

BUSHIDŌ IN ITS FORMATIVE PERIOD*

By TASUKE KAWAKAMI

Lecturer of Economic History

I

In ancient Japan, where the clan system had been in force for many centuries, it had been customary for the chieftain of each clan, when he received Imperial orders for mobilization, to master the able-bodied members of his clan and lead them to war. By the Revolution of Taikwa 大化 in 646 A. D., however, the clan system was abolished, and the clansmen were scattered. The Imperial Court, thereupon, adopted a system of conscription and drew soldiers in this way from the former clans, though it was not till sixty years later when the *Taihō Code* 大寶律令 was enacted in 701 A. D. that detailed regulations regarding conscription were definitely laid down. The Code of Taihō was modelled after the Chinese legislation of T'ang dynasty, and naturally the new conscription system also followed more or less closely that of T'ang dynasty. It provided, as did the T'ang system, that a garrison (*gundan* 軍團, which literally means a corps) be stationed in every two or three countries (*kōri* 郡), that soldiers be called out by turns so that they might be given military drill, and at the same time be placed on duty to guard the district. Also following the T'ang model, liability to military service extended to men from twenty to sixty years of age. When entering the barracks, newly enrolled soldiers had to bring with them their food, their arms, and even miscellaneous articles that were necessary during marches. But exemptions from military service were of such wide range that not only those who had court rank or official duties were wholly exempted, but those who were in any degree well off had some means or other to escape military service, which was thus in reality a duty exclusively of the poorer class of people. The consequence was that the soldiers were of such poor quality as to prove themselves quite unequal to their duties, and efforts on the part of the Imperial Court to remedy this defect were vain, until, in 792 A. D., conscription was finally done away with, except where guarding was an imperative necessity, and in its stead able-bodied young men numbering from 20 to 30 at the least to 200 at the most were stationed in each province to guard the armoury and the local government office. This inno-

* I wish to thank Professor Kose for translating my Japanese manuscript into English.

vation also proved unsuccessful and was soon abandoned.

Meanwhile, neglect by the Court in paying due attention to local government, exaction of heavy taxes by the local governors, oppression by the nobility at Kyōto, etc. combined to produce extreme disorder in local government towards the 10th century, and finally what are called "local powerful families" sprang up, all of whom kept numerous private soldiers called *rōtō* 郎等, which set local authorities at naught, and engaged in fighting each other. The Court, now that it had abolished conscription and therefore had no standing army of its own, was powerless to subdue these disorderly local families and maintain peace and order. Accordingly, the local authorities, obtaining Imperial sanction, entrusted the task of maintaining peace and order to some of the most powerful of these local warriors, who thereby grew more and more powerful. The Minamoto 源 and the Taira 平 were two such families who, by means of local power, came to the fore at the central seat of the government. They entered into the service of the Court, assumed the duty of guarding Kyōto, the seat of the Court, and, when Imperial orders were given, went out with their men to put down rebellions of other "local powerful families." The wars of Hogen and Heiji which broke out in 1156 and 1159 respectively, contributed to make them conscious of their own power, and eventually led to give the political power at Court first to Taira-no Kiyomori, the head of the Taira family, and then to Minamoto-no Yoritomo, the head of the Minamoto family, who, on overthrowing his rival family of Taira, established the so-called *Bakufu* 幕府 (military government) in 1185 at Kamakura, and set up a government of the military caste.

The T'ang system of conscription, too, on which ours had been modelled, completely ceased to exist towards the end of the 7th century, which made it impossible to supply relief soldiers from local garrisons who were to take their turn in guarding the capital city. Thus, in the first quarter of the 8th century steps were taken to choose plucky young men from among those who volunteered for the service, and engage them as guards of the capital, while in the provincial districts, somewhat previous to this, the governors had adopted the means of compulsorily enlisting peasants in their own provinces, whereby an army of soldiers was organized to guard the district under their jurisdiction. Neither of these systems, however, could effectually keep peace and order. After great disturbances in the middle of the century, the whole empire of China was thrown into confusion, and the civil governors who had no military power were incapable of performing their duties. This deplorable state gave birth to the creation of what is called *chien-tu-shih* 節度使, and as this post was filled by military men, both military and civil powers soon fell into their

hands. They endeavoured to keep as large an army of their own as possible to expand their power, and handed down their official post as a heritage to their descendants. They defied the authority of the central government and carried on unscrupulous and unlawful administration. The successive sovereigns of the T'ang dynasty during the 9th century were harassed by the arbitrary actions of the eunuchs within, and by the lawless rampancy of the *chien-tu-shih* without. Later, they succeeded, it is true, in getting rid of the excessive evil of the former by making use of the latter's power, but the dynasty was finally overthrown by the *chien-tu-shih* in 909.

The downfall of the T'ang dynasty brought about a state of utter disruption. Five different dynasties rose and fell during half a century. The power of none of these dynasties, however, went further than a part of North China. In other parts of the vast country a number of rival leaders sprang up, and each declaring himself king founded an independent state. Most of these self-styled kings had been *chien-tu-shih*, and the founder of the Sung dynasty who unified these scattered kingdoms and brought them under his sway was one of them.

As we have seen above, there is a close resemblance in the course of events between Japan and China. Practically the same system of conscription was adopted by both, and after its abolition the same outcome, namely, military government, ensued. It must be noted, however, that there was a marked difference between the government of the *chien-tu-shih* and that of the *Bakufu* at Kamakura. In the former, discipline was very lax, civil officials as well as military officers were out to exact heavy taxes, their plundering, it is said, was even worse than downright robbery. Offenders against the law were severely punished without due examination and trial. From ancient times the Chinese people had a traditional dislike for soldiers, which was aggravated by the unscrupulous government of the *chien-tu-shih*. Sung kept strict guard against encroachments by the military on politics, and though China was constantly warred by the invasion of northern barbarians, and eventually suffered the loss of North China, yet she persistently maintained her policy of watchfulness against soldiers and to the last avoided entrusting them with state affairs. In Japan, on the contrary, the evils that had accumulated through two centuries' rule by the bureaucrats at court were swept away by the military government at Kamakura, which enforced strict discipline, maintained public peace, and won the confidence of the upper as well as the lower class of people by administering fair and strict justice. The austere behaviour of the *bushi* 武士 (warriors) produced a sort of ethical code, which, in later ages, came to be called *bushidō* 武士道 and contributed to the improvement of the morals of the Japanese people.

II

The 10th century which saw the appearance of the warrior class for the first time in history, was the century in which, centering round the Court and noblemen, literature, both Japanese and Chinese, fine arts and crafts, etc. flourished under the influence of the T'ang civilization; poetry, calligraphy, music and dance were regarded as indispensable accomplishments for a nobleman. But after all it was a culture limited to the city of Kyōto and its environs; the level of culture in other parts of the country was incomparably lower. Particularly was it so in the eastern provinces, which bordered on the zone of the Ezo race and in which both the Minamoto and Taira families took their rise, but precisely because of this very circumstance these eastern provinces were much less influenced by extraneous culture and so much the more retained the original spirit of Japan. Small wonder, then, that, though of the same race and living in the same period, there was a wide divergence between the thoughts and feelings of the nobility and those of the warrior class. What was predominant in the mind of the nobility was T'ang ceremonialism and literature, while the warrior cherished and handed down from generation to generation the spirit that was original and native to the Japanese race, and attached more importance to practice than to theory and argument. Ceremony and literature which were of first importance to noblemen meant little to most warriors, while honour, for the sake of which warriors were ready to stake their lives, was what the nobility regarded as worth but scant respect.

A warrior's honour implied, in its positive sense, bravery, skill in the military arts, and zealous exertion to distinguish himself in battle, and, in its negative sense, defiance of death and not turning his back to his enemy. A *bushi* (warrior) was first called *tsuwamono* 兵 (strong man) or *musa* 武者 (man-at-arms), and *bushidō* was accordingly called " *tsuwamono no michi* " (strong man's way) in the 10th and 11th centuries, and staunch adherence to warrior principles through dangers and difficulties was expressed in such words as " *tsuwamono wo tatsu* " (uphold the warrior's honour) or " *musa wo tatsu* . " Mere physical courage and defiance of death, however, cannot by themselves have moral significance, and therefore cannot be the breeding-ground of *bushidō*. What then developed it ethically into what it later came to mean? It was no other than our ancient custom of ancestor-worship and the traditional sense of moral obligations existing between master and servant. In ancient Japan a custom obtained of considering one's name as part of one's life. Local powerful families gave their own names to neighbouring rivers or fields, and tried thereby

to be remembered by posterity after their death. Children were regarded by parents as transmitters of their names, and when one died without a child one's name was supposed to die with one's death. Instances are found in which an emperor, by way of consolation to his empress or second consort who grieved over her doomed oblivion because of childlessness, organized a group of people called *be* 部 (groups), and gave her name to this group so that her name might be perpetuated.

In China, however, it was regarded as a violation of royal sanctity to call rivers or mountains after the deceased sovereigns, and influenced by this Chinese idea the above Japanese custom was prohibited and the system of *be* was abolished by the great Reform of Taikwa, yet the traditional respect for a personal name remained intact. Only, since the Taikwa Revolution, instead of valuing and leaving a mere name, people began to prize a good name, an honourable name, and were anxious to leave such a name after their death. This spirit of emulation was further stimulated by ancestor-worship, until at last it came to be regarded as the duty of descendants to their ancestors to raise their family name higher and higher and jealously guard it from disgrace of any sort whatever. In one of his messages to his people, the Emperor Jun-nin (758—764) says, "No man but desires to raise and propagate the name of his ancestors....." Ōtomo-no Yakamochi (?-785), a celebrated *Mannyō* poet, left a long poem in which he refers to the illustrious history of his family who generation after generation served the Court as soldiers, exhorts the younger members of his family to respect themselves, encourages them to excel in valour, and finally warns them not to bring disgrace upon their family name. In this way there developed among the people the spirit or the will to raise the family name, guard the honour of ancestors and hand it down everlastingly from generation to generation.

Secondly, as stated above, the warrior class rose and grew as a result of the urgent demand of the helpless people for protection of their life and property when local government was disrupted and local officials oppressed and tyrannized them without compunction. These local powerful families, in turn, sought their own protector in a more powerful family, and thus entered into relationship of lord and retainer with either the Minamoto or the Taira family. Thus we see that the warriors' relationship of lord and retainer consisted in protection on the part of the lord and service and obedience on the part of the retainer. It was not a legal contract between master and servant; the retainer's service and obedience might be legal obligations, but the lord's protection was not. The lord's protection was merely what might be expected by the retainer from his lord, and was regarded by him as a favour. It was therefore necessary for the lord not only to be powerful enough to protect his retainers, but to be worthy enough

of their trust in him. Hence the importance of fidelity as a virtue of the warrior.

Apart from military, political and economic reasons, it was largely due to their high sense of fidelity that the Minamoto and the Taira became distinguished war lords. They did everything to protect their retainers in any circumstances, and members of the same family sometimes fell to quarrelling among themselves on this account. In that age when worship of shrines and temples was sincere and deep, it was a most painful and distasteful thing for warriors to suppress the riots of monks who had turned soldiers. If by any chance the arrows they shot should hit the portable shrine or sacred tree carried by these monk soldiers, they were liable not only to be denounced and cursed by the authorities of the shrine or temple, but also to be reprimanded or even punished by the Court. Though placed in this disadvantageous position, the Minamoto and the Taira obeyed the Imperial commands to suppress the riots, but when it came to the question of punishing their retainers for "sacrilegious" offences they would not easily submit even when the punishment was expressly demanded by the Court. Again, there were many among the retainers of both Minamoto and Taira whose behaviour was riotous and outrageous; the Court demanded them to hand over the offenders to the police of the capital, but they usually put off giving a definite answer and tried every possible means to cover the offenders. The result was that the Court lost direct control of arrests and punishments of the retainers who served these two houses, till, after the establishment of the military government at Kamakura, it became customary with the Imperial Court to practically entrust the *Bakufu* with the task of dealing with judicial cases as far as the *gokenin* 御家人 (the retainers in direct vassalage to the *Shōgun* 將軍) were concerned.

Moreover, when the Court desired to appoint some *gokenin* to an official post, and give him court rank (which was a mere matter of form), the *gokenin* had to obtain a previous understanding from the *Bakufu*, and if he should accept the post or rank without the required understanding, he was duly punished by the *Bakufu*. In short, he had to act and move in accordance with the will of the *Bakufu*, and no interference whatever on the part of the Court was tolerated.

The retainer's duty to his lord in return for his favour was to be loyal and faithful (*chūgi* 忠義) to him, in time of peace as well as of war (*chū* means sincerity or fidelity). But by the nature of his profession it was considered the highest form of virtue in the retainer to fight bravely in battle, and, if need be, lay down his life for the sake of his lord. In the middle of the 11th century, Minamoto-no Yoriyoshi was engaged in war for some thirteen long years in the north-east of Japan to subjugate a local powerful family called Abe in the province of Mutsu. Once Yoriyoshi was

surrounded and beaten by his enemy, and it was for some time uncertain whether he had been killed or was still alive. One of his retainers, Tsunenori Saiki by name, fought his way through the thick of the battle, and came out of it with his bare life, but hearing that his lord Yoriyoshi had fallen in battle, he rushed again into the thick of the fight and was killed in the end on the battlefield. Tsunenori's men, again, having lost sight of their master, cut their way through the enemy and made good their retreat, but when they learned their master Tsunenori had died following his lord, they thought it shameful to be alive themselves while their master had followed his lord in death, and turning back cut their way again into the mêlée and fell fighting. Such instances of the retainer's devotion to his master were told from mouth to mouth as inspiring stories, and were handed down from father to son.

As mentioned before, the relations of master and men that prevailed in the warrior class were not based on mutual contract. The duty of the retainer towards his master demanded his devotion to the latter with his life and property. One had only one life. It followed, therefore, that one could not serve two masters at a time, and out of this idea was born the proverb "A faithful retainer does not serve two masters." The relations were originally limited to the two individual persons, that is, the master and the retainer, but as time went on they came to include the latter's family, and it became incumbent on the retainer to offer not his own self only, but his whole family as well, for the service of his master.

To add to this, these relations did not end with death, but generally continued on both sides from generation to generation, which served to strengthen the devotion of the retainer to his master and the love of the master for his retainer. When the Taira family was at its height of prosperity, the Minamoto family lost all power, and young Yoritomo 頼朝, the legitimate heir of the Minamoto family, was exiled as a prisoner to an eastern province, where he was confined in a house, and the hereditary retainers of the Minamoto were reduced to a state of poverty and destitution. Some of them, it is true, changed master and served the house of Taira, but many of them remained faithful to the Minamoto family through years of hardship and distress. In 1180, when Yoritomo rose in arms against the Taira in an eastern province, it was these faithful retainers who rallied round the banner and fought for Yoritomo.

III

The spirit of *bushidō* appeared in the 10th century with the entrance of *bushi* on the historical stage, but it was after the establishment of the

military regime at Kamakura that it developed and showed its characteristic features. This was mainly due to Yoritomo, who, after setting up the *Bakufu*, took the lead of warriors, held real power over the military police, and encouraged his men to cultivate a spirit and manners worthy of warriors.

The military regime at Kamakura lasted for a century and a half, and then fell. This period is historically called the Kamakura period. It has been customary with those who treat of the *bushidō* of this period to use the *Heike-monogatari* and other war stories of a similar kind as materials for it, but it should be borne in mind that these war stories are literary works, and often misrepresent facts. To avoid all possible misunderstandings arising from the use of such unreliable sources, I shall here only make use of the most authoritative and reliable source, i. e. the *Azuma-kagami* 吾妻鏡, which is supposed to have been written by either the *Bakufu* or some official within the *Bakufu*, referring, when necessary, to some other reliable materials.

1. By the nature of his profession, the *bushi* (warrior) esteemed military valour above anything else. The general, therefore, made it a point to proclaim every military exploit of his men and hold them up for imitation by their fellow warriors. Cleverly taking advantage of this sentiment, Yoritomo took every occasion to encourage military valour and setting his men vying with one another in it. In awarding honourable mention to his brave men, Yoritomo often praised them in the highest terms, using such expressions, as "the brave hero in Japan," or "the peerless hero in this country," and his men, in their turn, appreciated such words of praise from their lord as the highest possible honour. Nor did they question much whether the fief awarded them as a reward for their exploits was large or small. The exploit of leading the van in the battlefield was regarded by them as the highest honour, and it frequently happened that several warriors claimed this honour after the battle had ended, making it impossible to decide which of them was really the leader. On one such occasion the *Bakufu* tried to settle the matter by an increase in the fiefs of the contestants, but they would not easily give up their claims.

As might be expected, the warriors looked upon it as cowardly and effeminate to beg for another's mercy or to fear death, and felt it most shameful to do such a thing. Munemori, son of Kiyomori, who was promoted to the post of State minister and who later succeeded his father as head of the Taira family, commanded his army and fought with Yoritomo, and after repeated reverses in battle suffered finally a crushing defeat at Dannoura in the province of Nagato. He was taken prisoner and sent to Kamakura. Yoritomo, with the kindly intention of giving him honourable treatment as an enemy general, gave him to understand that he was to fall on his

own sword, but when this intention of Yoritomo was made known to him, Munemori showed signs of perplexity and begged Yoritomo to spare his life, expressing his wish, if it were granted, to enter the priesthood. The Kamakura warriors laughed at this cowardly behaviour, of which a most scornful and contemptuous description is given in *Azuma-kagami*.

2. Warriors, both master and his men, had to share the same hardships and the same risk of life in battle, and as they went on repeating this experience time after time, mutual sympathy naturally deepened. The result was that, on the one hand the general was expected to show kindly consideration to his men, and, on the other, loyalty to their master was most rigorously demanded from his men.

No doubt, Yoritomo encouraged this virtue among his vassals. Once when he marched his army and surrounded an enemy general in his castle, one of the soldiers of the enemy offered to surrender, bringing with him the head of the enemy general whom he had treacherously murdered, but not only did Yoritomo refuse the offer, but he denounced the soldier's disloyalty to his master and put him to death, giving thereby a practical lesson of what should be the right relations between master and men. On the other hand, when Yoritomo destroyed Hideyoshi Satake, the head of a powerful family in the province of Hitachi, one of the retainers of Hideyoshi, Yoichi Iwase by name, scorned to submit to Yoritomo, even though he was taken prisoner, for he considered it a shameful act of ingratitude to his dead master to surrender to his enemy. Yoritomo treated him with kindly consideration, and not only spared his life but in the end made him a *gokenin*. A *gokenin*, as mentioned before, was a warrior under the direct control of the *Bakufu*, and to be made one of them was regarded by the warriors of that time as a great honour.

Under the conception that master and men were inseparably united as one body, Yoritomo held the master responsible for his men's misconduct, and sometimes pardoned the master's offence in consideration of his men's meritorious service. To cite an instance: Yoshizane Okazaki, one of Yoritomo's chief vassals, lost his case in a law-suit about land, was convicted of attempted usurpation, and was ordered as a punishment to keep night-watch over the shrine and temples at Kamakura for a hundred days. When Yoshizane had served his sentence for about a month, it happened that one of his retainers captured a bandit at the foot of the Hakone mountains, for which meritorious service Yoshizane was pardoned and released from any further duty of keeping the night-watch.

In pursuance of this policy adopted by Yoritomo, the *Bakufu* continued to attach much importance to the moral relations between master and men, and the *Jōei-shikimoku* 貞永式目, a set of laws enacted in 1232, drew a distinction between land granted as a gift to warriors by the *Bakufu* and

land acquired by the warriors themselves, acknowledging their right of buying and selling in the case of the latter, but prohibiting it in the former, so that their debt of gratitude towards their lord, i. e. the *Shōgun*, might not be forgotten. This Code of Jōei also provided that the master and his descendants were entitled to take back at any time the land which he had given to his retainer if and when the latter turned against him or his descendants. This provision ran counter to the view held by the jurists at the Court in Kyōto that whatever was once given to another person could not be taken back. A resolution adopted in 1248 by the *Hyōjōshū* 評定衆 (Privy Councillors in the *Bakufu*) extended this spirit still further and stipulated that no law-suit whatever between master and man be taken up in the court.

3. As has been repeatedly asserted, the warrior's relations of master and men were not relations based on mutual contract. They consisted on the one hand in the trust of the servitor placed in his master, and the master's sincerity in his efforts to requite it. Faith or fidelity, therefore, was required in the warriors' society as a *sine qua non*. They respected it highly, and sometimes valued it even more than the consideration of whether one was friend or enemy. The following story will serve as a good illustration. There was a warrior named Hideyoshi Sasaki who was a retainer of the Minamoto. In spite of his extreme poverty he remained a faithful adherent to the Minamoto family throughout its reverse of fortune and scorned to serve the Taira. Shigekuni Shibuya, a warrior belonging to the Taira, felt pity and helped him in his struggle to support his family. Meanwhile, Hideyoshi died leaving his wife and four sons. When Yoritomo rose in arms against the Taira, Shigekuni sent all the four sons of Hideyoshi to join Yoritomo's army, while he himself, with his family and retainers, joined the Taira's force. Kagechika Ōba, one of the Taira's generals, demanded Shigekuni to seize Hideyoshi's wife and sons and deliver them over to him, but Shigekuni refused the demand, saying that, though he had been helping Hideyoshi's family, he could not on that account prevent the bereaved brothers from joining Yoritomo's army in response to his summons with the praiseworthy intention to fulfil their plain duty to their old lord. He was indignant, as well he might, at the heartless attitude of Kagechika who, instead of gratefully acknowledging his sincerity in joining the Taira army with all his family and retainers, demanded arrest and delivery of these four brothers. This attitude of Shigekuni's was obviously against the interests of the Taira, but was considered laudable by those warriors who made much of faith or fidelity. Perhaps Kagechika, too, was "almost persuaded." At least the *Azuma-kagami* tells us to that effect.

Another story of the same kind is also recorded in connection with the

Revolt of Yasumura Miura which occurred at Kamakura about seventy years later. Yasumura, an influential man in the *Bakufu*, was suspected of some conspiracy or other by Tokiyori Hōjō, the then *Shikken* 執権 (Prime Minister of the *Bakufu*), and perceiving that danger was imminent, assembled his troops and prepared for war. Tokiyori gathered his troops likewise, and surrounding Yasumura in his residence, assaulted and killed him. Suemitsu Mori, an intimate friend of Yasumura's, used to have confidential talks with him, and they vowed mutual help in case of danger. At first when he received a summons from Tokiyori, Suemitsu was about to respond to the call, but his wife reminded him of his pledge to Yasumura and told him that if he should fail to keep his word, he would surely be denounced by posterity as a recreant. These words deeply moved Suemitsu, who changed his mind and joined Yasumura's camp. Suemitsu's wife, it is true, was Yasumura's sister, but it was neither that circumstance nor his affection for his wife but faith and fidelity that had moved him to change his mind, and it was for this that, though he defied the *Shikken* and sided with a rebel, Suemitsu gained the sympathy of his fellow warriors. Yasuhide Ōye, a member of Suemitsu's family, while on his way to Tokiyori's residence, met with Suemitsu who was going to Yasumura's, but he did not stop him, for divining what was in his relative's mind he thought it wiser to refrain from interfering with his intention to keep his promise to his friend. The *Azuma-kagami* praises this consideration on the part of Yasuhide as most chivalrous and most worthy of a warrior.

4. Next to the above three virtues, the *bushi* valued integrity and disinterestedness, and *bushidō* prohibited plunder and usurpation. In this connection I must call the reader's special attention to the fact that the *bushi* present a striking contrast to the Chinese *chien-tu-shih* who have been most severely criticized by historians for their avarice and selfishness.

It was customary in those days that, when they went out to war in the interest of the *Bakufu*, the warriors generally provided themselves with food and arms, not for themselves alone but also for their men. But when Yoritomo's army drove the Taira army from Kyōto as far west as Dannoura, Yoritomo's generals were all hard pressed for fresh supplies of food, so much so indeed that some of them even thought of deserting the field of battle and returning to their own provinces. Yoritomo had always made a point of prohibiting riotous and unruly acts of soldiers, who, flushed with victory, were apt to commit outrages, and on this occasion was none the less lenient. Hearing that some soldiers were being driven to plundering for want of food, he sent a special message to give them strict warning against plunder, taking steps at the same time to send them food as quickly as possible.

Even under such distressing circumstances, integrity and disinterestedness,

which was an article of faith for the warrior, was esteemed and practised. Yukihiro Shimokōbe, like other generals, ran short of provisions, and in order to save the lives of his men he had to sell some of his suits of mail and other weapons. When he went over the sea into the province of Bungo, he sold his only suit of mail left in order to buy small boats for carrying his soldiers, and as soon as they landed he led his men and rushed into the enemy line, winning thereby the coveted honour of leading the van. After the Taira army was annihilated, he started with other warriors on his return journey to Kamakura. But before starting he thought of buying some souvenir for his lord Yoritomo. Just at that time a bow reputed to be of the best make in Kyūshū was offered for sale. He wanted to buy it, but as he had no money, nor anything to sell, he stripped himself of one of his two *kosode* (wadded silk garments) and exchanged it for the bow. On his arrival at Kamakura he made known his desire to present the bow to Yoritomo, who, however, would not accept it, as he suspected that Yukihiro had probably taken bribes or committed plunders while he was in Kyūshū, otherwise how could he alone have obtained such a precious thing while all the other fellow generals had been reduced to destitution and distress? However, when he heard Yukihiro's explanation, Yoritomo was moved to tears with gratitude and accepted the present with pleasure, declaring that he would keep it as an heirloom of his family, and in return for it handsomely rewarded Yukihiro with a goodly piece of land.

Yoritomo was thus very strict on the matter of pillage and usurpation, and never allowed it under any circumstances, but on the other hand, his vassals, too, regarded it as shameful. Shigetada Hatakeyama was looked up to as a typical warrior of Kamakura, and his spotless character was recognized and appreciated by Yoritomo, who made him tutor to his eldest son Yoriie. Shigetada had his fief in the province of Ise, the management of which he entrusted to one of his retainers as his bailiff. Now, this bailiff was guilty of some illegal practices, of which the grand shrine of Ise complained to the *Bakufu*. It was what Shigetada himself knew nothing of, and yet Yoritomo held him responsible for it and gave orders to Tsunemasa Chiba to confine him in his (Tsunemasa's) residence, confiscating at the same time four landed estates belonging to him. Shigetada was so painfully impressed with a sense of responsibility that he denied himself both food and sleep and sat in silence and meditation without tasting a single morsel of food in spite of Tsunemasa's earnest entreaty. This fact lasted for seven days, and Tsunemasa, seeing Shigetada's face so worn and wasted, suspected with fear that he was determined to die unless he obtained his lord's pardon. He told Yoritomo about it, and implored him to pardon Shigetada. Yoritomo was touched to the heart by the story, and pardoned him at once. In a talk with his friends over this hard

experience after he was pardoned, Shigetada told them in a moving tone that if one was offered land as a reward by the *Shōgun*, one should first consider whether a man of integrity could be found for the management of the land in one's behalf, and that if it seemed impossible it would be better to decline the offer altogether. And then with a sigh of deep regret he concluded, "To think that I, who have been proud of my own probity and uprightness, should have brought upon myself such shame and disgrace!" Shigetada then returned to his residence in the country, and soon after a rumour was afloat that he was plotting a conspiracy against the *Shōgun* out of spite for the severe punishment he had received. He hurried back to Kamakura and explained himself before the *Shōgun* in vindication of his innocence. One of the *Shōgun* personal attendants then demanded him to write a pledge of loyalty under oath, but Shigetada refused it scornfully, saying "I am not the man to tell a lie. A written oath should only be demanded of such as are likely to tell lies."

It must of course be conceded that all Kamakura warriors were not like Yukihiro or Shigetada; there must have been many who made free use of their abundant energy and prowess in outrageous pillage or usurpation. But Yoritomo, as I have said, prohibited it under heavy penalty, and the warriors, too, had enough conscience to regard it as a shame. They aided each other in building up this moral tone. This punishment of Shigetada by the *Shōgun* for the misconduct of his bailiff was not carried out as a temporary expedient, but as a matter of principle, which is clearly shown by the fact that the Code of Jōei contains a clause providing to the same effect. Shigetada's words that "unless one could find an upright bailiff, one should decline a reward of land" made a deep impression on the minds of the more thoughtful warriors of the time. Shigetoki Hōjō (d. 1261), for example, warned, in his injunctions to his descendants, not to desire a fief without a bailiff worthy to be entrusted with its management.

5. Prior to Yoritomo, those families which held the reigns of government, i. e. the Fujiwara and the Taira, resided in Kyōto, where the former had lived for several centuries in luxury and the latter tried to follow their predecessor in their mode of life. Yoritomo, however, remained at Kamakura, and urged his warriors to practise frugality, he denying himself every sort of luxury, and setting thereby an example.

Noticing that a young attendant engaged on civil business in the *Bakufu* was fond of finery and dressed himself in costly clothes, Yoritomo drew out his sword and cut off the end of the clothes, and said, "Don't you know it is simply because of frugality that even such as you who are without much learning or large estate will be in a position to keep a few men and serve in war?" It was for the purpose of enabling warriors to serve better in war that frugality was encouraged among them; the *Bakufu*, resting

as it did on the fighting power of its warriors, could not well afford to allow luxury among them. Shigetoki Hōjō, just referred to above, was a younger brother of the then *Shikken* Yasutoki (Premier Yasutoki), and in his injunctions to his descendants warns them against extravagance, saying "Do not use costly fans, even if they are presents from others," and again, "Be not luxurious in your dress, food, or dwelling. Let them be according to your station in life, avoiding everything that may strike your friends and colleagues as extravagant." The frugality of *Shikken* Tokiyori Hōjō and his mother Zenni Matsushita, which is recorded in the *Tsurezuregusa*, a collection of essays by Kenkō Yoshida, serves to show how consistently the *Bakufu* pursued this policy since Yoritomo.

Besides, this policy of encouraging frugal habits among warriors was adopted not only by the military regime of Kamakura, but later, in the Muromachi and Edo periods, it became the traditional policy of the military government. The Edo military government, especially, went so far as to lay down minute regulations concerning the clothes worn by the *Daimyō* (feudal lords), the warrior, the farmer and the tradesman respectively, and in every place of life frugality was enforced and luxury was held in check.

These five virtues, namely, valour, loyalty, faith, integrity or probity, and frugality are what were regarded as cardinal virtues in the *bushidō* of the Kamakura period. It is to be noted, however, that *bushidō* was born out of the practical need of the warrior class of that time, and not as a theoretical system of thought enunciated by a group of thinkers. From Yoritomo downwards, the warriors of that period were devout worshippers of the deities of both Shintoism and Buddhism. It was not, however, till the second half of the Kamakura period that the *Zen* sect, which is considered as the warrior's Buddhism, was widely embraced by the warrior-class. During the first half of that period, *Hoke-kyō* 法華經 (the Sutra of the Lotus) was chanted, and the "orthodox" *Jōdo* was popular among the people in general. Shintoism is the national religion, but, in this case again, it was not till the end of the Kamakura period that its tenets began to be expounded by the priests. So also with Confucianism, which gained popularity among warriors towards the latter half of the period. These circumstances make it difficult to judge to what extent these spiritual influences, i. e. Shintoism, Buddhism and Confucianism had to do with the formation of *bushidō*, or which of them had most to do with it, though it is undeniable that they had a considerable influence in its later development.

It is perhaps worth noting that, from Shigetoki onwards, as is seen in his family precepts, stress was laid on the importance of *shōjiki* 正直. The word *shōjiki* has come to mean, in later ages, not telling lies or no duplicity in word and action, but in those days it was used in a wider sense, and

most probably meant, as the Chinese characters show, "justness" and "righteousness" 直, in other words, truthfulness and uprightness. The author of the family precepts just referred to enjoins his descendants to pray to Buddhist and Shinto deities that, first of all, a just and right mind be given them, and expounds that in the military arts as well as in anything else, nothing is more effective than *shōjiki* for "making one's name and cultivating one's virtue." Besides *shōjiki*, the author mentions *giri* 義理 (a sense of justice or a sense of moral obligations), which he says should always be borne in mind. Explaining the meaning of *giri* he says that *giri* requires us not to abandon what is right or truckle to the strong, even at the risk of losing one's life and house, and that he who has a high sense of justice is alone worthy of the name of warrior. After all, to be right and just seems to mean, in the eye of a warrior, to take a firm stand for the moral principle of justice and righteousness. The idea of making truthfulness and uprightness and justice the fundamental principles of *bushidō* was current even after the downfall of the Kamakura regime. In 1338, Takeshige Kikuchi, in his petition presented to the Aso Shrine says :

"I, Takeshige Kikuchi, who was born in a warrior's family, pray to be allowed to raise the name of my family in accordance with the ways of heaven and with the principle of "justice and righteousness," and further, to make my own name, basking in the gracious favour of the Imperial family. I hereby swear that I shall never forget *gi* 義 (justice) in a selfish desire for wealth or reputation, or basely flatter the times." Again, in a book of moral teachings entitled *Chikubasōh* which was written in 1383 by Yoshimasa Shiba, a premier of the Muromachi *Bakufu* the author preaches *shōjiki* (justice and righteousness) and *jihī* 慈悲 (mercy or charity) as a warrior's virtue, saying that "if a man is 'just and right' and also merciful, the gods and Buddha will not forget him even though he may not once offer a prayer or worship at a shrine."

The idea of regarding *shōjiki* (to be just and right) as the chief moral virtue did not make its first appearance during the Kamakura period. It can indeed be traced far back to the 7th century. The court ranks instituted for the first time in 603 A. D. were named after Confucian virtues, but the names of those revised by the Emperor Temmu in 686 may well be considered to have been given in accordance with the moral ideas which were native to our country. The new court ranks were divided into eight classes, the first of which was called *myō* 明 (clearness), the second *jō* 淨 (purity), the third *shō* 正 (justness), and the fourth *jiki* 直 (righteousness). These four were regarded as the highest virtues in Shintoism. Though Confucianism and Buddhism flourished later, still Shintoism, which was as yet without any definite system of tenets, held its sway over the thoughts and feelings of the people, and the virtues of *shō* (justice) and *jiki* (righte-

ousness), after a lapse of six hundred years since the time of the Emperor Temmu, were taken up again and resuscitated by *bushidō*. From this point of view *bushidō* may be considered a crystallization of the national thoughts and feelings of Japan.

IV

An idea seems to prevail that, under the military regime that lasted for some seven hundred years since the establishment of the Kamakura *Bakufu*, the rights of the people were ignored and the status of woman was that of subjection to man. Such a view, however, does not apply at least to the Kamakura government.

The laws of Kamakura were based on the moral beliefs of the warrior of the time. The *Shikken* Yasutoki Hōjō in a letter to his younger brother Shigetoki, when the compilation of the Code of Jōei was completed, said that since the time of Yoritomo till then the administration of the *Bakufu* had been carried on, not in accordance with any definite set of laws, but with what was believed to be just and right, and that the ultimate purpose of the compilation of the Code was to encourage the retainer's loyalty to his master, the child's duty to his or her parents and the wife's obedience to her husband, and also to suppress the wicked and reward the just.

In this respect, the Code of Jōei agrees with the Code of Taihō (702), which aimed at cultivating the people. The latter, however, was written in such refined and pregnant classical Chinese that it could not be easily understood by the common run of people whose level of literary attainments was by no means high. Yasutoki thought that to make a law that was unintelligible to the common people and punish an offender according to its provisions was tantamount to digging a hole and pushing people into it, and with the object of making his code easily understood, he decided to adopt a mixed style of Japanese and Chinese which was then current among common people. When it was completed, he promulgated it at once through appropriate channels and elucidated at the same time the government's administrative and judiciary principles.

Nor was there any government, before the Meiji era, which gave more deliberate consideration to law-suits and endeavoured more sincerely to see that justice was done in every litigation. The law court of the Kamakura period gave both plaintiff and defendant an opportunity to argue their case three times in writing, and let the litigants present such evidence as would support their case, or claim their rights by citing the Code of Jōei and other laws or precedents. The judge weighed the arguments of each party

in the light of law, called in, if need be, witnesses and experts in order to avoid every possible oversight or error in his examination, and then gave his decision, handing at the same time to each party the sentence in which was stated in detail the judge's own view of their respective claims. That the Kamakura government had such a judiciary system is a clear proof of how it respected personal rights, but also goes to show, incidentally, how eager were the warriors in general to protect their rights and interests. In fact, instances are abundantly found in the *Azuma-kagami* of how they fearlessly claimed what they believed to be their right even against the authority of the *Shōgun* or the *Shikken*, and persisted in carrying through their original purpose.

It is true that in this period, as in the periods before and after it, there was predominance of man over woman, but we must not overlook the fact that the Kamakura government recognized the traditional status of woman peculiar to old Japan and modified the provisions concerning the legal status of woman in the Code of Taihō which had been modelled after the Chinese system of laws. When a woman had no male issue, the Code of Taihō prohibited her from adopting a boy as her son and the result was the extinction of her family. But as this was felt to be a misfortune for the family, especially in those days when ancestor-worship was strong and deep, and continuation of one's family, and, consequently, maintenance and elevation of its name, were considered the plain duty of descendants, the Kamakura government, from Yoritomo onwards, permitted a woman to adopt another's son as heir, and in accordance with this practice a clause was inserted in the Code of Jōei to save such families from extinction.

In the Code of Taihō it was provided that a husband could not divorce his wife against her will except in such circumstances as were recognized by law, but it is doubtful whether in actual fact the wife's position was protected by this provision. If we take into consideration the fact that in the Kamakura period the political power of the Court at Kyōto had declined to such a degree that its influence was so limited that the Code of Taihō was little more than a dead letter, we may safely conclude that it was next to impossible for a wife to look to the said provision in the Code for effective protection of her position. There is no provision of a similar kind in the Code of Jōei, and this fact probably implies a tacit acknowledgment of the husband's right to divorce his wife without her consent. But, on the other hand, the Code of Jōei took care to protect the wife's right of property, and when she was divorced without due reason, prohibited the husband from taking back any landed estate which he had previously given her. On the contrary, when she was divorced on account of her grave faults, any previous promise of such a gift was declared null and void.

Again, the Code of Taihō provides in detail for the father's rights, to his children, but not at all for those of the mother, while in the Code of Jōei the same rights of both parents to their children are recognized. According to the common law which was current in the Kamakura period, the mother exercised paternal authority over her children after father's death, distributed among them the fortune left by their deceased father, executed his will, and became guardian of her children. The parents were allowed to disown their undutiful children (which was called *gizetsu* 義絶), i. e. deprive them of their right of inheritance as well as all other rights; and were also exempted from all legal duties towards them as parents. When the parents were both alive, disowning was generally carried out by the father, but after her husband's death, the mother was allowed to disown her children by herself.

Thus, it appears, on the whole, that woman's status was raised more or less in this period, but it cannot on that account be asserted that the *Bakufu* made any conscious effort to protect her interests, for the Code of Jōei was apparently more severe on woman than the Code of Taihō. The Code of Taihō provided that the father could take back again the property he had given to his sons, but that he could not do so in the case of his married daughters, as the property, on the principle of joint ownership of husband and wife, already belonged by rights to another family. The Code of Jōei on the contrary, allowed the father to do so even in the case of his married daughters, on the ground that, though different in sex, his daughters were his children just as his sons were.

Though neither Code prohibited a widow's remarriage, both considered it morally desirable that she should not remarry after her husband's death, but remain in the house and pray for the repose of his departed soul. The Code of Taihō did not allow a remarried wife to have a share in the division of her dead husband's property, while the Code of Jōei viewing remarriage as an act of inconstancy and unfaithfulness to her dead husband, went a step further and prescribed that a remarried widow should transfer to her dead husband's children the estate given her by him.

The above facts go to show on the whole that, for a hundred years from the latter half of the 12th century of the latter half of the next century, during which the military regime was established, the status of woman was protected by the *Bakufu* better than before or after. Later, however, the economic condition of the warrior class grew straitened, and to secure greater stability of their livelihood, the government gradually put restrictions on the disposal of their estates. The Muromachi *Bakufu* which succeeded the Kamakura *Bakufu* had not enough power to bring the whole country under its sway, and towards its last stage its authority collapsed, till at last the local war lords, freeing themselves from the control of the central government,

maintained independence each in his own sphere of influence, and engaged in war with each other. For more than a hundred years the whole country was in the turmoil of war and disturbance. Rival war lords, who were in constant danger of invasion from outside and rebellion from within, had to be on their guard to protect their position and look out for an opportunity to extend their influence. This required a policy of extreme military rule, whereby the rights of the individual were disregarded. Woman's right of property was ignored altogether and she was reduced to a state of subjection to man.

Ieyasu Tokugawa, who succeeded in bringing the country under his authority and in setting up the Edo Shogunate, was one of these rival war lords, and his system of government was the last of that form of government described above. The peace that reigned during the next two centuries and a half was maintained under this system of government, and, consequently, neither personal rights nor the status of woman had any chance to re-assert themselves.

Though the spirit of *bushidō* generally prevailed among the warriors of the Kamakura period, that is not to say that there were none who were influenced by self-interest or betrayed trust, but merely that this spirit was recognized in general as the morale of the warrior-class. Social conditions after the overthrow of the Kamakura regime of which I have spoken above, could not help but shake the warriors' faith in their ethical code, and though the virtues held in high esteem by the Kamakura warriors were still regarded as important moral attributes, they were no longer practised as rigorously as in the Kamakura period. In fact, the moral tone deteriorated so much that no matter how often a warrior might change his master for his advancement, no one would think of censuring him! Few would scruple to betray faith for the sake of mere expediency. But with the settling down of the social order at the beginning of the 17th century, the warrior was again recognized by himself and others as exemplar to the farmer, the artisan, and the tradesman. Whereupon the warrior's interest in morality revived, and *bushidō* dating from the 13th century drew public attention again. Influenced, however, by Confucianism which flourished in this period, those who preached *bushidō* were for the most part Confucian scholars or at least believers in the teachings of Confucius, and *bushidō* which had originally developed from the practical necessities of warriors, came to be popularized by Confucian moral ideas, not only as the morality of the warrior-class but as the cornerstone of national morals.