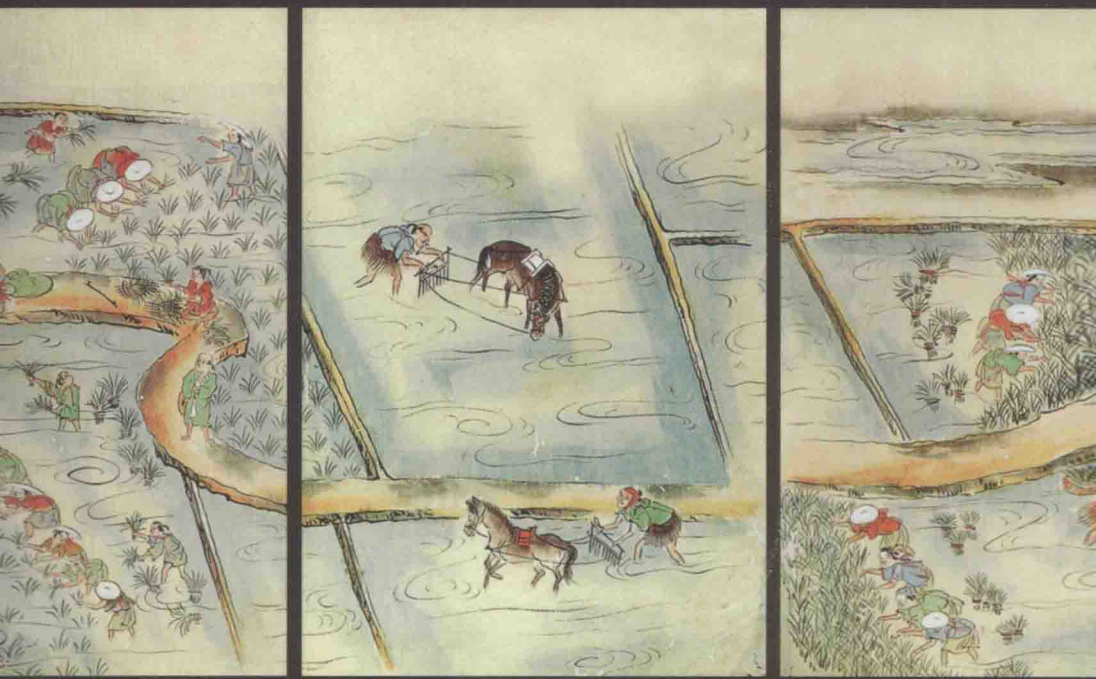
cultivating commons



JOINT OWNERSHIP OF ARABLE LAND IN EARLY MODERN JAPAN

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Cultivating Commons

Joint Ownership of Arable Land in Early Modern Japan

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In memory of Matsunaga Yasuo, diligent scholar, generous friend

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Preface

This project has dual origins. In the long run, it comes from a long-standing interest in rural society. Like many an urban and suburban child, I had little contact with rural society growing up: that is, until my father, looking for a new challenge in life, slid into farming as a major pastime. While I never possessed my father's physical energy (between working at Eastman Kodak and the farm in the Finger Lakes region of upstate New York, he routinely put in twelve- to fourteen-hour days, exclusive of commuting time, four to six days a week), working with him I came to know farmers: people who labored in the face of natural challenges, put in long days, and became their own large animal veterinarians, mechanics, and soil scientists. I gained a new appreciation for the value of informal as well as formal education and respect for the intelligence and diligence that many farmers brought to their work. From that time on, I was aware that farming and rural life provide many stories worth telling, although I had no particular plans to be their raconteur at the time.

My first book, *Central Authority and Local Autonomy in the Formation of Early Modern Japan: The Case of Kaga Domain*, explored rural matters and provided a chance to act on my youthful observations. My initial interest lay in the early modern foundations of Japan's late-nineteenth- and early-twentieth-century economic transformations. The choice of Kaga domain as a case study proved fateful in two ways.

First, my research experience there transformed my initial dissertation project into one that focused on a much earlier period and the process of political stabilization in the late sixteenth and seventeenth centuries.

The second serendipitous outcome of my Kanazawa sojourn and the second stimulus for this project was exposure to *warichi*, a system of joint village landholding and redistribution. At the time, I thought it might make an interesting article at a future date. While I incorporated some discussion of it in my first book, I came to understand that joint ownership was much more widespread than Kaga, and, encouraged by Margaret McKean, John Richards, and others, I extended my investigations, explored *warichi*'s historical and theoretical implications, and ultimately expanded my project into this book.[1]

Although the circumstances of farming in early modern Japan (ca. late sixteenth to mid-nineteenth century) were considerably different from those in twentieth-century upstate New York, the study of *warichi* promised insights into rural society and a chance to tell something of the story I encountered as a teenager. Rice paddy agriculture in a premodern age lacked many elements of modern agricultural regimes, but success in both requires hard work, thought, careful planning, and the knowledge that in the final analysis, key requirements for success are outside one's control: rainfall, temperature, and natural calamities like severe hail, floods, or landslides.

Joint landownership has long been thought of as one means of dealing with nature's uncertainties—a proposition I will take up below. As a result of my interest in testing the degree to which topography and climatic conditions interacted with *warichi*, I found myself drawn to the use of a relatively new technology, geographic information systems (GIS), and the satellite-based technology of the global positioning system (GPS). These tools allowed me to make many of the maps that appear in the following chapters. Absent these two technologies I would not have had any source other than anecdotal evidence with which to explore the relationship between villages, their natural surroundings, and *warichi*.

Understanding joint landholding practices leads to insights broader than those associated with the relationship of a village to its environment, however. These include greater understanding of villager attitudes toward the land and the reach of state power, whether situated in a national or domain context. It is to these realms as well as landholding, a central element in the lives of villagers, the most populous class in early modern Japan, that I turn below.

A Note on Style

Japanese names appear in the customary Japanese order, family name first, personal name second. During the period prior to the Meiji Restoration (1868), commoners did not use surnames.

Romanization of Japanese is straightforward, with the following conventions followed for vowels: "a" is always pronounced as the "a" in "about," "i" is always pronounced as the "ea" in "each," "u" is pronounced like the "o" in "whose," "e" is always pronounced as "e" in "excellent," and "o" is always a long "o" as in "open." The vowels "u" and "ū," "o" and "ō" are different; the vowel with the macron takes twice as long to say as its partner without a macron.

Dates are presented as year.lunar month.day in which years have been converted to the current Western calendar, but the month and day of the lunar calendar have not, so 1861.3.1 is the first day of the third lunar month of 1861 (Western calendar). Japanese era names are sometimes used in place of the Western year, giving the era name.lunar month.day, thus Genna 6.4.3 is the third day of the fourth lunar month in the sixth year of the Genna era.

Weights and measures were not standardized for all of the periods addressed below, and it is therefore not possible to present precise modern equivalents. However, the conversions below represent a fair approximation.

LINEAR

1 *sun* (a Japanese "inch")	
10 *sun*	= 1 *shaku* (a Japanese "foot")
6 *shaku* 3 *sun*	= 1 *ken* (about 2.2 yards, 1.8 meters)

AREA

1 sq. *ken*	= 1 *bu* (about 4 sq. yards; 3.5 sq. meters)
10 *bu*	= 1 *se*
10 *se*	= 1 *tan*
10 *tan*	= 1 *chō* (about 1 hectare or 2.5 acres)

VOLUME

1 *koku*	= 5 English bushels; 180 liters
1 *to*	= .1 *koku*
1 *shō*	= .01 *koku*
1 *gō*	= .001 *koku*

Acknowledgments

As all authors of research monographs know, extended projects require the cooperation and support of many people and organizations. In repeated visits to Niigata for research on this book, independent local historian Matsunaga Yasuo frequently took me under his wing and introduced me to scholars, local history editorial offices, and local archives throughout the central and southern Echigo region. To be sure I had a gut-level feel for Tokugawa and early-twentieth-century rural life, he fed me only simple fare when we dined at his home, each dish accompanied by explanation and some insight into rural life. I looked forward to presenting him a copy of this book, a pleasure stolen by his sudden illness and death in February 2010.

Niigata University has served as my base for multiple research trips, and Kobayashi Shōji (Niigata and Teikyo universities) has been a warm and welcoming host. His invitations to conferences and introductions to local historians provided me with new perspectives and stimulation. Yoshii Ken'ichi, also of Niigata University, patiently ferried me back and forth to the Nagaoka City History offices on his periodic research trips during my first extended stay in Niigata and has continued to support my research on this project.

Fukuda Chizuru, Andō Masahito, Yamada Tetsuyoshi, Aoki Mutsumi, and Watanabe Kōichi hosted me at National Institute of Japanese Literature, Division of Historical Manuscripts, during late 1997

and early 1998 under the auspices of a Ministry of Science, Education, and Culture Center for Excellence Grant. Professor Fukuda in particular offered support as I puzzled through the manuscripts of the Satō Family Documents collection.

Especially in the early stages of my research, Aono Shunsui, formerly of Fukuyama, Hiroshima, and Ehime universities, was particularly encouraging.

Key elements of my argument have benefited from the use of geographic information systems (GIS) technology, a venture that has led to exciting interdisciplinary contacts with historical geographers, historians in a variety of regional-national fields, and even engineers. While I am very grateful for the assistance of many individuals, I particularly want to acknowledge Duane Marble, professor emeritus of the Ohio State University Geography Department, who introduced me to GIS. In Japan, Professor Yano Keiji along with his colleagues and graduate students in the Geography Department of Ritsumeikan University have also assisted me with the use of GIS technology. One of the students, Kawasumi Tatsunori, who has now joined his mentors on the faculty, was notably helpful in the late stages of map preparation. Hiroshima University Geographer Emeritus Ishida Hiroshi and Professor Mizoguchi Tsunetoshi (Geography, Nagoya University) have also provided encouragement and support.

Two Duke University faculty provided extended support over the years. No one individual has been more influential in stimulating my research on *warichi* than Margaret McKean of the Department of Political Science. She has been a rigorous but supportive critic, generously sharing her expertise in common pool resources. The late John Richards (History) consistently included me in conferences on property rights, economic development, and the sustainability of natural resources. Both helped me appreciate broader contexts and theoretical issues to which the study of Japanese joint landownership contributes.

At The Ohio State University, Mansel Blackford has taken a consistent interest in my work as a parallel to some of his own research interests in the ecological history of the United States. He has kindly read the entire manuscript of this book and given me timely comments. Two others, James Bartholomew and Donna Guy, generously read the manuscript in part or in its entirety.

Several additional colleagues have offered helpful comment and advice. At quite early stages, Patricia Sippel (Toyo Eiwa Women's University) and John Van Sant (University of Alabama, Birmingham) made

comments that helped me restructure and direct my argument. Mary Elizabeth Berry (University of California, Berkeley), Karl Friday (University of Georgia), and Brett Walker (Montana State University) provided helpful observations on the penultimate draft of the manuscript.

I have received financial support from a variety of sources over the years that made repeated and extended fieldwork possible: The U.S. Department of Education Fulbright-Hays program, the Fulbright program administered by the Institute of International Education, the Japan Foundation, the Social Science Research Council, the Japan Society for the Promotion of Science—National Science Foundation Short-Term Fellowship Program, the National Science Foundation Program in the History and Philosophy of Science, Engineering, and Technology, the Seed Grant program of The Ohio State University, and the American Philosophical Society. In addition, the College of Arts and Humanities of The Ohio State University has provided support through its publication subvention and manuscript preparation support programs. I hope they will find the fruits of my work commensurate with their investments.

To all of these groups and individuals, and more unnamed, my heartfelt thanks.

Elements of this project have been published in a variety of different venues. However, pulling this early material together to develop the arguments below brought to my attention inconsistencies in past treatments: much of what I did not catch, my readers did. If, despite the efforts of my generous colleagues, errors of fact or interpretation remain, they are solely my responsibility.

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Introduction

Many early modern Japanese villages (ca. 1580–1868) failed to adopt anything like private individual landownership, yet they still experienced economic diversification and growth. In some 30 percent of Japan, no direct link existed between a farmer and the land associated with his cultivation rights. Especially in many parts of the Hokuriku, Shikoku, and Kyushu regions, the land one farmed at any given time was determined by village or baronial domain *(han)* policy employing one of three mechanisms: allocation of cultivation rights linked to family composition, a fixed order of rotation, or lottery. Although there are three major variants of these systems (per capita allocation, allocation per family, and per share allocation), and many lesser ones, I subsume all under the most widespread Japanese moniker *wari-chi*, literally "dividing the land," and under the term "joint ownership" in English. These forms of tenure applied to arable lands, not to the commons *(iriai-chi)*, which sometimes employed similar mechanisms to allocate access to a resource.[1] Depending on which variant one discusses, these tenurial regimes not only determined who farmed which plots, but also imposed severe restrictions on alienability of rights in land.

The presence of these joint ownership forms complicates a number of common images of early modern and modern (post-1868) Japanese society, economy, and government as well as historians' assessment of the balance between continuity and discontinuity during the two eras.

Early modern Japan evinced an array of property rights, many of them joint forms of ownership, not just private property in which the owner exclusively controlled all facets of land use including alienability. Joint owners often had no need to change property rights regimes in order to foster economic growth during the early modern era. Indeed, in some cases joint ownership persisted well into the post–World War II era, and even without the force of law or written constitution these forms of joint ownership functioned well. Despite the extensive use of joint village ownership and its implications for the structure of ownership rights, economic growth, and farmers' sense of attachment to the land, it has not received much attention in English-language studies.[2]

Japan's experience with joint landownership not only presents conundrums in its own right, it challenges some of the ways social scientists and others commonly think about property rights, their relationship to economic growth, natural resource management and preservation, and contemporary social policy related to these realms. We need to consider an array of property rights, not just two monolithic categories of "private" and "public." As discussed below, joint ownership of arable land fits in between these two poles.

In addition, Japan's history makes it clear that these forms of ownership are not mutually exclusive. They can peacefully, even beneficially, coexist in the same economy. Parts of early modern Japan witnessed some form of public ownership and fee simple ownership, but large portions of the land were under various forms of joint ownership of either arable lands, the commons (*iriai-chi*, meadowlands, forests, and some other resources), or both.

The structure of ownership rights was adapted to serve particular functions and was adaptable over time. While fee simple ownership structures served many agricultural communities, joint ownership was the universal option for resources such as the commons that were essential for all cultivators. Joint ownership was adapted to arable lands to serve other special functions such as spreading natural hazard risk or providing a special resource. Sometimes joint ownership of arable lands was ephemeral, but more commonly what stands out is its long-term persistence, even into Japan's modern era. Its longevity suggests another underappreciated characteristic of property rights—their malleability and ability to adapt successfully to changing circumstances.

Some of the complexities regarding property rights may have escaped the attention of Japanese historians, broader theoreticians, and policy-makers because most are products of urban, capitalist environ-

ments; while discussion of the modern—economic, social, and political—focuses heavily on urban-centered activities, in premodern societies and states, wealth was overwhelmingly agricultural. Developing effective means of controlling access to land posed a key challenge for ruling classes and the wealthy. The control of arable land provided a firm economic source of government revenues and a conservative, secure foundation for personal wealth. That wealth remained central for most of the world well into the twentieth century, a world far different from that of today's urbane thinkers and policy wonks. Control of landed wealth, however, was only one of the major challenges faced by rulers, owners, and cultivators of premodern arable lands.

For these societies, confronting variable natural circumstances comprised the most fundamental challenge to successful agriculture. The crucial event in the development of human societies must surely be that transition variously called the Neolithic or the first agricultural revolution during which humans learned to farm. Agriculture's ability to produce storable surplus calories became the cornerstone of stratified societies with diverse occupational structures and urban centers. Yet these benefits could be exploited only to the degree that agriculturalists developed relatively effective tactics for dealing with the vagaries of nature.

Today, those of us in the developed world presume the bounty of agriculture. Typically we are only marginally inconvenienced by higher prices at the grocery store when California lettuce or Florida oranges are damaged by foul weather. We have lost sight of the struggles of farmers in the ages when commercial fertilizers, labor-saving tractors and machinery, and a host of other modern agricultural supports were absent. We place great faith in engineered control of much natural risk—buildings, dikes, dams, and the like. While to a great degree the modern industrialized world has lost its sense of dependence on the whimsy of nature, the damage inflicted by disasters such as Hurricane Katrina and the Indian Ocean tsunami forces us to acknowledge nature's impact. Until such recent, large-scale ravages, our understanding of nature's power has often come from novels like Jack London's *Call of the Wild* or Ernest Hemingway's *The Old Man and the Sea* and movies like *The Perfect Storm* that provide vivid depictions of individual battles that represent the broader struggles of humans with nature. Images of hunters, fishermen, and whalers are misleading in one sense: they distract our attention from the dependence of human beings on natural forces throughout recorded history, especially in the essential

albeit mundane world of the farmers who composed the overwhelming majority of human populations virtually everywhere until the most recent century.

Among natural forces affecting agriculture, those related to weather are most central, and of these, water supply and temperature are perhaps most critical for the production of a given crop. There is little that farmers can do about temperature, but water supply has long been amenable to amelioration through various strategies.

Water supply in agriculture is a Goldilocks problem: crops do poorly with either too much or too little water, or if appropriate amounts come too early or too late in the growing season. Any given crop does best with a "just right" amount of water at "just the right" time. Monsoon societies, East Asian societies and Japan among them, contend with a broad range of precipitation variability and its associated over- and under-supply of water, a range broader than is typical in Western agriculture. They have long engaged in a wide array of riparian engineering and irrigation construction to ameliorate these swings. To deal with the challenges of too much water (flooding and frequently, if indirectly, landslides) people built dikes and dams.[3] To provide water in a timely fashion, societies learned to store water and irrigate, even learning to lift water uphill in a variety of ways.

In addition to employing technological solutions to floods and water supply problems, many societies learned to ameliorate the challenges of nature through laws and regulations—social engineering. Indeed, throughout much of history the limitations of civil engineering technology encouraged social rather than technological solutions. Among them, zoning and restricted construction in hazardous areas constitutes one practice that has deep historical roots and survives today.

Agricultural communities in Europe as well as Asia developed practices that effectively created a diverse portfolio of lands for each cultivating family. Each family consequently farmed widely scattered fields that were subject to different natural risks.[4] As a result, the fate of a family's annual sustenance did not depend on the output of only one field or one type of field. In addition, in a largely self-sufficient family economy, farmers avoided monoculture, instead cultivating a wide variety of crops—oats, wheat, cucumbers, squashes, eggplant, soybeans, to name just a few—so that their food supply was not dependent on successfully growing a single crop.

When technologies, avoidance of monoculture compelled by self-sufficiency, and informal acquisition of lands scattered throughout a

village proved inadequate, some societies developed other socially engineered structures to control exposure to natural hazards or to ameliorate their impacts. Among such practices, both administrators writing in the Tokugawa period and historians writing thereafter have viewed the development of *warichi* as a means by which interdependent village populations shared in the damage from floods, landslides, and changes in soil fertility. Regardless of whether or not this was the intent of joint ownership, the most common forms of *warichi* spread natural hazard risks and the benefits associated with microclimatic variation in a village among all shareholders. They prevented concentration of the best lands in the hands of a few families and created a diverse portfolio of lands of all types for each shareholding family. The well-known Russian *mir* offers a parallel instance in a different cultural and agricultural context.[5]

To the degree that joint ownership of land and other resources is linked to debates over how to manage a natural resource effectively, deal with natural hazard risk, and adapt to transformations of the natural environment, study of Japan's experience reminds us that nonmarket and nontechnological social solutions have been viable and may still be viable today. As we adapt to global warming—whatever its causes—and live with the outcomes of major engineering projects designed, for example, to regulate water supply or adapt to changing weather patterns, we have become aware that while technology may help use resources more efficiently, promote a healthy environment, and make other positive contributions, it is not a panacea. Risks remain and cannot be engineered out of existence. Indeed, engineering solutions often have unanticipated risks associated with them. We know, for example, that extensive diking of the Mississippi has contributed to recent major flooding. While early warning systems can help us predict the impact of a tsunami, they are not a complete solution. Exploration of long-term success with social solutions such as Japan's joint ownership of arable land increases our awareness that well-designed social institutions can make useful contributions to solving contemporary policy issues; they can provide a measure of security and equity for participants in dealing with natural hazard risk.

If we are to explore humanity's experience more fully and understand a broader array of property rights and resource management techniques, we need to pay attention to past agricultural societies; yet the challenges farmers faced and the process of farming hold limited attraction for the vast majority of twenty-first-century historians. There