

SELECT BIBLIOGRAPHY OF JOHN OWEN HALEY

**Books and Monographs:**

*Antitrust in Germany and Japan: The First Fifty Years, 1947–1998* (Seattle: University of Washington Press, 2001).

*The Spirit of Japanese Law* (Athens, GA: University of Georgia Press, 1998, paperback ed. 2006).

*Antitrust: A New International Trade Remedy?* (Seattle: Pacific Rim Law & Policy Association, 1995), edited with Hiroshi Iyori.

*The Civil Law Tradition: Europe, Latin America and East Asia* (Charlottesville: Michie Company, 1994, 2nd ed. forthcoming 2009), compiled and edited with John Henry Merryman and David S. Clark.

*Land Issues in Japan: A Policy Failure?* (Seattle: Society for Japanese Studies, 1992), edited with Kozo Yamamura.

*Authority Without Power: Law and the Japanese Paradox* (New York: Oxford University Press, 1991).

*Law and Society in Contemporary Japan* (Kendall/Hunt and the Japanese American Society for Legal Studies, 1988), edited.

*Law and the Legal Process in Japan* (Seattle: Asian Law Program, Teaching Materials, 1978, 1988), edited with Dan F. Henderson.

*Current Legal Aspects of Doing Business with Japan and East Asia* (Chicago: American Bar Association, 1978), edited.

*An Index to Japanese Law: A Bibliography of Materials in Western Languages, 1867–1973* (Tokyo: University of Tokyo Press and the Japanese American Society of Legal Studies, 1975), edited with Rex Coleman.

**Articles and Essays:**

“Rethinking Contract Practice and Law in Japan,” 1 *Journal of East Asia and International Law* 47 (2008).

“The Japanese Judiciary: Maintaining Integrity, Autonomy and Public Trust,” in Daniel H. Foote (ed.), *Law in Japan: A Turning Point*, (Seattle: University of Washington Press, 2007).

“Apology and Pardon,” in David S. Clark (ed.), *Encyclopedia of Law and Society: American and Global Perspectives* (Thousand Oaks, London, & New Delhi: Sage Publications, 2007).

“Law and Culture in China and Japan: A Framework for Analysis,” 27 *Michigan Journal of International Law* 895 (2006).

“The Civil, Criminal and Disciplinary Liability of Judges,” 54 (Supplement) *American Journal of Comparative Law* 281 (2006).

“Judicial Reform: Conflicting Aims and Imperfect Models,” 5 *Washington University Global Studies Law Review* 81 (2006).

“Waging War: Japan’s Constitutional Constraints,” 14 *Constitutional Forum Constitutionnel* 18 (No. 2, 2005).

“Japanese Perspectives, Autonomous Firms, and the Aesthetic Function of Law,” in K.L. Hopt, E. Wymeersch, H. Kanda, & H. Baum (eds.), *Corporate Governance in Context: Corporations, States and Markets in Europe, Japan, and the United States* (Oxford: Oxford University Press, 2005), pp. 205–214.

“Heisei Renewal or Heisei Transformation: Are Legal Reforms Really Changing Japan? 10 *Journal of Japanese Law (Zeitschrift für Japanisches Recht)* 5 (No. 19, 2005).

“Revisiting the Asian State: Japan—Weak State, Vital Industries,” in Richard Boyd and Tak-Wing Ngo (eds.), *Asian States: Beyond the Developmental Perspective* (London: Routledge, 2004).

“Competition Policy for East Asia,” 3 *Washington University Global Studies Law Review* 277 (2004).

“The Rule of Law in Japan,” with Veronica Taylor, in Randall Peerenboom (ed.), *Theories and Implementation of the Rule of Law in Twelve Asian Countries, France and the United States* (London & New York: Routledge, 2003).

“Litigation in Japan: A New Look at Old Problems,” 10 *Willamette Journal of International Law and Dispute Resolution* 121 (2002).

“Competition Law for the Asia-Pacific Economic Cooperation Community: Designing Shoes for Many Sizes,” 1 *Washington University Global Studies Law Review* 1 (2002).

“The Adjudicatory Jurisdiction of Japanese Courts in Transnational Litigation,” in J.A.R. Nafziger & S.C. Symeonides (eds.), *Law and Justice in a Multistate World: Essays in Honor of Arthur T. von Mehren* (Ardsley, NY: Transnational Publishers, Inc., 2002), pp. 705–719.

“Administrative Law,” in David S. Clark and Tu-rul Ansay (eds.), *Introduction to the Law of the United States* (The Hague, London, & Boston: Kluwer, 2nd edition, 2002), pp. 97–113.

“Harmonized Rules, Peculiar Law: Recent Developments in Japanese [Competition] Law,” in Roger Zäch (ed.), *Towards WTO Competition Rules* (Bern, Staempfli, & The Hague: Kluwer, 1999), pp. 137–150.

“Inside Japan’s Community Controls: Lessons for America?,” 9 *The Responsive Community* 22–34 (No. 2, Spring 1999).

“Apology and Pardon: Learning from Japan,” in Amitai Etzioni (ed.), *Civic Repentance*, (Lanham, Rowman & Littlefield Publishers, Inc., 1999), pp. 97–120; also in 41 *American Behavioral Scientist* (March 1998), pp. 842–867.

“Culture, Competition and Deregulation: Japan’s Challenge to International Harmonization of Competition Law,” in Hanns Ullrich (ed.), *Comparative Competition Law: Approaching an International System of Antitrust Law* (Baden-Baden, Germany: Nomos Verlagsgesellschaft, 1998), pp. 93–104. Proceedings of the Workshop, Bruges, College of Europe, July 3–5, 1997.

“Error, Irony and Convergence: A Comparative Study of the Origins and Development of Competition Policy in Postwar Germany and Japan,” in Großfeld, Sack, M.J. Möllers, Drexl, Heinemann (eds.), *Festschrift for Wolfgang Fikentscher* (Tübingen: Mohr Siebeck, 1998), pp. 886–918.

“Relational Contracting: Does Community Count?” in Baum, H. (ed.), *Japan: Economic Success and Legal System* (Berlin & New York: Walter de Gruyter, 1997), pp. 167–183.

“Crime Prevention Through Restorative Justice: Lessons from Japan,” in Burt Galaway & Joe Hudson (eds.), *Restorative Justice: International Perspectives* (Monsey, NY: Criminal Justice Press, 1996), pp. 349–371.

“Educating Lawyers for the Global Economy,” 17 *Michigan Journal of International Law* 733–746 (1996).

“Japan’s Postwar Civil Service: The Legal Framework,” Economic Development Institute of the World Bank, Working Paper No. 93-27 (1993); also in H. Kim, M. Muramatsu, T.J. Pempel, & K. Yamaura (eds.), *The Civil Service System and Economic Development* (Washington, D.C.: World Bank, 1995).

“Judicial Independence Revisited,” 25 *Law in Japan: An Annual* 1–18 (1995).

“Competition and Trade Policy: Antitrust Enforcement: Do Differences Matter?” 4 *Pacific Rim Law & Policy Journal* (No. 1) 303–325 (March 1995).

“Victim-Offender Mediation: Lessons from Japan,” 12 *Mediation Quarterly* (No. 3) 233–248 (Spring 1995).

“Political Culture and Constitutionalism in Japan,” in Daniel P. Franklin & Michael J. Baun (eds.), *Political Culture and Constitutionalism: A Comparative Approach*, (New York: M.E. Sharpe, 1994), pp. 98–151.

“Lessons from a Changing Japan,” 2 *Pacific Rim Law & Policy Journal* (No. 1) 1–8 (Winter 1993).

“Japan’s Postwar Civil Service: The Legal Framework,” Economic Development Institute of the World Bank, Working Paper No. 93-27 (1993).

“Victim-Offender Mediation: Japanese and American Comparisons” (assisted by Ann Marie Neugebauer), in Heinz Messmer & Hans-Uwe Otto (eds.), *Restorative Justice on Trial: Pitfalls and Potentials of Victim-Offender Medication—International Research Perspectives* (NATO ASI Series, Dordrecht, Netherlands: Kluwer Academic Publishers, 1992), pp. 105–130.

“Japan’s New Land and House Lease Law,” in J. Haley & K. Yamamura (eds.), *Land Issues in Japan: A Policy Failure?* (Seattle: Society for Japanese Studies, 1992), pp. 149–174.

“Consensual Governance: A Study in Law, Culture and the Political Economy of Postwar Japan,” in S. Kumon & H. Rosovsky (eds.), *The Political Economy of Japan-Vol. 3: Cultural and Social Dynamics* (Stanford: Stanford University Press, 1992), pp. 32–62.

“Japanese Antitrust Enforcement: Implications for United States Trade,” 18 *Northern Kentucky Law Review* (No. 3) 335–366 (1991).

“Weak Law, Strong Competition, and Trade Barriers: Competitiveness as a Disincentive to Foreign Entry into Japanese Markets,” in K. Yamamura (ed.), *Japan’s Economic Structure: Should It Change?* (Seattle: Society for Japanese Studies, 1990) pp. 203–236.

“Luck, Law, Culture and Trade: The Intractability of United States-Japan Trade Conflict,” 22 *Cornell International Law Journal* (No. 3) 403–423 (1989).

“Mission to Manage: The U.S. Forest Service as a Japanese Bureaucracy,” in K. Hayashi (ed.), *The U.S.-Japanese Economic Relationship: Can It Be Improved?* (New York: New York University Press, 1989), pp. 196–225.

“The Context and Content of Regulatory Change in Japan,” in K. Button & D. Swann (eds.), *The Age of Regulatory Reform* (Oxford: Clarendon Press, 1989), pp. 124–138.

“Confession, Repentance and Absolution,” in M. Wright & B. Galaway (eds.), *Mediation and Criminal Justice: Victims, Offenders and Communities* (Sage Publications, 1989), pp. 195–211.

“Redefining the Scope of Practice Under Japan’s New Regime for Regulating Foreign Lawyers,” 21 *Law in Japan* 18–26 (1988).

“Commercial Litigation Arbitration,” in *Japan Business Law Guide* §§ 80.200–83.520, pp. 70.001–73.603 (CCH International, 1988).

“The New Regulatory Regime for Foreign Lawyers in Japan,” 5 *UCLA Pacific Basin Law Journal* 1–15 (1988).

“Governance by Negotiation: A Reappraisal of Bureaucratic Power in Japan,” 13 *Journal of Japanese Studies* (No. 2) 343–357 (Summer 1987); also in *The Trade Crisis: How Will Japan Respond?* (Seattle: Society for Japanese Studies) 177–191 (1987).

“Toward a Reappraisal of Occupation Legal Reforms: Administrative Accountability,” in Fujukura (ed.), *Eibei hō ronshū* [*Essays on Anglo-American Law*] (Hideo Tanaka Festschrift) (Tokyo: University of Tokyo Press, 1987), pp. 543–567.

“Japanese Administrative Law: Introduction,” 19 *Law in Japan* 1–14 (1986).

Comment: “The Implications of Apology,” 20 *Law and Society Review* 449–507 (1986).

“Administrative Guidance vs. Formal Regulation: Resolving the Paradox of Japan’s Industrial Policy,” in Yamamura & Saxonhouse (eds.), *Law and Trade Issues of the Japanese Economy: American and Japanese Perspectives* (Seattle & London: University of Washington Press, 1986), pp. 107–128.

“Antitrust Remedies and Sanctions: A Comparative Study of German and Japanese Law,” 59 *Washington Law Review* 471–508 (1984).

Symposium on Law and Society in Contemporary Japan: An American Perspective, 17 *Law in Japan* (1984) (editor).

Introduction: “Legal vs. Social Controls,” 17 *Law in Japan* 1–6 (1984).

“The Oil Cartel Cases: The End of an Era,” 15 *Law in Japan* 1–11 (1982).

Comment: “The Revival of German Scholarship on Japanese Law,” 30 *American Journal of Comparative Law* 335–342 (Spring 1982).

“The Politics of Informal Justice: The Japanese Experience, 1922–1942,” in R. Abel (ed.), *The Politics of Informal Justice*, Vol. 2 (Academic Press, 1982), pp. 125–147.

“Sheathing the Sword of Justice in Japan: An Essay on Law Without Sanctions,” 8 *Journal of Japanese Studies* 265–281 (Summer 1980).

“Marketing and Antitrust in Japan,” 2 *Hastings International and Comparative Law Review* 51–72 (1979).

“The Myth of the Reluctant Litigant,” 4 *Journal of Japanese Studies*, (No. 2) 359 (Spring 1978); Japanese translation in *Hanrei Jihō* (No. 902) 14, (No. 907) 13 (1978).

Comment: “The Freedom to Choose an Occupation and the Constitutional Limit of Legislative Discretion—K.K. Sumiyoshi v. Governor of Hiroshima Prefecture,” 8 *Law in Japan* 178 (1976).