

#### **JPRI Working Paper No. 24: September 1996**

#### **Foreign Teachers in Japanese Universities: An Update**

**Compiled by JPRI Staff**

In October 1994, in JPRI's *Working Paper #3*, Ivan P. Hall addressed the issue of "Academic Apartheid at Japan's National Universities." This paper was the first to report a Ministry of Education (Monbusho) directive, issued verbally to all national universities in Japan in December of 1992, warning against retaining foreign teachers (*gaikokujin kyoshi*) in the senior pay brackets. Within a few months' time it was apparent that the universities, in response to this 'guidance' had begun the summary dismissal of foreign teachers over the age of 50, and were refusing to hire any new teachers over the age of 40 or even 35.

The stated reason for this ukase was the Ministry's desire to save money, since younger teachers, hired on one-year renewable contracts (for an average of four years), are cheaper-- not only in terms of salary but also in terms of perquisites. Every foreign teacher has a sizeable sum withheld from his or her salary that goes into a pension fund, but if no foreigner is allowed to remain long enough to collect a pension a large amount of money is obviously saved. (A new law now allows foreigners to get back some of these pension donations, but only after they have left Japan altogether and only up to what they would have contributed during a three-year period. It takes 17 years of service for a teacher in Japan to be eligible for a pension.)

During 1993 and 1994 a number of seasoned foreign professors at both national and private universities (including Ivan Hall himself) were fired without any discernible cause, often creating great financial hardships and mental anguish for themselves and their families. Many of these professors were married to Japanese citizens, were raising children in Japan, had taught successfully in Japan for many years, and were fluent in the language. By no means were these fired professors all Americans; some were German and English, and there are doubtless also many Chinese who have not yet come to our attention. Not only were they dismissed without cause and due process, but many had also been given verbal assurances that even though their contracts were formally for one year (a requirement of the Monbusho) these would be automatically renewed as long as they wished and their performance was satisfactory, or until retirement age.

The Monbusho at first denied ever issuing such a directive because it was read to the universities over the telephone. But several administrators conscientiously copied down what was said, and one of these copies eventually wound up in the hands of a fired teacher's lawyer. In the summer of 1994, the Wakakusa Law Office in Nara surveyed

foreign *kyoshi* teachers and discovered that as a result of the directive 70% of those over the age of 45 had received termination notices. A sample of the cases reported includes:

**Age: 51; Service: 11 years; expects termination in 3 years.** "On April 1, 1993, I was told that as a result of the Monbusho directive I would probably have to end my employment in 4 years. It was strictly verbal and all concerned were very sympathetic and reluctant to give me the bad news. I asked them to show me the directive and they showed me the memo that was taken by phone from Tokyo. This was a shock to me because we built a new house five years ago. Before building the house, I had a meeting with the then president [of the university] to ascertain my future at the school, and he said that as far as the school was concerned they wanted me to stay indefinitely. (But he also added that he couldn't speak for the Monbusho.) The other foreign teacher at my school was told the same thing. If I have to leave at the stated time, I will be three years short of the pension."

**Age: 61; Service: 19 years; terminated as of 3/31/94.** "I was told in 1989, before building a house, that there was no retirement age for *gaikokujin kyoshi*, and that the [university] had checked this with the Monbusho. I was told then that I could expect to teach as long as I was healthy enough to do so. Then I was told by the president of the [university] that the contract signed on March 31, 1993 for the 1993-94 school year would definitely be the last contract. This was confirmed on July 13, 1993, and March 31, 1994 was my final day. *Gaikokujin kyoshi*, regardless of length of service, are marginal adjuncts of the school, and are subject to the whims of the administration in a way that Japanese citizens are not."

**Age: 55; Service: 17 years; terminated as of 3/31/95.** "While the administration never directly said to me that I could definitely work until 65, everyone on the faculty assumed that I could and that I would. The yearly contract signing has never been anything more than a formality where I spent some time talking to the president about current school affairs. I went to the president's office to sign the next year's contract in late February [1993] and two days before I was to go to the States for 3 weeks. I was directly told that my salary was too high and that I was to be fired in a year-and-a-half and had to sign a paper saying that I accepted this. I refused to sign and the president told me that if I didn't I might not be able to return at all. I still refused and he then tore up the contract before my eyes. I then merely said that I wouldn't sign it unless the school wrote into the contract a clause stating that I would not be 'retired' until I was eligible for the pension after 17 years. As I was then in my 16th year, they subsequently agreed. But I was certainly forced out, as you can see."

**Age: 43; Service: 12 years; expects to be terminated in 2 years.** "In the first years, I was asked each year by the administration as early as the preceding May whether I planned to stay the following academic year. Later they stopped asking me specifically and seemed to assume that I wished to remain. . . . The university at no time gave an indication that they would have me leave after a certain period. Japanese English teachers who are faculty members have normally encouraged me to stay 'as long as I like.' The Administration has never acted in any way which would suggest that I could not stay 'as long as I like.' On April 1, 1993 (after signing my contract as usual) I was handed the result of an Administration meeting (March 9, 1993) concerning employment of *gaikokujin kyoshi* and

(apparently) their decision to limit such employment in certain ways. Subsequent inquiry produced a verbal explanation from the faculty staff that the decision was a response to Ministry guidance. Later I was summoned to a formal meeting with the Dean of the Faculty at which the decision concerning my future employment was announced to me. Everybody present seemed to acknowledge that the situation was a result of the Ministry directive, but this was never formally stated or communicated to me. In April 1993, I was given verbal notice that my employment would terminate at the end of three years. The tone was that of a ‘fait accompli’--no forewarning, no discussion, and no negotiation.”

**Age: 53; Service: 15 years; terminated as of 3/31/95.** ”I was told upon being hired that the one-year contract was only a formality because that was the only system by which national universities could hire a foreigner. My now-retired head of department commented several times that he considered me ‘one of us’ and that he hoped I would stay until retirement. In March, 1993, I was told that I was terminated by the Administrative Dean and given two choices: if I agreed, I could stay two more years while finding another job; if I disagreed, ‘we will have to look for a new foreign teacher from April’ (one month later). I was also told that if I chose to agree and stay the two years, I would have to sign a memorandum to that effect. It had two points: they agreed to employ me for two more years, and I could not continue after March, 1995. Although the Dean avoided relating this to the Monbusho directive, which I had already heard about from a foreign friend, members of the English Department confirmed that it [my termination] came from the Monbusho. One also said, ‘the Monbusho is very strong.’”[1]

Only when some of these foreign scholars made their plight public did they discover that they were not alone. Others hired Japanese lawyers to explore what legal rights they might have in light of the universities’ actions. On April 4, 1995, Ivan Hall and six national university professors who had all been or were about to be dismissed (four Americans, one German, and one Englishman) held a press luncheon at the Foreign Correspondents’ Club in Tokyo. After the luncheon, the American teachers proceeded to the U.S. Embassy, where they presented an open letter to Ambassador Mondale (see JPRI *Working Paper #9*, May 1995, for the complete text). Ambassador Mondale spent a full hour with the teachers and expressed his concern and frustration over cultural access and exchange issues. In subsequent speeches in Japan he several times raised the disparity between the number of foreign teachers in the U.S. and those in Japan.

Meanwhile, Ivan Hall decided to explore several other avenues to bring some pressure on the Monbusho to change its policies. As a former Associate Executive Director of the Japan-United States Friendship Commission and the Commission’s first representative in Japan, he asked both it and the U.S.-Japan Conference on Cultural and Educational Interchange (the CULCON Committee) to take up the problems faced by foreign teachers in Japan. The answer (in an official letter to Hall) was that the Friendship Commission “as an institution is now blind to this issue. However much we were a ‘binational cultural exchange agency’ when we were established . . . we are [now] by any measure an organization devoted to research and the training of Americans to deal effectively with their Japanese counterparts.” “However,” the letter went on to say, “CULCON is a different issue. . . . The issue of foreign professors in Japan was presented strongly to the [U.S.]

commissioners, and there was much discussion of the need to take up this issue at the January, 1995, plenary session in Tokyo. The commissioners departed for Tokyo without having made a final decision on this issue; and when we arrived and surveyed the scene, it was clear that the Japan side was prepared to close down CULCON if we insisted on raising it. I have not seen the Japan side quite so exercised over issues in the past. It was clear that we would immolate ourselves on this sword if we chose to take it up.” And so the American side did nothing.

During the summer of 1995, articles about the foreign-teacher firings appeared in *The Chronicle of Higher Education* (July 28) and *Science* (July 7), and in Japanese in *Ronza* (May issue). Lawyers of foreign teachers about to be fired sued or negotiated with universities on behalf of their clients, arguing that a policy of limiting all foreigners to three years was discrimination based on race and thus violated the Japanese Constitution, the International Covenant on Human Rights, and the Japanese Labor Standards Law. And some brave souls, believing they had nothing further to lose, took their cases to the Japanese newspapers and even the streets. Sharon Vaipae, a gutsy 54-year-old divorced mother who is educating her two daughters in Japan had taught English at Niigata University for four years when, on April 1, 1993, she was told that the contract she was signing that day would be her last. She not only launched a vigorous letter-writing and publicity campaign, but she also picketed and handed out leaflets protesting the Monbusho’s ‘age-ism’ at an appearance by Betty Friedan in Niigata. Ironically enough, shortly before Niigata University terminated her contract, Vaipae was awarded \$57,000 in research grants by the Toyota Foundation and the Japanese Language Teachers Association to study the “sociocultural adjustment and linguistic progress of the rapidly increasing number of language minority students in Japanese public schools.”

By December 1, 1995, Ivan Hall and several others had formed a liaison group called Foreign University Teachers Action Group Against Discriminatory Dismissals (TADD, for short)[2] to pool information and plot strategy. This group has benefited greatly from the advice and efforts of a *pro bono* lawyer, Shigeru Sheena.

On February 29, 1996, Mr. Sheena helped arrange a meeting between ten of the dismissed teachers and the Parliamentary Vice Minister of the Monbusho, Mrs. Kiyoko Kusakabe. The group presented a petition to the Monbusho requesting it to advise the universities to revoke the firing of teachers who had been promised employment until their retirement age or to otherwise compensate them. It also requested the Monbusho to ensure that in the future the treatment of foreign teachers was no different from that of Japanese teachers, including the possibility of tenure and termination procedures that would include a formal faculty vote, the opportunity for appeal, and a full academic year’s prior notification.

Mrs. Kusakabe (who is a member of the Japan Socialist Party and holds a seat in the upper house from Kanagawa) speaks fluent English and studied at the London School of Economics under (now Sir) Ralf Dahrendorf (then still a German citizen). She herself taught at a Japanese university before going into politics. Ms. Kusakabe listened sympathetically to the presentations made by the foreign teachers, but several Monbusho officials who were also sitting in on the meeting reiterated that all personnel decisions

rested with each individual university. They did admit there had been ‘guidance’ (*shido*) by the ministry in December 1992, instructing universities, in the interests of economy, to hire young foreigners whenever possible; and they regretted if this had been misinterpreted as an invitation to dismiss foreigners simply on the basis of age.

The meeting was inconclusive, but it led to several further developments. On March 25, 1996, Ambassador Mondale called on Minister of Education Mikio Okuda to discuss the issue. And on May 7 and 21, 1996, several questions were raised by Dietman Kazuto Kamiyama in the Education Committee of the Upper House of the Diet. Mr. Kamiyama raised the insecurity of foreign teachers, the discriminatory aspects of the system as compared with those of other advanced democracies, the complaints from the American embassy, and the need for corrective action to restore foreign trust and proceed with genuine *kokusaika* (internationalization). From Mr. Kamiyama’s repeated references to them, it was clear that the approaches by Ambassador Mondale and the American Embassy were a major catalyst for his questions. Unfortunately, the Monbusho spokesman filled most of his time by presenting descriptions of the current system as though these were explanations. And in the end Mr. Kamiyama seemed to accept the Monbusho’s premise that the “trouble” would be righted simply by informing foreign teachers of the precise duration of their employment.

The other development occurred on June 12, 1996, when seven of the original group of ten fired foreign university teachers paid a second visit to Ms. Kusakabe’s office at her invitation. On this occasion she explained the position of the Monbusho, which was formally presented to all presidents of national universities on June 19, 1996. This new directive reasserts that the universities should hire only younger foreign teachers whenever possible. In dealing with foreign teachers currently employed it says only that they should not be fired ‘on a simplistic criterion of age but on a comprehensive evaluation.’ It reiterates that contracts for foreign teachers cannot exceed one year, and that universities must make sure the teachers understand this when they sign. No effort was made to compensate any of the long-term teachers unjustly fired between 1993 and 1996. This directive is printed below in Appendix I.

The hardline position of the Monbusho bureaucrats is illustrated by two exchanges that took place toward the end of the meeting. Mrs. Ellen Bielfeldt Oki (who had earlier described how after her dismissal from Chiba University her former colleagues no longer even greet her when they pass her on the campus) said, “The way I have been treated by Chiba University has been simply horrible.”

**Vice Minister Kusakabe:** “The problem here seems to be manifold, one that involves the behavior of people within the university as well.” (Turning to Toshiaki Kikuchi, Assistant Planning Section Chief for the Division of Higher Education): “Can the staff here convey to the meeting of university presidents the gist of today’s discussion, since it is they who sign the contracts with foreign *kyoshi*?”

**Kikuchi:** (Mumbles a demurrer.)

**Kusakabe:** "Can't you do this at the June 19 meeting of university presidents?"

**Kikuchi:** "The program has already been fixed."

**John Freeman McAteer (dismissed from Nara University in March of 1995 after 15 years of continuous service and just two years shy of eligibility for a pension):** "One last question. Could you consider pensions for those kyoshi with at least ten years' service who have been dismissed?"

Kikuchi: "That would be extremely difficult."

What does it all add up to? The lawyer, Mr. Sheena, during a postmortem in his office put his finger on what seems to be the real root of the problem. He mentioned that the president of Niigata University (when Sheena was there trying to help Sharon Vaipae in her fight for continued employment) had confessed that his own ideal for foreign staff was to keep them churning over constantly. What non-Japanese face is a mind-set that can only conceive of foreign scholars as short-term, token presences to serve as language machines or a veneer for *kokusaika* rather than as genuine colleagues, to be judged (and, when merited, retained) on the basis of performance rather than nationality. Beneath all the tortured talk of systems, technical difficulties, and legal labyrinths, lies a depth of academic xenophobia seemingly beyond the redress of the law or the entreaties of foreign statesmen as high-ranking as the United States Ambassador or the British State Secretary for Foreign and Commonwealth Affairs, who also took up the problem with his Japanese counterpart at the Gaimusho in May of 1995.

If the issue were one of international trade and reciprocity one could propose sanctions against the Japanese and perhaps a tit-for-tat closing of European and American universities to Japanese scholars. But this would violate Western standards of fairness in hiring and promotion. Perhaps a boycott by foreigners would be more apropos, but this is not likely to occur. There were more than 40 applicants for the position at Niigata University Sharon Vaipae was forced to vacate. On the other hand, Chiba University recently sent an unsuccessful mission to its exchange partner, Leipzig, to recruit for the position they had taken away from Ellen Bielfeldt Oki (who taught German at Chiba for 30 years before being dismissed). By dutifully circulating the Monbusho's statement and harping on the time limits, they failed to get a single applicant. There was an understandable reluctance to leave posts in the fragile academic market in eastern Germany for a job in Japan that so brazenly promises no future.

Some foreigners, as well as many Japanese, argue that Japan's university employment practices are no one's business but its own. But this is a bit like saying that Singapore's criminal justice system is no one else's business, or that the treatment of minorities or of our own citizens in other countries does not concern us. Perhaps, just as the U.S. State Department currently issues advisories that certain countries should be entered only at the traveler's own risk, it should issue warnings to those proposing to work in Japanese universities. Members of the U.S. Senate has also readied a resolution on this issue. While the legislative language remains in Draft form, it is likely that Senators William R. Roth (R-

DE) and Jeff Bingaman (D-NM) (see Appendix II) will introduce a version similar to that provided here in either the latter part of the 104th Congress or the beginning of the 105th Congress.

Two decades ago, in his best-seller *The Japanese*, the late Edwin O. Reischauer characterized Japanese universities as “probably the least international in the world.” Taking note of the small number of foreign professors and students, as well as the legal barriers to the employment of foreigners as regular professors, he added, “. . . in a Japan desperately in need of becoming more international, everything seems organized to keep universities as little international as possible.” With respect to foreign professors, very little of any real significance has changed since then. And the causes have been far more intentional, and less inertial, than assumed by nearly all outside observers. Beyond certain narrowly defined functions and limited terms of service, foreign teachers are simply not wanted.

## NOTES

1.

In addition to the sources cited in this article, a digital publication, “Foreign Academics in Japan” is available to Internet users at ISSHO’s World Wide Web site:

<http://www.issho.org/>

Also dealing with the issue of ‘academic apartheid’ in Japan and many other cultural issues, is a book in press by Ivan P. Hall, *Cartels of the Mind* (Lynne Rienner, forthcoming).

2.

The TADD Secretariat is located at:

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## APPENDIX I

The Monbusho’s final directive, presented to a meeting of all the presidents of national universities on June 19, 1996, reads as follows (translation by Ivan Hall):

### **ON THE HANDLING OF GAIKOKUJIN KYOSHI Regarding Employment Contracts with Gaikokujin Kyoshi**

(1) Plans for Employing Gaikokujin Kyoshi:

In Planning for the employment of gaikokujin kyoshi each university, to make the most effective use of the budget, should seek wherever possible to hire younger persons when there are several qualified candidates possessing the required professional knowledge and technical skills.

Moreover, in planning for gaikokujin kyoshi currently employed, contracts should not be based on a simplistic criterion of age but on a comprehensive evaluation including achievements in teaching and research and other individual circumstances.

(2) The Period for Employment Contracts:

The period of employment for contracts entered into between national university presidents and gaikokujin kyoshi may not exceed one year.

Moreover, upon hiring new gaikokujin kyoshi it is necessary to make special efforts to explain the contents of the contracts the first time one is signed, and to clearly inform them of the total period of time for which the university plans to employ them, so that there is no misunderstanding by either party.

## **APPENDIX II**

Partial text of a Proposed Senate Resolution (Draft) (this resolution is in draft form and will likely be cosponsored and introduced to Senate Senators Roth (R-DE) and Mr. Bingaman(D-NM); Ambassador Walter Mondale asked that various branch campuses in Japan be given the opportunity to comment on other parts of the resolution not presented here. The Senators agreed to temporarily delay introduction of the Resolution, but it may be introduced some time during the end of the 104th Congress or near the beginning of the 105th Congress. This draft was prepared on April 19, 1996.)

The Senate finds that Japan hosts less than 390 foreign teachers in Japan's 96 national universities, and that only 134 foreigners among a total of 32,230 faculty members at national universities hold the rank of professor and associate professor; and that fewer than 10 foreign faculty members have tenured status at Japan's national universities;

That Japanese government officials at the highest levels have committed themselves and their nation to the encouragement of internationalization at all levels and throughout all sectors of Japanese society and, in particular, have regularly proclaimed the need to internationalize Japan's educational institutions;

That those foreign educators at Japan's national universities who are over 45 years of age and who are approaching pension eligibility after long-term service or who are in the two highest salary brackets for foreign educators are being systematically terminated.

That the Government of Japan through administrative guidance from Japan's Ministry of Education has initiated the systematic termination of long-term serving foreign teachers at Japan's national universities, and 75% of foreign teachers recently polled about their employment status reported that they had received termination notices; and that 70% of



these foreign educators over the age of 45 were told that their contracts would not be renewed within one or two years.

That many instructors over the age of 35 are now being excluded from interviews at the national universities; and that foreign educators between the ages of 25 and 35 and who are hired at low salary and benefits levels on one-year contracts are being hired to replace long-term serving foreign educators;

That Japanese citizens teaching in American institutions of higher education number more than 7,000 and are not discriminated against by their employing institution on the basis of nationality or age,

Now, therefore, it is the sense of the Senate that:

the Government of Japan immediately cease its discriminatory policy toward long-term serving foreign educators at Japan's national universities and throughout Japan's higher educational system;

the Government of Japan reverse its administrative guidance to the national universities to discriminate in foreign educator hiring and retention decisions on the basis of age, national identity, and proximity to pension eligibility;

the Government of Japan encourage national universities to restore lost jobs and benefits to those foreign educators who were terminated as the result of the Japanese Ministry of Education's administrative guidance policies.

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