

J. MARK RAMSEYER *and* ERIC B. RASMUSEN

Measuring Judicial Independence

*The Political Economy of
Judging in Japan*

Measuring Judicial Independence The Political Economy Of Judging In Japan

Robert Pekkanen, Saadia M. Pekkanen



Measuring Judicial Independence The Political Economy Of Judging In Japan:

Measuring Judicial Independence J. Mark Ramseyer, Eric B. Rasmusen, 2010-02-15 The role of the U S Supreme Court in the aftermath of the 2000 presidential election raised questions in the minds of many Americans about the relationships between judges and political influence the following years saw equally heated debates over the appropriate role of political ideology in selecting federal judges Legal scholars have always debated these questions asking in effect how much judicial systems operate on merit and principle and how much they are shaped by politics The Japanese Constitution like many others requires that all judges be independent in the exercise of their conscience and bound only by this Constitution and its laws Consistent with this requirement Japanese courts have long enjoyed a reputation for vigilant independence an idea challenged only occasionally and most often anecdotally But in this book J Mark Ramseyer and Eric B Rasmusen use the latest statistical techniques to examine whether that reputation always holds up to scrutiny whether and to what extent the careers of lower court judges can be manipulated to political advantage On the basis of careful econometric analysis of career data for hundreds of judges Ramseyer and Rasmusen find that Japanese politics do influence judicial careers discreetly and indirectly judges who decide politically charged cases in ways favored by the ruling party enjoy better careers after their decisions than might otherwise be expected while dissenting judges are more likely to find their careers hampered by assignments to less desirable positions Ramseyer and Rasmusen s sophisticated yet accessible analysis has much to offer anyone interested in either judicial independence or the application of econometric techniques in the social sciences **The Oxford Handbook of Japanese Politics** Robert Pekkanen, Saadia M. Pekkanen, 2021-10-25 Book Abstract and Keywords The study of Japanese politics has flourished over the past several decades This Handbook provides a state of the field overview for students and researchers of Japanese The volume also serves to introduce Japanese politics to readers less familiar with Japan In addition the volume has a theme of evaluating Japan s democracy Taken as a whole the volume provides a positive evaluation of the state of Japan s democracy The volume is divided into two parts roughly corresponding to domestic Japanese politics and Japan s international politics Within the domestic politics part there are four distinct sections Domestic Political Actors and Institutions covering the Japanese Constitution electoral systems prime minister Diet bureaucracy judiciary and local government Political Parties and Coalitions covering the Liberal Democratic Party coalition government K meit and the political opposition Policymaking and the Public covering the policymaking process public opinion civil society and populism and Political Economy and Social Policy covering industrial energy social welfare agricultural monetary and immigration policies as well as social inequality In the international relations part there are four sections International Relations Frameworks covering grand strategy international organizations and international status International Political Economy covering trade finance foreign direct investment the environment economic regionalism and the linkage between security and economics International Security covering remilitarization global and regional security

multilateralism nuclear nonproliferation naval power space security and cybersecurity and Foreign Relations covering Japan's relations with the United States China South Korea ASEAN India the European Union and Russia Keywords international relations comparative politics democracy international order alliances space security elections Liberal Democratic Party multilateralism remilitarization international organizations populism civil society coalitions political parties trade finance monetary policy foreign direct investment cybersecurity Globalizing Human Rights Charles Anthony Smith, 2016-04-08 This collection presents a comprehensive engagement of issues of human rights in an increasingly globalized world As the role of the rule of law has moved beyond the confines of the state and beyond the interactions of states how and when law protects human rights has become a central issue of concern These essays shed light on both the immediate and the long term future of a variety of issues located at the intersection of globalized law and the protection of the rights of individuals Here both top down mechanisms and bottom up mechanisms for the fulfilment of human rights are artfully explained This volume presents frontiers of research in human rights in both substance and approach using a variety of methodologies to engage issues ranging from national court compliance norm diffusion and the role of the judiciary in fulfilling human rights to human trafficking same sex marriage and judicial institution building through non governmental organizations This book was published as a special issue of the Journal of Human Rights **The Supreme Court and Benign Elite Democracy in Japan** Hiroshi Itoh, 2016-03-03 The Constitution of Japan has served the country for more than half a century creating and maintaining a stable and functional democratic system This book innovatively interprets Japanese politics as a benign elite democracy whilst demonstrating the Supreme Court's vital contribution to the political structure In *The Supreme Court and Benign Elite Democracy in Japan* Hiroshi Itoh presents the first empirical study of judicial decision making under Japan's Constitution He examines the Supreme Court's records regarding the protection of civil rights and liberties the preservation of the conformity of lower levels of laws and regulations to the Constitution and the maintenance of the Court's relationships to the political branches The analysis of these three aspects of constitutional litigation reveal how the Supreme Court contributes to the efficacy of constitutional democracy by keeping the system adaptable to the ever changing environment in and around Japan **How Judges Think** Richard A. Posner, 2010-05-01 A distinguished and experienced appellate court judge Richard A Posner offers in this new book a unique and to orthodox legal thinkers a startling perspective on how judges and justices decide cases When conventional legal materials enable judges to ascertain the true facts of a case and apply clear pre existing legal rules to them Posner argues they do so straightforwardly that is the domain of legalist reasoning However in non routine cases the conventional materials run out and judges are on their own navigating uncharted seas with equipment consisting of experience emotions and often unconscious beliefs In doing so they take on a legislative role though one that is confined by internal and external constraints such as professional ethics opinions of respected colleagues and limitations imposed by other branches of government on freewheeling judicial discretion Occasional legislators judges are

motivated by political considerations in a broad and sometimes a narrow sense of that term In that open area most American judges are legal pragmatists Legal pragmatism is forward looking and policy based It focuses on the consequences of a decision in both the short and the long term rather than on its antecedent logic Legal pragmatism so understood is really just a form of ordinary practical reasoning rather than some special kind of legal reasoning Supreme Court justices are uniquely free from the constraints on ordinary judges and uniquely tempted to engage in legislative forms of adjudication More than any other court the Supreme Court is best understood as a political court *Law in Japan* Daniel H. Foote, 2011-10-17 This volume explores major developments in Japanese law over the latter half of the twentieth century and looks ahead to the future Modeled on the classic work *Law in Japan The Legal Order in a Changing Society* 1963 edited by Arthur Taylor von Mehren it features the work of thirty five leading legal experts on most of the major fields of Japanese law with special attention to the increasingly important areas of environmental law health law intellectual property and insolvency The contributors adopt a variety of theoretical approaches including legal economic historical and socio legal As *Law and Japan A Turning Point* is the only volume to take inventory of the key areas of Japanese law and their development since the 1960s it will be an important reference tool and starting point for research on the Japanese legal system Topics addressed include the legal system with chapters on legal history the legal profession the judiciary the legislative and political process and legal education the individual and the state with chapters on constitutional law administrative law criminal justice environmental law and health law and the economy with chapters on corporate law contracts labor and employment law antimonopoly law intellectual property taxation and insolvency Japanese law is in the midst of a watershed period This book captures the major trends by presenting views on important changes in the field and identifying catalysts for change in the twenty first century

Law and Society in East Asia Christoph Antons, 2017-07-05 The massive and complex process of change in East Asia over recent decades has brought about a transformation in the nature of law and legal institutions in the region Whilst the process of change has to some degree mimicked western models of law and legal change there have been significant differences in approach due to the different social foundations of East Asian societies The more obvious of these has been the variety of ways in which rule of law ideas have been adopted in many East Asian countries where the role of the state is more dominant when compared with Western models This volume brings together a selection of the most important writings on East Asia of researchers in recent years and shows the broad range of questions which researchers have been addressing about the effect of law reform and legal change in societies dominated by traditional values and political forces and at a time of massive economic change **Political Systems of East Asia** Louis D Hayes, 2014-12-18 This innovative interdisciplinary introduction to East Asian politics uses a thematic approach to describe the political development of China Japan and Korea since the mid nineteenth century and analyze the social cultural political and economic features of each country Unlike standard comparative politics texts which often lack a unifying theme and employ Western conventions of the state Political

Systems of East Asia avoids these limitations and identifies a common thread running through the histories of China Korea and Japan This common thread is Confucianism which has shaped East Asian perspectives of the universe and how it operates The text describes and explains the ways in which each country has employed this shared tradition and how it has affected the country s internal dynamics responses to the outside world and its own political development

Constitutional Convergence in East Asia Po Jen Yap, Chien-Chih Lin, 2021-11-25 This comparative study of the constitutional jurisprudence of three East Asian jurisdictions investigates how the rulings of the Constitutional Court of Taiwan the Constitutional Court of Korea and the Hong Kong Court of Final Appeal have converged The unique political contexts of all three jurisdictions have led to strong courts using the structured proportionality doctrine and innovative constitutional remedies to address human rights issues Hong Kong Taiwan and South Korea have the only courts in Asia that regularly use a structured four stage Proportionality Analysis to invalidate laws and routinely apply innovative constitutional remedies such as Suspension Orders and Remedial Interpretation to rectify constitutionally flawed legislation This volume explores how judges in these areas are affected by politics within their different constitutional systems The latest developments in Asian constitutional law are covered with detailed analysis of key cases

New Courts in Asia Andrew Harding, Penelope Nicholson, 2010-01-21 This book examines the numerous new courts created throughout Asia during the last 20 years covering important jurisdictions including human rights intellectual property disputes bankruptcy petitions commercial contracts public law adjudication personal law labour and industrial disputes It evaluates their performances and considers the broader economic social and political implications

High Courts in Global Perspective Nuno Garoupa, Rebecca D. Gill, Lydia B. Tiede, 2021-08-27 High courts around the world hold a revered place in the legal hierarchy These courts are the presumed impartial final arbiters as individuals institutions and nations resolve their legal differences But they also buttress and mitigate the influence of other political actors protect minority rights and set directions for policy The comparative empirical analysis offered in this volume highlights important differences between constitutional courts but also clarifies the unity of procedure process and practice in the world s highest judicial institutions High Courts in Global Perspective pulls back the curtain on the interlocutors of court systems internationally This book creates a framework for a comparative analysis that weaves together a collective narrative on high court behavior and the scholarship needed for a deeper understanding of cross national contexts From the U S federal courts to the constitutional courts of Africa from the high courts in Latin America to the Court of Justice of the European Union high courts perform different functions in different societies and the contributors take us through particularities of regulation and legislative review as well as considering the legitimacy of the court to serve as an honest broker in times of political transition Unique in its focus and groundbreaking in its access this comparative study will help scholars better understand the roles that constitutional courts and judges play in deciding some of the most divisive issues facing societies across the globe From Africa to Europe to

Australia and continents and nations in between we get an insider's look into the construction and workings of the world's courts while also receiving an object lesson on best practices in comparative quantitative scholarship today Contributors Aylin Aydin Cakir Yeditepe University Turkey Tanya Bagashka University of Houston Clifford Carrubba Emory University Amanda Driscoll Florida State University Joshua Fischman University of Virginia Joshua Fjelstul Washington University in St Louis Tom Ginsburg University of Chicago Melinda Gann Hall Michigan State University Chris Hanretty University of London Lori Hausegger Boise State University Diana Kapiszewski Georgetown University Lewis A Kornhauser New York University Dominique H Lewis Texas A M University Chien Chih Lin Academia Sinica Taiwan Sunita Parikh Washington University in St Louis Russell Smyth Monash University Australia Christopher Zorn Pennsylvania State University

Constitutionalism and Democracy *Fighting for Political Freedom* Terence C. Halliday, Lucien Karpik, Malcolm Feeley, 2007-12-20 Across the world political liberalism is being fought for consolidated and defended That is the case for nations that have never enjoyed a liberal political society for nations that have advanced towards and then retreated from political liberalism for nations that have recently shifted from authoritarian to liberal political systems and for mature democracies facing terrorism and domestic conflict This book tests for the contemporary world the proposition that lawyers are active agents in the construction of liberal political regimes It examines the efficacy of a framework that postulates that legal professions not only orient themselves to a market for their services but can frequently be seen in the forefront of actors seeking to institutionalise political liberalism On the basis of some 16 case studies from across the world the authors present a theoretical link between lawyers and political liberalism having wide ranging application over radically diverse situations in Asia and the Middle East North and South America and Europe They argue that it is not the politics of lawyers alone but the politics of a legal complex of legally trained occupations centred on lawyers and judges that drives advances or retreats from political liberalism that political liberalism itself is everywhere in play in countries with established democracies and those without liberal politics and that it is now clear that the legal arena is a central field of struggle over the shape of political power The case studies presented here provide powerful evidence that the nexus of bar and bench in transitions towards or away from political liberalism is a force which has universal application

The Culture of Capital Punishment in Japan David T. Johnson, 2019-11-18 This open access book provides a comparative perspective on capital punishment in Japan and the United States Alongside the US Japan is one of only a few developed democracies in the world which retains capital punishment and continues to carry out executions on a regular basis There are some similarities between the two systems of capital punishment but there are also many striking differences These include differences in capital jurisprudence execution method the nature and extent of secrecy surrounding death penalty deliberations and executions institutional capacities to prevent and discover wrongful convictions orientations to lay participation and to victim participation and orientations to democracy and governance Johnson also explores several fundamental issues about the ultimate criminal penalty such as the

proper role of citizen preferences in governing a system of punishment and the relevance of the feelings of victims and survivors

Global Anti-Terrorism Law and Policy Victor V. Ramraj, Michael Hor, Kent Roach, George Williams, 2012-01-12 Preventing acts of terrorism remains one of the major tasks of domestic governments and regional and international organisations Terrorism transcends borders so anti terrorism law must cross the boundaries of domestic regional and international law It also crosses traditional disciplinary boundaries between administrative constitutional criminal financial immigration international and military law as well as the law of war This second edition provides a comprehensive resource on how domestic regional and international responses to terrorism have developed since 2001 Chapters that focus on a particular country or region in the Americas Europe Africa and Asia are complemented by overarching thematic chapters that take a comparative approach to particular aspects of anti terrorism law and policy

The Laws and Economics of Confucianism Taisu Zhang, 2017-10-12 Zhang argues that property institutions in preindustrial China and England were a cause of China's lagging development in preindustrial times

Who Rules Japan? Leon Wolff, Luke Nottage, Kent Anderson, 2015-04-30 The dramatic growth of the Japanese economy in the postwar period and its meltdown in the 1990s has attracted sustained interest in the power dynamics underlying the management of Japan's administrative state Scholars and commentators have long debated

Good Governance in Asia Linda Chelan Li, 2016-03-22 The international aid community has advocated governance reforms as a necessary complement to economic aid to developing countries The resultant Good Governance Agenda has been criticised for its ahistorical bias The empirical case studies reported in this book further illustrate the limitations by showing the complex logics of governance reforms and their relations with development in the Asian context The analysis highlights the importance of taking full notice of the Asian reform experiences in the ongoing reflection over the global institutional and development agenda The message is not to deny the need for governance reforms or the utility of international learning and sharing of experiences Global development will benefit however from a better understanding of the linkages between governance reforms and the diverse historical conditions they are embedded in both developing or the advanced economies This book was published as a special issue of *Journal of Contemporary Asia*

Perils of Judicial Self-Government in Transitional Societies David Kosař, 2016-04-01 Judicial councils and other judicial self government bodies have become a worldwide phenomenon Democracies are increasingly turning to them to insulate the judiciary from the daily politics enhance independence and ensure judicial accountability This book investigates the different forms of accountability and the taxonomy of mechanisms of control to determine a best practice methodology The author expertly provides a meticulous analysis using over 800 case studies from the Czech and Slovak disciplinary courts from 1993 to 2010 and creates a systematic framework that can be applied to future cases

Social and Political Foundations of Constitutions Denis James Galligan, 2013 This volume analyses the social and political forces that influence constitutions and the process of constitution making It combines theoretical perspectives on

the social and political foundations of constitutions with a range of detailed case studies of constitution making in nineteen different countries In the first part of the volume leading scholars analyse and develop a range of theoretical perspectives including constitutions as coordination devices mission statements contracts products of domestic power play transnational documents and as reflection of the will of the people In the second part of the volume these theories are examined through in depth case studies of the social and political foundations of constitutions in countries such as Egypt Nigeria Japan Romania Bulgaria New Zealand Israel Argentina and others The result is a multidimensional study of constitutions as social phenomena and their interaction with other social phenomena The approach combines social science analysis of the nature of constitutions with case studies of selected constitutions

Comparative Law Mathias Siems, 2018-04-12 Comparative Law offers a thorough grounding in the subject for students and scholars of comparative law alike critically debating both traditional and modern approaches to the subject and using examples from a range of legal systems gives the reader a truly global perspective Covering essential academic debates and comparative law methodology its contextualised approach draws on examples from politics economics and development studies to provide an original contribution to topics of comparative law This new edition is fully revised and updated throughout to reflect contemporary research contains more examples from many areas of law and there is also an increased discussion of the relevance of regional international transnational and global laws for comparative law Suitable for students taking courses in comparative law and related fields this book offers a fresh contextualised and cosmopolitan perspective on the subject

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guarantee in the name of name reason being not required wrongly created expired any other reason the following are details for your reference bank

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