Educational Reform in Contemporary Japan

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Introduction
Japan's educational reform in the new millennium began in the context of a 'total examination of the post-war educational accounts' (sengo kyōiku no sōtenken). Former Prime Minister Obuchi Keizō long held the view that the present education system was 'imposed' by the American Occupation authorities, and wanted drastic changes through the revision of the 1947 Fundamental Law of Education (FLE) or Kyōiku-kihonhō, which defines the basic right of the people to receive education in accordance with the spirit of the new Constitution (Mainichi shinbun 9 September 1999). On numerous occasions the politicians of the Liberal Democratic Party (LDP) including Obuchi have criticized the FLE for its failure to champion traditional Japanese values. However, Obuchi wanted educational reform based on an inquiry by a private advisory body (similar to the Ad-Hoc Council on Education in the 1980s), rather than relying on the Central Council for Education (CCE)—operating within limits imposed by the Ministry of Education (MOE). In setting up such a private body, Obuchi hoped that the inquiry would be more independent of the CCE and would bring about the same kinds of large-scale changes than he had seen in the Ad-Hoc Council's previous attempts in the 1980s.

The Education Reform National Conference (ERNC) or Kyoiku kaikaku kokumin kaigi headed by Ezaki Reona, has been quick to develop a distinctive reform agenda for this request. On 27 March 2000 the ERNC began its deliberations, asserting the need for reform policies in many areas of Japanese education. Subjects directly affecting the current educational scene, such as the alleged escalation of entrance examination competition ('examination hell'), an increase in the number of dropouts or school refusals, and bullying in schools, were identified by the ERNC as requiring immediate consideration.
(Asahi shinbun 25 and 28 March 2000). However, the ERNC is even more concerned about the revision of the FLE and is making a proposal to enact a new law. It might be said that the ERNC takes up the system of schooling as a next general election campaign topic for the LDP, forcefully arguing that the revision of the FLE is needed to address these educational issues. As is discussed later in this paper, the ERNC's proposal for a new law may threaten the democratic ideals of post-war Japanese education.

**Background to the Recent Debate: The Enactment of the FLE**

It is first necessary to recapitulate the development of the post-war education system since the American Occupation reform, and also analyze the debates during the enactment process of the FLE. The FLE is significant because it gave legal backing to liberal-democratic educational ideals—the first time this had happened in Japan.

*Development of the Post-war Education System*

The educational reform of the American-led Occupation immediately following World War II effected radical changes, unprecedented in many ways, to achieve three main goals. The first goal was demilitarization, which entirely uprooted the foundation of the ultra-nationalistic pre-war education system of the Imperial State; the second was democratization, seeking justice and a higher degree of equal opportunity; and the third was the move towards a higher degree of decentralization in the educational administration, with control shared between the MOE and the local government. These purposes were clearly opposed to the dominant characteristics of the pre-war education system, namely: the training of imperial subjects; a narrow nationalistic perspective; and a complex and hierarchical secondary education system comprised of middle schools for an élite, and vocational, higher elementary and youth schools for the majority. The new model was the American pattern: the first 9 years of compulsory education were composed of 6 years of elementary school and 3 years of lower secondary school, after which came 3 years of upper secondary school. All higher educational institutions were
integrated into either 4 year universities or 2 year junior colleges. The new system was thus called the ‘6–3–3–4’ system. Thus, the post-war educational reforms were based on the principles of democracy and equality of opportunity.

*The Issue of the Imperial Rescript on Education.*

In August 1946, the Education Reform Council (ERC) launched upon its task of preparing the FLE to guide the implementation of educational provision in the new Constitution.4) The U.S. Education Mission (USEM), already having completed its work in March of the same year, gave ample advice to the ERC with its influential report on how to apply the constitutional principles in the school system (Kubo: 1984; Tsuchimochi: 1993).

The most urgent task for the ERC was to discuss the issue of what to do about the Imperial Rescript on Education (*Kyōiku-chokugo*), which was promulgated in 1891. The Imperial Rescript gave moral force to an educational system that supported the rise of militarism and ultra-nationalism up until the end of World War II (Munakata 1966; 15–17; Gluck 1985). To be a great power, Japanese governments in the pre-war period wanted a docile population. The MOE called for the eradication of thought based on individualism and liberalism, and the firm establishment of a national moral standard with an emphasis on service to the Emperor and the State (*chukun-aikoku*).

These points immediately raised a question as to the validity of the Imperial Rescript under the new Constitution. However, while the “negative measures” of the Occupation’s educational reform were in progress, no official action was taken with regard to the Imperial Rescript. Although the Occupation was able to implement most of its reform proposals, it did not do so without arousing substantial opposition from the conservatives. The conservatives had hoped to preserve the original Rescript; for instance, Tanaka Kotaro as the third post-war education minister (May 1946–January 1947) argued that since the Imperial Rescript was in accordance with natural law, it had existed for all historical time as the infallible, inviolable, and cardinal principle of Japanese ethics. These sorts of arguments, together with the idea
of making a ‘new Imperial Rescript’, were fairly widely expressed and supported by influential conservative figures including the minister of education at the time. Also of note are the results emanating from the Allies’ use of the Japanese Imperial institution to further the goals of the Occupation while at the same time conveniently overlooking the Emperor’s own involvement in the war (Suzuki 1997: 6-14). Thus, the system founded on the Imperial Rescript could not be swept away in one broad stroke by the early post-war educational reforms.

Defining the Principles of Education

Upon the promulgation of the new Constitution, however, these arguments for the Imperial Rescript were gradually beginning to lose ground. Instead, opinions emerged calling for a new basic law for education to replace the Imperial Rescript, and by the end of 1946 it had become common understanding in the ERC that the purpose and nature of education should be formulated and decided upon through the supreme will of the People in conformity with the Constitution (Suzuki 1970; Katsuno 1989). For instance, in the Lower House of the Diet on March 13 1947, Takahashi Sei’ichiro, the minister of education, spoke directly about the special character of the new legislation as follows:

In order to establish both the political and legal foundations of democracy and pacifism, we have already carried out epoch-marking revision in the field of constitutional law... This Fundamental Law of Education gives public recognition to the necessity of concretely amplifying the spirit of those passages of our new Constitution pertaining to education in terms of clear educational principles... In the sense that this law is a declaration of educational ideals, we may well think of it as having the status of an “educational declaration”... I believe it can be said to possess the character of an absolutely indispensable law with regard to educational matters. Therefore this proposed law is in essence different from the ordinary run of laws.
The proposed legislation, as is made clear by Takahashi's explanation above, contained basic principles to be used to guide the future course of educational law in Japan, at the same time that it was also a declaration of new educational ideals meant to replace the old Imperial Rescript. It should be noted how these new educational ideals in the FLE were generally understood at the time. The best account can be found in *A Commentary on the FLE* edited by MOE officials Tsujita and Tanaka. The administrative law scholar Tanaka Jiro summed it up best when he said it was a 'central law within the body of educational law, an Educational Constitution' (Monbushô horei kenkyûkai 1947: 40–41). Simply put, the law sets the direction for a new educational system, including practice and administration, as well as representing a concrete expression of educational goals.

The FLE Bill passed through all its stages in the ERC and became law on the 31st March 1947. It should be emphasized that the principles and concepts of post-war education are rooted in law rather than in the emperor's creed, as in the pre-war period.

In a key provision the law also laid down that 'education shall not be subject to improper control, but it shall be directly responsible to the whole people' (Article 10). This contrasts with the prewar system, legitimated by the Meiji Constitution and reinforced by the Imperial Rescript, whereby, the State, particularly the bureaucrats of the MOE, monopolized the administration of education as one part of state governance. The independence of education suffered many blows due to the fact that the state viewed educational administration as an essential part of its policy power. To improve this state of affairs, Article 10 states that the purpose of educational administration is to establish and adjust the conditions required for the pursuit of the aims of education.

Therefore, it can unequivocally be said that the FLE was created in such
a way as to ensure Japanese education would not fall prey to the abusive control of ultra-nationalists or militarists with narrowly conceived aims. In other words, by clearly stipulating the legal bases and intellectual principles ensuring the continuing development of democratic values in Japan, resulting in an irrevocable departure from the educational traditions of prewar Japan, the FLE helped to shape the role it was intended education would play in the reformation of Japanese national life.

The Process of Dismantling the FLE's Principle of Education

The Modification of the Democratic Ideals of the FLE

From the beginning of the 1950s until the end of the 1960s, Japan's education system passed through a so-called 'reverse course', or reassessment of Occupation policies. An intense struggle was touched off between the 'conservatives' (the LDP, older-generation MOE bureaucrats, the CCE, and Zaikai [business representatives]) and the 'progressives', Nikkyōso (Japan Teachers' Union), over the issue of revising the FLE. The 'reverse course' took the form of attempts by the conservative government with its followers to remove those parts of the Occupation reforms that were considered 'excessive' from the conservative point of view.

Right at the beginning, the conservative government set up the Advisory Committee for Ordinance Revision (ACOR) in 1951. In November, the ACOR issued a set of Recommendations for Educational Reform which touched upon the problems fundamental to post-war education reform (Yamazaki 1986: 1-37). Accordingly, the democratic ideals in the FLE gradually came to be criticized by the conservatives. The most concrete and severe critical view was expressed by Amano Teiyu, the Minister of Education. In November 1951 Amano drew up a program called An Outline of Ethical Practice for the Japanese People which decreed;

In today's world, a marked tendency to weaken the State's experience has arisen as a result of too much emphasis being placed on the 'individual' and the 'world at large'. This development in Japanese
thought can neither be excused nor thought of as impartial or un-biased.

(Kokumin jissenn yôrô 1951, 1)

Analyzing the deliberations on the revision of the FLE shows that the conservative government’s advocacy of the revision of the FLE seems to have stemmed from five major concerns (Kyôiku no sengoshi hensyû iinkai 1986 Vol.I: 198-257; ); the FLE was (1) not created by the autonomous will of the Japanese people but ‘imposed’ by American officials; (2) modeled on foreign thoughts based on a different historical and cultural tradition; (3) doing considerable violence to Japanese traditional values as a result of too much emphasis being placed on ‘individuality’ or kosei; (4) too liberal to suit the conservative image of what Japanese education should be; and (5) lacking in assertion of the importance of Japanese ‘traditional’ morality and values such as pledging people’s loyalty to the State, filial piety, family obligation, and so forth. In short, the conservatives’ plan to revise the FLE was designed to recreate a national morality based upon and centered around respect for the State. As a result, five important changes were pushed through by the MOE to regain central control of education policy: school board reform, textbook screening, teacher evaluation, setting up moral education, and diversification of the 6-3-3-4 system.

The Strategies for Demolishing the FLE
As the predominant party from its founding in 1955, the Liberal Democratic Party (LDP) together with the MOE had consistently played an important part in the educational policy-making process and also became much more active in seeking to revise the FLE. It might be said that there were four strategies which were pushed through by the conservatives to cut the heart out of the system set in place by the FLE (Mikami 1997: 19–20; Namimoto 1998: 29-49).

The first strategy was to repeal the several educational laws which gave concrete form to the FLE’s principles, or to enact new legislation so that the government could emasculate the FLE’s provisions. The most significant of
these cases was the enactment of the Law Concerning the Organization and Functions of Local Education Administration in 1956. The Law abolished the system whereby local school boards were elected,\(^6\) instead providing for board members to be appointed by prefectural governors and mayors. At the same time, the MOE’s powers were to be enhanced by making the local boards subject to Ministry demands. The MOE, which had had little administrative power during the Occupation period, regained authority in every aspect of education. The common aim of this sort of new law was to bring about substantive reforms that helped the government and the MOE to take direct control of educational policy by greatly weakening the ‘Occupation-imposed’ system of local autonomy. It can be said that these new laws violate Article 10 of the FLE’s injunction against ‘improper educational control’ and the ‘guarantee of education’s independence from the State’ (Sato 1998: 223–231).

The second strategy in the conservatives’ effort to mutilate the provisions of the FLE was to exert direct influence over the school teachers and curriculum by using administrative guidance or directives such as ministerial ordinances, regulations, circulars, notifications and so forth. For instance, in 1958, the MOE replaced the previous guideline-type Course of Studies by a mandatory curriculum by means of the Enforcement Regulations for the School Education Law under which the curriculum of all elementary, lower-secondary, and upper-secondary schools should be revised in accordance with the standards that the MOE would draw up. The most controversial change was the reintroduction of a moral education course to be taught in compulsory schooling. The conservative nationalism was concerned primarily with the goal of restoring national values to a central place in the post-war education system.

Thirdly, the ‘revision of interpretation’ of the Articles of the FLE was also another scheme to add crippling amendments to the ideals of the post-war education system. In other words, the conservatives strained the interpretation of the FLE’s articles to suit their political aims. The MOE’s Notice About the Interpretation of Article 8 of the FLE in 1949, requiring the ‘political neutrality’ of teachers and limiting their political rights, is a striking
case which restricted the significance of Article 8 of the FLE.\textsuperscript{7} This conservative strategy was also explicitly reflected in the deliberations of the Ad-Hoc Council in the 1980s. As LDP prime minister Nakasone insisted: 'My interpretation of the Fundamental Law of Education... is that patriotism and filial piety must be taught as the goal of education' (Yamazumi 1986: 105-106). While Nakasone emphasized that the Council's education reforms should be based on the spirit of the FLE,' he proposed to re-examine the FLE's main ideals.

Finally, the most controversial conservative strategies have been arguments to amend the provisions of the FLE or even revise the FLE itself. For example, at the 24\textsuperscript{th} national assembly in 1956, Kiyose, the Minister of Education, proposed a Bill for the Establishment of an Extraordinary Deliberative Council on Education for the purpose of revising the FLE, though this was not passed by the Diet. Another remarkable example is the CCE's 1966 Report, On the Image of the Ideal Japanese, which was designed to replace the FLE. This was the first official and open criticism of the democratic principles of the FLE; it said that the FLE was abstract in expression and did not fit the particular situation of Japan (Beauchamp and Vardaman 1994: 164-167).\textsuperscript{8} The significance of the report lay in its implication that the conservatives should attempt to strengthen national integration and promote effective economic expansion through meritocracy based institutions and ideology. The CCE's increasing emphasis on nationalistic and utilitarian educational aims gradually found support in many social circles and laid the ground for subsequent educational policies.

\textit{The Emergence of the Counterattack}

In the years immediately following Japan's independence, the 'progressives', particularly Nikkyōso, found themselves pushed on to the defensive as they struggled to defend the principles of the FLE. Against the conservatives' 'reverse course' in education, Nikkyōso began to fight back by establishing educational committees in almost every city, town and village, and by cooperating with the Japan Socialist Party and with other unions to turn the
public against the conservative government. This situation came to be known as the '1955 system' in education and proved to be the defining arrangement of Japanese politics until the LDP lost control of the Lower House of the Diet for the first time in 1993 (Duke 1973; Schoppa 1991; Aspinall 1997).

The conservatives' intense antagonism towards the democratic principles of the FLE was matched by the degree to which Nikkyōso developed support for them. An analysis of the discussion records in the Nikkyōso annual conference—Zenkoku kyōiku kenkyū shūkai compiled in Nihon no kyōiku—and a series of Nikkyōso's official reports from the same period, vividly demonstrates that Nikkyōso began to apply the democratic principles of the FLE to two major areas of concerns in particular: (1) recognition of 'improper control' as the means of domination by the state, which violated the people's educational authority by denying the right of children to learn as well as the academic freedom of teachers and the freedom of expression of authors of teaching materials; and (2) realization of the possibility of diversification of the 6–3–3–4 system, which might lead to the danger of a return to the class-based multi-track system of pre-war Japan (Nikkyōso 1953–70).

First of all, the battle between the conservatives and Nikkyōso over revising the FLE during the 1950s can be seen in the struggle over how to interpret the phrase in Article 10 of the FLE concerning the democratic control of educational administration. The interpretation of this article favored by Nikkyōso was summed up by Tokyo University education professor Munakata Seiya, who served on an advisory committee for Nikkyōso:

The new system... involved three principal reforms; the democratization of education, the decentralization of government control over education, and the freeing of the administration of education from the influence of politics... The principal function of the administration of education (the MOE) is to arrange for external matters, such as physical facilities required by education and drawing up budgets... not to interfere internally by influencing the "aims of education" themselves.
To do more would be 'improper control'. As mentioned in the previous section, however, this interpretation was unacceptable to the LDP and the MOE. Their view was that the law empowered the central government to set policy for the school system as a whole and particularly in such matters as curriculum and standards. But in the view of Nikkyōso, the MOE was itself partisan. Nikkyōso argued that the phase 'directly responsible to the whole people' in Article 10 of the FLE meant that parents and teachers, not bureaucrats, should control the schools. Thus, from the early 1950s, Nikkyōso's major concern with the issue of revising the FLE began to concentrate upon opposing the measures of the MOE described above, claiming that they constituted 'improper control' in violation of Article 10 of the FLE.

The battleground in the debate over the issue of revising the FLE since the period of educational expansion in the 1960s has gradually shifted. An extremely controversial issue on which both the conservatives and Nikkyōso concentrated during which was how to apply the concept of 'equality of opportunity' to education.

For some four decades after the war, the interpretation of the concept of equality of opportunity in Japan largely relied on Article 3 of the FLE. Article 3 defined the basic right and duty of the people to receive education in accordance with the spirit of the new Constitution. This Article stipulated that:

All the people shall have the right to an equal education corresponding to their abilities (nōryoku ni ōjite) and shall not be subject to educational discrimination on account of race, creed, sex, social status, economic position, or family origin. (my emphasis)

It might be safe to say that in general in the early post-war period the ideological emphasis was placed upon 'equality' rather than 'meritocracy' or 'efficiency', and the article's suggested elements were fundamentally divergent.
from those imposed by the state before the war, namely, allocation of children to different types of secondary schools according to their different abilities, largely predestined by birth, in the building of national prosperity (Suzuki 1970; Iizaki 1978; Okada 1999). In those days, the Japanese educational reformers cooperating with the USEM recognized that reforming the pre-war multi-track education system into a single-track 6-3-3-4 system was an indispensable element in achieving their aim of introducing the principle of equality of opportunity into social reform. Thus, the concept of equality of opportunity stipulated in the FLE was originally interpreted in an egalitarian way.

This interpretation was adopted by Nikkyōso. Nikkyōso's leaders insisted that the expression 'corresponding to their ability' in Article 3 should be interpreted in the sense of 'corresponding to their developmental need'. They regard education as a valuable commodity in itself and considered that 'equality' demanded that effective access to it should not be denied to any child on the grounds of a lack of academic ability. Therefore, they strongly demanded the retention of the 6-3-3-4 system and the introduction of an US-type comprehensive secondary schooling for all regardless of children's differences in academic ability. On the contrary, the successive conservative governments regarded education as a mechanism for selecting national elites in order to catch up economically with Western countries. Based on this understanding, the conservatives' interpretation of equality of opportunity has been predominantly related to allocation of children to diversified upper secondary schools in their early stages of life. From the mid-1950s' recovery from the post-war situation of economic devastation, the first priority that the conservative group saw was an urgent need to train effectively both a national elite and a skilled workforce for industry, and so they applied their declared criterion of 'meritocracy' to educational policies.

However, the conservatives' interpretation of equal opportunity in line with the ideology of meritocracy provoked severe criticism from Nikkyōso. The debates over the principle of equal opportunity between the conservatives and Nikkyōso can be seen in the struggle over how to apply the phrase in
Article 3 of the FLE concerning the people's right to receive an education 'equally' and 'corresponding to their ability' to upper secondary education. On the one hand, the conservatives, supporters of meritocracy, made a great deal out of the words 'according to their ability' as they pressed their arguments for diversification of the upper secondary schools, in conformity with the report of the Economic Deliberation Council in 1963. Nikkyōso, on the other hand, did not want to regard education as simply a tool for economic growth and the interests of industry. Nikkyōso asserted that all children should be given 'equal' upper secondary education regardless of their ability and that the principle of ability meant recognition of the principle of 'individuality' (Nakamura 1998: 299-307). Nikkyōso's espousal of the principle of 'individuality' as part of an argument for the egalitarian notion of equality of educational opportunity reached its climax in the early 1970s when Nikkyōso, supported by educational law scholars, published two reports, which declared the 'Right to Learning' (kyōikuken). Strong objections from Nikkyōso and other opponents of diversification of the secondary education system eventually prevented drastic changes from taking place until recent years.

The Current Debates on the Issue of the Revision of the FLE

As has been observed so far, the ERNC's proposal of revision of the FLE is an attempt to promote nationalism, an aim which had been pursued by previous generations of conservatives and of MOE bureaucrats.

Education reform in the 1990s emerged as a key issue in a series of administrative reforms in Japan. It had been made one of the top three items of the political agenda by the LDP under Prime Minister Obuchi from 1998. The running theme of the ERNC's discussion are 'cultivation of patriotism', 'respect for Japanese history and traditional culture', and 'freedom of choice'. Its core recommendations are (Asahi shinbun 18 February and 28 March 2000):

1. revision of the FLE
2. re-examination of history textbooks and introduction of 'new perspectives' into Japanese history;
3. an increased emphasis on moral education;
4. reform of the 6-3-3-4 system and establishment of a diversified education system which is suited to each individual's different abilities;
5. recommendation of 'special educational measures' that would allow gifted upper secondary school students to experience university level education research in a scientific field.

The first three recommendations would result in neo-nationalist initiatives, aimed at strengthening the sense of belonging to the nation-state. The last two, however, are designed more as tools to maintain Japan's superiority in the global economy, by exploring the ways in which creative elites could more readily be identified and nurtured at a younger age. It seems that the same degree of emphasis was given to each of the five recommendations. Yet, the ERNC's concern tends to concentrate upon the first recommendation, revision of the FLE.

The opposed points of view on the issue of the revision of the FLE in recent years are well represented by the arguments of Machimura Nobutaka, the previous LDP Minister of Education and a significant figure in the ERNC, and Sakakibara Takekazu, Chairperson of Nikkyōso. Against the background of the suicide of an elementary school principal in Hiroshima, Machimura, a proponent of revising the FLE, emphasizes the necessity of fostering a 'Japanese ethnic culture and identity' as follows:

If we review our post-war education, we cannot avoid recognizing that the system grounded in the ideals embodied in the FLE is deficient in a number of important areas which are needed to successfully preserve Japan's long traditions and which are appropriate to Japan's spiritual uniqueness... These deficiencies directly lead to the problems in today's education issues.

(Asahi shinbun 25 March 2000)

Analyzing the deliberation on their comments shows that the ERNC's advo-
cacy of FLE revision seems to have stemmed from two major concerns: (1) current educational issues such as bullying and school violence, which the ERNC believes can be resolved by creating new legislation which introduces systematic moral and patriotic education into the school curriculum in order to force pupils to improve their sense of ethics; and (2) the belief that the established 6-3-3-4 system is failing to foster national talent at state schools because Article 3 of the FLE places too much emphasis on 'formal equality' in education (Jiyûminshûtô 1998: 103-109). As far as (2) is concerned, the ERNC recommends a new '4-4-4 year' or '6-6 year' school at a small number of experimental schools, aiming at 'diversification' of the state secondary education system.  

Although these standpoints of the ERNC are significant because of their proposal to revise the FLE, the proposals are far from new. The Ad-Hoc Council on Education (Rinkyôshin), set up by LDP Prime Minister Nakasone had expressed the same belief in the mid-1980s. One of the primary declared aims of the council's proposed educational reform was to establish a multi-track system of schooling as a challenge to the existing 6-3-3-4 system. This reconstruction of the educational system aimed to re-establish the high standards of attainment of the pre-war middle school in order to select national elites effectively and triumph in international industrial competition. The council advocated the adoption of market principles in education to achieve this goal. In this regard the council emphasized 'jyûnanka' (flexibilization), by which was meant more parental choice and more stress on individuality. The current arguments of the ERNC strengthen this trend by proposing the revision of the FLE, this revision being regarded as the main tool to restore high standards in state schooling.

In short, it is important to note that the ERNC's current proposal for revising the FLE must be seen as essentially continuous with the conservatives' successive discussions and attempts at revision since the end of the Occupation period, as examined in the previous part of this paper, since the ERNC views a revision of the FLE as crucial in the larger process of intensifying
national solidarity and diversifying the 6-3-3-4 system. Moreover, it is noteworthy that the inculcation of the traditions and ‘Japanese ethnic identity’ emphasized for most of the post-war period by the conservatives is re-evaluated as one of the most important yardsticks for educational reform for the coming 21st century. Thus, ERNC’s proposal of revising the FLE is an attempt to move away from the democratic principle in the post-war education system towards nationalistic elements in the pre-war Imperial Rescript system, an aim which had been pursued by the present conservatives’ predecessors.

On the other hand, Sakakibara, an opponent of the ERNC’s current educational reform, is skeptical about the revision of the FLE. Asserting that ‘there might be some political conspiracies behind the ERNC’s proposal for revising the FLE’, Sakakibara stated that:

Ongoing education reforms conducted by the politicians and scholars who have critical views against the post-war democratic education... would foster an exclusive-ethnocentrism and ‘Liberal School of History’ which urge to establish the spiritual foundations of the Japanese State on the minds of people... these policies would contribute to creating an atmosphere in which Japanese people affirm the war as self-defense.

(Asahi shinbun 14 April 2000)

Sakakibara and other critics come out against the LDP’s current proposed education reforms for the following reasons (Hirahara 1996; Kurosaki 1997; Kawai 1998). In their view, the ERNC’s proposed law will:

- allow the introduction of moral education that is based on loyalty to the state;
- allow the state to compile de facto ‘Liberal School of History’\(^{14}\) textbooks in order to construct a chauvinistic Japanese national identity;

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\(^{14}\)
• support the view that the national school system should function almost exclusively for producing and differentiating human resources to meet changes in the industrial structure;
• privatize higher education with the aim of making higher education open, and directly connected, to private companies;
• increase the MOE’s control over school administration and teachers;
• release the state from its due responsibility for bearing the cost of educating its people, by conducting arbitrary priority-based distribution of budgets and increasing the education costs borne by individuals.

In particular, they assert that the ERNC’s assumed construct of Japanese national identity and ‘traditional’ culture, which is presented as comprising primordial features of the ethnic Japanese, remains problematic. They insist that such a construct is neither accepted by all Japanese people, nor by the people particularly in South East Asia who are reminded of the ethnocentric ideology about Japanese ethnicity that was propagated during the Second World War.

However, a more powerful criticism voiced by those opposing the revision of the FLE concerns the question of whether or not the ERNC’s proposal promotes equality of opportunity for different social strata. Indeed, critics are anxious that the ERNC’s measures of diversifying the school system to address ‘freedom of choice’ or ‘individual differences’ have been directed principally towards high achievers or students with ‘special talents’, with little reference made to children with other special needs (e.g. low-income family, disability, minority status). These measures almost exclusively serve those who excel in what are defined as ‘useful talents’, principally relevant to the business and industrial sectors (Fujita 1997: 59-124). However, the introduced above-mentioned flexibility and diversity does not deliver social justice, because it does not proffer the most advantage to the most disadvantaged. Furthermore, critics insist that the introduction of a new diversified school system (i.e. a 6 year state secondary system) would run entirely counter to the effort to reduce examination hell: rather, it would mean much earlier selec-
tion, as in the pre-war education system (Okada 1999: 183). They argue that entrance to the 6 year secondary school will inevitably come to be based more on academic ability than on an assessment of all-round character, experience and motivation, and will consequently lead to an acceleration of competition at the primary school level. Thus, opponents conclude that there are no valid reasons why revision of the FLE will cope with the current educational issues unless the members of the ERNC take proper measures to meet the above objections.

Conclusions
Together with the new Constitution, the Fundamental Law of Education was enacted in 1947 based on the democratic principles that sovereignty rests with the people, the universal declaration of fundamental human rights, as well as the renunciation of war, in effect replacing the pre-war Imperial Rescript. The FLE thus serves to confirm the central theme of the post-war education system in Japan: democratic control.

With regard to the issue of revision of the FLE, the dispute over ‘educational autonomy’ and ‘equal opportunity’ illustrates the struggle between the conservatives and progressives in post-war Japanese education. The ERNC’s series of deliberations attempt to conclude an era of more than five decades of demands by conservatives to remove those parts of Occupation reforms that were considered too ‘foreign’ to suit the traditionalist image of what Japanese education should be. The most serious dimension of the revision of the FLE by the ERNC and its precursors is their clear identification of democratic control of education and egalitarianism as their ideological enemy. Thus, the ERNC’s proposed legislation would be designed primarily to alter the FLE’s sections on educational objectives (Articles 1&2), on equality of opportunity (Article 3) and on educational autonomy and stipulation of limits of educational administration (Article 10).

Yet, as examined in this paper, the ERNC’s proposal of revising the FLE raises the question of whether real equality of educational opportunity would thereby be achieved or not. The measures to introduce a diversified secon-
secondary education system are likely to lead to a pre-war multi-track system, which critics see as a challenge to the existing 6-3-3-4 system. In fact, the new system would be unlikely to bring the extended freedom of choice which the members of the ERNC desire to achieve, and would merely further promote the social inequalities in educational opportunities which already exist in the present education system.

It might be concluded that the ERNC needs to reconsider and explore in more depth the various possible definitions of terms such as ‘democracy’, ‘right to education’ and ‘equality of opportunity’ and how these have been treated and debated at different periods in other industrial societies. Sigel (1991: 3) observed that although some countries desire democracy, they ‘often find themselves at a loss how to define it, let alone implement it’ and that ‘the practice of democracy does not, ipso facto, follow the desire for it; it has to be learned’. Democracy is one of those concepts that is difficult to define other than through its opposites. It also seems that the ERNC needs to return to fundamental questions: what are the values associated with democracy in education, who is charged with communicating them, and how were they arrived at? Thus, given that the members of the ERNC believe education to be of value, they should seek to promote democratic ideals—for all the nation’s children, and in the functioning of the whole system.

Notes:
1) At the time of writing, Obuchi was still active for his political activities until he was suddenly hospitalized by stroke on 2nd April. After Obuchi’s official resign, Mori Yoshirō, who belongs to the same Liberal Democratic Party as Obuchi, became the new Prime Minister and soon announced his intention to succeed to Obuchi’s educational reform by cooperating with the new council. (Asahi shinbun 12 April and 12 May 2000).
2) The Central Council for Education (Chūkyōshin) is the main advisory body to Japan’s Ministry of Education. At the request of the Minister, the CCE deliberates fundamental government polities in education and submits recommendations to the Minister on vital educational policies, includ-
ing legislative measures, and curriculum revisions. Since its creation in 1952, the CCE has so far presented 30 reports recommending basic strategies for educational reforms. Schoppa (1991) provides an excellent analysis of the educational policy making process in Japan and also explains the conflicts among the policy makers.

3) The ERNC was set up in March 2000 to meet the needs of Obuchi’s educational reform plan. The ERNC's membership is dominated by representatives of the business sector, the bureaucracy and Obuchi’s own intellectuals, and did not include any progressive educationalists. Ezaki, the chairman of the ERNC, was a Nobel Prize winner for physics in 1973 and stresses the link between the business sector and the state education system.

4) The new Constitution was promulgated on 3 November 1946 after several disputes over its revision (Nagai 1993: 43–72; Horio and Yamazumi 1976: 253–297), which included several clauses of critical importance for education policy. Most directly relevant were Articles 23 (guarantee of academic freedom) and 26 (equality of rights in schooling). Therefore, the members of the ERC argued that the spirit of the new Constitution should be reflected in the main legal framework for a new education system.

5) The USEM’s report criticized the process of control through the issuance of the Imperial Rescript; ‘The observance of ceremonies in the reading of the Imperial Rescript and obedience to the Imperial Portrait in the schools are regarded as undesirable’, yet it displayed an extremely cautious attitude towards the Imperial Rescript and it went no further. (Suzuki and Hirahara 1998: 18–29).

6) The 1948 Board of Education Law stipulated that the task of administering the local primary and secondary schools is supposed to be left to five-person local school boards of which four members are elected by the municipality or village and one appointed to represent the local assembly.

7) Furthermore, the conservative government enacted Kyōiku nihō (Two Education Laws) in 1954. These two laws consisted of measures to maintain the political neutrality of teachers, forbidding teachers to participate
in any political activities except voting, or to advocate political positions in their class room.

8) The recommendation stipulated each individual's sense of the proper form of patriotism, respect and love for the Emperor as the symbol of Japan like the pre-war Imperial Rescript. In the face of the starting economic development from the 1960s and constant changes in the pattern of society, the conservatives, particularly the Zaikai, demanded that a stable pattern of cognitive and motivational orientation be internalized in the nation's youth.

9) The EDC (Keizai shingikai) was set up as the overall co-ordinating body for the LDP government and the economic planning at the time. The EDC promoted the policy of high economic growth under the slogan of 'Double National Income' in 1960 and played a significant role in deliberating educational reform in line with this plan. The EDC's 1963 report, Counter Policies for Developing Human Abilities in Pursuit of Economic Expansion, stressed the link between economic growth and education.

10) These two reports are *Nihon no kyōiku wa dōarubekika in 1971* and *Nihon no kyōiku kaikaku o motomete* in 1974. There are many books which deal with 'the Right to Learning', see (Kaneko 1971; Iizaki 1972; Maki 1977).

11) On February 28, 1999, perhaps due to the stress of being caught in the middle of a conflict between the prefectural board of education and the prefectural teachers unions along with the local chapter of the Buraku Liberation League, the principal of Sera High School in Hiroshima prefecture committed suicide. His death brought public attention to the dispute over whether or not to fly the Hinomaru flag and sing the Kimigayo national anthem at the upcoming school graduation ceremonies. The Hiroshima Prefecture of Education, in line with the Ministry of Education's policies, was trying to enforce respect for these national symbols at school entrance ceremonies but the unions and the Liberation League had already won the support of the teachers and were opposed to this policy.

12) The CCE's Report entitled 'Concerning the State of Japanese Education
on the Brink of the 21st Century' in 1995 also proposed to introduce a 6-6 year school system. For further details of the CCE's educational reforms in the 1990s, see Okada (1999).

13) Rinkyōshin was set up in August 1984 as an ad hoc advisory committee to Prime Minister Nakasone. It engaged in 3 years of conducting concentrated deliberations from a broad perspective up until August 1987, during which four successive reports were submitted to Nakasone. Useful accounts include the studies of Sugihara and Takahashi (1985), Goodman (1989), Schoppa (1991), and Ichikawa (1995).

14) The Liberal School of History was founded in 1995 by Professor Fujioka Nobukatsu of the Faculty of Education. Other prominent members are Nishio Kanji, Takahashi Shiro, Sakamoto Takako, novelist Hayashi Mariko, and manga writer Kobayashi Yoshinori. This Liberal School believes that Japan's post-war history textbooks portray Japan in an unduly unfavorable way, and that history textbooks should instill pride in one's country and its achievements. Liberal School members have campaigned for the removal of references to 'comfort women' from school textbooks, and have even questioned the factuality of the Nanking Massacre. They have produced a number of books detailing their views on Japanese history, and aim to publish textbooks. Several groups of conservative parliament members support the Liberal School. For more details, see Kersten (1999).

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Educational Reform in Contemporary Japan

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周知のように、日本の教育問題として海外で広く知られているのはイジメ、試験地獄、レジャーランド化した大学等の諸問題を挙げることが出来る。こうした諸問題は、決して教育現場のみに限定して論じられるべきではなく、現代日本社会全体を通した多角的視点から考察される必要性があるだろう。

近年政府与党は、戦後教育の包括的見直しを検討するために私的諮問機関「教育改革国民会議」を設置した。そこでは子どもの能力に応じた弾力的な教育の実現、六・三・三制の見直し、教育基本法の改正などが主要な論点となっている。

本論文では、先ず現在審議が継続中である「教育改革国民議会」における教育改革議論を概
観し、とりわけ教育基本法改正の議論に焦点をあて、その背後にある諸問題を批判的に検討することを主たる目的としている。