

CHAPTER 1

THE KAMAKURA BAKUFU

The establishment of Japan's first warrior government, the Kamakura bakufu, represented both a culmination and a beginning. Since the tenth century, an increasingly professionalized class of mounted fighting men had served in local areas as estate administrators and policemen and as officials attached to the organs of provincial governance. By the twelfth century, warriors had come to exercise a dominant share of the total volume of local government, but even after two hundred years they remained politically immature. The most exalted warriors were still only middle-level figures in hierarchies dominated by courtiers and religious institutions in and near the capital. The bakufu's founding in the 1180s thus represented an initial breakthrough to power on the part of elite fighting men, but the fledgling regime was scarcely in a position to assume unitary control over the entire country. What evolved was a system of government approximating a dyarchy. During the Kamakura period, Japan had two capitals and two interconnected loci of authority. The potential of warrior power was clear enough to those who cared to envision it, but the legacy of the past prevented more than a slow progress into the future.

Until quite recently, studies of Kamakura Japan have tended to overstate the warriors' achievement, by equating the creation of a new form of government with the simultaneous destruction of the old. As is now clear, not only was the Heian system of imperial-aristocratic rule still vigorous during the twelfth century, but also it remained the essential framework within which the bakufu, during its lifetime, was obliged to operate. In this sense, the Heian pattern of government survived into the fourteenth century – to be destroyed with the Kamakura bakufu rather than by it. The events of the 1180s were revolutionary insofar as they witnessed the emergence of Japan's first noncentral locus of authority and Japan's first government composed of men not of the most exalted social ranks. But the bakufu, as we shall see, was a military regime dedicated to keeping warriors away from the battle-

field and also to finding judicial answers to the feuds and disputes that were plaguing society .

THE BACKGROUND TO THE GEMPEI WAR

Despite its aversion to fighting, the bakufu was created by war, the Gempei (Genji versus Heishi, or Minamoto versus Taira) conflict of 1180–5. This was a much more complex upheaval than its name implies. Far from being a dispute between two great warrior clans, as it is so often depicted, the Gempei conflict was a national civil war involving substantial intraclan fighting and also pitting local against central interests.¹ Indeed, the character of the violence was responsible for the type of regime that was created. Likewise, the backdrop to the conflict was a product of society's tensions and is therefore integral to the history of the Kamakura bakufu.

To understand the limitations of both the warrior victory and the resulting government, we need to trace the rise of the warrior class in the Heian period as well as the ascendancy of the Taira in the years just before the Gempei War. The original blueprint for imperial government in Japan did not envision a military aristocracy as the mainstay of administration over the countryside. Yet as the courtiers in the capital became more confident of their superiority, they began to loosen their grip over the provinces, exchanging governance over a public realm for proprietorship over its component pieces. The country was divided into public and private estates (the provincial lands known as *kokugaryō*, and the estates known as *shōen*), under the authority of governors and estate holders, respectively, who themselves made up the courtier and religious elite. The owners of land at the topmost proprietary level were thus exclusively nobles and clerics. The purpose of this privatization of land was to secure a flow of revenue that exceeded what was provided by the holding of bureaucratic office. In turn, this permitted an increasingly extravagant life-style in the capital. The division of the country was predicated in this way on the desire of *shōen* owners to be absentee landlords. Yet it was equally dependent on those owners' ability to draft into service a class of willing and obedient administrators.

¹ See Jeffrey P. Mass, "The Emergence of the Kamakura Bakufu," in John Whitney Hall and Jeffrey P. Mass, eds., *Medieval Japan: Essays in Institutional History* (New Haven, Conn.: Yale University Press, 1974) (hereafter cited as Mass, "The Emergence"). The older view, which underemphasizes the social implications of the war, is ably treated by Minoru Shinoda, *The Founding of the Kamakura Shogunate* (New York: Columbia University Press, 1960).

This loosening of control from above also loosened the cement that bound the provinces to the capital. A degree of local instability ensued, which caused the lower ranks to look to one another for mutual support and protection. Leadership fell to persons of distinction whose principal source of prestige was an ancestry traceable to the capital. Thus, unlike the invaders who promoted the feudalization of Europe, local leaders in Japan were men with long pedigrees. They also retained their central connections, which meant that the developing class of provincial administrators were less members of local war bands than members of groups that were forming to secure the peace. This did not preclude outbreaks of lawlessness. But courtiers could always brand such outbursts as rebellion and enroll others as their provincial agents. In this way, at any rate, local and central remained essentially joined for the duration of the Heian period.

The warriors who were becoming the true captains of local society were called *zaichōkanjin*, or resident officials attached to provincial government headquarters (*kokuga*). Although the governorships themselves continued to rotate among courtiers in Kyoto, positions within the *kokuga* became hereditary. Later, during the early stages of the Gempei War, the developing cleavage of interests here was exploited by the founder of the Kamakura bakufu, Minamoto Yoritomo. However, during the two centuries preceding 1180, patrons in the capital were able to channel the energies of provincial subordinates towards mutually beneficial ends. On the one hand, the locals were given extensive powers in the areas of tax collecting and policing. But on the other hand, these same locals were obliged to work through their superiors to secure new appointments or confirmations of old ones² or to secure justice in the frequent legal battles between kin and nonkin rivals. Neither the local chieftain nor the clan head (if this was a different person) was empowered to provide these services on his own authority; he too was dependent on the support of a central patron. The result was that ownership and administration, authority and power, became separable, with little risk to the capital-resident proprietor. So ingrained was the psychology of a hierarchy in which the center dominated the periphery that in the absence of some regionally based patronage source such as the bakufu, courtiers in the capital, no

² Titles became hereditary and subject to disposition by testament. But wills, in order to be recognized, required probate by the governor. For details, see Jeffrey P. Mass, "Patterns of Provincial Inheritance in Late Heian Japan," *Journal of Japanese Studies* 9 (Winter 1983): 67–95.

matter how effete, could remain the superiors of warriors, no matter how powerful the latter were.³

But Kyoto protected its interests in other ways, too. One of the most ingenious was to promote a handful of men as career governors. These persons might then be moved from province to province, much as modern ambassadors are moved today. The origins of this practice have not been adequately studied, but by late in the eleventh century the use of such representatives, now called *zuryō*, had become interwoven with the competition between the Fujiwara and retired emperor patronage blocs in the capital. By this time, governorships had become, in a sense, commodities circulating among the elite. The proprietary province (*chigyōkoku*) system, as it was called, was designed to allow patronage groups to function on both sides of the local land ledger (*shōen* and *kokugaryō*), with the governor as the principal instrument of manipulation. What is important to us is the identity and character of the journeyman governors who now came to be employed by the ex-emperors and Fujiwara. They were from the Taira and Minamoto, particular scions of which were recognized as career troubleshooters for provinces possessed by their patrons. Thus, to cite one example, Taira Masamori received successive appointments to at least nine provinces, as did his son Tadamori after him. And the latter's son, the illustrious Kiyomori, was governor of three provinces before beginning his historic ascent in the capital.⁴

The leaders of the Taira and Minamoto need to be appreciated in this light. They were not, as they are usually depicted, regional chieftains chafing under courtier dominance. Rather, they were bridging figures – military nobles in the truest sense – between the great central aristocrats, who were their patrons, and the great provincial warriors, who were their followers. The leaders' dual character, born out of service to two constituencies, is essential to an understanding of the slow progress of warrior development in its initial phase. It is also basic to the incompleteness of the warrior revolution that was later spearheaded by the bakufu.

The prestige of the Taira and Minamoto names, and the restraining influence they came to exercise, are reflected in still another way. The warrior houses that dominated the provincial headquarters commonly

3 In Weberian terms, the system was maintained by a subjective feeling by subordinates that courtier dominance was natural and legitimate. See Max Weber, *The Theory of Social and Economic Organization* (New York: Free Press, 1964), pp. 124ff.

4 Iida Hisao, "Heishi to Kyūshū," in Takeuchi Rizō hakase kanreki kinenkai, ed., *Shōensei to buke shakai* (Tokyo: Yoshikawa kōbunkan, 1969), p. 50.

bore these two surnames, along with one other, Fujiwara. These were seen at the time as connoting an aristocratic ancestry and served to bind provincials to the capital while they also awed truly native families. Not until Kamakura times did houses such as the Chiba, Oyama, and Miura, among others, come to be known by the names with which they are remembered historically.⁵

Unfortunately, this profusion of Taira and Minamoto surnames has led to the view that the chieftains of these two clans were able to fashion ongoing combinations of vassals. The notion of evolving warrior leagues supported the further notion that the histories of the Taira and Minamoto were in fact the proper framework for tracing the rise of the warrior.⁶ However, the records of the era tell a much more modest story, forcing us to conclude that what has passed for coherent history is little more than disparate images pulled taut. The chieftains of the two clans did, at times, add a layer of authority that might be effective. But their assignment to a succession of provinces (not to mention long stays in Kyoto) all but ensured that whatever ties they had formed would inevitably weaken. Thus, the unique but ephemeral success of the most famous warrior of the era, Minamoto Yoshiie, needs to be juxtaposed against the peripatetic movements of the succession of Taira chieftains and the mixed success of Yoshiie's own great-grandson, Minamoto Yoshitomo. Yoshitomo was rebuffed as often as he was accepted in the Minamoto's historic heartland region, the Kantō, and he was ultimately defeated in 1160 by an army consisting of only three hundred men.⁷

Even though the saga of the Taira and Minamoto may thus be a weak framework for charting the road to 1180, the histories of the great provincial houses place us on much firmer ground. Here the emphasis is on an expansion of power within the traditional system of rule, along with the lack of any means for circumventing that system. In other words, what was acceptable in the earlier stages of growth did not necessarily remain so, especially as warrior houses came to feel vulnerable to pressures from above. The Chiba, for instance, discovered that the patronage of the Ise Shrine could neither prevent a major

5 To cite but one example, the body of documents bearing on the late Heian Chiba house refers only to the Taira. See "Ichiki monjo," in *Ichikawa shishi, kodai-chūsei shiryō* (Ichikawa: Ichikawa shi, 1973), pp. 363–74.

6 For an illustration, see George B. Sansom, *A History of Japan to 1334* (Stanford, Calif.: Stanford University Press, 1958), chap. 12.

7 Yasuda Motohisa, *Nihon zenshi (chūsei 1)* (Tokyo: Tōkyō daigaku shuppankai, 1958), p. 14; and Jeffrey P. Mass, *Warrior Government in Early Medieval Japan* (New Haven, Conn.: Yale University Press, 1974), pp. 35–44 (hereafter cited as *WG*).

confiscation of their holdings by a new governor in the 1130s nor protect them from further seizures by the shrine itself a generation later.⁸ To the extent that experiences of this kind led to feelings of resentment, the environment in the provinces was being readied for change.

As we know, it was not the Minamoto who came to experience national power first but, rather, the Taira under the leadership of Kiyomori. Recent historians have amended the traditional view of his ascendancy by emphasizing both its limited nature and duration. Kiyomori is now seen less as a warrior riding the crest of a wave of support from the provinces than as a military noble who attempted, unsuccessfully, to use the scaffolding of imperial offices to achieve his hegemony. Lacking large numbers of warrior followers and also the administrative organization of a central proprietor, Kiyomori failed, until very late, to establish an identifiable "regime." His legacy, as we shall see, was to demonstrate the vulnerability of Kyoto to coercion and to destabilize the countryside. For these reasons, the brief period of his ascendancy must be counted as a direct contributor to the outbreak of war in 1180.

The Taira episode is divisible into two subperiods. From 1160 to 1179, Kiyomori operated in the shadow of his patron, the retired emperor Goshirakawa. Though he himself climbed to the top of the imperial office hierarchy, becoming chancellor in 1167, he remained dependent on the spoils system of the ex-sovereign. Wearying, finally, of established Kyoto's unwavering opposition to his membership in the capital elite, Kiyomori staged a coup d'état in late 1179, which removed the ex-emperor from effective power. Yet this action succeeded also in destroying the basic collegiality of the courtier class, which had always competed according to accepted rules. The damage in Kyoto was further compounded by Kiyomori's seizure of numerous estate and provincial proprietorships. This not only reduced the portfolios of his noble and religious rivals; it also upset the status quo in the countryside. Early in 1180, Kiyomori's own infant grandson became emperor, an event that accelerated a growing sense of malaise everywhere.⁹

While all of this was taking place, the Minamoto leadership was languishing in exile. Twenty years earlier, at the time of the Heiji incident, the sons of Yoshitomo, who was himself killed, were scattered throughout Japan. The eldest, the thirteen-year-old Yoritomo,

8 *WG*, pp. 48–54. 9 For the Taira ascendancy, see *WG*, pp. 15–30, 54–56.

was placed in the custody of the eastern-based Hōjō, a minor branch of the Taira. We have little information on Yoritomo between 1160 and 1180, save for the fact of his marriage to Masako, the daughter of Hōjō Tokimasa, his guardian. From the perspective of subsequent events, Kiyomori's leniency in dealing with the offspring of his 1160 enemy seems impolitic. Yet there was no way the future could have been foreseen: The heir to the Minamoto name was powerless and had been absorbed into the Taira by way of marriage to a Taira collateral.

It is in part owing to this absence of any political activity by Yoritomo that historians have found it difficult to interpret the tumultuous events that lay just ahead. The impediment to understanding can be removed only by minimizing the importance of the Taira–Minamoto rivalry, a sentiment evidently shared by Kiyomori as well. Thus, when Yoritomo raised his banner of rebellion in the eighth month of 1180, the support he attracted was determined by issues other than memories of some idealized past. The background of the Gempei War can be traced to two sources – the perception of vulnerability at court and the condition of warrior houses locally.

THE GEMPEI WAR

Belying true motivations, wars in Japan are waged under strict categories of symbols, none more important than devotion to a higher cause. In 1180, rebellion was justified on the basis of a call to arms against the Taira by a prince left out of the imperial succession. Though the prince himself was dead within several weeks (5/26), his overture retained great significance. The forces of Yoritomo later cited it as a pretext for their uprising (8/19), and so did the bakufu's later history of itself (the *Azuma kagami*) in its opening paragraph.¹⁰ The broader context encouraging widespread violence yielded in this way to an official explanation.

Yet just as rectification of the succession had little to do with the outbreak of war, the outburst also cannot be explained as a spontaneous rallying to the Minamoto. As Yoritomo himself discovered, loyalty proved a singularly noncombustible element. Before a challenge might be mounted, the warriors of the east required time to gauge their current situations. The Chiba, with their recent history of setbacks,

¹⁰ *Azuma kagami* (AK), 1180/4/9. The most accessible edition of the *Azuma kagami* is that edited by Nagahara Keiji and Kishi Shōzō (Tokyo: Jimbutsu ōraisha, 1976–7), 6 vols. The *Azuma kagami* covers the period 1180 to 1266 and was prepared in the early fourteenth century. The later sections are considered to be more reliable.

joined early (6/17), even though they bore a Taira surname. But for many other houses the issues were more complex, normally centering on inter- and intrafamily relations within their own home provinces. As part of the process, houses segmented into new alignments and subunits, and the provinces themselves became the staging grounds for a series of incipient civil wars.¹¹ To prevent the east from disintegrating into internecine conflict, Yoritomo was obliged to seek some new common denominator that would bind rather than divide the families under his leadership. The program he evolved was made part of his war declaration on 8/19. Rather than organize a war party to defend the court by dislodging the Taira, Yoritomo designed policies to satisfy the most deep-seated desires of the warrior class in general. The Minamoto chieftain promised what had never before been contemplated: a regional security system that bypassed Kyoto and guaranteed the landed holdings of followers. The vision was revolutionary – and led ultimately to the creation of the Kamakura bakufu.

Though Yoritomo couched his program in procourt and anti-Taira language, the effect of his plan was to disengage the east from central control, by converting its public and private officers into his own vassals. Specifically, he authorized the men of the region to assume possession over the holdings long associated with them and to petition Yoritomo for confirmations. The temper of the program was set when the governor's agent (*mokudai*) of Izu Province, the site of Yoritomo's long exile, was attacked on 8/17 by forces of the Minamoto. Similar campaigns followed (for instance, that of the Chiba against the Shimōsa *mokudai* on 9/13), and this rapidly became a movement to eliminate all representatives of the central government. At the same time, the tide of support, which had been sporadic to this point, now became a ground swell. Resident officials from various provinces pledged themselves to Yoritomo, as did a number of estate-based personnel. The effect of this was to deliver into his hands the potential for rulership over vast areas. This in turn was bolstered by the chieftain's assumption of a protector's role over the region's leading temples and shrines. Yoritomo achieved this latter goal by issuing public directives to the provincial headquarters, in effect, an assumption of the authority – without the title – of the governor. The issuance of such documents began on the same day that he declared war.¹²

11 For details, see Mass, "The Emergence," pp. 134–43.

12 "Mishima jinja monjo," 1180/8/19 Minamoto Yoritomo kudashibumi, in Takeuchi Rizō, comp., *Heian ibun* (Tokyo: Tōkyōdō, 1947–80), 15 vols., 9:3782–83, doc. 4883. This is the earliest document bearing Yoritomo's name.

Yoritomo still had many problems to overcome. On 8/23, an army under his command was soundly defeated at the battle of Ishibashi in Sagami Province. His opponents were not forces recruited and sent out by the central Taira but typically were local houses that were opposing other local houses. They called themselves Taira for the same reason that Yoritomo's men from Sagami called themselves Minamoto. Rather quickly, however, the Taira label became obsolete. Owing to Yoritomo's presence in the region, the appeal of his program, and a general rallying to his side, families that had remained neutral or had taken initial positions against him now sought to reverse themselves. Although this necessitated a submergence of hostile sentiments on the part of traditional rivals, the alternative was probably extinction. For his part, Yoritomo showed great leniency in welcoming earlier enemies and showed great understanding by dividing and recognizing new families. By the end of 1180, only the tiniest residue of a "Gempei" War remained in the east, with the task now one of purging and purifying rather than facing an enemy. Kamakura, with historic ties to Yoritomo's forebears, was selected as the seat for his government.

A Taira policy approximating quarantine actually encouraged Yoritomo's preoccupation with the east. A by-product was to make the Chūbu and Hokuriku regions, which were closer to the capital, the next arenas for conflict. Already by 1181, provincial warriors in these areas were seeking to expel Kyoto's representatives by using the same pretext as their eastern counterparts did. They postured themselves as Minamoto engaged in a crusade against the Taira. That Yoritomo was probably ignorant of most of the activities of those invoking his name suggests that the battleground, now of its own momentum, was rapidly expanding in size. At this stage – and until 1183 – Yoritomo was content to limit his personal involvement strictly to the east. For regions beyond the east he delegated a loose authority to two relatives, his cousin Yoshinaka and his uncle Yukiie.

In the meantime, the chieftain in Kamakura was identifying a new enemy. These were the collateral lines of his own house who were refusing to recognize his authority. Even before the end of 1180, Yoritomo demonstrated his unconcern with the Taira by marching east against the Satake, relatives who a generation earlier had refused to submit to his father. The differences between father and son (in effect, between the 1150s and 1180s) are instructive. Whereas Yoshitomo the father had been unable to subordinate recal-

citrant Minamoto branches, Yoritomo the son used superior military strength to force the issue. The Satake were destroyed in battle on 1180/11/5. Other lineages were more prudent. The Nitta, for instance, reversed their earlier intransigence (9/30) and submitted to Yoritomo without a fight (12/22). Yet the chieftain in Kamakura remained vigilant. When another collateral, the Shida, showed signs of vacillation, Yoritomo rejected their submission and moved to destroy them (1181/int. 2/20). As we shall see, enmity toward kinsmen continued to be a much stronger inducement to action than did the nonthreatening Taira.

Between 1180 and 1183, Yoritomo worked assiduously to mold the eastern region into a personal sphere of influence. He did this by converting the existing officialdom into a private vassalage, by attempting to make himself the source of all patronage in the area, and by transforming a simple village, Kamakura, into a great center of government. Now when he prohibited local outrages, authorized fiscal exemptions, assigned new lands, or issued orders to provincial officials, he was doing so from a stationary base that he could realistically call his capital. Yet the Minamoto movement could not continue indefinitely to develop in isolation, because the contagion of violence under the Minamoto banner was rapidly spreading. Yoritomo eventually saw this development as an opportunity to inflate his own chieftainship. But he also recognized the danger to his fledgling authority of inaction in the face of warrior outlawry. Though the Taira in Kyoto and the Minamoto in Kamakura were reluctant to confront each other, developments in the provinces eventually forced the issue. They also forced the country's two governmental centers to seek an accommodation.

The years 1183 to 1185 witnessed a convergence of events on several levels. The Gempei War, desultory from the beginning, heated up and reached a sudden climax. The Kamakura bakufu assumed its basic form. The imperial court, with Kamakura's help, began to revive itself. And the warrior class, by means of sustained violence, achieved unprecedented new goals.

The inertia of the war's second and third years was broken in mid-1183 when Yoritomo's Chūbu deputies, Yoshinaka and Yukiie, broke through the Taira defenses and occupied the capital. For their part, the Taira leaders, carrying the child emperor with them, fled westward in an attempt to regroup. Though after the outbreak of war the Taira had made certain modest efforts to establish closer ties with the prov-

inces,¹³ they now had to base themselves there for the first time in a generation. At least superficially, the Taira and the Minamoto became comparable, with each side seeking the support of local warriors. In the capital there was general rejoicing over the departure of the Taira and genuine optimism over the prospects of converting the Minamoto into time-honored guardians of the imperial state.

But two major obstacles blocked such hopes – and worked to prevent Japanese history from reassuming its traditional pre-Taira course. The first concerned the nature and level of the upheaval in the countryside, which will be dealt with shortly. The second centered on the condition of the Minamoto leadership. Soon after his arrival in Kyoto, Yoshinaka began to posture himself as the true leader of the Minamoto and to impose his own form of dictatorship on the capital city. Yoritomo, beside himself with rage, did not, however, do the “logical” thing. He refused to abandon his own capital to contest his cousin in the country’s capital. Rather, he began negotiating an accord with agents of the retired emperor that would give permanent status to his own government. And he began planning a punitive expedition against Yoshinaka that would be led by his own brother, Yoshitsune.

The accord was eventually hammered out in the intercalated tenth month of 1183 and has been hailed by some scholars as marking the official birth of the Kamakura bakufu. The argument here is that a rebel movement was now being given imperial sanction; a portion of what Yoritomo had earlier seized was now lawfully released to him.¹⁴ The trouble with this view is that it makes Kyoto ultimately responsible for the creation of the bakufu and argues as well for a circumscribed authority. In fact, Yoritomo was already the governing power in the east, and the accord acknowledged that fact even as it called for a restoration of traditional proprietorships in the region. More to the point, as a result of the agreement, the bakufu’s range of operations now became countrywide. From this juncture, Kamakura established itself as Japan’s preeminent peacemaker, a responsibility that began as a military policing authority but soon became overwhelmingly judicial in nature. As we shall see, the dispensing of justice emerged as the essence of Kamakura’s governance and as society’s greatest need during the thirteenth century.

13 These efforts centered on the new local titles of *sōkan* and *sōgesu*; see Ishimoda Shō, “Heishi seiken no sōkan shiki setchi,” *Rekishi hyōron* 107 (1959): 7–14; Ishimoda Shō, “Kamakura bakufu ikkoku jitō shiki no seiritsu,” in Satō Shin’ichi and Ishimoda Shō, eds., *Chūsei no hō to kokka* (Tokyo: Tōkyō daigaku shuppankai, 1960), pp. 36–45.

14 For a discussion, see *WG*, pp. 72–77; and Uwayokote Masataka, “Kamakura seiken seiritsu ki o meguru kingyō,” *Hōseishi kenkyū* 11 (1960): 175–81.

The proof for Kamakura's new role lies in the sudden appearance of a type of document hitherto unseen. These were cease-and-desist orders issued by Yoritomo in response to appeals for assistance from traditional estate holders.¹⁵ The development was revolutionary for two reasons. First, for the first time in Japanese history a noncentral source of authority was providing patronage for central recipients; this was a reversal of age-old practice and anticipated a new era of warrior dominance. Second, the decrees themselves provided visual testimony that the bakufu was now active in central and western Japan. This countrywide scope became a permanent feature of Kamakura's authority. At the same time, the language of the edicts made clear that Yoritomo recognized the legitimacy of the traditional proprietors' retaining their positions atop the land system. In a real sense, the one-time rebel was going on record as a force now for law and order. Henceforth, the rights of warriors *and* courtiers would be equally protected, a position adopted as the only realistic way to return the country to stability.

The postures of both Kyoto and Kamakura were in fact a response, not to the exigencies of war, but rather to the unprecedented outpouring of local lawlessness that swept Japan in 1184. Surviving documents reveal Kyoto's attempts to quell these outbursts by threatening traditional sanctions, and the dawning awareness that only Kamakura had any chance to restore true peace.¹⁶ One result is that after disposing of Yoshinaka, Yoshitsune was ordered by his brother to remain in the capital and to establish a Kamakura office there. He was to issue desist orders in response to petitions from proprietors.¹⁷ The effect of this was to reinforce both Kamakura's independence and the interdependence of government in practice.

Now that he was involved in central and western Japan, Yoritomo recognized the need to make contact with as many people and places as possible. He dispatched several of his most trusted followers westward and ordered them to enroll as vassals any who would pledge loyalty. First priority was to be given to the same *zaichōkanjin* and other local officials who dominated the east's provincial headquarters. These men were to be promised the same confirmations and preferments as their

15 For translated examples of such documents, see Jeffrey P. Mass, *The Kamakura Bakufu: A Study in Documents* (Stanford, Calif.: Stanford University Press, 1976), docs. 1–6 (hereafter cited as *KB*).

16 This is most poignantly depicted in a retired emperor's edict of 1184, in *KB*, doc. 7.

17 For a list of the edicts issued by Yoshitsune, see Mass, "The Emergence," p. 148, n. 71. A general discussion appears in Tanaka Minoru, "Kamakura dono otsukai kō," *Shirin* 45 (1962): 1–23.

eastern counterparts, because they held the potential of delivering to the Minamoto large numbers of subordinates. In this way, sections of territory in hitherto unfamiliar areas could be made the basis of some permanent Kamakura interest in the west.¹⁸ Yoritomo's policy of vassal recruitment could then be joined by his other method of gaining a foothold in public and private estates, providing redress for proprietors' complaints of lawlessness.

Each province and district was different. Some had great families dominating them, others did not. Still others became centers of Taira partisanship. The result was that Kamakura's approach to individual areas required a capacity for flexibility. Likewise, because success, by definition, was bound to be uneven, the potential for influence would forever be mixed. Eventually, Kamakura would need to find a mechanism by which to introduce symmetry into its patchwork presence in the west.

Though the war was an obvious rationale for Minamoto penetration of that region, it is significant that the main-force fighting that now began was largely incidental to Kamakura's efforts at aggrandizement. For example, the battle of Ichinotani in Settsu Province in 1184/2 constituted only the second encounter between what might be called the main Taira and Minamoto armies.¹⁹ Yet the latter's victory did not lead to Settsu Province's becoming a major Minamoto stronghold. Evidently, the pursuit of the war and the contest for control of men and land were separate processes. This is one reason that defeating the Taira, though recognized as necessary, engendered so little enthusiasm. Eventually, however, command of the principal Minamoto armies was placed in the hands of Yoshitsune, and in a series of brilliant maneuvers he pursued the Taira leaders and destroyed them at Dannoura in 1185/3.²⁰ The Gempei War, from beginning to end more framework than reality, was now over. But the forces that it had unleashed – the real war – were still in development. For Kamakura to carve a permanent place in the authority structure of Japan, it would have to devise strategies both to restore real peace and to satisfy its men. This meant finding ways to restrain and license, confiscate and confer, punish and reward. The institution of *jitō* met each of these several requirements.

18 For this effort in the different provinces of the west, see *WG*, pp. 79–89.

19 The battle of Fujigawa, occurring early in the war (1180/10), was the first such encounter. Taking place in Suruga Province immediately to the west of the Kantō, it led to the “phony war” that ended only at Ichinotani.

20 For an account of the battles and strategy of the war, Shinoda, *The Founding of the Kamakura Shogunate*, is excellent.

THE GEMPEI AFTERMATH: *JITŌ* AND *SHUGO*

The year 1185 is one of the most famous in Japanese history. Its reputation derives from the Minamoto victory over the Taira and from the supposed inauguration of the bakufu's twin officer networks in the field, those of military estate steward (*jitō*) and military governor (*shugo*). As we have just noted, the Gempei denouement was largely an anticlimax, though it did have an unexpected impact on conditions in the countryside. With the war officially over, warriors could no longer use the Gempei labels to justify their private lawlessness. Their aggression was thus more directly an attack on the courtier-dominated estate system. During the middle months of 1185, pressure mounted on Kamakura to quell this rising siege of outlawry.

The bakufu was at a loss as to what to do. Conditions were made even more complicated by a deterioration in the relationship between Yoritomo and Yoshitsune and by the retired emperor's decision to exploit this situation. Thus, not only was there a continuing crisis in the provinces (much of it spearheaded by victorious Minamoto), but there also was a developing rift within Kamakura and between it and Kyoto. The difficulties between the brothers were what eventually brought things to a head. As we have seen, Yoritomo reserved his greatest sensitivity throughout the war for threats that issued from within his own clan. Quite predictably, therefore, when Yoshitsune began to steer a course during the ninth month that was openly rebellious, the Minamoto chieftain determined to seek his destruction.²¹ Yoshitsune, however, eluded capture and succeeded in persuading the ex-emperor, Goshirakawa, to brand Yoritomo a rebel and to appoint the hero of the war as *jitō* of Kyushu. The stage was now set for one of Japanese history's most momentous developments.

Yoritomo responded to the crisis by dispatching an armed force to Kyoto that laid before the court a series of demands. Unfortunately, neither the precise content of those demands nor the court's reply can be ascertained, and so we must rely on an account that is now considered suspect. According to the *Azuma kagami*, Yoritomo forced the ex-emperor to authorize Kamakura's appointment of countrywide networks of *jitō* and *shugo*.²² The importance of this development for

21 More has been written on the Yoritomo–Yoshitsune relationship than on any other familial rivalry in Japanese history. See Shinoda, *The Founding of the Kamakura Shogunate*, pp. 121ff; The chapter on Yoshitsune in Ivan Morris, *The Nobility of Failure* (New York: Holt, Rinehart and Winston, 1975); and the relevant sections of Helen Craig McCullough, *Yoshitsune: A Fifteenth Century Japanese Chronicle* (Tokyo: University of Tokyo Press, 1966).

22 *AK*, 1185/11/29. This is the most famous entry in that chronicle.

premodern observers is that Yoritomo's authority to make such assignments was seen as the basis for his government's ongoing presence. Modern historians go even further than that. The power to appoint *jitō* and *shugo* represented no less than a merging of the systems of vassalage and benefice. By virtue of his new authority, Yoritomo became a feudal chieftain, and Japan was thereby launched on its medieval phase. Japanese history was part of world history, with east and west exhibiting similar patterns.²³

There are many problems (and not a few virtues) in this latter form of reasoning. One difficulty has been a tendency to conclude too much from the *Azuma kagami's* description. Not only were there no *shugo* at all until the early 1190s, but *jitō* countrywide was not the same as *jitō* everywhere. Moreover, on a different level of argument, a basis for Kamakura's existence was hardly tantamount to Kamakura's displacement of Kyoto. The bulk of governance in Japan remained in the hands of traditional proprietors and governors for the duration of the Kamakura period. On the other hand, the authorization in question was momentous, first, because it was never rescinded and, second, because it did mark something strikingly new. Yet even having said that, feudalism at the end of the twelfth century registered only modest beginnings: Yoritomo's reach remained strictly limited, and more importantly, the bequests he made were over lands neither owned nor controlled by him. At all events, the chieftain in Kamakura did come to exercise a type of authority that was new to Japan. Its precise limits and nature are bound up with the office of *jitō*, to which we now turn.

The term *jitō* originated in the ninth century but did not become a land officership until the middle of the twelfth. Though its genealogy and history during the Heian period are the subjects of heated controversy,²⁴ our concerns are restricted to what happened to the title during the Gempei War. In part owing to its relative newness, local persons found it an attractive cover by which to justify unlawful seizures of rights and profits from centrally owned estates.²⁵ That is, they claimed to be both Minamoto and privately appointed *jitō*, a combina-

23 Perhaps the classic expression of this older view is by Edwin O. Reischauer, "Japanese Feudalism," in Rushton Coulborn, ed., *Feudalism in History* (Princeton, N.J.: Princeton University Press, 1956), pp. 31–2. For a more recent discussion of the feudal aspects of Kamakura's early rule, see Jeffrey P. Mass, "The Early Bakufu and Feudalism," in Jeffrey P. Mass, ed., *Court and Bakufu in Japan: Essays in Kamakura History* (New Haven, Conn.: Yale University Press, 1982), pp. 123–42 (hereafter cited as Mass, "Feudalism").

24 A useful survey of the several arguments is by Ōae Ryō, "Jitō shiki o meguru shomondai," *Hōkei gakkai zasshi* 13 (1964): 26–32; also *WG*, pp. 102–11.

25 *WG*, pp. 111–19; *KB*, docs. 6–7.

tion that was designed to immunize them from central control but that actually helped solidify a growing identification of *jitō* with Kamakura. Most of this development occurred during 1184 and 1185, at precisely the same time that the bakufu was assuming its overt stance against warrior lawlessness. It was also the period when Yoritomo was seriously seeking a common denominator on which to erect a full-scale reward–control system. The office of *jitō* was eventually used for this dual purpose. As Yoritomo undoubtedly rationalized it, the most effective means of ridding the countryside of self-styled *jitō* was for Kyoto to authorize a Kamakura monopoly of that post. The bakufu chieftain would then move concertedly against bogus *jitō* while appointing deserving vassals to lawful *jitō* titles whose rights packages had been confiscated from losers in the recent war. In this way, the continuity of services to estates and their proprietors would be ensured, as would managerial tenures for loyal, law-abiding Minamoto. The bakufu would make the actual *jitō* appointments and also guarantee their lawfulness and reliability. Stable conditions would be restored; Kamakura's presence through its *jitō* would be permanently established; and the men of the bakufu would enjoy both security and elite status.

How much of this conception can be credited to Yoritomo in advance of its implementation is difficult to determine. What is clear is that the year 1186 witnessed many appointments to *jitō* posts. At the same time, unauthorized *jitō* continued to be disciplined, as did lawfully appointed persons who exceeded their rights. In many cases, *jitō* were dismissed, whether for unusually serious crimes or owing to unjustified appointments in the first place.²⁶ One result of this attention to lawfulness and reliability was a network of provincial officers in perpetual motion. Kamakura did not establish its *jitō* corps to have it become static in size or fixed in place. A second result of Yoritomo's willingness to punish even his closest vassals was credibility – with those who served him and with the estate owners who depended on him. A major consequence was the quick appearance of Kamakura's period-long contribution to governance in Japan, its capacity to arbitrate between the local and central elites.

The *shugo* institution, despite being accorded a simultaneous birth with the *jitō* by the *Azuma kagami*, belongs in fact to a slightly later period. Though the bakufu did appoint provincial-level officers from

²⁶ For example, the 1186 cancellation of a *jitō* post in the central region's Tamba Province; *KB*, doc. 30. The loser of the title was none other than Yoritomo's own brother-in-law, Hōjō Yoshitoki.

early in the war, they were evidently not called *shugo* but, rather, *sōtsuibushi*, an older title.²⁷ This distinction is actually extremely important. Kamakura's wartime *sōtsuibushi* were all-purpose provincial commanders bearing little resemblance to the legally constricted *shugo* of the 1190s and beyond. Indeed, the contexts in which these two officer types flourished is entirely different. Whereas the *sōtsuibushi* belonged to a period of helter-skelter growth on the part of the emerging Kamakura bakufu, the *shugo* were products of a damping-down process by a government seeking greater control of itself. The connection between the two titles, then, is largely superficial. Though both exercised provincewide authority, they had utterly divergent functions. The *Azuma kagami's* assertion of an 1185 authorization to appoint *shugo* is a confusion with *jitō* and a later rationalization by chroniclers intent on creating matching antiquities.

During the later 1180s, the urge to establish a workable division of responsibility with Kyoto gained impetus. The *jitō* institution constituted an important beginning here. Yet the country's proprietors were continuing to deluge Kamakura with undifferentiated appeals for redress, whereas the bakufu, for its part, had little idea as to whom it ought to recognize as permanent vassals. Yoritomo, indeed, became increasingly aware that his government had overextended itself. He therefore began to turn away petitions for assistance of the type he had earlier accepted. He also exhorted Kyoto to assume responsibility for matters now deemed outside his purview.²⁸ One result was the beginning of a jurisdictional separation between *jitō* and an equivalent managerial title, that of *gesu*. The former were declared men of Kamakura, with bakufu authority over appointments, dismissals, and punishments. The latter, though their perquisites and duties were indistinguishable from those of *jitō*, were now announced to be the responsibility of estate owners. This cutting edge between *jitō* and *gesu* became a prominent feature of the Kyoto-Kamakura dual polity.²⁹

The matter of Kamakura's vassalage was an equally thorny problem, though one that did not receive Yoritomo's full attention until after 1190. Until recently, scholars assumed that Yoritomo devised the term *gokenin* at the same time that he launched his drive to power in 1180. The *Azuma kagami* uses the word in its earliest entries, and the currency of the term also made sense historically. Yoritomo was a

27 The finest treatment of the *sōtsuibushi*-*shugo* problem is by Yasuda Motohisa, *Shugo to jitō* (Tokyo: Shibundō, 1964), pp. 22-42. 28 *WG*, pp. 125-7.

29 The implications of the *jitō*-*gesu* division are treated in *WG*, pp. 136-42.

feudal chieftain, *gokenin* being the insignia of vassalage appropriate to his warrior movement. But as we now know, the term was not contemporaneous with the Gempei War and was not even used in the later 1180s.³⁰ Our conclusion is that vassalage remained a highly amorphous concept during the bakufu's first decade. Loyalty itself was often a matter of the moment, and "joining the Minamoto" could literally be done in isolation. Thus, when the war ended, a determination was still in the future as to the composition of a permanent band. The first group to be acknowledged received the initial round of *jitō* appointments, and these mostly were easterners. But each province of the country had warriors claiming to be legitimate loyalists. It was left to Yoritomo to devise a means to test this avowal and to move in the direction of a less disparate following.

It is not surprising, therefore, that the later 1180s witnessed a consolidation drive that was scarcely completed by the end of the century. Apart from the Kantō, the area of first concern was the Chūbu, the bloc of provinces between the country's two capitals. But no region of the country was fully secure, for Kamakura's command structure had never been unified. Numerous warriors remained under traditional chiefs. Yoritomo's solution to these problems was to engage the country's fighting men in yet another military campaign, this time against the north. The north was the site of a major enclave of private governance that had remained aloof from the Gempei War and later had given refuge to Yoritomo's fugitive brother, Yoshitsune. The Kamakura chieftain thus had several reasons to attack the family that dominated the region, the Ōshū Fujiwara.

In preparation for his campaign, Yoritomo authorized selected easterners to initiate a massive recruitment drive in all parts of the country. Though we lack detailed information on most areas, it is clear that warriors answered the call from as far away as Kyushu but that the greatest response came from the Chūbu.³¹ Because the campaign itself resulted in a victory for Kamakura in 1189, Yoritomo found himself able to destroy the Fujiwara bloc on his eastern flank and to destroy or subordinate the Chūbu group on his western side. Elsewhere, he rewarded warriors who fought loyally and punished or purged those who did not.³² A major step was thus taken in the direction of a kind of balance sheet on the country's fighting men. This was not yet a policy

30 Yasuda Motohisa, "Gokenin-sei seiritsu ni kansuru ichi shiron," *Gakushūin daigaku bungaku bu kenkyū nempō* 16 (1969): 81–110. For a discussion, see Mass, "Feudalism," pp. 131–7.

31 Kasai Sachiko, "Ōshū heiran to tōgoku bushidan," *Rekishi kyōiku* 16 (1968): 27–40.

32 This is vividly depicted in a Kyushu investiture of 1192; see *KB*, doc. 37.

of identifying permanent vassals, calling them *gokenin*, and including their names on vassal registers. But these steps were not very far away.

What was needed to implement such a policy was a corps of deputies with regular authority and uniform local jurisdiction. Here, then, is the basis for the *shugo* institution, provincial commanders who might also function as constabulary officers. The actual process by which the *shugo* were first set into place has unfortunately been lost to us, though a common surmise is that Yoritomo, on the occasion of his first trip to Kyoto since childhood (1190), forced the court to appoint him *shugo*-in-chief for the entire country.³³ Although there is no record of such an arrangement, personnel identifiable as *shugo* do begin to appear around 1192. This was just at the point that the *gokenin* label also appears along with indications of the first vassals registers.³⁴ The connections here can hardly be overlooked: The primary responsibility for installing and overseeing the *gokenin* system was granted to the *shugo*, who were themselves created as extensions of Yoritomo's declared lordship over his new vassalage. Moreover, with the institutionalization of *gokenin* there also appeared a second legal category, *higokenin* (nonvassals), both of whom may earlier have been "Minamoto." At any rate, by the early 1190s the three basic local innovations of the Kamakura bakufu, *jitō*, *shugo*, and *gokenin*, had been established. At variance with traditional accounts, it is not the *jitō* and *shugo* whose origins should be closely linked but, rather, the *shugo* and *gokenin*. Neither of the latter had anything directly to do with the Gempei War.

It has long been assumed that the final pillar in Kamakura's system, the office of shogun, was likewise set into place in 1192. Because of that event, this year is almost as well known as 1185. In a sense, however, the fame here is misplaced. Although Yoritomo was appointed shogun in 1192, he did not understand its significance, which was established only after his death. Thus, the Kamakura chieftain resigned the office in 1195, never supposing that posterity would credit him with starting a tradition of shoguns. For Yoritomo, the title was important only insofar as it might impress Kyoto; he returned to a more prestigious office (that of *utaishō*, or commander of the inner palace guards) in 1195 for precisely that reason.³⁵ Conversely, in no ways was the post of shogun a capstone to his system of vassalage. As

33 For a discussion, see Yasuda, *Shugo to jitō*, pp. 45ff.

34 See the list of registers in Tanaka Minoru, "Kamakura shoki no seiji katei-kenkyū nenkan o chūshin ni shite," *Rekishi kyōiku* 11 (1963): 23.

35 For Yoritomo and the title of shogun, see Ishii Ryosuke, "Sei-i tai shōgun to Minamoto Yoritomo," reprinted in Ishii Ryosuke, *Taika no kaishin to Kamakura bakufu no seiritsu* (Tokyo: Sōbunsha, 1958), pp. 87-94; and Mass, "Feudalism," pp. 126-8.

we shall see, it was left to the Hōjō, in need of an object for a regency, to invest the title of shogun with both a future and a past. Yoritomo thus became the first of a line of shoguns only in the memories of those who followed him.

In the wake of the northern campaign, Yoritomo, as mentioned, traveled to Kyoto for his first visit since childhood. By all accounts it was a triumphant venture. The chieftain of Kamakura was feted everywhere, and he was granted the *utaishō* title to which he later returned after three years as shogun (1192–5). A further preferment allowed him to open a *mandokoro*, a chancellery on the model of those of the great central aristocrats. Hereafter, decrees by his government issued from that organ rather than from Yoritomo personally.³⁶ This was, in a sense, a concession to bureaucratization, arguably the only one of import that he ever made. More typically, Yoritomo stood firm against the formation of enclaves of private power and shifted men about from one governmental task to another. He also continued his policy of purging warriors whose loyalty he considered suspect. During the 1190s, Yoritomo rid himself of certain province-level vassals in the west and evolved a complementary policy of elevating undistinguished easterners to positions of authority in the same region. As his thinking must have run, men of this type would owe their prestige to the largesse of the chieftain. In ways such as this, Yoritomo's temperament inclined him toward patrimonialism, though the realities of warrior power obliged him to adopt feudal techniques of organization as well.

To conclude this section on the era of Yoritomo, we should note the fluctuations in his relationship with Kyoto. The period covering 1185 to 1200 can be divided into three subperiods. The years between 1185 and 1192 witnessed a contest of sorts between the ex-emperor, Goshirakawa, and Yoritomo. This hardly constituted open warfare. Committed as he was to resuscitating traditional authority, Yoritomo dealt respectfully with the retired emperor throughout. For his part, however, Goshirakawa had little to lose by exploiting this advantage and by attempting to embarrass the rival regime in Kamakura. At any rate, when Goshirakawa died in 1192, there was little sorrow felt in the eastern capital. To prevent further opposition from Kyoto, Yoritomo decided to assume a higher profile in the politics of the court.

In the early stage of this effort, the Kamakura chief worked closely with a ranking ally in Kyoto, Kujō Kanezane. A problem developed,

³⁶ For early examples of such edicts, see *KB*, docs. 12, 16–17.

however, when Yoritomo determined that his daughter should occupy the same imperial consort's position held by Kanezane's daughter. Yoritomo's goal was no less than to become grandfather to an emperor, and to promote that cause he undertook a second trip to Kyoto. This occurred in 1195 and was the occasion of his abandonment of the title of shogun in deference to a higher-ranking post, the office of *utaishō*. By this time, however, there were forces in the capital who saw in Yoritomo's gambit an opportunity to rid themselves of both Kanezane's and Kamakura's meddling. The result was exactly as the opposition interests in Kyoto had hoped. With Yoritomo's assistance, Kanezane was removed from power, but the eastern chieftain's plans for his daughter, owing to her untimely death, failed to materialize. Yoritomo, disappointed and chastened, turned his attention back to Kamakura. The period between 1196 and 1199 thus became a time of minimal interaction between the two capitals. The bakufu continued to accept courtiers' complaints alleging lawlessness by *jitō*. But a new power bloc had emerged in Kyoto over which Yoritomo exercised little leverage. When the eastern chieftain died in 1199, he could count as his most conspicuous failure the lack of closer relations with Kyoto.

THE ROAD TO JŌKYŪ

The period 1200 to 1221 has always had a quality of inevitability about it. This is because the Jōkyū disturbance, pitting the two capitals against each other, seemed a logical denouement to the establishment of a warrior regime in a country with only one prior governmental center. In fact, the war was considerably more complex than merely a fated showdown between older and newer authority systems. The lineup of forces in 1221 revealed societies in conflict as much within themselves as against one another; and the outpouring of violence that accompanied and followed the war suggests that the Gempei settlement, embracing various compromises by Yoritomo, had only superficially satisfied many of the country's warriors. A major result of the multisided Jōkyū struggle was thus a shift, if not a restructuring, in the power alignments between and within the two capitals as well as within the warrior class as a whole. For these reasons, the Jōkyū disturbance, belying its brief duration, was the most momentous event of the thirteenth century, rivaled only by the Mongol invasions.³⁷

³⁷ This multidimensional view of the Jōkyū disturbance is presented in Jeffrey P. Mass, *The Development of Kamakura Rule, 1180–1250: A History with Documents* (Stanford, Calif.: Stanford University Press, 1979), chap. 1 (hereafter cited as *DKR*).

The dominant theme of progress in Kamakura in the generation before Jōkyū was the rise of the Hōjō as hegemon. This was not the relatively easy progress it is often made out to be. The period was punctuated by power struggles and rebellions, and the Hōjō's emergence out of this milieu was anything but certain.³⁸ The background of the competition was the gap at the political center occasioned by Yoritomo's death. His successors, his sons Yoriie (r. 1199–1203) and Sanetomo (r. 1203–19), were not of the same mettle as their father, which meant that actual leadership fell to a coalition of vassals, itself an unstable arrangement. During the years 1200 to 1203, two families, the Hiki and the Hōjō, presided over this group. The head of the former was the father-in-law of Yoriie, who was himself hostile to his mother's family, the Hōjō. A bloodletting eventually ensued, which resulted in the replacement of Yoriie by the more pliable Sanetomo, as well as the destruction of the Hiki by their rivals, the Hōjō. The way was thus open for the Hōjō scion, Tokimasa, to assume brief but direct command of the Kamakura bakufu.

It has long been assumed that Tokimasa capped this dramatic rise in 1203 by becoming *shikken*, or regent, to the new shogun Sanetomo. According to this tradition, a sequence of *shikken* henceforth paralleled a sequence of shoguns. In fact, there is reason to doubt this version of events, as the title of *shikken*, meaning director of a *mandokoro*, could hardly have been initiated when there was no *mandokoro*. During this period the shogun was of insufficiently high court rank to open a formal chancellery.³⁹ Nevertheless, Tokimasa did dominate the bakufu until 1205, a fact we know from the regime's edicts, all of which bear his signature alone.⁴⁰ In that year he was displaced by his son and daughter, who, because their father's rule had not been institutionalized, failed to inherit all his power. Tokimasa's successors were thus forced to share authority with others, and for a decade after 1209 the *mandokoro*, now open, became the chief decision-making body in Kamakura and the principal issuer of its edicts.⁴¹

In 1213, another bloodletting occurred in which an old-line *gokenin* family, the Wada, found itself maneuvered into a treasonous position, giving the Hōjō ample reason to lead a bakufu campaign against it.

38 The clearest account in English of the rise of the Hōjō is by H. Paul Varley, "The Hōjō Family and Succession to Power," in Mass, ed., *Court and Bakufu in Japan*, chap. 6.

39 The *shikken* post of Tokimasa is noted in *AK*, 1203/10/9; for a critique, see *DKR*, pp. 77–79.

40 For example, *DKR*, docs. 55–59; *KB*, docs. 20, 33–34, 48, 100, 113, 161, 163.

41 For the role of the *mandokoro* during this period, see *DKR*, pp. 75–80.

Yet even now the Hōjō's hold over the governmental apparatus did not become entirely secure; there were fluctuations in the membership of the *mandokoro*, and the Hōjō were not always its directors. All this changed, however, in 1219 when the shogun was assassinated. This development gave the Hōjō a pretext on which to declare an emergency situation, which was close to the truth, as no successor was immediately available. In the absence of a nominal lord, the *mandokoro* ceased its formal activities, and Hōjō Yoshitoki, like his father before him, began issuing Kamakura's edicts under his own name. This time the Hōjō's accession to power within the bakufu proved to be permanent.

While the Hōjō were succeeding, finally, in securing their hegemony, a parallel situation was developing in Kyoto under a new retired emperor. Gotoba was the ultimate beneficiary of Yoritomo's clumsy meddling in court politics during the middle 1190s. When he "retired" in 1198 at the age of eighteen, his immediate task was to neutralize the bloc of supporters that made up his own entourage; it was this group that had engineered the removal of the Kanezane faction and blocked Yoritomo's designs at court. By 1202, Gotoba had succeeded in becoming his own master – and was also well on his way to becoming master of the capital. He established that his chancellery – the *in-no-chō* – was the central decision-making body in Kyoto, and he actively pursued greater wealth, often at the expense of rival proprietors. The result was a growing feeling of restiveness in Kyoto that paralleled a like sentiment in Kamakura.

Gotoba, indeed, attempted to capitalize on the growing warrior unrest, by providing an alternative source of patronage for the country's fighting men. He did this by recruiting both *gokenin* and non-*gokenin* for his private guard units and by distributing to these retainers various rank and office preferments. Although Gotoba might not have been aware of it at first, he was creating, with this activity, the core of an army that would later challenge Kamakura. The members of his guards units were drawn from east and west, a development that the bakufu took little notice of, as relations between the capitals were peaceful, if not unusually warm. In an earlier era, Yoritomo had fought court rewards for Minamoto who failed to be nominated by the chieftain. But now the shogun himself was a conspicuous recipient of court honors, whereas Kamakura remained parsimonious in granting *jitō* awards to most western vassals. In time, relatively large numbers of fighting men came to realize that the bakufu's existence was doing little to benefit them personally. Integrated, as in times past, with the

Kyoto-controlled estate system, warriors of this kind were receptive to Gotoba's call to arms against Kamakura in 1221.

The events that took place in 1219 are generally considered to have contributed to the decision to wage war. During the previous year, Hōjō Masako had traveled to Kyoto to negotiate with Gotoba over the naming of a shogun-designate. Had Sanetomo had an heir, the trip would not have been necessary. But the Hōjō, for whom the post of shogun was the basis for their regency, had already decided to seek a successor from within the imperial family. Such a choice would provide the bakufu (and themselves) with an unimpeachable legitimacy, whereas for Gotoba (whose infant son was the designee) there was the prospect of a bakufu "absorbed" into the imperial state. Early in 1219, however, Sanetomo's assassination prompted a change of heart on the part of the ex-emperor, and he contributed to the crisis in Kamakura by renegeing on his earlier agreement. After a show of force in the capital, the bakufu secured a compromise choice – an infant Fujiwara – to be the next shogun. But when the child was brought to Kamakura, the ex-emperor resolved to withhold his formal appointment.

These developments poisoned relations between the two capitals, though, remarkably, the sources fall suddenly silent regarding actual movement toward war. There is no indication of overt steps taken on either side to prepare for any kind of showdown. This silence continued into the spring of 1221, when the ex-emperor had already decided on his course. The magnitude of his error only makes more regrettable our inability to trace events from mid-1219. At any rate, we can imagine a fevered effort, which contributed to the court's debacle, to assemble a fighting force that might acquit itself. In the end, Gotoba's army was a potpourri of warrior society. Drawn mostly from the central and western provinces, but with a number of eastern defectors, the forces of the court had little internal coherence.⁴² Whereas fighting for the bakufu meant the prospect of new *jitō* titles, fighting for the court promised nothing in particular. Negative (or passive) feelings toward Kamakura could hardly make up for the absence of a rewards program.

Nor had Gotoba taken account of the fact that like the Hōjō, he had alienated much of his own natural constituency. Presumably, he believed that the central *shōen* proprietors shared his distaste for Kamakura to the point that they would rally to his cause. He must also

⁴² The nature of Gotoba's army is discussed in detail in *DKR*, pp. 16–29.

have expected delivery of the warrior-managers and the mercenaries who served them. In any event, the aristocracy's response was almost as mixed as that of the country's fighting men. Neutrality was the stance adopted by many, whereas others were simply not in a position to guarantee compliance by those living on their estates. A united Kyoto thus proved to be as elusive for Gotoba as it had been for Kiyomori two generations earlier.

Before moving to the Jōkyū encounter itself, it remains to be pondered what the ex-emperor hoped to achieve by his challenge to Kamakura. In his war declaration, he singled out Hōjō Yoshitoki, who was the nearest thing he could find to a common enemy for potential warrior recruits. The Minamoto, whose rule had already ended, could be praised for their service to the court, whereas the Hōjō, with some accuracy, could be condemned as usurpers. Beyond that, Gotoba entreated the men of Kamakura to rely henceforth on the judicial authority of Kyoto, a subtle plea, as it aimed at compromising Kamakura's jurisdiction without threatening to dismantle the bakufu itself. To have sought the support of warriors in overthrowing the warrior government could only have weakened Gotoba's chances for success. Conversely, the *gokenin* who joined the court did not do so out of a desire to destroy the bakufu idea or to end their own elite status. What they must have looked forward to was a reorganized regime with a new warrior leadership and a new form of cooperation with Kyoto. But Gotoba, whatever his rhetoric, could hardly have shared such views; his ultimate aim must have been to end Japan's dual polity, perhaps by placing *shugo* and *jitō* under his own authority. As we know, this potential divergence of goals had no time to surface. The Jōkyū disturbance, if not the violence that it unleashed, was over in less than a month.

THE JŌKYŪ DISTURBANCE AND ITS AFTERMATH

If the *Azuma kagami* is to be believed, Kamakura had no advance warning that Gotoba was preparing for war. Not surprisingly, the bakufu leadership was uncertain at first as to how to respond. The propriety of engaging an imperial army was debated; yet scruples gave way, under urging by the Hōjō, to the threat that was unmistakably at hand. Gotoba's war declaration reached Kamakura on the nineteenth day of the fifth month of 1221. Within a week's time,

according to the *Azuma kagami*, a bakufu counterforce of 190,000 men had been assembled.⁴³

The recruitment policies devised by the Hōjō had a direct bearing on the outcome of the war and the settlement that followed. Only easterners were called to service, although as Kamakura's armies advanced westward, local vassals were actively recruited. The Kantō-led military campaign thus formed a wedge for greater penetration of the west and also offered a chance for further consolidation of the Chūbu. Unlike the beginning stages of the Gempei War, then, the leadership in Kamakura determined to take the fighting directly to the enemy. The strategy worked splendidly, and on the fifteenth day of the sixth month the victorious bakufu army entered the capital. Brushing aside Gotoba's pleas for mercy, Kamakura scattered into exile the ex-emperor and other members of his war party.

So rapidly had events taken place that at first the bakufu could hardly have appreciated the extent of its victory. The full composition of the ex-emperor's army was a matter to be determined, and probes had to be undertaken to judge degrees of war guilt. Similarly, the bakufu had to examine its own army – who had fought and with what degree of valor. What complicated all of this was a reign of terror that now gripped the countryside. Both vassals and nonvassals interpreted the court's defeat as a license to engage in lawlessness.⁴⁴ So savage was this outburst that whatever Kamakura's instinct for revenge against Kyoto, its leadership realized that the traditional authority system could not, without risk to the bakufu, be dismantled. In fact, it would have to be restored, and Kamakura therefore took steps in that direction. It retained most of the governmental apparatus of the court, and it set into place a new retired emperor. At the same time, it undertook to return the countryside to peace by responding to the complaints of violence lodged by the traditional proprietors.

But Kamakura was hardly prepared to oversee a total return to the status quo ante. It replaced its ineffective Kyoto *shugo*'s office with a bakufu branch in the capital, the so-called Rokuhara *tandai*. It also reserved for itself the right to interfere in high-level personnel decisions at court, including the naming of emperors. It further made clear

43 Two translations by William McCullough present a narrative account of the war: "The *Azuma kagami* Account of the Shōkyū War," *Monumenta Nipponica* 23 (1968): 102–55; "Shōkyūki: An account of the Shōkyū War," *Monumenta Nipponica* 19 (1964): 163–215, and 21 (1966): 420–53.

44 For a sampling of the violence in 1221 and 1222, see *DKR*, docs. 21, 24–26; *KB*, docs. 95, 112, 116.

that Kamakura and Kyoto would henceforth work in tandem; the dual polity was a permanent reality that might never be challenged again. To underscore this, the bakufu began issuing legislative pronouncements, demonstrating parity with Kyoto as a lawgiving authority. Finally, Kamakura responded to the desires of its men by flooding the central and western provinces with massive numbers of new *jitō* assignments. This latter development constituted no less than a colonization drive, for the recipients were almost exclusively easterners and the appointment areas were the confiscated holdings of dispossessed westerners. As a result, the demographics of warrior strength in Japan shifted dramatically in favor of elite fighting men from the Kantō.

The restoration of stability, so high on Kamakura's list of priorities, was actually undermined by the introduction of large numbers of new *jitō* into unfamiliar areas. But this was the price that had to be paid to institutionalize a presence countrywide and to satisfy the expectations of a core constituency. A major result was a substantial bolstering of what had long since become Kamakura's principal governmental role, the dispensing of justice. With bakufu men in possession of rights in all parts of the country, it was more important than ever that the policing of *jitō*, immune from the discipline of *shōen* proprietors, be handled with dispatch. At first, Kamakura was hard-pressed to keep up with the demand for judgments, and in fact, its commitment to fairness may have suffered a bit. But these lapses proved momentary, as the bakufu was willing to reverse any mistaken decisions.⁴⁵ At any rate, the era was one of adjustment and change in Japan after roughly two decades of equilibrium.

The changes referred to here have less to do with substance and structure than they do with scope and numbers. That is, the Jōkyū disturbance yielded no institutionally new figures comparable to those evolving out of the Gempei War and its aftermath. What occurred after 1221 was an expansion of existing officer networks and authority, not some radical departure into new conceptual space. True, Kamakura now began posing as a lawgiving authority alongside Kyoto, and this was certainly unprecedented. But the enactments themselves did not infringe on the imperial sanction, and in fact, they acknowledged and fortified it. Moreover, Kamakura's efforts as a lawgiver were decidedly modest at first, and the bakufu carved out for itself no new spheres of local or central jurisdiction. What was new after 1221 was

⁴⁵ A classic example, which involved attempts to rectify errors on four separate occasions, was finally put right in 1232; see *DKR*, doc. 33.

the growth of Kamakura's involvement in dispute resolution and its accelerated placement of *jitō*. The number of such *jitō* is perhaps the critical question, and herein lies an interesting tale.

According to a famous datum of history cited in the *Azuma kagami*, Kamakura profited from the confiscation of fully three thousand *shōen* as part of the Jōkyū settlement. If taken literally, a shift of such magnitude would have significantly tilted the court–bakufu balance. Kyoto would have suffered a cataclysmic setback and faced severe revenue shortages followed by immediate decline. In fact, however, the three thousand figure implied far less than it seemed to. In the first place, nowhere near that number of transfers can be corroborated; the total (as with the size of Kamakura's army) is likely exaggerated. Second, even if the number were accurate, it probably implied the total of transfers at all levels of authority. That is, Kamakura and Kyoto shared in this new largesse. The bakufu declared its right to fashion *jitō* assignments from the managerial packages belonging to those warriors caught on the losing side. Likewise, the court, with Kamakura's blessing, shifted an unknown number of proprietary titles from one segment of the traditional aristocracy – Gotoba's war party – to another, those who had remained neutral or shown sympathy for Kamakura. It is in this sense, that the Jōkyū disturbance engendered shifts both within and between Japan's two great power blocs. Research on the "Kyoto settlement" has only just begun, with indications that the major religious institutions came out strongest.⁴⁶ By contrast, scholarship on Kamakura is well advanced and shows a small number of proprietorships, against numerous new *jitō* titles.⁴⁷ As reflected in the overall settlement, then, the bakufu could be assured that the basic ordering of society was not being impaired. Warriors, difficult to control in the best of circumstances, would remain middle-level land managers.

A final point on this subject is that the postwar era was not limited to a year or two; Jōkyū land transfers are known from as late as the 1240s, though most of the shifts in holdings obviously occurred earlier. By 1225 or 1226, Kamakura was prepared to make structural changes in its organization that pointed the way to a new, mature phase in bakufu operations.

46 Kōyasan, in particular, profited from the court's defeat, but so did the Tōdaiji and the shrines of Kamo, Ise, and Iwashimizu; see *DKR*, pp. 38–40.

47 Details on some 129 post-Jōkyū *jitō* appointments appear in Tanaka Minoru, "Jōkyū kyōgata bushi no ichi kōsatsu – rango no shin jitō buninchi o chūshin to shite," *Shigaku zasshi* 65 (1956): 21–48; Tanaka Minoru, "Jōkyū no rango no shin jitō buninchi," *Shigaku zasshi* 79 (1970): 38–53.

BAKUFU GOVERNANCE

In 1224, Hōjō Yoshitoki died and was followed in death by Masako a year later. The new leader of the bakufu was Yoshitoki's son, Yasutoki, by consensus the greatest of the Hōjō regents. Born after the founding of the bakufu and educated in classical Confucianism, Yasutoki left a stamp on the regime's operations that survived until the end of the period. It was under Yasutoki that the bakufu's capacity for mediating disputes achieved new heights and under him also that Kamakura's reputation for good government became a fixture of the historical memory.⁴⁸ Kamakura's golden age, which began now, owed much of its luster to the efforts of this extraordinary man.

Yasutoki was an innovator right from the start. Desirous of ending the postwar emergency, he took three steps to place the bakufu on a more regular footing. First, he established the cosigner (*rensho*) institution wherein a coregent, drawn from his own family, would become part of Kamakura's formal apparatus.⁴⁹ Second, he promoted the idea of collegiality by creating a board of councilors (*hyōjōshū*) to function as the bakufu's ranking governmental organ. Finally, he moved to formalize the elevation of the shogun-designate, a step that his predecessors, even after the Jōkyū victory, had not taken. In the first month of 1226, the eight-year-old Yoritsune became the fourth lord of Kamakura.

These were Yasutoki's public moves. He also moved behind the scenes to ensure that the *hyōjōshū* would be responsive to his own wishes and become the new high court of Kamakura. Although the council, like the *mandokoro* before it, was a mixture of old-line *gokenin* and ex-noble legal specialists, it differed from its predecessor in being the instrument of its founder's will. The *mandokoro*, which had been founded by the Minamoto and which played such an important role during the period to 1219, was inactive throughout the 1220s and was subsequently divested of its entire judicial authority. In 1232, the shogun was promoted to a court rank high enough to make him eligible to open a *mandokoro*. But by that time Yasutoki was its director and therefore oversaw the chancellery's principal task of investing and confirming *jitō* posts. In sum, whereas the *mandokoro* dated back to

48 Note, for example, the high opinion of Yasutoki's tenure held by Kitabatake Chikafusa, author of the fourteenth-century *Jinnō Shōtōki: A Chronicle of Gods and Sovereigns*, trans. H. Paul Varley (New York: Columbia University Press, 1980), pp. 228–30.

49 Credit for this innovation used to be given to Hōjō Masako, based on an erroneous entry in the *Azuma kagami*. The correct attribution was made by Uwayokote Masataka, "Renshosei no seiritsu," in *Kokushi ronshū*, vol. 2 (Kyoto: Dokushikai, 1959), pp. 625–40.

Heian times and had an existence tied to the court-sponsored rank of the shogun, the *hyōjōshū* was a bakufu invention and a vehicle of the regent. To argue, as many historians have done, that the *hyōjōshū* constituted the beginning of a new conciliar phase in Kamakura history is to overlook the organ's origins and to ignore its subsequent dominance by the Hōjō.⁵⁰

Although the sources do not refer directly to this process, from its beginning the council became the arena for a rapidly modernizing system of justice. As mentioned earlier, the bakufu had been placed in the position of judicial arbiter, literally from the first days of the Minamoto movement. The earliest settlements were edicts issued by Yoritomo himself, but after formation of the *mandokoro*, he centered much of this authority there. With the chieftain's death, however, the Hōjō, under Tokimasa, came to dominate the process (1203–5), though in the decade before Jōkyū the *mandokoro*, as noted, experienced its resurgence. From 1219 to 1226 it was the Hōjō once again who controlled the regime's judgments.⁵¹

Belying these power shifts at the top level of the bakufu, the techniques of justice were rapidly becoming more sophisticated. Technique, indeed, was emphasized from the start. Because Kamakura had no written laws at first or any philosophical traditions and because the country's estates were accustomed to having individualized precedents (*senrei*) made the basis of judgments, it was natural for the bakufu to stress procedure over principle. On a period-long basis, identifying and confirming local precedents served as the foundation of Kamakura justice. Flowing from this came basic attitudes toward impartiality, modes of proof, due process, and the right of appeal. In its maturity, the system was thus closely calibrated to the needs of a society that was lawless yet litigious, restive yet still respectful of higher authority.

A case in 1187 demonstrates the enormous potential of a system of justice whose principal objective was equity for the litigants rather than aggrandizement by their judges. At stake was the possession of an area in distant Kyushu to which the disputants had conflicting claims. In the words of Yoritomo's settlement edict, "The relative merits of the two parties have been investigated and judged, and [the *jitō*'s] case

⁵⁰ See Andrew Goble, "The Hōjō and Consultative Government," in Mass, ed., *Court and Bakufu in Japan*, Chap. 7, for a rejection of the conciliar view made famous by Satō Shin'ichi.

⁵¹ Hōjō control was direct from 1219 to 1226; thereafter it was through the *hyōjōshū*. Either way, judgments between 1219 and 1333 bore Hōjō names exclusively. These have been collected by Seno Seiichirō, *Kamakura bakufu saikyōjō shū* (Tokyo: Yoshikawa kōbunkan, 1970–1), 2 vols.

has been found justified.” To establish this, proof records (*shōmon*) had been placed in evidence, and the “false claim” (*hiron*) of the challenger was dismissed. Finally, a copy of the edict was sent to the government headquarters (*dazaifu*) in Kyushu, where an additional order executing the decision was handed down.⁵²

During the era of Yoritomo, justice, it may be said, remained the prerogative of the chieftain. Though he assigned trusted followers to cases and allowed them some leeway, he did not have professional investigators, much less a class of judges. A “judiciary” in the sense of a separate organ did not appear until later.⁵³

The two decades before Jōkyū saw a number of advances in the way that Kamakura handled suits. And these were indeed suits: The system was accusatorial, with litigation initiated by a plaintiff. Moreover, on a period-long basis, the bakufu itself was never a party to such actions and thereby strengthened its reputation as an arbiter and not an inquisitor. It is logical that an investigative agency, the *monchūjo*, should have become active after Yoritomo’s death. After conducting inquiries, which now involved a more clearly defined exchange of accusation and rebuttal statements (*sojō* and *chinjō*), along with gathering and analyzing evidence, the *monchūjo* issued a report, which was normally the basis of the judgment. From the beginning, written proof was considered more reliable than witnesses’ or litigants’ claims, and before long, distinctions among types of documents were introduced. In turn, as verdicts came to rest on documents, the crimes of forging, pilfering, and extorting records correspondingly became a problem. As Kamakura quickly discovered, advances in judicial technique were often followed by attempts to abuse or thwart them.

Integral to the progress in Kamakura was the promotion of a local support system. Because some types of allegations could most effectively be verified locally, *shugo* became the principal agents of investigation in the provinces. As the traffic of directives and responses increased, this served to tighten the bakufu’s overall control of its vassalage even as it was expediting the handling of suits. The same end was served by Kamakura’s issuance of formal questionnaires (*toijō*) and summonses (*meshibumi*) either directly or indirectly to defendants. As for the suits themselves, these tended to fall into three categories. The most prominent during the early period were actions lodged by

⁵² *KB*, doc. 14.

⁵³ The standard view, based on the *Azuma kagami*, posits a “board of inquiry” (*monchūjo*) from 1184. I take issue with this version of events; see Jeffrey P. Mass, “The Origins of Kamakura Justice,” *Journal of Japanese Studies* 3 (1977): 307–10.

traditional proprietors against *jitō*. Some of these were already quite complex, involving multiple issues, the product of diversified programs of lawlessness by increasingly ambitious *jitō*.⁵⁴ The second type of suit, which became far more important later, dealt with intrafamily vassal disputes, generally over inheritances.⁵⁵ Finally, there were complaints by or against *gokenin* alleging interfamily infringement.⁵⁶ Kamakura's official position against accepting courtier or warrior suits that did not involve vassals was occasionally transgressed by the bakufu itself. Yet the policy of separate jurisdictions with Kyoto remained in force and served as the principal basis for the era's dual polity.

There were, however, certain defects in the system that became more pronounced in the years immediately following Jōkyū. As mentioned earlier, due process was compromised somewhat under the weight of litigation caused by the emergency. This led to a rise in the number of false or frivolous suits and an increasing awareness that Kamakura's judgments did not contain enough information either to prevent repetitions of the same problem or to provide the bakufu with an easy basis for resolving future difficulties. Specifically, the edicts tended not to contain full-enough histories of either troubled areas or families and did not present summaries of the oral and written testimony constituting the basis for the judgment. In addition, by the late 1220s there existed a number of problem estates for which the bakufu had adopted conflicting positions in the past. In order to set the records straight and to line up, as it were, the precedents, Yasutoki was disposed to having Kamakura's highest court, the *hyōjōshū*, rehear such cases. From a handful of settlement edicts surviving from 1227–8, we see that Kamakura justice had taken a major step forward.⁵⁷

Central to the advances made at this time was a new commitment to impartiality, in the form of the *taiketsu*, or face-to-face trial confrontation, and to recording the facts and the reasoning behind a judgment as based on the oral and written testimony. In the past, plaintiff and defendant had been regularly summoned, but it is not certain whether they faced each other and their interrogators simultaneously. Even now, only a minority of cases reached this ultimate test; but the principle of access, so crucial, had been established. The bakufu also made

54 A case in 1216, for example, embraced some sixteen disputed issues; see *KB*, doc. 93.

55 For example, the long-running case involving Ojika Island in Kyushu's Hizen Province. Kamakura first heard the suit in 1196, again in 1204, and thereafter repeatedly until it was settled with some finality in 1228; see *KB*, docs. 19–20; *DKR*, pp. 95–101.

56 For example, cases in Kyushu from 1205 and 1212; see *DKR*, docs. 57, 65.

57 See, in particular, the Ojika Island settlement of 1228, referred to in n. 55. A judgment in 1227/3 is the earliest of the “new” type; see *KB*, doc. 46.

clear that the most extraordinary measures would be used to ferret out the truth. Witnesses, if needed, would be sought from the most remote corners of the land,⁵⁸ and summonses would be issued ad nauseum if it was thought they might help.⁵⁹ Conversely, Kamakura inculcated the notion that each stage in the judicial process was capable of serving as the final stage; we see no slavish devotion to the full reach of Kamakura's own system. The rationale here was to avoid squandering valuable resources, whether the litigants' or the bakufu's, and to give the system maximum flexibility. Thus, there would be cases when merely the lodging of a suit would induce the defendant to settle "out of court." Or perhaps the same result might occur at the point of acceptance of a suit or the delivery of the charges or of a summons. Under the Kamakura system, justice might be rapid or drawn out; in many instances it was unending, as formal appeals became possible and new suits on old subjects were commonplace. Indeed, it was Kamakura's objective to bottle up potentially explosive situations in litigation; that elite warriors subjected themselves to long-running encounters on the legal field of battle rather than on military battlefields proved to be one of the bakufu's most enduring accomplishments.

Nor did Kamakura justice become static or excessively bureaucratized. Soon after introducing the procedures that would serve as the core of the system, Yasutoki became active as a legislator. Drawing on his Confucian training and his evaluation of current realities, he became the guiding force behind the *goseibai shikimoku*, a behavioral code for *gokenin* that was promulgated in 1232. This formulary was important for several reasons. As the first document of its kind by and for warriors, it gave further evidence of Kamakura's parity with Kyoto and indeed served as the inspiration and precedent for all future warrior codes. Nevertheless, in the context of its own times, the formulary was intended to do less than it has often been given credit for.⁶⁰ It represented not so much the creation of binding rules as the establishment of standards; its underlying principle, *dōri*, conveyed reasonableness, not literalness. Thus, a judgment based on the particulars of a

58 For example, a suit in 1244 involving a corner of Kyushu's Hizen Province led to the interrogation of at least twenty local persons; see *DKR*, doc. 144.

59 For example, the reference to seven summonses in a Bizen Province suit in 1255; see *KB*, doc. 50.

60 The existence of an early English translation of the formulary (1904) caused several generations of historians to rely unduly on this document. The potential influence of such translations is discussed by Jeffrey P. Mass, "Translation and Pre-1600 History," *Journal of Japanese Studies* 6 (Winter 1980): 61–88.

case was the closest approximation of *dōri*; Kamakura laws, as summation of current practice, were the next closest.

The *goseibai shikimoku*, then, was a sketch rather than a finished blueprint; its general concerns were more important than its specific content. Had the formulary, by contrast, sought to impose a uniform set of regulations, it would have conflicted with the limitless variety of estate-based customs. This would have rendered justice inoperable, as governance in the thirteenth century (Kamakura's or Kyoto's) could hardly have been reduced to formula. The *shikimoku*'s objectives were thus to define the parameters of the *gokenin*'s world and to enunciate standards that would both exalt and restrain him. Because the society of the vassal was itself ever-changing, it was readily anticipated that the code, like a constitution, would be supplemented by legislation.

And so it was. Hardly was the ink dry on the 1232 document when new enactments began to pour from Kamakura's lawmakers. Some of these dealt with topics not covered in the *shikimoku*, but others were clearly corrective in nature. The latter condition was promoted by a development that Yasutoki had not foreseen. In its efforts to reconcile two competing social and political orders, Kamakura had forsworn interference in the affairs of *shōen* proprietors, specifically in *shōen* in which *jitō* did not hold land rights. This left non-*jitō gokenin*, who constituted the majority of the native western province vassals, legally unprotected, and estate owners were quick to take advantage of this situation.⁶¹ Moreover, the *shikimoku*, though including *jitō* under its umbrella of protection, also restricted them in a number of explicit ways. Proprietors had merely to study the formulary and then bring suit against a *jitō* for alleged codal violations. Because the *shōen* proprietors themselves were immune from discipline by Kamakura, there was nothing, moreover, to prevent them from bringing trumped-up charges.⁶² At any rate, the 1230s and 1240s witnessed a number of adjustments in the bakufu's laws as inequities in the original legislation were deemed needy of correction.

Notwithstanding such difficulties, the post-*shikimoku* era carried Kamakura justice to a new plateau of excellence. From about 1230 the Rokuhara deputyship in Kyoto became an adjunct to the system, fully empowered to judge suits independently of Kamakura. Although in practice Rokuhara functioned mostly as a lower court with appeal eastward regularly used, the bakufu had diversified its judicial machin-

61 *DKR*, pp. 108–12, docs. 76–77.

62 For example, a case in which a proprietor ignored an earlier judgment against itself and attempted to reopen the suit; see *DKR*, doc. 78.

ery and strengthened its reputation as Japan's most prestigious court. At the same time, Kamakura was also taking steps to improve its efficiency and overall performance. In 1249, it added another investigative office, the *hikitsuke-shū*, which gradually took its place as the principal organ of inquiry below the *hyōjōshū*.

As indicated earlier, dispute resolution was, from beginning to end, Kamakura's chief contribution to the age. More than policing, the collection of taxes, or any other of a myriad of responsibilities associated with governments, the settlement of land suits, broadly conceived, stood as the *raison d'être* for the bakufu's existence. On the other hand, this did not mean that Kamakura's authority was simply one-dimensional. It did exercise, for example, certain administrative responsibilities in its base area of the east. Yet this authority was far from fully articulated, and few data survive on Kamakura as a territorial power.

The explanation for this anomaly takes us back to the dual polity. During Kamakura times, the country was not divided into discrete territorial spheres. Authorities were overlapping within the context of the all-encompassing estate system. This meant that *shōen* holders and provincial proprietors maintained contacts with the east, whereas Kamakura, through its *shugo* and *jitō*, exercised influence in the west. Thus, the dual polity was a thoroughly integrated polity which, however, might be unequal. Although the bakufu had arguably the more important contribution to make, Kyoto, it seems clear, had the more varied. Preoccupied with its judicial burden, Kamakura eschewed many of the complementary duties of government, which remained the purview of traditional, court-centered authority.⁶³

SHUGO AND JITŌ

The *shugo* and *jitō* were the period-defining figures of the Kamakura age, a condition that was recognized even at the time. The less significant of the two, the *shugo*, was created, as we have seen, as part of the bakufu's effort in the 1190s to inject coherence into its vassal network and to clarify the boundaries of the emerging dual polity. The plan was to assign a trusted easterner to each province of the country and to have this officer represent the bakufu as its ranking agent in that province. The *shugo*'s authority was to be threefold. He was to act as

63 These views are developed by Jeffrey P. Mass, "What Can We Not Know About the Kamakura Bakufu?" in Jeffrey P. Mass and William B. Hauser, eds., *The Bakufu in Japanese History* (Stanford, Calif.: Stanford University Press, 1985), pp. 24–30.

coordinator of his area's *gokenin*, in particular, commanding them in war and leading them in their peacetime guard duty in Kyoto. Second, he was to assume responsibility for controlling local rebellion and crimes of a capital nature, both duties hitherto discharged by the older civil governors. Finally, he was to serve as an adjunct to Kamakura's judicial system, performing in the joint roles of investigator, enforcer, and liaison.⁶⁴

Only the first two duties breached the natural division between Kamakura's and Kyoto's authority, and as such they required official sanction from the court. We do not know the circumstances surrounding this arrangement or when it was secured, but by early in the thirteenth century *shugo* were active in these capacities. The Kyoto guard service, known as *ōbanyaku*, was a legacy from the Heian period that Kamakura inherited and made incumbent on its collective vassalage on a provincial basis. Service periods were normally three or six months, and the duty fell on individual provinces at irregular intervals, sometimes twenty years or more. The *ōbanyaku*, curious as it now seems, was the centerpiece of Kamakura's system of vassal services, which also included tribute obligations (labor, horses, etc.) but not regular taxes or rents. Part of the rationale for doing things in this way derived from the bakufu's ambivalent attitude toward noneastern vassals, relatively few of whom it honored. Although it wished to call these westerners to service from time to time, it did not desire their presence in Kamakura, which had its own *ōbanyaku* limited to easterners. At all events, *shugo* were placed in command of the imperial guard duty.

The *shugo*'s constabulary authority involved them (or their deputies) in fairly frequent conflict with estate owners, who sought immunity from *shugo* entrance. Historians have not been able to agree on the extent of the *shugo*'s jurisdiction here, that is, the stage in the criminal prosecution continuum to which his authority reached, or the precise social classes covered.⁶⁵ But it is noteworthy that Kamakura's ranking peace officers in the field, like policemen in other times and places, were the objects of censure rather than praise by the interests ostensibly being served. In this regard, *shugo* were no different from civil governors or their agents from whom estate holders also sought immunity. We may say, at any rate, that *shugo* were

64 The Kamakura *shugo* is treated in *WG*, chap. 8.

65 The debate has mostly been between Satō Shin'ichi and Ishii Ryōsuke; for a summary, see *WG*, pp. 213–20.

least successful in this aspect of their duties and were fairly frequently lawbreakers themselves.

These formal responsibilities of the *shugo* (the Kyoto *ōbanyaku*, rebellion, and murder) were incorporated into Kamakura law under the curious misnomer of *taibon sankajō*, the three regulations for great crimes. This was in 1231, long after the three duties, minus the name, had become an operational definition of the *shugo*'s authority. The notion of uniformity expressed by such a legalism goes to the very heart of the *shugo* conception. The holders of this title were viewed as public officers with responsibilities replicated in all provinces of the country. In that regard they were like their counterparts, the civil governors, and unlike the *jitō*, who, following *shōen* custom, all were perceived to be different. The *taibon sankajō*, with its slender authority, expressed the narrow limits of the *shugo*'s public presence.

As noted, there was a third aspect to the *shugo*'s authority, and this was centered on duties performed on behalf of the bakufu. In particular, the *shugo* assisted Kamakura in the latter's judicial endeavors. The range here was impressive – from interrogating local witnesses, summoning defendants, and subpoenaing relevant documents, to forwarding investigative reports, issuing enforcement orders, and announcing judgments. A question arises as to whether such activity (along with the *ōbanyaku*) allowed *shugo* to develop leverage over *gokenin* as a step toward fashioning private vassalages. On balance, this probably did not occur, as *shugo* were commonly obliged to take actions unfriendly to *jitō*, who were usually the defendants in legal actions, and as Kamakura was careful to hedge the autonomy of its provincial appointees. *Shugo*, for instance, held tenures that were revocable at will; they received assignments only in provinces of which they were not natives (save for the east); their posts were not normally identified with landholding; and they were restricted in the number and functioning of their deputies.⁶⁶ It is hardly surprising, given these conditions, that few *shugo* bothered to take up residence in their assigned provinces. With tenures that were considered nonhereditary, most appointees remained in their eastern bases or else elected to live in Kamakura itself.

Although a handful of *shugo* did succeed in entrenching themselves in their provinces, this did not mean that their relations with Kamakura were in any way discordant. They continued to require the bakufu's active support and patronage, in return for which they pro-

⁶⁶ Among these four, the only point that has been disputed is the landholding issue. Satō Shin'ichi argues in the negative, and Ishii Susumu takes the opposing view. I favor Satō here; see *WG*, pp. 225–7.

vided valuable and ongoing service. No *shugo* could survive, much less prosper, in isolation. In addition, as the years passed, the bakufu's leading house, the Hōjō, came to gather up an increasingly large portfolio of *shugo* titles, some thirty or more, almost half the national total, by the end of the period. We do not know enough about this development to judge whether it constituted a setback for the *shugo* system or rendered it more efficient. Certainly it limited the potential for the autonomy of other *shugo*, as "Hōjō neighbors" were now a reality for everyone. Our best guess is that the Hōjō aggrandizement of *shugo* posts did not appreciably distort the aims or operations of Kamakura's governance. Localism, society's larger trend, was not occurring at the level of the *shugo* or province anyway and was partly obstructed by them. Thus, far from hastening the decline of higher authority's sanction, the institution of *shugo* functioned as a major support for it. As we shall now see, the same can hardly be said for the Kamakura *jitō*.

If one has to search for multiformity among *shugo*, that condition was built in to the office of *jitō*. *Jitō* appointments could be made to land units of any size or description – or indeed not to land at all. Perquisites and authority were similarly diverse⁶⁷ and were expected to conform to the rights packages of the *jitō*'s predecessor, whether another *jitō* or a land manager bearing a different title, usually *gesu*. Once a *jitō* was appointed, he could look on his office as heritable property subject only to Kamakura's probate of his will. He could also expect immunity, as mentioned earlier, from the disciplinary authority of his absentee landlord. If the *jitō* committed any kind of offense against man or property, the estate owner had no recourse but to appeal to Kamakura for redress. This obliging of the *jitō* to manage lands on behalf of a proprietor exercising no direct control over him was what made the office revolutionary. It also ensured an unending need for a bakufu judicial authority.

In the hands of warriors, the post of *jitō* was trouble prone from the start. Kamakura made its appointments without knowledge of, and therefore without specifying, the limits of the managerial authority in question. It admonished its new *jitō* to obey local precedents – and left it to the *jitō* to discover what these were. Not surprisingly, *shōen* proprietors and *jitō* read these practices differently, which became the basis of litigation. Early on, Kamakura thus found itself making historical probes into the customs of remote areas. Where it erred was in not

67 For examples of the limitless variety in both physical shape and range of authority, see *WG*, pp. 171–2.

recording all its findings, not, that is, until Yasutoki's reforms. But even then, resourceful *jitō* were still free to choose new areas of activity to contest or to return to older subjects that retained ambiguities. The problem for the bakufu was that it could hardly afford to move too harshly against too many of its own men. Its judgments against *jitō* were never wavering, but most of its decisions were admonitory rather than overtly punitive. In Kamakura's view, dismissals were possible in extreme cases, but establishing the limits of a *jitō*'s authority would often be punishment enough. Henceforth, the *jitō* would be bound by a legal document that included the particulars of his earlier offenses.

What were some of the specific areas of dispute? *Jitō* received designated land units as compensation for their services. It was a common practice to claim adjacent units as falling within protected regions, to assert lower tax ratios or totals, and to invoke custom as the justification for imposing labor duties on cultivators. Points of quarrel in the sphere of *shōen* management centered on the extent of the *jitō*'s policing authority, the extent of his jurisdiction over local officials, the range of his competence to organize and oversee agriculture, and the nature of his involvement with the collection and delivery of *shōen* dues. Each of these topics was the source of endemic disagreement, as to control all of them was to dominate a *shōen*. Typically, however, the *jitō* enjoyed only a share of that authority, commonly expressed by some kind of formula. Thus, in the area of policing competence, a *jitō* might hold a one-third or one-half share,⁶⁸ which meant that confiscated property or fines in those amounts would redound to him. Or again, in regard to a *shōen*'s managerial corps, the *jitō* might control certain titled officials, which gave him the powers of appointment and dismissal over them.⁶⁹

The normal antagonist of the *jitō* in all these areas was a special appointee of the proprietor who exercised the remaining jurisdiction. Thus, many *shōen* had dual tracks of authority, one under the *jitō* and immune from the proprietor, the other controlled by him through his agent. These agents were of two basic origins, either long-time residents of the area in question and possibly the original commendators of some or all of the land composing the *shōen*, or centrally dispatched professional managers. In any event, this bifurcation of authority and responsibility between *jitō* and custodians, as they were called,⁷⁰ pro-

68 See *KB*, docs. 90, 89, respectively. Or the share could be total; see *KB*, doc. 88.

69 See, for example, the several titles under a *jitō*'s authority in estates in Satsuma and Aki provinces; *KB*, doc. 78; *DKR*, doc. 41.

70 The term here is *azukari-dokoro*. By mid-Kamakura times, a second term—*zasshō*—was coming

vided the backdrop for some of the era's truly classic, long-running battles. We know a great deal about many of these from the bakufu's judicial edicts, which were the instruments of hoped-for settlement. In fact, we know a vast amount about the *jitō* in general, as they were the primary objects of complaint and control and thus the subjects of thousands of documents.

In their growing desperation, *shōen* proprietors evolved a series of direct approaches aimed at pacifying or constraining the *jitō*. The initiative here was taken by the *shōen* proprietors, who typically offered a compromise. Under the generic name *wayo*, compromises of two types predominated. The first, called *ukesho*, seems unusually remote from reality. Under it the *jitō* were given total administrative control of the *shōen*, even to the point of barring entrance by agents of the proprietor. In return, the *jitō* contracted to deliver a fixed annual tax, regardless of agricultural conditions. By agreeing to underwrite such arrangements, Kamakura was in effect promising that violations could and would be litigated. Yet because delivery of the tax was the *jitō*'s only obligation to the proprietor, amounts in arrears became the sole object of suits. The worst that might happen was that the *jitō*, deeply in debt but with his *ukesho* intact, would simply be ordered to pay, often on lenient terms.⁷¹

The second device aimed at mollifying the *jitō* was called *shitaji chūbun*, a physical splitting up of *shōen*. As with other divisions of authority, percentage arrangements were the norm here, and maps with red lines through them were drawn to demarcate shares.⁷² The bakufu's formal approval, symbolic of its guarantorship, was standard here too.⁷³ It was long assumed that *shitaji chūbun* represented a more advanced form of settlement than did *ukesho* because ownership, rather than managerial authority, was involved. According to this view, the *jitō* now became Japan's first locally based holders of estate-sized properties, a revolutionary stage in the return of authority to the land. Although the general conclusion here seems accurate in hindsight, perceptions at the time were somewhat different. In particular, *shōen* proprietors, not *jitō*, provided the main impetus toward *shitaji chūbun*. Their objective was to secure an unencumbered share of a

into vogue. Sometimes they implied the same person and were used interchangeably (*DKR*, doc. 103), other times not (*DKR*, doc. 41).

71 The institutions of *wayo* and *ukesho* are treated by Jeffrey P. Mass, "Jitō Land Possession in the Thirteenth Century," in Hall and Mass, eds., *Medieval Japan*, chap. 7. For actual examples, see *KB*, docs. 117–25.

72 For an example, see the photograph on the jacket of Hall and Mass, eds., *Medieval Japan*.

73 For example, see *KB*, docs. 126–8.

property legally theirs but pressured incessantly by a *jitō*. As for the *jitō*, they too were thinking mostly in the present. Thus, they commonly resisted *shitaji chūbun* arrangements, as the loss of an authority embracing entire *shōen* would result. Or the case might be cited of a *jitō* seeking an *ukesho* over a whole *shōen* in place of the *shitaji chūbun* agreed to by his forebears.⁷⁴ History – in the concrete – did not always move forward.

Jitō titles, like other forms of property, were heritable within the holder's family. The bakufu permitted its *jitō* to bequeath their titles, in unitary or partible fashion, to legitimate relatives of their own choosing. They were not allowed to bequeath their offices to external parties. In the early part of this period, partible practices were the norm, with women included in the regular inheritance pool. Because distinguished families might hold multiple *jitō* offices, children sometimes received individual titles and established separate lines that gained recognition from Kamakura. Short of that, they received *jitō* portions entitling them to confirmation and protection by the bakufu as well as the right to bequeath shares to their own heirs. During Kamakura times, the tendency was strong to eschew lateral for vertical inheritance, which meant that clannishness in property matters remained relatively undeveloped. Even within the nuclear group there existed the potential for tension, because fathers (and mothers) could write and rewrite wills and progeny might be disinherited. Finally, it was left to the house head to select a principal heir, who might be a younger son. The possibilities were thus rife for family conflict and for recourse to bakufu courtrooms.⁷⁵

Because new *jitō* posts could hardly be expected to keep pace with the number of junior generation candidates for them, practices developed that began to move warrior society toward a more unitary property system. In place of unencumbered, alienable rights to daughters, for example, life bequests and annuities were set up, with reversion to the principal heir or his heir as part of an emerging system of entail. Fathers, moreover, began enjoining inheriting sons to maintain the integrity of family holdings and to reduce or eliminate secondary recipients. Scholars, quite properly, have emphasized such developments. Yet at no time during the Kamakura age did these practices become universal; inheriting daughters and fragmented holdings can

⁷⁴ The division had occurred in 1237; the attempt to replace it with an *ukesho* came sixty years later; see *KB*, doc. 129.

⁷⁵ Jeffrey P. Mass, *Lordship and Inheritance in Early Medieval Japan: A Study of the Kamakura Sōryō System* (Stanford, Calif.: Stanford University Press, 1989).

always be found.⁷⁶ Nor is it clear what Kamakura's attitude was toward the new tendencies. As Seno Seiichirō has shown, the chieftain's authority over his siblings remained undeveloped, and bakufu judgments did not tilt toward him and thus away from his brothers.⁷⁷ In any event, the competition for control of *jitō* posts and between these posts and proprietorships constituted the very lifeblood of Kamakura justice. The ambitions of *jitō* were the bane of most everyone, but the office itself marked the clear cutting edge of progress.

THE BAKUFU AT MID-CENTURY

Yasutoki died in 1242 at the age of fifty-nine. His death removed the greatest of the Hōjō from the helm at Kamakura and immediately plunged the bakufu into a period of uncertainty. His successor was his eighteen-year-old grandson Tsunetoki, who soon ran afoul of the shogun Yoritsune, now in his twenties and desirous of ruling in his own name. In 1244, Yoritsune was replaced by his own seven-year-old son, Yoritsugu, but the troubles did not end here. The ex-shogun was still present in Kamakura and began to line up support against the Hōjō. Two years later he was banished to Kyoto, though the faction that had formed around him remained active.

In the meantime, conditions in the capital were also in flux. During the same year that Yasutoki died the emperor also died, and the bakufu promoted a successor, Gosaga, who was not the preferred choice of Kyoto. Four years later Kamakura again forced an issue by elevating Gosaga to the ex-emperorship. In the same year (1246) Tsunetoki himself died and was followed as regent by his more vigorous younger brother, Tokiyori. Yet even with new leadership in the two capitals, harmony did not ensue. A rumor of rebellion by Nagoe Mitsutoki, a branch head of the Hōjō, reached Kamakura in the fifth month of 1246, which led to the dismissal of four anti-Tokiyori members of the *hyōjōshū*. Events came to a head in 1247 when the Adachi, a family allied with the main line of the Hōjō, maneuvered the distinguished house of Miura into challenging for control. The Miura were defeated, thus eliminating the bakufu's second most prestigious house after the Hōjō, and a further housecleaning of recalcitrants followed. As a result of the Miura disturbance, the line of Tokiyori, hereafter known as *tokusō*, was more firmly entrenched than ever, though never

76 For example, an unencumbered bequest to a daughter in 1323; see Mass, *Lordship and Inheritance*, doc. 147.

77 Seno Seiichirō, *Chinzei gokenin no kenkyū* (Tokyo: Yoshikawa kōbunkan, 1975), pp. 375–88.

wholly immune: The deaths of great leaders remained a problem in the absence of a fixed mechanism for succession. Nevertheless, the events of 1247 ushered in a generation of stability, which was not upset until the Mongol threat of the late 1260s.

It is noteworthy that even during the political infighting of the 1240s, Kamakura continued to discharge its judicial responsibilities. After 1247, certain reforms were introduced, whose culmination was the establishment of a new investigative organ, the *hikitsuke-shū*, in 1249. At the same time, with Gosaga as its accomplice, Kamakura encouraged the court to update its own machinery, now on the model of the bakufu. There can scarcely be a more revealing development than the formation in 1246 of a Kyoto *hyōjōshū*, designed as a clearing-house for disputes not affecting Kamakura's interests. In a sense, by this action, the era's dual polity was given its ultimate expression. The court now emulated the bakufu in a major structural advance, but the lines of jurisdiction separating them remained wholly intact. Cooperation between the country's two governments, Yoritomo's goal of an earlier day, had entered a new stage.

In 1252, Gosaga's son Munetaka was installed as Kamakura's first princely shogun. More than thirty years earlier, Hōjō Masako had sought a similar arrangement from a resistant Gotoba, but now at mid-century the Hōjō achieved this objective: The bakufu's leading house secured a puppet in each capital, who were conveniently father and son. Munetaka, indeed, is the final shogun whose name historians remember; his successors appear in lists of bakufu chieftains but are not considered players. The remainder of the era witnessed a number of important developments, among them the rise of lower-class social movements and the impoverishment or enrichment of different groups of warriors. The effects of the the Mongol invasions would be felt at many levels of society. But the bakufu by mid-century had reached its full maturity. Hereafter, the age belonged to the Hōjō, the future to the warrior class as a whole.