

torney), as reporters, and Kozo Fujita (Attorney), as coordinator.

(2) *Die Vorstellung der Konfliktlösung in der Theorie und Praxis* (The Concept of the Settlement of the Dispute in the Theory and Practice), by Yasuo Ueno (Professor, Kansai University), Ryoichi Yagi (Judge, Osaka District Court), as reporters, and Masahiro Suzuki (Professor, Konan University), as coordinator.

(3) *Insolvency and Security Rights*, by Tetsuo Kato (Professor, Waseda University), Kaoru Kamata (Professor, Waseda University), Koji Takeuchi (Attorney), as reporters, and Yasuhei Taniguchi (Professor, Teikyo University), as coordinator.

In the movement towards the amendment of the bankruptcy laws, the extraordinary meeting of *the Japanese Association of the Law of Civil Procedure* was held at the Tokyo Chamber of Commerce on April 3, 1999, under the cosponsorship of the Commercial Law Center, Inc. and the Association. The symposium titled "The Direction of the Amendment of the Bankruptcy Laws: Focusing on the New Reorganization Proceeding" was held. The coordinator was Hiroshi Takahashi, Professor, Tokyo University. Five reporters were: Takuya Miyama (Counselor, Civil Affairs Bureau of the Ministry of Justice); Hiroshi Yamamoto (Professor, Hosei University); Akio Shinomiya (Attorney); Kazuhiko Yamamoto (Professor, Hitotsubashi University); and Katsumi Yamamoto (Professor, Kyoto University).

TETSUO KATO
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6. Criminal Law and Procedure

1998

The Criminal Law Society of Japan held its 76th General Meeting at Osaka City University on May 23rd and 24th, 1998. The topics of each of the reports, lectures, and workshops were:

Reports (Individual Studies):

(1) On “Interactivity of Illegal Acts with Legal Acts” in Criminal Law (*Zum Problem des rechtmässigen Alternativverhaltens im Strafrecht*), by Toyohiro Sukimoto (Lecturer, Hakuo University)

(2) The Legitimacy of, and the Legal Limits to, the Investigatorial Method of “Entrapment”, by Takayuki Sato (Associate Professor, Yokohama-National University).

(3) The Influence of Illegal Investigations on Later Proceedings of Trial and Sentencing (*Das unzulässige Verhalten der Ermittlungsbehörde und die Strafzumessung*), by Takashi Uto (Associate Professor, Okayama University)

(4) A Note on the “Status Requirement” in Complicity Crimes (*Die Teilnahme am Sonderdelikt*), by Taro Sogoh (Associate Professor, Ehime University)

(5) The Efficiency of, and the Problems of, the Theory of Multiple Legal Interests (*Die Gültigkeit und Aufgabe des Pluralismus in dem Rechtsgutsbegriff*), by Tetsuo Seki (Associate Professor, Kokushikan University)

(6) Reforms to the Ordinary and Compulsory Prosecution Procedure (*Die Rekonstruktion des Antrag auf gerichtliches Verfahren, Fushinpan-Tetsuzuki*), by Tatsuyuki Shinya (Associate Professor, Risho University)

Reports (Joint Studies):**1. Organ Transplantation and Criminal Law**

Introduction Saku Machino (Professor, Sophia University)

(1) The Concept of Death: from the Viewpoint of Brain-Death Analysis (*Recht auf Leben und Japanisches Transplantationsgesetz: Um Hirntod als einheitliches Kriterium des Todes Menschen*), by Madoka Nagai (Professor, Kanagawa University)

(2) Organ Donation and the Will to Donate Organs: the Consent Requirement and the Ways of Expressing the Will (*Der Organspender und seiner Organspendewille*), by Teruyuki Yamamoto (Associate Professor, Teikyo University)

(3) Death Investigation and Organ Transplantation: Criminal

Procedure and Organ Transplantation, by Kazuya Kondo (Lecturer, Toyama University)

(4) The Concept of Death: Supporting Theory for the New Organ Transplantation Act, by Akira Ishihara (Professor, Kobe-Gakuin University)

(5) Organ Donor and the Will to Donate: Why is the Consent of the Donor Himself or Herself Required?, by Osamu Niikura (Professor, Kokugakuin University)

(6) Autopsy and Organ Transplantation: On the Meaning of the System of Autopsy, by Takaaki Matsumiya (Professor, Ritsumeikan University)

2. The Preservation and Publication of Criminal Justice Information

Introduction Toshikuni Murai (Professor, Hitotsubashi University)

(1) Criminal Justice Information in a Democratic Society: the Legal Framework of its Preservation and Publication, by Munenobu Hirakawa (Professor, Nagoya University)

(2) The Practical Application of "Finalized Criminal Suit Document Law" by Mitsutaka Katsumaru (Councillor, The Ministry of Justice)

(3) Utilizing Criminal Trial Records: From the Viewpoint of Defense Counsel, by Junichiro Hironaka (Lawyer)

(4) Finalized Criminal Suit Document Law: Some Problems from a Researcher's Point of View, by Itaru Fukushima (Professor, Ryukoku University)

3. New Trends in Criminology and Penal Policy

Introduction Akira Segawa (Professor, Doshisha University)

(1) Environmental Criminology and Protection from Victimization, by Haruo Nishimura (Professor, Kokushikan University)

(2) The Life-Course Perspective and Policies on Crime, by Yutaka Harada (Police Institute of Science)

(3) Victimology and Criminal Policy, by Norio Takahashi (Professor, Waseda University)

(4) Feminist Criminology and Criminal Law, by Yoshiko Iwai (Professor, Senshu University)

(5) Paradigm Shift in Criminology, by Kazuhiko Tokoro (Professor, Rikkyo University)

Lecture:

“The Death Penalty in America: Recent Developments in Law and Research”

Joseph L. Hoffmann (Professor, Indiana (University) Law School):
translated by Masahito Inoue (Professor, Tokyo University)

Workshops:

(1) Educational Method of Criminal Law and Procedure, by Morikazu Taguchi (Professor, Waseda University), Masahide Maeda (Professor, Tokyo Metropolitan University)

(2) “Unavoidability (Adequacy)” in Self-Defense (*Die Proportionalität in der Notwehr*), by Naoki Oda (Associate Professor, Hiroshima University)

(3) The Theory of Complicity (*Abgrenzungskriterium zwischen Täterschaft und Teilnahme*), by Mikito Hayashi (Professor, Sophia University) & Yutaka Usuki (Associate Professor, Otaru University of Commerce)

(4) Financial Crimes, by Norihisa Kyoto (Professor, Meiji-Gakuin University)

(5) Protection of “the Life of an Unborn Child” in Criminal Law (*Der Schutz des “Lebens des ungeborenen Menschen” und das Strafrecht*), by Katsunori Kai (Professor, Hiroshima University)

(6) Right to Counsel of Indigent Suspects, by Takayuki Shiibashi (Professor, Chuo University)

(7) Criminal Retrial, by Tatsuya Tada (Professor, Daito Bunka University) & Norio Mizutani (Associate Professor, Aichi-Gakuin University)

(8) Juvenile Law: Justice and Welfare in the Family Court’s Findings of Facts, by Hiroyuki Kuzuno (Associate Professor, Shizuoka University)

(9) Computer Network Crimes and Criminal Legislation, by Masayuki Arakawa (Associate Professor, Kansei-Gakuin University)

(10) Criminal Settlements and the Restitution of Damages (*Täter — Opfer — Ausgleich und Wiedergutmachung*), by Norio Takahashi (Professor, Waseda University) & Toshio Yoshida (Professor, Hokkai-

Gakuen University)

(11) War Crimes and International Criminal Courts, by Akira Maeda (Associate Professor, Tokyo University of Art and Design)

1999

The Criminal Law Society of Japan held its 77th General Meeting at Waseda University on May 30th and 31st, 1999, commemorating the 50th Anniversary of the Society. The topics of each of the reports, lectures, and workshops were following:

Commemorative Lectures:

(1) Celebrating the 50th Anniversary of the Criminal Law Society of Japan, by Shigemitsu Dando (Emeritus Professor, Tokyo University)

(2) Developments of Substantive Criminal Law Theories During 50 Years of the Criminal Law Society of Japan, by Haruo Nishihara (Emeritus Professor, Waseda University)

(3) Developments of Jurisprudence on Criminal Procedure during 50 Years of the Criminal Law Society of Japan, by Koya Matsuo (Emeritus Professor, Tokyo University)

Report on International Conferences:

United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, by Kuniiji Shibahara (Professor, Tokyo University)

Reports (Individual Studies):

(1) Constitutional Limitations on Police Activity, by Mitsuo Shuumi (Professor, Asahi University)

(2) Reconstructing the Doctrine of Self-Defense: The Limits of Justification in Situations of Mutual Battle (*Zur Lehre von der Notwehr*), by Takashi Hashizume (Associate Professor, Kobe University)

(3) Unity in Legal Order and the Secondary-Collateral-Nature and the Preventive Effect of Criminal Law, by Toru Tsunemitsu (Professor, Okayama University)

(4) The Means to "Examine" a Witness: Article 37, paragraph 2 of the Constitution and Article 328 of the Code of Criminal Procedure,

by Shinji Horie (Associate Professor, Kyoto University)

(5) The Role of *Ratio Decidendi* in Criminal Procedure, by Makoto Tomita (Associate Professor, Tohoku University)

Reports (Joint Studies):

1. General Considerations on Complicity Doctrines (*Sämtlich Prüfungen der Beteiligungslehre*)

Introduction, by Keiichi Yamanaka (Professor, Kansai University)

(1) Scholastic Arguments and Judicial Judgments on Complicity Doctrines (*Die Rechtsprechung und die Literatur auf den Gesichtspunkt der Teilnahme*), by Yoshihisa Okoshi (Professor, Tokyo University)

(2) Principal and Accessory: the Grounds and the Limits (*Täterschaft und Teilnahme: Ihrer Grund und ihre Grenze*), by Takaaki Matsumiya (Professor, Ritsumeikan University)

(3) Complicity Doctrines and the Doctrines of Crime Structure: Joint (and Several) Nature of Illegality (*Die Teilnahmelehre und die Lehre des Verbrechensaufbaus*), by Norio Takahashi (Professor, Waseda University)

2. Contemporary Issues in the Findings of Facts

Introduction, by Yuji Shiratori (Professor, Hokkaido University)

(1) Fact-Finding Based on Circumstantial Evidence, by Keiichi Muraoka (Lawyer), Akio Ishizuka (Judge)

(2) Analysis of Evidential Structure of Cases and Due Process at Criminal Fact-Finding, by Norio Mizutani (Associate Professor, Aichi-Gakuin University), Hideaki Kawasaki (Professor, Tohoku University)

(3) The Circumstantial Evidence on the Theory of “Presumption of Innocence”, by Hajime Hirata (Professor, Mie University), Akimasa Takada (Professor, Osaka City University)

3. Issues in Juvenile Justice Reform

Introduction, by Toyoji Saito (Professor, Konan University)

(1) Focusing on the Fact-Finding Function of the Judicial Social Welfare in Juvenile Justice, by Akira Hattori (Professor, Aichi-Gakuin University)

(2) On the Rationalization of the Delinquent’s Fact-Finding Procedure, by Atsushi Fukui (Professor, Hosei University)

(3) Disclosure of Information on Juvenile Hearing and Protection

of Victims, by Osamu Niikura (Professor, Kokugakuin University)

(4) A Critical Analysis of the Proposal for Punitive Juvenile Law, by Hiroyuki Kuzuno (Associate Professor, Ritsumeikan University)

(5) On the Amendments of the Juvenile Law in Light of the Rights of the Child, by Masaaki Fukuda (Professor, Hitotsubashi University)

Designated Commentators: Kazuhiko Tokoro (Professor, Toa University) & Katsuhiko Moriya (Professor, Tokyo Keizai University)

Workshops:

(1) Corporate Crime, by Hitoshi Saeki (Professor, Tokyo University)

(2) Issues in Negligence Crimes (*Zur Risikoübernahme beim fahrlässigen Delikt*), by Makoto Ida (Professor, Keio University)

(3) Self-Induced Mental Disorder (*Actio Libera in Causa*), by Toshimasa Nakazora (Associate Professor, Kanto-Gakuen University)

(4) Abandonment of Crimes (*Rücktritt vom Versuch*), by Jun Shiomi (Professor, Kyoto University)

(5) Issues in Fraud Crimes (*Die einige Probleme über den Betrug*), by Hisashi Sonoda (Professor, Kansai University)

(6) The System of Assigned Counsel for Suspects, by Satoshi Okubo (Professor, Kurume University)

(7) Subjects in a Trial (*Prozeßgegenstand*), by Akira Goto (Professor, Hitotsubashi University)

(8) Criminal Retrials, by Yoshitomo Ode (Professor, Kyushu University)

(9) Child Abuse and Criminal Control, by Tetsuo Abe (Professor, Hokuriku University)

(10) Press Reports on Crimes and Human Rights, by Munenobu Hirakawa (Professor, Nagoya University)

(11) Crimes Against Humanity, by Akira Maeda (Professor, Tokyo University of Art and Design)

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