

# CURRENT SITUATION AND CHALLENGES OF LAW-RELATED EDUCATION

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## I. INTRODUCTION

The purpose of this paper is to discuss the current situation and challenges of Law-Related Education. In this paper, the discussion centers on the idea of Law-Related Education, the diversity of Law-Related Educational curriculum in the United States, the characteristics of Law-Related Education in Japan, and the idea of justice studies in elementary and junior high school.

Law-Related Education in Japan is affected by the United States. Law-Related Education in Japan arose mainly out of the field of social studies in the 1990s. The father of Law-Related Education in the United States is Isidore Starr, while the father of Law-Related Education in Japan is Yuji EGUCHI<sup>1</sup>.

Social studies in Japan was established after World War II and focused on Constitutional Education. It is evaluated as having achieved some results toward the realization of a democratic society in Japan. However, this resulted in a limited understanding of the relationship between the state and individuals, only as a hierarchical relationship between the state and the people. Law-Related Education in Japan is an attempt to position legal citizenship as a concept that includes horizontal relationships between society and the citizen and between citizen and citizen.

## II. THE IDEA OF LAW-RELATED EDUCATION

### A. Definition of Law-Related Education

Law-Related Education in the United States is a leading model of Law-Related Education in Japan. According to “The Law-Related Education Act of 1978”<sup>2</sup>, which was approved in the United States Congress, Law-Related Education in the United States is defined as “education to equip non-lawyers with the knowledge and skills pertaining to the law, the legal process, and the legal system, and fundamental principles and values on which these are based.”

Since then, Law-Related Education in the United States has been actively positioned as one of the educational subjects to be addressed throughout the United States as a whole. The U.S. Department of Education promoted institutional expansion of Law-Related Education in the United States.

According to U.S. Department of Education regulations, Law-Related Education helps students “respond effectively to the law and legal issues in our complex and changing society.”<sup>3</sup> The definition of Law-Related Education in the United States reveals three features. Firstly, it targets non-lawyers, including children, and is different from law-school education, which is targeted to those seeking to become legal experts. Secondly, it addresses “the law, the legal process, and the legal system, and fundamental principles and values on which these are based”. Law-Related Education in the United States deals with the law in a broad sense. It is not limited to constitutional law, civil law, or criminal law, but addresses dynamic, active and working laws and legal values. Thirdly, it fosters “knowledge and skills” that can be used. In addition to gaining knowledge, it is

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<sup>1</sup> Yuji EGUCHI. (1993). Shakaikaniokeru 'Hokyoiku' no Juyousei: Americashakaikaniokeru 'Hokyoiku' no Kentowotoshite. Nihonshakaikakyoiukugakkai. *Shakaikakyoiukukenkyu*. No. 68, pp. 1-17. (江口勇治「社会科における『法教育』の重要性—アメリカ社会科における『法教育』の検討を通して—」日本社会科教育学会『社会科教育研究』No. 68, 1993年, pp. 1-17.)

<sup>2</sup> Public Law 95-561. (1978). *Law-Related Education Act of 1978*.

<sup>3</sup> American Bar Association Division for Public Education. *Law-Related Education Network*. ([https://www.americanbar.org/groups/public\\_education/resources/law\\_related\\_education\\_network.html](https://www.americanbar.org/groups/public_education/resources/law_related_education_network.html))(visit; 2018.1.5).

important to encourage skills acquirement and attitude formation.

From the late 1960s to the latter half of the 1970s, in the United States, there was a growing awareness that it was important to engage in Law Studies in a broad sense in school. Law-Related Education in the United States was intended for two purposes:<sup>4</sup> citizenship education and the prevention of juvenile delinquency. Firstly, in terms of citizenship education, it is a well-known fact that the Watergate affair caused political stagnation in the 1970s in the United States. In response to that, a diverse and concrete approach to citizenship education including global education and multicultural education was actively discussed. Law-Related Education is aimed at people recognizing the legal value of justice in the United States. Moreover, it was proposed as an approach for citizens to acquire skills to solve such legal problems related to justice. Secondly, Law-Related Education was also intended to prevent juvenile delinquency. Since the latter half of the 1960s, youth crime in the United State continued to increase and became a more serious problem. Law-Related Education was expected to reduce the total number of crimes and to improve the behavior of young people.

### **B. Goals, Contents, and Methods of Law-Related Education**

One of the goals of Law-Related Education in the United States is to develop legal literacy. Legal literacy is established upon two main ideas<sup>5</sup>. Firstly, Law-Related Education should be recognized as an integral part of each person's basic education for becoming a knowledgeable and responsible citizen. Secondly, promoting the 'legal literacy' of citizens safeguards our democratic institutions.

When organizing Law-Related Education in elementary and secondary education at school, the main goal is to develop legal literacy for each citizen. According to "Law-Related Education: A Crucial Component of American Education"<sup>6</sup> presented by the American Bar Association Special Committee on Youth Education for Citizenship, "legal literacy is an essential prerequisite if one is to function effectively as a citizen in private and public affairs."

Legal literacy is thought to be an ability fostered by achieving three goals, with the assumption that the contents and realities change along with changes in society. Firstly, it is to learn of moral reasoning and ethical analysis skills. Secondly, it is to appreciate of the legal process and an understanding of the functions of the law. Thirdly, it is to acquire information about the law. The author thinks that it is meaningful that the order from first to third is skill acquirement, attitude formation, knowledge understanding.

Charlotte C. Anderson states the following ten features as characteristic changes of Law-Related Education<sup>7</sup>.

- ① Perceiving law as promotive, facilitative, comprehensible, and alterable
- ② Perceiving people as having potential to control and contribute to the social order
- ③ Perceiving right and wrong as issues all citizens can and should address
- ④ Perceiving the dilemmas inherent in social issues
- ⑤ Being reflective decision-makers and problem solvers who make grounded commitments
- ⑥ Being able to give reasoned explanations about commitments made and positions taken
- ⑦ Being socially responsible conflict managers
- ⑧ Being critically responsive to legitimate authority
- ⑨ Being knowledgeable about law, the legal system and related issues
- ⑩ Being empathetic, socially responsible and considerate of others
- ⑪ Being able to make mature judgements in dealing with ethical and moral problems

<sup>4</sup> Report of the American Bar Association Special Committee on Youth Education for Citizenship. (1975). *Law-Related Education in America: Guidelines for the Future*. American Bar Association, pp. 3-4.

<sup>5</sup> Study Group on Law-Related Education on Law-Related Education. (1978). *Final Report of the U. S. Office of Education*. U. S. Government Printing Office. (ED175 737). p. xi.

<sup>6</sup> *Ibid.* p. 51.

<sup>7</sup> Anderson, Charlotte C. (1980). Promoting Responsible Citizenship Through Elementary Law-Related Education. *Social Education*. Vol. 44-5. p. 384.

Anderson states that “the major goal of Law-Related Education is to move children away from negative characteristics and toward characteristics more in keeping with the demands of democratic stewardship.”<sup>8</sup> She also states that “Law-Related Education is congruent with good social studies in general and is a means of fostering the goals of citizenship education.”<sup>9</sup>

Law-Related Education is fostered by the following abilities for children.

Correct recognition of the essence of law and the legal process: ①, ②  
 Acquiring skills to analyze and solve the legal problems: ③, ④, ⑤, ⑥, ⑦  
 Evaluation of the essence of law and the legal process: ⑧  
 Understanding law, the legal system and related issues: ⑨  
 Ethical and moral judgment of legal problems: ⑩, ⑪

Contents of Law-Related Education include the following twelve items<sup>10</sup>.

- ① Legal principles and the values on which they are based
- ② The Bill of Rights and other constitutional law
- ③ The role and limits of law in a democratic society
- ④ Conflict and dispute resolution
- ⑤ The role of law in avoiding conflict and disputes
- ⑥ Development and administration of rules
- ⑦ The administration of the criminal and civil justice systems, and their strengths and weaknesses
- ⑧ Informal laws
- ⑨ Authority, freedom, enforcement, and punishment
- ⑩ Law as a vehicle to illuminate and resolve social and political issues
- ⑪ Areas of law that affect the daily lives of citizens
- ⑫ International relations, anthropology, and economics

As shown in points ① to ⑫ above, it is obvious that the law which is regarded as the contents of Law-Related Education is not limited in the narrow sense like “statute law” or “national law”. Rather, the content of Law-Related Education is assumed as the law in a broad sense, such as “principles of democracy”, “dispute resolution”, “legal process”, “customs law”, “controversy problem”, “citizen law”, and “law in different fields”.

The educational methods of Law-Related Education include inquiry learning and experience learning<sup>11</sup>. Various educational methods foster children’s abilities such as the ability to choose, the ability to argue, the ability to think, and the ability to express.

### **III. THE DIVERSITY OF LAW-RELATED EDUCATIONAL CURRICULUM IN THE UNITED STATES**

#### **A. Features of Law-Related Educational Curriculum**

In the United States, a variety of Law-Related Educational Curriculum is being developed based on the basic idea of Law-Related Education. Law-Related Educational Curriculum has the following two features<sup>12</sup>. Firstly, Law-Related Educational Curriculum shares a common goal of fostering the knowledge, skills, and values students need to function effectively in a society defined by its democratic institutions, pluralism, and the rule of law. Secondly, Law-Related Educational Curriculum strives to develop the active citizen a democratic society requires: those who can understand, live in, and contribute positively to the civic

<sup>8</sup> *Ibid.* p. 383.

<sup>9</sup> *Ibid.*

<sup>10</sup> Study Group on Law-Related Education on Law-Related Education. *op.cit.* pp. 1-3.

<sup>11</sup> *Ibid.*

<sup>12</sup> American Bar Association Division for Public Education. *op.cit.*

communities to which they belong.

According to the booklet "Youth for Justice; Making a Difference"<sup>13</sup> published by the American Bar Association, the following Law-Related Educational Curriculum was developed in the 1990s by the financial support of the Office of Juvenile Justice and Delinquency Prevention of the US Department of Justice. These are developed by national Law-Related Educational agencies.

The role of these agencies is to ensure that the "Youth for Justice is a unique national initiative that uses the power of active learning about the law to build upon the vitality of young people and to address the risks of being young in America today."<sup>14</sup> Law-Related Education aims to develop a sense of citizenship among youth and is intended as a judicial policy to prevent juvenile delinquency. While paying attention to the balance between these ideals and the reality, the author will review the features of the Law-Related Educational Curriculum developed by each institution establishing its own goals.

## **B. Types of Law-Related Educational Curriculum**

### **1. Characteristics of "Foundations of Democracy"<sup>15</sup>**

The Center for Civic Education developed "Foundations of Democracy" in the 1990s and has revised the curriculum many times. "Foundations of Democracy" can be thought of as a legal values model. The goals of "Foundations of Democracy" are summarized as follows. The knowledge is aimed at recognizing the system of constitutional democracy and the basic principle and value that they are based on. The attitude formation is aimed at achieving democratic values. "Foundations of Democracy" is organized to target the K-12 grade. "Foundations of Democracy" teaches four concepts: "Authority", which focuses on making law in society; "Privacy", which focuses on individual freedom; "Responsibility", which focuses on how to assign and accept responsibility; and "Justice", which focuses on applying law in society.

### **2. Characteristics of "Street Law"<sup>16</sup>**

Street Law Inc. developed "Street Law", which is a curriculum that can be thought of as teaching about the law as it impacts youth in their daily lives. The goals of "Street Law" are summarized as follows. The knowledge is aimed at recognizing practical law in daily life situations, controversial legal problems, and the meaning of law in society. Attitude formation is aimed at achieving participation in the law, involvement in dispute resolution, values of justice, tolerance, and fairness. "Street Law" is organized to deal with the law in a broad sense. "Street Law" has seven themes such as "Introduction to the law and legal system", "Criminal law and juvenile justice", "Tort law", "Consumer law", "Family law", "Housing law", and "Rights and freedoms".

### **3. Characteristics of "Project Citizen"<sup>17</sup>**

In the 1990s, the Center for Civic Education developed "Project Citizen". "Project Citizen" can be thought of as a law in community activities model. The goals of "Project Citizen" are to enable students to express their opinions, to decide which institution of the government should deal with certain problems, and to affect government policy decisions. "Project Citizen" has six steps. Specifically, these are "clarifying the policy problems of the community", "choosing the research theme", "gathering information on the research theme", "creating the portfolio", "presenting the portfolio", "evaluating the learning experience", and "the class portfolio". While learning about legal participation, Project Citizen has the distinctive feature of actually participating in the community as a citizen.

### **4. Characteristics of "Respect Me, Respect Yourself"<sup>18</sup>**

In the 1990s, Phi Alpha Delta Public Service Center developed "Respect Me, Respect Yourself", which can be thought of as a conflict resolution model. The goals of "Respect Me, Respect Yourself" is summarized as attitude formation aimed at resolving disputes without violence. The educational method of "Respect Me, Respect Yourself" is mediation. With the aim of the knowledge understanding and skills acquisition of dispute

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<sup>13</sup> American Bar Association. *Youth for Justice; Making a Difference*.

<sup>14</sup> *Ibid.* p. 5.

<sup>15</sup> Center for Civic Education. (1998). *Foundations of Democracy; Upper Elementary, Middle School, High School*.

<sup>16</sup> National Institute for Citizen Education in the Law. (2005). *Street Law; A Course in Practical Law, Seventh Edition*. West Publishing Company.

<sup>17</sup> Center for Civic Education and the National Conference of State Legislatures. (2008). *Project Citizen*.

<sup>18</sup> Phi Alpha Delta Public Service Center. (1995). *Respect Me, Respect Yourself*.

resolution by mediation, using the Constitution of the United States and the Bill of Rights as teaching materials, "Respect Me, Respect Yourself" is organized based on the actual mediation process.

#### 5. Characteristics of "I'm the People"<sup>19</sup>

In the 1990s, the American Bar Association Youth Education for Citizenship developed "I'm the People", which can be thought of as Integration of all of the above-mentioned models. The goals of "I'm the People" are summarized as follows. The curriculum is aimed at recognizing our constitutional democracy, essential concepts such as law, power, justice, freedom, and equality. Attitude formation is aimed at achieving and pursuing rights and responsibilities under the law, resolving conflict, discussing and analyzing public policy. The skills acquisition component is aimed at learning the ability to do critical thinking, the ability to gather, interpret, act properly, and participate effectively. "I'm the People" has four concepts: "Making Rules & Laws", "Resolving Conflicts", "Service in the Community", and "Influencing Public Policy". "I'm the People" is organized to deal with the legal process. "I'm the People" seems to be aiming at a curriculum composition based on the legal system view of the 1990s.

## IV. THE CHARACTERISTICS OF LAW-RELATED EDUCATION IN JAPAN

### A. Reasons for Introducing Law-Related Education in Japan

It is important for citizens to acquire legal literacy, which is a necessary component of citizenship. The reason that developing of legal literacy for citizens is important in Japan is important from three viewpoints: social background, institutional background, and educational background.

Social background includes Legalized Society. Legalized Society is a society established on the basis of a legal relationships. Citizens recognize legal values such as freedom and responsibility in Legalized Society. Legalized Society has been in progress since the 1980s. According to Shigeaki Tanaka, a representative researcher on legalization theory in Japan, it is considered that in this period two factors contributed to the progress of a legalized society in Japan<sup>20</sup>. The first is domestic factors such as rapid urbanization and progress of industrialization after the latter half of the 1960s. The dispute resolution system has been transformed. The second is international factors such as the progress of internationalization since the 1980s. The conflicts between international companies and trade friction became frequent.

In Japan, where a legalized society has developed, not only can we build a better dispute resolution system, but it is extremely important for each citizen to acquire legal literacy as a condition of citizenship. Specifically, each citizen is required to acquire the awareness and ability to participate in communication and making certain legal decisions while taking full advantage of legal thinking skills and dispute resolution skills against legal problems. The author thinks that it will be expected more and more from now on.

Institutional background includes the introduction of the lay judge (*saiban-in*) system in Japan. In May 2009, the lay judge (*saiban-in*) system was launched to give ordinary citizens a direct role in the criminal judicial process. The establishment of the Justice System Reform Council in July 1999 became an important opportunity to make the introduction of today's lay judge system a reality. In the final opinion proposed in June 2001, the Justice System Reform Council proposed the direction of citizen's judicial participation with the introduction of the lay judge system. Changes in society such as the introduction of this lay judge system can be considered as one of the developments of the legalized society. In such a society, not only lawyers, but also citizens are required to acquire legal citizenship. This is evident also from the fact that the Justice System Reform Council pointed out the importance of Law-Related Education<sup>21</sup>.

Educational background includes the improvements of Course of Study in Japan. In January 2008, the "Report on improvements of Courses of Study at kindergarten, elementary school, junior high school, high

<sup>19</sup> American Bar Association Division for Public Education. (1995). *Making Rules & Laws*. American Bar Association Division for Public Education. (1995). *Resolving Conflict*. American Bar Association Division for Public Education. (1996). *Serving the Community*. American Bar Association Division for Public Education. (1996). *Influencing Public Policy*.

<sup>20</sup> Shigeaki TANAKA. (1996). *Gendaishakaito Saiban: Minjisoshono Ichito Yakuwari*. Kobundo. p. 1. (田中成明『現代社会と裁判—民事訴訟の位置と役割—』弘文堂, 1996年, p. 1.)

<sup>21</sup> Shihouseidokaikakushingikai. (2001). *Shihouseidokaikakusingikai Ikensho: 21seikino Nihonwo Sasaeru Shihouseido*. pp. 102-103. (司法制度改革審議会『司法制度改革審議会意見書—21世紀の日本を支える司法制度—』2001年6月, pp. 102-103.)

school and special school etc.”<sup>22</sup> by the Central Council for Education stated that Law-Related Education was positioned at the school education. Specifically, through understanding of socio-economic systems such as increasing the role of justice, it is important to realize a sustainable society, developing citizenship to participate in public matters.

Law-Related Education in the Courses of Study is addressed through a cross-curricular approach. Social studies aims at developing citizenship. Home economics is aimed at appreciating family life and family, work and one's role in the family, one and one's family life as a consumer. Moral education is aimed at respecting promises and rules, laws and rules, personal responsibility, significance of laws and rules, justice, role and responsibility. Special activities is aimed at nurturing voluntary and practical attitudes to solving problems.

## **B. Law-Related Education in Social Studies<sup>23</sup>**

### **1. Law-Related Education in Elementary Social Studies**

In “The 2008 Elementary Social Studies Course of Study”<sup>24</sup>, Law-Related Education, was positioned clearly as follows. In grade 3 and grade 4, content (3) “securing drinking water, electricity, gas and waste necessary for the lives of local people”, content (4) “Prevention of disasters and accidents in communities”, we deal with important laws and rules in conducting local social life. In grade 5, viewpoints of laws and rules are seen in the learning item ③ “The importance of protecting public health and living environment from pollution” of the content (1) “The state of nature in our country, etc.”. In grade 6, viewpoints of laws and rules are seen in the learning item ⑧ “The promulgation of the Constitution of the Empire of Japan” and the learning item ⑨ “The establishment of the Constitution of Japan” of the content (1) “Main events in the history of our country”. Furthermore, we deal with the relationship between the National Assembly and the Cabinet, the court's three powers, and the judicial participation of the people in the learning item ② “The Constitution of Japan” of the contents (2) “Political Work in Japan”.

“The 2017 Elementary Social Studies Course of Study”<sup>25</sup> shows the improvement of the contents. Law-Related Education is positioned mainly as follows. Firstly, it is the 4th grade content (2) “business that supports people's health and living environment”. Secondly, it is the 6th grade content (1) “political work in Japan”. It deals with the Constitution, the three branches of government—legislative, administrative and judicial—and political efforts by national and local governments. Law-Related Educational Contents in Elementary Social Studies include the Environmental Basic Act, the Constitution, the Constitution of the Empire of Japan, the Waste Disposal and Public Cleansing Act, the Cultural Assets Preservation Act, and International Law.

### **2. Law-Related Education in Lower Secondary Social Studies**

“The 2017 Secondary Social Studies Course of Study”<sup>26</sup> shows the improvement of the contents. Law-Related Education is positioned mainly as follows: firstly, history such as the Constitution of the Empire of Japan; secondly, civics, which deals with views and perspectives in society, work and the market economy, respect for human beings and the Constitution, democratic politics and political participation, world peace and human welfare. Typical keywords of Law-Related Education in Lower Secondary Social Studies are “Rule building”, “Conflict and agreement, efficiency and fairness”, “Mutual respect of human rights”, “Participation in the judicial system”, “Participation in society/social participation”, and “Contract” in the field of Civics.

<sup>22</sup> Chuoukyouikushingikai. (2008). *Yochien, Shogakko, Chugakko, Kotogakkoyobi Tokubetsushuengakkono Gakushushidoyoryono Kaizennitsuite(Toshin)*. (Report on improvements of Courses of Study at kindergarten, elementary school, junior high school, junior high school, high school and special school etc.). (中央教育審議会「幼稚園、小学校、中学校、高等学校及び特別支援学校の学習指導要領等の改善について（答申）」2008年1月。)

<sup>23</sup> Educational contents and learning items in “Social Studies Course of Study” are distributed into numbers and katakana for each grade. The original is written in katakana, but this paper is written in circled numbers in order to be read easily. For example, ア(a), イ(i), ウ(u) is translated into ①, ②, ③.

<sup>24</sup> Monbukagakusho. (2008). *Shogakko Gakushushidoyoryo Kaisetsu Shakaihen*. (文部科学省『小学校学習指導要領解説社会編』2008年6月。)

<sup>25</sup> Monbukagakusho. (2017). *Shogakko Gakushushidoyoryo Kaisetsu Shakaihen*. (文部科学省『小学校学習指導要領解説社会編』2017年6月。)

<sup>26</sup> Monbukagakusho. (2017). *Chugakko Gakushushidoyoryo Kaisetsu Shakaihen*. (文部科学省『中学校学習指導要領解説社会編』2017年6月。)

### C. The Efforts of Law-Related Education by the Ministry of Justice

The Law-Related Education Promotion Council established in May 2005, has been conducting about 40 activities on an ongoing basis<sup>27</sup>. According to the “Guidelines for the Promotion of Law-Related Education”<sup>28</sup> presented in May 2005, the purpose of this council is to fulfill learning opportunities related to justice and law in school education in Japan as follows: firstly, the practice of Law-Related Education in school education etc.; secondly, efforts regarding Law-Related Education by educators and lawyers; thirdly, the preparation of teaching materials for Law-Related Education on the lay judge system; fourthly, others such as research, practice, and methods of dissemination regarding Law-Related Education.

These activities by the Law-Related Education Promotion Council, can be divided into the first phase from May 2005 to April 2007, the second phase from July 2007 to February 2010, the third phase from April 2010 to February 2014, the fourth phase from March 2014 to February 2016, and the fifth phase from March 2016.

The goal of the first and second phases was to develop teaching materials. In the 1st phase, the Law-Related Education Promotion Council finally presented two results as follows: firstly, creating teaching materials for junior high school; secondly, summarizing issues through consultation of Law-Related Education Promotion Council. In the second phase, the Law-Related Education Promotion Council dealt with Law-Related Education in Private Law and improvement of Law-Related Education in elementary school. The goal of the third phase though the current phase is to improve teaching materials and disseminate them. In the third phase, the Law-Related Education Promotion Council discussed ways to disseminate Law-Related Education, including holding a Law-Related Education writing contest. In the fourth phase, the Law-Related Education Promotion Council discussed ways to disseminate and provide information on Law-Related Education. In the fifth phase, the Law-Related Education Promotion Council is dealing with development of audiovisual teaching materials for Law-Related Education.

## V. THE IDEA OF JUSTICE STUDIES IN ELEMENTARY AND JUNIOR HIGH SCHOOL

### A. Law-Related Educational Program for Junior High School

#### 1. Development of “The First Law-Related Education”<sup>29</sup>

The Ministry of Justice launched the Law-Related Education Study Group, organized the Law-Related Education Teaching Materials Preparation Subcommittee, and developed the Law-Related Education Unit in Lower Secondary Social Studies. In March 2005, “First Law-Related Education” was published. It was due to these efforts that Law-Related Education for junior high school spread and developed across the country.

#### 2. Establishment of Law-Related Education in Japan

According to “The First Law-Related Education”, Law-Related Education in Japan is defined as “Education for the public who are not legal experts to understand the law, the justice system, the values underlying these, and to acquire legal thinking”. The goals of Law-Related Education in Japan are to understand the basic principles of the constitution and law, to develop the abilities necessary to participate in the management of a free and fair society, to understand that the law is familiar in everyday life, and to act according to law consciously in daily life and to foster the ability to use the law actively.

The contents of “The First Law-Related Education” are organized into four Law-Related Educational units such as “Rule making”, “Private law and consumer protection”, “The significance of the constitution”, and “Justice”. “Rulemaking” means the necessity of rule creation. “Private law and consumer protection” means understanding the relationship between individuals and individuals with law. “The significance of the constitution” means understanding the relationship between individuals and the state by law. “Justice” means dispute resolution by law. Under these Law-Related Educational units, while being aware of legal actors as citizens to be related to the law, learning activities are organized in view of the dynamic aspects of the law as

<sup>27</sup> Homusho. *Hokyoikusuisinkyougikai*. (法務省「法教育推進協議会」([http://www.moj.go.jp/shingil/kanbou\\_houkyo\\_kyougikai\\_index.html](http://www.moj.go.jp/shingil/kanbou_houkyo_kyougikai_index.html)) (visit; 2018. 1. 5))

<sup>28</sup> Homusho. (2005). *Hokyoikusuisinkyougikaikaisaiyouryou*. (法務省「法教育推進協議会開催要領」2005年5月(<http://www.moj.go.jp/KANBOU/HOUKYO/kyougikai/gaiyou01-01.pdf>) (visit; 2018. 1. 5))

<sup>29</sup> Hokyoikukenkuyukai. (2005). *Hajimeteno Hokyoiku: Wagakuniniokeru Hokyoikuno Fukyu · Hattenwo Mezashite*. (First Law-Related Education). Gyosei. (法教育研究会『はじめての法教育—我が国における法教育の普及・発展を目指して—』ぎょうせい, 2005年3月。)

contents to form the attitude of participation in the law.

### 3. The Idea of Justice Studies for Lower Secondary School

The definition of justice studies is that students understand that, firstly, justice is a means of preserving law and order by protecting infringed rights and dealing with rules violations; secondly, the trial puts all parties in an equal position and a fair third party makes judgments based on fair rules through appropriate procedures. The goals of justice studies for Lower Secondary School are: firstly, increasing interest in the trial structure while comparing it with various dispute resolution methods; secondly, discovering legal problems in the cases of conflict, analyzing and evaluating the causes and points of conflict, and making judgments based on the evidence; thirdly, allowing students to think about and decide how to deal with laws and rules violations on a case-by-case basis; fourthly, understanding the mechanism and function of a fair trial based on the law in connection with the case. The contents of justice studies for Lower Secondary School are organized into 3 class periods. The first period is "Conflict resolution and civil trial in daily life". The second period is "Thinking about characteristics of criminal trials through comparison with civil trials". The third period is "Participation in the lay judge system".

## **B. Law-Related Educational Program for Elementary School**

### 1. Development of "Whose rule? Considering Law-Related Education"<sup>30</sup>

The Law-Related Education Promotion Council summarizes the following three ways to develop teaching materials for Law-Related Education in elementary schools in a revised report, "Creation of Law-Related Education Teaching Materials for Elementary School Students"<sup>31</sup>. Firstly, in the elementary school, there is a possibility to devise various classes based on the philosophy of Law-Related Education. Secondly, in elementary school, enhanced learning effect can be expected by incorporating educational methods such as performing role-playing on familiar issues. Thirdly, in elementary school, it is useful to create opportunities to make rules in life and play and think about the solution when trouble happens between friends when teaching Law-Related Education.

The Law-Related Education Promotion Council developed the Law-Related Education Unit in Elementary School by reference to "Creation of Law-Related Education Teaching Materials for Elementary School Students". In March 2014, "Whose rule? Considering Law-Related Education" was published. The contents of "Whose rule?" are organized into four Law-Related Educational units: "Resolving a quarrel between friends", "To promise and to defend" for 3rd and 4th grades; "Living in an information society: as a receiver and sender" for 5th grade; and "Conflict resolution: participation in judicial judgment, making rules" for 6th grade.

### 2. The Idea of Justice Studies for Elementary School

The goals of justice studies for elementary school are as follows: firstly, increasing the interest in the lay judge system and understanding the significance of citizen's judicial participation; secondly, accurately grasping and evaluating facts and expressing your ideas appropriately based on facts, through case examples of familiar conflicts in school life; thirdly, understanding the significance of thinking actively and thinking about finding solutions, in order to solve problems related to the interests of everyone; fourthly, thinking about the significance of the rules in social life by solving problems around them by creating rules.

The contents of justice studies for elementary school are organized into 3 themes as 5 class periods. The first theme is "The structure of the court, the role of people involved in the trial". The second theme is "Resolution of disputes concerning everyone's interests". The third theme is "What is the truth?". The methods of justice studies for elementary school have the following features: experiencing fact-finding based on familiar cases and discussing how to resolve conflicts.

According to the child's developmental stage in 6th grade, teaching materials of justice studies for elementary school address the judiciary through children's experiences with fact-finding based on familiar cases. Discussing the way of resolving conflict, children can think about the significance of citizen's judicial

<sup>30</sup> Hokyokusuishinkyogikai. (2014). *Rulewa Darenomono: Minnade Kangaeru Hokyoku*. (Whose rule? Considering Law-Related Education). Homusho. (法教育推進協議会『ルールは誰のもの?—みんなで考える法教育—』法務省 2014年3月。)

<sup>31</sup> Hokyokusuishinkyogikai. (2009). *Shogakkowo Taishotoshita Hokyokukyozaireino Sakuseinitsuite*. (Creation of Law-Related Education Teaching Materials for Elementary School Students). Homusho. (法教育推進協議会『小学校を対象とした法教育教材例の作成について』法務省, 2009年8月。)

participation. Using gained knowledge and way of thinking through those learning activities, children can find problems in real social life, solve problems and make rules. With a 6th grade level in mind, teaching materials of justice studies for elementary school are organized across the subjects such as social studies, the period for integrated studies, and special activities.

## VI. CONCLUSION

This paper has shown the current situation and challenges of Law-Related Education as follows: firstly, Law-Related Educational Curriculum is developed by the functions of law. Law-Related Educational Curriculum shows the relationship between law actors and the law. Secondly, Law-Related Education includes justice studies. The contents of justice studies are citizen participation, the Constitution, dispute resolution, due process, and protection of equality. Recently, it has become important to practice Law-Related Education in Japan. Law-Related Education is expected to educate citizens and has the effect to continue dialogue with each other while showing the basis of opinion in human relations and to respect the values of yourself and others and find consensus. Law-Related Education is also expected to foster viewing and thinking in modern society such as conflict and agreement, efficiency and fairness.

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