A discussion of approaches to innovate the university curricula of Liberal Arts Education / English Education for Law students in Japan - in the context and background of Japan's increasing globalization in which they are to live and work

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A discussion of approaches to innovate the university curricula of Liberal Arts Education / English Education for Law students in Japan - in the context and background of Japan's increasing globalization in which they are to live and work

Seiji I NOUE

James Daniel Short

Introduction

Through the first decade of the 21“ century during which time globalization has continued to progress rapidly both politically, economically and culturally, Japanese universities are more than ever facing the necessity of having to incorporate non-specialist education, that is to say peripheral general education and foreign language education, into their standard curricula. With regard to Faculties of Law, this trend has added importance due to the increasing emphasis being placed upon the introduction of American-style Law Schools, and also in relation to the major national legal reform which has seen the realization of ‘lay judges’ being introduced into criminal trials. Moreover, students of Business Law are now being required not only to study norms of Japanese law, company organisation and norms of management as has formerly been the case, but also to have a more accurate understanding of international judicial affairs which relate to international public affairs, international business and so on. In relation to such a trend towards “new legal literacy”, what kind of curricula can be developed which will contribute towards the cultivation of “new legal reasoning / legal awareness” amongst students?
Within the Law Faculty of Toyo University, the authors are currently teaching the subjects of Contemporary Foreign Legal Awareness (Inoue), and English (Short). In response to their awareness of the issues above, over the course of a year the authors have held detailed discussions about means by which the curricula of general education and foreign language education can be developed in order to strengthen the specialist education of Law Faculty students by means of initiatives instigated from the educational periphery. As a result of these discussions, it has become clear that with regard to English education, a need can be discerned for what can be described as an alternative ELF awareness (new English as Lingua Franca awareness). Furthermore, in terms of logical structure, this phenomenon is very similar to that of the "new legal awareness" described above.

In accordance with this perspective, in this paper the authors discuss the significance, objective, content and method of specific material which they hold should henceforth be incorporated into the subjects that they are currently teaching. The paper has been produced as a result of close interaction between the authors whose bilingual thinking and expression have taken place in both Japanese and English. As a consequence, both authors are responsible for the content.

1: Concepts of legal reasoning and legal awareness in an era of globalization

In post-war Japan, on two occasions much Western attention was drawn to the question of the "legal awareness" of Japanese people. The first of these was during the period of rapid economic growth which occurred during the 1960s-70s at the time of "miracle prosperity". In a work entitled "Japanese Legal Awareness", Takayoshi Kawashima, a major authority in the field of Legal Sociology, expressed the opinion that Japanese people have a weaker concept of 'contracts' than Westerners do. This opinion, together with that of the 'Japanese Political Awareness' theory of the political scientist Masao Maruyama, and the 'Vertical Society = Japan' theory of the anthropologist Chie Nakane, sparked a con-
troversy both inside and outside Japan about whether pre-modern elements of Japanese society were being viewed from a position of Western-centred linear progressivism. During the 1980s, Kawashima’s theory of legal awareness was criticised from the position of post-modernism by legal experts such as Kahei Rokumoto, Masao Ohki and Shigeaki Tanaka.

The second occasion was when a full-scale debate in relation to “Japanese globalization” began after the 1990s and the academic world witnessed the appearance of a new “Japanese legal awareness” theory. With regard to the background to this new theory, it can be inferred that with the end of the Cold War, many people around the world began searching for new concepts of “order” and “justice”. Moreover, due to the increasing influence of the internet on politics, economics and culture, it can be argued that a major reorganization of people’s “sense of values” had begun. The appearance of this new theory occurred not only in Japan but also in other parts of the world, such as in Europe and other Asian countries. During the period of historical international turbulence which occurred between 1990-2010, in legal academies and legal journalism in many countries a notable intellectual trend was observed towards an examination of what is actually understood by “legal reasoning” and “legal awareness” in an era of globalization.

In Japan, legal experts such as Masao Yamashita, Kouji Shindo, Hiroshi Kamemoto and Hideo Sasakura presented their own original definitions of the condition of “Japanese legal reasoning”. In addition to this, in a work published in 2000 entitled “An Introduction to South-east Asian Law”, Nobuyuki Yasuda undertook a comprehensive examination of legal reasoning across Asia. Within the European Union, several scholars have addressed similar issues such as Stefan Vogenauer in his comparative and historical analysis of the interpretation of statutes in English, French, German and EU Law, and Ulfrit Neumann’s research into related legal disputes; these works have been
translated into many languages. In addition, these issues were also addressed in Mark Van Hoecke’s work entitled “European Legal Cultures in a Context of Globalization”, and Werner Menski’s “Comparative Law in a Global Context”.

Amongst these, it is held that the legal philosopher Hideo Sasakura’s work on “legal reasoning” entitled “Lecture on Legal Interpretation”, which analyses the legal mind and legal awareness from a diachronic and comparative international perspective, describes the characteristics of Japan and other countries’ “legal awareness” in an era of globalization most effectively. Sasakura holds that within the Japanese legal world, it has been frequently stated that for many years this world has been very difficult for non-experts to understand. Despite the fact that recent improvements have been observed with regard to the simplification of legal terminology and the drafting of legal judgements, it can still be argued that there remains a similar need for comparable improvements to be made in the field of the theory of legal reasoning. The practice on the part of legal experts of utilizing highly complex legal techno-speak has similarities with the widely criticised nationalist ‘theories of Japanese racial or cultural uniqueness’ since it refers solely to the Japanese legal world. This phenomenon can be seen as being similar to discussions of Japanese culture which make no reference to the culture of any other nation.

With regard to the theme of this paper, the authors highlight the following statement made by Sasakura: “The structure of legal reasoning and legal interpretation has a universal nature; in other words, it is diachronic and international, and therefore supersedes temporal and cultural differences. Legal interpretation techniques that developed within the sphere of European Continental Law can also be observed in the United Kingdom which has a different legal system. Considering the fact that legal reasoning is essentially a part of thinking about everyday life (since common knowledge is generally the same regardless of location), it is understandable that such diachronicity
will occur. These observations give hope to law students since they no longer need feel intimidated by traditional legal mind theory which on the surface appears to discuss the speciality of secret techniques.\(^{(1)}\)

2: The cultivation of legal reasoning in which “normative” and “circumstantial” judgments coexist

In consideration of the aforementioned legal-historical background, based upon Sasakura’s contextual analysis, the authors emphasize the necessity of reconsidering the central theme of “alternative legal awareness”, which Law students who should be able to correspond to the new study themes of the instigation of the ‘lay judge system’ and the globalization of business management, are required to learn. Furthermore, the authors also highlight the theme of a recommendable model for specialist and peripheral general education (including foreign language education), and the fundamental relationship between principal and supplementary education which aims to achieve the following:

A~To foster among students an ability which enables them to make judgements based upon legal rules (i.e. just judgements, normative principle judgements), which arises through the acquisition of legal knowledge (i.e. knowledge of legal concepts, regulations, judicial precedents, principles of law and knowledge of legal theory—described as category A phenomena);

B~To foster among students an ability which also enables them to make exceptional and special judgements, considering and evaluating the actual human behavioural circumstances in each case (described as category B phenomena), which are based upon normative rules.

In other words, the legal reasoning and legal awareness which it is held are necessary for Law students from now on represents a balanced amalgam of two attitudes. The first of these, A, is an attitude by means of which each criminal and civil case can be judged accurately, following correct consideration that is based upon an appropriate legal norm. The second of these, B, is an attitude by means of which each individual personal and social background is considered as much as possible in order to fully appreciate the special circumstances of each case which led the subject to carry out the act in question. Through this attitude, the appropriate legal norm is regarded as a flexible and tolerant reference or magnanimous standard, and it is therefore applied in order to minimize the applicable punishment in each case.

The authors hold that in the current era it is these elements which are required for Law students to master by means of their study of this discipline. In terms of legal application, this may be described as a contrast between 'literal interpretation' of category A phenomena and 'contextual interpretation' of category B phenomena. Within the lay judge system instigated in 2010, it is well-balanced and sound judicial judgements that are based on the thought of the two vectors A) and B) which are required for both laymen, who are the representatives of civil society, as well as for legal experts.

3: English language weakness in Japan - a consequence of hidden national psychology?

The authors now address the issue of the English ability of students at Japanese universities. In relation not only to the students of the university where they are currently teaching, but to university students in Japan as a whole, the authors draw attention to the question of why the English ability of these students (and especially their English conversational ability) consistently fails to improve, despite the fact that they have been learning English from native-speaking teachers for several years. Addressing an issue which it can be argued has not been adequately discussed within academic discourse, the authors hold that a necessity exists to re-examine the rather opaque history.
of English education in modern Japan.

To elucidate the issue frankly, it can be argued that many Japanese people hold a strong respect and admiration for the English spoken by white British or American native speakers and for their way of life and culture, and hold a corresponding inferiority complex about their own culture and a feeling of humiliation that they cannot speak English on the same level. These phenomena have created a situation which works against increasing opportunities for English conversation practice, which ultimately undermines efforts to improve the English communicative ability of Japanese people.

In a bestseller published at the turn of the millennium entitled “Why can’t Japanese people speak English?”, after suggesting that the phenomenon in question had likely not been highlighted before, one of Japan’s foremost scholars of Social Linguistics Professor Takao Suzuki, presented the following argument:

In an era of increasing internationalisation, many Japanese people state the view that they would like to be able to speak English well. Within this view, aside from a genuine desire to gain ability in the use of English, there are actually a number of other hidden motivations of which Japanese people are not aware, and the most significant of these is a deep-rooted admiration of white people. Several strange cases have been observed in relation to this issue, such as the following: in cases where students’ sole objective is to learn English as an international auxiliary language, even though in theory a well-educated Japanese-American native speaker should represent a perfectly acceptable potential English teacher, due to the fact that in terms of physical appearance such a person looks the same as Japanese people, it has been observed that Japanese-Americans have not been welcomed at English conversation schools in Japan.\(^{(2)}\)

For Japanese people, even in regular everyday life, they do not normally speak or exchange familiar, friendly words with people whom they do not know. Japanese peoples’ relations with each other are largely determined by physical appearance and family background, that is to say spoken relations progress once information is known about the other person’s approximate age, job and social position.

With regard to foreigners who have different facial features and modes of behaviour, to a large extent this background information is not available, and therefore Japanese people cannot predict their potential reactions. Therefore for most Japanese a foreigner represents the most problematic potential communication partner. In cases where such a conversation partner is actually standing in front of you, should that person be a white Caucasian teacher, Japanese people often feel what can be described as ‘level defeat’, which means that they often feel psychologically cowed and overwhelmed. It can be argued that the reason for this is that even now Japanese people unconsciously hold an enduring feeling of admiration and respect for white people. In some way or other they endeavour to avoid hurting the feelings of this person as much as possible, and they also seek to build the other up while adopting an unassuming attitude for themselves. At the same time, they also try very hard not to make mistakes when using the other person’s language of English. It goes without saying that they are learning English due to the fact that they cannot speak it. However, far from feeling unconcerned about the fact that it is natural for learners to make mistakes when learning a new language, in contrast they feel sorry and embarrassed, and become overly preoccupied with maintaining good relations with the other person.

It can be observed that this type of national psychology frequently occurs when Japanese people try to study English and in particular English conversation. Due to the fact that they are very afraid of making mistakes, Japanese people tend to develop an attitude of trying to escape from actively communicating with a native-speaking teach-
er. The result of this is that conversational ability, and particularly the ability to explain one’s own position or thinking orally, fails to develop at all.

Writing at around the same time in 1990, and with a similar awareness of the problem, with regard to one particular feature of English education in Japan, Professor Mineo Suenobu made a further important observation:

Written in the 1960s when the field of Behavioural Linguistics was receiving maximum attention in America, the following passage stands out from a Japanese dictionary of English educational practice which is even now highly regarded by Japanese teachers of English:

Fundamentally, the most important thing in language learning is to avoid students making mistakes. It is very important to avoid students listening to, pronouncing, seeing or writing English that is not correct. For example, when teachers ask students to read passages of English out loud, they should not wait until students reach the end of the passage before correcting any mistakes, but should instantly correct them as soon as they are made.

For a majority of English teachers who have consistently relied on this approach to language education, it goes without saying that this emphasis on perfectionism will have had a considerable influence on a significant number of their students. For the majority of Japanese teachers of English who are in reality unable to pronounce English perfectly, due to the very fact that their own English (which could be called Nippon English) is not perfect, it is likely that as much as possible these teachers avoid using their own English as a model for students to emulate. Looking at these actual conditions, it can be clearly seen that English education in Japan in the 1960s had inculcated very little of the knowledge accrued from the fields of American Structural Linguistics
and Behavioural Psychology, and furthermore that even this little knowledge had in fact been misunderstood. Many episodes like the one described above have come to light with regard to the perfectionism of Japanese teachers of English. For example, it is not hard to imagine the disappointment felt by one student who was actually given a score of zero in a case when instead of writing “No, I don’t” he or she wrote “No I don’t.” (3)

The aforementioned Professor Suzuki takes the argument further to form a conclusion in relation to these phenomena through envisaging an extended perspective which relates the emotional structure of Japanese learners of English and English teachers who have become enthralled by their thinking about British or American native speakers to the nature of Japanese people’s relations with people from other Asian countries.

Suzuki recalled the comments of a foreign student from Pakistan who observed his surprise about the fact that even though Japan was one of only a few countries across Asia which had never been conquered and colonized by the West, after arriving in Japan he realized that in comparison to his own formally colonized nation, Japanese people’s thinking and reactions towards Western countries were actually more ‘colonial’ than those of his own people. With regard to this observation about the emotional structure of Japanese people, Suzuki categorised this situation in the following way:

It can be argued that Japan displays what can be described as a ‘self-colonizing phenomenon’ in the sense that even though it is not actually being controlled by another nation, Japan has apparently decided to become a cultural colony of certain other powerful nations. Furthermore, the fact that Japan continues to act in many ways as something of an inconsequential country due to the fact that this causes little friction and discord with others, and it also can’t dispense with an emotional structure which is


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good in terms of promoting learning efficiency, since it is in reality now a powerful nation, this contributes towards a situation where Japan is thrown into a state of confusion, and is also the cause of many international difficulties.

As a consequence of these highly unfavourable conditions within English education in Japan, with respect to the issue of how to improve ‘English education which is taught by Japanese people for the benefit of Japanese people’, for those Japanese who are enthralled by the traditional British-American focused ‘white people’s English’, one recommendable approach to address this issue is to relax the mental attitude or emotional structure of particularly the younger generation of English learners. In effect this means releasing from young people’s minds the imprinted thinking whereby only British or American English represents ‘standard English’ or the ‘sole model of English’. In place of this thinking what is required is an approach which views the language from a perspective whereby English represents the lingua franca, ‘the modern language used around the world’ or ‘international English’, (more accurately English as an International Auxiliary Language), and to move away from an indulgence of any uncritical acceptance of a solely Anglo-Saxon view. For this purpose, with regard to the younger generation of Japanese English learners, it is important to enable them to appreciate and understand this situation by means of learning about the historical formation, current characteristics and forthcoming possibilities of the many variations of ‘Asian English’ which exist across the Asian continent.

For a number of years examination and evaluation of ‘Asian Englishes’ has been carried out by leading contemporary British, American and Indian scholars of social linguistics such as Larry Smith, Jennifer Jenkins, Braj Kachru and others. The leading Japanese expert advocating this field, Professor Nobuyuki Honna, recently presented the following argument:
At the present time, English is the language which is used most widely around the world and it is also the most convenient common international language. In terms of international exchange between Asian people, English is a highly effective communicative tool. Due to the fact that it can be predicted that politically, economically and culturally relations between Japan and other countries in Asia will likely strengthen in the coming years, Japanese people will surely require accurate knowledge about the types of English that great numbers of people across Asia are actually using.

Formerly, Japanese people regarded Asians who spoke English as being on a level below themselves. They had a tendency to think that these Asians had actually degraded the English of native speakers, and therefore what they were speaking was not legitimate English. However, the phenomenon of the ‘internationalisation’ of English has developed from a clearly traceable diversification of the language. Consequently, there is a clear necessity to attempt to change this attitude on the part of Japanese people. (4)

Further to this argument, in a 1992 article published in the Annual Report of the Toyo University Asia and Africa Culture Research Institute (Volume 26) entitled “Several Educational Issues in Multi-cultural Asia”, at the same time as emphasizing the need to evaluate the legitimate value of Asian Englishes, one of the authors of this paper (Inoue) stated that according to an attitude survey carried out in the early 1990s by Professor of English Education Masahiko Kurata on the theme “What images do Japanese high-school and college students hold about ‘Asia’?”, it was revealed that even amongst the younger generation of today, the ancient stereotypical Japanese’ images of ‘Asia’ since the Meiji era - those of “a poor, dirty and backward Asia”- still exist deep within their psyches. Therefore, as Kurata suggests, if reform of English education attempted in Japan continues to be founded on such a prejudicial mental basis, then the


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so-called ‘international awareness of Japanese people’ which it might be expected to foster by means of this English education, will ultimately only work towards contributing to their already excessive emphasis on Western civilization.\(^{(5)}\)

4: Lessons learned from actual classes of Contemporary Foreign Legal Awareness

The subject that one of the authors is teaching (Inoue) is aimed at fostering among students psychological attitudes which will enable them to relate not only legal systems and principles of Japanese law, but also broader legal awareness and legal reasoning, through the use of typical foreign samples of principles of law and legal systems (including company law and labour standard law), and through carrying out surveys in relation to this material in order to understand the kinds of legal culture, awareness and reasoning they create among the peoples of those countries. In the subject, during the course of a year a dozen specific topics were selected. Some of these, which more than a few students found “highly impressive”, will now be introduced.

Case 1

Following a lecture entitled “Double standards relating to the application of legal systems”, a discussion was held among the members of the class. In a social community, if the laws that are applied to the community members are not done so equitably but with discrimination, this is regarded as a double standard of legal application. In the modern era, in developed, democratic countries it is assumed that such legal discrimination does not exist; however, in reality more than a few examples of this do exist. For example, in America the purchasing and keeping of guns represents one example of the right to self-defence which is secured by the Second Amendment to the United States Constitution. In spite of this however, Native American citizens are not permitted to exercise this right. The legal reason why Native Americans are not able to exercise a right

that is enjoyed by white, black and Asian citizens is that there is still a written law in existence which dates back to the frontier era that states that Native Americans are still officially at war with the United States. (Mr. K., a Native American man from the Cheyenne nation who was lecturing at a university in central Japan, related this fact in an interview which took place in 1992.)

After learning about this situation and discussing it with their classmates, many students expressed surprise. Some of their comments were as follows:

“It is hard to believe that such double standards of legal application exist in America, the country in which freedom and democracy are presumed to have matured the most. Is it really true⋯⋯?”

“Do similar legal double standards exist in Japan? Why don’t we investigate Japanese cases with a similar awareness of this issue?”

“For example, are the Ainu people in Hokkaido tacitly suffering in a similar way?”

“In Japanese national elections, depending on the Prefecture, it is a fact that there is a 1-5 disproportionate weighting of people’s votes. Does this represent a double standard in terms of participation in the political process?”

This class represented a valuable opportunity for the students to relate the actual conditions of foreign and Japanese legal issues, setting aside truisms relating to the Japanese legal system.

Case 2

In this class the students watched an NHK video documentary from September 1996 entitled “Do Philippine high school students approve of Japanese economic growth?” and then discussed its content. At the De La Salle Senior High School in Manila, a history teacher named Ms. Macbag intended to have her students reconsider whether regional economic development, the construction of factories and the expansion of local employment in the suburbs of Manila which came about as a result of Japanese over-
seas development assistance (ODA) are in reality beneficial to the Philippines. In accordance with this intention, she created a scenario of a ‘mock trial’ and had her students act out various roles in order to discuss whether this situation represents either a ‘breakthrough or a breakdown’ for the Philippines. The time period acted out in the mock trial was that of the occupation of the Philippines by the Japanese military during the Second World War. The defendant in the court was a Japanese soldier, the prosecuting and defending lawyers were Filipino legal officials, the plaintiffs and witnesses were Filipino male and female citizens who had been attacked or robbed by members of the Japanese military. Prior to the start of the play, the students interviewed elderly people who had experienced the occupation and who had witnessed robberies and abuse of Philippine citizens. As a consequence, the students were able to give convincing performances.

Following the play, a serious discussion was held between the students who had played the roles and the students who had been the audience of the play in order to form a conclusion about the theme of whether the recent Japanese economic advance was actually good for the Philippines or not. Contrary to the predictions of Ms. Magbag, they came to the conclusion by majority that the Japanese economic advance represented a good thing (a breakthrough) for the Philippines.

Through the study of this NHK documentary, how did the students of the Law Faculty of Toyo University react? Many of them stated that they were more surprised about “the impressive level of discussion ability possessed by the Philippine high school students” than the actual content of the video. They commented: “Why is it that these students who are actually younger than us can hold such a mature discussion?” In order to explain this situation, Inoue explained “For many years there have been community councils called ‘Barangays’ all over the Philippines which aim to solve community problems. These councils are of a similar size to the Japanese chonaihakai community
councils.” In the Philippines, anyone aged over fifteen years old can be approved as a formal member of a Barangay. They can actually join activities such as daily mediation, arbitration, simple legal cases and minor criminal cases, and then make judgments on the basis of the same rights as other adult members. Legal experts evaluate this Barangay system highly and regard it as a useful traditional mechanism which both decreases the burden on public courts, and also fosters a sense of public participation by attempting to solve local conflicts quickly without large financial expense. This traditional system exercises a large influence on the mentalities and discussion ability of young people, as well as fostering a unique legal awareness, known as “Barangay Justice”, between the people of the Philippines.

An additional matter which the Law students realized as a consequence of studying this documentary was the fact that the Philippine high school students were holding discussions entirely in English. The Law students were highly impressed by the English communicative ability of these high school students, who are of course Asian young people like themselves, which is far beyond the imagination of most Japanese university students, despite the fact that the Philippines has experienced colonial rule by America. It can be said that this documentary material contributed towards enlightening the Japanese Law students in two ways, the latter of which relating to “Asian English” will be examined below.

5 : English education in Japanese universities - scope for reform

Although not leading the world with regard to the total number of native speakers, it is becoming increasingly clear that English is the leading language in the international community in a variety of fields including business, politics, the news media and entertainment. Amongst the countries of Asia, English also represents the established second language for a very large number of people. In Japan, in addition to the six years of compulsory study of the language at Junior High and High School instigated by the
National Education Reform Act of 1947, recent developments have also seen compulsory study introduced at the elementary level, and greater emphasis placed on the development of English language competency within universities. Within the Japanese business community, a further trend can be discerned whereby a growing number of major companies are now requiring potential applicants to attain a specified score on an internationally-recognised English language test such as TOEIC (Test Of English for International Communication) before they seek employment with those companies. This development follows stipulations already set in place regarding required English competency for governmental and civil service positions, amongst others.

On the one hand, these developments point towards a situation in Japan where the acquisition of English language competency is becoming increasingly important for the securing of stable employment, and therefore is becoming a growing priority across the educational spectrum. Contrasting, in the eyes of the authors and also those of many native-speaking English instructors in Japan, these developments have yet to create an educational environment in which this increased emphasis on the language is actually succeeding in producing Japanese university graduates who possess real communicative ability in the language. The primary focus of testing mechanisms such as TOEIC requires detailed knowledge of English grammatical structures and vocabulary. However, for Japanese learners of the language it is a matter for continued debate as to whether the acquisition of such knowledge actually facilitates significant improvements in communicative ability. In other words, one can question whether the gaining of specific knowledge about grammatical structures and vocabulary in order to score well on a recognised test actually produces individuals who can utilize the language as an effective communicative tool. As things currently stand, it can be argued that the answer to this question on the whole is unfortunately “no”.

It is undeniable that in the contemporary business world and as a prerequisite for employment in a growing number of careers, a specific English TOEIC or equivalent test score is becoming essential. However, when one considers that this trend is largely failing to produce graduates who can communicate effectively in the language, it could be seen as representing something of a commoditization of the English language, or knowledge of the English language, which in reality has little to do with its actual use as a communicative tool either in a business sense or in terms of facilitating understanding between people of different nationalities. It could be argued that this therefore represents a top-down imposition of a strict testing system which has been revealed to be unexciting for students and far removed from promoting meaningful or enjoyable communication.

Scholars such as Honna have observed that there exists something of a national context of failure in Japan with regard to achieving a good working knowledge of communicative English, despite the six years of compulsory study in schools and various large-scale and very expensive (in terms of public money) schemes that have been instigated by the Japanese government. One could in fact go further and actually describe this as something of a national embarrassment, especially when considering the significant achievements that have been made in recent years in other East Asian countries, particularly in China and South Korea. Perceived inflexibility on the part of the Japanese Ministry of Education and the country’s leading universities regarding the nature of English knowledge that is required from students has created a situation which is severely lacking in terms of a dynamic, pro-active approach needed to address this long-standing challenge and potential national weakness. It can be argued that during

(7) Other widely used English language tests include TOEFL (Test Of English as a Foreign Language) and IELTS (International English Language Testing System).


the last two decades very meagre tangible results have been produced as a result of a very large expense of public money.

With regard to institutions of higher education, many Japanese universities have been placing ‘internationalisation’ as a major pillar of their future strategic planning and have been seeking to realize this aim through various measures. These measures include increasing the number of student exchange programmes established with foreign universities, increasing the number of university courses that are taught in English, and setting targets for the number of students who will have achieved a specified TOEIC (or equivalent) score by the time they graduate. However, in a similar fashion to the Ministry of Education’s recent initiatives, one can say that the jury remains out over whether these strategies are in reality succeeding in increasing their students’ overall communicative ability in English.

Looking more closely at the condition of university English education, in response to the question ‘what is the general nature of English education in Japanese universities at the present time?’, with regard to curriculum content that is becoming increasingly focused on preparing for tests such as TOEIC, one could argue that this could be seen as rather narrow and uninspiring, and is delivering few significant results in terms of developing students’ communicative ability. In order to address this situation, during the last academic year (April 2010 - March 2011) in the classes of one of the authors (Short), at the same time as delivering some material geared directly towards the TOEIC test, attempts were made to broaden the curriculum through the inclusion of material focusing on World Heritage Sites in various countries around the world. On the basis of student in-class responses and subsequent end of term test results, it can be argued that across a range of English abilities this content was generally well received by the

(10) The textbook used to facilitate this learning was entitled “World Heritage on DVD”, by Masakazu Someya and Fred Ferrasci, Nan’ Un Do, 2010.
students to whom it was taught. The students’ responses revealed that they found the material to be intriguing and stimulating, and also a clear contrast from grammar and vocabulary practice geared towards continued cycles of formal testing. However, regarding the medium of delivery of this content, it should be acknowledged that as an educational exercise, studying material focusing on World Heritage Sites in English cannot be seen as an essential modus operandi since such learning could likely be satisfactorily achieved through the medium of Japanese.

6: A paradigm for more stimulating English education

In respect of the unsatisfactory condition of English education in Japanese universities, the authors hold that a necessity can be discerned for the introduction of a new educational paradigm which seeks to address this situation. In the current global climate, within Japanese university English curricula specific content which focuses on preparation for tests such as TOEIC is undeniably important and will likely remain so for the foreseeable future. However, in the authors’ opinion, such material should not represent the totality of university English education. In contrast, it is held that a broader approach should be adopted which incorporates accurate information about the varieties of English that is spoken by millions of people across Asia, and which also incorporates content relating to the historical processes which have led to the continuing development of these varieties. This content is to be found in the expanding field of “Asian Englishes.”

Among the countries of Asia, the many varieties of Asian English represent the reality of the international political and business language utilized in many international fora such as governmental summits and business conferences, as well as in much regular communication between Asians of many different nationalities. An approach, therefore, to achieve the objective of developing a broader curriculum is to introduce content from the field of Asian Englishes into English education at Japanese universities. The
authors hold that specific learning focusing on this field can be seen as representing a linguistic avenue into a curriculum topic which has clear currency and relevance to the lives of Japanese young people who are growing up in a rapidly globalizing Asia. Studying such content can provide students with an opportunity to gain a deeper appreciation of both the many features of the language itself and its actual usage within the continent in which they are living. Specifically, it is held that such content could promote learning with respect to the following phenomena:

1. The position and importance that English holds in the modern world and specifically in the continent in which the students are living. English as the *lingua franca* represents the language which Asians of different nationalities commonly use to communicate with each other in a variety of contexts.

2. The ways that English has been incorporated into many aspects of life and developed in various Asian contexts, and also how this process is continuing to develop. (This phenomenon has a parallel with the on-going process whereby words from foreign languages are being incorporated into Japanese using katakana.)

3. The fact that ‘perfect English’ as spoken by native speakers from the “inner circle” of native-speaking countries (that is to say the UK, USA, Canada, Australia and New Zealand) \(^{(11)}\) is not required or necessary in order for Japanese people to communicate and conduct business competently within Asia and in other geographical contexts.

Overall, it is held that such content can contribute towards developing a broader knowledge and understanding of the countries of Asia, and also to some extent an appreciation of Japanese students’ own positions within it, and it can also facilitate meaningful interaction with the peoples of these countries. In addition, curriculum content

focusing on Asian Englishes contextualizes precisely what these students are actually doing when they study English at university: they are doing the same thing as an increasing number of other Asians, both students and adults, across the continent. In contrast to, for example, studying the aforementioned content focusing on World Heritage Sites, study of this particular material in English has added significance, not only for the fact that the students are actually doing the very thing which they are studying about.

**Conclusion**

In order to recognise and re-evaluate the existence of “category B” phenomena, (those which are flexible, derivative, variable, free), in relation to “category A” phenomena (those which are normative, standard, typical, principal) (12), and by means of which re-discover the fundamental value of “category A”, within this intellectual field the authors confirmed that in terms of logical structural method the importance of such back-and-forth motion is very similar for the creation of both “alternative legal awareness” and “alternative ELF awareness”.

Referring to the field of contemporary music, there is a saying within this field that “Music starts and ends with Bach”. This saying indicates that earlier musicians knew from their own experience that Bach, the founder of Classicism in the 17th century, represents the origin of the rich musical development that subsequently took place in the Romantic era. In the 18th and 19th centuries, the Romantics declared the individual freedom of expression of the artist which then led to the appearance of “modern music” and jazz in the 20th century. However, it was frequently the case that on occasions where musical development became confused and stagnated, it was to the canon of Bach that these later musicians returned in order to rediscover the fundamentals and thereby

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(12) See section 2, above.

(243)
overcome the impasse.

In the field of art, Picasso achieved a sense of revolutionary destruction and free recreation through the artistic theory of cubism and his actual artworks. His achievement in this respect is placed on a par with that of Einstein in the history of physics. However, it is important to remember that Picasso devoted himself to drawing thousands of physically accurate sketches in the same manner as did Leonardo da Vinci prior to developing the cubist movement. In Picasso’s case, the process of moving between category A and B phenomena actually took place within the artist himself.

In a variety of cultural contexts human spirits who have sought freedom and practical adaptation in their own specific fields have pursued expansion by means of moving from category A to category B phenomena. However, it has frequently occurred that when faced with difficulty, they returned to the original spirit, that of category A, in order to overcome it. In the future, it is predicted that human activity will continue to develop by means of stretching out towards a new level, that of category B.

With regard to students of the Law Faculty, their principal study of Law (that of studying legal texts) is considered as part of category A, and the study of general education subjects is considered as part of category B. In an era of globalization, it is held that the raison d’être of subjects such as “Contemporary Foreign Legal Awareness”, which represents an example of category B, will continue to increase. Within such a learning process taking place within the curricula of the Law Faculty, due to the fact that it can be conceived that the intellectual focus of the learning subjects will be moving flexibly between A and B, (that is to say, as the legal reasoning of the students is beneficially repeating the back-and-forth motion between category A - emphasizing the 'literal interpretation' of legal texts, and category B - emphasizing 'contextual interpretation' of legal texts), it is possible to predict the creation of “alternative legal aware-
ness” in the minds of the students by means of the study of these two elements.

With regard to English education, when Law students study ELF (English as Lingua Franca), if excessive emphasis is placed upon category A elements, (material focused on rules of grammar and vocabulary, delivered by native-speaking British or American notably white teachers) as has previously been largely the case in traditional English education in Japan, this frequently generates a sense of shame and inferiority amongst students who are unable to produce accurate pronunciation, grammar and patterns of thinking. In such circumstances students attempt to escape from person-to-person question and answer practice, leading to a result where there is little or no improvement in English communicative ability. It can be argued that this condition has continued over a long period within Japanese universities.

In addition, excessive respect held for the Western world, and especially towards Britain and America, has led to the creation of unfair prejudice against other Asian cultures, as a result of the concept of “datsua-nyuoh” (leave Asia, enter the West), as coined by Yukichi Fukuzawa. This phenomenon has also cultivated thinking which denigrates the English spoken by other Asians, and also a severe lack of knowledge regarding the actual situation of the historical spread and taking root of English in many parts of Asia. This situation is not only highly regrettable, but also represents an important factor which has prevented improvements being made in the English ability of Japanese people.

Viewed from a different angle, the authors hold that a re-evaluation of the potential power of Asian Englishes (which are category B phenomena) has the potential to provide Japanese people with an opportunity to free themselves from both the attitude of overly respecting Britain and America which has continued since the Meiji era, the feeling of inferiority towards white people and also feeling disparagement for them-
selves. In this way it can be predicted that Japanese people will gain a more natural attitude in situations when they find themselves in front of native speakers, and it is hoped that they will also be able to repeat relaxed person-to-person practice even with white British and American English teachers. As a result of this process, it can be expected that these developments will lead to improvements in English communicative ability.

Consequently, with regard to English education, the authors hold that the introduction of intellectual interaction (back and forth motion) between category A and B phenomena will be genuinely important in developing “alternative ELF awareness” amongst students. Furthermore, in terms of curriculum development, the authors regard the fact that it has been demonstrated that this issue is in reality fundamentally linked to that of a broader contemporary, philosophical context to be highly significant.

It goes without saying that within the world’s top level international organisations such as the United Nations the lingua franca that is desired is one which is the most understandable and most communicable for people of all nations. During the period when he was an employee of the Hiroshima Office of the United Nations Institute of Training and Research (UNITAR), one of the authors (Short) had frequent experience of having documents he created in English being repeatedly strictly edited by his superior. In spite of the fact that these documents were written by a native English speaker, the desire of the superior was evidently for more understandable, more communicative English expressions which would be clearly understood in an international context; this was the reasoning behind the numerous edits. In other words, with regard to tendency towards category B English within the written word produced by a British or American native speaker, this episode represents a desire on the part of superior for UN staff who are country representatives but who are working in an international context to produce a more universal model of English expression, that is to say English
of category A. In the view of the authors, with respect to the logic expressed in this paper, this desire on the part of the senior UN official was completely correct.

It is ironic that the age of globalization is proving to be one in which more than ever before in world history we are witnessing conflicts arising over various national interests, ultra-nationalism, inter-religious and sectarian wars, minority and separatist movements for independence, territorial disputes and so on. The authors hold, however, that the interests between “international norms” (international laws, international treaties, entire international organizational systems from the UN down, those of category A) should not be discordant with the national or regional laws or rules of the individual states who make up the international community (category B). Indeed, it may be a kind of natural human tendency that in the contemporary world people soon lean towards “separation, independence, autonomy”. In other words, people may have a bias towards a B-oriented way of thinking, judging from our numerous historical tragedies in which the strong defeat the weak and then rule over and occupy them in many parts of the world. Nevertheless, we should not yet underestimate the importance of an A-oriented way of thinking. On an international dimension, we should similarly not forget the back-and-forth movement of $A \rightarrow B \rightarrow A \rightarrow B$. It is necessary to ruminate on the progress of human wisdom that has taken place since the ideas of “World Government sustained by Eternal Peace” proposed by Rousseau, Grotius and Kant in the 18th Century until today's discourse on “World Republics” by Kojin Karatani.

At the current time, the authors recognise that they have merely scratched the surface of what could potentially be an important future research area. Therefore they wish to investigate various approaches to address this issue in more detail in subsequent research activities.
References

A discussion of approaches to innovate the university curricula of Liberal Arts Education / English Education for Law students in Japan - in the context and background of Japan's increasing globalization in which they are to live and work (Seiji Inoue · James Daniel Short)


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