

<b>Subject Title</b>	Introduction to Korean Law: an overview from a legal historic perspective		
<b>Lecturer</b>	Marta Zimbardo	<b>Remarks</b>	
<b>Period</b>	4th (15:40 ~ 17:30)	<b>Field</b>	Law
<b>Course Summary Synopsis &amp; Purpose</b>	<p>Korean Law, from its roots to the influences of continental legal traditions filtered through Japan, to the Anglo-American legal systems' influence, has its own unique features which can be difficult to understand without reading legal materials in Korean, without a thorough knowledge of Korean history, and without a sound comprehension of comparative law. Hence the scope of this course is: to provide a basic overview of the Korean law and its history to non-law undergraduate students in plain English. The historical perspective is designed to give a more accessible approach to legal topics to non-law major students and a deeper understanding of the complexities of the system. The historical development of law, from before and during the Joseon Dynasty to current law, will be introduced through its distinct features, in order to provide a basic understanding regarding Korean Law and the legal system, focusing on constitutional law, the judicial system, civil law (with particular attention paid to family law), criminal law, with some mentions of civil and criminal procedures. The objective of this course is to provide comprehensive knowledge and tools to be eventually used by the students in the future in their Korea-related studies. As for this objective, Korean legal materials available to English speakers will be introduced in detail throughout the course.</p>		
<b>Required Textbooks</b>	<p>No textbooks are required. Reading materials will be distributed in class.</p> <p>Reference books are all available in the HUFS library (only excerpts needed for the course) and are listed in alphabetical order of the authors:</p> <ul style="list-style-type: none"> <li>- Chongko Choi, <i>Law and Justice in Korea</i>, Seoul University Press, 2005.</li> <li>- Marie Seong-Hak Kim, <i>Law and custom in Korea: comparative legal history</i>, Cambridge University Press, 2012.</li> <li>- Marie Seong-Hak Kim, <i>The spirit of Korean law: Korean legal history in context</i>, Brill, 2016.</li> <li>- Korean Legislation Research Institute, <i>Introduction to Korean Law</i>, Springer Verlag, 2013.</li> <li>- Seoul National University Law Research Institute, <i>Journal of Korean Law</i>.</li> <li>- Sang-Hyun Song, <i>Introduction to the Law and Legal System of Korea</i>, 1983.</li> <li>- Sang-Hyun Song, <i>Korean law in the global economy</i>, Bak Young Sa, 1996.</li> <li>- Dae Kyu Yoon, <i>Law and Political authority in South Korea N.2</i>, Westview Press, 1990.</li> <li>- Dae Kyu Yoon, <i>Korean development of democracy and law</i>, Korea Legislation Research Institute, 2008.</li> </ul>		
<b>A manner of Lecturing</b>	<p>Besides the lectures, there will be discussions in class, which are important elements of the course. In order to do so, brief readings will be assigned to the students. Attendance and participation in class discussions will be considered as a part of the final evaluation.</p> <p>As for the materials listed in this syllabus, only excerpts will be given as assignments. Simpler handouts will be provided during each class to facilitate understanding. The reference materials, however, will be essential in the preparation for the major requirements of the course: a final research paper on a legal topic of interest of the students.</p> <p>Two days (8th and 15th days of the course) will be spent to review the materials previously studied and to answer all the eventual questions or doubts not yet resolved.</p>		

Evaluation (100%)				
Mid	Final	Attendance	Report	ETC
-	70	20	-	10
Further Information				
<p>No prerequisite is required.                      The final research paper should be approximately 7~10 pages, double-spaced lining, normal margins, Times 12-point font. In case of plagiarism, severe measures will be taken.</p> <p>The Syllabus might be subject to changes depending on the students' needs.</p>				

Day	Contents
1	<p>Introduction of the Course. Why Study Korean Law? What We Already Know About Korean Law? What Are We Trying to Learn?</p> <p>Reference readings (excerpts):</p> <p>1) Young-Hee Kim, "Introduction to Korean Legal Materials", <i>Journal of Korean Law</i>, Vol. 2, No. 1, 2002, 125-166.</p>
2	<p>A First Step Towards Korean Law: Korean Legal Tradition and Law Before and During Joseon Dynasty.</p> <p>Reference readings (excerpts):</p> <p>1) Byung Ho Park, "Traditional Korean Society and Law", in Sang-Hyun Song, <i>Korean law in the global economy</i>, Bak Young Sa, 1996, 1-19.</p>
3	<p>2) William R. Shaw, "Social and Intellectual Aspects of Traditional Korean Law", 1392-1910, in Sang-Hyun Song, <i>Korean law in the global economy</i>, Bak Young Sa, 1996, 20-46.</p> <p>3) Chongko Choi, "Law and Justice in Traditional Korea", in Chongko Choi, <i>Law and Justice in Korea</i>, Seoul University Press, 2005, 65-74.</p>
4	<p>4) Geung Sik Jung, "The Codifications and Legal Institutions of the Joseon Dynasty", <i>Journal of Korean Law</i>, Vol. 13, No. 1, 2013, 175-212.</p> <p>5) Dae Hong Kim, "The Case Study for the Legislation of Criminal Laws in the Early Joseon Dynasty", <i>Journal of Korean Law</i>, Vol. 15, No. 1, 2015, 237-257.</p> <p>6) Jerome Bourgon, Pierre-Emmanuel Roux, "The Chosŏn Law Codes in an East Asian Perspective", in Marie Seong-Hak Kim, <i>The spirit of Korean law: Korean legal history in context</i>, Brill, 2016, 19-51.</p> <p>7) Anders Karlsson, "Confucian Ideology and Legal Developments in Choson Korea: A methodological Essay", in Marie Seong-Hak Kim, <i>The spirit of Korean law: Korean legal history in context</i>, Brill, 2016, 82-106.</p>
5	<p>Encounter with Western Law and Legal Systems under Japanese Rule.</p> <p>Reference readings (excerpts):</p> <p>1) Pyong-choon Hahm, "Korea's Initial Encounter with the Western Law 1866-1910 A.D". and "Korea's Initial Encounter with the Western Law 1910-1948 A.D.", in Sang-Hyun Song, <i>Korean law in the global economy</i>, Bak Young Sa, 1996, 47-75.</p>
6	<p>2) Edward J. Baker, "The Role of Legal Reforms in the Japanese Annexation and Rules of Korea, 1905-1919", in Sang-Hyun Song, <i>Korean law in the global economy</i>, Bak Young Sa, 1996, 75-98.</p> <p>3) Marie Seong-Hak Kim, "Legal Reforms in Protectorate Korea, 1905-1910", in Marie Seong-Hak Kim, <i>Law and custom in Korea: comparative legal history</i>, Cambridge University Press, 2012, 101-150.</p> <p>4) Marie Seong-Hak Kim, "Colonial Law and the Legal System", 1910-1945, in Marie Seong-Hak Kim, <i>Law and custom in Korea: comparative legal history</i>, Cambridge University Press, 2012, 151-191.</p> <p>5) Marie Seong-Hak Kim, "Can There Be Good Colonial Law? Korean Law and Jurisprudence under Japanese Rule Revisited", in Marie Seong-Hak Kim, <i>The spirit of Korean law: Korean legal history in context</i>, Brill, 2016, 129-154.</p>

7	<p>Korean Modern Law: After the Japanese Occupation to the 1987's Constitution and Towards the Present. Reference readings (excerpts):</p> <ol style="list-style-type: none"> <li>1) Dae-Kyu Yoon, "Constitutional Amendment in Korea", in Sang-Hyun Song, <i>Korean law in the global economy</i>, Bak Young Sa, 1996, 197-207.</li> <li>2) Dae-Kyu Yoon, "Historical Review of Pre-1987 Politics and Law", in <i>Korean development of democracy and law</i>, Korea Legislation Research Institute, 2008, 9-22.</li> <li>3) Dae-Kyu Yoon, "Paradigmatic Change of Politics and Law after 1987", in <i>Korean development of democracy and law</i>, Korea Legislation Research Institute, 2008, 23-48.</li> <li>4) Marie Seong-Hak Kim, "Customary Law in Modern Korea", in Marie Seong-Hak Kim, <i>Law and custom in Korea: comparative legal history</i>, Cambridge University Press, 2012, 267-296.</li> <li>5) Joon-Young Moon, "The making of the Constitution and the Civil Code in Postliberation Korea", in Marie Seong-Hak Kim, <i>The spirit of Korean law: Korean legal history in context</i>, Brill, 2016, 177-201.</li> </ol>
8	<p>Review of the first part of the course.</p>
9	<p>Understanding the current Korean legal system: the sources of laws, Constitutional Law, Constitutional Adjudication and basic rights. Reference readings (excerpts):</p> <ol style="list-style-type: none"> <li>1) The Constitution of the Republic of Korea, articles 1-39, 111-113.</li> <li>2) Korean Constitutional Court's English website (relevant parts).</li> <li>3) Korea Legislation Research Institute, "Constitutional Law", in <i>Introduction to Korean Law</i>, Springer Verlag, 2013, 31-84.</li> <li>4) Dae-Kyu Yoon, "The Constitutional Court System of Korea: The New Road for Constitutional Adjudication", <i>Journal of Korean Law</i>, Vol. 1, No.2, 2001, 1-16.</li> <li>5) Hahm Chaihark, "Human rights in Korea", in Randall Peerenboom, Carole J. Petersen, Albert H.Y. Chen, <i>Human Rights in Asia: A Comparative Legal Study of Twelve Asian Jurisdictions, France and the USA</i>, Routledge, 2006, 265-297.</li> </ol>
10	<ol style="list-style-type: none"> <li>6) Dae-Kyu Yoon, "Creation of the National Human Rights Commission", in <i>Korean development of democracy and law</i>, Korea Legislation Research Institute, 2008, 199-210.</li> <li>7) Kang-Kook Lee, "The Past and Future of Constitutional Adjudication in Korea", in Laurent Mayaly and John Yoo, <i>Current Issues in Korean Law</i>, Robbins Collection, 2014, 1-14.</li> <li>8) Dai-Kwon Choi, "The State of Fundamental Rights Protection in Korea", in Laurent Mayaly and John Yoo, <i>Current Issues in Korean Law</i>, Robbins Collection, 2014, 87-124.</li> <li>9) Fabian Duessel, Seokmin Lee, "The Constitutional Court of Korea and Materials for the Study of Korean Constitutional Law", <i>Journal of Korean Law</i>, Vol. 16, No.1, 2016, 265-284.</li> <li>10) Constitutional Court of Korea, <i>Thirty Years of the Constitutional Court of Korea 1988-2018</i>, 2018 (available online).</li> </ol>
11	<p>Features of the Government, the National Assembly and the Judicial System. Reference readings (excerpts):</p> <ol style="list-style-type: none"> <li>1) The Constitution of the Republic of Korea, articles 40-110.</li> <li>2) Korean Supreme Court, National Assembly, Presidency and Ministry of Government Legislation's English websites (relevant parts).</li> <li>3) Chongko Choi, "Judicial System in Korea", in Chongko Choi, <i>Law and Justice in Korea</i>, Seoul University Press, 2005, 247-259.</li> <li>4) Dae-Kyu Yoon, "Normalization of the Separation of Powers Principle", in <i>Korean development of democracy and law</i>, Korea Legislation Research Institute, 2008, 99-122.</li> <li>5) Dae-Kyu Yoon, "Independent Judiciary and Judicial Reform", in <i>Korean development of democracy and law</i>, Korea Legislation Research Institute, 2008, 123-150.</li> <li>6) Korea Legislation Research Institute, "Legal System and Institutions", "Legislative Process of Korean Law", in <i>Introduction to Korean Law</i>, Springer Verlag, 2013, 6-17, 21-27.</li> <li>7) Supreme Court of Korea, <i>Introductory Book of the Supreme Court of Korea</i>, 2019 (available online).</li> </ol>

12	<p>Introduction to Korean Civil Law and Civil Procedures. Reference readings (excerpts):</p> <ol style="list-style-type: none"> <li>1) Korean Legislation Research Institute, "Civil Law and Civil Procedural Law", in <i>Introduction to Korean Law</i>, Springer Verlag, 2013, 113-154.</li> <li>2) Hee Ho Pak, "Korean Civil Code and Its Interpretation", <i>HUFS Global Law Review</i>, Vol. 7 No. 1, 2015, 61-72.</li> <li>3) Youngjoon Kwon, "Litigating in Korea: A General Overview of the Korean Civil Procedure", <i>Journal of Korean Law</i>, Vol. 7, No. 1, 2008, 109-143.</li> </ol> <p>Overview of Korean Family Law.</p>
13	<p>Reference readings (excerpts):</p> <ol style="list-style-type: none"> <li>4) Jinsu Yune, "Recent Decisions of the Korean Constitutional Court on Family Law", <i>Journal of Korean Law</i>, Vol. 1, No. 1, 2001, 133-156.</li> <li>5) Jinsu Yune, "Tradition and the Constitution in the Context of the Korean Family Law" <i>Journal of Korean Law</i>, Vol. 5, No.1, 2006, 194-212.</li> <li>6) Hyunah Yang, "A Journey of Family Law Reform in Korea: Tradition, Equality, and Social Change", <i>Journal of Korean Law</i>, Vol. 8, No. 1, 2009, 77-94.</li> <li>7) Whasook Lee, "Matrimonial Property System of Past, Present and Future in Korea: Focused on the Role of Tradition and Culture in Family Law Reform", <i>Journal of Korean Law</i>, Vol. 8, No.1, 2009, 95-113.</li> </ol>
14	<p>Basic Principles of Korean Criminal Law and Criminal Procedure. Reference readings (excerpts):</p> <ol style="list-style-type: none"> <li>1) Korean Legislation Research Institute, "Criminal Law and Procedure", in <i>Introduction to Korean Law</i>, Springer Verlag, 2013, 155-186.</li> <li>2) Damien P. Horigan, "Observations on the South Korean Penal Code", <i>Journal of Korean Law</i>, Vol. 3, No. 2, 2003, 139-159.</li> <li>3) Dae-Kyu Yoon, "Strengthened Protection in the Criminal Process", in <i>Korean development of democracy and law</i>, Korea Legislation Research Institute, 2008, 211-218.</li> <li>4) Kuk Cho, "Korean Criminal Law: Moralism <i>Prima Ratio</i> for Social Control", <i>Journal of Korean Law</i>, Vol. 1 No. 1, 2001, 77-96.</li> <li>5) Kuk Cho, "The 2007 Revision of the Korean Criminal Procedure Code", <i>Journal of Korean Law</i>, Vol. 8, No. 1, 2009, 1-22</li> </ol>
15	<p>Review of the second part of the course.</p>
16	<p>Final paper submission</p>