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**The Italian Legal Model Outside of  
Europe: Japan**

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## Abstract

**IT** *Questo paper analizza l'influenza del modello giuridico italiano sul sistema giuridico giapponese moderno.*

*L'analisi è divisa in tre parti. Nella prima si analizza il periodo formativo del diritto giapponese moderno, quando le influenze straniere sul sistema giuridico sono state molto pesanti. L'influenza italiana è stata, a parte alcune eccezioni, piuttosto limitata. La seconda parte prende in considerazione il 1900, periodo in cui la scienza giuridica giapponese ha pressoché trascurato il modello italiano. L'ultima parte presenta gli anni dal 1990 fino ad oggi: in questo periodo è possibile notare un crescente interesse per l'ordinamento giuridico italiano.*

*Questo studio evidenzia un esempio di path dependency nelle dinamiche relative alla recezione dei modelli stranieri in Giappone, almeno fino al 1990. I profondi sconvolgimenti che hanno interessato la società giapponese nei primi anni 1990 hanno stimolato una rivalutazione del ruolo del diritto nella società e riforme in molti settori. Una conseguenza di ciò è stata una maggiore curiosità verso lo studio di sistemi giuridici stranieri fino ad allora praticamente inesplorati, compreso il sistema giuridico italiano, che è diventato un sistema legale "di consultazione".*

**Keywords:** Giappone, trapianti giuridici, riforme, modello giuridico italiano

**EN** *This paper analyses the influence of the Italian legal model on the modern Japanese legal system.*

*The analysis is divided in three parts. In the first, the study analyses the formative period of modern Japanese law, when foreign influences on Japanese law have been very strong. The Italian influence was, apart some notable exceptions, quite limited. The second part takes into consideration the 1900s, when Japanese jurisprudence almost overlooked the Italian legal model. The last part presents the years from the 1990s until today: in this period it is possible to notice an increased interest in the Italian legal system.*

*The study evidences an example of path dependency in the dynamics related to the reception of foreign models in Japan, at least until the 1990s. The profound shocks that affected the Japanese society in the early 1990s stimulated a reassessment of the role of the law in the Japanese society and legal reform in many areas. A consequence of this was a greater curiosity towards the study of foreign legal systems that previously were virtually unexplored, including the Italian legal system, which became a legal system "of reference".*

**Keywords:** Japan, legal transplants, legal reform, Italian legal model.

## THE ITALIAN LEGAL MODEL OUTSIDE OF EUROPE: JAPAN\*

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### 1. Introduction

This paper analyses the influences exerted by the Italian legislative and doctrinal formant<sup>1</sup> on the modern Japanese legal system.

The analysis is divided in three parts, corresponding to the three periods of the circulation of the Italian model in Japan. These periods do not coincide with the general periodization of Japanese law proposed by legal historians<sup>2</sup>,

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\* The author thanks prof. Masao Kotani for the precious information, especially on par. 2 and 3, and prof. Michele Graziadei for his valuable suggestions. Errors, oversight and omissions are obviously the responsibility of the author. All names appear in the Western order (Name Surname). Japanese words are romanized according to the Hepburn system, but the elongation of the vowels is not indicated.

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<sup>1</sup> On the notion of formant, see Rodolfo Sacco, *Legal Formants: A Dynamic Approach to Comparative Law (Installment I of II)*, The American Journal of Comparative Law, Vol. 39, No. 1. (Winter, 1991), pp. 1-34, and Rodolfo Sacco, *Legal Formants: A Dynamic Approach to Comparative Law (Installment II of II)*, The American Journal of Comparative Law, Vol. 39, No. 2. (Spring, 1991), pp. 343-401.

<sup>2</sup> The historians of Japan have proposed different periodization. Some historians identify the beginning of the modernization of Japan with the arrival of the warships led by the Commodore of the U.S. Navy, Matthew Perry in Tokyo Bay in 1853, others with the reform movement that agitated Osaka or other areas of Japan in the 1830s. There is no agreement as well on the ending date of the Meiji restoration: According to some it coincides with the protests of the 1870-80s, while others identify its end with the promulgation of the Japanese constitution in 1889 or with the first session of the Japanese Parliament in 1890. While it is undeniable that some seeds of change were present before 1868, and that in the same Meiji era it is possible to identify a first period of reception of foreign law and a second of consolidation, this contribution will adopt the formal criteria which identifies the formative period of modern Japanese law with the era of reign of the Emperor Mutsuhito. Cfr. W. ROHL, *History of Law in Japan since 1868*, Leiden-Boston, 2005, 1 e ss.

because this study focuses exclusively on the events related to the circulation of the Italian legal model.

The first period corresponds to the formative phase of modern Japanese law: the so-called Meiji period (1868-1912). The second is the 1900s, a short century also for the history of Italian law in Japan, which extends from the end of the Meiji period to 1989, year of the death of the *Tenno* (Emperor) Hirohito (known in Japan as *Showa*). The third period starts in 1989 and lasts until today.

Common features in the circulation of the Italian model characterize each of these periods. Although it was not a prestigious model for the Japanese legislator or for the Japanese academia, the Italian model was not completely ignored, and interest in it has increased noticeably in the recent years.

## 2.1 The Meiji period: general outline.

The history of modern Japanese law conventionally begins in 1868<sup>3</sup>.

On January 3, 1868, the *Tenno* Mutsuhito, better known as Meiji, declared the end of the power of the *Shogun* and the restoration of the Imperial authority. The political revolution was accompanied by a social and cultural transformation. Conscious of the fact that two centuries of isolation from the outside world had left Japan underdeveloped and easy prey to the imperialist powers of the time, Mutsuhito and the *élites* ruling the country decided to swiftly undertake the modernization of the country.

The legal system was one of the areas where the need for modernization was most urgent, especially due to the fact that after the first timid opening of the country starting in 1854, the sovereignty of Japan was limited by the so-called unequal treaties. In order to show the international community the advancements made by the country and sit in a position of parity at the negotiations for the revision of the treaties, the establishment of a legal system was the first goal to achieve. The other goal of legal modernization was to gain regional supremacy.

Hence, the modernization of the Japanese legal system began in the second half of the 19<sup>th</sup> century. Since the establishment of a new and original legal system would have required professional expertise that Japan did not possess and time that the country could not afford, the only possibility of quickly establishing a modern legal system was by resorting to imitation. The dilemma, therefore, was which model to use: English common law or Continental European law? Given the urgency of the task, the adoption of the common law, with its complex body of precedents, did not seem a viable solution. The choice fell on Continental law and its codes, the transplant of which was seen as a simpler and more rapid way of modernizing the legal system. In 1868 the dominant legal (and most of all, legislative) model in Europe was the French

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<sup>3</sup> Cfr. the preceding note on the various periodization of modern Japanese law.

one, therefore the Japanese looked at the Napoleonic codifications and French legal science. Japan started eagerly translating the French codes and jurisprudence. The French defeat in the Franco-Prussian war in 1870-71 put a wrinkle in the almost unchallenged prestige of France, stimulating an interest in the Prussian model, particularly regarding constitutional law.

The study, translation and adaptation of foreign jurisprudence was carried out at forced stages, until the promulgation of the Constitution in 1889 and of the Civil Code in 1898.

## 2.2 Alessandro Paternostro: the Italian legal advisor.

The urgent need was to promulgate codes and a constitution while at the same time nurture the first generation of Japanese legal scholars. The Japanese government adopted in legal science the same approach it had in other sciences, arts and techniques: by inviting Western specialists to the Archipelago to teach their craft to the Japanese. Approximately 2,400 foreigners were invited to Japan between 1868 and 1900. Of them, 1,034 were English, 401 French, 351 Americans, 279 Germans, 95 Chinese, and 99 Dutch<sup>4</sup>. A word defining them entered the common language: “*oyatoi gaikokujin*”, i.e. “the honourable” (the prefix “-o” is honorific in Japanese) foreigner (*gaikokujin*) hired/in service (*yatoi*)”. The sculptor Vincenzo Ragusa from Palermo, the painter and engraver Fontanesi, and the engraver Edoardo Chiossone from Liguria, who worked in the Printing Bureau of the Japanese Ministry of Finance<sup>5</sup>, lived and worked for several years in Japan.

In the field of legal studies, 29 foreigners worked in the Ministry of Justice at the time: 14 were French, 5 German, 6 English, 2 American, one Dutch and one Italian<sup>6</sup>. These numbers confirm the importance of French law in the period being examined: while the Anglophones were more than half of the total number of *oyatoi gaikokujin*<sup>7</sup>, and the French were less than a third of the Anglophones (401 versus 1385) and a sixth of the total, in the legal field the French advisors represented nearly half the total (14 of 30), more than two times the English and seven times the Americans. By mere reason of their numbers, the French could devote themselves to important tasks such as drafting legislation, while the English, Americans and Germans, given their

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<sup>4</sup> H. J. JONES, *Live Machines*, Vancouver, 1980, p. 145. Cfr. slightly different numbers in M. G. LOSANO, *Tre consiglieri giuridici europei e la nascita del Giappone moderno*, in *Materiali per una storia della cultura giuridica*, III, 1, 1973, pp. 517-667.

<sup>5</sup> Many of the works collected by Chiossone in his Japanese years are now housed in the Edoardo Chiossone Museum of Oriental Arts in Genova. It is one of the most important collections of Japanese art in Europe.

<sup>6</sup> H.J. JONES, *op. cit.*, p. 145.

<sup>7</sup> There were 1,385 English and American counsellors out of 2,400. The 11 Canadian counsellors might also be added to this number, but the sources do not permit the distinction between French or English speakers.

limited manpower, were mostly absorbed with court interpretations and other menial tasks<sup>8</sup>.

The only Italian among the foreign legal advisors was Alessandro Paternostro<sup>9</sup>. Paternostro was born in Alexandria, Egypt, in 1852. His family returned to Italy when Alessandro was 7 years old. He graduated in Law from the University of Roma in 1875 and started pursuing the academic career. He first taught History of Treaties in Napoli, then he was called to Palermo as professor of Constitutional Law. Besides his academic position, he was also active in politics, and in 1886 he was elected to the Italian Lower House, in the district of Palermo-1, the same district as Francesco Crispi, who would later become Prime Minister. Paternostro's political faith put him at odds with Crispi: Paternostro was from the radical left and soon conflicts and contrasts emerged with the Prime Minister. In 1888 the Minister of Justice Zanardelli received a request from the Ambassador of Japan in Italy for an expert in public law to be sent to Japan as a legal advisor<sup>10</sup>. Zanardelli suggested Paternostro and Crispi agreed on submitting his name as the candidate for the mission in the Far East. Paternostro, who had resigned from the lower house, earnestly accepted the office.

Paternostro worked in the Archipelago for the three years originally agreed, plus a one-year extension upon his request, thus staying in Japan from December 1888 to December 1892. His activity developed in two areas: on the one hand he advised the Japanese government on diplomatic issues, on the other he pursued his academic interests while teaching law<sup>11</sup>. Notes in

<sup>8</sup> JONES, *op. cit.*, 9.

<sup>9</sup> On Paternostro, in Italian cfr. the studies of LOSANO: MARIO G. LOSANO, *Il corso di filosofia del diritto del consigliere giuridico Alessandro Paternostro a Tokyo nel 1889*, Papers from the International Conference on Italians in Meiji Japan (1868-1912), edited by Teresa Ciapparani, Pierfrancesco Fedi, Maria Teresa Lucidi, Department of Oriental Studies, Università "La Sapienza", 8-11 November 2000, Roma 2007, pp. 181-205; M. G. LOSANO, *Tre consiglieri giuridici europei*, cit. In Japanese, cfr. SEIICHI MORI, *Meiji seifu oyatoi horitsu komon Paterunosutoro to Igakukyokai* [Alessandro Paternostro and the Italo-Japanese Society], in *Nichi-I Bunka Kenkyu* XXXVI (1998), 25; SEIICHI MORI, *Paterunosutoro to joyaku kaisei* [Paternostro and the Revision of the Treaties], in *Hogaku Kenkyu* 69(1), 43-64, (2007); SEIICHI MORI, *Shibosho oyatoi gaikokujin A. Paterunosutoro no mita Meiji no Nihon* "Nihon ni tsuite oboegaki daiikkai" *shokai* (Presentation of the "Memoirs from Japan n. 1", *Meiji Japan Seen by a Foreign Legal Advisor of the Ministry of Justice: A. Paternostro*), in *Hogaku kenkyu* 64(1), pp. 11-32, 1991; SEIICHI MORI, *Shibosho oyatoi itariajin Aressandoro Paterunosutoro rainichi no keii* (The Events of the Coming to Japan of the Italian Legal Advisor of the Ministry of Justice Alessandro Paternostro), in *Hogaku Kenkyu* 53(12), p1911-1930, 1980. Also see, NORIO YAMAOKA, *Meiji no horitsu komon paterunosutoro* (Paternostro: A Legal Advisor in the Meiji Period), in *Italia shobo* 37 (2007), p. 8. Writings, letters and other materials of Paternostro, gathered under the title "*Alessandro Paternostro in Japan: Documents and Photographic Memories, 1888 – 1892*" can be accessed through the website of the Bavarian State Library at <https://opacplus.bsb-muenchen.de/>

<sup>10</sup> M. G. LOSANO, *Il corso di filosofia del diritto*, cit., 184.

<sup>11</sup> According to LOSANO, the courses taught were constitutional law and philosophy of law. Cfr. *Il corso di filosofia del diritto*, cit., 185.

Japanese of the classes taught by Paternostro are kept in the libraries of the Japanese Parliament (commonly known as Diet), of the University of Tokyo and of other Japanese universities. We cannot know if some of them were lost in the Great Tokyo Earthquake of 1925, or during the bombings of the Second World War. The materials currently present are:

- *Horigaku kogi* (Lessons in Jurisprudence), translated by Kozo Miyagi, 1889.
- *Kokusai ho kogi* (Lessons in International Law), translated by Ichiro Honno, 1894.
- *Kokusai ho kogi* (Lessons in International Law), translated orally by Mineichiro Adachi and transcribed by Tonoshin Nakamura, 1897.
- *Gyosei ho kogi* (Lessons in administrative law), year and translator unknown.

Other excerpts from Paternostro's lessons can be found in a synopsis of the structure of the French tribunals<sup>12</sup>, and in an anthology of studies on social sciences<sup>13</sup>. Two articles by Paternostro were translated and published in the law journal of the University of Tokyo, the *Hogaku kyokai zasshi*. The library of the Japanese Parliament holds his written opinion on the increase in the parliamentary budget<sup>14</sup>, and a lesson in international law and the modification of treaties<sup>15</sup>.

It is not easy to evaluate Paternostro's legacy to Japanese jurisprudence, and in particular his legacy as an Italian legal scholar, for the following reasons. First, it is important to note that Paternostro, in order to facilitate the role of his interpreter Mineichiro Adachi, held his lessons most likely in French<sup>16</sup>, reinforcing the status of French as the language of prestige and confirming the status of Italian as a "second class" language. According to the detailed

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<sup>12</sup> YUNAGA MAGAKI, *Futsukoku saibansho kosei taiyo (Outlines of the Structure of the Courts in the French State)* and ALESSANDRO PATERNOSTRO, *Gyoseiho kogi (Lessons in Administrative Law)*

<sup>13</sup> TAMEYUKI AMANO, *Keizai gaku kenkyuho (The Method of Research in the Science of Economics)*, KAZUMA JO, *Keiho genri (Principles of Criminal Law)*, KENZO ISHIHARA, *Seiji genron (Theory of Politics)*, ALESSANDRO PATERNOSTRO, *Gyosei ho kogi (Lessons in Administrative Law)*, FUJURO SAGANE, *Keizai genri (Principles of Economics)*, KOMATARO MAKI, *Hogaku tsuron (Introduction to Jurisprudence)*, Tokyo, 1890.

<sup>14</sup> *Giin no yosan zoka ni kakaru ikensho (Opinion Regarding the Increase in the Parliamentary Budget)*, translated by GOICHIRO SHIKANO, 1891.

<sup>15</sup> *Kokusaiho oyobi joyaku kaisei ni kakaru enjutsu (Lessons in International Law and the Modification of the Treaties)*, translated by MINEICHIRO ADACHI, 1891.

<sup>16</sup> This can be deduced by the fact that the correspondence maintained with Mineichiro Adachi was in French. Cfr. TAKAO TAMAI, *Adachi Mineichiro to Paterunosutoro no soko (The Notes of Mineichiro Adachi and Paternostro)*, in *Daigaku shikiyo* 11 (2007) 258. Moreover, Paternostro's notes for his lessons on Philosophy of Law were in French. Cfr. LOSANO, *Il corso di filosofia del diritto*, cit., 190 e ss.

analysis of Losano, Paternostro's lessons on the Philosophy of Law do not have a typically "Italian" character<sup>17</sup>.

Secondly, Paternostro's work did not contribute significantly to the drafting of codes, statutes or other legal instruments, and it is probably for this reason that he did not achieve the fame that other Western legal advisors enjoyed.

His principal activity was that of legal advisor on political and diplomatic issues. There are approximately a hundred opinions written by Paternostro for the government, on issues of international and parliamentary law<sup>18</sup>. Among these, the most important and complex were the opinions on the right of the government to modify the parliamentary budget<sup>19</sup>, on the Otsu incident<sup>20</sup>, on the problem of the modification of the unequal treaties<sup>21</sup>, and on a case of interference of a Minister in the elections which ended, as suggested by Paternostro, with the dismissal of the minister involved.

Perhaps his key legacy has been something difficult to document: the people professionally closest to Paternostro during his stay in the Archipelago went on to brilliant careers. Kentaro Kaneko, member, with Paternostro, of the Association of Italian Studies (*Igaku kyokai*), and Dean of the Japanese School of Law<sup>22</sup> when Paternostro taught there, became the first Japanese associate member of the Institute for International Law, and was an influential intellectual in the beginning of the 1900s. Mineichiro Adachi, who was the interpreter of Paternostro's classes and translator of his written opinions, had a brilliant diplomatic and political career and was the first Asian President of the permanent Court of International Justice of the Society of Nations from 1931 to 1934, year of his death.

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<sup>17</sup> The careful reader will note the absence of the notes on the Philosophy of Law from those cited. We believe they are those found in the volume "*Horigaku*", that in current Japanese is literally translated as "Science of the theory of Law" or more simply "Jurisprudence". The current term more commonly used to mean the Philosophy of law is "*botetsugaku*", although it is still sometimes used "*horigaku*".

<sup>18</sup> LOSANO, *Tre consiglieri giuridici europei*, cit., 598.

<sup>19</sup> This opinion is the document cited in note 15. Cfr. YAMAOKA, cit., p. 8.

<sup>20</sup> In 1891 a Japanese policeman attempted to kill the heir to the Russian throne Nikolai Aleksandrovic, who was visiting Japan. The legal issue was how to punish adequately the attempted murderer in order to avoid a Russian retaliation, without subverting the provisions of the Penal code and the fundamental principle of the rule of law, and in particular the non-retroactivity of penal law and the principle *nulla poena sine lege*. The code in force at the time did not provide for a crime of attempted homicide of members of the royal families of foreign countries, therefore the attacker should not be accused of anything but a simple "attempted homicide".

<sup>21</sup> This opinion is found in the document previously cited in note 15. Cfr. YAMAOKA, 10.

<sup>22</sup> At that time it was the *Nihon Horitsu Gakko*; today it is the *Nihon Daigaku*, one of the largest private universities in Japan.

### 2.3 Other Italian works.

The circulation of the Italian legal model in Meiji Japan is not limited to Paternostro's influence. Japan, in order to close in the shortest time possible the scholarly gap that separated it from the most developed nations, was avidly translating foreign works in all disciplines. The scholarly literature on the translations commissioned in the Meiji period is extraordinarily vast but here we will cite only the translations having as their primary subject Italian jurisprudence or legislation.

Consistently with the rather simplistic but effective project of modernization devised by the government, the first and most important works to be translated had to be legal codes. Some Italian codes were translated, occasionally with surprising rapidity. The Code of Commerce was translated in 1880 on the basis of a French translation<sup>23</sup>. The Civil Code of 1865 was translated in 1882 by Saburo Komyoji, on the basis of the French version by Joseph Orsier<sup>24</sup>. It was looked at, together with the French Civil Code, in the drafting of the "Boissonade Civil Code" of 1892, which, however, was not adopted. In the same year the comparison by Théophile Huc of the *Code Napoleon* with the Italian Code<sup>25</sup> appeared in Japanese. Sei Sakurai translated the Italian Military Penal Code in 1888 with the title *Itari rikugun ritsu* (Code of the Italian Army).

In this period, criminal law was a field in which the Italian model was considered the state of the art of modern legal science. The Zanardelli Code was seen as one of the best and most advanced expressions of criminal law at the time, so it was natural that the Japanese had a particular curiosity in its regard. A translation of the project (of May 28, 1875) appeared in 1888<sup>26</sup> and a translation of the code was published with extreme rapidity in 1890, that is less than a year after it was promulgated in Italy<sup>27</sup>. However, it is important to remember that the Japanese Penal code of 1907 did not follow the Italian model but rather the German one.

### 2.4 The Meiji period: conclusion.

Overall, the circulation of the Italian legal model in Meiji Japan did not have significant consequences. None of the most common reasons of the circulation of legal models were present: there had been no military conquest, and Italy, which was carrying out its unification in those very same first years of Meiji, did not possess sufficient international prestige. Furthermore, the distance between the two countries impaired any appreciable circulation of people and important commercial relationships. Differently from what

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<sup>23</sup> "*Itari shobo*", translated by Naomi Matsushita and Keihi Nagamori.

<sup>24</sup> The title of the work is "*Itari okoku minpo*".

<sup>25</sup> "*Ifutsu minpo hikaku ronpyo*", published 1882 thanks to the translation by Saburo Komyoji.

<sup>26</sup> "*Itari okoku keibo soan*", published by the Ministry of Justice in 1888.

<sup>27</sup> "*Itari keibo*", translated by Yukinaga Magaki in 1890.

occurred with France and Germany, we are not aware of Japanese jurists coming to Italy in the 19th century to carry out their studies .

However, it is possible to notice one characteristic that, despite the long gap of the Showa period, will make its return in the 1990s and will continue today: although it was quite clear which were the prestigious legal models that the Japanese legislator was looking at, there was also a curiosity towards other models, which can characterize the Japanese legal science of the time as an “omnivorous” formant.

### 3.1 The 1900s: general outline

The years from the end of the Meiji period (1912) to the end of the Showa period (1989) present, as far as the circulation of the Italian legal model in Japan is concerned, a common character and can be considered as one long period.

This is the least interesting period for the life of the Italian legal model in Japan. The legal models followed in the Meiji period, that is the French, the German and the Anglo-American common law, consolidated their position of prestige in the universities of the Archipelago. Teaching positions were created in French, German and Anglo-American law, but there is no record of positions in Italian law.

In this period, Italian law was not completely ignored, but the interest in the Italian legal system seems to have been fed primarily by current affairs or by transient curiosity towards very specific topics. Despite the presence of some isolated studies, there was no critical mass of research to sustain an articulate study of the Italian legal system.

### 3.2 Scholarly works

It can be questioned whether an analysis of the translations of foreign laws and jurisprudence is a genuine sign of the influence of a legal system on another, or rather if direct access to foreign law is more significant. The answer is not obvious and this paper will not take a conclusive position on it. A summary examination of Japanese bibliographic databases gives the following results about the translations in Japanese of Italian laws and jurisprudence in the period under examination. Among the monographs resulting from a search through the service provided by the University of Tokyo<sup>28</sup>, the following are the works containing the expression “*Itaria ho*” [Italia(n) Law] in the title field<sup>29</sup>:

- MINISTRY OF JUSTICE - RESEARCH DIVISION (ed. by), *Collection of Penal Code Drafts: Switzerland 1918, Austria 1922, Italy 1921*, Tokyo, 1927.

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<sup>28</sup> Available at <https://opac.dl.itc.u-tokyo.ac.jp/opac/>

<sup>29</sup> Obviously, all the works and the titles are in the Japanese language.

- MINISTRY OF JUSTICE - RESEARCH DIVISION (transl. and ed. by), *Preparatory Project of the Italian Penal Code – 1927*, Tokyo, 1928.
- LEGAL REFORM COMMISSION OF THE CHAMBER OF COMMERCE OF TOKYO, *Regulations on Commercial Storehouse Business in Germany and France, with Appendix on the Regulations on Storehouse Business in the Project for the Reform of the Commercial Code in Italy*, Tokyo, 1931.
- MINISTRY OF JUSTICE - RESEARCH DIVISION (transl. by), *Italian Code of Criminal Procedure*, Tokyo 1935.
- MINISTRY OF JUSTICE - RESEARCH DIVISION (transl. and ed. by), *Report on the Italian Code of Criminal Procedure*, Tokyo 1936.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS (transl. and ed. by), *Austro-Italian Treaty of Friendship of 1930*, Tokyo 1937.
- MINISTRY OF JUSTICE - RESEARCH DIVISION (transl. and ed. by), *Report on the Preparatory Project of the Italian Code of Civil Procedure*, Tokyo 1940.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS, *1. Treaty for the Determination of the Border between the Kingdom of Italy and the Kingdom of Yugoslavia – 2. Agreement on Military Matters on the Adriatic Littoral Zone – 3. Treaty of Guarantee and Cooperation between the Kingdom of Italy and the Kingdom of Yugoslavia*, Tokyo 1941.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS, *Pact between Germany, Italy and Japan*, Tokyo, 1941.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS, *Cultural Convention between the Kingdom of Italy and the Kingdom of Hungary*, Tokyo 1942.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS, *Agreement for the Exchange of Teachers and Students between Italy and France*, Tokyo 1942.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS, *Pact for the Economic Cooperation between Italy and Japan*, Tokyo 1943.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS, *Pact between Japan and Italy on the Center for Marine Research of Rovinj*, Tokyo 1943.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS, *Treaty of Friendship, Commerce and Navigation between Italy and Thailand*, Tokyo, 1943.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS, *Treaties between Italy and the Holy See (Lateran Pacts)*, Tokyo, 1943.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS, *Joint Four-Nation Declaration at the Moscow Conference*, Tokyo, 1943.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS, *Agreement between Italy and China for the Retrocession of the Tien-tsin Concession*, Tokyo, 1944.
- TREATY OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS, *Peace Treaty with Italy*, Tokyo, 1947.
- LEGISLATIVE OFFICE OF THE HOUSE OF REPRESENTATIVES, *Selection of Constitutions*, Tokyo, 1955-59.

- MINISTRY OF JUSTICE - RESEARCH DIVISION, *Selection of Statutes and Regulations on the Italian Court Structure and on the Constitutional Court*, Tokyo 1958.
- MARIO MATTEUCCI (transl. Masahata Kubo), *Relation on the Provisions about Human Rights in the Constitution fo the Republic of Italy*, Tokyo, 1960.
- SOFO BORGHESE (transl. Shiro Okabe), *Compendium of Constitutional Law*, Tokyo, 1969.
- TSURUHISA KAZAMA (ed. by), *Italian Civil Code: Private Law, Commercial Law, Labour Law – Complete Translation*, Kyoto 1974 (II ed. 1977).
- TOSHIYOSHI MIYAZAWA, *Selection of World Constitutions*, Tokyo, 1980.
- TADASHI MORISHITA, *Introduction to the Analysis of Italian Criminal Law*, Tokyo, 1985.

It can be noted that most results are translations of international instruments or of statutes promoted by the government.

The only two works of particular significance, conceived outside of the governmental realm are the translations of the Italian Civil Code by Kazama and the Introduction to Italian Criminal Law by Morishita. Another work worth mentioning is the translation of the Italian Constitution made by a leading constitutional law scholar of post-war Japan, Toshiyoshi Miyazawa; it appears in a work on the constitutions of various countries of the world.

A search in the scholarly articles database CiNii<sup>30</sup> for articles published between 1912 and 1988 in Japanese journals, using the search key “*Itaria bo*” [Italia(n) law] in the “title” field, provides 482 results. These results, however, cannot be considered completely reliable, because the Chinese character of “law” [*bo*] can have, in certain contexts, the meaning of “method, mode, technique”. Many of the 482 results have no connection with the law: for example the character *bo* appears in titles such as “The Technique of Italian Song” or “The Method of Photographic Shoots in Italian Realism”, and so forth.

Searches using the keywords “*Itaria horitsu*” [Italia(n) statute] and “*Itariabo*” [Italian law] may be too conservative and likely exclude some pertinent works, as they return only 41 and 14 results respectively. However, these entries do not include spurious results and can therefore be presented and analyzed in their entirety.

In the former corpus of results, (search key “*Itaria horitsu*”, [Italia(n) statute]) the first entry in chronological order is from 1955; in the latter (search key “*Itariabo*” [Italian law]), the first entry is from 1961. In other words, according to these results, between 1912 and the mid-1950s no article in any Japanese

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<sup>30</sup> CiNii (Scholarly and Academic Information Navigator) is a database of scientific articles published in Japanese academic journals and of articles included in the database of the periodicals of the National Diet Library of Tokyo <http://ci.nii.ac.jp/>

journal examined Italian law or jurisprudence as its primary subject. The full results of the searches are as follows:<sup>31</sup>:

Search key: “*Itaria boritsu*”

- TADASHI MORISHITA, *Evolution of Criminal Law in Post-War Italy*, 1955.
- NARIKAZU ANAMI, *Italian Jurisprudence: History and Peculiarities*, 1958.
- OFFICE FOR THE LEGISLATIVE RESEARCH OF THE NATIONAL DIET LIBRARY, *The Italian Law on the Regulation of the Working Time of Workers of Country Buses*, 1959.
- TADASHI MORISHITA, *The Situation of the Reform of the Penal Code – Reports on Foreign Law: Italy*, 1959.
- JUNJIRO YAMADA, *Issues of Law and Issues of Fact in Administrative Proceedings in West Germany, France and Italy*, 1962.
- TADASHI MORISHITA, *The Problems of the Proposals of Reform of the Penal Code*, 1962.
- TSURUHISA KAZAMA, *Partial Nullity of the Legal Act: About Art. 1419 of the Italian Civil Code*, 1967.
- SHIGETO KAWAGOE, *The Italian Law on Individual Dismissal*, 1968.
- SHIGEYOSHI NISHIDAIRA, *The European Institutions and Elections: 4. Italy – Proportional System*, 1968.
- TORAO FUKUSHIMA, *Italy (Report on Foreign Law)*, 1969.
- JUN KAJIYAMA, *Outline of the Italian Theory of Negotiable Instruments*, 1970.
- KATSUICHI MIYAZAWA, *The Social Conditions for the Abolition of the Death Penalty – With Particular Reference to the cases of West Germany and Italy*, 1970.
- TSUTOMU SEKI, *Diary on Italian Criminal Policy*, 1970-71 (in 5 parts).
- RYUICHI KOIKE, CHIYO MATSUURA, *The New Italian Law on Divorce*, 1971.
- YASUSHI ITO, SHOICHI NAKAHARA, TSUTOMU SEKI, *The Influence of the Legislation on Divorce in Italy*, 1971.
- TSUTOMU SEKI, *Security Measures in Italy*, 1972.
- TSURUHISA KAZAMA, *Provisions on the Cases of Dissolution of Marriage*, 1973.
- TSUTOMU SEKI, *Functioning and Results of Juvenile Law in Italy*, 1974.
- TORAO FUKUSHIMA, *Act of 25 May 1970, n. 352. Provisions on Referenda Provided by the Constitution and on Popular Legislative Petition*, 1975.
- TSUTOMU SEKI, *Treatment and Prevention of Juvenile Crime in Italy*, 1975.
- ANTONIO MOLINARI (trans. Emiko Shibayama), *Collective Labour Agreement for Housework and the Struggle for Law: From the War to Nowadays*, 1976.

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<sup>31</sup> In order not to overload the text, only the author, title and year of publication have been reported.

- SALVATORE SENESE (trans. Hidesato Shimazu), *The Justice System in Italy after the Second World War*, 1976 (in two parts).
- NORIHIKO NARITA, GEN OGAWA, *Act of 2 May 1974, n. 195. Contribution of the State to the Public Financing of Political Parties*, 1976.
- SHINTARO SHIINA, *Act on the Protection of the Cultural Properties*, 1976.
- SHIGERU WAKITA, *Italy (Right to Strike)*, 1976.
- EIICHI IZUMIDA, *Translation of the Italian Act of 7 June 1974, n. 216*, 1977.
- TOSHIKI ODANAKA, HIDEAKI KAWASAKI, *Pre-trial Detention in the World: Italy and Austria*, 1977.
- KINKO NAKATANI, CHIYO MATSUURA, *The Italian Law on Abortion*, 1978.
- SATO INO, *Equality and Protection of Women Workers in Italy*, 1978.
- TADASHI MORISHITA, *The Statutes for the Prevention of Grave Criminal Offenses in Italy*, 1978.
- TADASHI MORISHITA, *The Act for the Prevention of Terrorism*, 1978.
- TADASHI WATANABE, *The Institution of the Italian Constitutional Court*, 1978.
- SEIICHI MORI, *The Facts Related to the Coming to Japan of the Advisor of the Ministry of Justice, Alessandro Paternostro*, 1980.
- TADASHI MORISHITA, *The new Act for the Prevention of Terrorism*, 1980.
- TADASHI MORISHITA, *A Visit to the Psychiatric Custody Hospital of Aversa*, 1982.
- SHIGEO IZUKA, *Arbitration in Italy*, 1982.
- TADASHI MORISHITA, *A Visit to Italian Psychiatric Custody Hospitals*, 1983.
- MASATO DOGAUCHI, *A Habeas Corpus Case of a Minor abducted in Italy and Brought to Japan*, 1985.
- SHIGEO IZUKA, *Tendencies in the Reform of the Civil Procedure in Italy, with Particular Regard to the Procedure before the Sentencing*, 1986.
- CHIYO MATSUURA, *The New Provisions on Adoption in Italy: Introduction to Act 184 of 1983*, 1988.
- CHIYO MATSUURA, *Reform of the Law on Divorce in Italy – With Translation of Act 74 of 1987 and 436 of 1978*, 1988.

Search key: “*Itariabo*”

- HIROSHI MATSUMOTO, *The Division of Tasks and Powers among Directors in Italian Law*, 1961.
- TADASHI MORISHITA, *Judicial Pardon in Italy*, 1962.
- KIMIO NAKAMURA, *The “Crisis of Law” and Natural Law in Contemporary Italian Jurisprudence*, 1970.
- KAZUHIKO KURITA, *Delivery Order in Italian Law*, 1974.

- MITSUO YASUI, *Dissolution of Marriage in Italy: Contrast between Canon and Italian Law*, 1976.
- SHOJI OKAMOTO, *Procedures to Protect Possession in Italian Law: Outline and Research Notes*, 1976-81 (in four parts).
- KAORU IMAI, *Some Problems of the Arbitration Clause under Italian Law*, 1980.
- KAORU IMAI, *On the Legal Character of the Private Insurance against Injuries under Italian Law*, 1980.
- YOSHIKAZU MURAKAMI, *Trends and Turning Points in the History of Italian Law*, 1982.
- SEIICHI MORI, *Overview on the "Theory of Conflict of Laws" of Bartolus: The "Mos Italicus" of the Italian Medioeval Jurisprudence*, 1982.
- KAORU IMAI, *The Evolution of the Theory about the Injury Insurance in Italy*, 1983-85 (in two parts).
- KAZUHIKO KURITA, *The Contract of Freight in Italian Law: On the Basis of Prof. Romanelli Theory*, 1984 (in three parts).
- YUGEN KUDO, *A Short Note on the Function of Subrogation in Italian Law*, 1988.
- SHOJI OKAMOTO, *Acquisitive Prescription of Right of Way Easements*, 1988.

### 3.3 The 1900s: analyses and conclusions.

The overall picture emerging from these results, as stated at the beginning of this chapter, is one of a sporadic and uneven study, with only few notable exceptions.

The most striking is the work of prof. Morishita on the penal code. He dedicated a large part of his career to the study of Italian criminal law, culminating with the work on the subject of 1985. Besides the researches strictly connected to penal law, Italy is known for its school of criminology<sup>32</sup>, and for the progressive policies in criminal law. There is also a certain interest in the study of juvenile criminal law, as shown by the publications on the subject.

Labour law is the second area in which Italian law is examined with attention by Japan. The Workers' Statute was, and still is, known and its importance is widely understood. Beyond legal scholars looking with great attention to Italian law<sup>33</sup>, politically engaged lawyers showed interest in the study of Italian labour and union law.

Another area of interest is constitutional law, because of the similarities in the recent constitutional and political history of the two countries: totalitarianism,

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<sup>32</sup> In the period under exam, Cesare Lombroso and the Positivist School were widely known and studied.

<sup>33</sup> Two of the most prominent labour law scholars of the 1970s and following years, Koichiro Yamaguchi e Yasuo Suwa, can be defined as "of the Italian School".

militarism, war, defeat and a new Constitution drafted under the influence of the occupying power. As far as civil law is concerned, some studies, such as those in the field of easements, stemmed from the awareness of the similarities between the technical solutions adopted by the Italian and the Japanese civil codes. In other cases, such as maritime law, Italy was seen as the country with the longest established tradition, and was therefore identified as one of the most notable models.

Finally, the image of Italy as the country most strongly influenced by the Catholic religion stimulated interest towards the study of Italian family law. The absence of provisions on divorce until 1970 was known, and part of the curiosity was directed towards the reform. More generally, interest in the study of Italian family law derived from the fact that the alleged influence of the Church and of Catholic religion made Italy, in the eyes of the Japanese observer, one of the furthest models from Japan, where on the contrary the influence of the Church and of Catholic religion is not significant. Often these studies came from Catholic scholars or scholars affiliated with private religious universities<sup>34</sup>.

To sum up: the Italian model was not ignored by the Japanese jurisprudence. Indeed, it would not be realistic to conceive that the Academia of a country such as Japan would ignore a country such as Italy, which legal science can boast a long tradition and a significant role in the international debate. However, it should be noted that the unsystematic study of the Italian legal model did not lead to a circulation of the model.

Still, the importance of these studies is crucial as they form the starting point of the rebirth of interest towards Italy, which emerged in the third period and will be discussed in the following chapter.

#### **4.1 The third period: from the “Lost Decade” to today.**

The end of the Showa period in 1989 can be ideally considered the turning point, separating the second and the third period of the circulation of the Italian legal model in Japan. The two decades 1990-2010 were characterized by the burst of the speculative bubble and the long economic stagnation of the 1990s, then by a timid recovery in the early 2000s, brusquely interrupted by the world financial crisis of 2008.

The “lost decade” of the 1990s had deep social repercussions and far-reaching effects, felt also in the field of law. In particular, the role of law and legislation as an instrument for stimulating the economy was reappraised and the government promoted reforms of the judicial system.

Two tendencies can be seen in this period. First, Italy became a legal system “of reference”, that is a system the legislator looks at when planning legislative

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<sup>34</sup> In Tokyo, the Sophia University (in Japanese *Jochi Daigaku*) is run by the Jesuit Order; Aoyama Gakuin University was founded by the Methodist Church. The International Christian University was founded by the Presbyterian Church.

reforms and drafting new bills. In other words, while previously there was a sharp differentiation between the German, French and the common law systems on the one hand, and the other less prestigious models on the other, recently this approach seems to have been replaced by a desire to know and learn also from legal systems so far considered as “minor”. This new approach is not limited to the Italian legal system, but undoubtedly the study of Italian Law has gained an important boost from this shift.

Another factor to consider is the interest of Japanese legal scholars in the laws, institutions and history of the European Union. Italy is one of the founding members of the EU, and it is natural that some scholars specializing in EU law complement their inquiries with the study of the legal systems of the member states. Among them, Italy is a not uncommon choice.

Finally, the circulation of people between Italy and Japan became easier and more affordable, and obviously this is also playing a part in the increased circulation of knowledge between the two countries.

#### 4.2 Notable examples.

It is not possible here to exhaustively analyze the works on Italian law appeared in the period under examination. In the 24 years between 1989 and the end of 2012, a keyword search with the keywords “*Itaria horitsu*” [Italia(n) statute] gives 153 articles, and 67 works result with the key “*Itariabo*” [Italia(n) law]. In other words, in a time span three times shorter than the previous period there has been a 150% increase of works published on Italian law<sup>35</sup>.

In this paragraph we will try to sort the information, citing the most important studies, and present as coherent a picture as possible.

The first important sign of a renewed interest towards the study of Italian law dates back to 1994, when the Association of Democratic Lawyers published the report of its mission to Italy in the previous year in a special issue of its journal<sup>36</sup>. The report included articles on the situation of the civil and criminal justice system, on labour law, and on visits to Magistratura Democratica<sup>37</sup>, to a law office, to a movement for civil rights and to the Bar Association of Roma. Since 2001 the National Library of the Diet hosts the Research Group on Italian Law. The Group is an internal body of the Library, made of 8 members who meet twice a month. The Group’s objectives are to research on Italian Law and to translate Italian legislation. The results of the Group’s research are usually published in two journals: articles and studies appear in the important

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<sup>35</sup> Cfr. the table in Appendix 1. The data relative to Italy, on which the valuation of a 150% increase is based, are slightly different from those referred to in chapter 2 because for this statistic we decided to use the data resulting from the database without sorting out marginal results or publications made in series, in order to be able to compare the results relative to Italy with the data relative to other countries.

<sup>36</sup> Journal *Ho to minshushugi* [Law and Democracy], 1994/4 (286)

<sup>37</sup> Magistratura Democratica is one of the most influential associations of judges in Italy.

legal journal *Jurisuto* (Jurist), in the section “Reports on the Overseas Laws ” (*Kaigai horitsu jobo*). Recent themes of these reports have been: the Code of Administrative Procedure (January 2011), the university reform (April 2011), the situation of the administration of Justice (July 2011), the provisions and the effects of abrogative referendum (October 2011), public service employee’s right to strike (December 2011), the proposal to eliminate the Provinces (special number, trimestral supplement 1-2012). The first reports on Italian law date back to 2001, and so far there have been 41 of them. All reports have been authored by Jun Ashida, coordinator of the Research Group on Italian Law. The translations of statutes and other legislative provisions, and some other reports such as articles on Italian jurisprudence or analyses of legislative policies and of governmental practices are published in the journal *Gaikoku no rippo* (Foreign Legislation). The latest acts translated into Japanese have been those on the access to pain control through palliative care (May 2010), the Act on historical minority languages and the Act on tourism (September 2010), the new provisions on learning disabilities in the educational system (march 2011), the norms on the “Made in Italy” labelling and on geographic indications of foods (July 2010 and April 2011). The journal first translated Italian laws in 1975. In total, it published 59 articles dedicated to Italian law. Of these, 3 were published in 1975-76, while the other 56 were published after 1989.

There are other signs of a renewed interest towards Italy and Italian law. Among the most important are the judicial statistics of the Institute of Social Sciences of the University of Tokyo, which for the first time included Italy together with the traditional “prestigious” legal systems of France, Germany and England<sup>38</sup>. Classics of the Italian legal tradition have been retranslated: this is the case of Cesare Beccaria’s “Of Crimes and Punishments” which was translated again in 2011 by Masao Kotani<sup>39</sup>, with an extensive body of notes and a final essay.

Labor law and criminal law and procedure are the two areas in which the attention towards Italy is greater. The study of Italian law in these fields has roots dating back, as noted earlier, to the 1970s. Despite the abundance of studies on Italian labour law, and the fact that many Japanese labor law specialists know the Italian system well and have frequent and important contacts with Italy, it cannot be said that there has been a reception of the Italian labour law model by Japan<sup>40</sup>.

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<sup>38</sup> IWAO SATO, MASAO KOTANI, MAKIKO HAYASHI, *Yooroppa no shiho tokei II: Doitsu, Itaria, Nihon [European Judicial Statistics Vol. 2: Germany, Italy, Japan]*, Tokyo, 2010.

<sup>39</sup> CESARE BECCARIA (transl. Masao Kotani), *Hanzai to keibatsu [Of Crimes and Punishments]*, Tokyo, 2011.

<sup>40</sup> An area of research near to labor law is social security. Japanese scholars specialized in Italian social security law are Seiyo Kojima and Yoko Nakamasu.

The circulation of the Italian model cannot however be excluded in the areas of criminal law and procedure. This might be because the Japanese criminal justice had problems related to its inquisitorial model of criminal procedure: Italy, with the more or less successful passage from the inquisitorial model to the accusatory through its Code of Criminal Procedure of 1988 is an interesting system for Japan to observe. The publication in 1997 by the Ministry of Justice of a Japanese translation of the Italian Code of Criminal Procedure is a sign of this interest. Moreover, one of the major legal reforms of the 2000s, that is the introduction of the mixed jury in the criminal trial, was accomplished after the analysis of several foreign legal systems. The Italian legal system was studied in detail, to the point that it can be said without much exaggeration that the best and most recent studies of the Italian Court of Assize are currently published in Japan, in the Japanese language<sup>41</sup>. The expert in this area is the Professor of criminal law and procedure at the University of Osaka, Takeshi Matsuda. It is difficult however, to say with certainty if the provisions on the mixed jury approved in 2004 and enacted in 2009 are a genuine reception of the Italian model. The Japanese legislator wanted to transmit the idea of a new and original institution, tailored especially to the characteristics of the Japanese legal system and of the Japanese people; for this reason the neologism *saiban'in seido* was created to indicate the institute, and all the traces which might have connected the Japanese institution to a particular foreign system have been diligently erased. Despite this, it is inevitable to notice important similarities between the Court of Assize and the *saiban'in seido*, in particular in the provisions about the decision-making process of the panel, in the counting of the votes and in the provisions on the secrets learned by the lay judges in the exercise of their duties<sup>42</sup>.

The interest towards Italy is not limited to these areas. Legal scholars and political scientists kept researches on Italian constitutional law alive<sup>43</sup>. The studies in family law began with Chiyo Matsuura, and were followed by a new generation of jurists, among which we mention Noriko Shiina. Another area in which Italy is seen as a legal model with a long tradition and it is studied with dedication is bankruptcy law, and the expert in this area is Masaki Sakuramoto.

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<sup>41</sup> The most important study has been conducted by the Japanese Supreme Court: SAIKO SAIBANSHO JIMU SOKYOKU [GENERAL OFFICE OF THE SUPREME COURT], *Baishin – Sanshin seido: Itaria hen [Juries – Mixed Juries: Italy]*, Tokyo, 2004. The volume contains an analysis and history of the functioning and problems of the Assize Court in Italy, reports of a procedure before the Court of Assize of Firenze and the complete translation of the Law 287/1951 on the Court of Assize.

<sup>42</sup> On the Japanese mixed jury see in Italian: A. ORTOLANI, *La giuria mista in Giappone*, in GIORGIO FABIO COLOMBO (edited by), *Giappone: un diritto originale alla prova della globalizzazione*, Venezia, 2011, p. 99; in English: A. ORTOLANI, *Reflections on Citizen Participation in Criminal Justice in Japan: Jury, Saiban'in System and Legal Reform*, in *Journal of Japanese Law* vol. 15 (Spring 2010 no. 29), p. 153-176.

<sup>43</sup> Among them, we mention Toshiyasu Takahashi and Fumio Iguchi, as well as the political scientist Ken Ishida.

As far as civil law in general is concerned, the vastness of the area does not allow to say that it is studied systematically, but some areas have raised a particular interest, like property rights<sup>44</sup> and consumer law<sup>45</sup>.

## 5. Conclusions.

In summary, what has characterized the circulation of the Italian model in Japan?

In the first place one can note an inevitable example of path dependency: the dynamics related to foreign influence, rather fluid in the very beginning, rapidly crystallized as the foreign legal systems of reference were decided. At first, Italy did not join the club of the prestigious legal models. The academia reflected this situation and most of the scientific production were comparative analyses of French or German legal system, or of the Common Law. This status quo perpetuated itself for a long time and only recently, because of the profound shocks that affected the Japanese society, new approaches emerged, bearing a greater curiosity towards the study of legal systems previously virtually unexplored. The most recent years seem to harbour new trends in the study of Italian law, also thanks to the intensification of the contacts between the two countries.

Testimony of this renewed mood are the scientific activities and conferences dedicated to the comparison of the Italian and Japanese legal systems, which saw the participation of numerous Italian and Japanese scholars. It is worth mentioning the conference of May 27, 2010, in Venezia<sup>46</sup> and the round table in Kyoto on December 17, 2011<sup>47</sup>.

Finally, the most recent sign of vitality of the Italo-Japanese comparative law scholarship is the foundation in July 2012 of the Italo-Japanese Association for Comparative Law (in Japanese, *Nichi'i hikakuho kenkyukai*). The association held its first conference at the Italian Institute of Culture in Tokyo on June 29, 2013. This is a point of arrival for the comparative law scholarship of the two countries, after more than a century of contacts. At the same time it is an auspicious starting point, for a closer and fruitful collaboration between the two countries.

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<sup>44</sup> In this field we mention Shoji Okamoto.

<sup>45</sup> In this areas, researches on Italian law were made by the professor Keiko Tanimoto of Ritsumeikan University in Kyoto.

<sup>46</sup> The papers presented at the conference are published by G. F. COLOMBO (edited by), *Giappone*, cit.

<sup>47</sup> The round table was organized by the Italian School of (Institute?) of Eastern Asian studies (ISEAS) of Kyoto; the participants were: Giorgio F. Colombo, Takeshi Matsuda, Andrea Ortolani and Keiko Tanimoto.

## Appendix 1

Articles in Japanese journals, results for keyword searches and percentage of variation.

Country	Research Key (title)	Results 1912- 1988	Results 1989-2012	Variation
France	<i>Furansu ho</i> France (French) Law	331	500	+ 51%
	<i>Furansu horitsu</i> France (French) Statutes	369	681	+ 84%
	Total	670	1.181	+76%
United States	<i>Amerika ho</i> America(n) Law	1.654	1.957	+18%
	<i>Amerika horitsu</i> America(n) Statutes	620	999	+61%
	Total	2.274	2.956	+30%
Germany	<i>Doitsu ho</i> German(y) Law	455	707	+55%
	<i>Doitsu horitsu</i> German(y) Statutes	758	1033	+36%
	Total	1.213	1.740	+43%
Italy	<i>Itaria ho</i> Italy (Italian) Law	23	67	+191%
	<i>Itaria horitsu</i> Italy (Italian) Statutes	65	153	+135%
	Total	88	220	+150%