

Common Land in Late Medieval Japan

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In late medieval Japan (1300-1600) the village community emerged as the unit with responsibility for irrigation and common land. This development coincided with Japan's maturing as an agricultural society. The stabilization of agricultural land in the eleventh and twelfth centuries had led to the intensification of agriculture in the twelfth and thirteenth centuries and to the increased importance of irrigation and common land. These changes in turn led to the independence of small farmers in the thirteenth and fourteenth centuries and the emergence of the village community based around patterns of land and water use.[1] This paper, after briefly summarizing the changes in agriculture and labor organization on which the emergence of the village was predicated, will examine how common land was used and regulated in the medieval period and try to assess the role played by the village community. As much as possible it will seek to examine how problems of scarcity were managed and whether the village elders spoke for themselves or for the wider community.

Farmland in early Japan was largely unstable, that is, it was characterized by a cycle of clearance, desertion and reopening, cultivated one year but not the next or maybe not for the next five. Waste, that is fields which had once been cultivated but had been abandoned, was interspersed with good fields. Inagaki, following Toda, argues that one-third of the 862,000 cho listed as paddy in an encyclopedia of the mid-tenth century called the Wamyō shō were probably not in cultivation.[2]. A number of developments in the tenth and particularly eleventh century led to an increasing stabilization

1. The timing of the changes is subject to debate. Nagahara argues that the stabilization of land took place in the late Kamakura-early Nambokuchō periods whereas Toda, Inagaki and Sekiguchi argue that land in central Japan was largely stable in the Kamakura period. The emergence of small farmers (kobyakushō) is generally agreed to have occurred during the late Kamakura-Nambokuchō periods (i.e. 1250-1400). For a summary of changes taking place in agriculture, settlement patterns and irrigation see Kinda Akihiro, "Shōen sonraku no keikan," in Toda Yoshimi ed., Nihon shi 2, Chūsei 1, (Yuzankaku, 1980). See also Inagaki Yasuhiko, "Chūsei no nōgyō keiei to shūshu keitai," Iwanami kōza, Nihon rekishi 4, Chūsei 2; Sekiguchi Tsuneo, "Chūsei zenki no minshu to sonraku," in Iwanami kōza, Nihon rekishi 5, Chūsei 1; Nagahara Keiji, Nihon chūsei shakai kōzō no kenkyū, (Iwanami, 1973) and Toda Yoshimi, Nihon ryōshusei seicisushi no kenkyū, (Iwanami, 1967).

2. "Chūsei no nōgyō keiei," pp.169-170

of land in central Japan by the twelfth and thirteenth centuries. Private rights in land (shiryō) appear in documents recording the sale of land in the second half of the tenth century. These resulted from private land reclamation, and their holders were free to sell their rights to cultivation. Taxes were shifted from people to land.[3] New forms of land organization were formed to counteract the loss of tax paying land resulting from both abandonment of land by peasants and the removal of land from tax registers by the growth of shōen. The state reorganized the administration of the kokugaryō (public or state administered land) by creating beisumyō. Larger units which included dry fields, house and mountain land called ho were created specifically to reclaim land, and both the state and shōen proprietary lords sponsored large scale reclamation projects, the largest of which involved 15,000 men and several hundred cho. [4] These efforts marked the beginning of territorially defined domains based on either shōen or go.

In addition to large scale reclamation projects sponsored by the state or large temples and shrines, local notables (zaicho kanjin), warriors and wealthy farmers (konpon jūnin) carried on many small to medium scale projects. The late eleventh century witnessed the transformation of local officials (gunji, goji) from private developers (shiryōshu) dwelling outside the areas they were reclaiming and administering into local lords (zaichi ryōshu) residing next to their reclaimed lands, a development which was to have a major impact on rural society. These local warriors appeared in the second half of the eleventh century (the insei period), and by the twelfth century most of the land developers (kaihatsu ryōshu) were bushi.[5] After developing fields which became known as katoda (or mondan) with labor recruited either locally or from other areas, they tried to assert control over the local peasants by buying their land, absorbing them into their own enterprises as personal dependents or monopolizing control of irrigation water, rice seed beds and common land.[6] They accumulated labor, farm tools, domesticated animals and rice seeds. By using their stable land as a base for expansion, they were gradually able to bring

3. Koyama, p.135

4. Oyama Kyōhei, "Chūsei ni okeru kangai to kaihatsu no rōdō hensei" in idem., Nihon chūsei nōson no kenkyū, (Iwanami, 1978), p.225; Inagaki, "Chūsei no nōgyō keiei." Oyama in particular has an argumentative tone because he is trying to prove false Hōgetsu Keigo's assertion that medieval Japan was characterized by only small scale development, see Hōgetsu Keigo, Chūsei kangaishi no kenkyū.

5. Nagahara Keiji, Shōen, (Hyōronsha, 1981) pp. 76-78.

6. See Miura Keiichi for an excellent article, "Chusei ni okeru nogyo gijutsu no kaikyuteki seikaku - 'kadota naeshiro' o sozai ni tsuite," ch 2 in idem., Chūsei minshū seikatsushi no kenkyū, (Shimonkaku, 1981). See also Nagahara Keiji, Shōen, ch. 2; Kawane Yoshiyasu, "Inseiki ni okeru ho seiritsu no futatsu keitai," ch. 2 in idem., Chūsei hōkensei seiritsu shi ron (Tokyo, 1971); Oyama Kyohei, ch. 7, Nihon chūsei nōson no kenkyū.

episodically cultivated land into full cultivation.[7]

While changes in labor organization and the development of irrigation probably were most important, a few other changes increased the stability of rice agriculture. Shimabata, or the dividing of fields into paddy and dry fields by lowering the paddy and using the soil to create an adjacent dry field, helped to solve problems associated with low damp fields. Cultivating varieties of rice that ripened at different times offered some protection against the vagaries of nature, such as a late wet spring or an early frost.[8]

The gradual stabilization of land and peasant population facilitated both expansion and intensification of land use. Cultivated land expanded from 946,000 in mid-Kamakura [9] to 1,506,700 cho in the late fifteenth century and 2,960,000 by 1716-36.[10] New fields were developed, and dry fields were converted into paddy. Enryakuji's estate in Ōmi Tokuchinno illustrates all of these trends. Developed from pasture in the late Heian - early Kamakura era, half of the estate was irrigated by a major irrigation dike known as Takayu. The villages in the other half were either based on only dry fields and had a mixture of paddy and dry fields. Imabori, the best documented of the latter, converted dry fields into paddy during the fourteenth, fifteenth and sixteenth centuries by digging small scale ditches and reservoirs.[11]

Another manifestation of the intensification of land use was the appearance of double cropping in the

7. Toda, "Chūsei shoki nōgyō," p.184.

8. By the late medieval period, early, middle and late varieties were routinely farmed in most of central and western Japan. See Ōshima jinja-Okutsujima jinja monjo, compiled by Shiga daigaku Keizaigakubu shiryōkan, Kenkyū kiyō 1-9, hereafter OJOJM, document 64, Qan 1 [1368]/11 and Chūsei seiji shakai shisō 2 ed. by Ishii Susumu et al., (Iwanami, 1981), hereafter CSSS, document 38, Eishō 5 (1508)/12/24, "Kii Kokawa dera Higashi mura? jige okite."

9. Toda citing the Shūgai shō, "Chūsei shoki nōgyō," p. 169; Wayne Farris in chapter III, foot 56 of his forthcoming book, Population, Disease and Land in Early Japan, 445-900, (Harvard, 1985) says that while the traditional date for the compilation of the Shūgai shō is 1341, the work reflected conditions of the middle Kamakura era or perhaps even earlier.

10. Inagaki, "Chūsei no nōgyō keiei," p.170.

11. Iriki-in also illustrates the conversion of dry fields into paddy by the late fifteenth century: see Yoshida Toshihiro, "Chūsei sonraku no kōzō to sono henyo Katei - Komura = 'sangengata sonraku' ron no rekishi chirigakuteki sankencho," Shirin, 1983, 66,3.

twelfth century.[12]. Kawane argues that double cropping initially arose on good paddy out of communal patterns of land use and that the technology for draining damp fields was developed after the development of double cropping. Prior to the growth of double cropping, signs (*shime*) were posted to mark paddy under cultivation, while fallow or harvested paddy was open to anyone. Small peasants who did not have enough land to farm could, because of these communal practices, plant a second crop on land which they did not farm as paddy. The first record of double cropping reflects a dispute arising from such a case. A small peasant's right to plant wheat in the fall was challenged by someone who had recently bought cultivation rights.

The changes in use associated with double cropping thus led to changes in the conception of land ownership, as cultivation rights were extended over longer periods of time. While it limited the off-season use of land by small peasants, the other side of the diffusion of double cropping was that it strengthened the claims of small peasants to *isshikiden* which had formerly been assigned at the discretion of the shōen lord. Double cropping by increasing the productivity of land enhanced the viability of small holdings because tax rates had been fixed when *myōden* and *isshikiden* were organized in the early Kamakura period.[13] The increased labor requirements of intensive cultivation made small holdings more practical than large holdings as units of management, and the personal dependents (*genin*) of both

12. Double cropping spread throughout central and western Japan by the mid-thirteenth century. Double cropping did not spread to the Kanto until the fifteenth century. See Kawane Yoshiyasu, "Nimōsaku no Kigen ni tsuite," in *Chūsei hōkensei seicitsu*.

13. *Myōden* or name fields were farmed in part by *myōshu* and their personal dependents and in part by small cultivators; taxes were levied on both land in the form of *nengu* and on people in the form of labor corvée. *Isshikiden*, by contrast, was directly managed by the shōen proprietary lord and paid only one form of tax (hence its name). *Myōshu* had had more stable rights to their land than did the small cultivators in part because *myō* were initially organized around land privately developed by the *myōshu* and held as *shiryō*. Japanese scholars disagree over the nature of the *myō*; some argue that *myō* were solely tax collecting units, while others argue that they were farming, managerial units. There is general agreement that *myōshu* served as low level shōen officials in addition to being farmers, and *myōshu shiki* were the source of disputes among shōen residents.

14. The *jito* of Tara no shō in Wakasa, for example, shifted from farming his land with labor levies on the entire population and *genin* to allotting fields to five peasants (*atesaku*) in the early thirteenth century. Sekiguchi argues that the Kinai had shifted to *atesaku* by the Kamakura period and that western Japan and Kyushu shifted by mid-Kamakura: "Chūsei zenki no minshū," pp.131-135. In Yugenoshima we can see a *jitō* trying to farm land with labor levies around 1300. See Yugenoshima documents in *Nihon engyōshi taikai*, *Shiryōhen*, *Kodai-chūsei* 1, ed. Nihon engyō taikai henshū iinkai, (Tokyo, 1975), hereafter YM, document 132, Einin 4 [1296]/5/18.

myōshu and zaichi ryōshu became independent cultivators in the Kamakura period.[14] Both small cultivators and genin turned cultivators were able to afford small tools and farm animals.

As small cultivators became independent of their former myōshu, village settlement patterns changed. While Nara and Heian Japan had been characterized by isolated farmhouses and small scale scattered clusters around a myōshu or jitō yashiki, in the late Heian and Kamakura periods, concentrated, compact settlements developed as agglomerated villages. This began as early as the twelfth century in Yamato and spread throughout central Japan by the fourteenth and fifteenth centuries. [15]

At the same time, then, that stabilization, expansion and intensification of land use increased the importance of irrigation and common land, the breakdown of large farming units and the increased economic self-sufficiency of small cultivators shifted the organizing focus for the rural residents.[16] Villages emerged around patterns of land and water use, and as patterns of use developed, they became units of management. This did not necessarily involve the denial of the authority of the proprietary lord; indeed, as I will argue later, the authority of the proprietary lord was more reflected in the right to levy fees and to adjudicate disputes than in actual day-to-day administration which was carried out by local shōen officials and village elders. By late medieval Japan single villages became the units of administration, rather than the myōshu from several villages. Even in cases where several villages shared common land or an irrigation system, they participated as villages, not as individuals or members of an estate.

The period from the eleventh to sixteenth centuries, then, witnessed several changes in land use and labor organization. These changes did not

15. see Kinda, "Shōen sonraku," for a brief summary; for greater detail see idem., "Nara Heian ki no sonraku keitai ni tsuite," *Shinjin* 54 (1971). See also Inagaki Yasuhiko, "Ikeda no shō," in Inagaki ed., *Shōen no sekai*.

16. Japanese scholars disagree over the nature of the early medieval village community. While Nagahara argues that the myō farming units formed the community because they were the units of land and water use and that there was no community, no ties binding myōshu together, Kuroda, Toda and Ōyama argue that the myōshu joined together to form "first stage village communities" as units of political action in struggles with shōen proprietary lords or local warriors. They argue that in contrast to the village communities of the late medieval period, early medieval villages were unions of myōshu which excluded small cultivators and were not based on patterns of land and water use. While Nagahara's thesis was accepted for remote regions and Kuroda and Toda's thesis for central Japan, a recent article by Yoshida Toshihiro, "Chūsei sonraku no kōzō to sono henyo katei," (1983) has challenged Nagahara using data from an intensive examination of the location of all farm land in one village in Iriki (Satsuma), the case cited by Nagahara in developing his thesis. See Nagahara, *Nihon chūsei shakai kōzō*, ch. 6,7 and 9, Ōyama, *Nihon chūsei nōson*, ch.7 and Kuroda Toshio, *Nihon chūsei hōken seimon*, (Tokyo, 1974), ch. 3,4 and 5.

occur without conflict; in fact, most of our information on the use and regulation of common land comes from those conflicts. This is, however, a limit on the following examination of common land that we will need to keep in mind.

Common Land

Common land as defined in the ritsuryō code included mountains, rivers, underbrush and swamp; it stood in contrast to the state owned and taxed paddy and the untaxed but documented dry fields, houses, irrigation facilities and newly developed paddy (konden). Vaguely defined with unmarked boundaries and undocumented, it was undeveloped land open "alike to private and public use."

While farming practices are largely undocumented for ancient and early medieval Japan, we can make some surmises about the use of common land.[17] When temples and shrines tried to assert proprietary control over mountains, they frequently confiscated axes, hatchets, sickles, horses and cows, suggesting that mountain land provided green fertilizer, ashes, firewood, building materials, pasture for animals, wild fruits and vegetables. This is supported by the records of land used for grass cutting or tree cutting in the medieval period.[18]

Mountain land seems to have been used for slash and burn agriculture from the Yayoi period, and it continued to be an important part of the agricultural base in the medieval period. After clearing the trees with an axe, cultivators set fire to the brush, producing ashes for fertilizer. The land was then used to grow beans, wheat and barley. Sometimes it became a stable dry field (changing from a yakibata into a hatake), and sometimes it was abandoned as its productivity

17. Undeveloped land became common land, but I do not know when patterns of communal use arose, when they became regular and entailed a sense of proprietorship. Many of the notions we associate with common land such as regular and limited use by specific villages can be documented in the late Heian period for central Japan. In this sense common land arose in opposition to the assertion of private proprietorship. Yet it also resulted from increasing intensification of land use and the disappearance of a an abundance of wild, undeveloped land.

18. For example, a village in Omi, Imabori, held grass cutting land in three areas, Gamōno, Okino and Haseno, and had rights to cut trees on Nunobikiyama and Fujikiryama. It also held some forest land within the village as common property.

declined.[19]

The importance of mountain land as a source of fertilizer is suggested as early as the eighth and ninth centuries. The earliest documentation is from the twelfth century: "we cut brushwood and make ashes; by adding this to paddy, we make it fertile. If we did not have this ability, the weak paddy would gradually become waste (be abandoned) and it would be difficult to produce crops." [20] In 1408 Kokawa shō in Kii province forbade the use of ash fertilizer made within the shoen in other places because if ash from Kokawa was used elsewhere, "the paddy and dry fields within the shōen will become extremely tired and we will be unable to cultivate them." [21]

Not only did undeveloped land provide game, fruits and vegetables as dietary supplements in ordinary years, but it also played a vital role as a source of food during times of famine. The farmers (byakushō) from Tara no sho complained in 1335 that as a result of a poor harvest the previous year, they were forced to eat the roots of bracken and arrowroot to stay alive. [22] One mountain on Okujima was designated as a source of food in times of famine. [23] Even privately held mountain land was open to general use in times of famine according to common law.

In times of political turmoil mountain land provided a place of refuge for peasants who had fled, abandoning their fields and homes. They fled as individuals and in groups; they used it as an escape and as a tool in disputes

19. See DOJJM 93,114,126,140,165; SM 185 and 190. SM 74 (1276/12) allowed the Saganoura residents to enter the mountain land of Ōura on the condition that they did not damage crops. See also *Imabori monjo* ed. by Nakamura Ken, hereafter IM, 284, a record calculating taxes on dry fields (Sanyo jo dankan). Dry fields are divided into vegetable fields (nabata), regular dry fields and rough fields (nobata), that is, those recently changed from waste or forest into dry fields. Undated but probably written shortly after Taiko Kenchi. Other fields can be traced through land sale records as they changed from swidden agriculture to dry field to paddy. See Nakamura Ken, "Chūsei goki ni okeru Ōmi Tokuchinho Imabori go no nōgyō," *Nōgyō keizai kenkyū*, 44,4 (1977). Yoshida in his examination of Iriki found that swidden agriculture was practiced on 82% of the fields in early Meiji and that the practice continued until WWII.

20. "Settsu no kuni Tarumi Higashi Maki Yamada kumon negi shikiji ra moshijo an," an undated document, cited in Toda, "Sanya no kizokuteki ryōyū," p.310.

21. CSSS 14, Kii Kokawa dera jinai koebai okite, Ōei 15 (1408)/3/29.

22. Yamamoto Takashi, "Chūsei no nōmin no seikatsu," in Aoki et al. ed., *Ikki* 4, (Tokyo Daigaku Shuppansha, 1981), p.139.

23. Hatai Hiromu, "Sanya kosui no yōeki to sonraku kyodotai-Okujima ni okeru bungyōteki hino seisan oyobi chuseiteki hatten no tokushitsusei ni tsuite" in *idem.*, *Shugo ryōgoku taisai no kenkyū*, (Yoshikawa Kobunkan, 1975), p. 71.

with proprietary lords and local warriors: the residents of Yugenoshima swore to abandon their myōshu shiki and their homes on the 21st of the third month if their demands for the replacement of a rapacious shoen official were not met.[24] Both forms of flight suggest the availability of resources. Peasants could not depend solely on farming for their livelihood as the discussion of farming technology suggested, and this combined with the contribution of mountain land to peasant livelihood in the form of non-farming occupations to facilitate flight in early medieval Japan.

Important as a source of timber, fuel, food and materials for clothing, mountain land served as a base for occupational specialization. Lumbering, carpentry, charcoal making, incense making, roofing were all based on materials found on mountain land. Salt making, too, was dependent on the wood from mountain forests for fires to boil salt water into salt. Occupational specialization was not limited to mountain land; beaches, fishing grounds in Lake Biwa called eriba and harbors along the Inland Sea also were niches for non-farming occupational specialization and were regarded and used as common property.

As undeveloped land was a valuable resource for both farming and specialized occupations, by the eighth and ninth centuries, there was a significant effort by nobles, temples and shrines to monopolize it as private property.[25] The state allowed exclusive possession for temples and shrines based on spiritual reasons, such as the site of a temple or burial ground, but limited economic rights to specialized functions according to need; for example, a temple was allowed to claim exclusive rights to the timber, but the state tried to protect the farmers' right to gather brush and grasses. Markers establishing boundaries were set up as early as the Nara period, and estates based on pastures, timberland, salt-making beaches and fishing grounds were established which continued through the medieval period. Popular monopoly, too, was allowed in accordance with need, and numerous documents attest to the development of private rights to mountain land.[26]

Not only were estates created based on the ownership of mountain land or

24. Yugenoshima monjo 176 (1314/3). See 170 (1313/6) and 98 (no year/3/10; probably around 1280) for examples of the flight of individuals. See also Kuroda Hideo, "Chūsei no kaihatsu to shizen," in Aoki et al. ed., Ikki 4, pp. 125-130.

25. The following discussion relies heavily on Toda, "Sanya on Kizokuteki ryōyū to chūsei shoki on sonraku," in Nihon ryōshusei seipitsushi.

26. I am following Toda's analysis of minyōchi rather than Kuroda's. Regardless, both peasants and nobles claimed mountain land as private property. Toda p.288 cites as the earliest example the sale of 60 cho of mountain land, 57 cho of pasture and 3 cho of dry fields for 1 kanmon in 824. See also the Okujima monjo for village documents recording the sale of mountain land held as private property for generations: doc 45 (1357/1/28), 74 (1372/12), 113 (1416/2/25), 117 (1425/2/27).

salt beaches, but the eleventh and twelfth centuries also witnessed the creation of territorially defined estates based on paddy. Unlike earlier shoen which had been based on strips of paddy rather than a region, possession of unified domains allowed the proprietary lord to assert control over both irrigation and common land, a pattern also followed by local warriors.

As undeveloped land was enclosed, there was a shift from undocumented communal use of undeveloped land to formal regulation of common land. Control of common land founded on claims of ownership took different forms depending in part on the proximity of the proprietary lord. At times proprietary lords invoked rights to exclusive use, for example, to provide lumber for temple building. More often they sought to regulate and thus profit from its use by levying fees. While Toda cites evidence of fees levied on people or on households (*zaika*) in the late Heian period,[27] by the late medieval period these became fees levied on villages which then allocated them. I suspect that difficulties in administration encouraged set fees. Some evidence from Imabori and from an early Tokugawa village suggests that the village may have had a set fee levied on individuals intending to use the land.[28]

Proprietary lords tended in general to rely heavily on communal regulation rather than being directly involved in administration of the use of common land. Administration tended to follow precedent; regulations concerning entrances villages were to use or days the mountain was to be open usually coincided with local practice before the proprietary lord had asserted control.

Evidence of the persistence of communal or local regulation despite higher proprietary claims comes from various sources. In Katsuragawa, a domain in Ōmi held by Myōin, the residents had to seek permission to cut trees from the resident priest and the village elder (*shukunō*).[29] In the case of Tarumi Higashi Maki in Settsu, the local officials invoked the "law of the pasture" as justification for the custom of cutting grasses for green

27. Toda, pp. 313-5.

28. Okujima protested the azukaridokoro levying a fee of 3 kanmon in 1350. OJQJM 35, 1350/10/9. Examples from Suganoura include a receipt for 2 kanmon to the kumon on 1437/4/21 (SM 516) for use of a mountain that it later bought for 19 kan 500 mon and one for 10 kanmon on 1472/122/4 (SM 384). Imabori bought the right to cut trees on Fujikiryama when Fujikiri shrine needed to raise funds for rebuilding and then allowed people who paid the fee (*sakata*) to cut trees, while those who did not pay the fee were forbidden from entering (IM 339, 1454/6). A early Edo period village in Suruga paid an annual fee of 4 to 5 sho to use some grass cutting land. Because this was levied on the users by person and by horse with horses costing twice as much as people, the fee per person varied each year.

29. Toda, "Sanya no kizokuteki ryōyū," pp.302-3.

30. Toda, p. 310.

manure beginning on the third day of the first month.[30] Likewise Enryakuji invoked precedent in trying to settle a dispute between the eight go of Tokuchinbo over Gamōno, a grass cutting area held as common land by the eight go which was also used both to grow crops.

The preceding concerns the grass cutting land in Gamōno. According to precedent the eight go should cut grass together. The crops should likewise be harvested together. If someone within the go should enter calling this nature or if there is a resident who believes in new principles, the punishment will extend to all six degree of relatives. ?

Onin 2/ 1468/8 Gakutōdai (Enryakuji's agent)[31]

Grass cutting customs illustrate the intertwining of communal and proprietary regulation. The opening of the mountain for grass cutting was associated with a mountain festival. Funds for the festival came from tax exempt land given by the proprietary lord.[32] Religious proprietors also established a branch temple or shrine in the village and supported it with grants of shrine land. Toda argues that by supporting communal customs and their own branch temples with grants of land proprietors were able to increase their control over the residents. At the same time, though, these festivals helped form and solidify village communities which regulated participation, fees, duties and so forth and conducted the festivals.

Many disputes over common land reflect a peasant's sense of proprietorship intertwined with that of the proprietary lord. The residents of Yamada shō in Yamashiro invaded a neighboring shoen, Gamō no sho, and destroyed some irrigation facilities because the facilities used water that originated within Yamada no shō's common land. Likewise the residents of Suganoura engaged in a protracted battle with those of Oura concerning jurisdiction over an area known as Hisashi-Morokawa. It was not simply a matter of fees but of domain; the residents of Yamada no shō viewed the actions of Gamō no shō residents as an invasion of their right of primary jurisdiction (shintai shindai), as an usurpation of their right to regulate the use of their common land despite the fact that this water would not have been used otherwise.

My limited evidence suggests that proprietary lords became involved when local custom broke down and that involvement by non-resident warriors, whether small, local warriors or a shugo or the bakufu, followed a parallel course, that is, while regulation was largely governed by local custom, the proprietary lords and bushi adjudicated conflicts. In addition to the 1468

31. IM 32

32. Toda pp. 310-311 cites several examples from Todaiji shōen. Imabori had shrine land which provided 1.2 koku to support the festival of the mountain god on 1/3. IM 523, Ōei 16 (1409)/2/19.

dispute between the eight go of Tokuchinho, there were of disputes in the sixteenth century both between villages within Tokuchinho and between them and other villages. In the 1525 there was a dispute between Tokuchinho and Misono over a grass cutting area called Okino. Both villages began to cut grass on the 25th of the first month but a messenger from the Rokkaku (the shugo) told them to stop on the 27th. Then Shinhyōe set forth from Misono accompanied by people from Nomura to cut grass on 2/2, and the Tokuchinho residents again petitioned the Rokkaku who restrained them on 2/3. After that, Misono sold the right to cut grass to ^{THE VILLAGE OF} Takebe which began to cut grass. Irate, the villagers petitioned Enryakuji saying "when someone has to stop cutting because of the Shugo's judgement and they then sell the field and let someone else cut, it is the same thing as if they are cutting it themselves." [33] Because it involved a village outside of Enryakuji's domain, Enryakuji told the villagers to raise a large sum of money and petition the shugo. [34]

In 1581 there were two disputes relating to Okino, one between one village called Nakano within Tokuchinho and a village outside of the Ho, Numazu, and one between the four lower go within Tokuchinho and Shibahara. [35] These disputes were both settled by Nobunaga's retainers as Enryakuji had been destroyed in 1571; the villages each petitioned the retainer responsible for administering them, who then took the case to a higher level. These solutions then became precedent: the warrior who settled the latter dispute, Fuse Tokuro, set up boundary markers which would be cited as proof of ownership by the lower four go and Shibahara in a dispute with Fusemura in the late seventeenth century.

Proprietary lords, then, tended to rely heavily on communal regulation rather than being directly involved in administration of the use of common land, and to limit their regulation to the levying of fees and adjudication of disputes. As their power waned, central and local warriors took over these roles. Communal regulation was heavily intertwined with religious practices raising the question of who carried it out.

33. IM 250, undated.

34. There are no documents about the resolution of this dispute, but Okino did continue to be common land held by Imabori and the other villages throughout the Tokugawa period.

35. Tokuchinho was composed of four lower go, which were predominantly dry fields when established, and four upper go which were predominantly paddy. The four lower go included seven villages (1. Hebisiso, 2. Imabori and Higashi Kobochizuka, 3. Imazaike and Koima, and 4. Nakano and Kanaya), while the four upper go included six (1. Shibahara (nishi and minami) and Shimofutamata; 2. Ue Omori, 3. Shimo Omori, 4. Shirinashi and Hirao.) (IM 1012, 1704) There were commercial links between the upper and lower go - people from the upper go assisted the merchants of the lower go in their long distance trade - as well as ties relating to irrigation and common land.

Early Medieval Local Administration

Administration of common land in early medieval Japan was probably the province of local shōen officials from geshi and kumon to myōshu. These were local notables who developed the land before commending it and who may have descended from local elders. Their status did not derive solely from their role within the shoen system; they managed relatively large scale farming enterprises with dependent labor and the help of small cultivators. The roles of geshi-kumon-jitō and myōshu were not strictly synonymous. While all were the heads of farming enterprises, myōshu were usually found in opposition to geshi, kumon or jitō because they competed for control of the same resources. Local warriors sought control over common land which they used to dominate the cultivators. Myōshu from several villages often banded together to fight a jito or other local warriors serving as shoen officials. Such disputes over common land provide some insight into local control. I will discuss two examples of myōshu control as seen in disputes with a local warrior, one from an island in the Inland Sea, Yugenoshima, and another from an island in Lake Biwa, Okujima.

Yugenoshima was a small salt producing island in the Inland Sea which became a shoen in the early twelfth century and changed hands several times before being commended to Tōji in 1239. The estate was organized in 1189 into 22 hyakushō myō and one large ryōshu myō farmed by small cultivators.[36] A jitō was appointed sometime after the Jōkyū disturbances in 1221, and the succeeding seventy years were a period of strife between Tōji and the jitō, leading first to a conciliation agreement (wayōjō) in 1259, then to another lawsuit in 1296 and finally to a division of the shōen (shitaji chūbun) in 1313. The jitō's initial efforts in 1311 to divide the shoen piecemeal rather than in territorial chunks provide insights into the structure of land use and organization.

The jitō's plan in 1311 for the division of Yugenoshima shows twenty-two hyakushō myō composed of dry fields, salt fields and mountain

36. See Yugenoshima monjo 17;1189/5 which lists a total of 20.4.20 cho in the hyakushō myō and 13.4 cho in the ryōshu myō for a total of 33.6 cho.

land,[37] , and he claimed a third of each. While his plan for the division of land seems to assert that all mountain land was divided between individuals and thus he could claim a one-third share of Tsunemitsu's mountain, in a petition to the Bakufu in 1296 about the wrongdoings of the jito, Toji had described the mountain forests as distributed to the peasants for salt making.[38] The two arguments together suggest that the forests were under the control of the myōshu; an examination of the allocation of resources supports this.

Although almost all taxes were paid in salt,[39] the resources to produce salt, the salt beaches and forest, were divided by myō. Of the twenty-two hyakusho myō, all except the kumon's had salt beaches, and only one did not have mountain land. The myōshu may have possessed specialized buildings, salt huts, for the storage of salt laden water (*tarejio*) and production of salt, and it is unlikely that the salt cauldrons were individually held. Other cultivators also possessed salt beaches and mountain land - the jito's division of the land in 1311 listed twenty-nine with salt beaches and eleven with mountain land, two of whom did not have salt beaches.[40] Far more numerous, however, were those cultivators who were not listed with either.

Examination of the labor requirements of salt making provides another insight. Salt was made by the *agehama* method; salt water was thrown over small stones which were raked together when dry, rinsed with more salt water which was then collected, stored as *tarejio* and eventually boiled down to make

37. While fourteen of the twenty-two heads of these myō also farmed some paddy, the combination of salt fields, mountain land and dry fields was the basis for the myo, and the paddy was administered separately. Myō were divided into two sizes, large and small, and salt beaches, tax exempt dry fields and some taxes were allocated accordingly. Large myō held 200 bu of salt beaches, 3.240 tan of *kawashibata*, while small myō had 150 bu of salt fields and 2.240 tan of *kawashibata*. Dues known as the three year gift and those owed for the spring and fall festivals were proportionally larger for large myo than small ones. *Kawashibata* are referred to in the literature as tax-exempt fields, but might be better understood as fields received in exchange for the production of salt and perhaps as recompense for myōshu duties. There are seven minor exceptions to the pattern among the 22 myō. In addition most of the myō held additional dry fields and salt beaches in varying amounts on which they also paid taxes.

38. YM 132; Einin 4 (1296)/5/18, *hyakushōra* in *haibun serare*; see also 137 Einin 4/12/20, *hyakushōra ni atetamae*.

39. Those on dry fields were converted into salt.

40. Toji's division of the land identifies five of these as new myōshu, while the lands of five others were located in the area which became the domain of the jito. Of the sixteen new myō created in 1313, five had mountain land and all had salt beaches.

salt. There were no specialized laborers as there would be in the Edo period; salt making was labor intensive and based on cooperation. It was made during a concentrated period of time during the hot, sunny, summer months;[41] when Toji wanted to know more about the conditions of salt making, the priests questioned the peasants because as "people who work together" (*hōbai hyakushō*), they could explain the local circumstances.[42] In sum the distribution of resources, the allocation of taxes and the labor requirements of salt making combine to suggest that *myōshu* controlled the use of mountain land. Mountain land was no longer unclaimed, undeveloped land.[43] The *jito's* infringement on it, his "selfish cutting of trees," was unspeakable because it would limit the resources available to make salt. Regulation of tree cutting was necessary to maintain long term production.

The conflicts between local *shōen* officials and the cultivators or between the *jitō* and *Tōji* in Yugenoshima were not limited to mountain land but extended to most areas of daily life - who could judge criminal cases and receive the fees, who could use which fishing places, who could appoint *myōshu* - in short who controlled the area and its residents. This type of conflict between local warrior and *myōshu* blossomed after 1221 as both *shōen* lords and local warriors tried to strengthen their control of common land and water.[44] The earliest disputes in Okujima like those in Yugenoshima arose from efforts by *shōen* officials to usurp control of mountain land and fishing areas that the residents viewed as their prerogative, while later disputes show conflict between villages and an expansion of the participants.

Okujima, now a peninsula protruding into the Eastern side of Lake Biwa,

41. The peasants' complaints to *Tōji* listed the lack of stored salt among poor peasants as one reason the demands of the *azukaridokoro* were unfair. This suggests that salt was made shortly before the collection of taxes in the seventh and ninth months (or mid-July to mid-August and mid-September to mid-October). YM 179, *Shōwa* 3 (1314)/12/3. *Tōji's* agent complained on 1305/8/15 that taxes could not be collected in the seventh month because rain until the middle of the sixth month had made it impossible to make salt (YM 145). Evidence that salt taxes were paid in the seventh and ninth months is found in YM 185, *Shōwa* 5 (1316)/i 10/18.

42. YM 179.

43. Ownership seems to have been well defined: the *jitō* specified that he wanted the south or the west side of the mountain held by such and such a peasant. Fourteenth century documents from Okujima specified the boundaries for mountain land.

44. Sekiguchi argues that the majority of Kamakura boundary disputes were caused by an invasion of communal common land and attempts to control its customary use by *shōen* lords and local warriors. "Chūsei zenki no minshū to sonraku," pp.149-152.

was in medieval times an island held by Enryakuji.[45] While the documents for Yugenoshima come from Tōji, those from Okujima were kept by the residents at their local shrine and are particularly useful for examining the structure of the shrine association (*miyaza*)[46] and hence to some extent that of the village. The livelihood of the residents of the Okujima depended on fishing and shipping on Lake Biwa and lumbering from mountain land.

Fishing in Lake Biwa was done by trapping fish in coils or mazes made of mats woven from bamboo or reeds built in areas the fish swam through. These were typically near the shore.[47] One such fishing maze (*eriba*) was shared by twelve people referred to as *eri no shūchū*, each of whom had two mats apiece. Disputes occurred over rights to build fishing mazes. In 1241 the *satanin hyakushō* or estate functionaries from Okujima shō[48] petitioned Enryakuji because a shoen official (*geshi*) was trying to build a new *eri* which would cut off fish from the *eri* of the local people (*domin*) and cause it to decline. They appealed to precedent and asked Enryakuji to prohibit new *eri*. This was, of course, not the only problem the residents of Okujima had with shoen officials. In 1350 they again petitioned Enryakuji protesting the exactions of the *azukaridokoro* who was making them cut trees, transport them to Sakamoto, pull bracken, dig seaweed in the blazing heat, thresh his wheat, thatch his house in Sakamoto and so forth. They also protested his levying a 3 kanmon fee on their right to cut trees.[49] At the same time, though, we can see the growth of problems between the villages, the emergence of villages acting as units in struggles over common land and an expansion of participants.

45. Okujima is also known as Ōshima or Okutsujima; Enryakuji held it as two shōen, Okujima shō and Tsuda shō, the latter of which was composed of three villages, Kita Tsuda, Minami Tsuda and Naka no shō. Both Okujima and Tsuda had been imperial domains, but the relationship seems to have lapsed or been dormant in the medieval period. They were also the domain of a nearby temple, Chōmeiji, from about the eleventh century. Chōmeiji became a subtemple of Enryakuji in the Kamakura period.

46. There were two shrines called Ōshima jinja and Okutsujima jinja, but they were located next to each other, and the shrine associations had merged into one large za by the Kamakura period. See Hagihara Tatsuo, *Chūsei saishi soshiki no kenkyū*, (Yoshikawa Kobunkan, 1962), pp.232-250.

47. Such mazes can still be seen at the northern end of Lake Biwa near Sugaura.

48. It is not clear who these people were although the document implies that they represented the members of the shōen; they were more than likely the *myoshu* from Okujima and Tsuda shō. Hagihara argues that Okujima shō included Tsuda shō by this time.

49. OJOJM 35, Kanō 1/10/9; also 36, 10/10 and Kanō 1/10; the latter is signed by 16 people and begins the Okujima shō hyakushō petition.

Late Medieval Japan - The Emergence of the Village Community

As small cultivators became independent economically due to the intensification of land use, they began to participate in the political life of the village. Villages, rather than being unions of myōshu united against a common foe such as a jitō, became based on patterns of land and water use. Yet how much did management and regulation of common land shift from the hands of the myōshu to the wider village community? I will examine this question by looking at another dispute over fishing mazes in Okujima and regulations concerning slash and burn fields and grass cutting, the two best documented areas of communal land use.

The most obvious change between 1250 and 1300 was a large increase in the number of signatures on documents protesting the activities of jitō or shōen officials. This together with evidence drawn from tax records is used to prove the increasing independence of small cultivators. While fifteen people from Okujima signed an oath in 1262 swearing to ostracize anyone who disobeyed the agreement, in 1298 97 people signed a decision of the murando of Okujima and Tsuda shō.^[50] Based upon an examination of the signatures Hatai argues that the fifteen people who signed the oath in 1262 were the elders from the three villages of Okujima, Kita Tsuda and Naka no shō. The decision in 1298 was signed by 39 people from Kita Tsuda and 58 from Okujima.

While the source of the dispute in 1262 is not clear, the dispute in 1298 arose when the shōen officials and hyakushō from Naka no shō cut and damaged Ōshima shrine's eri. The decision found this behavior treasonous and said that anyone guilty of such behavior was to be expelled from the shoen. They also forbade private (shi) eri according to precedent.

The 1298 dispute is of interest not only because it shows conflict between three villages which had previously cooperated and because of the vast increase in participants, but also because of the prohibition of private eri and the statement of communal principles. The residents of Naka no shō must have been guilty of not only damaging the shrine's eri but of seeking to build a new eri, and ninety-seven people from Okujima and Kita Tsuda banded together to denounce it. The dispute reflects then the emergence of villages based around communal control of Lake Biwa just as in the disputes over grass cutting land between the various go in Tokuchinoh.

There remain, however many unresolved questions. There is evidence of

50. OJOJM 2, Kōchō 2/10/11; see also OJOJM 5, Bunei 7/11/23 for a similar but unsigned oath. For the 1298 dispute, see OJOJM 16, Einin 4/6/6.

other fishing mazes; two documents record the sale of an eri in Hakuchi in Shirabe in 1329 and 1334, while three record the commendation of eri by the Kumondai and geshi in 1355, 1359 and 1369.[51] Were these under the same communal control as Oshima's eri referred to in 1298? How many eri were there? Who held the right to be a member of a fishing group? In 1372 twelve people were listed as holding two mats apiece of Wakamiya's eri. An analysis of the names reveals one village elder (ojina) from Tsuda and Okujima and four others who were identifiable as murando.[52] Was murando status a prerequisite or associated with fishing rights? Was the prohibition against private eri against those held by a single person or against those not associated with a shrine? Oshima's eri was described as providing offerings to the shrine (kuzai no eri; how much of this reflects a financial relationship and how much was it a mask for communal custom. Okujima's fishing regulations reflect, it seems to me, a use of religion to support communal behavior in a way that parallels the use of religion by the shoen lord seen in the discussion of the festival of the mountain god. This may stem from religious beliefs associated with Shinto in which trees, mountains, lakes and so forth had deities.[53] Community and religion reinforced one another in medieval Japan and were intertwined with notions of polity in ways that would change in the early modern era.

Late medieval Japan witnessed the beginnings of a transition from notions of community deriving from religious practice to one based on patterns of land use as well. Okujima, Imabori and Sugaura all develop as self-governing villages in the late medieval period in which there was a strong interrelationship between the body associated with the religious activities of the village and the conduct of other village affairs. Imabori developed as a self-governing village out of regulation of religious festivals. The early regulations of Imabori's shrine association dealt with duties of the leaders of religious festivals, and gradually their scope expanded to cover most of village life. Like many other villages, yoriai or village assemblies were held in the shrine and often coincided with festivals. The village elders played leading roles in the shrine association, occupying the highest seats and assisting the shinto

51. Documents 27,28,43,49,65.

52. The characters for murando are those for village and person, and are variously pronounced as moroto, muroto or murando; Okujima residents pronounced it murando, while Imabori residents pronounced it moroto. All residents were not murando; members of the shrine association were murando. The exclusiveness of the status varied with time and location. Scholars disagree over the number of murando in Okujima: Hatai argues that there were 44 in 1368 while Kuroda and Katsumata argue that there were 156. All use the same document (#64). Interpretation of the 97 people in 1298 as murando obviously depends on one's interpretation of the 1368 document. From my reading of the 1298 document, I think they were.

53. See Langdon Warner's provocative chapter on Shinto in The Enduring Art of Japan.

priest (kannushi)[54] at festivals. Performance of a leading role at festivals was required of all moroto according to their age.[55]

Some of Imabori's earliest documents record tax-exempt land given by Enryakuji to support festivals. The residents of Imabori expanded this land through purchase or commendation so that by 1566 Imabori had over 9 cho of shrine land. This was not an isolated example: Sugaura bought sixteen pieces of land between 1394 and 1540, and Okujima recorded nineteen pieces of shrine land and the income from thirty others on 1469/11/15.[56] Nor was the land limited to dry fields and paddy. Sugaura bought seven pieces of mountain land, including its purchase for 19 Kan 500 mon of a mountain from the Kumon. While paddy and dry fields were used to support festivals, reading sutras and other village activities, the purchase of mountain land provided the village with common land, and in Sugaura's case relieved it of annual dues of 2 kanmon.[57] Imabori held forest land around its shrine and yashiki which it rented to moroto.[58]

Village regulation is documented for two types of common land - mountain fields and grass cutting. Created by burning off land found at the foot of mountains, mountain fields (variously known as *yakibata*, *nobata*, *uchibagi*, *kaerchi*, *kaebata*) were considered to be the domain of the shoen. Mountain land was often privately held by local residents; documents recording the sale or commendation of mountain land consistently refer to it as inherited private property (*sōden shiryō*). Mountain fields, on the other hand, are referred to

54. He should perhaps be considered the senior village elder.

55. This involved considerable expense which was only partially offset by being able to cultivate land set aside to support the particular festival.

56. OJDM 148.

57. Even if a village continued to pay fees to the local warrior, it often managed the land itself, at least in the late medieval period. For example, in the fifteenth and sixteenth centuries, Amayama in Arakawa sho in Kii was the domain of the Oku family, who served as a locally based, lower level shoen official. The mountain was divided in half; the Oku and Minamoto families used the front half as they please while the residents of Arakawa sho paid a fee to use the rear of the mountain. Both the use of the word *sobyakusho* to describe the peasants as a collective unit and the absence of reference to regulation beyond the levying of fees suggests that the peasants themselves regulated its use.

58. While Imabori found it difficult to protect its shrine paddy and dry fields from paying taxes under Hideyoshi, the forest land around the shrine continued to be held as common land until the Meiji period. IM 953, Meiji 11/12.

59. Compare for instance OJDM 45(1357), 74(1372), 113(1416) and 117(1425) with 93(1400), 114(1423), 126(1436) and 140(1554).

as inherited but not as private property.[59] In one case the land was described as the domain of the satanin mandokoro:[60] another said that if there was any negligence concerning the payment of 5 sho to the shrine, the right to cultivate the land was to be confiscated by the elders.

While the focus of the Okujima documents was on the shrine association, one regulation (okite) dealt with mountain fields and linked possession of them to the right to have a house within the shoen.

Decided: A Regulation of Okujima

- What's Zaike?*
1. Those people who evade the group fees (shūyaku) by abandoning their zaike can never enter the group of jigenin. [61]
 2. If someone leaves their zaike, he must also leave his house.
 3. If someone leaves his house, the goods within it go to the sōshō. [62]
 4. The mountain fields of such a person become the domain of the sosho.
 5. It is forbidden to sell mountain fields to [people from] other places. If someone buys or sells them (outside the shōen), they are a thief.

Satanin

Otona

Okujima mandokoro Sadamasa

Meio 1 (1492)/12/4[63]

Judging from the signatures of the 1492 Okujima okite, regulation of mountain fields was in the hands of both local shōen officials and village elders. This is supported by the signature of the mandokoro on two of the documents commending such land to Wakamiya (shrine). Possession, however, was open to everyone who paid their zaike dues.

Imabori and Sugaura both provide supporting evidence. Sugaura listed fourteen people with payments ranging from 5 to 30 mon on one undated document and ten people on another. In Imabori Mata Zaemon paid 50 mon to the Imabori sō to farm a field in Okino on 1556/12/1, and on 1561/12/13 the sō listed a total of

60. Are these shōen officials; I am not sure of the connection between the village and the shōen here. They function as village leaders but they are not otona.

61. Local people? Was it a more inclusive group than murando or were the two equivalent? See the discussion on pp. . People could lose their jigenin status for disobeying village laws amongst other reasons.

62. The group of villagers within the shōen rather than the shōen authorities.

63. OJOJM 165

7 kan 870 mon received from six people, including the kannushi.[64]

Despite the frequent presence of otona, kannushi and other powerful villagers farming slash and burn fields, the evidence seems to suggest that these fields could be made by anyone who was a jigenin and fulfilled the duties associated with that status. Hatai argues that from examining the signatures of the four people who commended mountain land to Wakamiya that powerful villagers controlled (does he mean owned?) the mountain land in Okujima. Yet it could also be that being among the better off members of the community, they were in the best position to commend mountain land. Access to mountain land was necessary to make a slash and burn field, but common land rights as well as ownership of mountain land provided access: in Imabori at least villagers could make swidden fields in Okino and Gamōno, Imabori's common land.

Further evidence on the structure of village society is found in regulations concerning grass cutting. Grass cutting was problematic everywhere, and nearly every village had its own regulations or example of someone who had disobeyed local laws on this issue. For example, in Imabori Matasaburō fled and his house was burned down, while it was only one of the many crimes for which Matajirō was ostracized in Okujima in 1361.[65]

Punishments varied by severity of the crime and status within the village; for instance, in Imabori

...Should someone cut leaves on evergreen trees in the sō's woods, if they are a moroto they will lose their status as a moroto. Those who are not moroto will be banished from the land....

...Concerning the forests of the sō and of private individuals, those who pluck leaves or move dirt will be fined 100 mon. If a sickle is used, the fine will be 200 mon; if a hatchet is used, the fine will be 300 mon; if an axe, the fine will be 500 mon....Those who disobey the preceding regulations, if they are jigenin shall be prohibited from attending the shrine association. Orphans and retired houses will be banished from the area.[66]

These regulations suggest that by 1502 there were two groups of people

64. SM 185 and 190; IM 266 and 239. A more contemporary example was found by Yoshida in pre-World War II Iriki: if residents possessed common land rights (iriai ken), they could pay the buraku 10 sen per 30 tsubo and make a yakibata. See "Chūsei sonraku no kōzō to sono henyo Katei."

65. IM 6, 1581/3/28; OJOJM 54, 1361/7/16.

66. cited from 1489/11/4 (IM 363) and 1502/3/9 (IM 375) respectively. See also 1448/11/14 (369), 1520/12/26 (372) and 1599/5/10 (254). There are also similar promulgations issued in the Tokugawa period.

based on shrine membership: jigenin and orphans and retired houses without a male household head.[67] People were jigenin if they had been born within Imabori or had been adopted by age seven; they became members of the village after going through an eboshi ceremony (coming of age ceremony; it signalled the entrance into adulthood). Jigenin could attend the shrine association if they paid their fees and had not violated a village law.

Imabori seems to have been a relatively open society in which most people were members. Early documents say that all members of the shrine association were to serve as leaders of festivals according to where they sat in the shrine association, even if they had only attended once (1383/1/4;IM 357) and seating was arranged according to age (1403/2;IM 33). There was shrine land to hold the festival leader pay for the expenses associated with the festival. Even low status members (moodo) could attend the shrine association provided that they sat three places lower than their age would have put them (IM 33). Everyone was to pay their dues to the shrine association without fail or they could not enter the shrine association (IM 33). There were large houses and small ones, but in areas such as tax-paying they were to be treated the same - each was to pay his taxes to the anshitsu on 11/4 (IM 363).

An understanding of the village social order is necessary in order to assess the role of the village community in the regulation of common land. Were jigenin and moroto the same? Both were never used in the same document; both could attend the shrine association. In 1489 moroto could rent houses owned by the sō, but non-moroto could not live there (1489/11/14; IM 363). Why did the 1489 proclamation refer to moroto and the 1502 one to jigenin? Did the change in terminology reflect a change in membership over time or a change in the relative economic differences between members? I think the latter, that in the fifteenth century the differences in wealth between villagers were not significant enough to limit people from serving within the shrine association, and so the regulations stressed that everyone should serve in turn. Beginning in the late fifteenth century, however, I think that financial differences became more pronounced and demands on those serving as festival leaders and village elders became more onerous. The village exempted elders from some kuji ^(dues) in 1488 (IM 370) and more later, with the specific intent of preserving them as houses (IM 579, undated). Beginning in 1474 the village used the positions of festival leader to raise money for the village and people had to pay 1 kan 200 mon to 2 kanmon to serve while fees for otona nari and eboshi nari were much less. A number of people were deprived of membership in the shrine association in 1504 for muzyoku (no power) and non-payment (mishin; sums ranged from 38 mon to 1 kanmon); they could be reinstated if they paid the owing fees and presented some sake as an apology (ashiarazake). In 1549, however, the members of the group responsible for the festival on 1/3 who had failed to raise sufficient funds were instead of being deprived of membership in the shrine association as in 1504 were made to sit at the bottom.

67. Retired household heads paid half fees until they were sixty after which they paid none, if they had a child who assumed responsibility for paying the full fee. See IM 247, 1617/12/27 and IM 8, 1592/3/28.

There is evidence of increasing stratification of wealth in the late medieval period as the wealthier farmers accumulated the rights to income from small cultivators (Kajishi tokubun). Imabori was also a more closed society in the Tokugawa period - the position of village elder seems to have been limited to four families. This argument for stratification by wealth is supported by the differences in fees for eboshi and festival leader. By 1600 fees for eboshi were 2 to, while fees for festival leaders (dō no tō, Kechin no tō) were 1 koku (there were ten to in one koku). In 1706 someone paid 1 koku 5 to be leader at the festival on 1/4 and to enter the moroto. These suggest an order increasingly based on wealth rather than age. It is possible that moroto status came to be limited to those who served as leaders of festivals, while all jigenin could participate in the shrine association, and this may explain the change in terminology between 1489 and 1502.

Late medieval villages used their powers of ostracism and exclusion from the shrine association to regulate the use of common land. Most of Imabori's decisions in the fourteenth and fifteenth centuries were decided as a group (shūgi ni yori), and only in the late sixteenth century were decisions handed down by the representatives of the sō (sōbun). Most people were members of the shrine association; violation of communal regulations was punished first by fines and then by ostracism or banishment if unsuccessful. Violation by non-members posed a problem, and the village tried to push them out if they violated village codes.

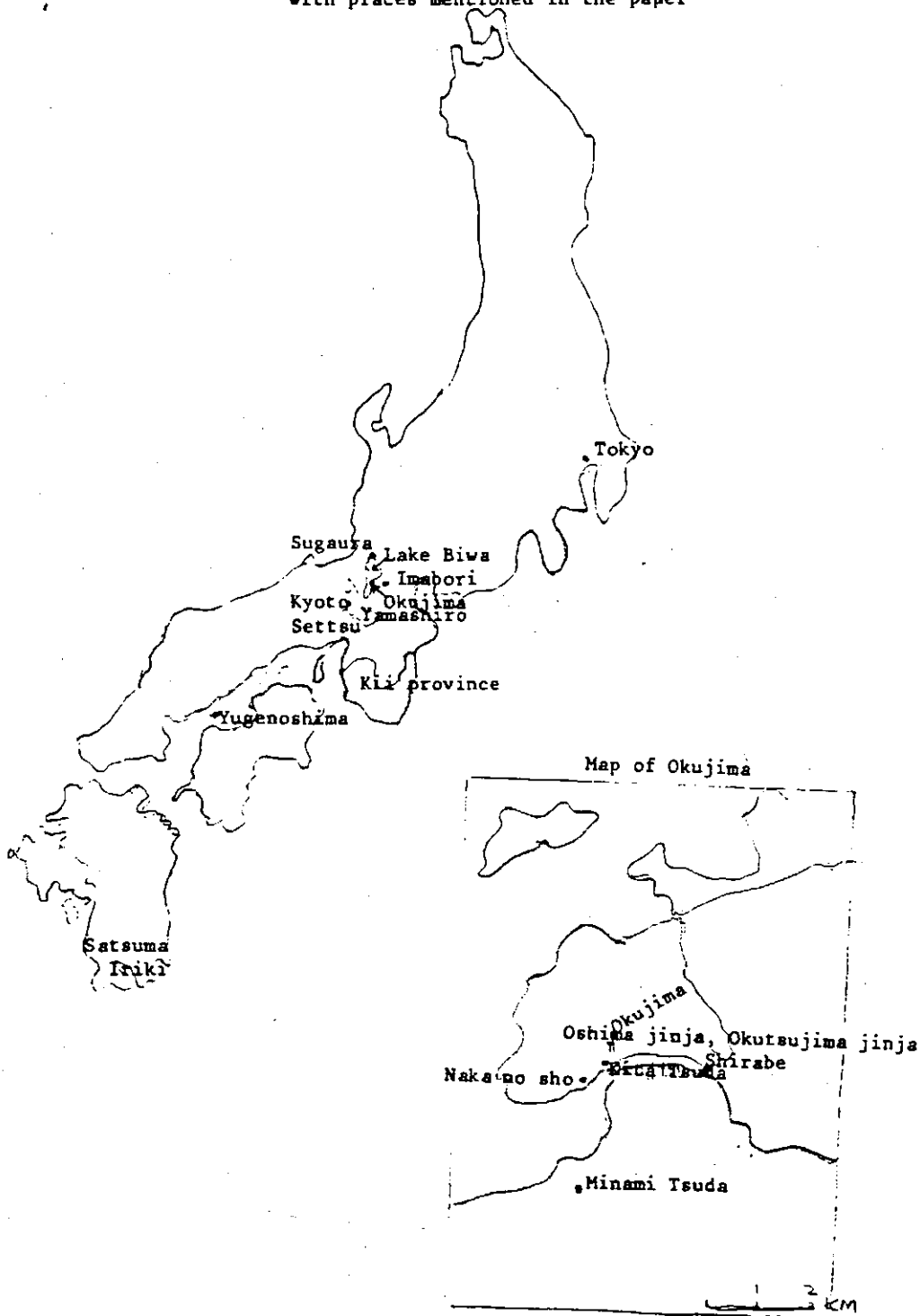
Villages were concerned with preserving the community even at the expense of the individual. Laws were written to prevent cupidity; reading village laws provides a sense of how people tried to take advantage of one another: no one was to go into the fields after dusk or before daybreak. If someone's horses or cows accidentally ate another's crops, the fine was twice what was consumed. People were not to dig away at the soil along the paths at the edges of fields to make their fields larger. Yet repentance probably predominated over ostracism. The village had too much power, as Okujima's limiting of the right to make mountain fields to those who paid their zaiko fees shows. If an Imabori resident lost his right to attend the shrine association, another offense could mean banishment. While we cannot prove a link between village membership and the right to use common land, it seems probable. [68]

This paper has tried to trace a number of themes in the regulation of common land. Because of the association of nature with deities and the importance of religion in a world full of uncertainty, regulation of common land was intertwined with religious practices. Yet these religious rites also served to knit those who practiced them into a community. As small cultivators became independent, villages developed based on patterns of land use, and these small cultivators came to participate in the shrine association. Shrine associations were no longer concerned with only festival organization but expanded their interests to other matters of the community,

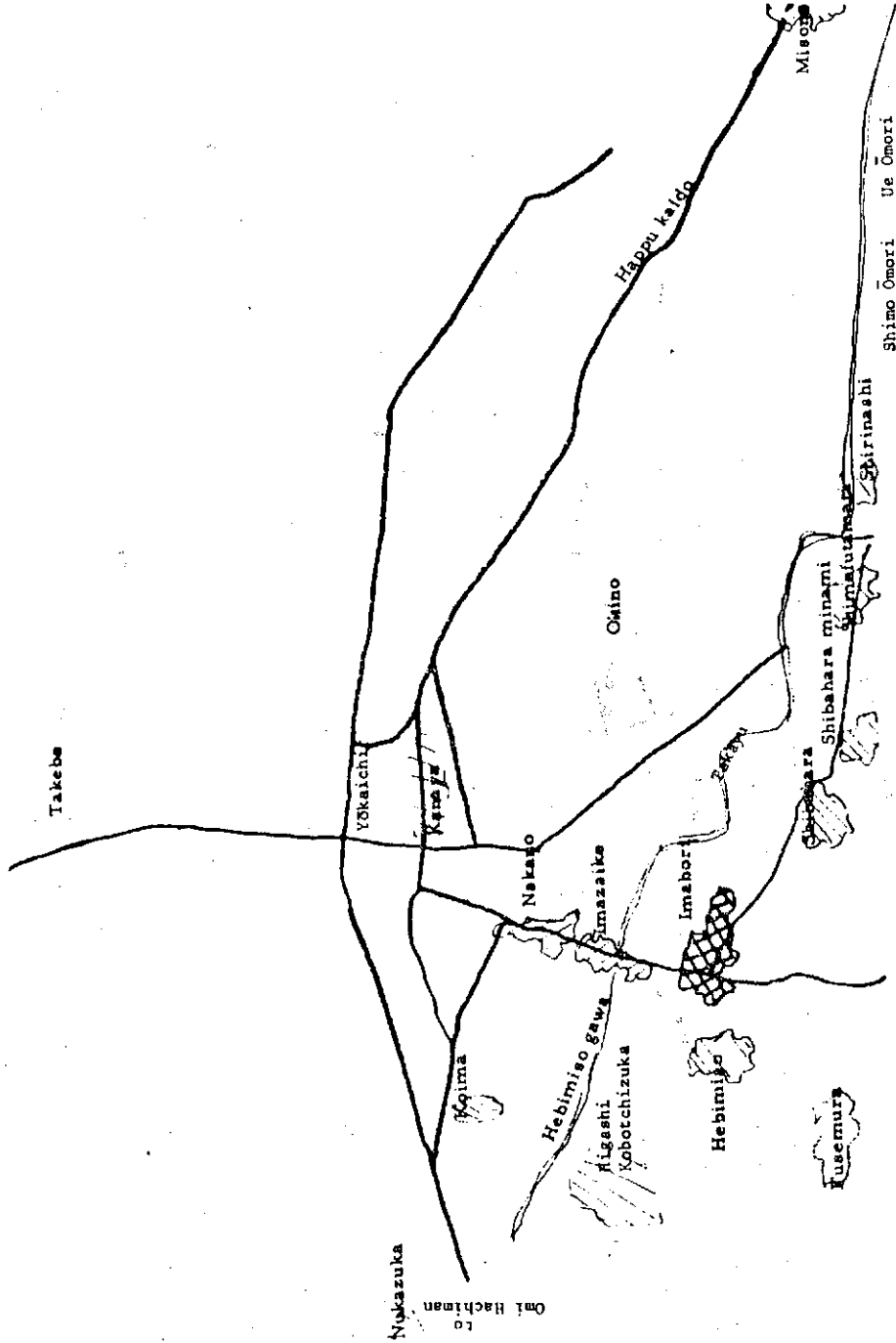
68. Retired houses would have gained their rights through their heirs.

particularly, regulation of common land. Communities took over local regulation not only from jitō and geshi but also from the small group of myoshu who had been dominant in early medieval Japan. By assuming the role of self-regulation, they facilitated the withdrawal of warriors from the land. Patterns of common land use and control found in the Tokugawa period arose in late medieval Japan.

Map of Japan
with places mentioned in the paper



Map of Imabori



Map of Omi

