

## 16.7 The Laws for the Military House (Buke Shohatto), 1615 (Tokugawa "Hostage" System)

For almost seven centuries, since General Minamoto Yoritomo assumed the title of shogun in 1192, a dualistic political tradition evolved in Japan. At the apex of the political hierarchy, two authorities shared leadership and maintained a symbiotic relationship. Theoretically, the shogun was recognized as the emperor's delegated military authority, but in practice, the shogun ruled the country as a virtual military dictator whereas the emperor merely reigned as a semi-divine monarch.

**Source:** Asiatic Society of Japan, *Transactions*, 38:4 (1911): 290, 293-97.

As to the rule that the Daimyos shall come (to the Shogun's Court at Edo) to do service.

In the *Shoku Nihon ki* (i.e., the Continuation of the Chronicles of Japan) it is recorded amongst the enactments:-

"Except when entrusted with some official duty no one (dignitary) is allowed at his own pleasure to assemble his whole tribe within the limits of the capital, no one is to go about attended by more than twenty horsemen, etc." Hence it is not permissible to lead about a large force of soldiers. For Daimyos whose revenues range from 1,000,000 koku<sup>1</sup> down to 200,000 koku, the number of twenty horsemen is not to be exceeded. For those whose revenues are 100,000 koku and under the number is to be in the same proportion.

On occasions of official service, however (i.e., in time of warfare), the number of followers is to be in proportion to the social standing of each Daimyo.

### Laws for the Barons (The Buke Shohatto) of Kwan-ei 22 (5th August, 1635).

[Promulgated by Iyemitsu.]

1. The taste for the Way of literature, arms, archery and horsemanship is to be the chief object of cultivation.
2. It is now settled that the Daimyos and Shomyos (i.e., the greater and lesser Barons) are to do service by turns at Yedo. They shall proceed hither on service every year in summer during the course of the fourth month. Latterly the numbers of their followers have become excessive. This is at once a cause of wastefulness to the provinces and districts and of hardship to the people. Henceforward suitable reductions in this respect must be made. On the occasions of going up to Kyoto, however, the directions given may be followed. On occasions of government service (i.e., military service) the full complement of each Baron must be in attendance.
3. The erection or repairing of new castles is strictly forbidden. When the moats or ramparts of the present residential castles are to be repaired, whether as regards the stonework, plaster, or earth-work, a report must be made to the *Bugyosho* (i.e., the Mag-istracy at Yedo) and its direction taken. As regards the (*Yagura, hei and mon*) armories, fences and gates, repairs may be made to restore them to their previous conditions.
4. Whether at Yedo or in any of the provinces whatsoever, if an occurrence of any sort whatsoever should take place, those (Barons and their retainers) who are there at the time are to stay where they are and to await the Shogun's orders (from Yedo).
5. Whenever capital punishment is to be inflicted, no matter where, nobody except the functionaries in charge is to be present. But the coroner's directions are to be followed.
6. The scheming of innovations, the forming of parties and the taking of oaths is strictly forbidden.
7. There must be no private quarrels whether amongst the (*Kokushu*) greater Barons or (*Ryoshu*) the other Feudatories. Ordinary circumspection and carefulness must be exercised. If matters involving a lengthy arrangement should arise they must be reported to the Magistracy and its pleasure ascertained.
8. Daimyos of over 10,000 koku income, whether they be lords of provinces (domains) or lords of castles, and the heads of departments (*monogashira*) in personal attendance on them are not to form matrimonial alliances (between members of their families) at their private convenience (i.e., they must apply for the Shogun's permission before doing so).
9. In social observances of the present day, such as visits of ceremony, sending and return of presents, the formalities of giving and receiving in marriage, the giving of banquets and the construction of residences, the striving after elegance is carried to very great lengths.

---

<sup>1</sup> One koku is equivalent to 4/96 bushels (of rice).

Henceforth there must be much greater simplicity in these respects. And in all other matters there must be a greater regard for economy.

10. There must be no indiscriminate intermingling (of ranks) as regards the materials of dress. Undyed silk with woven patterns (*Shiro-aya*) is only to be worn by Court Nobles (*Kuge*) and others of the highest ranks. Wadded coats of undyed silk may be worn by Daimyos and others of higher rank. Lined coats of purple silk; silk coats with the lining of purple; white gloss silk, coloured silk coats without the badge are not to be worn at random.

Coming down to retainers, henchmen, and men-at-arms, the wearing by such persons of ornamental dresses such as silks, damask, brocade or embroideries was quite unknown to the ancient laws, and a stop must be put to it.

11. Those who may ride in palaquins<sup>2</sup> are all persons of distinction who are connections of the Tokugawa clan; lords of domains (*Kuni*) and lords of castles having 10,000 koku and upwards; the sons of provincial Daimyo (beneficiaries), lords of castles; chamber lains and higher functionaries, and the legitimate sons of such (i.e., sons by their wives; but not sons by their concubines); persons (of any rank) above fifty years of age; of the two professions of doctors of medicine and soothsayers (astrologers, *onyoshi*) and invalids and sick persons. Apart from the above named, irregularities must be prohibited; but those who have applied for and received official permission to ride are not included in the prohibition.

As regard the feudal retainers in the provinces, those who may ride are to be definitely specified in each fief. Court Nobles, Abbots of royal or noble birth, and ecclesiastics of distinction are not to be included in this regulation.

12. Retainers who have had a disagreement with their original lord are not to be taken into employment by other Daimyos. If any such are reported as having been guilty of rebellion or homicide they are to be sent back (to their former lord). Any who manifest a refractory disposition must either be sent back or expelled.

13. When the hostages given by subvassals to their mesne lords have committed an offence requiring punishment by banishment or death, a report in writing of the circumstances must be made to the Magistrates' office and their decision awaited. In case the circumstances were such as to necessitate or justify the instant cutting down of the offender, a personal account of the matter must be given to the Magistrate.

14. The lesser beneficiaries must honestly discharge the duties of their position and refrain from giving unlawful or arbitrary orders (to the people of their benefices): they must take care not to impair the resources or well-being of the province or district in which they are.

15. The roads, relays of post horses, boats, ferries and bridges must be carefully attended to, so as to ensure that there shall be no delays or impediments to quick communication.

16. No private toll-bars may be erected, nor may any existing ferry be discontinued.

17. No vessels of over 500 koku burden are to be built.

18. The glebelands of shrines and temples scattered throughout the provinces (domains) having been attached to them from ancient times to the present day, are not to be taken from them.

19. The Christian sect is to be strictly prohibited in all the provinces and in all places.

20. In case of any unfilial conduct the offender will be dealt with under the penal law.

21. In all matters the example set by the laws of Yedo is to be followed in all the provinces and places.

All the foregoing provisions, being in conformity with the previous enactments of this (Tokugawa) House, are hereby reimposed and definitely established and must be carefully observed.

**The "Buke Shohatto" were again promulgated by the 4th Shogun Iyetsuna in 1663 (June 28th): only alterations made on this occasion are noted below, the body of the code remaining as before.**

*In Art. 2—As regards the taking of turns of duty, the Daimyos and Shomyos shall come to Yedo on service every year at the time when the Shogun fixes the posts which they are to guard...*

**Questions:**

1. How would you compare the alternate attendance system of Tokugawa Japan with a similar system of political control in European history?
2. Can Tokugawa Japan be called "a premodern police state"? Why? Why not?

---

<sup>2</sup> A type of vehicle.