

6. Labor Law

The Japan Labor Law Association, as part of its academic activities, held general meetings and symposia twice in 1982 as in past years.

The 63rd general meeting of the association was held at Ehime University on May 13, 1982, under the theme of "Union Autonomy and Union Democracy," while the 64th general meeting held at Kanagawa University on Oct. 9 the same year featured the theme "Collective Agreements and Individual Contracts."

The reports and discussions at the 63rd general meeting were carried in the *Journal of Labor Law* Vol. 60 with some modifications, while those of the 64th general meeting were carried in Vol. 61.

The titles and writers in the *Journal of Labor Law* Vol. 60 are as follows:

- 1) "The Relation between Labor Organization's Autonomy and Union Democracy," by Prof. Akio Sato of Waseda University.
- 2) "A Study on Union Rules in Japan," by Yoichi Shimada, student of the graduate course, Waseda University.
- 3) "Union Democracy and the Right of Union Control," by Assoc. Prof. Shozo Endo of Shimane University.
- 4) "Election of Trade Union Officials and Trade Union Democracy," by Atty. Mikio Ito.

[Comment]

Problems arising from differences of opinion within a trade union on its activities (including policies vis-à-vis employers, political activities and support for political parties) have been studied from the viewpoint of "union democracy" in this country in recent years.

Based on surveys of actual situations surrounding the various features of Japanese trade union rules, the legal limit in the discipline of unions and the election of trade union officials as well as cases involving judicial decisions, reports at the 63rd general meeting covered problems which had arisen in terms of law and what legal interpretations ought to be made.

Although the problems are central to time-honored discussions since the days of Mr. and Mrs. Webb on how to maintain harmony between the efficient management of a trade union and democracy within the union, their contents in concrete terms have greatly reflected the system of Japanese trade unions and their activities.

The titles and writers in the Journal of Labor Law Vol. 61 were as follows:

- 1) "Collective Autonomy and the Normative Effect of the Collective Agreement," by Prof. Noboru Kataoka of Kyoto University.
- 2) "Grenzen der Tarifautonomie," by Assoc. Prof. Kenichiro Nishimura of Kyoto University.
- 3) "Tarifvertrag und Arbeitsvertrag in BRD," by Michitaka Nako, LL.M. of Kyoto University.
- 4) "Réflexion sur les rapports entre la convention collective et le contrat individuel de travail en France," by Tsuneo Yabe, LL.M. of Osaka Municipal University.
- 5) "Legal Enforceability of Collective Agreements in Great Britain," by Assoc. Prof. Hidenobu Yasueda of Doshisha University.

[Comment]

On what basis and to what extent can a collective agreement resulting from collective bargaining restrict individual contracts? Discussions and studies were made on collective agreements in Japan, that is, agreements between an enterprise-wide trade union and an employer as a prerequisite, taking into consideration changes in the consciousness of individual workers in recent years.

With regard to the publication of the "15 volume Contemporary Labor Law Series" in commemoration of the 30th an-

niversary of the founding of the Japan Labor Law Association, 12 volumes had been published as of December, 1983. The four volumes published in 1982 include:

Vol. 7: “Unfair Labor Practices I”

Vol. 8: “Unfair Labor Practices II”

Vol. 9: “Legal Principle on the Protection of Workers”

Vol. 10: “Labor Contracts and Work Rules”

By Prof. KAZUHISA NAKAYAMA

KUNIYUKI MATSUO

7. Legal History, Sociology of Law and Legal Philosophy

a. Legal History

The 34th general meeting of *the Japan Legal History Association* was held at Tokyo Aoyama Kaikan Hall on Apr. 6 and 7, and the 30th Study Meeting of the association at Kansai University on Oct. 9 and 10, 1982. The programs of the two meetings were as follows:

The 34th General Meeting.

The first day reports and reporters:

“Compilation of the Criminal Law of the 15th Year of Meiji and Draft Criminal Code Reviewing Bureau,” by Hiroshi Asako, Lecturer at Waseda University.

“Characters of Ownership in Land Laws of the Ming and Qing Dynasties,” by Lect. Hiroaki Terada.

“Change in Industrial Promotion Policy and Local Industrial Promotion Law – in 1883 through 1886,” by Lect. Toshimitsu Nakao of Kinki University.

“Freedom and Self-Autonomy of Medieval Western Cities: Some Theoretical Problems concerning Medieval Western Cities,”