

# Social Science

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<i>The Institute of Social Science: A Pioneer in Comparative Research</i> BANNO JUNJI.....	3
<i>The 20th Century System: The Next Institute-Wide Research Project</i> HASHIMOTO JURO AND TSUCHIDA TOMOKO .....	5
<i>New Developments in Social Science Research</i>	
<b>Paradigms Lost: History in the Post-Postwar Era</b> CAROL GLUCK .....	10
<b>After the Earthquake Election: Rethinking the Role of the Bureaucracy</b> HIWATARI NOBUHIRO .....	12
<b>Japanese Society and Japanese Law: A Different Approach</b> SAKAGUCHI SHOJIRO .....	16
<b>Organized Markets in Contemporary Japan</b> KIKKAWA TAKEO .....	17
<i>Overseas Research on Japan</i>	
<b>Researching Economic Transition in Russia and Japan</b> ELENA LEONTIEVA .....	20
<b>Lecturing at the Free University of Berlin</b> MIYAZAKI YOSHIO .....	22
<b>The New Institutionalism and Japan</b> ANDREW DEWIT .....	24
<i>Social Science Literature</i>	
<b>The Asia Boom in Japanese Publishing</b> HIRAISHI NAOAKI .....	28
<b>Thai Factory, Japanese Factory</b> SUEHIRO AKIRA .....	30
<b>Japanese Law: Seeking a New Identity</b> KOMORIDA AKIO .....	32

# Welcome to *Social Science Japan*

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*The purpose of this newsletter is to provide concise information in English on key people, important literature and recent developments in four fields of social science research on Japan: economics, political science, law and, to a limited extent, sociology. Social Science Japan is published by the Information Center for Studies in Japanese Society, which has been established within the Institute of Social Science, University of Tokyo. The articles are written by Institute research staff and other researchers connected with the institute.*

*Over the last few years interest in Japan among social scientists worldwide has grown markedly, but there has not been a corresponding growth in the amount of quality information - either raw data or research results - coming out of Japan. It can be very difficult for researchers overseas to find out what research has been done and what materials are available in Japan in their field. We aim to help meet this need by providing information in English on social science research in Japan, using the expertise accumulated by the Institute of Social Science over nearly half a century of inter-disciplinary comparative research.*

*Social Science Japan provides 'information about information' rather than detailed research reports. The language is English because most of our readers read English faster than Japanese. However references to Japanese sources are given both in English and the original.*

*For the time being Social Science Japan will be published only twice a year, but we hope to go quarterly within two years. We also plan to make the newsletter available via electronic mail, as part of a wider initiative of the Information Center to provide online information to researchers working overseas. Future issues will have news of this and also of new English and Japanese-language publications by the Institute.*

*Please let us know what kind of articles you would like to see more of and what kind of articles you think future issues could do without. Our contact address, email numbers and so on are on the back cover.*

## **Editorial Notes**

### **Personal names**

All personal names are given in the customary order in the native language of the person. Hence in Japanese names the family name is given first ,e.g., Tanaka Kakuei, and in Western names the family name is given second, e.g., Richard Nixon.

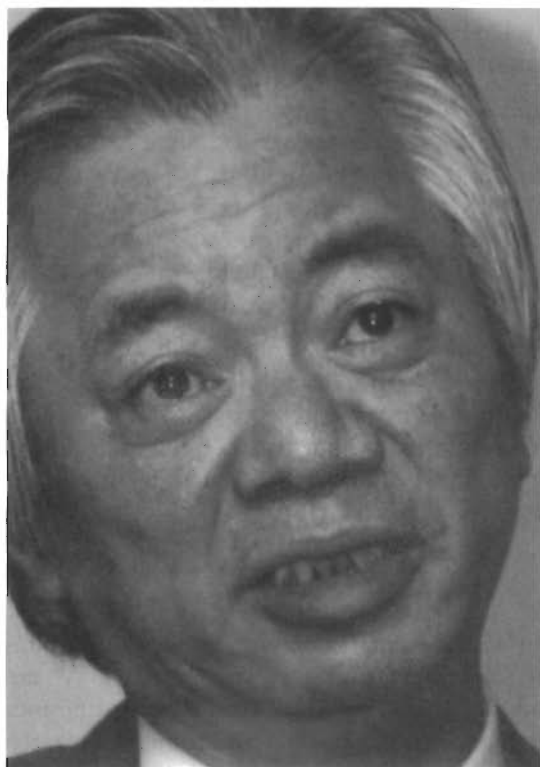
### **Romanization**

Due to software limitations circumflexes are used in place of macrons, and omitted on capital letters.

# The Institute of Social Science: A Pioneer in Comparative Research

**BANNO JUNJI**

*Director, Institute of Social Science, University of Tokyo*



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## *A Long Learning Process*

In 1997 the Institute of Social Science will celebrate its fiftieth anniversary. The institute was formally established in August 1946 with the twin purposes of "systematically and continuously collecting accurate information about the legal, political and economic systems and conditions of countries throughout the world" and "carrying out rigorously scientific comparative research."

Initially, the institute was organized into six departments concerned with Japan - Public Law, Private Law, Politics, Economy and Industry, Fiscal and Monetary Affairs and Social Research - and five concerned with other countries, the UK, the US, France, the Soviet Union and China. This structure was intended to facilitate both interdisciplinary comparative research between law, political science and economics and international comparative research between Japan, the West and the socialist countries.

However, combining interdisciplinary and international comparative research under one roof proved to be no simple matter, and fifteen years passed before joint research encompassing the entire institute began in earnest around 1961. The first fruits of that joint research, *Basic Problems of Social Science*, were published in two volumes in 1963. In the thirty years since then joint research has become a core activity of the institute. Details of the six projects completed to date are given in the box on page 4.

The projects carried out in the 1980s reflected the sea changes which were taking place at that time both in research organization and in the subjects addressed by social science research. First, as Japan joined the ranks of the advanced economies, the conventional measurement of her social development against Western models was increasingly questioned. Second, the socialist countries also ceased to provide a useful model for assessing Japan's social development as the truth about conditions there came to light. The Marxist scholars' goal of first catching up with the West and then catching up with the socialist countries was therefore no longer valid. Third, the developmental systems of the newly industrializing economies (NIES) in Asia and the ASEAN countries were showing spectacular results by the early 1980s. It was therefore no longer enough to compare Japan with the advanced Western economies and the socialist countries; international comparative research demanded a broader approach.

## *Organizational Changes*

These shifts in subject matter and methods led to major organizational changes within the Institute. First, greater emphasis was placed on comparative research between the West, the socialist countries, Japan and Asia, as it was no longer sufficient to study these areas in isolation from one another. A more flexible personnel strategy was adopted to reflect this, and greater efforts were made to welcome researchers working on contemporary Asian countries.

Second, in order to develop inter-disciplinary research between law, political science, economics and sociology, the Institute was reorganized into larger divisions. Simplifying the institute's internal structure into the Divisions of Comparative Contemporary Law, Comparative Contemporary Politics, Comparative Contemporary Economy and Comparative Contemporary Society increased exchange between the four academic disciplines. It also permitted greater mobility of personnel within the divisions, and allowed Asian specialists to be included in the Comparative Contemporary Politics and Comparative Contemporary Economics Divisions. Efforts are being made to bring specialists in sociology, not previously employed at the Insti-

"The Institute finally achieved a working system of comparative research  
across disciplinary barriers and national borders"



## The Institute of Social Science *continued*

tute, into the Comparative Contemporary Society Division, and to attract researchers in new areas of legal research to the Comparative Contemporary Law Division.

Third, the way in which joint research was organized was radically changed. It had become necessary to bring specialists in the different disciplines together to carry out joint research in order fully to comprehend global structural change and Japan's changing place in the world. The *Contemporary Japanese Society* project, the results of which were published in seven volumes in 1990 and 1991, operated on two levels. In addition to the research carried out by specialists in law, political science, economics and sociology, plenary meetings were held every month for four years to compare the contents of the seven volumes.

With *Contemporary Japanese Society* the institute finally achieved, after nearly half a century of trial and error, a working system of comparative research across disciplinary barriers and national borders. We are currently engaged in an institute-wide research project called *The 20th Century System - Formation and Fluctuation*, which attempts to sum up the results of all the institute's joint research to date. (In the following article, Hashimoto and Tsuchida outline the background and scope of the *20th Century System* project).

## The Information Center for Studies in Japanese Society

The institute is currently organizing and recruiting with the aim of carrying out inter-disciplinary joint research comparing contemporary Japan with Western and Asian countries. We are creating a system for continuous joint research embracing law, political science and economics which combines research overseas and research in Japan. The institute is widening its research to include other Asian countries, extending its disciplinary scope to cover other academic fields, and expanding its publications in English. (The institute already publishes the *Annals of the Institute of Social Science*, which presents the research activities of Institute staff, once a year, and is presently considering publishing an English translation of *Contemporary Japanese Society*.)

The Information Center for Studies in Japanese Society, which produces *Social Science Japan*, was established in March 1994 as a central plank of these developments. Its aim is to further the Institute's efforts in international, inter-disciplinary joint research, at first through the publication of *Social Science Japan* and in the future through the establishment of an online database of social science information in English on Japan.

Having pioneered inter-disciplinary comparative research in Japan, the Institute of Social Science is striving to improve the methods and organization of its research, and to make its accumulated expertise and experience more easily available to researchers around the globe. I hope that this newsletter will help us to achieve this by providing information and stimulation to researchers of contemporary Japanese society. Greater international cooperation is vital for the further development of inter-disciplinary comparative research on Japanese society. □

### Institute-wide, Interdisciplinary Research Projects at the Institute of Social Science

Research on Basic Human Rights · きほんてきじんけん けんご 基本的人権の研究; five volumes, 1968-69

The Postwar Reforms · せんごかいかく 戦後改革; eight volumes, 1974-75

State and Society in the Fascist Era · ふぁしづむ きこく と しゃかい ファシズム期の国家と社会; eight volumes, 1978-80

The Welfare State · ふくしこっか 福祉国家; six volumes, 1984-85

The Welfare State in Transition · てんかんき ふくしこっか 転換期の福祉国家; two volumes, 1988

Contemporary Japanese Society · げんたいにほんしゃかい 現代日本社会; seven volumes, 1991-92

(All volumes published by University of Tokyo Press)

# The 20th Century System

## The Next Institute-Wide Research Project

HASHIMOTO JURO AND TSUCHIDA TOMOKO

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### *Joint Research at the Institute of Social Science*

The Institute of Social Science at the University of Tokyo has an established tradition of carrying out large-scale joint research projects in which the majority of Institute researchers and invited researchers from other institutions participate. The projects - known as 'Institute-wide, interdisciplinary research projects' (*Zentai Kenkyū*) - generally last five or six years and culminate in the publication of a series of books presenting the results of the research.

The starting point for each project is the choice of a theme after discussions among the entire Institute staff. The theme must be one to which researchers from all three disciplines - law, political science and economics - can contribute, and each project has to allow contributions from various analytical approaches within the Institute's three (recently four) disciplines. A further criterion is that the theme must entail international comparison. The projects therefore play a vital role in enabling the Institute to achieve its stated purposes of comparative and interdisciplinary research.

After the theme has been chosen, a Project Committee comprising several members of staff is established to keep the project on schedule and to edit the published results.

### *The Impact of Previous Projects*

The joint research projects carried out to date are listed on page 4. As befitting major, multi-volume publications which bring together dozens of theses from different disciplines to address important questions, the results of these projects have not failed to provoke strong reactions. The series have attracted a relatively large and mostly academic readership. They have frequently challenged the conventional wisdom of their day and brought new knowledge, ideas and approaches to bear on their subjects.

One such new idea was the suggestion in the *Postwar Reforms* project that the wide-ranging systemic changes carried out under the supervision of the Occupation forces were an inevitable part of the historical development of Japanese society and Japanese capitalism, and represented a dramatic reassertion of an historical current only temporarily interrupted by the war. The project suggested that these changes, while having characteristics specific to Japan and to the postwar period, were also to be seen as one expression of a general historical trend.

The *Welfare State* project also offered a new approach to an established area of research. It examined welfare and social insurance systems not from the 'internal' point of view of proposing policies but instead from a social science perspective. From a social science perspective, the systems were seen as changes in the nature of capitalism in the advanced nations under the impact of socialism following the First World War.

All the projects have been very much products of their time. By and large they have steered clear of uncharted waters, taking as their subjects well-established phenomena and problems. However, they can modestly claim to have played a useful role in organizing existing ideas and knowledge and adding new perspectives.

As the *Contemporary Japanese Society* project was being completed in 1991 and 1992, the question of whether to pursue another Institute-wide project or instead to pursue several medium-scale projects which would follow one another into publication, was often debated. Although various arguments were made on either side, many Institute researchers were greatly attracted by the proposal for a large-scale project called *The 20th Century System - Formation and Fluctuation*.

### *What is the 20th Century System?*

The 20th century system is the global political and economic system which went through two world wars, stabilized in the 1950s and 60s before entering a period of adjustment ('fluctuation') towards the end of the century. Whether to call this the 20th century system or something else is

*"This project is the most difficult the Institute has attempted to date"*

## The 20th Century System *continued*

simply a question of terminology; what we are interested in is the global political and economic system itself. The project does not start out by defining the 20th century system. Instead, it is expected that an idea of what the system is will emerge during the course of the research.

The word 'system' denotes a whole with a particular rationality which is made up of elements performing various functions. These elements in turn relate to and complement each other. The most important elements in the 20th century system are nation-states. However, nation-states are not unique to the 20th century, having already been well-established in 19th century Europe. What makes the 20th century different is the central role played by the United States - the brain and heart of the system - with its exceptional domestic political and social structures. The United States government was central in 'designing' the system, and the United States ensured that the system continued to run smoothly.

This 'designed world system' was of course forced to maintain and develop itself in a state of mutual containment with the opposing force of socialism. Taking an overall view of all the elements, we can see the world political and economic systems being designed and corrected, and countries joining and breaking away from the system. The two systems complement each other, with the political system keeping the economic system running smoothly and the economic system providing stability to the political system.

It is important to break down the 'designed system' as accurately as possible into sub-systems, and to identify as exactly as possible the internal elements of the sub-systems or of the nation-states. Equally as important, however, is the synthesis of the results of this breakdown analysis into recognizable sub-systems and finally into a world system. One major problem faced by the project has been how to carry out the breakdown analysis and the synthesis in parallel.

A special feature of the project is its examination of Japan's high-speed growth to become a major economic power and the rapid growth of other Asian countries as important elements which have caused fluctuations in the world system.

### *Methodological Difficulties*

This project is the most difficult the Institute has attempted to date. The difficulty lies not only in looking back and reaching a conclusion about the nature of the 20th century at a time when the world is undergoing extraordinary changes which make it impossible to see any distance into the future. There is also the problem that the very methods of social science, itself a product of modern society, are now being questioned.

Previous joint research projects did not concern themselves with this problem. Participants working from their own methodological positions - Eurocentric, Marxist, and so on - attempted to compare and synthesize their findings. The Western perspective adhered to by the early projects such as *Basic Human Rights*, became less dominant down the years, and at the same time the limitations of Marxist methodology were also exposed. The most recently completed project, *Contemporary Japanese Society*, consciously attempted to place different methodologies in relation to one another. However, while the term 'companyism' did become a common term among participants, it proved impossible to shape it into an analytical key able to unlock Japanese society.

Social science today is expected to absorb the results of research using modern Western methods and to go beyond this to develop new methods. Accordingly, the *20th Century System* project does not take the view that each region occupies a position along a developmental trajectory at the peak of which stand the advanced Western nations. Instead, it views the former socialist countries, Asia, Latin America and other regions or blocs as self-organizing systems which are at the same time elements of a world system. It takes on board national and regional contexts and the feedback effects between them, and seeks to understand how the elements of the system relate to each other. So far this approach has not progressed beyond the proposal stage, however, and putting it into practice is far from easy.

*"What makes the 20th century different is the central role played by the United States - the brain and heart of the system"*

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*Progress so far*

The *20th Century System* project is now entering its second year. As in previous projects, monthly Joint Research Symposia were held during the first year to increase participants' understanding of the problems and ideas touched on by the project. At each meeting two participants (including researchers concurrently members of other institutions, visiting and part-time members) presented their ideas on how to approach the project or, where the 20th century was itself the subject, what kind of problems should be addressed by specialists in their various fields. The reports were followed by open discussions.

As a result of these symposia and of subsequent deliberations by the Project Committee, a research plan was drawn up in March 1993 outlining the main areas to be addressed by the project and the specific problems to be dealt with in each area. The areas are as follows:

- I The world order
- II Socialism
- III High-speed growth
- IV Democracy
- V Developmental systems
- VI Prospects

or alternatively:

- A Formation and development of the 20th century system
- B Fluctuations in the 20th century system
- C The economic system of growth and distribution
- D The legal and political system of growth and distribution
- E Developmental systems
- F Prospects

Researchers have now written their responses to this plan and expressed their intentions regarding participation in the project. By and large the responses have been very enthusiastic. We are currently organizing the division of labor and cooperation between research groups on the project, which has now entered its second phase. □

*Hashimoto Jurô, coordinator of the 20th Century System project, is Professor of Japanese Economics and Japanese Economic History at the Institute of Social Science.*

*Tsuchida Tomoko is associate coordinator of the project.*

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*Announcement*

Japan Association of Asian Political and Economic  
Studies

Annual Meeting 1994

せいけいがっかい  
アジア政経学会

*November 5-9, 1994*

*Hongô Campus, University of Tokyo*

Contact: Fujiwara Kiichi, Institute of Social Science, University of Tokyo

# Overview

## of Research Staff at the Institute of Social Science

### Professors

Abo Tetsuo · 安保哲夫	American economics; multinational enterprises
Banno Junji · 坂野潤治	Japanese political history
Harada Sumitaka · 原田純孝	Civil law; sociology of law
Hashimoto Jurô · 橋本壽朗	Japanese economics; Japanese economic history
Hiraishi Naoaki · 平石直昭	History of political theory
Hirowatari Seigo · 廣渡清吾	German law
Inamoto Yonosuke · 稲本洋之助	French law
Kase Kazutoshi · 加瀬和俊	Japanese economic history and economics of fisheries
Kawai Masahiro · 河合正弘	International finance; Japanese finance
Komorida Akio · 小森田秋夫	Russian and Polish law
Kondô Kuniyasu · 近藤邦康	Chinese intellectual history
Kudô Akira · 工藤章	German economics; history of international business relations
Miyazaki Yoshio · 宮崎良夫	Administrative law
Môri Kenzô · 毛利健三	British economic history
Nihei Takeo · 二瓶剛男	Soviet economics
Nishida Yoshiaki · 西田美昭	Japanese economic history
Nitta Michio · 仁田道夫	Labor relations
Shibuya Hiroshi · 渋谷博史	American economics and finance
Tabata Hirokuni · 田端博邦	Labor law
Tanaka Nobuyuki · 田中信行	Contemporary Chinese law
Wada Haruki · 和田春樹	Russian and Soviet history

### Associate Professors

Fujiwara Kiichi · 藤原帰一	International politics; Southeast Asian politics
Hirashima Kenji · 平島健司	Modern German history
Hiwatari Nobuhiro · 樋渡展洋	Contemporary Japanese politics
Kikkawa Takeo · 橘川武郎	Japanese economics; Japanese economic history
Morita Osamu · 森田修	Civil law; history of private law
Osawa Mari · 大澤真理	Social policy
Sakaguchi Shôjirô · 阪口正二郎	Constitutional law
Suehiro Akira · 末廣昭	Asian economics
Tajima Toshio · 田嶋俊雄	Contemporary Chinese economics

### Research Assistants

Hara Takeshi · 原武史	History of Japanese political theory
Hirata Takeshi · 平田武	Hungarian political history
Hirano Ken · 平野健	American industry and business
Kadomatsu Narufumi · 角松生史	Administrative law
Karita Shinji · 芹田真司	Political theory; history of political theory
Kotani Masao · 小谷真男	Modern Italian history
Nakamura Naofumi · 中村尚史	Japanese socio-economic history
Nakanishi Satoru · 中西聡	Japanese economic history; history of Japanese management
Shindô Hyô · 進藤兵	Political processes; urban politics
Wakita Shigeru · 脇田成	Macroeconomics



# Overview

## of Foreign Researchers at the Institute of Social Science

(July 5, 1994)

### *Visiting Professor*

Malcolm Falkus                      UK                      Thai economic history

### *Foreign Researchers*

David Campbell	US	Life cycle behavior and savings in Japan
Chang Pei-chen	Taiwan	Economic development of China and Taiwan
Chang-hee Lee	South Korea	Organizational characteristics of Japanese companies
Chou Shou	China	The growth and modernization of social awareness in Japan
Peter Dauvergne	Canada	Japan-Southeast Asia economic relations
Andrew DeWit	Canada	Japanese tax politics
Harald Fuess	Germany	Japanese family history
Timothy George	US	Minamata politics
Arne Holzhausen	Germany	Japanese production systems
Krzysztof Karolczak	Poland	Democratization and economic reforms in Japan and E. Europe
Kim MiSook	South Korea	Woman and work in South Korea and Japan
Chigusa Kimura-Steven	Japan	Japanese society in the 1950s and 60s
Cornelia Hedwig Kriesel	Germany	Japanese ODA and women
Lee Yun-Taek	South Korea	Labor policy in Japan and the West
Patrick Koellner	Germany	Japan-Korea relations in the 1990s
Song Joo-Myung	South Korea	Japanese investments in ASEAN countries
Stephen Kotkin	US	Siberia in the 20th century
Stephan Kunze	Germany	Japanese stock markets in the 1980s and 1990s
Sylvano Mahiwo	Philippines	Methods of teaching contemporary Japanese politics
Mark Tilton	US	Anti-trust policies in Japan and the US
Keiko Yamanaka	Japan	Immigrant workers and immigration policy in Japan
Yul Sohn	South Korea	State and market in 1930s Japan

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# Paradigms Lost

## History in the Post-Postwar Era

CAROL GLUCK

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History, like social science, is in a self-reflective mood just now. Post-cold war, postcolonial, postmodern — an accumulation of “posts” brought the twentieth-century to a close a decade before its allotted time and drew new lines between the past and the present. Neo-conservative Americans discussed the “end of history.” In Eastern Europe it was the “rebirth of history.” And The Institute of Social Science at the University of Tokyo modestly embarked on a project to study the rise and fall of the “twentieth-century system.”

As a historian assigned the topic of “historywriting in postwar Japan,” I was for-

*“the greatest common challenge is the need to reclaim a political vision that transcends the paradigms of high modernity”*

tunate to join the spirited ranks at *Shaken* at a time when, depending on one’s point of view, scholarship around the world had either lost its analytic moorings and was adrift, or had been liberated from its conceptual tethers and was free to plot a new course. Japanese historians of modern Japan, my main concern, generally took the pessimistic view: postwar Japanese historiography was whimpering to an end. Dynamism lay elsewhere, in Western, Asian, or world history perhaps, but not in *Nihonshi*, with the sometimes remarked upon exception of the medieval period.

This sense of stillness in the precincts of modern and contemporary history stands in striking contrast to much of the rest of the world. As a discipline, history is resurgent in the U.S. and parts of Europe, where the social sciences seem shop-worn from heavy functionalist or cold-war use. As a social force, history marches in service of ethnic identity and the rights of women, minorities, and the otherwise excluded. As national identity, history is the vehicle for both postcolonial and postcommunist national assertion. History is evoked in the name of new politics in South Africa and old hatreds in the Balkans. For better and for worse, the 1990s are saturated with history. Why is Japan, a society renowned for

its national past-mindedness, suddenly so parched?

Or is it? It seemed important to consider this question, lest my assigned chapter in the new *Iwanami kôza: Nihon tsûshi* turn into a dirge for postwar historiography. The perception of the mortality of the field of Japanese history derives in the first instance from the strength and persistence of the progressive historiography that had begun with insurgent prewar marxism and flourished in the postwar academy. Identified with the prospect for radical reform immediately after the war and subsequently with a tenacity of opposition to the emerging conservative status quo, progressive history epitomized the ideals of Japan’s “postwar.” A remarkable generation of historians emerged, including Marxists like Ishimoda Shô and late moderns like Maruyama Masao, who ranked with the postwar greats elsewhere, Fernand Braudel, E.P. Thompson, and the rest. With the present worldwide intellectual rush from Marxism and the Left, which I find both unseemly and unwise, it seems all the more pertinent to stress the contributions to politics and scholarship made by the Japanese marxist historians of the postwar period.

The potency of the progressives, which gradually waned by the 1970s, has now dwindled almost to nothing. Their strong and committed presence, which lasted longer than the proverbial single generation of scholarly dominance, outlived the possibilities of the politics they professed. In a conservative society consecrated to the status quo, their successors were left with a vacuum of vision that has sucked the vitality out of Japanese history. With neither utopia nor dystopia, but only a non-topia to animate their work, theirs is the loss of hope for the political modern.

The experience of politics and paradigms lost is not unique to Japan; it is a widespread advanced-country dis-ease. What has driven the dynamic of history elsewhere is not politics per se, but social empowerment. What I call the “new new social history” in the West wields history to advance the cause of women, ethnic and gay minorities, and the whole multicultural gamut which seeks to relocate difference in the social, and therefore political, center, effacing the old center, which insisted on homogeneity and exclusion of dif-



*"In this period of free-fall between the twentieth-century past and the post-everything future, there are surely signs of life that suggest flowerings to come"*

ference. Whatever their success in their various causes, there is no doubt that these adherents, as well as their counterparts in the postcolonial world, have the fire in the belly that makes history worth writing and fighting for.

The new social history that has thrived in Japan in the past decade is, in contrast, often more medieval than modern in time period, as if modernity did not allow for social empowerment apart from the state. The social history written of modern Japan clusters at the margins of society, in an effort to give voice to the excluded, rather than to bring them to the center, which is occupied by the mythic homogeneity of the middle class. The state so dominates the stage of modern Japanese history that even when history is not written from the top down, it is written *against* the top; political empowerment for the people must be wrested from the main protagonist, which remains the state. This stance is a product of history, not of historians. Just as Habermas's idea of the "public sphere" arose in a Germany of a certain time and type, each society generates the concepts it can handle.

This suggests that different places grow different histories from the ground of commonality of shared global/local experience that characterizes the post-twentieth-century world. Despite the loss of the progressive paradigms, the obstacles to empowering social history, and the sense of lassitude in the field, Japanese history is unlikely to close up shop. While the nation-state exists to plague us, there will be national history, and even without the national imperative, people will insist on having their past.

In this period of free-fall between the twentieth-century past and the post-everything future, there are surely signs of life that suggest flowerings to come. Re-placing Japan in Asia, and re-writing Asian history into Japanese history and vice versa, is one such sign. Romancing the region on the one hand, and localizing the domestic past on the other are historical trends that Japan shares with other parts of the world. And perhaps the greatest common challenge is the need to reclaim a political vision that transcends the paradigms of high modernity inherited from the nineteenth century and earlier. By the time the faculty complete their "institute-wide research" project on the twentieth-century system, we can hope that paradigms lost will have given way to politics regained. □

*Carol Gluck is George Sansom Professor of History at Columbia University, New York. She was Visiting Professor at the Institute of Social Science in 1993.*

#### *Announcement*

## International Association of Historians of Asia 13th Conference

*December 5-9, 1994*

*Sophia University, Tokyo*

# After the Earthquake Election

## *Rethinking the Role of the Bureaucracy*

HIWATARI NOBUHIRO

---

Suddenly we find ourselves thinking the unthinkable. After 38 uninterrupted years in power since their creation, the Liberal Democrats were last year replaced by a coalition government.

As the furore in the media rages on, we political scientists remain pondering: what has actually changed? The answer to this will determine how far we have to revise our previous research on Japanese government, research in which one party dominance was taken for granted. Will prevailing views of the Japanese state survive the recent changes, or are current developments so superficial they warrant no reflection on the part of the profession?

Chalmers Johnson's analysis of MITI, working within the premises of the bureaucratic-state tradition, set the agenda for a whole generation of political economists and made industrial policy the most popular topic in political studies of Japan. Johnson's basic assumption, which was complemented by John Zysman's notion of Japan having a credit-based price-administered financial system, was that state-led industrial development and adjustment were possible in the Japanese state because "bureaucrats rule, politicians reign". This view and its premises have been successfully challenged, both by researchers questioning the power of the state vis-à-vis market agents, and by others claiming that professional politicians have gained power over the bureaucrats. Can these revisions survive current changes in Japanese politics?



*"we political scientists remain pondering: what has actually changed?"*

### *Still the Era of the Capitalist Developmental State?*

The major contribution of the "revisionist" view of state-led industrial policy is to "bring the market, or market actors, back in." David Friedman, Kent Calder, Daniel Okimoto and Richard Samuels, to name a few, have successfully refuted the idea that an omnipotent bureaucracy shapes the economy according to its own designs.

The problem is, however, that these works do not grasp the inherently Janus-faced nature of the Japanese bureaucracy. Apart from their developmental side, economic agencies such as MITI and the Ministry of Finance (MOF) have also maintained a clientelistic side toward less competitive smaller firms or banks. Friedman, for example, neglects to ask who established the financial institutions for smaller businesses which he admits were crucial in the development of the machine tool industry. Similarly, Calder should consider who created and protected the special kind of bank (long term credit bank) that he asserts is the headquarters of "corporate-led strategic capitalism". It is inconceivable that a developmental strategy could endure if it only favored big corporations in promising industries at the price of small firms and banks, of which Japan has no shortage. That the public Japan Developmental Bank helped "losers" instead of "winners," a point made by both authors, is only proof that the state assigned separate banks for smaller businesses and profitable industries and did not allow public banks to encroach on the business of their private counterparts.

That MITI and MOF are not omnipotent and that industrial policy has always been a compromise between the state and market actors are respectable arguments. However, the division between public and private that these authors employ is too sharply drawn, given the state's role in constructing the market.

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### *Still the Era of "Politicians-Stronger, Bureaucrats-Weaker?"*

Objections to the omnipotent bureaucracy theme have also been raised by a group of Japanese scholars led by Muramatsu Michio, Satô Seizaburo and Inoguchi Takashi. They popularized the idea that the Dietmember policy tribes (*zoku giin*) of the ruling party have gained control over the bureaucrats by matching them in policy expertise (hence the phrase "politicians-stronger, bureaucrats-weaker"). As a result, they argue, Japan has become more "pluralized", with politicians representing diverse societal interests.

Yet the bureaucracy is 'Janus-faced', coordinating conflicting interests within a relatively exclusive policy circle under its jurisdiction and thereby avoiding political intervention mobilized by dissatisfied interests. Hence one has to be skeptical concerning the extent to which professional politicians are able to control the bureaucracy.

The increasing effectiveness of individual politicians in reacting to bureaucracy-formulated policies as representatives of interests not fully co-opted in the process is a very different matter from parties initiating bold policy alternatives. The politicians-stronger approach does not contradict but in fact complements the idea that

policy making is carried out within relatively closed circles, with the bureaucracy functioning as discreet gatekeepers. Politicians are relied upon by social groups because they can guarantee access to such policy circles to those that can mobilize votes.

*"one has to be skeptical concerning the extent to which professional politicians are able to control the bureaucracy"*

Furthermore, the focus on the policy committees of the ruling party as the key institutions for *zoku* politician-interest group influence, ignores vertical coordination and mutual reliance within the government bureaucracy. Little mention is made of how conflicting policies endorsed by such committees are aggregated by higher echelons of the state. If government agencies want to avoid being captured by outside interests and/or *zoku* politicians, they can do so by citing the need to maintain balanced budgets, policy coherence, or the power of countervailing interests. This might be why a bottom-up policy making system has been rigidly adhered to in Japan. Under this system, lower echelons of the bureaucracy mobilize interest groups and *zoku* politicians to gain support for their policies from higher echelons or budgetary authorities. But, Janus-faced, they also turn around and unite with their superiors or budgetary authorities in citing policy or political constraints in order to counter the demands of their clients. In this way the autonomy of the agency is maintained.

Finally, the most powerful LDP policy committees are those directly related to constituency services, namely Agriculture, Construction, and Commerce and Industry. It is mainly such distributive issues that motivate politicians to compete with each other to modify bureaucratic policies. This meshes with the notion that an individual candidate's personal election office (*kôenkai*) has become increasingly important to his or her chances for (re)election.

In the light of politicians' selective interests, what role do political parties play in laying out coherent policies to govern the Japanese economy? The strengthening of *zoku* politicians and the decentralization of political parties might actually mean a *decline* in the parties' ability to formulate, and compete over, coherent policies independent of the bureaucracy. Debates on whether the politicians have become more powerful have distracted us from this fact.

### *Enter the Parties?*

We started by agreeing that the power of market actors and political parties have not been fully addressed in the developmental state approach. Then we saw how the claims made by the revisionists did not conflict with the notion that "bureaucrats rule," provided that we add two modifications: first, that the bureaucracy is Janus-faced, and second, that *zoku* politicians' influence over policy does not contradict the idea of parties being reactive and complementary to bureaucratic policy making.

"the recent change of ruling parties may be the result of reinforced bureaucratic-state rule rather than of popular demand for change"

## After The Earthquake Election *continued*

These insights give us a clue as to why the Liberal Democrats lost power despite distributing "compensation" to its supporters and despite strong support. (This is the topic I am currently researching). The insights also allow us to make three hypotheses regarding the political changes arising from the adjustments which Japan has been forced to make in response to increased international competition and the ageing society:

\* First, the Janus-faced bureaucracy initiated reforms that balanced the interests of big business with those of the self-employed and small business.

\* Second, politicians competed to deliver benefits to their constituents while political parties did not compete to mobilize the electorate with public policy alternatives.

\* Third, this led to a convergence of policy positions and the collapse of the radical left opposition, which created a situation wherein the Liberal Democrats, the center parties, and some of the Socialists could be regarded as a large centralist bloc. As a result it became much easier for politicians to defect from the ruling party.

Whether these hypotheses can be sustained remains to be seen. If they can, the irony is that the recent change of ruling parties may be the result of reinforced bureaucratic-state rule rather than of popular demand for change. Many features of the current Japanese political scene - diminishing policy differences between parties, marginalization of party competition in policy making, increased competition among individual politicians for constituent services, a weakening of party organization and discipline - remind us of Otto Kirchheimer's warning three decades ago about the decline of parliamentary opposition and the rise of competing catch-all parties.

The fact remains that political studies of Japan have not yet fully addressed either the symbiotic relationship between the bureaucracy and politicians or the role of political parties. We still need an understanding of the Japanese state. □

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John Zysman, *Governments, Markets, and Growth: Financial Systems and the Politics of Industrial Change*; Cornell University Press, 1983

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## American Political Science Association 1994 Annual Meeting

September 1-4, 1994

New York City, New York

Contact: Annual Meeting Preregistration, APSA, 1527 New Hampshire Avenue, NW, Washington DC 20036

### *Featured Sessions:*

### **Explaining the Transformation of Japan's One-Party Dominant Regime in a Changing World**

*Chair: TJ Pempel, University of Wisconsin, Madison*

**Leonard Shoppa, University of Virginia**

*Comparing the Impact of Gaiatsu Over Time: Clinton, Bush and the Effort to Pry Open the Japanese Market*

**Hiwatari Nobuhiro, Institute of Social Science, University of Tokyo**

*Critical Realignment? Socio-Economic Reforms and the Collapse of Left-Labor Opposition in Japan*

**Robert M. Uriu, Columbia University**

*After the LDP: Institutional Change and Policy Processes in Japan*

**Katô Junko, University of Tokyo**

*Exit, Voice and Loyalty of Party Members in Japan: The LDP Factions in Transition*

### **Party Systems in Transition**

**Moshe Maor, London School of Economics and Political Science**

*On the Structuring of Party Competition: The Impact of Maverick Issues*

**Richard Johnston, University of British Columbia**

*The Collapse of a Party System? The 1993 Canadian General Election*

**Hiwatari Nobuhiro, Institute of Social Science, University of Tokyo**

*The Changing Japanese Party System and the Political Economy: Critical Dealignment or Re-alignment?*

# Japanese Society and Japanese Law

## A Different Approach

### SAKAGUCHI SHOJIRO

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I have been given the task of writing about the study of law in Japan. The safest way to approach such a huge topic would probably be to describe how research in a particular area of law is developing in Japan. But this is the very first edition of a newsletter carrying to English-speaking scholars information regarding the activities of the Institute of Social Science, an institute which carries out comparative and historical research across three fields of social science - economics, political science and law. Therefore I shall try to assess recent developments in the analysis of Japanese society from the perspective of legal studies.

Contemporary Japanese society has several characteristics not shared by other capitalist states. The long one-party rule (until very recently) of the Liberal Democratic Party, the excessive workload on many workers which can even lead as far as 'karôshi' (death by overwork), and the fierce competition to pass examinations which governs the daily lives of Japanese schoolchildren, are all such characteristics. It is fair to say that the Japanese social sciences have until now put all their energy into analyzing such unique structures of Japanese society. The traditional explanation most frequently offered by social scientists for these unique structures has been that Japanese society is a pre-modern, 'latecomer' society, in other words that civil society in Japan is immature. Law has been no exception; both the modernist *History of the Development of Modern Law* series, edited by Kawashima and published shortly after the Second World War, and the Marxist 'theory of contemporary law', developed in the *Contemporary Law* series published by Iwanami in the 1960s, depicted Japan as lagging behind a universal model of capitalist law derived from the state of law in Western societies at the time.

However, in these arguments, all the special characteristics of Japanese law which had been identified using models based on the study of Western law were pigeon-holed under the label of Japan's 'backwardness', and not analyzed further. But it became impossible to explain Japan's special legal characteristics by pointing to her 'backwardness' when Japan, by virtue of her remarkable postwar economic performance, was at least economically the 'most advanced nation'. It would seem more rational to try to establish the relationship between Japan's special legal characteristics and the character-

istics which enabled continuous and rapid economic growth to take place.

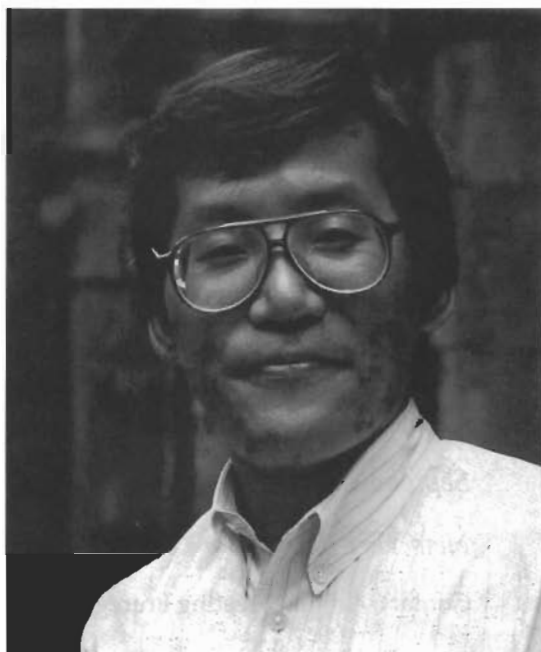
The Institute of Social Science's *Contemporary Japanese Society* research project did not analyze the special features of Japanese society via the 'backward Japan' idea. Rather, the project used 'companyism' (*kaishashugi*) as a key

concept in accounting for Japan's rapid economic development. The 'companyism' approach works on two levels. On the first level, that of the firm, key features of contemporary Japanese companies - for example, their cohesive power vis-a-vis their workers - are examined. On the second level, overall social structures are examined, paying particular attention to the ability of Japanese companies to exert strong control over society and the state as a result of the key features examined on the first level. For example, Watanabe Osamu, a leading member of the research project, calls this contemporary Japan society in which 'companyism' has developed an 'enterprise society' (*kigyô shakai*), where the law's autonomy is relatively weak, where laws restricting capital accumulation are hamstrung, and where the role of law is biased towards economic growth rather than the distribution of wealth.

Arguments such as Watanabe's take a completely different approach from the Western theory of 'creeping legalism'. The latter contains two strands which start from completely different philosophical positions, namely conservative criticism of the expansion of laws hindering economic growth, and left-liberal criticism of what Habermas called the "colonization" of personal life by the law - with its attendant threats to civil liberties. But both strands analyze the excessive role of law in the welfare state. In contrast to this, research seeking to establish the nature of law in contemporary Japan by identifying Japanese social structures using concepts such as 'companyism', 'the enterprise society' or 'government by enterprise', analyzes critically the restricted role played by law. This research shows that, in Japan, law has lost the power to regulate the economy.

This trend towards the analysis of Japanese law from a new standpoint is gradually penetrating sub-fields such as labor relations law and judicial review. The approach is being developed by several academic societies, in particular the Law Section of the Association of Democratic Scientists. Interested readers can follow the progress of the Association's research in the journal *Science in Law*. □

*Sakaguchi Shôjiro is Associate Professor of Constitutional Law at the Institute of Social Science.*





# Organized Markets in Japan

## *An Attempted Assessment and Typology*

KIKKAWA TAKEO

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### *The 'Closed' Japanese Market*

International interest in the 'closed' nature of the Japanese market is growing. The Japan-US Structural Impediments Initiative (1989-90), which focussed on market opening, bore witness to this. The problem of the 'closed' Japanese market lies in the existence of a large gray zone within which two - in theory mutually contradictory - principles, the market principle and the organization principle, are mixed together. This gray zone is known as the 'organized market'. The market, in essence, is a place which members can enter and leave freely and where they can freely make exchanges, with price as the most important signal and with maximization of profits or benefits as the most important motive. The organization, on the other hand, is a place where a fixed set of members carry out transactions, their behavior steered ultimately by orders backed up by authority. According to conventional, two-dimensional theory the market and the organization are incompatible. The problem is that in every sphere of economic activity in Japan we find organized markets which conventional theory has great difficulty in explaining.

This article does not address the problem of why organized markets have developed in Japan. Instead it deals with the question which must be answered first: what kind of organized markets actually exist in Japan? In fact the term 'organized market' covers a multitude of sins. The word *keiretsu*, heard so frequently at the Structural Impediments Initiative talks, is also used to mean a variety of things, and this is one reason why negotiations between Japan and the US so frequently seem to fail to come to grips with the problems at hand.

### *A Typology of Organized Markets*

An empirically derived typology of organized markets currently existing in Japan is shown below. The classifications are based on the existence or non-existence of transactional and hierarchical relationships.

Subcontractor relationships (Aa1) are found frequently in such areas as components supply for machinery industries, for example the relationship between Toyota and the 171 members (in 1984) of the Kyôhokai group of subcontractors. Distribution keiretsu (Aa2) can be further subdivided into

#### **Typology of organized markets in Japan**

##### **A Structures based on transactional relationships**

###### *a Structures with hierarchical relationships*

###### 1 Production process related structures:

Subcontractor relationships (Aa1)

###### 2 Distribution-related structures:

Distribution keiretsu (Aa2)

###### *b Structures with partial hierarchical relationships*

Financial keiretsu (Ab)

###### *c Structures without hierarchical relationships*

Long-term relational transactions between equals (Ac)

##### **B Structures partially based on transactional relationships**

Business groups (B)

##### **C Structures not based on transactional relationships**

Trade associations (C)



*"in every sphere of economic activity in Japan we find organized markets which conventional theory has great difficulty in explaining"*

vided into manufacturer-led structures (Aa2i; often found in automobiles, consumer electronics, pharmaceuticals and cosmetics); wholesaler-led structures

(Aa2ii) and retailer-led structures (Aa2iii). Financial *keiretsu* (Ab) denotes the relationship between the so-called main banks and the companies being financed, but the former only intervene in the management of the latter when the latter run into severe difficulties. The main banks are therefore justifiably known as 'family doctors'. Long-term relative transactions between equals (Ac) is found particularly where basic intermediate goods are sold between large companies, for example steel sold to Toyota by Nippon Steel.

'Structures partially based on transactional relationships' (B) refers to the six large business groups: the Mitsui, Mitsubishi, Sumitomo, Fuyô (Fuji Bank), Sanwa Bank and Daiichi Kangyô Bank Groups. Within these business groups there exist long-term transactional relationships between the financial institutions (banks etc.) and the other member companies, and between the trading companies and the other member companies. However such long-term transactional relationships do not necessarily exist between member companies which are neither financial nor trading companies. The central aim of the groups is to stabilize stock ownership, achieved by cross-shareholding, rather than to trade capital or goods. Business groups, in other words, are closely related to but not the same as financial *keiretsu*.

Trade associations (C) are not based on transactional relationships but are formed by 'rival' companies. Industrial policies carried out by the Japanese government (C') perform the same function as trade associations in that they regulate market mechanisms in specific industries.

Table 2 lists some important literature examining organized markets, trading relationships and business groups in Japan.

### *The Need for Precise Terminology*

An understanding of the kind of organized markets that exist in Japan is vital for an understanding of why organized markets came into being (or, to put it another way, what functions organized markets fulfill). The term *keiretsu* has until now been used to denote all the relationships hierarchicalized as Aa1, Aa2, Ab and B above. This imprecision makes it impossible for the argument about the 'closed' nature of Japanese markets to move forward. My purpose here has been merely to break through the impasse. At some further opportunity I would like to examine the functions of organized markets in Japan. □

*Kikkawa Takeo is Associate Professor of Japanese Economics and Japanese Economic History at the Institute of Social Science.*

#### Organized markets:

Imai Ken'ichi, Itami Hiroaki and Koike Kazuo, *The Economics of Internal Organizations* · 内部組織の経済学; Tôyô Keizai Shinpôsha, 1982

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# Annual Conference of the Business History Society of Japan

けいえいしがっかいだいい かいたいかい  
経営史学会第30回大会

## "Business History and Postwar Americanization"

せんごけいえいし かだい  
戦後経営史とアメリカナイゼーション (仮題)

November 12-13, 1994

Masaru Ibuka International Conference Center

Waseda University, Tokyo

Contact: Professor Hara Terushi, Faculty of Commerce, Waseda University

### Featured Papers:

**Sunada Kinzaburô, Kokugakuin University**

*American Management Systems*

アメリカの経営システム

**Sasaki Satoshi, Shizuoka Prefectural University**

*Productivity Improvement Drives in Postwar Japan*

にほん せいさんせいこうじょううんどう  
日本の戦後生産性向上運動

**Shioji Hiroshi, University of Kyoto**

*Toyota and the Introduction of American-Style Management*

トヨタとアメリカ式管理の導入

**Kudô Akira, Institute of Social Science, University of Tokyo**

*Americanization and Management in Postwar Germany*

ドイツの戦後経営とアメリカナイゼーション

**Hara Terushi, Waseda University**

*Americanization and Management in Postwar France*

フランスの戦後経営とアメリカナイゼーション

# Researching Economic Transition in Russia and Japan

ELENA LEONTIEVA

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## *The Need for Comparative Research in Post-Soviet Russia*

In early 1994 I spent three months as visiting professor at the Institute of Social Science. My research compared the postwar economic reforms in Japan under the Allied Occupation with the current economic reforms in post-communist Russia.

I belong to a small but cohesive group of Russian specialists in the Japanese economy. Russia is one of the few countries in the world which has a well-established tradition of Japanese studies and a school of research in the Japanese economy. However our works, written in Russian and addressed to Russian readers, are practically unknown outside Russia, partly because of the language barrier but mostly due to the long isolation from academic exchange under the Soviet regime. Inside Soviet Russia we were also separated by perceptual barriers from experts in the Soviet planned economy who applied a different set of economic ideas to an economic reality fundamentally different from that of Japan.

But recently, under the new reality of post-communist Russia, the social role of our knowledge has changed. Public attention has been attracted to postwar Japan and Western Europe's experience of transition from command to free market economies. Practical information on foreign experiences is required in such key areas as macroeconomic stabilization, disposal of state-owned property, competition policy, protectionism, and industrial policy. Until recently, however, knowledge of the Japanese experience among our readers, if it existed at all, was taken from badly distorted accounts in books and articles published in the early 1950s, at the beginning of the Cold War.

## *Researching Japan's Postwar Transition*

Prompted by this need for comparative research on economic transition, I set about gathering such documents and publications on the history of the Allied Occupation of Japan as were available in Russia, and wrote a brief account of the postwar reforms. This account was received with some interest. I wanted to go on to compare Japan's historical experience with Russia's present situation. However, I was fully aware of the fact that I would need access to some basic documents of the Allied Occupation as well as to new Japanese publications.

I was therefore very pleased to get a chance to work at the Institute of Social Science, to use the library and to discuss the issues of transition from planned to market economy with Japanese economic historians and with experts on the Russian economy. I enjoyed the friendly atmosphere at the Institute. The librarians were extremely helpful, and I found everything I needed either in the Institute's library or in the Faculty of Economics library nearby.

Having access to the full scope of literature and documents, many of which are not available in Moscow, enabled me to make some observations which may guide me in formulating my plans for future research.

On arriving in Japan I was amazed at the abundance of economic literature on the problems of transition. Japanese economists have published a score of books on the Russian economy, to say nothing of the economy of China. In libraries and bookstores in Tokyo I came across over thirty books in English on the economic and social problems of transition in Russia and Eastern Europe. Some treat these problems in a



general way, others deal with specific issues such as privatization or monetary policy. There are scores of articles in Japanese and in English. The whole picture suggests that comparative studies of transition are becoming a promising, world-wide field of economic research.

## *Shortcomings in Research on Economic Transition*

However, like any new field the research into economic transition lacks differentiation. I feel that the experience of transition in Japan and West Germany can contribute very little to our understanding of the trials and hardships of economic reforms in Russia unless a clear distinction is made between two basic models of command economy: the wartime organization of capitalism and the centralized planning organization of socialism. I failed to find this distinction in the current literature. However, without understanding this difference any official recommendations to Russian policy makers based on the postwar experience of Japan will miss the point. After the disintegration of centralized planning, an institutional vacuum has been created in post-communist economies: there are no financial markets for effective allocation of investments, and industrial enterprises are unable to recognize and respond to limitations of demand. New institutions have to be created virtually from zero. Until these institutions begin to work, deflationary policy will be ineffective, making a prolonged and painful period of inflation unavoidable.

Another problem is that the genesis of the planned economy in the Soviet Union has

*"I was amazed at the abundance of economic literature on the problems of transition"*

been so thoroughly erased from the Russian memory that it is totally unknown even to Russian economists. Neither do they know the historical evolution of the socialist economic system. I believe that the general economic history of the history of the 20th century is incomplete without an inquiry into this problem. As a Japanologist I feel I have to attempt this task, at least on a limited scale, in order to provide my Russian readers with a comprehensive study of the wartime organization of the Japanese economy.

### *Gaps in Japanese Research on Transition*

While studying at the Institute of Social Science I saw a flood of new books on the postwar reforms in Japan, and some reprints of documents: memoirs of Okita Saburô and Arisawa Hiromi, documents of the Economic Stabilization Board, histories of industrial policy, and a book on postwar reforms edited by Kôsei Yutaka and Teranishi Jurô which was especially tailored to the interests of readers in post-communist countries.

However, there are at least two major gaps in these publications. One missing point is the story of the failure to break up the large banks under the *zaibatsu* dissolution program. If the large banks had been dissolved the results of economic reforms might have been quite different. During the postwar recovery and the high growth era, Japanese corporations depended heavily on the financial mediation of large commercial banks.

The other lacuna is the story of the financial reorganization of industrial corporations under high inflation. This program, implemented by GHQ/SCAP, restored the solvency of Japanese companies, and helped to bring down the rate of inflation which was decelerating even before the Dodge reform. I was surprised to find even Japanese economic historians unfamiliar with these aspects of Japanese economic history.

In conclusion, I plan to use the information and insights gained during my stay at the Institute to present a complete history of Japan's postwar reforms to my Russian readers.

□

*Elena Leontieva is Senior Researcher at the Institute of World Economy and International Relations, Russian Academy of Science, Moscow*

*She was Visiting Professor at the Institute of Social Science in early 1994.*

### *Announcement*

## Association of Japanese Intellectual History Annual Conference 1994

しそうしがっかい  
日本思想史学会 1994年度大会

### State and Emperor in Periods of Transition

てんかんき ことごとく てんのう  
転換期における国家と天皇

October 22-23, 1994

Faculty of Literature, Tohoku University

# Lecturing at the Free University of Berlin

## MIYAZAKI YOSHIO

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Beginning in April 1993 I spent six months at the East Asian Research Institute of the Free University of Berlin under the academic exchange program that university has with the University of Tokyo. Fifteen years had passed since my previous visit to Germany, which I had spent researching German administrative law at Erlangen-Nuremberg University in the southern state of Bavaria. However, this time my purpose was to give lectures on Japanese constitutional and administrative law to students specializing in Japan.

At Erlangen-Nuremberg I spent nearly all my time with professors, assistants and students in the law faculty, and met almost no one with an academic interest in Japan apart from a Japanese woman in charge of Japanese language teaching. When I arrived at the Free University of Berlin I was therefore very surprised to find such large numbers of students studying Japan. The East Asian Research Institute, according to its head professor, has nearly six hundred students studying Japan either as their main or subsidiary subject. This figure seems small when one considers that the university has some sixty thousand students, but taken by itself it shows that a considerable number of students are studying Japan.

At the Institute I lectured twice a week on Japanese constitutional and administrative law. The first lecture each week dealt with 'Japanese governmental and administrative systems', and described the legal systems related to Japan's constitutional and administrative law; for example, the creation and postwar revision of the constitution, the legal position of the Emperor, the abolition of the prewar administrative court system, the postwar reforms in the judicial system, administrative organizations, anti-pollution and environment laws, tax laws, and the administrative litigation system. The other lectures discussed concrete problems in Japanese constitutional and administrative law, such as the attitude of the Supreme Court towards the legislature and the executive, the control of the judiciary by the Supreme Court, the ap-

*"The dynamism of its professors and lecturers is certainly remarkable"*

proval of school textbooks, as well as arguments about the constitutionality of the Self-Defense Forces and administrative guidance (*gyōsei shidō*). My aim was to increase the basic knowledge of Japanology students regarding Japan's political and legal systems, and also to arouse their interest in the wider political and legal problems facing Japan.

What impressed me above all in my contacts with the students was the wide variety of problems concerning Japan in which they are interested. Japanology is usually associated with the study of Japanese literature or Japanese culture; but at the East Asian Research Institute I met not only students aiming to do research in those traditional fields, but also many students interested in Japan's economy and politics who were planning to research Japanese society from a social science perspective. I was also surprised to find academic interest not only in Japa-



nese management, small businesses, development assistance, and so on, but in such topics as Japan's environmental protection, labor relations, labor law system and administrative guidance.

I understand that the East Asian Research Institute is one of the largest research centres in Germany carrying out research on Japan. The dynamism of its professors and lecturers is certainly remarkable. However, a visit to the Institute's library gave me the impression that the Institute does not have a very great quantity of books and other materials. New books and materials seemed particularly few in number, something which can doubtless be attributed to the difficult financial situation in which German universities currently find themselves. Indeed, probably the greatest difficulty faced by students is that of obtaining academic information relevant to their field of study. Many go to great lengths to come to Japan to do research for their theses, but it is not possible to collect the necessary materials simply by coming to Japan without any specific aims. In order to improve academic exchange between Japan and Germany, a system is needed to supply academic information about Japan so that students and researchers in Germany are able to obtain at least some of the data they need there, and also so that when they come to Japan they are able to collect materials more efficiently. That, of course, is more a question for Japanese universities than for their German counterparts.

*Miyazaki Yoshio is Professor of Administrative Law at the Institute of Social Science.* □

*In the next issue of Social Science Japan...*

## "Echoes of Contemporary Japanese Society"

*Articles by:*

HASHIMOTO JURO

FUJIWARA KIICHI

OSAWA MARI

TABATA HIROKUNI

INAMOTO YONOSUKE

STEPHEN JOHNSON

NISHIDA YOSHIAKI

JONATHAN LEWIS

...AND OTHERS

*Planned Publication Date:*

November 30, 1994

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### *Announcements*

## Japanese Political Science Association General Meeting 1994

せいじがっかい  
日本政治学会

*October 1-2, 1994*

*Kansai University, Suita City, Osaka*

Contact: Fujiwara Kiichi, Institute of Social Science, University of Tokyo

## The Japan Association Of International Relations General Meeting 1994

こくさいかんけい  
日本国際関係学会

*October 22-23, 1994*

*Hongô Campus, University of Tokyo*

Contact: Fujiwara Kiichi, Institute of Social Science, University of Tokyo

# The New Institutionalism and Japan

## or How To Profit From the Current Fad for Rational Choice

ANDREW DEWIT

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Tales of improbable applications of rational choice models have become great ice-breakers at academic get-togethers. Less light-heartedly, Chalmers Johnson insists that rational choice epitomizes the institutional narrowness of the American mind, as it tries to fit Japan and other Asian societies into familiar ideological frameworks. Rational choice's almost evangelical pretensions to universalism do indeed deserve mockery, not to mention the disdain of those who struggle to stay somewhere between abject parochialism and a vacuously acritical cultural relativism. But in this space, I want to adopt a more charitable perspective. After sketching the background to the new institutionalism — which includes rational choice and its historical institutionalist counterpart — I will argue, somewhat blandly I fear, that contending with rational choice offers a marvellous incentive for deepening our institutionalist studies of Japanese politics and political economy.

### *The New Institutionalism*

The new institutionalism generally developed in reaction to the behaviouralist model that dominated the social sciences in the 1950s and 60s. The latter, ironically enough, started as a critique of an earlier institutionalism, one content to describe formal political-legal structures rather than examine the material bases of political action. Behaviouralism broke away by focusing on political behaviour and the actual — as opposed to formal — power-relations among agents.

Proponents of the new institutionalism generally recognize their indebtedness to behaviouralism's concern with the real world of politics. But they also believe that intermediate-level institutions have profound effects on individuals and groups, and that these influences are largely overlooked within a behaviouralist paradigm.

Where the new institutionalists disagree centres on how they view the influence of institutions. In general, institutionalists split into two groups, with the division marked by whether one believes rationality is a product of institutional circumstances or is an invariant aspect of utility-maximizing individuals. The former camp, often referred to as 'historical institutionalism,' argues that not merely the actions but the very preferences of indi-

viduals and groups are shaped by institutional structures. For example, Sven Steinmo maintains that Swedish corporatism and the long reign of the Social Democrats facilitated compromises among social interests, which among other things saw a comparatively light income tax burden imposed on capital in exchange for its productive use.

On the other hand, rational choice institutionalists derive their understanding of preferences from neo-classical economics. Individuals are thus believed to confront institutions as constraints on their capacity to maximize their own utility, which leads to the development of organizations for extracting as much benefit as possible from restricted circumstances.

Rational choice's streamlined methodology — a mathematization of Machiavelli — will never be matched for parsimony by its more disparate cousin. Historical institutionalism is eclectic and hence unsuitable for formal modelling. By contrast, rational choice applies a restricted set of concepts — rational self-interest, the principal-agent relationship — and essentially fills in the details.

Rational choice scholars argue that their institutionalism is applicable throughout the social sciences as well as across historical periods and political cultures. A quick scroll through an academic database shows rational choice models crammed onto a surprising range of periods and circumstances, including pre-capitalist and non-Western cases. In anthropological studies, for example, individuals can maximize their utility through securing prestige, or even additional wives. Yet the bulk of the literature focuses on the American government, especially the relationship between Congress and the bureaucracy — the object on which rational choice cut its teeth.

### *Institutionalism and Japanese Politics*

The first book-length rational choice study of Japan is Ramseyer and Rosenbluth's highly readable, if formulaic, *Japan's Political Marketplace*. Simply stated, the authors argue that Japanese political actors maximize their self-interest within the restrictive framework of the electoral system. The current multi-member electoral districts for the Lower House have shaped the once-hegemonic LDP's internal organization, especially its factions. Moreover, factions resolve other problems, such as fundraising and the promotion of intra-party political entrepreneurialism.

Ramseyer and Rosenbluth determinedly reject cultural influences, as such would undermine their theory's stress on the unchallenged primacy of rational self-interest. This is an analytically narrow approach; but if rational choice scholars force others to use the concept of culture more systematically, by stripping out the cobwebs of *nihonjinron* obscurantism spun by people like Nakane Chie and Doi Takeo, then they are doing a public service.

As to principal-agent relationships, Ramseyer and Rosenbluth argue the most significant principals are those groups of voters capable of monitoring their political agents, the governing party's members. Other principals include LDP members, for whom the party leadership performs such essential functions as ensuring policy coherence and restraining the centrifugal stresses of factionalism. Further, the LDP leadership is said to control its agent, the bureaucracy. Indeed, Ramseyer





*"if rational choice scholars force others  
to use the concept of culture more systematically...  
then they are doing a public service"*

and Rosenbluth insist that Japan's elite bureaucrats — in accepting lower salaries in exchange for the later lucre of an LDP-influenced *amakudari* — are virtually indentured operatives of the party in power.

This claim of course skips too quickly past the history and political sociology of Japan's state-society relations. Yet even in this gross reductionism rational choice can make a contribution, through pressuring more statist-oriented scholars to dig deeper for the institutional evidence to back up their arguments.

Institutionalist studies of Japan can only benefit if those who maintain that bureaucrats in Japan have always been more activist than their Anglo-American counterparts are forced to provide more sophisticated accounts of the institutions that legitimate and reproduce bu-

reaucratic influence. This work naturally goes well beyond pointing to the fact that Japanese bureaucrats write most of the legislation passed in the Diet and even draft and answer a lot of the questions asked there. Those practices provide important contrasts with the American case, but in fact America is institutionally quite unusual among the advanced capitalist democracies.

A more fleshed-out institutionalism would do well, for example, to revise earlier structural-functionalist and Marxist accounts of the role of Deliberation Councils (*shingikai*) and other forums where bureaucrats often successfully orchestrate a consensus based on their agency's own policy goals. We also need to relate such studies to MOF's capacity to set the margins for debates on revenues and expenditures, through its comparatively strong control over both these aspects of the budget.

Over time, rational choice is almost certain to be pushed towards a more sociologically aware institutionalism — its principals likely claiming such was their preference all along. Or perhaps its dogmatism will harden to the point where even neoclassical scholastics begin regarding it as unworldly. In the meantime, the broader institutionalism that is revolutionizing comparative politics can both flourish and be reminded of the need for a measure of parsimony by contending with its reductionist cousin.



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#### Summaries of institutionalism and critiques of rational choice institutionalism

Paul Cammack, "The new institutionalism: predatory rule, institutional persistence, and macro-social change"; *Economy and Society* Vol. 21 No. 4 (November 1992)

Roger Friedland and Robert Alford, "Bringing Society Back In: Symbols Practices, and Institutional Contradictions", in Walter Powell and Paul J. DiMaggio, eds., *The New Institutionalism in Organizational Analysis*; University of Chicago Press, 1991

Chalmers Johnson, "A Rational Choice?"; *The UCSD Guardian*, April 25, 1994

#### Historical institutionalism

Kathleen Thelen and Sven Steinmo, "Historical Institutionalism in Comparative Politics", in Sven Steinmo, Kathleen Thelen and Frank Longstreth, eds., *Structuring Politics: Historical Institutionalism in Comparative Analysis*; Cambridge University Press, 1992

Sven Steinmo, *Taxation and Democracy: Swedish, British, and American Approaches to Financing the Modern State*; Yale University Press, London, 1993

#### Rational choice and Japanese studies

J. Mark Ramseyer and Frances McCall Rosenbluth, *Japan's Political Marketplace*; Harvard University Press, 1993

Kohno Masaru, "Rational Foundations for the Organization of the Liberal Democratic Party of Japan", *World Politics*, 44 (1992)

## Coming to Japan? A Word about Computers

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For social scientists coming to Japan on research missions, computers are becoming an increasingly necessary tool. They help you to keep track of what information has been gathered and what still needs to be found; they allow you to dash down ideas stimulated by interviews or drinking sessions without adding to the inexorably growing pile of scrawled notes; they help you keep in daily touch with colleagues in your home country and around the world; they enable you to keep working on your thesis or book without waiting until you return home.

However, computers are also one of the greatest sources of worry for the social science researcher packing his or her bags before coming to Japan. The researcher is usually coming to Japan for a limited period and certainly doesn't want to waste time poring over manuals or rushing about trying to find someone with software and hardware able to read his or her data.

### Questions

Some of the commonest computer questions asked by social scientists coming to Japan are:

- Are there computers at the institution which I will be allowed to use?
- What kind of computers are they - will I know how to use them?
- Will there be anyone I can ask for help?
- Will the computer in Japan be able to read data I take to Japan, and will the computer in my home country be able to read data written on the computer in Japan?
- Will there be a printer available to connect to my notebook PC, and will I be able to get the printer driver for it?
- Will I be able to get Japanese software for my notebook PC?
- What if I can't read Japanese - will the software all be in Japanese?
- Will I be able to use electronic mail in Japan?

Of course the answers to most of these questions will vary depending on the host institution, and in any case it is beyond the scope of a one-page article to deal with them all. I hope it will be possible to address particular problems in more detail in future issues of *Social Science Japan*. However, as an opening salvo, here are some general tips to be borne in mind by any researcher coming to Japan.

### Tips

- **WRITE FIRST** Write to someone at the host institution about computing facilities before leaving for Japan.
- **ELECTRONIC MAIL** Despite her reputation as the Mecca of high-tech, Japan's telecommunications are way behind those in the West. This is equally true of Japanese universities, and especially of non-natural science faculties, where e-mail is still by and large the preserve of the computer enthusiast, and no smooth systems exist for giving accounts to overseas researchers. You might therefore find getting a user number a rather Kafkaesque experience. It's wise to initiate your application for an account as soon as possible.
- **WA-PURO OR PC?** Don't buy a Japanese word processor (*wâ-puro*) - no matter how slim and how many cute cartoons and sample business letters it has already stored in its ROM - without first checking that it can at the very least read and write to ASCII text files on DOS disks. Otherwise you will not be able to transfer data to other computers, and when the *wâ-puro* reaches the end of its life the only record of your data will be a yellowing print-out.
- **BACKUP** Even if you're bringing your own computer, and even if you've been told that all the hardware and software you use at home is available at your host institution in Japan, bring an emergency backup of really important data saved as ASCII (plain text) files on 3.5 inch 720K (double density 2DD) DOS disks. Just about any personal computer - IBM compatible, NEC 98 series, Mac etc. - can read 720K DOS disks, but high density (2HD) disks can be more problematic.

# The Asia Boom in Japanese Publishing

HIRAISHI NAOAKI



## *The Asia Books Boom*

Since the second half of the 1980s the Japanese publishing world has shown a remarkable interest in all things Asian. The numerous multi-volume series of research and lectures on Asia - a representative list of which is given below - bear witness to this 'Asia boom'.

Space does not allow a list of individual books on Asia published in Japan, which have recently included a large number of translations of overseas writing on Asia. Many of the latter, for example E.W. Said's *Orientalism* and P.A. Cohen's *Discovering History in China* (published in Japanese in 1986 and 1988 respectively), take issue with traditional research on Asia, while others undertake a re-evaluation of Asian traditions.

Behind this 'Asia boom' lies a large number of political, economic, intellectual and academic changes in Japan and Asia as a whole.

## *Political and Economic Factors*

There are two aspects to the political and economic factors behind the 'Asia boom'. First is the economic success of the East Asian newly industrialized economies (NIES), and second is the increase in economic friction between Japan and the West regarding trade and market access. The former, in particular the rapid

economic growth of South Korea and Taiwan which started in the 1970s, gave rise to theories seeking to explain this success from an historical and cultural point of view. These approaches provoked much argument. Perhaps the best example was the 'Confucian capitalism' theory, which attempted to apply Max Weber's famous study of the close relationship between the spirit of modern Western capitalism and Protestantism to East Asia, seeking to establish a similar relationship between East Asian capitalism and Confucianism. I do not subscribe to the 'Confucian capitalist' theory, but this reevaluation of Confucianism from the point of view of economic growth has undeniably been one factor in the 'Asia boom'.

It is not necessary to say much about the second aspect, economic friction. The relevant point here is that the intensification of friction between Japan and the West has added to the importance of Asia for Japanese capitalism, as a destination for capital investment, as a site

Edward Said, *Orientalism: Western Perceptions of the Orient* ; Penguin Books, London, 1991 (first published by Routledge in 1978)

Paul A. Cohen, *Discovering History in China: American historical writing on the recent Chinese past*; Columbia University Press, New York, 1984.

## Recent Series on Asia

*Oriental Thought* · 講座東洋思想こうざとうようしせう, sixteen volumes, Iwanami Shoten, 1988

*Contemporary China* · 講座現代中国こうざたいちゅうごく, six volumes, Iwanami Shoten, 1989

*Modern Japan and Colonization* · 講座近代日本と植民地こうざきんたいにっぽんとしよくみんち, eight volumes, 1992

*South-East Asian Studies* · 講座東南アジア学こうざとうなんあじあがく, ten volumes, Kobundô, 1990

*A History of Japan in Asia* · アジアの中の日本史あじあのなかのにっぽんし, six volumes, University of Tokyo Press, 1992

*State and Society in East Asia* · 東アジアの国家と社会とうあじあのこくかとしゃかい, six volumes, University of Tokyo Press, 1992

*Thinking Outwards from Asia* · アジアから考えるあじあからかんがえる, seven volumes, University of Tokyo Press, 1994 (publication still in progress)

*A Regional History of the World* · 地域からの世界史ちいきからのかせいし, twenty-one volumes, Asahi Shimbunsha (one third of the volumes in this series deal with Asia)

for manufacturing operations, as a market for manufactured products, and so on. It is not difficult to see a link between this political and economic development and, for example, the Japanese Ministry of Education's 'East Asian Comparative Research' project, carried out from 1987 to 1989 as a priority research topic. The expression 'Asia shift' was coined at about the same time. It would also be naive to suppose that the recent expressions of remorse and reflection by Japanese prime ministers to Asian countries regarding Japan's behavior in the Second World War are motivated by purely moral concerns. This is the political and economic context in which the

*"this new academic approach shows ... a dangerous tendency to affirm Asian traditions which unacceptably restrict freedom and human rights"*

trend towards a 'neo-Asianism' is taking place.

### *Intellectual Factors*

In the postwar period the United States, Western Europe and socialist countries such as the Soviet Union and China were seen in Japan as important models from which to learn. However, the late 1980s in particular revealed serious flaws in all these models: the long-term decline of Western Europe, the slump in the US, the disintegration or degeneration of the Socialist countries. A new intellectual trend has emerged as a result. By reducing modern Western civilization to a material, mechanical culture, the serious problems arising from rapid economic growth (the exhaustion of natural resources, pollution, the social alienation of the individual, and so on) could all be laid at its door, and a set of Asian principles established in opposition to it. Whereas the 'Confucian capitalist' approach uses the word 'Asia' to affirm present reality, here it is being used to criticize present reality.

Proponents of this critical approach put forward, for example, the Asian emphasis on simplicity, modesty and communal life as a way of halting the destruction of Nature, and

Yoga and Zen, which increase mental concentration and self-control, as solutions to social alienation. Some see mysticism in the form of Taoism or Islam as an alternative to Cartesian dualism. In all these cases we see the development of Western post-modernism being linked with a reevaluation of traditional Asian principles. This is another aspect of the 'Asia boom'.

### *Academic factors*

I have described above the political, economic and intellectual factors behind the boom in Japanese publishing on Asia. However, it is important not to overlook that academics' efforts to deepen their understanding of Asia have in addition been motivated by purely scholarly concerns parallel to the above factors. There has been growing criticism of the imposition on Asia of theoretical frameworks and analytical criteria drawn from studies of European or Japanese historical development. Instead, attempts have been made to reach an 'internal' understanding of Asia on its own terms. These attempts, which go hand in hand with cultural pluralism, have produced significant results, but are not without their difficulties. The greatest problem is that, when this new academic approach to Asia becomes confused with the political, economic and ideological factors described above, it shows a dangerous tendency to affirm Asian traditions which unacceptably restrict freedom and human rights. This is perhaps the most problematic aspect of the 'Asia boom', and one which demands our close attention. □

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## Society for Research on Urban Land Use 1994 and 1995 Symposia

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都市的土地利用研究会・最終年度事業計画

### Regular Land Leasing and the Real Estate Business

ていぎしゃくちけん ふどうさん  
定期借地権と不動産事業

October 22, 1994, 1pm Meiji University, Tokyo

### The Real Estate Market and Finance

ししゅう きんゆう  
不動産市場と金融

November 19, 1994, 1pm Meiji University, Tokyo

### Future Developments in Land Taxation

せいせいのかた  
土地税制のこれからのあり方

December 10, 1994, 1pm Meiji University, Tokyo

### Urban Planning Systems: Prospects and Problems

せいと きたい かだい  
都市計画制度への期待と課題

January 21, 1995, 1pm Hongô Campus, University of Tokyo

### International Symposium: Comparative Research on Urban Land Use

ひかくけんきゅう  
都市的土地利用の比較研究

February 18-22, 1995 Taiwan

### A Decade of Research on Urban Land Use

しゅうねん  
都市的土地利用研究の十年

March 18, 1995 Kokusai Bunka Kaikan, Tokyo

Contact: Professor Inamoto Yonosuke, Institute of Social Science, University of Tokyo

# Thai Factory, Japanese Factory

SUEHIRO AKIRA

## *Wanted: An Industrial Sociology*

I am currently researching the economy and society of Thailand. Some of the main themes of my research are the changing structures of Thailand's major industries, business management, engineering and wage labor. I am also very interested in the effects on Thai society of the rapid industrial development of the last ten years.

These effects have been both deep and far-reaching. Thailand is changing from an agricultural society based on face-to-face personal contact into an industrial society based on the exchange of information through telecommunications and computers. Life-styles and values are being changed in the process.

The conventional view has been that in order to understand Thai and indeed all Southeast Asian economies and societies, the researcher had to investigate agricultural - and in particular village - societies. Great emphasis was placed on 'rural sociology' based on researchers' findings from living among villagers. But

*"it is difficult to detect much 'company loyalty' or 'sense of belonging to the company' among Thai employees"*

'rural sociology' alone is unable to explain the changes in contemporary Thailand. The important questions now being asked are, 'What is happening in the factories?'; 'What changes are taking place in the small workshops?'; 'What are the special features of industrial relations in Thailand?' In order to answer these questions we need an 'industrial sociology'.

However, there is virtually no research being done on these questions, either in Japan, the West or Thailand. There are some results available from research on Thailand's macroeconomy and business management, but serious research has not even started on factory workers or labor relations. This gap is a common phenomenon throughout Southeast Asia.

What kind of perspective and methods should we therefore adopt for research on Thai factories and industrial relations? One approach would be to make active use of the results of

research on industrial relations in Japan. Of course Thailand's society and culture are different from Japan's, so we cannot simply apply to Thailand the results of research on the economics or the sociology of labor in Japan. Nevertheless, I think it worthwhile to consider Thailand's situation in the light of the following two points raised by research on industrial relations in Japan.

## *Comparing Labor Relations in Thailand and Japan*

First, one of the features of Japanese industrial relations, what Hazama Hiroshi calls the 'patrimonial management system', is frequently observed in Thai companies and factories, particularly in those run by Thais of Chinese origin. The interviews I have carried out in Thailand suggest that, as in Japan, traditional labor relations tend to imitate parent-child relationships rather than Western-style contractual relationships. The emphasis on seniority is another shared characteristic.

On the other hand, it is difficult to detect much 'company loyalty' or 'sense of belonging to the company' among Thai employees and factory workers, and there is no trace of group-oriented behavior. In his book *British Factory, Japanese Factory*, the British Japanologist Ronald Dore draws a contrast between 'market-oriented forms' of labor organization in Britain and 'organization-oriented forms' in Japan. In Dore's terms, Thai factories are much closer to British than to Japanese factories. Industrial relations in Thailand are family-oriented but at the same time there is high mobility of workers between companies and factories. Be this as it may, the history and the research of labor relations in Japan offer many valuable insights with which to approach the subject of labor relations in Thailand.

## *The Effects of Japanese Direct Investment*

Second, Thailand's rapid industrial development over the last ten years, particularly in the



automobile assembly and electronic components industries, has been accelerated by the major expansion into Thailand of Japanese companies following the rise in the value of the yen. These companies not only brought new equipment and machinery but also Japanese production management systems featuring *kaizen* and quality control (QC) circles, as well as wage systems emphasizing merit evaluation. The introduction of these systems has had a significant effect not only on Japanese-affiliated companies but also on Thai and Chinese-run companies in the same industrial sectors.

This being the case, an understanding of factory-level production management systems and labor management systems in Japan is a

necessary condition for research on Thai industrial society. Armed with this understanding, one can make sense of the current situation of labor relations in Thai factories.

### Future Research

Fortunately some excellent research in the field of Japanese labor relations has already been published, with members of the Institute of Social Science frequently playing a central role. If this research can be digested and actively combined with results of interviews in Thai factories, I think it quite possible that a book entitled *Thai Factory, Japanese Factory* could be written in the future. □

Suehiro Akira is Associate Professor of Asian Economics at the Institute of Social Science.

Abo Tetsuo, ed., *Hybrid Factory: The Japanese Production System in the United States*, Oxford University Press, 1994

Dore, Ronald, *British Factory, Japanese Factory: The Origins of National Diversity in Industrial Relations*; University of California Press, 1973

Hazama Hiroshi, *History of Japanese Labor Management* · 日本労働管理史研究; Diamond-sha, 1964; reprint, Ochanomizu-shobô, 1978

Hazama Hiroshi, *The Genealogy of 'Japanese' Management* · 日本的経営の系譜; Nihon Nôritsu Kyôkai, 1963; reprint, Bunshindô, 1989

Koike Kenji, *Understanding Industrial Relations in Modern Japan*; Macmillan, 1988

Nitta Michiaki et al., *Comparative Labor Relations - Japan and the West* · 労使関係の比較研究—欧米諸国と日本; University of Tokyo Press, 1993

Yamamoto Kiyoshi, *Technology and Labor in the Japanese Workplace 1854-1990* · 日本における職場の技術・労働史; University of Tokyo Press, 1994

### Announcement

## Kyoto Conference on Japanese Studies

日本研究 · 京都会議

17-22 October, 1994

The International Research Center for Japanese Studies, Kyoto

Contact: 〒610-111 京都市西京区御陵大枝山町3-2

国際日本文化研究センター 管理部研究協力課 Fax 075-335-2092

# Japanese Law: Seeking A New Identity

KOMORIDA AKIO

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## *'Backwardness' Takes a Back Seat*

The question of how to place contemporary Japanese law in a comparative context is once again a subject of argument among researchers in the field. For a considerable period after the Second World War, the prevailing view of Japanese legal scholars was that Japanese law was backward in comparison with modern Western law, and that the main challenge facing Japanese law was to overcome its backwardness by moving closer to the Western model. This perspective, too, viewed Japanese law in a comparative context, so the debate is by no means an entirely new one.

However, the thesis of Japanese 'backwardness' has had to be reconsidered because Japan's economic success was achieved not by overcoming Japan's special characteristics but rather while preserving those characteristics to a significant degree. One of the current issues prompting this reconsideration is international economic friction, one strand of which is the criticism of Japan's legal system as opaque, unfair and closed with regard to foreign countries - in other words, a critical version of the Western view of Japan's 'uniqueness'. Another challenge to the conventional method of analyzing Japanese law by comparing it to the Western model has come from the increasing awareness among Japanese scholars of the need to reflect on the legal experiences of Japan as an Asian country and to communicate the results of their research to other Asian countries.

## *Kitagawa's Challenge*

Kitagawa Zentaro of the University of Kyoto has played a pioneering role in this debate about the identity of Japanese law since the early 1970s. Kitagawa opposes the Western view of Japanese heterogeneity, within which the settlement of disputes without recourse to litigation is seen as uniquely Japanese. According to Kitagawa, the settlement of disputes without recourse to litigation can be universally applicable, along with the settlement of disputes through litigation. He proposes an analysis of the 'resonant' relationship between these two methods of settlement (which, he stresses, are not mutually exclusive), criticizing both the former view of Japan's 'backwardness' and the current view

of her 'uniqueness' as one-dimensional concepts based on Western models.

The question of how best to carry out comparative analysis of contemporary Japanese law has attracted much interest, not least in the Institute of Social Science. Here I introduce two recent lines of arguments by researchers at the Institute, Hirowatari Seigo and Sakaguchi Shojiro.

## *Hirowatari on Stage Theory and Comparative Theory*

Hirowatari draws a distinction between stage theory and comparative theory. Historically, one characteristic of legal theory in Japan has been its attempt to establish a universal model (i.e. one applicable to all nation states) of the way in which laws have developed at each historical stage of development in modern capitalist societies. Examples of this process were said to be the shifts from 'modern law' to 'contemporary law' or from 'civic law' to 'social law'. Under this approach, Japanese law was a case to which the universal development model was to be applied, and its special characteristics were treated as areas in which it lagged behind the model. In other words its differences from the model were problems of vertical stages of development. By contrast, a recent trend in legal theory is to view Japanese law in horizontal comparison with Western law, emphasizing the differences in historical and cultural background, adopting a cultural relativist approach or, like Kitagawa, attempting to identify elements of Japanese law which, alongside Western law, can form a universal model. Hirowatari notes how previous theories have confused stage and comparative theory by dissolving questions which should be solved as comparative problems into questions which should be solved as comparative problems. Instead he aims to evaluate individual legal phenomena from both the comparative and the comparative perspectives, and proposes for comparative analysis a method that focuses on the functions of legal systems (for example, to compare the Japanese family register (koseki) system with the German system of individual registration). However, Hirowatari is critical of those who abandon the stage perspective by unduly emphasizing the comparative approach.



### *Sakaguchi's 'Japanese legal affairs' model*

Sakaguchi Shojiro has put forward the 'Japanese legal affairs' (*nihongata hômu*) model for comparing those responsible for legal affairs in Japanese and US companies. In the late 1960s and 1970s large Japanese enterprises found themselves in a different legal environment, with a sudden increase in litigation against them, a growing number of government regulations with which to comply, and an increase in the number of legal problems accompanying the internationalization of their activities. In response to these changes the companies, realizing the limits of their previous dependence on outside consulting lawyers, strengthened their in-house legal affairs departments. The 'Japanese legal affairs' model based on these legal affairs departments differs from its counterpart in the US in that large Japanese companies do not staff their legal affairs departments with qualified lawyers but instead give on-the-job legal training to company employees not trained in law. This kind of system was originally adopted on a temporary basis due to the special constraints of the Japanese system of qualified lawyers, but has since drawn the attention of some advocates in the US concerned at the heavy social costs of the large number of lawyers and the excessive litigation in their country. However Sakaguchi also draws our attention to another aspect of the success of the 'Japanese legal affairs' model: the employees in Japanese legal affairs departments have a stronger sense of belonging to their company than of belonging to the legal profession. This, we can probably conclude, means that company legal affairs departments have very little capacity to direct

the company's activity from the point of view of the law, and also that the department is likely to mobilize the law only to serve the company's interests. In Japan law does not play a major independent role in defining the general limits of company activities. While the low profile of the law has supported the vigorous pursuit of growth by Japanese enterprises, it has also fostered negative aspects of this growth such as long, overintensive working hours. Sakaguchi therefore is ambivalent towards the adoption of Japanese legal practices represented by the 'Japanese legal affairs model'.

### *Creeping Legalism*

Hirowatari and Sakaguchi share a concern for the problem of how to understand 'creeping legalism' in Japan. One argument calls Japan a 'low legalism society', pointing to the weak regulatory power of Japanese law vis-a-vis companies and the relative infrequency of settling disputes through litigation. How should we evaluate these and other special features of Japanese society from the point of view of the combination of stage theory and comparative theory? And in practice, should we consider these features as positive components of a low-cost society, or as aspects to be eradicated from a society still needing to absorb elements of the Western model? We researchers of Japanese law are eager to see an international debate which will include a comparative investigation of both the concept and the theoretical context of 'creeping legalism'.

□

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### *Announcement*

Japan Association of Public Finance

1994 Conference

ざいせい  
日本財政学会

October 21-22, 1994

Daitô Bunka University, Tokyo

# Recent Publications from the Institute of Social Science

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## The Journal of Social Science

### 東京大学社会科学研究所紀要

Volume XLV Number 6

March 1994

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Kadomatsu Narufumi

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憲法上の所有権？—ドイツ連邦憲法裁判所の所有権観・砂利採取決定以降—

Komorida Akio

*The Rise of the Ombudsman in Poland (II)*

ポーランドにおけるオンブズマンの誕生 (II)

Hao Yan Shu, Japanese Multinational Enterprise Study Group

*The Japanese Production System in Korea and Taiwan (IV): 'Application' and 'Adaptation' in Japanese Automobile and Electronics Factories*

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近代日本の都市化と地方自治についてのノート (II)

Odanaka Naoaki

*The French people in the Western Insurrection of May 1832 (II)*

1832年5月フランス、「西部の反乱」と民衆 (II)

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# The Annals of the Institute of Social Science

Number 35

1993

Yamamoto Kiyoshi

*"Free Flow-Line", Workers, and Robots in Japanese Assembly Industries*

Kawai Masahiro and Okumura Ryûhei

*Time Preference, International Capital Mobility and External Asset Accumulation*

Totsuka Hideo

*Transformation of Japanese Industrial Relations: A Case Study of The Automobile Industry*

Hirowatari Seigo

*Foreigners and the "Foreigners Question" under Japanese Law*

Shibagaki Kazuo

*The Development of Japanese Capitalism and Its External Relations from 1945 to the Present*

Osawa Mari

*Bye-bye Corporate Warriors: The Formation of a Corporate-Centered Society and Gender-Biased Social Policies in Japan*

Hashimoto Jurô

*The Japanese System of Division of Labor: The Combination of a "Flexible" In-House Division of Labor and a "Planned" Inter-Company Division of Labor*

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