

著者	MARRA Claudia
journal or publication title	The Journal of Nagasaki University of Foreign Studies
number	22
page range	101-112
year	2018-12-30
URL	<a href="http://id.nii.ac.jp/1165/00000597/">http://id.nii.ac.jp/1165/00000597/</a>



## Bureiuchi 無礼討

The Regulation of Disrespect-Killings within the Framework of  
Tokugawa Legislation

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**Abstract:** This article sheds some light on the facts and legal framework governing disrespect-killing, bureiuchi (無礼討) or kirisute-gomen (切捨御免), with a focus on the regulations issued by the 8<sup>th</sup> Tokugawa Shōgun Yoshimune in the criminal compendium Kujikata Osadamegaki (公事方御定書), enacted in 1742.

この論考では、『無礼討』および『切り捨て御免』の法的根拠とその適用事例について述べる。特に、1742年（寛保2年）に8代将軍、徳川吉宗の下で制定された江戸幕府の基本法典『公事方御定書』の影響に注目する。

**Keywords:** Samurai, Bureiuchi, Kirisute-gomen, Edo-period law

‘The relation between superiors and inferiors, is like that between the wind and the grass. The grass must bend, when the wind blows across it.’

Confucian Analects, Book XII, Chapter 19<sup>1</sup>

### 1. Introduction

Hardly any Japanese period drama or samurai movie resists the cliché of the hot tempered warrior chopping off the head of an hapless bystander, who had failed to bow deep enough or otherwise had provoked the samurai’s anger.

Urban legend tells us, that even serving pickled radish, Takuan, could be dangerous: In order to avoid arousing a samurai-customer’s temper, chefs serve this side dish until today in two slices, as the pronunciation for one slice, in Japanese hitokire (一切れ) sounds like the invitation to ‘kill a person’, while three slices 三切れ「身斬れ（腹を切れ） could be misunderstood as a subtle call to commit ritual suicide (slash your body).<sup>2</sup>

When Yamamoto Tsunetomo was musing about the good old days of the sengoku period in his guidebook for samurai ‘Hagakure’, he admiringly reports the deeds of samurai killing people for offenses like urinating in

public<sup>3</sup> or stepping on some warriors' foot.<sup>4</sup>

A web-search of the terms bureiuchi and kirisute-gomen yields close to 500000 hits, indicating the strong presence of this extreme form of punishment in the minds of a modern audience and its deep-rooted connection to the image of the samurai.

According to ancient customs, warriors had the privilege to defend their honor by executing the offending culprit on the spot with one deadly blow, this was called bureiuchi (無礼討) or kirisute-gomen (切捨御免).

The merciless execution of civilians supports the mythos of the samurai as independent warrior, who is only obligated to his lord, his family and his honor, and the frequency of bureiuchi-cases appearing in fiction and pop-culture suggests, that this kind of incident was a common occurrence during the Edo-period.

This is most astonishing, as not only the actual number of documented bureiuchi cases<sup>5</sup> during the Edo period is negligible<sup>6</sup>, it also shows ignorance of the fact, that samurai, too, were obligated to respect legal regulations concerning the use of force and that, even when a samurai was entitled to perform a burei-uchi strike, he more often than other renounced his claim.

## 2. The origins of bureiuchi

Bureiuchi's origins are as obscure as reliable data about the frequency of its occurrence or an exact description of what would be classified as disrespectful or offensive behavior, 'burei'.

The right to carry out disrespect killings, as well as the privilege of legal revenge killings (katakiuchi, 敵討 or adauchi, 仇討) and unfaithful-spouse killings (megatakiuchi, 女敵討)<sup>7</sup> had their origins in non codified customary laws, which existed long before Tokugawa legislation appeared<sup>8</sup>. The alledged political testament of Tokugawa Ieyasu (Tokugawa seiken hyakkajo, 徳川政権百か条), albeit controversial in its authenticity<sup>9</sup>, gives a good impression of the common understanding of this warrior class privilege. In § 44 it describes bureiuchi as follows:

‘Warriors are superior among the four classes. Peasants, craftsmen and merchants are not allowed to show disrespect (無礼). Rude or uncommon manners (慮外) qualify as disrespectful behaviour. One should not interfere, if a samurai kills such a disrespectful individual.’<sup>10</sup>

Upholding the hierarchical order of the social classes (mibun chitsujo 身分秩序) was not only the result of Confucian theories concerning the order of the universe, it was seen as paramount for the preservation of shōgunal authority.<sup>11</sup>

Disrespect in form of ‘rude and uncommon manners’ was not understood as petty offense concerning only the involved individuals, but was rather perceived as public questioning of the political and social order and as such it constituted a serious crime. Hence, disrespect killing was not seen as murder, it was a form of legal punishment

of a low ranking person, who broke the law against his superior, a representative of the ruling class.<sup>12</sup>

In spite of the legality of bureiuchi, for a samurai there lay hardly any honor in killing an usually unarmed commoner, not to mention, that loosing ones temper over trivialities would not conform with the ideal of stoic self-control imposed on a warrior.

So, with a seemingly negligible number of bureiuchi cases at hand, what was the aim of the bakufu, when the legislation was issued?

Also, how would a

‘system of unashamedly brutal capital and corporal punishments could have continued to function without undermining the credibility of a regime that claimed to govern in accordance with both Confucian principles of benevolence and Buddhist ideals of compassion.’<sup>13</sup>

In order to answer these questions, let’s have a look at the legislation concerning samurai.

### 3. Medieval legislation concerning samurai

Regulating the use of force through written legislation gradually became a necessity as a result of the development of warriors into a social class.

The 13<sup>th</sup> century Goseibai Shikimoku (御成敗式目), also known as Jōei Shikimoku (貞永式目), was the first piece of nationwide legislation targeting the regulation of the warrior-class. It layed down the basic rules for high ranking samurai and their vassals. In 1336 it was amended by Ashikaga Takauji, who had supplemented the 17 articles of the Kemmu Shikimoku (建武式目).

Together, these codes layed down the basic expectations concerning samurai’s moral attitudes, ethical behaviour and duties towards superiors and subalterns. Namely: frugality, loyalty, abstinence from drinking and unruly behaviour, upholding the law, prevention of crimes, proper decorum, integrity, righteousness and upholding honor.

However, both codes referred only generally to acceptable standards of conduct, without detailing any norms of justice, setting penalties for non compliance or giving any further explanations.

The subsequent loss of central power by the Ashikaga shōgunate and the competition among local lords also made it impossible, to enforce universal legal norms for the whole country. Only after the country’s long period of civil war and the territorial and political solidification process finally drew to an end in the 16<sup>th</sup> century, stricter regulations and the strengthening of status discipline became possible.

The first steps in dividing warriors and commoners were taken by Oda Nobunaga and Toyotomi Hideyoshi who ordered sword hunts in 1575 and 1588 respectively.

After the enforcement of the Separation Edict (身分統制令 Mibun Tōsei Rei) promulgated by Toyotomi Hideyoshi in 1591<sup>14</sup>, the sharpened division of labor between farmers and warriors, Heinō Bunri (兵農分離), effectively helped to improve agricultural productivity, ramped down the levels of random violence against peasants, boosted

economic growth and improved military strength<sup>15</sup>, thus playing an important role in the eventual unification of the country under Tokugawa Ieyasu.

Before the Tokugawa clan seized power, the provincial domains enjoyed considerable autonomy in legal matters<sup>16</sup>. However, the local domain-legislation did not completely replace but only supercede still valid earlier Chinese-modelled codes, like the before mentioned Joei and Kemmu Codes or the 8<sup>th</sup> century Ritsuryō (律令). These older codes also had been altered or supplemented during the Kamakura and Muromachi periods, and had been partially combined with some military provincial laws (bukehō 武家法 and bunkokuhō 分国法) of the sengoku period.<sup>17</sup>

‘Under Japanese medieval law, two important concepts dominated the administration of justice:

- (1) kendanken [検断権], the right of jurisdiction in criminal matters, including entering property for purposes of pursuit, investigation, judgement, punishment, and property confiscation; and
- (2) jungyōken [遵行権], the right to enforce bakufu decisions concerning land. Both rights pertained to land, not persons...’<sup>18</sup>

The main concern of these pieced together codes was the regulation of land disputes and taxation. As far as the prosecution of criminals was concerned, local landowners held judicial authority based on only loosely defined rules.

Offenders would always be judged as part of a group. Collective punishment, called renza (連座), when applied to relatives, or enza (縁坐), when the punishment was applied to the wider community, was the norm, so that families or communities were encouraged to prevent and report any individual’s criminal behaviour.

The strong Confucian influence is the reason for the idea, that in order to prevent crimes, a morally and ethically superior government and the (public) enforcement of draconic punishments, usually death, would suffice. Binding standards concerning prosecution, judgement, punishment and appeal did not exist.

#### 4. Edo period legislation

The process of regulating the privileges and duties of the samurai gained only momentum after the Tokugawa bakufu was firmly established. Edo grew to become one of the largest cities in the world. It was not only the place of residence for the Tokugawa shōgun and his retinue of attendants. The system of alternate attendance (sankin-kōtai 参勤交代), caused hundreds of daimyō and their entourages to enter, leave or stay in the city each year. As a result, a sizeable number of samurai, separated from home and family came to live in close proximity to craftsmen, merchants and other commoners.

‘While there are no accurate figures for the population of samurai from the domains in Edo, estimates for the city as a whole in the early eighteenth century show roughly equal numbers of samurai and townsmen, about 600000 each’<sup>19</sup>

Even with the urban ratio of samurai to commoners approaching 1:1, Tokugawa law was myopic, when it came to the regulation and protection of the lower classes. Legal provisions were exclusively meant to protect and enforce status discipline and to maintain the order of society, with the privileged samurai on top and commoners under their clout.

Modern concepts of legal universality, of equality before the law, habeas corpus or other individual rights naturally did not exist, jurisdiction continued to be as separate as the social strata were<sup>20</sup>.

The role of samurai, however changed as a result of Pax Tokugawa, which catalyzed the gradual transformation of warriors into administrators and bureaucrats<sup>21</sup>. The former samurai ideal of mastership in ‘Both paths: the path of the brush and the path of the sword’ (bunbu-ryōdō 文武兩道) eventually eroded, resulting in the preference of the brush. ‘The taming of the samurai’<sup>22</sup> became an unavoidable prerequisite for the development of a civil society<sup>23</sup>.

Japanese law historians<sup>24</sup> describe the development of Tokugawa legislation in three phases:

The first phase from the first shōgun, Tokugawa Ieyasu to the 6<sup>th</sup> shōgun, Ienobu (1603 - 1712) was focussed on the consolidation of power, mainly dealing with high ranking vassals and daimyō.

The second phase, until the 12<sup>th</sup> shōgun, Ieyoshi (until 1853) furthered the modification of the samurai class from warriors to bureaucrats.

During the final phase, the bakufu mostly tried to preserve the status quo amidst growing internal problems and foreign pressure.<sup>25</sup>

With the clarification of the legal positions of the nobility and the samurai in mind, the Tokugawa bakufu started a process of legal unification through the enactment of fundamental legislation, first dealing with the imperial court:

The Kinchū narabini kuge shohatto (禁中並公家諸法度) concerning the privileges and duties of the nobility was issued in 1613. It was followed by laws governing (high-ranking) samurai: The Buke shohatto (武家諸法度), issued in 1615, amended in 1635, 1663, 1683 and 1710 and the Shoshi hatto (諸士法度), enacted in 1635, amended in 1664.

Neither of these codes mention bureiuchi, though the Shoshi hatto II, § 9 generally prohibits quarreling<sup>26</sup>. Thus, violence against commoners in the form of disrespect killings remained officially unregulated until the mid-Edo-period.

## 5. The legislative paradigm shift under Tokugawa Tsunayoshi

In spite of his bad image among Japanese historians, the 5<sup>th</sup> shōgun, Tokugawa Tsunayoshi (徳川綱吉, 1646 –1709)<sup>27</sup>, who supposedly had men killed for the sake of dogs<sup>28</sup>, was the first ruler to pay attention to the value of (commoners’) lives.

‘Under this first civilian-educated ruler of the Tokugawa line, the inevitable transformation from warrior

to civil society accelerated greatly. Tsunayoshi's laws for the protection of all animate creation, the so-called Laws of Compassion (...) were symptomatic of this fundamental change in sociopolitical direction'<sup>29</sup>

Tsunayoshi, who took office in 1680, issued a collection of edicts, known as the Edicts of Compassion for Living Things (生類憐みの令 *Shōrui awaremi no rei*). Influenced by Buddhist principles of nonviolence, they condemned cruelty and bloodshed and decreed the protection of all living creatures down to abandoned or unborn children and even prison inmates.

The reasons for the Laws of Compassion, were given in the records of Tsunayoshi's government (*kenbyō jitsuroku*, 憲廟実録) as follows;

‘The traditions of the Warring States period became the way of the samurai and senior officials. Brutality was permitted and considered to be *bu* (military virtue). Spirited behaviour was righteous, and there was much conduct lacking benevolence, violating the principles of humanity.’<sup>30</sup>

The changing requirements of samurai's duties and their economic situation, their need to redefine their purpose in combination with the strains of city life, led many to use their swords not only to punish, but also solve private conflicts or just to amuse themselves.<sup>31</sup>

‘Tsunayoshi's age was still a time when even a Confucian scholar would recommend that servants who had committed theft or absconded be killed by their samurai masters without further ado, and one such scholar <*the Confucian scholar Ogyū Sorai, author's note*> expressed regret that ‘killing on sight’ had virtually become unheard of under the fifth shōgun.’<sup>32</sup>

Although Tsunayoshi was not the first to try, he was the first to meet a fair share of discontent, as the samurai were not pleased about Tsunayoshi's infringement of their privileges. As enforcement was not handled strictly, ‘most of the laws (...) could generally be ignored by the greater part of the samurai population’<sup>33</sup>. However loosely enforced, for the first time the shōgun concerned itself with an improved protection of commoners' lives. This was not only a humanitarian but also an economic necessity, and that was not just because Tsunayoshi's infamous laws for the protection of dogs had put considerable constraint on state finances<sup>34</sup>.

The long peace period Japan enjoyed under the Tokugawa helped to bring about a thriving urban consumer culture, with an increasing number of highly specialized craftsmen living in the urban areas of Kanto and Kansai. Their year-long training on the job and their subsequent contribution to state finances would be lost, if they'd to lose their lives as retribution to minor offenses at any samurai's whim.

With the ongoing fiscal problems of the shōgunate in mind, protecting wealth-generating townsmen and peasants against samurai excesses would be financially profitable for the constantly cash-stripped bakufu. Restricting samurais' use of force helped to secure the states income, as valuable taxpayers, like townsmen's or farmers' lives were better protected against arbitrary violence.

‘From the middle of the eighteenth century a significant portion of bakufu income was derived from taxes

on urban properties, fees on commercial and transport activities, and other nonagricultural sources<sup>35</sup>. Because of this, a samurai, who was found guilty of an unlawful killing would stand to not only to lose his own life and position, he, or rather his family, could also be made liable to compensate for any financial losses caused by the death of the commoner involved<sup>36</sup>, specially if the killed person belonged to the jurisdiction of an other domain.

## 6. Bureiuchi regulations in the Kujikata Osadamegaki

Tsunayoshi's successor, Tokugawa Ienobu (徳川 家宣, 1662 –1712) abolished the strict animal protection laws, but continued a policy of strict central control visible in his amendment of the Buke Shohatto in 1710.

Strongly influenced by Confucian thought, he had censorship discontinued, reformed the judicial system and ended the application of cruel punishments and persecutions.

But it was the 8<sup>th</sup> shōgun, Tokugawa Yoshimune (徳川 吉宗, 1684 –1751), who had experienced the impact of Tsunayoshi's policy in his youth<sup>37</sup>, who put the bakufu's encroaching of samurai's privileges into legal writing.

Yoshimune finally issued legislation attempting to work out an overall, comprehensive fiscal and economic policy for the country<sup>38</sup>, bringing samurai under submission to bakufu authority, and curbing their right to use their swords as they please. After samurai had enjoyed centuries of unquestioned privilege to cut down any obstinate subordinate, the Kujikata Osadamegaki (公事方御定書), a compendium of criminal laws enacted in 1742, was the first official document to formally regulate bureiuchi.

The compilation of the Kujikata Osadamegaki between 1740 and 1742 was meant to provide a basic reference for shōgunal legal matters.<sup>39</sup>

Following the bakufu's internal demand for legal uniformity, it provided guidelines for the correct understanding (心得, kokoro-e) and regulation (準則, junsoku) of jurisdictional procedures.

There was still ample room for a rather permissive execution of orders<sup>40</sup>, but Confucian and Buddhist principles were upheld, as the samurai were advised to abstain from unnecessary forms of violent punishments<sup>41</sup>.

Originally intended for high ranking official use only, the contents of the Kujikata Osadamegaki became quickly known<sup>42</sup> among law enforcement personnel and samurai in local domains and in some cases even to commoners<sup>43</sup>. This widespread interest and awareness is most remarkable, since the general public, in line with Confucian concepts of an ideal government, was not openly informed about the contents of the code in order to uphold the public image of absolute samurai power.<sup>44</sup>

The second part of the Kujikata Osadamegaki explains among others, the different legal interpretations of punishable murder and excusable killings.

Again it has to be stressed, that bureiuchi was not seen as murder, but as an incident of excusable killing, hence article 71 states:

‘According to ancient customs: Samurai, including foot-soldiers (足軽, ashigaru), who were offended or

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maltreated by townsmen (町人, chōnin) or peasants (hyakushō, 百姓) and were subsequently forced to kill the culprit, remain unpunished, after the circumstances are cleared in an investigation.<sup>45</sup>

It seems, that through this legislation even the lowest level of samurai, the ashigaru, were elevated above any commoner. However, the strings attached to claiming the privilege indicate a new esteem concerning the value of townsmen's and peasants' life.

After a bureiuchi had occurred, the matter had to be reported to local authorities immediately. During the investigation of the circumstances the involved samurai, was placed under house arrest for a minimum of 20 days and relieved from his duties without pay. Also, until the samurai was cleared, his sword would be confiscated. In order to prove the offence by the commoner, the samurai had to name witnesses, his word was not enough. If the investigation found against the samurai he would face severe punishment.<sup>46</sup>

While fiction suggests, that minor offences like negligent bowing or spilling a drink on a samurai's clothes were reason enough for lethal retribution, bureiuchi was only acceptable for more serious and intentional incidents, like:

- publicly slandering a samurai's domain, family or reputation,
- preventing a samurai from performing his duties,
- directly attacking a samurai or his companions,
- refusal to obey direct orders,
- disturbing the procession of a daimyō.

## 7. Conclusion

A complete disempowerment of the samurai was naturally out of the question, but the bureiuchi regulations show the political tendency to transfer power from the hands of the individual samurai onto the control of the state. At the same time the shōgunate aims to confirm the station of the samurai as leading class and to maintain the status quo of the social order.

At a first glance, the regulations of the Kujikata Osadamegaki seem to leave the samurai's privilege intact, but a second look and the details of the law's application reveal, that in fact, this piece of legislation is granting a privilege, while at the same time discouraging to claiming it. Thus solving the dilemma of encroaching on samurai power without damaging their public image.

Upholding the privilege to exercise bureiuchi was highly symbolic<sup>47</sup>, as it left many samurai and those beneath them to believe, that nothing had changed. But regulating disrespect killings in this form clearly sends a signal and strongly indicates the bakufu's intention to claim the monopoly on the legitimate use of physical force.

The jurisdictional tendency to further expand the influence of the state, not only when it comes to the control of

provincial lords, but also in regard of each individual samurai continued over the remainder of the Edo period.

Not only bureiuchi came to be regulated, piece by piece other privileges were also touched, for example in 1683, when the amendment of the Buke shohatto, revoked the privilege to follow ones lord in death by committing Junshi (殉死).<sup>48</sup>

Even minor limitations, like the prohibition of sword practice between samurai of different domains (musha shugyō (武者修行), eventually helped stricthen the bakufus' grip on national and local politics<sup>49</sup>, as these measures made it clear that samurai, too were subject to positive law.

In this respect, regulating bureiuchi is yet another indicator for the development of an early modern civil society and the ongoing process of the 'Taming of the Samurai' during the course of their transformation from warriors to administrators.

'Throughout Japanese history, from the time the Yamato court first imported concepts of governance from Imperial China in the seventh century CE, laws served as a means to formalize government authority and control. (...) This enabled <Japanese leaders> to preserve the concept of law as a tool of government control.'<sup>50</sup>

## Notes

<sup>1</sup> quoted after Legge: The Chinese Classics. Vol.1, Hong Kong 1960, p.258f.

<sup>2</sup> see <https://ja.wikipedia.org/wiki/沢庵漬>(12.11.2018)

<sup>3</sup> Wilson, 1983, p. 106

<sup>4</sup> ibid, p. 117

<sup>5</sup> However, since records were kept by samurai, it seems likely, that the documentation of disrespect killings may not have been very meticulous, since a case of bureiuchi could have looked too trivial for the record keeper.

<sup>6</sup> Yasutaka, 2011, p. 117; Cunningham, 2004, p. 24

<sup>7</sup> Ikegami, 1995, p. 244 f.

<sup>8</sup> Yoshikawa Kōbunkan, 1984, Vol.4, p. 443

<sup>9</sup> '...the Treasured Legacy in One Hundred Articles (Go-yuijō gohōzu-iri hyakkajō, or Tokugawa seiken hyakkajō) (...) is said to have been established by Ieyasu and secretly preserved in a temple, but since the end of the Edo period their authenticity has been in doubt and the accepted view is that they are completely fraudulent. They appear to have originated in about the Kansei period (1789-1801), and it is strongly suspected that a buddhist priest had a hand in it.' Hiramatsu (1981), p. 5

<sup>10</sup> Rudorff, 1889, p. 11, English translation by the author

<sup>11</sup> Specially confucianists and kokugakusha believed, that accepting class hierarchy and the given order of society 'was the only ethical principle by which social life was possible'. See: Harootunian (1970), p. 107

<sup>12</sup> see Yasutaka, 2011, p. 117

<sup>13</sup> Botsman, 2005, p.11

<sup>14</sup> see Friday: They were Soldiers Once. In: Ferejohn, McCall Rosenbluth 2010, p. 21 ff

<sup>15</sup> see Ferejohn, McCall Rosenbluth 2010, p. 6

<sup>16</sup> Jansen, 1995, p. 230

<sup>17</sup> Itasaka, 1983, Vol. 1, p.220; Röhl, 1994, p. 232

<sup>18</sup> see Mass, Hauser 1985, p. 57

<sup>19</sup> see Vaporis, 2008, p. 172 ff.

<sup>20</sup> Botsman, 2005, p. 28 ff.

<sup>21</sup> see Friday, 2012, p.311 ff.

<sup>22</sup> Ikegami 1995 et all

<sup>23</sup> It is interesting to note, that Roberts interprets the development leading to the 'taming of the samurai' within the wider context of changing views of acceptable male behaviour, which he calls the 'taming of masculinity'. See: Roberts: Name and Honor. In: Frühstück, Walthall (Ed.): Recreating Japanese Men. Berkeley 2011, p. 48-65

- <sup>24</sup> see Hiramatsu and Taniguchi et all
- <sup>25</sup> see Steenstrup (1981) p. 100 ff.
- <sup>26</sup> see 条々(寛文三諸士法度): 一喧嘩口論堅制禁之、若有之時荷担ハ其咎可重於本人、惣而喧嘩口論之刻、一切不可馳集事。  
([http://www.hh.em-net.ne.jp/~harry/komo\\_hatto\\_main.html](http://www.hh.em-net.ne.jp/~harry/komo_hatto_main.html), 20.9.2018)
- <sup>27</sup> Bodart-Bailey, 2006, p. 280f.
- <sup>28</sup> Bodart-Bailey, 2006, p. 128f.
- <sup>29</sup> Bodart-Bailey, 1999, p. 14f.
- <sup>30</sup> Bodart-Bailey, 2006, p. 134
- <sup>31</sup> ibid
- <sup>32</sup> Bodart-Bailey, 2006, p. 130
- <sup>33</sup> Bodart-Bailey, 2006, p. 143
- <sup>34</sup> ‘...the Tokugawa government built 5 large-scale kennels in Edo to house and nurture stray dogs. Reportedly, the kennels occupied 93 hectares in total, and the total construction and annual feeding cost reached 170 million USD in today’s currency to house 100,000 dogs; some records suggests as many as 200,000 dogs. The kennels received a benefit for each dog, commonly called the *Oinu-sama* (Mr. [or Sir] Dogs), in the amount equivalent to a man’s salary, and the local towns were forced to partially cover the cost. When even that was insufficient to house all dogs, some farmers were designated as the *Oinu-sama* Staff to care for dogs at their homes. Naturally, the total cost of caring for dogs including their food exponentially increased, reaching as much as \$5 billion USD in today’s currency, putting pressure on the Tokugawa government’s finances.’ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5059174/> (9.11.2018)
- <sup>35</sup> Jansen, 1995, p. 195
- <sup>36</sup> Hongō, 2012, p. 81
- <sup>37</sup> Bodart-Bailey, 2006, p. 293f.
- <sup>38</sup> Jansen, 1995, p. 195
- <sup>39</sup> Henderson, 1987, p. 12f.
- <sup>40</sup> see Hiramatsu, 1981, et all
- <sup>41</sup> Botsman, 2005, p. 11
- <sup>42</sup> see Hiramatsu, 1981, p. 20ff.
- <sup>43</sup> Rudorff, 1889, p. 32ff.
- <sup>44</sup> ‘...by concealing penalties, the general populace would be intimidated, and the policy reason was to make people shun crime’ Hiramatsu (1981), p. 15
- <sup>45</sup> 公事方御定書下卷七十一 「一、足軽体二候共軽キ町人百姓之身として法外之雑言等不屈之仕形不得 止事切殺候もの吟味之上無紛におもては無構」see <http://rekishishiryō.blog.jp/archives/1045880564.html> (20.9.2018)
- <sup>46</sup> Hongō, <http://writerzlab.com/kirisutegomen> (20.9.2018)
- <sup>47</sup> Ikegami, 1995, p. 247
- <sup>48</sup> Ikegami, 1995, p. 218ff.
- <sup>49</sup> Jansen, 1995, p. 212
- <sup>50</sup> Bestor 2011, p. 79

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