

THE SPIRIT OF JAPANESE LAW



JOHN OWEN HALEY

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Spirit Of Japanese Law

**Hiroo Sono, Luke Nottage, Andrew
Pardieck, Kenji Saigusa**



Spirit Of Japanese Law:

The Spirit of Japanese Law John Owen Haley, 2006 The Spirit of Japanese Law focuses on the century following the Meiji Constitution Japan's initial reception of continental European law As John Owen Haley traces the features of contemporary Japanese law and its principal actors distinctive patterns emerge Of these none is more ubiquitous than what he refers to as the law's communitarian orientation While most westerners may view judges as Japanese law's least significant actors Haley argues that they have the last word because their interpretations of constitution and codes define the authority and powers they and others hold Based on a sense of society the judiciary confirms bonds of village family and firm and abuse of rights and good faith similarly affirms community The Spirit of Japanese Law concludes with constitutional cases that help explain the endurance of community in contemporary Japan

Japanese Architecture as a Collaborative Process Dana Buntrock, 2014-09-04 Architects throughout the world hold Japan's best architecture in high regard considering the country's buildings among the world's most carefully crafted and innovative While many books magazines and exhibitions have focused on the results of architectural practice in Japan this book is the first to explain the reasons for Japan's remarkable structures Architecture does not occur in isolation Japan's architects are able to collaborate with a wide variety of people from professional consultants to constructors Dana Buntrock discusses architecture as a part of the construction community moving from historical precedents that predate the emergence of the architectural profession in Japan through to contemporary practices

The Identity of German and Japanese Civil Law in Comparative Perspectives / Die Identität des deutschen und des japanischen Zivilrechts in vergleichender Betrachtung Zentaro Kitagawa, Karl Riesenhuber, 2011-12-22 Developments of the law in Japan and in Germany provide ample reason for an inquiry into The Identity of Japanese and German Civil Law Japanese civil law has a long tradition of absorbing and digesting foreign influences in particular from Germany France England and the United States The absorption of foreign influences occurred on various levels at the legislative level in particular during the drafting process of the Civil Code at the judicial level and in the field of scholarship The reception of legal theories was followed by a unique process that has been characterised as theory reception Kitagawa Irrespective of such foreign influences we can discern a unique legal tradition in Japan in other words its own identity At the same time German private law is under the influence of legal harmonisation in the EU While the predominant view in the 1980's was still that this development was confined to a restricted area that of consumer law recent developments demonstrate that European Union legislation now influences large parts of German civil law What does this mean in terms of the identity of German civil law And how does this development of a Europeanization of German civil law affect related legal systems such as that of Japan The present volume contains the proceedings of a conference held in Japan in 2006 to mark the occasion of the Germany Year in Japan In their contributions Japanese scholars discuss the various influences on Japanese law German scholars enquire into the Europeanization of German private law and finally the identity of Japanese civil law is

discussed from the perspectives of German civil law and of common law **Elements of Japanese Law** Joseph Ernest De Becker,1916 *Japanese Law* J. Mark Ramseyer,Minoru Nakazato,1999-02-02 In this clear and very readable introduction to Japanese law J Mark Ramseyer and Minoru Nakazato employ an economic approach to challenge commonly held ideas about the Japanese legal system While many studies assume that Japanese law differs fundamentally from the law in the United States this work shows the essential similarity between the two Arguing against the idea that law plays only a trivial role in Japan or is culturally determined the authors demonstrate that standard economic models go far to explain why Japanese law has the shape it does **Montesquieu: The Spirit of the Laws** Charles d Montesquieu,1989 Contract Law in Japan Hiroo Sono,Luke Nottage,Andrew Pardieck,Kenji Saigusa,2018-12-12 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law of contracts in Japan covers every aspect of the subject definition and classification of contracts contractual liability relation to the law of property good faith burden of proof defects penalty clauses arbitration clauses remedies in case of non performance damages power of attorney and much more Lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology application and procedure from one legal system to another as well as the international aspects of contract law Throughout the book the treatment emphasizes drafting considerations An introduction in which contracts are defined and contrasted to torts quasi contracts and property is followed by a discussion of the concepts of consideration or cause and other underlying principles of the formation of contract Subsequent chapters cover the doctrines of relative effect termination of contract and remedies for non performance The second part of the book recognizing the need to categorize an agreement as a specific contract in order to determine the rules which apply to it describes the nature of agency sale lease building contracts and other types of contract Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in Japan will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative contract law *The Internationalization of the Practice of Law* Jens Drolshammer,Michael Pfeifer,2021-08-04 **Innovation and Change in Japanese Management** P. Haghirian,2009-11-27 Innovation and Change in Japanese Management shows which transformation processes and changes can be observed in Japanese companies in reaction to the economic challenges of the past decade The book presents new research results and investigates the variety of changes that Japanese corporations and managers have experienced in recent years *Cases on International Law During the Chino-Japanese War* Sakuyé Takahashi,1899 **Asian Discourses of Rule of Law** Randall P. Peerenboom,2004 Rule of law one of the pillars of the modern world has emerged in Western liberal democracies This book considers how rule of law is viewed and implemented in the different cultural economic and political context of Asia The

Development of Jury Service in Japan Anna Dobrovolskaia, 2016-08-19 This book presents a comprehensive account of past and present efforts to introduce the jury system in Japan Four legal reforms are documented and assessed the implementation of the bureaucratic and all judge special jury systems in the 1870s the introduction of the all layperson jury in the late 1920s the transplantation of the Anglo American style jury system to Okinawa under the U S Occupation and the implementation of the mixed court lay judge saiban in system in 2009 While being primarily interested in the related case studies the book also discusses the instances when the idea of introducing trial by jury was rejected at different times in Japan s history Why does legal reform happen What are the determinants of success and failure of a reform effort What are the prospects of the saiban in system to function effectively in Japan This book offers important insights on the questions that lie at the core of the law and society debate and are highly relevant for understanding contemporary Japan and its recent and distant past *History Of Law In Japan Since 1868* Wilhelm Röhl, 2005 A careful analysis of Japan s dealings with its legal system through a time of unprecedented change 1868 1960 A must for scholars of Japanese studies historians and jurists alike Law and Custom in Korea Marie Seong-Hak Kim, 2012-08-27 Sets forth the evolution of Korea s law and legal system from the Chos n dynasty through the colonial and postcolonial modern periods Fundamentals of Patent Law Matt Fisher, 2007-09-19 Shortlisted for the 2008 Young Authors Inner Temple Book Prize This new book provides a comprehensive overview of the topic of patent claim interpretation in the UK and in three other select jurisdictions It explores territory that has great commercial significance and yet is severely under explored in existing works The twin issues of the function of patent law and interpretational analysis of the scope of protection have been recently reconsidered by the House of Lords and this work not only reviews their recent cases but also looks at how the US German and Japanese patent systems deal with the complex problems presented in this area The book provides a balanced approach between practical academic and theoretical approaches to claim interpretation In doing so it provides more than a simple case analysis as it enables the reader to consider the shape that the law should take rather than simply recounting the current position Its novelty therefore lies in bringing the theoretical elements of the discussion together with the view of the profession charged with creating the patent documentation in the first place and then viewing this in the light of the detailed comparative studies It is only by considering all of these elements that we begin to see a pathway for the development of the law in this area This is a work that will be an important source of reference for academics and practitioners working in the field of patent law *Japanese Immigrants and American Law* Charles McClain, 2019-11-04 First Published in 1995 Since many Japanese immigrants focused on agriculture California and other western states sought to discourage their presense by passing laws making it impossible for Japanese to own agricultural land and enacted other discriminatory as well The articles in this volume explore the background and ramifications of the so called Alien Land laws and other anti Japanese measures and the fascinating legal challenges that ensued *The Japanese Way of Justice* David Ted Johnson, 2002 The major achievements of Japanese

criminal justice are thus inextricably intertwined with its most notable defects and efforts to fix the defects threaten to undermine the accomplishments

BOOK JACKET Law and Culture in Japan Mathieu Deflem, Hiroshi Takahashi, Dimitri Vanoverbeke, Jason G. Karlin, 2025-06-02 Volume 30 of Sociology of Crime Law and Deviance brings together scholars from various disciplinary backgrounds to discuss a variety of aspects and developments related to law and culture in contemporary Japan

Antitrust in Germany and Japan John O. Haley, 2017-05-01 Antitrust in Germany and Japan presents an innovative comparative analysis of the development and enforcement of two antitrust regimes illustrating how each was shaped by American occupation strategies and policies following World War II First imposed in 1947 the antitrust controls in Germany and Japan were the world's first outside the United States Those enacted in Japan continue in force whereas in Germany following a decade of debate the occupation legislation was superseded in 1975 by the Law Against Restraints of Competition This study explores the ironies and errors that led to the enactment of the German and Japanese statutes and emphasizes the unexpected degree of convergence that has occurred during the past fifty years through amendment and practice It compares in detail the institutional structure and processes for the enforcement of antitrust controls as well as the system of remedies and sanctions available under each statute It notes the debates in Germany and Japan over the effectiveness of statutes particularly the still timely debate in 1970s Germany over a proposal for criminal sanctions Antitrust in Germany and Japan reveals many unexpected and controversial similarities between the two antitrust regimes and demonstrates the extent to which American policy toward Germany determined American policy in Japan not only during presurrender planning but also throughout the occupation It also challenges the prevailing view of the relative strength of antitrust controls in Germany relative to the weakness of antitrust in Japan This book will be of interest to corporate lawyers as well as to legal historians and scholars of political economy

**U.S. Strategic Bombing Survey: Final Report
Covering Air-raid Protection and Allied Subjects in Japan** United States Strategic Bombing Survey, United States. War Department, 1947

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