



he discusses a similar phenomenon in a more moderate way. I suppose that this indirect critique derives from Professor Luney's recognition of the law of noninterference in the domestic affairs of a foreign state or from his consideration of the future friendly relationship between the United States and Japan.

These three papers raise important and difficult questions, not only for the Japanese people, but also for people in other countries that adopt a form of representative government. Why has such a distrust of representative government recently appeared in Japan? The preface of the 1947 Japanese Constitution states that the "government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by representatives of the people and the benefits of which are enjoyed by the people." This very famous phrase embodies a contract made by the people when we adopted the Constitution and a representative government. It requires the governing power to promote the benefits of the *whole* people, not to pursue the private interests of a small group. It is assumed that representative government is better than direct democracy because elected representatives are presumably persons who possess the wisdom to discern, and the virtue to pursue, the general welfare of society. This ideal image of public officials, however, has been betrayed again and again by cases of bribery and other scandals involving elected officials. Such wrongdoing is not limited to national government; it also occurs at the local level.

In the case of the judiciary, the people, in recent years, have been shocked by many errors in criminal cases. In the last five years, many criminal defendants who were sentenced to death were released after retrial. Such events were very disturbing to the Japanese people, and shifted their attention to a consideration of the effectiveness of representative government as opposed to that of other, more directly democratic systems. This shift was particularly true at the local level, where people are seeking more active participation in the governing process. Many people are also now interested in the jury system. Some lawyers advocate the adoption of a jury system in criminal cases.

Is direct democracy really better than representative government? In other words, can we trust ourselves any more than our representatives to make wise governmental decisions? At this stage I do not have any clear answer for such an important question.

American scholars and lawyers have more experience with direct democracy than do their Japanese colleagues because of their familiarity with town meetings, legislation by initiative or referendum, and the jury system. Therefore, I would like to invite American scholars and lawyers to evaluate direct democracy as compared to indirect representative government.