

# TOP TEN CHANGES AND CONTINUITIES IN JAPANESE LAW AND SOCIETY - 1997

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*Japan retains its importance as one of New Zealand's largest trading partners, despite its economic slowdown in the 1990s. That slowdown veils the considerable economic restructuring that has taken place. Deregulation of the economy in the context of international trade and investment friction, but also cooperation, is associated with the reshaping of the state and society. In Japan today, the law is deeply intertwined with business, government and the everyday lives of Japanese people.\*\* Thus the law provides a window onto this dynamic scene. Japanese law has also been a model for other legal systems in North Asia. It is of increasing interest in developing South East Asian economies. Watching what is going on in Japanese law therefore also provides a window onto developments in other Asian countries.*

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## I CHANGES AND CONTINUITIES<sup>1</sup>

Academics tend to focus on change; practitioners, on continuities.

Perspective changes when living in a country, rather than visiting.

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\*\* See generally Luke Nottage, *Law in Japan Today: A Changing Interface with Business and Government* (CAPLAB monograph no 4, Wellington, 1995); "Economic Dislocation and Contract Renegotiation in New Zealand and Japan: A Preliminary Empirical Study" 27/1 VUWLR (NZACL Yearbook 1996) 59; "Planning and Renegotiating Long-Term Contracts in New Zealand and Japan: An Interim Report on an Empirical Research Project" [1997] NZ L Rev 482.

1 "Lecture note" form has been retained. Readers who did not attend the talks will find signposted extensive further material, readily available on the internet, providing more background on the topics.

Significant changes are in place or underway compared even with 1990-94. The changes are not uniform; the situation is in flux. Some changes hide significant continuity.

## **II MY "TOP TEN"**

The list is rather arbitrary: the topics are dealt with quite extensively in mainstream Japanese law journals, bar association publications, local newspapers and TV, the internet, and/or by students in Kyudai's international LLM programme.

Some topics are excluded, or are not dealt with extensively and/or are difficult to evaluate (eg legislation on Ainu culture enacted in May 1997 and a Sapporo District Court case in March 1997 recognising Ainu as an indigeneous people in Japan);<sup>2</sup> or are beyond my ability to analyse (eg disputes re US bases in Okinawa; or the political scene after the first election under the new law in October 1996).

The ranking/focus may differ somewhat depending on the reader's background. For instance, Wellingtonians may be more interested in "the Japanese state in the 1990s" (Part A), while Aucklanders may be more interested in "corporate governance in a deregulating Japan" (Part B). Hopefully everyone will be interested in "dispute resolution for the new millenium" (Part C). But it should become clear that each of these areas is linked with others.

### **A The Japanese State in the 1990s**

#### **1 The Constitution - 50 Years After WWII<sup>3</sup>**

##### **1.1 The Supreme Court of Japan - The Highest Court in the Land?**

<http://www.courts.go.jp/english/ehome.htm>

##### **1.2 Or the "Yes, but ..." Court?**

eg the *Kawahara* malapportionment case, 1991<sup>4</sup>

<http://courtdomino.courts.go.jp/promjudg.nsf/View1?OpenView>

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2 On the former, see <http://www.embjapan.can.org/Ott/Jbr/jbrief65.htm> and [http://blri.org/blri\\_e/somu/news/new097/new09703.htm](http://blri.org/blri_e/somu/news/new097/new09703.htm). On the latter, see <http://bioc09.uthscsa.edu/natnet/archive/nl/9704/0022.html> and especially <http://www.murdoch.edu.au/elaw/issues/v4n2/sonoha42.html>.

3 See Beer "The Constitution of Japan: At its Founding and 50 Years Later" (1997) 27 VUWLR 15.

4 See Kichimoto Asaka "Electoral Reform in Japan: A Comparative Constitutional Perspective" (1997) 27 VUWLR 25. William Bailey, "Reducing Malapportionment in Japan's Electoral Districts: The Supreme Court Must Act" 6/1 Pac Rim L & Pol'y J (January 1997) 167.

A Disparity of 3.18 to 1 in the House of Representatives election was prima facie unconstitutional, *but* reapportionment had occurred within a "reasonable period" since the election; or

eg the *Kurakawa* case, 1976: had not occurred within reasonable period so election declared illegal, *but* not invalidated because that remedy would greatly harm the public interest.

### 1.3 The *Ehime Tamagushi* case (April 1997) - a more activist Supreme Court?

Separation of state and "religious activities" (Articles 20(3) and 89 of the Constitution)

<http://www.ntt.co.jp/japan/constitution/english-Constitution.html>

A "slam dunk case", applying (more strictly?) an established doctrine to strong facts.<sup>5</sup>

The doctrine itself was influenced by US developments (the US Supreme Court's *Lemon* test), plus a Justice Brennan-led stricter interpretation (of religion-state separation) in the US through the 1980s. But see Justices Scalia and Kennedy more recently.<sup>6</sup> There are concerns that the Supreme Court may backpedal in Japan too.

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5 A majority (13/15) of the Court's Grand Bench held unconstitutional a donation (i) by prefectural governor, (ii) to Yasukuni Shrine (religious organisation), (iii) in the Shrine (religious facility), (iv) as money for religious service and candles (not "social custom" like ceremony prior to erecting building) to commemorate war dead: applied broad "purpose-effect" test somewhat more objectively (re purpose) and strictly.

Two (including first woman Justice, Takahashi [ex Labour Ministry]) argued that the test was still too vague, and stressed that the starting premise remains very much a strict separation, subject to proving a reasonable exception.

One dissenting Justice [retired in March!] stressed that the majority finding was inconsistent with precedents [also ruling LDP spokesperson]; but most see material differences (especially?) stricter weighting possible in balancing — principled judgment with social legitimacy, rather than "mechanical jurisprudence".

The other dissident, Chief Justice [unusual for CJ to be in minority, but often the CJ is a more political appointment; last graduate of pre-War Naval Cadet School], argued that although the Yasukuni Shrine was a religious facility it had symbolic value going beyond any particular religion to "most Japanese". Sharply criticised as "emotional", "unprincipled" dissent. See also Justice Ono, in the majority, whose Supplementary Opinion stressed historical links to pre-War "State Shinto" and even the possible "psychological effects" on Japanese people of donations to the Shrine.

6 See David O'Brien with Yasuo *Ohkoshi To Dream of Dreams: Religious Freedom and Constitutional Politics in Postwar Japan* (Honolulu, U of Hawai'i Press, 1996) 194-5.

Nonetheless, it is unlikely now that there will be a repeat even of then-PM Nakasone's visit in mid-1980s just to outside of Yasukuni Shrine and payment of wreaths out of public funds [so seen by most political parties, Korean newspapers]. Already, however, prefectural governors (except in Ehime!) had been deterred by "administrative guidance".

Still a very conservative (largely career) judiciary, and a very large caseload — but see paragraph 8 below.

## 2 *Administrative Procedures Law 1993 (in effect from 1 October 1994)*<sup>7</sup>

### 2.1 The Law

Arts 5-11: Administrative bodies should establish "review standards" for applications and generally publish them, endeavour to establish a timeframe for processing, declare reasons, endeavour to hold hearings including affected third parties.

Arts 12-31: Formalise procedures if adverse disposition.

Arts 32-35: Recognises in statute the general concept of "administrative guidance", and formalises it.<sup>8</sup>

Art 37: "Notifications" must be processed upon receipt [cf LRSL - until amendments].

Art 38: Local public entities only have to "endeavour to adopt necessary measures in order to advance the guarantee of fairness and progress towards transparency in administrative process".

### 2.2 Origins

The general idea stemmed from academic interest in US developments.

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7 Mark Levin, "Administrative Procedure Act" [1995] L in Japan 141; Ken Duck, "Now that the Fog has Lifted: The Impact of Japan's Administrative Procedures Law on the Regulation of Industry and Market Governance" 19/4 Fordham Intl L J (April 1996) 1686.

8 Art 32(1): Guidance must be within duties or functions of administrative body legislated authority [but still often broadly]; and must involve voluntary compliance — Art 32(2) with recalcitrants not to be treated disadvantageously.

Art 35(1): Body shall clarify the purpose and content of, and official responsible for, the guidance — Art 35(2): in writing, if requested and first given orally, and if "no extraordinary administrative inconvenience".

Art 36: Standardised guidance shall be prepared in advance and made public, if "no extraordinary administrative inconvenience".

The general concept of administrative guidance, and key of "voluntariness", recognised in indigenous academic theory and court cases; non-applicability of law to local bodies may also be because here there is much recourse to courts already.

Nonetheless, pressure from outside (mainly the US) to reduce "Structural Impediments" to trade, such as "administrative intransparency", was important.

Reduced confidence in the bureaucracy within Japan itself: scandals (eg MoF slackness in preventing Nomura "loss compensation" scandal; MoHW cover-up re HIV litigation), economy still flat, and times of change (or at least much talk of change).<sup>9</sup>

### 2.3 Effects

Many central government bodies have published new standards.

Businesses more aggressive: eg *Keidanren* established hotline, supported propane gas supplier unable to get licence from MITI; following MoF deregulation of interest rates in October 1994, banks started offering "lottery" savings accounts.

Ironically, may make Trade and Investment Ombudsman less effective for foreign companies (although was not very effective earlier, and increasingly irrelevant?):

<http://www.epa.go.jp/e-e/oto/menu.html>

## 3 *Environmental Impact Assessment Law (June 1997, in effect from 1999)*

### 3.1 Background<sup>10</sup>

The "Big Four" Pollution Cases in the 1960s - still not forgotten (net across Minamata bay in Kyushu, preventing fish affected by industrial mercury poisoning from leaving, only removed a few months ago; last litigation only completed a few years ago).

After Environment Agency unsuccessful in getting legislation through Parliament in 1981-83, EIA previously implemented by administrative guidance (pursuant to 1984 cabinet order) and some local ordinances.

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9 In December 1996, the government's Administrative Reform Commission also published an Information Disclosure Law Draft, with accompanying report, which seems likely to result soon in a law on official information disclosure. While prompted by scandals and reduced confidence in the bureaucracy, and political reform, the debate can draw on a rich caselaw refining almost 400 local ordinances promoting public information disclosure (including 59 in the last year).

10 See generally Shiro Kawashima, "A Survey of Environmental Law and Policy in Japan" (1995) NCJ Intl L & Com Reg 231.

Japanese government required to "take necessary measures to promote EIA" under section 20 of the Basic Law on the Environment 1993 (although this itself is a "law without sanctions").

Local and national opposition to eg Isahaya Bay Reclamation Project - Ex post rationalisation of Japanese "think big"? EIA (under old system) seemed inadequate. Cf the government line -

<http://www.maff.go.jp/soshiki/koukai/sekkei/isahaya-e.html>

### 3.2 The New Law

Adds "screening" - more flexibility in coverage: a second group of projects by government or requiring a government licence must apply to the licensing body, which gets a report from the prefectural governor including consideration of the effect on particular localities, and then decides if EIA is necessary.

Adds "scoping" - more possibility for outside input in planning and implementing EIA: business must now first issue "EIA Method Report", before undertaking EIA.

EIA reports are to show the process leading up to the "EIA Preparatory Report", which can encourage businesses to offer alternative proposals for the licensing body to consider.

More scope for non-residents to contribute to subsequent public hearings.

"EIA Evaluation Report" may also be amended following Environment Agency opinion as well.

### 3.3 A Preliminary Appraisal

Comparative studies of eg waste management regulation show a more cooperative relationship between business and regulators in relation to protection of the environment, more like that in the UK than the adversarial relationship in the US. This is more than just "agency capture". Japanese firms today seem to use new standards to improve production, technological and now marketing processes, rather than trying to "fight" them. This may not necessarily always have been the case (cf eg Minamata); this approach seems likely to have emerged during the relatively bouyant 1980s. Such adjustment perhaps also assisted by that period being of relatively benign enforcement of EIA.

Some evidence that Japanese companies may take this attitude now overseas - <http://www.eic.or.jp/e Janet/e/jeq/v001-01.html#3>

With a little help from their friends (MITI and the Ministry of Education)!

<http://www.yomiuri.co.jp/newsj/0818dy.02.htm>

#### 4 *1997 Reform of the Equal Employment Opportunity Law 1985<sup>11</sup> - and the Labour Standards Law*

<http://www.mol.go.jp/jil/bulletin/year/1997/vol36-03/04.htm>

##### 4.1 Amendments to the EEO

Discrimination in recruitment and promotion now prohibited (cf "endeavour" to avoid) [-> more civil claims?] and infringers' names can now be publicised.

Mediation can now be pursued even if other party [employer] does not consent [22 of the 104 mediations since 1985] — but still not available for recruitment discrimination.

Employers must take action to prevent sexual harassment [= court decisions anyway].

##### 4.2 Labour Standards Law: formal, but not substantive equality?

Restrictions on working overtime and on late shifts abolished for women over 18.

But in context of high (and now rising again) annual work hours, little back up, etc.

#### *B Corporate Governance in a Deregulating Japan - "People, Products, Prices" no more?*

##### 5 *Financial sector reform (1997-2001) - What future for the "Main Bank" system?*

5.1 The Japanese "Big Bang" (proposed June 1997) — or maybe the "Long Bang" (barriers removed between banks and securities firms in fiscal 1999, and with insurance sector by end of 2001) — driven by decline of Tokyo as major financial centre.

Initial plan:

<http://www.mof.go.jp/english/big-bang/ebb32.htm> [+ see Appendix B]

Already some delays (eg "comprehensive accounts" by securities from October 1998, rather than "fiscal 1997").

A key exclusion is government postal savings (= 50% of total savings in private institutions); but being debated (in media, although not on MPT homepage!).

5.2 Including final FECL reforms — but cross-border financing regime liberalised already from early 1980s:

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11 See generally Masako Kamiya, "A Decade of the Equal Employment Opportunity Law: Has It Changed Society?" [1995] L in Japan.

<http://www.mof.go.jp/english/e1a702f3.htm>

5.3 Amendment to Bank of Japan Law (June 1997, in effect from April 1998) — Given more independence in monetary policy (cf late 1980s liquidity bubble), at least in theory:

<http://www.boj.go.jp/en/seisaku/bojlaw1.htm#top>

5.4 Considerable, varied, and quite rapid responses:

<http://www.nikkei.co.jp/enews/SPECIAL/bigbang/bigbang0.html>

Growing scale and scope of tie-ups between Japanese and foreign institutions — even a local bank in Nagasaki recently, with a Swiss bank!

New "Financial Supervision Agency" under PM's Office from July 1998; but same MoF staff, and comparatively few.

Individual stock options allowed since 18 July, to encourage interest again by individual investors; but previously "over the counter" by Morgan Stanley Tokyo.

Insurers cutting unsophisticated or inefficient agencies, to concentrate on and follow through with new product development (eg nonlife insurers beginning sales of life insurance after deregulation in April 1998; preparing to discount nonlife policies after July 1998).

5.5 But repeated financial market scandals may, ironically, slow down the process.

## 6. *Abolition of prohibition on (most) holding companies (June 1997, in effect December 1997)*

### 6.1 Background

Another Occupation reform: dissolution of *zaibatsu*.

Key part of Big Bang:

<http://www.nikkei.co.jp/enews/SPECIAL/bigbang/bigdpth12.html#gen13>

Boosted by December 1996 decision to "split up" NTT (into long-distance carrier and 2 regional carriers)? See -

<http://www.mpt.go.jp/whatsnew/NTTlaw-e.html>

### 6.2 The new regime

Japan Fair Trade Commission draft guidelines (July 1997, were supposed to be finalised in December):

[http://www.jftc.go.jp/e-page/f\\_home.htm](http://www.jftc.go.jp/e-page/f_home.htm)

<http://www.nikkei.co.jp/enews/SPECIAL/bigbang/bigdpth12.html#gen13>



[will not effect many companies<sup>12</sup>]

Law change (June 1997):

[http://www.jftc.go.jp/e-page/f\\_home.htm](http://www.jftc.go.jp/e-page/f_home.htm) [also abolishes FECL s6(2) (already only ex post) reporting for international contracts]

### 6.3 Some unresolved issues?

Tax.

Organised labour (but less so now?):

<http://www.mol.go.jp/jil/bulletin/year/1997/vol36-05/05.htm#1>

MoF reported to be considering an upper limit of 10-20% on combined capital participation in a nonfinancial corporation by any group of financial institutions operating under a holding company. (Current legislation limits banks and securities firms to 5% shareholdings in any nonfinancial firm, and permits life and casualty insurers no more than 10%).

<http://www.nikkei.co.jp/enews/SPECIAL/bigbang/bigbang11.html#gen152>

## 7 *Shareholder derivative actions*<sup>13</sup> - Exponential increase following the 1992 reduction in court filing costs

7.1 The Ajinomoto, DKB, Nomura & ...?: scandals, criminal prosecutions ... and derivative actions:

<http://www.nikkei.co.jp/enews/SPECIAL/page/nomura0.html>

7.2 Cf the Sumitomo copper trading fiasco: suit simply for poor supervision/systems from top management.

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12 The FTC proposes to prohibit any holding company (i) with assets of more than 15 trillion yen and controlling firms with assets of more than 300 billion yen in more than five key industrial sectors; (ii) controlling a financial firm with more than 15 trillion yen in assets as well as a nonfinancial company with more than 300 billion yen in assets; or (iii) controlling companies commanding dominant market shares in more than five closely related industrial sectors. But only Tokyo Electric Power Co. has 13 trillion yen in assets, the largest among nonfinancial companies; and only some 300 firms have 300 billion yen in assets.

13 Shiro Kawashima & Susumu Sakurai, "Shareholder Derivative Litigation in Japan: Law, Practice, and Suggested Reforms" (1997) 33 *Stan J Intl L* 9.

*C Dispute Resolution for the New Millenium*

**8 Civil Procedure Reform (in effect 1 January 1998):<sup>14</sup> *The Old (and Unchanged), The Practice, & The New***

8.1 Overview of Japanese civil procedure - and some of the changes:

[http://www.courts.go.jp/english/procedure/minji0\\_e.html](http://www.courts.go.jp/english/procedure/minji0_e.html)

Separate out (early) refining of issues, then:

Fuller collection of evidence: somewhat more discovery, formal interrogatories.

One-day, deformed small claims courts (less than Yen 300,000 = \$4000).

Certiorari system for civil appeals to Supreme Court - will now have *discretion* whether or not to allow an appeal to be made for alleged error in law which clearly affected the case.

8.2 No changes ("yet") to old Arbitration part, or (most) international civil procedure:

<http://ourworld.compuserve.com/homepages/Kitahama/litigatn.htm>

Old arbitration provisions now in different Act.

Rephrases one requirement for recognising foreign judgment under old CCP article 200 (must show positively that Japanese law would recognise foreign court's basis for original jurisdiction); removes requirement that only Japanese defendant need to have received summons etc; requirement that foreign judgment not be repugnant to public order now specifically refers to procedural public order; documents need not always be supplied now with full translation.

8.3 The practice or history behind many changes:

[http://www.courts.go.jp/english/procedure/minji3\\_e.html](http://www.courts.go.jp/english/procedure/minji3_e.html)

Issues often refined by lawyers already, assisted by judge ("wakai ken benron").

Questions already asked directly of other side, invoking judge's "right to elucidate" - "Bargaining in the shadow of the law" now formalised?

Development on existing small claims courts (less than Yen 900,000), which have however become too formalised and slow.

Type of certiorari system already for criminal appeals: Supreme Court may allow an appeal if considers it to raise an important point of statutory interpretation.

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<sup>14</sup> For an overview of the changes when still at Bill stage, see Joseph Davis *Dispute Resolution in Japan* (Kluwer, 1996) ch 20.

Almost all changes to international civil procedure provisions recognised established precedent and/or main academic theories; Japanese court original jurisdiction and parallel litigation issues, where not yet established, were not amended.

### 9 *Product Liability Law (in effect July 1995) - Strict Liability Regime "In Action"*

9.1 Drawing on, but not a copy of, the 1985 EC Directive — and the courts (eg *Matsushita TV case*):<sup>15</sup>

<http://www.jef.or.jp:80/news/guidepll.html>

"Manufacturer" (including importer) liable when "product" (movable property manufactured or processed) is "defective" and causes damage to another's life, body or property.

Note that it is not limited to damage to consumers, no "500 ECU" minimum or deduction from claim, no potential liability of intermediary retailer.

9.2 Government/trade association, sector/product specific PL ADR centers - Some expected and unexpected results:<sup>16</sup>

Very few go to mediation, but many inquiries - consumers seeking information to claim against their direct suppliers?

Relatively little renegotiation of contracts (indemnities etc) between Japanese importers and foreign exporters? Response of "manufacturers" (including Japanese importers) may have been to further upgrade technology (like EIA, above at 3) or to change to very safe suppliers only.

### 10 *Consumer Contracts and ADR*<sup>17</sup>

10.1 In January 1998, the EPA made public an Interim Report recommending the adoption of legislation combining both control of the consumer negotiation process (as with NZ's Fair Trading Act 1986) and the content of such contracts once concluded (as with the EC Directive on unfair consumer contract terms—

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15 Luke Nottage, "Global Harmony and Disharmony in Accident Compensation: Japan's New Product Liability Legislation compared to the EC Directive and Part VA of the Australian Trade Practices Act" (forthcoming, 1998).

16 Luke Nottage & Yoshitaka Wada, "Japan's New Product Liability ADR Centers: Bureaucratic, Industry, or Consumer Informalism?" Paper to be presented at the Annual Meeting of the Law & Society Association, Snowmass Village at Aspen Colorado, 4-7 June 1998.

17 Veronica Taylor, "Consumer Contract Governance in a Deregulating Japan" (1997) 27 VUWLR 99.

New Zealand has only the more limited controls set by minimum standards prescribed by the Consumer Guarantees Act 1993):

<http://www.epa.go.jp/98/c/19980121c-chukan-e.html>

This is an advance on the much vaguer December 1996 report:

<http://www.epa.go.jp/e-e/doc/e1996ca2.html>

However it is reported in the media that it faces a "rough passage". A repeat of the tortuous process leading to the PL Law looks likely, without the benefits of *gaiatsu* (foreign pressure for change) and political upheaval.

- 10.2 And here too, perhaps more so, stress is laid on ADR as well as substantive law reforms, with much comparative research: eg Prof Wada's visit to New Zealand and Australia in November on behalf of the EPA.

### III CONCLUSIONS

Some common patterns do emerge; but not a simple or uniform "modernisation" or, despite undoubtedly greater contact with and influence from abroad (eg US and EC), "globalisation". Partly this is because many of these recent changes in the law build on a variety of pre-existing institutions, traditions or reform efforts.

Many of these topics are interrelated. For instance, the extent of PL or consumer contract law changes depends on the degree to which discovery and small claims court operations are expanded under the new civil procedure rules. The latter may have a big impact on the way the Supreme Court sees itself. The elaboration of limits to administrative guidance, initially through the courts and academic theory and now through the APL, leads to greater formalisation in EIA and EEO as well. It also underpins the ongoing financial reforms. The latter in turn require a rethinking of consumer law and practice. All such interrelations mean that a clear trend towards change may develop; but it could also mean that major continuity in one area may dampen changes in others.

More generally, change is managed in Japanese law and society somewhat differently. New Zealand is used to more abrupt and large-scale changes followed by periods (usually of considerable confusion) when things are supposed to settle down. In Japan there is much discussion, recognition or promotion of smaller or more disparate changes, and adjustment of practices in response to or in anticipation of these. Under the right circumstances, this pattern can, nonetheless, lead to results which differ radically from those ten or even five years previously.

With so much happening in Japan at present, this paper identifies some key topics to watch, and gives some sense of the variables which affect an evaluation of whether there is significant change or continuity.

### *CHANGEMENTS ET STABILITÉ DANS LE DROIT ET LA SOCIÉTÉ JAPONAISE, À TRAVERS DIX EXEMPLES*

Le Japon, tirant les leçons de la crise économique qu'il traverse depuis le début des années 90 a engagé de manière lente mais toujours constante un processus de restructuration qui bouleverse non seulement le droit applicable mais aussi la société japonaise dans son ensemble.

Les échanges commerciaux internationaux, tout comme la possibilité d'investir en masse à l'étranger, restent une pièce maîtresse de l'économie japonaise (ainsi il est un partenaire économique privilégié de la Nouvelle Zélande). De surcroît, le modèle économique japonais reste la référence première pour une grande partie des autres pays de l'Asie du Nord. Cependant les japonais ont du aussi apprendre à ouvrir leur propre marché intérieur pour satisfaire la légitime et constante réclamation de leurs partenaires commerciaux et financiers étrangers.

Ce faisant, aucun des grands domaines du droit, public ou privé, n'a échappé à ce remodelage.

Il reste néanmoins qu'en pratique, les résultats n'ont pas toujours été à la hauteur de changements annoncés. A cela deux principales raisons. En premier lieu, les textes nouveaux n'ont été la plupart du temps que de simples rajouts à des législations et des institutions déjà préexistante. Ensuite, les changements intervenus, ne sont que le fruit de longs processus de discussion et de compromis obtenus entre les tenants d'une ligne traditionnelle conservatrice et les défenseurs d'une approche plus mondialiste de la place du Japon dans les relations financières et commerciales.

Les dix exemples choisis par l'auteur illustrent de quelle manière et dans quelle mesure les changements sont intervenus. A défaut d'être exhaustifs, ils apportent une excellente source de réflexion et de référence. Mieux encore, ils sont les véritables indicateurs dont convient de surveiller l'évolution pour bien comprendre la mutation entreprise par le Japon (à cet égard les références des sites internet sont particulièrement utiles).

