

**Academic Capitalism in Japan: National University Incorporation and
Special Zones for Structural Reform**

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Introduction

To support the “knowledge” infrastructure of Japan in the 21st century, with the ever-increasing expectations placed on national universities, increasingly strong demands are being placed on individual universities to clarify the mission and function expected of them, and to effectively realize these missions and functions...In order to promote reform of national universities through incorporation it is necessary to expand the discretion of universities in terms of management, by relaxing wherever possible the day-to-day regulations that hinder the smooth management of universities.

- *A New Image of National University Corporations*, Japanese Ministry of Education, Culture, Sports, Science, and Technology, 2002, p. 2 and 4.

In the past decade, industrialized countries have been confronted with the challenge of reforming their century-old higher education systems in order to remain competitive in the global knowledge economy. National universities face global competition on the one hand and domestic constraints such as enrollment decline and increasing demand for public accountability on the other. As Daun (2002:1) puts it, “almost everywhere in the world, educational systems are now under the pressure to produce individuals for global competition... Although there is no consensus as to the nature and scope of globalization, nor its beginnings, the discourse since the 1980s continues to intensify and increase, and education is expected to respond.” The multiple forces from without and within have created increasing ideological as well as financial pressure for decentralization, privatization, and marketization of higher education systems (Zemsky 2005; Yano 2005; Altbach et al. 2001; Carnoy 2000; and Mok 2000). Universities across the US, UK, Australia, New Zealand, and Canada have been undergoing structural reforms, often as part of larger public sector reform in accordance with a New Public Management (NPM) framework that focuses on institutional performance based on leadership, entrepreneurship, and accountability (Talbot et al. 2005; Williams 2003; Jones 2003; and Harman 2001).

While the impact of globalization on national educational restructuring has been amply documented by educational researchers in the past two decades (Stromquist and Monkman 2000; Burbules and Torres 2000; Sadlak 2000; Arnove and Torres 1999; Slaughter and Leslie 1998; and

Green 1997), few studies have looked at reforms in non Anglo-Saxon countries and, in particular, those with traditionally strong state-controlled educational systems such as Japan. Faced with a protracted economic recession since the early 1990s, national universities in Japan have been under the same political scrutiny as their Western counterparts. In 1998, the policy advisory body University Council issued a comprehensive reform agenda entitled “A Vision for Universities in the 21st Century and Reform Measures: To Be Distinctive Universities in a Competitive Environment,” which aims at the individualization, diversification, and internationalization of Japanese universities. In 2003, the Japanese government passed the Law on Special Zones for Structural Reform that allows business corporations to establish universities in deregulated “special zones” throughout Japan in order to revitalize university education for national economic growth. The following year, Japan passed the most important educational reform law since the founding of the Imperial University system in 1886 and the passing of the Fundamental Education Law in 1947: the National University Corporation Law to “develop independent universities that conform to the highest international standards in a competitive environment” (Ministry of Education, Culture, Sports, Science, and Technology, MEXT, 2002). While falling short of outright privatizing the national university sector, this law introduces private sector concepts in the management of national universities, allowing autonomy in budgeting, non-civil servant personnel recruitment, curriculum, external expert management, and third-party evaluations.

Why were these two reform measures taken despite opposition from both MEXT that had traditionally a strong grip on educational policy in Japan and universities that had insisted on their autonomy throughout postwar Japan? This chapter looks at the domestic political forces that shape “academic capitalism” in Japan. Through an analysis of the National University Corporation Law and the Law on Special Zones for Structural Reform, I make a two-fold argument. First, academic capitalism—“the pursuit of market and marketlike activities to generate external revenues” and the

“internal embeddedness of the profit-oriented activities as a point of reorganization by higher education institutions to develop their own capacity” (Slaughter and Rhoades 2004: 11)—has emerged in its specific forms in Japan through incorporation and deregulation since the early 2000s in the larger context of administrative reforms by the leading conservative Liberal Democratic Party (LDP). Second, opposition from university faculty and staff unions has largely failed due to structural weaknesses of unions in Japan. This chapter is organized in four parts. Part II discusses the 2003 National University Corporation Law and the 2002 Law on Special Zones for Structural Reform. Part III looks at the reform process, tracing the ideological pressure from the Liberal Democratic Party since the 1980s and the bureaucratic battle between MEXT and the Ministry of Economy, Trade and Industry (METI). Part IV analyzes the opposition by various stakeholders, focusing in particular on faculty and staff union response. I conclude on the conflicts between academic capitalism and commitments to the postwar social contract in Japan.

The Construction of the Competitive University in Japan

The modern Japanese higher education system established in the Meiji era was modeled after the German and French system, characterized by strong state control and “immobilist politics” (Schoppa 1990). It is comprised of universities (national, public, and private), junior colleges, colleges of technology, and specialized training colleges. Even though private universities constitute over 70% both in terms of institution and student enrollment numbers, national and public universities established in each prefecture throughout Japan have traditionally maintained their role in ensuring access, supporting basic research, and training bureaucrats, engineers, doctors, and teachers etc. for the nation. Until the 1990s, there was little societal or political debate on national university governance. “University autonomy” had been a taken-for-granted principle and practice in postwar Japanese higher education. There was a tacit arrangement on the role of each actor. The

Ministry of Education controlled the policy and the budget. Universities were run by faculty councils and senate. Faculty members were free to pursue their research. Industries expected little from universities other than graduates with general skills to be trained by corporate in-house programs throughout the course of a lifelong career.

This tacit arrangement began to collapse after the bubble economy ended in the early 1990s. Japanese politicians began to point finger on national universities for their inefficiency, inflexibility, declining quality, and inability to help resurrect a sluggish economy. Industries, which could no longer afford the high training costs, now expect universities to produce immediately usable and highly specialized labor force. The general public debates the social and economic relevancy of university education and research. Drastic population decline (Japanese universities expect full enrollment by 2007, after which overall supply will exceed demand) on the one hand and the globalization of higher education on the other translate into heightened competition among universities in Japan. In a period of fiscal austerity, national universities, like many other public sectors (postal services, health, and pensions etc.) have become a target of structural reforms.

Since the late 1990s, Japanese national university reform has become part of a larger political debate on restructuring. In 1997, the Hashimoto Cabinet decided on a 10% overall reduction of the number of civil servants over ten years. It was then further increased to 20% by the succeeding Obuchi administration (Tabata 2005). In 1999, the General Law on Independent Administrative Institutions (IAIs) was passed. Under this scheme, many public services are now provided by independent administrative institutions. Ministries formulate three-to-five year mid-term policy objectives while the IAIs submit their plans in accordance with these objectives, maintain autonomous management and operations, and are subject to mid-term evaluation. The national university sector, which had a 135,000-strong payroll, became an inevitable target of administrative restructuring to relieve the national personnel budget. Based on the IAI scheme, the

National University Corporation Law was passed in 2003 through which all national universities were turned into individual independent corporate entities in April 2004.

The National University Corporation Law aims at increasing the autonomy and flexibility of university governance, budgeting, non-civil servant personnel recruitment, curriculum, and third-party evaluations. Under the new governance structure, MEXT is responsible for the six-year objectives of each university. Each university in turn submits its six-year plan to MEXT. In addition to the evaluation at the end of each six-year cycle, universities are also required to submit annual evaluation reports, which would determine the funding level of the next academic year. In this new scheme, the university president, who previously had more a symbolic status, has now increased power and autonomy vis-à-vis the traditional faculty councils and senate. Decision-making power also centers on a board of directors comprised of at least one external person. In terms of finance, while over half of the total operating budget of each national university continues to be provided by MEXT, it is reduced by 1% per year. Universities and individual faculty are instead encouraged to obtain various kinds of competitive research funds and external funding. Finally, all national university employees including faculty members, technicians, and nurses in the case of university hospitals are no long public civil servants. The law has also made it legal and easier to use short-term labor contracts. The central idea of the National University Corporations Law is to introduce market principles in university governance, fund raising, academic labor management, performance evaluation, and university-industry cooperation in order to make Japanese universities globally competitive on the one hand and locally responsive to rapidly changing social and economic needs on the other.

The incorporation of Japanese national universities was carried out in parallel to another more general development in economic restructuring. One of the perceived problems for Japan's lingering economic recession is overregulation. In the area of higher education, the rigid legal and

bureaucratic requirements for university establishment and operations have long been considered as business unfriendly.¹ The 1956 **University Establishment Standards**, for example, require all higher education institutions to have a significant start-up capital, exclusive university premise, and non-profit purpose etc. In order to ease these regulations so as to stimulate business, the Minister for Trade, Economy, and Industry (METI), Takeo Hiranuma, and four private-sector members of the Council for Economic and Fiscal Policy proposed the idea of Special Zones for Structural Reform in April 2002, zones within Japan that would be deregulated to promote economic revitalization.² The Headquarters for the Promotion of Special Zones for Structural Reform, with the Prime Minister as its director, was formed within the Cabinet Secretariat in July and subsequently the Law on Special Zone for Structural Reform was passed in December the same year.³ The Cabinet Secretariat explains the rationale of the law:

Regulatory reforms are not being implemented as planned in some sectors for a variety of reasons... To stimulate the Japanese economy, it is necessary to elicit private-sector vitality to the maximum extent, and to expand private-sector business by implementing regulatory reforms. By setting up specified zones where regulatory exceptions are established in accordance with the zones' specific circumstances, based on voluntary plans proposed by municipal bodies, private sector enterprises, etc., we promote structural reforms in the area. By publicizing successful case examples of structural reforms in specified areas, regulatory reforms can be extended to the whole country, and we can stimulate the economy of Japan as a whole.⁴

Behind this bold initiative, competition is the key principle. Municipalities and the private sector submit project proposals for approval by the concerned ministries and the Prime Minister. The targeted exceptions to regulations to be implemented in Special Zones are compiled into a list. The projects are assessed after one year. In the absence of any significant problem, the exceptions to existing regulations could be extended to the whole country.

In the area of education, from April 2003 to May 2005, MEXT approved a total of 186 applications of exceptions to regulations to be implemented in Special Zones across the country

from Hokkaido to Okinawa in nineteen categories from kindergarten operations to the establishment of for-profit high schools.⁵ LEC Tokyo, which had been one of the four key law preparatory cram schools in Japan, became the first for-profit university in Japan in 2004 and has since been renamed as the LEC Tokyo Legal Mind University.⁶ Digital Hollywood, first formed in 1994 to train students in the creative industries, also became a University that same year.⁷ The distance-learning-based business graduate school, Business Breakthrough, established by the renowned Japanese business guru, Ohmae Kenichi, also became a university under the new Special Zone scheme. Six more pro-profit universities are scheduled to open in 2006 including WAO Graduate School in digital animation, TAC Graduate School in accounting, Globis MBA Graduate School, LCA MBA Graduate School, Japan Education Graduate School, and Japan Interpretation Graduate School.⁸

Neoliberal Ideology and University Restructuring in Japan

Pressures to reform Japanese national universities dated back to the Nakasone administration two decades ago. Seen in this historical context, university reform in Japan is not only a product of government financial pinch in the post-bubble period of the 1990s but also a consistent target of the dominant conservative LDP. It is well known that Prime Minister Nakasone was a great admirer of Ronald Reagan. In as early as 1984, the leading organization of businessmen, Committee for Economic Development (*Keizai Doyukai*), argued that Japan needed the next generation of workers to be “creative, diverse, and internationally-minded” (Schoppa 1991). That year, Nakasone established the *Daigaku Shingikai* (Ad Hoc University Council) to revise the Standards for the Establishment of Universities, “eliminating uniformity in education” and providing “regulatory relief” for universities (Schoppa 1991). Attempts to incorporatize national universities, notably under the ex-Minister of Education, Nagai Michio, largely failed due to opposition from the Ministry of Education.⁹

It was not until the Hashimoto administration in 1997 that the issue became a heated political debate. When the idea of writing the entire national university sector off the national budget through the independent administrative institution scheme was floated by LDP politicians, the Ministry of Education vehemently opposed it, out of the obvious concern of losing its bureaucratic power, if not part of its *raison d'être*.¹⁰ In May 2000, the Policy Affairs Research Group within LDP issued a statement that while national universities should be incorporated, the general IAI scheme might not be applicable. The following month, Japan Association of National Universities, represented by national university presidents, maintained their strong opposition to the IAI idea at the annual meeting. In June 2002, as a political compromise, a Cabinet decision announced that national universities would be incorporated under a separate scheme/law, which some critics argue, fundamentally resembles the basic IAI structure (Miyoshi 1999). The National University Corporation Law was finally passed in 2003.

To understand how such a sweeping reform measure changing the legal structure, governance pattern, and status of all 130,000 employees of national universities was undertaken, one needs to look at the “triumvirate” collusion of interests between the LDP, Keidanren (Japan Business Federation), and the Ministry of Economy, Trade, and Industry. LDP politicians have been targeting Japanese national university reforms through two separate, though linked, ideologies. One, manifested in the “small government” discourse of the Koizumi administration since 2001, focuses on the fiscal dimension of Japanese national university restructuring. The other, led by conservative politicians such as Omi Koji, aims more specifically on revitalizing Japanese universities for economic growth, especially through a proactive science and technology policy.¹¹

These two dominant LDP positions on national university reforms—on fiscal performance and national economic growth—have been both pushed by Keidanren. In the post-bubble period, Keidanren has issued numerous position papers arguing for university restructuring.¹² It lobbied for

the passage of several important laws concerning industry-university relations. In 1995, the Basic Law on Science and Technology (S&T) was passed, which led to the establishment of the First Basic Plan on S&T in 1996 with a budget of 17 billion yen. In 1998, the Law to Promote Technology Transfer from Universities to Industry through the establishment of technology licensing offices was further promulgated. The following year, the Special Measures to Promote Industrial Revitalization (the so-called Japanese Bayh Dole Act) were passed. In 2000, the Basic Law on Intellectual Property was adopted to promote the transfer of university technology to industry, an area that has widely been criticized as underdeveloped in Japan (Sawa et al. 2005). In 2001, Keidanren created a Sub-Committee on Industry-University Promotion within the Committee on Industrial Technology to promote research and development within universities and human resource development. The Sub-Committee put in place a new, more institutionalized internship system and initiatives that allow more flexible exchanges between university and corporate researchers/personnel.¹³

National university reform has also been actively promoted by the Ministry of Economy, Trade, and Industry. In 2001, an informal policy group was created in the Industry Research Institute within METI, which targeted faculty councils and university autonomy as impediments to increasing the quantity and quality of Japanese information technology researchers.¹⁴ On May 25 2001, the Minister of Economy, Trade, and Industry Takeo Hiranuma presented the “Hiranuma Plan” containing specific measures to encourage new market and job creation through wholesale university reform. The Hiranuma Plan spurred MEXT into action.¹⁵ On June 11, the Minister of Education, Culture, Sports, Science and Technology, Toyama Atsuko, submitted instead the Toyama Plan to the Council on Economic and Fiscal Policy, which was chaired by the Prime Minister and whose objective was to revitalize the stagnant Japanese economy. The Toyama Plan centered on three controversial ideas: 1) to drastically promote reorganization and consolidation of

national universities, the so-called Scrap and Build approach; 2) to introduce management methods used in the private sector to the management of national universities; and 3) to introduce a competitive principle to universities by means of external evaluation, or the so-called “Top 30 Universities,” which have since been renamed as the Center of Excellence program, as a mechanism of competitive funding.

The National University Corporation Law and the deregulation of universities through the Law on Special Zone for Structural Reform represent a defeat of MEXT in its bureaucratic battle with the Ministry of Finance and METI.¹⁶ The political compromise allows MEXT to retain some control of national universities through the setting of six-year goals and evaluation. Above all, MEXT attempts to maintain the discursive control of national university corporation as university reform proper, rather than the victim of an administrative reform coup:

The corporation of national universities, as confirmed by a cabinet decision, should be reviewed as a part of the promotion of university reform. That is to say, it is assumed that this problem will be reviewed as a part of creating dynamic universities that are internationally competitive, exceeding the perspective of the so-called administrative reform, such as outsourcing of administrative functions, and improving the efficiency of management, and promoting the flow of conventional university reform, such as upgrading education and research, creating individualistic universities, and revitalizing university administration (MEXT 2002: 2).

In particular, since the 1999 Cabinet decision to consider the incorporation of national universities, MEXT has insisted on framing the imposed reforms around the OECD discourse of “knowledge-based society.” In its 2003 education White Paper, MEXT articulates its vision of “Higher Education in Support of a Knowledge-Based Society Full of Creative Vitality - New Development for Higher Education Reforms:”

In the so-called “knowledge-based society,” in which new technologies and information has become the foundation for various social activities... universities bear the role of ... knowledge creation... In addition, the role of universities and other institutions in Japan has come to be recognized once again as a means to strengthen industrial competitiveness and ensure employment... Responding to social structural change, universities are also at the

stage where they must construct a new image for themselves, one in which they can appropriately fulfill the role that is expected of them in the new society (p. 6-7).

This new outlook for Japanese universities emphasizes competitiveness, productivity, flexibility, and efficiency. Although MEXT lost the bureaucratic battle, in the eyes of its own staff and its constituents—university employees, students, parents, and the society in general—it justifies the far-reaching reform measures by couching them in legitimate global discourse of the competitive 21st century university.

Opposition to National University Reforms

Why have university faculty and staff unions failed to stop the drastic reform measures? There was opposition at all levels. From early on, the Japan Association of National Universities (JANU), which represents national university leadership, objected to national university incorporation. The main Faculty and Staff Union of Japanese Universities (*Zendaikyo*) also opposed. Throughout national universities in Japan, faculties and departments adopted resolutions against the National University Corporation Law. In particular, a dozen of professors in the fields of education, history, geography, and philosophy from the University of Tokyo, Tokyo University of Foreign Studies, and Chiba University formed the Shutoken Net (Tokyo Anti-incorporation Network) in 1999. It drew upon the structure and memberships of existing faculty and staff union within national universities and tried to formulate a coherent strategy against the reforms. The results of their action—information dissemination, signature petition, demonstration, media campaign, and lobbying Diet members—are reflected in the 33 resolutions that accompanied the passage of the National University Corporation Law in 2003, even though the resolutions are not legally binding. Since 1999, several graduate students from the Tokyo University of Foreign Studies have also formed a study group and mailing list to oppose university reforms that they believe curtail academic freedoms and eliminate disciplines that are not “practical.” Undergraduates have also mobilized.

Student unions at the Tokyo University and Tohoku University adopted resolutions opposing the law. Further, in 2002, student union members from several national universities formed a human chain around MEXT to protest against national university corporation.¹⁷

The inability to stop the National University Corporation Law and related reform measures reflects several structural problems faced by Japanese faculty and staff as well as student unions. Some university faculty union members pointed out the traditionally close relationship between JANU and MEXT as a key factor in their inability to mobilize against national university corporation. Although JANU had opposed initially, it “gave in” too early to the demands of MEXT, after which it became quasi impossible for individual national university to object to the proposed plan.¹⁸ The response of the university faculty and staff unions in turn has been fragmented and weak. At the national federated level, Japanese teachers’ unions are divided along ideological and political lines with the leading Japan Teachers’ Union (Nikkyoso) affiliated with the opposition Democratic Party, the National Teachers Federation of Japan (Zen-Nikkyoren) affiliated with the Liberal Democratic Party, and finally All Japan Teachers and Staff Union (Zenkyo) associated with the Communist Party. University faculty and staff unions are federated under separate structures of the main Faculty and Staff Union of Japanese Universities ((Zendaikyo, across political party lines) and the much smaller Japan Public University Staff Union (Zenikkyo, associated with Nikkyoso). Some faculty union members pinpoint their failure to stop the reform measures to the lack of power, if not a consensual approach, of the Faculty and Staff Union of Japanese Universities vis-à-vis MEXT.¹⁹ In addition to the problem of ideological division and the lack of unity, all teachers and faculty unions have been suffering from declining membership rates. A fundamental question pertains to how a union structure and approach based on the industrial era can still be effective in a postindustrial society; that is, how an extremely hierarchical structure could adapt to the rapidly changing labor changes in the era of globalization.²⁰ The weak linkage between teachers’ unions

and political parties in Japan further means that the opposition movement by the faculty and staff unions had little political leverage.

Opposition at the level of the university remained weak due to the absence of staff unions in many Japanese universities, a legacy of the 1968 university turmoil. In campuses where staff unions are present, the low membership rate on the one hand and lack of consensus concerning the merits and demerits of university corporation among faculty and staff members on the other have made organizing a challenge. Further, since the corporation impacts various faculties, departments, and even individual academics differently, there has been no uniformed response to the law. Some faculties especially in the sciences and engineering seem to favor the development from the perspective of flexibility and increased external funding possibilities while others in arts, humanities, and basic sciences find the selective support approach an infringement of university research autonomy. Many academics seem to be against the law, but few took action.²¹

Finally, despite the fact that students—graduate as well as undergraduate—have great stakes in the current trends of university incorporation and marketization, as they exert significant impact on tuition fee, academic discipline restructuring, university management, and hence their university education experience as a whole, student opposition has been marginal and ineffective. With the exception of a few student unions and graduate student networks, for example, in the Komaba campus of the University of Tokyo and Chiba University, most students remain oblivious to the recent reforms. The lack of mobilization could be attributed to the absence of student unions in most Japanese universities, a product of the Ministry of Education policy after the radical student activism of the 1960s as well as the general decline of student interest in activism in the prosperous decades of the 1970s and 1980s.²²

Conclusion: Academic Capitalism and the Social Contract

Almost two years after the National University Corporation Law took effect, Japanese national universities have become battlegrounds for new missions, innovative governance structures, decreased funding, flexible personnel arrangements, and heightened performance and global competitiveness. Universities have responded differently to these new challenges. Faced with the budget squeeze, some have chosen to freeze hiring²³ while others experiment outsourcing in order to reduce personnel costs.²⁴ Faculty and staff members alike complain of the massive increase of administrative workload due to mid-term planning, annual evaluations, and competitive funding applications.²⁵ University presidents can now be chosen by the President Selection Committee without the traditional faculty vote. External experts now sit on university boards and could legitimately introduce market-oriented ideas and activities. One such example is the development of Tokyo University employee and student identity cards as credit cards. In the spirit of “Scrap and Build,” some university management teams have begun to think the unthinkable: eliminating entire faculties that are no longer profitable or useful and replacing them with more practical and locally adapted disciplines.²⁶

Although the National University Corporation Law has become a legal reality, the actual extent of changes will not only depend on university leadership, which has been the active agents spearheading reforms, but also on the acceptance of the middle management (deans and department heads etc.) as well as individual academics. Many scholars and practitioners have pointed out the trends of marketization of Japanese higher education from funding to enrollment (Yano 2005 and Yamamoto 2005), but faculty members on the ground continue to question the legitimacy of such top-down reforms that challenge the principles underlying postwar higher education system as well as the social fabric in Japan. These include the equality of opportunity, university autonomy, higher education as a public good, and stable employment.²⁷ As President Komiyama Hiroshi of the

University of Tokyo affirmed in a recent gathering of undergraduates from around the world, the mission of the University of Tokyo, as stipulated in the 2003 university charter, is not only to perform world-class research and education, but also to serve the public good of the world, from an Asian perspective.²⁸ The learning, teaching, and research experience of individual students, faculty, and staff members will depend on a tug of war between a neoliberal ideology focusing on the market and commitments to the existing social contract that emphasizes university functions beyond market values. At stake is not only the ranking of Japanese universities, or but also the democratic future of Japan.

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¹² See, for example, <http://www.keidanren.or.jp/japanese/policy/2000/013/index.html>;
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