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研究課題名(英文)Global Legal Education: Japan as a New Model?

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研究成果の概要(和文)：特に、二つの論文が出版されたこと。この二つの論文は、日本における法学教育(特に比較法学教育)とグローバル化について論じる。二つともフランス語で出版された。そして、「La transnationalisation de l'enseignement juridique」(Luxembourg University, September 2014)という国際シンポジウムに参加して、2015年出版される本にも参加する予定(一つ原稿)である。

研究成果の概要(英文)：The research done by the applicant mainly led to several writings and oral presentations. Drawing on a previous working paper (online), a first peer-reviewed article examines the global turn of legal education in Japan from the perspective of recent trends in teaching comparative law and on the basis of an initial case study: an experimental Introduction to joint research on comparative study of law (RIEJ, 2014, 51-72). Focusing on legal comparison as a practice involving various actors and implying different technics, a second peer-reviewed article questions its historical and contemporary role in the construction of law in Japan. It examines how the reflexive analysis developed by a few Japanese legal scholars regarding such a way to produce norms: 1) contributes to renew legal comparativism from both methodological and epistemological perspectives; 2) may also stimulate the development of innovative teaching/learning practices (CIPANGO, 2015, forthcoming).

研究分野：Legal Education

キーワード：Legal Education Comparative Law Global Law Law and Globalization

1. 研究開始当初の背景

Isabelle GIRAUDOU, Ph.D. (Paris II University), 1999; post-doctorate, Tokyo University, 2000-2001.

2. 研究の目的

Globalization puts pressure on legal education and further efforts are needed to identify the skills required by competent jurists. Legal research instruction, in particular, is at stake: in an increasingly interdependent era, there is a pressing need to teach law students how to think like creative jurists able to understand and handle complex research problems at different scales—wherever their careers might take them, and whether their ultimate focus is a higher education degree or practice. Yet, just as legal research is becoming increasingly complex, still little attention is paid to the necessity of putting related skills learning on the legal education reform agenda.

This research's main concern was theory and practice of contemporary university legal education, with a focus on legal research skills education. Cutting across the current debate about legal education reform, it examined globalization and legal education (curricula, syllabi, pedagogies, staffing strategies, academic research agendas) as a new field of study. This research intended more precisely to put further light on what is involved in teaching law in an era of globalization. At a time when the trend towards the 'globalization' (gurôbaruka) of legal education is intensifying in Japan, this research scrutinized the development of innovative Law teaching methods at Law Schools and Schools of Law respectively. It analyzes the extent to which such transformations partake of the construction of so-called 'global law'.

3. 研究の方法

This research's originality consists in analyzing 'global law' not so much as an emerging body of substantial law, but rather as a set of representations. The emergence of 'global law' is questioned through the 'globalization' of legal education in Japan, which is increasingly made of both innovative pedagogical practices (having in common to draw on case-based teaching methods) and discourses on law as it is built in the global context.

This project considered various didactical experiments conducted in (or initiated

from) Japan, and compared them with a wide range of innovative law teaching practices and learning methods (clinical legal education, problem-based and project-based learning, etc.) as developed in the comparative, international and transnational fields of study mainly in North America, Europe, and Asia.

The research questioned these new experiments from the perspective of those who are taking part in the transformations at stake (reformers, educators, the legal profession, students). By scrutinizing the disciplinary discourses of the concerned actors, this 'stakeholder framework' allowed us to approach in a more refined way the tensions and uncertainties surrounding Japanese new experiments in the field of legal research skills education, as well as the conflicts over visions for legal education in the context of globalization.

This project addressed several sets of questions, including: To what extent does legal research skills training cover the comparative, international and transnational fields of study? To what extent teachings in comparative, international and transnational law integrate legal research skills education? *How* does legal research skills training cover the comparative, international and transnational fields of study, what methodologies does it mobilize, and to what kind of didactical practices does this correspond? *How* does comparative, international and transnational law teaching draw on legal research skills training and to what kind of didactical practices does this correspond? On the basis of the above survey, a few case studies will be identified, which relate to simple or more complex experiments allowing students to actually engage in cross-border legal research. Certain areas of investigation have been targeted, such as: new clinical legal education programs; new programs in 'Global Studies', in their legal education component; other programs supporting the internationalization of Japanese schools of law by allowing international students to enroll, possibly along with Japanese students; Japanese legal assistance activities relating to legal education in Asia (namely, the programs operated by the Center for Asian Legal Exchange, CALE, for example through its overseas Centers for Research and Education in Japanese Law in various Asian countries).

Various methodological tools have been used: interviews with legal instructors, practicing lawyers, experts on international cooperation in legal education, students, both in Japan and abroad); as a staff member of Nagoya University Graduate School of Law, I partly relied on the 'participant-observer' method; the field observation method has been used to investigate international cooperation in legal education (Vietnam).

4. 研究成果

This project explored the possibility to design innovative educational devices for Japanese schools of Law (Law faculties and graduate schools of Law) and to elaborate related teaching and learning materials. Revolving around student-centered instructional strategies, experiential learning methodologies, contextual approaches to law, and collaborative research, such devices have been conceived as focusing on the process of learning ('learning how') rather than the mere content to be learned ('learning about') in the comparative, international, and transnational fields of study. As such, they allow students with divergent backgrounds to develop a range of specialized and generic transferable skills enabling them to navigate today's complex legal landscape and to perform in the legal arena of many different jurisdictions (such as the ability to identify and resolve theoretical and practical problems concerning the application of law in multi-jurisdictional situations, the ability to make critical analyses of legal concepts and institutions across systems, an appreciation of legal pluralism and varying forms of normativity, the capacity to place law, irrespective of subject area, within a global context).

While considering the great diversity of legal education systems and the emergence of divergent understandings, this project helped demonstrate that the 'globalization' of legal education comprises multiple carefully negotiated and highly complex processes at the intersection of the local and global realms of legal activity and knowledge. It aimed at developing new approaches to legal education beyond the classical curricular divides and conceptual dichotomies (theory versus practice, book-learning versus experience, academic education versus professional training, national law versus international/transnational law, mono-disciplinarity versus

interdisciplinarity). In particular, it sought to renew the definition and broaden the understanding of 'legal research skills', identified as most needed to address contemporary transnational legal issues. And it examined how such an integrated approach to legal research skills instruction could help re-consider some aspects of both legal education in Japan (undergraduate and graduate levels) and Japanese legal education 'assistance' overseas (hōseibi-shien).

My first article examines the global turn of legal education in Japan from the perspective of recent trends in teaching comparative law and on the basis of an initial case study: an experimental Introduction to joint research on comparative study of law. Focusing on legal comparison as a practice involving various actors and implying different techniques, my second article questions its historical and contemporary role in the construction of law in Japan. Going a step further, it examines how the reflexive analysis developed by a few Japanese legal scholars regarding such a way to produce norms: 1) contributes to renew legal comparativism from both methodological and epistemological perspectives; 2) may also stimulate the development of innovative teaching/learning practices.

This research paved the way to a third article questions more thoroughly the role legal skills education can play in the 'global turn' (gurōbaruka) of Japanese schools of law. By focusing on the development in Japan of case-based methods law teaching, it intends to put further light on the related overcoming of traditional distinctions (practice *versus* theory, national *versus* international, monodisciplinarity *versus* interdisciplinarity...).

5. 主な発表論文等

(研究代表者、研究分担者及び連携研究者には下線)

[雑誌論文] (計 5 件)

GIRAUDOU, I. (with YOKOMIZO D.) (2015) "What is it that we do when we say we teach law?" Globalisation de l'enseignement du droit et pratiques innovantes de formation au Japon", in P. Ancel, L. Heuschling, Bruxelles, Larcier (forthcoming).

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savoirs et comparaison juridique au Japon", CIPANGO, Cahiers d'études japonaises, Issue on: "La fabrication des savoirs" (forthcoming).

GIRAUDOU, I. (2014) "Comparative Study of Law – Entre didactique juridique et théorie élémentaire du droit global", RIEJ, Vol. 72, n.1, p. 51-72.

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GIRAUDOU, I. (2013) "Droit global et enseignement juridique au Japon: Premiers éléments d'une recherche en droit", Working Paper: <http://hal.archives-ouvertes.fr/index.php?halsid=h>

[学会発表] (計 2 件)

GIRAUDOU, I. "Global Law' : From Legal Research to Legal Education (and Vice Versa)", Participation into the *Karl Llewellyn - William Twining Collection Fund Seminar* on "The Globalization of Legal Education", Brussels Global Law Week, Université Libre de Bruxelles, 20 May 2015, Brussels, Belgium.

GIRAUDOU, I. "Droit global et enseignement juridique au Japon – Premiers éléments d'une recherche en droit", Perelman Center for Philosophy of Law, Séminaire interne (*on Prof. Benoît Frydman's invitation*), Université libre de Bruxelles, 25 March 2014, Brussels, Belgium.

[図書] (計 0 件)

[産業財産権]

○出願状況 (計 0 件)

○取得状況 (計 0 件)

[その他]

ホームページ等

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6. 研究組織

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