Denver Law Review

Volume 38 | Issue 1 Article 7

January 1961

Book Review: Belli Looks at Life and Law in Japan

Theodore A. Borrillo

Follow this and additional works at: https://digitalcommons.du.edu/dlr

Recommended Citation

Theodore A. Borrillo, Book Review: Belli Looks at Life and Law in Japan, 38 Dicta 58 (1961).

This Book Review is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu,dig-commons@du.edu.

Book Review	: Belli Looks a	nt Life and L	aw in Japar	า	

BELLI LOOKS AT LIFE AND LAW IN JAPAN. By Melvin M. Belli¹ and Danny R. Jones.² Indianapolis: The Bobbs-Merrill Company, Inc., 1960. Pp. 311. \$395.

As the title suggests, and unlike other Belli endeavors, this work does not intend to present a documented "how to do it" law book, but is instead a general introduction to Japan, its history, its life, people, sentiments, and law. The book can be enjoyed by layman and lawyer. It is the first "of a series of studies intended to hold the mirror up to man living under his various laws and customs around the globe."

A considerable portion of the book is devoted to the forces of history, religion, customs and folklore that have influenced the development of the Japanese legal system. Japanese law is a mixture of Confucian philosophy, adaptations from Continental Codes, and the influence of the American occupation forces, principally reflected in the McArthur Constitution of 1947. The writ of habeas corpus, the privilege against self-incrimination, and other "democratic" safeguards familiar to most Americans, but not usually a part of the Civil Law, have been implemented into Japanese law. Differences in culture and economic conditions have produced laws and attitudes at variance with those that govern lives in America. Combinations (Zaibatsu) that would violate the Sherman Act in America are not only permitted in Japan but encouraged. Offenses against property are dealt with more severely than offenses against the person, there being a greater abundance of life than property in the Orient (Japan's population is approximately 90,000,000 in an area about the size of Wyoming). The Oriental "saving face" attitude is a compelling inducement for litigants to settle a dispute whenever possible to avoid the "embarrassment" of a public trial. The role of the begoshi (barrister), kujishi (solicitor) and Japanese courts and prisons in Japan's administration of justice is vividly described. An entire chapter is devoted to the recent and controversial Girard trial and another to the case against Tokyo Rose.

Several chapters exclusively treat *life* in Japan—"from kisses to sukiyaki"—much to the comfort and enjoyment of any prospective tourist or armchair traveller. A "touristic" atmosphere mindful of a Fodor's guide book is provided by forty-four enjoyable photographs of Japanese scenes and life. The discussion of the *Geisha* (pronounced Gay-sha) will shatter many Western stereotypes regarding her role in Japanese life.

In this world of misunderstanding it is important to let the heads and shoulders of different races and religions touch and be understood if a peaceful solution to world disorder and distrust is to be realized. The authors have taken a commendable stride forward to bring greater insight and ethnic understanding to a gifted nation and its people. Their style of writing is not legalistically dull but is flavored with the necessary tinge of story telling that makes for easy and interesting reading.

Theodore A. Borrillo*

¹ Member of the California Bar Association and of the firm of Belli, Ashe, and Gerry.
2 Member of the Belli firm in Tokyo, Japan.
*Assistant Professor of Law, University of Denver College of Law.