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## Introduction

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# FAR EASTERN SECTION

## INTRODUCTION

**B**EGINNING WITH THIS ISSUE, the *Washington Law Review* will include, in addition to its traditional departments, a section on Far Eastern Law. This section is being jointly sponsored by the *Review* and the Far Eastern Institute of the University. It is in addition to, and does not replace, departments and types of material formerly appearing in the *Review*.

A law review can aspire to be something more than an adjunct to legal education, a student laboratory for legal research and writing, or a service to practicing lawyers in furnishing articles, comments, and notes on current law which are useful in the day-to-day practice of the profession. These are practical functions of great value, tolerably performed by this and scores of other law reviews in the country. They amply justify the existence of any law review and need no apology. But a review can aspire to other than immediately practical ends. It can attempt to discern future trends before they become immediately visible to the naked eye, it can attempt to push beyond existing horizons.

The Far Eastern Section is the result of certain convictions. If there is to be peace, if the peoples of the world ever learn to live together without periodically attempting to annihilate each other, it will be because they learn to live in a world governed by law rather than by brute force. If there is to be peace, the peoples of the nations of the world must learn to understand each other. Every lawyer knows that a large proportion of controversies are caused by misunderstandings. If we are to engage in trade and friendly intercourse with other nations, we must have some understanding of their laws and legal institutions. The average American legal scholar knows very little about the laws and legal institutions of other countries of the world. Particularly is this true of the countries of the Orient. This may be due to indifference, but even if he does wish to familiarize himself with these matters he does not know where to turn. Adequate materials are not readily available, at least in the English language.

The creation of the Far Eastern Section of the *Washington Law Review* is an attempt to do a small portion of the job which we feel needs doing. It is an attempt to stimulate legal research and creative writing in the field of Far Eastern law. It is an attempt to disseminate knowledge of these subjects over a wider area.

The geographical location of the state of Washington, at the gateway to the Orient, undoubtedly was a factor in the germination of the idea for a Far Eastern Section. The increasing postwar commercial relations between the Pacific Northwest and the countries of the Far East indicate a need for greater familiarity with certain aspects of oriental law. A second factor,

of course, was the existence on the Washington campus of the Far Eastern Department and the Far Eastern Institute—departments devoted to the study of the languages, culture, and institutions of Far Eastern countries. To include in these studies the law and legal institutions of the Far East was a natural development and one which might be expected to add to the high standing of the University in this field. Finally, there was the fact that for many years the Law Library of the University has been collecting materials on the law of oriental countries, especially Japanese law, and now has one of the finest collections in the United States.

The Far Eastern Section will be devoted chiefly to the publication of articles on the law and legal institutions of Russia, Japan, and China, although other countries in the Far East will not be neglected. Most of the articles will probably be written specifically for the *Review*, although it is expected that the section will frequently publish translations of significant materials not otherwise available in English.

The University has generously made available the funds necessary for the addition of this section to the *Law Review*. If the members of the bar find within its pages something of interest and benefit, we will be gratified, if they do not, they can simply skip it without feeling shortchanged, since the amount of traditional material in the *Review* will not be diminished.

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## THE SPIRIT OF SOVIET LAW

HAROLD J. BERMAN\*

Revolution is the violent establishment of new law. Not only new rules of law but also new legal institutions, new categories and principles of law, new conceptions of justice are forged in the fire of revolutionary terror and civil war. To the victims and the onlookers, and often to the revolutionaries themselves, this law-creative process is not immediately apparent. On the one hand, all legality seems to be swallowed up in the whirlwind of destruction, on the other hand, a new heaven and new earth is proclaimed, in which all will live in brotherhood and harmony, without need of law. But when the smoke of violence settles, and the dust of utopia is wiped from the eyes, there remains — new law.

This is the only justification of revolution, and those who respect the legal system under which they live must also pay their respects to the revolution which created it. For in the West, at least, every great nation owes its law to a revolution. Even the United States, which created no new legal system but adopted instead the Common Law of England, was compelled to fight a Revolutionary War in order to se-

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