The Japanese Economy -
A Market Quality Perspective
Contents

Preface v
Contributors viii

Part I Introduction

Chapter 1 Economic Analysis of Market Quality
Makoto Yano

1 What is “Market Quality?” 3
2 Three Determinants of Market Quality 4
3 Measures of Market Quality 5
4 Rules and Laws in Market Quality Theory 7
5 The History of Market-Protecting Rules 8
6 Market Quality Economics 10
7 Improving the Japanese Market Quality 13

Chapter 2 Keio Household Panel Survey (KHPS): Outline and Purposes
Yoshio Higuchi, Masakazu Kimura, and Michio Naoi

1 Introduction 21
2 The Necessity of Panel Data in Economic Analysis 22
3 Outline of the KHPS 24
   3.1 Sampling design and survey method 24
   3.2 Survey contents 24
4 Conclusions 28

Chapter 3 Using Private-Sector Funding to Establish Fiscal Discipline: Improving Fiscal Policy Discipline by Introducing Revenue Bonds
Naoyuki Yoshino

1 Introduction 31
2 Declining Efficiency of Social Overhead Capital 33
3 Introduction of Revenue Bonds and Efficient Social Overhead Capital Creation 35
3.1 Fundraising for social overhead capital 35
3.2 Revenue bond structures 36

4 Need to Clearly Articulate the National Minimum 37
5 Introduction of Revenue Bonds to Prevent Fiscal Bankruptcy 38
6 Revenue Bond in the Context of Asian Bond Market Initiatives 40

Part II Panel Data Analysis of Market Quality

Chapter 4 Poverty Dynamics in Japan 2004–2006: Evidence from Keio Household Panel Survey 45
Kayoko Ishii and Atsuhiro Yamada

1 Introduction 45
2 Previous Studies and Their Limitations 48
3 Comparison of Equivalent Income Distribution in the KHPS and Existing Statistics 49
   3.1 Examination of disposable income distribution and gross income distribution under existing statistics 50
   3.2 Examination of the gross income distribution under the KHPS and existing statistics 52
   3.3 Examinations of relative poverty rates under the KHPS and existing statistics 54
4 Analysis of Poverty Dynamics Based on the KHPS 57
   4.1 How much do people’s incomes fluctuate each year? 58
   4.2 Classification of poverty experiences 60
   4.3 Poverty experience by family structure 61
   4.4 Poverty entry and exit and changes in income 63
   4.5 Employment status and assets of households in poverty 65
5 International Comparison of Poverty Dynamics 67
6 Conclusions 74

Chapter 5 Support for the Continued Employment of Women: The Effects of Labor Law Reforms and Macroeconomic Conditions 79
Yoshio Higuchi

1 Introduction 79
2 Recent Trends in Female Employment 81
   2.1 Female worker trends 81
   2.2 Female employment and continued employment rate trends 84
3 A Brief History of Japanese Legislation on Female Employment 87
   3.1 Equal employment opportunity legislation 87
3.2 The Child Care and Family Care Leave Law 88
3.3 The Law to Promote Assistance Measures for the Rearing of the Next Generation 89
3.4 The Part-Time Workers Law 90
4 Data Used and Severance Status 90
5 Estimation Results 92
   5.1 Severance due to marriage 92
   5.2 Severance due to childbirth 98
   5.3 Reemployment after childbirth 103
6 Policy Implications 106

Part III Market Quality in Labor and Financial Markets

Chapter 6 Policies to Create High Quality Labor Markets: From the Perspective of Law and Economics 111

Yoshio Higuchi and Ryuichi Yamakawa

1 Introduction 111
2 Legal and Economic Perspectives on Labor Policies 112
   2.1 Legal perspectives 112
   2.2 Economic perspectives 113
   2.3 Differences and dialogue between labor economics and labor law 115
3 "Quality Labor Markets" That Achieve Both Individual Rights and Social Efficiency 116
   3.1 Relationship between the rights of the individual and economic efficiency for society 116
   3.2 Labor markets that enable optimum allocation of labor resources 116
   3.3 Labor markets that enable improvements in the quality of labor resources 117
4 The Unique Nature of Labor as a “Good” and the Need for Legal Discipline 118
   4.1 “Labor services” cannot be separated from workers who are human beings with bodies and spirits 118
   4.2 Negotiating positions of buyers and sellers 118
   4.3 Imperfect, asymmetrical information 119
   4.4 Employer-specific nature of skills and the regulation of termination 120
5 Relaxing and Reinforcing Regulation: How Economic Development Changes the Nature of Labor and Its Legal Frameworks 121
   5.1 Adapting labor law to socioeconomic change 122
   5.2 Individualized personnel management and terms of labor, renewed emphasis on external labor markets 123
4 Concluding Note: Recovering Japanese Economy and Financial System 193

Chapter 10 The Quality of Earnings and the Quality of Capital Markets 195
Yukiharu Kurokawa

1 Introduction 195
2 Fundamental Model of the Relationship between Earnings Information and Stock Prices 197
2.1 Discounted dividends model 197
2.2 Discounted excess earnings valuation model 197
2.3 The random walk model and autoregression model 198
3 The Accounting Information Supply Process and Factors That Influence It 198
3.1 Social choice 199
3.2 Individual choice 200
4 Restatement of Conceptual Constructs for “Quality of Earnings” 202
4.1 Social choice and earnings quality 202
4.2 Individual choice and earnings quality 205
4.3 Evaluation of business activities and earnings quality 207
5 Relationship between Inefficient Markets and Quality of Earnings 208
5.1 Inefficient markets 209
5.2 Hicksian earnings and inefficient markets: Social choice 211
5.3 Management behavior and inefficient markets: Individual choice 212
5.4 Variable earnings and the benefits of manipulation 212
6 Conclusions 214

Chapter 11 Law and Economics of M&A Markets 217
Makoto Yano and Takashi Komatsubara

1 Introduction 217
2 The Company as Merchandise 218
3 What Are Necessary to Form High Quality M&A Markets 219
3.1 Establishment of shareholders rights 219
3.2 Ensuring quality information 220
3.3 Division of responsibilities between managers and shareholders 220
4 M&A Rules in the United States 221
4.1 The business judgment rule and the M&A market 221
4.2 The Unocal standard on unilateral defensive measures 223
4.3 The Revlon test during the sale of a company 223
4.4 Entire fairness review 223
5 Rules on Hostile Takeovers 224
6 Case Studies of Unilateral Defensive Measures in Japan 225
   6.1 Unilateral defensive measures in Japan 225
   6.2 Fair price formation and the Bulldog Sauce case 228
   6.3 “Golden Shares” 229
7 Future Issues 232

Part IV Rules that Support Markets

Chapter 12 From Firewood to Coal: Deforestation and the Development of the Silk Reeling Industry in Modern Japan 237
S. Sugiyama and Izumi Yamada

1 Introduction 237
2 Deforestation and the Development of the Silk Reeling Industry 239
   2.1 Deforestation and reforestation in Nagano prefecture 239
   2.2 Forest land in Suwa 241
3 The Supply and Demand Relationship of Firewood and Charcoal in Suwa 246
   3.1 The power requirements of cocoon steaming and silk reeling 246
   3.2 The supply and demand relationship of firewood and charcoal around 1880 248
   3.3 The supply and demand relationship of firewood and charcoal in the late 1880s 252
   3.4 The supply and demand relationship of firewood and charcoal in the 1890s 254
4 The Shift from Firewood to Coal 258
5 Conclusion 261

Chapter 13 A New Regime for High Quality Recycling in the East Asian Region 267
Eiji Hosoda

1 Introduction 267
2 Formation of Domestic Venous Economies 269
3 An International Framework: Formation of International Venous Markets 272
   3.1 Links between informal economies 272
   3.2 Some examples 275
   3.3 Problems with export of used products 276
4 Prospects for Measures to Restrict the Cross-Border Flow of Venous Resources 277
5 Conclusion 279
Chapter 14  Law and Economics in the International Economy  281

Fukunari Kimura and Jiro Tamura

1 The Unique Structure of International Economic Law and Its Impact on the International Economy  281
2 The GATT/WTO Law and the Globalization of Economic Activities  282
   2.1 The establishment of the GATT system and the international economy  282
   2.2 Binding force of GATT/WTO policy disciplines  284
   2.3 Interactions between the GATT/WTO system and economic globalization  285
3 WTO Disciplines and Economic Implications  286
   3.1 The economic rationale for nondiscrimination  286
   3.2 WTO policy disciplines and domestic policy  287
4 Antidumping Measures  289
   4.1 The Achilles’ heel of the WTO system  289
   4.2 Economic perspectives on antidumping measures  290
   4.3 Competition law perspectives on antidumping measures  293
5 Multilateralism and Regionalism  294
   5.1 The changing relationship between multilateralism and regionalism  294
   5.2 The future role of multilateralism  295
6 The Future of Law and Economics in the International Economy  296

Chapter 15  Global Outsourcing and Japanese Trade Policy  299

Ryuhei Wakasugi

1 Introduction  299
2 GATT/WTO Rules and Japanese Trade Policy  302
   2.1 Bilateral trade negotiations  302
   2.2 Contribution to multilateral trading system  304
3 Free Trade Agreements  307
   3.1 Consistency with WTO rules  307
   3.2 Complement to WTO rules  307
   3.3 FTA: Pros and cons  308
4 Intellectual Property Rights Protection  310
   4.1 Dispersion of intellectual property rights protection  310
   4.2 Dispute settlement procedures  312
5 Conclusion  313

Index  317