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OI NO SHO AND PRIVATE RIGHTS TO LAND IN HEIAN JAPAN

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Ph.D. 1982
OJI NO SHO AND PRIVATE RIGHTS TO LAND IN HEIAN JAPAN

A DISSERTATION SUBMITTED TO THE GRADUATE DIVISION OF THE UNIVERSITY OF HAWAII IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

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By

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I wish to thank my wife, Jeanne Larsen, and my children, Scot and Kili, for their support and guidance.
Private landed estates (shōen) existed for nearly a millennium in Japan from the early eighth century to the seventeenth. But it is in the Heian period (794-1185) that the estate system stood in strongest contrast to the state system of governmental monopoly of productive rice land. The purpose of this paper is to examine this relationship between public and private land rights. The focus is on the variety of private rights found in Heian Japan and the restrictions and abridgements of private rights to land.

Primary source materials are for the most part temple records from the Nara and Heian periods. They include land surveys, tax documents, edicts from the court, instructions to individual estates, and reports and petitions from officers and residents of estates. A case study of one estate, Ōi no shō, provides a framework for the examination of private land, but data from other estates offer comparative and supportive illustrations.

The text examines private rights as a function of both land management systems and social organization. Chapter One introduces the theory of private rights to land in early Japan and outlines the approach of the paper to the examination of private estates. Chapter Two introduces Ōi no shō and follows the development of the institution of private estates. Private landed wealth is found to be associated with political influence, and it is shown that the leading families and institutions of the capital were well endowed with private estates.
Chapters Three and Four deal with private rights as they related to political and social institutions. Private rights to land are seen as the connective tissue of patronage in the countryside, providing the medium of payment for services performed by a patron for a client. Among the workers on estates, there were a variety of relationships, but even the landless often held rights to land revenues or to land cultivation.

Private land management and revenue systems are discussed in Chapters Five and Six. Changes in forms of management are examined in the context of changes in local social and economic institutions. It is suggested that private management adapted more easily and quickly to local changes than did the state machinery.

Chapters Seven and Eight examine the relationship between the private and public domains from legal and institutional viewpoints. Legally, private landowners and public officials were as often bound together by common interests in landed wealth as they were divided by competition for it in the Heian period. Institutionally, the chief benefactors of the private land system were those who were high in the hierarchies of the political and social orders. Chapter Nine concludes the paper by returning to the issues presented in Chapter One and suggesting further areas of inquiry.

Because of their severability, private rights to land in Heian Japan provided for the continued flow of revenues from the countryside to the patrons of the capital region throughout the Heian period. It was the flexible nature of private rights to land, their ability to be separated and divided which allowed the temples and aristocratic
families of old Kyoto and Nara to match their position at court and in society with landed wealth.
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CHAPTER I
INTRODUCTION

Theory

Private property, wrote Morris Cohen, is not an object or thing, but rights toward something. Property rights should not be confused with physical possession: "Whatever technical definition of property we may prefer, we must recognize that a property right is a relation not between an owner and a thing, but between the owner and other individuals in reference to things. A right is always against one or more individuals."\(^1\)

John Stuart Mill regarded land proprietorship to be justified only if the land were improved thereby. He maintained that, "The claim of landowners to the land is altogether subordinate to the general policy of the state."\(^2\) And the concern of the state should be to protect and develop land: "The community has too much as stake in the proper cultivation of the land, and in the conditions annexed to the occupancy of it, to leave these things to the discretion of a class of persons called landlords, when they have shown themselves unfit for the trust."\(^3\)

\(^1\)Cohen stressed the private, exclusive nature of property: "The classical view of property as a right over things resolves it into component rights such as the *jus utendi*, *jus disponendi*, etc. But the essence of private property is always the right to exclude others." Quoted in C. B. MacPherson, ed., *Property, Mainstream and Critical Positions* (Toronto: University of Toronto Press, 1975), p. 159.


\(^3\)Mill, *Principles of Political Economy*, vol. 1, p. 297. Mill was
No single state seems to fit Mill's ideas of political economy exactly, but his theories do explain why rights to private property are always abridged by communities and states. Public welfare is too intimately tied to land to allow its unbridled use. Land "...is the original inheritance of the whole species."  

In the centuries before large scale industrialization and large-capacity transportation, the dependence of the species on land was probably greater than today. Rights toward land were correspondingly less absolute. Some scholars have argued that the free ability to sell and will private property only came with market economies.  

What an individual or organization owned was a bundle of rights toward the land, or more precisely, against others in regards the land: "...a man's property in a piece of land was generally limited to certain uses of it and was often not freely disposable. Different people might have different thinking then of Irish landlords and the conditions of some of their land and tenants, but he wrote that the principle was universal:  

"Whenever, in any country, the proprietor, generally speaking, ceases to be the improver, political economy has nothing to say in defense of landed property, as there established. In no sound theory of private property was it ever contemplated that the proprietor of land should be merely a sinecurist quartered on it."  


Mill, Principles of Political Economy, vol. 1, p. 245. "When land is not intended to be cultivated, no good reason can in general be given for its being private property at all." This principle include groups and organizations as well as individuals. Ibid, vol. 1, p. 296.  

rights in the same piece of land,...The property he had was obviously some right in the land, not the land itself."^^6

The example of private estates in Heian Japan is one variant of the model of abridged property rights. In this paper, I will focus on the character of private estates and their characteristic arrangements concerning private and public rights. I will examine the rights of proprietors towards their land and the relationship of those who worked the land to those who owned it.

Themes

In early Japan, private land developed in the context of public monopoly of productive land. Public-owned and regulated rice lands being the rule, only the powerful could provide the exceptions. The largest religious houses and most influential nobles were the biggest developers of private estates. If their relationship to the court and imperial family was secure, their estates were safe in the countryside.

Some nobles and temples were rich with private land before the Heian period began. More land was removed from the public domain in the ninth and tenth centuries and given by the court to its friends. In the last two centuries of the Heian period, lesser nobles and religious houses joined the ranks of estate holders. Even local families of no rank and little wealth or prestige outside of their districts developed private lands and tried to make them into estates by alliances of interest with those close to the throne. As clients sought out the most influential patrons, the rich got richer. The imperial family, the

^^MacPherson, Property, p. 7.
regent's family, and the great temples and shrines of Nara and Kyoto were the richest.

Throughout most of the Heian period, management of land and labor on private estates was not conducted patriarchy. After the twelfth century agriculture was frequently managed through a system of personal ties between cultivators and officials or landlords. From the ninth through the twelfth centuries, however, the relationship of the cultivator to the land was based on land surveys, land titles, and contractual ties. Neither taxes nor arrangements for cultivation were personally founded. Private estates were the first to replace poll taxes with land taxes, and contract cultivation fixing rights and duties toward the land first developed in estates.

Peasants who lived on private estates were independent of private, feudal obligations. They were not, in general, in a subjected relationship to the estate managers. Few were landless and fewer were slaves or serfs. Normally, there was not a great gap on estates between landlords and peasants. Landlords held a variety of sizes of land holdings, from one-family plots to hundreds of acres. Most farmed a portion of their land, and the remainder was usually farmed by means of rental contracts with neighboring peasants.

Private land meant private income to the proprietors of estates. Estates were not vacation residences or country villas, but rather income producing real estate. Indeed, early estates were often collections of scattered fields. Their borders were gradually rationalized and filled in, and as nobles and temples came to rely increasingly on private income rather than public salaries and emoluments, more attention was paid to
the administration of private estates. Income was provided by taxes-in-kind on grain and a great variety of foods and products, and by special collections and mandatory contributions. Estate revenues were divided between central and local organizations along lines determined not by function, but by titles, contracts, and agreements. The most influential and powerful patrons stood in the most profitable relationship to their private estates.

The legal relationship of most private estates to the public administration was often determined at the capital, not in the countryside. The great religious houses and noble families did not come under provincial or district authority. Kyoto acted as an arbiter between estate holders and local public officials, and local disputes rarely remained local. In the capital area, relations between state and estate were based on the fact that the same families and institutions which directed the government also were the largest private estate holders. Local relations between estate and public administration in the late Heian period were between systems which had much in common. At the provincial and district levels, public administration was only partially public by the eleventh century and shared a great deal in organization with the private sector. In the late Heian period, there was a mixture of public and private authority in the countryside and in the capital.

There was local competition between estates and local governments for control of land and access to revenues. The struggles were over the issues of tax exemption status and the positions of estate boundaries. The effectiveness of exemptions depended on the status of the exemption and the viability of boundaries depended on the origins of the estate.
and the accuracy of subsequent land surveys. Imperial exemptions were the
most effective and the hardest for local authorities to challenge. In the
twelfth century, legal action was slow and the process of decision-making
was a complex one. Most of the battles over land and taxes, however,
were legal battles, and the judicial review system continued to operate
along the lines of the imperial state system established five centuries
before.

Case Study

In this paper, there will be presented evidence from many private
estates in many provinces in early Japan. One case study, however,
provides the central image—Oi estate (Oi no shō) in Mino Province.
It was given the title role because of its size and importance in the
Heian period and by virtue of its documentation. It was typical of many
private estates in that it originated in a gift of land rather than in
a purchase. Like some others, Oi often enjoyed a degree of immunity from
public taxes and even existed outside of the jurisdiction of the local
public authorities for several decades of the eleventh century. It
also shared a tendency to develop and expand with many other private
estates. However, it did not have its title divided and the proprietary
rights to the land atomized as happened with so many estates in the late
Heian period.

Oi no shō is used in the text wherever it is possible to illustrate
the organization and conditions of private estates, but other estates are
called upon as needed to provide examples. I do not insist that Oi no
shō be regarded as any more typical an example of private estates in
Heian Japan than others. I do maintain that it nicely illustrates many
of the features and peculiarities of private property in a system of public ownership of land.

Synopsis

In Chapter Two, Oi no shō is introduced and its physical attributes are compared to other estates in early Japan. The process of the founding and development of private estates is traced in the Nara period (710-794 A.D.) and the first centuries of the Heian period (794-1185). Chapters Three and Four examine the positions of the individuals and groups who formed the proprietors, landlords, and cultivators of private estates. Rights of land ownership and obligations of patrons and clients toward each other and toward the land are considered. On the estates, the conditions of land cultivation are outlined as completely as the documents allow. Within the variety of estate social organizations and populations, the rights and duties of cultivators are singled out for examination.

Estate management is described in Chapter Five. The relationship of local estate administrations to the proprietors of the land is examined in the lights of paternalism and legal contract. Changes in forms of land management are traced through the Heian period. In the eleventh and twelfth centuries, from which many documents specifying titles and functions have come down to us, the local administration of Oi no shō is compared to those of other estates. The position of the resident estate officials vis-a-vis the functionaries of the title holders in the capital area is also discussed.

Taxes were one of the main responsibilities of these capital-based functionaries. As sources of revenues, private estates were
important to the noble and religious leadership of Heian Japan. In
Chapter Six the degree of importance of private land to the finances of
noble families and religious houses is illustrated by spotlighting the
kinds and amounts of income supplied by private estates to their pro-
prietors. An examination of the systems of collection and distribution
of revenues gives some insight into the translation of paternal and
contractual relationships among title holders and managers into income
division and appropriation.

Chapters Seven and Eight discuss the complex nature of the relationship
of private estates to established public authority, and provide illustra-
tion in the example of Oi no shō. Private estates and public domain are
discussed in terms of features in common and interests in conflict. In
the capital, public authority vacillated between encouragement of private
estate development and proscription of it. The effect of this ambivalent
policy on the history of private land is shown through inquiry into the
changing relationships between private estates and public officials in
the countryside and between local public administrative bodies and
capital functionaries and governing councils. The focus is partly on
taxes and tax exemptions, and partly on boundaries between public and
private land, and the struggles which occurred over these issues throw
into relief the tension between the central state, the local state and
private estates.

By examining Oi no shō and comparing it to other private estates,
I hope to give some insight into the nature of private land in Heian
Japan. Patterns of private land ownership can teach us about the poli-
tical and economic foundations of power of the ruling elites living in
Kyoto. Methods of land development and cultivation on private estates can give a glimpse of the conditions of the cultivators and their position within the system of private property. And forms of private land management may reveal much about the qualification on private rights toward land in an agricultural economy based upon state ownership of productive land.

The last mentioned deserves a further word. The system of state ownership and management of productive land in early Japan is examined in Chapters Seven and Eight in its relationship with private land, but it needs a brief introduction here. The Taika Code of 646 and the Taihō Code of 702 established a system of state proprietorship over and state administration of productive land. The codes ordered population registers drawn up and rice lands surveyed and reorganized into squares and strips. Provincial governments allotted paddy land to peasant households in the same way. While not all productive land was registered and used for state allotment by the government, nearly all rice land in the provinces surrounding the capital was taken into the system. For a century and a half, the provinces carried out allotments of state land with varying degrees of application. By the mid tenth century, however, the state had ceased to administer land by the codes of 646 and 702 and a century later it had changed its tax system.

Private estates appeared shortly after the land codes, and changed their management and revenue systems along with the state domain. In fact, they changed more quickly and that helps to explain the success of the private estate system despite its uneasy relationship with the state.
CHAPTER II

PHYSICAL FACTS

Oi no shō

Oi no shō was situated in the broad plain north and west of present-day Nagoya in the middle of Ogaki City. It spread across a low plain between two medium sized, sluggish rivers, the Kuise and Ibi. While it did not border on the rivers themselves, irrigation was never a problem for the estate, for numerous streams meandered through the plain, and ponds and marshes dotted the area. The land was flat, standing only a few feet above the level of the river, except for a number of hillocks. Paddy cultivation was no problem for the residents on the estate, and reclamation of new land was relatively easy because of the flat plain land and plentiful supply of moving and standing water.

The land itself was not rich compared to areas in the Kinai, Inland Sea, and on the Kantō plain further north along the Pacific coast. Clay

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1 The name Oi no shō means "great-well estate." Unlike many other estates, the name has apparently not survived as a local place name of any importance into the twentieth century. The best single secondary source available for the study of Oi no shō is contained in Nakamura Naokatsu (中村直昌) (Shōen no Kenkyū) (Kyoto: Hoshino Shoten, 1939), pp. 148-213.

2 The reconstructed borders imposed on a modern map of the Ogaki area show the estate running along a curve of the Kuise river on the west. This river, however, has shifted eastward since the Heian period. Before this century, river beds often shifted and there were frequent floods in the Ogaki area. Nakano Kōshiro (中野耕織) (Gifuku ken no Rekishi) (Tokyo: Yamakawa Shuppansha, 1970), pp. 184-85.
content in the soil was high, washed down to settle in lowlands by the
streams from the mountain ranges west and north of the estate. Rice
yields were not exceptional, compared to the estates west and south of
the capital at Kyoto. Even today rice yields from the plain above and
west of Ogaki City are below the national average.\(^3\) But the land was
rich enough certainly for continual paddy cultivation and the ready water
supply and flat plain made the estate a rich and prosperous entity, one
of several dozens of estates that the holder, Tōdaiji, in Nara, worked
to maintain and develop through most of the Heian period.

**Size**

Oi no shō was a large estate by most standards. The smallest
amount of land listed under cultivation was twenty chō (丈) of paddy
land in the mid-eleventh century. A chō was, then, nearly three acres
and was as much as one household could cultivate in rice because of
intensive labor demands.\(^4\) Records of Oi no shō in the eleventh and
twelfth centuries reveal an estate with fifty to two hundred chō of
cultivated rice fields.

The boundaries of the estate encompassed considerable land outside
of developed paddy fields. An 842 registration survey listed 250 chō

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\(^3\) Ministry of Agriculture and Forestry, Statistics and Survey Office
(農林統計調査班 [Nōrinshō Tōkei Chōsaiban], No. 384: 1963 (Tokyo:

\(^4\) "The cultivating capacity of rice land by the average family of
four to six members was very limited and could hardly exceed one chō,
as this special culture was most intensive and exacting; one chō per
family is the historic ratio that always prevailed in Japan as the
desirable average of peasant holding." Asakawa Kan'ichi, *Land and
Society in Medieval Japan* (Tokyo: Japan Society for the Promotion of
Science, 1965), p. 56
within the estate boundaries, fifty-seven ちょう of which were under cultivation. This document, however, is not extant and is only cited by Tōdaiji during a tax dispute with local officials two centuries after its date. It must be noted that at another date the temple claimed that the estate was granted to Tōdaiji by Imperial decree in 756, but no description of the estate at that time was included.

The earliest extant document dealing with land areas is that of 950, 11th month, 20th day, which reads: "Mino province, Ampachī district, 〇i no しょう, 52 ちょう, 9 田 (田), 180 丈 (丈)." This meant rice fields. Unfortunately, the boundaries of the estate were not listed and the Imperial Grant of 746 has not survived. In the twelfth century, however, the document's existence and veracity were acknowledged by the court. The boundaries were listed as:

Eastern side—(Buddhist) Offertory grave site.
Southern side—Cloth Offertory grave site and the southern edge of the sixteenth じょう (条).
Western side—Sixteenth じょう, and the western edge of the third 里 (里).
Northern side—The northern edge of the thirteenth じょう.

6 Heian Ibun, vol. 6, p. 2198, Kyūn 3 (1147), 4, 17. The original grant documents of 756 was lost, but it was verified in 1071: Heian Ibun, vol. 3, p. 1079, Enkyū 3 (1071), 6, 30.
7 Heian Ibun, vol. 1, p. 379, Tenraku 4 (950), 11, 20. A ちょう was a square measure of land area, about three acres in size, as was a 丈, about two meters square. A 田, however, was long and narrow. 360 丈 made a 田 and ten 田 made a ちょう, arranged thusly:

A one 田 field would have been either 11 by 110 meters, or 22 by 55 meters.

8 Heian Ibun, vol. 3, p. 1079, Enkyū 3 (1071), 6, 30. A 里 was about 100 acres, being composed of 36 ちょう. A じょう was a line of 里 numbered from west to east. じょう were numbered from north to south.
Thus constituted, a rough rectangle slightly longer north to south was formed enclosing approximately 250 chō of land.

In the eleventh century a group of active provincial officials, including Governors Fujiwara no Sadafusa and Minamoto no Moroyoshi attempted to reduce the estate to under two hundred chō, of which only twenty chō were acknowledged by the authorities as being under rice cultivation. By the end of the century, however, Oi no shō was back to its original size and a century later had managed to extend its boundaries to include a much greater area of land between the two rivers. As late as 1157, however, the estate boundaries conformed to those established in 746.

The contiguous boundaries of Oi no shō were unusual for estates of the Heian period. Oyama no shō, in Tamba Province, listed four sides as well, but they were rough estimates only, and the actual boundaries in the mid-Heian period were difficult to determine accurately on the south and east as its lands were mixed with public paddies. Kuroda no shō, in Iga Province, was fronted on one side by a river and extended into the foothills on the opposite side, but the remaining

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9 On several occasions in the late eleventh century, the province advanced claims that the estate rightly contained only twenty chō of developed paddy land, disputing the temple's listing of nearly ninety chō. See, for example, Heian Ibun, vol. 3, p. 1069, Enkyū 2 (1070), 7, 7. The province's claim seemed to be based on a thorough survey of Oi no shō conducted in 1055, which listed "twenty chō of land under current cultivation." Any expansion of this was held by the province to be illegal under the court's edicts concerning estate regulations. See Heian Ibun, vol. 3, pp. 864-65, Tengi 3 (1055), 11, 26.

10 Elizabeth Sato argued that Oyama no shō "lost its status as a landed estate while preserving legal claims to estate status." "Proprietors and Peasants: Oyama Estate in Early Medieval Japan," Ph.D. Thesis, the University of Michigan, 1976, p. 70.
boundaries were jagged, extending into public land in a patch-work pattern. In the case of Oi no shō, jō and ri boundaries constituted all but the eastern border and a section of the southern. The actual position of the boundaries was disputed by the province in the eleventh century. Place names and even jōri (街里) designations had become blurred over the two centuries since the grant notice, and provincial officials attempted to have the borders adjusted considerably to the advantage of the public domain, thus arriving at the figure of approximately 180 chō of estate land. This would have left the estate with about five ri, most of it undeveloped. Tōdaiji was able to convince the court that the borders in its surveys were consistent with those listed in the original grant and contained 250 chō in eight ri.

The fact that Oi no shō’s boundaries did not change much in the Heian period is not surprising. Its grant documents were clear in border designations and were supplemented by official surveys indicating the extent of the land in the ninth century. With these documents, Tōdaiji had no great difficulty in protecting the estate. And there was no need to expand the estate’s boundaries. They were contiguous and enclosed over a square mile of river plain, suitable for gradual development into rice fields. In all, it was both an extensive and fertile shōen.

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11 The boundary in dispute was the northern side of Oi no shō. The problem arose from a provincial listing of a northern boundary different from that in the government notices of 1071: Heian Ibun, vol. 3, p. 1080, Enkyū 3 (1071), 8, 11. Tōdaiji’s defense was based on the repeated surveys of the last three decades of the eleventh century, each of which confirmed the original listing.

12 Shō (庭) means park or villa and en (園) means park or garden, but together they meant privately held land in early Japan.
Oi no sho was one of perhaps two thousand private estates in the Heian period. It was estimated by Asakawa Kan'ichi that by the end of the twelfth century, the total amount of land under private domain approximately equalled that of the "public" domain. By a different measurement, Takeuchi Rizō calculated that the great part of undeveloped land in Japan was in private hands of the great temples, shrines, nobles, and the Imperial family.

Private estates were not evenly spread across the sixty-six provinces of settled Japan. A third to a half of them were found in the eight provinces surrounding the capital, and one province—Yamato, around the old capital Nara—had nearly four hundred. A count of the Heian estates of the Imperial family, the Fujiwara family, and the four largest religious institutions reveals that 748 of the total of 1531 estates were in the region around the capital. The remainder were split sixty and forty percent west and east of the capital and seventy and thirty percent on the Pacific and Sea of Japan sides respectively.

Estates varied in size from thousands of acres to tens of acres. Chimori no sho in Echizen had almost one thousand acres in 998, while

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14 Takeuchi Rizō (竹内 塁), 平安朝 における西国経済 ("Heianchō ni okeru Daigoji no Keizai-teki Kenkyū"), in Rekishi Chiri, LXV, no. 2 (February, 1935), p. 66
Yoshida no shō in neighboring Echigo had only thirty-five. They also varied from century to century. Oyama no shō in 1002 had thirty-eight acres, but a century later had almost 1300.

As important as size was the proportion of developed fields to uncultivated land in estates. Many estates began with only a few acres of rice land and became valuable sources of private income to their holders only after decades of development. Reclamation from waste and conversion into paddy fields was the basis of the growing estate system in the early Heian period.

Land Development

In the eighth century the court at Nara announced new rules and limits on land development and reclamation which directly affected private lands. They provided the means for the expansion of land holdings and for securing a firmer hold over private estates.

The reason announced for publishing the laws was the expansion of the public domain. Reclamation laws followed close on the heels of the


17 Murai Yasuhiko calculated that there was as much cultivated land in the public domain in the twelfth century as there was in the ninth. Estates expanded, for the most part, through private reclamation efforts. Murai Yasuhiko (村井庸彦), 古代国家経済過程の研究 (Kodai Kokka Kaitai Katei no Kenkyū) (Tokyo: Iwanami Shoten, 1964), p. 338.

18 Murai Yasuhiko described the early estates which grew into maturity through private land development as the "classical" estate. Kodai Kokka Kaitai Katei no Kenkyū, p. 220. Hosokawa Kameichi maintained that the reclamation laws were the foundation for private land ownership. Hosokawa Kameichi (細川常義), 東大寺領および前国家領の研究 ("Tōdaiji-ryō Echizen Kuwabara no shō no Kenkyū"), in Kokugaku-in Zasshi, XXXVIII, no. 5 (May, 1932), pp. 26-27.
land reforms. They were promulgated in 722 and revised in 723 and again in 743. Together, they called for development of open land by means of survey, paddy construction, and irrigation, and they envisioned a nation-wide effort by the expanding peasant population to accomplish this. 19 In the process of encouraging new cultivation, however, the ordinances led to abuses of land development by those already wealthy. They provided the means by which the aristocracy was able to secure their estates. All benefited by the expansion of cultivated land, but not equally, and in different ways than the codes envisioned.

The first land reclamation law, issued in 722, designated one million chō of unused land for reclamation into paddy fields, which were to be exempted from taxes during development. 20 Those willing to undertake large projects were offered titles and court ranks for their services. Upon completion, the new paddy fields became state land. 21 This failed to attract a flood of respondents. In effect, the law asked developers to turn the fruits of their labors over to the public domain.

In the fourth month of 723 the court issued a new law called the "three-generation reclamation edict." Reclaimed land, by this law, could be privately held for three generations, that is, for the lifetime of the developer. Until the person's death, the land was managed

19 The increase in population in the Nara and Heian periods is universally acknowledged, but can only be partially documented. Murai Yasuhiko (村井寿彦), 名成立の歴的前提 ("Myō Seiritsu no Rekishi-teki Zentei"), in Rekishigaku Kenkyū, no. 215 (January, 1958), p. 13.

20 Normally, peasants paid a grain tax (そら), a tax in kind (ちゅう) and a corvee tax (よる). The 722 law exempted the grain tax on lands being developed and waived labor taxes on the household developing the fields.

21 Hayashiya Tatsusaburo (林屋雅三郎), 律令制より莊園制へ ("Ritsuryōsei yori Shōensei e"), in Rekishigaku Kenkyū, no. 183 (May, 1955), p. 6
without threat of its seizure by the government and allocation to another peasant household. As before, labor taxes were exempted during land development to free the family for the labor, and all grain taxes on the new fields were waived for the first three years of cultivation. 22

The conditions of the 723 law were more attractive, but the difficulties encountered in actual reclamation—levelling, banking, preparation of the soil, and construction of irrigation facilities—outweighed the tax advantages offered by the government.

In the fifth month of 743 the court issued an edict which gave permanent holding status to developers of rice paddies. This transformed the legal codes on land which, up to this time, had prohibited private possession of rice land. Private rice fields began to appear in public cadastral records with the names of the holders. 23

The legalities required to develop land were considerable. According to the earlier laws, a notice to the province was all that was required, but in 743 formal petition for permission to develop land had to be filed with the province. Descriptions of the land based on official surveys were to be included. 24 Provincial governments were instructed to review applications and investigate if necessary.

22 Yoshigawa Atsushi (吉川 安利), 『中世永代私有令（“Konden Eitai Shiyûyô”）』 in Komazawa Shiûaku, no. 15 (April, 1968), pp. 60-63.

23 Records of developed lands show that they were usually taxed following the three-year grace period. For examples from the eighth and ninth centuries, see Kikuchi Yasuaki (木村雄明), 『古代の土地売買について（“Kodai no Tochi Baibai ni Tsuite”）』, in Shirin, XLIX, no. 4 (July, 1966), pp. 514-17; and Matsuoka Hisaô (松岡久左), 『百姓名の成立に関する研究（“Hyakushômyô no Seiritsu to sono Seikaku”）』, in Takeuchi Rizô, ed. (竹内理三), 『日本封建制成立の研究 (Nihon Hôkensei Seiritsu no Kenkyû)』 (Tokyo: Yoshikawa Köbunkan, 1955), passim.

24 These regulations were observed by developers as late as the
Upon approval the applicant was given three years in which to complete the paddy and bring the land into cultivation. If the development failed, the land could be claimed by another as it lay. The three year period of grace from grain taxes began after the first cultivation and encouraged developers to complete as quickly as possible.

Anyone could apply, but maximum limits were published which distinguished between nobles and commoners. The latter were allowed to develop privately no more than ten chō. That was ten times what a normal family could hope to cultivate with their own labor. Nobles of ranks six to eight—distant relatives of the great noble houses and local officials—were limited to fifty chō. Not many estates had fifty chō of paddy cultivation in the Heian period. Above rank six the limits jumped from one hundred chō to a fifth rank noble for five hundred for imperial princes and first rank courtiers.

Temple quotas were published in 749 and were even more generous. Tōdaiji in Nara was allowed to reclaim up to four thousand chō. Kōfukuji, the Fujiwara family temple, was limited to two thousand, and other great Nara institutions such as Hōryūji and Shinyakushiji were allowed up to five hundred chō of new rice fields each. Every province had a temple which was endowed by the court, and each of these kokubunji were allowed to develop one thousand chō. Other temples in provincial capitals, including branches of Nara temples, were allowed up to four

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hundred chō, and all others, including local shrines, were given limits of one hundred chō. 27

As land sale records of the eighth century and after show, the land development decrees encouraged peasants to reclaim waste land into paddy fields. In shōen, there are instances of small scale developments undertaken by residents. 28 But the labor required for paddy development was onerous for the commoner. As well as surveying and petitioning, the individual had to place corner markers and dike and bank the earth between them and level the soil within. A reliable water source to flood the paddies was necessary and very costly and difficult to contrive. 29

The Enlargement of Private Estates

Those who benefited most from the reclamation ordinances were those families and institutions which were of sufficient wealth to support large scale land developments. They had necessary resources to gain access to existing water channels and to create facilities for a steady

27 While these figures seem enormous, they were, from another point of view, limits on land development where there had been none before. Each adult male commoner could develop up to ten chō of land. In effect, Kōfukuji could claim new lands for only two hundred of its priests, monks, acolytes, and servants. For a fuller list of development limits for temples, see Takeuchi Rizō (仏内理) 無我派時代における延経の研究 (Heian Jidai ni okeru Jiin Keizai no Kenkyū) (Tokyo: Okayama Shoten, 1932), p. 170.

28 Takiniwa no shō, in Inaba Province, had a great number of small scale paddy development projects of one to three tan within the estate boundaries which were undertaken by peasants living on the public domain. Following development, the temple charged a small rent on the land. Heian Tōun, vol. 1, p. 16, Enryaku 2 (783), 12, 26; vol. 1, p. 26, Kōnin 4 (813), 7, 2; and vol. 1, p. 63, Jōwa 9 (842), 7, 21.

water supply such as ponds and reservoirs. They also had influence to
claim enough land to justify the expense of irrigation projects.

The reclamation laws came at a time when the great Nara temples were
at their height of influence at court. The reclamation laws were
created in part to provide extra lands and revenues for these temples.
The Todaiji was constructed during this time (approximately 745 to 752),
and as the center of the Kegon sect it enjoyed the special favors of
the Emperor Shōmu (reigned from 742 to 749).

But some temples exceeded their limits. In 744, three years before
the quotas were published, Daianji had already claimed 1,079 chō of
waste land for development. The limits, ultimately, proved unenfor-
scable. Each temple could claim land through a number of the published
categories. For example, a large Nara temple such as Yakushiji had a
quota of one thousand chō, but a number of branch temples were included

30 Kadawaki Teiji (門津時二) and Amakasu Ken (池脇健),
Kinda Akihiro (今田明宏) maintained that conditions and facilities
for paddy irrigation were poor in the Heian period, even in the Yamato
area close to the capital. Development of wet-rice fields was extremely
difficult and much of the public domain was mixed with dry fields and
waste land. "Heian no Yamato Bonchi ni okeru Jōri Jiwari Naibu no Tochi Riyō", in

31 New regulations in the ninth century liberalized rules for small
reclamation projects. In 896, the three year time limit was lengthened
to six years and new rice fields were entirely exempted from tax sur-
charges and miscellaneous levies.

32 The huge bronze and gold image of the Buddha which was completed
in 749 was the reason for Todaiji's special status in the land develop-
ment codes. See Kadawaki and Amakasu, Kodai Sensei Kokka, p. 168; and
Hiraoka Jōsai (平岡定秀), 東大寺 (Todaiji) (Tokyo: Kabushiki

33 Mizuno Ryutaro (水野隆太郎), 寺院の墾田地所有について("Jiin
in the administrative structure of Yakushiji. For each of these there was an allotment of one to five hundred cho which could be opened locally and which could contribute revenues to the main temple. In addition, many family temples were affiliated with Yakushiji which were allowed one hundred cho apiece.

The institution of the branch temple provided an excellent base for development and expansion of estates. Branch temples were assigned responsibility for recruitment of labor for reclamation, for the administration of the project, and for establishing the local administration of the estate, either on site or from the branch temple itself.\(^3^4\)

From at least the late eighth century, temples actively developed land on the estates for purposes other than rice cultivation. Impelled by a desire to become more self-sufficient and to strengthen the house economic system, temples diversified revenues and produce in their private holdings. Many fields were claimed under reclamation laws, but were developed into plots for vegetable gardening, timber land, beach and harbor areas for fishing, areas for ceramic production, pasture land, land for water access, land for specialty products, and even fields for hawking.\(^3^5\) Tōji claimed land in Tamba in 991 with intentions of using it for growing firewood for religious ceremonies.\(^3^6\) The Ise Grand Shrine

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\(^3^4\) Branch temples, which conducted general collections locally for the main temple, were also excellent sources of revenues for land development projects. Takasaka Meko (高坂明雄), "今庄長の特異（‘Jiryō Shōen no Tokushitsu’）", in Rekishigaku Kenkyū, VII, no. 5 (May, 1937), p. 204.

\(^3^5\) Okuno Nakahiko (小野中彦), "8-9世紀における私的土地区切り（'8-9 Seiki ni okeru Shiteki Tochi Shōyūsei no Rekishi-teki Seikaku'）", in Nihon Rekishi, no. 279 (August, 1971), pp. 54-55.

\(^3^6\) Nishioka Toranosuke (西岡茂之助), "平安時代の土地還従の方法"
in the tenth century held over one thousand places of gardening, pasture, food processing and metal casting in thirty-four provinces. In 798 a court order complained about temples and nobles claiming private lands for pasture, gardening and cemeteries with no intention of ever developing them into rice fields.

There was extensive paddy development on private land in the Heian period. Estate boundaries were filled in and expanded, and within them new fields were created. In some cases scattered individual fields were formed into an estate by reclaiming land between them.

The basis of most temple estates was the original grant of land to provide support for the temple. But some were constructed wholly from reclaimed fields. Kuwahara no shō in Echizen originated in a purchase by Tōdaiji of reclaimed land in 755. In two years, thirty-three chō of paddy fields were developed at the cost of two to three years of rice crop from the new fields.

Ina no shō is an example of an estate starting from a land grant, most of which was uncultivated land at the time it was granted to Tōdaiji in the eighth century. Located in Settsu, along the Inland

("Heian Jidai no Tochi Kaikon no Ichi Hōhō"), in *Rekishi Chiri*, XLVII, no. 2 (February, 1924), pp. 71-72.


Sea coast, it occupied a small beach front with rice paddies inland behind low dunes. Ina no shō had about fifty chō of land, including the sand. There were only nine chō of rice paddies at the time of the grant to Tōdaiji, but by 950 another twenty-seven chō had been developed.

Hemmed in at this point by public lands, the estate turned to the beaches, where a total of 250 chō of beach front dunes were claimed for development. The sand banks were ringed with terraces and the leeward slopes of the banks were planted with grasses to stabilize the sand and create humus. Slowly, Ina no shō added another one hundred chō of viable paddy land from the sandy banks above the beaches.

Takaniwa no shō in Inaba began with only about one chō, but by 755 had developed nearly ten chō of rice fields. Ise shrine originally held about one thousand peasant households in Ise Province. Through reclamation, these separate and scattered holdings were drawn together into a block of fields which covered almost all of one district.

Following a rich endowment at foundation and a rapid expansion of holdings, Tōdaiji lost or let go to waste many fields in the ninth and

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41 This process (called wajū 華中) of reclaiming large areas of beach is detailed by Watanabe Sumio (渡辺久雄) in 東大寺領指津国縄名庄の歴史地理 "Tōdaijiryo Settsu no Kuni Ina no shō no Rekishi Chiri"), in Shirin, XLVIII, no. 5 (September, 1965), pp. 124-25.

42 Small as it was, Takaniwa no shō had a wide variety of land: mountain slope land, temple land (jiden 僧寺地), state land (kubunden 部分地), public, taxed land (kōden 公地), and reclaimed land. Abe Takeshi (阿部勝枝), 初期周辺の沿海過程 "Shoki Shōen no Botsuraku Katei") in Nihon Rekishi, no. 215 (April, 1966), p. 28.

43 Pukuzawa, "Ise Jingu Sharyō no Kenkyū," pt. 1, p. 43. There were probably transfers of land between the public domain and Ise private holdings. Purchase and sale of reclaimed fields were also not unknown in the early Heian period.
tenth centuries. In 950, however, Tōdaïji still had 1,700 peasant households and over four thousand 畑 of rice land, much of which was developed by the temple. For nineteen estates there was a documented increase of land totalling 844 畑, an average of 44 畑 of new rice land each. Only six estates lost land and they averaged eighteen 畑 less in size than at their founding.

Temple estates also expanded through means other than reclamation during the Heian period. In the eleventh and twelfth centuries, sizeable grants and gifts of land from the court came to a number of the large temples. Emperors and high court functionaries continued this practice in the face of their own published land laws. Emperor Daigo issued the Engi Codes regarding estate regulations, while at the same time bestowing new grants of land. Ise Grand Shrine was the main recipient, being given 362 households spread over six provinces. Provincial governments also gave public lands to temples and shrines. In 1005, the provincial authorities of Chikuzen Province in Kyūshū granted for religious purposes thirteen 畑 of paddy land, which was scattered throughout the province, to the Chikuzen Kanzeonji.

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44 Takeuchi Rizō (立尾 理三), 畑領研究 (Jiryo Shōen no Kenkyū) (Tokyo: Unebi Shobō, 1942), pp. 80-90. The quality of the remaining fields was superior to that of those that were abandoned.


46 These figures were computed from information given in Takeuchi, Jiryo Shōen no Kenkyū, pp. 83-89. Three of the nineteen estates which expanded in size—Atsumi no shō, Chimori no shō, and Hatanori no shō—account for 608 of the total 844 畑.

47 In Ise alone, 152 peasant households were given to the Grand Shrine. Fukuzawa, "Ise Jingu Sharyō no Kenkyū," pt. 2, p. 43.

48 Heian Ibun, vol. 2, pp. 592-93, Kankō 2 (1005), 11, 15. An initial
Finally, temples were able, despite government regulations, to expand and fill out their holdings through purchase of rice land. The Taihō code and the Engi Codes of 902 prohibited such practices, but the larger religious houses continued to buy and sell tracts of privately developed land. In Bizen, an estate of Tōshōdaiji, Tsukuda no go, expanded by over 175 chō from 775 to 855. Reclamation played a part in this expansion, but the main increments came from many small scale purchases of land which had been developed by local peasants. Temples sold land as well. Tōdaiji sold a great deal of land to local families. In 801 Takaniwa no shō in Inaba was divided and fifty-five chō was sold to a local landowner and office holder, Fujiwara no Tadanushi, for four thousand sheaves of rice. Only three chō of the fifty-five were under cultivation at the time and most of the land was undeveloped.

Grant in 1003 was followed in 1005 by a specific provincial order to transfer the land. The 1003 order was probably a provincial grant as well. Heian Ibun, vol. 2, pp. 557-58, Chōhō 5 (1003), 7, 11. For a discussion of the grants and the documents see Takeuchi Rizō (竹内理三), "Chikuzen no Kuni Kanzeonjishi" ("Chikuzen no Kuni Kanzeonjishi"), in Nanto Bukkyō, no. 2 (1955), p. 77.

There was ambiguity in the laws concerning purchase of land. In many provinces privately developed rice fields could be sold as readily as garden land. Uozumi Sōgorō (上泉敬五郎), "Koyasanryō Shōen ni Tsuite" ("Koyasanryō Shōen ni Tsuite") in Rekishi Chiri, XXII, no. 3 (September, 1918), p. 12. For a discussion of the historical context of land transfer in Heian Japan, see James Kanda, "Methods of Land Transfer in Medieval Japan," in Monumenta Nipponica, XXXIII, no. 4 (Winter, 1978), pp. 380-81.


Heian Ibun, vol. 1, pp. 16-17, Enryaku 20 (801), 12, 16. In 803 another twelve chō was sold by Tōdaiji, of which only seven tan were under rice cultivation. The price was one thousand sheaves of rice. Abe, "Shoki Shōen no Sonraku Katei," p. 33.
Through continued grants, sales, and purchases, and through land development, temples were able to maintain and expand their private estates. Fields which they developed from waste land were treated as private property. By the end of the Heian period, estates accounted for at least half of all cultivated land. The "public" domain had remained almost constant in size, but the private had swelled with newly cultivated lands.
Tōdaiji and Ōi no shō

In 1071 the imperial government office of estate records and investigation ordered Tōdaiji to explain its relationship to Ōi no shō.¹ Established in 1069, the estate records office investigated and confiscated many estates of nobles and religious institutions. Where documentation was inadequate, estate owners lost revenues and land.

With Ōi no shō, however, Tōdaiji had no trouble with the court. In its reply to the records office, the temple described the status of Ōi no shō as that of an estate held exclusively for several centuries. The land had belonged to Tōdaiji from the time that it was granted from the imperial court in Kyoto in the eighth century. Between then and 1071, said the report, Ōi no shō had been managed by the temple and its appointees without trouble. To Tōdaiji, surveys and tax assessments of estate land by local officials were interference in its private matters. It asked the court to prohibit annoyance from provincial and district governments and the court complied.²

¹Heian Ibun, vol. 3, p. 1077, Enkyū 3 (1071), 6, 30. The office title, kiroku shōen kenkeisho (記録書院親建所) is often shortened to kirokujo (記録所), which means "records place." The place was originally a dining hall and the office was established outside of the formal court bureaucracy. G. Cameron Hurst, III, Insei: Abdicated Sovereigns in the Politics of Late Heian Japan, 1086-1185 (New York: Columbia University Press, 1976), p. 114.

What is suggested by this is that a private relationship with the imperial family was of greater importance than a public relationship with the imperial court. If land was a gift or a reward from the emperor, it was removed from the jurisdiction of officials of the local government if the new holder desired it. Oi no shō, like some other estates, was not only exempt from paying most public taxes, but also secure from investigations by local officials.3

Oi no shō was a gift from the court to Tōdaiji in 746. This was during the last years of the twenty-five year reign of Emperor Shōmu. Shōmu was a fervent Buddhist and an active emperor. His court was an Asian center of Buddhist studies for devotees, and he appointed priests and monks to be his ministers. In 737, he ordered every province to put aside land and revenues for the construction of an official temple. The central temple of these state-sponsored institutions, Tōdaiji, was built in Nara and contained the hall of the Great Buddha. Cast into the shape of Vairocana seated on a lotus, the statue rose fifty-three feet into the center of what was probably the largest wooden structure in the world. Bronze was its body and gold its gilding, and the ornaments and fixtures of Tōdaiji were a wonder to the people and a drain on the treasury.4 When the statue's eyes were painted in, a

3 "An imperial edict has been reverently received commanding that the province establish the [estate's] boundaries as of old. It is forbidden to levy various taxes and for provincial agents to enter [the estate]." Heian Ibun, vol. 3, p. 1011, Köhai 3 (1060), 6, 22.

4 Paul Varley wrote: "Ironically, Shōmu's great undertaking so taxed the public resources of the Nara court that, far from strengthening central rule as he wished, it was probably the single most important factor in stimulating a decline in national administration over the next century and a half." Japanese Culture (New York: Praeger, 1973), p. 25.
crowd of ten thousand people, some from China and India, watched the

As a sign of devotion, gifts of estates and incomes were made by the
court to Tōdaiji and the official provincial temples. Oi no shō was one
such gift, granted in 746 in order to provide materials and supplies to
Tōdaiji for its management and its meetings. Because they were imperial
gifts of imperial "edict" lands (chokushiden 功労田 ), these private
estates were exempted from provincial and local taxes and eventually
from legal jurisdiction. They became a part of a growing network of
private fields and estates. Privately owned and managed and indepen-
dent of the public domain, they existed nevertheless by will of the
imperial court. If a land holder could demonstrate that the land was
a gift from the court, the holder's title was secure.

Land Ownership

In the Heian period, ownership (shoyū 所有 ) did not mean ab-
solute control. As a gift from Emperor Shōmu, Oi no shō was owned by
Tōdaiji in the sense that it could manage the land as it saw fit and

5The grant documents are not extant. They are referred to in Heian
Ibn, vol. 3, p. 841, Tengi 2 (1054), 2, 23, which dates them from Tempyō
18 (746), and in Ibid, vol. 6, p. 2198, which cites Tempyō-Shōhō 8 (756),
4, 17.

6For a discussion of chokushiden and its place in early Japanese
law, see Ishimoda Shō (石見信正), 古代末期政治史研究 (Kodai Makki

7Cornelius Kiley divided private rights toward land into three
"levels of tenancy": the right to cultivate land and contract it to
tenants (myōden 名代 ); the right to administer the land, including
taxing it (shōkan 重官 ); and the legitimizing authority which was also
the right to exploit (ryōshu 郷主 , ryōke 領家 , honjo 本所 ). "Property
and Political Authority in Early Medieval Japan," Ph.D. dissertation,
dispose of the revenues from its property as it wished. But it was not to sell the land, and before the ninth century, individuals could not easily will private land to their descendants.8

Land law was based on the codes of 645 and 701. These addressed many issues aside from land: new court ranks and stations and a revised court society hierarchy, a state religion to provide intellectual leadership, provincial, district and sub-district offices across the country to collect taxes and administer the codes and regulations, a system of roads for communication and transportation of goods and revenues, and a new capital city for prestige and to house a swelling bureaucracy.9

Jōri was the title, borrowed from Tang China, for the codes dealing with land. Rice lands were ordered surveyed and measured and tax schedules were applied with an eye toward uniformity. Land divisions were made explicit with ridges, ditches, and pathways.10

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8Maruyama Masahiko (丸山正彦), 土地所有権の沿革 ("Tochi Shōyū-ken no Enkaku"), in Kokugakuhensan (国学院編纂) eds., 法制論集叢編 (Hōsei Ronsan Zokuhensan) (Tokyo: Dainihon Tosho Kabushiki Kaisha, 1904), vol. 1, p. 282. While the Yōrō codes of 718 extended the privilege of succession to property to individuals outside of the nobility, its application to peasant inheritance of cultivated land was limited. Yoshie Akiko (吉井昭子), 日本の農地について ("Nihonryō no Chakushi ni Tsuite"), in Shigaku Zasshi, LXXIX, no. 9 (August, 1980), pp. 1260-63.

9The capital city, Heijō (奈良), and many of the codes were modelled on Tang China. There is evidence that the impact of Chinese culture and institutions was felt long before the codes of 645 and 701. Earlier reforms had been tried by the court. That the court was aware of the demerits as well as the merits of the Tang legal codes is a claim made by one of the leading scholars of this period: Mizuno Yū (水野英), 日本古代の国家形成 (Nihon Kodai no Kokka Keisei) (Tokyo: Kōdansha, 1967), pp. 210-24.

10Even today, evidences of seventh and eighth century land survey and divisions can be seen in many areas of Japan. Iyanaga Teizō (市永貞三), 奈良時代の貴族と農民 (Nara Jidai no Kizoku to Nōmin) (Tokyo: Shibundō, 1955), pp. 18-19.
Private land possession by the rich and powerful predated the codes of 645 and 701, but private title to land came only with codification of land law. By law, all rice fields in Japan were the domain of the imperial court. Rice fields could be privately bestowed by the emperor, but outside of gift or reward, rice fields were state lands to be allotted to farmers. Wheat fields, mulberry trees which supported sericulture, vegetable fields and gardens, and residence grounds were not surveyed and organized with the same attention to detail which paddies received.

By the seventh century irrigated paddy agriculture was being practiced throughout central and western Japan. Rice had grown wild in swampy areas for centuries and by 100 B.C. was being cultivated in banked fields. New rice strains imported from the mainland allowed drained field cultivation and in the late seventh century irrigation technology was disseminated widely by the court.

The alluvial plains of Japan are productive when carefully tended. Irrigation demanded shaping and leveling and development of soil. Control of water flow into the fields required laboriously made water courses. Outweighing the difficulties of developing rice paddies and of working them, the advantages of rice farming were great enough to convince the imperial family and court to use rice fields as the basis of their land administrative system. Though the labor required was great, rice was the most desirable of grains in Japan and the court did much to promote rice farming with land development incentives, irrigation projects and dissemination of new strains of rice. For the court, a grain tax

11Hachiga Susumu (ハチガススム), "Kodai ni okeru Suiden Kaihatsu" (Kodai ni okeru Suiden Kaihatsu”), in Nihonshi Kenkyû, no. 96 (March, 1968), p. 15.
based on rice offered a stable and easily administered tax base, and a
countrywide administrative system organized around rice fields meant a
monopoly of the high yielding grain and control over its producers. 12

Rice land was made the basis for land reform and taxation, but
the farming household was the tax unit. 13 Government registers were
compiled and land allotments and tax assessments were made. On an
average, a household was assigned from one to two acres of paddy field
and additional residence and garden land which sometimes included upland
fields and mulberry trees. 14

For over a century this was a functioning system. Rice paddy
agriculture was extended into previously uncultivated regions and large
areas were surveyed and reshaped. Periodically, land holdings and taxes
were readjusted based on fresh household registers and land surveys.
There were at the same time, however, privately titled estates and
privately assigned lands which were not subjected to periodic redistri-
bution and which escaped many taxes which individual farmers could not.
Once bestowed on the basis of favor or service, titles and rights were

12 Dana Morris wrote that one advantage of rice culture to the
government was the security of a "settled population" which the "inten-
sive, ongoing labor requirements" of rice farming gave. In addition,
"Because of its high yields, rice culture also concentrated population
in smaller geographical areas that were easier to control." Dana Morris,
"Peasant Economy in Early Japan," Ph.D. Thesis, University of California,
Berkeley, 1980, p. 28.

13 A good description of the function, viability, and organization
of house registers is found in Iwahashi Koyota (岩橋小八助), 上代食貨制
度の研究 (Jōdai Shokka Seido no Kenkyū), vol. 2 (Tokyo: Yoshikawa

14 Each male above six years of age received two tan (about 2/3
acre) and females were given 580 bu (almost half an acre). Ogino
Yoshiyuki (小野 治夫), 東北食課法 ("Kantō Shōkiho"), in
Kokugakuin, eds., HöseN Ronsan Zokuhen, p. 557.
hard to recall and private estates seemed to grow richer and larger with the years while an increasing tax burden fell on public lands.

Privately held lands were of several types. Imperial land was perhaps the greatest in total and covered large areas of the Yamato Basin around the capital. The imperial family was described in government documents in the tenth century as the largest landholder in the country. The bulk of this, however, was open, undeveloped areas and though it was made productive later, often the imperial family received only a portion of the crop and much went to the local developer.

Rank lands (iden *) were private rice fields which were assigned to aristocratic families. First rank nobles and imperial princes each received eighty chō of rice paddy land and eight hundred peasant households (fuko *). Second rank courtiers received sixty chō and six hundred households, third rank, fifty chō and four hundred households, and so forth, all by virtue of birth, not in return for service or merit. They were assigned at the age of six and adjusted upward as the person rose in rank.

Merit lands (kōden *) and gift lands (shiden *) were given out by imperial order to individuals and institutions which had assisted the throne in some way. Great blocks of good rice lands were granted

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15 Abe Takeshi (阿部隆), 平安時代荘園整理の基礎的研究 ("Heian Jidai Shōen Seirisei no Kisoteki Kenkyū"), in Hokkaidō Gakuei Daigaku Kiyō, XV, no. 1 (August, 1964), Sect. 1B, p. 12.

16 Murai, Kodai Kokka Kaitai Katei no Kenkyū, p. 228.

17 Maki Kenji (牧健二), 封戸制の変革と荘園の発展とその関係 ("Fukosei no Henshitsu to Shōen no Hasseishi to no Kankei"), in Shizaku Zasshi, XLII, no. 1 (January, 1931), pp. 40-41.
in perpetuity as merit and gift lands. The most famous gift was fifteen thousand households and their land allotments given to Nakatomi no Komako along with a new name—Fujiwara no Kamatari—as a reward for his part in the political coup of 645 which brought the reform faction to power at court. His son, Fuhito, received another two thousand households. By 700 the Fujiwara house held over 38,000 acres that had come to them through imperial gifts.

After the capital was moved from Nara to Kyoto (Heian-kyō then), land gifts and donations continued. Even within the boundaries of the capitals, public land was made into private domain by the court. Temples received frequent gifts from the court for religious and spiritual reasons.

There were other kinds of privately held land. Office lands (shikiden) were attached to high offices in the central government and were privately held only for the tenure of the office holder. They were scaled according to the status of the office, not the court rank of the office holder, beginning with the office of the grand minister (daijō-daijin). They acted as a realty trust fund.

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18 Murata Shōgen (村田章信), 『関東家領への特質（"Sekkanke-ryō to sono Tokushitsu")』, in Ueki Hakusei Kanreki Kinenkai, ed., 柏尾博士 還暦記念 (Kokushigaku Ronshū) (Tokyo: Ueki Hakushi Kanreki Kinenkai Shukugakai, 1938), pp. 113-14. The gifts of three especially generous emperors—Kōtoku (r. 645-54), Tenji (r. 668-71), and Temmu (r. 673-86)—are detailed in Maruyama, "Tochi Shoyūken no Enkaku," pp 284 and following.

19 Takeuchi Rizō (竹内理三), 藤原政権 (藤原政権 ("Fujiwara Seiken to Shōen"), in Shien, no. 60 (November, 1954), p. 38.

20 In Heian-kyō there were several private lands listed, although they were usually scattered fields. One holding totaled twenty-two chō. Ruiju Sandai Kyaku, no. 8, Shōtai 4 (901), 4, 5. There were private lands in the old capital of Heijō which came from the court. See Heian Ibun, vol. 2, p. 547, Chōshō 3 (1001), 8, 27.
to secure the salaries of the top officials in the court administration, for the revenues from the lands were regarded as a portion of the salary of the office.\(^{21}\)

*Kanden* (菅) was government land which provided financial support for provincial governments. Office buildings and officers' residences sat on tracts of government land which included adjoining rice paddies. In place of province-wide taxes, these paddies provided revenues and goods for the upkeep of the buildings and sustenance of the officials and their guests. Some tracts amounted to hundreds of chô. Warehouses and gardens, even small towns were established on these sites in addition to the government offices and residences.\(^ {22}\) Although *kanden* was meant to be used for governmental functions, officials diverted portions of the land to their family holdings, and some retained rights to the land after leaving office.\(^ {23}\)

Temple and shrine lands—*jiden* (建) and *shaden* (社) —made up another category of private lands. In the land codes of 645 and 646, they were apparently meant to be like public lands, which were subject to survey and reallocation every six years, but there is no evidence of this happening. In the codes of 701, temple and shrine lands were

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\(^{21}\) These were large "trusts." The allocation for the office of prime minister was three thousand farming households. The ministers of the left and right each had two thousand and the *dainagon* (大臣) had eight hundred. Maki, "Fukosei no Henshitsu to Shôen no Hasseishi to no Kankei," pp. 40-41.


\(^{23}\) Middle and low ranking officials could not aspire to merit or office lands. They turned many government fields (*kanden*) into private property and private use. Abe Takeshi (阿部), "Kyôkoden ni Tsuite", in *Nihon Rekishi*, no. 152 (Feb., 1961), p. 61.
exempted from periodic reallocation by the government and from public grain taxes as well.  

Shrine land was the older of the two. In many localities, shaden was only a new name for land which had been long held by local shrines. Originally, jiden referred to the temple grounds and any land around it that was needed for support. The tax advantages of this kind of land, however, encouraged temples to call newly developed fields "jiden."

Peasants also could hold private land, but outside what they could develop privately, they were restricted to non-rice land. Dry land fields and timber areas could be surveyed and titled (rikken) for private use. Pasture land and garden land, fishing and seaweed gathering areas and facilities were not taxed or regulated.

Nobles and religious houses, however, were influential enough to privately hold land which produced rice, the basis of wealth and the medium of exchange in Japan then. Gifts of land from the imperial

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24 Iwahashi Koyata argued that temple and shrine lands were technically subject to reallocation laws even after the Taihō codes. Jodai Shokka Seido no Kenkyū, vol. 2, pp. 76-77. Nakamura Takaya (中村高雅), however, showed through examples that the lands were in reality exempt from the handen system in spite of the letter of the law. 表彰著生史 (Shoen Hasseishi) (Tokyo: Kasuga Shoin, 1958), p. 237.

25 Others were given land which had long belonged to them in practice. Takeuchi Rizō regarded many land gifts by the court in the seventh century to be recognitions of long-standing proprietary rights. Most of these "gifts" went to local families of power and wealth. 律令制と貴族政権 (Ritsuryōsei to Kizoku Seiken) (Tokyo: Ochanomizu Shobō, 1957), vol. 1, p. 236.

26 During the Heian period, policy changed on the question of what lands were public and subject to survey and what lands lay outside of public concern. For the legal history of sporadically cultivated fields, for example, see Nagasawa Hiroshi (永澤日出), "Chūseiteki Chimoku to Shite no 'Hatake' no Seiritsu" in Shiraku Kenkyū, no. 152 (July, 1981), pp. 1-22.
court usually included developed rice fields. To them were added privately developed fields to form estates.

Other privately managed lands were not as fortunate as Oi no shô. By the end of the Heian period, there were many estates which had not originated in grants from the court. They were privately developed and lacked the legal immunities of imperial grant lands. Oi no shô paid no public taxes on a regular basis, but locally formed estates could hope to copy its example only by acquiring the patronage of a member of the imperial family or, failing that, a temple or powerful noble. In exchange for the title to the land and rights to annual rents on it, the new title holder exerted influence to free the land from the obligation of public taxes and protect it from interference by public officials.

Offices and Rights

Late in 1079, Tôdaiji appointed a new official to Oi no shô. Onakatomi no Kiyonori had been a kengyô (槇椧) on the estate and was promoted to bettô (両官), the chief administrative officer at that time. But Kiyonori's promotion did not result from his merit as an administrator or from close personal ties to Tôdaiji, and the "office" to which he was promoted may have had no duties. In the notice of appointment, it was clear that Kiyonori's claim to the title of bettô was based on kinship. He was appointed "because of the successive

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27Heian Ibun, vol. 3, p. 1178, Jôryaku 3 (1079), 11, 23. Kengyô and bettô were titles for both estate officials and administrators in central temple governing bodies. They were used by Tôdaiji, Kôzanji and official provincial temples. On the estate, the bettô and kengyô were chief administrators, but the bettô usually ranked higher than the kengyô.
generations of inheritance" and "in accordance with the request of the father, Onakatomi no Nagamasu." 28

For Kiyonori, the office for which the title stood demanded at least his approval of and signature on reports to the temple, and written acknowledgments that its notices and orders had been received and attended to. What his duties were precisely is not specified and we cannot assume that they were not stated only because they were understood. By the eleventh century, many titles had been separated from their original office functions and were empty of duties. We can only conjecture that Kiyonori oversaw the planting, cultivation and harvest of estate crops, made arrangements for storage of grain, provisions and tools, and handled estate business locally.

Kiyonori's title was bettō shiki. Shiki (職) originally meant "office" or "duty." It was attached to office names in the public domain in the Nara period, and included all duties and rights of the office. 29 In the seventh and eighth centuries it was used to refer to public offices, but it came with time to be used by private estates and to mean a qualified, not absolute, right to land and/or its produce. 30

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30 Nakada Kaoru introduced the term to Japanese legal scholarship. His research indicated that the term was used to mean official functions and was used in the Nara period with upper level offices. As the positions came to be privately controlled and inherited, revenues or emoluments for the offices became fixed, and gradually the reference of shiki changed to the rights adhering to the appointment, such as management or fiscal rights over land in estates. Nakada Kaoru (中村春), 庄園の研究 (Shōen no Kenkyū) (Tokyo: Shōkō Shoin, 1948), pp. 185 ff. Recent
The history of the term is closely tied to the history of the regions outside of the capital area in Heian Japan and the transformation of the meaning of shiki illustrates the extent of changes in local institutions. Shiki were commonly appended to the titles of district and sub-district officials. With time, perquisites of public offices came to include private rights to land and revenues and these were expanded by some officials to include estate-like rights of tax exemption. Under their administrative control, the "public" domain came to be recognized as personal land holdings of the official. Local officials (zaichō kanjin 佐執官人) became local land lords (zaichi ryōshū 在地領主) in this way. By finding a patron in Nara or Kyoto, the local land-rich could exchange land title for tax exemption and legal protection. To accomplish this exchange, the management and income rights to the land were divided into shiki, indicating the relationship of the person or institution to the land.

True to tradition and custom, shiki titles reflected social rank. At the top there were honjo shiki (本所籍) and honke shiki (本家籍). These were reserved for the top rank of patrons. Only the regent's family and the imperial family were so entitled. Ryōke (陸峯) was the shiki of patrons of other ranks in the capital noble classes who often, in turn, sought the patronage of a honke. Ryōshū (領主) meant

research by Nagahara Keiji, however, does not support this interpretation. Nagahara finds few instances of the use of the term in documents dealing with estate offices until the eleventh century. By the time it became commonly used by estates, it had already acquired the meaning of private rights toward land or revenues. Nagahara, "Shōen ni okeru Shiki no Seikaku," pp. 263-70.

31 Nakada Kaoru (中田薰), Hōseishi Ronshū (法制史論集), 2nd ed. (Tokyo: Iwanami Shoten, 1970), p. 188.
lord, irrespective of rank, and the holder of the ryōshu shiki usually held management rights to the land. The ryōshu could be a local person or a temple.32

Under the great capital nobles and religious houses, the three most important shiki during the eleventh and twelfth centuries were probably the azukari dokoro shiki, the bettō shiki, and the gesu shiki. The first two were often assigned to the management of more than one estate in an area, but the latter was attached to a single estate. Under these were a host of local shiki: azukari, jōshi (上司), kengyō (権校), kumon (公文), sentō (幸当), shōchō (左長), and shōshi (左司) are just a few, and as time passed shiki were attached to more offices.33 Of special interest is the jito shiki, which in local estates in the twelfth century was a middle ranking administrative position before the Kamakura bakufu invested it with greater powers and filled jito shiki on estates with its own candidates.34

The use of shiki became as popular among farmers as among public and private administrators: myōshu (名主), tato (田畑), tsukurite (作手), hyakusho (百姓), kashi (加子), and yoryūdo (寄人) are but a few of the shiki held by peasants.

32 A summary of the use of ryōshu shiki is found in Abe Takeshi (阿部唯), 中世日本国の研究 (Chūsei Nihon Ōmon no Kenkyū) (Tokyo: Shinseisha, 1967), p. 115.

33 Kawakami Tasuke (川上多助), 平安時代における荘園の組織 (Heianchō Jidai ni okeru Shōen no Ōgō), in Shirin, XI, no. 3 (July, 1926), pp. 353-55.

Like the shiki of officials and managers, farmers "rights" varied from estate to estate and the same title meant different things on different estates. All shiki, however, had an element of privacy by the end of the Heian period. In estates and in the public domain, shiki referred to private rights--of management and to rents or portions of the harvest--toward crop land. They could be inherited and they could be divided. They were the titles and papers expressing the private relationships of both patron and client to the land and farmers that sustained them.

**Temples as Patrons**

The increasing resort to commendation of shiki affected long-established temples in varying ways. In general, the real beneficiaries were the imperial family and the regent's family. One out of every three of the Konoe family's 156 estates in 1253 was a honke shiki estate, a title to land for which revenues were received but over which no management authority was held. Fortunes of individual temples in this period varied. Iwashimizu Hachimangu shrine was offered many estates in the twelfth century. With its close affiliation with the imperial family, the shrine prospered, as an example from 1130 illustrates.

In that year, Taira no Tsuneshige, a local landlord in Shimo-osa, commended his private holdings of several hundred chō of land making up the entire township of Fuse to the Ise Grand Shrine. The Taira had been local government officials and landholders in Shimoosa for at least a century. By 1130 they had obtained exemption from public service taxes

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for all of Fuse, and recognition from the district government of exclusive management rights to the township. Tsuneshige commended the land to Ise Grand Shrine in perpetuity, but he retained full rights of management over Fuse. Revenues of an unspecified nature went to the shrine, but it had no other authority over the estate.

Not all religious houses were as fortunate as the Ise Grand Shrine. Tōdaiji's land holdings decreased in the eleventh century and it was not sought out for commendation during the twelfth. Both Kōya-san and Tōji received few estate titles in return for their patronage during the Heian period. Temples and shrines were sometimes forced to seek the protection of the imperial or regent’s families, especially for estates which had been commended to them from local officials such as Taira no Tsuneshige.

Older, longer established estates were rarely offered to a patron. Their age and legal documents were usually sufficient to protect them. Even in cases of provincial police action, temples rarely commended

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36 Uchida Minoru (内田寛), 平安末期の領主制研究の一視点 (“Heian Makki 'Ryōshusei' Kenkyū no Hitotsu Shiten”), in Rekishigaku Kenkyū, no. 233 (September, 1959), pp. 48-49.

37 Heian Ibun, vol. 5, pp. 1871-72, Daiji 5 (1130), 6, 11.

38 For an overview of temples and commended estates, see Hosokawa Kameichi (細川隆市), 王朝時代の寺領制研究 (”Ocho Jidai no Jiryō Shōen no Kenkyū”) in Shigaku, XI, nos. 1 and 2 (March and June, 1932). For Tōdaiji, see Takeuchi Rizō, Jiryō Shōen no Kenkyū, pp. 137 and following. For Kōya-san, see Egashira Tsuneharu (江原満), 薬野山領研究 (Kōyasanryō Shōen no Kenkyū) (Tokyo: Yūhikaku, 1938), pp. 35 and following. For Tōji, see Takeuchi Rizō (竹内理三), 天智変質期の寺領制 ("Shōen Henshitsuki no Tōjiryō"), in Shakai Keizai Shigaku, X, no. 1 (April, 1940), pp. 1-30. The most striking examples of temples enriched by commendation of estates are six temples built by the retired emperors and endowed with 89 estates. Hurst, Insei, pp. 263-65.

39 Both prospered, however, in the Kamakura period.
their old, established estates. This would have meant the loss of a
significant amount of revenues from the land as well as the possible
sacrifice of some managerial rights. Those estates that were sufficiently
threatened to require the temple to seek a patron were commended to the
imperial family or one of its affiliated temples and shrines. The Grand
Shrine at Ise received estates from even the most powerful nobles and
religious houses.

An example from 1142 will illustrate the complexities of seeking
and finding patronage. When land was commended to Fujiwara no Narimichi
through Kōya-san, the temple retained only the rice tax (nengu). The
rights of estate management went to Narimichi. He divided his income
and gave the land to the senior retired emperor Toba (1103–56, r. 1107–23).
As honke, Toba received a portion of the land rents.41 In 1185,
Narimichi commended the ryōke shiki to the retired emperor Takakura.
Takakura offered a honke shiki to a temple in northern Kyoto, which
gave the title to the richest woman in Japan, Hachijō-in.42
Through the successive transfers of ryōke shiki and honke shiki, some
of the rights of land management were regained by Kōya-san, but it also
lost a greater portion of the proceeds from the land.

40 Ishimaki Yoshio (石巻義雄), 伊勢神宮の伝承と職田 ("Ise
Jingu no Iden to Shikiden"), in Rekishi Chiri, XXIX, no. 6 (June, 1917),
p. 68.

41 Heian Ibun, vol. 6, pp. 2085–86, Kōji 1 (1142), 12, 13.

42 Uozumi, "Kōya-sanryō Shōen ni Tsuite," pt. 1, p. 16. The holdings
of Hachijō-in were among the largest in late Heian Japan. Hachijō-in was
the court name for Princess Shōshi, the third daughter of Toba. She
received estates from many sources, and inherited her mother's
(Bifukumonin) holdings in 1160. Hurst estimated that the Hachijō-in
holdings reached 230 estates. Insei, p. 163.
The great complexity of multiple commendations was exacerbated by the interrelated character of numerous cloisters and temples. Within a single temple such as Todaiji there were many separate cloisters (in 鎮). Each grouping of halls which formed a cloister had its own rector and frequently a separate temple administration which oversaw private estates. The in were a part of the main temple, but often independent in house administration and land endowment.  

In the last hundred years of the Heian period, dozens of new cloisters appeared in Kyoto. Some were attached to the palaces and buildings of retired emperors and from their fittings could be called temples. Religious fervor swept the court in the late eleventh century, although it was without the proud display of that in the eighth century. Taking the tonsure and entering the Buddhist priesthood upon retirement from active public life was not new, but building and enriching temples and cloisters after retirement was. Shirakawa (1053-1129, r. 1072-86) began the construction of many temples and completed at least five. Toba built five and Goshirakawa (1127-92, r. 1155-58) added five more. Apart from the emperors, women of the imperial family had temples and palaces built. It was to these temples and cloisters that hundreds of estates were commended by the pious and the nervous.  

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43 Nakamura Naokatsu (中村直勝), 社寺領の統制について ("Shajiryō no Zokusei ni Tsuite"), in Rekishi to Chiri, XXII, no. 5 (November, 1928), p. 245.

44 Hurst, Insei, pp. 263-74. The character for cloister (鎮 in) was used with other referents. Bifukumonin, Hachijōin, and Taikemonmonin were all women connected to the imperial family. Their in names were their court and society names. Bifukumonin's personal name, for example, was Fujiwara no Tokushi.
If the piety of the late Heian emperors is demonstrated by their construction of many temples and cloisters, their sagacity is shown by their use of them as holders and administrators of the imperial family estates. It would have appeared unseemly for the reigning emperor to be at the same time privately the wealthiest individual in Japan. Retired emperors, imperial daughters and consorts, and imperial temples and palaces and cloisters were the nominal holders of the estates of the imperial family.45

The older temples in Kyoto and Nara were to a lesser extent than the new imperial temples and cloisters recipients of imperial generosity. The motives behind grants of land to religious houses which were not connected to the imperial house seem to have been religious. Unlike gifts of land to imperial temples, commendation to independent institutions was of no material benefit to the imperial family.

Working with documents of land commendation to temples, Hosokawa Kameichi compiled a list of eleven general categories of reasons or intentions which were stated in the endowment documents. These included "for salvation in the after life," "for peace and tranquility in this life," "to escape suffering and gain relief," "to cast away sin or crime and regain virtue," "to recover from disease or illness," "to provide for the livelihood of a master teacher of a cloister," "to express or demonstrate gratitude toward a sect, temple or the founder of such," and "to repent for the sexual offenses of a woman" (adultery was one of the five

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Buddhist cardinal sins for women). In 1159, Kōyasan received an estate in Kii Province, Arakawa no shō, to provide revenues to purchase gold leaf to cover the temple treasure house. In 1177 the Emperor Toba commended another piece of land in Kii, called Nambu no shō, to Kōyasan in order to provide vetch for one of the cloisters of the temple.

Endowments to religious houses such as these were usually made permanently. Rights to manage the land and appoint local estate officials were rarely included, but revenues and produce from the land were guaranteed. In the documents of commendation, the uses to which the revenues were to be put were specified, such as maintaining a garden in a master teacher's private cloister, or for lamp oil supply for special lectures or ceremonies. They were given by emperors, retired emperors, and imperial women, and they were often given at death. Commendations of a small portion of total personal estate holdings—a part of the income of one of many estates—were made to favorite temples or cloisters.

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47 For a discussion of the religious motives behind this commendation and others, see Uozumi Sōgcrō (上泉 祐緒), 寺領制度の特質とその社会的関係 ("Jiryō Shōen no Tokushitsu to sono Shakaiteki Kankai"), in Shigaku Chirigaku Dōkō (史学地理学同研究), ed., 満倉時代の研究 (Kamakura Jidai no Kenkyū) (Kyoto: Hoshino Shoten, 1925), p. 249.

48 Although these endowments were to a particular institution and were to be used for a specific purpose, temples could and often did pass on the commendations to another institution or individual. For examples, see Nagashima Fukutarō (永島 福太郎), 興福寺・東寺領 ("Kōfukuji to Tōjirō"), in Shakai Keizai Shigaku, VIII, no. 9 (December, 1938), pp. 73 and following; and Nagashima, 興福寺東寺領の興福 ("Sekkankeryō Shimazu no Shō no Kōfukuji e no bun-yo"), in Nihonshi Kenkyū, no. 11 (October, 1949), pp. 63-65.
While it was not common for older temples to be sought after as patrons, it was not unknown. Small land holders, especially, gained protection for their privately developed lands from official provincial and district taxes by commending them to branch or main temples. The pattern was for the temple to split its shiki and pass the greater portion to the imperial or regent's families, in order to provide a more secure form of protection for the land. In these cases the temple held the ryōke shiki and the imperial family became the honke.

Very small plots (one to two chō) of land were also commended by individual farmers to temples. Often bordering on existing temple estates, the fields were given to the temple to allow the farmers to reduce their tax burden. By having their fields incorporated into an estate, the household could be freed in part from public levies. These small individually commended plots were almost always reclaimed fields.49

Commendation was accompanied by rikken (里券) or other documents, stating the details of the transfer of land and usually specifying the division of rights and incomes. Generally, even in the case of small plot commendation, the rights of management remained in the hands of the original holder, but land rents or special products and services went to the temple. When the land was further commended to a honke, the revenues were usually divided to the advantage of the honke.50


Commendation of land to religious houses was not new in the eleventh century. Aside from the lavish imperial gifts in the seventh and eighth centuries, temples were given privately developed lands, sometimes from piety and sometimes for tax purposes. Examples come from the Nara period, such as that of about one hundred chō of reclaimed land in Echizen. The specific date is unclear, but in the mid eighth century, one Honchibe no Hiromimi, a local land owner and official—the *tairyōshi* (大里氏) of Asuwa district in Echizen, staked out about one hundred chō of land and reclaimed a substantial portion of it. The expense of the undertaking may have been too great, however, for he commended it to Tōdaiji, calling the land Sabatakunitomi no shō. Tōdaiji received in the transaction the reclamation title to the land and *jishi* (地税) land taxes. The rights of management of the land, including drawing up contracts with tenant farmers, remained in the hands of Hiromimi at least until the end of the eighth century.

In the mid Heian period, commendations to temples from local farmers and land owners was frequent. A relatively large gift of land was made by a man in Ise, Tsuchinamibito. He commended to Tōji twenty-four chō, five tan of reclaimed land which lay close to other holdings of the temple in Ise. In this case, administrative rights were apparently retained by the commender.

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51 *Jishi* and *nengu* (年贡) are easily confused, as they both were land taxes. *Nengu* were levied on rice lands and were paid in rice. *Jishi* were taxes on other kinds of productive land, paid in kind.


In addition to endowments from the court and commendations from local government officials and landlords, religious houses acquired estates by transforming local temples and shrines and their land into estates. This was a two step process. At first, the local temple was recognized as a branch of the main temple, and then its lands were made into a shō with the local temple acting as administrator. By this process, the religious houses of Kyoto and Nara became patrons for a great many fields which had from very early times been a part of private or semi-public local temples and shrines. During the Nara and early Heian periods there were many state supported and financed projects for building small temples in provincial capitals and the countryside. In the Heian period and especially after 900, however, local temples seemed to fall into disrepair and their lands often went to waste.\textsuperscript{54}

Some of these temples were gradually pulled under the administration of the main temple. First the local temple applied for permission and documents to become a branch temple of one of the central temples. If the lands of the local temple were brought under cultivation again, they were declared "temple fields" (jiden) and tax exempt. Thus a significant amount of good land was brought through the back door into the temple's domain.\textsuperscript{55}

In the early twelfth century, for example, Kanzeonji in Chikuzen Province, which had already established branch connections with Tōdaiji, converted into a full estate under the direct administrative aegis of

\textsuperscript{54}Takeuchi, \textit{Jiryō Shōen no Kenkyū}, p. 110. The two largest networks of branch temples were maintained by the Shingon sect, headquartered at Kōyasan, south of Osaka, and the Tendai sect at Enryakuji, east of Kyoto.

\textsuperscript{55}Takasaka, "Jiryō Shōen no Tokushitsu," p. 204.
Tōdaiji. An administrator was sent from the administrative headquarters (mandokoro 政所) of Tōdaiji to Kanzeonji to oversee the temple work and management of the land. Nengū land taxes were collected and sent to Tōdaiji, and subsequent acquisitions of lands by Kanzeonji were done with Tōdaiji acting as patron.56 Daigoji gained an estate in this way in Chikuzen as well. In 1092 a local temple became a branch of Daigoji and five years after it was converted into an estate which included resident buildings and surrounding lands.57

Provincial governments actively opposed this process, for it strengthened the power of the large temples to increase the number of local clients. It was difficult to oppose because of the power and influence of the Nara and Kyoto religious houses. Rather, the practice expanded to include private developers of only a few fields who were seeking tax relief by it. In Mino Province, local land holders undertook to commend fields collectively to a local temple, Gukeiji, which later became affiliated with Tōji. Commendation papers were drawn up for the land donations, and when recognition was gained for them as temple domain, they became exempt from land taxes. Permission was then given to the original holders to manage their lands and collect revenues from tenants.58

Generally, the actual management of land commended to temples remained in the hands of the commender, the original holder. In some

56 Takeuchi, Jiryō Shōen no Kenkyū, p. 113.
57 Takasaka, "Jiryō Shōen no Tokushitsu," pp. 204-05.
cases, administrative rights were shared with the temples, but as a rule, the temples received only the rights to the land tax or a portion of it. Collection and transportation of this tax was the responsibility of the estate manager.\textsuperscript{59}

The Great Patrons of Heian

In his work on the imperial family in the late Heian period, G. Cameron Hurst wrote that "...the state unwittingly facilitated the development of an extensive system of private clientage."\textsuperscript{60} Wittingly or unwittingly, private estates were allowed to develop and the system of private patron-client relationships benefited the leading court families and religious houses of Kyoto and Nara. The most influential were the wealthiest. In probable order of land wealth, the great patrons of Heian Japan were the imperial family, the regent's family (sekkanke 根間家), Kōfuku-ji, Tōdai-ji (both in Nara), Iwashimizu Hachimangu (a large shrine south of Kyoto), the Taira clan, Tō-ji in Kyoto, and Kōyasan south of Nara. Together, the great patrons directed Japan politically and religiously, and probably held shiki in more than nine out of every ten estates at the end of the Heian period.

\textsuperscript{59} For a discussion of the strengths and weaknesses of temple control over commended estates, see Asakawa Kan'ichi (朝倉兼一), "Chūsei Nihon no Jiinryō," in Rekishi Chiri, XXXV, no. 3 (March, 1920), pp. 224 and following.

\textsuperscript{60} Hurst, Insei, p. 31.

\textsuperscript{61} The sekkanke family was a branch of the Fujiwara clan whose members dominated the positions of regent (sesshō 職政) and chancellor (kampaku 章方). The branch split into the Kujō and the Konoe families in the thirteenth century.
While nearly all estates held some legal relationship to a family or religious institution in the Kyoto-Nara area, not all were governed from the capital. Estates were sometimes related to three or four shiki holders and the division of authority, rights, and revenues between them varied.

Religious Houses

The old religious houses of Kyoto and Nara were unusual in their numbers of estates which were directly administered and were relatively uncomplicated by shiki divisions. Temples and shrines were among the first great estate holders. From the eighth century, they attended to their private domains. Land gifts and grants from the court were formed into estates and newly developed fields were organized. Ahead of the imperial and regent's families in organizing and managing their property, the religious houses dominated private land in the Nara and early Heian periods. 62

Kōfukuji and Tōdaiji were by far the greatest temple holders in the old capital of Nara. Kōfukuji was the family temple of the Fujiwara clan and was the single richest temple in Japan with over three hundred estates in the Heian period. While many estates and their revenues were shared with the Fujiwara, the temple was one of the richest in Japan. In the province of Yamato, which surrounds Nara, the temple was preeminent with more than 150 estates. 63

62 Murai Yasuhiko characterized Nara and early Heian estates as "classic estates," usually composed of a mixture of gift lands and privately developed fields, and often held by a temple. 藤原義明 "分界の発展と構造 ("Shōensei no Hatten to Közō"), in Nihon Rekishi, 2nd Ed., vol. 4, pp. 44-49.

63 Heian Ibun, vol. 9, pp. 3573-3662, Enkyū 3 (1071--the editors of
Tōdaiji was the headquarters for the state supported system of provincial temples. Its endowment was rich and its quota for land development was more than generous. By 950, Tōdaiji had ninety-two estates, including seventeen with over one hundred chō of rice lands apiece. Tōdaiji's estates were not as geographically concentrated as Kōfukuji's, but were probably larger on the average. There were many in the provinces around the capital and along the Japan Sea north and east of Kyoto, but there were Tōdaiji estates to be found in the three islands and the eight circuits of Heian Japan. However, whereas Kōfukuji grew richer along with the Fujiwara during the Heian period, Tōdaiji did not. Some estates were lost to local control and some to local taxation. At the beginning of the thirteenth century, Tōdaiji held seventy-three estates.

When the great Shintō shrine south of Kyoto, Iwashimizu Hachimangu, came under investigation by the court in 1071, it claimed thirty-four estates as a part of its private domain. As a result of the investigation, the shrine lost eleven estates and was denied public tax.

*Heian Ibun* indicate 1070), 9, 20. Nine out of every ten of Kōfukuji's estates were in the home province close to Nara, and many were small, with scattered, unorganized fields. But, the temple listed over 2,300 chō of crop land in Yamato Province alone in 1070, and its wealth cannot be doubted. *Ibid*, vol. 9, p. 3573.


*My count of estates related to Tōdaiji in the Heian period is as follows*, by geographical circuit: Kinai - 100, Hokurikudō - 35, Tōkaidō - 7, Sanyōdō - 6, Mankaidō - 5, San'indō - 4, Tōsandō - 3, Kyūshū (Saikaidō) - 1. The total is 161 estates.

exemptions on nine more. A century later, however, the shrine's fortunes had recovered. In 1158, it held thirty-five shō and sixty-two other pieces of land, some of them quite large. Tōji expanded its holdings from eight estates in the early Heian period to thirty in the thirteenth century. Kōyasan, the center of the popular Shingon sect, had twenty-four estates in the late Heian period.

Nobles

When Fujiwara no Kamatari received fifteen thousand households and their fields after the successful coup at court in 645, he founded a new family in name and provided it with the greatest private domain in Japan outside of the imperial family. In the early Heian period, the four branches of the Fujiwara clan founded by the four grandsons of Kamatari had nearly 38,000 acres of rice lands. The northern branch outstripped the others both in land holdings and political offices, and in 857 a

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67 According to the grand council of state (daijōkan), the offending estates were guilty of unclear original grant papers (one estate), illegally cultivating public rice lands (nine estates), insufficient government papers and surveys (two), and of being founded illegally (one estate was established after an order in 1045 prohibiting new estates). Compiled by Nishioka Toranosuke (西岡四郎), 後三条天皇の範囲整理政策下における石清水八幡宮富嶽神頌 ("Go-Sanjō Tenno no Shōen Seiri Seisaku shita ni okeru Iwashimizu Hachimangu Gujiryō Shōen"), in Rekishi to Kokubungaku, XXII, no. 3 (March, 1940), pp. 30-32.

68 Heian Ibun, vol. 6, pp. 2434-39, Hōgen 3 (1158), 12, 3. Among the holdings listed in this document are those titled en (園), the second character of the compound shōen), hara (原), which means moor or plain, ho (保), originally an administrative unit of five households and their official field allotments, and betsu (別) the branch shrines connected to Iwashimizu Hachimangu.

69 Nagahara, Nihon Höken Seiritsu Katei no Kenkyū, p. 37.

70 Takeuchi, "Fujiwara Seiken to Shōen," p. 38.
Fujiwara was appointed to the office of imperial regent (sesshō), an office which up to then was reserved for royal blood. Through its control of the regency and chancellery (kampaku), the northern branch dominated the court and protected and developed its lands without opposition or rivalry until the imperial family broke away from its control in 1086.\(^7\)

There is evidence that the northern branch submitted the documents of its estates to the shōen records investigation office just as lesser nobles and temples were required to do, and it appears that some estates were confiscated.\(^7\) But the regent's family was an equal to the imperial family, and from 900 to 1100 it was perhaps the richer of the two in land. When it separated, in the thirteenth century, into two branches itself, the Konoe and the Kujō, the division of estates showed that the wealth of the family survived its eclipse politically as the most powerful family in Japan.

In 1250, the Kujō line of the regent's house had about 118 estates, of which approximately sixty-three were held directly. The family's administrative offices (mandokoro) held executive powers over these. Twenty-five estates were held in title only—the honke shiki—with no administrative authority over the land, and for ten others the family held powers of appointment, but allowed local officials to handle local

\(^7\) This is not to say that the regent's family did not have rivals at court or suffer political set-backs from time to time, but it was not until the late Heian period that its relationship to its estates was threatened by its diminished position at court. See Ishida Yūkazu (石田雄一), 諸大夫を求める ("Shotaifu to Sekkanke"), in Nihon Rekishi, no. 392 (January, 1981), pp. 22-32.

\(^7\) Hurst, Insei, p. 115. Fujimoto no Yorimichi submitted estate documents to the Kirokujo and at least one, Doi no shō, was confiscated.
management of the estates. Of the remaining seventeen estates, all were commended to temples or shrines, but the Kujō held the rights of administration over ten of them.

The other branch of the regent's family, the Konoe, was richer by a third. Of a total of 156 estates in 1253, executive powers were held for sixty-four, and shared with local officials on another ten. For fifty-one estates, only the honke shiki was held by the Konoe family and for seven others, the administrative rights had been commended to religious houses. In all, the regent's family held about 274 estates, and controlled 140 of them almost two centuries after the end of Fujiwara political hegemony.

Noble families of less prestige, such as the Takashima, Imai, and Taira, also acquired numerous estates. Families that supplied candidates for resident provincial and district government offices converted public land to private use and developed waste land with public funds into personal estates. Although most of these locally developed estates had to be commended to one or several of the wealthy and the influential, management rights often remained with the local family.

The Taira clan had many branches and many members in local governments. The shiki holdings of the entire clan are impossible to guess for want of documents, but about one hundred estates have been identified

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73 Called ukesho (㍾㍾㍾㍾), the agreements were usually contracted with the jito of the estate, whose appointment was made in Kamakura by the bakufu. In exchange for collecting and delivering estate revenues, the jito was promised that the proprietor would not send agents to interfere in the collection.

74 Nagahara, Nihon Hōkensei Seiritsu Katei no Kenkyū, p. 70, Table 6.

75 Ibid, p. 70, Table 6.
which were related to the Taira family. For a few years at the end of
the Heian period, the Taira vaulted from rural semi-obscurity to the
pinnacle of power in the capital. As clients of the retired emperors,
the Taira received shiki from local estate holders in exchange for its
influence with the imperial family. If the shiki included executive
rights over the estate, these rights plus some of the accompanying
revenues were usually passed on as the honke shiki by the Taira to its
patron, the retired emperor. But on many estates, they held only local
management posts such as azukari dokoro and gesu. 76

Middle and lower ranking nobles lacked the personal influence
required to hold estates and enjoy exemptions from public taxes on
them without protection. Even one of the most famous aristocrats,
Fujiwara no Teika, had to have patrons for all of his estates. Teika
did not belong to the northern branch of the Fujiwara, but he was a
second rank noble and high court functionary. (chūnagon ちゅんごん).
Of his fifteen estates, he held administrative rights (ryōke) for three,
but shiki of less importance for the remainder. The imperial family or
one of its temples and cloisters were patrons for eleven of the fifteen. 77

The extent of shiki holdings of the nobility outside of the regent's
family cannot be well documented. That the general nobility formed or
developed many estates in the country and sought patrons in the capital
is clear. They may have held low shiki compared to the great temples
and nobles, but as a group, their holdings were extensive in the

76 Mass, Warrior Government in Early Medieval Japan, pp. 21-23. Mass pointed out that the number of Taira holdings was great, but the clan actually controlled very few.

77 Nagahara, Nihon Hōkensei Seiritsu Katei no Kenkyū, p. 124, Table 10.
mountains and along the seacoasts throughout most of Japan and their power outside of the capital was great. 78

**Imperial Family**

Private lands of the imperial family date back to extensive pre-Nara holdings. Much of its domain, however, was undeveloped, and some of the best land was given to the large temples of Nara during the Buddhist fervor of the eighth century. After 900, the imperial family stopped acquiring land, but its expenses did not remain fixed. As other families and institutions expanded their private domains, public tax revenues diminished, but the imperial family did not establish a private family organization to manage its private business: "Only the imperial house, tied to the power structure by its own policy, was without a private base of power." 79

For over two hundred years after the first Fujiwara became regent in 857, the imperial family was practically a cadet house of the regent's family. Young imperial princes were raised in the house of their Fujiwara mothers, and Fujiwara regents and chancellors made government policy and imperial family decisions. They chose imperial consorts (from their own family) and decided the rank and position of imperial offspring. 80 But in 1086 Emperor Shirakawa (1053-1129, r. 1072-86)

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78 Nagahara estimated that the total estate holdings of middle and lower ranking nobles were greater than those of the religious houses. *Ibid*, p. 37.

79 Hurst, *Insei*, p. 31. "As a personification of public authority it was neither seemly nor possible for the emperor to participate in the alienation of public land." *Ibid*, p. 31.

80 Many of these prINeelings became Taira or Minamoto. Emperors Kammu (r. 781-806) and Seiwa (r. 958-76) were especially prolific.
retired to his own palace and began to acquire clerks and staff. Residences were built for imperial offspring and temples and cloisters were built on the grounds of the palaces and residences of the imperial family.

The funds to support the resurgent imperial family came from new estates. Hundreds of estate titles came into the hands of the imperial family in the eleventh and twelfth centuries. As a result of the investigations of the shōen records investigation office (kirokujo), many estates were confiscated and although much of the seized land was returned to the public domain, some remained private and became imperial edict land (chokushiden). But the greater portion of new imperial estates were from clients from the capital and countryside who sought the patronage of the imperial family. It fast became the most sought after legal guardian (honke) in Japan, and it replaced the regent's family at the top of the system of divided and extended estate titles.

Few of the new imperial estates were controlled by emperors or retired emperors. Rather, shiki were held by the cloisters, temples, and women of the imperial family. Retired sovereigns built a number of temples and used them as legal guardians of their estates. The richest was Chōkōdō, erected in the capital in 1183. In 1191 it had ninety-three estates. Built on the eastern edge of Kyoto, the Hosshōji held at least thirty-three estates. Sonshōji had nineteen, Seishōji and Enshōji both had ten estates, and Saishōji and another Enshōji had five apiece. 81

Among the many cloisters (in) built by the imperial family after 1068, the wealthiest was perhaps the Anrakujuin. Built in 1137 in the

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81 Hurst, Insei, pp. 263-65.
palace compound of the retired emperor Toba, Anrakujuin held about forty-three estates in the Heian period. Kankikōin was built in 1141 by Toba's favorite consort. It had at least forty-one estates. Rengeōin was built in 1164 for Emperor Go-Shirakawa and its holdings numbered at least thirty-three estates. In all, twenty-seven imperial temples and cloisters shared almost five hundred estates.

Much of the wealth of the imperial family was invested with its women. Emperor Toba's consorts, Taikemmon'in and Bifukumon'in, both held private estates outside of the holdings of the temples which they sponsored. But the wealthiest of imperial women and perhaps the largest individual landholder in Japan was the daughter of Bifukumon'in and Toba, Hachijōin. Among her 230 estates were included the holdings of Anrakujuin, from her father, and those of Kankikōin from her mother.

Together with the estates of the imperial temples and cloisters, the holdings of daughters and consorts made the imperial family in the twelfth century what the regent's house had been in the tenth century and what the Nara temples had been before that in the eighth century: the wealthiest of the private estate holders. The imperial family line began the Heian period as the symbol of the state and head of government. It ended it as the symbol of state and the head of an extensive system of patronage which bound the countryside to the capital.

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82 Today it is less wealthy, but one of the best loved temples in Kyoto, called Sanjūsangendō. It houses over one thousand wooden statues of the thousand-armed Kannon from the thirteenth century.

83 Hurst, _Insei_, pp. 265-70.

84 _Ibid_, pp. 271-73.
Population of Oi no shō

In 1115, the adult population of Oi no shō numbered over one hundred people. We know this from an argument over a labor tax which was forced on the estate by the province. Tōdaiji thought that the tax was unjust and petitioned to the court for recompense. Even the amount of the levy was under dispute. The estate and its patron, Tōdaiji claimed that "twenty-five koku ( santa ) representing the production of one hundred people" had been seized, but the province insisted that it was "fourteen koku representing the labor produce of ninety-six people."¹

The documents clearly mean these numbers to be the size of the estate's labor force.² But, if a provincial land survey twenty years earlier was accurate, the labor force would have been at least twice one hundred. In 1095 a provincial agent surveyed over 188 cho of cultivated land in Oi no shō.³ On the average, the labor force of a household varied from three to six members as the generations passed, which was labor enough to cultivate a cho of land under the best of

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¹Heian Ibun, vol. 5, p. 1661, Eikyū 4 (1116), 6, 18.
²Ekifu ( エキフ ) meant laborer, whether farmer, fisher, lumberer, or more domestically, stable hand, fire-wood gather or servant. In the case of Oi no shō, the reference to grain measure indicates that ekifu meant agricultural laborer.
³Heian Ibun, vol. 4, p. 1313, Kabō 3 (1096), 5, 12.
In Mino Province, however, where Oi no shō was located, the traditional pattern of household size was larger than the average and most households could provide from six to seven laborers. If an average household in Mino could cultivate from one and one half to two chō every year, there were between 94 and 125 households, or from 588 to 946 laborers working on or for Oi no shō. The one hundred people that were taxed in 1115, therefore, represented at most one-fifth of the total labor force of the estate and were probably the resident laborers on Oi no shō, in contrast to those who lived elsewhere, but rented estate land or worked for a daily wage.

Before the twelfth century, one hundred laborers might have more accurately approximated the total work force of Oi no shō. In 1055 there were just twenty chō of rice land being cultivated, which one hundred workers from perhaps fifteen families could conceivably have handled. Two centuries earlier, in 847, at least twice as many laborers worked the estate. There were fifty-seven chō in crops, which

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1. Morris, "Peasant Economy in Early Japan," pp. 92-93. Morris calculated that the largest household labor force (6.25 "people") occurred when the working-male head of the household was in his mid forties and his first son was in his early twenties. Fifteen years later with the older man dead or disabled and the younger man's children still too young to offer much farm help, the labor force was down to 3.25. Ibid, p. 93.

2. Morris, "Peasant Economy in Early Japan," p. 93. The average number of laborers was less variable in households in Mino. Whereas the "model" stem family's labor force varied from 3.25 to 6.25, a gap of three units, the same variance in Mino was only one unit— from 6.25 to 7.25.

would have required a labor force for cultivation ranging from 177 to 285 workers—from twenty-six to forty-two households.\textsuperscript{7}

That some of the labor force lived on the estate is certain. A grievance petition of 1079 blamed government agents and unjust taxes for the departure of many "estate people" (\textit{shōmin} 車民) from two of Tōdaiji's estates in Mino Province—Akanabe no shō and Oi no shō.\textsuperscript{8} But what percentage of the total labor force was supplied by residents can only be surmised. We can extrapolate from land records and tax documents that resident labor accounted for only twenty percent of the total workforce in the early twelfth century, but there is no listing of households in Oi no shō and no record of the names of renters and laborers who lived elsewhere. Of one thing we can be fairly certain, that the estate's agricultural laborers, resident and non-resident, were not serfs or slaves, but independent tenants for the most part.\textsuperscript{9}

From very early in the Heian period, private estates were settled by a class of people who stood in an independent relationship to the estate holders and managers. These cultivators often held small plots of land of their own, sometimes within estates, sometimes outside of them. The reason that \textit{shōen} came to rely on this type of cultivator was that the majority of early estates began as combinations of grant lands and newly reclaimed fields. Residents of the original grant lands

\textsuperscript{7}\textit{Heian Ibun}, vol. 3, pp. 1128-29, Jōhō 2 (1075), 8, 23.

\textsuperscript{8}\textit{Shōmin} were the general populace of a private estate. \textit{Heian Ibun}, vol. 4, p. 1312, Kahō 3 (1096), 5, 12.

\textsuperscript{9}By the end of the seventh century, Japan had developed a "fully mature peasant society," which was independent by virtue of the efficiency of small plot cultivation of wet rice. Morris, "Peasant Economy in Early Japan," pp. 7-8, 209.
rarely provided a stable populace of sufficient size to meet the agricul-
tural needs of the entire estate. This labor shortage was met by
conscripting outside help. Vagrants (rōnin 流人) were settled on the
land whenever possible. Fields were leased out to area residents, and
contractual labor proved efficient enough to become the dominant form
of estate cultivation by the mid tenth century.

Rōnin played an important part in the development and expansion
of estates in the eighth and ninth centuries. They worked on reclama-
tion projects and often stayed on to farm after completing the project. 10
The government disapproved of settling people on private land. The
Shoku Nihongi (続日本紀) lists numerous edicts on the problem of
peasants fleeing the public domain to work on estates. 11 Local govern-
ments were partly responsible for the problem. District governments
overburdened peasants with taxes and labor conscription and officials
took advantage of their posts to enrich themselves by levying as many
taxes as possible on farmers. 12 Forced loans of grain (suiko 頼倉 )
with exorbitant interest on the return oppressed residents on the public
domain. Produce and service taxes were heavy and crop failures or
natural disasters did not automatically excuse farmers from grain and
product taxes. Many peasants chose flight in response to economic
pressures.

10Endō Motoo (遠藤光男), "中世制限を超え
る工業的生産の諸問題（"Shōensei Hattenki ni okeru Kōgyōteki Seisan no Shomondai"）,
in Rekishigaku Kenkyū, VII, no. 5 (May, 1937), p. 157

11Matsuoka Hisato (松岡美知), "田場の存在形態（"Tato no sonzai

12Hosokawa, "Tōdaijirō Echizen Kuwahara no shō no Kenkyū," pt. 1,
p. 27.
Moving to a private estate often improved their fortunes. Rōnin gained security by contracting for estate fields and privately developing small plots of paddy land or dry fields. Many had developed private land before they left the public registers. But the status of those who settled on estates was not always ideal. Many were tenant laborers who were supplied with seeds and a monthly living allowance of rice in return for their labor on the estate's fields. They supplied their own household tools and grew vegetables on the dry fields and on the slopes above their houses.

Contract Cultivators

The most striking social feature of the developed estate in late Heian Japan was the independence of its residents. Their social status can be measured by the size of their land holdings. The myōshū were landlords and farmers who leased all or part of their land or employed people in their fields. At the other end of estate groups were the landless (genin คอนโด), who received little more than day wages or shares of the crop which their labor produced. There were few genin on estates in the Heian period and they were not bound to the land. Nor were they chattels. They could contract for land on more favorable terms if land was available.

The largest class of people on mid Heian estates was the tato (佃), who were contract cultivators who commonly held a small plot of land of their own. They were a disparate group of people in wealth,

13 There were several character compounds which were used to refer to independent peasant cultivators. Tato (佃) was also read as dento (佃) and tató (佃).
landholding, and location of residence. The tato were a tenaciously independent people who relied on privately held land which had been developed with the encouragement of the government's reclamation laws. They also depended on private estates for supplemental income. Rarely did their own fields provide adequate crops for their households. Tenant income was essential to many tato and a source of income for nearly all.\textsuperscript{14}

In 1096 the resident workers of Oi no shō were all or predominantly tato. Distinct from estate officials such as shōshi, the general populace (shōmin) of the estate were referred to collectively as tatosakunin.\textsuperscript{15} "Sakunin" meant agricultural labor in general and specifically the common work force on estates. As with all but a few private estates, Oi no shō had a general work force made up of independent peasants in the mid Heian period.

The origin of the tato class is found in ninth century documents dealing with village formation. They were generally found in estates, but many appeared on the public domain as well. By the late ninth century they formed a large class of people and a century later tato had become predominant in the cultivation of private estates.\textsuperscript{16}

\textsuperscript{14} Tato also contracted public rice lands (kōden) under similar conditions. Kudō Keiichi (工藤敏一), 蒔の人民 (Shōen no Hitobito) (Tokyo: Kabushiki Kaisha Kyōikusha, 1978), pp. 64-66.

\textsuperscript{15} Heian Toun, vol. 4, p. 1312, Kahō 3 (1096), 5, 12.

\textsuperscript{16} Shimizu Mitsuo (清水三男), who did some of the first research on tato, called them a disparate group of people. Found in the public and private domains, they held two features in common: They remained independent and they held private rights to land or to the cultivation of land. Shimizu held that the tato had to protect their independence in the face of a hostile government and harsh estate administrations. 初期の名田について ("Shōki no Myōden in Tsuite"), in Shirin, XVIII,
Relationships with the estate varied from individual to individual. 

*Tato* often were private land holders who were interested in expanding their fields. They were also renters who contracted for estate fields and borrowed seed rice and implements from the estate. Their position in the negotiations of the land contracts depended a great deal on their independent wealth in land.

Their rights on the estate included developing estate waste land into rice fields for their own use. They also had access to firewood, bamboo, mushrooms and forest vegetables on estate uplands. In the tenth and eleventh centuries, there was still a surplus of uplands and wooded slopes available in most estates. Peasants planted gardens and gathered firewood from the hills and mountain sides.

As a landholder, the *tato* was an independent farmer. Not all *tato* held land outside of the estate, but almost all held some personal land which had been inherited, purchased, or reclaimed by their own labor. Privately developed fields gave them the independence to refuse estate land contracts if they seemed to be restrictive. *Tato* were, by virtue of their position in local society in the public domain, see Yoshida Akira (吉田明), 田返の成立 ("Tato no Seiritsu ni Tsuite"), in *Hisutoria*, XVI (1956), pp. 42-44; and Okuno Nakahiko (岡野中彦), 平安時代における屯田の広狭化過程 ("Heian Jidai ni okeru Shōen Tato no Shōjūnin-ka Katei"), in *Rekishigaku Kenkyū*, no. 344 (January, 1969), p. 44.

17 The dual nature of the *tato* is discussed in more detail in Matsuoka, "Tato no Sonzai Keitai," pp. 606-08, and Okuno, "Heian Jidai ni okeru Shōen Tato no Shōjūnin-ka Katei," pp. 40-44.

of their land, not wholly dependent on estates, and some of them were self-sufficient. 19

The tato's legal rights to their reclaimed fields were considerable. They controlled management and cultivation and could rent out the land. However, public taxes were customarily demanded and paid, though they were less than taxes on public domain. Land sale was forbidden by the court, but done locally. 20 The size of the private holdings of the tato was large considering that they were mostly individually reclaimed. An Omi Province land survey of Aichi no shō in 859 revealed many tato with reclaimed land holdings of two to five tan. One held over a chō (ten tan) of land, but his land, as was common, was scattered about in paddies of one tan or less. All fields listed as tato holdings were identified as newly developed fields (harita 流田). 21 Records from later in the Heian period show increased size of holdings, but similar scattered land conditions. Tōdaiji's survey of its Yamato estate, Katō no shō, had forty-six separate tato entries, with an average of a little over eight tan per tato, but with wide variations in size of individual holdings. 22

As contract cultivators, tato were not held in a subjected relationship. Their relationship to the estate title holder and estate manager was contractual and the agreements which yearly detailed the relationship were recognized by public officials. In the mid Heian period the


22 Heian Tbon, vol. 6, pp. 2135-37, Tennyō 1 (1144), 6.
position of the *tato* gradually improved. Documents from the late tenth century tell of estate managers who were unable to increase rents on *tato* land and unable to break contracts and find new renters. This strength, however, depended on the farmers' ability to maintain and expand their private holdings. Without this support, peasants had little choice but to accept the conditions which were offered by estate managers and landlords.

Land was contracted out in units of one *chō* or less, usually much less. Fields were often tiny and scattered about the estate. Few peasants or landlords in the Heian period enjoyed the luxury of an un­divided land holding. Land was scattered, but this was not a burden on the majority of cultivators because of widespread ownership of small amounts of land. For the peasantry there was safety in numbers and security in private land.

**Landlords**

There were landlords in Oi no *shō* in late Heian times, but there is no survey extant which details their holdings. Local *shōen* officials who affixed their names to documents were probably, but not certainly, land rich. In the eleventh and twelfth centuries, estate officials were commonly not paid salaries from temples, but instead were assigned land within their estates. The crops and produce from this land were to stand in place of a stipend.

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23 Muraï, Kodai Kokka Kaitai Katei no Kenkyū, pp. 298-301.

Seven people signed a petition from Ōi no sho in 1055. They appended no office titles, but we must assume that some, at least, were rich enough in land to rent out all or some of their fields. Two were priests: Chien and Chōki. Another belonged to the Sasaki clan which was spread throughout Mino Province and Omi Province to the west. It was the Omi branch of the Sasaki which received honors and titles (shugo 丞相 appointments) in return for supporting the first Minamoto shogun 将軍 during the years of exile and warfare which preceded his victory in 1192. A third Ōi no sho signatory shared his family name with Ōnakatomi no Yoshinobu at court in Kyoto. The Ōnakatomi were a respected court family and Yoshinobu (921-991) was one of the most famous court poets in the tenth century.

These and others who left their names on petitions were spokesmen for the residents of Ōi no sho. For some of them, at least, the honor reflected their wealth in land.

Landlords were common on estates by the tenth century. Called jinushi 稲荷 or myōshu 名主, they differed from the tato in relative size of landholding and by the distinction of having their names commonly attached to their land in cadastral surveys. They were landlords by reason of land holdings large enough to require supplemental labor and by virtue of appointment to low ranking estate offices which

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26 Thus the name myōshu 名主 name lord). But nobles and officials normally did not use the term. Myōshu was local in reference and was used by landlords who lived closely enough to their fields to personally manage them. In temple estates, myō had a wider application. It was often attached to local administrative offices such as the gesumyō (仏師院) on temple estates. Takeuchi, "Heianchō ni okeru Daigojō ni Keizaiteki Kenkyū," p. 67.
demanded their attention and forced them to hire day labor or contract their land to tato. They were richer than the tato and enjoyed the security of having their names appear next to their land in census records. But they rarely gained rights to tax exemption on their own land or rights to the public water supplies—rights which shōen holders such as Tōdaiji enjoyed. In the last century and a half of the Heian period, the largest of these landlords on the public domain allied themselves by commendation of titles to land to nobles and temples in the capital area. By acquiring influential patrons, they gained some tax immunity and independence from the public administration. The majority of landlords on private estates, however, at best rose to occupy low ranking estate offices.

Most myōshū farmed a portion of their land. They acted as leaders of the farming classes in the small hamlets which slowly formed in and around estates in the late Heian period. Myōshū first appeared in tenth century estate documents. In the main they existed on reclaimed and purchased rice fields. Their residences were usually on the estate. Their names (myō) were attached to their fields. By this device they were registered as "name-bearing lords" and their land was designated

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27 These distinctions and others between a jinushi landlord and a ryōshū domain lord, or proprietor, are discussed in Takeuchi Rizō (竹内理三), 王国変遷期の東大寺領 ("Shōen Henshitsu no Tōdaijiryo"), in Shakai Keizai Shigaku, V, no. 4 (July, 1935), p. 51.

28 In the late Heian and the Kamakura periods, local landlords and officials on estates were assisted by temples in acquiring ryōshū rights toward their private land. In exchange for a portion of the harvest or delivery of special products and goods, the temple acted as patron for land which was developed outside of the estate by residents of the estate. Toda Yoshimi (田田義美), 黒田庄人における寺領と庄民 ("Kuroda no shō niokeru Jiryo to Shōmin"), in Nihonshi Kenkyū, no. 30 (November, 1956), p. 35.
as private holdings (shiryo私有).

Although the terms of landholding cannot be equated with those of modern western land ownership, myōshu did have the right to sell and bequeath their land. Myō fields which were located on estates were bound to the estate. They could not be separated from the estate or commended to another estate holder without the approval of the estate proprietor, but it could be divided in a will and sold, saving the rights of the estate. The myōshu were obligated to the estate manager and title holder(s), but they managed their fields as they pleased.

The size of the myō holdings varied a great deal. A list of myōshu in Settsu Province in the twelfth century shows among 235 landlords there was a range of landholdings from one myōshu with an enormous total of over forty-nine chō to those who held less than four tan of land (seventy-five myōshu). The latter were not rich enough in land to live by its rent alone. On an average, myōshu in the twelfth century fell in a range in size from seven tan to three chō. In Settsu, the average holding was two chō, two tan, 330 bu. The great majority of

29Kuroda, Shōensei Shakai, p. 74.

30Ishimoda Shō (石見正男), 中世の土地所有権の成立について ("Chūsei Tochi Shoyūken no Seiritsu ni Tsuite"), in Rekishigaku Kenkyū, no. 146 (July, 1950), pp. 2-5.

31The myōshu were listed by type and size of holding in Kuroda, Shōensei Shakai, p. 71.

32Nagahara Keiji reached these figures after extensive study of eleventh and twelfth century estates. He emphasized that while myōshu land holdings were predominately too large for a single household to farm there were a great many small holdings that had the distinction of bearing a name. Nagahara Keiji (長原健二), 中世農民の土地所有権の立法 ("Chūsei Nominteki Tochi Shoyū no Seikaku"), in Hitotsubashi Ronso, LIX, no. 3 (March, 1968), p. 26.
the "name-bearing lords" held less than four cho (twelve acres) of rice land. In the late Heian period, many temples applied pressure to local estate management to rationalize these holdings into a more uniform size in order to standardize and simplify the rents and taxes of the estate. By making the landholdings of the myoshu all of one size, the temples were able to combine all rents and fees into a single, uniform assessment.

Landlords employed a variety of labor. Rice fields totaling up to a cho could be farmed by the members of one household, but two or three cho required outside labor to take full advantage of the land and growing season. The landlord's household members could cultivate a cho or more of dry field grain and vegetables, but rice cultivation demanded intensive labor. Residing in single-family dwellings, rural families in the Heian period had perhaps seven to twelve members, on an average. Kinship ties and fictive kinship were used in the twelfth century and after in the formation of larger labor and military groups, but the single family household was customary through the late Heian period.

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33 Kuroda, Shōsensei Shakai, p. 71.

34 This was the kintōmyō (平等名 equal myō) system which came to be a basic form of estate land management for a few temple domains—notably Kōfukuji holdings in Yamato province, and land holdings of Kōyasan in Kii Province. Kintōmyō meant uniform myōshu holdings and equal taxes within an estate. Watanabe Sumio (渡辺俊夫) 内外戦国期の基本構造 (Kinai Shōen no Kiso Kōzō) (Tokyo: Yoshikawa Kōbunkan, 1956), pp. 383-98.

35 From seventh century census data, Dana Morris computed that the range of mean size of households was from 7.2 to 11.3 persons. The median was 9.3 persons. Archeological evidence from the late seventh and eighth centuries indicate a mean household size range of 6.5 to 10.3 persons. Morris, "Peasant Economy in Early Japan, 650-950," pp. 74-75.
in private estates as a labor unit for both rice agriculture and the production in the house of handicrafts and food products.\(^{36}\)

The myōshu had several alternatives aside from their own families' labor. Contractual labor was most commonly used. Contracts were short term for the most part—seasonal or yearly—and they were modeled on contracts concluded between estate proprietors and tato. Peasants often simultaneously rented land from the estate administrator and land from myōshu on the estate.

Day laborers and property-less peasants were employed as well. Genin who lived on land owned by myōshu were sometimes provided residences and vegetable lands without charge. They were assigned to general work or to a field on a semi-permanent basis.

The condition of the land and the size of the fields varied. In Yamato Province, a Tōdaiji holding, Kōtō no shō, was composed of over fifty chō, most of it good rice lands.\(^{37}\) The bulk of the land was listed in estate records under the names of forty-six individuals with an average of 8.5 tan of land for each. Fifteen were designated as monks in the registers. The largest holding was five chō, the smallest was thirty-three times smaller—1 tan, 180 bu. The documents described the quality of the land as "white" (good), "half" (partly cultivated),

\(^{36}\) As yet weak in patriarchal organization in the Heian period, the fictive-kinship, extended family labor unit was secondary to the single family household labor unit in importance in agriculture. See Kuroda, Shōensei Shakai, pp. 70-71.

\(^{37}\) The discussion which follows is based on the land register of Kōtō no shō of Ten'yō 1 (1144), 6. Kōtō no shō was to the south and west of Nara and easily accessible to its holder, Tōdaiji. Many of the land holders on the estate were monks or priests. Heian Ibun, vol. 6, pp. 2135-37.
and "rough" (cultivated only every other year or less; lacking a reliable water source).

Tsunegane was a myōshū on Kotō no shō whose holdings, according to registers, were about sixteen tan. As was common, they were scattered over all four sections (ri) of the estate in nine separate plots, the largest of which was a little over three tan. Most of Tsunegane's fields were one tan or less and they were not contiguous. Descriptions of the land conditions varied from good to "half." Tsunegane was a comparatively wealthy landlord in Kotō no shō.

A smaller holder was one Norisada, who had two fields of one tan apiece. One of these was described as "wild." It is likely that he depended upon outside cultivation to make his livelihood. Another individual named Suetoki held a total of six and a half tan, most of it good land, but divided into five separate fields, one only half a tan in size. A temple priest, Harusake, held 8 tan, 180 bu of land in three separate fields, including a large one of five tan. Only two of his fields were considered good land. Over a tan, moreover, was taken up by land around a residential unit (yashiki 郷里), which was separated by several hundred meters from the fields. Another priest, Morizane, held 10 tan, 240 bu which was composed of a residence and four fields of good rice land. 38

38 Heian Ibun, vol. 6, pp. 2135-37, Ten'yō 1 (1144), 6.

The Landless

Families which did not have the security of an independent plot of land of their own relied entirely on contract cultivation, day work, and a kind of land tenancy in which they farmed for a fixed wage and turned the harvest over in full to the landlord or estate manager. There were not large numbers of these people in Heian estates.

Day laborers were often called genin (ゲン人 Untermensch) and often were listed in surveys under their landlord's name, but they were not chattel in the Heian period. In the fourteenth century genin were bought and sold like farm animals, but two centuries earlier they often held personal rights (shiki) to cultivate estate fields.⁴⁰ These rights guaranteed cultivation for the life of the shiki holder and they could be passed on to heirs in some cases. Even if the land was sold or commended to another proprietor, the cultivation rights to the land remained with the original shiki holder. They could not negotiate contract terms in the same way that tato could, but cultivation rights were some security to families which had no private land.⁴¹

⁴⁰ These included hyakushō shiki (百家転家 ), sakunin shiki (作人転), and tsukurite shiki (作転転 ).

⁴¹ Contractors also lived on the public domain and worked estate fields for a portion of the harvest. Even land wealthy households in the public domain contracted for fields on private estates. In shōen records, they might appear as landless people with only a tan or two of land or with cultivation rights for only a tiny plot of land. Their main land holdings and their residence in the public domain, however, might qualify them as wealthy. Several such examples are given in Tōda, "Kuroda no shō ni okeru Jiryō to Shōmin," p. 40.
Varieties of Estate Populations

The three groups described above—landlords (primarily myōshu), contract cultivators (mostly tato), and wage or tenant laborers (e.g. genin)—accounted for the great bulk of estate workers and residents. But the mixture and relative proportion of these groups varied greatly. Some estates were farmed almost exclusively by contract, others were dominated by small landlords. In the Heian period, genin formed only a small percentage of the agricultural working force of nearly all estates. The examples which follow illustrate the variety of patterns of land and society of Heian estates.

Kuroda no shō belonged to Tōdaiji and was situated in the hills of Iga Province on a peninsula to the south and west of present-day Nagoya. The estate expanded from about twenty-five chō to over two thousand chō between the early tenth century and the late twelfth century. A great deal of reclaimed land was brought into the estate, but the majority of the new land was mountain and hillside land which supported a thriving lumber industry employing many area residents. Disputes, primarily over the rice fields, were common between the public government and the temple as Kuroda no shō expanded in the eleventh and twelfth centuries.42

A mixed group of people was found on the estate. The descendants of the original inhabitants (the estate was established in the eighth century) made up a tiny fraction of all workers by 1200. By then, they were largely myōshu. The majority of new residents had settled in the eleventh and twelfth centuries. Those that lacked sufficient land on

42 Nakamura, Shōen no Kenkyū, pp. 472-75.
the estate worked paddies in the public domain for which they contracted. They monopolized labor in the valley in which the estate was located and many reclaimed waste land outside the estate for their own uses.\textsuperscript{43} The estate, in turn, hired people who lived in the public domain to work its slopes for lumber. Many of these individuals were assimilated by moving onto the estate or by the estate laying claim to the lands they lived on and cultivated. The latter practice was the source of much of the friction between the estate and the local government. Most residents and estate workers were registered as landlords (\textit{myōshu}) and contractors (\textit{dezukuri} \& \textit{tato}). They differed from residents of other estates mainly in occupation. Many were lumberers and woodworkers instead of rice farmers.\textsuperscript{44}

Aragawa no shō was situated along a river in Kii Province. It belonged to the great Shingon Buddhist center, Kōyasan, and in 1135 was surveyed at thirty-seven \textit{chō} of rice land of which thirty-two \textit{chō} were under full cultivation. There were another fifty-three \textit{chō} of dry fields of which about twenty \textit{chō} were under cultivation or planted with mulberry trees for the production of silk.\textsuperscript{45} Thirty-one residents appeared in the survey and there were another sixty workers who rented estate land. In the land survey there were eighty separate listings of

\textsuperscript{43} Labor outside of the estate was referred to as \textit{dezukuri}.

\textsuperscript{44} The interactions between the several groups in Kuroda no shō is described in greater detail in Tōda, "Kuroda no shō ni okeru Jiryō to Shōmin," pp. 31 and following. It must be remembered that Kuroda no shō was not a typical estate in that a lot of the conscripted labor for the estate was engaged in lumbering, not farming.

\textsuperscript{45} These figures were compiled from the land register of Aragawa no shō dated Rōen 1 (1135), 12, 19 in Heian Ibun, vol. 5, pp. 1969-81.
rice fields, but few names were attached to the land and it is difficult to determine how much rice land was in the hands of myōshu. The dry fields, however, were listed under private names and about four-fifths of the total were under private management. There were 191 dry fields listed, averaging less than three tan per field. Mulberry trees were listed under the names of the holders of the land, and ownership varied from several trees to over a hundred.

Aragawa no shō's fertile valley soil encouraged paddy development and supported small field rice farming. The estate was divided into small plots of land in rice and vegetables. The temple directly managed about nineteen chō of paddy land, 150 chō of dry land, and five hundred mulberry trees. The 1135 survey did not specify how much of this dry land was being cultivated. About half of the rice fields and eighty percent of the dry land fields and mulberry trees were in the hands of landlords and other private land holders. There was a broad range of holding size: many held only a tan, a few held more than ten times that. The estate required labor from non-residents to meet its needs, but the records did not tell how many worked for the estate directly. In all, over one hundred workers lived on the estate or helped till its fields.

Ajiki no shō was located along the Inland Sea and belonged to Daigoji, a temple complex located in the hills east of the capital. In total, there were more than 280 chō of land registered in 1143.

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^47 Thirty-one households (zaike 住宅) were listed. Ibid, p. 1981. Zaike may have contracted for land on the estate, for some held only one or two tan of land.
of which 104 .DAO were rice fields under cultivation. Another fifty .DAO were paddies used only sporadically. Daigoji shared revenues from the estate fields with several local temples and shrines, but owned management rights to most of them. However, the temple’s prerogatives were complicated by a claim which was advanced by the provincial government to forty-three .DAO of the developed dry fields in Ajiki no sho.50

Very few paddies on Ajiki no sho were assigned to landlords by name in land surveys, but nearly fifty .DAO of dry fields were held by zaike, who were contractors and land owners. The great majority of fields, wet and dry, were directly managed by the estate and small scale contractors labored on these fields. There is no evidence of widespread recruitment of outside labor for the estate.

These examples show some of the variety in populations of land in Heian private estates. In many of them, large landholders and small landlords held over half of the cultivated land. Other estates relied almost completely on small scale contract labor. Residents supplied labor to most estates, but there were many cases of extensive renting to people who lived outside of the estate. Nearly all estates had a

48 The total holdings of Ajiki no sho were almost nine hundred .DAO, but of this only about 150 .DAO were agrable. The rest was river bottom and subject to floods, or upland waste, which formed half of the estate. These figures were compiled from the land survey of Ajiki no sho dated Kōji 2 (1143), 7, 16, in Heian I bun, vol. 6, pp. 2106-24.

49 A little over a .DAO of land in the estate was held by an imperial shrine, or dedicated to it, and was listed with a separate estate designation--Asahi no sho--an estate within an estate.

50 At that time, the land was planted with mulberry trees. The province claimed about six hundred trees.
broad range of social groups—from wealthy landlords to nameless cultivators and day laborers. But the largest group, as a whole, was the small landholder and land contractor. These people formed the backbone of shōen agriculture in the late Heian period.
Local Administration of Ōi no shō

During most of the Heian period, the administration of Ōi no shō was composed of a relatively small number of offices. The office of shōshī was the highest local office in the early eleventh century.\(^1\) Notices from Tōdaiji dealing with estate revenues were directed from Nara to the estate's shōshī and in 1054 that office or group of offices was referred to as the head of Ōi no shō.\(^2\)

When the first bettō appointment was made on the estate is not clear, but the title first appeared in 1058, in extant documents.\(^3\) This is unusual in that most Tōdaiji estates were not assigned a bettō locally. It indicates the importance of Ōi no shō to Tōdaiji.\(^4\) The bettō was an individual who was assigned to oversee daily operation of Ōi no shō and administer the assessment, collection, and shipment of the estate revenues to the temple. The official title used the same ideographs as the central administrative bettō office, but they were

\(^1\)The same ideographs were also used as a collective reference to estate administrative offices locally. Shōkan (祝願 ) was the more frequently used term.

\(^2\)Heian Ibun, vol. 8, p. 848, Tengu 2 (1054), 11, 17.

\(^3\)Heian Ibun, vol. 3, p. 956, Köhei 1 (1058), 9, 21.

\(^4\)The title of bettō was generally reserved for the office of administrator within the central temple mandokoro governing body. Locally, the most common titles used in Tōdaiji estates were shōshī and shō no azukari (祝願 ).
separate posts. Between the central Nara temple offices (mandokoro and bettō directors) and the Oi no shō administration stood an overseer, the azukari dokoro. Oi was actually large enough by the late eleventh century to warrant attaching an azukari dokoro exclusively to the estate, but it was not done, perhaps because of the presence of the relatively high ranking bettō. 5

In 1079, the lesser office of kengyō was mentioned, 6 and in the early twelfth century the title of gesu figured prominently in documents. 7 The latter office apparently was the leading position on the estate during the last decades of the Heian period.

The administrative buildings of the estate were nowhere described in the documents. Their location was noted—almost the exact center of the estate, but no description of the buildings themselves was included. 8 There was certainly a warehouse, for rice was stored through the winter for spring planting. Protection was needed against the wet winters of the area. There were also storage areas for rope, firewood, hay, salt, and cloth, since stores of these items were listed in 1058. 9

5 Generally the azukari dokoro was assigned to an area, acting as a regional overseer of several estates. Larger estates, however, such as Ina no shō in Settsu Province and Asuka no shō in Yamato Province, were frequently assigned azukari dokoro because of their size and importance to Tōdaiji.


7 The office of gesu first appeared in 1096 in a court order to the Mino Provincial government concerning the boundaries and the tax status of Oi no shō. Heian Ibun, vol. 4, p. 1313, Kahō 3 (1096), 5, 12.

8 Heian Ibun, vol. 4, p. 1313, Kahō 3 (1096), 5, 12.

9 A great many other items, including foodstuffs, were also mentioned along with notes that some products would be stored over the winter. This indicates a central warehousing complex of some size,
Included in the duties of estate administrations were the responsibilities to provide firewood for the homes of the residents of the estate, water for their fields, and access to routes of transportation for the goods which they produced. Brush and firewood posed a problem for Ōi no shō. The estate covered primarily flat ground, and public paddy lands and a river stood between it and the hills to the north and west. In many estates, agreements were drawn up with the public administration or with other estates to exchange firewood and brush gathering rights for access to waterways, use of land, or goods. No such arrangement was mentioned in extant documents on Ōi no shō, but it was noted in the eleventh century that Tōdaiji taxed the estate for kindling wood and pine timber. They would have had to come either from riverside shrubs and the spare Japanese flood plain pines, or through exchange with the public domain.

Water access was never a problem for the estate. Ōi no shō did not actually border the two rivers which cradled the plain on which it was situated, but it lay within a stone’s throw to the west of the Kuise River. More important, streams and small ponds dotted the entire plain. Reclamation of land into viable rice culture was hampered less by shortages of water than by the need to drain and build up swampy areas, especially in the southern portion of the estate.¹⁰

Although no specifics were given concerning the structures themselves. *Heian Ibun*, vol. 3, pp. 955-56, Köhei 1 (1058), 9, 21.

¹⁰Unfortunately, the reclamation documents for Ōi no shō are sparse for the ninth and tenth centuries. The problems of swampy land were mentioned in reference to land development in the middle of the eleventh century, and it is assumed that this was a problem which the estate faced throughout the Heian period. *Heian Ibun*, vol. 3, pp. 864-65, Tengi 3 (1055), 11, 26.
There was no indication of traffic through or around the estate. In later centuries it is documented that the estate lay exactly between the fords of the two rivers, and during the Tokugawa period the famed Tōkaidō main route from Kyoto to Edo passed through or just to the south of the estate, coming east from the main pass of Sekigahara in the mountains dividing the Lake Biwa plain from the Nagoya plain. Today, the major national arteries, the expressway and the rail lines from Tokyo, bisect the estate's presumed location. In the twelfth century, however, there was no mention of major roads passing through the estate itself, and it is likely that they skirted the domain on the south if they came close to Oi no shō at all.

Patriarchalism

Through most of the Heian period, management of land and labor on private estates depended on relationships other than personal or feudal. In the early eighth century and before, however, patriarchalism was one of the principle forms of agricultural management and social control exercised by local officials and land owners. Found locally, the system was built around a private, familial organization of interpersonal relations between cultivators and local ruling families. For more details on the physical layout of Oi no shō and its environs, see Nakajima Toshimori (中島俊敬), 『大野の四箇所正所の位置と一説』("Oi no shō no Shishi to Mandokoro no Ichii to ni Tsuite”), in Gifu Shigaku, XVI (February, 1956), pp. 6-9.

Yoshida Akira (吉田晃), 日本古代社会構造史論 (Nihon Kodai Shakai Kōsei Shirō) (Tokyo: Hanawa Shobō, 1963), p. 228. Yoshida wrote that this system was an "Asian" model, a paternalism of extreme rigidity, covering all local social groups. Ibid, p. 228.
The practice of lending rice to cultivators for spring planting (called *suiko* 秀穫) illustrates the personal nature of pre-Heian relationships between land owners and land workers. The loans were made with no collateral and with no more than a personal assurance of repayment. The widespread use of such loans suggests the importance of monopolization of rice storage for the control of agricultural management and population settlement.

In the ninth through the twelfth centuries, however, small, independent peasants managed their own privately developed lands and cultivated land for others as free contractors. Their relationship with land owners was of a legal, rather than a personal, nature. Gradually the government abandoned the seventh century model of personal-based taxes and substituted a system of taxes which were based on arable land, regardless of ownership or management. Private estates were the first to employ this impersonal system of land contracts and land taxes, and the public domain followed the example of *shōen* by changing paternal, familial authority into public, contractual relations.

It was not until the Kamakura period (1192-1333) that patriarchalism again came into active use in land management and social organization. In private estates, the group of landless workers who had little or no status outside of their personal relationship to the estate manager grew to become a significant force in agricultural labor. Small scale landholders were increasingly tied to the estates' landlords (*ryōshū*) by long term contracts, and personal relations replaced contractual ones. Familial authority became centralized. Inheritance of land by the eldest son increased and there was a greater incidence of adoption of
males to carry on the family name. Bands of armed peasants (bushidan) were founded on personal obligations much like vassalage and on personal relationships much like kinship.

Management of Private Estates in the Early Heian Period

Administration of individual estates appeared in a variety of forms depending in part on proximity of the estate to the capital and in part upon its size and its degree of development. Estate administrations generally were relatively simple operations employing certain common elements. They had several functions, of which the most important were land development and tax and rent collection.

Shōen were administered from the capital through the private offices of aristocratic households, temples and shrines. The principal duties of household officials who were assigned to estate administration were appointing trustworthy agents and overseeing their activities. They dispatched male family members or priests and monks to outlying estates, made or approved local appointments to estate posts, and handled the revenues which came into the storehouses of the family, temple or shrine.

At their inception in the eighth century, temple administrations reflected the nature of their estate holdings which were largely parcels of grant lands from which revenues were collected by provincial or district officials and sent on to the temples. In the great Nara temples,

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the office which had general control of these holdings was the *zōjishi* (造寺司). The largest such office was that of Ōi no shō's holder, the preeminent Tōdaiji. The *zōjishi* of Tōdaiji handled all construction, repair, and maintenance of the buildings and grounds. In this capacity, the office was given charge of management of temple lands for the purpose of providing funds for maintenance and upkeep of temple buildings.\(^{15}\)

This was largely a matter of dealing with receipts collected by the provincial authorities and dispatched to the temple, but occasionally the *zōjishi* undertook direct administration of its grant lands. A case in point is that of Tōdaiji in its administration of Kuwabara no shō in Echizen. It directly handled revenue assessments and collections on the estate by dispatching monk agents from Tōdaiji to Kuwabara.\(^{16}\)

It was for only a small portion of its lands that the central temples directed estate management, handled transportation and storage of revenues and conscripted labor in the early Heian period. Generally, the *zōjishi* did not deal directly with temple holdings. It was not equipped to do so efficiently. It was composed of a number of departments charged with specific duties, each headed by two or three directors called bettō. Each department had a staff and each division


\(^{16}\) For more details on the direct management of Kuwabara no shō, see Kishi, *Echizen no Kuni Tōdaijiryō Shōen no Keiei,* pp. 109 and following; and Maruyama Yukihiko (丸山幸彦), *初期近畿の経営* ("Shoki Shōen no Keiei"), in Shirin, LXV, no. 2 (March 1982), pp. 49-55. Maruyama examines several Tōdaiji estates in Echizen, including Kuwabara and Chimori, and concludes that many estates were managed directly by Tōdaiji and other temples in the Nara and early Heian periods. Management included making yearly arrangements for cultivation of estate fields. *Shoki Shōen no Keiei,* pp. 49-50.
within it also had a director at its head. 17 In Tōdaiji's case there were twelve such departments within the zōjishi. The division of administrative responsibility in the departments was functional, not geographic and there was no department specifically assigned to temple estates. The departments had titles such as Department for Construction of the Great Buddha, Department of Metal Casting, Department of Lumber, and Department for Construction of Ishiyama-in Complex. 18 The concern of each was to receive revenues and distribute them for repair, general upkeep, or construction. This was a natural result of the system of private land holdings at the time. The collection and transportation of revenues from grant lands in Nara Japan often were done by public officials. Direct contact with the land, as in the case of Kuwahara no shō, was rare. As of yet there was little concern for the land itself, only an interest in the revenues which the land provided. There was little concern for estates as independently managed units.

Locally, estate administrations were of fairly simple form, where they existed at all, but a variety of titles were used to describe offices of essentially similar function: shōshi (正使), denshi (田使), shōmakudai (正目代), shōryō (正領), shōchō (正長), shō no azukari (正の頼), to name but a few. 19 Perhaps the most common title for estate administrators in the early Heian period was shōchō. This

17 Takeuchi, Nihon Jōdaiin Keizaishi no Kenkyū, pp. 49-53.

18 None of the twenty offices had titles with any reference to fund collection or to estate management. The same was true for the early offices of the other great Nara temples.

officer was appointed by the estate holder and headed a rudimentary administration from the capital if proximity permitted or on the estate if distance required. Commonly a shōchō was responsible for several estates or small groups of fields in a district or province. He levied and collected taxes and rents, made contracts for labor, and leased lands. Other duties included overseeing repairs, reclamation projects, storage and allocation of seed rice, and construction and maintenance of water courses. The shōen storehouses were also in his hands. Such were the duties of an estate manager in the early Heian period. Later, local functions were expanded and divided among a number of officers, but in the ninth and tenth centuries, the estate administrator was a general manager.

Resident managers were appointed by the central title holder and some were selected from among local candidates. Temples commonly selected officers from among the monks and priests who worked in the temple's administrative offices. These men remained with the estate for two to four years and some accepted longer tenure and made permanent residence on the shōen.

Local candidates were thought to be less desirable than candidates from the cities of Nara and Heiankyō (Kyoto), but they often had an advantage in their ability to gather and command a labor force which could undertake large land reclamation projects. A member of a locally prestigious family was an ideal candidate, especially one who also held local public office. Long residence and high social status were valuable assets when conscripting for irrigation and building projects.

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and influence in public government was sometimes necessary for protection of the private nature of the estate.

In addition to resident administrators, special agents and messengers visited estates periodically. The denshi was a temple agent who acted as administrator during his brief periods of stay on the estate. Denshi contracted estate lands, surveyed its fields, collected rents and taxes, and arranged for their transportation to the main holder's central storehouses. Similarly, the shōmokudai was an official who generally spent the summer growing season in residence on small estates, but returned to the capital during the winter accompanied by revenues from the fall's harvest. Agents were appointed from among the clergy and the lay associates of the temples and shrines. The titles which they held were not impressive, but the powers with which they were invested could be abused. Complaints were heard of agents exceeding their authority and enriching themselves at the expense of farmers on the estates, but reports were written by agents in their turn about estate laborers avoiding rents and taxes.

Special agents were also chosen from local families and estate residents. A denshi assigned to Iyama no shō in Etchū Province was a local resident and a district official. In Inaba Province the head of public works of Takakusa District personally directed the reclamation efforts of Takaniwa no shō and, after the project, accepted an appointment as administrator of the estate.

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21 Yasuda, Nihon Shōenshi Gaisetsu, p. 45.

22 In Kuwabara no shō in Echizen, a district official of Asuwa District shared the management of the estate with an agent from Tōdaiji. Imai Rintarō (井上貞太郎), 日本歴史研究 (Nihon Shōensei Ron)
Labor recruitment was one of the most important duties of the estate manager, for even the great Nara temples did not have sufficient servants for large reclamation projects. In the case of Kuwabara no shō, over 1,500 laborers were hired to dig three ditches with a combined length of over ten kilometers and an average depth of nearly three meters. Twenty-four foot bridges were constructed along this water course. A local government official, acting as representative of the temple, organized and managed the project.\(^{23}\)

After fields were formed there remained the task of finding and keeping cultivators. One solution was to settle on the land families which stood outside of the public household registers.\(^{24}\) This provided a stable, permanent farming population. Most new land, however, was leased out for annual cultivation. Scholars estimate that the greater part of shōen rice lands was cultivated by contract and that nearly all reclaimed lands on estates were initially farmed by lease-hold.\(^{25}\) Contract cultivation was an important part of early Heian land tenure.

**Early Heian Land Management in Private Estates**

The early estate was often a rambling, disconnected collection of fields. Its boundaries contained lands which had been donated by the court and noble families, and fields which had been converted from waste

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\(^{24}\)Generally, the number of ronin was not sufficient to supply labor needs of reclaimed land on estates. Murai, "Shōen to Yorisakunin," p. 60.

land. The original grant was characteristically one or more small groupings of households and fields. Field were generally within walking distance of each other, but often their boundaries did not meet. Their scattered nature was to some extent corrected by development of intervening land; as often as not, however, reclamation resulted in complicating shōen boundaries. In the early Heian period it was difficult to create a contiguous private estate.

Estate land was often divided into two categories: sanden (地端) and tsukuda (堤). Tsukuda were the best paddy lands, the original grant fields. They were cultivated by residents on the estate, which supplied tools, equipment, seed and other supplies to the cultivators. At harvest time the entire crop went to the estate and a portion was returned to the laborers as a wage. Many of these cultivators were associated with the fields in public registers before the land was given over to become a private estate and although they were still connected to the land, they were not legally bound to it.

Sanden were generally farmed by contract. The portion of total estate land which was leased out gradually increased as the estate expanded its rice fields by development of waste lands which had no residents and which were attached to no families in land surveys. Contracts were drawn up between the estate manager or agent and the cultivators of the estate, who were both residents and families who


27 Murai, Kodai Kokka Kaitai Katei no Kenkyū, p. 257.

28 Abe, Chūsei Nihon Shōenshi no Kenkyū, p. 113.
lived in the area. Contractual cultivation (ukesaku) was simply organized and ideally suited for the small, scattered field agriculture of private estates. In the spring before planting, an agent from the estate manager or the central title holder met with cultivators and discussed contract terms for the year, including what fields were to be leased, requirements for seed and tools, rent payment and collection, and grain storage and transportation. Often agreements were put into writing and copies made for both parties to the contract. At planting time seeds were distributed and throughout the growing season water was customarily supplied by the estate to the rice paddies. At harvest time the estate manager or an agent from the proprietor supervised crop collection and calculated rents based on the terms of individual contracts. Rents were typically calculated as a percentage of total rice crop and collected in grain after the harvest or following winter storage.

Contract cultivation allowed the title holder to retain direct administrative power over the land and manage it through appointed agents and overseers. Land was usually rented yearly, giving the estate manager flexibility. Contracting also took advantage of the labor of independent peasants who survived by developing small land holdings for their own use and leasing private fields for a portion of the crop. For the lessee there were advantages in being independent.

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31 Abe, Chūsei Nihon Shōenshi no Kenkyū, p. 357.
from estate managers and bound only by contract terms. The contractor often had to work several fields which were widely separated, but the lessor furnished the equipment, seed and water for cultivation. 32

Land Management in Mid Heian Private Estates

In the mid Heian period, estates changed in form and substance. Many, but certainly not all, were consolidated into more coherent units of definable boundaries. At the same time, more of them were exempted from local taxes and freed from legal jurisdiction. Internally, estate administrations were expanded in staff and rationalized in structure. Called *ichien shōen* (いちえんしょうえん), the most highly organized estates could deny entry to public officials desiring land records or tax revenues. An *ichien* estate was one which had definable boundaries and a stable local administration. Its holder had full management rights to the land and an undivided claim to the rents and taxes on the estate. 33

The lack of contiguity of land was a serious problem, however, for most temple holdings. Mid Heian *shōen* were often as badly fragmented as earlier estates. A Kanzeonji holding in Kyūshū in 975 had a total of 7 chō, 180 bu of rice lands stretched out in small collections of fields over ten locations, with public and other private lands interspersed. 34

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32 Kuroda Toshio has used the term *kōeiden* (commons), emphasizing the enterprising aspects of the lease-holding system, to describe estate management of land by periodic contracts. *Shōensei Shakai*, p. 11.


34 Takeuchi, "Chikuzen no Kuni Kanzeonjishi," p. 75.
On many estates, there were numerous parcels of public land, private land owned by local landlords, and waste lands. The method of incorporating these lands depended upon their character. Waste lands could be claimed and made into rice fields if they were worth the effort. Lands owned by estate residents could be commended with full title to the estate holder, or purchased directly by the temple. For some fields, an exchange was agreed upon. But with public lands, purchase was considered illegal, and exchange, though done, was frowned upon by the central government. All else failing, public land could be acquired illegally by several methods. Wherever estate residents worked public fields under contract, there was the potential of the estate claiming the land by settling on it families which were recognized in census records as "estate people" (shōmin). Land was also acquired without re-locating peasant families by gradual inclusion of off-estate fields farmed by shōmin. At times, several generations were required to bring fields fully under private authority. In the case of Kuroda no sho in Echizen Province, monks were dispatched from Tōdaiji to organize the estate's expansion. The woods and mountains around the estate were tree farmed. Tax exemptions followed. The success of their venture led them to employ the same method, although more slowly, with public rice paddy land in the valley below the estate. Another Tōdaiji holding, Akanabe no sho, in Mino

35 The various methods of acquiring public land, legal and illegal, are discussed at length in Takeuchi, Jiryō Shōen no Kenkyū, pp. 142-45.

Province, employed a more direct method. The temple called upon the patronage of several individuals, including the Fujiwara relatives of the head priest at Tōdaiji, and gained their blessings on an expansion of the estate's boundaries at the expense of the public domain. This expansion was justified by the needs of the monks and priests for supplies. 37

Still another Tōdaiji holding, Kōtō no shō in Yamato Province, spent nearly a century filling in between its scattered holdings, but never became a completely coherent unit. The problem was two-fold: to acquire land between its isolated, scattered fields, and to gain official recognition of the fields as tax exempted land. By purchase, reclamation, and exchange of land with the public domain, the estate began to connect its original fields. 38 In 1065 the new land was recognized as exempted, temple land (jūden). More fields were acquired over the next several decades, largely through gradual reclamation and an occasional purchase of peasants' reclaimed lands. In 1107 Tōdaiji gained a large group of fields and provincial exemption for most of the land followed in 1108. 39 By the middle of the twelfth century, Kōtō no shō was nearly contiguous in boundaries and nearly coherent in land holding. Not all of its forty-six chō was fully developed land, but purchase, reclamation, and exchange of land with public

39 Hiraoka Jōkai (平原道海), 東大寺領和歌丸小東庄の領格について ("Tōdaijiryō Yamato no Kuni Kōtō no shō no Seikaku ni Tsuite"), in Nanto Bukkyō, no. 5 (1958), p. 82.
and private holders had made an estate from what had been hopelessly scattered fields.

Exchange of land was not uncommon in the mid Heian period. Notice of this was taken by the government in its efforts to regulate the expansion of shōen. Employed largely by temples as a means to round out their estates's boundaries, land exchange often involved not only private parties, but also local government officials. There is evidence of the practice as early as in the Nara period. With revenues from their original grant lands decreasing from want of supervision of the land and lack of deliveries by local officials, the large temples engineered swaps of land with local governments--temple lands for public fields--in order to consolidate holdings into a form that would support a local estate administration. In 774 the Ise Grand Shrine exchanged shrine and temple lands which were scattered about in Ise Province for public rice lands in the immediate vicinity of the shrine. This allowed the shrine to consolidate its holdings for administrative efficiency. It could only have been accomplished with the active cooperation of the local government.

Late in the Heian period, examples of land exchange were numerous. Kōtō no shō is interesting because of the amount of land exchanged, but it is not clear whether the bartered lands were all public or partially private, nor whether bargains were struck with government officials or

40 Exchange of land was referred to in several ways in documents, the most common of which was sōhaku (そか). It is not clear, however, if this term only designated exchange of land between private parties. See Takeuchi, Jiryō Shōen no Kenkyū, p. 133.

41 Fukuzawa, "Ise Jingūryō no Kenkyū," pt. 1, p. 42.
private landlords. A clearer instance of exchange with the public
domain is that of Zentsuji, a local temple on Shikoku Island. In 1138
the temple's holdings were scattered about over several districts in
Sanuki Province. In order to assist the process of rationalization,
the provincial governor, Fujiwara no Tsunetaka, made several agreements
with the temple to exchange lands, so as to make the temple's holdings
into an ichien estate. A document of 1156 specifies the particulars of
the exchange including locations and conditions of the land.

Such action by district or provincial officials would seem anti-
thetical to the system of state ownership of rice land, and indeed it
was illegal. It is doubtful, however, if such exchanges of land can be
blamed for the failure of the state land codes. It is perhaps more
accurate to say that the land codes were not applicable in many lo-
calities in Japan in the eleventh and twelfth centuries. In view of the
transformation of public domain into semi-private provincial domains
(kokugaryō), rationalization of holdings and adjustment of boundaries
between "public" and private sectors was a desirable thing. In so far
as it assisted both parties in the administration and collection of
revenues it was mutually beneficial.

42 Hiraoka Jōkai indicated that the exchange was probably with the
provincial government, or at least with its approval, but no documenting
evidence is offered. "Tōdaijiryo Yamato no Kuni Kotō no shō no Seikaku
ni Tsuite," p. 82.


44 Kishi Toshio argued that, far from corrupting the integrety of the public domain, land exchanges with the private sector
benefited both private holders and public officials. 趙満志 轄 } 趙
国の徳原と口分田来
( "Tōdaiji Echizen Shōen no
Fukugen to Kubunden Kōei no Jittai"), in Nanto Bukkyō, no. 1 (April,
Another method of estate expansion was acquisition of public lands through estate residents. In places and situations where the estate was not situated close to land which could be profitably developed, and where the public administration was opposed to the practice of purchase or exchange, some estate managers encouraged the residents of the estate to lease public land. Many established residences on the land. Gradually the estate came to include these fields in its records and came to regard the land as being under private jurisdiction.

Kuroda no shō in Iga Province illustrates this process. In terms of rice lands, it was originally a poor estate with only about thirty chō. Its main product, however, became timber, and because of the lumbering of the slopes above the estate, a good many workers resided on the shōen itself. Some of these people were farmed out to work on the public domain bordering Kuroda no shō. At first they lived in communal or barrack-type housing along with the other lumber workers, but as they devoted more of their time to contract cultivation on public fields, they began, with the approval of the estate administration, to establish residences on the contracted land outside of the estate. Temple records confirm that this move did not affect their

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45 This action was known as "dezukuri" (出作 outside cultivation).


47 The origins of Kuroda no shō are not clear in terms of exact location and size. Nakamura, Shōen no Kenkyū, pp. 372-74.

48 Murai, Kodai Kokka Kaitai Katei no Kenkyū, p. 365.

49 Irumata Nobuo (入間田信夫), "Kuroda no shō Dezukuri Chitai ni okeru Tsukuri no

50 著作 ("Kuroda no shō Dezukuri Chitai ni okeru Tsukurite no
status as "estate people" (shōmin). Instead, the status of their land changed to indicate that the temple had a claim to it through the fact that a shōmin resided on it and worked it. Within a generation, the estate claimed exemption from all but the public land tax. The basis of this claim was that, from the eighth century, residents of Kuroda no shō had been exempted from public taxes. The land they worked also had been classified as tax exempt in order to provide supplies for the monks and priests of the temples. In this way, the estate was able to expand its holdings from thirty chō to nearly three hundred chō of rice fields.

Another example of this process was Hirata no shō in Yamato Province. The original grant of land had been extensive, one hundred chō, and by the end of the Heian period, by encouraging estate residents to farm surrounding fields, and by inviting public farmers to bring their land into the estate, Hirata no shō had grown to over two thousand chō, much of it good rice land. Tax exemption claims were based on an exemption from miscellaneous taxes which the estate had acquired in the tenth century.

Seiritsu to Shokaisō"), in Bunka, XXIX, no. 3 (October, 1965), pp. 398-403.

50 Land was designated in several ways in temple records. Dezukuri fumyō (出作り名) indicated an unspecified relationship with the estate, with few rights, if any, to tax exemption. Shō fumyō meant a stronger claim by the estate, including exemption from public taxes. Takeuchi, "Shōen Seijukuki no Tōdaijiryō," p. 64.

51 Private and public land was gradually absorbed as fudens (私田) and fumyōden into the estate. A great deal of land was also gained by persuading the peasants on the neighboring public land to commend their fields to the estate. Murai, Kodai Kokka Kaitai Katei no Kenkyū, p. 364.
Tōdaiji was not above using force to settle disputes over taxes and land titles. In the early twelfth century one of its holdings in Iga Province, Tamataki no shō, which had been engaging in land expansion through its residents for a century, encountered provincial and district governors who were more serious about the tax revenues from the land. Tamataki claimed full exemption for the disputed land based upon an exemption order of 960 for the entire estate and upon the fact that the land had come to be included in shōen land records. The area involved was extensive—eighty chō, nine tan of land—and the province and district refused to give up the taxes. The issue was decided by threat of arms. The tax agreement heretofore had been that a nominal tax—kajishi (地支) averaging one to per tan of land—was to be paid on the land by the contracting farmers to the temple, but the main tax—jishi kanmotsu (地支勘物) of about five to per tan—was to go to the province. After 1115 the temple dispatched monk soldiers from Nara to the estate at harvest and tax collection times to stand by and enforce collection of increased taxes—kajishi of six to per tan. With the higher kajishi rate, peasants often defaulted on payment of the jishi kanmotsu to the province. By raising their taxes and using force to collect them, the temple had made regular collections of public revenues almost impossible.

Central Administrative Authority in the Late Heian Period

From the tenth century onward, nobles and temples looked to the organization of their estates. Boundaries were filled in and made more coherent. Land was developed within the estates. And exemptions from taxes were actively sought. Central administrative bodies reflected these efforts. Responsibility of the holder expanded to include active legal protection. Protection from local taxes was a time consuming responsibility and at times the titles of estates were commended (kishin 祲進) to higher authorities, including the imperial family, to gain the weight of their prestige.

To acquire tax exemptions, documents of boundaries and proofs of title were needed. Personnel were required for investigation, collection of documents, and to address petitions and rebuttals to the government. The title holder gradually became more involved with the local estate administration. It was the proprietor's authority and the estate's records which guaranteed the private existence of the land and the private nature of its revenues.

Direct control over estates was often necessary. Noble holders who had relied on local families to run their estates turned their attention to problems of land surveys and boundaries. Agents periodically came to review local management, and personnel from the capital increased in numbers on many estates. They were needed to keep a strict watch on the affairs of the estate. Estate populations were increasing and more attention was given to local residences. Taxes and rents grew

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54 Tôma, Nihon Shôenshi, p. 92.
more complex in distribution. Divided title was often necessary for
protection of the estate, but it complicated record keeping and tax-
handling for the estate. 56

Beginning in the ninth century, the old estate administration system
of temples and nobles gradually became inadequate. Provincial adminis-
trations increasingly ignored their responsibilities to the temples
regarding management of grant lands. Revenues were not earmarked for
temple use and in many cases the lands themselves lay fallow. The
offices of the zōjishi were unable to deal with these problems.

Estate administration was shifted into other offices of the central
temple administrative structure, and most of the great Nara temples,
including Tōdaiji, placed responsibility for management and develop-
ment of their holdings into the hands of new offices. The most common
was the sankō (三局), a general administrative center of the temple,
composed of three offices acting as a unit. 57 Within the sankō there
was a department for all the temple’s estates, as in the case of Tōji, 58
or several departments, each responsible for the estates of a geogra-
phical area, as in the case of Tōdaiji. Each department was directed by
a director (bettō). Because estate management, reclamation, development,

56 Yasuda, Nihon Shōenshi Gaisetsu, p. 45

57 From its inception in the early ninth century, Tōji used an
office called the dempō (徳坊) as a central administrative body for
estate management. A bettō was originally assigned to estate affairs
within the dempō.

58 The three offices were the jōza (内局), the jishu (寺主),
and the toina (都尼). These offices were separate, but they func-
tioned apparently only as a unit. Their responsibilities and authority
were of a mutual nature, and they consulted together and held mutual
responsibility for decisions. For a description of these offices, see
and defense (against interference by provincial and district government officials) demanded increasing personnel and time, the number of directors increased. In some temples, offices such as the kengyo and the azukari dokoro with specific estate related duties were added to the central administration.\(^5^9\)

There was a lack of strict hierarchical organization in estate management. Offices and duties were diverse and sometimes overlapping. Tōdaiji, with the largest mid Heian administration probably had over thirty directors attached full time to estate administration, but many of these duplicated each other's duties and responsibilities. Their authority was divided along geographical lines, that is, by location of the estate, rather than according to administrative function.\(^6^0\)

This system lasted through the Heian period, but gradually the actual business of running the temple domain increased in scope and importance. Orders from the directors appeared under the stamp of the mandokoro (まんどうくろ), the highest administrative body in the late Heian period. In 1056, for example, a Tōdaiji document was titled the "Tōdaiji Mandokoro Shitabun," with stamps of the three sankō offices and another department head affixed.\(^6^1\)

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\(^5^9\) Hosokawa, "Ochō Jidai no Jiryō Shōen no Zokusei Soshiki," pt. 1, p. 97. Kōfukuji transferred estate management in the late eighth century from the zōjishi to its sankō, with the offices of azukari dokoro and a bettō overseeing the temple's holdings.


\(^6^1\) It was signed by the jishu, jōza, and toina officers, an assistant to the jōza, and a number of directors (bettō). Tōdaiji Monjo, vol. 4, no. 38, Tengi 4 (1056), 7, 23.
By the late eleventh century almost all estate business in temple holdings was being handled by the *mandokoro*. The creation of this office which held administrative responsibilities for the temple as a whole, was in large measure a result of the increase in duties related to the estates. The *mandokoro* was, actually, composed of the three sankō officers, which still met independently, and several directors whose duties were specifically connected to overall estate management.

The fiscal organizations of temples were confusing and complex in the late Heian period. The administration of the larger temples was complicated by the division of administration into semi-autonomous groups, each one handling the business of a sub-temple or temple complex within the parent temple organization. The administration, including estate management, for each of these sub-temples was only loosely organized and the revenues for each were handled autonomously.62

Thus each *in* had its own general administrative body (*mandokoro*) and its own directors (*betto*) to handle its own group of estates. Tōdaiji, in addition to its central office of estate management had in all over twenty sub-temples in the late Heian period, the four biggest being Sainan-in, Tōnan-in, Tenchi-in and Kōdō-in. Each of its constituent *in* had directors within its own administration assigned to estate management.

Central temple administration in the late Heian period was separated into several levels of authority. The directors within the overall *mandokoro* governing body were responsible for the general supervision and management of estate affairs for the temple. They appointed

the head officers (azukari dokoro) and sent out or appointed locally other estate office holders. The azukari dokoro acted as the local administrative representative of the temple, either attached to a single estate or overseeing several estates. 63

Temples or sub-temples with small holdings often assigned a single officer to oversee local holdings personally. Central offices and important local offices were staffed by priests or monks whenever possible. They were appointed by the central temple administration or by local temple officers if the numbers of holdings were too large to be staffed fully by temple personnel.

At temple headquarters, directors oversaw estate officials. The office term of a bettō was originally six years, but in 846 this was changed in Tōdaiji's case, and gradually in other temples as well, to four years, and remained so throughout the Heian period. 64 The director's staff handled estate business in several ways. Monks and priests were sent from the central temple to the estate. Connections were established with local elite families to fill local estate management positions. Branch temples acted as local representatives of the main temple on private estates. A common pattern was that of establishing ties with local elites and watching over them with agents sent from the capital area. Larger collections of holdings necessitated more directors and

63 The actual figure of proprietary authority on the local estate was generally the azukari dokoro, whether he was in residence on the estate or only visited it. In some cases, as in Kōfukuji, he acted directly under the sankō combined offices, not under an individual bettō, emphasizing his importance to the management of the temple domain. Hosokawa, "Ocho Jīdai no Jiryō Shōen no Zokusei Soshiki," pt. 1, pp. 102 and following.

64 Takeuchi, Nihon Jōdaiin Keizaishi no Kenkyū, p. 227.
a larger staff of assistants and clerks in the central administration to conduct the business of private estates. 65

Under the directors were the head officers of estate management. The office of the azukari dokoro varied in function and importance through the Heian period and from temple to temple as well. In Kōfukuji it was a central administrative post. In most Tōdaiji sub-temples it was a local estate position. The head officers, in general, handled the day to day administrative responsibilities of the estates under their supervision, including the naming of agents to estates and appointment of replacement monks or priests to administrative offices on estates. 66 Tōjī appointed office holders directly from the central administrative organ, but most of Tōdaiji's resident estate posts were under the control of the local azukari dokoro, who was responsible to the directors at Tōdaiji in Nara.

Commendation of land holdings in the eleventh and twelfth centuries to other temples or court families confused lines of authority. Along with commendation of the estate title, often went the appointment power over the office of the azukari dokoro. Some institutions themselves

65 The title "bettō" was found in not only temple administrations, but also in the central government as department heads, in private family house administrations, and even in the offices of the household administrations of the imperial court ladies. The use of a bettō for estate administration indicates the importance of private lands to the fortunes of nobles and religious houses. See Kikuchi Kyōko (菊池京子) "Zokubettō no Seiritsu," in Shirin, LI, no. 1 (January, 1968), pp. 110-18.

were named as azukari dokoro, meaning that they could appoint their own representative to the post. For older estates, however, this complication of the powers of appointment over the office was avoided because their lineage guaranteed their legal status and made commendation unnecessary.

A number of large Kyoto and Nara temples used their branch temple network for local administration of the main temple's domain. The duties of the abbot of the branch temple often involved as much estate management business as religious tasks. From the very beginning, branch temples had a close relationship with the estate system. This can be clearly seen in the early records of local temples in that the majority had administrative buildings and warehouses beyond their immediate needs. These temples acted not only as the administrator of local social and religious affairs, but also as a center for the control of neighboring grant lands, the storage of grain and produce, and the administration of private loans of rice and agricultural implements to the peasantry. The branch temple was an excellent institution for the main temple to extend its authority locally. Land reclamation was often organized through it and when estates were commended and titles divided, branch temples expanded their estate duties as local representatives and managers. Some local temples and their connected lands were transformed into estates themselves.

Iwashimizu Hachimangu in Kyoto actively employed its branch and affiliate shrines and temples for estate management. It was related

67Two examples are Kuwabara no shō and Oi no shō.
to a number of small local temples and shrines throughout the country and the nature of its estates was well suited to the use of these local institutions. The Hachimangu grant lands were badly scattered, with large numbers of small parcels of land from Kyushu to the Kantō. Few of these were large enough to support administrations of their own and the central temple's unwillingness to give them up led to reliance on local branches for management of this scattered domain.

As with most other temples, Iwashimizu Hachimangu was careful to maintain rights of appointment of the administrative personnel of the local branch temples. Officials of these institutions were generally not selected or trained locally, but sent out from the main temple. Even clerical offices in branch temples were appointed from Iwashimizu's headquarters. It populated branch temples with its own monks and priests and required any local appointees to come to the parent shrine for religious training. In cases of small, independent temples becoming branch temples through commendation, the central institution was quick to assume control of appointment of local officers. 69

Local Estate Management in the Late Heian Period

For most estate holders local administration required increasing amounts of attention as the Heian period progressed. Administrative structure in most early estates was minimal. Several estates in the eighth century did have a full time administration, but by and large

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69 For more details on Iwashimizu Hachimangu's use of its branch temples to oversee its scattered and often small scale holdings, see Nakamura, "Shajiryō no Zokusei ni Tsuite," pp. 247-56. Iwashimizu Hachimangu was aided in its efforts by its strong influence at court, allowing it to gain substantial help from local government officials in the state machinery.
there were no resident officers locally. The result was a reliance by
the temple on public district officials for day to day management
of private lands. If temple agents were sent, they went only to supervi-
sive planting and to assess the crops and collect the tax on the land
at harvest. Even the administration of Kuwabara no Shō by Tōdaiji
in the late eighth century was relatively unstructured, little more
than a sporadic traffic from Nara to the estate of agents to oversee
the warehouses and equipment and to handle land contracts, rents,
and taxes. 70

In the eleventh century, local estate government consisted of a
number of offices depending upon the size of the estate and sometimes
on its distance from the central temple. Compared to earlier centuries,
estates were well staffed. The azukari dokoro was the controlling agent
of the estates. As mentioned above, this office was often not attached
to a single estate, but rather a central or regional office. The
officer did, however, spend a great deal of time travelling from one
estate to another as administrative agent and trouble shooter. All
communications to the temple generally went through his office. He
made appointments for estate administrative posts. He applied the tax
assessments from the directors and oversaw the collection of revenues.
He directed the assignment and transportation of these tax revenues. 71


71 It was not uncommon to have the azukari dokoro post above the
in-resident administrator. Nishioka Toranosuke, however, argued that
perhaps a majority of estates had an azukari dokoro assigned to them
as head officer. See "Chūsei Shōen ni okeru Honke Ryōke no Shihai
Soshiki," p. 90.
If the estates were paying public taxes, the azukari dokoro was the arbiter of which crops and goods were to be set aside for the public levies. The central administrative bodies—the sankō and the mandokoro—were indistinct entities from which pronouncements occasionally came down to the peasants. The azukari dokoro was a flesh and blood representative of the power and authority of the temple. 72

Within the local estate government in the late Heian period there were a multitude of titles reflecting in part the origins of the estate, in part the great expansion of duties during periods of contention between estates and local government authorities over jurisdiction and taxes, and in part the diversification of functions and powers resulting from land commendation. Two titles often seen in documents were shōshi and shō no azukari. These were administrative directors or overseers of the local estate government. If no azukari dokoro resided on the estate, they conducted the daily management of the land and looked after the needs of the residents. 73

A second level of administration was occupied by the offices of the sentō (尊当), the azukari (顕), and the kengyō. 74 These generally handled practical administrative matters in smaller estates or


74 The title kengyō also appears in the middle levels of administration in the large temples of Nara. Locally, the title bettō was also used, but rarely. Takeuchi Rizō equates kengyō to the similar office of sentō. Jiryō Shōen no Kenkyū, p. 178.
acted as junior administrators in the large domains. Another office, the gesu, was important. It appeared only in the late Heian period, but by the mid Kamakura period it had become an office of general estate management in many areas. The gesu, unlike the azukari dokoro, was usually a locally appointed individual, not someone from the capital area. In the twelfth and thirteenth centuries, appointments to many local posts were made locally and these became more influential in the affairs of the estates. The gesu was a general management position and often included the power of appointment of other administrative offices on the estate. It was often the title taken by a person who commended private land to a patron. It assured that essential administrative powers would be kept after the transfer of the estate.

The offices of anju (安主) and kumon (公文) both appeared in the late Heian period, and were created as a response to the struggle with provincial authorities over documentation of estates. They were like legal secretary offices, in charge of drafting appeals and maintaining records and chronology of documents. Finally, the jito (地頭) position, which came to be a center of local political power in the Kamakura period, was at its inception in the eleventh century an estate office charged with a variety of responsibilities. The jito was often an estate resident who acted as a land overseer. The officer also appeared in the role of a representative or agent of a capital proprietor.

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The above review of local estate administration is a general one and does not cover the spread of office names found in individual estates. Furthermore, it simplifies the offices by assigning a single person to them. While this was the rule, exceptions were many. Institutions, at times, were listed as the holders of local offices. In a Kōyasan holding, Ōga no shō in Kii Province, for example, a local affiliate temple, Iōji, held title to the office of kumon for several decades. 77

Several examples of estate administrations may illustrate the kinds and numbers of estate offices and officers. In Kuroda no shō, a Tōdaiji estate, the administrative staff consisted of a shōshi, a tōryō (備領), and a kengyō in 1050. By 1075, however, the administration had expanded greatly to cope both with the increase in land under estate use and the legal and sometimes physical struggle with the local public government over the status of this land. In 1175 an azukari dokoro stood at the head of the estate administration and below, running the estate, was a staff of twenty officials: three officials called tōne (刀綱), three tōryō (備領), four sentō, one kumon, a gesu, and eight others. 78 In 1069 a Kōyasan holding in Bingo Province, Ōta no shō, supported fourteen officials: four gesu, six kumon, two lower offices called tsuihoshi (追捕使) and two more titled densho. 79

78 Heian Ibun, vol. 7, pp. 2855-56, Jōan 1 (1175), 5, 23.
79 Uozumi Sōgorō, "Kōyasanryo Shōen ni Tsuite" in Rekishi Chiri, XXXII, no. 5 (November, 1918), p. 4.
Kuroda and Ōta estates were larger than most. For smaller estates, administrative officers were fewer and administrative organizations were simpler. A sample of nine estates of Tōdaiji in the Kinai region in the mid eleventh century reveals an average administration of about three officials. 80

**Oi no shō Administration in the Late Heian Period**

Until the middle of the eleventh century, Oi was directed by the shōshi (主事). Documents give very little information about this office or officers, and it is possible that the officers were monks or priests dispatched from Nara. A petition of 1055 lists two individuals as priests, but no office titles were attached to indicate any position in the management of the estate. 81 It is certain, however, that the shōshi directed the estate and acted as representative of the temple, for directives from Tōdaiji were addressed to it. 82

By 1058 a change of administration had occurred which elevated a new office and a local family to leadership in Oi no shō. In the ninth month of that year a report from the estate to Tōdaiji was signed by one Onakatomi no Nobumatsu, appended with the title of bettō. 83 The Onakatomi family had resided on the estate for at least three years.

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80 This list was compiled by Takeuchi Rizō, and appears in Jiryō Shōen no Kenkyū, pp. 177-80.

81 Nine names in all were attached to the document, with one of the priests' names standing above the rest. Heian Ibun, vol. 3, p. 865, Tengi 3 (1055), 11, 26.

82 See, for example, the order from the Mino Provincial government to Oi no shō, "Tōdaiji Domain Shōshi," Heian Ibun, vol. 3, p. 848, Tengi 2 (1054), 11, 17.

The name Onakatomi no Nobumatsu appeared as a junior officer on the estate in 1055. This was apparently the individual who was appointed by Tōdaiji to the new bettō office sometime between 1055 and 1058. Onakatomi Nobumatsu was not, in 1055, a priest, but it is possible that the family came from priests settled on the domain, as commonly occurred in the tenth and eleventh centuries.

Following the change of administration in 1058, no monks that we know of held positions in Oi no shō's local management, except for a brief period in the twelfth century when the temple became embroiled in a dispute over estate offices. Tōdaiji was gradually replacing clerical officers with lay people, elevating families such as the Onakatomi to leadership on its estates. In the case of Oi no shō, however, power of appointment to office clearly remained in the hands of the temple. For the most part, the temple relied on the Onakatomi family to conduct the affairs of the estate, but final authority of appointment was held by the temple.

This was illustrated in the early twelfth century in a dispute between members of the Onakatomi family over the office of estate manager. It began in 1118 with the death of Onakatomi Kiyonori, grandson of Nobumatsu, without male issue. His will designated an adopted son, Kiyohira, as his office heir, but this was contested by a daughter and her husband. The dispute split the Onakatomi family

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85 The point of the dispute was not the legality of adoption of an heir, but the manner in which this particular adoption was done. The husband of the eldest daughter was passed over for a younger man, married to the second or third daughter. Furthermore, the man was adopted as Kiyonori's designated heir very late in Kiyonori's life,
into two factions and continued for seventeen years, involving at times
the residents of the estate. 86 Each contender submitted reports,
appeals and documents supporting his position to Nara, and Tōdaïji
decided between the candidates on several occasions. Tōdaïji's control
was exercised through the shiki--office titles granting official recog-
nition to the bearer--which were issued from Tōdaïji under the stamps
of the mandokoro and bettō. This was generally done as a matter of
course, as Tōdaïji was apparently satisfied with the Ōnakatomi family's
conduct of estate affairs. The dispute of the early twelfth century,
however, demonstrates Tōdaïji's ultimate authority in the estate's
administration. In the early twelfth century, local elites could not
govern Oi without the sanction of the estate's proprietor.

If Tōdaïji held the chief executive power, its appointees exer-
cised management rights locally. The Ōnakatomi family continued to
dominate Oi no shō's administration through the remainder of the Heian
period and into the thirteenth century. The family held office rights
(shiki) to the bettō office in the twelfth century, beginning with
Nobumatsu and followed by Nagamasu and Kiyonori. The family was un-
doubtedly the most powerful in the estate, holding other offices such
as the kengyō, listed in 1079 as being assigned to Ōnakatomi no

nearly on his deathbed. It would appear that Kiyonori, who took over
the estate management in 1079 at his father's death and held it for
nearly forty years, may have been an arbitrary tyrant, playing one
family member against another. Tōdaïji, after reviewing the petitions
and evidence, supported the adopted son's claim. Heian Ibun, vol. 5,
p. 1684, Gen'ei 1 (1118), li, 20.

86 "The several officers as well as the residents (of the estate)... shall acknowledge, and let it be done accordingly as instructed."
Heian Ibun, vol. 5, p. 1684, Gen'ei 1 (1118), li, 20. It was unusual
for the estate's residents to be addressed directly.
It is unfortunate that no surveys detail the land holdings of the family in the estate. They were probably substantial. The squabble in the twelfth century within the family over inheritance of the leadership of the estate reveals the wealth of the clan, for the land holdings were sufficient to sustain several factions within the family for a number of years. In 1214 the office lands assigned to the gesu office alone, occupied by an Onakatomi, amounted to three chō of good rice land.

Sometime in the long tenure of Onakatomi no Kiyonori (circa 1075-1118) the office of gesu was granted to the Onakatomi family and elevated. This was not a newly created office. It appeared in 1096, occupied by Kuwana no Masashige and probably it existed before that. The Kuwana family also dated from at least the mid eleventh century and held offices and land within the estate sufficient to make them the second most powerful family in Oi no shō.

The shift of the gesu office to Kiyonori signalled the elevation of that office to predominance in the administrative structure of the estate. This occurred in Oi no shō earlier than in most temple held estates, as the gesu did not commonly acquire such power in the local administration until the very end of the Heian period. Its rise from

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88 Nakamura, Shōen no Kenkyū, pp. 177-78.
89 Kuwana no Masashige also appeared as gesu in a list of titles. See Heian Ibun, vol. 4, p. 1313, Kakō 3 (1096), 5, 12.
90 The name Kuwana no Masayoshi appeared in a list of the officers of the estate in 1055, but no office titles were appended. Heian Ibun, vol. 3, p. 865, Tengi 3 (1055), 11, 26.
a junior level executive position to the top of the local administra-
tion was concurrent with the growing number of commendations of land by
local landlords to nobles and temples. Through the early twelfth
century this process had significantly increased the numbers of private
estates. The title which the local commender commonly kept was the
gesu shiki, and it generally included the rights to manage the land
and collect and distribute the revenues according to a profit split
with the title holder agreed upon at the time of commendation. The
office of the gesu in older, directly managed estates such as Oi no
shō changed in line with this. By the mid twelfth century gesu had
come to dominate the administrations of a great many estates.\(^{91}\)

The office of the gesu on Oi no shō was held by the Onakatomi
family through the first half of the Kamakura period. Its duties
were nowhere specified, but it is clear from petitions to the temples
from the estate and instructions addressed to Oi no shō from Tōdaiji
that the gesu was the manager of the estate, much as the bettō office
had been the chief office in the eleventh century. Warehouses were
maintained, rice and implement loans overseen, taxes collected and
stored, deliveries arranged for, and water courses maintained and
extended by the estate administration under the gesu.

Oi no shō was an extensive domain in the twelfth and thirteenth
centuries, incorporating nearly two hundred chō of cultivated land
and extensive open areas. The population of the estate in 1116 was
well over one hundred people—perhaps double that—as tax documents

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\(^{91}\) For a discussion of the office of gesu in the late Heian period,
see Hosokawa, "Ochō Jidai no Jiryō Shōen no Zokusei Soshiki," pt. 2,
pp. 149 and following.
The full administration of Oi contained at least twenty individuals in eleven categories of offices in 1214. The gesu office remained at the head of the administration. Below it were the kengyō, a bettō, and assistant bettō and numerous agents and representatives assigned to specific duties. Several of these only required periodic duties, so that full-time administrators probably numbered fourteen or fewer. Officers of the estate were reimbursed in the common manner by assigning rice lands to supply revenues for the office holders.

The gesu was assigned the proceeds from three chō of land, a sizeable sum, as were the kengyō and the bettō. The assistant bettō and two other officers received two chō and the other officers were assigned one chō or less. The azukari dokoro, not resident on the estate, was nevertheless assigned six chō of land to help defray office expenses. In total, the rent or tax revenues from about thirty of the two hundred chō of land on the estate went to local officers.

At the end of the Heian period, Oi no shō was an estate of substantial proportions. Housing several hundred individuals and boasting an administration of twenty officers or more, it was one of the largest estates in the area in the twelfth century. Its administration, furthermore, was a stable one. The fact that Tōdaiji had appointed a locally influential family to the top position in Oi no shō's management did not mean that it had forfeited control of its domain. It retained the power of appointment of at least the top

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93The following discussion of administrative offices and their secured lands in Oi no shō in the early Kamakura period is taken from information in Nakamura, Shōen no Kenkyū, pp. 177 and following.
echelon of officers on the estate and ultimate administrative authority over the estate.
CHAPTER VI

ESTATE REVENUES

Oi no shō as Revenue Source

To the noble families and the great temples and shrines of Heian Japan, private land meant private income. We translate shōen as "estates" and the Chinese characters signify a villa or manor. But shōen were not manicured gardens surrounding pleasure palaces and summer quarters of the owners. Shōen were collections of fields which supplied goods to their proprietors who seldom or never visited them. Revenues were collected from estates regularly and systematically so that the system of rents and dues on private land could rightly be termed taxation.

Oi no shō was founded in the eighth century by an Imperial grant of land to the great Nara temple, Tōdaiji, in order to provide revenues for the support of temple business and repair and upkeep of temple halls and residences. It also was to supply various goods, services, and products to the temple for meetings and conferences. In 1040, Tōdaiji complained that public collections of special products prevented the delivery of revenues of "ancient precedent" for "temple business and repair and upkeep of temple halls and residences."¹ Trouble with the province was blamed in 1054 for the loss of the "profits from the land" from Oi which were used by Tōdaiji for conferences and audiences.²

¹Heian Ibun, vol. 2, p. 742, Chōkyū 1 (1040), 12, 28.
Three years later, a collection of a variety of products from the estate went to the temple to be used for such purposes as audience fees, offerings, household services, meetings, repair of straw raincoats, and provisions for fasting(!). In 1066, "customary" revenues were to go for law meetings and repair of damages to the buildings and grounds of Tōdaiji. Early in the twelfth century, Tōdaiji complained to the court that provincial levies on Oi no shō for river flood control had cut into the estate's contributions to the repair of the great bronze image of the Vairocana Buddha.

Throughout the Heian period, Oi no shō supplied both rice revenues and a great variety of products to Tōdaiji for its upkeep and its functions. For many estates, the stated reasons for the collection of revenues changed over the years, but Oi no shō was more consistent. As late as 1065 the temple referred to the estate's revenues under the original categories of the land grant.

No early or mid Heian document lists exact measures of the revenues from the estate. This was partly due to the fact that they came, for the most part, from rent agreements with contract cultivators working estate lands. The obligations of these peasants to the estate consisted of the rent plus service and product fees if they lived on the estate, or rent alone if they lived outside of its boundaries. Good rice lands were contracted at forty to sixty percent of the rice

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5 Heian Ibun, vol. 4, p. 1548, Tennin 2 (1109), 9, 14.
crop, returning an estimated yield of about two hundred koku of rice from the estate. Seed and loan rice were subtracted for use in the following spring. The remainder was shipped to Tōdaijī either in the fall or stored over the winter until the passes in the mountains to the west of the estate were free of snow and ice.

Product and service fees were apparently of a less uniform nature. Needs of the temple varied from year to year and supplies locally also were not constant. Desired goods were outlined in general form to the estate administration in the summer, and it was at the discretion of the management what types and amounts of goods were to be collected and shipped to Nara. A steady supply of a wide variety of goods was necessary for the temple to maintain a degree of self-sufficiency. Substantial amounts of goods of this category were collected and shipped to Tōdaijī from Oi no shō. An inventory of 1058 of "various goods" to go to Tōdaijī listed over seventy rolls of silk cloth, intended for a variety of purposes. In addition, there were various quantities of a number of goods: white and black (wild) rice, salt (less than a pint), vinegar, miso (みそ) sent in place of rice, oil, rope amounting to several rods which was sent in place of bundles of pine wood unobtainable that year, hay, kindling, tubs, ladles, mats of both thick straw for floors and thin over-matting for seating, and the labor services of two people for cutting hay, apparently outside of the estate.

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7 Substitution of products and goods by local estate officers was common in the estates of the great Nara temples.
9 In all, over thirty-five items were listed, many of them substitutes for requested products.
It was noted in the document that a little less than half of the requested items had been collected and delivered. For each item which stood in place of another, there was a notation. Available goods were collected by the estate administration, headed by the bettō Onakatomi no Nobumatsu, and delivered in September to an agent from the temple who probably accompanied the goods back to Nara. The items which had yet to be collected were to follow sometime the next spring.\(^\text{10}\)

From time to time, extraordinary levies were required by Tōdaiji for special events or for large construction or repair jobs. Substantial damage to the buildings or grounds of the Nara temple occasioned additional demands on the estate, as the funds for maintenance and repairs which Oi no shō helped to supply yearly were not large enough to cover major disasters. In such instances, the kind and amounts of required goods, services, and revenues depended on the project. In 1109 the repairs of the enormous hall of the great statue of Buddha required revenues of cloth in substantial amounts from the estate.\(^\text{11}\)

The repairs and partial rebuilding were done in Nara with hired labor so that rice and cloth were used for reimbursement. Labor services were not demanded from the peasants of Oi no shō.

In 1077 and again in 1078, Tōdaiji's private holdings in Mino Province—Oi no shō, Akanabe no shō, and several small plots of grant

\(^{10}\) *Heian Ibun*, vol. 3, p. 956, Köhei 1 (1058), 9, 21.

\(^{11}\) An omission in the documents has obscured the particulars surrounding the repairs to the hall of the great statue. It is not clear whether these repairs were normal upkeep and maintenance demands, piled up for years, or occasioned by major damage to the building. *Heian Ibun*, vol. 4, p. 1548, Tennin 2 (1109), 9, 14.
land—supplied seventy rolls of silk cloth to the temple. This was listed as a special levy, but the purpose was not indicated. Again in 1129 there appeared a listing of special levies on the estate, this time for repairs to the temple complex. In this case, however, the estate was required to furnish individuals for labor service in Nara to help defray the cost of hired labor, rather than goods and revenues.

The amount of supplies, rice, cloth and various products extracted from Oi no shō was certainly great, and Tōdaiji relied on the continued flow of these goods and services to help maintain itself. The estate, however, was a large one and housed a considerable populace. The land was not the richest in Japan, but it was fertile and water for irrigation was abundant. Aside from floods in spring and typhoons in the late summer and early autumn, the plain on which Oi no shō was situated was well insured against disastrous growing seasons because of flat, manageable land and permanently available water supply from the surrounding mountains. Furthermore, the administration of the estate was conducted in an orderly and stable manner. There were few instances that are known of friction between the estate government and the residents of the estate over taxes, as was frequently the case with other private estates.

The result was a situation advantageous for

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12 "Special levy for Mino Province, coming to thirty rolls of all silk cloth, Jōryaku 1 (1077), 12th month, 10th day. This conforms to this year's share." And again: "Special levy for Mino Province, coming to forty rolls of all silk cloth, Jōryaku 2 (1078), 10th month, 9th day. This conforms to the said year's share." Heian I bun, vol. 4, p. 1292, Kanji 5 (1091), 8, 29.

13 Heian I bun, vol. 6, p. 2306, Nimityō 3 (1153), 4, 29.

14 The only hint of any altercation between the temple and the estate in the Heian period came in 1120 with a note from the temple
both the temple and the estate residents. Throughout the mid Heian period there were no petitions which have survived from the estate complaining of intolerable conditions. The stability of the boundaries and the ready access to water, in comparison to the fluctuating conditions of many other estates, serve to illustrate the strength and prosperity of Oi no shō.

**Revenue Sources in Early Japan**

In the early Heian period, revenues on developed estates—as opposed to taxes from private lands under public management—came from many sources. Among the most important were the harvest which was collected from tsukuda, rents and taxes from leased lands, and interest on loans of rice (suiko).

Tsukuda were often the best paddy lands on the estate. They were cultivated by residents of the estate, which supplied tools, equipment, seed and other supplies to the cultivators. At harvest time, only a portion went to the laborers. The amount of estate land which was leased out rather than wage-farmed gradually increased. Contracts were drawn up between the estate manager or agent and the cultivators. At planting time, seeds were distributed and at harvest time, an estate officer supervised crop collection and rent payments based on the term of the contracts. Land rents varied with fertility of the ground, but typical rates on mid Heian private estates were around twenty percent concerning the appointment of the gesu. It reminded the estate officials that the rice taxes to the temple (nengu) were to be resumed at once, since the appointment was settled. The matter was not settled, as it turned out, being raised again in 1125 and 1135, but there were no more signs of problems with shipments of revenues to Tōdaiji. *Heian Ibun*, vol. 5, p. 1692, HSan 1 (1120), 8, 30.
of the harvest. Additional non-grain items were occasionally included such as silk cloth, oil, burdock, arrowroot, beans, and sea products such as fish, shellfish, and seaweed. As a rule, the cost of transportation of grain and products to the storehouses of the proprietor was born by the contractor. In the case of great distances, surcharges had to be added to the land taxes to support transportation costs.

An example from a Tōdaiji estate in Iga Province in the late ninth century illustrates contract terms. A field which was three tan (about one acre) in size produced fourteen koku (nearly seventy bushels) of rice from which the provincial government took five to (one tenth of a koku), and Tōdaiji collected fourteen to, leaving the contractor with over twelve koku. That was nearly nine tenths of the harvest of rice.

In this case, no additional product or service taxes were listed but it is likely that the cultivator paid interest (suiko) on forced rice loans. Such loans were used by the government and by private estate holders as a source of income from late in the Nara period. Government grain houses loaned rice for seed in the spring and for reseeding after floods and storms and in the summer for consumption.

Rice loans were to be repaid (with interest) after harvest, and were first offered as a service of the state to households in the public

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15 Kikuchi, Nihon Kodai Tochi Shoyū no Kenkyū, pp. 51-55.
17 For more details, see Murai, "Myō Seiritsu no Rekishiteki Zentei," p. 14.
domain.\textsuperscript{19} By the Heian period, however, interest rates had risen to become an oppressive burden to many. Rice was loaned for nine-month periods in the spring, and interest rates on repayment varied from thirty to fifty percent of the amount of the loan. Often five percent of the entire fall harvest went to the lender as interest on compulsory loans. Loans of grain during the summer months were short in term and high in interest.\textsuperscript{20}

Interest on forced loans was an important part of the private incomes of nobles and religious houses. It was closely connected with private land. As early as the eighth century, private storehouses were offering rice loans and by 800 A.D. many estates were using suiko as a regular source of income.\textsuperscript{21} Privately run estate warehouses stored grain and equipment which were used to profit the estate. Some field contracts stipulated that seed rice was provided only as a loan, to be repaid with interest, and that loaned rice had to be used by the cultivator for seed.\textsuperscript{22} Private interest rates were similar to those on public loans.

The government disapproved of private loans of rice. While there is little evidence that competition from the private sector acted to hold down interest rates, there is little doubt that the government

\textsuperscript{19}Abe, "Kyōkota ni Tsuite," p. 61.

\textsuperscript{20}Kidō Kiyoaki (鬼道清明), \textit{8-9 Seiki o miru suiko sen no ronjū no han} ("8-9 Seiki ni okeru Suikosen no Sonzai Keitai"), in \textit{Rekishi Hyōron}, no. 212 (April, 1968), pp. 32-33

\textsuperscript{21}The first evidence we have of this is in the documents of Tōdaiji, \textit{Nara Ibun}, vol. 2, p. 601, Hōki 3 (772), 3, 17, and 3, 23.

\textsuperscript{22}Abe, \textit{Chūsei Nihon Shōenshi no Kenkyū}, p. 277.
sought to hold a monopoly on rice loans. In 724 an edict was issued from the court which prohibited private loans of rice and at least twenty-nine more prohibitions followed in the next fourteen years. They deplored rich farmers and nobles who were privately storing grain. By law, rice was to be stored in state operated storehouses. The government's monopoly on rice storage insured that peasants would not leave the land which was assigned to them. But private lending continued as was attested by periodic prohibitions of the practice from the court.

Early estates also relied on collections of products and on fees for services. Yearly collections included food products and handicraft items. They were delivered on the same schedule as grain taxes. From time to time, extraordinary collections were also made from large estates for special purposes. These funds helped to underpin the political power of the great families and temples and provided a foundation for the expansion of private revenue collection as public management of private land was replaced by direct, private control.

Revenues in Late Heian Estates

Revenues in the late Heian period, while varying in names and amounts from proprietor to proprietor and from province to province, were more rational and more systematically applied than in earlier centuries. During the early centuries of the Heian period, the

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23 Abe, Chūsei Nihon Shōshoki no Kenkyū, p. 279.

24 See, for example, the explicit prohibition against nobles and rich peasants making private loans in 896. Ruijū Sandai Kyaku, Kamyō 8 (896), 4, 2, in Kokushi Taikai, rev. ed., vol. 25, pp. 444 and 606.
customary charges (both in grain and products), the demands for services, and the interest on loaned grain were gradually combined into a single rent-tax on land in the private domain. 25 There were two types of charges. Grain and product collections made up the great majority of revenues for central and local administrations. 26 Various special and extraordinary charges were gathered from time to time. 27 Together they provided grain, cloth, and hundreds of foods, food products, handicraft items and miscellaneous supplies to local officials and the noble families and religious institutions of the capital area.

Throughout the Heian period, rice land was the basic source of revenue. For the cultivator, the regular grain charges of the central proprietors and local administrations were onerous but not killing in normal years. It was only in times of poor weather or on the occasion of extraordinary demands that peasants could not meet fiscal obligations and at the same time supply their households with grain, produce and supplies. From forty to sixty percent of the rice harvest commonly remained in the hands of the cultivators. 28 Developed rice paddy land

25 This reform of taxes was apparently introduced locally, not dictated from the capital. See Dana Morris, "Peasant Economy in Early Japan, 650-950," pp. 180-96.

26 Often collected together (shotō) in rice rather than separately were nengu (grain tax), kuji (products and service charges), and suiko (interest on grain loans). Local landlords and officials added kachō and kejishi, both collected normally in grain.

27 Extraordinary charges were called rinji (時時) or rinji zōyaku (時時時時).

28 For examples, see Akamatsu Toshihide (秋松俊秀), "Somakō to Shōen" (pt. 2 in Shirin, XLVI, no. 2 (March, 1963)), p. 68; Yasuda, Nihon Shōen Gaisetsu, pp. 257-58; and Mizukami Kazuhisa (水木隆彦), "Chūsei no Shōen to Shakai" (Tokyo: Yoshikawa Kōbunkan, 1969), pp. 10 and following.
produced between fifteen and thirty bushels of threshed rice per acre in Heian Japan and peasant households of five to ten members worked between one and three acres of paddy land. Together with dry field grain and vegetable produce, fruit and nut trees, and household industries such as pickling, spinning, weaving, and oil pressing, the rice left after rents and charges was sufficient to meet the needs of the household in normal years. This is evidenced by the gradual increase in economic independence of the peasantry during the four centuries spanned by the Heian period. 29

Regular land rents and charges of the central proprietors and the local administrations were usually collected in grain. Local collectors preferred rice to other grains and produce although wheat, millet, soybeans and buckwheat were accepted. 30 Grain charges on private land varied between ten and fifty percent of the harvest, depending on the crop and the amount of non-grain charges and fees on the land. In the late thirteenth century, there were records of over sixty percent of rice harvests being collected, but a century earlier most grain charges were less than four tenths of the crop. 31 Tōdaiji, one of the richest private land holders, received only three bushels of rice per acre—no more than a tithe—from one of its estates and about two thirds of that

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29 For a description of the development of an independent peasantry, see Morris, "Peasant Economy in Early Japan," passim. For the conditions of the peasantry in the late Heian period, see Murai, Kodai Kokka Kaitai Katei no Kenkyū, pp. 297-303.

30 Yasuda, Nihon Shōenshi Gaisetsu, p. 251.

from another in the late twelfth century. Such low rates were unusual, but these examples were not unique.

Basic land charges were not always collected in grain. From estate proprietors there came regular requests for many goods and products. As the documents of Oi no shō from 1058—when only half of the requested goods were collected—illustrate, specific bills of goods were hard to fill. Gradually during the early Heian period, the practice developed of translating lists of products into equivalents of rice. In this way, many product charges were included in the general collections of grain on estates. The degree of standardization of charges varied, but in the late Heian period combined grain and products collections, based on type of crop and size of field, came to be the custom.

Revenues were collected in grain by estate officials and products and goods purchased with a part of the receipts wherever possible. But the custom of collecting specific products and goods continued throughout the Heian period and into the Kamakura years. In 1266 an estate west of the capital collected about thirty items for its title holder, a temple in Kyoto. The list included pastry, dried chestnuts, horse chestnuts, fresh nuts, dried persimmons, walnuts, stretched thread, cloth, and oil. For private land holders, estates were more than sources of general income. Daily needs of temples, shrines, and

32 Hida no shō sent nengu of one to, nine shō per tan of rice land. Oishi no fu sent less: one to, two shō per tan. Takeuchi, Jiryō Shōen no Kenkyū, p. 122.

33 Called kanmotsu (官物) or kuji (公事).

34 Tojū Monjo (東寺文要), vol. 1 (Tokyo: Tokyo Daigaku Shiryō Hensanjo, 1925), pp. 856–69, Bun’ei 3 (1266), 12, 14.
land-wealthy noble families were met by collections of foodstuffs, firewood, and lamp oil from their private estates. Maintenance and upkeep of buildings and grounds of religious institutions required lumber, lacquer and tools. Even landscaping needs were met. An estate in Kii Province, south of the capital, sent tree saplings for planting to the large Buddhist complex of Kōyasan in 1193.\textsuperscript{35}

Special charges and extraordinary levies put a heavy and sometimes insupportable burden on the peasantry. Some of these charges were periodic and were met without great hardship, such as the special collections of grain, cloth, oil and floor matting from estates for special ceremonies at the temples. Others, such as repair of waterways and paddies, came at times when disasters had damaged crops. Extraordinary charges sometimes fell on those who could least afford it.

Most large temples made periodic demands for special products from their estates. Tōdaiji in Nara requested special contributions for the maintenance of the temple's religious statuary. There were, in addition, nearly regular collections of food, lamp oil, seating mats, and cloth for the annual central council at Tōdaiji, periodic meetings, and lectures by Buddhist scholars. Other occasions for extraordinary charges on private estates were building projects and major repair works after conflagrations and earthquakes. Estates were also commonly called on to give assistance and support to temple messengers and agents that periodically visited locally.\textsuperscript{36}

\textsuperscript{35} Kōyasan Monojo (高野山文書), vol. 5 (Tokyo: Tokyo Daigaku Shiryō Hensanjo, 1906), p. 401.

\textsuperscript{36} Takeuchi, Nihon Jōdai Jiin Keizaishi no Kenkyū, pp. 225-27.
Extraordinary charges amounted to as much as twenty percent of the harvest. In times of poor harvest and extra demands, some residents on private land, like those on public land, were barely above the subsistence level. Only landlords and those peasants who held small plots of privately owned and personally cultivated land were secure.

Collection and Distribution of Revenues

The system of collection and distribution of revenues in Heian Japan required good records and attention to details. Revenue collectors varied in authority and title between proprietor and proprietor and from area to area in the countryside. They had in common, however, their timing of assessment, calculation, and collection of charges which were tied to the late spring to late fall growing season for rice. They also shared the necessity for careful local administration which was dictated by the tax-in-kind in grain used by both public and private tax authorities. A student of European taxation has pointed out that "hardly anything is more difficult to tax than agriculture, especially agriculture conducted on a small scale with a considerable element of subsistence production...."

37 Officers who could manage taxes in the public domain included district governors (gunji), township governors (gōshi), and managers of local grain warehouses such as zeichō (雑列倉) and fumyō (簿倉). In private estates, titles varied greatly. Perhaps the most common for tax and rent collectors were the azukari dokoro, the bettō, and the gesu.

38 Walter Goffart, "Caput" and Colonate: Towards a History of Late Roman Taxation (Toronto: University of Toronto Press, 1974), p. 99. Goffart translated from G. Ardent’s Historie de l'impôt: "'An army of inspectors would have been needed to establish the net profit, and they would have come up against peasants innocent of the slightest notion of keeping accounts.'" Ibid. p. 99.
In most districts in Japan, rents and charges were assigned, collected and transported on a regular schedule. In the early winter a local estate officer or an agent from the province or capital undertook a survey of the land which had been cropped during the previous growing season to estimate the land's productivity. A forecast for the next year's crop was drawn up and used to aid decisions in the spring about assignment of land and amount of rent. Visits to the fields during the summer growing months were rare and in the fall local officers and agents had only to calculate the revenues from each field depending on its actual yield. This often required two visits—one just before or just after harvest, and another in the eleventh and twelfth month, after all the crop was harvested and threshed.  

The collected revenues were then transported to the capital region or stored locally where they awaited shipment in the spring. If the capital required products and goods which had not been available during the growing season, the local revenue officials had until spring to find or commission for such goods. They were paid for out of the grain collected in the fall. Transportation costs of grain and goods were customarily supported by estates, not proprietors.

Some private estate holders preferred a semi-annual taxation schedule, with collections in early winter after the threshing and again in late spring after seed had been put into the ground.  

40 There was a precedent in Tang China for a semi-annual tax. Following the An Lu-shan rebellion, the government introduced a double tax, collected in the spring and fall and levied on both households and land. Dennis Twitchett, Financial Administration under the Tang Dynasty (Cambridge: University Press, 1963), pp. 39-40.
This reflects, in part, a greater incidence of double cropping during the winter months, but was probably done in most instances in order to keep some of the harvested grain on the estate until the needs of spring planting were met.\(^{41}\)

Čta no shō in Bingo Province on the Inland Sea followed this schedule. Grain and product charges were collected twice a year and sent by boat along the coast of the Inland Sea, bound for the temple complex of Kōyasan in the mountains south of the capital. It was stipulated that the shipments were to be received by the middle of December and before the twentieth of May. Shipment costs were borne entirely by the estate. On the estate, warehouses stored the autumn rice over the winter, some of it to be used for spring planting, for which the temple provided the seed.\(^{42}\)

Distribution of land revenues depended upon the nature of the relationship which each interested party had with the land. Put another way, revenues were divided between central and local organizations along lines determined not by function, but by titles, contracts, and agreements. It was often a very complex arrangement, especially for private estates which had been divided and subdivided in title.

\(^{41}\) If the entire collection of grain was not stored over the winter months until spring planting, estimates for seed grain requirements were made and the required amount subtracted from the tax revenues and retained on the estate. Records of temple holdings indicate that the temple provided seed grain for contract cultivation from its tax proceeds. Seed grain, of course, constituted only a fraction of the total yield.

In many cases the temple or noble family that held the main title to the estate received most of its revenues. A list of revenues for nine estates belonging to a temple in Kyūshū taken from documents of 1158 shows that over ninety-five percent of the combined grain and products taxes went to the temple's treasury.\(^3\) At the capital, revenues sometimes had to be shared with a member of the imperial family or a cloister of a retired emperor. For many temples and nobles, the tithe which went to an imperial patron was necessary. Temple budgets depended on revenues from private estates and their operating budgets needed a protected source of income.

The wealthiest private land holders such as the imperial family, the regent's family, Iwashimizu shrine and Tōdaiji stood in the most profitable relationship to their private estates. They controlled grain and product charges, exclusive only of seed rice, funds for local officers, and maintenance and repair of estate warehouses and waterways. Transportation costs were born by the peasants and local officials, giving the title holder from three to twelve bushels of grain per acre. Tōdaiji, which held over six thousand acres of regularly cultivated rice fields in the twelfth century, received over 25,000 bushels of rice from regular charges.\(^4\) In addition, there were special quotas on many of its estates to supply goods to help maintain its buildings,

\(^3\) 2036 of the 2041 koku of rice in the combined shōtō kanmotsu went to the temple. For details, see Takeuchi, "Chikuzen no Kuni Kanzeonjishi," pp. 82-85.

\(^4\) This included only the best rice lands of the temple and was an incomplete list. A total figure of 50,000 bushels is not too liberal an estimate.
statuary, and grounds, feed its inhabitants and guests, and light its halls. 45

While the capital received most of its revenues from grain and products charges, local administrations paid their expenses with revenues from secured fields. These were called "wage lands." 46 There were instances of local officials taking a general percentage of the collected revenues, but the more common pattern in both the public and private domains was to attach crop-bearing lands to administrative offices. Powers of management over these fields varied, but all or some part of the normal revenues collected from them went directly to the office holder and were not considered as part of the general revenues of the estate, township or district. 47

The amount of land assigned to the highest local offices was often considerable. On Sone no shō in Ise Province east of Kyoto, the chief office had seventeen acres of rice paddies, land enough for six peasant households. It was only a small fraction, however, of the total estate land of five hundred acres. 48

45 The practice of demanding supplementary and special revenues for temple use began in the Nara period. In the capital area, Tōdaiji even collected special products from public lands. The lamp oil, cloth, vegetables, seaweed, beans, sake, miso, salt, firewood, and grain helped to supply the needs of the monks and nuns of the Tōdaiji complex. For details, see Takeuchi Rizō, "Shōen Hasseiki ni okeru Tōdaijiryo", pt. 1, in Rekishi Chiri, LX, no. 1 (July, 1932), pp. 28 and following.

46 Kyūden (絵田), kyūmyōden (絵名田), or kyūdenpata (絵田相方).

47 In many areas the entire land and service tax from wage lands went to local officials. In some private estates the revenues were divided. The land tax went to the temple and the products tax remained with the local estate officials.

48 The chief officer also received one-thirtieth of the land
Ota no shō, close to the Inland Sea, had an unusually large percentage of its land assigned to estate offices. Sixty acres were set aside for the four gesu at the head of the local administration. Six kumon divided nine more acres and the other offices had a total of eighteen acres assigned to them.

Assigning crop lands to public and private administrative offices may have kept local officials from dipping into tax receipts bound for the capital. In the private domain it is evident from the customary presence of an agent from the capital at the harvest that the honesty of local officers was regarded with reservations. Temples often sent an agent in the spring to pick up the revenues and accompany them over the mountains or along the shoreline to the capital region.

The figures and examples of revenues given in this chapter have for the most part been from good crop years. When drought, driving rain, flood and wind damaged the crops, tax revenues suffered. Charges on fields for which peasants contracted were usually shares of the crop and the burden was proportionately less in bad crop years. In some areas, there was a degree of flexibility which helped peasant households live through the winter after a hard year. In times of disaster, total tax exemptions were issued. Total and partial exemptions from charges were extended to Okuni no shō in Ise Province in the eleventh century.  

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There had been an extended drought, resulting in serious crop losses for several years.

Flexibility in taxes and exemptions from them in times of want lead to some observations about revenues in Heian Japan. If charges and taxes were onerous, as they certainly seem to have been at forty to sixty percent of the harvest, they were not inflexible. Nor did they act to force the peasantry into a servile relationship to landlords or local officials or bind them to the soil. The overriding concern of the private estate holder was to maintain the land as a long term source of revenues. By the beginning of the twelfth century, some private estates were four hundred years old. There is little question that the primary interest of the residents of the capital was a monetary one, but the care taken in maintaining fields and waterways and the preference of landholders for long term land contracts with peasants suggest that the integrity of the land and the viability of its cultivators were paramount to those who lived off the tax receipts.

If Heian estate revenue demands were normally not exorbitant, they were also not widely inequitable. By the middle of the Heian period, the basic charges in the countryside were on rice land and were paid in kind. It was a system which allowed for less manipulation of relative tax burdens by officials and wealthy peasants than did personal or household taxes. More equitably spread, agricultural charges were more easily borne.

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51 Dana Morris described the public land tax as "...a tax base that was simple to measure and difficult for peasants to conceal." "Peasant Economy in Early Japan," p. 180.
But taxes-in-kind in rice lands benefitted the local collection officials in another way. Products quotas from the capital included food and food products, lumber, and handicraft items and it was the provincial or local revenue officers who translated the list of goods into rice equivalents. They could manipulate the system in both directions. Income requirements in rice could be overstated, increasing the collection. Expenses could be shaved by sagacious purchase of the goods to be sent to the capital.\textsuperscript{52}

The widespread practice of exchange of grain for goods by local revenue authorities suggests the existence of markets in the countryside. At least in provincial capitals and perhaps more locally, there were shops and households where one could obtain goods by commission or by purchase with grain or cloth. Lamp oil and cooking oil were sold, as were miso and pickled vegetables, nuts and roasted grains. One could order floor matting, seating mats, straw hats, sandals, and rain gear. Wooden chests, wooden shoes, wooden boxes and wooden household tools were available. Metal smiths made pots and braziers, tools and hinges, and potters provided dishes and storage pots.

All of these items and many more were made and sold in the Heian capital, but both public and private revenue lists asked for many locally produced goods. The trouble of ordering and purchasing the goods and the expense of transporting them were borne by local and provincial officials. The locals preferred to ship rice or cloth, for storage of goods was troublesome and transportation over the twisted ridges or along the winding coastline was difficult and costly.

\textsuperscript{52}Morris, "Peasant Economy in Early Japan," p. 198.
Uncertain transportation inhibited the flow of goods necessary to a network of market towns. Perishable and fragile goods were risky to transport and the more portable rice and cloth were practical mediums of exchange and taxation.

As in most revenue systems, those who benefited the most in early Japan were those who collected and distributed the goods. For central nobles and religious institutions, private revenues were the means of supporting lifestyles beyond the imaginations of most residents of the countryside who never got to the capital to see how their grain and products were used. For the peasantry, taxes were, like death, inevitable, but for the most part of the Heian period, taxes did not inevitably mean death or starvation.
CHAPTER VII

STATE AND ESTATE

Oi no shō's Legal Relationship to the Public Domain

Oi no shō's legal relationship to the public domain was typical of many noble and temple held estates. As privately held land, it could claim certain tax exemptions which allowed revenues and produce from the land to be diverted from public coffers to the proprietor. These rights were generally specified in the original land grant and documents of governmental recognition. They were also tested from time to time by local governments who were themselves interested in the produce from the land. As a "shōen," a legal entity existing apart from local administrative jurisdiction, its status was determined by both legal codification and operational precedent. The Engi codes of the early tenth century defined the legal status of private lands in terms of management rights over the land as well as rights to revenues from the land. Mid Heian legal disputes between private domain and public administration strengthened the autonomous nature of estates locally. Their independence from public administration was ultimately expressed in the designation *fuyu funyū* (ふゆ・ふんよ) which indicated an estate outside of both the tax and administrative authority of the local public government.

The subject of legal status of private lands was raised again in the period of government by the retired emperors (insei 院政 1086-1135). An office for the investigation of estates and their tax status, the
kiroku shōen kenkeisho (kirokujo), was established and the edicts and judgements that emanated from this office added a significant body of legal precedent to the question.

For the most part, the legal relationship of a private estate to the public domain was determined at Heian-kyō (Kyoto) throughout the Heian period. The court and its administrative bodies were the final objects of appeal by both the estate proprietors and the local governments. This was natural, because of the direct control of private estates by their legal title holders through at least the twelfth century. Nobility and religious houses in Nara and Kyoto did not fall under provincial or district jurisdiction in the provinces, although their private lands did. Kyoto acted necessarily as an arbiter between the proprietor and the local public administration of the area. Local disputes rarely remained local and it was certainly to the estates' advantage to have the central holder handle legal disputes over boundaries and taxes. In this way the estate had an easy means of appealing unfavorable judgements of the district and provincial governments.

Oi no shō's relationship with the public administration was better than that of many estates in the Heian period. In the eleventh and twelfth centuries there were numerous disputes over location of boundaries and tax status of estate fields. The antiquity of the estate, however, together with the stature of its proprietor, Tōdaiji, forestalled local official action against Oi no shō. Its boundaries were disputed and the revenues from its fields occasionally taxed, but its existence as a private entity, separate in administration from the public lands around it, was rarely challenged.
Oi no shō was not the only estate in Mino Province. The broad plain on which the province lay was the site of many private estates. They were not as numerous in Mino Province—one hundred kilometers over the mountains east of the capital—as in the home province, but outside of the plains around the capital and those along the eastern shores of the Inland Sea, the Mino area was one of the areas that was most densely populated with private estates.

Heian documents mention forty private estates in Mino Province. We can only guess at the total area of cultivated land in private hands, but we do know from the location of the estates that much of the best land for paddy agriculture in Mino was private. Estates were scattered throughout the province, but were thickest in the center and in the west, close to the Ibuki mountain range. They clustered in the west in the Ikeda district and along the Ibi river which ran from north to south across the plain. In the middle of the province, they were most numerous in the Kamo and Kako districts.¹

Among the names of the governors of Mino Province were often found Fujiwara and Minamoto. We know from Oi's history that the provincial administration was frequently aggressive in collection of public revenues and management of the province. But the proprietors of the private estates in Mino were also influential. When they chose to interfere, they could be formidable. Of those proprietors that we know, the imperial family, the Fujiwara, Tōdaiji, Iwashimizu Hachimangu, Kōfukuji and Jōganji stand out. Rich and powerful, they could exert political

¹For more on the private estates in Mino, see Takeuchi Rizō (他園立三), 阿南分総 (Shoen Bunpuzu), vol. 1 (Tokyo: Yoshikawa Kōbunkan, 1975), pp. 106-112.
pressure at the capital to counter actions by provincial authorities which threatened the revenues or boundaries of their private estates in Mino.

Shōen and Kokugaryō

It was not unusual that Mino Province had Fujiwara governors at the same time that it was the home for Fujiwara private estates. In Heian Japan, private landed wealth was not monopolized by a different group from that which wielded public authority. The same families and institutions enjoyed leadership in both public government and the private landholding system. This is not to say that private and public authorities did not disagree. Concerning specific issues such as tax revenues and rights to land management, public officials and private landholders from the same noble ranks, even from the same families, struggled with one another.²

In extent, private estates accounted for about half of the cultivated land in some provinces and well over half in others. In 1197, provincial registers for three provinces on the big southwestern island of Kyūshū listed an average of fifty percent of their rice lands as private estate lands exempted from public taxes, and an additional forty-five percent as lands partly exempted from taxes. This meant

²An example of such an incident in Bizen Province was given by John Hall. In about 985, Bizen’s governor, Fujiwara no Masakane engaged in a long and violent struggle with his own kinsman who was manager of Shikada no shō. Public taxes were collected from the estate, then revenues seized and property damaged by agents of the governor. In the end it was settled by another kinsman—Fujiwara no Yoritada, head of the family and imperial regent. Government and Local Power in Japan, 500 to 1700 (Princeton: Princeton University Press, 1966), pp. 125-26.
that only five percent of the paddy fields in the three provinces were fully paying kokugaryō lands.³

Land surveys from the thirteenth century reveal even greater percentages of land in private hands. In 1223, Awaji Province, an island at the eastern end of the Inland Sea, had seventy-two percent of its rice fields in private hands. On the Japan Sea coast north of the capital, Wakasa Province registered seventy-one percent of its rice fields as estate lands in 1265. Twenty years later, private estates accounted for seventy-five percent of the surveyed land in Bungo Province in Kyūshū and seventy-three percent in Tajima Province on the Inland Sea west of Kyoto. In 1291, Hizen Province in Kyūshū listed eighty-one percent of its rice fields as private estate lands.⁴

East of the capital, the kokugaryō had a larger share of cultivated land. Land-locked Shinano Province in the mountains to the east of Mino Province was made up of about equal portions of estate land and kokugaryō fields. Farther east on the Pacific coast, north of present day Tokyo, Hitachi Province had more than half of its rice land in the kokugaryō.⁵

³Watanabe Sumio (渡辺遵) calculated that in Satsuma Province thirty-two percent of the 4,010 chō of land surveyed was tax free estate lands and another sixty-one percent was partially exempt. For Osumi Province, the figures were forty-three percent estate land and fifty percent partially tax exempted. Hyūga Province listed seventy-five percent as estate land and more than twenty-four percent as partially exempted, leaving less than one percent of the land in the province as kokugaryō. 公式 権力と 花園制 ("Kōbu Kenryoku to Shōensei"), in Iwanami Kōza, Nihon Rekishi, rev. ed., vol. 5, p. 198, table 5.2.

⁴Watanabe, "Kōbu Kenryoku to Shōensei," p. 198, table 5.2.

Comparisons between the shōen and the kokugaryō systems in the eleventh and twelfth centuries do not reveal great disparities of organizations. In many ways the provincial and local organizations called kokugaryō which matured in the late Heian period had more in common with the organization and management systems in private estates than they did with the public administrative system of the Nara and early Heian periods. This new organizational and management form growing out of the old imperial state system of public domain in the tenth and eleventh centuries involved much more than renaming offices. The kokugaryō organization reflected the changes in the social system, the economic level of the countryside, and the taxation system, which had taken place during the mid Heian period.

By the tenth century the state system of land survey and assignment was no longer functioning. It had worked with varying degrees of application and success for about two hundred years and agricultural methods and social organizations had outgrown it. With public household registers no longer taken or even applicable to the new small unit semi-independent farmers, poll and household based taxes were no longer a practical, much less an economical, tax form. Furthermore, Kyoto apparently cared little for the problems of daily administration of its provinces. Most governors never saw the provinces to which they were appointed and those who did leave the capital for the provinces were often after private enrichment at the expense of their charges.

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6 Okuno Nakahiko (奥野中彦), "Jidai no Gunjisō to Sono Dōkō"), in Shiken, no. 77 (March, 1968), p. 196

7 Murai, Kodai Kokka Kaitai Katei no Kenkyū, pp. 338-389.
As official contact between the provincial and district governments and the capital declined, local authority and independence grew. In the tenth and eleventh centuries, new titles appeared in the provincial governments which indicated the changes taking place. The offices of the resident manager (rusudokoro 留所) and the tax manager (zuryō 受領) replaced the governor's office as residential directors of provincial affairs. 8

Both of these offices reflected the fact that the office of the provincial governor was little more than a profitable sinecure during the ninth century. Being a relatively prestigious post, the appointees were junior imperial princes and high ranking nobles. Originally they spent their tenure in residence in the countryside, but leaving the capital was a hardship, and the system grew up of sending family members or appointing deputies to administer the provinces on the spot in place of the governor. 9 The office of resident manager indicates by its name that the governor was not in residence and the deputy was in charge locally.

With the appearance of the zuryō, a new element was added to provincial politics. These officials were often chosen from families which had little or no influence in the capital, but were powerful local forces. Families such as the Daigo Genji, the Uda Genji and the Imai

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9 Nakazawa Kenichi (中沢兼一), "Ritsuryō Henshitsu ni okeru Chihō Kanjō ni Shōen Kisei"), in Hōgaku Ronshū, LXXIII, nos. 5 & 6 (double issue, September, 1963), p. 87.
were of noble blood, but held power mainly in the provinces. Their sons and cousins occupied offices in the district and township administrations as well as provincial posts such as the zuryō.

The zuryō was a tax manager. In this way, the functions of the office differed greatly from those of the provincial governor. In place of collections of public taxes and special products which were dictated from the capital, the tax managers collected land taxes from public lands and translated those revenues into products required in Kyoto. In this transaction, the surplus was kept by the tax managers. Some grew wealthy in a very few years as zuryō because of private, local opportunities to acquire land. These were the two most important elements in the zuryō's system of provincial administration—possession of private land holdings with its accompanying influence locally, and the power to collect taxes on schedules not dictated by a higher authority. With these private bases of wealth and influence, the zuryō became the real powers at the provincial level of government. The governors were little more than title holders receiving income in the capital.

By the late eleventh century, the governments of provincial Japan could be said to be predominantly of a local, private character. The kokugaryō was not the same as a private estate, but the resemblance between the two was marked.

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10 Kawano Fusao (河野藤男), "Inseiki no Zuryōso," in Rekishi Kyōiku, XII, no. 6 (June, 1964), pp. 51-53.


12 Murai, Kodai Kokka Kaitai Katei no Kenkyū, p. 338.
An early example of the development of the kokugaryō was that of Owari Province, east of the capital. In 988, under the guidance of the provincial governor, a junior Fujiwara branch family member, Fujiwara no Motonaga, there were issued edicts for the reorganization of the province. The new system was modeled on the organization of private estates with the governor holding direct management rights over rice lands. Public fields were contracted to peasants for cultivation and taxes were converted from the old poll taxes, which had become complicated, to a land tax. The new tax necessitated fresh land surveys, and when these were completed the new kokugaryō was established. Taxes were assigned. Revenues were collected and stored much as before, but provincial officers directly controlled the revenue system. 13

The organization of most kokugaryō were similar to that of Owari Province. Taxes were usually assigned by land area as they were in most private estates. Contractual cultivation was practiced and was perhaps the best method for maintaining a stable form of land management in the countryside. As for water sources and grain and produce storehouses, the officials of the kokugaryō attempted to restore provincial authority over these local resources which had been lost to local hands during the first centuries of the Heian period. Wherever possible, zuryō assigned family members or trusted retainers to local offices. 14

14 Okuno, "Jidai no Gunjīsō to Sono Dōkō," p. 196.
Contracting public land for cultivation became the pattern during the eleventh century. Public land was no longer called kubunden, the term used to designate public fields assigned to peasant households. The new term was kōden (公田). Originally a term used for lands in the imperial state system which were surplus fields or which had fallen into disuse, kōden referred to public paddy land under taxation in the late Heian period. Most of the kōden in the public domain was contracted out either to resident farmers or outside laborers. The rights of the cultivators toward their fields were as of yet weak and based on tenancy. However, they steadily grew in connection with an increasing independence of peasants because of personally developed land and longer term contracts with kokugaryō officials. Individually developed fields were taxable, but surveys were not frequent and we can only guess at the extent of land in the kokugaryō which was held privately by peasants and landlords and which escaped public survey and public taxation.

For the zuryo, private privilege and private land in the kokugaryō were constant sources of frustration. Large private estates were a part of this problem. So, too, were privately developed fields in the

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15 Abe Takeshi (阿部隆司), "Myō no Hassei ni Tsuite" (Myō no Hassei ni Tsuite), in Shicho, no. 55 (February, 1955), p. 27. The change in reference to public land from kubunden to kōden can be regarded as a sign of the final abandonment of the public land assignment system. See Toda, "Kokugaryō no Myō to Zaike ni Tsuite," p. 196; and Nagahara, "Chūsei Nōminteki Tochi Shiyō no Seikaku," pp. 15-34.

16 Nagahara wrote that there was a considerable amount of cultivated paddy land outside of official land surveys. "Landownership Under the Shōen-Kokugaryō System," pp. 277-78. Murai contended that the problem of hidden land was inherent in the lack of a clear division of roles and authority between the province and the district administrations. "Kokugaryō no Közō," p. 44.
hands of peasants who sought to avoid taxes. Just as troublesome, however, were local officials in the public administration who ignored the authority of the kokugaryō. The most important of these were the governors of districts (gunji) and townships (gōshi). Even under the early imperial state system, they had presented problems to the central and provincial governments. They were usually appointed at the provincial level and came from the area that they were to serve. This group of local officials came over the years to take on the full powers and functions of the state: administration of land policy, assignment of land to the peasantry, and the levying and collecting of revenues. In fact, if not in name, their responsibilities and prerogatives in their districts and townships resembled those of local estate managers.17

In the ninth century, local officials assumed most of the local functions of the state which provincial officials had begun to ignore. With the chief administrative officers remaining in the capital, local officials became independent. Deferring decisions to the governor in Heian-kyō was slow and troublesome. During the ninth and tenth centuries, local officials took on a greater share of the responsibility of public administration of justice, taxes, and land management. They also used their positions to secure land and wealth in their districts. 18

17 Matsuoka Hisato (松岡久人) regarded the influence, as a model, of the shōen system on the public domain to be great throughout the Heian period. "Gōshi no Seiritsu ni Tsuite" ("Gōshi no Seiritsu ni Tsuite"), in Rekishigaku Kenkyū, no. 215 (January, 1958), p. 31.

18 The local elite were a part of the changes in society in the countryside which eventually made the kokugaryō, like the imperial state system before it, outmoded. See Okuno, "Jidai no Gunjisō to Sono Dōkō," pp. 2, 23-24; and Matsuoka, "Gōshi no Seiritsu ni Tsuite," pp. 22-24.
When changes at the provincial level in the eleventh century produced an active kokugaryō organization, it encountered many independent local officials. Conditions varied, but often provincial officials had to compromise their efforts to reassert authority. Where possible, public paddy lands were returned to the direct control of the province. For the rest, arrangements like those made by private estates were concluded between provincial and local officials. The province acted as a patron to its client officials in the districts and townships.

Local officials controlled the local storehouses and managed private loans. They assigned land taxes and collected them. They conducted land surveys, drew up land contracts and signed them with cultivators. They handled the police and enforcement work locally and sometimes hired or conscripted small private armed bands. They were local families, usually of long residence. Their private hold over the districts or townships was intensified by their long term personal ties with the influential families in their jurisdiction.

As a group, these local elites can be classified in the eleventh century as medium sized land owners. They usually held private lands of some quantity, though sub-district officials in the crowded central provinces held an average of only about five tan of registered land.


a fairly small holding. However, their official capacity and private influence gave them access to unregistered lands and alternative sources of revenues. Personal ties with the peasants in their districts also gave local officials power far beyond their land holdings.

In fact, many cases of district appointment reveal families which were already rich in land and grain seeking posts for political power and prestige.

There were obvious conflicts of interest in local government in late Heian Japan. On the one hand, the local officials were often large landlords, working to gain private land and independence from provincial control. On the other hand, they were the clients of the province and enforcers of its policies. To judge them as subversive to the state is perhaps not accurate. Local officials certainly were concerned with the fortunes of their families, but generally they seem to have served the state and followed the directions of the officials of the kokugaryō.

There can be no doubt, however, of the undercurrent of antagonism between the province and some local officials, antagonism that at
times broke into violent confrontation. Moreover, confrontations increased as suryō aggressively pursued the reorganization of the province into a kind of loosely structured private domain. Collection and distribution of revenues was a source of conflict. For the first time in several hundred years, the provincial government dispatched agents directly to the peasants at harvest time to estimate the crop and again in the late fall to make collections. Both local officials and peasants reacted to this with opposition and in a number of areas joined forces to resist. 24

Kokugaryō leaders in many instances had to content themselves with slowly replacing local officials with their own candidates and thereby gaining control in the districts through their clients. In the twelfth century, the kokugaryō was not so much a single, coherent private domain as a collection of small, district or sub-district, domains under provincial patronage.

If local officials were obstacles to provincial reorganization into kokugaryō, private estates had a more ambiguous relationship to the province. The organization of the kokugaryō owed much to the private estate system for its land management and tax policies. The two shared the same patronage system. Both used shiki to define relationships between patrons and clients. However, they were often competing for the same land and revenues. Provincial leaders had the weight of

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24 Okuno Nakahiko blamed the kokugaryō and the avarice of its officials for such conflicts. "Jidai no Gunjisō to Sono Dōkō," p. 2. Murai Yasuhiko, on the other hand, maintained that the problem was inherent to the dual power structure locally. There was a lack of clear divisions of roles and authorities between the provincial and district administrations which made conflicts inevitable. "Kokugaryō no Kōzō," p. 44.
law behind them, but estates, through their capital based holders, could appeal to patrons who could manipulate the law. Some provincial governments faced an impossible situation. Yamato Province had over fifty estates in its borders held by Tōdaiji, enough to make the temple keep a close watch on provincial officials.

The shōen and the kokugaryō systems had much in common: a shared contractual land-management system, the same tax base, a common reliance on powerful local elites for administrators as estate managers and local government officials. However, the basic conflict in interest remained. Who held the authority to manage cultivated land, to survey it and deal directly with the cultivators? Who held the authority to collect the rents and taxes, to store them and to distribute them?

**Government Control and Regulation of Private Estates**

The conflict between public and private interests in Heian Japan was not confined to the countryside. It was as evident in the politics of the capital as in the struggle for local authority in the provinces. It ran throughout the legal history of the Heian court. The Fujiwara regents issued edicts and gave judgements which threatened the prosperity of private lands while their family administrative officers expanded estates and sought tax exemptions. Noble families competed with each other for local clients and private revenues. In the eleventh century the imperial family joined the competition and by the end of the Heian period over half of the cultivated land in Japan was in private hands and public power and private landed wealth were inseparable.

Attempts by the central government to control and regulate private estates began in the Nara period and continued through the
twelfth century. The first comprehensive regulation effort was contained in the Engi codes of the early tenth century. Fujiwara government leaders sporadically sought regulation of private lands during the ninth, tenth, and eleventh centuries. Beginning in 1068, the councils and agencies of the retired emperors extended the scope of the campaign, but a century later the number of private estates in Japan was greater than before.

The Engi code extended legal sanction to private land, including shōen, at the same time that it restricted and regulated private control of cultivated fields. Declaring that imperial lands, temple fields and estates held by nobles were so numerous as to "cover the mountains and the plains," articles one and seven prohibited any new private grants of land. Article seven also prohibited the sale and purchase of peasants' residential land and gardens and ordered that those lands sold in the past be returned to their original owners. Article six forbade the use of privately held land for profit through storage of grain and loans of grain to peasants. Prohibitions against establishing new estates were contained in articles five, six, and seven.

25 Morita Yasushi (森田 姚), 慶長期における荘園整理 ("Sekkanki ni okeru Shōen Shiri"), in Shirin, LX, no. 5 (September, 1977), pp. 742-44. After the middle of the tenth century, estate regulation efforts grew less sporadic and more consistent in tone.

26 The lack of sufficient tax receipts has been suggested to have been the reason for the efforts on the part of the central government to regulate and restrict private estates. Revenue shortages reached crisis proportions in the eleventh century in Kyoto. Ishimoda, Kodai Makki Seijishi Josetsu, pp. 367 and following.

The Engi codes failed to suppress private estates. Newly developed land went into the hands of private proprietors. Fujiwara estates prospered. During the tenth century, numerous orders regulating estates came from the central government, most of which dealt with specific cases. All measured estates according to the standards established in the Engi codes. They were severe in language, but the state lacked power to enforce them. Estate expansion continued. 28

The century and a half between the Engi codes and the period of estate regulation which began in 1069 under the direction of the retired emperor Go-Sanjō has been called the "sekkanke Fujiwara shōen period." 29 During these years the northern branch (regents' house) of the large Fujiwara family dominated the government and court. Every major state decision bore its stamp. The same family gained vast estate lands to become the preeminent shōen proprietor. Fields were purchased and reclaimed, estates were commended by local developers to the patron sekkanke Fujiwara. Because they were at the top of Kyoto politics and society, they became the wealthiest land holder in the country.

Court edicts and government decisions on land disputes alternated between serious efforts toward regulation and benign neglect, but all

28Maruyama Yukihiro (丸山幸彦) concluded that the Engi codes and subsequent estate regulation orders based on them did little more than regularize the process of estate expansion. The codes attempted mainly to distinguish between public land and privately developed land within estate boundaries. 「Engi Shōen Seirirei to Shoki Shōen」, in Shirin, LXI, no. 2 (March, 1978), p. 207.

policies reflected the power of the Fujiwara. In the eleventh month of 984, the court of Emperor Kazan issued an estate regulation order at the behest of the reform minded Fujiwara no Yoshichika and Fujiwara no Yoshinari.\textsuperscript{30} The order sternly banned all private estates which had been established since the Engi codes.\textsuperscript{31} Following its publication, however, Yoshichika lost favor at court and the government failed to pursue its enforcement.\textsuperscript{32} For the next half century, estate regulation efforts were confined to the provincial level and appeals to the court from estate proprietors about provincial abridgement of private rights to land were often supported.

In the third decade of the eleventh century, the great council of state (dajôkan) struggled with the problem of gradual reductions in funds from the provinces. One response to this economic crisis was published in the fifth month of 1040 in the form of an estate regulation order which granted greater tax powers over private estates to provincial administrations. Many estates were investigated locally and taxed in accordance with this order. Private land holders were

\begin{itemize}
\item \textsuperscript{30}Takeuchi Rizô argued that the Fujiwara family supported, rather than undermined, the imperial state. It was a government family and their base of power was always Kyoto. Private estates were a source of income, but the family identified with the capital and supported estate regulation. "Fujiwara Seiken to Shôen," pp. 34-41.
\item \textsuperscript{31}The order of 984 was prompted by indications in provincial records of frequent default on taxes by private estates and the expansion of private estates by reclamation of new lands. Nihon Kiryaku (日本紀略), Eikan 2 (984), 11, 11, in Kokushi Taikei, rev. ed., vol. 11, pp. 151-52.
\item \textsuperscript{32}Abe, Ritsuryô Kokka Kaitai Katei no Kenkyû, p. 572.
\end{itemize}
forced to seek agreements with provincial officials, but the great holdings of the sekkanke Fujiwara were not threatened.  

In 1045 a new estate regulation order was promulgated which restricted tax exemptions which were issued by provincial authorities to private estates. The edict came to be a standard for legal measurement for the following quarter century. In 1055 new edicts from the court ordered all estates which were established after 1045 to be examined. In these orders the province remained the enforcing agency, but more guidance was given than before in the precise definitions of valid documentation. Estates which were suspected of encroaching upon public lands or which had acquired rice fields in the last decade were obliged to submit land surveys, tax exemption papers and relevant court documents to the province for investigation. Again, however, provincial enforcement was sporadic and the large holders went unchallenged.

The weakness of regulation efforts before the late eleventh century was due to several shortcomings. No offices were staffed at the capital to enforce the numerous regulation orders and the family which authored these edicts was the richest of private land holders. Provincial enforcement was sporadic. There were no permanent offices common to provincial governments whose business was estate records and

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33 There was an increase in the amount of collusion between provincial officials and private domains. Abe, "Heian Jidai Shōen Seirirei no Kihonteki Kenkyū," pp. 15-16.


estate regulation. Collusion with estate holders was as frequent as active regulation efforts. Estate regulation required stronger institutions of constraint than existed.

The Imperial House and Estate Regulation

In 1069 an estate regulation edict was promulgated which was a significant departure from previous policy. To implement it a special government agency was established in the capital. The office of estate records investigation (kirokujo) was created within the aitandokoro offices of the great council of state by order of the Emperor Go-Sanjō on the eleventh day of the intercalary second month, 1069. Initially the office housed a staff of five officials. Its first public pronouncement came on the twenty-third day of the third month of 1069. The edict, issued through the great council of state, which handled all pronouncements, ordered all estate holders to collect documents and proofs concerning their land holdings and ready them for inspection by the kirokujo. Further, all estates which had been established after 1045 were declared illegal.

Subsequently, several supplementary orders came from the kirokujo which expanded the scope of the investigation. A 1072 order called for investigation of all estates which had in residence persons who

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were working public land or who had commended rice fields to the estate in order to escape public land taxes. All estates were subject to investigation, regardless of their founding dates. Furthermore, estate proprietors were put on notice that documentation would be required for all land within the boundaries of the estates. The original grant documents were not sufficient proof. 38

Prior to this time private estates had been investigated by the court case by case as a result of a complaint or petition. The government acted as a board of appeals, reviewing documents only on request. Beginning in 1069, however, the kirokujo devoted its attention to the general examination of estate documents. Through the great council of state it ordered temples and aristocratic families to submit documents for all of their private holdings. Nearly all religious institutions and noble families, including the sekkanke Fujiwara, were investigated. 39 The office of shōen records investigation enjoyed the support of the imperial house and the patronage of the retired emperors.

The political motives behind the efforts of the imperial house concerning estate regulation have been the subject of much debate in

38 Takeuchi Rizō (竹光重三), 平家及び行政再興の時代 ("Heike oyobi Insei Seiken to Shōensei"), in Rekishigaku Kenkyū, no. 225 (November, 1958), p. 28. There was great attention paid to legal matters by the insei and the effects of in law were felt for many decades. For more details on legal changes in land proprietorship during the period of the retired emperors, see Tanahashi Mitsuo (田原昌男), 院政期の法 ("Inseiki no Hō"), in Rekishigaku Kenkyū, no. 483 (August, 1980), pp. 36-39.

39 Nagahara, Nihon Hōkensei Seiritsu Katei no Kenkyū, p. 77. See also Takeuchi Rizō (竹光重三), 武士の変容 (Bushi no Tōjō) (Tokyo: Chūō Kōronsha, 1965), pp. 154-61.
Japanese scholarship. The offices of the retired emperor publicly maintained that they were reacting to the greed of estate proprietors and their encroachments on the public domain, resulting in a decline in public tax revenues. It is agreed by scholars that the costs of the court and the imperial family were increasing at this time and that there were pressing demands for additional revenues on the provinces in the eleventh century. In this light, the order of 1069 and the imperial support of the kirokujo can be seen to be inspired by the need to recover lost revenues and lost lands.40

Some scholars have maintained that the imperial family used the kirokujo as a tool in a vendetta against the rival sekkanke Fujiwara.41 The estate regulation campaign can be seen as a political maneuver aimed at reducing the sekkanke Fujiwara's vast estate holdings. With the support of provincial officials, the retired Emperors Shirakawa and Go-Shirakawa investigated the estates of the Fujiwara and divested them of some of their holdings. It is noteworthy that the regulation order of 1069 and the establishment of the kirokujo were done over the protest of the regent Fujiwara no Norimichi.42

The resurgent imperial house dominated the government during the period of the retired emperors (insei). Retired sovereigns were supreme at court and looked to the private fortunes of the imperial

40 Evidence of shrinking public revenues was presented by Kawakami Tasuke (川上多助), 平安朝の範囲政策 ("Heiancho no Shōen Seisaku"), pt. 3, in Shigaku Zasshi, XXXIV, no. 6 (June, 1923), p. 408.

41 For example, see Abe Takeshi (阿部達), 逆命の解体過程と研究 (Ritsuryō Kokka Kaitai Katei no Kenkyū) (Tokyo: Shinseisha, 1966), p. 577.

42 Abe, Ritsuryō Kokka Kaitai Katei no Kenkyū, p. 575.
house. The imperial family had been almost a cadet house of the sekkanke Fujiwara. Young imperial princes were raised in the houses of their Fujiwara mothers and remained under the control of their maternal family after reaching majority. But in 1086, Emperor Shirakawa retired to his own palace and began to acquire clerks, court ladies, and staff. Residences were built for imperial princes. Expenses of the imperial house and the offices of the retired sovereigns were met by private funds provided by estates.

The number of imperial estates increased dramatically. They came from several sources. Titles to hundreds of estates came into the hands of the imperial family as a result of the estate regulation efforts of the kirokujo. Most estates which were abolished in this period returned to the public domain on paper, but in fact, management of many of these continued to be private and in the hands of people who were responsive to the imperial house.43

Some land was directly seized to become imperial domain (chokushiden). Far greater were the instances of acquisition by commendation (kishin 委進). The imperial family fast became the most sought after patron and legal guardian (honke) in Japan. There was a notable increase of commendations in the early twelfth century and the imperial family replaced the sekkanke Fujiwara at the pinnacle of the shōen system of divided and extended titles. The imperial family's meteoric rise to preeminence of private estates has suggested to

43 The title holders of the estates were often the consorts, palaces, and temples of the retired sovereigns, not the imperial personage himself. For a listing of these proprietors, see Hurst, Insei, pp. 263-73.
Japanese scholars that in the minds of the retired sovereigns acquisition overshadowed regulation. 44 Titles to a great deal of land came to the imperial house in exchange for exemption from public taxes.

Many estates went to cloisters, villas and temples which were associated with the imperial family. Retired sovereigns built a number of temples and used them as legal guardians of estates. Among these were the famous six shō (仏) temples (Hosshōji, Sonshōji, Suishōji, and so on) and numerous detached halls and cloisters within temple compounds. Imperial consorts and their villas (in) were favored with numerous gifts of estates through commendation of the titles to the land. In all, titles, offices, and rights (shiki) for more than one thousand estates were divided among about thirty-five institutions which were connected to the imperial family. 45

In the countryside, the imperial house allied itself with a group of office holders called zurvō. These officials were the highest resident authorities in many provinces and they played an active role in provincial affairs during the century of rule by the retired sovereigns (1086-1185). 46 At the direction of the court, zurvō converted estates into public land (kōden), but in doing so often replaced one private administration with another—their own. In many cases, revenues from

44 See, for example, Kuroda, Shōen Shakai, p. 105.

45 For a listing of some of the temples and detached palaces associated with the insei, see Miura, Zokuhō Seishi no Kenkyū, pp. 583-84. For more details concerning the motives behind the regulation order, see Ishimoda, Kodai Makki Seijishi Josetsu, p. 360.

46 The initial estate regulation order of 1069 was in part a response to provincial demands for the support of the court in dealing locally with private estates. Takeuchi, "Heike oyobi Insei Seiken to Shōensei," p. 29.
fields which had belonged to private estates went to the imperial family.\textsuperscript{47}

In the capital, the \textit{kirokujo} supervised estate investigations. Provincial officials were requested to submit reports on estates which were in their areas.\textsuperscript{48} Based on these reports, the \textit{kirokujo} placed title holders on notice that they would be required to provide proofs for their estates. Original documents, not copies, were specified.\textsuperscript{49} This applied not only to charters and judgments from the great council of state, but also to provincial documents and other authorizations of sale and reclamation or development of land.\textsuperscript{50}

The \textit{kirokujo} focused on two issues in its investigations: first, the dates of founding and of any subsequent enlargement of an estate, and secondly, the tax status of the land. Boundaries required land surveys for proof. Tax status needed exemption papers. If the \textit{kirokujo} was satisfied with the validity of the documents, it deliberated and sent notice of its decision to the great council of state which forwarded official orders to provinces and estates. Decisions varied from dissolution to approval of private estates. Often estates were stripped of tax exemptions.\textsuperscript{51}

\textsuperscript{47} It has been suggested that it was upon the \textit{zuryō} that the \textit{insei} government based its authority, even in the capital. Ishimaru Hiroshi (石原弘利), \textit{政体の構造の特質について} ("\textit{Insei no Kōzōteki to Kanshitsu ni Tsuite}"), in \textit{Hokkaidō Shigaku}, no. 12 (July, 1968), p. 1.

\textsuperscript{48} Abe, \textit{Ritsuryō Kokka Kaitai Katei no Kenkyū}, p. 584.

\textsuperscript{49} Miura, \textit{Zokuho Seishi no Kenkyū}, p. 584.

\textsuperscript{50} The \textit{kirokujo} often rejected documents if there was any question of validity. Murai, \textit{Kodai Kokka Kaitai Katei no Kenkyū}, p. 386.

\textsuperscript{51} Nishioka, "Go-Sanjō Tennō no Shōen Seiri Seisaku shita ni
Province-wide decrees were issued at the request of the kirokujo as were decisions concerning estates held by the rich and powerful. In 1092 an order was sent to Wakasa Province which was north of Kyoto on the Japan Sea coast. It prohibited small landholders throughout the province from giving or commending titles and rights to their land to Minamoto no Yoshiie, who was called the first born of the god of war (Hachiman Tarō) and had become the most famous military leader of his age. Yoshiie was also fast becoming a great landowner by receiving titles to estates and small farms in the east and in provinces along the Japan Sea. 52

The kirokujo was not invincible. At times it failed to achieve its purpose. One of Tōdaiji's richest estates, Kuroda no shō in Iga Province, survived repeated attempts to reduce it in size. Growing from a few acres to a sprawling estate of over three thousand acres in the Heian period, Kuroda no shō engaged in almost continual legal battle with local governments. The kirokujo finally investigated. Tōdaiji argued that the estate's land was largely timber land and thus exempt from land taxes which normally applied to paddy land. The province never gained the land taxes which it sought from the estate. The estate also succeeded, for the moment, in protecting its workers, many of whom did not live on the estate, from provincial household assessments of goods and products. 53


52 Emperor Shirakawa may have regarded this order as a test of the regulation process and the willingness of the daijōkan to enforce decisions of the kirokujo. Takeuchi, Bushi no Tōjō, pp. 260-61.

53 Takeuchi, "Heike oyobi Insei Seiken to Shōensei," p. 29.
Other temple estates were examined with results more satisfying to the kirokujo. Kōfukuji, Tōji, and many others suffered losses in land holdings and revenues. In 1070, Kōfukuji's entire Yamato Province holdings--over two hundred estates--were investigated and the temple was deprived of much of its revenue from its land as a result.\footnote{Heian Ibun, vol. 9, pp. 3573-3662; Enkyū 3 (1071), 9, 20. This is probably misdated. It should properly read Enkyū 2 (1070).}

Outside of the capital area, the kirokujo was also effective. In 1111, a Kyūshū temple, Kanzeonji, lost two estates in Chikuzen Province.\footnote{Heian Ibun, vol. 4, p. 1354, Jōtoku 2 (1098), 4, 5.}

In the early twelfth century, the great Shinto shrine south of Kyoto, Iwashimizu Hachimangu, also came under inquiry. The investigation covered a total of thirty-four estates of which fourteen were given full approval. Nine more had their boundaries adjusted and their tax exemptions revoked, but retained their physical integrity as private estates. Of those that were abolished, nine were on account of illegal cultivation of public lands, two for lack of proper government registers and official papers, two more for being founded after the prohibition order of 1045, and one because its original grant papers were not extant.\footnote{Details are contained in the grand council of state's order to Gokokuji of Iwashimizu Hachimangu. Heian Ibun, vol. 3, pp. 1092-1107, Enkyū 4 (1072), 9, 5. One estate was twice guilty. For a fuller description of Iwashimizu's losses at the hands of the kirokujo, see Nishioka, "Go-San'jō Tennō no Shōen Seiri Seisaku shita ni okeru Iwashimizu Hachimangu Gujiryō Shōen," pp. 30-32.}

Provincial officials, with the support of the offices of the retired emperors, also were active in shōen regulation in the late eleventh and early twelfth centuries. The insei joined with the zuryō...
class of resident officials in the provinces. Higher offices of provincial administration were monopolized by the aristocratic families which had vitiated previous estate regulation efforts. The zuryō were from lesser families, many of them Minamoto and Taira, and they directed their efforts to strengthening provincial government authority. Land-wealthy officials in district and township governments were dislodged from their sinecures and prerogatives. Estates were stripped of tax exemptions and rice fields. In the face of opposition from capital nobles, the insei supported consolidation efforts in many provinces.57

In the twelfth century, the kirokujo investigated local office holders and their private land. It ruled illegal many tax exemptions which had been extended by local officials to estates in which they had personal interests.58

Retired Emperor Shirakawa vigorously pursued estate regulation until his death in 1129. Under his successor, retired Emperor Toba, however, reform efforts ebbed.59 The following decades saw renewed

57 Ishimaru, "Insei no Közōteki Tokushitsu ni Tsuite, Jûniseiki Zuryōso no Dōkō o Chūshin ni," pp. 4-7. Through their alliance to the imperial family, the zuryō were able to increase their independence from the sekkanke Fujiwara. The insei apparently regarded the zuryō as the real powers in the provinces and bypassed higher office holders on occasion. Zuryō were also used by the insei as local tax managers of imperial estates. See Kawano, "Inseiki no Zuryōso," pp. 54-57. For a list of zuryō appointed from among imperial associates and clients, see Hurst, Insei, pp. 285-311 ("In no Kinshin").

58 Local officials were accused of collusion with estate proprietors. Heihanki (平覇記), in Ōno Shiryō Taisei (増補史料大成) (Kyoto: Rinsen Shoten, 1965), vol. 2, p. 125, Hōgen 1 (1156), 7, 24.

59 Some scholars have attributed this policy change to Toba’s ties with the sekkanke Fujiwara. During the fourth and fifth decades of the twelfth century the imperial family and the regents house improved their relations. Takeuchi Rizō (竹内理三), 院政時代の紡錘 (“Insei Jidai no Shōen Seiri”), in Nihon Rekishi, no. 35
pressure by title holders to consolidate control of their estates. Those estates which had escaped the kirokujo were brought under closer supervision through a system of extended rights (shiki) which spelled out authorities and responsibilities of estate managers and estate proprietors. Titles to land were divided and redivided. Portions of estate titles, accompanied by yearly or semi-yearly rents and gifts, were offered to the imperial family in return for its patronage. Thus the private land holdings of the imperial family increased dramatically in the 1130s and 1140s.

In 1156 Emperor Go-Shirakawa revived estate regulation with a new edict. All new temple estates were prohibited, and so were estates of several powerful families. Shōen holders were ordered to cease interfering with provincial investigations and to surrender all documents upon demand. All lands which lacked proper papers were to become public land. Twenty-two shrines and ten temples were investigated, including Hōryuji, Enrakuji on Mt. Hiei, and the great Fujiwara family temple in Nara, Kōfukuji. These temples and others were accused of taking public land by encouraging small farmers to commend their fields to the religious institutions. They were also charged with

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(June, 1955), pp. 5-6. G. Cameron Hurst wrote, "Throughout the twenty-odd years between Shirakawa's death and Toba's there was cooperation between the imperial house and the sekkanke unseen in Shirakawa's time." Insei, p. 161.

60 Takeuchi, "Heike oyobi Insei Seiken to Shōensei," p. 32. Commendations of land to military families associated with the imperial family also increased.

using temple inmates and estate residents to farm public land, which was then gradually incorporated into the estates.\(^{62}\)

The effects of the insei estate regulation campaign on land holding patterns of Heian Japan is uncertain.\(^{63}\) It is clear that Go-Sanjō’s efforts were not comprehensive and that after the death of Shirakawa, estates increased in numbers.\(^{64}\) On the other hand, the kirokujo was an effective innovation. The insei kept estates on the defensive for a half century. From 1090 to 1130 estate expansion was reversed and government tax receipts increased. Service taxes (karmotsu) were paid to the province more faithfully and extraordinary taxes were less frequently avoided. For a span of fifty years the government regained the initiative in tax collection.\(^{65}\)

Estates themselves reflected this renewed government activity. Proprietors paid closer attention to local estate management. Residents were bound more tightly to estates by permanent land contracts. Small, fragmented paddies which had been leased for decades were combined into larger units, tilled by hiring day laborers from the

\(^{62}\)For a discussion of the severity of language of this edict, see Abe, "Heian Jidai Shōen Seirirei no Kihonteki Kenkyū," p. 20.

\(^{63}\)For an outline of issues in this debate, see Miura, Zokuhō Seishi no Kenkyū, p. 574 and following; and Murai, Kodai Kokka Kaihai Kenkyū, pp. 387-89.

\(^{64}\)Miura pointed out that arresting the spread of estates for more than a half century (1069-1129) was an accomplishment. Zokuhō Seishi no Kenkyū, pp. 581-82. Elizabeth Sato concluded that "the long-term effects of the estate-limitation edicts would appear to be just the opposite of what Go-Sanjō had intended. In most cases only small estates belonging to proprietors with little prestige were confiscated and many of these escaped by seeking influential patrons." "Oyama Estate and Insei Land Policies," p. 85.

\(^{65}\)Takeuchi, "Heike oyobi Insei Seiken to Shōensei," p. 31.
neighborhood. Boundaries became important and the borders of some estates were secured by arms.

The *insei* period was a time of change for provincial governments. The *zuryō* class of officials became powerful in many localities and reasserted provincial authority over district governments and private estates. Allied with the imperial family, they were able to ignore their superiors, the provincial governors (*kokushi*) who lived in the capital. Resident provincial officials surveyed large tracts of land, adjusted taxes and enforced their collection. Water facilities and grain storehouses returned for a time to provincial authority. The *zuryō* also added management rights to privately held land within the province. They seized estates and secured appointments of kinsmen to local estate offices.

The *zuryō* did not regain complete authority. They were not able to displace local officials for long and their reductions of estates also were only temporary. District and sub-district governments resisted the resident provincial *zuryō*. They were not easily or quickly divested of the prerogatives which had come into their hands in the *Heian* period. They jealously guarded their control of water facilities, local storehouses, and tax agents. Their offices were usually sinecures belonging to the families which they represented. These

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families were often rich local landlords who monopolized the conduct of government in their locales. They resisted reform-minded provincial leaders and in many provinces the *zuryō* had to leave local government to local families. 68 Those who lost power and land in one generation were often able to regain both in the next. By the middle of the twelfth century the countryside was a patchwork of various authorities—provincial, district, township, and private. Tax collection, land management and even criminal justice was in many hands. 69

The relationship of the state to private estates reflected the mixture of public and private authority in the late Heian period. Public officials argued with managers of private estates over land control and taxes, but the public domain had become in large part a collection of privately managed areas, and the proprietors of private estates were the same court families which headed public administration. The aristocracy and the great religious houses used the institutions of both state and estate to procure revenues and in both private and public domains local officials and elites maneuvered to secure control in the countryside.

68. Murai Yasuhiko (村井康彦), 国衙領の構造 ("Kokugaryō no Kōzō"), in Rekishi Kyōiku, XII, no. 6 (June, 1964), pp. 59-60.

69. For an examination of the power of appointment over local offices, see Murai, "Kokugaryō no Kōzō," pp. 49-50. For a discussion of the local authority of sub-district officials, see Matsuoka, "Gōshi no Seiritsu ni Tsuite," pp. 31-32.
CHAPTER VIII
TAX EXEMPTIONS AND BOUNDARY DISPUTES

Oi no shō's Imperial Origins

In the late Heian period, state and estate existed together in an ambivalent relationship. Alike in organization, they conflicted in the pursuits of their aims. Both competed for the control of cultivated land. By the twelfth century, paddy development had reached into most of the valleys of the home provinces and had covered much of the alluvial plains outside of the capital area. With development of uplands and slopes becoming more strenuous and expensive, competition for control of existing paddy land became stronger and conflicts between private estates and public administrations became more frequent.

At stake in the competition for control of land were rents and tax revenues. Estates tried to maintain the exemptions from public taxes which originated with the grants and charters given at their inceptions. They sought additional tax exemptions for land brought into the estates during the Heian period. Public officials attempted to erase or reduce the tax status of estates and to limit the extension of tax exemptions to new fields.

There were two issues in the competition between state and estate: the tax status of private estates, and their boundaries. They were bound together, because control of land meant, practically, control of the land's produce. Legal relationships between land and people
were described by *shiki*, which did not usually distinguish between control of land and access to its produce.

However, the issues of tax status and of boundaries of private estates may be considered separately for purposes of analysis of the relationship between private and public land. Tax exemptions necessitated titles and charters from the court or papers from the province. Boundary delineations required surveys and documents of proof concerning the origins and development of the land. Exemption papers dealt with the kinds and amounts of revenues which could be diverted from public to private hands. Land records and surveys determined the area to which the exemptions could be applied.

In the case of Ī no shō, its relationship to the public domain in the Heian period was based on original grant documents of the estate. Ī no shō was founded in order to provide revenues for the support of "temple business and repair and upkeep of temple halls and residences."¹ The revenues from land and products taxes which normally would have gone to the province were reserved for Tōdaiji's private use. While many proprietors held only a government acknowledgement or charter (*kanshōfu* 官署符) for their holdings, Tōdaiji more fortunately held outright grant papers from the imperial court for Ī no shō.² *Chokushiden* grant lands were tax exempt and were the most secure

¹ *Heian Ibun*, vol. 2, p. 742, Chōkyū 1 (1040), 12, 28.
² There was some confusion over the original grant date of Ī no shō to Tōdaiji. Most references cite the date as 756, but they do not agree on the day—the twelfth day of the seventh month is found in *Heian Ibun*, vol. 6, p. 2198, Kyūan 3 (1147), 4, 17; and the thirteenth day of the same month in *Heian Ibun*, vol. 5, p. 1988, Hōen 2 (1136), 7, 25. A lengthy petition to the court over the question of public taxation and estate exemptions dated 1054, however, cited Tempyō 13 (746). *Heian Ibun*, vol. 3, p. 841.
from provincial and district interference. In fact, Oi no shō rarely encountered serious threats to its existence as an estate. Tax disputes certainly occurred in the eleventh and twelfth centuries, but these were largely confined to determining the precise location of the boundaries of the estate. The existence of the estate itself, unlike its extent, was rarely questioned.

*Chokushiden* were imperial lands. They were scattered areas of fields and undeveloped land which were traditionally within the domain of the imperial family and thus found mainly in the Kinai. The imperial family was referred to in the Engi codes of 902 as the largest land holder in the country, but much of its land was open and unused.

There were other categories of private, tax exempted land in the law codes. Rank lands (*iden*) were private rice lands assigned to nobles. Merit land (*kōden*) and gift land (*shiden*) were given out by imperial order to any individual or institution which had assisted the throne. These were gifts of estates and income from scattered fields for the performance of services to the court. Temples received gifts for religious reasons which amounted to thousands of acres. Estates formed from these lands, like *chokushiden*, were exempt from public taxes after 902.

The origins of land were not the only means of avoiding public taxes. Exemptions were also given depending upon the functions to which the land's revenues were put. Temple and shrine lands (*jiden* and *shaden*) were exempted from land taxes to support institutional  

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expenses of shrines and temples. Temple lands were given generously in addition to the land which was granted to temples for merit. Temple land included lands on which the temple or shrine stood and fields around it which provided for the financial needs of the temple.

Tax exemptions could be claimed for other temple land under a variety of headings. These largely were given for religious reasons. Jin (寺院) were lands granted exemption in order to provide revenues for temple cloisters. Geinō (観念) paddy fields were tax exempted to supply funds for religious festivals at central or local shrines and temples. Aid was provided by kozō (穢滋) land for support of artisans and craftsmen who worked as repair and maintenance personnel. Iryō (里宜) land was exempted for temple irrigation projects. There was even a category of land, kuraryō (倉利), which supplied funds for the upkeep of estate warehouses on temple lands.

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4 For an example of the division of temple-held land into gift lands and temple lands for tax purposes in Echizen Province in 950, see Heian Ibun, vol. 1, pp. 372-84, Tenryaku 4 (950), 11, 20.

5 Abe Takeshi (阿部猛), 菱園における境内について ("Shoen ni okeru Kanden ni Tsuite"), in Nihon Rekishi, no. 62 (June, 1953), pp. 31-33.

6 Heian Ibun, vol. 6, p. 2273-75, Kyūan 6 (1150), 11, 28.

7 In 1319, for example, Hamanaku no shō, a Kōyasan estate, gained exemption for lands in order to provide for "music and dancing." Kōyasan Monjo, vol. 2, pp. 458-61, Document no. 297, Gen'ei 1 (1319), 12, 28.

8 In 1171, Inake no shō in Musashi province had lands exempted from taxes for artisans and craftsmen. Heian Ibun, vol. 7, pp. 2799-2800, Jōan 2 (1172).

9 A domain in Chikuzen Province in Kyūshū listed exempted land for "well maintenance" (iryō 里宜) in 1127. Heian Ibun, vol. 5, p. 1814, Daiji 2 (1127), 8, 28; and Heian Ibun, vol. 7, p. 2800, Jōan 1 (1172).
Fields set aside to provide salaries for public officials and private estate managers could gain tax exempt status. The land was attached to the office and all proceeds went directly to it. Fields were also set aside to provide funds for construction and upkeep of local administrative buildings and the residences of important officials. In all of these categories of specially exempted land the rationale for the exemption was the special function of the land, not its origin.

The several categories described above reveal the problems faced by both estates and the government in tax disputes. A variety of codes and legal rulings applied, some relating to the land's origin, some to its current function. The Engi codes distinguished between original shōen (honshō 本庄) and added lands. An estate was not necessarily regarded as a single unit by the government, but often as a collection of lands which, upon investigation, could reveal a variety of origins. For tax officials this was justification for taxation. Any suspicion of the presence of taxable fields in an estate was cause for taxation of the entire estate. The burden of proving exemption for the entirety or portions of the estate lay with the proprietor.

Documents from the court were sought as proof of the origins of the estate. Kanshōfu were official documents which described the boundaries and the state of land development of private estates. They excused the estate from public land taxes and provided a legal

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10 Fields whose taxes were diverted from the general fund to officers and administrative expenses were called shikiden or kanden. Public land by intention, they often became private fields in fact, retaining their tax exempt status. Abe, "Kyōko ni Tsuite," p. 61.
guarantee of the private nature of the land. They were normally issued well after the purchase or development of the estate at the specific request of the proprietor and, as there were cases of forgery, their accuracy was sometimes questioned. 11

Most estates contained much more land than their original grants and these additional lands were objects of repeated taxation. The proprietors needed documentation of the original grant and complete accounts of all additional land found in the surveys. The conduct of authentic surveys became an issue. Land development and the trade and purchase of fields helped to fill in the ragged borders of estates and expand the estates beyond their original boundaries. In justification of their actions, estate proprietors cited precedent and religious need. They also refused to cooperate with local investigations on occasion. Proprietors refused to divulge estate records and were suspected of forgery of documents to gain or hold tax exemptions. 12

Total Estate Exemption

Total exemption from taxes and public jurisdiction (fuyu fuyu) was not common and estates often contained many categories of taxable and non-taxable fields. Furthermore, tax policies changed with each provincial administration, although reclaimed land was commonly regarded as subject to land taxes which, as a group, included service and products charges. 13

11 For a discussion of the numbers and extent of the kanshōfu estates, see Kuroda, Shōensei Shakai, p. 89.
12 Kuroda, Shōensei Shakai, p. 89.
13 Funakoshi Yasuhisa (船越康義), 土地離れ不輸入
Oi no shō was one of the relatively few private estates to achieve government recognition of autonomous status. Gaining this recognition was often a long and arduous process, requiring numerous appeals to Kyoto and defenses of the status against local government claims. For Oi no shō it grew out of a series of disputes over boundaries of the estate in the mid eleventh century. In 1040 and again in 1054, the provincial governor charged that several chō of land on the estate were originally public lands fallen out of the public registers. This land was therefore assigned land, service, and various products taxes. Tōdaiji appealed in both instances to the central government. In 1054 the estate was particularly pressed for funds because the area of land under public taxation came to thirty chō of paddy fields, nearly half of the total rice land of the estate.

Investigation by the court determined that the land was within the original borders of the estate, and thus was clearly Tōdaiji's private land. In its announced decision, the government reminded the province that the estate was free of all tax assessments, a status known as *fuyu* (ふゆ), and instructed the local government to observe the "customary exemption" from public taxation predicated on the "ancient precedent of [revenues needed by Tōdaiji for] temple business

14.* The amount of land which was taxed in 1040 was not specified, but in 1054 thirty chō of paddy land was claimed by the public administration, and assigned several public taxes. The petitions and counterpetitions which resulted can be seen in *Heian Ibun*, vol. 3, pp. 840-42, Tengi 2 (1054), 2, 23.
and temple halls and residences' repairs and upkeep."\(^{15}\) Oi no shō was not responsible for any regular government tax.

Fūryū status was indeed granted to Oi no shō, but successive governors of Mino Province, Fujiwara no Sadafusa (1056-c. 1061) and Minamoto no Moroyoshi (c. 1064-1067) claimed that the status was only a reflection of provincial policy, not an established right of the estate. Each governor in his turn declared all past agreements with the estate void, claimed certain land as public and proceeded to levy taxes on it. This occurred in 1056, 1061, and again in 1065.\(^{16}\) Each incident produced a petition by Tōdaiji to the Kyoto court complaining that the assignment of taxes to an estate which had origins in chokushiden was not legal. In each case the government responded by supporting Tōdaiji and Oi no shō. Once settled with a new governor, there were seldom problems throughout the remainder of his tenure, but it was a recurring process of testing by public officials.

To obviate this problem, Tōdaiji attempted to establish the right to refuse entry onto the estate of any and all public officials. In this way the new appointees to public posts could not survey the estate in order to dispute taxes, although they could still dispute taxes, as will be seen. Surprisingly, the central government supported Tōdaiji's request without further information or documentation and the right of the estate to refuse entry of officials within its boundaries (funyū 不入) was recognized by the court in 1056, 1060, 1061, and

\(^{15}\) *Heian Ibun*, vol. 3, pp. 841-42, Tengi 2 (1054), 2, 23.

"Repeatedly it is commanded to the province immediately to observe prohibitions of entry by provincial agents as well as assignment of special service taxes. The province shall acknowledge, and let it be so performed without fail."\(^{17}\)

Why the court supported Tōdaiji in this matter is not clear. There is no evidence that the right to refuse entry of public officials existed before this time, and equally no indication of a specific investigation by the central government in the matter.\(^{18}\) Tōdaiji estates in general were not governed by a policy of legal autonomy. As for Ōi no shō, its possession of imperial grant papers and chokushiden status was no guarantee of such autonomy. The right to refuse entry to public officials could be granted only by the court and was not given out freely.

Ōi no shō's total exemption lasted only fifteen years. It was held until about 1070, and was not claimed after that by Tōdaiji in the disputes with provincial and district authorities which occurred periodically throughout the remainder of the Heian period. But from 1056 to 1070, Ōi no shō existed outside of public authority to survey or tax its land.

\(^{17}\)Heian Ibun, vol. 3, p. 1012, Kōhe 3 (1060), 8, 24.

\(^{18}\)The provincial authorities were equally puzzled and chagrined over this decision of the central government. They were reluctant to accept the funyū status of Ōi no shō, and continued to attempt to test it. One report to the government from the provincial governor's office complained: "After generation upon generation of entry and investigation into the said shō, now each tsubo...is granted exemption...the present order prohibiting entry, investigation and land survey is a distressing edict and we do not understand the reason (for it)." Heian Ibun, vol. 3, p. 1021, Kōhe 4 (1061), 8, 20.
Oi no shō's autonomy was enforced by the highest political authority of the land. All local taxes were waived. Except for special court levies for rebuilding the Ise Grand Shrine, no extraordinary levies could be assessed on the land. In addition, the boundaries of the estate were inviolate. Public officials were forbidden to cross them even to question the administrative personnel and residents. Excepting criminal justice, Oi no shō was outside of the administrative jurisdiction of the province and district in which it was located.

For most estates the process of acquisition of full exemption from provincial and local taxes was longer and more difficult.\(^{19}\) The effort was worthwhile, however, if it relieved the proprietor from arguing each occasion of taxation separately. Denial of entry to public officials was particularly desirable to prevent seizure of grain and goods by tax officers.\(^{20}\)

Sometimes decades were required to gain official recognition of total exemption. Zentsuji was a local temple of some importance in Shikoku and held a number of fields in several districts in Sanuki Province. These were loosely bound together under the temple administration. In 1124 kanmotsu was collected from the temple's land in one of the districts. The proprietor asked the court for full exemption, but attempts at taxation continued to occur at intervals over the next

\(^{19}\) Nagahara, *Nihon Hōkensei Seiritsu Katei no Kenkyū*, p. 61.

\(^{20}\) Even if the proprietor complained of the seizure and was supported by the court, restitution of the seized goods required further action and was not always accomplished.
four decades until 1164 when the temple was declared fully exempt by the court.\textsuperscript{21}

Partial Exemptions

Partial exemptions (\textit{hanyu はんゆ}) were often agreed upon by estates and government authorities as a compromise. Original estate lands were recognized as free from taxes, but additional fields were subject to them.\textsuperscript{22} This was not a very satisfactory compromise for the holder. The tax burden varied, but any tax was a loss of revenues.

Most estates never gained rights to all revenues from their fields. They continued to pay taxes on at least a portion of the estate through the Heian period. In response to taxation, estates sought documents from the court giving full exemption, but the number granted them was small.\textsuperscript{23}

The change to full exemption status was a difficult one requiring proof that all the land in the estate was tax exempt in either origin or function. This normally involved surveys, investigations and documentation. Land was often commended to high-ranking officials in order to gain full exemption status. Documents were forged for the same purpose.\textsuperscript{24}

\begin{thebibliography}{99}
\bibitem{21} Nishioka Toranosuke (西岡虎之助) 土地税制の過程における国費地税の生産（"Tochi Shōenka no Katei ni okeru Kokumenchī no Seiō"），in \textit{Shichō}, II, no. 1 (February, 1932), pp. 55-56.
\bibitem{22} Funakoshi, "Shōen ni okeru Fuyu Seiritsu no Katei," pt. 1, p. 28.
\bibitem{23} Nagahara, Nihon Hōkensei Seiritsu Katei no Kenkyū, pp. 75-76.
\bibitem{24} Kuroda, Shōensei Shakai, p. 89.
\end{thebibliography}
The burden of proof was on the estates. Upon being taxed, the estate made petition to the province, or in some cases directly to the capital. Petitions contained the claims of the estate and complaints against the local government. In response, orders were usually issued for an investigation of the estate. Copies of petitions and statements of position were required from both parties. A land survey was sometimes conducted, requiring attendance by agents from the court, province, and sometimes district government as well as representatives from the estate and the proprietor. Investigations were not always prompt and were rarely ordered until the second or third complaint. 25

Decisions took time and were often appealed. The central government was the object of pressure from all sides on important decisions. Each party pressed its case—the estate proprietor who was often a high ranking noble or influential temple, the provincial government, the district government, and local families of power and wealth. Kyoto still made the decisions when petitioned, but enforcement of its edicts depended on cooperation of provincial and local governments.

Provincial governments also granted exemptions. Most of these were for reclaimed and developed lands. Situations varied. One official granted exemptions for reclaimed land (harita) where his predecessor had demanded tax payments. Originally, provinces were forbidden to issue exemptions to estate lands, but the Enkyū reclamation laws of 1069 authorized provincial exemption documents for

fields developed from waste. In practice, exemptions for portions of estates were given by provincial governments throughout the Heian period. After 1069 the recorded instances of provincial exemptions increased, but for the most part these were only exemptions from taxation by the district.

The legal force of a provincial exemption was not the same as an exemption order from the court. According to the Enkyū law, provincial exemptions were only good for the tenure of the governor who granted them. It is true that possession of provincial exemption orders established precedent, but there were many cases of new administrations refusing to renew exemptions. Moreover, full exemption status could

The 1069 law gave authority to provinces to issue specific exemptions from public taxes, to review documents, make surveys and come to decisions on exemptions for private estates. Sakamoto Yoshimi (坂本義実), "10世紀前半の大領制の変遷とその背景 ("Jūseiki Ochō Kokka Tochi Seido to Sono Hōkai"), in Shirin, XLVIII, no. 4 (July, 1965), pp. 15.

There were many ways to obtain exemptions. At court, the dajiōkans gave papers of exemptions. A kanshōfu could also be obtained through one of the departments of government. In the countryside, there were several types of provincial exemptions. Some were for a specific period of time, usually two to three years, and were issued by a department of lower office. Others were more authoritative and had the stamps of the provincial governor on them. Abe, "Heian Jidai Shōen Seirirei no Kenkyū," pp. 10-11.


Sakamoto, "Jūseiki Ochō Kokka Tochi Seido to Sono Hōkai," p. 15.

A document of 1065 concerning an estate in Etchū Province contained a complaint that a newly appointed zuryō had forcibly entered the estate and seized revenues. Copies of both provincial and central
only come from the court. Likewise, exemptions on land other than
that originating in reclamation were valid only if obtained from the
great council (daijókan) in Kyoto.31

Provincial officials tended to ignore precedent and estates were
often involved in tax struggles with each appointee. Favorable de-
cisions, finally gained, were ignored by the next governor or his
representatives. Shōen were obliged to request that the great council
of state order local government officials to remain off estate land.

A Daigōji holding, Sone no shō in Ise Province applied for and
received exemption from land taxes in 951. This was violated in 1015
by a provincial assessment. The provincial zuryō insisted that the land
had been added to the estate since the 951 exemption order.32 Daigoji
appealed to the court, claiming that the entire estate was covered in
the exemption notice. In 1017 the issue was settled by an order en-
joining Ise Provincial agents from entering Sone no shō or harassing
its inhabitants.33

Orders which denied entry to public officials were of great im-
portance to estates which wished to be freed from what seemed to be
unwarranted governmental interference and tax assessments. The
government exemption papers were sent to the zuryō, but he replied
that he was not bound by any agreements that his predecessor in the
province had made. As for the court order, he dodged. Not having
personally received an exemption order addressed to his administra-
tion, he ignored the court paper. Kanchūki (감치 기록), in Zōhō

31Egashira, Nihon Shōen Keizai Shiron, p. 124.
32Imai, Nihon Shōen Seiron, p. 70.
33Heian Ibun, vol. 2, pp. 656-57, Kannin 1 (1017), 10, 16. See,
also, Egashira, Nihon Shōen Keizai Shiron, p. 122.
privilege was abused by some estates. In an unusual case, in the seventh month of 1125 Kōyasan was rebuked by the court for stationing monk-warriors on its Iga Province domains. Their depredations had led to arrests, one for murder. Nevertheless, the court ruled that provincial authorities were in the wrong in arresting the suspects. The prisoners were clerics, but more importantly, they were residents of an estate which enjoyed non-entry (funyū) rights. Even pursuit and capture of criminals by local officials was compromised in some estates.

There were not many estates which achieved such complete exemption. The great majority of estates paid taxes annually or occasionally. Of those that held full exemption rights, including "non-entry," only a handful became pockets of private judicial and criminal jurisdiction. These can hardly be classified as fiefs, for they were much too small.

**Boundary Disputes**

If tax exempt status was difficult to obtain, it was even harder to hold. In many areas estates were challenged with each new provincial administration. Proofs of exemptions from taxes were not enough. The boundaries of the estate—that is, the amount of land to which the exemptions applied—were also questioned. In the last one hundred years of the Heian period, provincial and district administrations pursued a policy of investigation and restriction of private estates. Surveys were carried out, borders questioned, and public taxes levied on lands of doubtful history.

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After the creation of the kirokujo office to investigate estate documents, Tōdaiji estates across most of the central provinces were subjected to official investigations. Tōdaiji remained in 1070 one of the largest single estate holders outside of the imperial family, and was brought under intense scrutiny for its numerous holdings. The question of Oi no shō's legality was taken up by the kirokujo in connection with an investigation of all private lands in Mino Province. Oi no shō's existence was never seriously threatened in this period, but its documents were carefully reviewed by the kirokujo and its boundaries were subjected to investigation.

In the second month of 1070, the provincial government included in a report to Kyoto on private lands in Mino the statement that a Tōdaiji estate in the province, Akanabe no shō, was claiming as its own several fields of mulberry trees properly belonging to the public domain. Silk production being a highly valued industry, the area was of considerable worth, and Tōdaiji replied several months later to a government inquiry on the matter that its investigation showed that the land in question belonged to the estate. A fuller investigation and report by the province produced the further charge that not only were mulberry groves wrongly held by the temple, but that paddy land as well, coming to sixty-eight chō, claimed by Akanabe and Oi estates, was in reality public land. The provincial authorities claimed that the estate had been granted exemption from taxation on these lands by the previous governors, but that these rights were valid only for

the tenure of the officials involved and were thus invalid, leaving
the land subject to public taxation. 36

The province did not question the legal status of the estates.
Rather, the boundaries of Oi and Akasabe drew official fire, with the
public administration asserting that the estates' boundaries included
lands which were actually public, taxable domain. These charges re-
sulted in an imperial edict to Tōdaiji dated the seventh day of the
seventh month of 1070, instructing the temple to report on the situ­
tion. 37 Tōdaiji sidestepped the issue for several months, drawing
several notices from Kyoto demanding full explanation. Finally, in
the fifth month of 1071 the kirokujo itself sent down a stiffly worded
notice to Tōdaiji instructing the temple to immediately submit docu-
mentary proof of the founding and boundaries of its estates in Mino
Province. 38

Tōdaiji's report followed quickly. 39 In it, Tōdaiji advanced
the claim that the estates were imperial grant lands and had enjoyed
tax exemptions for centuries. It contended that the disputed sixty
chō were entirely within the original borders of the estate and

36 The report stated that the sixty-eight chō of claimed land were
being worked by the two estates "without the approval of the provincial
office," and asserted that though the previous governor had granted
permission to the estates to work the land, it was rightly public,


39 The report of Tōdaiji was lengthy and rambling. It haphazardly
covered the history of the estate. The order of total exemption (fuyu
funyū) of 1056 was advanced both to prove the temple's legal proprie-
torship of the estate and to demonstrate its boundaries.  Heian Ibun,
vol. 3, pp. 1077-78, Enkyū 3 (1071), 6, 30.
submitted documents listing those boundaries. The documentation was apparently sufficient, for the kirokujo announced its decision at the end of the sixth month of 1071. In it, the boundaries which Tōdaiji had claimed were honored, and the notice to the temple and province ordered that "exemptions as of old" should be recognized for Oi and Akanabe estates.  

The decision was clear, and the province acted on it accordingly, but with its own reservations clearly noted. A month after the kirokujo notice, the provincial administration sent instructions to obey the decision along with the official boundary listings to the district governors in which the estates were located. In the following month, the provincial governor reported to the court, as ordered, that the decision of the kirokujo had been received and relayed to the district. However, the boundaries which the province listed in this document were at variance with the original grant charter and the kirokujo's announced decision. The latter had read "Northern side: 13th jō, north edge." The provincial report listed in its place, "Koatsumi small road." No other survey from this period gives reference to this lane and it may be that the mistake was intentional—an attempt by the provincial governor to dispute the

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40 Identical copies, both of which have survived, were sent to Mino Province and to Tōdaiji in Nara.

41 "The said shō, according to the Imperial Government Order of last sixth month, thirtieth day, shall be given exemptions as of old, ...The several district governors shall acknowledge this and let it be so performed. Orders are dispatched." Heian Ibun, vol. 3, p. 1079, Enkyū 3 (1071), 7, 22.

decision of the court supporting Tōdaiji's claims. It is certain that
the province was displeased with the government's decision on the
matter, for in its report to the court, it petulantly added, "as was
requested [the kirokujo decision] was ordered executed...the present
governor, however, concerning an appeal, will not discuss the right or
wrong of this order for exemption. We will send a petition at a later
date reporting matters."43

Thus the victory was less than complete for Tōdaiji, and Oi no
shō continued to face harassment and interference from the province
for the next several years. Also, the kirokujo decision was vague in
its reference to what exemptions the estate should enjoy, referring
only to "exemptions as of old." In fact, the estate never regained
the blanket non-entry rights it had held up to that time. It appears,
then, that although the estate's status as tax exempt was upheld by
government review, it never again held the local autonomy it had en-
joyed in the mid eleventh century.

In spite of the kirokujo's decision, Oi no shō was subjected
periodically to further challenges during the next century. These
usually took the form of attempts by district and provincial authori-
ties to levy taxes on portions of the estate. Appeals by Tōdaiji
were met with claims by the local government that the estate bound-
aries claimed by the temple were at variance with those cited in the
kirokujo decision. This occurred in 1075 and sporadically between
1087 and 1108, and again in the period of 1156 to 1158. Except for
the latter the investigations uniformly vindicated Tōdaiji, forcing

the district and province to retract their claims and at times providing restitution for seized revenues and products.

In this period the pressure on estates came directly from local governments--provincial and, increasingly, district. Oi no shō had been officially approved by the kirokujo, but this did not relieve all pressure on it, for the issue of border discrepancy, introduced in the reply to the kirokujo order of 1071 from the province which listed a different northern boundary, was not allowed to die. The kirokujo itself, while uniformly supporting Tōdaiji's position, did so only after careful examination of records and examination of the estates boundaries. Kyoto certainly did not accept Tōdaiji's assurances of the legality of its estate uncritically. The kirokujo continued its active pursuit of private lands and tax revenues through the first decade of the twelfth century, and its edicts and orders encouraged local governments to challenge estates within their domains. ⁴⁴

The peace between Oi no shō and the local government lasted barely five years after the kirokujo's decision. In the summer of 1075 the district governor ordered that portions of the estate be assessed kamotsu products and service taxes. Upon meeting resistance, provincial and district agents, according to the petition outlining

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⁴⁴ Pressure from the central government was felt by Oi no shō at least twice in the thirty years following the kirokujo order exempting it from taxation. It came by way of the province. In 1075 the temple complained to the government that renewed efforts to tax its estate by the province were due to anti-estate edicts from the court. Heian Ibun, vol. 3, pp. 1128-29, Jōhō 2 (1075), 8, 23. In 1096 the Mino governor's office prefaced a report detailing an attack on the estate with the comment that it was acting under the guidance of an edict from the government prohibiting newly established estates. Heian Ibun, vol. 4, pp. 1312-15, Eichō 1 (1096), 5, 12.
the affair to the government from Tōdaiji, "without regard for the status (of the estate) forcibly entered within the boundaries and trampled the (honor) of the imperial edict."^45 Kanmotsu was seized and removed from the estate under duress. Tōdaiji reacted quickly by addressing an appeal to Kyoto in the seventh month of 1075, underlining that its "great anxiety over this matter cannot be overstressed."

The court responded with surprising speed. The next month, an order was issued to Mino Province commanding that all collection of public taxes and other interference with Oi no sho be halted. Boundaries were to be henceforth and always observed, exemptions honored, and "in addition, it is ordered to investigate the matter concerning the seizure of various products by government envoys."^46 The result was not as Tōdaiji might have hoped, for incursions into the estate continued. The district governor of Awachi, in which the estate was situated, was a member of the Minamoto family and was actively carving out a land base. Private estates provided excellent opportunities to acquire portions of revenue paying land. Taxation of private land by the district was a pattern becoming common across the country, and was particularly strong in the area where Oi no sho was located—east of the mountains dividing Lake Biwa and Kyoto from the north and east of the main island. The vehicle employed in this case was a new government regulation order of 1075 dealing with estates which stated

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^46 This order was of unusual severity in tone. The document ends with the terse note that the investigation concerning the illegal seizure of goods from the estate "must not be neglected." Heian Ibun, vol. 3, p. 1129, Jōhō 2 (1075), 8, 23.
that all shōen established after 1045 were prohibited. This was not a new departure. The government had been using the 1045 estate regulation law as a precedent for years. The 1075 law, however, was promulgated widely to the provincial and district levels of administration in an effort by the kirokujo to intensify the review of documents of private estates. The months following its promulgation witnessed some of the greatest activity on the part of the public administration in attacking claims put forth by estate holders during the course of the cloistered emperor period of reform.

In the case of Oi no shō, it was brought to the attention of the province and district that the estate had already been thoroughly investigated and approved by the kirokujo. The province, indeed, had little to do with this dispute. The impetus was from the district government. Agents from the district, ignoring the order from Kyoto, entered the estate in the fall of the same year and seized fifty koku of rice. The provincial governor's name was used in this instance, but apparently without approval. This was not a uniform collection covering the entire estate, but a specific "various products" tax on a section which Tōdaiji claimed was within the proper boundaries of the estate, but which the province had listed as public lands in the dispute of 1070 and 1071 leading to the kirokujo decision favorable to Tōdaiji. The land under dispute amounted to sixty-eight chō of good

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47 This order was cited by the province in the incident in 1075 as justification for its raid on Oi no shō. Heian Ibun, vol. 3, p. 1129, Jōhō 2 (1075), 8, 23.

48 A report from the estate to Tōdaiji correctly identified the district governor as the culprit in this instance. Heian Ibun, vol. 3, p. 1131, Jōhō 2 (1075), 12, 28.
rice land and was important to Tōdaiji as it comprised nearly a third of all developed paddy lands on Oi no shō. The fifty koku of rice seized by the district was a significant portion of the total revenues upon which Tōdaiji depended: "...government agents have come down and without consent have boldly assigned (levies) day after day like clouds....While there is interference such as this, the humble materials to be sent for temple use, prayer and law meetings, have been almost wholly neglected."49

Appeals to the court brought another reprimand down to the province, this time ordering recompense for the seized revenues as well as prohibiting future levies. The governor of Mino, in residence in Kyoto, relayed the message with a strong reminder to his subordinates and agents in the area that the edict was not to be ignored and underlined the demand for restitution of goods to the estate.50 The province could do little but send the edicts and accompanying notes on to the Awachi District governor. There was appended a new statement of the legally recognized boundaries of Oi no shō.51 This statement was the result of an investigation in the late winter of 1076 which concurred with the central government's official boundary listings and rejected the provincial claim of 1071. The district government acknowledged the receipt of these documents in the third month of 1076, but no


50The provincial governor also requested an investigation by the residential office in Mino. Heian Ibun, vol. 3, p. 1133, Jōhō 3 (1076), 2, 24.

mention was made of recompense, and it cannot be assumed that Tōdaiji ever regained the rice lost from Oi no sho.\(^{52}\)

The question of boundaries arose several times thereafter, in 1087, 1096, and 1108. On each occasion a report from the district or provincial administration produced a notice of inquiry to Tōdaiji concerning the boundaries of the estate. There were no occasions of arbitrary tax assignments following the affair of 1075, but both district and province, though not going so far as to assess taxes, seemed loath to ignore the discrepancy of boundaries. In 1087, 1096, and again in 1108, public officials, upon reviewing records, charged that the estate was claiming lands which were rightly public domain. In these instances, as before, it appears clear that Tōdaiji and Oi no sho were innocent of any wrongdoing, for subsequent government surveys prompted by the disputes of 1096 and 1108 forced the local administrations to admit that "The designated boundaries do not vary from [the kirokujo decision of 1070] with the existing land extending 250 chō.\(^{53}\)"

The issue, then, was only that the local government continued to assert that the northern boundary of the estate should have read "Koatsumi

\(^{52}\)Heian Ibun, vol. 3, p. 1134, Jōhō 3 (1076), 2, 27. The attempt to gain restitution of the seized goods failed because of district intransigence, but the province was involved in the transcription of orders from the capital to the district. There were close relations maintained between the two—for example, the resident's orders were issued on the 26th day of the 3rd month and the district governor's reply came on the 27th, a day later—illustrating the cooperation between local provincial offices and the district administration in Mino during the late eleventh century. It also illustrates rather well the frustrating position in which the provincial governor was sometimes placed, being answerable to the court for the actions of officials he had never met and over whom he had questionable control.

\(^{53}\)Heian Ibun, vol. 4, p. 1537, Kajo 3 (1108), 6, 24.
small road" rather than the officially designated "thirteenth jō, northern edge."

The central government throughout this period was cautious in its replies to charges, appeals and countercharges of the principles in the disputes. The kirokujo insisted that all evidence and documentation be collected, and that legal precedent be observed. Personal testimonies from government administrators or reports from Tōdaiji were not sufficient for decisions. New surveys of the land were often required before disputes were settled in order to insure that the estate had not expanded beyond its designated borders. This was in keeping with the kirokujo policy of careful deliberation on all land and tax disputes between public and private lands, and with the general skepticism of that office toward the claims of estate holders. Surveys were conducted by local public officials, usually accompanied by a representative of the estate manager or proprietor and an agent from the court. In 1096, for example, a "map master" journeyed to Mino Province to assist in the land survey. The other members of the inquiry team were a provincial agent, the district governor himself, who had advanced the initial charges against Oi no shō, and an estate agent. The conclusion of the survey, furthermore, was submitted in writing to all parties involved in the dispute. The report of 1108

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54 Although the government supported the claims of the temple, it seemed skeptical: "The said shō shall, according to the 1071 government decree, be immediately granted exemption, excepting that which is outside of the boundaries.... If, furthermore, there is, within the boundaries, land associated with public domain, consult previous documentation and, together with additional proofs and documents, submit them." Heian Ibun, vol. 4, p. 1246, Kanji 1 (1087), 8, 16.

55 Heian Ibun, vol. 4, p. 1315, Kahō 3 (1096), 5, 28.
was signed by the district governor, a representative from Tōdaiji, a representative of the provincial administration, an agent from the court bureaucracy in Kyoto, and an agent directly from the kirokujo.56

It read, in part:

On the matter of the Awachi Governor's report on the [location] of Tōdaiji domain Ōi no shō's boundaries:

Boundaries: Eastern side: offertory grave site.
Southern side: cloth offertory grave site and the sixteenth jiō, southern edge.
Western side: sixteenth jiō, third ri, western edge.
Northern side: thirteenth jiō, northern edge.

In regards the imperial edict of last year, tenth month, thirtieth day which, in response to the government envoys, ordered consequently a prohibition of new land additions and newly established estates after 1045, on the said Ōi no shō it was noted that there were additions. They were consequently corrected. However, in regards the imperial edict of this month, first day, in accordance with the government order of 1071, the boundaries were restored and according to the order, exemptions as of old were given to the two estates of Tōdaiji, Ōi and Akanabe. Concerning the provisions of the imperial edict, when the 1071 government order was checked into... the designated boundaries did not vary from those (of 1071). They were as noted in 847: 250 chō of land. When the yearly chronicles were investigated...and details were presented, again it was clear. Consequently, the boundaries were struck as of old, according to the provisions of the imperial edicts, and it is as stated.

The thoroughness with which these investigations were conducted by large numbers of personnel representing all parties with possible interest in the dispute is revealed by the reports of the investigations. Land surveys were conducted carefully and summarized in the reports to the government. Original grant charters were investigated to establish accuracy and further documentation such as government

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56 *Heian Ibun*, vol. 4, p. 1537, Kajō 3 (1108), 6, 24.
inventories of documents and records were often consulted to provide supportive information.  

What is striking about the disputes between Oi no shō and the district and provincial governments was the increasing hostility between the parties. Charges were made in unflattering, if not insulting terms and physical violence erupted more than once during the investigations. From the late eleventh century, Mino Province was locally administered by members of the Minamoto clan, who gained the office of governor (kokushi) in about 1065. During the twelfth century the Minamoto consolidated their hold on the province, transforming it into a kokugaryō as far as possible. It became a local stronghold for the military clan during the wars with its rivals, the Taira, in the latter half of the twelfth century. As a part of this process, Minamoto candidates were appointed to numerous district governorships in Mino, including Awachi. This obviated the greatest roadblock commonly facing provincial authorities in their attempts to consolidate the public domain into a more tightly and personally organized

57 The thoroughness of the investigations also meant that a great amount of time was required to complete the reports to the government. In 1075, for example, a petition was filed in the tenth month by Tōdaiji asking for investigation of provincial tax assignments. Intervening reports from both sides stretched the investigation to the second month of 1076, and it was only after that time that a survey of the estate was undertaken.


unit—district and township officials who had strong local power bases. The Awachi governors worked closely with the resident provincial administrators in the late eleventh century as is witnessed by the clashes with Oi no shō in 1087 and 1096. In return, the resident provincial government supported the actions of the district governor. But orders directly from the capital could not be ignored. It was to the continued acquiescence by local administrators to imperial decisions that Oi no shō owed its existence in the late eleventh and twelfth centuries.

Local politics, however, were far from stable. Direct contravention of imperial will, it is true, was rare, but most actions fell within the gray areas of the legally justifiable. And officials at the provincial and district levels sometimes used physical force in pursuit of their goals—legal or not. Tōdaijī likewise was not passive. There were instances in the early eleventh century of Tōdaijī employing armed monks for revenue collection and in disputes in and around Nara, and by the end of the century large temple holdings were frequently protected by permanent bands of armed men. In Oi no shō's case, there were almost certainly local estate residents who served the double roles of farmers and guards. These peasants were available to the estate administration in times of threat by the district or province to Oi no shō.61

The increased tensions over the thirty-year boundary dispute between Oi no shō and the district resulted in such a conflict in 1096.

when the two parties came to blows. As reported to Kyoto by both parties, the fray was relatively minor with no loss of life, but notable in its suggestion that legal conventions had deteriorated locally to the point of armed confrontation.

In the spring of 1096, the district governor determined that the estate's boundaries were not in agreement with public registers and declared a portion of the domain to be public. The estate refused to allow taxes to be levied, and the district governor called for help from the province. An envoy was dispatched and proceeded with district personnel and attendants to the estate to investigate. At this point the narrative diverges between the two sources. The province complained of being wrongly waylaid outside the estate's borders, that is, en route to Oi no shō, by a junior administrator of the estate, a shōshi, and "a number of attendant soldiers." Oi no shō reported, on the contrary, that the government agent had entered the estate accompanied by a band of "local ruffians" and proceeded to seize produce of the residents and a number of cows and horses as well, at which point the estate populace defended their property.

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62 Once more, the problem was the disputed northern boundary. The issue in 1096 was raised by the promulgation of a new court edict banning all "newly established" estates. The provincial government invoked this new government edict after forcing the estate to submit to a survey. Finding over 188 cho of rice land on the estate, which was in obvious conflict with the provincial surveys of the 1040s and 1050s, the province proceeded to levy taxes on nearly 150 cho of paddy fields. It is interesting to note that the justification for this assignment was that provincial exemptions were valid only for the term of the governor who granted them. This reasoning ignored the numerous decisions by the central government supporting Oi no shō's exemption status outside of provincial concerns. *Heian Ibun*, vol. 4, pp. 1312-15, Kahō 3 (1096), 5, 12.

63 *Heian Ibun*, vol. 4, p. 1314, Kahō 3 (1096), 5, 12.
Having come to blows over the matter, each side took pains to place the location of the altercation carefully in their reports, for the provincial government was aware that it had no business taking a band of men inside the boundaries of the estate. This proscription on forced entry was less a right of the estate than an insistence by the central court administration that it alone held the authority to pass judgements on estates and order investigations and surveys. In this case it was clear, as Tōdaiji emphasized in its petition, that no such official survey was ordered or sanctioned. Indeed, the original charge of malfeasance levied on the estate by the district was apparently never reported to the kirokujo, but acted upon independently by provincial and district officials. The response of the government to these reports, not surprisingly, was favorable to Tōdaiji, but with the addendum that another survey would be taken by an agent dispatched from Kyoto to confirm the legal boundaries. While the province and district were at fault for acting without sanction, the original issue of legal status of the disputed portion of the estate remained, for the kirokujo, an active concern.  

For fifty years following 1108, there are no extant documents indicating disputes over the boundaries of the estate. Following the death of retired Emperor Shirakawa in 1129, the kirokujo was neglected and regulation efforts waned. In the case of Ōi no shō, the province and district apparently accepted the existence of the estate as a fact.

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64 "A government envoy shall be dispatched to Ōi no shō and he shall determine the boundaries in accordance with the 1071 government edict, and order immediate exemptions." Note the continuing importance of the kirokujo decision of 1071 as a precedent for the government. *Heian Ibun*, vol. 4, p. 1315, Kahō 3 (1096), 5, 12.
during this half century. It wasn't until 1157 that the question of legal boundaries of Oi no shō was revived. In this instance, it appears, Oi no shō may have been guilty of illegal expansion. In 1157 the province, convinced that the estate was claiming land that was actually taxable public land, levied service and products taxes on portions of the estate. This time, Tōdaiji's complaint to the central government produced a stiff note from Kyoto demanding that Tōdaiji submit proof of its boundaries to explain discrepancies cited by the provincial government. The court, in fact, had embarked on a new estate regulation campaign a year earlier under the direction of retired Emperor Goshirakawa. The kirokujo investigatory office was revived and imperial edicts were promulgated in 1156 putting all estates on notice that proofs had to be produced on call to determine legality. Over the next decade, the kirokujo sporadically reviewed estates, generally case by case in contrast to the group investigations of the eleventh century.

Oi no shō's dispute over boundaries in 1157 was one such case. An investigation was apparently not a welcome prospect, for Tōdaiji attempted to stall when asked to deliver its documents on Oi. "The said government order will immediately be satisfied. Furthermore, (in reference to) the discrepancies...the said circumstances and details shall be explained and related in the next few days according to the imperial notice." Two months later, with no further word from

65Heian Ibun, vol. 6, p. 2378, Hōgen 2 (1157), 8, 22.
66Heian Ibun, vol. 10, p. 235, Hōgen 2 (1157), 7, 13. It may have been that Tōdaiji was not so much guilty of prevarication as inefficiency in gathering the documents which the government had
the temple on the matter, the government demanded immediate response, and there followed a series of records of Oi no shō, dispatched from Nara for perusal by the government. The documents were largely from the eleventh and twelfth centuries and amounted to four rolls, totaling fourteen documents, supplemented by several survey maps and inventory records. These were gained only after pressure by the government and were accompanied by much grumbling from Tōdaiji. The best that could be offered in the way of explanation of the estate's boundaries was the statement by Tōdaiji that "on the west and north... although there appear different (place) names, the boundary edges are not different." This may have been the case, but it is also true that the government refused to accept such verbal assurances and ordered that the estate conform exactly to the boundaries listed in the 1056 and 1071 government notices. With this order was appended a note to the provincial government to the effect that the central government was continuing its investigation into the issue of Oi no shō's boundaries.

 demanded. The government, however, was skeptical of Tōdaiji's motive in this instance: "Additionally, (concerning) the discrepancies of the boundaries given in the 1071 order and (those of) Oi no shō of 756... details of this should be submitted at an early date... What is the difficulty submitting them? Therefore, the details of the discrepancies in the boundaries should shortly be detailed and dispatched." Heian Ibun, vol. 6, p. 2378, Hōgen 2 (1157), 8, 22.

The list of these documents appeared in inventory form, with no apparent order, chronological or topical. Heian Ibun, vol. 6, p. 2386, Hōgen 2 (1157), 9.

"An imperial edict has reverently been received ordering that it be commanded to the said province to carry out orders exempting (the estate) as of old and, concerning [boundary discrepancies] by all means it shall be inquired of the temple administration." Heian Ibun, vol. 6, p. 2393, Hōgen 3 (1158), 4, 15.
The influence of the Kyoto administration was obviously still felt locally in land matters as late as the 1150s. To estate holders such as Tōdaiji, however, it cut both ways—it could be employed by the public administration in the countryside as well as by private land holders in disputes over land claims and tax revenues.

Oi no shō, through the Heian period, managed to maintain both its boundaries and its tax exempt status. The charges made against it in 1157 were probably valid from the point of view of the province and district. Tōdaiji's reluctance to submit materials in that instance contrasted sharply with its usual policy of immediate and comprehensive presentation of its case to the court. It is clear that the government's suspicions were not allayed on the matter, and it is likely that Oi no shō had, in fact, reached beyond its original boundaries. Following the establishment of the Kamakura bakufu, the estate was able to do so, extending to over two thousand chō of land by the late thirteenth century.  

For most of the Heian period, however, the original estate boundaries encompassed enough area suitable for gradual reclamation into paddy land to satisfy the proprietor, Tōdaiji. Its exemption status toward the standard taxes was tested in the mid eleventh century and proved equal to the test. The kirokujo's decision of 1071 was definitive, and no standard public taxes were collected from the estate after 1076.  

70 There is some question as to the veracity of this figure. Nakajima, ＂Oi no shō no Shishi to Mandokoro no Ichi To ni Tsuite,＂ p. 8; and Nakamura, Shōen no Kenkyū, pp. 208 and following.
Extraordinary Taxation

If Oi no shō was free from usual tax obligations, its position in regards extraordinary or emergency assessments was less advantageous. Special taxes were periodically assigned by the central government and the province. Extraordinary levies were not listed in the imperial codes of the seventh century, and were dealt with only fragmentarily in the Engi codes of 902. Exemption from them depended upon the particular issue and any precedent for tax exemption which could be related to the question was seized upon by the estate proprietors.

The government in Kyoto assigned a number of extraordinary levies for building projects, coronations, and festivals. By far the most important were the assessments at twenty-year intervals which enabled the government to rebuild the Ise Grand Shrine. These legally applied to all land, public or private. In practice they were commonly assigned only to several provinces for each rebuilding and exemptions from them were granted to a number of private fields.

Extraordinary levies were also assigned by provincial governments. They came to be used by public officials as a category which included a variety of quite ordinary taxes, but there were cases of legitimate applications such as river bank flood projects during the rainy season, repair of public buildings following earthquakes or fires, and special festivals or events such as local ceremonies commemorating the accession of a new emperor to the throne.

_They were also levied by districts, although less frequently. They were usually managed by provincial offices to assure compliance._
These provincial levies were more easily avoided by private estates than the national bidecadal rebuilding of the Ise Grand Shrine. In Oi no shō's case, the Mino government assigned special levies several times in the eleventh and twelfth centuries. In 1046, 1061, and 1109 there were provincial assessments on the estate for goods and services needed for the building of river bank defenses, apparently along the Kuise River which bordered the estate. This work was most likely done downstream from Oi no shō, and thus was not in its interest. Appeals to the capital in 1040 and 1061 produced grants of exemption, and the precedent, once established, stood the test of later applications.72 An imperial edict of 1109, ninth month, admonished the province that the estate was exempt from taxes applying to river works:

Examining the records, the said shō has since antiquity not served this kind of levy. Last Chōkyū (1040–1044) and Köhei (1058–1065) periods the provincial governor defied custom and flooded [the shō] with assignments of the said levy. When the temple administration sent up word of these circumstances, there was handed down a government edict of prohibition... An imperial edict has reverently been received commanding that exemption shall he [given] in accord with the Köhei (1061) imperial edict.73

The estate was not so fortunate concerning the central government's taxes for rebuilding Ise Grand Shrine. There is documentation only for the construction in 1111, but it is clear from the outcome that Oi no shō was not among those estates which could claim exemption. Beyond that, the complications, petitions, and counter-petitions

73Heian Ibun, vol. 4, p. 1548, Tennin 2 (1109), 9, 14.
which emerged from the original question of assessment lasted for five years and provided an excellent example of the problems of the legal process in the twelfth century.

The affair began with an assignment of a special goods and services levy to Oi no shō in the fall of 1111 to provide funds for the rebuilding of the Ise Grand Shrine. Tōdaiji delayed payment and appealed to the court for exemption. The temple admitted that there was no precedent for such an exemption in the case of Oi no shō, but pleaded that "if an imperial edict is handed down obliging the estate to [pay] said levies, surely the (temple's) meetings will suffer for want of funds...."74 The petition also contained an attempt to equate the Ise rebuilding fund with taxes for river works, from which the estate was excused.

The court did not agree with this line of reasoning and replied in 1112, second month, that "the said estate, if there are no prior evidences (of exemption), shall submit to the levy."75 The assessment accordingly was made that fall and collected the following spring. Irregularities arising from the collection, however, prompted another petition from Tōdaiji at the end of 1113.76 The agents for collection of the tax apparently had abused their authority and confiscated more than the original assessment had called for. Furthermore, they had moved onto the estate in the summer of 1113 and had enjoyed its forced


75Heian Ibun, vol. 4, p. 1599, Tenei 3 (1112), 2, 7.

76This document was contained in the text of a government notice of 1115 and was dated 1113, eleventh month, ninth day. Heian Ibun, vol. 5, pp. 1642-43, Eikyu 3 (1115), 3, 11.
hospitality, directed the estate administration, investigated estate records and seized goods and products. Tōdaiji was incensed, not the least by the precipitous decline in revenues to its own coffers from the occupied estate: "The agents of these levies and labor services, several tens of persons, invaded the said estate and forced obligations (upon it). Consequently at this juncture the residents refused the obligations." This referred to the first collection, in the second month of 1113. In early summer, the agent, Onakatomi no Fusei, came again and during the subsequent seventy or eighty days, from the first ten days of the fifth month to the last ten days of the seventh month, lived on the said estate and seized [goods] from within the estate, outraged the residents and [collected] goods in lieu of a general products tax which amounted, proportionately, to several thousand rolls (of cloth)....In this manner the agents remained throughout three months without the courtesy of...sending information. Therefore the material (for the temple) stopped....Repeatedly, though it is not customary, (the agents) questioned the estate administration and provincial government. Finally a judgement was given granting exemption. However, despite the imperial edict...the said taxes were not returned (to the estate).

Investigation by the central government revealed that there had been both overzealous collection by the agents and more serious evidence of personal graft. The agents were charged with privately taking and hoarding silk thread and cloth aside from tax collections for the Ise Grand Shrine rebuilding project. In the third month of 1114, therefore, an agent was dispatched to Mino Province to investigate the situation. He reported almost a year later that both the Ise tax

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77 Heian Ibun, vol. 5, p. 1643, Eikyū 3 (1115), 3, 11.
79 At no point in this dispute were the reasons for the actions by the shrine agents explained, or by what authority they had entered and remained on the estate, commanding its officials and residents.
agent and the provincial government personnel had been questioned and
that Oi no shō had a just claim against them. As to the Ise Shrine
rebuilding levy, this had been appropriately assigned. Beyond this,
however, both the shrine agent, Fusei, and the representatives of the
province had seized goods, illegally entered and remained on the estate,
and collected public taxes from which the estate was rightfully
exempted. Furthermore, records were purposefully falsified by the
provincial and shrine agents, and the government edict which Tōdaiji
claimed was issued ordering them to cease was in fact delivered to the
agents and was ignored by them. 80

The court sent full texts of the petition and reports to the
province and Ise Grand Shrine, ordering them to return the improperly
seized goods to the estate. These did not include the revenues for
the building project, as Tōdaiji had hoped. The estate was vindicated
in its complaint against the agents, but not excused from the taxes.

Official compliance was not easily obtained locally, however.
By mid summer nothing had been done and the government sent another
edict to Mino reminding the province of the seriousness of the matter.
The province replied in the ninth month of 1115 that it was doing
everything it could to determine responsibility for the incident, but
that records of the matter were very inconclusive. It also appealed
to the government to cease the constant stream of investigators and
messages from Kyoto. 81

80 The government agent's report appeared in the text of an 1115
81 "...shouldn't the number of people doing investigation work be
curtailed?" *Heian Ibun*, vol. 5, p. 1660, Eikyū 4 (1116), 1, 16.
Finally in 1116, first month, the imperial court itself took action, issuing an order under the signature of Emperor Toba, an infrequent occurrence on issues involving revenue disputes. It stated simply, "concerning the land revenues and products, it is ordered that the said agent shall return them (to the estate)." This was directed not to Mino, but to the Ise Grand Shrine, and was addressed to Onakatomi Fusei, the shrine's collection agent responsible for Oino shō. Five months dragged by before the Grand Shrine replied, and in its report it refused to accept responsibility. Onakatomi Eishin reported for the shrine that their agent, Fusei, was free of blame and that the shrine had not profited from the incident, only taking its allotted tax portion, and that Fusei had returned, when ordered, twenty-five koku of rice, "representing the production of one hundred people" to the province for delivery to the estate. The province, however, according to the shrine report, had returned only fourteen koku of the total and had obfuscated the issue by listing the fourteen koku equal to the labor produce of ninety-six people and the remaining nine koku for "shrine use," which, however, was never returned to the shrine. Ise thus placed the blame entirely on the province and suggested to the court that another agent should be sent to the province to investigate and see to a full restitution. This was finally

82Heian Ibun, vol. 5, p. 1660, Eikyū 4 (1116), 1, 16.
83This report was cited in full in the government edict of 1116. Heian Ibun, vol. 5, p. 1664, Eikyū 4 (1116), 6, 18.
done in the sixth month of 1116, and some recompense may have been made to Tôdaiji for the illegally seized goods.

In all, settlement of the incident had taken nearly four years. Tôdaiji's initial report was submitted sometime in the summer of 1113--a full year after the trouble had occurred--and a report detailing the incident was in the government's hands by the end of 1113. Two and a half years intervened before any revenues were returned. Tôdaiji's communications with its estate were generally quite rapid, being channeled through the central temple office, the mandokoro, and directed to the azukari dokoro in charge of the estates in a local area. Why a report of the events of 1112 took a full year to prepare and submit remains unclear, as most tax disputes, such as those of 1076 and 1096, were reported within several months.

The explanation for the delay in the government's investigation and decision is more easily explained. In the twelfth century, the process of legal decision-making was complex. The government investigated through personally dispatched agents, but often had to depend on local records. There were no separate bodies of government personnel in the provinces which collected records or were responsible for official reports. To complicate matters, the governors of Mino resided in the capital and managed the province through representatives. It was therefore not unusual for local provincial agents to conduct investigations, levy taxes and make decisions on their own and fail to report, or even hide, their actions from the provincial governor and

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84 There was no record of restitution of funds, but no more petitions from Tôdaiji on the matter are extant, and it is conjectured that at least some of the revenues were returned.
the central administration. In this case, it is likely that the agent to Īi no shō was acting on his own behalf or on behalf of the resident kokugaryō organization in Mino, and the first indication of something amiss came to the provincial governor in the form of a request for information by the court. Gathering information on the affair took time, and the kirokujo proceeded carefully and through the proper channels of the multi-leveled organization of government.

Undoubtedly someone of authority in the provincial administration was cognizant of the situation by the spring of 1116, for Ise Grand Shrine reported a conversation with the province about the funds to be returned to the estate. But the details of that meeting were not shared with the central government or with the provincial governor in Kyoto.

It seems clear that local officials and representatives were making decisions without consulting or even informing their nominal superiors. The kokugaryō organization in Mino was less an extension of the original imperial provincial administrative system than it was a government within a government, conducting its own affairs and giving accounts of its actions to higher authorities only reluctantly, if at all. The imperial state system of judicial review still functioned

85 Full information was almost impossible to obtain. For example, the name of the provincial agent involved was never reported.

86 Heian Ibun, vol. 5, p. 1664, Eikyū 4 (1116), 6, 18. As was frequently the case, the details of the discussion, and the identity of the persons in the provincial administration with whom the negotiations took place were not given. In this sense, the provincial governor in Kyoto shared the frustration of Tōdaiji. The provincial and district administrations in the countryside tended to obfuscate the issue of responsibility, thereby confusing and delaying the process of investigation.
in the early twelfth century, but slowly and with a great deal of pain and expense.

In the struggle for the authority to tax and manage land, victory depended on a number of things. Proper documentation of exemption status and boundaries was essential to private estates. But charters were not always enough. Aggressive district and provincial tax managers ignored even imperial edicts from Kyoto if they were addressed to a previous administration. In such cases, estates could only defend themselves by force and call upon their proprietors in the capital to support them in the ensuing official inquiry. The results depended as much on the prestige and influence of the estate proprietor as on the accuracy of the petitions and documents.

During the years of the late Heian period when the kirokujo was investigating estates and encouraging local officials to do likewise, convincing documentation was crucial. The kirokujo often was not satisfied with materials submitted as evidence and demanded complete documentation of origins and expansion of estates. Surveys were required and any discrepancies in boundaries were investigated. In this atmosphere, local officials grew more aggressive toward private land. As the Heian period closed, shōen were experiencing increased interference from the province and district at the same time that the influence of their capital based proprietors was waning in the countryside.
CHAPTER IX
CONCLUSIONS

Oi no shō

Although the soil of Oi no shō was not as fertile as that in the capital provinces, the land was not difficult to develop for rice agriculture and the area was rich in water. The plain on which the estate was located was swampy in areas and flat except for clusters of small hills. Oi was large, a rectangle including 750 acres, 150 acres of which were wet paddies during much of the Heian period.

Oi was secure within the system of private land and patronage. Belonging to Tōdaiji, it could appeal for information or protection to a powerful Buddhist temple. Connections with the imperial family and the regent's family began with Tōdaiji's construction as the headquarters of state supported temples in the eighth century. The land making up Oi no shō was a gift to Tōdaiji from the devout Emperor Shōmu while the temple was in its first decade of existence.

There were many peasant families on Oi no shō. We have no head count, but the extent of Oi's rice paddies would have required at least two hundred laborers during most of the Heian period. These workers were for the most part free peasants that contracted for fields on the estate. The gap between rich and poor may not have been great, but some were landless and others were landlords and while the landless were for the most part free from personal obligations and free from
fetters to the land they worked, they were not always free from privation and hunger. What social customs and practices gave them security in times of poor crops or high charges are not known. The fact that few fell into bound servitude gives hope that there was support.

The administrative staff of the estate was as large as twenty, although some posts were probably sinecures. Official obligations to Tōdaiji were tax management and labor supply and to the estate's residents and workers were land, water and road management. The officers also selected and provided seed from one year's harvest to the next year's planting.

The local staff operated with considerable freedom. The leading offices belonged to families who as landlords and overseers ruled by their wealth and their titles. But the final authority in the appointment of title-bearers was Tōdaiji and agents and instructions came from Nara at frequent enough intervals to remind local officials of that authority.

Oi no shō was one of many Tōdaiji estates, and not the largest. But it provided a stable and not inconsiderable income in rice, cloth and a variety of products. The estate was intended by its imperial donor to provide revenues and goods for temple conferences and meetings and for the upkeep and repair of Tōdaiji, but other, extraordinary levies were also paid.

The history of the relationship between Oi no shō and local officials gives a glimpse of the importance of both the origin of private land and the prestige of the proprietor. Originating in an imperial
gift, Oi no shō was relatively secure in its exemptions from public taxation. Owned by Tōdaiji, Oi could protect its private privileges. In the eleventh century, local officials challenged Oi's boundaries and ignored its tax exempted status, but Oi's appeals to Tōdaiji, of which little evidence has survived, and Tōdaiji's communications with province and court, of which much has, successfully defended the private nature of the estate.

Oi no shō as a Shōen

The question, "In what ways was a particular case study typical of private estates?" often arises in Japanese scholarship on shōen. I have drawn attention to several such aspects of Oi no shō. It was a gift from the court to a large temple in the Nara period and gradually developed by reclaiming open land on the estate. It held exemptions from some public taxes and tried to gain exemptions from others. Oi's main business was rice agriculture and its population was largely free peasants, landlords, and tenants. Its management organization was similar to hundreds of other estates in the Heian period.

It was unusual in that its boundaries were contiguous and its fields were not scattered among public fields, waste land, and private land belonging to others. It also belonged to a minority group of estates whose titles were not divided among several proprietors and whose revenues were not shared by several families and institutions. It was an exclusive estate in proprietorship, and this was not common in the late Heian period.

The varieties of "typical" estates found in scholarly articles in Japan, however, should be sufficient warning of the arbitrary nature
of such labels. As a temple estate coming from the Nara period, Oi may be typical of early estates, but atypical of estates in the late Heian period. It might be more productive to ask, rather, which aspects of private land holding in Heian Japan are nicely illustrated by Oi no shō. The answers lie in the attention given in the text of this paper to the origins, tax status, and management system of my case study.

Oi no shō originated in a grant of imperial land (chokushiden), and it was this land category which helped Tōdaiji gain tax immunities. Of special interest are the documents of the correspondence which led to total exemption status (fuyu funyū) for the estate and the subsequent testing of the status by district officials. Extraordinary taxes are highlighted in several series of documents on Oi no shō. They illustrate at least two issues: the status of Oi no shō toward local extraordinary taxes for public works such as river bank repairs; and the status of Oi toward national extraordinary taxes for occasions such as the rebuilding of the Ise Grand Shrine. Concerning the latter, Oi’s history is a valuable study of the process of extraordinary taxation, and the inherent dangers of personal accountability in the assignment and collection systems. As to management of the estate, the dispute in the twelfth century in the Ōnokatomi family over control of local estate offices reveals much about proprietary authority in the countryside and gives a glimpse into the workings of the shiki system locally.

If this paper has illustrated several features and explored a few questions concerning private estates by using Oi no shō and others
as examples, it has left many aspects untouched and many questions unanswered. Among the many possibilities for further work, there are several lines of inquiry which might be suggested.

What were the implications for local society of the scattered nature of private land holdings of both individuals and titled proprietors? What does such a system indicate about the political economy of Heian Japan? Were estates exclusively revenue sources, or were they ever used for recreation or entertainment or even retirement by their proprietors? In temple holdings, how was the system of branch temples used to administer estates? What organizational means were employed when branch temples oversaw estate development? What details can be found about the methods and practices of transportation of tax receipts from private estates to the capital area? What can we learn from this about local economy and trade? What does the system of extraordinary taxation reveal about the various and competing tax authorities, and what patterns can be traced among the many instances of exemption from extraordinary taxes? Lastly, what were the status, powers, and functions of special tax collection agents such as those from Ise Grand Shrine that visited Ōi no shō? How did they fit into the local scheme of tax management in the late Heian period?

Shōen

From the beginnings of private land and private estates, the influential and wealthy benefited the most. Even as the state owned and operated land system was being established in the seventh century, large tracts of land were being diverted by the court into the private hands of those close to the throne. When private land was made
available to all by the eighth century land reclamation and development laws, the difficulties of developing paddy land and the complexities of completing legal requirements gave great advantage to those wealthy enough to undertake large development projects and influential enough to be assured of official sanction. The great patrons were the imperial family, the regent's family, Kōfukuji, Tōdaiji, Iwashimizu Hachimangu, Tōji, Ise Grand Shrine, and Kōyasan.

In the Heian period, land ownership was a limited concept. Rights toward land and income were divided into shiki. Shiki defined the holder's relationship to the land. They also reflected social rank. Certain shiki could only be held by the highest ranking of the elites. Shiki were the basic elements in the patronage system. Patronage in Heian Japan was a private arrangement between two or more parties, but the private relationship was defined in formal terms rather than in terms of personal obligation or fealty. It was sought for particular purposes—to provide support for local claims to private land and to guarantee exemption from public taxes.

Most of the families which peopled private estates and most of the laborers who helped work estate fields were peasants. By the end of the seventh century there appeared in Japan an independent peasantry, sustained by the efficiency of small field cultivation of paddy rice. Economic pressures such as personal taxes and high interest on forced loans drove some peasants from public to private land. Opportunities on estates often gave more security to peasants than they had enjoyed on public land. Many estates encouraged peasants to develop waste land on the estate for garden and dry field use, and most helped them
acquire exemptions from public taxes for paddy lands which they had
developed.

There was little division, however, between peasants residing on
estates and those living in the public domain. Because much of estate
land was contracted, the labor forces of estates included residents and
non-residents, old families and vagrants. The independent peasantry
of the Heian period was a diverse group. They were land renters and
landowners and landlords.

One of the strengths of the peasantry was in its diversity and
the fact that there was no great gap, hard to leap, between renters
and owners. Many families were both. The relationships of peasants
to the estate land which they cultivated were as varied and qualified
as the relationships of the proprietors and patrons to their estates
and the revenues from their estates. Even the landless participated
in the shiki system of land and income rights. They owned no land,
but they could hold rights to cultivation of estate land which gave them
some security.

One of the most striking things about society on private estates
was the variety of patterns of social compositions. Some estates were
farmed almost entirely by contracting peasants who arranged things
directly with the proprietor or, more often, with the proprietor's
appointed deputy. In other estates, most land was in the hands of
landlords who oversaw the details of renting land and collecting
taxes.

Management of private estates, at first unnecessary or simple in
form, grew more complex as the years of the Heian period passed.
If the large temples and noble families of Heian Japan had private house administrations which were large enough to seem to challenge the government bureaucracy, it was largely because of the complexities of administering a private system of estates. Income from private land declined in the ninth century along with public income because both were tied to outmoded systems of local land management, population control, and tax collection. Private estates reacted more quickly than did the public domain, and new local forms were adjusted to more readily. The scattered nature of private estate fields made patronage crucial to its existence. Close ties with influential patrons and a careful eye to legal forms were necessary to defend the private nature of rambling and disconnected estates.

Private temples were the first of the large proprietors to react to diminished incomes by reorganizing and strengthening estate administrations and employing new forms of revenue collection and land management. They defended existing exemptions from public taxes and sought new ones. Religious purposes were used to justify exemptions on newly developed fields, and temples used religious organizations such as the system of branch temples to administer and expand their private land.

Most estates were not villas or retirement palaces, but collections of productive fields and undeveloped land. The proprietary interests in private estates were those of income and supplies rather than residence and entertainment. Taxes and charges were by policy and custom payable in kind, whether in grain or products—both food and manufactured, or payable in cloth. On most private estates, charges and rents seem to have been rationally assessed. Based for
the most part on land, they provided food and supplies to support the great families and institutions of the realm.

Charges on estate fields cost estate resident cultivators from forty to sixty percent of the harvested rice. For most years and most peasant households, this was oppressive, but not impossible to pay. The continued existence of an independent peasantry on private estates indicates that charges and fees were not financially debilitating.

Income from private land was divided by title and rights. Those that benefitted most from the system were those who were the most influential. In general, the larger the land proprietor, the greater the portion of total estate revenues received.

Most local expenses for officials and offices were met by specially designated fields. Instead of being paid through a general fund or taking a portion of the total tax receipts, local estate officials often received their income from land which was assigned to them or their offices. Expenses were usually calculated by a portion of the land, not a portion of the estate's revenues.

The overriding interest of estate proprietors was the preservation and improvement of their estates. There were few cases of a proprietor driving peasants from the estate by insupportable taxes.

Legally, private estates stood in an ambiguous place, caught between the state system of law codes and land regulation and the private patronage system which tied the land to ruling elites in the capital area. In the Heian period a shōen was a group of fields which had rights to private management and private extraction of revenues
by virtue of legal status and proprietary custom. The final authority in any local conflict over the abridgment of private rights toward land was the court or one of its appended institutions. Because of the connections between estates in the countryside and the leading families and religious houses of the country, Kyoto was the scene of arbitration between local public officials and private estates. Private land was monopolized by the same elites who made up the leadership of the state. Their decisions were law in both the public and private sectors.

Provincial and local public administrations changed in form in the Heian period, adopting some of the organization and methods of the private sector. Poll taxes were replaced by land taxes. Public appointment was superseded by private titles and rights to offices and incomes.

The conflict between public and private interests in Heian Japan was not simple. Both local and central elites used the public and private sectors to enrich themselves. Public officials were at the same time estate proprietors. The imperial family restricted private estates while accepting proffered titles and divisions of private income. In the provinces collusion between the local elite families, from whose membership came both public officials and private estate officers, was as widespread as conflict. Conflict, on the other hand, erupted within families and between family branches over private land.

Government efforts to limit and regulate private land as often as not resulted in strengthening private rights. New estates responded to the threat of investigation by offering titles and incomes to
powerful patrons. Older estates received closer attention from their proprietors. But in the period in which capital politics were dominated by retired emperors (1086-1185), the court attempted, and to some degree succeeded, to return its authority to the countryside. Through local and provincial clients and associates, the central government actively participated in local administration for the first time in centuries.

This is not to say that local elites were passive during the last century of the Heian period. For many public officials in the countryside, family connections and land wealth were as important as their official titles. Their cooperation was necessary for Kyoto's will to be carried out, for enforcement of court decisions depended in large part on the good will of provincial and local public authorities. And patron-client relationships worked both ways. If the court used tax managers to revitalize the public tax system, tax managers also used the weight of their patrons' authority to enhance their own power locally.

Justice and public administration often seemed to move at a ponderous pace in local disputes. Patrons had to be alerted and urged to action. Reports took time to write and time to digest. If a survey was required, months elapsed before suitable representatives of the private and public parties involved could be assembled at the estate. Sometimes years elapsed before decisions were reached or action taken. But the long histories of many private estates make the years of conflict over revenues diminish in perspective. Private estates required attention to management and often demanded active protection by the
proprietor, but they were unparalleled as sources of steady, private income in the Heian period.

Private Land and Private Rights

Private land existed in early imperial Japan in a system of state ownership of productive land. Although the focus of this inquiry has been on local institutions, the patterns of private ownership of rice lands in the countryside have revealed much about the families and institutions which stood at the center of capital culture, society, and politics.

At the end of the Heian period, the largest private land proprietor was the imperial family. The regent's house was nearly as wealthy in land. Complementing the first families of the realm were Buddhist centers--Tōdaiji, Kōfukuji, Kōyasan, Tōji--and Shintō shrines--Iwashimizu Hachimangu, Ise. Religious houses and noble houses were the greatest land proprietors.

It is not so surprising that the same families and temples maintained power for so many centuries in early Japan. They controlled public land through the court bureaucracy and the great bulk of private, productive land through the system of private estates. Because their proportion of private land was so great compared to the total, they remained independently wealthy through most of the Heian period. Just as they were not successfully challenged in court and religious councils, their preeminence in private revenue sources was not rivaled until the twelfth century.

One of the things that made this possible was the qualifications of rights toward land in the form of shiki. Shiki defined
relationships to productive land in terms of division of profits. Land ownership was not indivisible. Quite the opposite. Rights to land were divisible and re-divisible, permitting the ruling elite to retain their position at the center of the lucrative shōen system. When new private lands appeared in the countryside, legal complications and tax avoidance caused the developer of the private land to seek the patronage of one or more of the great estate proprietors in the capital area.

The device of dividing titles to land and rights to its produce was ideal for the purpose of grafting a new political-economic order—the private shōen and kokugyō organizations in the provinces—onto an old legal system of state ownership of land. It also allowed the elite of the old order to translate their prestige and positions into wealth in the growing private sector of productive land.

For the estates which had existed from the first centuries of the state land system, divisibility of land rights meant that vigorous local families could share in the profits from the estates without challenging the proprietary rights of management held by the noble or temple. One individual's possession of private rights toward land did not preclude another's holding rights to the same fields.

It is the degree of abridgment of private rights to land in Heian Japan which is fascinating. Shiki provided the vehicle for dividing and multiplying private rights. It was a complex system, but ideal for the multi-layered administration of private estates. Its greatest strength, perhaps, was its flexibility. The ability of the shiki system of land rights to adjust to a multiplicity of relationships on local
estates allowed the system to survive for centuries, and it did not disappear at the end of the Heian period.
GLOSSARY

aitandokoro 朝所. A building in the inner imperial palace. It housed government offices of the daijōkan.

anju 安主. Local officer on private estates. Anju were generally residents of the estate. Their duties frequently included acting as clerk for one or several estates. Anju was also the title of a post in the house administration of the regent's family and in the public administration of many provinces and districts.

azukari 頭. Estate office manager. Usually azukari dokoro. Azukari were also officers in the house administrations of the imperial family, the regent's family and large temples and shrines.

azukari dokoro 頭所. Manager or custodian of estates. In the Nara and early Heian periods, temples assigned azukari dokoro to one or several estates. The office title came to mean the deputy of the proprietor.

bakufu 幕府. The military governments which ruled in Japan during the Kamakura (1185-1333), Muromachi (1336-1568), and Edo (1600-1867) periods.

betsugu 別宮. Branch shrines. Betsugu also designated private estates associated with religious houses.

bettō 別当. Directors of the administrative headquarters of noble families and religious institutions. Bettō was also used to designate the chief local administrative officers of estates.

bu 歩. Unit of land measure, equal to about six square meters. 360 bu equalled one tan.

bushidan 武士田. Group of warriors or armed peasants. Used for large or small groups. Bushidan were organized around kinship and vassalage.

chō 調. Product tax or tribute in kind, levied on males. Chō was paid in cloth and native products and varied according to the age and physical condition of the taxpayer.

chō 吋. Unit of land measure. Equal to 2.94 acres in the Heian period, about 110 meters square.

chokushiden 禦旨田. Imperial edict lands. Chokushiden was a category in the Taiho codes and Engi shiki of Imperial lands.
under private management which were exempted from land taxes. Chokushiden formed the core of many temple estates.

*chūnagon* 中納言. Middle counselors. High officers in the imperial court.

dainagon 大納言. Great counselors. These were top officers of the court directly under the daijōdaijin.

daijōdaijin 大政大臣. Grand minister. The chief executive officer in the imperial government. The daijōdaijin directed the state administration and presided at government councils.

daijōkan 大政官. The imperial state council in the central government. The daijōkan directed the affairs of government. It was made up of the highest ministers at court. Also pronounced daijōkan.

dempō 傳法. Office in the house administration of Tōji which centralized management of the temple's estates.

denshi 国使. Local office in early estate administrations. It was used in the Nara period in temples' and cloisters' estates, often designating an agent who periodically visited estates but did not reside on them.

dezukuri 出作. "Outside" or "exported" cultivation. Dezukuri was used to designate cultivation by estate residents of land located outside of the estate's boundaries. Sometimes it was used to refer to cultivation of land at some distance from the peasant cultivator's residence. Also pronounced desuku.

ekifu 徐夫. Laborer.

en 園. Garden, yard, plantation, farm.

*fuden* 田. Land farmed by individuals who lived apart from the fields, often on private estates. Also called *fumyo*.

*fukko* 吾持. Sustenance households whose tax revenues were assigned to government officers, aristocrats, and religious institutions. Some were assigned for a short time—for example, the tenure of an office—others were given for lifetime or permanently.

*fumyo* 地名. Land in the public domain which was held as myōden by someone who lived elsewhere, commonly on a private estate. Its revenues were divided between the individuals, the public administration and the estate on which the individual lived. The individuals were called *funin* (真人). Sometimes they farmed land in other estates, with a similar division of produce.
Tax exemption and private jurisdictional rights. **fuyu funyū** was a legal status held by a few private estates which included the right to refuse entry to public officials (**funyū**) as well as exemption from public taxes (**fuyu**).

A tax category which exempted fields from taxes in order to supply revenues for religious festivals of shrines and temples in the capital and in the countryside.

Cultivators and day laborers. People on estates and public land which held no title, right, or contract to field or crop.

Office in local estate administrations. The title **gesu** was often taken by an individual who had commended land to a patron. It signified the possession of management rights over the land.

A local administrative office found in temple held estates in the Heian period.

Township. In the Nara and early Heian periods, **gō** referred to a collection of households, but after the ninth century it generally designated administrative territory.

Chief executive officer of a township. The **gōshi** was an official on the public domain, but in scope of duties and in administrative powers, the office was similar to the manager of a private estate in the late Heian period.

District or county. The provinces were divided into districts for administrative purposes.

District officials, usually the governor of the district and his chief officials.

"First-born of the god of war." Popular name of Minamoto Yoshiie (1039-1106), warrior, aristocrat, patron, and estate proprietor.

Rice fields in the public domain which were allotted to peasant households according to the number of members in a household and their ages.

Partial tax exemption. Partial exemptions applied to many fields on private estates.

Plain or moor. **Hara** was used as a designation of private land as well as a common place name.
harita 治田. Reclaimed or developed rice land. By law in the Heian period, this land could be held privately, but not outside of public legal jurisdiction and tax authority.

Heian-kyō 平安京. Heian period name for Kyoto, the capital.

ho 保. Administrative unit, originally designating a group of five households. It came to be used as an indicator of private land in the Heian period.

hokke 北家. One of several branches of the Fujiwara clan in the Heian period. Hokke referred to the "northern branch." There were also branches titles "southern," "capital," and "ceremonial." The hokke was founded by Fujiwara no Fusasaki (681-737), second son of Fubito (659-720). It dominated the highest posts in the imperial court and government, and virtually ruled society in the capital in the mid Heian period. A member of the hokke traditionally held the post of regent or chancellor.

honjo 本所. Central proprietor. Honjo designated the proprietor or patron of a private estate. It also referred to an estate's administrative headquarters.

honke 本家. The highest level of estate titles. Honke denoted the patron or protector of the estate who acted as a legal guardian. Only high ranking nobles and great religious houses could use the title honke.

honshō 本庄. Original estate. Honshō designated the estate as constituted when founded or when it was granted a charter by the government.

hyakushō 百姓. A general term for peasants. Hyakushō were free peasants on public land. In estates, hyakushō shiki defined rights of peasants to cultivation.

ichien 一甸. Unabridged rights. The proprietor of an ichien shōen had complete fiscal jurisdiction over the land.

iden 仕田. Rank fields. Iden were given by the court to nobles of the fifth rank and above. The land was productive rice land and provided private income to the individual.

in 院. 1. A retired emperor. 2. Cloister, villa. Small temple within a temple complex. 3. Heian period social reference for persons, using their "in" in place of their names.

insei 院政. Cloister government. Political term for the administrations of the retired emperors during the period 1086-1185.
Iryōden 井田. Fields which were exempted from public taxes in order to provide revenues for temple irrigation projects and for the repair and maintenance of private water ways and ponds.

Jiden 寺田. Temple fields. Jiden became a category of tax exempt land after 701 AD.

Jiinden 寺院田. Land of temple cloisters. It was a tax category granting exemptions to land in order to provide revenues for religious institutions.

Jinushi 地主. Landlords or landowners. Jinushi did not refer to landowners of noble rank.

Jishi 地子. Land tax paid on non-rice lands in estates. Jishi was often paid in kind.

Jishi kanmotsu 地子官物. Land tax paid in kind.

Jishu 寺主. High ranking office in temple administrations during the Heian period. The jishu supervised business matters, including affairs relating to private estates.

Jitō 地頭. Steward. A shōen official. During the Heian period, the jitō was commonly a local estate manager. In the following Kamakura period, the jito was often appointed by the bakufu.

Jō 条. Thirty-six ri. A measurement of land area in a long, narrow row or strip running east to west. Rows were numbered north to south.

Jōri 条里. A system of land survey, measurement and boundary placement of the Nara and Heian periods. Productive farm land was divided into square blocks. Sections running from north to south were called ri, those running from east to west were called jō. Each square was further divided into thirty-six equal segments of land, six to a side, called chō.

Jōshi 上司. A local estate office or shiki in mid and late Heian private estates.

Jōza 上座. Supervisory office in the house administration of some Heian period Buddhist temples. The jōza was responsible for general temple business matters.

Kachō 加政. In the Heian period, kachō were taxes which were added locally and were in addition to the regular annual state taxes.

Kajishi 加地子. Taxes or charges on private estates paid in kind and frequently assigned to fields held by landlords within the estate. Kajishi shiki indicated the right to collect kajishi from tenants.
kampaku 閣白. Chancellor, regent. Kampaku served as regents during the adult life of reigning emperors and were often the real power behind the throne in the ninth, tenth and eleventh centuries. The appointment to kampaku was monopolized by the northern branch of the Fujiwara family.

kanden 官田. Publicly owned fields which were assigned to provincial and district public offices in order to provide revenues for salaries and public expenses associated with the offices.

kanmotsu 官物. Taxes or charges, usually assigned to non-paddy crop lands.

kanshōfu 官省符. A government charter of tax immunity for private estates. Kanshōfu were issued by central offices such as the minbushō and daikans and served as titles to private land.

kashi 加子. A shiki in the late Heian period and after, designating cultivation rights on private estates.

kendenshi 植田使. Land agent. Agent or official who examined land records, surveyed land, examined crops and drew up land schedules for assignment of taxes and rents.

kengyō 植校. A local estate administrative office. A middle management post. Kengyō also was used for an office in the house administration at temple headquarters.

kintōmyō 均等法. Uniform sized landlord holdings (myōden). The equal size allowed simple, uniform rents and taxes to be levied on many estates in the late Heian period.

kirokujo 記録所. Shortened title of the shōen records review office established in 1069—kiroku shōen kenkeisho （記録上園系抄所）.

kishin 當せ. Commendation or endowment. Transfer of land title or rights to income from public or private sources to a family or institution.

kōden 功田. Merit land. Given by the court to the meritorious. Also called kuden.

kōden 公田. Public fields. Originally designating rice fields outside of the official public census, it came to refer to land under public taxation by the mid Heian period. Kōden were commonly rented to cultivators. Also called kuden.

koku 石. Dry measure. 180 liters, or about five bushels.

kokubunji 国分寺. Provincial temples, associated with the government. In 737, the Emperor Shōmu ordered a temple and nunnery established in each of the provinces. Tōdaiji was the central
kokubunji and the headquarters for the semi-public system of Buddhist establishments.

kokugaryō 国衙領. Public domain. After the tenth century, it was land under provincial authority which was managed privately.

kozōden 古造田. Shōen fields exempted from public taxes in order to provide for artisans and craftsmen working on temple buildings and grounds.

kubunden 口分田. Fields allotted to cultivators registered in the public household rolls during the Nara and early Heian periods.

kuji 公事. Public or private taxes on property and households in late Heian and Kamakura Japan. Kuji was often levied on people, not land.

kumon 公文. Estate official who was usually a local resident. Duties often included record keeping.

kuraryōden 倉料田. Shōen fields which were often exempted from public taxes in order to provide funds for private warehousing expenses on estates.

kyūden 納命田. Salary fields. Paddies which were attached to private estate offices. Rents and taxes went to the office holder.

kyūdenbata 納命田畑. Salary lands. As with kyūden, tax revenues from kyūdenbata served as wages for officials of private estates.

kyūmyōden 納名田. Private paddy fields on private estates which were divided in title between the estate's proprietor and one or more resident estate officials. The proprietor received land taxes and the resident officer received added and miscellaneous charges.

mandokoro 政所. Family or house administrative offices which managed private lands and the business affairs of the noble house or religious institution.

myōden 名田. Paddy land which was connected in land surveys to an individual. A name (myō) was appended to the land in the text of the survey. The individual could rent the land to a tenant.

myōshū 名主. Landowner or landlord. An untitled person holding proprietary rights to productive land. Myōshū varied greatly in size of holding. Large holdings often meant semi-official duties for the myōshū such as tax allocation and collection from peasants who worked their fields.

nenqu 年貢. Land taxes or rents on rice lands in private estates.
ri 里. A measurement of land area consisting of thirty-six chō arranged in a square with six chō to a side. A ri was about one hundred acres.

rikken 立卷. Land titles or documents of land holding for non-titled individuals.

rinji zōyaku 临时雑役. Extraordinary taxes. These taxes were generally initiated by the court and were used for special purposes such as construction of burnt palaces or governmental structures, for festivals and coronations, and for rebuilding state Shintō shrines.

ronin 浪人. In Heian times, ronin were vagrants and those individuals who were outside of the public land and household registers.

rusudokoro 留守所. Resident manager or deputy of the provincial governor. The rusudokoro conducted provincial business in the countryside.

ryōke 領家. Estate proprietor. Ryōke were high ranking nobles and rich religious institutions who held title to estates.


ryōshu 領主. Proprietor, shōen holder. Ryōshu were often local residents or members of the families or institutions of the capital elite who held estate management rights and/or rights to taxes and rents from the land.

sakunin 作人. The general population of agricultural workers of private estates. Some sakunin lived on estates, others did not.

sakushiki 作職. Cultivation rights. In the shōen system there was a variety of cultivation rights held by peasants toward the land. In the early Heian period, land was often contracted on short term, but by the twelfth century there had developed long term or permanent cultivation rights which were alienable and inheritable.

sanden 散田. Scattered fields. Sanden were estate paddy fields which were not part of a coherent block of land. They were often contracted out to peasants for cultivation.

sankō 三系関. The three offices which collectively acted as supervisors of temple business in many Heian period Buddhist temples. The three offices were the jōza, the jishu, and the toina.

sekkanne 摂関家. The branch of the Fujiwara family from which the imperial regent and chancellor were traditionally appointed.
sentō 職 . A local office in private estates. The sentō often
headed the local administrations of small estates.

sesshō 撮政 . Imperial regent of a minor emperor.

shaden 社田 . Shrine fields. Productive fields which were held
and managed by Shintō shrines, or from which revenues came to
support the shrines.

shi 司 . Officials in both public and private service. The title
often appeared in compounds such as provincial governor (kokushi
國 司 ).

shiden 賜田 . Productive lands which were given by the court to
high ranking nobles for service or as favors in the Nara and
Heian periods.

shiki 職 . Rights to land or administrative posts. Originally
offices or obligations, shiki came to mean sinecures to titles
or profits from land.

shikiden 獻田 . Office rice fields. Along with their households,
shikiden were attached to offices in the court and high govern­
mental bureaucracy. Taxes from the fields went to the office
holder.

shiryō 私領 . Private holding. Hereditary possession of land title
by an untitled person.

shō 庄 or 庄 . Private estate. Villa, inn.

shōchō 庄長 . Local office in private estates in the Heian period.
Usually the chief officer of the estate's local administration.

shōen 草園 . Private landed estates.

shōgun 將軍 . Shortened name of the barbarian-subduing generalissimo
(sei-tai-shōgun 征夷大将军 ). The shōgun was the military
leader of Japan from 1192 to 1868.

shōkan 草官 . Shōen officials, usually resident management officers.

shōmin 草民 . Residents of private estates. The term usually
designated individuals who held no office on the estate or rights
to estate land.

shōmokudai 庄司代 . Local estate office in the Nara period.

shō no azukari 草頭 . Deputy of the estate proprietor. Duties of
the shō no azukari often included overseeing or managing culti­
vation and tax collection on private estates.
shōryō 所領. Local estate office in the Nara period.

shōshi 庄司. Local estate offices or officers. The term was frequently used as a general reference to the local administration of private estates.

shōshi 庄使. Local estate officer in the Nara period. The duties of the shōshi varied, but the officer generally acted as an agent of the proprietor.

shotō 所當. A combined tax of grain and products on private land. Also known as shotō kanmotsu.

shōyū 所有. Private ownership of land.

shugo 守護. Constable. In the Kamakura period, shugo were appointed by the military government and acted as intermediaries between the bakufu and local families who were vassals of the ruling military families.

so 日. Also denso (田相). Land tax on rice fields in the Nara and early Heian periods. So was calculated according to the amount and fertility of the field.

sōhaku 相博. Exchange of land as opposed to its sale or purchase.

suiko 出舉. Loaned rice and its interest. Originally a means of introducing new strains of rice seed and a hedge against starvation in the countryside, suiko became a tax in the Heian period due to compulsory rice loans and high interest rates.

tairyōshi 大給使. A local official in the Heian period.

tan 段 or 反. Unit of land measure. Ten tan equaled one chō. One tan was equivalent to about three tenths of an acre, or 12,800 square feet.

tato 田帳. Also tato (田刀) or 田頭) and dento (田首). In the tenth and eleventh centuries, tato were peasants who contracted for land on private estates. Until the mid Heian period, tato had no rights to the land beyond cultivation, but gradually they acquired management rights to the land which were made explicit by contract or by attaching the family name to the land in private estate surveys.

tō. Dry volume measure. One tenth of a koku, or about eighteen liters.

tōina 都維那. Office in Heian temple house administrative organs which supervised upkeep and maintenance of the temple.

tōne 刀柄. Local officer on private estates.
tōryō 頭領. Local estate officer.

tsuishō 追捕使. Local estate officer.

-tsukuda 佃. Fields on estates which were tilled by contract or hired day labor. Tsukuda were usually directly controlled by the estate proprietor or an agent of the proprietor and were often the best fields on the estate.

tsukurite 作手. Rights to cultivation of land. Tsukurite rights normally did not include the rights to a percentage of the harvest, but only security from being denied access to the land to cultivate it.

ukesaku 諸作. Contract cultivation of estate land by agreement with the estate proprietor or management.

ukesho 諸所. Contractual agreement between an estate and an estate resident, such as a myōshū or an estate official, authorizing the resident to collect and deliver taxes.

wajū 輪中. Developing paddy land from sea coast dune land.

yashiki 屋敷. Residence and residential land. Often garden land attached to the household was included under the rubric "yashiki."

yō 布. Textile taxes. Originally a commuted labor tax, it became by 800 AD a standard government levy.

yoryūdo 宅人. Villeins. Cultivators of estates who were frequently small land owners as well. Yoryūdo usually contracted for estate land.

zaichi ryōshū 在地領主. Local landholders.

zaichō kanjin 在方官人. Resident provincial officials. In the late Heian period, these officials stood at the head of local and provincial public administrations.

zaike 在家. Peasant families or households. Also used in documents to refer to a family's residence and neighboring land.

zeichō 稅長. A local official. Zeichō were often appointed to supervise public warehouses and administer the loaning of rice and the collection of suiko.

zōji 雜事. Public service taxes and dues owed by local residents. Zōji were levied on individuals, not on land.

zōjishi 近寺司. Office in the central administration of temples which handled revenues. In the Nara and early Heian periods, the zōjishi was in charge of matters relating to estate management.
Provincial officials in Heian times. In the middle and late Heian period they assumed many functions of the provincial governor, especially tax management.
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