

Community and the Law

'Takao Tanase seamlessly combines sociolegal and philosophical analysis as he explores the tensions between individual legal rights and communitarian values in settings ranging from post-divorce visitation rights to tort liability, lawyer-client relationships, and rising litigation rates. Contrasting Japan with the individualistic thrust of American law, Tanase stresses the importance of building legal processes that encourage stronger social and communal bonds. Students of law and society on all continents will find rich food for thought in this intellectually bold and intriguing volume.'

– Robert A. Kagan, University of California, Berkeley, USA

'Takao Tanase's Community and the Law is a path breaking and often surprising interpretation of legal culture in Japan which includes subtle analyses of the changing role of lawyers and courts and the extent to which modernity and reliance on law are interlinked. But it is much more than that. His reflections on the different way law responds to social dilemmas in Japan and the USA are the building blocks of a much more ambitious project – no less than constructing a coherent account of what law can and should do to maintain communal ties in postmodern times. The book is a pleasure to read for its learning and sophistication. Nottage and Wolff also deserve high praise for their light touch as editors and translators.'

– David Nelken, University of Cardiff, UK and University of Macerata, Italy

This important book translates seven landmark essays by one of Japan's most respected and influential legal thinkers. While Takao Tanase concedes that law might not matter as much in Japan as it does in the United States, in a provocative challenge to socio-legal researchers and comparative lawyers, he asks: why should it? The issue, he contends, is not whether law matters to society; it is how society matters to law.

Developing a descriptive and normative theory of community and the law, the author directly challenges the view that legal liberalism represents the pinnacle of legal achievement. He criticises liberalism for destroying community in the United States and for offering false hope for a delayed modernity in Japan. By applying a distinctive interpretivist methodology, he constructs a communitarian model of law and society that serves as an alternative to legal liberalism. The book challenges conventional understandings of such legal sociological staples as torts, lawyers' ethics, family law, human rights, constitutionalism and litigiousness.

This fascinating book will prove a stimulating, thought provoking read for researchers and scholars of law, Japanese and American studies, sociology and jurisprudence.



Takao Tanase is Professor of Legal Sociology at Chuo University Law School, Japan. Translated and edited by **Luke Nottage** who is Associate Professor of Law at the University of Sydney, Australia and **Leon Wolff** who is Associate Professor of Law at Bond University, Australia.

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