

Giving Up the Gun? Overcoming Myths about Japanese Sword-Hunting and Firearms Control[†]

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Every time a mass shooting occurs in the United States, there is a call for tighter regulation of civilian firearm possession. Debates often ensue as to whether tighter regulation would lead to a reduction in the number of deaths and injuries caused by firearms. In such debates, present-day Japan is often used as an example of a correlation between tight regulation and a low level of firearms-related deaths and injuries. Stringent firearm regulation in Japan is said to date back centuries. It has been claimed that successful precedents which formed the historical and social basis of current Japanese gun control include regulations enacted by Hideyoshi Toyotomi in the late sixteenth century, by the Edo shogunate between the early seventeenth and mid-nineteenth centuries, and by the Meiji government between the late nineteenth century and the early twentieth century. But what if the ‘successful historical precedents’ are not based on historical facts? This article addresses this widely held myth concerning the Japanese case and seeks to contribute to the theory on the relationship between arms availability and armed violence based on the available historical findings.

Since the 1990s, domestic firearms control has been one of the key issues in small arms control. Numerous initiatives have been taken by government agencies and non-governmental organizations (NGOs) to strengthen control over ownership, carriage, storage, and use of firearms in their own countries or to help other countries by providing financial and technical assistance to implement stronger domestic regulation of firearms. In countries such as the United States (US), where more than 30,000 gun-related deaths have been reported annually in recent years, domestic firearms control has met with both enthusiasm and resistance.¹

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¹ Kristof, ‘How to reduce shootings’, *New York Times*, 20 Feb. 2018; Xu, Murphy, Kochanek, and Bastian, ‘Final data for 2013’.

At the same time, an increasing volume of theoretical studies and case studies have focused on the relationship between arms availability and the level of armed violence, especially in Anglophone literature. At first glance, a higher level of arms availability may seem to lead to a higher level of armed violence. However, studies have shown that it is hard to establish a straightforward positive correlation between the two variables, and the relationship between them is more complex, dynamic, and context-dependent than generally thought.² Therefore, research has been conducted to identify, for instance, parameters which tend to contribute to lower levels of armed violence in societies where arms are widely available. Studies have also analysed the defining factors which have helped domestic firearms regulations to effectively reduce the level of armed violence in some societies.

In such literature as well as in policy debates and media reports over domestic firearm control, present-day Japan is often used as an example of a simple positive correlation between tight regulation and a low level of armed violence.³ Moreover, the current firearm regulation in Japan is said to be founded on a centuries-old history of weapons prohibitions and the cultural and social basis which was formed over the course of the country's history.⁴ Therefore, studies of Japanese gun control tend to focus on why the stringent regulation was effectively implemented and why the Japanese consented to give up guns.

Most Anglophone literature and media reports on past Japanese cases draw heavily on a book authored in 1979 by Noel Perrin, then professor of English at Dartmouth College in the US.⁵ The book, *Giving up the gun: Japan's reversion to the sword, 1543-1879*, argued that the Japanese stopped using guns for over 200 years after 1637 and became almost entirely gun-free.⁶ However, Perrin's argument has received heavy criticism and a plain dismissal by Japanese historians, who state that it is based neither on historical facts nor the existing archives.⁷ Instead, Japanese historians have shown that guns were not given up, and in fact guns were possessed by *hyakusho* (peasants; cultivators; villagers)⁸ and *bushi* (warriors). Despite the clear dismissal by Japanese historians, the central argument of Perrin's book has been treated as an undisputed truth in gun control policy debates as well as in the Anglophone academic literature on the relationship between arms availability and armed violence.

This article addresses this 'alternative fact' concerning the Japanese case by correcting the information based on the available historical findings. It also analyses the implication of such historical findings for the theory on the relationship between arms availability and armed violence.

² Greene and Marsh, 'Conclusions'.

³ Ashkenazi, 'What do the natives know?'; Kodan, 'In Japan, gun violence'; Fisher, 'A land without guns' in *Atlantic*, 23 July 2012; Kopel, 'Japanese gun control'; idem, 'Why Japan is so safe from guns' in *New York Daily News*, 19 Dec. 2012; Kristof, 'How to reduce shootings', *New York Times*, 20 Feb. 2018; Low, 'How Japan has almost eradicated gun crime' in *BBC World Service*, 6 Jan. 2017; Weller, 'Japan has almost completely' in *Business Insider Nordic*, 11 Oct. 2017.

⁴ Ashkenazi, 'What do the natives know?'; Astroth, 'The decline of Japanese'; Kopel, 'Japanese gun control'; idem, 'Why Japan is so safe from guns' in *New York Daily News*, 19 Dec. 2012; Law Library of Congress, *Firearms-Control Legislation and Policy*, pp. 117-31; Low, 'How Japan has almost eradicated gun crime' in *BBC World Service*, 6 Jan. 2017; Weller, 'Japan has almost completely', in *Business Insider Nordic*, 11 Oct. 2017.

⁵ Perrin, *Giving up the gun*.

⁶ *Ibid.*

⁷ Fujiki, *Katanagari*; idem, *Toyotomiheiwarei*; Takei, 'Nihonjin'; idem, *Teppou*; Tsukamoto, *Shourui*.

⁸ *Hyakusho* included not only those who engaged in agriculture, but also mountain villagers and fishing villagers who had other means of livelihood. See Takei, *Teppou*, p. 8.

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I

Before looking into the findings of Japanese historians, this section explains the ways in which the Japanese case has been presented in the Anglophone literature. One of the chapters included in a book published in 2012, *Small arms, crime and conflict: Global governance and the threat of armed violence*, receives especial attention, since the chapter entitled ‘What do the natives know?: societal mechanisms for controlling small arms’⁹ seems to exemplify the common understanding of the Japanese case in the policy-oriented Anglophone academic literature. In the section entitled, ‘And the prize for the most successful gun-control programme goes to...’, the case of Japan is brought up and Perrin’s book is refereed.¹⁰ The main argument presented by the author of the chapter, Michael Ashkenazi, researcher at Bonn International Centre for Conversion, is explained below.

Ashkenazi argues that in 1588, the ruler of Japan decreed ‘*taiko no kantanabari* [sic]’¹¹ and ordered ‘all those people not members of the warrior stratum to turn over their weapons, including swords, spears, bows and guns to the authorities’,¹² and the people obeyed this order. The decree’s success was possible because ‘the preceding two centuries were a period of civil wars which came to an end with the unification of Japan. Strong local and national forces were available for policing’.¹³ As a result, the ‘powers of the sword-wielding warrior class were entrenched and in so doing most possibilities for social achievement were suppressed’.¹⁴ The decree ‘established swords as the pre-eminent instrument of violence. So powerful was this symbol that members of the warrior class wore them for centuries as badges’,¹⁵ while firearms ‘were dismissed as unmanly, dishonourable weapons’.¹⁶ This ‘powerful cult and symbolic value of the sword combined with state and communal sanctions to lead to guns being effectively abandoned’.¹⁷

The following government (the Edo shogunate) also ‘embarked on a country-wide effort to suppress the use, development and manufacture of firearms in the early seventeenth century’,¹⁸ and firearm ownership fell dramatically as a result. Ashkenazi argues that ‘[t]he programme was so successful that though there were numerous rebellions against the government in the succeeding 150 years, almost none used firearms in any substantial numbers’.¹⁹ The government also ‘had internal controls to ensure no guns were brought into the capital’.²⁰ Some interpersonal violence was permitted and controlled. For instance, a ‘member of the warrior class could kill someone from the lower class provided he reported on the incident fully and absolutely no guns were involved’.²¹ Nonetheless, guns were given up, and therefore gun violence was put to an end.

Based on such ‘facts’, Ashkenazi argues that the following four factors were key in suppressing firearm use and possession.

1. Separate control of violence from firearm use

The authorities recognized that firearm ownership or use was (to them) pernicious, but

⁹ Ashkenazi, ‘What do the natives know?’.

¹⁰ *Ibid.*, p. 232.

¹¹ *Ibid.*, p. 232. The term should be spelt as *katanagari*.

¹² *Ibid.*, p. 232.

¹³ *Ibid.*, p. 232.

¹⁴ *Ibid.*, p. 232.

¹⁵ *Ibid.*, p. 232.

¹⁶ *Ibid.*, pp. 232-3.

¹⁷ *Ibid.*, p. 233.

¹⁸ *Ibid.*, p. 232.

¹⁹ *Ibid.*, p. 232.

²⁰ *Ibid.*, p. 233.

²¹ *Ibid.*, p. 232.

that interpersonal violence needed an acceptable outlet'.²² It should be acknowledged that firearm use and possession on the one hand and violence on the other are distinct and separate variables, and therefore society needs to treat them separately.²³

2. Involve local interests

The local domains recognized that 'allowing a populace to arm itself would challenge the domains' authority',²⁴ believed in the need to suppress firearms, and therefore 'helped the central government in its programme as a way of protecting their self-interest'.²⁵ It is necessary for the state and local leaders to have a shared interest.²⁶

3. Work firearm control into an ethos, or an ideology, to generate widespread support

An ethos was developed in which '[m]uch of the control over firearms was exercised by symbolically labelling them as inappropriate',²⁷ 'unmanly and dishonourable'.²⁸ A 'sword cult and complete social stratification'²⁹ were adopted. Based on this example, '[p]roviding an emotional or ideological context for rejecting firearm use could well be one of the most critical elements in the ways societies can control small arms. Firearm control needs to be worked into the popular (and state) ethos'.³⁰

4. Security and safety

The Japanese felt that they were safe. This is vital, as '[t]he feeling of personal security is a requirement that cannot be ignored'.³¹

Ashkenazi concludes that the Japanese case shows that both a complex mix of societal, symbolic, and cultural practices were at play at the group and community levels, and legal practices were influential at the state level.³² These different levels are difficult to distinguish when they are, as in the Japanese case, complicit in controlling firearms.³³

Other Anglophone literature tends to draw on Perrin's work. For instance, Neil Cooper, professor of international relations and security studies at Bradford University, refers to Perrin's work and argues that restrictions on guns in the seventeenth and eighteenth centuries resulted in their almost total disappearance from Japanese society.³⁴ He points out that guns represented a threat to the warrior class when in the hands of the lower classes,³⁵ and that the construction of guns as illegitimate weapons was related to the romanticizing of the heroic samurai sword as emblematic of one's honour.³⁶ David Hemenway, professor of health policy at the Harvard School of Public Health, also refers to Perrin's work, claiming that Japan gave up the gun for three centuries beginning in the late sixteenth century.³⁷ Hemenway describes similar political and symbolic reasons for this policy: Guns were a threat to the ruling class, and it was thought that their use removed the skill and beauty from combat.³⁸

²² Ibid., p. 233.

²³ Ibid., p. 233.

²⁴ Ibid., p. 233.

²⁵ Ibid., p. 233.

²⁶ Ibid., p. 233.

²⁷ Ibid., p. 233.

²⁸ Ibid., p. 242.

²⁹ Ibid., p. 233.

³⁰ Ibid., p. 233.

³¹ Ibid., p. 234.

³² Ibid., p. 234.

³³ Ibid., p. 234.

³⁴ Cooper, 'Humanitarian arms control', p. 141.

³⁵ Ibid., p. 143.

³⁶ Ibid., p. 144.

³⁷ Hemenway, *Private Guns*, p. 191.

³⁸ Ibid., p. 191.

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The Anglophone media also argues that gun control has continued to succeed in modern Japan because it is embedded into society and culture. For example, the BBC World Service reported in 2017 that the current Japanese gun control law ‘was introduced in 1958, but the idea behind the policy dates back centuries’.³⁹ The report included an interview with Iain Overton, an advocate of stronger domestic gun control and executive director of Action on Armed Violence, a London-based NGO specialized in armed violence issues.⁴⁰ Overton explains that people in Japan were rewarded for giving up firearms as far back as 1685 and that such measures laid ‘a bedrock saying that guns really don’t play a part in civilian society’.⁴¹

The myth is also promulgated by a gun rights advocate: David B. Kopel, a member of the National Rifle Association of the US and research director of the Independence Institute. Kopel refers to Perrin’s work and claims that Toyotomi and the Edo shogunate were able to remove guns from society because the country was an isolated island with a totalitarian dictatorship in which class oppression was harsh and a free political system was absent.⁴² He also argues that the former *bushi* class lost its right to bear arms after the Sword Abolishment Edict (*Haitourei*) was issued by the Meiji government in 1876, and explains that the 1876 edict and post-Second World War gun control have continued to succeed because they have matched the basic character of Japanese society.⁴³ He argues that the Japanese present-day police have little interest in using or glamorizing guns because they have inherited the idea that guns are for cowards.⁴⁴ Kopel also emphasizes that the strict gun control and the broad weapons search and seizure powers endowed to the Japanese police are accepted by the population since they are embedded in their culture that subordinates the individual to the collective and accepts the authority of their police and government--- the culture which he claims to have been consolidated through the disarmament programme during Toyotomi’s period and the Edo period.⁴⁵ In his view, Japan’s gun laws have grown out of the country’s long history and the resulting culture, in which the individual is subordinate to the collective.⁴⁶ Following this logic, Kopel argues that such an undemocratic norm is not necessarily replicable or desirable in Western democracies.⁴⁷

Moreover, as pointed out by Japanese historian Hisashi Fujiki, some Japanese academics have adopted Perrin’s argument without conducting archival research.⁴⁸ The myth underlying Japanese gun control is especially shared among Japanese arms control practitioners and scholars in international relations, since they tend to rely on the Anglophone literature rather than the work of Japanese historians. For instance, Kenki Adachi, an international relations scholar at Ritsumeikan University, refers to Perrin’s work and argues that people rarely used guns between the seventeenth and nineteenth centuries.⁴⁹ As one of the defining factors behind the prohibition of guns during this period, he

³⁹ Low, ‘How Japan has almost eradicated gun crime’ in *BBC World Service*, 6. Jan. 2017.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² Kopel, Gallant, and Eisen, ‘A world without guns’ in *National Review Online*, 5 Dec. 2001; Kopel, ‘Japanese gun control’. The author thanks Nicholas Marsh for pointing out that Kopel refers to Perrin’s work and argues from a gun-rights advocate’s viewpoint.

⁴³ Kopel, ‘Japanese gun control’.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ Fujiki, *Katanagari*; pp. 2-4, 230-3.

⁴⁹ Adachi, *Kokusai Seiji*, pp. 60-1.

identifies the process of ‘norm-grafting’, by which a new norm (i.e. prohibition of gun ownership and use) gained acceptance by virtue of its association with an already accepted and established norm—the samurai spirit (*bushido*) and its associated sword cult.⁵⁰

There are some overseas historians in Japanese history, such as David L. Howell, who have refuted Perrin’s work and analysed the role of firearms in the Edo period.⁵¹ Nevertheless, most of the existing Anglophone literature as well as some Japanese literature take the Japanese past and present cases as representing a simple positive correlation between tight domestic firearms regulation and a low level of armed violence, and the focus of their debates has been on why the Japanese ‘gave up guns’. Whether pro-gun control or not, many media reports and commentators have also relied on the same myth in making their arguments.

II

Despite the general acceptance of Perrin’s book in the Anglophone literature, Japanese historians have widely criticized the book for its lack of evidence. Although there used to be a general lacuna of literature on this issue in the field of Japanese history, since the 1980s many Japanese historians have argued against Perrin’s claim.⁵² There are inevitable differences in opinion among Japanese historians when it comes to the details,⁵³ but the main criticism against Perrin’s work is as follows.

The prominent feudal lord Hideyoshi Toyotomi (1536-98) indeed ordered the Sword Hunting Ordinance (*Katanagari*) in 1588, and the first article of the ordinance in fact ordered that all *hyakusho* (peasants; cultivators; villagers) be disarmed of their swords (*katana*), short swords (*wakizashi*), bows, spears, firearms, and any other kinds of military instruments. However, there was a significant gap between this article and the actual measures on the ground.

In fact, the first article contradicted the second article in the ordinance, which mentioned only swords and short swords, and it was generally untrue that the overall measure was designed for the total disarmament of the non-*bushi* classes.⁵⁴ The ordinance as a whole was meant to target the *hyakusho* class’s carriage of swords and short swords, not firearms, and it was mostly aimed at consolidating the class differentiation between *bushi* and *hyakusho*.⁵⁵ Carriage of swords and short swords was allowed to the *bushi* class, enabling them to carry these weapons to signify their social strata.⁵⁶ Some members of the *chounin* (townspeople) class who did not cultivate land were also allowed to carry swords and short swords under licence.⁵⁷ The central government did not seem to make concerted efforts to deprive *hyakusho* of firearms, and there are records of orders which permitted *hyakusho* to possess firearms for the purposes of hunting varmints (animals such as boars, deer, bears, monkeys, and birds).⁵⁸ Although the actual use (firing) of firearms seems to have been prohibited in three areas near Toyotomi’s castle, their possession was not prohibited even

⁵⁰ *Ibid.*, pp. 62-4.

⁵¹ Howell, ‘The social life of firearms’.

⁵² Fujiki, *Katanagari*; *idem*, *Toyotomiheiwarei*; Takei, ‘Nihonjin’; *idem*, *Teppou*; Tsukamoto, *Shourui*.

⁵³ See the difference in opinion between the following authors: Fujiki, *Katanagari*; Kobayashi, *Oushuushioki*.

⁵⁴ Fujiki, *Katanagari*; *idem*, *Toyotomiheiwarei*, pp. 174-9.

⁵⁵ Fujiki, *Katanagari*; Takei, ‘Nihonjin’, pp. 54-5; *idem*, *Teppou*, pp. 13-6.

⁵⁶ Fujiki, *Katanagari*, pp. 58-60; Takei, ‘Nihonjin’, pp. 54-5; *idem*, *Teppou*, pp. 13-6.

⁵⁷ Fujiki, *Katanagari*, p. 77.

⁵⁸ *Ibid.*, pp. 76-83; Fujiki, *Toyotomiheiwarei*, pp. 178-83.

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in such areas.⁵⁹ Moreover, the ordinance by the central government was not evenly implemented across the country, and there are records of *hyakusho* possessing and carrying short swords, as well as possessing bows, spears, firearms, wakizashi, and even swords.⁶⁰ Therefore, there was a huge gap between the language of the first article of the 1588 ordinance and the actual measures taken by the government and by local domains.

During the Edo period (1603-1867), regulations over the possession and carriage of arms slightly changed over time, and often differed from one domain to another.⁶¹ Firearms, bows and spears were to a greater or lesser degree owned by all classes, and *hyakusho* used firearms for game and vermin hunting.⁶² In some areas and periods, they even possessed and carried swords. For example, Tadatoshi Hosokawa, a lord of the Kokura domain (located in present-day Fukuoka prefecture), permitted *hyakusho* to carry both swords and short swords in 1624.⁶³ He was transferred to the Kumamoto domain (located in present-day Kumamoto prefecture) in 1632 and served as its lord, issuing an order in 1633 to obligate ordinary *hyakusho* to carry short swords and village headmen to carry both swords and short swords. Tadatoshi even charged penalties for not carrying them.⁶⁴ According to a survey that Tadatoshi conducted himself, *hyakusho* living in some major parts of the Kumamoto domain possessed 1,630 firearms in 1634 and 2,173 firearms in 1641.⁶⁵ Other records show that in 1745, the 955 households in villages on Shiiba mountain (in the present-day Miyazaki prefecture) possessed 436 firearms for hunting purposes, and that number increased to 586 in 1836.⁶⁶ Moreover, *hyakusho* seem to have owned more firearms than the *bushi* class in their domains.⁶⁷ For example, records from the Matsumoto domain (located in the present-day Nagano prefecture) show that the number of firearms possessed by *hyakusho* in 1687 exceeded 1,000, while the domain's *bushi* class possessed only 200 firearms.⁶⁸ In 1863, the Mibu domain (in the present-day Tochigi prefecture) recorded 158 authorized firearms owned by *hyakusho*, whereas other records from 1633 show that the lord of Mibu domain was obliged to store 80 firearms so that the domain could submit them to the Edo shogunate in the event of a war.⁶⁹

Other available statistics also indicate that *hyakusho* possessed firearms, swords, short swords, bows, and spears. For instance, after one of the extremely few instances of serious unrest during the Edo period, the Amakusa uprising (1637-8), in which an estimated 14,000 *hyakusho* rose up against their lords in the Shimabara and Karatsu domains, the lord of the Karatsu domain, Katataka Terazawa, disarmed the remaining rebels in his area. Most of the combatants and their family members (estimated at 37,000 in total) are said to have been annihilated during the uprising, and therefore the number of remaining rebels is likely to have been small.⁷⁰ Nevertheless, the lord of the Karatsu domain is reported to have confiscated 324 firearms, 1,450 swords and short swords, and smaller numbers of bows and spears from the remaining rebels.⁷¹ The *hyakusho* seem to have been skilled shooters since

⁵⁹ Fujiki, *Katanagari*, pp. 65-6.

⁶⁰ *Ibid.*, pp. 83-107.

⁶¹ Fujiki, *Katanagari*, pp. 134-87; Takei, 'Nihonjin'.

⁶² Fujiki, *Katanagari*, pp. 134-87; *idem*, *Toyotomiheiwarei*, pp. 18-31; Takei, 'Nihonjin'.

⁶³ Fujiki, *Katanagari*, p. 138.

⁶⁴ *Ibid.*, p. 139.

⁶⁵ *Ibid.*, p. 141.

⁶⁶ *Ibid.*, pp. 168-9.

⁶⁷ Takei, 'Nihonjin', p. 55; *idem*, *Teppou*, pp. 6-7.

⁶⁸ Fujiki, *Katanagari*, pp. 160-1.

⁶⁹ Takei, *Teppou*, pp. 6-7.

⁷⁰ Takei, *Teppou*, p. 5.

⁷¹ Fujiki, *Katanagari*, p. 5.

they hunted vermin on a daily bases, which could have been one of the reasons why the government forces struggled to suppress the uprising despite the fact that they were larger (an estimated 120,000 combatants) and used cannons.⁷² Moreover, after Katataka was removed from his position for his failure to prevent the uprising, a new lord appointed by the central government, Ieharu Yamazaki, returned the confiscated firearms and other weapons to the *hyakusho* immediately after he took office in 1639.⁷³

Chounin in the Edo area (located in present-day Tokyo) were also allowed to carry short swords, and in some special circumstances they were also permitted to carry swords until this was banned for them in 1683.⁷⁴ However, it was the carriage of swords that was banned, not their possession. When the carriage of swords was regulated for those who did not belong to the *bushi* class, such regulation was generally intended to differentiate the *bushi* class from the rest or to help combat outlaws, who would wear flashy clothes and carry swords.⁷⁵ For instance, in 1619, the Satake domain (in the present-day Akita prefecture) attempted to apply the Edo area's regulation in his domain and prohibited *hyakusho* and *chounin* from wearing certain kinds of hairstyles, from growing a type of narrow moustache that grows downward called *tenjinhige*, and from bearing short swords longer than forty-nine centimetres and swords with long handles or in red lacquered sheaths.⁷⁶ Similar orders were issued in other domains, all of which were meant to clearly distinguish *bushi* from the rest and to help combat outlaws, but not to entirely disarm those who did not belong to the *bushi* class.⁷⁷ These orders also indicate that flashy swords and longer types of short swords were in fact carried by some *hyakusho* and *chounin* as well as by outlaws, which necessitated the above measures to prohibit their carriage.⁷⁸ Obviously, Japan was far from 'almost entirely gun-free', nor was the possession of swords the sole prerogative of *bushi* during this period.

After the Meiji Restoration (1868), the new government issued the Regulations to Control Firearms (*Jyuuhou Torishimari Kisoku*) in 1872 and the Sword Abolishment Edict (*Haitourei*) in 1876. The Regulations to Control Firearms prohibited civilian possession of military-style firearms except for those which were licenced by the authority. Firearms for hunting purposes were outside of the scope of this regulation, and the possession of military-style firearms was permitted under licence, and the arms needed to be registered with the authority and marked.⁷⁹ The Sword Abolishment Edict did not deprive civilians of the right to *possess* swords and short swords, but it restricted the right to carry these weapons to authorized users such as members of the military and police.⁸⁰ These authorized users were moreover only allowed to carry them while on duty.⁸¹ The main aim of the edict was not to entirely disarm civilians but to distinguish members of the authority, such as the military and police, from the rest.⁸² 'Carriage' meant openly carrying and displaying these items, and therefore carrying them in pockets and bags was not prohibited,⁸³ nor was

⁷² *Ibid.*, pp. 6-7.

⁷³ *Ibid.*, pp. 5-6.

⁷⁴ *Ibid.*, pp. 142-51.

⁷⁵ *Ibid.*, pp. 142-5.

⁷⁶ *Ibid.*, p. 142.

⁷⁷ *Ibid.*, pp. 142-5.

⁷⁸ *Ibid.*, pp. 146-7.

⁷⁹ *Ibid.*, pp. 194-6; Takei, 'Nihonjin', p. 68.

⁸⁰ Fujiki, *Katanagari*, pp. 198-200.

⁸¹ *Ibid.*, pp. 198-200.

⁸² *Ibid.*, pp. 198-200.

⁸³ *Ibid.*, pp. 204-5.

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carriage of other kinds of weapons regulated by the edict.⁸⁴

To summarize, guns were not relinquished, the society was not ‘almost-entirely gun-free’, and firearms, swords, short swords, bows, and spears were possessed by all strata of society between the late sixteenth and early twentieth centuries. The prohibition measures during Toyotomi’s reign and the Edo period were focused on the carriage of weapons, especially swords, and they were meant to consolidate class differentiation rather than to disarm the non-*bushi* classes. Similarly, the new regulations after the Meiji Restoration were not meant to entirely prohibit the possession of military-style firearms or to deprive civilians of the right to possess swords and short swords, but were rather designed to distinguish the members of the authority from the rest of society.

III

As noted above, the existing Anglophone literature as well as some Japanese literature have taken the Japanese past and present cases as emblematic of a positive correlation between tight regulation and a low level of armed violence. They have therefore sought to answer to research questions such as why the stringent regulation was effectively implemented and why the Japanese accepted the relinquishment of their guns.

However, as we revise the basic facts based on the available historical findings, we now need to address an entirely different research question. What needs to be analysed and explained is the relationship between the widespread possession of firearms, swords, short swords, bows, and spears by all strata of society on the one hand, and the relative restraint in private violence on the other hand during Toyotomi’s reign and the Edo period.⁸⁵

Based on Japanese historians’ findings, the defining factors which contributed to the restraint in private violence during these periods can be explained at three levels: the state, regional, and village levels.

1. State level: State-making and restraint in private violence

Prior to the unification of the country by Toyotomi, Japan was composed of a number of feudal territories which had been at war for over 100 years. As Toyotomi unified the country, he was able to issue a country-wide law and sought to develop a uniform policy framework. He sought to form a new state based on clearly distinguished class structures and divisions of roles and responsibilities. In this context, limiting the right to carry both swords and short swords to the *bushi* class was primarily meant to differentiate the *bushi* class from the rest and thereby to clarify which class was charged with security matters (*bushi*), to expressly assign the security roles to the central government and domain lords, and to encourage other classes to focus on their own work rather than on security issues. Moreover, some historians point out that this measure formed a policy package with other measures, and these measures taken together generally aimed to restrain what was now regarded to be private (and ‘illegitimate’) violence, placing it in contrast to the ‘legitimate’ monopolized use of physical force by the *bushi* class.⁸⁶ For instance, Toyotomi mediated boundary conflicts between domains, made decisions on boundary issues to settle disputes, and ordered domains to suspend violence and reconcile with each other.⁸⁷ He also took measures to suppress acts of piracy and armed violence between villages and sought to

⁸⁴ *Ibid.*, pp. 204-5.

⁸⁵ Considering the internal uprisings and conflicts in which firearms were used during the Meiji period, this chapter focuses on Toyotomi’s reign and the Edo period.

⁸⁶ Fujiki, *Toyotomiheiware*, p. iv.

⁸⁷ Fujiki, *Katanagari*, pp. 67-72, 228-9; *idem*, *Toyotomiheiware*, pp. 12-76.

resolve inter-village conflicts through court hearings and judgments.⁸⁸ Combined with such measures aimed at restraining private violence between domains, between villages, and by pirates, the limitation of the right to bear both swords and short swords was not expected to contribute to the complete disarmament of villages. Rather, it was intended to strengthen class stratification and thereby prevent *hyakusho* from resorting to private violence.

Engaging in private violence could lead to harsh repercussions. During the Edo period, *hyakusho* and *chounin* were allowed to possess firearms and various kinds of weapons with varying degrees depending on the time and place, but their use for private violence was generally prohibited and often responded to with severe punishment.⁸⁹ For instance, the Edo shogunate issued an ordinance in 1610 in which it prohibited *hyakusho* from using bows, spears, and firearms to fight over land or water disputes. The ordinance stipulated that if such incidents were to occur, all members of the village concerned would be annihilated.⁹⁰ There are records of villages refraining from armed violence with each other for fear of the government's potential response, even though the villagers possessed hundreds of swords, short swords, firearms, bows, and spears.⁹¹ Records also show that the lords' use of firearms against *hyakusho* was tightly regulated and generally prohibited by the central government in the mid-eighteenth century, except in cases where the *hyakusho* also used firearms in their uprisings against their lords.⁹²

Moreover, the demand for carrying weapons actually decreased as private violence came to be restrained. While villagers had no recourse but to defend themselves against outlaws, plunderers, or aggressive neighbours before Toyotomi unified the country, such serious security matters could now be handled at the domain level.⁹³ Since *hyakusho* found that they were generally able to entrust their security matters to their domains and therefore did not need to respond to such matters themselves with weapons,⁹⁴ they did not necessarily need to carry weapons.

2. Regional level: 'Social contract'

It was not only the above top-town initiatives that were at play. Historians point out that a general informal agreement was formed in the Edo period between domain lords and *hyakusho*, holding that neither group would use firearms against the other.⁹⁵ Lords largely abided by the government regulation and refrained from using firearms against *hyakusho*. This was not because firearms were regarded as dishonourable weapons that should not be used by the *bushi* class, nor was it solely because the government severely punished the use of firearms against *hyakusho* by the *bushi* class. Rather, it was largely because any aberration from this rule was feared to break the relationship between the governor and the governed and to lead to the loss of the governor's legitimacy among the governed.⁹⁶ The political system was not democratic in a modern or contemporary sense, and lords were not

⁸⁸ Fujiki, *Katanagari*, pp. 114-26; idem, *Toyotomiheiwarei*, pp. 77-92, 217-39.

⁸⁹ Fujiki, *Katanagari*, pp. 151-2. *Chounin* of the Edo area were allowed to carry short swords but were severely punished for actually using them. For instance, a document produced by the magistrate's office of the Edo area in the latter half the seventeenth century recorded 300 deaths and injuries, 250 of which seem to have been committed by edged tools. The types of items used were described in some 100 out of the 250 cases. The 100 cases were mostly committed by *hyakusho* and *chounin*. Seventy out of 100 cases were committed with short swords, 10 with knives, 5 with kitchen knives, and 10 with other kinds of edged tools. The perpetrators were given severe punishments such as the death penalty.

⁹⁰ Ibid., pp. 126-7.

⁹¹ Ibid., pp. 127-31.

⁹² Ibid., pp. 173-4.

⁹³ Takei, 'Nihonjin', pp. 65-6.

⁹⁴ Ibid., pp. 65-6.

⁹⁵ Fujiki, *Katanagari*, p. 173.

⁹⁶ Ibid., pp. 173-6; Takei, 'Nihonjin', p. 60.

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elected by the populace. Nevertheless, the legitimacy of the lords appears to have been informally ascribed to their relationships with villagers and depended upon whether they were recognized (by villagers) as playing the expected roles.⁹⁷ On the other hand, when *hyakusho* undertook an uprising, they did not use firearms to harm their lords. When villagers brought firearms to an uprising, they fired them to give signals to participants, but not to harm fellow humans.⁹⁸ An uprising was one of the ways for *hyakusho* to negotiate with their lords, such as for a reduction in the amount of annual tribute, and they rarely intended to overthrow their lords.⁹⁹ The case of the Amakusa uprising, which was mentioned in the previous section, was one of the rare cases when firearms were used by both sides with the intent to harm humans. In view of such practices by both the lords and *hyakusho*, historians have observed that there seems to have been an informal agreement between the lords and those involved in uprisings as to the kinds of items to be used against each other,¹⁰⁰ which appears to have been grounded on a certain kind of social contract between the governor and the governed at the regional level.

3. Village level: Tight gun control practices

During the Edo period, villages were entrusted to resolve issues in their daily matters.¹⁰¹ While firearms in the hands of *hyakusho* were nominally regarded as the property of the domains in which they lived, and while the detailed registration records for these arms were kept at the domain level, their day-to-day control was practically undertaken at the village level.¹⁰² In the record, one finds the account of one individual who asked for permission to continue to use his firearm in the following year.¹⁰³ This was not authorized by the village as he was judged as having selfish tendencies, and so the firearm was handed to a person who was believed to be trustworthy.¹⁰⁴ Another record shows that when a firearm was no longer used, villagers sealed the firearm to ensure that it could not be used.¹⁰⁵ Still another record indicates that villages were required to report to their domains when they needed to repair a broken firearm or to substitute a firearm with a new one, so that the records would be updated.¹⁰⁶ *Hyakusho* did not always strictly follow the orders by their domains, but a number of records indicate that villagers registered their firearms with their domains, conducted ‘background checks’ before authorising the possession of a firearm, and safely stored their firearms so that only the licenced users would use their firearms for the authorized purposes. Firearm control faced challenges in the nineteenth century near the end of the Edo period, when the rise of the commodity economy resulted in an increasing number of landless people, some of whom became outlaws and illicitly possessed firearms. However, firearms had been relatively under control until that point.¹⁰⁷

Going back to Ashkenazi’s argument on the ‘lessons learnt’ from the Toyotomi and Edo periods, we could agree that a mix of practices at different levels of society were at play. However, the contexts in these periods were entirely different. A mix of legal, normative, and political factors at different levels of society were at play, not in abandoning guns

⁹⁷ Takei, ‘Nihonjin’; idem, *Teppou*, pp. 137-9.

⁹⁸ Takei, ‘Nihonjin’, p. 60; idem, *Teppou*, pp. 135-7.

⁹⁹ Takei, *Teppou*, pp. 135-7.

¹⁰⁰ Fujiki, *Katanagari*, pp. 176-8; Takei, ‘Nihonjin’, p. 60.

¹⁰¹ Takei, *Teppou*, p. 36.

¹⁰² Takei, ‘Nihonjin’, pp. 58-60; idem, *Teppou*, pp. 115-26.

¹⁰³ Takei, ‘Nihonjin’, p. 59; idem, *Teppou*, pp. 226-7.

¹⁰⁴ Takei, ‘Nihonjin’, p. 59; idem, *Teppou*, pp. 226-7.

¹⁰⁵ Takei, ‘Nihonjin’, p. 59; idem, *Teppou*, p. 228.

¹⁰⁶ Takei, *Teppou*, p. 41. This record also implies that firearms were in circulation, and *hyakusho* could obtain them or repair them when needed.

¹⁰⁷ Ibid., pp. 137-63.

altogether, but in controlling the possession, carriage, and use of weapons and in restraining private violence. These periods can be better analysed as a case where a certain kind of social contract was formed in the process of state unification and early-modern (or pre-modern) state-making and where laws and regulations to differentiate classes and restrain private violence developed and at least moderately functioned at the state, regional, and village levels.

This analysis also indicates that Japan's post-Second World War domestic gun control has not been based on the 'centuries-old history of weapons prohibitions' nor on the 'popular and state ethos' of stigmatizing firearms as dishonourable weapons. Since such 'centuries-old history of weapons prohibitions' did not exist, and firearms were not given up between the late sixteenth and early twentieth centuries, we need an alternative explanation as to how the post-Second World War control was formed.

IV

Based on the available information provided by Japanese historians, the post-Second World War Japanese domestic gun control seems to have been initiated as follows.

Under the Allied Occupation, the Supreme Commander for the Allied Powers ordered the Japanese government to collect 'all arms' possessed by ordinary Japanese nationals between August and September 1945, so as to reduce the risk of any possible danger that might be caused by arms in the hands of 'civilians', some of whom were former soldiers or were feared to resist the occupation.¹⁰⁸ The intention was to disarm the defeated state, not just its military apparatus but also its citizens.¹⁰⁹ The post-war Japanese government initially resisted this order, negotiated to exclude swords from the scope of the disarmament programme, and argued that civilian firearms were already registered and under control by the police.¹¹⁰ However, the Allied Forces refused to compromise, and the Ministry of the Interior accepted the order and directed each prefectural police force to collect weapons except for valuable artistic swords and necessary hunting firearms.¹¹¹ The Ministry of the Interior at first directed in late September 1945 that swords other than valuable artistic swords should be voluntarily submitted to and kept at one's respective prefectural police department, but the Allied Forces demanded in October that weapons should be surrendered and transferred to US military headquarters and that valuable artistic swords and hunting firearms should be strictly regulated.¹¹² Under pressure from the Allied Forces, in November 1945 the Ministry of the Interior directed prefectural police departments to inspect each household to deal with the illicit possession of arms, and the Ministry of the Interior and the police became increasingly active in efforts to control civilian arms possession.¹¹³

By the end of March 1946, within several months after the Ministry of the Interior called for weapons collection, 11,916 handguns, 22,994 machine guns, 395,891 rifles, 384,212 hunting rifles, 243 cannons, 560 autocannons, 239,160 sabres, 582,106 bayonets, 897,786 Japanese swords, and 144,407 spears were confiscated.¹¹⁴ The disarmament programme continued. During the occupation (1945-52), each prefecture seems to have gone through

¹⁰⁸ Ara, 'Senryouki', pp. 15-8; Fujiki, *Katanagari*, pp. 209-10.

¹⁰⁹ Ara, 'Senryouki', pp. 15-8.

¹¹⁰ *Ibid.*, pp. 18-23; Fujiki, *Katanagari*, p. 210.

¹¹¹ Ara, 'Senryouki', pp. 24-5; Fujiki, *Katanagari*, pp. 210-2.

¹¹² Ara, 'Senryouki', pp. 24-6; Fujiki, *Katanagari*, pp. 211-2.

¹¹³ Ara, 'Senryouki', p. 26; Fujiki, *Katanagari*, pp. 212-3.

¹¹⁴ Ara, 'Senryouki', p. 31; Fujiki, *Katanagari*, p. 214.

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five to six rounds of weapons collection interventions.¹¹⁵ Local networks such as neighbourhood associations were utilized to inform and mobilize the public.¹¹⁶ Records from Shizuoka, Kumamoto, and Ibaraki prefectures indicate that the stationed troops themselves patrolled the areas in cars and conducted on-site home inspections.¹¹⁷ Rumours were spread, even by the police, that the stationed troops would use special detectors and that anyone who was found to possess arms would be tried by court martial.¹¹⁸ People relinquished arms or buried them deep underground out of fear.¹¹⁹

In June 1946, the Ministry of the Interior issued the *Jyuuhoutou Shoji Kinshirei*, an ordinance to prohibit the possession of firearms and other kinds of weapons, and its enforcement regulations after close consultation with the Allied Forces. It banned the possession of firearms, ammunition, and swords by civilians in principle, though the possession of hunting firearms, valuable artistic swords, and gunpowder for industrial use were allowed under licence.¹²⁰ Penalties against the ordinance were stipulated in Article 2, and its detailed mechanisms were set out in the enforcement regulations.¹²¹ The 1946 ordinance was replaced with a new ordinance in 1950, which was recognized as the law of the state when Japan regained its independence on 28 April 1952.¹²² It was then updated and replaced by the Law Controlling the Possession of Firearms and Swords in 1958, which has been updated several times up to the present.¹²³ There have been slight modifications to the details of regulatory mechanisms, but the general prohibition of civilian ownership of firearms and swords has remained unchanged.

In sum, it is not an exaggeration to say that it was the US, whose Second Amendment to its Constitution stipulates the right of the people to keep and bear arms and whose population suffers from a high level of gun violence, which was the founder of one of the most stringent domestic gun control laws in the world. Such strict control was initiated as a measure to disarm not only state forces but also the general population of the defeated state. Its basic idea, design, and mechanisms emerged out of the post-war disarmament programme of the former enemy population, not out of domestic policy debates among rights-bearing citizens.

V

When Perrin published his book in the 1970s, the story of a country that voluntarily chose to give up guns, turned back the clock on military technology, and created a relatively peaceful society may have fascinated those who dreamed of a world without nuclear weapons. The myth continues to be promulgated by gun-control advocates as a prelude to contemporary Japan's 'successful' domestic gun control policies. On the other side of the US debate, gun-rights advocates such as Kopel argue that the Japanese gave up guns while under oppressional, dictatorial rule during the Toyotomi and Edo periods and that therefore, Japanese-style gun control is not necessarily relevant in the United States.

Most of the Anglophone literature as well as some Japanese literature on Japan's past and

¹¹⁵ Ara, 'Senryouki', p. 27; Fujiki, *Katanagari*, pp. 212-3.

¹¹⁶ Ara, 'Senryouki', pp. 28-30; Fujiki, *Katanagari*, pp. 212-3.

¹¹⁷ Ara, 'Senryouki', p. 28; Fujiki, *Katanagari*, p. 213.

¹¹⁸ Ara, 'Senryouki', p. 29; Fujiki, *Katanagari*, pp. 213-4.

¹¹⁹ Ara, 'Senryouki', p. 30; Fujiki, *Katanagari*, p. 213.

¹²⁰ Ara, 'Senryouki', p. 36; Fujiki, *Katanagari*, p. 218.

¹²¹ Ara, 'Senryouki', p. 36; Fujiki, *Katanagari*, pp. 218-9.

¹²² Ara, *Nihon*, pp. 62-64.

¹²³ Ara, *Nihon*, p. 64.

present-day domestic arms control also draw heavily on Perrin's book. The past and present cases are regarded to depict a simple positive correlation between tight regulation and a low level of armed violence. Therefore, the central research question has been 'why the Japanese gave up guns'.

However, even a brief look at the findings of Japanese historians reveals an entirely different story. Guns and other weapons were never given up; in fact, people from all social strata possessed them. Despite this, private violence was restrained for several centuries. This generates a fundamentally different research question, that is, why private violence was restrained despite the widespread availability of weapons in the society. Since the 'centuries-old history and culture of weapons prohibitions' did not exist in Japan, we also need to find an alternative explanation as to how Japan's modern domestic gun control was formed. This article has tried to address these new questions based on the available historical findings.

Such revision of the previously shared understandings and 'facts' also prompts us to rethink the implications of the Japanese cases on the current domestic gun control debates. For instance, the pre-modern (or early-modern) Japanese case could provide lessons, not on how to make a society entirely gun-free, but on how to control guns and reduce armed violence in a society. It could potentially provide more practical lessons for the current gun control debate in the United States and elsewhere, such as mandatory licensing requirements, registration and record-keeping, background-checks, safe storage, and a sense of trust between the public and the authorities.

Moreover, this case may also imply the need for more informed research on non-Anglophone cases where reliable data and analysis are mostly provided in local languages. As Greene and Marsh demonstrate, there have been substantial advances in research-based knowledge on the relationship between arms availability and armed violence in the last few decades.¹²⁴ Some previously shared 'conventional wisdom' has been proven to be deficient or misleading, while the fallacy over the Japanese case is still widely shared by academics, activists, and the media. Since research and policy discussions on this theme tend to be dominated by people from or based in the global north, and particularly those from North America and Western Europe, the fallacy has rarely been refuted. Since the commonly available information provided in Japanese, a language spoken by some 128 million people, has not been acknowledged in much of the Anglophone literature, it may be plausible to assume that information found in less dominant languages is likely to have been overlooked in such literature.

This case also indicates that further research is needed as to why the post-Second World War domestic arms control has taken root in Japanese society and is widely accepted by the public. Despite their initial resistance, the Ministry of the Interior and the police seem to have later cooperated with the Allied Forces and actively proposed detailed mechanisms and methodologies to implement the control.¹²⁵ Domestic arms control has since then continued to be updated and has received widespread acceptance and support among the Japanese public. Such phenomena cannot be explained simply as the result of the forcible imposition by the occupying forces, and therefore require further explanation.

¹²⁴ Greene and Marsh, 'Conclusions'.

¹²⁵ Ara, *Nihon*, pp. 38-66.

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