

# Edo-period Japanese Legal History Source Texts

## An introduction to the Tokugawa shogunate's decrees, using the example of the decrees on morality<sup>1</sup>

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### Abstract

The aim of this paper is to present the world of Edo-period shogunate decrees and the decree collections known as *Ofuregaki Shūsei* 御触書集成. The history of Edo-period Japanese law, including the law of the shogunate, is an area that has received relatively little attention outside Japan. In my doctoral research, I am engaged in the translation and philological analysis of the most important source texts of Edo-period law. In addition to the main texts, however, a large number of shogunate decrees have been handed down to posterity, and their research helps us to understand not only the history of the law but also Edo-period society. These decrees were compiled in four large collections, the *Ofuregaki Kanpō*, *Hōreki*, *Tenmei*, and *Tenpō Shūsei* 御触書寛保・宝曆・天明・天保集成, and were brought into print in the late 1930s under the guidance of two legal historians, Ishii Ryōsuke 石井良助 and Takayanagi Shinzō 高柳晋三. The decrees are grouped thematically in the collections. In the present paper, after clarifying some basic features of Edo-period law and introducing the types of Edo-period decrees and the *Ofuregaki Shūsei*, I seek to answer the question of what kinds of thematic categorisation are found in the above-mentioned collections; then I examine the texts of a specific category, the category of decrees dealing with ‘morality’, according to their content, thus illustrating the form and content of the shogunate decrees.

**Keywords:** *Edo period, law, shogunate, decree, Ofuregaki Shūsei, morality*

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## Introduction

In our everyday lives, it is natural for us that our work and our relationships are governed by different rules. Law is a system of rules; every state lays down laws and regulations that govern and restrict the various relationships of its citizens. By examining the laws of a given period, we can gain an insight not only into the laws themselves, but also into the social conditions, the way of life, and the most important problems of that period. Today, there are various interesting researches being conducted on the history of law in Hungary and other nations of the world. Japan is no different. However, research on Japanese legal history often focuses only on the legal history of modernised Japan (i.e., the Meiji era [1868–1912] and the subsequent periods). Meanwhile, the medieval and early modern period in Japan, from the Kamakura period (1185–1333) to the end of the Edo period (1600–1868), a long period in which samurai (*bushi* 武士) were at the forefront of society, has recently become quite popular, not only in academic research but also in popular culture. There is therefore an interest in the history of these periods, and within Japan, the legal history of these periods has been studied in law faculties at various universities and in the history departments of humanities faculties. However, for Japanology outside Japan, medieval and early modern legal history, especially samurai law, is still an unexplored field. Also, the linguistic and philological approach to the sources of Edo-period legal history is a topic that has not yet been researched in details outside Japan.

While there have been publications on Japanese legal history in English (such as Noda Yoshiyuki's *Introduction to Japanese Law* and Meryll Dean's *Japanese Legal System*), there are few works that deal specifically with medieval or early modern Japanese legal history. The latter category includes for example John Carey Hall's *The Tokugawa Legislation* and Carl Steenstrup's *A History of Law in Japan until 1868*. In Hungary, too, there has been little research on medieval and early modern Japanese law. Although there have been doctoral dissertations on Japanese law (e.g., Dr. Csaba Gergely Tamás's doctoral dissertation on *The Birth of Democratic Japan – A Historical Study of the Meiji and Shōwa Constitutions*)<sup>2</sup> and works on legal cultures that include Japanese law (e.g., János Jany's monograph *Legal Cultures in Asia – Cultural History, Jurisprudence, Everyday Life*)<sup>3</sup> there are few studies dealing specifically with Edo-period law. The author of the

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<sup>2</sup> In Hungarian 'A demokratikus Japán születése – A Meiji- és a Shōwa-alkotmány történeti vizsgálata című doktori disszertációja'.

<sup>3</sup> In Hungarian 'Jogi kultúrák Ázsiában – Kultúrtörténet, jogtudomány, mindennapok'.

present article is engaged in the translation and philological analysis of the most important Edo-period source texts as part of his doctoral studies: as part of this research, the Hungarian translation and analysis of the first *Buke shohatto* 武家諸法度 (a set of laws issued by the Edo shogunate regulating the various relations between the *bushi* families (i.e., *daimyōs*) and the shogunate) was published in 2022 in the journal *Orpheus Noster*.<sup>4</sup>

The present study attempts to show, besides the characteristics of the Edo-period *bakufuhō* 幕府法 (i.e., the law of the shogunate), a special corner of the legal history of the period, the world of the shogunate decrees. In this paper, after presenting basic information on Edo-period law, the different types of legislation, and my primary source of shogunate decrees, the decree collections called *Ofuregaki Shūsei* 御触書集成, I first seek to answer the question of how these shogunate decrees were thematically categorised in the collections. I then examine a specific category of decrees, those relating to morality, by analysing how many decrees in each collection fall into this category; what the specific content of these decrees is; why they are classified under the category of ‘morality’ and what similarities they have with other categories of decrees; and how they are structured. In this study, I also provide translations of some of the above-mentioned decrees related to morality from the *Kanpō*, *Hōreki*, and *Tenmei* collections.

### About Edo-period Japanese law

As with medieval Japanese law, one of the most important features of Edo-period law is that it is not a uniform legal system. On the basis of the person or social group who made the certain law, Edo-period law can be divided into two broad categories, feudal law (*ryōshuhō* 領主法, law made by feudal lords) and popular law (*minshuhō* 民衆法, law made by the people).<sup>5</sup> In contrast to feudal law, popular law includes laws that are not made vertically (i.e., from the ruling group to the ruled group) but rather horizontally within the various social groups of the people. Feudal law can include the law of the shogunate, the *bakufu* (*bakufuhō* 幕府法), but also the law of individual *daimyōs* (*hanpō* 藩法) and the law of the *hatamoto*

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<sup>4</sup> Hornos, Dániel 2022. ‘Az első *Buke shohatto*, a 17. századi samuráj törvénykönyv magyar fordítása és filológiai elemzése’. (The Hungarian translation and philological analysis of the first *Buke shohatto*, the 17th century samurai law book). *Orpheus Noster*; ‘*Japán irodalom és filozófia*’ (*Japanese Literature and Philosophy*) 14.2: 43–54.

<sup>5</sup> Kasaya 1994: 135–143.

旗本, who had smaller landholdings than the *daimyō*. Even the law of the imperial court nobility and of Buddhist temples and shrines can be part of feudal law. In contrast, for example the law of villages (*sonpō* 村法), the law of towns (*chōhō* 町法), and the law of guilds (*zahō* 座法) belong to popular law.<sup>6</sup> The division between feudal law and popular law also reveals the social structure of the Edo period, as Ogura describes in his study. According to the earlier understanding of the Edo-period social hierarchy, it was customary to refer to the social hierarchy as *shi-nō-kō-shō* 士農工商 (warriors–peasants–artisans–merchants), but more recently, the terms ‘ruling class’ (*shihai mibun* 支配身分), ‘ruled class’ (*hi-shihai mibun* 被支配身分), and ‘semi-ruling class’ (*jun-shihai mibun* 準支配身分) have been used to describe the Edo-period social system.<sup>7</sup> Based on this division, the samurai and the imperial court nobility are classified as the ruling class, and the Buddhist temples and Shinto shrines as the semi-ruling class. Peasants, artisans, and merchants fall under the category of the ruled class. Accordingly, the laws of the ruling and semi-ruling classes can be classified under feudal law, while popular law includes the law of certain groups of the ruled class (village law = peasantry, town law = merchants, guild law = artisans).<sup>8</sup>

Each category, such as feudal law, can be further subdivided according to the way in which the law was created, distinguishing between written law (*seiteihō* 制定法) and law created by the application of law, customary law (*hōsōhō* 法曹法).<sup>9</sup> The former category includes for example the shogunate decrees, which are the subject of this paper, while the latter includes for example the precedent compilation *Kujikata Osadamegaki* 公事方御定書, which although in form appears to be written law, in content is customary law (i.e., precedents that have been written down through years and decades of law enforcement).<sup>10</sup>

### Decrees in the Edo period

Within Edo-period law, this paper focuses primarily on *bakufu* law, and within that, on the written autonomous decrees. Laws and decrees issued by the shogunate can be categorised by form as shown below. It is important to

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<sup>6</sup> Kasaya 1994: *ibid.*, Hiramatsu 1976: 332.

<sup>7</sup> Ogura 2014: 175–176.

<sup>8</sup> *Ibid.*

<sup>9</sup> Hiramatsu 1976: 332.

<sup>10</sup> Hiramatsu 1976: 342–344.

note, however, that the Edo-period was a pre-modern period during which the principle of the separation of powers was not yet in place; the legislative, executive, and judicial powers were all concentrated in one hand. Thus, in the case of the central power, the *shōgun* and the state apparatus of the shogunate exercised the main power, while in the case of the feudal estates, power was in the hands of the *daimyō* and his local state organisation. For this reason, we can only categorise the laws mainly on a formal basis (e.g., a collection of laws with several articles or a separate decree or a law posted in public on a wooden plaque). This also makes it difficult to translate the categories into English, as it is not possible to clearly match Edo-period laws with the English terms ‘law’ or ‘decree’. In this paper, the terms ‘law’ and ‘decree’ are therefore used synonymously, with the provision that, in addition to the English term, we must always bear in mind to which Edo era formal category the legislation in question belongs.

In the Edo period, it was customary to call the laws and decrees generally *hatto* 法度 or *osadame* 御定. However, *hatto*, in a strict sense of the word, denotes the most important and fundamental laws, which in today’s terms can even be considered the constitutions of the period.<sup>11</sup> The shogunate issued the *hattos* to various social groups at the time of the consolidation of the Tokugawa rule. Thus, for example, the *Buke shohatto* 武家諸法度 (Various Laws for Warrior Families) regulated the basic relationship between the shogunate and the samurai families (the *daimyōs*), and the *Kinchū nara-bini kuge shohatto* 禁中並公家諸法度 (for short: *Kuge shohatto* 公家諸法度; Various Laws for the Imperial Court and Noble Families) laid down the basic relationship between the shogunate and the imperial court (i.e., the court nobility). Likewise, the *Jiin hatto* 寺院法度 (Laws for Buddhist Temples) and the *Shosha negi kannushi hatto* 諸社禰宜神主法度 (Laws for Shinto Shrines and their Priests) laid down the relationship between the shogunate, the Buddhist temples, and the Shinto shrines.<sup>12</sup> There was also the *Shoshi hatto* 諸士法度 (Law for Warriors), which laid down laws for samurai families other than *daimyō*, but this law was later merged into the *Buke shohatto*, which was repeatedly issued at the time of the shogun changes.<sup>13</sup> Basic rules similar to the *hatto* were also set out in a type of law called *jōmoku* 条目, which contains the provisions in bulleted form.<sup>14</sup>

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<sup>11</sup> Kasaya 1994: 137–138.

<sup>12</sup> Kasaya 1994: 137–138.

<sup>13</sup> Ogura 2014: 179–180.

<sup>14</sup> Kasaya 1994: 138.

Perhaps the best-known form of Edo-period law is the *kōsatsu* 高札, which may be familiar for example from Japanese historical films as well. *Kōsatsu* refers to a wooden plaque on a high pedestal on which important laws were inscribed that were expected to be known by a wide range of people. They were placed in prominent places where many people would pass, such as road crossings, checkpoints (*sekisho* 関所), and river crossings.<sup>15</sup>

A typical form of the legislation is the type of decree called *fure* 触 (also known as *ofure* 御触 or *ofuregaki* 御触書) and *tasshi* 達.<sup>16</sup> These are stand-alone decrees that could be issued by the *shōgun* or an authorised office of the state body in a particular situation. The content of the decrees could vary. They could contain a prohibition or a rule to be observed, but they often served a function of information: they were used to inform the people about the appointment of officials, rewards, construction works, epidemics, or even wanted or missing persons. The *fure* refers to decrees addressed to a broad range of the people; the *tasshi*, on the other hand, refers to decrees addressed to a specific person. These decrees were most often formulated by the *rōjū* 老中 and promulgated after the approval of the *shōgun*, after which they were sent, for example, to the office of the *bugyō* 奉行. However, it also happened that, in the opposite direction, the *bugyō* proposed a draft decree, which he requested to be promulgated by a superior authority, such as the *rōjū*.

Then, as many as 300–400 copies for the whole country (*zenkoku hōrei* 全国法令) were made of the approved written decrees. These copies were handed over to the *daimyō* representatives, who forwarded them to their respective provinces. The copies were then further copied in each province so that they could be distributed to small peasant villages in remote corners of the country.<sup>17</sup> However, it was left to the discretion of each provincial lord to decide whether or not to promulgate the decrees in his province. They could choose to take over and promulgate the decree from the central government one by one, they could choose to promulgate the law as amended, or they could choose to ignore the decree.<sup>18</sup>

The *fures* were written in the official language of the time, *sōrōbun* 候文, which blends grammatical features of classical Chinese and Japanese. The decrees do not have a specific title depending on their content, and they often begin with the term *oboe* 覚.

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<sup>15</sup> Kasaya 1994: 138–139.

<sup>16</sup> Hiramatsu 1976: 337–339.

<sup>17</sup> Hiramatsu 1976: 337–339.

<sup>18</sup> Kasaya 1994: 139–140, Ogura 2014: 186–190.

### The *Ofuregaki Shūsei*

This paper focuses the above-mentioned shogunate-issued decrees, the *fure*, whose source texts come from four *fure* collections: the *Ofuregaki Kanpō Shūsei* 御触書寛保集成, the *Ofuregaki Hōreki Shūsei* 御触書宝曆集成, the *Ofuregaki Tenmei Shūsei* 御触書天明集成, and the *Ofuregaki Tenpō Shūsei* 御触書天保集成.

The idea of summarising and compiling the laws and decrees issued by the shogunate arose in the middle of the Edo period, during the reign of the eighth shogun, Tokugawa Yoshimune 徳川吉宗 (1684–1751). Yoshimune, who was also known as the ‘Shōgun of Laws’, is credited with the edification of the *Kujikata Osadamegaki*, a collection of laws and precedents that later became a fundamental code of jurisprudence and one of the most important sources of Edo-period legal history. After the *Osadamegaki* was completed, Yoshimune also ordered the compilation of the *fure* issued from the founding of the *bakufu* in 1615.<sup>19</sup> The work was completed in 1744 and included decrees issued from the founding of the Edo shogunate (1615, the 20th year of Keichō) to the Kanpō period (until 1743, the 3rd year of Kanpō). However, the shogunate officials continued the task, and further collections of decrees were made in the following decades and centuries. The shogunate regarded the laws and decrees as secret and confidential, and therefore only those in authority had official access to them and no third parties were allowed to know them. As no records were kept of them other than the collections of decrees, the editors were free to select the decrees as they wished, and some have therefore been omitted. For example, the series of decrees issued by the fifth Tokugawa *shōgun*, Tsunayoshi 徳川綱吉 (1646–1709), prohibiting the killing of animals (*shōrui awaremi no rei* 生類憐みの令), was not included in the collection. There are also many decrees that had simply been lost over time and are therefore were included in the collections.<sup>20</sup>

The collections had no titles in the Edo period and were given the title *Ofuregaki Shūsei* in the 1930s when they were published in print. Two legal historians, Ishii Ryōsuke 石井良助 and Takayanagi Shinzō 高柳晋三, systematised and transcribed the texts into printed characters; the volumes were first published in print in 1934 by Iwanami Shoten.<sup>21</sup>

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<sup>19</sup> Sasayama et al. 2013: 220.

<sup>20</sup> Asako et al. 2010: 178–179.

<sup>21</sup> *Ibid.*

What were the subject of the regulations and how many were contained in each set of regulations? The very first version of the *Ofuregaki Kanpō Shūsei* mentioned above (or rather, its third reprint in 1976) is a hefty volume of 1,356 pages, containing a total of 3,030 decrees. In comparison, the *Hōreki* collection is shorter, containing 1,691 decrees on 583 pages. The *Ofuregaki Tenmei Shūsei* contains 3,202 decrees on 958 pages, while the final collection, the *Tenpō Shūsei*, is the most extensive of the previous collections, published in two printed volumes, the first with 4,187 decrees on 1,104 pages and the second with 6,680 decrees on 930 pages. It can be seen, therefore, that, as mentioned above, not all of the existing decrees were collected by the editors of the time, but we are nevertheless dealing with a vast source of texts, and it is necessary to organise the material in some way. The compilers organised the large number of decrees in a thematic way: the four collections of decrees contain a total of 104 categories (some of which are found only in one or two of the four collections while others exist in all of the collections), and the decrees are classified into these categories within the volumes. For example, the first collection, the *Kanpō Shūsei*, contains the decrees in 71 different categories. These categories could cover a wide variety of topics covering different areas of life, such as, but not limited to, the following. In addition to the English translation, I also provide the original Japanese term used in the collection for reference.<sup>22</sup>

*Buke shohatto* 武家諸法度<sup>23</sup>

*Go-jōmoku* 御条目

Buddhist temples and Shinto shrines 寺社

*Kōsatsu* 高札

Checkpoints (*sekisho*) 関所

Murders 殺生

*Sankin kōtai* 参勤交代<sup>24</sup>

Vehicles 乗物<sup>25</sup>

<sup>22</sup> Ishii–Takayanagi 1976 (Kanpō): 5–11.

<sup>23</sup> Each of these collections begins with the text of the *Buke shohatto* (which can be considered the basic law of the shogunate) even though it is not a *zure* but a *hatto*. Here again we can see what I have argued above, that no specific boundaries between the different types of law can be drawn in the Edo period.

<sup>24</sup> In the Edo period, *daimyōs* had to take turns staying in their own province or in their Edo residence; while in their province, their wives and families had to remain in Edo as a kind of hostage. This system is called *sankin kōtai*. This category includes the regulations relating to this system.

<sup>25</sup> Regulations mainly related to the use of palanquins.



Dressing 衣服  
 Funeral rites, uncleanliness 忌服穢等  
 Arts 藝術  
 Morality 風俗  
 Samurai residences 武家屋敷  
 Shop leases, land leases 店借地借等  
 Fires 火事并火之元等  
 Earthquakes 地震  
 Thrift 儉約  
 Rewards 御褒美  
 Money (gold and silver) 金銀  
 Illegal prostitutes 隠売女  
 Descriptions, wanted persons 御尋者并かたり事等  
 Day laborers 日雇稼等  
 Fireworks 花火  
 Firearms 鉄砲  
 Beggars, *hinin* 物もらひ非人等  
 Gambling 博奕等  
 Abandoned children, orphans 捨子等  
 Arrival of Korean delegation 朝鮮人来聘  
 Arrival of Ryūkyū delegation 琉球人参府

As we can see from the few examples above, the topics cover many areas of life. However, there are categories whose names do not clarify exactly what kind of regulations are included. One such example is the theme of ‘morality’ (風俗), which I use as an example to illustrate the shogunate decrees and to examine the content of the decrees that have been included in this category.

### Regulations on morality in *Ofuregaki Shūsei*

If we look more closely at the number of decrees classified under the category of morality in each *Ofuregaki Shūsei*, we find that the *Kanpō Shūsei* contains 10 such decrees (1112–1121), the *Hōreki Shūsei* contains three (574–576), the *Tenmei Shūsei* contains only two (982–983), and the *Tenpō Shūsei* contains 27 decrees (5526–5552), which is an outstanding number compared to the other volumes.

The content of the decrees is various. In the *Kanpō* collection, for example, most of the regulations speak in general terms about what is morally

appropriate behaviour and what are prohibit deviations from it, but the provisions are not specific and could be interpreted in different ways depending on the situation (it is not clear what constitutes inappropriate behaviour, what is morally appropriate). A good example is Decree 1115, which allows us to observe the structure of the texts in the *Ofuregaki Shūsei* as well. Each decree is preceded by the serial number given by the compilers (in this case 1115) and the date of issue: the Japanese era, the year, the Chinese zodiac sign, and the month. The title contains only the character 覚 (*oboe*), translated often as ‘decree’, which is often found at the beginning of the decrees. At the end of the text, the month of issue is again often found. In the case of Decree 1115, it is interesting to note that the decree ends with an additional passage that can be translated as an ‘verbal decree’ (口上之覚), where the vague provisions are made somewhat more specifically by naming red-light districts, theatres, and gambling.

1115) *Genroku* 15th year (horse), 8th month<sup>26</sup>

Decree

As we have already decreed, people should refrain from bad morals, have right intentions, behave properly. All kinds of bad entertainment are forbidden. We give orders that these must be observed and that these rules must be obeyed at all times. Also, as far as the *bakufu* officials are concerned, do not relax your vigilance, report any of the above if you observe any of the above.

Month 8

Verbal decree

- Not only red-light districts, but theatres, performers, boat amusements, etc., and other such immoral amusements are prohibited.
- Gambling and all kinds of betting are also prohibited.

End

There are also several decrees that specifically prohibit shogunate officials from excessive entertainment, such as Decrees 1116 and 1117. Decree 1116 also names the persons who conveyed the will of the *shōgun* to the officials (*rōjū* and *ōmetsuke*).

1116) *Kyōhō* 2nd year (rabbit), 8th month<sup>27</sup>

(1.)

Lately we hear that people’s morals are inadequate, they are constantly engaged in indecent amusements, and there are also people who go to red-

<sup>26</sup> Ishii–Takayanagi 1976 (Kanpō): 580.

<sup>27</sup> Ishii–Takayanagi 1976 (Kanpō): 580–581.

light districts. Everyone, but young people in particular, should be aware of this and refrain from such behaviour in the future.

Matsudaira Sakon shokan told this to the people who turned up in front of the *rōjū* in *Teikan-no-ma* and *Gan no ma*.

(2.)

We hear that there are also some *hatamoto* who visit places of ill repute. As there are some among the shogunate officials, including the young, who have gone astray in this way, it is imperative to pay attention to this. Magistrates and various officials should be particularly careful to keep a low profile.

The contents of the above were given in a decree by Sakon shokan to the *ōmetsuke* and Itakura Sado-no-kami to the *metsuke*.

1117) *Genbun* 5th year (monkey), 5th month<sup>28</sup>

The three *bugyōs*, the *ōmetsuke*, the *metsuke* also carouse during their mutual meetings, and this is an impermissible thing to do. Watch out for this! Needless to say, performances of *jōruri*, *shamisen* etc. are forbidden, so pay attention to the above.

In the same collection, we also find decrees on thrift, on the prohibition of luxury, and on clothing, such as texts 1112 and 1113.

1112) *Meireki* 2nd year (monkey), 2nd month<sup>29</sup>

To be enacted. Covering the face with a scarf is strictly forbidden. Whether wearing a scarf under a plaited hat or not wearing a plaited hat, covering the face is strictly forbidden. This kind of custom has recently become widespread, but it is forbidden, and a decree is issued that offenders will be apprehended by the *metsuke*, and that this act will be considered a criminal offence. All the inhabitants of the town, down to the tenants, are warned that the above is forbidden, and that they should take heed.

Month 2

1113) *Tenna* 2 years (dog), 8th month<sup>30</sup>

We are told that among the subjects there are those who do not observe customs and moral rules, and who also live a long life of luxury. They are ordered to refrain from all these deeds. In the future, such misbehaviour should be reported to one's superior and, as before, the *daimyō* may decide on the matter on his own authority. Failure to do so is also a criminal offence.

Month 8

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<sup>28</sup> Ishii-Takayanagi 1976 (Kanpō): 581.

<sup>29</sup> Ishii-Takayanagi 1976 (Kanpō): 579.

<sup>30</sup> *Ibid.*

As can be seen from the above, Decree 1112 prohibits the covering of the face, which was relevant at the time in order to always identify people. Decree 1113, on the other hand, prohibits luxury in general and calls for the observance of the rules. A common feature of these decrees is that, although they state that those who do not comply may be punished, the details of the punishment are not specified. Furthermore, if we look back at the examples of categories presented in the previous list, we can see that there was a separate category relating to thrift and clothing, but that for some reason these few regulations were not placed in this category, but in the category of morality.

This is particularly striking in the case of the *Hōreki* collection, where all three regulations included in the category of morality relate to clothing and accessories (umbrellas):

874) *Kan'en* 2nd year (snake), 5th month<sup>31</sup>

Lately, among both men and women, we see a lot of people carrying umbrellas covered with blue paper. This is not appropriate in crowded places, and it also attracts attention, so it is not the right thing to do. We order that such things be stopped.

875) *Kan'en* 3rd year (horse), 8th month<sup>32</sup>

In recent times there have been many people among the *chōnin* who have taken up unusual habits, especially those who, for example, tie their hair in a peculiar way, and there are also persons besides them who are of unusual appearance, and for this reason they should be ordered to them, right down to servants, etc., to behave in accordance with morals and in no way to be so distasteful.

The same applies to doctors in the city, so that they do not have a luxurious palanquin and behave in a manner that is not distasteful.

As we put in the regulation last year, some people use small umbrellas covered with blue paper instead of bamboo umbrellas. Henceforth this is prohibited.

The above regulations should be strictly adhered to by the residents of the town. If there is anyone whose morals are not up to the mark, they will be punished by the *bugyō* office, and this will again be put into an ordinance. From the lords to the servants, merchants, artisans, and day labourers, all must abide by it.

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<sup>31</sup> Ishii–Takayanagi 1976 (*Hōreki*): 293.

<sup>32</sup> Ishii–Takayanagi 1976 (*Hōreki*): 294.

876) *Kan'en* 3rd year (horse), 8th month<sup>33</sup>

Lately, there are many *chōnin* wearing three-layer zōri, or painted geta, who look unconventional. From now on, this will be prohibited.

Regarding the recent issue of umbrellas covered with blue paper, there should be no such umbrellas, if there are any more who do not comply with this, the *bugyō* office will punish them severely.

It can be seen from the above examples that the decrees had no time limit, so that if the subjects forgot the content of a decree and again failed to comply with a particular prohibitive provision, the shogunate could issue a new decree on the same subject. In the example above, the ban on the use of umbrellas covered with blue paper was first reissued after one year, and then reinforced by another decree (876) in the same month in which Decree 875 was issued. However, there are also examples where a text in a later collection of decrees refers back to an earlier prohibitive decree. This is the case with one of the two *Tenmei* decrees dealing with morality, Decree 1983, which refers to a decree of *Kanpō* 3rd year, while *Kanpō* Decree 1112, described above, also deals with this subject (covering the face).

1983) *An'ei* 3rd year (horse), 12th month<sup>34</sup>

We hear that there are now many people who wear headscarves covering their faces and walk on the road with their faces covered, difficult to identify when questioned by the *bugyō*'s office. Therefore, the use of any face-covering shawl other than a round or square shawl is prohibited.

We have already issued a regulation on the above in *Kanpō* 3rd year, but we hear that recently there are again some people who cover their faces and walk around with their faces covered by wearing a scarf other than the usual one. This is a disgraceful thing, henceforth, if there is anyone walking around with their face covered, wearing a headscarf, even if it happens at the manor houses, if the patrol finds them and considers them suspicious, they will take off the headscarf and question them; if it is a suspicious person, they will be arrested and, in addition to reporting it, of course, they will hand it over to the *machibugyō* office. It is also no problem if someone else is caught.

While the *Kanpō*, *Hōreki*, and *Tenmei* collections contain decrees on general moral behaviour, prohibitions of various types of dress, and the prohibition of luxury, the 27 decrees in the *Tenpō* collection introduce themes that we have not yet encountered in the previous collections. We find, for example,

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<sup>33</sup> *Ibid.*

<sup>34</sup> Ishii-Takayanagi 1976 (*Tenmei*): 535.

decrees prohibiting the mixing of the sexes (decrees prohibiting co-ed bathing and master–disciple relationships between opposite sexes) and decrees prohibiting various groupings (e.g., religious groups). The latter are the most numerous, with six items, but there are also five decrees prohibiting the activities of various performers and theatrical performances. Interestingly, there is also a decree banning tattoos and two banning the installation of statues and lanterns. On the whole, the *Tenpō* collection contains several prohibitions on everyday life, but some of the regulations could conceivably have been classified in another category.

I have summarised the number and the specific content of decrees under the category of morality in the four collections in the table below:

Topic	<i>Kanpō</i>	<i>Hōreki</i>	<i>Tenmei</i>	<i>Tenpō</i>
Clothing	1	3	1	4
Thrift; ban on luxury	2	0	0	3
Appropriate, moral behaviour	7 *(Two of these include provisions on savings)	0	1	1
Others	1	0	0	2
Prohibition of mixing of sexes (co-ed bathing etc.)	–	–	–	2
Prohibition of groupings	–	–	–	6
Prohibition of performers, theatres	– (*1 includes provision on theatre)	–	–	5
Prohibition of placing statues, lanterns	–	–	–	2
Prohibition of tattoos	–	–	–	1
<b>Total</b>	<b>10</b>	<b>3</b>	<b>2</b>	<b>27</b>

## Conclusion

In this paper, I have attempted to use the shogunate decrees on morality to describe a corner of Edo-period law that has been the subject of little research outside Japan. We have been able to observe how the compilers of the *Ofuregaki Shūsei* arranged the decrees issued by the shogunate according to thematic breakdown, and in the specific category chosen for the present research, we have looked at how many decrees are found in each collection and what content. We found that the category of decrees related to morality contain a variety of content, which in some cases could have been placed into different categories. We found regulations of a general nature concerning good behaviour (explained by the prevailing Confucian morality of the time), most of which were in the earliest collection, the *Kanpō* collection; we found regulations concerning clothing, most of which were in the *Hōreki* collection; and in the last period, the *Tenpō* collection, we discovered a number of regulations on other subjects, such as those prohibiting groupings and performances. By showing these decrees, I believe that I have succeeded in presenting a comprehensive picture of the world of shogunate legislation, which is worthy of further research and which I intend to continue analysing. By exploring the decrees of other categories or other source texts of Japanese legal history, we can gain a more complex picture of the law and society of the period as well, and it may be worthwhile in the future to look not only at the central, shogunate decrees, but also at the decrees of other domains. Research into the legal history of the Edo period therefore has great potential for the future.

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