



Welcome Message  
Prof. Toshiyuki Kono

Welcome to the eighth Annual Kyushu University Law Conference.

It has now been well over a decade since Kyushu University instituted Japan's first graduate law program taught entirely in English. The Annual Kyushu Law Conference and Symposium was inaugurated eight years ago to reinforce our commitment to elevating the level of English language legal education and scholarship in Japan.

This year we are honored to have a distinguished group of scholars presenting on the theme of Social Capital, Networks, Law. The ability to attract such an exceptional group of scholars to Fukuoka to exchange ideas in a common language is an achievement for the Program and reflects the diligence of our staff, alumni and students.

I am pleased to be able to say that past Kyushu Law Conferences have been successful in addressing cutting edge legal issues while at the same time serving as a valuable educational opportunity for our students. I am confident that this year's conference will build upon this tradition and provide an excellent academic experience for all involved.

I welcome you to explore this webpage to learn more about this event and look forward to seeing you at the Conference.



### Venue

Kyushu University Nishijin Plaza  
2-16 Nishijin, Sawara-ku  
814-0002 Fukuoka-shi

From any subway station in Fukuoka, you can take the subway to Nishijin. Get off at Nishijin Subway Station and exit the station through exit 7. Walk down to the Hii River and turn to the left at a restaurant called "GUSTO". Nishijin Plaza is about 5 minute walk down the road.

### website

[www.law.kyushu-u.ac.jp/programs/english/conference2014/](http://www.law.kyushu-u.ac.jp/programs/english/conference2014/)



## Social Capital, Networks, Law

Conference Program

February 10-11, 2014

# Concept

Over the last two decades, the concept of social capital has been widely used by social scientists across multiple disciplines seeking to describe the actually existing links between individuals, corporations and other kinds of social groups and organizations. Although various conceptions of social capital have been advanced, there seems to be convergence around the core idea that social actors derive collective benefits by virtue of their membership of social networks, i.e. the claim that social capital is a resource that derives from cooperation between individuals and groups, and that such networks have an intrinsic value that cannot be easily calculated in purely economic terms. Conversely, social capital is also regarded as a crucial factor in the production and reproduction of inequality and social exclusion.

The aim of this conference is to provide a platform for academics and practitioners from different fields of economic and business law to examine the implications of this on-going debate for legal theory and practice. The centrality of social capital has been partially acknowledged in some areas of law. For example, it is now recognized that corporate reputation and trust exists as an operational goal of prime importance for corporations. Executives value corporate prestige as an independent good because it closely connects to corporate performance, the self-esteem of status-conscious managers, as well as employee morale. The emergence of corporate social responsibility and shaming sanctions highlights the recognition of social capital by regulators, as well as private actors. Furthermore, illuminating studies could be made with regard to the role of social capital in enhancing our understanding of political, economic natural emergencies.

Nevertheless, it appears that legal academics have not fully entered into debates on social capital, nor have the effects of social networks permeated into all areas of economic and business law. As such, space remains for greater elaboration on the meaning and potential value of social capital for our understanding of law. The conceptual vocabulary of the social capital literature (terms such as binding, bridging, bonding, brokerage, enclosure, dissemination, and intermediaries) seems to be closely connected to issues that underlie legal theory and practice. This conference therefore aims to provoke further discussion by providing a forum for examining how the notion of social capital might be more effectively integrated into contemporary legal debates on the regulation of commercial activities.

# Social Capital, Networks, Law

## Day 1 (10 January 2014)

10:00 – 10:10 Welcome Remarks  
By Prof. Toshiyuki KONO

### Session 1 (Chair: Caslav PEJOVIC)

10:15 – 10:35 Poul KJAER  
"The Transformation of the Network Function: The Generation of Social Capital in Corporatism, Neo-Corporatism and Governance"

10:40 – 11:00 Colin SCOTT  
"Regulatory Capacity and Networked Governance"

11:00 – 11:30 Q&A  
11:30 – 13:00 Lunch

### Session 2 (Chair: Steven VAN UYTSEL)

13:00 – 13:20 Shinto TERAMOTO  
"What Makes Medical Records Safe in the Cloud?"

13:25 – 13:45 SUTATIP Yuthayotin  
"Mutual trust, Transnational B2C Commerce and the Law"

13:25 – 13:45 Q&A  
13:25 – 13:45 Coffee Break

### Session 3 (Chair: Mark FENWICK)

14:45 – 15:05 Yuki OI  
"Legal Framework and Practice of Outside Directors (*shagai-torishimariyaku*) in Japan"

15:10 – 15:30 Erik VERMEULEN  
"The Theory and Practice of Venture Capital Contracts"

15:35 – 15:55 Joe McCAHERY  
"Understanding the Board of Directors after the Financial Crisis"

15:35 – 15:55 Q&A



## Day 2 (February 11, 2014)

### Session 4 (Chair: Mark FENWICK)

10:00 – 10:20 Amir LICHT  
"Culture and Law in Corporate Governance"

10:25 – 10:45 Marc AMSTUTZ  
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10:50 – 11:10 MENG Zhen  
"Ownership of Trust Property in China: A Comparative and Social Network Perspective"

11:10 – 11:40 Q&A  
11:40 – 13:00 Lunch Break

### Session 5 (Chair: Caslav PEJOVIC)

13:00 – 13:20 Matteo FORNASIER  
"Cross-Border Collective Bargaining: The Case of International Framework Agreements"

13:25 – 13:45 Paul JURCYS  
"Innovation Intermediaries and Mutual Trust"

13:45 – 14:15 Q & A  
14:15 – 14:20 Closing Remarks