

## Keio University Syllabus and Timetable

**THE SUPREME COURT OF JAPAN: STRUCTURE, FUNCTION, CASE LAW**

<b>Subtitle</b>	The Supreme Court of Japan: Structure, Function, Case Law
<b>Lecturer(s)</b>	ORTOLANI, ANDREA
<b>Credit(s)</b>	2
<b>Academic Year/Semester</b>	2024 Spring (2nd Half)
<b>Day/Period</b>	Thu.1,2
<b>Campus</b>	Mita
<b>Classroom</b>	443
<b>Class Format</b>	Face-to-face classes (conducted mainly in-person)
<b>Registration Number</b>	80887
<b>Faculty/Graduate School</b>	INTERNATIONAL CENTER
<b>Year Level</b>	2, 3, 4
<b>Grade Type</b>	S, A, B, C, D
<b>K-Number</b>	CIN-CO-00253-212-05

[▼ Detail](#)
**Course Contents/Objectives/Teaching Method/Intended Learning Outcome**

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 plays in the Japanese legal system, and will provide an overview of the most important cases it decided.

Depending on the circumstances and availability, one lesson might consist in a field trip to the Supreme Court of Japan.

**Active Learning Methods** [Description](#)

Not applicable

**Preparatory Study**

Students should have a basic knowledge of Japanese history and society after 1868, in particular of Japan's events in the 20th century. A background in law is not required, but students who are unfamiliar with basic concepts of constitutional and procedural law will have to fill in the gaps.

**Course Plan****Lesson 1**

Introduction to the course.  
Judicial review in Japan.

**Lesson 2**

Provisions on the courts and on the Supreme Court.

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### **Lesson 3**

Provisions on the courts and on the Supreme Court.

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### **Lesson 4**

The judges of the Supreme Court; administrative staff.

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### **Lesson 5**

The judges of the Supreme Court; administrative staff.

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### **Lesson 6**

Administrative functions and judicial independence.

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### **Lesson 7**

Administrative functions and judicial independence.

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### **Lesson 8**

The role of precedents at the Supreme Court. Case law on art. 9.

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### **Lesson 9**

The role of precedents at the Supreme Court. Case law on art. 9.

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### **Lesson 10**

Case law on State and religion.

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### **Lesson 11**

Case law on State and religion.

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### **Lesson 12**

Case law on human and civil rights.

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### **Lesson 13**

Case law on human and civil rights.

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### **Lesson 14**

Depending on availability, visit to the Supreme Court and/or to the Ministry of Justice.

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### **Other**

Session for Q&A, discussion.

## **Method of Evaluation**

Attendance and participation (50%), mini-exams (take-home exams, 50%).  
Details about the evaluation standards will be given in lesson 1.

## Textbooks

There is no mandatory textbook.  
All reading materials will be provided by the instructor.

## 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*)

## Lecturer's Comments to Students

All classes and all 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 modern Japanese constitutional history (please refer to the suggested books).  
Feedback on the assignments will be provided during office hours or via email.  
Workload for the course will consist in reading about 30 pages per week and in 1 or 2 mini-exams (take-home exams).

## Question/Comments

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