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Journal of Japanese Studies, Vol. 1, No. 2. (Spring, 1975), pp. 269-296.

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NAGAHARA KEIJI

Landownership Under the *Shōen-Kokugaryō* System

It is usually assumed that the landholding system in medieval Japan can be understood only within the framework of the *shōen* system. Strictly speaking, however, this assumption is not warranted because the *kokugaryō*, lands still subject to public taxation, were also significant,¹ a fact that has been stressed in recent studies.² Thus, in this essay, the basic landholding patterns of the medieval period shall be referred to as the *shōen-kokugaryō* system.³

Despite the accumulation of a large number of case studies on landholdings, no one has yet adduced any distinct and prevalent patterns of landholding in the medieval period because of the great variety of examples found for the *shōen* and *kokugaryō*. Any attempt to generalize on patterns, therefore, is fraught with difficulties. We

Readers without background in medieval Japanese history may find this article difficult to understand. To obtain the needed background, especially of definitions of terms, they are referred to the chapters by Elizabeth Sato and Cornelius J. Kiley in *Medieval Japan: Essays in Institutional History*, edited by John W. Hall and Jeffrey P. Mass (New Haven: Yale University Press, 1974) and reviewed by Nagahara in this same issue. See also Kozo Yamamura's introduction to the workshop papers directly preceding.

1. The first article which emphasized the importance of the *kokugaryō* was the chapter entitled "*Kokugaryō to bushi*" in Shimizu Mitsuo, *Jōdai no tochi-kankei* (Itō Shoten, 1943).

2. Among the recent studies, Amino's work, which deals with the land system in the *kokugaryō*, is useful: Amino Yoshihiko, "*Shōen kōryō-sei no keisei to kōzō*" in Takeuchi Rizō, ed., *Tochi-seido-shi*, 1 (Yamakawa Shoten, 1973).

3. Confusion exists in the use of the terms "*kokugaryō*" and "*kōryō*." To distinguish them properly, I shall, in this essay, use *kokugaryō* to mean the land under the control of the *kokuga*, i.e., non-*shōen* holdings, which appeared as the *shōen* system was reaching its zenith during the twelfth century. And, by the *kōryō*, we shall generally mean the land belonging to the central government under the Ritsuryō system.

must admit that our understanding of the shōen-kokugaryō system is yet limited, with conflicting views of the system held even among Japanese specialists.

The purpose of this article is to attempt to generalize, despite the difficulties involved, the various landholding patterns found under the shōen-kokugaryō system using the most recent research results. Thus, this essay is an attempt to summarize the research findings of the author as well as to examine and generalize from case studies made by other Japanese scholars. It must be explicitly noted, however, that the author's own view, acquired in the course of his own research, will inevitably color his analysis, despite his awareness that this essay's primary task is to introduce and report on recent research findings in Japan.⁴

I. *The Development of the Shōen-Kokugaryō System*

Generally speaking, shōen were created in one of the following three ways: (1) by opening new land; (2) by first obtaining rights to various taxes and corvée; and (3) through commendation.⁵ Shōen created by method (1) consisted of new paddy fields opened by court nobles or temples (and shrines) and of paddy fields created by the central government and then given to nobles or temples. The shōen formed through reclamation began to increase during the latter half of the eighth century, but they rapidly decreased in number during the tenth century. Methods (2) and (3) were widely used during the eleventh and twelfth centuries. By the second method shōen were created in two stages: First, nobles and temples acquired rights to receive corvée⁶ from the cultivators who worked "public" land and still paid rice taxes to the government. Next, the nobles and temples claimed the "public" land cultivated by these cultivators. Thus, control over persons (corvée) preceded control over land. This method of creating shōen was frequently used to acquire the land

4. For my studies on the land system of the medieval period, see Nagahara Keiji, *Nihon hōkensei no seiritsu katei* (Iwanami Shoten, 1961); and *Nihon chūsei shakai kōzō no kenkyū* (Iwanami Shoten, 1973).

5. This classification into these three types was first presented in Murai Yasuhiko, "Shōen-sei no hatten to kōzō" in the Iwanami Kōza, *Nihon rekishi*, Kodai 4 (Iwanami Shoten, 1962). Murai added the *zōyakumen-gata* (the second type in the text) to the other two.

6. The *zōyaku* (miscellaneous corvée) was the descendant of the taxes in kind and corvée of the Ritsuryō system. During the medieval period, the *zōyaku* and the rice tax (*shōzei kanmotsu*) comprised the two major categories of taxes.

cultivated by the households whose labor had been given to the nobles as part of the emoluments for their rank or office (*fuko*)⁷ and was seen frequently in the Kinai, but in other areas it was a relatively unimportant means of *shōen* creation. Among the three methods, the third was the most important. Recent research makes it clear that this was the dominant method used during the latter half of the eleventh century and throughout the twelfth (during the Toba-Go-Shirakawa *insei* period).⁸

An example may be useful here. In the Nikata district of Tajima province there was a *shōen* called Yuno-shō.⁹ The area claimed by the *shōen* had once been known as Yuno-gō and had been “public” land to which “rights of private proprietorship” (*shiryōshu no kenri*) were enjoyed by Taira no Suehiro, a local power (*dochaku no gōzoku*). Having a “private proprietorship” meant holding the rights to obtain a fixed amount of rent added to what cultivators owed to the government, i.e., the right to an added rent (*kajishi*). This right emerged under the Ritsuryō land system and was the first sign of the appearance of the private proprietary lord (*shiryōshu*).¹⁰

In 1165, the land over which Suehiro was the “private proprietary lord” was commended by him to a court noble and priest, Ajani Daihōshi Seiken. And Seiken, in turn, commended it to the Renge-Ōin, which was a temple constructed by Cloistered Emperor Go-Shirakawa and known today as the Sanjū Sangen-dō. These commendations made Renge-Ōin the *honke* and Seiken the *ryōke*, creating the usual two layers of *shōen* owners who resided in the capital. The original commender, Suehiro, became the resident administrator (*geshi* or

7. In addition to incorporating the *fuko* into a *shōen*, *shōen* were also created by taking over land cultivated by others such as *kugonin* and *jinin*, who belonged to the Emperor, nobles, and temples. That is, the claim over persons was extended into the land worked by these persons.

8. In Amino's article cited in footnote 2, and Nagahara's works cited in footnote 4, the period between the mid-eleventh century and the end of the twelfth century is considered to have been the height of *shōen* creation. Kuroda's view, which regarded the ninth and tenth centuries as the peak period of the *shōen*, has been questioned by many, more recent studies. Kuroda Toshio, “*Shōen-sei no kihonteki seikaku to ryōshu-sei*” in Nihonshi Kenkyūkai Shiryō Bukai, ed., *Chūsei shakai no kihon kōzō* (Ochanomizu Shobō, 1958).

9. For the history of Yuno-shō, see Ōyama Kyōhei, “Heian-makki no Tajima Yuno-shō,” in Hyogo-kenshi Henshū Semmon Iinkai, ed., *Hyōgoken no rekishi*, 4 (Kobe, 1970).

10. For works on the “private proprietary lords” (*shiryōshu*), see Uwayokote Masataka, “*Shiryō no tokushitsu*” in Ishimoda Shō and Sato Shin'ichi, ed., *Chūsei no kōto kokka* (Tokyo Daigaku Shuppankai, 1960), and Nagahara, *Nihon no chūsei shakai*, pp. 53 ff.

gesu) of the shōen. Although the land commended, Yuno-gō, had originally been public land with Suehiro holding only the rights of "private proprietorship" over it, his commendation resulted in making Yuno-gō a shōen within which his rights of "private proprietorship" were secured.

Thus the changes initiated by Suehiro's commendation were as follows: The former "public land," Yuno-gō, became Yuno-shō; the basic tax formerly paid to the government was now divided between the *honke* (Renge-Ōin, a temple built by and belonging to the Imperial household) and the *ryōke* (Seiken, a priest-noble); and the added tax (*kajishi*) which had been paid to Suehiro still went to Suehiro who had become a regional power with the rights to private proprietorship. Note that the goal of commendation pursued by Suehiro could not have been accomplished by himself alone. In response to the action taken by Suehiro, a court noble had to legitimize the creation of the shōen through the administrative apparatus of the central government.

Why did Suehiro commend the land? He did so for two reasons. One was that by making Yuno-gō into a shōen, his private proprietorship was made more secure in that it would no longer be subject to abrogation. Though his proprietorship had been recognized by the government, his rights had never been sufficiently secure for him to be certain that they would not be abrogated in the future by a newly appointed provincial governor. The second reason was that he realized a larger income by transforming Yuno-gō into a shōen. What he could receive as a *geshi* was larger than his former income—the added tax, which was no more than about 5 *shō* per *tan*. It is not possible to ascertain exactly how much his income increased, but it is reasonable to assume that it rose at least by the amount which he realized from his stipend land (*geshi kyūden*), land ordinarily given to a *geshi* without taking away his rights to the added tax.

Commendation, therefore, did not mean that the exclusive proprietary rights to a piece of land possessed by a local power were handed over to the court nobles, but rather that the commender converted a piece of "public" land into a shōen and improved his political and economic position in the process.¹¹ The basic tax was

11. The pioneering article dealing with the shōen created through commendation was Nakata Kaoru's "Ōchō-jidai no shōen ni kansuru kenkyū," *Kokka Gakkai Zasshi* 20, 3-12, (1906). (Reprinted in the same author's *Hōseishi Ronshū*, Vol. 2 (Iwanami Shoten, 1938). This article took the position that the commendators, i.e., the local powers (*zaichi gōzoku*), continued to retain the proprietary lordship and that they merely commended a fixed

now paid to the shōen-holder (*ryōke*) instead of to the government. In this sense, land proprietorship now shifted from the government to the *ryōke*. In order to prevent any possible challenge by a provincial governor to such a development, the commendee (i.e., the *ryōke*) usually commended the land again to a politically powerful *honke*, as happened in the case of Yuno-shō. The result was the multi-layered proprietorship over shōen. Under these circumstances, the rights most crucial to landownership—the rights to survey, to determine tax, and to provide judicial functions, i.e., the rights to administer a shōen, belonged to a *honjo*.¹² In the case of Yuno-shō, Seiken, the first recipient of the commendation, became the *honjo* and the Renge-Ōin, the second recipient, only received 100 *koku* of rice per year.

In this section we have seen that the private proprietary lords, who emerged in many regions during the eleventh and twelfth centuries, made their proprietorships more secure and more profitable by bringing their interests together with those of the ruling nobles, that is, by transforming “public” land into shōen. Thus, it is not hard to understand why shōen created by commendation increased dramatically during this period.

Formation of the kokugaryō. As more shōen were formed, changes began to be observed within “public” lands as well. From the latter half of the eleventh century and throughout the twelfth, newly renamed *gō*, *ho*, and *betsumyō* (units of administrative control which did not exist during the Ritsuryō period) appeared in large numbers. Districts (*gun*) also changed. The former administrative structure of province-district-*gō* was gradually transformed, with *gō* and *ho* beginning to rank with the district as a proprietary unit.

Each *gun*, *gō*, *ho* and *betsumyō* had over it *gunji*, *gōji*, *hoshi* and *betsumyō-myōshu* respectively. These persons were comparable to the *geshi* in a shōen, and in fact, they were in a position to be able to become *geshi*, had they transformed the land under their control into a shōen, as Taira no Suehiro did. But they elected not to do so because they were *zaichō kanjin*, provincial administrative officers who exercised the effective power within the administration,¹³ and

amount of income to the upper nobles and the temples. For my view, which differs from Nakata's, see the text of this article and the chapter entitled “*Shōensei no rekishiteki ichi*” in Nagahara, *Nihon hōkensei*.

12. The terms *honjo* and *honke* are often used interchangeably. Strictly speaking, the *honjo* refers to the persons or institutions who possessed the right to exercise the central functions of a proprietary lord while the *honke* referred to the *shiki* which was a level above the *ryōke-shiki*.

13. For a discussion of the *zaichō kanjin*, see a chapter entitled “*Zaichō*

they had little difficulty in preserving their power bases as they were. These units under their administrative control were called kokugaryō.¹⁴ These kokugaryō, of course, were not completely private landholdings of the *gunji*, *gōji* and others, but were lands from which provincial governors claimed taxes and corvée. However, the right of these officials to levy an added tax was fully recognized and they also received stipend land as did the *geshi* of shōen. Thus, no incentive existed for them to commend the land and create shōen. Furthermore, provincial governors rarely possessed political power equal to that of the *honjo* of shōen, and governors tended to give a free hand to *gunji*, *gōji*, and others in administering the kokugaryō. This meant that their *modus operandi* was even more advantageous to these local powers than it would be for them to transform the land into shōen.

Comparison of the shōen and kokugaryō. What was the proportion of shōen and kokugaryō by the end of the twelfth century when the shōen system had fully developed? Some scholars have held the view that the shōen by this time had proliferated to the point that virtually no "public" land was left. The results of recent research, however, refute this view. Watanabe Sumio, who made a quantitative examination of nine sets of *Ōtabumi*, concludes that 71–75 per cent of all the cultivated land had become shōen, leaving 25–29 per cent as kokugaryō.¹⁵ His calculations, for unknown reasons, did not include the *Ōtabumi* from Hitachi and Iwami provinces, more than fifty per cent of which are known to have still been public lands. This suggests that the actual proportion of the kokugaryō must have been higher than the figures provided by Watanabe. Ishii Susumu, who conducted a detailed study of Shinano province, contends that the kokugaryō in this province may have exceeded fifty per cent.¹⁶ When studies on the landholding system of this period were concentrated on the shōen, scholars did not see the relative importance of the kokugaryō. But

kanjin no bushika" in Takeuchi Rizō, *Ritsuryō-sei to kizoku seiken*, Part 2 (Ochanomizu Shobō, 1958).

14. For an explanation of how districts changed in nature and came to be administrative units at the level of *gō*, see Matsuoka Hisato, "*Gōji no seiritsu ni tsuite*," *Rekishigaku Kenkyū* 215 (January, 1958):18–32. For a discussion of the appearance of new *gō*, which differed from those described in the *Wamyōshō*, see Uchida Minoru, "Tōgoku ni okeru zaichi ryōshu-sei no seiritsu," in Tokyo Kyoiku Daigaku Shōshi-kai, ed., *Nihon rekishi ronkyū* (Ninomiya Shoten, 1963).

15. Watanabe Sumio, "Kōbu kenryoku to shōen-sei" in the Iwanami Kōza, *Nihon rekishi*, Vol. 1 on Shūsei (Tokyo, 1962).

16. Ishii Susumu, "Chūsei kokugaryō no shihai kōzō," *Shinano* 10, 25 (1973).

when they better understood the nature of the kokugaryō, they realized that these lands were not merely the remaining “public” land from the Ritsuryō system and that the proportion the kokugaryō was not insignificant.

How do the shōen and the kokugaryō compare in terms of the internal structure and methods of tax collection? A shōen, of course, owed its rice tax and the major portion of its corvée to the *honjo*, while the kokugaryō owed these obligations to the provincial governor or the *chigyō-kokushu*.¹⁷ And both the shōen and the kokugaryō appeared as the result of active efforts made by local powers who were taking their first steps to reenforce their proprietary rights during the latter half of the eleventh century and the early twelfth.

But it is, of course, inaccurate to see the two simply as a new versus an old form of land proprietorship. To begin with, the internal structure of the two was significantly different. When the relationship between the *honjo* and the private proprietary lord (the commender) of a shōen is compared with that between a provincial governor or a *chigyō-kokushu* and the *gunji* or *gōji* of a kokugaryō, we find that the *honjo* tended to be more demanding of, or insistent on, his rights vis-à-vis the local power which commended the land than the provincial governors were of officials of kokugaryō, i.e., *gunji* or *gōji*. The local powers were almost totally prevented from emerging as private proprietary lords, especially in shōen which were created by methods other than commendation. Herein lie the reasons behind Shimizu Mitsuo’s finding that the samurai first emerged mostly in the kokugaryō.¹⁸ Indeed, the local powers on kokugaryō seemed to have developed into *ryōshu* with relative ease in comparison to those on the shōen.

“Public Paddies” (*kōden*). To what extent did the control of the higher level proprietary lords—*honjo*, provincial governors, and *chigyō-kokushu*—extend over the cultivated land within the shōen-kokugaryō system? In answering this question, we must consider paddy fields and uplands separately. For example, in the Ōtabumi of

17. A *chigyō kokushu* was a person who received a *chigyō-koku*, i.e., he was given rights to the income from a province within the kokugaryō. Originally, this system of providing income was begun by cloistered emperors and dowager empresses who gave away these rights to provinces (*inkyū bunkoku*). During the eleventh and twelfth centuries, *kugyō* and temples received such provinces as did the Kamakura shoguns (called *shōgun bunkoku*). A *chigyō kokushu* was able to secure for his relatives or subordinates an appointment as provincial governor. He sent his magistrate (*mokudai*) to the province in order to collect the rice tax which was his income as the *chigyō kokushu*.

18. See the article cited in footnote 1 above.

Wakasa province, 2,217 *chō* of paddy were recorded, but none of uplands. This resulted because the land records made for tax purposes from the Ritsuryō period on had been concerned only with paddy; uplands were regarded only as a part of the residential plots. Under the *shōen-kokugaryō* system, however, uplands were not always ignored as they were in Wakasa, and more and more were surveyed and made taxable. In general, though, the uplands were only incompletely surveyed and taxed, and taxation was limited to the various minor taxes in kind and corvée (*zaike-yaku*) that were levied on residential plots.

In contrast, rice paddies formed the basic tax base. In each province, the first duty of a newly appointed governor was to survey the paddies and compile a register. Some of these provincial surveys made during the twelfth century still exist today. By the thirteenth century, however, the rise of the Kamakura bakufu and the refusal of the local powers (*zaichi ryōshu*) to perform such duties made survey-taking difficult and the proportion of cultivated paddies that escaped taxation increased.

The paddy fields surveyed and registered for tax purposes by the provincial governors were called "public paddies" (*kōden*). Taxes, including the basic rice tax, corvée, and *tansen* (an ad hoc tax to meet unanticipated revenue needs) were levied on these public paddies.¹⁹ This meant that if new paddies were opened and remained untaxed by the government while the number of public paddies remained constant, the government's tax revenue would suffer a relative decline. The proportion of both public paddies and others that failed to be taxed by the government differed from region to region. But by the latter half of the thirteenth century, there were some areas in which less than half of the acreage was in "public paddies," either taxed or untaxed. For example, in the Iriki-in, examined by Asakawa, there was a "substantial amount" of non-public land in addition to the "public paddies."²⁰

19. Under the Ritsuryō land system, the *kōden* (public paddy fields) referred to the paddies which were rented (*chinsō-den*) compared to the *shiden* (private paddy fields) which referred to the *kubunden*. The term *kōden* used in the text, however, means the paddies which were officially surveyed and registered as a result of a provincial survey. Unlike the *kōden* of the Ritsuryō system, the *kōden* as used here were the paddies on which taxes were levied by the central government.

20. According to the Shibuya Koreshige *iryō chūshin* of 1329 (the Iriki-in *monjo*, No. 98), the public paddy fields of Iriki-in Tōnohara of Satsuma province were 18 *chō* 7.5 *tan*. But the same source also noted that "though

Let us turn to examine how land was administered and taxed. In the kokugaryō, the basic tax and *tansen* were collected from the "public land" by *gunji* and *gōji* on behalf of the governor. In the shōen too, the basic tax, sent by the shōen administrator to the *honke* and the *ryōke*, as well as the corvée, were normally assessed on the basis of surveys made when the land was still "public." Also, in some shōen, the proprietors conducted their own surveys in an effort to add non-public land to the base determined in the original survey, but there were problems with these surveys.

In both the kokugaryō and the shōen, paddies, with the exception of "public land," were as a rule outside the proprietary control of the governors or the *honjo*. In fact, the local powers—*gunji*, *gōji* or *geshi*—ruled over this land. But not only these local powers, but also *myōshu*—the powerful among the peasants—made an effort to hide paddies from proprietors and administrators in order to secure private holdings of their own. Since residential plots were exempted from surveys, many of the *myōshu* successfully claimed that their newly opened paddies constituted a part of their residential plots. Though the following is an extreme example, we have a record of a local power of Bingo, a *jitō* named Tabuse who, at the time of *shitajichūbun* (division of land, i.e., tax revenues), managed to maintain a "residential plot" that included *monden* fields²¹ which in size were equivalent to nine villages.²² It is evident that land such as this should be recognized as an important economic base of the local powers.

Problems Relating to Cadastral Surveys. The official surveys for establishing public paddies were often incomplete, with the result that the amount of public paddy tended to decline relative to other, but the surveys made by the shōen fared no better. In principle, each generation of *ryōke* conducted a survey to add new paddies to the shōen's tax base and to set a new tax rate. The Kamakura bakufu, however, encouraged its *jitō* to open new fields which were theirs to keep and which were not subject to taxation by any higher proprietary lords. This was clear in the following bakufu decree: "The late general

there is a large amount of paddies in addition, such fields are not being reported because no land registers exist for them."

21. The *mondenbata*, sometimes called "*horinouchi*," were paddies and uplands belonging to a residential area and were inside a moat or a dirt fence (*dorui*) enclosing the residential area. These enclosed areas were usually directly administered by local powers and were tax exempt. Consequently, no survey was made of such landholdings.

22. A *wayojō* (a letter of agreement), dated 1305 and found in the Tabusa *monjo*, exchanged between a *jitō* and a shōen administrator (*zasshō*) of the Tabusa-no-shō in Bingo province.

of the right (Minamoto no Yoritomo) decreed to all that newly opened paddy fields shall be in favor of the *jitō* alone."²³ The surveys made by the *shōen* administrators (from around this time called *azukari-dokoro*) especially in *shōen* in eastern Japan were no longer considered valid,²⁴ and thus the *jitō* found no difficulty in including new paddy fields "in their favor."

There were, of course, *shōen* without *jitō*, for example, *shōen* completely under the jurisdiction of temples (*jisha honjo ichienchi*). There were also *shōen* that succeeded in discovering "hidden paddies" and adding them to the tax rolls. Because many new fields, however, were reclaimed and cultivated under the auspices of local powers and *jitō*, who found the necessary labor force and provided food and seeds, it was difficult for higher level proprietary lords to make the new fields into taxable "public land."

This tendency to "privatize" any new paddies was not limited to the local powers and *jitō*. Peasants tried this too, though on a smaller scale. During the medieval period, it was common practice to create small scale paddies (*sakoda*) on gentle slopes by using water from natural springs.²⁵ Large amounts of labor were not needed to create these paddies, and they could usually be cultivated every year. Peasants who created *sakoda* did their best to hide them when surveys were made by the *ryōke*. Their opposition, often quite strong, to these surveys was fully supported by the local powers and the *jitō*. Thus we are justified in assuming that a considerable area of the *shōen* of the thirteenth century was in paddy other than "public" paddy.

A Summary of Section I

The *shōen-kokugaryō* system developed during the twelfth century as a new system of landholding which replaced the *Ritsuryō*. This new

23. In a section entitled "The *jitō*'s paddies after the survey of the *azukari-dokoro*" of a decree issued by the Kamakura bakufu in 1232 (Tsuika-hō, article 44), the bakufu stated that: "When a survey is made by the *honjo*, newly registered paddies shall be *kōden*." However, at the same time, no prohibition existed preventing the *jitō* from taxing the peasants working newly created paddies.

24. See "Chūsei Tōgoku no shinden to kenchū" in Nagahara, *Nihon chūsei shakai kōzō*.

25. For information on the layout of paddies and the technological constraints which determined the patterns of the land use, see Nagahara, "Chūsei sonraku no kōzō to ryōshusei," included in the book cited in footnote 24. In this chapter I examined the cultivated land of Iriki-in. See also Kimura Motoi and Takashima Rokuo, ed., *Kōchi to shūroku no rekishi* (Bunga-dō, 1969).

system, with court nobles and temples forming the higher levels of proprietary lords, was based on a multi-layered ownership of land. The principal reason for the development of the system was the emergence of local powers as private proprietary lords in many regions of Japan. They were yet unable to claim exclusive ownership of land, but they were able to improve their own position by promoting the growth of the *shōen-kokugaryō* system.

Reflecting the *Ritsuryō* landholding system, the proprietary landholding pattern under the *shōen-kokugaryō* system was focused on the control of rice paddies. Upland fields gradually came to be surveyed and taxed, but they still tended to be regarded as part of residential plots. Paddies were surveyed either by the provincial governor or by the *shōen*, and “public” paddy fields established by these surveys became taxable by the provincial government or by the *shōen*. During the thirteenth century, however, it became increasingly difficult to conduct such surveys, and as a consequence, the proportion of “public” paddies declined relative to other paddies. These non-public paddies became the principal economic base for the rise of local powers and leaders among the peasants.

II. *Multi-layered Proprietary Landholdings and Shiki*

Under the *shōen-kokugaryō* system, the proprietary lords were divided, generally speaking, into upper-class proprietary lords, consisting of nobles and temples in such urban centers as Kyoto and Nara, and lower-class proprietary lords such as *geshi*, *gōji*, and *gunji*. The upper-class proprietary lords, however, could also be subdivided into *honke*, *ryōke*, and *azukari-dokoro* under the *ryōke*. Thus there could be two or even three layers of proprietary lordships. In these circumstances, one of the upper-class lords would possess the most lucrative proprietary rights, called the rights of *shōmu*, i.e., the rights to administer. Let us examine an actual case.

The Ōta-no-shō in Bingo province became a *shōen* in 1166 as the result of commendation by one Tachibana, the *gunji* of the area, to Taira no Shigehira (the son of Taira no Kiyomori). The same land was in turn commended by Shigehira to the Cloistered Emperor Go-Shirakawa who, by receiving it, became a *honke*. Thus the upper-class proprietary lords of this *shōen* consisted of a *honke* (Go-Shirakawa) and an *azukari-dokoro* (Shigehira). The *azukari-dokoro*, in this case, was the same as the *ryōke* in other *shōen*.²⁶

26. For a discussion of the proprietary lordship of Ōta-no-shō, see Kawane

The *honjo*—the institution (such as a temple) or person with the rights of *shōmu*—of the Ōta-no-shō was Shigehira, the *azukari-dokoro*. This is evident in the distribution of the *shōen* taxes between the *honke* and *azukari-dokoro*. Approximately one-half of the total “public paddy” of this large *shōen*—the portion that was known as “the Kuwabara part of Ōta-no-shō”—is estimated to have been 263 *chō*, and from this the *honke* received only 100 *tan* of cloth per annum. In contrast, the share of the *azukari-dokoro* was 3 *to* and 4 *shō* (3.4 *to*) of rice per *tan* of “public paddy.” This amounted to 894 *koku* from the 263 *chō*. The large share enjoyed by the *azukari-dokoro* clearly indicates who the dominant proprietary lord of the *shōen* was. Such examples of multiple-layers of proprietary lordships exist for many other *shōen*. Most of the highest level nobles, however, including the Imperial household, possessed only the *honke-shiki* without the rights to administer. This is exemplified in the case of Cloistered Emperor Go-Shirakawa and Ōta-no-shō, and in the case of the Renge-Ōin (built by the same Cloistered Emperor) and Yuno-shō.

The same statement generally holds true for the Fujiwaras who ranked in status with the Imperial lineage. But since the Fujiwaras had begun to accumulate *shōen* before the Imperial household did, and because they had more *shōen* which had been created by means other than commendation, they had more *shōen* for which they held the rights of administration than did the Imperial household. This is shown in Table 1.²⁷

Temples tended to have *shōen* with the rights of administration and the middle or low level nobles tended to have a small number of *shōen* with the same rights for their *keryo* (the basic landholding, i.e., their economic base), along with specified rights in some *shōen* which had been accorded to them by higher level nobles.²⁸ Such rights, which were not those of administration, were in the nature of a stipend to be received during a specified period. An example is the *daikan-shiki*, i.e., administrator’s stipend at the *honjo* level.

There were two major aspects to the role of the lower level proprietary lords—*geshi* of *shōen* and *gunji* and *gōji* of *kokugaryō*. The first was that, as far as the “public paddies” were concerned,

Yoshiyasu, “Heian makki no zaichi-ryōshusei ni tsuite” in his *Chūsei hōkensei seiritsu shiron* (Tōdai Shuppankai, 1971), and Nagahara, “Shōensei no rekishi-teki ichi” in his *Nihon hōkensei seiritsu katei no kenkyū*.

27. Nagahara, cited in the preceding footnote, p. 70.

28. On the *shōen*-holding patterns of the *kuge* in general, see Nagahara, “Kuge-ryō *shōen* ni okeru ryōshusei no kōzō” in the Nagahara book cited in footnote 26.

TABLE 1
SHOEN-HOLDING BY THE SEKKANKE (THE FUJIWARAS)^a

Nature of Holding	Konoe-line ^b	Kujō-line ^b
1. With the right of <i>shōmu</i> and no one above as <i>honke</i>	60	63
2. With the right of <i>shōmu</i> but someone above as <i>honke</i>	0	3
3. With the right of <i>shōmu</i> and a part of rice tax donated to temples	4	10
4. No right of <i>shōmu</i> but had <i>honke-shiki</i>	51	25
5. Right of <i>shōmu</i> donated to temples	7	7
6. <i>Ukesho</i> ^c of <i>zaichi ryōshu</i>	20	10

^a Since this table includes only those *shōen* for which the nature of the holding could be identified, the total number of *shōen* held by both lines exceeds the numbers shown in this table.

^b The *sekkanke* was divided into the Konoe and the Kujō lines during the late Heian period and into the five branches (including the Konoe and the Kuji) during the Kamakura period.

^c The land managed (tax dues collected and forwarded) by a contractual agreement. In this case the contract was between the *sekkanke* and the *zaichi-ryōshu*.

they were merely the administrators (*daikan*) who exercised the rights of administration of the *honjo* on behalf of the *honjo*. Of course, depending on the circumstances relating to commendation, some had more authority and enjoyed a larger income than others. In the case of the Ōta-no-shō, Tachibana, the original commender, became the *geshi* of the *shōen* but received only three *shō* per *tan* (*kachōmai*) from the “public paddies.” His share amounted to only one-eleventh of the *ryōke*’s share, the 3.4 *to* per *tan* received by the *ryōke*, in this case also the *azukari-dokoro*. This suggests that a lower level proprietary lord, even if he was the original commender, usually failed to become the dominant proprietary lord. In the Kamakura period, *jitō* were added to the *geshi* as administrators of *shōen*. Though also lower level proprietary lords, the *jitō*, unlike the *geshi*, not infrequently held police and judicial authority. Even so, their economic rewards were far smaller than those enjoyed by the *honjo*.

The second aspect can be illustrated by the following example: Tachibana, the *geshi* of the Ōta-no-shō, had three *chō* of stipendary paddy fields (free of taxes) and *kyūmyō* amounting to 50 *chō* in the Kuwabara part of the *shōen*. A *kyūmyō* is a paddy on which rice tax was owed to the upper level proprietary lords but on which the “miscellaneous corvée” (*zōyaku*) levied belonged to the *geshi*. (Miscellaneous corvée consisted of actual corvée and other taxes in kind (*zaikeyaku*) excluding rice which was levied on upland and residential plots.) Since the “public” paddy fields of the Kuwabara section of

the shōen measured 263 *chō*, the *geshi*'s right to "miscellaneous corvée" on 50 *chō* gave him a sizeable portion of the total tax revenues of the shōen. Perhaps this right had been enjoyed even before commendation was made. Because of this, one cannot deny that Tachibana was, in one sense, a proprietary lord. Furthermore, if we are to consider the hidden paddies which escaped survey, Tachibana's proprietary lordship becomes even more obvious; his position was clearly more than that of an administrator in the employ of the *honjo*.

In attempting to understand the characteristics of the lower level proprietary lord, the *geshi*, *gunji* or *gōji*, one must not slight either of these two aspects of his role. He was not the proprietary lord as such within the shōen-kokugaryō system. Since the primary proprietorship of the land, which once belonged to the Ritsuryō government, was in the hands of the *honjo*, the only lower level proprietary lords who had the right to levy an added tax (*kajishi*) were the "private proprietary lords." These private proprietary lords, however, did not succeed in reducing the *myōshu* (persons with the right to cultivate the "public" fields) to the status of a private labor force. On the other hand, the power of these lords was considerable on land over which the shōen-kokugaryō system did not extend. In non-"public paddies," i.e., land in the shōen that escaped or was excluded from the survey made by the *ryōke* and a part of kokugaryō that had been privatized as described earlier, the cultivators were used as if they were private serfs (*nōdoteki nōmin*); thus, we see that an incipient form of feudalistic landownership had emerged on land that was not "public." Then, using this as the springboard, these "private proprietary lords" went on to exert control over *myōshu* on the "public paddy" fields, developing gradually into primary proprietary lords who controlled larger and larger areas.

The Characteristics of Shiki. The proprietary landholding within the shōen-kokugaryō system created multiple layers of rights over a parcel of land. Such rights were called *shiki*, and they consisted of *honke-shiki*, *ryōke-shiki*, *azukari-dokoro-shiki*, *geshi-shiki*, *jitō-shiki*, etc. In the past, the characteristics of *shiki* have been frequently debated by Nakata Kaoru,²⁹ Asakawa Kan'ichi,³⁰ and others, and of recent, the *shiki* has come to be regarded as an important facet of the proprietary lordship under the shōen-kokugaryō system.³¹

29. Nakata, cited in footnote 11. Chapter 2 is the most relevant.

30. Asakawa Kan'ichi, *Land and Society in Medieval Japan* (Tokyo: Nihon Gakujitsu Shinkōkai, 1965). The book was originally published in 1918 as *Some Aspects of Japanese Feudal Institutions*.

31. For more recent studies on the *shiki*, see Amino Yoshihiko, *Chūsei*

Generally speaking, shiki can be considered a property right—the right to a fixed amount of income. But such a simple characterization will not suffice if one is to understand the historical characteristics of the shiki. Shiki not only generated private income, but public administrative functions accompanied them. Both the *geshi-shiki*, the position which exercised the shiki of the *honjo* holding the rights of administration, and the *jitō-shiki*, which was based on the partial appropriation of the *geshi-shiki*, had public functions concerning the governing of the residents; one cannot say that even the *honke-shiki* without the rights of administration was merely a right to private property. Although the *honke* ordinarily performed no visible function for the fixed amount of revenue he received from a *ryōke*, the *honke* as the upper level noble was called upon to exercise political influence to retain or regain the administrative rights of the *honjo* in the event that the land over which the *honke* exercised proprietary rights was threatened by outside forces. It was also possible for the *honke* to directly collect taxes in emergencies, provided similar precedents permitted such an action.³² That is, those who possessed shiki had a partial right to exercise some of the functions belonging to a proprietary lordship.

Shiki began to appear during the latter half of the tenth century. A document dated 959 refers to the position of a *gunji* in Sumiyoshi district of Settsu province as “*Gun tairyō shiki*” (the head *gunji-shiki*),³³ and a 968 record from Kii province makes reference to the “*shoryō-shiki*” (the *gunji-shiki*).³⁴ A later document, dated 1054, shows that the provincial governor of Aki appointed a Fujiwara Yorikata to a “*gunji-shiki*.”³⁵ In this instance, the reason given for the appointment was that the *gunji-shiki* had belonged to Yorikata’s family for generations. The evidence thus indicates that shiki emerged during the latter half of the tenth century as the Ritsuryō system disintegrated, and that what had once been an official position of the central government began to be inherited and to acquire some of the characteristics of private property. While some persons were “appointed” to shiki with the overtones of a bureaucratic appointment,

shōen no yōsō (Hanawa Shobō, 1966); and Nagahara’s *Chūsei shakai kōzō no kenkyū*.

32. For example, when a noble who had the *honke-shiki* was building an official or a private residence, he could levy a special tax.

33. *Ruijūfusenshō* published in *Shintei zōho kokushi taikai hon*, p. 189.

34. *Ibid.*, p. 192.

35. *Heian ibun*, No. 699.

such appointments implicitly recognized the accompanying private proprietary rights.

Based on the above evidence, we must consider *shiki* a means by which local powers such as *gunji* transformed a bureaucratic position into private property rights. These rights became the first step towards acquiring a feudal landholding. This step, however, did not go so far as to give exclusive rights of landholding. Landholding rights were limited by the government which "appointed" these officials, and which by so doing legitimized the claim of the appointees. The limitations in turn prevented these local powers from expanding their rights into what could be called feudal landownership. Thus, for the local powers *shiki* had a dual character: to empower as well as to restrict.

Upon the creation of a *shōen* by commendation, the *gunji-shiki* or *gōji-shiki* became the *geshi-shiki* of the *shōen*, and in these cases, the position of the upper level nobles was designated by *shiki* such as *ryōke-shiki* or *honke-shiki*. Though it looks as if no bureaucratic formalities were required of these upper level nobles in acquiring *shiki*, this was not the case. The formal procedure for creating a *shōen* required either a certification record (*dajo-kanfu*) from the central government or a validating certificate (*kokumen*) issued by a provincial governor. Such a certificate in effect transferred the public proprietorship of land held by the government to the *shōen*. This was the reason why what a *honke* or a *ryōke* received by such a transfer was expressed as *shiki*, the word denoting a "position." To have such a certificate was a necessary precondition for a *shōen* to come into being.³⁶ Without it, a *shōen* was invariably confiscated by the government.

The *shiki* therefore was a private property right which was recognized and sanctioned by the government. Later, upon the founding of the Kamakura bakufu, Minamoto no Yoritomo in appointing *jitō* to *shōen* and *kokugaryō* requested of the emperor that he be appointed the *sō-jitō-shiki* (the primary national *jitō*) for all 66 provinces in the nation so that he could in turn "divide" his *shiki* among his own vassals without violating the established formal procedure, at least in form. So although the *shiki* tended to promote the formation of divided feudal proprietary landholdings, this institution was maintained because of the authority vested in it by the central government.

36. These certificates, obtained when a *shōen* was created, were called *kenkai* (certificates of establishment). When the ownership of a *shōen* was disputed, these certificates were the prime evidence needed to demonstrate proof of ownership.

Sanzai-shoshiki (Geographically scattered shiki holdings). In examining the shiki, we cannot avoid the problems connected with analyzing the *sanzai-shoshiki*.³⁷ The shiki was not only multi-layered over a shōen or a kokugaryō; in addition, a possessor might have shiki scattered across the nation. For example, the regional distribution of shōen of the Sekkan families was as shown in Table 2.³⁸ Though some of the Sekkan families' shōen in the Kinai could be classified as of the *konden*-type (acquired by opening up new land) or of the *zōyakumen*-type (acquired by first obtaining tax rights), most of their shōen were created by commendation. This was the reason why their shiki were widely scattered across the nation.³⁹

TABLE 2
THE REGIONAL DISTRIBUTION OF THE SHOEN OF THE SEKKANKE

Region	Watashi-ryō ^a	Konoe-line	Kujō-line	Total
Kinai	32	66	18	116
Tōkaidō	11	26	20	57
Tōsandō	17	42	9	68
Hokurokudō	6	8	12	26
Sanyodō	20	14	11	45
Nankaidō	10	5	22	37
Saikaidō	3	9	9	21
Total	115	182	105	402

^a The landholdings which were passed on in entirety from the head of the main line of the Fujiwaras (*uji-no-chōja*) to the next *uji-no-chōja*.

Scattered shiki were held by the court nobles as well as by the direct vassals of the Kamakura bakufu. For example, one vassal in Shimotsuke by the name of Motekii Tomomoto had *jitō-shiki* during the early Kamakura period over five *gō* of Motekii-no-ho in Shimotsuke, over five villages in Ida-no-shō in Shinano, over Tajima in Echigo, Wakayama-no-shō in Noto, and Kada-no-shō in Kii.⁴⁰ Such cases were not uncommon. In such instances, persons wishing to administer their holdings more closely than others often dispatched relatives to their holdings or appointed magistrates over them. But

37. Shiki at times were referred to as *shoshiki*. Though there is no specific meaning in the prefix *sho*, the connotation of *shoshiki* is perhaps wider and more abstract and suggests something akin to "the shiki in general."

38. Based on p. 229 of Amino's work cited in footnote 2.

39. Many of the shōen in the Kinai region belonging to the Sekkanke were of the *zōyakumen*-type (i.e., began first with command over persons rather than over land). See Chapter 2 of Wakito Haruko, *Nihon chūsei shōgyō hattatsu-shi no kenkyū*, (Ochanomizu Shobō, 1969).

40. For more on the landholding of Motekii, see "Tōgoku ni okeru kokujin ryōshu no sanzai-keitai" in Nagahara, *Nihon chūsei shakai kōzō no kenkyū*.

during the Kamakura period it was possible to exercise their shiki even without taking such an action, not because of the power which such vassals possessed, but because when their rights were violated, it was possible to seek redress through the court and the enforcement arm of the Kamakura bakufu.⁴¹ Similarly, the nobles and temples could appeal to the bakufu if their rights were violated by the *buke* (i.e., samurai), or to the emperor if the offenders were nobles or temples. Since the scattered shiki-holding—the unique proprietary lordship under the shōen-kokugaryō system—was not an exclusive ownership of a region, the holder of a shiki could not exercise military and police power directly over the population but had to depend on the central authority, such as the Imperial court in Kyoto or the Kamakura bakufu. While the Imperial court and the bakufu competed against each other in many respects, they acted jointly in maintaining the shiki structure. This can be established beyond doubt by a look at the decrees issued and judgments rendered by the Kamakura bakufu.⁴²

The Shiki and the Lord-Vassal System. A shiki was granted, at least in form, through “appointment” by a superior to a subordinate. For this reason, some scholars compare the granting of shiki to the granting of a feudal fief. Though the shiki did not provide a proprietary landholding over a contiguous area, certain rights were transferred from a superior to a subordinate as they were in the granting of a fief. Despite this fact, I do not believe it correct to equate the granting of shiki and the granting of a feudal fief for the following reasons: First, military obligation was not a precondition for acquiring a shiki as it was when receiving a fief, which became the basis of the lord-vassal relationship. It is true that the granting of jitō-shiki to the shogunal vassals of the Kamakura bakufu entailed, as a matter of practical consequence, military obligations to the vassals. However, the obligation in this case was due to the lord-vassal relationship which had already existed between them, and not due to the lord-vassal relationship which was formed as the result of receiving shiki. Under the shōen-kokugaryō system, persons receiving

41. If a violator who lost his case in the bakufu court failed to obey the ruling, the bakufu appointed one of its stronger vassals as an enforcing officer (*jungyō shisetsu*) to enforce the ruling. The shiki were thus maintained by the bakufu structure and also by the regional administrative structure which had existed since the Ritsuryō period.

42. The rulings made by the court of the Kamakura bakufu are compiled in Seno Seiichirō, ed., *Kamakura bakufu saikyōjō-shū*. Vols. I and II, (Yoshikawa Kōbunkan, 1970).

shiki had an obligation to provide a fixed amount of rice tax and corvée to the upper level noble who granted the shiki, but this obligation was what constituted the shiki and did not rise out of a lord-vassal relationship.

Second, and relating to the first, under the shōen-kokugaryō system, having the power to give or withhold shiki did not necessarily imply the power to commend individuals' actions, as has already been pointed out by Kasamatsu Hiroshi and Haga Norihiko.⁴³ An "appointment" of a person to a lower proprietary lordship by a proprietary lord of a higher level did not mean that the former became a vassal of the latter. For example, a local power, by commendation, could receive an appointment to the *geshi-shiki* by the higher level proprietary lord. This did not mean that the appointee became a vassal of the higher level proprietary lord because the appointee could become a vassal of the Kamakura bakufu while holding the *geshi-shiki*. Neither was it true that a vassal necessarily received a grant of shiki.⁴⁴ During the twelfth century, the court nobles began to make local samurai their vassals, but this was achieved on the basis of personal bonds created between them without a grant of shiki as a necessary precondition. Such a relationship was not "a lord-vassal relationship based on a grant of land," the principle applicable in a feudal relationship.

A Summary of Section II

The following are the essential points made in this section:

(i) Under the shōen-kokugaryō system, the multi-layered shiki formed the basis of positions and of rights for both the higher level proprietary lords and the lower level proprietary lords in shōen and in kokugaryō. The shiki, which possessed the dual characteristics of being both a property right and an officially recognized position, was formalized by means of "appointment" and, in the final analysis, sanctioned by the authority of the central government.

(ii) Among the layers of the higher level proprietary lords, there

43. Kasamatsu Hiroshi and Haga Norihiko, *Chūsei-hō*, The Iwanami Kōza, *Nihon rekishi*, *Chūsei* 3, (Iwanami Shoten, 1962).

44. It was not unusual for the direct vassals of the shōgun to receive only the *honryō ando* (assurance of the landholding) and no new shiki. The *honryō* and new shiki (*shin-on*) were clearly distinguished in bakufu law. The *honryō* could be sold or given away or change ownership freely, but this did not apply to the latter. This reflected the fact that, while the *honryō* too was a shiki, the ownership of the *honryō* and the lord-vassal relationship were independent.

was one who exercised the rights of administration and who held the most important rights of proprietary lordship. The lower level proprietary lords were surrogates of these higher level proprietary lords and played the central role in the actual administration of the land. However, under the shōen-kokugaryō system, the higher level proprietary lord holding the rights of administration enjoyed the lion's share of the total revenue from the "public paddy fields." This indicates the relatively underdeveloped state of the local proprietary rights, those of the *zaichi ryōshu*. However, it is possible that their power may have been extensive over non-"public paddy" fields, a situation which was not often recorded in historical records.⁴⁵

(iii) Other aspects of the nature of the shiki under the shōen-kokugaryō system are revealed in the fact that shiki-holdings were often scattered geographically and the power to give or to withhold shiki was not the same as the power to have command over persons. Both of these characteristics distinguished the shiki from the fief which became the basis for the feudal lord-vassal relationship that was to characterize the historical stage to follow.⁴⁶

III. *The Patterns and Characteristics of Peasant Landownership*

Let us now examine the patterns and characteristics of landholding among peasants. To do so, we can conveniently begin with the case of Tara-no-shō in Wakasa, a shōen of the Tōji (a temple).⁴⁷

A record of the survey made by the Tōji in 1254, the *Jikken Torichō* (a revenue register based on an assessment), shows that the paddy fields of the shōen were characterized as follows: of the total (281 *tan* 314 *bu*), 9 *tan* 300 *bu* were classified as *fusaku*, 7 *tan* 160 *bu* as *kawanari*,⁴⁸ and 264 *tan* 314 *bu* as *gesakuden* (fields under

45. Which of these two aspects became the more important basis of the development of the *zaichi-ryōshu* depended on historical conditions. I examined the conflicts between one Iga—an *azukari-dokoro* and the magistrate of Yoshimatsu-no-shō in Mutsu province—who attempted to increase his command over the "public paddies" and one Iwaki, the *jitō*, who attempted to expand his authority mostly on paddies other than the "public paddies." See "Ryōshusei shihai ni okeru futatsu no michi," in Nagahara, *Nihon chūsei shakai kōzō no kenkyū*.

46. Distinguishing the shiki from feudal landownership, Asakawa placed the shiki at a historical stage preceding the stage associated with feudal landownership. I share Asakawa's view. However, I believe that he overemphasized the shiki as the right to economic gains.

47. These observations are found in Amino's *Chūsei shōen no yōsō*.

48. "*Kawanari*" refer to the paddies which were permanently flooded due to changes in the course of a river.

cultivation). The *gesakuden* was divided into 78 *tan* 70 *bu* of *joden* and 187 *tan* 244 *bu* of *jōden*. In other words, the *gesakuden* comprised all the original paddy fields minus both (a) the paddies made non-arable by natural causes (*fusaku*) and (b) the paddies lost by flooding (*kawanari*). The *gesakuden* was composed of two parts: (d) the non-taxable fields (*joden*) and (e) the taxable fields (*jōden*).⁴⁹ The non-taxable consisted of the paddies allotted to temples and to *jitō* and *shōen*-administrators (*kumon*) as their stipendary lands, and also of the *Suetake-myō* (22 *tan* 70 *bu*) which then was under litigation.

Two years after the survey, in 1256, the Toji conducted a *kannō* (literally “promotion of agriculture”) which in actuality meant that the temple reorganized the peasant landholdings. Under the reorganization, a total of 216 *tan* 70 *bu*, consisting of the *jōden* (the taxable paddies) and the *Suetake-myō* which had been under litigation, were distributed to two types of peasants who cultivated two types of land: *myōden* (142 *tan* 230 *bu*) and *isshevikiden* (73 *tan* 200 *bu*). The *myōden* were organized as shown in Table 3.

TABLE 3
THE MYŌDEN IN TARA-NO-SHO

Name of Myōshu	Paddy Size
1. Tokisawa	22 <i>tan</i> 160 <i>bu</i>
2. Sanetoshi	22 <i>tan</i> 000 <i>bu</i>
3. Kanshin	22 <i>tan</i> 000 <i>bu</i>
4. Munekiyo	22 <i>tan</i> 000 <i>bu</i>
5. Suetake	22 <i>tan</i> 070 <i>bu</i>
6. Muneyasu	11 <i>tan</i> 000 <i>bu</i>
7. Tokiyasu	11 <i>tan</i> 000 <i>bu</i>
8. Yasuoi	10 <i>tan</i> 000 <i>bu</i>
Total	142 <i>tan</i> 230 <i>bu</i>

While Yasuoi's holding of 10 *tan* was an exception for some reason, the *myōshu* 1, 2, 3, 4, and 5 each held approximately 22 *tan* while both 6 and 7 held 11 *tan* each, or a half of the original size of 22 *tan*. This suggests that 6 *myō* were created and that these *myōshu* were assigned to them. A small portion of the *isshevikiden* (totalling 73 *tan* 200 *bu*) was distributed in unequal amounts to *myōshu*, but most of it was distributed to 27 peasants who were *kohyakushō* (literally “small peasants”). In short, *myōden* were held by *myōshu* and the *isshevikiden* by *kohyakushō*.

49. In the case of this *shōen*, the total area of the “public paddy fields” was 281 *tan* and 314 *bu*. The *jōden* was the total minus those fields, including the *joden*, which were exempted from the rice tax.

Thus, we must now examine the distinctions between *myōden* and *issjikiden* and between the status of *myōshu* and *kohyakushō*. In the case of Tara-no-shō, the *kannō* of 1256 reorganized the holdings of the *myōshu* through a redistribution creating equi-sized *myōden*. In this sense, the holding of *myōden* by *myōshu* was not sufficiently secure to suggest any degree of private ownership by the *myōshu*. The *myōden* were paddies which could be redistributed as the proprietary lord saw fit. Thus, *myōden* should not be considered to have "belonged" in any significant sense of the term to the *myōshu*. Rather, as most scholars maintain and I concur with them, they were units of paddies created by proprietary lords for taxing purposes, i.e., they were the units on which taxes and corvée were assessed.

On the other hand, the redistribution of equi-sized *myōden* and the allocation of paddies of unequal size among peasants were not undertaken in all *shōen*, and even in places these actions were taken, such as in Tara-no-shō, we find that they were carried out only once during the thirteenth century. Also, the *myōden* assigned to the five *myōshu* by the proprietary lord were held by the *myōshu* for a long period of time, often for generations.

In contrast, the character of the *issjikiden* was significantly different.⁵⁰ The *issjikiden* signified paddies over which only a rice tax was levied but no corvée. Whereas both a rice tax and corvée were levied on the *myōden* with the *myōshu* held responsible for meeting these obligations, the *issjikiden* was land held directly (though not managed) by the proprietary lords. Every year the *sanden*, persons who cultivated the *issjikiden*, were asked to come forward to have paddies assigned to them. They were, in effect, "contract cultivators" (*ukesakunin*) who were charged relatively high tax rates with the tax payable in rice.⁵¹ This meant that the small peasants who contracted on an annual basis to cultivate the *issjikiden* did not enjoy

50. The *issjikiden* could be considered to consist of the paddies left after the *myōden* were distributed to *myōshu*. However, there were paddies called *kanden* which were similar in nature to the *issjikiden*. A useful discussion on the distinctions in the characteristics of these fields was first made in Watanabe Sumio, *Kinai shōen no kiso kōzō*, expanded version, Vols. I and II, (Yoshikawa Kōbunkan, 1970).

51. Ōyama was the first person to analyze the significance of the practice of distributing *sanden* to small peasants (or marginal peasants, i.e., *kohyakushō*). Noting the tenuous nature of the relationship between the *sanden* and the peasants who worked them, Ōyama emphasized the "precariousness" of the tie existing between the *kohyakushō* and the *sanden*. Ōyama Kyōhei, "Chūsei shakai no nōmin," *Nihonshi kenkyū* 59 (1962):4-22.

a stable holding and, consequently, faced constant uncertainty. The proprietary lords thus distributed myōden to the myōshu, who enjoyed the least uncertainty in their holdings and who were reliable taxpayers, while small peasants were annually selected on the basis of their performance to work an assigned portion of the isschikiden. Of course, it is doubtful whether the isschikiden were in fact redistributed annually to the *sanden*. This is especially questionable for the fourteenth century during which the gradual disintegration of the shōen system began and when the distinction between myōden and isschikiden began to disappear.⁵²

However, as we see in the *Naikenchō* of Ōyama-no-shō in Tamba, which contained the results of a survey made by its owners, Tōji, in 1314, the peasants' holdings were separated into two categories: a minority of holdings with the annotation *sōdenbun* (held in continuum) and the majority without any such annotation.⁵³ This suggests that most of the peasants' holdings still were not inheritable.

In Tara-no-shō, there were five *tan* of paddy called *tsukuda*, in addition to the myōden and isschikiden. These paddies were distributed one *tan* each to myōshu 1, 2, 3, and 4 (see Table 3) and one-half *tan* each to 6 and 7. These parcels of paddy perhaps once had been managed directly by the proprietary lord, but were now distributed to the myōshu who were required to hand over nearly all of the output from them as rice tax to the proprietary lord. Under the shōen system, the land directly managed by proprietary lords was extremely small because of the labor-intensive nature of rice culture and because the upper level proprietary lords usually resided elsewhere.

Characteristics of Peasant Landholding. It is not possible to say that small peasants and myōshu had property rights either in isschikiden or in myōden. Leaving aside a rigorous definition of "private property rights in land," we shall hereafter mean by them a set of rights consisting of the rights to bequeath and to sell the land. Furthermore, the property in question must be regarded as property that conferred upon the owner a given amount of economic benefit worthy of transferring or selling. For land to be regarded as property in this sense, the rights to it should not be limited to the

52. On the disappearance of the distinction between the isschikiden and the myōden, see Shimada Jirō, "Shōensei-teki 'shiki'—taisei no kaitai," in Takeuchi, ed., *Tochi seidoshi*, Vol. 1.

53. For a detailed discussion on these questions concerning Ōyama-no-shō see Ōyama Kyōhei, "Kamakura-jidai no sonraku ketsugō," *Shirin* 46, 6 (1963): 1-47.

right to work a parcel that was distributed to someone who was forced to cultivate it.

Examined in this perspective, we find that even in the case of *myōden*, land could not be bought or sold until the latter half of the thirteenth century. When we examine the historical evidence contained in the *Heian-ibun*—a compilation in chronological order made by Takeuchi Rizō of all historical documents of the Heian period—for records of land sales by peasants, we find no evidence of trading in *myōden* during the latter half of the twelfth century. There are, of course, records of sales of land by peasants from a much earlier period, but these were limited to land originally opened up privately by peasants and called *hyakushō-chiden*, in which peasants had *eisakute* (rights to perpetual cultivation) and the right of alienation derived from it. However, *myōshu* could not freely sell the land that was distributed to them as *myōden* out of the “public paddies” of the proprietary lords of a *shōen*. *Myōden*, thus, should not be regarded as the private property of the peasants.

Evidence of the buying and selling of *myōden* by peasants began to appear during the latter half of the thirteenth century. The earliest evidence of such trading came from the economically most advanced regions surrounding Kyoto. The prevalent method of sales adopted was for the “selling” *myōshu* to become, in effect, a tenant of the “buyer” who received a fixed amount of rent from the “seller.” For example, in 1297 a *myōshu* in a *shōen* of Nandō-in in the Kii district of Yamashiro, a man named Hyōenojo-Hisatsugu, sold 2 *tan* of paddy out of his *myōden* to one Chigan, a priest of the Shōdenji, and the former became a tenant cultivator of the latter. Thus before the transaction Hisatsugu was the *myōshu* and Nandō-in the *honjo*. After the transaction Hisatsugu became a tenant cultivator, paying 8 *to* per *tan* in rent to the *myōshu* Chigan and 7 *to* per *tan* to the *honjo*, Nandō-in.

In this case, Chigan, who did not exercise his new *myōshu-shiki* to cultivate, received rent from Hisatsugu, the cultivator. Chigan’s rent revenue was larger than that received by the *honjo*, indicating that the *myōshu-shiki* had been established as a private property right which was generating an income to the holder of the right. One could say, in this instance, that the peasant came to possess the paddy as private property.⁵⁴ As such trading in *myōden* increased rapidly after

54. While a buyer of a part of a *myōden* became responsible for the rice tax on the paddy he purchased, any corvée which was levied on the *myōden* unit remained the responsibility of the seller. The buyer was also in a good position because he was now able to levy a larger added tax (*kajishi*).

this period, the shōen-owners repeatedly issued decrees prohibiting it, all in vain.⁵⁵ The peasants' property rights in paddies, therefore, were gradually established during the latter half of the thirteenth century and the early fourteenth, as the shōen-kokugaryō system continued to erode. Under this system, however, the property rights of the peasants over land remained underdeveloped, constrained by the rights over land exerted by the proprietary lords.

Summary of Section III

The main points made in this section were: (i) The "public paddy" under the shōen-kokugaryō system consisted of the stipendary paddies to administrators (*shōkan*) and to temples and shrines and the paddies which were classified either as myōden or isshikiden. The myōden were distributed to myōshu, the largest of the peasants, and were made the basic unit on which the rice tax and corvée were levied. In cases in which paddy fields were redistributed by proprietary lords who were still in a position to fully exercise their power, the result was the creation of *kintōmyō*, i.e., equi-sized myōden.

On most shōen, however, the redistribution of the myōden was carried out only once or twice at most during the twelfth and thirteenth centuries, and thus myōshu in effect held their land for long periods of time, often for generations. In contrast, the isshikiden were the paddies directly controlled by the shōen's proprietary lords and were subject to a high rice tax. The cultivation of the isshikiden was contracted from year to year by the small peasants (*sanden*).

(ii) Just as the cultivation of the isshikiden by small peasants did not imply any property rights in the land, neither were the myōshu's rights to the myōden private property rights during the zenith of the shōen-kokugaryō system. Only after the latter half of the thirteenth century did the division and sale of myōden begin to become possible, first in the economically advanced regions. This development indicated that the peasants' property rights in paddies were beginning to be established.

(iii) The landholding of the proprietary lords in the shōen-kokugaryō system thus reflected how underdeveloped the peasants'

55. For example, in the case of the Kanno-no-shō in Yamashiro province, its proprietary lord, Tōji, gave the following order to its *azukari-dokoro* in 1350: "Among the myōshu, there are some who sell or buy myōden without the authorization of the lord. Such acts must be strictly prohibited. If anyone buys or sells illegally, confiscate the myōden of the offender." *Tōji hyakugō monjo*.

rights in land were. The proprietary lord's landholding, i.e., his ability to tax and to impose corvée, was assured within the shiki structure chiefly because the peasants' rights in land developed only slowly and because their status within the system remained low.

IV. *The Historical Significance of the Shōen-Kokugaryō System*

Finally, it may be useful to list what appears to be the historical significance of the shōen-kokugaryō system.

1. Within the shōen-kokugaryō system, the proprietorship rested with the court nobles and the large temples and shrines among whom the authority of the central government was shared. This reflected the relative weakness of the power of the local proprietary lords. The underdeveloped status of the peasants' rights to land paralleled the weakness of the local proprietary lords. This fact, in a fundamental sense, characterized the shōen-kokugaryō system.

2. Characterizing the ownership rights in land of the local powers and peasants as "underdeveloped" falls short of providing an academically precise definition. The Ritsuryō landholding system also had "underdeveloped" characteristics. However, under the Ritsuryō system, the local powers had not yet established themselves as "private proprietary lords," and the peasants' landholding was basically limited to the kubunden, provided within the *handen* system. The private property rights of peasants in the kubunden were, of course, even less developed than those of myōshu in the myōden.

The expression "underdeveloped" is thus used here only to characterize these differences in the nature and degree of landownership. The reason why this point is emphasized is because it is not accurate to say, as has been done, that the local powers and the myōshu held fully developed private property rights in the private land (*shiryō*) and in the myōden respectively.

3. This underdeveloped state of property rights over land by the local powers and the myōshu and the relative dominance of the ruling class in asserting proprietary rights were the basis on which the structure of shiki was formed and maintained, and on which the shiki were supported by the authority of the central government during the shōen-kokugaryō period.

4. Though we were unable to discuss the *hanyu* system in this essay, a brief consideration of this system enables us to understand better the rationale for the fact that the shōen were not controlled, politically and economically, as a closed and independent entity but existed within the framework of the national political authority which

empowered the shiki structure. Under the *hanyu* system the rice tax was paid to the provincial government and corvée to the shōen proprietary lord (or vice versa on occasions). On the surface, it would appear that this system developed while shōen were being created out of the public land.⁵⁶ In reality, however, the *hanyu* was prevalent in the thirteenth century during which the shōen-kokugaryō system was securely established. For example, the large Shimazu-no-shō, which stretched across the three provinces of Satsuma, Ōsumi, and Hyūga, adopted the *hanyu* throughout the shōen.⁵⁷ The Iriki-in, which was a part of the Shimazu-no-shō, of course, practiced the *hanyu* system. This meant that the shōen and the kokugaryō both adopted the same method of meeting their tax obligations. This example makes it clear that we cannot view all shōen as enjoying the status of *fuyu-funyū* (tax exemption from the government and no entry of government officials) and as units which were self-contained and independent of external forces.

5. How, then, did the shōen-kokugaryō system disappear? Confining ourselves only to the key points, the system disappeared gradually because: (a) As the property rights of peasants developed, the distinctions between myōden and isshikiden disappeared. Trading in land by peasants increased, and, as a consequence, class distinctions began to develop even among the peasants. (b) The local proprietary lords grew in power, and they gradually succeeded in exerting an increased control over peasants, as well as in eroding the authority of the upper level proprietary lords. (c) The shiki-structure, the backbone of the shōen-kokugaryō system, disintegrated and it became increasingly difficult to maintain scattered shiki holdings. (d) Following the disintegration of the shiki-structure, the *kokujin ryōshu* system emerged and shugo grew into daimyo controlling larger units of territory.

Thus, in this sequence, the uniquely Japanese shōen-kokugaryō system, which had grown out of the Ritsuryō system of the preceding age, gradually disappeared. I believe that during the latter half of the fourteenth century what we might best call the *daimyō ryōgoku* (daimyo domain) system⁵⁸ emerged as the new historical stage,

56. To date no thorough study on the *hanyu* system has been made. Its nature and its relative importance vis-à-vis other methods of taxation need to be analyzed.

57. This point can be easily verified in the *Kenkyū zudenchō* and in *Iriki monjo*.

58. When the shōen system entered a definite stage of decline is still debated. Some scholars consider the period of the Ōnin war during the latter

despite the fact that many remnants of the shōen-kokugaryō system lingered on.

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half of the fifteenth century to have been the onset of the decline, while the period of the Taikō kenchi at the end of the sixteenth century is considered the onset by others. Because of this disagreement, the debate continues on the necessity and wisdom of distinguishing between the *daimyō-ryōgoku* system and the shōen-kokugaryō system. It perhaps is accurate to say that most scholars hold the view that the period of the Ōnin war was the period of transition to the *daimyō-ryōgoku* system.