

Law Education in Japan and China: Comparative Analysis Focusing on Law-Related Materials

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Abstract

Purpose: This study examines law-related education in Japan and China to reveal the current state of research and identify the roles, possibilities, and challenges facing such teaching at the elementary, junior high, and senior high school levels. This study conducts a comparative review of research on perspectives toward law education in both countries, as well as the characteristics of and issues facing law education in Japan.

Design/Approach/Methods: This study examines trends in research and educational reform related to law education in Japan. In doing so, it evaluates how the characteristics of and issues facing law education in Japan are related to law education in China.

Findings: Results show no evidence of a systematic study of law in Japan. Reforming subjects to engage in collaborative learning is a more realistic strategy than attempting to design wholly new subjects. Accordingly, exploring what kind of learning activities are linked to law-abiding education

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in China offers insights and references for Japan. Adapting these strategies to the Japanese context and law material can help create a more systematic form of learning.

Originality/Value: Through joint research by researchers and educators from East Asian countries, we intend to conduct further research on the development of curricula, textbooks, and class models suited to specific subjects. Employing the joint research learning approach discussed in this study in Japan and China may result in further learning possibilities.

Keywords

Curriculum, East Asia, law-related education, normative awareness, social studies

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The significance of sharing law education in East Asia

Based on cases of law education in Japan and China, this study examines materials related to the law (i.e., legal materials)¹ to learn about the current state of related research and elucidate the roles, possibilities, and challenges of law education in these countries.

In Japan, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) revised the course of study in 2017. In this respect, MEXT noted the need to implement “proactive, interactive, and deep learning” in the learning process, foster the ability of “thinking, judgment, and expression skills,” “cultivate an attitude of proactive learning and to develop pupils’ individuality,” and “solve problems by using acquired knowledge and skills.” MEXT also underscored the importance of mutually related knowledge and gaining a deeper understanding, as well as “finding problems and coming up with solutions.”²

In order to foster these qualities and abilities, it is necessary to provide a wealth of opportunities for independent and diverse discussions and opinions. However, a basic knowledge of the relevant learning subjects and issues—including socially recognized issues—also needs to be ensured. In this respect, it is necessary to protect the quality of both learning and basic knowledge.

Learning using the legal materials pertaining to one’s own country is based on the need to ensure “proactive, interactive, and deep learning” and cultivate “thinking, judgment, and expression skills” during the learning process. Contextually specific legal materials and course work also help foster students with the qualities and abilities essential to that nation or society as well as the international community. Such teaching material offers an excellent resource for cultivating student qualities, particularly insofar as it has the ability to capture and help students critically engaged with issues pertaining to both domestic society and international society. This approach captures “the qualities that are necessary for the people who make up a peaceful and democratic nation and society” (MEXT, 2017, “Elementary School Course of Study”).³ In recent years, attempts to

utilize legal materials as learning content in order to qualitatively ensure the purpose and method of study have focused on various aspects—including the content, application, principles, and judicial judgment—of different types of legal phenomena, such as domestic laws and international treaties. Such attempts have been made in various arenas, including education policy, education research, and teaching practice. Of course, the use of teaching materials related to law is not limited to Japan in East Asia.⁴

In China, the Chinese government issued stipulations for law education in *Decision of the Communist Central on Some Serious Issues in the Full Promotion of the Rule of Law* (October 23, 2014). A law education sub-textbook was published for each school level. Meanwhile, in collaboration with the Ministry of Education (MOE), the Ministry of Justice, and the National Law Promotion Office, China promulgated the *Youth Law and Education Outline* (June 28, 2016)⁵ and established a new subject, “Morality and Rule of Law.”

This study clarifies the trends in research and educational reform related to law education in Japan. As a comparative case, this study considers the characteristics and issues of law education in China.

Trends in law education research and reform in Japan

Civil society’s role in the protection of natural rights is established through its approval of public power and authority within the state. In Japan, we have guaranteed the right to survival, protection of ownership, public welfare, compensation in the event of adverse personal misconduct (e.g., compensation for damages, Civil Code 709), as well as the benefits of life in a broader sense. In this context, two education streams have been developed: Social Studies and Moral Value Studies. The former, Social Studies, covers a range of material, including the Constitution of Japan, the country’s legal system, the relationship between Japan and the United Nations, as well as various individual laws and case studies. Meanwhile, the latter, Moral Value Studies, focuses on moral values and ethics through different case studies. This section explores the implementation of these subjects in general education, as well as the current state of the research in these areas.

Moral Value Studies utilize concrete case studies, such as child abuse and the role of the consumer in ensuring a healthy life. Such content is primarily taught in a moral education subject called “*Dou-toku*,”⁶ as well as other subjects like Home Economics and Health and Physical Education. In elementary, junior high, and senior high school, Social Studies covers the law, rational judgment based on the law, and social norms and is typically implemented as both a class and special activity.

As such, in general education in Japan, law education is taught in a wide range of elementary, junior high, and senior high school subjects. However, neither field is taught independently and is

typically included as an aspect of other subjects. Consequently, unlike “law education” in China, Japan does not have a systematic learning process specifically designed to educate students in legal matters.

In terms of research trends in law education in Japan, a review of the literature reveals four overlapping trends in research based on law education: (1) law-related education, (2) civil education, (3) law-based education, and (4) sovereign education in Japan.

First, there is some existing literature on law-related education or “legal education”⁷ in Japan. For instance, Eguchi (1993, 1998, 2001) has explored law-related education, focusing on how the study of law-related education in the United States could be imported into Japan. In addition to the legal concepts of “power,” “justice,” “freedom,” and “equality,” and the values underlying laws and rules, Eguchi examined the function and significance of the judicial system with the aim of evaluating criminal justice and developing related teaching materials. Eguchi also proposed incorporating “mock trials” into classes in order to foster legal thinking and judgment skills (also see Hashimoto, 2000, 2006, 2008; Isoyama, 1997; Kobayashi, 2005; Nakadaira, 2017, 2018, 2019; Nikaido, 2007; Osugi 2004; Watanabe, 2003).

The views of Eguchi and his colleagues were reflected in a report (2004) by the Law Education Society, which was established by the Ministry of Justice. Moreover, since 2005, Eguchi has participated in the Council for the Promotion of Law Education and has continued to advance the development of law education in Japan. Consequently, law education has been incorporated into the social studies curriculum (MEXT, 2008), as well as introduced in practical classes in cooperation with the Japanese Federation of Bar Associations and the legal profession. Such efforts facilitated the establishment of the Society of Law and Education (September 2010).

Second, some scholars have examined the subject of law education from the perspective of “civil education.” According to Ikeno (2001), through such education,

We form opinions on specific issues and make social decisions, develop the ability and skills of autonomous decision-making and rational joint decision-making ... It is a sharing of the standards, norms and values that form opinions and make decisions, and the standards underlying the rules.

Similar research had been conducted by Kuwabara (2000), Kuwabara and Nakahara (2008), Nakahara (2006, 2007), Inoue (2006), Hashimoto (2005), Mizoguchi (2001, 2006), and Yoshimura (2005).

Third, law education research has also been conducted from the perspective of law-based education. For instance, Umeno and Uneme (2001) and Umeno (2015) developed classes focusing on the discussion of fact certification and court decisions. These classes were based on the Japanese Government’s Basic Plan on Human Rights Education and Enlightenment (Cabinet Decision, 2002), which provides representative judgments, such as national compensation lawsuits and

civil lawsuits, related to individual human rights issues. Similar studies have been conducted by Fukuda (2007, 2008), Shinpuku (2014, 2018), and Hachisuga (2012, 2016).

Social issues research has tended to prioritize fact-finding of human rights violations, evaluating tort judgments and their rationale, the process of restoring human rights, as well as legal issues pertaining to learning and human rights of students.⁸ As such, these studies tend to share a similar purpose and framework with Chinese law education, which uses the sub-textbook, *Rule of Law Education*, and the textbook, *Morality and the Rule of Law*.

Fourth, law education has been assessed from the perspective of “sovereign education,” which refers to the implementation of education for sovereign citizens. In this regard, scholars like Takezawa (2006) and Funayama (2006) have proposed law education in the form of participatory learning, such as mock trials, with the new “public” subject introduced in the 2020 fiscal year. In Japan, sovereign education actively incorporates active learning strategies (e.g., mock voting and mock parliaments) into learning activities in order to encourage young people to participate in politics. In response to the reform of the judicial system, mock trials have also been widely implemented in the classroom in order to foster debate and develop legal thinking.

As such, law education in Japan uses a representative judgment (precedent) and the related facts, judgments, and reasons recognized by the court as teaching materials. In addition to providing knowledge regarding the law, such learning may also combat potentially harmful attitudes of relativism toward social issues and extreme responses. Indeed, law education encourages students to publicly develop and demonstrate sensible reasoning and judgment.

Law education in Japan and China

In both Japan and China, learning content for law-related studies makes reference to numerous social problems. This section compares the learning content used in Japan to the textbook, *Law Education*, used in China.

The content and composition of China’s Law Education textbook

Shen (2008, 2017) introduced the Chinese textbook, *Law Education* (2015), published by the People’s Education Publishing Co., Ltd, to Japan. According to Shen, the process of setting this textbook was transformative, guiding the shift from “morality and society” to “morality and rule of law” at the elementary school level. In China, *Law Education* is used from the first to the ninth grade of compulsory education, as well as at the high school level.

Law Education covers 54 laws and 30 rights. In terms of these laws and regulations, those pertaining to the Constitution are the most common, followed by the Minor Protection Act, the *Criminal Law*, the Civil Code, the Juvenile Crime Prevention Act, and the Environmental

Protection Act. With respect to the content structure of *Law Education*, the textbook comprises four stages: grades 1–2, grades 3–6, grades 7–9, and high school.

The textbook's content and learning method differ according to the school level. At the elementary level, from the first to second grade, the content is presented in the form of images and centered on the theme of "the conduct of students in their daily life." At the junior high level, third grade students engage in five lessons on law-related content, while fourth to sixth grade students engage in eight lessons. These lessons follow a similar structure in which an incident is presented, the students analyze the incident and then engage in related activities.

Looking at it as a whole, the textbook covers laws ranging from the Constitution and civil laws to basic laws like *Criminal Law*, which is Minor Protection Act, Minor Crime Act, the Marriage Act, Law on the Rights of Workers, Wildlife Protection Act, Food Safety Act, Consumer Interest Protection Act, and Environmental Protection Act.

At the junior high school level, seventh to ninth grade students cover 12 textbook divisions, each comprising a combination of case study, theory, problem-solving, and developmental learning activities focusing on specific laws and regulations. Over the 3 years of junior high school, students learn about thirteen laws through two to four lessons. For example, in grade nine, criminal law is dealt with in lessons one to four, the Non-Litigation Process Act in lesson five, litigation law in lessons six and seven, and the Environmental Conservation Act in lessons eight to eleven.

At the high school level, *Law Education* presents a case study, theory, problem-solving, and developmental learning activities arranged in the same format as at the junior high school level. The content consists of seven subjects: the construction of the legal system, the execution of the Constitution, the execution of the law, the judiciary, the protection of the law, the safety of the Internet, and international law. Content includes more than 20 legal documents, mainly related to the Constitution, Minor Protection Act, *Criminal Law*, and *Civil Law*.

Essentially, learning content typically focuses on legal thinking, the characteristics of China's legal system, the history of legal policy in China, the rule of law and the rule of humanity, the relationship between the Constitution and the private life of the citizens, the relationship between the relentless political parties and the Constitution, fairness, justice, equality, and other basic institutional values.

China's *Law Education* textbook content can be summarized as follows:

1. Explain specific cases centered on illegal incidents.
2. Show the viewpoint of the specific cases centered on illegal incidents.
3. Present multiple interpretations and solutions from the learner's perspective, depending on the developmental stage.
4. Explain the applicable laws, treaties, judicial decisions, political decisions, and so on.
5. Conclude by drawing lessons from the case study discussed in each class.

Characteristics of law education in social studies in Japan

With respect to the “learning through legal materials” strategy deployed in the official course of social studies in Japan, this study focuses on the content enabling “learning by law-related materials.”

Characteristics of law education in social studies in elementary school. At the elementary level, students in the first and second grades engage in a subject called “Living Environment Studies.” Through concrete activities and experiences, this subject covers the relationship between students and those closest to them, society, and nature, and encourages students to think about themselves and their lives. The subject comprises five sections: (1) the habits and skills necessary for life in the process of becoming self-reliant; (2) the relationship between ourselves and the people closest to us, society, and nature; (3) thinking about oneself and one’s life; (4) developing the habits and skills necessary for daily life; (5) develop the foundations of self-reliance. Of these, sections (2), (3), and (4) are not necessarily distinct and can be incorporated in any configuration between sections (1) and (5). Simply put, the goal of the subject is “to cultivate the foundation for independence through concrete activities and experiences.”

As such, in terms of law education, the foregoing can be considered basic learning that enables children to think about the rules. Table 1 presents the content of Living Environment Studies related to law education.

Table 1. Content related to law education in the subject, Living Environment Studies (excerpt).

Elementary School Course: Living Environment Studies (2008th Notice) (Japanese Ministry of Education, Culture, Sports, Science, and Technology, 2008a)	Textbook (TOKYO-SYOSEKI Version) (Kato et al., 2016)
By using public areas and facilities, we know that there are things that everyone can use and that there are people who support them, so that they can be used correctly, safely, and with care. (Life: p. 29)	Doing it by myself. (pp. 2–3) I want to be good. (pp. 4–5) I want to know; I want to try it. (pp. 6–7) I’m looking forward to tomorrow. (pp. 8–9) Let’s go to school. (pp. 4–5) Let’s walk to school with friends. (pp. 6–7) Let’s walk to our area. (pp. 10–11) Let’s get along well with the people in our school. (pp. 12–13) Let’s explore! (pp. 14–15) Let’s talk to our classmates about what we found when exploring. (pp. 16–17)

At the elementary school level, Living Environment Studies primarily consist of experiential learning activities. Indeed, even content related to “law education” comprises experiential learning activities rather than legal content or the legal basis of certain codes or acts. Only by observing activities based on the “norms” of real society, such as those encouraging students to develop independence, will we see any commonalities between Japan and China with respect to the learning activities of the lower grades.

In the third and sixth grades of elementary school, the goal of Social Studies is “to understand social life, foster understanding and affection for our country’s land and history, and cultivate the foundation of civil qualities necessary as a creator of a peaceful and democratic nation and society that lives in the international community.” In the fifth grade, students begin cultivating “an understanding of the lives and activities of people in the area, mainly in the city and prefecture where we live, the geographical environment of the region where they live, and the work of our predecessors who have devoted themselves to the changes in the lives of local people and the development of the region.” Meanwhile, in the sixth grade, students learn about the state of the country and the industries informing national life, as well as the achievements of our predecessors who played a major part in the development of the Japanese nation and society. In Social Studies, sixth-grade students gain an understanding of Japan’s excellent cultural heritage, the workings of politics involved in the improvement and development of people’s lives, Japanese political thought, life in countries with deep ties to Japan, and the role of Japan in the international community.

Table 2. Content related to law education in the elementary school subject, Social Studies (excerpt).

Elementary School Course: Social Studies (2008th Notice) (Japanese Ministry of Education, Culture, Sports, Science, and Technology, 2008b)		Textbook (TOKYO-SYOSEKI Version) (Kita et al., 2016)
We will investigate the state of Japan’s information industry and information society by examining and using materials related to the progress of information technology, the significant impact of information technology on people’s lives, and the importance of using information effectively. (Grade 5: p. 66)	An informational society is not without issues. While the use of the Internet has increased and become more convenient, new problems have emerged. The authors discuss the cause of the problem based on a graph and newspaper supplied in the text. (Grade 5: pp. 96–96)	
The Constitution of Japan stipulates the basics of national and national life, such as the ideal of the nation, the status of the Emperor, and the rights and obligations of the people. (Grade 6: p. 89)	The Constitution of Japan presents three principles: respect for basic human rights, national sovereignty, and pacifism. Basic human rights are the rights that everyone is born with and which ensure that they live as human beings. (Grade 6: p. 43)	

Table 2 presents an example of how this learning is conveyed in the Social Studies textbook and how it relates to law education.

From grades 3 to 6, Social Studies emphasizes the learning of rules. This is reflected in the content of the textbook. However, the content and the material for each grade are not connected with the Japanese legal system, with the responsible teacher unable to share particular viewpoints and the learning based on the “norm.” Only by understanding such content through case studies, which include social issues such as pollution and the Internet, and organizing learning activities that encourage legal thinking, will we be able to experience similar learning outcomes of law education to those of China.

Characteristics of Law education in Social Studies in junior high school. In junior high school, the goal of Social Studies is to ensure that students develop an interest in society, consider multiple and multi-faceted issues based on various materials, engender deep understanding of and affection for Japan and Japanese history, cultivate basic education as a citizen, and develop the civil qualities necessary for life in a peaceful, democratic nation and the international community. At this level, Social Studies comprise three fields: geography, history, and civics. Of these, civics is related to law education and covers content designed to guide students to grasp and explore social problems as well as economic, political, and international issues. Table 3 presents an example of how civics relates to law education.

Significantly, at the junior high school level, the social studies textbook encourages an understanding of criminal and civil trials, as well as the idea of the Constitution. However, a comparison of the law-related learning activities at the elementary and junior high school levels in Japan, the latter of which focuses on the judicial process (e.g., criminal trials and civil trials), reveals that Japanese learning activities are insufficient for enhancing legal thinking. Indeed, based on legal resources and specific examples, Japan is markedly different from China with respect to “law education” study activities. It is necessary to develop similar classes in Japan to those in China, including learning activities designed to enhance legal thinking and norms going forward.

Characteristics of law education in the high school subject, Civil Society. In high school, the goal of the subject known as Civil Society is to cultivate students with a broad perspective, the ability to think independently about modern society, a deep understanding of their society, and an awareness of the way we live as human beings. In doing so, Civil Society seeks to engender the qualities necessary for a useful citizen of a peaceful and democratic nation and society. The subject comprises three fields: modern society, ethics, and political economy. Of these, modern society is most closely related to law education; Table 4 illustrates this with an example from the subject textbook.

Table 3. Content related to law education in the junior high school subject, Social Studies (excerpt).

Junior High School Course: Social Studies (2008th Notice) (Japanese Ministry of Education, Culture, Sports, Science, and Technology, 2008c)	Textbook (KYOIKU-SHUPPAN Version) (Nakamura et al., 2016)
<p>We will ensure that the relationship between individual dignity and respect for human rights—especially freedom, rights, responsibilities, and obligations—is properly recognized from a broad perspective, deepens the understanding of democracy, and cultivates the basic education necessary as a citizen responsible for national sovereignty. (Citizen: p. 92) The perspective and the way of thinking of modern society originally paid attention to social existence, decision-making in social life, the meaning of rules, and the debate thereon. Students need to understand efficiency and fairness. In doing so, we will make students aware of the dignity of the individual and the essential equality of both sexes, the importance of contracts, the significance of protecting them, and their personal responsibilities. (Citizen: p. 100)</p>	<p>Criminal offences such as murder, injury, robbery, and arson can infringe on the lives and property of others, and create an unsafe society. When such an incident occurs, the police will first investigate and, if there is sufficient evidence, arrest the suspect. After careful investigation by the prosecutor in cooperation with the police, the court will determine whether the suspicion of the crime is certain and should be punished. This is called prosecution, and the accused becomes a defendant and a trial is held. As the defendant is not as familiar with the law as the prosecutor, the defendant will seek the help of their own lawyer. Such a trial is called a criminal trial. The court will hear both arguments and ask each side to provide the necessary evidence and call witnesses to confirm the facts. If culpability is proven, the penalty will be a guilty verdict. In a criminal trial, the accused is presumed not guilty until the verdict is reached. Therefore, the human rights of the accused must be fully respected. (p. 96)</p> <p>In civil court, a trial begins with one party suing another over a private issue, such as a financial loan, purchase or selling of land, inheritance, a dispute with a family relation or damages from a traffic accident. This is called a civil trial. In a civil case, the judge or judges will listen to the arguments of both the plaintiff and the accused defendant, and then decide which claim is correct based on the evidence supplied and relevant civil and/or other laws. When the parties do not comply with the ruling, the court can force the content of the judgment to be executed. Disputes can also be resolved through a settlement between parties and mediation between judges and mediators, with appeals subsequently withdrawn in the middle of a trial. (pp. 94–95)</p>

Table 4. Content related to law education in the high school Civil Society sub-discipline, Modern Society (excerpt).

High School Course: Civil Society (2009th Notice) (Japanese Ministry of Education, Culture, Sports, Science, and Technology, 2009)	Textbook (TOKYO-SYOSEKI Version) (Mamiya et al., 2013)
Based on respect for individuals and the rule of law, we will deepen our understanding of the protection of the rights of the people, the meaning and role of the rule of law, laws and norms, the state of the judicial system in relation to the Constitution of Japan, and respect for life, freedom, rights, responsibilities, and obligations. In doing so, we will consider human dignity and equality, and enhance our awareness of the ethics of living with others. (p. 14)	It takes various legal relations to develop a social life and live in a legal society. When buying things, borrowing money, getting a job in a company, and getting married, we make promises; we call these mutual promises a contract. It is an important job of the law to solve disputes concerning such contracts.
By touching on current socioeconomic issues and economic changes, we will deepen our understanding of the functions and limits of the market economy, the role of the government, finance, and taxes, and discuss the relationship between economic growth, economic fluctuations, and the improvement of national welfare. In addition, we will enhance our understanding of employment, labor issues, and social security, and discuss the roles and responsibilities of individuals and companies in economic activities. (p. 15)	The relationship between two or more individuals, an individual and a corporation, or two or more corporations is referred to as a private legal relationship. As a principle of modern law concerning private law, the owner of a thing can handle that thing freely (i.e., the principle of the absolute ownership), while the party can make a promise freely (principle of contract freedom). However, these principles are not unlimited, and claims of ownership in a manner that is contrary to the interests of society as a whole, and contracts that violate the correct order of social life (i.e., public order and morals), are invalid. There is a legal relation between the family, including, for instance, the right (custody) to decide various actions regarding an underage child, as well as the obligation to raise that child. (p. 94)

In the high school subject, Civil Society, it is important that the subject description, which captures the relationship between the law and social life from various viewpoints such as economy and society, is valued. However, the content of the subject varies in terms of politics, economy, ethics, and the law. Consequently, learning activities related to the learning of “norms” is insufficient. Moreover, compared to the learning activities at the elementary and junior high school levels, there are few experiential learning activities at the senior high school level. As a result, it is easy to develop a learning style through teacher talk, even when the learning activity is developed using materials related to the law. As such, in Japan, it is necessary to reform high school learning in order to develop standardized learning activities promoting student-led independent learning.

In this section, the description of the curriculum and textbook content of each school level reveals that, unlike law education in China, the Japanese education system does not allow for the close analysis of legal cases based on real-world scenarios.

Characteristics of law education in China and Japan

A comparison of the textbooks on “law education” in China and Japan reveals several characteristics. Rather than learning in relation to the law, this comparison was conducted with other countries in mind. That is, it compares how China and Japan use “law education” to foster a “sense of norms related to student life.”

First, in the lower grades at the elementary level, it is possible to foster a sense of norms by focusing on the close human relationships in daily life. Social norms are common in both China and Japan. Therefore, it is possible to present cases related to the same “norm” to both Chinese and Japanese students and compare their ideas.

Second, in the middle grades at the elementary level, the course of study “sought to understand the significance and role of public institutions and facilities in local communities.” In this respect, attempts to cultivate students’ understanding of the significance and role of public institutions and facilities in local communities can be used as a jumping-off point for developing class content that can be shared with China. However, in Japan, third and fourth grade learning content related to “norms” rarely touches on the law. While fifth and sixth grade learning content does include legal phenomena in the learning unit on information society and the Constitution, there is no attempt to teach students the significance or role of public institutions and facilities in the community through law-related materials concerning “norms.”

Third, content and explanations presented to the upper grades at the elementary level include natural disasters, pollution, food safety, the rules and behaviors of the Internet society, and the structure and principles of the nation and society. Upper-grade material shares several similarities with China’s law education. For instance, both countries address the topic of pollution as a social problem using materials related to the law. In both Japan and China, elementary school teachers are required to examine environmental issues and discuss how class practices can be structured. In Japan, textbooks describe the issue of pollution, which grew continuously during the country’s period of high economic growth, through examples such as Minamata disease, the water pollution of Lake Biwa, and the photochemical smog of Yokkaichi. In these cases, the processes and causes of pollution were clarified through legal trials. There are many cases where legal grounds are presented in the dispute. In this respect, class deliberations regarding how cases of public harm in Japan and cases involving China can be judged on a legal basis may help students learn how to utilize legal resources effectively.

Fourth, in both Japan and China, learning content at the junior and senior high school levels includes basic principles of human rights and the functions and institutions of democracy; the protection of human rights, including respect for life and respect for individuals; pacifism of the Constitution and the abandonment of war; corporate activities, contractual rights and obligations, and labor rights; pollution, the environment, social security, and consumer rights; individual, state, and political participation in resident autonomy and democracy; the rule of law, the significance and role of law and norms, and the state system; the risks and rules of the Internet society; human rights, race, and ethnic issues related to globalization, international contributions, North-South issues, and poverty and inequality; national sovereignty and international laws pertaining to territory, nuclear weapons, disarmament, security, and defense.

In Japanese junior high school learning content, the judicial process of criminal and civil cases involves not only learning the text but incorporating legal thinking through the learning of applicable laws; as such, learning has become more active. In China, students have begun adopting their own texts and holding mock trials in advanced promotion schools. By engaging in these teaching practices, it is possible to expand the development of research regarding the content used in both Japan and China. In this respect, the content and composition of the Chinese textbook, *Law Education*, includes comparisons of various social issues in Japan and China, highlighting potential learning opportunities.

Conclusions

Value of using legal material in education in China and Japan

This study provided an overview of the current situation regarding the role, possibilities, and challenges of education and research using legal materials in Japan and China. This study identified existing problems in this arena through a comparison of the sub-textbook of law education in China and the curriculum and textbook content used in Japan. The findings can be summarized as follows.

First, in Japan, the Constitution of Japan is taught in sixth grade as part of civil studies, whereas Chinese students are required to learn about the Constitution of the People's Republic of China in the third grade. Moreover, in Japan, social studies textbooks at the elementary level simply list the rights included in the Constitution of Japan. In contrast, Chinese textbooks explain constitutional rights using concrete examples. The value of learning through both text-based explanations and examples of application cannot be overstated.

In this study, elucidating how each country educates students about the Constitution is important for discerning how "norms" are established. In Japan, little is taught about the text of the Chinese Constitution. This is a missed opportunity, as students can gain an understanding of the basic content of Chinese law by learning about its Constitution. Similarly, in China, learning the content of the Constitution of Japan and comparing it to that of China will facilitate the

identification of common principles shared by the two countries. Such knowledge should also enhance and develop students' abilities to utilize case studies.

Second, law education typically comprises four steps: case study, theory formulation, problem-solving, and developmental learning. Such a structure is based on the understanding of precedents and related laws and regulations, as described in this study. Law education can be considered to involve the learning process of evaluating material, thus anticipating class activities consisting of the examination of teaching materials. This process also includes deliberation on important issues like bullying, domestic violence, and sexual harassment, as well as Internet crime, administrative trial cases, and the National Reparations Act. Although each country has its own education and legal systems, both feature similar public institutions and precedents, such as public trials, in the process of explaining social issues and reconciliation. Additionally, both countries appear to have seen a rise in calls for such education.

Compared to "law-abiding education," in Japan, learning using legal materials includes learning about crime victims and false accusations. In Japan, the amount of study concerning criminal procedure law and relevant cases is extremely limited. In this regard, the development of teaching materials regarding decisions pertaining to various laws and regulations, court precedents, and so on, is necessary, especially in East Asian countries like China and Japan. Specific comparisons and examinations of learning materials will also be beneficial.

Third, in China, lesson eight of ninth grade law education includes the Environmental Protection Act. In Japan, there is a history of classes covering famous pollution trials, such as the Minamata Disease Trial, and it is possible to study the corresponding class practice in China. Indeed, in 2018, the authors of this study had the opportunity to visit an elementary school in China to attend an experimental study on environmental issues.

One of the co-authors of this article, Inoue (Naruto University of Education, Japan), is collaborating with Xiaomin Shen of East China Normal University, China, to explore the development of bicycle sharing (Inoue & Shen, 2020). In this regard, to identify possibilities for class development, we are examining past lessons pertaining to the study of Japanese and Chinese law. We contend that the study of legal knowledge on social issues will facilitate the development of analytical and problem-solving abilities, as well as the ability to recognize the responsibilities of citizens in observing the code of law. In doing so, students will be better equipped to participate in social life. Additionally, by accumulating knowledge regarding experimental trials in Japan and China, we anticipate that both elementary and junior high schools will develop learning materials able to deepen students' understanding of cross-border environmental issues.

Fourth, comparing this area with other subjects, such as living environment studies, home economics, and morality, represents a significant challenge. For example, as there are few textbook descriptions in the Department of Life, it is suggested that teaching materials can be developed by comparing illustrations. Furthermore, although few cases are included in the high school

version of China's law-abiding education text, there are many topics about the explanation of the law and its historical background. Meanwhile, in Japan, the civil society textbook includes a description of the case, making it possible to compare it with another specialized subject (e.g., industry or commerce).

This study examined the learning content distributed across various subjects at each school level, such as social sciences, social studies, civil society, home economics, morality, and commercial departments. In this respect, restructuring subjects to engage in collaborative learning is more realistic than creating new subjects. By exploring what kind of learning activities can be linked with "law-abiding education" in China, collaborative learning using Japanese legal material can produce a more systematic form of learning. In this respect, it may be worth exploring whether cooperation between Japan and China will become increasingly important in fostering a new sense of norms, expanding global learning in East Asia, and securing life in a civil society.

This study reviewed prior research from the perspective of law education, comparing it to the "law education" provided in China and identifying the characteristics and issues facing such education in Japan. In the future, joint research by researchers and educators from East Asian countries should be conducted to develop curricula, textbooks, and class models tailored to the research results of a specific subject and/or education system. Hopefully, further learning opportunities and possibilities will open up as the joint research learning method discussed in this study continues to expand in Japan and China.

Contributorship

Umeno Masanobu planned the grand design of this study by analyzing previous research and position of law education in Japan and China. He was also responsible for the discussion of the future direction of law education in Japan and China through international exchange. Yoshihiko Fukuda examined Chinese law education textbooks and how the learning process is systematically structured, revealing how the learning activities are based on legal normative judgments based on precedents. Naho Inoue analyzed the Course of Study and textbooks for social studies in Japan, as well as the characteristics of law education in Japanese social studies. Based on our analysis, we suggested the possibility of collaborative research on law education in Japan and China.

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Notes

1. In this study, “law-related data” refers to: (1) domestic law, regulations, rules, and so on; (2) conventions that affect the application of domestic law; and (3) judgments in Japan based on regulations.
2. The “Elementary School Course of Study” (MEXT, 2017 to the year of notice) noted in *General Rules for Implementation and Learning Evaluation of the Third Curriculum*, is intended “to enable pupils to solidly acquire basic and fundamental knowledge and skills, to foster the ability to think, to make decisions, to express themselves and other abilities that are necessary to solve problems by using acquired knowledge and skills, to cultivate an attitude of proactive learning and to develop pupils’ individuality.”
3. In Japan, see MEXT’s “Secondary Course of Study for Junior High School,” Chapter 2, Section 2, Society, notice March 2017.
4. For example, law education in Korea is regarded as playing a very important role in civic education and supporting a democratic society. It has primarily been treated as part of political education (i.e., content related to the Constitution, specifically the political system and the governing structure of the state). In Korea, “Law and Society” was established as an elective subject at the high school level in the seventh curriculum, issued in 1997. In 2008, the *Educational Support for Law* was enacted, making law education a more active part of the curriculum. In the 2009 curriculum, “Law and Society” was changed to “Law and Politics” and further law education was included.
5. In China, the Ministry of Education, Justice Department, and National Law Dissemination Office issued *Youth Law Education Principles* on June 28, 2016.
6. In Japan, the 2015 Course of Study for Elementary and Junior High Schools changed “Subject Morality” to a “Special Subject (the Morality Period)”; however, its content remained the same.
7. *Legal Education* describes the learning of “legal norms” through an understanding of a determination applied to specific examples, as well as the purpose of sensible judgments and normative consciousness. The textbook furnishes future members of society with an understanding of the basic principles of law. In the textbook, the text of the law, purpose of the legislature, representative judgments (i.e., judicial precedents) suitable for learning, the facts and judgments of the court, and their associated rationale are used as teaching materials.
8. In response to the United Nations’ “Decade for Human Rights Education,” the Human Rights Protection Council was established in the Ministry of Justice of Japan. According to the Council’s report (1999) regarding learning in school, pupils do not gain a sufficient understanding of human rights, despite the promotion of human rights education in schools. According to the third report of the committee established by MEXT, “Teaching Methods of Human Rights Education” (2008), it is necessary to cultivate “a sense of human rights” in children, such that they can recognize a desirable situation from an undesirable one in which rights are violated, as well as secure children’s knowledge of rights as inviolable. In this study, we use “sense of human rights” as a term that positively refers to the attitude of carrying out the “spirit of respect for human rights” during real situations (The Act on Human Rights Education and Promotion of Human Rights Enlightenment 2000).

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