

**Law, Culture and Development in  
Global Legal Environment**

**HEC Paris - Maison Franco-Japonaise – Cornell University**

**Tokyo, June 20<sup>th</sup>, 2009**

**9h00-9h30: Registration**

**9h30-9h45: OPENING SESSION**

Welcome Address: Prof. Marc Humbert, Director of the “Maison Franco-Japonaise”

Opening Remarks: Annelise Riles, Leïla Choukroune, Isabelle Giraudou

**SESSION I – LAW AND DEVELOPMENT (9h45-12h30)**

Chairperson: Annelise Riles

Isabelle GIRAUDOU (Research Institute of The Maison franco-japonaise)

“Adapting *to* Legal Cultures: The Japanese Legal Assistance as an Alternative Model?”

AIKYO Masanori (Nagoya University, CALE)

“About the evolution of Japanese Legal Assistance”

Gilles LHUILIER (Professor of Law, South Brittany University, France) and

Leïla CHOUKROUNE (Assistant Professor of Law, HEC Paris)

“From Nomadic Law to Planetary Norms: Chinese Investment Contracts in Africa ”

11h30-12h15: Discussion

12h30-14h00 : Lunch Break

## **SESSION II – LEGAL PLURALISM AND THE RULE OF LAW (14h00-16h15)**

Chairperson: Gilles Lhuilier

Ralf MICHAELS (Professor of Law, Duke Law School)  
“Global Legal Pluralism”

Karen KNOP (Professor of Law, Toronto University)  
“The Tokyo Women’s Tribunal and the Turn to Fiction”

Eva PILS (Assistant Professor of Law, Chinese University of Hong Kong)  
“Shen Yuan: the Practice of Submitting Grievances in China”

Leïla CHOUKROUNE (Assistant Professor of Law, HEC Paris)  
“Inside-out: Reception and Exportation of the Rule of Law *in* and *by* China”

15h30-16h15: Discussion

16h15-16h30: Coffee Break

## **SESSION III – MULTICULTURALISM AS CONFLICT OF LAWS (16h30-18h30)**

Chairperson: Leïla Choukroune

Annelise RILES (Professor of Law, Cornell University), Karen KNOP (Professor of Law, Toronto University), Ralf MICHAELS (Professor of Law, Duke Law School)

“Charles Taylor and Susan Muller Okin’s thoughts refracted through the lens of private international legal doctrine/theory”.

17h30-18h15: Discussion

18h15-18H30: CONCLUSIONS AND FUTURE PROSPECTS

Annelise Riles, Leïla Choukroune, Isabelle Giraudou

## CO-ORGANIZISERS



**Annelise RILES**

Annelise Riles is the Jack G. Clarke Professor of Law in Far East Legal Studies and Professor of Anthropology at Cornell, and she serves as Director of the Clarke Program in East Asian Law and Culture. Her work focuses on the transnational dimensions of legal theories, doctrines and institutions. She has conducted legal and anthropological research in China, Japan, and the Pacific and she has written extensively on cultural problems in the law. A forthcoming book, *Collateral Knowledge*, is an account of modern transnational legal thought based on anthropological fieldwork among financial regulators in Tokyo and New York. She recently co-edited a special issue of the journal, *Law and Contemporary Problems*, Transdisciplinary Conflict of Laws, which rethinks the field of Conflict of Laws from an interdisciplinary perspective. Her first book, *The Network Inside Out*, won the American Society of International Law's Certificate of Merit for 2000-2002. Her second book, *Rethinking the Masters of Comparative Law*, is a cultural history of Comparative Law presented through its canonical figures. Her third book, *Documents: Artifacts of Modern Knowledge*, brings together lawyers, anthropologists, sociologists and historians of science. Professor Riles speaks Chinese, Japanese, French, and Fijian.



**Leïla CHOUKROUNE**

Leïla Choukroune (Doctorate Sorbonne, qualified Lawyer to the Paris Bar) is Assistant Professor of Law at HEC Paris School of Management, Law Department. Prior to HEC, she has worked, in Hong Kong, as Research Fellow for the French Centre of Research on Contemporary China and, in Paris, as Lecturer in International Law for Sorbonne University. Leïla Choukroune specialises in the interactions between international human rights and economic globalisation

with a particular interest for Asia, China and India mainly. With more than 10 years of professional experience in and with Asia, she has also published and co-edited several books on China and international law (WTO and Human Rights) and her articles appear in international scientific journals as well as in the media. She is now finishing a book on the integration of international and comparative law by the local judiciary in China and India. Lastly, she is often invited to teach and give lectures in China and India. Prof. Choukroune is also the adviser to the International Federation of Human Rights (FIDH) on business and human rights issues and advisor to several leading multinational corporations.



**Isabelle GIRAUDOU**

Isabelle Giraudou (Doctorate Paris II Panthéon-Sorbonne) is Researcher at Maison franco-japonaise (UMIFRE 19, CNRS-French Ministry of Foreign Affairs). Prior to MFJ, she has taught French Public Law in several Japanese universities (Niigata University, Tohoku University, Hosei University), focusing on fundamental rights, environmental law, and gender issues. Linked to these teaching activities, her publications have addressed issues such as the development of environmental rights, equality between men and women in the judiciary, and the question of the sources of law from a comparative perspective. She's associate researcher at Tohoku University (GCOE Program, *Gender Equality and Multiculturalism in the Age of Globalisation*), and lecturer at Paul Cézanne University, Aix-Marseille III (Master Europe Japon). Having been confronted to various methodological and conceptual difficulties during these years of teaching French law in Japan, she decided to research on the issue of transfer of laws and legal principles across national and cultural boundaries. Dealing more specifically with the expertise of Japan (at the crossroads itself of several legal traditions) in the field of legal technical assistance into developing Asia, her research raises the question of a possible alternative approach to legal transfers.

## PARTICIPANTS



**AIKYO Masanori**

Masanori Aikyo is currently Professor at Nagoya University, and Director of the Centre for Asian Legal Exchange (CALE). He is an expert in Asian law, constitutional law, and comparative legal culture. He has conducted extensive research on Southeast Asian comparative law in general, and Vietnamese law in particular. He is the project leader of a grant-in-aid from the Ministry of Education, Culture, Sports, Science & Technology called "Legal Assistance in Asia -- Structuring a Paradigm for Countries in Asia ". This project is being conducted in cooperation with legal academics and practitioners from all around Japan from 2001 to 2006. Mr. Aikyo's publications include: *What is Legal Assistance? How Should We Think Of It?* (2000), *History of the Vietnamese Constitution* (1993), and *Vietnamese Legal Research* (1989).



**Karen KNOP**

Karen Knop is a professor at the Faculty of Law. She holds graduate degrees in law from Toronto and Columbia, and degrees in law and in mathematics from Dalhousie. Professor Knop has been a senior fellow at the Center for International Studies, New York University School of Law. In 2004-2005, she was chosen as the annual J.C. Smith Visiting Fellow by the School of Law, University of Nottingham and she taught at the University of Melbourne law school. As rapporteur for the International Law Association's Committee on Feminism and International Law, Professor Knop was responsible for the ILA's report on gender and nationality (2000). She sits on the Board of Directors of the Canadian Council on International Law and has served on the Executive Council of the American Society of International Law. Professor Knop writes on public international law, with a focus on issues of interpretation, identity and participation. Her

book *Diversity and Self-Determination in International Law* (Cambridge: Cambridge University Press, 2002) was awarded a Certificate of Merit by the American Society of International Law in April 2003. She is the editor of *Gender and Human Rights* (Oxford: Oxford University Press, 2004) and co-editor of *Re-Thinking Federalism: Citizens, Markets and Governments in a Changing World* (Vancouver: University of British Columbia Press, 1995), as well as the author of a number of journal articles and book chapters. Professor Knop is currently working on an edited book project, *Rethinking the Private in Private International Law*, with Ralf Michaels (Duke) and Annelise Riles (Cornell). She became editor of the *University of Toronto Law Journal* in 2007.



**Gilles LHUILIER**

Gilles Lhuillier (Doctorate from Paris X, Lawyer to the Paris bar) is Professor of law at South Brittany University, Fellow of the Advanced Studies Institute of Nantes, Vice president of the Non Gouvernemental Organisation Humanrightscertification. He is senior expert for the European Union especially in the African area and an international commercial arbitrator. He alternates writing books on law – *Introduction to law, Labour law, Corporate law...* – and philosophy – *The body and its representations; The return of the camps: Sangatte, Lampedousa, Guantanamo; Law, a novel....* In his last book *Law, a novel*, published in Quebec, Canada in 2008, he wrote in particular about the new – and last – French legal theory named the “anthropological dimension of law”, focussing the enunciation – at the art of positive law – of symbols which are the foundation of humanity. A theory of the law as a novel becomes the mainstream of the current legal and political thinking on both sides of the Atlantic. Leaving the olds fables such as the Social Contract, the (legal) Order, and the National State, this new thought questions law with concepts such as sex and the forbidden, the rotten and the sacred, the violence to the stranger, the genders, the masque, the “metaphore” and the “metonymie”, the narrative and anthropological coherency... A re reading is in progress of what are a person, a body, a State, the foundation and coherency of law. Furthermore, a rewriting of law is in progress. If law is a novel, it is possible to create new characters, new roles, to re invent old institutions such as personality, sexuality, “parentality” and even democracy. A new novel for a new policy of the imagination.



**Ralf MICHAEL**

Ralf Michaels is Professor of Law at Duke University School of Law and director of its Center for International and Comparative Law. He is the author of a book on comparative private law and of numerous articles and book chapters published in the United States and in Europe, and is co-editor of two volumes on conflict of laws. He has given presentations in English, German, and French in twelve different countries. Michaels is also an editor of the German Law Journal, an elected member of the International Academy of Comparative Law, as well as a member of the professional comparative law associations of the United States, Germany, and France. In the fall of 2005, he was the Lloyd Cutler Fellow at the American Academy in Berlin. Michaels' main research and teaching interest is in combining comparative law, conflict of laws, and legal theory under the guise of globalization into a theory of global legal pluralism. Currently, he is working on a book that will lay down a general theory of jurisdiction for an age of globalization. At Duke, he teaches conflict of laws, comparative law, and various seminars on law and globalization. Michaels studied law in Passau and Hamburg, Germany and in Cambridge, England. Prior to coming to Duke, he held posts at Harvard Law School and at the Max Planck Institute for Comparative and Private International Law in Hamburg.



**Eva PILS**

Eva Pils is a member of the Faculty of Law of The Chinese University of Hong Kong (CUHK), where she teaches mainly in the areas of Chinese law and of legal philosophy. In her writing, she focuses on human rights and social justice in China. Her publications in the area of Chinese law have addressed the role and situation of Chinese human rights defenders, property law and land rights in China, the status of migrant workers, the Chinese petitioning system and Chinese conceptions of justice. Eva studied law, philosophy and Chinese studies at Heidelberg University in Germany, where she also qualified as a lawyer. She holds PhD and LL.M. degrees from the University of London, and a Diploma in Chinese Law from the EU-China Legal and Judicial Co-operation Programme (Beijing). Prior to taking up a permanent position at CUHK

in 2007, she held visiting appointments at New York University Law School's Hauser Global Law School and Cornell Law School's Clarke Program of East Asian Law and Culture, and she was a Guanghai Fellow at NYU's U.S.-Asia Law Institute in the spring of 2009.