

Historical Aspects of the Concept of “Compulsory Education”: Rethinking the Rhetoric of Debates in Current Reform¹

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Current Educational Reform in Japan is oddly captured with confused conceptions of “compulsory education.” The Ministry of Education blankets such connotations of it, as a national budget system, mandated school curriculum, responsible partnership of school with community and accountabilities of local school board, in defense of vested national budget against decentralization promoted by prefectural governors. However, the extended usage of “problems of compulsory education” results in the confusion of educational policies. This is because the core issues of current reforms are not concerned about whether school education should be compulsory or not, but on the future design of the public education system.

This paper displays some historical aspects of the concept of “compulsory education,” in order to enlighten the reason why the issues of it are expanded and unclear. Indeed, most people have confused the concepts of “public education,” “public school system,” “general education,” “compulsory education” and “national education.”

In pre-war days, the compulsory education system was not launched in the early stages of modernization, but in 1886, when the first educational minister, Arinori Mori, legally designed the public education (general education) system to be established in the nation state. His idea of the “compulsory education” was characteristic. Though it was legitimated by “national education” constructed with “general education” or “public education,” its financial foundation was not based on a national budget but school fees were paid by parents. This system was reorganized just after his assassination. “Compulsory education” became a nationalistic regime through which people were educated to be loyal subjects and obedient to the nation. At this point, the national budget system obtained its legitimacy for the foundation of national education.

In postwar reform, the legitimacy of “compulsory education” was placed on education as a human right under the renewed constitution, connecting it with the human right to live, while most people have not recognized its significance. Thus, the concept of “compulsory education” is a puzzle in contempo-

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rary debates of educational reform.

This paper explores the complicated relationship of “compulsory education” to the national budget system, through rethinking about the historical process of the public education system in Japan.

1 The Problematization of “Compulsory Education”

The concept of “compulsory education” is widely used in educational reform. The Central Council for Education established a “Special Subcommittee on Compulsory Education” in February 2005, and it debated the following five issues: (1) the proper state of the system and educational contents of compulsory education; (2) the proper state of the relationship and roles of the national state and localities; (3) the proper state of school and education committees; (4) the proper state of burden sharing for compulsory education; and (5) the proper state of the relationship and roles of schools and households and regions. The subcommittee further took up for examination the issues of “revision of the Guidelines for the Course of Study” and the “Teacher Training and Licensing System.”⁽¹⁾ The background to this is the battle between the Ministry of Education, Culture, Sports, Science and Technology and the Association of Prefectural Governors and Ministry of Internal Affairs and Communications about the system of the national treasury’s share of compulsory education expenditures.

The crisis of the system of the national treasury’s share of compulsory education expenditures was brought about by the structural reforms of neo-liberalism that rushed forward towards “small and efficient government.” The “Basic Policies for Economic and Fiscal Management and Structural Reform 2005” (cabinet meeting decision) called for the “shifting of tax revenues” on a “scale of 3 trillion yen” from the national to the regional level and “slimming down of administration through the national and regional levels,” as well as the “shifting of tax revenues from income taxes to individual inhabitant taxes” and the “flattening of the tax rate levied on individual inhabitant taxable income.” As for “compulsory education,” the “introduction of assessments, enlargement of diversity, introduction of competition and choice,” “nationwide diffusion” of “school choice,” “implementation of nationwide academic ability surveys,” examination of a “voucher system in education,” “transfer of power over teacher appointments,” “fundamental revisions of the teacher training, licensing and hiring systems,” and so on have been proposed.⁽²⁾ This involves the forcible passage of overly radical reforms.

The present essay takes as its focus a pedagogical examination of the problematization of what is called the “problem of compulsory education,” which is the core concept in this series of reforms. Is the group of problems expressed by the phrase the “problem of compulsory education” a problem that can be summed up by the concept of “compulsory education”? The “problem of compulsory education” involves the issues surrounding the incorporation in the general budget of the national treasury’s share of compulsory education expenditures. The nuance of “compulsory” in “compulsory expenditures” is strong in the concept of “compulsory” in this instance. “Compulsory expenditures” mean the expenditures for which the nation bears responsibility. The view of the Ministry of Education, Culture, Sports, Science and Technology is that the financial resources for public education at the compulsory education stage should be treated as “compulsory expenditures,” and should not be treated as “discretionary expenditures.” Stated in that sense, the word

“compulsory” in the “problem of compulsory education” is something that should be debated in a limited manner as “compulsory” in “compulsory expenditures,” and not as “compulsory” in “compulsory education.” However, the real “problem of compulsory education” extends over the entirety of the system and contents of school education. Why is education in its current state? What is lost owing to the problematization of the “problem of compulsory education”? This paper examines these questions.

First of all, let us confirm the overview of the concept of “compulsory education.” The Japanese term *gimu kyoiku* is generally translated as “compulsory education” in English, and the “compulsory” aspect thereof means the duty of guardians to make their children attend school. The first promoter of compulsory education was Martin Luther, and the concept and system of compulsory education was established and developed with Protestantism as its basis. The compulsory education system was started by such princely states as Sachsen, which aimed at national unification based on Luther’s religious principles, and was systematized by the “General Code of Regulations for Rural Schools” in 1763 by Friedrich the Great of Prussia. The “compulsory” of “compulsory education” in the age of absolute monarchy meant the duty to be educated as “subjects” loyal to the monarch.

“Compulsory education” has been re-defined by the establishment of a public education system. Through the French Revolution, which overthrew the absolute monarchy and established a civil society based on a social contract, education became one part of human rights and civil rights, and a compulsory education system based on the duty of guardians who guarantee this to make children attend school and the obligation to establish schools based on public authority was established. It was the compulsory education of the nation-state that reformulated and strengthened the compulsory education of this civil state. Modern civil society constitutes the public space for education and culture and forms the system and practice of “public education,” but the establishment of the nation state formed the compulsory education system as “national education.” The above is a basic outline of the history of “compulsory education.”⁽³⁾

2 Institutionalization of Public Education and Compulsory Education

In order to elucidate the concept of “compulsory education” in Japan and the history of its institutionalization, it is necessary to impose some order on the various concepts of “public education,” “general education,” “compulsory education” and “national education,” and to draw some sharp distinctions about the history of their establishment in accordance with historical fact. The Japanese term *gimu kyoiku* in the present-day debates about reform is widely used to cover both the meaning of “compulsory education” (meaning forced education or *kyosei kyoiku* in Japanese) and that of “obligation of education” (meaning the duty of the guardian to have a child educated). The various problems debated as the “problem of compulsory education (*gimu kyoiku*)” do not involve issues surrounding the rights and wrongs of the compelling of education by the state or the rights and wrongs of the duty of a guardian to have a child educated. Why has this state of affairs arisen? One reason lies in the fact that concepts like “public education,” “general education,” “compulsory education” and “national education” have been jumbled together without being clearly distinguished from one another. Let us examine the history of these concepts and institutions based on historical facts and their literal meaning.

In the narrative of the educational history of Western countries, the establishment of “pub-

lic education” means the fact that a public sphere for culture and education was established due to the secularization of education, and educational institutions beyond religious sects and classes were established. For example, the “establishment of public education” in America means the establishment of common schools in the first half of the 19th century.⁽⁴⁾ If we were to define it in the same sense, the “establishment of public education” in Japan can be sought in the *goko* (country schools) that spread from the bakumatsu period to the beginning of the Meiji era and the diffusion thereof. The majority of country schools were schools that organized educational contents that mixed the *hanko* (schools of feudal domains) and *terakoya* (traditional private elementary schools), and went beyond the boundaries of status and class. Educational contents that mix *kangaku* (the study of Chinese classics), *tenarai* (writing practice), *wagaku* (study of Japanese classics) and *yogaku* (Western learning) mean the establishment of a public sphere based on a shared culture, and often a set-up mode expressed by the term “joint establishment” also expressed the establishment of a public sphere for education.⁽⁵⁾

Therefore, it is necessary to examine the commonly held view that the *Gakusei* (Government Code of Education) of 1872 (Meiji Era 5) is the starting point of “public education.” One can argue that the Government Code of Education performed the function of absorbing and reformulating, with the nation as the center, the “public education” that was self-autonomously established in each region of Japan based on the policy of equating Westernization with modernization.⁽⁶⁾

For that matter, the account in textbooks, which describes the Government Code of Education” as the starting point of *kokumin kaigaku* (education for the entire nation), also necessitates re-examination of the commonly held view that takes this as the starting point of “compulsory education.” What was advocated in the so-called “Directive on Promotion of Education” (Council of State Proclamation Number 240)⁽⁷⁾ was the education of the *ippan no jinmin* (people) and not education of the *kokumin* (nation). The first appearance of the concept of *kokumin kyoiku* (national education) in a policy document came with Mori Arinori’s “Essentials of Education Policy” (1884), and the systematic establishment of “national education” was the third Elementary School Order (1900). What was proposed for the Government Code of Education was the “promotion of the education” of the “people,” and there were no proposals for “national education” nor any for “education for the entire nation.” The concept for expressing the *gakuji* (educational affairs) of the “people” was *futsu kyoiku* (general education). “General education” meant *kyotsu kyoyo* (common culture) in the public sphere of education.

It is also necessary to examine the understanding that the Government Code of Education is the starting point of “compulsory education.” The passage of the Directive on Promotion of Education that runs, “The people (nobles, peasants, artisans and merchants) shall strive to ensure that there is no uneducated household in towns and villages, and no uneducated persons in any home. Parents and guardians should recognize this intent, and exert themselves with a spirit of love of learning to have their children and wards engage in study.” offers a glimpse into the intent of “compulsory education.” However, this document carries out the “promotion of education,” and does not make education obligatory by coercive force. In addition, Chapter 21 of the Government Code of Education promulgated by the Ministry of Education prescribes that “Elementary school shall serve as the first level of education, and the people must by all means study there,” but this is not a prescription about the parents’ duty to have their children attend school, and it is further not the case that any grounds for coercion by the state are indicated here.⁽⁸⁾

Prior to the Government Code of Education, the Department of Education, which was in

charge of universities and scholarship, and the Department of Divinities, which was in charge of *jinmin no kyoka* (edification of the people), were differentiated from each other. The Department of Divinities was reorganized as the Ministry of Religion five months before the Government Code of Education, and the Department of Education and Ministry of Religion (formerly the Department of Divinities) were unified under the Ministry of Education by the Government Code of Education. The promulgation of the Directive on Promotion of Education by the Council of State and that of the Government Code of Education by the Ministry of Education is due to this background. In other words, “educational affairs” was the rubric that unified both the scholarship of universities and the edification of the people, and the Government Code of Education was a document that codified the systemic framing of the educational administration for “promoting” “educational affairs.” No legal grounds that prescribe education as a “duty” are present there.

That being the case, where then should we search for the origins of the concept and system of *gimu kyoiku* (compulsory education)? The first time that the term *gimu* (meaning “duty,” “obligation” or “compulsory” in English) appears is in the draft of the *kyoikurei* (Education Order) (1879 (Meiji 12)) called the *Jiyu kyoikurei* (Free Education Order). The first time that the term *gimu kyoiku* (compulsory education) appears as a term in a text comes somewhat later in the first *shogakorei* (Elementary School Order) (1886 (Meiji 19)).

The process from the draft to the official text of the Education Order is important for examining historically the establishment and vicissitudes of the two concepts of *kokyoiku* (public education) and *kyoiku no gimu* (obligation of education). In 1879, the government abolished the Government Code of Education, and decided on the formulation of the Education Order, and the *Nihon kyoikurei* (Japan Education Order), the draft of the Ministry of Education’s Education Order, stipulated in Article 17 that “Schools are classified as official, public and private; those schools established at official expense are official schools, those schools established at public expense are public schools, those schools established at private expense are private schools.” In addition, it stated in Article 19 that “Elementary schools are the place where the curriculum that is indispensable for the general populace is taught,” and indicated clearly that elementary schools were the institution of *futsu kyoiku* (general education).⁽⁹⁾

What attracts attention in this draft is the fact that it defines official education, public education and private education based on which party bears the expenses involved in school establishment. “Official,” “public” and “private” were presented as three distinct categories, and “public” meant education at schools established at the expense of the *gakku* (school district) into which each urban and rural prefecture was divided (in the official text, the concept and actuality of “school district” disappears and the *gakku iin* (school district committee members) is changed to *gakumu iin* (educational affairs committee members), and in the place of school district committee members, the “educational affairs committee members” selected by elections in towns, villages and self-governing bodies served as the locus of responsibility for *koritsu gakko* (public schools). In addition, the draft established in Article 8, in a passage that runs “The Minister of Education shall have the power to provide subsidies to schools,” the authority of the Ministry of Education as concerns the provision of subsidies to schools. The reason why the provision of subsidies to schools is stipulated not as a “responsibility” but rather “power (authority)” is because responsibility for “public” schools was sought from educational affairs committee members. A clear line is drawn in this draft between “official” (education based on the financial resources of the state) and “public” (education based on the financial resources of localities).

The term *gimu* (obligation or duty) appears in Article 31 of the Ministry of Education’s

draft (Japan Education Order), and is expressed as the guardian's obligation to send a child to school, in the following passage: "Those persons who must have their school age children attend school, such as parents and guardians, shall fulfill this obligation." While an oblique expression of the stipulation about this "obligation" in a negative form is stated as "The expenses for public education should be borne by the people of an education district" (Article 33), this was because the state's financial basis was weak, and there was likely no alternative but to rely on tuition paid by guardians and the contributions of local volunteers and persons of high standing. The tuition paid by guardians and the contributions by volunteers in the local areas constituted the core of *kohi* (public expenditures).⁽¹⁰⁾ However, *gimu* (obligation or duty) in the Ministry of Education's draft was revised to read *sekinin* (responsibility) in the formal text of the Education Order. The stipulation about school attendance in the Education Order was expressed as "Having school-age children attend school shall be the responsibility of parents and guardians" (Article 15). "Elementary schools are the place for imparting general education" (Article 3), and it is stated that "All children should receive general education for at least 16 months while they are of school age" (Article 14), and school attendance for four years is prescribed as the *sekinin* (responsibility) of guardians.

Note that in the Education Order the concept of *futsu kyoiku* (general education) has been used explicitly. The expression "the curriculum that is indispensable for the general populace" in the draft has been conceptualized as "general education." Whereas the elementary school is the institution for "general education," middle schools were deemed "the place for classes in higher level general subjects" (Article 4). This "general education" is based on the American idea of public education that equates "public education" with "general education." The design of the system by David Murray and Fujimaro Tanaka was rational in terms of the concepts of "public education" with "general education." The concept of "general education" subsequently became vague, and the reason why the concept of *koto futsu kyoiku* (higher general education) in particular caused confusion in the Extraordinary Council on Education is that this was the result of the rationality in the Education Order being undermined by subsequent imperial decrees.

The trio of "official education," "public education" and "private education" in the formal text of the Education Order were expressed as *koritsu* (publicly established) and *shiritsu* (privately established), and it is stipulated as follows: "There is a distinction between publicly established and privately established schools; those schools that are established with local taxes or at the public expense of towns and villages are public schools, and those schools that are established at the private expense of one person or several persons are private schools" (Article 19). Along with this, the subsidies provided by the Minister of Education were changed from something that was a "power" (authority) in the draft to something that "should be distributed to each urban and rural prefecture" (responsibility). This responsibility is imposed on the prefectural governors as well, and it is stated that "Prefectural governor ordinances [stipulate that] the Minister of Education should have feudal lords provide subsidies to each publicly established elementary school" (Article 29). The formal text further establishes in Article 31 that "Even a private elementary school should receive subsidies when this is found in a prefectural governor ordinance to be for the public benefit of the people of those towns and villages."⁽¹¹⁾ This merits attention as a text that shows the divergences between America's education-related laws and ordinances, which prohibit assistance by public funds to private schools, and those of Japan. This provision also indicates the existence of a concept of "public" that is peculiar to Japan.

Owing to concerns about a decline in the school attendance rate due to the liberalism of the Education Order (1879), it was revised in the following year. In addition to the passage in Ar-

ticle 14 that runs “Having school-age children attend school is the responsibility of parents and guardians,” the Revised Education Order strengthened the supervisory responsibility for school attendance by stating that “Parents and guardians should have their school-age children attend school for at least 16 months per year so that they can complete the three-year curriculum of elementary school” in Article 15. However, the word *gimu* (obligation or duty) does not appear.

Although it was in contradiction with the strengthening of the supervisory responsibility for a guardian’s responsibility as regards school attendance, all of the language about the Minister of Education’s subsidies in the revision of the Education Order in 1880 was deleted, and the system of state subsidies was abolished. The Revised Education Order stipulated that “As far as the expenses for public schools are concerned, those expenses relating to the acts of prefectural assemblies shall be paid from local taxes, and those expenses relating to agreements by the people of towns and villages shall be paid from town and village expenses” (Article 24), the “assistance” was transferred to the *fukenkai* (prefectural assemblies) and abolished in Article 25, and given that determination of the *koeki* (public benefit) (Education Order) of “assistance” to private schools was difficult, it was changed to a system for determining this based on “approval by an order of the Prefectural Governor.”⁽¹²⁾

Note that although Article 20 of the Revised Education Order requires that the approval of the Minister of Education be sought for prefectural schools among the public schools, in the exposition thereof these are defined as follows: “Public school refers to the two kinds of school that are situated between official and private schools.”⁽¹³⁾ The phrase “two kinds of schools” means “town and village schools” and “prefectural schools,” but the key point is that “public” is defined as “between” “official” and “private.” Until the Revised Education Order, “public” had been situated outside the realm of “official.”

3 The Establishment of a Compulsory Education System and the Securing of National Education

The first appearance of the term *gimu* (obligation or duty) in educational laws and ordinances comes with the First Elementary School Order of 1886 (Meiji 19), which was drafted by Minister of Education Mori Arinori. Article 3 of the First Elementary School Order stipulates that “School age shall be the 8 years from the age of 6 to the age of 14 of a child, and parents and guardians have the obligation to have their school-age children receive general education.” Until then the provisions relating “parents and guardians” having their school age children attend school employed the term *sekinin* (responsibility) rather than *gimu* (obligation). It is no exaggeration to say that compulsory education was given a conceptual basis and established by Mori.

The compulsory education system designed by Mori is modern and unique. One of its features is that the main source of financing for compulsory education derives from the tuition paid by guardians. Article 6 in the Elementary School Order stipulates that “Parents and guardians shall pay the tuition for their children in order to meet the needs for operating the elementary school.” Another feature is that it established a *shogaku kan’ika* (basic curriculum for elementary school) (4-year term of study) as a substitute for *jinjo shogakko* (regular elementary school) in those regions where the guardians could not afford the tuition. The financing for the basic curriculum for elementary school (3-year term of study) was to be “paid at the expense of the district, town or village” (Article 15), and it was further stated that the salaries of the *shogaku kan’ika kyoin* (teach-

ers for the basic curriculum for elementary school) could be supplemented by “local taxes” (Article 16).

The modern character of the compulsory education designed by Mori is expressed in the fact that elementary school education prescribes “general education” (Article 3), and its contents are stipulated by the “curriculum of elementary schools and its extent” as determined by the Minister of Education. The First Elementary School Order is an extension of the framework envisaged in the Government Code of Education insofar as it clearly states that the purpose of elementary school education is “general education,” and its chief source of financing is sought in tuition. At the same time, the First Elementary School Order required a “prefectural governor order” for the establishment of a school, and sought compulsory education from “districts, towns and villages,” while on the other hand it stipulated that the educational contents were to be determined by ministerial ordinance and prescribed screening of textbooks by the Minister of Education (Article 13), and established a public education system whose educational core was the state. The support for this legal reasoning was the concept of national education. Mori was a pioneer of national education. The document in which the notion of national education is presented for the first time is the “Essentials of Education Policy” (1884) drafted by Mori. In this document, Mori expressed the view that the *kokutai* (polity) was the *kokusetsu keizai* (national economy), and education was *kokusetsu kyoiku* (national education).⁽¹⁵⁾ The modern state is defined as the nation-state, and national education is envisaged as the device for constituting the nation-state. Although the First Elementary School Order did not use the term “national education,” in Mori’s framework this was an imperial decree that transitioned from education of the people (general education) to education of the nation (national education). As noted above, compulsory education had taken as its basis the thought of Protestantism in Western society. Is it an exaggeration to conclude that the Protestant faith of Mori’s youth promoted the establishment of compulsory education in the First Elementary School Order?

That said, when the matter is viewed in terms of the legal system, it will not do to seek the grounds for establishing a compulsory education system in Mori’s personal experience of the Protestant faith. What then provided the grounds for compulsory education? One explanation is the establishment of a simple curriculum for elementary school in the First Elementary School Order, that is, an exceptional measure, and one can probably cite the fact that it became possible to convert the “responsibility” of “parents and guardians” to have their children attend school into an “obligation,” owing to the fact that a simple curriculum for elementary school with the tuition waived was established. However, the tuition for a simple curriculum for elementary school was supplemented by the districts, towns and villages. Nonetheless, the “obligation” of “parents and guardians” to have their children attend school is not an “obligation” towards the district, town and village but rather an “obligation” towards the nation. A tuition waiver system does not serve as the grounds for compulsory education. Regular elementary schools have instituted compulsory education while taking the tuition paid by “parents and guardians” as their chief source of financing. By comparison, at that time compulsory education in America was free of charge, but approximately 20% of the financing for compulsory education in France was dependent on tuition, and compulsory education in England was dependent for about 30% of its financing, and that in Italy for about 50% of its financing, on the tuition paid by guardians. A tuition waiver system does not constitute the determinative grounds for a compulsory education system.

What did the framework for compulsory education in the First Elementary School Order establish as its systemic grounds? The answer to this question likely lies in the fact that it firmly

established the universal will of the state with respect to education. The First Elementary School Order thoroughly implemented local separation or powers insofar as it sought the chief source of financing for public schools from tuition and insofar as it relied on districts, towns and villages for the establishment of schools and compulsory education, but the *chiho gakuji tsusoku* (Local Educational Regulations) enacted 3 years after that characterized the educational functions of districts, towns and villages and prefectures as delegated agency functions, and made clear the standpoint of the state actor as regards issues intrinsic to education.⁽¹⁶⁾ The provision that characterizes the “educational functions” of local self-governing bodies as the “delegated agency functions” of the state is an extreme expression of the fact that the state constitutes the core of education. The state’s handling the “intrinsic functions” of education, and the local self-governing bodies’ handling its “extrinsic functions,” is the principle of the Local Educational Regulations. Let us recall that Mori was the first person to advocate *kokusetsu kyoiku* (national education). Mori’s idea of the state as universal education, which relied on the Hegelian notion of the state of education based on the will of the national community (state education), established the system of “compulsory education” (coercive education).

However, Mori’s framework for *kokusetsu kyoiku* (national education) suffered a setback immediately after the institution of the First Elementary School Order owing to Mori’s assassination. The revision by the Second Elementary School Order (1890) signified a reversal of Mori’s framework for national education. Following Mori’s premature death, the person who carried on his last wishes was Inoue Kowashi, who played a key role in the drafting of the Meiji Constitution and the preparation of the Imperial Rescript on Education. However, the view of the state held by Mori, who took the United States as his model, and the view of the state held by Inoue, whose model was Prussian Germany, were fundamentally at odds. The divergence finds its expression in the differences in the two thinkers’ concept of the *kokutai* (national polity). Mori’s notion of *kokutai* is synonymous with the *kokka* (nation), and is understood instrumentally as the mechanism for integrating the government and economy, as is prescribed by *kokusetsu kyoiku* (national education). By contrast, Inoue viewed the *kokutai* as the spiritual and cultural community of the *bannseiikkei* (the unbroken imperial line throughout all the ages).⁽¹⁷⁾ The difference in the views of the state between Mori and Inoue was also a divergence in the views of the state between Mori, who drafted the First Elementary School Order, and the Ministry of Education bureaucrat Egi Kazuyuki, who composed the Second Elementary School Order.

The stipulation about the “obligation” of “parents and guardians” in the school attendance provision in the First Elementary School Order is inherited in the Second Elementary School Order (1890). Article 20 of the Second Elementary School Order reads as follows:

School age shall be the 8 years from when a child is fully 6 years of age to fully 14 years of age. Those persons acting as guardians of school-age children shall have the obligation to have their school-age children attend school until they complete the curriculum of regular elementary school. The obligation in the preceding clause shall arise from the beginning of the academic year of the year when a child has reached school age. The Minister of Education stipulates the requirements for recognizing the party who should serve as the guardian of a school-age child.

In fact, the simple curriculum for elementary school that was set up by the First Elementary School Order is abolished in the Second Elementary School Order. Where should the legal

justification be sought whereby the “obligation” of “parents and guardians” to have school-age children attend school is inherited, despite the fact that a simple curriculum for elementary school with tuition waived was abolished? One answer to this question lies in the Local Educational Regulations enacted in the same year, and another answer can be found in the *shogakko no honshi* (the main purpose of elementary schools), which is explicitly stated in Article 1 of the Second Elementary School Order.

The Local Education Regulations are the provisions accompanying the implementation of the city, town and village system. In Article 1, it is stated that “Towns and villages shall establish a town and village school union based on the provisions of the imperial ordinance for the purpose of educational functions,” and the regulations provide a clear indication to the effect that the prefectures and towns and villages are in charge of “educational functions.” This term “educational functions” meant the agency delegated functions. The gist was that the towns and villages were in charge of these “functions,” based on making education the business of the state. To express “educational functions” by differentiating between “intrinsic functions,” which deal with education proper and the things that are directly related to education, and “extrinsic functions,” which relate to the establishment, administration and accounting of schools, in the Local Education Regulations the “intrinsic matters” are classified as being under the jurisdiction of the Ministry of Education, and the “extrinsic matters” are classified as being under that of the prefectures and towns and villages.⁽¹⁸⁾

The principle of centralization of power, which takes “education functions” to be the business of the state, and the principle of decentralization of authority, as the agency delegated functions of that “educational functions,” are merged here, and this serves as the grounds of a guardian’s “obligation” regarding school attendance. One can even conclude that the notion of an “obligation” for education based on loyalty to the state acquires systemic legitimacy by the nationalism that proclaims the nation-state.

The compulsory education established by the First Elementary School Order was succeeded by the Second Elementary School Order (1890). The legitimacy of compulsory education based on the Second Elementary School Order is demonstrated in the provisions of Article 1.

Elementary schools take as their main purpose attention to the development of the children’s bodies, and the imparting of the fundamentals of moral education and national education as well as the general knowledge and skills required for their lives.⁽¹⁹⁾

This Article 1 is based on the original proposal of Egi Kazuyuki, who composed the Second Elementary School Order. Egi’s original proposal underwent a process where it was revised in the Ministry of Education to read “Elementary school has its purpose the imparting of the general education that is indispensable to imperial subjects.” The revised proposal of the Ministry of Education inherited the traditions of “general education” (education of the people = public education) since the Government Code of Education, and bestowed on it the ethos of national education by applying the limitation of “indispensable to imperial subjects.” The Ministry of Education proposal can be interpreted as something expressing explicitly beyond the First Elementary School Order the framework of national education whose basis was Mori Arinori’s “general education.”

The recasting the Ministry of Education proposal by Egi resulted in huge changes in the establishment of the national education system. Article 1 of the official text that was returned to Egi’s original proposal which stipulated that the purpose of elementary was based on three layers,

the foundation of “moral education” and “national education” and the “general knowledge and skills required for their lives.” Moreover, in this three layer structure “moral education” was placed at the head of the three, and general education was trivialized by the expression “the general knowledge and skills required for their lives.”

The national education system, which was composed of the three layers, first of which was the education of subjects was that codified in Article 1, and also national education and general education, was inherited in the Third Elementary School Order (1900) and systemically completed, and after that it was not changed until the National School Act (1941). This three layer structure harbored contradictions within it. Before WWII, the vagueness of the concept of “general education” was debated at every opportunity, but its origin may well lie in the Second Elementary School Order, which trivialized “general education” and prescribed the purpose of elementary education with a three layer structure. The internal contradictions of the three layer structure, which included education of subjects, education of the nation and education of the people, were integrated one-dimensionally in *kokokumin no rensei* (training of the emperor’s subjects) in the National Education Act (1941), which was reintegrated into “education of the nation” in the postwar educational reforms.

There was one addition crucial change in the institution of the Second Elementary School Order. Egi, who played a key role in the preparation of the Second Elementary School Order, related retrospectively that despite the fact that this elementary school order was not an imperial ordinance inside the Ministry of Education but rather prepared as a law, it was modified into an imperial ordinance in the Privy Council. It is reported that the debate between the Ministry of Education, which claimed it was a law, and the Privy Council, which asserted that it was an imperial ordinance, lasted for a full 12 days.⁽²¹⁾ One of the key points of contention was whether or not the matter of compelling the nation involved in compulsory education should be decided by an imperial ordinance, or whether the matter of compelling the nation should be decided by a law of constitutionalism. This was a stage where the Constitution of the Empire of Japan had already been enacted, and constitutional government had started. However, the assertion of the Ministry of Education, which sought to handle the education laws and orders suitable to a nation under the rule of law, was dismissed in the Privy Council, and subsequently only the laws and ordinances related to the financing of education were deliberated in the Diet as bills.

It is in this context that the system of the national treasury’s share of compulsory education expenditures comes up in policy debate. State subsidies for elementary schools persisted from the Government Code of Education (1872) until 1890, but it died out after 1891, when the revised educational order was implemented. It was the reparations due to the First Sino-Japanese War that served as the turning point for the resumption of a system of assistance from the national treasury. In 1896 (Meiji 29), the “Law of National Grant of Seniority Pay for City, Town and Village Elementary School Teachers” passed the Diet, and the “Special Accounting Law for the Education Fund” and “Law of National Grant for Compulsory Education Expenditures” were submitted to the Diet for debate in 1899 (Meiji 32) and 1900 (Meiji 33), respectively, but these bills, which were drafted for the purpose of general national grants, were revised in the House of Peers, and established as the “Law for National Grant of City, Town and Village Elementary School Expenditures” that was limited to seniority pay for teacher salaries and grants of special allowances. Japan had to wait until the enactment of the “Law of the National Treasury’s Burden of Compulsory Education Expenditure for Cities, Towns and Villages” 18 years later in 1918 (Taisho 7) for the implementation of a system of the national treasury’s share of compulsory education ex-

penditures. A system in which the state assumed the burden of half of teacher salaries was advised as follows in the response (1) to interrogation number one in the Extraordinary Education Meeting in 1917 (Taisho 6):

It is anticipated that teacher salaries for city, town and village schools shall be jointly paid by the national treasury and cities, towns and villages, and that the amount of national treasury outlays shall reach one half of the above-mentioned teach salaries.

However, the realization of this response came with the “Law of National Treasury’s Burden of Compulsory Education Expenditures” (1940), which was enacted by a wartime mobilization system.

Incidentally, changes were also witnessed in local education administration as changes subsequent to the Second Elementary School Order (1890). These were the establishment of *chiho shigaku* (prefectural inspections) (1897 (Meiji 30)) and the use of government officials for *gun shigaku* (county inspections) (1900 (Meiji 33)). The prefectural inspections, in which two to three officials were posted in each prefecture and in Hokkaido, involved high level officials affiliated with the Ministry of Home Affairs, and their official duty was inspections to check implementation of the elementary school orders. After the Government Code of Education, “local education officials” in charge of “educational functions” were assigned, and after the education orders a system was adopted wherein local autonomy based on the Local Education Regulations served as the foundation and the “prefectural order” and the city, town and village “educational affairs committee members” carried out the delegated functions of “education functions.” “County inspections” were newly established by the Second Elementary School Order, but it was 1900, when the Third Elementary School Order was enacted, when “county inspections” were ranked as positions of state officials. In this manner, educational administration had established an administrative and financial system of national education peculiar to Japan of top-down control by centralization of authority and bottom-up self-governing operation by local decentralization from the Government Code of Education, by means of a three layer structure of governance by imperial ordinances and ministerial ordinances in educational administration, and “local inspections” (prefectural inspections) and “county inspections,” and management by “districts, towns and villages” in local education administration. In this sense, one can conclude that the Third Education Order (1900 (Meiji 33)) was a revision that realized the establishment of national education as an extension of the Second Elementary School Order.

The Third Elementary School Order, for which the Minister of Education Kabayama Sukenori and Director of the General Education Bureau Masataro Sawayanagi engaged in preparing the bill, realized the systemic establishment of national education that integrated the three layers of “moral education” (education of subjects), “national education” (education of the nation) and “general knowledge and skills” (education of the people) presented in Article 1 (Purpose of Elementary Schools) of the Second Elementary School Order. The chief revisions were as follows: ① The compulsory education term, which had previously been set at three to four years, was fixed at four years, and granted coercive force; ② It was stipulated in Article 57 that “Collection of tuition shall be obtained in the regular elementary schools established by cities, towns and villages,” and it transitioned from a system whose basis was payment of tuition to one that was essentially tuition free; ③ Under the aegis of Ueda Kazutoshi, Director of the Technical Education Bureau, *kokugo* (Japanese language) study was unified by synthesizing “reading,” “composition” and “calligraphy,”

and the standardization of the symbols used for Japanese kana was aimed at; ④ A state system and screening system for textbooks were established; and ⑤ control by centralization of power by the Ministry of Education and management by local autonomy for cities, towns and villages were integrated in educational administration. National education in the Third Elementary School Order was completed both conceptually and systemically.⁽²²⁾

The Third Elementary School Order brought about a dramatic increase in the school attendance rate, whose backdrop was the explosive exaltation of nationalism due to the First Sino-Japanese War and the Russo-Japanese War, and realized the materialization of national education and compulsory education. According to Ministry of Education statistics, the attendance rate in 1895 immediately after the First Sino-Japanese War was approximately 64%, whereas the attendance rate in 1905 immediately after the Russo-Japanese War had reached approximately 95%. In a mere 30 years since the Government Code of Education, education in Japan had attained a degree of expansion of equal basic education and modernization that rivaled Western countries. Rightly or wrongly, there is little doubt that this was an astonishing achievement.

4 The Multilayered Nature of Modern Schools and the Concept of Compulsory Education

Public education, the public education system, compulsory education and national education constitute respectively independent historical aspects in modern Japan. Although these concepts are often confused and viewed as meaning the same thing, fine discriminations between their respective historical aspects should serve as the precondition for various debates. “Public education” refers to education in “common schools,” which were established in the public sphere of culture and education. It is known that many *goko* (country schools) had been established as “jointly established” schools beyond status and class in Japan as well. The *kokyoiku seido* (public school system) is the product of institutionalization of public education by the state. A “public school system” is firmly established by a “Government Code of Education,” which introduces “promotion of education” by the government. The public school system established by the Government Code of Education called for “general education of the people,” and functioned as a statist redemption of public education based on “Westernization = modernization.” This public education system, whose basis was general education (education of the people), began with the Government Code of Education, and persisted through the Free Education Order and the Revised Education Order up to the First Elementary School Order.

Compulsory education (*gimu kyoiku*) is established at the final stage in the formation of a public education system based on general education. The First Elementary School Order indicated clearly that matters relating to a guardian’s having a child attend school, which had been a responsibility up to that point, was now an obligation (*gimu*). This is the establishment of compulsory education. Its grounds lie in the notion of *kokusetsu kyoiku* (national education) offered by Mori Arinori, who drafted the First Elementary School Order. Mori designed the establishment of the nation-state by stipulating that the *kokutai* or national polity (state) was the *kokusetsu keizai* (national economy), and education was *kokusetsu kyoiku* (national education). The conception of education based on the state’s universal will created by Mori provided the grounds for compulsory education.

The institutionalization of national education was prepared in the Second Elementary School

Order, and established firmly in the Third Elementary School Order. Even though the First Elementary School Order prepared by Mori Arinori had as its foundation the idea of national education, this was conceived as general education. Compared to this, the Second Elementary School Order, which was drafted by Egi Kazuyuki, stipulated the purposes of elementary education and prepared a systemic framework of national education based on a three layer structure including “moral education” (education of subjects), “national education” (education of the nation) and “general knowledge and skills” (general education = education of the people). This framework was subsequently equipped with a delegated educational duties system based on the Local Educational Regulations, and this was linked to a national education system based on the Third Elementary School Order that was drafted by Minister of Education Kabayama Sukenori and Director of the General Education Bureau Masataro Sawayanagi. The obligation to attend school in the Third Elementary School Order was thoroughly enforced for four years, such things as a tuition waiver system, unification of the national language and a system of government screening of textbooks were enacted, and a national education system was established. National education as established in the Third Elementary School Order was not altered until the National School Order, which integrated education of subjects (moral education), education of the nation (national education) and education of the people (general education) by means of *kokokumin no rensei* (training of the emperor’s subjects).⁽²³⁾

5 Post-War Reforms and Compulsory Education

What were the transformations that the concept of “compulsory education” underwent in post-war educational reforms? It is not easy to answer this question. It is almost impossible to find any traces of the debate over “compulsory education” in the materials for post-war reform. This is a curious phenomenon, but the background about why the obligation for education was not debated was similar to the obligation to pay taxes. Although Article 30 of the Constitution of Japan stipulates that “The people shall be liable to taxation as provided for by law,” this provision differs not one bit from Article 21 of the Constitution of the Empire of Japan, which states “Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law.” Before WWII, the duty of education (Article 32, Elementary School Law), the duty of paying taxes (Article 21, Constitution of the Empire of Japan) and the duty of military service (Article 20, Constitution of the Empire of Japan) were called the “three great duties of the nation.” After WWII, the conscription system was scrapped and the duty of military service was abolished, but the duty of paying taxes and the duty of education probably continued uncritically in people’s unexamined assumptions.

“Compulsory education” in postwar laws and ordinances has been prescribed in the Constitution as well as the Fundamental Law of Education and the School Education Law. The School Education Law stipulates in Article 4 (Compulsory Education) the following:

- ① Citizens bear the obligation of having the boys and girls under their protection receive nine years of general education.
- ② Tuition will not be collected for compulsory education in schools established by state or local public institutions.

Both ① and ② are provisions that amplify Article 26 ② of the Constitution of Japan. The School Education Law stipulates “the duty to have [children] attend school” in Article 22 (elemen-

tary school, middle school is Article 39) as follows:

The protector (the person who exercises parental authority over a boy or girl; when there is no person exercising parental authority, this person is called the guardian of a minor) bears the obligation of having a boy or girl attend elementary school or the elementary section of a school for the blind, a school for the deaf or a school for the disabled, from the start of the initial school year following the day after the date on which the boy or girl reaches a full six years of age, until the end of the school year in which the date on which he or she reaches a full 12 years of age. (School Education Law, Article 22)

It is clear that this provision expresses contents that are identical with Article 32 of the Elementary School Order:

The protector of a school-age child bears the obligation of having the school-age child attend school from the start of school attendance to the conclusion of the same. A person called a protector of a school-age child is a person who exercises parental authority over a school-age child or his or her guardian.

However, were there no changes in the concept of “compulsory education” before and after WWII? That is, did the provision about the “right to receive an education” in the Constitution of Japan not bring about any transformations in the notion of “compulsory education”? Article 26 of the Constitution of Japan prescribes “compulsory education” as follows:

Article 26 (Right to Receive an Education, Obligation of Education)

① All people shall have the equal right to receive an education correspondent to their ability, as provided for by law. ② All people shall be obligated to have all boys and girls under their protection receive general education as provided for by law. Such compulsory education shall be free.

Article 26, which is the sole education clause in the Constitution, had not been included in the MacArthur draft. Moreover, Article 26 ① is text that was originally inserted for the purpose expanding equal opportunity to higher education. This reason why the MacArthur draft did not include an education clause is because the Constitution of the United States of America adopts a federal system, and education is interpreted as belonging to the autonomous authority of the state governments.

Incidentally, it was not only Article 26 that was newly inserted during the deliberations in the Diet about enactment of the Constitution. Article 25 (Right to Life, State’s Social Mission) is also the same. Article 25 stipulates the following:

① All people shall have the right to maintain the minimum standards of wholesome and cultured living. ② In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

Viewed from the standpoint of the background of their establishment, the “right to receive an education” and the “obligation to have children receive general education” in Article 26 of the

Constitution should be interpreted by linking them to Article 25 (Right to Life, State's Social Mission). There are grounds for this. Both Article 26 and Article 25, which were established by newly inserting them in the MacArthur draft through Diet deliberations took as their foundation the language devised in the Constitution Research Society, which prepared a draft of the Constitution without any power. The Constitution Research Society (formed in November 1945) was an independent research group for preparing a draft of the Constitution that was organized principally around former Tokyo University Professor Takano Iwasaburo, and included such scholars and intellectuals as the critic Murofushi Takanobu, former Tokyo University Professor Morito Tatsuo and constitutional history researcher Suzuki Yasuzo. Their characteristic lies in the fact they prepared a draft constitution with the Weimar constitution as the model. The right to life in Article 25 was one of the major fruits of the Constitution Research Society. There is a passage that runs "The people shall have the right to be healthy and to engage in a life with [an adequate] cultural level" in the "Outline of Revised Draft of the Constitution" submitted to the GHQ by the Constitution Research Society,⁽²⁴⁾ and in the "Outline of a Private Proposal for a Revised Constitution" proposed to the Diet by Takano Iwasaburo (Takano proposal, January 1946) he first states that "the people shall have the right to life" (right to life), after which he states that "the people shall have the right to receive an education" and advocates the "right to receive an education."⁽²⁵⁾ Article 26 (Right to Receive an Education, Obligation of Education) was proposed as something that was integral with Article 25 (Right to Life, State's Social Mission), which was proposed to the Diet by Lower House member (Socialist Party) Morito Tatsuo, who was a member of the Constitution Research Society, and the right to receive an education should be interpreted as one aspect of the right to life.⁽²⁶⁾

Here, notice that the "obligation of education" in Article 26 of the Constitution prescribes the "obligation to have [children] receive general education" (the contents of "general education" are determined in Article 18 (Objectives of Elementary School Education) and Article 36 (Objectives of Middle School Education) of the School Education Law). The provision that takes "general education" to be "compulsory education" is a conception of compulsory education whose idea is "compulsory education = public education = general education (education of the people)," which was presented in the First Elementary School Order. However, the First Elementary School Order had as its essence collection of tuition, and the system of free compulsory education presented in Article 26 of the Constitution inherited the concept of compulsory education whose notion is the "compulsory education = national education" in the Third Elementary School Order. As can be seen in the composite nature of this notion of compulsory education, the two system norms of "public education = general education (education of the people)" and "public education = education of the people" and the divergence in their legitimacy were not debated in the post-war educational reforms. To phrase it differently, the one-dimensional system norm of "public education = general education (right of the people) = compulsory education = free system (responsibility of the state)" and its legitimacy were not established before WWII in Japan, and even though they were established in the legal system after WWII, they were immature in thought, debate and policy.

6 The Historical Construct of the Reforms

The concept of compulsory education and its system were established as the obligation of a guardian to have children attend school for general education, and were conceptualized and institutionalized as the responsibility of the state to compel the performance of this obligation of a

guardian. Compulsory education is a system that is canonized legally and legitimized systemically by two key factors, the obligation of guardians and the will and responsibility of the state therein. Compulsory education in pre-WWII Japan had been established in a logic that institutionalizes by the strong will of the national commonwealth, with the basis being the public sphere of people seeking general education. This is because both the fact that the framework of compulsory education from the Government Code of Education up to the Third Elementary School Order was conceived with its core being a tuition-based system and the foundation being autonomous management by wards, towns and villages, and the fact that compulsory education after the Third Elementary School Order realized compulsory education based on a tuition-free system with education of national commonwealth as the basis, had as their background the resolute will of the state and its legitimacy, which are integrated in education of the national commonwealth (national education) with the demands of the people for general education as the basis. No matter which system was adopted when it came to the question of whether tuition would be required or not, and whether or not there was any share of compulsory education expenditures from the national treasury, it was not the case that these were fundamentally opposed in terms of legal norms and systemic legitimacy.

However, post-war compulsory education weakened these legal norms and systemic legitimacy. The nation’s “right to receive an education” and “obligation to receive general education” were often confused and took a weaving course. The sentiments and logic of the people surrounding truancy expressed most clearly this contradiction. The phenomenon of truancy (long-term absence) evoked the heartache of non-performance of the obligation in the sentiments of children, and caused a situation where the responsibility of the schools and instructors were called into question without the responsibility of the guardians being called into question. In addition, responsible policies of public administration for handling truancy by the logic of children’s right to learn were also lacking.

Moreover, today the doubts harbored by the people regarding compulsory education have aroused debates and policies of extreme liberalism for eliminating all compulsion and control in education, while on the other hand powerful control that infringes on the civic freedoms of instructors and children has been legitimized on the grounds of compulsory education. The former has become the breeding ground of the education revolution of neo-liberalism, while the latter serves as the basis of the education revolution of neo-conservatism.

Political debates about the system of the national treasury’s share of compulsory education expenditures have had the nature of an overall assessment of the weakness of the legal norms and systemic legitimacy of compulsory education in postwar Japan. These are summed up by the phrase “the problem of compulsory education,” but what is at question is not “compulsory education” (forcible education). The focus of the debates is rather the systemic framework for public education. In that sense, it is something that should be debated as “the problem of the public education system.” The reason why the label “the problem of compulsory education” has come into general use despite this is that “the problem of the public education system” has been debated by limiting it politically to the system of the national treasury’s share of compulsory education expenditures. If we take a cool-headed view of the issue, the problem of the system of the national treasury’s share of compulsory education expenditures itself was resolved at the point in time when the Ministry of Education, Culture, Sports, Science and Technology adopted the “total discretion system.” This is because there is no antinomy in terms of taking compulsory education expenses to mean “obligatory expenditures,” that is, the expenditures for which the state bears responsibility. If one

places the responsibility on the state, with compulsory education expenses constituting “obligatory expenditures,” and asserts that these are to be used as “discretionary expenditures,” there is no way to establish this either legally or systemically.

What should probably be debated in terms of policy is rather the systemic framework of the public education system. The public education system in postwar Japan was a system based on the Fundamental Law of Education in the legal system, a system of the national treasury’s share of compulsory education expenditures in the financial system and a system of local education boards in the public administration system. Each of these three main pillars was swayed by decentralization and deregulation, and lost their normative character and legitimacy as the three main pillars and were suspended. What should be of most concern is the fact that although the dissolution of the existing system has advanced, no system to replace it has been prepared yet. Decentralization seeks new local autonomy and the systematization of the state’s responsibility, and deregulation seeks the creation of new rules. However, the responsibility of the state in the decentralization that is actually proceeding has not been clarified at all, and no new rules have been generated by deregulation either. What is progressing is the collapse of the public sphere of education, and the dissolution of public education itself.

If we look just a bit for a stable starting point in the systemic framework of public education, to my own mind it can be found in an orientation that joins together the “right to receive an education” in Article 26 of the Constitution with the “Right to Life, State’s Social Mission” of Article 25. The provisions that take “compulsory education” to be “the right to receive a general education” can also be so interpreted in the same context, and moreover the public education system whereby “public education = general education = obligatory education” is at the very least directly linked to the historical tradition of public education that runs from the Government Code of Education to Mori Arinori’s First Elementary School Order. To phrase it differently, this amounts to establishing a systemic framework for public education whose basis is “the right to receive an education = the right to learn as a right to life.” Can a persuasive public education framework beyond these legal norms and systemic legitimacy be established?

In any event, as proposed in this essay, “public education (general education)” and the “public education system (public school system)” and “compulsory education” and “national education” are concepts and systems that were respectively established within different historical phases. Drawing clear distinctions about the historical aspects of these concepts and systems, and re-recognizing their respective historical traditions will perhaps serve as the starting point for all reform debates. Repositioning the things that have been debated as the “problem of compulsory education” as the future framework of a more comprehensive and multilayered public education system is perhaps the first step in advancing a more realistic and productive policy debate.

Note

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6. See Sato Manabu, “From the Echoing Public Sphere of Learning = Memory of the Body to the Modern Deconstruction” (Kurihara Akira, Komori Yoichi, Sato Manabu and Yoshimi Shunya, *Reexamining Imploding Knowledge = Body, Language, Power*, The University of Tokyo Press, April 2000, pp. 83–122). In this essay, I examine the course in which the “Shintokukan” established in Meiji 1 in Ojiya City, Niigata Prefecture developed into the “Ojiya Elementary School”, and consider historically the relationship between public schools established in the public sphere of education and culture, whose basis is the local community before and after the Government Code of Education, and public schools that were established based on promotion of education by the Meiji government.
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Hidenori, Kurosaki Isao, Katagiri Yoshio and Sato Manabu, eds., *The Illusion of Individuality: Annual Bulletin of Pedagogy* 4, Seiri Shobo, September 1995, pp. 25–51).

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24. Constitution Research Society, “Outline of a Revised Draft of the Constitution” (collected in Takemae Eiji and Okabe Fuminobu, ed., *History of the Establishment of the Constitution*, Volume 1, Shogakukan, 2000, pp. 134–135). Although there are no articles dealing directly with education in the “Outline of a Revised Draft of the Constitution” submitted to the GHQ by the Constitution Research Society, there is the following passage: “The nation has an obligation to strive to cooperate with all peoples in the perfection of human character and the establishment of social mores based on democracy and peace”. It is indisputable that this passage was passed on for the establishment of the Fundamental Law of Education in the Education Reform Committee through the medium of Morito Tatsuo, who was a member of the research society. The roots of the phrase “perfection of human character” in the Fundamental Law of Education lie here.
25. Takano Iwasaburo, “Outline of a Private Proposal for a Revised Constitution” (*Shinsei* January 1946 issue, first appearance) (collected in Takemae Eiji and Okabe Fuminobu, ed., *History of the Establishment of the Constitution*, Volume 1, pp. 137–139).
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