

versity.

Reports of the fourth session on "Non-Judicial Settlement of International Disputes," chaired by Prof. Shigeru Kozai of Kyoto University.

—"Political Significance of Dispute Arbitration Functions of the United Nations Secretary-General," by Prof. Shizuo Saito of Aoyama Gakuin University.

—"Significance of Non-Judicial Settlement of International Disputes," by Prof. Ko Nakamura of Keio University.

By Prof. TOKUSHIRO OHATA

TADASHI IMAI

9. Comparative Law

The Japan Society of Comparative Law held its 45th general meeting at Hiroshima University on May 9 and 10.

[The First Day]

The first-day session was devoted to a symposium on "Comparative Legal Study of Solatium." Following introductory remarks by Prof. Ichiro Kato of Tokyo University, following participants made respective reports:

France, by Prof. Takehisa Awaji of Rikkyo University.

The Federal Republic of Germany, by Assoc. Prof. Michitaro Urakawa of Waseda University.

Switzerland, by Assoc. Prof. Osamu Saito of Kobe University of Commerce.

Soviet Union, by Assoc. Prof. Taiichiro Ohe of Shizuoka University.

United Kingdom, by Assoc. Prof. Yoshinobu Tai of Doshisha University.

United States, by Prof. Isshu Takahashi of Hosei University.

New Zealand, by Prof. Akio Morishima of Nagoya University.

[Second Day]

The symposium on the same theme continued on the morning of the second day.

Prof. Ichiro Kato made a general report which included Japan.

Largely due to the differences in the social evaluation of mental damage, the way of handling solatium is different from country to country. In this regard, participants in the symposium submitted reports on the following items about respective countries, thus contributing to the comparative law study on the issue.

1. Introduction — history of solatium.
2. Concept of solatium.
3. Requirements for the right to claim solatium.
4. Assessment of solatium, with emphasis placed on death, personal injuries, and defamation.
5. Conclusion.

With regard to individual reports, attention was particularly focussed on New Zealand in connection with the arrangement of solatium under the social security-type relief system concerning accidents resulting in death or personal injury as well as on the United States in connection with the future direction of the present trend of outstanding expansion of solatium.

[The Afternoon Session of the Second Day]

— Anglo-American Law Division —

“Legal Issues in the Adjudication Process in the Social Security Disability Hearings in the U. S. Suggestion to the Japanese Law,” by Prof. Masahiro Ken Kuwahara of Niigata University.

“Positive Planning in Urban Land Law” by Assoc. Prof. Katsui-chi Uchida of Waseda University.

— Socialist Law Division —

“On the Inheritability of Law,” by Asst. Noriaki Ohuchi of Tokyo Metropolitan University.

“On the Inheritability of Law in China,” by Prof. Kojiro

Nishimura of Waseda University.

— *Continental Law Division* —

“Étude comparative de la notion d’entreprise dans le droit commercial japonais et français,” by Tatsuo Furuta of Fukuoka University.

“Stände, Berufsstände und Parlamentarismus,” by Prof. Junichi Murakami of Tokyo University.

[For reference, see *Hikakuho Kenkyu* (Comparative Law Journal) Vol. 44, published by *Hikakuhō Gakkai* (the Japan Society of Comparative Law), Tokyo.]

The Japanese American Society for Legal Studies held its 19th general meeting at Hiroshima University on May 8, 1982.

1. Reports:

“Sentencing Reform in America,” by Judge Tokio Matsumoto of the Tokyo District Court. The reporter in his report noted that judging from the recent trend in the United States the widely accepted idea of individual assessment of criminals has undergone a great change toward non-individual assessment of cases, giving rise to a change in the penal ideology itself.

“Clinical Education in American Law Schools,” by Prof. Roark M. Reed of Southern Methodist University. Prof. Reed made an introduction of clinical education in law schools on the basis of his rich personal experiences.

2. Reports:

The first division.

“Chiarella v. U.S.,” by Shigemitsu Kobayashi of Osaka City University.

“On Existence of Right of So-Called Tacit/Private Action Under Federal Instrument Acts,” by Prof. Tetsuo Shimabukuro of Ryuky University.

“Sindell v. Abbott Laboratories,” by Prof. Akio Morishima of Nagoya University.

The Second Division.

“On Legislative Functions and Policy-Making Functions of

Courts,” by Assoc. Prof. Fumitoshi Ohbayashi of Okinawa Kokusai University.

“Wengler v. Druggists Mutual Insurance Co.,” by Takeshi Kamata of Hitotsubashi University.

“Environmental Protection Agency v. National Crush Stone Association,” by Prof. Hiroshi Hokama of Chuo University.

The association also held two lecture meetings as follows:

“Informal Methods of Dispute Settlement,” by Frank E. A. Sander on Apr. 10.

“The Ebb and Flow of American Antitrust Policy,” by Richard E. Sherwood, Lect. of Sophia University and member of O’Melveny & Myers Attorney Office, on June 12, at Tokyo University.

[See *Amerika Hō* (American Law Journal) [1982] No. 2, the Japanese American Society for Legal Studies, Tokyo.]

Japanisch-Deutsche Gesellschaft für Rechtswissenschaft held its 1982 general meeting at Deutsches Kulturzentrum in Tokyo on Oct. 27. Prof. Peter Lerche of München University delivered a lecture entitled “Kunstfreiheit als Verfassungsproblem in der Bundesrepublik.”

The society also held four lecture meetings. The titles and lecturers were as follows:

Sept. 22, at Hosei University, under the joint sponsorship of Hosei University.

“Die geplante Reform des Deutschen Schuldrechts,” by Prof. Dr. Peter Schlechtriem of Freiburg University.

Sept. 27, at Tokyo University jointly sponsored by the Japan Association of Sociology of Law.

“Legal System and Political System — problems arising from their mutual relationship,” by Prof. Niklaus Luhmann of Bielefeld University.

At Deutsches Kulturzentrum in Tokyo, co-sponsored by the Japanese Association of the Law of Civil Procedure.

“Das Neuverbot des Österreichischen Zivilprozesses als Modell für die Gestaltung eines Konzentrierten Rechtsmittelverfahrens,” by Prof. Hans W. Fasching of Wien University.

“Die Schiedsgutachten als Mittel der Streitentscheidung und der

Streitvorbeugung — eine rechtsvergleichende Untersuchung,” by Prof. Walter J. Habscheid of Würzburg University and Genève University.

On Oct. 18 at Deutsches Kulturzentrum in Tokyo, co-sponsored by Deutsches Kulturzentrum and the Administrative Management Agency.

“Datenschutz wozu und wie,” by Hans Peter Bull, Data Protection Supervisor of the Federal Republic of Germany.

“Datenschutz aus zivilrechtlicher Sicht,” by Prof. Wolfgang Kilian of Hannover University.

[References: *Nichi-Doku Hōgaku* (Jahrbuch der Japanisch-Deutschen Gesellschaft für Rechtswissenschaft) No. 7, published by the *Nichi-Doku Hogaku-Kai* (Japanisch-Deutsche Gesellschaft für Rechtswissenschaft), Tokyo; *Hogaku-Shirin* (Review of Law and Political Sciences) Vol. 80, Nos. 3 and 4, published by Hosei University *Hogaku-Shirin Kyokai* (the Association of Law and Political Sciences), Tokyo; *Jurisuto*, No. 779, published by Yuhikaku, Tokyo; *Minji Sochō-hō Zasshi* (Journal of Civil Procedure) No. 29, published by the Japanese Association of the Law of Civil Procedure, Kyoto.]

La Société franco-japonaise de Science juridique held its 22nd general meeting at Hakushima Kaikan Hall in Hiroshima Prefecture on May 9, 1982. Assoc. Prof. Tadashi Takizawa of Sophia University made a report on “Latest Reform of Administrative Trial System in France.”

[Reference: *Nichi-futsu Hōgaku* (Franco-Japanese Law Journal) No. 12, published by La Société franco-japonaise de Science juridique, Tokyo.]

The Japan Association of EC Studies held its 3rd national study meeting at Kobe University on Nov. 6 and 7. Titles and reporters were as follows.

[The First Day Session]

“Sex Discrimination in the United Kingdom and European

Community Law,” by Prof. Taisuke Kamata of Doshisha University.

“EEC Energy Policy and Energy Aid to ACP,” by Assoc. Prof. Shigeo Maruyama of Shibaura Institute of Technology.

“Japanese Direct Investment in Western Europe — Solving Economic Conflicts between EC and Japan,” by Prof. Masumi Hakogi of Fukushima University.

A symposium was also held under the joint theme of “Trilateral Relationship among Japan, the United States and Europe.”

“Legal Problems of Trade Frictions among Japan, the United States and the European Communities,” by Prof. Yoshio Ohara of Kobe University.

“Trilateral Trade Structure among EC, the United States and Japan,” by Prof. Shigetsugu Okumura of Osaka City University.

[The Second Day Session]

The symposium on “Trilateral Relationship among Japan, the United States and Europe” continued.

“Japan-US and US-Europe Relations as Seen from Security Aspect — Comparison of Japan-US Security and NATO,” by Hisao Iwashima, Director of the First War History Study Room, the Defense Research Institute.

“A Study on Japan-Europe Economic Friction,” Assoc. Prof. Yoshikiyo Minami of Shinshu University.

“Reflections on a Triable,” by Jan van Rii, member of EC Commission in Japan.

“Japan-Europe Trade Friction and Difference in Competitiveness,” by Prof. Hiroichi Demizu of Kantō Gakuin University.

The reporters endeavored to analyze the trilateral relations centering on the controversial trade friction from legal, political, military and other angles.

[Reference: *Nippon EC Gakkai Nempō* (Annual of EC Studies in Japan) No. 3, published by Yuhikaku, Tokyo.]

The Japanese Association of Socialist Law Study held various study meetings during the year under review. Titles and reporters

of these meetings were as follows:

On Mar. 12, at Waseda University, Tokyo.

“Controversy over National Sovereignty in the Soviet Union,” by Assoc. Prof. Hiromichi Hayakawa of Waseda University.

On June 5, at Waseda University.

“Visiting Okt’abr’skij rajon People’s Court (Court of First Instance),” by Assoc. Prof. Akio Komorida of Hokkaido University.

On Oct. 1, at Waseda University.

“1982 Nationwide Local Elections in the Soviet Union,” by Assoc. Prof. Masataka Takemori of Tokyo Metropolitan Junior College of Commerce.

On Nov. 19, at Waseda University, co-sponsored by the Institute of Comparative Law, Waseda University.

“New Civil Code and Code of Civil Procedure in the German Democratic Republic,” by Prof. Dr. Heinz Püschel of Humboldt University.

The Second Japanese-Soviet Jurists Symposium was held in Tokyo and the Kansai district from Apr. 5 through 12, 1982 under the unified theme of “Social Progress and Role of Law — Peace and Human Rights.” (The first symposium was held in the Soviet Union in 1980.)

Dates, titles and reporters were as follows:

[The First Conference, Apr. 5, at Gakushi Kaikan, Tokyo]

“Modern Society and Law — in connection with Democratic Theories and Activities in Law,” by Prof. Yozo Watanabe of Teikyo University.

“Theoretical Problems Concerning Roles of Law in Modern Society,” by Prof. V. A. Tumanov, Chief of the Bourgeois State and Law Section, State and Law Research Institute, the Soviet Science Academy.

[The Second Conference, Apr. 6, at the same place]

“Right to Live in Peace (Right of Peaceful Existence),” by Prof. Tadakazu Fukase of Hokkaido University.

“Right to Live in Peace,” by V.V. Baturenko, member of the State and Law Research Institute, the Soviet Science Academy.

[The Third Conference, Apr. 6, at Waseda University, Tokyo]

“On Rights of Japanese Workers,” by Prof. Kazuhisa Nakayama of Waseda University.

“Fundamental Labor Rights of Public Officials,” by Prof. Hideki Mori of Nagoya University.

“Features and Trends of Japanese Social Security Law viewed from Standpoints of Social Security,” by Prof. Masaaki Ogawa of Kanazawa University.

“Social-Economic Rights of Individuals in the Soviet Union,” by Prof. V.S. Schevtov, senior member of the State and Law Research Institute, the Soviet Science Academy.

[The Fourth Conference, Apr. 7, at Gakushi Kaikan, Tokyo]

“Problems and Protection of Human Environment in Japan,” by Prof. Katsuaki Hirano of Shizuoka University.

“Environmental Protection Law in Soviet Union,” by Prof. V.S. Shevtov.

[The Fifth Conference, Apr. 7, at the same place]

“Role of Court in Connection with Guarantee of Citizens’ Rights,” by Prof. Nobuyoshi Toshitani of Tokyo University.

“Role of Court in Connection with Guarantee of Citizens’ Rights,” by V.N. Kudryavtsev, associate member of the Soviet Science Academy and Director of the State and Law Research Institute of the Soviet Science Academy.

[The Sixth Conference, Apr. 12, at Kansei Gakuin University, Hyogo Prefecture]

“Theory and Practice of Protection of Human Rights in Japan’s Criminal Law,” by Prof. Kan Idota of Ritsumeikan University.

“Role of Court in Protecting Citizens’ Rights,” by Prof. V.N. Kudryavtsev.

[The Seventh Conference, on Apr. 12, at Osaka Bar Association Hall]

Free discussions were held on the legal systems of Japan and the Soviet Union, participated in by some 40 attorneys and scholars including Mr. Iwakichi Washima, former chairman of the Federation of Japan Bar Associations) and Mr. Tokugoro Kitajiri, also former chairman of the Federation of Japan Bar Associations, in addition to the four Soviet delegates.

[Reference: A report on the Tokyo and Kansai symposia of Japanese and Soviet jurists on "Social Progress and Role of Law — Peace and Human Rights," by Isamu Fujita, 54 *Hōritsu Jihō*, No. 11, published by Nippon Hyōron-sha Co., Ltd.]

An eight-member mission of "Scholars of Civil Code and Environmental Protection Law," led by Prof. Akio Morishima of Nagoya University, visited China from Sept. 15 through 25 at the invitation of the Chinese Social Science Academy.

Members of the mission were made up of Prof. Morishima, group leader; Prof. Yoshihiro Nomura of Tokyo Metropolitan University, secretary; Prof. Takeo Hayakawa of Senshu University, Prof. Naoki Kobayashi of Senshu University, Prof. Katsuki Ishigai of Hiroshima University, Prof. Tetsuya Tsuchida of Kagawa University, Prof. Naoto Asano of Fukuoka University, and Attorney Kazuhisa Ito.

On Sept. 15, at Beijing University.

Discussions were held with Associate Director Jin Ruilin of Beijing University's School of Law, Deputy Director Liu Wen of the Association of Chinese Environmental Management, Economy and Law, and others on latest activities of the "Association of Chinese Environmental Science" and the "Association of Chinese Environmental Management, Economy and Law" which was set up under the former association, as well as on the curriculum of Beijing University's School of Law.

On Sept. 16, at People's University, Beijing:

Discussions were held with Assoc. Prof. Tong Rou of civil law, People's University's School of Law on Chinese civil laws and the curriculum of the People's University's school of law.

On Sept. 17, at Chinese Social Science Academy:

Discussions were held with Prof. Jiang Ping chief of the Civil Law Research Room, Beijing Politics and Law School, and others on the educational contents of the Beijing Politics and Law School.

Sept. 18, at Inner Mogolian University, Huhehaote City, Autonomous Region, Inner Mogolia:

Discussions were held with Prof. Liu Linlian, (deputy director, School of Law, Inner Mogolian University, specialist in criminal

law) and others on the actual situation of research and education in the school of law, the Inner Mongolian University.

On Sept. 21, at Peace Guest House, Beijing.

Discussions were held with Prof. Ren Guojun of marriage law, Beijing Politics and Law School, and others on the contents of the education of the Beijing Politics and Law School.

On Sept. 21, at Peace Restaurant, Beijing:

Opinions were exchanged with Prof. Zhou Fuxiang (chief secretary of the Association of Chinese Environmental Science) on the organization and activities of the Association and promotion of exchanges with Japanese researchers of environmental protection.

On Sept. 23, at Xibei Politics and Law School, at Xi'an city, Shanxi Province:

Discussions were held with Prof. Wang Luyuan, deputy director of Xibei Politics and Law School, and others on the educational contents of the school.

On Sept. 24, at Huadong Politics and Law School, Shanghai:

Discussions were held with Prof. Chen Tianta (director in charge of instruction and school affairs, Huadong Politics and Law School) and others on educational contents of the school.

On Sept. 25, at Fudan University, Shanghai:

Discussions were held with Prof. Wang Rulong (Fudan University, specialist in civil law) and others on the education of the school of law, International Economy Department, Fudan University.

Incidentally, Japanese scholars of law have been visiting China every year since 1979 at the invitation of the Chinese Social Science Academy.

[Reference: A feature article on "China's Civil and Environmental Protection Laws," *Jurisuto*, No. 785, published by Yuhikaku.]

By Prof. MICHITARO URAKAWA
HITOSHI TERAOKA