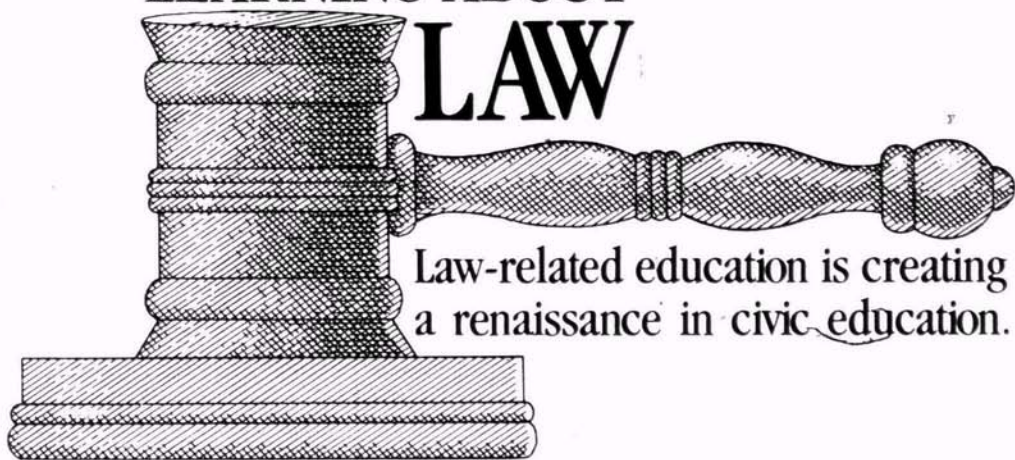


LEARNING ABOUT LAW



Law-related education is creating
a renaissance in civic education.

MARY S. FURLONG AND LEE ARBETMAN

Preparation for citizenship has been considered the primary purpose of social studies education since 1916 (Butts, 1977), but despite many calls to revitalize civic education, the record has not been impressive. For example, it appears that fewer than 20 percent of high school graduates understand even the fundamental principles expressed in the Declaration of Independence and the Bill of Rights (Newmann, 1963). This means that graduates of our public schools may not be committed to such democratic principles as due process of law, equal protection, freedom of conscience and expression, contractual obligation, and rational consent of the governed.

Recent studies of civic education tend to quantify and confirm what many educators know from their daily experiences: there is a national

climate of cynicism and exasperation toward government (Massialas, 1967). This attitude, and the privatism and alienation it fosters, knows no class, sex, and racial boundaries. The time for a renaissance in civic learning is upon us. We need a curriculum that fosters social responsibility, personal obligation for the public good, and effective participation in the social order. The curriculum must help students understand the laws that determine the nature of the social order and must systematically engage them in the process of clarifying their own views as to what is adequate and what is inadequate in existing law. Law-related education is a response to this need.

Law-related education (LRE) is defined as "those organized learning experiences that provide students and educators with opportunities to develop the knowledge and understanding, skills, attitudes, and appreciations necessary to respond effectively to the law and legal issues in our complex and changing society" (Office of Education, 1979). Programs and materials for "those organized learning experiences," while diverse in approach, are often characterized by certain common goals including: (1) developing legal survival skills

Mary S. Furlong is Assistant Professor of Curriculum, School of Education, Catholic University in Washington, D.C.; Lee Arbetman is Deputy Director of the National Street Law Institute, Adjunct Professor at the Georgetown University Law Center in Washington, D.C., and Chairperson of the National Council for the Social Studies Committee on Citizenship.

and gaining practical legal information; (2) improving thinking and decision-making skills; (3) enhancing students' understanding of and commitment to justice; and (4) encouraging responsible participation in civic life.

Law-related programs and classes make the study of law pertinent by focusing on issues of genuine concern to students and by attempting to help students develop legal survival skills. For example, students learn that a warranty is implied, as a matter of law, into every commercial sale to ensure that items purchased will be of at least ordinary quality, whether or not a written or oral guarantee is provided. They also learn, contrary to what television police shows may "teach," that police officers must usually obtain warrants from judges or magistrates to make arrests or carry out searches.

Law functions in our society as a means of avoiding or resolving disputes. In studying its dispute-resolution function, students are brought into contact with real-life conflicts and controversies. As they analyze these disputes, they must identify relevant facts, formulate the initial issues to be decided, and articulate and carefully weigh opposing interests and arguments in order to arrive at reasonable solutions. Legal cases are used in two general ways. In one, students are provided with a case and asked to explain the reasoning used to resolve the controversy. In the other, students are confronted with open-ended dilemmas and required to provide their own solutions, supported by reasons. Both models, and their many variations, are designed to improve student thinking and decision-making skills.

Law-related education departs from the memorize-and-regurgitate form of civics and emphasizes prescriptive questioning. Complementing the provision of practical information and skills is the continuing inquiry into what law and public policy should be. For example, it is likely that the difficult issues of affirmative action and reverse discrimination will continue to be with us during the 1980s. It is not enough, however, for students to understand the Supreme Court's most recent pronouncements on the issue. Rather, students must be challenged to go beyond "what is" questions and ask "what ought to be." Should equal-

ity mean equal opportunity, equal treatment, equal result, or something else? While the answers are not obvious, tomorrow's leaders—today's students—have to address these questions. Law-related education explores sensitive, controversial issues, focusing student attention on perplexing and critical questions of justice and fairness.

There is an ancient Talmudic axiom: "Let not thy learning exceed thy deeds. Mere knowledge is not the goal, but action" (Silberman, 1970). Law-related education has attempted to heed that command. Students are required to take an active role in their learning as they participate in simulated negotiations, in mock trials and appellate hearings, in mock legislative assemblies, in police ride-alongs, and in community-based internships. Experiential learning gives students an opportunity to practice and refine citizenship understanding and skills in a living laboratory and encourages them to continue to take an active role in the civic affairs of their communities.



Three basic approaches to the teaching of law-related education have evolved. One of these approaches has been practical, aimed at teaching students basic skills to help them cope with the legal system. A complementary approach is to organize the curriculum around fundamental concepts of our legal and political system, such as justice, diversity, privacy, and participation. A third approach involves students in the criminal justice system or the legislative process. Though these three approaches may differ in overall design, each emphasizes demystification of the law and creation of a legally literate citizenry.

Law-related education has demonstrated great growth in the past decade. As a curricular reform, it has been implemented widely in schools throughout the country. In a survey conducted by the American Bar Association's Special Committee on Youth Education for Citizenship in the 1976-1977 school year, there were over 300 law-related education projects. This is a dramatic increase from 170 projects in 1972. Today, it is conservatively estimated that there are over 500 state and local law-related education projects.

This growth has been stimulated by financial and program support from many agencies and organizations in the public and private sectors. Early efforts were supported primarily by private foundations and corporations and by state and local bar associations. As track records were established, support came from local, state, and federal levels of government. Funds appropriated under the Law-Related Education Act of 1978 (P.L.

95-561) will begin to support LRE programs in the fall of 1980.¹

In many school districts law-related education has been effectively integrated into the curriculum and is now a part of their regular program. The process requires little in the way of additional equipment, rescheduling of classes, or general reorganization of the curriculum. The place to begin is with the social studies or business education program. Teachers who are most likely to introduce law into a social studies unit or to teach a class as an elective should be contacted first. Teachers need an awareness of LRE and an opportunity to consider how it could fit into their program.

Having acquired this awareness and developed a commitment, most teachers feel a need for training in content and methodology. Information on available materials, program models, and teacher training opportunities is available from the national projects described later.

Another factor that influences successful implementation is the cooperative efforts of a broad base of organizations from the community. Law students, bar associations, law enforcement and criminal justice agencies, and ex-offender organizations help provide support for the programs. It is one of the landmarks of the movement that legal resource persons are involved in visiting classrooms and providing opportunities for field trips, community action projects, and student internships. There is also an invaluable community component in teacher training programs. Other community components are: in San Francisco over 100 high school students annually work in law-related internships; throughout Utah and New Mexico, members of the bar association train high school students to be lawyers and witnesses as part of statewide mock trial programs; in Minneapolis the courthouse and city hall serve as the setting for much instruction; and in Baltimore teachers spend part of their summer "shadowing" lawyers and police officers.

One important consideration in introducing law-related education into the school curriculum is to make sure it is not limited to the formal social studies or business education program. It is important to look at the "hidden curriculum" as well. For example, it might be difficult to teach the constitutional principles of due process (fair treatment) or freedom of expression in a school with rigid, authoritarian, and repressive rule-making and rule-enforcing structures. The way the school handles law-related issues may shape student values about the law at least as directly as the way the school formally "teaches" about the law.

¹ For further information on the Law-Related Education Act of 1978, contact Elizabeth Farquhar, Acting Director, LRE Program, U.S. Department of Education, 400 Maryland Avenue, S.W., 3750 Donahoe Building, Washington, D.C. 20202.

References

- American Bar Association. *Directory of Law-Related Education Projects*. 3rd ed. Chicago: American Bar Association, Youth Education for Citizenship, 1978.
- Butts, R. Freeman. "Historical Perspective on Civic Education in the United States." *Education for Responsible Citizenship: The Report of the National Task Force on Citizenship Education*. New York: McGraw-Hill Book Co., 1977.
- Massialas, Byron G. "American Government: We Are the Greatest!" In *Social Studies in the United States*. Edited by Benjamin Cox and Byron G. Massialas. New York: Harcourt, Brace and World, Inc., 1967.
- National Assessment of Educational Progress. "Changes in Political Knowledge and Attitudes, 1969-1976." *Citizenship/Social Studies Report No. 07-CS-02*. Denver: Education Commission of the States, 1978.
- Newmann, Fred M. "Consent of the Government and Citizenship Education in Modern America." *School Review* 71 (Winter 1963): 404-424.
- Silberman, Charles. *Crisis in the Classroom*. New York: Random House, 1970.
- U.S. Congress. *The Juvenile Justice and Delinquency Prevention Act of 1974* (P.L. 93-415, 93rd Cong., 2nd Sess., H.R. 15276) as amended by the *Juvenile Justice Amendments of 1977*. P.L. 95-115, sections 241 (d)(a)(1), 214 (3), and 241 (b), 95th Cong., 1st Sess., H.R. 6111.
- U.S. Congress. *Law-Related Education Act of 1978*. P.L. 95-561, 95th Cong., 2nd Sess., H.R. 15, S. 1753.
- U.S. Office of Health, Education, and Welfare. *Final Report of the U.S. Office of Education Study Group on Law-Related Education*, 1979, p. 50.

Sources of Information About Law-Related Education*

The following programs provide a variety of consulting services, including on-site assistance, to individuals and groups throughout the country:

American Bar Association Special Committee on Youth Education for Citizenship (YEFC). Norman Gross, Staff Director, 1155 East 60th Street, Chicago, Ill. 60637 (312) 947-3960. YEFC has produced a wide variety of materials which provide practical information on how to begin and sustain law-related programs. It has prepared a film, "To Reason Why," which documents the need for law-related education and indicates ways in which lawyers and educators can cooperate in developing a law-related program. It offers a *Directory of Law-Related Education Projects* (now in its third edition) and a new magazine *Update on Law-Related*

Education, which contains information on recent U.S. Supreme Court decisions, new law-related curriculum materials, classroom strategies, funding opportunities, and other matters of topical interest.

Institute for Political/Legal Education (IPLE). John Khanlian and Louise Stern, Directors, 207 Delsea Drive, R.D. #4, Box 209, Sewell, N.J. 08080 (609) 228-6000. Now nationally validated by the U.S. Office of Education as an innovative project under ESEA Title IV-C, IPLE consists of a year-long social studies curriculum that provides high school students with an understanding of and practical experiences in political, governmental, and legal processes. IPLE conducts one-week teacher education workshops on the use of its materials and strategies for using IPLE in a school system.

Constitutional Rights Foundation, Vivian Monroe, Executive Director; Todd Clark, Education Director, 6310 San Vicente Boulevard, Suite 402, Los Angeles, Calif. 90048 (213) 930-1510. The Constitutional Rights Foundation provides consulting assistance in the following areas: developing community support for law-related programs; organizing school resource programs; designing student and teacher internships with justice agencies; planning and staffing teacher preservice and inservice training on the administration of justice; organizing school, community, and city-wide conferences and seminars; and organizing peer teaching programs in law-related education.

Law in a Free Society (LIFS), Charles N. Quigley, Executive Director, 5115 Douglas Fir Drive #1, Calabasas, Calif. 91302 (213) 340-9320. LIFS is developing a comprehensive K-12 curriculum based on eight concepts: authority, diversity, freedom, justice, participation, privacy, property, and responsibility. The curriculum includes sound filmstrips and teacher training materials. Staff provide technical assistance.

National Street Law Institute, Jason Newman, Director; Edward O'Brien, Co-Director, 605 G Street, N.W., Washington, D.C. 20001 (202) 624-8217. The National Street Law Institute works with law schools nationwide to help them design clinical programs in which law students receive credit for teaching a Street Law course in area high schools and correctional institutions. Institute staff conducts widespread teacher education programs. The program emphasizes areas of law as they apply to individuals in their daily lives.

* Source: *Directory of Law-Related Education Projects*, 3rd Edition, American Bar Association, Youth Education for Citizenship, Chicago, Ill. 60637.

Copyright © 1980 by the Association for Supervision and Curriculum Development. All rights reserved.