

BOOK REVIEW

JAPANESE BUSINESS LAW AND THE LEGAL SYSTEM by Elliot J. Hahn. Westport, Connecticut: Quorum Books (1984). Pp. 168.

So much has been written on Japan and doing business in Japan, as the quite comprehensive (twelve page) bibliography (pp. 149-61) of this book attests, that the novelty of the subject no longer justifies overlooking some of the shortcomings of the treatment given to it. The author of this book, who has taught at the University of Tokoyo as well as at other Japanese universities, obviously knows his subject and, using good examples, describes the cultural differences which affect American businessmen in Japan. It is the purpose of his book to be "a primer on the workings of the Japanese business law system for the American lawyer or businessman who needs to understand the major aspects of the system and how to work within it . . ." (p. 6).

The book is divided into seven short chapters. The second chapter deals with lawyers and legal education in Japan. This is quite interesting as the American and Japanese approaches to legal education are very different. The author describes in particular the Legal Training and Research Institute, the sole avenue for becoming a lawyer (p. 12), but one would have liked to have a little more information on the legal education also dispensed at the Japanese universities in order to better understand the differences.

The following chapter on "Negotiating with the Japanese" is fourteen pages long, a length which seems quite disproportionate compared with the treatment given to antitrust law which covers only seven pages. In this chapter, the author often repeats himself on the necessity of socializing when conducting business in Japan. This repetition leaves the reader with a feeling of carelessness from which it is difficult to recover. The next chapter on "Doing Business in Japan" is, however, quite useful and interesting. In it, one finds a good description of the inside workings of a Japanese company. The well-described problem of the Danish company Novo in trying to terminate its Japanese distributor should keep the American businessman interested (p. 61). Appendix B to this chapter gives a good overview of the complexity of registering a trademark in Japan (p. 77).

Chapter five on "Legal Aspects of Doing Business in Japan" proves to be somewhat of a disappointment. The description of ser-

vice of process in Japan (p. 86) is not very easy to follow and would have benefited from additional explanation. The book could, in my view, do without the reprints of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958¹ as appendix B to chapter five (five printed pages, pp. 95-99) and the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters² as appendix C (eleven printed pages, pp. 101-11). As the texts of these conventions are easily found in standard publications, I would have preferred to have the translation of Japanese laws which are difficult to obtain in the United States available as appendixes.

Chapter six on the "Role of the Government in the Japanese Business Law System" gives the reader a good overview of the role of the government in the Japanese business community. The power of the Ministry of International Trade and Industry (MITI) is well described (p. 115), and the examples given help the reader to better comprehend the force of this ministry over Japanese business life. Unfortunately, the table on page 118 on the basic organization of MITI, reprinted from the New York Times, does not add much to the chapter. I would rather have seen additional information on MITI. The translation of the Ministry of International Trade and Industry Organizational Law of 1952³ might have been useful as an appendix.

The last chapter on "Antitrust in Japan," which could have been one of the most interesting of the book, is too brief to be really helpful. Except for a very good flow chart on page 135 which describes the anti monopoly procedures very clearly, one does not get the information from this chapter as expected on a subject which fascinates American businessmen.

It is this reviewer's opinion that the book is suffering from a lack of careful planning and organization. Although it is obvious that the author knows a great deal about the Japanese legal system, it is disappointing that the book does not come closer to the goal the title promises.

Brigitte Herzog

1. New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958, done June 10, 1958, 21 U.S.T. 2517, T.I.A.S. No. 6997, 330 U.N.T.S. 3, (effective Dec. 29, 1970). This treaty has been implemented at 9 U.S.C. §§ 201-08 (1982).

2. Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters, done Nov. 15, 1965, 20 U.S.T. 361, T.I.A.S. No. 6638, 658 U.N.T.S. 162 (effective Feb. 10, 1969).

3. Law No. 275 of 1952.