

The Medieval Origins of Common Land in Japan 10-4-95

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Many villages in Japan held common lands (chiaicchi) until after World War II. Yet while common property in the Tokugawa period and its post-1868 survival or privatization has been studied extensively, research has not addressed the question of how open access land or water became communally owned and regulated. Uncultivated land was used communally for centuries, but in the fourteenth century village communities in central Japan began to regulate its use. At a time of increasing scarcity of uncultivated land resulting from population growth and expansion of cultivated land, villagers agreed collectively to exercise mutual restraint in order to ensure the longterm availability of resources derived from common land. This assertion of control over communally used land and water resources led simultaneously to a new definition of the village community. The village community became geographically limited to certain units of land and water use, while political participation increased as more cultivators were included in the political process of making decisions about the use of common land.

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The development of common land was a two stage process: the first stage was characterized by communal use of undeveloped land and proprietary management, while the second stage, which occurred before the development of a market economy or much social differentiation among the peasantry, resulted in a collective decision to impose communal controls in response to scarcity. Initially uncultivated or waste land was open access land; an eighth century code specified that the benefits of the mountains, rivers, groves and swamps were to be shared by both public and private users. Yet this very use led to a sense of proprietorship that is reflected in eighth and ninth century documents protesting efforts by nobles and temples to control peasant use of land which they had been accustomed to use freely.

Japanese peasants used undeveloped land for slash and burn fields, for food, timber and fuel, and perhaps for fodder for their animals; as rice agriculture became more intensive, its role as a source of fertilizer first in the form of ashes and later, green manure grew in the medieval era. Densely wooded hills protected the water supply and prevented erosion; the early recognition of the importance of mountain land is seen in making it the home of the gods: spiritual values were used to reinforce material ones.

As the state developed in the seventh, eighth and ninth centuries, nobles, temples and shrines claimed exclusive possession of the wilderness for their own purposes: for example,

courtiers reserved some as hunting grounds while temples and shrines needed sources of lumber for their building projects. On the basis of their proprietary claims, they levied dues on peasant use, a practice which provided income from the peasantry at a time of low population density. The proprietary claims led to conflict between courtiers and peasants which is reflected in Imperial decrees:

Recently aristocrats have enclosed many mountains and swamps, but make no effort to cultivate. They strive against each other in their covetousness and emptyily hinder the use of the land. If peasants try to collect grasses, aristocrats rob them of their tools and cause them great hardship.[2]

The peasantry's use of undeveloped land and the nobility's efforts to monopolize it in the seventh and eighth century I call stage one in the formation of common land. Common land is different from open wilderness: one law pertaining to common land held by eight villages in Omi makes this explicit: "if someone should enter [the grass cutting land in Gamonol calling it nature [abized]...the punishment will extend to all six degrees of relatives." [3]

The second stage, that is, the shift from proprietary control of communal use to communally regulated use beginning in the fourteenth century in central Japan and spreading into most

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2. Shoku Nihongi, 706/3/14 quoted in W.W.Farris, *Population, Disease and Land in Early Japan*, 495-990, Cambridge, 1984, p.77.

3. Imabuchi Hiroyoshi *Jinja mojio shusei*, edited by Nakamura Ken, (Yuhikaku, 1981) 92; 1468/8.

of the rest of Japan by the end of the seventeenth century, resulted from population growth at a time of low social differentiation and little market involvement. Two factors which facilitated the expansion of population were the gradual stabilization of cultivation beginning in the late eleventh century and the reduction of measles and smallpox from epidemic to endemic status by the thirteenth century.[4] This growing population drove the intensification of agriculture by expanding cultivated land and encouraging a shift to more intensive modes of cultivation, such as double cropping.[5] This resulted in most of the arable land in central Japan being under cultivation by the end of the thirteenth century.

The expansion of cultivation joined with double cropping and population growth to increase the demands on a diminishing amount of uncultivated land. Beginning in the fourteenth century, in addition to villages trying to protect their communal land from

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4. Farris, p. 73. Japanese population showed only a small increase (from 6,437,600 to 6,916,900) from 900 to 1150 but nearly doubled between 1150 and 1600 (to 12,273,000). These trends are more marked if you examine central Japan alone where the population remained essentially stable between 750 and 1150 (increasing from 1,485,600 to 1,426,600) but nearly tripled by 1600 (to 3,798,500). See Kito Hiroshi, *Nihon nissannen no jinkoshi*, (PHP, 1983), pp.12-13.

5. Cultivated land expanded from approximately 575,000 cho in 930 to 946,000 cho about 1200 and then to 1,635,000 cho in 1600. (A cho varied from 3 to 2 1/2 acres in the premodern era.) See Miura Keiichi ed., *Shijutsu no shakai shi*, 1, (Yuhikaku, 1982), pp.151-153. The first instance of double cropping dates from the late twelfth century, and it had spread throughout central and western Japan by the mid-thirteenth century.

the incursions of local warriors and shoen officials, disputes arose between villages over land that they had previously shared.[6] Mountain land, grass cutting land, rivers and fishing areas were all sources of conflict between two or more villages as one village tried to make an exclusive claim and prohibit another's access.[7]

This process of limiting access to common land strengthened the self-definition of the village community and led to changes in regulation. Beginning in the fourteenth century in central Japan, villages promulgated laws limiting their membership, excluding outsiders from purchase of land, making access to common land and the right to make slash and burn fields contingent upon village membership and payment of village fees, and promulgated fines for misuse of common land. Villages were concerned with preserving the community even at the expense of individual interests. No one was to go into the fields after dusk or before daybreak; people were not to go individually to

6. Sekiguchi argues that the majority of Kamakura boundary disputes were caused by an invasion of common land by shoen lords and local warriors. "Chusei zenki no minshu to sonnaku," Iwanami Koza, *Nihon sekiishi* 5, Chusei 1, (Iwanami, 1975), pp. 149-152.

7. See the disputes between Suganoura and Oura over farm fields made from mountain land from 1295 to 1461, between various villages in Tokuchinbo over grass cutting land in the fifteenth and sixteenth centuries, between Okujima-Kita Tsuda and Naka no sho over fishing areas in the late thirteenth and early fourteenth centuries, between Katsuragawa and Ikatatsu over mountain forests used for making charcoal in the early fourteenth century, between Gamo no sho and Yamada no sho over water rights to a river originating in the common land of one and flowing through the fields of the other.

cut grass, but the residents were to cut grass together. People were not to dig away at the soil along the paths at the edges of fields to make their own fields larger. Legal sanctions for abuse of common land were the same as those for private land, suggesting its value. Repeated abuse of village regulations led first to ostracism and then to expulsion from the village.

These fourteenth century changes preceded the development of a market economy or much social differentiation. While rural warriors and urban courtiers were sharply distinguished from the peasantry, there was not significant differentiation within the peasantry. Although Japanese scholarship divides the rural population into two classes, *myoshu* or farmer-officials and small cultivators, both were engaged in cultivation of land, and their rights to that land were more customary than legal. While *myoshu* held a low level managerial position and on average cultivated more than non-*myoshu*, the amount of land farmed by *myoshu* and ordinary cultivators did not vary widely, with some cultivators farming more land than *myoshu*. Not until the sixteenth century was there marked social differentiation among the peasantry on the basis of economic position; while rent known as *kajisbi* appears in the fourteenth century as a result of the increased productivity of land, only in the sixteenth century did some peasants collect large amounts from other cultivators. Alternative sources for goods derived from common land did not exist until the development of a market economy in the seventeenth and eighteenth centuries and artificial fertilizer in

the twentieth.

When villages confronted the scarcity of common land in the fourteenth century, there were few alternatives: overexploitation, privatization and division among households or mutual limitation to ensure longterm availability. A felt similarity of interests combined with long experience in cooperation to result in the imposition of communal controls. Land which had been open access land became limited access and outsiders were denied access. To ensure compliance with collective decisions, land shared by two or more villages was frequently divided so that smaller and more clearly defined communities used and regulated it. Villages also increased the body involved in the regulation of common land to include the entire community of users.

Prior to the fourteenth century communally used land had been regulated by shoen officials and leading peasants, but with the increase in competition over its use there was a shift to village wide regulation. Village regulation derived, at least in part, from the need to mobilize the entire village in disputes over common land with a neighboring village. Whereas thirteenth century disputes had been over the incursion of local warriors or shoen officials into communally used land and had hence involved only the leading tenants on the estates, disputes between villages over water or common land led to mass political mobilization. This in turn led to increased political participation and an increase in the membership of the village

shrine to include most of the local inhabitants.[8] The village community was no longer defined as the political community engaged in resisting a local warrior, a group which might involve the leading peasants from a wide area, or as those engaged in organizing religious festivals but came to be based on patterns of land and water use. The village shrine association rather than being solely a religious organization engaged in the conduct of festivals assumed the regulation of common land, organized irrigation projects, promulgated laws on all aspects of village life and in some cases assumed responsibility for the assessment and collection of taxes. The result was that access to common land was predicated on village membership, and members of the village regulated its use.

Why was this significant? The village communities that took control of the management of common land in the fourteenth and fifteenth centuries expanded their concern with village affairs and developed governmental associations called *so*. These associations took over many of the functions of local government that had previously been held by agents of proprietary lords and local warriors. The village's ability to control its own affairs excluded warriors from an active role in village administration and peasant domination and facilitated the withdrawal of warriors

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8. Signatures on documents increased from 15 to 97 between 1262 and 1298 in one example. "Oshima-Okutsujima Jinja monjo," compiled by Shiga Daigaku Keizaigakubu shinyokan, in *Kankyu Kiso* 1=2; 2, 1262/10/11 and 16, 1298/6/6.

from the countryside in the late sixteenth century. The peasantry was not simply acted upon but was active in shaping the form of early modern Japan.

Communal regulation arose in response to specific circumstances that may not occur frequently: ecological and political interests combined to form villages that were corporate, self-conscious and self-managing entities. The tendency of these village communities to value local group over individual interests became entrenched in Japanese society with the Tokugawa settlement and persists to this day in a disposition to define self in terms of membership in a group. The strength of associational ties in Japan contrasts strongly with the rest of the world and is a major reason that Japanese management of common land is cited as one of the few successful examples in the world. Exploring the process of village formation illuminates not only an important institution in medieval and early modern Japan but may provide clues to differences between Japan and other cultures.