

科目コード／科目名 (Course Code / Course Title)	EX093／Contract A		
テーマ／サブタイトル等 (Theme / Subtitle)	For a better understanding of our society, training your logical thinking skills and value judgment		
担当者名 (Instructor)	田岡 絵理子(TAOKA ERIKO)		
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)	LPX2201	言語 (Language)	英語 (English)
備考 (Notes)			

授業の目標 (Course Objectives)

This course is designed to provide students with basic knowledge of Japanese contract law. The course has three primary objectives.

The first one is to understand our civil life from the legal lens. Since people cannot live without making contracts (e.g., riding in the train, buying sandwiches at a convenience store, and getting a cell phone), contract law is the closest law to our society. Therefore, through learning contract law (i.e., the ways it operates and solves disputes), students can also learn the ways our society operates.

The second one is to train students' value judgment. Almost every contract law-related dispute involves multiple parties' competing interests, each one of which deserves to be carefully analyzed and considered. Academics' discussions also provide competing opinions and various approaches to solve disputes. Through case studies, the students can train the way of balancing competing interests and constantly test their own value judgment. The last objective is to train logical thinking skills. Contract law is the law of logic. Through learning the ways of interpreting contract law, students can train their logical thinking skills.

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. If missing a session is unavoidable, you are responsible for finding out from a fellow classmate what was informed, dealt with, and discussed during the session.

Writing assignments will also be given. Writing assignments must be submitted by the due dates. A late assignment may be accepted with the instructor's explicit permission, but deductions will be made for each day the assignment is late. Your grade will suffer substantially if you miss an entire assignment.

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.

授業計画 (Course Schedule)

1. Introduction to the course
2. Characteristics of Japanese contract law: meaning of civil law, the Civil Code, and the General principles of civil law
The concept of contract: What do you mean by "contracts"?
3. Remedies in Contracts (1): How does the law enforce contracts? What does it mean by "enforcing the contract"?
4. Remedies in Contracts (2): Ways of providing remedies for contractual default
Understanding different approaches to provide the remedies
5. The concept of contract, revisited
6. Liquidated damages, consumer contract and freedom of contract: Does freedom of contract in consumer-company relationships work?
7. The meaning of keeping the promises: Do we always have to keep our promises?
8. Learning laws involving fraud through case studies
9. Law of mistake (1)
10. Law of mistake (2)
11. Law of mistake (3): Learning other countries laws for a better understanding of Japanese law of mistake
12. Law of mistake (4): Learning other countries laws for a better understanding of Japanese law of mistake
13. Approaches to various types of contracts
14. Reviewing the sessions

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

No textbook is required. Translated materials and other copied materials will be provided only in class throughout the semester. I would recommend an A4-sized binder to keep track of the materials as they will likely exceed 350 pages.

成績評価方法・基準 (Evaluation)

最終レポート(Final Report)(40%)/Participation in the classroom discussion (including presentation)(40%)/Homework assignment(20%)

The final report will take a form of take home exam. The question will be notified a certain number of hours prior to the due date/time of the submission of the report. The exact number of hours (or 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. (The duration is generally within 24 hours.)

テキスト(Textbooks)

なし

参考文献 (Readings)

1. Hiroshi Oda. 2021. Japanese Law. Oxford University Press (ISBN:9780198869474)
2. Gerald Port Mcalinn. 2003. Comparative Law: Law and the Legal Process in Japan. Carolina Academic Press (ISBN:0890894647)
3. Curtis Milhaupt, Mark Ramseyer and Mark Weat. 2006. The Japanese Legal System: Cases, Codes, and Commentary. Foundation Press (ISBN:1609300297)

その他(HP等) (Others(e.g.HP))

注意事項 (Notice)