

Sonoko Shiba (Lecturer, Saitama University).

- (7) “Function and Liability of the Underwriter in the Securities Market”  
Kouji Noda (Associate Professor, Jochi University).
- (8) “Consideration concerning the Legal Location of Accounting Standards”  
Takumi Adachi (Associate Professor, Chuogakuin University).

## 7. Labor Law

The *Japan Labor Law Association* held its 108th General Meeting at Okayama University on October 16, 2005.

“Basic Theory and Policy Problem of the Law of Employment Contract”

Coordinators: Hiroshi Karatsu (Professor, Nanzan University) and Akira Hamamura (Professor, Hosei University).

- (1) “The Scope of Application and the Basic Structure of Law of Employment Contract”  
Koichi Kamata (Professor, Toyo University).
- (2) “The Control over Social and Economic Powers of the Enterprise by the Law of Employment Contract”  
Masanobu Mitsui (Professor, Hiroshima University).
- (3) “The New Plan for Fixed-term Labor Contracts”  
Tomoko Kawada (Professor, Asia University).
- (4) “Legal Principle on Specification and Change of the Contents of a Labor Contract”  
Shinobu Nogawa (Professor, Tokyo-Gakugei University).

## 8. Legal History

The *Japan Legal History Association* (LHA) held its 57th General Meeting at Toin University of Yokohama, on April 23 and 24, 2005 and

its 53rd Study Meeting at Kumamoto University on October 15 and 16, 2005.

### **1. The 57th General Meeting**

#### **Symposium: The 200th Anniversary of the Code Civil II: The View from Inside**

This is a symposium following on from the previous ‘The View from Outside’ held in Spring, 2004. The LHA invited Professor Jean-Louis Halperin as the main guest for the symposium. The whole team studied the legal historical background of ‘the Ancien Régime and the compilation process of the Code Civil during the French Revolution. The result was “The View from Inside,” told from the standpoint of French Legal History.

(1) “Introduction”

Mitsuiki Ishii (Professor, Nagoya University).

(2) “The Code Civil: Various Interpretations and its Flexibility”

Satoshi Hatano (Professor, Okayama University).

(3) “The 200th Anniversary of the Code Civil: A View as a Legal Historian”

Jean-Louis Halperin (Professor, École normale supérieure, Paris).

(4) “The Prior Theories enabling the Establishment of the Code Civil before the French Revolution”

Shiro Okawa (Associate Professor, Aichi University).

(5) “The Reception of the Code Civil in Japan”

Syunichiro Koyanagi (Professor, Dokkyo University).

(6) “The Celebration of the 200th Anniversary: A View from Japan, 2005”

Atsushi Omura (Professor, the University of Tokyo).

(7) “Conclusion”

Yasuo Okubo (Professor, Nanzan University).

#### **Mini Symposium: The Comparative Legal History of Mediation**

This symposium tried to explain how mediation was formulated when the West met the East in the 19th century. Furthermore, it went on to show the role of mediation as a measure of dispute settlements in the modern world. Comparative studies were made based on the past

situations of France, Germany, England, China and Japan.

- (1) “Introduction”  
Yoshihiko Kawaguchi (Professor, Hosei University).
- (2) “Dispute Resolution in France: The Conciliation and the *Juge de Paix*”  
Emi Matsumoto (Associate Professor, Niigata University).
- (3) “Dispute Resolution in Germany: The *Schiedmann* in Prussia”  
Naoko Matsumoto (Professor, Sophia University).
- (4) “Dispute Resolution in Japan: *Kankai* in the Meiji Era”  
Makiko Hayashi (Associate Professor, Kinki University).
- (5) “Dispute Resolution in England: The Legal Practice of the Justice of the Peace”  
Teruhisa Komuro (Professor, Meiji University).
- (6) “Arbitration in England: A View from English Medieval Legal History”  
Kahoru Kitano (Professor, Komazawa University).
- (7) “Dispute Resolution in China: The Transformation of *Chosyo*<sup>1</sup> in Qing China”  
Osamu Takamizawa (Professor, Tokyo University).
- (8) “The Conclusion”  
Jyuro Iwatani (Professor, Keio University).

### Individual Presentations:

- (1) “The Legal Historical Significance of the *Kenka Ryoseibai*<sup>2</sup> Law”  
Keiichi Kono (Researcher, Kyushu University).
- (2) “The Historical Perspective of Niklas Luhmann”  
Jyunichi Murakami (Professor, Toin Yokohama University).

## 2. The 53rd Study Meeting

### Individual Presentations

- (1) “The Legal Effect of Agreement: The Relation of Consensual Agreement and *Stipulatio* Agreement in Rome”

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<sup>1</sup> *Chosyo* (聴訟): the system that a judge-magistrate leads the parties to an agreement with, if necessary, the use of detention and torture.

<sup>2</sup> *Kenka Ryoseibai*: An idea that the both parties should be punished in a fight.

- Mariko Igimi (Associate Professor, Kyushu University).
- (2) “The Cause of Action and its Creativity in the Medieval West”  
Koji Mizuno (Associate Professor, Hokkaido University).
- (3) Memorial Lecture: “Legal History, Economic History and Historical Science”  
Hideki Morimoto (Professor Emeritus, Kyushu University).
- (4) Special Lecture: “The Categories of Civil Procedure in the Late Medieval Period: Its Tradition and Scholarship”  
Karin Nehlsen-von Stryk (Professor, the University of Freiburg).
- (5) “Legal Profession and Gender: A View from Comparative Legal History”  
Tadabumi Kuroda (Professor, Konan University).
- (6) “German Legal History Narrated as Folklore: Discussions on the Funeral in the Early 20th Century”  
Takuya Inoue (Professor, Kokugakuin University).
- (7) “The Strategy for Securing Public Works Expenditure by a Local Authority in Qing China”  
Mika Kita (Associate Professor, Shikoku University).
- (8) “Old Custom and Civil Law about Land: An Analysis of Texts of Estate”  
Hideaki Nishi (Centers of Excellence [COE] Researcher, Kyoto University).
- (9) “The Position of *Jito*<sup>3</sup> and *Kendan*<sup>4</sup> after the *Jyoku*<sup>5</sup> Disturbance in Medieval Japan”  
Shigeki Tanaka (Professor Emeritus, Osaka University).
- (10) “A Question of the Latter Part of the *Kujikata Osadame Gaki*: Its Codex and Designation”  
Hiroshi Takashio (Professor, Kokugakuin University).
- (11) “The Process of the Creation of *Kanpo*<sup>6</sup>: The Method to Announce New Laws in the Meiji Era”  
Akio Okada (Adjunct Lecturer, Waseda University).

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<sup>3</sup> *Jito*: an estate steward appointed by the Central Government.

<sup>4</sup> *Kendan*: Public prosecution (Ken) and condemnation.

<sup>5</sup> *Jyoku* Disturbance or *Jyoku no Ran*: the battle between the Retired Emperor Gotoba and the Kamakura Government in 1221.

<sup>6</sup> *Kanpo*: A government gazette.

- (12) “A Phase from Roman Law to French Law by Kenjiro Ume: A Comparative Study of Amicable Settlements”  
Akihiko Tsujimura (Graduate Student, Tokyo University).

## 9. Sociology of Law

The *Japanese Association for the Sociology of Law* held the 2005 General Meeting at Senshu University on May 13, 14, and 15.

### Symposium: The Whereabouts of Legal Subjects

#### 1. General Session: The Whereabouts of Legal Subjects

- (1) “The Whereabouts of Legal Subjects”  
Kenji Yamamoto (Professor, Kobe University).
- (2) “On the Need for Recognition in Liberal Society”  
Tomohiko Tanaka (Associate Professor, Tokyo Medical and Dental University).
- (3) “The Transformation of Modern Subject and Self-narrative Theory”  
Tomohiko Asano (Associate Professor, Tokyo Gakugei University).
- (4) “On *Subjektivität des Subjekt* from the Viewpoint of Jurisprudence”  
Tsutomu Hibino (Professor, University of Tokyo).

#### 2. 1st Sub-Session: The Politics of Recognition and Legal Subject

- (1) “‘The Politics of Recognition’ at Stake”  
Yayo Okano (Professor, Ritsumeikan University).
- (2) “The Importance of the ‘Right to the City’ in the Era of Globalization”  
Takashi Sakai (Lecturer, Osaka Prefecture University).
- (3) “Subject, Justice, and Law”  
Ko Hasegawa (Professor, Hokkaido University).

#### 3. 2nd Sub-Session: Subject, Care, and Narratives

- (1) “Ethic of Care, Needs, and Law”  
Tetsuhiko Shinagawa (Professor, Kansai University).