

Exploring “Parents’ Right to Educate” in Japan

Yuya Tanaka

Junior high school teacher, Japan

Abstract *This paper provides an overview of education in postwar Japan, addressing the issue of “parents’ right to educate.” In the “debates on the right to educate” which took place from the 1950s on, the focus was on “teachers’ right to educate,” overlooking that of parents. Free schools began to draw attention in the 1980s, in the context of dissatisfaction with highly managed education, but the overall direction was toward neoliberal educational reform. In recent years, as these reforms have led to increased inequality, expectations of public schools are on the rise. However, as the school regulations issue demonstrates, public schools are still dominated by highly managed education. Therefore, hopes are rising with regard to respect for “parents’ right to educate” and to official recognition and support of citizens’ school-building premised thereupon.*

Keywords: Japan, parents’ right to educate, diverse education, educational reform

Introduction

This paper explores the right to educate, with a focus on “parents’ right to educate.” The right to educate discussed here is the right to make decisions concerning education. The term “right of education” is also used in the sense of “the right to be educated,” but in this paper “right to educate” refers to the right which became the topic of the “debates on the right to educate” among Japanese scholars of pedagogy.

This discussion is needed because in Japan, parents’ right to educate is often considered harmful to the “publicness of education” (Shimizu, 2015). For example, homeschooling is not recognized under Japanese law; parents are legally compelled to have their children attend legally recognized schools. As well, alternative education in Japan remains limited to a very few unaccredited privately established schools (some of which have, admittedly, been accredited as private schools), and the educational content in legally recognized schools is standardized nationwide. School non-attendance has been a problem in Japan for many years, calling for children’s diverse educational needs to be met, but little progress has been made.

One factor therein is thought to be the lack of focus on parents’ right to educate in demanding a more diverse educational landscape and experience.

This paper provides a rough overview of education in Japan after World War II from the perspective of parents’ right to educate, and presents a proposal for an improved educational format. Below, the paper first summarizes the debates on the right to educate and discusses how the ownership of the right to educate has been addressed in Japan. Next, it discusses the way parents’ right to educate has been feared to lead to a “parentocracy” (Brown, 1990) amid Japan’s neoliberal education reforms, in the context of dissatisfaction with schools, and the insufficient guarantee of children’s rights in public schools, even as the publicness of education is emphasized. Finally, the paper points out the importance of citizens’ educational movements based on parents’ right to educate.

Allow me to address a potential point of criticism in advance here: shouldn’t the issue be the right to learn on the part of children, not the right to educate? Of course, children’s right to learn is of paramount importance in education, and their intentions should be respected to the greatest extent possible in education. However, elevating children’s right to learn alone does not help resolve the realistic issue of how educational matters should be determined. If we take the example of school choice, small children are unlikely to be able to choose a suitable school under their own steam. As well, while children can express their desire to enter a given school to its operator, their parents’ agreement—as the payers of school fees, arrangers of transportation, etc.—is essential. Even if that were not so, contracts cannot be established without parental consent when the prospective student is underage, not to speak of the major issues of responsibility which arise in the case of accidents in the educational context. Therefore, it is considered appropriate, in this paper, to focus on discussion of parents’ right to educate, not that of children’s right to education.

The “Debates on the Right to Educate” in Japan

The debates on the right to educate took place in 1950s Japan onward, focusing on who had the right to make decisions in education. The Courses of Study established by the Ministry of Education, once a “tentative proposal” intended as reference material, became a “Notice” from 1958 on, with schools called on to keep their curricula in conformance. One sign of how things were managed is that the 1958 revision of the Courses of Study made moral education compulsory and encouraged the raising of the national flag and singing of the anthem. Other governmental interventions in education came to be considered problematic as well, such as Ministry of Education textbook screening which kept history textbooks by left-wing scholars out of schools, as well as the institution of nationwide achievement tests.

Parents’ right to educate was glossed over in the debates on the right to educate, which centered on whether the right to decision-making in education lay

with teachers or with the government. It was a conflict between “the people’s right to educate” and “the nation’s right to educate” but the only “people” intended were teachers. Among those arguing for the former was Teruhisa Horio, a leading postwar Japanese scholar of pedagogy. His points, as set forth in his *The Ideology and Structure of Modern Education*, are summarized below.

Horio recognizes parents’ right to educate thus: “Parents bear the primary responsibility for their children’s growth and learning, and have the right to eliminate any unsuitable interference from elsewhere therewith (that is, the right to prioritize the accomplishment of their duties)” (Horio, 1971, p. 340). However, he also emphasizes that “the relationship between the right of parenthood and the rights of children may become a social issue, given social conditions which fail to guarantee parents’ human rights (particularly the right to life), in the form of neglect of children’s human rights through the abuse of parental rights. Therefore, the guarantee of parents’ human rights and that of children’s are inextricably linked, and in order to realize children’s rights to growth and learning, parents’ human rights such as the right to life (including its cultural aspects), basic right to work, and so on must be realized as a premise” (Horio, 1971, p. 341). He adds that “leaving children to their parents’ educational consideration, in a social context where the right to parenthood is inevitably ‘abused,’ is realistically equivalent to abandoning children to their parents’ prejudices or to a non-educational environment”; therefore, schools must be established to “share parental duties,” and the teachers’ right to educate “is based on the consignment of socially organized and shared parental duties with regard to teachers’ professional abilities” (Horio, 1971, pp. 341-342).

In the 1970s, it was thought that as parents were unable to carry out the right to educate appropriately, they had no option but to consign it to teachers. As Chosa (2016, p. 19) points out, “parents’ right to educate was no more than a tool intended to enhance teachers’ right to educate.” Based on the hypothesis that teachers, under consignment from parents, would carry out the right to educate in opposition to the state, arguments were put forth for “the people’s right to educate.” That is, “the people” here referred to parents and teachers. However, as “the people” (*kokumin* or literally “national citizens” in Japanese) suggests in itself, the theory of “the people’s right to educate” took insufficient account of the diversity of parents and teachers and of the tensions between the two. The same applied to the theory of “the nation’s right to educate.” In short, the government was hypothesized to carry out the right to educate on consignment from parents, but the diversity of parents and the tensions between parents and the government were dismissed from view.

Heightened School Criticism and Free Schools in Japan

While Horio (1971, pp. 341-342) emphasized schools as “sharing parental duties” and teachers as “agents of parental duties,” parents had their share of dissatisfaction

Exploring “Parents’ Right to Educate” in Japan

with schools and teachers. One example is the newspaper column *In Schools Now* which ran in the *Asahi Shimbun* from 1972 to 1982. The reporter in charge discusses it as follows.

The fuss when *In Schools Now* started running was amazing. The telephone on the social-issues desk never stopped ringing, and we’d get up to 50 or 60 letters a day, all of them stuffed with readers’ dissatisfaction, anger, doubts...line after line. Ten or twenty pages of stationery. Nothing like this had happened on the social-issues page in the thirty years since the war. I think it’s evidence of the problems education was facing by 1972. (Sata, 1980, p. 10)

There was dissatisfaction with hardline student discipline in the 1970s as well as increasing interest in A. S. Neill and free schools in the 1980s (see Tanaka 2020), as a style of education different from that of Japanese schools, with the Free School Research Association founded in 1983. Newspapers reported on its founding assembly as below.

After a progress report, an exchange of introductions and opinions took place. “Schools are no longer living spaces for children” (private high school teacher, Tokyo). “Education should nurture creativity, but there’s none of that now” (artist). “My school regulates hairstyles and has detailed rules about how many times socks should be cuffed and how accessories may not be used on school bags. Every morning a teacher stands at the gate to greet the entering students, but I always end up looking at their hair and their socks, making me afraid that I’ll forget to welcome them to school” (private high school teacher, Tokyo). “The route to school is decided by the school, meals have to be eaten within 20 minutes, and there are more teachers to keep the children in line” (mother, Mie). “The children are starting to point out rule violations on their own” (elementary school teacher, Chiba). “When we said they could choose colors for their own slippers, the parents said it was confusing if the school didn’t designate a color” (elementary school teacher, Tokyo). Various situations at schools were reported. (*Mainichi Shimbun*, p. 12, May 5, 1983, morning edition)

Dissatisfaction toward schools rendered devoid of creativity by nit-picking rules and parents being dependent on them was expressed by teachers as well as parents. In the context of this criticism, the late 1980s saw free schools opening to a limited extent in Japan.

The Ad Hoc Council on Education

In contrast to the limited expansion of citizens' educational movements, the Ad Hoc Council on Education (1984-1987), established by the Yasuhiro Nakasone administration, drew wide attention. The Council cannot be discussed here in detail, but as one of the origins of neoliberal educational reforms in Japan, it was influenced by the preceding Thatcher (1979-1990) and Reagan (1981-1989) regimes in the UK and the US respectively.

The Ad Hoc Council believed that the promotion of free competition would lead to improved school education. Criticism of school uniformity was common to both the Ad Hoc Council and the citizens' educational movements, but they differed markedly in their awareness of and meanings attributed to "free" and "liberalization." The sociologist Munetsuke Mita drew attention to this in a commentary in the *Asahi Shimbun* in 1985, here quoted at length because of the importance of this material.

On the afternoon of last February 16, a fifth-grader called O jumped from the thirteenth floor of a Yokohama apartment building and killed himself. "They passed out papers. Everyone was silent. The test war has begun. Take up pencils in place of missiles, erasers in place of machine guns... The test war is a terrible, life-changing war." The poem was written when O was in fourth grade. On the day he died, O had been scolded by his teacher for saying that teachers and students would both be happier if schools disappeared; his apology essay also included "Can we be happy when we go to school?...Once there were no schools, and people could live freely." The teacher scolded him again for being "un-childlike," and maintained at a press conference after his suicide that his ideas were not those of a "sound" child.

In his "Ministry of Education Dissolution Theory," published in the April *Bungei Shunju*, Ken'ichi Koyama started the debate on the suicide. His point that O was "driven to his death by a system of standardized education intent on nothing but cramming children into a uniform, rigid, sentimental "image of the child" is correct as far as it goes.

At the same time, Koyama does not address the sharp protests against the modern competitive society found in O's writings. The validity of the gaze bent on this incident and the directionality of its interpretation symbolize both the attempts of the Ad Hoc Council's "liberalizing" group, led by Koyama, to find a suitable foothold among contradictions in the modern educational situation and the problems in the reality of its "liberalizing" orientation. (*Asahi Shimbun*, p. 7, March 28, 1985, evening edition)

In short, while criticizing the uniformity of schools along with Koyama, Mita is also criticizing the neoliberalist educational reforms attempting to improve schools through the promotion of competition.

However, from the Ad Hoc Council on, the focus in Japanese educational policy was not on the “freedom” of citizens to create new education based on “parents’ right to educate,” but on “liberalization” attempting to improve schools through a weeding out, based on competition. This has rendered the issue of parents’ right to educate in Japan complex.

Neoliberal Educational Reforms and the Parentocracy

As neoliberal educational reforms have proceeded in Japan, parents’ right to educate has come to be viewed negatively as support for a parentocracy (Brown, 1990). As Shimizu (2020) shows, while the premodern era was an aristocracy where the influence of status and family determined social position and the prewar modern era on a meritocracy where the influence of ability and effort did likewise, recent years have seen an increasing tendency toward a parentocracy, where children’s social position is determined by the influence of their parents’ wealth and desires. Shimizu (2015) also points out the trend of cream skimming, in which children from educationally oriented households avoid troubled schools.

Let us examine Osaka City as a case study of a municipality which has forcefully promoted neoliberal educational reforms. From 2013 city elementary and junior high schools have been mandated to reveal the results of each school’s nationwide achievement and ability tests, and from 2014 on a school choice system has been in place. According to Nakanishi (2019), who examined rising population rates in Osaka City wards from 2013 through 2018, while the rate of use of the school choice system is not necessarily high, the population of families with pre-school-age children is increasing in wards with higher achievement, suggesting that achievement test result reveals may be reinforcing residential divisions and the achievement gap.

According to Shimizu (2021), who examined the achievement test results for Osaka City in 2014 and 2019, the standard deviation of achievement in elementary and junior high schools is expanding. Nishinari Ward, the lowest in socioeconomic status within Osaka City, has six junior high schools, all with deviation values under 50; while the top three schools’ values are rising, the bottom three are falling. This is thought to be the result of school choice by families relatively concerned with education. The operator of a cram school in Nishinari spoke with Shimizu in an interview as follows.

Not counting the private school exam kids, the eager parents around here seem to want their children to attend the unified junior/senior high schools set up in nearby wards. If that isn’t happening, they do try to get

the kids into A Junior High, which has a unified elementary/junior high program. Kids who graduated from A JHS say it's like a different school now. And then there's F JHS. They never had that many students to begin with, but now there are even fewer. They're all leaving. Take the ninth graders right now, when the kid ranked third in their year takes a third-party mock exam, their deviation value is around 40....Multiplication of fractions? They can't do half what their friends do....I wouldn't be surprised to run across kids who can't write the alphabet. (Shimizu, 2021, p.20)

The achievement gap in Osaka City public junior high schools is appalling, and yet Shimizu “still place[s] great hopes in schools” (Shimizu, 2020, p. 21).

The Problem of School Rules in Japan

Although Japanese public schools have faced criticism for many years, their role remains the object of great expectations. The arguments of Horio and Shimizu presented here share these expectations that, without governmental or municipal intervention, schools will function appropriately. However, can schools conduct appropriate educational activities if they are spared external intervention?

The issue of school rules serves as a case study here. School rules regulating students' hairstyles, clothing, and so on have been criticized mainly from the 1970s on; they came to public attention once again due to the 2017 trial concerning rules-based student discipline at an Osaka high school. It was alleged that a student who had been forbidden to participate in class due to her brown hair had stopped attending school and suffered emotional pain as a result. When she entered her senior year, her name was not listed on the class register and her desk was removed from the classroom (in Japanese schools, most students have individual desks in their homeroom, where they take most classes). The Osaka District Court ordered compensation to be paid for these measures, but judged that, as to measures banning students from attending class unless their hair was black, “they cannot be considered illegal or beyond the scope of judgment based in the overall authority of regulating students” (Osaka District Court verdict, February 16, 2021; page numbers in the following two paragraphs cite this verdict). Outside Japan, it may seem bizarre that schools should require their students to have black hair; in Japan, the courts publicly acknowledge it.

The verdict of the initial trial discusses the kind of discipline considered valid. Regarding “hairstyle discipline,” the verdict indicates that high schools “unilaterally establish required items via school rules, etc., through which they maintain the overall authority of regulating students; it is likewise recognized that students are compelled to submit to these regulations so long as they are receiving education at the school in question. In this case, regarding students' freedom to determine their

own hairstyles, including hair color, as well, they are restricted to some extent through the rules noted above....The purposes of compelling students to concentrate on studying, sports, etc. and preventing delinquent behavior through restricting flashy hairstyles or dress can be said to be a valid educational goal in line with the School Education Act, etc.; there is a rationale for the method of having students concentrate on studying, sports, etc., by promoting student activities which fall within the framework of given norms” (pp. 33-34).

Regarding the progress of the situation from the first day of the second term of the girl’s junior year (August 22, 2016), the verdict describes how when the plaintiff (the student) “did not act in compliance with the hairstyle discipline, her mother went straight to the Osaka Prefectural Department of Education on the following day, August 23, to enter a complaint about the hairstyle discipline; based thereon, it is recognized that as of the first day of term (August 22), the plaintiff and her mother felt that her hair color was sufficient ... and were not complying with the hairstyle discipline” (p. 46). Regarding separation discipline (studying in a separate room rather than as part of the class), the verdict notes that “even if hairstyle discipline had continued as previously conducted, spontaneous improvement on the part of the plaintiff seemed extremely unlikely, as did the possibility of discipline or improvement via her mother in the home. Even when given the chance to rethink her stance in order to avoid separation discipline, the plaintiff indicated her refusal to comply with hairstyle discipline, thus establishing a rational reason for the high school teachers to take up the more forceful discipline method of separation” (pp. 47-48). Notable here is that hairstyle discipline was continued by the teachers even after the parent protested, and that the court recognized its validity. That is, “teachers’ right to educate” was given official priority over parents’ right to educate.

Japanese schools often regulate dress as well as hairstyles, with some schools even designating permitted underwear colors (Denyer & Inuma, 2021, March 14). The basic principle of discipline, that “disorderly dress means a disorderly mind,” is widely shared among teachers in Japan. In short, hair that is not black and underwear that is not white are imagined to topple the school order. It goes without saying that freedom is in short supply in these schools.

Conclusion

This paper has sketched an overview of postwar education in Japan with a focus on “parents’ right to educate,” summarizing the debates on the right to educate, heightened criticism of schools and free schools, the Ad Hoc Council on education, neoliberal reforms and the parentocracy, and the issue of school rules. The conclusions drawn are shown here in diagram form.

First, Figure 1 is a conceptual image of the actors in education.

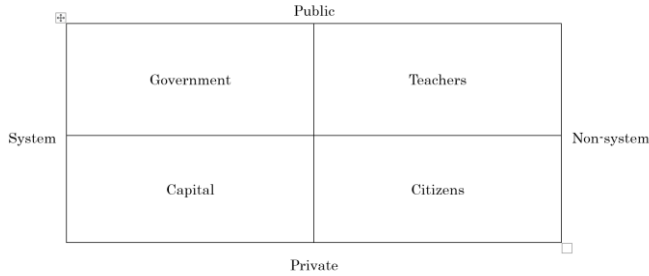


Fig. 1 Conceptual image of actors involved with education

The horizontal axis is system to non-system and the vertical axis public to private. In order, the quadrants are teachers (public/non-system), government (public/system), capital (private/system), and citizens (private/non-system). Here “teachers” mainly refers to schoolteachers, “government” to the Ministry of Education and boards of education, “capital” to school corporations and for-profit corporations, and “citizens” to parents and others independently involved in education (including NPOs, etc.). Using this conceptual image, Figure 2 describes the debates on the right to educate.

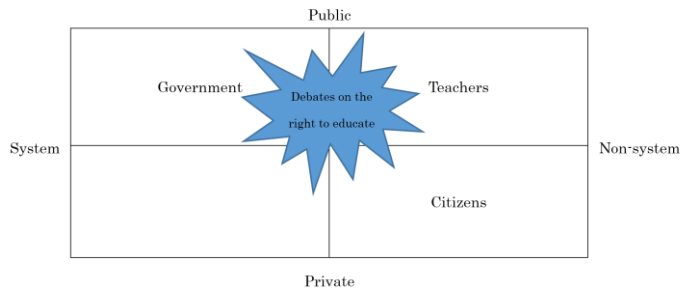


Fig. 2 Conceptual image of the debates on the right to educate

Parents’ (citizens’) right to educate is consigned to teachers and acted on as “the people’s right to educate,” in opposition to the government.

However, as dissatisfaction with the carrying out of parents’ right to educate by teachers developed, some citizens’ educational movements such as the Free School Research Association emerged, while never becoming major forces. Meanwhile, the Ad Hoc Council on Education proposed liberalization, with the neoliberal educational reforms originating therein shown in Figure 3.

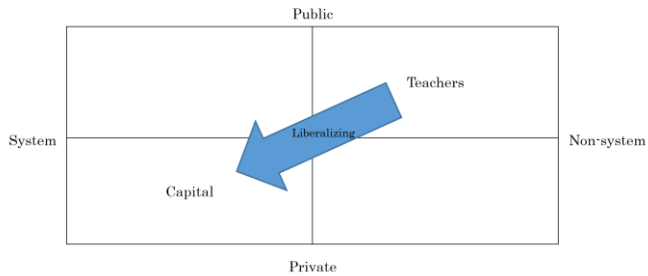


Fig. 3 Conceptual image of neoliberal educational reforms

In order to overcome damage, such as the expansion of inequality due to neoliberal educational reforms, expectations of public schools are rising (e.g., Shimizu, 2020), but as discussed in the example of school rules, schools are still far from sufficiently respecting children’s rights and fulfilling their diverse educational needs.

Collaboratively operated schools open to the regional community are the object of expectations, but currently many of these are such only in name, effectively operating in accordance with school policy under the orders of the government and Boards of Education (Figure 4).

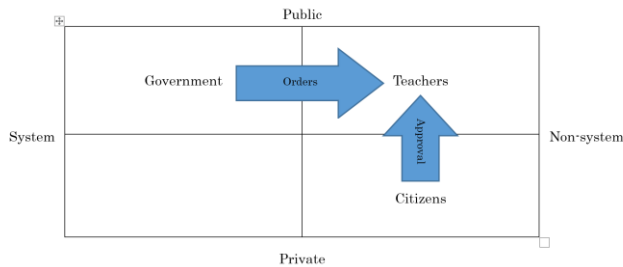


Fig. 4 Conceptual image of collaboratively operated schools in name only

Therefore, this paper proposes the image of education shown in Figure 5.

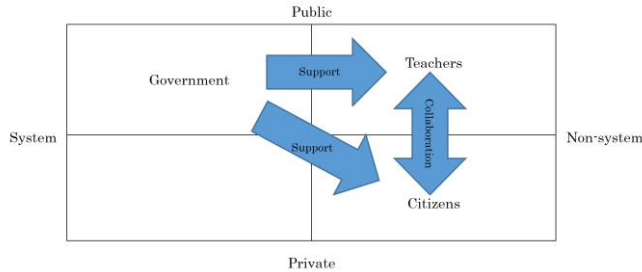


Fig. 5 Conceptual image of citizen participatory education

In schools teachers guarantee children’s rights and they work to fulfill children’s diverse educational needs, with support from the government. Parents talk on an equal footing with teachers, and when judging that learning outside of school will suit their children better, they put their “parents’ right to educate” into practice to ensure educational opportunities for their children in free schools, likewise with government support. Given that, as of now, children of compulsory education age are required to be enrolled in Article 1 schools (officially recognized schools for each age group) and that many free schools lack facilities such as gyms and pools, then schools and extramural learning spaces need to cooperate in order to ensure educational opportunities and recognize graduation credentials for children not attending school. Also, schoolteachers and free school staff would need to meet regularly to share information on relevant students and to study more appropriate support methods.

The reason this paper puts forth these proposals is the tenacious argument that recognizing diverse education will promote neoliberal educational reforms in Japan (Sakurai 2016, etc.). This concept assumes, however, that the recognition of diverse forms of education will, as in Figure 3, inevitably lead to the removal of the right to educate from teachers in favor of capital. There has been no discussion of the potential for new forms of education to be created through collaboration among citizens and teachers, in receipt of governmental support, as in Figure 5. While the importance of public schools has been emphasized from the viewpoint of opposition to neoliberal educational reforms, the issue of school rules and other problems faced by schools are unlikely to be resolved simply by doing away with intervention from national and local governments. Nor has sufficient consideration been given to the diversity of children and parents, or to the tensions present in their relationships with teachers.

As of now, with the rights of children and parents insufficiently respected, the argument emphasizing the importance of public schools, as shown in Figures 4 and 2, renders almost all citizens passive, stifling their potential to actively indicate their

Exploring “Parents’ Right to Educate” in Japan

intentions and take action with regard to educational formats and practices. Citizens who have no way to take initiative to make schools better will, in order to give vent to their dissatisfaction, support politicians who call for destructive reforms, ending up with the promotion of neoliberal educational reforms. We have seen this ugly process play out many times already. To avoid this state of affairs, we need respect for “parents’ right to educate” and with that as prerequisite, public recognition and support for school-building on the part of citizens. While new approaches by citizens may be accompanied by failure, they will serve as an important lesson in the process of making our society more democratic.

References

- Brown, P. (1990). The 'Third Wave': education and the ideology of parentocracy. *British Journal of Sociology of Education*, 11(1), 65-86.
- Chosa, N. (2016). The theory of parental rights to education in post-war Japan. *Quarterly Journal of Welfare Society*, 34(4), 15-24. [Japanese]
- Denyer, S. & Inuma, J. M. (2021, March 14). Black hair, white underwear: a battle resumes over Japan's school rules. *The Washington Post*. Retrieved from https://www.washingtonpost.com/world/asia_pacific/japan-hair-school-rules/2021/03/13/7a15b59e-7b5e-11eb-8c5e-32e47b42b51b_story.html
- Horio, T. (1971). *The Ideology and Structure of Modern Education: Toward the Establishment of the People's Right to Educate and the Freedom of Education*. Iwanami Shoten, Publishers. [Japanese]
- Nakanishi, K. (2019). Population influxes and the disclosure of academic performance in Osaka city: an examination of the school choice system for elementary and junior high schools. *Studies in Urban Cultures*, 21, 66-79. [Japanese]
- Sakurai, C. (2016). The neoliberalist school system invoked by the Bill on Guaranteeing Access to (Diverse) Educational Opportunities. *Fukushi-Rodo*, 150, 16-26. [Japanese]
- Sata, T. (1980). What is eating away at children? nine years of research for "In Schools Now." *Hito*, 88, 3-15. [Japanese]
- Shimizu, K. (2015). Who shall be educated? parental school choice in contemporary Japan. *Educational Studies*, 82(4), 558-570. [Japanese]
- (2020). Guaranteeing academic achievement. *Annual Review of Studies on Educational Research*, 15, 12-21. [Japanese]
- (2021). School choice and the achievement gap: the example of Osaka city. *Annual Review of Studies on Educational Research*, 16, 13-21. [Japanese]
- Tanaka, Y. (2020). Transformations in understanding and approaches concerning children not attending school from the 1960s through the 1980s. Doctoral Dissertation, Mukogawa Women's University. [Japanese]

Author Details

Yuya Tanaka serves as a junior high school teacher in Osaka, Japan. He holds a doctorate in clinical education. Email: tanaka.yuya.1982@gmail.com



This work by Yuya Tanaka is licensed under a [Creative Commons Attribution 4.0 Unported](https://creativecommons.org/licenses/by/4.0/)