

New Program at Cornell Law School Connects Law and East Asian Studies

[by Erica Winter]

A university with one of the oldest East Asian Studies programs in the nation now has one of the newest ventures in interdisciplinary study of the law.

Cornell Law School, Ithaca, NY, started the Clarke Program of East Asian Law and Culture three years ago to examine and answer questions on international law that are not resolved in those "big red casebooks," says Clarke program Director, Professor Annelise Riles.

Riles, who is an anthropologist as well as a law professor, came to Cornell three years ago from Northwestern University Law School, Evanston, IL, to head up the program linking Cornell's law curriculum with its premier East Asian Studies tradition.

Interested in the "interface between law and culture," Riles says she saw the need in legal education for an influx of ideas from other fields. The Clarke program seeks to train law students in new ways, enabling them to be more effective internationally, to look at the interdisciplinary relationship between the law school and larger university, and to promote scholarship in East Asian Law.

New questions and legal problems will come up for that recent graduate who gets a job in Singapore "on day one," says Riles. Essential questions such as "What counts as law?" and "Who are the legal actors?" matter first in another culture, before a lawyer can negotiate a contract or defend a client.

Being able to practice law in and/or with another culture means more than knowing that country's laws; in addition, a lawyer must understand that country's legal culture.

For example, in China, the decisions of the

Supreme Court are law. But what about the decisions of the local Communist Party leaders? Those may also be treated as law, notes Riles. In Japan, the opinions of high-level government bureaucrats may have legal standing. In Malaysia, Muslim clerics may have legal impact.

Another essential question in a foreign legal culture is one of utility. In the United States, says Riles, the law is a way of vindicating legal rights. It is possible that in Japan, this is not the only purpose of the law.

For example, a plaintiff may get a favorable ruling in court on an environmental issue, but then find the case overturned on appeal. In the United States, the loss on appeal would be just that--a loss. In Japan, while it would be a loss, it may also be seen as a victory of sorts, putting the environmental issue into the public view and enabling advocates to find reforms through galvanizing public opinion.

Students are also encouraged to see the similarities between legal cultures of different nations, as well as the differences, says Riles, and to see the diversity of views within one society itself.

Those participating in the Clarke program at Cornell represent a wide range of backgrounds and academic pursuits. Some students know Asian languages already and intend to pursue international law, so there are specialized legal language courses. Students "may speak fluent Korean," says Riles, "but they still can't say 'promissory estoppel'

in Korean."

There is a core course in the program on comparative law in the East Asian region and then other courses, such as one on Chinese trade and investment law, and university courses in East Asian studies, which law students can take.

Law students also do independent research projects under the supervision of a professor. The resulting papers can be submitted for an annual essay prize run by the Clarke program.

There are also non-law students at Cornell who take Clarke program classes--such as a Ph.D. student in Chinese Government Policy taking classes in Chinese Law. And then there are law students focusing on European Union law who see the Clarke program as a chance to flex their interdisciplinary theory muscles.

To maintain its interdisciplinary model, the program hosts guest speakers throughout the year for a colloquia series in international law and other academic fields.

Law students can also apply to study law at Waseda University in Tokyo for a semester. The Cornell-Waseda exchange is one of two programs that allow law students from the United States to take classes with Japanese law students in Japan.

Tim Webster is a second-year Cornell law student who will go to Waseda next fall. Being able to study law in an Asian university is



"an asset of Clarke's," he says.

Webster has already studied Japanese in Japan and Chinese in Taiwan and has a master's degree in East Asian languages and literature from Yale. He came to Cornell law because of the university's reputation for excellence in East Asian studies. "There are not many places in this country where you could study both Chinese and Japanese law," he says.

Currently, Webster is working on an independent project looking at cases brought against the Japanese government and some corporations on behalf of Chinese men who were taken to Japan as slave laborers during World War II. Some of these laborers, now very old, are suing for damages, and some are winning.

Another asset of Cornell's program, says Webster, is its data resources. While Westlaw and Lexis-Nexis databases dominate in the United States, Cornell also brought in a similar legal database from Japan, allowing students to see recent legal decisions from Japan, not just historical ones.

This year, other Cornell law students in the Clarke program are working on independent projects looking at Japanese financial reform, women's rights in Asia, the antimilitarism Article 9 of the Japanese constitution, reform in China's judiciary, and the shifts in style of legal education in Asia from the European to the American model.