

# Material

## **Communicating Japanese Constitutional Scholarship to the World: A Bibliography of English-Language Articles Published in Japanese Law Journals**

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### **1. The Significance of the Bibliography of English-Language Articles on the Japanese Constitution**

This paper presents a bibliography of scholarly articles written in English on the Japanese Constitution, published in major Japanese university law journals.

In addition to the articles on the Japanese Constitution included in this bibliography, the author has also compiled lists of related articles published in foreign law journals, as well as books published both in Japan and abroad. The author intends to make these lists publicly available in the future. However, due to space constraints, this bibliography is limited to articles published in Japanese university law journals.

This bibliography will be useful not only for foreign scholars who are not fluent in Japanese and wish to access research on the Japanese Constitution, but also for Japanese constitutional scholars who aim to disseminate their work internationally.

Comparative constitutional studies is an area in which scholars have been particularly active in Japan. Japanese constitutional scholars conduct highly sophisticated analyses of foreign constitutions—covering institutions, jurisprudence, and case law—comparable in depth to those by schol-

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ars in the countries concerned.<sup>1)</sup> However, many of these detailed studies of foreign constitutions are written in Japanese—a language inaccessible to readers in the countries being studied—and published in domestic journals.<sup>2)</sup> Hajime Yamamoto criticized this situation, arguing that “comparative law research in Japan has long been regarded as a one-way process of importation and assimilation, and consequently, Japanese constitutional scholarship and constitutional case law have almost entirely failed to consider readers outside the Japanese-speaking community.”<sup>3)</sup> Similarly, Makoto Arai observes that, although Japan has long been active in comparative constitutional studies since the Meiji era, and one of the most prolific and sophisticated countries in this field, the accomplishments of comparative constitutional research in Japan “have been disseminated primarily within Japan, leading to a certain disconnect from global trends in comparative constitutional studies.”<sup>4)</sup>

Traditionally, comparative constitutional studies in Japan have emphasized learning from foreign constitutions for the purpose of developing interpretive theories of the Japanese Constitution, rather than introducing

1) Tomonobu Hayashi observes that, in Japan’s legal academia, asking what it means to refer to foreign legal systems reflects a growing awareness that traditional research methods are losing their once-taken-for-granted legitimacy. He describes the typical career pattern of a Japanese legal scholar as follows: “In practice, those aspiring to become legal scholars are first required, during their academic training, to acquire the ability to read foreign legal literature and to make their academic debut by writing a lengthy thesis on a topic drawn from foreign law. If they are fortunate enough to study abroad in the country whose legal system they have been studying, they are often surprised to find that local young scholars focus on their own national law, and that their own style of study is far from the norm. They may even realize that, outside their narrow research theme, they know surprisingly little about Japanese law itself—leading to an identity crisis. It may be assumed that many Japanese legal scholars have passed through such an experience early in their careers.” Tomonobu Hayashi, “*Rekishitetsugaku no Ato de: Kempou-gaku ni okeru Gaikoku-hou no Sanshou* [After the Philosophy of History: On the Reference to Foreign Law in Constitutional Studies],” *Horitsu Jiho*, 92(4), p. 6 (2020).

2) Consequently—and regrettably—the people of those foreign countries are generally unaware that Japanese scholars have conducted studies on their national constitutions, and such research therefore contributes little to the constitutional politics or protection of human rights in those countries.

3) Hajime Yamamoto, “*Kempou Kaishaku to Hikaku-hou* [Interpretation of Constitution and Comparative Law],” in *Kokkyou wo Koeru Kempou Riron: “Hou no Gurobaru-ka” to Rikken-shugi no Henyou* [Constitutional Theories Beyond Borders: “Globalization of Law” and the Transformation of Constitutionalism], Nippon Hyoron-sha, p. 197 (2023).

4) Arai notes that “one of the major challenges for Japanese comparative constitutional studies is how to engage internationally—while preserving the unique significance and merits of constitutional scholarship developed in Japan—and how to develop contemporary comparative constitutional research within the global circle of scholars.” Makoto Arai, “‘Hikaku-Kempou’ wo Hikaku-suru [Comparing ‘Comparative Constitutional Law’],” in Makoto Arai et al. eds., *Sekai no Kempou / Nihon no Kempou: Hikaku Kempou Nyumon* [World Constitutions and the Japanese Constitution: An Introduction to Comparative Constitutional Law], Yuhikaku, p. 32 (2022).

Japanese constitutional theory abroad. However, Japan, which adopted and developed legal systems from France, Germany, the United Kingdom, and the United States during its modernization, has accumulated a remarkable body of comparative legal research. Akira Mikazuki, one of Japan's most prominent scholars of civil procedure, remarked that "all the major legal systems of the world have converged upon this island nation in the Far East, undergoing intense fermentation," describing this as a distinctive characteristic of Japanese law. He further noted that other Asian countries have been paying close attention to this unique synthesis.<sup>5)</sup> From this perspective, the international dissemination of Japanese constitutional scholarship contributes not only to the further development of Japanese constitutional scholarship itself but also to Japan's international contribution through legal assistance to developing countries.

Although Japan is a non-Western country, it was the first in Asia to establish constitutionalism by learning from Western legal traditions. Thus, Japanese constitutional theory and doctrines are of great academic interest to scholars around the world. Nevertheless, research on these topics remains difficult for non-Japanese speakers, primarily because Japanese constitutional scholarship is almost always published in Japanese for a domestic readership. The linguistic barrier remains the greatest obstacle for foreign scholars.<sup>6)</sup>

Thanks to resources such as the Japanese Law Translation Database System (<https://www.japaneselawtranslation.go.jp/en/>), which provides English translations of selected Japanese statutes,<sup>7)</sup> and the judgment database of the Supreme Court of Japan (<https://www.courts.go.jp/english/Judgments/index.html>), which offers English translations of selected Supreme Court

5) Akira Mikazuki, "Nihon-koku no Kindai-ka (1868-nen) Igo no Hou-Seibi Kouchiku no Rekishi [The History of Legal Development in Japan since Modernization (1868)]," *Shiho Hyoron III [Review of Civil Procedure III]*, Yuhikaku, p. 75 (2005).

6) Noboru Yanase, "Constitutional Cases of the Supreme Court of Japan: What the Court Stated and How We Can Obtain Each Text," *Nihon University Comparative Law*, 38, p. 55 (2022).

7) The Japanese Law Translation Database, operated by the Ministry of Justice, provides English translations of Japanese laws and regulations, although they are not official texts. The site includes the disclaimer: "Only the original Japanese texts of the laws and regulations have legal effect, and the translations are to be used solely as reference materials to aid in the understanding of Japanese laws and regulations."

cases,<sup>8)</sup> non-Japanese speakers can now easily access reliable legal information without learning Japanese. However, even with English translations of statutes and case law, one essential component of legal research remains difficult to access—theories provided by scholars.

It is natural that Japanese scholars publish their research in Japanese, which is their native language. In today's globalized academic environment, however, Japanese constitutional scholars are increasingly expected to disseminate their research not only in Japanese—a language spoken almost exclusively by about one hundred million people in Japan—but also in international languages. Satoshi Yokodaido argues that, if the purpose of comparative constitutional studies is not limited to serving Japan's domestic interests, but also includes contributing to the globally expanding field of comparative constitutional law, then “Japanese constitutional scholars who are intimately familiar with the contextual and nuanced meanings of Japan's constitutional practices should actively publish their work in foreign languages, particularly English.”<sup>9)</sup> Similarly, Yuichiro Tsuji, who is one of the most active authors publishing English-language articles on constitutional law in foreign law journals, notes that “Japanese research achievements, written in Japanese, are largely unknown abroad due to linguistic barriers,” and emphasizes that “disseminating at least part of Japan's constitutional discourse internationally will be an important mission for the next generation of scholars.”<sup>10)</sup>

It is not true, however, that Japanese constitutional scholars have never published their research in foreign languages. A small but growing number of Japanese scholars have published their work in English or other languages. Yet one serious problem remains: it is extremely difficult to locate such work.

8) The Supreme Court of Japan's official website provides translations of judgments, although they are not official texts. The site includes the disclaimer: “The Supreme Court of Japan assumes no responsibility for the accuracy of the translations.” As noted in Yanase *supra* note (6), p. 57, the database previously did not allow searches by “Date of Judgment” for cases before 1969, although few of such cases were in fact included. As of September 2025, however, the database has been improved and can now be searched by judgment date back to 1926. Nevertheless, cases before 1969 remain exceedingly rare in the search results and of course, cases before 1946 do not exist and yield no results, since the Supreme Court of Japan was established only in 1946.

9) Yokodaido argues that “research on Japanese constitutional phenomena and interpretation, insofar as it contributes to the development and evolution of comparative constitutional law at the international level, is worthy of being called comparative constitutional law.” Satoshi Yokodaido, “Hikaku Kempou-gaku ni tsuite no Ichi-Kousatsu [A Reflection on Comparative Constitutional Law],” in Akiko Ejima ed., *Gurobaru-na Rikken-shugi to Kempou-gaku [Global Constitutionalism and Constitutional Studies]*, Shinzansha, p. 310 (2024).

10) Yuichiro Tsuji, “Bunken-ka no Shourai [The Future of Decentralization: Coexistence & Coprosperity],” *Kempou Kenkyu [Review of Constitutional Law]*, 3, p. 125 (2018).

In Japan, English-language studies on the Japanese constitution are scattered across various academic journals and books, and there exists no comprehensive database for integrated searches. Articles on Japanese constitutional law published in Western law journals or academic publications are easily searchable through electronic databases. By contrast, identifying English-language articles buried among vast numbers of Japanese-language articles in Japanese university journals is exceedingly difficult. Even if a Japanese scholar writes in English and publishes in a Japanese university journal, it is nearly impossible for foreign researchers to locate such work on their own. That valuable Japanese constitutional research remains largely unknown to the world merely because of accessibility barriers represents a significant loss to the global community of constitutional scholars.

For this reason, this paper provides a bibliography of English-language articles on the Japanese Constitution published in Japanese university law journals.

This bibliography, limited to English-language works, will make such research accessible to scholars worldwide through English as an international language. It will contribute to a more accurate understanding of the Japanese Constitution among foreign scholars, assist Japanese scholars seeking to internationalize their work, and promote collaboration between Japanese and foreign researchers. In this way, the bibliography aims to make Japanese constitutional scholarship more open to the world.

## 2. Previous Works and the Unique Advantage of This Bibliography

Several bibliographies of books and articles on Japanese law written in Western languages have been published with a concept similar to that of the present bibliography. The four previous works particularly considered when compiling this bibliography are as follows:

First, one such bibliography is that compiled by Rex Coleman and John Haley. The Japanese American Society for Legal Studies published the English-language journal *Law in Japan: An Annual*<sup>11)</sup> yearly from 1967 onward. It initially featured English translations of published Japanese-language articles on Japanese law written by Japanese authorities such as

11) For example, *Law in Japan* has published English translations of Japanese-language articles such as Kenzo Takayanagi, “The Conceptual Background of the Constitutional Revision Debate in the Constitution Investigation Commission,” *Law in Japan: An Annual*, 1, pp. 1–24 (1967). However, in accordance with the editorial policy of the present bibliography—which includes only articles published in university law journals in Japan—these works are not listed here.

Nobuyoshi Ashibe, one of the most prominent constitutional scholars in postwar Japan, and later began including original English-language articles on Japanese law. Coleman was the first chairman of this journal's editorial committee. In 1961, he compiled a mimeographed pamphlet titled *An Index to Japanese Law, 1867-1961: Preliminary Draft of a Complete Bibliography of All Books, Pamphlets, Articles, Essays, Statutes, Cases and Other Legal Materials Concerning Japanese Law in the English Language*.<sup>12)</sup> This work was a bibliography of books and articles on Japanese law written in English from 1867 to 1961 (actually including encyclopedias, history, and culture books with little relevance to law). The *Index* was substantially revised and co-edited with Haley to cover materials up to 1973, including some in German and French, and was commercially published in 1975.<sup>13)</sup> This *Index* was also published as a Special Issue of *Law in Japan* and is accessible through the HeinOnline Law Journal Library (as all volumes of *Law in Japan* are included in HeinOnline). Updates to Coleman's *Index* were made through irregular supplements published in *Law in Japan* (from Volume 7 in 1974 onward), but the Supplements ceased with Supplement No. 6, which was published in Volume 23 of *Law in Japan* in 1990 and covered literature up to 1983. Subsequently, a bibliography of Western-language publications on Japanese law from 1974 to 1989 was published in 1992 under the name of one of the compilers of the Supplement, Matthias K. Scheer, with the support of Deutsch-Japanische Juristenvereinigung (DJJV).<sup>14)</sup> However, since *Law in Japan* itself ceased publication with Volume 27 in 2001, a comprehensive update of Coleman's *Index* of Western-language literature on Japanese law cannot be expected unless Scheer resumes supplementing and publishing it.

Second, another such bibliography is *Japanese Business Law in Western Languages: An Annotated Selective Bibliography*, edited by Harald Baum and Luke Nottage. Both editors, based in Germany and Australia respectively, have extensive research experience in Japan and expertise in Japanese business law. The *Annotated Selective Bibliography* is an expanded

12) This pamphlet was prepared for the conference held at Harvard Law School to conclude the Japanese-American Program for Cooperation in Legal Studies. It is held in several university libraries in Japan and the United States.

13) Rex Coleman & John Owen Haley, *An Index to Japanese Law: A Bibliography of Western Language Materials, 1867-1973*, University of Tokyo Press, 1975.

14) Matthias K. Scheer, *Japanisches Recht in westlichen Sprachen 1974-1989: Eine Bibliographie [Japanese Law in Western Languages 1974-1989: A Bibliography]*, 1992. This massive, 881-page typewritten volume was not commercially published but distributed by DJJV. It includes some Western-language articles published in Japanese university journals, but also lists works written in Japanese, and therefore differs in scope from the bibliography attached to this paper.

monograph based on a chapter in Baum's compendium on Japanese business law published in German in 1994,<sup>15)</sup> with Nottage's collaboration. The first edition was published in 1998, and the second edition,<sup>16)</sup> with the help of two assistants, was published in 2013. The *Annotated Selective Bibliography*, as the title suggests, is rich in bibliographic information for books and articles published in Japan and abroad from 1970 to 2012 on topics such as conflict of laws, civil law, civil procedure, trade and investment law, company law, labor law, intellectual property law, and tax law. It also includes a list of works on the Japanese Constitution. It includes, although limited in number, literature in Western languages other than German and English (e.g., French and Italian). The restriction of included literature to those from the 1970s onward is because the *Annotated Selective Bibliography* itself introduces bibliographies and general or introductory works on Japanese law published before its own release. The *Annotated Selective Bibliography* includes a list of literature in Western languages other than English (not covered by the bibliography attached to this paper) and articles published in foreign journals (not covered by the bibliography) but hardly any articles published in Japanese university journals (which are the subject of the bibliography).

Third, Tomohiko Tatsumi's "A Selective Bibliography of Japanese Public Law in German and English"<sup>17)</sup> is a list of English and German literature on Japanese public law.<sup>18)</sup> Tatsumi notes "The primary purpose of this paper is to facilitate Japanese researchers who will have opportunities to hold lectures, presentations, or seminars on Japanese public law in German-speaking countries in the future" (p. 257). However, English or German speakers with some ability to read Japanese could also use Tatsumi's Bibliography to gain information on Japanese law if they can find the list itself. It includes German-language literature and literature on Japanese administrative law, which are not covered by the bibliography attached to this paper. Tatsumi's

15) Harald Baum, „Annotierte bibliographische Angaben,“ in Harald Baum und Ulrich Drob-nig (Hrsg.), *Japanisches Handels- und Wirtschaftsrecht*, Walter de Gruyter, S. 691–757 (1994).

16) Harald Baum, Luke Nottage, Joel Rheuben, & Markus Thier eds., *Japanese Business Law in Western Languages: An Annotated Selective Bibliography*, 2nd ed., William S. Hein & Co., 2013.

17) Tomohiko Tatsumi, “Nihon Kouhou ni kansuru Doitsugo/Eigo Shiryo Risuto [Auswahlbibliographie des japanischen Öffentlichen Rechts auf Deutsch und Englisch],” *Seikei Hogaku: The Journal of Law, Political Science and Humanities (Seikei University)*, 91, pp. 255–287 (2019), available at <https://doi.org/10.15018/00000377>.

18) Tatsumi's Bibliography itself is written in Japanese and published in a Japanese university law journal. Fortunately, the full text is available in the institutional repository, making it accessible to researchers worldwide via the internet.

Bibliography, however, mainly includes books and articles published in countries such as Germany and the United States (partly including articles published in some Western-language journals of Japanese universities) and does not include English-language articles scattered among the Japanese-language university journals, which are the focus of the bibliography attached to this paper.

Fourth, another relevant resource is the *Eigo Shoseki* List [List of Books in English] and *Eigo Gakujutsu Zasshi* List [List of Journals in English] within the Japan Law Database (<https://www.waseda.jp/foLaw/icl/en/database/>) of the Waseda University Institute of Comparative Law. These Lists cover books, articles, etc., on all areas of Japanese law, not just constitutional law, written in English. A PDF version of the bibliography (apparently generated from a spreadsheet file) is available online in a view-only format, and future updates are anticipated. However, English-language articles on the Japanese Constitution published in Japanese university journals (the focus of this bibliography) are excluded from these Lists (except for those in a few Western-language journals of Japanese universities).

Since these four previous works do not enable the retrieval of English-language articles on the Japanese Constitution published in Japanese university journals, the present bibliography is both necessary and useful.

### **3. Scope and Features of English-Language Articles on the Japanese Constitution**

This bibliography compiles information on English-language articles about the Japanese Constitution published in major Japanese university law journals up to September 2025, categorized by subject matter. The entries are generally ordered according to the articles of the Japanese Constitution.

Citations include the author's name (with the capitalized surname preceding the given name, and separated by a comma), article title (in bold and enclosed in quotation marks), journal name (italicized),<sup>19)</sup> volume and issue number,<sup>20)</sup> first and last page numbers of the article, the year of publication (in parentheses), and the URL from which the article can be downloaded (if

19) The titles of Japanese university journals are typically in Japanese, but they also possess an English title (with the exception of purely Western-language journals). In this bibliography, the English titles of the journals are provided for the sake of researchers who do not read Japanese

20) Japanese law journals publish one volume per year, often consisting of multiple issues. Thus, "Vol. 10, No. 5" is cited as "10(5)." When two issues are combined (e.g., Vol. 10, Nos. 5–6), it is cited as "10(5–6)." Some journals have only volumes or only issues; for example, issue 10 alone is simply cited as "10."

it is open access). Citations of literature in this bibliography are standardized for consistency, and may not be identical to those used in the original work. For example, titles and subtitles are uniformly separated by use of a colon, rather than dashes or other forms of punctuation, and macrons or other diacritical marks indicating long vowel sounds in Japanese words are omitted.

The main features of this bibliography are as follows. First, the literature included in this bibliography consists of articles published in the law journals of major Japanese universities. The period covered is from November 1946<sup>21)</sup> to September 2025.

Articles on constitutional law are also published in professional law journals (such as *Jurist* and *Horitsu Jiho*), academic association journals (such as *Public Law Review* by the Japan Public Law Association, *Constitutional Law Review* by the Japan Association for Studies of Constitutional Law, and *Constitutional Theory Review* by the Association for Studies of Constitutional Theory), and books. This bibliography focuses on articles published in 253 academic journals of the law faculties (including law schools and law research institutes) of major Japanese universities. The reason for choosing articles published in the university journals is that most universities publish their journals regularly, and they often have less stringent word limits compared to other serials, making them the most flexible medium for university-affiliated scholars to publish their work. Although articles published in Japanese professional law journals or academic association journals face similar search difficulties as those in university journals, they were not included in this bibliography due to their smaller number. They may be included in future updates or expanded editions of this bibliography.

Articles in law journals published by European/American universities or by European and American publishers can be searched in electronic databases like Lexis+ and Westlaw Classic, and many are available for full-text download. The HeinOnline Law Journal Library allows for downloading the full text of articles from the inaugural to the latest issues of many European/American university law journals in the same layout as the printed version. Although few English-language articles on the Japanese Constitution have been published in European or American law journals, they are easily searchable and downloadable through these databases. Therefore, this bibliography excludes articles published in European/American law journals. On the other hand, there is no single, comprehensive database

21) The Constitution of Japan was promulgated on November 3, 1946, and came into effect on May 3, 1947. This bibliography focuses on the current Constitution, therefore it covers articles published in or after November 1946.

available to search for English-language articles published in Japanese university journals. Thus, this bibliography, which lists English-language articles on the Japanese Constitution published in Japanese university journals, will be beneficial to readers. While CiNii Research (<https://cir.nii.ac.jp/>), operated by the National Institute of Informatics, allows free searching of articles in Japanese serial publications, including university journals, and allows downloading full text of articles in the same layout as the printed version when they are open access, in practice, it is extremely difficult to search for English-language articles in Japanese law journals using English keywords in this database.<sup>22)</sup>

Constitutional law scholars may belong to departments other than the law faculty of universities and publish their articles in the journals of those other faculties. Also, scholars affiliated with a law faculty may publish articles in a journal of other departments. This bibliography primarily includes articles published in law faculty journals (although it includes some articles published in non-law faculty journals identified by the author), but the scope will be broadened to include journals from other faculties in the future.

Some Japanese universities publish separate journals for Western-language research outcomes in addition to their Japanese-language journals. Examples of current Western-language law journals<sup>23)</sup> include *Hitotsubashi Journal of Law and Politics*, *Kansai University Review of Law and Politics*, *Kobe University Law Review*, *Meiji Law Journal*, *Nagoya University Asian Law Bulletin*, *Nihon University Comparative Law*, *Osaka University Law Review*, *Ritsumeikan Law Review (International Edition)*, and *Waseda Bulletin of Comparative Law*. English-language articles in Western-language journals are also difficult for non-Japanese speakers to search because no

22) One reason is that in Japanese databases such as CiNii Research, English titles are sometimes not properly recorded—for example, they may use full-width letters instead of standard English ones, so searches in English do not return those results. Even if one successfully retrieves an article with an English title through a database search, disappointment often follows: in many cases, the article is written in Japanese. Japanese authors usually attach English titles (and occasionally English abstracts) to Japanese-language articles. Thus, an article appearing to be in English on CiNii Research may in fact be written entirely in Japanese.

23) Some Western-language university journals have unfortunately ceased publication. For example, *Doshisha Law Review (International Edition)*, *Keio Law Review*, *Kwansei Gakuin Law Review*, and *University of Tokyo Journal of Law and Politics* published excellent articles but were discontinued in the 2000s. *Kyoto Journal of Law and Politics* was published as part of Kyoto University's 21st Century Center of Excellence Program "Program for the Reconstruction of Legal Ordering in the Twenty-First Century" (2003–2007), and was discontinued after the program's completion.

comprehensive database exists,<sup>24)</sup> so they are included in this bibliography, just like articles in Japanese-language journals.

Second, this bibliography only includes articles written in English among the foreign-language articles. The reason for limiting the scope to English-language articles is that English is the most widely used international language in academic research, and the author deemed English literature the highest priority in compiling a bibliography. This, however, does not negate the significance of Japanese constitutional research in other languages. In the process of collecting foreign-language literature on the Japanese Constitution, the author did find several articles on the Japanese Constitution written in German or French by Japanese constitutional scholars,<sup>25)</sup> although fewer than those in English. It will be a future task to compile a comprehensive bibliography that includes these non-English Western-language materials.

From the perspective of focusing on the international dissemination of research accomplishments by Japanese scholars, articles written in languages other than English are just as noteworthy as those in English. Furthermore, considering the number of speakers in the world, articles should ideally also be written in Chinese. China is a neighboring country geographically close to Japan, and there is a high level of personal exchange, with many Chinese students (far more than from the United States or European countries) studying at Japanese universities, making it rational for articles on Japanese constitutional scholarship to be written in Chinese. Almost no Japanese constitutional scholars study the Chinese Constitution, making it extremely difficult to find articles written in Chinese on the Japanese Constitution in Japanese university journals. As Tomonobu Hayashi states, “In reality, even regarding foreign law, the countries primarily referenced by Japanese legal scholarship are concentrated in the United States, the United King-

24) Although the *Hitotsubashi Journal of Law and Politics* is a Japanese university journal, it is indexed in the HeinOnline Law Journal Library.

25) Among Western languages used in articles on the Japanese Constitution, German is the most common after English. For example, Hisao Kuriki, “Das Allgemeine Staatsrecht (die Allgemeine Staatslehre) in Deutschland und Japan: Geschichtliche Betrachtung,” *Meijo Law School Review*, 1, pp. 4–17 (2005), available at <https://mylib.meijo-u.ac.jp/webopac/TC05233723>, later included in his book *Beiträge zur Geschichte der deutschen Staatsrechtswissenschaft: Gedanke des Volkes in der deutschen Staatsrechtswissenschaft*, Seibundo, 2009. Similarly, Ken Hasegawa published several French-language articles not only on French but also on Japanese constitutional issues in the journal of his institution, such as “L’État actuel et le Problème juridique du Référendum local au Japon,” *Kogakuin University Bulletin*, 36(1), pp. 1–17 (1998), available at <https://doi.org/10.57377/0002000734>. Although his work is known among French constitutional scholars through his sustained professional engagement with them, it remains difficult for other foreign researchers to locate such works using databases like CiNii Research.

dom, Germany, and France—countries that were given the role of models to rely upon during the Meiji period’s transplantation of Western law and in subsequent development”.<sup>26)</sup> Since scholars’ reference countries are mostly limited to the United States, the United Kingdom, Germany, and France, they are proficient in the languages of those countries, and if they intend to write an article in a foreign language, it would be rational to write it in their most proficient language. Conversely, if a scholar has not mastered a language other than those to the level required for academic writing, they usually would not consider publishing an article in that language merely for the sake of disseminating Japanese law.<sup>27)</sup>

Third, this bibliography comprises academic articles and their equivalents. While Japanese scholars often include a concise abstract in a Western language when writing articles in Japanese, these abstracts are not independent works and are therefore excluded. Even if written in English, mere reflections or essays are also excluded, as this bibliography is intended to support scholarly research on the Japanese Constitution both in Japan and abroad.

Conversely, the bibliography does include presentation scripts or lecture records. The opportunity to present at an international conference or during research abroad often motivates Japanese scholars to write in a foreign language. Some items in this bibliography are presentation scripts themselves, without footnotes and including greetings at the beginning and end.

In general, brief introductions to Japanese legislation or judicial precedents are excluded. However, exceptions are made for those that go beyond simple description and include detailed analysis or commentary by the author, thereby qualifying as academic articles. For example, *Waseda Bulletin of Comparative Law* regularly publishes brief introductions to newly enacted legislation and recent judicial decisions, and *Ritsumeikan Law Review (International Edition)* occasionally does the same. Such introductory pieces, which do not constitute articles in the strict sense, are excluded from

26) Hayashi, *supra* note (1), p. 6.

27) Mikazuki strongly emphasized the need for Japanese legal scholars and lawyers to communicate Japanese law to the peoples of other Asian countries. It is unrealistic to expect peoples of other Asian countries to learn Japanese, and he argued that Japanese legal scholars and lawyers must disseminate Japanese law in foreign languages—ideally not only English, German, and French but also Asian languages such as Chinese, Vietnamese, and Malay. Akira Mikazuki, “Nihon no Hou to Hougaku no Atarashii Kadai [New Challenges for Japanese Law and Legal Scholarship],” *Shiho Hyoron II [Review of Civil Procedure II]*, Yuhikaku, p. 368 (2005). Yet, given the time and effort required to master new languages, few Japanese legal scholars or lawyers are likely to learn Asian languages for this purpose. The author therefore believes that disseminating Japanese law in English, as an international common language, is the most practical approach.

this bibliography.

Fourth, the literature included in this bibliography concerns the Japanese Constitution. Most are articles written by scholars majoring in constitutional law or related legal fields. However, articles written by scholars in fields other than law (e.g., political scientists) or those using methodologies other than traditional comparative constitutional legal studies (e.g., socio-legal approaches) are included if they are beneficial for research on the Japanese Constitution. Articles concerning the Constitution of the Empire of Japan (a.k.a. Meiji Constitution) are generally excluded unless they are discussed in the context of the transition to the Japanese Constitution or in contrast to it.<sup>28)</sup> It is often difficult to distinguish articles on the Japanese Constitution from those that are not. For instance, articles containing the word “Constitution” may not necessarily be about the Japanese Constitution (in which case they are excluded). Conversely, some articles do not contain the word “Constitution” but substantively address issues of constitutional matters (in which case they are included). The selection process for this bibliography was not easy but was conducted by the author, a specialist in the Japanese Constitution. Furthermore, articles written by constitutional scholars that mainly address meta-theories or fundamental principles of constitutional law,<sup>29)</sup> or that discuss foreign constitutions with little or no reference to the Japanese Constitution,<sup>30)</sup> are academically valuable but are excluded from this bibliography in line with its purpose of collecting literature on the Japanese Constitution.

Fifth, for literature where the original text is available online, the download URL is also provided in the bibliography. Recently, most Japanese uni-

28) For example, George M. Beckmann’s research on the Meiji Constitution (e.g., “The Meiji Restoration and the Constitutional Development of Japan, 1868–1871,” *Hogaku Kenkyu: Journal of Law, Politics, and Sociology (Keio University)*, 26(6), pp. 458–468 (1953)) was later expanded into his book, *The Making of the Meiji Constitution: The Oligarchs and the Constitutional Development of Japan, 1868–1891*, University of Kansas Press, 1957. However, as his work concerns the Meiji Constitution rather than the current Constitution, it is not included in this bibliography.

29) For example, Toru Mori, “The Necessity and Possibility of Deliberative Democracy,” *Tsukuba University Journal of Law and Political Science*, 20, pp. 325–354 (1996), available at <http://hdl.handle.net/2241/00155859>, and Yasuo Hasebe, “Montesquieu’s Significance for Contemporary Japan: What Japanese Constitutional Scholars Have Failed to Learn from Montesquieu,” *The University of Tokyo Law Review*, 7, pp. 199–202 (2012) available at [https://www.sllr.j.u-tokyo.ac.jp/07/papers/v07part11\(hasebe\).pdf](https://www.sllr.j.u-tokyo.ac.jp/07/papers/v07part11(hasebe).pdf), are of potentially great influence for constitutional scholars worldwide. However, as they do not directly address Japanese Constitution, they are not included in this bibliography.

30) For example, Hideyuki Osawa, “Uncertainties in the Developing Age of Public Law Litigation,” *Keio Law Review*, 3, pp. 59–89 (1983), is an excellent study of public litigation in the United States and offers insights relevant to Japan. Nevertheless, as it discusses only the American context without explicit application to Japan, it is not included in this bibliography.

versities have established institutional repositories and started making articles published in their journals available online for free. Articles published in university journals, which were previously only obtainable by visiting a library to access the printed copy, are now easily accessible via the internet from anywhere by researchers both in Japan and worldwide. However, not all universities have established institutional repositories or made their published journals available online. Some universities have no repository, and others only release recently published journal articles, without retroactively integrating older issues into the repository. Furthermore, even though the university provides its repository, some articles may not be downloadable from it due to copyright reasons, such as the author not granting permission for open access. This bibliography prioritizes the use of Digital Object Identifier (DOI) URLs (<https://doi.org/>) or Handle System URLs (<https://hdl.handle.net/>) for persistent accessibility. These are international identifiers assigned to digitized academic articles and research data, ensuring permanent access even if the server storing the content is moved, or the content's URL changes or breaks. However, since not all Japanese university repositories support DOI or Handle System URLs, where these are unavailable, this bibliography lists the direct repository URL, which may become inaccessible in the future.

Finally, any bibliography inevitably faces the risk of unintentional omissions where relevant literature is missed. Furthermore, as noted, this bibliography deliberately limited its scope to Japanese university journals, thereby excluding key literature found in professional law journals, academic association journals, and books; these sources will require supplementation in the future. Since serial publications like university journals continue to be published after the creation of this bibliography, important new literature will constantly emerge. Therefore, as with all bibliographies, a supplemental volume to this bibliography will inevitably be required in the future.

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