

Course title	Global and Comparative Law				
Responsible person to enter grades	Shih-An WANG		開講区分	単位数	
			1st semester	2.0	
Numbering Code	J2MC611	Day・Period, etc.	Fri1(対面)	Timetable Slot Code	1J366

Lesson topic

This course introduces students to the legal institutions, systems, and traditions significant to Japan within the broader context of globalization. It is not just a course on foreign law; instead, you will learn about the functions of various legal institutions from a global perspective, transcending national boundaries. Topics will include courts, judicial review, criminal justice, and the legal professions. The course will also introduce you to the key features of major legal systems worldwide, examining their historical traditions and contemporary practices, including the Chinese and Islamic legal systems, the common law system, and the European legal order. Furthermore, we will explore the structure and operation of international institutions and their role in the era of globalization.

Lesson target

By the end of this course, students shall be able to appreciate the major topics in global and comparative law. Students shall be able to analyze major legal issues of their own countries and other countries from a global perspective. Additionally, students can enhance their English communicative skills by exchanging their opinions in class.

Syllabus and plan

1. Introduction to the course / Why does Law vary? (April 11)

Excerpt from Baron Charles de Secondat Montesquieu, *The Spirit of the Laws* (will be distributed beforehand)

2. Legal Institutions in Stateless Societies (April 18)

David Friedman, *Law's Order*, Chapter 17

3. Courts, Dispute Resolution and Social Control (April 25)

Martin Shapiro, *Courts: A Comparative and Political Analysis* Download *Courts: A Comparative and Political Analysis* pp.1-20, 28-32

4. Law and Society in Imperial China (May 2)

Derk Bodde and Clarence Morris, *Law in Imperial China*, pp.1-27

5. Modern Chinese Legal System (May 9)

Taisu Zhang and Tom Ginsburg, *Legality in Comparative Chinese Politics*, *Virginia J. Int'l L.* pp.1-14, 24-36, skim pp.46-64

6. Islamic Legal Institutions (May 16)

Haider Ala Hamoudi and Mark Cammack, *Islamic Law in Modern Courts*, Chapter 2

7. Introduction to the Common Law Tradition (May 23)

Excerpt from John H. Kangbein, Renee Lettow Lerner, and Bruce P. Smith, *History of the Common Law: The Development of Anglo-American Legal Institutions* (pages will be announced in class)

*This class will be offered either in an online format or as a prerecorded video

8. The Common Law Tradition (Continued) (May 30)

Excerpt from John H. Kangbein, Renee Lettow Lerner, and Bruce P. Smith, *History of the Common Law: The Development of Anglo-American Legal Institutions* (pages will be announced in class)

* This class will be offered either in an online format or as a prerecorded video

9. The European Legal Order (June 13)

Jens C. Dammann, *Introduction to European Union Law*, pp.17-19; pp.33-49

10. Legal Institutions and Economic Development (June 20)

Daniel Berkowitz, Katarina Pistor, and Jean-Francois Richard, "The Transplant Effect" *51 Am. J. Comp. L.* pp.163-83; pp.188-90

*This class "may" be offered either in an online format or as a prerecorded video

11. Constitutions and Comparative Judicial Review (June 27)

Denis J. Galligan and Mila Versteeg, *Theoretical Perspective on the Social and Political Foundations of Constitutions*, pp.8-43, skim 33-37

12. Criminal Justice and Punishment (July 4)

Excerpt from Cesare Beccaria, *On Crimes and Punishments* (pages will be announced in class)

David T. Johnson, "War in a Season of Slow Revolution: Defense Lawyers and Lay Judges in Japanese Criminal Justice." (*Japan Focus*, June 29, 2011, pp.1-11). <https://apjjf.org/2011/9/26/david-t-johnson/3554/article>

13. Legal Professions and Lawyers (July 11)

John Merryman and Rogelio Pérez-Perdomo, *The Civil Law Tradition*, Chapter 15

14. Introduction to International Law (July 18)

Statute of the International Court of Justice, Art. 36 & Art. 38

Paquette Habana and discussion of Customary Law in Ratner et al, *Custom and Soft Law*, pp. 78-87

15. Final Exam

Evaluation method

- Class participation (15%).
- Final exam or research paper (85%).

Evaluation baseline

- Class participation (15%). All students are expected to participate and exchange their perspectives on the course materials in class. Students who contribute regularly will receive extra credit that will significantly figure into their final grade. Students will not be penalized for making errors in English.
- Final exam or research paper (85%).
 - o Final exam: The exam will require students to write responses to a few questions in English. Grades will be determined by how well students can master and analyze course materials and the topics discussed in class. To the extent that their responses are clear and apprehensible, students will not be penalized for making grammatical errors in English.
 - o Research paper: Students may write a research paper (at least 20 pages in English) instead of taking the exam. Students should consult the instructor about paper topics if they want to do so. The deadline for paper submissions will be announced in class. Grades will be determined by the quality of the paper.

Notice (include info. on related class)

Students interested in studying in English-speaking countries may participate in this course to develop their familiarity with English materials and communicative skills.

Review and preparation

Course materials will be distributed on BEEF+, and students are expected to complete readings by the beginning of each class. All course materials are in English.

Kobe University requires 45 hours of study from students to award one credit, including both in-class instructions as well as study outside classes. Students are required to prepare for each class and complete the review after each class, depending on the respective class goals.

Office hour · Contact information

Details of office hours will be announced in the first class. Students can also schedule a meeting with the instructor via email.

sawang@people.kobe-u.ac.jp

Message for student

The course aims to be intellectually engaging, so students should feel comfortable to ask questions and express their viewpoints in class. Students are also encouraged to discuss the readings and lectures with classmates or anyone else.

Both undergraduate and graduate students are welcome to take this course.

Improvements in Teaching

Text

No textbook is required for this course. All course materials will be distributed on BEEF+.

Reference Material

Students interested in further reading are welcome to schedule a meeting with the instructor for details.

Classroom Language

English

Keywords

Comparative Law

Global Law

Transnational Law

Legal Institutions

Exchange student (Special auditing student)