

FOREWORD

The efforts to use law to assist social and economic development date back to the 1960s when the United States provided development assistance in South America and Africa. The American efforts identified difficulties and tasks of the legal reform assistance in the context of the economic development. As Professor Trubek reflects in his contribution to this volume, the American projects, though full of rich inspirations, were not so successful.

Since the 1990s leading countries of the world again have tried to use law to assist developing countries and post-socialist countries to shift to the market economy. We can not find any elaborate planning and preparation on the part of donors of legal reform assistance. Rather, it seems to be an emergency response to the desperate needs of these countries.

The symposium “The Role of Law in Development —Past, Present and Future—” is an attempt to “stop, listen and see”, after a decade of legal reform assistance, our past experience of legal reform projects. Approximately one hundred and fifty experts and academics participated in the symposium to share their experience and thoughts on the past projects.

The symposium reviewed the history of legal reform assistance and then discussed what sort of lawyer will be most effective in the recipient countries. It also examined how law is invoked and utilized in real social context of developing countries. The very strong assumption that law is essential to economic development, democracy and protection of human rights was subject to critical scrutiny. A translation project of Japanese law into English was reported as an effort to share the information about law globally.

All the participants agreed that we did our best efforts but there still remains much to be done. We also recognized that developed countries must reflect upon their own legal practice so that their experience should become truly relevant to the recipient countries.

This book is the first product of the consortium of those who are deeply concerned with the sound development of the recipient countries.

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