



Law and literature: the Japanese legal system as seen through literary sources

SPRING 2020

**Studium
Generale**

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Introduction

Most of you probably read books for fun

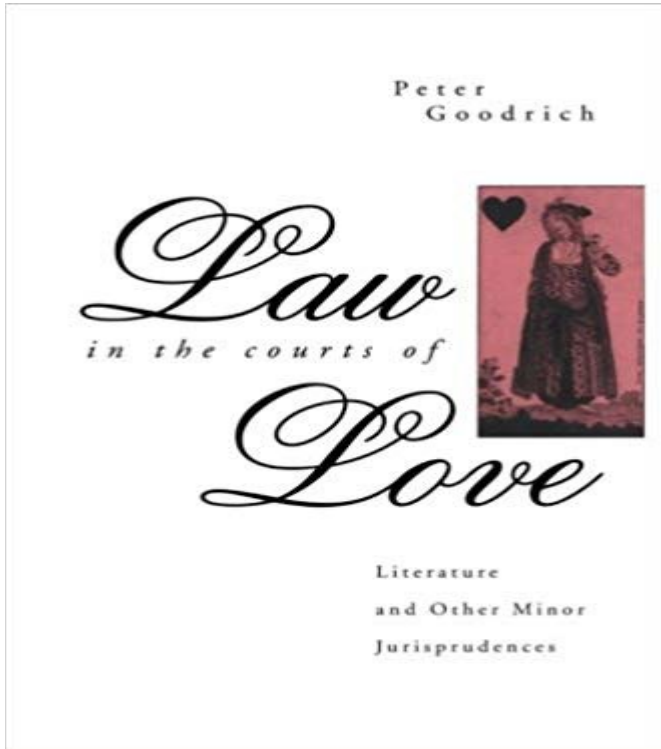
Many of you probably do not study law

The purpose of this lecture is to make you understand that you can learn a lot about law from novels, *manga*, movies, etc.

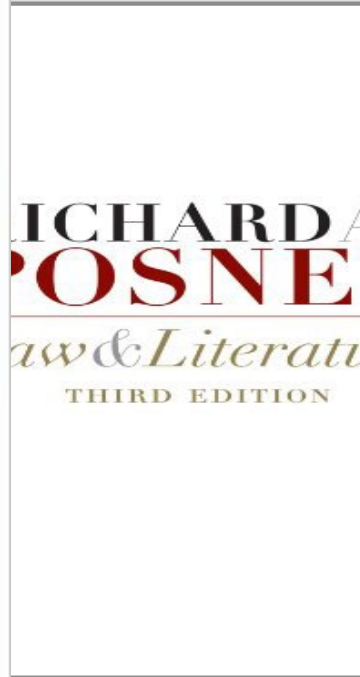
Recent Developments

- In recent years studies in *Law and Humanities* have developed immensely
- While at the beginning the focus was on «literature», now we have analyses based on «pop» sources as well (Asimow; Mader, 2013)

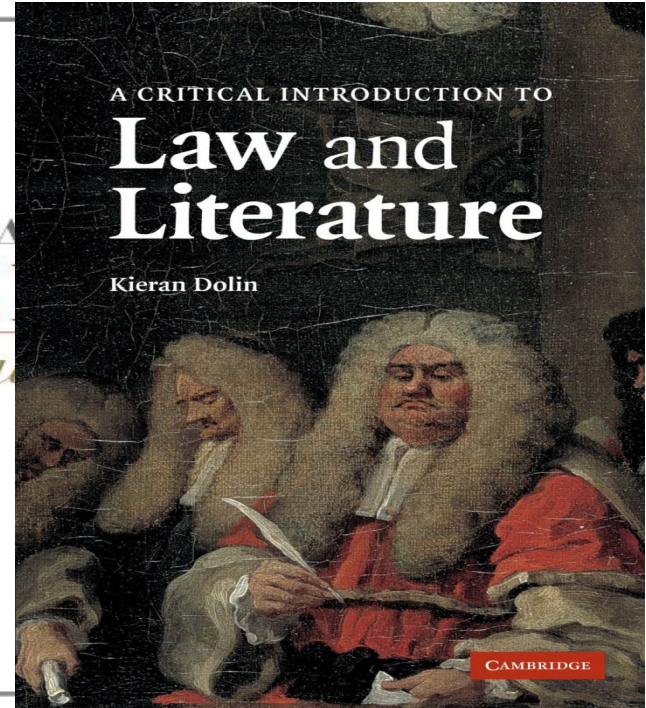
Law and Literature



PETER GOODRICH.(1996)
Law in the Courts of Love: Literature and Other Minor Jurisprudences,
London : Routledge



Richard A Ponsner.(2009)
Law and Literature Third Edition,
Cambridge, Mass. ,Massachusetts : Harvard University Press



Kieran Dolin. (2012)
A Critical Introduction to Law and Literature,
Cambridge: Cambridge University Press

Law and Humanities

BRINGING LAW TO LIFE

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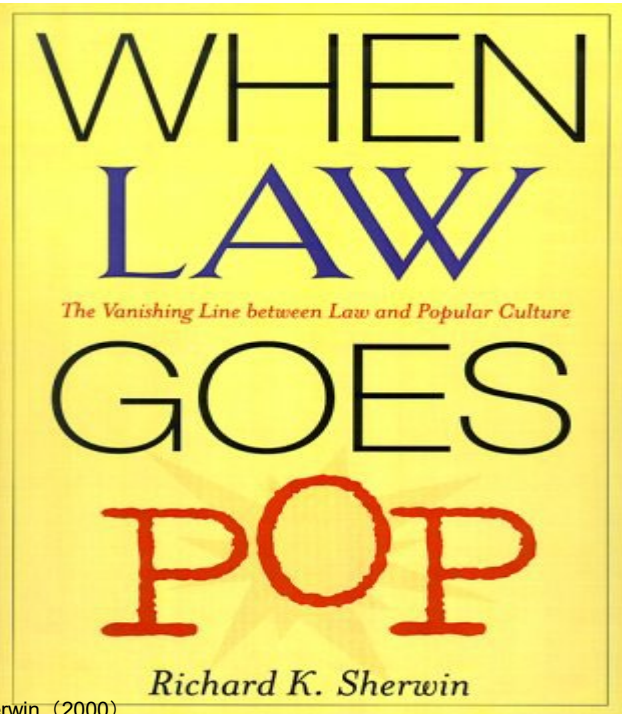
[Human Rights Initiatives](#)

The **Program in Law and Humanities** is designed to bring together, under one rubric, the scholarly and pedagogic strengths upon which Cardozo has built its faculty and reputation. The broad purpose of the program is to instigate, draw together, facilitate, sponsor, and publicize work in Law and Humanities within the school and curriculum. Courses, conferences, scholarly symposia, public lectures, publications, a distinguished visitor seminar, and joint events and classes with The New School's Department of Philosophy and the New York University Program in Poetics and Theory round out the program.

For more information contact Professor Peter Goodrich, goodrich@yu.edu.

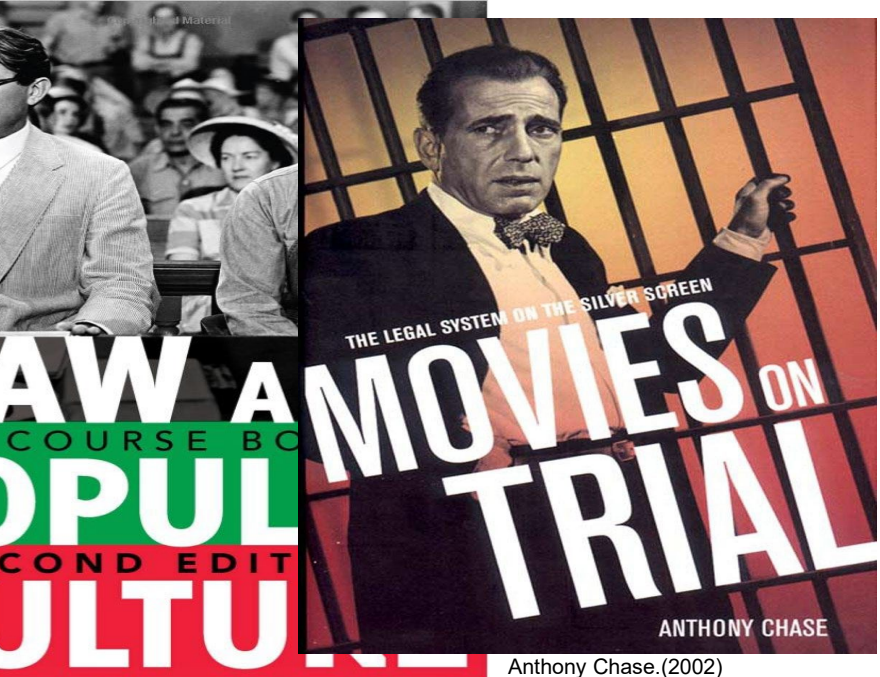
Source: Cardozo School of Law (<https://cardozo.yu.edu/>), 2020.

Law and...



Richard K. Sherwin (2000)
When Law Goes Pop: The Vanishing Line between Law and Popular Culture
University of Chicago Press

Michael Asimow. & Shannon Mader.(2013)
Law and Popular Culture: A Course Book, 2nd Edition (Politics, Media, and Popular Culture),
Pieterlen and Bern: Peter Lang Inc.



Anthony Chase.(2002)
Movies on Trial: The Legal System on the Silver Screen.
New York:The New Press

Law and Popular Culture

NEW YORK
LAW SCHOOL

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Visual Litigation

Visual Legal Training

Recent Media Events

Law and Popular Culture

Popular Legal Studies

Law and Film

Court TV

Law Imitating Art

Popular Culture and Law

About the Project

Popular Culture and Law

Popular Culture and Law (International Library of Essays in Law & Society S.)

Richard K. Sherwin (Editor)

Synopsis

This book takes as its subject the interpenetration of popular culture and law. It gathers together a broad range of essays that explore the various ways in which law's stories and images migrate from the courtroom to the court of public opinion, and from movie, television, and computer screens back to electronic monitors inside the courtroom itself. It also examines what happens when lawyers and public relations experts market notorious legal cases and controversies as if they were just another commodity. In addition, it probes the formative relationship that is now developing between law and digital culture in virtual worlds on the Internet. Ultimately, this collection of essays invites readers to ponder what the interpenetration of law and popular culture means with respect to the current status and future fate of law, truth, and justice in contemporary society.

Table of Contents

Introductory essay:	<i>Richard K. Sherwin</i> , "The Interpenetration of Popular Culture and Law;"
Part One: Law in Pop Culture	
– Chapter One:	<i>Lawrence M. Friedman</i> , "Popular Legal Culture: Law, Lawyers, and Popular Culture"
– Chapter Two:	<i>Norman Rosenberg</i> , "Looking for Law in All the Old Traces: The Movies of Classical Hollywood, The Law, and the Case(s) of Film Noir"

https://www.visualpersuasionproject.com/law_and_popular_culture/popular_culture_and_law/

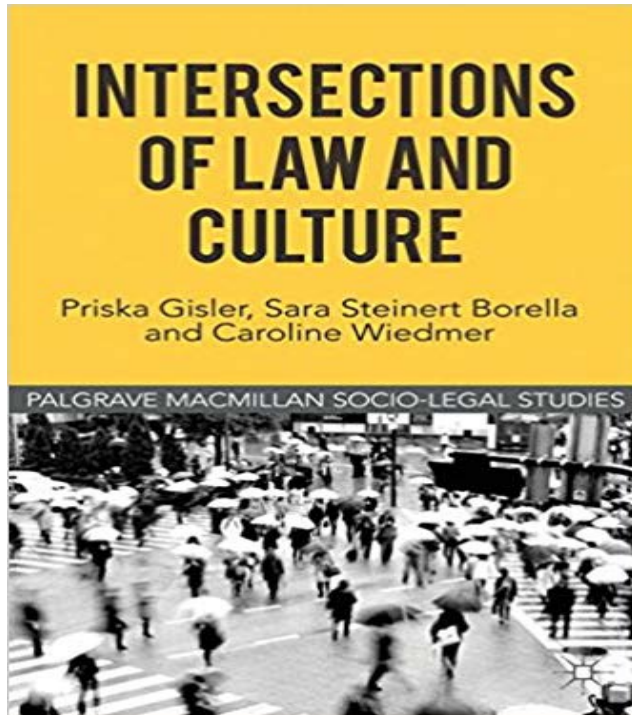
Born in the USA

- Academic Experiments
- *Law and Society*

Anglo-American Dominance

- *Western Legal Tradition*
- Literature written in English
- So far, little attention to other cultures
 - Language barriers
 - Role of law in society (Common Law/Civil Law)

Intersections of Law and Culture, 2012



Priska Gisler & Sara Steinert Borella .&C. Wiedmer .(2012)
Intersections of Law and Culture . Palgrave Macmillan UK

«The issue is even more acute now, when we are still in the habit of paying homage to the Anglo-American roots of law and literature [...] the traditional strands of law and literature are reiterated, disregarding the specificity of our different legal systems and cultures» (Gakeer, 2012)

Law *in* Literature – functions and roles

- Social and artistic perceptions about law
 - External but attentive. Not strictly technical
 - Representation of social needs – advocacy for a change
 - How the law was conceived/how it is perceived
 - Collective imagination

Law in Literature – Japanese «Context»

- Japanese Law in Japanese Literature
- Japanese Law in non-Japanese Literature

Methodological Tools

- Is the author a lawyer? Do they have legal expertise?
- Is the author contemporary to the plot?
- Is the author Japanese?
- How is law used in the story?
- How do the characters/readers feel about law?

Chūshingura



https://upload.wikimedia.org/wikipedia/commons/c/c0/Wataya_Kibei_-_Kanadehon_chushingura_-_Walters_95496.jpg

- Law v. Justice
 - «Unjust justice» (Dolin)
- Law of the nobles
- Imagination
- Emotional connection

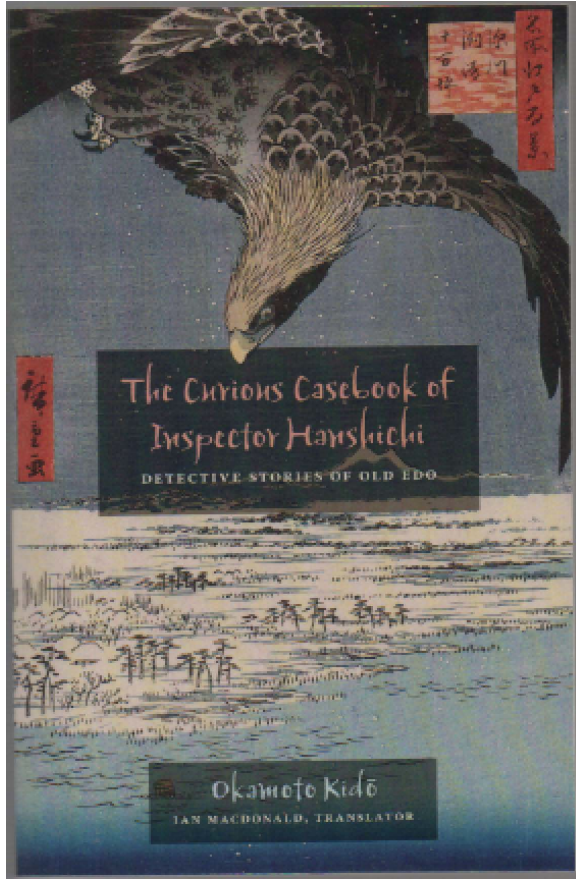
Sakura Sōgorō



https://ja.ukiyo-e.org/image/bm/AN00592254_001_

- Law v. Justice
- Procedural issues
- Law of the commoners
- Censorship
- Admonishment to power

Hanshichi torimonochō



- Transition between Edo and Meiji
- Perception and legitimacy of «authority»
- Essential phase in legal modernization

Okamoto Kidō ; Ian MacDonald, translator. (2007).
The curious casebook of Inspector Hanshichi : detective stories of old Edo .
Honolulu : University of Hawai'i Press

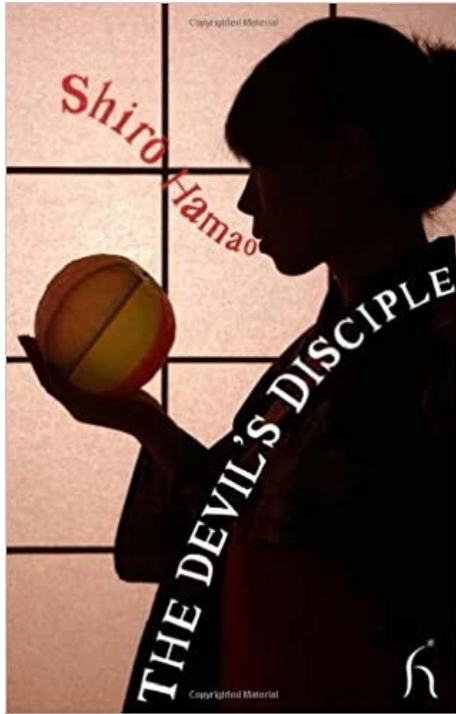
Madama Butterfly



https://it.wikipedia.org/wiki/Madama_Butterfly

- How foreigners looked at Japan
- «Flexible» Law

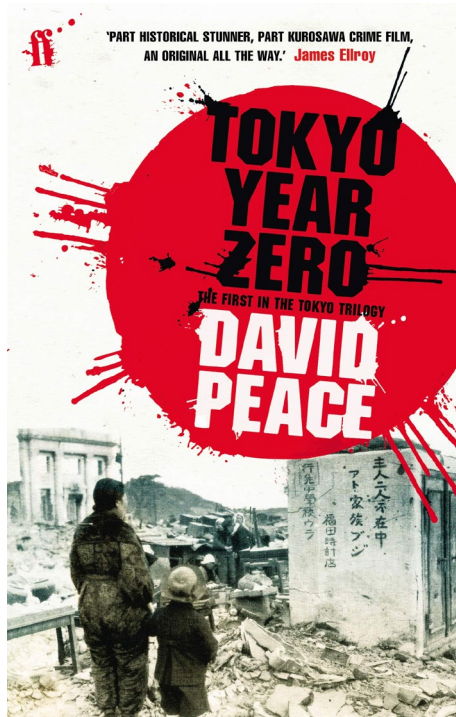
Akuma no deshi



Shiro Hamano ; J.Keith Vincent, translator.(2011).
The Devil's Disciple (Hesperus Worldwide). London: Hesperus Press

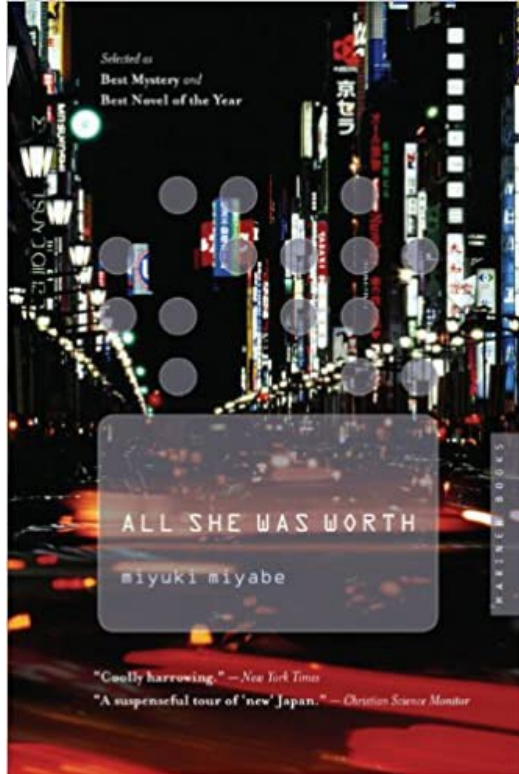
- Author: Prosecutor
- A description of Japanese Law by a Japanese jurist
- Limits of the legal system in delivery justice
- Problem with confessions

Tokyo Year Zero



- An American writing about Japan in a different time
- Historical research
- Based on true events
- Law during the Occupation

Kasha



- The author is not a lawyer but did incredibly good research
- Law and social issues
- Unique features of Japanese law (e.g. *koseki*)

Dansu Dansu Dansu

Haruki Murakami

'If Raymond Chandler had lived long enough
to see *Blade Runner*, he might have written
something like *Dance Dance Dance*'
Observer



- The author is not a lawyer
- Law plays a marginal role in the plot
- Popular perception of some issues in Japanese law (police interrogation)

Nipponia Nippon



Kazushige Abe. (2001). *Nipponia Nippon*. Tokyo: Shinchosha

- *Literature as Law*
- The legislative text becomes part of the novel
- Nationality from a legal and identitarian point of view

An



- Law and social perception about (discriminated) minorities
- Changes in legislation and society

Durian Sukegawa ; Alison Watts, translator. (2017).
Sweet Bean Paste . London: Oneworld Publications

Law and Society in Japan

- «Bringing the Law closer to the people» (2001 Reform)
 - Jury
 - *Law School (Hōka daigakuin)*
- Growing interest in popular culture

Film/TV Series

Figure removed due to copyright restrictions
“I JUST DIDN'T DO IT ”
(Masayuki Suo, Chihiro Kameyama , Fuji Television
Network, Inc, Toho, 2006, Japan)“

Figure removed due to copyright restrictions
“The Third Murder ”
(Hirokazu Koreeda , Shinichi Ogawa, Fuji Television
Network, Inc, Toho, GAGA, 2017, Japan)

Figure removed due to copyright restrictions
““Tokyo Trial” (international co-production TV drama series)”
(NHK(Japan)/ Netherlands/Canada co-production, 2016)

Entertainment

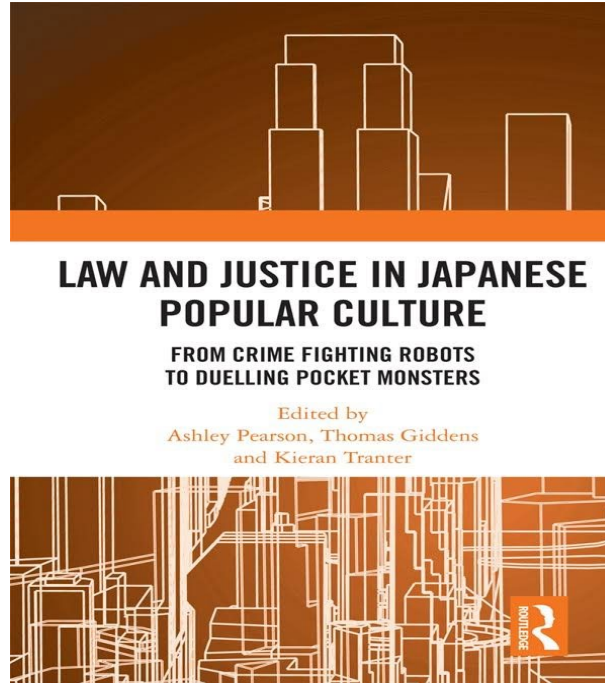
Figure removed due to copyright restrictions
“Gyoretsunodekiruhouritsusoudanjo ”
Nippon Television Network Corporation

Videogames

Figure removed due to copyright restrictions
“Ace Attorney5 ”
(Capcom, 2013, for Nintendo 3DS)

Figure removed due to copyright restrictions
“Ace Attorney -Gyakutenennosupottoraito -”
(Capcom, ADK Holdings Inc., 2013, Japan)

Academia?



Ashley Pearson, Thomas Giddens , Kieran Tranter.(2018).
Law and Justice in Japanese Popular Culture:
From Crime Fighting Robots to Duelling Pocket Monsters .
London, Routledge

Conclusions

- Fascinating area of research
 - But not just fascinating (*divertissement*)
- Need to study more
 - *Reception studies*
- Interdisciplinarity
 - *Comparative Law and Comparative Literature*

ご清聴ありがとうございました

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<https://nagoya-u.academia.edu/GiorgioFabioColombo>

For CREDIT students only: REPORT questions

- Why it is useful to use literary sources to study the legal system?
- Why were ghost stories used as a form of social criticism during the Edo period?
- Were you already familiar with one or more of the literary works referred to during the lecture? If yes, which one? Did the lecture change your perspective on such work?