



“COMPARING AND TRANSFERRING LAW AND LEGAL EXPERTISE. THE ROLE OF JAPAN”

– Symposium in honor of Harald Baum’s 70th birthday –

1 – 3 September 2022

Japan’s history and its economic situation attest to its intertwining with its neighbors and beyond – potentially placing the country at the center of both legal comparison and legal export. But to what extent is this the case? Comprised of three sections, this symposium will examine this question, looking at the theoretical aspects and functions of comparative law and the example of Japan, the influence of Japanese law on other countries in particular fields of law, and the practical aspects of the export of Japanese law, such as legal technical assistance, legal harmonization projects and (transnational) legal education.

This symposium will reflect on the role of Japan – be it for the purpose of legal comparison or legal transfer – both from the Japanese perspective as well as from the perspectives of other legal systems. It aims to provide a forum for pertinent questions such as the role of Japanese law in the comparative legal studies; the role of Japanese law in the legal development of other countries, of international law conventions and of other instruments aiming at the harmonization of national laws; locating Japanese law, geographically or otherwise; different points of view and methodological approaches in the research of Japanese law; the role of Japan’s legal education in the formation of third countries’ lawyers and academics as well as the role of Japanese law in other countries’ legal education.

Japan’s legal system has always been influenced through various means by ideas and concepts of other legal systems. At several stages, it has been subject to the input of other countries like China, several parts of Western Europe and the United States. At others, it has exerted influence in various ways on the legal system of its neighbors. Since the 1990s, the export of legal concepts has been part of Japan’s official foreign policy. Scholarly interest in Japanese law has always existed, albeit to varying extents and in different parts of the world. In this context, the symposium will address the question: Where does Japan stand today?

Harald Baum has dedicated his life and academic career to researching and discussing Japanese law, and to making it accessible to an international audience. His achievements, besides earning him various prestigious awards, are mirrored in the extensive network of Japanese law experts he managed to build from the hub at the Max Planck Institute for International and Comparative Private Law in Hamburg. His 70th birthday therefore offers an excellent opportunity to take stock of the achievements of the transfer of concepts to and from Japanese law and its comparative study in Japan, Germany and beyond – but also to raise the question of how this area of research might evolve further.

Ruth Effinowicz, Moritz Bälz, Marc Dernauer, Gabriele Koziol

Program

Thursday, 1 September 2022

2:00 pm **Opening Remarks**

First Session:

Japan in Comparative Law: Historical and Theoretical Perspectives

Chair: Karl RIESENHUBER (Ruhr-Universität Bochum)

2:30 pm Keizō YAMAMOTO (Kyōto University): What Has the Study of Japanese Law to Offer for Comparatists?

3:00 pm Dimitri VANOVERBEKE (The University of Tōkyō): Japan in Comparative Law: A Historical Perspective

3:30 pm Discussion

4:00 pm **Coffee break**

4:30 pm Marie S. KIM (St. Cloud University): Japan's Impact on the Law of the Republic of Korea

5:00 pm Ying-Hsin TSAI (National Taiwan University): Learning from Japan. A Taiwanese Perspective

5:30 pm Discussion

6:00 pm **Reception**

6:30 pm **Keynote Speech**

Klaus J. HOPT (Max Planck Institute for Comparative and International Private Law)

Friday, 2 September 2022

First Session (continued):

Chair: Julius WEITZDÖRFER (FernUniversität Hagen)

9:00 am Ruoyin CHEN (Peking University): Japanese Law and the PRC: Influence and Inspiration

9:45 am **Coffee break**

10:15 am Eric A. FELDMAN (University of Pennsylvania): Why (Still) Studying Japanese Law in the US?

10:45 am Luke NOTTAGE / Melanie TREZISE (The University of Sydney): Japan's Role in Comparative Law. An Australian Perspective

11:15 am Discussion

11:45 am Group picture

12:00 pm Library tour (voluntary)

12:30 pm **Lunch break**

Friday, 2 September 2022 (continued)

Second Session:

Japan in Comparative Law: Examples from Specific Fields of Law

Chair: Hiroshi ODA (University College London)

- 1:30 pm Masao YANAGA (Meiji University): Capital Markets Law and Related Company Law
- 2:00 pm Maki SAITŌ (Kyōto University): Takeover Law
- 2:30 pm Discussion
- 3:00 pm Coffee break**
- 3:30 pm Christopher HEATH (European Patent Office, Maastricht University): Intellectual Property Law
- 4:00 pm Béatrice JALUZOT (Institut d'Asie Orientale, Lyon): Law of Obligations
- 4:30 pm Discussion

Saturday, 3 September 2022

Third Session:

Japan's Legal Export: Its Role in International Harmonization, Legal Technical Assistance, and Education of Foreign Legal Experts

Chair: Eva SCHWITTEK (Rittershaus)

- 9:00 am Souichirou KOZUKA (Gakushūin University): Japan as a Member of UNIDROIT
- 9:30 am Yūko NISHITANI (Kyōto University): Japan and Asia at the Hague Conference on Private International Law
- 10:00 am Discussion
- 10:30 am Coffee break**
- 11:00 am Gen GOTŌ (The University of Tōkyō): Locating Japan in the "Anatomy of Corporate Law" Project
- 11:30 am Nobumichi TERAMURA (University of Brunei Darussalam): Japan as a Source of Legal Ideas
- 12:00 am Discussion
- 12.30 pm Concluding Remarks**
Harald BAUM (Max Planck Institute for Comparative and International Private Law)