

## Speech Summaries in Japanese and English

### Category 1 winner: Jonathan King, 4<sup>th</sup> year at the University of Edinburgh

#### 誰のための裁判員制度？

制度的概要と裁判員に求められることを説明し、外国との比較を図りながらこの制度に対して用いられる多様な批判の妥当性を探る。何の法律知識も経験もない一般人に裁判官の役が務められるのか。誤判や冤罪事件の数が逆に増えるのではないか。そもそもこの制度自体



が憲法違反なのではないだろうか。日本の刑事司法制度に多くの問題があったことは法曹関係者の誰もが認めるところだが、一般市民に刑事被告人を裁く義務を押し付けたところで果たしてそれは変わるだろうか。以上の疑問や批判を中心に、会場の皆さんも体験しているであろう混乱の解決に役立ちたいと、私は考えている。

「21世紀の日本を支える司法制度」を実現させるために設けられた審議会がなぜ、「裁判員制度」という形をとった市民参加方法を選んだのか。決して歓迎されているとはい

えない裁判員制度がなぜそんなに意義深いのか。日本における刑事司法の実態を露わにすることで、皆さんの理解を求め。そして日本国民はこの制度に何を期待できるのか、また日本国民に何が期待されるのか、という最も肝心なところに触れて締め括る。

#### A new lay judge system for the benefit of whom?

First I will provide an overview of the Japanese legal system and the role expected of lay judges (*saibanin*), then I shall go on to explore the validity of the various criticisms of the *saibanin* system, whilst drawing comparisons with the practices of other nations. Can a lay person with neither experience nor intimate knowledge of the law perform the role of a judge? Will miscarriages of justice not simply become even more commonplace? Isn't this lay judge system unconstitutional? Any member of the Japanese legal profession will admit that their criminal justice system was laden with problems, but is shifting the burden of judging criminal defendants onto the Japanese public really going to improve things?

Why did the Judicial Reform Council, charged with a mission to establish "A judicial system to support 21st Century Japan," believe it necessary to include popular participation in the form of the *saibanin* system? Why is this system so important? I shall seek the understanding of the audience in this matter by revealing the reality behind criminal justice in Japan. And, last but not least, I will conclude by considering what the Japanese people can expect from this system, and what will be expected of them.

**Category 2 winner: Bryan Woon, 3<sup>rd</sup> year at the University of Warwick**

**変わり行く日本の中でサラリーマンは生き残れるのか**

サラリーマンは戦後日本の経済回復を担ったホワイトカラーの英雄として世界に知られています。一般的なサラリーマンは長時間労働をして、さらに一年中いつでも働く姿勢を見せなければなりません。深夜まで同僚や取り引き先と一緒にお酒を飲むこともよくあることです。勤勉と忠義と服従が重んじられて、転勤を断ったり、転職したりするのはよく思われません。

サラリーマンの労働スタイルはバブル経済の崩壊まで続きました。しかし、90年代から年功序列と終身雇用制度が消えて、それで典型的なサラリーマンが減りました。財政難と外国からの競争のため、能力主義制度を取り入れる会社が増えています。さらに、パートや派遣も増えています。そして、現代人の意識も大きく変わりました。仕事は経歴や、奉仕や、生き甲斐のためではなく、ただ収入源と考える若者が増えているのです。

この変化は大部分の日本人に受け入れられましたが、新しい問題もあります。日本では高齢化社会が進み、2030年には、働く人と年金受給者の割合が2対1になると予想されています。パートや派遣社員の給料はフルタイムの正社員と比べて、40%ぐらいしかありません。これでは税金が足りなくて、日本は大きな財政時限爆弾を抱えることとなります。

今の日本にサラリーマンがまだ存在しています。しかしながら、経済の変化とこれらの若い世代の出現により、サラリーマンという日本独特の労働スタイルの存在が消えてしまうのも遠くないかもしれません。

**Is the Japanese salaryman fast becoming a relic of the past?**

The 'salaryman' is well-known internationally as the white-collar hero whose work ethic had driven Japan towards post-war economic recovery. A typical salaryman worked long hours and was on call 24/7. Late night drinking sessions were the norm. Diligence, loyalty and subordination were highly valued; while turning down transfers or switching companies was unimaginable.

This system stood in place for decades until the collapse of Japan's bubble economy in the 1990s. Since then, the stereotype of the salaryman has diminished as the once-mighty pillars of lifetime employment and seniority-based compensation have crumbled. Economic woes and increasing foreign competition have led to companies adopting a more flexible workforce filled with part-time and temporary staff, and implementing performance-based compensation. A big generational shift has also taken place in the mentality of younger Japanese, who see jobs merely as a source of income, rather than as a career, a duty to the nation or a purpose in life.



This change is widely welcomed by most Japanese but the collapse of the system creates new problems. Already one of the world's most rapidly ageing populations, by 2030 it is predicted that every pensioner in Japan will be supported by just two workers. With temporary and part-time workers paid approximately 40% less than regular full-time workers, Japan is facing a serious fiscal time bomb. Japan still has its fair share of salarymen, but failure to adapt to the changing economic tides and the emergence of a younger generation mean that these are probably the last days of the salaryman.

## A Look Back on the Speech Competition

On the day of the competition itself, I was genuinely surprised by the number of supporters and Japanese people who had come to watch the competition. The lecture theatre was certainly more packed than I expected it to be. This certainly made me more nervous, but excited as well for the opportunity to impress so many native speakers.

As I was the last speaker in my segment, I could afford to sit and admire the speeches before me, and it enabled me to study the atmosphere, the crowd and the whole set-up before I took to the stage. I was relatively calm and told myself not to think about my speech at all, as it would only contribute to more butterflies in the stomach. My heart was beating normally, right until the contestant before me finished answering her last question. My pulse went up quite a bit as I rose from my seat and waited to take to the stage.



I started off alright but was feeling pretty nervous on the inside. The thing about public speaking is that the beginning is always the hardest. After about half a minute of speaking, I got into the rhythm of things and I was feeling fairly comfortable. At this point, I had more or less engaged the audience and it was encouraging to look up and see people nodding at some of the points I made. It wasn't perfect though, as I forgot one of my lines and had to apologise for the slightly long pause. I was nevertheless relieved at the end of my speech that I had gotten 99% of it right.

On to the Q&A segment, which proved to be a harder task as I had to formulate the thoughts in my mind and quickly translate them to Japanese. Although I didn't answer in perfect Japanese, I managed to get my answers across and at the end of it all, I was just glad to have performed decently. It gave me the opportunity to relax and enjoy the rest of the speeches for the day in Category 1.



When it was time for the results to be announced, I wasn't as nervous as I was before my speech. The runner-up was announced, and it wasn't me! Then soon the winner was announced and I heard my name. Of course I felt jubilant, but there were so many people watching me, I could only manage a simple smile in the end. As I received my prizes from the distinguished guests, I was thinking, "Gosh, I can't believe this is really happening!" I had a vague idea of what to say in my victory speech, but in the end I was too excited and surprised to say what I intended to say.

I was probably the only contestant that day without any friends, family or teachers amongst the audience. But the moment I won, I wished I could share my joy with them. So as the cameras flashed, I pictured the faces of my sensei and my Japanese friend who helped me tremendously in my speech preparation, plus my family up there in the crowd.

At the end of the day, the best memory I had was being able to deliver a speech in a language that wasn't my mother tongue, in front of an audience of native speakers. To have some of them come up to me during the interval later on, telling me how interesting my speech was and how convicted I appeared when I spoke, was certainly the most encouraging and touching thing that could possibly happen. Winning was a definite bonus and I'm glad that I didn't let down all those who helped and supported me. Most importantly, in preparing for this speech competition I've greatly improved my language skills and awareness of Japanese culture. The experience of the day itself, of a well-run event with so many other wonderful speakers, will certainly live long in the memory.

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