

VOICES

— *from the* —

Sylff Community

JANUARY 2013

www.sylff.org

About the Tokyo Foundation

The Tokyo Foundation is an independent, not-for-profit think tank that presents concrete policy proposals based on a lucid analysis of the issues combined with a solid grasp of everyday life and the reality on the ground. We also cultivate socially engaged future leaders with a broad perspective and deep insight, both in Japan and overseas. We administer two global fellowship programs, one of which is the Ryoichi Sasakawa Young Leaders Fellowship Fund, or Sylff.

The Ryoichi Sasakawa Young Leaders Fellowship Fund (Sylff) Program

The program was initiated in 1987 to support students pursuing graduate studies in the humanities and social sciences. To date, endowments of \$1 million each have been presented to 69 universities and consortia in 44 countries, and over 15,000 students have received fellowships. Sylff is a collaborative initiative involving the Nippon Foundation, the endowment donor; the Tokyo Foundation, the program administrator; and the Sylff institutions providing the fellowships.

We Want to Hear Your “Voice”

For news about the activities of Sylff fellows and program updates, as well as communication within the Sylff community, visit the Sylff website at www.sylff.org. We are always eager to receive YOUR contributions to the site. Please contact the Tokyo Foundation at leadership@tkfd.or.jp.

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PREFACE

This booklet presenting the many “voices” in the extensive Sylff community—encompassing 69 universities in 44 countries around the world—is the second to be published, following the inaugural edition of October 2011. It contains the articles and reports submitted over the past year by current and graduated fellows, of whom there are now over 15,000.

My first visit to a Sylff institution after becoming president of the Tokyo Foundation in June 2012 was to the American University in Cairo, which celebrated the 20th anniversary of the Sylff program there in November. I was highly impressed by the outstanding fellows from various countries who have graduated from AUC and have become socially engaged leaders in their respective communities and countries.

As the name of the program indicates, Sylff aims to nurture young leaders capable of charting a better future for all of humankind. Given the globalization and diversification of modern society, the nature of the problems confronting us in countries around the world has also become very diverse. Addressing them requires approaches that recognize such diversity. The kind of leaders we need today must be able to grasp the essence of issues from a broad, interdisciplinary perspective and have the courage, skills, and creativity to find the right path.

To nurture such leaders, the Tokyo Foundation plays two basic roles. The first is to work closely with each Sylff institution, including through regular visits, to ensure sound program operations and endowment management. The second is to provide support programs directly to current and graduated fellows to facilitate networking in the Sylff community and to enrich their academic activities. One such program is called Sylff Research Abroad, which was relaunched in 2011. Summaries of the reports submitted by the initial group of recipients can be found in this booklet. We’re now also exploring ways to promote the social action activities initiated by Sylff fellows and to work with Sylff schools to organize symposiums in which fellows from different countries participate.

I hope that by using these opportunities, Sylff fellows will lead the way in overcoming the many difficult challenges confronting the world today to chart a path toward a better future for all.

Masahiro Akiyama
President
The Tokyo Foundation

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SYLFF COMMUNITY

January 2013

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Nov. 14, 2012

Japanese Language Education at Chinese Universities

Yusuke Tanaka

Of the approximately 3.65 million students of the Japanese language outside Japan, the highest numbers are in South Korea (960,000) and China (830,000). China, though, claims more students at the tertiary level, at 530,000. How are Chinese university students learning the Japanese language and gaining an understanding of the country's culture?

Yusuke Tanaka, a 2009 recipient of a Sylff fellowship as a student at the Waseda University Graduate School of Japanese Applied Linguistics and a research fellow at the Japan Society for the Promotion of Science, conducted a detailed study and analysis of Japanese language education at Chinese universities. He examined textbooks and curricula and interviewed both teachers and students. His research revealed features quite distinct from those seen in South Korea and Taiwan.

The following are excerpts from his report:

* * *

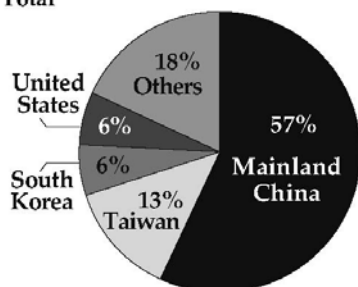
Of the 1,170 universities in China, there are 466 that offer majors in the Japanese language. The figure is a threefold jump from 1999, when the Chinese government introduced a policy to expand the number of university students in the country.

The aim of this report is to examine how students of the Japanese language at Chinese institutions of higher learning—which today enjoy a growing global presence—are learning the language. Specifically, the analysis focuses on classes in *jingdu* (Comprehensive Japanese), the chief course taken by Japanese majors at universities in Beijing, Shanghai, and Dalian, examining and analyzing the Japanese text found in course textbooks.

Yusuke Tanaka Sylff fellow, 2009, Waseda University. Currently enrolled in a doctoral program at Waseda University.

The examination revealed three major characteristics. (1) The *jingdu* textbooks widely used today frequently quote the same passages and authors as those appearing in *kokugo* (Japanese language) textbooks used at schools in Japan. An extremely high percentage of Chinese students are thus exposed to the same materials as Japanese schoolchildren. (2) When creating Japanese language textbooks in China, *kokugo* textbooks are considered one of most reliable

Japanese Language Students at Institutions of Higher Education in Each Country as a Percentage of the Total



sources for quoting passages. (3) Inasmuch as teachers, students, textbook publishers, and researchers, as well as the instruction guidelines all concur that the aim of Japanese language instruction is to gain an “accurate understanding of the Japanese language, Japanese culture, and the Japanese mind,” many believe it is only natural and logical for materials appearing in Japanese high school *kokugo* textbooks to overlap with textbooks for Chinese learners of the Japanese language.

The study revealed that the teaching materials and methods used in Japan had a definite influence on the way Japanese was taught to Chinese university students, suggesting that domestic teaching methods have a role in Japanese language education abroad. Both learners and instructors pointed to biases and deficiencies in Japanese textbooks, however; one researcher noted that the grammatical system adopted in the textbooks was designed for native speakers of Japanese, making it unsuitable for Chinese students of the language. Others voiced the need to make a clear distinction between native and foreign learners, adjusting the content and methods of Japanese language instruction accordingly to meet fundamentally contrasting needs and aims.

There was also a perceived need to be vigilant for normative elements and assumptions about universality that, by nature, are part of language instruction for native speakers. And there may be a danger in referencing textbooks that are designed for domestic use and contain—as some claim—biased content as sources for the “accurate understanding of the Japanese language, Japanese culture, and the Japanese mind.”

Nevertheless, making a mechanical distinction between Japanese language instruction for native and foreign speakers and simplistically assuming them to be isolated concerns will only hinder efforts to gain a true grasp of Japanese language teaching in China. Rather, there is a need to broaden our perspective and fully acknowledge the intertwining of the two approaches to language teaching

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that now exist in China. This, I believe, is an extremely important consideration in understanding the diverse and fluid nature of foreign languages and cultures and in reexamining what Japanese language education in China should seek to achieve and how it should be structured. I thus hope to conduct further research and analysis into this topic.

This study focused on an analysis of textbooks used in Japanese language instruction at Chinese universities. I would be most happy if the findings of this report—that the methods used to teach Japanese to native speakers deeply influence how the language is learned by nonnatives—would become more broadly known to Japanese language educators both in Japan and other countries.

Read the full Japanese report at: www.tkfd.or.jp/fellowship/program/news.php?id=130

August 21, 2012

Why Regulate Hedge Funds? Comments on the Brazilian Experience

Keiti da Rocha Gomes

In June 2007, two hedge funds linked to Bear Stearns, a major American investment bank, announced losses of US\$16 billion, forcing the bank to inject that amount to prevent the collapse of both funds. These funds operated with a high degree of leverage, based on derivatives financed with funds borrowed from large banks, guaranteed with securities backed by mortgages and other debts: the Collateralized Debt Obligations (CDO). The funds together accounted for approximately US\$18 billion in bonds (of which US\$16.2 billion had been purchased with borrowed funds), which led Bear Stearns Asset Management to play a prominent role in the CDO market.

The losses represented the first signs of the serious financial crisis that would reach its peak the following year, in 2008, when Bear Stearns itself was bought by JP Morgan Chase in a deal for only US\$236 million, aimed at avoiding bankruptcy.

Despite its seriousness, this was not the first time that the failure of a hedge fund triggered panic on international financial markets and weakened them. Ten years earlier, in 1998, the collapse of Long-Term Capital Management (LTCM) forced the Fed, along with 14 financial institutions, to orchestrate a recapitalization of US\$0.6 billion. Like Bear Stearns, LTCM had borrowed large amounts from the banking sector, allowing it to take bets that exceeded the notional value of US\$1.5 trillion, while shareholders capital was no more than US\$4.8 billion. This fund was, arguably, the most active user of interest rate swaps in the world, with contracts that totaled US\$750 billion.

The magnitude of the two events and the similarity of strategies used to obtain high returns—high degree of leverage and loans from banks—have raised questions about the effectiveness of regulatory initiatives to avoid the recurrence of systemic crisis.

Keiti da Rocha Gomes *Sylff fellow, 2008, University of São Paulo. Currently a PhD candidate at the University of Brasilia.*

Debate on Regulation

Traditionally, supporters of “laissez faire” argue that hedge funds increase the efficiency and liquidity of the financial system, either by spreading risk among a large number of investors or by improving the pricing of the traded assets, thus removing any space for more restrictive regulations. Not coincidentally, in the last 10 years, mainly in the United States and Europe, the notion that financial regulatory institutions should interfere minimally and only in situations involving the general public has preponderated. Along this line, the hedge funds, as private investment structures targeting high-income investors—and treated in a different way from regular investors—were placed outside the direct jurisdiction of regulators.

Following this line of thinking, regulatory efforts in the period focused on improving the ability of banks and other financial institutions to monitor and manage risks by individually managing exposure to these funds. The promotion of transparency about the risks assumed by those investment companies would be sufficient, it was argued, to enforce an adequate market discipline, with no need for a more direct regulation.

The predominance of this view has hindered the adoption of a more restrictive regulatory framework, especially with regard to the systemic aspects of these funds in financial markets. Even in the context of the last global crisis, the belief that hedge funds played a limited role in the genesis of the systemic turmoil has prevailed, in spite of the substantial losses they have suffered.

In this scenario, hedge funds have fed paradoxes with serious implications for the dynamics of the international financial system. First, they present themselves as managers of large private fortunes, mainly for large institutional investors; however, they usually take loans with the formal banking system, and thus they naturally transfer the risk of their positions to the entire credit system, that is, they transform the operations of private funds into operations throughout the investing public. Second, they claim to be able to deliver high absolute returns, in any condition, exploiting price anomalies in the market; however, they often suffer significant losses in situations of turbulence, as seen in the last global crisis. Third, while they remain largely outside the scope of regulations, they are undoubtedly channels of transmission of systemic risk. Fourth, despite the large number of these agents and the diversity in their investment strategies and objectives, they present a noticeable similarity in their risk exposures and the securities they trade, which tends to cancel any eventually positive effect of a possible heterogeneity of these agents.

The recent, post-crisis initiatives on the regulation of hedge funds, both in United States and Europe, have exhibited superficial and still timid proposals to effectively counter the contradictions listed above. On the other hand, unlike most countries that are still discussing and trying to adopt their laws, in Brazil it has already become a reality. Interestingly, most of the claims for stricter rules on the behavior of hedge funds are particularly familiar to the Brazilian financial markets, and Brazil may be able to make a significant contribution to the design of a more effective regulatory framework at the international level.

The Example of the Brazilian Experience

Traditionally, the Brazilian capital market has been marked by the presence of restrictive regulatory and supervisory structures. Particularly in the segment of investment funds, while the offshore vehicles enjoy wide freedom in conducting its operations, onshore funds must conform to strict standards of regulation and supervision. These standards, although targets of criticism by those who advocate a more flexible market, recently have received worldwide attention because of the low vulnerability demonstrated by domestic financial institutions during the unfolding of the international financial crisis, initiated in the subprime mortgage market in the United States.

Among the major domestic requirements, all investment funds based in Brazil must be registered with the Comissão de Valores Mobiliários (CVM, or the Securities Commission) that acts as the primary regulator and supervisor of funds and investment firms in the country. In accordance with CVM instructions, all funds, including hedge funds, must provide daily liquidity reports and disclose, also daily, the value of their quotas and assets to the general public. Moreover, managers must monthly deliver to CVM statements with the composition and diversification of the portfolio, as well as a summary trial balance of their funds. Additionally, every year they have to send to CVM a consolidated balance sheet approved by an independent auditor. At the same time, the Associação Brasileira das Entidades dos Mercados Financeiros e de Capitais (ANBIMA, or the Brazilian Association of Financial and Capital Markets Entities), which pools the institutions that manage funds in Brazil, also plays an important self-policing role.

In addition to these requirements that provide more transparency to the public, an important restriction applied to the funds in Brazil is that these entities are prohibited from contracting and receiving loans from financial institutions. This limitation establishes an important difference between domestic and offshore funds, since it reduces the possibility of highly leveraged funds being

supported by third parties and eliminates a disturbing channel of exposure of the formal banking system to hedge funds, which proved to be particularly disruptive to the international financial market in the last crisis.

On this point, it is important to note that Brazilian authorities do not officially consider hedge funds to be a different family of investment funds and usually subject them to the same regulatory rules that are applied to other funds. Another specificity of the Brazilian financial sector involves the over-the-counter market, in which all financial derivative instruments and securities traded are recorded with the Central de Custódia e de Liquidação Financeira de Títulos (CETIP, or the Central Securities Depository), an agency supervised by the Central Bank of Brazil and whose activities are regulated by CVM. Thus, all securities exchanged between private investors outside the regulated market (São Paulo Stock Exchange) are subject anyway to observation by national regulatory authorities. Again, in the context of both the international financial crisis and the collapse of LTCM in the United States, the absence of such information was particularly harmful in assessing the real extent of risk exposure between different financial institutions.

All these restrictions have been relatively successful in preventing and avoiding the propagation of systemic risk within the domestic financial market, although they are not fully able to prevent the contagion of crisis in the unregulated global markets. Amid the recent turmoil, the defense of more direct, coordinated, and continuous supervision of financial institutions in different countries has gained importance in international forums, making it increasingly more urgent. In this scenario, the Brazilian experience on the regulation of the investment fund industry can be a relevant reference in guiding these discussions at the international level.

The opinions expressed in this paper are those of the author and do not necessarily reflect the views of any organization with which she is or has been affiliated.

June 20, 2012

Nuclear Environmental Justice in Arizona and Beyond (2)

Linda Richards and Perry H. Charley

Linda Richards, a historian of science and a Sylff fellow at Oregon State University, has been informing the public about the issue of nuclear “environmental justice” in the Navajo Nation—once the source of a quarter of the supply of uranium in the United States—for over 25 years.

In April 2011 she organized a Sylff-funded workshop to address the issue of uranium mining contamination in the land of the Diné—the Navajo people in their own language (see part 1 of this article at www.sylff.org/2011/04/12/4203/)—in Arizona. Workshops were also held in October 2011 at three Oregon campuses under the Oregon Sylff Consortia—University of Oregon, Oregon State University, and Southern Oregon University.

The following notes depict the highlights of the discussion in Oregon:

* * *

It is estimated that 80% of the nuclear fuel chain (the mining, milling, production, testing, and storage of nuclear materials for weapons and energy) occurs on or near remaining indigenous communities worldwide. Just one example of the consequences of this disproportionate exposure is unveiled in the history of uranium mining on the Navajo Nation.

Tale of Empowerment

However, the Sylff workshops in Oregon shared the experiences of the Navajo as not only a declension tale but also as a story of empowerment that explained the

Linda Richards Sylff fellow, 2009, Oregon State University. Currently enrolled in the history of science PhD program at Oregon State University.

Perry H. Charley Navajo elder and co-founder, Dine Environmental Institute and the Uranium Education, Diné College.

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efforts of the panelists (Jeff Spitz, filmmaker of *The Return of Navajo Boy*, <http://navajoboy.com>; Elsie Mae Begay, Navajo advocate and grandmother; Perry H. Charley, Navajo scientist/educator and cultural specialist; and Oliver Tapaha, Navajo educator) to inform the public and spark an environmental cleanup on the Navajo Nation.

The audience at all three campuses were especially interested in Navajo culture, current cleanup efforts, and a recent court ruling that will allow further uranium mining in an area immediately adjacent to Navajo lands, but outside its jurisdiction, that could contaminate already scarce drinking water supplies.

Charley, a Navajo elder who co-founded Dine College's Dine Environmental Institute and the Uranium Education Project, discussed traditional Navajo relationships with the earth and their ties to Mother Earth. These ties begin before birth and are consummated shortly after birth by the burial of their umbilical cord in the earth. The earth is not viewed as a resource to use but as a sacred gift to protect for future generations. These relationships are not discussed or considered in federal risk assessment strategies. From 2002 to 2008, Charley served on the National Academy of Science's Committee on Improving Practices for Regulating and Managing Low-Activity Radioactive Wastes to help develop safer regulations for mining waste.

The report—which took years to draft—concluded that radiation management, handling practices, transportation, disposal, long term monitoring and safety was a patchwork of inconsistent federal, state and tribal regulations, but this never made headlines. Charley's work, though, became part of grassroots initiatives—such as decades of effort by local organizations, the film *The Return of Navajo Boy*, and a 2006 in-depth report by journalist Judy Pasternak in the *Los Angeles Times* called “The Peril That Dwelt among the Navajos” —that eventually caused Congressional hearings to be held in 2007.

The hearings inquired why so little had been done by the responsible party—the US government, the sole purchaser of the uranium from the 1940s until the 1970s—to remedy the pollution facing the Navajo. A five-year, multiagency cleanup plan was consequently begun in 2008, but it continues to be underfunded, and the residual radioactive contamination has not been moved off the Navajo Nation but remains indiscriminately scattered throughout it.

Updates on the cleanup, which has so far removed 34 of the literally hundreds of residential structures and only 14 cubic yards, out of millions of cubic yards of radioactive waste associated with mining and milling, can be found at the Environmental Protection Agency's website, “Addressing Uranium Contamination in the Navajo Nation.”

Return to Mining?

Repeated requests for a comprehensive epidemiological study for the Navajo Nation have continued to be ignored, however, and the mining companies see an opportunity to come back and start mining again, even though there is a Uranium Mining Ban. The Diné College Uranium Education Program initially started the process that after many years became the essence of the Navajo Nation's 2005 Dine Natural Resources Protection Act.

The act banned mining and processing sites on the Navajo Nation until all the contamination is removed. However, the President of the Navajo Nation recently took a special trip to Paris to look at the French nuclear and radiation safety program. The moratorium on mining may be in reality, only symbolic, subject to the whim of the leaders.

In addition, the Nuclear Regulatory Commission has awarded four in-situ uranium mining licenses to mine on what is considered by many to be Navajo land despite the ban. All federal legal avenues to stop the threatened mining have been exhausted, but the dissenting judge in the final Court ruling of March 8, 2010, said that the NRC had allowed its own limits on radioactivity for drinking water to be exceeded.

A local group, the Eastern Navajo Diné Against Uranium Mining, with the help of the New Mexico Environmental Law Center, submitted a petition to the Inter-American Commission on Human Rights in May of 2011 arguing that the Nuclear Regulatory Commission's decision to grant Hydro Resources Inc. a license to mine uranium ore near Church Rock and Crown Point, New Mexico, is a violation of national and international laws, including the 2007 United Nations Declaration on the Rights of Indigenous People that President Barack Obama has committed the country to uphold.

The new mines, first permitted by NRC in 1999 but contested in court since then, could contaminate drinking water for 15,000 Navajo residents in and around two communities that lie just outside the Navajo Nation boundaries drawn by the federal government but are considered by members of the tribe to be part of their homeland.

“By its acts and omissions that have contaminated and will continue to contaminate natural resources in the Diné communities of Crownpoint and Church Rock,” the petition reads, “the State has violated Petitioners’ human rights and breached its obligations under the American Declaration of the Rights and Duties of Man.”

Other Health Threats

Uranium is not the only environmental health threat to the Navajo, moreover. There are rich reserves of coal, and two of the most polluting power plants in America are on the Navajo Nation. Some days the air in the Four Corners area is yellow, and the incidence of upper respiratory disease and certain kinds of cancer is present, along with the threat of high levels of mercury from the pollution. However Navajo tribal administrators approved a new super coal fired plant to also be built.

Charley, after spending all of his professional life addressing and researching the sad legacy of uranium mining, currently suffers from a form of laryngeal cancer. Despite his illness, he continues to inform and educate others. While the problems facing the Navajo are complex, the Sylff forums also raised awareness of indigenous rights on the whole, particularly in Ashland, where the program was a part of the SOU United Nations Club celebration of the 2007 Declaration of Indigenous Rights. There, after the film and question-and-answer session, Whistling Elk Drum, a local drum group of the Red Earth Descendants, performed several sacred traditional songs.

After the performance, the 2007 UN Declaration on Indigenous Rights was read in its entirety by Grandmother Agnes Baker-Pilgrim of the International Council of Thirteen Indigenous Grandmothers (see www.grandmotherscouncil.org), Jane Ayers, and Daniel Wahpepah.

The Declaration is the result of a 20-year process of negotiation and advocacy for its inclusion into the United Nation's legal structure. Jane Ayers is a national journalist and leader who was a participant in the early discussions of the document 20 years earlier, and Daniel Wahpepah is a local leader and founder of Red Earth Descendants and the 501 C3 Natives of One Wind Indigenous Alliance. Wahpepah's late uncle Bill Wahpepah was a national leader in the American Indian Movement who worked to protect the rights of all Native Americans.

The moving reading was followed by a panel on indigenous rights facilitated by Richards and including Pilgrim, Wahpepah, Charley, Elsie Mae Begay (who was the lead character in *The Return of Navajo Boy*), and Oliver Tapaha, (Diné, PhD in education). Tapaha discussed his hope to increase knowledge of the issues and his efforts to discuss and share the issues with his students on the Navajo Nation. The group shared their individual perspectives reflecting on the many issues facing indigenous and subsistence cultures worldwide, especially due to climate change. The panel reflected on how cultural, physical, and spiritual rights are strongly articulated in the document but are not guaranteed,

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nor made enforceable, without the help and will of civil society around the world.

The forums provided an intergenerational, interdisciplinary, and multicultural opportunity for discourse. The University of Oregon forum included many students from environmental studies courses, and at OSU nuclear scientists and engineers were in attendance. At all three venues, the audiences provided feedback in surveys that showed listening to the filmmaker, the elders, and Navajo people had impressed upon them the value of listening to other cultural perspectives, speaking out in the face of injustice, and preserving the environment.

May 11, 2012

Japan's Lay Judges and Implications for Democratic Governance

Bryan M. Thompson

On a sunny January morning in 2010, I sat high above the bustling streets of Tokyo in the central offices of the Japan Federation of Bar Associations, speaking with a professor and noted scholar of Japan's *saiban-in seido*, or "lay judge system." As I listened and learned more about the system, I found it amazing that it was my position as a Sylff fellow that had led me here.

In May of 2009, Japan began formal operations of the *saiban-in seido*, a quasi-jury method of trial adjudication that blends elements of the Anglo-American jury and the European lay assessor adjudicatory systems. Mandated by the Lay Judge Act of 2004, this system represents the first time that Japanese citizens have been asked to



The sign in front of the Supreme Court of Japan.

formally participate in the criminal adjudicatory processes of the state since 1943. At its core, the Lay Judge Act established a form of criminal trial adjudication where citizen jurists serve with and work alongside their professional counterparts on trials where the offense falls within a limited range of high crimes.

Under the *saiban-in seido*, in cases where the defendant contests his or her guilt, the judicial bench is composed of three professional judges and six lay civilians chosen from the population at random. These mixed tribunals are charged with not only determining the guilt of the defendant but also the sentence to be imposed. Decisions and judgments by the lay judge panel are based on majority vote, although any valid verdict is required to include the votes of at least one professional judge and at least one lay jurist.

Bryan M. Thompson Sylff fellow, 2009–2010, Portland State University. Is currently pursuing his Juris Doctor degree at Lewis and Clark Law School in Portland, Oregon.

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As part of my master's thesis, I decided to investigate this new means of trial adjudication to determine what its central purposes were, how the lay judge system compared to similar systems around the world, and whether it was likely to operate successfully.

Functionally, this system is a hybrid of the two most commonly used lay adjudicatory systems in modern democracies: the Anglo-American jury system and the lay assessor system of continental Europe. Indeed, the Japanese quasi-jury method uses both professional jurists and lay citizens—similar to Europe's mixed tribunals—who work and deliberate together on the guilt and potential sentence of defendants before the court.

Much like their Anglo-American counterparts, however, Japanese lay adjudicators are selected randomly from the population and serve for only one case. By taking attributes from both the European and the Anglo-American models, the Lay Judge Act created an internationally unique criminal jury system.

Perhaps one of the most surprising discoveries about the lay judge system was that it was conceived and implemented in order to, among other things, strengthen the democratic tendencies of the Japanese people and improve democratic governance within Japan.

According to the Judicial Reform Council, the body appointed and charged by the Japanese Diet in 1999 to recommend juridical reforms, one of the goals of this system was to strengthen democratic governance. According to the JRC, judicial service would help transform the collective consciousness of the Japanese populace from “being a governed object [to that of] a *governing subject, with autonomy and bearing social responsibility . . .*” (emphasis added).

Toward that end, citizen service in judicial systems, where individuals are asked to be integral participants in determining the guilt or innocence of their fellow citizens, can play a powerful role in enhancing democratic governance. Indeed, the simple act of discussing one's time as a juror can have an important impact on how individuals conduct their public lives following the trial:

[T]alking about jury service after the fact represents an effort to bridge the courthouse experience with the rest of one's life. Regardless of whether one's experience was triumphant or



The US Federal Courthouse in Portland, where criminal and civil jury trials are common.

tragic, this conversational behavior could strengthen preexisting cognitive connections between being a juror and being a democratic citizen more generally. Rather than treating jury duty as an isolated, almost private responsibility performed exclusively while “on duty,” these conversations increase the likelihood that jurors *remain jurors in spirit* after leaving the courthouse. Still wearing their Jury duty cards with them out of the courthouse, these jurors become more likely than their peers to carry with them a heightened sense of responsibility to continue their public service—in other ways—after being dismissed by the judge. [emphasis original] ¹

However, there are serious concerns whether the lay judge system’s design could compromise the very democracy-enhancing ends it was conceived to advance. In particular, the Lay Judge Act severely circumscribes the ability of lay jurists to disclose the trial’s inner workings to others, and it authorizes criminal sanctions and penalties should any lay jurist reveal the contents of the trial to anyone, even years after their service is concluded.

While this confidentiality provision was designed to protect the sanctity of the deliberations and shield lay judges from possible harassment, the negative effects on the lay judges due to these restrictions could have severe repercussions in the system’s ability to transform the Japanese people into the “governing subjects” that the JRC initially envisioned.

This is particularly worrisome given that, as noted above, the sharing of one’s jury experience is an important component in strengthening the ties between judicial service and later democratic enhancement. As one observer mentioned, “If the system’s purpose is to educate the public about trials and have their views reflected in the criminal justice system, gagging participants for life seems counterproductive.”²

Interestingly, although the lay judge system has been operating for just under three years, those who have already served have expressed surprisingly high levels of confidence in its operations. As of 2010, 98% of Japanese citizens who were empanelled as lay judges felt their experience was a positive one, with 75.6% stating that the atmosphere during deliberations was positive and allowed a complete discussion of the case at hand. ³

¹ John Gastil, et al., *The Jury and Democracy: How Jury Deliberation Promotes Civic Engagement and Political Participation*, 116 (2010).

² Colin P. Jones, “Big Winners in ‘Jury’ System May Be Judges, Bureaucrats,” *Japan Times*, March 10, 2009, <http://www.japantimes.co.jp/text/fl20090310zg.html>.

³ *Saiban-in seido no jisshi jokyo no gaiyou* [Brief Overview of the Lay Judge System’s Im-

These positive post-trial assessments are striking, particularly since over 58% of former lay judges polled stated that they initially did not want to serve when first summoned.⁴ Such positive early returns are heartening and give rise to the hopes that the system may just be able to achieve its goals of enhancing democratic governance.

All in all, the lay judge system holds great promise and potential; only time and future research will tell whether or not the *saiban-in seido* will live up to the hopes of its champions or succumb to its structural weaknesses. Regardless, this is an exciting moment in Japan's jurisprudential and democratic evolution.

Robert Putnam noted, "changing formal institutions can change political practice."⁵ Here, researchers, scholars, Japan watchers, and the Japanese people themselves all are watching whether the lay judge system will live up to that promise and help reshape Japanese society.

During my investigation, I was fortunate enough to travel to Japan as a Sylff fellow and conduct on-the-ground research into this emerging system. In and outside Tokyo, I was able to meet with ordinary citizens and hear their thoughts regarding their new civic responsibilities. While many admitted to being nervous, several also expressed interest in serving as a lay judge, stating they were curious about the system and wanted to participate, if nothing more than just to discover how the system functions.

This year, the Japanese Supreme Court is commanded by the Lay Judge Act to review the effectiveness of the *saiban-in seido* and suggest any necessary amendments. It is unclear at the moment what potential alterations the Supreme Court might suggest. No matter its future modification or evolution, the lay judge system represents a unique experiment in integrating average citizens into the judicial decision-making process, one that the rest of the world should watch with interest over the coming years.

In the final analysis, Japan's serious effort over the past decade to reintroduce its citizens into the nation's criminal processes represents one of the most fascinating efforts in modern judicial reform.

plementation Status], Supreme Court of Japan, www.moj.go.jp/content/000036266.pdf (May 16, 2010); Setsuko Kamiya, "Lay Judges Off to Solid Start: Legal System Gets a Positive Jolt from Citizen Participation," Japan Times, February 26, 2010, www.japantimes.co.jp/text/nn20100226fi.html.

⁴ Kamiya, *supra* note 3.

⁵ Robert D. Putnam, *Making Democracy Work: Civic Traditions in Modern Italy*, 184 (1993).

February 9, 2012

Valentine’s Day and the Environment: A “Love Affair with Nature”

Dimithri Devinda Jayagoda

I visited Palawan, the Philippines, in 2010 and February 2011 to conduct field-work for a master’s thesis. There, I was amazed by an annual project called “Love Affair with Nature: Mangrove Plantation” conducted in the city of Puerto Princesa.

“Mangroves are trees or large shrubs, including ferns and palms, which normally grow in or adjacent to the intertidal zone and which have developed a special adaptation in order to survive in this environment”(Spalding, Kainuma, and Collins 2010). Mangroves can be found in some northern latitudes as high as 32 degrees, even though they are usually found within 25 degrees north and south of the equator (Maltby 1986). Mangroves are considered a rare global habitat. They currently make up less than 1% of tropical forests worldwide and less than 0.4% of the global forest estate (39,520,000 square kilometers) (FAO 2006).

Dwindling Mangroves

There are two main reasons for the destruction of mangroves. One is pressure from increasing populations in coastal areas, and the other is over-harvesting of timber and other wood products. Figure 1 shows that between 1980 and 2005, there was a dramatic loss of mangrove forests in every region except Australia. Southeast Asia, North

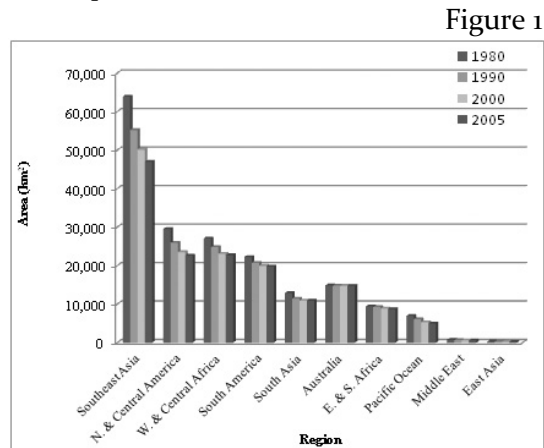


Figure1: Decline in Mangroves by Region, 1980–2005 (Source: Estimates based on 2007 FAO data)

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and Central America, Oceania, and East Asia showed the highest decrease of more than 20% in 25 years.

Status of Declining Mangroves in the Philippines

The mangrove forest area in the Philippines was estimated to be around 500,000 hectares in 1918. This has declined due to conversion to fishponds and salt beds, the cutting of trees for firewood and other domestic uses, and the reclamation of coastal land for industrial and other development purposes. By 1995 it had dwindled to 117,700 hectares (Fernandez et al. 2005).

Figure 2

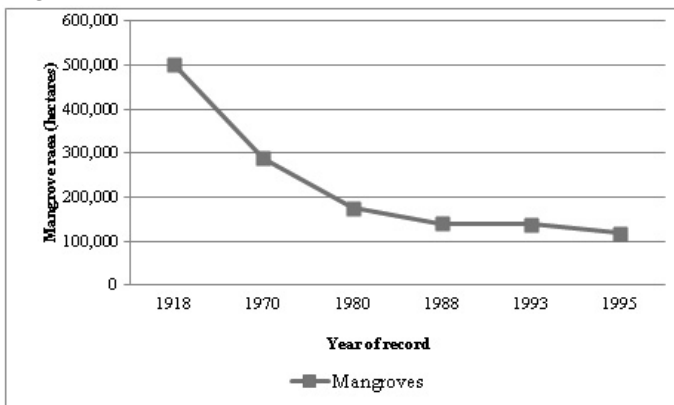


Figure 2: Decline of Mangrove Resources in the Philippines (Source: Compiled by the author based on DENR Statistics, 1998)

This is a rate of depletion of about 3,700 hectares per year. Between 1980 and 1991, in particular, some 20,000 hectares were lost annually.

Undoubtedly, mangroves are showing signs of degradation in every region of the world. There is one project, though, that is seeking to reverse this trend. It is an

initiative in the city of Puerto Princesa in Palawan, Philippines, known as a “Love Affair with Nature.”

Expression of Love

The program, spearheaded by Mayor Edward S. Hagedorn of the city of Puerto Princesa, is one answer to the problem of global warming. It was launched on Valentine’s Day, February 14, in 2003 with the planting of 2,500 mangrove seedlings along a two-hectare denuded area in the village of San Jose.

Figure 3

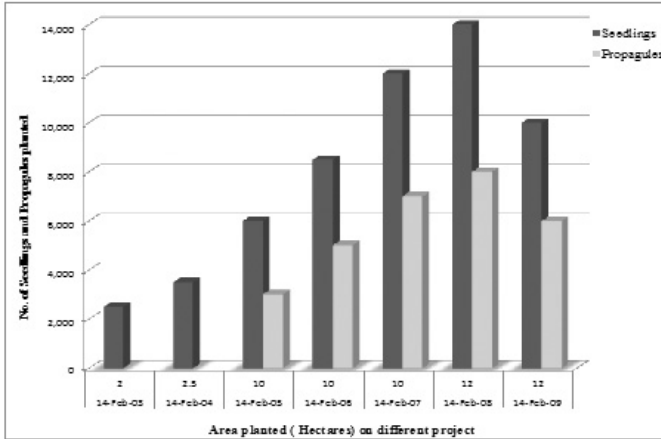


Figure 3: Planted Seedlings and Propagules, 2003 – 09 (Source: Calculations based on Puerto Princesa City ENRO statistics)

Approximately 2,500 Puerto Princensans participated in this mangrove tree-planting event, aimed at protecting and conserving the remaining mangroves and beach forest species and at reviving denuded coastal areas. As of April 2009, the Puerto Princesa city government has been able to enrich or revive 58.5 hectares of denuded mangrove areas in the

adjoining villages of San Jose and San Manuel. Some 56,500 mangrove seedlings and 29,000 propagules have been planted, as shown in Figure 3, with a survival rate of 71.7% (City Environment and Natural Resources Office, 2011).

Mass weddings are now held as an added attraction to the tree planting event, with newly wedded couples planting seedlings as an expression of their marriage vows. In September 26, 2005, City Ordinance No 287 was issued declaring February 14 as Love Affair with Nature Day in the city of Puerto Princesa.



Mass wedding in 2011, followed by mangrove planting (photos by the author)

This is aimed at institutionalizing Love Affair with Nature Day on Valentine’s Day as an expression of not only romantic love but also love for Mother Nature and as a continuing call for the protection and sustainable use of natural resources. Mass mangrove tree plantings and mass weddings have been conducted concurrently ever since.

Reasons for the Continuation of the Program

- The municipal government, the City Environment and Natural Resources Office, the Provincial Environmental and Natural Resources Office, and the De-

VOICES FROM THE SYLFF COMMUNITY

partment of Environment and Natural Resources Office have been the main providers of funds for environmental projects in the city.

- Communicating the project's benefits, such as protection from storms, prevention of rising sea levels, and creation of breeding grounds for fish, has promote participation among members of the local community. Anticipated long-term benefits, such as larger fish hauls, have been enough to convince locals to join without any cash incentives.
- The project represents heightened ecotourism opportunities, and the city has begun actively promoting ecotourism.
- These activities have become an important social function for the local community, and for some students it is a requirement in order to receive scholarships.
- A series of meetings are conducted every year to educate village leaders and to spread the program's message to local communities.
- At this point, no company in the timber industry is involved owing to a law initiated by President Ferdinand Marcos in 1981. The industry has been a major cause of mangrove destruction, and only ecotourism activities that do not result in the cutting down a single mangrove tree are currently conducted today.
- Many policymakers believe that once the trees mature, the task of rejuvenating the forests can be left to the forces of nature, and further plantings will become unnecessary.
- Civic organizations have taken responsibility for protecting local areas and providing forest rangers to monitor the forests.

Halting the Decline

A study conducted by the Palawan Council for Sustainable Development in 2005 with the support of the Japan Forest Technology Association (JAFTA) is the most reliable and up-to-date data available to evaluate mangrove forest cover in Puerto Princesa. This study shows that the current cover in Puerto Princesa is 5,896.40 hectares, as shown in Figure 4. The mangrove forest was 4,052 hectares in 1992. PCSD conducted the survey in 1992 using SPOT Earth observation satellite images.

There has been positive growth of mangroves in the province of Palawan as well as in the city of Puerto Princesa.

Figure 4

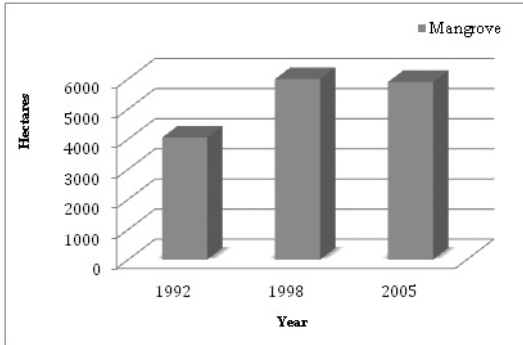


Figure 4: Mangrove Cover in Puerto Princesa (Source: PCS D, 2010)

Figure 5

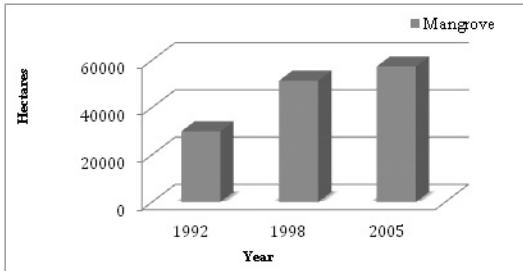


Figure 5: Mangroves on Palawan Island (Source: PCS D, 2010)

It was just 29,910.14 hectares in Palawan in 1992 and increased to 57,386.52 hectares in 2005, as shown in Figure 5. All these planted areas were granted protected status to form part of the Integrated Protected Area System (IPAS). The increase of mangrove forests in Puerto Princesa is backed up by these policies.

Conclusion

There is clear evidence that mangrove forests in the world are declining. In the Philippines, this decline rate has been huge over the past few decades. However, there is one example that shows a different trend.

Government involvement, effective law enforcement, political will, proper leadership, community involvement, alternative livelihoods, an education campaign, involvement

of local and national organizations, and the willingness of local communities are needed to change this trend of mangrove degradation.

A “Love Affair with Nature” is a successful project that combines all these ingredients. This project has been implemented and maintained by the personal



Scenes on a flight from Manila to Puerto Princesa (photos taken by the author in 2011)

efforts of Mayor Edward Hagedorn. Every citizen of Puerto Princesa is proud to be environmentally sound. The beauty of the project can be seen when flying from Manila to Puerto Princesa. The left side of the photo shows the view of Manila, where there is no greenery, while the right side shows the verdure of Puerto Princesa.

References

- Fernandez, Cheryl Joy J., Rodelio F. Subade, and Paul Erwen T. Parreno. 2005. Paper presented at the 8th National Symposium in Marine Science, held at Palawan State University, Puerto Princesa, on October 20-22, 2005.
- City Environment and Natural Resources Office. 2011. "Love Affair with Nature" internal communication document. Puerto Princesa.
- Food and Agriculture Organization. 1994. "Mangrove Forest Management Guidelines." *FAO Forestry Paper 117*. Rome.
- Food and Agricultural Organization. 2006. *Global Forest Resources Assessment 2005: Progress towards Sustainable Forest Management*. Rome.
- Maltby, E. 1986. *Waterlogged Wealth: Why Waste the World's Wet Places?* London: Earthscan Publications.
- Spalding, Mark, Mami Kainuma, and Lorna Collins. 2010. *World Atlas of Mangroves*. London: Earthscan Publications.

October 4, 2012

Uniting Tohoku with the World: The Sylff Chamber Ensemble and the “Power of Music”

Tokyo Foundation

The Tokyo Foundation organized a series of Tohoku workshops and a concert at Suntory Hall in Tokyo in mid-August for middle and high school wind musicians in tsunami-affected prefectures. Leading the “Together in Tohoku” workshops and joining the students in the concert as members of the Michinoku Wind Orchestra were outstanding young musicians affiliated with three of the world’s leading music conservatories in the Sylff community.

Donation Drive

Middle and high school wind ensembles in the Tohoku area were devastated by the Great East Japan Earthquake, in which a countless number of instruments and many school buildings were swept away or badly damaged. Being unable to afford new instruments, most school ensembles were forced to suspend their activities.

School officials were eager to restore post-tsunami life to normal, though, and asked for help. The Miyagi Association of Wind Ensembles and the Tokyo-based nonprofit Musicians without Borders, as well as the Carnival Company group of musical artists responded by launching a donation drive. People from all over Japan sent not only brass and woodwind instruments but also recorders, keyboard harmonicas, reeds, and mouthpieces. The instruments were delivered to schools in the disaster areas by the *Tsubasa*, a truck owned by Musicians without Borders that can also be converted into a concert stage.

Help from Abroad

Immediately after the 9.0-magnitude quake struck Japan in March 2011, Sylff fellowship recipients from around the world contacted the Tokyo Foundation with offers of donations and support. Among them were young musicians from three

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of the world's top conservatories—the Juilliard School in New York, the Paris Conservatoire, and the University of Music and Performing Arts Vienna—who voiced their desire to support young survivors through music.

These fellows—many of whom are also active as young professionals—may have been thinking back

to their own youth in offering to visit Japan as volunteers to perform alongside budding artists from tsunami-devastated areas in Japan.

The Michinoku Wind Orchestra is the crystallization of these two initiatives, bringing together students aided by the donations and the Sylff fellows wishing to offer their support. Suntory Hall and the Tokyo Foundation thus collaborated to organize a unique, one-time-only concert in Tokyo, along with a series of workshops in Tohoku led by the fellows.

Building an Orchestra

There was considerable concern, though, about whether enough students from tsunami-affected areas would apply to create an orchestra—particularly in mid-August, at the height of the Bon holidays in Japan to honor the spirits of one's ancestors. Such concerns turned out to be ungrounded, however, as more than 120 students—far more than initially anticipated—from not only high schools but also middle schools, sent in applications.

The Sylff fellows were led by flutist Bärli Nugent, assistant dean and a faculty member at the Juilliard School in New York. Having led chamber music workshops for high school students from around the world for 30 years, she quickly contacted two other Sylff music schools in Paris and Vienna to put together the nine-member Sylff Chamber Ensemble.

Support came from other quarters as well. Upon learning of this initiative, several top musicians stepped up to offer their help, including conductors Seiichi Mitsuishi and Kazufumi Yamashita and internationally renowned marimba soloist and composer Keiko Abe.

The 130-plus-member Michinoku Wind Orchestra was thus born, comprising young musicians from Iwate and Miyagi Prefectures, as well as music schools in New York, Paris, and Vienna.

The Road to Suntory Hall

The next task was creating a music program for this large wind orchestra. This time, assistance was provided by saxophonist Shin'ichi Iwamoto, associate professor at the Senzoku Gakuen College of Music, who since last year had been working with associations of wind ensembles in tsunami-affected areas to organize joint concerts. He selected and personally arranged pieces that would enable the Tohoku students to perform ably on their instruments, highlight the skills of the Sylff fellows, and achieve successful collaboration with renowned supporting artists.

Rehearsal rooms were provided by Tohoku High School—alma mater of well-known athletes like Major League pitcher Yu Darvish, Olympic gold-medal figure skater Shizuka Arakawa, and professional golfer Ai Miyazato—on its spacious and hilly campus of northern Sendai.

The workshops were held there for three days from August 13 to 15, with local students and young foreign musicians groping for ways to navigate the language barrier and differences in practice methods to rehearse the songs to be performed in Tokyo. It turned out to be an invaluable experience for the young students, who got to not only practice with and hear the virtuosic solos of the Sylff musicians but also to relate to them personally and to perform with marimba legend Keiko Abe.

On August 16 the nine Sylff artists visited central Ishinomaki, one of the most heavily damaged areas along Japan's north-



ern coast. In addition to performing a heartwarming concert for local residents at a community center, they paid a visit to several decimated areas, including a school that was destroyed by not just the tsunami but also a fire. They also spoke with a piano shop owner who is spending his time and money to restore mud-covered instruments to concert-ready condition.

On August 17 these efforts came to fruition in a triumphant concert at Tokyo's Suntory Hall. The outpouring of cheers and warm applause from the audi-

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ence, which included the donors of the instruments the students were using, offered solid proof that music has the power to unite people of all ages and backgrounds and to lift the spirits of the survivors of the worst natural disaster in Japan's history.

October 23, 2012

Music and Hope for Tohoku: My Week with the Michinoku Wind Orchestra

Simon Hutchinson

Music offers a means of expression beyond words, allowing us to share ideas that transcend the limits of linguistic communication. Outstanding musicians from three Sylff music schools visited Japan to coach young students in Miyagi and to join them onstage at Suntory Hall as members of the Michinoku Wind Orchestra. Simon Hutchinson, a composer and a Sylff fellow himself, volunteered to serve as an interpreter and coordinator for the week-long project, helping in the communication between the students and the Sylff Chamber Ensemble.

*There's no temple as great as Matsushima's Suigan Temple.
In front of it is the sea, and behind it a mountain called Komatsubara.
In Ishinomaki is the famous Mount Hiyori.*

—“Tairyo Utaikomi” (Fisherman’s Song)
Folk Song of Miyagi Prefecture

Asked about the value of the arts, it can be hard to come up with an immediate or concrete answer. We cite studies that show that students engaged in art demonstrate improved linguistic or math skills or that it improves creativity, but these points only define the value of art as it influences other fields. Is there a value to art other than more commercial success in the future?

I think most people would say “yes,” but perhaps the difficulty of verbalizing art’s intrinsic benefits stems from its tendency to speak to the intangible or non-verbal elements of the human experience. The arts offer us a means of expression beyond words, and they can allow us to share ideas that transcend the lim-

Simon Hutchinson Sylff fellow, 2011–12, University of Oregon. Currently a PhD candidate in composition at the University of Oregon. <http://simonhutchinson.com>

its of linguistic communication. As a composer and scholar, I am personally fascinated by the potential of art to communicate and explore these elements of life and humanity, and from 2011-2012 I received a Sylff (Sasakawa Young Leader's Fellowship Fund) Fellowship—a program administered by the Tokyo Foundation—in order to pursue my research in cross-cultural communication through music.

Music is uniquely situated as one of the most fundamentally abstract of the arts. There is no reason that a series of vibrations in the air at different rates and magnitudes should hold any meaning. Yet, humans have used music throughout recorded history to convey ideas for which words were insufficient, from the earliest songs praising our heroes and deities to symphonies glorifying individual triumph and Japanese folk songs expressing the beauty of a local area and the pride of the people.

It is no wonder, then, that Steven Verhelst's "Song for Japan" has become so popular as a means for people all over the world to express their condolences to the victims of the Tohoku earthquake. This piece allows musicians a chance to share their overwhelming emotions where the words, "I'm so sorry for your loss," seem to fall short. The piece expresses the sadness of loss and hope for the future that those of us living abroad wished to share with the people of Japan.

"Together in Tohoku" Project

Similarly, when I saw a notification in the Sylff Newsletter about the "Together in



*Sylff Chamber Ensemble in Ishinomaki city,
Miyagi prefecture*

Tohoku" program, a series of music workshops for students who were victims of the disaster, I e-mailed the Tokyo Foundation to see if there was any way that I could be of assistance. The program involved outstanding young musicians from three Sylff music schools spending a week in Japan, coaching students in Miyagi (aged 12 to 18) and joining them onstage in Tokyo's Suntory Hall as the Michinoku Wind Orchestra. I was thrilled when I heard that I could

lend my skills to these events as an amateur interpreter, helping in the communication between the students and the Sylff Chamber Ensemble.

The musicians in this Sylff Chamber Ensemble included Merideth Hite

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(oboe), Moran Katz (clarinet), and Dean Bärli Nugent (flute) from the Julliard School in New York; Carl-Emmanuel Fisbach (saxophone), Dylan Corlay (bassoon), and Marie Collemare (horn) from the Conservatoire de Paris; and Panju Kim (trumpet), Dietmar Nigsch (trombone), and David Panzl (percussion) from the University of Music and Performing Arts in Vienna.

Perhaps the tangible benefits of the Sylff Chamber Ensemble's visit might seem insignificant compared to the needs of people who lost friends and family members or all of their material possessions, but this international musical collaboration will hopefully provide lessons, models, and memories that will support these students as they continue into adulthood.

How Do You Get to Suntory Hall? Practice!

Before the concert at Suntory Hall, the Sylff fellows worked closely with some 130 students from schools all over Miyagi Prefecture, offering private and group lessons and rehearsing together with them at the Izumi campus of Tohoku High School. For many students, these lessons were the first private instruction that they had ever received and were a unique opportunity for them to engage directly with masters of their instruments. These workshops ran from 9:30 am to 4 pm (with only a short break for lunch) for three consecutive days from August 13 to 15. These students, despite the demands of this rigorous schedule, their commute, and oppressive heat rose to the occasion through the kindness and support of the Sylff Fellows and Japanese faculty.

As with any international exchange, there were cultural and linguistic miscommunications, but they were easily navigated as everyone shared the same fundamental goal of providing these students with the best possible experience. The Sylff Chamber Ensemble's clear dedication to the students quickly broke down the barriers of language and shyness. Several of the fellows too, commented on how impressed they were by the students' efforts and willingness to perfect their performance.

By Wednesday, August 15, many of the students seemed genuinely heartbroken that their grueling rehearsal schedule had already come to an end, and I was inundated with students asking how to say, "I will never forget you" in English.

Performing in Ishinomaki

On Thursday, the Sylff Chamber Ensemble traveled to the coastal city of Ishinomaki to perform a mini-concert at a community salon. Ishinomaki has one

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of the most tragic stories of last year's tsunami, with thousands of lives lost and several entire neighborhoods leveled. Now, a year and a half after the disaster, the town is rebuilding slowly but surely.

Thursday afternoon's mini-concert was an intimate affair, attended by between 50 and 70 local residents, many of whom were senior members of the Ishinomaki community, and the Sylff Chamber Ensemble's performance of "Song for Japan" drew tears from many members of the crowd.



Teruo Inoue, the owner of musical instrument shop in Ishinomaki, and Sylff Chamber Ensemble members.

Before their performance, the Sylff fellows visited Sarukoya, a musical instrument shop in downtown Ishinomaki. Teruo Inoue, the owner, didn't have enough time to close the shutters before he fled on the day of the earthquake, and all 30 pianos on display were submerged in the tsunami. Inoue decided to keep the pianos, though, and works to restore them to concert-ready condition.

Through a variety of ingenious techniques, he has already finished repairing one grand piano, which now travels across Japan for professional performances. The piano has become so popular that there were several bouquets of flowers in the store sent by various patrons. Inoue is currently restoring a second piano for a new middle school being built in Ishinomaki. He admitted that it would actually be much cheaper to buy a new piano than to repair those that were damaged, but he is working to restore them as symbols of renewal in ways that will be meaningful to the community.

Collaborative and Unified Expression

On Friday, the Sylff Chamber Ensemble joined the rest of the Michinoku Wind Orchestra in Tokyo for the concert that was the culmination of the week's program. The audience consisted of over 1,300 people, many of whom had assisted with the success of this project by donating instruments to replace those that were lost in the tsunami or working behind the scenes for the international exchange. This crowd made the concert a tremendously meaningful event not just for the performers but for everyone in attendance.

One significant aspect of this concert was the integration of the Sylff fellows into the Michinoku Wind Orchestra, creating an ensemble of Miyagi students

and young musicians from the world's top conservatories. One of music's most powerful aspects lies in its potential for bringing individuals together in collaborative and unified expression, with groups ranging from duos to hundred-person orchestras. In the case of the Tohoku project, the combination of students from



Sylff Chamber Ensemble joined the rest of the Michinoku Wind Orchestra at Suntory Hall, Tokyo.

different schools with members of the international musical community clearly demonstrated the ongoing international support for those affected by the tsunami.

The concert at Suntory Hall on August 17 contained many significant and meaningful works, including “Song for

Japan” and Philip Sparke’s “The Sun Will Rise Again,” from which all royalties are donated to the Japanese Red Cross. Personally, I was especially interested in the

piece “Elegy for Tohoku” by Dutch composer Alexander Comitas. In composing this work, Comitas took folk songs from three of the prefectures worst hit by the tsunami, arranging the melodies of Iwate’s “Nanbu Ushi Oi Uta” (Nanbu Cow-Herding Song), Fukushima’s “Aizubandaisan” (Mount Aizubandai), and Miyagi’s “Tairyo Utaikomi” (Fisherman’s Song) into a requiem for the people of Tohoku.

One of the other wonderful things about great art is that it lends itself to multiple interpretations. Heard from a Western musical perspective, these folk melodies have a decidedly “minor” flavor, and this feel, combined with their relaxed tempo, could lead one to hear these songs as a dirge. Perhaps this is what Comitas intended in his recomposition of these melodies. Knowing these songs, though, and their original lyrics of local pride and seeing the Sylff Chamber Ensemble onstage with the children of Miyagi Prefecture, I heard the “Elegy for Tohoku” as a triumphant declaration of local pride, joined together with the voices of people from all over the world.

Hope for the Future

For me, sitting in the audience, one of the most moving things about the concert—and one of the most important lessons—was that, through their efforts in practicing and rehearsing, these students shared the stage with master performers as equals. Working together and performing in solidarity with top performers

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from around the globe, it is my wish that the students feel the rewards of their own hard work and realize that, regardless of the past, the efforts that they and their communities are making now will build their future.

I hope that this week of rehearsals and the concert at Suntory Hall were an experience that the students will look back on and remember fondly; I hope that the Sylff Chamber Ensemble was able to express their grief and support to the students; and I hope that, as an artistic project, even if they did not understand every aspect of the experience, the students felt the meaningfulness of the week's events.

I would deem this project a success if any one of these hopes was met, and, from my observation of the joy on the students and Sylff fellows' faces at the party after the concert, I believe that "Together in Tohoku" succeeded in all of these dimensions.

Bravo to all, on the stage and off, who worked together to make this concert a success.

October 31, 2012

Sylff Winds Workshops and Concerts: An Exemplary Collaboration between Cultures

Carl-Emmanuel Fisbach

Last April, when I first heard about the Tokyo Foundation's project, *Together in Tohoku Workshops and Concert*, I was immediately interested. I had never been to Japan, and the simple thought of making the trip was most exciting. When I learned of the project's scale, I was even more eager to participate, for such a combined artistic and humanitarian initiative resonates profoundly with my own vision of the artist's role in society as a citizen-musician.



A year and a half ago, when I saw the tragic events experienced by the inhabitants of the Tohoku region, I felt extremely sad and helpless by the enormity of it all. I was frustrated not to be able to help and could only observe the horror unfold on my television screen. I saw a nation deploy all its energy and courage to try to save its citizens. The Sylff project in Tohoku, in which I was lucky enough to participate, provided me with an opportunity to act and contribute—at my own level—in playing a small part in rebuilding the devastated region.

From what I observed, working with 18 saxophonists within an overall group of a hundred musicians aged 13 to 22, I felt that the orientation of the Japanese students was significantly different from that of the French. The Japanese have very good ensemble techniques and excellent orchestral practice habits. My contribution was needed in the area of individual technique. The reverse would have been true in France. This can probably be explained by the

Carl-Emmanuel Fisbach Sylff fellow, 2010, Paris Conservatoire. Studied classical saxophone at the Paris Conservatoire, where he obtained a master's degree, and is now pursuing post-graduate studies.

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difference between the two music education systems. The students had a wonderful spirit, and showed a great thirst to learn.

At the beginning of the week, I found my group very reserved and shy. But this didn't last long! In the end, each one showed himself to be extremely open-minded and determined. At first, we "coaches" felt hindered by our ignorance of Japanese and by the paucity of translators and interpreters, but this soon gave way, and the magic of music's universality allowed us to give several private lessons. Personally, I found the challenge of questioning my own teaching methods and ways of communing particularly rewarding. On the last day, to my great surprise, during the small reception given after the special concert in Suntory Hall, I realized that many of the students actually spoke a little English but had not dared say a word!



The experience of working with these young people, victims of the tragedy, was a profoundly moving and exciting one for me. Behind their apparent timidity, I met sensitive, generous, and thoughtful human beings. In fact, I discovered an entire culture during my week in Japan.

Visiting Ishinomaki was a highlight. Seeing this devastated city was a real shock. So many empty spaces in the middle of the city, formerly occupied by houses and buildings, in which grass was growing back; the numerous houses whose ground floors had been destroyed; the school whose blackened walls were destroyed by fire after being covered by the sea; and the incongruous everyday objects still dotting the landscape: They all bore testimony to the ravages of the tragedy.

The concert we performed in this city was both sad and inspiring, coming as it did following our tour of the city by bus. We saw members of the public, often with tears in their eyes, listening to us perform in a community center which had doubtless been used as a shelter. I hope we were able to transmit our sense of hope and caring.



The week in Japan also allowed me to meet Sylff fellows from Paris, New York, and Vienna and to share an experience of living in communion with peo-

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ple I did not know but with whom I shared common interests. I loved meeting the Sylff coordinators—such caring people—and all the extraordinary volunteers involved, including the translators and musicians. I really hope to stay in touch with the people involved in the project.

Following our Suntory Hall concert, David Panzl and I started developing a joint chamber project which should lead to further concerts in Europe. Thanks to Facebook, we have also been able to share pictures and to stay in touch with many of the students.

In the end, I believe I learned at least as much as the students we were there to coach. This experience has made a profound impact on me, and I think how lucky I was to be a part of it. I'd be delighted to participate in similar projects in the future! As students, we often travel—sometimes long distances—to reach



teachers in academies or music courses. Here, it was the opposite, with “coaches” from different countries coming together to work with a group of students, to share know-how, and make music together. The presence of outstanding musical personalities, such as Keiko Abe, was also important. The precious moments we shared, in which the concept of distance become relative, struck me as being truly original. This collaboration between cultures will be, I hope, a precursor of future ones.

I would like to express my profound gratitude to the Sylff program, the Tokyo Foundation, the Paris Conservatoire, Juilliard, and Vienna, as well as all the many project partners.

November 9, 2012

A “Re-oxygenating” Experience

Dylan Corlay

This week constituted a profoundly human experience, bringing together as it did musicians of different nationalities in a very particular context.

The encounter with these Japanese students was, for me, absolutely remarkable. In their way of listening, I felt and appreciated a profound respect both for us and for each other. Each musician was absolutely present, ready to give his very best and to work with determination. I was also struck by their remarkable and unusual sense of discipline. In France, we are used to orchestral rehearsals during which it is not infrequent to hear whisperings while the conductor speaks. Here, there was a wonderful silence and a capacity to respond immediately.



I loved the sincerity, the passion, the smiles, and the energy each of these young people brought to the project—despite the incredibly difficult context in which they have found themselves since March 2011. This week gave me valuable new perspectives on what now appear to be our “small problems” in France and our permanent state of dissatisfaction. It also warmed my heart to see young people who respect one another so deeply!

I really enjoyed playing with all these musicians in the orchestra, and especially being able to work together on “sound painting.”* A beautiful exchange...



Dylan Corlay Sylff fellow, 2009, Paris Conservatoire. Interested in improvisation and linking art forms. Received the prize for best film music at 2010 Hamburg International Festival of Short Films.

MICHINOKU WIND ORCHESTRA 2012

It's hard to describe the depth of the impression of being "re-oxygenated" from within—simply by sitting next to a person, without necessarily speaking, but just feeling how he is living and breathing fully this present moment!

** In between orchestral rehearsals, "sound painting" workshops were held that called on musicians to improvise on the spot in response to sign language instructions from the conductor. This is a technique used in contemporary music that gives performers greater freedom of expression and stimulates their imagination. Exposure to such experimental techniques was one of the highlights of the Michinoku project. Approximately 40 middle and high school students participated in two fun-filled and engaging workshops.*

November 28, 2012

Music as an Essential Part of People's Lives

David Christopher Panzl

In times of financial crises, statements like “music is not a luxury, it is a need” are thrown around as a means to justify why the arts should be promoted. I hope that the following account will give such empty clichés new meaning and substance.

A year and a half ago it seemed that life in Japan was about to collapse. A string of terrible events led to a catastrophe of unprecedented proportions in which many people lost their lives and which caused great suffering and damage.



Marimba soloists Keiko Abe, left, and David Panzl.

I could never have imagined then that I would be traveling to that devastated region to teach young musicians. But so it was: in August 2012 the Tokyo Foundation gave me the opportunity to travel to Japan.

Once in Sendai and after meeting my students for the first time, I knew that there

would be some obstacles to overcome. Not only was there very little time before the concert in Tokyo at the end of the week, the reserved nature of the students also presented me with a very big challenge. Fortunately I had brought along enough chocolate with me from Austria, which proved to be an ideal icebreaker during the first minutes of our acquaintance.

In order to get an idea of the level of my new 20 students, I got them in a circle for a round of practice drumming. Once in position I asked each of them to play three simple exercises that drummers need to learn and which would give

David Christopher Panzl Received his master's degree from the University of Music and Performing Arts, Vienna (MDW). Performed the solo of marimba artist Keiko Abe's "Prism Rhapsody II" at Suntory Hall. Now has an assistant teaching position at MDW.

me an understanding of their proficiency. The results left me somewhat perplexed, as there were only two students who were capable of playing the exercises! I couldn't imagine how we would be able to play the difficult program assigned.

My worries turned out to be unfounded, though, when we met an hour later for the first *tutti* rehearsal with the full orchestra. I was very surprised to hear how well each one of the students had prepared their part and with what delight they merged into the orchestra. It seemed that the group dynamic motivated them to achieve a level of playing that was not possible at our first meeting.

This led me to change my teaching strategy, shifting the classroom lessons into orchestra rehearsals. The students seemed intimidated during the individual lessons, but now, in a group rehearsal context, they were relaxed and open. This change made it possible for me to work on what I considered most important and achieve good results within the short time frame.

The lessons took place anywhere—even in the hallways if the situation required it. It was precisely this casual teaching approach, something that Japanese students were not familiar with, that yielded the best results. When Keiko Abe, in Sendai for her double marimba concert of “Prism Rhapsody II,” attended our general rehearsal, the happiness of the students seemed complete.

On the day before the Suntory Hall concert, I and other Sylff fellows went to the region where many of the children were from to perform a mini-concert. It was quite shocking to still see the devastation, 18 months after the March 2011 disaster, and to feel the desolation that pervaded the coastal city. It was there that I realized the contrast between the laughter of my students on the previous days and the terrible images of the recent past that must have been anchored deeply in their minds.

That is exactly why music—and the arts in general—is not a luxury but an essential part of the everyday lives of people. It gives us hope, strength, courage, and joy and possesses undeniable healing powers. This is proof enough for me that the arts have infinitely more value than mere entertainment.

Our final concert at the prestigious Suntory Hall in Tokyo was not only a great success but will definitely be an event that will stay with those children throughout their lives and hopefully be an important source of motivation in their future.

This article was originally carried (in German) in the November 2012 issue of the monthly newsletter of the University of Music and Performing Arts in Vienna.

November 28, 2012

A Real Conversation through Music

Marie Collemare

Our expedition began at the Charles de Gaulle airport, where Dylan, Carl-Emmanuel and I had agreed to meet. Excited and impatient, we journeyed in a superb Airbus 380: the flight went perfectly. Upon our arrival in Japan, there were 12 more hours of travel, and jet lag set in... I never adjusted completely to the time change: my body was tired but my spirits alert!

A very full program awaited us—perhaps too much for just seven days—the principal aim of which was for us to meet and exchange with Japanese students between the ages of 12 and 15, and to prepare them for our joint final concert in Tokyo. The experience was a fascinating one: I discovered an entirely different educational system! The students were very shy, making communication almost impossible the first day.



A typical day involved our departing together by bus from the hotel in Sendai at about 8:15, arriving at Tohoku High School 30 minutes later. Classes began at 9 am, and I would work on a rotating basis with groups of five to six students, according to their instrumental level. We worked on warm up techniques—these vary considerably between countries.

It was thus that I was able to work with three horn players at the highest study level—without translators—and to have a real conversation about our instrument. They asked me all sorts of questions related to the horn, to the music, and even about me! And I discovered that they were curious, eager to know more!

As a result of this exchange, they in turn confided in me, speaking of the impact the tsunami on their lives. Virtually all of the students had lost a member of

Marie Collemare Sylff fellow, 2009, Paris Conservatoire. Is currently enrolled in a master's program at the Paris Conservatoire, and has been a soloist at the Orchestres de la Garde Républicaine in Paris since June 2011.

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their entourage during the catastrophe. I was very surprised and honored that they had chosen to confide in me, for this felt unusual. I shared a truly special moment with these young people, and the final concert in Tokyo's Suntory Hall was very moving indeed.

Throughout our stay, we were extremely well cared for—the Japanese team was most attentive to all our needs.

Our group gave a concert in Ishinomaki, a town situated on the eastern coast, north of Sendai. Around 90% of the town had been destroyed. We visited an old residential neighborhood that had been totally devastated and in which we saw only the remains of houses. I found this extremely upsetting and moving—almost embarrassing. While I'd thought I could imagine the horror of the catastrophe, in fact its *reality* came home to me for the first time in Ishinomaki. I felt the extraordinary Japanese determination to reclaim their lives, without giving in to despair. It was amazing.

I was thrilled to meet other Sylff fellows from New York and Vienna. I already knew the oboist Merideth Hite, as well as Bärli Nugent, who had coordinated the Sylff Chamber Ensemble project at the Juilliard School in January 2011. I performed Poulenc's brass trio with two Viennese musicians, Dietmar Nigsch and Panju Kim. Our encounter was a warm one, though the very tight schedule and lack of time made it hard to manage everything.

Performing together again is something we'd all like to do—though perhaps difficult to realize! For the moment, we are staying in touch and beginning to think about a new project . . .

Summaries of SRA Reports

The following are summaries of reports submitted by recipients of a Sylff Research Abroad award between April and December 2012, listed here in alphabetical order. (University names are author's home institutions at the time of the grant.)

“Thomas Narven Lewis and the Politics of Indigenous Languages in 20th Century Liberia”

Melvin Barrolle, Howard University

In the summer of 2012, I traveled to Liberia to gather information on the subject of my dissertation, Thomas Narven Lewis, who invented a script for the Bassa Vah people of the West African country and was later killed for attempting to protect the rights of indigenous peoples. Born in Liberia around 1870 and died in 1935, he traveled extensively and received a first-rate education at prestigious schools in the United States.

Lewis allegedly encountered descendants of the Bassa peoples in Brazil and the West Indies at the turn of the twentieth century who had managed to preserve a rudimentary form of the script. Inspired by this, Lewis began working on rendering the script as a syllabary. Archival sources in the United States revealed a relatively full composite of Lewis' life in America, but to elucidate his life before and after his visit, the only recourse was to travel to Liberia and interview surviving family members, friends, and affiliates using an SRA grant.

One of the people I interviewed was Utopia Lewis-Greenfield Johnson, Lewis's youngest daughter, who revealed that her father had been killed by the Liberian government, which saw him as a threat to a project to nationalize the Bassa people and other indigenous communities using gruesome torture techniques.

Many of my interviewees agreed that the Bassa Vah script existed long before Lewis was born; it originally emerged in the sixteenth or seventeenth century as a tool for resistance against European slave raiders. This finding partly provides a possible explanation as to why cliometricians have concluded that the windward coast region was the least affected region in the trans-Atlantic slave trade.

It is said in Africa that when an elder dies, it is as if a library has burned down. The challenge now is to create opportunities for Africans to tell their own narratives to gain insights on the evolution of African societies. My research

findings were more than I expected. I am grateful to the elders who graciously shared their wisdom and members of the Liberian community who supported me in tracking down information on Lewis.

“Development Trends of Public Service Media: Theoretical Concept of Public Value”

Ieva Beitika, University of Latvia

The main goal of my research was to interview public service broadcasting scholars and to gather sources for my doctoral thesis on trends in public service broadcasting (PSB). In Europe, PSB has historically been an important element of democracy. Recently, though, liberal electronic media policies and the digital age have forced PSB to go on the defensive. What legitimizes spending public money for PSB, what are the benefits to society, and how does PSB impact on the media market?

Post-Soviet countries, including Latvia, are still in a process of cultivating a PSB ethos in the West European model. There are technological, economic, political, and social factors to overcome, as well as local challenges.

The theoretical concept of “public value” was propounded by Mark H. Moore in his 1995 *Creating Public Value: Strategic Management in Government*. Although it is still treated as an emerging concept, public value has developed in response to the implementation of neoliberal ideas in the public sector.

Public value became an influential concept in European PSB research and practice after the BBC embraced it in 2004. This encouraged academic and professional debate on new approaches to assessing, measuring, and developing PSB performance.

While the transformation of the BBC, recommendations of the European Commission and the Council of Europe, and other manifestations are framed in the context of public value, their contexts differ. For example, it is possible to distinguish between “public value creation for citizens” and “public value creation for the defense of the PSB ethos.”

Nevertheless, it is a broad concept that can be useful when discussing PSB governance and management issues in Post-Soviet societies. Many attempts are made to influence or pressure PSB by political and economic interests, even in traditional democracies. In spite of the technological, economic, political, and social changes in Western Europe, though, the historical core values and principles of the PSB ethos have not lost their importance.

The information, materials, and empirical data collected during the research period of the SRA award significantly contributed to my PhD thesis, particularly the chapters detailing Europe's PSB development trends and issues. I am truly thankful to the Tokyo Foundation, the Nippon Foundation and the Ryoichi Sasakawa Young Leaders Fellowship Fund for the award.

“The Impact of Knowledge Accumulation on Productivity Growth”

Otgontuya Dorjkhoo, Academy of Management, Mongolia

I met once or twice a week with Dr. Roger Bohn, my academic supervisor at the School of International Relations & Pacific Studies (IR/PS), University of California, San Diego, to review my article on “Employee Training Methods for Developing Economies.” I also discussed the topic with Dr. Ulrike Shaede of IR/PS, who advised me to focus on microorganizations in Mongolia and the United States. Dr. Bohn also suggested I interview managers of US retailing companies.

I thus spoke with Joe Utschig, general manager of Costco Warehouse Corp., and Mark Alrich, general manager of Trader Joes, asking how they measured worker performance and their knowledge, skills, and attitudes. The interviews greatly helped me in developing my thesis.

I also visited other retailing companies to conduct vision research that did not involve interviews with managers. The staff of the IR/PS was very helpful in facilitating my research. Dr. Darla Wilson, for instance, organized a Sylff members meeting, where we discussed how to be more successful and how to share information, knowledge, and experience with all Sylff fellows around the world.

I was also immensely helped by the 7-million-volume UCSD library system and the off-campus library catalog system. I attended the professional tour organized by IR/PS, which was an excellent way to learn some best practices from nationally successful organizations in the United States.

“Swiss Marital Property in the Chinese Context”

Jian He, Peking University

In the forthcoming decade the drafters of China's civil code might ask what

would happen if the domestic equivalent of a Swiss marital property law were introduced in the country. What would happen to the hundreds of thousands of divorced couples and their property claims?

In the summer of 1999, when family law experts submitted their first proposal for a new marriage law in China, Swiss law was used as a model. But in contrast to the exactness of the German civil code, the Swiss code is flexible and gives great leeway to the courts. The original motive of my research was to ascertain how the Swiss marital property law is really designed and what a Chinese counterpart should look like.

Potential problems with such a law include an appropriate definition of “appreciation,” without which all other relevant provisions or concepts may be misunderstood or neglected.

In contrast to the flourishing German legal science in China, the Swiss legal tradition has a limited presence. Although some writers cite the Swiss civil code or Swiss law of obligation, Swiss laws have rarely made inroads into the Chinese context. The influence of Swiss marital property law on Chinese scholars and legislators would be an extraordinary example.

Swiss legal science, though, is unlikely to be as successful in China as in Turkey, or already as popular as German law in China. But inasmuch as it was chosen as a model to deal with potential legal problems by Chinese lawyers, it should be taken seriously.

“Current Status of Private Enforcement in the United States and the European Union”

Maciej Hulicki, Jagiellonian University

Systems for the private enforcement of competition law in Europe and in the United States differ significantly. Studying this topic on a comparative basis has been instructive, enabling a broader view of the problem and facilitating an analysis of specific legal solutions within a particular antitrust system.

The United States has a developed system of private antitrust enforcement owing to rigorous legislation in this field, a compensation culture, and a tradition of antitrust enforcement. Since the US system provides an effective tool for private enforcement, its popularity is understandable. However scholars and practitioners often criticize its scope.

By contrast, private enforcement is a relatively new concept in Europe. With-

in the European Union's system of competition enforcement there is no common platform for private actions. This has its impact on the economy, especially in times of an economical downturn. The European Commission is taking action to promote private enforcement and make it more uniform across Europe. While private enforcement is frequently criticized in the United States, in Europe it is more often seen as a requirement of an effective antitrust policy. The analysis of the US experience is thus extremely significant.

In the United States, the enforcement of antitrust rules occurs on both the federal and state levels and over both public and private actions. Not only public authorities but also private entities play an important role. The EU lacks clear and uniform regulations across the region, so even breaches of the EU competition law are determined using national laws. Some EU countries, such as Germany and Britain, have institutions specializing in private enforcement, whereas others base their judgments on general rules of civil law.

Solutions to these problems in the EU would be beneficial for its economy; encouraging potential plaintiffs to take private actions would relieve the burden of public authorities and make the system more efficient. Nevertheless, different interests should be acknowledged and balanced. US solutions often appear attractive, but they need to be adjusted to the legal systems of Europe.

“The World of Word’s Power: The Bakhtin’s Adaptation, Dialogic Imagination, and Hermeneutics of the New Testament in Arxipelag Gulag”

Hendra Kaprisma, University of Indonesia

The mystery of a writer's fight and rebellion in the Soviet regime was the focus of my research on the *Arxipelag Gulag* (1973) by Aleksandr Isaevič Solženicyn (1918–2008).

Arxipelag Gulag is Solženicyn's most important work detailing the cruelties of the Soviet regime through its GULAG (Glavnoe Upravlenie Lagerei) concentration camps. This novel greatly influenced Solženicyn's life and work, especially during the Soviet era. In 1970, Solženicyn received a Nobel Prize for his novel *Odin Den' Ivana Denisoviča*. Then, in 1974 Solženicyn was exiled following the publication of *Gulag*.

In *Gulag*, Solženicyn described arrest operations, sensor boards, the Orthodox Church, servitude camps, prison camps, and the mental and physical suffer-

ing of prisoners. It told the lives of women and children, the prisoners who tried to escape, the people who had the firmness to resist oppression and torture, and the author's life in exile.

The cruelty of the Soviet regime was seen not just as a political problem but also a moral one, bringing the reader to fundamental questions about the nature of human life itself.

The research began through data collection. I went through literature reviews regarding the corpus and context of the novel. Some were accessed through books and the Internet, but this was not enough. Russian-language books are very difficult to find in Indonesia. Internet access only guided me to public sources, and obtaining deeper information was very limited. Corresponding with Russian colleagues became an important factor in order to get more knowledge related to the research.

Through correspondence with Dr. Alexander K. Ogloblin, professor and lecturer at Saint Petersburg State University in Russia, I was advised to conduct field research in Russia. The purpose was to get to know more deeply conditions in Russian society and literature. The search for materials would be easier at libraries in Russia. Besides that, I could meet directly with lecturers and researchers at various universities in Russia to discuss my research.

In January 2012 I saw "a ray of light" when I learned about SRA offered by the Tokyo Foundation. This enabled me to conduct field research for three weeks in Russia, during which time I visited various libraries and held research consultations with Saint Petersburg State University professors.

The research experience in Russia was unforgettable, and my biggest thanks go to the Tokyo Foundation for funding my research.

"Arbitration, Alternative Dispute Resolution, and Internet Domain Names"

Mania Karolina, Jagiellonian University

My research centered on the notion of arbitration as an alternative dispute resolution (ADR) mechanism and focused on disputes concerning Internet domain names.

ADR is promoted by the European Union as an effective and low-cost alternative, attractive not only to parties hoping to resolve their conflicts quickly but also in the light of the overloaded judicial system. The Council of Europe began

recommending ADR in the 1980s, but it was not until the 1990s when it took more substantial shape as a remedy for the inimical judicial system.

In Poland, however, ADR methods are still not very popular owing to the low social awareness of extrajudicial dispute resolution. Although mediation and arbitration are not sufficiently used, their effectiveness in various judicial domains is raising interest in these ADR forms.

The Internet can be said to be the fastest-growing medium ever created. Such unlimited sprawl and the ever-growing number of users have caused unprecedented problems. Since the 1990s the courts of various countries have been faced with new types of web-related disputes. One of them is over domain names, whose importance to a company's success is undeniable. At the same time, the unlimited possibilities of buying domain names have caused chaos in the market. The lack of regulation over such sales has triggered a vast number of conflicts and, consequently, new ADR-based legislative solutions have had to be implemented. This formula has proven to be successful both in the United States and the EU, and my dissertation analyzes the status quo.

The main goal of my SRA research was to make a comparative legal study. I wanted to compare Polish regulations on Internet domain names with those of other countries. During my stay in the Netherlands and Belgium I had the opportunity to gather materials, compare statistics, and analyze laws. I established many valuable contacts with professors and arbitrators who helped me to understand the advantages and disadvantages of ADR.

Without the SRA award, I would not have been able to finish my thesis. Now, I will be able to write several articles that will be published in Poland, and I am planning to use the materials during my lectures next year. I also plan to promote ADR academically a member of the ADR center at Jagiellonian University.

“Modernity and the Autonomy of Art: French Painters in the Early Nineteenth Century”

Arpita Mitra, Jawaharlal Nehru University

My research deals with the career trajectories of six French painters during the Napoleonic period with reference to the issue of “autonomy” in art. Here, autonomy is defined in terms of two criteria: (a) on the one hand, the possibility of drawing material sustenance from art as a profession; and (b) the possibility of drawing creative sustenance from art as a vocation.

There is usually an inherent tension between these two principles. The first directly contravenes the exalted status attributed to art as a disinterested pursuit. The second is restricted by several factors, such as painting for money and painting in favor of an ideology or for recognition by critics and the public. How was such tension addressed by the painters in their careers? The findings of this empirical study can have broader implications for the relationship among modernity, autonomy, and art.

The fieldwork involved studying manuscripts and published versions of government papers, private papers, private and official correspondence, memoirs, and art journalism in archives and specialized repositories. At the secondary level, monographs on artists, catalogues of exhibitions, and theoretical material were consulted.

The findings revealed that painters did not shy away from making money: Jacques-Louis David vociferously advocated painters' right to ask for remuneration; Louis-Léopold Boilly was involved in commercial speculations; and Jean-Baptiste Isabey and several other painters demanded large sums for commissioned works.

I took the opportunity of the SRA grant to present a paper at the seventh conference of the European Sociological Association Research Network on Sociology of the Arts, Artistic Practices, held September 5–8, 2012, at the University of Music and Performing Arts, Vienna. My paper dealt with Jacques-Louis David's discourse on his decision to have a paid exhibition, which sparked a controversy that dragged on in the press for three months. While he advocated the self-sufficiency of the artist through such practices, critics harped on the incompatibility of material speculations with the noble principle of disinterested art.

A revised and more elaborate version of this paper, incorporating additional materials from the trip, is under progress, to be submitted to the Indian History Congress in Mumbai.

“Gay Identity and the Media”

Samuel Nowak, Jagiellonian University

The emergence of a new gay scene in the 1990s in Poland created great confusion in Polish academia. Having adopted American-style theories on gender and sexuality, Polish scholars never come up with their own methods and approaches.

Thus, a number of questions were raised: How should we find approaches to investigate gay identity, culture, and activism? What bodies of work may properly be applied? And where should we modify the Anglo-American theory and adopt another point of view?

All these queries are central to my doctoral dissertation. My research deals with the media's role in producing and articulating gay identity politics in contemporary Poland. My concept of "identity" assumes it to be virtual and media-based, where identities can be produced and experienced in virtual communities. With a focus on the Polish media, my research explored possible ways of theorizing sexual identities. Firstly, I explored works written as part of gay and lesbian studies and sought to track the links between activism and theory. Secondly, I attempted critical readings of ideas conceptualized in earlier periods of gay liberation and lesbian feminism. Thirdly, my stay in the United States was a great opportunity to investigate historical materials and explore my ideas with prominent professors and researchers.

The US visit also enabled me to reevaluate American paradigms of gender and sexuality that reached Poland after 1989, during which period two contradictory concepts were imported. While some social movement scholars sought inspiration from a second wave of feminism and gay/lesbian studies, many of their colleagues proclaimed the rise of the postmodern age and its *enfant terrible*: the anti-essentialist "queer theory." While gay liberation is becoming a new mythology, queer theory overestimates the strategies of subversion of individual practices in a country where homophobia has a special place in society and politics.

One must also consider how gay identity politics interacts with local discourses of subjectivities, that is, how national, religious, and cultural identities incorporate queer elements. Despite its global aspirations, queer theory might not be helpful outside the Anglo-American model, as it blocks any political action.

"Legal Aspects of Stefan Dušan's Involvement in the Civil War in Byzantium 1341–54"

Srdjan Pivatrić, University of Belgrade

Among the official documents and literature from the Palaiologoi dynasty, the relations of Byzantine rulers with Serbian ruler Stefan Dušan are far more represented than any other "Serbian theme." Analyses of Byzantine-Serbian relations

have a crucial relevance in the era of the first Palaiologoi. The legal problems of Dušan's involvement in the civil war that began after the death of Emperor Andronikos III in June 1341 and lasted until his son, John, took over as emperor in 1354 thus appear as a legitimate goal for research.

The war started over competing claims to defend the succession rights of juvenile John Palaiologos, the son of Andronikos III. On the one side was the regency, comprising Constantinopolitan Patriarch John Calecas and Empress Mother Anne. On the other side was Grand Domestic John Kantakouzenos, who in October 1341 proclaimed himself emperor and protector of the juvenile Palaiologos and who later became one of the two historiographers of these events. Upon learning that Kantakouzenos had named himself emperor, John Calecas got juvenile John Palaiologos officially crowned on November 19, 1341, and excommunicated Kantakouzenos as a rebel against the Empire.

The quarrel soon came to involve Serbian King Stefan Dušan and other rulers. In modern historiography the problem of legitimacy is considered to be of great importance. Some claim that Dušan tried to become the Byzantine emperor in Constantinople, while others say Dušan never showed any intention to claim the Byzantine Empire but only to find his own place within the existing hierarchy.

My SRA research enabled me to deepen earlier characterizations of Dušan's involvement. Church excommunication, for instance, was a first-class political weapon, since the excommunicated person was marginalized not only in the ecclesiastical sense but also in social and political terms. When Kantakouzenos arrived at Dušan's court in July 1342 to ask for his alliance, he was already excommunicated, but this fact was unknown to Dušan. Kantakouzenos was accepted as the Byzantine emperor by the Serbian king, who became his friend and ally. His legal status as a rebel started to play a role in August 1343, when ambassadors persuaded Dušan to abandon his alliance with Kantakouzenos and to side with the Constantinopolitan regency. When he finally did so, Dušan negotiated the engagement of his son to the sister of John V Palaiologos, thus making his rule over part of the Byzantine land that he had conquered legitimate.

At the end of 1350 a meeting was held between Kantakouzenos, Palaiologos, and Dušan near Thessalonik. We may assume that Dušan was offered a part of Byzantine territories, together with the recognition of his title as emperor of Serbia but without references to Romania or Byzantine lands, which had been a part of his title after the 1343 alliance with the regency.

After Kantakouzenos's abdication in December 1354 Dušan tried to heal the church schism by negotiating with Palaiologos but died in December 1355 without absolution. The church schism was so heavy a burden on relations between

Byzantine and the remnants of Dušan's empire that it made the joint defense against the Ottoman Turks impossible until 1371.

The outcome of the events influenced the course of contemporary Byzantine historiography and their views of Serbs. Kantakouzenos was a protagonist who wrote a self-apology in the form of contemporary history, and his animosity towards Dušan had great influence on how he portrayed the events in his memoirs.

“Climate Change and Society in the Peruvian Andes”

Mattias Borg Rasmussen, University of Copenhagen

During recent decades, climate change has increasingly left its mark on Andean society, as glaciers continue their retreat, precipitation alters its patterns, and temperatures intensify with colder nights and warmer days. Old questions of the relationship between nature and culture are being reposed, reframed, and reconceptualized.

The glaciated peaks of Peru's Cordillera Blanca have become an icon of climate change, as its glaciers have been reduced by almost a third in half a century. Some have referred to global climate change as a form of “environmental colonialism,” as actions undertaken at distant places are having very direct effects on human society.

The vanishing glaciers of the Andes are not only a problem of aesthetics; glaciers serve as water buffers and have been likened to “water towers.” In a region where the year is divided into a wet and a dry season, the glaciers secure a year-round supply of water. Now, however, not only are the glaciers diminished, seasonality is changing. Conversations with scientists seem to confirm people's observations that the way water falls from the sky is no longer the same. In an area where a large percentage of the population is sustained by rain-fed agriculture, this is bad news.

Water is the central issue of climate change. Water flows and crosses human borders, but humans are trying to control water by damming, channeling, and containing. Water is a matter of knowledge, technology, and power. As of this writing, the conflict around a mining project in northern Peru is precisely about the right to use and abuse natural water resources.

The Santa River is Peru's largest westward river that empties into the Pacific Ocean. Along its course it supplies water and serves as a waste dump, upholding livelihoods and industries, towns and cities, hydro-power plants, and large-scale

irrigation systems. With water being perceived as increasingly scarce, conflicts are certain to occur.

In such a situation, laws and institutions are urgently needed to manage the water. A new water law promulgated in 2009 replaced the outdated Agrarian Reform of 1969, but in the eyes of the people with whom I work, neither institutions nor the law address their needs and concerns, and it is feared that water could become privatized.

From the point of view of the peasants, both climate change and state intervention are encroachments that challenge their way of life. When water becomes scarce, rules of governance change, and the possibilities of leading a decent life come under pressure; the people of the Peruvian highlands must be allowed to assert their rights as citizens of Peru and of the world.

Yachting as a Driver of Economic Growth: What Can Portugal Learn from New Zealand?

Luís Silveira, University of Coimbra

Portugal's connection with the sea deepened in the 15th century with the discovery of new territories in America, Africa, and Asia. Due to maritime traffic with the former colonies, the connection with the sea was of great importance.

After Portugal joined the European Union in 1986, though, investment in mainland activities became prioritized. As a consequence, Portugal almost lost its maritime ties. The EU is set to establish a trust fund to support maritime affairs, and with the current eurocrisis, Portugal must urgently bring the population back to the sea to revive its economy.

It was with this thought that I chose to focus my research on the cohesive relationship between New Zealand and the sea in the yachting sector. The country has one of the highest ratios of boats per capita. Auckland, the biggest city, has 11 marinas and 48 yachting and sailing clubs or associations. New Zealand has many bays and sheltered coves that allow small boats to navigate smoothly. The climate is temperate with mild winters. The cyclones season in the South Pacific does not usually affect this country, promoting the practice of sailing throughout the year.

One economic activity triggered by the arrival of European settlers was shipbuilding, which was necessary to transport timber to markets in the United States and Australia. Skilled shipbuilders from Europe facilitated the ownership

of small boats. Over time, boats began to be used for leisure activities as well; regattas were organized by individuals who later led naval clubs.

The regatta cult nurtured the spirit of competition and camaraderie, making New Zealand a world sailing power. The shipbuilding industry generates a significant proportion of national wealth and jobs, and universities have courses in marine engineering and nautical science to nurture new generations of workers.

An important element in the organization of the country's sea economy is the New Zealand Marine Industry Association, whose members include a full range of companies in the maritime industry, from shipbuilders and trailer manufacturers to specialized bookstores. The association is also involved in human resources development.

In New Zealand, the purchase and sale of boats has a free regime. A navigation license is not required for the use of vessels at sea, except when sailing for commercial purposes or in international waters.

The Portuguese reality is quite the opposite, although there have recently been more discussions on the importance of the sea in the national economy. Portugal has one of the largest maritime territories in the world, and it needs to offer more attractive places to stop for yachtsmen traveling along the coast.

Portugal can also simplify the accreditation process for navigation licenses and make greater efforts to develop its nautical tourism resources. This requires a bigger market where businesses can grow and innovate, attracting new international clients. Naval clubs should take a more active role and host regular competitions.

“From Waste-Pickers to Urban Recyclers: The Cartoneros of Buenos Aires, Argentina”

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Human beings picking through garbage bags in search of valuable materials is a powerful image of extreme disparity and urban poverty. On the other hand, a well-organized and efficient recycling system is increasingly seen as a sign of wealth, progress, and modernity. Perhaps it is because of the strength of these associations that the massive appearance of waste-pickers (known as *cartoneros*) in Argentina became a vivid symbol of social dislocation, pauperization, and crisis during the country's economic collapse of 2001. In some ways, the struggle for reforms in the waste management system in Buenos Aires was also a battle for the collective self-image of the country's place in the global hierarchy.

The design of new waste management systems as part of efforts to assert the modernity of the country is not new. Earlier, the military dictatorship in Argentina privatized garbage collection services and strictly prohibited any third-party recycling in order to ensure the disappearance of waste-picking on the streets.

By the time waste-picking reappeared at the end of the 1990s in the face of exploding unemployment and economic crisis, recycling had already entered the modern vocabulary. In this context, the image of the waste-picker shifted from the delinquent and vagabond *ciruja* to the *cartonero*, an innocent victim of the economic crisis searching for a “decent” way to survive. Still, many continued to look upon the *cartoneros* with suspicion and disdain, and private waste collection companies, who billed the city per ton of garbage collected, claimed that the *cartoneros* were stealing “their” garbage. Ties of solidarity began to be forged between neighborhood associations and the *cartoneros* in 2001, though, and this turned public opinion in favor of the latter, putting pressure on the city government to change waste management laws to promote recycling.

The *cartonero* movement has come a long way, and many organizations are now demanding they be given rights as workers, emphasizing the environmental benefits of their services as urban recyclers. While the sector is still marked by informality, those who have grouped together into cooperatives have begun to win concessions from the city.

In the face of the historically strong private waste collection lobby, winning concessions like monthly subsidies, improved transportation, work clothes, minimal social insurance and health coverage, and in some cases even a childcare center has been no small feat. But the battle is far from over. The fate of the *cartonero* movement will depend on the ability to mobilize enough support to counter trends towards austerity.

While the movement is still just beginning, its successes and challenges in dignifying work that has traditionally been carried out under extremely precarious and exploitative conditions raise many intriguing questions from the perspective of public policy and social inclusion. What ought to be the role of the state in guaranteeing decent work? How can jobs be created that are socially and ecologically responsible and just? Just thinking about waste is inevitably also an invitation to reconsider the human and ecological costs of industrial activity.

