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A Comparative Study of Sumptuary Laws on Clothing in Early Modern
Central Europe and Tokugawa Japan

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I declare that I have created the thesis myself. All sources and literature used have been duly cited. The work was not used to obtain another or the same title. This declaration and consent will be signed by handwritten signature.

Abstract:

This thesis focuses on the study of the sumptuary laws on clothing of Tokugawa Japan and early modern Central Europe. It attempts to analyze them using the methods of comparative history and material culture with close attention to what these laws reveal about the social structures and cultural backgrounds of the societies they existed in. The empirical basis for this thesis includes edited sources. Recent scholarly literature by leading scholars in the fields of fashion/consumption history and Asian/European studies will allow to pose up-to-date questions in line with the state of the existing scholarship. In addition to the joint study of fashion, luxury and consumption, the thesis also deals with such issues as class, social status, changes in the social and economic structures, possibly even religion/culture and other things, that played an important role in how the sumptuary laws were formulated and enforced.

Key words:

Sumptuary laws, fashion history, material culture, Tokugawa Japan, early modern European history, comparative history

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I. Introduction

This bachelor thesis explores the sumptuary laws of Tokugawa Japan and early modern Central Europe from a comparative perspective. Using a variety of primary and secondary sources, such as critical source editions, journal articles, book chapters, and books by leading experts in the fields of fashion/consumption history and Asian/European studies, it strives to analyze those laws through the lenses of comparative and material culture histories with the goal of learning more about the role and perception of clothing in these pre-modern societies. The combination of the recent scholarly literature with comparative methodological tools has opened up space for the formulation of the following questions:

How do the sumptuary laws on clothing in early modern Central Europe and Tokugawa Japan compare? What is similar and what is different? How can we explain these differences and commonalities? How can comparing those two examples help us understand them as separate entities? What do those sumptuary laws tell us about the societies in which they were introduced? How do they articulate social structure and what do they reveal about the political and economic situations of their time? What does the comparative analysis of those two regions tell us about the early modern world and about the sociocultural phenomenon of clothing regulations?

It should be emphasized that in addition to the joint study of fashion, luxury, and consumption, this thesis also deals with such issues as class, social status, changes in the social and economic structures in societies it studies, and changes in the spheres of religion and culture. It will also study the interconnectedness that exists between those rather abstract and theoretical concepts and other more "material" aspects of life in the early modern world, as well as a variety of other things that influenced the formulation and enforcement of the sumptuary regulations in the early modern world.

After I have identified the questions to be raised in this thesis in reaction to the current state of the research, I would like to briefly elaborate on the initial ideas, that are developed further in the chapter "Sumptuary Laws and the State of Research on Pre-Modern Clothing Regulation". The general thought behind this research is to fill in the gap that exists in the study of those regulations. I will do so through comparative analysis as currently there is a relatively small amount of academic works that use a comparative approach to analyze this topic in Central Europe. The number of scholars who choose to combine the aforementioned comparative approach and material culture methodology is even lower. The situation is somewhat different in other areas of humanities and social science, for example, this combination would not be unusual in the field of socio-cultural anthropology.

Although the combination of methodologies chosen for this thesis may be relatively uncommon, it is written in a manner that is reflective of general current tendencies in the area of history, it seeks to explore. Historians of fashion/consumption/luxury have increasingly strived to employ a global perspective in the study of their subjects. This shift towards looking at the broader supra-regional and supra-national context, surrounding the role of clothing in general and sumptuary regulations specifically, is especially well reflected in the works of scholars, whose work has contributed largely to this thesis - Giorgio Riello and Ulinka Rublack. Riello along with Rublack have recently established "sumptuary regulations as a global phenomenon".¹ This, according to them allows us to "evaluate their differing nature, functioning and socio-economic consequences across the early modern world".² Through this point of view, sumptuary regulations are no longer understood as being completely isolated reflections of one specific society and culture. The reason for this shift is that the analysis of sumptuary laws in different societies as being completely unrelated to each other prevents us from understanding their role as an essential part of life throughout almost all places in the early modern world.

An insightful definition of the sumptuary regulations can be found in Britannica which defines them as "any law designed to restrict excessive personal expenditures in the interest of preventing extravagance and luxury", affecting "extravagance in food, drink, dress, and household equipment, usually on religious or moral grounds".³ Essentially, the term "sumptuary laws" refers to the regulations that controlled consumption, particularly the personal consumption of luxuries and the public displays of such behavior.⁴ They can also be characterized as "a tool used by states to regulate manufacturing systems and moral economies via the medium of expenditure and consumption".⁵ Although their origins could be traced back to Ancient Greece,⁶ they became especially prominent in the early modern world when they were used to uphold the existing social hierarchy⁷ in the face of the changes brought on by this time period. Many of the sumptuary laws focused on fashion - clothing, accessories, fabrics, etc. It will be this type of sumptuary regulations that will be at the core of this thesis. Interestingly enough, the rise in prominence of the laws regulating

¹ Giorgio Riello and Ulinka Rublack, "Introduction," in *The Right to Dress: Sumptuary Laws in a Global Perspective, c. 1200-1800*, ed. Giorgio Riello and Ulinka Rublack (Cambridge, UK: Cambridge University Press, 2019), 4.

² Ibid, 4.

³ Encyclopedia Britannica Online, s.v. "Sumptuary Law", accessed May 3, 2024
<https://britannica.com/topic/sumptuary-law>

⁴ Laurel Ann Wilson, "Common Threads: A Reappraisal of Medieval European Sumptuary Law," *The Medieval Globe* 2, no. 2 (2016): 142.

⁵ Ibid.

⁶ Alan Hunt, *Governance of the Consuming Passions* (London, UK: Palgrave Macmillan, 1996), 16.

⁷ Riello and Rublack, "Introduction.", 12.

consumption can be attributed to the changing fashion and clothing practices, specifically to the economic developments that made them particularly important in the early modern world. As Crane and Bovone describe it: "Fashionable clothes as consumer goods become important when ... levels of disposable income increase in the middle and working classes".⁸

Sumptuary regulations were an integral part of life in many societies across the world during the period of early modernity. Although there were some exceptions to this rule, such as the Netherlands, multiple early modern societies rigorously introduced new regulations in order to control consumption. From Sweden and Italy to Batavia and Benin, sumptuary laws not only existed but flourished, prospered, and evolved. This fact makes sumptuary regulations particularly suitable for comparative analysis.

Despite the variety of areas that were once affected by the sumptuary laws, I find it important to once again reestablish the fact that this thesis deals only with laws, concerning fashion (including related topics, such as fabrics and jewelry). This means that the other aspects of early modern life that were also often regulated by the sumptuary laws, such as architecture, food/drink consumption, and household equipment, will not be explored within this thesis.

Sumptuary regulations can provide insights into many phenomena, from the religious attitudes to the economic conditions. Looking at them through a global comparative perspective, as it was mentioned above not only fits in with the current trends in early modern history but allows us to better understand the regulations themselves, their causes, and effects. Thus, this thesis explores not only the sumptuary laws as an integral part of the early modern societies, but it also studies the globalizing early modern world through the lens of sumptuary laws. For example, through the light that they cast on the increasingly significant role of imported, foreign-produced (luxury) goods in local economies, we can gain insight into just how much more interconnected the world grew during the time period discussed in this thesis. New developments in transportation, increased mobility of the population, and more frequent contact between nations (as well as other developments of the era) made it so that the locally produced goods stopped being the only option in most of the communities across the early modern world. This development was oftentimes a significant challenge for many early modern governments seeking to stimulate local economies. Sumptuary laws were one of the methods utilized to tackle this issue through not only limiting the ability of members of certain classes to purchase imported products but also through valorizing the

⁸ Diane Crane and Laura Bovone, "Approaches to Material Culture: The Sociology of Fashion and Clothing," *Poetics* 34, no. 6 (2006): 324.

idea of local production by using religious, ethical, and moral concepts to justify the aforementioned restrictions.

To summarize the role of sumptuary regulation, expressed in the previous paragraph and throughout this thesis, let me quote the leading scholars in the field of fashion and material culture history, Giorgio Riello and Ulinka Rublack: "the history of dress regulation ... opens up key central processes of social, political, economic, legal, religious and cultural change in new ways".⁹ This position is, in a way, reflective of the material culture approach. As for the methods of comparative analysis and their relevance and applicability to the topic of this thesis, I would like to quote one of the most dedicated proponents of the usage of this method in the field of historiography (especially when it concerns sumptuary laws) - Laurel Ann Wilson: "Sumptuary law is an ideal subject for comparative study on a global basis, since it is a widespread phenomenon, both geographically and chronologically".¹⁰ Building on this inspiring research tradition I seek to explore the sumptuary regulations in the less often studied regions.

To conclude, this BA thesis seeks to take an in-depth look into the sumptuary laws, that existed in both Tokugawa Japan and Early Modern Central Europe, their differences and commonalities, how they can be explained, and what information they can provide to us about these pre-modern societies. The combination of methodological tools of comparative history approach, material culture method, histories of fashion, luxury, and consumption with the up-to-date academic literature, which includes a variety of edited sources written by the leading experts in the aforementioned fields, promises a novel way of looking at the thesis topic and allows the filling in of the gaps, existing in the current state of the research.

Thus, this thesis builds on recent developments in the study of early modern dress regulations. The goal of this thesis project is to provide a better understanding of sumptuary regulations as an inherent part of life in the early modern world as a whole. The perspectives employed by this research provide us with opportunities to analyze sumptuary regulations not as isolated and almost accidental acts of governance but as formative parts of early modernity.

⁹ Riello and Rublack, "Introduction.", 2.

¹⁰ Wilson, "Common Threads: A Reappraisal of Medieval European Sumptuary Law.", 146.

II. Sumptuary Regulations and The State of Research

Sumptuary regulations "regulated dress and extravagant expenditure, and were common across pre-modern societies, particularly in societies where dress was an important signifier of status".¹¹ Though sumptuary laws could be defined as "laws intended to regulate any kind of consumption of any kind of commodity", it is important to recognize that "in actuality, sumptuary law was always narrowly focused on personal consumption and almost always aimed at its public display".¹²

Riello and Rublack in the introductory chapter of the 2019 book edited by them and entitled "The Right to Dress: Sumptuary Laws in a Global Perspective, c. 1200–1800" identify the main goal of those regulations as the creation of "social distinction by reinforcing established ideas of hierarchy, making it visible and recognizable".¹³ Hierarchy in this case mostly refers to the class structure but it should not be ignored that the sumptuary laws played a rather large role in upholding other systems of oppression by excessively focusing on the consumption patterns of already disadvantaged members of society (i.e. women and religious/ethnic minorities). In addition to that they have also performed other functions, both moral and economic in nature. In some communities, they were introduced partially in order to curb overspending, for example in the Ashkenazi Jewish diaspora in Central Europe, while in others, like the ones in the Swiss cities, they were largely shaped by religious ideas.

One of the first examples of what we now recognize to be sumptuary regulations can be found in Ancient Greece with the "Laws of Solon". These laws that existed in the early sixth century BC Athens were mostly focused on "conspicuous consumption at funerals".¹⁴ They regulated the kind of food that could be served during the event, how large the procession itself could be etc. It is interesting to note that just like many of the sumptuary laws of the Early Modern World they rather asymmetrically targeted women. Amongst the things that these "Laws of Solon" have kept the women from doing are laceration of the cheeks as a part of the mourning process and possession of more than three mourning shawls.¹⁵

Although the sumptuary laws were definitely a part of life in the Middle Ages, the golden age of sumptuary regulations could be seen in the years between 1650 and 1800 when many governments all over the world, from China and the Ottoman Empire to the Swiss

¹¹ Mark Koyama and Desiree Desierto. "The Political Economy of Status Competition: Sumptuary Laws in Preindustrial Europe." (2020): 6.

¹² Wilson, "Common Threads: A Reappraisal of Medieval European Sumptuary Law", 142.

¹³ Riello and Rublack, "Introduction.", 12.

¹⁴ Hunt, *Governance of the Consuming Passions*, 1996, 18.

¹⁵ Ibid.

cities and Sweden, turned to them as the way of dealing with the challenges that they Early Modernity brought along – specifically the rise in social mobility, urbanization, globalization, the consumer and industrious revolutions, changing roles of women in society, etc. The reasons for the sumptuary laws becoming more developed and numerous during that time therefore also include Reformation, the decrease of power/property of the traditional elites, fear of the foreign, and fear of change. It should also be noted that during this time "fashion in dress began to assume increasing importance",¹⁶ causing the authorities to pay more attention to it and thus increasing their desire to exert control over it. Regulations concerning the consumption of luxury items "were frequently violated and costly to enforce".¹⁷ Still, this did not prevent them from being central to the lives in so many medieval/early modern societies all over the world.

The decline of the sumptuary laws started in the eighteenth century. They still existed in certain places but they were very rarely enforced with much vigor and gradually became less and less numerous. This shift in their social role can be attributed to multiple factors, such as increasing economic freedom, the Mercantilist spirit of the time, and the rise of individualism. The laws that still functioned were less defined by their religious/moral importance and more by their economic benefits. In fact, this diminished importance of the sumptuary regulations was reflective of the general state of the economy during that time and the people's attitude towards it - economists of the era were more concerned with the question of production, rather than consumption. The desire of the so-called common people to access luxury items stopped being perceived as an evil moral failing that was disruptive to the social order but instead began to be seen as a motivating factor that could motivate them to work harder and thus earn more, allowing them to participate in legal consumption of those goods. This in turn could force the manufacturers to increase the amount of luxury goods produced in order to meet the demands of this new market leading to an altogether improved economy. In fact, this focus on stimulating local economies led to the sumptuary laws remaining in the eighteenth century to focus on restricting import of the luxury items, rather than their consumption in general. The last few remains of attempts "to stem the tide of fashion and luxury with legislation proved to be a total failure even when the punishment for infraction was great".¹⁸

¹⁶ Herman Freudenberger, "Fashion, Sumptuary Laws, and Business," *The Business History Review* 37, no. 1/2 (1963): 38.

¹⁷ Koyama and Desierto, "The Political Economy of Status Competition: Sumptuary Laws in Preindustrial Europe.", 3.

¹⁸ Freudenberger, "Fashion, Sumptuary Laws, and Business.", 48.

Since sumptuary regulations, especially those explored in the later chapters of this thesis, were closely linked to the concept of "fashion", I believe, that a discussion of the perspectives a the academic field that studies it adopted would be beneficial for the reader's understanding of both the idea of fashion itself, and the laws that specifically regulate its consumption. There are two major theories regarding the conceptualization of fashion - the "status" one and the "collective selection" theory. Although both of them are broadly recognized, the status theory is far more relevant to the goals of this specific project.

The collective selection theory, that was informed by the ideas of the sociologist Herbert Blumer, proposes looking at fashion as a something that "emerges from a collective process wherein many people, through their individual choices among many competing styles, come to form collective tastes that are expressed in fashion trends".¹⁹ Fashion, according to this theory that completely rejects the trickle-down-theory, is always reflective of "the spirit of the times" - of the zeitgeist.²⁰ People engage with trends not to emulate their "social betters" but to express themselves and to associate with things that are new and exciting. "Being in fashion is desirable"²¹ in itself, even outside of any social implications. However, the collective selection theory does not reject the social element of fashion entirely, instead it views it as "a combination of individual differentiation and collective identification, and of the personal and social impulses".²²

The status theory, which was influenced by the academic works of Thorstein Veblen and Georg Simmel, suggests that "fashion is adopted by social elites for the purpose of detracting themselves as a group from the lower classes".²³ Therefore as soon as the lower classes attempt to appropriate the aesthetics of those above them, the upper classes respond by reconsidering what is considered fashionable (or in the case of sumptuary regulations - restrict the ability of the lower classes to imitate the elites entirely). This paradigm views changes in fashion as being "endlessly propelled by the drive to social stratification on the one hand and to social mobility on the other".²⁴ The "status" approach to fashion is relevant to both the historical works and the analysis of modern-day life as even nowadays many fashion trends do not become widespread and accepted by mainstream society until they have been created/appropriated by those belonging to the upper socio-economic classes. Though this approach has been criticized by some scholars as being too shallow, there are

¹⁹ C. Scott Hemphill and Jeannie Suk, "The Law, Culture, and Economics of Fashion," *Stanford Law Review* 61, no. 5 (1996): 1157.

²⁰ Ibid.

²¹ Ibid, 1158.

²² Ibid, 1159.

²³ Ibid, 1156.

²⁴ Ibid.

still many merits to it that have ensured its continuing presence in the world of academia up to this day.

The study of the sumptuary laws goes back to the late nineteenth century, when many "French, Italian and Spanish historians, including amateur, local and legal historians" started to examine them as "documents offering the means to reconstruct regional and even urban consumption, especially for the later Middle Ages".²⁵ These studies have mostly focused on the laws regarding clothes and rarely looked at them as a global phenomenon. The shift in this paradigm happened in the mid to late twentieth century. Donald H. Shively's 1964 study of the Early Modern sumptuary laws has been significant in the field adopting "a broader and more comparative framework of investigation",²⁶ but it was not until the 1990s that this became the norm. During that decade multiple significant pieces of academic research that appropriated this lens were published, such as Alan Hunt's "Governance of Consuming Passions: A History of Sumptuary Law". This book is especially noteworthy by virtue of being "the first attempt at conceptualizing sumptuary laws at a transnational and comparative level".²⁷

Despite all that consumption as well as fashion, two of the things deeply intertwined with the concept of sumptuary laws, have not traditionally been extremely popular with the academics due to being perceived as "a form of capitalist manipulation of the public by Marx, members of the Frankfurt School, and other Marxist authors" and being linked with "women's pursuits".²⁸ Still, in the last few decades, there have been some developments regarding that, not only in historiography but within other disciplines belonging to the group of humanities also. Experts in the field, Nicola White and Ian Griffiths, have expressed the opinion that "The history and theory of fashion has . . . become a field of unprecedented academic interest".²⁹

The insufficient attention that the sumptuary regulations have received by historians is quite surprising when one considers just how much information they can provide on the places and time periods they existed in. In addition to providing reflections of reality, they also convey the popular moral, philosophical, and religious beliefs of the time as they provide insight into "lawmakers' conceptions of an ideal society".³⁰ According to Laurel Ann Wilson, proper examination and analysis of the laws regulating consumption can lead

²⁵ Riello and Rublack, "Introduction.", 5.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Crane and Bovone, "Approaches to Material Culture: The Sociology of Fashion and Clothing.", 320.

²⁹ 2001, 1 as quoted in Patrik Aspers and Frédéric Godart, "Sociology of Fashion: Order and Change," *Annual Review of Sociology* 39 (2013): 171–92.

³⁰ Wilson, "Common Threads: A Reappraisal of Medieval European Sumptuary Law.", 143.

to discoveries about a variety of subjects, such as the "relationship between the governing and the governed, strategies of contestation, the connection between law as normative statement and law as practice, along with glimpses of the workings of law courts".³¹ We can also learn much about social relations, gender, religion, and the role of fashion in the creation and maintenance of social status through the study of the sumptuary regulations.

A group of scholars that have been extremely significant in the revival of the study of the sumptuary regulations that took place in the later part of the twentieth century were feminist/gender historians. Those researchers' interest in the topic can be attributed to the fact that most Early Modern sumptuary laws, particularly in Europe, have disproportionately affected women. One of the earliest contributions to this perspective on the study of those laws was made by Diane Owen Hughes who published multiple academic sources on the matter during the 1990s. Amongst those who have followed her in adopting this perspective are such prominent scholars as Susan Mosher Stuard, Kim Phillips, and Carol Lansing. The work of historians that focused on gender has been tremendously influential not only for the entire field but for my research project specifically, as Cornelia Aust's article "Covering the Female Jewish Body. Dress and Dress Regulations in Early Modern Ashkenaz" has helped shape my understanding of the sumptuary laws in Early Modern Central Europe.

As for the comparative analysis of different sumptuary regulations specifically, this area has not been fully explored by historians. This is despite the fact that some scholars have concluded that "sumptuary law is an ideal subject for comparative study on a global basis".³² This belief is based on the fact that sumptuary regulations at one point in time were a worldwide phenomenon, leaving the person studying them with no shortage of choice regarding which examples to compare. There is also an area left to develop when it comes to the comparison of those laws across time, i.e. the differences and the similarities between them during the Ancient times and during the period of early modernity. Still, in recent years there has been a rise in the number of historians adopting the methods of comparative analysis in relation to the study of sumptuary laws. We can look at "Common Threads: A Reappraisal of Medieval European Sumptuary Law" by Laurel Ann Wilson and "Reconciling the Privilege of a Few with the Common Good: Sumptuary Laws in Medieval and Early Modern Europe" by Maria Giuseppina Muzzarelli as examples of this trend.

After discussing the state of research regarding the history of sumptuary regulations, I believe it would be fair for me to conclude this chapter with the quote by Laurel Ann Wilson,

³¹ Ibid.

³² Ibid, 146.

a professor at Fordham University in New York, that not only helps situate my research project within the academic field but also shows its relevance:

"Although scholarly interest in sumptuary law has increased in recent decades, the laws hold far more potential as a historical resource than has yet been realized. To date, moreover, the various bodies of sumptuary law have been studied in geographic and temporal isolation from one another, rather than as a whole, as a large corpus with local variations. It is time to approach sumptuary law on a comparative basis, to allow internal similarities and differences to suggest new meanings and new avenues of research".³³

³³ Ibid, 141.

III. Methodology

Two main methodological approaches were chosen to be used during the process of writing this thesis, namely comparative history and material culture approaches as they are particularly well suited to deal with the formulated research questions and have allowed an in-depth, fresh look at the topic brought up in it. Other reasons for this particular combination of methodological tools can be found in the work of prominent German academics, Heinz-Gerhard Haupt and Jürgen Kocka who argue that not only "the realm of culture and ideas, will play an increasingly important role in comparative research",³⁴ but also that such phenomena as consumption "are legitimate objects of historical comparison and gain even richer meaning when viewed in relation to social practices, their carriers, and conditions of behavior".³⁵ These approaches have long been rather marginal in the study of history and almost non-existent in the more specific field of fashion history. Though that field itself is quite young and thus entails many gaps left to be explored and developed. However, projects, that added the lens of comparison to research of materiality have been finished successfully in other fields, like socio-cultural anthropology. In this chapter, I will not only introduce the aforementioned two methods but also a variety of other concepts, including luxury, consumption, moral economy, etc.

The first methodological approach that is pivotal to this thesis is comparative history as it serves as the basis for all the other theories and ideas, that contributed to formulating answers to the research questions asked in this piece of academic work. Comparative history, as defined by Haupt and Kocka, is "the province of a more theoretically oriented, analytic type of history, more explicit in its concepts, with a certain distance from historical tradition".³⁶ This specific definition can explain the reasons why, despite its widespread acclaim in other fields of the humanities, comparative historical analysis has been largely underused by mainstream historians, who have preferred other, more traditional methodological frameworks for their studies. In fact, research conducted by Thomas Welskopp, shows that history has developed precisely as a largely non-comparative discipline due to the fact, that during its most important formative years, there was a tremendous amount of importance attributed to the idea of it having to distance itself from

³⁴ Jürgen Kocka and Heinz-Gerhard Haupt, "Comparative History: Methods, Aims, Problems," in *Comparison History and Europe in Cross-National Perspective*, ed. Maura O'Conner and Deborah Cohen (New York, USA: Routledge, 2004), 36.

³⁵ Ibid.

³⁶ Ibid, 25.

natural sciences and their focus on categorization.³⁷ Still, it would be unfair to say, that comparative history has been entirely ignored, especially when we take into consideration multiple works of interdisciplinary and theoretically oriented historians, who have been consistently employing this theoretical approach in their research. We can look at the works of such historians as D.C.M. Platt, Thomas F. Madden, and Christopher R. Browning as examples of that. This difference in popularity can be explained by the fact, that in general, the comparative method has been very prominent in other fields of humanities and social sciences, such as literary studies, sociology, anthropology, etc; thus interdisciplinary historians can draw on the experience and traditions of their colleagues in the fields they were connecting history with.

Despite it being traditionally underappreciated by the students of history, especially in the years preceding the twentieth century and more specifically the incorporation of comparative analysis into the field of social history in the 1970s Germany, this method has multiple advantages, that should not be forgotten and that make it a particularly good fit for the type of research conducted in this bachelor's thesis. One of those advantages lies in the fact, that according to the aforementioned Haupt and Kocka, comparative history allows researchers employing it to focus on more specific issues as it "requires selection, abstraction, detaching of the case from its context",³⁸ however, it still provides an insight into a broader picture surrounding the specific topic of the research as it is generally agreed that abstraction should be minimized as much as possible in order to lessen the inherent contradictions, that exist between comparative history method and classic principles of historical scholarship. Another reason for choosing this method is that it opens up opportunities for the research to explore various processes, institutions, etc. in a deeper, more meaningful way, because this method, as characterized by Baldwin, "serves primarily to separate the important from accidental and thus point the way towards causal explanations".³⁹ This can probably be attributed to the fact, that in addition to abstraction, the comparative study of history requires precision from researchers when it comes to the choice of topic of their work. Welskopp argues, that the creation of a good comparison, that makes sense and enriches historical scholarship, is based on a common point of reference: *tertium comparationis*, which means that a phenomenon must be identified, defined, and described outside of comparative context, that will surround it in the final version of the

³⁷ Thomas Welskopp, "Comparative History," European History Online, March 12, 2010, <https://www.ieg-ego.eu/en/threads/theories-and-methods/comparative-history>

³⁸ Kocka and Haupt, "Comparative History: Methods, Aims, Problems."

³⁹ Peter Baldwin, "Comparing and Generalizing: Why All History Is Comparative, yet No History Is Sociology," in *Comparison History and Europe in Cross-National Perspective*, ed. Deborah Cohen and Maura O'Conner (New York, USA: Routledge, 2004), 18.

work, employing method of comparative historical analysis.⁴⁰ In the view of this method, developed by Welskopp, the aforementioned *tertium* must become a genuine third part, meaning that it should not be a formalized version of either of the cases discussed, but something else entirely.⁴¹

Material culture is another method that has been relatively underrepresented in works focusing on history and that, similarly to comparative analysis, has found more acceptance in other fields, that belong to a group of subjects generally known as "humanities". The reason for that can be found, according to Trentmann, in the historians' "generic inability to connect soft and hard matter".⁴² This type of research has also been hard for many historians to accept, because one of its basic requirements as stated by Trentmann, is to overcome this significant divide between humans and objects (and thus their histories and academic ways of looking at them), that has been encroached upon us as people and researchers.⁴³ In relation to this, it has been theorized by him, that the application of the material culture method to the study of history should be done with the goal to "confront the material turnings around us and to ask how they might illuminate further the role of things in the past".⁴⁴

As defined by Prown, the material culture approach is the use of "material to understand culture, to discover beliefs - the values, ideas, attitudes, and assumptions - of a particular community or society at a given time".⁴⁵ Although according to research conducted by Frank Trentmann the roots of this approach can be found in folklore and museum studies, that were carried out primarily by academics from the United States, it is evident that it has spread far beyond that and is now being used in a variety of fields from sociology to literature studies to anthropology and so on.⁴⁶ One of the most important things about this method in general and in relation to its utilization in this thesis specifically is the fact, that historians employing this approach should not think of "material culture as providing only reflections of life in the past", but instead they should view it "not so much as the product of the past, but as an element in the making of the past".⁴⁷ Material culture approach brings an important emphasis on relational aspects of historical analysis.

⁴⁰ Welskopp, "Comparative History."

⁴¹ Ibid.

⁴² Frank Trentmann, "Materiality in the Future of History: Things, Practices, and Politics," *Journal of British Studies* 48, no. 2 (2009): 287.

⁴³ Ibid, 284.

⁴⁴ Ibid, 286.

⁴⁵ Jules David Prown, "Mind in Matter: An Introduction to Material Culture Theory and Method.," *Winterthur Portfolio* 17, no. 1 (1982): 1.

⁴⁶ Trentmann, "Materiality in the Future of History: Things, Practices, and Politics.," 283-307.

⁴⁷ Alan Mayne, "Material Culture," in *Research Methods for History*, ed. Simon Gunn and Lucy Faire (Edinburgh, UK: Edinburgh University Press, 2012).

According to Attfield, the idea of material culture approach is focused on "social relations, enacted and embodied through a material world"⁴⁸ rather than on objects themselves as static and unchanging things.

Exploration of history through the lens of materiality provides insight not only in the things themselves, but also in a wide range of subjects, concepts, and phenomena, including, but not limited to economy and production, social institutions, and formation of ethnic/gender/class/family/social, etc. identities, domestic life, and political sphere. Thus, the study of the material world does not exclude other aspects of life, but instead allows a deeper research of the social and cultural spheres through that perspective. The ability of the research conducted using the material culture approach to bring up ideas of agency and causation links it to the comparative history approach, making it a particularly useful combination for this thesis. To summarize, an object in the paradigm of material culture approach, as it is understood by Grassby, is a "carrier of social and personal information within a larger framework", objects "communicate relationships and mediate progress through the social world; their diffusion bridges cultural boundaries and connects centers with peripheries", through them we can understand "hidden cultural constraints, moral standards, social fears, and emotionally laden issues".⁴⁹

After discussing ways of approaching history, I believe it should be explained what kind of history is being approached in this thesis. I am referring to fashion history, which is often linked to the material culture approach, which was discussed in depth on the previous pages. The reason why I consider the topic of this project to be a part of the field of fashion history is due to the fact that out of all kinds of sumptuary laws and regulations, this thesis will only focus on the ones, that have affected consumption of clothes, accessories, fabrics, and other related items. Fashion history is a relatively new field, that was only widely accepted as worthy of attention in the twentieth century.⁵⁰ That does not mean, however, that the realm of clothing was completely ignored by scholarship until then. Anthropologists, economists, and others have analyzed them through the lenses of their sciences of choice. The rise of fashion history has coincided with the rise of interest in the material culture approach and in the history of consumption. In the world of fashion history objects increasingly "gained" agency and came to be viewed as being vital to the social interactions within human societies.⁵¹ Partial influence on the acceptance of this perspective on clothes

⁴⁸ Judy Attfield, *Wild Things: the Material Culture of Everyday Life* (Oxford, UK: Berg Publishers, 2000).

⁴⁹ Richard Grassby, "Material Culture and Cultural History," *The Journal of Interdisciplinary History* 35, no. 4 (2005): 593.

⁵⁰ Beverly Lemire, "Fashion, Material Culture & History," *Contemporanea* 19, no. 3 (2016): 456–63.

⁵¹ Alfred Gell, *Art and Agency: An Anthropological Theory* (Oxford, UK: Clarendon Press, 1998).

as direct contributors to the creation of personal (and public) identities and social relations lies in the study of dress regulations. As when there are laws restricting the ability of people of certain social standing to wear specific garments, it becomes clear, that "a skein of silk ribbon was not a neutral thing, but might harbor many meanings".⁵²

As a next step in providing the methodological background to this thesis, I shall introduce the concepts of consumption and luxury - two intertwined subjects, that are nevertheless separate and equally valuable in the search for the answers to the research questions asked by this thesis.

Frank Trentmann, the editor of "The Oxford Handbook of the History of Consumption", understands consumption as "a mirror of the human condition".⁵³ At the time of its birth and rise into relative prominence amongst other methodologies, the history of consumption focused largely on the world after the establishment of the consumer society, populated not by *homo faber*, but by *homo consumens*.⁵⁴ This preoccupation with the Western world in the years between the eighteenth century and modernity has only begun to change recently with more and more historians attempting to analyze earlier periods of the Middle Ages and the early modern world through this particular lens. General developments in historiography have also caused them to broaden their geographical horizons and to study consumption as a global process.

Apart from generic acceptance of thinking about consumption in a context of "production, representation, and circulation of things, and ... the nature of symbolic communication, material practices, and identity formation",⁵⁵ this thesis will primarily refer to two perspectives on the study of this topic. The first one was developed by scholars inspired by Pierre Bourdieu (and his concept of cultural capital) and Thorstein Veblen (i.e his notion of conspicuous consumption). In this type of analysis, focus is put upon highly visible expressions of consumption, that are understood as tools in the fight for the creation and maintenance of social power.⁵⁶ The goal of consumption in this paradigm is often social distinction, it becomes a way for elites to show and reassert their social and economic statuses. However, it is important that the fact that for lower classes, emulation often became that goal as the distinctive fashion of the upper classes was not only envied but recreated out of cheaper material and with some other changes and adaptations. Both of those goals were

⁵² Lemire, "Fashion, Material Culture & History.", 458.

⁵³ Frank Trentmann, "Introduction," in *The Oxford Handbook of The History of Consumption*, 1st ed. (Oxford, UK: Oxford University Press, 2012).

⁵⁴ Ibid, 1.

⁵⁵ Ibid, 1.

⁵⁶ Ibid, 9.

made harder by sumptuary laws, which makes this paradigm relevant to the topic of the thesis. The second one, that according to Trentmann, understood objects as "an information system", was developed in the 1970s and 1980s.⁵⁷ In this system, everyday items of consumption became important elements of symbolic communication, that make up the social lives of human beings. The creation of this cultural model of academic thoughts on consumption represented a shift in the field - no longer was the focus on how the goods were acquired, but on how they were used in the aftermath of that acquisition. This way of thinking about things once again reasserts their roles as being central to the process of identity formation - "how people ate and drank and the representations of objects and practices offered a window on who they thought they were".⁵⁸

This thesis will employ a materialistic approach to luxury, in which it is seen, in accordance to the research done by Richard Grassby, as being defined by "the number, type, repetition, and distribution of goods at different levels of society"⁵⁹ and it is also by these standards, that it becomes distinguished by needs, this was especially true in the world before the emergence of consumer society in eighteenth-century England, i.e. the world, that is analyzed in this thesis. Luxury and the fact, that it is oftentimes based on the exclusion of certain products and the embrace of others, can inform us not only about the economic state of society at the time (i.e. What was expensive? How did the existing forms of production and transportation affect the availability of a certain product in a specific geographic region? etc.), but also about the values and preferences of groups, who tended to enjoy that luxury. Goods in this perspective, developed by Grassby, are one of the ultimate conveyors of information on hierarchies of value.⁶⁰ However, it should be noted that luxury as a concept often does not arise naturally or purely from the economic factor of scarcity and the aforementioned division between wants and needs, but it is formulated and theorized by prominent scholars working in fields, like sociology and philosophy alongside others. Amongst the most important contributors to the development of the concept of luxury as a tool of analysis, are Thorstein Veblen, Werner Sombart, Georg Simmel, Maxine Berg, Philippe Perrot, etc.⁶¹

The topic of luxury is intensely intertwined with the concept of moral economy, which will be discussed in more depth later in this chapter. Luxury, by definition provided by McNeil and Riello, is divisive and throughout history it has been met with both admiration

⁵⁷ Ibid, 12.

⁵⁸ Ibid, 12.

⁵⁹ Grassby, "Material Culture and Cultural History," 593.

⁶⁰ Ibid.

⁶¹ Peter McNeil and Giorgio Riello, *Luxury: A Rich History* (Oxford, UK: Oxford University Press, 2016), 7.

and disgust, at times simultaneously.⁶² This is very relevant to the topic of this thesis as the mere existence of sumptuary regulations often carries implications of viewing luxury "as another form of unregulated desire that went hand in hand with *vanitas* (vanity), pomp, sumptuous spending, and expensive ornamentation"⁶³ and thus they connect it in the mind of their contemporary populations and at times even in the legal codes themselves with sins and moral failures. Still, it is important to remember, that luxury has been throughout history and even now associated with such positive qualities as truthfulness, authenticity, hard work, acculturation, and others.⁶⁴

After I briefly alluded to the theory of moral economy in the previous paragraph, let me introduce it. This concept was originally formulated by the British historian E. P. Thompson and it has found broad acceptance in the social sciences, particularly in socio-cultural anthropology, political science, and economic history. This concept proposes the analysis of economic phenomena through the lens of ethics and morality. It also suggests that economic activity should be studied with the acknowledgment of the interconnected nature of the relationship between it and other aspects of socio-political life. The moral economy concept "dispels dichotomist conceptions separating economic practice from morality" and fights "against binary views of the market as a boundless realm penetrating previously untainted moral spheres" by suggesting that "social reproduction is characterized by an entanglement of values".⁶⁵ It offers itself to consider this methodological tool for the research conducted in this thesis as the luxury, which sumptuary laws restricted, is often viewed through a lens of morality, not only by academics but by contemporaries, who created, enforced, and followed these laws. I choose this framework because of its complexity as it provides an opportunity to focus on a specific topic in specific circumstances while not losing sight of the broad spectrum of all aspects of life - social, economic, political, domestic, etc. This is due to the fact, that moral economy as a concept is interdisciplinary and all applications of it, while being grounded in one particular field (in the case of this work it is history), still require a look into other subjects that it is interconnected with. The concept of looking at economic transactions through an ethical lens also works really well in combination with material culture approach as they both examine

⁶² Ibid, 1-10.

⁶³ Ibid, 6.

⁶⁴ Ibid, 5.

⁶⁵ Jaime Palomera and Vetta Theodora, "Moral Economy: Rethinking a Radical Concept," *Anthropological Theory* 16, no. 4 (2016): 415.

goods as conveyors of "the motivations, character and ethical dispositions of economic actors, including the goods they pursue and the moral sentiments they express".⁶⁶

I believe, that the chosen methodological tools and perspectives will facilitate an in-depth look into my subject of study and that they are best suited to finding answers to the questions I ask. They can serve as extensions of each other, creating a single, clear, and sufficient way of analyzing sumptuary laws of pre-modern Tokugawa Japan and Central Europe in their complexity, providing simultaneously both enough focus on the specifics and a way to understand the broader context, that surrounded those regulations, affected them and has been affected by them in return.

⁶⁶ "Moral Economy," the University of Manchester, n.d., <https://www.socialsciences.manchester.ac.uk/political-economy-centre/research/moral-economy/>.

IV. Literature and Sources

As it was mentioned in the previous chapters, the field of study of the sumptuary regulations, along with the study of fashion and even the material culture itself, is quite new. Most of the topics that this work deals with have only risen to academic prominence during the last decades. Still, despite the relative youth of this area, there has already been a number of really significant pieces of academic writing produced by scholars who have dedicated their lives to developing it.

When it comes to the specific literature, the first book that I would like to mention as being fundamental for the writing of this thesis, and that I feel is an essential read for anyone looking to deepen their knowledge regarding the sumptuary laws, is "The Right to Dress: Sumptuary Laws in a Global Perspective, c. 1200–1800". The editors of this valuable book, Giorgio Riello and Ulinka Rublack, each of whom has written multiple important texts dealing with the topics of fashion, luxury, and consumption, have assembled a wonderful arrangement of academic texts that focus on the sumptuary laws of different countries and territories of the early modern world, from Scotland to Benin. In addition to that, this book has an incredibly informative introductory part, that in the span of fewer than 40 pages provides the definition of the sumptuary laws, outlines their emergence and development, allows useful insights into the state of the field, and also uses a variety of examples to enhance the reader's understanding of the role that the sumptuary regulations played all across the early modern world. So, this book has proven useful in not only accessing the information about the sumptuary laws in specific areas of the early modern world (in this case - Japan, the Holy Roman Empire, and the Swiss cities), but also in gaining a profound understanding of the basics of the study of sumptuary regulations.

One of the people whose work on the Edo-period Japan has been of utmost importance to the writing of this thesis is Donald Howard Shively, a respected scholar of East Asian languages and cultures. His article "Sumptuary Regulations and Status in the Early Tokugawa Japan" in the 1964/1965 issue of Harvard Journal of Asiatic Studies has provided incredible insight into the topic. It included not only Shively's general analysis of the sumptuary regulations but also reproduced passages of specific laws themselves, thus making historical records better accessible. In addition to that, it is important to mention that this article contains what is probably the first (albeit a very short) comparative analysis of the sumptuary laws of Tokugawa Japan and early modern Europe, making it particularly relevant to this research project. It, along with Katsuya Hirano's chapter on essentially the

same topic in the aforementioned "The Right to Dress: Sumptuary Laws in a Global Perspective, c. 1200–1800", has shaped the basis of my chapter on the issue.

To support this basis, I have turned to a variety of highly influential scholars who have studied the socio-economic conditions of the early modern Japan. Amongst them, there are Seymour Broadbridge, Charles D. Sheldon, and Kozo Yamamura. Their expertise has been essential for providing the context and the background necessary to understand the Japanese sumptuary regulations, especially the way they were interconnected with the experiences and changes that the Samurai and the merchant classes went through during that period in history. Broadbridge's article provides a general description of the economic and social trends of Edo Japan, while the works of Yamamura and Sheldon are more specific –the first one focuses on the financial conditions of the samurai class between the years of 1600 and 1868, the latter on the life of merchants during the same period.

Although due to the nature of both my work and the general field of study of the sumptuary regulations, most of the sources that I have worked with while writing were secondary, some of the primary sources that have been used while writing about Japan are the writings of Buyō Inshi and Ihara Saisaku (1642-1693). These two men provide modern audiences with an insight into how their contemporaries might have viewed the practice of consumption during the Tokugawa era. An additional benefit of having these two specific sources is that while Ihara Saisaku was a merchant, Buyō Inshi was an ex-samurai who later in his life became a Confucian scholar. So through their writings, we get the perspectives of the class whose consumption habits were arguably most strictly regulated: of the merchant class; of the class that underwent tremendous changes and benefited the most from the sumptuary laws: the samurai class; and the perspective of an expert in Confucianism which helps us better understand the religious and the moral reasoning behind the sumptuary laws in Edo Japan. I believe it should be mentioned that I got access to Ihara Saisaku's writings as well as the texts of specific sumptuary regulations (such as List of Prohibitions Concerning Clothing for Edo Townsmen of 1719 and the Prohibitions of 1645, concerning the grooming standards of the samurai) through Constantine Nomikos Vaporis "'Voices of Early Modern Japan: Contemporary Accounts of Daily Life during the Age of the Shoguns", an edited collection of primary sources on a variety of topics unified by their connection to the Tokugawa-era Japan.

As for the studies of sumptuary regulations in the early modern Central Europe, during my research, I have found certain asymmetries in the existing state of research. The studies seem to be less numerous than the ones examining the laws on consumption in early modern Southern Europe (mostly Italy) and early modern Western Europe (mostly Britain). This is

the case at least when it concerns the academic texts that were either published or later translated, into the English language. And even within this subcategory of articles and chapters that are specifically about Central Europe, the division between the countries was largely skewed in favour of all the places that would later become a part of what today is known as the Federal Republic Germany, most likely due to the recent rise in popularity of the study of sumptuary laws in German historical scholarship.

Still, despite those limitations, there has been a number of works that have been helpful for getting a clearer understanding of how the sumptuary laws operated in the early modern Europe. One of them I have found particularly useful for how it provides the reader with an image of what luxury meant in the early modern Europe and how its inhabitants perceived it. The understanding of this is essential for correctly grasping the role of the sumptuary laws in that era and their moral, philosophical, and religious backgrounds. The text I am referring to is Matt Erlin's chapter titled "The Conceptual Landscape of Luxury in Germany" in the 2014 book "Necessary Luxuries: Books, Literature, and the Culture of Consumption in Germany" which was published by Cornell University Press.

Another helpful piece of literature was Cornelia Aust's "Covering the Female Jewish Body. Dress and Dress Regulations in Early Modern Ashkenaz". Aust's detailed research gives the reader insight into the specifics of early modern Central European sumptuary laws and how they could vary from community to community. It also establishes the fact that in most cases the issue of sumptuary regulations in Europe at that time was closely linked to the concept of gender. Aust's research concerns various Jewish communities (from the so-called cradle of Jewish culture - Speyer, Worms, and Mainz - to the groups living in smaller towns such as Nikolsburg and Kremsier in Moravia).

"Consumption, Social Capital, and the "Industrious Revolution" in Early Modern Germany" by Sheilagh Ogilvie and "Public Appearance and Criminal Judicial Practices in Early Modern Germany" by Maria R. Boes have also been of tremendous importance in informing my understanding of the role that the sumptuary laws played in the early modern Central Europe. Both of them expanded on the concept of the gendered nature of many sumptuary regulations. Ogilvie's text has helped me understand the laws regulating consumption in the context of the socioeconomic changes taking place during the early modern period. In addition to that, it included some quite specific information on how those regulations actually functioned in Württemberg. The latter meanwhile included the information that has really enriched my knowledge of the importance of the role that the visual identification played in the early modern societies of Central Europe. The text by Boss casts light on the wide array of functions that sumptuary laws performed in the early modern

world (status reaffirmation, simplification, etc.), highlighting how deeply interconnected they were with other processes taking place at that time (demographic changes, gradual religious diversification, etc.).

To conclude, while my research and analysis of the literature dealing with the topic of sumptuary regulations in the early modern world has introduced me to some groundbreaking articles, books, academic papers, primary sources, etc; it has also helped me see that there are definitely some gaps left to fill when it comes to the current state of research of this topic. I hope that my project might help further develop those promising areas of study.

V. Sumptuary Laws in Early Modern Central Europe

We might say that in the early modern Europe it had to be clear at first sight what was the status of a certain person. Whether one was a nun, a priest, a peasant, an artisan, a married woman or a member of the nobility etc. was typically indicated by one's clothes. While it could be considered rather disingenuous to say that the clothes were the most or even one of the most important aspects of life in the early modern Central Europe, it would be just as unjustified to dismiss them and their importance entirely. Fashion and clothing played a very important role in the creation, organization, and regulation of social reality during the era. Professor Maria R. Boes in her 1996 article for the *Social Science History* journal titled "Public Appearance and Criminal Judicial Practices in Early Modern Germany" provides the readers with the perfect quote for conveying the position that the garments occupied in the formation of early modern European reality: "From birth to death, a person's whole life was mirrored and even regulated by outward appearances".⁶⁷

Later in the text she expanded on that thought by stating, that a variety of circumstances, states, and attitudes - from age, marital status, and rank to religion, occupation, and even bereavement - had specific signifiers in the sphere of fashion, be it colours, badges or even whole articles of clothing. In the same article, Professor Boes outlines the main reasons for this situation, that might help a modern person, to whom this system might otherwise seem rather unusual and even precarious, fully understand and comprehend this role that fashion fulfilled.⁶⁸ Though she writes about visual identification in general, I consider her points and arguments to be extremely relevant and applicable to the discussion and study of early modern sumptuary regulations in Central Europe.

Firstly, Boes proposes to look at this system to which sumptuary laws definitely belonged as a response to changes in society. Although she dealt with the specific example of Frankfurt in her work, it would not be too bold to suggest that her findings and ideas on this subject could be considered relevant to the early modern European society as a whole. Attempts to regulate fashion, according to this paradigm, are seen as being deeply intertwined with the processes of "demographic and economic growth, as well as ... social diversification"⁶⁹ and movement away from religious homogeneousness. This idea is somewhat supported by the development of sumptuary laws that were becoming more numerous, complex, stratified, and specific in the course of the early modern time.

⁶⁷ Maria Boes, "Public Appearance and Criminal Judicial Practices in Early Modern Germany," *Social Science History* 20, no. 2 (1996): 263.

⁶⁸ *Ibid*, 263.

⁶⁹ *Ibid*, 263.

Luxury, which the sumptuary laws regulated, was perceived by many people living in the early modern Europe as an actual threat, "the first step down a slippery slope of complete social disintegration - the loss of meaningful distinctions and of clear division of responsibilities among the estates".⁷⁰ This can be explained by the general anxiety caused by living in rapidly changing societies. We can see an expression of these feelings in the writings of a famous German pastor and statistician - Johann Peter Süssmilch. In his 1741 book, titled "The Divine order in the circumstances of the human sex, birth, death and reproduction" he wrote of luxury as being something that "eliminates all order, which confuses everything, and mixes the noble with the lowest class of citizen, which is born of vain pride...".⁷¹

Secondly, there was a need for simplification. Not only for the sake of those involved in government and administration, who were not used to dealing with such complex, non-uniform, developed societies but also for the sake of the general masses, who were still at that point largely illiterate and could rely on those visual signifiers in their day-to-day interactions with the members of other classes.⁷²

Thirdly, visual signifiers and the sumptuary laws that supported and ensured their existence served as a way of reinforcing the pre-existing status quo that was slowly being destroyed by the aforementioned rapid and intense changes in the economy, social structure, and the cultural-religious spheres of life. Professor Boes describes this role of fashion in the early modern Europe as being effective in two different, yet interconnected and equally important ways - it "enhanced the status of middle and upper classes" and simultaneously "added insult to the already injured".⁷³ This factor could serve as an explanation for why the sumptuary laws, despite their apparent lack of popularity with the general public, remained in use in some parts of Europe in one form or another well up until the end of the eighteenth century.

Another important thing to keep in mind is that although class and profession were often "deciding factors" of sorts in the way that sumptuary regulation affected the individual, it would be incorrect to dismiss the influence that such factors as religion and gender had on their creation, development, and enforcement. I will discuss those issues in more depth

⁷⁰ Matt Erlin, *Necessary Luxuries: Books, Literature, and the Culture of Consumption in Germany, 1770–1815* (Ithaca, NY, USA: Cornell University Press, 2012).

⁷¹ Johann Peter Süssmilch, *Die Göttliche Ordnung in den Veränderungen des menschlichen Geschlechts, aus der Geburt, dem Tode und der Fortpflanzung desselben erwiese*, 3rd ed. (Berlin: Im Verlag der Buchhandlung der Realschule, 1765), pp. 2, 72 as quoted in Erlin, "Necessary Luxuries: Books, Literature, and the Culture of Consumption in Germany, 1770–1815.", 35.

⁷² Boes, "Public Appearance and Criminal Judicial Practices in Early Modern Germany.", 263.

⁷³ *Ibid*, 265.

during the later part of this chapter, but at this point, it is still important to recognize and provide a brief, general description of them. For both Christian and Jewish religious authorities in the early modern Europe keeping the two groups relatively separate and very visually distinct from each other was of utmost importance. Orders were issued by both groups with this goal in mind - while the rabbis discouraged their followers from adopting the mainstream society's dresses and habits, many places all over Europe - from the aforementioned Frankfurt to Venice introduced special items of clothing or jewelry meant to instantly reveal their wearers as Jews. Hefty monetary fines and other forms of punishment often followed failures to obey such regulations.⁷⁴

But even within the same religious group, in this case Christian population, there were still ordinances that separated not only Catholics from Protestants (something that took place both within the clergy and within the secular society) but also Catholics from other Catholics; i.e Benedictines being required to wear all black, meanwhile their Franciscan counterparts donned the well-known uniform of "brown habits and girts with knotted cords"⁷⁵ and Cistercians were prohibited from publicly being seen in any colour other than pure, unblemished white.⁷⁶ The Premonstratensians were even known among the general population as the "white canons" due to the pale colour of their habits.⁷⁷

An interesting example of just how closely intertwined the sumptuary regulations and religion could be in the early modern Central Europe is found in the case of Swiss cities, especially Geneva, the Calvinist centre which was modeled and known as "the city of God (*cit  de Dieu*)".⁷⁸ Religious principles were fundamental to the creation and enforcement of the laws regarding consumption there. Arguably, the main goal of the sumptuary laws in that part of Europe was to ensure that citizens behaved in a way that was consistent with the Christian ideas of modesty and morality. Another reason for those restrictions was the belief of the authorities that "people needed to be prevented from arousing the wrath of God with their sinful behaviour".⁷⁹ This continued to be the case up until the middle of the seventeenth

⁷⁴ Cornelia Aust, "Covering the Female Jewish Body. Dress and Dress Regulations in Early Modern Ashkenaz.", *Central Europe* 17, no. 1 (2019): 5–21.

⁷⁵ Boes, "Public Appearance and Criminal Judicial Practices in Early Modern Germany.", 264.

⁷⁶ Ibid.

⁷⁷ Willam P. Hyland, "The stained glass Biblia Pauperum windows of Steinfeld Abbey: monastic spirituality, salvation history and the theological imagination," in *The Moving Text: Interdisciplinary Perspectives on David Brown and Bible*, ed. Garrick V. Allen, Christopher R. Brewer, and Dennis F. Kinlaw (London, UK: SCM Press, 2018), 146.

⁷⁸ Andr  Holenstein, "Regulating Sumptuousness: Changing Configurations of Morals, Politics and Economics in Swiss Cities in the Seventeenth and Eighteenth Centuries" in *The Right to Dress: Sumptuary Laws in a Global Perspective, c. 1200–1800*, ed. Giorgio Riello and Ulinka Rublack (Cambridge, UK: Cambridge University Press, 2019), 123.

⁷⁹ Ibid, 123.

century when mercantilist concerns began to play a greater part in the reasoning and justification of sumptuary laws. It was also around the same time that the moral courts were replaced by the so-called reformation chambers. Reformation chambers were still tasked with controlling the consumer behavior, but they were filled exclusively with the secular councillors and did not have any clergymen affecting the decision making.⁸⁰

It is important to mention when discussing sumptuary laws in general and sumptuary laws in the early modern world specifically, that despite the best attempts of the researchers studying those topics it can be hard to fully grasp and distinguish the socio-cultural reasons for them from the economic ones. Though there are few examples of causes fitting clearly into one of those two distinct groups, more often the social, the cultural, the political, and the economic were so closely linked and so deeply intertwined, that it became almost impossible to separate them. Partially, that is due to the fact that the early modern European views on the economy and consumption simply could not exist without being affected by the moral attitudes of the time, which in turn were largely formed by the Church's teachings. Though this was also something that was subject to changes throughout the early modern period. So, while most of the European writings on the economy that came immediately after the Middle Ages still relied on religious ideas, some of the authors of the sixteenth and seventeenth centuries began to move away from that.⁸¹

One example of the early modern European perception of economy, consumption, and luxury can be found in the writings of a prominent German mathematician named Johann Georg Busch, who in his work has also dealt with statistics and commerce. His opinion is made especially interesting by the fact that Busch lived and worked in a sort of transitional period between the early modernity and the Enlightenment, so it could be argued that it is representative of the broader social shifts taking place in society. He saw the consumption of luxury items by the upper classes of society as almost a duty of sorts. In the text published shortly before his death in the year of 1800, Busch expressed the belief that the members of nobility "must not only live well,... must live extravagantly, so that the money, that flows to him in such abundance is returned into circulation".⁸² Busch in general was an avid proponent and a devoted defender of the so-called "managed luxury". In his writings, he also spoke of luxury as a moral, positive, and enriching thing. He proposed the idea that the desire to achieve luxury was integral to the formation of close and lasting social bonds between

⁸⁰ Ibid, 124.

⁸¹ Eleonora Belligni, "Between Religion and Economics: Towards a Shift of Paradigm in Early Modern Economic Literature," *Journal of Research in Philosophy and History* 2, no. 1 (2019): 79.

⁸² Johann Georg Büsch, *Abhandlung vom Geldumlauf in anhaltender Rücksicht auf Staatswirthschaft und Handlung*, 2nd expanded and corrected ed. (Hamburg and Kiel: Carl Ernst Bohn, 1800), pt. 2, 84 as quoted in Erlin, *Necessary Luxuries: Books, Literature, and the Culture of Consumption in Germany, 1770–1815*.

people. According to Busch the absence of such desire would cause a complete disappearance of the social links with the exception of the ones "forced on them by extreme necessity or sovereign decree".⁸³

However, it is extremely important not to mischaracterize Johann Georg Busch and other supporters of the aforementioned managed/controlled luxury as progressives who believed in the need to destroy the sumptuary regulations and everything they represented. On the contrary, their belief system was formed on the thought that "each stratum of society ... has a mode of luxury consumption appropriate to it, one that helps to integrate it with the rest of society even as it serves as a mark of distinction".⁸⁴ Busch has also spent not an insignificant amount of his time giving advice in his writings to the members of the lower socio-economic classes on how to avoid excess, warning them about the dangers of sudden, unexpected acquisition of wealth and preferences for the foreign products. This shows that even though the question of whether or not luxurious items are appropriate for the upper classes was very divisive, most of both the defenders and opponents of luxury as a concept, still agreed on a few very important things: whatever happens, the status quo must be supported, the existing social order with its intense stratification is mostly good, and in order to continue living within that order, it is the duty of the people and state to ensure that people know their place in the hierarchy and live according to it, without attempting to better their fortunes, or worse trying to cause any significant changes in the social system of the time.

Continuing the discussion of the economic landscape of the early modern Central Europe, now focusing more on the living environment of the era rather than on the people's reactions to it, it is important to note that one of the defining processes of that time was the consumer revolution. The term refers to years between 1650 and 1800 that "have seen the middle classes spending lavishly on luxuries and the masses buying cheap fashions and comestibles".⁸⁵ Parallel to this another revolution was also taking place: the so called industrious revolution, which we understand to be the relocation of time from leisure and household-related duties towards income-earning work due to the increasing desire for various goods. It is easy to see how these events can be linked to the rise in the number of the laws concerning consumption. It is also interesting to note the effects that these two revolutions had on women as their lives were arguably changed the most by them. While "in most early modern European economies women faced a huge array of institutional

⁸³ Ibid, pt. 1, 134 as quoted in Erlin, "Necessary Luxuries: Books, Literature, and the Culture of Consumption in Germany, 1770–1815", 33. .

⁸⁴ Erlin, "Necessary Luxuries: Books, Literature, and the Culture of Consumption in Germany, 1770–1815", 34.

⁸⁵ Sheilagh Ogilvie, "Consumption, Social Capital, and the 'Industrious Revolution' in Early Modern Germany," *The Journal of Economic History* 70, no. 2 (2010): 287.

constraints on their work and consumption choices",⁸⁶ these revolutions have still given them an unprecedented amount of freedom. This might serve as an explanation as to why so many of the contemporary sumptuary regulations targeted women's clothing specifically.

As for the gendered aspect of the sumptuary regulations and other methods of enforcement (whether through social pressure or direct legislation) in the early modern Europe, we can say that women were often disproportionately targeted by such laws and that the consequences of transgression were often more severe for them. In fact, Andre Holenstein explicitly stated that "the transgression of sumptuary laws was clearly a female offense".⁸⁷ Most regulations that affected women were mostly based on such distinctions as "social status, honor and wealth"⁸⁸ and were closely linked to and thus reflective of the laws that concerned the clothing of their husbands, fathers, brothers and other family members. However, in addition to this, women were expected to showcase their marital and sexual status through their clothing. Even certain colours gained strong associations with the stages of early modern women's lives; i.e. the colour red in Germany was thought to be indicative of youth and virginity, while blue and green were almost exclusively favoured by adult, married women.⁸⁹

Even the most intimate and personal details of a woman's life were thus made public through the options available for her choice of attire. One of the stories that best showcases just how much of an effect the laws regulating appearance could have on a woman's life is the story of a young woman in 1483 Frankfurt, who was "arrested on suspicion of theft, partly because she falsely claimed virginity by wearing customary *Bandchen Imm Haar* (ribbon in her hair)".⁹⁰ Women's sexual history was made public and if one was suspected of attempting to lie about it, there could be real and drastic consequences as we can see in that young woman's story.

Although women from all backgrounds and paths of life had to navigate their ways through this complex system of visual signs and symptoms, those women that arguably were hurt the most by it were the women of lower social and economic classes, out of whom the already disenfranchised and stigmatized prostitutes suffered the most. Some historians, such as Boes argue, that those dress regulations, with their discriminatory features, paved the way for the eventual criminalization of prostitution.⁹¹ One of the main goals of any kind of

⁸⁶ Ibid, 288.

⁸⁷ Holenstein, "Regulating Sumptuousness: Changing Configurations of Morals, Politics and Economics in Swiss Cities in the Seventeenth and Eighteenth Centuries.", 126.

⁸⁸ Boes, "Public Appearance and Criminal Judicial Practices in Early Modern Germany.", 265

⁸⁹ Ibid, 265.

⁹⁰ Ibid, 266.

⁹¹ Ibid, 266.

sumptuary regulations was the reinforcement of the pre-existing *status quo* of intense social stratification. It could be argued that Boes' theory could be used to support this statement. As it helps us better understand the role that the sumptuary laws played in ensuring that the lower classes (and especially the women who belonged to them) would not rise significantly above their station.

However, there was a notable exception to this rule - the Swiss cities. In Geneva, for example, the members of the political elite were punished for breaking the sumptuary laws more than any other group - the *citoyens* and the *bourgeois* together made up 87 percent of those summoned to court due to those offenses.⁹² Daughters, wives, and sisters of the Bernese upper classes "frequently came into conflict with the law because they wore overly high fur caps, pinned up their hair or wore dresses made of fine fabrics and decorated with precious ornaments".⁹³ One of the reasons for this stark difference between the Swiss cities and most of the other European states at the time is the fact that Swiss cities were republics, and republics were "necessarily based on a certain degree of equality among its citizens".⁹⁴ They also ran the risk in terms of stability. Since the increasing material inequalities between the social classes and the ostentatious consumption of luxuries by the elites would encourage jealousy and unrest amongst those at the bottom of the social hierarchy. Another factor at play was the shared belief amongst many people, especially the republicans who held onto the ideals of the Enlightenment, that sumptuary laws alone could not help with the issues of consumption and that it was the duty of the members of the social elite to serve as examples and role models of the so-called honest industriousness and appropriate levels of consumption.⁹⁵

An important thing to keep in mind about the pre-modern Europe is that it was far more diverse than most people would imagine today. We need to bear in mind that the Jewish communities can be documented in Central Europe at least since 300 C.E.,⁹⁶ Romani people were also present in Europe during the period discussed in this thesis. Rapid developments in such fields as trade and diplomacy trade have fostered mobility, so we can assume that the early modern European societies were not isolated, uniform monoliths that people might

⁹² Holenstein, "Regulating Sumptuousness: Changing Configurations of Morals, Politics and Economics in Swiss Cities in the Seventeenth and Eighteenth Centuries.", 126.

⁹³ Ibid, 126.

⁹⁴ Ibid, 132.

⁹⁵ Ibid, 135.

⁹⁶ Andrew Curry, "Meeting the Ancestors: DNA from a Medieval German Cemetery Opens a Window on the History of Today's Largest Jewish Population," Science.org, November 30, 2022, <https://www.science.org/content/article/meeting-ancestors-history-ashkenazi-jews-revealed-medieval-dna>.

imagine them to be. This diversity was linked with another important aspect of life during that era - sumptuary laws.

In order to demonstrate how exactly those issues were interconnected, I would like to discuss the topic of the moral literature and both internal and external sumptuary laws that affected the lives of the Ashkenazi Jewish communities (more specifically, the women of those communities) in the early modern Central Europe. It is important to note that one of the main reasons for the introduction of sumptuary laws specifically aimed at the consumption of the Jewish people was the simple fact that people of their faith lived alongside their Christian neighbors. According to Cornelia Aust, a professor at Bielefeld University in Germany whose work focuses on the history of Jews in Europe, both Christian and Jewish authorities insisted that the two groups be easily distinguished visually from each other since as early as the thirteenth century.⁹⁷

As already in 1215 the Fourth Lateran Council decreed that Christians and Jewish people along with Saracens (and thus Muslims) must be distinct in order to prevent "unintended intercourse".⁹⁸ During the same time period the rabbis of Speyer, Worms, and Mainz have issued ordinances, urging Jewish people not to dress like Christians and to avoid non-Jewish hair styling and shaving habits.⁹⁹ Those ordinances were very significant, although as we can see not exactly unusual, and are nowadays better known as being a part of *takkanot shum* (a collection of ordinances formulated by the leaders of Speyer, Worms, and Mainz during the late twelfth/early thirteenth century).

It is important to note, that while the aforementioned external laws regarding the necessity of distinctiveness between Jews and Christians existed, the Jewish communities were often left untouched by the general, secular sumptuary regulations as they were not seen as being a part of the estate society, that the laws focused on.¹⁰⁰ Thus, the task of regulating the attire of those belonging to the early modern European Jewish communities fell to the Jewish religious authorities, which stressed the importance of modesty and personal austerity. However, despite being created and enforced specifically by clergymen, it cannot truly be said that the Jewish sumptuary laws were significantly either more or less morality-based than their secular counterparts.

At this point of sumptuary regulations discussion, it becomes important to recognize that their study entails the study of early modern Ashkenazi women and their place in the societies they inhabited as they were disproportionately the ones that the Jewish sumptuary

⁹⁷ Aust, "Covering the Female Jewish Body. Dress and Dress Regulations in Early Modern Ashkenaz.", 7.

⁹⁸ Ibid, 7.

⁹⁹ Ibid, 7.

¹⁰⁰ Ibid, 9.

laws focused on, despite men and women being equally eager to embrace the new and lavish fashions of their day. One of the reasons for this unequal targeting could be found in the idea that the righteousness and piety of women were linked to "ensuring the end of the Jewish exile and the return to the promised land of Israel".¹⁰¹ Rabbi Tsevi Hirsh Kaidanover in one of his moral writings identified the three evils, that the Jewish women supposedly cause or engage in through their choice of attire :

1. Attraction of male attention - which the Rabbi considered to be a sin.
2. Causing jealousy and ire of non-Jewish women - Kaidanover expressed the belief that the Jewish women of his time appeared to be "even more aristocratic than the noblewomen of the nations".¹⁰² He has also recommended women to abandon their extravagant outfits and to start wearing all-black in order to signify the deep feelings of mourning and grief that the existence of Jews in the state of exile has inspired in them.
3. Bankruptcy of their husbands - like many other religious scholars of his time Kaidanover expressed concern about the financial strain that the frivolous spending of money on the most up-to-date fashions could bring upon the Jewish families.

It is important to remember that Rabbi Tsevi Hirsh Kaidanover's ideas were not exactly novel or unique for a man of his time and we can see them reflected in the writings, both religious and secular, of other important figures of the early modern world. One of the texts that Professor Cornelia Aust identifies as being very similar to Kaidanover's, not only in the sense of messages and ideas being sent but also even in the sense of the usage of similar phrasing, is the *takkanot* of Furth's Jewish community.¹⁰³ The first paragraph of this text explicitly criticized the perceived arrogance and haughtiness of the Jewish women and accused them of ignoring the problem of the Jewish exile. It also stressed, like many other texts dealing with similar topics, the importance of maintaining the visible barriers between Christian and Jewish populations.¹⁰⁴

The discussion of *takkanot* of Furth's Jewish community is needed not only for showing just how common Rabbi Kaidanover's ideas were at the time but also for showing the practical and applicable side of those writings. While it would be reasonable to assume that the religious moral writings without explicit legal power would remain recommendatory

¹⁰¹ Ibid, 16.

¹⁰² Kaidanover, Kav HaYashar, ch.46, 302-308 as quoted in Aust, "Covering the Female Jewish Body. Dress and Dress Regulations in Early Modern Ashkenaz.", 17.

¹⁰³ Aust, "Covering the Female Jewish Body. Dress and Dress Regulations in Early Modern Ashkenaz.", 17.

¹⁰⁴ Ibid, 18.

in nature, it was not the case. And the *takkanot* of Furth has not only provided the Jews living under it with specific, explicit rather strict rules, such as the heads of Jewish households being required to always wear an overcoat to a synagogue and unmarried women being forbidden from appearing in public wearing curled (i.e dressed) hairstyles. But it has also made sure that the people transgressing the Rabbi's ideas of proper, traditional, and "inoffensive" expression of Jewish identity (and more specifically Jewish womanhood) will face actual consequences. This was achieved by the insinuation of "a body of four deputies to monitor compliance with these regulations"¹⁰⁵ and the application of financial penalties.

When writing about the sumptuary regulations in the early modern Central Europe it is interesting to note that the demand to control the consumption patterns of ordinary people was not specific to it, nonetheless the efforts that existed in this region deserves intensive attention. While the Netherlands have always been relatively free of sumptuary laws and they were not passed in England after 1604, in the "German-speaking Central Europe ... at least 1350 ordinances were issued between 1244 and 1816 regulating clothing alone, which in turn comprised only one aspect of consumption".¹⁰⁶ Sheilagh Ogilvie attributes this to the desires of local elites who, united by their wish to keep sumptuary regulations part of their lives, had quite a lot of influence on the people responsible for the formation of laws. According to her research of the situation in Württemberg, in addition to the regular desire of the higher social classes to further separate themselves from those below them in the hierarchy, there were also such motivations for developing and enforcing sumptuary regulations as the men's need to control women's lives, the clergy's desire to eradicate various worldly sins, the guild masters demands for protection from the foreign competition, the bureaucrats' wish to "make ordinary people spend more on themselves so they could pay more in taxes".¹⁰⁷

The effectiveness of sumptuary regulations in the early modern Central Europe varied from place to place. As for the German-speaking regions, on the basis of her research, Ulinka Rublack concludes that "legislation often made very generous allowances, was hardly ever 'safely controlled' for any length of time and in many areas did not exist or was not enforced at all".¹⁰⁸ However, Ogilvie through her study of how the sumptuary laws operated in the region of Württemberg came to believe that sumptuary laws there were enforced "not

¹⁰⁵ Ibid, 18.

¹⁰⁶ Ogilvie, "Consumption, Social Capital, and the 'Industrious Revolution' in Early Modern Germany.", 305.

¹⁰⁷ Ibid, 305.

¹⁰⁸ Ulinka Rublack, "The Right to Dress: Sartorial Politics in Germany, c. 1300–1750," in *The Right to Dress: Sumptuary Laws in a Global Perspective, c. 1200–1800*, ed. Ulinka Rublack and Giorgio Riello (Cambridge, UK: Cambridge University Press, 2019), 44.

perfectly, but enough to affect people's economic choices".¹⁰⁹ According to her, they also were taken seriously by the people affected by them and "were regarded as forms of public shaming, important enough to motivate social resentments and enduring conflicts".¹¹⁰

As for the Swiss cities, though in the end the local authorities "were forced to admit that prosecution by means of secret and official inspectors failed to have the desired effect and that the authority's regulatory efforts were to no avail because the development of fashion was always a step ahead"¹¹¹ and we can clearly see that the number of cases examined by them continued to fall as time went on, it could still be argued that (at least in the early stages) the sumptuary regulations of the Swiss had more of an impact on the population there than in other European countries at that time. This could be linked to the fact that those cities were republics, and further to the fact that the sumptuary laws there were unusually deeply tied to religiosity even by the early modern standards, to the fact that reporting someone for transgressing the norms of fashion promised certain benefits to the reporters/accusers, so people had more reasons to continue to engage with these regulations, etc.

After having provided the context necessary to understand the practice of sumptuary regulations in the early modern Central Europe, I believe it would be good to discuss some of those laws in detail. The first document that I would like to focus on is the 1530 Police Ordinance (Polizeiordnung) of the Holy Roman Empire. Its publication marked "an exceptional moment when sumptuary legislation really was made to matter in imperial politics, to ensure social order".¹¹² The drafting of this document started in 1521 and when it was finally published in 1530, it was a compromise of thirty-nine different articles, twenty-three of which focused on clothing. In the preamble for this ordinance, Charles V referred to both social and fiscal reasons for establishing those laws.¹¹³

The aforementioned Imperial Police Ordinance of 1530 concerned virtually all classes of society, from peasants and burgers to nobility and patricians. In her research of the laws concerning the peasants (i.e. the people at the bottom of the social hierarchy of early modern Central Europe) - Rublack has found those regulations to be quite generous (meaning that the exceptions were often made and that the regulations, in general, were not as restrictive as is often assumed) and she stated that the focus did not seem to be as much on

¹⁰⁹ Ogilvie, "Consumption, Social Capital, and the 'Industrious Revolution' in Early Modern Germany.", 306.

¹¹⁰ Ibid, 306.

¹¹¹ Holenstein, "Regulating Sumptuousness: Changing Configurations of Morals, Politics and Economics in Swiss Cities in the Seventeenth and Eighteenth Centuries.", 128.

¹¹² Rublack, "The Right to Dress: Sartorial Politics in Germany, c. 1300–1750.", 44.

¹¹³ Ibid, 48.

differentiating them from the members of other social class (though that was certainly still a factor), but more on "preventing excessive expense in relation to income".¹¹⁴ For example, even though the male members of this group were asked to wear German-produced fabrics, exceptions were made for such things as second-hand velvets, hose made in Flanders, and lighter fabrics from the Netherlands. Imperial regulations did not explicitly prohibit peasants from using any dyes or colours. Women were, however, prevented from enjoying any accessories made of gold, silver, or pearls. Silk was also not welcome, although exceptions were possible. In this case, for unmarried women who were allowed to own a single hairband made from that fabric. Rublack concludes her study of these specific regulations by mentioning that they were "characterized by allowances as much as restrictions".¹¹⁵

The sumptuary laws concerning burghers were also largely focused on preventing excessive spending. Though they restricted access to such things as rings with gemstones and to precious furs, compromises were still made by allowing luxury in small details like dress borders, which could be made out of silk, velvet, and damask even though burghers were forbidden from making entire gowns out of those materials. Magistrates and patricians generally followed the same rules as merchants with some additional benefits, like being allowed to use more of the fabrics like velvet and silk to trim their gowns, to wear second-hand scarlet hairnets (though only below the bonnets), and to have higher spending limits for their jewelry and other accessories. The nobility still had certain limitations enforced on their spendings. Nonetheless they were largely left to their own devices by the Imperial ordinances when it came to consumption. In fact, most of the laws concerning this class were only "intended to prevent further rivalries – at least at imperial gatherings".¹¹⁶ Surprisingly, doctors and their wives were in a similar situation as they were allowed to dress freely according to their rank.

Though, as it was mentioned before, this Imperial Police Ordinance of 1530 was quite generous and left room for compromise, it did not last for a long time as after 1548 the central Holy Roman Empire authorities practically gave up on controlling the consumption habits of the population through empire-wide degrees and instead encouraged local authorities to establish their own sumptuary regulations. This led to a certain fragmentation and lack of uniformity between those laws. For example, Wurttemberg's laws, which were already discussed in this chapter, were generally stricter and more strongly enforced than the ones in Münster, where even the peasants were permitted to "to wear jewellery and

¹¹⁴ Ibid, 49.

¹¹⁵ Ibid, 49.

¹¹⁶ Ibid, 47.

accessories from metals and materials other than gold and also allowed one outfit to be made from foreign fabric".¹¹⁷ Study of the regional variations of the sumptuary regulations also give us insight into the particularities of life in certain areas. For example, the laws in Strasbourg, which then was simply near the French border and nowadays is fully a part of France, specifically included "that foreign dress corrupted a 'German, chaste and Christian' spirit in response to the influence of French fashions in Strasbourg".¹¹⁸

To conclude, although the specifics of the sumptuary laws of early modern Central Europe often varied significantly from city to city and from community to community, there are still some common traits that can be identified. One of those traits is the gendered nature of those regulations. In most of the German-speaking territories, in the Swiss cities, and in the Jewish communities all across the early modern Europe the laws disproportionately targeted women. The desire to control women's bodies, sexualities, spending habits, and lives, in general, might not have been the central one for the development of the sumptuary regulations, but it definitely affected them. This desire was intensified by the growing freedom that some enjoyed in the aftermath of the industrious revolution. Speaking of that, another shared trait amongst the laws on consumption in the early modern Central Europe is that many of them were essentially responses to the changing world. Early globalization, economic development, religious diversification, and many other changes were happening simultaneously and that was a cause of great concern to many people in positions of power during the early modern period. Sumptuary laws seemed to have served as a mechanism of disciplining people and maintaining a certain social stability in terms of social order and hierarchy.

As was mentioned throughout this thesis, sumptuary laws were reflective of the societies they existed in. Because of this, it is particularly interesting to look at the sumptuary regulations in the context of all the changes taking place in the early modern Central Europe. Various waves of Reformation, for example, have greatly influenced the amount of attention that both the common people and governments paid to the ostentatious displays of consumption. Although we can see the first signs of this shift even before that as "from the thirteenth century, 'what seems to have been sought is a stark visual contrast: dark, plain, and humble outside of the sanctuary, but bright, glistening, and ornamented within church'".¹¹⁹ It also might explain why the laws of Lutheran Württemberg were much stricter and were enforced with much more vigour than the ones in Catholic Münster. Protestant

¹¹⁷ Ibid, 60.

¹¹⁸ Ibid, 63.

¹¹⁹ Maureen C. Miller, *Clothing the Clergy: Virtue and Power in Medieval Europe, c.800–1200* (Ithaca, NY: Cornell University Press, 2014), 45 as cited in McNeil and Riello, *Luxury: A Rich History*, 48-49.

Swiss cities were also relatively more successful in curbing conspicuous consumption. Still, it should be mentioned that there were exceptions to this rule. For example, Catholic Munich despite not having any "response to the 1530 and 1548 Imperial Police Ordinances",¹²⁰ in 1626 published a set of laws that were "noticeably stricter for urban inhabitants than those in Lutheran Württemberg at the same time".¹²¹

The move towards Enlightenment also had an effect on the sumptuary laws. As it got closer to the Enlightenment, government regulations started to become more relaxed when it came to regulating consumption. This could be attributed to multiple factors - from more egalitarian ideas gaining popularity (and thus upward social mobility starting to be seen as a positive thing) to the gradual secularization of society (and thus the economic transactions stopping being perceived through the lens of Christian morality). Although sumptuary regulations still existed in certain places during the Enlightenment period, they were rarely enforced with vigour. It should also be mentioned that in accordance with secularization, most of the later sumptuary laws moved away from moral/religious reasoning completely and instead focused on trying to boost local economies. The last laws of that sort to be introduced in Europe were in 1818 Bavaria and in 1776 Poland.¹²² This, in a way, confirms the idea of sumptuary laws being a thoroughly early modern phenomenon. Although they existed before that and continued to exist after the Enlightenment, they never flourished, developed, and thrived in any other environment to the extent that they did in the years of early modernity.

¹²⁰ Rublack, "The Right to Dress: Sartorial Politics in Germany, c. 1300–1750.", 58.

¹²¹ Ibid, 60.

¹²² Riello and Rublack, "Introduction.", 32.

VI. Sumptuary Laws in Tokugawa Japan

This chapter focuses on luxury regulations in pre-modern Japan during the so-called Tokugawa period, which is also often described as the Edo period (the term Edo refers to Tokyo). With global asymmetries in periodization in mind we can roughly characterize it as the early modern period in Japanese history, that took place between 1603 and 1868. Politically, it was characterized by the monopolization of "diplomacy, coinage of specie, foreign trade and the ability to guarantee feudal lords (*daimyo*) the right to rule over a particular domain"¹²³ by one centralized Tokugawa government, which was formed after the victory of the Sekigahara battle by the Tokugawa family in 1600 and their subsequent establishment of power over the entire Japanese archipelago.

According to Constantine Nomikos Vaporis, this "unification" of sorts led to Japan's period of *tenka taihei* (the realm at great peace).¹²⁴ This period ended the time of lengthy wars between minor feudal lords that defined life in Japan before 1603. The benefits of this unusually long period of peace could be seen in almost every single aspect of life, as it brought not only material benefits, such as rapid urbanization and development of both the agricultural and trade-based sectors of the economy, but also massively contributed to the development of various forms of art. In fact, the flourishing art scene of the Edo period is considered by Vaporis to be an example of the first mass/popular culture in the world and the origin of many phenomena that are now forever linked to Japan in the public consciousness, such as "a stable pattern of bureaucratic rule, high rates of literacy, kabuki theater, the tea ceremony, sumo wrestling, woodblock prints, and even sushi".¹²⁵

It is fairly easy to see how the simultaneous and rapid development of the economic and cultural spheres as well as changes in the social structure of an early modern society can be deeply connected to the establishment and the enforcement of sumptuary laws. This is a trend that Donald H. Shively has also identified in his 1964 work titled "Sumptuary Regulations and Status in Early Tokugawa Japan", in which he opined that the "growth of commerce and consumption, which increased the financial problems of the other classes, brought prosperity to many of the townsmen and enormous wealth to a few".¹²⁶ This development enabled those townsmen to enjoy the luxuries that were previously only

¹²³ Masayuki Tanimoto and Roy Bin Wong, "Introduction," in *Public Goods Provision in the Early Modern Economy: Comparative Perspectives from Japan, China, and Europe* (Berkeley, USA: University of California Press, 2017), 13.

¹²⁴ Constantine Nomikos Vaporis, *Voices of Early Modern Japan: Contemporary Accounts of Daily Life during the Age of the Shoguns* (Santa Barbara, USA: Greenwood, 2012), xvii.

¹²⁵ *Ibid.*, xi.

¹²⁶ Donald Shively, "Sumptuary Regulation and Status in Early Tokugawa Japan," *Harvard Journal of Asiatic Studies* 25 (1964): 124.

available to their social superiors. This change in the accessibility of luxurious items was a symptom and a reflection of the newly established reality of Japan in the Edo period, the reality of stark "disparity between social rank and the distribution of wealth".¹²⁷ Obviously, this could not be ignored by the government, seeking to maintain social order, peace, and tradition. Thus, soon a flood of new sumptuary laws was introduced in Japan in order to prevent those changing social conditions from "putting strain on the social and political order"¹²⁸ and having "disruptive effect on the morale and discipline..."¹²⁹ of those belonging to the highest echelons of society, most importantly – the samurais.

Still, in order to appreciate the Japanese sumptuary laws in all of their complexity, we must first recognize that they were not a Tokugawa-specific thing. For now, we will ignore the transcultural parallels, that will be discussed in other parts of this thesis. We can begin by recognizing that the existence of sumptuary laws in Japan can be traced back to the year of 682, when they were first introduced as a part of the Chinese system of government, and according to the aforementioned Donald H. Shively, they can be found all throughout history – from the Heian laws, regarding celebrations and consumption of *sake*, to the Kamakura period, during which we first start seeing the emphasis being put upon frugality, simplicity and austerity as virtues, which were sure to "enhance the spirit of selflessness and loyalty".¹³⁰

It should also be mentioned, that while there were just as many laws targeting expenses on furniture, celebrations, colours, etc; there are reasons, that many scholars when studying the culture of sumptuary laws in Tokugawa Japan, tend to focus specifically on the ones, that deal with the spending on clothes, jewelry, and other accessories. One of those reasons, identified by Shively, is that those laws are not only "the most numerous, but also because they provide the most useful body of material on which to make qualitative and social distinctions".¹³¹ He believes, that clothing as a whole, including actual garments as well as general patterns, fabrics, shapes, colours, etc; has enjoyed an unusual amount of attention in Japanese historiography and literature, especially when compared to other elements of material culture.

Some historians, such as Donald Shively argue, that despite their many similarities, including the focus on countering innovation and excess in order to prevent any possible disturbances to the status quo, the sumptuary laws of Tokugawa Japan were way less

¹²⁷ Ibid, 135.

¹²⁸ Ibid, 124.

¹²⁹ Ibid, 126.

¹³⁰ Ibid, 137.

¹³¹ Ibid, 133.

concerned with the moral aspects of consumption than their European counterparts.¹³² Still, the works of others like Katsuya Hirano, remind us that those laws, although primarily rooted in the social, economic, and political aspects of life in the early modern world, could not successfully exist without any religious or philosophical backing.¹³³

In the case of Edo period Japan, that moral backing came in the form of *mibun* and *shokubun* – a predetermined status and occupation, that every individual is born with. Hirano uses the term "social tattoo"¹³⁴ when describing this phenomenon, as it perceives one's social position in life as something that is carried from womb to tomb, something that is reflected in every aspect of a person's being from their appearance to their speech patterns, something that can never be changed. So, in this world view, each and every person living in the Tokugawa society is simply a social actor, who is always supposed to correctly and without hesitation perform their predetermined social role and specific tasks and duties, that come along with it, thus becoming "an essential part of a system of rule designed to lubricate the social hierarchy's interdependent relations".¹³⁵

However, this way of looking at status was not completely independent of any other influences either. In fact, it is deeply connected to both the interpretation of Confucianism, which was based on the idea of "all social reality as the consequence of the state of one's mind"¹³⁶, and the generally-accepted Tokugawa Japanese perception of wealth as a limited, finite resource, that cannot be replenished, only redistributed. This view led to the idea that the guiding principle of this "redistribution" should not be egalitarianism, based on hard work, but the very strict and rigid social hierarchy.

By looking at those socio-cultural factors, we can also understand the laws regulating the consumption as the government's way of combating "a type of idleness"¹³⁷ and "promoting frugality, simplicity and communal loyalty as the foundational virtues for commoners".¹³⁸ Consumption, in Edo Japan, is only justifiable when it is within means and has a clear, identifiable utilitarian purpose. Anything that is not in accordance with those standards is seen as transgressive and seriously disruptive to moral and social harmony, and thus to the public life and the Japanese society at large. Katsuya Hirano, who published multiple works dealing with this specific period in Japanese history, identifies the belief that

¹³² Ibid, 136.

¹³³ Katsuya Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan," in *The Right to Dress: Sumptuary Laws in a Global Perspective, c. 1200–1800*, ed. Giorgio Riello and Ulinka Rublack (Cambridge, UK: Cambridge University Press, 2019), 439–51.

¹³⁴ Ibid, 440.

¹³⁵ Ibid, 440.

¹³⁶ Ibid, 444.

¹³⁷ Ibid, 441.

¹³⁸ Ibid, 443.

"morality and productivity together formed the basis of social unity" as the basis of the ideology of Tokugawa rulers.¹³⁹

After providing a brief description of the social, cultural, moral, and religious factors, that have contributed to the formulation of the early modern sumptuary laws in Japan, I believe, more context should be provided regarding the economic and political realities of the era. Arguably, the most important political decision of the Tokugawa years and the one that makes Japan really stand out is "the decision to close the country, to isolate it and to insulate it from foreign influence".¹⁴⁰

Broadbridge theorizes, that Japan's remote position and long-term inhospitable approach led the Western leaders to decide that the possible rewards of establishing relationships with the Tokugawa government were not worth the effort that the overcoming Japan's strong devotion to its seclusion policy would take.¹⁴¹ Nonetheless, there was still some contact with the rest of the world – for example, the period between 1549 and 1650 is referred to by Ryuji Hiraoka as Japan's "Christian Age"¹⁴² due to the influence that the Jesuit missionaries had on the life in Japan. A very important thing to recognize about the nature of isolationism is that while at first glance it might seem that it is an entirely external policy, which only affects such things as international trade and diplomacy, in reality almost every aspect of life in Edo Japan was shaped and informed by it – from religion and ethics to science and technology.¹⁴³

Economically, the Edo period in the history of Japan can be defined by the rise in the standards of living, and thus the rise in the levels of consumption. This is very relevant to the processes of creation and development of the sumptuary laws that took place during the same period. Various industries catering to this newly developed consumer society have also gone through dramatic positive changes. According to the research done by Matsunosuke Nishiyama, the Tokugawa period could be considered to be one in which even the general society participated in leisure pursuits and both consumed and created different forms of culture. Books, theater visits, pilgrimages, etc. ceased to be the privileges of social elites. Even more "material" forms of culture – such as hand-made accessories and custom-created combs – could be purchased by the less economically successful members of society. In fact, this unprecedentedly high demand for goods from all social classes is what inspired "the

¹³⁹ Ibid, 445.

¹⁴⁰ Seymour Broadbridge, "Economic and Social Trends in Tokugawa Japan," *Modern Asian Studies* 8, no. 3 (1974): 348.

¹⁴¹ Ibid, 355.

¹⁴² Ryuji Hiraoka, "Jesuits and Western Clock in Japan's 'Christian Century' (1549–c.1650)," *Journal of Jesuit Studies* 7 (2020): 204.

¹⁴³ Broadbridge, "Economic and Social Trends in Tokugawa Japan.", 356

development of a highly refined handicraft industry", which produced "such an extraordinary variety of hand-made cultural artifacts in Japan".¹⁴⁴

Special attention should be devoted to the financial state of the samurai class during the Tokugawa years. In his 1971 article for *The Journal of Economic History*, titled "The Increasing Poverty of the Samurai in Tokugawa Japan, 1600-1868", Kozo Yamamura states "that the ruling samurai class suffered increasing poverty during the Tokugawa period is accepted, without dissent, by all students of Japanese history".¹⁴⁵ It could be argued, that the main reason for this development lies in the fact, that the samurai class lived on a fixed income. This way of living, while perfectly fine for the less developed societies, was practically incompatible with the Edo-era culture.

In the Tokugawa period, which can be characterized by massive developments in the spheres of both culture and trade – by the increase in quality and the amount of consumer goods and services, the samurai's "relatively constant income was increasingly inadequate for purchasing those goods considered necessary by the standard of the day and to enjoy the goods and services that were bought in an increasing quantity by the well-to-do members of the non-samurai class".¹⁴⁶ While the other classes got to fully enjoy all the benefits of a growing economy and received previously unavailable opportunities to grow their wealth and improve their life quality, the samurai, who were legally prohibited from participating in commerce, remained stagnant as the world around them changed. In order to at least attempt to keep up with others, the samurai turned to borrowing large amounts of money from merchants and moneylenders.¹⁴⁷ Buyō Inshi, an ex-samurai who became a Confucian scholar, wrote that "it is increasingly common for samurai to choose to become townspeople, willingly renouncing their status and opting to live among these lowly people".¹⁴⁸ This played a large role in the introduction and development of the new sumptuary laws by the Tokugawa government as the officials became increasingly more and more concerned about the living conditions and the morale of the samurai class.

After the brief description of the financial issues of the samurai during the Tokugawa period, I believe I should devote some attention to the merchant class. Merchants "were

¹⁴⁴ Nishiyama Matsunosuke and Gerald Groemer, *Edo Culture: Daily Life and Diversions in Urban Japan, 1600-1868*, 9th ed. (Honolulu, USA: University of Hawai'i Press, 1997).

¹⁴⁵ Kozo Yamamura, "The Increasing Poverty of the Samurai in Tokugawa Japan," *The Journal of Economic History* 31, no. 2 (1969): 378.

¹⁴⁶ *Ibid.*, 393.

¹⁴⁷ Shively, "Sumptuary Regulation and Status in Early Tokugawa Japan.", 124

¹⁴⁸ Buyō Inshi, *Seijikenbunroku*, 281–84 as quoted in Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan.", 447

placed at the bottom of *shinokosho* hierarchy of samurai-peasants-artisans-merchants".¹⁴⁹ Despite the processes of modernization and urbanization, as well as huge developments in the area of arts and crafts, that took place during the Edo era, the Japanese economy was still primarily dependent on agriculture. Because of this, according to Sheldon, merchants and artisans, who often were not separated into two distinct groups, were perceived simply as the providers of services to those with whom the government was actually concerned – the peasants and the samurai.¹⁵⁰

Sheldon also opined that in return for their low social position and the loss of their relative independence as well as some other privileges, which the merchant class had grown somewhat used to in ports and commercial towns, they received an opportunity to fully take advantage of the economic system of the time and access previously unavailable levels of wealth and consumption. Isolationism (though it had negative consequences for the merchants too, such as preventing them from making money on the import of goods from abroad) as well as the existing laws prohibiting the members of the samurai class from engaging in trade created an environment for monopoly.¹⁵¹ A condition that the merchants took full advantage of.

In Tokugawa Japan, merchants, often not without reason, "were especially known as great spenders",¹⁵² which made them targets for many of the sumptuary laws of the era. It did not help their case that their lavish lifestyles were seen as aspirational by members of the other classes, which was seen as a cause for both economic and moral concern by the government and other influential people. We can see the reflection of this idea in Buyō Inshi's writings, telling us that "from samurai to peasants, everyone imitates their lifestyles, manners and appearance",¹⁵³ which causes him to ponder the question of "who could have anticipated such a dramatic dissolution of our sacrosanct moral order at the time of the Tokugawa system's founding?".¹⁵⁴

One of the stories often used by historians to elucidate just how far the townspeople went with their love for newfound luxuries is the story of two wives of well-to-do merchants – Okachi Rokubei and Kiku Nanbaya. While the story itself is rather simple – when visiting the city of Kyoto in 1860 Okachi Rokubei impressed all of the locals with her extravagant

¹⁴⁹ Charles Sheldon, "Merchants and Society in Tokugawa Japan," *Modern Asian Studies* 17, no. 3 (1983): 477.

¹⁵⁰ *Ibid.*, 477.

¹⁵¹ *Ibid.*, 479.

¹⁵² *Ibid.*, 483.

¹⁵³ Buyō Inshi, *Seijikenbunroku*, 281–84 as quoted in Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan.", 447.

¹⁵⁴ *Ibid.*, 447.

outfits, Kiku Nanbaya reacted to this challenge by wearing an even more impressive outfit of a satin kimono, embroidered with the most important sights of the capital. This, in turn, caused Rokubei to wear an exceptionally well-made black habit with a pattern of *nankin* on it, which was made out of coral. While it could be argued that Okachi Rokubei eventually came out of this rivalry as a winner, her life after this event became increasingly more complicated. Her unashamed and eager display of her husband's fortune angered Tsunayoshi Tokugawa, who ordered the city magistrate to not only confiscate the family's property but to banish them from the capital city of Edo altogether.¹⁵⁵

The first reason why this simple story is so interesting to researchers of the sumptuary laws in the Tokugawa years is that it is not only representative of the luxurious lifestyle of the merchants in general, but it also provides information on such aspects of life during that period as fashion contests (*ishō kurabe* or *date kurabe*), which were quite popular amongst the participating merchants and drew the attention of spectators from a variety of socio-economic backgrounds.¹⁵⁶ The second one can be found in the fact that barely a year after the specific "competition" between Okachi Rokubei and Kiki Nanbuya, in 1862 "the shogunate began issuing a series of ordinances designed to control the consumption of luxurious garments and other items",¹⁵⁷ which in turn caused officers to take sumptuary laws more seriously and to spend more of their time examining the garments and the accessories worn by the people in their proximity leading to the rise in arrests.

After having both provided the context necessary to understand the sumptuary laws of Tokugawa Japan and shared the story of Okachi Rokubei and Kiki Nanbuya, that gives great insight into the time period and makes the aforementioned context easier to digest by giving us a specific real situation as an example of how all of that might have looked in real life, I will proceed to the discussion of specific details of what the fashion, sumptuary laws, their interpretations, and implementations meant to contemporaries in early modern Japan.

Most of the fashion trends in Japan during the Tokugawa Era came from the upper classes, who were responsible for how the "restrained, understated style increasingly became one of the definitive features of sophisticated urban fashion from the eighteenth century on".¹⁵⁸ At the same time the concept of "*tsu*" came into the existence. It was essentially a development of the idea of *sui* – "the essence of sophistication, a quality that had been valued in the Kyoto-Osaka area since the Genroku period (1688–1704)".¹⁵⁹ Although aesthetics was

¹⁵⁵ Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan.", 436-37

¹⁵⁶ Ibid, 436.

¹⁵⁷ Ibid, 437.

¹⁵⁸ Ibid, 451.

¹⁵⁹ Ibid, 447.

an integral part of *tsu*, it was more than that. It concerned how the people behaved, their moral beliefs, and even how genuine they were in their performances of *tsu*. It could be argued that *tsu* and the fashion that defined it was a response of sorts to the sumptuary regulations enforced by the Japanese government of the time. The fact that *tsu* was especially well received in the capital, while other towns and cities, like Kyoto-Osaka, continued to favour and embrace more opulent and ostentatious styles, could be used to support this theory. As some researchers, like Ryuzo Saito, argue these differences could be explained by the idea that cities closer to the capital and thus closer to the administrative centers were obviously more affected by the new government regulations due to their stricter interpretations and enforcements by their local authorities.¹⁶⁰ In fact, when it came to the actual implementation and enforcement of the sumptuary laws the Japanese authorities were often not as effective as one might assume. Many of the members of the lower social classes, townspeople and peasants alike, often made fun of the ever-changing regulations: the so-called "three-days laws" – *mikka hatto*.¹⁶¹ This was in reference to them being "absurdly irrelevant to rapidly changing realities".¹⁶² Donald H. Shively thought that "authorities retreated when violations became so universal as to make a law appear ridiculous",¹⁶³ but often went back to being more vigilant to the breaking of sumptuary laws during times of crisis, such as poor rice crops or city-destroying fires.

As I have mentioned in the previous paragraph, what was considered to be fashionable largely depended on what the members of the higher social classes wore. This trend led to the popularity of what was essentially second-hand shops in Edo Japan. Resale was a rapidly growing field. According to Eisuke Ishikawa, the number of shops specializing in the sale of used kimonos and accessories rose from just over 1200 in 1703 to a number close to 2000 at the end of the eighteenth century. Looking at this development, it should not be a surprise that "close to 90 percent of clothing worn by townspeople was second-hand".¹⁶⁴

Still, it would be unfair to present the townspeople as mere followers of fashion trends that were created by their social betters. Townspeople and merchants, partially in an attempt to express their wealth, creativity, and personal aesthetic preferences without being stifled by the strict sumptuary laws of the era, constantly came up with new ideas on what was to be in fashion. For example, after the prohibition of various expensive textile dyeing

¹⁶⁰ Ryūzō Saito, *Kinsei Nihon Sesōshi* (Tokyo: Hakubunkan, 1928), 795, 819–826 as cited in Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan.", 451.

¹⁶¹ Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan.", 446

¹⁶² *Ibid.*, 446.

¹⁶³ Shively, "Sumptuary Regulation and Status in Early Tokugawa Japan.", 134

¹⁶⁴ Eisuke Ishikawa, *Ōedo Risaikuru Jijō* (Tokyo: Kodansha, 1997), 141–142, 319–320 as cited in Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan.", 456.

techniques like the usage of golden and silver embroidery, new ones were quickly developed and perfected, such as the *yūzen* method for colouring the kimonos – using starch-resit to hand-paint on the silk.¹⁶⁵ Katsuya Hirano states that those new trends "did not simply imply submission to the shogunate's policy; rather, it was the result of the cumulative and innovative activities of fashion entrepreneurs and designers who produced several new trends in rapid succession in order to satisfy the increasingly refined taste of their customers within set political and ideological limits".¹⁶⁶

Another example of the ordinary people's perseverance and creativity in the face of strict governmental control of consumption could be found in the *chonin*'s reclamation and development of the art of tattooing. Though tattoos in early Tokugawa Japan carried a huge amount of stigma due to the practice's associations with crime and delinquency, "but beginning around the mid-eighteenth century, townspeople of the lower class began to get arm tattoos as a fashion statement".¹⁶⁷ The practice only continued to grow in popularity and in the 1830's it was practically completely normalized as even the members of the higher social classes, such as the samurai, started to participate in it. This caused the Tokugawa government to start paying attention and thus in 1841, the first sumptuary regulations concerning tattoos were imposed. Through this development, we can see just how dedicated the early modern Japanese officials were to controlling consumption. Still, like most of the attempts to impose strict sumptuary regulations, this one failed and tattoos continued to be relatively common amongst the working class up until the 1870s and 1890s, when the so-called first modern government of Japan – the Meiji government, started its "programme of promoting modern civilisation and enlightenment".¹⁶⁸

A curious thing to note is that the Tokugawa government's dedication to controlling every single aspect of consumption, especially when it concerned the seemingly extravagant consumption practiced by the townspeople was not always unwelcome by the people belonging to that class. Merchant Ihara Saisaku in his 1688 "The Japanese Family Storehouse" shared this belief:

"The recent Clothing Edicts were truly for the good of every one of us, in every province in the land; and, on second thoughts, we are grateful".¹⁶⁹

¹⁶⁵ Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan.", 450.

¹⁶⁶ Ibid, 450.

¹⁶⁷ Ibid, 457.

¹⁶⁸ Ibid, 457.

¹⁶⁹ Ihara Saikaku, *The Japanese Family Storehouse. Or the Millionaires Gospel Modernised*, trans. G. W. Sargeant (Cambridge: Cambridge University Press, 1959), 26–27 as quoted in Vaporis, *Voices of Early Modern Japan: Contemporary Accounts of Daily Life during the Age of the Shoguns*, 29.

In the same text, he theorizes that had these laws not been implemented people would have started to wear the very expensive Chinese silk in lieu of the ordinary (mostly cotton) work clothes.¹⁷⁰ He also provides us with another piece of information that strengthens the idea that the consumption of luxury itself was not exactly considered to be a problem in Edo Japan. It was when it was done by the people who were not supposed to engage in it (i.e. townspeople) that it became an actual issue. This is seen in how Saisaku wrote about merchants wearing fine clothes – he described it as "an ugly sight" and mentioned that homespun – handmade-homemade clothing – was not only more befitting to their social standing, but it might make them look smarter.¹⁷¹

One might ask: But what were those laws that Ihara Saisaku was so grateful for? As it was previously mentioned, despite this chapter's focus on clothing, the sumptuary regulations actually concerned many different areas of life - from decor and weaponry to entertainment and celebrations. For example, "List of Prohibitions Concerning Clothing for Edo Townspeople" of 1719, in addition to prohibiting townspeople from wearing wool capes and their servants from wearing anything made from silk, also forbade *chonin* (townspeople) from having elaborate weddings and wearing either long swords or large short swords.¹⁷² Still, this particular list was unusually vague, especially when compared to other similar laws of the era. It includes such broad directives as "*chonin* should not dress in an outlandish fashion" without any further elaborations on what exactly is considered to be "outlandish". In comparison, there is evidence of laws restricting the consumption practiced by *chonin* being as specific as to mention multiple fabric-decorating techniques one by one, in order to ensure that there was no room left for the interpretation of this law.¹⁷³

In comparison, regulations regarding the dress and the grooming standards of the samurai that came out 74 years earlier in the year of 1645 were much more detailed. Still vague in some parts, such as a directive requiring the samurai not to keep beards that were excessively long (with no definition of excess). In others those laws were as clear as possible, stating that any long sword that was more than 34.8 inches long was too big, as was anything longer than 21.5 inches for a short sword.¹⁷⁴

Another set of very detailed sumptuary laws concerned farmers. I believe discussing this set is especially important in the context of this chapter. Despite the fact that most of it,

¹⁷⁰ Ibid, 29.

¹⁷¹ Ibid, 29.

¹⁷² List of Prohibitions Concerning Clothing for Edo Townspeople (1719) as quoted in Shively, "*Sumptuary Regulation and Status in Early Tokugawa Japan.*", 129.

¹⁷³ Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan.", 438.

¹⁷⁴ Prohibitions of 1645 as quoted in Vaporis, *Voices of Early Modern Japan: Contemporary Accounts of Daily Life during the Age of the Shoguns*, 34.

just like the sumptuary regulations themselves, focused on the townsmen and the samurai, farmers were an important part of early modern Japanese society and were also as affected by those laws as anybody else. In fact, farmers were regarded quite highly during the Edo period due to them being the ones who "nurtured the country and, in the process, provided the income for the samurai".¹⁷⁵ This view of the farmers was partially to blame for the strict sumptuary laws imposed on them. The goal of those policies was to keep them "producing as much as possible and consuming as little as necessary".¹⁷⁶ Ordinary farmers were forbidden from wearing silk, striped, and otherwise patterned fabrics. Colours such as purple, crimson, and plum were also off-limits. Even the usage of umbrellas and cotton rain capes was regulated, with ordinary farmers not allowed to wear them under any circumstances, and the village headmen only to use the latter. The privilege of using an umbrella was reserved for the district headmen. There were even official lists of what was not to be sold in the countryside. One such list from the 1864 Sendai explicitly prohibits the sale of such items as mirrors, nail scissors, blankets, summer kimonos, sash materials, trousers, tunics, etc.¹⁷⁷

To conclude, sumptuary laws in Tokugawa Japan were a response by the government to the changing early modern world, especially the changes in the economic *status quo* that it brought. While they were definitely supported by local religious and philosophical ideas and ideals, one could argue that, especially when compared to their European counterparts, they were far less concerned with morality than expected. In fact, the Edo sumptuary laws could be interpreted as being more related to the morale of the samurai class – a class that was very important to the government and that was hit very hard by the economic developments of the era. Though certain experts on the topic, such as Giorgio Riello and Ulinka Rublack, state that "Japan meted out the harshest of punishments, including death, banishment and imprisonment",¹⁷⁸ others like Katsuya Hirano believe that despite the serious consequences that the sumptuary laws of Tokugawa Japan promised to those who dared to break them, most of the attempts by the authorities to control the consumption of luxury fashion (especially when it came to the small items) "never succeeded" and "were ... entirely in vain".¹⁷⁹

I believe the quote that can give us the most insight into the topic discussed in this chapter while being just a sentence long is the one that concludes Katsuya Hirano's chapter

¹⁷⁵ Shively, "Sumptuary Regulation and Status in Early Tokugawa Japan.", 153.

¹⁷⁶ Ibid, 153.

¹⁷⁷ Ibid, 155.

¹⁷⁸ Riello and Rublack, "Introduction.", 17.

¹⁷⁹ Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan.", 454.

on Japan in the book titled "The Right to Dress: Sumptuary Laws in a Global Perspective, c. 1200–1800": "The futile yet repeated attempts to regulate consumption were nothing but the salient symptom of the legitimacy 'crisis' engendered by the mounting contradictions that the Tokugawa authorities could not contain or resolve".¹⁸⁰ It sums up almost everything there is to say about the early modern sumptuary regulations in Japan. They were the Tokugawa government's response to the challenges brought on by all the changes taking place during that period – gradual impoverishment of the samurai class, a new-found wealth of the merchants, new developments in the spheres of culture, artisanship, and production, increasing accessibility of luxury items. They were also a sign of the fact that despite all of those changes, Edo Japan was still not modernizing as fast as it could be, particularly in regard to its economic system. Not only most of the fiscal problems of the samurai could be attributed to the outdated system of fixed income but the zero-sum view of the economy held by the local rulers caused them to see the "imposition of austerity and frugality on ordinary people as the most logical, if not necessarily effective, approach to maintaining the equilibrium between production and consumption".¹⁸¹ In the end, my study and analysis of edited early modern Japanese sumptuary regulations and the literature dedicated to them have led me to agree with the scholars of the subject that perceive sumptuary regulations primarily as tools in the preservation of hierarchy.

¹⁸⁰ Ibid, 460.

¹⁸¹ Ibid, 458-459.

VII. Comparative Analysis

After discussing the sumptuary laws of Tokugawa Japan and Early Modern Central Europe separately, I will now move to the comparative analysis of these two phenomena. The goal of such a task is not only the identification of commonalities and differences between the development and the enforcement of the regulations regarding consumption in the societies discussed, but also a deeper understanding of the role that they fulfilled across the Early Modern World. In this chapter, I hope to provide the answers to the questions that have been identified in the introductory chapter of this research.

The first difference that could be discussed is the extent to which religion and morality were used to justify the existence of the sumptuary law. Though the presence of such justification is consistent across all of the territories that have been mentioned within the text of this research project and Confucian ideas along with the concepts of *mibun* and *shokubun* definitely played a role in the creation and enforcement of the sumptuary laws in Edo period Japan specifically, it could still be argued that they have been less representative of the moral economy concept than their European counterparts. Donald H. Shively came to the same conclusion in his 1964/1965 article "Sumptuary Regulation and Status in Early Tokugawa Japan". In fact, he specifically described the laws that existed on the European continent as being "more concerned ... with the moral value of frugality and with modesty in dress and behavior".¹⁸²

Although I will discuss the gendered aspect of the sumptuary laws in more depth later in this chapter, I believe that this is the right moment to point out that this difference could be linked to the disparity between the number of laws targeting women in Central Europe and Japan. Without religion as a strong or dominant motivating factor, there was not much desire left to cover up women's bodies or to force them to expose their private lives through their choice of clothing. There was also a difference in who enforced those laws and how. While Confucianism was involved in the process of punishment for transgressions against the sumptuary regulations as the inmates serving their sentences at the workhouses in Tokugawa Japan were forced to attend the "thrice-monthly lectures by eminent Confucian scholars from the Mind Studies School",¹⁸³ the decisions regarding what was criminal and who should be punished and how were still made by the secular authorities. This, for example, was unlike the situation in Swiss cities where "sumptuary laws remained primarily

¹⁸² Shively, "Sumptuary Regulation and Status in Early Tokugawa Japan.", 136.

¹⁸³ Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan.", 444.

founded on religious principles until the middle of the seventeenth century"¹⁸⁴ as can be evidenced by the fact that it was not until the creation of Reformation chambers in the period between 1627 and 1676 that the control over consumption was transferred into the hands of secular experts. We can infer from all this that religion in general had way less of a stronghold over each and every aspect of the Early Modern public life in Tokugawa Japan than in Europe.

As for the gendered aspect of sumptuary regulations in the early modern world, women were much more targeted by them in Central Europe. On the basis of the edited sumptuary laws and existing literature, we cannot really see many laws specifically directed at women in Tokugawa Japan, nor can we see that women made up a significantly larger percentage of those punished by the authorities due to the transgression of those laws. This was not the case in early modern Central Europe where women were consistently focused on by the authorities regulating consumption. For example, by analyzing the registry of Württemberg, Sheilagh Ogilvie found out that in the time period between February 1713 and February 1714, women made up about 91 percent of those prosecuted for breaking the local sumptuary laws.¹⁸⁵

In addition to the religious factor discussed earlier in this chapter, this difference could also probably be explained by the fact that the position of women in the societies of early modern Central Europe changed rather dramatically which was not exactly the case on the Japanese peninsula. Consumer and industrious revolutions have forced many European women to spend more time working outside of home in order to acquire the income necessary for satisfying their desire to consume market goods, especially those of the luxurious kind. This along with gradual secularization and certain benefits of urbanization and modernization (such as increased mobility - both social and geographical, relative independence and anonymity of life in a city, growth of the economy, more opportunities in recently "discovered" and rapidly developing places, like America) gave early modern European women a chance to achieve a degree of independence that was simply impossible before. This was not simply accepted by those with social, political, and economic power in the early modern Central Europe. The elites have tried to control and soften the effects of this social change by restricting the right of women to work, creating limits on what they could earn, and banning female apprentices among other things. Sumptuary regulations directed at women were simply a continuation and extension of those policies.

¹⁸⁴ Hohenstein, "Regulating Sumptuousness: Changing Configurations of Morals, Politics and Economics in Swiss Cities in the Seventeenth and Eighteenth Centuries.", 128.

¹⁸⁵ Ogilvie, "Consumption, Social Capital, and the 'Industrious Revolution' in Early Modern Germany.", 308.

Another difference in how the regulations concerning the consumption of luxury goods operated in early modern Central Europe compared to their Tokugawa Japanese counterparts is found in how they approached imported items and trends. The fact that even the commoners had access to the Netherlands-produced silk and wool was shocking and appalling to many of the members of the upper classes of Edo Japan. We can see that reflected in the writings of Buyō Inshi, samurai turned Confucian scholar and a fervent critic of the consumption patterns of townspeople:

"Townspeople have no expenses for public duties: their public duty is to be extravagant...Cotton is worn by those who should not be wearing it, while those who should not wear silk crepe use it every day. Townspeople even use foreign textiles such as striped sateen and Dutch imports".¹⁸⁶

While this pattern of consumption "in the view of moralists – began to mark out the extravagance of the urban population",¹⁸⁷ it was not really the main focus of the contemporary sumptuary regulations. Those laws focused on who was allowed to wear what fabrics, sure, but the origin of those fabrics was not really important enough to be targeted specifically. This could be explained by the fact that this period in Japanese history is defined by the policy of isolationism, so while the trade between Japan and European countries was still happening, it was not exactly flourishing. In fact, there were many restrictions placed on the local merchants regarding their possibility to participate in international economical transactions. Thus, we can theorize that Japan's location and lack of real, intense, and meaningful economic and cultural exchanges with the outside world ensured that there would not be too many imported items and fashion trends there, leading to this aspect of consumption being socially stigmatized, but not regulated by any specific legislation. The few minorities living in Japan were also seemingly not targeted by separate sets of laws regulating their levels of consumption and the nature of their self-presentation through clothing.

Early modern Central Europe on the other hand could be characterized by the rise of global interconnectedness. During that period, we can see "a remarkable reorientation of people's tastes and purchases away from the products of local agriculture and industry towards products imported from overseas".¹⁸⁸ This shift is evident not only when one looks at the patterns of consumption of the upper social class but also when one analyzes the

¹⁸⁶ Buyō Inshi, *Seijikenbunroku*, 355–356 as quoted in Hirano, "Regulating Excess: The Cultural Politics of Consumption in Tokugawa Japan.", 446.

¹⁸⁷ Riello and Rublack, "Introduction.", 23.

¹⁸⁸ Anne McCants, "Exotic Goods, Popular Consumption, and the Standard of Living: Thinking about Globalization in the Early Modern World," *Journal of World History* 18, no. 4 (2007): 461.

spending of middle and lower-class people too. We can also see increases in trade and cultural exchange happening during that time not only between Europe and Asia/New World but also between different European countries, especially those that shared borders with each other. Anne E.C. McCants in her 2007 article titled "Exotic Goods, Popular Consumption, and the Standard of Living: Thinking about Globalization in the Early Modern World" states that "the consumption of those imports proved habit-forming, making people less content with products of local origin even when relative price differentials turned back in their favor".¹⁸⁹

It is easy to see why this shift in the consumption patterns of practically the entire population might cause concern for those with power. In fact, I believe that the origins of European sumptuary laws, which focused on forcing people to stimulate their local economies rather than simply attempting to make the system of intense social stratification last as long as possible, could be found here. But there are still some reflections of that in the earlier sumptuary regulations. We can see this reflected in the laws of the Holy Roman Empire which urged peasants to wear German-produced fabrics with some exceptions being made for certain second-hand items and lighter fabrics. Another sumptuary regulation in the early modern Central Europe that could be interpreted as a response to the increasing globalization is found in Strasbourg. The laws there were specifically intended to curb the influence that French fashions had on the clothes of the local population as they were seen as being destructive towards the chaste German spirit rooted in Christianity.¹⁹⁰

This pattern could also be analyzed through the lens of environmental history. The combined methodological tools of environmental studies and the history of consumption could help to "connect material and cultural change in a sustainable manner" as well as "unmask the relationship between production and consumption, and nature and culture, and thereby transcend and subvert seemingly fixed boundaries, from the local to the global".¹⁹¹ Those possibilities not only make this intersection of fields relevant to this work, but also provide a glimpse at what kind of research could be pursued in the future.

Compared to some other parts of the world during that historical period, Tokugawa Japan did not face as many environmental crises. Not only did its isolationist foreign policy help it remain a self-sufficient and thus sustainable country but the period of rapid industrialization and urbanization in Japan did not really start before the Meiji Restoration

¹⁸⁹ Ibid.

¹⁹⁰ Rublack, "The Right to Dress: Sartorial Politics in Germany, c. 1300–1750.", 63.

¹⁹¹ Matthew Klinge, "Spaces of Consumption in Environmental History," *History and Theory* 42 (2003): 94.

in 1868.¹⁹² Still, there were some challenges - during the Edo period Japan underwent major deforestation and suffered its earliest pollution problem due to the copper mine run-offs.¹⁹³

In Europe, on the other hand, early modern period was marked by a significant "intensification and expansion of human exploitation of the environment".¹⁹⁴ The emergence of merchant capitalism brought about long-distance trade, deforestation, and increased exploitation of nature's resources. All of that certainly had its impact on the ecology of the early modern Europe as did the "demographic recovery after the recurrent plague epidemics of the fourteenth and fifteenth centuries"¹⁹⁵. However, as the anxieties around those changes grew so did the scientific knowledge and the willingness of the authorities and the ordinary people to actively try to shape the environment. This could potentially also be linked to the sumptuary laws controlling the usage of imported fabrics and the general moralistic attempts at the valorization of local producers.

By analyzing the sumptuary laws of early modern Central Europe and Tokugawa Japan adopting the perspective of the environmental history, we can come to the conclusion that despite different ecological backgrounds and a lack of a clear conservationist impulse, local authorities of both of those regions still promoted what the modern eye recognizes as eco-friendly policies. In their moralist fight against over consumption, local authorities added pressure to reduce the extraction and exhaustion of natural resources. Idealization of local production and non-consumerist lifestyle, restrictions on trade, and attempts to lessen the usage of fabric - all had the unintended effect of better preserving the diverse local ecosystems. This proves that the sumptuary laws could be considered an important part of environmental history and contain a great potential to be studied as a part of this field in the future.

Another difference that can be found between the sumptuary laws of the two regions discussed in this work is based on whom they targeted and how permissive they were in general. I have already mentioned the difference in how the laws in early modern Central Europe and Tokugawa Japan approached women of their respective societies. But there was also a difference between which social class was the most regulated. Though obviously all social classes were affected by the sumptuary regulations, it would not be unfair to say that in Tokugawa Japan the sumptuary laws that by their nature supported the upper classes

¹⁹² Count Okuma, "The Industrial Revolution in Japan," *The North American Review* 171, no. 528 (1900): 677.

¹⁹³ Amy Seagroves, "Environmental History of Japan" (Thesis, Fordham University, 2009), 2.

¹⁹⁴ Laurent Brassart et al., "Understanding and Controlling the Environment in Early Modern History (ca. 1500–1800)," in *The European Experience: A Multi-Perspective History of Modern Europe, 1500–2000* (Cambridge, UK: Open Books Publisher, 2023), 536.

¹⁹⁵ *Ibid.*, 530.

disproportionately restricted the consumption of merchants and farmers. Samurai had some guidance regarding their appearance as evidenced by the existence of the Prohibitions of 1615 which included instructions on such things as the appropriate length of facial hair and the suitable width of the sword. Still, the laws concerning them were not exactly numerous and mostly were not restrictive in nature. This existed in direct contrast to the laws that affected peasants and merchants. Those laws prohibited lots of things, including the ability to use an umbrella and the possibility of wearing anything made of silk. Although the fervour with which those laws were enforced varied slightly based on locations, they generally failed in their task of forcing people to live in "accordance with their social station". This, however, did not mean that they were permissive or that there was much room left for compromise or unclarity when it came to their interpretation.

This can be contrasted with the Central European sumptuary regulations. Though once again it could be argued that restrictions were mostly directed at those belonging to middle and lower social classes, there are also other things to consider. For example, it must be recognized that the laws were more lenient than their Japanese counterparts. In addition to prohibiting certain items or fabrics, they often suggested alternatives and mentioned that there were exceptions. Burghers, for example, were allowed to use fabrics they could not make an entire outfit out of as a decorative element on their dresses. In certain areas, even peasants were given the right to possess exactly one outfit made of imported fabric even though the rest of their wardrobe was still supposed to comply with the order to only use local textiles. Because of this, Ulinka Rublack proposes a new perspective that understands those laws "not just in terms of restrictions but also of the allowances that were often rather generously granted".¹⁹⁶ Another important fact to consider while discussing the enforcement of the sumptuary laws in early modern Central Europe is that in certain parts of it, for example – the Swiss cities – members of the social and political elites were punished for transgressing those regulations more than any other group. This is however relatively unique and at least partially explained by the cities being republics and thus more concerned with at least an image of equality than monarchies.

The most important similarity between the sumptuary regulations of Tokugawa Japan and the ones in the early modern Central Europe is found in their shared most important goal – curbing "changes in consumption which had the effect of blurring social lines", in their shared "hostility to extravagance and innovation ... because of status implications".¹⁹⁷ Both sets of laws could validly be interpreted as the attempts to cling to the past. During the time

¹⁹⁶ Rublack, "The Right to Dress: Sartorial Politics in Germany, c. 1300–1750.", 72.

¹⁹⁷ Shively, "Sumptuary Regulation and Status in Early Tokugawa Japan.", 136.

discussed in this work, both regions were going through dramatic changes. Europe was faced with the consumer and industrious revolutions, the increasing autonomy of women, and urbanization among other things, meanwhile Japan had to adjust to politics of isolationism, the newly developed economy that benefited "upstart" merchants and left the "respectable" samurai basically destitute. Desierto and Koyama point out that sumptuary regulations "were largely absent in agrarian, non-commercial, societies" and instead "proliferated in rapidly commercializing and growing economies".¹⁹⁸ In these circumstances, sumptuary laws seemed like a natural, even necessary solution for keeping control over the rapidly changing world.

In fact, I believe that a rapidly developing economy in general, and the increase in the amount and quality of goods produced within and for that society specifically could be identified as another shared trait between the creation and development of the sumptuary laws in those two regions. As it was mentioned before Europe went through industrious and consumer revolutions during the period discussed in this work. This led to a rise in the demand for all kinds of goods, local and foreign, simple and luxurious. Rapidly developing economy meanwhile led to a rise in both the quantity and quality of products. This was already alluded to in this chapter when it was mentioned that during the early modern era, even the middle and lower classes could not only afford to consume imported goods but that they could consume them habitually even when there were cheaper local alternatives available. Social mobility, especially for women, also increased during that time, making them more active participants in the economy and enlarging the amount of disposable income available to them and their households.

Similar processes were happening in Tokugawa Japan. Matsunosuke Nishiyama described this period in the history of Japan as one "of unprecedented cultural prosperity".¹⁹⁹ He characterizes it by stating that during that time all classes of society had at least some sort of access to leisurely activities, cultural events, and well-made items. Cultural prosperity, in this case, refers to material culture too as Nishiyama pointed out that "the Edo period saw a rise in the quality of culinary fare that commoners consumed; clothing and housing too showed marked improvement".²⁰⁰ Social mobility also increased as the merchants practically replaced the samurai as a wealthy class. These processes have caused the government to devote more of its attention towards consumption and led to the development of sumptuary regulations.

¹⁹⁸ Koyama and Desierto, "The Political Economy of Status Competition: Sumptuary Laws in Preindustrial Europe.", 3.

¹⁹⁹ Matsunosuke and Groemer, "*Edo Culture: Daily Life and Diversions in Urban Japan, 1600-1868.*", 8.

²⁰⁰ *Ibid*, 9.

Though the real success in terms of enforcement of the sumptuary laws varied from place to place even within the two regions discussed in this work (i.e. Württemberg being easier to control than most of the other German-speaking territories and Edo authorities being far stricter than the ones in Kyoto), the recognized fact that overall "most if not all governments, however, seemed to experience a similar degree of difficulty in effective enforcement"²⁰¹ highlights this commonality between them. Despite some serious attempts to regulate consumption, sumptuary laws in the end were seen as failures in most societies where they were implemented. The promise of serious punishments, penalties, and consequences for the transgression of those laws was ignored by many. In addition to that, those most strongly affected by the sumptuary regulations often created and invented new fashions and trends in order to simultaneously avoid prosecution and still achieve aesthetic pleasure. We can look at the rise in the popularity of tattoos in Tokugawa Japan as an example. A previously stigmatized and uncontrolled practice was re-appropriated by the general society and made so fashionable that even the more conservative upper classes began to participate which in turn led to the attention of the authorities and new sumptuary laws concerning this trend specifically. In the end, "sumptuary laws were frequently violated and costly to enforce",²⁰² they could not stop the developments and they could not return societies to the states they were in during the medieval period when the social mobility was basically nonexistent and one's consumption was always appropriate for their social rank.

To conclude, even though I could identify a number of differences between the creation, development, and enforcement of the sumptuary laws in Tokugawa period Japan and early modern Central Europe, there are also a variety of shared traits one can observe. Those traits help us support the idea that the sumptuary laws constitute symptomatic and characteristic signs of life in the early modern world. Through the study of those commonalities, we can infer that despite their existence both before and after this period in history, sumptuary regulations reached their peak of popularity during it due to the specifically favourable conditions in that time. They, in a way, helped to regulate the spread of new elements in consumption, and to shape (and probably somewhat delay) the transition from the Middle Ages into full-blown Modernity. They were by and large the responses of societies still clinging to the simplicity and intense social stratification of the medieval period to the early challenges of modernity.

²⁰¹ Shively, "Sumptuary Regulation and Status in Early Tokugawa Japan.", 136.

²⁰² Koyama and Desierto, "The Political Economy of Status Competition: Sumptuary Laws in Preindustrial Europe.", 3.

VIII. Conclusion

Based on the above-mentioned observations in the chapter focused on comparative analysis as well as on the information provided in the chapters that discussed the sumptuary laws of each region in detail, I believe I can infer that the laws regulating consumption can be regarded as responses by (mostly) conservative authorities to the challenges of early modernity, such as the increased pace of cultural transfers and globalizing processes. The large-scale and repeated attempts to cling onto the medieval world order in the face of rapid changes and developments in almost all spheres of social life were rather unsuccessful. The analysis of different sumptuary laws has led me to the conclusion, that despite a wide range of goals and ideas the laws pursued (i.e. support of local economies, curbing overspending, upholding the moral standards of the time), the main basic thought behind them was always the protection and preservation of pre-existing social hierarchy. This finding in a way reaffirms the validity of the "status" theory of fashion, which interprets it as being first and foremost about the visible differentiation between social strata.²⁰³

The methods of achieving this goal through the means of controlling consumption could vary greatly from place to place. Despite many commonalities that could be identified between the sumptuary laws across space (and even time), they were by nature quite adaptable to the specific circumstances of the societies they were enforced in. This explains why in Tokugawa Japan, where there was a concept of class as a "social tattoo" – something that could never be changed – and where the upper classes were practically wrecked by the new developments of the economy that were so characteristic of the early modern era, sumptuary laws were largely restrictive and over-focused on the transgressions committed by the middle and lower social classes. Meanwhile, in Swiss cities, i.e. republics that at least formally adhered to an image of equality and the societies of which were largely shaped and influenced by the Enlightenment ideals, regulations were somewhat more lenient and prosecution often targeted members of the social elite.

Overall, I believe that the comparative analysis of the sumptuary laws of Early Modern Central Europe and Tokugawa Japan has helped to shed light on many aspects of life in both regions - from fashion and trade to the way that concepts such as gender and environmental protection were understood. The methods used during this research have aided in achieving a clearer understanding of economic, religious, and social structures of both of the societies discussed. It is this structural element that I would like to highlight. If we can clearly

²⁰³ Hemphill, C. Scott, and Jeannie Suk. "The Law, Culture, and Economics of Fashion." *Stanford Law Review* 61, no. 5 (2009): 1147–99.

conceptualize those structures and how they operated, it means that we have acquired an insightful understanding of the Early Modern world in general. A clear benefit of the comparative approach to the questions posed in this work is that it allowed for a more cohesive view, which highlighted both the differences and the similarities, and enriched understanding of Early Modern Central Europe and Tokugawa Japan both separately, in comparison, and together as expressions of early modernity.

In conclusion, the comparative and global approaches to the study of sumptuary regulations strengthen the nuanced, more balanced and better informed perception of the early modern world as a whole. They help to recognize the diversity and affinities that existed not only between the countries that were located far away from each other but also across Central European region where members of different religious groups had to learn to co-exist in accordance to the guidance of the sumptuary laws issued by the secular and religious authorities of these communities. But it also helps better recognize certain patterns that existed almost everywhere during the early modernity. Through the comparative study of the sumptuary laws, we gain insight into the processes of economic development, rising standards of living, urbanization, social mobility, commercialization, etc.

This once again reaffirms the idea that is quite common among the scholars employing the material culture approach in their research – the idea that consumption is "a mirror of human condition".²⁰⁴ It is also supportive of a view that laws regarding consumption should not be examined in complete isolation from all other social processes taking place on both local and international levels during the same period as sumptuary laws are simultaneously formed by the reality they exist in and are the ones that shape that reality. This interconnected nature of the early modern sumptuary regulations is part of what makes the study of them so fascinating, interdisciplinary and, most importantly, relevant and promising. In the future research, it would be desirable to further pursue the interpretation line related to environmental history, as my thesis highlighted the early modern pressures to encourage and valorize local production, be it for reasons of regulating social distinction or due to the religiously driven morality etc. Such an approach draws attention to the long underestimated environmental impacts in terms of local ecosystems and social ecologies.

²⁰⁴ Trentmann, "Introduction.", 1.

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