

# International Christian University (ICU) Appeal: Opposing the Revision of the Fundamental Law of Education

Currently, the bill for the revision of the Fundamental Law of Education (FLE) is set in the process of deliberation at the House of Representatives. According to some newspapers, the bill might be passed sometime in the next week. Deeply apprehensive of the critical situation, we, some of the concerned members of the faculty and staff at International Christian University would like to express publicly our opposition to the passing of the bill.

## 1 Problematics concerning the Bill for the Revision of the FLE

When listening carefully to the claims of the parties seeking for the revision of the FLE, it is noticeable that the problems including "ijime" (bullying) taking place at educational sites are whether directly or indirectly ascribed to some basic inherent defect of the current FLE. This kind of claim should be regarded somewhat as a scapegoat argument without any reasonable basis. This is a very problematic and deceptive claim. We cannot accept this kind of misleading and groundless claim for the alteration of the FLE.

As is known widely, the current FLE has remained among educators a highly respected basic legal document. The FLE was promulgated on the basis of the profound soul-searching reflection that took place after the "horrors" of the aggressive war into which imperial Japan had wrongly launched. It upholds the idea of education based on such basic principles as democracy, world peace, individual dignity, and the creation of robust culture. One can observe here a consistent philosophy of education with the note of dignity and nobleness. From the point of view of today as well the FLE is remarkable in its foresight and has potential to contribute strongly to humankind as well as to Japanese society in the future.

What is needed most is to let the educational ideas of the current FLE take shape in, and bear upon, the daily and concrete activities of

education. By so doing it may help rectify not only the distortions brought by the competitive education centered on success in entrance examinations but also the stratified education given to elite pupils and the less elite. What is expected most is to solve the concrete issues of education such as "ijime" and "gakkyu hokai" (class collapse) with patience as creatively as possible. The revision bill under deliberation in the Diet at this moment is all-purposed and ambiguous in its content and obviously a product of political compromises. It is not consistent in its own educational philosophy and it seeks to go back in part to the prewar and mid-war nationalistic sort of education. Thus, the revision bill has many problems both in its form and in its content. One cannot legitimately call it the "Constitution of Education" for Japan in the 21<sup>st</sup> century. We cannot accept this revision bill by any means.

## 2 Some Misgivings for the Intent of the Revision Bill

The revision bill has inherited from the current FLE such important concepts as "a democratic and cultural state," "individual dignity," "peace of the world," considering that this might help the bill pass easily in the Diet. We can also see the strong opinion of the Komeito reflected in this document. We are afraid, however, that the real intent of the revision bill consists in the recovery of patriotic and nationalistic education. According to the revision draft Article 2 (5), the aim of education consists in "respecting our tradition and culture" and in "nurturing an attitude of loving our own country and homeland." We also suspect that the "public spirit" as espoused in the Preamble and Article 2 (3) can be misunderstood and distorted by the sort of patriotic and nationalistic education mentioned above. We are also alarmed by the political intent of the revision bill which sees itself as a step toward and the picket line battle for the revision of the Constitution which is to come.

According to the revision draft Article 16 (Educational Administration), both the central and local government have broad discretionary power to intervene and decide in concrete issues at

educational sites. In the current FLE Article 10 which was based on the Japanese Constitution Article 26 stipulation about "the right for education," the following is stated: "Education shall not be subject to improper control, but shall be directly responsible to the whole people." Here one can recognize the premise that the government both central and local and educational administrators cannot intervene in the "internal matters of education" at educational sites. This premise has been generally upheld and reconfirmed in the judicial judgment since the Sugimoto case at Ienaga Trial. But the real intent of the revision draft, Article 16, is clear; it to negate the above premise and to "deregulate" the management and intervention of the educational administration on the part of the central and local government. We are afraid that if this revision is approved, control over local educational sites by public authorities will increase. For example, the revision will enhance the local government's "improper control" over teachers and pupils concerning the issue of the national anthem and the national flag, so that the dismissal of the disobedient teachers on the matter may be regarded as legal, which will only jeopardize the principles of "the worth of the individual" and "an independent and autonomous spirit," although they are stipulated even in the revision draft, Article 2 (5). (On September 21<sup>st</sup> this year the Local Court of Tokyo regarded the problem of Tokyo Metropolis's imposition of the national anthem and the flag as illegal under the current FLE. But this kind of judgment can much more likely be reversed under the revised FLE.)

Therefore, we, some concerned members of the academic community of International Christian University, would like to express publicly our strong opposition to the revision of the FLE.

November 9<sup>th</sup> 2006

Initial Supporters

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Morimoto,

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The List of Supporters: 98 in total (Including Initial Supporters\* and 11 Anonymous Supporters). As of November 20<sup>th</sup> 2006/Prefix omitted.

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