



Jagiellonian University and Kobe University Workshop
*Commemoration of the 100th Anniversary
of Japan-Poland Diplomatic Relation*

Legal Methodology: International and Comparative Perspective

21 May 2019

Venue: Kobe University, Rokkodai 1st Campus
[Faculty & Graduate School of Law \(Building II\)](#) (No.31),
3rd Floor, Middle Meeting Room

Abstract

How far the object determines the method? This everlasting philosophical or more precisely epistemological question is also pertaining to the legal research. The goal of our study is to find convergences and divergences in legal analysis between distinctive legal fields. Moreover we would like to question how far non-legal concepts, ideas or methods which were transposed from economics, morality, political sciences, religions or linguistics are relevant for different legal branches. Those questions may be approached from holistic/theoretical or inductive/case-study based angles. More particularly we would like to critically reflect on the exclusiveness on legal positivism as the only legitimate approach to binding law. In this perspective, the cultural differences to and the place of teleological interpretation is of particular importance.

◆10:30-12:30 Session 1 International Law, Environment, and Development

- *Iлона Przybojewska* (JU)
"Environmental Values and Objectives and their Extra-legal Rooting"
- *Miharu Hirano* (KU)
"Methodologies of "Water and International Law": Mapping the Emerging Research Field"
- *Piotr Szwedo* (JU)
"Sustainable Development and Law: Methodological Challenges of Inter-disciplinarity"
- *Dai Tamada* (KU)
"How Critical is the Choice of Methodology in International Law?:
Several Comments on Szwedo's Book on *Cross-Border Water Trade*"

❖14:00-16:00 Session 2 Domestic and EU Law

- *Marlena Pecyna* (JU)
“Methodology of European Contract Law: Continental vs. Common Law Perspective”
- *Leszek Mitrus* (JU)
“Some Remarks on the Research in National Labour Law
(Against the Background of European and International Regulations)”
- *Narufumi Kadomatsu* (KU)
“Commons and Anticommons in an Era of Underuse”
- *Tomasz Targosz* (JU)
“Narrow Interpretation of Exceptions – A Questionable Principle Still Going Strong?
CJEU’s Jurisprudence on Limitations and Exceptions in IP Law”

❖16:30-18:00 Session 3 International Cyberspace Law

- *Mari Takeuchi* (KU)
“Jurisdiction in Cyberspace - A Need for New Methodology?”
- *Przemysław Roguski* (JU)
“Determining the Content of Rules, Norms and Principles Applicable to State Behaviour in
Cyberspace - Methodological Questions”
- *Mika Hayashi* (KU)
“States’ Attitude towards Law-Making (Treaties and Custom) Regarding Cyberspace
- Methodological Questions”

Welcome dinner reception at Restaurant SAKURA from 18:30

No registration required.
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