

## 9. Legal Philosophy

The *Japan Association for Legal Philosophy* held its 2019 General Meeting at Ritsumeikan University on November 16 and 17, 2019.

### Unifying Theme: “Legal Thoughts about Others”

#### First Day :

#### Presentations on Each Theme:

##### Section A:

- (1) “The Conditions for Just War Theory to Function as A Norm”  
Minami Suzuki (Assistant Professor, Tohoku University)
- (2) “Toward the Jurisprudence of Institutional Imagination: Did Critical Legal Studies Die?”  
Fumihiro Misaki (Research Fellow, Graduate School of Law, Nagoya University)
- (3) “Public Decision Making about Issues on Clinical Ethics in a Medical Setting”  
Yoshihiko Iijima (Associate Professor, Nagoya University Hospital)
- (4) “The Ideal Way of Trial that Freirechtslehre Sought”  
Kyosuke Kikuchi (Lecturer, Graduate School of Law, Hiroshima University)

##### Section B:

- (1) “Religion in the Public Decision-Making Process: Religious Freedom, Religious Diversity and State Religious Neutrality”  
Kent Yamamoto (Assistant Professor, Osaka University of Economics and Law)
- (2) “In Regard to ‘Luck Egalitarianism’”  
Yoshiko Hosomi (Associate Professor, National Institute of Technology, Kushiro College)
- (3) “Between Spontaneous Order and Planning: Ordering in Area Management Renovation”

Yoshinari Shiomi (Associate Professor, Tokai University)

- (4) “Is Freedom to Disobey the Law or Freedom to Disobey Architecture Possible?”

Satoshi Narihara (Associate Professor, Kyushu University)

### **Workshops:**

#### **Section A: “Others in the Legal Order: from the Perspective of Kant’s Legal and Political Philosophy”**

Director: Jun Kihara, (Professor, Kansai University)

- (1) “The System of Land Ownership and Others”

Jun Kihara (Professor, Kansai University)

- (2) “National Borders and Others”

Hirohide Takigawa (Professor, Rikkyo University)

- (3) “Others in Just War Theory”

Sosuke Amitani (Lecturer, Dokkyo University)

- (4) “Others in Global Justice Theory”

Ryuichi Nakayama (Professor, Graduate School of Law, Osaka University)

#### **Section B: “Legal Philosophy Concerning the Population Problem”**

Director: Makoto Usami, (Professor, The University of Kyoto)

Chairperson: Makoto Usami, (Professor, The University of Kyoto)

- (1) “Explanation on the Purpose of the Project”

Makoto Usami, (Professor, The University of Kyoto)

- (2) “Justice Theory Concerning the Population Problem: The Current Situation, the Issues and the Future Perspective”

Masakazu Matsumoto (Professor, Nihon University)

- (3) “Population Ethics and Social Choice Theory”

Kohei Kamaga (Associate Professor, Sophia University)

- (4) “Democracy and Population Ethics: Another Boundary Problem”

Akira Inoue (Associate Professor, The University of Tokyo)

- (5) “Summary Comments”

Susumu Morimura (Specially Appointed Professor, Graduate School of Law, Hitotsubashi University)

**Section C: “Describing the Legal Philosophy of Joel Feinberg: From the Perspective of Freedom and Rights”**

Director: Takayuki Kawase, (Associate Professor, Chiba University)

Chairperson: Takayuki Kawase, (Associate Professor, Chiba University)

- (1) “Feinberg’s Theory of Freedom”

Sanenobu Shimazu (Assistant Professor, Clinical Research Center, Chiba University Hospital)

- (2) “Examining Balancing ‘Interests in Freedom’: Freedom and Intervention in J. Feinberg’s Theory”

Ryota Nakai (Part-time Lecturer, Tohto University)

- (3) “Feinberg’s Theory of Moral Rights”

Yuichi Maru (Professor, Tottori University)

- (4) “What would Society be with Rights?”

Takayuki Kawase, (Associate Professor, Chiba University)

Designated Debater: Hiroshi Kamemoto (Professor, Meiji University)

Designated Debater: Itaru Shimazu (Specially Appointed Professor, Dokkyo University)

Debate

**Unifying Theme: “Legal Thoughts about Others”**

**First Part:**

- (1) “The Purpose of the Theme”

Hiroki Takahashi (Professor, Komazawa University)

- (2) “Classic Natural Law Theory and Acceptance of Others: Focusing on Stoicism and Christian Legal Theory”

Yuuichi Matsushima (Associate Professor, Setsunan University)

- (3) “Hospitality toward Others, or Defense of Property Rights: Natural Rights to Travel and the Concept of Hospitality around ‘the New World’ ”

Natsuko Matsumori (Associate Professor, University of Shizuoka)

- (4) “Others and Natural Law Theory: Pufendorf and the Scottish Enlightenment”

Toshifumi Maeda (Professor, Kurume University)

- (5) “Hegel’s Acknowledgement Theory and Others”

Hiroyuki Shigematsu (Professor, The University of Kitakyushu)

- (6) “To Exist as ‘Others’: J.S. Mill’s Thinking Framework and Social Stage”  
Seiko Murabayashi (Associate Professor, Aichi Gakusen University)

**Second Part:**

- (1) “Max Stirner: ‘Others’ in Civil Society, ‘Others’ in Philosophy”  
Masami Sumiyoshi (Professor, Aoyama Gakuin University)
- (2) “The Status of the Enemy and its Structure of Order: The Foundation of Carl Schmitt’s Theory of International Law”  
Taira Nishi (Professor, Kansai University)
- (3) “Summary Comments”  
Isao Kobayashi (Emeritus Professor, Rikkyo University)

**Symposium: “Legal Thoughts about Others”**

Chairperson: Hiroki Takahashi (Professor, Komazawa University), Akiko Nozaki (Professor, Kyoto Pharmaceutical University)

## **10. Comparative Law**

**I.** The *Japan Society of Comparative Law* held its 82nd General Meeting at Tohoku University on June 1 and 2, 2019.

### First Day

**1. Anglo-American Law Section:**

- (1) “The Process to Infer Guilt from Bad Character Evidence -An Analysis of the Court of Appeal Precedents-”  
Taketaka Nakagawa (Lawyer)  
Chaired by Tamio Nakamura (Professor, Waseda University)
- (2) “The Concept for Inequality of Bargaining Power from the U.S. Doctrine of Unconscionability”  
Keiko Yanagi (Assistant Professor, Fukuoka University)  
Chaired by Tamio Nakamura (Professor, Waseda University)
- (3) “The Development and its Range of the Doctrine of Undue Influence in English Contracts of Guarantee”