

Course title	Asian Law				
Teacher(s)	Yun Zhao, Roy PARTAIN, SAITO Akira			開講区分	単位数
				1st semester	2.0
Numbering Code		Day・Period	Other	Timetable Slot Code	1J329

Lesson topic

The course is constituted by two separate parts to be taught by two top academics of Asian Law, who have substantial experience in legal practice.

In part 1, Prof. Yun Zhao of the University of Hong Kong will give explain the law and practice of China including Hong Kong. In Part 1, Prof Roy Partain of Aberdeen Law School will explore the legal systems of Asia mainly from a viewpoint of comparative legal studies.

[Part1: Prof Yun Zhao]

The legal system of Mainland China and Hong Kong are explained by a Chinese professor who studied law both in China and Europe. The dispute resolution system including both litigation and other ADR systems, which are especially important for China related international business is discussed with the up-to-date information.

[Part2: Prof Roy Partain]

This course will explore Asian legal systems, broadly defined, with both historical and modern comparative elements. We will begin with a comparative lesson in the origins of Western legal cultures, and then explore the legal cultures of Islamic Law, Hindu Law, and several classical legal cultures from (pre-1911) China.

Lesson target

The target of each part to be attained by the participans are as follows:

[Part1: Prof Yun Zhao]

The participants will get a sound and basic understanding of legal systems and dispute resolution mechanisms concerning international business in East Asia, which is especially important for working as in-house counsels of Japan-based MNEs as well as business law practitioners in Japan in their future.

[Part2: Prof Roy Partain]

This course will highlight the similarities and differences of major global legal cultures, both ancient and modern mainly through the development of legal systems in Asia. Taking this course will not only improve one' s understanding of modern legal systems, but also improve a student' s capability to interact with different legal cultures around the world. Further, the course will explore the question of what makes law truly "law" ?

Syllabus and plan

[Part1: Prof Yun Zhao]

The Legal Systems of Mainland China and Hong Kong

1. Legal System of Mainland China
2. Legal System of Hong Kong SAR
3. Legal Culture of China and Chinese lawyers
4. Dispute Resolution Systems in Mainland China
5. Dispute Resolution Systems in Hong Kong
6. Recent Development of International Arbitration in China
7. The Relationship between these two systems from a viewpoint of International Business

[Part2: Prof Roy Partain]

There will be a total of eight lectures covering the following topics:

1. Comparative Classical (Pre-Justinian) Greek & Roman Law I
2. Comparative Classical (Pre-Justinian) Greek & Roman Law II
3. Classical Chinese Legal Culture I
4. Classical Chinese Legal Culture II
5. Islamic Legal Culture: Introduction
6. Islamic Legal Culture: Commercial Considerations
7. Hindu Legal Culture: Introduction
8. Hindu Legal Culture: Commercial Considerations

The topics and schedule may be adjusted depending on our progress over the quarter.

Evaluation method

The assessment is to be determined by taking into account of active participation in the discussion in the class works and the evaluation of the reports of the suggested topics by the professors.
All the students are required to pass the evaluation made by each professors independently.

Evaluation baseline

With the method stated above, grades will be determined in accordance with the degrees of achievement of the above objectives.

Notice (include info. on related class)

As the course is to be provided mainly by the style of lecture given by the professors, the regular attendance is very important.

Review and preparation

To get the basic knowledge of Asian legal system through books and websites will promote the understanding of the participants.

Office hour · Contact information

Contact details and office hours will be announced during the first class.

Message for student

Please take it easy and join in the course. Both of the professors are very friendly and kind persons, except being excellent academics. It is really interesting and useful.
(From Roy) Legal history and legal culture are fun ways to learn more about law, both ancient law and how we use it today.

Improvements in Teaching

Text

Prof. Partain: Detailed information about the texts will be provided prior to the start of the course.

Reference Material

JETRO website

COMPARATIVE LAW IN GLOBAL CONTEXT: THE LEGAL SYSTEMS OF ASIA AND AFRICA / WERNER MENSKI : Cambridge University Press ,2006 , ISBN:

Classroom Language

English

English skill of medium level is required

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Keywords

Prof. Zhao: Legal system, dispute resolution, Belt and Road Initiative

Prof. Partain: Asian Law, Hindu Law, Dharma, Karma, Islamic Law, Chinese Law, Confucianism, Legalism, Moism,