

## 10. Comparative Law

1. *Japan Society of Comparative law* held its 53rd General Congress at Kagawa University on June 2 and 3, 1990.

### *[The First Day]*

Lecture: Consumer Protection in England, by Auberey L. Diamond (Professor Emeritus, London University).

#### 1. Anglo-American Law Division

Reports:

(1) Sovereignty of Parliament vs. Supremacy of Community Law, by Tamio Nakamura (Associate Professor, Seikei University).

(2) The Jury System in England, by Shin Oikawa (Professor, Kansei Gakuin University).

(3) Signer's Duty to Read and Understand in England, by Y. Yamaguchi (Associate Professor, Women's College of Fine Arts).

(4) Compensation for Wrongful Death in the English Law of Torts, by Kazuo Yoshida (Assistant, Waseda University).

(5) Freedom of Speech in the United States, by Norikazu Kawagishi (Assistant, Waseda University).

#### 2. Continental Law Division

Reports:

(1) La nouvelle loi sur l'exercice de l'autorité parentale en France, by Michihiro Tanaka (Professor, Kansei Gakuin University).

(2) Interim Order and "Référé" in France, by Koich Honda (Associate Professor, Mie University).

(3) La fonction publique en France, by Misako Ueno (Associate Professor, Chuo University).

(4) Recent Development of Guardianship Law in the Federal Republic of Germany, by Yu Kamitani (Associate Professor, Kyoto Gakuen University).

(5) Reform of the Civil Court Law in Korea, by Masanobu Kawa (Lecturer, Teikyo University).

### 3. Socialist Law Division

#### Reports:

(1) The Practice of Criminal Justice in the People's Republic of China, by Hikota Koguchi (Professor, Waseda University).

(2) The Structure of Chinese Law as a Standard to Solve Civil Issues and Its Practical Application, by Ken Suzuki (Assistant, Hokkaido University).

(3) Perestroika and Labor Law, by Hiroshi Takei (LL. M., Nagoya University).

(4) The "Right to Education" in the Russian Revolution, by Hiroshi Sasanuma (LL. M., Waseda University).

(5) The Fall of the Socialist Legal System in East Germany and Problems in the Unification of Law in United Germany, by Mutsuo Okawa (Associate Professor, Nagoya University).

#### *[The Second Day]*

#### Symposium: Separation of Powers.

(1) Introduction, by Hisao Kuriki (Professor, Sophia University).

(2) England, by Yukio Matsui (Associate Professor, Shimane University).

(3) United States, by Shigeki Matsui (Associate Professor, Osaka University).

(4) France, by Yoichi Higuchi (Professor, Tokyo University).

(5) Federal Republic of Germany, by Hisao Kuriki (Professor, Sophia University).

(6) Soviet Union, by Nobuo Shimotomai (Professor, Hosei University).

(7) Eastern Europe, by Takayuki Ito (Hokkaido University).

(8) Japan, by Katsutoshi Takami (Professor, Hokkaido University).

(9) Asia, by Takashi Ebashi (Professor, Hosei University).

(10) Comments, by Yoichi Higuchi (Professor, Tokyo University).

For further details, see *Hikakuhō Kenkyū* (Comparative Law

Journal) No. 52, 1990, Tokyo.

2. *The Japanese American Society for Legal Studies* held its 27th General Congress at Gakushuin University on May 12, 1990.

Symposium on American Civil Jury: Do Juries Work Well in Product Liability Cases?

Reports:

(1) Myth and Reality on Civil Jury: Reasons to Institutionalize the Civil Jury System, by Takashi Maruta (Professor, Konan University).

(2) U.S. Product Liability and the Jury System, by Juichi Yoneda (Tuchiya Factory Ltd.).

(3) The Strength of the Civil Jury, by Richard Lempert (Professor, Michigan University Law School).

(4) Some Arguments Against the Use of the Jury in Product Liability Cases, by Richard B. Parker (Professor, Hiroshima Shudo University).

Discussion.

The Society also held its 42nd Study Meeting at Osaka Municipal University on November 10, 1990.

Case Study:

(1) ① *Largey v. Rothman*, 540 A. 2d 504 (1988); ② *Arena v. Gingrich*, 748 P. 2d 547 (1988), by Noboru Yamashita (Lecturer, Nagasaki Prefectural University of International Economics).

(2) *Jimmy Swaggart Ministries v. Board of Equalization of California*, 110 S. Ct. 688 (1990), by George R. Harada (Lecturer, Hiroshima Keizai University).

(3) *FW/PBS, Inc. v. City of Dallas*, 110 S. Ct. 596 (1990), by Hiroyuki Ota (Assistant, Doshisha University).

(4) ① *Texas v. Johnson*, 109 S. Ct. 2533 (1989); ② *United States v. Eichman*, 110 S. Ct. 2404 (1990), by Masako Kamiya (Associate Professor, Hokkaido University).

The Society also held its 43rd Study Meeting at Tokyo University on December 1, 1990.

Case Study:

The First Division

(1) *Brock v. Robbins*, 830 F.2d 640 (7th Cir. 1987), by Noriyasu Watanabe (Nihon Life Insurance Mutual Company).

(2) *In re A.C.*, 533 A. 2d 611 (D.C. 1987), *vacated and remanded for reh'g en banc*, by Atsumi Hattori (LL. M., Sophia University).

The Second Division

(1) *Waden v. Parks*, No. 88-1264 (1990), by Hitoshi Yabe (LL. M., Senshu University).

(2) *Madden v. C & K Barbecue Carryout, Inc.*, 758 S.W. 2d 59 (Mo. 1988), by Hiroyuki Aono (Associate Professor, Komazawa University).

(3) *Webster v. Reproductive Health Services*, 109 S. Ct. 3040 (1989), by Michiko Ishii (Associate Professor, Tokyo Metropolitan University).

(4) *Cruzan v. Director, Missouri Department of Health*, 110 S. Ct. 2841 (1990), by Eiji Maruyama (Professor, Kobe University).

For further details, see [1990]–[1991] *America Hō* (American Law Journal), 1989–1991, Tokyo.

**3.** *Japanisch-Deutsche Gesellschaft für Rechtswissenschaft* held its 1990 General Congress at Deutsches Kulturzentrum in Tokyo on September 28 and 29, 1990. Thomas Oppermann (Tübingen University) gave lectures as follows:

The First Day: Constitutional Problems on the Re-unification of Germany.

The Second Day: The Legal Point of View towards the European Economic Integration in 1992.

For further details, see *Nichi-Doku Hōgaku* (Jahrbuch der Japanisch-Deutschen Gesellschaft für Rechtswissenschaft), No. 15, Tokyo.

**4.** *La Société franco-japonaise de Science Juridique* held its 30th General Meeting at Tokyo University on March 19, 1990. Atsushi Omura (Associate Professor, Tokyo University) gave a lecture on “Judicial Precedent as Phenomenon - Subsequent Developments of ‘Civil Case Theory in France’”, and Seichi Yamada (Associate Pro-

fessor, Kobe University) gave a lecture on "Unicorporated Partnerships in France".

For further details, see *Nichi-Futsu Hōgaku* (Franco-Japanese Law Journal) No. 17, 1990, Tokyo.

5. *The Japan Association of EC Studies* held its 11th Annual Conference at Toyo University on November 10 and 11, 1990.

Unified Theme: The European Integration in 1992 and the World.

### ***[The First Day]***

Reports:

(1) The European Community's Policy towards the Soviet Union and Central and Eastern Europe, by Toshiro Tanaka (Professor, Keio Gijuku University).

(2) European Economic Integration in 1992 and Problems of Foreign Workers, by Takamichi Kajita (Associate Professor, Tsudajuku University).

(3) The Reforms of the EC's Common Agricultural Policy in the Second Half of the 1980s in West Germany, by Yoshiyuki Nakabayashi (LL. M., Tohoku University).

(4) The Evolution of the European Economic and Monetary Integration, by Kyuya Shimazaki (Professor, Kanto Gakuin University).

Lecture: European Integration; Impact of World Trade and Capital Flows, by Seamus Gillespie (EC Committee Mission in Japan).

### ***[The Second Day]***

Reports:

(1) The EC's Responses to the Political and Economic Changes in Middle and East European Countries, by Takuji Shimano (Professor, Gakushuin University).

(2) GDR's Preparations for Legal and Economic Infrastructure towards Unification, by Koji Kobayashi (Lecturer, Hokkaido Tokai University).

(3) European Attempts to Harmonize Company Law, by Takayasu Okushima (Professor, Waseda University).

Discussion.

For further details, see *Nippon EC Gakkai Nempō* (Annual of EC Studies in Japan), No. 11, 1991, Tokyo.

6. *The Japanese Association of Socialist Law Study* held its 3rd National Study Meeting at Okayama University on June 1, 1990.

Symposium: Crisis and Collapse of the "Leading Part" of the Communist Party and Creation of New Political Party System.

(1) Introduction, by Hiromichi Hayakawa (Professor, Waseda University).

(2) Soviet Union, by Katsuya Ichihashi (Associate Professor, Nagoya University).

(3) Hungary, by Hiromichi Hayakawa (Professor, Waseda University).

(4) Rumania, by Shigeo Mutsushika (Saitama Women's Junior College).

(5) People's Republic of China, by Masamichi Konoma (Associate Professor, Teikyo University).

(6) Socialist Party Theory, by Tetsuro Kato (Associate Professor, Hitotsubashi University).

(7) Conclusion, by Isamu Fujita (Professor, Kanagawa University).

The Association also held the following Study Meetings in 1990:  
January The Judicial System before the Russian Revolution, by Kazuhiko Takahashi (Assistant, Tokyo University).

March Great Conversion of the Soviet Union and East European Countries and Law, by Tsuneo Inako (Professor, Nagoya University).

May Lease (Arenda) Law of the Soviet Union, by Seizo Tadagawa (Professor, Waseda University).

July Ownership System Reform in the Soviet Union, by Isamu Fujita (Professor, Kanagawa University).

September Some Problems of Perestroika and Law, by B. Topornin (USSR. Institute of State and Law).

October One Year of the Mazowietzky Government in Poland,  
by Akio Komorida (Professor, Tokyo University).

December Unification of Germany – in the Connection of the  
Legal Inheritance of the German Democratic Republic, by Hisashi  
Miyajima (Gakushuin University).

For further details, see *Shakai Shugi Hō Kenkyū* (Report of  
Japanese Association of Socialist Law Study), No. 12, 1991, Tokyo.

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