

9. Legal History, Sociology of Law and Legal Philosophy

I. Legal History

The Japan Legal History Association held:

the 50th General Meeting at Niigata University on April 18 and 19, 1998.

the 51st General Meeting at Kokugakuin University on April 10 and 11, 1999.

The Association also held:

the 46th Study Meeting at Kobe University on October 3 and 4, 1998.

the 47th Study Meeting at Osaka University on October 2 and 3, 1999.

A. The 50th General Meeting

(1) The Medical Law in Modern Japan, by Hidehiko Kasahara & Kazuki Kojima.

(2) The King's Jurisdiction and its Privileges in Late-Medieval Germany, by Masaki Taguchi.

(3) The Legal Treatment of Gold & Silver in the Sendai Clan at the end of the Tokugawa Era, by Masashi Yoshida.

(4) *Syusitia* in Ancient Sparta: From the view of *syumuposion*, by Masahito Furuyama.

(5) (The Memorial Lecture) Why The History of English Law Has Still Not Been Finished, by John Baker, (Presided over by Yasunori Katsunishi).

(6) *Hososhikyosho* (Handbook for Lawyers) and *Saibansiyousho* (Handbook for Judges), by Takao Nagamata.

(7) The Prohibition against Interests in Islam, by Yoshiaki Morozumi.

(8) Study on the Provision of *Hanzaizairyuyoushin* in Qing Dynast's *Lu*, by Masato Nakamura.

(9) The Process of Making the Kamakura Governmental Law, by

Kuninobu Oka.

(10) The Process of Revising the Civil Law under the Occupation after WW II: Documents and General Prospect, by Mikihiro Wada.

B. The 51st General Meeting

(1) On the Function of Legal Documents *Myobo-kammon*, Masahiro Segi (Kokugakuin University).

(2) A Study of Punishment in Yuan China : A Reconsideration of the Punishment System and its Hypothesis, by Kuninori Sato (Nihon University).

(3) A Study on *Wayo* in the Judgements by Kamakura Government: Some Ideas from Historical Materials Concerned, by Yasuhiro Nishimura (Niigata University).

(4) The Double Sides of 'Conflicts' in Ancient Greek Based on *Peitho* and *Peithomai*, by Yasunori Kasai (Niigata University).

(5) The Political Organization of *Han* and the Development of the Bureaucracy, by Hiroshi Kamata (Sensyu University).

(6) Law and Rule by Mori in the Warring States Period, Focusing on the Treatment of Conflicts, by Keiichi Kouno (Kyusyu University).

(7) The Historical Meaning of the *Maréchaussée* Reform in 1720, from Point of view of the Relation with the Ruling System of the French Absolute Monarchy, by Shinobu Masamoto (Nagasaki University).

(8) Modern Family Law in Germany and Gender: the Treatment of Single Mothers in General Land Law, by Miho Mitsunari (Setsunan University).

(9) The Beginning of *Gyomeigyoji* (Signature and Seal of the Emperor): the Systems of *Dajōkan* (Great Council of State) and Cabinet from Documents, by Toru Nakanome (Tsukuba University).

C. The 46th Study Meeting

(1) A Short Study of Official Positions in South-Song China, by Yasushi Kawamura.

(2) The Judicial Dynamism of France during the *Ancient Régime*: Conflicts over the Jurisdictions of *Le Tribunal de Commerce*, by Hidemi Matsumoto.

- (3) Conflicts over Land during the *Heian* Period before *Insei* (Rule by 'Cloistered Emperor'): the Judicial Organization and its Jurisdiction, by Yasuo Umeda.
- (4) The Crime of Illegal Confiscation by Public Officers in the Criminal Laws in *Qing* China, by Shigemitsu Morita.
- (5) Self-government and the Bureaucracy: Local Autonomy and Control by the Central Government in Modern Prussia, by Kenji Mitsunari.
- (6) A Historical Turning Point in Germany: The decision for a Social Market Economy in 1948, by Canute Wolfgang Nell, interpreted by Kouji Ogawa.
- (7) Symposium for the 100th Anniversary of the Civil Code Enactment: the Process from the Old Civil Code (Boissonade's Civil Code) to the New Civil Code (Meiji Civil Code), presided over by Masasuke Isobe and Akira Wani.
- (8) The Process of Making Boissonade's Civil Code from French Foreign Office Documents, mainly during the Period of the Committee of Law Investigations in the Foreign Ministry, by Yasuo Okubo.
- (9) The Establishment and Maintenance of the Registration of Real Estate and its Influence in the Law-making Period, by Yoshiaki Takahashi.

D. The 46th Study Meeting

- (1) Symposium for the 50th Anniversary of the Establishing of the Japan Legal Association: an Approach from Comparative Law Methods for the Reconsideration of Modern Laws, Presided over by Mitsuki Ishii with lectured by Hiroaki Terada, Yoichi Nishikawa and Takeshi Mizubayashi.
- (2) The Legal Form and the Purpose of Enactment during German Absolutism: Variety and Uniformity, Totalitarianism and Individualism, by Hideo Shinpo (Kyusyu University)
- (3) The French Revolution, Civil Code and Modern laws from the viewpoints of History, Capitalism, and Civic Society, by Naoki Kanayama (Hosei University).
- (4) Nazism and Modern Laws Related with the Theme of the Symposium, by Seigo Hirowatari (Tokyo University).
- (5) Another 'Modern Legal History': the Order of Civil Law in *Qing*

China and that of Modern Laws, Hiroaki Terada (Tohoku University).

(6) The Concept of Property: the Change of Property Law in 20th Century China, by Eito Ki (Kobe University).

(7) A Background for Accepting Western Modern Laws: the Features of Civil Courts and Civil Laws by Osaka Town Magistrate's office, by Fumio Jinbo (Nagoya University).

(8) Royal Powers and Bureaucracy in Relation to the Problems of Civil and Commercial Laws, by Takeshi Mizubayashi (Tokyo Metropolitan University).

(9) Upon Hearing the above 7 Reports on Reconsideration of Modern Laws, by Yoichi Nishikawa (Tokyo University)

II. Sociology of Law

The Japanese Association of Sociology of Law held:

the 1998 General Meeting at Nagoya University on May 15, 16 and 17.

the 1999 General Meeting at Hokkaido University on May 21, 22 and 23.

A. The 1998 General Meeting

1. (Special Lecture) The Politics of Legal Mobilization: A Case Study of Pay Equity Reform Movements by Professor Michael W. McCann (University of Washington), presided over and interpreted by Setsuo Miyazawa (Kobe University).

2. (Sectional Meeting 1) Lawyers and the Theory of Legal History, presided over by Yoshiyuki Matsumura (Hokkaido University)

(1) Derivative Suits without Clients: Shareholder as Ombudsman and Shareholder's Suits, by Hiroshi Otsuka (Researcher, the Japan Society of the Promotion of Science), commented by Yoshitaka Wada (Professor, Kyushu University).

(2) From "Lawyers to Be Talked" to "Lawyers to Talk Themselves": Towards Constructing Images of Lawyers through "Internal-Talking", by Keiichi Ageishi (Kobe University), commented by Yoshitaka Wada (ditto).

(3) Reconsidering Luhmann's Theory of "Legitimation *durch Verhah-*