



**International Seminar at the K.U.Leuven
March 19-20, 2010**

*Fourth International Seminar on the Dynamics of Law and Society in
Europe and Japan:*

***Legal Reform and
the Role of the Judiciary:***

***Revisiting Japanese Exceptionalism from a
European Perspective***

Convenors:

Dimitri Vanoverbeke (K.U. Leuven)
Hamano Ryo (Rikkyo University)
Jeroen Maesschalck (K.U. Leuven)
Ozaki Ichiro (Hokkaido University)
Stephan Parmentier (K.U. Leuven)
Takahashi Hiroshi (Kobe University)
Jan Wouters (K.U. Leuven)

Outline and Goals:

Law and society are rapidly changing in Europe and Asia, enhanced by fundamental tendencies in economics, technology and cultural value systems all over the world. This international seminar intends to foster the awareness of current and fundamental developments on research in law and society, and will therefore focus on the cases of Japan and a number of European countries.

Research on law in Japan has mostly been carried out against the background of the institutions, developments and practices of law and society in the United States and thus comparing Japan and America. These studies have generated a number of general ideas, even assumptions, that are at the centre stage of scholarly research on law in Japan, including the following: (1) *“The rule of law is yet to take root in Japan.”*; (2) *“There is a lack of access to justice in Japan.”*; and (3) *“Business in Japan is intransparent and informal resulting in little legal accountability.”* The perceptions about law in Europe are very different and they are often contrasting with the above mentioned assumptions on law in Japan. The seminar is intended to question these and other assumptions: Are the different perceptions caused by diverging definitions? Is Japan really so exceptional? Is the perception of law and society in Europe matching reality? Three separate sessions will take these assumptions as their point of departure and the speakers will tackle them from various angles and trigger discussions between Japanese and European scholars of law and society. Participants and speakers will thus contribute to a better understanding of what could be labelled “legal culture.” In doing so the seminar will also pay tribute to Prof. Masaji Chiba, mentor of many generations of socio-legal scholars in Japan and beyond, who passed away last December 2009.

This international seminar is the fourth in a series that developed from a collaborative effort between scholars at the K.U. Leuven interested in a deeper understanding of the dynamic developments in law in East Asia and Japanese socio-legal scholars interested in developments in law in Europe. All of the convenors share the conviction that a combination of strong theory and a thorough empirical research will yield new directions in academic research on the dynamics of law and society. The first three seminars in this series took place in March 2006 (Leuven), December 2006 (Tokyo) and March 2008 (Leuven). The Leuven Institute of Criminology (Faculty of Law) and the Section of Japanese Studies of the K.U. Leuven are inviting you to participate in this year’s symposium.

This series of seminars hopes to provide new impulses to the theory used in law and society research and will of course provide new opportunities for international cooperation between Belgian, European and Japanese scholars. The conveners intend to publish a selection of papers presented at the seminar in an edited volume with an international publisher. The conveners are grateful to the Japan Foundation; the main sponsor of this event.

You are most welcome to participate. Participation is free of charge, but it is mandatory to register. Please register by sending an email to Choumicha.Ridouani@arts.kuleuven.be

Venue:

K.U. Leuven
Aud. Wolfspoort, Huis Bethlehem,
Schapenstraat, 3000 Leuven
Belgium

Dates: March 19th and 20th, 2010

Provisional programme:

DAY ONE (March 19th, 2010)

9.00-9.45: Registration

9.45-10.00: Opening and general introduction

H.E. Mr. YOKOTA Jun
Ambassador of Japan in Belgium

10.00-12.30: Session One: Setting the Stage: Conceptualising Law in Europe and Japan

Chair: Jeroen Maesschalck (K.U. Leuven)

Presenters:

10.00-10.30: Volkmar Gessner (Bremen University):
State/society Synergies in Asian Economic Law Reform

10.30-11.00: Takahashi Hiroshi (Kobe University):
Japanese Attitudes Towards Dispute Resolution: What's the Difference from the West?

11.00-11.30: Coffee Break

- 11.30-11.50: Takao Suami (Waseda University)
Human Rights Protection and Rule of Law
- Are both the EU and Japan really sharing the same values?-
- 11.50-12.10: Murayama Masayuki (Meiji University)
Presenting the Findings of Surveys on the Public Image of Law, Problem Experiences and Disputing Behaviour in Japan

Discussant: Stephan Parmentier (K.U. Leuven)

Discussion

12.30-14.00: Lunch Break

14.00-18.00: Session Two: The Emergence of ‘Rights’ and the Rule of Law

Assumption: “The rule of law is yet to take root in Japan.”

Chair: Dimitri Vanoverbeke (K.U. Leuven)

Presenters:

- 14.00-14.30 : Ozaki Ichiro (Hokkaido University)
Law and Culture in Transition
- 14.30-15.00: Mihira Tsukasa (Kyoto University)
Institutional Change and Judicial Review in Recent Japan

15.30-16.00: Coffee Break

- 16.00-16.20: Jan Wouters (K.U. Leuven)
European and International Perspectives on the Rule of Law
- 16.20-16.50: Erik Herber (Leiden University)
From “benevolent paternalism” to genbatsuka: a changed way of Japanese justice?
- 16.50-17.10: Hirata Ayako (Tokyo University)
Regulatory Enforcement of Environmental Law in Japan

Discussant: Takao Suami (Waseda University)

Discussion

19.00-21.00: Conference Dinner (speakers and convenors)

DAY TWO (March 20th, 2010)

9.30-12.00 : Session Three: Access to Justice and the Legal Professions

Assumption: "There is a lack of access to justice in Japan."

Chair: Stephan Parmentier (K. U. leuven)

Presenters:

- 9.30-10.00: Ryo Hamano (Rikkyo University)
Access to Attorneys in Japan and the Judicial Reform: the role of Japan Legal Support Center
- 10.00-10.30: Jean Van Houtte (University of Antwerp)
Conflict of Interest in Law Firms in Belgium
- 10.30-11.00: Bernard Hubeau (University of Antwerp)
European Legal Aid Systems: looking into some general and specific characteristics

11.00-11.30: Coffee Break

- 11.30-12.00: Ii Takayuki (Hirosaki University)
Stated barriers to access to justice in Japan: Their collapse and persistence in judicial reform

Discussion

12.00-13.30: Lunch Break

13.30-17.00: Session Four: The Use of Law and Justice by the Business Sector

Assumption: "Business in Japan is intransparent and informal resulting in little legal accountability."

Chair: Dimitri Vanoverbeke (K.U. Leuven)

Presenters:

- 13.30-14.00: Simon Vande Walle (Kyushu University)
Private Antitrust Litigation in Japan and the European Union and Approaches to Reform
- 14.00-14.30: Kozuka Souichiro (Sophia University)
Relationship between SMEs and Banks in Japan: evidences from the credit database

14.30-15.00: Esther Van Zimmeren (K.U.Leuven)
Patent Governance in a Comparative Perspective: Japan, the US and Europe

<i>15.00-15.30: Coffee Break</i>

15.30-16.00: Beatrice Jaluzot (University of Lyon)
The Concept of Patentable Invention, Japanese and French Law Compared

Discussant: *David Nelken (University of Macerata)*

Discussion

17.00-17.30: Closing Remarks

Dimitri Vanoverbeke (K.U.Leuven)