

# **TOWARD A COMPARATIVE POLITICS FOR ANALYZING THOSE NATIONS MAKING THE TRANSFORMATION FROM A PLANNED TO A MARKET ECONOMY**

**ONO Koji**

Paper prepared for the workshop on Comparative Politics  
at Nagoya University, Japan (on 18/19<sup>th</sup>, November, 2002)

はじめに

以下の英文ペーパーは、「アジア法整備支援－体制移行国に対する法整備支援のパラダイム構築－」を研究課題とする科学研究費(特定領域研究B)による、比較政治学に関する国際会議において、私が行った基調報告の全文である。まだ予備的作業にとどまっているものではあるが、今後の本格的研究のための出発点として作成した報告なので、ここに公開し、批判を仰ぎたいと考えた次第である。同会議の内容は以下に掲げるとおりであり、各報告と議論はすべて英語で行われた。会議の報告書は2003年5月までに作成する予定となっている。また、各報告は、会議での議論を踏まえて各執筆者が加筆することになっており、加筆後の報告を集めた形での論文集(邦語・英語)も2003年度中に刊行する予定である。

〈2〉 Toward a Comparative Politics (Ono)

会議名：体制移行国の比較政治学的研究に関する国際研究会議

会場：名古屋大学法政国際協力教育研究センター（略称：CALE）

会議日程：2002年11月18日午前9時から19日午後1時まで

〈11月18日の日程：以下敬称略〉

1) 小野耕二（名古屋大学大学院法学研究科）：

基調報告：計画経済から市場経済への移行国の比較政治学的研究をめざして（本論文）

2) ハーバート・キッチェルト（アメリカ・デューク大学）：

報告：ポスト共産主義諸国において自由市場経済を促進する要因は何か

3) 片山 裕（神戸大学大学院国際協力研究科）：

報告：東南アジア諸国における市場経済化の比較政治学

4) 李 弘杓（名古屋大学大学院法学研究科）：

報告：中国における経済発展と民主化への展望

〈11月19日の日程〉

5) エヴェリン・フーパー（アメリカ・ノースカロライナ州立大学チャペルヒル校）

報告：ラテンアメリカ諸国における市場経済化の比較政治学

6) ジョン・ステーブンス（アメリカ・ノースカロライナ州立大学チャペルヒル校）

報告：グローバル化と、先進工業諸国における一国レベルでの経済政策と社会政策

会議2日目の19日は、午前9時半から各報告と討論を行い、その後、総括討論をし、今後のスケジュール等を確認ののち、午後1時に終了した。昼食の後、午後2時からはキッチェルト教授による以下のような講演会

を開催した。対象は留学生を含めた大学院生で、約25名が参加した。

演題：比較政治学における私の知的遍歴

My intellectual history in the field of comparative politics

本研究会議開催に際しては、報告者それぞれに、事前に英文ペーパーを用意してもらい、それらを全員に配布したうえで研究会を開催した。司会はすべて小野が行った。それぞれのセッションは1時間半とし、報告を約30分、ディスカッサントからのコメントを10分、という形で進めた。ディスカッサントは、次のセッションの報告者が勤め、その報告と自分の報告とをつなげる、という観点から論点を提示するよう依頼した。

その後約40分から50分程度の自由討論を行ってセッションを終了し、15分休憩の後に次のセッションを持った。報告・討論は、記録のためすべて録音し、シンポジウム報告書にはコメントと討論の概要も掲載する予定である。

会議後の日程は、以下のような予定となっている。

まず今回提出されたペーパーと、コメント・討論概要をまとめた英文報告書を、2002年度内に作成する予定である。この際には、ペーパーの改定は行わない。

次に、今回の研究会議での議論を踏まえ、各報告者には2003年4月を目途として、論文の改定・補筆をお願いしてある。各論文の完成後に、それをまとめた論文集を、日本語・英語両言語の形で、CALE叢書の1冊として出版する予定である。

[付記]本報告執筆のための文献・資料収集に際し、平成13年度・14年度科学研究費補助金(基盤研究C(一般))(研究課題:「先進諸国政治の現代的変容に関する比較政治理論的研究」)の交付を受けた。

## Introduction

This is our first academic conference on comparative politics at the Center for Asian Legal Exchange (CALE). As I show below in section 2 of this paper, the Graduate School of Law in Nagoya University started Legal Assistance Projects in 1998. We have hosted numerous international symposiums on this project, and have extended our educational programs for graduate students from the five target countries of Vietnam, Laos, Cambodia, Mongolia, and Uzbekistan. After beginning these activities, we established CALE for advancing this project in 2001 with donations from private companies and alumni. Although our activities have been mainly educational and practical until now, we require more academic research on target countries, on the methodology of Legal Assistance Projects, and on a framework of comparative politics for analyzing those nations making the transition from planned to market economies. Through this research, I hope we can establish a new research section within CALE. This conference is a first step in this direction. I must confess that our academic results are at a preliminary level so far, but my aim is to establish CALE as a well-known academic center in the field of comparative studies on laws and politics in those nations making the transition from a planned to a market economy.

Let us imagine the size of global economy. The total GDP of every country is approximately 30 trillion dollars a year. I want to call this amount “30 units” in this paper for simplification, with 1 unit being worth 1 trillion dollars. Which countries are the top runners within the global economy? There are 3 leading regions in the world. The first is North America (made up of the United States of America and Canada), whose GDP reaches nearly 10 units. The second is the European Union (made up of the 15 countries of Western Europe), whose GDP is about 8 units in total. The final is Northeast Asia. The GDP of Japan is about 4 units now, but this fluctuates with the exchange rate between yen and U.S. dollars.

There is another member country of the OECD in this region — South Korea. However, due to its small population, the GDP of South Korea is almost one tenth that of Japan, so I do not include it here. The subtotal of these three regions, composed of only 18 nations comes to 22 units. This is almost 73% of the whole global economy. They have vast economic resources for assisting other nations. After the list of leading countries, there is a long line of middle-range and lower developing countries. Nevertheless, the difference between leaders and followers is huge. The other 180 nations produce only 8 units per year, and within them the GDP of China is the largest (about 1 unit) because of its recent rapid economic growth. China is ranked 7th in GDP, but still remains a developing country because of its massive population of an estimated 1.3 billion.

Let us check another indicator: Per Capita National Income (PCNI). Almost all OECD countries are at over 10 thousand dollars, except for South Korea, Mexico, and Turkey. The top country in terms of PCNI is Luxemburg, at nearly 40 thousand dollars. Switzerland, Norway, Denmark, Japan, and the United States of America follow with 30 thousand dollars. To take another example from Asian countries, the PCNI of China is about 8 hundred dollars, one fortieth that of Japan. Newly developing countries in Southeast Asia, Vietnam, Laos, and Cambodia, reach only 3 hundred dollars per capita, one hundredth that of Japan. We, at the Nagoya University Graduate School of Law, are supporting them through legal assistance projects, as we try to attempt to integrate them into the global economy without severe economic problems and with a democratic political system.

From these two statistics, we can conclude that there are three centers in the contemporary global economy: North America, the EU, and Japan. All 30 member-nations of the OECD belong to these three centers, or their neighbors, like South Korea and Turkey. We can say that there are three centers with their three peripheries in the contemporary global economy as below, instead of only one center and its periphery. Because of the difficulty in controlling the entire economic and political situation by one center, each center

should make some effort to make its neighboring countries stable. Grahame Thompson calls this structure “trilateral regionalization.” (Thompson in Held, ed. 2000)

Center	Periphery near the center
North America	Latin America
Western Europe (EU)	Eastern Europe and countries of former Soviet Union
Japan	Northeast Asia and Southeast Asia

What does this table mean? Latin America has been the semi-periphery of the United States, and Eastern Europe has been the semi-periphery of Western Europe. Are Northeast Asia and Southeast Asia the semi-peripheries of Japan? It is a difficult and sensitive question now. Political leaders of the main center nations meet at least once a year at the Summit, and G7 or G8, conferences for discussing economic and political issues. However, the discussions are never complete within their own circle because they also have interests in the economic growth and political stability of other countries, especially of their own peripheries.

In a highly stylized way, I sketch the present conditions for regionalism from the 1990s to the turn of the millennium, complicated by the dissolution of USSR in 1992. I then briefly review the strategy in terms of the field of legal assistance projects. The last part is devoted to a still sketchy analysis of the role of political scientists for our project.

## 1. Changing Conditions for Regionalism

There are some projects of regional economic integration in the world today. The first example is that of European integration by the European Union. As the EU has already established the single currency of the EURO, it will remain the leading project among them in the near future. The project of EU integration began over

50 years ago, so it has the longest history within similar projects. Here I briefly sketch the history.

Moravcsik tested the five most salient negotiations in the history of the European Community in his book published in 1998 (Moravcsik, 1998). The five negotiations are as follows:

- 1) the negotiation of the Treaty of Rome signed in 1957
- 2) the consolidation of the customs union and Common Agricultural Policy during the 1960s
- 3) the establishment of the European Monetary System in 1978–79
- 4) the negotiation of the Single European Act in 1985–86
- 5) the Maastricht Treaty on European Union signed in 1991

He thinks that these negotiations are better explained with a more narrowly focused yet more broadly generalizable “mid-range” of theories of economic interest, bargaining, and institutional choice drawn from the general literature on international cooperation. Economic interest has been a driving force for the project of European Integration in Western Europe. Gamble also writes that:

“Supporters of the European Union project believe that both deepening and widening are desirable objectives, and that only through the creation of effective supranational as well as sub-national levels of governance can the kind of non-market institutions be created to sustain a European economy which enjoys high income and high welfare. They argue that regionalization is necessary to give states sufficient capacities to influence the impact that globalization has on their economies.” (Gamble, 2000, pp. 44–45.)

And today, we must add one more important step to the discussion of Moravcsik.

- 6) the Nice Treaty on eastern enlargement of the European Union

After the realization of EU enlargement in 2004, the countries of Eastern Europe will become member states of the European Union for the first time in the history of European Integration. The EU goes east over the former “Wall of the Cold War” or “Iron Curtain” which ran across the European Continent from the Baltic to Adrian Seas. It would be an impossibility without the dissolution of Soviet Union. The EU will become the main organization not only

for economic prosperity but also for political stability. Until now, the successful and stable development of the European Union has taken place in an extremely favorable setting within Europe. It is the common culture of Western Christianity and the slight differences in economic levels. Is this special regional project specific to Europe?

“The argument for regionalist projects in other different parts of the world is similar. It is often political rather than economic. It provides capacities that nation-states can no longer provide, and it increases economic security. There is considerable difficulty in developing such regional groupings outside Europe, however, because of the imbalance that exists between the state or states in the core and those on the periphery. This is most obvious in the Americas because of the position of the United States, but also true in East Asia, because of the existence of two potential leading state — Japan and China. Outside these three developed regions, in Africa or South Asia, there is very little regional cooperation.” (Gamble, 2000, p. 45.)

There are two regional systems, NAFTA and MERCOSUR, in the Americas. The latter amounts to nearly 1 trillion dollars of their GDP. There is also a regional organization of ASEAN in Southeast Asia. However, the economic size of the ASEAN 10 countries is very small, their total GDP is about 0.6 trillion dollars in spite of their huge population. They are gradually being included in the globalization process. However, it has two faces: one positive and one negative. People might achieve economic growth and prosperity by going into the global market economy, but with economic imbalance and conflict. Politically speaking, there might be a conflict between wealthy and poor people, political corruption, environmental pollution, and growing differences between urban and rural areas. How can we find the ways to avoid these negative effects?

## **2. Strategy for Legal Assistance Projects: The Post-Socialist Nations (1998–2002)**

From the question mentioned above, we began Legal Assistance Projects from 1998, and started the “Asian Pacific Area Project” in 1991. We have already presented our experiences in the Conference in St. Petersburg held by the World Bank in 2001. I want to introduce our project by citing from the paper presented in this conference, with a few updates:

### **(1) Commencement of Legal Assistance Projects**

“In September 1998, we hosted a symposium entitled, ‘Social Change and Legal Cooperation in Asia,’ and invited from Vietnam, Laos, Cambodia and Mongolia speakers holding positions of responsibility related to legal adjustment and training in their respective countries. The purpose was to clarify what it is that these countries need and what exactly it is that we have to offer. This was the launching point for our Legal Assistance Projects in Asia.

We are further encouraged by the fact that the Japanese government, donor institutions and universities have begun to acknowledge the importance of ‘intellectual assistance’ and ‘Official Development Aid (ODA) with grass-roots participation’ to complement more traditional forms of material assistance, such as agriculture and infrastructure development. The Nagoya University Graduate School of Law is the first university faculty in Japan to make Legal Assistance Projects a major part of its mandate. From 1998, we started Legal Assistance Projects in Vietnam, Laos, Cambodia, and Mongolia.

### **(2) Activities until now**

“Our Legal Assistance Projects until now can be classified into three general categories. Firstly, we have accepted short-term trainees (of about 4weeks) from Laos; secondly, we have dispatched specialists (of Japanese Law) to the target countries; and thirdly, we have accepted long-term trainees (of at least 2 years) from the target

countries. We will explain these activities in more detail below.

1. In 1998, with the cooperation of the Japan International Cooperation Association (JICA) and the General Judicial Research Center of the Ministry of Justice (MOJ), our School began a training project with a focus on Laos. Until now, we have organized five training sessions with a total of over sixty trainees from the Laotian Ministry of Justice and the Laos National University. The participants have made it clear that they hope for more opportunities such as this.

2. During the past four years, in cooperation with JICA, we have sent specialists of Japanese Law to Vietnam, Laos, Cambodia, Mongolia, and Uzbekistan to organize local seminars and conduct field research. Many of these countries have also requested the long-term dispatch of legal specialists. In our first experience of a long-term dispatch, we sent one professor of Administrative Law to Uzbekistan for 6 months of this year. During this process we have learned that one of the greatest challenges we face is how to close the gap between assistance programs and fulfilling the actual needs of the target countries. This has proven to be a most difficult task.

3. In 1999, the Nagoya University School of Law established the L.L.M. Special Program for International Students for the long-term training of individuals from those countries. Most of the participants so far have been civil servants, university professors, lawyers, and judges. The total number of trainees of this category is now over forty. In October 2002, we accepted fifteen new graduate students for this course from five target countries.” (CALE, 2001)

This is a basic outline of our activities regarding Legal Assistance Projects. I can call these parts of the project as “educational”, but there is another aspect in our project. As we commenced our project as a project of the entire faculty, there is also an academic aspect.

For legal adjustment to succeed, it is essential to systematically train those professionals involved in drafting legislation, and promoting and teaching law and politics. The return of these individuals to their home countries is the key for building an environment for judicial reform. Therefore, we must consider the type of students we are teaching and thereby establish expectations

for our training program. Although the training of technical knowledge and skills are certainly important, we also hope to encourage our trainees to appreciate the values of certain universal aspects of Western legal and political thought, especially those related to democracy and the rule of law. However, given the background of both the students and the professors, and the purpose of the program, we also realize that it is necessary to appreciate the value of pluralistic aspects of alternative kinds of laws and politics. The understanding of such legal and political values is an essential element in our mandate and central to our hopes for the reform of our own research and education methods.

By no means, do we consider our Legal Assistance Projects to be a kind of one-way assistance or charity scheme. As academics, we also see it as contributing to the pursuit of knowledge, especially in terms of our own research and educational goals. Therefore, we will also promote the academic study of Asian countries in the areas of law, politics, and economy, and the study of the historical and social significance of their shift toward market economies. As we proceed with Legal Assistance Projects, the whole faculty is also taking this opportunity to promote comparative research on law and politics in Asia. From this point, we want to think about the “whole transition package” (Agh, 1993). It includes the free market economy, human rights and the constitutional legal state. The establishment of these three elements is the common objective for countries in transition from a planned to a market economy.

### **3. Tasks of Asian Political Scientists facing Globalization: The Politics of Economic Liberalization**

The progress of economic globalization and the development of regionalism are creating new tasks for most political scientists who hope to analyze the new phenomenon around politics, especially of those nations transforming from a planned to a market economy. Center states have to include these developing economies to their

regional organizations or their economic cycle to stabilize their regional center-periphery relations. Political scientists of each region have to develop frameworks for analyzing their own political situations. But how can they make them clear? Do they import them from the United States instead of developing them by themselves? I want to refer to an interesting, and amusing, article about the present situation of ‘globalised’ political science. (Schmitter, 2002)

“In short, there is reason to believe that the evolution of political science is isomorphic with the evolution of its subject matter. As goes the practice of politics, so will (eventually, if belatedly) go the science of politics.

None of the individual changes presently affecting the discipline is novel. However, what is unprecedented is their volume, variety, and cumulative impact. Moreover, despite the label ‘global’, the distribution of this temporal and spatial compression is neither universal nor even. It is very much concentrated on scholarly exchanges between America and Europe. The former is seen by many observers (and, especially by its fans) as playing the role of coach, goal-keeper, striker and referee, with the latter at best occupying the mid-field and the rest of the world sitting on the bench waiting to be called into the game.”

Although the first paragraph seems to be correct, how about the second one? Are Asian political scientists on the bench? He writes another sentence about Asia.

“In Asia, regional aggregation (of political scientists) seems almost non-existent and more direct forms of dependence upon the United States seem to be the rule.”

This also seems true. On whom do we, as Asian political scientists, depend, and how? He also gives us clear advice: cross-national training instead of “the previously obligatory pilgrimage to the Mecca of US scholarship: Harvard, Yale, Chicago, Berkeley, Michigan, Stanford, MIT, Princeton, Columbia, Minnesota, North Carolina et ainsi de suite.” Dear Herbert, I feel sad because there is no mention of Duke University! And finally Prof. Schmitter gives us interesting advice at the end of his article:

“In the United States, ambitious or frustrated persons have been

traditionally advised to ‘Go West, Young Man’ where they could expect to find greater freedom to act, receptivity to innovation and tolerance of diversity. .. I am convinced that the maxim should, at least for the moment, be inverted. For those who want to practice a political science that is critical of established power, sensitive to the distinctive nature of its subject matter and capable of explaining the complexities of political life to real people, they would be better advised to ‘Go East and, if possible, now and then, South,’ That is where you will be free to question prevailing assumptions, to develop innovative concepts and methods, to address issues of significance and, maybe, even to influence the course of political events. You will also be more likely to make a significant contribution to a globalised science of politics.”

This advice sounds nice for Asian political scientists like us. Instead of visiting the Mecca of political science in the United States, we can think about the problems in the East. We are lucky we need not go East any more because here we already stand! We are already thinking about the problems that Southern countries are facing. But what shall we do in the East? The problems we face are a bit complicated; under the condition of economic globalization, we must think about economic liberalization and political democratization at the same time. We must think not only about the legal system for this process but also about the safety net system against this transition process to a market economy because this process might cause many problems. In addition to this, we must establish the close relationship between target countries of our project and Japan because it is very hard for these developing countries to catch up with advanced nations by jumping over a huge gap, expect by doing so themselves. As I quoted from Gamble in the first section of this paper, however, there must be some difficulties in developing regional integration projects outside Europe because of the imbalance between states in the core and the periphery. It might be especially difficult in Asia because of its diversity of languages, cultures, and religions, in addition to its economic difference. We cannot imagine the regional system in East Asia like an EU or a NAFTA in the near future.

As I mentioned at the beginning of this paper, the ratio of PCNI between these countries and Japan is almost one to one hundred, with many differences in their political institutions. How can we compare these different nations by a common analytical frame? I think it is impossible to apply an ordinary comparative method to them with such huge differences. There must be some common features between objectives to be compared. After a few years' experience in Legal Assistance Projects, we realize that we must establish a new method of comparative analysis of politics and law. I want to focus on the transfer process of laws and political institutions.

Japan experienced the transplantation of Western legal and political systems during the Meiji era for catching up with the great powers as soon as possible. However, it was not a simple acceptance of an exogenous model to Japan. We accepted the political and legal systems by transforming them, and then developing them to fit a Japanese style by connecting them with traditional political thought. One example can be found in our older Constitution, "the Constitution of the Great Japanese Empire," which was a combination of Western constitutional monarchy and Japanese political myth about the "Tenno". After the defeat of World War II, we had to abolish this constitution because it functioned as the background of Japanese militarism. Under the occupation of the United States, we enacted the new Constitution based on Western parliamentarism, the political thought of human rights, and pacifism. After over 50 years, this Constitution continues to function, despite never having been amended. Of course, there are some severe issues surrounding this Constitution in the contemporary political situation, and we have problems of democratic governance even now.

As I show here, each nation has its own way, history and tradition, and receives various influences from outside. However, this impact from the outside will not stay as exogenous because it is gradually being absorbed into tradition. For analyzing the transfer process from outside, it is not appropriate to use the dichotomy of exogenous and endogenous. Exogenous factors will become endogenous when they are combined with the traditions of the

country. Although globalization and economic liberalization are accepted as universal phenomena in the contemporary world, they will not have the same impact on different countries because of differences in political and economic traditions. This is a serious problem for our research project.

To accomplish our Legal Assistance Projects successfully, we are now teaching foreign graduate students from target countries about the contemporary Japanese legal and political systems as a first step. However, next we should teach them about the transition process of the Japanese legal and political systems for reference on the same process of their own countries. These processes will be longer and harder than Japan's former experiences because of the economic gap between center countries and their own.

#### **4. Conclusion: Our Project in a Comparative Context**

As I wrote at the beginning of this paper, this conference is the starting point of our research project in the field of comparative politics. I want to discuss the present situation of comparative politics on economic liberalization. The comparative studies of Western welfare states have reached the highest level in this field (Esping-Andersen 1990, 1999; Kitschelt, Lange et al. 1999; Huber and Stephens 2001). We can get an image of an analytical framework of comparative politics here. But to discuss those nations transforming from a planned to a market economy, we have many other political studies analyzing post-communist countries in Eastern Europe and former Soviet Union (Kitschelt, Mansfeldova et al. 1999), Southeast Asia, China. The analysis of politics in Latin America will show us another example of the efforts to transform from authoritarian to democratic regimes through economic liberalization. Presenters of this conference are specialists in these areas, so by discussing each other we can go one step farther to establish a comparative frame for the analysis of transforming nations. Even though they may go their own way in terms of politics

and economics, they are also influenced by their neighboring center nation(s). While we cannot predict their reaction to this influence, we can compare the patterns of transformation through case studies of transforming nations. If we find some common patterns of transformation from a planned to a market economy, we can contribute to not only comparative politics, but also politics in practice. Foreign students in the Graduate School of Law in Nagoya University from the target countries want to know the best way to transplant a modern legal system in their own countries, with the least amount of friction and with good performances. To advance case studies about this subject, I want to propose a division of labor: European scholars for East European studies, American scholars for Latin American studies, and Japanese or Asian scholars for Asian studies. This is also an example of “trilateral regionalization” and within this system, Asian political scientists need not sit on the bench in the world of globalizing political science. I hope for further cooperation between all scholars of comparative politics.

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付記：出版年のあとに\*の付いている4冊については、邦訳が刊行されているので、以下にその書名等を紹介しておく。

- 1) 岡沢憲英・宮本太郎監訳『福祉資本主義の三つの世界－比較福祉国家の理論と動態』ミネルヴァ書房、2001年。
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