

May I conclude by reiterating my praise for this admirable book. With books like this case-book, and Professor von Bar's monumental work on the *Common European Law of Torts*, the cause of comparative law in this field has been immeasurably advanced, to the benefit of all legal systems in Europe—and indeed throughout the world, since Europe has been the fertile mother of the world's legal systems.

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*Japanese Law* (2nd edition). By HIROSHI ODA [Oxford: Oxford University Press. 1999. xxxiv + 460pp. ISBN 0-19-876456-1. £65. (H\bk).]

In writing for a Western audience, a lawyer from a modern, non-Western legal system can adopt a number of approaches. One strategy would be to emphasise. Many works on Japanese law, such as those of Kawashima (1963) and Noda (1976) have chosen to emphasise the differences in culture between non-Western and Western systems—that Japanese people seek to avoid legal solutions to problems, preferring less confrontational approaches. Like Feldman (*The Ritual of Rights in Japan*, Cambridge 2000), Oda challenges this perspective. He argues that, although there may be much less use of law and a smaller number of lawyers in Japan compared with the United States, in comparison with European countries the position is much more similar (pp. 4–5, 81–3). He rejects the idea that Japanese law can be lumped together with Chinese and other legal systems to form a 'Far Eastern legal family', as Zweigert and Kötz label it. Mere geographical proximity is not the main determinant of commonality between legal systems. Ideology and influences on legal development are much more important (see pp. 5–7). Oda emphasises that Japanese law is part of the French and German legal family with US elements (p. 9), since these are the influences on the content and procedure of the modern legal system. As a result, we are presented with a picture of how Japan, as an advanced capitalist country, has developed legal solutions to a range of contemporary problems. The work is successful in offering a clear, readable and structured account of this reading of Japanese law, after offering a reasoned rejection of the 'difference in culture' approach, beloved of authors such as Legrand.

It is difficult to cover a whole legal system in a relatively short book. Oda has tried both to provide a brief overview of the main elements of the legal system together with a more detailed presentation of a few topics. Given the importance of the main theme of Japan as a modern capitalist legal system, he devotes nearly 140 pages to company and financial law. These are particularly well-designed chapters for a foreign audience. Oda gives an account of the many legal changes in the 1990s since the last edition and offers information on the economic and business context in which these rules have emerged and operate. A number of sections have an 'overview' or a table of statistics through which socio-economic trends can be identified. These chapters explain how international agreements have played some role in pushing Japan to adopt similar regulation to other countries, e.g. in intellectual property. But Oda also explains how differences in legal protection acted as a disincentive to foreign investment (e.g. p. 291), and this, in itself, encouraged legal change. In addition, financial scandals within Japan created a momentum for change. Oda stresses dynamics of legal change which operate in any capitalist country—external models and pressures, and internal traditions and events.

A further feature of the work is to explain how originally externally imposed features in areas such as constitutional, family and employment law (chapters 6, 15 and 16) have been interpreted in a distinctive way by the Japanese courts. Japanese law thus exhibits many of the features of the 'salad bowl' pattern of a legal system which Özücü has identified (*Studies in Legal Systems: Mixed and Mixing*, ch. 20), where elements from different sources are put together into a distinctive dish.

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