

c. Legal Philosophy

The 1983 Congress of *the Japan Association of Legal Philosophy* was held on Nov. 12 and 13 at Nanzan University under the topic "Social Contract Theory".

[First Day]

1. The Pure Theory of Law and Natural Law Theory, by Hiroshi Takahashi (Associate Professor, Nanzan University).

2. Die Sozialvertragstheorie in der Antike und im Mittelalter unter besonderer Berücksichtigung der Lehre von Suarez, by Jose Llompart (Professor, Sophia University).

3. The Scientific-philosophical Revolution and the Theory of Social Contract — With Special Attention to Hobbes —, Yasunobu Fujihara (Professor, Waseda University).

4. Hegels Auseinandersetzung mit der Idee des Sozialvertrages. Unter besonderer Berücksichtigung seiner Jenaer Schriften, by Yoshiomi Mishima (Professor, Kyushu University).

[Second Day]

1. Convention and Conflict: A Study of David Hume and Thomas Hobbes, by Takao Katsuragi (Associate Professor, Seikei University).

2. The Social Contract Theory Reexamined, by Tatsuo Inoue (Associate professor, Chiba University).

Prof. Llompart discussed the relationship between the social contract theories of ancient times and the Middle Ages and the idea of sovereignty of the people, emphasizing the implication of the thoughts of Suarez. He concluded that the sovereignty of the people is not derived from a contract but rather contains principles of natural law as an inherent element.

Prof. Fujihara cited Hobbes' assertion that social contract theory was definitely a modern phenomenon and was born from the scientific-philosophical revolution. He argued that the theory of the atomic subject, a basic presupposition of social contract

theory, must be reexamined as must also be the logic of the modern thinking and the unlimited subject theory which supported the social contract notion.

Prof. Mishima discussed Hegel's criticism of the social contract theory. As Hegel criticized the natural law theory, he considered the social contract theory as an obstacle to the true understanding of the State as *die sittliche Allheit*. He said that Hegel, within the framework of the theory of *gegenseitige Anerkennung*, understood the State as *die absolute Sittlichkeit von unten* formed through the struggle for recognition.

Prof. Katsuragi focused on liberalism and on the notion of free competition which would provoke discussion when the law is taken as a means of social control. Calling attention to Hobbes, who took struggle as man's natural state, and to Hume, who claimed that spontaneous order is born from convention, he reconsidered the task of law.

Prof. Inoue reexamined the social contract theory constructed by the natural state model and the contract model by analyzing their relationship and function.

For further details, see *Hōtetsugaku Nenpō* (The annual of Legal Philosophy), 1983, Tokyo.

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8. International Law

In 1983, the Japanese Association of International Law held its Spring and Fall Congresses in Tokyo and Kyoto respectively with the following agenda: