
INTRODUCTION TO JAPANESE LAW 2 credits (Fall)

日本法への入門 2単位(秋学期)

History and current characteristics of the Japanese legal system

ORTOLANI, ANDREA

オルトラニー, アンドレア

Course Description/Objectives/Teaching Method/Intended Learning Outcome:

This course will present the history and the main current characteristics of the Japanese legal system.

The first lessons will present the historical background of the Japanese legal system, focusing on the reception of Western law in the Meiji period, and on the consolidation of the legal system in the XX century.

The second part will present several key aspects of current Japanese constitutional law, private law, criminal law and procedure.

Depending on the circumstances, one class might involve a field trip to an institution analyzed during the classes (a prison, the Parliament, etc.).

Course Plan:

- 1 Introduction to the course
- 2 Japanese law before 1868
- 3 Meiji Restoration and the reception of Western law
- 4 The Meiji Constitution and the Civil Code of Japan
- 5 The Constitution of 1947: fundamental principles, rights and duties of the people
- 6 The Constitution of 1947: The Parliament, the Government of Japan
- 7 Legislative procedure; the Cabinet legislation bureau
- 8 The Japanese judiciary, the Supreme Court and judicial review
- 9 History of criminal law and procedure
- 10 Modern criminal law and procedure
- 11 Private law
- 12 Family law
- 13 Environmental law

Other Makeup class

Method of Evaluation:

Weekly readings (50%), micro-exams (take-home exams, 50%).

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

Textbooks:

There is no mandatory textbook.

Reading materials will be provided by the instructor through the Class Support System.

Additional reference books will be regularly mentioned during the classes.

Reference Books:

Curtis J. Milhaupt, J. Mark Ramseyer, Mark D. West, The Japanese legal system: Cases, Codes, and Commentary, (2nd ed), New York, Foundation Press/Thomson Reuters, 2012.

Colin PA Jones and Frank S. Ravitch, The Japanese Legal System, West Academic, 2018.

Daniel H. Foote (ed. by), Law in Japan: A Turning Point, Seattle, University of Washington Press, 2007.

Lecturer's Comments to Students:

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

Knowledge of the Japanese language and a background in law are welcome, but they are not a condition to follow the course.

Questions/Comments:

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