

Kyushu University (ATW): Syllabus**Politics and Society in Japan at a Turning Point****Dimitri Vanoverbeke (K.U. Leuven, Belgium)***Aims & Objectives*

This course addresses dynamics of politics and society in Asia focusing on Japan in particular. The focus of this course will be on political, legal and social institutions, not only by analyzing how these institutions are shaped today but also addressing them from an historical, cultural, and sociological perspective. Based on an understanding of domestic and bilateral issues, in this course students will also study how Japan is defining its position in Asia by fostering regional cooperation and how Asia as a region is redefining its relation with the US and Europe.

The course introduces some of the main concepts and analytical approaches of political science as an academic discipline. At a time when Korea is to sign a FTA with the EU, tensions between North- and South-Korea are increasing and when Japan is experiencing apparently radical political change, following the dramatic change of government, from the Liberal Democratic Party (LDP) to the Democratic Party of Japan (DPJ), we will address a number of topical issues.

The purpose of this course is to provide students with a foundation for thinking creatively about dynamics in politics and society in Asia.

Requirements

Students will be evaluated according to participation in the class discussion and according to a simulation exercise we will prepare together in the process of the lectures.

Assessment

The assessment will be divided as follows: participation in class discussion 20% and simulation exercise: 80%.

Topic 1: The “1955 System” and the Rise and Fall of One-Party Dominance in Japan

Questions:

Why did Japan’s Liberal Democratic Party govern for so long and why did it lose power? What does its rise and fall tell us about the nature of democracy in post-1945 Japan?

Lecture mainly based on the following articles:

J. A. A. Stockwin, “Political Reconstruction and Development,” in *Governing Japan* (Oxford: Blackwell, 2008.), pp. 48-76.

Topic 2: The Politics of Change: Judicial Reforms and Fortifying the Rule of Law in Japan

Questions:

What are the necessary conditions for a fundamental reform of political institutions? Were these conditions fulfilled in Japan in the 1990s?

Lecture mainly based on the following articles:

Vanoverbeke, D., Maesschalck, J. (2009). “ Public policy perspective on judicial reform in Japan,” in *Zeitschrift für Japanisches Recht / Journal of Japanese law*, 14(27), 11-38.

Topic 3: Trial by Jury in Today’s Japan: the key to democracy?

Questions:

Is the jury system an appropriate institution in the cultural context of Japan? How can the jury contribute to democracy?

Topic 4: Democracy through law: the participation of citizens in
prewar criminal justice

Questions:

How did the jury in prewar Japan contribute to the democratization of society? Is the political function of the jury compared to the lay-assessor system fundamentally different? Which system would you choose for your country?

Topic 5: Eto Shinpei: The Architect of Modern Justice in Japan

Questions:

What are the main conditions for one person to change the path of history? Was Eto Shinpei a successful policy entrepreneur? Who is a successful policy entrepreneur in your country and why?

Topic 6: Attempted Murder on the Russian Crown Prince in Japan

Questions:

Can the judges be fully independent from executive power? What is the role of law in international relations?

Topic 7: Society and Crime in Japan

Questions:

How can we explain the low crime rate in Japan and what does it tell us about the relation between the state and citizen in these countries?

Lecture mainly based on the following articles:

Curtis J. Milhaupt & Mark D. West, "The Dark Side of Private Ordering: An Institutional and Empirical Analysis of Organized Crime," in *University of Chicago Law Review* Vol. 67, Nr. 41 (2000).

David H. Bayley, *Forces of Order: Police Behavior in Japan and the United States* (University of California Press 1976), ch. 2.

John O. Haley, *Authority Without Power: Law and the Japanese Paradox* (Oxford University Press 1991). Chapter 6.

Daniel H. Foote, "Confessions and the Right to Silence in Japan," *Georgia Journal of International & Comparative Law*. Vol. 21, Nr. 415 (1991).

Above mentioned texts as abbreviated in: Curtis J. Milhaupt, J. Mark Ramseyer & Michael K. Young, *Japanese Law in Context: Readings in Society, the Economy, and Politics* (Harvard East Asian Monographs 2001). 294-330.

Topic 8: The State and Citizen in Dynamic Societies

Questions:

How do government and bureaucracy in Japan address important conflicts which can threaten status quo in society? What do environmental disputes and the struggle for gender equality tell us on the separation of powers?

Lecture mainly based on the following article:

Frank K. Upham, “ Environmental Tragedy and Response,” in Frank K. Upham, *Law and Social Change in Postwar Japan* (Harvard University Press 1987). 28-77.

Topic 9: The Death Penalty in a European Perspective

Questions:

Does the death penalty have a function in contemporary society? Is the death penalty against international law?

Lecture mainly based on the following article:

M. Reiterer & D. Vanoverbeke, Japan and the Death Penalty from a European Perspective: at a Crossroad to a Changing Discourse on Human Rights? In: *European Yearbook of Human Rights*, 2011.

Topic 10: The Rule of Law, institutions and ‘Good Governance’:

The Constitution and Court in Japan

Questions:

How important is the Japanese constitution for today’s Japan in a domestic and international context? What is the role of the Supreme Court in Japan and the Constitutional Court in Korea?

Lecture mainly based on the following articles:

Tom Ginsburg, “Rule by Law or Rule of Law? The Constitutional Court of Korea” in: Tom Ginsburg, *Judicial Review in New Democracies: Constitutional Courts in Asian Cases* (Cambridge University Press 2003). 206-246.

Topic 11: The East Asian Region in a Dynamic Context

Question:

How did the dynamics of regional cooperation in Asia change over time? What are the necessary conditions for institutionalized regional cooperation in Asia? How can increasing cooperation between Asia and the EU contribute to realize this goal?

Lecture mainly based on the following articles:

Peter J. Katzenstein, "Introduction: Asian Regionalism in Comparative Perspective," in Peter J. Katzenstein & Takashi Shiraishi, *Network Power: Japan and Asia*. (Cornel University Press 1997). 1-44.

Saya S. Shiraishi, "Japan's Soft Power: Doraemon Goes Overseas," in Peter J. Katzenstein & Takashi Shiraishi, *Network Power: Japan and Asia*. (Cornel University Press 1997).

Topic 12: Human Rights Politics: focus on Japan and its Global Corporations

Questions:

How can we explain the business culture of Japanese companies in a global context? Is the economic role of Japan changing in today's world?

Lecture mainly based on the following articles:

John Ruggie, "Protect, Respect and Remedy: a Framework for Business and Human Rights Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises," *Human Rights Council*, April 2008

(<http://www.reports-and-materials.org/Ruggie-report-7-Apr-2008.pdf>)

Topic 13: Presentation of the independent research in preparation
of the simulation exercise

Topic 14: Discussion of the Movie: I just didn't do it

Final session: simulation exercise