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From Outcasts to Overlords: The Legitimation of the Yakuza in Japanese Society

Eliza Fisher

When one passes a newsstand on a corner in Tokyo, one might notice the faces of the leaders of the Japanese underworld—the bosses of the *yakuza* gangs—staring back at them. No, not from the front pages of a newspaper announcing the arrests of these criminal leaders, but rather from the glossy covers of fan magazines that glamourize the violent and profitable lives that these men lead.¹ This sort of deification, let alone mainstream acceptance, of the *yakuza* seems positively jarring, especially when one takes note of the ancestors of these groups—men who were impoverished travelers, social marginalized laborers, and even untouchables. So what were the sources of acceptance for the *yakuza* syndicates? The question hinges upon the underworld's relation to 'legitimate' practices and peoples; namely, how did these criminal groups become able to thrive, gain new members, wield influence, and even collaborate with legitimate players? In order to answer these questions, we will examine the historical roots of the traditional *yakuza* groups, analyze their methods of gaining social, economic, and political status, and, finally, detail the stories of three different *yakuza* leaders and their rise to power. In doing so, we will gain insight into how the moral and spiritual claims of the *yakuza* combined with their tangible economic and political accomplishments in order to give them influence and respect in mainstream society.

The roughly 87,000 *yakuza* members today might like to consider their ancestors to be the medieval *machi-yakko*, or servants of the town—Robin-Hood-like men who fought against roaming bands of outlaws.² Yet as much as the *yakuza* and their fans enjoy the noble thief myth, the true origins of the gangs are somewhat less romantic. The groups first considered to constitute the *yakuza*

¹ “The Strange World of Yakuza Fan Magazines,” Jake Adelstein, *Publishing Perspectives*, 30 October 2009, <http://publishingperspectives.com/2009/10/the-strange-world-of-yakuza-fan-magazines/>.

² “Yakuza: Organized Crime in Japan,” Ko Shikata, *Journal of Money Laundering Control*, 2006, Vol.9: Iss.4, p.416.

Yakuza: Japan's Criminal Underworld, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.5.

were either illegal or borderline-criminal organizations that appeared around the seventeenth and eighteenth centuries, during the Tokugawa shogunate. They were divided into *bakuto*, the gamblers, and *tekiya*, the street peddlers.³ A third kind of yakuza group—*gurentai*, or hoodlums—appeared after World War II, but in the interest of chronology, for now we will consider only the two older forms of yakuza, their traditional membership, and what that entailed.⁴

The traditional *bakuto* began as ensembles of misfits hired to perform shady work under the Tokugawa administration. Government officials and local bosses recruited these gangs to gamble illegally in order to win back the wages of workers hired for construction and public works projects.⁵ These *bakuto* groups were filled with the poor, the landless, outlaws, workers, farmers, the odd merchant or artisan, and even some samurai and several sumo wrestlers.⁶ The *bakuto* soon developed a violent culture, and gave the yakuza its centuries-honored custom of finger-cutting as a sign of penitence.⁷ These diverse gangs began to work along the highways, where they apparently first started using the term ‘yakuza’ to refer to themselves. The term is derived from the card game *hanafuda*, in which one of the losing combinations is, in Japanese, *ya-ku-sa*. This losing hand grew to denote something useless and was later applied to the gambling gangs themselves, meaning that “they were useless to society, born to lose.”⁸ Thus despite their initial—yet clandestine—government sanction, the *bakuto* groups were seen as marginalized, full of misfits performing an illegal, and, in the eyes of many, unproductive service.

The *tekiya*’s traditional members were similarly looked down upon as cheating salesmen from the lowest classes. The groups are widely believed to have started out as medicine peddlers, or,

³ *Yakuza: Japan’s Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.7-8.

⁴ “Yakuza: The Warlords of Japanese Organized Crime,” Lt. Bruce A. Gragert, *Annual Survey of International and Comparative Law*, 1997, Vol.4: Iss.1, Article 9, p13.

⁵ *Yakuza: Japan’s Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.12.

⁶ *ibid.*, p.12.

⁷ *ibid.*, p.12.

⁸ *ibid.*, p.13.

perhaps more accurately, as deceptive snake oil salesmen. By the mid-1700s these salesmen had banded together as gangs with reputations for lying and cheating. The tekiya had a repertoire of devious sales tricks, from simply lying about a product, to selling bonsai trees that lacked roots, to acting drunk in order to make a customer believe that he was getting an exceptionally good deal.⁹ The tekiya gangs attracted large numbers of *burakumin*—or the people of the hamlet—the lowest class in Japanese medieval society, which was mainly comprised of those who worked in occupations that dealt with death, such as undertaking or leatherworking. The burakumin were so despised that they were referred to as *hinin*, or nonhuman.¹⁰ Joining up with the traveling tekiya offered these people a chance to escape such connotations and discrimination. Being absorbed into the tekiya ranks meant that these burakumin were able to replace their old sort of social hierarchy with another, more familial kind of structure.

Despite the significant differences between the bakuto and the tekiya, the two groups, which became to collectively be known as yakuza, share essential organizational traits that have barely changed over time. As has been established, even today, both groups recruit large numbers of peoples who have suffered discrimination, from ethnic Koreans to burakumin.¹¹ These members, who become involved in racketeering, extortion, counterfeiting, drug and human trafficking, smuggling, and the like, are searching for social mobility, a surrogate family, or a group identity—something that the yakuza can provide with its *oyabun-kobun* system. Literally meaning, ‘father role-child role,’ this is a strict organizational tie in which the *oyabun* provides help, protection, and advice

⁹ *ibid.*, p.10.

¹⁰ Another popular term for the burakumin was *eta*, or ‘heavily polluted.’ They were restricted in terms of where they could live, where they could travel, what they could wear, and even how they could wear their hair.

See: *ibid.*, p.11.

¹¹ In fact, it is estimated that 70% of all yakuza—not only tekiya—are of burakumin origin.

See: “Yakuza: The Warlords of Japanese Organized Crime,” Lt. Bruce A. Gragert, *Annual Survey of International and Comparative Law*, 1997, Vol.4: Iss.1, Article 9, p22.

to his underling, the *kobun*, who in turn promises unwavering loyalty and service.¹² An oyabun may have dozens, even hundreds, of kobun, all of whom regard each other as *kyodai*, or brothers.¹³ This highly ritualized system is the organizational and functional backbone of the yakuza system, as it provides not only a structure for the carrying out of activities, but also the beginnings of a moral code.

Now that we have established the historical origins, functions, and structure of the yakuza, we will examine how the different gangs gained legitimacy in the eyes of the public and of the authorities. As has been noted, the bakuto and the tekiya did not have identical trajectories from their origins. The bakuto received a sort of initial legitimation by being hired by government officials, albeit in a secretive and informal way. In contrast, the tekiya bosses actually received official recognition of their status between 1735 and 1740. In order to reduce fraud, feudal functionaries appointed certain oyabun as ‘supervisors’ of the tekiya, and gave them symbols of near-samurai status.¹⁴ Despite these developments, though, both the bakuto and the tekiya went through similar processes of legitimation in the eyes of the larger public; due to this, in this section, we will generally consider the two groups as one.

The yakuza groups found a degree social legitimation through the promotion of a moral code that appealed—and still does appeal—to Japanese society at large. Early on, the yakuza adopted *bushido*, the code of the samurai, which venerates endurance and honor in a violent death.¹⁵ In addition to these martial concepts, the yakuza began to uphold the concepts of *giri* and *ninjo*. The former entails a strong sense of duty; in a sense, it “is the social cloth that binds much of Japan

¹² *Yakuza: Japan’s Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.8.

¹³ As yakuza syndicates grew in size after World War II, it became more common for a single gang to have multiple oyabun, each with hundreds of kobun.

“The Last Yakuza,” Jake Adelstein, *World Policy Journal*, 2010, Vol.27: Iss.2, p63-71.

¹⁴ *Yakuza: Japan’s Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.11.

¹⁵ *Yakuza: Japan’s Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.17.

together...[its] obligations...range from gratitude for an old kindness to the duty of revenge.”¹⁶ Ninjo, on the other hand, equates to compassion or human feeling. The adoption of these two moral guides boosted the yakuza’s status in society, as it put them on the level of the mythicized and revered samurai, and bound them to a code of kindness. While it is arguable whether or not the yakuza actually abide by giri-ninjo, this code has been the source of countless romanticized portrayals of the yakuza. Starting with the ‘travelers’ stories of the 1700s, in which bakuto endure hardships but display the utmost loyalty and *makoto*, or sincerity, and lasting until the fan magazines of today, giri-ninjo has lent an air of heroism and mysticism to the yakuza.¹⁷ And in reality, it is evident that the gangs at least pay lip service to the idea, thereby gaining social capital. They are rarely involved in theft, armed robbery, or other street crimes, and they habitually engage in charitable acts. For example, each New Year’s Day, Kiyoshi Takayama, the chief of the massive Yamaguchi-gumi syndicate, distributes cash to neighborhood children in Kobe.¹⁸ After the 1995 Kobe earthquake, the same gang gave out free food to the victims.¹⁹ And in the aftermath of the devastating earthquake and tsunami of 2011, the Sumiyoshi-kai and Inagawa-kai, Japan’s second- and third-largest syndicates, were some of the first aid workers on the scene, handing out about \$500,000 worth of food and supplies.²⁰ But of course the yakuza gets payment of a sort for this heroism. After the Kobe earthquake, Yamaguchi-gumi asked for written testimonials of their kindness in order to get construction contracts, and in the months following the March 2011 disaster, it has been reported that the yakuza are receiving multitudes of lucrative rebuilding contracts.²¹ Thus,

¹⁶ Quoted from *The Chrysanthemum and the Sword*, Ruth Benedict, 1946, in: *Yakuza: Japan’s Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.17.

¹⁷ *The Nobility of Failure*, Ivan Morris, New American Library, 1975, p.22.

¹⁸ “The Last Yakuza,” Jake Adelstein, *World Policy Journal*, 2010, Vol.27: Iss.2, p63-71.

¹⁹ “Quake in Japan: Gangsters; Gang in Japan Organizes Aid For People In Quake,” James Sterngold, *The New York Times*, 22 January 1995, <http://www.nytimes.com/1995/01/22/world/quake-in-japan-gangsters-gang-in-kobe-organizes-aid-for-people-in-quake.html>.

²⁰ “Diapers from the Mafia,” Erica Alini, *Maclean’s*, October 2011, Vol.124: Iss.39, p34.

²¹ “Yakuza: The Warlords of Japanese Organized Crime,” Lt. Bruce A. Gragert, *Annual Survey of International and Comparative Law*, 1997, Vol.4: Iss.1, Article 9, p24.

it seems, that in addition to social capital and a sort of mythic reception, the yakuza also receive economic rewards for their moral ventures.

The yakuza have shown a remarkable capability for economic integration and capitalization on trends at every stage of Japanese development. They recognized the usefulness of legitimate business for the purposes of money laundering and establishing fronts, as well as for creating lasting and helpful ties to powerful actors. In the face of Japan's rapid industrialization during the nineteenth century, yakuza leaders began to organize casual labor for construction jobs and shipping.²² As Japan started to militarize, this sort of labor supply grew even more lucrative, as did the supply of strategic material such as steel and munitions. This sort of patriotic capitalism became a way to establish ties with the most important people in Japan. In fact, many of the biggest names in the yakuza, like Kazuo Toaka's Yamaguchi-gumi, or Yoshio Kodama, made their fortunes and their reputations during this period.²³ During the American Occupation after World War II, while the yakuza were moving into black market activities that gave them immense clout and wealth on their own, several syndicates were also beginning to dabble in new industries.²⁴ Ownership of bars and restaurants and pursuits in the entertainment industry and in professional sports gave the yakuza new outlets in which they could wield both social and economic, and therefore political, power.²⁵ Today, the yakuza also work in real estate, tourism, civil conflict resolution, and finance, among other areas.²⁶ Such a widespread presence in the legitimate economic realm makes the yakuza's services more indispensable to society and gives them the means with which to wield power.

"Diapers from the Mafia," Erica Alini, *Maclean's*, October 2011, Vol.124: Iss.39, p34.

²² *Yakuza: Japan's Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.20.

²³ *Yakuza: Japan's Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.26, 52.

²⁴ *Yakuza: Japan's Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.32.

²⁵ *Yakuza: Japan's Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.63.

²⁶ "Yakuza: The Warlords of Japanese Organized Crime," Lt. Bruce A. Gragert, *Annual Survey of International and Comparative Law*, 1997, Vol.4: Iss.1, Article 9, p34.

The yakuza were able to use their funds, skills, and social capital to profit from political circumstances and make themselves part of the political agenda. Thanks to the efforts of Mitsuru Toyama—who will be discussed in detail later—and his nationalistic, violent, yakuza-affiliated movement, many gangs became politicized in the late nineteenth century.²⁷ With a right wing, xenophobic, religious, and imperialist worldview, the yakuza were able to involve themselves in the 1892 election—the country’s first—as well as in the invasion of Korea three years later.²⁸ Yakuza began to work as political strong men, bodyguards, and strike breakers, linking themselves almost inextricably with the right. While their political clout waned during World War II, afterwards, the yakuza reemerged as a powerful force, posing themselves as fighters of communism in a time when that was all that mattered.²⁹ This was the advent of the *gurentai*, the hoodlums who utilized a boss system and increased violence to get the job done.³⁰ The yakuza were even instrumental in starting a new political party, the Liberal Democratic Party, as they funded and supported its candidates since its inception in 1955.³¹ For their offerings of muscle and money, the yakuza have received actual political legitimation—the Japanese government officially recognizes and regulates 22 yakuza syndicates. Beyond that, the gangs receive legal favors, such as the delay of anti-sex slavery laws, and the absence of wiretapping and witness protection.³² While, since 1992, the Japanese government has begun to fight back, it is clear that as of now, the yakuza are thoroughly entrenched in the country’s political life.³³

In order to truly understand how the yakuza came to be so integrated into the landscape of Japanese life, it will be instructive to examine the individual stories of different gang leaders. In

²⁷ *Yakuza: Japan’s Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.22.

²⁸ *ibid.*, p.23.

²⁹ *ibid.*, p.32.

³⁰ *ibid.*, p.36.

³¹ “The Last Yakuza,” Jake Adelstein, *World Policy Journal*, 2010, Vol.27: Iss.2, p63-71.

³² *ibid.*

³³ “Bôtaihô: Organised Crime Countermeasures in Japan,” Peter Hill, *Social Science Japan—Newsletter of the Institute of Social Science, University of Tokyo*, November 1998, Iss.14.

tracing different yakuza chiefs from the early nineteenth century until after World War II, we will be able to see the unique combination of mythic heroism and ruthlessness that characterizes the yakuza and that represents the key to their societal acceptance. As one moves from the mid-1800s to the 1960s, a trend of increasing concrete power will become apparent. While the legendary and moral social legitimation of the early yakuza was necessary, it was their more tangible economic and political gains of later years that actually gave them a place in society.

The tale of Japan's most famous gangster, Shimizu no Jirocho—or Jirocho of Shimizu—is the epitome of mythicized and romanticized yakuza lore. While he was only born in the 1820s, Jirocho is the subject of legend.³⁴ According to such legends, he gave up everything—his business, his wife, and his home—to join a traveling band of bakuto. He established himself as a masterful fighter, mediator, and leader, and eventually returned to his hometown to start his own gang. He soon amassed a huge, almost mythical, following of men who would “fight heroic battles against dishonorable gamblers and thieves,” and protect the commoners against the malicious samurai.³⁵ This Robin Hood-like figure was then forced to choose sides during the civil turmoil that occurred at the end of the Shogunate. He supported the emperor, not out of ideology, but out of a gambler's instinct. The emperor did indeed triumph, and Jirocho gained power and stature. According to legend, the bakuto boss promoted agriculture and aquaculture modernization, and even opened a school and a prison. His is the perfect tale of a noble outlaw—the moral model for the yakuza. Of course, not all agree with this depiction, and a controversial article was published in the prominent newspaper *Asahi Shimbun* in 1975, entitled, “‘Robin Hood’ of Shimizu Was Nothing But a Thug.”³⁶ This, though, is a perfect illustration of the duality of representation and fact in the social

³⁴ *Yakuza: Japan's Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.18.

³⁵ *Yakuza: Japan's Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.19.

³⁶ *ibid.*, p.19.

legitimation of the yakuza. Only several decades after Jirocho's heyday, a man would appear who would capitalize on this social acceptance with use of funds and force.

Mitsuru Toyama was largely responsible for the politicization of the yakuza around the turn of the twentieth century. Toyama grew up in poverty and came to be involved in ultranationalist activities. He soon earned a reputation, like Jirocho, as a criminal champion of the people. Commanding men renowned for their fighting skills and rightist sentiments, he was called 'Emperor of the Slums.'³⁷ Then, in 1881, Toyama formed *Genyosha*—the Dark Ocean Society—a federation of nationalist groups with yakuza ties that advocated expansionist and authoritarian goals.³⁸ Funded by gang rackets, Genyosha employed a campaign of terror, extortion, and assassination in order to advance patriotic and oppressive policies, thereby politicizing the yakuza while making use of its talents. After Toyama's aforementioned involvement in the 1892 election and in the 1895 invasion of Korea, he was courted by leading politicians and even received money from the imperial family.³⁹ Furthermore, in 1919, he developed the first national federation of gangsters, known as *Dai Nippon Kokusui-kai*, with Takejiro Tokunami, the minister of home affairs. Toyama's politicization of the yakuza by use of their violent capacities and considerable resources integrated them fully into the right-wing political scene. In fact, he was so involved with Japanese politics that in 1937, he was the one to introduce a crowd of 18,000 to their new prime minister, Prince Konoe.⁴⁰ Toyama was thus the principal theoretician behind the yakuza-rightist relationship. Although it had been clear that the two groups had similar goals, he was the one to propel the collaboration. This relationship was cemented by our next figure, Yoshio Kodama.

Yoshio Kodama utilized the rightist alignment of the yakuza to amass political power in post-war Japan. Like the yakuza of his day, he was a radical rightist before World War II. He worked to supply materials for the war effort by strong-arming suppliers and essentially looting warehouses. He

³⁷ *ibid.*, p.21.

³⁸ *ibid.* p.22.

³⁹ *ibid.*, p.23.

⁴⁰ *ibid.*, p.26.

also performed intelligence work for the Japanese government, financed the secret police, and became an advisor to the prime minister by the end of the war.⁴¹ Along with most men of his standing, he was arrested by the Occupation forces after the war, and accused of being a Class A war criminal. While he was imprisoned, he made powerful friends, such as Nobusuke Kishi—another suspected war criminal, whom he helped to become prime minister in 1957.⁴² Kodama was released in 1948, after the Occupation forces realized that his knowledge of communist China and the radical Japanese left made him a useful collaborator. He was able to use this source of political power, as well as his financial assets, to become the principal liaison between the yakuza and the ruling powers. As previously mentioned, Kodama and other yakuza helped to start the Liberal Democratic Party, and he helped Bamboku Ohno to become the party's Secretary General in 1963.⁴³ He even orchestrated the creation of a 40,000-man force to quell leftist demonstrations. In short, Kodama was an organizer. He was able to mobilize the resources and political clout of the yakuza in order to give the gangs a degree of legitimacy in the eyes of the government.

In conclusion, the yakuza enjoy a widespread degree of public acceptance in Japanese society today due to a combination of moral, economic, and political claims and contributions. While the traditional yakuza groups, the bakuto and the tekiya, started out as outcasts, or even as burakumin, they were able to co-opt the moral claims of a more ancient and more respected group—the samurai—in order to gain some sort of social legitimacy. A degree of fidelity to these moral claims, demonstrated through charity, combined with both illegal and legal financial clout to make these formerly marginalized people socially and economically accepted actors. With this kind of power, especially in the context of ultranationalism and anti-communism, the yakuza were able to make political contributions and thus ensure their own political legitimacy.

⁴¹ *ibid.*, p.51.

⁴² “Yakuza: The Warlords of Japanese Organized Crime,” Lt. Bruce A. Gragert, *Annual Survey of International and Comparative Law*, 1997, Vol.4: Iss.1, Article 9, p.14.

⁴³ *ibid.*, p.14.

Due to these processes of moral assertion, economic adaption, and political manipulation, the yakuza enjoyed, at least until the instatement of new anti-gang laws in 1992, a degree of recognition unknown anywhere else. Gangsters had business cards printed up and proudly wore lapel pins representing their syndicates, while some of the larger gangs had their own newspapers, and even their own benefits, such as retirement pay.⁴⁴ While international pressure can be blamed for the diminution of some of this ostentation, the driving force behind the yakuza backlash seems to be the gangs themselves.⁴⁵ With legal repression or co-opting of traditional activities like gambling, the yakuza have started to switch to fund-raising activities, like violent intervention in civil dispute or amphetamine trafficking, which interfere more directly in the lives of average Japanese.⁴⁶ Furthermore, the advent of the gurentai after World War II gave the yakuza a new persona, as these gangsters were more violent and ruthless, and less concerned with the tradition of giri-ninjo.⁴⁷ Such changes obviously had an effect on the climate of opinion in Japan, and may be the reason why there has been a move against the yakuza in recent years.⁴⁸ Still, whether the yakuza are trading in drugs, running gambling rings, or engaging in racketeering, it is clear that their moral claims, economic flexibility, and political maneuvering have given these syndicates a hold on Japanese society that is utterly remarkable.

⁴⁴ *ibid.*, p.19.

⁴⁵ "The Last Yakuza," Jake Adelstein, *World Policy Journal*, 2010, Vol.27: Iss.2, p63-71.

⁴⁶ "Bôtaihô: Organised Crime Countermeasures in Japan," Peter Hill, *Social Science Japan—Newsletter of the Institute of Social Science, University of Tokyo*, November 1998, Iss.14.

⁴⁷ *Yakuza: Japan's Criminal Underworld*, David E. Kaplan and Alec Dubro, University of California Press, 2003, p.36.

⁴⁸ "Yakuza draw up manuals to avoid new anti-gang regulations," *The Mainichi Daily News*, 5 December 2011, <http://mdn.mainichi.jp/mdnnews/news/20111205p2a00m0na007000c.html>.