

FOREWORD

It is with the great pleasure that we are publishing the 10th issue of the “Bulletin”.

Researchers in Japan have been criticized for their poor efforts of “exporting” academic products, although they are extremely anxious to “import”. This phenomenon is still the case, especially in the field of social sciences.

This is largely attributable to the language barrier. Japanese is one of the most difficult languages to be translated, particularly to Western languages. The legal terms in particular are known for their inaccessibility even among us Japanese. In addition to unique terminologies incorporating some meanings attached to historical context, Japanese translations of German codes upon which the modernization of Japanese legislation was modelled are flooded with unfamiliar coined words. Under the influence of the Allied occupation after World War II a considerable amount of words originating in Anglo-American law has come into being in various legislation. As a result, contemporary Japanese law is formulated on a mixed basis of laws derived from Japanese tradition, those originated in German law (and French law to some extent) and the laws of the United States. This inevitably created difficulty in translating the materials and texts of Japanese law into Western languages, quite unlike the case of the natural sciences.

The historical background of Japanese law developed studies of comparative law markedly based on “import”, but made it hardly conceivable to “export” it.

Economic development, however, made relationships with other countries closer to an extent as we had never imagined. Economics and politics, which used to be bounded exclusively within a certain area on the earth, underwent a dramatic change to ultimately influence the relationships between nations as globalism in economics and po-

litics appeared with such a vigour as not to be unlikely to extinguish national borders themselves. In the course of these developments Japanese law came to attract attention overseas. These changes which began in economy-related areas of the law are now expanding to every branch of law which regulates the ordinary citizen's life.

A decade ago, the Institute of Comparative Law, Waseda University, started publishing the "Bulletin" in order to cope with changing situations throughout the world. Publication of the journal in order to articulate the current trends of Japanese law in foreign languages had to overcome formidable tasks. In translating Japanese law into foreign languages, the first task, selecting and integrating the technical terms, entailed great difficulties because of its characteristics aforementioned. In surmounting such barriers, the "Bulletin" today owes much in particular to the dedication of a former director, Professor Toshiya Yatoh, the expert in Anglo-American law.

Researchers of the Institute have been and are still willing to work strenuously for the publication of this journal. Thanks are also due to those people who are not the staff of the Institute for their help and co-operation in polishing the English and to Waseda University for its extensive financial support. We wish to express our appreciation to them and our determination to continue the publication.

It is our utmost pleasure to see the issues of the journal being used worldwide as helpful materials for the study of Japanese law.

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