

Reviewing criminal punishment in edo period japan history essay



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From the late 12th century, Japan was ruled by samurais serving as military leaders but politics remained unstable up until the 17th century. Warlords were constantly fighting for control of land and power that gave rise to frequent power shifting especially during the Azuchi-Momoyama Period to the early Edo Period in the late 15th to the end of the 16th century called the warring period (GRIPS, n. d.). Finally, this period of unrest was stopped with the unification of Japan by Ieyasu Tokugawa after winning the decisive Battle of Sekigahara in 1600 ending the Azuchi-Momoyama Period with the rise of the Edo Period. He established a new government and became the first Edo (what was Tokyo called back then) Shogun and brought down the rival Toyotomi family on Osaka Castle in 1615 (GRIPS, n. d.).

As we can see, the historical progression and development of the Edo Period in Japan is closely similar to that of China's Tang Period wherein there is first constant struggle for power then an individual comes and unifies the country followed by a period of prosperity and development. Likewise, the Edo period in Japan was an extended time of peace, and the richest time in the history of Feudal Japan (ThinkQuest, 2000). Looking back at the Edo Period, what could possibly be the causes for the 250 years of feudal system reign and what historical marking did this leave to the Japanese and the world? Could something of this scale actually affect what Japan is today?

Tokugawa Ieyasu was the most powerful man in Japan after Hideyoshi had died in 1598 and he brought the whole country under tight control (ThinkQuest, 2000). The political system evolved into what historians call *bakuhau*, to describe the government and society of the period. In the *bakuhau*, the shogun had national authority and the daimyo had regional

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authority. This represented a new unity in the feudal structure, which featured an increasingly large bureaucracy to administer the mixture of centralized and decentralized authorities. The Tokugawa became more powerful during their first century of rule: land redistribution gave them nearly seven million koku, control of the most important cities, and a land assessment system reaping great revenues. He cleverly redistributed the gained land among the daimyo: more loyal vassals (the ones who supported him already before Sekigahara) received strategically more important domains accordingly. Every daimyo was also required to spend every second year in Edo. This meant a huge financial burden for the daimyo and moderated his power at home (JapanGuide, n. d.) but this constant shifting also prevented the daimyos from planning a revolt. There were also 3 classes of the daimyo with the shinpan or the “related houses” being closest to the Tokugawa house. They were all related to Ieyasu Tokugawa and held mostly honorary titles and advisory posts in the bakufu. The second class of the hierarchy were the fudai, or “house daimyo”, rewarded with lands close to the Tokugawa holdings for their faithful service. Members of the fudai class staffed most of the major bakufu offices. The tozama (outside vassals), former opponents or new allies are the third group. Because the tozama were least trusted of the daimyo, they were the most cautiously managed and generously treated, although they were excluded from central government positions.

The basic characteristics of the Edo Society and politics involved it being a class society, wherein the ruling class were the samurais (they were military men who were permitted to carry a sword), then the farmers ranked

afterwards, followed by the craftsmen, and the merchant, then the outcasts. The gap between the powers of the samurai and the other classes was big, and farmers were only ranked 2nd on paper because they paid the rice tax but they were not respected. These classes are officially called Shi-Nou-Kou-Shou and this legitimized a class society with samurais on top. This caste system was strictly followed which contributed to the long time of peace in the Edo period. No wars were fought and there was hardly any communication with foreign countries. This time of seclusion really aided in the development of Japanese culture. By adopting neo-Confucianism as a new influence into their culture, education was deemed to be more important than ever. By combining the teachings of Buddhism, already such a heavy influence within Japan, with Neo-Confucianism, it helped build standards for social behavior. Japanese culture benefitted from Neo-Confucianism from how it puts an emphasis on education. Confucianists encouraged the study of history, mathematics, engineering and medicine. Bushido, the way of the warrior, was actually developed by integrating neo-Confucianism with samurai bushi traditions. Qualities of bushido have been known to be diligence, honor, loyalty and frugality, all the while being mixed with Shinto, neo-Confucianism and Buddhist beliefs.

Politically, Japan was a centralized system with the Bakufu having absolute power over the hans (local government) and could even remove or abolish them while the hans govern their respective domain. It was a feudal society in the sense that the shogun gave daimyos the land to rule. In return, daimyos pledged loyalty to shogun. By 1700, the Edo society had a population of 1, 200, 000 which was considered the largest city in the world.

It was also very urbanized in different aspects and had a significant development in field of fashion, justice and education, economy, ruling, arts and woodcraft. Japanese women wore their hair long and straight and the practice of tying the hair up geisha-style with combs, ornaments, and knitting-needle-like hairpins was not a common practice until the Edo Period when women began imitating the hairstyles of men, which also indicated her class and marriage status. For example, The Osafune hairstyle was worn by fashionable wives or mistresses. The butterfly-like Yoko-hyogo was worn by courtesans. Girls wore their hair like geishas in a hairstyle called Momoware. Unmarried women wore shimadamage hairstyle. The Taka-Shimada style, worn by brides today, was originally worn by the high-ranking servants of samurai. Married women also painted their teeth black and shaved their eyebrows which some believed, was used to hide their expressions (Facts and Details, 2009). Legal matters were taken care of at kujiyado (litigation inns). The owners of these inns were the equivalent of lawyers which dealt with disputes over money. Of the 35, 000 civil suits that were addressed in 1718, about 33, 000 of them involved money. Provincial lords set up special schools for samurai and rural communities operated school for wealthy merchant and farming class. The merchant class prospered from the long period of peace and allowed economic growth to take place. An early consumer society took hold. There were lots of street vendors, selling all sorts of things. Craftsmen were able to find buyers for their products. Tea shops and restaurants opened more late on; it was a chain of events that made up for the prospering Edo period (GRIPS, n. d.).

Aside from the development, what made Edo Period epic were the rules that it implemented towards the citizen – Making Japan in a way militaristic. First of all, the person ruling the country is called a Shogun, originally it is the supreme commander of a dispatched army but later meant as the head of a central military government. Each person had a distinct place in society and was expected to work to fulfill his or her mission in life. The people were to be ruled with benevolence by those whose assigned duty it was to rule. Government was all-powerful but responsible and humane. Although the class system was influenced by neo-Confucianism, it was not identical to it. Whereas soldiers and clergy were at the bottom of the hierarchy in the Chinese model, in Japan some members of these classes constituted the ruling elite (Jref, n. d.). Only the samurais are allowed to carry weapons and people lived according to strict Confucian principals of duty and family loyalty. There are also rules that would define what people could eat and wear, and where they could live in based on class and rank (Hays, 2010). Even the wealthy farmers and merchants are not allowed to wear silk and other luxurious clothings. The whole country and the people, rich or poor, are strictly controlled by the military and it was managed like the martial law even worse. There are also little tolerance for criminals and lawbreakers for more than 200, 000 people were publicly executed; criminals and rebels were beheaded or sawed alive which installed great fear onto the Japanese people which further prevented them from rebelling.

There are different types of punishments for criminals and lawbreakers but they were all incredibly harsh. Theft, for instance was punishable by banishment, at the lightest end of the scale, or banishment accompanied by

mutilation such as cutting off the ears and nose. Female culprits were not mutilated but were ordered to parade through the village naked. Other possible punishments included ostracism, special identifying garments, or forced village service like field guard duty or sake expenses at festivals. Torture was also an acceptable method of getting a confession (vanSteenburgh, 2006). Some of the torture included flogging, pressing with weights, water torture, etc. one extremely painful technique was to make the prisoner kneel on several wooden ridges while weights were placed on the victim's thigh. Serious crimes such as murder and arson were punished by death. The criminals were executed in various ways such as boiling, burning, crucifixion for killing a parent, husband etc. decapitation by sword, sawing and waist-cutting (cutting the person in half). Moreover, the death penalty often carried collateral punishments. One was parading of the criminal around the town prior to execution. A similar one was public display of the criminal prior to execution. Third one was public display of the severed head. Samurais are also punished to commit seppuku or suicide if they also engaged in these crimes (Cunningham, D., 2004). A less severe punishment depending on the seriousness could sentence convicts to incarceration ranging from imprisonment to banishment, which was the most serious form of punishment available to the village authorities. Other forms of punishment are penal labor, for crimes requiring moderate punishment, the convict will be sent to work at labor camps or in gold mines. Merchants who engaged in crimes requiring moderate punishment, the business of the merchant shall be confiscated. . The 8th Shogun of Edo, Tokugawa Yosimunae introduced judicial Flogging Penalty in 1720. Maximum number of stroke in Dataki in Edo times was one hundred. Flogging penalty was applied to only male and <https://assignbuster.com/reviewing-criminal-punishment-in-edo-period-japan-history-essay/>

female of commoner and humble class and knights and priest are exempt from flogging in edo era.

Among the crimes which count as exceptions are manslaughter, theft, gambling and arson, which have to be reported to the Bakufu. Because of how the Bakufu permits villages to settle their own disputes within their community, the methods in which “ justice” was achieved was out of the ordinary at times. Villages would make use of what was called irefuda, which basically means voting in on who they believed to be the culprit of the crimes. The one with the most votes would thus be thrown in jail. If the crime continues, then voting commences once again until the crime finally subsides. (vanSteenburgh, 2006)

For the most grave of crimes, it was under the jurisdiction of the Bakufu to deal with the criminals, not the village administrators anymore, this what served to be the penal system of the Edo Period. However within the village body however, the highest punishment which the Bakufu permitted village officials to administer was banishment. From those people who were banished, it created a class of people referred to as the mushuku or vagabonds. These vagabonds would eventually cause threat to law in order.

In terms of the more serious crimes, those dealt by the Bakufu, the entire process in which to achieve proper justice had to run their judicial system. It is important to know that criminals back then were also given fair trials until full punishment was administered. All arrested suspects were brought to what was called the jishinban by the doshin to perform the interrogation. There is a following interrogation which was conducted if the initial one

proved successful; the suspect was moved to a jail called oban'ya for the second interrogation. If the second interrogation provide evidence that the suspect is in fact the perpetrator of the crime in question, the doshin is tasked to form a proper permit with permission of the judge to have the criminal moved to a full scale prison. The main focus really was the admission of the suspect of committing the crime. Confession to the crime was a requirement in order for the court to be able to implement the death penalty on the criminals. (Yoshino, 2004)

There was very little tolerance for crime during the Edo Period. Most criminals at the time, especially those who committed the more severe crimes, were put through punishments such as imprisonment, banishment from one's village, and even death. In how the death penalty was served was very different from how it is today because different methods were chosen depending on how severe the crime itself was. Arsonists would be burned alive for them crimes, or murderers were either hung or decapitated publicly among the people. The way in which this penal system worked was that the issues with crime were either dealt with the choice of " particular prevention" or " general prevention". (Yoshino, 2004) Mere incarceration was an example of particular prevention because it stops one individual from committing any more crimes. However with the case of the death penalty, which was no issue back then, the public display of the criminal's penalty was meant to act an example for the public to see in hopes to deter any more crimes to be committed by the people.

What made the Edo period so significant in Japanese history was how the changes made in order to unify and rebuild the country resulted in building
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the culture of Japan that we know of today. There were results in the changes which were mostly likely expected or planned even. However, an unexpected result to come from the time of the Edo period was the rise of what was to be called the Yakuza. As said earlier, a big change in Japan was the adoption of some form of caste system among the people, with the warriors/samurais at the highest position. However, because the Edo Period was considered to be time of peace and prosperity, with no wars or conflict, the importance of the samurais were beginning to diminish. Peace left most samurais out of a job but were given the choice of joining the merchant class to help sustain their lives, those who did not were considered to be what was called a Ronin. Ronins made use of such methods like thievery and other criminal acts in order to support themselves. (Altman)

What was considered to be the predecessors of today's Yakuza were actually made to act as a defense for villages against the destructive Ronin. As legend claims, the Yakuza originated from a group of villagers that was called machi-yokku, or city servants. The machi-yokku was seen as local heroes for serving as the protectors of their villages. (Altman) Remember stated earlier, the Bakufu left the village judicial system to be dealt within themselves, somewhat letting them be the ones to sort out their own problems. Being in the Edo period, the machi-yokku were given the liberty to act as vigilantes and have some sort of power as well over the people, but keeping in mind to protect them from attacking Ronin. ("The Yakuza", 2002) Policing within the community was really left in the hands of the members of that community, so the machi-yokko took it upon their selves to fill in that spot. It was really the authority allowed by the Bakufu which helped pave the

way for an organization like the Yakuza to have its beginnings. Who exactly were these Yakuza and what was their purpose?

Italy has the La Cosa Nostra. America has the Mafia. The Irish and the Jews have their own crime organization in America. Southeast Asia has the Triads. China, Hong Kong, and Taiwan have the Tong. The Italian has the Sicilian Mafia; truly well-known organized crime organizations indeed however, there is one group that was over 300 years; a group that has as much honor and principle as the Mafia and equally strong, if not stronger (Johnson, A., n. d.). “In Japan, organized crime and criminals come under the general heading of Yakuza. The terms Yakuza was derived from the worst possible score in a Japanese card game. It comes from Japan’s counterpart to Black Jack, Oicho-Kabu. The general difference between the cardgames is that in Oicho-Kabu is that a winning total of the cards is 19 instead of 21. As you see, the sum of 8, 9 and 3, is 20, which is over in Oicho-Kabu. In a hand resulting in a score of 20, the worst possible score, a player’s final score would be zero. Among the losing combinations, the phonetic sound of an 8-9-3 sequence is ya – ku – sa. It’s from there the name, yakuza is derived... without worth to society. This doesn’t mean that they have no use for the society, it means that the members are people that somehow do not fit in the society, in other words societies misfits” (“The yakuza”, 2002). The Yakuza were believed to have started far back to the year 1612, at the Edo Period, which were considered to have been established earlier than the Sicilian Mafia, when they were known as the kubuki-mono or the crazy ones due to their odd clothing and style. They quickly caught people’s attention and began to wander around Japan as a band of rubbers and plundering small cities and villages and it

was told that these kabuki-mono were generally unemployed shoguns and samurais. They were also well known for stabbing people for pleasure but they protected each other from any threat and proved loyalty to each other and their “ family.” Because of the relentlessness of these samurais they were acknowledged as the ancestors of the Yakuza, instead they see the machi-yokko as their ancestors because they served as the town’s heroes as they fought and defended the towns and villages from the kabuki-mono although they were considered to be weaker than the kabuki-mono. The Yakuza did not made appearance until the middle to late 1700s with members including gamblers, peddlers, and bandits. They were people who were regarded as poor, landless, delinquents so they’ve stuck together in order to survive the society. Like the Mafia, the Yakuza soon organized families and adopted a relationship known as oyabun-kobun. This is considered to be a father/son role where the oyabun was the father, providing protection and the kobun was the son, serving loyalty to the father. Instead of bloodletting that was practiced by the Mafia, the Yakuza exchanged cups of sake to symbolize their union and relationship (Johnson, A., n. d.). This was how they were able to survive and eventually rise and evolve at periods of prosperity in Japan such as the Meiji Restoration because they were hired secretly and worked for the government. At the rise of Japan, they also took advantage of this development and recruited members from construction jobs and dockworkings which made them able to begin monopolizing and controlling the rickshaw business. Because of this, they were able to rapidly expand and they were trained to assassinate, blackmail, etc. to be hired by the government and to earn money; they became the underground muscle of the government.

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They worked hand in hand with the government until the Pearl Harbor, where the government found them useless and neglected them. Members of the Yakuza were either put to jail or were ordered to work in the government. The Yakuza's activities stopped after the American won the war with the Japanese as they investigated the yakuza and their potential threat to the society. When the investigation was stopped and the Japan started to rise again at the modern age, the Yakuza likewise started to continue their work again but now it was done secretly and started to quickly expand and didn't rely on the government acting independently. The Yakuza also became more violent and started to post big threat to the Japanese government thus the government incorporated various acts to stop the Yakuza they even banned the Yakuza from forming but most the actions failed and deemed to be unable to control the Yakuza. They are still able to operate now, secretly posting threat and installing fear to the innocent citizens that might possibly be the next target of these powerful and feared tattooed Yakuza. Today, they have also adopted American movie gangster as their influence; they started wearing sunglasses, dark suits and ties with white shirts, and began to sport crewcuts. (Johnson, A., n. d.).