

A Summary of the Problems Involved in Law-Related Education
Law-Related Education
Study Group
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This brochure has been prepared, based on the opinions expressed by the members of the Law-Related Education Study Group (hereinafter to be referred to as "the Study Group") and others regarding the present condition of teaching of laws and justice systems in Japan to summarize the main points of discussion in order to be further examined and studied in the future. The matters stated here do not indicate the final conclusion of this Group nor do they deny new opinions coming out later.

No.1. Necessity of law-related education in Japan and matters to be examined by the Study Group

The Study Group was inaugurated to conduct research and study for the purpose of enriching the opportunities to learn laws and justice systems at schools (hereinafter to be referred to as "law-related education, etc."), not only from educational viewpoints but from broader social views.

As regards law-related education, etc., various pioneering approaches are being made in Japan, too and the Study Group conducts the aforesaid research and study, based on the understanding that "law and justice system should be maintained not only by legal experts but by the general public" (Recommendations of the Justice System Reform Council; hereinafter to be referred to as "Council Recommendations")

The concepts which are aimed at for reforming justice system are as follows, according to the Council Resolutions:

Japan has been engaged in various reforms such as political, administrative, or the reform of economic structure, including the decentralization of power to local entities, deregulation, etc. What underlies these reforms in common is the will of each person to slough off the consciousness that the people are the objects governed by the authorities and take part in building up a free and impartial society through mutual cooperation, as an independent and socially responsible member

of a ruling body, bringing strong power of creation and energy to Japan.

The justice system reform now under way is designed to combine these reforms organically under "the Rule of Law", one of the fundamental concepts of the Constitution of Japan and this should be regarded as "final important work" of a series of reforms constituting "the figure of the country".

Therefore, when the Study Group examines the methods of law-related education, too, it would be necessary to teach students so that each one would divest himself of the consciousness that he is the object to be governed by the authorities as he was in the past, and make them aim at becoming an independent, socially responsible governing body. Among others, in light of the importance of the role to be played by law and justice system in the life of the people, it is quite significant to increase the opportunities of receiving, say, law-related education. On this point, the Council Resolutions state about the role of the justice system as follows:

On the occasion of concrete cases or legal disputes, justice system is expected to settle such cases or disputes properly, by correctly interpreting or applying law, rectifying unlawful acts and relieving the rights of victims, and properly deal with violations of law, by the pertinent and speedy enforcement of punitive power under the due process of law, thus enabling the maintenance and formation of law through these measures. Therefore, the functions of justice system has the aspect of serving public interests and the judiciary constitutes one of the three pillars, together with the Diet and the Cabinet which establish policies based on a majority principle or set up norms in the final form of law and enforce such law."

That is to say, law is originally designed to promote the self-dependence of the people by protecting their rights and enrich their livelihood, with no intention simply to bind the people, and justice system is designed, based on such law, to relieve the rights of the people and enable the maintenance and formation of law by dealing with violations of law.

It is thought, therefore, that, by learning about the significance of law and justice system like this, people become able to understand

the importance of actively participating in the process of making law, becoming fully conscious of their rights and responsibilities that they are protected by law, so that they are bound to respect law, and the rationale of solving disputes by use of law and the fact that the people are actually able to feel their participation in law has the aspect that they concern themselves with matters of public nature as a governing body, doesn't it ?

The Study Group has been eagerly dealing with law-related education since its first meeting on September 22 last year and after six meetings it came to arrange in order the issues to be further studied in future.

For details, please refer to No. II, but, basically, the Study Group intends to make students deepen, through law related education, etc., the understanding about the spirit of law and the values underlying it (Constitutional values, etc.) and, by making students learn the rule-making process and also the process of settling disputes by the rules, aims at propelling education, etc. for making them understand the significance of law and justice system.

The importance of law-related education as stated above is endorsed in the present school education, too. For example, the official curriculum guidelines of junior high schools indicate, as a good model of citizen, in the textbooks of social studies course that students must be taught to realize the importance of respecting the dignity of individuals and human rights and, in particular, to make them understand correctly the relationships of their freedom and other rights with their responsibility and duty from broad viewpoints and, based on these guidelines, each school composes class lessons. On the other hand, however, there have been pointed out various problems, including the contents and methods of law-related education, etc. conducted on the front line of teaching, so, while paying consideration to the approaches hitherto made up to now, the Study Group is ready, for further enriching and promoting law-related education, etc. to examine the way how law-related education should be from broader viewpoints, systematically and activate the arguments about the methods needed to accomplish it and also undertake the preparation of textbooks or guidance examples for law-related education.

Also, for examining how law-related education should be, it is necessary to look into not only teaching by school teachers but also the activities of law practitioners who directly handle law and justice system, and it would also be necessary to study the connection between school and family education or connection between school and community education, from broader viewpoints.

When examining these points, the Study Group will be required fully to respect the advanced approaches made by teachers and law practitioners, etc. in the field of law-related education and try to further promote the voluntary originality and ingenuity toward law-related education by school or other educational organs and private organizations.

Since, as stated above, the problem of how law-related education should be is the one requiring the understanding and support of not only school teachers and law practitioners but also of the general public, the Study Group has decided to show the outlines of the problem as are recognized at present, together with the future direction of research, in the form of "A Summary of the Problems Involved in Law-Related Education", in order to concretely examine how law-related education should be in the future and the methods to accomplish it.

No. II. The status quo of the examination of how law-related education, etc. should be in Japan

1. The status quo of law-related education, etc. in Japan and problems to be solved

(1) Status quo

a) Present approaches by school education

School education is designed, according to the stage of growth of children or students, to make them understand the significance of law and regulation, structure of justice system, etc. in "social studies" and other relevant classes, by use of textbooks and based on the official curriculum guidelines, and foster their attitude to concern themselves positively with building up a better society, in observance of law and regulation as a member of the society.

Highly motivated schools or teachers adopt, among all learning methods, attendance at court hearings or conduct mock courts or other experiencing or problem-solving method of learning or open classes as

sisted by practicing lawyers or judicial scriveners, drawing the interest and attention of students to laws and regulations.

(Concrete example of guidance for a course of study)

In "social studies" and "citizenship" classes, students are to learn the fundamental principles of the Constitution of Japan, the rule of law, rights and duties, guarantee of fair and impartial trial based on law and justice system broadly.

In "life" classes, students are given instructions in the habits and skills needed for leading daily lives such as observing rules and manners through concrete activities or experiences.

In "morals" classes, students are given instructions to understand the significance of a promise, rule and law as well as the importance of observing them.

In "special activities" classes, students are urged to activate discussions and conversations for solving various problems or improving school life, as part of the activities of class, or children's or students' group, thus fostering their attitude toward leading a better life with mutual cooperation.

In "homemaking" classes, the subject of law is to be taken up in connection with the lessons to learn how to solve the problems of life with ability of one's own and also the lessons to promote the ability and practical attitude toward improving family life and, in the newly established "comprehensive learning" classes, schools may conduct learning activity of their own, according to their judgment, about the subject of law, etc..

b) Present approaches by law practitioners

(i) Approaches by courts

The courts are dealing with this problem as stated in Attachment 1 so that the people may understand justice and trial systems, the structure and role of the courts and the work of judges.

(ii) Approaches to the problem of law-related education by the Ministry of Justice

The Ministry of Justice is dealing with this problem as shown in Attachment 2, for the purpose of having the people understand how la

w and justice system should be and building the communities where justice prevails and also for having the people acquire full understanding and confidence in criminal justice.

(iii) Approaches by the Japan Federation of Bar Associations and bar associations

The bar associations are taking various steps to make citizens understand justice system, trial system and the work of law practitioners, including practicing lawyers and they are also engaged in various activities as shown in Attachment 3 for conducting the education which aims at training citizens to be self-dependent as members of a constitutional, democratic society.

(iv) Approaches by the Japan Federation of Judicial Scriveners Associations

The Japan Federation of Judicial Scriveners Associations is engaged in the activities as shown in Attachment 4, which are designed to make citizens acquire the knowledge of law to avoid disputes and the ability to solve disputes by law when they are involved in such disputes.

(2) Future problems

a) Problems to be solved in the approaches by school education

Guidances for making students understand basic concepts, purport of law and process of formation of laws or rules are not given adequately at schools, are they ?

Guidances for cultivating human relationships or temperament for becoming to a good member of society, etc. are not given adequately at schools, are they ?

Guidances for developing the ability of reaching a conclusion by mutually discussing with each other are not given adequately at schools, are they ?

Guidances for fostering the consciousness that law is not made to regulate, bind or estrange people but made objectively by the people themselves to lead a better social life are not given adequately at schools, are they ?

Isn't it necessary for schools to compose the curricula suitable to conduct proper law-related education according to the stages of growth of children or students ?

The concept of law-related education is not well defused and schools are required to complete teaching materials and improve teaching methods in order to conduct law-related education effectively.

b) Problems to be solved by law practitioners in their approaches

Approaches for making the people feel that justice system is close at hand are being done, but those for making them understand the purport, etc. of justice system are not adequate, are they ?

Association between law practitioners and school teachers is not close enough, is it ?

2. The status quo of law-related education in foreign countries

In the United States of America, a law entitled "Law-Related Education Act" was passed by the Federal Congress in 1978 under which a system has been established that children in lower grades of primary schools up to high school students must receive law-related education repeatedly and continuously, by using teaching materials and curricula made by a plural number of organizations, while, in the United Kingdom, "citizenship class" has been newly established, by the National Curriculum published in September 1999 which is designed to teach legal rights and duties, impartial solution of confrontation, drafting of law, and how to prevent juvenile crimes, etc. and these curricula have been made compulsory since 2002. In addition, approaches are being made to law-related education reportedly in France, Sweden and others.

As stated above, law-related education is regarded very important in Europe and the U.S.A. and positive approaches are being made. In Japan, too, the Study Group will be required to deepen its study, paying attention to the current movements. In law-related education in other countries, the education is given according to the different stages of growth of children, repeatedly and continuously and the teaching materials are specifically made for that purpose. In addition, law practitioners try to concern themselves with law-related education for children and students. These are the points to be taken into consideration when Japan studies how to conduct law-related education, and it will be necessary to study the matter in details.

3. How to conduct law-related education in Japan

(1) Matters to be considered as aims of law-related education

To foster the ability and temperament needed for fully understanding the basic principles of the Constitution and other laws such as the dignity of individuals or rule of law and for taking part in the free and impartial administration of society as a self-governing and responsible body.

To make the people understand that law is close at hand in their daily life and make them behave with full consciousness of law and foster their ability to use law subjectively in their daily life.

To have the people develop their ability so that they may have thoughts of their own, express their opinions positively and logically, make discussions, conclude agreements or present constructive criticisms, etc. with due regard to the opinions which are different from their own.

(2) Matters considered to be contained in law-related education

It is necessary to have students learn how to make rules and how to settle disputes, based on rules and make them learn that such process of law contributes to enriching people's life, not simply binding them.

It is necessary to make students have a better understanding of the spirit of law and the values underlying it (Constitutional values, etc.)

It is necessary to deepen the understanding of the close relationships between rights and duties that while their rights and freedom are protected, they are bound to respect the rights and freedom of others.

In the field of private law, it is necessary to make citizens understand the basic concepts by contriving, for example, in such a manner as to take up subjects close at hand in daily life and make them realize that the problems of enterprise activities and the protection of consumers are closely connected with law.

It is necessary to make people understand the importance of observing the law of respecting each other and develop the education for cultivating normative consciousness.

(3) Concrete methods of conducting law-related education, and matters to be kept in mind

The method of making students experience solving disputes by using specific rules is conceivable.

It is necessary to select a subject by which children feel that law and justice system are at hand.

When children and students are given a subject to think about, they should be told that it is more important to maintain coherency for thinking rather than reaching a conclusion and also that, depending on cases, there are more than one correct answers.

It is important to organize classes in which students can examine laws and rules or think about them, by themselves.

It is necessary to place within the range of vision not only "social studies" classes but other classes on different subjects.

To make curricula at schools effective, it is essential to develop law-related education.

It is necessary to conduct law-related education after clarifying the framework to be taught to students at schools.

It is necessary for all persons from children to full-fledged members of society to receive law-related education according to the stages of growth, repeatedly and continuously.

It is necessary to develop teaching materials to be used by teachers in classes and the actual examples of law-related education should be provided.

It is necessary to make some devices so that students may take part of their own will, for example, in discussions, debates or role-play meetings or mock courts.

For conducting law-related education effectively, it is important to obtain the support of law practitioners, while teachers have main responsibility for the guidance of students.

(4) Future course of direction of the research and study of law-related education

Methods should be devised whereby law-related education is included in "social studies" and "citizenship" lessons and in other lessons, and that repeatedly and continuously, according to the stages of growth

of citizens from children to full-fledged members of society.

Law-related education is to be given by school teachers, but its connection with the support of legal experts or with family education or involvement of local communities should also be studied.

For conducting law-related education, the Study Group will prepare specimens of teaching materials and examples of actual guidance of students.

Approaches to Law-Related Education by the Courts

Dispatch of Lecturers Who are Judges (for Giving Lessons at Schools)

Methods: Judges, who visit schools, give lectures including their experiences, "questions and answers", and give explanations easy to understand the structure of courts, their role, the work of a judge, justice and trial systems, etc.

Places to visit:

primary school, junior high school, college and university, etc.

Example of a visit to the Tokyo District Court

Theme: Trial system and structure of courts, structure of civil trial, functions of courts, role to be played by justice system and its meaning, etc.

Objects:

Junior high school and high school students in Tokyo

Method:

For junior high school students:

By explaining about the basic matters, such as differences between criminal and civil trials, they are to be familiarized with courts and judges

For high school students:

Explanations are given about the entirety of civil trial by citing concrete cases and judge's experiences, and also about a judge as a profession.

Examples of the methods devised:

By carrying the things actually used by a judge for trial, such as "Roppo" (a compendium of major laws), judge's gown, case records, etc., the judge allows students to look into or touch these things.

The judge may give explanations, connecting them with some actual cases recently reported by mass media.

Lessons may be made so as to be of student-participating type by, for example, adopting quizzes.

Mock Trial: Mock Conciliation Procedure

Method: Children and students obtain the experiences of a judge or lawyer in a mock trial or mock conciliation procedure. (It sometimes happen that they are invited to observe the mock trial, etc. in which real judges and court officials play their role.)

Object: Primary school children, students of junior high and high schools, college and university students and others.

Example of how to conduct it by the Tokyo District Court

Subject: criminal case (robbery; defendant denies)

Object: school children in and out of Tokyo, who come to the Court for observation

Method: Children are made to play the role of a judge or witness according to the scenario prepared by the Court. The final judgment for the case is to be made by the children who become judges.

Means devised:

It is necessary to attract the interest of even primary school children.

Attendance at Court Proceedings Assisted by a Court Guide;
Observation of Courtrooms

Method: Attendance at court proceedings

After attendance, some judge in charge of the case voluntarily explains about the case or procedure.

Observation of courtrooms, conciliation rooms, adjudication rooms, etc.

Object; primary school children, junior high and high school students college and university students and others

Example of the Tokyo District Court

Object: about 10 people's group from among junior high and high school students in and out of Tokyo

Method: attendance at court proceedings, explanation by using empty courtrooms, and questions and answers

Means devised:

selection of cases suitable for observation of court hearings: opportunities should be arranged so that students may talk personally with judges

Provision of videotapes

"Our Courts"; distributed to: junior high and high schools throughout the country

"Does everyone know ? -- structure of trial distributed to: all primary schools throughout the country and all High, District and Family Courts

"Do you know ? -- the Courts"

distributed to: All High, District and Family Courts

(All of the above videotapes are available for rental to any school,
other than the schools receiving distribution, upon request.)

Approaches to Law-Related Education by the Ministry of Justice

Approaches by public prosecutors offices and the Criminal affairs Bureau of the Ministry of Justice

Moving or traveling classes or visiting courts to observe court proceedings

moving class program

--- designed mainly for primary school children and junior high school students, Public prosecutors office staff show them around the offices or put on the screen the videotapes made for public information purposes, explaining the work of public prosecutors, etc. and give them time for "questions and answers".

traveling class program

--- designed mainly for primary school children and junior high school students. Staff of public prosecutors offices visit educational institutions like schools and explain the work of public prosecutors and their offices and give the time to students for "questions and answers".

court proceedings observation program

--- designed mainly for high school, college or university students and full-fledged members of society. Visits to courts are actually arranged to observe court proceedings and "questions and answers" are conducted as regards the work of public prosecutors and their offices

Preparation of pamphlets and public information videotapes

Approaches by the Rehabilitation Bureau of the Ministry of Justice

" Junior High School Students Support Action Plan"

The volunteer probation workers who have a wealth of knowledge and treatment experiences about the problem of delinquency visit junior

high schools and carry out the following programmes:

- # Conducting delinquency prevention classes for students on the themes of delinquency and drug problems

- # holding conferences with teachers, on an individual basis, about problem students

- # Conducting joint case study meetings with teachers in charge of the guidance of students

Approaches by the Human Rights Bureau of the Ministry

- # Conducting contests in which junior high school students compete in the workmanship of compositions they write

- # Conducting "Human Rights Classes" by human rights commissioners or the staff of Legal Affairs Bureaus

Approaches by Secretarial Division, Minister's Secretariat, Ministry of Justice

- # Explanation about basic laws, when visitors come to the Ministry

Approaches to Law-Related Education by Bar Associations

1. Approaches to law-related education by the Japan Federation of Bar Associations up to the present

The Japan Federation of Bar Associations has made various approaches, as regards law-related education to be given by practicing lawyers since 1990. The Federation adopted at its regular plenary meeting in May 1993 the "Resolution to Develop the Education of Justice System". Further, in November 1998, it made a special proposal for promoting law-related education, etc. in the "Justice System Reform Vision".

In the field of the education of consumers, the Federation has been playing an active role by establishing "Education Subcommittee" in the Federation's Committee on Consumers' Problems. The Federation is ready to welcome the visitors who come for observation. They came in groups composed of 1,159 people in 2001 and 83 groups composed of 1,359 people in 2002, for whom the Federation prepared pamphlets (guide maps) for their convenience.

2. Approaches made by practicing lawyers and bar associations up to now

Practicing lawyers and bar associations, too, conduct law-related education not only for junior high and high school students but for citizens in general. Such education covers a wide range of subjects, including consumers' problems, family problems, general civil matters, structure of judicial and justice systems, etc., and methods of teaching are not limited to lectures but also include the performance of mock trial and guidances for it or attendance at court proceedings, thus devising the methods in various ways. Also, the places where the education is conducted are manifold, including schools, public halls, citizens' halls, culture centres, bar associations, etc.

The introduction of justice system or the acquisition of the basic knowledge of law, which are not adequate at present at schools in citizenship lessons, are being supplemented in this manner and, as a pattern of lifelong education for adults, bar associations are engaged in the educational activities designed for citizens.

These activities place emphasis upon having citizens understand the structure of justice system and, while introducing the knowledge of law easily to be understood, stress is placed on the importance of activating conversation.

3. Importance of "law-related education forming the basis for justice system education"

Through these activities, it is "law-related education" the importance of which began to be recognized of late. This is the education not designed to teach law as part of knowledge but to acquire the ability "as a citizen supporting the rule of law" in a free, impartial and democratic society. It is designed to have citizens acquire the knowledge of the role and principle of law, origin of legal systems and also the skill to use or apply such knowledge and further, the attitude of respecting others, observing basic human rights and solving issues according to applicable laws.

Last year the Federation set up the "Working Group for Law-Related Education and, based on its proposal, expanded the Group into a committee in June this year and started activities on a full scale, in order to make law-related education firmly rooted in this country.

In June this year, the Federation made public the experimental classes being already conducted by practicing lawyers, and held a symposium which was designed to introduce the approaches made overseas.

4. Some characteristic movements of bar associations involving law-related education

As the understanding of law-related education has been deepened, the Ibaragi Prefectural Bar Association set up a committee on law-related education to send lecturers to the schools inside the prefecture to conduct law-related education. Also, the Fukui Bar Association distributed to each high school a paper explaining about "visiting classes" as part of law-related education and also conducted experimental classes at junior high schools.

Approaches by Judicial Scriveners to Law-Related Education and Consumers' Education in Primary and Secondary Education

1. Approaches to law-related education and consumers' education by judicial scriveners (Judicial Scriveners Association)

In view of the importance of justice system, the Judicial Scriveners Association is of the opinion that, in our society where one's own responsibility is pursued, "law-related education" is the basic education needed for making one's own decision or judgment and that the fostering of legal-mindedness and the consciousness of human rights is, in particular, most important for leading a fair and impartial life, so all efforts are being made to develop law-related education by judicial scriveners since 10 years ago.

In recent years, the number of the cases causing troubles to consumers has increased among young people and they are required to have the basic knowledge of law and legal way of thinking needed for social life before they leave school to go into society. This way of thinking is a sort of "preventive justice" to avoid the occurrence of legal disputes rather than coping with them after they occur and further, it is considered that judicial scriveners are obligated to play a role not simply avoiding damages but connecting citizens with laws. Under the circumstances, the Association, while placing stress on making citiz

ens understand credit and card contracts as part of "citizenship" or "homemaking" lessons, use short (comic) plays, thus conducting easily understandable lessons. It is possible for judicial scriveners to display living law-related activity" because they are accustomed daily to listen to consultations from people at large. It is considered, therefore, handling this matter is one of the duties which judicial scriveners must perform for the benefit of community people.

"Law-related education" conducted by the Judicial Scriveners Association is said to have started originally as an organized business activity at the time when law classes were held on the theme of "legal problems close at hand" throughout the country around 1979. Even before that year, individual scriveners held lecture meetings as part of public hall activities or PTA activities. Later, pursuant to the increase of damages caused by the financial services company for salaried workers, which later became a matter of public concern, judicial scriveners all over the country engaged in the relief activities of multiplex debtors

and as they keenly realized the necessity of consumers' education, the law classes organized for citizens by the Association as their business has been gradually enlarged, from the standpoint of "preventive justice". To support these local activities, the Japan Federation of Judicial Scriveners Associations set up the Primary and Secondary Education Promotion Committee aiming at the further development of law-related education (consumers' education) business, with the total energy of the entire organization.

2. The present condition of law-related education and consumers' education conducted by the Judicial Scriveners Associations

In 2002, 41 judicial scriveners associations, over 80 % of all throughout the country were engaged in law-related or consumers' education and this number is increasing year after year. The contents of the education depend upon each association and their themes are various and, as the lessons are taught mainly for high school students just before leaving school to go into adults' world, they are given consumers' education.

As for the methods of teaching, lessons are given as part of cur

ricula like social studies (or citizenship) or homemaking or sometimes in more comprehensive lessons or homerooms to meet the needs of the school flexibly.

Speaking of individual themes, those subjects which are considered helpful when students work in society in the face of various social phenomena are chosen and they are taught with the aid of "living teaching materials" which judicial scriveners come to obtain in their daily work.

3. Problems to be solved in the future and the course of direction to be followed by judicial scriveners

As stated above, judicial scriveners perform their business in cooperation with schools, offering as "living teaching materials" the knowledge and experiences which they obtain in their daily work to supplement what students cannot learn from textbooks or blackboards and the scriveners are eager to continue this activity in the field of primary and secondary school education as law practitioners, studying what they can do to promote the education. In this regard, judicial scriveners are ready to study not only how to avoid consumers' troubles but how to put into effect law-related education, based on the concept that law is a basic social rule.

The judicial Scriveners Associations which aim at the firm establishment of law-related education in society intend to deepen contacts with schools and other organs or groups involved in law-related education and positively carry out the business with a view to sending to society the children and students who have the active power.

Number of Schools to Which Lecturers were Sent
Sent in 1999 through 2002

	Assoc- iation	high s chool	specia l voca ti-ona l	junior colle ge	univer -city	handic -apped	junior high	lectur e	total
1999	23	228	4	2	-	2	4	-	240
2000	32	248	4	4	1	1	-	-	258
2001	37	329	1	4	2	2	1	1	340
2002	34	361	1	2	1	1	1	-	368