

Abstracts

NAKAMURA Koji, The mode of social rules in the plural and overlapping civil society: a collaboration of the law, morality and custom

There are various theories on the civil society, as the three elements theory of the state, market and society or four elements theory against the dualism of the state and civil society. In considering about the structure, constitution and constituent member, it will come into question whether the civil society is constituted by the individual or the groups among which the family and the class are important. The liberty, equality and fraternity used to be regarded as the ideas of the civil society from both camps are also the subjects of argument. From the viewpoint of legal philosophy, we can't discuss about a mode of social rules in the civil society without counting in not only the law but also other social rules, among which the custom should be made much of. My purpose is to make it clear by corresponding the law, the morality and the custom to the three spheres.

SHINOHARA Toshio, Die grundrechtswissenschaftliche Betrachtung über das Bild von "Bürger" und "die bürgerliche Gesellschaft" in der theoretischen Rechtswissenschaft: in Zusammenhang mit Rousseau, Kant und Hegel

Das Ziel dieses Aufsatzes ist die Erklärung der grundrechtswissenschaftlichen Bedeutung über das Bild von "Bürger" und "die bürgerliche Gesellschaft" in der theoretischen Rechtswissenschaft.

Im ersten Kapitel erklärt dieser Aufsatz die rechtsphilosophische Bedeutung über das Bild von "Bürger". Hier handelt es sich um die Beziehung zwischen dem Individuum und Gemeinwesen. Diese Beziehung ist sehr wichtig für unsere theoretische Rechtswissenschaft.

Im zweiten Kapitel erörtern wir erstens die Theorie über die bürgerliche Gesellschaft von HIRATA Kiyooki, zweitens die Hegelsche bürgerliche Gesellschaft, und drittens die Rechtswissenschaft von KAWAMURA Yasuhiro.

TAKAMURA Gakuto, New Concept of Law for the Analysis of the Local Commons

This Paper will aim how the Sociology of Law can contribute to recognition of the Society.

In the first place, I argue critically that the latest Civil Law Theory became impossible to contribute to recognition of the Society.

In the second place, the Common's Theory is taken up in order to reproduce the Collaboration with Legal Science and Social Sciences. The new Concepts of the Law for enabling analysis of Society are shown. These Concepts of the Law are three, called the Rights-and-Duties-related Law, the Law in an Organization, and the Policy's Law.

In the third place, these Concepts are applied to Analysis for the Governance of Children's Park which have Common's Character.

SATO Iwao, Japanese Housing System from the Perspective of "De-Commodification"

Recently two events occurred that urge the reconsideration of the characteristics and function of the housing system in postwar Japan; these are the "drastic" reform of the housing policy since the 2000s and the serious housing problem of irregular workers caused by the recent economic crisis. This paper analyzes some facets of the Japanese housing system, especially from the perspective of the "commodification / de-commodification" of housing which is the core concept of the welfare regime theories.

The Japanese housing system in postwar Japan has been characterized by its low degree of the "de-commodification" of housing; minimum volume of social housing, lack of general housing benefit, one-sided favor of homeownership over tenancy, and the strong dependence on the corporate housing benefit. The latter means the risk where job loss is directly linked to the loss of housing. The serious housing problem of irregular workers now occurring is understood as the actualization of this risk.

During the past ten years the government has changed the housing policy in favor of the more market-oriented housing system. On the one hand, the construction of social housing has been increasingly reduced; while on the other, the introduction of the general housing benefit scheme is being passed up this time again. From the perspective of the "commodification / de-commodification" of housing, so-called "drastic" reform of the governmental housing policy now in progress does not mean the drastic change of the Japanese housing system, but rather the purification of the "commodification" of housing. It is very doubtful that the increasingly "commodified" housing system will meet the broad housing needs of the people.