THE RECEPTION OF LAW IN JAPAN & THE SPECIFICITY OF JAPANESE LAW

Hitomi Takemura

Aichi Prefectural University

SUMMARY

- The Specificity of Japanese Law is exactly the Reception of the Western Law in Meiji Era

- The last part of this lecture, therefore, focuses on **Legal Consciousness** of Japanese people

HISTORY OF LEGAL RECEPTION

- -7c : 法（Nori） → God's will
- 7c-8c : the Reception of Chinese Law

  → 律令制度（the Ritsuryo System）

- 19c- : Reception of the Western Laws

REFORM OF JAPANESE LAW

①The End of the Edo Era （1867-）

②The End of the World War II (1945-)

③Judicial Reforms by the government (1999-)

→Introductions of Law Schools (2004-) and Citizen Judge System (2009-)

①REFORM AFTER EDO ERA

不平等条約（UNEQUAL TREATIES）

- Convention of Peace and Amity between the United States of America and the Empire of Japan (1854)
- Anglo-Japanese Friendship Treaty（1854）
- Treaty of Commerce and Navigation between Japan and Russia, Симодский трактат（1855）
- Treaty of Amity and Commerce between the Netherlands and Japan(1856)

INEQUALITY

- Consular Jurisdiction granted for the Western countries
- Tariff Autonomy is not acknowledged for Japan
- The most favored nation status to the Western countries

→ Need for Treaties' Revisions

IMPACTS OF WESTERN LAWS ON JAPAN

① Impacts of French Laws

② Impacts of English Laws

③Impacts of German Laws

④Impacts of American Laws

IMPACT OF FRENCH LAWS

- Criminal Law
- Civil Code
- Criminal Procedural Law

GUSTAVE BOISSONADE

MEIJI ERA'S TRIAL

MEIJI ERA'S PRISON

IMPACTS OF ENGLISH LAWS

- Corporate Law

- Postponement of Enforcement of Civil Code influenced by French Civil Code

IMPACTS OF GERMAN LAWS

- Meiji Constitution
- Law of Compositions of Courts
- Civil Procedural Law

IMPACTS OF AMERICAN LAWS

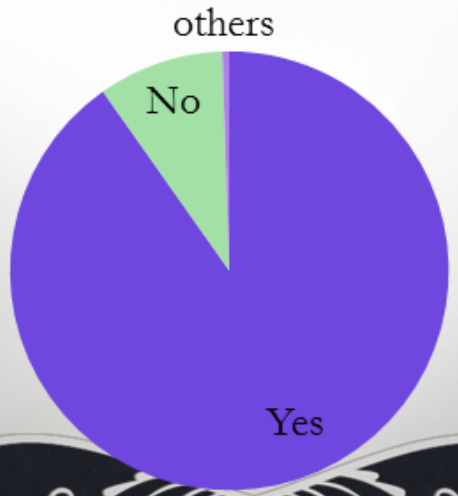
- New Constitution
- New Criminal Procedural Law
- Act on Prohibition of Private Monopolization and Maintenance of Fair Trade
- Securities and Exchange Act
- Habeas Corpus Act etc

MEANING OF LAW

- In Europe, including Russia, right and law are the same word.
- In Japan, 法 (law) is distinguished from 権利 (rights)

JAPANESE DOESN'T LIKE LAW SUITS?

Do you think legal conflicts are increasing in society as a whole? (2008)



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