

A Declaration against the Amendment of the Education Act and the Act of National University Corporations

Faculty of Humanities and Economics, Kochi University

The Japanese Government is currently on track to pass an amendment to the Education Act and the Act of National University Corporations during the 186th Diet session, which is now in progress. We, the members of Kochi University's Faculty of Humanities and Economics, protest against this bill, having taken it into serious consideration and believing that this amendment will fundamentally and negatively change the 'organization of the university' and violate the autonomy and academic freedom of universities.

The purpose of the amendment is purported to be 'the governance reform of universities', that is to say, to arrange suitable conditions for university presidents to better demonstrate their leadership. This reform, however, is actually meant to limit the authority of faculty bodies and to downscale them into consultative bodies for university presidents. Faculty bodies, for which rights have been stipulated to 'discuss important matters'¹ (including personnel matters and budgets), will merely be asked to 'make comments'² at their presidents' request, and be concerned primarily with educational matters such as the conferment of degrees and curriculum issues. In addition, the government also plans to amend the Act of National University Corporations, which will drastically change university administrations as well as election systems for university presidents. In the article concerning selection of university presidents, a new regulation will be added so as to make the selection 'under the rule decided by a president screening committee'³; and regarding the composition of the management council at universities, the new provision stipulates that the number of external committee members should constitute a majority.⁴ These modifications will change the way that university presidents are selected as well as university management and administration.

According to the report from the Higher Education Unit of the Central Council for Education on 'the Promotion of Governance Reform in Universities' (published

¹ Article 93 of the Education Act.

² The draft revision of Article 93.

³ Article 12, Section 7 of the draft revision of the National University Corporation Act

⁴ Article 20, Section 3 and Article 27, Section 3 of the draft revision of the National University Corporation Act

February 12th, 2014), the proposed revision is part of their scheme to strengthen the functions of universities with the intention of making them more globalized and to foster innovation. They try to strengthen the leadership of university presidents so as to unilaterally decide the allocation of resources such as budgets or the number of staff. The amendment will indeed guarantee the presidents' leadership and a top-down style of management will be systematically secured. This will create the impression that university administrations will become more efficient. However, this will not only breach the rights of faculty bodies which consist of all academic staff, but also ruin the system of self-government at universities, which enables the everyday management decisions at institutions of research and education.

In addition, there is the possibility that the proposed amendment may disrespect or even repeal the right to vote among faculty members to elect their presidents by giving the 'president screening committee' the right to make the final decision. There is also the danger that the president might gain stronger decision-making authority through the arbitrary appointments of external committee members and that these members might form a majority of the management council. Under such circumstances, and because such risks are not considered in the reform bill, university presidents might perform '*ultra vires* acts', but no risk-averse measures are in place except for having auditor-secretaries.

In what direction will our universities be taken under this revision? With all power in universities centralized in the presidents' hands, academic staff and students will be increasingly isolated from the decision-making process. Top-down control will pervade everywhere through the use of presidents' power to appoint faculty deans. History has shown that such top-down control, without a regulatory system to act as a check, can easily fall into autocracy or dictatorship. Moreover, in the midst of greater competition among universities for better evaluation in the name of 'reform' and 'innovation', which nominally tries to enhance international competitiveness but in truth is lacking in both aims and content, research and education at universities may be at the mercy of shifting 'state policies'. All academic staff will be forced to compete with each other or be ranked according to unreliable evaluations, and those research/education topics that are not assessed as 'useful' by short-term decision making may be discarded and devalued like scrap metal. Authoritarianism in universities and dissolution of self-government of faculty bodies, which are formed by academic staff, administrative staff, and students, will not only discourage academic staff from conducting liberal and creative research/education but also inhibit students from self-regulated independent study.

Isn't this tendency going to further cause a crisis in academia and limit the development of human beings and societies? Wasn't the autonomy of universities and academic freedom established out of reflections on the bitter experience of intervention and suppression by state power before World War II?⁵ Didn't our

⁵ There have been incidents in the past where universities in Japan were suppressed by the state

experience of the 3.11 East Japan Earthquake disaster and the accident at the Fukushima Daiichi Nuclear Power Plant highlight anew the danger in carrying out research that is directly linked to state service and the importance of academic freedom?

We conduct research and education that is directly linked to human beings and societies from the perspective of humanities and social sciences. The premise of our study is based on the recognition and appreciation that human beings and the societies in which they live are diverse and that they have innate value. The student body also represents this diversity, which is nurtured through the university experience. In order to support students who have diverse ways of thinking and to help them make steady progress in their intellectual development, it is important to provide a meticulous style of education whereby they will aspire to serve society in the future.

For these reasons, university administrations must secure autonomy in research and education, and must continue to strengthen the foundation from the bottom up. Faculty bodies have been playing the role of nurturing such an administration in the context of the actual situation and trying to improve it. ‘Academic freedom’ and ‘autonomy of universities’ are guaranteed under the 23rd article of the Constitution. We are not reluctant to participate in university reform for the future if we have a navigating role. But if all authority is limited to presidents and top-down reform is going to be carried out under a single standard of values, we cannot realize meaningful reform in the research/education interface.

Universities do not exist only for state service or job training but primarily have the mission to contribute unfetteredly to the wide-ranging development of humankind and society. As discussed above, such contribution will bring prosperity to our communities as well as ensuring the welfare of our community members. In order to accomplish this, universities have been fostering intellectual communities, in which academic staff with wide-ranging backgrounds conduct creative research and education, and discuss important matters in a democratic atmosphere. It is not the

power, including the ‘Sawayanagi incident’ (1912) and the ‘Takigawa incident’ (1933). The Sawayanagi incident was an internal conflict that occurred at Kyoto Imperial University (now Kyoto University). When Masataro Sawayanagi, the university president at the time, made an arbitrary decision to fire seven professors for the sake of university reform, all the members at the Faculty of Law (40 members) submitted their resignation in protest. Eventually the president was relieved of his post and this incident paved the way for establishing the system for democratic selection of university presidents and the system to require agreement from faculty bodies in the case of appointments and dismissals of faculty members at all universities in Japan. In the ‘Takigawa incident’, Yukioki Takigawa, a law professor at Kyoto Imperial University, was suspended from teaching by the Education Minister for lecturing on anti-national legal ideas. Although all the faculty members expressed their opposition by submitting their resignation, the Ministry of Education suppressed the movement by firing Takigawa and several other professors.

top-down management by university presidents but the self-government of universities based on the consensus of all staff and students that is an indispensable system requirement for 'academic freedom', and by extension the development of humankind and societies.

For all these reasons, we, the members of the Faculty of Humanities and Economics at Kochi University, strongly object to the proposed revision bill, which will potentially hinder the development of humankind and society. We strongly request that the government hold a thorough debate on the bill at the current session of the Diet in the hopes of ultimately abandoning this revision. We also respectfully ask students and citizens to show their support for this petition.

June 18th, 2014