

# Children's Rights in Japan's Schools

By Robert W. Aspinall

## The UN Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child (UNCRC) is a human rights treaty that sets out the civil, political, economic, social, health, and cultural rights of children. It was adopted without dissent by the UN General Assembly on November 20th, 1989, and was swiftly ratified by almost all member states. Japan ratified it in 1994. The convention is based upon the so-called “three p’s”: children’s needs for a balance of “provision,” “protection,” and “participation.” The first “p” refers to the *provision* of an adequate standard of living, health care, and education to all children. The second refers to *protection* from abuse, neglect, and discrimination. Finally, the third “p” denotes the right for children to *participate* in the decision-making processes that may affect their lives. The convention defines children as persons under the age of eighteen.

Different communities responded in different ways to the need to address issues arising from what was often seen as a new approach to the place of children in society. While the first two “p’s” are mostly uncontroversial throughout the world, there is far less agreement on whether it is possible or desirable to allow children to participate in the major decisions that affect their education and upbringing. Proponents of these kinds of rights argue that “schools have an important task to teach children how to express an opinion, both orally and in writing, and how to participate in a discussion.”<sup>1</sup> Critics, on the other hand, argue that children are not yet mature enough to actively participate and are better off being guided by more experienced adults.

This debate is sometimes framed in terms of the traditional distinction that is made in legal and political theory between “liberty rights” (sometimes referred to as “negative rights”), which concern the ability of each individual to pursue their own lives without interference; and “welfare rights” (sometimes referred to as “positive rights”), which guarantee to all individuals at least minimum standards of living, health care, and education, without which “liberty rights” have little practical meaning.<sup>2</sup> The right to *provision* is clearly an example of a welfare right (or rather, a set of connected welfare rights), as is the right to *protection*. For children, the concept of liberty rights is more problematic: in order for a child to grow into a free-thinking individual, confident that their views will be respected so they can *participate* fully in society, they need the *protection* of family and the state, as well as the *provision* of an education that will help them develop the required faculties for critical thought and self-expression. This debate takes on another dimension when it is transported to cultures around the world that have only recently become acquainted with the notion of individual rights, which has its origin in the Western canon of political and legal thought.

## Children's Rights in Japan

In the case of Japan, since its “opening” to the West in the middle of the nineteenth century, there has consistently been a debate conducted by those who welcome notions of individual rights, which they regard as having universal application, and those who argue that Japan’s traditional focus on group solidarity—combined with clearly defined hierarchies—makes wholesale adoption of foreign notions of rights a threat to national identity and sovereignty. The 1947 Constitution, which was written by American lawyers serving in General Douglas MacArthur’s Occupation, contained many references to the primacy of individual rights. However, political scientist Ian Neary points out, “Neither those in senior positions in Tokyo nor the leaders of local communities had much familiarity with

ideas of rights. Far more familiar was the idea that individuals and groups should set aside their selfish desires and work for the good of the community and the state.”<sup>3</sup> Japan’s postwar settlement, therefore, was based upon an uneasy tension between these two traditions. Rather than completely rejecting human rights, mainstream conservatives were more likely to talk in terms of the need to temper rights with obligations and the dangers of taking rights “too far.” This tradition has continued to the present day. A recent example is the 2007 speech by Ibuki Bunmei, education minister in Abe Shinzō’s first cabinet, in which he warned that a nation-state indulging too much in rights would be the equivalent of a person eating too much butter. Overindulgence would result in what he termed “human rights metabolic syndrome.”<sup>4</sup> This original term clearly illustrates the conservative notion that while individual rights are important and useful, they have to be contained and regulated by the state. After all, individuals left to their own devices might “overindulge.”

If there is concern among conservatives in Japan that adults might not know what is best for them without proper guidance from those in authority, then it is unremarkable that they also view children as needing protection from their own worst instincts. In spite of the postwar constitutional emphasis on the importance of the individual, Japanese children continued to be taught, in families, schools, and other places of learning, the values of group conformity, social hierarchy, and proper family roles. Defenders of this traditional approach point to the orderly, crime-free cities of contemporary Japan and contrast them with Western urban spaces marred by gangs, drugs, and graffiti. Maybe Japan is better off avoiding these excesses of teenage individual expression? It is not only politically conservative groups that hold this view. When international pressure in the 1980s did force people in Japan to start talking about children’s rights, both the Japanese left and the Japanese right were, in general, much more comfortable arguing about welfare rights than liberty rights. For its part, the government could already claim genuine achievements in the area of *provision*: getting over 90 percent of boys and girls to stay in full-time education until age eighteen by the 1970s, an enviable achievement that few other nations could emulate. The numbers going on to higher and further education were also impressive, and Japan could boast very good academic results in science, mathematics, and literacy when compared to other nations.

After it ratifies the UNCRC, each state is required to submit periodic reports to the UN on concrete measures that are being made to protect and promote children’s rights within its jurisdiction. In its reports, the Japanese government announced that it was beefing up domestic legislation that protected children from prostitution and pornography. Otherwise, the official position was that there was little more that needed doing, since children’s rights in Japan were already so well-protected.<sup>5</sup> (Nongovernmental groups advocating for children begged to differ with the complacent view and issued their own “shadow reports” each time an official submission was made.<sup>6</sup>) It was undeniable that Japanese children were benefiting from the “p” of (educational) *provision* and the “p” of *protection* (from harm and exploitation). In other words, their welfare rights were being recognized in concrete, measurable ways. The third “p” of *participation*, however, was another matter. Serious advancement of rights in this area involved unavoidable clashes with traditional attitudes concerning the proper place of the child in Japanese society and his or her place within the various groups that made up the daily life of school and family experience.

### Discussions about Individuality and the Child in Japan's Schools

Each nation's approach to human rights is inevitably closely connected to prevailing ideas of individuality and the relationship between the individual and the group. Anthropologist Peter Cave has traced the discourse about the child's individuality in Japanese education back to the Meiji period (1868–1912), when the modern education system was in its infancy. He argues that the “question of whether or not more individuality is needed in education is related to the issue of selfhood in Japan, which has often been seen as stressing the group over the individual.”<sup>7</sup> Those who argue for a more active assertion of individual children's rights, are, therefore, not merely asking for a modified curriculum or revamped classroom management; they are calling for fundamental changes to the Japanese notion of self.

One of the most important organizations promoting a reform agenda in the modern era was Liberal Democratic Party (LDP) Prime Minister Nakasone Yasuhiro's Ad Hoc Council on Education. It issued four highly influential reports in the 1980s. In its first report, *kosei jūshi* (“stress on individuality”) was laid down as the first principle of educational reform. This resulted in a proposal for a revised national curriculum in 1989 that emphasized pupils' interest and motivation rather than just knowledge and understanding. Many educators on the political left, however, were suspicious of the Nakasone/LDP agenda. They believed that the reforms represented a strategy for introducing market principles into education along with intensified academic selection, rather than promoting genuine individuality. It was undeniable that the right-wing, business-friendly LDP was eager to nurture future generations of entrepreneurs.

Teachers were divided over how to deal with these reform proposals. They were faced with the challenge of placing a greater emphasis on individuality while at the same time maintaining their commitment to egalitarianism. The granting of greater choices to students carried the implicit risk of increasing inequality within the education system.<sup>8</sup> This issue was so controversial that it was one of the causes of the split in the left-wing Japan Teachers Union in 1989, as some union leaders backed many of the reforms, while others resisted them all.<sup>9</sup> Regardless of their political opinions, secondary school teachers struggled to come up with practical ways to balance the new calls for student autonomy with the traditional values of order and fairness.

#### Putting Children's Rights into Practice in Japan's High Schools

Those promoting greater implementation of the third “p” of the UNCRC, *participation*, had an uphill battle. Traditionally, Japanese secondary school students have only had very modest roles in the decision-making that affects the running of their schools. Every Japanese public junior high (that teaches children from twelve to fifteen years old) and high school (fifteen to eighteen years old) has a *seitokai* (student council). The institution is a postwar imitation of similar bodies in the United States, created by the Occupation authorities in order to foster the spirit of participatory democracy in students. All students are members, and they elect a *seitokai honbu* or *seitokai shikkōbu* (steering committee), including a *seitokaichō* (president). The steering committee reports to the *seito sōkai* (general meeting of all students). Each class in the school elects representatives to various student council committees, which are charged with running various aspects of school life, from organizing sports days and festivals to broadcasting lunchtime music and announcements over the school's PA system. The re-



Students from Koryo Junior High School in Tokyo on their lunch break. The Japanese Parliament has set up an advisory council to do a three-year study of how the country educates its children.

## Japan Acts to Revise School System

By CLYDE HABERMAN

Special to The New York Times

TOKYO, Aug. 11 — Japan has taken a first formal step to reshape its national school system, which has received praise from abroad for its efficacy but has been attacked by domestic critics for stifling creativity.

At the urging of Prime Minister Yasuhiro Nakasone, Parliament this week created the administrative machinery for what is to be a three-year Government study of how the country educates its children, a subject that touches the marrow of Japanese life.

Few areas receive higher priority than schooling in this society, where literacy is virtually universal and teenagers leave high school possessing basic skills judged by most educators to be far above American standards. Japanese youngsters spend roughly 30 percent more time in school than their United States counterparts, and acquire knowledge in many subjects a year or two earlier.

Others are equally convinced that the fears about rote-learning are overblown and that Japanese students learn to think as well as, if not better than, young people in other countries.

#### Parents Showing Concern

The debate over education has sharpened as Japanese sense that something is wrong with their schools. Young parents, almost in echo of well-to-do professionals in United States cities, say they plan to send their children to private junior and senior high schools because they do not trust the public schools to provide adequate preparation for crucial university exams.

The debate also has political overtones. There is no more prominent critic of the present system than Prime Minister Nakasone, who has made educational reform a top issue and who thus scored an impressive victory with this week's parliamentary action.

In many speeches over the last year, Mr. Nakasone has complained that the school curriculum is too rigid, that it

have 25 members, appointed by the Prime Minister and subject to parliamentary approval. Mr. Nakasone promised to include people of diverse backgrounds.

The council has been opposed by the Japan Teachers Union as well as the Socialist and Communist Parties, which provide the union with considerable support. The opposition partly reflects partisan politics. More deeply, however, it demonstrates a suspicion among left-of-center Japanese about the Prime Minister's intentions.

#### System Altered After War

Mr. Nakasone and others who share his strong nationalism say a main fault with the system is that it was imposed by occupying American forces after World War II. The Prime Minister wants it to be replaced by one that somehow reflects more closely Japan's Confucian, Buddhist and Shinto roots. Specifically, he says, “patriotism and the traditional Japanese respect for one's parents should be taught at

Partial article by Clyde Haberman from the August 12th, 1984, issue of *The New York Times*. You can read the full article on *The New York Times* website at <https://tinyurl.com/y6rnaobc>.

## One of the most important organizations promoting a reform agenda in the modern era was Liberal Democratic Party (LDP) Prime Minister Nakasone Yasuhiro's Ad Hoc Council on Education.

ality is that in many Japanese schools, participation in the student council is dutiful and unenthusiastic.<sup>10</sup> Research by Cave in the 1990s found that the aims of the student council in one school he observed were very modest: greater freedom for individual preference in school uniforms.<sup>11</sup> They did not go so far as to call for the abolition of school uniforms. That would have been too much!

However, there are exceptions to the stereotype of passive Japanese students with no influence over the rules that shape their lives. The case of Tokorozawa High School in Saitama Prefecture is illustrative of this point.<sup>12</sup> In Tokorozawa, students demanded real involvement in their own governance. This began in 1969–1970, under the influence of university campus disruptions and anti-Viet Nam War protests. In the school, there

were demands for participation in staff meetings and an end to tests and school uniforms. Uniforms were finally made optional in 1972, something that was—and still is—very rare in Japan. While teachers did not accept all the demands made by students over the years, they were keen to foster what they saw as a positive spirit of energetic self-government. In 1982, a staff-student consultative mechanism consisting of ten staff and ten students was set up to resolve student-staff disagreements. In 1984, student initiatives resulted in the progressive shortening of the traditional graduation ceremony, one of the most important events in the calendar of every Japanese school, to allow more time for a flamboyant “*bon voyage* ceremony” organized by the student council.

When Japan’s national curriculum was revised in 1989 to require the hoisting of the national flag and the singing of the national anthem at school ceremonies, the student council approved a resolution opposing use of these controversial national symbols in Tokorozawa High School. This was not because of unified student opposition to the flag and anthem per se. Rather, the resolution’s stated rationale was that students held various opinions about the national symbols and that, in this situation, their forcible use amounted to *futō na shihai* (“improper control”) in education, violating Article Ten of the 1947 Fundamental Law of Education, as well as Article Nineteen of the Constitution, which guarantees freedom of thought and conscience. The students’ stress was on the violation of individual rights, rather than opposition to the two national symbols. In 1990, the student council adopted a “bill of rights” to codify what they saw as the rights of Tokorozawa students. This was a very progressive move, and four years ahead of the national ratification of the UNCRC. Successive Tokorozawa school principals held discussions with the student council to try to persuade students to alter their position; when such persuasion

failed, the principals compromised by having the flag displayed and the anthem sung in the students’ absence.<sup>13</sup>

For those on the left of Japanese politics, the actions of the Tokorozawa students were very positive, completely in line with their insistence that Japanese people must be independent-minded citizens and not mere subjects of the state, as in prewar days. The actions of the students soon became a topic for national discussion. One letter to a left-leaning weekly argued that by refusing to bow before the old imperialist symbols of the flag and the anthem (which were both unchanged since prewar days), the students were striking a blow for student independence and autonomy. They were refusing to accept their place within the school and within society as mere *shinmin* (“subjects”) of the emperor, and instead were asserting their own rights as citizens of a democracy.<sup>14</sup>

For those on the right, the Tokorozawa case was more difficult, since it was impossible for them directly to attack the concepts of freedom or independence. Critics of the students therefore argued that they had “misunderstood” the meaning of “independence” as it applied to high school children, or had not appreciated the proper limits of freedom for students. Then-Education Minister Machimura Nobutaka was quoted in the local newspaper *Saitama Shinbun* that “although the feeling that students should do things by themselves [*jishu-teki ni*] is important, there is a difference between independence and unbridled wildness [*jishusei to nohōzu wa chigau*].”<sup>15</sup> In one of three long articles about the Tokorozawa case, the conservative national newspaper *Sankei Shinbun* stated that “if the student council really thinks it can overturn the principal’s decision by virtue of the ‘self-government’ it asserts, its ideas are extremely mistaken.”<sup>16</sup>

### The Claim that the School Should Belong to the Students, not the State

In addition to standing up for individual rights, students also claimed that the school belonged primarily to themselves and the staff, not to the state. The student council bill of rights does not mention the state at all, simply stating that “a school is made up of students and staff.” In other words, the school is viewed as an autonomous democratic community that exists primarily for the sake of those immediately involved in it. This view has been very influential in postwar Japanese schooling. Though stemming from educators favouring the left-wing idea of decentralized democracy, it has also influenced mainstream pedagogy. Teachers seldom wish to actively assert the rights of the state, especially given their consciousness of the indoctrinating role of schools before 1945.<sup>17</sup> Moreover, teachers like to tell students that school events such as entrance and graduation ceremonies are “their own events,” partly in order to increase the students’ enthusiasm.

In contrast, the Japanese right saw schools and the authority over them as belonging fundamentally to the state. *Sankei Shinbun* pointed out that it was taxes that paid for schools.<sup>18</sup> In short, the two sides in the dispute had fundamentally different views of the state and its authority. To the government, the Saitama Board of Education, and the conservative media, the state had overriding authority. After all, they argued, the government represented the will of the people expressed in national elections. Dissenting minorities, such as the Tokorozawa students, staff, and parent-teacher associations (PTA), had no right to defy this overriding authority, even if they were united in their opposition to state policy, and even when the issue at stake was one of the most controversial and divisive in Japanese political life. Clearly, such a view relies heavily on an idea of the state and society as united, even monolithic, and on an idea of government that, once given power by the people, has the right to dictate rather than the obligation to negotiate. To the Tokorozawa students, staff, and PTA, such a stance seemed authoritarian and out of touch with the diverse and pluralistic nature of modern Japanese society.

In the end, the state succeeded in its narrow aim of enforcing the outward respect for Japan’s national flag and anthem at school ceremonies. But this had not ended the vital debate in Japan about whether the liberty

## The Wm. Theodore de Bary and Ainslie T. Embree AAS Fund for Education and Outreach



The Wm. Theodore deBary and Ainslie T. Embree Fund for Education and Outreach will support the preparation and dissemination of AAS publications to make knowledge about Asia widely available for general education courses and will strengthen the Association’s commitment to educational goals through such publications as *Education About Asia* and *Key Issues in Asian Studies*.

For further information about these publications, please visit the AAS website at [www.asian-studies.org](http://www.asian-studies.org).

### PLEASE DONATE

A secure donation to the fund may be made at <https://www.asian-studies.org/about/donate.htm>.

Checks can be mailed to AAS, indicating that the gift is for the de Bary-Embree Fund:  
Association for Asian Studies, Attn: CFO,  
825 Victors Way, Suite 310, Ann Arbor, MI 48108 USA

rights of high school students should be promoted or restricted. Indeed, it can be argued that the recent shift in the focus of attention to individual human rights can be understood as part of a great change that is taking place in Japanese education, in which both right and left are moving toward acceptance of a greater emphasis on the individual. This, in turn, is arguably part of a broader movement within Japanese society over recent years toward greater diversity and higher valuation of individual difference. As noted above, one paradoxical feature of the Tokorozawa dispute was the fact that the demands of the Tokorozawa students were framed in language very similar to the rhetoric of government educational reform. The students and the government clearly had significant differences; nonetheless, both sides were using the same language and appealing to what, superficially at least, were the same values—values that placed the individual first.

### Conclusion

The Tokorozawa dispute interestingly encapsulates some of the central dilemmas and conflicts within Japanese education and politics. It suggests that the creative entrepreneurs called for by the current Japanese government and business community are supposed to confine their creativity and independence to the economic sphere and leave politics alone. Whether the genie that the government intends to release from its bottle can be tamed so easily is another matter. However slowly and painfully, Japan seems to be undergoing a shift of ideology and socioeconomic organization toward a greater emphasis on personal freedom and individual initiative. This shift is driven from the political right by the perceived needs of business and the promotion of the individual-centred consumerism that is required to get the economy out of the doldrums. Yet stressing the individual also holds political dangers for the right, since the ideas of decentralized democracy and individualism have strong left-wing associations in Japan.

The UNCRC claims that children have the right to *participate* in the decision-making processes that may affect their lives. For this right to be respected, high school students should be given opportunities not only to learn about human rights in the pages of a textbook, but also to be actively involved in processes and institutions that decide the rules of their school lives. It would help if adults in authority did not panic when the expressed views of high school students clash with existing regulations. Respectfully engaging students in discussion and debate is preferable to sudden reversions to older forms of authoritarian education in which it was believed that all children should be “seen and not heard.” ■

### NOTES

1. Ulf Fredriksson, “What Can Be Done to Implement International Standards Concerning Right to Education Worldwide?” in *Children’s Rights in Education*, eds. Stuart Hart et al. (London and Philadelphia: Jessica Kingsley, 2001).
2. Phil Jones and Sue Welch, *Rethinking Children’s Rights: Attitudes in Contemporary Society*, 2nd ed. (London: Bloomsbury, 2018), 42–45.
3. Ian Neary, *Human Rights in Japan, South Korea, and Taiwan* (London and New York: Routledge, 2002), 16.
4. Colin Joyce, “Minister’s Human Rights Rant Shocks Japan,” *The Telegraph*, February 27, 2007, <https://tinyurl.com/y4o4bhba>.
5. Government of Japan, *The Combined Fourth and Fifth Periodic Report of Japan on the Convention on the Rights of the Child*, <http://tinyurl.com/yyestnoq>.
6. *Shadow Report Submission: Children’s Rights in Japan*, <http://tinyurl.com/yy47swgp>.
7. Peter Cave, *Primary School in Japan: Self, Individuality, and Learning in Elementary Education* (New York and London: Routledge 2007), 13.
8. This is a dilemma in every advanced nation. If choice over what subjects to take is

### Questions for Teacher and Student Discussion

1. What are the practical ways in which secondary school students can participate in the running of the school and the decisions made by school authorities that affect their lives?
2. It is argued by some that the notion of children’s rights is a Western construct. In this case, should Asian nations like Japan, which have traditionally valued loyalty to the group over self-centered rights of the individual, be allowed to modify the implementation of the UNCRC in ways that conform more to traditional values?
3. How much say should secondary school students have in the school curriculum?
4. Do you agree with the concept of a “negotiated curriculum”? What are the arguments for and against students having more choice of what subjects they study?
5. Is it ever permissible for secondary school students to break the school rules if they think the rules are wrong or unjust?
6. In the running of a secondary school, what should be the correct balance of influence among the following stakeholders: the principal (and other senior administrators), the teachers, the students, the parents, the local community, the level of government most responsible for education?
7. Do you agree with the argument that in most respects secondary students “do not know what is good for them because they are only children” and therefore should not be given too much freedom or a say in how schools are run?
8. How would you respond to the argument that in the West antisocial behavior, crime, illegal drug-taking, and the breakdown of traditional family norms are the result of children being given too much freedom and too little discipline in schools and the home? Should Western nations look to Asian models of schooling for the answers to some of these problems?

granted to students, studies show that the children of middle-class, professional parents are more likely to choose more “difficult” courses like the sciences, which will lead to advantages in later years.

9. Robert Aspinall, *Teachers’ Unions and the Politics of Education in Japan* (New York: State University of New York Press, 2001), 55–56.
10. Thomas Rohlen, *Japan’s High Schools* (Berkeley and Los Angeles: University of California Press, 1983), 186.
11. Peter Cave, *Schooling Selves Autonomy, Interdependence, and Reform in Japanese Junior High Education* (New York and London: Routledge, 2016), 78.
12. For a deeper analysis of this case, see Robert Aspinall and Peter Cave, “Lowering the Flag: Democracy, Authority, and Rights at Tokorozawa High School,” *Social Science Japan Journal* 4, no. 1 (2001): 77–93.
13. Tomonori Awaji et al., *Tokorozawa Kōkō no 730-Nichi (730 Days at Tokorozawa High School)* (Tokyo: Tsukuru Shuppan, 1999), 20.
14. *Shūkan Kinyōbi*, April 24, 1998.
15. Tomonori Awaji et al., *Tokorozawa Kōkō no 730-Nichi (730 Days at Tokorozawa High School)* (Tokyo: Tsukuru Shuppan, 1999), 20.
16. “Jiyū wa Museigende Wanai (Freedom is not unlimited),” *Sankei Shinbun*, April 11, 1998.
17. Aspinall, 2001.
18. *Sankei Shinbun*, April 11, 1998.

ROBERT W. ASPINALL is a Professor in the Center for Global Education at Dōshisha University, Kyoto, where he teaches courses on comparative education, government and politics, and inter-cultural communication. He was a secondary school history teacher in England before coming to Japan on the JET program in 1989. After completing a DPhil doctoral degree at St. Antony’s College, Oxford, he worked at Nagoya University and then Shiga University before moving to Dōshisha. A specialist in the politics of education, his most recent book is *International Education Policy in Japan in an Age of Globalization and Risk* (Brill, 2013).