

Proceedings from the 2005 Sho Sato Conference
in Honor of Takao Tanase

Introduction

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The 2005 Sho Sato Conference was held on February 12-13 at Boalt Hall School of Law, University of California, Berkeley.

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The Sho Sato Program in Japanese and U.S. Law at the Institute for Legal Research, Boalt Hall School of Law, UC Berkeley, hosted an international conference on the UC Berkeley campus in February 2005, on the theme of “Emerging Concepts of Rights in Japanese Law.” On the first day of this conference, the eminent Japanese scholar of law and society studies, Takao Tanase, Professor of Law at Kyoto University, was honored for his career in scholarly research and teaching.

Papers by Professor Tanase, including both previously published and newly written works, were distributed in advance to the conferees. English translations were generously provided by Professors Luke Nottage of the University of Sydney and Leon Wolff of the University of New South Wales, who are editing a forthcoming book that collects these papers in revised and updated form.

Commentators were engaged to speak at the conference on each of the distributed papers. In addition, Professor Nottage has prepared a special comment on “Translating Tanase,” which is included here on this site.

In addition to posting these comments, the Sho Sato Program is cooperating with Boalt Hall School of Law’s Robbins Collection and Comparative Legal Studies Program to publish in full – either on our website or in book form – the other papers from this conference on the main theme of “Emerging Concepts of Rights in Japanese Law.” All of the commentators were concerned, of course, to honor Professor Tanase directly with their presentations; but so too were many of the contributors to the later sessions on the “rights” theme, as will be fully acknowledged on the appearance of the full publication.

The Sho Sato Program is privileged to have been the organizer of this event, honoring one of the great scholarly figures of the contemporary era in Japanese legal studies. As the comments indicate, Professor Tanase’s early research introduced empirical analysis in path-breaking studies of accident law that challenged some core aspects of the then-prevailing “canon” with regard to law and social behavior in Japanese society. His research interests and, equally significant, his research style has evolved over the several decades in which he has been a major contributor to legal scholarship; and in that process, he has enriched our understanding of modernism, modernization, legal and professional

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ethics, and communitarianism, among other major core themes in legal studies – bringing, at the same time, the perspectives of a comparativist and the vision of a bold theorist. Not only through his own writings, but in ramifying ways through the research and teaching of his former students and younger colleagues who have sat at his feet in Kyoto or engaged with his work from afar, he has stimulated work in new directions and enriched the literature of subject matter both traditional and leading-edge on Japanese law. All of these aspects of his work and far-reaching influence have been recognized in the comments that follow and in the larger substantive book of original essays by his students and colleagues that will be appearing later on.

It was especially appropriate that this conference should have been held on the campus of Boalt Hall at the University of California, Berkeley (UCB), for Professor Tanase has held a position as distinguished visiting scholar several times at UCB's Center for the Study of Law and Society, and, together with Professors Kahei Rokumoto and Setsuo Miyazawa, held an appointment in our law school as the Sho Sato Chair Visiting Professor of Japanese Law. He has also been at Berkeley as a visiting professor in the Jurisprudence and Social Policy (JSP) Ph.D. Program. In his service on the board of trustees of the Law and Society Association in the United States and as board member and then president of the Sociology of Law Society in Japan, Tanase-sensei has been a diligent and creative participant in the professional lives of many legal scholars on both sides of the Pacific Ocean. That he has been a pioneer and an intellectual explorer is evident in the comments that follow, as in the works on which they offer the perspectives of these distinguished conference speakers, and we at Boalt Hall see Takao Tanase's relationship with our institution over more than 25 years time as an ornament to our institutional history.

Acknowledgments are owing to several academic and staff personnel whose contributions have been highly important to this project. First, as noted above, we are indebted to Professors Wolff and Nottage for getting translations and edited versions of the Tanase papers into conferees' hands in good time for the preparation of remarks. Two graduates of Boalt Hall's Jurisprudence and Social Policy Ph.D. Program, who are themselves now doing pioneering work in Japanese law, Professors Tom Ginsburg of the University of Illinois and Eric Feldman of the University of Pennsylvania, were as always sage advisers and willing workers. Dean Christopher Edley of Boalt Hall was an enthusiastic and generous supporter of the conference plan, and he provided a personal welcome and extended the School's hospitality to the conferees during their time on campus. Staff members of the Institute for Legal Research were the truly indispensable people: Both Ms. Karen Chin and Ms. Toni Mendicino provided full and always-cheerful support in all aspects of conference and publication activities. Mr. Takeshi Akiba, a doctoral student in the JSP program, has assisted

expertly in my editing for the website and press publications. Above all, I am grateful to the several presenters, many of whom traveled from Japan or the Atlantic Coast to participate in the joyful enterprise of paying tribute to a great contemporary scholar in the law.