

# Family, Enterprise, and Corporation: The Organization of Izumiya-Sumitomo in the Tokugawa Period

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## Summary

The purpose of this article is to review organizational characteristics of Japanese merchant houses during the Tokugawa period (1600-1868), based on an examination of Izumiya-Sumitomo as a family, enterprise, and corporation. In particular I discuss the ideal of undivided inheritance and single succession, the co-existence of managerial delegation and owner-control, and the cluster of autonomous and semi-independent branches tied to the main house by a moral code of allegiance. I further assess these features through an account of the Sumitomo house feud, which occurred in the second half of the eighteenth century. The findings suggest that joint management centering around the main house and its assets did not exclude factional rivalry and the pursuit of self-interest. The feud further shed new light on the role of ownership, i.e., the function of the household head as nominal owner of the estate. Finally, the conflict can be considered a benchmark in the evolution toward a managerial enterprise with the household head as symbol of authority.

## Key words

IE, FAMILY AND ENTERPRISE, BUSINESS ORGANIZATION, IZUMIYA-SUMITOMO, TOKUGAWA JAPAN

## INTRODUCTION

The increased appearance of lasting firms based on a company contract is

characteristic of the European early modern period.<sup>1</sup> Although family and kinship ties remained the means to forge stronger bonds of loyalty between associates, the partnership or company type of enterprise entailed a displacement of the family as the main framework for lasting business organization. In Japan, on the other hand, the family throughout the Tokugawa period (1600-1868) remained the basis for business enterprise. Historians including Fernand Braudel (1992: 591) have observed that Japanese merchant dynasties such as the Kōnoike, Sumitomo, and Mitsui families survived for centuries on end, in spite of disasters. The “remarkable stability and continuity in the names of business firms” in early modern Japan is explained by economic stability and different attitudes toward business (Hirschmeier and Yui, 1975: 38). The major reason, however, can be found in the tendency to preserve the continuity of the main unit of organization: the *ie*.

Since the beginning of the seventeenth century, the *ie*,<sup>2</sup> usually translated as “house” or “household,” was the basic unit of Japanese society. The *ie* formed an institutionalized household, a corporate body, constructed around a household head (*tōshu*). It attempted to ensure its prosperity and perpetuity by taking in non-kin outsiders, such as servants and employees, as regular members. Thus, rather than a kinship group, the *ie* may be considered a corporation, an enduring symbiotic entity comprising both family and enterprise. Or, as Kondo (1990: 122) put it, *ie* functioned as “corporate groups that hold property (for example, land, a reputation, an art, or “cultural capital”) in perpetuity.” The enterprise did not exist as a separate unit but was part of the *ie*, a necessary means to ensure the continued existence of the capital-owning family; as such continuity of the *ie* through the prosperity of the business justified the making of profit. I will use the *ie*-concept in discussing the merchant class of Tokugawa Japan.

Japanese historical studies on Tokugawa merchant houses (*shōka*) can be divided into three groups. A first category of works has attempted to demonstrate the existence of corporate characteristics (Horie, 1977, 1984; Yasuoka, 1970) or the origins of “Japanese-style management” (Sakudō, 1990; Odaka, 1986) in early modern Japan. A second group has examined the role of collectivist organization based on the *ie*-concept in modernization, contrasting it with the European individual-centered association (Hazama, 1977: 205-6; Mito, 1994). A third category has compared Japanese and Western family firms, focusing in particular on the role of the family members in management and on distinctive patterns of succession and inheritance (Yasuoka, 1998; Nakagawa, 1981: 245-266). Western studies on the other hand have mainly adopted the *ie*-model, in other words the usage of the *ie*-concept as a metaphor, as one of the main tools used for analyzing Japanese society and culture. As Kuwayama (1996) points out, Western language works have,

among others, interpreted the concept as a metaphor for the company, as a pattern of organization in contemporary society, and as the focal point for group-orientation. Most scholars generally agree that the *ie* system, as it was embodied in Tokugawa merchant houses, provided the ideological basis for management “familism” in later periods (Clark, 1979: 17-18; Fruin, 1992: 67). Still, the lack of studies in Western languages analyzing the actual organization of merchant *ie* at the micro-level is manifest, the house of Mitsui being a possible exception.

In fact, most studies on Tokugawa business focus on the house of Mitsui to illustrate typical merchant-house organization during the early modern period, since Mitsui is considered the archetype (Blackford, 1988: 22-26; Russell, 1939; Roberts, 1973; Hirschmeier and Yui, 1975: 60-66; Sakudō, 1990: 156-163). Nonetheless, I would like to argue that, as an enterprise evolving around a centralized, exclusively family-based management, Mitsui formed a rather exceptional case.<sup>3</sup> More than in other firms, rational economic aspects dominated family concerns, and businesslike relations between employer and employee prevailed over the master-servant ethic. *ie* and shops were completely separated, and a collective management body, the *ōmotokata*, was the center of all business operations. All eleven families possessed equal rights of speech, though in a hierarchical order, through the allotment of shares. Restrained by the *ōmotokata*, the master of every Mitsui family had less leeway than heads of other families. It was probably because Mitsui was organized in a more advanced and rational way that it has been considered the Tokugawa merchant house *par excellence*. However, it would be wrong to generalize from this example and overlook the multitude of firms organized around one main house, mostly small- and medium-sized, but also including large-scale enterprises. Izumiya-Sumitomo is an example of the latter type. Management of the Izumiya business was based on “main-house centralism” (*honke chūshinshugi*): the main house functioned as the central axis around which the business of branches and affiliates evolved. Since it consisted of one *ie*, at least on the ideological level, I consider it more representative of Tokugawa business than Mitsui. The Sumitomo’s Izumiya enterprise centered around copper mining, refining and trade.<sup>4</sup> The house subsequently branched out into copper export, international trade, financing and rice dealing for retainers of the shogunate, and money changing. The family also became Bakufu-appointed (*goyō*) copper traders after their acquisition of the Besshi mine in 1690.

By examining the organization of Izumiya-Sumitomo I will attempt to provide a look at the inner workings of the house as a family, enterprise, and corporation. The merchant *ie* as it existed in the Tokugawa period was considered an entity that was to endure eternally; a successful business was the means to

attain that goal. What were the features that contributed to the perpetuity of the family/business entity? I concentrate on the following organizational characteristics: (1) Undivided inheritance and single succession; division of the estate was avoided as much as possible and both inheritance and succession were ideally reserved for the eldest son. (2) The existence of a cluster of branches around the pivotal main house; all the branches, kin and non-kin alike, were supposed to cooperate for the prosperity of the *honke*. (3) Managerial delegation and owner-control; the relatively early separation of management (shop) and ownership (family) may be cited as one of the most striking characteristics of early modern enterprises in Japan. (4) Finally, in the concluding section I will discuss some of the difficulties that became evident during the in-house feud, and that showed the potential conflicts inherent in the system.

#### THE CONCEPT OF *KATOKU*: UNDIVIDED INHERITANCE AND SINGLE SUCCESSION

The ideal method of ensuring continuity of the business and hence the *ie* consisted of undivided inheritance and single succession (*katoku sōzoku*). *Katoku* constituted the most vital component of the *ie*-system; it is a term difficult to translate, since it could refer as well to the headship<sup>5</sup> of the house, as to the *ie* name, its capital, business, and property. In order to sustain the *ie* indefinitely, inheritance of the *katoku* was usually left to one heir. Rather than consanguinity, capability was emphasized; if the heir turned out to be unfit to succeed, he would be passed over, and a new one appointed, or, if necessary, adopted. It was customarily the eldest son who succeeded the *ie*. However, if the future heir died a premature death, his son was the next in line. In cases in which the latter was too young, any of the brothers of the heir could be appointed. Typically the latter would then adopt the son of the original heir (Ishii, 1958: 605). Another arrangement, in cases where the heir was still of young age and as yet deemed unfit to succeed the head, was the appointment of a guardian (*kōken*)<sup>6</sup>, a household head *ad interim*, from among the branches, relatives, or high-ranking employees. Since a guardian was to act for the benefit of the successor, he did not possess the right to earn profits from his task (*ibid.*: 597).

Strictly speaking, a difference existed between succession after the death of the *tōshu* (*atome sōzoku*) and retirement of the *tōshu* (*katoku sōzoku*) (*ibid.*: 601). When the *tōshu* retired he was referred to as *inkyō*. The retired household head could set aside capital and real estate for himself as a retirement allowance. The status of *inkyō* traditionally remained rather high within the house hierarchy. As Ishii mentioned, retirement, voluntary or forced, did not

alter anything in the parent-child relation, which was to be based on morality. Therefore the *inkyō* retained the right to supervise the *tōshu* (ibid.: 607). To give an example, when Sumitomo's third head, Tomonobu, was implicated in the bankruptcy of his brother Tomosada, who as head of a branch family (*bunke*) ran the money-exchange office, he retired in favor of his son Tomoyoshi in 1685. However, he remained in charge behind the scenes and controlled company management (Imai, 1987: 151).

It was considered the task of the heir to the position of household head (*tōshu*) to continue the business (*kagyō*) and work for the preservation of the house assets (*kasan*). The new household head had to look after the patrimony and transfer it to the next generation. The business was externally symbolized by the shop name (*yagō*), i.e., Izumiya in the case of Sumitomo.<sup>7</sup> Customarily the heir also adopted the hereditary name (*shūmei*) of the head. Kichizaemon was the hereditary name taken on by the successive household heads of the Sumitomo family. Miyamoto Matao (1995: 55) emphasizes that rather than referring to an individual, this was the juridical name of a non-personal existence, an "invisible owner." The person in the position of household head held the ownership rights to the house assets, was the leader of the business, and had the obligation to perform the rites of ancestor worship.

Ideally, succession to the headship and undivided inheritance of the household assets were united in one and the same notion. Harafuji (1982: 681), for example, notes that there was no distinction between succession to (the headship of) the house (*katoku sōzoku*, *ie sōzoku*) and inheritance (*isan sōzoku*, *zaisan sōzoku*), since these concepts were both united in the term *katoku*. Inheritance of the financial assets of the house was the crucial ingredient in succession to the headship; the businesses or the shops were just a means to accomplish the accumulation of capital (ibid.: 683). In general, succession was accompanied by the following effects: the adoption of the hereditary name (*shūmei*) by the household head, the accession to the top management position, and the transfer of the ownership rights to the household property, including all real estate and capital.

Nonetheless, at the beginning of the Tokugawa period household assets were often apportioned; customarily sixty percent for the heir, and forty percent for the other children (Ishii, 1958: 606; Harafuji, 1982: 694). As Ishii (1958: 599) has stated, in the urban class a dichotomy existed between the succession to the *ie* and the inheritance of the assets. The instance of Sumitomo's Tomonobu, who, after the death of the second household head Tomomochi in 1662, received sixty percent of the copper profits, whereas his brother was allocated forty percent, may serve as an example (Sakudō, 1982: 47). Though in some areas divided inheritance remained common, a general tendency toward minimization of inheritance apportionment can be perceived.

The idea that the estate and the shops should remain undivided predominated. Izumiya documents called *Nennen shoyōdome (sanban)* (*Sumitomo shiryō sōsho*, 1986: 314-322), which contain annotations of various transactions, allow us to follow the standard order of events in the implementation of inheritance and succession after the death of Tomoyoshi, the fourth Kichizaemon. Tomoyoshi died in 1719 (Kyōhō 4) and left four children: Mantarō (Tomomasa), Chiyonosuke, Toshi, and Ōnosuke (Ribeī Tomotoshi). In the first month of the following year, the main residence in Nagahorī Mozaemonchō was bequeathed to the eldest son Mantarō.<sup>8</sup> During the following month the sixteen-year-old Mantarō Tomomasa was renamed Kichizaemon, and the ownership of the mansions in Nagahorī Mozaemonchō and three other regions was registered in that name.<sup>9</sup> Around the same period a further reallocation of house ownership took place. Documents signed by the relatives concerning the new owners were submitted to the local authorities and inscribed in the *mizuchō*, the census register. The last will of Tomoyoshi stipulated that one residence in Awajī (Osaka) should be transferred to Tomohiro Rizaemon, a nephew of the deceased.<sup>10</sup> In the following month Kichizaemon handed over two mansions in Kyoto to his younger brother Chiyonosuke (*ibid.*: 324-325).

Consequently the new household head, immediately after his succession, allocated parts of the estate to non-succeeding offspring. However, the allotment could also be carried out at a much later stage, generally through the establishment of branch families or *bunke*. Thus non-succeeding offspring could be given the chance to start a business and, theoretically at least, act as an independent unit. The above-mentioned Kichizaemon Tomomasa allowed his brother Ōnosuke, renamed Gonzaemon (1736) and later Ribeī Tomotoshi, to form a *bunke* at twenty-six years of age in Kanpō 3 (1743). On that occasion Ribeī received ten thousand pieces of silver and three residences. He started a money exchange shop in Bungomachi. Since his business did not flourish, initially the *honke* was forced to bequeath him another mansion (*yashiki*) and grant him additional financial support in Kan'en 3 (1750). Eventually his business stabilized and he was even able to found a woolen goods shop. In Meiwa 6 (1769) the number of residences owned by Ribeī increased to eighteen. Some of these however, actually belonged to the main house but were registered in his name (*Sen'oku sōkō*, 1983: 18-25). Non-succeeding children could also be given for adoption or employment to other families. This presented the opportunity to start a branch by marrying into the family of the wife. Thus Tomomochi, the eldest son of Izumiya-Sumitomo's business founder, Soga Riemon, was adopted by the family of Masatomo, Sumitomo's "spiritual" patriarch. He married Masatomo's daughter and started a *bunke*.<sup>11</sup>

In conclusion, the normal order of inheritance execution was (1) transfer of

the *honke* residence; (2) adoption of the hereditary name of the household head; (3) transfer of the ownership rights of other real estate to that name; and (4) property allotment to other siblings. Only one son succeeded to the headship of the house and singly inherited the bulk of the estate. Nevertheless, ownership of part of the real estate was granted to non-succeeding siblings; some were granted the opportunity to start a branch with funding from the main house.

### AUTONOMOUS AND SEMI-INDEPENDENT BRANCHES

A second organizational characteristic was the formation of subsidiary families/businesses that branched off from the main family/business. The household head and his family constituted the main house (*honke*). As mentioned in the previous section, non-succeeding sons formed branch families (*bunke*). However, as Nakano Takashi (1978: 126) points out, branching was not necessarily grounded in consanguinity. Establishment of most branches occurred from the shops (*noren* or shop-lineage), not from the *honke* or the family (*ie*-lineage). This feature marked the transformation of the *ie*-concept into an ideology (ibid.: 147). Also in the case of Sumitomo, two Izumiya outlets in Edo branched off from the Asakusa shop; their head managers received the *bekke*-status and were allowed to found a shop affiliated to Izumiya.

The *bekke* status<sup>12</sup> was thus the highest goal for any employee and the highest position in the apprentice system. Children, often from branch families or families with ties to the main house, were taken in as apprentices (*detchi*). The child apprentice did household chores and ran errands in return for food, lodging, and education, but received no salary, except gifts and new clothes twice a year (*oshikise*). At seventeen he came of age (*genpuku*) and acquired the rank of clerk (*tedai*). After another fifteen to twenty years he could earn promotion to manager (*shihainin*).<sup>13</sup> Eventually the employee was given permission to form a non-kin branch and start his own business as an independent firm, on the condition he vowed not to interfere with the *honke* enterprise. With starting capital and additional loans from the master he could found his own business. Even in that case he was still supposed to perform services for the main house, and the master-servant connection continued from generation to generation (Sheldon, 1973: 53). In general the dependency of the *bunke* and the *bekke* on the main house varied to a large degree: some were only linked to the *honke* in a ceremonial way, having the same house name and shop curtain (*noren*) but remaining largely independent; others only operated in close connection to the main house; still others did not differ in any way from a regular employee and functioned as a *bekke* head manager while

commuting to the shop (*tsūkin bekke*). All managers and employees were expected to devote themselves to working for the prosperity and eternal continuity of the *ie* of the master.<sup>14</sup> The house codes emphasized that diligence and genuine devotion to the master (*shujin*) and the *ie* would be to the employee's own benefit.<sup>15</sup> In all cases loyalty to the master was to take precedence over personal ambitions for promotion.<sup>16</sup>

Izumiya-Sumitomo allocated a part of the assets to family members who were allowed to form a *bunke* and to employees promoted to *bekke*, in order to set up a collateral enterprise, which they were to operate in close cooperation with the *honke* (Miyamoto Mataji, 1988: 195). The before-mentioned case of Riberi Tomotoshi may be considered a typical example. As brother of the household head, he was permitted in 1743 to establish a *bunke*, and on several occasions received allocations of assets from the *honke*. Initially his money exchanging business was financially insecure; in 1748 the local authorities even placed him under house arrest (*chikkyo*) for his financial insolvency. The *honke* helped him out by granting him family assets including three *kakae-yashiki*<sup>17</sup> in 1749 and 1750 (*ibid.*: 98-90; Nakase, 1991: 116).

According to the *Bun'yo bekke shiki*,<sup>18</sup> a document which determined the rights and duties of *bekke*, the main house granted long-time employees the following subsidies upon becoming a *bekke*: working capital (*katokugin*), a house-building allowance, a household supporting endowment, an allowance for furnishings, a marriage gift, and a ten-year loan at no interest to set up a business. In Izumiya it seems to have been the norm for *bekke* to operate a private enterprise but still commute to the Izumiya shops as manager.<sup>19</sup> The *bekke* was obliged to establish a shop within three years, consult the *honke* concerning marriage or succession and follow all its guidelines, submit accounts for yearly inspection, visit the *honke* daily, attend its consultative meetings (*sōdan yoriai*), and present a written vow of obedience. Although all *bekke* were to have a business, as was common practice,<sup>20</sup> the promotion to *bekke* automatically implied membership in Sumitomo's top executive management (*Sen'oku sōkō*, 1997: 38-39).

While theoretically independent, *bunke* and *bekke* had to follow instructions from the main house and provide financial aid if necessary. The "Maxims for Merchants" (*Shōka kenmonshū*) compare the relation between *honke* and *bekke* to that of elder and younger brother. The main house was obliged to support the branch. The *bekke* had to be prepared to make sacrifices for the benefit of the *honke*, but at the same time they had the duty to supervise the main house.<sup>21</sup> Legally the main house did not possess the right to control the branch, but it did have the obligation to intervene if the management of a branch's business was in disarray. The relationship between the *honke* and its branches was modeled after that between a master and his vas-

sal (Ishii, 1958: 579). Consequently it can be said that a group of interrelated, often legally independent units were incorporated into one large *ie* through a moral code of joint management. As Wigmore (1969: 88) makes clear, this system of interconnection and interdependency in which a group of houses, a *dōzoku* or a federation of *ie*, with independent or semi-independent branches (*bunke* and *bekke*) united under one main house, was certainly one of the most important features of Japanese commercial organization.

### OWNERSHIP AND MANAGEMENT

Modern Japanese family firms are described as mainly managerial enterprises in which salaried managers take decisions and the owners do not exercise authority but are symbols of it (Church, 1982: 26-38). However, in general, already from the second half of the eighteenth century, most merchant enterprises started distinguishing between family, home, and ownership on the one hand, and shop, management and accounting on the other. The latter took precedence over the former, as Horie Yasuzo (1984: 12) has put it. The founder of the enterprise was usually an autocrat, controlling and managing the enterprise by himself or with the cooperation of his relatives. Yet, from the middle of the Tokugawa period onward, the growth of the *ie*-enterprise, the expansion and the geographical spread of subsidiary stores and offices, and the branching out of business forced owning families to entrust managerial control to salaried managers, often employees that had formed their own branch (*bekke*). According to Horie there was also another, more pragmatic reason for this delegation of authority: no matter how gifted the master was, any mistake on his part would have immediate influence on the *ie* and its continued prosperity. Therefore, the separation of ownership and management was a calculated management philosophy to reinforce the prosperity and continuity of the household (*ibid.*: 47-48).

The *bekke* consisted of employees who headed an independent or semi-autonomous branch of the main house, but they also functioned as the core management of the *honke*, together with head managers (*shihainin*). A *shihainin* was normally in charge of the shop as a substitute for the master. In Sumitomo's Besshi mine the general manager was to be regarded as the master.<sup>22</sup> He held total authority and was solely responsible (*Sumitomo Besshi kōzanshi*, 1991: 170), a proof of the far-reaching managerial delegation. The rank and status of the *shihainin* was directly linked to the business they were in charge of: the managers of the main shop and the Besshi mine were placed in the highest rank, followed by the executives of the two Edo branches, and the managers of the Nagasaki branch were situated on the lowest tier.

However, their status rose or fell according to their business results.

The executive cadre controlled the master and in extreme cases had the authority to force him into retirement (*oshikome*), for example, if he engaged in illegal activities, acted selfishly, or generally misbehaved. Most family constitutions contained a clause enabling the managers to pass over an incompetent successor and force him to lead a life away from the business. However, the possibility of forced retirement of a ruling master was a less commonly codified regulation because of the obvious potential misuse. It did occur that the master was ousted, but this could only happen after several warnings through official notifications, namely the so-called loyal admonitions, *chūkangaki*. For instance, the eleventh Sumitomo household head, Tomonori (1857-1864), was admonished for showing little interest in business affairs. Joined by four other members of the staff, head manager Takawara Genbei submitted a first letter of warning to his master in 1861, who was said to spend his days visiting houses of prostitution and associating with certain infamous courtesans, and wasting his time by attending *sumō* matches and horse racing. The managers urged him to appear at the shop every day and work in order to secure the harmony between master and employees and the eternal continuity of the *ie* (Nakase, 1984: 317-319). Nevertheless, even if the head was forced into retirement, the reason was often officially stated as illness or a voluntary withdrawal.

Managers doubtlessly possessed a great deal of authority in running the shops' routine business and even had a voice in matters related to the family. In most cases the main house functioned as a supervising organ and could only apply indirect control of its branch shops. Given the fact that there was no direct control by the *honke*, misuse of authority by employees was not infrequent. Prohibitions against conducting private business (*naisho akimai*) were one of the most common statutes in house codes. For example, a manager using the business of Sumitomo's Nagasaki shop for his own profit forced Sumitomo to stop dealing directly in imported goods. A new house law was drawn up, which required a stricter and more frequent inspection of accounts and made an exchange of correspondence obligatory.<sup>23</sup> All Izumiya managers heading a branch were to submit a monthly business report (*tsukijimesho*) and a yearly inventory (*tanaoroshi mokuroku*). Fraud by a Besshi head manager in 1800 (Kansei 12) forced household head Kichizaemon to cancel the accounting (*heya kanjō*) system, which until then had been kept by one individual. From then on, the books were kept jointly by the *shihainin* and the lower-ranked *motojime*, and were inspected yearly by a *honke* auditor.<sup>24</sup>

The codification of house codes may be regarded as one means to restrict the arbitrary use of power delegated to managers. Another means was the emphasis on collective management through the organization of management

bodies. In Sumitomo from the middle of the Tokugawa period onwards the central accounting office (*kanjōba*) controlled the finances and held the highest managerial authority. All management staff, including senior administrators (*rōbun*), *bekke*, and *shihainin*, gathered daily to discuss business matters.<sup>25</sup> Lastly, the family-owners emphasized consultation (*gōgi*) and obliged managers to create a council system. There are also indications that the renowned *ringi* system of from-the-bottom-up, consensus-seeking decision-making was already in existence in the nineteenth century. From 1842 on Izumiya head manager Takawara Genbei made repeated suggestions to the household head for complete house reforms. Takawara circulated a draft proposal for reforms and collected the seal impressions of the entire staff and family (Nakase, 1991: 136). Initially the head of the house, Tomohiro refused to recognize the need for change (*ibid.*: 127). Finally in 1845, Takawara, ensured of the support of the family members and all the *bekke*, was granted permission for full house reform. This included a reduction of the livelihood allowance for relatives and a decrease in the interest added to *bekke* salary, which was kept in the business as working capital for the enterprise (*ibid.*: 130). The household head, Tomohiro, eventually resigned in favor of his son Tomomi.

In summary, daily routine management was left entirely in the hands of employed managers. However, the household head and family members were still highly involved in the decision-making process and exercised control through a system of consultation.

### THE SUMITOMO HOUSE FEUD (1762-1799)

Above I pointed out three basic characteristics of merchant house organization: the tendency to avoid division of the estate; the formation of a cluster of semi-autonomous affiliates and their function as managerial staff; and the coexistence of managerial delegation and owner-control. In this section I will touch upon the inherent possibility of conflict in this *ie*-type of joint family and business management. The focal point of merchant house organization, the household head, was not only the *pater familias*, but also the sole legal owner of all house assets, the *de jure* leader of the enterprise, as well as the representative, the face of the *ie* to society. In reality, however, he could not arbitrarily dispose of the assets registered in his name, and was supposed to bow to collective pressure by family as well as managers. It is well known that in the Meiji era (1868-1911) ownership became completely detached from management, as the executive manager converted the role of the household head into a symbolic one. In Sumitomo this process doubtlessly commenced in

the beginning of the nineteenth century, after the biggest crisis the house had faced until that time: the internal house feud (*o-ie sōdō*) of 1762-1799. Although complicated by the high number of characters involved and constant shifts in coalitions, I believe the episode offers a rare insight into relations of authority, power, and affiliation within an *ie*, and clarifies the relationship between “ownership” and managers. Settlement of the feud by the Tokugawa Court of Justice further elucidates the view of the government on the merchant *ie* as a corporation. I base my analysis in the first place on the works of Nakase Toshikazu (1984, 1991), the only scholar who has been able to examine the eighteenth-century conflict on the basis of the official Sumitomo family records.<sup>26</sup> In addition to the publications by Nakase, I make use of a collection of official judicial court records, the *Oshioki reiruishū*, compiled from the fifth year of the Tenmei period (1785) on.<sup>27</sup>

The roots of the antagonism between two factions within the *ie* can be found in 1750, when the fifth household head, Tomomasa, turned out to be weak and ill for a long period of time. Pressured to initiate house reforms, he entrusted the management of the business to his brother Riberi Tomotoshi in 1750 (Kan'en 3). Tomotoshi was the youngest child of Sumitomo's fourth head, Tomoyoshi, and had already become independent after forming his own *bunke* (the Bungomachi house). In an ordinance (*oboe*) of 1750, Tomomasa requested the managing staff to follow his brother's directions and consider him the *de facto* household head.<sup>28</sup> In the same year Riberi Tomotoshi, perhaps aware of his exceptional position as *bunke* in control of the main house and in charge of the Izumiya business, issued a document to institutionalize his status. The “Regulations for the perpetuity of the main house and the Bungomachi house” (*Honke Bungomachi ryōke eiei no okite*) aimed at ensuring the eternal harmony and prosperity of the *honke* and Riberi's own branch house.<sup>29</sup> The document also states that the two houses should be considered on a virtually equal basis. *Shihainin* and *bekke* of the two houses therefore would hold the same status and rank. While Tomomasa continued to rule in name only, Tomotoshi managed and reformed the house affairs as the substitute household head (*Sen'oku sōkō*, 1997: 22-23). Tomotoshi drew up more than ten house codes, regulations, and memoranda; reduced the number of employees; introduced a promotion system based more on merit and ability; enforced frugality measures; employed a system of job rotation; and centralized the business around the main house.

When the actual *tōshu* Tomomasa died in 1758 (Horeki 8), his son Tomonori succeeded him in the following year. However, his uncle and until then *de facto* household head, Riberi Tomotoshi, was appointed his guardian<sup>30</sup> and as such remained in charge. But when Tomonori claimed his mandated authority several years later, Tomotoshi was unwilling to make way and give

up control of the business.<sup>31</sup> As Takeyasu Shigebaru (1954: 56) has pointed out, an important cause of the clash between the two siblings occurred in 1762 (Hōreki 12), when Rībei Tomotoshi was forced to transfer the ownership of the Tatsukawa mine, located to the north of the Besshi mine, to Kichizaemon Tomonori. The shift of ownership from *bunke* to *honke* can be interpreted as a maneuver to decrease Rībei's influence. It is indeed highly significant that the transfer was not merely in name between two relatives who belonged to the same *ie*, but a complete shift of property ownership rights (ibid.: 56-58). It was a first sign of the weakening of the influence of the *de facto* ruler and the rise to power of the legitimate household head.<sup>32</sup>

In 1766 (Meiwa 3) Rībei Tomotoshi suggested in vain a marriage between his daughter and Tomonori in order to increase his influence over the young household head. When this failed, Rībei, assured of the support of most family members and a number of employees, unsuccessfully tried to persuade Kichizaemon to step down. Presumably Kichizaemon's strong-willed character and individualist behavior was a thorn in the flesh of his relatives. He did not comply with his low social status as a merchant, and in 1770 he was arrested and put into detention for behavior unsuited to his status.<sup>33</sup> Four years later, in 1774 (An'ei 3), the managing staff and the *bekke* decided to support Rībei and appeal for an investigation to the West Osaka *machi bugyō* (City Magistrate's Office). Furthermore, the employees of the Besshi mine revolted against Kichizaemon (1778, An'ei 7). In the following year, Rībei, supported by the relatives and the highest-ranking members of the managing staff, filed a lawsuit, demanding Tomonori's retirement.<sup>34</sup>

Things seemed settled when in 1780 (An'ei 9) the Osaka magistrate ruled that Kichizaemon Tomonori should step down in favor of his son Manjirō. The household head in effect retired and was succeeded by Manjirō in the fourth month of 1781 (Tenmei 1). Immediately after, the latter obtained the ownership rights of the *honke* residence in Osaka. Rībei Tomotoshi, again seeing his chances clear to exert power within Izumiya, managed to influence the new, inexperienced household head, Manjirō, only seventeen years old, and received the vote of confidence from influential relatives and the senior cadre. Rībei started rehiring the employees who had turned against Kichizaemon before the An'ei 9 lawsuit and had been dismissed. Kichizaemon Tomonori had probably expected to be able to operate behind the scenes, since a retired household head (*inkyō*) traditionally held a powerful position in management. However, he was completely left out of all the decision-making. Outraged that Rībei was again at the helm of the house, Kichizaemon broke with his son and refused the transfer of the ownership rights of the remaining estate. The conflict flared up again and, as the *Suiyū meikan* family records relate, brought the household to the brink of disintegration (Nakase, 1991: 120).

Kichizaemon held on to all assets in Edo registered in his name, seized the revenue of rented property (*kakae-yashiki*), and even pawned one residence to use the money for his own purposes.<sup>35</sup> Furthermore, he succeeded in convincing a group of employees to rejoin him. He continued running the outlets in Edo, supported by the faction of employees who had again sworn allegiance. Consequently, the family filed a new lawsuit in 1782 (Tenmei 2) in an attempt to coerce Kichizaemon to transfer all assets still registered in his name to Tomosuke Manjirō.<sup>36</sup> Rībei's staff incriminated Kichizaemon by submitting accountancy books to samurai retainers, citing mismanagement of the Edo shops.<sup>37</sup> In turn, the Kichizaemon faction filed two direct petitions to the highest authorities,<sup>38</sup> accusing Rībei of usurpation of the *honke* and bribing Osaka court officials to have Kichizaemon removed by the court.<sup>39</sup>

On account of the complicated nature of the lawsuits, the local *machi bugyō* relegated both cases to the *hyōjōsho*.<sup>40</sup> When a judgment was passed by the Chamber of Decisions in Tenmei 5 (1785), three employees had already died in prison the year before while awaiting the trial. Several of Rībei's followers were banished on the charge of seeking personal profit by switching factions and thereby disrupting the unity of the house. For example, one *tedai* requested his leave from his master Manjirō and was granted a retirement allowance but shortly afterwards agreed to be re-employed by Kichizaemon as a house guardian in Edo.<sup>41</sup> The supreme court condemned Rībei Tomotoshi to one hundred days of house arrest,<sup>42</sup> quoting contempt for Kichizaemon.<sup>43</sup> The new official household head, Manjirō, was charged with contempt and lack of filial piety. However, he was spared a harsh sentence due to his young age and because, as the household head, he was responsible for the copper trade in the service of the government.<sup>44</sup> He was compelled to provide Kichizaemon with a proper livelihood allowance and reside in a separate dwelling. The magistrates furthermore ruled that, although Kichizaemon had disregarded his status as retired household head, the case did not concern "serious matters affecting the public good,"<sup>45</sup> since there was no obstruction of the copper delivery to the government. Therefore the case could be considered a private lawsuit concerning internal household affairs.<sup>46</sup> Accordingly, Kichizaemon was merely convicted of carelessness and misconduct,<sup>47</sup> and sentenced to fifty days of house arrest. The court ordered him to immediately transfer all of the remaining house assets to his son Manjirō. However, as the *Suryū meikan* describes, even after that the finances remained in the hands of Kichizaemon, which avoided that the long episode of rivalry ruined Izumiya financially (Nakase, 1991: 120). Consequently, the court sentences and punishments did not bring about substantial changes: Kichizaemon remained the most powerful figure. Rībei Tomotoshi withdrew the year after the verdict by the *hyōjōsho* (1786) and passed away in 1799. Kichizaemon probably persuaded his son Manjirō to

retire because of illness in 1791 and had him replaced by his four-year-old grandchild, Kichijirō Tomotada. This gave Kichizaemon the leverage to pull the strings as retired household head (*inkyō*). Moreover, when Tomotada also died at the young age of nineteen in 1807, Kichizaemon was again officially in charge *ad interim* until an heir was adopted from the Okumura family to succeed the deceased eighth head. Some managerial reforms clearly showed his influence. When in 1797 (Kansei 9) it became clear that a manager of the Besshi mines had counterfeited the accounts, Kichizaemon abolished the direct control of the *shihainin* over the bookkeeping and enforced stronger centralized *honke* control.<sup>48</sup> In addition, the retired household head was behind the house reforms of 1800 (Kansei 12) (*Sen'oku sōkō*, 1997: 41). All meetings on the reforms were held at his residence in Kyoto. He entrusted staff managers with the implementation of reforms in the main shop in Osaka, the Besshi mine and the Edo shops (*Sumitomo Besshi kōzanshi* 1991: 230-231). Furthermore, it was through his influence and lobbying that the Bakufu officially allowed the use of the name Sumitomo in Bunka 8 (1811) (*ibid.*: 53).

### CONCLUDING REMARKS

Finally I will draw some conclusions from the feud that divided the house for forty years. I will relate the significance of the in-house conflict to the previously mentioned characteristics of business organization and consider some consequences for the further development of Sumitomo.

First, the Bakufu refrained from exercising too much interference in the affairs of *chōnin* households and their internal disputes. Internal household affairs were considered a private matter, so lawsuits between masters and servants or family members were often dismissed. Exceptions were made when it concerned matters of public good, that is, when the Bakufu's own interests were at stake; for example, when an internal household feud threatened to disrupt the delivery of copper. The court also intervened in cases that directly or indirectly involved retainers of the shogunate. For example, the *hyōjōshō* regarded the attempt by employees to incriminate Kichizaemon as disrespectful of the government, since they did so by submitting documents and accounts containing names of members of the samurai class. They were handed down a severe punishment.

Second, while the heir singly succeeded to the position of household head and inherited the bulk of the estate, he could not act in an arbitrary way. It has become clear from the work of Kasaya Kazuhiko (1993) that samurai retainers had the authority to collectively launch an "impeachment" procedure against their lord. Although this phenomenon was also present in the com-

moner class, it is usually difficult to distinguish it from a voluntary resignation, and even more difficult to find out what really went on. The case of Izumiya, however, provides an example: when Kichizaemon refused to succumb to collective pressure to retire, the unanimous assembly of family and managers resorted to litigation. They accused him of misconduct in office before the local City Magistrate, and eventually succeeded in making him withdraw in 1780. However, when Kichizaemon then refused to transfer the remaining assets registered in his name and united his own faction, the *hyōjōsho* opted for an attempt to restore unity. The court decided in favor of the legitimate hierarchy by not punishing the household head in charge, and not handing down a clear-cut verdict to Kichizaemon; he was ordered to remain behind the scenes as *inkyō*.<sup>49</sup>

Third, this case study confirms the presence of the ideal of joint management in merchant houses. The *honke* or main house was the nexus of the business, in which the assets that were vital to business were concentrated. Branches (*bunke* and *bekke*) were subordinate and were obliged to make sacrifices if necessary, but at the same time constituted the core management. Nevertheless, joint management centering around the main house and its assets did not exclude factional rivalry and the pursuit of self-interest. Employees skillfully used the two opposing factions against each other to gain promotion or obtain financial rewards. Some pleaded to be released by the official master only to be rehired by his rival. Others worked for Kichizaemon, but later turned their back on him. The unity and collaboration between the main family, *bunke*, *bekke* and managers, which the house codes emphasized, were not always put into practice.<sup>50</sup> But the episode also proves the high position of the “managing staff” within the household. This cadre consisted of *tedai* who had been employed by Izumiya for most of their lives, and *bekke* clerks who had been awarded the title of branch family and headed “independent” businesses, but still functioned as Izumiya staff. Their votes were crucial in the appointment of a leader. The supreme court affirmed the obligations accompanying their position: when several employees of Kichizaemon turned their back on him, the court disciplined them as they did not make any efforts to alter their master’s behavior. Not the instigators but the employees involved were held responsible for allowing the unity to be disrupted.

Finally, the feud clarifies the role of the family and the household head in business. Although the employees held a high, collective position in the power structure, it would be wrong to deny the involvement of the family in general, and the household head in particular, in the highest levels of decision-making. It was only when the family ran out of progressive, highly individualistic leaders, that managers such as Takawara Genbei and especially Hirose Saihei pushed the family into the background. This development can be said to have

started after the death of Sumitomo's strong man, Kichizaemon, in 1816 (Bunka 13). The ninth and tenth household heads were not very gifted managers. The family history described the ninth head, Tomohiro (1807-1845), as somebody who deceived people, had a drinking problem, and liked to live in luxury, thereby presenting a bad example to employees (Nakase, 1984: 177).

Moreover, the house faced numerous difficulties: various cases of mining pollution (1804, 1819), the Tenpō famines (1833-1836), the deficit of the Besshi mine, the unprofitable condition of branches in Edo, and the Ōshio revolt<sup>51</sup> (1837) (Nakase, 1991: 124-131). In 1839, these difficulties caused Izumiya's head manager, Takawara Genbei (1790-1870), to codify the power of the *shihainin* as part of his reforms during the Tenpō period (1830-1843): it was the *shihainin* who ruled the affairs of the *ie*. The *shihainin* had to act as the substitute of the master, pass judgment on employee diligence or lack thereof, and present rewards and discipline laziness (*ibid.*: 123). It was largely thanks to Takawara's successor as the chief manager, Hirose Saihei, and his autocratic management control, that Sumitomo survived the Meiji Restoration. Hirose actually reduced the role of the household head to a symbolic one, particularly obvious in the re-drafted house constitution<sup>52</sup> of Meiji 24 (1891). As general manager he decided on a successor to the position of *kachō*, as the household head would be called from the Meiji era on. Not the family but Hirose Saihei himself consecutively handpicked the twelfth, fourteenth, and fifteenth heads of the family. Furthermore it was his ties to influential leaders of government such as Iwakura Tomomi that enabled Sumitomo to avoid confiscation of the Besshi mine, its most vital asset. The house feud of the latter half of the eighteenth century can thus in retrospect be seen as a transitional stage to a managerial enterprise with the household head as symbol of authority. The conflict showed the inconsistencies that could arise between the authority of the household head and his position as the legal owner of the estate on the one hand, and the ideals of collective management and joint ownership on the other.

#### Notes

1. For example, in the Low Countries (the present Belgium and Netherlands) the company form (*compagnie* or *geselschap van handel*) was codified in the Antwerp Customary Legislation of 1582, and as part of a comprehensive commercial code, regulated in more detail in the revised version of 1608. Cf. Gaens, 1998.
2. Cf. Yonemura and Nagata (1997) for an overview of discussions on the *ie* in Japanese works. Japanese scholars have alternately considered the *ie* a (stem) family, an institution or enterprise, and a social, political, legal, or economic structure.
3. For a more detailed account see Nakada (1954: 49, 62-7)

4. Masatomo (1585-1652), a Nehan-sect priest, who had a book and medicine shop in Kyoto, is traditionally credited as the founding father (*kasō*) of what later became the Izumiya-Sumitomo house. It was, however, Masatomo's brother-in-law Soga Riemon who was the founder of its business (*gyōso*). He owned a hardware shop named Izumiya, but it was only when he acquired the *Nambanbuki*, a new technique to extract silver from copper, that his business really took off. Riemon's son Rībei Tomomochi inherited his father's copper refining and trading enterprise and, after being adopted by Masatomo, became head of the *ie*. In 1623 he moved the Izumiya business from Kyoto to Osaka, Japan's commercial center at the time.
5. Besides *katoku*, the successor to the household was also referred to as *sōryō*, *chakushi*, or *nadai* (Ishii, 1958: 588).
6. In cases where the guardian was sharing the same residence with the future successor he was referred to as *kanbō*. When a minor (under fifteen years of age) succeeded to the headship of the family, one of the relatives or clerks would be chosen to manage the commercial transactions and decide family affairs. Sometimes referred to as *daihan*, seal-representative. Local practices could differ.
7. The shop name was also used as a last name, since the use of family names was limited to the samurai class. Only through special permission by the Bakufu could merchants bear a family name. For example, the Sumitomo house was only authorized usage of its name in 1811 (Bunka 8).
8. *Sumitomo shiryū sōsho*, 1986: 314, no. 64.
9. *Sumitomo shiryū sōsho*, 1986: 317, no. 67.
10. *Sumitomo shiryū sōsho*, 1986: 318, no. 67.
11. His household eventually incorporated both the Izumiya enterprise and Masatomo's *ie* and business. Riemon's second son, Chūbei, had inherited Soga Riemon's *ie* and the Izumiya in 1631, but after Chūbei's death, his son transferred the business to Tomomochi. Masatomo's book and medicine shop (Fujiya) was inherited by his eldest son, but was later merged with Tomomochi's Izumiya. Hence, the branch family of Tomomochi eventually integrated both *ie* and became the Izumiya-Sumitomo main house.
12. In some families, referred to as *makke* or *bettaku*.
13. Sometimes referred to as *bantō*, though in *Sumitomo shihannin* seems to have been the regular appellation.
14. *Honke sōtedai kokoroe* (Kan'en 3, 1750), art. 1 (*Sen'oku sōkō*, 1997: 26, app. 38-43). *Besshi dōzan sōtedai kokoroe* (Kan'en 3, 1750), art. 25 (ibid.: 28, app. 43-49).
15. As a Sumitomo house code advises. "Remember that proper behavior for a servant entails loyalty to the head of the house, but, at the same time, if the Sumitomo house flourishes because of his loyalty, its prosperity becomes his prosperity as well. Follow these rules scrupulously." (*Oboe* (*Honke sōtedai ate*), art. 19. *Sen'oku sōkō*, 1997: app. 42. Tr. Ramseyer, 1979: 229). Cf. also the *Bunyo bekke shiki* (1760) ibid.: app. 87-92. "Diligence and hard work contributing to the prosperity of the main house are the most meritorious" (my translation).
16. Cf. *Besshi dōzan sōtedai kokoroe*, art. 9. *Sen'oku sōkō*, 1997: app. 44-45.
17. Houses owned by Izumiya which were let for rent.
18. "Policy for allocations to branches," (1760). *Sen'oku sōkō*, 1997: app. 87-92.

19. *Oboe (Bekkechō, shihainun ate)* (1750) arts. 1, 16, 17 (*Sen'oku sōkō*, 1997: 24, app. 34-38)
20. *Oboe (Bekkechū, shihainun ate)*, art 16: "All the employees who have recently been promoted to *bekke* must start a business" (*Sen'oku sōkō*, 1997: app. 37) Nevertheless, they were obliged to keep on following all the guidelines of the *honke* (*Oboe (Bekkechū, shihainun ate)*, arts 17, 18, 19, *ibid* · app. 37)
- 21 "The main house must behave to the branch like an elder brother and the branch, in turn must rely upon it for its instructions. Recently a number of main houses have behaved badly and through immorality have lost their property and ordered the branch to give them financial aid. Such orders, the branch will not receive in good grace and the main house will threaten to take back the family name and shop curtain. Should matters reach this stage, the branch will become determined not to yield unless forced to do so and the quarrel may come before the Courts. The result will be that the two houses will break off their relations with one another, the main house will have no further opportunities of getting money from the branch, and, apart from these business troubles, the main house will have to sell its furniture and other belongings. . . . The *bekke* being a branch of the main family, is, if necessary, naturally required to provide it with help, not only of a monetary nature, but of all kinds, just as when a tree shows signs of withering, the branches must be wholly or partly lopped off, in order to preserve the main stem. The branch house should also struggle on behalf of the whole concern to acquire savings. Should the head of the main house be dull-witted and not suited to act as supervisor, a member of a branch house should be sent to the main house to act as guardian. . . ." (translated in Smith, 1937: 169-171; the original can be found in *Nihon Keizai daiten, Hōkan 2* (1976), Tokyo. Tsūzoku Keizai Bunko 3-4, pp 1-126).
22. *Besshi dōzan sōtedai kokoroekata* (1750), art. 1 (*Sen'oku sōkō*, 1997: 28, app. 43-49).
- 23 *Okite* (Genbun 5, 1740) arts 4, 11, 12 (*Sen'oku sōkō*, 1997: 17, app 22-24).
- 24 *Kaisei shihōgaki* (Kansei 12, 1800) arts 1, 2 (*Sen'oku sōkō*, 1997: 43, app. 114-117).
- 25 Also the managers of the distant mines and the Edo and Nagasaki shops were to attend the meeting at the *kanjōba* when they were in Osaka (*Oboe (Bekkechū, shihainun ate)*, arts. 1, 2. *Sen'oku sōkō*, 1997: app 34).
26. The full family records, *Suiyū meikan*, up to Meiji 24 (1891) were compiled in thirty-two volumes. However, until today the Sumitomo family has refrained from making their archives available for research purposes. An abbreviated version of the full, unpublished version in the archives of Sumitomo, *Sumitomo kashi, Suiyū meikan shō*, kept in the library of the Osaka Chamber of Commerce, does not provide many details about the feud. Citations in Nakase's works are therefore the only way of referring to the authorized account of the above-mentioned Sumitomo family records.
27. *Oshioki reiruishū (koruishū)* vols. 1-4, compiled by Ishii Ryōsuke (1971) Hereafter referred to as *Oshioki*, followed by the case file number.
- 28 *Oboe* (1750), *Sen'oku sōkō*, 1997: app 29.
29. *Honke Bungomachi ryōke eiei no okite* (Kan'en 3, 1750) arts 4, 6 (*Sen'oku sōkō*, 1997: 23; app. 31-33).
30. Sumitomo's Tomonori was eighteen years old at his succession but remained under the guardianship of Riberi.

31. Tomotoshi's wealth had steadily increased. When in 1761 (Hōreki 11) the Bakufu for the first time imposed provisional taxes (*goyōkin*) on more than two hundred Osaka merchants, Kichizaemon Tomonori was forced to pay five thousand gold *ryō*, whereas Tomotoshi was charged triple that amount (*Sen'oku sōkō*, 1983: 21).
32. Sakudō Yōtarō on the other hand, regarded declining profits as the cause of the *honke* taking over management of the mine. Ribei Tomotoshi, true to the spirit of the house constitution that *bunke* and *bekke* should work together for the prosperity of the *honke*, handed over the Tatsukawa mine to the Sumitomo main house (Sakudō, 1986: 203-204).
- 33 *Mibun fusōtō* Tomonori wined and dined Bakufu officials and kept a courtesan as mistress in Kyoto's Gion district (Nakase, 1991: 118).
34. *Kichizaemon ie namae shirizoki negai ikken* (*Oshioki* nos. 2214, 2055).
35. *Oshioki* no. 1377
- 36 *Izumiya Kichizaemon katoku yuzuri watashi, sashi todokōri sōrō ikken* (*Oshioki* no. 320, 1364, 1377, 2055, 2215)
- 37 *Oshioki* no. 554.
- 38 *Izumiya Kichizaemon tedai, Edo omote ni oite, saiō sojō sashi dashi sōrō ikken* (*Oshioki* no. 251, 554, 2216). The first petition was rejected. According to Nakase (1991: 122) the second lawsuit concerned a *kagoso*, or palanquin-petition to the chief-censor (*ōmetsuke*) in the second month of 1783 (Tenmei 3).
- 39 *Oshioki* no. 251. These employees were later convicted for showing contempt to the Bakufu by appealing directly to the highest officials (*osso*, referring to the illegal action of appealing directly to a senior official, i.e. the *machi bugyō*, without going through formalities). In order to file a lawsuit, one first had to notify the *ienushi* or supervisor of the house where the accused resided, then the *nanushi* (the headman of the village) or the *machi-doshiyori* (ward head) Only if at each of these stages no reconciliation or settlement could be reached, the case would be referred to the *machi bugyō*. The term *osso* could also refer to direct appeals to the *shōgun*, *rōju*, or *daimyō* in their procession to or from Edo (palanquin appeal, *kagoso*). If a townsman (*chōnin*) appealed directly to the Magistrate's Office within Edo, it was called *jikiso*. Since it was illegal, the litigant knew a prison term and a punishment were unavoidable, even if his accusations would prove to be justified (Sasama, 1991: 94-96).
40. The Chamber of Decisions, the Tokugawa supreme court, normally consisting of the *rōjū* and the three *bugyō* (the Edo City Magistrates, or Edo *machi bugyō*, the Superintendents of Temples and Shrines, or *jisha bugyō*, and the Superintendents of Finance, or *kanjō bugyō*). They decided through a council system on complex inquiries relegated to them by the local *machi bugyō* (Sasama, 1991: 4-7).
41. *Oshioki* no. 251.
42. *Oshikome*, commonly called *zashikirō*: the convict would be confined to a cell floored with *tatami* mats, with no visits allowed (Sasama, 1991: 222).
43. *Oshioki* no. 320.
44. *Oshioki* no. 2215.
- 45 *Kōgi e kakari sōrō omoki shina*. Leupp (1992: 75) has pointed out that the *Osadamegaki*, the law code drawn up under Yoshimune and issued in 1742, mentioned the impropriety of suits by servants against their masters. Servants who falsely accused

their masters were to be crucified. One important exception, however, included suits against masters that involved “matters concerning the public good.” It is a fact, however, that during the Tokugawa period, a greater leniency developed toward suits by employees (*hōkōnin*), and often samurai officials might instruct local personalities, leaders or relatives to arbitrate the dispute (*ibid.*) Therefore, when a lawsuit was allowed, a long process of negotiation and arbitration had invariably preceded. Only irreconcilable differences reached the juridical court (Wigmore, 1969: 43-44). In order to avoid open quarrels between commoners the Bakufu appointed mediators to negotiate between the opposing parties and settle the matter privately. If they succeeded in attaining an agreement, an official document (*sumikuchi shōmon*) was sent to the Bakufu.

46. *Oshioki no 1377*.

47. *Sokotsu mata wa kokoroe chigai. Oshioki no. 1377*.

48. *Sen'oku sōkō*, 1997: 43, app 114.

49. *Oshioki no. 1377*.

50. It might be interesting to note that another in-house feud occurred in Tenpō 7 (1836). The main house sold the old house of the branch at Bungomachi but did not transfer the entire sum to the *bunke* of Izumiya Riberi, leading a descendant of Riberi Tomotoshi to file yet another lawsuit against the *honke* (Nakase, 1984: 163)

51. Ōshio Heihachirō (1793-1837) was a *yoriki* of the Osaka *machi bugyōsho*. When his appeals to the *machi bugyō* to take relief measures remained unanswered after the Tenpō famines (1833-1836), he led an unsuccessful rebellion against the Bakufu in 1837

52. For example, in 1876 the house constitution still mentioned that the household head had to be capable and involved in the daily running of the *ie*. If the heir should prove incapable and not manage the business properly, he would be succeeded by the next son or daughter in line (*Honke dai ichi no kisoku*, art. 10. Published in Hatakeyama, 1988: 125-127). By 1891 (Meiji 24) however, the ability rule had been omitted in the Sumitomo Constitution and the *shihainin* even got a say in internal *ie* affairs: “Important family matters should be dealt with by consultation between the chief manager and the staff” (art. 11) “All expenses by the family should be approved upon consultation with the general manager and the staff” (art. 12). The family head could not change any articles in the family constitution and house laws without obtaining permission from the chief manager and the staff (art. 14). Cf. *Sumitomo kaken*, (*ibid.*: 133-134).

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## 要 旨

### 家族、企業、そして法人 —近世における泉屋住友の組織—

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バルト・ガーンズ

本論文は、泉屋住友を俎上に上げ、近世日本における商家の組織を再検討ことを目的としている。とくに、(1) (当主の地位及び「家」の財産という意味での) 家督の単独相続、(2)所有者による統制と経営者への大規模な代表権委譲の併存、及び(3)本家・分家・別家による共同経営に焦点を当てて分析を行う。次に、「御仕置例類集」に見られる泉屋のお家騒動は、住友の「家」内部組織と、親戚・分家・別家・支配人・手代の関係を考察する契機を与えてくれる。十八世紀後半に起こったお家騒動は、実際上の単独所有と理想上の共有・共同経営の不調和を発露させる出来事であった。本論では具体的事例をあげてこれを例証するとともに、「家」制度における個人的な権限発揮及び自己利益の追求の潜在的可能性をも明らかにする。この事件は泉屋住友における所有と経営の完全な分離、そして当主の象徴的存在への転換の前兆にもなったと考える。