Fundamental Law for Promotion of Culture and 
Art (FLPCA) and the Feature of Cultural Policy 
in Contemporary Japan.

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【Key Words】
cultural policy, life-culture, cultural center, Fundamental Law for Promotion of Culture and Art

Fundamental Law for Promotion of Culture and Art (FLPCA), established in November 2001, represents possibly the newest and most sweeping change in Japan’s cultural policy. Through this new law, the system of the so-called “new municipal cultural administration”, which had developed over the last 25 years, gained a legal basis for its existence. The phrase “Cultural Policy”, once abused by Japan’s military and totalitarian war-time regime as an tool of total mobilization of the masses, was long regarded as taboo (Matsushita 1981: pp. 8–9). But since the mid-1990’s, the phrase has gradually gained prominence and now is legitimated in Japanese society.

Many artists and cultural activists, especially in the sphere of the performing arts, welcome this renaissance of cultural policy, hoping for greater public support for their various artistic endeavors. I also hope this proves true. But it would be dangerous to ignore the fact that this type of legislation or renaissance of cultural policy has also been implemented during times of rising nationalism and militarism in contemporary Japan, and, therefore, connected with the attempt to restructure or liquidate the system of social education that was founded upon the principles of peace, freedom and democracy stated in the Japanese Constitution of 1946.
1 Fundamental Law for Promotion of Culture and Arts

1.1 Hybrid Character of FLPCA

The Aim of FLPCA stated in Article 1. is to “contribute to the formation of a fulfilling life of people and a energetic society” by defining: (i) “the fundamental principle concerning the promotion of culture and arts”; (ii) “the responsibility of the state and local public agency”; and (iii) “basic matters concerning the measures for promoting culture and the arts”.

The phrase “culture and arts (Bunka Geijutu)” sounds unnaturally for us, native Japanese speakers. Because art is a component of culture, “arts and culture (Geijutu Bunka)” is natural and logical expression. But FLPCA adopts the strange expression to emphasize “culture”.

This law was originally drafted as a law for the promotion of “artistic culture” or “arts and culture”, but revised to its present form just before the introduction to the Diet. So it could be said that this law is a kind of hybrid, created by forcibly and hastily stuffing the heterogeneous element of a fundamental law of culture into the ready-made framework of a law for the promotion of the arts. Consequently, this law is unfinished, and as a fundamental law of culture, contains a fatal defect.

1.2 Measures for Promotion of Arts and Culture

Concerning the promotion of arts and artistic culture, following categories are enumerated as the object of promotion:

1) Arts, i.e., literature, music, fine arts, photograph, theater, dancing and others (Art. 8).
2) Media art, i.e., movie, comics, animation and other computer-generated arts (Art. 9).
3) Traditional performing arts, i.e., the court music of Japan, a NOH play, BUNRAKU, KABUKI and other traditional entertainment from ancient times (Art. 10).
4) Entertainment, i.e., storytelling, comic story, NANIWA-BUSHI reciting,
chat, comic dialog, popular songs (Art. 11).

5) Life-culture and others; (i) life-culture, i.e., tea ceremony, flower arrangement, calligraphy, and other culture concerning the life of people; (ii) national amusement: the GO-game, SHOGI-game, and other national amusement; (iii) A publication and a record (Art. 12).

Plus, following categories are listed as the target of cultural policy:
1) cultural properties (Art. 13);
2) artistic and cultural activities in local areas (Art. 14);
3) international cultural exchange (Art. 15);
4) Japanese language (Art. 18);
5) Japanese as a foreign language (Art. 19);
6) copyright (Art. 20).

Furthermore, FLPCA specifies the following as the target of promotion, enrichment or improvement:
1) education and training to retain enough artists and creative workers (Art. 16);
2) institutions for education and research of culture and art (Art. 17),
3) opportunities for the people to enjoy, participate and create culture and art (Art. 21);
4) cultural and artistic activities of elderly people and disabled person, etc. (Art. 22) and of youth (Art. 23);
5) cultural and artistic activities in school education (Art. 24);
6) theaters, concert halls, etc. (Art. 25), art museums, museums, libraries etc. (Art. 26) and facilities for the cultural and artistic activities in the local community (Art. 27);
9) aesthetic and cultural appearance of public buildings (Art. 28);
10) utilization of information-communication technology (Art. 29).

If this colorful table of measures is realized, Japan would be a Society filled with Culture. But in this colorful table, we find no color for ethnic or cultural
minorities in Japan. This suggests a fatal defect of the FLPCA as a Fundamental Law of Culture.

1.3 Weak Points as a Fundamental Law of Culture
Since the presentation of the bill to the Diet, many specialists concerned with cultural policy and activities have pointed out following problems as a weakness or defects of FLPCA.

(1) Narrow or inclined view of culture
In the preamble, FLPCA declares, “it is our permanent wish to create culture and art, to enjoy them, and to find pleasure in life with cultural surrounding”. Advocating, then, the significance of culture and the arts for the creativity of people, mutual understanding, tolerance in society, world peace etc. it also states that “culture and art have value and meaning in and of themselves “.

But what is emphasized most is the significance of culture as a national tradition and as a foundation of national integration towards “the formation of a fulfilling, energetic society”.

“At the same time, culture and art are very important as a common foundation of a people in each country at each time. In the time of globalization, they give us a criterion of self-recognition, and foster a respect to cultural tradition in our minds”.

This harmonious, opportunistic and nationalistic view of culture ignores the fact that creative activities have often been destructive in character and that the self-recognition (cultural identity) of minorities has been infringed upon in Japan’s conformist society.

(2) Insufficiency of the definition of cultural rights
It is stated in Article 2. that “people were born to have right to create and enjoy culture and arts”. This could be referred to as the first legal regulation of cultural rights in Japan.

But the expression of a “cultural right” itself is intentionally deleted. And
furthermore as a definition of cultural rights, this is very inadequate. Because this declares only the “right to culture”, but not the “right to be free from a given culture”, i.e., the right of the cultural identity of minorities, the right to free choice of cultural community (see Niec (ed.) 1998: pp. 204-5) and the freedom of creation etc..

(3) Centralized structure of cultural policy

One of the remarkable features is that in the FLPCA the measures of state are enumerated in details, and in contrast, the description about the special role of the local governments is very thin. This is very strange, since the cultural policy should first be the task of municipal government.

(4) Insufficiency of citizen participation in cultural policy

Though it is written that in the formation process of cultural policy state utilizes organizations for reflecting public opinion (Art. 34), we can find no provision about a concrete system of citizen participation and, furthermore, no idea of “participation in cultural policies” at all. And the very fact that FLPCA itself had been legislated too rapidly without argument of the public suggests the reality of this “reflecting”.

When we recognize that the promotion of people's participation in policies or politics itself is one of the most important task of cultural policy today, such expression of “reflecting public opinion” is insufficient and anachronistic, because it rather resembles the famous motto of Imperial Rule Assistance Association, “command top-down and opinion bottom-up”.

2 The feature of Cultural Policy in Japan

2.1 Cultural Policy as a part of Social Education Policy (1945～)

In considering the cultural policy in Japan, we must not overlook the importance of social education (SHAKAI-KYOIKU; adult education). The cultural policy advocated by UNESCO etc. after World War II has been an essential part of social education, especially at the local government level.
The Social Education Law (1949) states: (i) social education covers the sphere of educational activities outside of school, (ii) most of the concrete measures for its promotion are the task of the municipal education bureau; (iii) typical facilities are KOMINKAN, libraries and museums; and (iv) the promotion of music, theater, fine arts and other arts is also the municipal education bureau's responsibility. With these regulations, the Social Education Law had been the most important law concerning municipal cultural policy until establishment of FLPCA.

Within its education bureau, Almost every local government organizes a division for school education and another for social education. The task of the latter is to establish or promote the above-mentioned facilities and cultural centers (theaters and concert halls), etc., to preserve cultural properties etc., to encourage the ordinary culture in the community and furthermore to promote athletics and exercise. Excluding the area of athletics and exercise, Japan's social education divisions resemble the cultural divisions (Kulturamt) of Germany's municipal governments. This feature of Japan's social education policy can be better understood by comparing it with its German equivalent.

Tables 1 and 2 show the contrasting structures of municipal cultural expenditures in both countries.

1) In Germany the spending on theaters and concert halls etc. has always been more than a half. But in Japan, this category had been classified into “other facilities” until the beginning of the 1990's and remains rather small.

2) In Japan, at least until the beginning of the 1970's, KOMINKAN (citizens' public hall) dominated spending. KOMINKAN is a Japanese version of a community-oriented cultural center that aims to promote the life-culture (ordinary culture) of local residents. So we can say that the area of ordinary culture or community-culture (Stadtteilkultur) had priority, at least until the 70's, in Japan. But in Germany, this area is included in a very small category of “other cultural support (Sonstige Kulturpflege) ”.

3) In Japan the structure of cultural expenditures changed rapidly as it expanded. This shows the lack of an established cultural policy. But in
Table 1  budgeting for social education since fiscal 1958
at the local governmental level

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<tr>
<td>amount (in million yen)*</td>
<td>8,180</td>
<td>73,942</td>
<td>579,420</td>
<td>1,166,512</td>
<td>1,513,507</td>
<td>1,825,134</td>
</tr>
<tr>
<td>Kominkans</td>
<td>J1</td>
<td>57.6%</td>
<td>45.7%</td>
<td>36.1%</td>
<td>25.8%</td>
<td>21.5%</td>
</tr>
<tr>
<td>Libraries</td>
<td>J2</td>
<td>15.6%</td>
<td>14.9%</td>
<td>14.8%</td>
<td>19.0%</td>
<td>19.1%</td>
</tr>
<tr>
<td>Museums</td>
<td>J3</td>
<td>4.2%</td>
<td>2.3%</td>
<td>5.1%</td>
<td>11.4%</td>
<td>11.5%</td>
</tr>
<tr>
<td>Youth Centers etc.</td>
<td>J4</td>
<td>8.0%</td>
<td>5.8%</td>
<td>5.5%</td>
<td>4.9%</td>
<td>5.6%</td>
</tr>
<tr>
<td>Wemen Centers etc.</td>
<td>J5</td>
<td></td>
<td>0.4%</td>
<td>0.3%</td>
<td></td>
<td></td>
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<tr>
<td>Cultural Centers</td>
<td>J6</td>
<td></td>
<td></td>
<td>13.9%</td>
<td>11.1%</td>
<td></td>
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<tr>
<td>Other Facilities</td>
<td>J7</td>
<td>8.6%</td>
<td>19.0%</td>
<td>22.1%</td>
<td>12.6%</td>
<td>10.4%</td>
</tr>
<tr>
<td>Educational Programs by division for social education</td>
<td>J8</td>
<td>20.4%</td>
<td>14.9%</td>
<td>11.0%</td>
<td>9.1%</td>
<td>9.0%</td>
</tr>
<tr>
<td>Preservation of Cultural Properties</td>
<td>J9</td>
<td>2.2%</td>
<td>5.7%</td>
<td>8.2%</td>
<td>7.1%</td>
<td>7.2%</td>
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* expenditure for Sport is excluded.

Source: Ministry of education, Culture, Sport, Science and Technology; Annual Report of Expenditure of Local Governments on Education.

Table 2  Kulturausgabe der Germeinden 1975-1991

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<tr>
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<tbody>
<tr>
<td>Gesamt (in Mil. DM)</td>
<td>1,811</td>
<td>3,136</td>
<td>3,690</td>
<td>5,442</td>
</tr>
<tr>
<td>Verwaltung</td>
<td>D1</td>
<td>2.9%</td>
<td>3.2%</td>
<td>3.2%</td>
</tr>
<tr>
<td>Wissenschaft</td>
<td>D2</td>
<td>7.2%</td>
<td>5.9%</td>
<td>5.4%</td>
</tr>
<tr>
<td>Museen</td>
<td>D3</td>
<td>9.0%</td>
<td>11.5%</td>
<td>10.5%</td>
</tr>
<tr>
<td>Theater/Konzerte</td>
<td>D4</td>
<td>55.8%</td>
<td>52.9%</td>
<td>51.9%</td>
</tr>
<tr>
<td>Sonstige Kulturpflege</td>
<td>D5</td>
<td>1.0%</td>
<td>1.4%</td>
<td>1.4%</td>
</tr>
<tr>
<td>Volksbildung</td>
<td>D6</td>
<td>21.3%</td>
<td>23.6%</td>
<td>23.5%</td>
</tr>
<tr>
<td>Heimatpflege</td>
<td>D7</td>
<td>2.8%</td>
<td>3.2%</td>
<td>4.0%</td>
</tr>
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</table>

Note:
Item D4 corresponds to item J6 in Table 1.
D6 corresponds to (J2 + J8).
D7 corresponds to J9.

Quelle: Deutschen Stadttetag (Hg.): Statistisches Jahrbuch Deutscher Gemeinden. (Zitiert aus Armin Klein; Abschied von den fetten Jahren. in Kulturpolitische Gesellschaft; kulturpolitische mitteilungen. 67. 1994. S. 19.)
Germany, we find a rather stable structure promoting the area of high culture (theaters, concert halls, museums etc.) that embodies the traditionally established affirmative cultural policy.

2.2 Development of Municipal Cultural Policy under the Motto “New Cultural Administration” (1975～)

In the first half of the 1970s, after rapid economic growth, the arrival of the “time of culture” began to be strongly advocated in Japan as well as in Germany. The people’s demand for arts and culture began to rise, forcing the public and private sectors to search for new cultural strategies. The conventional view of culture was criticized. Instead, the concept of SEIKATSU-BUNKA (life-culture), a compound of SEIKATSU (life) and BUNKA (culture), was proposed as the slogan of a new municipal “cultural administration” — expression of “cultural policy” was not adopted — which emphasized following points:

1) A broad view of culture, including not only the arts and cultural property but also community development, city planning, measures for youth and women, consumer protection, international exchange, etc.

2) The participation of people into cultural life and the creation of the community by local residents empowered with culture, i.e., unification of culture and ordinary life.

3) A comprehensive and integrated policy, which surpassed the sectionalism of vertical administrative systems, to realize the above-stated cultural problems; i.e., “Politicization of Culture”.

4) “Culturization of politics and administration”, i.e., the behavior of government or the administration should not be bureaucratic, but aesthetic, cultural and humane.

Inspired by this idea, Hyogo Prefecture developed in 1975 “The Life-Cultural Society Plan Towards the 21st Century” and established the Life-Cultural Affairs Department as the authority of its new cultural administration. Many local governments began to follow Hyogo’s precedent. At the
central government level, several cultural divisions within the Social Edu-
cation Bureau of Ministry of Education were unified into the Culture Bureau
already in 1966. In 1968 it developed into the Agency for Cultural Affairs.
Advancements of municipal cultural policies have also been supported by this
Agency.

Today, all 47 prefectures and many urbanized municipal corporations
(cities) have established a department or division for cultural affairs. Many of
them operate independently of educational administrations and are referred to
“life-culture” or a similar name. But for many small municipal corporations
(towns and villages), the social education division remains the sole authority
for cultural affairs. And even in prefectures and cities, it plays a big role for
the promotion of culture. It can be said that the organizational developments
of municipal cultural policies since the mid-70’s is still in the works.

3 Concept of Life-culture

3.1 Life-culture (SEIKATU-BUNKA) and socio-culture (Soziokultur) as
simultaneous phenomenon

In Germany, the new municipal cultural policy, inspired by the idea of socio-
culture (Soziokultur), has also been developed since the mid-70’s. In this
simultaneous phenomenon, we can find similarities to Japan’s developments of
cultural policies. But we must rather acknowledge the essential differences
between the two countries.

1) Socio-culture in Germany was advocated from the top by progressive
social democrats inside cultural administration. But it has been supported and
performed by the “new social movement”, i. e., bottom-up civic movement
which pursues its own self-governed socio-cultural free-space (see Siebers/
Wagner 1992 : pp.12-4 ). Life-culture in Japan was also advocated from the
top. And without the bottom-up movement, it performed mainly by authorities
as top-down administrations.

In other words, citizen participation in cultural policy has advanced in
Germany, i. e., "Politizierung der Kultur" (Alheit 1988: pp. 77-8), but in Japan, policy or politics still remains a matter for the authorities and "dirty" politicians, i. e., not "my problem" but "their jobs".

2) Criticizing the traditionally established affirmative cultural policy, Germany's new cultural policy has pursued to promote alternative culture, subculture and ordinary culture. But Japan's new cultural administration, criticizing the absence of established cultural policy, the new one has pursued to promote rather high culture, and has made effort to construct the theaters and concert halls named cultural center.

3) The concept of socio-culture, though influenced by the Marcuse's critique of the affirmative culture in the 1930s, was conceived and adopted in the 70s. In contrast, the concept of life-culture, though recommended as a new keyword in the 70s, was really conceived as early as at the beginning of 1940s, and adopted by TAISEI-YOKUSAN-KAI, (Imperial Rule Assistance Association; IRAA), the national organization established under the influence of the Nazis for the total mobilization of people, as the slogan of its cultural policy.

3.2 Miki and the concept of life-culture
Although it unclear when the term life-culture appeared, philosopher Miki can be described as an intellectual who paid attention this concept promptly and advocated it as the slogan of the cultural policy of a "new regime". In a short article "Life-culture and Life-technology" in a monthly issued in January 1941, he tried to give the definition of life-culture as "the new word which appeared recently" (Miki 1967: p. 384). He had used this word in another article "On Cultural Policy" issued in December 1940 (Ibid. p. 359). From here, we can assume that life-culture was proposed by someone in his intellectual circle at the latest in 1940. Since 1937, he had worked eagerly as a leader of the cultural section of the Showa study group, the brain trust group of the prime minister Fumimaro Konoe (see Sakai 1992). He probably found this new word through this activity.
In his article, Miki explains the concept of life-culture as a new cultural concept as follows:

1) What life-culture exactly means is the “creation of a life” based upon the “the positive attitude toward the life” or “the will to culture” (Ibid. pp. 385-6).

2) Creation of culture is not the privilege of few geniuses or the leisureed class, but should be the matter of everyone who lives their own life. “Everyone is a cultural human being”; “everyone is an artist” (Ibid. pp. 386-7); “life-culture is a problem of the whole nation” (Ibid. p. 392).

3) The “life itself”, this “completely ordinary matter” or “completely humdrum matter”, “for example, a language, cooking, association and customs” etc. is culture. Furthermore it is “an important and fundamental area of culture” (Ibid. p. 390).

4) Life and culture must be unified. Namely the present situation should be overcome, in which “so-called culture”, i.e., moral culture, such as, science, art, religion etc. is isolated from life. And this unification should not be performed “from the top” by introducing culture into life, but “from the bottom” by improving the cultural quality of life (Ibid. p. 391)

5) Life-culture aims at improvement of life, i.e., to make our lives bright, healthy and efficient. What is important here is the element of “amusement” that means a “margin of a life” and the element of science and rationality as the foundation of “life technology” (Ibid. pp. 394-398).

6) Life-culture is: (i) not consumption oriented, but productive, (ii) not external and superficial, but fulfilled and substantial. And the spirit of life-culture is based upon (iii) the independent position excluding Europeanism and (iv) cooperationism conquering both individualism and liberalism (Ibid. p. 388).

The usage of concept life-culture by Miki can be summarized briefly as follow. Namely Life-culture means: (i) life itself which has been grasped as culture, (ii) improvement and enrichment of life to culture, i.e., culturization of life, (iii) unification of life and culture on the basis of everyday life, (iv)
popularization and democratization of culture, (v) productive culture as the creation of life.

In another article Miki said that the promotion of life-culture was the task of cultural policies of a “new regime”, and emphasized that it should be “A comprehensive and integrated policy”.

3.3 The consequences of life-culture movement in wartime
The concept of life-culture advocated by Miki as the task of a new cultural policy is the same as that of today. The latter added nothing new. This means that Miki’s concept of life-culture has a type of general validity as a critique or an alternative of the affirmative character of modern culture. As long as the gap between culture and life (or society), the Intellectual elite and the Mass remains, this concept will sound attractive.

But this utopian postulate of the unification of life and culture lead to a very dangerous outcome when the sphere of life is invaded and ruled by Systems of Power and Money. The experience of the life-culture movement in wartime shows us this exact aspect of life-culture.

After its establishment in November 1940, the IRAA, advocating “life-culture”, started to create a national cultural movement. Large number of intellectuals, artists and cultural activists participated in this “movement”. Many of them were not militarist or ultranationalist, but rather liberalist or leftist like Miki. They intended to improve the miserable life of peasants, to bridge the gap between the elite and the Mass and to apply the brakes to reckless expansion of militarism. But their efforts turned into completely opposite consequences. Culture is life; all life should serve war; so culture should serve war. Through this simple syllogism, culture is fully unified into the reality of militarism.

4 KOMINKAN as a life-cultural center

4.1 Outline of KOMINKAN
KOMINKAN is an institution representing social education of Japan, that
aims at "contributing to promotion of life-culture and improvement of social welfare of residents in city, town, village or other local community, by pursuing various kinds of activities about the education, arts and sciences, and culture which are actually based on their life" (Social Education Law Art. 20.), i.e., KOMINKAN is a multifunctional and community-oriented "life-cultural center".

KOMINKAN began to be established from 1946 and increased rapidly. Its archetype is;

1) a facility of country-character (not of city-character) based on a small traditional community,
2) a general store of cultural affairs, i.e. multifunctional, but everything is not specialized and not of high quality,
3) a "school of democracy" in conventional small village— Anti-militarism, rational and scientific enlightenment,
4) "Our cultural house, for us, by us", i.e. self-government of KOMINKAN.

In 1970's, the new concept of a City-KOMINKAN was discussed in various. The "Santama Thesis" declared that a KOMINKAN should be (i) a "free meeting place", (ii) a "base for group activities", (iii) a "citizen's university" and (iv) a "forum for cultural creation" of all local resident.

Today more than 18,000 KOMINKAN are established and managed by municipal education bureaus. Though their figures differ with each other, we can abstract an average image form the statistics report. A KOMINKAN is a 2 stories building equipped with a lobby, a hole, several small rooms, plus sometimes a few workshops, exercise rooms and a small library, and is managed by three personnel (among them, full-time is 26%, full-time of additional post is 23%, part-time is 51%). It offers 10 study-courses and 12 Lecture meeting per year. More than 100 residents-groups use monthly its rooms for their various activities. The total number of its users is more than 12,000 per year.

4.2 A perspective of KOMINKAN in the time of privatization and globalization
In 1990's and after, under a serious financial crisis, the administrative reform
and belt-tightening policy have been advanced forcibly. Area of culture is
target of curtailment and privatization. The crisis of KOMIKAN has been
accelerated.

Globalization of economy has caused many serious social problems and is
destroying the social solidarity. Japan’s government is strengthening the
nationalistic and authoritarian integration to keep the social security. The
“Colonization of life-world” (Habermas) is extremely going on. It becomes an
urgent cultural problem in Japan to vitalize the force of “solidarity” against
the forces of Money and administrative Power (Habermas 1985: s. 185). The
task of community-oriented cultural activities is always increasing.

KOMINKAN, more than 18000 cultural centers, have an important poten-
tial power. In order to activate this potential power, the followings are
required:

1) to reconfirm the self-recognition as a life-cultural center or a socio-
cultural center in urbanized society; to eradicate the stereotyped self-
recognition as a public facility;

2) to cooperate with various social movements and citizen’s NPO-activities;

3) to tackle on the problems of minorities of society;

4) to reform the management; experimentation of various forms of citizen
participation;

5) to be a forum towards the new “public sphere” to create political culture
in Japan.

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文化芸術振興基本法と現代日本の文化政策

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谷 和明

2001年11月に文化芸術振興基本法が制定されたことにより、日本の文化政策は新たな段階を迎えた。70年代から進められてきた「新しい文化行政」に法的根拠が与えられ、かつての軍国主義的政策との関連で敬遠されてきた「文化政策」という表現も市民権を得つつある。

この新立法による芸術文化への公的助成の増額を期待する当事者も少なくない。けれども、現在の文化政策のルネッサンスが、近年の日本におけるナショナリズム、軍国主義への傾斜のなかで生じていること、したがって戦後民主主義の理念と結びついてきた社会教育制度の再編・清算と連動していることを看過することはできないだろう。

本稿では、文化芸術振興基本法の位置づけを、戦後の文化政策のコンテキストにおいて検討するとともに、それに対するオールタナティブとしての公民館の可能性を構想してみる。