

EDITORIAL

Japan: Osaka should respect ruling on Kimigayo, Hinomaru

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In a noteworthy ruling handed down Jan. 16, the Supreme Court defined the extent of punishment for Tokyo public school teachers who disobeyed their principals' order to stand facing the Hinomaru national flag and sing the Kimigayo national anthem during graduation and entrance ceremonies.

The decision was timely, too, as March and April, the typical months in which those ceremonies are held in Japan, are not far away.

The top court ruled that warning disobedient teachers may be unavoidable if order and discipline are to be maintained during the ceremonies. But, the court warned, the schools must think very carefully before they proceed to punish their teachers with salary cuts or suspension from work. And it is against the Constitution, the court asserted, to mete out such harsh punishment just because the teachers have repeatedly defied the principal's order, even though they have never done anything to physically disrupt a ceremony.

Hinomaru and Kimigayo are symbolically tied to Japan's pre-World War II militarism. How each citizen feels about the flag and anthem is determined by their perception of history and the world.

In its ruling last year, the Supreme Court noted: "Ordering (teachers) to stand and sing the national anthem does not constitute a violation of the constitutional guarantee of freedom of thought and conscience. However, the order can act as an indirect constraint." The court went on to demand that the schools handle the situation with restraint. The Jan. 16 ruling echoed this argument.

We are not opposed to hoisting the national flag and singing the national anthem. But we have repeatedly argued that forcing teachers into compliance with punishment is definitely not the way to go.

In that sense, we question the court's approval of allowing the warning of teachers. That said, however, we still see great significance in the fact that a brake has been applied to such draconian forms of punishment as salary cuts and suspensions.

We urge all education administrators, especially members of the Osaka Ishin-no-Kai (Osaka Restoration Association), a political party led by Osaka Mayor Toru Hashimoto, to peruse the Supreme Court ruling.

This party was poised to legislate a prefectural and municipal ordinance that provides for "suspension of teachers who defy the school principal's order twice" and "dismissal of teachers who defy the order three times after taking a training course."

The proposed ordinance does not take the circumstances of individual cases into consideration. It is designed to mechanically increase the harshness of punishment for repeat offenders, and is clearly in violation of the spirit of the Jan. 16 Supreme Court ruling.

Although Hashimoto and Osaka Governor Ichiro Matsui have expressed their readiness to review the ordinance, what they propose is that offenders be given a chance to avoid being suspended by taking a training course. Just from this proposal alone, it is obvious that Hashimoto and Matsui have no understanding of the essence of the problem.

Having won their elections by a landslide, they must be confident that they have the support of voters, and it is certainly important for every politician to have the will of the people on their side.

But it is plain wrong to force a majority view on an issue that pertains to freedom of thought and conscience. This is a lesson we have learned from history, and it forms the moral backbone of modern democracy.

A flexible but truly strong society can be born only from the spirit of tolerance, which is about accepting the diversity of thought and honoring one another's private feelings.

This is the underlying thinking of the latest Supreme Court ruling, and we must take it to heart.

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* <http://ajw.asahi.com/article/views/editorial/AJ201201180032>