LAW AND SOCIETY MEDIEVAL JAPAN.

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346-4800        HIST 407/507, Fall 2011.
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General
In this seminar we will explore aspects of the content and role of law in different eras in the medieval and early modern eras (roughly 1200-1850). During this time the warrior class was the single most dominant ruling group. While warriors came into prominence as a result of armed activity, and while the period from the 1330s to 1600 was characterized like no other by the phenomenon of warfare and long-term violence, warriors also produced a legal culture which has had a profound influence on the development of Japanese society.

In this class we will look at a number of different historical periods, and for each one we will examine some topic areas which were of great legal and jurisdictional concern. Those areas of concern will also tell us a great deal about social conditions and social concerns, which in turn helped define what issues would be of legal concern.

We will look at four general areas. We will start in the 1200s, with the establishment of the first warrior government and the promulgation of the foundational warrior law code, the Jōei Formulary; then we will look at issues of commerce and law prompted by the emergence of a monetized commercial economy from the 1300; then we will look at the phenomenon of domain law codes that became ubiquitous during the civil war of the 1500s; and we will finish with a survey of some aspects of crime and punishment to which the early modern Tokugawa regime gave attention.

Requirements
Active participation in class discussion; serving as a "discussion leader" at least twice (this is normally done in conjunction with one to three others, rather than being a solo effort). Discussion leaders collectively cover the readings for the week; the rest of the class covers a portion of them (to be designated later).

A term paper of around 4500-5500 words. Graduate Students will additionally submit a 3-4 page book review. The term paper is due no later than November 29.

Texts and readings.

Books (or books in which articles appear) noted on the Reading Schedule (see below) are on course reserve in the Knight Library. Journal articles, and some items from edited collections, will be available on Blackboard.
For some useful historical background reading you might usefully consult such works as P. Souyri, *The World Turned Upside Down*; the relevant chapters of J.W. Hall, *Japan From Prehistory to Modern Times*; or H.P. Varley, *Japanese Culture*. *The Cambridge History of Japan*, for which volumes 3 and 4 are relevant for this course, are available in electronic form through the Knight Library catalog. You might find it generally useful to browse through such journals as *Monumenta Nipponica*, *Harvard Journal of Asiatic Studies*, or *Journal of Japanese Studies*, all of which are also available online through the Knight Library catalog.

**DISCUSSION SCHEDULE**

Week 1 (9/27/11): Course Introduction and Overview of Period.

Week 2 (10/04/11): Kamakura Legal System.


Week 6 (11/01/11): Sixteenth Century Civil War Era: Kyoto.

Week 7 (11/08/11): Tokugawa Social Status and Law.


Week 9 (11/22/11): Individual projects.

READING SCHEDULE

Week 1 (9/27/11): Course Introduction, Overview of Time Frame.

Week 2 (10/04/11): Kamakura Legal System
“Institutes of Judicature,” in J. C. Hall, Japanese Feudal Law, pp. 1-44.
Steenstrup, C. “The Legal System of Japan at the End of the Kamakura Period from the Litigant’s Point of View.” In B. McKnight ed., Law and the State in Traditional East Asia, pp. 73-110.

Mass, J.P. Lordship and Inheritance in Medieval Japan.

Segal, E. Coins, Trade and the State.
Grossberg, K. and Kanamoto, N. The Laws of the Muromachi Bakufu.
Gay, S. The Moneylenders of Late Medieval Kyoto.
Yamamura, K. “The Growth of Commerce in Medieval Japan.” In The Cambridge

Week 5 (10/25/11): Sixteenth Century Civil War Era: Domain Law
Ryavec, C. Political Jurisdiction in the Sengoku Daimyo Domain: Japan, 1477-1573.
Kanda, J. Jinkaiashū.

Tite, D. Law and Status in Early Tokugawa Kyoto.
Berry, M. E. “Restoring the Past: The Documents of Hideyoshi’s Magistrate.”
HJAS, 43.1 (1983), pp. 57-95.
Berry, M. E. The Culture of Civil War in Kyoto.

Week 7 ((11/08/11): Tokugawa Social Status and Law.

“Edict in 100 Articles.” In J. C. Hall, Japanese Feudal Law, pp. 145-266.
Wright, D. E. “Female Crime and State Punishment in Early Modern Japan.”
Stanley, A. “Adultery, Punishment, and Reconciliation in Tokugawa Japan.”
Tonomura, H. “Sexual Violence Against Women: Legal and Extralegal Treatment

Week 9 (11/22/11): Individual projects.

Week 10 (11/29/11): Pizza 😊

Some additional materials which may be of interest.

Asakawa, K. *The Documents of Iriki.*


