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The State of Japanese Legal Studies in Europe

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I. INTRODUCTION

The purpose of this joint article is to draw a map of Japanese legal studies (in a broad sense) across Europe. Historically, since the early days of the Meiji Restoration, the relationship between the legal system of Japan and those of continental Europe (especially France and Germany) has been strong. Contact with civil law shaped the modern Japanese legal system, and the product of this interest and interaction can still be seen today, both in the technical features of Japanese law and in academia. It is somewhat surprising, in a globalized, predominantly English-speaking environment, to acknowledge how many Japanese law professors still devote time and

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energy to learn French or German (and sometimes both) to carry out what they consider proper legal research in their fields of interest.

The situation in Europe reveals an asymmetrical attitude: Japanese law studies are conducted by a relatively restricted number of individuals who make the study of the Japanese legal system their main or at least one of their main research interests. The *Zeitschrift für Japanisches Recht*/Journal of Japanese Law, the only publication outside Japan fully devoted to the study of the Japanese legal system, has played and continues to play a pivotal role in rallying scholars from different European jurisdictions. Just a look to the Editorial Board confirms its strong “European” roots, including members from Belgium, France, Germany, Italy and the UK (as well as Japan, Australia, North America and elsewhere). This journal is therefore the perfect venue to map the current state of play in teaching, research and other engagement with Japanese law across Europe.

This article is divided into country sections, each of which has been written by a “country representative”. As guidelines, they were asked to cover some common points: the tradition and trajectory of Japanese legal studies in the country (teaching, research, etc.); correlation with features of the approach towards law in the country; interaction with Japanese studies in general; and the positioning of Japanese law within comparative law/East Asian legal studies. However, these guidelines were mere suggestions, and each author has been given freedom to tailor his or her country report in the way considered the most effective and appropriate.

II. ITALY

1. *Tradition and Trajectory*

Italy is one of the leading centres in Europe for the study of Japanese language, literature, religion, and history, but traditionally it does not have strong expertise in Japanese law. One of the *oyatoi gaikoku-jin* [employed foreigners, i.e. foreign advisors] in the law field was an Italian professor of legal philosophy and international law, *Alessandro Paternostro*,¹ who taught at the *Meiji hōritsu gakkō*: he, however, was not a scholar of Japanese law, and did not establish a tradition in Italy in that sense.

The first stream of Japanese legal studies in Italy emerged in the 1970s, thanks to the work of *Mario Losano*,² a legal philosopher with a keen inter-

1 M. G. LOSANO, *Alle origini della filosofia del diritto in Giappone: il corso di Alessandro Paternostro a Tokyo nel 1889* [On the Origins of Legal Philosophy in Japan: the Course of Alessandro Paternostro in Tokyo in 1889] (Turin 2016).

2 M. G. LOSANO, *Tre Consiglieri Giuridici Europei e La Nascita Del Giappone Moderno, Materiali per Una Storia Della Cultura Giuridica III*, 1 [Three European Le-

est in Japan and the pioneer of Japanese law in Italy. Losano, however, had no specific background in Japanese studies, and his works on Japan are mainly the fruit of his passion and historiographical interest. After Losano, the second contributor to Japanese legal studies in Italy is considered to have been *Angelo Chianale*, a professor of private law whose interest in Japan was sparked by a training period in Tōkyō in the 1980s. He wrote the entry on Japan for the *Digesto*,³ the most authoritative legal encyclopaedia in Italy.

The decision to establish expertise on Japanese law, based in part on Japanese studies, was taken in the framework of the huge development of comparative law in Italy under the guidance of *Rodolfo Sacco*.⁴ In his project “a scholar for every country”, he was instrumental in dispatching to Japan the first Italian scholar of comparative law whose primary area of study was the country: *Andrea Ortolani* (in 2003).

a) Teaching

Of course, even before the 2000s Japanese law was studied as an academic subject in Italy: however, the exposure to Japan an Italian law student would receive was limited to one class during the undergraduate course in comparative law. The instruction was mainly based on the few pages included in general, introductory, systematic textbooks such as the *David*⁵ or the *Zweigert and Kötz*.⁶ Those textbooks, although remarkably good on other topics and systems, convey a fairly “Orientalist” view of Japanese law, largely based on legal sociologists such as Noda and Kawashima.

It was only in 2007 that an entire university class on the Japanese legal system was opened, and it was not in a law faculty. The University “Ca’ Foscari”, Venice, established a (mandatory!) class on Japanese law first in their undergraduate programme, and then in the graduate programme in Japanese studies focusing on economic and legal institutions.⁷ Since then, the teaching of

gal Advisors and the Birth of Modern Japan. Materials for a History of Legal Culture] (1973) 517.

3 A. CHIANALE, *Giappone, Digesto Delle Discipline Privatistiche, Sezione Civile* [Japan. A Digest of Private Disciplines. Civil Section] (Turin 1993).

4 Rodolfo Sacco is one of the most authoritative comparative jurists. His theory of “legal formants” is still considered a must-read for anybody interested in the field of comparison. See R. SACCO, *Legal Formants: A Dynamic Approach to Comparative Law* (Installment I and II), *The American Journal of Comparative Law* 39-1 and 2 (Winter and Spring 1991) 1 and 343.

5 R. DAVID/C. JAUFFRET-SPINOSI, *Les Grandes Systèmes de Droit Contemporains* [The Great Systems of Contemporary Law] (11th ed., Paris 2001).

6 K. ZWIEGERT/H. KÖTZ, *Introduction to Comparative Law* (3rd ed., Oxford 1998).

7 <https://www.unive.it/data/course/302072>.

Japanese law has developed rapidly, thanks in part to the creation of textbooks on East Asian law with a substantial section on Japan.⁸

Some specific events also helped spread teaching projects focused on Japanese law. In March 2018, a winter school on Japanese law and society was organized by Bologna University (with the support of Nagoya University). In September 2018, a summer school on Japanese Law⁹ was organized through cooperation between the University of Turin and Keiō University. With the institutional purpose of providing both academic and practical training, this summer school showcased some of the most authoritative Japanese law scholars: it is next scheduled to be held in 2020, and it will have a European dimension thanks to support from the Goethe University, Frankfurt – East Asia Center and the DJJV.

b) Research

Generally speaking, the vast majority of research interactions between Italy and Japan are still left to personal connections. In this regard, the individual academic friendship between Italian and Japanese law scholars has created a number of bilateral research and exchange agreements (in this regard, among the many, some of the longest relationships are those between Kōbe University and University “L. Bocconi” focused on labour law; between the University of Firenze and Ritsumeikan, focused on private law, and the National Diet Library, focused on constitutional law; and between Osaka University and Bologna University, focused on criminal procedure). However, the *Nichi'i Hikaku-hō Kenkyū-kai* (Japanese-Italian Association for the Study of Comparative Law) was established in Japan in 2012. While this research group is based in Japan, as are most of its Italian members, it nevertheless has outreach towards Italy, and a number of research meetings and events have been organized in Italy. Also, most of the researchers composing the *Kenkyū-kai* regularly publish in Italian – or in Italy.¹⁰

8 G. AJANI/A. SERAFINO/M. TIMOTEO, *Diritto dell'Asia orientale* [East Asian Law] (Turin 2009); R. CAVALIERI, *Diritto Dell'Asia Orientale* [East Asian Law] (Venice 2008).

9 <https://dirittogiapponese.wordpress.com/2019/11/05/flashback-summer-school-japanese-law-in-the-xxi-century-10-14-september-2018/>.

10 *Ex multis* A. ORTOLANI, *Il Giri e La Mentalità Giuridica Giapponese* [Giri and the Mentality of Japanese Judges], *Rivista Di Diritto Civile* [Review of Civil Law] 3 (2009) 371; G. F. COLOMBO, *Giappone: Un Diritto Originale Alla Prova Della Globalizzazione* [Japan: An Original Law Put to the Test of Globalization] (Venice 2011); M. RIMINUCCI, *L'introduzione Del Diritto Del Lavoro in Giappone: Profili Storici e Giuridici* [Introduction to Labour Law in Japan: Historical and Legal Profiles], in: Capponcelli et al. (eds.) *Riflessioni Sul Giappone Antico e Moderno* [Reflections on Old and Modern Japan], Vol. III (Rome 2018); M. GIORGLI, *L'evoluzione dei modelli di cor-*

c) Law Practice

In the realm of practice, a few Italian attorneys have demonstrated ongoing interest in Japan. There is only one Italian *gaikoku-hō jimu bengo-shi*, who manages the only Italian law firm with a long-term presence and office in Japan. A couple of other law firms maintain “Japanese law” desks, but overall the professional exchange between Italy and Japan runs either through multinational American (or British) law firms or through “best friendship” agreements between leading domestic firms.

Japanese judges have expressed their interest in studying the Italian legal system, and in fact the *saiban'in seido* is modelled on the Italian lay-assessor system in the *Corte d'Assise*. However, the opposite cannot be said, and while some individual judges regularly visit Japan for study purposes, this again happens on a personal basis.

2. Correlation with Features of the Approach Towards Law in Italy

The institutional structure of Japanese law is not difficult to understand for the Italian jurist. While the Italian legal system is considered part of the French branch of the civil law tradition, academia has been highly influenced by German scholars: according to a famous saying, to understand Italian law you need to read the *Code Civil* with a German mind. Moreover, Japan, as a fellow civil law jurisdiction, shares many similarities with Italy in terms of sources of law (including the quasi-binding value of decisions coming from the Supreme Court – the *Cassazione* for Italy). On an academic level, the countries also share a somehow retro approach to legal studies, mostly characterized by a formal, black-letter-style study of law. The strength of comparative law in Italy (one of the few countries in which the undergraduate comparative law class is mandatory in a law degree) would hint at the fruitful spread of Japanese legal studies in the country, but the situation – somehow surprisingly – has been marked for many decades by a study of the Japanese law system in a very stereotypical way, mostly based on a somewhat outdated cultural approach. The reason for this lies in the lack of specialized materials on Japanese law until the early 2000s: before that, most scholars of comparative law had to rely on the secondary (if not even tertiary) sources available in scholarship written in English, French, or German.

In recent years, things have changed, and now there is a good number of publications in Italian on *technical* features of Japanese law.

porate governance in Giappone. Tra originalità, americanizzazione e resistenze' [The Evolution of the Models of Corporate Governance in Japan. From Originality to Americanization and Opposition.], in: Coci et al. (eds.) *Orizzonti Giapponesi: Ricerche, Idee, Prospettive* [Japanese Horizons: Research, Ideas and Prospects] (Rome 2018).

3. *Interaction of Japanese Legal Studies in Italy with Japanese Studies*

As mentioned, Italy has experienced a boom in Japanese studies. The country is host to the two leading (in terms of number of students) institutions of Japanese studies in Europe (“Ca’ Foscari” University in Venice and University “L’Orientale” in Naples), and Japanese language and culture programmes are available at a large number of academic institutions. Until recently, however, the interaction between law scholars and area specialists had been quite limited; the situation has changed sharply in recent years. The Italian Association of Japanese Studies (AISTUGIA) held a keynote law panel at its fortieth annual conference, and quite frequently it hosts several law-related presentations at the conference. It is not by chance that the only regular class in Japanese law in Italy is part of a Japanese studies programme.

4. *Japanese Legal Studies in the Context of the Study of Asian Law and Comparative Law in General*

Chinese law programmes in Italy are booming, and the number of Chinese law specialists in the country has increased from a handful in the late 1990s to dozens (even though many of them suffer from the kind of “armchair comparison” syndrome still too common in comparative law).

While Japanese law is growing in the framework of Japanese studies, in comparative law it is often – as mentioned – limited to one session during an introductory course, or to a few sessions in East Asian law courses where Chinese law has the lion’s share.

III. FRANCE

1. *Tradition and Trajectory*

The first contact between French law and Japanese law dates back to the early Meiji era, when the new Japanese government sought Western legal models. This became well known when *Gustave Boissonade* was formally hired as a foreign advisor to the Japanese government to create a law school alongside the justice ministry and to establish new codes. Although the project of codification failed, Boissonade’s best students were sent to France to study, and this instilled in Japanese academics a strong interest in French law. However, their interest faded over the time and shifted strongly towards German law. At the end of the 1980s, only a few Japanese scholars valued French law for Japan, the most prominent of whom were *Eiichi Hoshino* for private law and *Yoichi Higuchi* for constitutional law. As an influential figure, Hoshino passed on his preferences to followers such as *Atsushi Omura* and *Hisakazu*

Hirose. Together with *Naoki Kanayama*, they attracted a new young generation of academics involved in researching French law.

There is now a revival of the study of French law in Japan, and this has consequences for knowledge of Japanese law in France. As Japanese scholars have gained an increasing interest in French law, they have entered into research partnerships with French legal scholars. This has stimulated several initiatives among institutional players in the field of higher education as well as in research.

2. *The Institutional Players*

a) *Higher Education*

Japanese law is currently receiving more attention in France, and has obtained support from several institutional players. Some of them provide training in Japanese law; others promote Japanese law research.

Courses in Japanese law as part of a main curriculum are fairly rare; most of them are integrated into established organizations. The “Master 2 Juriste d'affaires internationales, option Japon” (master's degree, legal counsel in international business law, Japan option), delivered by Aix-Marseille University and founded by *Thierry Renoux*, is the only graduate programme devoted to Japanese business law in France. Japanese law has also found its way into comparative law curricula, for instance within the “Master 2 Droit comparé des affaires” delivered by the University of Paris II. The Comparative Law Centre of the University of Lyon 3 launched a degree in Asian law for undergraduate students in 2006.

Besides French programmes, there are a few exchange programmes between Japanese and French law faculties such as the one between Lyon 3 and Osaka University. Law students can spend a year at Osaka, taking English-language lectures in law, and this is recognized as the first year of a master degree. Japanese law is also taught within Japanese studies programmes. As such, the INALCO (Institut national des langues et civilisations orientales, Paris) at Paris University (Univ. Paris 6 Diderot) has held lectures in Japanese law since the 1970s.

b) *Research*

In the past 15 years, research in Japanese law has attracted increasing interest and has resulted in many initiatives. The players are either independent or are integrated into established research groups.

Japanese law has long been represented in the Association Henri Capitant.¹¹ This non-profit organization promotes French law among French-speaking scholars. It is divided into groups, with the “groupe Japon”

chaired by *Yoichi Higuchi*, with *Ichiro Kitamura* as vice-chairman and *Atsushi Omura* as secretary. The *Société de législation comparée* (SLC),¹² also a non-profit organization, gathers scholars and practitioners in order to promote comparative legal studies. It promotes Japanese law within French-Japanese conferences (*journées franco-japonaises*). A Japan section of the SLC is chaired by *Julien Boudon*. The SLC section is closely related to a long-standing private initiative: the *séminaire franco-japonais de droit public*, historically based on a student friendship between *Christophe Chabrot* (Lyon 2 University) and *Hajime Yamamoto* (Keiō University). This seminar is more informal and holds conferences on a regular basis. The most recent one took place in Reims and Paris, and was organized by Julien Boudon. A less formal network in the field of private law gave rise to several Japanese-French meetings with *Mustapha Mekki* (Univ. Paris 13) as the main French participant. The last network, which is now quite dynamic, is *Nihon europA*,¹³ led by *Pierre-Yves Monjal* at Tours University.

3. Scholarly Outcome and Publication Venues

Most scientific publications in French concerning Japanese law have been authored by Japanese scholars. Besides PhD theses published since the end of the 19th century,¹⁴ scholars such as *Naojirō Sugiyama* in the field of comparative law in the 1920s and 1930s¹⁵ and *Toshio Yamaguchi* in the field of labour law in the 1960s to 1980s¹⁶ should be mentioned. Several

11 The *Association Henri Capitant des amis de la culture juridique française* [Association Henri Capitant of the Friends of French Legal Culture] is a non-profit association founded in 1935 to promote French law around the world, <http://www.henri-capitant.org>.

12 A non-profit organization founded in 1869.

13 <https://nihoneuropa.univ-tours.fr/>

14 K. UME, *De la transaction* [On Transactions] (Paris 1889); B. HARA, *Individualisation de la répression en droit pénal japonais* [Individualization of Repression in Japanese Criminal Law] (Paris 1911); M. ISHIZAKI, *Le droit corporatif international des ventes de la soie* [International Company Law of Silk Sales] (Paris 1929), Préface E. LAMBERT.

15 N. SUGIYAMA, *Les transformations du droit dans les principaux pays depuis cinquante ans (1869–1949)* [Legal Transformation in the Main Nations during the Past Fifty Years (1869–1919)], *Livre du cinquantième de la Société de législation comparée* [Publication on the 50th Anniversary of the Society of Comparative Legislation], Vol. I (Paris 1923) 219–248; *Les transformations du droit civil japonais et l'influence du droit français* [The Transformations of Japanese Civil Law and the Influence of French Law], *Annales de l'Institut de Droit comparé de Paris* [Annals of the Institute of Comparative Law of Paris] (Paris 1936).

16 T. YAMAGUCHI, *Le contrat de travail en droit japonais*, RIDC – 1res journées franco-japonaises 1979 [Employment Contracts in Japanese Law, International Review

important books on Japanese legal studies have been published by comparative law centres, either from Paris¹⁷ or from Tōkyō¹⁸.

The first French PhD thesis written by a French person on Japanese law was *Jean Chabas*'s 1933 work on civil liability.¹⁹ The first Japanese-speaking French PhD author is *Bruno Gollnisch*, who published "Ouverture du Japon et droit de l'Occident" in 1978. He was followed by *Eric Seizelet*'s work on the legal status of the tennō.²⁰ Since then, theses on a variety of topics in Japanese law have been released,²¹ notably on contemporary contract law by *Béatrice Jaluzot*²² in 2001 and on family law by *Isabelle Konuma*²³ in 2008.

Research groups have published many conference volumes²⁴ on a variety of topics, such as legal sources,²⁵ legal transplants,²⁶ fundamental concepts

of Comparative Law – First French-Japanese Conference 1979], 515–552; ID., *Autonomie syndicale, démocratie syndicale et liberté d'action syndicales au sein de l'entreprise en droit japonais* [Autonomy of Trade Unions, Democracy of Trade Unions and Freedom of Action of Trade Unions within Enterprises in Japanese Law], *Revue internationale de droit comparé* 1984, 695–725.

- 17 T. AWAJI/S. DANDŌU/T. FUKASE, *Études de droit japonais*, Centre français de droit comparé [Studies on Japanese Law. French Institute of Comparative Law], Société de législation comparée (Paris 1989).
- 18 N. SUGIYAMA (ed.), *Problèmes contemporains de droit comparé* [Contemporary Problems of Comparative Law], Vols. 1 and 2, Institut de droit comparé [Institute of Comparative Law], Université de Chūō (Tōkyō 1962).
- 19 J. CHABAS, *De la responsabilité civile et délictuelle en droit comparé français-japonais* [On Civil and Tort Liability in French-Japanese Comparative Law], *Bulletin de la Maison franco-japonaise* 1933.
- 20 E. SEIZELET, *L'institution impériale en droit public japonais depuis la restauration de Meiji*, thèse de doctorat, sous la direction de Jacques Robert [The Institution of the Emperor in Japanese Public Law since the Meiji Restoration, doctoral thesis under the direction of Jacques Robert] (Université Paris 2 1984).
- 21 M. TIRALONGO, *Comparaison franco-japonaise du contrôle des concentrations*, Thèse de doctorat, sous la direction de M. Behars-Touchais [French-Japanese Comparison of Merger Control, doctoral thesis under the direction of M. Behars-Touchais] (Paris 2012); D. MANGA, *La protection juridique de l'utilisateur du médicament en France et au Japon*, thèse de doctorat sous la direction d'Antoine Leca [The Legal Protection of Consumers of Medication in France and Japan, doctoral thesis under the direction of Antoine Leca] (Univ. Aix-Marseille 2013).
- 22 B. JALUZOT, *La bonne foi dans les contrats. Etudes comparative de droit français, allemand et japonais* [Good Faith in Contracts. Comparative Study of French, German and Japanese Law], Dalloz, Coll. Nouvelle bibliothèque de thèse, Vol. 5 (Paris 2001).
- 23 I. KONUMA, *Le statut juridique de la femme mariée en droit japonais de la famille*, thèse sous la direction de C. Hamon [Legal Status of Married Women in Japanese Family Law, thesis under the direction of C. Hamon] (Paris 2008).
- 24 B. JALUZOT (ed.), *Droit japonais, droit français, quel dialogue?* [Japanese Law, French Law, which Dialogue?] (Geneva 2014).

of civil law,²⁷ governance,²⁸ *patrimoine*,²⁹ democracy,³⁰ environmental law³¹ and legal reform.³² Many of them were published by the Séminaire franco-japonais de droit public.³³ Within those academic publications, papers on Japanese law are mostly written by Japanese scholars, whereas papers on French law are mostly written by French scholars. As a result, it is quite obvious that French-Japanese comparative law is still a one-sided, albeit parallel, interest between French and Japanese scholars.

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- 25 C. GUÉRIN-BRAGUES/H. YAMAMOTO (eds.), *Aux sources nouvelles du droit. Regards comparés franco-japonais* [On the new Sources of Law. Compared French-Japanese Views] (Paris 2018).
- 26 P. BRUNET/K. HASEGAWA/H. YAMAMOTO, (eds.), *Rencontre franco-japonaise autour des transferts de concepts juridiques* [A French-Japanese Meeting regarding the Transfer of Legal Concepts] (Paris 2014).
- 27 D. MAZEAUD/N. KANAYAMA/Y. KATSUMI/M. MEKKI, *Les notions fondamentales de droit civil: regards croisés franco-japonais* [Fundamental Notions of Civil Law: Different French and Japanese Views] (Paris 2014).
- 28 M. MEKKI/K. YOSHIDA (eds.), *L'efficacité et le droit, regards croisés franco-japonais pour une nouvelle politique juridique des gouvernances pluridimensionnelles* [Efficiency and the Law: Different French-Japanese Views at a new Legal Policy of Multidimensional Governance] (Tōkyō 2010).
- 29 *Personal estate*. M. GRIMALDI M./N. KANAYAMA/N. KATAYAMA/M. MEKKI (eds.), *Le patrimoine au 21e siècle* [Personal Estate in the 21st Century], Société de législation comparée (Paris 2012).
- 30 O. JOUANJAN/A. VIALA/H. YAMAMOTO (eds.), *VIIème séminaire franco-japonais de droit public: les mutations contemporaines de la démocratie* [7th Franco-Japanese Seminar on Public Law: The Contemporary Changes of Democracy] (Montpellier 2007).
- 31 K. YOSHIDA/M. BOUTONNET, *L'environnement et le contrat: regards croisés franco-japonais* [The Environment and Contracts: Different French and Japanese Views] (Aix-en-Provence 2014); M. HAUTEREREAU-BOUTONNET (ed.), *Après Fukushima, regards juridiques franco-japonais* [Franco-Japanese Legal Views after Fukushima] (Aix-en-Provence 2014).
- 32 B. JALUZOT (ed.), *Droit japonais, droit français, quelle réforme?*, Actes de la conférence tenue à Sciences-po Lyon et à l'ENS de Lyon les 17 et 18 mars 2017 [Japanese Law, French Law, Which Reform? Transactions of A Conference Held at Sciences-po Lyon and at ENS de Lyon on 17 and 18 March 2017], *Journal of Japanese Law*, Special Issue 13, in preparation.
- 33 R. HERTZOG/K. HASEGAWA, *Séminaire franco-japonais de droit public, Le nouveau défi de la Constitution japonaise: Les théories et les pratiques pour le nouveau siècle*[Franco-Japanese Seminar on Public Law. The New Challenge of the Japanese Constitution. Theories and Practices for the New Century], LGDJ [Librairie générale de droit et de jurisprudence/General Library of Law and Jurisprudence] (Paris 2004); A. VIALA (ed.), *Vème séminaire franco-japonais de droit public: La constitution et le temps* [5th Franco-Japanese Seminar on Public Law: The Constitution and Time] (Lyon 2003).

Introductions to Japanese law in French are few and far between. The best-known book in this area is “Introduction au droit japonais” by *Toshiyuki Noda*, published in 1966.³⁴ *Dominique Wang* authored a monograph on Japanese legal sources in 1978³⁵, and a practical overview on the Japanese legal system was edited in 2016.³⁶ Comprehensive books on various fields of Japanese law have been published on family law³⁷ and on the judicial system.³⁸ The most recent publication is on Japanese business law and was released at the end of 2019.³⁹

The number of French scholars specialized in Japanese law has dramatically increased, as there are now five of us. The first academic to entirely devote his research to Japanese law is Eric Seizelet, in the field of constitutional law and political sciences (defence matters), who is now an emeritus professor at the Univ. Paris Diderot. There is also *Arnaud Grivaud*, INALCO, his student, in political sciences and administrative law; *myself*, at Sciences Po Lyon, in civil law and legal history; *Isabelle Konuma*, INALCO, in family law and sociology; and *Eri Kasagi*, CNRS, in social security law. I can also mention *Shōji Harada* (who was fully educated in French law) for his research on Japanese administrative law and *Isabelle Giraudou* (Tōkyō University) on comparative law and business law. None of them are in French law faculties; most of them belong to Japanese studies departments.

IV. ISRAEL *

1. *Tradition and Trajectory*

In a nutshell, Japanese legal studies is still budding in Israel. Most of the important components have been set in place and therefore one may opti-

34 Y. NODA, *Introduction au droit japonais*. Coll. “Les systèmes de droit contemporain”, tome XIX [Introduction to Japanese Law, Series „The Systems of Contemporary Law“, Vol. 19] (Paris 1966).

35 D.T.C. WANG, *Les sources du droit japonais* [The Sources of Japanese Law] (Geneva 1978).

36 Collectif, *Droit du Japon* [Several Authors, Japanese Law], Collection de l’Association Henri Capitant (Paris 2016).

37 T. MATSUKAWA, *La famille et le droit au Japon* [Family and the Law in Japan] (Paris 1991).

38 E. SEIZELET, *Justice et magistrature au Japon* [Justice and the Magistracy in Japan], coll. *Droit et justice* (Paris 2002).

39 P. BLOCH/N. KANAYAMA/A. KANEZUKA/I. GIRAUDOU, *Droit japonais des affaires* [Japanese Business Law] (Brussels 2019).

* The reporter for Israel thanks all scholars, practitioners and administrators who kindly and promptly supplied information, comments or both: Shulamit Almog, Itai Apter, Daniel Benoliel, Michal Dalot Bul, Itai Burstein, Guy Davidov, Sigal Ben-

mistically expect a breakthrough in the coming decade. (1) Japanese studies is flourishing in Israel (population nine million), with approx. 40 PhD-holding scholars whose research focuses on Japan; an active Israeli Association of Japanese Studies that has held seven international conferences since its inauguration in 2012, with a newsletter in both Hebrew and English;⁴⁰ a refereed journal, *Innovative Research in Japanese Studies*; and more than 300 undergraduate and graduate students majoring in Japanese studies at Israeli academia.⁴¹ (2) The study of law is a large field (LL.B. students comprise approx. 7% of all first-degree students) and since the 1990s, programmes have offered undergraduate studies combining two fields. (3) Business and legal ties between Japan and Israel have been increasing significantly since 2014, gradually creating a need in Israel for lawyers with knowledge of Japanese culture and law.⁴² (4) I will be completing my Ph.D. on Japan's labour dispute resolution system at the Hebrew University of Jerusalem (HUJ)⁴³ and as far as I know, will become the first Israeli with a Ph.D. in Japanese law and society.

a) Teaching

Wered Ben-Sade has been the only Israeli teaching Japanese law at Israeli public universities since 2005: she teaches elective courses within the Asian Studies departments, law faculties, or both, mostly for undergraduates, to heterogeneous classes. The first course in 2005 was in the newly estab-

Rafael Galanti, Danielle Gurevitch, Sharon Hannes, Ehud Harari, Reut Harari, Tzvi Keusch, Rotem Kowner, Hadas Kushlevitch, Amnon Lehavi, Kineret Levi, Alon Levkovitch, Gilad Majerowicz, Nanako Morimoto, Vered Moshkovitz, Orna Naftali, Nissim Otmazgin, Shir Ovadia, Oren Perez, Mark Ramseyer, Issachar Rosen-Zvi, Cedric (Yehuda) Sabbah, Roni Sarig, Oded Soroka, Zeev Weiss, Yehudah L. Werner, Mika Levi Yamamori, and Michal Zelcer-Lavid.

40 The Hebrew Newsletter is *Reshumon*; the English one is *Niki*.

41 Four universities and one college (Tel-Hai). See also B. SHILLONY/N. OTMAZGIN, *Japanese Studies in Israel as a Micro-cosmos of Japanese Studies in the World*, *Wochi Kochi* (2012), <https://www.wochikochi.jp/english/special/2012/06/Israel-Japan.php>. Interestingly, 70%–80% of those who take the JLPT (Japanese-Language Proficiency Test, conducted annually since 2012; since 2016 approx. 100 annually) are self-studying people who are younger than university students (email correspondence with Ms Morimoto, the Culture Section, the Japanese Embassy, on 4 September 2019).

42 The total number of Japanese investments in Israeli companies, between 2001 and 2019, is 232, of which 150 have been made since 2014. 2019 was a record year for the number of investments: 52 (E.S. HAREL/Z. TETRUK, *Japanese Investments in Israel 2001–2019* (Harel-Hertz Investment House, 2020) 2).

43 A development of my LL.M. from Tōkyō University on Japan's Labour Relations Commissions, supervised by Professor Kazuo Sugeno.

lished Asian Studies Department at the University of Haifa (HAU),⁴⁴ within a joint B.A. programme in Asian Studies and LL.B. from the law faculty.⁴⁵ Although this attempt, like a joint programme in Law and Business in Asia for M.A. students (2013–2014), was not successful,⁴⁶ it laid the conceptual foundation for joint programmes.

In 2011, Bar Ilan University (BIU) opened a special programme for undergraduate law students in the new Asian Studies Track within the Multi-disciplinary B.A. in the Humanities.⁴⁷ This programme included courses in Japanese, Chinese, and Korean law, but was closed due to intra-university problems. Nowadays a joint programme in Asian and legal studies is active; however, cooperation with the law faculty appears to be dormant. I teach two semester-long courses there, each with approximately 20 students from Asian studies, a few from the law faculty, and usually about half from other fields in the humanities or social sciences. Hopefully there are three students per year who combine law and Asian studies, of whom perhaps one is studying Japanese. Classes are culturally heterogeneous, including Arabs and Jews (secular and religious), Israeli-born students and new immigrants. Notably, the first attempts at HAU and at BIU were initiated by new Asian studies units emphasizing modern society.

There are alternatives. Even without a joint programme, students can combine Japanese and legal studies themselves, then apply for the MEXT scholarship after completing their LL.B. (this was my career path).⁴⁸

Law faculties can invite guests to teach courses. They seldom do (Mark Ramseyer taught at HAU in 2012 and in Tel Aviv (TAU) in 2013 but seems to be the only person from the US to have done so).⁴⁹ Exceptionally, the Harry Radzyner Law School at the Interdisciplinary Center (IDC) Herzliya

44 Initiated by Dr Nimrod Baranovitch.

45 I thank Leon Wolff, who answered my email in 2004 and shared with me a course outline and ideas.

46 The M.A. programme closed after one year due to the low level of registration (according to email correspondence with Dr Baranovitch on 26 January 2014). Professor Shulamit Almog confirmed in February 2020 that indeed, even though the programme still appears on the university's website, in practice it stopped operating several years ago. Professor Rotem Kowner and Dr Michal Daliot Bul, too, confirmed that, regretfully, no cooperation currently exists.

47 Led by Dr Danielle Gurevitch.

48 Formerly Monbusho, now MEXT, this scholarship has been given to 5 to 7 Israelis annually since 1958. I estimate that to date about half a dozen have used it for an LL.M. degree in Japan (usually they were on a non-thesis track and later entered the business world; Ron Salpeter and David Heller are leading examples).

49 Email correspondence with Professor Mark Ramseyer, 21 September 2019; conversation with Professor Issachar Rosen-Zvi, vice-dean of the law faculty at TAU, 11 February 2020.

has since its establishment (1995) annually had guest researchers teaching condensed courses, with 20%–25% of them from Southeast Asia, Latin America, Eastern Europe, etc. The number of guests has increased to 25 annually, which last year included researchers from Singapore and Hong Kong as well as two from Japan.⁵⁰ Japanese studies researchers occasionally offer semi-legal courses (e.g., Prof. *Nissim Otmazgin*, HUI, holds an elective course on the *Yakuza* every two to three years), or use legal materials (e.g. Prof. *Ehud Harari*'s Labour Relations seminar for the M.A. at HUI, which referred to an article by Kazuo Sugeno as early as the 1990s).

b) Research

There are few studies or publications; personal connections have led to inviting Japanese law professors to conferences in Israel (e.g., Prof. *Guy Davidov*, HUI, invited Prof. *Takashi Araki* to a conference in honour of Steve Adler in 2011). Israeli scholars of Japanese studies occasionally publish papers concerning aspects of Japanese law.⁵¹ I have found one publication by a legal researcher in law and cinema.⁵² Wered Ben-Sade has published essays on labour law in Japanese⁵³ and English.⁵⁴ The Chairman of the Israel-Japan Chamber of Commerce and Friendship Society co-authored a report on the newly revised Israel–Japan Double Taxation Convention,⁵⁵ exemplifying research cooperation between lawyers from the two countries.

50 Based on email correspondence with Professor Amnon Lehavi, Dean of the Harry Radzyner Law School, on 2 and 3 February 2020.

51 For example, E. BEN-ARI/S. N. EISENSTADT, *Japanese Models of Conflict Resolution* (London 1990); R. KOWNER, *Universal truth or unique legal culture: Law and justice in Japan according to Rashomon*, *Bar-Ilan Law Studies* 22 (2005) 139–157; E. HARARI, *Yapan: Democratia Mitbageret [Japan: A Maturing Democracy]* (Raanaana 2012).

52 S. ALMOG, *Rashomon after the Rain: Judicial Perspective, Scope: An Online Journal of Film Studies*, University of Nottingham (May 2003).

53 W. BEN-SADE, *Rōdō shinpan seido ni okeru chōsei kata tetsuzuki to hantei kata tetsuzuki no heizon ni kansuru joronteki kōsatsu* [A theoretical essay regarding the coexistence of facilitative and adjudicative procedures within the labour tribunal system], in: Araki et al. (eds.) *Sugeno Kazuo sensei kōki kinen ronbunshu* [Liber Amicorum for Professor Kazuo Sugeno, in celebration of his 70th birthday] (Tōkyō 2013) 689–715.

54 W. BEN-SADE, *Japan's Labour Tribunal System: A new Paradigm of Democratic Justice?*, in: Galanti et al. (eds.), *Japan's Multilayered Democracy* (Lanham, MD 2015) 123–144.

55 Y. SHERMAN/Z. WEISS/R. SAITO, *The newly revised Israel–Japan Double Taxation Convention: The MLI's Impacts and Implications* (2019), retrieved at *LinkedIn Posts | Israel Japan (EN)*.

Therefore, and naturally also at the graduate level, research is infinitesimal. Searching master theses and dissertations for the terms “law” and “Japan” at the five institutions with Japanese law materials⁵⁶ yielded a total of six results (9 February 2020) out of an estimated 210,000 theses and dissertations.⁵⁷

c) Law Practice

Among the approx. 60 members of the Israel-Japan Chamber of Commerce (IJCC),⁵⁸ there are five law firms⁵⁹: two Israeli law firms with offices in Japan (Yigal Arnon and Weiss, Porat & Co.) and one international American law firm with 10 offices outside the U.S., including Tel Aviv and Tōkyō (GreenbergTraurig). The remaining two law firms (Pearl Cohen international law firm and HFN) mainly advise Japanese firms in Israel regarding Israeli law.⁶⁰ Growing interest on the part of the Israeli Bar Association was reflected recently in a ten-day course about tort and insurance law given in Tōkyō (February 2019). Israel has good legal cooperation with Japan in international arenas such as at the UNCITRAL, but so far each country has focused on its own legal system.

2. Correlation with the Approach Towards Law in Israel

Israeli and Japanese law both display influences of multiple legal systems, reflecting the diverse history of each system. Israeli law, although often classified as a common law system, also includes a Turkish-Ottoman layer, as well as additional facets of civil law⁶¹ and Jewish law. Japanese law, although classified as civil law, includes facets of common law and influences from the Japanese legal tradition that can be traced back to the Toku-

56 HUJ, TAU, HAU, BIU and the IDC; search for the words “law” and “Japan” in the Union List of Israel (ULI) on 6 February 2020 gave 126 results (a few of them false), of them 58 at HUJ, 34 at HAU, 32 at TAU, 27 at the IDC, and 24 at BIU.

57 This estimation was kindly given by Itai Burstein, from the central library, TAU, on 11 February 2020.

58 The IJCC is a non-profit organization that, together with the Israel-Japan Friendship Society, has aimed to promote cultural and commercial connections between Japan and Israel since 1956.

59 According to IJCC’s website, <https://www.israel-japan.org/service-providers>.

60 This is based on the information on the respective websites, and on email correspondence with Adv. Weiss and Adv. Majerowicz of HFN, both on 2 February 2020.

61 Mainly German law, imported through the codification process of the private laws, which was done after the establishment of the state of Israel. A. BARAK, *Shitat hamishpat beyisrael – mesorta vetarbuta* [The legal system in Israel – its tradition and its culture], Haperaklit 40-2 (1992) 197–217.

gawa Era. The two legal systems raise the same question: whether they should be seen as a distinct type of legal system instead of being classified as either common law or civil law.⁶² However, these communalities and comparisons have yet to be researched, as Israeli legal scholars are generally still preoccupied with Western legal systems. Asian law is not seen as a worthwhile topic of research. Exceptionally, at the Harry Radzyner Law School at the IDC, condensed courses in Japanese law (and in other unfamiliar law systems) tend to be taught from a comparative theoretical angle, which is more easily understood in such a concise format.

3. *Interaction of Japanese Legal Studies in Israel with Japanese Studies*

Courses on Chinese and Japanese history (taught by *Harold Zvi Schiffrin* and *Abraham Altman*) started as far back as 1958 at the HUJ, and the first B.A. programme in Chinese and Japanese studies started in 1968 – the first in the Middle East.⁶³ As early as the 1970s, unlike in Germany, Japanese studies at HUJ included political science (*Ehud Harari*) and anthropology (*Eyal Ben-Ari*), in addition to history and culture (*Meiron Medzini & Ben-Ami Shiloni*) and musicology (*Uri Epstein*). From this broad perspective, Japanese law has been a welcome and respected field of research. Like in Italy, it is not a coincidence that the first elective course in Japanese law and the first attempts at joint programmes in Asia and law were initiated by Asian studies units. Furthermore, the holistic, rather than logical, approach of Japanese Law⁶⁴ is more comprehensible in Japanese (and Asian) studies. Thus again Japanese studies advance innovation, enabling a platform on which Japanese law serves as a leading-edge field: My course “Crisis as an Invitation for Development: The Tokyo Olympics Stimulating Social and Legal Changes in Japan” (Asian Studies, BIU, 2020) moves between the macro, academic level (Japan) and the micro, personal level (students examine their own crises in life). This is a new format for Israeli academia. By giving a personal context and relevance to theoretical understandings

62 Barak explains why Israel, while displaying some facets of common law, is neither common law nor civil law but is a unique system in itself (BARAK, *supra* note 61, 206–215). If one applies Barak’s legal reasoning to Japan, then presumably Japan, too, deserves recognition as a distinct legal system. Barak’s reference to Japan as a civil law country (BARAK, *supra* note 61, 205, fn. 43) seems incidental and not a display of a carefully considered opinion.

63 Perhaps this is natural, considering that the Jews and the Japanese had warm ties already in the Russo-Japanese War (1904–1905) and that Japan (via Chiune Sugihara in Lithuania) played a role in saving the lives of thousands of Jews during the Holocaust.

64 C. KIM/C. M. LAWSON, The law of the subtle mind: the traditional Japanese conception of law, 28 *International & Comparative Law Quarterly* (1979) 491, 502.

and knowledge, this course aims to cultivate personal development and solve the challenge the humanities are dealing with in an era in which knowledge is free and accessible to all via the web. Teaching this course in the midst of the Covid-19 world pandemic nurtures the resilience of all the participants, attesting to the importance of such a holistic approach.

4. Japanese Legal Studies in the Context of the Study of Asian Law and Comparative Law in General

Chinese law generally suffers from the same symptomatic attitude on the part of Israeli law scholars. HUJ plans to hire an Israeli who specializes in Chinese law for 2021–2022. As expected, Dr Tamar Groswald Ozery was offered a position in Asian studies, and not at the law faculty.⁶⁵ Because institutional ties are often seen as key factors in creating interest in foreign law, and since institutional ties between Chinese (or Indian) institutions and Israeli universities tend to be more developed (e.g. at TAU and BIU),⁶⁶ this kindles research and teaching interests in these fields. The Israeli law faculties find Japan enigmatic and find it difficult to understand that cultivating Japanese law will help develop institutional cooperation.

5. Conclusion

As we have seen, favourable conditions for the development of Japanese legal studies have been created, encouraged by the huge interest in Japan and the growing business relations between the two countries. In practice, however, Japanese legal studies is still at an embryonic stage and is evolving within Japanese studies rather than at Israel's flourishing law schools. This may be the result of Israeli law faculties' rather rigid attitude to what constitutes "legal studies" (caused partially by the goal-oriented approach – to join the bar – pursued by most law students), in addition to the obvious language and cultural barriers.

V. SCANDINAVIA

The situation in Sweden may be succinctly stated as follows: There are law faculties at seven Swedish universities. The education given is predominantly oriented towards Swedish law, and is taught to a great extent in Swedish, with the consequence that there is no significant education in Japanese law. If we

65 However, Dr Ziv Rotenberg teaches at the faculty "Introduction to Chinese law" as an adjunct lecturer.

66 However, HUJ has MOUs with seven Japanese universities, some active and some not (email correspondence with Professor Nissim Otmazgin on 14 February 2020).

take successfully defended dissertations (at the licentiate and doctoral levels) as an indicator of advanced legal education, a search undertaken in the summer of 2019 in the thesis database *dissertations.se* yielded only two theses when the search term ‘Japanese law’ was entered, out of a total of 1,405 theses for the search term ‘law’. The two theses deal with aspects of economic law (*Lindberg*, Uppsala University, 2007) and takeover regulations (*Van Diem Nguyen*, University of Gothenburg, 2015) that refer specifically to Japan. It may also be mentioned that there is one thesis dealing with international law (*Lindberg*, University of Gothenburg, 2006), with the title “The Regionalisation Process in Southeast Asia”, that refers to Japan, and another on disclosure on investor websites (*Sabelfeld*, University of Gothenburg, 2011) that makes references to Japan. A recent thesis (2019) that was not listed when my search was made deals with Shinto and religion in the Japanese courts (*Larsson*, Uppsala University).

Similarly, when we turn to Norway, there is no Japanese legal education *per se* given at universities in Norway. The well-known information resource “Heinonline” (Law Journal Library database) lists a total of 106 articles published in Norway that mention Japan in some way; the total for Denmark is 110, while “Heinonline” does not include any articles published in Sweden. The search term ‘Japanese law’ yields eleven articles, including one on HR law that makes passing mention of Japan and another that concerns IR. And it should also be noted that while “Heinonline” lists fifty articles on ‘Japanese law’ published in Denmark, perhaps the most significant piece was written by Professor *Yoshiyuki Tamura* of Hokkaido University.

Turning to Finland, the excellent and well-known Finnish China Law Centre is part of the University of Helsinki. The University of Helsinki offers a Global Governance Law programme, but while EU, Russian and Chinese law are included, it appears that Japanese law is not part of the programme. Associate Professor *Riika Lämsäsalmi* in Japanese studies at the University of Helsinki includes law and language in her fields of interest, but has not yet (as of 2019) examined any B.A. or master’s theses related to Japanese law. Indicatively, the University of Helsinki’s library does not even have a classification for ‘Japanese law’, although it does have ‘Japanese society’.

The situation in Denmark is unlike that in the three Nordic countries already discussed. The difference may well lie in the influence of Professor *Carl Steenstrup* (1934–2014), who was active at the University of Copenhagen. Steenstrup, who received PhDs from Harvard (1977) and Copenhagen (1979), and was also an associate professor in Munich (1986–2000), published “A History of Law in Japan” in 1996. Copenhagen University has a chair in the faculty of law held by Professor *Yoshifumi Tanaka*, who specializes in International Law of the Sea and Public International Law. Dr. *Wen Xiang*, who works in International Environmental Law, is also

employed at the faculty of law. This suggests a commitment by Copenhagen University to providing education in fields of International Law. Japanese legal history is also studied at Copenhagen University. For example, in 2009 *M. Oxenbøll* defended a doctoral thesis titled “Akutō: Images of Medieval Japanese Banditry” that relies on medieval legal texts. Anyone requiring further information regarding Danish doctoral theses in general, including law, should consult *diskurs.kb.dk*.

The only conclusion that can be reached is that Scandinavian legal education is primarily focused on national and EU law, and beyond that on international law, albeit to a relatively limited degree. It is apparent that when it comes to educational programmes, including legal education, concerning Asian countries, Scandinavian universities have to a great extent chosen to focus on China rather than Japan in their course offerings. Furthermore, the excellent university education in Japanese as a subject at multiple Scandinavian universities is predominantly devoted to language instruction, linguistics and literature. Japanese legal studies have yet to receive any noticeable interest or support in Scandinavia.

VI. SPAIN

1. *Tradition and Trajectory*

As is well known, Spain was – together with Portugal – one of the first countries to come into contact with Japan in the mid-sixteenth century. This long tradition of relationships with Japan, the clear evidence of which is the recent commemoration of the 400th anniversary of Hasekura Tsunenaga’s Keicho Embassy, has undoubtedly contributed to the presence in Spain of numerous academic centres in which to study Japanese language, arts, literature, philosophy, history, etc. However, unfortunately, Spanish jurists do not show the same interest in Japanese legal studies. Apart from a few papers published by some individual academics in the 1980s,⁶⁷ the first solid

67 Some examples are: J. LLOMPART VERD, *Las Facultades de Derecho en el Japón* [Law Faculties in Japan], *Anales de la Cátedra Francisco Suárez* 20–21 (1980–1981) (Ejemplar dedicado a: La crisis de las facultades de Derecho) [Annals of the Chair Francisco Suárez (Volume dedicated to the Crisis of Law Faculties in Japan)] 267–271; K. IWASAKI, *Japón: legislación y bibliografía sobre Derecho Marítimo japonés en 1981–1983* [Japan: The Legislation and Bibliography on Japanese Law of the Sea in 1981–1983], *Anuario de derecho marítimo* [Yearbook of Law of the Sea] 3 (1984) 487–490 (paper also published about 1984–1985, 1986, 1987 and 1988 by the same author), R. J. BALLÓN, *Reflexiones sobre el reto japonés* [Reflections on the Japanese Challenge], *ICADE (Instituto Católico de Administración y Dirección de Empresas [Catholic Institute of Business Administration]): Revista de las Facultades de Derecho y Ciencias Económicas y Empresariales* [Review of the Facul-

studies on Japanese law in Spain arose from the Garrigues Chair in Global Law of the University of Navarra, a centre sponsored by the international law firm Garrigues, with the comparative law professor and researcher Rafael Domingo at its head. Domingo published the Spanish translation of the Japanese Civil Code⁶⁸ in 2000. A few years later, the lawyer *Francisco Barberán* joined the centre and the second edition of the translated Japanese Civil Code⁶⁹ was published.

In this first decade of the 2000s, several professors of the faculty of law of the University of Zaragoza with some colleagues from other Spanish universities, united by their special interest in Japan and the particularities of their various disciplines in Japan, began to work on what would be the germ of the Grupo de Investigación Japón (the Japan Research Group). Thus, the works of *Etsuko Asami*,⁷⁰ *Francisco Barberán Pelegrín*,⁷¹ *Fer-*

ties of Law and Economics and Business] 2 (1984) (Ejemplar dedicado a: El desafío japonés [Volume Dedicated to the Japanese Challenge]) 13–26; I. ZURDO RUIZ-AYÚCAR, El medio ambiente fiscal en la empresa japonesa [The fiscal environment of Japanese enterprises], ICADE: Revista de las Facultades de Derecho y Ciencias Económicas y Empresariales [Review of the Faculties of Law and Economics and Business] 2 (1984) (Ejemplar dedicado a: El desafío japonés [Volume Dedicated to the Japanese Challenge]) 115–130; T. NUMURA, Artículo Crónica del Derecho civil japonés: 1982 [Article on Japanese Civil Law], Anuario de derecho civil [Yearbook of Civil Law] 37-1 (1984) 193–198.

- 68 R. DOMINGO OSLÉ, Código civil japonés [Japanese Civil Code] (Madrid 2000).
- 69 F. BARBERÁN PELEGRÍN/R. DOMINGO OSLÉ, Código Civil Japonés [Japanese Civil Code] (The Global Law Collection) (2nd ed., Navarra 2006).
- 70 La ley japonesa sobre las normas generales de aplicación de las leyes (Ley 78/2006 de 21 de junio) [The Japanese Laws on General Rules for the Application of Laws (Law No. 78 of 21 June 2006)], Anuario Español de Derecho Internacional Privado [Spanish Yearbook of International Private Law] 10 (2010) 691–705 studies that culminated in his doctoral thesis “Los sistemas de derecho internacional privado japonés y europeo desde perspectiva comparada [Systems of Japanese and European Private International Law from a Comparative Perspective]”, Universidad Complutense de Madrid (2012), open access <https://eprints.ucm.es/18138/>.
- 71 In addition to the Japanese Civil Code cited above, F. BARBERÁN PELEGRÍN, El Abogado en Japón [Lawyers in Japan], Boletín de los Colegios de Abogados de Aragón [Bulletin of the Bar Associations of Aragón] 132 (1994); Diccionario jurídico japonés-español, español-japonés [Legal Dictionary Japanese-Spanish, Spanish-Japanese] (和西・西和法律用語辞典 [*Seiwa-wasei hōritsu yōgo jiten*]), first edition (approximately 8,400 entries) (Navarra October 2004); ID., Hacia un Derecho Global. Reflexiones en torno al Derecho y la Globalización [Towards a Global Law, Reflections on Law and Globalization] (Navarra 2006); Diccionario jurídico japonés-español, español-japonés [Legal Dictionary Japanese-Spanish, Spanish-Japanese]; (和西・西和法律用語辞典 [*Seiwa-wasei hōritsu yōgo jiten*]), second edition (approximately 13,500 entries), (Navarra September 2007); ID., La mujer japonesa: igualdad jurídica versus igualdad real [Japanese Women: Equality

nando Delage,⁷² Salvador Rodríguez Artacho,⁷³ Carmen Tirado,⁷⁴ etc., began to be published from this time. The analysis of the professor *Fran-*

before the Law Versus Equality in Reality], in: Almazán Tomás/Barlés Báguena (eds.), *La mujer japonesa. realidad y mito* [Japanese Women: Reality and Myth] (Zaragoza 2008) 641–661; ID., *El delito de contaminación en Japón. Análisis de la Ley japonesa 142/1970, de 25 de diciembre, para la sanción penal de los delitos de contaminación que afecten a la salud de las personas* [The Crime of Contamination in Japan. Analysis of the Japanese Law 142/1970 of 25 December containing Criminal Sanctions for the Crime of Contamination which Afflicts People's Health], *Revista Aranzadi de Derecho Ambiental* [Review Aranzadi of Environmental Law] 13 (2008); ID., *La regulación de las aguas termales en Japón. Análisis de la Ley Japonesa de aguas termales* The Regulation of Hot springs in Japan. Analysis of the Japanese Law on Hot Springs], *Revista General de Derecho Público Comparado Iustel* [General Review of Comparative Public Law Iustel] 4 (2009).

- 72 F. DELAGE, *De Koizumi a Abe: el Japó de les reformes. Necessitat de canvis davant el repte de la globalització* [From Koizumi to Abe: Japan and Reforms. Necessity of Change in front of the Challenge of Globalization], *DCIDOB* 101 (Japó, el sol renaixent) [Japan, the Reborn Sun] (2007) 9–12; ID., *Globalización y gobernabilidad en Asia* [Globalization and Governability in Asia], *Anuario Asia-Pacífico* [Asian-Pacific Yearbook] (2007) 19–28; ID., *China y Japón: hacia un nuevo equilibrio* [China and Japan: Towards a New Equilibrium], in: Ríos (ed.) *Política exterior de China. La diplomacia de una potencia emergente* [Foreign Policy of China. Diplomacy of an Emerging Power] (Barcelona 2005) 169–190; ID., *El sistema político de Japón* [The Political System of Japan] (Barcelona 2004); ID., *Japón: la década perdida* [Japan: The Lost Decade], in: Bustelo Gómez/Delage Carretero (eds.), *El nuevo orden internacional en Asia-Pacífico* [The New International Order in the Asia-Pacific Area] (Madrid 2002) 107–123; ID., *La inacabada transición política asiática* [The Incomplete Political Transition of Asia], in: Centro Pignatelli (ed.), *Asia, escenario de los desequilibrios mundiales* [Asia, Scenario of Global Disequilibrium] (Zaragoza/Aragón 2000) 35–56; ID., *La transformación del sistema político japonés* [The Transformation of the Japanese Political System], in: Rodao/López Santos (eds.), *El Japón contemporáneo* [Contemporary Japan] (Salamanca 1998) 31–43; ID., *Estabilidad y capacidad como legitimidad: el Partido Liberal Democrático japonés* [Stability and Ability as Legitimacy: The Japanese Liberal-Democratic Party], *Revista de Estudios Políticos* [Review of Political Studies] 75 (January–March 1992) 291–311.
- 73 S. RODRÍGUEZ ARTACHO, *La Monarquía japonesa* [The Japanese Monarchy] (Madrid 2001); ID., *La monarquía en Japón: el marco jurídico en torno a la figura del Tennō, and Algunas cuestiones de la monarquía japonesa: sucesión, regencia y delegación, Familia Imperial, Agencia de la Casa Imperial y su régimen económico* [The Legal Frame of the Person of the Tennō and Some Problems of the Japanese Monarchy: Succession, Regency and Mission, Imperial Family, Imperial Household Agency and its Economic Regulation], both in: Torres del Moral (ed.), *Monarquía y Constitución* [Monarchy and the Constitution] (Madrid 2001) 95–135 and 283–303.
- 74 C. TIRADO ROBLES, *La renuncia a la guerra en la Constitución japonesa y sus repercusiones en las relaciones exteriores de Japón* [The Renunciation of War in the

cisco Muñoz Conde in relation to Japanese criminal law is also noteworthy.⁷⁵ Starting in the second decade of the 2000s, the Japan Research Group has obtained official recognition and funding to develop its activities. This is a multidisciplinary group, but with a special interest in law (in fact, it is attached to the faculty of law and its coordination is led by Carmen Tirado, Professor of Public International Law). In these years, reference works stand out because they are the only ones of this type: “Introduction to Contemporary Spanish Law”, edited by Barberán and *Fuminobu Okabe*,⁷⁶ and “Introducción al Derecho japonés actual”, edited by Barberán and Okabe.⁷⁷ They are, respectively, the first work on Spanish law in Japanese and the first work on Japanese law in Spanish, which attempt to cover most of the branches of law of both systems, giving a broad overview. In the years since, the jurist members of the Japan Research Group have researched and published several papers and books on the following lines of research:

First, analysis of *Japanese law from a comparative perspective*: this includes family law, environmental law, laws on gender equality, big data, laws on privacy and data protection, thermal waters regulation, and problems arising from the use of robots and artificial intelligence. It also includes taxation and the contributions of robots to the national public insurance system, Japanese tax law, Japanese budget management and use of crowdfunding to finance municipal and local governments (*furusato nōzei*), comparative studies on the Japanese and Spanish monarchy systems, and religious freedom.

Second, *international law*: this includes problems arising from the application of international conventions in Japan (Hague Convention on the Civil Aspects of International Child Abduction, the Rome Statute of the International Criminal Court, the General Data Protection Regulation, etc.); problems arising from the application of international conventions to Japanese citizens living in Europe, such as Regulation (EU) 650/2012 in matters of succession; the reform of Japan's security and defence internal laws and its impact on Japan's diplomacy and foreign relations; Japan in the Asian

Japanese Constitution and its Repercussions in the Foreign Relations of Japan], *Revista Española de Derecho Militar* [Spanisch Review of Military Law] (June/December 2000) 69–121; ID., Aspectos relevantes para el Derecho internacional público en la futura reforma de la Constitución japonesa [Relevant Aspects for Public International Law and the future Reforms of the Japanese Constitution], *Revista Española de Derecho internacional* [Spanish Review of International Law] 1 (2006) 563–569.

75 La parte general del Código Penal japonés [The General Part of the Japanese Criminal Code], *Revista penal* [Review of Criminal Law] 5 (2000) 99–108.

76 現代スペイン法入門 [*Gendai supein-hō nyūmon*] (Sagano Shoin, Tōkyō 2010).

77 Introduction to Contemporary Japanese Law (Navarra 2013).

context, including relations with China, the two Koreas, Russia, Taiwan, India, etc.; and Japan in the global environment, including relations with the United States, the European Union (partnership), the Council of Europe (observer), Latin America, etc.

a) Teaching

In the study of comparative law in Spain, Japanese law used to be considered a kind of residual system and undergraduate students did not receive training on this subject, such that Japanese legal institutions were excluded from comparative legal studies in our country. However, beginning in 2015, degree courses focused on Asia have begun to appear in Spain, including some subjects with a legal component (international relations, politics and government of Asia in the degree in East Asian studies at the University of Salamanca; introduction to political science and international relations, politics of East Asia in the degree on East Asia with a focus on Japanese at the Autonomous University of Barcelona; politics or business culture in the degree in studies of Asia and Africa with a focus on Arabic, Chinese and Japanese at the Autonomous University of Madrid).

Since 2016, the University of Zaragoza has offered the Diploma of Specialization in Japanese Studies, which includes two specific legal subjects: the Japanese legal order and the international law and international relations of Japan. Both of them remain in the Master of Japanese Studies that is currently replacing the old diploma course.

b) Research

Generally speaking, there are two major conferences related to Japan where there is room for research in Spain-Japan comparative law and Japanese law: the first is the biannual meeting of the Spanish Association of Japanese Studies (AEJE), an association that, being transversal, accepts communications and papers related to Japanese law and international relations that have Japan as their focus. In 2020, this meeting will be held at the University of Zaragoza (V International Conference of the AEJE) with the topic of “Japanese Leadership and Impact on the International Sphere (1964–2020)”. The second major meeting is the International Congress of the Japan Research Group, which has been running every year since 2012.⁷⁸

78 The topics until now have been as follows: Introduction to the Japanese language and culture. 2012; Japan in a global world. 2013; Japan and Occident: Comparative studies. 2014; Japan and the individual: multidisciplinary comparative analysis. 2015; The new legal and political scenarios of security in Japan. 2016; Japan and the water. 2017; Ja-

As a result of these congresses, several books have been published, collecting many research papers related to Japanese law.⁷⁹ In these meetings, the cooperation of the Association of Hispanic Legal Studies of Japan (日本スペイン法研究会 [*Nihon Supein-hō Kenkyū-kai*]) has played a special role.⁸⁰ This Association signed a cooperation agreement with the University of Zaragoza in 2010⁸¹ whereby some Spanish law specialists have conducted research stays at Japanese universities, especially at the universities of Kyōto, Nanzan, Kōbe, Tōkyō, Ōsaka, and Saitama, among others. Some Japanese jurists have also conducted research stays in Spain or have been able to participate in the congresses of the AEJE and the Japan Research Group thanks to this agreement. Also, in these years some individual books and articles have been published.⁸²

pan's relations with Spain and Latin America: more than a century of friendship, commerce and navigation. 2018; Japan, creativity and innovation. 2019.

- 79 C. TIRADO ROBLES (ed.), *Japón y Occidente: estudios comparados* [Japan and the West. Comparative Studies (ebook, Zaragoza 2014); F. BARBERÁN PELEGRÍN/C. TIRADO ROBLES (eds.), *Los derechos individuales en el ordenamiento jurídico japonés* [Individual Rights in the Legal Order of Japan] (Navarra 2016); C. TIRADO ROBLES (ed.), *El agua en Japón: una aproximación jurídica y social* [Water in Japan: A Legal and Social Approach] (Madrid 2018); and F. BARBERÁN PELEGRÍN/C. TIRADO ROBLES (eds.), *Derecho y Relaciones Internacionales en Japón desde el Tratado de amistad, comercio y navegación de 1868* [Law and International Relations in Japan Since the Treaty of Amity, Commerce and Navigation of 1868] (Zaragoza 2019).
- 80 It is also very important to highlight the presence in Japan of some Japanese jurists which are interested in Spanish Law. Most of them are members of the Association of Hispanic Law of Japan, such as Kiyohiko Kuroda (Commercial Law), Fuminobu Okabe (Labor Law), Alberto Matsumoto (Labor Law), Hiroaki Kawabata (Comparative Law), Kyoko Okuyama (Civil Law) and Luis Pedriza (Constitutional Law).
- 81 http://www.derecho-hispanico.net/firma_zaragoza.html.
- 82 We only indicate here a couple of works by each author of recent years: F. BARBERÁN, *La Ley japonesa 48/2013, de 19 de junio para la implementación en el ámbito interno del Convenio de La Haya sobre los aspectos civiles de la sustracción internacional de menores*: [The Japanese Law 48/2013 of 19 June for the Implementation in the Internal Realm of the Hague Convention on Civil Aspects of the International Abduction of Minors], *InDret* 2 (2017); ID., *Análisis de las regulaciones japonesas sobre registro de la propiedad inmobiliaria, propiedad horizontal, arrendamientos urbanos y responsabilidad civil derivada de culpa extracontractual desde la perspectiva del Derecho español* [Analysis of Japanese Regulations on the Registration of Real Estate, Ownership of Residential Apartments, Urban Apartments and Civil Liability for Non-contractual Fault from the Perspective of Spanish Law], *Revista jurídica del Notariado* [Legal Review of the Notariate] 100/101 (2016/2017) and ID., *Derecho de familia y de sucesiones en el ordenamiento japonés. Análisis comparado desde la perspectiva del Derecho español*, *Instituciones de Derecho privado*, Tomo IV – Familia [Family Law and Law of Succession

A fundamental objective of the Japan Research Group is to promote research in the field of Japanese law among young scholars through the mentoring of doctoral students.

c) Law Practice

In the realm of practice, a few Spanish attorneys have demonstrated ongoing interest in Japan. In Zaragoza, Francisco Barberán practices law, assisting Japanese clients residing in Spain and Japanese companies who want to settle in Spain. In Madrid, Salvador Rodríguez Artacho, a partner of the firm Hernandez Echevarría Abogados, also works in this field. Some prestigious law firms in Spain (Garrigues, Gómez-Acebo & Pombo and others) have had a relationship with Japan, but they have no representative offices in Japan.

2. Correlation with Features of the Approach Towards Law in Spain

The same thing that Professor Colombo explains in the section about Italian law applies to Spain as well: the institutional structure of Japanese law is not difficult for Spanish jurists to understand. Both legal systems are part of the civil law tradition and Japan shares many similarities with Spain in terms of sources of law.

in the Japanese Legal Order, Institutions of Private Law, Volume IV – The Family], Vol. 3 (2nd ed., Navarra 2018) 403–472; F. DELAGE, China, Eurasia y el Indo-Pacífico, Ascenso del nuevo espacio Indo-Pacífico [China, Eurasia and the Indo-Pacific, Rise of the New Area Indo-Pacific] (Zaragoza 2019) 19–39 and ID., Relaciones de la Unión Europea con Japón [Relations Between the European Union and Japan], in: Beneyto Pérez (ed.), Tratado de Derecho y Políticas de la Unión Europea [Treatise on Law and Politics of the European Union], Vol. X, La Acción Exterior de la UE, Capítulo 13 [External Actions of the European Union, Chapter 13] (Navarra, in press); A. GASCÓN, La ayuda al desarrollo japonesa: el agua como ejemplo paradigmático [Japanese Development Aid: Water as a Paradigmatic Example], in: Tirado Robles (ed.), El agua en Japón [Water in Japan], *supra* note 79, 129–164 and ID., Las relaciones entre Japón y la Unión Europea: pasos hacia una auténtica relación estratégica [The Relations Between Japan and the European Union Steps towards an Authentic Strategic Relation], in: Barberán Pelegrín/Tirado Robles (eds.), Derecho y Relaciones [Law and International Relations in Japan], *supra* note 79, 211–243; C. TIRADO ROBLES, Japón ante el Derecho internacional [Japan Before the International Law] (Navarra 2013); ID., The concept of island in the Montego Bay Convention and Japanese claims in Okinotorishima, in: New Approaches to the Law of the Sea. In Honor of Ambassador Dr José-Antonio Yturriaga (New York, 2017) 48–58; and ID. Las recientes reformas legislativas en materia de política exterior y seguridad en Japón [The Recent Legislative Reforms in the Fields of Foreign Politics and Security in Japan], in: Gil Pérez (ed.) Política Exterior de Japón [The Foreign Policy of Japan] (Madrid 2019) 69–87.

3. *Interaction of Japanese Legal Studies in Spain with Japanese Studies*

As mentioned, Spain has experienced a boom in Japanese studies in recent years. This interest has normally been linked to cultural events. The first Spanish universities that developed studies about Japan were the universities of Madrid and Barcelona (especially focused on translation), with the sole exception of the University of Zaragoza, where Japanese art has been an mandatory subject for more than 30 years, thanks to the impetus of Professor Torralba, which Professors Barlés and Almazán have continued today. The initiative to include legal studies on Japan arose from the University of Zaragoza, within the aforementioned Master in Japanese Studies.

4. *Japanese Legal Studies in the Context of the Study of Asian Law and Comparative Law in General*

In Spain, Japanese studies has developed alongside Chinese, Korean and African studies. The boom in Chinese studies has been enhanced by the fact that the Confucius Institute has opened offices at several Spanish universities. However, the Japan Group, which has initiated Japanese legal studies in practice, has dedicated itself exclusively to this subject, without mixing it with other legal systems of the same geographic region. The peculiarities of Japanese law deserve this separate approach and in many cases the values of the Japanese system are not shared in common with other Asian systems.

VII. THE LOW COUNTRIES

Scholars in the low countries (the Netherlands and Belgium) have been interested in Japanese law, mainly from a comparative point of view, for a long time and for a variety of reasons: first, because of the importance of Dutch jurisprudence in the making of modern Meiji Japan;⁸³ second, because of the importance of Belgian legal institutions for the modernization of Japanese law in the 19th century;⁸⁴ and third, since the 1970s, because of the increasing economic prominence of Japan, which culminated very recently in the EU-Japan Economic Partnership Agreement that came into

83 T. ŌKUBO, *The quest for civilization: Encounters with Dutch jurisprudence, political economy, and statistics at the dawn of modern Japan* (Leiden 2014).

84 D. VANOVERBEKE, *Japan and the Belgian Constitution: The Influence of a New Small Nation State on Meiji Japan*, in: Vande Walle (ed.), *Japan & Belgium: An Itinerary of Mutual Inspiration* (Tiel 2016) 159–169.

effect in February 2019.⁸⁵ Japanese legal studies in Belgium have arrived at a turning point today thanks to flourishing interest in Japan for reasons of culture and trade. How did Japanese legal studies develop in Belgium (1.) and the Netherlands (2.)? What is the current state of Japanese legal studies in both countries (3.) and why can we say that Japanese legal studies have reached a turning point (4.)?

1. *The Development of Japanese Legal Studies in Belgium*

Since the surge in trade between European and Japanese enterprises from the 1970s onwards and the increasing presence of Japanese companies close to the headquarters of the European Union in Brussels,⁸⁶ law related to Japanese businesses has attracted the attention of legal scholars in Belgium. At the Katholieke Universiteit Leuven (KU Leuven), the research section on labour law headed by Professor *Roger Blanpain* did a great deal of work in the field of Japanese labour law. This research group was motivated by the increasing presence of Japanese multinationals in Belgium and by the observation that labour relations in those firms were quite different from those in a Belgian company, e.g. with regards to the position of the female employees.⁸⁷ Comparison of European labour law and related topics was a high priority in this stage of Japanese legal studies in Belgium, which was exclusively done at the KU Leuven. Comparative European and Japanese labour law gained new momentum in 1989 with the formalization of a dynamic collaboration between *Tadashi Hanami* (Sophia University, Tōkyō) and Roger Blanpain (KU Leuven) with the creation of the Euro-Japan Institute for Law and Business (EJIB) at KU Leuven's law faculty. One of the highlights of the activities of this institute was a 1992 confer-

85 See T. GINSBURG/L. NOTTAGE/H. SONO, *The Worlds, Vicissitudes, and Futures of Japan's Law*, in: id. (eds.), *The Multiple Worlds of Japanese Law: Disjunctions and Conjunctions* (Victoria 2001) 1. This article is adapted from the following report in this journal: D. VANOVERBEKE, *Japanese Law in the Low Countries and France: A Brief Outline of Changing Perceptions in a Changing World*, *ZJapanR/J.Japan.L.* 12 (2001) 22–27.

86 On the evolution of the relation between Japan and Europe, see: J. KECK/D. VANOVERBEKE/F. WALDENBERGER, *EU-Japan Relations, 1970–2012*. (New York 2013); See also: D. VANOVERBEKE/T. SUAMI/T. UETA/N. PEETERS/F. PONJAERT (eds.), *Developing EU–Japan Relations in a Changing Regional Context: A Focus on Security, Law and Policies* (London/New York 2018).

87 J. DUMORTIER/T. A. HANAMI, *Japanese Multinationals and Labour Relations in Belgium*, in: Blanpain (ed.), *European Conference on Labour Law and Industrial Relation*, (Deventer 1979) 113–197; R. AKAMATSU, *The Legal Status of Female Labour in Japan*, *Bulletin of Comparative Labour Relations*, *Bulletin* 9 (Alphen an de Rijn 1978) 249–269.

ence on industrial relations and human resource management in Japanese enterprises in Europe.⁸⁸ Unfortunately, this institute was discontinued with the retirement of Roger Blanpain in 1998. Yet the law faculty of the KU Leuven has continued to organize the only course on Japanese law in Belgium. This course has existed since the late 1980s. Academics and practitioners from Japan have been invited to teach this class for one semester; it has been attended by law students and mainly by undergraduate students in Japanese studies taking the course as a compulsory part of their curriculum.

2. *The Development of Japanese Legal Studies in the Netherlands*

At Dutch universities, some interest in Japanese law was already evident before the Second World War. This was due in part to interest by scholars of international law in the historical and privileged relationship between Japan and the Netherlands since the Tokugawa era, when the Netherlands was the only Western nation to be granted access to Japan and, more importantly, to the Japanese market.⁸⁹ Since the 1960s, there has been newfound interest in Japanese penal and civil law at Dutch universities. At the law faculty of the University of Utrecht and the Japanese studies section at the University of Leiden, the study of Japanese law was initiated by the legal scholar *Antonie Peters*.⁹⁰ His main interest was penal law in Japan, but gradually his interests expanded to include broader issues of law and society in Japan.⁹¹ He also motivated many scholars and practitioners to compare civil law in Japan and the Netherlands.⁹² Several of his students took up an interest in other aspects of positive law and combined that interest with a broader

88 R. BLANPAIN/T. HANAMI, *Industrial Relations and Human Resource Management in Japanese Enterprises in Europe* (Belgium, France, Germany, Italy, the Netherlands and the United Kingdom) (Baden-Baden 1993).

89 E. N. VAN KLEFFENS, *De internationalrechterlijke betrekkingen tusschen Nederland en Japan (1605-heden)*, Uitgave van de Japansche Commissie der Vereeniging tot verbreiding van kennis over Nederland in den vreemde [The International Legal Relations Between the Netherlands and Japan (from 1605 until today), Publication of the Japanese Commission of the Association of Knowledge About the Netherlands Abroad], No. 5 (1919).

90 A. A. G. PETERS, *Comparative Survey of Juvenile Delinquency in Asia and the Far East*, (Tōkyō 1968).

91 A. A. G. PETERS, *Recht en samenleving in Japan* [Law and Living Together in Japan] (Arnhem 1993).

92 Publications of the International Center for Comparative Law and Politics, *Dutch and Japanese Laws Compared*, University of Tōkyō, International Center for Comparative Law and Politics, Proceedings of the symposium 9–10 November 1992.

socio-legal perspective.⁹³ Some students working on Japanese law in the Netherlands and Belgium start off in Japanese studies, focusing on gaining the ability to consult sources in Japanese. Others are educated in the law faculties without Japanese linguistic knowledge and take a more comparative approach. They can increasingly rely on sources on Japanese law written in English.⁹⁴

3. *The Current State of Japanese Legal Studies in the Netherlands and Belgium*

The most important initiative in Japanese legal studies in the Netherlands today is the course on socio-legal studies and criminology at the Leiden University Institute for Area Studies (LIAS).⁹⁵ This course is currently taught by *Willem Visser t'Hooft*.⁹⁶ Until recently, it was taught by *Erik Herber*. Erik Herber unfortunately passed away in January 2020. He was an excellent and well-regarded scholar of Japanese criminal law and society. In 2019 he published a timely and very good book on lay and expert contributions to Japanese criminal justice. This book demonstrates Erik's high standards, his dedication and his analytical depth. His monograph will live on to become a very important contribution and essential reference work for the study of Japanese criminal law and society, and is probably the most important book on Japanese law and society that has been written in the Netherlands.⁹⁷

93 F. B. VERWAIJEN, *Early Reception of Western Legal Thought in Japan, 1841–1868* (Ph.D. at Leiden University 1996); W. M. VISSER T'HOOFT, *Japanese Contract Law and Anti-trust Law and the Unilateral Termination of Distribution Agreements* (Ph.D. at Leiden University 2000, London 2002).

94 See for example the thorough study on employment termination law, relying heavily on English sources, by H. J. J. VAN VOSS, *Ontslagrecht in Nederland en Japan: de spanning tussen zekerheid van de dienstbetrekking en flexibiliteit van de onderneming* [Law of Termination of Employment in Japan: The Tension Between Security of Labour Relations and Flexibility of the Enterprise] (Deventer 1992).

95 The author would like to apologise in advance as he is most likely only aware of the current state of Japanese legal studies in the Netherlands in an incomplete way.

96 See for example: W. M. VISSER T'HOOFT, *Opmerkelijke arbeidsgeschillen in Japan: een korte vergelijking met Nederlands recht* [Remarkable Labour Disputes in Japan: A short Comparison with Dutch Law], in: Busch/Schelhaas (ed.) *Vergelijkender Wijs opstellen aangeboden aan prof. mr. Ewoud H. Hondius* [Comparative Draft Dedicated to Prof. Edwoud H. Hondius] (Deventer 2007); ID., *Rode Draad 'Over de Grens' Japan – Procesrecht* [Red Thread 'Over the Border' Japan – Procedural Law], *Ars Aequi* 55 (September 2006).

97 E. HERBER, *Lay and Expert Contributions to Japanese Criminal Justice* (London et al. 2019).

In Belgium, Japanese law is taught at the KU Leuven. One regular class at the master level is entitled “Law and Society in Japan: A Historical and Comparative Perspective” (taught by *Dimitri Vanoverbeke*). Vanoverbeke wrote one of the only two existing Dutch-language monographs on Japanese law.⁹⁸ He is the only academic in Belgium specialized in Japanese law and society. His research ranges from the history of law in Japan to judicial policy making and the effects of legal reforms on the criminal justice system.⁹⁹ Another course on Japanese law at the KU Leuven focuses on positive law and is taught each year by a different academic or practitioner as a general introduction to Japanese law for law students. This year (2019–2020), however, in the framework of the global law courses, an additional course is being offered on Japanese law by Professor *Yuki Sekine* (Kōbe University) on “Social Protection in Japan: How the “Most Aged” Nation in the World Envisages its Future”.

The number of students interested in Japanese law in Belgium has been steadily increasing in recent years, mainly thanks to the KU Leuven’s policy of deepening international relations with Japan and focusing on double degrees at the master’s level. The KU Leuven has been sending master’s students to the LLM programmes at Kyūshū University and Waseda University in the framework of a double degree agreement. Those students go on to become practitioners and some have pursued an academic career.

Recently, interest in Japanese law can also be seen at the Free University of Brussels (ULB), where comparative legal research is done mainly by Professor *Anne Weyembergh*. The focus of her research on Japanese law is the EU-Japan Agreement on Mutual Legal Assistance in Criminal Matters. Annually the ULB, KU Leuven and Waseda University organize an EU-Japan Forum where academics and EU officials discuss developments in research and cooperation.¹⁰⁰ For six years now, Japanese law has been an important point of attention in this well-attended international symposium. Not only cooperation in criminal matters but also competition law and intellectual property and data protection are important topics of discussion related to Japanese law in the EU-Japan Forum.¹⁰¹

98 D. VANOVERBEKE, *Recht en instellingen in Japan: actuele thema’s in een historische context* [Law and Institutions: Present-day Themes in a Historical Context] (Leuven 2010); F. B. VERWAJEN, *Recht en rechtvaardigheid in Japan* [Law and Equity in Japan] (Amsterdam 2004).

99 D. VANOVERBEKE, *Juries in the Japanese Legal System. The Continuing Struggle for Citizen Participation and Democracy* (London et al. 2015).

100 D. VANOVERBEKE et al. (eds.), *supra* note 86.

101 One of the early outcomes of the EU-Japan dialogues between scholars in Europe interested in Japanese law and Japanese legal scholars is the following publication: D. VANOVERBEKE/J. MAESSCHALCK/S. PARMENTIER/D. NELKEN, *The changing*

4. *Japanese Legal Studies in Belgium at a Turning Point?*

Interest in Japanese law in Belgium is entering a new phase, focusing on comparative approaches stemming from the deepening Economic Partnership Agreement relationship but also because of a less Eurocentric approach by the law faculty at the KU Leuven. It has not only concluded dual degree agreements with prominent Japanese universities (Kyūshū, Waseda and Hitotsubashi), but also sends students to summer schools on Japanese law (Kōbe) and is introducing a module as a part of the undergraduate curriculum for law students starting from September 2020. The students at the law faculty can choose to major in law with a minor in Japanese studies and will go on to a master's-level dual degree in Japan. The combination of Japan's increasing visibility and its popularity for trade and cultural reasons opens up a window of opportunity for the future of Japanese legal studies in Belgium. Only time will tell if this optimistic assessment of Japanese legal studies in Belgium will become a reality.

VIII. THE UNITED KINGDOM

Japan and the United Kingdom are united by strong and deep-rooted cultural, socio-political, and economic bonds. "UK in JAPAN 2019–20", a joint initiative by the British Council and the British Embassy Tōkyō, is one of many examples that illustrate the multiple directions which the two countries' strong partnership has taken.¹⁰² Lasting from September 2019 to September 2020, the initiative features a series of cultural and business-related events aimed at "creat[ing] new relationships and strengthen[ing] existing ones to further joint prosperity, trust, opportunity and knowledge between"¹⁰³ the British and Japanese people.

The state of Japanese legal studies in the UK bears witness to this. In particular, with "Japanese companies invest[ing] more than £40Bn [...] and employ[ing] 160,000 people"¹⁰⁴ in the UK, it is understandable (and, in fact, expected) that law schools, along with arts and humanities and business faculties, devote some effort to ensuring that Japanese students coming to the UK (and local or international students interested in Japanese culture) are offered a rich curriculum and provided with an engaging, top-

role of law in Japan: empirical studies in culture, society and policy making (Cheltenham 2014).

102 <https://www.britishcouncil.jp/en/uk-japan-2019-20>.

103 <https://www.britishcouncil.jp/en/uk-japan-2019-20/about>.

104 British Council, Japan: A Land of Rising Soft Power; available at <https://www.britishcouncil.org/research-policy-insight/insight-articles/japan-rising-soft-power>.

quality teaching and learning experience. Study-abroad partnership agreements play a major role in all of this. According to Universities UK,

“[i]n 2017/18 an estimated total of 930 UK students spent a period of mobility in Japan, an increase of around 25% from 2016/17, and 37% compared with 2015/16 ... In a large sector these are small overall numbers, but significant growth. Partly this is a result of UK universities strengthening their partnerships with their Japanese counterparts and coordinating more exchange agreements and short-term opportunities outside of the framework of Japanese Studies programmes. It may also reflect a growing interest in Japan in the UK in general, and among young people in particular.”¹⁰⁵

Further, thanks also to Prime Minister Shinzo Abe’s government’s “policy initiatives channelling funding into university internationalization”,¹⁰⁶ “the number of Japanese students on short-term mobility programmes has increased 430% since 2010”.¹⁰⁷ These numbers are confirmed by the ICEF (International Consultants for Education and Fairs) Monitor, according to which “Japan has nearly reached its goal of hosting 300,000 foreign students by 2020”,¹⁰⁸ and 6,561 of the 200,000 plus Japanese students who studied abroad in 2016 chose the UK.¹⁰⁹ Among the many UK-based universities that have study abroad agreements with Japanese institutions (the University of Dundee, for instance, currently has nine exchange students from Japan), of particular relevance is the School of Oriental and African Studies (SOAS) in London, whose students (BA Japanese) spend their final (third) year in Japan, and whose Japan Research Centre was established in 1978.

The above is also made possible through a series of foundations and associations with the objective of enhancing and promoting cooperation between the UK and Japan while also encouraging mutual understanding between the two countries’ cultures. These are: The Japan Foundation – London;¹¹⁰ the Japan Society of the UK;¹¹¹ The Great Britain Sasakawa Foundation;¹¹² the British Association for Japanese Studies;¹¹³ and, of

105 Universities UK, More UK Students Head for Japan as part of their Studies; available at <https://www.universitiesuk.ac.uk/International/news/Pages/More-UK-student-s-head-for-Japan-as-part-of-their-studies.aspx>.

106 Ibid.

107 Ibid.

108 ICEF Monitor, Japan Books 12% Growth in International Enrolment in 2018; available at <https://monitor.icef.com/2019/01/japan-books-12-growth-in-international-enrolment-in-2018/>.

109 ICEF Monitor, More than 200,000 Japanese Students Abroad in 2016; available at <https://monitor.icef.com/2018/01/200000-japanese-students-abroad-2016/>.

110 <https://www.jpj.org.uk/>.

111 <https://www.japansociety.org.uk/>.

112 <http://www.gbsf.org.uk/>.

course, the British-Japanese Law Association,¹¹⁴ which is directed by Dr *Chizu Nakajima* (Director of the Centre for Financial Regulation and Crime and Co-Director of the Centre for Research in Corporate Governance, Cass Business School; Senior Associate Research Fellow, Institute of Advanced Legal Studies, University of London). In terms of research activities, and in addition to the funding schemes which are offered by the above institutions, one could mention the Open Research Area for the Social Sciences Programme within the Economic and Social Research Council¹¹⁵ and the Research Network scheme of the Royal Society of Edinburgh (Arts and Humanities Funding).¹¹⁶

With respect to Japanese (and comparative) legal scholarship, *Hiroshi Oda*, Sir Ernest Satow Professor of Japanese Law at the Faculty of Law, University of London, is the leading figure in such fields as corporate governance and commercial arbitration.¹¹⁷ At the University of London, Professor Oda teaches Japanese commercial law, Japanese international trade and competition law, and Russian commercial law. Recently moved to the FernUniversität Hagen (as mentioned in the Germany report below), but previously at the faculty of law at the University of Cambridge, Professor *Julius Weitzdörfer* specialises in Asian law, especially Japanese law. Professor *Meryll Dean* is based at Oxford Brookes University as Emeritus Professor of Law within the school of law of the faculty of humanities and social sciences.¹¹⁸ At Sheffield Hallam University, Dr *Andrew Watson* has written prolifically on the Japanese judicial system, also from a comparative perspective. Also of notable significance are the scholars comprising the Centre for Asian Legal Studies at SOAS, where the Japanese Law Seminar Series was launched in June 2015. Dr *Thomas Giddens*, based at the school of social sciences (law), University of Dundee, has co-edited a volume on “Law and Justice in Japanese Popular Culture”.¹¹⁹ At the same school of law, Dr *Luca Siliquini-Cinelli* will from September 2020 introduce an undergraduate optional module on comparative contract law, which also features elements of Japanese contract law.

113 <https://www.bajs.org.uk/>.

114 <http://www.bjla.org.uk/>.

115 <https://esrc.ukri.org/funding/funding-opportunities/open-research-area-ora-for-the-social-sciences-2019/>.

116 <https://www.rse.org.uk/awards/arts-and-humanities-funding-research-networks/>.

117 Professor H. ODA is the author of the seminal book *JAPANESE LAW* (3rd ed. Oxford 2011).

118 Professor M. DEAN is author of the acclaimed *JAPANESE LEGAL SYSTEM: TEXT, CASES AND MATERIALS* (2nd ed. Oxford 2002).

119 A. PEARSON/T. GIDDENS/K. TRANTER, *Law and Justice in Japanese Popular Culture From Crime Fighting Robots to Duelling Pocket Monsters* (London 2018).

At the University of Dundee in 2019, Dr Thomas Giddens, Dr Luca Siliquini-Cinelli, and other colleagues from the school of social sciences and the school of humanities created the Interdisciplinary Legal Studies Research Cluster, a Dundee Law School-based forum which encourages the discussion of current research work related to law at the intersection of a range of disciplines, including cultural studies, English, philosophy, geography, and art. Scholars of Japanese law are more than welcome to get in touch with the Cluster's co-convenors should they wish to get involved in its activities and/or explore seminars and workshop opportunities on Japanese legal (and socio-political) culture broadly understood.

IX. GERMANY

Since the 1880s, there has been intense comparison of Japanese and German law, but this initially took place only in the form of what the famous comparatist *Zentarō Kitagawa* criticized as a “one-way street” of interest running from Japan to Germany. While Japanese legal scholars studied German models in great depth, German scholars, if they were interested in Japan at all, mostly aimed at assisting in the export of German models to Japan rather than seriously studying Japanese law. That started to change gradually in the 1970s when a comparative interest in Japanese law emerged and German scholarship on this subject started to emerge. This trend gained further momentum from the late 1980s onwards, and today we see lively and vibrant exchange in both directions. What are the reasons for this positive development (1.), who are the institutional players involved (2.), and what is the scholarly outcome so far (3.)?

1. Reasons for the Growth in German Scholarship

The starting point for the interest in Japanese law was the proliferation of contacts between German academics and visiting Japanese guest researchers, who started to come to Germany in growing numbers in the 1970s, once the economies in both countries had started to flourish again. These contacts initiated a growing interest in the law of Japan among academics at different German universities. They became aware again of the longstanding legal ties with Japan. During the 1980s, Japan's stellar economic success caused an additional push, with a particular interest in understanding how the country's legal order framed that success. A tradition of regular comparative conferences between various German and Japanese universities became established. Interest in Japanese law was grounded in the comparative interest of individual legal scholars such as *Knut Wolfgang*

Nörr of the University of Tübingen. Additionally, some practitioners started to become interested in Japanese law.

2. *The Institutional Players*

The comparative interest in Japan's legal order was originally completely independent of the discipline of Japanese studies (*Japanologie*), and is to a considerable extent still independent of it. In Germany, the latter is traditionally focused on the study of language and literature, and it opened up only fairly recently to sociological, political, and economic research on Japan. An exception was the (former) interdisciplinary Japan Center at the University of Marburg, established in 1988 under the directorship of *Erich Pauer*, an expert on the Japanese economy.¹²⁰ There, an alternating chair for Japanese law and economics was established in 1988. Every other year, a Japanese law professor held the chair and spent his or her sabbatical at Marburg University. *Hans Georg Leser*, a professor of civil law at the university, strongly supported this development from the beginning. In 2001 the chair became the first permanent chair for Japanese law in Germany, and in 2002, a German jurist, *Heinrich Menkhaus*, became its holder until the Center was (largely) dissolved and rebuilt as the Interdisciplinary Centre for East Asian Studies (IZO) at Goethe University Frankfurt. At the latter's law faculty, a new chair for Japanese Law and its Cultural Foundations was created in 2008. *Moritz Bälz* has held this chair since its inception. Courses in Japanese law are offered there on a regular basis, and the Centre also conducts research on Japanese law.

A second venue for the study of Japanese law can be found at the FernUniversität in Hagen, a state-funded distance education university. Since 1990, introductory courses on Japanese law have been offered more or less permanently, albeit within a changing institutional setting. *Hans-Peter Marutschke* played a key role in establishing the focus on Japanese law and in building up the necessary infrastructure and expertise in Hagen. The present position for Japanese law is held by *Julius Weitzdörfer*.

Introductory courses in Japanese law are also offered at various other German universities today. For many years, the University of Trier has offered such courses (among similar courses on other jurisdictions) on a regular basis. Augsburg has also become quite active in recent years, in part thanks to *Oliver Schön*, a judge who serves as a lecturer and has repeatedly organized summer schools on Japanese law. Other universities have institu-

120 Also in 1988, the German Institute for Japanese Studies was founded in Tōkyō as an interdisciplinary research institution dedicated to investigating modern Japan, including its laws. For many years, however, there has not been a legal scholar among the senior research staff of the institute.

tional ties with Japanese universities and arrange for courses on an occasional and less permanent basis.

A third major German player in the comparison of law with Japan is the Max Planck Institute for Comparative and International Private Law (MPI) in Hamburg. The Max Planck Institutes are independent non-university research institutions. Traditionally, the research emphasis of the different legal MPIs lies on foreign, mostly non-European legal orders. In 1985, *Harald Baum*, Senior Research Fellow at the Hamburg Institute and Professor at the University of Hamburg, set up a research centre for Japanese law, which later became the Centre of Expertise for Japan. In 2008, an institutional cooperation partnership with Kyōto University was established to promote the exchange of young academics between the two countries. The MPI attracts a significant number of guest researchers from Japan every year. Various PhD dissertations dealing with a multitude of different aspects of Japanese private law have been written by the Centre's academic assistants. The MPI is one of the two institutional co-editors of the *Journal of Japanese Law*, which was created at the MPI and continues to be edited there.¹²¹ From 2020 on, *Ruth Effinowicz* will be the new head of the Centre of Expertise for Japan.

Another institution promoting legal exchange between Germany and Japan is the German-Japanese Association of Jurists (DJJV). This non-profit and nonpartisan association was founded in 1988 by German and Japanese academics and practitioners with the goal of strengthening cooperation between German and Japanese jurists of all professions and deepening their knowledge of one another's legal systems.¹²² Especially under its long-term president *Jan Grotheer*, the organization has for many years cultivated a prolific network of both scholars and practitioners sharing an interest in Japanese law. The DJJV has currently about 700 members in various countries. It celebrated its 30th anniversary with a high-profile conference in Tōkyō in 2018.¹²³ It supports the *Journal of Japanese Law* as official co-editor.

121 For the *Journal* see *infra* at 3.a). Research on the history of Japanese law was also undertaken at the Japan Center at the Ludwig-Maximilians-University Munich between 1985 and 2000 by the renowned legal historian *Carl Steenstrup*.

122 A more specialized and somewhat smaller association is the *Deutsch-Japanische Gesellschaft für Arbeitsrecht* founded in 1997 (German-Japanese Association for Labour Law).

123 The conference proceedings are published at H. BAUM/M. BÄLZ/J. GROTHEER (eds.), *Die Sicherung des Rechtsstaates* [Protecting the Constitutional State], Special Issue 15 of the *Journal of Japanese Law* (Cologne 2019).

3. *Scholarly Outcome and Publication Venues*

In the 50-year period between 1970 and 2020, an estimated 250 to 300 topical monographs and edited works were published in Germany that focus, often on a comparative basis, on the law of Japan in virtually all of its aspects. The edited works are mostly proceedings of the numerous German-Japanese conferences convened in both countries during this period. The authors and editors are mostly German, but a number of Japanese academics have also published in German. As the majority of these books are written in German – only a minority are written in English – they do not, however, play a proportionate role in the international comparative discussion about law in Japan.¹²⁴ A brief chronological summary of publication venues and major publications on Japanese law provides an overview of how research in this field has evolved in Germany.

a) *The Journal of Japanese Law*

In 1996, Baum inaugurated the “*Zeitschrift für Japanisches Recht/Journal of Japanese Law*” at the Hamburg MPI; he has served as its managing co-editor since then.¹²⁵ The other co-editors are Bälz, *Marc Dernauer* (Chūō University), *Effinowicz* and *Gabriele Koziol* (Kyōto University). As already mentioned, the Journal is a joint publication of the MPI and the DJJV. An editorial collaboration exists with the Australian Network for Japanese Law (ANJeL). The Journal aims to be a truly international periodical for researchers and practitioners. Featuring comparative analysis on a full range of Japanese law topics, it adopts a variety of formats and methodological approaches and maximizes the accessibility of Japanese law through publication in Western languages (German, English and French). The Journal appears twice yearly in print form.¹²⁶ The Journal has by all appearances evolved into the leading specialized publication venue for Japanese law worldwide.

124 H. BAUM/L. NOTTAGE/J. RHEUBEN/M. THIER, *Japanese Business Laws in Western Languages* (2nd ed., Buffalo/New York 2013) 7.

125 Its 20th anniversary was celebrated with two conferences in Hamburg and Tōkyō; the proceedings can be found at H. BAUM/M. BÄLZ/M. DERNAUER (eds.), *Self-regulation in Private Law in Japan and Germany*, Special Issue 10 of the *Journal of Japanese Law* (Cologne 2018), and M. DERNAUER/H. BAUM/M. BÄLZ (eds.), *Information Duties – Japanese and German Private Law*, Special Issue 11 of the *Journal of Japanese Law* (Cologne 2018).

126 It is published by Carl Heymanns Verlag – a branch of Wolters Kluwer Germany (Cologne).

b) Book Series Focused on Japanese Law

The first German book series to deal exclusively with Japanese law is the series titled *Japanisches Recht*. It was inaugurated in 1976 at the University of Cologne under the direction of *Gottfried Baumgärtel* and later *Hanns Prütting*.¹²⁷ The former was and the latter is a civil procedural law expert. To date, 52 volumes have been published in the series, which consist of a mix of conference volumes and topical monographs; many of the latter are doctoral theses. Around the same time, the (more or less) bi-annual publication *Recht in Japan* was established at the University of Freiburg.¹²⁸ In 1992, *Matthias Scheer* set up a book series on Japanese law for the DJJV, the *Veröffentlichungen der Deutsch-Japanischen Juristenvereinigung* (19 volumes in total). Scheer was at that time a practicing attorney at law in Hamburg and held the position of Secretary General of the DJJV. The series was later superseded by the bilingual book series *Special Issues of the Journal of Japanese Law*, which started in 2009 under the guidance of the journal's editors (15 volumes so far). It mainly presents proceedings of the many German-Japanese conferences. A new books series titled *Schriften zum Ostasiatischen Privatrecht* was launched in 2015 under the auspices of Bälz, among others. This series has its focus on law in East Asia (including Japan). Of the four volumes published so far, three deal with Japanese law.¹²⁹ These book series are, of course, not the only ones which contain publications on Japanese law. One of the other series, the MPI's *Studien zum ausländischen und internationalen Privatrecht*, has for more than two decades regularly published monographs that deal with the law in Japan.¹³⁰

c) Works on Japanese Law

The studies about Japanese law published in Germany cover a remarkably broad spectrum of formats and subjects. To start with, there are literally dozens of conference volumes.¹³¹ Furthermore, we find numerous German

127 Also published by Carl Heymanns Verlag (Cologne).

128 The series ended in 2006 with publication of its 14th volume; from 2015 onwards, it has been revived as *Recht in Ostasien*.

129 The most recent is M. UEDA, *Die stille Gesellschaft in Japan* [The Silent Partnership in Japan] (Tübingen 2019).

130 The most recent is J. WEITZDÖRFER, *Verbraucherkreditregulierung in Japan* [Regulation of Consumer Loans in Japan] (Tübingen 2020).

131 Conference proceedings that attracted specific interest are, among others, H. COING et al (eds.), *Die Japanisierung des westlichen Rechts* [The Acculturation of Western Law in Japan] (Tübingen 1990); H. MENKHAUS, *Das Japanische im japanischen Recht* [The "Japaneseness" of Law in Japan] (Munich 1994); H. BAUM (ed.), *Economic Success and Legal System* (Berlin 1997); R. KNÜTEL/S. NISHIMURA (eds.),

translations of Japanese laws,¹³² annotated translations of decisions of the Japanese Supreme Court,¹³³ Festschriften with a focus on Japanese law,¹³⁴ a comprehensive two-volume legal dictionary,¹³⁵ a bibliography of Western literature on Japanese law,¹³⁶ and well over a hundred topical studies, mostly German PhD dissertations.

The first brief introduction to Japanese law in German was a book published in 1974 by the late *Jun'ichi Murakami*, a specialist on German law at the University of Tōkyō.¹³⁷ Over the ensuing decades, it was followed by a trio of further introductions in different formats.¹³⁸ The first major book on

Hundert Jahre Japanisches Zivilgesetzbuch [One Hundred Years of the Japanese Civil Code] (Cologne 2004); J. BASEDOW/Y. NISHITANI/H. BAUM (eds.), *Japanese and European Private International Law in Comparative Perspective* (Tübingen 2008); R. WAHL (ed.), *Verfassungsänderung, Verfassungswandel, Verfassungsinterpretation [Amendment, Change, and Interpretation of a Constitution]* (Berlin 2008); R. STÜRNER (ed.), *Die Bedeutung der Rechtsdogmatik für die Rechtsentwicklung [The Significance of Legal Theory for the Development of Law]* (Tübingen 2010); H. BAUM/M. BÄLZ/K. RIESENHUBER (eds.), *Rechtstransfer in Japan und Deutschland [Transfer of Legal Concepts in Japan and Germany]* (Cologne 2013).

- 132 E.g., A. KAISER, *Das japanische Zivilgesetzbuch in deutscher Sprache [The Japanese Civil Code in German Language]* (Cologne 2008) ; K. YAMAMOTO/G. KOZIOL, *Schuldrechtsreform in Japan [Contract Law Reform in Japan]* (Tübingen 2020, forthcoming); C. HEATH/A. PETERSEN, *Das japanische Zivilprozeßrecht [Civil Procedure Law in Japan]* (Tübingen 2002); O. KLIESOW/U. EISELE/M. BÄLZ, *Das japanische Handelsgesetz [The Japanese Commercial Code]* (Cologne 2002).
- 133 E.g., U. EISENHARDT, *Japanische Entscheidungen zum Verfassungsrecht in deutscher Sprache [Japanese Decisions on Constitutional Law in German Language]* (Cologne 1998).
- 134 E.g., M. BÄLZ/M. DERNAUER/C. HEATH/A. PETERSEN-PADBERG (eds.), *Business Law in Japan – Cases and Comments. Intellectual Property, Civil, Commercial and International Private Law. Writings in Honour of Harald Baum* (Cologne 2012); B. HANSEN/D. SCHÜSSLER-LANGEHEINE (eds.), *Patent Practice in Japan and Europe – Liber Amicorum for Guntram Rahn* (Alphen aan den Rijn 2011)
- 135 B. GÖTZE, *Japanisch-deutsches Rechtswörterbuch/Wadoku hōritsu yōgo jiten [Japanese-German Legal Dictionary]* (2nd ed., Tōkyō 2012), and ID., *Deutsch-japanisches Rechtswörterbuch/Dokuwa hōritsu yōgo jiten [German-Japanese Legal Dictionary]* (2nd ed., Tōkyō 2010).
- 136 M. SCHEER, *Japanisches Recht in westlichen Sprachen 1974–1989. Eine Bibliographie/Japanese Law in Western Languages 1974–1989. A Bibliography* (Hamburg 1992); a continuation can be found with H. BAUM et al., *supra* note 124 (an Australian–German collaboration).
- 137 J. MURAKAMI, *Einführung in die Grundlagen des japanischen Rechts [Introduction to the Foundations of Japanese Law]* (Darmstadt 1974).
- 138 K. IGARASHI, *Einführung in das japanische Recht [Introduction to Japanese Law]* (Darmstadt 1990); H.-P. MARUTSCHKE, *Einführung in das japanische Recht [Intro-*

Japanese law in German was a treatise edited by *Paul Eubel* and published in 1979. The study gives an overview of all aspects of Japanese law, including its legal institutions and prominent academics, and it offers guidance on how to work with Japanese legal materials.¹³⁹ Eubel served as director of the Goethe-Institut in Ōsaka. The second major treatise was a 1990 monograph by *Guntram Rahn* about legal thinking and legal consciousness in Japan.¹⁴⁰ The study covers the development of theory and methodology in civil law in the 20th century. This is arguably one of the most profound studies on law in Japan ever published in any Western language. Rahn was at that time a research associate and head of the Japan unit at the Max Planck Institute for Intellectual Property and Competition Law in Munich.

The first substantive German treatise with a focus on Japanese commercial and economic law was edited by Baum and *Ulrich Drobnig* in 1994.¹⁴¹ The book set out a comprehensive overview of these fields of law. The study was followed in 2011 by a co-edited work authored by Baum and Bälz, which provides an in-depth analysis of the many individual aspects of commercial and economic law in Japan.¹⁴² A second edition is forthcoming in 2020.¹⁴³

The introductions and comprehensive works on Japanese law that have been mentioned are accompanied by a multitude of other topical studies. These include, among many other works, treatises on the history of law in the late 19th century,¹⁴⁴ general civil law issues,¹⁴⁵ real property,¹⁴⁶ tort,¹⁴⁷

duction to Japanese Law] (2nd ed., Munich 2010); J. KASPAR/O. SCHÖN, Einführung in das japanische Recht [Introduction to Japanese Law] (Baden-Baden 2018).

- 139 P. EUBEL, Das japanische Rechtssystem [The Japanese Legal System] (Frankfurt/Main 1979).
- 140 G. RAHN, Recht und Rechtsmentalität in Japan [Law and Legal Mentality in Japan] (Munich 1981).
- 141 H. BAUM/U. DROBNIG (eds.), Japanisches Handels- und Wirtschaftsrecht [Japanese Commercial and Economic Law] (Berlin 1994).
- 142 H. BAUM/M. BÄLZ (eds.), Handbuch Japanisches Handels- und Wirtschaftsrecht [Handbook of Japanese Commercial and Economic Law] (Cologne 2011).
- 143 With M. DERNAUER and G. KOZIOL as further co-editors (Cologne 2020).
- 144 E.g., C. SOKOLOWSKI, Der so genannte Kodifikationsstreit [The so-called Codification Dispute] (Munich 2010) 732; W. RÖHL (ed.), A History of Law in Japan Since 1868 (Leiden 2005).
- 145 E.g., Y. NAGATA, Die Verjährung im japanischen Zivilrecht und ihre Reform [The Statute of Limitations in Japanese Civil Law and Its Reform] (Tübingen 2017); M. DILLMANN, Der Schutz der Privatsphäre gegenüber Medien in Deutschland und Japan [The Protection of Privacy Against the Media in Germany and Japan] (Tübingen 2012).

family law,¹⁴⁸ consumer protection,¹⁴⁹ company law,¹⁵⁰ takeover regulation,¹⁵¹ financial markets,¹⁵² labour relations,¹⁵³ private international law,¹⁵⁴ and international procedural law.¹⁵⁵ Quite a few of these are comparative milestones in the field of research on Japanese law.

X. CONCLUSION

Whenever legal scholars embark on drawing a conceptual map of some research field, the substantial impossibility of being at the same time accurate and comprehensive calls to mind a surreal short story by the famous Italian semiotician Umberto Eco, ‘On the impossibility of drawing a map of the empire on a scale of 1 to 1’.¹⁵⁶ Eco describes a country where cartographers want to create a perfectly accurate map on a 1-to-1 scale, including people,

146 E.g., H. P. MARUTSCHKE, *Übertragung dinglicher Rechte und gutgläubiger Erwerb im japanischen Immobiliarsachenrecht* [Transfer of Real Rights and bona fide Acquisition in Japanese Real Estate Law] (Tübingen 1997).

147 E.g., K. YAMAMOTO, *Grundzüge des japanischen Schadensersatzrechts* [Basic Features of Japanese Civil Damages Law] (Wien 2018).

148 E.g., J. WESTHOFF, *Das Echo des *ie** [The Echo of the *ie*] (Munich 1999).

149 E.g., M. DERNAUER, *Verbraucherschutz und Vertragsfreiheit im japanischen Recht* [Consumer Protection and Contractual Liberty in Japan] (Tübingen 2006).

150 E.g., T. SPIEGEL, *Independent Directors in Japan* (Tübingen 2017); E. TAKAHASHI, *Die Rezeption und Konvergenz des deutschen Handels- und Gesellschaftsrechts in Japan* [Reception and Convergence of Japanese Commercial and Company Law in Japan] (Baden-Baden 2017); M. BÄLZ, *Die Spaltung im japanischen Gesellschaftsrecht* [Demergers in Japanese Company Law] (Tübingen 2005).

151 E.g., S. YAMAGUCHI, *Abwehrmaßnahmen börsennotierter Aktiengesellschaften gegen feindliche Übernahmeangebote in Deutschland* [Defensive Measures of Stock-Exchange Listed Corporations against Unfriendly Take-over Bids in Germany] (Cologne 2005); H. BAUM, *Marktzugang und Unternehmenserwerb in Japan* [Access to the Market and the Acquisition of Enterprises in Japan] (Heidelberg 1995).

152 E.g., M. THIER, *Das japanische Insiderrecht* [Japanese Insider Law] (Tübingen 2016).

153 E.g., S. NISHITANI, *Vergleichende Einführung in das japanische Arbeitsrecht* [Comparative Introduction to Japanese Labour Law] (Cologne 2003); H. ALPS, *Beilegung individualarbeitsrechtlicher Streitigkeiten in Japan* [Settlement of Individual Labour Disputes in Japan] (Tübingen 2015).

154 E.g., E. SCHWITTEK, *Internationales Gesellschaftsrecht in Japan* [International Company Law in Japan] (Tübingen 2015).

155 E.g., A. PETERSEN, *Das internationale Zivilprozeßrecht in Japan* [International Law of Civil Procedure in Japan] (Cologne 2003).

156 U. ECO, *Dell'impossibilità di costruire la carta dell'Impero 1 a 1*, in: ID., *Il secondo diario minimo* [The Second Minimal Diary] (Milano 1992).

animals and buildings. They try to create a suspended map, but that would prevent rain from falling on the ground and would destroy agriculture; they try with a transparent map, but nothing works. The conclusion is that a truly accurate 1-to-1 map is impossible.

We authors of this article have done our best to make each country report as inclusively and accurately as possible. Mistakes, however, could happen, and we collectively apologize if some important information has been excluded. This article is, however, also a call to arms. To all researchers, enthusiasts, and neophytes of Japanese law: Please do reach out to us, and help us make our community bigger, richer, and more active.

SUMMARY

The purpose of the joint article is to draw a map of the present state Japanese legal studies (in a broad sense) across Europe. It is divided into country sections, each of which has been written by a “country representative”, i.e. an expert in the field of Japanese law from the following eight jurisdictions: Italy, France, Israel, Scandinavia, Spain, The Low Countries, Belgium, The United Kingdom, and Germany. The emerging picture shows a widely varying degree of interest and engagement in teaching, researching, and practicing Japanese law. In some countries, Japanese legal studies are part of Japanese studies in general, in others they are positioned within the context of comparative law or, more specifically, East Asian legal studies.

ZUSAMMENFASSUNG

Das Ziel des Beitrages ist es, einen Überblick über den Stand der Studien zum japanischen Recht in Europa (im weiteren Sinn) zu geben. Der Artikel ist in acht Länderberichte aufgeteilt, die jeweils von einem Experten des japanischen Rechts aus dem betreffenden Land verfasst wurden. Analysiert wird die aktuelle Situation in Italien, Frankreich, Israel, Skandinavien, Spanien, den Niederlanden, Belgien, dem Vereinigten Königreich und in Deutschland. Es zeigt sich ein recht unterschiedliches Bild bezüglich des Interesses und Engagements in Lehre, Forschung und Praxis des japanischen Rechts. In einigen Ländern ist das Studium des Rechts Japans in die Japanologie integriert, in anderen ist es in der allgemeinen Rechtsvergleichung verankert oder auch, etwas spezifischer, Teil der Studien zum ostasiatischen Recht.