

JMJA 6650

**DEGREE OF MASTER OF SCIENCE**

**Modern Japanese Studies**

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**JAPANESE CRIMINAL JUSTICE**

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**TRINITY TERM 2008**

**Wednesday 4 June, 2.30 p.m. – 5.30 p.m.**

Please start the answer to each question on a separate sheet.

Candidates should answer **THREE** questions.

Do **not** turn over until told that you may do so.

1. Is it possible to identify a distinct Japanese legal tradition? If so, what are its major features?
2. EITHER  
Given that the Japanese Constitution was to some extent “imposed”, is it right to argue that it lacks legitimacy as a result?  
  
OR  
What arguments have been put forward for constitutional revision in post-war Japan? Are they convincing?
3. To what extent can the Japanese criminal justice system be described as adversarial?
4. Is the Japanese criminal justice system characterised by “benevolent paternalism?”
5. How can we explain Japan’s high conviction rates? Are they at the expense of suspects’ rights?
6. “[In post-war Japan], Central to the Japanese model of law generally and of litigation in particular is the elite’s attempt to retain some measure of control over the process of social conflict and change.” [Frank Upham, *Law and Social Change in Post-war Japan* (1987)]. Discuss.
7. Is the use of police power adequately constrained in Japan?
8. EITHER  
What are the major obstacles to reform in the Japanese legal system?  
  
OR  
Will the introduction of the jury system help to make the Japanese legal system more open and accountable?
9. Is it accurate to describe organised crime in Japan as a form of “extra-legal governance”?