

19. Waldemar Westergaard, *The Danish West Indies under Company Rule (1671–1754): With a Supplementary Chapter, 1755–1917* (New York: Macmillan, 1917); Richard Haagensen, *Beskrivelse over Eylandet St. Croix i America i Vestindien* [Description of the Island of St. Croix in America in the West Indies] (København, 1758); Hall, “Maritime Maroons”, pp. 484, 486; Lommarsh Roopnarine, “Maroon Resistance and Settlement on Danish St. Croix”, *Journal of Third World Studies* 27, 2 (2010): 101.
20. Hall, “Maritime Maroons”, p. 482; Roopnarine, “Maroon Resistance”, p. 104.
21. Ibid.
22. Hall, “Maritime Maroons”, p. 485.
23. Ibid., p. 486.
24. See Jes Bjarup, “The Concept of a Person according to Anders Sandøe Ørsted”, *Quaderni Fiorentini* 11/12 (1982): 461–74. See also Knud Waaben, “A.S. Ørsted og negerslaverne i København” [A.S. Ørsted and Negro Slaves in Copenhagen], *Juristen* 46 (1964): 321–43. For the famous Somerset case, see William R. Cotter, “The Somerset Case and the Abolition of Slavery in England”, *History* 79, 255 (1994): 31–56; Daniel J. Hulsebosch, “Nothing but Liberty: Somerset’s Case and the British Empire”, *Law & History Review* 24 (2006): 647.
25. Bjarup, “Concept of a Person”, p. 461; on free soil, see further Sue Peabody, “The French Free Soil Principle in the Atlantic World”, *Africana Studia* 14, 1 (2010): 17–27; Ada Ferrer, “Haiti, Free Soil, and Antislavery in the Revolutionary Atlantic”, *The American Historical Review* 117, 1 (2012): 40–66.
26. See Bjarup, “Concept of a Person”, p. 462.
27. Ibid., p. 470.
28. Ibid., p. 472.
29. TNA CO 318/141, 16 July 1839. Peter Carl Frederik von Scholten’s proclamation (7 May 1838).
30. Ibid.
31. See again TNA CO 239/68, Governor of Antigua to Lord Stanley, 22 Sept. 1842 for further evidence on Danish ameliorative measures.
32. Hall and Higman, eds., *Slave Society*, p. 135.
33. TNA CO 318/143, Lord Glenelg’s circular to the governors in the British Caribbean, Jan. 1839.
34. Ibid.; TNA CO 318/144, 16 July 1839, Normandy to Colebrooke.
35. Ibid.; TNA CO 101/88, 14 May 1839, MacGregor to Normandy.
36. TNA CO 239/66, Lord Leveron to James Stephen, 29 Jan. 1841.
37. Ibid.
38. Ibid.
39. TNA CO 239/68. Spring Rice to Stanley, 14 Nov. 1842.

CHAPTER 8

The *Yūjo* Release Act as Emancipation of Slaves in Mid-19th-Century Japan

Yuriko Yokoyama

Introduction

Kashiku insists that she does not want to remain as a *yūjo* (prostitute) any longer no matter what happens to her. Please, with the mercy of the Tokyo municipal government, grant her the status of normal citizen.¹

On 2 November 1872 Kashiku, a lowly *yūjo* in the Shin-yoshiwara *yūkaku* (licensed red-light district) of Edo and Takejiro, a servant, petitioned the municipal government of Tokyo, asking for the release of Kashiku from her status as a *yūjo*, explaining that they were engaged to be married. Quoted above is an excerpt from the petition, and although we do not know who wrote it, the clumsy handwriting and awkward sentences reveal their background. At the bottom of the document, the nail prints of both petitioners are substituted for proper seals. Nail prints were used by women and lower-class males not authorized to use seals. In Japan, the Meiji Restoration had restored imperial rule in 1868 at the time of the demise of the *bakufu*—the Tokugawa shogunate—and the commencement of Meiji government. The new government promoted various modernization measures, including a transformation of the policy regarding prostitution following the enactment of *Yūjo Kaihō Rei* (*Yūjo* Release Act)

in October 1872. Yūjo detained in the brothels welcomed the Act, thinking it a blessing, and Kashiku's letter shows the effect the Release Act typically had on them. A desperate Kashiku tried twice to obtain release, but her dream never came true. What were her motives?

One should not regard the status of yūjo as something equivalent to slavery merely because such individuals were kept in poor conditions, and indeed in the field of early modern Japanese history only a few studies recognize yūjo as a form of slavery. Therefore, this article opts not to define slavery and look for evidence to support the idea that that was what yūjo was; instead it will clarify specifically what led people in the 19th century to believe it was and to strive for "emancipation". Consideration of the particular features of the various regions and states, peoples' ages and genders will make for a more fruitful discussion, but of course if a person was kept in servitude for an extended period of time based on a social system in a traditional society, and if that person could be sold as a commodity, it would be reasonable to regard anyone caught up in such a position as being effectively a slave. However, this article explores the society that gave birth to such status and the reality of each social system supporting it, and then examines how the logic of emancipation developed.² In doing so, we will focus on the following three aspects.

First, we consider the self-determined actions of yūjo, such as Kashiku's response to the Release Act. Considering who they were, their reactions to the Act are very important. For a comparative historical study of the emancipation of slaves all over the world,³ it is well worth paying close attention to who individual yūjo were.

Second, we will explain the origins of the Release Act and its historical meaning in Japan in the light of the status system on which Japanese society was still based in the Edo period. Both the dissolution of the status system and the emancipation of slaves—which were closely related to each other—occurred in various countries about the time of the 19th century. In Japan, too, the Yūjo Release Act was enacted in the context of the abolition of the status system. Therefore, this article takes the status system into consideration in exploring why this Act was passed.

Third, we will stress the fact that in the 19th century the emancipation took place as much under the influence of a global movement as in local contexts, or nationwide.⁴ In Japan, especially, the emancipation of yūjo would never have occurred had it not been for the impetus provided by the emerging concept of human rights, more



Figure 8.1 Photograph of the Brothel in Shin-yoshiwara in the Meiji Period. (Photo Database of Nagasaki University)

particularly in the form of the movement against the Contagious Diseases Acts led by Josephine Butler in the latter half of the 19th century, and the widespread international criticism of the coolie trade.

Was a Yūjo a "Slave"?

Brothel Structure: Ranks in Brothels and the Yūjo

This section examines the reality of yūjo who were actually forced into sexual activity under indefinite obligations of slavery that resulted from what was, practically, human trafficking. To begin with, we present an overview of what a typical Edo brothel looked like (see also Figure 8.1).

Figure 8.2⁵ is a map of Shin-yoshiwara during the Tenpō era (1830–44), when it featured six *chou* (communities) consisting of the Shin-yoshiwara area (Edo *chou* 1-choume, 2-choume, Sumi *chou*, Ageya *chou*, Kyomachi 1-choume and 2-choume). It shows the structures inside them—privately owned houses, leased land or shops, also held under lease agreements. Edo *chou* 1-choume shown on the upper side of the map was populated with large-scale, high-class

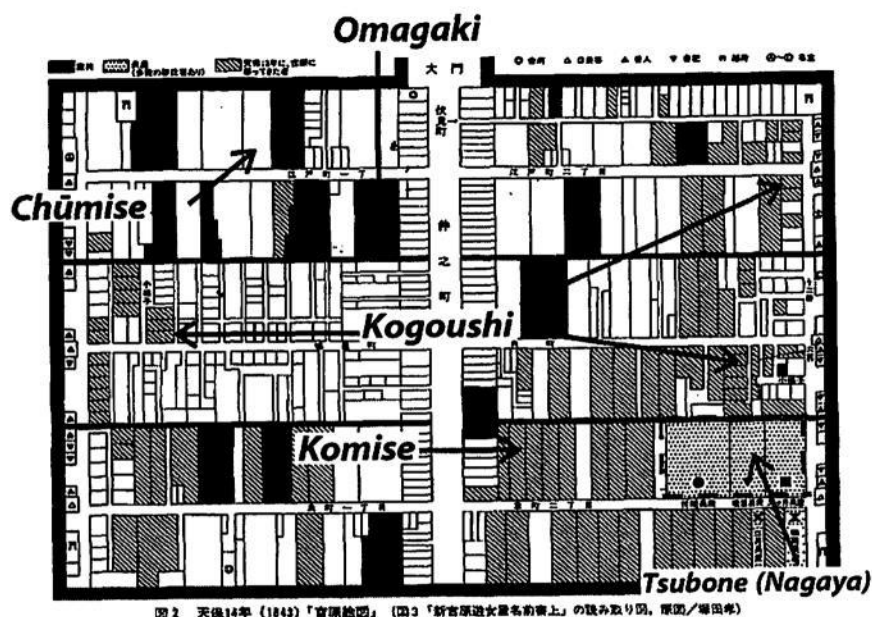


Figure 8.2 Shin-yoshiwara. (Nobuyuki Yoshida, *Mibunteki Shūen to Shakaibunka Kōzō* [Class Marginality and Sociocultural Structure]. Kyoto: Burakumondai Kenkyūsho, 2003, p. 414)

brothels called *ōmagaki* (large) brothels, whereas smaller *kogoushi* brothels were clustered on the leased lands of Edo chou 2-choume, Sumi chou and Kyomachi 1-choume. Finally, Kyomachi 2-choume at the bottom right of the map was occupied mainly by the lowest-status *tsubone* (small) brothels, some of which were known as *nagaya* (back-alley tenements).

Table 8.1 shows the number of *yūjo* living in Shin-yoshiwara and sorted by their ranks as at the end of the Tokugawa era. In 1847, only 1.7 per cent of *yūjo* were high-ranking *yobidashi* (a high-ranking prostitute who was not required to be displayed at the *harimise*—a place to display the prostitutes for customers: she greeted customers and entertained them with her entourage before intercourse), who had their own prostitutes of lower rank and did not offer themselves at the *harimise*. The latticed front porches of the brothels are shown in Figure 8.3. Most *yūjo* did, however, appear at the *harimise*, where they were selected directly by clients. The environment in which the lowest-status brothels, known as *tsubone* or *kogoushi*, did business was particularly bad. As shown in Figure 8.2, *tsubone* brothels

Table 8.1 *Yūjo* Ranks

Year	Rank	Charges*	Number of <i>yūjo</i>	Proportion (%)
1847	(High) <i>Yobidashi</i>	Kin 3 Bu–1 Ryō	87	1.7%
	Not <i>Shinzo-tsuki</i> (<i>yūjo</i> with an attendant <i>yūjo</i>)			
	(Middle) <i>Harimise</i>	Kin 2 Shu–Kin 2 Bu	3670	71.8%
	(Low) <i>Kogoushi, tsubone</i>	–	1354	26.5%
Total			5111	100%
1871	Not <i>Yobidashi</i>	Gin 72–84 Monme	0	0%
	<i>Harimise</i>			
	(Middle) <i>Shinzo-tsuki</i> (<i>yūjo</i> with an attendant <i>yūjo</i>)	Gin 24–48 Monme	221	13.4%
	<i>Harimise</i>	<i>Yūjo</i> with her own room	794	48.2%
(Low)	<i>Kogoushi, tsubone</i>	Gin 15 Monme	633	38.4%
	<i>Kogoushi</i> (<i>yūjo</i> with her own bed)			
Total			1648	100.00%

Notes: *Currencies

Kin (gold): One ryō equals four bu equals sixteen shu

Gin (silver): One ryō in gold equals about sixty monme

Sources: Morisada Kitagawa, *Kinsei Hūzoku Shi* (Morisada Mankō), vol. 3, ed. Hideki Usami [Iwanami Bunko] (Tokyo: Iwanami Shoten, 1999); "Tokyo Shishikō Shigai Hen", vol. 51, ed. Tokyo Prefecture, 1960.

typically operated in *nagaya*, the internal structure of which can be seen in Figure 8.4. In the centre of the passage running through a *nagaya* stood a wall to hide the faces of customers from other visiting customers at the other side of the brothel.⁶ Inside the building, *yūjo* engaged in prostitution in a small space separated by *karakami* (paper board) partitions (Figure 8.5), with the area behind the partition acting as the living space of the brothel keepers. In 1847, 26.5 per cent of *yūjo* were working in *kogoushi* and *tsubone*, although the number of high-ranking *yūjo* was decreasing, until by 1871 the highest-ranking *yobidashi* had ceased to exist altogether. In the same year, the low-ranking *yūjo*, such as *kogoushi* and *tsubone*, accounted



Figure 8.3 Photograph of a *harimise* in Yoshiwara in the Meiji Period. (Photo Database of Nagasaki University)

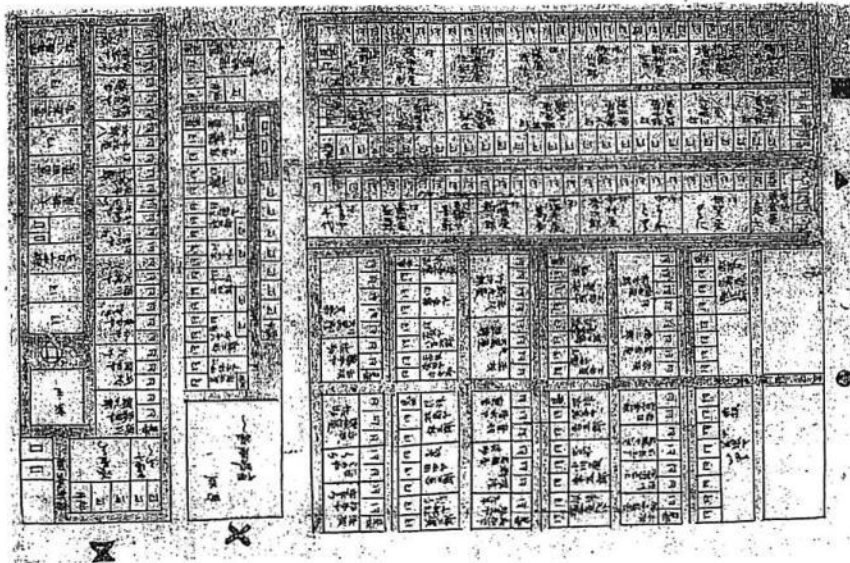


Figure 8.4 The Structure of Nagaya in 1842. (Yoshida, *Mibunteki Shūen*, p. 417)



図6 足見堂の内部を示す図

一つの部屋には、3人で、板と人の入口は上間、板台、一つは州に二つの枕を並べた、
あといくつかの板を解いて、「守備点」を附、いよいよ会合の部屋。はアも!

Figure 8.5 Inside a *Tsubone* Brothel. (Yoshida, *Mibunteki Shūen*, p. 424)

for 38.4 per cent of the *yūjo* population. Many of the *yūjo* in Shin-yoshiwara brothels are said to have died in their twenties for various reasons, many of them of syphilis, while there was at least one recorded double suicide,⁷ confirming the harsh living and working conditions to which the *yūjo* were subjected.

Yūjo as Merchandise

Yūjo were usually sold to brothels by their natural “owners” (*hitonushi*, most often their parents) under the rules of fixed-term service known as *miuri-boko*. At the conclusion of a contract of sale, a ransom was paid to the *hitonushi*, and the *yūjo* was obliged to repay the ransom from the earnings of her prostitution. In addition, however, the *miuri-boko* included peculiar terms not found in ordinary fixed-term apprenticeship contracts.⁸ First, a *hitonushi* exercised a patriarchal right to sell his daughters or wives, but at the conclusion of a contract he relinquished his right over the person sold and transferred it to the brothel. In other words, the contract constituted the

virtual purchase of a human being, who was then expected to never again go back to her family home. Under the terms of *miuri-boko*, a system to increase the debt of the *yūjo* was operated so that an employer could bind the *yūjo* beyond the period of the original contract. A *yūjo*'s daily garments, cosmetics, bedding and food were provided at her own expense, and considerable amounts of money were thus added to the original ransoms as personal debts of the *yūjo*. Also, in an ordinary apprenticeship, any losses and damage caused by an apprentice were to be covered by the *hitonushi* or a joint guarantor, while damages caused by *yūjo* were their own liability instead of that of the *hitonushi* or other guarantors who had relinquished their patriarchal rights. As a result of these methods, most *yūjo* debts were steadily increased, making escape from what amounted to debt bondage next to impossible. Then, in addition to earnings from the services of *yūjo*, brothels were entitled to increase their profit by treating the *yūjo* as "live goods".

Let us examine the case of Kashiku, mentioned earlier (Table 8.2). She was born into a farming family but after her parents died when she was seven, she was sold to an inn in the Kanto region. In 1871, she became a *yūjo* in the Shin-yoshiwara red-light district after being repeatedly resold among other premises in similar districts. Once she started to earn money as a *yūjo* her ownership was transferred many times, with the size of her ransom increasing from 75 *ryō* to 80 *ryō* in gold, suggesting that the debt increase was due to reselling and to the extension of her term of servitude.

Furthermore, it was by no means rare for a *yūjo* to be mortgaged against a loan to her brothel. Table 8.3 shows the mortgages held by the Bukkōji temple,⁹ which was located in Kyoto and lent money in Edo.¹⁰ The temple financed many lay enterprises, including brothels in Edo. Almost all other debtors mortgaged their furniture, fixtures and fittings or wooden buildings, which could be relocated or taken apart and sold as lumber, but brothels mortgaged their *yūjo*. For example (Table 8.3, No. 6), in 1859 Harumoto-ya Kanejirō, a brothel in Shin-yoshiwara Kyomachi 1-choume, borrowed 30 *ryō* in gold as a nominal loan from the officer of the Bukkōji temple, submitting the bond below which states that Harumoto-ya mortgaged three *yūjo* whose names were Wakamatu (若松), Ippon (一本) and Suminoe (住の江). It can be confirmed that they were real women by reference to the *Yoshiwara Saiken* published in 1859, which confirms, too, that *yūjo* were treated as merchandise.

Table 8.2 The Chronology of Kashiku

Date	Age	Events
		Born in Yuriage Village, Makino-higashi, Kambaragun, Echigo (now Niigata Prefecture).
	7	Following her parents' death and removal from her place of birth, became a resident <i>yūjo</i> at Fukudaya Inn at Yashū-kassenba <i>shuku</i> (post town).
	13	Was sold to Beni-ya Inn in Shinagawa post town for 75 <i>ryō</i> . Resold 6 months later to Fujimoto-ya Inn in Senju post town for 75 <i>ryō</i> . After 18 months, was resold as a resident <i>yūjo</i> under the care of Masagoro Hashi-ya in Yokochō, Fukagawa, for 75 <i>ryō</i> .
15 November 1871		Was resold to Kunijiro of Sanshu-ya at Kyo machi 2-choume, Yoshiwara, for 80 <i>ryō</i> (for a fixed term of 5 years and 6 months).
8 October 1872		The Release Act enacted. Was returned to Masagoro Hashiya (the <i>hitonushi</i>) but later resold after the "emancipation" to a brothel in Shin-yoshiwara and was forced to work as a prostitute there.
2 November 1872		Directly petitioned Masagoro and the ward mayor for release based on her engagement with Takejirō, a servant at Ebiya in Shin-yoshiwara, but her petition was rejected.
11 January 1873		Fire broke out in Shin-yoshiwara. Evacuated to Edo-chō 1-choume.
14 January 1873		Stayed with Kikujirō, a hairdresser, in Ougibashichō, Fukagawa. On Kikujirō's advice, briefly returned to Masagoro's residence, then went back to Kikujirō's home.
2 February 1873		Sadakichi Kasuya, Kikujirō's master, offered to pay off the 15 <i>ryō</i> debt and to act as intermediary. Kikujirō and Kashiku jointly petitioned Tokyo's municipal government.
3 February 1873		Investigation carried out by the ward mayor of the 12th minor ward in the 5th greater region.
3 February 1873		Tokyo's municipal government completed its investigation and ruled that Kashiku should be sent back to Masagoro. Both parties accepted the terms.

Source: "Shougikaihō" 604.A2.12, Tokyo Metropolitan Archives.

Table 8.3 Mortgages (*Myōmokukin* Loans) Held by the Bukkōji Temple

No.	Date	Debtor (1, Address; 2, Status; 3, Name)	Occupation	Amount (ryō in gold)	Mortgage	Source: Yamada-ke monjo (no.)
1	July 1849	(1) Asakusa minamiumamichi machi (2) Lease on Sukejirō's tenement (3) Kōhei	Not brothel	10	Nijukken mizuchaya (teahouse), 3 ken wide by 4.5 ken deep in yard of Sensouji temple.	88-1
2	June 1850	(1) Nannba <i>chou</i> (2) Lease on Yasusaburō's land (3) Kitarō	Not brothel		One-storey house, 2.5 ken wide by 5 ken deep.	88-1
3	17 December 1851	(1) Mikawa <i>chou</i> (2) Leased land (3) Rihei	Not brothel		House and all of furniture with Tatami and cupboard.	88-1
4	December 1851	(1) Kandamyōujinsita odaidokoro <i>chou</i> (2) Landlord (3) Heikichi	Landlord	10	Nagaya, 12 ken wide by 2.5 ken deep.	89-1
5	July 1858	(1) Shin-yoshiwara Edo <i>chou</i> 2- <i>choume</i> (2) Landowner (3) Tomoe-ya Tokubei	Brothel	50	<i>Yūjo</i> , real name: Sue; professional name: Yaeume (八重梅), ransom 32 ryō, apprenticeship 6 years 8 months. <i>Yūjo</i> , real name: Hana; professional name: Masakoto (政琴), ransom 25 ryō, apprenticeship 6 years.	74-1-3

Table 8.3 continued

No.	Date	Debtor (1, Address; 2, Status; 3, Name)	Occupation	Amount (ryō in gold)	Mortgage	Source: Yamada-ke monjo (no.)
6	March 1859	(1) Shin-yoshiwara Kyo machi 1- <i>choume</i> (2) Lease on Seiemon's land (3) Harumoto-ya Kanejirō	Brothel	30	<i>Yūjo</i> , real name: Take; professional name: Wakamatu (若松), ransom 30 ryō, apprenticeship 5 years 5 months. <i>Yūjo</i> , real name: Take; professional name: Ippon (一本), ransom 38 ryō, apprenticeship 7 years 6 months. <i>Yūjo</i> , real name: Sano; professional name: Suminoe (住の江), ransom 39 ryō, apprenticeship 6 years.	74-1-4-4
7	1859	(1) Shin-yoshiwara Edo <i>chou</i> 2- <i>choume</i> (2) ? (3) Okada-ya Sōbei	Brothel	100	<i>Yūjo</i> , real name: Hide; professional name: Hamaura (濱浦), ransom 7 ryō, apprenticeship for 18 years 3 months. <i>Yūjo</i> , real name: Yasu; professional name: Nagayama (長山), ransom 8 ryō, apprenticeship for 19 years 2 months. <i>Yūjo</i> , professional name: Somekawa (染川). <i>Yūjo</i> , real name: Yone; professional name: Momotose (百年), ransom 32 ryō, apprenticeship for 11 years 4 months. <i>Yūjo</i> , professional name: Wakahito (若人).	74-1-4-3

The Mortgage Bond Submitted¹¹

1. Indentured term as a prostitute from September 1856 (Ansei 3, the seventh month of the year of the dragon) to January 1862 (the first month of the next year of the dog), a period of exactly five and a half years.

Yūjo, real name: Take, professional name: Wakamasu (若松)

Ransom: 30 ryō in gold.

1. Her indentured term as a prostitute from July 1855 (Ansei 2, the seventh month of the year of the rabbit) to December 1862 (the twelfth month of the next year of the dog), a period of exactly seven and a half years.

Yūjo, real name: Take, professional name: Ippon (一本)

Ransom: 38 ryō in gold.

1. Her indentured term as a prostitute from March 1856 (Ansei 3, the third month of the year of the dragon) to March 1862 (the third month of the next year of the dog), a period of exactly six years.

Yūjo, real name: Sano, professional name: Suminoe (住の江)

Ransom: 39 ryō in gold.

The above were indentured by Kanejirō, resident of a "street-front property" in Kyomachi 1-*choume*, Shin-yoshiwara.

According to the attached bond, I (Kanejirō) have incurred a debt of 30 ryō in gold and mortgaged these three yūjo as security. This is clear and definite.

The documents of their contract to be sold for prostitutes have been received in trust by sureties in the presence of you. If I fail to pay my debt or pay late, I'll give three yūjo to sureties immediately and they will pay it off. Furthermore if any yūjo should be indentured by another brothel or anything should happen to her [that is, she expires of illness or dies suddenly or accidentally], I will substitute something as collateral for her, of course; if it should be insufficient, sureties will be sure to pay it off completely.

In addition, if these yūjo were doubly mortgaged, you could take me to court by all means.

So, for posterity, this is a mortgage contract.

In Ansei 6 (1859, the year of the sheep), March

Kanejirō (seal)

Surety Kōhei (seal)

Resident of street-front property in Kyomachi 2-*choume*

Surety Sadakichi (seal)

Resident of street-front property in Kyomachi 2-*choume*

To Mr Seki Saigu, the officer of the Bukkōji temple

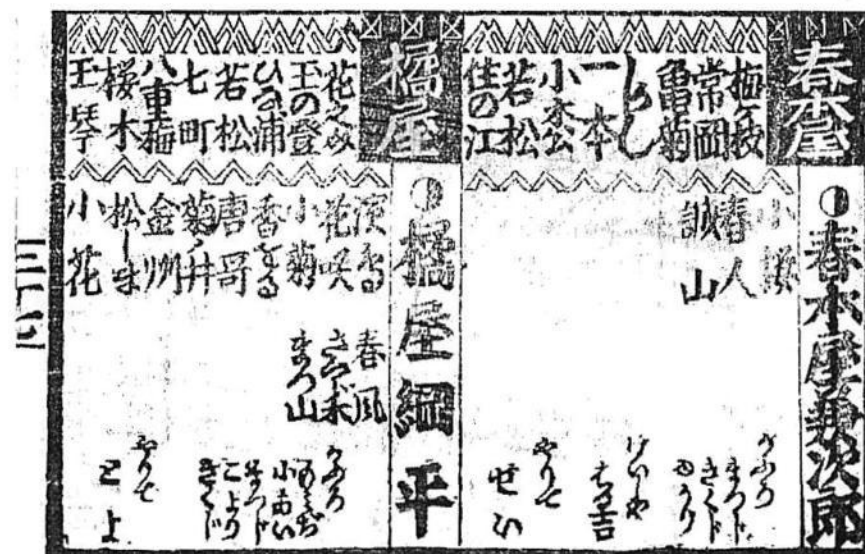


Figure 8.6 The Yūjo List in Brothel, Harumoto-ya. (NDL Digital Collection 856-29)

This document shows that Harumoto-ya Kanejirō, a middle-class brothel, mortgaged three yūjo for a loan of 30 ryō in gold. Furthermore, one of the sureties, Kōhei, who also was in a middle-class brothel and lived next door to Kanejirō (Figure 8.6), agreed to clear Kanejirō's debt instead of getting the three yūjo if Kanejirō should fail to repay his loan. All this refers then to a loan concerning human trafficking, and if Kanejirō had sold them under foreclosure, their new owner, Kōhei, would have imposed the sum of the charges on the yūjo as new ransoms to be redeemed by them selling their sexual services. From the examples given in Table 8.3, it is clear that yūjo, roughly equal to furniture, houses or land, were a commodity for trading and could be treated as collateral for a loan, although the duration was limited to the period of apprenticeship.

Yūkaku is generally regarded as the place where "yūjo sold sex" in the Edo period, although actually it was the place where not only sexual services were provided but "brothels required yūjo to sell sex" and where the entire human being was traded. In other words, from the viewpoint of the commercialization of sex, *yūkaku shakai*¹² was de facto a system under which humans were trafficked as merchandise for sexual purposes. Consequently, a kind of sexual-debt slavery was

legalized and was extremely difficult to escape from without some unexpected piece of luck.

A Chain Binding the Yūjo: Abusive Control

In the preceding section, we looked at the fact that debt constituted one of the direct factors that bound yūjo to the yūkaku. In this section, we examine violence, another factor that for the yūjo had the same effect.

First, to confirm the state of violence we include a passage from the “*Umemoto-ki*”,¹³ a record of the testimony transcribed by Nizaemon Takeshima, headman of Shin-yoshiwara. It presents the verbal evidence of the yūjo Shigemoto concerning an arson attack that occurred in Shin-yoshiwara in 1849.

Normally we were given only two meals a day, never three. Those two meals were the most meagre ones imaginable, consisting of a porridge made by boiling down old rice with the bean husk or trimmed tips of brooms, with some salt added. Because of the bad smell of the porridge, we found it hard to even have a mouthful of it. When we hesitated to swallow it, we were severely abused. When there were no men to buy us, we were chastised for having been lazy. Even if we had an occasional customer, unless he ordered food and wine we were severely bullied for having failed to do a good job. No word of approval was ever heard, unless we managed to get a prodigal man on many “*Shimai Days*” [a fixed day on which the customer “bought up” the yūjo for the entire day] and to get the full payment for them. Failing that, we were tied to the box in the “hairdressing room” [the changing room] and thumped and thumped indiscriminately with the “hook” [an oak club which had inserted into its centre an iron bar with an iron hook at its tip] or with a broken arrow. Moreover, we were forced to sell ourselves to the customers in the most unspeakable fashion. We were even denied minimum food. Being certain we would die from such rough treatment, we were deeply determined to wreak our grudge and revenge without reserve with our fellow yūjo, sixteen in all. We were resigned to accept what legal punishment there was. To make sure that there were no traitors, yūjo Sakuragi told us yesterday, the fourth, of the need to have everyone sign her name, instead of jointly affixing our seals on the document. Firmly convinced that was precisely what was required, I had ready the formal lengthwise-folded “*hanshi*” paper and had

each of the sixteen yūjo, beginning with Fukuoka, write her name on it, in the same order as that in which each of them appeared in the *harimise* to be chosen and bought by customers. [...] Today, the fifth, at about five o'clock in the afternoon, taking advantage of the time when our employer, Sakichi, was taking a nap, the sixteen of us talked over the matter once again before proceeding. One of us set the ceiling on fire, the part above the staircase outside. Seeing the fire, passers-by created an uproar and somebody lost no time in putting it out.

According to that evidence, the 16 yūjo, beginning with Shigemoto, committed the arson at Umemoto-ya, the house of the brothel on Kyomachi 1-choume, in 1849 (the second year of the Kaei era) in an attempt to escape from the cruel treatment there. They revealed that they had set the fire at a spot facing the street, which was certain to be seen immediately by passers-by, and they themselves were ready to prevent the fire from spreading the moment it was noticed. It was not that they set the fire spontaneously, but rather they acted with premeditation. From the fact that the 16 yūjo had conspired for some time, one can conclude that the incident was caused not by the anger of one individual but by a rebellion of the entire group of yūjo at Umemoto-ya against their cruel treatment there. Moreover, judging by the contents of the documentation of the arson, we may conclude that the direct cause of this act was not evil treatment in general but rather the extreme violence inflicted on the yūjo, such as tying them to the box in the “hairdressing room” and beating them, as well as thrashing them with a broken arrow or the “hook”. One of the yūjo, named Kohina, asserted that

rather than being killed by the cruelty of our employer Sakichi, it was better to serve the punishment imposed by the law in a magistrate's court by throwing ourselves on the mercy of the headman as soon as we had put out the small fire that we had set. We had no intention at all of setting a large fire.

The arson was therefore a revolt of the yūjo against the violence that they sensed would ultimately have cost them their lives.

Table 8.4 lists all the fires that occurred in Shin-yoshiwara during the mid-19th century. More than half of them were deliberately set by yūjo. Though the circumstances might have differed, it cannot be denied that the violent and cruel treatment at the yūkaku was ultimately at the root of these incidents of arson.

Table 8.4 Fires in Shin-yoshiwara Yūkaku in the Mid-19th Century

No.	Date	Start and spread of the fire	Cause and process
1	5 December 1845	Kyo machi 2-choume Almost all of Shin-yoshiwara destroyed.	According to a rumour, the fire was started by yūjo Tamagoto (16 years old) and two other yūjo (16 and 14 years old) held by the Kawatsu-ya brothel. They were subsequently arrested.
2	5 August 1849	Kyo machi 1-choume Incipient fire.	Yūjo Kohina and 16 yūjo held by the Umemoto-ya brothel started the fire and subsequently surrendered to the magistrate.
3	26 September 1860	Kyo machi 2-choume Shin-yoshiwara yūkaku completely destroyed.	The fire was started by yūjo Kozakura, held by the Kinoji-ya brothel. Once the fire had taken hold, she raised the alarm.
4	14 November 1862	Kyo machi 2-choume Shin-yoshiwara yūkaku completely destroyed.	Cause unknown.
5	26 January 1864	Shin-yoshiwara yūkaku completely destroyed.	A fire broke out in the Oguchi-ya brothel.
6	11 November 1866	Three chous of Shin-yoshiwara destroyed.	Yūjo Yaegiku (14 years old), held by the Omasu-ya brothel, started the fire.

Source: "Tokyo Shisikou Hensai Hen", vol. 5; "Umemoto-ki" (included in Kanou-Bunko, National Diet Library).

In addition to yūkaku, bakufu tacitly allowed *meshimori-onna* or *chatate-onna* to prostitute themselves in *hatago-ya* (inns) near post stations and *chaya* (teahouses) in several urban areas in the 18th century. Moreover, clandestine prostitutes were found in *okabasho* (hill place), where men could pay for sexual services.

As another example of violence, let us consider Hatsu, a *meshimori-onna* who was a prostitute under tacit permission and

living in a Kizaki-shako inn on Nikko-reiheishi Road.¹⁴ In her letter of petition, Hatsu described the *seme-sekkan* (violent chastisement) meted out to her. Although documentation of violence such as this was uncommon, it should not be thought of as an isolated incident:

One morning in July last year, I fell sick and became bedridden for about thirty days. As soon as I started to feel a little better and was out of bed around mid-August, I was forced to take in customers. And when I had no customers to attend to during the day, I was sent into the hills to cut firewood. As I was forced to work day and night, I could not fully recover from illness. Because I was violently chastised whenever I asked my master to give me a rest, I endured the toil just to avoid the painful chastisement.¹⁵

So far, we have looked at the reality of yūjo, who were sold as commodities by hitonushi and physically detained under debt and violence. However, what was the reason for the violence to the yūjo described above? In the Edo era, the shogunate, as a rule, forbade human trafficking as well as the exercise of violence in general, unless there were legitimate reasons. In spite of such restrictions, violence was tolerated in licensed quarters, such as yūkaku. As reasons for that situation, we must consider three aspects of Edo society.

One of them is the fact that yūjo were considered merchandise in yūkaku society, as we have already seen. As a rule, the owner of any merchandise was free to treat his property however he chose, which might conceivably have been seen as a ready justification for violence.

Second, we should also focus on the fact that violence to yūjo was encouraged by the rights of patriarchal household heads, legally considered family heads. Society in the Edo era was founded on *mura* (village) and *chou* (town) communities as status groups, each of which was aggregated from individual households, so-called *ie*.¹⁶ The management rights of the head of the *ie* in relation to the members of their *mura* and *chou* neighbourhoods were officially approved. Indeed, there was a case in which the head of the brothel in Shin-yoshiwara *chou* enrolled his yūjo as his adopted daughter in the register of residents.¹⁷ As her father, he had the right to exercise violence on her as his adopted daughter. It seems obvious that such inclusion of yūjo by the head of a patriarchal household, *ie*, constituted the basis for the rise of violence there.

The two examples given above are factors that emerged from the relationship between the brothels and their *yūjo*. As the third aspect, we should focus on the fact that violence was tolerated publicly in the chou neighbourhood and by the brothels guild. In Shin-yoshiwara *yūkaku*, 76 articles and regulations were stipulated in 1795 (the seventh year of the Kansei era) by the chou community and the brothels guild, with the guidance of the magistrate. They were titled the “Shin-yoshiwara Licensed Quarters Provisions Act and Deed”. Included in the provisions is the text of the following article:

At the *yūkaku*, there are those who have no choice but to chastise the *yūjo*. Needless to say, we are engaged in the trade of selling ‘bodies’, so there is no alternative but to punish in order to keep things under control.

These words clearly demonstrate the view that the “chastisement” of *yūjo* in *yūkaku*, in other words violence, was indispensable in the operation of the *yūkaku*; in fact, they are extremely significant in showing the justification for violence there. Moreover, the Provisions Act and Deed were submitted to magistrates of the Edo period and subsequently formed the basis of regulations governing the business operations of Shin-yoshiwara *yūkaku*. Seen like that, we must conclude that the violence in the *yūkaku* was not a violation of principles but rather something condoned by magistrates and regional societies.

So then, we now know that *yūjo* were bought and sold commercially by hitonushi and restricted by both debt and physical violence, which naturally exerted a powerful effect on the practice of the sex trade. Additionally, in the Edo era that state of affairs was assumed to be normal by public authorities, the chou neighbourhood and the brothels guild.¹⁸

The following section looks more closely at the chou that played a major part in bringing about such a servile position for *yūjo*.

Yūjo and Chou: The Roles and Privileges of Shin-yoshiwara Chou

The servile position of *yūjo* in Japan is considered to date from the 16th century, when early modern castle cities began to develop “red-light districts”. The Edo bakufu strictly forbade the operation of brothels in any ordinary part of a castle city but authorized red-light

districts (*yūjo machi* or *yūkaku*) to engage exclusively in the business of prostitution. The general principle of Edo society did not recognize women as *chonin*, official members of the chou community. Therefore *yūjo*, being women, were not considered parties who could themselves engage in any of the business operations of the red-light districts. Because prostitution was a business permitted by the Edo bakufu in red-light districts as communities, one should remember that *yūjo* were recognized as constituting a business method or tool, rather than as being themselves parties to the prostitution business. The structure of red-light districts meant that the district as a community was responsible for the organization and operation of prostitution facilities and was in charge of the detention, management and control of the entire *yūjo* population within its own community. The red-light districts were also responsible for the maintenance of the servile position of *yūjo*. The whole of that complex establishment of control over *yūjo* can therefore be said to have formed the fundamental characteristics of red-light districts since their establishment.¹⁹ While the stylized contract form of *miuri-boko*²⁰ became generalized after the late 17th century,²¹ the framework in which not only the individual brothels owned *yūjo* but also that the red-light district as a community assumed control over the entire *yūjo* population came into being once the red-light districts had been established.

Now, let us see how Shin-yoshiwara chou actually controlled and managed its *yūjo* population. This discussion will focus on the Shin-yoshiwara chou community.

According to recent studies in women’s history, prostitution in Japan began as a business sometime during the ninth and tenth centuries, followed by the official opening of prostitution facilities under the name of *yūkaku* at around the end of the 16th century or the beginning of the 17th century.²² The reality of licensed districts, founded as parts of castle cities under the supervision of a unified government or powerful lord, was that they were exclusive business precincts for the sole trade of prostitution, where brothels were clustered into a space surrounded by walls and a moat. In Edo, Jinemon Shoji took the initiative in building the Yoshiwara *yūkaku* with the permission of the Edo government, and the area became the official red-light district in 1612.²³ Every red-light district in Japan, including Shin-yoshiwara²⁴ chou, maintained its original features as professional precincts until the end of the Edo shogunate.²⁵ Likewise, the

function of the Shin-yoshiwara yūkaku as a licensed community remained effective in managing and controlling its yūjo population. The following paragraphs show the detailed duties undertaken by the red-light district.

First, supervision of all yūjo in Shin-yoshiwara was the responsibility of the entire Shin-yoshiwara community, accompanied by the detection of and crackdown upon *baita* (unlicensed clandestine prostitution) everywhere except Shin-yoshiwara yūkaku in Edo, for which the Shin-yoshiwara community equipped itself with its own force, prepared to mete out a violent response. In the 17th century they mobilized up to 100 men, who were sometimes involved in pitched battles.²⁶ The maintenance of order in the prostitution trade in the entire Edo city through the suppression of *baita* was the most important responsibility of Shin-yoshiwara chou.

The second notable fact was that, in most cases, any *baita* detected and repressed by Shin-yoshiwara became the property of the community. From 1720 onwards, anyone caught engaging in *baita* was penalized by being placed under a three-year obligation as the property of Shin-yoshiwara. While this amounted to penal detention from the *baita*'s point of view, for the Shin-yoshiwara chou community it meant a share in the distributed earnings—and use—of the *baita*. Such ownership of *baita* may be regarded as an extension of the Shin-yoshiwara community's obligation to control *baita* in the entire Edo city.

The third matter concerns *syūjoninbetu-aratame* (family registration). In general, the census of community residents was an important responsibility of every town, and at every census the town's residents were registered as town members in *ninbetsu-chou* (records of individuals). How, then, were yūjo in Shin-yoshiwara recorded as individuals? In principle, registration in the *ninbetsu-chou* treated a house as a unit, which listed all family members including, first of all, the master of the house then members of his family then servants and finally temporary residents.²⁷ Therefore *nenki-boko-nin* (fixed-term apprentices) were in general registered as servants of their master's house. Since most yūjo were taken to the red-light district under the terms of *nenki-boko*, they should theoretically have been registered as servants of the house they were working for. However, yūjo were excluded from the registration laws as *Seigai-no-mono* (persons not meeting the registration criteria).²⁸ Instead, they were

registered in the *Yūjo ninbetsu-chou*, a register completely independent from the ordinary register of community members of Shin-yoshiwara chou. That indicates that yūjo were not residents of a town but subject to handling and control for the benefit of the community and its members.

Fourth, the violence employed for monitoring and controlling yūjo is thought to have been used mainly by the employees of each brothel, although Shin-yoshiwara chou as a community had its own guards in charge of preventing escape, arson and so forth. Therefore, yūjo were under the twofold control of the violent power of their respective brothel and of the town it was in.

The town of Shin-yoshiwara consisted of five smaller chou and it is clear that the overall role of the town was to segregate yūjo from ordinary citizens and to control and regulate all yūjo (licensed prostitutes) and *baita* (unlicensed clandestine prostitutes) in the capital city of Edo. Day-to-day control and regulation of the prostitution business in Edo was the *yaku* (official duty) of Shin-yoshiwara, and in return, the town was granted the exclusive privilege of running the prostitution business. That brought with it the institutionalization of the servile status of yūjo.

Was the way in which a town was sustained with its official duties and privileges unique to Shin-yoshiwara? Research since the 1980s on early modern Japanese society's status system has successfully clarified the historical significance of the relationship between official duties and privileges. Those studies also established the following points as common ground.

First, status groups were not political orders arranged by the feudal authorities, but indicated groups of people formed with reference to their social division of labour (business status) and ownership attributed to their respective duties (for example, a patch of field for peasants, townhouses for town dwellers, skills and business premises for craftsmen).

Second, in order to stabilize their business status, class groups often received secured privileges by bearing duties (peasants paid agricultural tax, town dwellers provided labour called *cho-nin sokuyaku*, and *senmin* (social outcasts) tended livestock and served as executioners).

Third, the samurai (feudal warriors) class conformed to their own autonomous rules and oversaw their lands, and, eventually,

established the widespread discourse that Tokugawa society can be understood in terms of a rigid, four-tier hierarchy of *shi-nō-kō-shō* (warriors, farmers, artisans, merchants).

In the same way as other *chō* communities in Edo that took on duties and were given privileges,²⁹ Shin-yoshiwara *chō* were urban communities that assumed responsibility for controlling and regulating prostitution in Edo and were guaranteed in return the privilege of running their own prostitution business. Therefore, it can be said that, in private terms, *yūjo* were women bound by debts and sexual coercion and subject to patriarchal rights, including abusive control exercised by brothels, whereas in public terms they were the subject of repression by the Shin-yoshiwara communities because of their status as prostitutes and were placed in a servile position and so treated differently from ordinary citizens. In other words, the repression and servitude of *yūjo* were maintained by private contract between brothels and *hitonushi* as well as by the public and status system function of the Shin-yoshiwara *chō*, which was in charge of controlling prostitution in the city of Edo. We can see, from this, the slavish nature of the debt-bound *yūjo* in the Edo era.

Yūjo Release Act and Yūjo

The Yūjo Release Act of 1872 and its Details

Following the Meiji Restoration in 1868, the Meiji government tried to reorganize the status system by integrating various status groups into three classes: warriors and lords, citizens, and outcasts. However, the leaders of the government could hardly avoid seeing the difficulties confronting them. Ultimately, in 1871, they took the plunge, issuing an edict, *haihan chiken* (abolition of feudal domains and establishment of prefectures), to reform its state regime and adopt a policy to dissolve the status system.³⁰ The result was difficulty in keeping unchanged the *yūkaku*, which had ensured *yūjo* servitude under the community as one of the status groups. Of course, as we will see, neither the new government nor the Tokyo government had any intention of actually prohibiting prostitution itself. Many of its officials, including those at a high level, had been accustomed to enjoy themselves in *yūkaku*, even while they engaged in the *sonnō jōi* (Revere the Emperor and Expel the Barbarians) Movement for the Meiji Restoration.³¹ Therefore, it should be emphasized that they still

needed to control prostitution but using a method other than the status system. This section examines the enactment of the Yūjo Release Act in response to the new situation, and the reactions of *yūjo*.

Usually, the Yūjo Release Act refers to the Grand Council of State's Decree No. 295 of 2 October 1872 (A) and the Ministry of Justice's Decree No. 22 of 9 October 1872 (C). However, the unnumbered order by the Tokyo government concerning the Grand Council of State's Decree No. 295 on 7 October 1872 (B) also carries significant meaning, and the three orders are closely related to each other. The cabinet, especially, not to speak of the Tokyo government, was concerned with *yūkaku*, an important means to the maintenance of sexual order in Tokyo, the new capital. However, there were sharp differences of opinion within the cabinet on many issues, so in order to examine the actual details of the above constituents of the Release Act each is discussed separately as below. The word "release" or emancipation, used here, is a historical term referring to the act of release from their servitude as prostitutes, who had until then been subject to the terms of *miuri-boko*, the rules governing trading in people as commodities.

(A) Grand Council of State's Decree No. 295 of 2 October 1872

Since ancient times, the trade in humans and abuse of them indefinitely or for a limited period of time at the disposal of their masters has been prohibited as unacceptable acts against human ethics. The common practice of virtually trading people and binding them in servile positions under terms such as *nenki-boko* [fixed-term apprenticeship] and others should no longer be tolerated, and thus shall be strictly forbidden from now on.

[Two articles abbreviated]

About *yūjo* and *geisha* (entertainers),³² etc., I hereby order the release of all *nenki-bokonin* [fixed-term apprentices]. Any lawsuits over debts concerning this matter shall be entirely disregarded.

(B) Unnumbered Order of Tokyo Government of 7 October 1872³³

With regard to the ransoms concerning the *yūjo* and female entertainers who have been ordered to be released for the time being, the former *yūjo* must, upon promptly settling the amount with the parties (*hitonushi*) and upon making the necessary payment, report to the authority by the 15th.

(C) Ministry of Justice Decree No. 22 of 9 October 1872 [the Tokyo municipal government had been notified of this order on 8 October]³⁴

With regard to the Minister's Decree No. 295 of 2 October, it should be understood as follows:

Although the trade in humans has been prohibited since ancient time, it has in reality been widely practiced under terms such as *nenki-boko*. In view of this, any capital money required for hiring prostitutes and entertainers should be regarded as illicit. Hence, any individual filing for claims concerning this matter shall forfeit his money upon investigation.

Similarly, prostitutes and entertainers are deprived of their basic human rights and, therefore, in this sense, should be regarded as something equivalent to livestock. There is no ground for a person to demand repayment from livestock. For these reasons, any unpaid money in return for loans or sold goods to prostitutes and female entertainers does not require repayment.

Decree (A) above clearly demands the “emancipation” of prostitutes and female entertainers, based on the principle of non-trafficking of humans and prohibits lawsuits over related debts. Faced with this shocking decree, the Tokyo municipal government issued Order (B) on 7 October 1872 to order that the debt problem be solved through “settlement”. Order (B) can be described as a notice of recommendation for settlement, based on an assumption that the financial obligation remains intact even if *yūjo* are physically released, as well as on a tacit understanding that completion of negotiation on equal terms between brothels and *yūjo*, who had been privately controlled through abusive restraint by their employers, would never be achieved. In short, it was a supplemental law to secure the continued operation of brothels based on advance debt, which shows that the Tokyo government depended, for its maintenance of regional governance, on those who represented the interests of the region, such as the brothels in *yūkaku*. Additionally, some members of the Tokyo government had themselves been officials of the Edo magistrate.

In contrast to Decree (A) and Order (B), which failed to effect the emancipation of *yūjo*, the Ministry of Justice Decree (C) contained a ground-breaking element that enabled *yūjo* to be released immediately from their ransoms. Decree (C) laid down that individuals subjected to trade are effectively being treated as livestock, that

no one can demand repayment of debt from livestock, and that ransom is therefore money extorted illicitly and for which no one can legitimately claim repayment. Finally, it was concluded that anyone filing any complaint should forfeit the entire ransom because it had been illegally demanded anyway.

Under the provisions of Decree (C), all ransoms incurred before 9 October 1872 were invalid, and *yūjo* were to be awarded unqualified “emancipated” status. After their “emancipation”, the position of main party to the prostitution business was transferred from the brothels to the *yūjo* themselves, and every decision about whether their services should be sold or not, or where they should be sold, were to be made also by the *yūjo*. Similarly, the brothels were now defined as room-rental businesses, and thus regarded as leasing the spaces where the actual prostitution took place. The order had a dramatic effect. For example, in Shinyanagi-chou, the red-light district in Kofu City, Yamanashi Prefecture, 37 of the 136 *yūjo* (27 per cent) decided to remain in their brothels while 99 left the district.³⁵ A month after their emancipation in Shin-yoshiwara, Tokyo, “of approximately 3,500 emancipated *yūjo* fewer than ten per cent returned to Shin-yoshiwara”.³⁶ The “emancipation” was in practice executed by returning *yūjo* to their *hitonushi* (parents or original employers); the possibility that they might be resold was therefore still implicit, indicating the limitations of “emancipation”. However, the mass departure of *yūjo* from the red-light districts under the Release Act carries a great significance. Moreover, the responses of *yūjo* who decided to remain in their existing quarters also had a substantial impact on the brothel communities. In particular, as described in the following section, the behaviour of emancipated *yūjo* provoked hostility and confusion among brothels, which endangered the very existence of *yūkaku*.

The Battle for a Better Life and Emancipation

In the later days of modern-age Shin-yoshiwara, the difference in business models between brothels was significantly broadened, and the discrepancy in financial power became very large between the major brothels concentrated around Edo-chou 1-choume and the tsubone brothels clustered around Kyomachi. Among those various prostitution businesses, the *Yūjōya Nakama* (brothel association) organized by the major brothels held controlling power in the community.³⁷

Many of the powerful brothels owned dozens of *yūjo* and had subordinated the lower-class brothels; the class of the *yūjo* was clearly reflected in their working environment. After the enactment of the Release Act, their new behaviour created a deep rift in the brothel community based on class order; the following depicts some of the developments in detail.

Soon after the Release Act, "there are very few *yūjo* in this red-light district, and many of them are still taking breaks".³⁸ Another section of the same document states, "Since the release order was issued, *yūjo* and *geisha* have been spending their days playing and taking breaks". As these descriptions show, many *yūjo* started taking "breaks", which in reality meant a rejection of the prostitution ordered by the brothels, now "room-lease business operators".

After "emancipation", *yūjo* avoided being sent back to their hitonushi by *zegen* and "many of them started to dilly-dally, avoiding being taken back by *zegen*".³⁹ A *zegen* was a broker trading in *yūjo*, who earned money primarily by arranging for their resale. Most *zegen* were outlaws and typically known as *kyōkaku* (professional gamblers). The *yūjo* of Shin-yoshiwara petitioned for the dissolution of their relationships with these *zegen*. In response to *yūjo* pleas, *kochou* (administrative officials in charge of local communities) appealed to the municipal government to regulate *zegen*, although without success.

Because the living conditions of *yūjo* were determined by the class of room-lease business (former brothels) they were subject to, those *yūjo* who decided to remain in their quarters began to be selective and move into new rooms if they could. As a result, the hostility and disruption worsened between *ōmagaki* (literally, a big rough fence; a high-ranking brothel was called so because of its big fence at the front entrance) businesses and *komise* (lower-class brothels) businesses, such as the former kogoushi and tsubone houses. As taxes and licence fee were imposed on all such businesses regardless of their place on the business scale, the discontent and anger of *komise* businesses towards the Tokyo municipal government were intensified. For example, a petition of February 1874 by a *komise* room-lease business in Shin-yoshiwara for the reduction of the room-lease licence fee stated that "the government has until now discriminated between classes for everything" but "under the new rule, *yūjo* are no longer employees but have the freedom to rent wherever they want at their own will", meaning that "*yūjo* concentrate in houses with better

rooms, meaning fewer *yūjo* in lower-class houses. Despite that, the government requires us to pay an equal amount of tax, which leaves us at our wits' end".⁴⁰ Here, we can see the situation in which the voluntary transfer of *yūjo* to rooms offering better conditions had a financially detrimental effect on lower-class room-lease businesses, causing the crumbling of the fundamental order in the red-light districts, which was centred on the brothel association consisting of major, or *ohmise*, businesses.

The shift described above was seen not only in Shin-yoshiwara but also surfaced in post towns along major routes, such as Naito-shinjuku and Shinagawa-juku. The situation became so serious for *komise* businesses that when an in-house *yūjo* went home, the *komise* business in Shin-yoshiwara would "have to close down when only one or two *yūjo* go home due to sickness or other business".⁴¹

In December 1873, when the Tokyo municipal government established *Kashizashiki-tosei-kisoku* (rules concerning businesses utilizing leased rooms) and *Shougi-kisoku* (rules concerning prostitutes and female entertainers) and determined the amount of tax payable, some *yūjo* complained about the amount of tax compared with the profits they made. To such complaints, room-lease businesses expressed their frustration because

yūjo do not reflect on their own ugly looks (because of which they can never work at upper-class establishments) but instead always complain that they have to pay the same amount of tax as the ones who have moved to upper-class houses.⁴²

The room-lease businesses were in a plight, as discontent intensified over the distribution of post-tax profit between the lease businesses and *yūjo*, who would often transfer to another house if a business could not accept their terms. As a result, most of the lower-class room-lease businesses experienced a miserable time.

The new government also obliged *yūjo* to be tested for syphilis. In response, "those who are listed below insisted that they are no longer in the business and went home without taking the test".⁴³

The Case of Kashiku

In order to examine the reactions of *yūjo*, let us look more closely at the case of Kashiku, whose story introduced this article (see Table 8.2). As the Release Act took effect in Shin-yoshiwara, Kashiku

was returned to Masagoro Hashiya, her former hitonushi, who ran a brothel in Fukagawa. In an attempt to resell Kashiku to Shin-yoshiwara, Masagoro insisted that he had to pay 15 ryō in gold to cover the cost of her clothes and bedding and threatened her that she would “become a *yūjo* again in Yoshiwara if she cannot repay the fifteen-ryō in gold”. As briefly mentioned in the introduction to this article, Kashiku’s response was to maintain that she was engaged to a man named Takejiro, a servant in a brothel in Shin-yoshiwara, and filed with Takejiro a joint petition addressed to the kochou, but the petition was dismissed by the Tokyo municipal government. A desperate Kashiku then escaped from the red-light district the following January (1873) during the fire at Shin-yoshiwara and sought the protection of Kikujiro, a hairdresser in Fukagawa who was one of her regular customers. Although Kikujiro at first persuaded Kashiku to go back, he set his mind on rescuing her after Kashiku attempted a second escape. Kikujiro’s hairdresser master Sadakichi Kasuya also generously proposed to settle the 15-ryō debt and to serve as mediator in the hope of supporting his young apprentice’s love. The Tokyo municipal government, however, ruled in the end that the 15-ryō loan was Kashiku’s personal debt and instructed that settlement must be reached through negotiation. Master Sadakichi’s negotiation attempts did not fare well, and, more or less as a last resort, Kashiku and Kikujiro jointly petitioned the municipal government, stating,

I have been a *yūjo* all my life, and such life has brought nothing but misery. If Masagoro resells me in payment for my debt, I shall be doomed to fall into a further predicament. Please, be merciful for my sake and order my transfer to the care of Kikujiro.⁴⁴

Despite her pleas, Kashiku’s petition was dismissed, ultimately ruining her hopes. Kashiku was likely finally to have been forced back into prostitution.

From the various reactions among *yūjo* following the Release Act, the following points can be extracted for discussion. First, the annulment of ransoms and the introduction of a new legal principle that “prostitution is a business run by a *yūjo*’s own will” presented conditions in which *yūjo* could seek a better life and achieve their own “emancipation”, such as escape from the restraint they lived under to a better business environment or they could, if they wished, reject work. At the same time, the action *yūjo* (sexual products) took

in search of that “emancipation” had a shocking impact on the established order in red-light districts. The Release Act must have given *yūjo*, who had been keenly aspiring to be “emancipated”, the hope and courage to act decisively, and the action they took struck a significant blow at the red-light districts for so long established throughout the Edo era.

The second point for discussion focuses on the types of force that could oppose the authority of the Shin-yoshiwara-chou community, which had been the dominant power in the red-light district. Clients came from diverse backgrounds, as Kashiku’s case clearly shows, and lower-class workers, such as a hairdresser’s apprentice, servant or day workers were often very important customers. Although of lowly social standing, they were craftsmen in possession of—in Kashiku’s case, hairdressing—tools and skills and a clear business territory known as *dedoko* (hairdressing stall) or other *chouba* (spaces used exclusively for business operations). They were also proud people who were willing to fight injustice in support of the weak.⁴⁵ Therefore, they sometimes took action in support of *yūjo*. However, as far as their relationship with chou (small communities making up the city) was concerned, their social standing was not always sufficiently autonomous. In the case of Edo’s hairdressers, or *kamiyui*, their business territory was strictly defined by each chou, and hairdressers were not allowed to choose their clients freely. Therefore, a hairdresser always had to obtain the support and permission of his chou. In other words, business existence was utterly dependent on the support of communities of townspeople, and as long as Shin-yoshiwara chou remained one of those communities, it would not have been possible for a hairdresser, as a lower-class craftsman, to oppose the authority and might of his community. It should also not be forgotten that these were among the men visiting brothels to enjoy the services of the prostitutes, so to that extent, although they exploited the prostitutes, they had mutual interests with Shin-yoshiwara chou and its brothels.

Third, we must explain the apathy of the new national government and the subordinate Tokyo municipal government to the true “emancipation” of *yūjo* in spite of the *Yūjo* Release Act. The following section looks at why these governments were ineffective in realizing the spirit of the new act despite the fact that they issued the act in definitively drastic terms.

Regions and Nations in the 19th Century: The Place of the Yūjo Release Act in World History

Domestic and International Background to the Enactment of the Yūjo Release Act

As the premise in discussing the reason for the inactivity of national and Tokyo municipal governments concerning the actual emancipation of yūjo, let us first distinguish between domestic and international factors affecting the background to the enactment of the Yūjo Release Act. Since 1872, the movement to reform the long-standing prostitution policy had operated at the national-government level, mainly at the prompting of the Ministry of Justice.⁴⁶ The move reflected the fact that it was impossible to maintain the old policy based on status-system duties and privilege exclusively within the red-light district while nationally promoting full-scale modernization by abolishing the status-dependent system. The progress of the status-system abolition policy at the time was probably at the phase where the existing style of administration, by which a specific town controlled prostitutes and segregated them from ordinary citizens in its registration practice, was no longer tolerated. As noted earlier in this article, licensed districts in the Edo era were maintained and operated under the principle of duty and privilege, and in tackling the challenge of abolishing the status system the national government saddled itself with the necessity to drastically revise that social foundation. The abolition of governance based on the autonomous intermediate groups that have taken various different forms at the end of the trajectories of many premodern societies creates a challenge commonly faced by many nations and regions in the process of modernization. To that extent, the Yūjo Release Act can be defined as an aspect of modernization normally experienced by modernizing countries. For the government that enacted the Release Act, the ultimate goal was to abolish the administration of prostitution as being dependent on the status system, while the actual “emancipation” of yūjo—let alone the abolition of prostitution generally—was scarcely on their radar, so to speak. They intended simply to build a new order of prostitution not reliant on the old system. However, they thought it absolutely essential to maintain prostitution itself and in reality made no attempt to relieve the servitude of yūjo. Apparently, the new policy’s intention was to liberate yūjo from control by compulsion and allow

them to work for themselves, but obviously that did not materialize. It is little wonder then that both the Japanese government and the Tokyo municipal government treated Kashiku and other yūjo so cold-heartedly.

Furthermore, it should be added that more than a few red-light districts prospered from foreign clients, and quite a number of high-ranking Japanese government officials themselves enjoyed the entertainment of licensed districts. On the other hand, the government, constrained by confrontation with overseas powers, probably recognized that the condition of the red-light districts, where human trafficking was practised openly, was a hindrance to their wish to maintain their dignity before the international community. In 1872, such were the circumstances in which reform of the organization of prostitution was undertaken within the competent government departments.

The international factor that propelled the enactment of the Yūjo Release Act was the *Maria Luz* incident, which touched on the relevance of coolie labour trade and Japanese yūjo and became a cause célèbre in the debates on slavery taking place throughout much of the 19th-century world.⁴⁷ The *Maria Luz* case was a legal dispute between the Japanese government, the British government in support of Japan, the Peruvian government, and concerned a coolie who had escaped from a ship—the *Maria Luz*—near the port of Yokohama.⁴⁸ One focus of the dispute was whether yūjo status constituted slavery equivalent to that of coolies. At that time, Peru was in need of labour for domestic development projects, and as an alternative solution following the ending of the African slave trade in the 1810s and Peru’s own abolition of slavery for indigenous people in 1854, its national government attempted to import coolies as a new source of labour.⁴⁹ However, when one of these coolies escaped from the Peru-bound *Maria Luz* near the port of Yokohama, the servile status of coolies became the focus of international criticism. In an attempt to find a breakthrough, the Peruvian government insisted that the coolie trade should be deemed legal as long as yūjo business was treated as legal. After the Meiji restoration, the Japanese government, feeling itself belittled by the international community (*bankoku-taiji*), was desperately seeking a way at the earliest to establish a civilized society and renegotiate the unequal treaties imposed by the West. At such time, Peru’s allegation that Japan engaged in domestic slavery came

as a shock. Under such internationally sensitive circumstances, the Yūjo Release Act materialized earlier than originally intended, and with more drastic content, including the cancellation of ransom debt. The enactment of the Release Act became one of the Japanese government's most urgent tasks to save the country's face before the international community.

The Significance of the Yūjo Release Act in World History

The Yūjo Release Act, enacted in great haste in the early phase of the country's modernization, was therefore intended to supersede the existing governance system dependent on an early modern status system. However, its goal was not the reform of actual prostitution practices nor the outright rejection of prostitution. Domestically, the law was a method by which to modernize its organization, while internationally it was a measure to create the impression of a country with a modernized society that rejected human trafficking and slavery, in accordance with the prevailing trend of the 19th century. That said, the Yūjo Release Act was a movement manifested as a closely intermingled, indivisible part of the 19th century's world movement. It also bears witness to the fact that the 19th-century world was a place where systems were transformable only as entire structures, while intentional and accidental factors were complexly entwined in the process. The following discussion briefly explains this fact.

The allegation made by Peru, as mentioned above, was rooted in the debate over prostitution taking place in Britain at the time, without which the claim would never have been made. Against a backdrop of the global expansion of capitalism, the British government had introduced the Contagious Diseases Acts (enacted in 1864, amended in 1866 and 1868, and repealed in 1886) to require syphilis inspections at military garrisons and ports visited by British navy vessels and merchantmen. In the midst of heated debates in Britain, the acts were facing fierce protests led by Josephine Butler, a feminist activist in support of prostitutes' dignity, who maintained that forced inspection constituted what we would now call human-rights abuse.⁵⁰ In the case of *Peru v. Japan and Britain*, the government of Peru was represented by a British lawyer who discovered that, from the viewpoint of the existence of a slavish nature and human dignity, the coolie case was, despite its apparent irrelevance, identical to the yūjo

system, where a de facto system of slavery took its form from private—and legitimate—contracts. Although, in complete disagreement with Butler's human-rights approach, the British lawyer had meant to advocate the continuance of slavery by labelling the coolie's case as being identical to that of yūjo, the fact that the legally servile condition of yūjo was now officially pointed out forced the Japanese government into a corner, finally compelling it to enforce the Yūjo Release Act in full. In other words, as a consequence of the negative mediation accidentally rendered by Peru's allegation, the feminist movement in Britain successfully condemned the Japanese government. As a result, the Yūjo Release Act went further than originally intended by the Japanese government and incorporated provisions including the immediate cancellation of ransom debt. The fact that the yūjo Kashiku believed in the possibility of her "emancipation" and that more than 3,000 yūjo in Shin-yoshiwara were released, although in some cases only temporarily, was indeed the fruit of the Release Act and brought about by its comprehensive nature, especially its unambiguous requirement for the immediate annulment of ransom debt. In that sense, the Yūjo Release Act can be seen to have been enforced due to movements for liberalism and feminism founded on the idea of human rights developed in opposition to British capitalism. It certainly affected Japan as the least developed capitalist country of the time, triggering as it did a global migration of people, including coolies, in the 19th century. The enactment of the Yūjo Release Act, a rather trivial incident occurring at the eastern end of the Eurasian continent, had its significance as an answer to the political problem originating in an inconsistency between domestic politics and society. At the same time, it was a reaction by Japan to the dilemma and development of the 19th century's new human-rights thinking with regard to slavery.

Conclusion

Emancipation logics and realities have characteristics unique to their respective regions in the world. However, the question of who was responsible for controlling and maintaining slaves should be one of the main focuses in discussing any form of slavery in any region at any time. Through examining the yūkaku (red-light districts) in Japan, it was found that the method of control and maintenance was

distinctly characterized by the traditional class-based social structure of early-modern Japan, and that emancipation would have been impossible without rejecting that existing method of control. In other words, emancipation was inseparable from the structural transformation of a society that had always embraced slavery. In that regard, in the case of Japan, where efforts at modernization began to take place in the mid-19th century, the enactment of the Yūjo Release Act can be regarded as the rejection of a status-based social and economic control system.

Also, it should be pointed out once again that the process towards the enactment of the Yūjo Release Act suggests that the 19th-century world created a framework in which countries influenced each other in relation to common problems and debates, including human-rights ideas on the one hand and the problems of slavery on the other. Just as in the case of the relationship between Shin-yoshiwara chou and yūjo, which cannot be examined without regard to the world historical view, the 19th-century world seems to have been one where even the relationship between a domestic region and its national government cannot be explained without examining the international structure of the period and the transformation in it that may have affected and redefined the region-nation relationship itself.

Notes

1. From "Shougikaihō" [Release of Prostitutes], 604.A2.12, Tokyo Prefecture Historical Materials, Tokyo Metropolitan Archives.
2. Yuriko Yokoyama, "19 Seiki Toshi Shakai ni Okeru Chūiki Hegemony no Saihen: Onna-kamiyui, Yūjo no Seizon to 'Kaiho' o Megutte" [Reorganization of the Local Hegemony in the Urban Society in the 19th Century: Focusing on Subsistence and Release of Female Hairdressers and Prostitutes], *Rekishigaku Kenkyū* 885 (2011): 12–21.
3. See the discussion in Alice Bellagamba et al., ed., *African Voices on Slavery and the Slave Trade* (Cambridge: Cambridge University Press, 2013).
4. See the discussion in Daniel Botsman, "Freedom without Slavery? 'Coolies', Prostitutes, and Outcastes in Meiji Japan's 'Emancipation Moment'", *American Historical Review* 116, 5 (2011): 1323–47; Tadao Hama, *Haichi Kakumei to Furansu Kakumei* [Haiti Revolution and French Revolution] (Sapporo: Hokkaidō daigaku shuppankai, 1999).
5. See Nobuyuki Yoshida, *Mibunteki Shūen to Shakaibunka Kōzō* [Class Marginality and Sociocultural Structure] (Kyoto: Burakumondai Kenkyūsho, 2003), p. 414.
6. I am grateful to Professor Ryota Matsumoto for showing me the structure of the nagaya and the role of the wall that appears as a line on the map.
7. See Nishiyama Matsunosuke, "Kuruwa", in *Nishiyama Matsunosuke chosakushū 5: KinseiHūzoku to shakai* [A Selection from Nishiyama Matsunosuke's Works, vol. 5, Manners and Society in Early Modern Japan], Nishiyama Matsunosuke (Tokyo: Yoshikawa Kōbunkan, 1985).
8. Kiyoshi Shimojū, "Miuri" no Nihonshi: Jinshin Baibai kara Nen kiboko e [Japanese History of Human Trade: From Human Trafficking to Nen kiboko] (Tokyo: Yoshikawa Kōbunkan, 2012).
9. Nominal loans, termed *myōmokukin* loans (*myōmokukin kashitsuke*), were one way in which high-ranking temples, such as imperial monasteries or temples connected with the court nobility, could raise funds. They cited a reason (*myōmoku*) for needing to raise funds, such as building repairs, and then offered loans to commoners as a means to raise that money. As a result of this policy, the Bukkōji temple, which was one of Kyoto's imperial monastery temples (*monzeki*), began lending money to brothels in the Shin-yoshiwara red-light districts. On nominal loans, see Toshiaki Miura, *Kinsei Jisha Myōmokukin no Shitekikenkyū* [A Historical Study of Nominal Loans by High-ranking Temples and Shrines] (Tokyo: Yoshikawa Kōbunkan, 1993).
10. Approximately 90 per cent of commoners in Edo rented their dwellings or back-alley tenements, and could not therefore take out mortgages on land. See Daniel Botsman, "Recovering Japan's Urban Past: Yoshida Nobuyuki, Tsukada Takashi, and the Cities of the Tokugawa Period", *City, Culture and Society* 3, 1 (2012): 9–14.
11. *Yamada-ke monjo*, 74-1-3; Nakao City Museum, Nagano Prefecture.
12. Meaning the society around the yūkaku, where the brothels held hegemony over *zegen* (brokers), *chaya* (teahouses) and *tazusawaritosei* (small merchants subservient to the brothels), and strengthened their connections and ties with other areas for prostitution. See the discussion of yūkaku in Nobuyuki Yoshida, "Yūkaku shakai" [Society around the Yūkaku], in *Mibunteki Shūen to Kinsei Shakai 4: Toshi no Shūhen ni Ikiru* [Class Marginality and Early Modern Society 4: Living on Urban Periphery], ed. Takashi Tsukada (Tokyo: Yoshikawa Kōbunkan, 2006), pp. 49–51.
13. National Diet Library, Kanō Bunko, 11973-8.
14. Kizaki-shuku was a post station. Nikkō-reiheishi Road extended from Kuragano-shuku to Nikkō.
15. Misako Usami, *Shukuba to meshimori-onna* [Post Station and Meshimori Onna] (Tokyo: Dousei-sha, 2000), pp. 143–50.
16. See the definition of "ie" and patriarchy by Osamu Otō, *Kinseinōmin to Ie, Mura, Kokka; Seikatsushi/Shakaishi no Shiten kara* [Early Modern

- Peasantry and Family System, Village and State: From the Perspective of Life History and Social History] (Tokyo: Yohikawa Kōbunkan, 1996), pp. 1, 271.
17. See the case of yūjo Kashiku later in this article, and Yuriko Yokoyama, "Geishougi Kaihourei to Yūjo: Shin-yoshiwara Kashiku Ikken no Shoukai wo Kanete" [The Release Act and Yūjo: Introducing the Kashiku Documents], *Tokyo Daigaku Nihonshigaku Kenkyu Kiyo* [Studies in the Social History of Early Modern Japan, Bulletin of the Department of Japanese History, Faculty of Letters, University of Tokyo (Supplement)] (2013): 159–71.
 18. The role of the brothels guild deserves a study all of its own.
 19. This idea was suggested by Takashi Tsukada, *Mibunsei Shakai to Shimin Shakai: Kinsei Nihon no Shakai to Hō* [Status-based Society and Civil Society: Society and Law in Early Modern Japan] (Tokyo: Kashiwa Shobō, 1992).
 20. See Amy Stanley, *Selling Women: Prostitution, Markets, and the Household in Early Modern Japan* (Berkeley, CA: University of California Press, 2012), pp. 57–8.
 21. Shimojū, "Miuri" no Nihonnshi, pp. 148–54.
 22. Sōgōjoseishi Kenkyūkai, ed., *Jidai wo Ikita Joseitachi: Shin-nihon Josei Tūshi* [Women lived the Times: New Overview of History of Women] (Tokyo: Asahi Shimbun Publications, 2010), pp. 228–325.
 23. Ibid., p. 236.
 24. Yoshiwara yūkaku was relocated in 1657 (the third year of the Meireki era) and renamed Shin-yoshiwara.
 25. Generally, any other unauthorized place for prostitution, for example *shukuba* (post station), was not officially recognized and had no privileges in sexual matters.
 26. Takashi Tsukada, *Kinsei Mibunsei to Shūen Shakai* [Early Modern Class System and Marginal Society] (Tokyo: University of Tokyo Press, 1997), pp. 128–312.
 27. Yuriko Yokoyama, *Meiji Ishin to Kinnsei Mibunsei no Kaitai* [The Meiji Restoration and Abolishment of Status System] (Tokyo: Yamakawa Shuppansha, 2005), pp. 30–46.
 28. *Tenpōdo Gokaiseishojitome 10, Tempō Senyoruishu, Kyūbaku hikitugisho* [Collection of Orders and Precedents in Tempō Period (1830–44)], National Diet Library. See Sakamoto's discussion in Tadahisa Sakamoto, *Tenpō Kaikaku no Hō to Seisaku* [Law and Society in Tempo Reform] (Tokyo: Sōbunsha, 1997), pp. 156–62.
 29. Excepting Shin-yoshiwara chou, chou communities in Edo gradually lost their characteristics as professional precincts and came to substitute their real and respective duties by making cash payments. Shin-yoshiwara chou retained its official duties and privileges. See the discussion in Nobuyuki Yoshida, *Kinsei Kyodai Toshi no Shakai Kōzō* [Social Structure of Early Modern Megalopolis] (Tokyo: University of Tokyo Press, 1991).
 30. Yokoyama, *Meiji Ishin to Kinsei Mibunsei no Kaitai*.
 31. For example, in 1862 some anti-shogunate royalists, including Shinsaku Takasugi and Kaoru Inoue, stayed the night at the famous inn, Dozō Sagami, which had many *meshimori-onna* (prostitutes), and left to carry out an arson attack on the British legation in Shinagawa.
 32. In Edo, some geisha, females and males, were in a situation similar to that of yūjo, who were often trafficked as *nenki-bōkōnin*. For geisha, see Ashita Saga and Nobuyuki Yoshida, ed., *Shirizu Yūkaku Shakai 1: Santo to Chihōtoshi* [The World of the Pleasure Quarters 1: Three Cities and Local Towns] (Tokyo: Yoshikawa Kōbunkan, 2013).
 33. "Tokyohu Shiryou" [Historical Documents of Tokyo Metropolitan], Naikaku Bunko, National Archives.
 34. "Meiji 5 nen Hourei Zensho" [Statute Book of Meiji 5th].
 35. "Shougikaihō", 606.A2.14, Tokyo Prefecture Historical Materials, Tokyo Metropolitan Archives.
 36. "Shougikaihō", 606.A2.12, Tokyo Prefecture Historical Materials, Tokyo Metropolitan Archives.
 37. Yoshida, "Yūkaku Shakai", pp. 49–51.
 38. "Tokyohu shiryō", Naikaku Bunko, National Archives.
 39. Ibid.
 40. "Geishougi torishimari shorui" [Historical Documents about the Regulation of Prostitutes and Geisha], 606.A7.6, Tokyo Prefecture Historical Materials, Tokyo Metropolitan Archives.
 41. Ibid.
 42. Ibid.
 43. Ibid.
 44. "Shougikaihō", 606.A2.12, Tokyo Prefecture Historical Materials, Tokyo Metropolitan Archives.
 45. Nobuyuki Yoshida, *Kinsei Toshi Shakai no Mibun Kōzō* [The Structure of Status in the Urban Society in Early Modern Japan] (Tokyo: University of Tokyo Press, 1998), pp. 292–7.
 46. "Dajōruiten", 2-168, National Archives. See Sumio Obinata, *Nihon Kindai Kokka no Seiritsu to Keisatsu* [Birth of Modern State of Japan and Police] (Tokyo: Azekura Shobō, 1992), pp. 280–5.
 47. For the *Maria Luz* incident, see Tomoko Morita, *Kaikoku to Chigai Hōken* [The Opening of Japan and Extraterritorial Rights] (Tokyo: Yoshikawa Kōbunkan, 2004).
 48. For the trade in exporting coolies from China, and the attitude of British officials, see Chapter 6 by Ei Murakami in this volume.

49. Setsuko Sonoda, *Nanboku Amerika Kamin to Kindai Chugoku Jyūkyūseki Transnashonarumaigrēshon* [Overseas Chinese in the Americas and Modern China: Transnational Migration in the Nineteenth Century] (Tokyo: University of Tokyo Press, 2009).
50. For Josephine Butler, see Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (Cambridge: Cambridge University Press, 1980) [Japanese tr. Tomomi Nagatomi, *Baishun to Bikutoria Cho Shakai* (Tokyo: Sophia University Press, 2009)].

CHAPTER 9

The End of Slavery in French West Africa

Martin A. Klein

Introduction

In Chapter 2 in this volume, Sue Peabody talks about France's two abolitions. This article focuses on a third abolition. It did not happen in any single year, though there were landmark pieces of legislation in 1903 and 1905, and their centennials were largely ignored in both France and Africa. The first abolition, in 1794, was never really implemented in Africa and annulled when Napoleon re-established slavery in 1802. The slaves of St Louis and Gorée were freed by the British in 1807, and when the French returned, some of them moved to the new British settlement of Bathurst in the Gambia.¹ The second emancipation during the revolution of 1848 was clear, simple and seemed decisive, but French colonial governors did their best to prevent the colony from becoming a refuge for slaves from elsewhere and to limit its application when French sovereignty was extended outside the two island bastions. The most definitive action to free the slaves came in 1903 and 1905 with two acts, which did not actually make slavery illegal, but enabled slaves to leave their masters. Thus, in much of French West Africa, began the process of emancipation.²

Slavery in West Africa

As in all slave societies, there were a number of different types of slaves in West Africa during the mid-19th century. The largest number were probably agricultural slaves, some of them owned by smallholders, but the majority were on large estates, particularly in

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