The hinin and city wards of nineteenth-century Osaka

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A B S T R A C T

From the mid-seventeenth century, with the formation of Osaka city, members of the hinin status group, an organization originally composed of beggars and indigents alienated from all forms of ownership, became established in urban society within an organization called the “kaito fraternity of the four places.” Over time, members of Osaka’s hinin fraternity secured the right to beg as a means of survival and were entrusted with the duty of policing and providing relief to the “new hinin” and “wild hinin” who emerged on the margins of the hinin status group. As an extension of those activities, the hinin fraternity also came to perform a range of official police duties under the authority of the City Magistrate’s Office. While members of the hinin fraternity possessed specialized begging rights and official duties, those rights and duties existed inside a broader network of social relationships. Namely, members of the fraternity were only able to survive by begging because they maintained relationships with city neighborhoods and townspeople that provided alms. Similarly, members of the hinin fraternity were only able to perform official duties because they maintained a relationship with the magistrate’s office, which ordered them to perform those duties, and with the individual neighborhoods that employed “hinin watchmen.” In this paper, I focus on how the will of Osaka’s townspeople restricted efforts by members of the hinin fraternity to redistribute begging rights during the nineteenth-century. By doing so, this paper highlights the stratified and composite nature of early modern Japan’s status society.

Introduction

From the mid-seventeenth century, in parallel with the formation of the city of Osaka, persons of the hinin status, a status group originally composed of beggars and indigents alienated from all forms of ownership, became firmly established in urban society as the members of an organization known as the “kaito fraternity of the four places”. Over time, the members of Osaka’s hinin fraternity secured the right to beg as a means of survival and were entrusted with the duty of policing and providing relief to “new hinin” (shinhinin) and “wild hinin” (noinin) who emerged on the margins of the hinin status group. As an extension of those activities, members of Osaka’s hinin fraternity also came to perform official police duties under the authority of the City Magistrate’s Office ( machi bugyō).

While persons of the hinin status became firmly established in urban society as the members of a fraternity possessing specialized begging rights and official duties, those rights and duties were only able to exist inside of a broader network of urban social relationships. Namely, members of Osaka’s hinin fraternity were only able to survive by begging because they maintained relationships with the city neighborhoods and townspeople that provided alms. Similarly, members of the hinin fraternity were only able to perform official duties because they maintained a relationship with the magistrate’s office, which ordered them to perform those duties, and with the individual neighborhoods that employed “hinin watchmen” (kaitoban).

In this paper, I will focus on the manner in which the will of the city neighborhoods and townspeople who provided alms influenced the relationship between Osaka’s townspeople and members of the hinin fraternity with regards to begging during the nineteenth-century, despite the fact that by that time begging rights in city neighborhoods had been established as the collective possession of the hinin fraternity. By doing so, this paper is able to highlight the stratified and composite nature of early modern Japan’s status society (Tsukada, 2010b).

Furthermore, in Osaka, there were more than 600 city neighborhoods (cho), which served as the basic unit of life for the urban masses. These 600 neighborhoods were
aggregated into three large administrative districts—Kita district, Tenma district, and Minami district.1

The buying and selling of *kaitoban* rights and the *kaito* fraternity

Each of Osaka's four *hinin* communities, or “*kaito*”—Ten-nōji, Tobita, Dōtonbori, and Tenma—had a three-tiered hierarchical structure. At the top, there was a single chief (*chōri*). Under the chief, there were a small number of sub-bosses or lieutenants (*kogashira*) (Tsukada, 2010b). Under the *kogashira*, there was a larger group of ordinary “*hut*-owning *hinin*” known as *wakakimono*. The members of these three strata formed families and employed one or more unmarried “new *hinin*” as subordinates, or deshi. These subordinates were dispatched to individual city neighborhoods and large merchant houses where they served as watchmen (*kaito*-ban). However, *wakakimono* and other “*hut*-owning *hinin*” rather than the watchmen themselves held the authority to decide who was dispatched where. That authority crystallized in the form of “*kaito* kabu,” or officially recognized rights to dispatch watchmen to specific city neighborhoods and merchant houses (Tsukada, 2001).

In the nineteenth-century, the Osaka City Magistrate's Office provided rewards to city residents who performed other acts of public service, such as apprehending criminals. Included among these individuals were a number of *hinin* watchmen. In fact, from extant records, we can identify 144 such watchmen. 2 On Map 1, I have indicated all of the *hinin* watchman for whom we can determine the *kaito* of origin of the sub-boss or *wakakimono* they served. As the distribution in the map indicates, while we can discern a definite concentration of subordinates of the Tenma *kaito* in the vicinity of Tenma district and a definite concentration of subordinates of the Dōtonbori *kaito* in the vicinity of the Shimanouchi area, as a whole, the territories controlled by each *kaito* overlapped. This territorial overlap is a product of the distinctive process whereby individual *hinin* watchmen became firmly established in urban society; however, I will not discuss it here.

Members of the *hinin* fraternity bought, sold, and pawned *kaitoban* rights. Let us begin by examining one example of a transaction of *kaitoban* rights. On the final day of the fourth month of Kyōhō 3 (1803), because he had just purchased “the right to dispatch a night watchman to the Surugamachi neighborhood” and the “right to dispatch a watchman to the Rikuraya *sake* merchant house in Kanzakichō” from *wakakimono* Genshichi, *wakakimono* Rokurōbei of the Tennōji *kaito* sent a petition to the honorable brotherhood of the Tennōji *kaito* in which he asked for approval of the transaction and requested that the “register of rights” (*kabu gochōmen*) be revised to reflect the change in ownership (*Hiden'in chōri monjo*, p. 551, *Chōri monjo kenkyūka* (2008)).

From this example, we can see that the right to dispatch watchmen was granted as the right to a single city neighborhood, as in the case of Surugamachi, or as the right to a single merchant house, as in the case of the Rikuraya mer-

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1 For more on this, please refer to Tsukada (2002).
2 For more on this topic, please refer to the addendum to chapter five of Tsukada (2007).

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3 Each of early-modern Osaka's *kaito* was governed by its own “honorable brotherhood.” Each brotherhood was composed of the *kaito*'s chief and sub-bosses.
or sold it was stipulated that the register of rights ownership should be revised following the submission of a written acknowledgment of the sale, in cases in which rights were pawned and not accompanied by a transfer of ownership at the time of the transaction, it was only necessary to submit a written acknowledgment and no mention is made of revising the kaito’s register of rights.

While the beginning of the order states that the buying, selling, and pawning of kaitoban rights was prohibited, it then goes so far as to stipulate the procedures for buying, selling, and pawning rights by noting that when a transaction was unavoidable one could be initiated by submitting a written acknowledgment to the on-duty official. Effectively, therefore, the order in question amounted to an official acknowledgment on the part of the kaito fraternity of the buying, selling, and pawning of kaitoban rights. At the same time, it can also be considered an order that aimed to prohibit the private buying, selling, and pawning of kaitoban rights and to bring such transactions under the control of the kaito’s leadership stratum.

It is thought that kaitoban rights took shape during the second half of the eighteenth century and that the registers of rights, which were maintained by the leadership stratum of each kaito, came to be composed during the same period (Hiden’in monjo, Okamoto Ryōichi and Uchida Kusuo (1987) Hiden’in chōri monjo Chōri monjo kenkyūkai (2008)). In one sense, then, it is likely that by the late eighteenth century the buying, selling, and pawning of kaitoban rights was becoming increasingly common. However, from the text of the opening clause of the above document, we can also see that the leadership stratum of the Tennōji kaito held the belief that the buying, selling, and pawning of rights should be banned. However, conditions were such that practically speaking the trend of buying, selling, and pawning rights could not be stopped. Instead, therefore, the leadership strata of the Tennōji kaito attempted to control the trend by establishing formalized procedures for the buying, selling, and pawning of rights. As a result, this process concluded with an official acknowledgment on the part of the kaito fraternity of the buying, selling, and pawning of
rights. From the late eighteenth century, therefore, we begin to see large numbers of requests seeking a revision of the register of rights maintained by the leadership stratum of each kaito following the sale or inheritance of kaitoban rights. To put it differently, the late eighteenth century can be considered the period in which the management of transactions involving kaitoban rights came to be carried out in accordance with in-group status law.

**Ward regulations and hinin watchmen**

In the early modern city, wards or neighborhoods (chô) were self-governing bodies possessing their own sets of internal regulations. In a previous article, I suggested that when thinking about the urban laws that governed the city of Osaka it is necessary to divide those laws into three levels: ① public regulations that cover the entire space of the city, ② regulations that govern the various urban social groups internally, and ③ regulations that governed relations between those social groups (Tsukada, 2010a). Ward regulations and the regulations of the kaito fraternity are both examples of level ② laws.

From the perspective of ward residents, the hinin subordinates who were dispatched by the hinin fraternity to serve as ward watchman were part of a broader category that included “neighborhood attendants” (chôdai), “menials” (shitayaku), “night watchmen” (yabannin), “hairdressers” (kamiyui), and various other ward employees. For that reason, rules concerning the duties and behavior of hinin watchmen appear in some sets of ward regulations. For example, there is a set of ward regulations from the fifth month of Bunsei 5 (1822) for Shiragamachi, a ward straddling the Nagahori Canal in the northern part of Osaka’s Horie neighborhood (Tsukada, 2010a). That set of regulations is divided into two parts. The first part is entitled an “Agreement Concerning Ward Regulations.” It contains a set of rules for ward residents and a written agreement in which residents pledge to uphold those rules. The second part is entitled an “Annual Register of Orders for Ward Employees.” It includes separate sets of rules for ward attendants, night watchmen, hairdressers, and hinin watchmen. The specific rules and duties listed for each group differ significantly. However, in the sense that each set of rules contains a list of orders from the ward to an individual or group of individuals that it employed, these four documents are clearly distinct from the rules for ward residents contained in the first half of the document.

Of these four documents, the document containing orders for kaitoban established the following three provisions.

① Kaitoban must patrol the ward everyday to ensure that no “hinin beggars” (hinin kotsujiki) are allowed to loiter within the neighborhood or lay about under the eaves of the homes of local residents, along riversides, and on or under bridges. In addition, hinin watchmen must patrol the ward at night to watch out for fire and when a suspicious individual is seen wandering the ward they must drive the individual out. Because the ward will pay the kaitoban 6 kan 800 mon per month to cover day and night guard fees, their rice stipend, and their lamp oil costs, the kaitoban should faithfully execute their duties. In addition, a portion of the guard fees should be distributed to the wakakimono employed by the kaitoban and wakakimono should conduct frequent patrols in the ward.

This first provision concerns the duties performed by and compensation paid to kaitoban. From this provision, we can see that the primary duty performed by kaitoban concerned the exclusion from the neighborhood of all begging activities by unauthorized “hinin beggars.”

② At the time of auspicious occasions (kichi), Buddhist memorial services, and funerals, aggressive and disruptive begging is prohibited. In addition, alms will be provided in accordance with the means of the household where the occasion is occurring.

In addition to stipulating that a fixed amount of compensation would be provided to the kaitoban the time of both auspicious and inauspicious occasions, this second provision banned aggressive and disruptive begging on such occasions.

③ Wakakimono who are made to perform duties for the neighborhood are prohibited from wearing wooden clogs and leather-soled sandals.

The third provision concerns the footwear worn by wakakimono.

As the second provision indicates, kaitoban held the right to collect a certain amount of alms at the time of auspicious and inauspicious occasions. Moreover, that right is inextricably linked with the duty of prohibiting aggressive and disruptive begging by unauthorized hinin beggars. It also means that being employed as a kaitoban in a certain ward guaranteed a person the right to collect alms in that ward. That is why the right to dispatch one’s subordinates to a certain ward to serve as watchmen was treated within Osaka’s hinin fraternity as the right to collect alms in that ward.

These orders are addressed directly to the kaitoban. However, they also mention that wakakimono collected a portion of the wages paid by the ward to the kaitoban and fell under the authority of the kaitoban. As stated above, within the hinin fraternity, “hut-owning” hinin were called wakakimono, while the subordinates that they dispatched to specific city wards to serve as ward watchmen were known as kaitoban. However, in the above list of orders from Shiragamachi, the titles are actually reversed. Persons known as wakakimono within the hinin fraternity are referred to as kaitoban, while persons called kaitoban within the fraternity are referred to in ward regulations as wakakimono. The reversal of the titles wakakimono and kaitoban is also apparent in two other sets of nineteenth-century ward regulations: one from Kôraibashi 3-chôme ward and the other from Dôshômachi 3-chôme ward (Tsukada 2007). In order to understand the meaning of these regulations, it is essential to consider this fact.

As the “Annual Register of Orders” examined above exemplifies, in early modern ward regulations, hinin watchmen, like ward attendants, night watchmen, and...
Hairdressers, were identified as employees of the ward. Notably, no mention is made in ward regulations at all of the existence of the hinin fraternity. At the same time, in the hinin fraternity’s internal regulations, rules were established to govern the buying and selling of rights to dispatch kaitoban to specific city wards without regard for the will of the people living in those wards.

While there were also a large number of regulations of the third type mentioned above, which mutually restricted relations between the members of different status groups, in the above example, the hinin fraternity and city wards possessed divergent sets of internal regulations. In reality, therefore, the position of kaitoban was subject to two oppositional logics: the logic of the hinin fraternity from which kaitoban were dispatched and the logic of the city wards to which they were sent. In the following section, I would like to consider the problems that resulted from this discrepancy.

Conflict over kaitoban rights

In the third month of Bunsei 3 (1820), Matsu, the widow of Tennōji kaito wakakimono Monjirō, issued a request to the leadership stratum of the Tennōji kaito regarding her kaitoban rights. First, let us confirm the intent of her request (Hiderin chōri monjo, p. 555, Chōri monjo kenkyūkai (2008)).

The right to dispatch day and night watchman to Kawaramachi 1-chō-me, which is formally owned by a hinin by the name of Matsu, was for many years held by Tennōji kaito wakakimono Jinpachi and is now in the control of his son, Jinpachi. However, Matsu is destitute and would like to have direct control over the right to send watchmen to Kawaramachi 1-chō-me. In an effort to regain control over her right, she attempted to negotiate with Tashichi through the mediation of another hinin by the name of Uhe. With the assistance of Uhe, Matsu requested that Tashichi provide her with an introduction to the residents of Kawaramachi 1-chō-me. However, Tashichi completely refused to cooperate. The mediator, Uhe, then advised Matsu’s proxy Kisuke that he should go directly to the ward and personally ask for the rights back. In accordance with Uhe’s advice, Kisuke went to visit the ward attendant of Kawaramachi 1-chō-me and requested an introduction to the ward on Matsu’s behalf. However, because Kisuke did not receive a response, he went back to the ward a second time. On his second visit, the ward attendant suggested that Matsu and Tashichi should alternate control of the rights from month to month. Receiving the ward attendant’s suggestion, Kisuke then went and negotiated with Tashichi. Securing Tashichi’s approval, Kisuke submitted a jointly sealed petition to the ward, which explained that both parties had agreed to share kaitoban rights. However, upon submitting that petition, the ward attendant informed him, “The ward elders have refused to grant your request, so I have no choice but to return your petition.” As a result, Kisuke had no other choice but to ask that Tashichi accompany him to the ward and mediate on Matsu’s behalf. However, Tashichi refused to do so. It is likely that the ward elders refused Kisuke’s request because Tashichi went to the ward and asked that control of the rights not be returned to Matsu. Therefore, I request that Jinpachi and Tashichi be summoned under the authority of the chief and sub-bosses of the Tennōji kaito and ordered to provide Matsu with an introduction to the ward and to return her kaitoban rights.

The content of Matsu’s petition is as described above. The course of events outlined in the petition reveals a number of interesting facts. First, members of Osaka’s hinin fraternity engaged in the lending and borrowing of kaitoban rights. As the petition indicates, the kaitoban rights owned by Matsu were entrusted to Tennōji kaito wakakimono Jinpachi. Following her husband Monjirō’s death, it is likely that as a woman Matsu was unable to perform the duties that kaitoban ownership entailed and was forced to entrust her rights to Jinpachi, who performed those duties in her stead. In cases in which the kaitoban rights of one wakakimono were entrusted to another, it is unclear whether or not the residents of the ward with which those rights were associated were aware that a change had taken place. From the ward’s perspective, it did not matter who specifically carried out the duties of kaitoban. The only thing that mattered was whether or not those duties were properly executed. Therefore, whether or not kaitoban rights were bought, sold, or leased was an issue that was outside of the ward’s realm of concern.

Second, when a person held the kaitoban rights to a specific ward and developed personal relationships with the residents of that ward, there were instances in which those relationships placed restrictions on the ownership and exchange of kaitoban rights within the hinin fraternity. As I noted above, the rights to dispatch kaitoban to specific city neighborhoods were bought and sold within the hinin fraternity and the residents of those neighborhoods did not interfere at all in such transactions. When the buyer and seller were both members of the hinin fraternity, a transaction of kaitoban rights could be completed simply by composing a written acknowledgment and by revising the rights register maintained in each kaito to reflect a change in ownership. Yet, even if ownership rights to specific ward were transferred as the result of a sale, that did not mean anything if the person who owned the rights was unable to actually dispatch their subordinates to that ward, collect guard wages, and garner the proceeds generated from the collection of alms. Namely, in order to achieve meaningful ownership of kaitoban rights, it was essential to receive recognition from the ward with which those rights were associated. In many cases, it is likely that city wards chose to recognize internal ownership arrangements established within the hinin fraternity. However, ultimately, the will of the ward exerted a restraining influence over ownership of kaitoban rights within the hinin fraternity. In such cases, when one wakakimono was temporarily entrusted with the kaitoban rights to a specific ward and then proceeded to establish an intimate relationship with the residents of that ward, a situation developed in which the actual owner of the rights could not contest another person’s control over them simply by claiming that they were the rightful owner. For that reason, it was necessary for Matsu to request an introduction from Tashichi to the ward with which the rights were associated in order to get them back. However, Tashichi prevented her from doing so by using his relationship with the ward.

Now, while we confirmed that the will of the city ward exerted a restraining influence over the attainment of ownership of kaitoban rights, it was only possible for
wakakimono who were entrusted with the kaitoban rights for a certain ward to become established in that ward because they actually went there and conducted patrols. In other words, these disputes over control of kaitoban rights were only able to occur because wakakimono who owned the rights to a specific ward not only dispatched their subordinates to that ward to serve as guards, but also visited it personally on a daily basis.

Third, for that reason, in order to resolve her dispute with Jinpachi and Tashichi, Matsu requested that they be summoned under the authority of the chief and sub-bosses with Jinpachi and Tashichi, Matsu requested that they be personally on a daily basis.

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