



[Group photo taken after the presentation at Chiang Mai University]

[Activity outline]

Main activity	Overseas research in Thailand
Related organization	Thammasat University (Thailand)
Duration	September 2014 – September 2015

[Interview with Professor Nishizawa]

—— Could you tell us how your research on Thai laws started?

Prof. Nishizawa

When I started my university studies, I was rather interested in the process leading to the establishment of Japanese laws in the Meiji period. In the course of pursuing my studies in a seminar, however, I came to learn that there were countries in Asia that had never been colonized, as is the case with Japan, and moreover established a Western-style legal system so as to revise unequal treaties that they had signed with Western powers. My interest then shifted to laws in Asia. Of those countries, Thailand has a lot in common with Japan, which led me to decide to make the laws of this particular country the subject of my research.

At the time I embarked on my current research, information on Thai laws was limited, with only a few researchers working in the area. Against this backdrop, my initial desire to study the history of the laws was hampered. Historical research aims to reveal what led up to modern times, but with no information available on Thai laws in modern times, research on the history of the laws will not work out. I therefore decided to focus on the country's legal system in modern times instead.

—— Could you tell us how your overseas research started?

Prof. Nishizawa

Before joining Kansai University, I conducted overseas research once at Chulalongkorn University in Thailand. For studies on laws, however, Thammasat University is more renowned, and curiously enough my move to Kansai University brought me many opportunities to work with the Thammasat university. Thinking that our university, which has hosted researchers from Thammasat, should reciprocate and send our researchers there, I myself visited Thailand in 2014



for research at Thammasat University. During the course of my research there, I worked with researchers at Chulalongkorn University as well as with researchers at Thammasat University. Yet, I believe that the fact I was enrolled in Thammasat University was important.

—— Could you elaborate on your work?

Prof. Nishizawa

With my research on Thai laws covering a variety of areas, I accept most research assignments upon request. While dealing with Thai laws as a whole, including the country's general laws, the persons with disabilities law and the consumer protection law, for example, I primarily focus on laws dealing with private affairs such as commercial and civil laws. For my overseas research in 2014, I chose the Law for Security as my theme. As my visit to Thailand coincided with the then ongoing revision of the Act, I got the timing right. The draft law was being prepared by experts at Thammasat University at the time, and I was lucky enough to talk with them.

—— Could you tell us more about the requests for research assignments?

Prof. Nishizawa

The requests come from researchers. Let's say someone who launched a project to examine a certain Asian-related theme from a legal perspective decided to deal with Thailand among Southeast Asian countries. Their search for researchers in the field of Thai laws would result in only a limited number of hits, leading them to seek my cooperation. I have received requests on a broad range of law-related issues, from surrogacy to consumer protection. With not many research projects ever conducted on Thai laws, I have always tried to make myself available to meet as many such requests as I can.



[Publications coauthored by Prof. Nishizawa]

—— With the Law for Security under revision while you were conducting your research in Thailand, you were lucky with the timing.

Prof. Nishizawa

In May 2014, a few months before my departure for Thailand, the Thai military staged a coup, seizing control of the country. Following the coup, the military junta enforced an interim constitution, changing the country's legal system. In Thailand, a coup results in the suspension of the constitution and a shift in the legislature to a unicameral system from a bicameral one, which is what the country normally adopts, just like Japan. Bills would then need to be cleared only in one chamber instead of two, as required under normal circumstances, motivating public offices to submit more bills at this particular time.

—— They say that during a coup, public offices in Thailand perform their duties as usual. Have Thai people been subject to frequent coups?



Prof. Nishizawa

Not exactly. The last coup before this one was in 2006; the one before that being in 1991. Yet, Thais are familiar with coups. The occurrence of the event leads to a change in the composition of the National Assembly, with veterans and servicepersons on active duty becoming its members. Less political disputes because of such composition obviously allows bills to be more easily cleared and thus makes assembly members inclined to seize that opportunity to get key bills through. I certainly witnessed major bills clearing the assembly or important laws being revised during my stay in the country.

—— Where does the appeal of Thai laws lie?

Prof. Nishizawa

Born in Japan, I had studied Japanese laws and been taught this is more or less what a law is. Conducting international comparative research, however, will enable us to realize that what we have learned about Japanese laws is not necessarily absolute. Since Japanese laws are modeled on those of European nations such as Germany or France, research in Japan has focused on the laws of those nations. By making comparisons among Asian nations, which are in the same region as Japan and likewise introduced Western laws, we will recognize a distinguishing trait that each country has in its own laws. Research on Asian laws tell us something that we will never learn from studying European laws, and this is what I find very interesting.



[Commemorative photo taken after the training for Thailand Court of Justice]

—— Could you elaborate on the distinguishing trait of each country?

Prof. Nishizawa

In Japan, where real estate values are relatively high, taxes are imposed on land and land can be mortgaged as security. On the other hand, in Southeast Asian countries, which once had enough land and even land to spare for the size of their populations, land was not of high value and instead the labor force or people themselves were appraised as having high value. As land remains useless without a labor force to work it, slavery thrived in Thailand. With the passage of time, these countries now have abundant labor, while they are experiencing an increase in the commercial value of land. With this shift in their markets of valuable commodities, the legal systems of the countries in Southeast Asia have gone through drastic changes. Though Japanese tend to simply assume that land is of higher value, I learned through my research that major properties could vary depending on what age, society or place you live in.

—— How would you like to develop your research from now and into the future?

Prof. Nishizawa

Japanese research on Thai laws only began a short time ago, and there are still numerous things that have not been revealed. Some of the things that we take for granted in Japanese laws have not been examined in Thai laws yet. I will strive to earnestly continue my research into the fundamental laws of the country.





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