

## FOREWORD

The UCLA Pacific Basin Law Journal is pleased to offer a special issue addressing the legal issues affecting certain vulnerable populations in Japanese society. The following articles focus on various topics such as Japanese models of dispute resolution, mental health and environmental policies, and criminal procedure. The Journal believes that by examining the unique problems faced by such subgroups as the criminally accused, mental health patients, endangered species, and litigants in family court, and the legal frameworks surrounding these groups, we can gain a better understanding of Japanese legal institutions and the societal values these institutions reflect.

In the lead article, Professor Taimie Bryant discusses how traditional notions of the family have shaped family dispute resolution in Japan. Professor Bryant conducted her research in the Japanese Family Court. This court's practices are significant because this court is required to mediate certain family disputes before those disputes may be litigated in district courts. Professor Bryant argues that Family Court mediation tends to reinforce limited, traditional models of the family which do not necessarily reflect contemporary patterns of Japanese family life. Although Family Court mediation has been criticized elsewhere, Professor Bryant notes that this institution has been slow to change because many Japanese believe that social change yields societal instability.

In the next article, Pamela Cohen traces the development of psychiatric patients' rights in Japan and considers reform proposals which are amenable to Japan's unique society and culture. Ms. Cohen evaluates the Psychiatric Review Board, a system of tribunals responsible for monitoring psychiatric patients' hospitalization and hearing patient requests for discharge and complaints about treatment. Ms. Cohen analyzes the system in the context of international law and suggests realistic reforms to make the system amenable to patients' rights while still appropriate for Japanese culture.

Next, Margaret Dupree uses Japan's marine turtle policies to examine Japanese responses to wildlife conservation, particularly of endangered species. Ms. Dupree argues that

despite efforts by the Japanese Environmental Agency to create a comprehensive conservation scheme, structural impediments, such as Ministry-Agency conflicts on marine turtle regulation, continue to stifle progress in this area. In addition, Ms. Dupree points out that the Japanese government tends to make concerted efforts toward conservation only when faced with external pressures from the international community. In conclusion, Ms. Dupree explains that the future of Japan's marine turtles and other endangered species may depend upon the Environmental Agency's ability to obtain full cooperation from all levels of the government as well as complete jurisdiction over this issue.

The article by Jean Choi DeSombre compares the treatment of the accused in the Japanese and U.S. criminal justice systems. This comparison reveals how the Japanese emphasis on substantive justice and the American concentration on procedural justice affect the fairness of the two countries' criminal justice systems with respect to the accused and society. Ms. DeSombre's comparison also demonstrates that, in practice, neither system exclusively employs its grounding philosophy (i.e., substantive justice in Japan and procedural justice in the United States) to fashion its mechanisms for providing justice. Finally, Ms. DeSombre argues that notwithstanding the philosophical differences between Japanese and American models of criminal justice, both countries are combining ideas of substantive and procedural justice to produce hybrid criminal justice systems that are fair and workable.

We trust that you will find this issue to be both stimulating and informative.

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