
Resources on East Asian Law in the United States

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1. History

The development of foreign law collections in the United States has been divided into three stages. The first stage started in the nineteenth century with the Library of Congress and the Harvard Law School Library taking the lead in a period of “haphazard growth.” “In 1845 it was said, and Professor Greenleaf¹ reported, that the Harvard Law Library surpassed every other law library in the United States, and also that no other law library in England or on the Continent was its equal in scope.”² At the Library of Congress, “the need for foreign legal research sources, especially in times of hostilities with other nations, intensified the Law Library’s acquisition efforts over the years to such an extent that certain collections in the Law Library exceed those of the countries of origin.”³ The early collections of foreign laws include historical laws and treatises from France, Spain, Russia, Great Britain, and other Commonwealth countries. The laws of Great Britain are the most extensive because of their significance in the

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1 Simon Greenleaf (1783-1853) was Harvard Law School professor from 1833 to 1840s. He contributed extensively to the development of Harvard Law School, including expansion of the Harvard Law School Library’s

2 Kurt Schwerin, *Law Libraries and Foreign Law Collections in the U.S.A.*, 11 INTL & COMP. L.Q. 560 (1960). Kurt Schwerin was Librarian of Northwestern University Law Library from 1964 to 1970.

3 LAW LIBRARY OF CONGRESS (US.), LIBRARY OF CONGRESS LAW LIBRARY: AN ILLUSTRATED GUIDE 12 (Library of Congress 2005).

United States and their influence on U.S. law.⁴

The second stage began around the turn of the 20th century. During this period, the “systematic growth” of foreign law collections began to meet an increasing demand for knowledge of legal institutions of foreign countries. Particularly during the years 1900 to 1925, whenever great libraries became available for purchase, the Harvard Law School acquired them. In 1916, when Roscoe Pound became Dean (1916-1936) of Harvard Law School, “out of a total of 171,629 volumes in the Library, 47,442 were in the fields of Roman and foreign law (the British Empire not included).”⁵

The third stage started after the two world wars. Due to the emergence of the United States as the leading world power, the growth of international organizations and the expansion of international trade, a “renewed emphasis on the foreign law collections” took place.⁶ By 1962, the Library of Congress, Harvard, Michigan, Columbia, Yale, the Los Angeles County Law Library, Northwestern, the Association of the Bar of New York, Tulane and Chicago became the top 10 owners of foreign law collections in the United States.

So far, existing studies on foreign law collections have discussed only European and Latin American materials. Few studies have explored the development of East Asian law collections. The question still remains as to when libraries in the United States began to collect East Asian law materials. An examination of the developmental paths of major East Asian law collections may help us to gain perspective on this issue.

The literature reveals no indication when the Library of Congress acquired its first Chinese, Japanese and Korean (CJK) law books, “apparently some Japanese laws had been obtained as of circa 1930.”⁷ One related event was that in the late 1940s, the Law Library of Congress received funding through the Chinese Emergency Aid Program of the Department of State for seven Asian lawyers who then published works on the law of various Far Eastern countries between 1950 and 1955.⁸

It is commonly believed that the Harvard Law School’s collection of East Asian law materials began at the turn of 20th century. A random survey of the Harvard Law School Library Accessions List found that gift materials from East Asia arrived as early as 1900. The earliest date found in the literature concerning acquisitions of East Asian legal materials was in the 1920s. As Roscoe Pound later wrote: “In 1927, Dr. J. E. de Becker, the translator of the Japanese Codes and authority on Japanese law, gave the

⁴ For more information concerning the Law Library of Congress’s foreign rare book collection, see US LAW LIBRARY OF CONGRESS, RARE BOOK COLLECTION, available at http://memory.loc.gov/ammem/awhhtml/awlaw3/rare_book.html (last visited on Oct. 6, 2008).

⁵ Schwerin, *supra* note 2, at 561.

⁶ *Id.* at 563.

⁷ E-mail from Wendy Zeldin to author (Apr. 29, 2008) (on file with author).

⁸ US Law Library of Congress, *supra* note 3, at 22-23.

Library a large collection of important Japanese law books which, added to what had previously been acquired, and with later additions, has resulted in a substantially complete collection.”⁹

Eldon R. James, Librarian of Harvard Law School from 1923 to 1942, made a major effort to raise a substantial amount of money for the Law School’s acquisitions of books. In 1930, Mr. James hired Shigemaru Shimoyama (下山重丸), a graduate of the Harvard Graduate School of Design, to work for the Library. In 1935 the Library sent staff (if not Mr. Shimoyama) to Japan and bought a sizable collection of Japanese manuscripts and printed books. Large shipments of book acquisitions arrived in 1936. The Library received 58 Japanese titles on March 7, 65 titles on March 21, 100 titles on Apr.4 and 150 titles on July 30. These materials dated from as early as the twelfth century up to the modern period.¹⁰ By 1945, the Harvard Law School Library’s collection of Japanese materials reached 1,400 volumes. Also in 1936, Harvard Law School Library began to receive Chinese books purchased from Soochow University Law School and Peking Union Bookstore.

Dean Pound had the vision and interest to collect foreign law materials. He was also involved in the development of legal education and the legal system in China. He traveled to China a number of times during the 1930s and 1940s to teach in Chinese law schools. He served as advisor to the Chinese Ministry of Justice from 1946 to 1948. In 1965, Professor Jerome Cohen, a China law expert, founded one of the nation’s oldest and most extensive Asian law programs, the East Asian Legal Studies Program at Harvard Law School. The China connections of Dean Pound and Professor Cohen have likely contributed to the early development of the Chinese law collection at Harvard Law School.

The Columbia Law School began to collect Chinese, Japanese and Korean language legal materials in the early 1980s. “In 1982, the Arthur W. Diamond Law Library at Columbia Law School received a private law collection donated by the family of the late Justice Jiro Tanaka, who served as a Supreme Court Justice of Japan between 1964 and 1973. Building on this collection, which was considered the finest private law collection in Japan, the Diamond Law Library began the development of a comprehensive Japanese law collection in 1984.”¹¹ Since 1983, Columbia Law School has also collected Chinese and Korean materials on law.

⁹ Roscoe Pound, *The Harvard Law Library*, 5 HARV. LIBR. BULL. 298 (1951).

¹⁰ James Kanda, *The Japanese Archives of Harvard Law School Library* 1 (Dec. 1975) (unpublished manuscript, on file with Harvard Law School Library).

¹¹ Toshiba Library for Japanese Legal Research, *available at* <http://www.law.columbia.edu/library/collections/toshiba> (last visited on Feb. 8, 2008).

“In more recent years, the Toshiba Library¹² received large private collections from a former Supreme Court Justice, Itsuo Sonobe, and from Professor Koichi Kikuta of Meiji University, as well as duplicate materials of the Law Faculty at Meiji University. With the support of Nagashima, Ohno & Tsunematsu, the Library acquired approximately 800 volumes of important case reporters, journals and statistical materials.”¹³

At the Gallagher Law Library of University of Washington, “The Library’s Asian law collections had their beginnings in the 1930’s with gifts of Chinese and Japanese legal materials, including a substantial donation of books by the Japanese Ministry of Justice.”¹⁴ Dr. Arthur Beardsley, the head law librarian of the Law Library from 1922 to 1944 was later credited with starting the library’s systematic collecting of Chinese, Japanese, and Korean materials following the gift of a modern Japanese law collection from the Japanese-American Society, just before World War II.¹⁵ In the early 1960s, the Law School received a grant from the Ford Foundation. This grant allowed the Library’s Japanese law collection to expand and provided for the hiring of a full-time Japanese law scholar, Professor Dan Fenno Henderson who started the Asian Law Program at the Law School in 1962. To support the Asian Law Program (which was primarily a Japanese Law Program in those days), Japanese speaker, T. Susanne Lee (Takika Yamada Lee or “Susie” Lee) was hired to develop the Japanese as well as other Asian and foreign law collections.¹⁶ With the hiring of the Assistant Librarian for East Asian Law in 1989, the Library’s Chinese and Korean legal materials increased greatly, while support of the Japanese collection continued.¹⁷

2. Current State and Special Features

Today, many major US law school libraries have set up special budgets or received contributions from their Asian law programs for the development of East Asian law collections. They continue to benefit from the support of foundations such as the Ford Foundation, the Japan-U.S. Friendship Commission, the Japan Foundation, the Korea

¹² The Toshiba Library for Japanese Legal Research refers to the collection of Japanese law in the Arthur W. Diamond Law Library at Columbia Law School.

¹³ See *supra* note 11.

¹⁴ MARIAN GOULD GALLAGHER LAW LIBRARY, EAST ASIAN LAW DEPARTMENT HISTORY, available at <http://lib.law.washington.edu/eald/eald.html>, (last visited on Oct. 5, 2008).

¹⁵ Pegeen Mulhern: Marian Gould Gallagher’s Imprint on Law Librarianship—The Advantage of Casting Bread upon the Waters, available at http://aallnet.org/products/pub_llj_v98n02/2006-20.pdf (last visited on Oct. 5, 2008).

¹⁶ William B. McCloy, correspondence to Eric Lee (Sept. 29, 2008) (on file with author).

¹⁷ E-mail from Rob Britt to author (Apr. 15, 2008) (on file with author).