

## **Japanese Culture and Society (4 credits)**

**The Japan Center for Michigan Universities  
Hikone, Shiga JAPAN  
In affiliation with Michigan State University  
Spring Semester 2016  
Instructor: Benjamin J. McCracken, Esq.**

Mondays and Wednesdays 1:00- 3:00 P.M unless otherwise noted in this syllabus.

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### **Course Description**

This course focuses on culture through the use of legal materials including cases, articles, and treatises, as well as other relevant materials. We will explore cultural differences between the United States and Japan and discuss by looking at real life situations. We will observe the evolution of Modern Japan by examining the development of its government and legal institutions. Throughout the course we will examine how culture affects legal development and discuss how these developments reflect and enhance culture. Because the course is offered on site in Japan, we have a unique opportunity to observe Japan. These observations should be incorporated into the writing assignments, class discussion, and presentations.

### **Instructional Objectives**

1. To learn more about and be able to compare one's own cultural and traditions through comparative inquiries of Japan and Japanese thoughts.
2. To recognize law as something conditioned by our way of thinking.
3. To gain skills to facilitate inquiry into globalization and its impacts from the perspectives of others.

### **Course Requirements/ Assignments and Evaluations**

- ◆ **Punctuality and Attendance:** Students are required to attend all lecture meetings, field observations, and other scheduled events programmed for this course. Excessive tardiness to class and class activities may result in the dismissal of a student from a program.
- ◆ **Absence Policy:** Your attendance is very important not only to you but also to other classmates. Due to the nature of Study Abroad, no unannounced absences will be permitted. Please refer Office of Study Abroad for further details (<http://studyabroad.msu.edu>). Your tardiness may be counted as 1/2 unexcused absence. Excessive unexcused absences may result in dismissal from the course.

◆ **Preparation and Participation:** This class is reading intensive with lectures utilizing the Socratic Method, meaning that students will be required to answer questions based on the reading and field trips. Students are expected to prepare for class by completing the reading assignments and preparing for selected discussion topics prior to attending class. Participation is a key element to your success in this course. Class discussion and interactivity with the class as a whole is critical to developing an awareness of the content described in lectures and readings. Students that are not prepared will be asked to leave the class and will be marked as absent. Participation constitutes 20% of your grade.

**Papers:** The papers assigned require students to demonstrate knowledge of key concepts based on what they have learned during the Study Abroad program experience. They will have maximum flexibility in showing what they have learned. This will also allow the participants to reflect broadly about cultural experiences and cultural values and how these figure into major lessons learned. Two papers from assigned readings and classroom discussions (3 pages). Additional information concerning the contents of the papers will be provided in an additional handout. *Deadlines for the papers/projects will be provided.*

**Presentation:** The presentation allows the students to educate their classmates on an area of Japanese Culture and Society in which they are particularly interested. They will have maximum flexibility in showing what they have learned. This will also allow the participants to reflect broadly about cultural experiences and cultural values and how these figure into major lessons learned. Additional information concerning the contents of the presentation will be provided in an additional handout. *Specific dates and times will be provided.*

### **Required Reading**

Readings will be provided at least one week prior to the scheduled class discussion.

### **Academic Honesty and Classroom Etiquette**

Students should always value academic honesty in their own work. In addition to other things, plagiarism is considered among the most blatant forms of academic dishonesty. This means that a student will not submit any written work that has been copied from the internet or any other form of published media. Additionally a student will not submit any work that has been written by another person without citing that source and will never submit another's work as his/her own. This would also include unacknowledged paraphrasing. As specified by university policy, such academic dishonesty may result in a penalty grade for the course. For more information on academic dishonesty policy please refer to the Ombudsman webpage:

<https://www.msu.edu/unit/ombud/honestylinks.html>

## Grading Criteria and Grading Scale

You will be graded on four elements: a) 4 papers or projects, b) attendance, c) participation, d) daily reflection worksheet as described above.

Attendance	Participation	Midterm and Final Exam	Writing Assignments	Presentation
10%	20%	20%	20%	30%

NOTE 1: Attendance makes up to 10 % of the whole course grade. However, if a student misses three (3) classes without permission or medical excuse, the student will be terminated from the course.

NOTE 2: Participation means “active” participation. Simply being there is not the same as participating. Points for participation will be awarded only when students are actively engaging in classroom activities, discussion, field exploration, and other learning activities for this course.

## Grade Breakdown

Conversion Table between 4.0 Scale and Points

4.0	3.5	3.0	2.5	2.0	1.5	1.0	0.0
point							
90-100	85-89	80-84	75-79	70-74	65-69	60-64	59 & below

## Class Schedule and Assignments

Please note that the student is expected to have read and studied the assigned reading and prepared for discussions prior to each class. Be sure to bring to class the texts under discussion.

### Week 1: Introduction to the study of culture and Japanese culture. (1/13)

Reading: Culture and Conduct An Excursion in Anthropology Chapters 1, 3, and 4.

### Week 2: Introduction to the study of culture and Japanese culture continued. (1/18 and 1/20)

Reading: Selected Readings from At Home Abroad by Adam Komisarof and Japanese Society by Sugimoto

Field Trip: Japanese Company Visit

### Week 3: Introduction to the Japanese legal system – Judges professional and lay (1/25 and 1/27)

Reading: Handouts “Japanese Legal System” and “Civil versus Common law”, Mark D. West, *Love Sick Japan* Introduction and Chapter 1; Hiroshi Fukurai, *The Rebirth of Japan’s Petit Quasi-Jury and Grand Jury Systems: A Cross-National Analysis of Legal Consciousness and the Lay Participatory Experience in Japan and the U.S.*

### Week 4: Disputes in Modern Japan – To sue or not to sue (Cultural concepts WA and Uchi/Soto) (2/1 and 2/3)

Reading: Steve Lohr, *Tokyo Air Crash: Why Japanese Do Not Sue* Daniel H. Foote, *Resolution of Traffic Accident Disputes and Judicial Activism in Japan*, *Watanabe v. Chisso Corporation*, 696 Hanrei Jiho 16 (Kumamoto D. Ct., Mar. 20, 1973), and *Henry v. Dow Chemical Company*, 473 Mich 63 (2005).

**Week 5: Japan's Constitution, World War II and the Japanese Military (2/8 and 2/10)**

Reading: Hideo Tanaka, *A History of the Constitution of Japan of 1946*; *Japan v. Sakata*, 89 Hanrei taimuzu 79; 99 Hanrei taimuzu 72 (Tokyo D. Ct., March 30, 1959); *Sakata v. Japan*, 13 Keishu 3225 (Supreme Ct. G.B., 1959); Yoshio Shimoji, "The Futenma Base and the U.S.-Japan Controversy: an Okinawan perspective," *The Asia-Pacific Journal*, 18-5-10, May 3, 2010.

**Week 6: Burakumin, Koreans, Ainu, and Foreigners (2/15 and 2/17)**

Reading: Handout – What is Buraku Discrimination; Frank K. Upham, *Ten Years of Affirmative Action for Japanese Burakumin: A Preliminary Report on the Law on Special Measures for Dowa Projects*; *Kayano et al. v. Hokkaido Expropriation Committee*, Sapporo D. Ct. March 27, York 1997); Norimitsu Onishi, *Born to Be a Foreigner in Her Mother Land* (New York Times, April 2, 2005); Debito Arudou, *Japanese Only: The Otaru Hot Springs Case and Racial Discrimination*

**Week 7: Japanese education system (2/22 and 2/24)**

Reading: Various articles regarding bullying and corporal punishment; Bullying Prevention Act of 2013;

**Week 8: Religion in Japan (2/29 and 3/2)**

Reading: Handout on Shinto and Buddhist Religions in Japan; *Kakunaga v. Sekiguchi*, 31 Minshu 533 (Supreme Ct. July 13, 1977); *Anzai, et al., v. Shiraishi, et al*, 51 Minshu 1673 (Supreme Ct., G.B., April 2, 1997).

Field trip Kyoto (Heian Jingu, Kyoumizudera, and Sanju Sangendo (These locations may be subject to change))

**Week 9: Working in Japan and Midterm Exam (Paper 1 due) (3/7 and 3/9)**

Reading: Mark D. West, *Law in Everyday Japan* –Chapter 7 Working Hours

Video: Japan a Story of Love and Hate ([http://www.youtube.com/watch?v=7\\_I5b6lZ0mM](http://www.youtube.com/watch?v=7_I5b6lZ0mM))

**Week 10: Love in Japan – Love, Dating, and Sex (Presentation Topic Due) (3/14 and 3/16)**

Reading: Mark D. West, *Love Sick Japan* – various portions including Chapter 2, Chapter 3, and Chapter 5

**Week 11: The Traditional Japanese Family and Divorce (3/23)**

Readings: Joy Hendry, *Marriage in Changing Japan* 14-126 (Palgrave Macmillian, 1986); Mark D. West, *Love Sick Japan* Chapter 6; Harald Fuess, *Divorce in Modern Japan: Family, Gender, and the State* (Stanford University Press 2004); [The Stepped on Kicked Case] 6 minshu 110 (Supreme Ct., Feb. 19, 1952); [The At-fault Spouse Divorce Case] 1169 Hanrei Times 65 (Supreme Ct., November 18, 2004)

**Week 12: Crime in Japan – Police, Yakuza, and the Criminal Justice System (Second Paper due) (3/28 and 3/30)**

Readings: Norimitsu Onishi, *Crime Rattles Japanese Calm, Attracting Politicians' Notice* (New York Times September 6, 2003); [The Yamaguchi Gumi Shooting Case], 58(8) Minshu 2078 (Supreme Ct. November 12, 2004); Curtis J. Milhaupt and Mark D. West, *The Dark Side of Private Ordering: An Institutional and Empirical Analysis of Organized Crime*, 67 University of Chicago Law Review 41, 61-77, 80 -91 (2000); David T. Johnson, *The Japanese Way of Justice* (Oxford University Press, 2002)

Movie: Japan from the inside

**Week 13 Student Presentations (4/4 and 4/6)**

**Week 14 Student Presentations (4/11 and 4/13)**

**Week 15 Final Exam (4/18)**