Preface: Legal Reforms and Legal Culture in Japan

Harry N. Scheiber

The recent movement for extensive reforms of law in Japan, given impetus both by domestic political pressures and by the perceived imperatives of economic globalization, is a subject of deep interest to students of comparative law. Because of the creation of new legal institutions and adaptation of the civil law system's jurisprudence in the Meiji Restoration, and then the equally comprehensive reforms of the post-World War II Occupation period, the Japanese experience with law reform has had a unique historic configuration. Long recognized, however—and indeed given central importance in scholarship on Japanese law by writers both in the West and in Asia—has been the extraordinary historic persistence in Japan of cultural norms as to law, especially with regard to hierarchy and deference, and to the ideals of consensus and social harmony. Both political and socio-legal structures as well as consensual values famously have shaped—and often blunted or offset—the transformative objectives of newly fashioned formal law. Similarly intriguing to students of Japan has been the perduring resiliency of power relationships that define real-life legal ordering (whatever “law in the books” may indicate).

The articles on Japan in this issue of the *Journal* revisit these issues as they assess the efforts going forward today for law reform there. The authors have updated and revised papers first written for a symposium at Boalt Hall School of Law under auspices of the school's Sho Sato Program in Japanese and U.S. Law. The methodologies represented here vary, as is appropriate given the much-noticed diversity of approaches in the scholarly literature on Japanese law and legal culture. Thus several of the papers undertake socio-legal analysis and stress issues of cultural persistence, governmental process, and norms of legal behavior. Other authors, in discussions of specific legislation and other initiatives for law reform, provide fresh perspectives on the sources of reform pressures and objectives, also placing the reforms in their political contexts. The ever-present issues of conscious adaptation from foreign models of law and legal institutions; of the internal sources—bureaucratic, political, and cultural—of resistance to change; and, not least important, the implications of the extraordinary scope, speed, and potential reach of the reforms taken as a whole, all receive analysis in these studies.

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