

and the traditional centres of power, they show how the voters, media and entrepreneurial politicians shaped the political discourse and the nature of political competition in this new era.

Overall, this is a very accessible book written by seasoned professionals, who know how to break down Japanese politics for beginners, but there were times I wished they had addressed more of the institutional aspects of SNTV and the new system, MMM, and how the incentives of the institutional changes could help explain what happened with Koizumi's successors, and the DPJ.

The book closes with a brief but insightful analysis of the new party in power, the DPJ, and its ideological composition and relations with voters. In this chapter as well, Kabashima's data (through additive scales of lower house members' opinions) is used to support an argument about how the DPJ has tried to be more responsive to voters and shifted to the median voter. They show how the DPJ campaigns also reflected the new politics of publicity and the need to appeal to the voters directly. The party provided a viable alternative to voters who wanted change. Kabashima and Steel identify interesting dynamics that generate questions about the underlying changes in Japanese politics and are sure to inspire future research, especially on the role of the media on politics today.

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THE SUPREME COURT AND BENIGN ELITE DEMOCRACY IN JAPAN. By *Hiroshi Itoh*. Burlington, VT: Ashgate Publishing, 2010. xvi, 344 pp. (Illus.) US\$124.94, cloth. ISBN 978-0-7546-7603-4.

Professor Hiroshi Ito of the State University of New York at Plattsburgh is a researcher devoted to study of the Japanese Supreme Court. In this new book, published as a sequel to his previous book, *The Japanese Supreme Court: Constitutional Politics* (New York: Markus Wiener 1989), he further develops his thesis on the role and function of the Japanese Supreme Court in the constitutional politics in Japan.

His basic thesis can be summarized as follows: while the Japanese constitution aspires to achieve a liberal democracy in which the people's rights and liberties are given the highest priority, its constitutional democracy is composed of and managed by elites for the primary benefit of the elites. Its democracy can be thus called "a benign elite democracy," in which "a relatively small number of people in the public and private sectors, many of whom are public minded and public regarding, govern a large number of people" and "elites make the people believe that their government is by the people, for the people, and of the people" (1). Based on the detailed analysis of the decisions of the Japanese Supreme Court and a large number

of interviews with former and current Supreme Court justices, together with a survey of autobiographies published by these former Supreme Court justices, he developed the thesis that “the Supreme Court constitutes part of the ruling elites, share much of conservative philosophy with the ruling political elites and decides constitutional issues in self-restrained and conservative ways, thereby contributing to the benign, elite democracy in Japan” (2).

He attempts to verify this thesis by first examining the elite dominance in Japanese politics, and he then examines the division of labour between the political branches and the judiciary in conflict resolution, and the impact of judicial decisions and political feedback against them, especially focusing on the Osaka Airport Case. He also uses an attitudinal approach in analyzing judges’ attitudes and value judgments, trying to establish the correlation between judicial attitudes on social issues and judicial holdings, dividing the judicial attitudes into socio-political liberalism, socio-political conservatism, socio-economic liberalism and socio-economic conservatism. He also investigates the reasons for the decision, trying to find a correlation between the judgments and age of appointment, prior occupation, religion, higher education and others. He further examines the question of how justices perceive their roles to explain their behaviour. He then applies his thesis to specific decisions of the petty benches during the 1990s.

During its 60 years’ history, the Japanese Supreme Court has developed a very “conservative” constitutional jurisprudence to refuse interference with government policies. It has developed the procedural jurisprudence to limit its power to accept cases, thus refusing to accept many constitutional litigations, and the constitutional jurisprudence to accept the arguments of the government or to defer to the judgments of the government, thus rejecting almost all constitutional challenges against the statutes passed by the Diet. It is true that this conservatism helped the government led by the conservative Liberal Democratic Party (LDP) to hold onto power ever since its creation in 1955 until the change of government in 2009. It is unlikely that the Supreme Court will change its stance under the new Democratic Party of Japan (DPJ) government because such conservatism is also helpful for the DPJ government. One is still tempted to wonder why such extreme conservatism is viewed as necessary by the Supreme Court. Why was limited activism not accepted as a viable path for the Court? Is there any way to facilitate the Supreme Court to exercise the power of judicial review more actively? This book offers very useful insights into the organization of the Supreme Court, the decision-making processes in the Supreme Court, and the relationship between justices’ attitudes and their decisions, thus providing us with very rich sources of information to understand the behaviour of the Japanese Supreme Court. Everyone must read this book before asking these questions.

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