

the pathways to mediation, “court-based mediation is not without criticisms, principally those challenging its consistency within institutionalized settings, its potential to obstruct access to justice, and its inappropriateness to particular classes of cases” (p. 44).

After laying a foundation of theory and fact, the following two sections of the book provide country case-studies selected from a non-random sample of ten countries consisting of five regions in a “mandatory mediation regions” group and five in a “voluntary mediation regions” tracking intra-regional changes, if any, to levels of efficiency, confidence, and perceptions of justice following the implementation of court-mediation reforms over a five-year timeframe (p. 8). More specifically, Part II dives into a detailed analysis of voluntary court-mediation programmes in the UK, Hong Kong, the Netherlands, France, and Malaysia. Part III tackles mandatory court-mediation programmes in the US, Australia, Italy, China, and India. In both sections, using a host of facts and figures, the author offers useful descriptions and assessments of court mediation in each country. In addition, the author explains the improvements in efficiency, confidence, and perceptions of justice within each respective system while simultaneously exploring systemic improvements in efficiency, affordability, reduction of delays, overall quality of civil justice, enforcement of judgments, impartiality and effectiveness of ADR, and discrimination elimination.

In the final section of the book, Part IV, the author presents an analysis of survey data extracted from 83 experienced practitioners, including judges, attorneys, administrators, mediators, and participants, who have been involved in the area of court-mediation reform. The survey is designed to elicit insights into the dynamics, challenges, and lessons learned in each respective court-mediation system. The author fully grasps the difficulties associated with obtaining quantitative data of court mediations and recognizes that the qualitative data are subject to differences in reporting and interpretation. At the same time, the author attempts to use the research methodology to triangulate the exploration of judicial mediation reform by drawing on a combination of the country case-studies, a comparative examination of global court-user experience data, and an analysis of survey data (p. 8). This triangular approach is valuable in demonstrating the attitudes, advantages, disadvantages, and effectiveness of court-mediation systems and ongoing reforms.

Because it is important for the world to understand more about court mediation and the consequences to the civil judicial system and society as a whole, *Court Mediation Reform* is worth the time spent reading and studying its findings and conclusions.

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The Politics of Religion and Constitutionalism in Asia

Dian A.H. Shah, *Constitutions, Religion, and Politics in Asia: Indonesia, Malaysia, and Sri Lanka* (New York and Cambridge: Cambridge University Press, 2017) pp 306. Paperback: \$35.99

doi:[10.1017/als.2019.21](https://doi.org/10.1017/als.2019.21)

In April 2019, a series of suicide bombs surprised global communities due to unpredicted terror perpetrated by a radical minority group in Sri Lanka. Prior to this tragic event, a sequence of terror actions based on religious hatred has occurred in Indonesia and other countries in the South and Southeast Asia region. Religious terrorism is one of the severe problems within the state–religion relationship in this region. By the same token, persecutions of religious minority groups by religious majority groups have increased in recent decades. In Asia, religion remains the primary category to distinguish peoples in the public sphere, as it plays an important role in social and political lives.

Establishing proper legal arrangements to guarantee religious freedom has been an enigma in state formation in Asia. The contention between religious and secular states is a perennial question that has not gained a definitive answer. Through her book, Dian A. H. Shah invites readers on an intellectual course to understand the dynamics of the relationship between religion and the state, especially the discourse of the rule of law, democracy, and constitutional protection of religious freedom. In this respect, Shah presents a comprehensive description and robust analysis on religious freedom in societal life, regulatory arrangement, its examination through the court decision, and its force in electoral mechanism (p. 13).

Shah compares three Asian countries (Indonesia, Malaysia, and Sri Lanka) with different sociopolitical settings and constitutional arrangements regarding the religious majority and minority relationship. Although Indonesia is the world's largest Islamic nation, Islam is not the formal source of the Constitution. The in-depth ideological debate between nationalists and Islamist groups has shaped the notion of the state and religious position in every constitutional transition and regular national elections. In Malaysia, competing interests between multi-ethnic political elites and traditional rulers keep the issue of the privileged position of Islam in the Malaysian Constitution. Similarly, members of Sri Lanka's constituent assembly are divided on the constitutional recognition of Buddhism, since the majority of the population of the country are Buddhist (p. 17).

This book embarks on a journey that helps readers to understand the contention between the state and religion. It begins with a step towards understanding how the state frames religion and religious freedom in the constitution-making process (Chapter 2). The three countries compared in the book have different ways of accommodating religious freedom in their constitutional arrangements. Indonesian constitution framers rejected privileging Islam in the Constitution. In contrast, Malaysia and Sri Lanka provide the explicit state patronage of Islam and Buddhism, respectively.

Furthermore, the author calls upon readers to look at religious freedom in public life (Chapter 3), especially in divided societies in these three countries (Chapter 4). One interesting finding in this study is a pattern where a dominant religion occasionally pushes authorities to adopt pro-active policies in their favour and to justify the restriction of religious minorities (p. 133). Although constitutional arrangements seem to guarantee religious freedom, it does not mean that the constitutional provision will automatically apply in practice. In many cases, the dominant groups manipulate constitutional provision to secure their interest by encouraging the government to protect the majority over minority religions. In Indonesia, this kind of attitude appeared when the majority of Muslim groups introduced the concept of religious harmony as an alternative to religious freedom. They describe religious harmony as a situation where the majority should protect the minority, and the minority should respect the majority groups.

The author also scrutinizes the role of religious bureaucracies and political leaders in religious conflicts, such as dispute in establishing the house of worship and religious violence. In Malaysia, the authority is responsive to any indication of religious violence among religious groups. Unlike Malaysia, political leaders and police officers in Indonesia and Sri Lanka are at some point hands-off to the persecution of religious minorities by fundamentalist groups. This attitude leads to impunity to the fundamentalist religious groups and provides confidence for them to repeat their violence.

Moreover, in Chapter 5, Shah discusses the performance of judicial institutions in handling religious-freedom cases by focusing on three case-studies: the Blasphemy Law case in Indonesia, the “Allah” case in Malaysia, and the incorporation cases in Sri Lanka (p. 135). The court plays a mixed role in protecting religious minorities as well as the sensitivity of dominant religious groups. The court applies strategic pragmatism when adjudicating sensitive cases related to religious freedom. For instance, in Indonesia, the court embraces “public order” in favour of the dominant religious groups from the spread-out of religious minorities. An example is the prohibition of building houses of worship for minority Christians in the majority-Muslim population area because Muslim groups perceived that the establishment of the church would violate “public order.” Similarly, in Malaysia, the court prevents other religions outside Islam to use the term “Allah,” to avoid “religious confusion.” For most cases, the court relies on vague concepts such as “public order” and “religious confusion” to fulfil the majority groups’ demands. This kind of interpretation embraces the legitimation of tyranny of the dominant majority groups (p. 158).

Why do judges create a mixed approach when dealing with religious-freedom cases? In Chapter 6, Shah analyses essential elements influencing court decisions, including judicial design, personal preference, and ideological biases of the judges. Hence, in this chapter, the author deeply investigates the judicial-behaviour aspect of the court in dealing with religious-freedom cases. Before the final concluding chapter, in Chapter 7, Shah discusses religious issues in electoral politics. It is common in the three compared countries that religions play a pivotal force in the electoral mechanism.

This book provides a great illustration of conducting socio-legal research with a comparative approach. Shah develops an analytical framework in this book that can inspire socio-legal scholars to conduct comparative studies with other relevant topics. Therefore, this book is relevant not only for comparative constitutional study, but for socio-legal scholars in general. Moreover, the author successfully takes readers to the recognition of constitution both in text and in practice. One intriguing concept that is introduced by the author in this book is “constitutional perversion” to explain that proper provision of religious freedom in the constitutional arrangement is not sufficient because it can be manipulated by religious majority groups to condemn the original principle of religious freedom (p. 165). Protection of constitutional freedom in the Constitution only gets its actual meaning by paying attention to the power relation in social and political spheres.

Although many aspects of religious freedom have been discussed in this book, Shah leaves several aspects to be discussed further, such as the influence of colonialism on current religious problems. For most countries, colonial repression of the native who belongs to different religions with the colonizers also occurred in the form of the limitation of the freedom of worship. Such a colonial attitude is still present in the post-colonial period and requires an analysis regarding the continuity and discontinuity of the colonial legacies. The colonial

government, as well as the post-colonial state government, controls religions by creating regulation and state institution. In many cases, the government's attitude to religious problems is repeating the colonial practices. To provide an example, in Chapters 2 and 3, Shah described that the creation of the Ministry of Religious Affairs in Indonesia was a political concession between nationalists and Islamists during the state formation of Indonesia in 1945. This is true, but it is important to note that government intervention to control religious activities was started by the Dutch colonial administration through *Het Kantoor voor Inlandsche Zaken* (the Office for Native Affairs).

Finally, the author identifies religious freedom and the relationship between state and religion in this book as a country domestic problem. In the concluding chapter, she raises readers' awareness of religious nationalism. However, many religious organizations, especially Islamic fundamentalist groups, move away from the nationalistic frameworks by affiliating with transnational networks such as ISIS, which is behind many terrorist attacks around the world, including the recent deadly bomb terror in Sri Lanka that occurred in April 2019. Another threat includes the widespread prevalence of transnational Islamist movements in Indonesia in the last two decades. The demand for this kind of radical Islamic organization goes beyond the need for creating an Islamic state and bringing religious nationalism into political spheres. They attempt to destruct modern democracy and the rule of law as preconditions to establishing their narrow idea of caliphate Islamiyah and vernacularizing religious values in societal lives.

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Japan's System of Law and Government

Colin P. A. Jones and Frank S. Ravitch, *The Japanese Legal System* (St Paul, MN: West Academic, 2018) pp 451. Hardcover: \$114.00.
doi:[10.1017/als.2019.15](https://doi.org/10.1017/als.2019.15)

I was delighted to learn of the publication of a new hornbook on Japanese law by West Academic, a leading American academic publisher. This seemed to run counter to the general trend of a decline in interest in (and publications about) the field of Japanese law in the US. Although a number of textbooks on Japanese law have been produced in the US and remain in print, it has seemingly been difficult to keep them up-to-date. Ironically, this trend has occurred precisely at a time over the last several years when Japan's gradual pace of reform has accelerated and the value of current comparative research on Japan should be high.

This book's publishing success is explained in large part by the identity of the book's co-authors: Colin Jones, a long-time professor of law at Doshisha University in Kyoto who has a broad background in Japanese law and administration (and has often shed light on underappreciated aspects of Japanese law in his columns in *The Japan Times*); and Frank Ravitch, a professor of law at Michigan State University who has focused on constitutional law and religion with an emphasis on comparisons with Japan (and who has run a