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7. Legal History, Sociology of Law and Legal Philosophy

a. Legal History

The 35th Congress of the *Japan Legal History Association* was held at Komazawa University, Tokyo, on Apr. 4 and 5, and the 31st Study Meeting at Kyoto University on Oct. 13 and 14, 1983. The programs of the two meetings were as follows:

[The 35th Congress]

First Day:

1. A Study on the Family of Beak-je King under the *Ritsuryo* System of Tang-Styled Governmental System, by Toshizo Ueno (Lecturer, Matsuzaka University).

2. The Law of Divorce for Commoners in the Tokugawa Period, by Tadashi Takagi (Associate Professor, Kanto Junior College).

3. On the Magic Crime, by Makoto Saikawa, (LL.M., Waseda University).

4. Shiguan Dangan or the Archives of the Department of Historical Compilation of Qing China, and Xingke Shishu or the Records of the Administration of Criminal Justice Punishments Compiled in the Qianlong Era, by Masaro Shimada (Professor, Meiji University).

5. Criminal Legislation in Contemporary China — Fragmentary Opinions from the Standpoint of Legal History —, by Shuzo Shiga (Professor, Chiba University).

Second Day:

1. On *Vindicatio* under the Ancient Roman Law, by Toshihiko Harada (LL.M., Waseda University).
2. The Compilation of Codes by Kreittmayer and Its Historical Significance, by Takuro Wada (Assistant, Hokkaido University).
3. On *Muen* or the Japanese Version of Asylum during the First Half of the Middle Ages in Japan, by Nobuhiro Ueda (Assistant, Tokyo University).
4. On *Shibetto* or a Chief of the *Kebiishi* Office, by Mitsuo Riko (Professor, Keio University).
5. The Land Law System in Medieval Japan, by Ryosuke Ishii (Professor, Soka University).

[The 31st Study Meeting]

Reports on the first day focused upon the topic “Medieval Society”, and those of the second day upon “Problems of the State”.

First Day:

1. The Rule of the Aristocrats in the Six Dynasties Period of Imperial China, by Michio Tanigawa (Professor, Kyoto University).
2. On *Bakuchi* or Gambling, by Yoshihiko Amino (Professor, Kanagawa Junior College).
3. A Social History of Death, by Kinya Abe (Professor, Hitotsubashi University).

Second Day:

1. Some Aspects of the Formation of the Nation State in Modern Japan, by Shin-ichi Yamamuro (Lecturer, Tohoku University).
2. Cicero's Theory of the State, by Michio Oka (Lecturer, Kyoto University).
3. Power Relations in the *Baku-Han* Regime — from the Viewpoint of the *Daimyo-Rusui* —, by Hiroshi Harafuji (Profes-

sor, Tohoku University).

4. *La République* and *La Famille* in Jean Bodin, by Osamu Naruse (Professor, Tokyo University).

a) Legal History of Japan

Toshizo Ueno discussed the political-military role of the family of Beak-je King under the *ritsuryo* or Tang-style governmental system of the Nara period. Makoto Saikawa talked about the treatment of magic crimes in the sections on violence and robbery of the Yoro Code, which was compiled as early as 718. Mitsuo Riko presented two opinions concerning the *Shibetto* or chief of the *Kebiishi* office and traced changes in the jurisdiction it possessed.

Nobuhiro Ueda presented the view that the principle of “*Muen*” or Japanese asylum was indispensable for the full understanding of medieval society. He attempted to make clear the meaning of freedom at that time. Yoshihiko Amino’s report attempted to trace the historical development of “*Bakuchi*” or gambling, and studied the problems of social disgrace, punishments and obligations it entailed. Ryosuke Ishii criticized a theory of Prof. Kaoru Nakada, who was the pioneer of the study of land law in the Middle Ages, and then presented his own opinions about the land law system.

Hiroshi Harafuji analyzed the power relationships existing between the “*Kogi*” or Shogunate and the “*Han*” or *Daimyo* by placing his focus on the “*Daimyo-Rusui*,” who had contact with both powers. Tadashi Takagi clarified the meaning of the “*Rien-jo*” or letter of divorce from husband to wife, and the actual conditions of divorce in the Tokugawa period.

Shin-ichi Yamamuro analyzed the role which political and legal sciences played in the formation of the concept of the state in modern Japan.

b) Legal History of the Orient

Michio Tanigawa examined the realities of the rule of “*wangzu*” or the local ruling class during the Six Dynasties

period. Masaro Shimada presented materials from Mongolian legal history such as the Altan-Khan Code, as well as other historical documents of Qing China.

Shuzo Shiga explained his studies of the penal code of the People's Republic of China promulgated in 1980, pointing out that it embodied the legal elements of traditional China.

c) Legal History of the West

Toshihiko Harada examined the origin and development of the "*vindicatio*" in order to explain the notion of "unified house power" in ancient Roman law. Takuro Wada talked about the codification work undertaken by Kreittmayer (1705–1790) in Bayern as one example of the "*naturrechtliche Kodifikation*" or codification based upon natural law. He also pointed out the significance of Landrecht. Kinya Abe talked about the topic of death from the viewpoint of social history, arguing that the concept of death prevalent in modern Western countries only originated in the Middle Ages. Osamu Naruse talked about the relationship between *la République* and *la famille*. He examined the definition of *citoyen* as "le franc sujet tenant de la souveraineté d'autrui" from "Six livres de la République," a work written by Jean Bodin who was said to be the founder of the modern theory of sovereignty.

By Prof. TOKUJI SATO
Prof. HIKOTA KOGUCHI
NORIIKO TANAKA

b. Sociology of Law

The Japanese Association of Sociology of Law held the 1983 Congress on May 14 and 15 at Keio University, Tokyo. The first day session was devoted to reports at section meetings and the second day to a symposium on "Study of Law-Consciousness",