

theory concerning conflict of law between *ius proprium* and *ius commune*, and insisted that *ius commune* had been prior to *ius proprium*, and also discussed the relationship between *ius commune* and *iura novit curia*. Mr. Irie re-examined the function of *Intendant* system which had supposedly contributed to strengthening of royal power under the reign of Louis XIV, pointing to its significance in royal administration. Prof. Kuroda presented ideas concerning the reforms of Stände or Estates, analyzed the socio-historical structure which had determined those ideas, and defined the characteristic features of "political conservatism". Mr. Mitsunari examined bourgeois activities in Landtag or state congress of Rhine in order to make clear its structure and role in the modernization of the whole of Preußen in the first half of the 19th century.

By Prof. HIKOTA KOGUCHI
NORIIKO TANAKA

b. Sociology of Law

The Japanese Association of Sociology of Law held its 1984 general meeting at Doshisha University, Kyoto, on May 12 and 13. The first day was devoted to individual reports, and the second day to a symposium on "Law-Consciousness of the Japanese". The agenda were as follows:

[First Day]

Division I: Field Research "Contemporary Issues of the Right to Water — Rationalization of Agricultural Water Use and Water Use Disputes"

(1) Preliminary Remarks, by Mitsue Kobayashi (Professor, Ibaragi University).

(2) The Present State of Rationalized Agricultural Water Use Projects — The Case of "Kasai Water Use" in Saitama Prefec-

ture, by Takeichi Ogawa (LL.M., Waseda University).

(3) Legal Issues of Rationalized Water Use, by Naoki Kataoka (Assistant, Hiroshima University).

(4) Types and Problems of Water Use Disputes, by Prof. Mitsue Kobayashi.

Division II

(1) Australian Aboriginal Land Rights, by Hideki Kaneshiro (LL.M., Aoyama Gakuin University).

(2) Agrarian Reform Laws of Spain and Mexico: A Historical Analysis, by Yoichi Ishii (Professor, Kanagawa University).

(3) An Aspect of Development of Legal Anthropology — From Primitive Law to Tribal Law and to Folk Law, by Masaji Chiba (Professor, Tokai University).

Division III

(1) Donald Black's Sociology of Law, by Toyotake Moriike (Part-Time Lecturer, Osaka University of Economics and Law).

(2) A Study of the Sociology of Law in England: Centering on the Theory of Alan Hunt, by Shin Oikawa (Professor, Kansei Gakuin University) and Yasuko Goto (Part-Time Lecturer, Kansai University).

(3) J.W. Hedemann und die Generalklauseln, by Seigo Hirowatari (Associate Professor, Tokyo University).

(4) Sociology of Law of Technological Innovation, by Koji Nakamura (Professor, Miyazaki University).

Division IV: "The State of Peace-Consciousness — As an Integral Part of Comprehensive Peace and Security Studies"

(1) Significance of the Peace-Consciousness Survey, by Hideo Wada (Professor, Meiji University).

(2) Regional Reports

a. Hokkaido, by Kazuo Ota (Professor, Rakuno Gakuen University).

b. Okinawa, by Hiroshi Nakachi (Associate Professor, Ryukyu Junior College).

- c. Japan, by Atsushi Furukawa (Professor, Tokyo University of Economics).

[Second Day]

Symposium: Law-Consciousness of the Japanese — Part III

(1) Toward Further Research into Contemporary Law-Consciousness, by Nobuyoshi Toshitani (Professor, Tokyo University).

(2) Legal Consciousness of the Japanese as Studied by Westerners, by Takao Yamada (Professor, Yokohama National University).

(3) The Present State of Japanese Law-Consciousness and Its Research, by Shigeaki Tanaka (Professor, Kyoto University).

(4) La conscience juridique des Japonais: un point de vue d'un civiliste, by Eiichi Hoshino (Professor, Tokyo University).

In the symposium, Prof. Toshitani summed up the discussions of the two preceding symposia on the same subject matter. He commented on the difference in perspective between practical legal studies and theoretical studies and classified the different arguments into the following points of analysis: a. the conceptualization of law-consciousness and its basic elements; b. the relationship between law-consciousness and legal behavior; c. the characteristics of Japanese law-consciousness and their change; d. the historical basis of law-consciousness of the Japanese; e. the methodology of empirical research on law-consciousness. Prof. Toshitani concluded by stating the need for a general theory for analyzing the phenomena of law-consciousness.

Prof. Yamada asserted that, for better understanding of Japanese law and the law-consciousness of the Japanese, one must refer to bias-free studies by foreign scholars and lawyers.

Prof. Tanaka re-examined Dr. Kawashima's modernistic and legalistic theory which had served as a predominant paradigm in the post-war studies on law-consciousness. Prof. Tanaka then presented an alternative theoretical framework based on a tripartite model; it consists of three types of law — universal law, managerial law, and interactional law. He pointed to the ambivalent

characteristics of the notion of rights and attitudes toward litigation among the Japanese and urged the creation of a new analytical model to operate beside the Western, universal one for a fuller understanding of the patterns of legal dynamics and legalization in contemporary Japan.

Prof. Hoshino, using his civil law expertise, argued that an examination of the Japanese Civil Code and its function was indispensable for exploring the law-consciousness of the Japanese. He pointed to the distinction between “law” and “a law”, i.e. *lebendes Recht* or customary law and *Staatsrecht* or state law and then proposed a re-examination of the modern concept of subjective rights.

By Prof. HIKOTA KOGUCHI
NARUMI HASEGAWA
NORIIHIKO TANAKA

c. Legal Philosophy

The Japan Association of Legal Philosophy held its 1984 general meeting at Sophia University, Tokyo, on November 17 and 18, under the common topic “Theories of Rights” with the following agenda:

[First Day]

(1) The Structure of Legal Justification, by Ko Hasegawa (Associate Professor, Hokkaido University).

(2) Moral Rights — Looking at John Stuart Mill, by Katsumi Koyano (Professor, Takushoku University).

(3) An Essay on the Contemporary Theories of Rights, by Mitsunori Fukada (Professor, Doshisha University).

(4) Ein Versuch zur Begründung der Theorie über das objektive und das subjektive Recht auf die Zivilrechtslehre, by Shigeyoshi Harashima (Professor, Kyushu University).