

# The Petition Box, Its Efficiency and Transition to Modernization in Qajar Iran and Edo Japan

Ali GOLMOHAMMADI  
Tokyo University of Foreign Studies

## Introduction

Faced with crisis in pre-modern societies, rulers in Iran and Japan applied various methods and devices according to their political systems and personal innovations and goals.

The petition box system was one of the indigenous and traditional institutions which was installed and established albeit not coincidentally in Edo Japan and Qajar Iran to be in direct contact with the public under its role. However, the system in these two countries was different why the superficially similar petition boxes functioned differently and entailed diverse consequences toward modern era?

This is part of an old question in a larger scale development and underdevelopment of Japan and Iran for Iranian scholars. This paper argues that special goals and discourse, the effectiveness and functional distinctiveness of the box can be identified as important factors in relatively successful dealing with the problems and in paving the way towards the adoption of parliament as a form of modern institution.

The latter part is based on the new studies of Modernization School that try to show the positive role of tradition unlike the classic studies which assumed it as an obstacle to development (So 1990, 61).

This comparative-historical research, which is done for the first time, will focus on the characteristics, mechanism and probable result of *meyasubako* 目安箱 (petition box) and *sandug-i adâlat* (Justice Box) in Edo Japan and Qajar Iran as two unit of analysis.

John Stuart Mill's method of Difference (Skocpol and Somers 1994, 80) will be applied to accentuate the distinctive characteristics among the similarities.

## 1. The Installation and Establishment of the Petition Box

The usage of the petition box in both Edo Japan and Qajar Iran was the result of implementing a chain of reforms.

By the order of Yoshimune Tokugawa 吉宗 徳川 (1684-1751), the eighth shogun of Edo era, *meyasubako* was installed in front of *hyôjôsho* 評定所 (Supreme Court of Justice) at the entrance gate of Edo Castle in 1721 (Harafuji 1992, 776). In 1281/1864, Nâsir al-Din Shâh

(1831-1896), the fourth king of the Qajar dynasty, also decreed (Varahrâm 2006/1385, 243; Ettehadiéh Nezâm-Mâfi 1989, 52; Dâmghâni 1979/1357, 98-99) the establishment of *Sandûq-i Adâlat* in Ark square which was the central place in Tehran (I'timâd al-Saltanah, n. d.,70). Some sources mentioned 1291/1874 as the year of establishment (Varahrâm 2006/1385, 243; Ettehadiéh Nezâm-Mâfi 1989, 52; Dâmghâni 1979/1357, 98-99). But it seems that this is the date for its reinstallation. Applying the petition box by both central governments, Tosa domain 土佐藩 (1759-1873) and Shirâz city (1291/1874 in Vakil mosque) is studied.

Amid the crisis in shogunal and domainal territories, the installation of the box was a countermeasure. The recognition of direct appeal was a new policy to alleviate public dissatisfaction (Ôhira 2003, 207). Nâsir al-Din Shâh preferred dealing directly with the subjects than to rely on the messengers who might not be fair-minded (Iran daily, Muharram 1291/1874, cited in Varahrâm 1385/2006, 343-344). For the rulers to be in direct contact with the subjects was in fact, a reform measure.

## 2. Goals and Incentives

Putting emphasis on “justice” and direct contact with the subject as two main factor for Iranian kingship, the Shâh expressed his aim of installation as providing comfort for all the subjects, dissemination of justice as the sole factor to strengthen and sustain the kingdom and formation of direct contact with the subjects to prevent their verbal messages from being distorted by the intermediaries (Iran daily, Muharram 1291/1874, cited in Varahrâm 1385/2006, 343-344). There are at least two different viewpoints whether the installation of the box was an innovation by these two rulers or not. One believed that it was “a justice machine invented by Nâsir al-Din Shâh himself” (Mustawfi 1343/1964, vol. I, 137). Similarly, some considered Yoshimune’s spontaneous thought to “opening a way to hear people’s requests and garner information from the inferior” (Wakao, 2003, 290-291). The other stand point called the Shâh’s measure as “an unconscious imitation of the old Venetian when petitions to the Council of Ten were placed in the mouth of a stone lion” in his first European journey (Curzon 1892, 465). However this argument seems unlikely according to the date of establishment of the box. The other point of view on Japanese side believed that the box was made by the people’s demands, but the then elitist literature was under a delusion that a sophisticated and kindhearted lord created the box (Roberts 1998, 115-117). It seems that the box, regardless of its application as a personal measure or under external pressure or inspiration, was a proper device to manage the public discontent.

## 3. Guidelines

*Me yasubako* was located at the designated place three times a month at 12 o’clock at noon (Harafuji 1992, 776). In Qajar, the petitions were brought to the Shâh’s presence twice a week

on Mondays and Fridays (Folio No. 295/5139) and in the provinces twice in a month (Nashat 1982, 52). Excluding the civil and personal cases is the other similarity.

While the civil and criminal cases did not fall within the jurisdiction of *sandūq-i adâlat* (Mustawfi 1343/1964, Vol. 1, 137; Amin 1382/2003, 55), *meyasubako* was a suitable means to discuss the state of political situations and ascertain the impropriety of the officials' behavior rather than pleading personal cases (Yokota 2005, 298).

Pleading old cases, false accusations punishable by death and nonsense petitions were forbidden in case of *sandūq-i adâlat* (Iran daily, Muharram 1291/1874). According to *meyasubako* guideline, eligible petitions should be, a. beneficial ideas about the political affairs or the policies, b. about the official's unjust behavior, and c. the cases which were not dealt with or issued an unjust rule (Harafuji 1992, 776). The first article on the suggestions is a matter of utmost significance and the distinctive feature of *meyasubako* which provokes a big difference with the Iranian box. The users of *meyasubako* in shogunal domains were also confined to "townsmen and peasants" (Yokota 2005, 298) mainly due to preservation of hierarchical order and prevailing a bottom-up system to receive the samurai suggestions (Kitajima 1978, 479). But in case of Tosa domain there was no restriction against bureaucrat samurai who were familiar with political affairs. Therefore, two different political and social orientations were the outcome of the received suggestions in Tosa and shogunal domains respectively.

#### 4. Historical Background and Legitimacy

Like other Iranian kings, Nâsir al-Dîn Shâh was conscious of justice and its role in maintaining his legitimacy. His measure in 1277/ 1860 to allot Sundays exclusively to give audience to the aggrieved subjects and hear their complaints against the government officials' behavior (Floor 1983, 121) could be emulation of ancient princes' practice (Mohit Tabataba'ee 1967/1346, 44), patterning them to hold audience riding a horse waiting to hear the aggrieved who was told to wear in red (Sohrabi 1999, 257). But the most famous and ancient Iranian pattern was the "Justice Belled Chain" of the Just Khosraw (king) Anushirvân (A.D. 531-579) (I'timâd al-Saltanah n. d., 70). The classic discourse on Islamic and Iranian kingship, notably on justice and the rule as represented on Islamic mirrors for the king was still a practical paradigm during the 1323/1906 Iranian Constitution according to Sohrabi's argument (Sohrabi op. cit., 258-259). Therefore, emphasizing on the word "justice" and applying it in the title of petition box by the Shâh suggests his efforts to preserve the charismatic legitimacy.

In fact *meyasubako* was not a device invented by Yoshimune, but a hoary old institution. He had already applied it when he was lord of Kishû domain (Harafuji 1992, 776) or before Yoshimune's reign in other domains such as Okayama under the title of *isamebako* 諫箱 (remonstrance box) it had been created in 1654 (Fukaya 1999, 20). But it was apparently

instituted by the Emperor Kōtoku 孝徳 in 646 (Roberts 1998, 106-107). It seems that the Japanese rulers considered the box mainly as a measure to control discontent while for the Iranian king it was a device along with the other forms he tried to obtain legitimacy.

## 5. Legal Appeals, Suggestions and Critiques

The aforementioned three articles as the acceptable subjects can be divided into two general ones: a. suggestions and b. legal petitions.

Offering suggestion and opinions was not basically recognized as a topic for petitions in *sanduq-i adâlat* which might be sought in the Qajar of patrimonial ruler's characteristics who treated the political administration as a personal affair and political power as his own personal property (Weber 1978, vol. 2, 1028–9). The topic of legal petitions as a common case in both Edo and Qajar was mainly against additional tax and the unjust treatment of the various cities of the Qajar's officials and governors such as Tehran, Qom, and Firûz Âbâd of Shirâz cities (Folio No. 295/5336; Folio No. 295/1837; Saeedi Sirjâni 1362/1983, 31) and the Shâh's attendance and rule for the punishment of Quchân and Arâk officials (Safâyee 1347/1967, 39; Folio No. 295/1868). High rate of annual tax, bribery, idleness and unjust treatment of local officials were also the main topic of Japanese complaints (Ôhira 2003, 155). In some cases, the plaintiffs were surprisingly punished and exiled such as Kazusa 上総 in 1723 (Kokushi daijiten <http://japanknowledge/body/display> accessed 28 August 2013) and Nagaoka 長岡 domain in 1751 (Nihon rekishi-chimei taiki (heibonsha) <http://www.Japanknowledge.com/body/display/> accessed 28 August 2013). The lack of creativity in policy making was perhaps the main reason for the feudal lords to adopt the commoner's suggestions and criticism (Hirakawa 2000, 113) as Ikeda Mitsumasa 池田光政, the lord of Okayama 岡山 domain in 1654 asserted this point (Roberts 1998, 107-106). In addition to unemployment, poverty and illiteracy, the Shâh's patrimonial characteristics could be the main obstacles to recognize the suggestions and opinions as he asserted to the petitioners not to interfere in politics (Âdamiat and Nâtiq 1987/1356, 378). Unlike the Tosa domain, the exclusion of samurai from petitioning in shogunal territories, except for the masterless samurai (*rônin* 浪人), paved the way mainly for adoption of social suggestions.

Establishment of the shogunal hospital at Koishikawa 小石川 in botanical garden for medicine according to the Ogawa Shōsen 小川笙船 who was a "private physician" (Harafuji 1992, 776; Yokota 2005, 298), organization of a fire prevention plan suggested by Edo townsmen (Harafuji *op. cit.*, 776), development of new rice field in Shimofusa 下総 at the request of *rônin* (Yokota *op. cit.*, 298) and establishment of Kaihodō 会輔堂 School in August 1723 in Fukagawa 深川 of Edo suggested by *rônin* are some of the submitted suggestions via *meyasubako*. But including the bureaucrat samurai of Tosa domain among the eligible petitioners led the suggestions mainly to political affairs. Critiques of domainal retainers who

gallivanted in Edo brothels, the lord who hunted on prayer days (Roberts 1998, 124-125), stopping merchant monopoly, limiting the transportation corvée and special tax reduction are some examples (Ibid. 127-129). Applying *meyasubako* in this domain initially provided the middle and low-level samurai with opportunities to present their knowledge such as Kyûtoku Daihachi 久徳臺八, a low-rank retainer who promoted to samurai status and appointed head of domain finances in 1787 for his suggestions (Ibid., 122-123). It activated the social mobility among the samurai and consequently provided the condition for political discussion.

## 6. The Petition Box and Establishment of Parliament

In his argument, Sohrabi applies the classic idea of the “Circle of Justice” which according to the Islamic mirrors, the Shâh was still the summit of the circle that different classes of people are its constituents. Based on the Iranian mirrors which were still alive in Qajar era, the Shâh’s duty as the source of justice was preserving balance between various classes and ensuring order. The duty required him to act justly and be in direct contact with his subjects (Sohrabi 1999, 255-257). Iranian Kings including Nâsir al-Din Shâh, his successors and officials were all aware of this classic discourse. His reforms and innovations such as open audience on Sundays to deal with the cases of his aggrieved subjects, establishment of *sandûq-i adâlat* and *majlis-i tahqîq-i mazâlim* (the Council of for Investigation of Grievances) are seen as measures taken based on this ideology.

On the establishment of constitutional assembly (1906) which took place after Nâsir al-Din Shâh, Sohrabi points to the different demands of the Westernized elites and the guilds and clerics who had a minimal understanding of Western concepts. They sought to revive an institution which could deal with public grievances based on local discourse of kingship and justice. This primary demand was presented in their call for *adâlat-khânah* (House of Justice) rather than a Western parliament (Ibid., 253-254 and Kasravi 1324/1945, 17-18). The majority regarded *majlis-i shawray-i milli* (the National Assembly) as House of Justice due to similarity they found between the new institution and the traditional ones. It is said that he parliament was actually “downgraded to an office to deal with the petitions” (Shohâni 1389/2010, 56).

“The traditionalists’ primary form of action was to petition the assembly to come into direct contact with the “source of Justice”... A modernist representative discouraged the public from sending their trivial petitions, for they wasted the assembly’s precious time...” (Sohrabi *op. cit.*, 265-266). By flooding the assembly, people challenged the new Shâh’s sovereignty. At last, the Shâh as the “source of justice” was replaced with assembly in the public mind (Ibid., 284). It can be concluded that the malfunction of Justice Box and the successive institution contributed to different understanding of parliament.

On the other side, the people of Tosa domain could be the pioneer in creation of Japanese representative system from a century ago.

In order to facilitate communication to the lord of Tosa, a new institution, a kind of petition box in a live form was suggested by Imakita Sakubei 今喜多作兵衛 (Roberts 1997, 588-589). He submitted a petition in 1787, suggesting the establishment of a new advisory council to discuss the policies. The council should be constituted of best of the domain's people regardless of their social status and class and elected by "all the people of the country [of Tosa]" not the lord. The substance of Sakubei's suggestion indicated its being indigenous not Western and an amalgamation of his experiences and samurai traditions (Ibid., 575-576). Tosa samurai pioneered the "Freedom and Popular Rights Movement" a century later in 1870s to establish constitutional and representative institutions in Japanese modern state. Sakubei's proposal suggests the interpretations of Western political thought as the mainspring in this movement was impressed by Japanese indigenous tradition. (Ibid., 595-596). Facilitating the adoption of parliament as a modern institution in Japan and misunderstanding the parliament as the House of Justice in Iran can be concluded as the indirect consequents of these two traditional devices.

### **Conclusion**

It seems the petition box system applied in pre-modern societies of Edo Japan and Qajar Iran, despite some similarities between them in goals, forms and mechanism to cope with the crises brought about different consequences. The relative success of meyasubako in comparison with *sandūq-i adālat* can be ascribed to various factors such as different political system, rate of literacy and illiteracy, financial conditions, poverty and so on. Here, justice as an important factor for charismatic legitimacy and recognition of the petitioners' suggestions and critiques as a distinctive characteristic of meyasubako have been focused as the main probable factors.

The patrimonial king of Qajar could not bear suggestions and critiques. He was a "despot without instruments of despotisms" who could not stop unjust behavior of powerful officials (Abrahamian 1974, 9) and he lacked willpower to deal with the complaints against them. Legitimizing his power by showing off his justice through holding open audience, *sandūq-i adālat* or other institution could meet his needs.

It could be concluded that recognition of opinions and critiques of all classes including samurai in Tosa domain provided a public space of political discussion and revealed the significance of opening a "path of communication." This open space paved the way for offering very important suggestions which issued in modern institution of parliament about one century later.

Malfunction of innovative institutions for prosecution by the Shāh who was assumed as the source of justice led to the division between the intellectuals who adopted the modern parliament as an assembly for legislation, and the majority who was dissatisfied with the past injustice and found it similar to the former traditional institutions and took it as a substitution



for the source of justice.

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