

## Issues in the Anthropology of Law 2008 Alan

### Lecture one: Neither status nor contract: the case of Japanese crime and law

The low levels of crime in Japan and its causes; punishment; group pressures and the managed society; the role of the *ya-ku-za* (criminal organization); the low level of civil litigation and its causes; compromise, reconciliation and mediation; embedded laws; the hybrid society

### Lecture two: Neither law nor politics: the case of inquisition and terrorism

A brief history of moral panics (from Inquisition to Satanic child abuse); methods of finding subversives; surveillance and spying; networks of accusations; forced confessions and torture; judging intent; reasons for moral panics, war and religion.

#### *Lecture 1: Japanese crime and law*

- Walter L. Ames, *Police and community in Japan* (Berkeley, 1981).  
David H. Bayley, 'Police, crime and the community in Japan' in George De Vos ed., *Institutions for change in Japanese society*, Berkeley, 1982.  
John O. Haley, 'Sheathing the sword of justice in Japan', *Jnl. of Japanese Studies* 8 (2) (1982).  
John O. Haley, 'The myth of the reluctant litigant', *Jnl. of Japanese Studies* 4 (2) (1978).  
Dan F. Henderson and James L. Anderson, 'Japanese law: a profile', in Arthur E. Tiedemann (ed.), *An introduction to Japanese civilization* (Columbia, 1974).  
Joy Hendry, *Understanding Japanese Society* (1987)  
Alan Macfarlane, 'Law and custom in Japan: some comparative reflections' in *Continuity and Change* 10(3), 1995 [also available on [www.alanmacfarlane.com](http://www.alanmacfarlane.com)]  
Alan Macfarlane, *Japan Through the Looking Glass* (2007)  
Various articles by in the *Kodansha Encyclopedia of Japan* (Tokyo, 1983) on 'Legal System' (Beer), 'Crime' (Suzuki); 'Judicial System' (Maki); 'Lawyers' (Watanabe); 'Dispute Resolution' (Ratcliffe); 'Legal System' (Ryavec). [The Kodansha is in the Reading Room of the C.U.L. – an invaluable source].  
Kurt Singer, *Mirror, Sword and Jewel; the Geometry of Japanese Life* (1973) [A brilliant overview of Japanese civilization]  
Robert J. Smith, *Japanese society: tradition, self and the social order* (Cambridge, 1983). [The best anthropological introduction to Japan]  
Yoshio Sugimoto, *An Introduction to Japanese Society* (2<sup>nd</sup> edn, 2003; an up-to-date overview)  
Hideo Tanaka, *The Japanese legal system* (Tokyo, 1976).  
Arthur von Mehren ed., *Law in Japan* (Cambridge, Mass, 1963)

#### *Lecture 2: Inquisition and terrorism*

- Norman Cohn, *Europe's Inner Demons* (1975)  
David Cole and James X. Dempsey, *Terrorism and the Constitution* (2002)  
Michel Foucault, *Discipline and Punish* (1977)  
John Gray, *Heresies* (2004), part 2, 'War, Terrorism and Iraq'.

Gustave Henningsen, *The Witches' Advocate; Basque Witches and the Spanish Inquisition* (1980)  
Henry Kamen, *The Spanish Inquisition* (1976)  
Helena Kennedy, *Just Law* (2004)  
Arthur Koestler, *Darkness at Noon* (1945)  
Jean La Fontaine, *Speak of the Devil: Tales of satanic abuse in contemporary England* (1998)  
Edmund Leach, *Custom, Law and Terrorist Violence* (1977)  
Arthur Miller, *The Crucible* (1953) and *The Crucible in History* (2000)  
Edward Peters, *Torture* (1985)  
Joshua Rosenberg, *The Search for Justice* (1994)  
Sprenger and Kramer, *Malleus Maleficarum (The Hammer of Evil)*, (1486, trans. M. Summers, 1928)  
Charles Townsend, *Terrorism: A very Short Introduction* (2002)