

Japanese Culture and Society – Law and Order (4 credits)

**The Japan Center for Michigan Universities
Hikone, Shiga JAPAN
In affiliation with Michigan State University
Spring Semester 2015
Instructor: Benjamin J. McCracken, Esq.**

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

Office: 116 Academic Building

Office Hours: By appointment

Office Phone x 6116

E-mail: bmccracken@jcmu.net

Course Description

This course focuses on culture through the use of legal materials, documentaries, and other native Japanese materials. We will explore cultural differences between the United States and Japan and observe the evolution of Modern Japan by examining Japanese life through the lens of law and the legal system. We will take a critical look at the evolution of modern Japan from a closed society (Edo Period) to one of the world's economic super powers. We will look specifically at how modern Japanese cope with the struggles of everyday life, how the sexes interact, and how Japanese maintain their "unique" cultural identity in this global world. 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.

Instruction objectives include:

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 culture 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.
4. To recognize law as one basis for the creation of society.

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 classes being discussion based. Students are expected to be prepared and participate. 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: Students are required to write two papers. Students are given complete academic freedom in writing their papers. Paper should be grammatically correct without grammatical errors.

Presentation: The presentation allows the students to educate their classmates on a current issue in Japan of their choice. 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.*

Exam: There will be one final exam. The final exam is an essay exam that will require students to apply the concepts learned throughout the semester.

Required Reading

Love Sick Japan by Mark D. West
Law in Everyday Japan by Mark D. West

PLEASE NOTE: The reading list is **not** comprehensive and may be supplemented.

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) papers or projects, b) attendance, c) participation, d) presentations as described above.

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|------------|---------------|---------------------|--------------|------------|
| Attendance | Participation | Writing Assignments | Presentation | Final Exam |
|------------|---------------|---------------------|--------------|------------|

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|-----|-----|-----|-----|-----|
| 10% | 20% | 20% | 30% | 20% |
|-----|-----|-----|-----|-----|

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 maybe 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

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|--------|-------|-------|-------|-------|-------|-------|------------|
| 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 law. (January 8th)

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 2: Hikone and the pre-Meiji Japan (January 15th)

Reading: Hikone: A Journey in Time – The History of HIKONE (Manga)
Field Trip: Hikone Castle

Week 3: Foundations of law - Development of the Japanese Constitution (January 19th and 22nd)

Reading: Japanese Constitution of 1889 and Constitution of 1947; Hideo Tanaka, *A History of the Constitution of Japan of 1946*; *Japan v. Sakata*, 89 Hanrei taimuzu 79; 99 Hanrei taimzu 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 4: Foundations of law continued – Current issues in Japanese Constitutional law (January 26th and 29th)

Reading: Proposed changes to the Japanese Constitution

Week 5: Disputes in Modern Japan (February 2nd and 5th)

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 6: Civil Liberties and Minority Groups in Japan (February 9th and 12th)

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 (February 16th and 19th) **PAPER 1 ASSIGNED**

Reading: Various articles regarding bullying and corporal punishment; Bullying Prevention Act of 2013; Locoparentis in the Japanese school system

Week 8: Separation of Church and State: Religion in Japan (February 23rd and 26th)

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 to Kyoto (Locations TBD)

Week 9: Working in Japan (Paper 1 due) (February 2nd and 5th) **PAPER 2 ASSIGNED**

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

Film: Japan a Story of Love and Hate (http://www.youtube.com/watch?v=7_I5b6IZ0mM)

Week 10: Love in Japan – Love, Dating, and Sex (Presentation Topic Due) (February 9th and 12th)

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 (February 16th and 19th)

Readings: Joy Hendry, *Marriage in Changing Japan* 14-126 (Palgrave Macmillan, 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 (Paper 2 due) (February 23rd and 26th)

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)

Week 13 Student Presentations (March 2nd and 5th – These class sessions may be up to three hours)

Week 14 Student Presentations (March 9th and 12th – These class sessions may be up to three hours)

Week 15 Review and Final Exam (March 16th and 19th – These class sessions will be three hours)