

A Study on Education in Japanese Legal Expression: Through a Survey of Japanese University Students

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Abstract

The text on Japanese law is known for being difficult for Japanese people. The law is a part of the liberal arts curriculum at high school and university. The courses are focused on understanding the content of the law; however, the difficulty also lies in law-specific Japanese expression. This research aims to clarify whether the degree of comprehension of legal expression is high even in those who do not receive special education in law if their understanding of different registers of Japanese is high. The methodology included a survey on the degree of comprehension of legal expression that was conducted for students of the Faculty of Letters who were interested in the usage of the words. Honorific expressions known as esoteric Japanese usages were adopted as a comparative subject of legal expression, and the degrees of comprehension of both were investigated simultaneously and then compared. The results demonstrate that very few students exhibited a proper understanding of legal expression. In addition, students with a high degree of understanding of honorific expressions also had a somewhat higher understanding of legal expression; and only very weak correlation was found. It is clear from the foregoing discussion that even people who are good at understanding general Japanese expressions find it difficult to understand legal expression. In the future, in situations where it is necessary to understand legal expression, it seems necessary to nurture a system of education in which people acquire better comprehension of Japanese legal expression.

Keywords: Japanese language, junior college students, legal expression, honorific expression, analogy

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Introduction

In Japan, the law is known to contain obscure terms. Japanese law is difficult to understand for foreigners trying to learn Japanese, as well as for Japanese people themselves. Ordinary university students who do not belong to the Faculty of Law learn about law as part of their general education. Moreover, if you graduate from high school and become an active member of society immediately, you will not have the opportunity to learn about law other than in "public" classes at high school.

Law in terms of general education or a "public" class is focused on understanding the content of the legal system. For example, based on the premise that it is unnecessary to read the original text of the law, the rights and responsibilities in daily life, the freedom of expression, etc. are outlined. There is absolutely no opposition to the education itself, which emphasizes the understanding of the content of the legal system as a part of general education.

However, Japanese law is difficult to understand because it is necessary to comprehend judicial precedents that are not directly stipulated in law and some special legal terms are used. There are very difficult Japanese expressions (hereinafter "legal expression") peculiar to law, which pose a more fundamental problem. For example, the expression "*suru monoto suru*" (in Japanese) meaning "shall do" is a literal form that exists as a Japanese language expression from the Middle Ages but is hardly used in current daily life.

Dictionaries of legal vocabulary contain terms that have legal meanings, such as "deemed," but a more fundamental expression such as "*suru monoto suru*" has no exact legal meaning; therefore, terms such as these are not found in such dictionaries, and it is practically impossible to find out their meanings from these specialist dictionaries. Further, because these terms do not have any legal meaning in themselves, even in public classes at high school, there is no explanation given for these terms. Legal terms can be learned on their own as and when necessary by studying with the help of a dictionary of legal vocabulary; however, in the case of legal expressions, even if you try to study them with the help of such a dictionary, which mostly does not contain any legal expressions, it is very difficult to learn them on their own.

However, it is very important for citizens to be able to understand legislation that stipulates their rights and obligations to fulfill their duties in everyday life and not do anything unlawful. Also, the law should be described in words that can be easily and accurately understood by citizens.

Background

Language exists on various levels, for example, speech, phonemes, vocabulary, and grammar (including form). There are two kinds of grammar and vocabulary: "understanding level" and "produced level." The understanding level means that it is only necessary to know the meaning, whereas the production level necessitates proper use of language after understanding the meaning.

Legal terms and expressions do not use vocabulary at the production level for ordinary people who are not working for legal professionals or civil servants. There are many Japanese native speakers who never use legal terms or expressions even once in their lifetime. However, if you see legal terms in sentences, these are part of the Japanese vocabulary; hence, you need to understand the meaning. In that sense, legal terms and expressions consist of vocabulary at the understanding level.

Naturally, there are more words at the understanding level than there are at the production level. A small Japanese dictionary comprising only modern language contains a vocabulary of approximately 50,000–70,000 words. The range of vocabulary required in an average Japanese native speaker's daily life is about 10,000 words. In other words, this means that 40,000–60,000 words are classed at the understanding level. First of all, it is thought that "priority should be given to output level" when it comes to the order of introduction of grammar items (Iori, 2017).

The difficulty in understanding legal expressions is also highlighted in the UK: "The ordinance of law is like a foreign language for ordinary people" (Renton, 1975). In Sweden, they address the problem of the complexity of sentences in legal terminology (Gunnarsson, 1984). In Japan, it is said that legal texts are too difficult for most Japanese people to understand, and it has been suggested that there should be a way of introducing legal language into everyday language (Okawara, 2004). However, even if a legal text is rewritten in plain language, it is true that many sentences would still be too difficult for ordinary Japanese people who have not received a legal education through university law school or the like (Okawara, 2004).

In Japanese language education for native speakers in Japan, active learning does not merely mean that the learning style is active but that an emphasis is put on the importance of learners' inner thinking. In other words, the purpose is not to teach a mode of active learning but to deepen and develop thinking and remembering through instruction in language learning (Tsuruta, 2015).

Truly active learning means using knowledge and creativity to reconstruct and generate new thinking by interpreting texts based on one's own existing knowledge and life experience. The most important aspect of this is the use of analogy (Tsuruta, 2017).

So, is it possible to understand texts using analogy in Japanese language education consequent to "active learning" in high school even if you have not learned legal terms and expressions at the understanding level?

Objective

The objective of this research is to clarify whether legal expressions can be understood correctly by analogy even by those who have not received specialized education in law at a Faculty of Law if the degree of understanding of the Japanese language is high enough.

Methods

Junior college students in the Faculty of Letters who were thought to be interested in the use of Japanese language were selected as people to be surveyed. To compare and contrast difficult legal expressions, the authors also studied the degree of comprehension of honorific expressions that are known to be difficult to understand in Japanese and decided to compare the degree of comprehension of both. In particular, the authors made their judgments by presenting individual example sentences to all who were surveyed and independently evaluating the degree of comprehension of each example sentence.

The details are as follows:

- **Surveyed people:** A total of 43 students (21 men, 22 females) aged between 19 and 20 years. All were Literature students interested in the use of language.
- **Survey period:** April 2017
- **Survey method:** Prepared several question and answer sheets describing the questions and distributed them to all the students. Collected these sheets once the allotted answer time was over and then figured out the number of correct answers.
- **Evaluation and analysis:** After summarizing the results of the survey (all legal terms, legal-specific terms, everyday legal terms, all honorific words, basic honorific words, somewhat difficult honorific words, respectful words, humble words, and polite words), we converted each correct answer into 100 points, compared the sizes of the scores, and tried to analyze each correlation using a correlation coefficient.
- **Survey content:** The questions consisted of items related to legal expressions and honorific expressions.

Questions regarding legal expressions were prepared to examine the degree of comprehension of respondents regarding the legal terms. Therefore, the questions were prepared with reference to the terms listed in books for civil servants who review the legal representation of the law [Study Group on Legal Affairs (2012), edited by Legal Study Group (2016)]. In other words, questions were prepared to include "legally distinguished terms" according to the authors' classification and "terms also used in everyday life," and the questions were also designed to include specific legal terms (12 words) and everyday legal terms (hereinafter referred to as everyday legal terms) (6 words).

As for the questions regarding honorific expressions, we referred to the "Guidelines of honorific expressions (2007)" published by the Ministry of Education, Culture, Sports, Science and Technology in 2007, selected 14 honorific words (respectful words, humble words, and polite words), and used these to prepare the questions. At the time of preparation, while referring to the terms listed in this guideline, due consideration was given to include "basic items" and "advanced items" according to the classification of the guidelines.

Results

1. Scoring for "legal terms"

Table 1 shows the average scores of all the surveyed people who answered questions related to legal terms, as well as the minimum and maximum values of the scores for each item.

According to the results shown in Table 1, the average value of scores for "all legal terms" was as low as 41 points, and the scores for "legal-specific terms" were markedly lower than those for "everyday legal terms." In particular, the minimum value of the scores for the "legal-specific terms" was approximately 2, indicating that they were extremely difficult to understand.

Table 1. Average, maximum, and minimum values of scores for "legal terms."

Items	Total legal terms	Legal-specific terms	Daily legal terms
Average	41.0	19.8	83.3
Maximum	72.2	70.8	100.0
Minimum	12.5	2.1	33.3

(Scoring / 100 points)

2. Scoring for "honorific terms"

Table 2 shows the average scores of all the surveyed people who answered questions concerning honorific terms, as well as the minimum and maximum values of the scores for each item.

From the results shown in Table 2, the average point score showed that the score for "basic honorific words" was considerably higher than that for "somewhat difficult honorific words" and that the score for "respectful words" was higher than that for "humble words." Moreover, as indicated by the minimum value, there were some people surveyed who scored 0 points depending on the item.

Table 2. Average, maximum, and minimum values of scores for "honorific terms."

Items	Total honorific words	Basic honorific words	Somewhat difficult honorific words	Respected words	Humble words	Beautification words
Average	54.3	66.7	32.5	62.5	50.0	50.0
Maximum	78.6	100	90.0	95.0	84.4	100
Minimum	14.3	0	0	20.0	0	0

(Scoring / 100 points)

3. Correlativity among points for each item

Table 3 shows the correlation between the total points for all legal terms and the score for each related legal-specific term using the correlation coefficient. From the results shown in Table 3, it was clarified that the correlation between the score for "all legal terms" and that for "legal-specific terms" is very strong. Although somewhat weaker, a positive correlation between the score for "all legal terms" and that for "everyday legal terms" was also clearly observed.

Table 4 shows the correlation between the points for all honorific words and the score for each honorific-related item using the correlation coefficient.

From the results shown in Table 4, the correlation between the score for "all honorific words" and that for "humble words" is extremely high. It is practically 1.0; therefore, a perfect positive correlation is observed. Further, it is clear that the correlation between the score for "all honorific words" and that for "basic honorific words" is very high and a strong correlation between them is observed. Furthermore, the correlation between "all honorific words" and "respectful words" is also found to be quite strong. Although slightly weaker, a positive correlation between the score for "all honorific words" and that for "somewhat difficult honorific words" was also clearly observed. An even weaker positive correlation with the score for "polite words" was also observed.

Table 5 shows the correlation between the score for all legal terms and the score for honorific-related items using the correlation coefficient.

From the results shown in Table 5, a relatively weak positive correlation was found between the score for "all legal terms" and that for "all honorific words." Slightly weaker positive correlations were also observed between the scores for "all legal terms" and those for "humble words" and "basic honorific words." Also, to make it easier to understand these relationships, the correlation between the score for "all legal terms" and the score for "all honorific words" was taken as a representative example, and it is shown in FIG. 1 as a graph.

Table 3. Correlation coefficient between the points for all legal terms and the score for each related legal-specific term.

Items	Legal-specific terms	Daily legal terms
Total legal terms	0.84	0.49

Table 4. Correlation coefficient between the points for all honorific words and the scores for each honorific-related item.

Items	Basic honorific words	Somewhat difficult honorific words	Respected words	Humble words	Beautification words
Total honorific words	0.91	0.61	0.73	1.00	0.44

Table 5. Correlation coefficient between the score for all legal terms and the score for honorific-related items.

Items	Total honorific words	Basic honorific words	Humble words
Total legal terms	0.44	0.38	0.42

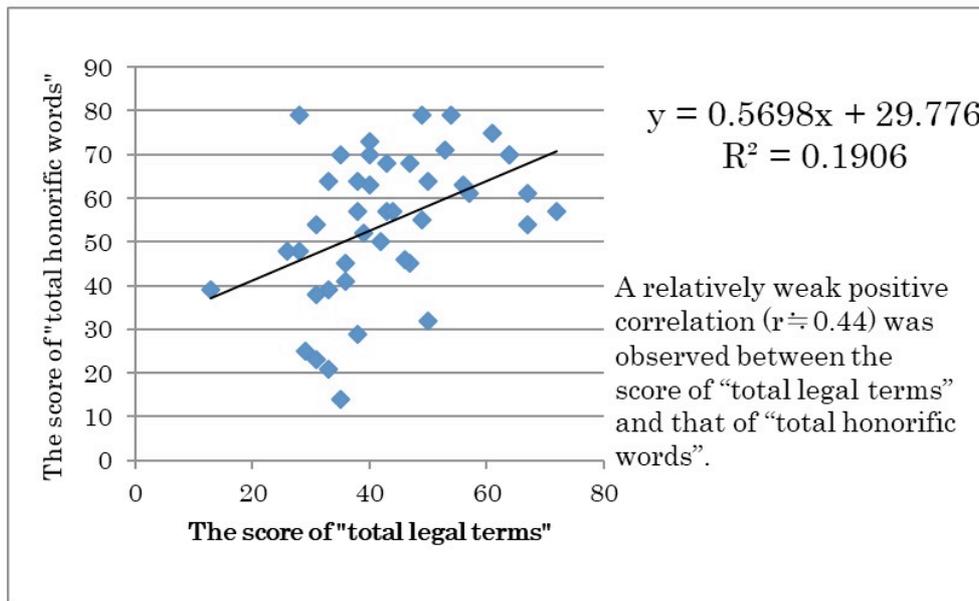


Figure 1. Correlation between the score for "all legal terms" and that of "all honorific words."

Discussion

With regard to the understanding of legal terms often referred to as obscure in Japanese daily life, the average point score for "legal-specific terms" was approximately 20 points, but the average point score for "everyday legal terms" was as high as approximately 83 points. As for the correlation, a student who can understand "legal-specific terms" very well has a very good understanding of "all legal terms," and a strong positive correlation (0.84) was observed. A positive correlation (0.49) was observed between "everyday legal terms" and "total legal terms." In general, legal terms are said to be difficult for Japanese native speakers to understand; however, in reality "everyday legal terms" do exist, that is, there are legal terms that are used in everyday life, and according to this survey, it became clear that many students can understand them well.

From these results, it was suggested that the difficulty of legal terms is focused primarily on "legal-specific terms" and that by learning those terms intensively, one can improve the understanding of all legal terms.

Conversely, in the case of honorific words, the average score for "basic honorific words" was as high as approximately 67 points; the average score for respectful words was approximately 63 points; and the average score of humble words was 50 points.

Regarding this correlation in particular, students who can understand "basic honorific words" very well have a high understanding of all honorific words, and an almost perfect positive correlation (0.91) was observed. A strong positive correlation (0.73) was observed between respectful words and all honorific words, and an almost perfect positive correlation (1.0) was observed between humble words and all honorific words.

From these results, it can be said that the degree of comprehension of humble words determines the degree of comprehension of honorific words as a whole. This result is similar to the findings reported by the authors last year (Kurata, 2016), which supports the consideration that the understanding of humble words is essential for the understanding of honorifics as a whole.

There was a weak positive correlation (0.44) between the understanding of honorific words and legal terms, and students who were able to understand all honorific words also had a somewhat higher understanding of legal terms. The correlation between legal terms and basic honorific words was 0.38, and the correlation between legal terms and humble words was 0.42, with a weak positive correlation found in each case.

From these results, it was revealed that legal terms could not be "understood well" by analogy even if we can, to some extent, understand basic honorific words and humble words that are known to be difficult to understand.

Conclusion

Japanese native speakers often learn about honorific expressions through the use of teaching materials such as literary works mainly used in "Japanese language" classes in elementary school, junior high school, and high school. In particular, students interested in literature, languages, and culture achieve a good understanding of honorifics.

In this study, it was revealed that even students with a high "understanding level" of honorifics, which is regarded as being obscure in Japanese, had a not-so-high "understanding level" of legal expressions, mainly due to analogy.

According to the "School Basic Survey" conducted by the Japanese government in 2015, 17.7% of high school graduates got a job and 51.5% advanced to university (excluding junior college). In the future, active participation by citizens in regional administration is desired for "regional creation" in Japan. To respond to these social demands, the authors strongly expect that opportunities to learn not only legal terms and about legal institutions but also Japanese legal expressions will be provided in high school education.

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