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Arable Land Redistribution in Early Modern Japan

ARABLE LAND REDISTRIBUTION IN EARLY MODERN JAPAN

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NOTE: This essay is a very preliminary discussion of land redistribution practices in early modern Japan. Not only is it a draft, but most of the traditional scholarly references are missing. For this omission I apologize to my readers.

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During the summer and fall of 1993, all of modern Japan came to feel directly the riskiness of agriculture. The rice harvest was the worst in decades, the price of domestic rice skyrocketed, and Japan was forced to import large quantities of rice from Australia, China, Thailand and the United States. Contemporary rice production in Japan is certainly modern, and many of the developments of recent decades have been introduced to reduce the chance of bad harvests -- disease-resistant seed varieties, heavy fertilizer use, pesticides, and perhaps most important, effective water control. The list of scientific and engineering improvements is long -- yet none of this could compensate for the extended cool period that robbed the fields of the essential weeks of hot weather needed to produce a good crop. If farming today represents a crap shoot, then readers can perhaps extrapolate from that awareness back fifty to one hundred years ago when seed varieties were fewer, water control less developed, insecticides non-existent, and fertilizers were limited largely to that produced locally.

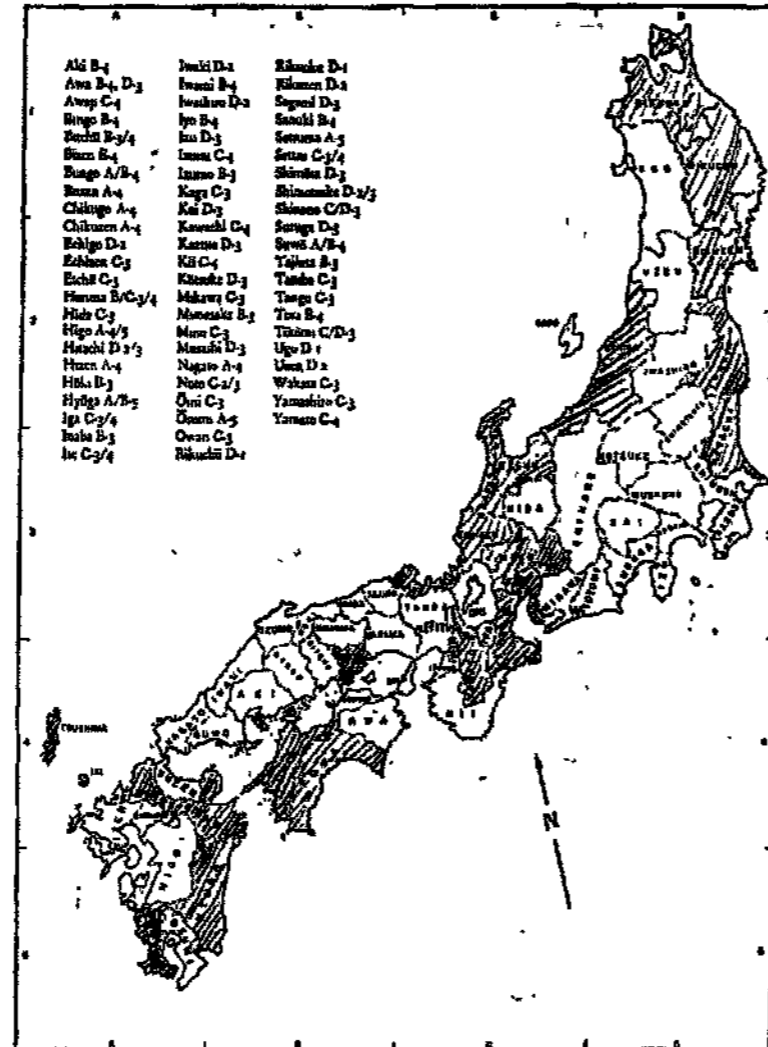
Unstable farming conditions, especially frequent flooding, have been seen as the impetus for Japanese farmers and regional rulers (*daimyo*) to develop an unusual system of land tenures, one that I will refer to simply as *marichi*. In reality, there was not a single system, but myriad systems with many local names and variant practices. Nonetheless, all of these systems shared one core feature and virtually all shared a second. First, the tie between the

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so-called landowner the land he cultivated or managed was universally indirect. As in a modern joint stock company, what was owned was a "share" of village agricultural corporation, not a specific asset. That share gave his family the right to manage a certain amount of land, but, with some exceptions, not the right to farm a given plot until it was sold or bequeathed to someone else. Second, who farmed what piece of land was usually determined by a lottery. Some villages held lotteries on a periodic basis, others waited until a consensus developed -- usually stimulated by loss of a substantial amount of arable land due to flood or landslide -- to reassess village land and to reallocate rights to use it. This latter circumstance has suggested to scholars that the system originated as a means for sharing the costs of natural disasters in those areas that were particularly prone to such events. In addition to the normal risks of agriculture, the farmers in *marichi* areas reaped the consequences of chance in an additional sense -- they could not, by their own purchases and sales, determine for more than brief time which plot of land they would farm.

Just what the full range of consequences of this lottery were is the focus of my current research and I am still exploring many questions. Indeed, at this stage, I have far more questions than I have answers. How did this set of practices originate? What problems did its originators attempt to solve? With what social, natural, political and economic conditions are variations in system operation correlated? What were the economic consequences of these systems? How responsive were they in coping with changing demographic and economic conditions throughout the early modern and even modern eras? Below I sketch some of the characteristics of these systems, and make a preliminary assessment of what factors contributed to the longevity of

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warichi and ameliorated the negative economic consequences of these system that we might expect to find.

Let me begin by clearly stating what two of the consequences were not.

1) The system did not, as the open field system did in Europe, impose a system of fairly uniform cropping patterns. 2) Nor did it generally require that the village be "closed". Shares were rented, sold, bequeathed, etc. to non-villagers in most areas that practiced warichi.

Warichi was practiced widely throughout Japan, but because of the variation in control level (domain or village) and the patterns of document survival, it is impossible to determine precisely the extent of warichi. [MAP] shows the distribution of warichi regions where both domain-imposed and village based warichi can be documented. In some cases we can verify that warichi was practiced in part of a province, but not all of it. Since we can't clearly identify the scope of the practice, this map represents a rough approximation of the distribution of warichi.

Where domains mandated the practice, these areas comprise about one-third the putative value (kokudaka) of arable land during the early modern era. How effective enforcement of town ordinances was is open to some question, but at least in principle, warichi, operated throughout these regions for some or all of the early modern era.

Many regions which at one time witnessed the development of domain regulations for warichi first experienced redistribution at a strictly village level. We may know from references in domain regulations that village-level warichi existed before domain involvement, we may know that in some sense domain regulations were based on earlier practice, but we frequently have no surviving direct evidence of how widespread the practice was. Even where vil-

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lagers practiced warichi without domain encouragement or regulation, the practice was reportedly widespread, but we have a hard time verifying the breadth of its use. In some places, the practice has apparently based singly on oral tradition and therefore its origins and extent of its practice can never be known. The practice continues today in some areas as a largely oral tradition, without public documentation. In other areas, related documents were disposed of when the system was abandoned, most often in the late nineteenth century, but also sometimes during the early modern era as local conditions changed, or under the impact of the post-war land reform.² Given these conditions, I think that it is fair to say that even more land was affected by redistribution than I have suggested above. One-third of putative land value seems to be a conservative estimate.

this picture of varied local control permitted considerable flexibility and adaptability in redistribution systems. We see much variation in the scope to the practice within different villages. Some villages applied redistribution to all of a village (practically speaking); others to only part of a village (paddy, only, dry field only, honden [old fields] only but not reclaimed land, a part of paddy or dry field [often set aside for purposes of social welfare or, in modern times, recreational gardening]). Furthermore, there was substantial variation in the degree to which the systems were specifically aimed at redistributing wealth. Some practices aimed at equal partition of affected land; most, however, were based on purchase of shares and therefore accommodated a high degree of inequality and stratification in landholding rights. While SOME regions excluded non-residents from buying redistribution lands, others permitted outsiders to participate.³

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Most explanations of warichi origins suggest a single purpose, usually that it arose in easily flooded regions in an era of corporate village responsibility of the for payment of land taxes or its utility in cooperative land reclamation. Yet even our brief enumeration of redistribution patterns suggests the potential for a wide range of motives for employing warichi. Several historical considerations suggest a complicated and probably complex set of stimuli.

During the mid-1870s, the new central government under the Emperor Meiji introduced a new system of land taxation and ownership that, in principle, outlawed this system of corporate land tenures. Ownership of all farmland was privatized and certificates of ownership were distributed to those the state deemed to be the owners.* Yet many areas that had relied on warichi heretofore continued to do so, some up through the land reform laws of the U.S. Occupation in the late 1940s, when, once again the practice was made illegal in principle. But once more, a number of villages chose to ignore the laws of the state or to manipulate them in such a way as to defeat their purpose and in scattered areas warichi is practiced even today.⁹

This persistence alone suggests the inadequacy of any explanation for the origin and maintenance of warichi practices that relies solely on environmental factors, and that impression is reinforced by the fact that flooding and landslides were common in many parts of Japan that did not rely on warichi -- even in the heyday of the practice, ca. 1600 - 1870. The resolution of this particular mystery is not close at hand, but as a beginning hypothesis I suggest we abandon efforts to find a single impetus and recognize that there were likely several stimuli, operating individually or in combination, that spurred the development of warichi. Although providing a form of insurance

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against the catastrophic impact of natural disasters or the desire to spread the risks of local métro-climates and soil variation may have provided a motive for warichi. that alone or in combination with corporate village responsibility for payment of major taxes (the standard practice in rural areas of seventeenth century Japan) is insufficient to explain warichi origins. Even if these conditions were sufficient to explain the origins, they are inadequate to explain maintenance of these practices in the modern era. Some set of special social or economic factors was also critical in the decision to begin and maintain this of complex system of land real location.

At this stage in my work I can do no more than suggest the human factors which underlay warichi. One appears to be the poor development of a day labor market. Areas in the most commercialized areas of Japan generally (though not exclusively) did not practice warichi [MAP]. Bio (modern Tokyo), Osaka-Kyoto and the nearby Inland Sea coast, and the Tokaido, the overland route between Osaka and Edo, did not witness much redistribution activity.

In two other regions where flooding, landslides, or other natural calamities destroyed irrigation and water control facilities and inundated fields, labor demands may have outstripped the ability of an available temporary labor pool to repair facilities and clear fields of debris. The areas of southeastern Kyushu, Shikoku and the Hokuriku suffer from two different kinds of natural threat. In eastern Kyushu and Shikoku, the threat was from typhoons; in the Hokuriku, from heavy winter snows and icing. (The southwestern side of Honshu and northwestern part of Kyushu generally did not bear the brunt of typhoons; the northeastern part of Japan, while experiencing same redistribution, was also an area of relatively light snowfall.)

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In these regions, where typhoons suddenly caused extensive or there was only a short interval between the end of winter and seeding in which to repair fields and water control facilities, local labor demands may have peaked well above the ability of any proximate day labor market to supply the necessary labor, under a tax system which forced villagers to assume the tax obligations of those who could not pay their share of taxes, all villagers had some interest in helping neighbors restore water control facilities and land to maximum potential operation even if the fields they themselves cultivated were not affected directly by the damage. Yet in areas of frequent heavy damage, such interest might have been insufficient to assure the cooperation of all. Implementation of warichi distributed each family's holdings throughout all sections of a village. Each shareholder had land use rights in all risk categories of land, the easily flooded, poorly drained, poorly irrigated, etc. This approach not only distribute!! risks, it specifically insured that all were dependent on maintenance of fields and water works and all shared not only the interest of avoiding paying extra taxes if a neighbor could not pay his, but also the interest that came from direct participation in the benefits of each irrigation, stream, dike, or reservoir,

ft second factor seems to have been the lack of a single individual capable of commending sufficient labor to develop certain land reclamation projects. Warichi provided a system for proportionally sharing the benefits of new farmland created by their labor. In accord with their contributions, all participants were assured that they would share in access to land of all qualities without discrimination. Each family's land use rights would provide access to the same ratio of superior, good and poor quality land as a reward for investing labor in the project.

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A third element involved placing part of a village's land under warichi as a form of "social security". For example, in the Baza ("residential commune", for lack of a better term) of Seiriki (Kumayama, Okayama Prefecture), warichi was employed during the nineteenth and twentieth centuries in the Shimizu section to provide land for newly-formed branch households (bunke) as well as main households (honke) and originally applied to dry field only to assure that all had vegetables to eat (Kumayama). In the Yabushima section of the Abusaka area of Tokamachi (Niigata Prefecture), warichi was used during the same period (and even today) to provide access to rice land, with priority given to those who had no other paddy or land. In Kudakajima, Okinawa, access to land (all dry field) was provided by a form of warichi to provide basic sustenance for women and children while the men sailed off to engage in trade, fishing and piracy. In this latter case in particular there was no association whatsoever between frequent flooding and the presence of warichi.

Although warichi was a widespread phenomenon, the decision to implement warichi was never taken at a national level, but de facto was taken at a local or regional (daimyo domain) level. Consequently, the interests involved must include those of domain lords as well as the villagers on whom our discussion so far has focussed. In many instances the involvement of the domain lords after villagers had independently developed local systems. In these cases, the role of domain policy was usually to standardize some key aspects of the process and to extend the system to all villages in the domain. Kaga domain in western central Japan represents one example of this type of domain involvement.⁷ Until the early nineteenth century the domain only licensed those who measured land for redistribution and required unanimity before implementing warichi: thereafter, it attempted to enforce a twenty year maxi-

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imum interval between redistributions- Less typical were domains like Tosa and Satsuma which attempted a top - down implementation of warichi - type systems. Such domain interest seems to have focussed on two issues: retaining adequate labor in villages to farm and take care of domain public works projects, and assuring that village tax payments were paid as regularly and fully as possible.

Finally, respondents in interviews, when asked why the tradition continued so long in their villages, replied that their area was made up of people who generally got along better than folks in nearby villages. While this is something of a stock reply in "in-group" conscious Japan, I think that in reality there may just be an important element of truth here. That is not to deny the possible role of effective persuasion, including sane threats, but ultimately, even when there was the potential to martial outside support for non-participation, people acceded to the old ways. There are other indications of tension with villages practicing warichi, but if we conceive of harmony as agreement on the rules by which disputes are resolved, a George Simmel perspective on social conflict, then these villages managed to find ways to resolve conflicts and patch up rifts while maintaining the system pretty much intact. Within this context, villagers managed to adapt their redistribution practices to a variety of changing circumstances—conversion of dry land to paddy, the implementation of new national tax and land laws, changes in the surrounding social and economic content, and so forth.

Had these circumstances changed, the ends which warichi served were sometimes dramatically altered. In the Tokamachi case mentioned above, privately owned land was flooded, and the land was converted to public land when the landholder could not re-cultivate it through his own efforts. Warichi Has

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employed initially as a means to bring together sufficient labor to reclaim the land. With the passage of time this land came to have primarily the social security function mentioned earlier—a function that has continued despite the development of effective water control facilities that have eliminated flooding as a major issue.

The balance of this essay discusses warichi in one region, Echigo (virtually coterminous with modern Niigata Prefecture), an elongated province on the Japan Sea side of northern Japan. Like many examples of land repartition, the origins of the practice in Echigo are not entirely clear. The frequent administrative changes in the late sixteenth and early seventeenth centuries as well as flooding, fires, and American bombing have reduced the number of early documents substantially. Two gazetteers, Echigo fudo k6 and Onko no shiori, suggest that the first repartitions were associated with the 1610 land surveys of the Shibata domain. The authors indicate that the decisions to redistribute were the outcome of village efforts to reduce quarrels that resulted from inequities in the land tax burden following the survey.³ Repartition practices became a widespread, permanent feature throughout many Echigo villages during the early seventeenth century, spreading across domain boundaries, finding a home in such diverse domains as local Tokugawa house lands, the Nagaoka and Mineyama domains, as well as Shibata, for example.

In terms of geographical features, especially the presence or absence of broad, easily-flooded river plains, the region is quite diverse, with the central coastal areas being dominated by the influence of Japan's longest river, the Shinano. The river has its headwaters in far away Nagano prefecture, and it is quite possible for localized storms there to cause flooding in Niigata.

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Consequently, local residents watch not only the weather forecasts for their own area, but also those for the Japan flips. They know too well that (depending on where they live) eight, ten or twelve hours after a storm there, they will witness rising waters or flooding locally. Coastal lagoons are also common, formed by flood deposition. Farmers gradually reclaimed a number of these marshlands over the centuries.

If warichi were limited to the Shinano river basin and coastal lagoons of central Echigo, we could readily conclude that the primary stimulus to redistribute arable lands periodically was to provide insurance against floods. Yet warichi is also commonly found in southern Echigo, where there are no large rivers like the Shinano. In northern Echigo, however, evidence of warichi is quite rare. Unfortunately, I do not yet have any insights into why that might be.

Economically, the Echigo region was primarily agricultural, just like the rest of Japan up to the mid-twentieth century. While the most valuable crop was rice, cultivators produced a variety of other products like soybeans on the margins of farm enterprises. Unlike some areas to the south, double cropping was not possible in most of the province. Nonetheless, the presence of a major gold mine on Sado Island and the movement of daimyo from their local headquarters to the Shogun's capital (Edo, modern Tokyo) biannually assured a good flow of big-spender traffic through central Echigo that lay one of the cornerstones for commercial development in the region. The southern regions faced Osaka and the Kinai region, and trade moved quite freely in that direction, too. With the development of Japan's western coastal route (Naniwa-Miura-Nagasaki), coastal trade opened up with many other regions of Japan. All in all, by the late eighteenth century, commercialization was changing agricul-

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ture and in some cases exerting substantial pressures on traditional agricultural practices. Among those pressures were those of newly wealthy farm families who pushed for a greater voice in village affairs, the growth of absentee landlords who wished to continue to use the practices of their native villages in the areas where they now held land, and the purchase of arable land by prospering merchants who often were unfamiliar with local practices. Whether merchant or absentee landlord, saw factions within the village reseeded their presence, and frictions sometimes turned into long-standing disputes.

Politically, Echigo was highly fragmented after the early seventeenth century. No national taxes were imposed on villages, nor was there any effort to regulate land tenures. During the middle and late sixteenth century, when Japan was wracked by civil wars, all of Echigo and parts of neighboring provinces came under the control of the very powerful Uesugi family. As the century closed, they abandoned their aspirations of national political pre-eminence and submitted to the nationally hegemonic Toyotomi Hideyoshi. However, in 1598, he transferred the Uesugi out of Echigo and in their place, enfeoffed Hori Hideharu with the entire province. Yet by 1610, the Hori family, too, was transferred elsewhere by the new Tokugawa Shogunate, and thereafter, Echigo was divided among a number of different lords, some small or medium sized daimyo, others hatamoto retainers of the Shogun. The Tokugawa shogunate directly administered still other lands. Even these political units were subject to frequent changes. Domain sizes increased or decreased, over-lords were transferred, and parts of one domain were entrusted to the governance of a neighboring lord although the initial lord still remained the nominal ruler. (By comparison with other areas of Japan, this administrative

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instability was not particularly unusual; it represents a common, if not "average" experience in domain administration.)

There is no need to sketch changes in local rulership in any detail; for our purposes it is enough to note that these changes made it very difficult for any consistent land tenure system to be created "from above". (To date, I have seen no evidence that such an attempt was made in Echigo.)¹⁰ In consequence, the primary initiative for determining the nature of land tenures in the Echigo area lay at the village level.

Supra-village authorities became involved in shaping land tenure systems in Echigo only indirectly, in a case-by-case treatment of appeals from villagers who could not resolve disputes about redistribution among themselves. On these occasions, supra-village authorities were first contacted to investigate and act as mediators. This process might be repeated several times before there was a satisfactory resolution, or the dispute moved into more formal legal channels. During the mediation and adjudication process supra-village officials could push the operation of redistribution in one direction or another, but their decision or the resulting compromise affected that one village only."

Under the circumstances, village-level decisions were the most significant in determining land tenure regimes. While supra-village authorities did not try to manage or destroy the warichi system, neither did they take actions to promote its spread or were frequent implementation. In contrast to Elinor Ostrom's argument that higher-level administrators must provide a "constitutional" framework which protects local regulation of common pool resources, what we seem to have here is a de facto recognition of warichi, a kind of neglect, though not always "benign".

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Yet external administrative practices may have had an indirect impact on tenures through an entirely different mechanism, the land tax system. Warichi was conducted with substantial *frequency* in the Echigo region. One possible reason for this lay not only in the susceptibility to flooding, landslides, and so forth, but also in the apparent lack of flexibility of administrative practice in adjusting land taxes to new conditions of agriculture. When there was a poor harvest, taxes would, in principle, be lowered. In those sections of Echigo controlled by the Shogun, taxes would be lowered only if yields fell 30% below normal. In neighboring Kaga domain, yields 20% below normal received special consideration. Thus many Echigo farmers were forced to shoulder a greater share of crop risk than in some other regions. In addition, since both land taxes and relief measures for crop failures were distributed based on local records of land management, that is, documents closely associated with the redistribution process, villagers had a substantial incentive to keep them up to date and to be sure that frequent adjustments were made as the condition, of the land changed.

Despite the widespread presence in diverse geographic and economic settings in Echigo, there is surprisingly little in the way of direct description of the rules for conducting a redistribution. For the most part the practices were transmitted orally, rather than in writing. Consequently, the underlying principles, limitations, and scope often must be inferred from redistribution "notebooks" that leave much unsaid. This is not simply an issue for scholars: it is clear from dispute settlement cases that the lack of documentation was sometimes the source of disputes among villagers, too. This was troublesome for supra-village authorities as well, for district and domain *officials* often

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had to contend with competing verbal assertions that they could not verify in any way. In general outline, the system functioned as follows.

The unit of repartition usually was the village, although in some instances it was applied only to jointly reclaimed farmland or some section of a village where land had changed substantially? OK where there had been a dispute over the equity of the previous reallocation. As already noted, this did not mean that participants were residents of the village.¹²

Land subject to redistribution was surveyed, graded, and divided into units of uniform productive value,¹¹ Each was given an identifying label—a local section name, a number—that was written on paper or a stick of bamboo that would be used in the blind draw for land. This evaluation process made it possible to account for changes in the amount of arable land and in soil fertility that had occurred since the last repartition.

Villagers, too, had to be organized. All participants were assembled into lottery groups (*kuii kumi*). When the actual allocation of cultivation fights began, a representative from the group (*kuii oya*) would draw lots on behalf of the group members. Each lottery group received rights to the same amount of land, Each shareholder, however, did not; he maintained the same proportion of the village rights after redistribution as he had before it. Since this right to manage land represented a proportion of the total rather than a fixed area of land, families were said to hold "one *kermae*" or "a half *kermae*" or some similar expression, the absolute amount of land controlled might increase if there was reclamation or decrease if there was a flood or other natural disaster, but the proportion remained constant.

after all preparations had been made, the group representatives drew lots for fields in each category of land. If the group was comprised of a single

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household, the process was now complete. If several households formed a group, they would hold their own lottery to further subdivide the land into smaller shares and hold another drawing among themselves. If needed, some shares were subdivided into fractional shares. By the final drawing, each household held rights to cultivate lands comprised of the same proportions of superior, average, and poor quality land as any other household.¹⁴ Table 1 presents a hypothetical case which illustrates these processes.

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Table 1
Hypothetical Allocation of Cultivation Rights to 22 Shareholding Families
in 10 Kuji Groups under Echigo Warichi

Family	Share	Kuji Group	Family	Share	Kuji Group
1	1.25	A, B	12	0.50	H
2	1.00	C	13	0.50	I
3	0.50	D	14	0.25	I
4	0.50	D	15	0.25	J
5	0.50	E	16	0.25	J
6	0.50	E	17	0.25	J
7	0.50	F	18	0.25	J
8	0.50	F	19	0.25	J
9	0.50	G	20	0.25	B
10	0.50	G	21	0.25	B
11	0.50	H	22	0.25	B

In this example, only one family would participate in just a single drawing. Family 1 would participate in two first-round drawings (as the sole member of Kuji Group A and as coparticipants in group B with families 20-22). all others (including families 20-22) would participate in a single first-round drawing and a second, intra-group drawing, adapted from Philip C. Brown, Central authority and Local Autonomy in the Formation of Early Modern Japan, p. 104.

Once the land was apportioned among households, they were able to dispose of their cultivation rights as they saw fit. They could buy, sell, rent, bequeath, or inherit these tenurial rights as well as work the land on their own. In effect, these rights were roughly comparable to holding shares of stock in the village.

This brings us to a very interesting point in the discussion of warichi. The general sense among Japan specialists is that there is traditionally a strong sense of attachment felt by Japanese farmers for a given piece of land (aichakushin). If the practice of warichi itself is not sufficient, to raise questions about that shibboleth, then the evidence scattered throughout land certificates and warichi documents (registers or dispute records) provides.

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more: we find a very substantial number of instances where farmers simply swapped the rights to cultivate specific pieces of land. Sometimes they may have swapped land to gain plots closer to home or other fields; in other instances, they may have imagined a more valuable alternative use for the land than the current holder (e.g., planting a cash crop rather than rice or other food crop). In several instances we can document such transfers right after a reallocation had taken place. In other words, the warichi system may have functioned for so long in part because a non-cash aftermarket existed that permitted people to make adjustments while still staying within a framework that fostered equitable access to different grades and types (e.g., dry field/paddy) of land,

There was substantial variation in the period between redistributions. It is tempting to suggest that the more frequent flooding or landslides were in an area, the shorter the interval between redistributions. However, dispute documents make it clear that villagers did not see such a direct relationship. Because implementation of warichi was such a time-consuming practice there were efforts to minimize the frequency of implementation and to use alternative measures (generally lumped together under the general term for mutual assistance, *yonai*). One possibility, yet to be investigated, is that the shorter intervals between redistributions occurred in smaller villages or villages where the man-land ratio was high and where the challenges of valuing and measuring land were less of a burden on the laborers involved. All interim measures to compensate for land lost to cultivation or that suffered reduced productivity due to flood or landslide damage involved either transfer payments within the village, reduction of tax and related burdens or division of donations from the domain rather than redistribution of land.

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How long-standing crops with potential commercial value were treated is of particular interest. If investments in such crops were discouraged by warichi, then the system acted at least in part to discourage the growth of commercialized agriculture and the expansion of a cash economy. For example, crops such as the lacquer tree grew for a number of years before reaching maturity and harvest. Certain varieties could produce sap that would be refined and used to make lacquer ware, other varieties produced wood for construction, kindling, charcoal, etc. Although primarily for local consumption, even these trees had some commercial potential.

The Yoshikawa region which I have studied most intensively, sprouted only one such crop, *urushi*, or lacquer. The variety produced here was that used for construction and other purposes, not for the production of sap. While its commercial value might be considered less than the sap-producing trees, treatment of land producing lacquer trees is suggestive of the degree to which warichi could accommodate commercial crops with relatively long investment horizons. The settlement of a dispute in 1773 reveals the following basic principles for dealing with such crops⁻¹³ 1) Only trees above a certain size were to be included in the redistribution. This assured the original holder that his initial investment of labor would not go to naught because of a redistribution (how long he could continue to use the land on which these trees were planted is unclear). 2) Before land was turned over to the new cultivator, all trees were to be cut by the original cultivator. 3) If there was mutual benefit to not cutting trees, they could remain for an additional year. This judgment was left to the individuals involved. 4) However, if there was not agreement, "when the redistribution period is exceeded, the land

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must be cleared within two months and if there is a dispute, they become the (new) landholder's [unless there is prior mutual agreement]."

Clearly the institutional support for some long-term agricultural investments was present; however, other facets of the settlement clearly restricted cultivation initiatives. Residential lands (yashiki-chi) involved not only the land on which houses were built, but also certain dry field lands. Some enterprising cultivators converted dry field into paddy, and the preceding dispute settlement specifically instructed that these lands be reconverted to dry field. The issue for villagers here was not simply one of keeping a particular category of land sacrosanct. More invariant was the problem raised by the need to supply water for paddy in a region where supplies were limited. Where water supply was uncertain, as was the case in the Yoshikawa area, an upstream resident who took water for his newly converted residential land has usually depriving those downstream of their ration of water. The same issue was involved in privately converting dry field and mountain land to paddy." Such restrictions were frequently in place throughout Japan and are not the specific product of warichi practices. That same conversions of this sort were accommodated is attested to by the presence of paddy in warichi sections that were otherwise dry field. These fields appear to have remained in the dry field allotment because they were generally considered to have the same value as the dry fields they replaced; that is to say, they were considered inferior or at best, average paddy.

In the Yoshikawa area, like many other warichi regions in Echigo, all land was in principle included in the redistribution; nonetheless, certain lands were excludable. We have seen one example above, in the case of lacquer trees smaller than a given size. Residential lands of 35 bu for each parti-

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cipating household were to be excluded. This included the families of dependent cultivators (nago) as well as independent farmers. In measuring this land, the area around the house was measured, excluding paths, up to the main road. This area was then subtracted from 35 bu. If there was extra land, and it was not possible to partition it off to another holder, then that amount of land was subtracted from the registrant's access to superior paddy - a very sharp disincentive to expand one's garden. On the other hand, if there was not enough land contiguous to the house itself, compensating acreage was to be provided from another, superior dry field section of the village and the cultivator was to receive a bonus allotment of 20% of the area of the detached holdings, presumably as compensation for the inconvenience of having to work land a distance from the residence. Village headmen's land and that of district chiefs (akimori) were also partially excludable as remuneration for their office work (these lands were tax exempt). With these limited exceptions, however, all land was subject to redistribution during a general warichi."

Such a comprehensive system of corporate land tenures probably engendered much more conflict within villages than we can ever document. The process of measuring and grading land could take several weeks and, despite the fact that farmers in each village knew the characteristics of the village arable land in great detail, there must certainly have been quibbling over what land to include in which subdivision, how big each was, and whether the division of each section of the village into fields yielded comparable land areas for each share of land. In spite of this potential for conflict, I have yet to discover a single documented case of purely intra-village conflict over warichi procedures or outcomes. Certainly participants had the option of

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appealing an intra-village settlement to district or other officials, but they appear not to have done so. All dispute cases I have found to date involve a primary litigant who is either a non-resident landlord or someone else viewed as an outsider by many villagers.

Why do we have records of intra-village disputes? We can begin with a process of elimination. First, He can rule out communal harmony and lack of contest over warichi within villages, When non-resident shareholders brought lawsuits, they often found allies among the resident shareholders. Clearly, when someone else was prepared to take the lead, fellow travelers were waiting to take advantage of the opportunity,

Why wait for an outside leader? Several social and political factors may have played an important role. First, although old landed wealth had lost much of its grip on smaller shareholders since the early seventeenth century, hierarchical relationships within villages were still quite strong. Even when parvenus had challenged old wealth for a share of political power, that did not necessarily expand the base of political rights substantially nor did it mean that the lesser shareholders gained a base for autonomous political action. Many were still, in some way, beholden to their wealthier counterparts. In a society as stratified as Japan's had been for many centuries, intra-village politicking could involve significant threats to one's livelihood, and these kinds of pressures should not be forgotten as we consider why we lack evidence of intra-village disputes.

Stealth may also have played a role in a very different way as well, at each stage of such an investigation, villagers had to bear the expenses of the investigating officials' visits. Furthermore, in many parts of Echigo, at least after the early eighteenth century, it was common for shareholders to

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provide gifts to district officials (akimpiri. etc.), county officials of the domain (daikan) etc. These gifts, in addition to basic meals and lodging, had to be provided to any official who visited a village and the gifts were quite rigidly scaled to the rank of the official. When villagers requested an inspection to lower taxes due to poor harvests, these gifts had to be made. When officials were called to inspect the village to arbitrate or mediate a dispute, such gifts had to be presented.

Such gifts represented a significant expenditure, and the way of dividing contributions among villagers tended to penalize those who brought the suit or requested an inspection. The largest share was borne by the plaintiff, with the balance borne by the other shareholders, As is true today when justice is most readily available to those who can pay for it, early modern Echigo shareholders had to be able to afford the costs at carrying a dispute outside the village. These costs were substantial; even the division of that financial burden sometimes became a cause for dispute or further complicated an on-going case!

Dispute records that involve non-resident shareholders nonetheless reveal some additional significant characteristics of Echigo warichi. In one instance, it is clear that a single, intermediate-level village official (kumigashira) was able to stop a request for a new redistribution. The village headman (shoya) deferred to his objections. In another instance, the failure of another kumigashira to sign off on a request hindered, but did not stop one Tomizaeimon from pressing on with a direct appeal to a district official (akimoiri). Many would have lacked the chutzpah to carry on with this enterprise." Under the circumstances, we can conclude that in order to press for a warichi (either as an emergency or when one had not been implemented for

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same time), one had to have the unanimous consent of all village officials (almost coterminous with the wealthiest shareholders). In addition, the dispute resolutions I have examined suggest that where a tradition existed, outside authority was prone to support its continuance, even when that involved supporting the claims of non-resident shareholders against a united village officialdom. In such cases, there may even have been a penchant to extend the practice beyond paddy and dry field to marginal lands that in most of Japan would have been treated as common land (iriai.),

What might we learn, from Echigo warichi? Why would a system of corporate landholding and periodic reallocation of access to fields work for so long and in such diverse socio-economic and political environments as seventeenth century agrarian and contemporary industrialized Japan? Why would farmers, engaged in a risky business to begin with, compound their uncertainties by allowing a lottery to determine which fields they tilled?

First, there clearly were mechanisms through which this particular "harvest of chance" could be ameliorated. If parcels allocated for individuals were unsuitable for some reason, they could be exchanged privately.

Second, the system made provision to protect investments with long-term return horizons, including homes and commercial crops. Those constraints on innovative agriculture which were present came from other sources such as irrigation needs in areas where water supplies were limited and had to be rationed, like Yoshikawa.

Third, while it was seldom a major active force in shaping warichi, supra-village society's inertia reinforced the legitimacy of local practice and the influence of village elites who had a preponderant influence on how

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the system operated. It was representative of those elites who acted as leaders of village factions in shaping redistribution patterns. This outside influence was not always benign, but when outside authorities did become involved, it was to adjudicate disputes in the context of local village custom and widespread ideas of equity, not to impose external "foreign" ideas on villagers.

Fourth, the system provided, and in a few cases, still provides, real benefits for participants. Whatever benefits villagers perceived — insurance, welfare, or the like — were significant enough to offset the need occasionally to swallow one's pride and accept compromises that were not always to one's liking. Interviews with recent warichi participants further suggest that commonly people felt that if things worked out poorly for them this time, they would have a good claim for compensatory treatment next time, a claim that was likely to be respected, the survivability — the malleability of objectives evidenced over time, from insurance to welfare and other functions — of warichi in the face of strong competing tenurial options (most especially after the end of the Shogunate when the system had to be maintained in the face of a new and inimical national land tax regime) strongly reinforces our sense that there was real value provided.¹¹

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Notes

1. The use of irrigation and the scheduled release of water to different sections of the village at different times, did, however, impose same constraints on what could be planted where and when. Even these constraints, however, were not absolute. Cooperative segments of rice cropping (in particular, transplanting and harvesting) and the labor obligations of subordinate to superordinate farmers which were associated with them, also imposed some constraints on farmers.

2. The potential use of warichi as a vehicle to understand Japanese history, village customs, etc., especially in the modern era, is not widely appreciated. Even in Niigata Prefecture, where village-based warichi was widespread, local tradition stresses the complete end of the system with the early Meiji land tax reforms of the 1370s. Even when documents for later warichi are discovered, they (and the implications of them for understanding state-society relations, etc.) are not copied or collected by local history offices. Such cases don't fit the standard pattern and people don't know how to deal with them. At the national level, even among professional scholars of Hide repute, many argue that warichi was an inconsequential, exceptional practice and they ignore it. This local holders or collectors of documents abdicate responsibility for defining the importance of data to more established historians, who in turn are unprepared to appreciate the indications of warichi for their understanding of history. As a result, much documentation, has been lost, and the process, especially regarding documentation of the modern use of warichi, continues today.

3. This practice was widespread in Echigo province. The point is of

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considerable interest since one major line of scholarly thought concludes that this kind of redistributive practice requires a closed corporate community.

4. This process was not as simple as it sounds, for some cultivated land was common land (iriai) that was contested not only among individual cultivators, but also by the village as an autonomous entity or by the state. Although rural literacy was very high by international standards, many still could not read and had a difficult time defending their claims to "ownership". Rights in land were sufficiently confused that even where there was relatively good documentation the determination of rights was not always clear-cut.

5. These conclusions are based on interviews with residents of Kumayama-Machi (Okayama Prefecture), Hagoaka-shi, Tokamachi-shi, and Yoshikawa-machi (Niigata Prefecture) during the fall of 1993 and spring, 1994. The natural assumption that these practices continue in largely rural areas is not correct. Even in the midst of Nagaoka City today warichi is practiced in some areas, and it was practiced until quite recently in a number of other areas of the city.

6. I wish to include here the practice of using this method to allocate cooperatively reclaimed land among participants, another early explanation for the origins of warichi. Makino?

7. Brown, Central authority and Local autonomy in the Formation of Early Modern Japan: The Case of Kara Detrain (Stanford, CA: Stanford University Press, 1993). 35, 97, 202-3, 210, 225.

8. Nagaoka, Matsushi family, spoke of the mixture of tactics he used to get cooperation on some issues when chair of the local agricultural committee.

9. Aono Shunsui, "Echigo ni okeru warichisei," Hiroshima daigaku kyoiku gakubuku kiyō Dai 2 No. 26 (1977), p. 101.

10. Even if we were to accept the argument commonly advanced by **Japanese**

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and prominent American scholars that Hideyoshi attempted to implement a system of nearly modern private landownership in Echigo and the rest of Japan, we would have to conclude that the effort failed: the very existence of warichi contradicts the intent of any effort to define only a single owner-cultivator for each plot.

11. There are not sufficient records of dispute settlements for me to determine if there was a consistent direction to the outcomes of disputes, even within one domain. Even those that do remain are often unusual in that they involve complaints by non-resident "landlords" rather than purely internal village disputes. Dispute over warichi appear to have been much less common than those between villagers over rights to exploit common land (iriai).

12. Some local scholars have told me that outsiders always had to have a local "stand-in" representative at redistributions or during decision-making meetings, however, to date I have seen no direct evidence in support of this contention.

13. Here I refer to productive value as estimated by the participants. Their assessment of land value usually had little to do with the formal putative yield (kokudaka) of the land that domain authorities used in calculating the taxes due from the village.

14. There is a close similarity between the procedures for allocating access to the common lands from which villagers collected firewood, grasses for fertilizer, etc., and the warichi mechanism. This similarity raises the interesting question of whether or not there is a relationship between the two systems. Because of a lack of data, however, it is not possible to indicate clearly whether or not there was a relationship and, if so, what the nature of that relationship was. If there is one, I suspect that in general corporate control of the commons preceded warichi. Two scenarios are possible, one

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which is propelled by local population growth and the other by changes in land tax administration. In the first instance, population in a region grew and encouraged the expansion of arable. As arable expanded, common lands were lost to cultivation. As common "wasteland" became an increasingly scarce resource, villagers would have needed to develop controlled access. Only with the expansion of arable into marginal land would there have arisen a need to repartition arable, land. Second, even if we were to assume that the stimulus to repartition of arable was not the extension of assart and reclamation into very marginal lands, but rather the imposition of village responsibility for land taxation, the origin of commons, a medieval development, came during an era in which corporate village tax responsibility was not imposed by domains. Once warichi became established custom in a region, it probably moved even into those areas of reclamation and assart that were large enough to form the basis for new villages (shinmura).

15. "An'ei 2 mi Ozawa Village Sozaemon chi heikin negai narabini utsushi, toriatsukainin kakitsuke," Hoshino-ke monjo, (Yoshikawa cho shi shiryu VI-10, B5-7, 1521, 4447).

16. Procedures existed for changing mountain land to dry field or paddy and dry field to paddy, but village approval had to be granted. Such conversions were commonly treated under the regulations tax land reclamation.

17. I want to repeat, however, that there were times when a village which practiced general warichi would conduct a partial redistribution. All villagers recognized it as partial and as an exigency. They understood that there would be a return to a general redistribution at a later time.

18. Tamizaeimon was indeed a man of considerable initiative. He ultimately made a direct appeal to the Temples and Shrines magistrate of another domain by taking his petition directly to Edo. For this he was placed

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under a light form of arrest. Stay tuned . . . I'm still reading the documents that will tell me of his fate!

19. From the perspective of the less than enthusiastic participants, the attitude might have been that redistributive practices were not such a burden as to be worth fighting to abandon.