

Abstract of Doctoral Thesis

Title: A Study on Redemption in the Early Modern Japan

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Shoku-kei (redemption) is the system to substitute money for punishment, origin from Chinese law. In this thesis, we examined the acceptance of shoku-kei by scholars and the influence of shoku-kei on the Tokugawa shogunate (bakufu) and domains (han) in the early modern Japan.

In the first part, we examined Sakakibara Koshu, Takase Gakuzan, and Ogyu Sorai's opinions about shoku-kei, to use their works such as commentaries on the *Ming Code* and reports to shogun Tokugawa Yoshimune. According to studies, it said that Koshu opposed the introduction of shoku-kei and Gakuzan supported it. In this part, we proved that Koshu, Gakuzan, and Sorai comprehend about the redemption system in the Ming dynasty, and they were all favorable to shoku-kei.

In the second part, we examined the *Ming Code* style domainal penal codes such as *Keihososhō* of Kumamoto-han, *Keisoku* of Aizu-han, *Kanseiritsu* and *Bunkaritsu* of Hirosaki-han, *Shinritsu* of Shibata-han, and *Kokuritsu* of Wakayama-han. According to studies, it was already pointed out that these codes had shoku-kei. However, the overall picture was not fully elucidated. As the result of the research, we proved that most of these codes introduced shoku-kei according to the *Ming Code*.

In the third part, we examined the rejection of shoku-kei in the shogunate. According to studies, it said that Yoshimune invented karyo-kei (fine) influenced by shoku-kei. We confirmed that karyo-kei had been in use before Yoshimune and gave the reasons why the shogunate did not introduce shoku-kei. The first reason is the shogunate penal system incompatible with shoku-kei. The second reason is the inequality of shoku-kei. The third reason is collecting money as punishment was avoided because profit-making was hated. The fourth reason is the shogunate was reluctant to introduce a new penal system because of the thought respecting the old law.