

Lady Arden of Heswall, Justice of the Supreme Court of England and Wales

Japanese British Lawyers Networking Reception – 28th February 2019

Your Excellency, ladies and gentlemen, I am very honoured to be asked to propose the toast to the Association. But I want to start by thanking His Excellency for his very kind hospitality this evening, and particularly his support for the institution for the British Japanese Law Association and for the Rule of Law, and may I thank you for your meaningful words in your address to us.

When I picked up the newspaper this morning, I knew that what I should talk about very briefly was “small is beautiful”, because there on the front page was today’s item about Japan. Japan is mentioned in our papers pretty much every day, and what was it today? It was the world record being broken, by the smallest ever baby boy to be born and survive. And where was it? It was in Japan. He weighed 286g, about the amount of a cup of rice, and he had been able to survive by the skill, dedication and professionalism of the medical teams in Tokyo. That is emblematic of what we expect from Japan in the present age. It must have taken teamwork, and I’m going to come back to that.

Now, His Excellency might have anticipated that I would talk about small things tonight, because the last time he and I met was two weeks ago, when we went to listen to a lecture by Her Imperial Highness Princess Takamoda of Japan. She talked about *netsuke*, those tiny, very beautiful ornaments that men used to wear on the belts of their kimonos. They were worn up until the mid-nineteenth century. They were not worn after that date very much, because the Emperors of Japan, the new Meiji regime, decided that men should no longer wear kimonos. The previous regime, which I think was the Tokugawa regime, had ruled that Japan should be closed to the West, and so the West knew very little about Japan. But when the Meiji regime opened up Japan, of course there was a flood of visitors and the *netsuke* was a very convenient souvenir to take home, and many people built up collections.

Her Imperial Highness explained how the *netsuke* became ambassadors for Japan, and for Japanese culture. People wanted to know how these beautiful things were made, and why they were made. They were individually made, they were personal to the wearer. They often portrayed myths, and people wanted to know how those myths differed from the similar myths that people knew about from China, and so on. And so the *netsuke* was an educational tool, because it provided this insight into Japanese culture. One thing she told us was, these were not made from lifeless stone: they were made of a material that had sustained life, such as wood or coral. They often had eyes, and so on. They were very personal fashion accessories for the gentlemen in Japan in the nineteenth century and earlier, and they reflected the things that the Japanese people were passionate about.

His Excellency used that occasion as I shall, to provide me with an important legal history of Japan. I shall keep it rather shorter. Here again, small is beautiful. For common lawyers, Your Excellency, the Japanese legal system, and Japanese law, is really quite difficult to understand, because what the Meiji regime did was send out people all over the world – just as the Supreme Court is doing with junior judges today – to learn about their systems. Unfortunately for us, they chose to mainly pick up French and German law and take it home. But, we have made up for it in civil procedure, and the last address we have heard from Mr Sheppard rather busts the myth that Japanese people do not really like to have litigation or dispute resolution. But it is a rather difficult system for us to understand, because we like to put legal systems into families, and Japan certainly has to be one of its own.

So on the occasion two weeks ago, I came by a little knowledge of the system, and that little information interested me to know more. I think that is the point of having brief conversations with people you have not met before. So we have a phrase also in the English language which is similar to “small is beautiful”. It is this: “from little acorns, mighty oaks do grow”, because they land on the ground and give rise to the great big tree. I think that this is a lesson to learn from our relationships

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together. I want to express the hope that through occasions like this we will continue to work together in the legal field and get to know each other's systems thereby better. We know that Japan has played a significant role in the establishment of the International Criminal Court, and continues to be one of its main supporters and funders, and we are very admiring of that, Your Excellency, and of all the support Japan gives for the international rules-based order, which we are also proud to support.

I also hope that we will continue to cooperate. I can give an instance of where we have worked together recently and successfully in relation to the International Court of Justice. We have a strong tradition there of mutual support between Japan and the UK and support of each other's candidates. The UK National group recently nominated Judge Iwasawa, who is now a judge of the International Court of Justice, on the retirement of Judge Owada. We hope this tradition of mutual support of teamwork together will continue. And that little instance shows you – it is little, but important – how tiny acorns can give rise to mighty oaks, and I hope that will be so in all the walks of life where we and Japan tread the road together.

So finally, I am going to thank again His Excellency for his support for the Association, and for his generous hospitality this evening, and for his meaningful words, and ask you all to drink the health of the British Japan Law Association.

The British Japan Law Association!