

Japanese Law

Japanese Constitution in Comparison with U.S. Constitution

Section 1

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【Course Outline / Description】

This course offers an introduction to the Japanese Constitution and landmark Supreme Court cases interpreting it. It explores the history of Japanese Constitution, its fundamental principles, and methods of constitutional interpretation in comparison with those of U.S. Constitution. Topics include the protection of fundamental human rights, nature and structure of the national government, and pacifism and national defense.

Section 2

The students will be able to enhance their competency of logical thinking, and develop their presentation skill through analysis, briefing and presentation on actual precedents adjudicated by Japanese and U.S. Supreme Courts Justices, as well as understand basic constitutional frameworks of Japan in comparison with those of the United States.

Section 3

【Class Schedule/Class Environment, Literature and Materials】

	Schedule of Instruction	Work outside of Classroom Activities
Lecture 1	Introduction / Jurisprudence	Read the syllabus of the course.
Lecture 2	Context and History of Japanese Constitution	Read Chapter 1 (Parts I & II) of the textbook.
Lecture 3	Fundamental Principles	Read Chapter 1 (Parts III & IV) of the textbook.
Lecture 4	The Popular Sovereignty Principle (i) / Sample Case Briefing (Japanese Case)	Read Chapter 2 (Parts I & II) of the textbook and the assigned case.
Lecture 5	The Popular Sovereignty Principle (ii) / Emperor / Sample Case Briefing (U.S. Case)	Read Chapter 2 (Part III & IV) of the textbook and the assigned case.
Lecture 6	Protection of Fundamental Human Rights	Read Chapter 6 (Part I) of the textbook and the assigned case.
Lecture 7	Applicability of Constitutional Rights	Read Chapter 6 (Part II) of the textbook and the assigned case.

Lecture 8	Equal Protection	Read Chapter 7 (Part I) of the textbook and the assigned case.
Lecture 9	Freedom of Thought and Conscience / Freedom of Religion	Read relevant sections of Chapter 7 (Part II) of the textbook and the assigned case.
Lecture 10	Freedom Expression (i) – Prior Restraint	Read relevant sections of Chapter 7 (Part II) of the textbook and the assigned case.
Lecture 11	Freedom Expression (ii) / Right to Know	Read relevant sections of Chapter 7 (Part II) of the textbook and the assigned case.
Lecture 12	Academic Freedom / Economic Freedoms	Read relevant sections of Chapter 7 (Parts II and III) of the textbook and the assigned case.
Lecture 13	Social Rights	Read Chapter 7 (Part IV) of the textbook and the assigned case.
Lecture 14	Due Process of Law	Read the handout material.
Lecture 15	Mid Term Exam	Review the lectures and prepare for the mid-term exam.
Lecture 16	The Diet / Electoral System	Read Chapter 3 (Parts I & II) of the textbook and the assigned case.
Lecture 17	The Legislative Process	Read Chapter 3 (Part III) of the textbook and the assigned case.
Lecture 18	Legislators and Bureaucrats	Read Chapter 3 (Part IV) of the textbook and the assigned case.
Lecture 19	The Cabinet and Prime Minister – The Parliamentary System	Read Chapter 4 (Parts I & II) of the textbook and the assigned case.
Lecture 20	The Relationship between the Cabinet, the Diet and Bureaucrats	Read Chapter 4 (Parts III & IV) of the textbook and the assigned case.
Lecture 21	Legal Control of the Executive	Read Chapter 4 (Part V) of the textbook and the assigned case.
Lecture 22	The Courts	Read Chapter 5 (Part I) of the textbook and the assigned case.
Lecture 23	Justiciability	Read Chapter 5 (Part II) of the textbook and the assigned case.
Lecture 24	The Power of Judicial Review	Read Chapter 5 (Part III) of the textbook and the assigned case.
Lecture 25	Pacifism and National Defense (i) – The Self Defense Force	Read Chapter 8 (Parts I and II) of the textbook and the assigned case.
Lecture 26	Pacifism and National Defense (ii) – Japan US Security Treaty	Read Chapter 8 (Parts III and IV) of the textbook and the assigned case.

Lecture 27	Constitutional Amendment and Reforms (i) - Amendment	Read Chapter 9 (Part I) of the textbook and the assigned case.
Lecture 28	Constitutional Amendment and Reforms (ii) - Reforms	Read Chapter 9 (Part II) of the textbook and the assigned case.
Lecture 29	Total Review	Review the entire contents of the course and read the assigned case.
Lecture 30	Preparation for Final Exam	Review the entire contents of the course and read the assigned case.

【Textbooks/Reading Materials】

Title : The Constitution of Japan
 Authors: Shigenori Matsui
 Publisher: Hart Publishing
 ISBN: 978-1841137926

The list of the assigned cases will be distributed during the first lecture.

Section 4

【Learning Assessments/Grading Rubric】

Final Examination – 30%
 Mid-term Examination – 30%
 Case Briefing Presentation – 30%
 Classroom Discussion Participation – 10%

Section 5

【Additional Information】

For each class (after Lecture 6), the first half will be a lecture by the instructor based on the schedule above and the latter half will be presentation by a group of students who are to analyze and brief the assigned cases of the Japanese Supreme Court (English translation version) or U.S. Federal Supreme Court in advance. The assigned cases will be relating to the topic that has been lectured by the instructor at least one week before. As strong emphasis is placed on class discussion, not only the students who are to make presentation, but also all other students, are required to come well prepared by reading the assigned cases. Students are also required to read the relevant sections of the textbook for the lecture part in advance.