LEGAL INNOVATIONS IN ASIA
EDITED BY JOHN O. HALEY AND TOSHIKO TAKENAKA
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Legal Innovations in Asia, edited by John O. Haley and Toshiko Takenaka2, has been published in 2014 by Edward Elgar within the Studies in Comparative law and legal culture, a series edited by Vernon Valentine Palmer of the Tulane University (USA) and devoted to in-depth analysis of covering various aspects of private and public law with the view to encourage improved techniques and methods of comparative legal research.

With the idea to commemorate the founding in 1964 of the Asian Law Center (ALC),3 as well as to envision the future of the Asian legal studies, the book consists of a valuable collection of essays on Asian law by nineteen leading academics in this field, almost half of whom are linked to the Asian Law Center at the University of Washington at Seattle.

In particular, Legal Innovations in Asia explores how law in Asia has developed over time as a result of judicial interpretation and innovations drawn from the legal systems of foreign countries. Expert scholars from around the world offer a history of law in the region while also providing a wider context for present-day Asian law. The contributors share insightful perspectives on comparative law, the role of courts, legal transplants, intellectual property, Islamic law and other issues as they relate to the practice and study of law in Japan, China, Taiwan, Korea and Southeast Asia. The results are intriguing.

The volume commences with three chapters by three of the past ALC’s directors – John Haley, Veronica Taylor and Jon Eddy, all of whom were students at different times at what was formerly the Asian Law Program - detailing the history, achievements and challenges of the Asian Law Center during its first half-century. The introductory chapters on the history of the ALC are followed by a series of chapters by a remarkable group of scholars from four continents.

1 European University of Rome.
2 The book’s co-editor Professor John O. Haley of the University of Washington, Vanderbilt University and Washington University in St. Louis (USA) was awarded the prestigious Order of the Rising Sun from His Majesty the Emperor of Japan. His colleague and co-editor, Toshiko Takenaka is also at the University of Washington School of Law, where she is Washington Research Foundation/W. Hunter Simpson Professor of Technology Law.
3 The Centre is described in the foreword as “one of the oldest and most fruitful programs in Asian legal studies in the United States”.

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Among them, Harald Baum, head of the Japan Law Department at the Max Planck Institute for Comparative and International Private Law in Hamburg, Germany, provides an overview of the Roman origins of Western law and the process of its transplantation in Japan with an emphasis on the influence of modern German law in Japan. As stated by John Haley and Toshiko Takenaka in their introduction to the book, Baum’s contribution “is a telling reminder of the universality of western law today, which is in no small measure a result of the Japanese experience”, a theme that is taken up in a cluster of chapters on the influence of Japanese law.

Following Baum is a series of chapters on the role of courts in East Asia, commencing with a dialogue between John Haley and Dan Foote on law-making and norm creation by Japanese courts. Drawing on a January 2013 decision allowing on-line sales of over-the-counter drugs, Shigenori Matsui adds to the dialogue a “view from the East”. Dongsheng Zang – the current Center director - and Vai Io Lo continue the discussion with their companion studies of judicial law-making in China. Dongsheng Zang in his contribution on *Civil Procedure and Anti-Modern Myths in the “Harmonious Society”: China and Pre-war Japan Compared* affirms that “harmony” is often forced on Chinese citizens as “a discursive technique deployed by the ruling elites to suppress resistance and safeguard the status quo”. These chapters are followed by Clark Lombardi with a parallel examination of the role of courts in making law in Indonesia and other parts of Islamic Asia. Concluding the section are two further chapters. The first is Ryushi Yamakawa’s discussion of Japanese labour law.

The second, by Kyoko Ishida, focuses on *pro-se* litigation.

The discussion continues in a section on legal transplants and the influence Japanese law has had in Asia. Tay-Sheng Wang begins by detailing its influence in Taiwan. Three chapters continue the theme with discussions on the influence of Japanese as well as the U.S. law in other legal systems in East Asia – Kon Sik Kim on Korean law, Donald Clarke on Chinese law and Kurnia Toha on Indonesian law.

The volume concludes with four excellent chapters on legal innovations by judicial law-making in intellectual property and health law, authored by Center Ph.D graduates including its co-editor Toshiko Takenaka who long served as director of the University of Washington Law Center for Advanced Study and Research on Intellectual Property.

In this section the Toshiko Takenaka contribution addresses a possible tension between patent policy and law development looking at the active role played by Japanese courts in Japan’ patent term extension. The concern raised, the arguments explored and the conclusion reached are extremely fascinating in terms of method and significant in terms of analysis.

A meditated analysis is followed in the others chapters, respectively dedicated to a New Understanding of Korea’s Intellectual Property Rights Tradition (Hyung Doo Nam), the Challenges Awaiting the Thai Government if the Bayh-Dole Act is Adopted in Thailand (Orakanoke Phanraska), and Public Health and
Pharmaceutical Patent Protection in Indonesia (Tomi Suryo Utomo).

J. Mark Ramseyer of Harvard Law School (USA) has remarked that the ALC “has stood at the center of American scholarship on Japanese law” adding that its scholars have consistently produced the very best work in the field and have increasingly turned their attention to other legal systems in Asia, specifically those of China, Taiwan, Korea and Southeast Asia, including Thailand and Indonesia and concluding that “the contributors explore the intriguing connections among the many legal systems at stake. They have produced a tantalizing blend of analytical depth and geographical breadth”.

According to Tom Ginsburg from University of Chicago Law School (USA) the volume “is a tribute to the breadth and depth of activity at the Asian Law Center over its first five decades, and a treasure trove of substantive insights into comparative law in Asia”.

Much is revealed in this fascinating volume and much can be learned from the variety of information and insightful commentary it contains, especially considering the evolutionary - and revolutionary - changes that have taken place, notably in Japan and China over the past half century since the Asian Law Centre was founded.

Researchers, scholars and international lawyers as well as legal practitioners and author’s colleagues of the Asian Law Center seeking further insights into legal developments in Asia and to extend their understanding of key legal systems in the Asia-Pacific region should certainly read Legal Innovations in Asia and are likely to applaud this recently published title, a timely and fascinating book.