Transformations
1 Introduction

In the spring of 1644, a mother decided to sell her son. After four years of famine, the woman could not support the child and herself anymore. In a last attempt to guarantee their survival, she took 9-year-old Gyūnosuke to local lord Shimosaka Kyūzaemon’s manor and begged him to take the boy. The offer was accepted, the agreed price paid, a contract signed. The document established that the child would become a servant in perpetuity at the Shimosaka household.¹ Transactions similar to the one between Gyūnosuke’s mother and Shimosaka Kyūzaemon are endemic in Japanese history. For many in the country, human trafficking was a means to overcome financial difficulties, avoid capital punishment, or survive the consequences of natural disasters – in sum, to stay alive. In addition to these interpersonal transactions, there were networks of human traffickers. In 1579, a woman in Kyoto was arrested and executed after confessing to having deceived, kidnapped, and sold about eighty young women.² Besides the internal trade, human trafficking was also part of the smuggling networks of the wōkò (as they were known in Chinese), wakō (in Japanese), or waegu (in Korean) marauders who raided coastlines of the East China Sea between the thirteenth and

¹ The case of Gyūnosuke is briefly discussed in Hasegawa Yūko, “Chūkinsei Ikōki no Hitouri Kankō ni miru Dogō no Yūzū: Seimei Iji to Mura no Naritachi no Shiiten kara,” in Shōen to Mura wo Aruku II, ed. Fujiki Hisashi and Kuramochi Shigehiro (Tokyo: Azekura Shobō, 2004): 95–96. Interestingly enough, the document that records the sale of the boy condemns his mother to anonymity.


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sixteenth centuries. On occasion, these groups would kidnap people from coastal areas, selling them elsewhere or returning them to their villages upon the payment of ransom. As pointed out by Shimojū Kiyoshi, the arrival of the Portuguese and other Europeans in the sixteenth century soon allowed the emergence of a Japanese-European slave trade that connected local East Asian networks to the worldwide slave trade of the early modern period.

As highlighted by Tatiana Seijas, early modern slave trading networks operated ‘at the limits of the law of a number of nations’. That certainly was the case with the ships that transported bonded Japanese, Chinese, and Korean people from Japan to the rest of the world. They worked under a myriad of different legal situations and frameworks built by the expectations and enforcing capacities of several actors, including but certainly not restricted to ecclesiastical and civil authorities in places such as Macau, Manila, Malacca, Goa, Lisbon, Seville, Rome, and Mexico City. Beyond the spheres of influence of European powers, the authorities on both sides of the East China Sea were the ones who actually regulated the rhythm of the trade in the region. Basically, these included the Tokugawa Bakufu, the complex structure of the Nagasaki authorities (formed by magistrates, governor, and street and ward administrators), local lords or daimyō and their own enforcing powers, the Ming imperial government, and Canton mandarins, military, and bureaucrats. While studying the networks connecting Asia, Europe and the Americas forces researchers to deal with a plethora of laws and regulations enacted by various authorities, little scholarly work has been done on the local legal conditions of the Japanese-European slave trade network, despite the fact that the trade itself was a complex network carefully built on and dependent on a delicate balance of all aforementioned legal frameworks. Recently, it has been argued that the trade became purportedly illegal because of the action of Jesuit missionaries who, in 1598, gathered in Nagasaki and decided to excommunicate Portuguese slave traders and pressure the Portuguese crown to outlaw the activity. That same argument claims that the year of 1607 marked the end of the trade of enslaved Japanese in Portuguese territories. In spite of this assertion, the

3 The scholarship on piracy in the region is vast, but the monumental work of Ōta Hiroki is still the most reliable resource on the topic. Ōta Hiroki, Wakō: Shōgyō, Gunji Shiteki Kenkyū (Yokohama: Shunpūsha, 2002).
4 Shimojū Kiyoshi, Miuri no Nihonshi: Jinshin Baibai kara Nenki Hōkō he (Tokyo: Yoshikawa Kö-bunkan, 2012): 83. As the reader will notice, I reserve the terms ‘slave’ and ‘slavery’ to refer to the historical European regime of coerced labour, while ‘bondage’ is used in reference to local or Asian regimes.
fact is that the Japanese-European slave trade continued for a number of years beyond this date.\textsuperscript{7}

In order to access this lacuna, I turn my attention to those local legal frameworks that allowed the emergence and continuation of the trade of enslaved Japanese on European ships in the first place: Ming China and Tokugawa Japan. In China, Portuguese merchants had settled in the peninsula of Macau in the mid-sixteenth century. By the early 1600s, the growing number of Japanese brought to the port city led the Ming authorities to act in order to contain what they considered a threat to the security of the area. Meanwhile, Japan was going through a process of gradual substitution of previously hegemonic forms of unfree and subaltern labour such as the \textit{genin}, often associated with slavery in Japanese historiography, by the \textit{hōkōnin}, or hired servants. This process allowed increasingly more dynamic forms of human bondage due to the limitation imposed by contracts on the years of bondage.\textsuperscript{8} Seemingly intensified by the sale of enslaved Japanese to foreigners, this process resulted in labour depletion in the fields, especially in Southern Japan.\textsuperscript{9} The problem was addressed for the first time in July 23, 1587, when Toyotomi Hideyoshi enacted an eleven-article memorandum that criminalized the slave trade. It was the first of a series of laws issued by the Japanese ruler until the early 1590s that addressed the topic.\textsuperscript{10} Two years after Hideyoshi’s death in 1598, the Tokugawa

\textsuperscript{7} Despite showing the continuity of Japanese slavery, Sousa insists on the importance of the 1607 Portuguese law for the end of the trade. Lúcio de Sousa, \textit{Escravatura e Diáspora Japonesa nos Séculos XVI e XVII} (Braga: NICPRI, 2014): 156–61; Sousa, \textit{The Portuguese Slave Trade}: 426, 538, 542. As for numbers, for instance, the presence of Japanese individuals in Mexico City seems to have increased sharply after 1617, while records of Asians spread throughout the world suggest that there were enslaved or formerly enslaved Japanese in the Americas until the late seventeenth century. Out of the 35 Japanese Oropeza Keresey lists as living in Mexico City in the sixteenth and seventeenth centuries, only four arrived prior to 1617. Sousa’s lists of 28 Japanese individuals spread around the globe between 1599 and 1642, which he claims to have been enslaved, suggests a similar pattern. Sousa, \textit{The Portuguese Slave Trade}: 210–59; Deborah Oropeza Keresey, “Los ‘indios chinos’ en la Nueva España: la inmigración de la nao de China, 1565–1700” (PhD diss., El Colégio de México, 2007): 257–91.


\textsuperscript{10} For more on the series of legal actions taken by Hideyoshi in 1587 and beyond against perpetual forms of bondage and the slave trade see Rômulo da Silva Ehalt, “Jesuits and the Problem of Slavery in Early Modern Japan” (PhD diss., Tokyo University of Foreign Studies, 2017): 315–53. The 1587 memorandum has been, along with the 1570/1571 Portuguese law on Japanese slavery and the 1598
clan won the Battle of Sekigahara. The victory marked the beginning of their efforts to establish themselves as the new central authority of the country. The Tokugawa Bakufu was consolidated in 1615, when the last resisting forces of the Toyotomi clan were defeated in the two Sieges of Osaka. In the following year, the new shogunate resumed policies against human traffickers. Internal economic dynamics and changes to hegemonic forms of labour led Japanese rulers, namely Toyotomi Hideyoshi and the first three Tokugawa shōgun, to address the situation as two different problems: human trafficking, and the prevention of Japanese people leaving the archipelago.

My purpose here is to show that the sale and transport of Japanese people out of the country ended as a result of four concomitant regional processes: first, Ming policies against the ownership of enslaved Japanese in Macau, which made it difficult for Portuguese merchants to use the city as a hub for their local slave trade network; second, a series of restrictive decisions by the shōgun regarding the movement of Japanese people in and out of the country; next, shogunal policies repressing human traffickers inside Japan; and, finally, increased regulations on limited-time contracts of servants, which gradually superseded perpetual bondage as the most common form of labour in Tokugawa Japan.

2 Tigers and Refugees

The arrival of Portuguese merchants in the waters to the East of the Malay Peninsula can be traced to the early sixteenth century. In 1513, the first Portuguese arrived in southern China, although it would take another three decades for them to disembark in Japan. In 1549, Jesuit Francis Xavier became the first missionary to reach the archipelago, beginning a century of complex relations between the Japanese and Europeans, the tone of which was largely set by the activities of the Society of Jesus.11 On the other side of the East China Sea, the Portuguese presence in China was intensified in the 1550s with the foundation of Macau, a Portuguese settlement established by merchants between 1554 and 1557. In the following decades, the port was gradually incorporated by the Portuguese crown to the roster of

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colonial fortresses and factories of the so-called Estado da Índia, the colonial polity of the Portuguese empire in Asia.\textsuperscript{12}

After a few isolated cases in previous decades, the number of Japanese arriving in Macau rose significantly from 1592 onwards.\textsuperscript{13} Upon inspecting the port in 1610, the Chinese visitor Wáng Yínníng informed his superiors that, to defend the city against Dutch raids, the Portuguese residents had brought about two to three thousand bonded Japanese, or wǒnú, to the city.\textsuperscript{14} Three years later, the group had already grown to five or six thousand individuals. The sudden increase made the Cantonese authorities wary of a Portuguese attack, leading officials to start suggesting the return of Japanese individuals to the archipelago.\textsuperscript{15} The general nervousness was sparked by a clash in 1605 between armed Japanese and Ming soldiers in Macau that ended with numerous dead Chinese, an event that was still referred to by the authorities in later years.\textsuperscript{16} According to Charles R. Boxer, rumours of a Luso-Japanese attack against the Chinese started spreading around this time, when the Portuguese reportedly began fortifying Macau ‘and an auxiliary force of Japanese Christian samurai was said to be hourly expected’.\textsuperscript{17}

Among the Chinese authorities, especially in Canton, there was broad consensus on whether enslaved Japanese should be allowed in Macau. Their earlier warnings

\textsuperscript{12} In English, the most comprehensive and recent work on the history of the enclave is Geoffrey C. Gunn, Encountering Macau, A Portuguese City-State on the Periphery of China, 1557–1999 (Boulder: Westview Press, 1996). However, scholarship in Portuguese is essential. Some comprehensive works on the early history of Macau include (but are not restricted to): Rui M. Loureiro, Fidalgos, missionários e mandarins: Portugal e a China no século XVI (Lisbon: Fundação Oriente, 2000); Jín Guo Píng and Wu Zhíliáng, Revisitar os primórdios de Macau: para uma nova abordagem da História (Macau, Instituto Português do Oriente, 2007); and A. H. de Oliveira Marques, ed., História dos Portugueses no Extremo Oriente, vol. 1, no. 1 (Lisbon: Fundação Oriente, 1998).

\textsuperscript{13} Táng Káijíán, Setting Off from Macau: Essays on Jesuit History during the Ming and Qing Dynasties (Leiden: Brill, 2016): 92. Seijas also briefly alluded to the Ming opposition to Japanese slaves in Macau. Seijas, Asian Slaves: 55–56.

\textsuperscript{14} According to Brook, the term “Japanese slave” or “Wo slave” was a derogatory phrase that implied foreignness in general, although in other contexts not all Wo slaves were actually Japanese. See Timothy Brook, “Japan in the Late Ming: The View from Shanghai,” in Sagacious Monks and Bloodthirsty Warriors: Chinese views of Japan in the Ming-Qing period, ed. Joshua Fogel (Norwalk, CT: Eastbridge, 2002): 47.


\textsuperscript{16} Kong, “Mindai ni okeru Makao”; 495; Táng, Setting Off: 101–2, 108–12. There was a general anxiety towards the very existence of Macau, since it was a “striking anomaly in the Ming policy of either absorbing or rejecting foreigners.” See Timothy Brook, “The Early Jesuits and the Late Ming Border: The Chinese Search for Accommodation,” in Encounters and Dialogues: Changing Perspectives on Chinese-Western Exchanges from the Sixteenth to Eighteenth centuries, ed. Wu Xiaoxin (Sankt Augustin: Institut Monumenta Serica; San Francisco: Ricci Institute for Chinese-Western Cultural History, 2005): 21.

\textsuperscript{17} Boxer, The Christian Century: 269–70.
told the Portuguese that by relying on the Japanese, and especially by raising them from childhood, they were raising tigers – meaning the practice would ultimately lead to Macau’s demise.\textsuperscript{18} Chinese panic culminated in 1613, when the provincial admiral (hǎidào) of Canton, Yú Ānxíng, ordered the expulsion of 98 enslaved Japanese from the enclave.\textsuperscript{19} The following year, 123 more people were sent back to Japan.\textsuperscript{20} Chinese sources, however, do not necessarily agree. The Jiènxiálóu wénjí (The Collected Works of Jièn Xiálóu) counts more than two hundred enslaved individuals being surrendered by the Portuguese in 1614 to the Ming authorities, while the Kāngxī Xiāngshān Xiànhū (The Kāngxī Era Xiāngshān County Gazetteer) confirms the previously mentioned number of 98 expelled Japanese.\textsuperscript{21}

Back in Japan, a different expulsion took place that same year. In 1614, the Tokugawa Bakufu decided to expel all Christians and missionaries from Japan, with many refugees sailing to Manila and Macau. The event marked a complete change in the profile of the Japanese entering the Luso-Chinese enclave, which up to that point comprised mainly enslaved Japanese.\textsuperscript{22} The Cantonese authorities addressed the increasingly tense situation by enacting a five-article code for Macau, which included a prohibition on enslaved Japanese in Macau and a clause forbidding Japanese children to be raised in the city.\textsuperscript{23} It is unclear, however, how the decision affected the arriving refugees. Two years later, hǎidào Yú Ānxíng sent a stone tablet with the 1614 code to the city, showing the issue was still of deep concern to the Ming administrators.\textsuperscript{24}

Due to their fragile situation in the enclave, Portuguese authorities were keen to observe their hosts’ decisions. The law closed the door on the open slave trade between Japan and Macau, consigning subsequent transactions to smuggling. Portuguese chronicler António Bocarro recorded that the people of Macau reacted cautiously to the enactment of the maritime code. In an attempt to distinguish

\textsuperscript{18} Kong, “Mindai ni okeru Makao”: 495. The comparison was a reference to a phrase coined in Simā Qiān’s Shi jì (The Records of the Grand Historian), which claimed that “to raise tigers is to invite suffering.” The expression became commonplace in East Asia, appearing in the Hànshū (Book of Han, finished in 111 AD), the Tàipíng Yúlǎn (Imperial Reader, compiled between 977 and 983), and even in the fourteenth-century Japanese historical epic Taiheiki. Jesuits in Japan included the phrase in their 1603–1604 Japanese-Portuguese dictionary.
\textsuperscript{19} Dai Yixuan, Míngshí, Fólǎngjīchuán, Jiānzhèng (Beijing: China Social Science Press, 1984): 99.
\textsuperscript{20} Kong, “Mindai ni okery Makao”: 495–96.
\textsuperscript{21} Kong, “Mindai ni okery Makao”: 114–15.
\textsuperscript{22} Tang, Setting Off: 98.
themselves from the bellicose Japanese and convince the Ming authorities that there was no alliance between the two parties, the Portuguese drew attention to the skirmish they had had with merchants from Japan a few years earlier, during the incident that became known as the ‘affair of the Madre de Deus’. Bocarro chronicles how three Chinese fishing vessels with Japanese and Fujianese merchants arrived secretly in the Portuguese port in 1608. The Japanese on board were merchants who had survived the shipwreck of their vermilion-seal ship, a commercial vessel with special authorization by the Tokugawa Bakufu to sail overseas. Imposed in 1604, the vermilion-seal system prevented ships from freely leaving the archipelago for trading purposes. Returning from Southeast Asia, the shipwrecked vessel belonged to Arima Harunobu, a Christian warlord from southern Japan who despite his declared faith had a difficult relationship with the Portuguese. When the residents of Macau tried to arrest the castaway Japanese, a brawl broke out – the fracas ended with deaths on both sides. In retaliation, when Portuguese captain André Pessoa tried to leave the port of Nagasaki in January 1610 with the Madre de Deus, he was attacked by Arima forces and sunk. Referring to the enmity resulting from the incident, Macau Portuguese defended themselves against accusations of affiliation with the Japanese, arguing they were also afraid of a Japanese rebellion in the enclave. As for those expelled in 1613 and 1614, the enclave residents claimed that the enslaved Japanese had not been brought to Macau by the Portuguese. They also alleged that the only Japanese left in the port were ‘casados, mulheres e filhos e gente de serviço’ (residents, wives, children, and servants). The Portuguese also told the Ming authorities that they, too, had decided to disallow Japanese people from boarding their ships or residing in Macau. Furthermore, they accused Chinese merchants of bringing Japanese people to Macau, claiming the solution was for the Ming to ban Chinese vessels from making the crossing to Japan and bring Japanese slaves to Macau. It is unclear to what extent the Portuguese defence is to be believed, but one can surely appreciate their attempt to seize on recent developments as proof of their disassociation with the Japanese and to reduce the Chinese presence in the China-Japan trade.

Kǒng Ying argues that the small number of Japanese expelled in 1613 and 1614 suggests that the Ming government understood that this population lived peacefully

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in Macau. This would also explain the non-violent methods used to reduce the group’s size.\textsuperscript{27} Tang Kaijian, however, contends that only enslaved people who were surrendered by their masters were expelled; those who had wives and children in Macau, or enslaved people over whom the Portuguese claimed ownership were allowed to stay. This would be indicative of the success of the Portuguese defence.\textsuperscript{28} Decades later, the decrease of enslaved Japanese was obvious. By the late 1630s, the majority of enslaved men in Macau was comprised of Black Africans. A contemporary observer describes the preference for Black Africans as due to Portuguese preconceptions regarding their strength, pugnacity, and usefulness as bodyguards, echoing the view held by Europeans in previous decades regarding the Japanese. By that time, most of the Japanese living in the port were described as Christian refugees rather than enslaved people.\textsuperscript{29}

3 The Tokugawa Moment

On the other side of the East China Sea, the Tokugawa Bakufu cemented its authority after the victory at the Siege of Osaka in 1615, when the last members of the Toyotomi clan were killed and all remaining resistance to the emerging power eliminated. Recasting Hideyoshi’s policies in new terms, the now-strengthened shogunate enacted laws forbidding various practices of human trafficking and regulated practices of limited-term servitude, possibly as a means to secure enough labour locally. Traditionally, Japanese scholarship indicates a 1616 law as the earliest prohibition against Japanese slavery enacted by the Bakufu. The text forbade the enslavement of human beings and human trafficking. These prohibitions must not, however, be taken at face value. Cases such as the one that opened this chapter show that perpetual bondage was still a possibility, although it now depended heavily on the consent of local authorities. At the same time, these restrictions incentivized the widespread use of limited-time labour contracts.\textsuperscript{30}

Earlier cases of hired labour involved long periods of labour that became de facto bondage for life. In order to avoid this, the same law put a limit of three years to the span a hōkōnin or temporary servant could be hired. The law was re-enacted

\textsuperscript{27} Kong, “Mindai ni okeru Makao”: 504.  
\textsuperscript{28} Tang, Setting Off: 119.  
\textsuperscript{29} Charles Ralph Boxer, Macau na Época da Restauração (Macao Three Hundred Years Ago) (Lisbon: Fundação Oriente, 1993): 73.  
in 1618 and 1619, suggesting that the Bakufu had a hard time enforcing it.\footnote{1618 and 1619, suggesting that the Bakufu had a hard time enforcing it.} In January 30, 1620, the Bakufu decreed a new, more detailed regulation on human trafficking, posting it on wooden boards all over Japan. It specifically addressed acts such as selling kidnapped people, profiting from selling people who had been previously purchased, selling one’s own children, brokering the sale of slaves and hiring temporary servants for abusively long periods. This law was referenced and repeated numerous times and, according to Tanno Isao, it was one of the most important pieces of legislation prohibiting human trafficking of the Tokugawa Bakufu.\footnote{Later, in 1625, the limit was changed to ten years, in order to deal with a famine crisis and labour shortage, although it was not uncommon to have servants hired for ten or even twenty years.} Eventually, the restriction would be lifted altogether by the end of the century.\footnote{Eventually, the restriction would be lifted altogether by the end of the century.}

Until the 1616 law, both perpetually enslaved Japanese and those temporarily subjected to servitude contracts could be legally transported overseas. That was, of course, in spite of the 1598 Jesuit decision to excommunicate slave traders.\footnote{In 1598, the Jesuits in Japan decided to excommunicate slave traders.} In 1616, however, Japanese slave traders came under pressure from the prohibition. Meanwhile, bonded people under limited-time contracts, who could be hired for only three years, were unable or unwilling to cross the ocean for long journeys across the globe due to these limits.\footnote{In 1616, Japanese slave traders came under pressure from the prohibition. Meanwhile, bonded people under limited-time contracts, who could be hired for only three years, were unable or unwilling to cross the ocean for long journeys across the globe due to these limits.} The lack of reactions from the part of foreigners in Japan at the time, however, suggests that there was no noticeable change for the Japanese-European slave trade. About three years later, however, things started to change. According to a 1619 report written in the Philippines, some Japanese in Manila declared they had absconded from their archipelago, and if discovered they would be summarily executed. Takase Kōichirō understands the account given by the Japanese as a reference to some sort of prohibition against Japanese people being taken away from Japan to be used in piracy.\footnote{As no Bakufu law from this period makes mention of such restriction, it could be a local decree, imposed either by the lord of the domain the Japanese were originally from, or by magistrates in Nagasaki.} As no Bakufu law from this period makes mention of such restriction, it could be a local decree, imposed either by the lord of the domain the Japanese were originally from, or by magistrates in Nagasaki.
Soon after, the Bakufu decided to address the issue directly. In 1621, the shōgun forbade Japanese persons from leaving the country. Not coincidentally, Japanese scholarship sets the end of Japanese emigration – forced or not – to this date.\(^\text{38}\) Indeed, for European merchants based in Japan, this was the most consequential legal action by the Tokugawa Bakufu against the trade of Japanese persons with foreigners. In September of 1621, English merchant Richard Cocks wrote that the daimyō of Hirado, Matsura Takanobu, called upon the Dutch and the English to inform them of the new law. According to Cocks’ diary, they were instructed that the Bakufu had completely banned foreigners from procuring enslaved Japanese. Specifically, they were not allowed to ‘buy any slaves, either men or woamen [sic], [or] to send them out of the cuntrey [sic]’, on neither English or Dutch ships.\(^\text{39}\)

The Dutch were also caught by surprise by the decision. Captain Jacques Specx, based at the Dutch trading factory Hirado at the time, claimed the law was the result of Portuguese lobby, in an attempt to hinder other Europeans. In the previous year, Specx said, the Portuguese had visited the shōgun Tokugawa Hidetada to ask for restrictions on commercial activities by the Dutch and the English in Japan. The resulting law included the ban on slave trading not because of good-willed Portuguese, but because Hidetada himself was, according to Specx, afraid the Japanese were dying in foreign wars. The Dutch captain then explained he had already asked the head of the Dutch factory numerous times to establish a system of licenses for the export of enslaved Japanese, but his appeals met deaf ears. Specx’s translation of the law indicates that Chinese junks were also targeted, thus making it virtually impossible to legally transport slaves out of Japan.\(^\text{40}\)

The Portuguese in Southeast Asia received news of the decision through letters sent by Jesuits in Japan. On February 22, 1622, a report by Malacca-resident Domingos da Fonseca described how the Japanese ‘king’ had ordered that no Japanese should be allowed to embark on Dutch vessels, and that this decision was to be publicly displayed on tablets. This, of course, suggests that the new law was announced through wooden boards across the archipelago. The law also determined Japanese were not to ‘lend [the Dutch] money or fabrics or give them ammunitions or food-stuffs to take out of the Kingdom’. According to Fonseca, Jesuits had also reported that violators of the new law were being crucified in Japan.\(^\text{41}\)


\(^{41}\) Biblioteca Nacional de Portugal, Cod. 11410, f. 95.
Even though Cocks, Specx and Fonseca seem to share a slightly different understanding of specifics of the law, they were all referring to the same Bakufu decision. The original Japanese text of the legislation reveals that Tokugawa Hidetada’s antislave trade policy was a continuation of Tokugawa Ieyasu’s policies, which aimed at maintaining the conditions that allowed trade with the Portuguese and the Chinese in Nagasaki.\textsuperscript{42} Japanese historian Nagazumi Yōko understood this law as an attempt on the part of the Japanese central authority to make it clear for all involved parties – the Portuguese, the Dutch, the English, the Spanish, the Chinese, and the Japanese – that the shōgun’s authority extended to all foreigners in the archipelago and surrounding seas.\textsuperscript{43} Nagazumi believes, however, that the Bakufu was favouring Portuguese and Spanish merchants over other foreigners, such as the Dutch, thus hinting that the former would not be affected by such a provision.

It is difficult to subscribe to Nagazumi’s reading since the first and second articles do not name the Dutch and the English as specific targets of the prohibition against the export of enslaved Japanese. Rather, following Richard Cocks’ diary, the rules were to be followed by all foreigners. Even though two of the five articles of the law – a restriction on piracy and an order to investigate suspicious cases – had the Dutch and the English as their object, the other three were not aimed at specific groups. So, why did Specx write that the prohibition had the Dutch, the English and the Chinese as its target? One must not forget that the Dutch captain sat down to pen his report while living in Hirado, where these were the three main groups of foreign merchants active in the port. For that reason, this law in fact reinforced previous determinations – the prohibition against human trafficking and restrictions to temporary servitude – while making clear the consequences of such a decision regarding the export of labour and the limits to foreign access to Japanese servants.

\textsuperscript{43} Hirado Shōkan, Igirisu Shōkan Nikki: 28–29. In contemporary Japanese thought, legal jurisdiction extended to all those who held a permanent residence in the country. It also meant that the very concept of ‘Japanese’ was less bound to race or ethnicity and had more to do with one’s permanent residence in the country. Thus, foreign-born people, even foreign-looking Europeans, if residing in Japan, were also subject to legislation addressed to Japanese. Matsui Yōko, “Jendaa kara Miru Kinsei Nihon no Taigai Kankei,” in Nhon no Taigai Kankei 6: Kinseiteki Sekai no Seijuku, ed. Arano Yasunori, Ishii Masatoshi, and Murai Shōsuke (Tokyo: Yoshikawa Kōbunkan, 2010): 93–121; Yokota Fuyuhiko, “Kinsei no Mibunsei,” in Iwanami Köza Nihon Rekishi Dai 10 Kan, Kinsei 1, ed. Ōtu Tōru et al. (Tokyo: Iwanami Shoten): 285–88.
4 Closing the Door

The Japanese authorities had severely restricted their subjects’ freedom to cross the sea, but there was always the possibility of smuggling men and women out of the country. Takase Kōichirō reminds us that even after these prohibitions there were still Japanese people going out of the archipelago on board of the Bakufu-approved vermillion-seal ships. While overseas, Japanese people could still be dragooned into some form of bondage.\(^4^4\) Since the 1621 law discussed previously, it had not been possible anymore for foreigners to legally purchase enslaved Japanese and take them out of the country. Soon, a series of incidents involving Japanese ships overseas would make things worse: in 1628, a vermillion-seal ship was sunk in Siam by the Spaniards. Since Japanese people knew that Portuguese and Spaniards were ruled by the same king due to the Iberian Union, the Bakufu treated them as a single group. In retaliation, Japanese authorities confiscated the cargo of a couple of Portuguese ships in Nagasaki, as well as halting relations with the Iberians until 1630. Meanwhile, while building a factory in Taiwan, the Dutch decided to tax Japanese ships coming to the island. The ensuing conflict made the Bakufu suspend its relations with the Dutch between 1628 and 1632. Because of these and other incidents, the Bakufu realized it could not protect its vermillion-seal ships overseas, despite a provision often included in the vessels’ documents. To avoid the obligation, it changed the system in 1631, when the permits started being signed by high-ranking officials of the government – elders or rōjū and the Nagasaki magistrate or Nagasaki bugyō – rather than the shōgun. Nevertheless, Japanese ships could not avoid the crossfire between the Dutch and the Portuguese. In a response to this conundrum, the Bakufu reformed the Nagasaki administration in 1633. Until then, Nagasaki magistrates were always chosen from among powerful local lords, known by the label tozama daimyō. The central administration decided then to appoint lords in direct service of the shogunate, or hatamoto. Each time a pair of bugyō was nominated, they would be given new general laws to rule Nagasaki, thus making the administration and its rules more reactive to present circumstances.\(^4^5\)

In 1633, the code given to the first two hatamoto appointed to administer the port, Imamura Masanaga and Soga Hisasuke, determined that no ships, except official vessels with permits enacted by the government, could go overseas. The instructions also included provisions determining that any Japanese secretly embarking on official ships were to be executed, and that Japanese who had gone and established a residence overseas would be killed if they attempted to return to Japan, unless they came

\(^4^4\) Takase, Kirishitan Jidai: 114.
back within five years or less after leaving the country.\textsuperscript{46} With a total of 17 articles, the 1633 code severely restricted the chances of Japanese people to leave the archipelago. The same rules concerning Japanese leaving the country or trying to come back were given to the Ōmura clan, who ruled the area surrounding Nagasaki. The Ōmura lord was not supposed to allow Japanese to even disembark on his lands, being obliged to hand any case over to the Bakufu authorities in Nagasaki.\textsuperscript{47} This was the beginning of the Japanese seclusion policy based on the strengthening of restrictions on trade and religion that lasted until the second half of the nineteenth century.\textsuperscript{48}

The Bakufu radically harshened its policy a couple of years later. In 1635, the passing of Japanese people beyond the country’s borders was completely forbidden. The official ship system was suspended. Those attempting to leave the archipelago or trying to come back were to be unconditionally executed. Even powerful merchants with strong ties to the Bakufu who had already received permits to trade in Southeast Asia were forced to give up their plans. Dutch documents of the period show these merchants tried to lobby for less severe rules, but the Tokugawa administration was determined to not allow any exceptions. That year, four Japanese merchants who came back from overseas were executed by the authorities, while nine others were arrested in connection with this case.\textsuperscript{49} Because of these legislative acts, Japanese communities overseas would increase only by new births and occasional arrivals from other Japanese settlements.\textsuperscript{50} Undoubtedly, the same applies to groups of enslaved Japanese overseas, although the sporadic waves of Christian refugees expelled from Japan could contribute to altering these numbers.

Meanwhile, the Portuguese of Nagasaki were forced to move to a new artificial island, Deshima or Dejima, built in front of the city’s port. All those who were not in Japan to trade were expelled. A total of 805 people were put on ships bound for Macau, including mixed-race Luso-Japanese residents of Nagasaki and Japanese serving the Portuguese in the city.\textsuperscript{51} In other words, although the Portuguese could not export enslaved Japanese, those residing in Japan were still up to the very end using hired Japanese labour. The new restrictions also prevented them from using

\begin{thebibliography}{9}
\bibitem{227} Shimizu, \textit{Kinsei Nagasaki}: 158.
\end{thebibliography}
Japanese servants indiscriminately, even if internally. According to Iwao Seiichi, Dutch sources reveal that the new rules for the Portuguese in the artificial island prohibited them from using Japanese to hold their parasols – they could use their black servants instead, though. Portuguese were allowed to hire Japanese for other services, but could not rehire those who had worked for them before.52 Certainly, foreigners residing in the country had the necessary means to negotiate their ways in procuring local labour by leveraging the complexity of bondage categories in Japan.

5 Conclusion

In Michael Zeuske’s classification of ‘small’ and ‘great slaveries’, the slave trading network that emerged in the mid-sixteenth century between Europeans and Japanese was one of the many small facets of what later became the hegemonic regime of the early modern period.53 But despite the long history of Japanese regimes of bondage, the country is not often brought up in discussions on early modern slavery.54 However, the history of bondage in the country, as well as its encounter with European notions of slavery – particularly colonial slavery – can be an excellent point of comparison to better understand the various uses of the concept of slavery by scholars as well as differences regarding historical process concerning labour and dependency. Following the lead of previous scholarship on Asian bondage, this chapter tried to employ these conceptual differences by adopting ‘bondage’ to refer to the various regimes of often unfree, coerced, subaltern or dependent labour in Asia, while reserving ‘slavery’ to deal with the historical regime of bondage practiced in the Mediterranean and the early modern colonial worlds.55 From this perspective it was possible to underline the effects of East Asian legislation on local regimes of bondage and on the regional slave trade.

As a network linking Macau to Nagasaki, with various nodes spread throughout South and Southeast Asia, the Japanese-European slave trade depended on the acquiescence of both Chinese and Japanese authorities. Triggered by different reasons in the 1610s, both sides adopted policies that resulted in the gradual restriction of the alternatives available to slave traders. Sure enough, these policies did not share the same weight in the process. While Ming administrators reacted to the growing

54 Japanese historiography is essential to understand these regimes. See: Isogai Fujio, Nihon Chūsei Doreishi (Tokyo: Azekura Shobō, 2007); and Fujiki Hisashi, Zōhyō no Senjō: Chūsei no Yōhei no Dorei gari (Tokyo: Asahi Shinbunsha, 2005).
population of enslaved Japanese in Macau by imposing restrictions on their presence in the port, the Tokugawa Bakufu was much more concerned with internal forms of bondage, human trafficking, and the maintenance of its agricultural production. The little attention the shōgun gave to the slave trade resulted in few legal measures taken towards curbing the departure of Japanese men and women on board European vessels, with most of the restrictions to this network being owed to secondary effects of internal policies. Repression of human trafficking limited the options for Europeans procuring bonded Japanese, contracts with shorter periods of bondage meant greater difficulty in traversing longer distances with those hired from the archipelago, while restrictions to the departure of people from Japan meant all traded enslaved individuals had to be smuggled. With the strengthening of enforcing authorities in Nagasaki in the seventeenth century, European traders had little to no option when trying to take hired servants out of the country.\textsuperscript{56} By the late 1630s, when smuggling became virtually impossible, the Portuguese and the Spanish were expelled and forbidden to return to Japan. The harsh 1635 prohibition against the departure of Japanese people meant that not even Dutch ships could carry them overseas. Under these conditions, a complete collapse of the network was unavoidable.

6 Reflection

The history of early modern slavery in Japan, as a particularly colonial regime of bondage, did not end with thunderous abolitionism. Instead of a purported moral concern with the well-being of enslaved individuals, whether caused by the treatment they received or their being taken away from their country, all signs point to mostly economic motives behind the measures that eventually led to the end of the Japanese-European slave trade. For that reason, the whole process can only be properly appreciated by considering all of the local historical actors and polities involved.

In this volume, James Fujitani argued that the Portuguese colonial enterprise was characterized both by exploitative imperialism and intercultural hybridism. The reflections presented in this chapter, however, highlight the importance of the legal regimes that informed the trading networks born out of the encounter between imported (European) and local (Asian) notions of coercion, dependence and labour. By focusing on the series of events that led to the end of one specific arm of the early modern global slave trade, the focus of this chapter fell on the limits imposed on the general movement of individuals targeted by slavers. Considering that European

\textsuperscript{56} On the development of the Nagasaki authorities and their enforcing powers in the seventeenth century and beyond, see Yasutaka Hiroaki, \textit{Kinsei Nagasaki Shihō Seido no Kenkyū} (Kyoto: Shibunkaku Shuppan, 2010).
merchants could not care less about how local Asian societies such as the Chinese and the Japanese defined local regimes of bondage, their activities were mostly informed by legal frameworks determined by local powers. In that sense, the case of Japan is similar to the case put forward by Vinil Paul’s chapter on Kerala, where people from all social backgrounds could also be enslaved and traded by Europeans. The way things developed from then led to encounters such as those described by Lisa Hellman in this book. But despite being subjected to a complex matrix of different jurisdictions and legal frameworks, bonded Japanese, regardless of the social status they retained in Japan before or after being hired or procured by Europeans, were subsequently seen as enslaved persons once outside of the country. That was particularly true in colonial societies, where local powers put them into the category of slave under its many banners, such as *moços*, *cativos*, and *bichos*.

In the end, Japanese anti-emigration legislation was much more significant for the collapse of the trade and the eventual end of Japanese slavery than any European anti-slavery law. This conclusion highlights the need to better understand how local legal frameworks and economic dynamics shaped trading networks often seen as subjected to the authority and wonts of European colonial enterprises. Unarguably, that was the case of the Japanese-European slave trade – squeezed between Ming suspicion and Tokugawa repression, it gradually faded away into the mists of history.