

Abstracts

OFUJI Noriko, Mesures de lutte contre terrorisme en France

The French Penal Code does not clearly define the concept of terrorism, but it provides for certain crimes and offences regarded as terrorists' acts. Special form of legal proceedings, *i.e.* investigation and prosecution as well as public trial, used for disposing those acts, has been considered to be justifiable due to the "special nature" of terrorism. Heavy penalty is imposed on such criminal acts.

Since 1980s, France has taken the policy of "balancing" between "public security" and "individual liberty". This policy has been applied to anti-terrorism actions. However, especially after September 11, 2001, France reinforced the preventive measures by expanding the range of "internal security" even to daily offences, and one may observe that the balance has been tilted toward the priority of "security". This may be an illustration of the fictitious nature of the antinomy of "security" and "liberty" under the French constitutional law.

EJIMA Akiko, Human Rights in an Era of Terrorism —Necessity and Possibility of Multi-layered Mechanism for Protecting Human Rights—

The paper examines terrorism and measures for counter-terrorism from the perspective of human rights and argues the necessity of multi-layered mechanism for protecting human rights in order to cope with the difficult question of balancing national security and human rights. It emphasises the possibility to establish such mechanism by observing the current UK experiences, particularly the new role of the judiciary as a guardian of human rights (post 1998 Human Rights Act era) and the increasing importance of the European Convention on Human Rights and the case law of the European Court of Human Rights.

NAKAMURA Tamio, Targeted sanctions on Terrorists by the EU and Effective Judicial Protection of the targeted: recent development of EU case-law

The article first points out that the EU began to impose "targeted sanctions" on specific individuals for the prevention of international terrorism in correspondence with similar sanctions imposed by the UN Security Council since the 1990s. The article next analyses the recent development of the EU case-law in relation to the judicial

protection of the targeted individuals by the EU and UN sanctions.

YAMAMOTO Hajime, Anti-Terrorism Measures and Changes in the Japanese Law

The impact of 9/11 struck Japanese law very much as other countries' laws. This article analyzes changes in the Japanese law and examines legal discourses after 9/11, and considers the possible role of the judiciary in controlling the anti-terrorism measures.

TERAYA Koji, Internalized War and International Law in Transition: Does International Law Recognize Terrorism? And How?

How does international law respond to terrorism, often called as “New War”? In what way are international law subject to be changed by terrorism? These questions are triggered especially by 9/11.

This paper characterizes the contemporary world as a state of “internalized war” in the line with the fact that dualism of war/peace and international/internal does not provide sufficient explanation and that the lack of central power remains the main feature in the world. This paper also overviews the transitional international law which covers both traditional treaty-based manner and more progressive “international legislation” by the United Nations Security Council, with considering the relevance of “Hegemonic International Law” provoked by the United States unilateral acts.

KRÄMER Hans Martin, Just Who Reversed the Course? The Red Purge in Higher Education during the Occupation of Japan

This paper examines the dismissals of allegedly Communist teaching staff at Japanese universities between 1948 and 1950 (‘red purge’) as one example of developments usually attributed to a ‘reverse course’ in occupation policy. It argues that the red purge came about less as a result of a change in US policy, than through Japanese initiative. Based on primary source material, this paper shows that anti-Communism had been an integral part of the thinking of the Occupation’s education administrators since 1946. They were, however, careful not to translate this thinking into victimizing action. Rather, a quantitative analysis indicates that, in bringing about an individual’s dismissal, factors such as low academic standing were more

decisive than political involvement, implying that the purges were not simply ordered from above. Two case studies of purgees, one a philosophy lecturer from Hirosaki Higher School and the other a professor of anatomy at Kyoto Prefectural School of Medicine, serve to corroborate these findings. Assumptions about a reverse course have led to false conceptions about the respective contribution of US and Japanese administrators to late occupation policies. An accurate assessment of the occupation period requires that historians take into account lower-level events and decisions in order to gauge better Japan's role in shaping occupation policy.

OTAKI Masayuki, The Political Economy of the Official Economic Forecasting in Japan

The paper deals with some political aspects of the official economic forecasting in Japan. Many *economists*, who are in kind of pseudo-politicians, stick on the monetary policy which aims at the emancipation from so called "deflation pressure". Hence the forecasting of the CPI becomes serious political issue. Nevertheless, I shall show here that the current deflation contains no substantial problem, and conversely, that the propaganda by such *economists* that stresses the need of inflation will surely causes the discredit on the public debts tremendously accumulated nowadays. It is deeply feared that such suspect of the value of the public debts triggers somewhat awful financial panics and macroeconomic turmoil.