MORIGIWA Yasutomo

Preface

It is with great pleasure that my fellow editors and I present on behalf of the Japanese National Section of the International Association for Philosophy of Law and Social Philosophy (IVR Japan) and the Japan Association of Legal Philosophy (JALP), the proceedings of the Fifth Kobe Lecture. The invited lecturer, Professor Will KYMLICKA, read his Lecture "Universal Minority Rights? The Prospects for Consensus" in Tokyo and Kyoto, at the University of Tokyo and Doshisha University, respectively. Seminars were also given in Tokyo, Kyoto and Sapporo, where interesting discussion took place, especially between the designated commentators and Professor KYMLICKA. So much so, in fact, that instead of the usual format of the Kobe Lecture, which is the publication of the lecture in a regular issue of the Archiv für Rechts- und Sozialphilosophie (ARSF, the official publishing organ of the IVR), a project was developed to publish the lecture, commentaries and the lecturer's replies to the commentators in a single volume. With the kind understanding of the managing editors of the ARSP, the project became reality in the form you see here, entitled "Universal minority rights? A transnational approach."

The title expresses two aspects of the project. One, a discussion of an attempt to justify minority rights in non-liberal nations with reasons independent of liberal principles accepted in western political cultures. This is the approach Professor KYMLICKA has proposed in his lecture, the main title of which we have adopted for the volume. The other, an academic exploration involving scholars from two different nations, Canada and Japan, with little regard for the cultural differences involved. The arguments put forward and discussed are transnational: one finds that in Japan we have our share of libertarians, post-modernists and post-liberals; references to culture are made only on the object level or on points of method, not for justification of arguments. We hope that the volume manifests the grounds on which the proposed approach itself depends.

The Kobe Lecture is an international lecture program founded in 1988, commemorating the Thirteenth World Congress on Philosophy of Law and Social Philosophy held in August 1997 in Kobe, Japan. The lectures are administered by IVR Japan, in cooperation with JALP. As a rule, every two years, a scholar engaged in creative research on issues of legal, social and political philosophy is invited to Japan. The lecturer usually gives one or two lectures in major cities of Japan in addition to several informal seminars. Major works by the lecturer are usually translated into Japanese and published before the lectures take place.

Professor Ronald DWORKIN (Oxford and New York) gave the Inaugural Lecture in 1990. Professor Ralf DREIER (Göttingen) was the second lecturer in 1992. In 1994, Professor Joseph RAZ (Oxford) gave the third series of Lectures. The Fourth Lecture was extraordinary in that it was given in the form of the First Asia Symposium in Jurisprudence, the first international conference to be held under the program. The theme of the symposium, held in October 1996, was "Law in a changing world: Asian alternatives." Professor Will KYMLICKA (Queens, Canada) gave the Fifth Lecture in 1998. The Sixth was given in the year 2000 by Professor Randy BARNETT (Boston U). In 2002, Professor Emilios CHRISTODOULIDIS (Edinburgh) gave the Seventh Lecture. IVR Japan and JALP have decided to hold the Kobe Lectures every three years instead of two hereon in. The lectures are published in the ARSP. The proceedings of the Fourth Lecture are published as a special issue (Beiheft 72) of the journal, as is this Lecture.
The Kobe Lecture aims to advance our understanding of legal, social and the political spheres of life. Important theoretical issues are explored from a perspective that is philosophical yet sensitive to problems of implementation and administration. Through this program we hope to arrive at a deeper mutual understanding of both the similarities and differences among various forms of life.

The editors wish to thank Will KYMLICKA for his willingness to reply to the commentators and for his patience and cooperation in preparing the publication. We would also like to express our appreciation to the commentators for insights Professor KYMLICKA himself must have enjoyed. It is a pleasure to express our gratitude once again (see Beiheft 72) to Prof. Veronica TAYLOR, whose team she supervises has come through yet again to do a great job of editing for grammar, style and effect the papers written by our Japanese colleagues.

For the Fifth Lecture, the editors were themselves heavily involved in its organization. MORIGIWA Yasutomo, the president of IVR Japan during the Fifth Lecture, to gratitude ISHIYAMA Fumihiko, the chair of the organizing committee, for his contribution in making the lectures possible. The editors would like to thank KATSURAGI Takao, the present president, for managing the Tokyo lecture and seminars, and TSUNODA Takeshi for those held in the Kansai area. We would also like to express our deep gratitude for all those who had contributed their time and effort, working with the organizers to make this Lecture as fruitful as it has turned out to be.

The editors would like to thank President TAKESHITA Ken and the executive board of JALP for their unflinching support of the program. On behalf of the contributors to this volume, JALP and IVR Japan, we wish to express our appreciation to the managing editors of ARSP, Drs. Gerhard SPRENGER and his successor Annette BROCKMÖLLER, for accepting our proposal and their thoughtful advice. Thanks are also due to Mr. Gregor HOPPEN of Franz Steiner Verlag for his ever quick and positive response and help in the publication process.