

## Class Plan Inquiry

POL3152-01 (Semester 2, 2012)



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| Initial registration date | 2012-07-29 01:46:14   | Last modified date  | 2012-08-11 04:17:52    |
| Course Title              | Comparative Constitutional Politics   | Credits             | 3                      |
| lecture room              | Yeon 308  | Lecture time        | Wed 2, Fri 3, 4        |
| Professor in charge       | Junghwan Kim  | Professor in charge | Graduate School of Law |
| Lab                       | Gwangbok Hall 106   | Contact             | 010-3243-9557          |
| e-mail and office hour    | circlekjh@nate.com / Before and after class, please make an appointment   |                     |                        |
| Course Target             | <p>In principle, this course is for students of Political Science and Diplomacy. This course is especially helpful for students who wish to enter the Graduate School of Law or want to learn the basic theory of Public Law.</p> <p>If there are a lot of students who want to take the course, we will give priority to the students of political science and diplomacy who took the LEET exam to enter the Graduate School of Law.</p> |                     |                        |

Course Objectives  
and Overview

1. The choice of comparison as a method of study aims to accurately understand "what we are now" through differentiation and similarity.

Main purpose of this course is to understand the position of constitutionalism

which places the Constitution and the rule of law at the center of political thinking and practice through the method of comparison .

So in the class, we study several constitutional cases of the United States, Japan, and Germany.

(For example, the Marbury v. Madison case in the United States is important case

to understand the judicial review system.

And important example of understanding the private system,

Discussion regarding Article 9 of the Constitution of Japan, which focuses on prohibiting

the holding of the Navy and Air Force and other forces for international peace,

and not acknowledging the right to engage in national engagement, provides an important

starting point for discussions

regarding the norm and constitution and the interpretation of the Constitution.) This course will help you understand the concept of

constitutionalism and the

interrelationship between constitutionalism and democracy in terms of harmony and conflict.

2. Understanding the meaning of constitutionalism as a political student should not stop at knowing the concept of constitutionalism as ideology.

Knowing only the concept of constitutionalism without knowing what our

constitutional order and what our rule of law have, we only know the shell of constitutionalism.

Therefore, in this class, we will explain to students the basic theory of our

Constitution and administrative law so that students can really understand the meaning of constitutionalism and the rule of law.

In other words, through the basic theory of public law, I want to give an opportunity to

understand the normative nature of studying law, for social science students who did not come into contact with the law,

and give a chance to think over the law in the future as a career path as well.

Regarding the Constitution, there would have had many opportunities to learn the theory of governance

through other curriculum of existing political diplomacy. Therefore, this class will focus on the basic theory of the Constitution,

focusing on basic rights theory,

and will also explain the basic theory of administrative law in order to examine the

concrete aspects of the rule of law.

The principle of administration is the fundamental value of our country's operations, so it is necessary to study the basic theory of administrative law.)

3. Our constitutional order is built through fierce struggle historically.

It is the "image of our lives" with the distress of many people. I hope that through this class, students can understand that the law

does not exist far away, but exists in our lives,

and knowing the law gives us a good power in social life. I hope that the value of "law" is not a shield

for the ruler's power and for the protection of the interests of certain groups,

but a means to protect the freedom and human rights of the people and a way to realize freedom and equality.

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| Prerequisite<br>(Prerequisite Learning) | <p>There are no prerequisites. However, the content of the class is an extension of the "Law and Politics" course which was held in the first semester of 2011 and the first semester of 2012.</p> <p>This semester, we will focus on basic rights cases and current affairs that were not covered in law and politics.</p> <p>If you have taken the "Law and Politics" class, you are welcome to deepen and supplement the course content. Even students who have not taken this course will not have a problem with this class.</p>  |
| Course operation method                 | <p>This class consists of 1.lecture 2.discussion 3.assessment and exchange of opinions.</p> <p>1. Basic knowledge will be delivered through my lecture. Class time is limited<br/>Because there is so much to lecture, there are no personal presentations and group projects.</p> <p>2. Law is not in a textbook, but a picture of our lives. We will spend about 30 minutes every Friday discussing the legal issues of our lives.<br/>The discussion may be limited depending on the size of the students, but still, we will revitalize the discussion considering that this class is a major in political science and diplomacy<br/>The discussion will also take place on the YSCEC bulletin board.</p> <p>3. Students will have a chance to talk directly with me about the assignment. For an hour after class,<br/>I would like to have a conversation with several students. It can be about the evaluation of the assignment, the contents related to the class, or other contents outside the lecture are also good with me.</p>   |
| Grading Method                          | <p>Grading is based on 1. midterm and final exams 30% respectively 2. attendance 10%, 3. discussion<br/>And 10% of class participation and 4. 20% of assignments.</p> <p>1. The midterm and final exams will be a combination of multiple-choice and essay writing.</p> <p>2. Attendance will be assessed by deducting two or more absences.</p> <p>3. Please engage in the debate, be eager to comment on different topics I will present to YSCEC.<br/>If you participate actively, discussions and class participation will be given a perfect score.<br/>I hope all students will receive a perfect score in this section.</p> <p>4. There are two assignments.The first task is a cover letter.<br/>It is a task to introduce yourself and to design your future life goals. The second task is to write a speech on a specific issue assuming you are running for the presidential election of the Republic of Korea. The second semester of 2012, with this class, is the time of the presidential election.<br/>let's have a chance to think about what to think about as the leader of the Republic of Korea ourselves.A detailed description of the assignment will be given again in class.</p> |

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| Textbooks and References | <p>1. There is no designated textbook. For what I covered in class I will upload a summary in YSCEC. It will be helpful for your review.</p> <p>2. In regard to the Constitution and the Administrative Law, any textbooks on the market can be used as a textbook. You should review it carefully so that you can understand and follow the lessons.</p> <p>3. For the Constitutional Court decision and court case I refer to in class, you should find the full text and read it (see Constitutional Court, Supreme Court homepage).</p> <p>4. We need to actively study the problems of reality not listed in the textbook. I recommend to subscript weekly newspapers (Sisa IN, Hankyoreh 21, weekly shipbuilding, weekly trend, etc.) of your choice</p> <p>5. On Opinion pieces based on legal thinking [Constitution and Future, Co-Wang Kang et al., Human Love] is recommended.<br/>To understand the US Constitution, see The Federalist Papers / Alexander Hamilton, John Jay, James Madison, Leading Constitutional Decisions, Robert F. Cushman and [History of the United States Constitution and Human Rights, Ho-Soon Jang, and Gae Won Plateau].<br/>The relation between constitutionalism and democracy, and the meaning of constitutionalism [21], co-authored by Kim Young-min, Human Love], [Constitutional Debate-Democracy vs. Constitutionalism, Hasebe Yasuo] Co-author, Kim Il-young translation, Nonhyeong], [Constitution, Lee Kuk-un, Book world] is recommended.<br/>To understand the general theory of administrative law easily, [Introduction to New Administrative Law, Hong Jeong-sun, Park Young-sa], [General Administrative Law, Kim Seong-su, Hong Mun-sa] is recommended.</p> |                |                            |         |
| Professor Information    | <p>I completed Bachelor's degree in Political Science and Diplomacy at Yonsei University.<br/>I studied for 1 year as an exchange student at West Virginia Wesleyan College.<br/>I have completed a master's and a doctoral degree from the graduate school law department, Yonsei University. Currently, I am a research professor at Yonsei University Graduate School of Law<br/>I am very interested in the relations between the state and the people, and in particular, administrative action, welfare and human rights. Also, I was selected for the Human Rights Lecturer's training course and completed the entire course and worked as a lecturer.<br/>We believe that the important values of law and politics are the guarantee and extension of human rights.</p>   |                |                            |         |
| TA Information           | <p>If you have any questions regarding class or attendance, please talk to me directly.</p>  |                |                            |         |
| Summary                  | <p>Comparative constitutional politics-The objective of this course is to provide a fundamental understanding of public law and constitutionalism.<br/>Korean required</p>   |                |                            |         |
| week                     | term   | Class contents | Textbook Range, Assignment | Remarks |

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| 1 | 2012-09-03<br>2012-09-09 | <p>* The first hour is a guide to the class.<br/>We will talk about the purpose of this course, the difference between political science and law and the perspective of law as a political student, the characteristics and study of law subjects, the meaning of constitutionalism, and the meaning of justice as an ideology of law. Students are encouraged to attend the first class. Every Friday there are discussions about current affairs and related laws for 30 minutes.</p> <p>* Below is a brief introduction to the themes . we want to cover in the class (some of which may be omitted.)</p> <p>* With regard to each time, we will introduce abundantly the leading cases among Korean and foreign precedents so that students can feel the law more closely. In the case of complementary readings, I will present the case to YSCEC.</p> | Below is a brief description of your book presented the lesson I'll also mention them in class with more detailed comments.   | (9.3) Opening (9.5 ~ 9.7)<br>Course Registration and Change |
| 2 | 2012-09-10<br>2012-09-16 | Academic Meaning of Comparative Methodology, Constitutionalism , understanding the relationship of constitutionalism and democracy  | <p>Refer to Political Science textbook explaining Constitutionalism.</p> <p>* Friday, September 14 Yonsei-Korea Game is planned. Therefore there is no lecture. I have to go watch baseball game, the most fun baseball game in the world. I can't be in class. Meet me at the ballpark</p> |   |

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| 3 | 2012-09-17<br>2012-09-23 | Formation of our Constitution, Structure of our Constitution, Meaning of rule of law, understanding of courts, and the cases related to the distortion and settlement of the rule of law in modern Korean history.<br>(Focus on cases of Unconstitutional Declaration of National Compensation Law)   | You can read the Principles of Rule of Law in the Constitution Textbook, the principles of Administrative Law in the Administrative Law Textbook, the Court, the Governing Act and the Unconstitutionality of the Prohibition of Double Indemnity in the National Compensation Law |  |
| 4 | 2012-09-24<br>2012-09-30 | The role of the courts, the Constitutional Court and the Constitutional Court, The status of the judiciary and judicial activism, Governing, judicial review, and abstract aspect of political constitution , the formation of the US Constitution, the formation of Universal Declaration of human rights and national constitutions in each countries | You can read the Constitutional Court Act section of the Constitution text book and reference to the US Constitution, and read the Universal Declaration of Human Rights   | (9.29 ~ 9.30)<br>Chuseok                                     |
| 5 | 2012-10-01<br>2012-10-07 | Human Rights, Constitutional Order, Political nature of the Constitution and the technicality of Administrative Law Normative phase structure of the Constitutional and administrative law The meaning of the administrative law as concrete law of Constitution the distinction between public law and private law, parties and rights in public law   | Task 1 (Self-Introduction)<br><br>You can find the theory of discrimination in construction law the meaning of the rule of law, and the personal authority in the first part of the administrative law textbook  | (10.1) Chuseok<br><br>(10.3) New Year's Day<br>(10.4 ~ 10.5) |
| 6 | 2012-10-08<br>2012-10-14 | Principles and Details of Administrative Procedures and Due Process and its realization, understanding of remedies for public law, including constitutional lawsuits and administrative disputes (1)  | Refer to Due Process Principles in the Constitution Textbook Division of the Constitutional Court Act, Administrative Remedies section of the law textbook   | (10.8) Course withdrawal<br>(10.9) 1/3 of semester           |
| 7 | 2012-10-15<br>2012-10-21 | Understanding restitution of rights under public law, including constitutional lawsuits and administrative disputes   | Refer to Constitutional Court Law Department of Constitutional Textbooks , administrative remedy of administrative law textbook  |  |

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| 8  | 2012-10-22<br>2012-10-28 | Midterm exam  |   | (10.22 ~ 10.27)<br>Interim Test |
| 9  | 2012-10-29<br>2012-11-04 | Mid-term commentary, movie on law and human rights (I will discuss which the movie to watch in class )  | You can just watch wondering 'is it really going to be fun?   |                                 |
| 10 | 2012-11-05<br>2012-11-11 | Understand administrative actions of state and local governments (confirmation of form of administration, effectiveness of administration ) (1)                                 | See the appropriate section of the Administrative Law textbook.   |                                 |
| 11 | 2012-11-12<br>2012-11-18 | Understanding administrative actions of state and local governments (confirmation of form of administration, effectiveness of administration , etc.) (2)                        | Assignment 2 (Presidential Speech)<br><br>See the appropriate section of the Administrative Law textbook. | (11.15)<br>semester 2/3         |
| 12 | 2012-11-19<br>2012-11-25 | Understanding Basic Rights (1)-Articles 10 and 37 of the Constitution , equality as a comprehensive fundamental right , self-determination, personality right, life right, etc. | Look at that part of the Constitution textbook.   |                                 |
| 13 | 2012-11-26<br>2012-12-02 | Understanding of fundamental rights (2)-Freedom of expression (freedom, of Press, Publishing, assembly, freedom of association, etc.) Freedom of conscience, religion, etc.     | Look at that part of the Constitution textbook.   |                                 |
| 14 | 2012-12-03<br>2012-12-09 | Understanding basic rights (3)-freedom of the body, wealth , freedom of choice, rights regarding social security , etc.   | Look at that part of the Constitution textbook.   |                                 |
| 15 | 2012-12-10<br>2012-12-16 | The latest legislations (as of December 2012) of the Republic of Korea, Discussion for Constitutional Amendment and Presidential Election.                                      | Read discussion about Constitutional Amendments   |                                 |

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| 16 | 2012-12-17<br>2012-12-23 | Final Examination (The final exam commentary should be announced to YSCEC.) |  | (12.17 ~ 12.22)<br>Final Exam |
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\* Important notices regarding the change of the regular semester's operation method

Class or self-study in the week where the test is not taken into account considering the mid-term period (2019.10.21.-10.25.) And the final period (2019.12.9.-12.20.) Should proceed. \* According to Article 57-2 of Yonsei University School Regulations, students with disabilities may request teaching and learning support for attendance, lectures, assignments, and examinations through interviews with their professors before and after the start of the semester. Assistance is available through the Faculty or Disability Student Services Office. Here are some examples of possible disabilities by class, assignment, and exam. (However, the actual support content may vary depending on the nature of the lecture.) [Lecture] -Visually impaired: teaching materials (digital, braille, enlarged textbooks, etc.), essay help allowed -Retardation: teaching materials (digital teaching materials), Ghostwriting and teaching assistant helper allowed, designated seating arrangements - deaf: daepil / text translator helper allowed, lecture transcripts allowed - intellectual disability / autism disorders: daepil assistant and teaching mentor allow [assignment and exam] - visual impairment / disability / deaf : Extension of project submission deadline, adjustment of assignment and submission method, extension of test time, adjustment of test questions and response method, provision of separate place, linkage of helpers, etc. -Intellectual Disability / Autistic Disorder: Submission of individualization assignment and evaluation of alternative evaluation