

CIAS Discussion Paper No.24

# **Right to Education in South Asia: Its Implementation and New Approaches**

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The Center for Integrated Area Studies, Kyoto University

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## **Right to Education in South Asia: Its Implementation and New Approaches**

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# Preface

**Education** in South Asian countries, especially Bangladesh and India, seems to have entered a new phase since the last decade. In Bangladesh, school education at the primary level has now reached most of the population, even in remote villages. In India, universalization of elementary education finally seems to have come within near reach, as far as official enrolment ratio data shows, and an increasing number of people now wish to have their children move on to higher education. In India, while wandering through cities and towns, and even villages, we found an array of signboards advertising 'English Medium Public Schools' and coaching institutions on almost every corner. This does not necessarily mean that all children have equal access to schools, as the dropout ratio even at the primary level is still at an alarmingly high level. It is obvious however, that education has now become one of the most active areas in the everyday lives of the people, including those whose fathers and mothers were virtually excluded from school education.

With the advancement of this 'outreach' in school education, the focus of educational reforms has also shifted from quantitative expansion to qualitative improvements. Needless to say, quality education helps to develop knowledge and ability, and hence to empower the well being of each child. It is also acknowledged that quality education is an essential precondition for economic growth and the enhancement of equality and responsible citizenship among people. Unless a reasonable standard of quality of education is ensured to every child, mere expansion of schooling is unable to achieve the goal of universalizing education. The challenge currently facing these two societies is how to build systems, in terms of both administrative framework and pedagogical content, that make quality education reach the vast number of children who are being 'educated' at extremely diverse and unequal schools.

Following along with the historical backgrounds of these countries, from the colonial to post-colonial nation building processes, and including the diverse social fabric of the South Asian context, 'quality' of education in Bangladesh and India is certainly multi-dimensional.

First of all, a tremendous disparity exists in the quality of education at the schools with regard to facilities and teaching standards, particularly between government and private institutions. Of course there are variations due to the types of schools and the region they operate in, and there are also rural-urban differences within government and private schools, but by and large, the government schools often lack essential facilities and morale of teachers. As a result, the growing demand for private schools, a trend that is spreading even among low-income parents, has led to a huge increase in the opening of low-fee private schools, recognized or unrecognized. The facilities and the pedagogical standards practiced in these institutions are actually no better than most of the government schools.

At the same time, there is also tremendous diversity, not only disparity, regarding the quality and pedagogical content, owing to the historical and social backgrounds wherein these education systems have developed. In Bangladesh, for example, domestic and international NGOs as well as religious bodies have played a crucial role in the development of school education. Standardization of curriculum and inclusion of various educational institutions into some sort of governmental administration have been the main focal points in education reform. India also has a great deal of diversity so, for example, language (the medium of teaching) is closely linked to social and economic class and community. Although the central government has set the national core curriculum, practically speaking, the teaching at each school is largely ruled by the curriculum set by the Board under which that school affiliates. This means that children of the same age who are studying at schools located within walking distance of each other may have considerably different school experiences, if their schools belong to different Boards.

The fact that this disparity and diversity, as mentioned above, are closely linked to each other is a factor that has made any educational reforms in South Asia complicated and debatable. In order to narrow the disparity, it is inevitable that some measures to standardize the schooling system must be taken up. If standardization of schools becomes excessive, it could result in the restriction of various initiatives to develop school

education and the right to choose a school, something that is increasingly deemed as a fundamental right. In order to address the situation, we must explore many questions in order to better understand the nature of educational reforms in South Asia, along with the achievements and predicaments: Who has the right to education? Who is responsible for ensuring the quality of education? To what extent can the government exercise its power as a means of standardizing the school system and curriculum? To what extent and in what way should the various players in the school education issue, including governments, private institutions, civil society, as well as the parents and children themselves, be responsible/cooperate in achieving fairness and equality for elementary education, as well as a higher quality of education?

With such questions in mind, we organized a two-day workshop entitled *Right to Education in South Asia: Implementation and New Approaches*, at the Center for Integrated Area Studies, Kyoto University on 5-6 February, 2011. The papers compiled in this volume were presented at the workshop. The year 2009 witnessed the historical enactment and enforcement of the Right of Children to Free and Compulsory Education in India. In Bangladesh, the reorganization of the role that NGOs play in school education has been ongoing. We also thought incorporating Japanese experiences into this workshop would hold significance by presenting a comparative perspective. Contrary to South Asian experiences, Japan has achieved almost complete ‘standardization’ of school education, with strong governmental controls. However, the education system in Japan currently faces serious challenges in many areas: there are voices demanding freedom of school choice, especially from various ethnic groups residing in Japan and there is an increasing number of ‘non-school-going children’ who find it difficult to cope with ‘standardized’ school environments. Although the apparent situations in South Asia and Japan could be placed at almost opposite ends of the spectrum, we do share some of the same fundamental educational challenges in the contemporary world.

From India, Nalini Juneja, who has been actively involved in the drafting of the RTE, introduces its historical process and vision. Yuki Ohara’s paper, based on her fieldwork in Delhi, discusses RTE from the viewpoint of the unrecognized, low-fee private school.

From Bangladesh, Ahmed Manzoor’s paper discusses the diversified system of primary education and its impact. Following independence from Pakistan in 1971, the responsibility of school education in Bangladesh has spread out to comprise multiple providers, including local communities, NGOs, and religious groups, although the government has occasionally taken control in cases of non-standard situations. Tatsuya Kusakabe’s paper introduces the madrasa (Islamic educational institution) as a typical cases found in this country’s diversified school system. There are two types of madrasa in Bangladesh: one includes secular education along with Islamic education and the other is devoted solely to the teaching of Arabic and Islamic philosophy. The first is included in the public education system but the other type exists outside the system.

Compared with these situations in South Asia, Japan seems to have achieved its universal education within the framework of the standardized public education system. Recently, however, the limitations of Japan’s standardized system have also been discussed. Yasunori Hirose introduces the case of the “alternative school” for children with truancy issues, as well as the case of the ethnic school. These are schools that aim to guarantee the “right to learn” for children who are excluded from the standardized system of the public education framework.

The workshop focuses on conflicts surrounding the Right to Education with regard to the nation, civil society and the learners, while also examining the challenges and possibilities.

March 2012

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# India's Historic "Right to Free and Compulsory Education for Children Act 2009"— The Articulation of A New Vision

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**Nalini JUNEJA**

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A long awaited law finally came into force in India, barely ten months ago on the first of April 2010, and is being hailed as a historic step that will turn the tide for millions of children in India. For more than a hundred and thirty years, those concerned about education, development and wellbeing in India had been pushing for the adoption of legislation and other steps to ensure for all children the right to free and compulsory education. In India, under British rule, although compulsory education laws had been put into place, not much headway was made in this direction. The compulsory education laws of that period merely *allowed* the local governments to make education compulsory. They neither required the governments to make education compulsory, nor, in the face of neglect to do so, could the people demand education as a right. (Juneja, 1998)

However, even after independence from British rule, the quantity and quality of schools failed to correspond to the need for education. A number of private schools modelled after prestigious British 'public schools' had been set up for the education of sons of princes of the numerous princely states in India. The Christian Missionaries too had set up a number of schools. Such schools were in demand for the education of the children of bureaucrats and the rich, and gaining prestige and emulation in the process. Those who could afford it, turned away from government schools towards private schools. Private schools in turn, increased in number and variety. More recently, even within the government system, a variety and hierarchy of schools began to emerge. (Juneja, 2011)

One may argue that variety in schooling options can enrich a system; however, in this case variety represented not diversity but disparity. Despite the directives of the Constitution of India to strive to eliminate inequalities, (Article 38) and to ensure that the material resources of the community are so distributed so as to sub-serve the common good (Article 39); to endeavour to provide free and compulsory education to all children until they reached the age of 14 years (Article 45) Money, privilege and 'merit' became, by and large, became key considerations in determining the kind of school attended, and the perception of what constitutes "quality" of schooling, and the amount of schooling received. Even in recent times, three in ten children enrolling in schools tend to drop out somewhere between grades one and five of primary school. By grade eight, more than half of the children who entered school are no longer in the system. (GOI, 2007)

A turning point came around the time India signed the UN Convention on the Rights of the Child (CRC), in 1992 and initiated the process of adopting legislation to make education a fundamental right of the child. Inroads in this direction had already been made in 1976 through amendment to the Constitution to enable the Government at the centre to also make legislation for school education, the power for which until then, had solely been in the hands of the state governments. Thereafter, in 2002, the amendment of the Constitution of India made education a fundamental right, but qualified it by adding that the manner of this right would be as determined by a follow up consequential legislation. This follow up legislation referred to in the 2002 Amendment of the Constitution of India (the Constitution 86<sup>th</sup> Amendment) is the 'The Right of Children to Free and Compulsory Education Act 2009' which was passed by parliament in August 2009, and notified into force in April 2010.

India's, 'The Right of Children to Free and Compulsory Education Act 2009', is a land mark in history

in more ways than one. To begin with, it is the first and only law on school education that applies all over India. India as is well known is a federation of states and 'union territories' all of which had, up to now, legislated on and administered schools in their own way with their own laws. The role of the Central Government, one might broadly say, related mainly to developing National Educational Policy and influencing its implementation. The Central Government also collected and published statistics on education in India. Additionally, to influence policy on school education in the states, the Centre used means such as national consultations, conferences, meetings, and the funding of what are called 'Centrally Sponsored Schemes'.

Another reason that this legislation was considered historic is because it breaks new ground and mandates fundamental, some would say, paradigmatic changes that articulate a bold (comparatively) new vision in the schooling process all over the country, yet keeping the child at the centre of all concerns. The task, in the words of the chairman of the committee set up to draft the essential provisions of this legislation, was 'not merely to assure school places for all children but to give effect to the spirit of the Constitution, keeping equity and quality at par with considerations of quantity.' (Government of India, 2005: 20)

## ■ Changes Envisaged through the RTE Act

### 1. Central Framework, Administration by All Levels of 'State'

That school education should be administered by the federal state governments is not new to the Indian context, but the fact of legislation being made for school education by the centre, is perhaps the greatest change in the educational system for almost a century. The present Act being the first central legislation in School education potentially overrides all provisions in existing state legislation that are not in conformity to it, yet creates space for regional specificity to play a determining role.

Under this Act, administration of education is not only a responsibility of the State but also of the third level of 'state' – the local bodies at the district and municipal levels – referred to in the Act as 'local authorities' a term that includes other bodies which are fulfilling the responsibilities specified in the Act. The Central Act has therefore outlined the responsibilities and the objectives to be achieved, and left it to the state governments to define by rules made under this Act, the details of the implementation of the clauses.

### 2. A Full Time Formal School for All Children

In the vision of education conceived by this Act, education was equated with full time formal schooling. Despite the recognition that Home Schooling is becoming increasingly popular in some countries, and despite the fact that much learning can and does take place outside of school, (more so now with the internet is playing a role in enabling children to learn) this Act, which is perhaps the most recent Act on Free and Compulsory Education in the world, opted to mandate a full time formal school for every child.

One must bear in mind that India has the largest number of working children in the world, and schooling is seen as the most effective way to combat this intergenerational cycle poverty and violation of child rights. Even today, India has a large number of working children, and vested interests continue to engage children in home based informal labour, and entice parents to send children to work especially if the alternative is a poorly functioning school. Although a full time formal school is accepted as a common and basic state provision in most parts of the developed world, in India it is still seen by many as an unnecessary luxury especially for the children of the poor. Sinha (2006) below captures the prevalent discourse in Indian society in the context of elimination of child labour and provision of eight years of schooling for each child:



*“How can families manage without the income earned by the children?”* This question is repeatedly asked by almost every section in the society and also by policy making bodies – dealing with protection of children and child rights – operating at the local, national and global levels. It is even suggested that arrangements must be where children can work and learn at the same time. (A kind of win-win situation where both children and their families benefit.) Elaborations of such a view can be seen in the kind of questions that often get raised: *“Aren’t poor children better off acquiring skills on the job? Schools are bad and the quality of education poor, is it not a waste of time to go to schools?”* In fact, it is also stated that being in schools would only alienate children from their surroundings and render them useless to the community that they belong to. *“Would they not be better off if they had a learning process that reintegrates them into their society and culture?”* In a way, such arguments imply that children can continue to work till solutions are found to resolve all the issues. (Sinha, 2006:3)

Even the concept of ‘school’ needed to be fitted out with a normative framework. One needs but to become aware of the manner of diversities and disparities in what has been called a ‘school’ in India, in order to appreciate the importance of laying down, through a fundamental right, the definition of ‘school.’ This Act, thus, not only lays down a set of very basic norms and standards that must be met by every ‘school’, but also prescribes the hours of the day, and the number of days in the year in which the school must be operational. A school must be available in ‘the neighbourhood’ of every child. This basic input, taken so much for granted in developed countries, was needed in order to move towards ensuring that education becomes available, accessible, acceptable and adaptable. (Tomasevski, 2006)

### **3. Right to Elementary Education**

Having set out a mode of delivery of education – that is, through a neighbourhood school, the Act goes on to determine the quantity of schooling that can and should be available to each child as a right from ‘the state’. (Article 12 of the Constitution of India defines ‘state’ as including ‘the government and Parliament of India and the Government and legislature of each of the States and all local and other authorities within the territory of India or under the Control of the Government of India’)

There is little justifiable reason for restricting the right to education to any particular level. (McCowan, 2010) However, the justiciable right to education in India (and in this Act) are restricted to eight years of schooling between the ages to 6 and 14 years corresponding to grades 1 to 8. In the case of India, setting of the upper limit at age 14 was rooted in a 1937 decision of the Wardha Committee for free and compulsory ‘basic education’ between the ages of 7 to 14. This lower limit of this age range, was modified to 6 years by the Woods-Abbot Committee the following year, and then in 1944, the Sargent Plan for Post War Educational Development of India proposed to make education in this age range universal by the year 1984. The indignation over the intervening period of 40 years over which this task was to be accomplished led to a chain of events culminating in making education up to the age of fourteen years a ‘Directive Principle Of State Policy’ in the Constitution of newly independent India. A landmark judgment of the Supreme Court in 1993, converted this non justiciable right in Part IV of the Constitution of India to a fundamental right. This court ruling in turn led to the 1997 decision of a Committee (the Saikia Committee) set up by the Government to amend the Constitution of India to make education in this age group a fundamental right in 2002. (Juneja, 2003) This Act, a follow up legislation to the Constitution 86<sup>th</sup> Amendment Act, of 2002, was therefore similarly restricted to preparing legislation covering only the ages of 6-14 years corresponding to the elementary stage. Anything other than these years would probably have required reversing the Constitution Amendment of 2002.

Other than age, a number of measures needed to be spelled out to ensure that every child has access to and completes elementary education. Within this simple statement lies the onus of ensuring that no child is withdrawn from school for economic or social reasons, or that no child leaves school because

they do not have books, uniforms or stationery, or because the family will starve without the labour of that child. The Act makes 'the state' responsible, and lays down the respective duties of the state governments and the local bodies towards all children between the ages of six and fourteen.

India is perhaps unique among all nations having legislations for free and Compulsory education, in that instead of making parents responsible for sending their children to school, the onus lies on the state for ensuring that all children are in school. This provision too has a history in the democratic processes determining the content of this legislation. In the process of amendment of the Constitution to make education a fundamental right, the matter was subjected to the scrutiny of the Departmental Standing Committee on HRD, of the Parliament of India. Following a series of deliberations, in which views were expressed fearing harassment of parents, and reassurance given that the compulsion was if anything, compulsion on the state to provide the required schooling facilities. The Committee submitted its report and ensured that this assurance was stated and carried through to the final amendment of the Constitution:

The Commitment and enforcement as proposed in Article 21 A, do not go with the theme and spirit of the Fundamental Rights. A right is not given in a spirit of enforcement. The Secretary's clarification that the compulsion is being looked at as compulsion on the part of the State Government, is an acceptable proposition. But it should be made amply clear in the proposed amendment to clear all doubts. (*India, 1997:13 Para 15.3*)

For elementary education, in India, the challenge lies in its existing structures of education. Sinha (2006) points out that the structure of education in India is designed like a pyramid, with decreasing number of seats as one approaches the higher classes, making it clear, that all are neither expected to reach even up to the end of the secondary stage, nor is the system equipped to accommodate them even if they were to struggle to the top.

"The number of children who reach up to classes 8 or 10 is in proportion to the actual capacity of the schools to absorb them. It is anticipated that all children who join in first class do not necessarily continue up to class ten and thus provision is made for only ten to twenty percent of children to reach up to class ten. There are just not enough upper primary and high schools. Therefore, the number of children who survive the school system settles down to the proportion of schools that are actually available and children are pushed out. In other words, the child's survival in the school system up to class 10 is not by design but an accident or like winning a lottery ticket". (Sinha, 2006: 5)

In many states, the state governments, or the municipal authorities provide only a limited part of elementary education cycle. The remaining part is often provided by a different stratum of government, and often by private schools operating through grants in aid from the government. The transition between these sub cycles of elementary education can, and is, often a problem sometimes resulting in the discontinuance of schooling. However the decreasing enrolment in municipal schools in such states is shrugged off as being a result of preference for private schools and for education with English as medium of instruction. Juneja, (2007) countered this assumption with findings that negative enrolment trends for municipal primary schools were curiously restricted to cities in which the subsequent cycle of schooling was to be provided by private schools (with aid from government), but not in comparable cities in which the government received the children from municipal primary schools. Further research (Juneja, 2011) restricted to the cities of Mumbai (where the private sector provides secondary education) and Delhi (where the government provides the secondary stage) served to support this argument. It was seen that whereas the children in the government secondary schools in Delhi came from the municipal primary schools of the city, the opposite was true for Mumbai. In Mumbai, the children in the private aided secondary schools were largely the products of the fee charging primary sections of the same school which was now aided at the secondary stage. Juneja's



findings raised questions about the fate of children who received free education in the city's municipal primary schools.

After the implementation of the right to education Act of 2009, there is hope that state governments will ensure continuance of education beyond the four/ five years of primary schooling.

#### **4. Admission Reforms**

In order to provide access to education, the RTE 2009 (as the Act is commonly referred to) addresses issues that prevent children from access to schools. Whether at the primary or at the upper primary stage in India, access to education was often a concern for many children - especially if they were first generation learners. Some children were turned away from already over crowded classrooms on the pretext of being late for admissions in this year, for not having a birth or transfer certificate. With this Act, such incidents will hopefully be in the past, because now the Act mandates:

##### **a. Year round Admission**

Although schools will continue to have academic calendars, they cannot now turn away children who appear late for admission.

##### **b. No Documents, No Screening**

Many private schools and even some government schools at the upper stage, conduct entrance tests or interviews before taking a decision about whether or not to admit a child. Such practices are now forbidden under the Act. After this Act, the trauma and injustices perpetrated on little children by schools in the name of 'selection' will eventually cease - or at least schools will no longer argue for their right to select pupils as young as 3 – 4 years old. Similarly, age proof or other documents will no longer stand in the way of admission of children.

The challenge however will lie in enforcing these practices across schools and across the country. It is hoped that vigilant parents will themselves report schools indulging in selective admission. The only legal method of selection will be on the basis of random selection methods, such as by lottery.

##### **c. No Capitation Fees**

Private schools that were more in demand, tended to charge capitation fees from the students. This is now illegal.

##### **d. Easy Transfer Certificate**

Children in schools, moving residence from one place to another, are required to take a transfer certificate from the schools. This certificate was not simple. It had to be counter signed by the Director of Education of the District, a bureaucratic procedure that spelled the end of education for many a child. Sinha, (2006) points out to that the cultural barriers that assume a level of familiarity with the bureaucratic procedure, but which inhibit first generation learners:

“the poor are culturally not equipped to handle schools, the formal and informal systems of school management, which have evolved over a period of time, seem intricate to them. For example, the poor lack the skill to get birth certificates, medical certificates, income and caste certificates, which need dealing with more than one government department. They are much less familiar with the rules of examination, attendance, promotion, procurement of transfer certificates and so on. Thus poor parents are easily intimidated and often even the most benign rules and regulations appear deviously intractable and seem to have been formulated for the sole purpose of preventing the child from joining or continuing in school.” (Sinha, 2006:5)

Now the certificate is to be made by the Head of the School, and if even that is not possible, which ever government school the child presents herself at for admission, will now be required to admit the child

first and ask for the transfer certificate later.

### **5. No Detention, Age Appropriate Classes**

The rights *to* education need to be supported by rights *in* education. (Verhellen, 1994) This Act contains provisions requiring 'age appropriate classrooms' coupled with the provisions requiring no detention, no expulsion, 'continuous and comprehensive evaluation of child's understanding and ability to apply the same; making the child free of fear, trauma and anxiety and helping the child to express views freely and the provision requiring the teacher to 'assess the learning of each child accordingly and supplement additional instructions as required' hold the potential to usher in a paradigm shift into the transaction of education at the elementary stage.

In these provisions, the vision of education being employed is one in which education, or the acquiring of it is not gauged in terms of learning outcomes, or for that matter, on the 'achievement level of a class'. The vision of education is one in which the gains from education is not measured by outcomes but by processes. In the current scenario outcomes are measured by a single test at specific period of time. The large presence of shadow tutoring facilities suggests that those who can afford more tutoring in addition to expensive schools can buy better 'outcomes.' The Act mandates Continuous and Comprehensive Evaluation, designed solely for the purpose of identification of areas for improvement in order to combat the ills of 'outcome based' evaluation. The challenge here will be to orient the teachers, the school administrators and even the parents to the values, attitudes and skills that will make possible the classroom envisaged by the Act.

Another new concept for Indian schools, that has been ushered in by the RTE Act is the "Age Appropriate class.' According to the Act, even an older child who has never before been to school will enter, not in grade one, but in an 'age appropriate' classroom, and the onus will be on the school and the teacher to determine and provide to the child, the additional inputs required to come up to the level of the rest of the class.

### **6. Pupils: Right to a Child Friendly School**

The rights of pupils to education include right in education and in the classroom. This Act not only bans the corporal punishment of children but has also made it an offence to subject them to mental harassment. Yet another provision directs that the transaction of curriculum to be such that education is conducted in an atmosphere free from fear, tension and anxiety, that schools are child friendly, and that not only should a child not be failed or expelled from school.

Those familiar with schools in India will be little surprised at research findings suggesting that fear and punishments are a way of life in classrooms. A study (Saath 2006) found that in all the forty-one (41) schools and surrounding communities the team visited, corporal punishment stood out as a common theme. The children also mentioned that the situation was no different at home. Almost all teachers and parents, met by the team had no hesitation in accepting that they punish children physically. The study reported that many argued the children cannot be disciplined without punishment. The research team saw a stick in the classroom or in the hands of the teachers everywhere it went. In more than twenty (20) schools the team visited, the students actually showed or pointed out the stick with which they are beaten.

To ensure a child friendly schools in such a context, will be a challenge indeed to the successful implementation of the RTE Act.

### **7. Combating Economic Apartheid in Schools**

One the best known provisions of this Act, seeks to combat economic apartheid in schools. Over the

years, due to a multiplicity of reasons, private fee- charging schools have been attracting a growing clientele, to the extent that it has become a symbol of one's status to have your children attending a private school rather a free government provided school. The private schools offer a common value- that of 'exclusiveness', and superiority over others who have no such choice. Even among private schools, there are hierarchies ranging from the most elite and exclusive schools that can be afforded by only the very rich, to the more modest private schools. This parallel system of schools is thus creating parallel societies that run alongside, but never meet. The children of these parallel worlds will never know each other, and it would not be surprising if in the future, they were to see them not as part of one community, but with the suspicion and distrust reserved for 'others.'

Societies of individuals, and minorities have however been granted the right by the Indian Constitution to set up schools and to administer them. The government too, because it could not afford to set up as many schools as were needed, encouraged the establishment of private schools with support in the form of free land, and Tax benefits in return for the commitment admit 25 percent of their enrolment from among the weaker sections and give them free education.

Recent experience however showed that while the schools readily accepted the land, they did not fulfil their commitment to admit the poor. (Juneja, 2005a)

With this backdrop, a provision was made in the Right to Education Act requiring all private schools to give free education to 25 percent of their enrolment from among weaker sections. The government would reimburse to the schools at the rate of the per child of education in government schools, except to those schools, which had already been 'pre-paid' for these 25 percent free seats in the form of urban land.

However, recognising that older children may find it difficult to adjust, the entry point to the private school has been restricted to the lowest grade in the school. In many of the states, this mechanism is now being put into place, and, it is hoped, it will set in motion an intermingling of the classes and the loosening of the linkages between economic and educational advantage. In this respect, the vision of the Act is one of using the right to education as a means of furthering other economic social and cultural rights, social justice and striving towards harmony in society.

### **8. Minimum Quality of School Infrastructure**

By defining the right to education in terms of a right to schooling the Act became further committed to defining the right further in terms of the rights in education – such as acceptability. Therefore, for the first time, legislation has specified the minimum requirements for physical infrastructure and other resources for a school to be called a school. Although far from ideal, recognising the Indian reality, a beginning has been made in the form of specifying Pupil - Teacher Ratios for grades 1-5 and 6-8, with the number of rooms corresponding to the number of teachers in the school. The building should be an 'All weather' structure, and should include an office cum store for the head teacher, separate toilets for boys and for girls, a kitchen for cooking the free mid day meal that children are provided, a playground, and barrier free access.

At present, meeting even this minimum norm poses a challenge for many of the states, and efforts are underway at the highest levels to make available the resources that would enable these states to respect the rights of the child to education.

In recent years, a number of low fee private schools had sprung up catering to a clientele that could afford very little but yet felt that they would be better served in a private school. Such schools tend to be poorly housed, and the teachers seldom have the certification required for school teaching. For such schools too, even these very basic norms mandated by the RTE Act are likely to pose a challenge,

and fears are being raised that such schools may be forced to close. Many of the government provided schools also may not be able to cross this minimum infrastructure threshold. However, to come up to this minimum standard, a window of opportunity of about three years has been provided in the Act, allowing these schools to focus on upgrading their facilities.

In order to determine the quality of schools and to monitor which child goes to which school, all schools now have to seek recognition. Up to now, 'recognition' of a school was considered as voluntary- i.e. to be sought if and when the school needed something from the government such as the power to issue valid transfer certificates, to send children for board exams, to seek government aid in cash, kind or by way of payment of salary of teachers. The need for recognition ostensibly serves two purposes. One, in a systemic culture in which even the education departments had little official knowledge of the schools running in their jurisdiction, or of who went to which school, such a measure would at the very least bring on board these silent players and though the submission of annual information forms, enable officers to learn for the first time, the true size of the enrolment in any given geographical area. Secondly, in the changed circumstances in which the state is now accountable for education of every child, the State can hardly undertake such a responsibility if it does not know where each is – in school or in child labour. Therefore it becomes imperative for every school and every child to first be registered in order that the process of educating each and every child may be at least said to have begun.

## **9. Teachers**

Rights are interconnected. Within the framework of rights, there cannot be a right which is enjoyed at the cost of others' rights. Rights to education and rights in education cannot be fulfilled without the availability of a teacher. The teacher is an important element of the school system through which the right of the child is ensured, and through whose agency, the rights of the child within education can be achieved. She cannot therefore herself be a person who is deprived of rights, if the rights of the child in and to education are to be guaranteed.

However, within a framework that prioritises 'costs' of education, rather than the dignity of rights, there have been advocates both in International Funding Agencies as well as in government policy making, for the employment of untrained youth as teachers to increase the cost as well as the spread of education. (Tomasevski, 2003) Such measures resulted in 'teachers' being hired in schools, both government and private, at less than a living wage. These 'teachers' were often qualified, a sad comment on the state of unemployment, but more often than not, they were not. There was considerable variation too in the duties of teachers and the number of days and hours that schools worked.

This Act changes all that. It recognises that the rights of children and of teachers in schools are correlated. Teachers have the potential to ensure rights of the children. There are a slew of provisions in this Act for safeguarding the rights of teachers. For example the Act prescribes minimum professional qualifications for anyone to be employed as a teacher, and also make it mandatory for State governments to prescribe salaries for teachers.

### **a. Minimum Teacher Pupil Ratio**

It is obviously to no one's benefit, other than that of the owner of the school, to have large class sizes. Under the Act, the size of primary grades 1-5 is now restricted to 40 children, while for grades 6-8, the number of pupils per teacher has been put at 35.

This requirement has itself created consternation among providers of education. Governments now have to recruit more teachers at an unprecedented pace.

**b. Minimum Qualifications Specified**

The pace of employment of teachers is tempered by another requirement of the Right to Education Act, that of teacher qualifications. According to Act, all teachers need to possess the appropriate nationally determined qualifications. If they recruit teachers not already having those qualifications, the state will only be adding to its burden of ensuring (within a five year window of opportunity), that all teachers receive in service trainings to enable them to acquire the requisite certifications.

**c. Duties Specified**

Teachers by and large tended to lament that they were made to do all kinds of work that left them no time for teaching. Similarly, parents and administrators complained of the lack of application of the teachers to their given task. However, the role of the teacher has now been defined by the Act, and it has been ensured that teachers are more or less left alone to teach without being burdened with duties in the offices of the education departments, or in conducting the cattle census in the village.

**d. Hours of Instruction and Work Separately Specified**

Hours of instruction, and other academic duties of teachers have also been specified in the Act separately for grades 1-5 and 6-8. The implications of this extend beyond the classroom and into the provisioning of education. In urban areas, the shortage of school spaces was usually addressed through shift schooling. Now, if the teachers are to truly perform their roles, then the schools will have to function beyond the truncated timings imposed by the need to accommodate more and more students. Metropolitan cities will now have to find other solutions to the space problem, but children in the process, stand to gain through greater teacher-time on teaching-tasks.

**10. Parents: The True Managers of the Schools**

Mindful of the fact that this new wave of changes at the school level, will need to be ensured by some administrators who have the interests of the children as their priority, this Act placed the steering wheel of the school in the hands of parents of children in the school. A 'School Management Committee' is now to be established in each school, comprising mainly (75%) of parents of children in the school. Fifty percent of the parents are to be mothers. This 'School Management Committee' shall oversee the functioning of the school, monitor teacher and pupil presence, and prepare a school development plan on the basis of which, funds for the school are to be allocated. No longer will the voice of parents be unheard in schools.

**■ Challenges in Implementation of the Right to Education**

Since this act is the very first central legislation in respect of school education, therefore, there is little precedent, and much uncertainty among the federal states and the public about what needs to be initiated and by whom. Moreover, the Act itself, does not spell out *how* things are to be done. The Act merely enunciates the objectives and the broad principles to be followed in achieving those objectives. How the objectives are to be achieved, has been left to be decided by rules to be framed by the respective federal states as per their own needs and local contexts. For example according to the Act, the state has to ensure access to a *neighbourhood* school. It is now for the state government to decide on the geographical limits of the 'neighbourhood.' In hilly terrain for example, a distance of one kilometre could translate into many hours of walking up steep hillsides – an impossible task for a child between the ages of 6 -11 years. Similarly, in sparsely populated desert regions or in the metropolitan cities, the term 'neighbourhood' cannot mean an area with the same radius. In such situations, arrangements will need to be made such that children in different contexts are not subjected to unequal access to schools. Depending on their situations, the state governments may choose to categorise the different contexts (types of terrain, population density conditions etc.) obtaining in the state and prescribe 'neighbourhood' differently.



As per the provisions in the Act, the state governments have to prescribe rules to the Act on at least 18 different provisions, but nothing prevents them from prescribing rules and guidelines for other clauses as per their needs. To facilitate congruency between legislation and rules, the Union Department of Education, has prepared a set of rules as a 'Model' for the states to follow and use in the framing of their own rules.

### **Translating the Vision into Rules to the Act**

When a piece of legislation is ground-breaking in many ways, one of the critical factors in its successful implementation is the extent to which its text embodies its intent. Even then, the Act is not the final document; the rules to this Act, which will be drafted by each of the 36 federal states in India, will further mediate between the legislation and its implementation. The probability of all the different framers of the rules in all the different states making the same meaning from the same text appears to be somewhat unlikely. Then again, each functionary in the process of implementation will implement the rules in their own inimitable way. Therefore, no matter what the text and intent of the Act, what happens on the ground will ultimately depend on how every last person understands, appreciates and interprets the Act to take the right to education one step further.

### **Orientation to the New Rights and Duties**

As every administrator knows, the policy as written differs from the policy as read, and interpreted and further deviation is only to be expected in the manner it is interpreted by the actors on the ground. It is for this reason that in-service trainings and orientations are conducted in order to convey through an alternate mechanism the intent and purpose towards which efforts at the field level are to be oriented.

This Act creates a number of new roles and responsibilities, changes the structures and functions of all the stakeholders in the education system – be they duty bearers or rights holders. For example, even though most administrators of education will find no difficulty in accepting the fact of education being a fundamental right from the age of 6 to the age of 14. In reality however, one must accept that it does take some time for the implications to sink in and for administrators to realise that many layers of changes would need to be made in the existing structures in order to provide for example for something as seemingly simple as unhampered progression between grades 1-8.

### **Preparations for Exercise of the Rights**

Just as the concept of implementing a right will take some getting used to, the fact of *having* a right may perhaps require even more accommodation from those who have to come to terms with the fact they need no longer put up with having no classrooms, no teachers etc. Children have for ages been taught that they are spanked for their own good, and it may take years to undo this conditioning that leads them to expect harsh treatment from schools and teachers, and determines their attitudes to schools.

On its part the government has also set up a number of Commissions to which complaints of violations of child rights can be directed. At the national level has been set up a National Commission for Protection of Child Rights. At the state level, are State Commissions for protection of Child Rights. Both National and State Commission have quasi judicial powers. In some states, A Right to Education Protection Authority may be set up as an interim measure.

## **■ Conclusion**

Rights are rarely secured without struggle. The same can be expected in the case of rights in The Right to Education Act, 2009. It follows therefore that the implementation of the Right of Children to Free and Compulsory Education Act 2009, cannot expect to be entirely smooth sailing. It is not just the Governments but a large number and variety of stakeholders that will need to play a role in ensuring



the rights of the child to and in education. There is long road ahead before all stakeholders even become aware of their rights let alone become able to exercise, and finally able to enforce their rights.

For parents and children, the power that the right to education potentially brings, could bring into effect a sea change in classrooms and schools across the length and breadth of India. However, whether this potential of the RTE will be realised or not will depend a great deal on the advocacy and mobilisation campaigns that the governments initiate, and the ability of parents to understand and exercise their new role relationships as far as elementary education is concerned. Already, in small pockets, NGOs are making efforts towards preparing parents for their roles in School Management Committees. While efforts are being made to solve problems at the level at which they emerge, a few NGOs are also helping children realise their rights in education through the Courts, and many others are considering the use of litigation to help in securing the rights of children. It is now truly a new era that promises to emerge conforming to a vision of education that from a rights perspective.

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# **The Challenge to Implement the Right to Education Act in Delhi: Conflict and Collusion between the State and Low-fee Private (LFP) Schools<sup>1)</sup>**

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# Diversity in Provision for Primary Education in Bangladesh: The Challenge of Fulfilling the Right to Education\*

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## ■ Introduction

The provision of primary education, universally recognized as a human right and a public good, is generally seen as the responsibility of the state. Historically, however, in many societies, a variety of organisations (for example, religious authorities, private philanthropy, community organisations and the private sector) initiated primary provision and have played a critical role in its expansion. Today, the state is the principal provider of primary education both in countries where it is universally accessible to children and in countries where universal access is still to be achieved. At the same time, in many countries, multiple provisions continue and can be a significant component of the total primary education system; and new forms of diversity have emerged in some.

Having made remarkable progress in terms of initial enrolment in primary education as well as gender equality (Ahmed *et al.*, 2007), Bangladesh still faces enormous challenges in ensuring completion of primary education and enabling acceptable learning achievement. Multiple providers (including state, quasi-state and non-state ones) have contributed to raising initial enrolments and improving gender equality. The critical question is how multiplicity and diversity of provision can contribute to achieving truly universal primary education with high completion rates and acceptable levels of learning.

## ■ Primary Education Provisions in Bangladesh

Primary provision has increased greatly over the past six decades. In 1947, there were around 19,000 primary schools in Bangladesh (then part of Pakistan and just freed from British colonial rule). The number rose to 29,000 by 1971, when Bangladesh became independent. By the mid-2000s, the number of primary level institutions had increased to over 80,000. These included both government and non-government providers (Ahmed *et al.*, 2007).

Table 1 provides a breakdown of the types of institutions and enrolments in them in Bangladesh.

The above numbers about primary education provisions, based on government statistics, significantly, does not take into account non-formal primary education (NFPE) services provided by NGOs (as well as *quomi madrasas* – religious schools so far outside the regulatory regime of the government). On average, over 1 million children annually have attended NGO operated non-formal primary education programmes during the period 2000-2005 (Ahmed *et al.*, 2007).

Pioneered by BRAC in the mid-1980s (with BRAC and other NGOs currently using the approach), NFPE is the principal means for offering a second chance opportunity for children who do not enrol in formal primary school or who drop out. NFPE has been designed, developed and offered by NGOs, with BRAC being by far the largest provider, and is financed mainly from bilateral donor support. The government has permitted NGOs to receive external contribution on fulfilment of regulatory requirements of the NGO Affairs Bureau.

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\*The material for this paper has been drawn from a monograph titled “Debating Diversity in Provision of Universal Primary Education in Bangladesh” by Zia-Us-Sabur and Manzoor Ahmed prepared for Consortium for Research on Educational Access, Transitions and Equity (CREATE), University of Sussex ([www.create-rpc.org/publications/ptas/](http://www.create-rpc.org/publications/ptas/)). A version of the monograph was published in *Prospects*, vol. 40, no.3, September 2010, pp. 393-415, under the title “Multiple providers and access to primary education; The case of Bangladesh.”

**Table 1 Breakdown of primary providers, with enrolment and teacher numbers 2004 (excluding NGO-operated non-formal primary education)**

Type of Institution	Number of institutions	Teachers		Enrolment		Pupils per school	Pupil teacher ratio
		Total	Female	Total	Girls		
Govt. Primary School (GPS)	37,671	162,220	66,725	10,359,813	5,223,613	275	64:1
Regd. NGPS	19,814	77,206	21,184	4,079,119	2,034,548	206	53:1
Non-regd. NGPS	1,699	6,612	3,145	297,249	146,124	175	45:1
Experimental	54	252	95	12,613	6,435	234	50:1
<i>Ebtedayee Madrasa</i>	6,723	28,119	2,972	846,092	399,947	126	30:1
Kindergarten	3,745	21,928	12,030	226,635	108,060	60	10:1
NGO (formal)	447	1,828	1043	78,482	39,426	176	43:1
Community	3,218	12,641	6,920	436,122	212,316	135	35:1
Attached to High (Alia) <i>Madrasa</i>	8,214	31,691	2,176	1,128,342	491,577	137	36:1
Attached to High School	1,283	10,438	4,521	488,833	244,821	381	47:1
Total	82,868	352,935	120,811	17,953,300	8,906,867	217	51:1

Source: DPE and MOPME Official Records cited in Ahmed *et al.* 2007:5 (Table 3)

**Table 2 Percentage distribution of primary school students by school type, 2008 (including the non-formal primary education programmes)**

School type	Enrolment Percentage
Government Primary Schools	56.9
Registered Non-government Primary School	18.7
Non-formal Primary Education	9.6
<i>Madrasa</i>	7.0
Kindergarten	4.7
Primary attached to high school	1.3
Others (Community school, unregistered, etc)	1.8
Total	100.0

Source: Campaign for Popular Education, 2008:63 (Table 5.1).

On average, over 30,000 non-formal primary education centres have been in operation in recent years. These centres are one-room one-teacher classes in which a cohort of 30 children are offered an accelerated four-year primary education course with learning objectives borrowed from the national curriculum. The target group for this programme is children over age eight, reflecting a deliberate decision not to be in competition for enrolment with regular primary schools. How NFPE is perceived as a primary education provider is key to understanding diversity of provision and ultimately how this diversity can contribute to achieving UPE. We return to this point later.

Enrolment figures change somewhat when NFPE numbers are included (see Table 2). Education Watch (CAMPE, 2008) provides data based on a nationwide cluster sample survey of 440 primary level institutions of six principal types, including NFPE. The survey shows almost 10 percent of the primary level students to be enrolled in NFPE, which is not included in government statistics. It also indicates a higher proportion of enrolment in kindergartens compared to official data for 2004.

Taking into account NFPE provision, and considering the levels of state management and control for other providers, it can be argued that 85 percent of primary level students are served by different kinds of state providers and 15 percent by non-state providers.

So far, the state system has not provided for, and arguably has not recognized the importance of, second chance non-formal opportunities for primary education. This is evidenced in the exclusion

from official primary education data of NFPE programmes. The exclusion of NFPE from official data collection systems makes it difficult to have a complete picture of primary education services and gain a proper understanding of the role of various providers and the significance of multiple provisions for primary education services.

## ■ Policy Background

### Historical Policy Context

Modern education developed in what is now Bangladesh under British colonial rule in the latter half of the 19<sup>th</sup> century. In 1882, the district and municipal education boards were entrusted to administer primary education, by raising money through local taxation. The Primary Education Act, 1919, located responsibility for primary provision with provincial governments and set universal primary education as an eventual goal. The Bengal (Rural) Primary Education Act, 1930 followed. This policy sought to introduce UPE and provided details about how to establish and administer primary schools under local management. Widening access was encouraged through the use of local and private philanthropic contribution (Ahmed *et al.*, 2007: 5-6.).

The Constitution of Bangladesh adopted in 1972 provided for free and compulsory education as one of the ‘fundamental principles of state policy.’ Article 17 of the constitution (1972) states that (Government of Bangladesh, 1972):

The state shall adopt effective measures for the purpose of - (a) establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; (b) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs; removing illiteracy within such time as may be determined by law.

The constitutional provision regarding ‘free and compulsory education,’ was by its very nature subject to interpretation. While the spirit and intent of fundamental principles must be honoured by the state, they are different from the obligatory provisions of the constitution, which would require specific implementation steps to be taken by the state.

The constitution mentions a ‘uniform, mass-oriented and universal system of education,’ which has often been invoked to justify a state-provided common type of primary school for all children. At times, the words have been used as a political and populist argument to ban one or other type of non-state provision, such as, NGO-run, private (especially English medium) and *madrasa*-based primary education. At the very least, it has been argued; the constitution requires a standard national curriculum, common textbooks, and other regulatory measures to be applied to all primary education activities in Bangladesh. This argument finds its place in various education policy statements including the most recent education policy (2020). It says: “The process of nationalization of primary education should continue. The responsibility for primary education cannot be transferred to the private sector or NGOs.” The policy ambiguously agrees at the same time that a non-government organization or an individual can run primary schools subject to approval of authorities and state regulations (Government of Bangladesh, 2010: 4-5).

The post-liberation Bangladeshi government repealed earlier colonial era Acts by ordinance in 1973, later enacted as permanent law (Primary Schools (Taking Over) Act 1974). Under this law, all primary schools were taken over by the government and all employees became national government employees. It abolished primary school management committees, giving government management responsibility for the nationalized primary schools. The purpose of nationalization was to improve management of schools and thereby accelerate access.

Primary Schools (Taking Over) Act (1974) removed the role of district and local government bodies and the involvement of communities in school management. In this, it could be argued, a century's old culture of community involvement running primary schools was effectively curbed. By implication, the law discouraged non-government providers, such as institutions run by NGOs, community organisations or private providers. As a result of centralising management, the system became non-responsive to the varied circumstances and needs in primary education delivery (Ahmed *et al.*, 2007:5-6).

Many of the present problems of government-run or government-controlled primary schools can be traced back to the nationalization of primary schools in 1973. This measure brought over 36,000 schools under the control of a monolithic centralized bureaucracy and an inflexible system of management.

The Primary Education Act, 1981 sought to 'provide for better organization of primary education and efficient administration and management of the affairs of primary schools.' This was an attempt to bring back a degree of decentralization into the management of primary education. It aimed to introduce a new tier, Local Education Authority, in each area with powers to appoint and manage teachers, to supervise the functioning of primary schools, manage budgets and conduct examinations. However, due to a change in the political regime, the innovative features of the 1981 law were not implemented and school management reverted to a more centralised pattern (Ahmed *et al.*, 2007).

In line with the EFA goals adopted at the World Conference on Education for All in Jomtien, Thailand, Bangladesh adopted the Primary Education Compulsory Act in 1990. It made provision for setting up compulsory primary education committees at the lowest tier of local government, the union (a cluster of villages) and wards (urban neighbourhoods). The committees were to ensure the enrolment and regular attendance of all children in the area in primary school. Primary education was made compulsory under this Act, first in 68 upazilas (sub-districts) in 1992 and throughout the country from 1993. The compulsory education law, however, did not explicitly specify the roles and mechanisms of sharing responsibility between different kinds of education providers.

The implementation of the compulsory education initiative also fell victim to regime change in the country. The government that succeeded in 1991, though committed to the goal of universal primary education, was unenthusiastic about following and supporting the specific strategies and plans of the previous regime. Although primary education expansion and development efforts, such as the First and Second Primary Education Development Programmes (PEDP I and PEDP II), which spanned 1997-2011, continued, initial community mobilization through formation of local support committees accompanying the adoption of the compulsory education law lost steam. The local compulsory primary education committees, envisaged as a key mechanism for mobilization and coordination, became non-functional, but were not replaced with an effective alternative.

### **Current Policy Ambiguity about Multiple Provisions**

The Second Primary Education Development Programme (PEDP II) was launched in 2004 as a sequel to PEDP I with the aim of expanding access to quality primary education for all eligible children in Bangladesh. More than two dozen separate projects carried out under the umbrella of PEDP I had been regarded as suffering from weak coordination and duplication. To overcome these identified weaknesses, a macro plan for PEDP II was prepared with the involvement of the concerned ministries, directorates and development partners (DPs). It was visualized as a Sector Wide Approach (SWAp) for the major public sector development initiative in primary education. It was planned for the period July 2004 to June 2009, but the implementation was delayed and its duration extended to mid-2011. PEDP II was financed by the Government of Bangladesh and eleven external development



partners, with the Asian Development Bank (ADB) serving as the lead agency. Although, labelled a sector-wide approach, PEDP II dealt only with GPS and RNGPS, excluding from its remit significant numbers of children served by the *madrasas* and NGOs (Ahmed *et al.*, 2007).

The Reaching Out-of-School Children (ROSC) project was developed to supplement PEDP II by addressing the needs of out-of-school children by identifying children who were not in school, focusing mainly on areas where enrolment was low and poverty incidence high. Although, non-formal primary education provisions offered by NGOs, as noted above, already served quite successfully a large proportion of never-enrolled or dropout children, the government decided to launch its own program.

The government and the World Bank handed over management of the ROSC programme to local level offices of the Directorate of Primary Education. This added to the workload of upazila education offices which already had difficulties effectively supervising formal schools in their respective areas. The ambivalent position of the government regarding the role of NGOs in primary education led to the decision not to give the main responsibility for managing the project to NGOs, except that the centres were allowed to be run by local community or NGOs (Ahmed *et al.*, 2007).

### **Education Policy Commissions**

The Government of Bangladesh has set up education policy commissions and committees at various times, with the task of examining policy issues. In the past, at least half-a-dozen of these bodies have discussed the state's obligation for providing basic education and offered recommendations regarding how this obligation should be fulfilled. The Qudrat-e-Khuda Education Commission, appointed in 1974, soon after Bangladesh became an independent nation, was the first one to provide comprehensive policy recommendations (Government of Bangladesh, 1974).

The most important common feature of these reports, however, is that few of their substantive recommendations have been fully implemented (Ahmed *et al.*, 2005:17).

In April 2009 the Government set up the most recent Education Policy Committee with the task of recommending policy and action priorities based on a review of earlier policy statements, in particular, those of the Qudrat-e-Khuda Commission and the National Education Policy<sup>1)</sup> (Government of Bangladesh, 2000). In respect of diversity of provisions for primary education, the following was said in these two reports:

#### **The Qudrat-e-Khuda Commission:**

One common primary education programme at government expense should be introduced for the whole country based on a scientifically developed basic curriculum. Within the basic framework, opportunities may be created for some variations according to social needs (Government of Bangladesh, 1974).

#### **The National Education Policy 2000:**

One common curriculum should be introduced in all institutions at the primary stage. The disparities that exist among different streams of primary education must be ended and opportunities created for one common programme of education with the same standard and characteristics (Government of Bangladesh, 2000: 10).

Both reports proposed a common programme of primary education with a common curriculum. Both also recommended extending compulsory primary education up to grade 8. There is however, one important difference between the two in respect of provision. The Qudrat-e-Khuda Commission

1) Approved in national parliament, but archived after the change in government in 2001.

proposed that a common programme should be financed entirely by the government, with the strong implication that there would be one basic model of publicly funded primary education in the country. The 2000 report also advocated a common curriculum, but it did not stipulate a common publicly funded model and appears to leave the door open for diversity in delivery, if ‘the disparities that exist among different streams of primary education’ can be ended and opportunities for one common programme ‘with the same standards and characteristics’ can be created (Government of Bangladesh, 2000:10). A similar position has been taken by the latest education policy approved by the government in 2010.

The historical evolution in educational provision and the socio-economic context in more than three decades that elapsed between the two reports may offer some of the explanation for the differing stance in the two reports. The Khuda Commission report was prepared just after the ‘nationalization’ of primary education in 1973, and the NGO-run non-formal primary education model and the proprietary English medium KGs were yet to emerge in any significant quantity. By the end of the 1990s, these were important components of the primary education system. The *madrasas* also grew in significance during this period.

*Madrasas*, in fact, bring out sharply the difference in positions taken by the two reports. The Khuda Commission recommended the full integration of the primary stage (up to grade eight) of *madrasa* education into the common national primary education model. It proposed that only at the secondary and tertiary stages, *madrasas* could be regarded as a separate stream offering a specialized vocational and professional education programme that would prepare people for Islamic religion-related occupations, such as Imams in mosques, religious scholars and *Quazis* (Islamic marriage registrars) (Government of Bangladesh, 1974).

The National Education Policy of 2000, on the other hand, recognized the reality that the *madrasas* had developed into a parallel educational system extending from preschool to tertiary level. It recommended the modernization of curriculum and measures for improving and ensuring quality in *madrasa* education, whilst maintaining its identity as a parallel stream. The policy of 2010 echoes this position.

The distinct positions espoused by the education policy formulation bodies separated in time by more than three decades regarding the diversity and multiplicity of provision in primary education represent the core of the dilemma. The issue has remained unresolved for over three decades. If primary education is extended up to grade eight as a compulsory stage of education, as endorsed in both the reports, the question of diversity and multiplicity of provision has to be settled, as this extended stage would involve a substantially larger number of students and institutions.

The new education policy 2010, endorsed by the Cabinet of Ministers in June 2010, and approved by the National Parliament in its 2010 winter (December) session adopts remarkably similar language and tone as of the 2000 commission, thus maintaining, as before, a degree of ambivalence in addressing the dilemma faced by the earlier policy formulating bodies. Key provisions in the 2010 policy relating to primary education are:

**Free and compulsory primary education up to Grade VIII:** Proposed changes include a year of pre-primary and the extension of free, mandatory primary school education to a total of eight years.

**Pre-Primary education:** Preschool education for the most vulnerable and disadvantaged children, using both formal and non-formal channels, with emphasis on family and community-based programmes.

**Multiple delivery modes in basic education with common core curriculum and standards:**

The policy recommends mandatory core subjects for primary-level education: Bangla, English, mathematics, Bangladesh studies, social environment and climate change, science and information technology.

**Establishing a core of equivalency:** Between public and NGO and private programs, formal and non-formal basic education, and between general schools and *madrassa*, to ensure comparable quality standards and transferability.

**Literacy and non-formal education:** The policy recommends a literacy campaign to end adult illiteracy by 2014 and non-formal education as a means of providing a second chance to those who drop out of formal schools. Adult literacy is expected to be raised from 56 percent in 2000 to 90 percent by 2015.

**Student assessment to discourage rote learning:** Assessment of learners' achievement should be based on public examinations and continuous evaluation by teachers, which should aim at assessing cognitive, affective and skills domains.

**Teachers' status, incentives and training to improve quality:** Teacher development and performance through recruitment, training, professional support and remuneration should be the center-piece of the strategy for improving quality in education. A Teacher Recruitment and Development Commission will be established to recruit teachers in government assisted institutions and support their professional development.

**Improving the quality of basic education:** Ensuring achievement of recognised and measurable learning outcomes by all, especially in literacy, numeracy and essential life skills.

**Governance and management:** Management of primary education will be decentralised with greater involvement of community and parents and greater authority for schools.

**The *madrassa* system:** *Madrassas* will be reformed to put emphasis on science and information technology, in addition to introduction of the core common curriculum.

**Inclusive education:** Enabling all primary school-age children to complete good quality primary education. Access will focus on reaching the unreached, especially girls, children with special needs, working children, children in difficult circumstances, and children belonging to ethnic minorities or living in remote areas (Government of Bangladesh, 2010).

It is noteworthy that some specific policy provisions, which have relevance for fulfilling the right to education, have been dropped from the final version of the policy. The items missing include substantial enhancement of public resources for education, adopting a legal framework for universal basic education, and bringing the functions of the existing Ministry of Primary and Mass Education and the Ministry of Education under one national Ministry to facilitate a more coordinated approach to educational development.

The government, in implementing the education policy, has now the challenge of reconciling the ambiguities regarding diversity and multiplicity of provision in primary education and providing pragmatic guidelines that will enable all actors in primary education to make an optimal contribution to achieving the educational goals.

**■ Why Diversity of Provision?**

In Bangladesh, non-government and quasi-government schools have flourished, despite ideological

inclinations which favour a common single government-run model of primary education and the reluctance of government to recognize and articulate the role and place of non-government providers. Without announcing an official policy decision, the long-standing position adopted by the government in Bangladesh appears to be not to increase significantly the number of directly government-run schools, but to allow the quasi-government institutions to carry much of the burden of expanding primary education services to achieve UPE.

An important consideration may be limitations of centralized financing and personnel management structures (with all primary teachers as central government employees) established under the 1974 Nationalisation of Primary Education Law. Successive regimes have been reluctant to move away from the highly centralized structure which exists. At the same time, there has been a reluctance to take on the additional burden of direct financial and personnel management that the expansion of a fully government managed school system would impose on the government. Apparently, an acceptable compromise was to support the expansion of registered non-government schools and *madrasas*.

Diversity in primary education provision appears to be gaining momentum internationally. UIS data from 136 developing countries for which enrolment data were available indicated that there were 69 million more children in primary school in 2004 than in 1991. More than 23 million of them attended non-state schools, representing one third of the increase. During this period, non-state primary school enrolments increased by 58 percent (from 39 million to 62 million) while public sector enrolments increased by 10 percent (from 484 million to 530 million) (UIS data, cited in Aga Khan Foundation Team, 2007: 3).

Admittedly, there are definitional problems about state and non-state providers, but there is no doubt that both including non-state providers reflect and are affected by a spectrum of state involvement indicating diversity in financing, management and curricular provision.

The experience from Bangladesh (and other countries) shows three reasons for the persistence and growth of multiple providers: i) equity and inclusiveness concerns; ii) responding to different quality issues; and iii) capacity and resource constraints in the public sector. These will be looked at below:

A typology of non-state providers (in their various forms), and how they might reach marginalized children, has been put forward by the Aga Khan Foundation (2007). Strategies followed by these providers to serve marginalized and variously disadvantaged children included:

- Locating classrooms close to homes, especially for younger children and girls;
- Flexibility in school hours and calendar, especially to accommodate agricultural seasons and religious customs; “bridge courses” aimed at out-of-school children and working children; and providing intensive learning within shorter time frames;
- Facilitating new access into formal schooling through developing equivalency in learning assessment;
- Developing curricula that is adjusted to local realities and that draws upon local culture and resources;
- Recruiting local teachers and/or training and supporting teachers to be sensitive towards ethnic, religious and cultural differences; and
- Building a relationship of trust with the local community to generate support and develop relevant strategies for education of all children (Aga Khan Foundation Team, 2007:19).

## ■ SWAPs and Multiple Provisions in Primary Education

The government’s ambivalence about multiple provisions constrained the design of PEDP II, limiting it to GPS and RNGPS, although it was called a sector-wide approach for national primary education development. As PEDP II winds down, policy questions around the diversity of provision and

government/donor roles in this regard have surfaced again.

A position paper prepared by CAMPE, on behalf of its civil society constituency, pointed out several critical areas of concern which need to be addressed in a comprehensive programme for primary education development in 2010-15. A sector-wide approach has to justify its relevance and value by being effective in addressing concerns. These concerns are summarised below:

- *Low quality* associated with large variations in outcomes in different geographic regions and for different groups within the population has resulted in *serious inequity* which must be addressed. Realizing quality with equity goals will require effective strategies regarding numbers and skills of *teachers*, changes in *curriculum, teaching-learning materials and assessment*, major investments in *physical infra-structure*, expansion of *preschool education*, and a time-bound plan to extend *the basic education stage to grade eight*. Substantially greater *resources* will be needed and these have to be used effectively to assure minimum necessary levels of quality with equity.
- Moving beyond incremental change requires the system to build *learning and capacity-development* mechanisms, involving academic and research institutions and NGOs.
- *Effective Governance and management*, at both central and school levels, will require meaningful decentralisation in planning and resource management, recognizing the need for professionalism and capacity building, especially at school, upazila and district levels.
- Building a *unified national system* (not necessarily uniform) with common core curriculum and core standards for provisions that allows a common educational experience to all children, irrespective of the school they go to, call for making use of the strengths and overcoming the weaknesses of the diversity of the delivery mechanisms, with up to eleven different types of primary schools, that now exist.
- As a national responsibility, rather than just a government function, primary education should involve *participation* and consultation by all major stakeholders—parents, NGOs, academic institutions, and other institutions of civil society—in developing the programme, maintaining an oversight over its implementation, and contributing to the provision of primary education (CAMPE, 2008:7-8).

There would be little disagreement that for a new primary education sub-sectoral programme for the years 2010-15, which is under consideration by the government, and for the longer-range development of primary and basic education, the concerns listed above have to be taken into account seriously and systematically. CAMPE underscores the point that the subsector programme being designed now needs to learn from PEDP II experience and recognize explicitly the role and relevance of diversity of providers and provisions to address the critical deficiencies of the primary education system.

## ■ Conclusions

The government of Bangladesh is the dominant provider of primary education and by constitutional and international treaty obligations, the provider of last resort – no other agent can provide the social guarantee for those otherwise excluded. This is consistent with the notion of primary education as a right and a public good. Fundamental principles of Bangladesh's Constitution (Article 17) and the UN Convention on the Rights of the Child (Article 28) require that the opportunities for education at the primary level should be free and universal.

At the same time, the significant role that multiple providers play in education in Bangladesh shows that the state does not have a monopoly on service provision. The government's role in relation to non-state providers is important, and might include regulating and monitoring of services; entering into cooperation arrangements and assisting parents to make choices regarding education services.

The government needs to enable educational services to become responsive to the needs of the children who may access them. As explained in the Aga Khan Foundation paper:



The key point... may be government commitment to education, rather than government necessarily doing it all... Success for all children could be a result of governments providing adequate finance and appropriate policies, enabling regulation, and ensuring oversight and accountability by all involved... A pluralist system, which includes, in addition to government schools, non-state, demand-responsive schools and agencies that deliver quality education could provide significant added value in reaching EFA and MDG targets (Aga Khan Foundation Team, 2007:8).

At the same time, it has to be recognized that there is wariness in relationships between governments and non-state actors in education. The history of the development of multiple providers in Bangladesh and the ambiguities in government policy and strategy demonstrate the tension and distrust that exists between state and non state providers of primary education about each others' role, legitimacy, rights, capacity, and motivations.

The overarching policy imperative is to develop a regulatory framework for universal primary education that reconciles the state's obligation to guarantee basic education of acceptable quality for all children with the reality of multiple providers who are able to reach certain groups of the population more effectively. With this in mind, we argue the regulatory framework should:

- Articulate the principles of multiple providers, recognizing the reality of state, quasi-state and non-state providers, their strengths and potentials;
- Envision criteria and principles for determining relative size and role of different providers within a common national primary education system;
- Establish common core standards regarding physical facilities, teachers, class-size, financing and management with accountability in all types of primary education institutions;
- Develop and introduce common curricular standards with core and flexible supplementary curriculum, textbooks and learning materials for all types of institutions;
- Provide assessment of learning achievement and outcomes by all students based on grade-appropriate standards of competencies achieved by students in all types of institutions;
- Introduce area-based (for each upazila) mechanisms for coordination and planning of provision for primary education involving all actors and providers;
- Move towards compulsory education up to grade eight with agreed roles and contribution of all providers;
- Indicate financing criteria and principles ensuring adequate resources for basic education of acceptable quality for all children, regardless of geographical area and type of institution;
- Promote greater authority and responsibility at the institution level for organising teaching-learning, managing personnel, and using financial resources with accountability to parents and community;
- Devise appropriate collaborative mechanisms to apply the regulatory framework to distinctly non-state providers.

A way to introduce an effective regulatory framework for universal primary education provision would be to accept and act upon the recommendations of draft Education Policy 2009 (but left out in the final 2010 version) regarding adoption of a national framework education law. Such a law may also incorporate appropriate and relevant provisions of the 1990 Compulsory Primary Education Act with necessary modification.

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# Diversification of Madrasa Education in Rural Bangladesh: Comparative Study of Four Villages

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## ■ Preface

The media attention to the recent growth in the number of madrasas throughout South Asia, especially those belonging to the Deobandi sect, and their sensational way of reporting madrasas related to the Taliban in Pakistan, has produced the oversimplified image of the madrasa as a breeding ground of anti-Western Islamic politics for the poor. Although attempts to present a more realistic perception of the madrasa in place of such a cliché have been initiated by recent scholarly works, more attention should be paid to the contextual differences between three countries in South Asia, namely Pakistan, India and Bangladesh as well as the regional diversity within a country to clarify the complexity of the madrasa phenomenon.

To achieve this goal, the factors that popularized the madrasa should be re-examined in its socio-religious and political context. For instance, as already described in Yamane's chapters, the Soviet invasion of Afghanistan and subsequent destabilization of the tribal areas allowed the mullahs in the periphery to open new madrasas for mobilizing fighters against the Soviet troops, increasing the number of madrasas in the Afghan-Pakistan border area. On the other hand, in Bangladesh, the recent growth of the madrasa could be attributed to the ulama's response to the various types of educational incentive programs led by the government and the local and international NGOs, which primarily aim to extend the purview of education throughout the country.

The contextual differences inside a country are as important as those between the countries. In the case of Bangladesh, though 89.58% (BBS 2003: XIX) of the entire population are Muslims, they are far from the monolithic embodiment of Islam as the way of life among the rural people is multifaceted by their individual contexts. Owing to the regional diversity, no uniformity can be observed in the growth of madrasas within a country. Therefore, the following methods were applied in order to understand and identify the factors which made the madrasa more popular in some regions than in others in Bangladesh: first, we examine how the madrasas have attempted to adapt to societal changes in order to attract more students; and second, we examine how local people evaluate the role and value of the madrasa as a means of obtaining their livelihoods. This comparative study on the development of madrasas in four villages located in different socio-religious environments will help us to examine how madrasas function in fulfilling the needs of villagers as well as how villagers respond to these entities in the different localities.

Prior to addressing the comparison of the madrasas in the four different villages, I explain the historical process of Islamization in western and eastern Bangladesh, which brought the regional differences in the characteristics of Islam to Bangladesh. Furthermore, I illustrate the system of the madrasa in Bangladesh and its development in relation with secular schooling. This information will be the premise for the comparative study on the madrasas in the four different villages.

## ■ The Historical Process of Islamization in Bangladesh

Though Islam was explicitly brought to East Bengal (contemporary Bangladesh) from the northern Indian subcontinent through political invasion at the outset of the thirteenth century, scholars suggest that Islam had already permeated the region long before the thirteenth century, mainly through the activities of *pirs* (Islamic saints). Sufi activity began in Mymensingh, an eastern part of contemporary

Bangladesh, in the mid-eleventh century and in Munshiganj in the Bikrampur region, a central part of contemporary Bangladesh, in the early twelfth century.

*Pirs* and their disciples shifted to Bengal, namely contemporary north-west India and Bangladesh, facilitating the conversion of the lower Hindu castes and establishing various gathering places such as mosques, madrasas and Sufi-lodges. *Pirs* used vernacular idioms to translate Islamic precepts to the people. In this context, as Roy contends, 'Islam in traditional Bengal was, in contrast, marked by its tendency towards convergence with and assimilation to the local cultural milieu' (Roy 1983:4). Apart from the influence of this syncretistic tradition, the Islamization process in Bengal was accelerated by the agrarian policies of the Muslim rulers, as revealed by the historian Eaton. He suggests that the expansion of the Muslim community in East Bengal was positively correlated to agricultural productivity. Bengali literary and folk traditions dating from the sixteenth century are replete with heroes associated with taming the forest, extending the cultivable area, and instituting new religious cults (Eaton 1994:226). Typically, these heroes combined the piousness of holy men with the organizational skills necessary for forest clearing and land reclamation; hence, they were remembered not only for establishing mosques and shrines but also for mobilizing communities to crop the forests and settle the land. In turn, people gradually came to venerate these men, who were usually Muslims.

In this context, *pirism* became a widespread phenomenon in many parts of East Bengal. Hence, it was not only because of the piety of these men but also because of their roles in creating a new settlement by clearing the jungle for the newly converted Muslims in East Bengal. As a result, the veneration for *pir* became increasingly popular as part of the embodiment of the syncretistic frame of reference by which the Bengali people assimilated Islam as a way of life (Roy 1983: 7). This was particularly the case in the eastern area of East Bengal, which was densely covered by jungles and forests and where many maritime merchants of Arabia and Central Asia used to arrive for trading.

Even though the existence of Islamic syncretism was and still is predominant in Bengal, the emergence of the reformist Islamic tradition from the eighteenth to the nineteenth century came to the fore as another important phenomenon that had a tremendous impact on the syncretistic practice of Islam in Bengal (Ahmed 1981: 4-6). This reformist Islam, which emerged as a response to the British colonial power, attempted to revive the Muslim communities by purifying Islam of the syncretistic tradition.

Considering the nature of Islam in Bangladesh, the embodiment of Islam in western and eastern Bangladesh is distinctively different in their context, and the impact of reformist Islam was stronger in the east than in the west (Hara 1990: 96-98). Therefore, this difference in the embodiment of Islam in the eastern and western parts of Bangladesh is a focal point in the framework of the internal comparison on the transformation of the madrasas. According to my observations<sup>1)</sup> from western to eastern Bangladesh, the number of orderly mosques with many attendants increased. Certain Islamic practices, such as the wearing of the *burkha* (veil) among the women become significantly visible in eastern Bangladesh. In western Bangladesh, it was easy to make conversation with the various members of the families, including the women. However, in eastern Bangladesh, women only responded from behind the house fence or curtain.

## ■ Contemporary Madrasas in Bangladesh

Madrasas in contemporary Bangladesh can be classified into three types: government, semi-government or government-aided and private madrasas. Kabir mentioned in his volume of work that the first two categories are commonly known as Aliya<sup>2)</sup> while the third is known as Kharizia or Quomi<sup>3)</sup>. The government has direct control over the Aliya madrasas in terms of funding, prescribed

1) I did field research from 1999.2-3, 1999.8-10, 2001.2, 2001.8-9, 2002.2-3, 2002.8, 2003.8-9, 2004.3-4, 2004.7-8, 2006.2, 2006.8-9, 2007.2, 2007.3.

syllabi and management. Aliya madrasas teach the same general curriculum as that of other government or government-approved general educational institutions. Unlike general schools, however, Aliya madrasas provide Islamic education alongside the general curriculum. On the other hand, the government has no control over the Quomi madrasas, which operate on their own system and form of management. Preliminary level general subject courses supplement the Islamic ones in these madrasas. There is an interconnection between Aliya madrasas and general schools. For example, students who graduate from the primary level of an Aliya are able to transfer to schools at the secondary level. Many former graduates of an Aliya are integrated into the public sector. Throughout Bangladesh, these madrasas have continued to increase since 1976: in 1976 there were 1,838 madrasas, with this number having increased to 9,384 (Banbeis 2011). Under certain conditions, if the government recognizes these madrasas, the teachers of these institutions are provided a hundred-percent of their basic salaries, otherwise known as MPO (monthly payment order). On the other hand, Quomi madrasas adopt their own syllabus which follows a predominantly religious content that greatly emphasizes Arabic, Persian and Urdu language studies. These madrasas are financed by various sources such as religious and individual donations, expatriate Bangladeshis' contributions especially from Middle Eastern countries and frequent donations from some charity-based Islamic organizations. In terms of future prospects, the Quomi madrasas are disadvantaged since their educational system is not officially recognized. Despite the advantages of the Aliya madrasas over the Quomis in terms of career prospects, the rural inhabitants' choice of the Quomi as the option for educating their children is a crucial question. This question will be investigated in the following case study comparison of four villages.

### ■ EFA Policy and its Influence on Madrasas

In the backdrop of a growing concern over the negative correlation between poverty and education, the government introduced its EFA (Education for All) policy in 1990 to promote education throughout the country, of which 85% lives in rural areas. Although Bangladesh is the most noted for its poverty and disasters, its EFA policy has boosted primary school enrolment to 97.49 per cent and completion rates have increased to 67 per cent (Banbeis 2012). To facilitate the EFA policy, the government along with ODA (Official Development Assistance) and NGOs, have implemented and promoted various education programs. In statistical terms at least, the country may be said to have attained the global standards outlined in the Education for All declaration of 1990. Apart from EFA policy, educational incentive programs such as Food for Education (FFE) and the Female Secondary Education Project (FSEP) have affected the educational attainment of the country in the last few decades. Moreover, policies such as the Compulsory Education Act of 1990, which proclaimed primary education as a basic human right to be attained free of cost, and the Stipend for Education Project of 2002, which was a modified version of the FFE program, rapidly stimulated Bangladesh's educational indicators (Table 1).

The EFA policy and other educational incentive programs are intended for both general schools and recognized madrasas, that is, Aliya madrasas. The government's intentions were to place as many madrasas as possible under its control in order to expand basic educational attainment through these incentive programs. This program was also attractive to many madrasas in need of financial support. Although government efforts to formalize the madrasa commenced in the 1980s, as Table 1 indicates, the rapid increase in the number of Aliya madrasas and their students can be observed from the 1990s. This implies that EFA policy helped promote the formalization of many madrasas. EFA policy encouraged children, especially those residing in the rural areas, to attend either general school or a madrasa.

2) Aliya madrasas offer primary (class 1~5) and secondary education (class 6~10)

3) Quomi madrasas generally offer 12-year-education.

**Table 1 Number of madrasas (Dakhil to Kamil), teachers and students**

Year	Madrasas	Teachers	Students
1970	1518	16015	283380
1975	1830	18728	291191
1980	2684	28499	380013
1985	3739	31945	638926
1990	5793	81636	996996
1995	5977	85351	1837013
2000	7279	108491	3112205
2005	9214	151967	3453221

Source: Bangladesh Bureau of Educational Information and Statistics (BANBEIS), Ministry of Education, Dhaka

In contrast to the Aliya madrasa, the Quomi madrasas could not receive such incentive programs since they refused to be incorporated into the government's mainstream education system. However, it does not mean that the Quomi madrasas remain unchanged. Interestingly, many of the Quomi madrasas have gradually systematized and institutionalized their management to survive in the context of the emergence of a counter Islamic education system; that is, the formalized Aliya system. Quomi madrasas even demand the government's recognition of their system without changing their curriculum in order to keep their originality. They assert that they do not require the government's financial assistance but rather the official recognition of their degrees. However, the curriculum of the Quomi madrasa is far from that of the Aliya, rendering it unacceptable to the government. A government officer of the Madrasa Education Board in Dhaka expressed that the Quomi madrasas are problematic and should accept government supervision. This government pressure forced the Quomi madrasas to acknowledge the need to acquire accreditation for their educational program. However, the Quomi madrasas, which have been financed by individual donations, should comply with the people's wish for them to remain authentic religious institutions that maintain the Islamic tradition. As such, the Quomi madrasa could survive not just as an educational institution but as a religious institution that revitalizes the public's identity as Muslim and serves as a religious centre for the community by providing the latter with various religious services.

## ■ Comparative Analysis of Four Villages

In order to identify the factors that made the madrasa more popular in one area than in another, four villages with different socio-religious backgrounds were chosen and compared to identify how they each coped with the change in social conditions and people's demands.

First, rural rather than urban areas were chosen for this study because the popularity of the madrasa can be observed mainly in rural areas where 77 per cent of the entire population in Bangladesh resides (BBS 2003: I VIII).

In choosing the villages for this research, the religious characteristics of the given villages were first taken into consideration. As mentioned earlier, there has been a considerable difference in Muslims' perception of Islam and their religious practices in Western and Eastern Bangladesh. Therefore, two villages were chosen from each Western and Eastern Bangladesh.

Second, the distance of the village from the closest town was taken into account, since the location of a village is directly related to the penetration of the industrial economy, which incites school attendance. For instance, people residing far away from industrial zones are more likely to be confined to traditional agrarian labour because of their limited access to *chakri* (wage labour), which requires a formal education. The development of the industrial economy and degree-issuing schools are positively correlated.



	Aliya madrasa predominant area	Quomi madrasa predominant area
Close to town & city	<b>Khatarbaria Village</b> Putia County Rajshahi District	<b>Gohira Village</b> Raozan County Chittagon District
Far from town	<b>Karamdi Village</b> Gangni County Meherpur District	<b>Sayedabad Village</b> Kasba County Brahmanbaria District



Figure 1 Map of Bangladesh  
Source: www.nationsonline.org

### ■ Madrasas in Western Bangladesh: Case of Karamdi

Karamdi village is located in Gangni county of Meherpur district, the westernmost region of Bangladesh. The village is in close proximity to the country's national border, which divides the area from West Bengal state in India. Therefore, many villagers cross the border to visit their relatives in West Bengal, and many of them engage in small-scale cross-border businesses. The construction of Jamuna bridge in 1999, shortened the journey from Dhaka, the capital of Bangladesh, to Karamdi village from eight to four or five hours. The majority of farmers are landless peasants called *bhumihin*, who do not possess enough or any land for their livelihood; thus, many of them are obliged to travel to other districts as labourers during harvesting periods because of the lack of agrarian labour opportunities inside their villages. What is worse, they seldom have an opportunity to work in



**Table 2 School foundation in Karamdi village**

year of foundation	name of School	remarks
1920	Karamdi Government Primary School	
1970	Japani Primary School	funded by Japanese NGO
1973	Karamdi Jr. High School/High School	
1974	Karamdi Madrasa	semi governed since 1980
1991	Karamdi Fourth Primary School	
1994	Karamdi Satellite Primary School	
1999	Karamdi KG Primary School	
2001	Karamdi Collage	

Source: Field work in 1999

factories, mills or in any other industries.

In terms of religious culture, the people of Karamdi village are not strict in their Islamic observation. During my fieldwork, I observed that very few people were attending the daily prayers in the mosques, poorly constructed of bamboo and straw. It is difficult to find villagers attending *mazaar*, and it is probable that there is no such institution in the village. During my household survey conducted by visiting houses, women do not hesitate to talk male interviewers face to face, and some of them even invited interviewers for tea. The women are not covered and segregated and even bathe in a pond with no partition between the men and the women. There is no clear division between the ulama and lay people.

According to the interviews, villagers were forced to choose their religious affiliation at the time of the 1947 partition, and most of the villagers followed the decision made by the head of the family. As a result, the majority of the villagers have converted from Hinduism to Islam; however, such Hindu traditions, such as the retention of the occupational class known as the *Jat*, remains in some communities.

There are several educational institutions, mostly primary and secondary levels, in Karamdi (Table 2).

However, the educational condition of these schools has remained underdeveloped, and with the exception of the teachers of government primary schools, teachers are mostly obliged to engage in low-paid services to sustain a living. Aside from the secular schools, there has been only one madrasa in Karamdi. This madrasa was founded as a Quomi madrasa in 1974 but was transformed into an Aliya madrasa by accepting the government formalization initiative in 1980.

These secular schools and the madrasa coexisted in Karamdi village until the implementation of the EFA policy—under which 10–12 kg wheat were distributed to the families that sent their children to the schools covered by the EFA program. Since the Aliya madrasa in the village was excluded from the EFA program, many of its students left and shifted to the general schools to procure this wheat. In order to counter the EFA program, the Karamdi Aliya madrasa provided free clothing for its students; however, this measure was insufficient in ceasing the number of outgoing students, and eventually the madrasa was temporarily obliged to suspend its activities until the government extended the EFA program to the Karamdi Aliya madrasa in 1996. In this madrasa, Bengali is the language of instruction and Arabic and English are taught as second languages; by 2007, all the subjects taught in the secular schools will be included in their curriculum.

Villagers can be categorized into two groups, namely the landed class and the landless peasants known as the *bhumihin*. The villagers, of whom only a small number are considered elites in Karamdi, scored successfully in their general education not only in Bangladesh but also abroad, and interestingly, those

who obtained a higher education are regarded as role models by the peasants. On the other hand, the graduates of the Aliya madrasa are not seen as role models by the villagers.

Therefore, for these villagers, schooling is a social choice inspired not by educational content but rather by the economic reality upon which their lives depend. That is why the economic incentive programs such as the EFA were effective in changing their attitudes towards Islamic education. For them, economic support is more important than being 'Islamic.' Furthermore, the real cash offered by the FSEP program for female students in secondary schools in 1994 dramatically increased their numbers.

In the context of the growing importance of general schooling, the Karamdi madrasa attempts to accommodate to the changing environment and meet the needs of villagers by reconstructing its building and inviting teachers from modern general schools to introduce general subjects alongside the Islamic courses. In addition, the teachers of the Karamdi madrasa are increasingly attired in normal men's clothing instead of traditional Islamic dress. Such rejuvenating initiatives can capture the villagers to the extent that the madrasa can survive. However, the Karamdi madrasa fails to provide a prospective model to the villagers, and the villagers are not interested in protecting the madrasa as a sacred institution.

### ■ Case of Kathalbaria

Khatalbaria village is located in Putia county in Rajshahi district, one of the metropolises of Bangladesh. It is also situated in the furthestmost western part of the country. Khatalbaria village is close to the third largest city of Bangladesh, which implies that the industrial economic flow from the urban area might have more of an influence in this village than that of Karamdi. It takes approximately thirty minutes to reach the city. Another feature is that it is located besides the highways of Rajshahi and Dhaka, which enhances the mobility of villagers. Though the people who live in Khatalbaria village still depend on agriculture, they also have opportunities to obtain employment in factories, companies or in shops in the nearby city since the village is within commuting distance. Some villagers work as mechanics and some as drivers of motor vehicles. The existence of urban employment and mobility facilitates the monetary economy which could not exist in Karamdi village.

According to government demographic figures (1991), the number of Muslims in Putia county were 147,321 while the number of Hindus were 100,376. The historical legacy of the Hindu culture is still in existence in this area. An impressive Hindu temple, the Putia Rajbari (the King Palace of Putia), located at the centre of Putia county is a historical site for many local visitors. In the case of Khatalbaria village, according to my research, 135 households or 23% of all households are Hindu. The presence of the Hindu culture creates a syncretistic religious culture in this region.

The number of Muslims attending the daily prayers in the mosques was not significant. The name of a primary school, Suresori Government Primary School, is named after the Queen of the Hindu kingdom—Suresori. This implies a Hindu cultural influence on the lives of the villagers of Khatalbaria. For example, one Muslim person is the caretaker of the Hindu temple of Rajbari, is serving as a guide for its visitors. The existence of the *mazaar* was not significant in this area.

According to the villagers, there was no *maktab* (pre-primary Islamic education) in this area in 2003. Since going to *maktab* is a very common practice for young children in many parts of rural Bangladesh, the Khatalbaria case is rather unique.

There are eleven educational institutions in Kathalbaria village: five are government primary schools, two are secondary female schools, two are colleges and two are Quomi and Aliya madrasa (Table 3). This Aliya madrasa, Putia Dakhil madrasa, was originally established in 1962 as a *maktab* and con-

**Table 3 School foundation in Khatalbaria village**

year of foundation	name of School	remarks
1865	Putia P.N Jr. High School/High School	
1878	Kandera Government Primary School	
1910	Suresori Government Primary School	
1968	Gondogohari Government Primary School	governed since 1971
1968	Putia Girl's Jr. High School/High School	
1969	Firigasa Government Primary School	
1973	Raskurpur Degree Collage	
1974	Khatalbaria Government Primary School	
1990	Nifta Fusunna Madrasa (Quomi madrasa)	
1995	Putia Women's Degree Collage	
1995	Putia Dhakil Madrasa	

Source: Field work in 2002, 2010

tinued until 1967. In 1968 it was upgraded and restarted as a madrasa but was obliged to close in 1992 because of the decline in enrolment when the EFA program was initiated in the village. On the other hand Quomi madrasa, Nifta Fusunna madrasa, established as Deobandi style madrasa in 1990. According to fieldwork in 2010, the Nifta Fusunna is teaching 35 students. So Aliya madrasa is predominant in student number also madrasa history. In addition, the influence of Hindu cultural and social interactions between Muslim and Hindu families also affected the Muslim's choice of schooling. In order to survive as a madrasa under such circumstance, the madrasa renewed itself as a newly formed educational institution, teaching both general and Islamic subjects in 1995. As a result, the madrasa was successful in obtaining the government's recognition in 1998 and became an Aliya madrasa. This government accreditation provided the madrasa with the eligibility necessary for acquiring financial benefits. The teachers of the madrasa became entitled to receive 90 per cent of their basic salaries from the government. Conspicuously, the number of students increased from 150 in 1995 to 251 in 2003.

Owing to their geographical proximity to the city, many villagers had been exposed to the market economy prior to the 1990s. Therefore, these villagers knew the value of general schooling and sent their children to government schools even before the initiation of the EFA program in the 1990s. Such attitudes towards education facilitated the transformation of the madrasa. However, we should bear in mind that the madrasa attempted to differentiate itself from the general schools by placing an emphasis on its religious value, as demonstrated in the conversation with the principal of the madrasa.

Principal: The villagers deemed that no traditional madrasa was available here. For the continuation of the madrasa, we had to respond to the change in context owing to the present modernization process; otherwise, we could not attain students.

Interviewer: You could achieve the same things through the establishment of a general school, couldn't you?

Principal: This is, indeed, true. But this madrasa was established and donated by Muslim contributors, accordingly madrasa should keep its the religious credential. It was not easy to adapt the school curriculum. This madrasa has the advantage of offering students who study here the ability to study both religious and general subjects.

This conversation indicates that the Khatalbaria madrasa responded to the educational needs of the villagers by including general subjects into their curriculum while simultaneously attempting to attract the devout Muslims by offering Islamic knowledge not available in modern schools. In that sense, the madrasa opted for the mediating position that bridged the gap of Islamic and modern education, which we may call a 'niche business.'

**Table 4 School foundation in Sayedabad village**

year of foundation	name of School	remarks
1915	Sayedabad Uttor Government Primary School	
1927	Sayedabad Sani Ynusia Jarul Urum Madrasa	Qawmi madrasa
1969	Adorso Mohabiddaray Collage	
1972	Sayedabad Dokkin Government Primary School	
1979	Monirul Haq Primary Jr. High School/ High School	
1996	Tinrakpir Primary School	
1998	Sayedabad Satellite Government Primary School	
2000	Disari KG Primary School	

Source: Field work in 2002, 2007

### ■ Madrasas in Eastern Bangladesh: Case of Sayedabad

Sayedabad village is located in Kasba county in Brahmanbaria district, one of the remotest areas of eastern Bangladesh. The village is far away from any town and people are mostly engaged in agriculture or agricultural-related works. It takes one and half hours by local bus to reach to the closest town of Brahmanbaria. Households with relatively good cash income — except for civil-servants, government school teachers and company employers — have sent the male members of their families to either Dhaka or a Middle Eastern country for work. According to my survey, many villagers have had an experience working outside the village and are planning to send their children to urban areas for work.

Prior to the 1947 partition of India, Brahmanbaria was part of Tripura state where Hindus were predominant. However, at the time of partition, most Hindu families migrated to India and many Muslim families immigrated to this area. As a result, Brahmanbaria became a predominantly Muslim area. Although reformist Islam has strong influences in this area, the syncretistic tradition also remains and several *mazaars* and *ashrams* (Hindu ascetic lodges) exist in this area. The villagers of Sayedabad worship a local *pir* who is the chief of the Sayedabad Quomi madrasa. The main mosque in the village is well attended.

There are eight educational institutions in Sayedabad village including primary and high schools and colleges (Table 4). Out of them, a Quomi madrasa, the Sayedabad Sani Yunusia Darul Uloom madrasa, is the largest in terms of ground area and it is well-structured. This madrasa was founded in 1927, the second oldest educational institution in the village (Table 4); therefore, it has played a significant role in the villagers' education.

This madrasa has strong ideological affinity with the Deobandi movement. Since this madrasa has not received any assistance from the government, the madrasa offers education based on its own curriculum and thereby does not follow the one prescribed by the government. Education at this madrasa consists of four stages: *maktab*, *hafezia* (Quranic memorization course), *nurani* (basic Islamic and general subject course) and *daura hadith* (the highest level of education to be an expert on prophetic tradition). As mentioned earlier, the principal of this madrasa is revered as a *pir* by the villagers. Teachers' salaries are approximately 60 per cent of that of government primary school teachers. However, the madrasa teachers live in the dormitory with free daily meals. Students can study free of charge and approximately half live in the dormitory. The madrasa obtains its financial support from five different means: first, donations from the villagers; second, donations from the graduates who migrated to Middle Eastern countries; third, the madrasa owns the two ponds on their premises that they lease to others for fishing and which earns them a significant amount of money; fourth, on the occasion of the annual religious festivals, the villagers contribute religious alms and the skin of sacrificed cattle to the

madrasa; fifth, paddy is donated by the villagers at harvest time, which is used in the dormitory<sup>4)</sup>.

In the 1990s, Sayedabad was included into the target of the EFA policy. In contrast to the madrasas in western Bangladesh, this EFA policy increased the number of madrasa students in Sayedabad. In 2004, there were 535 students in the madrasa with 18 teachers. Of the 535, 240 were borders in 2004 and they were living and studying in the same room. They arise at approximately five o'clock and offer prayers at a mosque adjacent to the madrasa. Classes commence at approximately six-thirty in the morning, after breakfast. Religious subjects and Bangla, mathematics and English are nominally imparted. Arabic, Persian and Urdu languages are given priority so that students can study advanced Islamic texts.

Three primary schools were founded in this village in the 1990s under the EFA program. According to the interviews and conversations with the villagers, almost all the villagers regarded primary education as necessary and they were anxious about their children's careers and life-courses. In Sayedabad village and in its adjacent area, there was neither an NGO from which they could obtain some social and economic support nor a factory nor industry that could provide them with job opportunities. Although this economic situation is more or less identical in Karamdi village, the reasons Sayedabad villagers send their children to the madrasa which concentrates on religious education needs to be examined.

The majority of the followers of the madrasa in Sayedabad are from impoverished households. Therefore, parents are attempting to reduce the number of mouths to feed by sending their children to the madrasa. However, this is not the only reason. In a village like Sayedabad where the opportunities to obtain an income are extremely limited, the degrees from the general schools do not guarantee employment. On the other hand, there are job opportunities for madrasa graduates in madrasas and other religious institutions and devout Muslims deem that they will be religiously rewarded in the hereafter by engaging in such religious services.

### ■ Case of Gohira

Gohira village is located in Raozan county in Chittagong district, the easternmost part of Bangladesh. From the 1960s to 1970s, industrial development progressed in this area. Chittagong is the second largest city in Bangladesh. Several Japanese and American garment and chemical factories were founded here. These industries seek a cheap labour force. Gohira village supplies this labour force to these industries because of its close proximity to Chittagong city. It takes only thirty to forty minutes by bus to the city. To obtain a job in a factory, at least a secondary school certificate is required and this, in turn, encouraged education in this village (Table 5).

The Islamization process in this area began before the thirteenth century, through the efforts of some Sufi and Muslim maritime merchants and visitors, thereby deeply rooting Islam in the lives of these people. There are many madrasas, mosques and *mazaars* in this area and Islam has a strong influence on its residents. Religious-educated Muslims such as madrasa teachers and mosque preachers typically wear the long beard and Islamic dress. Women wear the *burkha* and do not interact face to face with a male stranger. The women's place for bathing in the pond is separated by a curtain or fence, which was hardly observed in western Bangladesh. Villagers revere the *mazaar* as a holy place and often pray at the site.

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4) I came to know that the madrasa collected an amount of 48,000 Taka from village source. Beside this fact, the graduates who migrated to some Middle Eastern countries also frequently contributed to madrasa finance. During my field visit I found that the madrasa received 50,000 Taka annually from such outsource. The madrasa had two ponds in their premise which they leased to other people for fishing and earned significant amount of money annually, 135,000 Taka. During the annual religious festivals such as eid, the villagers usually contribute religious alms and the skin of the sacrificing cattle to the madrasa. This is the biggest source of their earning ranges from 100,000 to 250,000 Taka annually. Very often the villagers donates paddy when the harvesting season comes, which is used for the consumption of rice for those living in madrasa seminary. What I speculate from such dependent financial management both from inside and outside of the village help the madrasa authority accumulate their resources for their future prospect and development.



**Table 5 School foundation in Gohira village**

year of foundation	name of School	remarks
1884	Poshchim Gohira Shinha Government Primary School	governed since 1973
1915	Gohira Government Primary School	governed since 1973
1929	Chikdar Munshipara Government Primary School	governed since 1973
1930	Gohira Jr. High School/ High School	governed since 1973
1932	Dokkin Gohira Kanshahe Government Primary School	governed since 1973
1938	Gohira F.K Madrasa (include <i>hafezi</i> course)	
1970	Gohira Degree Collage Chikdal Jr. High School/ High School	
1989	Ghaushia Monir Madrasa	
1991	Soiyod Bodulnnesa KG Madrasa	
1994	Santirdil Adorsho KG Primary School	
1996	EGR Government Primary School	
1999	Kaelu Mustafa Nurani Academy (Quomi madrasa)	

\*This table not include many small Quomi madrasas in the village.

Source: Field work in 2002, 2004

During my fieldwork in 2004, I found the number of female students was higher than that of males at secondary general schools and that parents were expecting their daughters to contribute to their household income, since there is a high demand for female workers in foreign industries in Chittagong. In addition, it is more difficult for parents to arrange a marriage for a daughter with less education in exchange for a significant dowry. Education for the women, especially in this area, reduces the dowry pressure for many parents. In this situation, the villagers had a positive view of female education.

Although the development of the industrial economy facilitated general education and discouraged the traditional madrasa system in Khatalbaria village, a similar phenomenon could not occur in Gohira village. Despite this situation, the madrasa system could coexist in this area; thus, what factors allowed this?

Gohira F.K. madrasa is founded in 1938 and officially registered in 1941 in East Pakistan. Owing to its official recognition, it became an Aliya madrasa. However, this madrasa offered a *hafezi* (Quranic memorization) course and *qira'at* (Quranic enunciation) course, which is now primarily offered in the Quomi system. There were 820 students in this madrasa in 2002. The salaries of the teachers are provided by the government, as with other Aliya madrasa in the country. In addition to this government support, they manage their own financial sources. The madrasa sent one of its teachers to Abu Dhabi to collect donations from the expatriate Bangladeshis employed in the region. I came to know that the teacher could successfully accumulate nearly 250,000 Taka from Abu Dhabi per annum. Villagers also frequently donate to this madrasa. On the other hand, Ghausia Monir madrasa and Soiyod Badrunnesa madrasa were newly established madrasas with a smaller number of students. Although the buildings are poorly constructed and some even collect small fees, interestingly, even in these madrasas, the number of students is on the rise. What are the advantages of studying at a madrasa in a region with many factories?

In Gohira village, almost all the children under school age attend *maktab* to learn the basis of Islam, which provides job opportunities for madrasa graduates. Madrasa graduates are in demand as home tutors of religious studies by comparatively well-off families in the village. In many cases, home tutors are offered room and board while they teach Quranic lessons as well as general subjects to the children. Tutors who are lodged in wealthy families are often allowed to pursue studies either at a Quomi madrasa or an Aliya madrasa. Occasionally, the host families help tutors find employment after their completion of tutoring. In short, the madrasa education could help students from impoverish families

earn their living.

Another important factor affects the madrasa enrolment. Considerable numbers of people from Gohira village migrated to Middle Eastern countries for work and these families are economically well-off in comparison with others. Therefore, many madrasa students also hope to go to a Middle Eastern country for work, and they regard the Arabic language and Islamic knowledge they instructed at the madrasa as an advantage to obtain employment in these Arabic speaking Middle Eastern countries. This situation allowed both the madrasa and modern education to coexist in Gohira village.

## ■ Conclusion

The comparison of the madrasas in four villages with different religious and economic characteristics indicates that madrasas could survive only when they accommodated to the changes in the economic and religious needs of the local people, which differed from area to area.

In western Bangladesh, where economic needs always superseded religious concerns, people demonstrated a strong preference for the general education system, which provided more job opportunities. Therefore, the madrasas must emphasize the secular subjects by minimizing the religious education to the extent that it will not lose the significance of 'being a madrasa' in order to attract the devout who still view the madrasa education as important to being a good Muslim and who donate money that is greatly appreciated by these entities.

In Eastern Bangladesh where Islam has deep roots, the madrasa could attract people by emphasizing the importance of religious knowledge in being a good Muslim. Regardless of whether or not job opportunities are available in the industrial sector, madrasa graduates can earn a living by offering various kinds of religious services, including being the teacher of a madrasa while others create even more religiously related job opportunities such as preaching the importance of being observant in this contemporary world. In a village like Sayedabad, where people are suffering from extreme poverty, free madrasa education is seen as one of the means to reduce the number of mouths to feed by needy families; on the other hand, in a village like Gohira where many of its youth travel to Middle Eastern countries to work, the madrasa education's emphasis on Arabic language studies is evaluated positively, since these people see Arabic language studies as an advantage over the Bengali-based general education to find employment. In conclusion, although the total number of madrasas in Bangladesh has increased, the growth did not occur equally and the factors which caused the increase are different in all regions. This implies that we cannot attribute the recent growth of the madrasa to simply the result of "Islamic resurgence," at least in Bangladesh.

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# Institutional Universalizing of Guaranteeing the Right to and Withdrawal from Education in Japan:

## A Study of Ethnic Schools and School Avoider-specific Free Schools

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### ■ Introduction: Challenges

This paper reviews the phenomena of guaranteeing an institutional universalization for both the right to education and the withdrawal from school in Japan as a means of identifying possible future developments and challenges therein. The paper deals principally with an analysis of two specific subjects: ethnic schools and free schools that specifically cater to “school avoiders.”

The paper is based on a report that was presented at a workshop held on February 6, 2011 at Kyoto University. The workshop explored conflicts surrounding the right to education amongst the state, civic organizations, and learners, as an internationally universal theme. First, this paper presents an overview of the development process and current status of the Japanese public education system to the extent needed. Secondly, the paper looks at two trends, ethnic schools and school-avoider free schools, in order to investigate what implications these trends are having on the public education system and what challenges these new schooling trends themselves face (i.e. conflicts, assimilation into the system, and exclusion among stakeholders) with regard to the guarantee of right to education. Furthermore, these new schooling trends are interpreted through the two key concepts of ‘universalization of the public education system’ and ‘withdrawal from the public education system,’ in order to discern what the possibilities and challenges associated with these two concepts are. Complexities in the Japanese public education system have their unique historical backgrounds, however, some of the arguments being made and challenges being identified about such hurdles may become food for thought when assessing the same complexities elsewhere.

### ■ Characteristics of the Development Process of Japan’s Public Education System

Simply put, one major feature of the development process of Japan’s public education system is the strong governmental initiative for its promotion following the enforcement of a top-down modernization policy in 1872, known as the Education System Order. Due to limitation of vision and governmental oppression and guidance, the general public failed to initiate necessary social reforms (Yasumaru 1999). Around the end of what became known as the Age of Imperialism in the 19th century, Japan initiated a modernization process and began to take risks – a latecomer in comparison to many Western nations. Japan began to prepare for and undertake multiple modern wars and, in parallel with this situation, began to promote radical modernization for the nation. Soon after the turn of the century, Japan became an imperial state. Although situated in East Asia, a competitive target for Western colonizers, Japan invaded its neighboring countries and took the side of the occupier and colonial ruler. In terms of geopolitics, the state took on an extremely unique position: in this process to achieve ‘compressed modernity’ in Japan, development of the public education system and the deployment project were seen to be utmost important. People from each social class were strategically developed into a labor force through these systems, and became the backbone for the country’s war machine.

From the Meiji period up to the legislative reforms that took place following defeat in the Second World War, the Japanese public education system encouraged the general public to promote the social mobility driven by romanticism and the desires associated with careerism (Takeuchi 2005). Nonetheless, Japan failed to develop its public education system as one based on the values and principles intended to ensure that all individuals are guaranteed the right to education. Instead, the

system was built up to achieve concrete policy goals: wealth in the nation, a strong army and industrial development, as indicated by Japan's rigid modernization process of the time. In fact, it is not actually that the general public obtained the right to school education, but rather that schooling became a requirement, making people useful to the state, in terms of direct policy implementation.

Introduced in such a manner, the public education system was in sharp conflict with the interests and life of the people in those days. Up until the mid-Meiji period, schools were burnt down in many parts of the country<sup>1)</sup>. Improvements in the elementary school attendance rate and other signs indicating some degree of establishment for public education are believed to have taken place only from the 1900s. At this time, the Elementary School Order came into effect to promote education in the post Sino-Japanese War period, it clearly stated the obligation to provide children with education for development, along with wide deployment of the educational system and a provision for compulsory education, on principle, for free.

As outlined above, concerning the development of the modern Japanese public education system, there is no teleological or evolutionary explanation that shows this to be a uni-directional process aimed at guaranteeing the right to education. In addition to conflicts over rights and obligations between presenters and recipients, there are combined variables —such as the interests of various stakeholders, organizational culture, life strategies, economic/fiscal situations and political timing— which have all played a role in facilitating or inhibiting the development and transformation of modern social systems, including the public education system. Consequently, regarding the guarantee of right to education, it is appropriate to consider that conflictive interests and stakeholder demands (ranging from government/government officials, lawmakers, industries, provincial persons of high standing, and to the general public) have been inherent impetuses, rather than extraordinary or incidental.

## ■ Universalization of Guarantee of Right to Education by Single-Track School System in Post-World War II Japan

On August 15, 1945, Japan announced its acceptance of the Potsdam Declaration. Subsequently, GHQ occupied Japan and the nation's public education system was subject to reform and was newly designed, now based on values and principles that differed from the traditional ones. In the occupation period, Japan introduced a nation-wide 6-3-3-4 single-track school system to replace the pre-World War II (pre-war) education system. In its constitution, Japan also stated the individual's right to education and the planned institutional universalization for guaranteeing the right to education. This

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1) The *Gakusei Hyakunenshi (One Hundred Years of Japanese Education)* compiled by the Ministry of Education, Science and Culture contains the following statement in Chapter 1, the Establishment and Expansion of the Modern Education System: "The then Japanese society was barely ready for accepting the modern school system as described above. For poor people in those times, expenses for founding and maintaining a school were extremely heavy. Moreover, those who had traditional thoughts and social awareness strongly opposed to new education philosophy and programs. Of the series of policies implemented by the Meiji Government, the enforcement of the Education System Order, as well as the Conscription Order and the Land-Tax Reform, caused distrust and complaints among the general public. As a result, when farmers created riots, schools were burnt down in many places in those days." (Ministry of Education, Science and Culture ed. *Gakusei Hyakunenshi (One Hundred Years of Japanese Education)*. Association for Study of Imperial Local Public Administration. 1981.) In other words, in the early Meiji period, although the Education System Order came into effect, the general public seriously opposed and resisted modern schooling, eventually demonstrating their frustration by burning down schools in many parts of the country. The combined factors of the incident included: (1) private expenses for education affecting people's livelihood, the 'beneficiary pays' principle implemented in school founding, and other economic reasons and (2) novel programs, methods, and forms of modern education misfitting customary thoughts and behavioral patterns plus other cultural factors. Some 130 years ago, the Japanese people neither thought modern schooling was self-evident nor were ready to sense any positive nature from it. Reversal of that situation did not occur until at least the following conditions were met: reduced educational expenses to pay, advance of industrial society, wide acceptance of urban lifestyles, improvements in public health and hygienic levels and gradual acceptance of modern science and technology. The school attendance rate remained at 47% even 10 years after the enforcement of the Education System Order. In 1900, elementary schools began to offer free tuition, which reduced the burden of educational expenses and helped the poverty-related low school attendance rate to increase. Subsequently, the elementary school attendance rate exceeded 90% within 10 years.

Incidentally, according to the academic year 2010 basic school survey (Ministry of Education, Culture, Sports, Science and Technology), the rate of students proceeding to high school was 98% and that of those proceeding to university and equivalent was 54.3%.

deserves appraisal at any rate. The 6-3-3-4 school system was introduced based on a new institutional concept. Its key points are principles of the right to education and equal education opportunities placed at the core of the system, rejection of the pre-war multiple-track school system, co-education, single-course programs, and an extension of the compulsory education period to nine years. This institutional reform guaranteed the right to education for women, many of whom had been deprived of the opportunity to receive education or proceed on to higher education. It also corrected differentiated curricula and school categories that had been assigned according to social ranks of origin and developed a public education system that could extensively assimilate all strata of citizens.

What remains a matter of debate, however, is whether or not this 6-3-3-4 system was actually conceived to be a ‘universal’ single-track school system uniformly subsuming all children from their pre-school period through to higher education. This debate arises from the fact that schools built for disabled and foreign children were institutionally separated at first, and facilities for pre-school children, the dual system consisting of child-care centers and kindergartens, remained intact.

Schools for foreign children, discussed later in this paper, were originally founded as institutions for language education, and were placed on the periphery of the public education system. The political context for this being that the Japanese government intended to exclude foreigners. At the same time, on the part of ethnic organizations (mostly consisting of Korean residents), they adopted an educational strategy based on the strong, intentional pursuit of founding their own educational institutions. Notably, Korean residents were reluctant to have their children educated at a Japanese public school, since Japanese public schools lacked appropriate consideration for meeting the special educational needs of Korean resident children (education in ethnic language, culture and history, as well as construction of ethnic identity) and posed a risk of imperative cultural assimilation through education (Ozawa 1973). Meanwhile, development of special needs schools for disabled children was slow, inhibiting the guarantee of right to education for children not enrolled (including children postponed for enrollment). The fact that the government had fiscal difficulties, and moreover civil society practiced disability discrimination and tended to support segregation in education is considered to be the circumstances surrounding this matter.

Importantly, the school system had a strong impact on society in that it was intended to implement a philosophy of equal educational opportunity through its basic 6-3-3-4 design, aiming to minimize educational opportunity differentiation or closure made by social categories such as gender and class. The educational system reform gained wide acceptance, being in line with the interests of a large portion of the people and opening a way to guaranteeing the right to education (Mori 1987). This institutional foundation helped to significantly increase the rate of students who proceeded from high school to university during this period of rapid economic growth, and greatly contributed to a universalized guarantee of the right to education in post-World War II (post-war) Japanese society.

Nonetheless, it was a sort of ambiguous universalization. First, guaranteeing educational opportunities for a wider range of citizens resulted in more intensified competition for gaining admission to high schools and universities, oppression by ‘schooled society’ members and other problems related to education were also created (Kariya 2009). The institutional universalization that was enabled through the process of modernization could possibly have become one of the underlying reasons for student withdrawal from the public education system, what has now been termed school avoidance. Long-term absenteeism is a phenomenon known initially as “school phobia,” the terminology was later changed to “school refusal” and is now known as “school avoidance.” It is said to be created out of structural factors including achieved modernization and development and enhancement of school education. It should be noted that this long-term absenteeism differs, in backdrop and implication, from one observed during the period from the pre-war days to the 1960s



when modernization and school education had not fully been developed (Takigawa 1996). Inadequate leadership qualities in teachers or their lack of patience (with children/students) are only secondary or case-specific factors leading to school avoidance.

Secondly, the 6-3-3-4 system has had internal limitations. Although the system has achieved epoch-making significance in the overall history of Japan's educational enhancement, it has failed to thoroughly overcome categorical discrimination and exclusion in relation to gender, disability, ethnicity, nationality and class. This is suggested by the fact that the 6-3-3-4 system has been challenged by those who embrace a sense of values and philosophy based on fair and universal education. For example, various proposals formulated upon perspectives such as anti-poverty, symbiotic relationships with those having disabilities, human rights, multi-culturalism and gender have been submitted to public education reform boards.

Moreover, after the turn of the century, corporations began to establish schools in special structural-reform districts while institutional assimilation of the various stakeholders and participants was also taking place. Now, in addition to the conventional actors such as local public entities, school corporations and guardians, there were local residents, NPOs, and civic associations who also wanted to be granted a legitimate position in the maintenance and operation of school facilities. These trends caused various conflicts to re-emerge: as the market and civic society began to form linkages with the public education system the question became whether the public education system should be more oriented toward competition, efficiency and consumption or focus mainly on publicity, disparity correct and solidarity driven.

### ■ Current Status of Compulsory Education System in Japan: Perspectives and Global Trends

Keeping in mind the latest trends in education, this section assesses the current state of Japan's compulsory education system, at the foundation of its entire public education system.

Since the 1980s, market development in public education has been facilitated by policy visions and packages, these are neo-liberalist educational policies which have included the introduction of the public school choice system and the charter school initiative. Some view such market developments as pretexts for the disintegration of the existing public education system. In order to understand the full situation, it is necessary to make an objective analysis that takes into account the full spectrum associated with the current state of compulsory education in Japan.

In recent years, the compulsory public education system in Japan has clearly seen unprecedented institutional changes, along with noteworthy improvements to the overall system. These include the promotion of collaborations between kindergartens and elementary schools, flexibility of school districts, commencement of foreign language programs at elementary schools, educational continuity from elementary through to early secondary levels, review of educational level structure, introduction of public school choice system, an increase in the number of private schools in urban areas, transition to a special-needs education system, and increased non-permanent school staff.

At the same time, since its establishment, the compulsory education system has never lost sight of its core functions and principles: standardized common knowledge and skills acquired by students within a framework of uniform educational programs, maintenance of nationwide equal education opportunities and education levels, and protection against child labor. It is important to take fresh note of these characteristics. A large portion of the institutional frameworks, core functions and principles still firmly remain intact. The current state of the system is viewed to be promoting diversification and specialization of peripheral functions and institutions to a limited extent. This comes of the



deregulation policy, while the foundation of the compulsory education system remains solid.

Since the Meiji period, there have been insinuations that the compulsory education system in Japan should be diversified and made more flexible, criticizing the uniformity and rigidity of the system (Sato 2004). Despite such commentary, the degree of state control over the compulsory education system is rather high even today. Whereas since the 1990s, the social phenomena interpreted to be withdrawal from the compulsory public education system or incoherent conditions within it have been observed. For example, the number of school avoiders remains at approximately 130,000 a year and the number of recognized cases of children/students being bullied is at 110,000 a year. Diversification and flexibility within the public education system have been proposed as solutions to these types of problems. Such education reform trends present a centripetal intent to recover trustworthiness and functionality in the compulsory education system, which has shown some signs of partial disintegration. Accordingly, it would be an exaggeration to diagnose the current situation as general dysfunction or institutional fatigue/disorder of the public education system (the basis of which is compulsory education). It would also be an exaggeration to hastily appraise the nature of recent reform trends to be either disintegrating or radically rebuilding the public education system.

The current state of the compulsory education system in Japan has something in common with the basic principles of compulsory education systems in other countries. According to international comparative research, in the United States, Canada, France, Denmark, Germany, Australia, South Korea, China, Taiwan, Thailand, Malaysia, Indonesia, Vietnam, Laos, Bangladesh, India, Turkey and Japan, “no clear evidence has been identified to prove that compulsory education systems have become flexible in these countries. Instead, the research reveals that the basic principles of compulsory education remain firm irrespective of nation and time. ... Institutional flexibility and flexible operation of the compulsory education system are sought out only when this firmness is guaranteed to some degree. In some cases, contradictory trends, such as a move toward uniformity, can certainly occur at the same time as the drive toward flexibility” (Sugimoto 2008: p. 30).

### ■ First Challenge Facing Public Education: Analysis of Ethnic Schools

Following the assessment of the current state of public education (especially the compulsory education system) in Japan, as mentioned above, this section examines schools designed to cater to Korean residents in Japan (“ethnic schools”) and free schools specifically serving the needs of school-avoider children, as a means of uncovering the concrete aspects behind conflicts, assimilation and exclusion in relation to the guarantee of the right to education for all children. Moreover, the author desires to view such concrete aspects from two conceptual perspectives of universalization of the public education system and withdrawal from it. The first focus is a review of ethnic schools.

#### **Nature of Public Education and Reasons behind the Existence of Ethnic Schools**

For present-day East Asian nations, which have been officially non-immigrant countries, like Japan, the question of how to absorb the different ethnic minorities into public education has been a major challenge in relation to universalizing the guarantee of right to education. However, this is an issue that needs to be addressed in order to adapt to the unavoidable social changes brought about by increasing numbers of people moving and settling across national boundaries due to globalization. In short, the challenge is to make public education multi-cultural. In a sense, this subject critically questions Japan’s situation regarding ethnicity. Though claiming to impart universal education, the public education provided at the national, municipal and private schools in Japan presents primarily Japanese-centric (the ethnic majority with Japanese nationality) characteristics.

Meanwhile, the process of meeting the challenge to make public education in Japan multi-cultural will entail a complex range of hurdles and conflicts.

Despite the fact that, in general, the Japanese people praise the advance of globalization they also, in some cases, deeply believe in *datsua nyuo* (leave Asia, join Europe), a racial, ethnic or geopolitical ideology that has been held since the Meiji period: Japanese yearn for the lifestyles of the West and Europe, while stereotypically showing disdain and harboring negative feelings for non-Japanese Asians including Chinese, South/Southeast Asian, and Japanese-South American people whom they have contact with on a daily basis. Consequently, they experience a conflicting feeling in their refusal to accept such people.

The most outward globalization efforts at schools focus on development of a curriculum for the majority of Japanese to be able to interact in the international community, and tend to center around the learning of English. The more conservative, rightist members on Boards of Education and those working in schools try to promote a patriotic form of education, including the campaign to adopt the historical revisionist textbooks. It is still not clearly known how these approaches lead to development of tolerant attitudes and civic qualities that make individuals more open to other members of society, as required in a society that is continuously becoming more globalized.

Incorporating time for comprehensive studies, introducing education for international understanding and citizenship education classes are programs designed for better understanding of foreign countries and are anticipated to have infinite potential. However, implementation of these programs is presently often limited, or dissociated with the challenge of ‘globalization at home’ on everyday issues throughout Japan, which take it for granted that Japan is positioned among advanced countries. Moreover, it is necessary to review whether, in the implementation of such programs, it has been possible to break free of the trap of self-complacency wherein Japanese feel proud, satisfied and happy through the understanding of remote foreign countries.

Aside from these general trends of concern, efforts have been made to improve current conditions for guaranteeing the right to education to foreign residents or children of ethnic minorities with diverse historical and cultural backgrounds. This is an inclusive trend aimed at promoting a guaranteed right to education while giving appropriate consideration to the special educational needs of children who have foreign origins, on the one hand. It also poses a question as to the nature of the present public education from a multi-cultural and multi-ethnic point of view, on the other. Steady efforts on this front have been made at schools and in local communities since the 1970s, commencing as an educational movement based and promoted locally in the Kanto and Kansai areas. The movement has grown in steps but it is regrettable that it has remained rather local, rather than spreading nationwide.

Given the data on this history and the current state of public education in Japan, foreign minorities in the ethnic composition of Japanese society have had appropriate reasons for establishing and operating ethnic schools as their own educational institutions (schools for foreign children, international schools, etc.) on the periphery of Japanese society. More specifically, since the onset of post-imperial Japan following the Second World War, a mono-ethnic principle of ‘Japanese-ness’ has been a dominant theme in the national, municipal and private educational scenarios: curricula, learning opportunities, and spaces have not been properly set up for the various ethnic minorities to learn their own languages, cultures and histories, as a right. As a result, they are unable to establish their own cultural identities within Japanese society.

However, although these ethnic schools, established with such underlying reasons existed only at the periphery, they were not excluded from the public education system altogether. Although they experienced forms of oppression under the post-war Japanese government, notably the Hanshin Educational Struggle in 1948, all *Chosen* (Korean) schools were approved by prefectural governors in the 1970s, determined to be miscellaneous schools under Article 83 of the School Education Law.

It should be noted that being on the periphery of the public education system can cause disadvantages and difficulties for ethnic school students in cases where they must commute, within their regular school life, and when choosing a post-graduation course for themselves. Such disadvantages and difficulties include: (1) corporate management foundation; (2) insufficient school premises, facilities and equipment; (3) relatively heavy educational expenses; (4) access problems due to access (i.e. not enough schools or long-distance commuting); (5) decreased enrollment and many children/students changing schools; (6) relatively less government subsidies and financial aid packets; (7) difficulties associated with advancing to higher education job opportunities; (8) prejudices, discrimination and harassment against individuals attending ethnic schools; (9) rejuvenation of guardians and changes in ethnic awareness; and (10) problems associated with membership to sports organizations and participation in games (Lawyers' Association of Korean Residents 2003). Some of these disadvantages and difficulties have gradually been corrected, however there have been no solutions regarding school financial difficulties, long commuting distances, and heavy education expenses. Consequently, the stakeholders are experiencing conflicts with regard to whether the school should be regulated under Article 1 of the School Education Law (Article-1 school) in order to gain greater government assistance and improved social status, or whether they should opt for better acknowledgment as institutions, comparable to Article-1 schools while at the same time ensuring the freedoms necessary for carrying out and ethnic-curriculum education.

If mainstream public education Article-1 schools can overcome Japanese nationalism and work to integrate standard and multi-cultural education programs, or achieve some kind of coordination between them, optional conversion of ethnic schools to Article-1 schools becomes more attractive. Alternatively, given that national, municipal and private Article-1 schools already have many foreign students<sup>2)</sup> enrolled and are expected to gradually increase enrollment, sublation of mono-ethnic specificity among standard Article-1 schools and universalizing the entire public education system become important challenges, though these may be a direction that differs from converting ethnic schools to Article-1 or semi-Article-1 schools. Depending on the path ahead, reasons for acquiring legal status as miscellaneous schools so that they may establish and operate a distinctive educational institution, separate from Article-1 schools, will most likely diminish.

Meanwhile, ethnic schools could gain substantial financial assistance, comparable to that of Article-1 schools, reducing the disadvantages faced by children, students and graduates at these institutions even if they maintain their current status as miscellaneous schools on the periphery of the system. If this path is followed, reasons for conversion to Article-1 schools will be lost, so it significant to state here that the way in which ethnic schools are handled is key to improving the situation. Most individuals from *Chosen* and other ethnic schools have opted for the latter possibility.

Another benefit of treating ethnic schools as Article-1 schools is that this can provide a substantial solution to the problem of continuity, which arises from having to choose a future course, such as proceeding onto higher education or starting a career. Government subsidies and financial assistance granted to ethnic schools at a level comparable to that allocated to Article-1 schools can create stability for the weak management foundations often associated with these minority schools, helping to sustain the schools so they can fulfill the ethnic education needs specific to Koreans residing in Japan. Under such a situation, however, despite diminishing the disadvantages from problems such as continuity and acquisition of government subsidies as is done with private schools, there is still a chance that the situation will remain similar to full conversion to an Article-1 school. The strongest concern is the

2) According to the academic year 2010 basic school survey (Ministry of Education, Culture, Sports, Science and Technology), numbers of children/students of foreign citizenship were 43,187 for elementary schools, 23,276 for middle schools, 12,338 for high schools (full-time and part-time), 119 for secondary education schools, and 1,061 for special-needs schools, totaling 79,981. Meanwhile, schools run for foreign residents (miscellaneous schools) numbered 121.

risk of incurring enhanced legal and administrative regulations; more specifically, state control of school management and curricula. More rigid regulations on curricula could lead to time and content limitations on subjects that are specific to ethnic schools as a means of constructing cultural identity within their student body. In this way, it should be noted that an organizational strategy designed to manage ethnic schools as Article-1 schools can be a double-edged sword for stakeholders, depending on the circumstances.

### **Legal Status of Ethnic Schools, Schools for Foreign Children, and International Schools in Japan**

This section clarifies how *Chosen* schools and other ethnic schools, schools for foreign children, and international schools are treated with regard to the law. They can be legally classified into the following three types:

Type 1 includes educational institutions approved as miscellaneous schools under Article 134 of the School Education Law. More specifically, all *Chosen* elementary, middle and high schools, Tokyo Korean School (Tokyo), Escola Paralelo-Ota (Gunma), Yokohama Yamate Chinese School (Kanagawa), and Tsukuba International School (Ibaraki) fall into this type. The public education system more or less subsumes most ethnic schools, schools for foreign children and international schools, approving them as miscellaneous schools.

Type 2 encompasses educational institutions approved as regular schools under Article 1 of the School Education Law. Only four incorporated educational institutions are classified under this type: Kyoto International School (Kyoto), Makuhari International School (Chiba), Kenkoku Elementary, Middle and High School (Osaka), and Kongo Gakuen Elementary, Middle and High School (Osaka). The two incorporated educational institutions in Osaka were originally founded as neutral or South Korean ethnic schools and are presently Article-1 schools. As ethnic schools, these are exceptional cases. Nonetheless, they are noteworthy in that they demonstrate that ethnic schools can stand as Article-1 schools in the mainstream of the public education system, depending on how they operate. In addition to students from present-day Korea, these schools have a small number of Japanese students due to their status as Article-1 schools.

Type 3 includes unapproved voluntary educational institutions, according to the School Education Law of Japan. More specifically, most small schools for foreign children are founded by Japanese Brazilians, such as Hamamatsu Brazilian School (Shizuoka) and Nippakugakuen (Gunma), and fall into this category. Some of these schools have not received approval by the Brazilian government or the home country government and are completely dissociated from the public education system.

Recently in 2003, a part of the Regulation of the School Education Law were revised, approving of exceptional treatment for *Chosen* schools. More specifically, graduates of a 12-year course at a school for foreign children certified by an international assessment body (WASC, CIS or ACSI) are being qualified for college enrollment, providing they take the enrollment qualification examination conducted by each individual college. It was also decided to grant qualification for taking the college entrance examination to graduates who have completed a course at a school for foreign students, if it has been certified by the home country government. In 2010, the high school attendance support money program began to cover schools for foreign residents, in the same way Japanese national and private schools are covered. These are examples of improvements in the way schools for foreign students are regarded and managed, but these continue to receive poorer support as compared to Article-1 schools. At the same time, since rightists made persistent political attacks on the attendance support money program, the *Chosen* high schools became excluded from coverage under the program.

As shown above, many ethnic schools and schools for foreign children have been assimilated

into the public education system while existing on the periphery, a trend toward universalizing the guarantee of right to education for foreign children. In such general trends, however, *Chosen* schools are still oppressed and are often condemned due to the political backdrop of breakdown of diplomatic relations between Japan and the Democratic People's Republic of Korea. In this light, the universalization process may be progressing in an internally contradictory manner rather than in a manner of predetermined harmony.

### **Relationships between Schools for Foreign Children and Worldwide Public Education**

Using information from existing studies for reference, this section classifies and adds some analysis regarding the kinds of linkages that have been established between schools for foreign children and public education in various parts of the world.

According to existing studies, in many parts of the world, schools for foreign children fall into the following three types (Fukuda and Suefuji ed. 2005):

- Type 1 • Schools Incorporated to be Public Education: Schools for foreign children in the United States, Canada, the United Kingdom and Hong Kong fall into this type.
- Type 2 • Schools Excluded to be Public Education: Schools for foreign children in China, Taiwan and South Korea are of this type, as well as those in Japan.
- Type 3 • Schools Partly Incorporated/Excluded to be Public Education: Schools for foreign children in Germany and France are categorized as this type.

The author admits that knowledge of the institutional status of schools for foreign children is limited to the information acquired through the aforementioned existing studies, except in cases of Japan. Hence, a general assessment on the validity of the classifications above is not possible. Regarding the status of schools for foreign children in Japan, however, the author believes that further analysis should be made as to whether or not they should be classified as Type 2 • Schools Excluded to be Public Education. As mentioned above, schools for foreign children in Japan have a degree of variety and differ according to their specific legal status. Some, albeit not many, have been conveniently assimilated into Article-1 schools in the mainstream public education system. Therefore, an uncertainty remains as to whether it is appropriate to classify all schools for foreign children in Japan as Type 2 • Schools Excluded to be Public Education.

It is certain that most of the schools for foreign children in Japan are approved as miscellaneous schools and few of them have been absorbed into the public education system. They provide education without being controlled by state standards outlined in the Guidelines for Teaching. Nonetheless, they are not completely excluded from the public education system. Although they are able to abandon the educational benefits they are entitled to as miscellaneous schools and take leave from the Japanese public education system, this option does not appear to be greatly advantageous. In light of these complex facts, schools for foreign children in Japan in the past could be classified into Type 2, but now seem to have made the change to Type 3 • Schools Partly Incorporated/Excluded to be Public Education.

For example, in academic year 2000, in line with the aforementioned new trends, students and graduates of schools for foreign children became qualified to take the college entrance examination, provided they pass the college entrance qualification test. These schools are now certified to have a degree equivalent to graduation from middle school. These are examples of assimilating into the public education system. Meanwhile, *Chosen* schools are not eligible for the various programs to improve their treatment. In a unified understanding of these concurrent contradictory trends,



reclassifying schools for foreign children residing in Japan into Type 3 should be validated.

## ■ Second Challenge Facing Public Education: Analysis of School-Avoider Free Schools

### **Social Backdrop of School Avoider Phenomenon and Withdrawal from the Public Education System**

Following the analysis on ethnic schools, this section reviews free schools set up specifically to cater to the needs of school avoiders. Such schools have won social recognition from the late 1980s up to the early 1990s, and function as institutions where the school avoider can find acceptance (Tanaka 2002). There is data that reports approximately 450 such recognized institutions as of 2001 (Yoshida 2004).

Before discussing the relationship between free schools and the public education system, it is appropriate to present the author's view regarding how the phenomenon of school avoidance requires understanding, as it has been key to facilitating wider recognition of free schools in Japan.

In the 1960s, at the peak of Japan's rapid economic growth, while the rate of students proceeding to post secondary and higher education generally increased, the existence of a group of children who had the desire to go school but physically could not gradually began to attract public attention. This phenomenon was initially termed "school phobia." Subsequently, in the 70s, the term "school refusal" came into general use. Advances in clinical studies revealed the various factors and reasons behind being unable to go to school, and they were not limited to mental or psychological refusal. Consequently, in the 1980s, in addition to the term "school refusal," another terminology came into use, "school avoidance." Questioning both the positive value of going to school and the extraordinary condition of school avoidance, in the 1990s, school avoiders and their parents began to speak out and cite their own self interpretations as they understood the difficulty in others trying to speak on their behalf. They commented that children were actually making the conscious choice not to attend to school, rather than them not wanting to or being unable to attend their schools. Following this, ways in which school avoiders could be offered support have been explored, and not necessarily with the aim of getting them back into school. The crying need revealed by individual school avoiders and their parents was well understood by successors to modern schooling critics, who sought liberation from the constraining structure known as "schooled society" since way back in the 1970s. The successors include those who advocated a global alternative school movement and "deschooling," pointing out the institutionalized hollowing out of the value of schooling and justifying the construction of learning networks as a solution (Ito 2007). The author believes this to be an important factor behind the discovery and establishment of free schools, as an alternative to the mainstream school system and where the school avoider can find acceptance.

These differing trends intermingled with one another, and the social perspective associated with them, emerged to view the particular bout of long-term absenteeism that began in the 1960s as a phenomenon of school avoidance that qualitatively differs from the long-term absenteeism seen in past times.

The then Ministry of Education, Science and Culture began to use the term "school avoidance" in 1998 in their official statistics. According to the basic school research conducted by the Ministry of Education, Culture, Sports, Science and Technology, use of the term "school phobia" was discontinued in 1991. In order to discover it and respond early on, it was redefined as "school avoidance," defined as "long-term absenteeism from school by a student enrolled in elementary school, middle school or the primary course of a secondary education school for a period of 30 days or more in a year, on principle, due to reasons which may include pleasure or delinquency in school life, apathy, anxiety or other emotional disorders, willful refusal, or a mixture of these (excluding



disease or economic reasons). It should be noted that the Ministry revised the conventional definition substantially, which indicated in its definition absenteeism of “50 days or more in a year” from 1966.

The fact that the concept of school avoidance was redefined to exclude diseases and economic reasons is important. The new definition clarifies that the phenomenon of school avoidance is not about withdrawal from school due to poverty or ill health but exists against the backdrop of a society in its developing stages of modernization.

According to time-series data for the period 1947-1990, regarding long-term absenteeism (50 days or more in a year) among middle school students, the rate of long-term absenteeism peaked by the mid-1950s, reaching approximately 3%. Thereafter, the rate rapidly decreased to 0.5% (recorded in 1975), followed by a reverse trend where the rate increased to approximately 1.5% during the period beginning in the 1980s up to 1990s.

In analyzing long-term absenteeism, Takigawa additionally used time-series data of Engel’s coefficient, infant mortality rate and other indicators for standard of living and hygienic conditions for those times. He stated that a critical turning point occurred in the 1970s in Japan, before which long-term absenteeism had been a phenomenon emerging as a result of being an underdeveloped society but after which became a phenomenon resulting due to modernization (advancement as a state), as a major qualitative change (Takigawa 1996, p. 46). In reference to long-term absenteeism in the 1970s and afterward, Takigawa uses the term “long-term absenteeism viewed as deschooling,” not arising out of failed modernization, but resulting from promoted and completed modernization. He goes on to state that in the early days when the public education system was created, the mass education system was accepted and established as a legitimate and purposive system; but following the completion of modernization and the building of a highly industrialized society, the traditional social foundation was lost altogether and along with it, the rural/village sense of groupism and awareness of the code of conduct based on the ties that bounded each to his neighborhood and his family also crumbled. Takigawa states that decay of the traditional social foundation should be viewed as having led to the general public’s perception of mass education as irrational and burdensome.

The author proposes to use this as background knowledge for understanding the phenomenon of school avoidance as long-term absenteeism in the Late-Modern age.

### **Transformation of Relations between Systems and Individuals in Late-Modern Society**

To what extent is it appropriate to view school avoidance as long-term absenteeism in the Late-Modern age type?

Late-Modern is a concept used by social theorists to refer to various new social changes that emerged after the 1960s and 70s. It is characterized not as the end of modernity but as a form of radical modernity. Social theories advocated by sociologists such as A. Giddens, U. Beck, J. Young and Z. Bauman have mutual qualitative differences. Although such differences cannot be overlooked, this section focuses on how the relationships between social systems and individuals have transformed. Key points in these relations are also reviewed using Bauman’s concept of an “individualized society,” what he describes to be one characteristic of the Late-Modern age (Bauman 2008).

According to Bauman, in the Late-Modern society, the stability and solid format of traditional social systems are shaken, disintegrated, diversified and deformed. At the same time, individuals who have been embedded and subsumed in these social systems in both entity and value begin to increasingly drift, leaving the constraints of these very social systems behind. This process, in a sense, is equivalent to personal liberation from the rigidity of these institutional constraints. Individuals have the freedom to choose their own life challenges and opportunities in a recursive manner, as opposed to them being

predetermined by the social system to which one belongs.

On the other hand, such liberation from institutional constraints is two-sided, which implies exclusion from the security of the institution. Security under stable social systems has supported basic resource allocation, provision of opportunities, and guarantee of rights for human life. However, since the diversification of occupational environments has taken place, employment has become less stable and social security has degraded. An inequality with limited available options has been produced with regard to social opportunities and access to resources differentiated by social class and ethnicity.

Social systems have handled and mitigated various risks inevitably incurred in the lives of individuals. When such social systems become unstable, individuals are forced to face anxiety and strain, like a “crab without its shell,” and risk-taking becomes a constant part of life. A change has taken place in how the individual responds to the various risks faced. As a result, while they are separated from the social situation that is to serve as a prerequisite for their life course and are instead now expected to be responsible for the risks they take on, the results of choices made in specific situations as free individuals.

However, the extent to which these arguments based on social theories can be persuasive in explaining present-day phenomena is rather controversial. Unlike earlier forms of long-term absenteeism that were often the result of disease or poverty, the phenomenon of long-term absenteeism has presented unique grounds to be viewed as school avoidance since the 1970s. Nonetheless, it is still not clear whether it is valid to infer that Japan’s social transition into a more individualized society since Late-Modern times became the social backdrop for the school avoidance trend. Transformed relations between the social systems and individuals associated with such transition may be figuratively explained by stating that individuals have undergone a change in attitude. They now regard themselves to be independent variables. Likewise, the social systems they previously viewed as independent variables have become dependent variables instead.

Existing studies point out that long-term absenteeism, as the social backdrop to school avoidance, will witness the arrival of an era in which society accepts school absenteeism (Hosaka 2000). In other words, students may leave the public education system with no assumption that adaptation to this particular system is the given norm to be followed and school avoidance has gained acceptance since individuals now have the freedom to escape from institutional control if they so choose. At the same time, this choice may result in a compulsory self-made responsibility to take on the risks that can arise from school absenteeism within the maintained framework of obligations to provide education. The theoretical interpretation mentioned here may not be appropriate to every case of school avoidance, as each case is specific and multiple factors and backdrops are obviously involved. However, the author believes this explains, with some certainty, the true nature of school avoidance, which differs from the long-term absenteeism of earlier times.

### **Current Situation on Relaxing the Obligation to Provide Education as Measures for School Avoiders**

On May 16, 2003, the Ministry of Education, Culture, Sports, Science and Technology issued a notification entitled *The Desired Way of Handling School Avoidance* in the name of Director-General, Elementary and Secondary Education Bureau. The purpose of this notification was to create a way to relax the obligation of school principals to note the attendance of school avoiders in the cumulative guidance record. Provisions for this included that school avoiders must meet given requirements when consulting or receiving guidance at non-school institutions, they must show that their daily attendance/stay at such an institution is with the view to return to public school, and that the school situation is deemed to be an effective and appropriate aid for acquiring independence.

Utilizing these measures, guardians are able to perform the duty of providing education to children, while school avoiders are guaranteed their right to education without attending school. This is an exceptional or restrictive case, however, providing that these children have a period of guidance at a non-school educational institution, such as an adaptation class at an education support center or at a free school. In short, free schools have been, in some sense, officially recognized as legitimate institutions addressing the issue of school avoidance.

It should be noted, however, that such measures are meant to relax the obligation to provide an education stipulated in the School Education Law. The measures are not based on a logic directly derived from provisions covering obligation to provide education of the Constitution of Japan and the Fundamental Law of Education, which do not necessarily limit the way the right to education is guaranteed. Some foreign states have even officially approved of home schooling. Compared with such cases, the management and operation of the Japanese public education system is still based on strong legal and administrative control. As such, school avoiders continuously face the risk of being negatively stigmatized by others, because they are avoiding school when it is assumed proper for everyone to attend.

This paper has examined the phenomenon of school avoidance, including the facts /scenario behind a societal recognition of free schools as institutions that will accept school avoiders and official approval by the government. At this point, the current situation of school avoidance requires that certain confirmations are in place.

In earlier sections, the author has stated that, with regard to the overall Japanese public education system focused on compulsory education stage, a large part of the institutional framework and its core functions and principles are still firmly maintained. Let us look at how this statement relates to school avoidance. According to time-series data on post-WWII Japan, the 1950s witnessed the rates of the earlier form of long-term absenteeism peak at approximately 1.5% (for elementary school children) and approximately 3.5% (for middle school students). School avoidance of the Late-Modern type began to see an increase in the 1980s and a peak in the late 1990s, reaching approximately 0.5% (for elementary school children) and approximately 2.5% (for middle school students). Conversely, a surprising fact is that even during the peak periods of long-term absenteeism and even at middle schools, which recorded higher rates of long-term absenteeism than elementary schools, 96.5% of students attended school almost every day during the 1950s, and 97.5% of students in the late 1990s, without any extended absence from school.

It may be true that a radical modernity actually transformed community frameworks, such as families and local communities, to gradually produce new symptoms that weakened the unifying force of the mass education system. In Japan, however, the family structure is one example where this binding force has been retained and is still quite functionally effective. Partial trends of developing individualization should not be mistaken as the whole picture. The growing number of school avoiders and free schools as institutions needs to be accurately measured through a full analysis of their position in the entire public education system, aside from arguments about the difficulties associated with individual and specific circumstances, the projected ways of life, strong and independent thinking, and the inherent properties in educational thoughts and practices (Okuchi 2005).

### **Typical Relations between the Public Education System and Free Schools and Arguments Concerning Assimilation into the Public Education System**

There are existing studies that categorize free schools in Japan into three types, in terms of the relations they have established with the public education system (Yoshida 2004):

The first type is the “participating type.” Yoshida mentions Tokyo Shure (Tokyo, 1986 to present) as a representative example and assesses the institution as actively intending to participate in the public education system, acquiring corporation status and making use of a designated special structural reform zone.

The second type is the “collaborating type.” This is represented by Sapporo Jiyugaoka Gakuen (Sapporo, 1993 to present). Yoshida reports that this institution is designated as a technical training institution by the Board of Education. Consequently, Sapporo Jiyugaoka Gakuen students can earn high school credits and qualification equivalent to graduation from high school.

The third type is the “independent type.” According to Yoshida, one typical example is Japan Freinet (Tokyo, 1999 to present). In contrast to nation-building schools, this institution implements unique programs based on its educational philosophy, which radically places priority on the individual. It operates virtually free from the public education system.

Today, the aforementioned relaxation of the obligation to provide education allows school avoiders who attend these free schools to be regarded in some cases as attending an official school for the purpose of the cumulative guidance record. This is considered to be a case of assimilation of free schools into the public education system. The first and second types already have an institutional continuity to the public education system, although in a limited manner. Whether it is appropriate to view all free schools in the framework of these three types remains to be discussed. It is clear, however, that at least some of the free schools are no longer educational institutions developed solely for accepting school avoiders outside the public education system. These situations suggest the possibility that the guarantee of the right to education for children will indeed be universalized, eventually having to fully assimilate some of these free schools.

Meanwhile, in his studies, Yoshida points out that many free schools, including the independent type, now seek financial support from the government despite the fact that they are in conflict with the public education system, as described in the categorization system above (Yoshida 2004). A large number of free schools are often faced with financial difficulties as their operation depends primarily on expenses paid by the parents of attending children. One question that arises in light of these new trends and developments, is what sort of possible challenges and difficulties will the free schools face in seeking financial assistance from central and/or local governments?

When a free school has a redistribution of governmental funds and is financially subsumed into the public education system, the institution may invite, on the basis of the logic of accountability for public spending, imposed control over the details of its education program in relation to quality and level assurance. Although as mentioned above, some free schools have been absorbed into the public education system, would it be appropriate for them to opt into, in exchange for actively accepting government financial support, something equivalent to tight legal control over the curricula, class composition, learning styles and organizational management, as seen at typical Article-1 schools?

Free schools may want to avoid problems resulting from abandoning their reason for existence as an alternative, which is distinct from Article-1 schools and implements their original educational philosophy and methods. The loss of this reason for existence seems to create more conflict among the stakeholders than the issue of whether or not they can achieve fiscal soundness for smooth and stable institutional operation. Consequently, though attractive, it is a difficult challenge for them to avoid state control while taking public support as non-school education institutions that aim to play a unique role in the guarantee of the right to education for specific children.

## ■ Conclusion

This paper reviews the development process and modern transformation of the Japanese public education system and confirms that its core functions have been firmly maintained.

Within this context, the paper shows how ethnic schools and free schools that have emerged to cater to the needs of school avoiders, as well as the children attending these institutions have, in a sense, been excluded from the public education system. Such exclusion can be viewed as an insightful question, shaking up the existing modes that encompass how the right to education is guaranteed: attendance at Article-1 schools designed primarily for the ethnic majority, the Japanese, being the current requirement.

At the same time in recent years, as revealed in this paper, ethnic schools and free schools for school avoiders have shown themselves to have qualities other than those of institutions that have been made to exist on the periphery or have been excluded from the public education system. Each of these educational institutions is incorporating new means for realigning the distance between themselves and the public education system. Not all of them are converging in the direction of exclusion and full detachment from the system. In order to build better relations with the present public education system, some of these schools have been subsumed into it, even if only partially or in some limited form.

Consequently, in Japan, universalizing the guarantee of the child's right to education is a proposition that is open to the possibility of spiral development, encompassing some ethnic schools and free schools that cater to school avoiders, which have strategically chosen to set up a continuity with the public education system. The author believes that it would not be fitting to teleologically predict failure, success or fictitiousness of said universalization.

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