

Autonomy and Mobilization: Two Faces of Japan's Civil Society*

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Abstract

It has been often said that the rise of the civil society in the 1990s in Japan is one of the few valuable changes of the "Lost Decade." Another important aspect of Japanese civil society in the 1990s is the government effort to channel and mobilize citizen activity in the course of government policy-making. Japanese civil society in the 1990s must be viewed as a site of intersecting directions: the growing *autonomy* of citizen activity and the increasing government *mobilization* of it. This paper analyzes these two faces of civil society in contemporary Japan.

Key Words : civil society, local referendum, NPO law, government mobilization of volunteers

1. Introduction

On January 17, 1995, a major earthquake struck the area surrounding Kobe and Awaji Island, leaving about 6,400 dead (Hanshin Awaji Dai-shinsai). The infrastructure of the city was extensively damaged. In this most serious disaster since World War II, more than 1.4 million volunteers from the whole country hastened to the stricken area to rescue victims of earthquake. The activities of these volunteers left a deep impression on the people and volunteer activities became a key, opening the door to a new Japanese society as the term "volunteer revolution" shows.

On October 3rd of the same year, under a local regulation, a local referendum on the construction of a nuclear power plant was enacted in the town of Maki (Niigata prefecture) and the referendum was carried out on August 4th of the next year. It was the first time that a local referendum was carried out in Japan. 88.29% of the electorate voted with the result of 60.85% of the vote opposed to the construction of a nuclear power plant in Maki, 38.55% approving, and 0.60% other. The realization of a local referendum in Maki widely influenced citizen

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movements around the country concerned with critical local issues such as construction of nuclear power plant, U.S. military bases, industrial waste disposal facilities, nuclear fuel recycling facilities, large-scale dams, merging of neighboring municipalities, and so on, and activated local referendum movements nationwide.

Furthermore, during the 1990s NPO activities had been activated in various fields and, as the legal foundation of NPO activities, the Law to Promote Specified Nonprofit Activities (Tokutei Hi-eiri Katsudô Sokushin Hô) (the so-called NPO Law), which enables NPO to acquire juridical person status, was enacted in 1998.

Activation of volunteers, growing citizen initiatives in local political arenas, development of NPOs—all these show the rise of the civil society (*Zivilgesellschaft*), characterized by autonomous citizen activity¹⁾. It has been often said that the rise of the civil society is one of the few valuable changes of the “Lost Decade” (Hasegawa 2002 ; 2004).

The civil society is rising, to be sure, but we should pay attention to another aspect of Japanese civil society in the 1990s. Many institutional barriers to autonomous citizen activity remain. Moreover, there is a counter-movement that channels and mobilizes citizen activity in the course of government policy-making. Japanese civil society in the 1990s must be viewed as the site of intersecting directions : the growing *autonomy* of citizen activity and the increasing government *mobilization* of it²⁾. This paper attempts to analyze these two faces of civil society in Japan in the 1990s.

2. Rise of Citizen Activity

2.1 Activation of the local referendum movement

First, three symbolical phenomena that indicate the rise of citizen activities in Japan in the 1990s will be mentioned. The first is the activation of the local referendum movement in recent years. According to the Local Government Law (Chihô Jichi Hô), there are three possibilities for activating the local regulation on local referendums : proposal by the chief of the local authority (governor, mayor), by the member of the local assembly, and by direct demand of citizens with signatures of 2% or more of voters who live in the area of that authority. It is especially the third possibility that is frequently used by the recent citizen movement. The issues, which direct demands by citizens take up, cover various local problems : for example the construction of a nuclear power plant (Maki case), the reduction of American military bases (Okinawa case³⁾), the construction of an American military heliport (Nago case⁴⁾), the implementation of plutonium

1) By the term “civil society (*Zivilgesellschaft*),” I mean the sustained, organized social activity that is undertaken outside the purview of the state and the market (cf. Cohen and Arato 1992 : 29-31 ; Habermas 1992 : 443).

2) Schwarz and Pfarr (2003) correctly emphasize the critical role of the state in shaping civil society.

thermal system (Kariwa case⁵), the construction of industrial waste disposal facilities (many cases⁶). As mentioned below, demands of a local referendum by citizens have not always succeeded. But the strategy of using local referendum has become established in citizen/ resident's movements all over the country.

The following are features of the expansion and establishment of the local referendum movement (Imai 2000 ; Hasegawa 2002). The first is the rise of aspirations for self-determination by citizens for the future of their communities. Local referendum is the system that allows the electorate to indicate its will on specific issues directly, against the indirect democracy through which they elect chiefs of local authorities or members of local assemblies. From the point of view of citizens, the local referendum, which is open equally to all voters, is the most complete opportunity for political participation. The most important reason for the rise of the local referendum today is that citizens want to participate in political decision-making and in self-determination.

The second factor is its reverse side : the expression of distrust in existing political systems that they are afraid do not reflect the will of the people. There is not only the limitation of indirect democracy itself that the election of leaders or members of assemblies do not always reflect the inhabitant's will on specified issues, but also that public works, for which it is doubtful that the local area has a need, are often decided by the informal political networks of leaders, dominant groups of assembly members and business. Formerly, citizens might accept these situations with resignation. But in the 1990s they began going eagerly to seek breakthroughs by local referendum.

Thirdly, the local referendum movement is connected to the trend toward decentralization that has been expanding in the 1990s. The issues that people are anxious to resolve by local referendum often concern national government policy, for instance the construction of a nuclear power plant, a large-scale dam, or U.S. military bases. A referendum is a means of self-determination for local inhabitants against public works that are launched as matters of national government policy. The idea that people want to determine local matters themselves has a

3) A local referendum was carried out on September 8, 1996 in Okinawa prefecture. 59.53% of the electorate voted with the result of 89.09% vote approving the reduction of American military bases in Okinawa prefecture, 8.54% opposed, and 2.37% other.

4) A local referendum was carried out on December 21, 1997 in the city of Nago (Okinawa prefecture). 59.53% of the electorate voted with the result of 52.85% opposed (unconditional and conditional) to the construction of a American military heliport in Nago. 45.31% approving (unconditional and conditional), and 1.84% other.

5) A local referendum was carried out on May 27, 2001 in the village of Kariwa (Niigata prefecture). 88.14% of the electorate voted with the result of 53.40% opposed to the implementation of a plutonium thermal system in Kariwa, 42.52% vote approving, and 4.08% other.

6) As one example, a local referendum was carried out on June 22, 1997, in the town of Mitake (Gifu prefecture) and 87.50% of the electorate voted with the result of 79.65% opposed to the construction of industrial waste disposal facilities in Mitake, 18.75% vote approving, and 1.60% other.

common basis with decentralization⁷⁾.

2.2 Citizen ombudsman

Another example indicative of the rise of citizen activities is the citizen ombudsman. In the early 1990s, a lot of problems of local government came to light, such as falsified business trips, falsified expenses and padded claims, and wining and dining of bureaucrats. The citizen ombudsman movement, which was born in Sendai in 1993 (Sendai Shimin Ombudsman, 1999) and quickly spread through the whole country (Zenkoku Shimin Ombudsman Renraku Kaigi, 1998), has tried to clarify the problems and correct them, and has had great success.

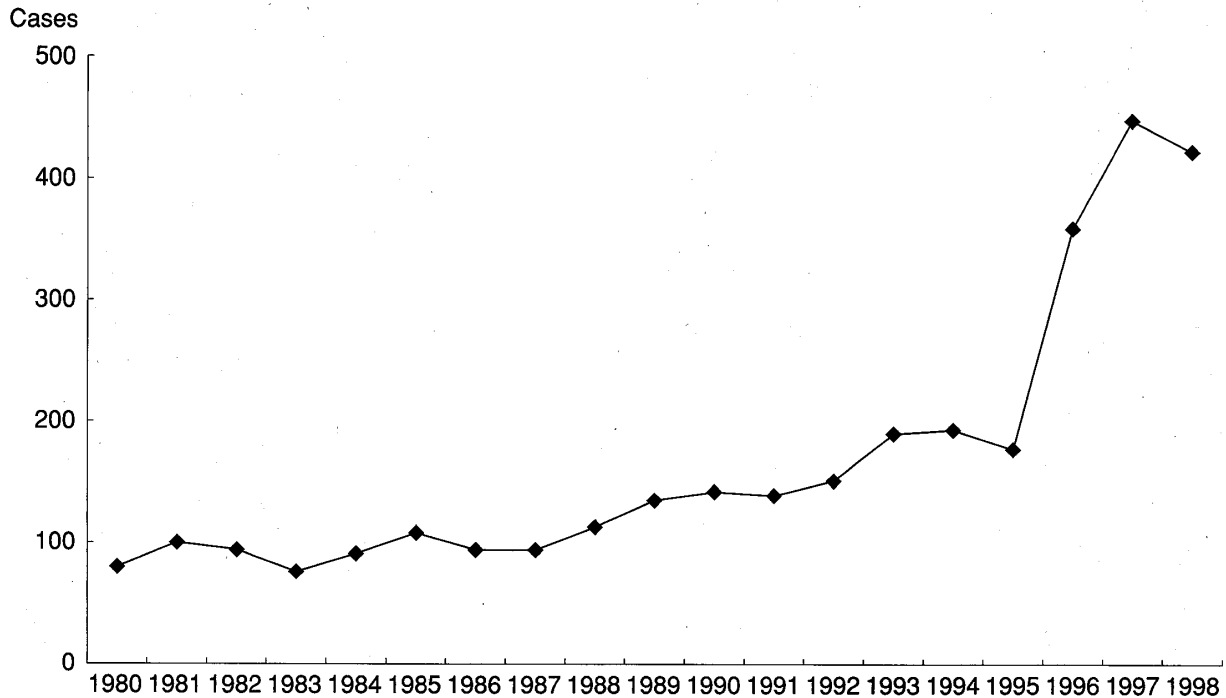
These activities have the following characteristics. First, citizen ombudsmen use legal instruments, such as information disclosure procedures, resident petitions for audits, and administrative litigation, and especially taxpayer suits and information disclosure suits in order to combat the misuse of public funds by local governments and local assemblies (Zenkoku Shimin Ombudsman Renraku Kaigi, 1998 ; Marshall 2002). Figure 1 shows the development of administrative litigation in the field of local government activity. We will note that the number of suits increased sharply from 1996. Citizen ombudsmen were responsible for most of them. Noteworthy is the high rate of success. The average rate of citizen victories in ordinary administrative litigation is approximately 20%, but for taxpayer suits and disclosure suits it is 66% (Uzaki 1999 : 12). Formerly, Japanese citizen activities were dismissed as simply opposition to the government, and could not get concrete results. On the contrary, citizen ombudsmen had great success in exposing and correcting unjust activities of local governments, enforcing the government to present inside documents through use of legal instruments, and clarifying the contradictions in the documents and the substance of falsification.

Secondly, citizen ombudsmen regarded the nationwide network as important from the beginning. They formed the National Citizen Ombudsman Conference (Zenkoku Shimin Ombudsman Renraku Kaigi) in 1994, only one year after the first establishment of the citizen ombudsman⁸⁾ (Zenkoku Shimin-Ombudsman Renraku Kaigi, 1998). Through their network it became possible to make effective strategy by exchanging experiences and information. If we call the old citizen activities accidental and single user (one ohotter) of the legal system, the citizen ombudsmen became repeat players (Galanter 1974) by realizing the organizing and networking of

7) The Law to Promote Decentralization (Chihô Bunken Suishin Hô) of 1995 established the Committee for the Promotion of Decentralization (Chihô Bunken Suishin Iinkai) in order to study the possibilities of decentralization. Based on the recommendations of this committee, the Promoting of Decentralization Act Package (Chihô Bunken Ikkatsu Hô) was enacted in 1999. This act abolished the system of agent-delegated functions (*kikan inin jimû*), to widen the role of local governments. Since 2001 the Council for the Promotion of Decentralization Reform (Chihô Bunken Suishin Kaigi) succeeded to the Committee for the Promotion of Decentralization and is discussing reform plans for strengthening the fiscal independence of local governments.

8) As of 2004, the National Citizen Ombudsman Conference consists of 80 citizen ombudsman groups.

Figure 1 Administrative Litigation in the field of Local Government Activities (Local Courts at First Instance)



Source : Saikô Saibansho Jimu Sôkyoku, Shihô Tôkei Nenpô (Judicial Statistics)

activities and helping them to use the legal instruments effectively and strategically. The above-mentioned high victory rate is the result.

2.3 Development of the NPO law and its impact

Although Japanese NPOs have been developed in various fields—community-based urban planning, townscape conservation, environmental protection, support of independent life of handicapped persons, nursing care for the aged, catering service—especially from the 1970s, they have faced two big difficulties. One is that it is difficult for NPO to obtain “juridical person status” (*hōjinkaku*) as the condition of the capacity to be a subject of rights and duties. The other is that there are no measures for preferential tax system to NGO. About the former there had been important progress in the 1990s.

According to the Japanese Civil Code, juridical person status applies to associations that aim at private benefit (*eiri hōjin*, profit-making corporation, Article 35 of the Civil Code) and associations and foundations “which do not have profit-making as a purpose and are concerned with the public benefit such as religion, charitable purposes, science, or art” (*kōeki hōjin*, public benefit corporation, Article 34 of the Civil Code).

There were two problems. First, since the Japanese Civil Code does not recognize an association which is neither profit-making nor public benefit, non-profit organizations which did not concern the public benefit were not entitled to juridical person status. Second, when an NPO tried to acquire juridical person status as a Public Benefit Corporation, it needed approval

(*kyōka*) of the competent authority and had to satisfy strict conditions which the competent authority set for establishment as a public benefit corporation. These conditions were so strict that approval was actually restricted to organizations that have some relation to the government and, with its financial and personnel support, could satisfy those conditions. For these two reasons it used to be impossible for an NPO to obtain juridical personal status in Japan. As the result, NPO had serious problems : they could not sign contracts in the name of the organization, open bank accounts, own property as in the National Trust movement, receive contributions and grants-in-aid that require juridical person status, or be socially recognized as permanent organizations.

Under these circumstances, the legislative movement to enable NPOs to obtain juridical person status has been active since the 1990s⁹⁾. Especially, the volunteer activities at the time of the Kobe earthquake promoted this movement by spreading the public opinion that such legislation was needed to support volunteer activities. Finally, in 1998, the Law to Promote Specified Nonprofit Activities (the so-called NPO Law) was passed and the way for NPOs to become juridical persons was opened.

The term “specified nonprofit activities” is activity that concerns one or some of the following activities and aims at contributing to the increase of an unspecified number of people’s benefit :

- development of social security, medical treatment, and social welfare
- promotion of social education
- promotion of city planning
- promotion of culture, the arts and sports
- protection of the environment
- disaster relief activities
- protection of human rights or promotion of peace
- international cooperation activities
- promotion of the society where men and women can act equally
- sound upbringing of children
- activities that intermediate, advise or support organizations engaged in the above-mentioned activities¹⁰⁾.

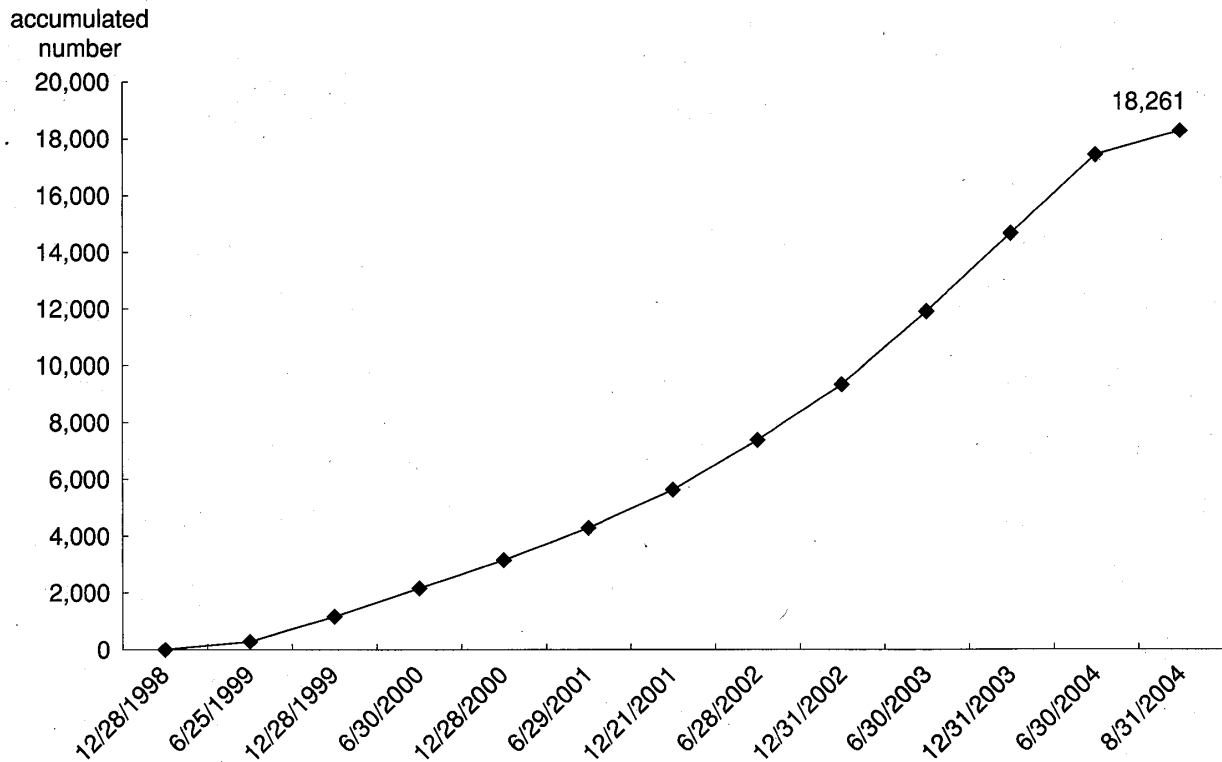
The organizations that were certified under the NPO Law numbered 18,261 until August 2004 (Figure 2).

Moreover, in June 2001, for organizations that don’t concern the public benefit and do not aim at profit, the Middle Corporation Law (Chûkan Hôjin Hô) for organizations able to obtain juridical person status as middle corporations (*chûkan hôjin*) was established. As a result, NPOs can become juridical persons as specified nonprofit corporations under the NPO Law or as mid-

9) For details, see Pekkanen (2000) (2003) ; Kojima (2003).

10) By the reform of the NPO Law in 2002, another five activities including consumer protection were added as specified nonprofit activities.

Figure 2 Number of Certified Specified Nonprofit Corporations



Source : Cabinet Office website, http://www.npo-homepage.go.jp/data/pref_history.txt

dle corporations under the Middle Corporation Law. The way to attain juridical person status became much easier than before.

This recent legislation, especially the NPO Law, has served as a stimulus to citizen activity in various ways. Firstly and most importantly, as Pekkanen (2000 : 137) says, the NPO Law legitimates a new kind of social group and, by implication, a shift in the state—society power balance. Now the NPO/citizen sector, i. e., civil society, is emerging as a legitimate independent sector beside the state. Furthermore, NPOs that have obtained juridical person status have widened the opportunities to promote organized citizen activities and strengthened the ability of citizens to present proposals on policy. Citizen movements or resident's movements in Japan—except for those organized by the government as mentioned later—tended to be ad hoc and temporary groups aimed at dealing with acute problems, and they tended to break up with the achievement or non-achievement of their aim. Recently, those organizations which have permanent and specialized staff, have gradually increased with their establishment as NPOs and the growth of networks among NPOs¹¹⁾. Formation of permanent organizations and increase of specialized staff have been further promoted by the increase in the ability to gather information through the Internet, thereby raising their ability to advance political proposals.

11) As an example, the "NPO Shôhisha Kansai Network," which is especially aimed at consumer litigation, was established in 2000.

Table 1 Results of Deliberation by Local Assembly on
Local Regulation on Local Referendum :
January 1995-June 2002

	cases	consented	rejected
Proposed by			
Chief of local authority	11	10 (90.9%)	1 (9.1%)
Member of local assembly	24	13 (54.2%)	11 (45.8%)
Direct demands of citizens	101	10 (9.9%)	91 (90.1%)

Source : Original calculation.

3. Remaining Institutional Barriers

Despite the development of citizen activities as mentioned above, institutional barriers remain. As concerns local referendum, there are two problems that prevent the realization of citizen activity. One is the barrier of local assemblies. Under present law, the consent of the local assembly is needed for enactment of the local regulation that approves a local referendum, whether the regulation is proposed by a chief of the local authority, by the member of the local assembly, or directly demanded by citizens. This barrier is very high, especially in the case of direct demand by citizens. Table 1 shows that there have been only 10 in 101 cases of direct demand by citizens where the local assembly consented to the enactment of the local regulation approving a local referendum¹²⁾. The possibility of success in obtaining the consent of the local assembly is apparently much smaller in the case of direct demand by citizens in comparison with the case of proposal by a chief of the local authority or by the member of the local assembly¹³⁾.

Another barrier to local referendums is that, even if the local regulation approving a local referendum is enacted and a local referendum is carried out, the results have no legal effect forcing a local administration or local assembly to obey citizen demands. It is not rare that the chief of the local authority ignores the results of the local referendum. Moreover, even if the local authority respects the results of the local referendum, they may be ignored by the national government. To overcome these difficulties, a national network of local referendum movements (Jûmin Tôhyô Rippô Forum) has initiated national legislation that aims to narrow the jurisdiction of the local assemblies relating to consent on local referendums and to make the results of local referendum have force vis-à-vis the local administration or local assembly¹⁴⁾, although it has not yet succeeded.

12) Cases, the theme of which is the merging of neighboring municipalities, are excluded here.

13) Even in cases where signatures of 53.3% (Ôzu town), 48.8% (Tokushima city), 48.5% (Hitoyoshi city) of the electorate were obtained to enact the local regulation approving a local referendum (according to the law, signatures of only 2% of the electorate are needed), the local assembly denied consent.

14) *Asahi Shinbun*, March 13, 2000.

Major institutional problems obstructing the development of nonprofit activities also remain in the field of the NPO-related taxation system. It is necessary to promote nonprofit activities to introduce the measures that give special consideration to nonprofit activities, especially by mitigation of the corporation tax and tax deductions for contributions. Concerning the latter, legislation dated March 28th, 2002 (The Law on Partial Reform of the Law on Preferential Tax Measures, *Sozei Yûgû Sochi Hô no Ichibu o Kaisei suru Hôritsu*) introduced tax deductions for contributions to nonprofit activities. But NPO members doubt its effectiveness, since the conditions for eligibility for this deduction are extremely strict¹⁵⁾. Concerning mitigation of the corporation tax, there have been no legal support, and NPOs must pay corporation tax at the same rate as profit-making corporations. Many NPOs suffer from financial problems, but the issues of establishing effective tax preferential measures for promoting nonprofit activities remain unresolved.

4. Mobilization of Voluntary Activities

Moreover, there is a governmental effort to channel and mobilize citizen activity and voluntary activities in the course of governmental policy-making. As examples, I will discuss the conflicting ideas about the course of NPO law that reflect differences in basic ideas about citizen activity and government organizations and encouragement of voluntary activity as service (*hôshi*).

4.1 Control/mobilization or autonomy : Confrontation in NPO law legislation

As mentioned above, the 1998 Law to Promote Specified Nonprofit Activities (NPO Law) opened the way to NPOs to acquire juridical person status. Despite the fact that this law was finally passed with the support of all parties in the Diet, there was vigorous conflict over its content in deliberation of the law (Kojima 2003).

First, it was disputed whether NPOs should be required to pursue the “public benefit” or not. Whereas the members of the Liberal Democratic Party (LDP), the major ruling party, insisted on this condition, other two ruling parties, the Social Democratic Party (SDP) and New Party Sakigake, and citizen groups outside the Diet strongly opposed this condition. The critical point in this dispute is control over NPO activity. If the “public benefit” is demanded of NPOs, it is up to the competent authority to decide whether the activity of the NPO pursues the “public benefit” or not. The LDP wishes to maintain the possibility of control over nonprofit activities in such a way. By contrast, citizen groups are afraid that NPOs, which tend to be against the government, will be denied access to juridical person status on the pretext that

15) Only 26 NPOs, 0.13% of all certified “specified nonprofit corporations” have been approved for this tax reduction (as of November 2004).

they lack concern with the “public benefit” or pose some danger to it. As the background of that fear, there is the long tradition in Japan that the symbols of the “public” have been monopolized by the government (Matsubara 1999). After intense confrontation, this discussion ended by introducing the “increase of an unspecified number of people’s benefit.”

The second point of confrontation was whether the work of the staff of NPOs must be without pay or not. The LDP demanded that the staff of NPOs that acquire juridical person status must be unpaid volunteers. As background to this position, the LDP and the Ministry of Health and Welfare (at that time) aimed to use NPOs as the agents for low-cost welfare services in anticipation of the implementation of the long-term caregiving insurance (*kaigo hoken*) from April 2000. The citizen groups objected to this plan. They believe that the traditional view regarding the staff of NPOs as unpaid volunteers has deterred NPOs from attracting people with specialized knowledge in the fields of various NPO activities. Leading citizen groups claim that NPOs must establish firm financial bases, which will make it possible for NPOs to pay adequate remuneration to their staff (Matsubara 1999). The restriction of keeping staff only as unpaid volunteers would inhibit the development of NPOs. The SDP, Sakigake, and other opposition parties supported the position of the citizen groups (Dômoto 2000 : 168). After vigorous discussion, the LDP finally withdrew its demand.

The final point of confrontation was over the name of the Law. At the earlier stage of legislation the three ruling parties—the LDP, SDP, and Sakigake—agreed to name the new law the “Law to Promote Citizen Activities (Shimin Katsudô Sokushin Hô),” and the opposition parties welcomed it. Nevertheless, in the last stages of deliberation, the LDP demanded that the name of the law be changed. The reason is that the term “citizen activity” reminded some members of the LDP of anti-governmental activity. At this point, the SDP and Sakigake conceded and the name of the new law was changed to “Law to Promote Specified Nonprofit Activities” as noted above.

At first glance, this confrontation can be understood as that between two directions of policy : control and autonomy. Whereas the LDP tried to maintain the possibility of controlling civic activity, citizen groups and some political parties that have sympathy for citizen activities opposed it. But the intention of the LDP is not to deny civic activity. To deny such activity is not only politically impossible in the circumstances of the 1990s, when people are increasingly concerned with volunteer activity and civic activity, but also such activities are needed for the LDP itself in some political areas, especially to support its social welfare and public education policies. The huge fiscal deficit of the 1990s paved the way for social security reform, especially to implementation of the long-term care giving insurance law, and the success of this reform depends on volunteer activity that is expected to provide low-cost social services. On the other hand, volunteer activity is expected to play an important role in improving the moral education of young people. In both cases the term “volunteer activity” has a specific meaning : *unpaid activity for social service (shakai hôshi)*. The intention of the LDP in the discussion about the course of the NPO Law should be explained as the effort to channel and mobilize civic activity

in the direction of *volunteer activity* in that sense¹⁶⁾.

4.2 Governmental organizations and encouragement of voluntary activity as service (*hōshi*)

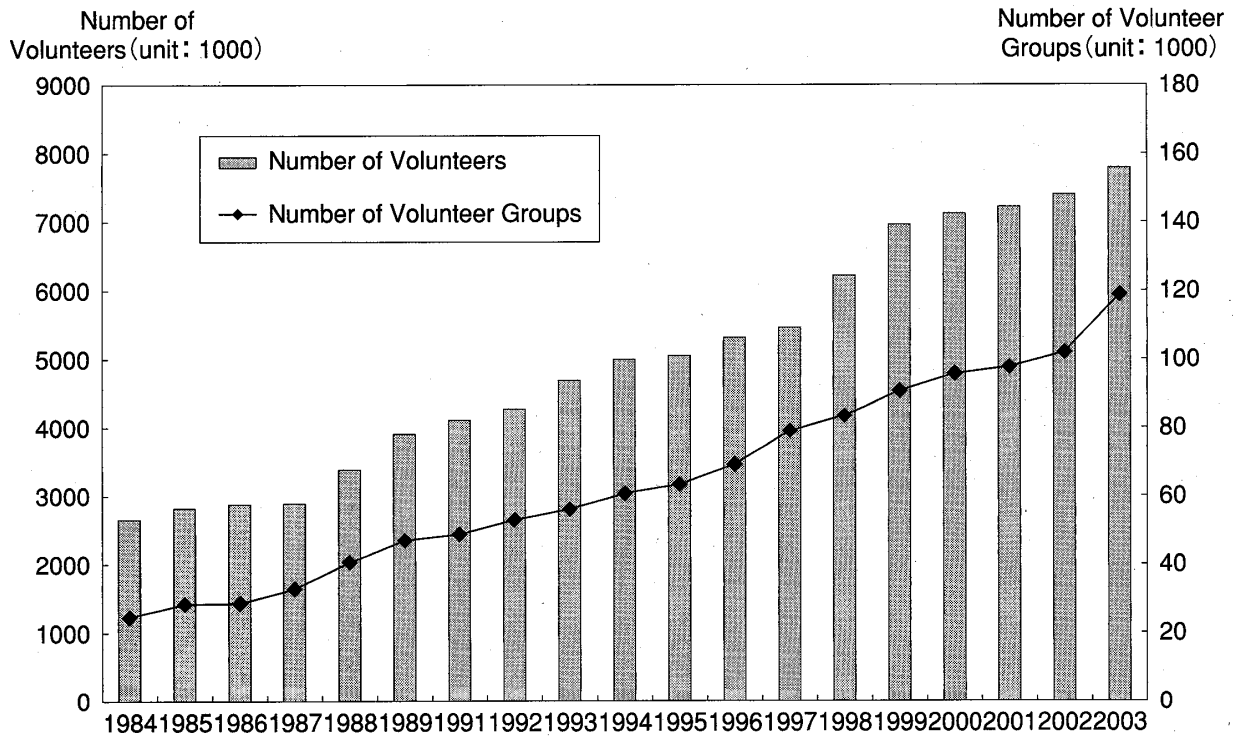
In Japan there is a long tradition of government-organized voluntary activity (Tanaka 1998 : 82-95). The social welfare workers (*minsei iin*) are typical examples. Social welfare workers operate under the Law on Social Welfare Workers (Minsei Iin Hō) of 1946 as *volunteers* who perform activities in support of the everyday life of inhabitants of a community, for example by visiting and counseling the elderly, people with disabilities, and families troubled by domestic violence. Today, 224,582 social welfare workers are active throughout the country (as of 2003, MHLW). This large-scale volunteer workforce typifies the ambivalent character of voluntarism and activities as agents of the government. They participate in this activity voluntarily on one hand ; they are selected and entrusted by local administrations and they work under the guidance of the local government. Their activity is unpaid. In Japan, there are many types of such "government commissioned volunteers" other than social welfare workers.

Moreover, the Social Welfare Council (Shakai Fukushi Kyōgikai) represents another example of government organization of voluntary activity. The Council was established under the Law on Social Welfare Activity (Shakai Fukushi Jigyō Hō) of 1951. It is formally a private organization, but has close financial, organizational, and personnel relations with the government. With the support and guidance of the administration, it is concerned with the domiciliary services for the aged, persons with disabilities and so on, on the one hand, and with encouraging and mediating among volunteers and volunteer groups on the other. Figure 3 shows that the number of volunteers and volunteer groups, which are registered with the Council, has rapidly increased. These figures are cited frequently to show the increasing willingness of people to participate in volunteer activity in the 1990s. At the same time, they can be used to show the results of the government's efforts to mobilize volunteers.

Naturally, the good intentions and devotion of these volunteers cannot be doubted. It is certain, too, that their volunteer activity plays an important role in improving the welfare and security of community life. At the same time, these good intentions and devotion do not necessarily mean that their activity is entirely autonomous. As Nakano (1999 : 76) says, "Voluntary activity is not necessarily above the state, but rather *can be a skillful form of mobilization* by the state, which needs low-cost labor and so is very effective for the state.....Voluntary activity is [not only the product of the good intentions of people, but rather] the state's demand for work of their purpose." This government-mobilized volunteer activity is another face of Japan'

16) In fact this intention seems to have been to some degree satisfied. More than 60% of the "specified nonprofit corporation" mention "development of social insurance, medical treatment, social welfare" as the main field of their activity (as of September 2004, source : Cabinet Office website, <http://www.npo-homepage.go.jp/data/bunnya.html>).

Figure 3 Number of Volunteers and Volunteer Groups Registered by the Social Welfare Council



Source : Zenkoku Shakai Fukushi Kyôgikai, 2003, p. 3.

s civil society.

The governmentally motivated mobilizing of volunteer activity can be observed in the field of educational policy, for example in a paragraph of the recent report of Central Council for Education, established by the Ministry of Education, Culture, Sports, Science and Technology (MEXT) to consider basic principles of educational policy, says :

There are fewer and fewer people who contribute willingly to the good of the community and society as a result of the dissolution of the community bonds and personal relationships in the process of urbanization, the atomization of family, and the declining birthrate. As relations between the individual and society become weaker, it becomes more and more difficult to respond adequately to the various problems society faces, such as the sound upbringing of young people, medical treatment and social welfare in the community, protection of the environment, and so on.....This report believes that such all activities, which are based on the spirit of reciprocity (*gokei*), must be achieved by using the experience and skills of individuals, supported by both individuals and groups, thereby contributing to the broad establishment of a new "public-ness." This spirit of "service activity" (*hōshi katsudō*) should be promoted as the task of society as whole. (MEXT Chuō Kyōiku Shingikai, 2002).

Neither the promotion of spontaneous spirit nor of autonomy, but the functional utility (Nakano 1999) of "service activity" for society is emphasized here. The aim of educational policy may be oriented more and more to the establishment of the spirit of service to society, and, under the basic orientation of educational policy towards statism, possibly to the state. The recent activation of volunteer activity arises from the good intentions of the people, to be sure, but does not

exclude the possible mobilization and channeling by the state for its own purposes.

5. Conclusion

This paper focuses on two dimensions of civil society in Japan in the 1990s. As the example of the activation of the local referendum movement, the successful activities of citizen ombudsmen, and the development of NPOs shows, autonomous citizen activity is remarkable in various fields of society. The increasing desire for greater self-determination about critical issues, highly sophisticated and effective strategies for correcting unjust conduct by local authorities, organization and networking among civic activities through greater specialization, promotion of alternative policies—all these reflect the rise of the civil society in 1990s Japan. On the other hand, a counter-movement by the government toward channeling and mobilizing citizen activity in the course of governmental policy-making can also be observed. These two directions intersect in Japanese civil society. Although the autonomy of civic activity may seem to be gradually growing, it is difficult to say what may happen in the future of Japanese civil society. One thing we can say for sure is that it is insufficient to look at citizen activity alone in order to properly understand the nature of Japan's civil society. The state is always a critical issue with regard to the civil society, even at a time when the civil society is on the rise.

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