

notion that the growth in the services provided by private orphanages, however cautious and gradual, is an evident and important prerequisite for the future growth of advocacy and reform campaigns. Scholars of contemporary Chinese politics, orphanage welfare, and NGOs in China are sure to find the book quite beneficial.

Xiaochen LIANG  
University of California, Santa Cruz

### Japan's Legal Landscape and Culture

Colin P. A. Jones, *Obey, Not Know: Essays on Japanese Law and Society* (Kumamoto: Kurodahan Press, 2019) pp 450. Paperback: \$25.80.

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Professor Colin Jones's book is innovative and informative, not only for readers unfamiliar with Japanese language and culture, but also for scholars in these areas. Few people outside of Japan are familiar with the Japanese legal system, and there has not been a concerted effort on the part of Japanese legal academics to appeal to the Anglophone world. Dissemination of analysis related to the Japanese legal system is most often limited to individual scholars, thus contributing to a lack of connection or shared background between Japanese and non-Japanese legal systems. Additionally, if Japanese scholars submit their papers to journals in other countries, editors are not likely to accept them, due to the work involved in locating relevant reference material, searching for background knowledge, and fact-checking citations (most of which are written in Japanese and require Google translation).

Although basic or theoretical papers are usually shared among Japanese scholars, practical discussions are rare. Japanese legal scholarship developed greatly after the Samurai period ended and the Meiji government opened the door to the rest of the world, yet Japanese scholars have been good importers rather than effective exporters of legal innovations. This phenomenon can be seen on government websites; if one reads Japanese, helpful resources may be found on such websites, but clicking the button to access the "English" version may take you to the top of the website or to an entirely different website.

Law and society conferences started earlier among groups of Japanese legal scholars than in other legal disciplines. As an active legal scholar and professor, Colin Jones has made it his mission to teach US law to Japanese students and legal scholars. Many of those who wanted to learn the Japanese legal system for research or journalism could not obtain a comprehensive picture. Jones works to meet this need, striving to make "American law comprehensible to the average Japanese person and Japanese law comprehensible to the average non-Japanese person" (p. 3). He provides materials helpful for non-Japanese-speakers in understanding Japanese texts.

Japanese national universities are currently globalizing and the Ministry of Education, Culture, Sports, Science and Technology (MEXT) began to certify several national universities as “Sūpā gurōbaru daigaku (Super global universities).” Since that turned out to be a strange expression, MEXT later changed it to “Global 30 programs.” Most universities are struggling to establish programmes in English for non-Japanese students of law, in part because there are not many books in English that explain the Japanese legal system. Although some Japanese scholars are working to disseminate their research to global audiences, their efforts are still not sufficient. Japanese legal academics have made good efforts to incorporate the European and US legal systems into the post-Meiji era Japanese legal system, and are skilful at reading and translating foreign legal books into Japanese. This is a key mission of master’s and PhD programmes in Japanese universities. Japanese legal academics are also skilfully incorporating other countries’ legal systems into Japan, selecting and applying some of them to Japanese society quite smoothly. Most of this research is written in Japanese, not in English, and only some Japanese scholars in Japan, and a few others outside Japan, research the Japanese legal system.

The Japanese law and society conferences have achieved a great deal, but these achievements have not been shared with people outside of Japan. It is disappointing to read excellent papers in Japanese about the US legal system that are not widely known outside of Japan. If these papers were translated into English, they would no doubt be published in top journals.

There are some US scholars of the Japanese legal system, such as Lawrence Repeta, Percy Luney, Lawrence Beer, Daniel Foot. There are also Japanese professors such as Setsuo Miyazawa and Shozo Ohta. Professor Colin Jones, with considerable insight, builds on their prior achievements as he focuses on the latest social problems facing Japanese legal scholars. This book largely comprises 78 brief, critical, and succinct essays that appeared in *The Japan Times*, Japan’s oldest English-language newspaper, from 2006 to 2018. It will be useful for Japanese scholars to be able to cite this book in papers that they submit to journals outside Japan.

For example, No. 66, “Appreciating Japan’s Koseki System,” addresses the fact that some Japanese scholars feel it impossible to discuss Japan’s unique family-registration system in English. Drawing on his research, Jones explains that family registration is used for government management and makes it clear that the traditional pre-World War II perspective on family has survived long past the war era. The impact of the family-registration system is also discussed in No. 49, “Japan’s Dull Discriminatory, but Efficient Koseki System.” In addition to identifying its complexities, Jones also finds its merits in his clear analysis of the family-registration system in the context of Japanese society.

Another important issue addressed is whether social background is strongly related to the legal system in Japan. As observed in No. 41, there is “no need to know the law, but you must obey it.” And, in No. 67, we read that “Dentsu [is] not allowed to escape with summary justice.” Although the Japanese “may be” diligent, they are seen as subject to strong peer pressure in legal systems; authoritarianism persists in Japanese society. No. 36, “Amakudari,” gives us a different perspective, ranging from a positive image of Japan to addressing political corruption. The goal here is to go beyond cultural uniqueness when analyzing the Japanese legal system and society for non-Japanese audiences. Jones’s sharp analysis successfully achieves this in a brief but effective essay.

Some may wonder why Japanese constitutional scholars are against amendment of the Japanese Constitution, even though varied social perspectives have evolved. No. 24, “Reinterpreting Article 9,” and No. 22, “Changing Japan’s Constitution,” offer the view that the Cabinet must take responsibility and explains why. If the Japanese people are taught to obey the law, even if they do not know it, constitutional amendments may give unrestricted power to the political branch. The analysis ranges from a general perspective to a professional legal one.

Even though the Japanese Supreme Court followed the US legal system after World War II, the number of decisions made in Japan regarding unconstitutionality is much smaller than in the US. No. 68, “Rubber Stamp Polls for Japan’s Supreme Court Judges,” explains why. The analysis is connected to former Supreme Court Judge and the University of Tokyo law professor Masami Ito’s book, *Between Judge and Scholar*,<sup>1</sup> and Professor Ito would agree with Jones’s perspective that Japanese Supreme Court judges “spent the greater part of their lives as anonymous bureaucrats.”

Explaining that Japan is a civil-law country, Jones teaches readers that case-law (precedent) has dominated bureaucratic and judicial decision-makings; therefore, Japanese scholars need to read between the lines of judicial decisions. This book can be cited by Japanese scholars who want to analyze the similarities and differences in legal culture and judicial reform between Japan and other countries. The fundamental premise here is that legal principles are universal and can be seen to transcend national borders.

Professor Jones teaches in a Japanese university and he clearly understands the nature of the Japanese cultural and legal landscape. Despite the challenging nature of the task, he continues to make his law column available to *The Japan Times* and other popular outlets, thus helping to educate both general readers as well as legal scholars about the significance of Japan’s legal systems and judicial reforms, as well as the unique aspects of legal culture and relevant sociopolitical ramifications in Japanese society today.

Yuichiro TSUJI  
Meiji University Law School

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1. Ito (1993).