Civil Servant or Obedient Servant?
Ideal(ized) Officials in 16th Century Japan

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It is generally acknowledged among constitutional historians that the development and growth of a civil service is one of the most significant hallmarks for the emergence of the (early) modern state. In the European context, the process of "state-building" in the sixteenth and seventeenth centuries went hand in hand with the creation of a multitude of positions for *consiliari* and *ministri* at the various large and small courts of those who claimed the newly fashionable concept of "sovereign power" for themselves. These councilors and ministers were not only required to play an increasing role in the day-to-day management of human and material resources of an ever growing territory, they also faced a situation, courtiers in previous times, would most likely have found very hard to accept. Basic knowledge of economics, law and administrative practice were considered necessary qualifications, as impartiality and loyalty were the chief ethical requirements. Yet even the most qualified official was subject to transfer, promotion, or demotion at any time, gone were the days of strong personal ties between prince and courtier. Welcome to the Weberian rationalization of politics, to the bureaucratization of power! The contemporaries were very much conscious of these developments, as witnessed by the attention political writers such as Lipsius, Seckendorff and others devoted to the subject of the "ideal official".[1]

Meanwhile, half a world away, in Japan, a somewhat similar development took place. Here too, *daimyō*, regional rulers "just like our kings" in the words of one Western observer,[2] were accumulating unprecedented powers, styling themselves as legitimate bearers of public authority, and in the process developing impersonal state-like administrative

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[1] For a brief synopsis of the continental European literature see Michael Stolleis, *Staat und Staatsräson in der frühen Neuzeit* Frankfurt: Suhrkamp, (1990), pp. 197-207.
[2] Guido Gualtieri in 1586, as quoted in Peter Kapitza (ed.), *Japan in Europa* München: iudicium, (1990), p. 158

structures. Eventually these autonomous domains would become part of a semi-centralized system that historians like to call an "early modern state", the *bakuhan* system of Tokugawa Japan. Much ink has been spilled describing the process of turning a warrior aristocracy into a corps of administrators, most recently the focus was on what it took to "tame the samurai".[3] Terms derived from Western political theory are freely used in describing the set-up in Japan that we consider early modern and it would seem, in most cases justifiably so. Just like in Europe, the efforts of qualified and diligent officials helped to make the exercise of power over a given territory in Japan, at the same time, more complete and less personal. The degree of control that rulers of the best organized domains had over their territory made them contenders for the role of unifier, while their administrative mechanisms could (and did) serve as a blueprint for a nationwide structure. For all intents and purposes, it was this phenomenon that brought the age of Warring States to an end by 1600 and made a re-unification of Japan possible.

With the collapse of a traditional order the ethical restraints that had governed action of individuals (and provided the categorical framework for the legal system) before the advent of the *Sengoku* or "Warring States" period in mid-fifteenth century Japan tended to disappear. The political free-for-all that followed offered potential rewards that far outweighed any moralistic concerns on part of the actors, most of whom were low-level provincial warriors. The breakup of the old political system vastly enhanced the opportunities of upward social mobility. The victors in such a power struggle had often acted with extreme disregard for traditional ethical norms in order to achieve their position. Yet at the same time they created a new set of norms and values that governed their actions. Self-reliance, trustworthiness, loyalty, but also shrewdness, cunning, and plain good fortune were highly regarded.

To the outsider, a society that rewards those who possess naked military power with authority to govern will look anarchical. Indeed, often the new rulers are also the gravediggers of the old order. However, for anyone inside such a system the quest for power made possible by the instability is also a quest for order, if only in order to solidify the position one has achieved. What looks like anarchy from a physical and

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[3] See Eiko Ikegami, *The Taming of the Samurai* Cambridge: Harvard University Press, (1995).

chronological distance might well appear to be a necessary process of re-ordering for those involved.

The new order that was being created in the domains of *Sengoku* Japan was by necessity based on the values and norms that had crystallized in the period of instability. These values and norms, then, formed the backbone of a new system, but it should be remembered that the new legal and administrative structure was also expressly designed to prevent any further "hostile takeover bids". Consequently, it was probably necessary to *negate* some of the values that the creators of the new order had espoused in the process of building it. The new order, then, was both innovative and conservative at the same time. Depending on the amount of time that has passed since the collapse of the old order and the relative freshness of the historical memory of that previous system in the minds of the new rulers, such a situation often leads to the re-incorporation of many traditional norms, values, and concepts.

In the case of *Sengoku* Japan, that historical memory was not only relatively fresh, but the traditional (Confucian, for lack of a better term) value system was an integral part of a highly literate culture which any newcomer to the political arena was eager to mimic. Confucian doctrine combined ethical precepts with practical administration. Thus, in sketching the "ideal official" political theorists in Japan would conceivably have had a somewhat easier time than would their European contemporaries. For the latter, the establishment of a new administrative structure meant a radically new departure. In other words, building a bureaucracy and supplying a system of ethics for civil servants was nothing new, even though the political order that this bureaucracy was designed to uphold was of a very recent vintage indeed.

Most *sengoku daimyō* had a smattering of, admittedly sometimes ill digested, Confucian wisdom that they were trying to apply to the realities of war-torn Japan. Furthermore, in a very theoretical sense the old order did indeed still exist, since all legitimacy was ultimately derived from the emperor. But how does one reconcile that idea with the reality of having achieved one's rightful position thanks to one's own military might?

Indeed by implicitly interpreting the breakdown of the old order and the creation of a new one as just a process of re-ordering, any player on the political scene could openly utilize the expertise of representatives of the old order without compromising his image as a self-made "new man". By the same token, stressing the fact that one had come to power thanks to

one's ability and initiative in unstable times did not seem to imply a lack of legitimacy.

The most important question any newly minted *daimyō* faced was how to eliminate any threat to his authority from inside his domain, most notably from amongst those closest to him. Having benefited from what contemporary observers called "*gekokujō*", or "the lower overthrowing the upper", any *daimyō* was trying very hard not to fall victim to the same dynamic.

This was true of every *daimyō*, however, the focus of this paper will be the house of Takeda, which ruled a considerable part of eastern Japan from their home base in Kai province (present day Yamanashi prefecture) for most of the sixteenth century. The exploits of Takeda Shingen (1521-73), his son and successor Katsuyori (1546-82), and their allies and vassals were immortalized in the "Kōyō Gunkan", or "Mirror of the Illustrious Warriors of Kai". This chronicle of the house of Takeda was written and published in the first half of the seventeenth century, some 50 years after the destruction of the Takeda forces at the hands of the founding father of the new order, Tokugawa Ieyasu.[4] It is a valuable source of information not only about the Takeda and their administration, but also about what was considered an exemplary administrative system in the eyes of "early modern bureaucrats". Needless to say, the Kōyō Gunkan provides an often idealized and romanticized picture of war-torn Japan, and much of the information is anecdotal and thus neither exhaustive nor statistically representative. However, it should provide a valuable glimpse into ethical and administrative standards required of the sometimes none too civil but hopefully always obedient servants of Sengoku and, by extension, early Tokugawa Japan. What ethical norms governed their actions and what were these norms based on?

Michael Stolleis has outlined several political functions of an ethical system in an essay on the fundamentals of civil service ethics.[5] Such

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[4] The text of the Kōyō Gunkan appears to have been completed by 1621, with the first known print appearing in 1656. For the history of the document see Reinhard Zöllner, "Die Takeda als Feudalherren in Kai no Kuni im Spiegel des *Kōyō Gunkan*," *Japan von Aids bis Zen*, vol. 1, Eva Bachmayer, Wolfgang Herbert and Sepp Linhart, eds. Wien: Institut für Japanologie der Universität Wien, (1991).

[5] See Stolleis, 199.

a system of ethics will be effective where other mechanisms of control fail, it enhances the stability of the political system, it justifies the demand for additional sacrifices in times of crises, and it prevents political adversaries from gaining power. Though Stolleis' thesis is based exclusively on continental European data, it would appear that traditional Confucian doctrine has similar characteristics. One key element in such a construct has to be the concept of loyalty, since no early modern ruler could hope to govern around or against a rebellious bureaucratic apparatus. Two considerations are therefore crucial in the recruiting process of officials, namely competence on one hand, and predictable behavior towards the holder of political power, i.e. loyalty, on the other.

With regard to loyalty, it should come as no surprise that old concepts of a vassal's fealty to the lord were apparently frequently utilized in *Sengoku* Japan, and the Takeda are no exception. The realities of civil war had changed the character of lord-vassal relationship over the course of the 15th and 16th centuries. Traditional political philosophy had always viewed it in strictly hierarchical terms, there was no implied equality between the lord and vassal, unlike their European counterparts they were not considered partners in a contractual relationship. In fact, this had been a relationship linking individuals of different status. The bond it provided was strong and theoretically immutable, a vassal who failed to fulfill his obligations was likely to be stigmatized. The lofty ideals of selfless service and self-sacrifice for the lord remained firmly in place, if contemporary literature is any indication, but they ceased to be the accepted norm for action. Instead, we read of individuals who joined someone's service for purely pragmatic reasons, choosing a lord because of his perceived economic position and military reputation, regardless of his formal status. A relationship thus based on expediency proved to be rather easily dissolvable, the loyalty of the vassal had to be constantly secured by a steady stream of rewards, unless he find another employer.

The Takeda, like most other warlords of *Sengoku* Japan frequently utilized the instrument of oath taking to reinforce the concept of immutability of a vassal's bond to his lord. Important vassals as well as family members swore an oath of fealty on the two most important family treasures, a white flag with a red sun ball, and a suit of armor known as "The Shield-less" (*Tatenashi*), both reputedly belonging to Minamoto

Yoriyoshi, a direct ancestor of the Takeda.[6] The formula, "As the Exalted Flag and the Shield-less be my witness"[7] leaves little doubt that the oath sworn in such a manner created a strong personal bond between lord and vassal. On the occasion of succession to the headship of the house, the *daimyō* himself swore on those family heirlooms. It appears, however, that swearing this rather old-fashioned oath was the prerogative of very few who entered the service of the Takeda, and that it was considered mostly a family affair.

Another more common form of oath taking in medieval Japan involved invoking the wrath of a multitude of *kami*, Buddhas, and Bodhisattvas should the oath be broken. Taken usually at a Shinto shrine or Buddhist temple, such oaths could conceivably be tailored to the current political situation and thus could provide a vehicle of extracting promises of loyalty from people who would not enjoy a strong personal bond with the *daimyō*. Takeda Shingen was not one to take chances, he let even his nephew Nobutoyo swear in 1567:

> Item: Not to break any of the promises made previously.
> Item: Not to contemplate treason and rebellion while serving Lord Shingen.
> Item: Not to reach an agreement with enemies, such as Nagao Terutora,[8] no matter what the promised reward will be.
> Item: To serve and protect Lord Shingen without fail, even if the warriors of Kai, Shinano, and western Kōzuke provinces should plan rebellion.

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[6] According to legend, he received the flag from emperor Go-Reizei (r. 1045-1068), and bequeathed it and the suit of armor to his third son Shinra Saburō, the founder of the Takeda line.

[7] *Mihata tatenashi mo shōran are.* For example see *Kōyō Gunkan*, vol. 2, bk. 30, 103. The most complete published version of the text is Hattori Harunori and Isogai Masayoshi, eds., *Kōyō Gunkan*, 3 vols. *Sengoku Shiryō Sōsho*, vols. 3-5: Tokyo: Jimbutsu Ôraisha, (1965). In the following, quotations from the text will be referenced as KYGK followed by the volume in the modern edition, the book in the original, and the page number.

[8] Uesugi Kenshin of Echigo province, Shingen's most important enemy at the time.

> Item: Never to make common cause with those from inside the house who plan evil against the province of Kai or its ruler, or who speak in a cowardly fashion.[9]

After this follows a long list of deities whose wrath Nobutoyo would incur should he break the oath, and a sneak preview of what that wrath might bring. Invocation of the supernatural was commonplace in such oaths, and many warriors appear to have been deeply religious. But as rule religious beliefs rarely seem to provide the basis for any moralistic concerns and ethical guidelines were not expressed in religious terms. The reason for this is not the absence of a single religious doctrine capable of acting as a ubiquitous moral arbiter in medieval Japan. Rather, it appears that the inherent dangers and the insecurity of the *Sengoku* period created a fatalistic attitude in people. In such a setting, religious beliefs now became a less practical affair, observances were not thought of as effective means to influence reality. The general understanding that emerges from a close reading of the records was that if one did what had to be done with a pure heart the gods, Buddhas, and Bodhisattvas would be favorably inclined to one's person. However, this did not imply that a specific act of worship would necessarily bring a desired result. Consequently, religious beliefs and the day-to-day affairs a warrior had to attend to, be it military or administrative tasks, were interconnected only in a very general sense. Religion in this context could not very well provide moral guidelines to specific actions. The realities of the times were such that what had to be done had to be done at any cost. Some of the most powerful and ruthless *daimyō* were devout Buddhists, most notably Uesugi Kenshin, Takeda Shingen, and Hōjō Soun, but their actions made very clear that they were anything but pacifists. In other words, religious convictions had very little to do with practical actions, and religious doctrine did as a rule not provide moral and ethical guidelines for the behavior of those in power and of those trying to take this power from them. This is not to say that warriors were

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[9] For the full text see *Kōfu Shi Shi. Shiryō hen.* Vol. 1 Kōfu: Kōfu shi yakusho, (1980), p. 660 (document 441). Curiously, the exact same text was used on several different occasions. Cf. Reinhard Zöllner, *Die Ludowinger und die Takeda* Bonn: Verlag Dieter Born, (1995), pp. 236-238.

not spiritual people, but their spirituality rarely seemed to inform their actions.

The documents that come closest to providing a "workable" realistic ethical guideline for the upper echelons of warrior society in *Sengoku* Japan are the so-called "House Rules" (*kakun*). Guidebooks written by the head of a powerful household to his heir apparent, these documents constitute perhaps the best primary source material on the question of warrior ethics in medieval Japan. Contemporary chroniclers appear to have made little distinction between these "House Rules" and the so-called "House Laws" (*kahō*) often treating them as closely related documents. However, only the latter had legislative character, whereas the former were usually personal documents directed to an identifiable individual addressee. Therefore they provide valuable information about the value system of warrior society and the ethical norms that guided the behavior of its political actors. The authors of *kakun* wasted very little ink on discussions of the "true warrior spirit" deciding instead to concentrate on the nitty-gritty details of everyday administrative tasks, from disaster prevention to resource management. No amount of fatalism could blind the upper echelons of warrior society to the fact that to neglect rational calculation and planning for the future was to invite disaster.

The "House Rules" of the Takeda form the second volume of the Kōyō Gunkan. This *kakun* is actually a lengthy letter of instruction written by Shingen's brother for the benefit of his son, the same Nobutoyo who was later to swear the oath we encountered previously. The 99 articles of this document seem to cover every imaginable topic that was of significance for a future member of the of the warrior elite of Kai. Furthermore, the advice to young Nobutoyo from his father is virtually littered with quotes from the Analects. Naturally, service to the lord is of utmost importance.

> In the service of the lord, there shall never be any treachery.
> The Lun-yu says, "One has to be there when it is built, and one has to be there when it falls."
> It also says, "Devote your life to the service of the prince."[10]

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[10] Art. 1, KYGK 1, 2, 57. The first quote is from Lunyu iv, 15. See James Legge (trans.), *Chinese Classics* vol.1 Oxford: Clarendon Press, (1893), p. 167 for the original text and a somewhat different translation. The quote

> As for the lord, whichever assignment you might receive from him, don't complain.
> It is said: The king might be lacking as king, but the minister may never be lacking as minister.[11]
>
> While in service, never be the slightest bit late.
> The Lunyu says, "Upon receiving the lord's command, don't wait for the palanquin."[12]

Along with the ubiquitous admonitions to show bravery on the battlefield, to cherish the art of war, and to treat one's vassals justly, some at first glance less pragmatic topics are given prominence as well.

> Never be unfilial towards your father and mother.
> The Lunyu says, "It is good to exert oneself for one's father and mother."[13]
>
> Never make light of your older and younger brothers.
> In the Houhanshu[14] we read: Older and younger brother are like right and left hand.[15]
>
> Never be negligent in your studies.
> The Lunyu says, "Studying without thinking is dishonest. Thinking without studying is dangerous."[16]

The author of these lines, presumably Shingen's younger brother Takeda Nobushige (1525-1561), tries very hard to display great familiarity

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appears to have been taken somewhat out of context. The second quote is from Lunyu i, 7. See Legge, 140.

[11] Art. 32. KYGK 1, 2, 66.

[12] Art. 69. KYGK 1, 2, 76. Quote from Lunyu x, 13. See Legge, 235.

[13] Art. 6. KYGK 1, 2, 58. Quote from Lunyu i, 7. See ibid., 140

[14] Chronicle of the Later Han Dynasty, compiled by Fan Ye (398-445) from the state of Song (Northern and Southern Dynasties Period).

[15] Art. 7. KYGK 1, 2, 59.

[16] Art. 11. KYGK 1, 2, 60. Quote from Lunyu II, 15. See Legge, 150

with the Chinese classics, quoting verbatim, if not always correctly, not only from the Lunyu but also from a number of other more obscure works. It appears that traditional Confucian doctrine[17] provided sufficient theoretical underpinnings for the concept of loyalty in mid-sixteenth century Japan, and that no new and further reaching constructs were required, at least as far as the Takeda were concerned. The fact that the document remained in print (as part of the Kōyō Gunkan) throughout the "early modern" Tokugawa period further underlines the usefulness of an old doctrine for a new order. The biggest problem in ensuring the loyalty of a retainer was apparently not to find a new theory of obedience, but to maintain the usefulness of vassals as fighting men while at the same time reducing their independence. For these purposes, rehashed Confucian doctrine seemed sufficient.

At any rate, the most pronounced ethical imperative to emerge form the pages of the Takeda House Rules is based on wisdom derived from a work very close to every warrior's heart:

> Always avoid falsehood.[18]
> The Sunzi[19] says, "Even if integrity might not yield an immediate favor, in the end one's patience will be rewarded." But doesn't in military strategy everything depend on the right moment? Tell your descendants to cherish the truth and to weed out falsehood.

At times it appears as if the greatest concern of the author of these House Rules was the lack of any ethical standards, and as a result he tried to provide yardsticks for just about anything. Perhaps the age-old adage of "today's youth is much wanting in manners" was partly to blame for this, but the concerns were real. The recipient of this letter was expected to play a leading role in warrior society, he had to behave in an exemplary fashion, trying to conform to medieval ideal of a warrior on one hand while coping with the tasks of day-to-day administration on the other. Nobutoyo was preparing to become a vassal of Shingen's, and leading member of the powerful military machine and the vast administrative apparatus of the

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[17] No reference to Neo-Confucian doctrine is made in the "House Rules".
[18] Art. 5. KYGK 1, 2, 58.
[19] Classic of the Art of War, written by Sun Wu during the Warring States period (403-221 B.C.).

Takeda domain. There he would be sure to face many pressures that came with being a relative, a vassal, and an official of the lord.

The bureaucratic apparatus of a domain of the size of Takeda Shingen's was by necessity quite specialized and relatively sophisticated. Usually a distinction between relatives of the Takeda and other vassals was made, as is also exemplified in the practice of oath taking described earlier. According to Book 27 of the Kōyō Gunkan, a senior vassal once explained the link between social stratification and the Takeda administration in the following words:

> Man has a head up above, hands in the middle, and feet down below. Thus there exists a high, a middle, and a low. Now man is the greatest of all living things. Therefore he is an example [for how things are ordered]. Heaven grants to some abundance and to others scarcity, thus there exist those above, those below, and those in the middle. Because of that those below ask those above and those in the middle [for help], and receive grace in return to make a living. Among the [manifestations of] grace, grants of land are the highest. As a result, the greatest of those who are the greatest of all living things becomes the ruler who gives land to everybody, high middle, and low, without distinction. All those upper, middle and lower people band together and serve the ruler. However, few of those men belong to the upper and middle [classes], taken together they are called officials. The one who gathers those officials together, grants them sustenance and showers them with benevolence is called the prince, that is the ruler. From the prince the few receive land and become landowners. They have to serve [the ruler] lest they forfeit their land. This service can take eight different forms. First there are messengers, second – guardsmen, third – attendants, fourth – suppliers and caterers, fifth – engineers, sixth – officers, seventh – judges, and eighth – the military. Who serves well will receive additional land, who fails will not.[20]

It is clear from this passage, which ostensibly was written in 1547, that the author was operating in a categorical framework informed by Confucian doctrine. He seems to be mostly concerned with the perceived reciprocity of

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[20] KYGK 2, 27, 40-41.

service and land grant. This reciprocity, however, does by no means imply an equal standing of the parties entering such a relationship, the distinction between those above and those below is considered a preexisting condition. Of course the relationship between the giver and the recipient of “grace” is a personal one, its continued validity will be evaluated on an individual basis, it is conceived of as a relationship of vassalage, not as one of employment. Yet the passage lists obligations besides military service, indicating a growing differentiation in the responsibilities of vassals.

One would expect therefore, a heavy emphasis in the records on the qualifications of officials and on their competence in fulfilling their assigned tasks. Indeed, article 38 of the “House Rules” states:

> If a man is employed in service, he should be given a post that is in accordance with his abilities.
> There is an old saying: A good carpenter does not throw away timber, a general does not abandon his soldiers.[21]

A good official in Shingen’s service should ideally have what European writers would have called *eruditio practica*, i.e. a wide-ranging knowledge of various matters, civil as well as military. There appears in the “House Rules” a passage that could be interpreted as apprehension towards overly specific qualifications:

> Although a man might appear knowledgeable, one must seriously think before employing him.
> There is an old saying: As you covet another cup of sake, you loose a full boatload of fish.[22]

It is competence, then, that sets the good official and the *daimyō* himself apart from those below him and from his deposed predecessors. Such a political philosophy fit the requirements of an emerging political elite of warriors in late medieval Japan very well, despite, or perhaps because of, the fact that it had lain in the heart of the old order as well. As is often the case with great upheavals and periods of change in history, those

[21] KYGK 1, 2, 68.
[22] Article 90. KYGK 1, 2, 80.

who engineered the change were wont to stress the elements of historical continuity.

What, then, were the chief requirements for officials in the service of the Takeda and how were they justified? First and foremost it is worth noting that in virtually all cases where service in the Takeda domain is described in contemporary and near contemporary documents, such service is treated as a vassal's duty. The personal aspect of the relationship between the ruler and the official in question is very frequently stressed. Competence is important, but anecdotal evidence suggests that an in practice loyalty was the key factor for employment and retention.

Over the course of the late sixteenth century the Takeda and many other *daimyō* became territorial rulers presiding over a sophisticated administrative mechanism that was functionally a civil service bureaucracy. Yet the individuals staffing it were first and foremost vassals of the lord. The growing administrative needs made it possible for them (and desirable for the ruler) to show their obedience by serving well wherever they were assigned. Was such an official an "early modern civil servant"? This author would be inclined to characterize him rather as an obedient servant fulfilling civil service functions.

By contrast, in Europe where the theory of medieval vassalage assumed two equal (i.e. free and arms-bearing) individuals, demands for absolute loyalty to the ruler could not be explained within the categorical framework of a lord-vassal relationship. The development of the early modern state required the members of its civil service to be absolutely loyal to their sovereign state, and to their sovereign as representative of that state. Here the civil servant had to be obedient in a way the medieval vassal had not been. In Japan, on the other hand, the pre-existing concept of a vassal's absolute obedience to his lord had by necessity been broadened to include civil service tasks. Such a broadening did not initially require the formulation of new ethical concepts, although later Tokugawa period philosophers would touch upon the subject in the course of redefining the warrior as an administrator.

Are the two cases comparable at all? Perhaps only in so far as one keeps in mind the admonition of the sage:

> The noble man observes without comparing, the common man compares without observing.[23]

[23] Lunyu ii, 14. Legge, 150.