SCHOLARS OF JAPAN’S KAMAKURA (1185–1333) AND MUROMACHI (1336–1573) ERA ARE BLESSED WITH A WEALTH OF SOURCES. A REMARKABLE NUMBER HAS SURVIVED TO THE Present, REFLECTING A TRADITION OF RELIANCE ON THE WRITTEN WORD AND THE COPYING FROM EARLY ON OF DOCUMENTS AND SOURCES CONSIDERED VALUABLE. DIARIES, APPOINTMENT RECORDS, CHRONICLES, LEGAL DOCUMENTS, GOVERNMENT EDICTS, LAW CODES, AND RELIGIOUS TEXTS, EITHER IN ORIGINS OR IN COPIES, COVER SUBSTANTIAL TRACTS OF JAPAN’S PREMODERN PAST IN A WAY THAT IS PARALLELED IN FEW OTHER CULTURES. STILL, IN LIGHT OF THE MASS PRODUCTION OF TEXTS AND IMAGES IN THE TOKUGAWA PERIOD (1600–1868), THE PRECEDING AGES COMPARING LESS FAVORABLY. INDEED, TOKUGAWA SOURCES ARE NOT UNCOMMON AT SEVERAL RESEARCH INSTITUTES IN THE WEST, OWING NOT ONLY TO THE REMARKABLE PRODUCTION OF THAT AGE BUT ALSO TO THE AVAILABILITY OF SUCH SOURCES TO FOREIGN BUYERS IN THE LATE NINETEENTH AND EARLY TWENTIETH CENTURIES. IN THE HARVARD-YENCHING LIBRARY COLLECTION, FOR EXAMPLE, WE FIND MORE THAN THREE THOUSAND TEXTS FROM THE TOKUGAWA PERIOD, RANGING FROM BOOK PRINTS TO FASCINATING BUDDHIST ICONOGRAPHIC IMAGES CONTAINED IN THE PETZOLD COLLECTION. 

Sources from the preceding ages are less common, so scholars of premodern Japan rarely have direct access to original sources of their own age outside of Japan. Nevertheless, Harvard’s libraries have in their possession a few important premodern documents. In the Petzold Collection, we find two Buddhist texts—the Shingon’s tatri (a copy of an esoteric text describing rituals performed within the Shingon tatri tradition) and the Ono’s (an esoteric text describing rituals of the Shingon tradition, copied in 1522; Fig. 1)—that were copied in the Muromachi age. As is well known, the copying of sutras was an act considered to accrue merit, and there are, accordingly, a fair number of such sources available. However, though these texts are significant religious and artistic treasures, they provide limited information about historic conditions unless the authorship and the circumstances of the act itself are known. In other words, they rarely provide insights into other aspects of society, such as how the monks were supported financially, how they were trained, and how they interacted with other monks and those in the world outside the monastic community.

Perhaps the most helpful sources addressing such political and financial issues are the so-called komonjo ( 용문書), literally meaning “old documents,”
they lack a convenient equivalent in English but correspond to what archival specialists in Europe might call "diplomas," which refer to various legal and private documents such as letters, deeds, charters, and contracts produced for an intended recipient or audience. In general, the kōmonjo can best be described as historical sources of legal character, most commonly dealing with matters related to property, especially land, and often appearing as orders and edicts as well as judicial verdicts. Still, they are not all government documents because they were issued by the religious and military elites as well as by the imperial court. Appeals and complaints filed by officials and farmers also belong to this category, as do deeds, wills, and various transfer documents serving to establish written proof of a specific transaction.

Ever since the introduction of the science of history in Japan in the late nineteenth century, Japanese scholars have paid great attention to kōmonjo. There are numerous printed editions of sources in Japan focusing on these documents, reflecting admirable efforts to produce complete printed compilations for a broader public. The prime examples are undoubtedly the Heian ibun 平安文選 and the Kamakura ibun 鎌倉文選, which list virtually all kōmonjo chronologically during their respective ages, and the Dainihon kōmonjo 大日本古今文書 series, which contains documents from various collections. As a result, a large number of premodern Japanese diplomatics has been readily available to generations of scholars, and the historical scholarship focusing on these sources is naturally extensive. In addition, Japanese scholars have more or less perfected their analyses of kōmonjo, as indicated by the documents' subcategorization into more than a hundred categories and by the extended use of them in the undergraduate and graduate history curriculums, where the emphasis is not only on the understanding of their contents but also on reading and analyzing the actual documents, their style and format.

Unfortunately for Western scholars, and students of premodern Japan, very few sources of this kind are available outside of Japan proper. Some notable exceptions can be found in a collection of more than 300 Japanese documents held by the Law School Library at Harvard. It is a rather eclectic collection with a wide range of sources, most of them dating to the Tokugawa period. Close to 100 of the items are classified as original documents, just over 170 are copies of manuscripts, and some 24 are classified as printed books. Although more than half of the items are thus copies, several of them are nonetheless of considerable interest and age. For example, a 1477 copy of the Kinshibo sen 来朝抄 (Emperor Juntoku's 順徳 [r. 1210–1211] record of court ritual procedures) and a 1574 copy of the Goenba shishoku 御成状式目 (a law code issued by the Kamakura Bakufu in 1232) are among the oldest surviving copies of these sources. The collection came to Harvard at the time of its three-hundredth anniversary in 1936, as part of a donation from Japan, but was largely forgotten until the 1970s, when James Kanda rediscovered and catalogued it for the first time. Fujii Jiyo 藤井隆弥, a Japanese scholar of the early modern age, made a second publication with more extensive descriptions and a first printing of 22 premodern kōmonjo. Notwithstanding, the collection has been sparingly used in the past two decades, and important questions remain unanswered about both the collection itself and several of the most important documents. For example, the exact origins of the 22 premodern kōmonjo has to date not been sufficiently explored. Both Kanda and Fujii conjectured that Takano Tatsuyuki 高野貞之 (1876–1947), a scholar and teacher of Japanese music and culture, may have been the donor because he added descriptive explanations to these oldest original documents and also supplied copies with additional annotation. Takano certainly played a major role in the donation of the collection to Harvard, and some of the documents came from his own personal collection. A composer and music teacher at Tokyo Music Academy (Tōkyō Ongaku Gakkō 東京音楽学院) who wrote the lyrics for such famous songs as Hana ya hana 花が来た and Farasato ふらさと (still sung in Japanese elementary schools today), Takano’s interests extended well beyond his own field. In addition to a keen interest in history, he was an avid collector of Japanese art and historical items. For instance, he had in his possession two of the oldest and best-known versions of the Heike monogatari 平家物語, a war chronicle describing events in the twelfth century. Even to this day, one of these texts is known as the Takano-hon 高野本, the "Takano text."
It is not known exactly why Takano initiated the collection of sources to be donated to Harvard, but it appears to have coincided with his retirement from the Tokyo Music Academy at the age of 60. It is clear, however, that the 22 kōmonjo did not come from Takano’s own collection, despite the notes he added to each of them. Rather, they were donated by Hosaka Junji (1875–1963), an affluent collector and landowner from Niigata Prefecture and a member of the House of Peers in the prewar Imperial Diet. Records at the Historiographical Institute at the University of Tokyo reveal that a total of 37 kōmonjo belonging to Hosaka were taken there in May 1936 to be copied. This was certainly not an unusual act because documents from various archives have been brought to the Historiographical Institute for copying and preservation since the early twentieth century. In this case, however, the copying took place just before the collection was donated to Harvard through Takano, who mounted each of the documents earmarked for Harvard on individual scrolls, adding comments and providing one extra reproduction of each. Of the remaining 35 documents, we know that 12 were retained at, or somehow found their way back to, the Historiographical Institute, while the fate of the remaining 23 documents is unknown.\textsuperscript{10}

In any case, it is beyond dispute that Harvard Law School’s 22 kōmonjo are among the most unique and valuable outside of Japan. Unfortunately, their location seems to have prevented any extensive use of them, despite Kanda and Fujii’s aforementioned publications. To some extent, this lack of use also reflects Western scholars’ recent reluctance to address issues related to landholding, legal disputes, and kōmonjo in general. Fujii’s printed editions notwithstanding, it is important to be able to view the documents themselves, because their condition, paper quality, style, format, and handwriting all play an important role in the final analysis. This is apt to change with the development of electronic imaging technologies, but it is my hope that this brief essay will bring some of these documents and the stories they contain to light as a first small step.

Roku no Tsubo in Nara

The premodern documents at the Harvard Law School Library were created in the context of Japan’s land system, which is hardly surprising given that a large number of kōmonjo belongs to this category. As such, they can appropriately be described as representative of the age, though to understand them and their context, a brief summary of the land system is helpful. The bureaucratic codes of the seventh and eighth centuries stated that all land principally belonged to the imperial state, thus excluding private ownership. However, there were exceptions to these principles from the outset. Temples were granted exempt land, and regular annual taxes were only levied on rice paddies. From the tenth century on, the trend accelerated of granting immune tracts of land to leading courtiers and temples, and by the thirteenth century, about half of all taxable land had become “privatized,” coming under the direct control of the religious, military, and noble elites.

These immune estates are known as shōen 重源 (重源), and they were a fundamental part of the Japanese historical landscape until the Sengoku period (1467–1573). In all, more than six thousand estates have been identified throughout Japan, with variations depending on location and the timing of their establishment. For example, though estates in the capital region tended to be small, commonly between 1 and 10 acres, those located in more distant regions, such as Kyushu, could reach a size of 400 or 500 acres. Furthermore, the particular circumstances behind the creation of each estate dictated its outlook and characteristics. Most estates created in the early Heian age were top-down creations, where the imperial court might allocate a piece of land to a temple for its services. From the late Heian age on, however, the shōen were generally bottom-up creations, with local land magnates “donating” land under their control to a patron with central connections, in return for confirmation of their local rights and privileges.

The ingenuity of the shōen system undoubtedly lay in its inclusiveness and flexibility. Members of an estate at virtually all levels held a stake in it, from the farmers through the various levels of local managers to the proprietors (sōke 資家) and, ultimately, the patron (bakufu 本家). Each level held shares (shiki 資給) that carried with them rights to certain dues or portions of the rice harvest, other products, or rights over certain fields. Significantly, these rights could vary from estate to estate or over time, allowing for adjustments that ensured the amusingly long survival of the shōen system of land ownership. In a sense, then, the shōen resembled a modern joint stock company, and the shares could be transferred or sold, and even split up in smaller pieces.\textsuperscript{11}

The small plot of land in the eastern part of Nara known as Roku no Tsubo 六蚌, about 1 acre in size, offers a telling case of exactly how such a piece of private property could be transferred. The early history of Roku no Tsubo is unclear, so we cannot know exactly how and when it became a shōen. However, its location in what was a vibrant part of the eighth-century capital indicates that it became a private possession fairly early in the Heian age. Rice paddies were scarce in the capital region, where the population density was unmatched in Japan. Thus when the area around the old palace in Nara became desolated soon after the imperial court moved to Kyoto in 794, the Tōdaiji and Kōfukuji complexes in the eastern part of the plain took over the role of centers in the area, and several plots in the vicinity of the old palace became market grounds or were even transferred into dry and wet fields, as was the case with Roku no Tsubo.\textsuperscript{12}

Despite these murky beginnings, a string of ten documents, eight of which are part of the kōmonjo collection at the Harvard Law School, makes it possible to trace the transfer of Roku no Tsubo over almost two centuries (from 1190 to 1371). James Kanda has translated the documents and treated this series in detail, but a few of the main points are worth noting in this essay.\textsuperscript{13} First, the documents are characterized as kōmonjo kōshin 重源証文, transfer certificates passed on from one owner to another to secure the continued existence and exempt privileges of the estate. Although it is easy to get the impression that shōen were created and taken away from the sphere of public land in an uncontested fashion, they were in fact tax-exempt and immune from government jurisdiction only through the acknowledgement of the imperial court itself. In short, such estates would not survive the pressures of provincial governors and taxation efforts without legal documents proving their status. Thus when
property was transferred, the new proprietor would receive not only a document acknowledging the acquisition but also all preceding documents, so that the history of the estate itself could be traced. To store these important documents, it was common to attach them to one another in a scroll, with the most recent transaction at the beginning. Such was the case with the eight transfer documents at the Law School Library, although they were unfortunately separated and mounted on individual scrolls before coming to Harvard. In fact, some signatures on the reverse of the original documents have ended up on separate mounts.

Second, the transfers themselves offer important insights into the socio-economic conditions of Kamakura and Muromachi Japan. The plot of land first appears in a conveyance of 1190, when a monk named Seiin 華厳, “out of financial necessity,” sold half of his 2-acre estate of dry farmland within the city of Nara to Kasuga Shrine and conveyed the other half to Arirara no Amenoko 有能の子. The official document acknowledging the estate’s private status, known as kage 公能, was transferred with the half that was sold, but since this is also explained in the document conveying the estate to Amenoko, its status can easily be traced. In either case, sixty years later, the same half appears again, now conveyed by the nun Gao’amiyabato 直阿弥巴太o (Fig. 3).

We do not know how Gao’amiyabato came to possess the property, and the identities of the women involved in these transactions are next to impossible to discern, much more so as they are known to us only through common religious names or as common personal names. In fact, the recipient in 1250 is, as in the document of 1190, referred to as “Amenoko,” which means “eldest daughter,” making it all but impossible to know who they actually were. It is noteworthy, however, that the estate was transferred from mother to daughter on more than one occasion—a trend that was not uncommon among noble women, especially those who took Buddhist vows after their retirement from public life (following the death of a husband, for example). At any rate, in 1253 the daughter transferred the estate to a relative, the nun Kakunyo 佳円, though now the plot had been converted into wet rice land, suggesting that nearby canals were used to make it into a rice-producing field. Still, Kakunyo was apparently unable to sustain herself from the small estate, and sold it four years later to a man named Toku Ishimaru 徳右丸. In 1260 Ishimaru exchanged the plot for another with a monk named Eijitsu 豊膔, who in 1265 sold it to a woman named Saki Ageinoko 佐崎の子. Saki retained the estate until 1297, when she conveyed it to her eighth child, Tanom Ishimaru 丹之右丸, in 1297 (Fig. 4).

Unfortunately, the transfer documents do not provide any detailed information about the personal stories and living conditions of the characters involved, but they do aptly reflect the social and economic conditions of the time. Significantly, in six of the first seven transactions, women are involved, as conveyors and/or recipients. Land ownership by (noble) women was obviously not uncommon in Kamakura Japan, indicating perhaps an unusual degree of
equal rights to land compared to many other societies of this time. In other words, women had the right to own, sell, buy, and transfer property, a right that was not affected by marriage or the death of a spouse. However, beginning in the late thirteenth century, members of the courtier and warrior classes found it increasingly difficult to sustain all their offspring after decades of population growth. As a result, the family estates were bequeathed to one heir (this practice of unigeniture is known as the soryō 继男 system), while other descendants were often left on their own. Needless to say, women were the most seriously affected by these changes, as many became more dependent on the family head for their livelihood. The absence of women in documents related to the Roku no Tsubo plot from the fourteenth century on confirms this trend.

Kanjin’in’s Hahakabe Village
The development of the estate system was neither abrupt nor planned. Rather, it developed during a long period of adjustments and experimentation, and the imperial court never abandoned the requirement of proper authorization and documentation for each estate. Specifically, because most omen were created in an ad hoc manner while relying on local precedents to determine the rents due to the proprietor, documents became all the more important in justifying the estate’s existence and purpose. Although it would not necessarily deter each and every ambitious provincial governor and warrior from encroaching on the estate, such documentation was the only means through which the proprietor could enforce his privileges. One of the konomon in the Harvard Law School collection—a grievance filed by the monks of the Gion Kanjin’in 伏見御>Hello complex in Kyoto in 1158—illuminates this point vividly (Fig. 5):

Copy of Appeal by the Administrators of Kanjin’in

[In a different handwriting]
Order to the provincial government:
It shall be in accordance with precedent.

(Signature)
Governor of Tanba 丹波、藤原宗宗道
The administrators of Kanjin’in appeal regarding the submitted petition.

In violation of precedent, the resident officials [of Tanba Province] levied taxes of 40 batches of cypress bark for the covered corridors of the Daigokuden 大官殿 on Hahakabe Village 波浪白壁村, which has been designated to supply daily sustenance for the gods. We respectfully appeal that Hahakabe be exempted, in accordance with directives from the Imperial Court and generations of provincial governors.

Included:
A directive from the resident provincial officials
One copy of an imperial directive
Copies of directives from generations of provincial governors
The administrators have examined the circumstances for this temple, which is pledged to protect the state and which maintains an altar dedicated to formidable powers of the gods. Accordingly, stipends were granted in various provinces from the time of Emperor Horikawa 華川. Since then, thirteen portions of food have been prepared for the gods every day, and they have been delivered without any exceptions. This village is all that is dedicated as a stipend for services of the gods. The acreage is only a little more than [added notice in a different handwriting] “19 chō 町,” and it is clear that generations of governors have exempted it [from taxation]. Above all, during the recent Kyo 安 years [1145–50], when extraordinary taxes were levied for the enthronement ceremonies, there were already failures to pay these important dues for the daily sustenance of the gods. When the [Kanjin’in] administrators appealed, Retired Emperor Toba 號羽 announced through his scribe that the estate should be exempted from extraordinary taxes and labor by the court and the provincial government, and an edict from the imperial court to that effect was issued. This is beyond dispute. After that, the corvée tax assessed by the provincial government was not levied, and recently [the estate] was exempted from the labor services of the construction of the inner palace, in accordance with the edict from the Imperial Court. However, the resident officials regularly conspired with the governor, and used the labor service for the Suzuki Gate 鈴木門 as an excuse to levy corvée tax. We appealed again that such practices are detrimental to the gods, and in reference to the imperial edict, we were granted an exemption anew. The levying of taxes for the corridors [of the Daigokuden] is exactly the same kind [of inappropriate taxes]. If you inquire with the resident provincial officials, they will not be able to hide [their scheming]. Whether it concerns labor for the construction of the Imperial Palace or material for the corridor, these are both imperial matters at the same location. The resident provincial officials knew about this principle, but they conspired nonetheless and stated that a new exemption should be requested from the new governor. This is either a new and illegal practice or disobedience of the imperial edict. We respectfully ask for a fair judgment in accordance with the imperial order and exemptions from generations of governors. An order to stop such provincial levies without failure would be respectful of the will of the gods, and would pay homage to the motherland’s prosperity and longevity. Thus the administrators respectfully submit this appeal.

Eleventh day of the eleventh month of the third year of Kyo 安 [1158]

Signed:
Monk shūjūzō 小寺主 [junior director] (Chien 智行)
Monk kōmon 公文 [custodian] (Benken 本賢)
Grand monk gen jūsa 偵上佐 [associate presiding officer] (Ryūgen 良根)
betsū (head administrator) and the jumon (manager), to which were further added assistant posts, as well as senior and junior levels. Taken together, these titles were lined up in a hierarchy, according to which every monk administrator signed the document next to where the scribe had written the titles. Besides offering insights into the legal appeals procedures at the time, the "signature hierarchies" are useful for those studying monastic organizations.

On the other side of the appeal, we find the governor of Tanba Province and the local resident officials (ruu dokoro 竜守所), who appear to have been the culprits. The governor, Fujiwara no Nariyuki, was appointed on the sixth day of the tenth month of 1158, only about one month before the appeal was submitted. He was a member of a large cohort of mid-ranking Fujiwara who found careers serving the retired emperor as governors of provinces. Like most governors at this point, Nariyuki resided in Kyoto, and the exchange between the Tanba governor and Kanjin’in according to place in the capital. Besides commanding the province, the governor’s duty was to serve as the intermediary between his province and the imperial court. Since the court delegated responsibilities to the governors when it assigned projects to various provinces, this kind of communication became one of the governor’s most important functions. The governor had to travel to his appointed province as needed, but he spent much of his time in Kyoto in order to serve as a channel of communication with the court and to attend to appeals such as the one from Kanjin’in. The actual administration of the province was performed by the ruu dokoro, who were, in short, tremendously important local figures without whom it would have been difficult to collect provincial taxes. However, they were also local leaders with military skills and were prone to extend their own privileges at the expense of estate proprietors and patrons.

Returning to the appeal, it concerns Hahakabe Village, which was a Kanjin’in possession in Tanba Province, located just west of the capital. The monks ask that the village be exempted from provincial taxes, but what is especially interesting here are the taxes themselves. The Hahakabe Village had been assessed 40 batches of cypress bark for the roofs of the connecting hallways to the Daigokuden, an official building for various court ceremonies located in the far northern section of the Greater Imperial Palace of Kyoto. It was destroyed by fire and rebuilt many times, but because the city began to sprawl more and more eastward, the western areas gradually deteriorated. As a result, the Greater Imperial Palace area itself became distanced from the residential areas—a development that, by the late twelfth century, seemed to many nobles to indicate a decline both of the physical space of the Imperial Palace and of the state.

In 1158, a final effort was made to restore the Greater Imperial Palace to the glory of earlier times. This was, above all, an attempt to rebound after the Hōgen Disturbance of 1156, when the warrior class for the first time became the central players in capital politics and battles raged through the streets of Kyoto, albeit for only a few days. Following the turmoil, Fujiwara no Shinozki 藤原信西, a noble ally of Go-Shirakawa, came to head the imperial court, instituting a number of projects. Shinozki directed efforts in many areas, heading compilations of histories and commentaries of the old ritual (penal and administrative) law codes, which resulted in two texts, the Honchō seki 本朝式体 and the Honshō rurun 法曹類編. In this scheme, the reconstruction of the Greater Imperial Palace, one of the architectural pillars of the state, was crucial.

Naturally, these efforts were costly, and burdens for the reconstruction were levied on the various provinces. Once such orders had been issued, it was up to each provincial government to distribute the levies as it saw fit on various lands in the public or private sphere in the province. The 40 batches of cedar bark became the burden of Hahakabe Village, which also was responsible for transporting these taxes to the Imperial Palace area. It was in response to these duties that the monks of Kanjin’in filed a grievance to be exempted. However, such exemptions were not easily granted, and Kanjin’in needed to have sufficient documentation and precedent. Following a common format in appeals from religious institutions, the monks began by claiming the special powers and status of their temple for the protection of the imperial state. It was for these services, according to the appeal, that Emperor Horikawa in the late eleventh century had granted Kanjin’in the yield from fields to support thirteen people per day, ostensibly for food for the kuni. The governor would theoretically be responsible for delivering the stipend to Kanjin’in every day, but it was standard to exchange it for grants from specific estates that were under the direct administration of the temple. There were clear advantages to this arrangement, especially for the temple, because it gave Kanjin’in complete control over the village of Hahakabe. The temple naturally became dependent on the duties from the village, and anything interfering with these duties would force the temple to look for that funding in other areas. In short, the new taxes for the hallway roofs created a major nuisance for Kanjin’in.

To prove the validity of its claim, Kanjin’in used important precedents. In 1155, the funds for the enthronement ceremony of Emperor Go-Shirakawa were collected from provinces throughout Japan. At that time, the monk administrators appealed to Retired Emperor Toba, stating that the stipends for food for the kuni were already insufficient. Toba decided, undoubtedly to the delight of the monks, that Hahakabe would be exempted not only from the expenses for the enthronement ceremony but also from other taxes that the provincial government might impose. Most important, Hahakabe was subsequently granted an exemption from the labor services levied on Tanba Province for the reconstruction of the Suzaku Gate that was under way in 1158 as well. In their appeal, the monks cleverly noted that it would be contrary to both precedent and logic to assess levies on Hahakabe Village for any project within the Imperial Palace but not for another.

It is clear from the appeal that the local officials were aware of these precedents, yet they found a way to assess taxes on the village in cahoots with the previous governor, Fujiwara no Yoshiyasu 藤原義信. In fact, it may have been Yoshiyasu’s liaison with the resident officials that caused the imperial court to remove him from office. Still, this did not deter the local officials from claiming that a new document confirming the exemption was necessary when a new
governor was appointed. The rans doke thus appear to have been the offenders, and they were indeed in the best position to take control of substantial tracts of land. They were frequently the real administrators of the province and, owing to their local status, usually remained in service regardless of who the governor was. Perhaps they gambled that the new governor, Nariyuki, would support their efforts to tax Hahakabe as well, or that he would not have the clout to oppose the local powers. To be sure, it would have been in Nariyuki’s best interests to have the village deliver the cedar bark, since an exemption only meant that he would have to find another way of assessing those dues within his province. And the Kanjinnin monks must have been unsure about Nariyuki’s stance, since they asked for an acknowledgement of Hahakabe’s status from the new governor even though they simultaneously claimed (and rightly so, according to shōen customs and rules) that there should be no need for one.

In the end, the appeal submitted by Kanjinnin was granted. Nariyuki added his decision in writing to the empty space on the right side of the appeal. The document is written vertically from right to left, but two or three lines are usually left empty at the beginning. It is in this space that the governor’s decision was written, after which the document itself was sent back to Kanjinnin. Before storing it as evidence for future use, the monks brought the document to the rans doke, who acknowledged the exemption granted Hahakabe in a separate edict dated the nineteenth day of the eleventh month of 1158. The proprietor thus prevailed, but the leverage of the capital elites, whether monks or nobles, gradually declined as members of the local warrior class continued to gain control in the provinces. Still, shōen persisted and survived even as centuries passed, as the next two documents demonstrate.

**Ōi Estate in Mino Province**

By the fourteenth century, a trend of challenges against the privileges of the central elites had spread throughout Japan. Local estate managers, frequently members of the ambitious warrior class, appropriated more and more of the harvest while increasing the land under their direct control. The proprietors attempted, of course, to halt this trend with all the means available to them, most of which centered on legal actions through the warrior government (bakufu). The more efficient solution, however, was to reach an agreement with the offending party, which could result in the outright division of the entire estate, or, in better circumstances, in a renegotiation of the shares to be paid at each level. Two documents in the Law School collection, both concerning Tōdaiji’s Ōi Estate 大仏寺大明院 in Mino Province 大明院 (east of the capital), provide ample information on how this process of renegotiation and tug-of-war between the proprietor and managers took place in the fourteenth century. The first one (Fig. 6), dated 1368, is a pledge by three administrators of the Ōi Estate to deliver taxes and pay off dues previously not paid in accordance with the wishes of the clergy:

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**Pledge by the Three Officials of Tōdaiji’s Ōi Estate, Located in Mino Province**

*(Writing on the reverse:*

Pledge by the three officials of [Ōi Estate] 東大寺大明院大仏寺大明院

**_policy** 1 [1368], third month, twentieth day)

**Pledge:** Regarding Ōi Estate’s dues for the Hokke Ceremony 法華会

The Hokke Ceremony is the most fundamental ceremony of our temple. It is the pillar for the gracious promotion of our monks. However, in recent years, farmers have absconded, and extraordinary taxes were levied by the military governor [shugo 守護] that resulted in nonpayment of the funds for the ceremony. Therefore, the administrators were summoned and came to the capital, but their answers lacked justification, so they were strictly interrogated. As a result, the following pledge was submitted, according to which the administration should henceforth take place:
[1.]Item. The undelivered ceremony dues for each year up until last year shall be paid without negligence at a rate of 7 kannon 七反 "per month from this coming fourth month.

[2.]Item. The current three administrative officials came to the capital in response to a summons and lamented the conditions for several days. They stated that the funds for the ceremony of this year of the Monkey would absolutely be paid without failure before the end of the year.

[3.]Item. As for next year’s dues, they will be delivered and strictly collected from the farmers. However, if there are farmers who do not pay, they will quickly be reported to the proprietor, and their activities will be declared to be criminal.

[4.]Item. The abandoned fields of absconding farmers are losses in the dues for the ceremony, and the payments shall in such a case be administered by the proprietor in accordance with the decision of the clergy. If this cannot be done, since it is acceptable to transfer [abandoned fields] to a relative, why should it be necessary to allow these fields to be exempt from the dues for the proprietors? There is no justification for such exclusions. The administrators agreed, and promise that there will be no more negligence from here on.

[5.]Item. When the three officials have collected the dues, they will not use them for private purposes. It is so pledged.

[6.]Item. The 7 kannon that have been pledged here shall be delivered without being deducted from this year’s dues. It is so pledged.

If any of the above clauses in this pledge is violated, there will be a strict and swift punishment without any words uttered [in defense]. It is thus written.

Oni 1 (1368), third month, twentieth day

Onakatomi Noriyuki 大中臣氏雄
Onakatomi Mitsuyasu 大中臣光厳
Deputy manager (gōsai 下司代) monk Eji 導智

With origins in the mid-nineteenth century, Oki no shō has one of the longest histories among religious estates in Japan. Still, the early history is largely obscure, and it is not until the early twelfth century that we find evidence that it was dedicated specifically to provide funds for the performance of the Hōke-e—an annual lecture ceremony on the Lasso Sūtra (J.: Hōke-kyō)—at Tōdaiji, the main imperial temple in Nara. 35 With its dues devoted to such an important ceremony, the Oki Estate undoubtedly played a crucial role for Tōdaiji. However, it encountered severe problems from the mid-fourteenth century on, when the temple’s own local managers failed to deliver the dues. In 1354, the custodian (kannon) Fujiwara no Munemitsu 织田行光 was called to Tōdaiji to explain why 80 kannon of dues had not been delivered, but the payments continued and Munemitsu was removed from his post in the seventh month of 1356. At that point, Tōdaiji sent out its own representatives to manage the estate directly, a temporary solution that lasted until the third month of the following year, when two local warriors were appointed, Onakatomi Noriyuki as kannon and Onakatomi Mitsuyasu as yashiro (land officer), and one monk was assigned as gōsai (deputy manager) to oversee the local warrior officials. 36

Unfortunately for Tōdaiji, the new arrangement worked effectively only until flooding hit the area in 1364, which resulted in a compromise between the managers and Tōdaiji, according to which the dues for that year were decreased. 37 Perhaps this agreement also opened the door for continued abuse, because the managers did not deliver the dues for the following years despite no further natural calamities. It is in this context that the pledge of 1368 was written.

From the opening sentence, it is clear that the managers used two particular excuses for not delivering the dues: extraordinary taxes levied by the shugō (military governor of Mino Province), and the reduction of rice fields because of absconding farmers. Both of these were certainly common features of the Nambokučō period (1336–92), when Japan had two imperial courts, ambitious warriors used the wars to levy military taxes, and peasants responded by abandoning their farms. However, the Tōdaiji monks remained unconvinced, and the aggressive interrogations eventually led to the signing of the pledge by the managers. The document effectively reflects two important aspects of late fourteenth-century conditions—one indicative of an ongoing trend of social changes in favor of local powers, and the other showing the tenacity of the old powers. First, the estate proprietor (Tōdaiji) coerced the pledge in response to increased resistance from the management and the warrior class. In that sense, then, the scenario is different from that of the twelfth century, since the estate managers now opposed their own patron. The problem was now within the estate instead of outside of it, as in the case of Hakasaké two centuries earlier. These tensions can best be understood in terms of the most important trend of the age, known as gosai 下司 ("those below overturning those on top").

This was a trend where members of the same organizations or blocks challenged their superiors for independence and control over property. It included factors banding together to challenge warrior-managers and proprietors, monastic monks opposing the control of their higher-ranking superiors within temples, and members of guilds liberating themselves from the guilds’ noble and religious patrons.

Second, despite these serious challenges, elite temples such as Tōdaiji still wielded enough power to affect matters at the local level. But where did this leverage come from? For one thing, Tōdaiji had its own staff of administrators and enforcers that could be used effectively in nearby estates. Drawing on these resources, the temple managed both to depose the previous custodian and to dispatch its own administrators. And by making a monk the deputy manager even after new local warrior-administrators were appointed, Tōdaiji employed a strategy of more direct involvement in management—a trend that was not unusual in the fourteenth century among temples attempting to deal with declining revenues from their estates. Moreover, as new officials of the estate, the Onakatomi’s local foundation was comparatively weak, and they may not
have been in a position to challenge the proprietor, despite experience in similar offices in the province. Barr ing such circumstances, the temple would never have been able to induce the officials to appear before the monks, much less extract a pledge with such severe payment conditions.

As far as we can tell, the local officials lived up to their 1368 pledge, but there were other ambitious figures in the estate, and two years later Tōdaiji experienced new problems when a local warrior-landholder named Nakamura Danjo 能村常正 refused to pay dues from his fields. The clergy responded with an entirely different strategy this time, signing a spiritual oath that was not directed at the culprit but that sought the support of the shugo and the imperial court (see frontispiece):

**Signed Oath by the Tōdaiji Clergy**

**Recorded:** Regarding Ōi Estate

**Items**

[1.] *Hōm. The Hokke Ceremony is the great lecture ceremony of fundamental learning and the foundation for the promotion of this temple's monks. Since the study of Buddhism and its logic have continued through this ceremony, it has inspired and influenced the ceremonies at various other temples. While there are many ceremonies that have been canceled, this [Hokke] Ceremony has continued [without interruption]. Owing to the shugo's devotion to Tōdaiji, there have been no obstructions in Ōi Estate in Mino Province, and the dues for the Hokke Lecture Ceremony have therefore been not lost. There can be no doubt that the Buddhist and secular worlds are co-dependent. Further, as for this estate, there is a strong tradition of the bakufu supporting and respecting orders from the temple, but because the world is now in decline, nonpayment of dues for the Hokke Ceremony in recent years have been piling up and it has become difficult to administer [even this estate] properly. At the end of last year, when crime investigators were dispatched [from Tōdaiji], Nakamura Danjo sent his retainer Shinzaemon 新之助門 (who is said to be a famous and courageous samurai) in order to escape the collection of dues. Confronting this military power, the annual temple official Kenshō 魁雄 and others [among the crime investigators] repelled [Shinzaemon] before miraculously escaping alive. Later, there were rumors that there would be another attack, and when the investigators retreated to the gozu [estate manager's] location, a large force approached, engaging them in a battle. Nakamura Danjo's excessive deeds are unheard of. Accordingly, we appealed to the Lord Kōzō 光重 [Toki Yoriyasu 土岐義雅], who respects Tōdaiji and agreed that it was unsettling. However, his retainers listened to the words of Nakamura Danjo, so the punishments for the crimes could not be executed as ordered. What single thing can be of more importance to the temple than this? We hear that Nakamura, in an attempt to secure his own interests, has already begun to extend himself. If this is true, then it is an unbelievable matter beyond words. The collection of dues not only for the Hokke Lecture Ceremony but also for various products and dues in general within the estates can only be properly performed when the local estate proprietors' fear and respect the temple. If the administration [of temple property] is not performed justly, then it is clear that [proper authority] is ignored. The conditions inside this estate have, in the end, also become affected by this trend. The welfare of the temple and the fate of the estate both depend on these developments. If the situation is not remedied, the many monks of the temple will not act willfully on their own or make up their own ideas and plans but will, rather, throw away their selfish hearts and only think about the temple, discuss matters in a clergy meeting and proceed to the capital to stage a demonstration, and wait for proper administration.

[2.] *Hōm. Even though there might be decrees from the three abbots, and teachings of parents and masters might be invoked, they shall not be followed. Nor shall we allow any of the capital elites [kamon 城門] to intervene. 40*

*The following section was inserted on the reverse of the document (Fig. 7)*

[If the principles agreed upon in this meeting are forcibly suppressed, we will not obey, and we will escape to seclude ourselves without performing our duties at the temple, and wait for the scholar-monks to make sure that the original appeal is concluded [to our satisfaction].]

[3.] *Hōm. The names of those who have signed this pledge shall not be leaked to people outside of the clergy meeting.]*
[4.] Item. Regarding Nakamura Danji’s crimes, the proper shugo shall be told to burn his dwellings, and the personal rice field and dry field possessions within this estate should be donated to the Hachiman Shrine. Further, if the person entrusted with this duty [of punishment] listens to Nakamura’s words and nothing happens, the sacred palanquin will definitely be moved [to the capital in a demonstration]. We vow that there will be no disagreement as to this point.

The above clauses will be defended as recorded here, and there shall be no breaches [of this pledge]. If there are fellows who disobey, they will incur a curse through the gods of the three worlds of Hell and the assemblies of Heaven, all the small and great gods throughout Japan, in particular this temple’s Hachiman. Their attendants and companions, the three great buddhas of the Daibutsu Daibyo, Shitenno, and the year’s god of disease, Eikin. There will be much poverty and disease with pain day and night, and there will be no help from the gods in various scriptures. It shall be so.

*Nen’yo gohi* 年間五の [Yearly officer] Sengyo 晋耀
Kakushun 景尊
Jinji 聖智
Kaii 快義
Kekai 釈海
Gyosen 我宗
Shun’e 順應
Ryoe 景應
Kancho 宽常
Jitsun 家胤

*Kaihitsu 大法師* [Great Master] Kajin 乾尋

Dai kenshi 大親事
Dai kenshi Shun’ai 俊英
Dai kenshi Gyosyo 行孝
Dai kenshi Soken 宗源
Dai kenshi Shikai 秀海
Dai kenshi Sen’en 聖円
Dai kenshi Soken 宗源
Gitoku [Master Lecturer] Kenkai 群海

The monks employed a different strategy than they had two years earlier in attempting to solve a similar problem of nonpayment of dues. Nakamura Danji, an ambitious warrior from the same class as the local officials, was not part of the Ōi Estate’s administration and so could not be threatened with removal from office. An official grievance was therefore submitted to the imperial court, but the mid-ranking monks who signed the oath were unhappy with the lack of action against Nakamura. To elicit a verdict and punishment, the monks produced the oath, which was directed not at Nakamura himself but at their own superiors and at Toki Yoriyasu, the military governor (shugo) of Mino Province. Not satisfied with Toki’s inability to control Nakamura, who was in Toki’s service as a local warrior-landlord, the monks hoped that a united clergy and spiritual threat would induce a settlement.

The refusal of other retainers in the province to obey Toki’s order undoubtedly reflects the lack of local authority endured by many shugo in the fourteenth century. Few shugo were local warlords; rather, they were regional warriors with central connections to the bakufu, through which they gained appointments as military governors. To administer their provinces, they were frequently forced to ally themselves with local warriors or to recruit them into their own bands. Nakamura Danji was thus as much a threat as an asset to the shugo’s authority, and when he began to resist payments to Tōdaiji from his own fields (which also identifies him as a local land owner), Toki’s warriors would not obey orders to stop him from continuing to evade payments. Nakamura was, in other words, part of the local warrior class sometimes known as *kojin* 国人 (“men of the province”) that began to challenge its superiors in the spirit of *gohokujō*. Although Nakamura was in the end neutralized as far as Tōdaiji was concerned, it was from the members of this class that the later, more powerful warlords would emerge in the fifteenth and sixteenth centuries.

The *gohokujō* trend is also evident in the second and third items (parts of which appear as an addendum on the reverse) of the document. As already noted, the oath was in part a means to push the abbots and noble monk leaders of Tōdaiji to a judgment in favor of the temple, and thus indicates a breach within the monastic community. It is perhaps difficult to imagine why Tōdaiji’s leading monks would not have supported this effort more aggressively, as it is rather a noble with its own estates and clouts, such monks did not always feel an urgent need for funds dedicated to the maintenance of the monastic community in general. In any case, the division was serious enough that the signing monks made a statement to keep their names secret and also to threaten a divine demonstration (gōe 神明) armed with sacred palanquins in Kyoto. Perhaps nothing shows the breach within the community more than this threat, since such protests were not normally staged without the complete agreement of the entire clergy, and rarely do we find that the divine powers were used by some members of the monastery against their own superiors.

The threat of a divine demonstration is interesting for another reason. By the mid-fourteenth century, such demonstrations had begun to lose their efficacy, as evidenced by protests that resulted in unprecedented violence and that lasted for years. It is perhaps not surprising that the capital elites and noble monks would still fear the vengeful kami in case of a demonstration, but the threat implicit in the 1370 pledge also seems to have been directed toward the shugo’s other retainers in the province, to prevent them from siding with Nakamura. It is doubtful that local warriors would have been affected by demonstrations in the capital or by the closing of Tōdaiji, but for the shugo, who resided in Kyoto and who relied on their status there for their careers, the threat was likely one that was not to be taken lightly. Regardless, the combination of the oath and the spiritual threat seems to have worked, because the dues that were delivered the following year represented an increase over previous years. In the end, the oath and the circumstances surrounding it bespeak a
A Call for Komonjozo
The science of diplomacy (komonjozo 古文書学) appears to have taken a back seat in the study of premodern Japan in the West. This is not to say that the field in general has not benefited greatly from the work of scholars focusing on other sources and themes, yet the fundamental political, social, and economic structures of premodern Japan will remain obscure at best, and misunderstood at worst, if Western scholars do not pay more attention to komonjo. For example, the overreliance on literary sources over documents has led many scholars to exaggerate Fara daikyu’s political power in and control of Kyūto in the 1610s and 1170s. Some documents may certainly appear dry and brief, leaving the reader with more questions than answers, but as demonstrated here by even a few komonjo, they can also offer unmatched opportunities to understand larger trends in society that go beyond the confines of one observer, one class, or one location.

To analyze these documents, however, requires both basic skills in reading and translating them and, most important, access to original sources. As shown in this essay, the appearances of the documents themselves provide important clues to their contexts that cannot be seen in printed editions. Moreover, even though Japanese scholars compiling such works are enormously skilled and experienced, errors in reading characters and punctuation are not uncommon, and a thorough analysis thus calls for an examination of the original documents as well. Making more of these komonjo available in electronic format or photographic reproductions would lead to substantial improvements in the quality and quantity of analyses in the West of the premodern past.

Notes
1. I am greatly indebted to Professor Konoko Shigehara 木野茂 of the Historiographical Institute at the University of Tokyo for his helpful comments about the documents translated in this essay.
2. For the Potok Collection, see the essay by John Rosenfield and Fumiko F. Cranston in this volume.
3. Citing from a Greek term meaning “to hold,” diplomacy originally referred to civil licenses of citizenship, marriage, and travel during Roman times (the documents were folded and carried by the individual). In later ages, a variety of decrees and legal documents issued by the rulers also came to be included in this category. In the nineteenth century, as more scientific approaches to the field developed, European scholars used the term to denote a special category of public documents that were part of the legal process itself. Since the boundaries between public and private were much less distinctive in Japan, native scholars in the late nineteenth and early twentieth century promoted a much broader definition of komonjo that can include virtually any historical document written for a specific recipient. The Nihon sojirō daijiten 日本史君大辭典 (Tokyo: Kanemaru shobō, 1983), for example, lists no less than 139 different categories of documents, ranging from imperial edicts, appeals, verbiage, and various land and temple records to private land transfers and letters.
4. Although much revered in the late nineteenth and early twentieth century, the science of diplomacy, “which has for its object to decipher old writings, to ascertain their authenticity, their date, signatures, etc.” (Oxford English Dictionary), is often considered dry and static by today’s historians. To be sure, diplomacy often lacks the human touch that diaries and chronicles convey, but Japan’s komonjo often reveal aspects of political and economic conditions in general and also of the fates and activities of important figures in the provinces that are not otherwise known.
5. For an English-language study of the establishment of history as a field in general and of the founding of the Historiographical Institute in Tokyo, see Margaret Mehill, History and the States in Nineteenth-Century Japan (New York: St. Martin’s Press, 1998).
9. Report by Mr. Sugiyama Juji 鈴谷重蔵, Professor Kondo’s graduate seminar at the University of Tokyo, October 11, 2002.
10. Ibid.
11. My summary owes much to Jeffrey P. Mass’s descriptions of the shōen system. Still, I have only described an ideal-type hierarchy, and it should be noted that there were numerous variations.
13. For the translations, see ibid., pp. 390-405.
18. Both Kanokura and Fujii assume that this is a coppy made shortly after the original. However, this interpretation must be called into question. To be sure, the signatures appear in a similar handwriting, but they are still different from the text of the document. Moreover, such documents tend to bleed and fade over time, a process that makes it difficult to distinguish between similar styles. Another inconsistency relates to the absence of any notes identifying the document as a copy (an 欠 or 師筆者), which was the custom when making back-ups. Finally, the whereabouts of the original is unknown, even though the document (ibid., vol. 6, ed. Takachiho Rūtō 竹崎龍童 [Tōkyō: Tōkyō yōkai shuppan, 1969], document 2952, pp. 2411-2412) claims that it is held at Yoko[...]. Rather, it appears that the document in the Aneko shū is in fact based on the copy that was made of the present document before it was mounted and donated to Har-ward in 1936. Indeed, the handmade copy at the Historiographical Institute and the document at the Harvard Law School Library are similar enough that I am inclined to believe them to be one and the same. Needless to say, further research on location is needed to resolve this issue.
19. Horikawa (1079–1117) was emperor from 1086 to 1107.
20. One shōen equalled roughly 2.4 acres.
21. There was no enthronement ceremony held during the Kyōen era. Kōmei 御明 (1139–1153) ascended the throne in 1141, and Go-Shirakawa 後白河天皇 (1115–1155). Accordingly, this is a mistake for Kyōen 今秀 (1155), when the enthronement ceremony for Go-Shirakawa was held (1153).
22. Toba (1033–1056) served as emperor from 1071–1073, and led the imperial family as retired emperor from 1129 to 1166.
23. All signatures are in a different handwriting from the main text.
24. This document has been glued together from four separate sheets of paper, and signatures appear on the reverse at each joint to indicate that changes have not been made. I have omitted these signatures in this transla-

27. Yuzuru jinbun 八咫神社文書, vol. 1 (Tokyo, 1939), document 1131, Zashiki 瀬崎 and Nishimura 西村 (p. 451).

28. The characters for "Ōi Estate" are missing.

29. The term for "coming to the capital" is manazuki 参拝, which normally refers to Kyoto. However, since Tōdaiji was located in Nara, it appears somewhat odd that the estate managers would be summoned to Kyoto. Granted, many noble abbots of the elite temples, such as Enryakuji and Onjōji, actually lived in their own clusters in the capital while serving in high-ranking monastic positions. Still, Kōfukuji and Tōdaiji abbots usually resided in Nara, so it is possible that "coming to the capital" in this case actually referred to Nara.

30. One kōon equaled 1,000 copper coins.

31. The signatures are again in reverse ranking order.


33. Ibid., pp. 466–60. The local estate hierarchy within Ōi Estate contained four levels, reflecting Tōdaiji’s attempt, beginning in the late thirteenth century, to strengthen the ties between its own managers and the local administrators. In general, the two top spots—gen (manager) and gosai (deputy manager)—were staffed by Tōdaiji monks, while the lower-ranking local officials—takakura (land official) and kusada (custodian)—were members of the warrior class (Ibid., pp. 574–75).

34. Ibid., pp. 409–10.

35. Ibid., p. 408.

36. I have changed the title of this document to better reflect its contents, in accordance with current practices in Japan.

37. The gen (manager) was the highest ranking officer of the estate and a Tōdaiji monk, apparently with a residence in the estate itself.

38. Lord Kōraku was a court title of the shugo (military governor) Toki Yoritsuna.

39. The term used here, shike (実家), does indeed mean "estate proprietor," but refers to the local managers in charge of the estate. It would normally refer to the central proprietor (i.e., Tōdaiji itself), but the term came to be applied more and more to the local managerial class beginning in the late fourteenth century, reflecting the gradual shift of actual control from the hands of the central elites to the regional warrior class.

40. In other words, the clergy is stating that they will remain loyal to the oath even if their superiors or their noble allies in the capital command them to violate it.

41. To distinguish the shugo (military governor) from his deputies, who were sometimes also called shugo in the provinces, he is here referred to as the "proper shugo" (正命禄).

42. This refers to present-day Tamakiiyama Hachiman Shrine, located just a short walk from Tōdaiji.

43. The sacred palanquin (nihon 神輿) contained items associated with temples, and were carried to the capital during demonstrations to exert spiritual pressure on the nobles. For a detailed treatment of these protests, see in particular chapter 6 of Michael S. Adolphson, The Genealogy of Power: Meida, Courtiers, and Warriors in Premodern Japan (Honolulu: University of Hawaii Press, 2000).

44. The signatures on the document are divided into two rows (see frontispiece). The lowest-ranking person, Sengo, signed on the bottom row first, at the right side; the order was then reversed (from left to right) in the top row, ending with Kemai. I retained the reverse ranking in the translation but arranged the signs in one single row.


46. See Adolphson, The Genealogy of Power, chapters 6 and 7.

47. Even though the Ashikaga Bakufu and its main supporters in general ignored religious protests in the capital, there were several cases prior to Ashikaga Yoshimitsu’s rule (1368–1408) when the religious elites induced the Kyoto powers to respond to their grievances (Ibid., pp. 307–14).