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Foreward

Whitmore Gray

University of Michigan Law School, wgray@umich.edu

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FOREWORD

Over the past fifteen years there has been a remarkable growth in the study of Japanese law in the United States. The foundation was laid during the late 1950's when the Harvard-Michigan-Stanford program brought together Japanese legal specialists and their American counterparts for study and research. At the end of this program a major conference was held, and the resulting publication, Law in Japan, continues to serve as a point of departure in descriptive studies of Japanese law.

During the 1960's interest in Japan continued to develop among law faculty members, but an even more important development was the increase in the number of students coming to the law school who already had some Japanese language and area training. With these students as a nucleus, a few law schools have begun to offer work in Japanese law. Some of these courses have been taught by visiting Japanese professors, and a few are taught regularly by Americans trained in Japanese law.

At the same time, the Japanese legal system has been studied by many non-lawyers, such as political scientists, sociologists and anthropologists. Constitutional law, family law and criminal law have been analyzed as political and social phenomena in studies which have gone beyond legal rules to origins and practices.

The four papers in this volume represent these various developments.*

Professor Kazuo Sugeno of Tokyo University was a visiting scholar at the University of Michigan Law School in 1975-76. His paper on unions and strikes in the public sector in Japan is a study of how legal rules developed in the Occupation period, how attitudes were affected, and how the current anomalous "illegal" situation developed.

Walter Ames describes some of his field work for his anthropology thesis in a chapter dealing with everyday police activities. Taking advantage of excellent language ability and prior residence in Japan, he is able to give a unique perspective on one of the most unique features of contemporary Japanese life. The role of the local policeman appears to many to be a major factor in the low level of criminal behavior in Japan, and this chapter supplies a substantial amount of raw material for evaluation.

Ronald Brown took a seminar covering aspects of Japanese law while in the master's program at Michigan, and eventually submitted a legal study as his M.A. thesis. The cases he discusses dealing with intellectual constitutional rights continue to be litigated in Japan, and serve as examples of the broad range of issues with which the Japanese Supreme Court will be dealing for years to come.

Richard Briggs wrote a seminar paper during his M.A. work at the University of Michigan discussing a particularly controversial lower court decision regarding due constitutionality of the Japanese Self Defense Force. While the decision was subsequently reversed by the Sapporo High Court, his careful translation of the lower court's decision continues to be of interest to students of Japanese law and legal terminology, and is included here accompanied by a brief introduction and conclusion.

* One is by a visiting scholar, two were written by students in a course dealing with Japanese law, and one is part of a doctoral thesis in anthropology.

Walter Ames, Ronald Brown and Richard Briggs went on to law school after writing the pieces published here. They found there an increasing number of Japanese legal specialists who are coming to the United States for formal law study. This growing group of scholars and practitioners on both sides of the Pacific who are able to write about their legal systems with both technical expertise and cultural awareness should produce a unique and exciting body of comparative legal literature. It may in fact serve as a model for comparative legal studies in other geographical areas, where traditional doctrinal writing has been the dominant mode.

Whitmore Gray
Ann Arbor, Michigan