

Chapter XLIV: The Legacy Of Ieyasu

The legacy of Ieyasu or private instructions to his successors in the Shogunate, embodying his views as to how best the government should be carried on by them, is a document that exists in several recensions, and has obviously been supplemented at a later period to include developments up to the middle of the seventeenth century or beyond, since it mentions institutions that had not come into being at the death of the Divine Lord, but only developed in the days of Iemitsu and Ietsuna. This fact has cast some discredit on it, but it seems, however, that a large part of it quite succinctly represents the principles and intentions of the founder of the Edo Shogunate as to how it was to be carried on, formulated no doubt not without the assistance of his confidants, the Hondas, Hayashi, Suden, and Tenkai. And since this latter, with Kasuga no Tsubone, lived right on into the period of the third Shogun Iemitsu, the pair of them being then generally credited with being the necessary “elder statesmen” whose advice was always taken, and since also Tenkai maintained that he was in communication by means of inspired dreams with the Divine Ieyasu, as did also on more than one occasion his grandson Iemitsu, these would be quite capable of redacting the legacy in any way that might be profitable to the family. This document therefore hardly differs in principle from other religious and ethical instructions that purport to emanate from some great one, and to control an institution that he launched. It corresponds to the house laws of the other clan chiefs, and in many cases contains identical material, the product of experience in administering clans and military rule that had been gathered in the course of the preceding centuries since Yoritomo. And since the Tokugawas administered the country exactly like a feudal clan and at their own expense, it would hardly be otherwise.

Several translations have been made of this text, one appended to Murdoch’s *History of Japan*, and another very complete and scholarly version by Gubbins with various readings of the different editions in the *Transactions of the Japan Society in London*. This may be consulted by those who wish to study the complete text. The translation here given is an independent one made of that part of it that may well be the product of Ieyasu’s day, merely omitting what is obviously later. Its strongly rationalist and nationalist flavour is most characteristic of him, as is the reinforcing of the dicta by an appropriate Confucian quotation, where the subject admits of it. Buddhist influence is conspicuously lacking, and this philosophy is in fact repudiated as non-national, though it may sometimes be useful. In these apothegms the various facets of the author’s character seem to stand out definitely and entertainingly. Sometimes he is purely didactic and rather conservative, while at others he exhibits his very shrewd insight into human nature and his rational plans for taking suitable advantage of it. Again, he will strike the note of benevolence, and even go so far as to stand up in the pulpit and proclaim himself a model of single-minded altruism and loving-kindness that merit the admiration and imitation of posterity. And since he can hardly have been lacking in a sense of proportion, he may well have

stepped down again with a grin.

That very much of what Ieyasu embodied in his various maxims was part of the feudal wisdom of the day is evident from a perusal of similar rules and advices given by the other lords for the guidance of their descendants and clan officers. A good example is the Admonition of Kuroda Josui, part of which runs thus:

Fear the retribution of your lord more than that of Heaven, and that of your retainers and peasants more than that of your lord. You can avert the retribution of God by prayer and that of your lord by excuses, but if you incur the enmity of your retainers and tenants you are likely to lose your province, for neither prayer nor apology will avert it. You must remember that ruling a province is no easy matter. You cannot behave like a private individual, for in government there is no privacy. You must order your conduct and behaviour correctly so that it may be an example to those under you. Even your personal fancies must be carefully regulated because what a lord likes becomes the fashion for his retainers and peasants.

As the ancients have observed, the arts of war and letters are indispensable like the two wheels of a cart, and certainly literary culture is to be practised in times of peace as well as in those of war and disturbance. But it is most essential not to forget war in times of peace and culture in the days of strife. If a commander forgets his profession in peace the art of war will suffer and his retainers become incapable so that they will lose interest in and neglect their duties, so that even their weapons will deteriorate and become unfit for use. Then when an emergency arises what can they do? They cannot act promptly without preparation, but will be irresolute and confused. It is like starting to dig a well when you need a reservoir.

One born in a military family must never neglect his profession, though he shows that he does not understand it if he overlooks culture in times of strife. For then his laws will be defective, and crime and punishment will increase in his fief. Because such a lord shows no benevolence toward his retainers and tenants they will resent him, for martial prestige alone without justice and benevolence will not command. A commander of this type may win a victory or two, but he will certainly lose in the end.

And culture does not mean merely reading a lot of books and making Chinese poems, and knowing all about what happened in the past, and cultivating a fine handwriting. It means a proper outlook on affairs and knowing how to investigate accurately and devise accordingly, being logical and not making mistakes, being able to judge with discrimination and reward and punish without fear or favour, at the same time preserving a sympathetic temper.

Moreover, the military art of a general must not only consist in a

devotion to the technical side of it and putting on an air of swagger and bluster. He must know how to put down any disorder, be ever vigilant, and keep his men well trained. Therefore he must punish and reward the right persons, keeping up their warlike spirit, and taking care nothing is neglected even when there is no sign of trouble. To think only of personal prowess is what is called animal courage, the quality of the lowest kind of fighter perhaps, but not at all suited to a general. At the same time, since it is the business of soldiers to be skilled in handling sword, bow, and spear, if one has never practised these arts oneself it will not be easy to stimulate others to do so. So you must show them what you can do in this way sometimes, while never forgetting your real function, just as you must do some intellectual work to encourage those under you to do the same. Certainly without this combination of military and literary pursuits you cannot govern a province.

When one remembers that Josui was one of the most prominent Christian converts, these sentiments are the more interesting.

The Legacy of Tokugawa Ieyasu

The duty of the lord of a province is to give peace and security to the people, and does not consist in shedding lustre on his ancestors, and working for the prosperity of his descendants. The supreme excellence of T'ang of the Yin dynasty and Wu of the Chou dynasty lay in making this their first principle.¹ There must be no slighting of the Imperial Dignity or confusing the order of Heaven and Earth, Lord and Subject.

The civil and military principles both proceed from Benevolence. However many books and plans there may be the principle is the same. Know therefore that herein lies the way of ruling and administering the Empire.

The Empire does not belong to the Emperor, neither does it belong to one man. The thing to be studied most deeply is how to act with Benevolence.

Benevolence is within you. You have the Nine Classics and the Four Books. Let their precepts be in your mind always. This realm is a land of Divine Valour clearly manifest, but in letters we are inferior to foreigners. Let colleges be established therefore, and in this sphere also let us show the capacity of our country.

If the lord is not filled with compassion for his people and the people are not mindful of the care of their lord, even though the government

¹T'ang of Yin and Wu of Chou were the founders of these two Chinese dynasties.

is not a bad one, yet rebellions will naturally follow. But if the lords love Benevolence, then there will be no enemies in the Empire.

If Benevolence abides in the Empire there is no distinction between domestic and foreign or noble and commoner, for the sun and moon shine on the clean and unclean alike. The Sage established the law on this principle, and according to it there are fixed and immutable rules applying to the degree of intimacy, rank, the three allegiances, and the eight rules. If one man is supreme in the Empire then all warriors are his retainers, but he does not make retainers of the whole people. There is the distinction of Outside Families and our own Family, Outside Lords (Tozama) and House Retainers (Hatamoto). Outside houses are those that are temporarily powerful. Family vassals or Fudai are those bound to us by lineage and history, whose ancestors did loyal service to our house as is clear to all by their records. Since their fidelity and affection exceeds that of the Outside houses, these others must not be displeased at this preference, resting as it does on such a basis.

In employing men and recognizing ability, if the Fudai are overlooked and the Tozama elevated there will be inward rage and outward regret, and loyal retainers will naturally be lost. One thing is quite certain, men are not all saints and sages. This fact it is well to bear very much in mind.

All feudatories, whether Fudai or Tozama, are to have their fiefs changed after a certain number of years, for if they stay long in one place and get used to their positions these lords will lose their fidelity and become covetous and self-willed, and eventually oppress their subjects.² This changing of fiefs shall be according to the conduct of these lords.

If there be no direct heir to the Shogunate, then the question of succession must be settled by a conference of the veteran houses of Ii, Honda, Sakai, Sakakibara, and others, after careful consideration.

Should anyone break the laws I have laid down, even if he be a son or heir, he shall not succeed. The Chief Senator (Tairo) and Senators (Roshin) shall then hold a consultation and shall choose a suitable person from among the branch families of our house (Kamon) and make him head of the family.

The right use of a sword is that it should subdue the barbarians while lying gleaming in its scabbard. If it leaves its sheath it cannot be said to be used rightly. Similarly the right use of military power is that it

²The territories of lords of provinces are not to be held in perpetuity, and the fiefs of lesser lords are not to be continued for many generations. Every year these feudatories must be considered, and some of them moved elsewhere, for if they are allowed to remain in possession for long they will become recalcitrant and oppress the people.

should conquer the enemy while concealed in the breast. To take the field with an army is to be found wanting in the real knowledge of it, Those who hold the office of Shogun are to be particularly clear on this point.

A warrior who does not understand the Way of the Warrior and the samurai who does not know the principles of the samurai can only be called a stupid or petty general, by no means a good one. One may excel in the art of war and in strategy, but it must be understood that this is not enough for a Shogun.

If your defences are according to my instructions traitors will not be able to spy them out. But even so, if another family plans to overthrow this Empire the attempt will only be made when those who uphold it are given up to drink and dissipation. It is inevitable that those who are incapacitated by these things should be deprived of office and commit suicide.

In ordinary matters, if one does not disobey these instructions of mine, even if he is far from being a sage, he will commit no great fault.

From my youth I have not valued silver or gold or treasures. Virtue only I have treasured. And now I have thus attained this office. If we always consider without ceasing the golden words that declare that it is by learning that emolument comes, we can always attain our purpose.

The strong manly ones in life are those who understand the meaning of the word Patience. Patience means restraining one's inclinations. There are seven emotions, joy, anger, anxiety, love, grief, fear, and hate, and if a man does not give way to these he can be called patient. I am not as strong as I might be, but I have long known and practised patience. And if my descendants wish to be as I am, beside the Five Relations and the Nine Classics, they must study Patience.

When the Empire is at peace do not forget the possibility of war, and take counsel with the Fudai vassals that the military arts be not allowed to deteriorate. And be temperate in your habits.

The sword is the soul of the warrior. If any forget or lose it he will not be excused.

Archery, musketry, fencing, and the use of spear and halberd are the accomplishments demanded of a samurai, but the whole art of the warrior does not consist in such minor attainments; how much less does the equipment of one who commands an army. He must try to imitate the character of the Minister I Yin and the Councillor Lu

Chang.³

The descendants of those retainers who were loyal to our ancestors, except they become traitors to our house, must never have their fiefs confiscated, even if their conduct is not good.⁴

If fellows of the lower orders go beyond what is proper toward samurai, or if any sub-feudatory samurai is remiss toward a direct retainer, there is no objection to cutting such an one down.

There shall be no striving for precedence among samurai. They shall take their places according to their office. Neither must there be any competition among those of equal importance, for then precedence shall be decided according to income, or priority of appointment, or age. Let them only strive to be first to give place to others. But old people should act as old people.

In all the military works it is written: To train samurai to be loyal separate them when young, or treat them according to their character. But it is no use to train them according to any fixed plan, they must be educated by benevolence. If the superior loves benevolence then the inferior will love his duty.

Authority to subdue the whole Empire was granted by Imperial Edict to the Shogun, and he was appointed Lord High Constable (Sotsui-Hoshi). The orders that the Shogun issues to the country are its law. Nevertheless every province and district has its particular customs, and it is difficult, for example, to enforce the customs of the Eastern Provinces in the Western, or those of the North in the South, so that these customs must be left as of old and not interfered with.

In country districts of the distant provinces the farmers are of equal standing, but in every village and locality there are some who are distinguished by ancient lineage. They are the same as ordinary farmers and yet not the same. These ancient families shall be chosen to hold office. Those in a low position shall not be exalted over their betters. This is the great principle of the Empire. Orders to this effect shall be given not only to Tozama and Fudai Daimyos, but also to Lords of Provinces (Kokushi) and Lords of Fiefs (Ryoshu), as well as to District Commissioners (Daikwan).

In accordance with ancient precedent, a Court of Judgment is to be

³*I Yin*, Minister of the Founder of the Yin dynasty. He refused office five times, and banished the heir-apparent for misconduct. He overthrew the tyrant Kieh Kuei. *Lu Chang*. Usually called Tai Kung (Jap.: Tai Ko Bo), Minister of Wu Wang of Chou, whom he assisted to overthrow the despot Chou Sin.

⁴All the fudai, both great and small, are retainers who have proved their loyalty by the endurance of every kind of hardship in my service. Even if their descendants behave badly, unless they are traitors they shall not have their fiefs confiscated.

established, and there, in the light of these articles I have drawn up and without regarding the high or repressing the low, justice is to be done openly to all.

Now the officials who administer justice in this court are the pillars of the government of the country. Their character shall be carefully considered, and they shall be chosen and appointed after consultation with the veteran councilors. This will be no easy task.

Should the Bugyo or Headmen take bribes and pervert justice they are criminals. Such crime is equal to treason, and the death penalty shall not be spared.

The law may upset reason, but reason may never upset the law. Therefore the sage first studies the people's way of reasoning, and then establishes the law and determines the method of government. And if he does not publish it people may go astray. In short, the law may be used to confound reason, but reason must certainly not be used to overthrow the law.

Nagasaki in Hizen is the port at which foreign shipping arrives. It shall be administered by one of the most trusted retainers chosen from the fudai vassals. The great lords of the neighbouring territories shall also be instructed to furnish guards, that our military might may be demonstrated to all countries. It is strictly forbidden that any of these ships shall enter any other port but Nagasaki.

The entertainment tendered to foreigners who come to pay their respects shall be as heretofore. It shall not be rough or scanty. It shall brilliantly reveal the Imperial Benevolence and Divine Might.

Beside the Four Classes there are Eta, Beggars, Blindmen, and Blindwomen, people one does not mention, but to whom the means of living must be given and kindness must be shown. Know that from ancient days benevolent rule began with this.

Strumpets, dancing-girls, sodomites, and street-walkers are people who will certainly be found in castle towns and prosperous places, and though they are the cause of bad conduct in many, yet if they are strictly prohibited very great evils will be continually arising. Gambling, disorderly drinking, and dissipation will be regarded as serious offences.

Singing and recitation are the origin of music and began with the ancient sages. Changes in the Five Elements must result in sound. The sages investigated these and made musical instruments, and therefore softened the character of the people. Instrumental music flourished greatly in the Middle Ages, so the military class by patronizing it can dispel melancholy, celebrate auspicious occasions, and tranquilize the people.

Bugaku is of various kinds.⁵ There is the music of the Emperor, and that of the great lords. There are also different varieties for samurai and officials, and for the lower classes. It must be performed by each class within the prescribed bounds.

Confucianism and Shinto and Buddhism are different systems, but are no more than direction in the way of virtue and punishment of evil. According to this view, their sects may be adopted and their principles followed. They must not be hindered, but disputes among them must be strictly prohibited. It is evident from past history that such have been a misfortune to the Empire.

Temples and shrines and Yamabushi and so on are idle parasites, but from old times have been a feature of the Empire. If they wrangle about precedence and position, and have to be suppressed they will again be a source of trouble to the country. Regulations must be made for them, and they should be summoned to the Court and their affairs settled there. But in the matter of the temples and shrines where the Emperor worships nothing must be done arbitrarily.

Good and bad luck, fortune and misfortune are to be left to Heaven and natural law. They are not things that can be got by praying, or worked by some cunning device.

Since one person differs from another in disposition, when men are appointed to offices this should be tested, and their tendencies observed and their ability estimated, so that the office may be well filled. A saw cannot do the work of a gimlet, and a hammer cannot take the place of a knife, and men are just like this. There is a use for both sharp and blunt at the right time, and if this is not well apprehended the relation of lord and vassal will become disturbed. This article is to be considered carefully.

Generally people of bad character have some good point, just as those of good character have some bad one, and you must choose the good and leave the bad, or get rid of the evil without sacrificing the good. For it must be understood that there is no waste material in this realm to be lightly cast away.

Lords of provinces both great and small and lords of fiefs and officials both in and outside Edo shall hold official stipend, and rank only if they conduct themselves properly. If he offend, the greatest feudatory or official, even if he be a relation of our house (Kamon), shall be punished. So in their persons shall they the better guard the Shogun's office.

The great Tozama lords of provinces have no part in the house laws and ancestral instructions of my family. But if they transgress the

⁵Bugaku, the classical music and dances used at Court and the Noh.

code of the samurai, which is the great bond of society, and oppress the people, even though they do not rebel, they shall be deprived of their territory as an example to others. That is the duty of the Shogun.

The first,⁶ fifteenth, and twenty-eighth days of the month are days of ceremony. The beginning and end of the year, the five festivals, auspicious commemorations, and the first hog-day of the tenth month are occasions when with suitable purification respectful homage must be paid to the Emperor, and after that on the other hand the congratulations of vassals are to be accepted. Such ceremonies are to be carried out as laid down in our instructions. If indisposed, then the Tairo or one of the Roju shall officiate instead so that the proper observance be not omitted.

At Momijiyama in the western castle are enshrined the spirits of the warrior chiefs of the Minamoto clan from Prince Sadazumi, sixth son of the Emperor Seiwa, and it is the principal Tutelary Shrine of the castle. Future generations must revere it, and never omit to celebrate the customary festivals.

I was born of the family of Matsudaira of the province of Mikawa, of the lineage of the Seiwa Genji, but on account of the enmity of a neighbouring province I had for long to suffer hardships among the common people. But now, I am happy to say, encompassed by the grace of Providence I have restored the ancestral lines of Serata, Nitta, and Tokugawa, and from henceforth the successive generations of my family are to use these four names. This is in accordance with the saying (of Confucius):

Pay all respect to your parents, and follow the customs of your ancestors.

The basis of knowledge as to how to govern the Empire is in the teachings of the Sage, and one who wishes to understand the Way of the Warrior without entering on these is as one who thinks to get fish from trees or fire from water. You must avoid such extremely improper and foolish conduct.

Diviners, male and female, wandering priests and mendicants, blind women and blind men, beggars, outcasts, and all such nonproducers have their traditional rulers. But if they dispute among themselves, or forget their proper place and break the law, there must be no neglect to punish them.

The distinction between wife and concubine is on the principle of lord and vassal. The Emperor has twelve consorts, the great lords may have eight, high officials five, and ordinary samurai two. Below

⁶When the Feudal Lords came to call on the Shogun.

these are the common people. Thus have the ancient sages specified in the *Li Chi*,⁷ and it has always been the rule. But fools ignorant of this treat their wife with less respect than a favourite concubine, and so confuse the great principle. This has always been the cause of the fall of castles and the ruin of countries. Is it not well to be warned? And know too that those who give way to these inclinations are no loyal samurai.

The business of a husband is to protect the family outside, while that of the wife is to look after it at home. That is the order of the world. Should the wife, on the contrary, be the one to guard the house the husband loses his function, and it is a sure sign that the house will be destroyed. It is the disorder of the crowing hen. All samurai should beware of it. Its existence will assist you to judge people.

When I was young I desired nothing but to subdue hostile provinces and take vengeance on the enemies of my father's house. But since I discovered the teaching of Yuyo that helping the people and thus tranquilizing the country is the Law of Nature,

have undeviatingly followed it until now.⁸ Let my descendants continue my policy. If they reject it they are no posterity of mine. For be very certain that the people are the foundation of the country.

That man and woman should cohabit is the great principle of mankind. None shall remain single after the age of sixteen. The offices of a matchmaker shall be secured, and the marriage ceremony duly performed. But those of the same family shall not marry. Such alliances shall only be made after investigation of the pedigree and heredity of the parties. That there should be a succession of descendants is the first law of nature for man, and a cause of rejoicing to ancestors. Let this be published that none may forget it.

From of old the relations of lord and vassal have been compared to water and fish, and it will not be difficult for it to continue thus. If the golden rule that what one does not like oneself is not to be done to others be not forgotten, the inferior will be influenced by this good example, and not only vassals but the whole Empire will become docile as water.

Both our own family and all others receive their bodily existence from this Land of the Gods, and if we should prefer such foreign doctrines as those of Confucianism, Buddhism, and Taoism, and adopt them in their entirety, it would be to desert our own master and serve an outsider. Would not this be to deny the origin of our own existence?

⁷*Li Chi*. Book of Ceremonies

⁸Yuyo. This reference is obscure. Ieyasu is said to have awakened to his responsibilities as the result of the admonition of the priest Kanyo, abbot of the Daijuji, whither he had fled for refuge after the battle of Okehazama. He was about eighteen years old then.

In these matters we should clearly and calmly deliberate what is best to retain and what to reject. And further, the practice of delusions and spells should not necessarily be entirely banned, though it should not be definitely accepted.

When military authority goes beyond bounds there is not necessarily extravagance and luxury, but there is a tendency to think lightly of the Throne and hold it less in awe. Of this there have been many examples in the past. If we thus neglect the source and origin of this Land of the Gods and let selfish desires overflow, our offence will not be a light one, and the punishment of Heaven will follow.

With regard to the Three Chief Families of Nagoya,⁹ Wakayama, and Mito, and the fifteen related houses (Kamon), who come next to them, the eldest son shall inherit, and the second and third sons shall not receive incomes from these fiefs. They shall make alliances with influential and wealthy families and enter them as adopted sons, and these families shall be allied with our family and shall rank next after the Kamon. But they shall not be treated as equal to the Eighteen Families.

People who neglect their occupations and indulge in gambling and disorderly drinking are cheating the daylight. Still this can hardly be called a criminal offence. But if there is looseness in these matters the lower classes will imitate it, and their families may be ruined and their lives spoiled. If the teacher does not teach them ignorance is his fault, but if he teaches and is not followed then the fault lies with his pupils. Therefore punishment should be according to the circumstances.

When a lord of a province or of a castle who has a large revenue commits a fault against the Empire unintentionally, or disagrees with the Government, it is not necessary to punish him. But when the affair is one that cannot entirely be overlooked, some large undertaking that is beyond his means should be imposed on him as a fine.

The Supreme Sovereign of the Empire looks on the people as children under his protecting care, and my family to which the administration of his realm is committed should exhibit this attitude even more. This is what is called Benevolence. Benevolence includes the Five Relationships, and the distinction of superior and inferior. In accordance with it I make a difference in intimacy between the Fudai and the Tozama Daimyos. That is government according to the natural way of the world. It is not favoritism or prejudice or self-interest. It

⁹The three families from which the Shogun was selected failing an heir in the main families. The Kamon or families of the lineage were those descended from the other sons of Ieyasu. Their name was Matsudaira.

must not be polluted either by tongue or pen. And as to the degree of this intimacy with retainers, whether deep or the reverse, you must know how to maintain a deep reserve.

Since I have held this office of Shogun I have drawn up these many statutes, both amplifying and curtailing the ancient regulations of the Minamoto house. But with a view to transmitting and not to creating, for they are no new laws decreed at my will. Thus I have drawn them up in this form as an exemplar. They may not always hit the mark exactly, but they will not be far out. In all things administration is not so much a matter of detail as of understanding past history. I have no time to add more.