

## 10. Comparative Law

1. *The Japan Society of Comparative Law* held its 51st General Congress at Kobe University on May 15 and 16, 1988.

### *[The First Day]*

#### 1. Anglo-American Law Division

##### Reports:

(1) The Time of Contract Formation and the Principle of Intent, by Shinichiro Michita (Professor, Himeji Dokkyo University).

(2) Social Change and the Judicial Process: New Trends in Public Interest Litigation (Social Action Litigation) in India, by Masaki Ina (Associate Professor, Iwate University).

(3) Regulation, Beneficiaries and Judicial Review, by Yuji Saeki (Lecturer, Himeji Dokkyo University).

(4) The Regulation of Insider Trading, by Tetsuo Shimabukuro (Professor, Ryukyu University).

(5) Surrogate Motherhood, by Takeo Hayakawa (Attorney).

#### 2. Continental Law Division

##### Reports:

(1) Les concubinages en 1980's en France et respect de la vie privée, by Shuhei Ninomiya (Professor, Ritsumeikan University).

(2) Principe de la primauté de la preuve littérale en droit français, by Kazuyuki Tokuda (Professor, Nagoya University).

(3) Les questions de la prestation après du divorce en France, by Shuichi Itakura (Comparative Law Research Center).

(4) Die Lehre von Erfüllungsgehilfen in BRD, by Yoshio Shiomi (Assistant, Osaka University).

(5) Die Entwicklung des Arztvertragsrechts in Deutschland, by Hidehiro Takashima (LL.M., Kobe University).

#### 3. Socialist Law Division

##### Reports:

(1) Questions about Social Rights in Socialist Societies — A

Study of Housing Law, by Yu Shinoda (Assistant, Hokkaido University).

(2) On the Comparative Culture/History Study of Socialist Law — From the Viewpoint of Perestroika, by Taichiro Oe (Professor, Shizuoka University).

(3) Перестройка и правосудие по уголовным делам в СССР (Perestroika and Soviet Criminal Law):

(a) Trends Toward Amending the Criminal Law, by Hiroshi Ueda (Professor, Ritsumeikan University).

(b) The Draft of the Criminal Law Amendment, Tatsuhiko Ueno (Professor, Mie University).

(c) New Trends in Criminal Justice, by Kazutaka Sugiura (Associate Professor, Osaka University of Economics and Law).

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Symposium: The State and Religious Groups.

(1) A General Overview, by Koji Sato (Professor, Kyoto University).

(2) The United States, by Tsuyoshi Kinoshita (Professor, Rikkyo University).

(3) England, by Yutaka Tajima (Professor, Osaka Municipal University).

(4) France, by Makoto Oishi (Associate Professor, Chiba University).

(5) The Federal Republic of Germany, by Nozomu Shimizu (Professor, Waseda University).

(6) Socialist States, by Suekichi Kosugi (Associate Professor, Chuo University).

(7) Japan, by Masanori Shiyake (Associate Professor, Kyoto University).

For further details, see *Hikakuhō Kenkyū* (Comparative Law Journal) No. 50, 1988, Tokyo.

2. *The Japanese American Society for Legal Studies* held its 25th General Congress at Kobe University on May 14, 1988.

1. Reports:

(1) Recent Trends in American Law Regarding the Public Quality of Land Expropriation — The Poletown Case, by Yoshiko Terao (Associate Professor, Tokyo University).

(2) The Adequate and Independent State Ground Doctrine, by Atsushi Kinami (Associate Professor, Kyoto University).

2. Study Meeting — Case Study:

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(1) The Steps of the Judicial Review System, by Yoshie Sakai (Professor, Aichi University).

(2) *Edward v. Aguillard*, 107 S. Ct. 2573(1987), by Kyoko Kinpara (LL.M., Tokyo University).

(3) *Evans v. Jeff*, 106 S. Ct. 1531 (1986), by Toshio Yamada (Lecturer, Sanno College).

(4) *Celotex Corp. v. Catrett*, 106 S. Ct. 2548 (1986); *McDermott v. Kansas Public Service Company*, 712 P. 2d 1199 (Kan. 1986), by Hideyuki Kobayashi (Associate Professor, Sophia University).

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(1) *McCleskey v. Kemp*, 107 S. Ct. 1756 (1987), by Hiroshi Fujita (Lecturer, Hiroshima University of Economics).

(2) *Securities Industry Association v. Board of Governors*, 807 F. 2d 1052 (Colum. 1986), by Yasuhiro Kawaguchi (Lecturer, Ehime University).

(3) *McMahon v. Shearson/American Express, Inc.*, 107 S. Ct. 60 (1987), by Tatsuo Uemura (Professor, Senshu University).

(4) *Carpenter v. United States*, 108 S. Ct. 316 (1987), by Katsuro Kanzaki (Professor, Kobe University).

The Society also held its 39th Study Meeting at Tokyo University on December 3, 1988.

Case Study:

(1) *Rasmussen v. South Florida Blood Service Inc.*, 500 So. 2d 533 (Fla.1987), by Kazuyuki Iitsuka (Associate Professor, Ibaraki University).

(2) *Board of Education of the City of Plainfield v. Cooperman*, 507 A. 2d 253 (N.J. 1986), by Keikichi Ohama (Lecturer, Senshu University).

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(1) Bowsher v. Synar, 106 S.Ct. 3181 (1986), by Takemichi Hatakeyama (Professor, Rikkyo University).

(2) ① Loigman v. Kimmelman, 505 A. 2d 958 (N.J. 1986);  
② In re Request of Rosier; Snohomish County v. Public Utility District No. 1 of Snohomish County, 717 P. 2d 1353 (Wash. 1986), by Kenichi Fujita (Lecturer, Yamanashi Gakuin University).

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(1) West Publishing Company v. Mead Data Central Inc., 799 F. 2d 1219 (8th Cir. 1986), by Takashi Sugiyama (Attorney).

(2) Stevens v. Stevens, 23 Ohio St. 2d 115, 492 N.E. 2d 131 (1986), by Masayuki Tanamura (Lecturer, Aoyama Gakuin University).

For further details, see *Amerika Hō* (American Law Journal) [1988-2] and [1989-1], Tokyo.

3. *Japanisch-Deutsche Gesellschaft für Rechtswissenschaft* held its 1988 General Congress at the Deutsches Kulturzentrum in Tokyo on September 20, 1988. Dr. Friedrich Kübler (Professor, Universität Frankfurt/Main) gave a lecture on “Öffentlichkeit als Tribunal? — Wandlungen im Verhältnis von Pressefreiheit und Persönlichkeitschutz,” translated by Akio Ebihara (Associate Professor, Tokyo University).

He also gave lectures as follows.

September 21, 1988, at Tokyo University.

Effizienz als Rechtsprinzip? — Zur Bedeutung der ökonomischen Analyse des Rechts für die Rechtspraxis, translated by Tomonobu Yamashita (Associate Professor, Tokyo University).

September 24, 1988, at the Deutsches Kulturzentrum in Kyoto.

Öffentlichkeit als Tribunal?, translated by Masanori Shiyake (Associate Professor, Kyoto University).

September 28, 1988, at the Deutsches Kulturzentrum in Osaka.

Effizienz als Rechtsprinzip?, translated by Tsuneo Matsumoto (Associate Professor, Osaka Municipal University).

September 30, 1988, at Hokkaido University.

Effizienz als Rechtsprinzip?, translated by Kozo Ogawa (Associate Professor, Osaka Municipal University).

For further details, see *Nichi-Doku Hōgaku* (Jahrbuch der Japanisch-Deutschen Gesellschaft für Rechtswissenschaft), No.13, 1989, Tokyo.

4. *La Société franco-japonaise de Science juridique* held its 28th General Meeting at Tokyo University on March 19, 1988. Susumu Ota (Ministry of Health and Welfare) gave a lecture on “Comparative Theory on Social Security in Japan and France,” and Masahiko Iwamura (Associate Professor, Tohoku University) gave a lecture on “The Position of the Insured’s Spouse under the Social Security Law of France.”

For further details, see *Nichi-Futsu Hōgaku* (Franco-Japanese Law Journal) No. 16, 1989, Tokyo.

5. *The Japan Association of EC Studies* held its 9th Annual Conference at Tokai University on November 26 and 27, 1987.

### *[The First Day]*

#### 1. Individual Themes

##### Reports:

(1) The Single European Act and Denmark, by Nobuhiko Yoshitake (LL.M., Keio Gijuku University).

(2) The Process of Establishing the EC’s Common Agricultural Policy — Concerning the Handling of England’s Milk Marketing Board, by Yoshiyuki Hiraoka (Lecturer, Seishu Junior College).

(3) The Changing Role of the EC Court : Some Recent Developments, by Bernard Rudden (Professor, The University of Oxford)

2. Unified Theme : Some Problems with Completing the EC’s Internal Market.

##### Reports:

(1) The Fundamental Theory and Future Prospects of the EC’s Internal Market — Considering the Research of Local Japanese Companies, by Soko Tanaka (Professor, Tohoku University).

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(2) The Role of Liberalizing Capital Movement in Completing

the EC's Internal Market, by Kaoru Hoshino (Lecturer, Kokugakuin University).

(3) The Effects of Completing the EC's Internal Market —Using Automobiles as a Case Study, by Kazunori Watanabe (Institute of Modern Culture).

(4) Completing the EC's Internal Market and Japanese Enterprises, by Norio Komuro (Associate Professor, National Defense Academy).

(5) The EC's Internal Market in the World Economy — Its Position and Function, by Akio Nomura (Professor, Tokyo University of Economics).

For further details, see *Nippon EC Gakkai Nempō* (Annual of EC Studies in Japan), No.9, 1989, Tokyo.

**6.** *The Japanese Association of Socialist Law Study* held its 1st National Study Meeting at Konan University on May 14, 1988.

Lecture:

The Progress and Problems in Studying Socialist Law in Japan, by Teruo Matsushita (Professor, Teikyo University).

Symposium : Socialist Revolution and Legal Culture.

(1) The Soviet Union, by Toshio Morishita (Professor, Kobe University).

(2) The People's Republic of China, by Atsushi Asai (Professor, Aichi University).

(3) East European Countries, by Akio Komorida (Associate Professor, Tokyo University).

For further details of the meeting, see Aikyo, *Socialist Law (Review)*, 742 *Hōritsu Jihō* 192 (1988).

The Association also held the following Study Meetings in 1988: January 29, at Waseda University.

Some Recent Problems in East European Countries Concerning Enterprise Law, by Hiroshi Shimamura (Lecturer, Meiji University).

March 18, at Waseda University.

Political Reform Theory in the People's Republic of China and Perestroika — A Comparative Essay Focusing on the History of the Construction of the Legal System and the Separation of Powers, by

Seikichi Hariu (Professor, Tokyo Metropolitan University).

July 8, at Waseda University.

The 19th Soviet Communist Party Conference and Reform of the Party, by Jiichi Niimi (Professor, Fukushima University).

September 30, at Waseda University.

The Sources of Law in the People's Republic of China, by Osamu Takamizawa (LL. M., Tokyo University).

December 16, at Waseda University.

Perestroika and Trends Toward Amending the Soviet Constitution.

(1) The Soviet System, by Masataka Takemori (Professor, Tokyo Metropolitan Junior College of Commerce).

(2) The Judicial System, by Akio Komorida (Associate Professor, Tokyo University).

(3) The Federal System, by Hiromichi Hayakawa (Professor, Waseda University).

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