

科目コード／科目名 (Course Code / Course Title)	DM484 / Comparative Constitutional Law		
テーマ／サブタイトル等 (Theme / Subtitle)	To understand the foundational structure of the country and judiciary, as well as the society		
担当者名 (Instructor)			
学期 (Semester)	春学期(Spring Semester)	単位 (Credit)	2単位(2 Credits)
科目ナンバリング (Course Number)		言語 (Language)	英語 (English)
備考 (Notes)	For PEACE and DLP students		

授業の目標 (Course Objectives)

This course will introduce students to the major components of Japanese Constitution (e.g., what each provision of the Constitution means, and how it can/should be interpreted), and its interrelationship with Japanese society through the study of various contemporary social issues involving Japanese constitutional law. The course consists of (a) lectures and (b) case studies.

(a) During lectures, we will explore (i) fundamental principles of the Japanese Constitution, (ii) the Japanese political system, and (iii) various concepts, theories, and standards that have been developed in the Japanese constitutional law discipline, which will provide students with a legal and critical foundation for examinations of the selected cases.

(b) Case studies are intended to examine actual operations of the Japanese Constitution, and interrelationships between the Japanese Constitution and Japanese society. Since each provision of the Constitution does not have fixed meanings, but rather is subject to interpretations in specific social contexts where the provision is applicable, the meanings of legal concepts, theories, and standards develop and change in response to changes in the society. Accordingly, the society affects the Constitution as much as the Constitution affects the society. Through case studies, students will gain a deeper understanding of the Constitution, as well as its fluid nature reflecting the complexity of the society.

Conducting case studies is also designed to have students consider the roles of constitutional law and the legal justice system in resolving conflicts that arise in the society.

Since students will be required to examine cases from legal, political, and social aspects, students should become better at analyzing factual situations from various viewpoints, and carefully and objectively weighing competing interests of the relevant parties in the cases.

As students are expected to make presentations and participate in class-wide and group discussions throughout the semester, students should be able to further their skills to communicate their knowledge and opinions in a logically clearer manner.

Classroom discussion is also important to advance students' ability to carefully listen and respond to others' opinions while succinctly identifying the points of discussion, and most importantly, to constantly test their own opinions against others'. In addition, in order to facilitate the development of these skills, students will be asked to make counter-arguments against others' arguments even when the counter-arguments are not necessarily what the students support.

授業の内容 (Course Contents)

The lectures will be provided with PowerPoint. However, the sessions will be based on the discussions with the students.

Reading materials will be provided in class. Read the assigned material before each class. Students are required to participate in classroom discussion based on the reading assignment that has been given for the session. To help provide the requisite motivation to stay current on the readings, students may be called on in class.

Active participation in class is expected from everyone. Please note that class participation makes up a significant portion of your grade, which means that you must come to class diligently prepared to take part in interactions in class. Also be aware that credit is not given merely for attendance. Your participation, not presence, is what counts toward your grade. The success of the course will depend greatly on your preparedness for class and willingness to engage in dialogue in class.

授業計画 (Course Schedule)

1. Introduction of the course, Japanese law and Japanese Constitutional law
Provide general information about the course (e.g., aims of the course, course schedule, writing assignments, ways to prepare for sessions, grading methods).
Understand function and purpose of constitutional law through comparisons between constitutional law, criminal law, and civil law.
2. Constitutional Law in the Modern Sense
The Japanese Political System (1): Structures and Functions of the Diet and Cabinet
3. The Japanese Political System (2): Roles of the Judiciary and the Separation of Power
4. Japanese Lay Judge System: Understand the historical origins and purposes of a jury system and lay person participation system

Learn the characteristics of the Japanese lay judge system by comparing it with lay person participation systems and jury systems of other countries

5. Freedom of Thought and Roles of the National Flag and Anthem
6. Academic Freedom and a Basic Education for Children
7. Freedom of Expression
8. Article 9 and National Defense 1: Right to Self-Defense
9. Article 9 and National Defense 2: Legal Standing to Sue
10. Article 9 and National Defense 3: Right to Collective Self-Defense, and Right to Live in Peace
11. Freedom of Religion
12. Freedom of Religion and the Separation of State and Religion
13. Freedom of Religion, the Separation of State and Religion, and Incidental Constitutional Review
14. Constitution and Family Law: Equal Protection and Laws of Marriage and Divorce, and Personal Autonomy and the Idea of Family in the Society

授業時間外(予習・復習等)の学習(Study Required Outside of Class)

As for the reading assignment, it is highly recommended that you brief the assigned cases, the legal issues of the cases, and the key facts determinant to the conclusions, in preparation for class. This will not only help you effectively participate in class activities, but also give you a set of briefs of the cases at the end of the semester which you can easily refer to for the final exam.

Writing assignments will also be given.

Topics for presentations, classroom discussions, and writing assignments involve mainly examinations of cases and elaborations of opinions on topics that are to be discussed in class. But sometimes you are required to conduct research on the laws, history, and society of Japan, or those of the countries' of your choosing.

成績評価方法・基準(Evaluation)

最終レポート(Final Report)(40%)/Participation in class(45%)/Writing assignment(15%)

The final report will take a form of take home exam. The question will be notified 5 to 8 hours prior to the due date/time of the submission of the report. The exact duration from the notification of the question and before the submission of the report will be notified at the end of the course.

テキスト(Textbooks)

なし

参考文献(Readings)

その他(HP等)(Others(e.g.HP))

注意事項(Notice)