
THE SUPREME COURT OF JAPAN: STRUCTURE,
FUNCTION, CASE LAW 2 credits (Spring)

最高裁判所—構造、機能、判例 2 単位 (春学期)

The Supreme Court of Japan: Structure, Function, Case Law

ORTOLANI, ANDREA

オルトラニー, アンドレア

Course Description:

This course will focus on the Supreme Court of Japan.

The first lessons will present the origin, the structure and the functions of the Supreme Court.

The second part of the course will present the role it played in the Japanese legal system, and an overview of the most important cases it decided.

Depending on the participants' interests and on the circumstances, one lesson might involve a field trip to the Supreme Court of Japan.

Textbooks:

There is no mandatory textbook.

All reading materials will be provided by the instructor through the Class support system.

Reference Books:

Shigenori Matsui, *The Constitution of Japan: A Contextual Analysis*, Hart Publishing, 2011.

Hiroshi Itoh, *The Supreme Court and benign elite democracy in Japan*, Ashgate Publishing, 2010.

"Decision Making on the Japanese Supreme Court", 88 Wash. U. L. Rev. 1365-1780 (2011) (Symposium issue of the Washington University Law Review)

Course Plan:

- 1 Introduction to the course.
Judicial review in Japan.
- 2 Introduction to the course.
Judicial review in Japan.
- 3 Provisions on the courts and on the Supreme Court.
- 4 Provisions on the courts and on the Supreme Court.
- 5 The judges of the Supreme Court and other staff.
- 6 The judges of the Supreme Court and other staff.
- 7 Administrative functions and judicial independence.
- 8 Administrative functions and judicial independence.
- 9 The role of precedents at the Supreme Court. Case law on art. 9.
- 10 The role of precedents at the Supreme Court. Case law on art. 9.
- 11 Case law on State and religion.
- 12 Case law on State and religion.
- 13 Case law on human and civil rights.
- 14 Case law on human and civil rights.

Other Visit to the Supreme Court and/or to the Ministry of Justice.

Lecturer's Comments to Students:

All classes and all mandatory readings will be in English. Some optional readings may be in other languages.

A background in law is not a condition for attending the classes, but participants should have a basic knowledge of constitutional law and of modern Japanese history (please refer to the reference books).

Method of Evaluation:

Attendance and participation (50%), micro-exams (50%).

Details about the evaluation standards will be explained in lesson 1.

Questions/Comments:

Students can contact the instructor at the end of the class or by email (details will be given during the class).