

**COLIN P. A. JONES**

**Obey, Not Know: Essays on Japanese Law and Society**

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Colin P. A. JONES is a Canadian lawyer and professor of law at Dōshisha Law School in Kyōto. Many readers will know his name from the author's various contributions to this Journal. In 2018 he published a concise English introduction to Japanese law (together with Frank S. RAVITCH) which garnered international attention.<sup>1</sup> As a long-term resident of Japan, he is well attuned to the idiosyncrasies that Japan's legal order presents (or seems to present) for common citizens and especially for non-native foreign residents in Japan. His observations are published regularly in a monthly law column for *The Japan Times*, Japan's oldest daily English-language newspaper. Though it may be the case that these well-written, always entertaining and often sarcastic analyses of legal pitfalls in modern Japanese life are primarily addressed to the foreign community living in the country – and thus to individuals wondering what their position might be when it comes to their legal status and rights as well as to family matters, legal services and much else – the author's observations are also of great value for comparative lawyers having an interest in the Japanese legal system as they present many practical insights which are usually not provided for in academic treatises on the law in Japan.

The book presents a wide selection of these columns in their original version with brief updates added at the end. One or two articles are drawn from other sources, and a few entries that were never previously published supplement the selection. The articles are presented in 76 short chapters organized according to the historical order in which they were originally published (or written) between the years 2006 and 2018. This approach allows for a chronological spotlighting of the manifold developments that Japanese society underwent in these years. A slight draw-back is that related topics are often covered at different places in the book. An index could have helped to mitigate this problem.

The topical scope of the book reflects a fascinating and wide spectrum of legal issues, including constitutional questions, the legal and administrative institutions of Japan, the political economy, criminal justice, corporate gov-

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1 C. P. A. JONES / F. S. RAVITCH, *The Japanese Legal System* (2018); reviewed by J. C. FISHER, *ZJapanR / J.Japan.L.* 51 (2021) 329–332 (in this volume).

ernance and various matters of family law, to name but some. One of the author's major research interest is the role of administrative bureaucracy in Japanese society, including the country's legal system.<sup>2</sup> This theme figures prominently in the book, and the author vividly criticizes the "bloated" and "self-serving" role of a bureaucracy lacking proper checks and balances (e.g. Chapter 4). This reviewer sympathizes with the author's analysis, whereas another reviewer has emphasized instead the oversight by the political class, namely the long ruling Liberal Democratic Party of Japan.<sup>3</sup>

Another focus of the book is on family law issues, especially in an international context. Topics discussed include, among others, the family registry system (*koseki*), international divorces, mixed-heritage children, and the hot topic of child custody and cross-border child abductions. The thorny issue represented by the latter receives special attention in Chapters 9, 26, 48, 70, and 73. A third topical focus is formed by the various chapters that deal with constitutional matters, all of which are highly political issues. One subject is the repeated attempts of the Japanese government to change the country's constitution, namely its famous "no war" Article 9, efforts which have so far met with firm resistance by Japan's citizens. This blockage of a direct change has left the government to pursue the issue indirectly by way of a questionable re-interpretation of that provision (Chapter 24).

These examples have to serve *pars pro toto* as it is impossible to deal with all the issues diligently raised by the author. But it is easy to sum up: Colin P. A. JONES has presented a highly rewarding and entertaining book about the role of law and legal institutions in Japanese daily life which deserves a wide international reading.

Harald BAUM\*

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2 See for example the seminal analysis by C. P. A. JONES, *The Influence of Amakudari on the Japanese Legal System*, ZJapanR / J.Japan.L. 40 (2015) 1–57.

3 See J. M. RAMSEYER, *Book Review*, JAPAN Forward, 7 March 2020; available at <https://japan-forward.com/book-review-obey-not-know-essays-on-japanese-law-and-society-by-colin-p-a-jones/> (assessed on 6 April 2021).

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