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Chapter 4

An Inquiry into the Relationship between Public Participation and Moral Education in Contemporary Japan: Who decides your way of life?

Koji TACHIBANA

1. Introduction: A relationship between public participation and political education

In Europe, political education in schools has had a bad reputation for a long time, on account of being “associated with the educational policies of the former regimes as something akin to indoctrination” (Ross 2003: 17). But it is getting increasingly popular again “through various forms of ‘rebranding’ as civics education, citizenship education, or political literacy,” (Ross 2003: 17) (see, for example, the 1998 United Kingdom governmental report, “Education for Citizenship and the Teaching of Democracy in Schools: Final report of the Advisory Group on Citizenship”; Heater 1999: 175, Crick 2002: 113ff.). Since, as Davies and Thorpe point out, “[c]itizenship is centrally about participation,” citizenship education is concerned mainly with promoting public participation in political affairs (e.g., voting) (Heater 1999, Lévy and Ross (eds.) 2003, Davies and Thorpe 2003: 42). Here we can see a “citizenship education as a democratic impulse” (Crick 2002: 92).

In Japan as well, public participation has been increasing. The jury system and participatory technology assessment (TA) have become especially animated topics recently, and are expected to become more so in the near future. Some scholars argue that in Japan, citizenship education is needed to encourage citizens’ *political* participation (e.g., Kodama 2003). However, owing to Japanese militarism in the pre-World War II period, political content has been excluded from the current Japanese education system. Thus, under present conditions, the current education system cannot deal positively with increasing public participation.

In both Europe and Japan, it is natural that scholars discuss public participation from the viewpoint of politics, because such concepts as “public participation,” “citizenship (education),” and “citizen” have been discussed in politics for a long time. For example, Aristotle, the godfather of these theoretical concepts, discusses them in his *Politics* (not in his *Ethics*), and Machiavelli revives them as “civic humanism” in the context of *politics* (not *ethics*) (Pocock 1975). Nevertheless, these are highly complex and ambiguous concepts. As Derek Heater points out, “the study of citizenship is consequently not just topical, but a large, variegated, ever-changing subject,” and it is difficult to define “citizen” (Keane 1998: 17ff., Heater 1999: 180). In this sense, “[c]itizenship and political education are necessarily contentious areas” (Ross and Lévy 2003: 9). Moreover the Japanese word and concept “citizen (*Shimin*)” has its own etymological and historical ambiguity (Saeki 1997, Takabatake 2001, Okano 2003, Inaba 2008: 9f.).

Accordingly, there seems to be room to consider some *nonpolitical* aspects of these concepts. In this essay, I will discuss the relationship between public participation and *moral* education in contemporary Japan. If my argument succeeds, public participation in Japan can be discussed from the viewpoint of morality and moral education, and the moral education system can therefore introduce public participation into the curriculum without thereby opening themselves to the accusation that they are introducing political indoctrination into schools.

This essay is structured as follows. Firstly, I will survey some of the main features of the Japanese moral education system and its history (section 2). Secondly, I will take the following two types of public participation as case studies: the jury system (section 3) and participatory TA (section 4). Although they started independently, I will show that they have a moral aspect in common, i.e., *deciding citizens’ way of life by themselves*. To make this point clear, focusing on the concept of civic virtue, I will discuss the

moral aspect of public participation in more detail (section 5). I will conclude with a discussion of the relationship between public participation and moral education (section 6).

2. Moral Education in Japan¹

In 1872, the Meiji government set up the first modern Japanese moral education system “establishing oneself (*Shushin*).” In 1890, the government published the *Imperial Rescript on Education* (*Kyouiku chokugo*) in the name of Meiji Emperor and the system began to take on a political hue, i.e., *citizenship* education for the Great Empire of Japan (see Maruyama 1946). In 1945, after the end of World War II, this system was banned by the occupying General Headquarters (GHQ), because the GHQ regarded the system as the educational basis of Japanese militarism. As a result, in 1947, neither the Fundamental Law of Education nor the School Education Law contained moral education as a proper subject. Since then, political contents has been excluded from the education system.

When “Moral Education Classes (*Doutoku no jikan*)” appeared as a quasi-subject in 1958, many teachers opposed the classes because they were afraid that they might revive militarism. In 1963, when it was noticed that regular subjects (e.g., maths) were often taught in the times allotted to Moral Education, the Central Council for Education (CCE) ordered schools to carry out moral education more thoroughly. During the 1970s-1980s, juvenile delinquency and classroom disintegration became an issue of public concern, and the substance of these classes shifted from moral emotions to moral practices. At the same time, in the Courses of Study in junior high school, the injunction to “make students more deeply aware of the [good] way of life as human beings,” appeared. In 1996, the CCE began promoting “Zest for Living (*Ikiru chikara*)” as the motto of moral education. This phrase has appeared in the Courses of Study since 1998. Its explicit features are as follows²:

- (1) Zest for Living means “the power to survive in a highly changeable contemporary society by making self-motivated judgments and actions.” Related to this,
- (2) The aim of Moral Education Classes is “to increase awareness of moral values and *the [good] way of life as human beings*” (Chapter 3 of the Courses of Study). The guideline explains it as “the education of *moral practices to live well*.” (My italics.)

But many teachers, parents, and scholars have disputed the current system because it does not seem effective; students (i.e., citizens of the future) do not seem demonstrably different and thus cannot have acquired the Zest. Therefore, the Government began contemplating a drastic change in the system. The then Prime Minister, Shinzo Abe, instituted the Educational Rebuilding Council (ERC) in 2006. The ERC noted that “it is necessary to promote reforms of the fundamentals of education and rebuild education by building an education system that is appropriate to Japan in the 21st century.”³

The ERC has so far published four reports. In the second report on June 1, 2007, “Education Rebuilding by Society as a Whole: A Further Step toward the Rebuilding of the Public Education System and the Reconstruction of the Basis for a New Era of Education,” it says that “the national government should make Moral Virtue Education a new proper-subject, different from conventional subjects, and enrich its content” so that “children come to appreciate the preciousness of life, *understand themselves and others*, develop a sense of self-affirmation, recognize the significance of working, and *realize their own role within society*” (my italics). This report recommends changing Moral Education Classes as a quasi-subject into “Moral Virtue Education (*Tokuiku*)” as a proper-subject. Two weeks later (June 16, 2007), the Cabinet adopted the recommendation, and the ERC has repeated this recommendation in the third report (December 25, 2007) and in the final report (January 31, 2008).⁴

But it has been strongly opposed by the CCE. Although its opposition is based on many (technical) reasons, the postwar principle of the separation of moral education and politics plays a significant part. Masakazu Yamazaki, the chairman of the CCE, declares a similar opposition in his latest book (Yamazaki 2007: 170ff.). Although the Ministry of Education, Culture, Sports, Science and Technology (MEXT) finally rejected the recommendations of the ERC, it did decide three things: (1) to establish a new

Committee on Growth and Moral Education of Children, (2) to arrange Promoting Teachers of Moral Education in schools, and (3) to insert “a sense of patriotism” as one aim of moral education in the new revised Courses of Study.

The problems of the quasi-/proper-subject and of patriotism thus became political. But, as we have seen, it is problematic for the education system to have political content. To make the moral education system effective, I think we should rather *rethink* what moral education should be. In other words, we should *rethink* what the Zest for Living, i.e., the power to survive for the good life is. In the following sections, I will show that public participation contributes to such a power.

3. Jury System in Japan

In this section, I will focus on the Japanese jury system, i.e., “*Saiban-in seido*.” This system has its origin in July, 1999.⁵ The then Prime Minister, Keizo Obuchi, established the Justice System Reform Council as a part of a deregulation policy. In 2001, the Act of Promotion of Justice System Reform was passed, and the Committee of Justice System Reform was constituted in the Cabinet. On March 19, 2002, the Plan of Justice System Reform was adopted by the Cabinet. It states that “[the Government will] introduce a new system (so-called ‘jury system’) so that citizens can positively participate in courts.” And during the 159th Congress in 2004, the Act of Jury System (AJS; Act No. 63 of 2004), i.e., the main legal foundation of the system, was enacted. On April 15, 2008, the Cabinet decided to enforce the system on May 21, 2009. The Supreme Court describes several explicit features of the system (The Supreme Court 2007):

- (1) 9 persons (i.e., 3 judges and 6 jurors) judge whether the accused is guilty or not guilty and what kind of penalty the person has to pay.
- (2) Reflecting the citizens’ common sense, citizens are expected to trust in the justice system more than before.
- (3) Judgments in trials are essentially the same sort of judgments that citizens make in their daily life.
- (4) Citizens are encouraged to offer their opinions freely.

This shows that the main explicit feature of the system is that citizens, as citizens, participate in court and reflect their common sense in it (Tanase 2003: 13). Although the institutional structures of jury systems differ from country to country (see Maruta 2004: 72, 74-97, 112, Nishimura 2005), they share this feature.

But scholars and lawyers have called attention to problems with the system, e.g., the unreliability of jurors (Kim 2007), jury nullification (The Justice System Reform Council 2000, Tanase 2003: 13-14),⁶ the limitation of cases,⁷ inequality between citizens and judges (Okawara 2007, Maruta 2006, Iemoto 2006), and citizens’ general unwillingness to participate in the system (Nishino 2007). Although all of these problems are important, the last one seems critical to the success of the jury system. For, if citizens do not welcome the system, it is far less likely to work well. On this point, a 2005 poll showed that 70.0 percent of citizens were at that time unwilling to take on the role of juror (The Government of Japan 2005). Another poll shows that 82.4 percent of citizens are unwilling to do so (The Supreme Court 2008).

The Government asks such unwilling citizens to be positive more. The request is expressed in “IV: Establishment of the Foundation of Citizens” in the final report of the Justice System Reform Council “The Justice System Supporting Japan in the 21st Century” (June 12, 2001)⁸:

Citizens need to emerge from their extraordinary dependent attitude upon this country. This attitude is based on a consciousness that they are governed, passive subjects. Therefore, citizens need to establish in themselves a *sense of public-mindedness* and increase *their positive attitude toward public affairs*. (My italics.)

The “sense of public-mindedness” and the “positive attitude toward public affairs” are surely useful for promoting public participation in the justice system, i.e., the jury system.

It is worth asking why, in spite of citizens' unwillingness to participate, the Government promotes citizens' participation in the justice system so strongly. Alistair Ross answers "these initiatives are being made when there is a very real decline in understanding, sympathy and trust in politicians and political institution" because they "are rightly afraid that without popular endorsement [...], they lack authority: getting people to [...] believe in the systems." Therefore, "[p]oliticians are concerned that [...] people should participate in political processes" (Ross 2003: 23-25).

The Japanese justice system seems to be in the same circumstances. For, as polls show, only 7.6 percent of citizens have confidence in the current courts, and 58.6 percent are discontent with its long-term trial performance (The Government of Japan 2005).⁹ Another poll shows that citizens do not consider judges to have common sense (JFBA 1999: 293, 296). Moreover, as is well known, conviction rate in the criminal procedures in Japan is said to be *99.9 percent* (see Johnson 2002: 214-218). This rate is literally too high to be trusted.¹⁰ As exemplified in a recently popular movie entitled "*This is a false accusation, I'm innocent*" (2007), citizens are generally anxious about the problem of false accusations.¹¹ These data seem to symbolically show the reason why the Government needs to establish the system. Hiroyuki Tsuji, who was the member of the Committee of Justice System Reform, explains the significance as follows:

The significance of the jury system is that citizens come to understand and endorse the justice system more deeply, and the justice system gets a firmer foundation for citizens. This must be achieved by encouraging them to widely participate in court processes and ensuring that court procedure reflects citizens' sense more closely. (Tsuji 2005: 65)

The first sentence also appears in the beginning of the AJS itself (Article 1 in Chapter I). And the second sentence can be seen several times in the process of compiling it (see Tsuji 2005: 98ff, 349). Therefore, as the Government repeatedly insists on the importance of the jury system, it is clear that they regard the system as a device to gain citizens' trust in the justice system and political institutions (see Morigiwa (ed.) 2005: 340ff.). In this sense, the jury system is undoubtedly a political device for the Government.

But is the jury system only such a device? As Judith Shklar says, "[a] trial, the supreme legalistic act, like all political acts, does not take place in a vacuum. It is part of a whole complex of other institutions, habits, and beliefs" (Shklar 1986: 144). Therefore, "law and legalistic morality [are] not separate entities but a single continuum" (Shklar 1986: 109), and some legal decisions are also moral decisions (Lee 1986). In this sense, laws can be seen as a device to accomplish moral ends (Kaufmann 1997: Chapter 14). And we can truly view "Moralische Überzeugungen und ethische Kriterien als Grundlagen des Rechts" (DBRÖ 2002: 19ff.).

This way of thinking is compatible with natural law theory. Although I will not join in the debate between natural law theory and legal positivism, I will sketch out the moral aspects of the jury system. On this point, an insight of Alexis de Tocqueville is helpful:

To regard the jury simply as a judicial institution would be to take a notably narrow view, for if the jury has a great influence on the outcome of a trial; it has an even greater influence on *the fate of society itself*. (de Tocqueville 2004: 313; my italics.)

De Tocqueville reveals the essence of the jury system in general (see also Kodama 2003: 173-174). The jury system is not merely an institution of the justice system, but also affects the direction of society and ourselves; it literally decides our own *fate*. "Thus the jury system really places control of society in the hands of people, or of that class" (de Tocqueville 2004: 314).¹² Here, we can understand that participating in the justice system means *participating in deciding our way of life*. I think this point itself could be accepted even by legal positivists, because to decide a legal matter in this sense is not necessarily to decide a moral matter. Nevertheless the jury system has a moral aspect. That is because deciding one's own way of life is one of the most important moral activities. In this sense, the jury system is a moral activity, i.e., citizens' participation in deciding their own way of life. In the next section, I will examine another type of

public participation, i.e., participatory TA.

4. Participatory Technology Assessment in Japan

To consider public participation in technology, we first have to think about the relationship between science-technology and society in the 21st century. On one hand, we all know that we cannot live without technology. This means that technology has become an important part of our “Lebensform” (Winner 1986). In that sense, our society is *technologized*. On the other hand, we all know also that technology, involved in the market mechanism in a sense, has become a big business all over the world. This means that technology cannot be independent of society (Feenberg 2001, Murata 2006). In that sense, technology is *socialized*. These two aspects of the relationship are the defining features of the 21st century (Kobayashi 2002).

From the viewpoint of *technologized society*, technological accidents have a big impact on our daily life (e.g., nuclear accidents, BSE accidents). To avoid these kinds of accidents, engineering ethics is concerned with “preventive ethics,” which deals with how to manage the risk of technologies that have not been completely developed yet (Ihde 1999). From the viewpoint of *socialized technology* however, engineers are under pressure to put their products on the market as soon as possible. But, “since technologies in progress cause many accidents that engineers cannot predict beforehand, they can hardly set the criteria for controlling these technologies” (Murata 2006: 4, see also Weinberg 1972). Hence, as Charles Perrow calls these accidents “normal accidents” (Perrow 1999), the most important task of preventive ethics is to find a way of avoiding normal accidents (Murata 2006: 28).

Moreover, in addition to this narrow task, engineering ethics (including preventive ethics) has another wide task, which is based on both technologized society and socialized technology. That is the assessment of ELSI (ethical, legal, social issues/implications) of science-technology, e.g., neuroethics concerned with ELSI of brain science and neuroscience (see Tachibana 2008).¹³ Even if normal accidents might not happen luckily, this task would almost always happen. To accomplish these tasks, the participatory TA attracts scholars’ attention. Although it has some types, e.g., science cafés, scenario workshops, citizens’ juries, and consensus conferences, I will focus on the last one on this section.

A consensus conference, now about twenty years old, is a relatively young system. Since the Royal Society in the 17th century, lectures on science-technology have been given by scientists (i.e., professionals) to enlighten citizens (i.e., amateurs). This enlightenment is called PA (public acceptance of science-technology) or PUS (public understanding of science-technology).¹⁴ In the 1960s, a new notion, Technology Assessment (TA), was born. This was intended to alert citizens to the dangers of technology as well as the merits. In the 1970s in the U.S., the Office of Technology Assessment (OTA) was established, and the National Institutes of Health (NIH) started a new decision-making process, the Consensus Development Conference (CDC). But the CDC was still a variation on the PA and PUS, and therefore not a participatory one, because it was intended to build a consensus among professionals about complex medical technology.

In 1987, however, the Danish Board of Technology (DBT) invented a new style of consensus conference by involving lay citizens into the CDC. This is a consensus conference as participatory TA. Following Denmark’s footsteps, various countries (mainly in Europe) have established consensus conferences by degrees (Joss and Durant (eds.) 1995). In Japan, the first consensus conference was held in 1998. Tadashi Kobayashi and Yukio Wakamatsu, who conducted the conference, say that nobody knew its name, and scholars laughed at the experiment at that time (Kobayashi 2007a: 68, see also Wakamatsu 1999, 2005). But now, many scholars pay attention to this system. Notwithstanding it is still a very young system in Japan, a consensus conference has since been held about ten times.

Although the styles of the management differ from country to country (see Joss and Durant (eds.) 1995, Kobayashi 2007a: 212-216), as far as they are *participatory TA*, the main explicit feature is in common, i.e., citizens, as citizens, participate in technology and reflect their ordinary sense in it. And, in Japan, many practical and theoretical attempts have been made to revise participatory TA (e.g., Fujigaki 2002, 2007a, Kobayashi 2007b). In a practical example, since 2005, the MEXT in the Government has

established a program to train the “science communicator,” i.e., the intermediary between citizens and scientists.¹⁵ And, the JST/RISTEX in the Government has promoted participatory TA strongly (e.g., the latest program “the interaction between science-technology and society” has started in 2008).¹⁶

Why does the Government promote participatory TA strongly? We can get a clue in a large amount of polled data from 2004. For example, citizens were asked the following question:

What do you think about the following opinion? “Science and technology developments are going to increasingly impact the daily life of the public in the future, making participation by the public—not just specialists such as researchers and administrative officials—in the formation of science and technology policy even more necessary.” (The Government of Japan 2004: 127)

To this question, 71.7 percent of citizens agreed with the need for public participation in science-technology policy. And another poll says that 65.1 percent of citizens feel dissatisfied with the insufficiency of their information of science-technology, and that 69.6 percent of citizens feel that the progress of science technology is too rapid for them to follow (The Government of Japan 2008).

The Government explains its reasoning as follows:

To get citizens to understand and support science-technology more, [...] it is also necessary that citizens participate in science-technology positively. Therefore, the Government reinforces the policy that promotes citizens’ participation in science-technology. (The Government of Japan 2006: 43; my italics.)

The Government thinks that participatory TA is useful to get citizens’ support for science-technology (see also The Government of Japan 2004: 131-132, 2006: 41). The Science Council of Japan, that is the most authoritative academic society in Japan, also states almost the same thing (The Science Council of Japan 2006: 1-3). Some scholars who study consensus conferences have noticed such a political motive of the Government:

[A consensus conference as participatory TA] is seen to be important because, [...] science and technology cannot be expected to flourish for the benefit of humankind without a basis of public understanding and public support. (Joss and Durant 1995: 9)

From this viewpoint, the role of participatory TA is as follows: citizens participate in assessing the risk of the technology in question to give their support to promote the technology. In this sense, for the Government, participatory TA is undoubtedly a political device.

But, is it only such a political device? When 71.7 percent of citizens agree with the need for participatory TA, a fear of socialized technology seems to be behind this high percentage. The other polled data says that 77.1 percent of citizens are anxious about the abuse and the misuse of science-technology (The Government of Japan 2008). These data show that, in a technologized society, citizens are forced to risk their life to some degree. In other words, citizens feel that current technologies expose them to danger, i.e., “normal accidents” (e.g., BSE accidents). This seems to be the main reason why citizens participate in it positively (see Kobayashi 2007a, Sugiyama 2007, Watanabe, T. 2007).

As we have seen, a consensus conference is an arena where citizens, *as* citizens, participate in public affairs. Kobayashi says that, in consensus conferences, citizens can give various perspectives on the technology in question, which professionals tend to miss (Kobayashi 2007a: 213). That is because citizens think about the technology in terms of *their daily life*. And that is because they are afraid that the technology *might* destroy their daily life. In other words, citizens try to reveal the kind of risk that is acceptable for *their daily life*, i.e., *their society* (see Ishihara 2005). It means that they assess what kinds of risks they regard as the important ones. In this sense, participatory TA serves citizens as an arena where they consider, discuss, and decide for themselves what kind of life they want to have. This is exactly a

moral issue. Sir Robert May and the third report of Select Committee on Science and Technology in the United Kingdom say as follows:

There are real social and environmental choices to be made [...]. They are not about safety as such, but about much larger questions of *what kind of a world we want to live in.* (May 1999, Select Committee on Science and Technology 2000: 2.51; my italics.)

Also in Japan, Kobayashi repeatedly emphasizes the same thing, i.e., the consensus conference is an arena where citizens participate in *deciding their way of life* (Kobayashi 2007a: 7, 60, 238-239, 244-245, Kobayashi 2007c).

Therefore, just as in the case of the jury system, participatory TA also can be seen as a moral activity because the participation means deciding their way of life. In the next section, I will examine the moral aspect of public participations in detail.

5. Public Participation as Civic Virtue: Its moral aspects and political aspects

In the previous sections, I examined two types of public participation in contemporary Japan: the jury system and participatory TA. It is almost certain that both of them will increase more and more in the near future. Although I characterize their political aspects as devices to gain citizens' trust, public participation undoubtedly has other political aspects. For, as is well known, public participation in general is regarded as the ideal of democracy, i.e., the civilian control of society. To say nothing of the jury system, participatory TA is also called "democratic rationalization" (Feenberg 2001), "deliberative democracy" (Kobayashi 2004: 355), and "risk communication as a component of democracy itself" (Ishihara 2005). In that sense, public participation is a political activity. Therefore, one might ask, whether it is really a *moral* activity or not, even if public participation is concerned with "deciding one's way of life." In this section, I will give two reasons to show that "deciding one's way of life" through public participation is a moral activity.

Firstly, the concept of "deciding one's way of life" has already been partly discussed as "self-determination" or "autonomy" in the context of *bioethics* (e.g., Brody and Engelhardt (eds.) 1987, DBRÖ 2002). Against paternalistic medical treatment by doctors, there is a discussion of the concept of self-determination, which has focused on the achievement of a sufficient quality of life (QOL) for patients (Maeda 1998). The point of this discussion is that it is not only the doctor (i.e., professional) but also the patient (i.e., amateur) who participates, and sometimes has priority in deciding the treatment plan because the decision is about *his/her* life. This has almost the same structure as public participations in section 3 and 4. That is, in both cases, amateurs, as well as professionals, participate in the decision-making processes because the results are highly concerned with their way of life. In this sense, equally for self-determination in bioethics, public participation has a moral/ethical aspect, i.e., self-determination.

Despite this similarity, there seems to be a difference between self-determination in bioethics and in public participation. On one hand, the former could be originally treated not as bio-medical-*politics* but as bio-medical-*ethics*, because this concept has been used for the QOL for the patient as a *private* person.¹⁷ But, on the other hand, the latter needs to be concerned with *others*. In that sense, *public* participation cannot be treated only as a *private* issue, and therefore self-determination through public participation is properly "deciding *our* way of life." Although this does not disprove that public participation has a moral aspect as self-determination, it does give one reason why self-determination in public participation has been discussed in the context of politics for a long time.

To clarify the moral aspects characteristic of self-determination in public participation, I need to consider the relationship between its political aspects and moral aspects. Secondly therefore, I will survey two philosophers' views: John Mackie and Aristotle. Mackie says as follows:

In any case, the two [i.e., politics and ethics] cannot be kept apart. It would make no sense to confine moral thinking to private life and to set up some quite independent principles to determine political

values and decisions. [...] The choice of political goals belongs to morality in the broad sense: it goes with views about *the good life for man*. (Mackie 1977: 235-236; my italics.)

As he says, regardless of private or public, when we think about what the good life is, the thought is a moral/ethical one. In this sense, we can say with Mackie that public participation is in the context of “morality in the broad sense” because “deciding *our* way of life” is concerned with what the good life is.

When Aristotle calls his *Ethics* “political science, in one sense of that term (*politikē tis*)” (*Nicomachean Ethics* I2), he also brings out this point.¹⁸ Moreover, when he uses the concept of “civic virtue (*politikē aretē*),” he considers in great detail the relationship between the moral/ethical aspects and the political aspects of public participation. Although it is difficult to understand the relationship between his *Ethics* and *Politics*, we can make use of his concept for our end.

Civic virtue is, simply speaking, the evaluative word of public participation. As he explains this concept in *Politics* III4, we can discern the two conditions for evaluation as follows:

- (A) Whether citizens, as citizens, participate in public affairs.
- (B) Whether citizens have a common object or “common interest (*to koinēi sumpheron*).”

We have already discussed (A) repeatedly in this essay as the main feature of public participation. Aristotle defines a “citizen (*politēs*)” as the person who “shares in the administration of justice and in offices (*metechein kriseōs kai archēs*)” (*Politics* III1), and argues that citizens should participate in “some deliberative and judicial functions (*to bouleuesthai kai krinein metechein autous*)” because “some understand one part, and some another, and among them they understand the whole” (*Politics* III11). This thought is partly based on his (and ancient Greek philosophers’) reliance on “speech (*logos*).” He says “the power of speech is intended to set forth the expedient and inexpedient, and therefore likewise the just and the unjust (*kai to dikaion kai to adikon*)” (*Politics* I2). Connecting “citizens” with the plural meanings of “Justice (*krisis / dikē / dikaion / dikaiosunē*),”¹⁹ public participation is defined as citizens’ participation in political affairs, i.e., the justice system and offices to discuss and practice what is just. Although ancient Greek people did not regard technology as an issue of public concern, we must do because we are in a technologized society. In this sense, we can add participatory TA to that definition. Here we can see the political condition of public participation.

On (B), Aristotle means “the salvation of the community” by “a common interest.” Someone might think thereby that (B) also indicates that public participation and civic virtue are political concepts. But, Aristotle explains the end of “community (*koinōnia*)” or “state (*polis*)” as follows: “the end of the state is the good life (*to eu zēn*)” and the state is “for the sake of a perfect and self-sufficing life” (*Politics* III9, VII8, VII13). To care about “common interest,” i.e., so-called “common good (*to koinon agathon*),” he emphasizes the role of “civic love (*politikē philia*)” (*Politics* III6). Civic love is caring about others and is more fundamental than egoism (see Collins 2002).²⁰ Connecting such a civic love with the notion of “unanimity (*homonoia*),” Aristotle says “unanimity seems, then, to be civic love [...] for it is concerned with things that are to our interest and have an influence on our life (*ta eis ton bion êkonta*)” (*Nicomachean Ethics* IX6; my italics). Accordingly, civic love is an attitude to reach the unanimity of citizens’ way of life by caring about others (see Hamaoka 2004). Therefore, public participation as civic virtue is concerned with caring about others and what the good life of us is. Since trying to achieve “the good life (*to eu zēn*)” is exactly the subject of ethics (see *Nicomachean Ethics*), civic love can be seen as the moral condition of public participation.

Here, based on the viewpoint of civic virtue, we can see the reasons why public participation is both political and moral activity. (I) Firstly, the end of public participation is to decide our good way of life by discussing and caring about it (see Nussbaum 2002). (II) Secondly, to discuss what the good life is, we have to participate in the political arena. (III) Thirdly, to reach the unanimity, we need to care about others.

Although public participation is necessarily concerned with others, because of (I) and (III), it has moral aspects as well as political ones. Moreover, we would emasculate the real value of public

participation if we dismiss these two components. We can now correctly understand that public participation is a moral activity as well as political one. In the next section, I will conclude my discussion. I will discuss a relationship between public participation and moral education in contemporary Japan.

6. Conclusion: A relationship between public participation and moral education

In this essay, I have tried to reveal a relationship between public participation and moral education in contemporary Japan. Firstly, I surveyed the Japanese moral education system (section 2), whose motto is *Zest for Living*, i.e., the power of living well in this society. But public controversy is focused on political issues, e.g., the quasi-/proper-subject problem and the teaching of patriotism. I indicated that we had to *rethink* what living well and the good life should mean in contemporary Japan. Towards this end, secondly, I examined two types of public participation: the jury system (section 3) and participatory Technology Assessment (section 4). Although they are normally regarded as different activities (Kobayashi 2004: 318-319, see also Tanase 2003: 4), the Government regards them together as useful devices to gain citizens' trust and support. In addition, I revealed that they had another similar aspect, i.e., *citizens' participation in deciding their way of life*. I classified this aspect as moral one because deciding one's way of life by oneself is a highly moral activity. Thirdly, to elaborate on its morality, I focused on the two concepts, i.e., "self-determination / autonomy" and "civic virtue." Although public participation is *mainly a political* activity, focusing on these concepts allows us to see the two moral aspects characteristic of public participation: (α) considering, discussing and deciding what the good life is, and (β) caring about others. In these two meanings, public participation is *also a moral* activity.

Understanding public participation in this way, I make two proposals:

- (1) Toward the Japanese moral education system: *we can rethink moral education from the viewpoint of public participation.*²¹ If Japanese moral education is concerned with "the good way of life as human beings" and *Zest for Living*, if public participation is also concerned with what the good life is, and if science-technology, the justice system, and other public issues have a direct and considerable influence on our daily life, then a class dealing with public participation in general should be part of the Japanese moral education curriculum.²² Now we can justly say that public participation is a "moral practice to live well" and requires citizens to "understand themselves and others" (remember the explicit features mentioned in section 2).
- (2) Toward current research into public participation: *we can rethink public participation from the viewpoint of moral activity.* Until now, public participation has been investigated mainly in its political aspects even when scholars focus on civic virtue (see Winner 1992). But as I show, since public participation is also a moral activity, public participation can be discussed in the context of ethics (see Ladd 1991, Tachibana 2007). We should locate public participation in the broader context than ever, since it is expected to increase more in the near future.

Some political scientists, who are committed on republicanism, also have been interested in a moral/ethical foundation for democracy.²³ From the viewpoint of political science and political philosophy, one might categorize my discussion as "Aristotelian civic republicanism" (Kymlicka 2002: 294ff, Makino 2007, see also Usui 2006: 259). Although I would not oppose such a categorization, it is important to add that is *not* my point. My point is rather to rethink *concretely* the relationship between the Japanese moral education system and public participation. In my view, the point of educating children to become interested in public participation is neither educating them to become interested in politics nor in voting, but rather educating them to become interested in their way of life and in deciding it. In this sense, not as a *political* activity but as a *moral* activity, public participation can be adopted in Japanese moral education.²⁴

To conclude, it is worth adding a few words about Japanese moral education as *citizenship* education. When we think about citizenship education, "[w]e must beware of not simply becoming involved in a drive to increase voter turnout" (Davies and Thorpe 2003: 42). I think this warning is important when we

think about the meaning of citizenship education in contemporary Japan. On one hand, as we have already seen in section 3 and 4, the Government promotes public participation to gain citizens' trust and support. For this end, the Government tries to encourage in citizens a sense of public-mindedness and of patriotism. If moral education is promoted for this end, then it will not be moral education at all but rather *political* education. And the implications of "public-mindedness" and "a sense of patriotism" will take on a dangerous tone. It is not difficult to forecast that the moral education system could be easily exploited as political education in this sense.

On the other hand, if we can understand public participation as I have discussed, "public-mindedness" and "a sense of patriotism" only mean "civic virtue" in the sense of this essay. This indicates that giving citizens' trust and support in the Government is *not* a necessary condition of public participation. In this sense, voting might not have to be done as an expression of citizens' trust and support in the Government, but rather as *an expression of civic virtue*, i.e., citizens' participation in deciding their way of life. This seems important when we notice that citizenship education as political education can *also* bring the same results (e.g., increase of voter turnout) successfully. But the correspondence should not be *the purpose* but only be *the outcome*. When we think about the relationship between public participation, moral education, and citizenship education, we should not disregard this point.

In this sense, the citizens' unwillingness to participate in the jury system in section 3 might not be devastating. The main reasons for their unwillingness are "the heavy responsibility of judging others" (75.5 percent) and "an anxiety about being amateurs" (64.4 percent) (The Supreme Court 2008: 16). It might indicate that citizens have a strong sense of responsibility (The Supreme Court 2008: 24). In this sense, public participation can be seen as "political participation derived from *nonpolitical* motives" or "*unwilling* political participation" (see Maruyama 1961: 172-173). A reluctant political actor is not thereby a bad one, and may even be desirable because it might be one way of avoiding populism.^{25, 26, 27}

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¹ In this section, Kotera 2001 and Oshitani 2001 helped me.

² Although both elementary and junior high schools have Moral Education Classes, I focus on the latter.

³ This is stated on their website (<http://www.kantei.go.jp/jp/singi/kyouiku/konkyo.html>).

⁴ In point of fact, this kind of recommendation already appeared in a report by the National Commission on Educational Reform, "17 Proposals for Changing Education" released on December 22, 2000 (see Watanabe, H. 2007: 74-75).

⁵ Although, in 1923-1943 before World War II, there was another jury system in Japan, this is not continuous with the current jury system (Mitani *et al.* 2003: 65-66, see also Johnson 2002: 42f.).

⁶ In the report, Frederick J. Watts (Administrative Assistant District Attorney in New York County District Attorney's Office) and G. Thomas Musterman (Director in National Center for State Courts, Washington DC Office) point out the problem. But Watts does not have so negative a view on this matter.

⁷ At present, the Japanese jury system is limited to some parts of criminal prosecutions. Citizens can participate in neither administrative litigation nor civil procedures. If the system is not for the Government but for citizens, this limitation should be abolished (Nishimura 2005).

⁸ The then Prime Minister, Junichiro Koizumi, said that he respected the report and would strongly promote it in the national policy (Maruta 2004: 97).

⁹ In 1975-1993, the average time of the first trial is between 2 and 6 years, that of the hearing of intermediate appeal is between 5 and 7 years, and that of the hearing of the final appeal is between 4 and 6 years (Tamiya 1996: 240-242, especially table 1).

¹⁰ Journalists, scholars, public prosecutors and lawyers vary in their opinions about this: an institutional defect in Japanese justice system, an invalid nonprosecution, a full investigation by Japanese public prosecutors, and so on. Johnson analyses the 99.9 percent figure in great detail and concludes the real rate is not so high (Johnson 2002: 214ff.).

¹¹ The original title of this movie is "Soredemo boku wa yatte-inai" (Director; Masayuki Suo).

¹² Because of these features, Tocqueville himself repeatedly calls the jury system a "political" institution (de Tocqueville 2004: 311ff.). Although, as I will discuss in section 5, his characterizations can be seen as moral, for current purposes I think the naming does not matter.

¹³ In the context of bioethics, the Deutscher Bundestag Referat Öffentlichkeit explains it clearly: "Die Entwicklungen der modernen Medizin gehören zu den komplexen wissenschaftlichen Entwicklungen, die in viele Bereiche der Gesellschaft hineinwirken. Aufgrund der Wechselwirkung zwischen diesen Wirkungsfeldern, die nicht immer zu überschauen sind, kann es zu unbeabsichtigten Folgen und Nebenwirkungen kommen, die auch für Expertinnen und Experten nicht unbedingt vorhersehbar sind." (DBRÖ 2002: 179).

¹⁴ Wakamatsu says that PA and PUS are almost the same in Japan (Wakamatsu 2005). However, Fujigaki says that PA is enlightenment, while PUS is interactive, and she regards PUS as useful (Fujigaki 2007b).

¹⁵ Journalists also try to do the same thing (see Inoue 2004, Shibata 2004).

¹⁶ The JST/RISTEX is the abbreviation of *the Research Institute of Science and Technology for Society, Japan Science and Technology Agency*.

¹⁷ I do not deny that bioethics grapples with the design of social and political institution (see DBRÖ 2002: 179-187).

¹⁸ When referring to Aristotle, I normally use the Oxford translation (Barnes (ed.) 1984/1985), but some parts are translated by me.

¹⁹ For example, see the following sentence: "But justice is the bond of men in states, for the administration of justice, which is the determination of what is just, is the principle of order in political society (*hē de dikaiosunē politikōr hē gar dikē politikēs koinōnias taxis estin, hē de dikaiosunē tou dikaiou krisis.*)" (*Politics* I2, 1253a37-39; my underline). (Following the codex Γ, Jowett's translation (in Barnes (ed.) 1984/1985) seems to read "*dikē*" instead of "*dikaiousunē*" in 1253a38.)

²⁰ However, connecting with *Eudemian Ethics*, it becomes an issue whether civic love is only an "advantage friendship" or a more virtuous one (see Schofield 1999, Cooper 1999). And in the context of political philosophy, it is said that caring about others do not deny pursuing private benefits (Tanase 2003: 10-12, 31ff, Inaba 2008).

²¹ My proposals correspond to the Fundamental Law of Education, which was revised in 2006. In the revised Law, the Preamble says in part "we shall [...] honor the public spirit" and Article 2-iii in "Objectives of Education" says that it is important "to foster an attitude to [...] actively contribute, in the public spirit, to the building and development of society." (Both sentences were added in the revision.)

²² In this essay, although I focused on moral education because deciding one's way of living by oneself is a moral/ethical matter, another subject, i.e., "social studies (*Shakaika*)" would be concerned with this issue.

²³ And it might be noticed that my discussion has a similarities with non-republican arguments (e.g., Arendt's "action," Rawls' "difference principle") (Arendt 1958, Rawls 1971: 105ff., see also Chiba 1995: 165ff.) Of course, my argument has a close connection with Habermas's *Diskursethik* and so on (Rasmussen (ed.) 1990).

²⁴ In other words, I emphasize "the importance of participation (as an underpinning for moral education as well as a mechanism of democratic government)" (Crick 2002: 99, see also p.112).

²⁵ This idea is inspired by Bernard Crick as well as Masao Maruyama. "The populist mode of democracy is a politics of *arousal* more than of reason, but also a politics of diversion from serious concerns that need settling in either a liberal democratic or a civic republican manner" (Crick 2002: 90; my italics).

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