

# Five Decades of Constitutionalism in Japanese Society



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# Five Decades Of Constitutionalism In Japanese Society

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## **Five Decades Of Constitutionalism In Japanese Society:**

*Five Decades of Constitutionalism in Japanese Society* Yōichi Higuchi, 2001-05 50 18      *Constitutionalism in Asia in the Early Twenty-First Century* Albert H. Y. Chen, 2014-04-17 Examining developments in the first decade of the twenty first century this authoritative collection of essays studies the evolving practice of constitutional law and constitutionalism in Asia It provides a comprehensive overview of the diverse constitutional issues and developments in sixteen East Southeast and South Asian countries It also discusses the types of constitutionalism that exist and the general trends in constitutional developments whilst offering comparative historical and analytical perspectives on Asian constitutionalism Written by leading scholars in the field this book will be of great interest to students and scholars alike      *Human Rights Constitutionalism in Japan and Asia* Lawrence W. Beer, 2009-05-01 Less noticed in the West than wars terrorism and economic trends has been the historic development since World War II of constitutional government and law in Asia Lawrence W Beer has been a close observer of Asian linkages among law politics culture and national security issues for over fifty years His perspectives have been refined during long residence in Asia especially Japan by substantial friendly interactions with Asian legal scholars judges and attorneys involved in the world of human rights constitutional law This volume which will be widely welcomed by students and researchers brings together a selection of Beer s many works previously published in diverse venue but no longer easily accessible The collection opens with a review of constitutionalism in Asia and the United States and concludes with a recent examination of Japan s rejection of war Japan s Constitutional Discourse and Performance By way of Afterword the author offers an in depth review of Globalization of Human Rights in the 21st Century      **The Asia Pacific War** Yasuko Claremont, 2023-07-31 This book examines key aspects of the Asia Pacific War 1931 1945 that was initially waged between Japan and China before Japan s attack on Pearl Harbor drew in the U S led allied forces from 1941 to 1945 Part I of the book examines three interlocking components the origins of the war its impact on combatants and civilians and its short term legacy including the huge changes that took place in the postwar governance of Japan Part II explores the ongoing impact and legacy of the war for those in postwar Japan and later generations particularly through the examination of the ambiguity of state led reconciliation with Japan s neighbors the growth of dynamic civil reconciliation efforts and the prominent role of the arts in peace movements Through a people centered approach it filters historical events through the lens of the war s impact on individuals who found themselves players within a larger frame of the social history of Japan and caught up in the international power dynamics of the nuclear age Featuring studies of contemporary peace activism this will be a valuable resource to students and scholars of Modern Asian and U S History as well as those interested in postwar memory and reconciliation      Constitutionalism in Asia Wen-Chen Chang, Li-ann Thio, Kevin YL Tan, Jiunn-rong Yeh, 2014-02-19 This book of text cases and materials from Asia is designed for scholars and students of constitutional law and comparative constitutional law The book is divided into 11 chapters arranged thematically around key ideas and controversies enabling

the reader to work through the major facets of constitutionalism in the region The book begins with a lengthy introduction that critically examines the study of constitutional orders in Asia highlighting the histories colonial influences and cultural particularities extant in the region This chapter serves both as a provisional orientation towards the major constitutional developments seen in Asia both unique and shared with other regions and as a guide to the controversies encountered in the study of constitutional law in Asia Each of the following chapters is framed by an introductory essay setting out the issues and succinctly highlighting critical perspectives and themes The approach is one of challenge and response whereby questions of constitutional importance are posed and the reader is then led by engaging with primary and secondary materials through the way the various Asian states respond to these questions and challenges Chapter segments are accompanied by notes comments and questions to facilitate critical and comparative analysis as well as recommendations for further reading The book presents a representative range of Asian materials from jurisdictions including Bangladesh China Hong Kong India Japan Mongolia Nepal Pakistan South Korea Sri Lanka Taiwan Timor Leste and the 10 ASEAN states

**Japanese Democracy and Lessons for the United States** Ray Christensen, 2020-02-25 This book presents a collection of lessons on how best to run elections and politics using examples from the Japanese experience and showing how elections operate in a non Western democracy Featuring extensive data and evidence from both Japan and the United States the themes covered include one party rule ballot security and voting procedures election regulations malapportionment and gerrymandering court interventions voter attachments and distortions of the public will by election rules In so doing the analysis challenges conventional wisdom in both Japan and the United States highlighting surprising and counterintuitive findings from decades of observation This book also explicitly compares Japan to other similarly situated democracies Japan is therefore not treated as a standalone case but rather the lessons from Japan are contextualized for greater understanding and can be used to inform discussions about comparative elections and democracy Offering practical advice in relation to elections and the functions of democracy Japanese Democracy and Lessons for the United States will be useful to students and scholars of Japanese US and comparative politics

**Contemporary Issues in Human Rights Law** Yumiko Nakanishi, 2017-10-05 This book is published open access under a CC BY NC ND 4.0 license This book analyzes issues in human rights law from a variety of perspectives by eminent European and Asian professors of constitutional law international public law and European Union law As a result their contributions collected here illustrate the phenomenon of cross fertilization not only in Europe the EU and its member states and the Council of Europe but also between Europe and Asia Furthermore it reveals the influence that national and foreign law EU law and the European Convention on Human Rights and European and Asian law exert over one another The various chapters cover general fundamental rights and human rights issues in Europe and Asia as well as specific topics regarding the principles of nondiscrimination women's rights the right to freedom of speech in Japan and China's Development Banks in Asia Protection of human rights should be guaranteed in the

international community and research based on a comparative law approach is useful for the protection of human rights at a higher level As the product of academic cooperation between ten professors of Japanese Taiwanese German Italian and Belgian nationalities this work responds to such needs *Historical Dictionary of Postwar Japan* William D. Hoover,2018-12-15 Japan is a mix of the old and the new traditional and modern and old fashion and innovative It has traveled the road to a modern destination without totally losing sight of its traditions and values Although some in Japan lament the passing of old ways Japan has held on to a reasonable amount of its traditions and values This is easier to find in its arts and crafts and its literature and films as well as in its social habits This book will introduce the broad sweep of people events and trends including the successes and failures of postwar Japan This second edition of *Historical Dictionary of Postwar Japan* contains a chronology an introduction appendixes and an extensive bibliography The dictionary section has over 500 cross referenced entries on important personalities politics economy foreign relations religion and culture This book is an excellent resource for students researchers and anyone wanting to know more about Japan *Japanese Constitutional Revisionism and Civic Activism* Timothy S. George,Helen Hardacre,Keigo Komamura,Franziska Seraphim,2021-06-01 Since the adoption of the 1947 Constitution of Japan the document has become a contested symbol of contrasting visions of Japan *Japanese Constitutional Revisionism and Civic Activism* is a volume which examines the history of Japan s constitutional debates key legal decisions and interpretations the history and variety of activism and activists ties to party politics and to fellow activists overseas **Citizens in Europe** Claus Offe,Ulrich K Preuß,2024-08-22 This interdisciplinary collection of essays by a constitutionalist and a political sociologist examines how fragmented societies can be held together by appropriate and effective constitutional arrangements providing for bonds of democratic citizenship Exploring the political order dilemmas of capitalist democracies the authors address moral and institutional prerequisites on which the deepening of European integration depends The desirability of such deepening is currently contested with the membership of some states and their compliance with the spirit of the Union s treaties at stake The authors do not consider the renationalisation of Europe to be a feasible and even less so a desirable way out of Europe s current malaise Yet whatever the way out charting it calls not just for the vision and imagination of political elites but also for the intellectual efforts of social scientists With this book Preu and Offe contribute to those efforts Key Features original insights on the nature of the European crisis analysis of how fragmented societies can be held together by appropriate constitutional arrangements how state sovereignty and federal structures can be merged account of the moral prerequisites and resources of democratic polities dilemmas of political order under democratic capitalism **Research Handbook on the Politics of Constitutional Law** Mark Tushnet,Dimitry Kochenov,2023-11-03 This Research Handbook deals with the politics of constitutional law around the world using both comparative and political analysis delivering global treatment of the politics of constitutional law across issues regions and legal systems Offering an innovative critical approach to an array of key concepts and topics this book will be a key resource

for legal scholars and political science scholars Students with interests in law and politics constitutions legal theory and public policy will also find this a beneficial companion

**Public Law in East Asia** Tom Ginsburg, 2017-07-05 Public Law in East Asia is a collection of the leading English language articles on constitutional and administrative law in the Asian region written by many of the leading scholars from this area The region has its own distinct legal and political traditions and its systems of government have facilitated dynamic economic growth but the role of public law has not been well understood Covering a wide range of jurisdictions in a single volume this collection provides insights into the ways in which institutions of Western origin have been integrated into Asian political and legal cultures producing new syntheses

*Secrecy and Liberty: National Security, Freedom of Expression and Access to Information* Joan Fitzpatrick, Piotr Hoffman, Sandra Coliver, Stephen Bowen, 2021-09-27 The tension between national security and freedom of expression and information is both acute and multifaceted Without national security basic human rights are always at risk On the other hand the tendency of governing elites to confuse the life of the nation with their own survival has often resulted in excessive restrictions on expression and information as well as other fundamental rights A proper balance between secrecy and liberty requires a vigilant press and an independent judiciary It also requires greater clarity than currently exists as to how competing rights and interests should be weighed This book addresses that gap Its centerpiece is a set of Principles drafted by a group of international and national law experts many of whom contributed chapters to guide governments courts and international bodies in how to strike a proper balance The Principles have been widely endorsed among others by United Nations experts on freedom of expression and independence of judges and lawyers Sixteen country studies profiling among other states Albania Chile China Egypt France Germany India Israel Japan Norway South Africa South Korea Turkey the United Kingdom the United States and the Federal Republic of Yugoslavia explore the tremendous diversity of national security doctrines and the penal and other measures aimed at suppressing allegedly secret information and speech claimed to be subversive separatist or otherwise dangerous Five chapters examine the cases considered and approaches taken by the UN Human Rights Committee three regional human rights bodies and the European Court of Justice A Commentary draws on the other chapters to support and elucidate the Principles noting where they reflect an existing consensus and the points at which they attempt to elicit a more rights protective approach

**Taxpayers in International Law** Juliane Kokott, Pasquale Pistone, 2022-03-24 This ground breaking book brings clarity to the dynamically developing field of international tax law It empowers individuals and corporate taxpayers to navigate their way around and helps tax authorities take taxpayers rights into account from the beginning The book is the result of several years of research conducted with the support of the International Law Association Taxpayers in International Law puts taxpayers rights on the global international tax agenda as the necessary counterweight and complement to Base Erosion and Profit Shifting BEPS Importantly it pleads for a global minimum standard of legal protection of the fundamental rights of taxpayers and extracts the content of such rights from

relevant constitutional principles of many countries around the world The book is structured in 3 parts Part I focusses on the legal sources and on the relations between taxation and international human rights law Part II identifies general principles and specific taxpayers rights groups them into 3 categories procedural related to sanctions and substantive and analyses the different implications that arise in each of them Part III features concrete proposals for establishing a global framework for the protection of taxpayers rights including guidelines for tax authorities The book is a unique instrument for the daily work of practitioners and international tax scholars interested in securing the protection of taxpayer s fundamental rights as well as for those involved in tax collection worldwide Taxpayers can refer to the book to find out which rulings and concepts can help them enforce their rights tax authorities and judges can use the book to verify which rights have to be respected

**Constitutional Courts in Asia** Albert H. Y. Chen, Andrew Harding, 2018-09-20 The founding of a constitutional court is often an indication of a chosen path of constitutionalism and democracy It is no coincidence that most of the constitutional courts in East and Southeast Asia were established at the same time as the transition of the countries concerned from authoritarianism to liberal constitutional democracy This book is the first to provide systematic narratives and analysis of Asian experiences of constitutional courts and related developments and to introduce comparative historical and theoretical perspectives on these experiences as well as debates on the relevant issues in countries that do not as yet have constitutional courts This volume makes a significant contribution to the systematic and comparative study of constitutional courts

constitutional adjudication and constitutional developments in East and Southeast Asia and beyond **An Inquiry into the Existence of Global Values** Dennis Davis, Alan Richter, Cheryl Saunders, 2015-08-27 The world appears to be globalising economically technologically and even to a halting extent politically This process of globalisation raises the possibility of an international legal framework a possibility which has gained pressing relevance in the wake of the recent global economic crisis But for any international legal framework to exist normative agreement between countries with very different political economic cultural and legal traditions becomes necessary This work explores the possibility of such a normative agreement through the prism of national constitutional norms Since 1945 more than a hundred countries have adopted constitutional texts which incorporate at least in part a Bill of Rights These texts reveal significant similarities the Canadian Charter of Rights and Freedoms for instance had a marked influence on the drafting of the Bill of Rights for South Africa New Zealand and Hong Kong as well as the Basic Law of Israel Similarly the drafts of Eastern European constitutions reflect significant borrowing from older texts The essays in this book examine the depth of these similarities in particular the extent to which textual borrowings point to the development of foundational values in these different national legal systems and the extent of the similarities or differences between these values and the priorities accorded to them From these national studies the work analyses the rise of constitutionalism since the Second World War and charts the possibility of a consensus on values which might plausibly underpin an effective and legitimate international legal order **An Introduction to Japanese Society**

Yoshio Sugimoto,2020-11-12 An Introduction to Japanese Society provides a highly readable introduction to Japanese society by internationally renowned scholar Yoshio Sugimoto Taking a sociological approach the text examines the multifaceted nature of contemporary Japanese society with chapters covering class geographical and generational variation work education gender ethnicity religion popular culture and the establishment This edition begins with a new historical introduction placing the sociological analysis of contemporary Japan in context and includes a new chapter on religion and belief systems Comprehensively revised to include current research and statistics the text covers changes to the labor market evolving conceptions of family and gender demographic shifts in an aging society and the emergence of new social movements Each chapter now contains illustrative case examples research questions recommended further readings and useful online resources Written in a lively and engaging style An Introduction to Japanese Society remains essential reading for all students of Japanese society      *Globality, Democracy and Civil Society* Terrell Carver,Jens Bartelson,2010-10-25 Globality Democracy and Civil Society explores the relationship between the concepts of democracy and civil society through a comparison of their meaning and function in different historical and cultural contexts This volume presents detailed contextual studies in Europe North America Japan Russia and Turkey The contributors explore different ways of understanding and developing democratic practices and institutions Rather than projecting the conditions of modern representative state centric democracy onto the global realm they propose ways of rethinking these very conditions in terms of human diversity and difference This is done by exploring conceptions of democracy that reconcile cultural plurality with democratic practices and by using a number of examples and perspectives framed by a global context rather than by geographical divides between East and West The contributors are not trying to define the concept of civil society but rather demonstrating the different ways it is deployed in political practice and disseminated through on going processes of globalisation This book will be of interest to scholars and students of global democracy and governance cosmopolitan democracy the future of civil society in a globalising world comparative politics and political thought      **Human Rights in Asia** Randall Peerenboom,Carole J. Petersen,Albert H.Y. Chen,2006-09-27 Human Rights in Asia considers how human rights are viewed and implemented in Asia It covers not just civil and political rights but also social economic and cultural rights This study discusses the problems arising from the fact that ideas of human rights have evolved in Western liberal democracies and examines how far such values are compatible with Asian values and applicable in Asian contexts Core chapters on France and the USA provide a benchmark on how human rights have emerged and how they are applied and implemented in a civil law and a common law jurisdiction These are then followed by twelve chapters on the major countries of East Asia plus India each of which follows a common template to consider the context of the legal system in each country black letter law legal discussions and debates and key current issues concerning human rights in each jurisdiction      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

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