

Hatamoto Rule: A Study of the Tokugawa Polity as a Seignorial System

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Because of the restrictions on movement and social interactions due to Covid-19, I have not been able to gain access to the source for the data for Table 1. I hope to be able to add this table at some future time. 16th April, 2020. JFM

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In the period of confusion following the surrender of Edo Castle to the Restoration army in 1868, amid rumours concerning the fate of the holdout elements of the Tokugawa forces, another unrelated story was making its way across the Kantō Plain surrounding Edo. A certain *hatamoto*¹ had returned to his fief in an attempt to extract emergency funds from his peasants. Enraged, the peasants had killed him, and then eaten his flesh.² The killing of one's lord itself was shocking enough, but that the peasants had supposedly then devoured him lent this rumour a horror appropriate to the upheavals of the time. Whether this story was true or not, for peasants on the Kantō Plain, the simmering and accumulated hatred toward the *hatamoto* it assumed was understandable, and therefore believable. However, what peasants across the Kantō Plain knew in 1868 has been more than ignored in mainstream modern research: it has been systematically argued to have been either insignificant, or impossible.

The nature of the Tokugawa polity and the problem of state formation in Tokugawa Japan are emerging as a new subject of debate in English-language studies (Berry 1986, White 1988), but the parameters of the debate as it is forming ignore some of the basic structures of power and social control in Tokugawa Japan. From an earlier ambivalence about the nature of rule in Tokugawa society, a clear consensus has emerged that in this period, rule was concentrated in the hands of the Bakufu and some 270 daimyō. Rule and social control are seen as having been essentially bureaucratic, with the role of lesser samurai as seigneurs being merely titular at best.

This paper argues that an examination of *hatamoto* fief-holding forces one to

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¹ The word *hatamoto* has been variously translated as 'bannerman' or 'liege vassal.' We can define a *hatamoto* as (a) being a direct vassal of the Tokugawa Shōgun, (b) with a fief assessed at less than 10,000 *koku* of rice, (c) with the right of personal audience with the Shōgun, and (d) receiving his fief directly and individually, rather than as a member of a company. For a discussion of *hatamoto* in English, see Conrad D. Totman (1967: 131-132).

² The 'factual version of this incident is given in Yamada (1968:43). The lurid version comes from the *Goyō-dome* (uncatalogued) of a village headman in modern Chiba Prefecture, in the collection of the Tōhoku University Library Collection.

the conclusion that this view of Tokugawa Japan is unnecessarily one-sided, and that the Tokugawa state was essentially a seigneurial system.³ After a brief survey of the historiography of research on *hatamoto* fiefs to show how certain basic assumptions about feudal society and Tokugawa society in particular have skewed mainstream research, this paper examines the actual historical content of these fiefs, demonstrating that these occupied a significant position within the Tokugawa system of landholding. Moreover, since existing conceptions of *hatamoto* rule are intimately intertwined with conceptions of the nature of the state and class rule in Tokugawa Japan, arguing that *hatamoto* fief rule formed a meaningful part of the overall apparatus of social control requires one to address the problem of the nature of the Tokugawa state. This paper concludes with a consideration of the term ‘seigneurial system,’ as a key idea for understanding the structure of the Tokugawa state, and with a series of speculations about how our immediate ‘factual’ conclusions concerning *hatamoto* fiefs may affect our overall interpretation of the Tokugawa polity.

Summary of Contemporary Research on Hatamoto Fiefs

No original English-language research exists on *hatamoto* fiefs and only two studies, Totman (1967: 131-141) and Yamamura (1974:40-41), use secondary sources to deal with the subject in passing. When Totman wrote, research on *hatamoto* was, as he admits, still very limited and his conclusions were of necessity tentative (p.131). In particular, his sources (principally Mori {1960}, Suzuki {1971}, Kitajima {1964}), include no proper case studies of small to middle-sized fiefs (i.e. those of less than 2,700 *koku*), which are the fiefs that really form the centre of debate on the content of *hatamoto* landholding (see Table 1). Yamamura’s monograph on *hatamoto* incomes concludes on scarce evidence ‘that it was unlikely that any bannermen (*hatamoto*) significantly increased their income by exploiting’ the opportunities offered by fiefholding (p.41), as by the ‘beginning of the eighteenth century, the bannerman had exchanged a large part of his authority as the master of his fief for his peasants’ favors in the forms of advance payments and loans from wealthier peasants’ (p.40). Yamamura’s conclusion largely conforms to standard interpretations of *hatamoto* fiefs at the time he wrote, but struggling through the tangle of his footnotes to the parts purportedly providing the basis for his assertions reveals that most of his sources are either irrelevant to the discussion, do not provide the

³ A full explanation of the term ‘seigneurial system’ as used in this paper is left to the Conclusion, since this term itself is part of this paper’s conclusion. For immediate purposes, a seigneur may be defined as a landholder who rents to cultivators who are at least nominally unfree. A seigneurial system is a system where such landholding provides the basis for the ruling class.

purported supporting evidence, or worse, actually contradict what Yamamura claims.⁴ In particular, Yamaguchi (1962) is quoted as a case study providing the evidence for above quote claiming that the *hatamoto* did not enjoy rises in tax rates on their fiefs after the eighteenth century, which Yamaguchi does state. However, Yamamura totally ignores the main thrust of Yamaguchi's argument, which is that, far from relinquishing their seigneurial powers in the eighteenth century, the *hatamoto* used non-voluntary loans and advances instead of heavier direct taxation as a more suitable way of consistently increasing the income derived from their fiefs. About the most polite thing that can be said about Yamamura's limited statements on *hatamoto* fiefs is that they are a misreading of his sources; as serious academic work, they do not warrant consideration.

Returning to Totman, the single most influential source used by him to describe *hatamoto* fiefs in general appears to be Kitajima (1964:368-395), whose extensive study of the Tokugawa Bakufu remains a standard reference work today. Totman follows Kitajima in all the latter's major points of argument. Kitajima divides *hatamoto* into two groups, claiming that the 250 or so *hatamoto* with fiefs of over 3,000 *koku* were allowed rights of governance equivalent to those of a daimyō and, like daimyō, rotated their place of residence between their fief and Edo. He claims that *hatamoto* with fiefs of less than

⁴ For example, one of the central pillars of Yamamura's argument, the assertion that tax rates on *hatamoto* fiefs were controlled by the Bakufu (p.40), is supported by three digressive footnotes, in which only Shinmi(1967:89-98) and Sasaki (1964: 232-235; 353-357) are actually tangentially relevant. Shinmi as referenced provides a long discussion of the mechanics of allotting fiefs, not within the Tokugawa Bakufu but within Owari domain, with only a passing remark that the Bakufu probably followed the same system of allotment. This is a far cry from proving that the Bakufu controlled rates of tax on *hatamoto* fiefs! Sasaki (pp.232-235) quotes a famous Bakufu edict of 1602 concerning the settlement of disputes between *hatamoto* and fief peasants over rates of taxation, in which the Bakufu expressly disavows responsibility in matters of rates of collection on *hatamoto* fiefs and established grievance procedures for disputes only in exceptional cases: again, hardly clear evidence of the Bakufu establishing guidelines for intervening in *hatamoto* fiefs on a regular basis, as Yamamura would have one infer. The second reference to Sasaki (pp.353-357) is irrelevant to Yamamura's main text. Shinmi is directly misquoted elsewhere on the matter of land reclamation on *hatamoto* fiefs (Yamamura: p.39 footnote 22). Shinmi suggests as an educated guess that land reclamation conducted on *hatamoto* fiefs accumulated to the *hatamoto* free of the duty to provide extra military service (p.91); in modern terms, Shinmi is suggesting that *hatamoto* received any extra income from land reclamation tax free. Yamamura, however, misreads Shinmi as saying that *hatamoto* rarely gained any extra income from land reclamation, which is not only a gross distortion of Shinmi, but also ignores the explanation Shinmi provides for why Yamamura's database drawn from official Bakufu records does not reveal any significant land reclamation by *hatamoto*.

3,000 *koku* were required to collect tax/rent⁵ on their fiefs at rates established by the Bakufu and lacked independence in judicial matters. Furthermore, as a result of Bakufu policy in breaking up the unit character of these smaller fiefs through fief re-allotments, most men holding fiefs of under 3,000 *koku* left administration to the local Bakufu intendant (*daikan*). Put simply, this view states that *hatamoto* of over 3,000 *koku* could not have maintained strong control over their fiefs, while those of less than 3,000 *koku* lost effective control as a direct result of Bakufu policy.

Kitajima's argument that the dividing up and scattering of individual *hatamoto* fiefs must have resulted in the fief-holders' losing effective control of their fiefs has been refined by later Japanese scholars who emphasise the central role that control of the village community (*sonraku kyōdōtai*) had as the foundation of social control in the Tokugawa period. According to this argument, since the majority of *hatamoto* fiefs did not occupy a whole village, the fief-holder could not control the social unit that was the key to effective rule. Therefore, it is assumed as self-evident that smaller *hatamoto*, whose fiefs were typically divided up and scattered so that no part covered the whole of any one village, could not have exercised effective control over their fiefs.

In the above arguments of Totman, Kitajima and others for the lack of significant seigneurial powers by *hatamoto* with fiefs of less than 3,000 *koku*, the crux of the argument hinges not on the actual confirmed content of *hatamoto* fief rule so much as it does on the definition of 'significant' or 'effective' fief rule. Significant rule is commonly defined as that exercised by a 'independent feudal lord' possessing full and autonomous powers of administration, taxation and jurisprudence. This definition of an 'independent feudal lord' is not derived from an analysis of the realities of 'feudal rule' in any real historical context: it is simply a reiteration of the composition of the extra-economic compulsion exercised by a hypothetical 'feudal lord' extracting surplus production from unfree serfs in the classic Marxist definition of feudalism as a system of land-holding.⁶ In other words, it is nothing more than part of a larger theoretical construct. While 'historical facts' can only acquire 'meaning' through the filter of the historian's interpretation, historical theory divorced from any historical reality is merely vaporous. It is therefore not surprising that when measured by this definition the greater majority of seigneurs in Tokugawa Japan appear to have not possessed significant rights

⁵ Both in their historical derivation and function at the time, the dues paid by peasants to rulers in Tokugawa Japan combine the aspects of both public tax and private ground rent. The awkward compromise of 'tax/rent' has been adopted to express the Japanese word *nengu* (lit. 'annual tribute').

⁶ Kyōto Daigaku Bungakubu Seiyōshi Kenkyūshitu Hen(1958), Entry for *keizaigai kyōsei Ausserökonomischer Zwang* (p.212).

of fief rule. If measured by this standard, most seigneurs in Medieval Europe, for example, would not have counted either (Morris 1988:14-20). The fundamental problem with this definition of 'significant rule' is that it fails to acknowledge the necessary relationship between individual seigneurial rule and state power. On the one hand, it fails to appreciate that not only can the state intervene to support the purposes of the seigneurs as well as to suppress them. More importantly, it fails to acknowledge that in a seigneurially-organised society the state and seigneurial power do not merely coexist: each needs the other.

The influence of the above preconceptions concerning the village as the basis of rule and the definition of significant seigneurial rights has resulted in the long-held assumption that *hatamoto* fiefs were insignificant, not because a proper examination of *hatamoto* fiefs *per se* has demonstrated this, but because certain basic ideas governing research into the Tokugawa period have defined things to have been so. This is a classic case of scholars' perceptions shaping their view of 'the facts' more than 'the facts' informing their perception. Nevertheless, research in local history in recent years has unearthed a wealth of documentation which has cumulatively begun to force a rethinking of the realities of *hatamoto* fiefs.⁷

The Size and Distribution of Hatamoto Fiefs

Since *hatamoto* fiefs are a form of landholding, we need to know something about their physical characteristics in order to establish that they actually represent a significant form of Tokugawa period landholding.

The distribution by size of *hatamoto* fiefs granted in land in the early eighteenth century is summarized in Table 1. The greater majority of *hatamoto* fiefs were in the range of 500 to 3,000 *koku*. Conversely, of those *hatamoto* who received their fiefs as stipends paid from the Bakufu granaries (slightly over 50% of the total number of *hatamoto*), only some 2% or so received fiefs of over 500 *koku*. As a rule of thumb, therefore, we may consider that the effective dividing line between fiefs granted in land and those granted as stipends to have lain at the 500 *koku* line (Suzuki 1971:205). Including those *hatamoto* with fiefs of under 500 *koku*, in the early eighteenth century the number of *hatamoto* holding landed fiefs was 2,354 men. The total size of their holdings amounted to 2.7 million *koku*, surpassing in size the aggregate assessed holdings of the three largest daimyō of Tokugawa Japan (the Maeda of Kanazawa, the

⁷ The strength of existing preconceptions in distorting interpretations of evidence is related by Shirakawabe (1988:122 footnote 25), who shows how existing models of Edo period society have formerly led scholars, including himself, to adopt conclusions in opposition to the very evidence that they themselves have uncovered.

Shimazu of Kagoshima, and the Date of Sendai [KKS 2:382]).

Hatamoto fiefs were distributed throughout the length and breadth of Japan in a total of 3,778 blocks. However, their highest concentration was in the provinces of the Kantō Plain around Edo, the shogunal capital. This area contained 3,009 blocks accounting for 79.6% of *hatamoto* fiefs. Another 401 blocks or 10.6% were concentrated in the former Tokugawa homelands of Mikawa and Suruga Provinces (Suzuki 1971:223, Table 2). Comparison with other forms of seigneurial landholding on the Kantō Plain yields some perspective on the aggregate size of *hatamoto* landholding around the shogunal capital. Within the provinces surrounding Edo, *hatamoto* fiefs outnumbered in total *kokudaka* (aggregate value assessed in *koku* of rice) both daimyō and Bakufu lands (*tenryō*) in the provinces of Musashi and Kōzuke; in the province of Awa it represented the largest form of private seigneurial landholding (Suzuki 1971:221-227). In the other Kantō provinces, *hatamoto* fiefs were at the very least a major, if not the dominant form of seigneurial landholding (KKS 2:382).

This overview of the distribution of *hatamoto* fiefs brings out two problems relevant to our understanding of them.

Firstly, Edo and its environs were the heartland of Tokugawa power. Tokugawa prestige, and hence legitimacy,⁸ depended to a large extent on the maintenance of law and order within this politically sensitive region in order to demonstrate the moral superiority of Tokugawa rule. Yet the distribution *hatamoto* fiefs meant that, in lieu of any Bakufu institutions to replace them,⁹ one of the necessary preconditions for the maintenance of peace on the Kantō Plain was the proper functioning of *hatamoto* seigneurial holdings.

Secondly, the persistence of several hundred *hatamoto* holdings in the Kinai region poses a major problem for one traditional explanation for the effective demise of small-scale seigneurial holdings in Tokugawa Japan. Small-scale seigneurial holdings

⁸ The word 'prestige' here is used with the special meaning given by Watanabe Hiroshi to the role that this word played as a key term in maintaining Tokugawa authority (1986). Watanabe points out the importance of maintaining and image of undamaged, and hence undamageable, prestige played in maintaining Tokugawa control. Serious social disturbances in the area surrounding Edo would strike at the very heart of this 'system of prestige.'

⁹ Individual *hatamoto* might ask Bakufu intendants (*daikan*) responsible for Bakufu lands near their fief to perform certain tasks such as assessing standing crops for tax/rent. However, these were individual actions performed as personal favours between friends and in no way constitute a Bakufu policy of replacing *hatamoto* fiefs with control by intendants. For example, the Murakoshi (1,200 *koku*) had the Bakufu intendant assess a 33 *koku* fragment of their fief in Sagami Province from between 1646 to 1648. By 1654, however, the Murakoshi were assessing taxes by themselves (KKS 8 Jō: 55-59 {137-141}).

(i.e. those of daimyō retainers and *hatamoto*) are generally supposed to have either atrophied or have been totally eliminated by the socio-economic changes of the early seventeenth century, and to have survived only in more 'backward' areas of Japan. Whatever 'backward' may mean, all scholars agree that the Kinai was the most 'advanced' region in contemporary Japan. Moreover, the persistence there of *hatamoto* fiefs has long been recognized by scholars. It is widely held that these *hatamoto* fiefs were large, often over 3,000 *koku*, and this size accounted for their persistence. In other words, *hatamoto* fiefs in the Kinai region have been considered a special case, according to the division of *hatamoto* seigneurial rights suggested by Kitajima and followed by Totman. However, in reality, the majority of *hatamoto* fiefs in the Kinai region were not necessarily larger than 3,000 *koku* (Sasa 1986:22-28). Furthermore, actual case studies of smaller *hatamoto* fiefs reveals that, while the purported significance of the 3,000 *koku* dividing line in determining *hatamoto* status may be important in determining military function and ceremonial status, it has only a very limited relation to rights of fief rule (see below). Unless more convincing evidence is advanced for making *hatamoto* fiefs in the Kinai region a special case, the linkage commonly purported to exist between socio-economic 'backwardness' and the survival of small-scale seigneurial holdings must be brought into question.¹⁰

Despite the significance in itself of the size and distribution of *hatamoto* fiefs, focusing too much on these aspects runs the risk of reducing the problem solely to a matter of the regional history of Kantō village society. This obscures the larger theoretical issue, that is, the pivotal role of the *hatamoto* in defining the relative position of the different types of seigneur within the Tokugawa polity and the overall nature of the system itself. It is this larger framework that gives the issue of *hatamoto* seigneurial holding its larger significance, and which is the main issue to which we must turn. Before doing so, it must be noted for clarity's sake that at this stage, this paper focuses solely on the matter of *hatamoto* fiefs, and deals with the matter of daimyō retainer fiefs only in so far as they provide a contrast to the former. Therefore, this paper does not purport in any way to provide an adequate discussion of the latter, for which interested readers should consult Morris (1988).

The Structure of *Hatamoto* Fiefs

¹⁰ *Hatamoto* were not the only small-scale seigneurs in supposedly 'advanced' regions of Japan. For an outline of small-scale seigneurial holding throughout Tokugawa Japan, see Morris (1988:23-24).

If the social changes underlying the formation of the Bakuhan system did not lead to the effective demise of small-scale seigneurial holding, we need to define in what ways we can consider *hatamoto* fiefs to have been historically significant. This task is twofold: the flaws in the argument for the effective demise of *hatamoto* landholding must be demonstrated, and those features of *hatamoto* landholding which lend it historical significance must be delineated. In practice these two tasks are interrelated, and an examination of the factual bases of the fundamental arguments for the effective demise of *hatamoto* landholding will also serve to demonstrate the salient features of actual *hatamoto* fief rule. Prior research on *hatamoto* fiefs as represented by Kitajima and Totman raises three issues to be considered: the relationship between the *hatamoto* fief and village society; *hatamoto* rights of taxation; and *hatamoto* powers of jurisprudence.

1. *Hatamoto* Fiefs, the Village Community, and the Peasant

One major obstacle to seeing *hatamoto* fiefs as a viable form of seigneurial holding lies in standard interpretations of the nature of the fundamental relationship between samurai rule and the village community. One essential characteristic of Tokugawa period samurai rule is that it was based on control through the agency of the peasants' own social unit, the village community. This contrasts with the pre-Tokugawa situation, where samurai or their retainers lived in the village and could exercise individual and direct control over each peasant family. Collection of tax/rent, maintenance of the land and family registers, allotment of corvée service, maintenance of local law and order, and in fact almost any aspect of aspect of Tokugawa control of the countryside required the support of the village community in order to function. It was the irreplaceable – and the sole – institutional link between the urbanized samurai seigneurs and the peasant producers on whom they depended for their livelihood. Therefore, the fragmentation of *hatamoto* fiefs meant that in many cases the *hatamoto* did not control all of any one village, and therefore apparently lacked control of the *sine no qua* of Tokugawa seigneurial control. However, an examination of the internal structure of *hatamoto* fiefs reveals that, in spite of seeming fragmentation and lack of control of the village community, the fief nonetheless still served as an adequate vehicle for implementing viable control over fief peasants.

Since the vast majority of *hatamoto* fiefs were apportioned by the Bakufu, Bakufu policy on the matter of fief allotment provides the first key to understanding the social foundations of *hatamoto* rule and how this affected the relationship between *hatamoto* and the village. In line with the views advanced by Kitajima, it has long been common practice to see the fragmentation of *hatamoto* fiefs as a result of a conscious

Bakufu policy to limit control of *hatamoto* over their fiefs. However, closer examination of Bakufu policy in fief allotment reveals this view to be both superficial and biased in its reading of the evidence.

First, at the village level, the fragmentation of *hatamoto* fiefs has too often been assumed without a sufficiently critical examination of the evidence. In reality, the Bakufu took great pains to allot fiefs in such a way as to preserve both the geographic unity of the fief within a village and the one-to-one relationship between *hatamoto* and fief peasants. Of the two, the relationship between *hatamoto* and fief peasant was given precedence over geographical unity, so that while a fief might end up appearing geographically scattered within a village, the basic rule of 'one peasant, one seigneur' was maintained. Even when this basic rule could not be observed in full, a minimal number of holdings were divided with the clearly greater part of each divided holding falling within one single fief. Under this system of division, dividing peasant holdings between different seigneurs did not lead to a blurring of the distinction between which peasant belonged to which fief, as is assumed by Kitajima and others who ignore the matter of relative size in the division of peasant holdings. Thus, if following Kitajima, one merely counts the number of peasants with holdings divided between multiple seigneurs, one reaches the conclusion that peasant holdings were very divided, whereas, in terms of the actual amount of land divided, the division was marginal (Shirakawabe 1986:84-109). Furthermore, not only did the Bakufu and the *hatamoto* strive to maintain the principle of 'one peasant, one seigneur,' but also evidence suggests that the villagers themselves wished to avoid the prospect of double seigneurial jurisdiction (Nishiwaki 1986:183-186). Therefore, when considering *hatamoto* rule, we can assume that each block of the *hatamoto* fief had as its basic unit of control a set of discrete peasant holdings.¹¹ Bakufu intentions in distributing fiefs in several blocks distributed over a wide area seems to have been more concerned with assuring the *hatamoto* an equitable balance in income, rather than in destroying the basis for their rule (Shirakawabe 1986:108-109).

¹¹ The pattern of a one-to-one relationship between seigneur and fief peasants began to break down with the growth of tenancy and changes in the pattern of peasant holdings, a trend that became pronounced from the close of the eighteenth century. This phenomenon was not restricted to *hatamoto* fiefs, but affected all seigneurial holdings, including Bakufu lands. Unlike the Bakufu, however, the smaller seigneurs took steps to retard the scattering of peasant holdings by attempting to limit movement of peasant titles outside of the fief (see Table 2, below), or even by providing funds to reclaim titles that had been bought by off-fief peasants (Nishiwaki 1986:189).

However, even if one assumes that the Bakufu itself had no intention of weakening *hatamoto* fiefs by fragmenting them, the larger problem of the relation of *hatamoto* rule to the village community remains to be answered. Few scholars today would question the fundamental role of communities (*kyōdōtai*), in providing the basis for social control under the Bakuhan system. The problem in dealing with cases of multiple seigneurial holdings within a single village community and seigneurial is that a one-to-one equivalence between village community seigneurial land-holding has too often been assumed to be the necessary precondition for control of the village. However, the very nature of both the Tokugawa system of landholding and the Tokugawa village community make this assumption difficult to support.

It may be possible to assume a relationship of one seigneur per village within most daimyō domains, where, if one totally ignores the role of the Bakufu, usually only one seigneurial jurisdiction existed throughout the whole domain. However, daimyō domains represent only one of several forms of seigneurial landholding in Tokugawa Japan. Under the Bakuhan system, or indeed in any seigneurially organized polity, individual seigneurial holdings existed within and were supported by the larger organization of the state. While each seigneur was individually responsible for realizing the benefits of his or her title, seigneurial landholding as such was a right guaranteed by, and a subset of, the functions of the whole state. Tokugawa seigneurial control of the village was not exercised on an individual basis: it was a complex web of different layers of titles supported by the overall structure of the system and independent of any one of its parts. Considering the nature of seigneurial rule under the Bakuhan system, there is no reason inherent in the structure of the seigneurial system to expect a one-to-one relationship between each individual seigneur and village community.

It is also a mistake to reify the Tokugawa village community as a single unified entity. The textbook model of the Tokugawa village is an ideal model based on trends which proceeded at different rates in different parts of the country. Not all villages in Japan developed at the same rate nor necessarily in the same direction. Moreover, the model assumes a village where rice production in wetfields was the dominant crop, despite the variety in the physical and social typology of the actual Tokugawa countryside. Nonetheless, despite the discrepancies between the ideal model and the reality of the Tokugawa village, seigneurial control throughout Japan was uniform in taking some form of dependency on the village as its basic unit of rule. The reason for this hinges on another fundamental aspect of Tokugawa rule: that is, the 'village' reflected in contemporary documents, was an entity defined by the samurai.

The creation of a new form of village for administrative purposes by the samurai was carried out principally through the cadastral surveys of the late sixteenth and early seventeenth century. Of course, the samurai could not create a functioning village community by fiat: in order to function, their administrative village had to have some firm foundation in social reality and the long-term trends occurring in village society. However, had it arisen purely as a result of social change, the Tokugawa administrative village should have taken many different forms. It was samurai intervention that gave the village its uniformity. The administrative village was not created after rural society had reached stability: rather it was imposed from above on a society still in flux, as the closest approximation possible to an evolving natural social entity. Nonetheless, by imposing itself, the samurai administrative village became one of the factors determining the further development of rural society. Therefore, there is an important element in the genesis of the Tokugawa village that is external to the other social processes leading to its formation, and this of itself creates a gap between the administrative village and what we may call the 'naturally-occurring village community.'

Furthermore, it is incorrect to assume that this 'naturally-occurring village' was a single entity. In reality, it was a collection of many different smaller communities or mutual-assistance groups. The individual households banding together to form any given sub-community would vary according to whether rice was being planted, a house being built, or a funeral being held (Nakamura 1956). Few of these sub-communities coincided totally with the superset of the larger village community, and not all of them necessarily were contained solely within it. Therefore, the seigneurially-defined administrative village could only ever be a compromise, because, not only were all villages not the same, but there was an inbuilt structural diversity within each village community which meant that even the ideal natural social community underlying the seigneurs' invention was itself only the average of the sum of many smaller interwoven sub-communities.

The reality of the function of the village under split seigneurial jurisdiction is that the village operated at various levels, both retaining its larger identity given by the cadastral surveys, and yet acting in subsets to serve the purposes of the different seigneurs with holdings within its boundaries. Here, the larger village served to give coherency to the individual parts, for example by maintaining law and order, but the existence of the larger village community did not necessarily prevent the individual seigneurial jurisdictions from following their own course in matters related to each fief. In this case, the existence of smaller sub-communities centred on a particularly powerful family within the village provided the social basis for individual seigneurial rule.

Nomoto Village in Musashi Province provides one example of the complexity of the relations which could evolve between the village and seigneurial authority. Nomoto was divided into nine fiefs in 1705. In 1722, the nine different fief headmen held a meeting agreeing to tighten control within the village so that all burdens and dues would be properly met (HMS 172-173{162}). The significance of this agreement was that it aimed to reinforce the various standards of dues on the different fiefs recently created within the village. In contrast to the action by the village elite represented by the fief headmen, the smaller peasants made an appeal in 1729 to have the Bakufu enforce uniform standards for seigneurial dues throughout the various fiefs (Shirakawabe 1986:115). In judging this case the Bakufu rejected the smaller peasants' appeal, on the grounds that it was not Bakufu policy to enforce uniformity in exactions by individual *hatamoto*. The appeal by the smaller peasants represents a textbook case of the village community trying to assert its solidarity in the face of seigneurial divisions. On the other hand, the Bakufu decision in this case bespeaks its consistent position on this matter since the first edict it issued on this matter in 1602. Yamamura, following Sasaki, mistakenly claims that this edict demonstrates a Bakufu policy of interference in *hatamoto* rates of tax/rent.¹² In reality, so far as the Bakufu was concerned, the level and form of *hatamoto* seigneurial dues on individual fiefs should be determined by each *hatamoto* according to his needs.

The struggle within Nomoto Village between the village elite and the smaller peasants did not end here. Despite the fact the village was reunited under one seigneur from 1763, the village elite succeeded in maintaining the former internal division of the village until the early Meiji period (HMS 270 {260}, 92 {87}). The contradictory movements by elite and ordinary peasants seen within Nomoto in 1722 and 1729 suggest the reason for the survival of the administrative sub-division of the village beyond its functional life.

The office of fief headman provided the village elite with a valuable way to enhance their power and wealth within the village. These elite also served as the nodes around which the various sub-communities within the village were organized, thereby giving the seigneurs an important lever to control sub-communities within the village. The centripetal movement by the smaller peasants of Nomoto in 1729 represented not simply an attempt to assert the autonomy of the overall village over divisive seigneurial jurisdiction: it was also an attempt to limit the collusion between village elite and seigneurs where the former used their ties with the latter to strengthen their position within the village at their neighbours' expense. It was this collusion between *hatamoto*

¹² See note 4 above.

and village elite seeking advancement that provided the basis within the village for the *hatamoto* to implement their rule even when their fief (or a part of it) did not occupy the whole of one village.

The factual basis for the argument that the Bakufu purposely divided fiefs in order to limit the fief-holders' power is demolished by Shirakawa as summarized above. The more sophisticated 'social change' argument based on the evolution of the village community is inadequate, both in its theoretical understanding of the process of the formation of the Tokugawa period village, and also in its factual underpinnings. The significance of the example of Nomoto Village is that it provides a concrete illustration of the social mechanism whereby village society could be subdivided by the intrusion of multiple seigneurial jurisdictions. This shows that social development within the Tokugawa village was not one simple march towards overwhelming social cohesion to the exclusion of individual seigneurial control.

2. *Hatamoto* and Tax/Rent

The primary objective of *hatamoto* rule was the collection of as much agricultural surplus as possible, and the content of *hatamoto* rule ultimately comes down to the question of what was the extent of the rights of *hatamoto* to impose their own standards of tax/rent collection. Traditionally, *hatamoto* rights in this crucial sphere are assumed to have been minimal, and under heavy Bakufu restraint.¹³ However, apart from vague references in Bakufu law,¹⁴ the evidence for this assertion is tenuous.¹⁵ The single largest basis for this argument is the fact that the Bakufu adopted a policy of apportioning out new fiefs so that the fief holder was guaranteed an income equivalent to a tax/rent rate of 35% per 100 *koku* (Suzuki 1971:214-219). The problem with this view is that assumes that the rate of collection of fief dues written by the Bakufu into the documents of enfeoffment automatically restricted the power of any *hatamoto* to collect such dues as he saw fit,

¹³ Totman, for example, writes that 'Tax rates and collection procedures were set by the Bakufu' (1967:137).

¹⁴ For example, Article 14 of the Laws for the Warrior Houses (*Shoshi Hatto*) issued to the *hatamoto* in 1635 prescribes that 'Other than the prescribed dues in rice and other services on your fief, you shall not set up illegal exactions and cause your fief to fall into ruin' (TKRK Zenshū 3:71-73{171}).

¹⁵ Kitajima, for example, assumes that the purpose of an investigation of *hatamoto* fief tax rates conducted in 1632 must have been to determine whether taxation on these fiefs was within legal limits (1964:369). However, the content and method of the investigation clearly indicate that it was conducted to determine the financial situation of the fief holders, a related but qualitatively different problem from collection levels of tax/rent. The related problem of Toyotomi Hideyoshi's policy regarding fiefs is dealt with in Miki (1984).

rather than just ensure that he was granted land guaranteeing a certain minimum income at the time of enfeoffment. An examination of the powers *hatamoto* actually exercised in setting standards of collection shows that they retained important basic powers relating to fief fiscal matters, and that the Bakufu allowed them considerable discretion in setting the standards for tax/rent collection.

The fundamental basis for the right to independently impose standards of tax/rent collection in Tokugawa Japan was the legal power to conduct cadastral surveys. Therefore, any consideration of Tokugawa landholding must begin with a consideration of the right of any given category of seigneur to conduct cadastral surveys. The special significance of conducting these surveys was that it presumed the power to define which land was considered assessable for tax/rent collection, and the way in which it would be classified for those purposes. In short, conducting a cadastral survey touched upon the very basis for the organization of the contemporary seigneurial system, and as such was a function fundamental to the power of the state. In traditional approaches to the Bakuhan system, the state has been taken to be comprised of the Tokugawa Bakufu and the daimyō, to the exclusion of *hatamoto* and daimyō retainers. It is in this context that the growing body of evidence that *hatamoto* could legally conduct their own cadastral surveys gains significance.

Kanzaki Akitoshi has assembled evidence of sixty-four cases of *hatamoto* having conducted their own land surveys, with no Bakufu intervention, within the area of modern Kanagawa prefecture alone (KKS 2:437-442).¹⁶ Of these sixty-four cases, a mere three cases were *hatamoto* holding fiefs the equivalent of 3,000 *koku*, the purported dividing line for meaningful *hatamoto* seigneurial rights. In fact, forty of these cases are from fiefs totaling 600 *koku* or less, with the smallest *hatamoto* holding a fief totalling only 160 *koku*. These *hatamoto* surveys were mostly conducted around the same time that the Bakufu was conducting its general cadastral surveys in the Kantō Plain, with most recorded cases falling between 1630 and 1680. This suggests that the *hatamoto* surveys followed the same general pattern as Bakufu surveys. However, Kanzaki's analysis of the few surviving cadastral registers from *hatamoto* surveys suggests that these represented something more than fief holders merely acting as proxies for a larger Bakufu survey.

A few examples will serve to illustrate this point. The Ōoka (2,700 *koku*) conducted a survey of their fief in 1678. The surviving registers from this survey show

¹⁶ Kanzaki's figure does not include cases of later resurveys done on the same fief, such as the Andō fief (see below). Furthermore, at least one more example can be added to Kanzaki's list for Kanagawa Prefecture. See KKS 8 *Ge* 39-40{719} for a survey ordered by the Kurahashi (2,000 *koku*) in 1715.

that the Ōoka produced an increase of 8% (380 *koku* into 410 *koku*) in one block of their fief and 63% (160 *koku* into 255.000 *koku*) in another. One of the reasons this was possible was that the Ōoka used a different standard from that of the Bakufu for assessing the productivity of different grades of agricultural land. The Takuma (385 *koku*) used similar methods to produce a 36% increase in the *kokudaka* of one block of 21 *koku* from their fief in 1679. However, the most spectacular example is that of the Andō (2,540 *koku*), who conducted a total of seven land surveys between 1649 to 1730, thereby increasing the land registered in the main block of their fief from 381.400 *koku* to 924.587 *koku*. What is remarkable about the Andō surveys is not just the increase in the registered tax base, but the frequency with which the surveys were conducted. Seven times probably represents a record for the number of surveys conducted by a seigneur in the Tokugawa period. Not only did smaller *hatamoto* conduct cadastral surveys; the few surviving examples suggest that some at least were successful in implementing stricter and more frequent surveys than the Bakufu and other larger seigneurs.

Even if *hatamoto* could conduct their own surveys, it is still necessary to establish that these surveys had the same official status as daimyō surveys, for example. One way of determining this is to see how *hatamoto* surveys were treated by the Bakufu. It is in this connection that the Andō fief provides another important example in understanding the nature of *hatamoto* surveys. In a separate part of their fief, a miniscule block of some mere 18 *koku*, the Andō had a Bakufu intendant (*daikan*) conduct a survey on their behalf, in 1670. This survey was conducted as part of a larger survey that the intendant was conducting of the rest of the village within which the Andō holding was located. However, the intendant used a system for categorizing grades of cultivated land that was unique to the Andō in his survey of their part of the village, despite the insignificant size of this parcel of land. This case provides at least one example of a Bakufu official recognising the legal status of *hatamoto* principles of surveying cultivated land.

The problem of *hatamoto* cadastral surveys provides some important clues to the status of *hatamoto* within the Bakuhan system. The Tokugawa Bakufu did not conduct surveys of daimyō fiefs while they were occupied by an incumbent. The Bakufu did, however, conduct surveys of occupied *hatamoto* fiefs. In this sense, it appears that *hatamoto* seigneurial rights were subject to more direct Bakufu intervention than daimyō. However, it is necessary to distinguish between whether the Bakufu surveyed *hatamoto* fiefs unilaterally and across the board, or in principle only when the *hatamoto* requested extension of a Bakufu survey to their fiefs.¹⁷ This question cannot be

¹⁷ Many *hatamoto* presumably lacked retainers sufficiently experienced to conduct

adequately answered at this stage, but it remains an indisputable fact that *hatamoto* of all classes could and did conduct cadastral surveys. This function alone would appear to set *hatamoto* off from daimyō retainers who in principle were restricted to using the daimyō cadastral surveys as the basis for administering their fiefs. In view of the wider significance of cadastral surveys as part of the function of the state in the Tokugawa period, the *hatamoto* cadastral surveys suggest that *hatamoto* shared directly in the position of the select few who comprised the core of that state.

The ability of *hatamoto* to conduct independent cadastral surveys is the single most important argument that can be advanced for *hatamoto* independence in matters of tax/rent. However, this independence was a mixed blessing. When the *hatamoto* could cajole their fief peasants into paying higher rates it worked to the fief-holder's benefit, but it also meant that the *hatamoto* had to absorb losses resulting from any inability to collect tax/rent and other services. According to Kanzaki, the unweighted average of the rate of taxation on the 330 *hatamoto* fiefs falling within the area of modern Kanagawa Prefecture was 43% (KKS 3:444-446).¹⁸ When seen over time, however, this average shows a marked downward trend from a peak of 50 to 60% concentrated in the period 1620 to 1670. While there are cases of some fiefs maintaining rates of 50 to 60% even towards the close of the seventeenth century, most fiefs show a downward trend with rates falling to around or below 40%. The longest continual series for collection rates is the Tsuchiya fief in Sagami Province. Here rates had fallen from a high of 54% in 1645 to 38% in 1698. The eruption of Mt Fuji in 1707 spread volcanic ash over Sagami, and rates on the Tsuchiya fief fell to around 22-24% for the period 1709-1716. From this low, rates recovered to stabilise at around 32% from 1719 until the end of Tokugawa period (KKS 3:414).

Nonetheless, while significant as one aspect of *hatamoto* rule, the long-time decline in rates of tax/rent collection should not be interpreted as meaning that *hatamoto* abandoned the effort to increase their share of the agricultural surplus. To the contrary, the general loss of *hatamoto* interest in maintaining high rates of direct taxation made economic good sense. Initially, the decline in *hatamoto* taxes seems to have been a reaction to over-collection resulting in diminishing returns and wide fluctuations from year to year (Tsukishima 1980: 7; KKS 8 Jō [943-946]). Over time, however, the incentive

surveys, and in most cases it was convenient for a fief-holder to ask the Bakufu to extend a survey in progress to his fief. For examples, see the case of the Andō above, and HMS (76 {72 Commentary}).

¹⁸ Kanzaki's figures for rate of collection are based on the assessed tax base, which would only change due to land reclamation or a new cadastral survey, rather than actual production figures.

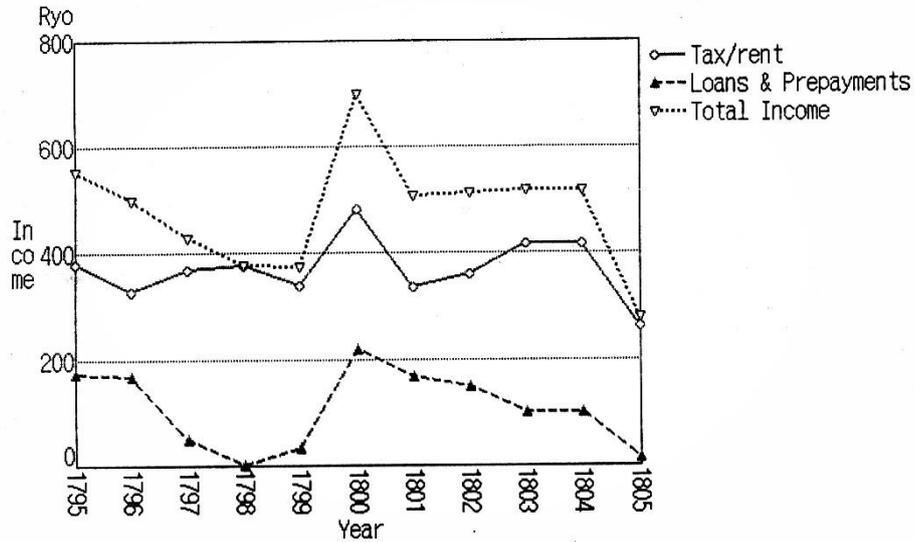
for *hatamoto* to try to increase the rates of direct taxation decreased in response to economic change. While it is common knowledge that Japan's rural economy grew over time throughout the Tokugawa period, from the eighteenth century on, the main thrust in growth changed from rice to commercial crops and cottage industry. Coupled with the relative decline in the position of individual *hatamoto* as bargainers when selling rice in a market which had burgeoned beyond what their forefathers had known, this overall expansion in the economy meant that it was now economically more efficient for *hatamoto* to depend on means other than tax/rent collected in kind as a means of expanding their incomes (Yamaguchi 1962; Tukishima 1980).

However, the process of extracting surplus from their fiefs in the form of cash, rather than produce in kind, had to be done within the framework of a landholding system that bound the *hatamoto* to the pretence of depending on dues collected in kind. The two most common measures *hatamoto* developed to deal with this situation were the systematic use of prepayment of dues in cash (*sen'no*), and the extraction of emergency impositions (*goyō kin*). Other forms of increasing exactions such as outright 'donations' in the form of 'grace money' (*myōga kin*) were also used, but since these were not as important as the various loans, they can be ignored here.

In theory, both the prepayment of dues and emergency impositions represented a monetary advance to the *hatamoto* against that year's tax/rent, to be repaid from the same with interest. In other words, the *hatamoto* increased their incomes by incurring debts due to their own fief peasants, or when this was not feasible, local merchants. Yamamura, as stated earlier, follows early post-war Japanese (Marxist) research in interpreting the growth of *hatamoto* indebtedness to fief peasants as representing a proportionate decline in their seigneurial powers. An examination of the way these loans functioned within the overall structure of *hatamoto* finances and the way the loans were actually financed, however, suggests otherwise.

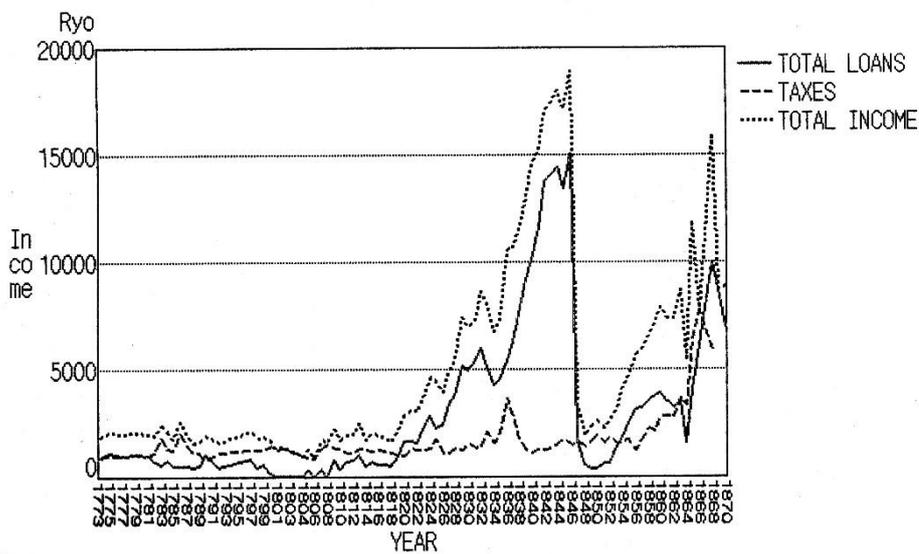
Charts 1 and 2 show the changes over time of the income (or major part thereof) of two *hatamoto*, and the relative weights within the composition of their incomes of both tax/rent and loans. In Chart 1 for the Nagasawa during the period 1775-1805, income from tax/rent remained generally inelastic, with loans providing an extra 20 to 50% of income in most years. Chart 2, for the Sengoku, shows the same stability and composition of income, with loans remaining in proportion to tax/rent until 1819, when the balance between the two begins to break down. In both cases, variations in overall income were determined almost entirely by the amount of cash loans, and such loans were made available regularly over time.

CHART 1: INCOME COMPOSITION OF THE NAGASAWA, 1795-1805



Source: YAMAGUCHI TÖRU, 1962. "Bakumatsuki ni okeru Hatamoto zaisei: Jōyo rōdō sakushu taikai no kentō o chūshin to shite." *Shakai keizai Shigaku* 28:2, Table 4.

CHART 2: INCOME COMPOSITION OF THE SENGOKU, 1773-1870



Source: SUZUKI HISASHI, 1971. *Kinsei chigyōsei no kenkyū*. Tokyo: Nihon gakujutsu shinkokai, p.274, Table 11.

While taking the outward form of free economic activity, loans to *hatamoto* were often non-voluntary. The *hatamoto* still possessed the means to apply considerable

compulsion to their peasant to provide loans, sometimes even when the *hatamoto* had not yet repaid an earlier loan or had effectively defaulted. Even if we ignore cases of gross extortion and consider a simple case of being required to prepay one year's dues in twelve monthly instalments, finding the liquid cash to support these payments could present considerable problems for fief peasants. While this would present no problem for a larger peasant who conducted various commercial enterprises as a side-line, for the greater majority of ordinary peasants purchases were made on credit and paid for after the harvest. Whatever small cash reserves they may have had, such reserves generally were not sufficient to provide a steady flow of cash throughout the year into the *hatamoto's* coffers. This meant that introducing even a simple plan for prepayment of dues would force many peasants to borrow money against the harvest. These debts were incurred with their own property and title as collateral, so that either a shortfall in the harvest or a delay in *hatamoto* repayment could spell disaster.¹⁹

On the other hand, control of the post of fief headman gave wealthier peasants important leverage in providing loans to smaller peasants and in controlling the disposition of the *hatamoto's* tax/rent gained as repayment of loans. The lucrative profits to be gained in this way could lead to fierce competition for control of this office, despite that dangers that the post could also entail. Not only the peasants, large and small, but fief officials could also suffer from *hatamoto* defaulting on loans. For example, the fief intendant of the Yokota (9,500 *koku*, Musashi Province) had arranged a series of loans totalling 680 *ryō* for the Yokota in 1807 and 1808. These loans were financed by the intendant himself borrowing from moneylenders outside the fief. Unfortunately for the intendant, the Yokota unilaterally granted themselves a five-year moratorium on repayment of the debt, which meant that the fief intendant had to maintain payments by selling the title to his own land. The fief headman of the villages under the intendant's supervision made a joint appeal for help on behalf of the intendant to the Yokota, who replied by serving the intendant with a sentence of mild house arrest (*sashi-hikae*) for the next four years (HMS 58 {61}).

The case of the Yokota points to towards one of the limits on *hatamoto* ability to maintain these extraordinary impositions on the fief: when the fief peasants, large and small, lacked the wherewithal to support the *hatamoto's* demands, eventually loans had to be solicited from moneylenders outside the fief. These people could withhold funds with impunity if the *hatamoto* did not honour his debts.

¹⁹ An analysis of the effects of forced loans on the Oguri fief (274.931 *koku*), Kazusa Province, is given in Nishiwaki (1986: 162-182). An actual example of a contract made by fief peasants pawning the title of their dry fields to finance repayment of tax/rent is given SKS (1000{501}).

Even more important than economic constraints, however, was peasant resistance. The peasants used every means at their disposal to limit these extraordinary exactions, often resorting to direct appeals to the Bakufu when a *hatamoto's* demands exceeded acceptable bounds. The sheer fact that it was the peasants who controlled the process and the means of production gave them a valuable bargaining position. A *hatamoto* could only gain extraordinary funds through the use of pressure, and when the peasants stood to lose as much from bending to such pressure as from resisting it, the *hatamoto* could be forced to compromise. By 1833, the Yokota had had to accept a series of strictly scheduled prepayments on their tax/rent and submit a record of all their expenditures to their fief headmen before trying to gain any further cash advances. The Yokota had been appointed to Bakufu office in 1830, and the added expenditure this entailed had led to an accumulated debt of some 1,280 *ryō* over their budget. When approached about financing this debt, the fief headmen refused politely but outright, pleading the fief's inability to pay. After around 1800, it becomes increasingly common to find fief peasants, either collectively or through the fief headmen, negotiating the scheduling of prepayments of tax/rent, and dictating the content of their seigneur's household budget, even down to the minutest items such as the pocket money for his children, or expenditures on sewing thread and candles (HMS 419-420 {377}, and also 413-419 {374-376}). It would be wrong to suppose that all *hatamoto* were reduced to these circumstances, or that the tug-o'-war over surplus production followed the same course on every fief. One corollary of the basic independence of *hatamoto* in fiscal matters is that there is no single history that is valid for all fiefs. Nonetheless, the trend is undeniable: by around 1830, the world of the *hatamoto* fief was beginning to turn upside down.

However, the decline of *hatamoto* ability to obtain non-voluntary loans from their fiefs should not be allowed to overshadow the fact that the *hatamoto* had initially chosen these loans as the most effective way of exploiting their political power to maximum advantage in the face of economic and social change. Moreover, the spreading paralysis of *hatamoto* fiscal control over fief peasants typically occurred after a struggle, often prolonged and always contentious, over control of the growing agricultural surplus. Had *hatamoto* powers indeed been strongly constrained by the Bakufu, such a struggle could never have occurred, as the *hatamoto* would have lacked the wherewithal to initiate it.²⁰ Rather, it was the attempt by *hatamoto* to push their seigneurial powers to the very limits and beyond that brought about their own paralysis.

²⁰ A comparison with fief-holding retainers of Sendai domain makes this clear. The powers of retainers in Sendai to control their fiefs come close to fitting the image of

3. *Hatamoto* and Fief Law

The single largest institutional argument for the reduction of *hatamoto* fiefs to merely titular holding is that *hatamoto* with fiefs totaling less than 3,000 *koku* are assumed to have been deprived of any meaningful rights of jurisprudence.²¹ In a dialectical materialist approach to history, this means that *hatamoto* were denied access to the lynchpin in the mechanism of extra-economic compulsion fundamental to maintaining feudal landownership. Whether one accepts this definition of feudal landownership to be meaningful or not, one does not have to be a dogmatic Marxist to agree that, even if legitimate rule must also be based on a degree of consent, all rule ultimately depends on some degree of compulsion. Furthermore, to the extent that any given rule is personal and arbitrary, the degree of compulsion must also become correspondingly greater. *Hatamoto* rule was both 'public,' and personal and arbitrary. It was based on both consent, grudging or otherwise, and outright compulsion. Moreover, these two facets of *hatamoto* rule were not separate entities, but were two branches sprung from the same root: one could not survive without the other. The basis for *hatamoto* rule was that, contrary to received wisdom, the Bakufu confirmed as public law *hatamoto* access to extensive judicial powers, which served as the legal means to enforce the arbitrary aspects of *hatamoto* rule, such as forced 'donations' and 'loans' from fief peasants. This relationship between *hatamoto* judicial powers and Bakufu authority has two aspects: how the Bakufu defined the *hatamoto* as a source of law, and the role of the *hatamoto* as an enforcer of law.

Table 2 provides a preliminary list of known *hatamoto* laws dealing with fief administration. These examples amply illustrate that *hatamoto*, as *hatamoto* and without regard to any differences in fief size, could and did issue laws for their fiefs throughout the Tokugawa period. As with cadastral surveys, there is no evidence in this Table for the purported 3,000 *koku* dividing line among *hatamoto* having and relevance to the ability of *hatamoto* to formulate and promulgate law.

a strictly-regulated system such as was envisaged by Kitajima for *hatamoto*. In the nineteenth century, retainers holding landed-fiefs in Sendai were more concerned with ways of circumventing domanical control on the sale of the grain that they had collected as tax/rent than with increasing exactions on their peasants, principally because the latter path of action was largely closed to them (Morris 1988: 104-106).

²¹ Totman, for example, says that 'in all save the greatest two hundred and fifty-odd liege vassal fiefs, judicial issues were handled by the Bakufu... The liege vassal was by-passed; he was not court of final resolution' (1967:137).

Table 2 Fiefs Laws Promulgated by <i>Hatamoto</i>					
No.	Year	<i>Fief Size</i> (<i>koku</i>)	Province	Fief-holder	Contents
1	1670	1,000	Sagami/ Kazusa	Tsuchiya	22 articles. Bakufu law; moral exhortation; maintenance of roads & bridges; restrictions on sale of grain; restrictions on pawning & selling land outside of fief; grievance procedures; cultivation of land.
2	1684	340	Sagami	Sakamoto	35 articles. Bakufu law; moral exhortation; restrictions on off-fief employment; grievance procedures.
3	1697	1,500	Shimōsa	Jinbo	3 articles. Directives for a self-administered land survey.
4	1705	500	Sagami	Ogasawara	17 articles. Bakufu law (identifying Ogasawara laws with Bakufu laws); maintenance of roads & land; land reclamation; restrictions on off-fief employment (esp. prostitution); control of inheritance of land and chattels; moral exhortation: grievance procedures.
5	1713	650	Sagami	Nagata	18 articles. Bakufu law; moral exhortation; ban on sale of land & employment off-fief; communications with Edo; disposition of land left without heir; registration of sale of land on-fief.
6	1736	650	Kazusa	Ōi	3 articles. Reiterates lost set of 20 articles c.1715; grievance procedures.
7	1758	750	Shimōsa	Ōkawa'uchi	18 articles. Bakufu law; moral exhortation; grievance procedures; cultivation of land.
8	1789	500	Kazusa Hitachi Sagami	Takabayashi	26 articles. Bakufu law; moral exhortation; restrictions on off-fief employment; restrictions on sale of grain; land reclamation and new sources of taxation; grievance procedures.
9	1789	650	Sagami	Nagata	22 articles. Reiterations of No. 5 + ban on secret prostitution & unlicensed sake

					brewing; grievance procedures; payment of tax/rent.
10	1791	3,000	Musashi	Kuze	22 articles. Redevelopment of fief society & economy; minute stipulations on social conduct, food, attire, & housing; promotion of self-sufficiency & staple food crops; regulation of hours of work & holidays; child raising & education; control of off-fief contracts; obedience (NO reference to Bakufu law).
11	1798	1,500	Shimōsa	JInbo	12 articles. Bakufu laws; moral exhortation; social order and grievance procedures; restriction on off-fief employment.
12	1804	188	Shimōsa	Tada	In 3 parts (1) identification of Tada laws with Bakufu law; (2) instructions for paying tax/rent; (3) details of seasonal 'gifts' from fief to Tada.
13	1817	1,000	Sagami	Akimoto	7 articles. Redevelopment of fief economy; land reclamation; grievance procedures; sumptuary regulations; moral exhortation & rewards; (No reference to Bakufu).
14	1818	1,000	Sagami	Yamana	4 articles + extended commentary; 4 articles promulgated by Yamana in person of fief. Deal with promotion of frugality; proper conduct for fief officials; grievance procedures as a way of reviving fief economy (No reference to Bakufu).
15	1828	1,500	Sagami	Nakai	49 articles. Bakufu law; limits on off-fief employment; dealings with strangers; care of sick & weak; law & order; grievance procedures; ban on new saké brewers; maintenance of irrigation facilities; registration of new fields; use of woodlands; maintenance of roads; restrictions on pawning land outside of fief; control of inheritance of land & chattels, + movement

					into and out of fief; treatment of Nakai vassals inspecting fief; use of seals (<i>in</i> 印).
16	1836	1,500	Sagami Kai Shimōsa	Okano	8 articles. Bakufu law; identification with Bakufu; moral exhortation; sumptuary, police & work regulations to restore village economy & society after a series of famines.
17	1849	3,000	Musashi Suruga	Inaba	51 articles. Bakufu law; moral exhortation; ban on infanticide; protection of weak; rules for conveying tax/rent rice to Edo; reporting procedures in criminal cases; maintenance of roads & bridges; post station duty; mutual help & responsibility; grievance procedures; reporting of land & chattels with no heir.
18	1866	1,500	Musashi Shimōsa Suruga	Okano	36 articles. Moral exhortation; relief measures; sumptuary regulations; exchange & pawning of land; maintenance of status & social order, & roads & bridges.
Sources (by reference number)					
I KKS 8 Jō: 1 (pp.467-468); 4 (136-138); 13 (657-658); 15 (681-686);					
II KKS 8 Ge: 10 (94-98); 16 (309-311); 17 (124-128); 18 (311-313)					
III Kanzaki 1986: 2 (68-69)					
IV Kawamura 1969: 7 (15); 8 (8-11); 12 (19-20)					
V Kawamura 1970: 3 (44-45); 6 (41-42); 11 (45-46)					
VI HSS: 5 (460-461); 9 (461-463); 14 (306-310)					

In content, these laws generally conform closely to Bakufu law, with articles banning such things as Christianity and other suspect religious practices (principally certain Buddhist sects), the sale of land,²² the formation of secret bands (peasant uprisings), covert prostitution, traffic in human beings, gambling and disorderly conduct, and with other articles encouraging assiduousness in agriculture, filial piety and other staples of Bakufu legislation. Searching for self-assertive independence in *hatamoto* laws is not only generally unproductive,²³ it is fundamentally irrelevant. That *hatamoto* laws

²² Note the exceptions in numbers 1 and 5 which openly permit the sale of land, and the 'grey' areas effectively permitting the pawning of land common in the other examples.

²³ As does Kanzaki Akitoshi (1986: 76-78).

largely follow Bakufu models constitutes the single largest claim to legitimacy that *hatamoto* laws could attain. This symbiosis between *hatamoto* law and Bakufu law is best expressed by the frequency with which *hatamoto* laws invoke Bakufu law. Those laws in Table 2 that make explicit mention of obedience to Bakufu law invariably do so in either a preamble or the very first article, commanding the fief peasants to obey Bakufu laws,²⁴ and then the laws of the *hatamoto* and their ancestors. In some cases this general stipulation to obey Bakufu laws becomes something more positive, an identification of *hatamoto* law as constituting a continuous entity with Bakufu law.

This identification between *hatamoto* and Bakufu authority is most complete in the laws issued by the smallest *hatamoto* in Table 2, the Tada (no. 12) (Kawamura 1969:19-20). From the preamble to the main body in two articles, the language of the text strains to emphasise the Tada laws as being an extension of Bakufu or *kōgi* law. The crucial passage is in article 2, which states that anyone violating either Bakufu law or Tada law and directives, or anyone ‘greedy, corrupt, selfish or insubordinate’ will be punished by the Tada, after they have consulted the opinion of the Bakufu. The logic of this passage is structured so as to make peasant recalcitrance directed at the Tada an offence against Bakufu law, and conversely, to make Tada legal decisions rest under the legitimising aegis of Bakufu judgement, the ‘supreme court’ of the time. In this relationship, the real judiciary process rested in Tada hands, and the role of the Bakufu was to elevate what in reality was a Tada decision to an infinitely superior realm of legitimacy.

The relationship between Bakufu law and *hatamoto* law as expressed in *hatamoto* laws was therefore a double-edged sword. Introducing Bakufu law into *hatamoto* laws may have served to restrain the grosser excesses of individual *hatamoto*, but it also supported individual *hatamoto* authority by relocating it within a much larger nexus wherein resistance to an individual seigneur of itself became an attack on the whole socio-political fabric. However, what really made the claims of individual *hatamoto* more than empty bluster were the various powers that they possessed to enforce the very same law that they defined. The bottom-line for *hatamoto* ability to enforce law lay in the *hatamotos*’ legal control over the property and person of their fief peasants, and their power of jurisdiction based both on these powers and the role given him by the Bakufu legal system.

²⁴ In the summary of contents in Table 2, ‘Bakufu law’ signifies the presence of both (a) an injunction to obey Bakufu law, and (b) a series of articles directly based on actual Bakufu law.

Hatamoto laws often enunciate restrictions on the sale (or pawning) of peasant holdings to peasants living outside the fief (Table 2, no. 1, 5). Not only the land itself but the produce of that land was subject to restrictions; hence the prohibitions on the sale of grain before the annal tax/rent was paid (no. 1, 5, 8). A further extension of this logic is seen in the various articles requiring peasant inheritance of fief land (and sometimes personal goods) to be reported to, and approved by, the *hatamoto* (no. 4, 5, 15, 17). Seen within this larger framework, the custom of presenting the first fruits of the harvest to the fief-holder assumes significance beyond mere quaint custom;²⁵ it becomes one part of a subtle web of legal and social bonds affirming the legal primacy of the fief-holders' right to the land and the produce of their fief. It is common knowledge that under normal circumstances, Tokugawa peasants were guaranteed the exclusive usufruct of their land. Nevertheless, the underlying logic of *hatamoto* law, as shown so clearly here, assumed that the peasants held their land from the *hatamoto*. They neither 'owned' the land, nor did they completely own their own goods.

Hatamoto laws also often enunciate restrictions on the person of peasants attached to the fief. This finds direct expression in articles that restrict the freedom of members of fief peasant families to engage in indentured servant work outside the fief (no. 4, 5, aa, 15).²⁶ The legal basis for this lies in the role of the *hatamoto* as the authority responsible for drawing up the temple registers within their fiefs. The almost ubiquitous prescription of Christianity and other suspect religions or sects in *hatamoto* laws implies more than a mere parroting of Bakufu law: promulgating and enforcing the religious control laws entailed the *hatamotos*' legal responsibility for those on the temple registers they supervised. This legal responsibility meant several things, but for our purposes the most significant was that fief peasants were subject to the jurisdiction of the *hatamoto*'s court in any case not involving a non-fief member. Under normal circumstances, this control enunciated in *hatamoto* laws over the property and person of fief peasants was largely a formality, but, when combined with the *hatamotos*' right (and responsibility) of jurisprudence, it could serve to bring severe pressure to bear on fief peasants.

Within the structure of Tokugawa law, *hatamoto* had extensive judicial powers. Traditionally, *hatamoto* judicial rights have been compared to those of daimyō, with the

²⁵ KKS 8 Jō (90-91{158}) provides an unusual example of a *hatamoto*, the Tada (400 *koku*), banning most forms of presents from fief peasants to the Tada and their vassals, in 1670. However, even in this unusual edict, the annual sending of the first fruits of the harvest is securely maintained.

²⁶ An example of a *hatamoto* actually recalling fief residents from indentured service outside the fief is given in Yabuta (1980: 132-134).

result that *hatamoto* have been thought of as having only limited powers.²⁷ However, to compare *hatamoto* solely to daimyō and to ignore comparison with other relevant standards such as other seigneurs besides *hatamoto* and daimyo, or the Bakufu's own judicial system, is one-sided and distorting. Originally, *hatamoto* had the right to both try and sentence all cases falling within their jurisdiction, up to and including cases involving imprisonment for life (*nagarō*).²⁸ Only cases involving capital punishment were initially beyond the *hatamotos'* power to sentence independently, although *hatamoto* did retain the right to try ordinary cases of capital punishment for the greater part of the Tokugawa period.²⁹ Towards the close of the Tokugawa period, between roughly 1790 and 1830, further restrictions were placed on *hatamoto* jurisdiction so that their right to independently try and pass sentence was limited to cases punishable by expulsion from the fief (Hiramatsu 1960: 3-8).³⁰ While these restrictions did mean a reduction in the upper limits of *hatamoto* jurisdiction, they did not necessarily represent a qualitative change in the position of the *hatamoto* as seigneurs.

Even in their most reduced state, *hatamoto* had rights to both try and pass sentence that far exceeded those permitted by the Bakufu to rear-vassals (i.e. daimyo retainers holding fiefs), who had been restricted to passing sentences of house arrest for a maximum of thirty days since the early eighteenth century (Morris 1988: 130-132, 150-152). *Hatamoto* judicial rights also far exceeded those of the Bakufu intendants (*daikan*) responsible for local administration of Bakufu lands (*tenryō*); for the greater part of the Tokugawa period, these men could pass no sentence more severe than a 'scolding' (*shikari*) without seeking higher approval (Ishii 1964: 23-24). More telling is the fact that *hatamoto* judicial powers, considerably exceeded those of the Bakufu's own judges, and

²⁷ Hiramatsu (1958), later revised as Chapter 2 of Hiramatsu (1960), Ishii (1959: 267-268) provides a much broader interpretation of *hatamoto* judicial rights. Of the two, Hiramatsu's work appears to be closer to the evidence. See Hiramatsu (1960: 258-260 note 1) for Hiramatsu's rejoinder to Ishii.

²⁸ Imprisonment for life (*nagarō*) is the equivalent of deportation (*ontō*) under Bakufu law, as few if any *hatamoto* had an island suitable for use for deportation. Imprisonment for life/deportation was the next degree in punishment below the various forms of capital punishment.

²⁹ Ishio Yoshihisa points out that under Tokugawa law, trying a case in reality presupposed passing a provisional sentence, since the lower court defined what crime the accused was being tried for, thereby largely predetermining the sentence. Allowing *hatamoto* to investigate and try cases (*tegiri ginmi*) meant that the Bakufu merely confirmed the appropriateness of the provisional sentence determined by the *hatamoto* (Ishio 1975: 268-271).

³⁰ Expulsion from the fief is the equivalent of first or second degree exile (*tsuihō*) under Bakufu law, and represents the next degree in punishment below deportation (*ontō*) (Ishii 1964: 80-81).

even when curtailed towards the close of the Tokugawa period, became the effective equivalent of those judges' own independent powers.³¹ Throughout the entire Tokugawa period, *hatamoto* were never defined as having powers inferior to those possessed by any organ or officeholder within the Bakufu's own judicial system, other than the Shōgun himself. In other words, while it is certain that *hatamoto* were not quite the equal of daimyo in terms of judicial powers, they were still closer to the daimyo than they were to any comparable source of judicial power within the Bakuhan system. In fact, the Bakufu itself considered *hatamoto* legal powers to be the equivalent of those of daimyo within its self-definition of its overall legal system. The principle of *hatamoto* equivalency to daimyo is unambiguously laid out, for example, in a reply made by a Superintendent of Finances (*kanjō bugyō*) to a query concerning the extent of *hatamoto* judicial powers (quoted in Hiramatsu 1958:2).³²

The 'equivalence' of *hatamoto* to daimyo in judicial powers is crucial to understanding the legal position of *hatamoto* within the Bakuhan system, but its importance in defining real *hatamoto* powers requires careful qualification. Many *hatamoto* lacked the resources necessary to either execute or imprison their fief peasants for life. Nor indeed did they really need to concern themselves with such serious crimes

³¹ The closest Bakufu equivalents to civil judges were the Superintendents (the various *bugyō*). These officials could not pass sentences of first-degree exile (*jū-tsuihō*) or above without seeking the approval of the councilors (*rōjū*). The sentence of first-degree exile was one degree lighter than the sentence of jail-for-life which the *hatamoto* could pass in their own courts. Furthermore, even the councillors had to seek the approval of the Shōgun himself for sentences of deportation (the Bakufu equivalent of *hatamoto* jail-for-life) and all cases of capital punishment (Ishii 1964:23-24).

³² It should be noted that no edict exists clearly defining the extent of *hatamoto* judicial rights. This is not surprising, however, given that the only Bakufu statement defining seigneurial jurisdiction was that issued in 1697, enunciating the principle of daimyo judicial independence in criminal cases (Hiramatsu 1958:2). However, that this 1697 edict was part of a larger Bakufu programme to define the judicial powers of appropriated to the different levels of the seigneurial hierarchy is witnessed by the fact that four years after the 1697 edict was issued, the Bakufu brought pressure to bear on Sendai domain to strictly limit the judicial powers of its larger retainers (i.e. Tokugawa rear-vassals) vis-à-vis their fief peasants. In the same year, the Tokugawa collateral domain of Nagoya passed an edict almost identical to that issued in Sendai, limiting the judicial powers of its retainers in their fiefs (Morris 1988:130-132, 150-152). *Hatamoto* were exempt from such pressure, retaining the extensive judicial powers until the social unrest of the early nineteenth century led to these being replaced by Bakufu prerogatives. While implicit, rather than explicit, the opinion of the Bakufu official quoted by Hiramatsu is corroborated by the fact that *hatamoto* were not treated the same as daimyo retainers at this crucial juncture in the definition of seigneurial powers under the Bakuhan system.

as required these sentences, much less capital punishment. As petty seigneurs, their primary concern was the much more prosaic business of extracting as much agricultural surplus from their fief as possible. There was no internal logic compelling *hatamoto* to be directly concerned with the maintenance of the larger social order, so long as this worked to their benefit under the protection of the Bakufu system. For *hatamoto*, the significance of their 'equivalence' to daimyo was that it meant that the Bakufu defined *hatamoto* judicial rights as being essentially the equal of Bakufu courts, except in cases of demonstrated *hatamoto* incompetence, or in cases that involved capital punishment. It is within this framework that the right of the *hatamoto* to independently try and sentence certain cases gains its true significance.

Tokugawa justice was inquisitory: once arrested, one was considered guilty unless proven innocent. Basic interrogative procedure was directed towards securing a confession as the most important element in supporting what the fact of arrest already proved. Furthermore, the use of extended confinement and considerable physical coercion was considered a natural part of the interrogation process.³³ Without even passing a sentence, a *hatamoto* could imprison and seriously incommode a peasant simply by accusing him of wrong-doing. While the *hatamoto* could also bring this kind of pressure to bear directly on smaller peasants, it was the emerging wealthier peasants accumulating the growing agricultural surplus who were the prime targets for *hatamoto* coercion.³⁴ This stratum usually supplied the incumbents for the post of fief intendant, fief headman, and heads of the five-man group. The complexity of the record-keeping that these posts entailed, the frequent temptation to misuse the position to one's own advantage, and the existence of many 'grey' areas in accounting procedures meant that there was sufficient opportunity for *hatamoto* to trump up charges of malfeasance against a fief official who was uncooperative in producing funds on request. In such a case the substance and the nature of the charges were almost irrelevant: once initiated, an investigation became its own justification, and took on a life of its own.

An incident from the Morikawa (700 *koku*) fief in Sagami Province provides a case in point (KKS 8 Ge [22-26{714}]). In 1838 the Morikawa began an investigation

³³ For their age, however, Tokugawa prisons exhibited some unusually enlightened aspects. For example, they separated the sexes, and later separated hard-core criminals from lesser offenders, and went so far as to establish reformatory work-centres (Ishii 1964: Chaps 2 & 3).

³⁴ The exception, of course, was in disputes over where to peg the level of traditional tax/rent, especially in times of bad harvests. A record of an investigation conducted by a *hatamoto* (Kurahashi, 1,000 *koku*) in 1832 of an organised peasant protest over the level of tax/rent and the punishments accorded the ringleaders is given in KKS 8 Ge (28-34{716}).

based on trumped-up charges against the present incumbent, who incidentally was having difficulty sustaining a series of loans he had arranged to be paid to the Morikawa. The present headman was put under arrest in the Morikawa residence in Edo, where he was subjected to beatings and physical coercion to induce a confession. The headman 'disappeared' from prison, and his house, lands and belongings were confiscated for this new 'crime.' His brother and another relative appealed this confiscation to the Bakufu Superintendent of Finances. The Superintendent of Finances, in accordance with the principles of Bakufu jurisdiction, handed the two over to the Morikawa, where they were subjected to beatings so severe that they were put in fear of their lives. The last we know of the incident is that the headman's wife attempted a last desperate appeal to the Bakufu Inspector General (*Ōmetsuke*). This incident demonstrates an extreme example of *hatamoto* use of judicial powers to extract money from fief peasants, but there is nothing in it to suggest that this incident was necessarily exceptional. The subplot of cut-throat peasant competition for administrative office that forms a crucial part of the background to the incident was endemic to society at the time.³⁵ The investigative and punitive powers of the Morikawa within their court and the attitude of the Bakufu officials involved conform to the general principles of Tokugawa law as seen above.³⁶ It is in this kind of minor incident that the vague and ill-defined rights of *hatamoto* as suggested in their laws could be brought together in their court of law with devastating effects for the victim. That the esoteric forms of capital punishment and long-term imprisonment were beyond their reach did not matter at all: it was the legal arbitrariness built by the Bakufu into the very basis of Tokugawa law that provided the teeth for *hatamoto* fief rule.

Conclusion

The *hatamoto* constituted a large and strategically important class of seigneurial landholders in the sensitive area centred around the Shōgunal capital of Edo, and for this, if for no other reason, deserve serious attention. Earlier writing has seen the *hatamoto* to have had only very limited rights as seigneurs, and to have been under the tight control of the Tokugawa Bakufu. This view, however, was based on only a few inadequate case studies of actual *hatamoto* fiefs, on one the hand, and on a one-way comparison of *hatamoto* with daimyo land-holding to the exclusion of other relevant

³⁵ For examples of strikingly similar incidents, see Ishio (1975: Chap. 6) and Nishiwaki (1986: 169-172).

³⁶ For a further example of *hatamoto* investigative powers, see KKS 8 Jō (109-121 {178-188}). For another example of Bakufu handling of peasant protests, see Takahashi (1986: 262-267).

standards on the other. Compared to daimyō, *hatamoto* seigneurial rights were undeniably more limited. However, closer examination of *hatamoto* rights in the most fundamental areas of taxation and jurisprudence shows that *hatamoto* rights were much closer to those possessed by daimyō than any other relevant standard, such as daimyō retainers whom *hatamoto* are supposed to most closely resemble. Moreover, in both areas, *hatamoto* rights were the functional equivalent of daimyō rights so far as matters of actually implementing fief rule were concerned. Therefore, it is fundamentally incorrect to argue that *hatamoto* seigneurial rights atrophied during the Tokugawa period. On the contrary, the Bakuhan system, far from working to eliminate *hatamoto* seigneurial rights, systematically worked to support and reinforce them. The Bakufu did restrain individual excesses which, if left unchecked, could have threatened the legitimacy of the system as a whole, but it never attacked the principle of *hatamoto* landholding as such. Rather, the Bakufu saw the *hatamoto* as constituting an integral part of the landholding class, with their land-rights being more than an empty title. Consequently, one cannot realistically consider the Bakuhan polity to have been a league of just some 270 large-holding seigneurs, i.e. the Shōgun and the daimyō. Expanding the number of people one admits to the ranks of Tokugawa seigneurs demands more than a simple quantitative readjustment: it forces a reassessment of the concept that Tokugawa Japan represented a highly centralized and bureaucratic state. Instead, it should be considered to have been a system organized on basically seigneurial principles.

What then, is a seigneurial system, and how does this term relate to the terms ‘feudalism’ and ‘early modern’ alternatively employed in discussing Tokugawa history?

The earlier debate over whether Tokugawa Japan was feudal or not appears to have died down without having reached a satisfactory solution. Hall (1970: 46) avoids a clear argument for Tokugawa Japan having been feudal or otherwise, and states instead that its ‘feudal content’ was ‘declining’ and it can only be called feudal with certain provisos. Part of Hall’s inability to decisively resolve his own question stems from the very vagueness of the term ‘feudalism,’ whose validity as a historical term has been seriously questioned (Brown 1974). On the other hand, the label ‘early modern’ now gaining currency is no more precise a term than ‘feudalism,’ and substituting one imprecise term for another obfuscates as much as it illuminates. Part of the problem with both of the preceding terms is that they attempt to provide holistic labels for vaguely-defined periods before scholars can agree on mutually acceptable outlines of the details of each period. In order to avoid sterile debates over the meaning of vague terms, this paper suggests the more limited term ‘seigneurial system’ to describe the

relationship between the rural peasantry and ruling landholding class as the most basic relationship of state rule and social control in Tokugawa Japan.

Seigneurial systems are not unique to Japan. They exist under feudalism, but they can also exist independently of feudalism defined as a system of fief-holding connected by personal bonds of allegiance and military service. Seigneurial systems can exist wherever the dominant form of production is one where a landholding class entrusts cultivation to farmers who work the land they hold from the landholder as an independent unit of cultivation. In short, the classical Marxist definition of feudalism as a system of production wherein a lord (seigneur) rents his land to a personally unfree but economically independent small-scale cultivator describes a seigneurial system rather than feudalism as defined above. Under a seigneurial system, the greater part of the populace lives subject to the landholding class, the seigneurs, who divert a large share of the agricultural surplus to their own consumption, and thus remove this surplus from investment in more economically productive areas. While a powerful economic sector centred on the seigneurial consumer market may develop (as happened in sixteenth and seventeenth century Japan), the ruling class remains the seigneurial class, and society in general still lives under the control of the seigneurs. Because it is a system oriented towards maintaining the interests of the seigneurial class as landholders and consumers, it is a system inimical to modern economic growth. Under such a system, the latter must strike its roots in areas removed from the centres of the seigneurial economy, exemplified by Tokugawa Japan's castle towns. The explanatory value of the term seigneurial system lies in directing attention to the structural inter-relations between politics and economy. While obviously closely related to the traditional Marxist definition of feudalism, restricting the term to what the Marxist definition really defines and cutting out what it does not properly explain, i.e. fief feudalism, should make the term a more effective analytical tool, not only in discovering Tokugawa Japan, but also in drawing attention to some of the deeper similarities between Tokugawa Japan and other contemporary societies.

How, then, would acknowledging the significance of *hatamoto* landholding, and thereby redefining the Bakuhan polity as a seigneurial system, change our understanding of Tokugawa history?

First, if one accepts that the *hatamoto* ruled *sui generis* and not in accordance with fief size expressed in terms of *kokudaka*, certain ideas about fief rule and the ordering of hierarchy within the Bakuhan system must be revised. Received wisdom argues that *hatamoto* rule should have diminished in proportion to fief size, but the examples provided in this paper actually suggest the opposite: the more extreme

examples of *hatamoto* pushing their rule beyond the limits occur on the smaller fiefs rather than the larger ones. One scholar, Ishio Yoshihisa (1975: Chap. 6) has suggested that this is not accidental but is something endemic to the very nature of the Bakuhan system: that its, that as a paternalistic system as defined by Weber, one would expect to find greater arbitrariness and more excesses in the exercise of power at the lower levels of authority, such as in *hatamoto* fiefs. If the traditional equation between fief size and fief rule is thus to be turned on its head, then what can be posited as the organising principle behind *hatamoto* fief rule?

The primary institutional basis for *hatamoto* control of his fief was the Bakufu definition of *hatamoto* judicial powers as being the equivalent of those a daimyō. At the same time, the Bakufu denied similar wide-ranging powers to retainers of daimyō, even though some of these samurai actually held larger and better controlled fiefs than many *hatamoto* (Morris 1988: Chaps 5 & 7). The common principle lying behind this Bakufu definition of samurai judicial powers was that only samurai seigneurs in a direct vassal relationship with the Shōgun could be entrusted with full judicial powers (or the equivalent) and, conversely, rear-vassals should be restricted to a greatly reduced set of judicial rights. Fief size and the actual ability of any given type of seigneur to control his fief were decidedly of secondary importance.³⁷

Second, the Tokugawa principle of organising the hierarchy of seigneurial rights in terms of the degree of each seigneur's relationship to the Shōgun meant more than just a legal equivalence. The *hatamoto* were more than just the bureaucratic functionaries of the Tokugawa: they were on an essentially equal footing with the daimyō as one of the select group of seigneurs constituting the core of the Bakuhan seigneurial state. The *hatamoto* fief was not an extraneous organ that could harmlessly atrophy away. The Bakufu bureaucracy which could have served the purposes of a truly centralising Bakufu really began to mature only in the late seventeenth century after a full century or so of development of the Bakuhan system. This meant that it had to grow around and between the *hatamoto* and other direct vassals of the Tokugawa Shōgun without making any real inroads into their entrenched position. To dislodge these seigneurs from the heart of the Bakuhan system would have required a major political upheaval, not the gradual series of compromises that were the reality of Tokugawa politics. A crisis for the *hatamoto*, therefore, represented a crisis for the Bakuhan polity

³⁷ Hiramatsu Yoshirō suggests that the *gokenin*, men of even lower rank and usually holding smaller fiefs than the *hatamoto*, possessed judicial rights the equivalent of a small *hatamoto*, further reinforcing the argument that the crucial principle in defining samurai seigneurial rights under the Bakuhan system was whether a samurai fief-holder was a direct vassal of the Tokugawa Shōgun or not (1960: 299).

itself, and the spreading paralysis in *hatamoto* fief rule that became evident in the closing years of the Tokugawa period was a sign of a larger crisis for the Bakuhan system as it was constituted.

Third, in considering economic growth in the Tokugawa period, the English-language literature seems to gloss over the economic aspects of the seigneurial system. It was the dominant samurai control of the agricultural surplus established under Toyotomi Hideyoshi (1536-1598), that led to the spurt of urban development in the formative stages of the Bakuhan system. For example, the economic dominance of the city of Ōsaka would have been unthinkable without the driving engine of samurai control of the agricultural surplus, coupled with samurai consumption. However, it is also equally true that as the overall Tokugawa economy grew, the relative importance of the seigneurial economy decreased, and moreover, as one of the weaker links within the chain of the seigneurially-dominated economy, the *hatamoto* suffered particularly from the seigneurial backslide. The decline in *hatamoto* rates of direct collection of tax/rent and the move towards use of their political power to gain non-voluntary loans was principally a result of the *hatamoto* facing rapidly diminishing returns from the collection and marketing of tax/rent in kind in an economy where they were increasingly unable to do this on suitably favourable terms. The decline in *hatamoto* rates of collection, therefore, should be seen properly as an economic phenomenon and not confused with their political powers, which they retained essentially undiminished until the demise of the Bakuhan system itself.

The essentially economic question of to what extent the *hatamoto* may have succeeded or otherwise in maintaining their relative economic position in qualitative terms after the seventeenth century remains beyond the scope of this paper. What is relevant to our theme is that, from the eighteenth century, the *hatamoto* chose to play a delicate balancing game, using their political powers of coercion to counterbalance the increasing economic power of the peasants. This ploy was successful to at least some extent, until economic pressure on the *hatamoto* in the nineteenth century forced them into a fierce struggle with peasants over control of the growing agricultural surplus. The political disruptions stemming from this struggle may be the most important problem concerning the socio-economic relationships centred on *hatamoto* fiefs. The interconnection between *hatamoto* attempts to increase exactions and the interests of peasant families seeking to advance their position at their fellows' expense meant that the issue of resistance by fief peasants to extra exactions became intertwined with the issue of economic competition amongst the villagers. This phenomenon was not unique to *hatamoto* fiefs: most efforts by daimyō to increase revenue through domain-supervised

monopolies worked on similar principles. However, since the economic alternatives open to *hatamoto* were more limited, their dependence on using wealthy village merchants was that much larger and the effects often that much more direct. The marriage of *hatamoto* rule with the interests of fief headmen meant that both conflicts between wealthy and poorer peasants, and commercial rivalries amongst wealthy peasants became inevitably inter-twined with the already strained relationship between peasants and *hatamoto* over the division of the agricultural surplus. Therefore, *hatamoto* rule was especially prone to provoking strong peasant resistance, not just because additional *hatamoto* exactions were an unwanted burden, but because the process involved served too often also as a catalyst to bring other antagonisms within village society to boiling point. This, coupled with the tendency for *hatamoto* to alienate the support of the very same village elite on whom control of their fiefs depended, eventually led to a bankruptcy of the legitimacy of *hatamoto* rule and the system that supported it.

However, while acknowledging that *hatamoto* generally lost out in the economic struggle, the degree to which the balance of power shifted in favour of rich peasant can be overstated. In case after case one finds wealthy peasants engaged in life-and-death struggles for control of the post of fief headman, such as was the case in the incident involving the Morikawa fief headman in 1838. This rivalry amongst members of the village elite meant that although the *hatamoto* were dependent on them as a group, at the same time they were often able to play off rivalries within the group to maintain some control over its individual members. This expendability of individual fief headmen meant that while the post could bring considerable monetary profits, it also could entail great risk. Nonetheless, as there was no shortage of bidders for the post throughout most of the Tokugawa period, this suggests that other avenues for commercial development within many villages were still sufficiently scarce that the risks involved in working for the *hatamoto* were outweighed by the lack of other opportunities. This may also reflect the degree to which *hatamoto* directives could affect life and commerce within a fief, and that many families considered it the lesser of two evils to be directly associated with the *hatamoto* rather than to be merely passively exposed to his whims. In short, the economic ascendancy of the wealthy peasants did not translate, and could not translate under the status system of the period, into direct political power. Thus the political power of the *hatamoto* was pitched against the economic power of the peasants, but neither could gain a permanent victory against the other, since neither could subsume the others' power base. So long as the Bakuhan system itself was in place, the *hatamoto*, despite their bankruptcy, still retained the political means to attempt another attack on peasant accumulation of wealth when circumstances permitted. Therefore, the struggle between

hatamoto and fief peasants progressed not towards a resolution, but towards a debilitating deadlock. It was this breakdown of the old covenant of protection and support granted by the *hatamoto* to fief peasants, more than intrusions on seigneurial privilege aimed towards modern state-building by the Bakufu, that prepared peasants on the Kantō Plain to accept a new form of government after 1868.

Fifth, if a covenant existed between ruled and ruler on *hatamoto* fiefs, we need to explore in what ways this was expressed and maintained. The idea that samurai rule in general under the Bakuhan system rested on a covenant has been well studied (Scheiner 1978), but how this covenant was expressed under different parts of the system remains unexplored. For the peasants on *hatamoto* fiefs, apart from the general ways in which this covenant was expressed (principally as appeals to the *hatamoto's* responsibility to guarantee peasants ability to maintain their usufruct of fief land), this covenant took on aspects less of loyalty to an idea, as it tended to become on Bakufu land (*tenryō*), and more of a personal loyalty to the *hatamoto's* house or lineage. The *hatamoto*, for their part, gave expression to this personal bond in gifts to their fief peasants on important ceremonial occasions, principally the New Year. These gifts were generally in nature of food or drink, or both. For the fief headman, in particular, it seems to have been common to present his greetings in a personal audience where he received a cup of *saké* directly from the *hatamoto* as part of the New Year's ritual at the *hatamoto's* Edo residence.³⁸ This specific ritual paralleled that between a samurai lord and his vassals at the New Year, and was a visible ritual statement of the bond between the *hatamoto* and the fief headman. The ritual significance of the granting of food and drink to the general body of fief peasants was that it gave the recipients the status of members of the *hatamoto's ie* ('house'), thereby expressing the relationship between ruler and ruled as that of patron and client, protector and dependent. In considering rule on *hatamoto* fiefs, the intangible bonds between *hatamoto* and peasants, particularly those with the fief headman, need to be taken seriously as one element which shaped the relations between the two. On the majority of fiefs for the greater part of the Tokugawa period, the dominant language of interaction between *hatamoto* and peasants was that of duty, obligation, and mutual responsibility, and not that of open conflict. If the bureaucratic structure of the larger daimyō domains and the Bakufu in the Tokugawa period presage the modern state, the relation between the *hatamoto* and their peasants prefigures the paternalistic patron-client relationships that also have survived as an important part of modern Japanese social relationships.

³⁸ For a good example of this ritual, see SKS (949-956{459} esp. p. 951).

Finally, in considering how politics and political structures actually functioned under the Bakuhan system, one cannot continue to set up an externally derived and false opposition between Bakufu and *hatamoto* rule. This totally distorts the fundamentally symbiotic relationship between the two, whereby Bakufu authority provided the necessary basis for *hatamoto* rule, and where *hatamoto* supplemented the inadequacies of the Bakufu bureaucratic structure.

List of References

Abbreviations

HCS *Hatamoto chigyō to sonraku* ed. Kantō Kinseishi Kenkyūkai Tokyo: Bunken Shuppan (1986)

HMS *Higashi Matsuyama shishi* Shiryō hen, Dai 3 Kan, Kinsei hen, ed. Higashi Matsuyama shi, Saitama Prefecture (1983)

HSS *Hiratsuka shishi* 2. Shiryō hen, Kinsei (1). Ed. Hiratsuka shi, Kanagawa Prefecture (1982)

JJS *Journal of Japanese Studies*

KKS 2 *Kanagawa kenshi* Tsūshi hen 2, Kinsei(1). Ed. Kanagawa Ken Kenminbu Kenshi Hensan Shitsu. Yokohama, Kanagawa Prefecture (1981).

KKS3 *Kanagawa kenshi* Tsūshi hen 3, Kinsei (2) (1983).

KKS 8 Jō *Kanagawa kenshi* Shiryō hen 8, Kinsei 5 Ge.

KKS 8 Ge *Kanagawa kenshi* Shiryō hen 8, Kinsei 5 Ge (1979).

SKS *Saitama kenshi* Shiryō hen 17 Kinsei 8 Ryōshu. Ed. Saitama Ken. Urawa, Saitama Prefecture (1985).

TKRK *Tokugawa kinrei kō* Shihōshō zōhan hōseishi gakkai hen, Ishii Ryōsuke kōtei. Tokyo, Sōbunsha (1959).

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Glossary of Japanese Terms

<i>Bakuhan sei</i>	幕藩制	<i>nagarō</i>	永牢
<i>bugyō</i>	奉行	<i>nengu</i>	年貢
<i>daikan</i>	代官	<i>ōmetsuke</i>	大目付
<i>daimyō</i>	大名	<i>ontō</i>	遠島
<i>gokenin</i>	御家人	<i>rōjū</i>	老中
<i>goyōkin</i>	御用金	<i>ryō</i>	両
<i>hatamoto</i>	旗本	<i>saké</i>	酒
<i>hyakushō</i>	百姓	<i>sashihikae</i>	差控
<i>ie</i>	家	<i>sennō</i>	錢納
<i>jū-tsuihō</i>	重追放	<i>shikari</i>	叱
<i>kanjō bugyō</i>	勘定奉行	<i>shoshi hatto</i>	諸士法度
<i>kōgi</i>	公儀	<i>tegiri ginmi</i>	手切吟味
<i>kokudaka</i>	石高	<i>tenryō</i>	天領
<i>komononari</i>	小物成	<i>toyui</i>	戸結
<i>myōgakin</i>	冥加金	<i>tsuihō</i>	追放