

## INTRODUCTION

In this volume, which contains the 2<sup>nd</sup> issue of the Proceedings of the 24<sup>th</sup> IVR World Congress, held in Beijing in the year of 2009, the reader will find a selection of papers presented at that International Congress on the general theme of “Human Rights, Language and the Law.” Even though these papers share a general topic, each of them will approach it in very different ways. Under the first heading, “Human Rights and Justice in a Global Perspective,” the problems of the foundation of Human Rights and the legitimacy of the Political Power occupy the centre of the debate. The first two papers discuss the legitimacy of the Political Power in a more general way, either in the context of a Global Society – in case of Rendtorff’s paper – or in the case of states in which there is a tension between a liberal legal system and an authoritarian society – in case of Morita’s paper, which analyses the practice of the Japanese legal system. Still under the first section, the next paper, written by Carla Faralli and Sandra Tugnoli, views the Human Rights as a “historically shaped creation” and sheds light into some of the most controversial aspects of the right to Health in contemporary societies, which is heavily influenced by the development of new technologies in Genetics and Biological research.

The second section, in turn, comprises two papers and deals with Public Policy, Economics and Social Rights. Firstly, da Rocha’s paper explores the concept of citizenship in Brazilian law and analyses some of the social conditions necessary for its achievement. In particular, the author is concerned with the difficult task of balancing individual rights and collective interests both in legal dogmatics and in the practice of the Brazilian courts. Second, Mathis’ paper proposes a model to assess the value of public projects by means of a cost-benefit analysis of the sustainability of public policies.

The third section, whose title is “Law, Language and Literature” deals with some of the multiple ways by means of which Law can relate to Language. In this sense, Vespaziani’s paper furnishes a profound analysis of Legal Metaphors from the point of view of Hermeneutics and traditional Rhetorics. From a different perspective, in turn, Ari and Zaluski’s paper takes up Camus’ book *The Stranger* and offer two different interpretations of the critique that Camus addresses to the legal practice. As the authors point out, Mersaud’s case can be viewed either as a “pathological” form of legal reasoning (i.e. a “pathology in legal reasoning”) or, in a more radical interpretation of the case, as a way to show how pathological legal reasoning often is. Finally, Zhaoyang’s paper contains the result of an empirical research undertaken at Chinese Mediation courts with a view to demonstrate, as it in fact does, that the process of mediation is necessarily driven by power relations that influence any court’s mediation activities.

The fourth and final section, in turn, deals with some of the most important recent transformations in Legal Dogmatics and in Private Law. On the one hand, Feres and Silva’s paper analyses the theoretical implications of the public intervention of contracts from the point of view of the theories of law and society developed by Taylor, Habermas and Dworkin. In particular, the authors are concerned with the re-interpretation of the institutions of Private Law that are entailed by the recent

developments of legal dogmatics and constitutional law. On the other hand, from a different perspective, Murray and Taitlin's paper analyses how 20<sup>th</sup> Century Soviet Legal Culture has shaped Private Law and rearranged its norms, concepts and institutions. Finally, Casanovas, Poblet and López Cobo's contribution explains how novel techniques of legal development are being developed under the World Wide Web. In fact, it is claimed that Online Dispute Resolution (ODR) is now a new type of source of law which needs to be clarified both by legal theorists and legal practitioners.

The editors would like to thank the authors of the contributions compiled in this volume for the help in the revision of the manuscripts of their papers, as well as Prof. Zenon Bankowski and the dedicated members of the Chinese Law Society, who worked very hard to select the papers comprised in this volume amongst hundreds of papers received for this publication.