

MASTER THESIS

(60 credits)

Department of Cultural Studies and Oriental Languages

**How is the consciousness of human rights
among Japanese children formed in the context of
Japanese philosophy and education?**

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*Dedicated to
my beloved son,
Hikaru*

Abstract

When Japanese children learn about human rights at school, it appears to be focused on duty rather than human rights. The Confucian Philosophy influences the way of Japanese thinking related to human rights. This thesis is an attempt to present primarily how Japanese philosophy influences the way the Japanese think concerning human rights. What do Japanese people view Human Rights?

The Japanese education system is renowned for its competitiveness in addition to the strict discipline of children. Further, the children are taught to be obedient and observe the rules. They learn about duties and human rights, yet they appear not to learn how to assert their rights. In spite of the fact that the children's rights might be infringed, the children seem not to protest or assert their own rights. Furthermore, the children believe one deserves to be punished if they did not follow the rules. They have a very strict view toward someone who does not observe the rules.

Japan shares similar aspect with South Korea and Taiwan relating to human rights education because all of these countries have the Confucian philosophy in common. This paper also includes human rights education in South Korea and Taiwan.

It will be suggested that the Japanese education system should teach the Convention of Rights of the Child in addition to human rights education based on the Japanese customary philosophy.

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Abbreviation

- **CRC** : The United Nations' Convention on the Rights of Child
- **HRE** : Human rights education
- **MEXT** : The Ministry of Education, Culture, Sports, Science and Technology in the Japanese government
- **UDHR** : The Universal Declaration of Human Rights
- **UN** : The United Nations

Contents

Chapter I. Introduction	1
1 <i>Preface</i>	1
2 <i>Research question</i>	2
2.1 Background of research	
2.2 Presentation of research question	
3 <i>Previous research and discussion</i>	5
3.1 What is human rights education?	
3.2 Human rights education in Japan	
Chapter II. Theory	11
4 <i>Definition of human rights</i>	11
4.1 What are human rights?	
4.2 Rights of children, same as rights of adults?	
4.3 Children's rights and culture	
4.4 The UN's Convention on the Rights of the Child	
5 <i>Human rights and Japanese</i>	20
5.1 Introduction	
5.2 East-Asian value and human rights	
5.3 Human rights and duty	
5.4 Harmony	
5.5 Uchi and soto culture	
6 <i>The Japanese school and human rights</i>	30
6.1 Introduction	
6.2 Japanese children at present	
6.3 Government's plan for human rights education at school	
6.4 "Morality" teaching	
6.5 Social Study	
6.6 Emphasized tradition and culture rather than rights of pupils	
6.7 School and democracy	
6.8 The teaching plan and rights of pupils and students	
Chapter III. Fieldwork in Japan	44
7 <i>Fieldwork methods</i>	44
7.1 Methods of researching and selection of schools	
7.2 Questionnaire, interview and observation at schools	
8. <i>Concept of human rights in Shizuoka</i>	46
8.1 Characteristic of people in the prefecture	
8.2 Survey of human rights awareness in Shizuoka	
8.3 Summary of the survey in Shizuoka	
9. <i>Presentation of questionnaire</i>	51
9.1 Ordinary people and teachers and the results	
9.2 Summary of the result of ordinary people	
9.3 Summary of the result of teachers	
10. <i>Questionnaire for schoolchildren</i>	63

10.1	Presentation of questionnaire for children	
10.2	Summary of the result of the children's questionnaire	
11.	<i>Interviews with teachers and children</i>	73
11.1	Interview with teachers	
11.2	Interview with children	
12.	<i>Presentation of observation at school</i>	78
12.1	Japanese children, strict or responsible?	
12.2	Authority and ignorance of human rights	
13.	<i>Summary of the researching in Japan</i>	81
13.1	Adults	
13.2	Children	
 Chapter IV. Analysis of the research results and discussion		83
14.	<i>Common Japanese people</i>	83
15.	<i>Teachers</i>	84
15.1	Analysis of questionnaire's result	
15.2	Teachers' dilemma	
16.	<i>Children</i>	87
16.1	Analysis of questionnaire and the interview	
16.2	Different behaviors from the majority	
17.	<i>Japanese and assertion of human rights</i>	91
18.	<i>Comparison with South Korea and Taiwan</i>	92
18.1	South Korea	
18.2	Taiwan	
18.3	Summary of the comparison with South Korea and Taiwan	
 Chapter V. Conclusion		101
19.	<i>Concept of human rights among Japanese children</i>	101
19.1	Philosophy and perspective of human rights	
19.2	The Japanese school and human rights education	
19.3	Teachers	
19.4	Children and human rights	
19.5	Where is Japan located?	
20.	<i>Future research</i>	105

Bibliography

Appendix I : Problems of examination for Social Study

Appendix II : The original Japanese questionnaire

Appendix III : The results of the questionnaires

Appendix IV : Contents of the interviews with teachers and children

Chapter I. Introduction

1. Preface

Since moving to Norway, a topic I have been greatly interested in is the Human Right issues. This western country has given me, as an ethnic Japanese who grew up in Japan, a new perspective and left me with a great curiosity regarding Human Right issues in Norway, even small children seem to be allowed to assert their rights vis-à-vis adults. Furthermore, these children have the opportunity to join adults in demonstrations and protests. There are few Japanese who could even imagine doing the same, especially in their own country.

In the newspapers in Norway, just as in Japan, there are many debates and opinions expressed, but surprisingly, in addition to those contributors one might expect, many young people also submit their opinions on politics and human rights issues. It appears to me that Norwegians are more engaged with political discussions and more aware of discrimination than are Japanese. The more I have the opportunity to discuss politics, democracy and discrimination with people living in Norway, the more I come to wonder whether there is a fundamental difference between the way Japanese and Norwegians learn about Human Rights. Norwegians seem to be much more interested in both discussing and engaging in politics and other world problems than Japanese.

I become aware that the way Human Rights are taught in the Norwegian schools is quite different from the way they are taught in Japan. When I was studying at a National Teacher Training college. People in Norway seem to grow up learning about human rights actively, not only at school¹, but also at home and in society² at large, such as through the mass media and the efforts of many different organizations such as Amnesty International and Medecins sans Frontiers.

How do the Japanese compare to Norwegians in this respect? When I came to Norway and started to learn about the big interest in Human Right issues among

¹ Aftenposten (30.06.2010), *Norske elever på topp i demokrati. Norsk skole friskmeldt i samfunnsfag, Hver fjerde elev vil bli tillitsvalgt.*

² Mitsui, Mariko (2010:218-219), *Noruwē wo kaeta hige no nora, danjōbyōdō shakai wa kōshite dekita (Nora with mustache who has changed Norway, How the equality between women and men in the society is established)*

Norwegians, I formed an impression that people in Japan were not as engaged with human rights issues in their daily life. Simply put, it seemed that there were very few people in Japan who were interested in that subject.

After living in a western country for 16 years, I was interested to find out whether or not things had changed in Japan and in the Japanese way of thinking about Human Rights. How much knowledge and consciousness do Japanese have of Human Rights? If the level of knowledge and consciousness regarding human rights amongst Japanese differed from that of Norwegians, it would be important to research how Japanese children learn about Human Rights. A major reason for this, to my mind, would be that what one has learnt at a young age plays an important role in one's later life and way of thinking.

Therefore, my question is: How do Japanese children learn about Human Rights at school? Are there any other influences that play important roles in this learning about Human Rights?

2. Research question

2.1 Background of research

In the process of a child growing up, the child meets different environments but first of all it is usually family members who take care of the child. The concept of Human Rights that the family members have will shape the first impression and understanding of the child's development of a concept of Human Rights. What kind of idea of Human Rights do in general Japanese have? How much do Japanese consider human rights in daily life? How about the United Nation's Convention of the Rights of the Child? Do Japanese children learn about the Convention? The next influence on children, which plays an important role, happens at school. What kind of plan does the Japanese government have in order to teach schoolchild to learn Human Rights? What kinds of textbooks do Japanese schools use?

We must also remember the philosophy of people around a child who directly and indirectly influence the child's development of human rights concept. Religion and philosophy are beyond doubt important when one thinks about basic ways of thinking, and they play an important role on International issues in addition to

forming of a Culture.³ The reason why Norwegians and Japanese have different attitudes toward Human Rights might be based on religious and/or philosophical differences that bring about the two nation's dissimilarity. While Lutheran Christianity, Pietism and other western philosophies have influenced the history of Norway, Buddhism, Shinto and Confucianism have influenced Japanese history.

What kinds of philosophy have been affecting the Japanese way of thinking about Rights? Norway is influenced with Individualism; on the other hand in Japan, Collectivism plays an important role in the society.⁴ Western people judge things independently and behave freely while Japanese behave modestly and speak prudently, and avoid offending others. For people in Japan, Individualism presents lack of common sense and it is considered ignoble and risky.⁵ This might be used to explain the background of Japanese thought towards the concept of Human Rights. What relationship exists between the Human Rights idea and philosophy among Japanese? What do they learn about Human Rights in the context of their philosophy?

This thesis will also include a comparison between Japan, South Korea and Taiwan regarding Human Right education. Korea and certain parts of historical China (Manchuria, Taiwan etc.) were once colonized by Japan, formally or informally, while a significant part of mainland China was occupied by the Japanese troops during the Pacific War (1937-1945). The Japanese invasion must therefore have an affect on these countries regarding education system and rights of children. On the one hand Korean people are divided into separate states as a result of the cold war, on the other hand Taiwan has not only Chinese immigrants, but also there are several ethnic groups such as the Atayal and the Yami.⁶ Both of the countries have a philosophy and culture similar to those of Japan. Since the 6th century China has been one of the most important countries for Japan as an important trading partner of Japan. Religion, philosophy⁷, language⁸ and culture in today's Japan have her roots in old China. These situations, both political and cultural have similarities in those three

³ Smart, Ninian (2002:i-ii) in Yusa, Michiko (2002), JAPANESE RELIGIONS, Japanese translation by Minowa Kenryō (2007)

⁴ Rygg, Kristin (2005:243), *Kommunikasjon med japanere: Reelle eller tillærte forskjeller?* in Grønning, Terje (ed. 2005), *Vinduer mot Japan*

⁵ March, Robert (1996:9), *READING THE JAPANESE MIND*

⁶ Neary, Ian (2002:107), *Human Rights in Japan, South Korea and Taiwan*

⁷ Yusa, Michiko (2002:42), *Nihon no shukyō (Japanese religions)*

⁸ Kogoma Katsumi et al.(2007:2), *Shinchō nihongo kanji jiten (Shinchō kanji dictionary)*

countries, which is part of the reasons why Taiwan and South Korea were included in this study.

In addition regarding Human Rights consciousness and Human Rights Education (HRE), we need to know where Japan is located in the international world. Is the way of Human Rights concept in Japan unique compared with other East Asian countries, or are there any other perspective in common with other countries such as South Korea and Taiwan, whose philosophy and culture are similar to those of Japan? The study of the comparison will be mostly HRE in these three countries.

2.2 Presentation of research question

The main question of this thesis is:

How is the consciousness of Human Rights among Japanese children formed in the context of Japanese philosophy and education?

In this thesis I would like to present these points as following:

- Previous research and discussion
 - Human rights education: in the International world, in Japan, in South Korea and in Taiwan
- A theory that is basis of consciousness of Human Rights and knowledge of it:
 - Definition of Human Rights: What are human rights? What is the interpretation of human rights in the international arena?
 - Human Rights concept among Japanese and philosophy in Japan: In which way do the Japanese implement human rights in their society and way of thinking? What do Japanese think of Human Rights in the context of their philosophy and what kind of relationship exists between the philosophy and concept of Human Rights?
 - Japanese school: What does the Japanese school teach in relation to Human Rights? What do children learn about Human Rights in Ethic class and Social Study? How does the Student Council function for democratic schools?
- My research in Japan:

- Survey in Shizuoka prefecture and questionnaire to the general people: What do ordinary Japanese think about Human Rights and how much knowledge do they have about it?
 - Primary schools: What do the primary schools teach in regard to Human Right issues? What do children and teachers think about Human Rights and how much knowledge do they have about it?
- Analysis of research result and discussion with comparison with South Korea and Taiwan
- Conclusion

There are surely many other means by which to learn about Human Rights for children, but it is limited how much this study could encompass, and I will therefore concentrate on these points only.

3 Previous research and discussion

3.1 What is Human Rights education?

Everyone in this world have human rights and they refer to fundamental freedoms and basic liberties, argues political scientist V.T. Patil from India.⁹ Further, since children are in the process of developing psychologically and physically they need care and protection, and he is therefore interested in especially children's human rights. He means that many people would argue about children's rights of protection, safe food/water and other fundamental materials for life, but they lack knowledge of Human Rights violation against children, at the same time children need to know their own rights. Patil argues that seeing the world with human rights perspective and recognizing violation of rights and defending rights is fundamental to Human Rights education.¹⁰ The problem is there are few teachers who have knowledge of Rights to HRE even though they know about Rights to education generally.¹¹

What is one supposed to do for children to learn about Human Rights? According to Audrey Osler and Hugh Starkey who are both scholars and practitioners

⁹ Patil, V. T. (2008:159), *Value Education and Human Rights Education*

¹⁰ *Ibid.*, p.176

¹¹ *Ibid.*, p.179 and Osler, Audrey and Starkey, Hugh (2010:16), *Teachers and human rights education*

of Human Rights education at London University, both teachers and children need to be first aware of the full range of children's Human Rights. Second, children should be able to experience their rights to be respected in school. Thirdly, children's rights must be included in the school curriculum so that they need to understand Human Rights as an agenda for action. And then the rights to Human Rights education suggests that both children and teachers are familiar with implications of children's human rights and their application for all aspects of children's lives. A teacher's training program should include children's rights as an essential element.¹²

The United Nations' Convention on the Rights of Child (CRC) must be understood as a whole because other Human Rights treaties have implications for the lives and education of particular children, for example the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).¹³ Further, the Universal Declaration of Human Rights (UDHR) is at the essence of all human rights education, asserts Patil.¹⁴ He argues that people should have a knowledge of UDHR and understand its implication because UDHR has symbolic, moral and practical significance as the constitution of the whole Human Rights movements in addition to the simplicity of language and concern with all ages and conditions of people, and its principle should be introduced into daily life, furthermore, it is the ideal presentation to Human Rights education.¹⁵

The fact that the world is becoming more globalized and traditions and cultures are changing, it is demanded a human rights perspective at the International level.¹⁶ Everyone has the right to make their own decisions and follow their own conscience at the same time as everyone has the right not to be forced to submit oneself to the cultural and religious standards of others. If education of religions and cultures were presented neutrally, it would not infringe human rights amongst children that do not share the religions and cultures that belong to other people.¹⁷

¹² Osler, Audrey and Starkey, Hugh (2010:101-102), *Teachers and Human rights Education*

¹³ Ibid., p.102

¹⁴ Patil, V. T. (2008:175), *Value Education and Human rights Education*

¹⁵ Ibid., p.175

¹⁶ Osler and Starkey (2010:88), Okubo, Yuko (2000:38), *Japan: "Internationalization" of Education* and Patil (2008:149)

¹⁷ Patil (2008:187)

According to Osler, Starkey and Patil it is important to teach the UN's human rights treaties especially CRC and UDHR. We will explain the CRC in chapter two, so we will see here some of the Articles of UDHR:¹⁸

1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Although the whole Convention will not be presented in this paper, it conveys the basic Human Rights concept, which regards *all* people in the world, which is mentioned in the Article 2, and it is therefore quite understandable that it is very important for everyone to learn about this Convention.

Regarding a democratic participation by children, Patil argues that school should be a place where children feel free to participate and a place for freedom from fear. Children should have rights to be respected as teachers are respected.¹⁹ Through participation children learn how to practice human rights in their lives.

He argues also that a school is conservative at the same time as it is possibly influenced by the government's political ideology, which has a problem to develop human rights.²⁰ For example Osler and Starkey point out that government can use schools to promote negative and hostile views of perceived enemy nations and minorities. They used an example that the Japanese government had approved a new

¹⁸ The Universal Declaration of Human rights, <http://www.un.org/en/documents/udhr/>

¹⁹ Patil (2008:180) and Osler and Starkey (2010:134)

²⁰ Patil (2008:167)

history textbook that reduced the actions of the Japanese army during the war that caused huge and violent demonstrations in Korea and China in 2005.²¹

3.2 Human Rights education in Japan

Respect for human rights is the one of the most important principle in postwar Japanese society, according to Yoshiro Nabeshima et al. “Japan: Human Rights Education in Schools”.²² Since The Fundamental Law of Education was enacted in 1947 when the United States occupation authorities were striving to implement democracy in Japan.²³ What some of the local boards of educations have been providing are:²⁴

- Posters, mottos, essay competitions, speech contests on Human Rights
- Supplementary education program for minority children

It appears that generally HRE in Japan is focused on education about ethnic minorities and outcast people.²⁵ The program for the outcast people is implemented in 86,7% of the all prefectures in the whole country while other issues such as bully prevention is only a topic in 33,3% of all prefectures and education about immigrants in only one of five prefectures. Only one out of ten prefectures have education of UN’s CRC are only 10,0% of the whole country.²⁶ What some schools are providing are:²⁷

- Community activities such as visiting disabled people
- Lectures on Human Rights by activists, lawyers and international exchanges among schools
- Club activities, class discussions and school gatherings on Human Rights issues
- Plays, movies, songs and presentations on Human Rights issues performed by children at school and at community festivals.

²¹ Osler and Starkey (2010:78)

²² Nabeshima, Yoshiro et.al. (2003:23), Japan: Human Rights Education in Schools <http://www.hurights.or.jp/pub/hreas/3/04/nabeshima.htm>

²³ Ibid., p.23

²⁴ Ibid., p.24

²⁵ Ibid., p.25-26 and Okubo, Yuko (2000:38), *Japan: “Internationalization” of Education*

²⁶ Nabeshima et at. (2003:25-26)

²⁷ Ibid., p.24&25

- Study tours for senior high school students

However Nabeshima and the others point out several problems:²⁸

- HRE in Japan is not systematically designed as a subject or course or extracurricular subject for school children.
- There is no teacher training program based on HRE on national level.
- HRE programs are left to local governments, schools or teachers, but because of their limited authority and resources, there are few HRE programs.
- The education emphasizes school Entrance Examinations.
- Many parents prefer academic work at school rather than HRE.
- There is often a lack of Human Rights knowledge and misunderstanding of individualism among teachers in addition to a lack of motivation among them.
- Several politicians, scholars and journalists assert that moral value education, which indicates observing duty, is more important than HRE.

These problems are the reasons for why children would not get *proper* HRE, but they are taught moral education, which is based on considering rules in the society and their identification as Japanese.²⁹ It seems the majority of Japanese consider that school children should learn observing rules in the society rather than Human Rights, and this phenomena is based on a misunderstanding of human rights and individualism, and a culture of collectivism and ethnocentric nationalism, argue Nabeshima et al.³⁰

A scholar of law, Nakatomi Kōichi points out the problem of bullying at school and argues that HRE indicates that a violation of human rights is absolutely wrong and that at the same time protection from those who violate human rights is needful. He points to the education policy related with bullying of the Japanese government that are teaching these topics to children: what is wrong is wrong, correct a wrong behavior, it is forbidden to bully the weak child. They do not only teach human rights, but also duty and responsibility, opening the eyes for the value of traditional culture, etc., but Nakatomi does not think teaching these matters will help in reducing the

²⁸ Nabeshima et.al. (2003:23-24&26-27)

²⁹ Ibid., p.27

³⁰ Ibid., p.27

problem. He asserts that what children need to learn in order to avoid being bullied is to learn how to protect themselves by standing up for one's rights.³¹

Furthermore, Nakatomi agrees that CRC is important to teach at schools, at the same time he warns about the patriotic education because it would create violation of individual equality, it would therefore cause even more bullying at school.³² When it comes to children's rights in Japan there seems to be an emphasis on teaching moral value and human rights simultaneously.³³

Is there any other problem for Japanese to learn about Human Rights? Osler and Starkey quote Japanese philosophers, Se and Karatsue, who argue that Human Rights theory should have a cross-cultural debate in order to develop the theory and schemes. They argue that the international theory of Human Rights is often based on the western concept, which does not directly fit in with Japanese culture. Se and Karatsue argue therefore that the Human Rights principle should be explained in the Japanese way.³⁴

It is obvious that philosophy in Japan is different from that in the west, it might therefore be easier for Japanese to learn about Human Rights concept in the Japanese way. Are there any different understanding of Human Rights between western, eastern and the international world?

³¹ Nakatomi, Koichi (2006:46), *Ijime to jinken (Bullying and human rights)* in Kenpo kyoiku kenkyukai (2006)

³² Nakatomi (2006:47)

³³ Nakatomi (2006:47)

³⁴ Se, T. and Karatsue, R (2004), *A conception of human rights based on Japanese culture: promoting cross-cultural debates* in Osler and Starkey (2010:96)

Chapter II. Theory

In this chapter we will see theories about definitions of human rights, concepts of human rights among Japanese and what children learn in the Japanese school system. It is important to define what human rights means in the international world because this will show how I personally understand human rights and, as a result, what this thesis will include and what it will exclude according to my interpretation of human rights in the international concept of human rights.

4. Definition of human rights

4.1 What are human rights?

According to Oxford Advanced Learner's Dictionary a human right is one of the basic rights that everyone has, a right to be treated fairly and not in a cruel way, especially by their government.³⁵ The concept of human rights attaches to human beings and guarantees our life with enjoyment of a minimally good life, according to Andrew Fagan who is a Deputy Director of the Human Rights Centre in Essex.³⁶ Fagan presents that there are concepts of human rights in different perspectives.³⁷ First we will see legal rights and moral rights, which are two separate categories of rights as fundamental and potential application:

- **Legal rights:** *found within existing laws. They enjoy the recognition and protection of the law.*
- **Moral rights:** *are better thought of as moral claims, which may or may not be assimilated within laws. Are not deemed to be dependent upon the actions of laws and legislators.*³⁸

³⁵ Wehmeier, Sally (chief ed., 2005:856), *Oxford Advanced Learner's Dictionary of Current English*

³⁶ Human Rights Centre at the University of Essex (2010)
http://www.essex.ac.uk/human_rights_centre/staff/profile.aspx?ID

³⁷ Fagan, Andrew (2003), [*Human Rights Internet Encyclopedia of Philosophy*]
<http://www.iep.utm.edu/hum-rts/>

³⁸ Fagan (2003)

One of the examples of the legal rights is, for example, a Japanese child has the legal rights to get an education in Japan, but the child (or their parents) cannot demand to get it for example in South Korea or in another country. To give an example regarding the moral rights we can look at black people in South Africa during the Apartheid regime period: they had the moral rights to full political participation in the political system in the country.³⁹ There are also welfare rights, which are rights to a sufficient standard of living, education, working conditions, rest and free time in addition to a cultural life.⁴⁰ Fagan means as well that there are two functional categories of human rights that are claim rights and liberty rights:

- **Claim rights:** *as consisting of being owned by a duty. One holds against another person or a group of people who own a corresponding duty to the right holder.*
- **Liberty rights:** *exist in the absence of any duties and do not prohibit the performance of the rights. Are primarily negative in character.⁴¹ The liberty rights indicate that rights of life, liberty and property, which mean freedom of thought, conscience and religion and rights to participate in political action and to vote.⁴²*

Fagan presents one of the examples of claim rights with regard to his daughter who has the claim rights to an adequate education in her country, which held against the local authority for the education who has a responsibility to provide it.⁴³ It means for example if one's child would be forbidden from participation of a school activity where the child is allowed to go (legal rights), the child (and the parents) has the claim rights to the school administration and/or the community. Regarding the liberty rights for example one has the rights to freedom to speech, expression, to publish something and so on. Phil Jones and Susan Welch from Leeds University assert that

³⁹ Fagan (2003)

⁴⁰ Jones and Welch (2010:38)

⁴¹ Jones, Peter (1994), *Rights* in Fagan (2003)

⁴² Jones, Phil and Welch, Susan (2010:31), *Rethinking Children's Rights, Attitudes in Contemporary Society*

⁴³ Fagan (2003)

liberty rights do not forbid other people to interfere with the person's will, but only the authorities can do so.⁴⁴

One of the examples of the liberty rights, which was mentioned in chapter one,⁴⁵ is that there has been a lot of discussion about rights to free expression in mass media in the international world when the Danish Newspaper, *JyllandsPosten*, published on September 30, 2005 twelve drawings of prophet Muhammed. The two illustrators that have drawn the prophet were threatened with death and they had to go into hiding.⁴⁶ Both publisher and the illustrators asserted that they have freedom of expression (liberty rights) while thousands of Muslims in many countries expressed that they do not have rights to do so because to publish drawings of Muhammed is not at all acceptable for Sunni-Muslims (although Shia-Muslims have pictures of the prophet in many holy places).⁴⁷ This case caused a radical problem for the countries involved in the publication of cartoons of the prophet; for example a great number of Muslim people in many of the Muslim countries threatened Denmark by burning Danish flag.⁴⁸

4.2 Rights of children, same as rights of adults?

According to the UN's Convention on the Rights of the Child people under eighteen year-old are considered children. They are developing both physically and psychologically. This means that they need protection, help with practical things and guidance. What are the rights of children and are they any different from the rights of adults? Here is the summarized perception of children's rights:

First, as welfare rights, a child is a passive recipient of adult protection and provision. A child is dependent on adults and in need of control. As liberty and welfare rights a child should be an active participant in the family and society,

⁴⁴ Jones, Phil and Welch, Susan (2010:31), *Rethinking Children's Rights, Attitudes in Contemporary Society*

⁴⁵ See paragraph 3.2 in chapter one.

⁴⁶ Aftenposten (December. 8th 2010), *Terrorsikrer JyllandsPosten*, <http://www.aftenposten.no/nyheter/uriks/articles3766583.ece?service=print>

⁴⁷ Brumlefarten (February. 2nd 2010), *Muhammed-tegningene*, <http://www.brumlefanten.com/2010/02/04/muhammed-tegningene/> It looks as if the incident has also aggravated the existing tensions in Danish society which is same observes argued, might have been produced also by tough immigration politics of early 2000s' Danish governments.

⁴⁸ Muslims protest Muhammed cartoons Demonstrations against publication held in Pakistan, Gaza, Denmark <http://www.msnbc.msn.com/id/23186467/>

developing with being resilient with much strength and economically dependent on an adult at the same time as contributing to the family and society.

Second, from the point of view of adults, an adult is physically and psychologically matured, and economically independent. In addition they are supposed to know what is best for a child, able to make rational decisions and take responsibility. Further, the relationship between adults and children is an unequal power relationship; adults are protector, provider and decision maker for the child. If the child protests what the adult gives the child, it might cause conflict and challenges.⁴⁹ It is obvious that the rights of children are slightly different from the rights of adults that children are under a developing process and there are therefore some responsibilities given to adults to carry out. However children are encouraged to participate in family and society and take on responsibilities as they grow up.

Then to what extent should children make decisions? For example a small child can decide which materials and experiences he/she will engage in such as choosing which clothes to put on or what activity to carry out, the decision between a slide or a swing in a park.⁵⁰ Children should be allowed to make a decision according to their age and development level. Although at the same time there are spaces adults should decide for children, for example law cases in court or which treatment options are to be taken for a child's health.⁵¹

The UN Committee on the rights of the Child argues that there exists the rights of a child's participation when a decision is going to be made that is contained in Article 12 applies to all other rights contained in CRC (the UN's Convention on the Rights of the Child) and to all measures espoused by States to Implement the Convention.⁵²

4.3 Children's rights and culture

There is a survey by the Director of the University of Edinburgh, Anne Stafford, Laybourne and Hill in 2003 in which there were 200 children, who are aged

⁴⁹ Jones and Welch (2010:50)

⁵⁰ Jones and Welch (2010:112)

⁵¹ Ibid., p.115

⁵² See UN Committee on Rights of the Child, General Comments No5: general measures of implementation of the Convention. On the Rights of the Child parts 4, 42 and 44. CRC/GC/2003/5, 2003 in Anderson, K. (2008), *Sidelined: The marginalization of children's voices in education*, *Child rights* in Jones and Welch (2010)

between 3 and 18 years, from different ethnic backgrounds and different social contexts, were questioned what they wanted to be consulted on, and what they would like to give to government and policy makers about consulting children. What the children expressed was that they did not want to get adults' ideas, but wanted to be asked what ideas children have, and consultants should not give children ideas which adults wish to give them, further they want to make a decision instead of an adults' decision-making concerning them.⁵³ It means children are not satisfied because they lack representatives from children when they are consulted.⁵⁴

Jones and Welch point out the positive result from the relationship between children and adults that arises from giving children a voice as the following:

- Sustained contact
- Creates trust and recognition
- No fear of the slander
- Recognition of mutual benefit
- Time to move from general issues to specific actions and plans
- Being allowed the freedom to access work
- Continues the dialogue; be clear about what can and cannot be done and what we can do together
- Implements the changes and lets people know what you have done⁵⁵

The Australian National Childcare Accreditation Council (NCAC) argues about the child's rights as following:

*Children need to have the self-confidence and skills to explore, take on new challenges, test their theories about how the world works, make mistakes and discover unexpected consequence is more likely to occur when children are provided with an opportunity to contribute to their own experiences and learning, sharing in decisions about what they do and how they do it.*⁵⁶

⁵³ Stafford, Laybourne and Hill (2003:365) in Jones and Welch (2010:73)

⁵⁴ Jones and Welch (2010:74)

⁵⁵ Badham, B. (2004:16) in Jones and Welch (2010:107)

⁵⁶ The Australian National Childcare Accreditation Council (www.ncac.gov.au/factsheets/factsheet2, 2) in Jones and Welch (2010:126)

To sum up: children should be able to assert their own rights according to their development level in order to develop their skill and competence in their life. It does not mean that adults should let them do *anything*: that could result in children behaving without any concern for moral value, but children need to practice and experience so that they can learn from the practice and the experience, which makes them develop and grow up.

Concerning the relationship between children's rights and decision-making, the US organization 'Youth on Board' asserts that children are not being heard or cared for, and their rights are violated or disregarded. The organization means that children have the same rights as adults to voice their hopes, ideas and fears, and that these problems should be taken seriously.⁵⁷

According to Mark H. B. Radford et al. decision-making among the Japanese is related to its patterns of collectivist society,⁵⁸ although the idea that all the Japanese people are born collectivist is often criticized as over-generalization and part of the essentialist *Nihonjin ron*⁵⁹.⁶⁰ When Japanese are faced with making a decision, they score higher level of stress than Western people.⁶¹ Co-incidentally there was very similar survey,⁶² which shows similar results that are: the Asian students from Japan, Taiwan and Hong Kong scored higher on buck-passing, procrastination (avoiding decision making) and hyper vigilance (a panicky style of decision making) than those from USA, Australia, New Zealand.⁶³ The Japanese prefer decision-making as a social process first rather than as a cognitive and conceptual one as it is with North Americans, and prefer events to shape whatever actions are required rather than controlling the events by decision-making.⁶⁴ That Japanese get stressed more than

⁵⁷ Youth on Board (1999), *14 Points: Successfully Involving Youth in Decision Making* in Jones and Welch (2010)

⁵⁸ Radford, Mark H. B. (1998), *Kojin no ishiketteikōi to jinkaku tokusei* and Radford et al., in press in Radford, Mann, Ohta and Nakane (1993), *Differences between Australian and Japanese Students in Decisional Self-Esteem, Decisional Stress, and Coping Styles* <http://jcc.sagepub.com/content/24/3/284>

⁵⁹ "Nihonjin ron" literally means 'theories of Japan-ness' The term is used to denote the genre of literature which claims to analyze the 'core' of the identity presumedly shared by all the Japanese, on cultural, socio-psychological or linguistic planes.

⁶⁰ Befe, Harumi (1993:107-108), *Cultural nationalism in East Asia* and Sugimoto, Yoshio (1999:82), *Making sense of Nihonjinron*, <http://the.sagepub.com/content/57/1/81>

⁶¹ Radford, Mann, Ohta and Nakane (1993:294)

⁶² This is a survey of Cross-cultural differences in self-reported Decision-making Style and Confidence.

⁶³ Mann, Leon (1998:326), *Cross-cultural Differences in Self-reported Decision-making Style and Confidence*

⁶⁴ Stewart, E. E. (1985:197), *Culture and decision making* in W. B. Gudykunst, L. P. Stewart, & S. ting-Toomey (eds), *Communication, cultural, and organizational processes* in Leon (1998)

Western people and behave with buck-passing, procrastination and hyper vigilance when they are faced with making a decision means that the Japanese are not used to making a decision.

According to the survey of the University of Edinburgh children would like to make a decision instead of listening to adults' advice. What might happen if children got permission to make a decision by themselves without any adults' consulting? It might depend how much ability of decision-making rationally among children. There are some people in Japan who argue that the UN's CRC is not suitable for disciplining children because children should be taught morals and be guided by adults instead of getting too much freedom and human rights among children.

A right-wing politician Watanabe Tadashi asserts that local communities' planning for human rights education would destroy the children's proper development. Here he is talking about liberty rights among Japanese children, which would cause serious problems in the society, and then family, school and society would be destroyed by selfish children, asserts Watanabe⁶⁵.

What the survey presented by the University of Edinburgh and asserted by Jones and Welch can be characterized by liberal thought, which is the typical individualism in the West while Watanabe argues in the collectivistic perspective with harmony, which may be typical in Japan. The question is if the way of thinking based on this collectivism is not suitable regarding human rights especially children's rights.

Regarding human rights and Japanese behavior, in a group-oriented society such as in Japan observing rules is not necessarily negative, but it creates actually a positive fact in the society, according to Komiya Nobuo, the Senior Research Associate of the Life Design Institute in Tokyo argues. It is clear that children need to get guidance in their lives from adult so that they would avoid going the wrong way, and both Jones and Welch agree that some of the decision-making should be carried out by adults as was previously mentioned. However Japanese society might be too strictly group-oriented so that people grow up having difficulty to question their teachers and other superiors and merely accept what the superiors have commanded them to do.⁶⁶ We need therefore to see what CRC says. Which interpretation of

⁶⁵ Ibid.

⁶⁶ March, Robert (1996:88-90), *Reading the Japanese Mind, The Realities behind Their thoughts and Actions*

human rights does CRC suggest Western interpretation, which might indicate liberty rights, East Asian or international?

4.4 The UN's Convention on the Rights of the Child

Japan has ratified CRC and other main international human rights treaties such as Universal Declaration of Human Rights (UDHR) and other treaties.⁶⁷ It was on May 22, 1994 that Japan entered CRC into force after ratification of the treaty.⁶⁸

The United Nations' Convention on the Rights of the Child in 1998 consists of 54 articles, and 41 of the articles recognizes the human rights to be respected and protected for all children in the world under 18 year-old and requires that these rights are executed in the light of the Convention's guiding principles that are:

- Non-discrimination (Article 2)
- The best interests of the child as the primary consideration (Article 3)
- Survival and development of all children (Article 6)
- Participation of children in decisions that affect them: 'the views of the child being given due weight in accordance with the age and maturity of the child (Article 12)⁶⁹

There are four categories of rights and a set of guiding principle in CRC:

Guiding principle: It includes non-discrimination; adherence to the best interests of the child: the right to life, survival and development, and the right to participate. They represent the underlying requirements for any rights and all rights to be realized.

Survival and development rights: Rights to the resources, skills and contributions necessary for the survival and full development of the child. They include sufficient food, clean water, shelter, formal education, primary health care, leisure and recreation, cultural activities and information about their rights. These rights require both the existence of the means to fulfill the rights and access to them.

⁶⁷ Human Rights Now/Asian Legal Resource Centre, Office of the United Nations High Commissioner for Human Rights (2008), <http://www.alrc.net/PDF/ALRC-UPR-2-007-2008-Japan.pdf>

⁶⁸ Nihon bengoshi rengōkai (Japan lawyer's union), http://www.nichibenren.or.jp/ja/kokusai/humanrights_library/treaty/child_ratification.html

⁶⁹ Jones and Welch (2010:46)

Particular articles address the need of child refugees, children of minority or indigenous groups and children with disabilities.

Protection rights: These rights incorporate protection from all forms of child abuse, exploitation, neglect, cruelty and special protection in war times and protection from abuse in the criminal justice system.

Participation rights: Children have rights to the freedom to express opinions and to have a say in matters affecting their social, religious, economic, cultural and political life. These include the rights to express opinions and be heard, the right to information and freedom of association. Engaging these rights according to the level of children’s maturity helps children lead to the realization of all their rights and prepares them for an active role in society.

UNICEF asserts that the equality and interconnection of rights are emphasized in the Convention. Both government and parents have responsibility for respecting the rights of others - especially each other. That children understand the rights of the children will depend on age and parents particularly should formulate the issues they discuss, the way in which they answer questions and discipline methods to the individual child’s age and maturity, according to UNICEF.⁷⁰

Shown below in a table Article 12 to 14, 19 and 42 from CRC, the Japanese Constitution and questions regarding children’s rights in Japanese society. The reason why these five articles from CRC are presented here is that they are related with what my research in Japan showed.

CRC	The points of the articles of the Constitution of Japan, which are in common with CRC	Questions regarded with children’s rights in Japan
<p>Article 12 The rights to his or her views freely and these must be given ‘due weight’ depending on his or her age and maturity</p> <p>Article 13 The right to freedom of expression, including the right to all kinds of information and ideas</p>	<p>Article 21 (1) Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.</p>	<p>What is the relationship between children and adults regarding freedom of views and expression? (for further discussion see 11.2 in chapter 3, and 16.1 & 17 in chapter 4)</p>

⁷⁰ UNICEF - Convention on the Rights of the Child, rights under the Convention on the Rights of the Child, http://www.unicef.org/crc/index_30177.html

<p>Article 14 The right to freedom of thought, conscience and religion</p>	<p>Article 19 Freedom of thought and conscience shall not be violated. Article 20 (1) Freedom of religion is guaranteed to all. (abridgment) (2) No person shall be compelled to take part in any religious acts, celebration, rite or practice. (3) The state and its organs shall refrain from religious education or any other religious activity.</p>	<p>What is the relationship between children and freedom of thought, conscience and religion? How about religious minority children? (for further discussion see 11.2 in chapter 3, and 16.2 in chapter 4)</p>
<p>Article 19 The right to protection from all forms of violence, abuse, neglect and mistreatment</p>		<p>What does society think of protection of children from these mistreatments? (for further discussion see 8.2 in chapter 3 and 15.1 & 16.1 in chapter 4)</p>
<p>Article 42 The right to information about the convention</p>		<p>How much do children learn about the Convention and general information about human rights at school? (for further discussion see 9.3 in chapter 3 and 15.1 in chapter 4)</p>

CRC is incorporated in the Constitution of Japan as we see here. It includes several rights of protection and development of children. Further, CRC is supposed to fit *all* children in the world including Japan. What do Japanese think about rights of children? Is the interpretation of the rights among Japanese people different from the international concept?

5. Human rights and the Japanese

5.1 Introduction

We will see in this paragraph which concept of human rights Japanese people have based on their philosophy. When it comes to human rights, rights and *duty* are

interdependent in Japanese society too much stronger degree than elsewhere.⁷¹ This combination is found in Japanese dictionaries like for example Meikyō Japanese dictionary.⁷² If one had to perform one's duty in order to be able to assert one's rights, it might be a problem for certain people such as criminals who have not observed the rules. What does it mean that duty must be added to the rights?

Concerning philosophy and religion they appear to have an important influence on the concept of human rights among the Japanese. How do they affect the Japanese way of thinking in human rights? What kinds of effect are there on children learning human rights related with philosophy? The typical norm such as *Wa* (harmony), which is according to Izawa Motohiko, a history writer, based on Japanese religions⁷³, and philosophy *uchi* (inner circle) and *soto* (outer circle) are important to study in order to understand the way of Japanese thinking⁷⁴ and how the Japanese think about human rights issues. It can explain for example how cities in Japan are famous for safety in spite of a huge population,⁷⁵ or why Japanese behave very politely in most situations.

5.2 East-Asian values and human rights

One of the lecturers of intercultural study, Trond Jørgensen, argues that elements of Japanese culture might not directly protect each individual person's rights, and tradition and a view of human beings among Japanese are not probably based on the consciousness of human rights. Nevertheless it is not necessary that the concept of human rights in the West is perfect, asserts Jørgensen.⁷⁶ He points out with a quote an assertion of Ōnuma Yasuaki that the Western concept of human rights in the context of individualism might be accused of causing different social problems

⁷¹ Kawashima Junjiro (2002:153), *Jinken eno kyōiku to keihatsu, toraware ya kodawari no kaifuku* (Education and enlightenment of human rights, How to overcome captivity and particularity)

⁷² Kitahara Yasuo (2003:531), *Meikyō kokugo jiten keitaiban* (Meikyo Japanese pocket dictionary)

⁷³ Izawa Motohiko (2009:179), *Izawashiki "Nihonshi nyūmon", no.1, - Wa and Kegare*

⁷⁴ According to some of the researches of Japanese culture - whoss views, however, are also sometimes criticized as essentialist *Nihonjin ron* (see footnote 26 in paragraph 4.3) - the key values of the Japanese culture.

⁷⁵ Komiyama, Nobuo (1999), *A Cultural Study of the Low Crime Rate in Japan* and March, Robert M. (1996:54), *Reading the Japanese Mind, The Realities behind Their Thoughts and Actions*,

⁷⁶ Jørgensen (2010:64)

such as drug problems, crimes, increase of divorce rates etc. because Western individualism has gone too far.⁷⁷

Jørgensen quotes the authors of “Habits of the Heart - Individualism and Commitment in American Life”⁷⁸ and argues that the Western people have forgotten Christian value, charity and responsibility of their own neighbor, which are supposed to be the main values in the West. The individual freedom and human rights are based on the cost of duty and responsibility in the society. The Western liberalistic principle should function with Christian morality and charity; otherwise it would end up in egoism and cynicism, which means an attitude that is contemptuously selfish and only with one’s own interests.⁷⁹ This perspective we have just seen above with regard the controversial case of the Muhammed drawing in the right wing Danish paper *JyllandsPosten*.⁸⁰

It might be true that individualism in Western society, which has gone too far, has been causing many social problems. That one asserts one’s own rights without considering other’s rights means that one could violate the other’s rights to have a peace of mind in their religion. This case might be typical for a Western society, which is characterized by individualism.

5.3 Human rights and duty

Komiya Nobuo argues that Japanese philosophy makes the Japanese observe rules in the society, and it leads Japan’s crime rate much lower than that in the West.⁸¹ He explains that *uchi-soto* (in-world and out-world) philosophy plays a very important role in order to create Japanese society’s low crime rate compared with the Western one.⁸² He argues:⁸³

⁷⁷ Ōnuma, Yasuaki (1999), *Toward an Intercivilizational human rights Regime*, Ōnuma, Yasuaki (2000), *In Quest of Intercivilizational Human Rights* and Bell, Daniel A. (2000), *When East Meets West* in Jørgensen (2010:64) D. Bell’s position on the role of ‘Asian values’ and ‘Confucianism’ in the modern development in East Asia was hotly debated in the academia in the 1990s-2000s. See an overview of the debates in Randall Peerenboom (2002), *Beyond Universalism and Relativism: The Evolving Debates about ‘Values in Asia’*, UCLA, School of Law Research Paper No. 02-23, 2002 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=331340

⁷⁸ Bellah, Madsen, Sullivan, Swidler (2008) in Jørgensen (2010:64-65)

⁷⁹ Bellah, Robert N. (et. al. 2008) in Jørgen (2010:65)

⁸⁰ See paragraph 5.1 in the chapter two.

⁸¹ Komiya, Nobuo (1999:387-389), *A Cultural Study of the Low Crime Rate in Japan*, bjc.oxfordjournals.org/cgi/reprint/39/3/369.pdf

⁸² See paragraph 5.5 in this chapter.

⁸³ Komiya (1999:388)

...that the world of uchi is characterized by qualities such as 'giri'⁸⁴-type' rules, ontological security, "wet" relationships, a sense of dependence, informal control, ranking consciousness and self-control. These characteristics are found to some extent in all societies, but they are much more pronounced in Japan.

Komiya asserts that everyone in the world is fundamentally group-oriented, further, '*living and interacting with others in groups are essential and pervasive aspects of human lives across the world. Individuals' behavior is best understood in a group context,*' he argues.⁸⁵ He explains the reason why there are much fewer crimes in Japan is that group-oriented society creates a sense of security and an infinite number of repressive rules, and these two elements are bound together to make high self-control, which leads to a strong force preventing people from committing crime.⁸⁶ The Japanese philosophy would not only prevent people from extreme level of behaviors, but also it would help the Japanese people not to ignore the rules so that they can keep the society harmonious.

Kawashima Junjirō, who has been working for the rights of minority people in Japan argues that there are people in Japan who misunderstand the meaning of rights that one behaves clearly egoistically and one asserts the behavior *is* one of actions of human rights. He points out that duty cannot be combined with rights.⁸⁷ If duty was the opposite word of rights, it would mean opposite of morality, law, rule and justice, and then duty would mean something against morality, justice or righteousness. If the Japanese thought that rights were the opposite of morality, rule or righteousness, it would not be strange for Japanese people to think that rights are something "selfish", asserts Kawashima.⁸⁸ Rights mean a dignity of life each single person has received, and the righteousness of something insisted or asserted. Then what can the opposite of rights be?

⁸⁴ According to Namiko Abe, "giri" holds the highest regard in human relationships. A basic breakdown of relationships are: Master-subordinate, parent-child, husband-wife, brothers-sisters, friends, and sometimes even enemies and business associates. The most basic definition one can give giri is a debt of gratitude and a self-sacrificing pursuit of their happiness.
<http://japanese.about.com/od/japaneseculture1/a/07149.htm>

⁸⁵ Komiya (1999:388)

⁸⁶ Ibid., p.388

⁸⁷ Kawashima (2003:153-154)

⁸⁸ Kawashima (2003:154)

If someone who did not observe his/her duty would not have rights, this way of thinking is against human rights. The fact that most Japanese insist that rights and duty should go together means someone, who has not observed his/her duty, has no rights, but is this interpretation of human rights correct? What is the standard in the international world? Here is article 2 of the UN's Convention on the Rights of the Child (CRC):

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.⁸⁹

It says that *all* children should have the rights not to be discriminated because of *any* reason, and that they should be protected against *all* forms of discrimination or punishment. How about a child who has committed a crime? The child has not followed the rule in the society, and it could mean the child would not have rights, according to the philosophy among most of the Japanese. In CRC we cannot see any exceptional sentence such as “if there was a child who has committed any crime, the child should not have rights”. In short we can say that the human rights interpretation of most of the Japanese by linking rights with duty is not correct. If there were any children whose rights were to be taken away, this would actually be against the CRC. The state has a responsibility to protect the child from any discrimination or penalizing.

Why are the Japanese engaged with duty in the context of rights? It is probably because Confucian thought influences the Japanese way of thinking. Robert J. Smith, a scholar of Asian Studies, asserts that the Japanese government during World War II

⁸⁹ The Convention of the Rights of the Child, www2.ohchr.org/English/law/pdf/crc.pdf

was trying to force the nation to respect their own family in the country and the ancestors and to fulfill the way of dutifulness, which is clear Confucian philosophy.⁹⁰ This sort of philosophy is found, for example, in unfamous *Kokutai no hongii* (1937), an important ideological document of Japanese militarism. This philosophy is still valid in today's Japan. Implied in the significance of a family for social intercourse is the concept of duty. The duty indicates an ever-expanding network of human, which does not apply to independence and autonomy that are Western models.

5.4 Harmony

A history writer Izawa Motohiko argues harmony is the basis of the Japanese religion according to *Shōtoku taishi* (574-622), the great imperial prince who formulated so-called Seventeen-article constitution⁹¹ in the seventh century. The most important teaching of the prince is *wa*, and if everyone in Japan held it, the society would be kept at peace, as we have seen in the beginning of this chapter.⁹² There is the “Japanese democracy” that is based on *wa*, and people decide everything with a discussion without voting. If someone refused to follow what had been concluded after the discussion, he would destroy the *wa*, harmony.⁹³ Here is the first article of the Seventeen-article constitution the prince enacted in the year 604 and argues the importance of cooperation in Japanese society.

*Article 1. One should respect to keep a harmony, and should not oppose each other...*⁹⁴

Izawa argues that the philosophy in Japan is based on polytheism while the Western one is found in monotheism. Monotheistic religions have one absolute God, who is “boss”, and each individual person obeys the “boss”, and then as a result solidarity with each individual will be established.⁹⁵ On the other hand the Japanese

⁹⁰ Smith, Robert J. (1996:164), *The Japanese (Confucian) Family* in Tu, Wei-ming (1996), *Confucian Traditions in East Asian Modernity, Moral Education and Economic Culture in Japan and the Four Mini-Dragons*

⁹¹ Most likely derived from Confucian teachings.

⁹² Izawa (2009:152,161) and Komiya, Nobuo (1999:372), See 4.3 in this chapter.

⁹³ Izawa (2009:170)

⁹⁴ *Ibid.*, pp.210

⁹⁵ *Ibid.*, pp.215-216

who believe in polytheism must discuss what is the truth because there are many gods who have different messages. In this situation it is important to cooperate and to come to a conclusion as to what they should do.⁹⁶ The Japanese comprehend each individual person as a member of the group. It is more important for each person to cooperate with others instead of each individual person obeying the rules. The emphasis of "... should not oppose each other ..." in article 1 means that one should not oppose the conclusion the members of a group have decided in the discussion, not against own boss. If he/she does then he/she has destroyed the harmony in the group.⁹⁷

To exemplify how *wa* is practically applied to Japanese everyday life, Eric A. Feldman writes how he and another partner, who was involved with a traffic accident in a rental van, solved the problem. Feldman hit a car that was waiting at a red light and became immobile. The cost of repairing the car, which belonged to the driver's company, was \$700. If he did not pay cash on the spot, the driver would call the police, then it would take the police several hours to investigate what had happened in addition to endless paperwork. So he and the driver went to the company, and he apologized to the driver's boss with a ceremonial basket of fruits, and they agreed that he should pay \$200.⁹⁸

This story shows that the Japanese would prefer solving a problem with harmony, and Feldman asserts that harmony in the Japanese society is characterised by trust and understanding. When the Japanese reason that an event should be treated with silence, politeness or apologies instead of asserting their own rights, they would settle the problem amicably because the way of dealing with the problem would probably be a satisfactory solution to all parties involved.⁹⁹ The action is clearly based on the Japanese concept of harmony that the two persons deal with a problem without conflict, but with considering each other's situation and caring for one another.

Yamamoto Yutaka, a scholar of philosophy, describes by using a movie "The Defiant" a relationship that is *not* based on harmony: Two prisoners who are chained together attempt to escape by cooperating even though they hate each other. These

⁹⁶ Ibid., pp.178 and March, Robert (1996:55)

⁹⁷ Izawa (2006:216)

⁹⁸ Feldman (2000:6)

⁹⁹ Ibid., p.6-7

two men have a common purpose: to escape from the prison. Yamamoto argues this relationship lacks harmony.¹⁰⁰ He explains the reason as following:

*Persons bound by wa are moved to cooperate not out of shared self-interest, but out of mutual concern for the interests of the other. The wa relationship between persons is grounded in their attitudes of caring for and trusting in one another. With mutual caring and trust, the wa relationship and cooperative schemes are stable even in the absence of shared self-interest; without them, wa is lacking and cooperative schemes are unstable.*¹⁰¹

According to Yamamoto “trust” and “caring” are fundamental because they contain the idea of humaneness and commitment to beneficial action. Feldman asserts also “trust” is one of the key aspects in Japan as we have seen above. We can say that harmony in Japanese society is a philosophy that indicates one trusts the other person with thoughtfulness and understanding of that person so that everyone might create a harmonic society without serious conflict.

The principle of these stories has a root in Confucianism and is paradigmatic relationships of caring and trusting such as relationships between parent and child, between siblings, and between friends. It demands as well loyalty to one’s lords,¹⁰² which indicates also students are required to obey their own teachers. This philosophy was presented in 18th century in Japan, and it is still relevant in today’s Japan.¹⁰³ Harmony in the context of Confucianism deals with civic morality, which demands obedience to rules in the society. The hierarchy in Confucianism indicates a good relationship with honesty and obedience between people.¹⁰⁴ Here is relationship between Confucianism and methods of solving a problem:

Consensus as a preferred way of decision making, negotiation as a conventional method of resolving conflict, informal arbitration as a frequent substitute for formal legal procedures, and, as a last resort, the common

¹⁰⁰ Yamamoto, Yutaka (1990:453), *A Morality Based on Trust: Some Reflections on Japanese Morality*

¹⁰¹ Yamamoto (1990:453)

¹⁰² Kojima, Hideo (1996: 377), *Japanese Childrearing Advice in its Cultural, Social and Economic Contexts*

¹⁰³ *Ibid.*, p.377

¹⁰⁴ Yamashita, Samuel Hideo (1996:140), *In Confucianism and the Japanese State, 1904-1945*, in Tu, Wei-ming (1996) and Neary (2002:208)

*practice of mediation through third parties rather than direct confrontation between rivals are all symptomatic of an overriding concern for group solidarity in politics, business, and society at large in East Asia.*¹⁰⁵

Children today learn human rights at school that stress the need for obeying rules in society and creating harmony with each other, which makes the society safe and comfortable.

5.5 Uchi and soto culture

Nobuo Komiya argues that there is a ‘dual’ legal culture, *uchi* and *soto*, in Japanese society. *Uchi* means a norm that one applies in the case of dealing with contact or members of the group to which the individual belongs: the In-group.; On the other hand *soto* applies to individuals outside the group. The Japanese feel comfortable in *uchi* circles where doing one’s duty for the members of the group, which is bound with rights, is important to keep up “membership of the group”. Without carrying out their expected duty, they will be expelled from the group by experiencing a cruel treatment, which means the one outside the group does not get help in need or is treated unfriendly by the members of the group.¹⁰⁶ Komiya explains the meaning of the “duty” as following:

*The rule of conduct, which indicates appropriate behavior in a range of uchi contexts, is giri (Japanese traditional duty¹⁰⁷). Giri is a kind of psychological burden, whether it is out of gratitude or not. The quantity and quality of giri is not fixed. The content and scale of giri vary according to the degree to which people are dependent on, or intimate with, one another. It can also be altered whenever circumstances dictate.*¹⁰⁸

There are a great number of rules one has to follow in order to be part of the in-group (*uchi*), which indicates *giri* according to Komiya. For example it is common

¹⁰⁵ Tu, Wei-ming (ed.,1996:9)

¹⁰⁶ Komiya, Nobuo(1999:372-374), *A Cultural Study of Low Crime Rate in Japan* and March (1996:138, 188)

¹⁰⁷ See footnote 51 in paragraph 5.3

¹⁰⁸ Komiya(1999:372)

that one gives a present twice a year to one's superior even though one does not give anything to one's own family,¹⁰⁹ and another example mentioned by Komiya is that the Japanese gives a train seat to his/her superior no matter how tired he may be.¹¹⁰ These two examples of duty (*giri*) describe that one should carry out one's own duty to his/her superior in order to keep membership of the in-group.

It is true that there are limited rights and freedoms for each individual member in the group, but most people feel safe in an *uchi* group because they are able to depend on others and get help from them. If one left the group, he or she would lose a private social capital such as family, friends, social network of the company where one is working at, etc., and there would be no more guiding (or control?) for his/her life, so the one had to live in solitude because for example if one asserts one's own rights and goes one's own way, which is different from what others are doing, others will not appreciate this different behavior. The Japanese prefer others to behave similarly. Of course differentiation of interpersonal relations into in-group and out-group relation is universal, but in Japanese culture it is more pronounced than in many Western countries.

A scholar of international business, Robert M. March, asserts that the *uchi* world is warm, kind and thoughtful while the *soto* world is characterised by being empty,¹¹¹ which indicates unfriendly, non-social and none flexible ways of dealing with the world. This is probably the reason that the Japanese generally prefer staying in the *uchi* world with little rights and freedom to getting out of the group and asserting their own rights.

That duty is a sense of dependence, and that one should not be independent of others is a notion positively regarded in the West because dependence demands the presence of other people. In many cases, the Japanese on the other hand would want the security of the *uchi* group and be dependent, rather than to have an individual autonomy in the Western sense.¹¹² When a person is part of an *uchi* group, he gets comfortable treatment by its members, but when he is no longer part of the group, he will face unfriendly attitudes by the same people who used to be gentle towards him.

When dealing with the *soto* world, one can for example imagine prisoners in Japan. Almost all condemned criminals in Japan seldom get contact from their own

¹⁰⁹ Komiya (1999:377)

¹¹⁰ Komiya (1999:375) and March (1996:117-118)

¹¹¹ March (1996:188)

¹¹² Komiya (1999:376), March (1996:55) and Doi, Takeo (1986:160), *The Anatomy of Self*

family¹¹³ because according to the criminal's family, he has left the embrace of the *uchi* group and does now live in the *soto* world. For this reason they would not make contact with him.

The dual legal culture, *uchi* and *soto*, determines how the Japanese behave toward others. On the one hand the people can trust each other as long as both of them are in the *uchi* world because there is a so-called “unspoken agreement” based on the duty. On the other hand there is no meaning of duty in *soto*, because the *soto* world is distinguished by discontinuous involvement in alienated relationships and oriented by the legal culture of selfish rights.¹¹⁴ The Japanese usually do not trust someone in the *soto* world. For example in the Japanese jail a jailer is watching prisoners or suspects for twenty-four hours, and the prisoners and the suspects have to observe very strict rules in the jail because the jailer can keep them in sight and prevent them from doing anything other than what they are supposed to do.¹¹⁵ It is obvious that philosophy in Japan such as harmony and *uchi-soto* culture play an important role when it comes to human rights consciousness in Japan.

6. The Japanese school and human rights

6.1 Introduction

When people around the world think about Japanese schools, they often think that the school children are so disciplined and behave very well during the class in addition to working very hard. But in spite of this good behavior there have appeared a lot of problems in the society that were caused by children such as bullying at school, suicide, truancy, etc in addition to murder cases. Therefore the Japanese government started to strengthen the moral value teaching, *dōtoku*, so that school children would learn what morality is, how they should behave toward others, what they are supposed to avoid, what they should love and respect; and other moral values in addition to human rights.

¹¹³ Forum 90 (2009), *Hidden death penalty*, http://www.jca.apc.org/stop-shikei/epamph/dpinjapan_e.html

¹¹⁴ Komiya (1999:375)

¹¹⁵ Nakatomi Koichi(2006:100-103), *Enzai no shikumi to higisha, hikokunin, higaisha no kenri* (*The system of trumped-up charge and rights of the suspect, the accused and the victim*) in *Sorezore no kenri, kurashino nakano jiyū to byōdō* (*Each individual rights, Freedom and equality in the daily life*) and Human Rights Watch (1995:6-10)

Primary school children learn about human rights both in the *dōtoku* (Ethics) class and in Social Study class. While the Social Study class is divided into three subjects, geography, history and politics, the *dōtoku* class is a pure moral education class. In one of the textbooks of *dōtoku*, *Kokoro yutakani* (With a Rich Heart), which is for sixth grade there are twenty seven short stories which are based on different ethics such as how to show love to others, how to behave in certain situations, how to respect a life, in addition to learning from different people such as handicapped people or sports players in addition to a couple of human rights issues.¹¹⁶ We will see later how much and what children learn about rights in the *dōtoku* class.

Regarding the Social Study class for the sixth grade, one will learn human rights through history and politics. In the history section the children will learn a lot about Japanese history, which indicates how Japan has developed democracy and movement for human rights in addition to the former Constitution and the new Constitution after World War II. In politics on the other hand they learn about human rights issues through the Constitution. In which way do the children learn these issues? Is the way of learning them effective so that they will have a good knowledge and a consciousness of human rights? I will look into these questions in the following chapter as well as analyze textbooks for social science.

6.2 Japanese children at present

According to Kashiwagi Keiko, who is a scholar of education, today's Japanese children might be characterized as passive, meek and obedient and non-enthusiastic.¹¹⁷ The Japanese grow up to be patient and not to demand their own rights, but instead attempt to create harmony in the group from an early age. Even a five year-old child does not demand what he/she wants, but considers first of all if the group will accept his/her demands.¹¹⁸ In kindergarten children are taught to create peace and harmony with other children by being patient and not insisting on their own opinion to others. In conclusion they learn that patience and *not* insisting on their own

¹¹⁶ Yamamoto Eikichi (ed., 2004), *Kokoro yutakani* (With a rich heart)

¹¹⁷ Kashiwagi, Keiko (2008:63-64), *Kodomo ga sodatsu jyōken, kazokushinrigaku kara kangaeru* (Kondition for children to grow up, Considering in Familypsychology)

¹¹⁸ Ibid., pp.71-72

opinion leads to peace and harmony with others, this is furthermore couple with a desire for conformity.¹¹⁹

A nonfiction author, Yanagida Kunio, describes today's children and young people as unable to assert themselves or oppose others which can create psychological problems among them. But their parents or other adults do not notice the problems because they think that the children are just obedient.¹²⁰ The fact that children appear to be obedient and meek, and do not protest against anything can be interpreted in the way that they have been pressured to be patient and not to oppose. If that was true, there might be a problem with not learning how to express one's rights to superiors.

Furthermore, children are growing up seeing their mother's life. In today's Japan there are a great numbers of mothers who work part time rather than fulltime¹²¹ because they want to take care of their children after the children come home from kindergarten or school. They do not demand their rights for example to get help from their husband in housework or going out with friends because both women themselves, their husbands and society consider that housework and nursing are women's job.¹²² Mothers sacrifice their time, career and wishes for the good of the family, but they do have rights to demand these things that were mentioned above, but they would not insist upon their rights. Children growing up with seeing such mothers might not learn the importance of human rights and the assertion of them.

Ōta Takashi, a scholar of education, points out that although always wanting to create a peaceful and harmonious environment, Japanese children are taught to win through a severe competition, and adults always compare them with other children and evaluate them. Academic results determine their future course, their future job, and then the rest of their life if it will be good or not. Furthermore, their own friends can become enemies because they might compete against each other in order to get in the school of one's choice. On the other hand both school and home encourage pupils to be the best. It is not the pupils themselves who decide the course of their life, but their teacher and/or parents who do it for them. The young people have lost zeal and

¹¹⁹ Kashiwagi (2008:70-72)

¹²⁰ Yanagida, Kunio (2007:248, 262-263), *Kowareru nihonjin, keitai, netto izonshō eno kokubetsu*(*Collapsing Japanese, Farewell to mobil telephone and internet.*)

¹²¹ Most Japanese women quit their jobs before birth and concentrate on taking care of child. When the child gets older and starts kindergarten, the women start working again, but it is very difficult for them to get a fulltime job, and they take therefore a part-time job, which gives them much less salary.

¹²² Kashiwagi (2008:111-112)

vision and miss the ability to make their own decisions in order to find their purpose in life.¹²³

6.3 The government's plan for human rights education at school

The Japanese government insists that they have been working with human rights issues based on the Constitution in addition to Japan having ratified the Convention on the Rights of Child and other treaties in the United Nations. Furthermore, the government has been pushing forward with an education that aims at obtaining further improvement of human rights consciousness in the society. At the same time they admit there are several problems among children such as bullying, discrimination, violence, etc. The government argues that each single person in the nation should learn how to respect each other in order to create a society where everyone can cooperate for peace, and the importance of human rights education should be emphasized. The ministry of Education, Culture, Sports, Science and Technology (MEXT) will design the human rights education and push forward with it.¹²⁴ MEXT asserts that the attempt of human rights education has been successful¹²⁵ while the scholar of law Nakatomi Kōichi does not agree with the government.¹²⁶

One of the elementary school teachers in Abashiri city in Hokkaidō prefecture, Atsushi Kobayashi, argues there are important things for children to learn in order to avoid bullying at school: First, to learn not to accept any bullying, second, to learn the importance of life, and then to learn impartiality.¹²⁷ There is something interesting one can notice in this statement by Kobayashi. All of his suggestions are attitudes toward the one who is maltreated. It means the attitude is *active* from other children who are observing the bullying while the very child who is mistreated is *passive*. This is exactly the problem that Nakatomi is pointing out: the school does not teach

¹²³ Ōta, Takashi (1990:67-73), *Kyōiku towa nanika(What is an education?)*

¹²⁴ The Ministry of Education, Culture, Sports, Science and Technology (2008), *Jinken shidō no arikata ni tsuite (daisanji torimatome)*

http://www.mext.go.jp/b_menu/shingi/chousa/shotou/024/report/08041404/001.htm

¹²⁵ Ibid.

¹²⁶ See paragraph 3.2 in chapter one.

¹²⁷ Kobayashi Atsushi (2007:52-78), *III Yowaimono wo kabaō, Kono pēji wo kō tsukau (We should defend the weak people.)* in Nagano, Fujio (2007), *“Kokoro no nōto” de ikikata no gensoku wo oshieru, kōgakunen (How to teach a principle of life with the Book of Heart)*

children how to defend themselves, but the children who are observing the mistreatment against somebody else will learn how to help the child who is abused. Nakatomi quotes a will of a child who committed suicide because of bullying and asserts that the child did not know at all how to defend himself.¹²⁸

Why doesn't the Japanese school teach children to be independent so that they would know how to protect themselves? It is probably because each individual needs to have an ability to deny oneself in order to be appropriate to the group and create harmony in it.¹²⁹ If one did not consider harmony with others in the group and asserted his rights, he could not stay inside. In the group one should observe duty to each other in order to establish comfortable relationships in the group, which indicates passive love or dependence in the society.¹³⁰ This makes it difficult for children to learn how to be independent and to assert own rights.

6.4 “Morality” teaching

We have seen that the Japanese government began to really consider morality education when several serious problems in the society caused by children and youths began to increase. Then the government started to work out a new reform by the Educational Council (*rinkyōshin*) in the Nakasone government in 1984 with strengthening of *dōtoku*¹³¹, the “moral value teaching”. The purpose of the new reform was to try to solve the problems while at the same time emphasizing the importance of the Japanese traditional culture. *Rinkyōshin* argued that those problems among children were caused by the development of the economy in Japan and non-proficient teachers. In addition, parents who are not well qualified to bring up their own child are also responsible.¹³² Then *Rinkyōshin* began to consider the reform “an education of *heart*”, the Japanese children and the youths do need a proper heart education, the Council meant.

The morality teaching, *dōtoku*, is supposed to be taught an hour each week at elementary school but it is not graded such as Japanese and Mathematics. In the main

¹²⁸ Nakatomi Koichi (2006:46)

¹²⁹ March (1996:96)

¹³⁰ Doi, Takeo (2001:21,34-35), *The anatomy of dependence*

¹³¹ Equivalent to Civics in many countries.

¹³² Suzuki Shozo (1985:134-136), *Rinkyōshin no dōko to kyōiku kaikaku (The movement of the council on educational reform and the problem on the educational reform)*

textbook of moral teaching, *Kokoro no nōto* (Notebook of Heart), there are four themes of relationships, which are with oneself, with others, with someone one should have great respect for and with the society.¹³³ In the class a teacher uses another textbook with stories and/or other materials such as videos, and the textbook and the materials are based on a theme of *Kokoro no nōto*. There are some stories in the textbook based on human rights issues, but it seems that duty is prioritized more than rights.¹³⁴

The morality teaching appears to play an important role to teach children the principle of life and how to behave properly in addition to how to avoid problematic situations. For example children learn how to show love for others and about the importance to observe rules in the society through different stories. The stories are about famous people's lives and the manner of overcoming difficulties and finally attaining the goal each one has decided, for example a good end-result or the school of one's choice as well.¹³⁵ On the other hand there are several suggestions in the textbooks how to teach children to avoid criminal actions. Mukōyama Yōichi, who is a president of a society for scientific research of moral value teaching, insists that teachers should show, for example, concrete pictures of consequence after one has done something one should not have done. In this way the children would get a clear picture of what the result can be.¹³⁶

What Mukōyama has suggested might help children to understand the dangers of using drugs or how much a criminal act might destroy one's life. The problem is that there is no mention of people who already committed a crime or have done something wrong. Mukōyama emphasizes the importance of duty in order to observe our own rights. He did not mention the rights of criminals, but instead insists that human rights should be coupled with duty something that almost all Japanese argue as well.¹³⁷

¹³³ (Not mentioned who is the responsible for publishing) (2006), *Kokoro no nōto* for fifth and sixth grades

¹³⁴ Yamamoto, (ed.,2004:31), *Kokoro yutakani* (With a rich heart)

¹³⁵ Nagano Fujio (ed.,2007:21-51,134-166, etc), *Kokoro no nōto de ikikata no gensoku wo oshieru* (How to teach a principle of life)

¹³⁶ Mukōyama Yōichi (2000:1-4), *Dōtoku jigyō de shōnen hikōni hadome wo kakeru* (How to stop criminal action of children with moral value teaching)

¹³⁷ Mukōyama (2000:56-57)

6.5 Social Study

In the history book for the elementary school there are several important items for children to learn human rights such as the hierarchy system in the Edo era that is still a problem with regard to discrimination in the present society, the first Constitution in the Meiji era that was promulgated in 1889 that is quite undemocratic and reactionary¹³⁸ and the Constitution after the Second World War, which is rooted in democracy.¹³⁹ According to the history teaching plan the teacher is supposed to teach pupils cultures that are regarded as important cultural property or national property, and pupils should learn Japanese culture. But it does not mention at all if a teacher should teach about human rights issues.¹⁴⁰

What is written in the textbook?

Running my eyes over the textbooks of history and politics published by two different publishers, I got an impression that it is well explained in the textbooks how the government has been working for rights of the whole nation according to the Constitution, yet there is little mention of human rights issues, which actually exist in the society at present. For example it says: “the court does not belong to either government or diet, and it will not be influenced by any of them at all.”¹⁴¹ Nevertheless there are cases that have problems between the court and the Constitution. For example people who have asserted that the Japanese military should not go to Iraq opposing the Japanese government’s decision, who had put handouts in the mailboxes, were arrested and the court found them guilty in 2005, in spite of the fact that there are thousands of other merchandised advertisements in the same mailboxes without any problems.¹⁴² In the textbook of politics there is no mention about the Convention on the Rights of the Child, and the textbook does not explain

¹³⁸ Irokawa Daikichi ((1981:137) *Jiyūminken (Civic Rights and Freedom)*)

¹³⁹ Irokawa (1981:143)

¹⁴⁰ Kudō Bunzō (ed. 2008:115), *Shōgakkō gakushū shidō yōryō*

¹⁴¹ Mizukoshi Toshiyuki & Kato Yukiji (ed. 2009:11), *Shōgakusei no shakai, sekai no naka no nihon*, 6 vol.2

¹⁴² Kenpō kyōiku iinkai (2006:113-115)

the situation of the outcast people in the Edo era.¹⁴³ Although it is mentioned in the manual book,¹⁴⁴ which children can buy freely at any bookshop in Japan.

Something very typical for Japanese thought can be found in the textbooks with regard to the rights of Japanese citizens in the Constitution: in one of the textbooks there are some tasks about the relationship between rights and duty, such as what kinds of rights and duties are mentioned in the Constitution, how people comprehend rights and duties in daily life, and so on.¹⁴⁵ In the other textbook it is written: “If one asserts one’s own rights, one must observe his/her duties.”¹⁴⁶ Additionally there is no suggestion for how or when one should be able to declare one’s rights. It also does not give any explanation of what democracy means, which rights people under the Meiji Constitution had or what freedom of thought and conscience mean.

It is clear that it is emphasized that *duty* is one of the most important items in the textbooks when pupils learn human rights,¹⁴⁷ which is clearly mentioned in the education plan as well.¹⁴⁸ Here are the articles in the Constitution, which mention the duties the Japanese are supposed to observe:

Article 26.2) All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

Article 27.1) All people shall have the rights and the obligation to work.

*Article 30) The people shall be liable to taxation as provided for by law.*¹⁴⁹

¹⁴³ Mizukoshi Toshiyuki & Kato Yukiji (ed. 2009:58-59), *Shōgakusei no shakai, nihon no ayumi*, 6 vol. 1 and Sasaki Tsuyoshi, Iwata Kazuhiko and Tanigawa Akihideo (2005:64-65), *Shinpen, Atarashii shakai*, 6 vol. 1

¹⁴⁴ Mizutani Yasumasa (2002:88), *Kuwashii shakai, shōgaku rokunen, ikōsōchi taiō*

¹⁴⁵ Sasaki Tsuyoshi, Iwata Kazuhiko and Tanigawa Akihideo (representatives, 2005:21)

¹⁴⁶ Mizukoshi Toshiyuki & Kato Yukiji (ed. 2009:21)

¹⁴⁷ Sasaki Tsuyoshi, Iwata Kazuhiko and Tanigawa, Akihideo (representatives, 2005:21), Mizukoshi Toshiyuki and Kato Yukiji (ed. 2009:21) and Mizutani Yasumasa (2002:175-176). It is also mentioned the importance of duties in textbooks of both junior high-school and high-school. (Ito, Mitsuharu (rep. 2009:55), *Ch ū gakusei no shakaika, Kōmin, Gendai no shakai*, Gomi Fumihiko, Saito Isam and Takahashi Susumu (rep. 2009:54-55), *Shinpen, Atarashii shakai, Kōmin*, Nakamura Ken’ichi, Yoshikawa Hiroshi, Nakano Katsuro and Suzuki Takao (rep. 2009:53), *kōtōgakkō, Gendai Seiji, keizai, kaiteiban*, and Ikeda Kōya and Tateiwa Masaya (2009:57), *Kōtōgakkō, Shin gendai shakai, kaiteiban*

¹⁴⁸ Kudō Bunzō (ed. 2008:116), *Shōgakkō gakushū shidō yōryō*

¹⁴⁹ The Constitution of Japan <http://www.solon.org/Constitutions/Japan/English/english-Constitution.html> There is also “duty” that should guarantee to the people by the Constitution shall be maintained in the article 12.

The article 26.2) is actually supposed to grant a child the right to get an education, and that the parents (or another adult who is looking after the child) have the duty to let them get an education. Further, in the article 27.1) it also uses the two words rights and obligation in the same sentence. It appears that the authority has given rather a *for-fetched* interpretation. In short, the philosophy in Japan such as harmony and *uchi-soto* thought is truly reflected in the Japanese education system, and it is clear that the manner of interpretation of the human rights is influenced by the Japanese philosophy.

Contents of the exam in Social Science

How about the contents of examination in the subject? What do pupils need to learn in order to take the examination in Social Science? According to the exercise book for sixth grade pupils in primary school, the pupils have to give an answer with one word for one of the problems. Here are the examples: Q.1, What are the three principles of the Constitution? Q.4, What is the word for a right everyone is allowed to participate in politics?¹⁵⁰ Further, there are many problems, which demand children to fill in a text and multiple-choice questions.¹⁵¹

The pupils are required to memorize a great number of dates, events and important people's names, however it seems that it is difficult for them to learn what democracy means, how the Convention on the Rights of the Child functions in daily life, what freedom of thought and conscience really means or what the Japanese Constitution says about human rights because the problems of the examination's lack of questions regarding what is actually happening in a event. Advanced students are faced with similar exam styles, and they are supposed to solve the problems in the same principle as primary level.¹⁵² Even though teachers are supposed to teach democracy, the Constitution and human rights, according to the textbooks, there is limited time for the teachers to do it because there is a great number of things to teach, and they must follow the curriculum the government has created. Teachers are

¹⁵⁰ Editorial department in Bun'eidō (2002:185), *Nichijō gakushū kara chūgaku juken made, Kuwashii shakai, Ikōshochi taiō, shōgaku rokumen*

¹⁵¹ See Appendix I

¹⁵² Hata Shirō (rep. 2005:42), *High Class tettei mondaishū, chūgaku kōmin, Level betsu san dankai* (The published year is from-: <http://www.gakusan.com/home/info.php?code=0000001061154>) and Kōkō gensha kyō iku kenkyūkai (2007:31), *Kōkō, Best coach, Seiji keizai* (The published year is from: <http://www.zoshindo.co.jp/gbook/hschool/43004.html>)

not allowed to teach something beyond the curriculum, and it follows that children are only required to memorize keywords without learning in detail.

6.6 Emphasized tradition and culture rather than rights of pupils

In the teaching plan of 2008 the government emphasized the importance of teaching the Japanese tradition and culture.¹⁵³ The moral value education plays became the most important role in the reform of education, which was carried out in 2008 because personal formation and training is emphasized the most in the reformation. The moral value education should be not only in the *dōtoku* class, but should also be used in the whole curriculum. In the social science class, the moral education may be used for example for learning the tradition and culture in Japan.¹⁵⁴

When one thinks of a subject like social science dealing with morality, most of the people in the international world would most likely think about learning about democracy, the United Nations' Declaration of Human Rights, etc. instead of tradition and culture in the country. But what the teaching plan for the Japanese school emphasizes in the social science is that children should understand the society, should understand and love the Japanese tradition and the culture and should learn the basic knowledge of the society as one of the members to create a peaceful democratic state and society in the international society.¹⁵⁵ To learn tradition and culture of one's own country is of course important for everyone, so why is it a problem?

One of the teachers' labor unions in Tokyo has been criticizing the reform of the education in 2008. What they are warning about are:

- 1) The danger of an overemphasized moral value education. The government would like to emphasize the morality on the whole curriculum,
- 2) Emphasized patriotism which reminds one of the way of educating the nation during the war,

¹⁵³ Nohara Akira (2008:24-25), *Dentō ya bunka ni kansuru gakushū no jūjitsu wo donoyōni gutaikasuruka*(How to materialize the substantiality of learning tradition and culture) in Kudō Bunzō (ed., 2008)

¹⁵⁴ Oshitani Yoshio (2008:26-27), *Dōtokukyōiku no jūjitsu wo donoyōni gutaika suruka*(How to materialize the substantiality of learning the moral value education), in Kudō Bunzō (ed., 2008)

¹⁵⁵ The Minister of Education, Culture, Sports, Science and Technology, Watami Kisaburo (2008:112), *Monbu kagakushō kokuji dai 27go* (MEXT's notification vol.27) in Kudō Bunzō (ed., 2008)

- 3) Planning of a special teacher's post in each public school from the government for controlling the moral value teaching in each school that forces children to obey teachers without freedom,
- 4) An expansion of the curriculum that will make it even more difficult for weak pupils to follow the curriculum.

This reform will destroy the freedom of children under the constant supervision of the teachers, and this is against the law. School should teach children a democratic civil ethics based on the Constitution, according to the union.¹⁵⁶ Osler and Starkey, whose theories of HRE are mentioned in chapter one, argue that schools might not encourage children to be critical of the government and the teaching plan might encourage allegiance to the nation-state and a sense of patriotism.¹⁵⁷ This is exactly what the Japanese government seems to have been engaged in. It wants to encourage the education of patriotism that children must be taught that they would like to sacrifice themselves for the nation.¹⁵⁸

6.7 School and democracy

Considered with the human rights of pupils, one can think about pupil councils at school in which representatives of schoolchildren should be able to discuss issues, and which functions as a connective link between pupils, parents and teachers.¹⁵⁹ Here are some of the examples from some countries in Europe: The members of a pupil union in Denmark join to take a part in consultations, which the Ministry were routinely consulting at all stages of educational change, and inform their political work, explain what is happening in the Ministry, etc. In addition copies of their magazines are sent to all of the schools in Denmark, they visit as many schools as

¹⁵⁶ Tokyo teachers' labor union in Kita-Tama East brunch (2008), *Kaitei gakushū yōryōno motsu jūdaina mondaiten* (The important problem in the reform teaching guidance) <http://www5e.biglobe.ne.jp/~kitahiga/home/02.htm>

¹⁵⁷ Osler and Starkey (2010:126)

¹⁵⁸ Asahi Newspaper (Feb.26th 2004) in Kenpō kyōiku kenkyūkai (2006:49), *Sorezore no jinken, kurashi no naka no jiyū to byōdō*

¹⁵⁹ Schweisfurth, Michele (ed., 2002:38-39), *Student Voices on democracy in Learning Democracy and Citizenship, International experiences* (Schweisfurth, Davies and Harber, ed., 2002)

possible to inform about the organization, to encourage the pupils or schools to join in the organization and to give the pupils training and advice as well.¹⁶⁰

In one of the schools in Holland there was a case in which the student council has won a case against their school that was related to prohibition of headscarves for Muslim girls. It sets a good and important example to pupils about their rights at school and helps them learn how school democracy functions at the same time as how one can work for his/her rights.¹⁶¹ CRC emphasizes that children should be encouraged and enabled to take decisions for themselves if this helps them to develop their ability to do so.¹⁶² How about in Japanese schools? Are there pupil/student councils that work for a democratic school?

The pupil/student council in Japan has got a root in the Meiji Restoration in 1868,¹⁶³ furthermore, during the American occupation it got developed in order to democratize Japan after the war.¹⁶⁴ According to some interviews with teachers there are so-called “pupil councils” in the Japanese schools, but they work mostly with planning school activities such as school festivals, field days, etc., and they usually do not work for any democratic cases at all like those student councils in the European countries that we have seen. In the student council students discuss for example which songs they should choose in the choral competition that is one of the school events, but they have to make a decision from a song list prepared for them by teachers and the school administration. In short, schoolchildren have actually little freedom to make their own decisions.¹⁶⁵

However there were cases in Japan that student councils in two different schools worked for a more democratic school,¹⁶⁶ something that is very rare in Japan. In Japanese schools there are usually two representatives in each class from the third

¹⁶⁰ Ibid., pp.44

¹⁶¹ Ibid., pp.48

¹⁶² Lansdown, Gerison (2009:57), *Human rights and Learning in Learning Democracy and Citizenship, International experiences* (Schweisfurth, Davies and Harber, ed., 2002)

¹⁶³ Dawson, Walter (2008:10), *Civic Education in Japan, Political Socialization in the Japanese Middle School*

¹⁶⁴ Dawson (2008:9)

¹⁶⁵ Dawson (2008:91)

¹⁶⁶ *Tokorozawa koko nyugakushiki jiken* <http://www.ne.jp/asahi/box/kuro/report/tokorozawa.htm> this is a boycotted school ceremony because the school principle attempted to force the students to join the ceremony with the national flag and the anthem. The other case mentioned in Mainichi Newspaper (26.01.2002), *Geikai chuuga marugarikousoku haishi herumetto chakuyou yobikakede* in http://blogs.yahoo.co.jp/ai_nrg/6731979.html, related to one of the school rules for boys that stipulated that they were supposed to have a certain style of hair. The student council managed to change the rule to allow for freedom of hairstyle in a democratic way.

grade upward, and their jobs are to moralize other pupils. In short their tasks function as “teacher’s assistant”. So do the members of the “pupil council” for moralizing all the schoolchildren in addition to the job for the events that was mentioned before.

6.8 The teaching plan and rights of pupils and students

Is the teaching plan concerned with children having a voice? The activities’ plan of children’s representatives is mentioned in the chapter of “Special activities” in the last part of the plan. It holds fast that class activities are supposed to create a good relationship between each other, that each one should take a part in the activities as one of the members in the group and learn to be independent in order to solve problems and for behaving properly. Solving problems in the class and the school are mentioned,¹⁶⁷ but it seems that the Japanese government’s understanding of what solving problems involves would not mean student’ democratic activities toward school and teachers¹⁶⁸ like students in the European countries as we have seen.

An example of a teaching plan in the Norwegian school, Kunnskapsløftet will be presented here. According to the plan both school and teaching enterprise¹⁶⁹ should give all of the students an equal opportunity of education and stimulate them to develop their understanding of democracy and participation in it.¹⁷⁰ The Norwegian Government mentions on the first line the purpose of education that citizens should support the democratic value and are encouraged to be active members in the society. The subject of the Student Council is to help the students develop their ability to express their own opinion.¹⁷¹ Here is a clear difference between Japan and one of the European countries in respect to the government’s purpose on children’s education. In Japan schoolchildren should observe the rules and make harmony in the society, which is the most important matter while in many other countries such as the European countries schools put emphasis on school democracy with student councils.

¹⁶⁷The Minister of Education, Culture, Sports, Science and Technology, Tokai, Kisaburo (2008:112), *Monbu kagakusho kokujai dai 27go (MEXT’s notification vol.27)* Kudo Bunzo (ed., 2008)

¹⁶⁸ A statement of the Borad of Education in Akita prefecture in January 26th 2010

¹⁶⁹ “Teaching enterprise” means private companies, which offer vocational school student to practice vocational training, such as a café for waitress students, a furniture factory for students making furniture, etc.

¹⁷⁰ Utdannings- og Forskningsdepartementet (2005:29), *Kunnskapsløftet, Læreplaner for gjennomgående fag i grunnskolen og videregående opplæring, Læreplaner for grunnskolen*

¹⁷¹ Utdanningsdirektorat, <http://www.utedningsdirektorat.no/grep/lareplan/?laereplanid=215974>

According to Ōta Takashi, who is a scholar of education, the Japanese school is trying to force all children into a stereotype individual without individual traits.¹⁷² If the government manages to fit all pupils in this stereotype form, everything will be fine. The state does not seem to consider each individual character, but instead demands the “different” pupils to fit in the same form. If pupils refused to behave as expected, he/she would become an outsider. Ōta criticizes the system of the modern school in Japan by pointing to the United Nations’ Convention of Children that everyone is different and has a personality, at the same time everyone should be respected as a human being.¹⁷³

The Japanese school might be too engaged with following the rules and not so much interested in teaching human rights or encouraging children to assert their own rights toward each other, especially older people or to develop their ability of making decisions in a democratic way.

¹⁷² Ōta Takashi (1990:204), *Kyoiku towa nanika (What is an education?)* and March (1996:96)

¹⁷³ Ōta Takashi (1990:193-194)

Chapter III. Fieldwork in Japan

In this chapter I will present questionnaires administered to schoolchildren, teachers, and persons in general, interviews with children and teachers, reports from observation at schools in, a survey of Shizuoka prefecture by the local authority, and the results thereof.

Observation at schools was mainly conducted during the moral value class. I had originally intended, but was unfortunately unable, to observe the Social Science classes on rights issues. This was because human rights issues are taught at different point in the school year from when I was carrying out my research in Japan. Observation, as is, consists of different classes, breaks and other activities at schools.

7. Fieldwork methods

7.1 Methods of researching and selection of schools

My fieldwork in Japan lasted 17 days; on ten of these I visited schools with a questionnaire and conducted interviews. Three primary schools located in the eastern part of Shizuoka prefecture, itself located in middle of the Japanese mainland, about 62 miles¹⁷⁴ southwest from Tokyo, were chosen with convenience of transportation in mind, as they are all located near my parent's house. One of the schools, Koyama School, was very busy with a special program during my stay, and I was only able to visit the school for a few hours of a single day. Susono-nishi School in Susono city allowed me to research there for four days the same week I was visiting Kōyama School, and I visited Fujioka school the following week. Three different questionnaires were employed: one for schoolchildren, one for teachers, and one for laypersons, in addition to questions for the interviews carried out with children and teachers.

I used my field log in order to record data from observation in the moral value teaching classes and other subjects at the schools.¹⁷⁵ The schools gave me use of a room for making and analyzing descriptive notes, and in which to perform interviews with pupils and teachers.

¹⁷⁴ Gotenba city Homepage, presentation of Gotenba city, <http://city.gotemba.shizuoka.jp/information/>

¹⁷⁵ Ibid, p.56-57

While interviewing the aforementioned pupils and teachers, I used a voice recorder to allow myself the possibility of listening to the interviews again after their completion.¹⁷⁶ Although almost all pupils and all of the teachers allowed me to record their voice, one pupil objected. I therefore chose to keep notes of the interview, to which they acquiesced.

7.2 Questionnaire, interview and observation at schools

The student questionnaire administered to sixth graders, based on the assumption that they would be less preoccupied with their studies than older students. In addition, I thought it likely that sixth grade pupils would have great knowledge and awareness of human rights issues than children in lower grades. Fortunately, I was permitted to interview them as well as observe them in class.

Besides the questionnaire given to sixth graders at all three schools, I interviewed three children from each class. At one school a school teacher had already picked out pupils for me to interview, but I was forced to politely decline the offer, as the pupils the teacher had selected were all class presidents and therefore not representative of the class as a whole.¹⁷⁷ In order that the result be representative I picked up children by myself.

I handed the questionnaire to all teachers in the three schools, but due to constraints on my time, I interviewed only teachers who were responsible for the teaching of sixth grade pupils. Some teachers interpreted the questionnaire as a critical judgment of teachers in Japan – this despite the fact that I thought I had formulated the questionnaire carefully. Some of the teachers who misinterpreted the purpose of this research did not support my questionnaire and did not return it, yet the numbers of the teachers who have dropped the questionnaire were so few that it happily did not affect my sample too much.

To administer the questionnaire to members of the general populace, I chose Shizuoka, Kanagawa, Tokyo and Gunma areas, where I have friends who could assist me in carrying out the questionnaire. Because these places are a big city, middle size of city and small town, an opportune side effect was that the queried sample became

¹⁷⁶ Glesne (2006:63)

¹⁷⁷ See Appendix in the last part of this paper. All of the questionnaires for schoolchildren, for teachers and general people and contents of interviews with children and teachers are found in the Appendix.

more balanced for population density. There were more than ten people who refused to answer questions, expressing that they thought them too difficult, while still others showed no interest in my research. Except for this problem the survey seems satisfactory, with good balance of sex, social status and age, age ranging between twenty and seventy.

As well as querying individuals, I observed Ethics classes, in which children learn about human rights, other classes, lunchtime, and other free times. It is a reasonable assumption that one learns about human rights not only during the school classes by sitting and listening to teachers, but also while spending time with one's classmates in student activities such as school political activities, and more innocuous activities, such as lunchtime, free time, and so on. It was important for me to observe how children learn about human rights and experience it during free time at school and how teachers teach human rights, because both children and teachers relax and behave differently during free time. Furthermore, instances that are directly related to human rights might occur during these free times, supporting the idea that children might learn human rights in quite different way outside classroom walls.

8. Concept of human rights in Shizuoka

8.1 Characteristic of people in the prefecture

According to one of the principles at the schools I visited, people in Japan, for example in Shizuoka prefecture, consider themselves impartial within the context of the human rights concept. Therefore, they are surprised at discrimination happening in other parts of Japan.¹⁷⁸ It might be reasoned that there are proportionately fewer *Dōwa*¹⁷⁹ people in this prefecture than areas where there are many outcast people, and consequently the local authority has not been very active about human rights education compared to such areas.¹⁸⁰

Yet, there are many programs in the prefecture for the development of a human rights awareness, for instance human rights education (HRE) for kindergartens,

¹⁷⁸ An assertion of one of the school principles, October 12.2009

¹⁷⁹¹⁷⁹ One of the minority people in Japan. Although *Dōwa* people are same Japanese in ethnic and biological, they have been discriminated for hundreds years because of historical reason.

¹⁸⁰ It is not possible to get a relevant information which area and how many *dōwa* people are living in it is in all likelihood because of protection of the outcast people.

schools, and universities, in addition being available to adults both with and without children. Offices offering counselling have been established for those who experience discrimination, sensitivity courses for leaders of different groups and school teachers are held, and so on.¹⁸¹

The principle of HRE for children in primary school is: to educate children as to the value of themselves and others: the value of human life and the lives of plants and animals, the value of all children included oneself, the value of people different from oneself, thoughtfulness, anti-discrimination, and the importance of speaking kindly of others.¹⁸² There are several booklets and pamphlets at schools published in Shizuoka prefecture. However, it does not mention the CRC and parts of the Japanese Constitution related to human rights, nor the concept of democracy at school.

8.2 Survey of human rights awareness in Shizuoka

In 2004 the local government of Shizuoka prefecture researched the awareness of human rights amongst the prefecture's population. The researchers sent questionnaires to approximately 3000 people from the whole prefecture. These were chosen at random from the voting register. 48.5% of those who received a questionnaire responded.¹⁸³ Three years later, the government conducted a national survey. Since I have researched schools in Shizuoka and have collected a fair bit of information regarding human rights education in the prefecture, I would like to prioritize research in Shizuoka and compare it the national government's research results, which were garnered from the whole country.¹⁸⁴ Overall, the questions asked in both instances, although different, are similar and can be usefully compared. There are thirty questions in the survey in Shizuoka prefecture,¹⁸⁵ some of which I present here:

¹⁸¹ Shizuoka ken (2005.5.7,16-17,22-23,26,29,30-31) *Shizuoka ken jinken shisaku suishin keikaku, Fuji no kuni jinken bunka sōzo puran 21*(Shizuoka prefecture, *Project of development of human rights, Land of Fuji, Human rights creation project*)

¹⁸² Ibid., p.20

¹⁸³ Shizuoka ken (2004:1), *Jinken mondai ni kansuru kenmin ishiki chōsa kekka hōkokusho* (Report of result of questionnaire for human rights consciousness in People in Shizuoka)

¹⁸⁴ Naikakufu daijin kanbo seifu kōhoshitsu (2007), *Jinken engo ni kansuru yoron chōsa* (Public opinion poll related to human rights supporting) <http://www.8.cao.go.jp/survey/h19/h19-jinken/chuui.html>

¹⁸⁵ Shizuoka prefecture (2004:5-6)

What kind of human rights issues are you interested in? (Only in Shizuoka)		
Child issues	89,1%	
Handicapped people	86,8%	
The aged	85,2%	
The rights of women	81,4%	
Foreigners issues	53,9%	
Other issues such as <i>Dōwa</i>	41,2%	
Do you agree that there are more people who demand their own rights without doing their duty?		
Degrees	Shizuoka	Whole country
agree in the highest degree	31,4%	34,9%
agree quite a lot	49,1%	50,3%
Do not agree very much	9,1%	11,7%
Do not agree at all	0,5%	1,0%
Which child issue do you consider problematic?		
Issues	Shizuoka	Whole country
Bullying against a child	75,4%	62,2%
Mistreatment by parents	68,4%	47,7%
Judging a child only on academic merit	51,7%	(no researching)
Harmful information	39,5%	37,4%
Adults ignoring a child	18,3%	28,1%
Use of corporeal punishment by teachers	9,2%	16,4%

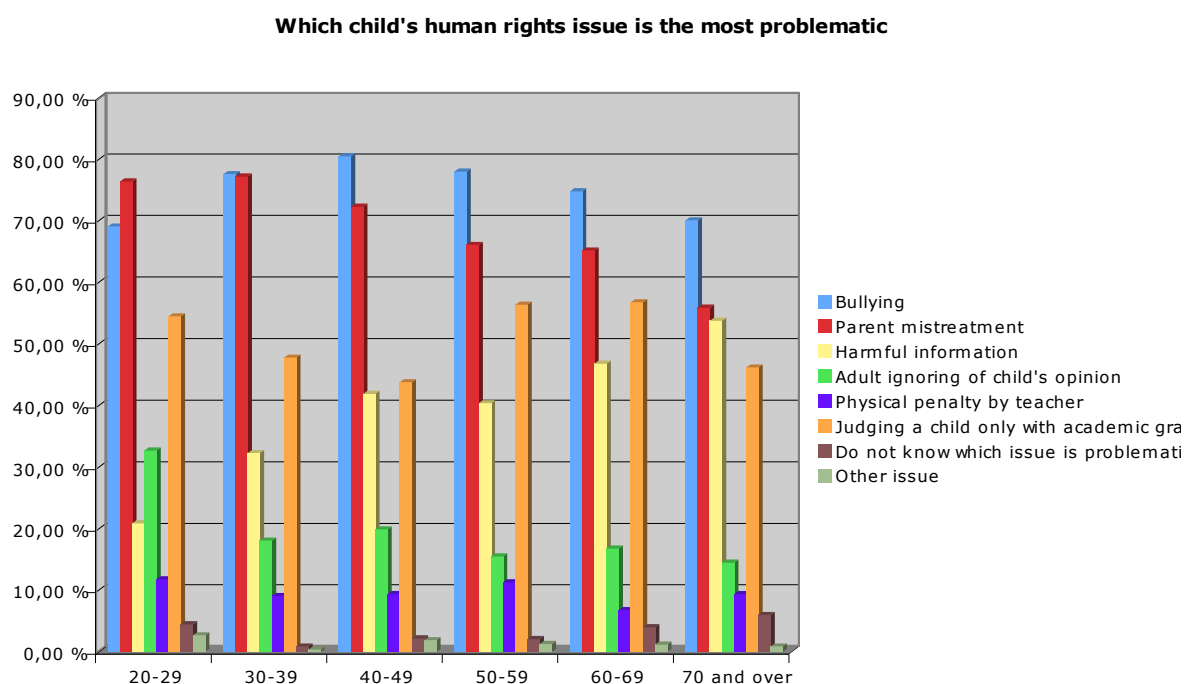
As the table above shows, most of those who answered consider human rights issues important. Another question researched the relationship between the degree of importance alleged and degree of interest claimed. According to that question, only 37.6% of respondents consider human rights as important, yet 51.4% are interested in human rights.¹⁸⁶

This survey suggests that people are interested in issues they are familiar with. Issues such as the rights of women, children's issues, and the rights of the aged and handicapped people all elicited a high percentage of both "very interested" and

¹⁸⁶ Shizuoka prefecture (2004:7)

“somewhat interested” answers while other issues such as *Dōwa* and foreigner issues received a lower percentage.

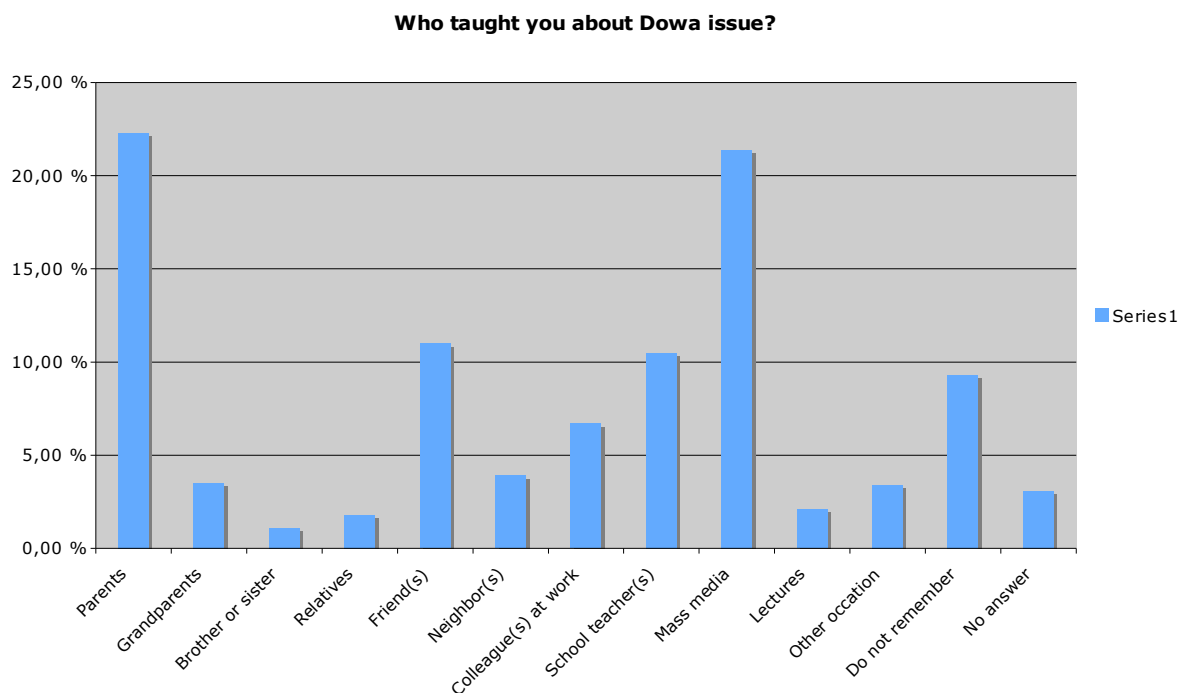
In Shizuoka prefecture there is also a survey with same question screened for age, one can see some differing results according to the age of the examiners. Here is the result:



For example three quarters of younger people are concerned about the mistreatment of children at the hands of their parents, while only half of the older people are concerned about it. Younger people seem not to be as concerned about harmful information as the older people. Furthermore, older people are not as concerned about a child being ignored by adults as younger people. Corporeal punishment by teachers does not seem to be an issue for either younger and older people.¹⁸⁷

Dōwa issue is not the main study in this paper, but I believe that it is important to mention about the result *how people are made aware of the issue*, as this might be related to the human rights education of Japanese children. Here is the result of one of the questions related to *Dōwa* issue:

¹⁸⁷ Shizuoka prefecture (2004:23-24)



The biggest source of information appears to be parents, followed then mass media. Over 40% of respondent chose one of these two responses. People who were made aware by teachers at school only constitute slightly over 10%. In another question related to the *Dōwa* issue, only 30,9% of the participants replied that they know how *Dōwa* area was established. Moreover, the same survey shows that about only three-fifths of educated people such as teachers, public officials, and college students have correct knowledge of the establishment of the *Dōwa* area.

8.3 Summary of the survey in Shizuoka

The interest in human rights issues is concentrated on issues participants are familiar to, and *Dōwa* issue is not a very prominent one in the prefecture. People learn about it primarily from their parents and mass media. Learning about the issue at school is ranked at number four. This may be because there are fewer outcast people in Shizuoka, and because it is difficult to consider the problems of a people when one has little knowledge of or contact with them. The question linking human rights and duty showed that almost all Japanese argue that one should observe one’s own duty in order to assert one’s rights.

The fact that a majority of people were not concerned about ignoring a child’s opinions nor corporeal punishment by teachers might show that adults care little about

children's rights because they suppose themselves superior to children. If the consensus amongst is not to consider the rights of children important, only expecting them to obey their parents and other adults, it is not strange that only 18.3% of people answered that they consider this a problem.

It appears as well that there are quite a lot people who have too little knowledge of human rights issues like the minority issue. Many people argue that minority people should be left alone and that schools should not teach children about the issue because teaching the issue might cause even more discrimination in society.¹⁸⁸ I feel that this view warrants reconsideration, because a lack of proper knowledge may well lead to misunderstanding which may promulgate discrimination, according to the survey in Shizuoka.¹⁸⁹

The comparison between Shizuoka and the country as a whole shows mostly similar results, indicating that Shizuoka has generally normal results. What the two surveys have in common are: that Japanese feel that human rights and duty go together, and that they are interested in human rights issues they are familiar with, such as the issues of children, women, old people, the handicapped and so on. Yet, there are people who in one way do not support the rights of children. Namely, that they agree that children should obey their superiors, especially teachers, and then many people do not think that corporeal punishment by teachers is problematic.¹⁹⁰ This, however, appears to be a difference between the two surveys. In Shizuoka in 2004, there were fewer people who thought it a problem if adults ignore an opinion of child. Furthermore, while a teacher's corporeal punishment of a pupil was not widely viewed as a problem, parents' corporeal punishment of their own children was considered even less problematic.

9. Presentation of questionnaires

The sources I used as reference in order to make questionnaires were questionnaires from Human Rights Resource Centre,¹⁹¹ Yoron, and What Japan

¹⁸⁸ Shizuoka prefecture (2004:45-46)

¹⁸⁹ Shizuoka prefecture (2004:33-49)

¹⁹⁰ Shizuoka prefecture (2004:23-24) and Naikakufu daijin kanbo seifu kohoshitsu (2007)
<http://www.8.cao.go.jp/survey/h19/h19-jinken/3.html>

¹⁹¹ Human rights Resource Centre, Taking the Human rights Temperature of your School (Japanese Translation), <http://www.hrusa.org/hrmaterials/temperature/jtemp.htm>

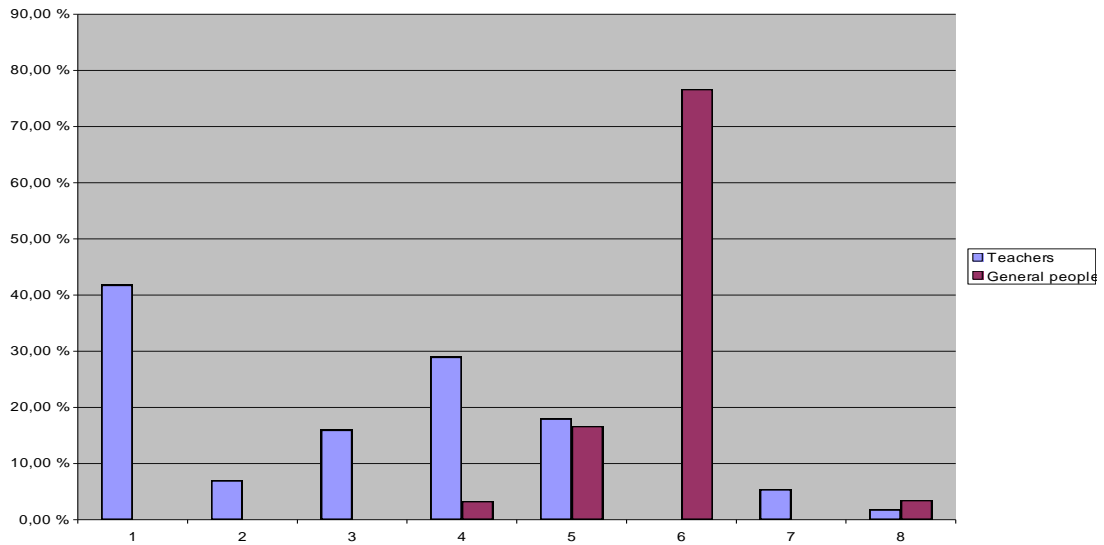
Thinks¹⁹², in addition to some of the human rights issues which have been discussed in the Norwegian society, such as the liberties of Muslim women in conservative Muslim nations, issues of gender equality, freedom of thought issues – especially after the case of Jyllands-Posten printing cartoons of Mohammed – and so on. The questionnaires for people in general, teachers, and children are presented in this chapter, all questionnaires in Japanese in Appendix II, and the results of all questionnaires in Appendix III.

9.1 Questionnaires for general people and teachers and the results

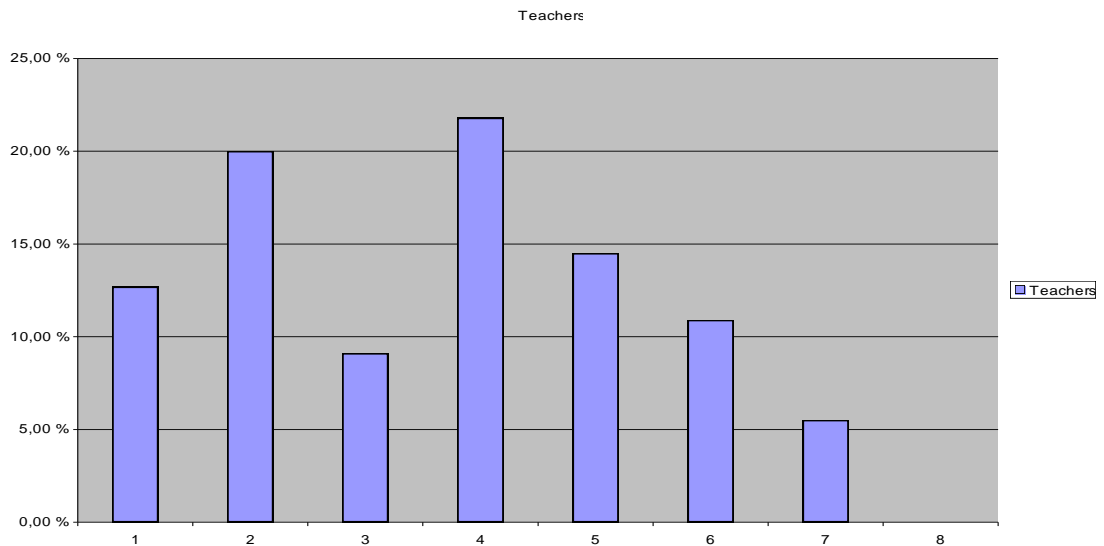
Most of the questions for both teachers and general people are identical, and they are therefore presented together. There are some questions only for teachers and some only for people in general. There are several questions for children which are similar, but slightly different than those posed to the adults. The numbers in the graphs are 1 for “disagree completely”, 2 for “disagree”, 3 “disagree slightly”, 4 “agree slightly”, 5 “agree”, 6 “agree completely”, 7 “my opinion differs”, and 8 “none of the above”. I have put the questionnaire for the children separately.

¹⁹² Yoron, What Japan Thinks, From kimono to keitai; research Japanese facts and figures through translated opinion polls and surveys. <http://whatjapanthinks.com/2007/08/27/human-rights-in-japan-part-1-of-3>, <http://whatjapanthinks.com/2007/08/27/human-rights-in-japan-part-2-of-3> and <http://whatjapanthinks.com/2007/08/27/human-rights-in-japan-part-3-of-3>

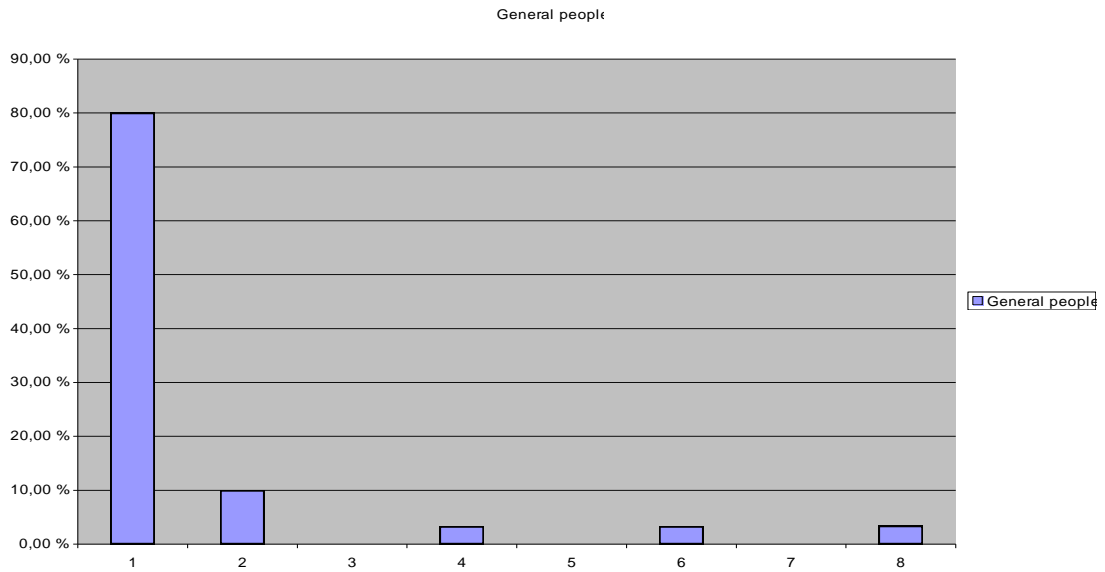
1. The most important matter in teaching moral values is not learning human rights or equality, but obeying what teachers and parents say, and observing rules at school and in the society.



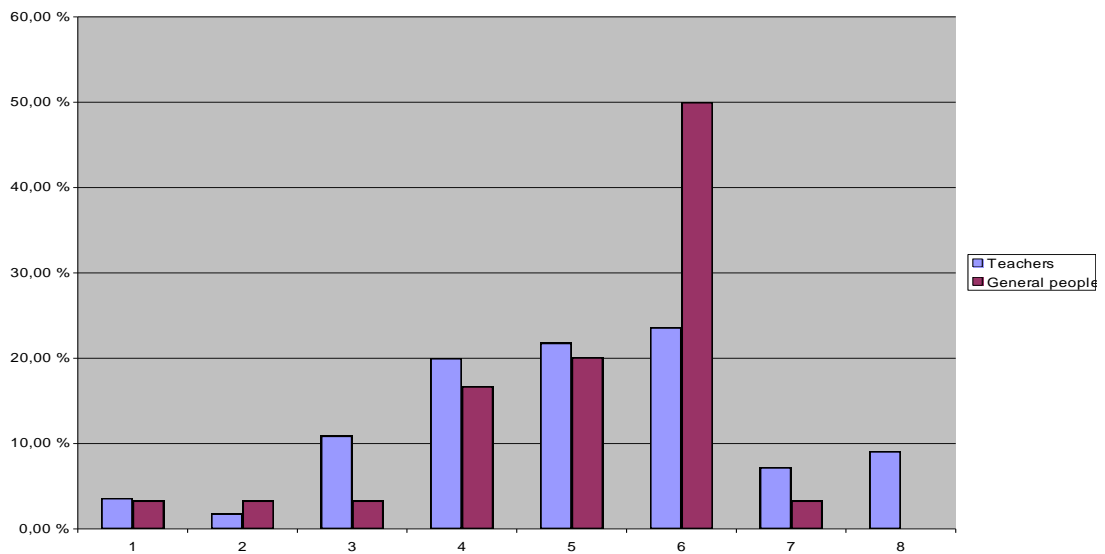
2. I intend to teach (or have already taught) the United Nations' Convention on the Rights of the Child, the human rights issues as given in the [Japanese] Constitution, and/or rights of minority peoples in Japan. (Question for teachers)



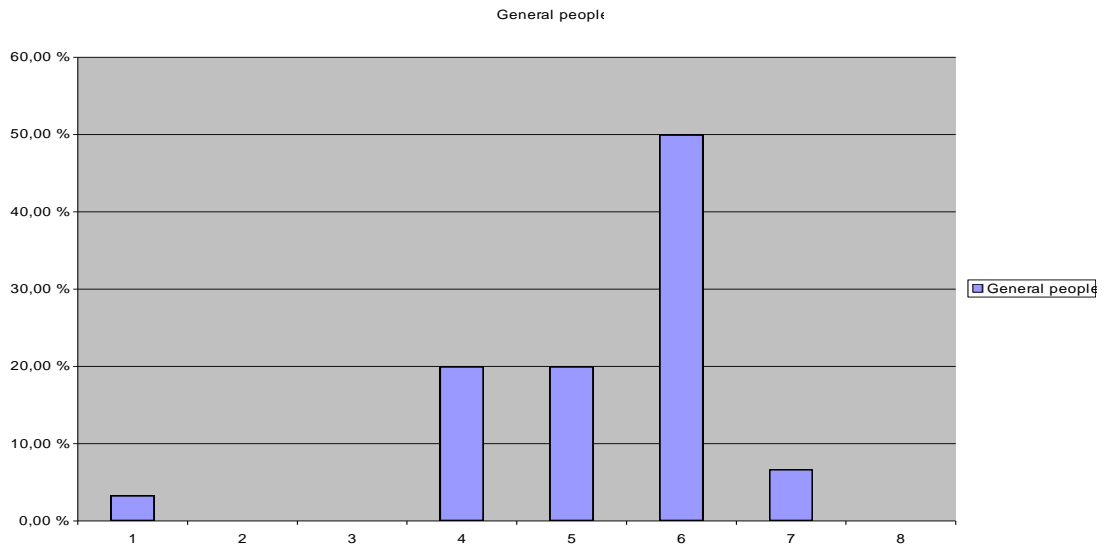
2. It is strange that a school principle and a person with cleaning job sit at the same table and eat lunch. (For general people)



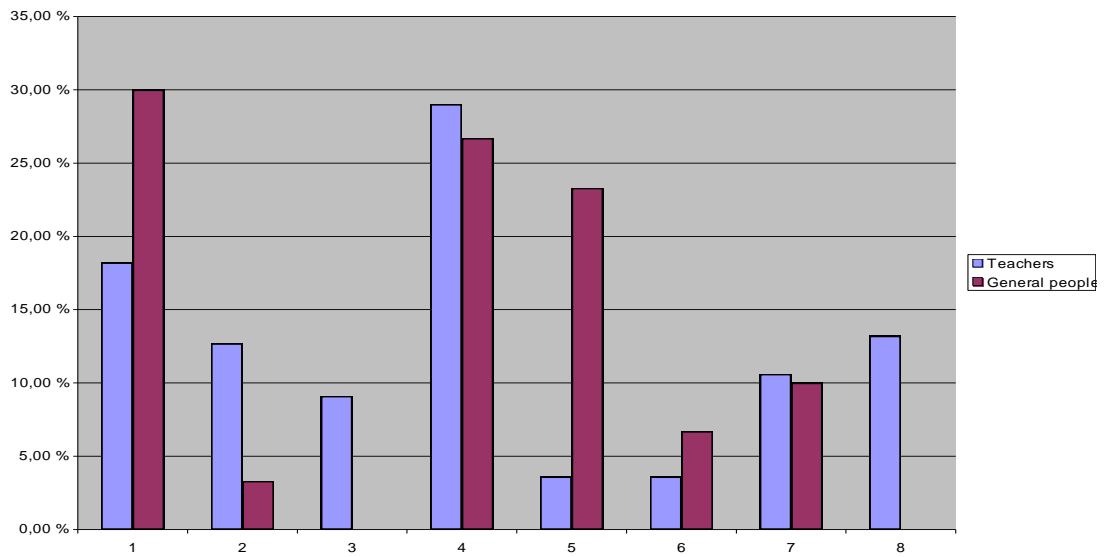
3. It is part of democracy to be able to express one's opinion to the Emperor's family or politicians.



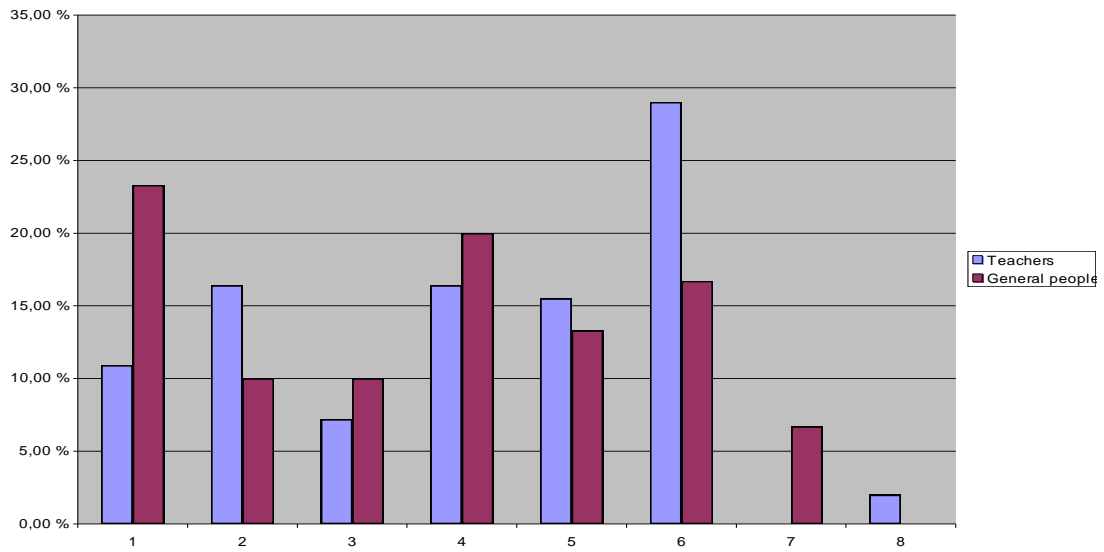
4. If a male teacher receives a higher wage than a female teacher, in spite of the fact that the female teacher has the same academic background, length of job experience, and the same age as the male teacher, this would be quite unfair.



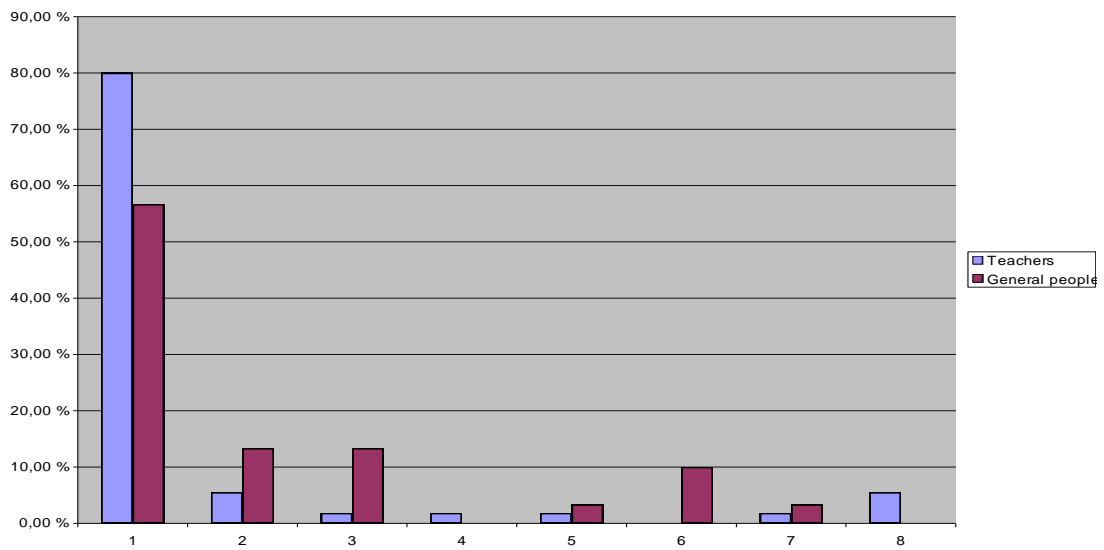
5. If opinions between parents and teachers are different, a child should always obey the parents as long as the parents have common sense and care for the child.



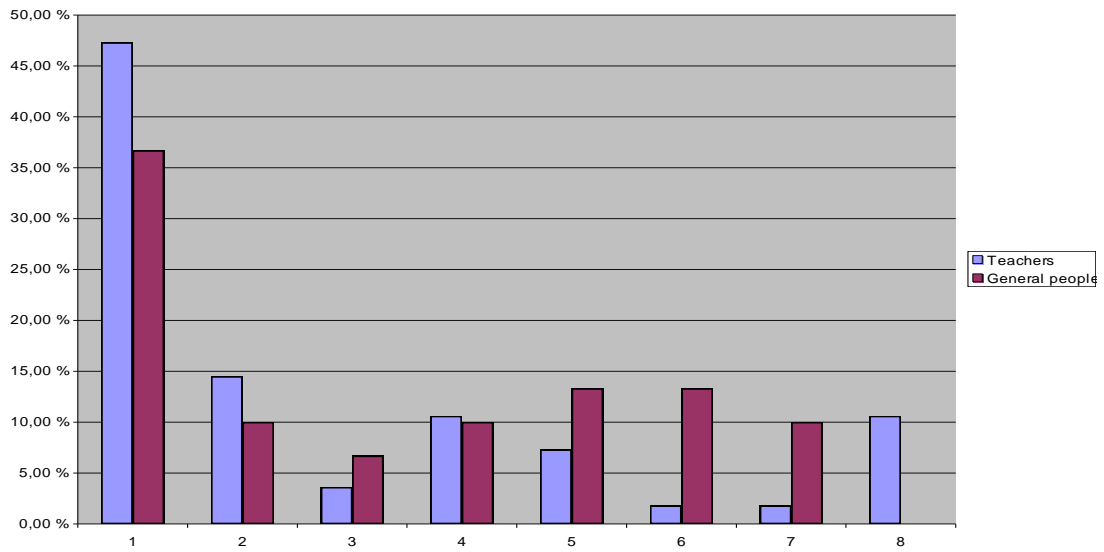
6. It is not right that a child has to stay in a corridor during the class because of something he/she forgot to bring to school.



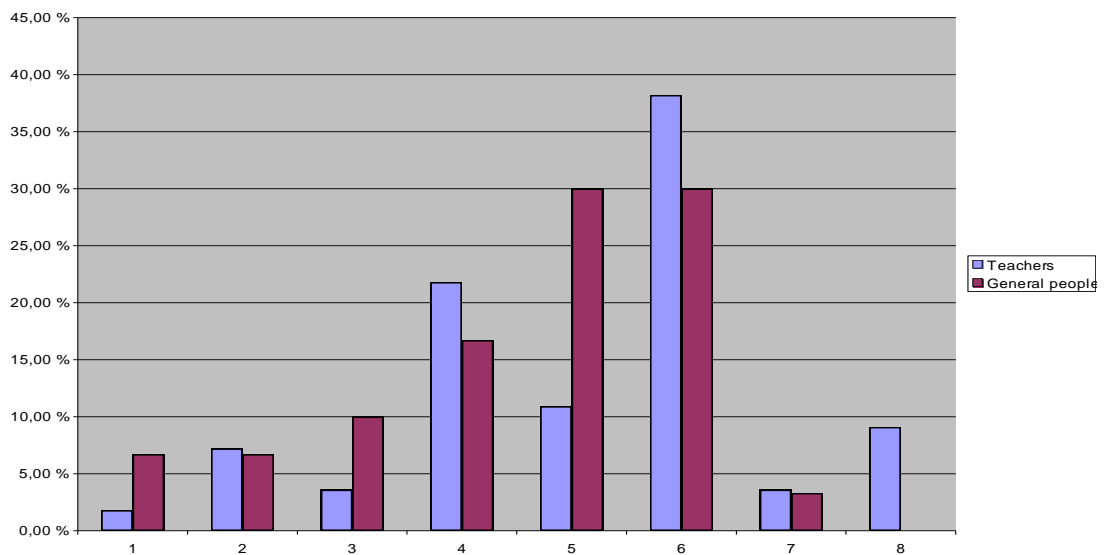
7. Everyone should stand up when the national flag is raised and sing the anthem in the ceremony at school. If anyone, teacher or child, does not observe this rule, that person should be punished.



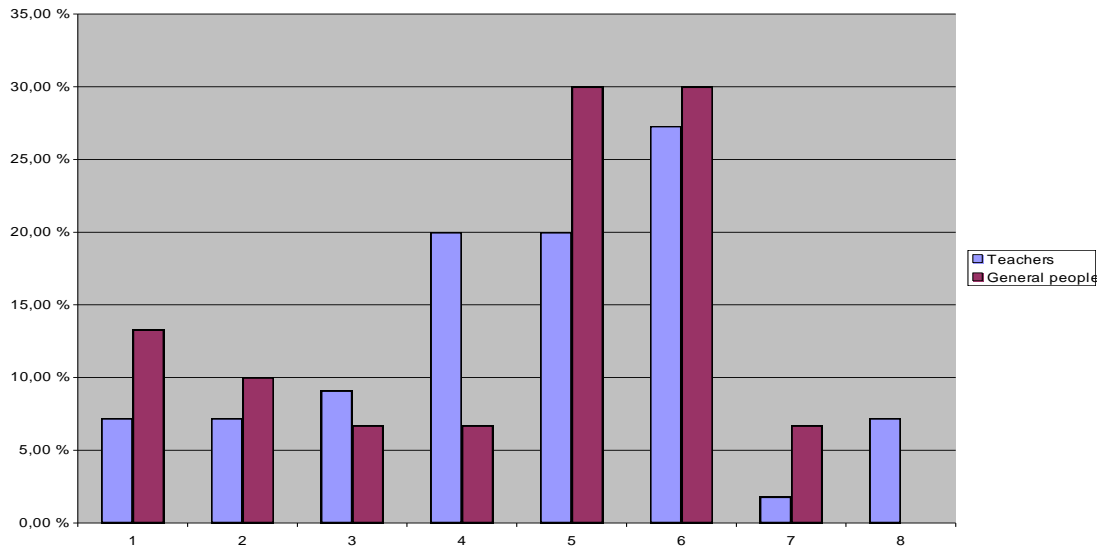
8. It sounds strange that children at kindergarten or the mentally handicapped should join in a political demonstration in order to assert their rights.



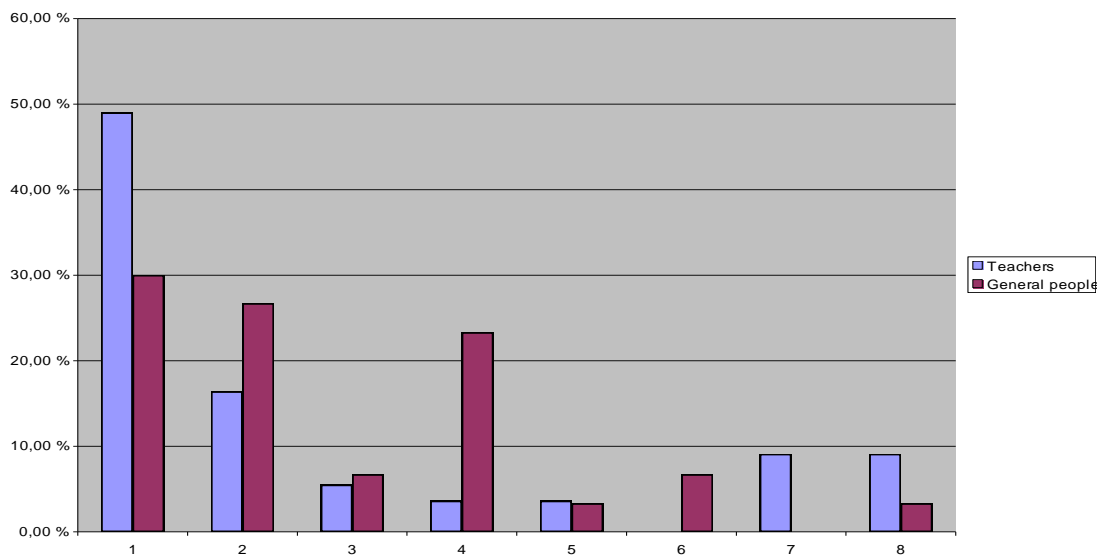
9. If a teacher becomes physically handicapped, that teacher had the right to demand the installation of wheel chair-friendly equipment at the school where they work.



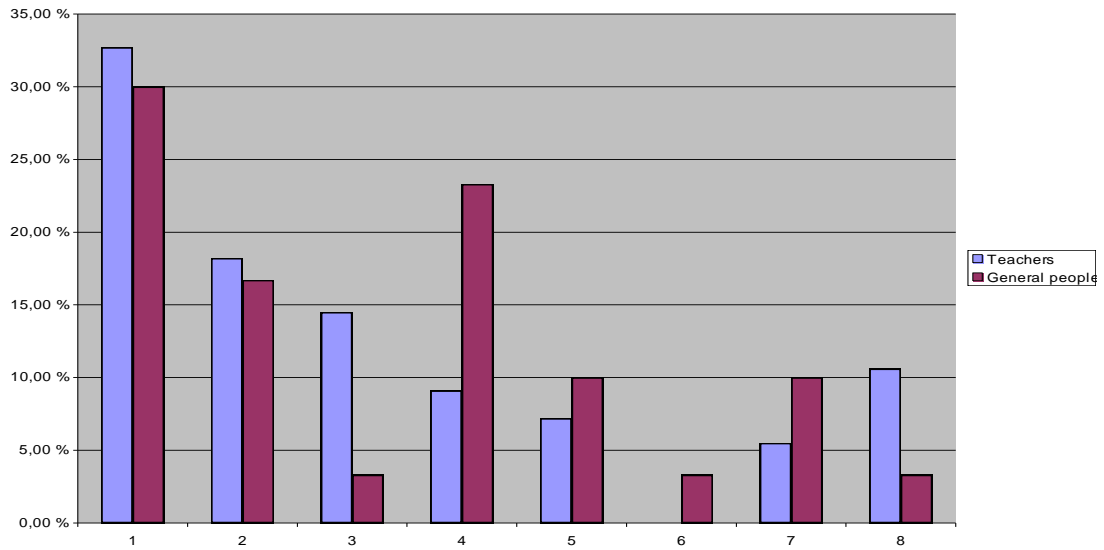
10. It is unfair that *zainichi* Koreans who have been living in Japan for several generations are forced to live as Koreans, because it is not easy for them to get the Japanese citizenship.



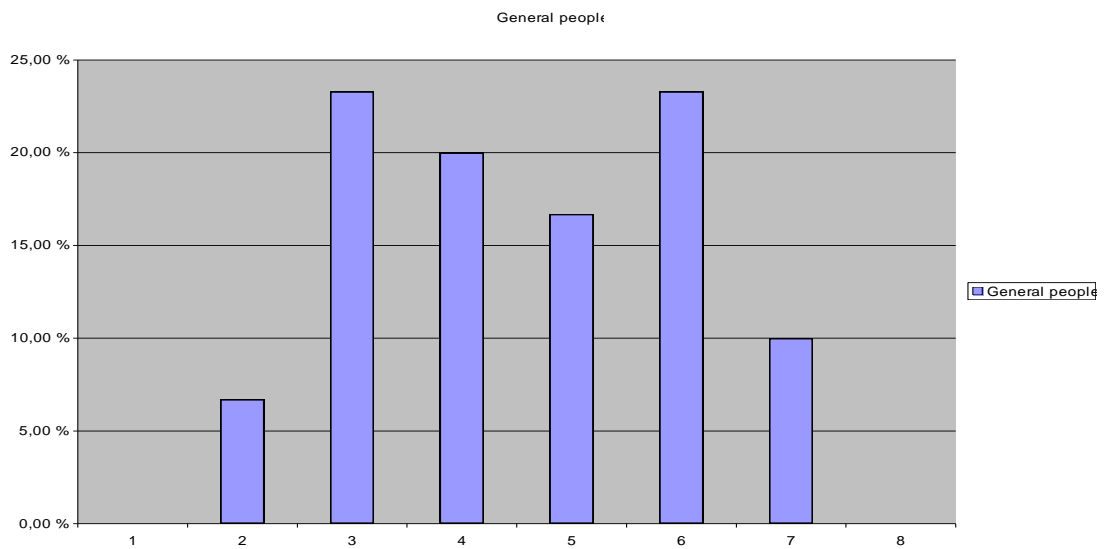
11. It is part of democracy that an incarcerated murderer can get permission to stay out at night if they exhibit good behaviour.



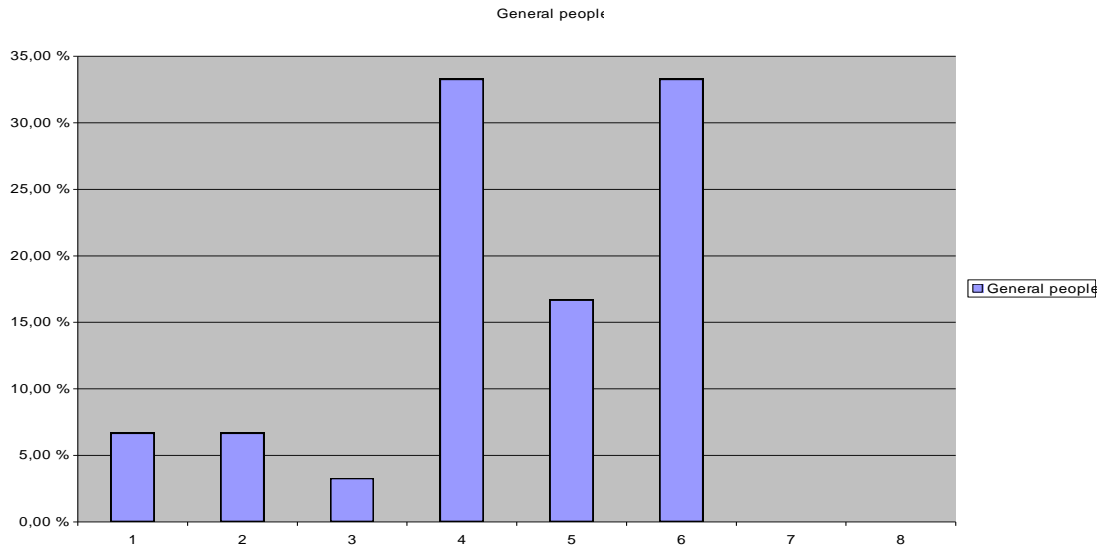
12. It is an infringement on human rights that a murderer with a death sentence is not allowed knowledge of the day their execution, and must deal with constant psychological problems caused by fear of the execution being today.



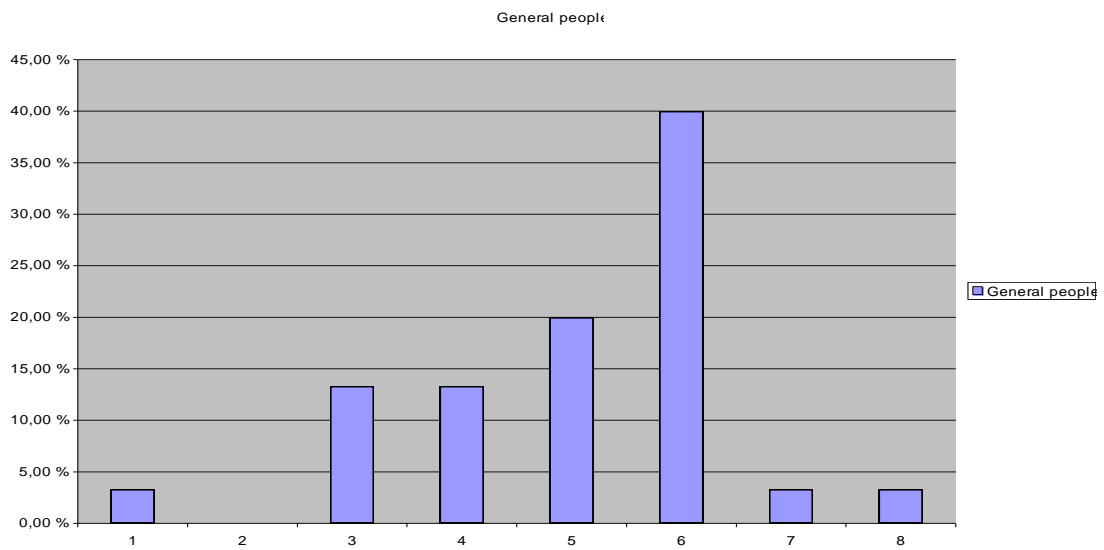
13. Even though it concerned one's own child or a small child, one should absolutely preserve the confidences of that child. If one had to inform a doctor or the police, one should ask the child if it was fine to tell.



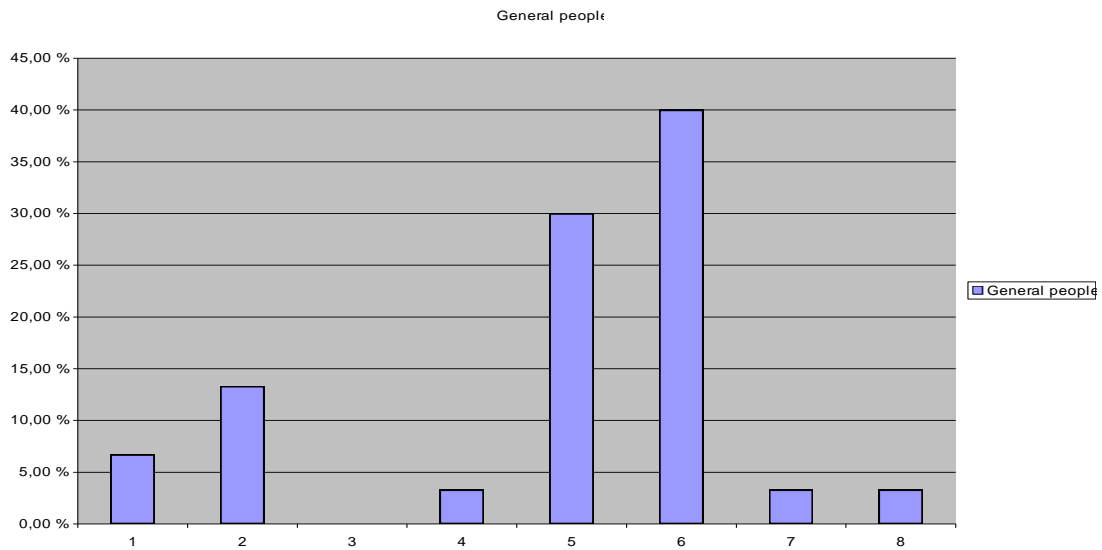
14. It would be no problem if I or my child chose to marry a person who was *buraku*, *Ainu*, *Ryukyu*, *Zainichi* Korean, or a foreigner.



15. It is not right that the authorities did not allow a pop music group in the 1980s, who made a song denouncing nuclear power stations, to release said song on a music record.



16. If the boss of a company forces an employee to leave the job five minutes before the time to register, the boss should be penalized.



9.2 Summary of the result of the questionnaire for common people

Almost all people who have answered my questionnaire considered human rights issues very important in their lives. Everyone in Japan knows that the Japanese Constitution is based on the democratic concept, and it is clear that most people who have answered the questionnaire have a basic knowledge of human rights. However, the results show slightly differing opinions between common people and teachers.

Question 1 shows a clear difference between teachers and ordinary people in that most general people assert that observing rules is the most important part of moral values, while teachers' opinions on this vary. People in general have basic knowledge of human rights, for example that women should receive fair treatment and people with a different social status should be treated equitably. Several people would not mind if they themselves or their own child were to marry someone from a minority discriminated against in society. Furthermore, many of them assert that one should not be punished even though one refuses to show the respect to the national flag or does not sing the national song in the school ceremony.

The matter of the law of the national flag and the national anthem that researchers have warned about is mentioned in chapter two. It seems that the general

public is not so strict in adhering to the law.¹⁹³ A principal at one of the three schools I visited told me that their prefecture, Shizuoka, in which the three schools are located, stands in a neutral perspective politically. According to this principal, people in the prefecture behave fairly to everyone and do not discriminate against minority people such as *Buraku (Dōwa)*. However many people have problems agreeing with some of the questions such as no.11 about the rights of a murderer to freedom, as well as question no.12, regarding the death sentenced prisoner's issue.

There is something interesting to be seen in the results from common people. After the last question I left a small note space where people could write their own opinions on human rights: surprisingly, about one third of respondents among people in general wrote that one should observe one's own duty, otherwise one cannot demand one's own rights.¹⁹⁴

9.3 Result of questionnaire for teachers

According to the result of the question 1: teachers, on the whole, seem to consider human rights and obeying one's better equally important. 41.8% of the teachers have chosen that they do not agree that the most important thing is to obey the rules instead of human rights. On the other hand, 29.0% of them responded that they "agree slightly" that obeying one's superiors is more important than learning human rights. It looks as though teachers would like to teach human rights, feeling this to be a more important issue than following the rules. Although there are opinions for and against the proposal, there are teachers who were going to teach or had taught human rights issues such as UN's CRC, the Japanese Constitution, and issues concerning minority peoples in Japan.

It appears that teachers have a somewhat liberal perspective on some of the issues, such as no.6, which concerned the treatment of a child who has forgotten something, no.7 about the national flag and the anthem, and no.8 about joining a demonstration. At the same time they are more conservative than general people on

¹⁹³ Aoki(2003:184, 185), "*Kokoro no nōto*" kenkyū(*The analyze of "A Heart of Notebook"*), Nishihara(2003:14.20), *Gakkō ga aikokushin wo oshieru toki, -Kihonteki jinken kara mita kokki, kokka to kyōiku kihonhō kaisei(When the state teaches "patriotism", - the national flag and the national anthen and reform of the Fundamental Law of Education, seem from basic human rights)*

¹⁹⁴ Questionnaire for general people carried out in Japan in the period between October 1st and 16th in 2009.

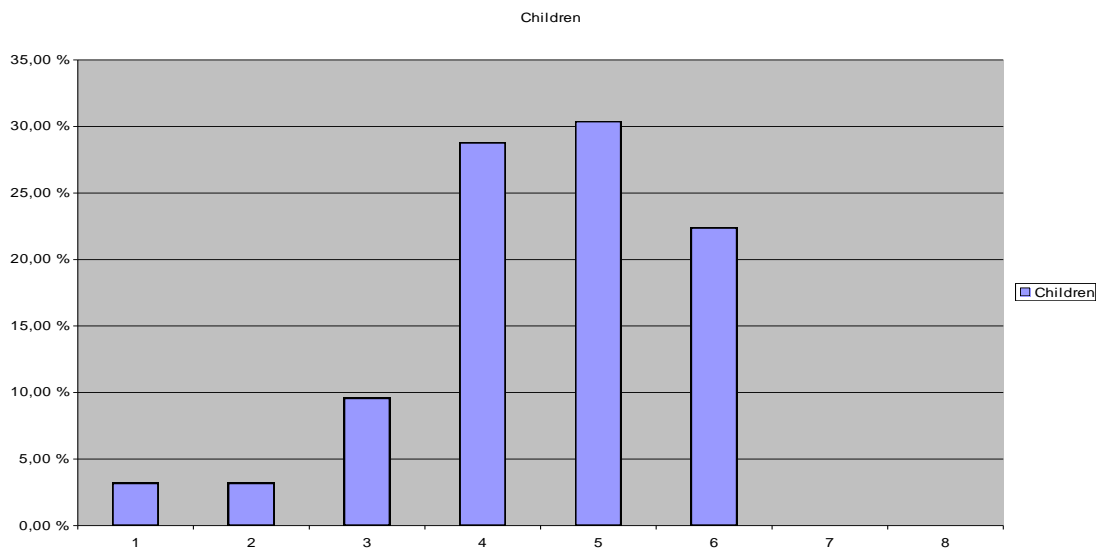
issue no.3 about the freedom of expression towards the royal family and politicians. No.11 about a murderer’s permission to spend the night outside prison and no.12 about a death-sentenced prisoner’s issue indicate the same. The percentages of how many teachers who chose “disagree completely ” are 20.0%, 49.0% and 32.7% in each question.

Concerning question 4, it was impossible to get a balanced result because most of the teachers did not answer the question, but instead wrote that the wages for teachers are no different in sex, although it should be highlighted that that is what they *think* instead of what is really the case.

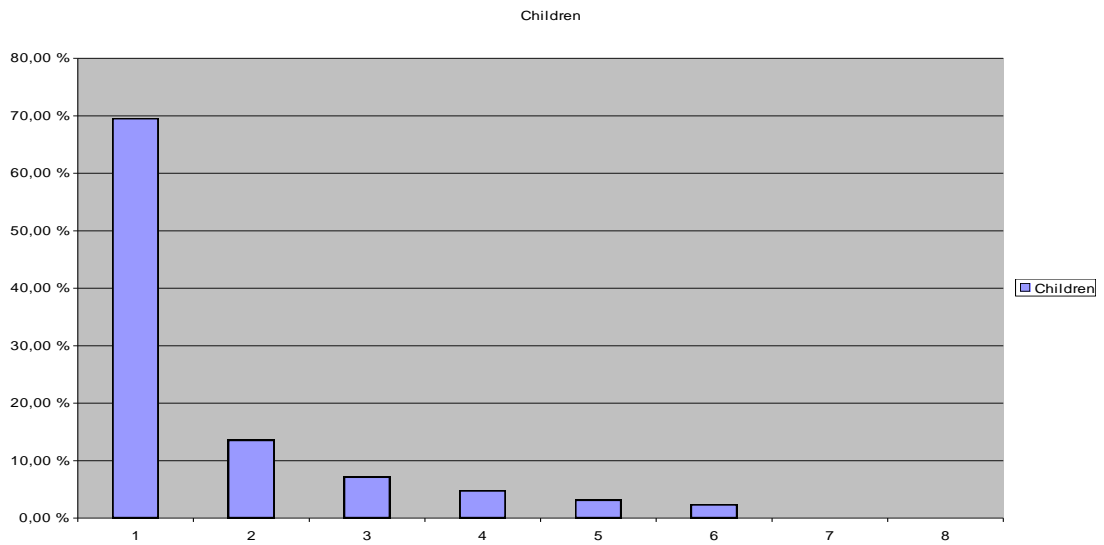
10. Questionnaire for schoolchildren

10.1 Presentation of questionnaire for children

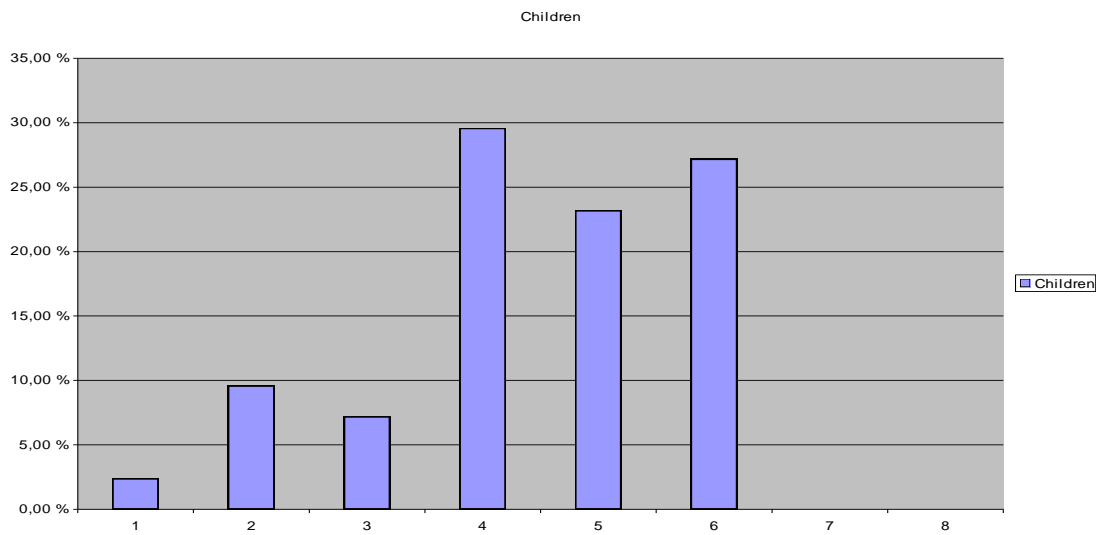
1. Human rights are very important for man’s daily life, and the human rights found in the Japanese Constitution should be observed.



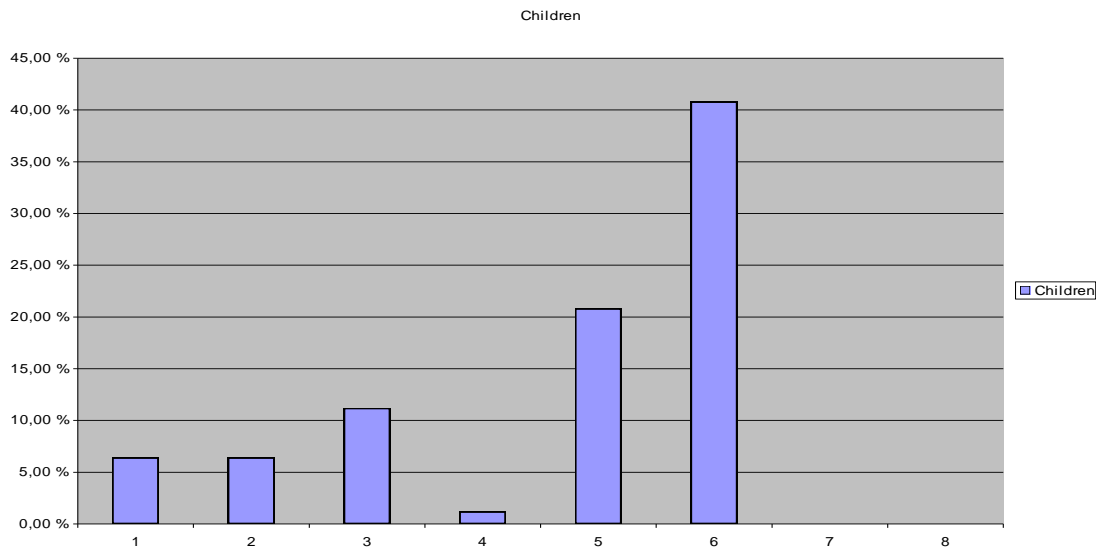
2. One should not have a different opinion from others.



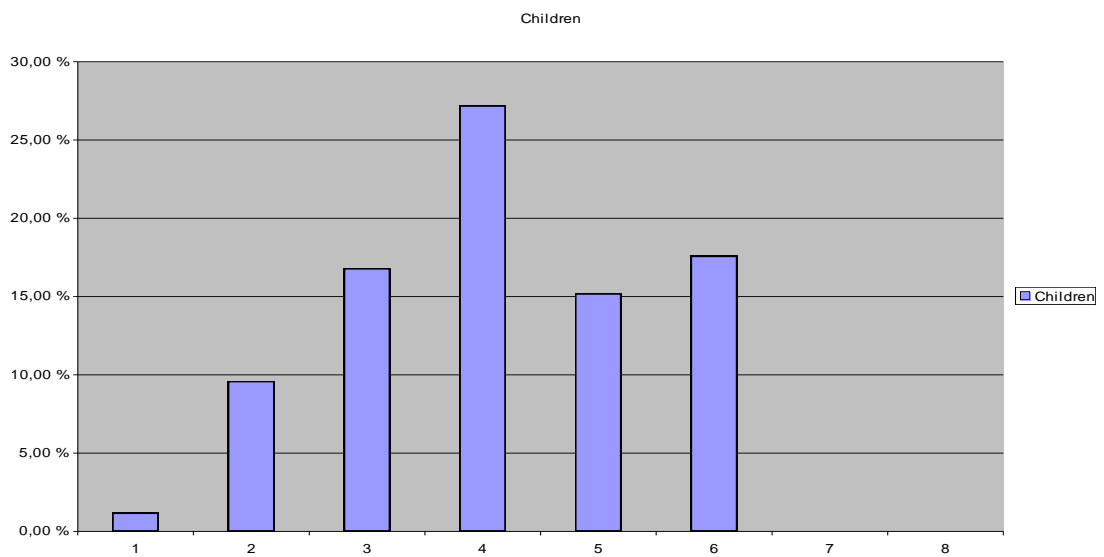
3. Everyone has a right to say “It is not good what you are doing!” to royal family members or politicians.



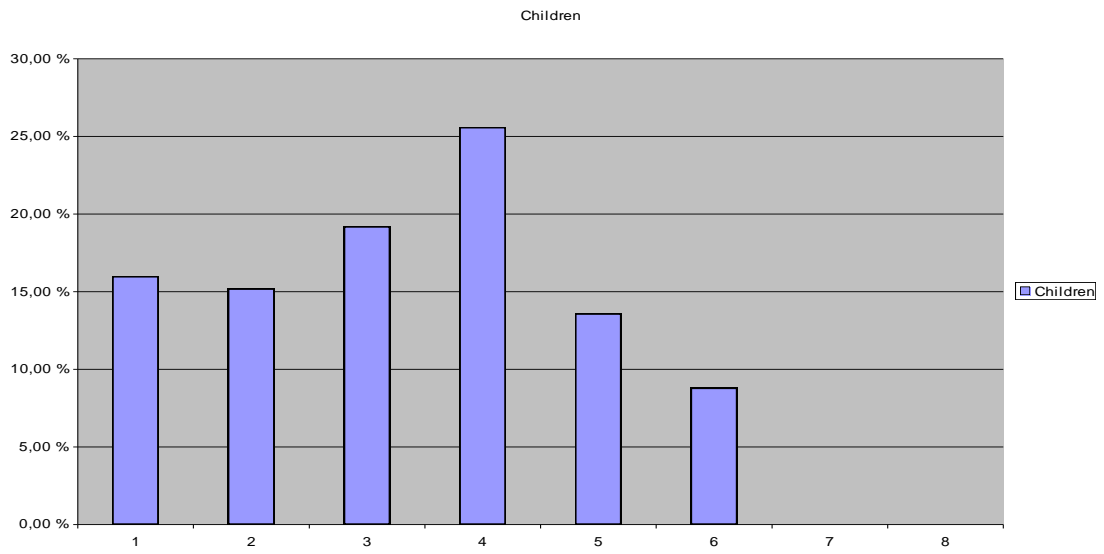
4. We should say “That is wrong!” to someone if the person has done something wrong.



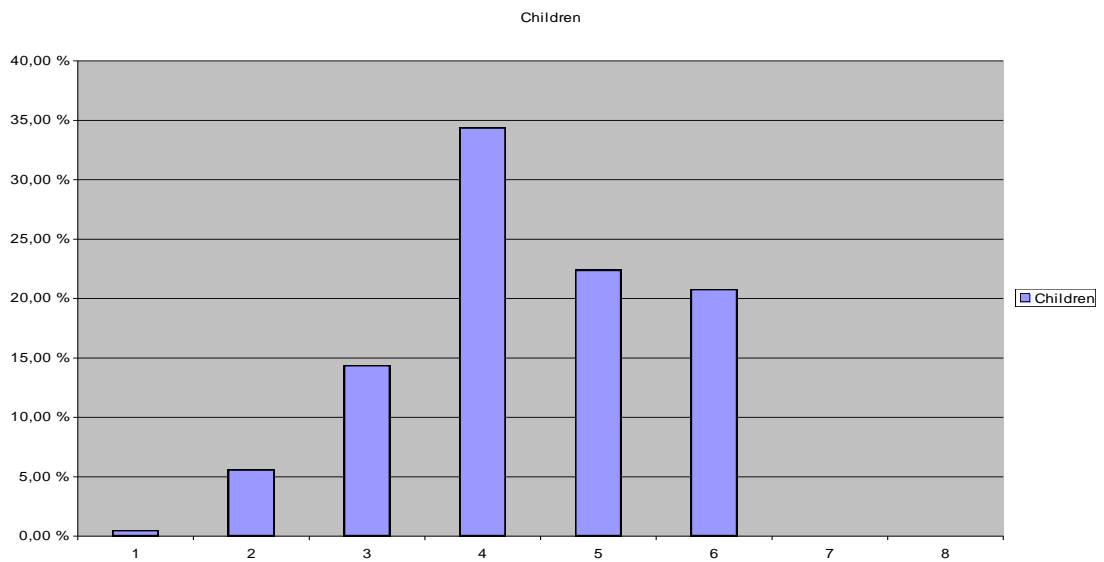
5. If you do not want to tell something to others, you have the right to be silent.



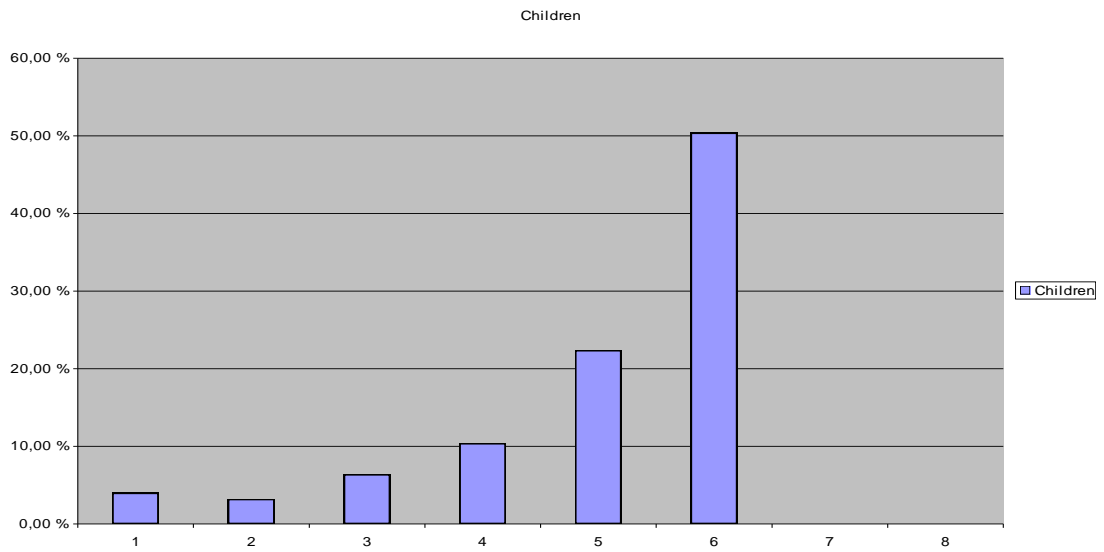
6. The word, *majime* (seriousness, earnestness), means to observe the rules.



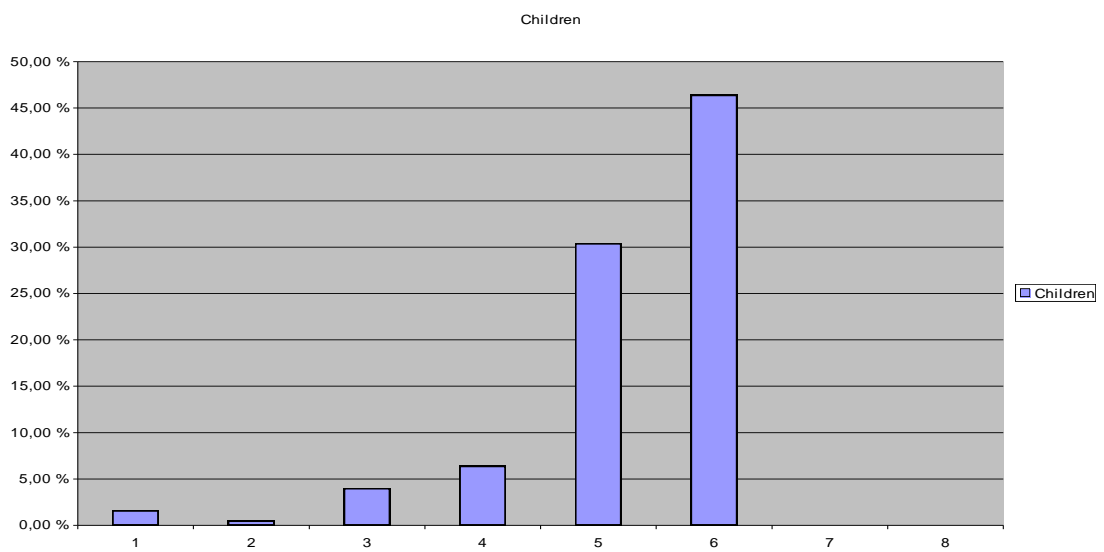
7. Japanese culture includes the culture of *Ainu* and the one in Okinawa as well.



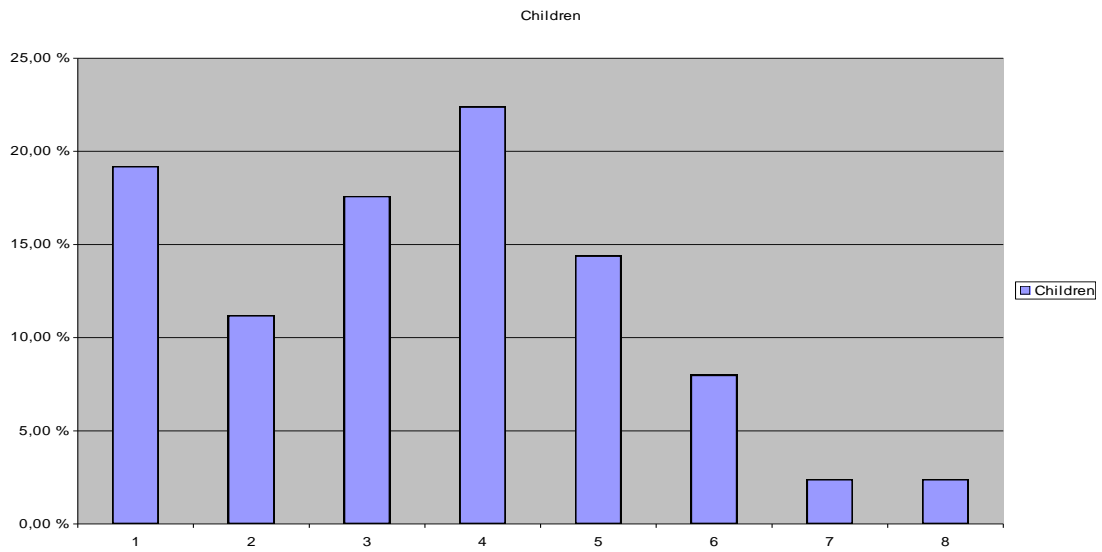
8. It would be unfair if one were not allowed to get an education or to have a job because they were a woman.



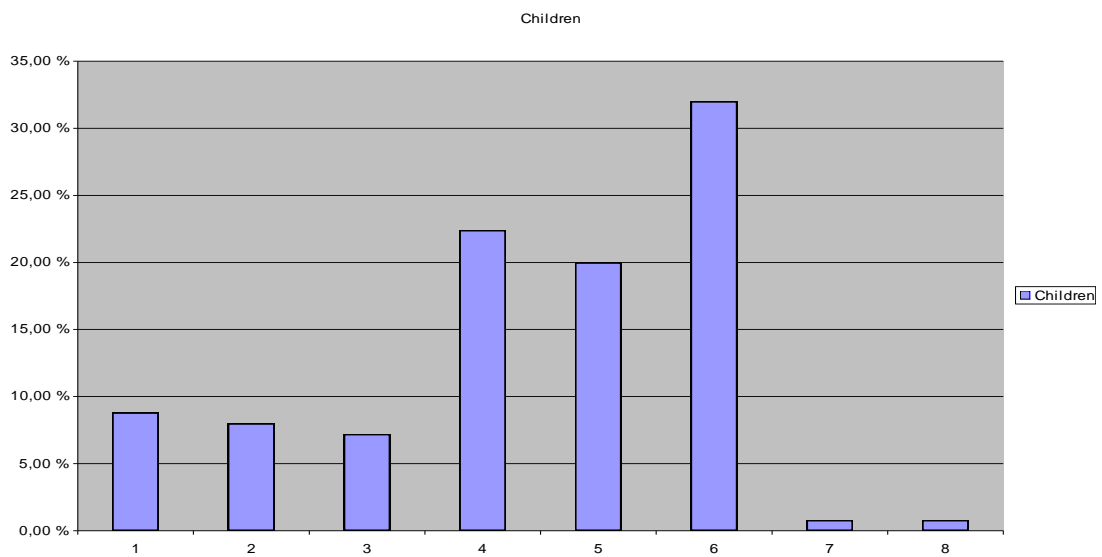
9. A confidence should be absolutely observed even though the secret belongs to a small child. If one had to tell the secret to other, one should ask the person in question if it was fine to tell others.



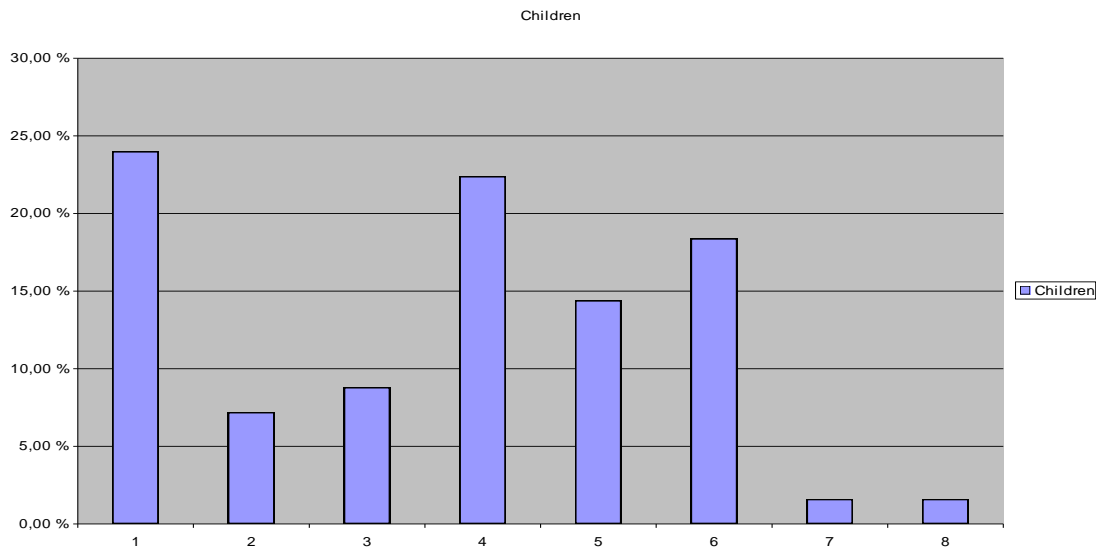
10. Children at primary school have no right to join in a political demonstration for their rights.



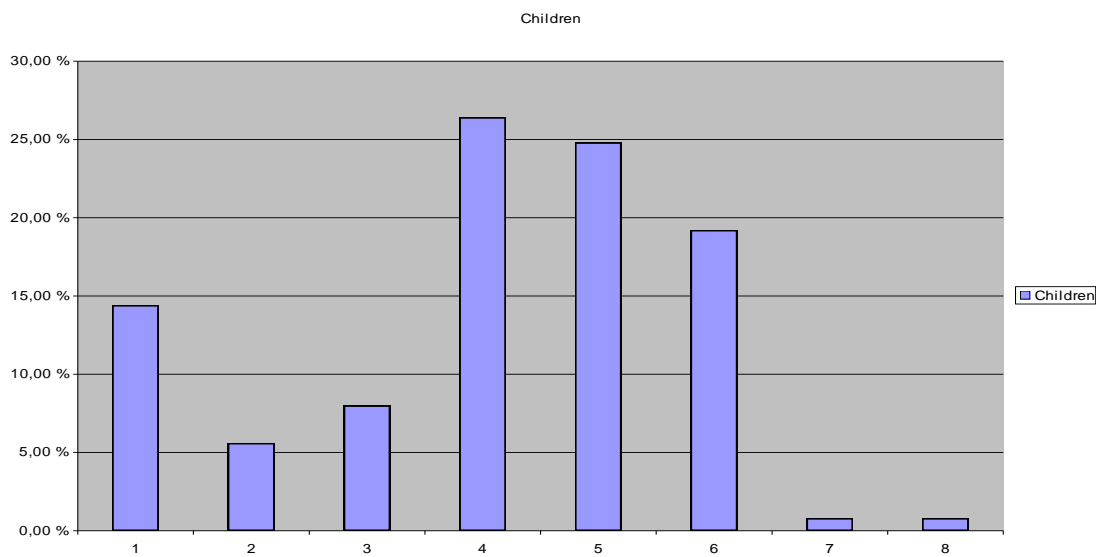
11. As long as parents are ordinary people who care for own child, the child should obey their parents if the parents have a different opinion from teachers.



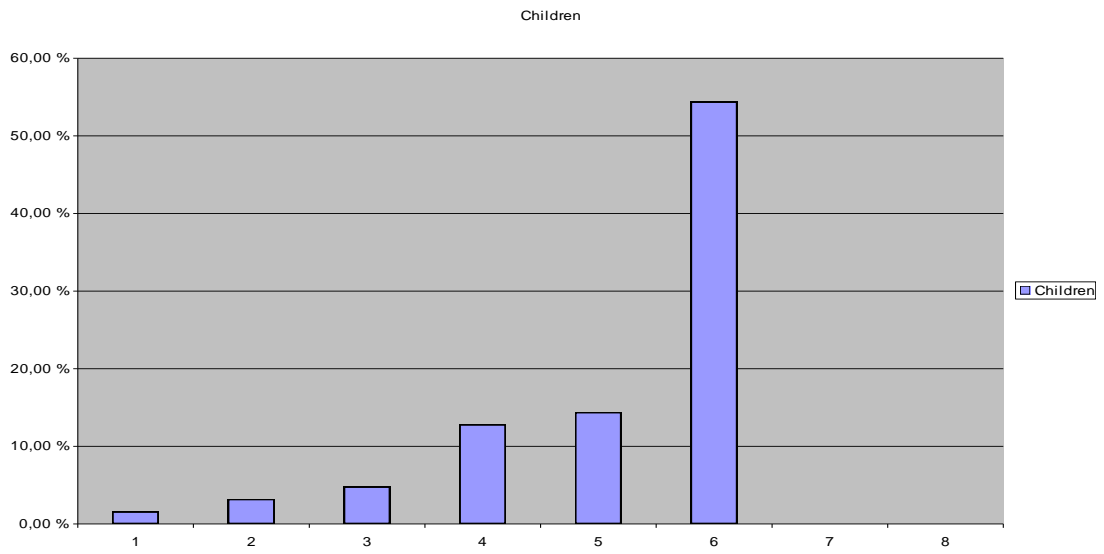
12. I cannot accept that a teacher told me to stay in the corridor during the class because I have forgot to bring something to school.



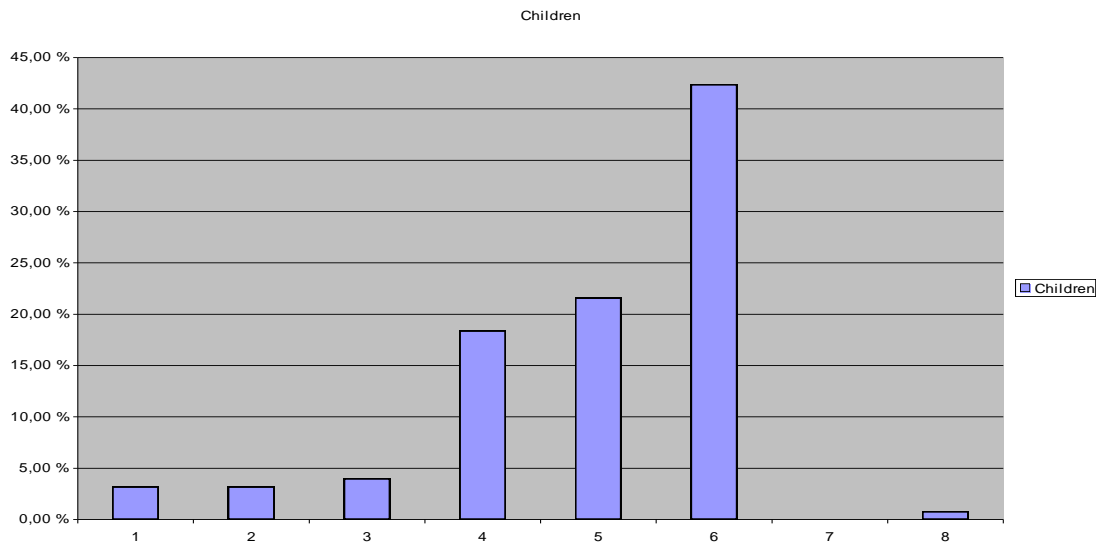
13. One must obey the rule of hoisting the national flag and singing the anthem, even if one does not want to do so.



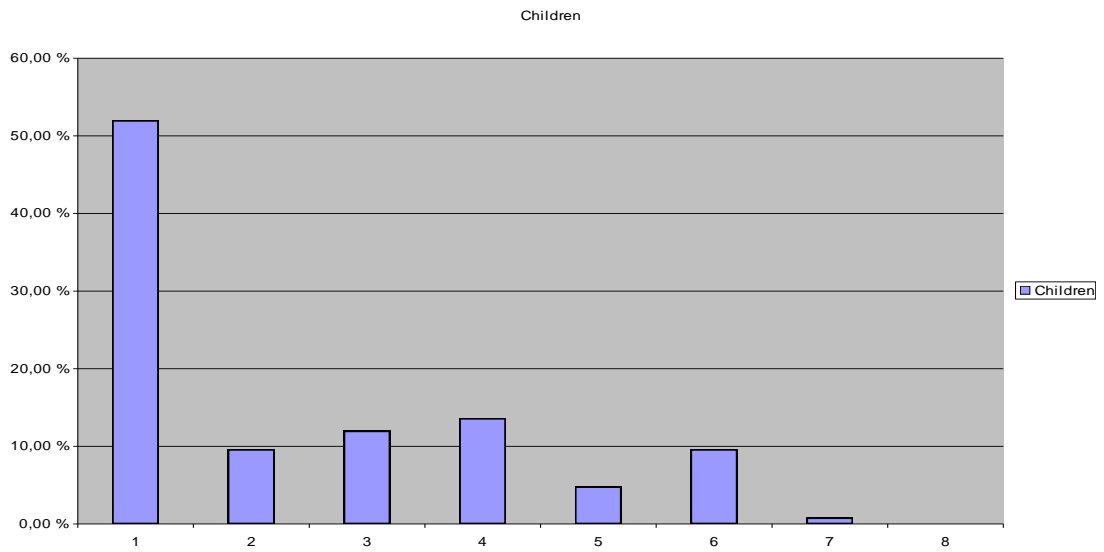
14. Equality means, for example, that one behaves in a friendly way toward minority children in the class just as one would to majority children.



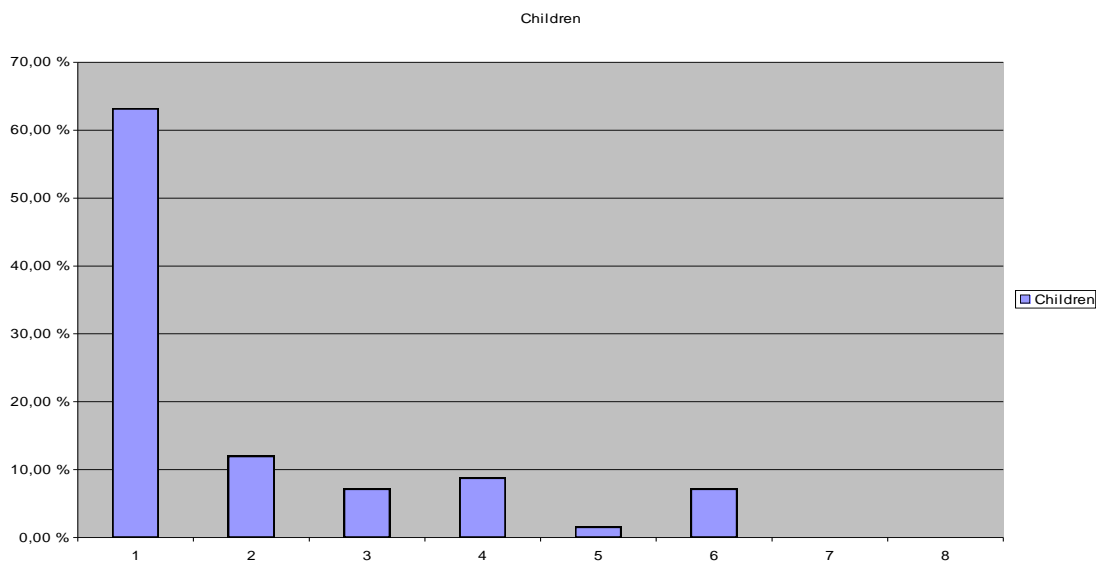
15. Not all rules are fine.



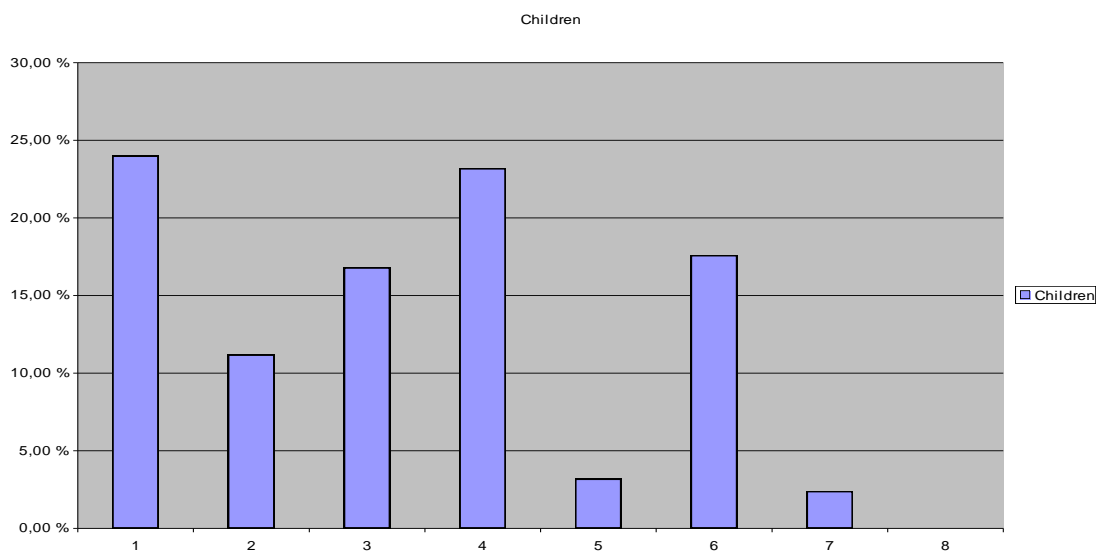
16. A woman whose job it is to clean the school building has no right to sit with school principle to eat lunch.



17. When others are cleaning the school building, one should be allowed not to help cleaning because one does not want to do cleaning.



18. When Takeshi got to know that everyone should let balloons fly away in the last of the dancing in the sports day, he refused to do it because he was concerned that turtles living in the sea that might die after eating the balloons. He has a right to assert this point of view.



10.2 Summary of the result of the children’s questionnaire

As expected, schoolchildren are really quite obedient to authority. They actively follow the rules and, at the same time, demand others to follow them as well. For example, in one of the questions in the questionnaire for children, no.4, about telling someone “That is wrong!”, 61.6% of the children who responded answered either “agree completely” or “agree”. Half of the pupils do not mind criticizing a member of the royal family or a politician if they have done something wrong. 50.4% of pupils chose either “agree completely” or “agree”. Question 3 regarding freedom of expression toward the royal family and politicians is similar to the question asked of adults, and the children’s responses shows a result similar to the teachers’ answers. Nevertheless, no.4 differs from no.3, even though the underlying principle of both is the same. no.3 is about the royal family and politicians, while no.4 does not mention what kind of people one might be speaking to.

The result of question 2, about different opinions from others, might indicate that Japanese children could accept a different opinion from the consensus. However, according to the results of the interviews I conducted with children and one of the observations at the Japanese schools, it depends on what kind of “different opinion”.

For example, nearly all children interviewed did not agree that different behavior related to religious matters.

No.10, regarding joining a demonstration, is probably an unfamiliar situation for most of the Japanese children. The results are correspondingly varied. No.11, about whom to obey, is the same as the question no.5 for the adults, and while 56.7% of people in general and 40% of teachers agree in some degree that obeying parents should be prioritized, all of 74.4% of the children agreed with the question. no.12, about treatment of a child who has forgotten to bring something to school, is the same as the adults' question no.6. The results show that little more than half of the children agree, while about 40% of the children disagree. This result shows a lesser degree agreement than what teachers think. One fourth of the children seem to think that one should deserve to be punished if one has done something wrong. 24.0% of the pupils chose "completely disagree", while 18.4% chose "agree completely".

No.13 relates with the national flag and the anthem, which is one of the controversial issues in the Japanese society. 72% of the children agree somewhat, while less than 30% of them disagree to any extent. In question no.17, regarding if a child is not helping with the cleaning, 63.2% of the pupils who have chosen "disagree completely". Yet, no.18, about refusing a performance, is a little different in perspective from no.17. In this question 24% of the pupils have chosen "disagree completely", while 17.6% "agree completely" and 29% "Neither agree or disagree". No.17 is related to duty. Almost all Japanese people would not like the idea that someone neglected their duty while others were cleaning. On the other hand, in their responses to question no.18, most of the pupils say that this behavior should be accepted. Yet, there are still 17.6% of the pupils who have answered Takeshi should follow the rules and do what the others would do.

11. Interviews with teachers and children

Here are presented contents of interviews with both teachers and children in Appendix IV. I did not ask all of the questions of all teachers and children in the list because when I found out some issues at the third school related to important human rights cases, I added some more questions regarding those issues in lieu of some other questions. This was because the issue observed in one of the moral value classes is

very much related to the human rights issue, and I felt that asking the remaining teachers and students about this would produce salient information.

11.1 Interview with teachers

I carried out interviews with all teachers responsible for sixth grade pupils at all three schools. There were three teachers in each school in addition to a teacher in Susono Nishi School, who had the responsibility for the sixth grade pupils as a whole.

As was mentioned in chapter two, people in Shizuoka prefecture generally have a liberal perspective on the issue regarding the law of the national anthem and flag. All the teachers interviewed have a liberal stance on this issue as well. The teachers told me that they did not want to force children to obey the law; if the children did not want to show respect to the national anthem and flag during ceremonies at school, they were free not to do so. They did not want to penalize teachers who refused to observe the law, either. If a child had an opinion different from others, the teachers preferred to discuss the issue with the child and other children in the class, even other teachers, possibly even changing their own stances to that of the child if it was reasonable.¹⁹⁵

Yet, none of the teachers mentioned teaching children the UN's Convention on the Rights of the Child or the parts of the Japanese Constitution related to human rights. What's more, all of the teachers gave an answer in the end that they would like to teach children about observing rules. As far as the relationship between public schools and religion, which are supposed to be separated because Japan is a secular state, goes, none of the teachers could tell me whether it was against the Constitution¹⁹⁶ if their school had a religious activity.

Ways in which teachers expected children to act and think were, for example, that they should be considerate of persons in need and help them even though an action might be different to what their parents had told them. The teachers wanted the children to consider that their parents might not always be right. Besides which, there was a teacher who wished children would assert their own rights, but the teacher admitted that the school falls short when it comes to teaching assertion of rights to

¹⁹⁵ Interviews with teachers in Susono Nishi School, Koyama School and Fujioka School in the period between October 5th and 16th in 2009

¹⁹⁶ See paragraph 5.4 in Chapter two. In the article 20 (3) in the Constitution it says clearly that the state and the organs shall refrain from religious education or any other religious activity.

children. At the same time society does not wish children's assertion of rights, and would prevent children from acting for children's rights.¹⁹⁷

11.2 Interview with children

One of the questions asked of the children related to duty, and all children answered that they would judge someone not following rules and many of them said they would tell him/her to follow the rules. Some of the children said they would do this regardless of whether the person was older or younger.¹⁹⁸ These statements are in agreement with the results from question #4 on the questionnaire for children.

One of the schoolteachers I interviewed told me an interesting story. In Japanese schools it is normal that children clean the school building everyday by themselves, the teacher in question's school being no different. The school used to have a long lunch break without any cleaning on Thursdays, but the school suddenly decided without conferring with the pupils that from April of the year I visited the lunch break would be shortened and pupils would have to clean after the break (Pupils clean the building after lunch break in the school.).

When the teacher found out about this, he asked the pupils what they thought about the decision taken by the school administration. The answer from children was typical for Japanese children: they really did not care about it, and they would not be interested in insisting that it was undemocratic. The teacher has never heard any protest from other pupils in the school regarding this decision at all, either.¹⁹⁹ This is the human rights issue I mentioned in the introduction to this section.

Voice of children

Here is an extract from one of the interviews, which took place after I found out what happened to the lunch break:

Interviewer: What did you think when you found out that the lunch break was to become shorter from April?

¹⁹⁷ A statement of one of the teachers at Fujioka School on 16th October 2009

¹⁹⁸ Interviews with children at Fujioka School on 14th, 15th and 16th September 2009

¹⁹⁹ Interview with one of the teachers in the sixth grade at Fujioka elementary school in Gotenba city in Shizuoka prefecture on Wednesday Oct. 14th 2009.

Pupil: I... was irritated with it, and I wished the teachers would listen to us, but ...

Interviewer: Have you tried to oppose the decision or tell these feelings to your teacher?

Pupil: Well, not really...

Interviewer: Why?

Pupil: I ... think I should not do it because I am just a child, and I should not say anything against teachers because they are my superiors. No children should oppose them.

Interviewer: Do you mean that you should obey teachers even though you don't want to?

Pupil: Uh, ... yes...²⁰⁰

Almost all pupils I interviewed told me that they do not dare oppose authorities such as teachers and other adults who have a position of authority over children. Another child I asked the same question told me that he/she did not care very much about the school's decision about the lunch break because it was *the students' fault* that they did not clean well enough, and the children therefore deserved it. Furthermore, the children showed problems expressing their honest opinions to me under the interview, in spite of the fact that I had told them that no one else would be privy the contents of the interview. They seemed a little afraid, as if they might be scolded if they said anything against the school.²⁰¹ If the school does not allow pupils to speak freely about anything, it might be difficult for the pupils to learn what human rights really mean and how a school democracy should function.

There is another story, which is related to children's rights, that one of the children told me: she was one of the members of a committee responsible for the school library. According to her, she must be in the library each break, and at each lunch after eating in order to work for the library, even though she would like to do other things. Meanwhile, she seems to have given up asserting her right to have break as other pupils have.

Here are some statements made by pupils during the interviews:²⁰²

²⁰⁰ Interview with one of the pupils in the sixth grade at Fujioka elementary school in Gotenba city in Shizuoka prefecture on Wednesday Oct. 14th 2009.

²⁰¹ Ibid.

²⁰² Interview with pupils in the sixth grade at Fujioka elementary school in Gotenba city in Shizuoka prefecture on Thursday Oct. 15th 2009.

1. It is ok that the lunch break is shorter because the break is only five minutes shorter.
2. Even though it makes children angry, there is nothing the children can do because children have no right to protest against teachers who are superiors.
3. Children should not oppose teachers.
4. If I do not like a rule, I should change myself to like the rule.
5. I am not alone in being treated this way, other children are in the same situation. Knowing that helps.
6. I will obey the [lunch time] rule, even unwillingly.
7. I will obey it [the lunch time rule] because I do not want to get a bad grade because of disobedience.

Here we see disinclination among children to opposing their teacher. Rather, an attitude of adjusting their will to what authority requires them to do pervades. One of the children does not wish to oppose the teacher's will because they are afraid of being penalized with a bad grade. This clearly shows that these children do not know their rights, despite the fact that the CRC and the Japanese Constitution guarantee that children should have the freedom to express their opinions.²⁰³

Children's perspective on different behaviors

The interview with school children about different behaviors in different perspectives reveals some of the way children think. One of the questions I posed in the interview was in regards to religious festivals being held at the school. Many of the children answered that the class representative should not refuse the task he/she was supposed to do; it had been decided that representatives from each class were supposed to carry the *mikoshi*²⁰⁴. According to the children, it was important to follow the rules. Another reason they gave was that he/she should do it in order not to be bullied by other children due to setting themselves apart.

None of the children or any of the teachers mentioned that the cooperation between the local Shinto institution and the public school is clearly illegal. I have

²⁰³ Article 12 in the UN's Convention on the Rights of the Child and Article 21 in the Japanese Constitution

²⁰⁴ It means a portable Shinto shrine.

regretted asking the children what they thought about the relationship between school and religion, but in all likelihood it means the children have never thought about the relationship between the Constitution and local religious institutions. In addition, it is possible that the school does not teach religious issues in relation to human rights, in spite of the fact that about half of the numbers of the teachers answered that they were going to teach human rights issues, thereunder freedom of/from religion.

12. Presentation of observation at schools

12.1 Japanese children, strict or responsible?

Teachers in the schools where I have observed moral value classes (*dōtoku*) used a text from one of the textbooks for the class, a video, or another text from other history books a teacher had found themselves to teach the class. In the beginning of the class the teacher usually reads aloud a text they have selected, and then asks questions of the pupils, for example who the characters in the story were, what happened, and so on. Additionally, the teacher often gives a problem related to the story and lets the pupils state their different opinions. The teacher does not say what he/she thinks about the problem, but simply lets the children think what is best. Another teacher used a computer room to teach children how difficult things are for a person who is physical disabled and cannot use their own arms at all, to write a word by holding a pen in their mouth and pushing individual keys on the computer keyboard. It seemed to work well; all the children sat in front of computers and tried to write with a pencil in their mouth. They seemed to enjoy the class and it seems a good way of teaching what the teacher meant to for the pupils to learn.²⁰⁵

Next I would like to present a very interesting moral value class I observed. One of the teachers used this text in the class and let the children discuss it with each other:²⁰⁶

A boy tried to pay to a bus driver when he and his friend were getting off a buss, when he discovered that he had forgotten his purse. The boy wanted to

²⁰⁵ Observed in the one of the sixth grade class at Fujioka elementary school on Thursday October 15th 2009

²⁰⁶ Observed also one of the sixth grade classes at the same school on Wednesday October 14th 2009

borrow some money from his friend so that he could pay for the bus fare, but the friend refused because his mother had told him not to lend money to others. That made the boy who forgot his money upset and he started to shed tears. The bus driver demanded that the boy pay because the driver had had a bad experience with another boy who also forgotten money and did not bring money to the bus company's office later [as he had promised]. Suddenly, a middle aged-woman who was sitting in the bus came up to them and offered to pay for the boy. She reproached him for forgetting his money saying that he was making other passengers wait for the bus. The boy got even more upset because the lady scolded him so loudly and other passengers suddenly looked at him. The lady put the money in the payment box for the boy; it looked like she threw the money into it. After the boy and his friend got off the bus, he suddenly found money in his pocket. He suggested that he could buy ice cream for his friend and the two boys ate ice cream.

After reading this story, the teacher let the pupils discuss in eight groups who would be the one to be blamed for responsibility of the whole problem that happened in the bus. The interesting thing is that the whole class except one pupil did insisted that the boy who had forgotten his money was the one that should be blamed the most because the boy should have checked beforehand if he had it with him. Here are the reasons why the boy who forgot the money is the most responsible, according to the children²⁰⁷:

- He should not have forgotten the money
- He should have checked whether he had everything he would need for going out
- He did not thank to the lady who paid the bus fee for him
- He should not have bought ice-cream and eaten it
- He did not pay back to the lady who paid for him

²⁰⁷ Observing in the Ethics class on Wednesday October.14th 2009 in Fujioka School

The pupils insisted that it is so important not to forget something like one's money. There were several pupils who said that the boy deserves to be blamed because of his lack of responsibility. This reminds me what the questionnaire for children no.12, about treatment of a child who has forgotten to bring something to school, showed. While little more than half of the responding children agreed that it is not acceptable to be penalized by standing outside of the classroom during the class, about 40% of the children found it acceptable.

Who was seen as responsible next was depended on the group. Some groups argued the friend was the second person to be blamed because he did not lend any money even though his friend was in a trouble. Another group pointed to the lady who paid the bus fee, saying she should not be so angry at the boy. Some asserted that the bus driver should not have forced the boy to pay.

In any case it is clear that the pupils are surprisingly hard on the boy who forgot his money. According to one of the teachers I interviewed, it is quite understandable that the pupils have chosen the boy as being responsible for the problem in the bus. Teachers always tell them that they must not forget anything at school and to do their homework. Japanese children consider it very important not to forget anything, to the exclusion of other things, for example watching out in traffic, held one teacher.²⁰⁸ Why do children prioritize not forgetting anything at school over watching out in traffic?

12.2 Authority and ignorance of human rights

Some cases of human rights violation by teachers were observed during my fieldwork in three Japanese schools. One of the teachers in one of the schools behaved as though he/she had a right to know what pupils had said in the interview with me. Furthermore, one of the school principals read what teachers at that school had written in response to my questionnaire.

Before I show another episode, one must know about school lunch in Japanese elementary school, which is usually supplied by the local community. I, myself, could get the school lunch by paying a small sum to the schools: during the lunchtime at one of the schools, the teacher suddenly took one of the buns from one of the pupil's

²⁰⁸ Interview with one of the teachers in the sixth grade at Fujioka elementary school in Gotenba city in Shizuoka prefecture on Friday Oct. 16th 2009.

plates, saying that the boy did not need that so much, and gave it to me. The teacher surely did this out of consideration for me, but the pupil protested a little, shouting, “Oh dear!” but he did not oppose very strongly and soon after stopped protesting. While this happened, other children were laughing at him, and one of them, who was sitting close to the boy, teased him that he had had his bun stolen by the teacher.²⁰⁹

13. Summary of the researching in Japan

13.1 Adults

Many of the adults questioned had a good knowledge of human rights, and people in Shizuoka prefecture have a liberal perspective on several issues such as the law of the national anthem and the national flag, as well as the freedom of expression, and there are several teachers who would like children to assert their own rights. However, they admit that today’s school needs to teach children how to assert their own rights more. At the same time, Japanese schools seem not to teach what kinds of rights children have using the UN’s CRC or the Japanese Constitution.

Teachers are in a quandary, stuck between conservative movements in another places in Japan demand children obey the law of the national anthem and national flag, and their own wish not to force children to do something against their will. However, all of the teachers intend to teach children to observe rules in the society.

Nevertheless, both the general public and teachers appeared to be actively engaged with enforcing duty, feeling that it should be observed before one asserts his/her own rights. This point of view is clearly shown in the survey for both Shizuoka prefecture and country as a whole, too.

13.2 Children

Children are making an effort to observe rules with a lot of patience. They wish to protest against superiors if there is something they feel unfair, yet they do not dare to oppose them. They do not have knowledge about what and what kinds of rights they have. It seems that they have given up their hope of asserting their own opinions

²⁰⁹ Lunchtime in Fujioka School on Thursday 15. October 2009

to their superiors. They think children have no rights and no authority. Even though they are not satisfied with what is going on in their schools, they cannot protest or simply question teachers, because they are afraid that they might be penalized with a bad grade, which might prevent them from getting into an advanced school they would like in the future. They also think one who has failed to observe the rules deserves to be punished, as we already have seen from the story of the boy who forgot his money. It appears children are very strict towards a person who has failed to observe the rules or their duty.

Chapter IV. Analysis of research results and discussion

This chapter will be an analysis of research carried out in Japan, consisting of questionnaires to ordinary people, teachers and children, interviews with teachers and children and observations at three schools in the period October 3 to 16, 2009. At the same time this chapter will present how discoveries in my research in Japan relate with theories in Chapter two.

14. Common Japanese people

According to my research in Japan, common people appear to follow rules in the society more than teachers do. Why do the results between common people and teachers differ? It is difficult to know, but one reason could be because there are a wide variety of people among “common people”, while teachers are a more homogeneous group, whose job is the same; i.e. teaching children. The next question is: Why is it important for them to observe rules? The Japanese usually prefer similar behavior that creates “Japanese harmony”. An example, which shows that Japanese like to behave identically, is that most students at junior high schools and high schools in Japan wear a uniform in order to create a “harmonic” appearance.

The fact that Japanese streets are clean and tidy, even in the absence of garbage bins, probably shows that many Japanese observe a rule that demands people not to throw away garbage in the street. According to the result of surveys in Shizuoka prefecture and the whole country mentioned in Chapter two, more than 80 % of the people in both Shizuoka prefecture and the whole country argue that the number of people who demand their rights without doing their duty is increasing.²¹⁰ Further, as is mentioned, one third of the group of “common people” commented in the questionnaire that one should observe his/her own duty in order to assert one’s own rights.²¹¹ These results clearly demonstrate that observing rules is very important to the Japanese people, even more important than human rights issues. It is probably

²¹⁰ See paragraph 8.2 and 8.3 in Chapter three.

²¹¹²¹¹ See paragraph 9.2 and 13.1 in Chapter three.

because the Japanese believe human rights indicate individualism, not suiting the Japanese society, which is collectivism oriented, and requires harmony rather than assertion of human rights, according to March.²¹²

This indicates that many Japanese have a problem to admit rights to criminals. When judging a murderer, he/she has not fulfilled his duties to society, on the contrary has destroyed harmony. It means people judge the murderer strictly, not allowing him/her the possibility to demand his/her rights even if he/she has suffered in jail. Relating to the relationship between harmony in society and the criminal who has destroyed harmony, one should consider the *uchi-soto* relationship mentioned in Chapter two. According to Komiya Nobuo, the murderer is not part of the group any more when he/she has committed murder. The criminals are regarded as being outside while the participants in my research are inside the group. The outside world has hardly anything to do with the insiders' daily life²¹³ and people are not interested in the rights of a criminal who is standing outside the group.

15. Teachers

15.1 Analysis of the questionnaire's results

Replies to the first question; asking if duty and obedience are more important to learn at school than human rights, show a clear difference between common people and teachers. The teachers' opinions vary considerably, while answers by common people show that about four-fifths absolutely agree in teaching the children observation of rules, which is considered more conservative than that of the teachers. When comparing the teachers' opinion to that of common people, we find similar reasons as related to the *uchi-soto* relationship when it comes to a murderer's rights. Why is the number of teachers who chose "disagree entirely" in question no.11 about the rights of a murderer to freedom much higher than the number of common people who chose "disagree entirely"? This question also shows quite different results between teachers and common people as common people's answers vary; many teachers chose "disagree", while a few teachers chose "agree". It may indicate that teachers have a more conservative perspective toward criminal cases due to their

²¹² March (1996:9)

²¹³ Komiya (1999:378)

status as teacher; one who is supposed to teach children what is right to do in life. They are teachers expected to behave morally and to teach ethics to children, and this is probably reflected in the answer to the question.

When talking about violation of human rights against children by teachers, Ōta Takashi argues that consciousness of human rights among common people is second-class level compared to those internationally. He criticizes people in Japan for not knowing if their behavior is violating human rights, at the same time as they do not notice if their rights are being infringed. Teachers who emphasize “human rights” can violate pupil’s rights through demanding the authority that every teacher has.²¹⁴ In addition, there are many rules in school, which are daily violating children’s rights, Ōta asserts.²¹⁵

It is complicated to ascertain which school rule violates children’s rights, but for example in all three schools I visited in Japan I observed yellow tapes glued to the middle of the corridors where pupils walk, looking exactly like a road. I guess these tapes are supposed to show where in the corridors good mannered children should walk. It probably helps to make children walk without disturbing anyone when they pass each other, but it looks as if children have to behave as robots and it limits their freedom.

In Japanese schools rules are meant to exert control over the pupils. Furthermore, the pupils cannot demand their rights against the school, which in turn make the children frustrated. As Ōta argues, in Japan, it is unfortunately not unusual that a superior in a group, be it a teacher, boss or someone older, violates a junior’s rights without noticing it themselves.²¹⁶ As mentioned in the previous chapter, I personally observed several episodes where teachers violated rights of children or rights of inferior teachers, but most likely, none of these teachers consider what their behavior means related to human rights issues. The Japanese society does not reflect on this behavior being against the Constitution and CRC. Should someone criticize teachers that have infringed others’ rights, the reaction of the society’s majority might be that the critic is too strict.

²¹⁴ Ōta (1990:205) and my observation at one of the schools during the period between October 5 and 16, 2009, mentioned in paragraph 12.2 in Chapter two.

²¹⁵ Ōta (1990:205)

²¹⁶ Ōta (1990:205)

15.2 The teachers' dilemma

We have learnt that the Japanese government probably would like to create stereotype children, who can fit into the government's wish to have obedient schoolchildren. What do teachers think about this? Do many teachers agree with the government?

According to both the questionnaire and interviews with teachers there are many teachers with an attitude which differs from the government's plan. For example, many of them said that they did not want to force children to obey the law with regard to the national anthem and national flag.²¹⁷ Furthermore, one of the teachers told me that she would like children to think flexibly. This implicates that children should not take things for granted when told something, but learn a flexible way of thinking; and at the same time children should be able to assert their opinion so that the Japanese society might improve in human rights issues.²¹⁸ As the teacher said, if children develop their ability to value other opinions, it is highly probable that the children would become more flexible.

As mentioned in Chapter two, there are also teachers who agree with pupils' opinion and protest against school administration and/or local authorities, in particular the teacher's labor union.²¹⁹ Furthermore, there are many school principles all over the county which are against the law of national anthem and national flag.²²⁰

Teachers not sharing the government's ideas may be frustrated because they would like to support children, although at the same time, they are hesitant to oppose the authority which is also their employer. This behavior is similar to that of children fearing their teachers so much that they do not dare to oppose them.

²¹⁷ Interview with teachers in three schools during the period October 5 to 16, 2009

²¹⁸ Interview with one of the teachers at Fujioka School on October 16, 2009

²¹⁹ See 7.5 in Chapter two

²²⁰ Ichinomiya Teachers' union (1999) "Kokki" "Kokka" seitei hoan ni hantai (Opposition against the law of national anthem and national song.)

<http://userwww.aimnet.ne.jp/user/pjbekh/mondai/kokkikokka.htm>

16. Children

16.1 Analysis of questionnaire and interviews

Concerning children's rights, only 18.3 % of the examined in the survey of Shizuoka and 28.1 % of the examined in the whole country, stress the problem that adults ignore the opinion of children, while other issues have got a much higher percentage. It means that a higher percentage of the examined both in Shizuoka and in the whole country do consider adults ignoring children's opinion as problematic even though in Shizuoka, it shows more people (32.3 %) in their twenties who argue that it is problematic for adults not to listen to the voice of children.²²¹ It means that the younger the examined are, the more they assert that the opinion of young people should be respected.

This result shows that children's opinion is probably not heard by adults or is not taken seriously, or that there is a problem with adults ignoring children's voice. It is difficult to know how often this problem occurs, but one can say that if children were heard and allowed to say their opinions, they would probably behave differently from how they are actually behaving. In short, children might have asserted their rights to teachers. They could for instance have questioned teachers why lunch hours suddenly became shorter and why they had to clean the classroom instead.

We have seen that Japanese children grow up in an environment based on the philosophy of Confucianism where they learn the importance of creating harmony and not to assert their own rights.²²² A conflict should be solved in a harmonious way instead of asserting individual's rights.²²³ This finding shows clearly that at school the children do not learn about human rights in a concrete way written down in the Japanese Constitution and CRC. Further, no children mentioned a wish to establish a students' council in order to express their opinions to school. But if the children had knowledge about their rights, and if they knew about the purpose of a student council, would they have behaved differently?

It is not easy to guess what the children might have done, but it is possible that they would not have done anything differently, because according to interviews with the same children, they were enthusiastic about following the rules. As we have seen

²²¹ Shizuoka prefecture (2004:24)

²²² See paragraph 6.2 in Chapter two.

²²³ See paragraphs 6.3 and 6.4 in Chapter two.

in studies, Japanese children can be passive, accommodating and obedient, and are “used” to adults making decisions on their behalf, instead of the children themselves.²²⁴ Observing rules is very important in the Japanese society, as we already have seen. Japanese do not like to destroy harmony. According to my clear impressions, both in interviews of the children and by observing teaching of moral values in classes, children at the same time think that someone who does not follow the rules deserves to get penalized.

The children’s reactions to the story about a boy who forgot money to pay the bus fee might explain how Japanese school children are strongly against one who is responsible for a problematic situation. Even Japanese adults may feel that this boy should be allowed to buy an ice cream, and he is actually willing to forgive a friend who did not help him in need, and buys an ice cream instead of blaming him. In interviews with children from other classes they²²⁵ said exactly the same about the four persons in the story as children in the moral value teaching class.

As mentioned in Chapter three, one of the teachers told that school children are supposed not to forget anything, and it leads to children giving higher priority to this than anything else.²²⁶ According to one teacher, as an example, children might consider traffic safety less important than not to forget anything in school. If this statement is true, it would be somewhat problematic when it comes to teaching ethics to children. Surely, most people consider safety such as watching traffic the most important. School children believe it is so important to obey the teacher, and that’s the reason why children must not forget anything in school. Additionally, they think that children have no right to protest against adults. That’s probably why one deserves to be punished if one forgets something in school.

Even though they have information about student councils in Japan which have managed to obtain their own rights, children in the schools I visited would hesitate to act because there are very few student councils in Japan asserting their rights and managing to work for a democratic school. The majority of student councils in Japanese schools probably still behave passively. The teacher, who informed me about the shorter lunch break, also mentioned that children are not mature enough to assert their rights, and the teacher did not dare to protest together with the pupils

²²⁴ See paragraph 5.2 in chapter two.

²²⁵ Interviews with children at Fujioka School on 14th and 15th October 2009

²²⁶ See paragraph 12.1 in chapter three.

against the school because the teacher was not an experienced teacher.²²⁷ It is difficult to know why the teacher did not mention the few student councils which actually work for a more democratic school. The teacher may not have knowledge about those cases in democratic student councils.

This episode with the teacher behaving passively shows that even adults try to conform and would most likely not stand up for their own rights. If a teacher hesitates to assert his/her own rights, how can he/she teach children to assert their own rights? It is possible that the teacher's behavior is one of the reasons why those pupils I interviewed behaved passively and hesitated to assert their own rights.

16.2 Different behaviors by the majority

Question 18, which is about a boy who refuses to participate in a performance, might lead to various opinions because Takeshi gives priority to the turtle's life, and that may be understandable to many people. The pupils know how important a life is, and the life of a turtle should be prioritized even though Takeshi has chosen something different from the majority. However, there are some children who think that Takeshi should not act differently from other children. The Japanese do not prefer to act differently from others as that ruins harmony in the group. Why are there some children who prefer harmony in preference to the turtle's life? It may be because a turtle's life is smaller than that of a human being. It may be the reason why opinions vary, so that some children think the life of a small animal is also important, while others think human life is much more important, and they cannot rescue a small turtle's life because of harmony in the human society.

Concerning the relationship between human rights and religion, Japanese children are usually familiar with traditional religions such as Buddhism and Shinto. Not only do children have the possibility to be part of funerals and other Buddhist ceremonies of their relatives, but they also join festivals in their local communities. They probably do not meet Christians around their home. Even if they had a chance to get in contact with Christianity, they most likely would regard it simply as a foreign religion, which dominates in the West and other countries that are located far away

²²⁷ Interview with one of the teachers in the sixth grade at Fujioka elementary school in Gotenba city in Shizuoka prefecture Wednesday Oct. 14, 2009.

from Japan. It can be understandable that children have a problem accepting religions that differ from the majority religions in Japan.

Christians and other people who belong to religious minority groups might behave differently, and they do not participate in the typical Japanese festivals. Children in these groups are separated out as “*kawatta ko* (dissimilar)”.²²⁸ The state’s attempt to secularize public school in order to obtain impartiality has in reality ended up with a situation in which the state has made religious minorities “different” from the majority. In a society whose priorities are harmony and conformity, it may cause a problem among religious minorities, especially in school.

Nevertheless, there is something very important lacking in the case of religion: It is obvious that children do not have a good knowledge of the Japanese Constitution, which relates to freedom. In Article 20 in the Constitution and Article 14 in CRC one can read about freedom of religion and no one should be forced to take part in any religious activity. Further, it says in Article 2 in CRC and Article 14 in the Japanese Constitution that one should not be discriminated against because of a different religious faith. The child saying in the interview that a representative of a different religious background should not refuse to take part in religious activities at school because the child that refuses to participate would be bullied because of its difference to the majority, obviously did not have any knowledge of the Constitution and CRC.

If children do not learn about freedom of religion, how can they understand the case of the pupil who refused to join in a religious activity? Furthermore, if one of the children converted to another religion from the majority religion in Japan, one might have a problem with religious issues in the future. It would help if one learnt about the Constitution and CRC at school.

This research shows that Japanese children have very little knowledge about human rights. They learn a lot about what kind of rights *others* have and which duties they should observe, but they do not learn for example that they do have rights to express their opinions to teachers and have a right to come together in order to discuss problems related to school. For example, they could discuss if it is just not to be able to protest against the school administration shortening their lunch hour. Why do children in Japan remain quiet when their own rights are violated? Do they not know how to assert their own rights?

²²⁸ Forfar(1996:272)

17. The Japanese and assertion of human rights

Kawashima Junjirō points out that violation of human rights in Japan is based on a unique Japanese philosophy mentioned previously.²²⁹ We have seen that there are children who are afraid that they might be punished with a bad grade if they protest against teachers, and children, whose rights are violated by teachers, do not oppose them. Furthermore, we see children who do not show any interest in opposing teachers as well.²³⁰ Why do they not protest against violation of their own rights?

When it comes to a child that does not show interest in asserting his/her own rights, I list below some of the probable reasons why this child does not care about his/her own rights being infringed by teachers:

- Has already given up to assert rights because he/she does not think that children have rights to assert;
- Considers that to create harmony in school where no one asserts his/her opinion which may be different from the majority's, is much more important than that children's rights are taken seriously;
- Considers that not to assert rights is easier than to assert them because it might create a conflict between teachers and himself/herself, which might involve his/her family; or
- Is simply ignorant about it being important to observe human rights because they have not learnt about concrete human rights such as UN's CRC and UDHR.

Authors of "Japanese society and legal system (Nihonshakai to hō)", Watanabe Yōzō et al. agree that harmony in the Japanese society influences the Japanese way of thinking.²³¹ They point out that people in Japan have received human rights, which have been given them by the authorities, which in turn is something one should appreciate instead of asserting ones rights. They therefore lack the concept of assertion of rights. It means even if rights were infringed, Japanese people behave so

²²⁹ See paragraph 5.3 in Chapter two.

²³⁰ See paragraph 11.2 in Chapter three.

²³¹ Watanabe, Y. et al. (ed.,1994:152), *Nihon shakai to hō (Japanese society and legal system)*

passively and rely on the authorities to act for assertion of citizen's rights, and for this reason would not insist actively on their own rights. Then the authorities get both an honorable name and *real* power which is useful for the authority.²³²

Watanabe et al. and scholar of law, Eric A. Feldman, agree that the Japanese solve a problem with harmony instead of assertion of rights.²³³ Watanabe et al. suggest that professional people such as lawyers should have the opportunity to teach school children about the legal system so that they learn about human rights and how to assert their own rights in a more efficient way.²³⁴

Although Feldman agrees that the Japanese find solutions peacefully, he argues that it does not mean that the Japanese do not assert their own rights. Feldman means that the Japanese legal behavior is unique as the Japanese culture is unique.²³⁵ He discusses that people in different cultures behave differently concerning assertion of rights, i.e. as the Japanese do in their Japanese way.²³⁶

18. Comparison with South Korea and Taiwan

So far we have looked at situations of HRE in Japan. Where is Japan both in East Asia and internationally? What are the similarities and distinctions between Japan, South Korea and Taiwan? How about HRE in South Korea and Taiwan?

18.1 South Korea

According to Soon-Won Kang, President of the Korean Foster Care Association (KFCA)²³⁷, the political division of South Korea and North Korea and colonization by Japan during the war has a strong effect on the country regarding democracy in South Korea. Kang asserts that the education system has become centralized and inflexible as a consequence of the historical yoke of feudalism and colonialism, in addition to a policy of rapid economic development. Furthermore, teachers' and students' human

²³² Ibid., p.151-152

²³³ Ibid., p.152, and Feldman, Eric A. (2000:6-7), *The Ritual of Rights in Japan: Law, Society, and Health Policy*

²³⁴ Watanabe, Y. et al. (1994:215)

²³⁵ Feldman (200:10-11)

²³⁶ Ibid., p.9

²³⁷ Soon Won Kang, International Foster Care Organisation
http://www.ifco.info/?q=board_soon_won_kang

rights have not been considered, and education has grown rapidly without any democratic process as a consequence of the political crisis following the division and as an effect of the economic development.²³⁸

Before we study the human rights education in today's South Korea, it is necessary to know briefly the historical background of education in Korea. Before the occupation by the Japanese, Korea had a formal education system, which was very intellectual, yet discriminating between classes and sexes, and it was very expensive, so that poor people could not get any formal education. During the Japanese colonial period Korean people were forced to get a Japanese nationalistic education. Korean people were not allowed to protest against their teachers and school system, and if anyone did, he/she had to be whipped by the teachers or put into prison.²³⁹

While rich Koreans were studying at formal schools under the Japanese military, there was a movement by patriotic Koreans for voluntary non-formal education (grass root education) in order to save the country from the Japanese military. The education by this movement was based on traditional Korean education, and they used churches and barns as school buildings. These schools were administered democratically. This grass root education movement occurred all over the country.²⁴⁰

In the post-colonial period the Korean government began to follow the American model because of the occupation by the US after the colonization by the Japanese. Further, the education system was changed into the American policy; an anti-communist and anti-Japanese education. The grass root education was not accepted any more, and schooling became more competitive, which mirrors the competitive capitalist system of the economy. The society demanded more educated people, and people were convinced that a good education would give them reputable jobs in the future.²⁴¹

What rights do Korean people have regarding their children's education? According to Kang there are very few rights for teachers, children and parents, especially for those who are members of the working class. Teachers are not allowed to teach something not part of the curriculum,²⁴² children are abused physically and

²³⁸ Kang, Soon-Won (2002:315), *Democracy and Human Rights Education in South Korea*

²³⁹ Ibid., p.316-317

²⁴⁰ Kang (2002:317)

²⁴¹ Ibid., p.318

²⁴² Ibid., p.322-323

psychologically. For example, those who are in middle class have to study so hard that they are always under pressure both by the society as well as by parents, which can be compared to the situation of the Japanese children. On the other hand, those who are working class are discriminated against by teachers and society because the working class children, unlike children of rich families, do not get a crammer (or private tuition).

In addition to these challenges, physical punishment of children is usual in Korean school, and children who come late to school will be punished physically.²⁴³ Furthermore, teachers inspect children's belongings without permission.²⁴⁴ Like in Japan, Korean Confucian philosophy influences Korean society, and this makes Korean parents believe that their children must obey schoolteachers as parents do in Japan.²⁴⁵ This shows some religious thoughts which may remind one of the situation in Japan. According to a scholar of politics, Ian Neary, Confucianism provides support for centralization and hierarchy,²⁴⁶ and the reason why there is a hierarchy in the Korean school is explained well with the Confucianism.

Kang argues that parents as well as children are suffering from infringement of rights. They have hardly any right to criticize the school even if their criticism or concern is based on serious violations, as for instance if their child is sexually abused in school. Poor parents suffer even more from discrimination because the parents' association has no room for the poor. However, rich parents appear to be suffering from violation of their rights too because they engage to concentrate on their children's education and this gives parents no spare time.²⁴⁷ Rich parents do have rights to make a personal choice, but society probably demands that their children work hard in order to get a good education, which is an essential for their future. With regard to rights of parents, some educators assert that the rights of teachers, students and parents should be treated equally, yet the most conservative teachers are not willing to cooperate with parents.²⁴⁸

A senior researcher at Moral Education in Korea Institute for Curriculum and Evaluation, Myung-Joon Lee, has analyzed the HRE curriculum in the South Korean

²⁴³ Ibid, p.321

²⁴⁴ Korean Teachers Union (2001), *Student Life and Classroom Management (Seoul, KTU)* in Kang (2002:321)

²⁴⁵ Ibid., p.323

²⁴⁶ Neary, Ian (2002:10-11), *Human Rights in Japan, South Korea and Taiwan*

²⁴⁷ Kang (2002:323)

²⁴⁸ Ibid., p.324

school, and Lee has learnt: Moral education does not directly teach CRC, UDHR and the International Bill of Human Rights. Furthermore, textbooks on moral education have a separate chapter with titles like “Laws to observe” with topics such as “Why should I observe traffic order?” and “Why should I observe public order?” and “The importance of life”.²⁴⁹

Lee asserts that even though the United Nations human rights treaties, human rights organizations such as Amnesty, and historical events regarding human rights are mentioned in the textbooks, it is not in detail and not systematic.²⁵⁰ If schoolchildren learnt human rights issues in detail; for instance what democracy means to them, and how one practices human rights in daily life, it might help Korean children to understand human rights better, and it could help them to protest when they are being abused by adults.

Zenaida Quezada-Reyes who is President of the Women’s Studies Association of the Philippines²⁵¹ points out that implementation of HRE in South Korea seems to be very slow in spite of the fact that there have been improved human rights issues after Kim Dae-Jung became Korean president.²⁵² She quotes five reasons why the progression of HRE in South Korea is slow from Won-il Heon, the author of “Human Rights Education in Korean School”:

First she mentions the regionalism and factionalism created by South Korea’s historical experiences. Secondly, she states that the education’s undemocratic administration is due to the fact that many educational practices have had to conform with the military regime, which makes school an instrument of military rule, and educational authorities have got power to lead and control children and teachers. Thirdly, education in Japan seems to be similar to education in South Korea in that it gives children a possibility to pass entrance examination into universities. It discriminates between excellent students and those who are not, and students who are not excellent are deprived of their right to education. The fourth reason is that educational circumstances are poor and there is a lack of investment in education.

²⁴⁹ Myung-Joon Lee (2000), *Korea: Improving Human Rights Education in Schools* http://www.kice.re.kr/en/board/view.do?article_id=72406&menu_id=10258

²⁵⁰ Ibid.

²⁵¹ Zenaida Quezada-Reyes Phd, <http://visionsforanewworld.net/organizers/zenaida-quezada-reyes-phd>

²⁵² Zenaida Quezada-Reyes (2004:31), *Human rights education in Korea* in viola B. Georgi and Seberich, Michael (ed., 2004), *International Perspectives in Human Rights Education*

Then last, both teachers and students are submissive to control and surveillance because of extreme competition between students and between teachers.²⁵³

Kang suggests three preconditions for democracy and human rights in Korean schools: First, the school system should be changed in order to bring in human rights and democracy. Second, education in human rights and democracy should be spread to the whole Korean society. Third, in order to establish a culture of peace and non-violence in the society, teachers, children and parents should be able to publish manuals on human rights education and democracy.²⁵⁴

It seems that the South Korean school does not teach international human rights conventions such as CRC, UDHR, etc. directly. If schools taught human rights to children and children learn how to practice their rights in daily life, teachers would not violate children's rights in school.

18.2 Taiwan

Taiwan is in many aspects similar to South Korea in having a serious problem with North Korea being ruled by a communist party. Taiwan does have a problem with mainland China whose government is controlled by a communist party. Taiwan and South Korea both have the United States as a model for development of society. This is shared with Japan as well, as the US occupied Japan after the war. Moreover, education in Taiwan is very competitive as it is in South Korea and in Japan. There is a lot of pressure to enter the most prestigious schools which people think will ensure the best careers.²⁵⁵

In order to understand HRE in the country we need to know briefly about Taiwan's history. After retreat by some Chinese from the mainland in 1949, democracy movements in Taiwan started in the 1970s with a so-called "cultural soul searching". In the 1980s there were social reform movements of consumers, women, students, indigenous people, different workers and environmental activities. These movements lead to lifting of martial law in 1987, which had lasted for almost 40

²⁵³ Ibid., p.31 and Won-il Heon (2003)

²⁵⁴ Ibid., p.324

²⁵⁵ Neary, Ian (2002:250), *Human Rights in Japan, South Korea and Taiwan*

years. In the 1990s Taiwan witnessed further political and constitutional changes that were a push for advance into a politically democratic and free society.²⁵⁶

A scholar at the Center for Asia-Pacific Area Studies, Hsin-Huang Michael Hsiao, argues that in spite of the fact that a great number of political protestors was arrested and put in jail, the democratization process in Taiwan may have been relatively peaceful and stable in comparison to South Korea. Taiwan's Nationalist Party (KMT) was "forced" to change, and progress was the best or the most low-cost way to sustain the old government's legitimacy.²⁵⁷

Regarding children's rights in Taiwan, it seems to be even more problematic than that of Japan as the concept of "rights" only started in 1985, according to Neary. Although the United Nations' member countries have a duty to report to the UN about how the country is practicing the UN treaties after ratification, it has been difficult to implement the UN's CRC in Taiwan since Taiwan is not a member of the United Nations.²⁵⁸ Neary asserts as well that there are practically no human rights of children in Taiwan.²⁵⁹ Further, children are generally ignored in Chinese history, and until recently research on Taiwanese history was virtually forbidden, which led to an almost non-existing history-writing, especially the history of children in Taiwan. According to Neary, these reasons may explain why there is little focus on children's rights in Taiwan.²⁶⁰

He gives several examples of violations of children; for example until recently teachers used to punish children physically, and today teachers are allowed to search children's bags without permission from the children. Both violations are shared with South Korea. Furthermore, parents consider their child as their own "property", and even if they violate their own child's rights, there is no one who can help the child because outsiders have no rights to intervene in family business.²⁶¹

Yet there are some developments regarding the rights of children in Taiwan. In 1995 the Law to Suppress Sexual Transactions Involving children and Juveniles was enacted since there have been many cases of child prostitution; a new social problem

²⁵⁶ Hsiao, Hsin-Huang Michael (2006:5-6), *Recapturing Asian New Democracies and Putting Taiwan in Its Place* in Hsiao (ed.,2006), *Asian New Democracies: The Philippines, South Korea and Taiwan Compared*

²⁵⁷ *Ibid.*, p.8

²⁵⁸ Neary, (2002:247)

²⁵⁹ Neary, (2002:246)

²⁶⁰ Neary (2002:246-247)

²⁶¹ *Ibid.*, p.247

discovered in 1980s. This case is rather similar to Japan where schoolgirls prostitute themselves. Welfare groups and local governments took the issue of child abuse seriously, and a Child Protection Hotline was established in 1989. However, it has been difficult to persuade people to report issues, although doctors and teachers have a legal obligation to report child abuse.²⁶² Regarding corporal punishment in school, the Minister of Education Ovid Tzeng in 2000 explicitly urged teachers to end corporal punishment.²⁶³

How about human rights education at school in Taiwan? In 1995 scholars at the Department of Political Science at Soochow University gave the first HRE class to students at the university, which emphasized the United Nations' human rights protection system and human rights philosophy and ethics. In 1998 the Ministry of Education adopted a policy to include human rights themes in school curriculum, and furthermore, the Basic Law on Education was enacted, explicitly recognizing basic human rights, which can be considered an achievement in educational reform that reaffirms their commitment to HRE. Further, the new government in 2000 showed interest in HRE and took a number of initiatives to HRE.²⁶⁴ In this way HRE in Taiwan has gradually been improving.

There was a teacher in a primary school in Taiwan who participated in a human rights workshop at her school, which is impressive and advanced HRE. The teacher wanted to create respectful and democratic classes by letting her students have freedom of expression. The students were allowed to speak spontaneously and at the same time they were encouraged to freely select learning objectives and present their learning content so that they learn how to become responsible to themselves. In this way the students got to learn social order, civic responsibilities, freedoms, etc.²⁶⁵

This seems to be an effective way to learn human rights for the students. Mab Huang, however, one of the scholars in the research group at the university, points out some problems,²⁶⁶ which may prevent students from learning human rights. First, the enactment of laws on human rights norms and schools was not successful because there was a conflict between political parties, and it reduced the government's commitment toward HRE. Second, government bureaucratic structure has a tendency

²⁶² Ibid., p.251

²⁶³ Ibid., p.250

²⁶⁴ Huang, Mab (2006), *Human Rights Education in Taiwan: Current Situation and Future challenges* <http://www.hurights.or.jp/pub/hreas/911Taiwan.html>

²⁶⁵ Ibid.

²⁶⁶ Ibid.

to be conservative and lacks transparency. The committee for HRE lacks financial support, and they cannot therefore act as effectively as it could have been.

Third, most of the educational authorities both at state and local levels are indifferent to HRE and are not willing to get involved. Teachers were worried about HRE because it might cause a problem with discipline among their students. In addition, certain professionals such as judges, lawyers and police members have too little knowledge about human rights. Further, society, especially in the countryside, is still influenced by traditional attitudes towards rights and HRE. In addition, Huang argues that the financial support from the government is not enough. It should cover not only HRE itself, but also teacher training for HRE, upgrade of facilities to promote HRE, the establishment of a data bank for HRE and so on.

18.3 Summary of comparison with South Korea and Taiwan

It is evident that Japan, South Korea and Taiwan have several aspects in common such as Confucian values, influence by the United States and a severe competition in education. In addition all of them have worked hard in order to improve their country's economy and democracy after the Second World War. Education is looked upon as a key for all these three countries in order to get a successful life after they became independent. Yet, it is true that education is too competitive and children are forced to work extremely hard. As a result, adults violate children's rights by not giving them a voice and abusing them physically or psychologically, while several other people struggle to teach students human rights. This tendency can be explained by Confucian demands, resulting in a well educated person being highly respected in society, which gives cause in these countries to severe competition in education.²⁶⁷

Japan and South Korea have in common that both countries are a member of the UN. This membership seems to help these countries to improve conditions on human rights issues as they have to report the standing of human rights conditions in their respective countries. In South Korea and Taiwan there are fewer people interested in children's rights than in Japan. This can be explained by the fact that the state's power was reduced in Japan during the 1920s and the late 1940s, while in

²⁶⁷ Ashton, David et al. (1999:57), *Education and Training for Development in East Asia, The political economy of skill formation in East Asian newly industrialized economies*

South Korea and Taiwan it was late 1980, according to Neary.²⁶⁸ He argues, however, that the Korean government's reports to the UN regarding children's rights and NGO movements in South Korea are not widely distributed in the country itself, although the development of concern about children's rights in the country is higher than in Taiwan.²⁶⁹ However, in all three countries there appears to be few people with knowledge of the UN's CRC, and schools in these countries do not teach, or are not interested in teaching, CRC to children.

With regard to HRE, it seems that there is a much broader knowledge in all of Japan compared to South Korea and Taiwan. There are local HRE authorities all over Japan, and although they could be more active, it looks as if they are working constantly to educate both schoolchildren and local people about human rights on a local basis, whereas there is little education in human rights in South Korea and Taiwan. Taiwan in particular has a bigger problem with infringing human rights. As mentioned above, the government in Taiwan has little interest in HRE as they do not have any obligation to report on human rights to the UN.

It is a challenge for Japan, South Korea and Taiwan to develop the human rights perspective in society, school systems and among authorities, in addition to improving knowledge about human rights of teachers and parents. One should keep in mind that the Confucian philosophy, which plays an important role in South Korea and Taiwan, is also present in Japan. Neary argues that Confucian values in the relationship between parents and children, teacher and student, boss and subordinates and so on play an important role in East Asia²⁷⁰ as we have seen in Japan, South Korea and Taiwan.²⁷¹

²⁶⁸ Neary (2002:258)

²⁶⁹ Neary (2002:270)

²⁷⁰ Neary (2002:255) and Ashton, David et al. (1999:23), *Education and Training for Development in East Asia*

²⁷¹ Ashton, David et al. (1999:55) and *Ibid.*, p.80 and Gold, Thomas B., (1996:257-258), *CIVIL SOCIETY IN TAIWAN, The Confucian Dimension* in Tu, Wei-ming (1996), *CONFUCIAN TRADITIONS IN EAST ASIAN MODERNITY, Moral Education and Economic Culture in Japan and the Four Mini-Dragons*

Chapter V. Conclusion

In this chapter the conclusion of my research question will be presented with explaining how the discovery of my research in Japan in addition to theories in chapter two connects with my research question. I will present the research question here once more:

How is the consciousness of human rights among Japanese children formed in the context of Japanese philosophy and education?

19. Concept of human rights among Japanese children

19.1 Philosophy and perspective of human rights

We have seen that the philosophy based on Confucianism plays an important role in Japan. Japanese children are living in a society, which emphasizes hierarchy, and this can conflict with the principle of UDHR, which is equality of all human beings in the world based on individualism, according to Trond Jørgensen.²⁷² He argues that Japanese examiner, he interviewed, agreed with the principle in UDHR,²⁷³ which concurs with my research in Japan. Many people who took part in my research with the questionnaires, also answered that many of them are concerned about human rights.

The children as we have studied have been taught that it is very important to obey their parents and teachers because it is one of the most important principles of Confucianism, which has been a part of the Japanese society for hundreds of years. They learn to be obedient to their superiors at the same time they learn to create harmony with other people in the group without asserting their own rights. Harmony and *uchi-soto* philosophy in this relationship play an important part in regard to the perspective of human rights.

²⁷² See paragraph 3.2 in chapter one.

²⁷³ Jørgensen (2010: 63)

This philosophy is the reason why Japanese mainly observe rules and show moral behavior, thus creating harmony in the hierarchy. In Japanese society, collectivism requires therefore that Japanese emphasize duty, indicating moral behavior, and Japanese preference to harmony instead of asserting their rights. It includes liberty rights²⁷⁴ such as freedom of expression or religion could be understood to be egoistic in Japan if the concept of freedom did not fit in harmoniously in the society.

19.2 The Japanese school and human rights education

Concerning children's consciousness of human rights in the context of education teachers are not allowed to teach beyond the curriculum, which means that the government has the power to decide what Japanese children should learn at school. This probably happens in all countries. We have seen that the curriculum includes teaching about democracy and human rights in addition to mentioning about student councils, yet what children actually learn are, patriotism, an emphasis on duty, a brief on human rights and some degree of democracy. Furthermore, the government does not mention at all that Japanese children should learn about the UN's CRC in spite of the fact that Japan has ratified CRC.

From my interview with teachers the student council in the Japanese school does not function as a school democratic organization. Even though it is mentioned in the curriculum, it remains unclear what the student council is supposed to do. As we have studied, the student council works as an assistant to teachers such as encouraging students to observe school rules in addition to planning school events. The children think that the purpose for the student council is assisting the teachers and planning school events, they are unaware of the true purpose. One of the members of the student committee at school, told me that she does not have free time because of her job in the committee while other children have free in the break and lunch break. This goes to show obviously that school children do not know if their own rights are

²⁷⁴ It means that rights to freedom to expression, religion, freedom to participation in political activities. etc, where there is a duty not to impede with what an individual wishes to do, according to Jones and Welch (2010). See paragraph 4.1 in chapter two.

infringed nor do they try to oppose the teachers about the violation of their own rights.²⁷⁵

19.3 Teachers

Teachers in Japan are undoubtedly influenced by Confucian philosophy. They are limited in what they are allowed to teach children because they must follow the curriculum, which indicates that schoolteachers have limited rights at school for example freedom of expression against experienced teachers and/or government and it could prevent children from learning about human rights.

Furthermore, teachers might violate younger teachers and children's rights because of ignorance. If knowledge of UN's CRC, UDHR and other international human rights treaties were to be introduced in the teacher's training program and at the same time teachers learn different teaching strategies in practice, it might strengthen teachers' consciousness of human rights, and that could lead to a reduction of incidences of violation of human rights against school children by teachers.

In discussing the relationship between the government and teachers we have studied that teachers including, school principles, seem to have a dilemma concerning the Japanese government and children. On the one hand teachers would like children to be more active with ascertaining of their own rights, but at the same time they know that there are limitations to what the teachers can teach the children about assertion of their rights because the Japanese school lacks teaching children about this aspect.

19.4 Children and human rights

Children in Japan are well engaged with creating harmony in the school and the society, which is the result of the Confucian philosophy. They believe as well that one who does not observe rules deserves a penalty. This view is prevalent in children in different degrees. This leads to the children not daring to protest against authority because they accept that they have no rights, and they are therefore making an effort

²⁷⁵ See paragraph 11.2 in chapter three.

to follow the rules set forth by others. Children are afraid of the authority of teachers and so do not dare to express their opinions in spite of the fact that the textbooks for school children include human rights, such as freedom of expression in the Japanese Constitution. There are as well children who either are not interested in assertion of rights or simply have given up doing so.

These aspects show that Japanese children have either not learnt about Human Rights, as a way of functioning in daily life, or the UN's CRC. They lack some of the basic rights, and concepts, such as what the freedom of expression results in.

19.5 Where is Japan located?

It can be suggested that the Japanese school should teach the UN's CRC in addition to UDHR, and teachers should show children how human rights functions in their daily life. In addition children need to learn the relationship between the Japanese Constitution and the secular state. They need also to know the reason for why the school is not allowed to cooperate with, for example, local Religious Institutions for school events with showing the relationship between the state and the Public School in Japan according to the Constitution.

The student council should be reformed so that it would function for a democratic school. Both teachers and children should need to know that a school exists for the children, not for the teachers, and the teachers should be able to have tolerance towards children's opinions and respect for their opinions. It does not mean children should be allowed to do *anything* they want, which includes illegal or immoral behavior, but that they should be heard and be respected by adults. It is important to have a balance between rights such as, Claim rights, Liberty rights, Moral rights and Legal rights. And everyone should remember that children are in the process of growing and that they need guidance.

As Jørgensen points out, the Western way of interpretation of human rights, which can be characterized with Liberty rights, and which caused, for example, a conflict with thousands of muslims in many countries because of the publishing of a cartoon of Muhammad, which might not be perfect,²⁷⁶ and this is probably true. However there are problems in the Education system of Japan like, for example, the

²⁷⁶ Jørgensen (2010:65)

Japanese school requires children to learn duties, which are more important than to learn Human Rights. Furthermore, school children are supposed to work intensely and as a result of these requirements of the Authority, there are several cases of infringing human rights among children.

According to the study of HRE in South Korea and Taiwan we have learnt that Japan is in a similar situation as those countries in the context of HRE. Both of South Korea and Taiwan have similar aspects such as Confucian influence and strict education as those in Japan. Regarding human rights of children in these countries both of them struggle with HRE more than Japan. Japan started her education about Human Rights already before World War II while South Korea and Taiwan started their HRE just about thirty years ago. In addition to this Taiwan as a non-member of the UN has no duty to report to the UN about the human rights situation in the country. Taiwan seems to struggle with Human Right issues while in Japan there are local governments who have been teaching people and school children about human rights although the system might not be very far-reaching.

20. Future research

There are several questions that could be interesting to investigate in further research.

- What do teachers think about teaching UN's CRC?
- How about teaching school children the Japanese Constitution more in detail with emphasis on the relationship between state and religious practice?
- What do teachers think about changing the function of the Student Council so that it is like in other countries, working more purposeful for a Democratic school?
- What kinds of information would I get if students in Junior high or Senior high school were asked the exactly the same questions I carried out in my research for this paper?

These questions are related with issues we have seen in this paper, and if the result of these questions were analyzed, it would help to understand the situation at the Japanese school in the context of HRE much better.

This paper focuses on sixth grade school children and their teachers. It could be even more interesting to see how the research results would have been if the research would have been done either with junior or senior high school students. The older the students are, the more they mature and the more can they understand about Human Rights. In addition researching the schools that have succeeded to make the school a democratic one would be very useful and must be a very interesting research. This would include finding out how the students and teachers including parents managed to create a democratic school. It would give us a lot more information about the relationship between the Japanese culture and assertion of Rights.

We must also remember that Japan is one of the Eastern Asian countries, which are characterized by collectivism and Confucianism, and as Jørgensen asserts it might be necessary for Japan to implement HRE in the Japanese school while considering those philosophies. At the same time Japan has a great challenge improving in Human Right issues such as the rights of children in the future.

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Appendix I

Problems of examination for social Study

1. Choose appropriate words from alphabetic list below to fit the numbered parentheses in the text.

It is written in the Constitution how the national politics function. The Japanese Constitution is the (1) rule that has the authority to execute politics. Neither law nor commandment opposing (2) is valid. It says in the beginning of the Constitution the following: Sovereignty rests with the (3). The Japanese nation has determined that (4) will not again happen by workings of government. (5) that the nation have trusted in and selected should carry out politics, furthermore, the nation should receive the welfare and benefits according to those politics. etc.

Words to choose: (a) the Constitution, (b) administration, (c) local government, (d) the nation, (e) independent, (f) court, (g) law, (h) highest, (i) pacifism, (j) emperor, (k) legislation, (l) representatives, (m) war²⁷⁷

Assign sentences to their appropriate decade, choosing between: the 1960s, 1970s, 1980s or 1990s.

A. *The Gulf war happens and one starts reconsidering the Japanese role in the international world.*

B. *The name of the Japanese era changes, and the consumption tax is introduced.*

C. *The government office is reorganized to one Assembly and twelve Departments.*

D. *Environmental pollution has become a huge problem in society, and the Basic Law for Environmental Pollution Control is introduced.*

E. *The Treaty of Peace and Friendship between Japan and the People's Republic of China is concluded.*²⁷⁸

²⁷⁷ Editorial department in Bun'eido (2002:189)

²⁷⁸ Ibid., p.155

Appendix II

The original Japanese questionnaire

Common people

1. 人権は人間が生きていく上で大変重要なことであり、
憲法の基本的人権はしっかりと守られるべきだ
3. だれでも国王や天皇、また政治家に対して反対の意思を表明できる権利がある
4. 男と女の教師で、年齢、学歴、勤務年数などがまったく同じなのに男性のほうが給料がよいのはまったく不当である
5. もし親と教師の意見が違う場合、どこでも親に一番従うべきだ（子どもを大切にする常識ある親である限り）
6. 子どもが忘れ物をしたために、先生にしかられて廊下に立たされたことには納得できない
7. 学校の式典の際、日の丸高揚の際に起立し、君が代を皆で歌うべきで、従わない人は教員であろうと子供であろうと処罰すべきだ
8. 幼稚園児や精神薄弱者が、自分たちの権利を訴えてデモ行進に参加するのはおかしい
9. もしある先生が、事故のために車椅子を使用せざるをえなくなったら、勤務先の学校または市当局に車椅子用の設備を作るよう要求する権利がある
10. 在日朝鮮人は家族何代にもわたり日本に住んでいて、多くは日本で生まれ育ったにもかかわらず、そう簡単には日本国籍を取れず、外国人として暮らしているのは不当である
11. 殺人を犯して刑務所に入っている人でも素行さえよければ外泊許可がもらえるのは民主主義にかなっている
12. 日本の死刑囚が死刑執行がいつかまったく知らされず、今日か今日かと毎日を気が狂いそうな様子で過ごしているのは人権蹂躪である

13. たとえ自分の子どもあるいは小さな子どもでも、秘密は絶対に守るべきだ。例えば、もしどうしても医師あるいは警察等に告げなくてはならないときは、本人の了解を得るべきである
14. 自分自身または自分の子供が部落民、アイヌ、琉球民族、在日朝鮮人あるいは外国人と結婚してもよい
15. 1980年代にある日本のポップグループが原発反対の歌を作ったが、官庁から却下されたのは誠に不当である
16. 残業を命じておきながら、時間の5分前にタイムカードを押すように命じる上司は処罰するべきだ
17. 校長と掃除婦が同じテーブルをかこんで昼食をとるのはおかしい
18. その他人権について何でもご自由にどうぞ

Teachers

1. 人権は人間が生きていく上で大変重要なことであり、憲法の基本的人権はしっかりと守られるべきだ
2. ユニセフの「子どもの権利条約」、憲法の基本的人権の項目そして／または日本の少数民族の権利について授業で教えるつもりである
3. だれでも国王や天皇、また政治家に対して反対の意思を表明できる権利がある
4. 男と女の教師で、年齢、学歴、勤務年数などがまったく同じなのに男性のほうが給料がよいのはまったく不当である
5. もし親と教師の意見が違う場合、どこでも親に一番従うべきだ（子どもを大切にす常識ある親である限り）
6. 子どもが忘れ物をしたために、先生にしかられて廊下に立たされたことには納得できない
7. 学校の式典の際、日の丸高揚の際に起立し、君が代を皆で歌うべきで、従わない人は教員であろうと子供であろうと処罰すべきだ
8. 幼稚園児や精神薄弱者が、自分たちの権利を訴えてデモ行進に参加するのはおかしい

9. もしある先生が、事故のために車椅子を使用せざるをえなくなったら、勤務先の学校または市当局に車椅子用の設備を作るよう要求する権利がある
10. 在日朝鮮人は家族何代にもわたり日本に住んでいて、多くは日本で生まれ育ったにもかかわらず、そう簡単には日本国籍を取れず、外国人として暮らしているのは不当である
11. 殺人を犯して刑務所に入っている人でも素行さえよければ外泊許可がもらえるのは民主主義にかなっている
12. 日本の死刑囚が死刑執行がいつかまったく知らされず、今日か今日かと毎日を気が狂いそうな様子で過ごしているのは人権蹂躪である

Children

1. 人権（じんけん）は人間が生きていく上でとっても大切なことであり、日本の憲法（けんぽう）にのっている人権はしっかりと守られるべきだ
2. みんなとちがう意見（いけん）を持つのはいけない
3. 一国の王室や皇室（こうしつ）または大臣に「それは良くないと思う」と言う権利（けんり）はだれにでもある
4. ほかの人がいけないことをしたら「それは良くない」といつもかならず言うべきだ
5. だれにも言いたくなかったら、だまっけていてもよい自由がある
6. まじめという意味（いみ）は、ルールなどを守ることである
7. 日本文化とはアイヌや沖縄（おきなわ）の文化もふくまれる
8. 女だからということで、学校にいけなかったり、仕事をするのもゆるされないのは不公平（ふこうへい）だ
9. たとえ小さな子どもでも、秘密（ひみつ）はぜったいに守（まも）るべきだ。もしどうしてもほかの人に言わなくてはならないときは、本人にまず聞いてから
10. 小学生が、自分たちのけんりのためにデモ行進に参加（さんか）するけんりはない

11. もし親と先生のいうことがちがったら、どこにいても親のいうことを一番大切にするべきだ（子どもを大切にするふつうの親であるかぎり）
12. 教科書や先生のすすめるもの以外にもインターネットなどほかのものを自由に使って勉強してよい
13. 忘れ物をしたために、先生にしかられてろうかに立たされたことにはなっとくできない
14. 日の丸をあげたり君が代を歌う時、いやでもそのとおりにしなければいけない
15. 外国人の子供は「日の丸」「君が代」のルールに従（したが）わなくてもよい
16. 日本の文化や日本人の考え方を日本人と外国人の両方（りょうほう）の子供に教えるのはよい
17. 車いすをつかう子どもや知恵おくれの子供は養護（ようご）学校などの特別（とくべつ）な学校に行くべきだ
18. 公平（こうへい）とは、たとえばクラスにアイヌ人またはアフリカ人やかんこく人がいても、ほかの人と同じようになかよくすること
19. 全部のルールが良いとはかぎらない
20. お掃除（そうじ）のおばさんが校長先生と同じテーブルでお昼ご飯を食べるけんりはない
21. みんなでそうじをしている時、したくないからといってあそんでいるのは自由だ
22. 運動会でダンスのさいごにみんなでふうせんを空にとばすことを聞いた武くんは、ふうせんをとばすと海に落ちてそれを食べたかめがしぬかもしれないので、やりたくないで行った。それは武くんの自由である

Appendix III

Result of the questionnaires for general people and teachers

		Do not agree at all	Do not agree	Do not agree very much	Agree a little	Agree	Abso- lutely agree	Another opinion	None of these
1	G.P.	0,0%	0,0%	0,0%	3,3%	16,3%	76,7%	0,0%	3,5%
	T.	41,8%	7,0%	16,0%	29,0%	18,0%	0,0%	5,4%	1,8%
2	T.	12,7%	20,0%	9,1%	21,8%	14,5%	10,9%	5,5%	0,0%
3	G.P.	3,3%	3,3%	3,3%	16,7%	20,1%	50,0%	3,3%	0,0%
	T.	3,6%	1,8%	10,9%	20,0%	21,8%	23,6%	7,2%	9,1%
4	G.P.	3,3%	0,0%	0,0%	20,0%	20,0%	50,0%	6,7%	0,0%
5	G.P.	30,0%	3,3%	0,0%	26,7%	23,3%	6,7%	10,0%	0,0%
	T.	18,2%	12,7%	9,1%	29,0%	3,6%	3,6%	10,6%	10,6%
6	G.P.	23,3%	10,0%	10,0%	20,0%	13,3%	16,7%	6,7%	0,0%
	T.	10,9%	16,4%	7,2%	16,4%	15,5%	29,0%	0,0%	2,0%
7	G.P.	56,7%	13,3%	13,3%	0,0%	3,3%	10,0%	3,3%	0,0%
	T.	80,0%	5,5%	1,8%	1,8%	1,8%	0,0%	1,8%	5,5%
8	G.P.	36,7%	10,0%	6,7%	10,0%	13,3%	13,3%	10,0%	0,0%
	T.	47,3%	14,5%	3,6%	10,6%	7,3%	1,8%	1,8%	10,6%
9	G.P.	6,7%	6,7%	10,0%	16,7%	30,0%	30,0%	3,3%	0,0%
	T.	1,8%	7,2%	3,6%	21,8%	10,9%	38,2%	3,6%	9,1%
10	G.P.	13,3%	10,0%	6,7%	6,7%	30,0%	30,0%	6,7%	0,0%
	T.	7,2%	7,2%	9,1%	20,0%	20,0%	27,3%	1,8%	7,2%
11	G.P.	30,0%	26,7%	6,7%	23,3%	3,3%	6,7%	0,0%	3,3%
	T.	49,0%	16,4%	5,5%	3,6%	3,6%	0,0%	9,1%	9,1%
12	G.P.	30,0%	16,7%	3,3%	23,3%	10,0%	3,3%	10,0%	3,3%
	T.	32,7%	18,2%	14,5%	9,1%	7,2%	0,0%	5,5%	10,6%
13	G.P.	0,0%	6,7%	23,3%	20,0%	16,7%	23,3%	10,0%	0,0%
14	G.P.	6,7%	6,7%	3,3%	33,3%	16,7%	33,3%	0,0%	0,0%
15	G.P.	3,3%	0,0%	13,3%	13,3%	20,0%	40,0%	3,3%	3,3%

16	G.P.	6,7%	13,3%	0,0%	3,3%	30,0%	40,0%	3,3%	3,3%
17	G.P.	80,0%	10,0%	0,0%	3,3%	0,0%	3,3%	0,0%	3,4%

Result of the questionnaire for children

	Do not agree at all	Do not agree	Do not agree very much	Agree a little	Agree	Absolutely agree	Another opinion	None of these
1	3,2%	3,2%	9,6%	28,8%	30,4%	22,4%	0%	0%
2	69,6%	13,6%	7,2%	4,8%	3,2%	2,4%	0%	0%
3	2,4%	9,6%	7,2%	29,6%	23,2%	27,2%	0%	0%
4	6,4%	6,4%	11,2%	1,2%	20,8%	40,8%	0,0%	0,0%
5	1,2%	9,6%	16,8%	27,2%	15,2%	17,6%	0,0%	0,0%
6	16,0%	15,2%	19,2%	25,6%	13,6%	8,8%	0,0%	0,0%
7	0,5%	5,6%	14,4%	34,4%	22,4%	20,8%	0,0%	0,0%
8	4,0%	3,2%	6,4%	10,4%	22,4%	50,4%	0,0%	0,0%
9	1,6%	0,5%	4,0%	6,4%	30,4%	46,4%	0%	0%
10	19,2%	11,2%	17,6%	22,4%	14,4%	8,0%	2,4%	2,4%
11	8,8%	8,0%	7,2%	22,4%	20,0%	32,0%	0,8%	0,8%
12	24,0%	7,2%	8,8%	22,4%	14,4%	18,4%	1,6%	1,6%
13	14,4%	5,6%	8,0%	26,4%	24,8%	19,2%	0,8%	0,8%
14	1,6%	3,2%	4,8%	12,8%	14,4%	54,4%	0%	1,6%
15	3,2%	3,2%	4,0%	18,4%	21,6%	42,4%	0%	0,8%
16	52,0%	9,6%	12,0%	13,6%	4,8%	9,6%	0,8%	0%
17	63,2%	12,0%	7,2%	8,8%	1,6%	7,2%	0%	0%
18	24,0%	11,2%	16,8%	23,2%	3,2%	17,6%	2,4%	0,0%

Appendix IV

Interview with teachers

- How do you teach children about Human Rights?
- What do you think if one of the children has a different opinion from other children? How about the new law enacted in 1999 concerning the national anthem and the national flag? Should a child who does not show respect to the law be punished?
- What if your school has a different opinion from a child and his/her family?
- What are 'Student Councils'? Does it function to work democratically as Student Councils in other countries?
- How do you have a private conversation with a pupil?
- (First letting the teacher read the story of the boy who forgot the money to pay the buss fare.) What do you think of the reactions of the children?
- What do you expect from children regarding the assertion of their rights?

Interview with children

- What are Human Rights?
- What kinds of freedom do you have?
- (After letting child read the story of a boy who forgot to pay the bus fare) Who is the one most responsible in this situation, and why?
- What do you think if you discover that one day a Community is going to tear down a playground you use daily with your friends and erect something else? Would you protest against the Community?
- What did you think or do if you got to know that lunch breaks were suddenly shortened without any consultation with you or the other children?
- (First, telling a story: There was a famous baseball player you very much liked and you were looking forward to see him play at a special match on TV. You suddenly discovered that the player could not play on the very day because his wife was going to give birth.) What do you think about his decision? And why?
- (Another story was told: There was going to a festival at school with the agreement of a local religious Temple. The biggest event in the festival was

representatives from each class to carry a portable shrine. But if one of them refused to do it because his family are Christians. What do you think of his refusal? And why?

- What do you think about rules at school? For example, Junior High school requiring you to put on a uniform or to observe other rules you do not approve of?
- What would you do if a playground near your home where you often play with your friends was going to be removed? Would you protest against the Authority who decided to remove it?