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BOOK REVIEWS

- Fukashi no "Kokusaiho": Hobbuzu, Raipunittsu, Ruso no Kanosei*
["International Law" in Invisibility: Possibilities with Hobbes, Leibniz, and
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- Gaikoku Hanketsu no Shonin* [Recognition of Foreign Judgments], by Masaaki
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[Dynamism in International Law: Essays in Memory of Professor Akira Kotera],
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Tokyo: Yuhikaku, 2019. *Shigeki Sakamoto* 290
- Kokusai Toribiki no Gendaitekikadai to Hou — Sawada Toshio Sensei Tsuitou*
[Contemporary Issues and Laws on International Trade — In Memory of
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- Buryokukoshi-Kinsbigensoku no Rekishi to Genjo* [The History and Current
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- Kokusai Jinken Ho* [International Human Rights Law], by Kentaro Serita.
Tokyo: Sinzansha, 2018. *Koshi Yamazaki* 324
- Senpaku Osen Kisei no Kokusaiho* [International Law on Controlling Pollution
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- Kokusai-suiro no Hikoukouteikiriyō ni kansuru Kihongensoku*
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- Hendo-suru Kokusaihakai to Kokusaiho No Kino* [How International Law
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