

# FEUDALISM AND IE IN JAPAN: Looking for a Virtual Axis in a “Non-axial” Society

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## I. Introduction

It is fortunate that little credence is given anymore to the simplistic theory that Japan was the only non-western nation to successfully modernize because it experienced the same kind of feudalism as the west. I have previously expressed my criticism in various forums of the assumptions that: Proposition 1: Feudalism is a historical prerequisite for modern liberalism; and that, Proposition 2: Japan experienced feudalism. I have been refuting these propositions in Japanese, since 1972; in English, since 1974; and in German, since 1976, and so feel no necessity to repeat my arguments here. Neither is there any need to criticize these two propositions within the context of this symposium as Professor Eisenstadt has accurately analyzed the distinguishing characteristics of contemporary Japanese society and their historical premises. Still, I would like to make a few points regarding these propositions as they pertain to the topic of this paper.

First, as regards Proposition 1: It is safe to acknowledge that the freedom (*staendische Freiheit*) of medieval feudalism and the *Staendestaat* that followed played a decisive role in the establishment of modern freedom in the west. The question is whether this freedom was actually fostered in the womb of feudalism. A more accurate interpretation, perhaps, is that freedom prescribed the nature of western feudalism; in other words, western feudalism is characterized by its laws guaranteeing freedom.

My argument is based upon the perception that the structure of the western high medieval age (*Hochmittelater*) beginning in the 12th century was defined by European medieval law, and that feudalism was just one part of this structure. The act of *Leihe* (conferment, granting) that is at the core of feudalism or *Lehenswesen* is not a legal act (*Rechtsgeschaeft*) peculiar only to feudalism. The legal form of *Leihe* imposed certain obligations upon the recipient of a grant and was widely applied (W. Ebel, “*Leihegedanke*”). It was applied equally, whether in terms of the emperor’s grants to the *Lehnsverleihung*, or a small village lord’s endowment of a water mill to local farmers or a city lord’s baking oven for his citizens. But the obligation imposed upon the recipient was defined by corresponding value and was not a blanket guarantee requiring other kinds

of responsibility. This was not, in other words, an absolute system of control forcing unlimited obligation upon the recipient of *Leihe*, but rather a reciprocal contract of mutual obligation between patron and client.

What is important about this term “reciprocal contract,” is its implication that judicial law set the standard for the relationship between ruler and ruled. This meant that there was legal recourse for any infringement of the contract by either side.

Medieval freedom as the forerunner of modern freedom dominated not only the lord-vassal relationship of feudalism but also, in principle, all relationships between free persons. Only a superficial view will seek to trace to feudalism the historical premise for modernization when the true source is the legal culture (*Rechtskultur*) that distinguishes the feudalism of western Europe.

I believe I have made clear my stance as regards the second of the above-mentioned propositions. The issue is not whether or not feudalism ever existed in Japan, but rather what kind of *Rechtskultur* supported Japan's feudalism (if, indeed, it ever existed).

It seems to me that Professor Eisenstadt maintains a similar perspective in the discussions in his book *Japanese Civilization*, and his work has stimulated me to tackle in this paper the conceptual contradiction of searching for the axis of a “non-axial” society.

To state my conclusion first: This axis could be the emperor system, and the structures surrounding this axis can be seen as being regulated by *Ie* as it is written in *kanji* in historiographical materials. This is not the same *ie* as defined by Shumpei Kumon, Yasusuke Murakami and Seizaburo Sato (hereinafter referred to as Murakami's *ie*), and in this sense, this paper is a critique of their *ie* society theory, too.

## II. *Ie* conceptions

It should be pointed out, first of all, that when Japanese discuss *Ie* they invariably do so with varying interpretations of the concept. What is worse, they tend to be oblivious of their own differing interpretations and so only confuse the issue even more.

It is important to realize that there are at least two kinds of *Ie*, the *ie* written in *katakana* and the *Ie* written in *kanji*. The difference between these two corresponds to the difference between the social science concept of Max Weber's *Idealtypus* and historiographical terminology. Murakami's *ie* is the *katakana ie* used as an analytical tool in social science; a kind of *Idealtypus* for the discussion of the distinctive qualities of Japanese society. This *ie* has no relationship to

historical reality as far as the assumption that *Ie* first arose in eastern Japan at the beginning of the middle ages. It is equally unrelated to the concept of *Ie* as normally visualized by most Japanese.

The decisive influence for the concept of the Murakami's *ie* is the *ie* of Susumu Ishii, the medieval historian. This is also the *katakana ie* and an Idealtypus concept. Furthermore, as Ishii himself acknowledges, this concept of *ie* is the Japanese rendition of Otto Brunner's "das ganze Haus." As Brunner says: "Das Haus ist im Mittelalter und darueber hinaus ein Grundelement der Verfassung im weiteren Sinne des Wortes; es ist eine 'Freiung,' in der ein besonderer Friede, der Hausfriede, herrscht. ...Domus sua pro munitione habetur."

In *Chusei bushi dan* [Medieval *bushi groups*], Ishii describes medieval Japanese society using the concept of independent *ie*-lordship, *ie*-Herrschaft — "resident rulers rooted to the land" — with the aim of "emphasizing the distribution of power and multi-dimensional facets of medieval society" in Japan. Throughout, Ishii has Brunner's Haus in mind, and he consistently uses the term *ie*-lordship as defined by Brunner's Hausherrschaft. It is no accident that he never uses the term *ie* alone.

Another important point is Ishii's reason for emphasizing the independence of the *ie*-lordship of the early medieval period (the Kamakura period). He states: "In looking back upon medieval Japan from the perspective of contemporary society, it seemed important to consider first of all the independence that has since been lost." Ishii's *ie*, like Murakami's *ie*, is an Idealtypus. But for Ishii, the historical transition from the early to late medieval periods and on to the modern era corresponds to the process by which independent *ie*-lordships were dismantled and replaced by an "absolute police state." This is a completely different order of argument from Murakami's premise that the *ie* was a new structural principle of civilized Japanese society replacing the ancient order of *uji*. Murakami's hypothesis is that the *ie* of the early medieval period, while going through various changes over time, continues to define modern Japan (cf. "The *ie*...began with the *ie* of the developer lords...attained a kind of apex in its evolution along with 'modernization' and continues to the present." In contrast, Ishii writes of *ie*-lordship as disappearing with the medieval era. His *Chusei bushi dan* is in a sense an elegy to "independent *ie*-lordship."

Ishii fully realized that what he termed *ie*-lordship was not the same as the historiographical *Ie* written in *kanji*. Precisely because he was aware of this, he took care to write the word *ie* only in *katakana* and to use only the compound word *ie*-lordship. The concept of *Ie*, as written in *kanji*, did not take firm hold among the general *bushi* (with the exception of such high-ranking *buke* as the Genji and Heike) until, as I will describe later, independent *ie*-lordship was on

the verge of extinction.

There is, of course, nothing wrong in creating a concept to be used as an academic analytical tool or *Idealtypus*. At issue are the usefulness of the tool and the appropriateness of the conclusions attained thereby. In this regard, Ishii's *ie*-lordship is highly successful.

Murakami's *ie* society theory, on the other hand, is a complicated and convoluted explanation of the *ie* system, starting with the "early *ur-ie*" prototype of the early medieval period, tracing its reorganization into the "late *ur-ie*" of the latter half of the medieval period, and to the formation of the "great *ie*," the "core entity" of the whole *ie* system. As a result, this theory treats the period when the *ie* system was most widespread in the historiographical sense — when, in Otto Brunner's words, the *Ie* was "*ein Grundelement der Verfassung*" — as a kind of "agglutination," an era of "stagnation and fossilization," a "mere episode."

Murakami further asserts that the late *ur-ie* was not as independent as the early *ur-ie*, this original independence being transferred instead to the new social system of the great *ie* that emerged in the "analogous magnification" of the *ur-ie*. At the same time, Murakami notes that this process of transformation in *ie* society required "a revolutionary change in social organization." He amplifies: The establishment of the great *ie* required the simultaneous achievement of uniform lifestyles and a clearly defined hierarchy, a difficult task. This was in essence the creation of a whole "new culture."

Given this argument, it would seem that "analogous magnification" is the fine thread linking the great *daimyo ie* of the pre-modern era to the *ur-ie* of the early medieval period. But by Murakami's own assertions, the more logical conclusion, albeit unintentional on Murakami's part, is that the *ur-ie* and the great-*ie* are two completely different entities. The problem with Murakami's *ie* society theory, as I see it, is that the theory tries to correct the discrepancy between Ishii's *ie*-lordship concept and the concept of the *kanji Ie* (which, as I have already noted, becomes "*ein Grundelement der Verfassung*" at the beginning of Japan's premodern history) with a "social dynamics" concept labeled "analogous magnification." There is, furthermore, insufficient evidence to support the claim that the *ur-ie* evolved into the great *ie* through "analogous magnification."

Having verified the above, it seems clear that instead of introducing a foreign concept like the *katakana ie*, it would be far more productive to clarify the meaning of the historiographical term, the *kanji Ie*, with careful attention to the term's connection to related concepts of the same period.



### III. *Ie* / *Ke*

In Japanese, *kanji* usually have two possible readings. The first is derived from the original pronunciations of the character when it was first introduced from China and the second is the Japanese reading which is based upon the character's meaning. This second reading is, in a sense, a translation from Chinese into Japanese. An example is the character for mountain. The original Chinese pronunciations for this character are *san* or *sen*. The Japanese rendition is *yama*.

The historiographically used *kanji Ie* is no exception. *Ie* is the Japanese reading of the character while the Chinese-based readings are *ke* or *ka*. The Japanese people naturally use the Japanese reading most often, both in daily life and academically. Murakami's *ie* society thesis uses the Japanese reading. At the same time, however, the Japanese language has many compound words in which the *kanji* character *Ie* is read as either *ke* or *ka*. Examples include such common feudalistic terms as *ke-nin* (retainer) and *ka-shin* (vassal).

Please keep these factors in mind as I continue my discussion of *Ie* as a historiographical concept.

In tracing the conceptual origins of the term *Ie*, it is necessary to go back to an institution based on a system that was codified in imitation of the Chinese legal system and introduced in Japan at the beginning of the eighth century. For the great noble families who were at the political center of the Japanese nation of the day, *Ie* was a system of household administration "granted" to them by the state. It was, in other words, a concept of state law. Needless to say, the Japanese people of the day, whether nobles or farmers, all had houses or households in the social science sense. These were not, however, called *Ie* or even *ke* or *ka*.

*Ie* was an administrative unit of the national government, comparable in size and composition to the office to administrate a *kuni*, the largest regional administrative unit of the time, roughly equivalent to today's prefectural *ken*. It was in essence a kind of government organ whose officers were paid from state funds. In fact, *Ie* ministers and vice-ministers were recruited from the same class of lower nobility as their counterparts within the *kuni* administration, and it was not uncommon for a *kuni* officer to become an *Ie* officer and vice versa.

This system in which the state pays for the operating costs of the household may offend our modern sensibilities which insist on separating public and private. But it must be understood that the household management of the aristocracy was as much a "national" concern for the ancient Japanese state as was the management of regional administrative bodies. This was because the households of the aristocratic magnates were expected to function as a part of the state

government organization.

It was expected that the nobility acting as ministers within the national government administration would utilize their own personal households in performing their appointed tasks. And it was in recognition of this that the state "granted" the status of *Ie* as an administrative unit. The *Ie* was thus a part of a national legal structure of control.

Notable is the fact that this system of national administration, modeled as it was on the advanced Chinese legal system, introduced the concept of the salaried bureaucrat as an individual worker. The principles of the *Ie* status remained the same when this status was bestowed upon individuals. Thus, among those appointed to top administrative positions, father and son, husband and wife, could each have their own individual *Ie*. In principle, *Ie* was conferred upon the position only and was not a privilege that could be passed down from one generation to the next. Hence there is no direct link between this *Ie* and the *Ie* of the medieval age, there being, in fact, a number of intermediary factors separating the two kinds of *Ie*.

Within the documentation of the system of legal codes that were instituted at the beginning of the eighth century are such compound terms as *ke-cho* (*Ie* head) and *ke-nin* (*Ie* member). These terms do not refer to the organizational head or members of the kind of *Ie* structure (a device to administer the households of the nobility) described above. Rather, they were used in reference to the head of a blood lineage (family) and to the family's semi-free servants (like the Hausmannen). What this implies is that the state codes of the time also incorporated another concept of *Ie* different from the one described above. Within the context of this *Ie* concept, the idea of a predesignated heir (*chakushi*) to the head of household, the *ke-cho*, had special importance.

Takashi Yoshida, an authority on ancient Japanese history, has concluded in his studies of this additional *Ie* concept that there was an attempt by the state at this time to establish an *Ie* system to replace the *uji* system already in place. "The *uji* system in which the position of family head shifted within a wide range including collateral families and whose members were constantly changing as a consequence was too fluid a system for the 'blood-lineage groups' which headed the legal state." Yoshida's thesis is that in order to correct this, the Japanese state sought to establish a ruling class (the aforementioned great noble families who had been granted *Ie*) of blood-lineage groups whose leadership would be unilaterally hereditary, passing from father to son (whenever possible to the eldest son), and that this new type of blood-lineage group was given the name of *Ie* in imitation of the Chinese model. Up until the enactment of the codes at the beginning of the eighth century, the Chinese character for *Ie* was read as *yake*

and sometimes *yaka* and used to refer to a storehouse or similar structure. There was at this stage no kind of blood-lineage group that could be equated with the Chinese patrimonial family as designated by the character *Ie*.

Within roughly one century, however, the reading of the character changed to *ihe* and eventually *Ie* as the policy of promoting blood-lineage groups at last provided a contact point between the *Ie* as a household management apparatus and the hereditary *Ie* passed on from father to son. As a result, the way in which the word *Ie* was used changed also. It no longer referred to a building or facility but was now used to allude to organizations and blood-lineage groups, and the pronunciation *Ie* began to be used consistently for the reading of the *kanji* from this time. The *Ie* as an administrative unit, however, "was still not an object of succession" (Yoshida). Neither did immediately the nature of the *Ie* of blood-lineage groups change into entities of unilateral succession from father to son. They were, rather, very fluid structures "basically no different from the *uji*" (Yoshida). It would take more than two centuries before the consolidation of the *Ie* as we recognize it in later periods of Japanese history. Another important point that must be noted is that it was the great noble families at the center of state authority — and among these families those few blood-lineage groups at the very top — who were the first in Japanese history to give concrete form to the concept of the *Ie*. It was for them that the two types of *Ie* described above were institutionalized, and it was their households that first provided the meeting ground for the two kinds of *Ie* concepts. The poor "developer lords" of remote eastern Japan were not involved in any way.

#### IV. The transition from the *Ie* of ancient nobles to the *buke*

It is impossible in the limited time allotted here, to explain the process of consolidation of the *Ie* within the families of imperial regents and advisors, a consolidation which took place nowhere else.

Instead, suffice it to note that around the beginning of the eleventh century, a new term read *ikke* or *ikka* meaning "one *Ie*" begins to appear in the journals of the highest ranking nobility right alongside the term *Ie*. In this context, the word *Ie* refers to the *Ie* as an administrative unit while the word *ikke* is actually closest in meaning to *Ie* as the term is understood today. *Ikke* is at times used loosely in some texts to encompass collateral family, such as, for example, nephews. But overall, there is a convergence in the use of the term that narrows its meaning down to a blood-lineage group based on the principle of father-son succession. It is also interesting to note that in nearly every case the father draws upon his own *Ie* resources to support his son's official duties. This, despite the

fact that the system ensures that each individual has his or her own *Ie*, the implication being that the son should be able to apply the resources of his own *Ie* in carrying out his government-appointed responsibilities. What this tells us is that the *Ie* has evolved into a blood-lineage group shared by father and son (*ikke*). Add to this the possibility that certain duties, that is an official post, can be passed on from father to son, and we see the *Ie* becoming an object of succession. This eliminates the need to use another term such as *ikke* to express this concept, and the word *Ie* comes to be used to describe a blood-lineage group based on hereditary.

This is precisely what happened over the hundred-year span of the eleventh century. It is widely accepted in the academic world of Japanese history that the so-called *sekkan* (imperial regents and advisors) families were the prototype of this kind of *Ie*. The imperial regents and advisors were the protectors of infant emperors and were the highest power of authority. As is already well known, these highest offices were hereditary within a certain family line of the Fujiwara clan. These families were called *sekkan-ke* and their *Ie* possessed *ke-ryo* (*Ie* properties). The *sekkan-ke-ryo* were formed in much the same way as the kingdoms and empires of twelfth-century Europe and were based on the same hereditary principles which dictated that those who attained the position of king or emperor would inherit these kingdoms and empires. *Ke-ryo* were passed on from one generation of imperial regent/advisor to the next.

What is noteworthy here is that the succession of *Ie* and *ke-ryo* is tied to the succession of official post or duties. And precisely because of this link there emerges the concept of *ka-gyo* (*Ie* business). By the late Heian-early Kamakura period (late twelfth century to early thirteenth century), even the *Ie* of the lower ranking nobility had their respective *ka-gyo*. These *Ie* specialized in a wide diversity of fields such as music, literature, and law, many of which have been carried down to this day.

A decisive factor is that all of these diverse *ka-gyo* were inseparable from service to the emperor. This brings us to Masao Maruyama's *seiji* (*matsurigoto*) *no kozo* — *seiji ishiki no basso ostinato* [The Structure of Politics: the *basso ostinato* of Political Awareness] (*Maruyama Masao shu* [Masao Maruyama Collection], Vol.12, p.205). The task of the *sekkan* was to protect and serve the emperor, in the same way as the *myobo-ka* legal specialists applied their specialized knowledge to imperial service. The *Ie* was, in other words, a resource for the execution of official tasks that were perceived as ultimately serving the emperor. The *Ie* as an organization retains this characteristic of existing solely for imperial service even as these official tasks become something that is passed on from father to son and even as the *Ie* comes to be identified with blood-lineage groups

based on unilateral heredity.

Because of this, it was important that the head of an *Ie* be capable of carrying out the necessary official tasks. An adoption system was necessary, therefore, in the event that a natural heir should prove incompetent or incapable of performing the required duties. The *Hossoshiyosho*, a legal commentary of the early Kamakura period, explicitly states: "The adopted child [exists] to carry on the *Ie* business (*ka-gyo*).” We see here the origins of Murakami’s “ultra-kinship.”

Here, I would like to present my thesis: The *Ie* is a group that exists to serve a higher-ranking ruler, ultimately, the emperor. A corollary to this is that the emperor has no *Ie* and no *Ie* name. The prototype for this *Ie* are the *sekkan-ke* forerunners and *Ie* of nobility that were formed after the eleventh century. The *Ie* were born of the upper classes and the system gradually filtered down over time to become a universal institution in Japanese society.

Japanese “feudalism” is generally defined by the emergence of a government (*bakufu*) run by the *bushi* or samurai. The subject who shouldered the burden of running this military government were the *buke*, the *Ie* who provided hereditary military service to the emperor. It is interesting to note that such terms as *ji-ke* (temple *Ie*) and *sha-ke* (shrine *Ie*) were allegorically used at times along with the term *buke*. Buddhist temples and Shinto shrines were not hereditary groups, but were still counted among the *Ie* for the “service” they rendered as protectors of the state and the emperor.

As the above example shows, for the purpose to indicate a certain *Ie* the *kanji* *Ie* was at first added to whatever *kanji* described a *ka-gyo* or type and rank of service to the emperor. (It is no accident, I believe, that we still refer to merchant and farming families, for example, as *sho-ka* and *no-ka*.) And as the lineage involved in the *ka-gyo* expanded (through family fragmentation and the like), we see the formation of *Ie* designated by proper nouns; for example, among the *sekkan-ke* there emerged the Nijo-ke, Sanjo-ke, and Kujo-ke, while among the *buke* are such illustrious names as the Heike and the Genke (Genji).

## V. Those with *Ie* and those without

As I have already noted, the *Ie* disseminated from the upper classes to the lower to eventually become universal. I would like to look at the Kobayakawa family (also used as a case study by Susumu Ishii and Murakami, et. al.) to trace the manner in which this kind of dissemination took place among the *buke* who was the driving force of Japan’s “feudalism.”

The “Kobayakawa Hirokage Testament” [*Kobayakawa Hirokage okibumi*]

written at the end of the fifteenth century includes detailed instructions as to the status and treatment of all those under Kobayakawa's administration. He begins with the allocation of status: kin (*shinrui*), those inside (*uchi no mono*), and intermediaries (*chugen*). The latter two categories are in a clearly defined hierarchical relationship; that is, all those other than kin were either in the higher ranking *uchi no mono* group or in the lower ranking *chugen* group. The system allows those of *chugen* rank who have provided exceptional service to up-grade to *uchi no mono* rank.

Significant is the fact the *uchi no mon* were those with *Ie* and the *chugen* were those without *Ie*, in other words, those without surnames. Again, care must be taken not to interpret *Ie* merely as "household" in the sociological sense. Those without *Ie* are listed right along side farmers (*hyakusho*). They were not slaves and certainly had their own households. The distinction of having or not having an *Ie* was an indication of whether one was incorporated or not within the formal order of status. For example, those formally listed as a part of the military organization of the Numata clan — Kobayakawa's lord — all have *Ie*. Needless to say, both Numata and Kobayakawa also have their respective *Ie*. Kobayakawa's relatives all have lower-ranking *Ie*, as do all of the *uchi no mono*. The system works like a nest of boxes.

Murakami interprets this as a process whereby the lower-ranking *ie* grew into the "great *ie*," but the correct interpretation is that the lower-ranking *Ie* were formed only with the formal recognition of the higher-ranking *Ie*.

It can be surmised that this *Ie* concept had already begun to filter down to the lower-ranking *bushi* level not too long before Kobayakawa Hirokage's *okibumi* was written. The word *Ie* does not appear at all in a Kobayakawa *okibumi* of just a half-century before. The term *ikke* first appears in an *okibumi* written in 1451, but is used to encompass all kin (including collateral families) in a much wider application of the concept than that used in the journals of the nobility of the early eleventh century. In this latter case, the character for "one" that is used in the term *ikke* is probably best translated as "united" or "unified."

Unfortunately, this marks the limits of my research to date and I am unable to present further evidence to support my thesis. Still, I would like to stress that to have *Ie* meant that one was incorporated into the hierarchy of those serving the emperor, or, to put it more accurately, that the bestowment of *Ie* was a formal acknowledgement of incorporation into this hierarchy. Whether or not those thus incorporated into the hierarchy were conscious of the emperor as the object of their service is not the issue here; those at the foot of a mountain are seldom able to see to the very top. Not surprisingly, it is common to refer to the emperor's palace as being "above the clouds!"



## VI. The wealth of the *Ie*

Japanese "feudalism" was an aggregate of *Ie* whose *ka-gyo* was to provide military service to the emperor. Referred to en masse as *buke*, these formed a single *Ie*. It is inappropriate, within this context, to view the emperor-shogun relationship as being between equals within a dual-structure state. Wars were frequent in the period spanning the founding of the Kamakura *bakufu* to the Meiji Restoration, but they did not represent an equal contest between the emperor and *bakufu*. In most cases, these were battles over who was to fill the position of *buke no toryo* (the leading provider of military service to the emperor, the highest-ranking recipient of this service). True, there was antagonism between the emperor and the *buke* at first and this antagonism did erupt into armed conflict at certain times (the civil war of 1221 and Emperor Godaigo's punitive attack on the Kamakura *bakufu* in 1333), but these were instigated by the emperor's desire to remove the *buke no toryo* of the time.

Attaining the status of *buke no toryo* and a *toryo*'s establishment of his own government were not necessarily one and the same thing. For example, the Heike who held the *toryo* status before Yoritomo made no attempt to create their own independent government (*bakufu*) and were content to enjoy their power within the context of the ancient state system. Yoritomo, on the other hand, did indeed set up his own *bakufu* and for good reason. The *bushi* wanted their wealth to be protected under a different system than the legal system and practices of the ancient state, and this meant that a new kind of government was necessary. Under the old system, the holdings of the *bushi* were recognized only as various offices (*shiki*) under the jurisdiction of regional and upper nobility *shoen* administration. The rights of property were conferred only in conjunction with appointment to these *shiki*. The samurai were not allowed to automatically keep these ownership privileges through hereditary means, and instead each successor had to be newly appointed to the *shiki* which his predecessor had occupied before he could claim such rights. This was, to put it simply, a system that did not recognize the concept of private property in the real sense.

The *bushi* needed a legal system and an authority that would recognize their wealth as private property in the real sense of the term. Indeed, early in his government, Yoritomo issued numerous *ando* (recognition) documents certifying the *bushi*'s rights of ownership of their *shiki*. The problem was, this was a recognition of rights of *shiki* by someone other than the original conferrer of the office, a basic contradiction in principle. Theoretically, there were a number of possible ways in which this contradiction could be resolved.

The most radical solution was to detach the *bushi*'s wealth from the *shiki*,



but this implied the dismantling of the already existing state structure, a completely unrealistic proposal at the time. No one (not even the *bushi*) bothered with this possibility.

Another solution was for Yoritomo himself to become the conferrer of the privileges in question, even though this would actually go against the *bushi*'s original wishes. A third solution, somewhere between these two extremes, was to simply accept and carry on with the contradiction. This meant that the *buke no toryo*, as the representative of the *bushi* office holders, would continue to apply "political" pressure on the imperial court.

The *bushi* were willing to go with this third solution, but Yoritomo chose the second, a choice that naturally led to friction. When Yoritomo had established his military superiority (over all except northeastern Japan), he received from the emperor the right to have an *Ie* as defined by the codes then in place. Just as the ancient noble *Ie* had done, Yoritomo set up a *mandokoro* as the central administrative office of his *Ie* and had this office administer his *toryo* tasks. At this point there was fighting between Yoritomo and his *ke-nin* retainers over the validity of his *ando* documents.

Prior to the establishment of the *mandokoro*, Yoritomo and the *bushi* enjoyed a personal lord-vassal relationship and the *ando* documents were signed by Yoritomo himself. But after the founding of the *mandokoro*, the certificates issued by the *mandokoro* replaced Yoritomo's personal vouchers. The *bushi* were not happy with these pieces of paper issued by bureaucrats within an office that was certainly not their lord. They wanted Yoritomo's signature, but with a very few exceptions, this was not granted. The *bushi* had supported the *bakufu* in the hopes that it would release them from the bonds of the legal system of the ancient state, but instead the establishment and operation of Yoritomo's *mandokoro* represented a total assimilation into the ancient system. The same structure whereby the ancient nobility had guided their following to serve the emperor was now applied to the *buke*.

This represented the first change in the aforementioned "contradiction." The next change was particularly acute for it involved a complete transformation of the way in which *bushi* wealth existed. The various "offices" which represented their wealth were now uniformly called *jito shiki*, office in charge of maintaining regional peace and order, and were bestowed by Yoritomo in a brilliant move that at once erased the troubling "contradiction." In that the conventional offices of regional administration and the *shoen* were renamed *jito shiki*, this change represented a partial power shift from the ancient state system to Yoritomo who now enjoyed, as the *buke no toryo* and at least as far as this matter went, a part of the authority that had once belonged to the ancient state or

emperor. But the *bushi* paid a great price for this power shift, for the *bakufu* that had acted for them as a pressure group upon the appointive powers of their offices was now itself the source of their appointments and dismissals. The result was that the *buke* were transformed into an aggregate of office holders appointed by the *bakufu* to the office of *jito shiki* by which they were placed in charge of maintaining peace and order (and thereby serve the emperor). The military services provided by the *buke* were now a part of their official duties as *jito shiki* officers and their properties were the payment for this service.

Within the Kamakura judicial system, cases involving *bushi* property were called *shomu zata*. *Shomu* refers to the carrying out of one's official duties. Thus, *shomu zata* connotated a dispute over the rights/competencies of carrying out official duties. I consider this an indication that the *Ie* concept had taken root within the dimensions of the Kamakura judicial system, for here we see the property or wealth of the *Ie* as payment for services (the carrying out of official duties) rendered.

The *jito shiki* system and *shomu zata* are peculiar to the Kamakura period. This may raise the question of whether Ishii's thesis can be generally applied to the "feudalism" of the Muromachi period and after, but there is no time here to refute this in detail. Suffice it to say that by the Tokugawa period, *bushi* property was no longer something that could be fought over in court. By this time, the idea that the property of the *Ie* represented payment for services rendered had advanced from the Kamakura period perception to one in which the *Ie* was now perceived as a resource to be drawn upon in supplying the required services. This latter perception reminds me of when the ancient nobles were first granted *Ie* as a household management apparatus to better carry out their official tasks.