

Changing Behavior of Young Legal Elites in Japan

By Noboru HATAKEYAMA

The reputation that the University of Tokyo is the best university in Japan seems unchanged at least until now. What has changed is the behavior of students there in terms of choosing their courses after graduation.

Roughly speaking, 50 years ago, the first tier of students there, in terms of their study results, tended to enter most popular, prestigious governmental branches (ministries) to fulfill their enthusiastic desire to serve the country, or remain in the University of Tokyo as assistants to professors with their aim of becoming professors of the university almost surely guaranteed, or choose the judicial world with expectations to become judges or prosecutors in the not-so-distant future. There were many who passed the bar exam but did not enter the judicial world as long as they were hired by such popular governmental branches.

Then the next student tier tended to get jobs at big Japanese companies or governmental branches other than mentioned above. If students belonging to this tier passed the bar exam, they tended to practice law.

In 2004, a law to establish law schools at famous universities, including the University of Tokyo, came into force in Japan. According to this law, applicants to bar exams will be required to have graduated from law schools after 2023. Up until 2004, there had been no law schools at the postgraduate level. Therefore they could sit for bar exams directly at the undergraduate level.

As of now there is an opinion that the top half of undergraduates of the law faculty at the University of Tokyo try to enter the university's law school. Some of them who are not confident enough to enter that law school enter law schools at other universities with a lot of grants given from other law schools to those undergraduates of the University of Tokyo's law faculty, according to the opinion. Why are they given a lot of grants from other law schools? Competition among law schools is fierce. They are trying hard to be deemed as an excellent law school. To get such a reputation, they have to have as many of their students as possible pass bar exams. It is said that they think undergraduates of the University of Tokyo law faculty are of high quality and accordingly the possibility of them passing bar exams is much higher than that of undergraduates of other universities. Therefore, giving grants to them is a worthwhile investment for such law schools.

According to the opinion I mentioned above, which may be biased and exaggerated but may include some truth, many of those who failed to pass law school entrance exams like to enter foreign-affiliated companies in Japan. If they fail to enter foreign affiliates,

they sit for entrance exams for governmental officials or Japanese companies' employees. Thus, there are many people, especially among former high Japanese government officials, who are lamenting that if this situation continues, the quality of Japanese government officials will go down severely.

Needless to say, if these changes in student behavior are to reflect the changes of Japanese people's choice, nobody would be able to complain. Human resources, especially the best and brightest thereof, are limited. At this developed stage of our country, the Japanese government may not necessarily need the best and brightest as their officials, so they can enter the private sector, including foreign affiliates.

Some 50 years ago, when the Japanese economy had to be guided by its government, it may have badly needed the best and brightest but, nowadays, the private sector might rather need them to cope with severe international competition. The Japanese economy or society, increasingly becoming litigious, will need more highly competitive lawyers, which will be fulfilled by lawyers produced mainly by newly established law schools. However, if this happens inadvertently, that would be regrettable not only for former high government officials but also for Japanese people in general.

A young Japanese government official made the following comment: "Although it is said that many students of the University of Tokyo now wish to enter foreign affiliates, they are not going to be hired by the headquarters of foreign multinational corporations in the United States or Europe but be hired only by their subsidiaries in Japan. I cannot understand why they are satisfied to work for foreign subsidiaries, with a constraint laid out by their headquarters outside Japan. In my case, I am very happy about doing my job which may have influence upon the destiny of my country."

Perhaps a young person who successfully entered a foreign affiliate may rebut the above comment as follows. "I don't have an intention to stay in this foreign subsidiary for a long time. After learning how to manage a company, I will leave this company to establish my own business." **JS**

Noboru Hatakeyama is chairman and CEO, the Japan Economic Foundation. Before then he was chairman and CEO of JETRO. As MITI's vice-minister for international affairs, he was engaged in the Uruguay Round of GATT negotiations and other talks mainly with the United States and the EU, especially on the automobile trade issue between 1991 and 1993. He is well-known as a pioneer of debate on FTAs involving Japan, including those with Singapore and Mexico.