

A Study on the Creole and the Agency Formation of Law

Ko Hasegawa

(The Advanced Institute for Law and Politics, School of Law,
University of Hokkaido, Professor, Director)

【Outline of survey】

Our research project aims at the exploration of the new field of legal study to be called “the Creole of Law”. This project considers the popular legal phenomena called so far as “the Reception of Law” in a new light, especially in connection with the mutual transformation of divergent legal systems in the context of globalization. “The Creole of Law” means the ameliorative process of the encounter, permeation, transformation of divergent legal systems for the integration of law, in which various kinds of human agency play dynamic roles. Here, the following four kinds of analysis are carried out to grasp and model the nature of the Creole and the Agency Formation of Law with a dynamic-comparative perspective: (i) the valuational dimension which deals with the creole in legal values; (ii) the action dimension which deals with the creole in legal consciousness and activities; (iii) the thought=institutional dimension which deals with particular historical changes of legal thoughts and institutions; and (iv) the integrative dimension which indicates a multi-dimensional working of the space of law.

【Expected results】

Our research project will yield the comprehensive view of the formation of legal system through the creative agency of human beings. In particular, the multi-dimensional exploration of the Creole of Law will lead to the establishment of a new interdisciplinary research field in law. Also, the construction of relevant archive and open web sources will make possible the networking of the existing researches which have certain relevance for the understanding of the dynamic nature of law.

【References by the principal researcher】

Ko Hasegawa, *Kousei no Houtetsugaku [Fairness and the Philosophy of Law]*
(Shinzan-sha, 2001, 340+ix pages)

Ko Hasegawa, “The Structuration of Law and Its Working in the Japanese Legal System” (in: Jacque Vanderlinden et.al., eds. *La Structure des Systèmes Juridiques*, Emile Bruylant, 2003, pp.319-349)

【Term of project】 FY 2005 - 2009

【Budget allocation】 50,700,000 yen

【Homepage address】 <http://www.juris.hokudai.ac.jp/~hasegawa/lcindex.htm>