

Title of Paper: Immigration, Agency, and the Rule of Law

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Abstract (revised):

According to (Kristen Rundle's reading of) Lon L. Fuller, law is not mere 'a pyramidal structure of state power,' but 'an activity,' or 'a product of a sustained purposive effort' which is only realized by a collaboration between lawgivers and legal subjects. For this purpose, a legal subject is supposed to be, or can become, 'a responsible agent, capable of understanding and following rules, and answerable for' his/her default. This means that, in my view, a legal system L as 'the enterprise of subjecting human conduct to the governance of rules' (Fullerian conception of law) has to satisfy the conditions that a subject S can be regarded as a responsible agent (RA) in relation to L before L imposes legal obligation on S . One of the conditions is legal provisions' intelligibility for S , and a language barrier, one of the most common difficulties shared by various immigrants all over the world, is a typical obstacle preventing the intelligibility condition from being satisfied. In this presentation, I inquire into the relationship between law, a responsible agent, and its autonomous choice on the basis of Amartya Sen's agency freedom/agency achievement framework, and argue for the thesis that one of the necessary condition for L to impose legal obligation on S is to remove the language barrier to a certain extent to be able to treat S as a responsible agent in relation to L .