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

最高裁判所一構造、機能、判例 2単位(春学期)

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

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**Course Description/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 participants' interests and on the circumstances related to the Covid-19 pandemic, one lesson might consist in a field trip to the Supreme Court of Japan.

**Course Plan:**

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

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

**Method of Evaluation:**

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

Details about the evaluation standards will be given in lesson 1, taking into consideration also how this course will be taught (all online, on-demand, online live classes or live classes in the classroom).

**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)

**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 reference books).

Feedback on 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 micro-exams (take-home exams).

**Questions/Comments:**

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