably rings extra alarm bells in Japan, where many still remember that schools were once little more than the junior wings of the military. The Japan Times reminded its readers after Mr. Abe's speech that the original 1947 Law was based on the determination "of the Japanese state not to repeat the mistake of creating the ultranationalist, state-centered education system of World War II and before." In June it said the new education bills were "yet another means to strengthen state control."

November, 2006 Teachers rally to oppose the revision of the Fundamental Law of Education

It is ultranationalists who have been loudest in welcoming these changes. Yagi Hidetsugu, former president of the Japanese Society for Textbook Reform, which has spent a decade trying to whitewash war crimes from the national memory, said recently that Abe's legislation was an admission that the liberal education experiment had failed. "Public schools have failed to teach social morals," he said, emphasizing a key plank of the Abe camp. His former Society colleague, Fujioka Nobukatsu, told the Asahi in May that the revised Education Law "filled a gap" in the original law by cultivating "love for Japan and one's hometown as the goal of education."

While Abe has framed his agenda in innocuous terms: improving the quality of the nation's schools, weeding out bad teachers and raising young people to be proud of their country, there is no disguising the intensely political nature of his reforms. For much of the

postwar period, schools have been an ideological battleground between the predominantly liberal teaching profession and conservatives, a struggle that reached a climax of sorts in 2006 when the Society, backed by a sizeable chunk of the Liberal Democratic Party, tried but failed in its second attempt to ram its nationalist and conservative history textbook into ten percent of the nation's schools. Last year, Tokyo lost its legal battle with teachers who refuse to stand for the national anthem at school ceremonies. After all these years, some educational nails are still sticking up. Conservatives appear to have in Abe a leader who will use the blunt power of the state to simply hammer them down.



Cartoon lampoons the revision of the Education Law

Changes to the Fundamental Law of Education: From Citizens to National Subjects?

Still, the details of Abe's legislative agenda are little known outside Japan. Japan Focus here presents an unofficial translation of the changes to the Fundamental Law of Education, side-by-side with the original 1947 document. The aim is to allow the reader to judge these amendments with a minimum of interpretation. We present the following comments only as a guide to what we see as the most significant changes of grammar and vocabulary in the new document. This is followed by the complete text of the two documents arrayed side by side to facilitate comparison of the changes.

[1] The Preamble

Old version:

Having established the Constitution of Japan, we have shown our resolution to contribute to world peace and human welfare by building a democratic and cultural state.

Amended:

We, the people of Japan, desire to further develop the democratic and cultural state we have built through our untiring efforts, and contribute to world peace and the improvement of human welfare.

Comment:

The earlier law balances realism with idealism: the state is based on a constitution, and society strives to uphold and maintain its ideals. In contrast, the reform version's state emanates from a notion of undefined "Japanese-ness". This mystic vision of nationality is pervasive in the new law, and first appears in the word used for "we". The pronoun is the first word in both the former and revised versions. However, very different words are used:

Old: Warera

Amended: Wareware Nihon Kokumin

Comment:

Warera is a non-partisan and generalized grammatical subject written phonetically. The new form in kanji is long and bombastic, and most notably conceptualizes "Japan" in an essentialist manner eliding a legalistic framework. The Constitution is not mentioned until the third paragraph. In short, the "we" of the old law were citizens of a constitutionally based body politic; now, "we" are in effect national subjects.

Old:

We shall esteem individual dignity and endeavor to bring up the people who love truth and peace, while education which aims at the creation of culture general and rich in individuality shall be spread far and wide.

Amended:

To realize these ideals, we shall esteem individual dignity, long for truth and justice, honor the public spirit, and endeavor to bring up people who are rich in humanity and creativity, while promoting an education which transmits tradition and aims at the creation of a new culture.

Comment:

The previous law introduced the ideals inscribed in the Constitution, and defined education's function as encouraging forward movement towards them. Now, the fuzzy concept of "tradition" (dento) has taken precedence. Education has become in part an exercise in atavism, and education's new role is to "develop" the inherent inner Japanese-ness explicated in the preamble.

A precedent in this and other parts of the revised law can be found in the Edict of National Education (Kokumin Gakko Rei) enacted in the spring of 1941and replaced in 1947 by the Basic Law. Article One of the 1941 document stated:

The goal of the schools of national citizenry (kokumin gakko) is to provide first-level normal education in the way of the Imperium and to provide basic training (rensei) in citizenry.

Rensei in the Edict means "to perfect"; for example, a martial artist enters a dojo in order to rensei mind and body. The idea is to perfect what already exists, not necessarily to learn something new. In this regard, it resembles the new reformed law's supralegal emphasis on the "development" of national character through education.

[2] Article One, "Aims of Education":

Old:

Education shall aim at the full development of personality, striving for the rearing of the people, sound in mind and body, who shall love truth and justice, esteem individual value, respect labor and have a deep sense of responsibility, and be imbued with an independent spirit, as builders of the peaceful state and society.

Amended:

Education shall aim for the total development of personality and strive to nurture people sound in mind and body, who are imbued with the qualities necessary for the builders of a peaceful and democratic state and society.

Comment:

Notable is the disappearance of "independent spirit" (jishuteki [individualized] seishin), which has already been displaced by the "public spirit" of the reform Preamble.

[3] Article Two's single "Educational Principle" (hoshin, "direction"):

…we shall endeavor to contribute to the creation and development of culture by mutual esteem and cooperation, respecting academic freedom, having a regard for actual life and cultivating a spontaneous spirit.

The amended version's Article Two appears innocuous enough:

To realize the aforementioned aims, education shall be carried out in such a way as to achieve the following objectives, while respecting academic freedom.

But it continues with a list of five "Objectives of Education". These include: "cultivating a rich sensibility and sense of morality" (sec. 1); "developing abilities, cultivating creativity…while emphasizing the connections with profession and daily life" (sec.2); "fostering a disposition…(to) actively contribute, in the public spirit, to the building and development of society" (sec.3) and "to respect Japanese traditions and culture, love the country and homeland that nurtured them" (sec.5).

Comment:

Apparently, these are the "objectives" (mokuhyo "targets") marked for "development" referred to in the preamble. Current law does not contain any stated explicit curricular directives. Possibly, they were believed conducive to the wartime conditions under the Edict and purposefully avoided. An analogy with the Edict appears apt because the issue is control of classroom content. The amendments take a soft approach by controlling pedagogy; that is, absent are provisions requiring teachers to follow orders from local authorities who could monitor and punish. However, there is the semblance of inflexibility to the objectives buttressed by the Ministry's new Kokoro no Noto textbook (see Miyake Shoko, "Japan's Educational Law Reform and the Hearts of Children"), and it is conceivable that not teaching the text would be grounds for discipline.

Concerning the "objectives" themselves, much criticism has been directed at the "love the nation" phrase in section five. However, the reference to "homeland" (gyodo) may be more troubling. The term gyodo appeared originally in the folklore (minzokugaku) anthropology school of the early twentieth century popularized by Yanagida Kunio. Yanagida's research was informed by the paradigms developed by 19th century European academics investigating traditional cultural practices of rural areas, especially the German concepts of volk and heimat (homeland). Popular interest in folklore studies in Japan was a reaction to the accelerated economic and social changes occurring under the Meiji government's "modernization" policies. Political leaders in turn could promote and capitalize on sentiments of minzoku and gyodo to foster a populist nationalism, and the Education Ministry developed a "homeland education" curriculum (gyodo-kyoiku) in the 1930's. By 1941 "homeland" was integrated into the national curriculum of the kokumin-gakko and

appeared in Article Six of the Edict:

The kokumin-gakko will use textbooks approved by the Education Ministry, but the Minister has the right to decide appropriate reading materials and music pertaining to the homeland.

Note not only the authoritarian prerogative of the Minister himself, but the fact that "homeland" had become synonymous with the nation.

Essentially, the ideology of "homeland" itself was as authoritarian as it was uncritical. This suggests that the amended education law views students as future subjects rather than citizens. It shows that the Law itself is less based on "law" – "homeland" does not appear in any Japanese legal dictionary – than on a narrow and subjective vision of society. "Homeland", which does not appear in the current education law, is the hallmark of the Abe administration's cult of "beauty".

[4] Teachers: The burden of nobility

Comment:

The wartime education Edict contained fifty-eight articles. The Basic Law that replaced it contains eleven. The amended version technically has eighteen articles, but several contain detailed sections equal in length or longer than their article heading. When counted individually, the number of articles plus sections totals forty. Outside the emotionally charged language of the Preamble and educational "objectives", other new sections are more temperate and refer to lifelong learning, higher education, and equal access for the handicapped. Were it not for the content, the revised law appears an inordinately fussy document when compared with the original. However, the lengthy wartime Edict was the product of a police state increasing the reach of its social control; in this context, the four-fold extension of the Education law suggests an administration embarking on the same process.

The teachers are the first to feel the brunt as the "objectives" insinuate themselves into teacher autonomy. What else does this document have to say about teachers?

Old section 2 of Article Six ("School Education"):

Teachers of the schools prescribed by law shall be servants of the whole community. They shall be conscious of their mission and endeavor to discharge their duties. For this purpose, the status of teachers shall be respected and their fair and appropriate treatment shall be guaranteed.

This has been re-written into a new Article Nine directly addressing school faculty. The language at first appears to elevate social standing but there is a sting in the tail:

Conscious of their noble mission, teachers of the schools prescribed by law shall continuously devote themselves to research and self-improvement, and endeavor to fulfill their duties.

"Noble mission" (suko) is high praise indeed, but at the same time implies a high level of behavioral integrity. Of course this is important and to be expected because teachers are entrusted with the welfare of children. However, the latter part of the sentence concerning "self-improvement/self-discipline" (shuyo) is reinforced in section two:

Considering the importance of the mission and duties of the teachers as defined in the preceding paragraph, the status of teachers shall be respected, their fair and appropriate treatment guaranteed, and measures shall be taken to improve their education (yosei, "cultivation") and training.

We draw attention to the coercive meaning of "noble" and the implied causative relationship between being noble and the need for "self-improvement." Like other language in this document, "noble" is not a legal term and whether or not an individual teacher's behavior is sufficiently "noble" can only be a matter of personal interpretation. Once deemed "less-than-noble", an individual could conceivably be singled out for "self-improvement" beyond general faculty development. The fact that teacher education and training is mentioned twice suggests this interpretation. Again, this is language that does not exist in the current Law, but does compare to the wartime Edict:

The Education Minister shall order regional authorities to remove the teaching license of an individual who has engaged in dishonest behavior (fusei-no-koi) or dirtied the reputation of another teacher (Article 21)

To be a teacher or sensei in Japan is to occupy a well-respected social position. Nobody has ever argued that they should not act accordingly and be beholden to their duties. However, ennoblement entails a closer relationship with political authority which in the end limits the extent teachers may express themselves as individuals.

One additional problem with the word noble is its religious roots: The first character means "worship". This is one example of this document's systematic re-introduction of religion into education. The present absence of state-endorsed theology has resulted in the separation of religion and public life (a significant exception is the Nichiren-based Komeito political party which is in coalition with Abe's Liberal Democratic Party).

Ever since then-PM Mori's 2000 pronouncement of Japan as "God's country" (Kami no Kuni) religion has slowly been reestablished in political ideology. The new education law solidifies and legitimizes this relationship by referring to "homeland" and a conceptualized "Japanese-ness" outside a legalized framework. Minus legal definition, eschatological meaning takes precedence when discussing nationhood; this is a trend mirrored in Constitutional "reforms" elevating the Imperial family's position and legitimizing the national importance of Yasukuni Shrine. Changes in language pertaining to religion in education are small but important:

Old:

The attitude of religious tolerance and the position of religion in social life shall be valued in education.

Amended:

The attitude of religious tolerance, general knowledge regarding religion, and the position of religion is social life shall be valued in education. (italics added)

"General knowledge", written as ippantekina kyoyo, refers in fact to the knowledge that everyone should have of religion as an accepted reality within Japanese society. Such a description beckons to the earlier statement on "homeland": An uncontested and therefore coercive assumption. In the context of Japanese schools, religious education would be to teach the divinity of the imperial system.

Conclusion:

Much criticism of the amended education law has focused on statements clearly privileging the state over the individual; that is, statements affirming civil liberties still appear, often unchanged, from the original version, but are often undercut and diluted by new language. Perhaps more importantly, however, what makes the amended version of the law appear less a legal document than an expression of authoritarian will is not so much what is said, but how it is said. That is, the language of mystique and belief makes the very notion of individual rights seem anachronistic at best. For this reason the amended version is not a reflection of a democratic and constitutionally law-driven society but resembles in content and in intent the Edict, a product of a wartime regime.

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The English language text of the 1947 Fundamental Law on Education and the Abe administration's revised text follows, allowing readers to compare the precise changes in language and tone.

English Text

The Japanese text of the wartime education law (Kokumin gakko rei) of 1941 is available here

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