

teach law

'Sixty years ago I knew everything; now I know nothing; education is a progressive discovery of our own ignorance'.

Will Durant

six r's. A report in volume 68 of the *American Bar Association Journal* p 434 (1982) on the value of law related education in reducing juvenile delinquency provided the theme for an address by the ALRC Chairman, Mr Justice Kirby to the National Conference on Legal Education in Schools. He was speaking at a conference organised in Perth, WA on 11 January 1983 by the Australian Legal Education Council and the Australasian Commercial and Economic Teachers' Association. The report, in a paper 'Two Bicentennials: Making the 80's a Decade of Constitutional Literacy' by C.T. Ross discloses that a national study in the United States, funded by the Federal Office of Juvenile Justice and Delinquency Prevention, reported that pupils in secondary schools who have taken courses in law related education (LRE) 'had a better image, a lesser tendency to resort to violence and lesser feelings of isolation from teachers and other students'. Compared with control groups, students who had taken LRE classes committed few thefts, acts of violence against other students and violation of school rules. Even making allowance for the small sample and the different nature of United States society when compared to Australian society, the ALRC Chairman expressed the view that the growing moves to teach legal studies in Australian secondary schools would be justified in social as well as educational terms:

'Alienation is a great problem of the modern metropolitan community. Misinformation is another problem — whether it comes from bush lawyers in the school playground or from television programs which trivialise and distort, overdramatise or misstate the law and misrepresent its personnel. At the very least, the recent survey evidence from the United States, tends to support the value of law related education in our schools. As youth unemployment and alienation become more serious and endemic problems in Australian society, it will be vital that

our community examines everything it can do in order to reduce the alienation and to associate young people with its laws and institutions'.

Mr Justice Kirby reported the growing numbers of students who were undertaking law related education in secondary schools in virtually every State of Australia. In Victoria, specific subjects of legal studies have been introduced and are proving most popular in the last two years of secondary education. The same is true of Tasmania and courses have just been started in WA and SA. An enquiry is under way in Queensland. In NSW a separate subject has not been introduced; but law related subjects are being grafted onto other curriculum programs.

The ALRC Chairman also urged introduction of studies of the 'six R's' — rights, responsibilities and reasoning in addition to the traditional subjects.

too much law? The address at the Uni of WA produced mixed reviews. According to *The Australian* (12 January 1983) the ALRC Chairman had got it wrong:

'As a lawyer and as Australia's chief legal-educator-at-large. Mr Justice Kirby has to believe that the law can do great things. More detached people are entitled to be sceptical. Did the students [in the US survey] have greater respect for the law because they learned about it? Or did they want to learn about it because they already had more respect for legal processes? In any case our society has too much law — too many rules, too many regulations, too many infringements of our liberty. Lawyers do us no favours when some among their ranks contrive to add to the body of law while others tell us we need to learn more so that we can cope with what their colleagues are doing'.

Other editorials were kinder. The *Sydney Daily Telegraph* (12 January 1983) reflected on the apparent growth of juvenile crime and urged attention to the 'few ideas on how we can stop the rot'. In a thoughtful editorial in *The West Australian* (13 January 1983) the editor put his view:

'Whether or not it helps to reduce juvenile crime, there are sound reasons for giving secondary school students the opportunity to study law. Any move to broaden community awareness of something so crucial as the orderly workings of

our society must have beneficial effect. Though the suggestion that such a step may help to bring down the level of crime among the young was expressed with caution, such a result is conceivable: young people well acquainted with the law and its penalties may well be less likely to break it than those who have given little thought to the law. Most importantly such a course could tackle the growing problem of youth alienation from established society and its institutions...The case for more widespread legal studies in the education system becomes compelling'.

teaching human rights. Meanwhile, attention is being paid to the specific teaching of human rights as a means of sensitising society to respect basic human dignity.

- In December 1982 at a meeting of the ACT branch of the United Nations Association of Australia, it was disclosed that the Human Rights Commission of Australia had prepared a program on education for human rights which is to be given a trial run in several selected ACT primary schools in 1983. The program was disclosed by Dr Ralph Pettman, research officer for the HRC. According to the report, the HRC was sensitive to the fact that human rights was 'politically loaded'.
- In the January 1983 issue of *UNESCO Review*, a publication of the Australian National Commission for UNESCO, there is a review of the book, previously noted in these pages, which collects the contributions for the June 1980 UNESCO seminar in Sydney on teaching human rights. This splendid book *Teaching Human Rights* is available from AGPS and gives a good overview of the Australian human rights scene.
- In February 1983 at a international Red Cross conference on humanitarian law in Canberra, the Director of the Henri Dunant Institute in Geneva, Mr Jacques Meurand

declared that governments had a legal obligation to publicise the international laws governing behaviour in war. He said that there was general acceptance that humanitarian rules could overcome 'irrationalism, indifference and barbarism' but this would not occur without the teaching of fundamental rules of humanitarian law, including to the armed forces. The Canberra seminar was attended by a large contingent of representatives (from all parts of the region) including some from military forces.

- In late 1983 the HRC hopes to organise in Adelaide a seminar on teaching human rights in tertiary education in Australia. Material for the seminar is being gathered by Professor of Law and past ALRC Commissioner, Alex Castles (Adelaide Law School). It is expected that the seminar will be a joint project of the HRC and the Australian National Commission for UNESCO.

police in class. Experiments involving law in education are by no means confined to Australia. Reports in the New Zealand press reveal the way in which Auckland police are spending one afternoon a week visiting school classrooms and meeting students, giving them instruction in the law and police duties. So far this is in an experimental stage. But reports from the Orakei Primary School indicate that since the experiment began there has been a marked fall in the number of pupils having to be dealt with by police for offences ranging from truancy to vandalism and burglary. In 1981, 60% of the school's 80 senior pupils were dealt with by police for such offences. After the police projects of communication began, the proportion fell to less than 10%. Auckland Police Commander, Assistant Commissioner Bryan Gibson reported that the early results were encouraging.