

ALPINE SAMURAI: THE ICHIKAWA AND WARRIOR FAMILY DYNAMICS IN
EARLY MEDIEVAL JAPAN

by

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This study traces the property lineage of the Ichikawa family of Japan's Shinano province from the early 1200s through the mid-1300s. The property portfolio originated in complicated inheritance dynamics in the Nakano family, into which Ichikawa Morifusa was adopted around 1270. It is evident that Morifusa, family head for the next fifty years, was instrumental in establishing a solid foundation for the Ichikawa's emergence as a powerful warrior clan by 1350. This study will begin with a broad interpretation of the concept of warrior "family" as reflected in a variety of primary sources, followed by an in-depth case study of six generations of the Nakano/Ichikawa lineage. Departing from previous studies, this work utilizes sources rarely addressed by scholarship in English. Analysis of the Ichikawa experience allows nuanced understanding of the significant changes in warrior society, landholding structures, and inheritance practices during the peaceful Kamakura and war-ravaged early Muromachi eras.

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CHAPTER I

INTRODUCTION

The social practices of the warrior class during the early medieval period were as varied as they are fascinating to the modern observer. Although situated within a pre-modern culture, and moreover one ultimately based on the application of force as an underlying, yet primary means of control and legitimacy, warriors of the 13th century founded a judicial society that was one of the most advanced the world had ever seen. Japanese warriors, known also as *bushi* or *samurai*, and defined in broader scope as professionals in the use of violence, legitimized themselves and curtailed their explicit militarism through a complex central judiciary that was developed in response to administrative necessity and a desire for regimental legitimacy.

The existence of this judiciary, the authority of which came to encompass the bulk of Japan in the latter half of the Kamakura period, is a large element of what makes the study of Kamakura Japan today possible. Surviving documents number in the tens of thousands, and range from simple communications between central and peripheral agents to vastly complex competitions for land ownership, frequently taking the most vicious forms possible. Such documents remain the historian's best link to Japan's distant past, and provide a window into the trials and tribulations of early warrior society. Comprising

the majority of the surviving material record from the period, judicial documents can provide a better understanding of the motivations and exigencies that influenced individuals, families, and administrations alike. In this project the social construction of family, as a definition of the relationships under which people are connected and as the term applies to the medieval Japanese warrior class, will be studied through such documents. Many of these translations will appear in full in the appendices to this thesis.

Taking into account the flow of history, I will attempt to provide a useful historical definition of the primary nature and purpose of the warrior family, and also to provide useful examples, in English, of common practices adopted in succession, inheritance transmission, and family planning efforts. By interpreting the historical record, I hope to further historical understanding of the social realities of the warrior class, and on a larger scale, of the variety of forms such relationships can assume under a specialized definition of the word “family” itself. Every culture finds its own definition for “family,” and in broadening the available discourse on the nature of familial relationships through detailed study of the practices of a specific period, we can better understand these relationships as they apply to humanity as a whole.

At the core of my research is the foundational question, what is a warrior family? Furthermore, how can the meaning of this term be molded to fit into a society in which a traditional or uniform definition is not necessarily applicable? How can we use “family” in surveying the warrior class? In this project I will attempt to find an answer to these questions. To understand the nature of these nascent warrior families is to understand the social background of Japan itself.

This thesis represents the culmination of nearly two years of research into the nature of family in the warrior class of the Kamakura period. The complexity and variety of the family unit is a fascinatingly muddy subject, which often contradicts social stereotypes of virtually all varieties. The Kamakura period began with a shock as warriors broke from hundreds of years of traditionally peaceful aristocratic control, and set a standard of military authority that would be followed, in varying degrees, for roughly seven centuries, until the modern period. In the quest to find an understanding of the warrior family, this project will cover the Kamakura period from beginning to end, and will examine the fall of the Bakufu in detail through the perspective of the Ichikawa family.

The wealth of sources available to the historian of the medieval period is extensive, and this work only begins to interpret the available documentary corpus of this family alone. A variety of primary sources including the *Kamakura Ibun*, *Nanbokuchō Ibun*, *Shinano Shiryō*, and the *Dai Nihon Shiryō* have been utilized in locating both general documents for CHAPTER II and contiguous Ichikawa and Nakano documents for CHAPTERS III and IV.¹ In addition to these compilations, the official record of the Kamakura Bakufu, *the Azuma Kagami*, and the landmark bilingual English/Japanese study, *The Documents of Iriki*, by Dr. Kan'ichi Asakawa, have been consulted.

The thesis is divided as follows. CHAPTER I serves as a general introduction to the project, and provides the reader with a historical and methodological background. CHAPTER II provides a broad analysis of the warrior family, the founding of the

¹ See the bibliography for full publication information and Japanese titles for each of these sources.

judiciary and the laws that governed the warrior class, and the remarkable variety of social configurations that emerged in the warrior class during the 13th century. Based on surviving documentary data drawn largely from an earlier project, my interpretation of the nature of family in broad terms involves extensive translation and interpretation of primary sources from a variety of families throughout the early to mid-Kamakura period.² In contrast with the latter portions of this thesis, CHAPTER II deliberately draws upon a broad but representative range of primary sources to establish a functional foundation of the extant social standards that can then be applied to a single specific and extended family, which is studied in detail in CHAPTERS III and IV. As a natural progression from the earlier work, these chapters delve in considerable detail into the property lineage of the Nakano and Ichikawa, a group of warriors on the Northern periphery of Kamakura's societal and physical borders. Located in the area that would host the 1998 Winter Olympic Games roughly 700 years later, the Nakano and Ichikawa families had to have been of hardy stock to have made the icy reaches of Shinano their home.

Whereas CHAPTER II seeks to establish a foundational analysis of family through a broad set of socially illuminating documents, the extended case study of the Nakano and Ichikawa in CHAPTERS III and IV will draw directly from the documents of only one property lineage in order to analyze the way specific social practices evolved along with the nature of warrior society itself. A total of six generations of the Ichikawa and Nakano lineages will be analyzed, with the document coverage extending over more

² The earlier project was titled "Kamakura Families in Flux," a first year Master's project, and was presented in spring 2008 at the annual University of Oregon History Department conference.

than 100 years. The way in which familial practices may have evolved in the face of radical societal change will be carefully examined. To what extent and in what way the fall of Japan's first warrior government impacted the social practices of those serving it is reflected in the documents left behind, both those sent up to or down from the central authority and those distributed among family members internally.

In CHAPTER III, the study of the Nakano and Ichikawa will follow their practices of inheritance distribution, titular transmission, and family relations from 1249 to 1329, or the mid-to-late Kamakura period. This period spans the early years of the Ichikawa legacy including the exposition of how substantial property holdings came into the hands of the chief family patriarch, Ichikawa Morifusa, from the Nakano line. This chapter will also detail the intricate familial outline given by Morifusa and his wife, Senkō, in their comprehensive bequest documents.

CHAPTER IV follows Morifusa and Senkō's heirs as they endured the fall of the Kamakura Bakufu, and the family went to war for the first time in a century. This chapter will follow the family story up through roughly the year 1360. Finally, in CHAPTER V, I will conclude the project with an analysis of the social practices of the Ichikawa family and how they fit into and contrast with the social practices observed in CHAPTER II, and also what we can learn about family in general from the Ichikawa example.

The Ichikawa were a fascinating warrior group. Their family documents reveal that a number of creative social practices of succession were applied and accepted by the family. Land use, documentary provisions, multilayered authority structures, and inheritance division were designed and manipulated by successive generations of

benefactors to forge a structure of family that was unique in its particular configuration, and yet conformed to a number of themes that defined family itself in the early medieval period. Through the latter portion of this project, we will come not only to understand the Ichikawa as a particular warrior lineage, but also the broader nature of family itself within the warrior class.

The Kamakura Bakufu: A Brief Survey

To provide a broader framework for the following chapters, I will provide a brief overview of the Kamakura Bakufu itself. While this project does not seek to re-write the political history of the Kamakura regime, hopefully my interpretation of the rise and fall Japan's first warrior government will be usefully suited to the socially-focused subject of this study.

By 1185, the Samurai under Minamoto no Yoritomo had gained strength in the East as the traditional court in the Imperial capital of Kyoto faltered, relocating the primary power base to the small coastal town of Kamakura.³ Previously, the warrior class had been confined to the relatively low position of servants of and peacekeepers for the imperial court.⁴ As Kyoto's influence waned, Kamakura and its clients took control of land allocation, taxation, and the distribution of administrative positions within the limits

³ Although Kamakura had become the power base, Kyoto retained strong authority in the west, especially in the initial decades of Kamakura's emergence. For further information regarding the survival of the influence of Kyoto, specifically in legal terms, see Cornelius Kiley, "The Imperial Court as a Legal Authority in the Kamakura Age" pp. 29-44.

⁴ For more on the emergence and evolution of warrior society in the Heian Period, see Karl Friday, "Teeth and Claws. Provincial Warriors and the Heian Court."

of its domain. The result was “the emergence of the Kamakura Bakufu.”⁵ Leadership of the Bakufu was taken over by the Hōjō clan following Minamoto no Yoritomo’s death in 1199. Yoritomo’s wife, Hōjō Masako, successfully installed her family line at the head of the warrior government only a few years later through careful manipulation of political succession.

The basis of the Bakufu system of land control was the *shōen*, or private estate, which typically consisted of “a core of rice fields, surrounded by dry fields, in a section of which were clustered the farmers' huts, with a fringe of waste land forming the outer border and stretching away to the next agricultural settlement.”⁶ *Shōen* had existed prior to the Kamakura period, and were not a new development.⁷ However, the Bakufu added to this system a new post of local administration – the *jitō shiki*. As corporate estates, *shōen* constituted much of the land from which taxes were collected, and were thus a key part of the basis for the *shiki*, or appointments, of the new *jitō* land stewardship posts handed down by the Bakufu. These titles became hereditary early in the 13th century.⁸ While largely independent, and in some cases never coming under the influence of a *jitō* or the warrior class, many *shōen* became an integrated part of the Bakufu through the *jitō-shiki*, which were coveted by warriors as both symbols of status and productive

⁵ Peter J. Amensen, “Suo Province in the Age of Kamakura” p. 92.

⁶ Robert Reischauer, “The Japanese Shōen (荘園), Or Manor: Some Useful Terminology.” p. 78-83.

⁷ For a deeper examination of the *shōen* as “the fundamental economic, social, and political institution in Japan,” see Yamamura Kozo, “Tara in Transition: A Study of a Kamakura Shōen.”

⁸ As early as 1205, *Jitō-shiki* were transferred from parent to heir.

sources of income.⁹ As we will see, the *jitō-shiki* often comprised a significant element of family wealth, often the most reliable source of income which could be passed on to heirs. As a result, in many disputes, the *jitō-shiki* is a major object of contention.

The rise of the Kamakura regime and the gradual recession of the influence of the Kyoto court represented a shift towards various forms of warrior control, which lasted for centuries.¹⁰ The shift between these two power centers must be understood as a slow one, as “the classical structures of the classical age exhibited great vitality” on one hand, it took decades for the power of the Bakufu to be properly consolidated under central judicial and political authority.¹¹

In addition to this major shift in Japan’s political power structure, a number of subtler social changes occurred in the Kamakura Period. In its early years, the Bakufu was primarily concerned with reining in vassals and pacifying land disputes. Central to such cases were issues of family succession and the inheritance rights of various children within a warrior family. The reasons for intra-familial inheritance disputes were varied, particularly because of the possibility and prevalence of multiple relationships within a

⁹ According to Nagahara Keiji, there were three general ways in which shōen were created, “(1) by opening new land; (2) by first obtaining rights to various taxes and corvée; and (3) through commendation.” The second and third methods were common in the late Heian and early Kamakura periods, although the opening of new fields was also periodically practiced when lands were available. See Nagahara Keiji, “Landownership under the Shōen-Kokugaryo System,” p. 270.

¹⁰ Albeit with brief interruption from 1333-1336 by Emperor Go-Daigo, see Andrew Goble, *Kenmu: Go-Daigo's Revolution*.

¹¹ Ishimoda Shō, “Japan’s Medieval World,” in Joan Piggot, Ed., *Capital and Countryside in Japan, 300-1180*, p. 329.

single family and the lack of a defined family unit. Yet as social changes defined Japan in the late 13th and early 14th centuries, so did political ones.

The fall of the Kamakura Bakufu warrior government in 1333 represents one of the most turbulent political moments in Japanese history.¹² Warfare became a fact of life that had not often been experienced in the Eastern Kantō region of Japan for over 100 years. The by-then bureaucratically inclined warrior class turned on its heels with remarkable swiftness, embracing its violent namesake on a scale not witnessed since the time of the Minamoto and the Genpei War of the early 1180's.¹³ Yet even as their patron institution faltered, some warrior families like the Ichikawa weathered the storm with surprising cohesion and resilience. Others were not so fortunate. As some warriors seized the opportunity provided by the haze of warfare to settle their longstanding internal family rivalries, others, like the Ichikawa, successfully maintained familial order.¹⁴

The Kamakura Bakufu, already facing serious internal problems in the 1330's, found itself in a direct conflict with the imperial authority in Kyoto for the first time in a century in the 1320's. After Ashikaga Takauji, the general sent to pacify the capital, betrayed the Hōjō in 1333, the fate of the regime in Kamakura was sealed. After the fall of the Bakufu, the Ichikawa, like most former Kamakura vassals, transferred their

¹² I may also refer to the Kamakura regime as a Shogunate, based on the term Shogun, the official title for the military leader of the Bakufu.

¹³ Karl Friday, *Samurai, Warfare and the State in Early Medieval Japan*, p. 128.

¹⁴ Throughout this paper I refer to warrior “families” as opposed to “clans.” While these terms are to some degree interchangeable, my focus is on direct household bonds rather than upon wider clan organizations, which became significantly more important after the Kamakura period. Periodically, I may refer to larger groups of warriors as “clans” rather than families, indicating a more extended set of relatives than I am otherwise concerned with in this paper.

allegiance to Emperor Go-Daigo's new regime. Thereafter, under the authority of the Kenmu government, they fought as members of the local imperial forces in numerous skirmishes and several notable battles. By early 1336 and the battle of Kanegasaki, the Ichikawa sided with Ashikaga Takauji, and as low level warriors under his command structure, the Ichikawa found themselves caught up in a large-scale power struggle which would thrust the entire country into war for decades.

This project seeks not only to follow the Ichikawa into battle, but to come to understand the social practices employed by its leaders as a countervailing measure against the collapse of order surrounding them. To understand these practices, we must come to understand the way family dynamics evolved throughout the Kamakura period and through its demise.

Family during the Kamakura period has been addressed only briefly by scholars in English, although the works of several prominent historians have been influential on my work and relate directly to the study of family itself. The documentary research of Jeffrey P. Mass provides a foundational set of resources for the English reader, and his work with inheritance documents and the legal system of the Bakufu are of landmark importance to the serious medievalist. The work of Andrew Goble on the judicial nature of the Bakufu, as well as his studies into the failure of the Kamakura regime, have been invaluable resources particularly in relation to the Ichikawa documents that deal directly with these events as they impacted the family in the 1330's. Hitomi Tonomura's numerous studies into the nature and prerogatives of women, in both warrior society and

households, have also been influential on my work.¹⁵ Finally, the studies by Thomas Conlan and Karl Friday into the military nature of the 1330's have been invaluable in understanding the setting in which the Ichikawa family found itself as the Kamakura Bakufu fell.

In an effort at understanding the nature of the warrior family, I will begin by analyzing warrior law as it was laid down by the Hōjō leadership, and by surveying a number of documents that will provide a foundation for the later chapters that analyze the Ichikawa in depth. The goal of this broader survey is to uncover the reality of how to define family in the Kamakura period, as a term that frequently defies many of the expectations the reader may have in regards to its social implications.

¹⁵ The works of Jeffrey Mass, Andrew Goble, and Hitomi Tonomura appear in the bibliography. In addition to the primary and secondary sources listed above, an additional notable primary study of the Ichikawa exists. Very late in the course of this project, I happened to come across Ushiyama Yoshiyuki's annotated study of the *Ichikawa Monjo*, which covers documents up through Kencho 6 (1254).12.12 (*Mandokoro kudashibumi*), and thus overlaps slightly with my documentary study that commences with Nakanko Yoshinari/ Myōren's bequest of 1249. This is a valuable resource with modern Japanese translations of a number of early Ichikawa documents. The study was released in four parts from 1992-1996, and appears in the bibliography under primary sources. See Ushiyama Yoshiyuki, "*Ichikawa Monjo* Chūshaku-kō" [Annotated edition of the *Ichikawa Monjo*].

CHAPTER II

“FAMILY” IN KAMAKURA

The word “family,” when applied to Kamakura Japan, is often viewed by historians as problematic, given the evident divisiveness of many social practices in the period.¹⁶ Marked by deception and betrayal, the Japanese warrior family of the 13th century is more aptly characterized as a grouping of competitors for prominence within a household than by a set of cooperative or loving relationships. Vicious disputes between siblings, parents, adoptees, and other family members were frequent causes of legal cases brought before the shogunal courts in both Kamakura and Kyoto.¹⁷ Within the legal framework of the time, little if anything was proscribed by the Bakufu in terms of familial makeup and succession.¹⁸ An unusually wide variation of familial configurations

¹⁶ I have searched for a single word that equated to a definition of “family” in Kamakura documents, and have been unsuccessful in finding one. The epistemological problem presented by such a lack of parity with modern social language is reflected in the way I categorize “family” here.

¹⁷ The Kamakura Bakufu maintained a second legal court in Rokuhara as an extension of its influence into western Japan from 1221 as a result of the Jōkyū war. Even prior to the establishment of this official court extension, the two political centers overlapped in multiple aspects of their influence. For further explanation of the expansion and function of these courts themselves, see Andrew Goble, “The Kamakura Bakufu and Its Officials.”

¹⁸ See Asakawa Kan’ichi, *The Documents of Iriki*. From document #111 – Dr. Asakawa’s commentary here describes the “...remarkable degree of freedom shown in the devise and disposition of feudal holdings within the vassal’s family....” As an additional side note, this source is highly unique and valuable in that it contains both the original Chinese (Kanbun) versions of the documents as well as their corresponding English translations in a single, comprehensive volume.

was ubiquitous. Given a society in which variation was the norm, in what way is the terminology of “family” realistically applicable? What is the connotation of the term “family” itself? Inherent to these questions is a concept of “family” as a socially constructed set of relationships, which has evolved over time and in different ways throughout the social history of humanity. Finding what was “normal” or common to the Kamakura family can add to our understanding of not only the extent to which the word itself is germane to medieval Japan, but also to the continuing discourse regarding social situations “family” represents. The variety of relationships to which “family” can refer is particularly relevant when considering the lack of a standard family structure and/or the associated practices in Kamakura. As applied to medieval Japan, “family” must remain a highly nebulous term that cannot be expected to indicate a specific set of relationships, but rather a variety of potential forms. In many ways, it can be argued that there was no normative family configuration present in Kamakura.

Furthermore, significant changes occurred throughout the Kamakura period in terms of trends in inheritance distribution, women’s inheritances, marriage, and family headship. Beyond these social trends, documentary legitimacy of property holders and their heirs was transformed into a key aspect of succession, and was one of the few ever-present and categorically definitive aspects of what constituted a landholding warrior family and its continuation. This trend is enormously valuable in historiographical terms, as it allows the scholar of the period extraordinary access to the documents that legitimated, divided, and distributed property from generation to generation. In reality, the greatest sense of “family values” one sees when reading these documents is the

importance of documents themselves and their confirmation by an external legitimating institution. While it is obvious that court documents deal with legal verification, even in families where there was no dispute related to the transmission of wealth, property, or titles, verification documents were customarily and necessarily created for the purposes of later proof. The “paper trail” was therefore always present, and needed to be authenticated in order to be legitimizing.

The role of Kamakura as an adjudicator in land disputes was essential to its authority as the administrator of land stewardship.¹⁹ The Bakufu was an administration “whose support in society rested on the quality of its judicial operations.”²⁰ Resulting in a society where conflict resolution was drawn from arbitration rather than force, highlighting the “central, stabilizing role of Bakufu justice” on warrior society.²¹ This made impartiality not only an ideal, but a strong priority for a fledgling power base that sought legitimacy from its subjects as well as from the traditional Kyoto aristocratic and imperial lines of rulership. This concept of an impartial legal system is important to bear in mind when interpreting the laws conceived by the Kamakura judiciary.

Family in Law

In addressing the legal definition of family as outlined in law codes promulgated by the Bakufu, we can begin with the Goseibai Shikimoku (御成敗式目), Japan’s first

¹⁹ William Hauser, in Jeffrey Mass and William Hauser, eds., *The Bakufu in Japanese History*, p. 190.

²⁰ Andrew Goble, “The Kamakura Bakufu and its Officials.” p. 31.

²¹ Jeffrey Mass, *The Development of Kamakura Rule, 1180-1250*, p. 62.

warrior law code, created in 1232.²² Functioning as a consolidating set of regulations meant to both streamline the courts and to establish a legal framework for the warrior class, the Shikimoku covered a wide range of topics in its 51 articles. These included shrine and temple maintenance, ritual observances, slander, forgery, assault, conflict resolution, marriage law, women's property rights, property law, inheritance law, adoption, succession, and parental legal rights. These laws were designed around the existing system of land stewardship, rather than an entirely original development.²³ Power and legitimacy, while important factors in the nature of any legal system, were not the sole reasons for the creation of the law code. Our interpretation of the Goseibai Shikimoku should be prefaced with the idea that the Bakufu was not necessarily imposing standards, but rather fixing common problems and establishing precedents from which to try varying and unique cases within a fair and coherent legal framework. For our purposes, it is valuable to note that 18 out of the 51 Goseibai Shikimoku law codes focus directly on land and inheritance.²⁴ Let us focus on a few of these codes, broken into several sets based on three interconnected themes: those of marriage, women's property rights, and parental prerogatives.

²² Also Known as the Jōei Formulary, based on the year it was promulgated (Jōei 1).

²³ The Goseibai Shikimoku was reliant on themes of patriarchal authority, common sense, and imported Chinese legal traditions. In fact, the Shikimoku itself was based largely on a combination of the earlier Japanese Ritsuryō codes, and Chinese Tang Period (618-907) legal language. The codes therefore incorporate a mixture of themes including Confucian morality, specifically related to the idea of filial piety and respect for top-down familial authority.

²⁴ Specifically, articles 10, 11, 17, 18, 20, 21, 22, 23, 24, 26, and 34 of the Goseibai Shikimoku address family-related succession and inheritance issues directly.

The marriage bond, particularly early in the medieval period, was indistinct at best, and although the Goseibai Shikimoku established a series of codes dealing with married couples, as we will see such codes would be particularly difficult to enforce. Interestingly, some of these codes could be seen as a concerted effort by the Bakufu to strengthen the bond of marriage, or at least its definition, as the perceived legal value of having a better defined bond between husband and wife is evident from the following articles. However, the success of any effort by the Bakufu to establish a more concrete definition of marriage or its purpose must be qualified by the evidence within documents in which marriage was clearly interpreted to hold various connotations and applications by separate families and individuals.

Article 11 of the Shikimoku was the first which dealt with marriage. It stated that when a husband committed a serious, premeditated crime, punishment would also extend to his wife.²⁵ This article was aimed at preventing such crimes from occurring through spousal awareness, but it also implies that the bond of marriage was at least somewhat stronger than it had been in the Heian and earlier periods. Yet, as Wakita Haruko points out, “coresidential marriage only became the norm in Japan around the early twelfth century [just before the beginning of the medieval period] when patrilocal marriage became common among nobles and commoners alike.”²⁶ It is abundantly evident from the documents that whatever substance marriage had gained in the medieval period was

²⁵ John C. Hall, *Japanese Feudal Law*, p. 24.

²⁶ Wakita Haruko, “The Medieval Household and Gender Roles within the Imperial Family, Nobility, Merchants, and Commoners,” p. 81.

frequently not enough to stop men from taking multiple wives. However, as Wakita points out, husband and wife were living together for essentially the first time during this period. The enactment of such a legal framework indicates that the wife and the husband would have been expected to be living not only under the same roof, but in frequent and close proximity to one another, to the extent that it would have been naturally difficult for the husband to hide plans of a premeditated crime from his wife. This assumption by the Bakufu does indicate, at least, that the new legal expectation of marriage was a closer bond than had existed in the late Heian period. This is not the only example where the authors of the Shikimoku used a particular level of physical proximity to define judicial circumstances regarding family members; article 17 linked the culpability of father and son for participation in the Jōkyū war to their propinquity. If the father or son went to the capital to join the imperial rebellion against the shogunate, the guilt of relatives who stayed behind was not considered directly punishable, even if they had been an “accomplice at heart” to the actions of their kinsmen, specifically due to the impossibility of concurrent knowledge of the specific actions they had taken.²⁷

Article 24 deals with the issue of whether or not a widow should retain her husband’s lands if she remarried.²⁸ In this case, the code was clear. A widow who “remarried” broke her filial obligations towards her late husband, and by attempting to keep his property, was effectively viewed as endangering his lineage. Thus, even in cases where the wife was not specifically betraying the husband (who was dead), she was

²⁷ John C. Hall, *Japanese Feudal Law*, p. 27.

²⁸ *Ibid.*, p. 31.

nevertheless betraying his bloodline by “remarrying.” The common theme here is evident: that the succession from father to his heirs of the family name, lands, and titles was effectively the central purpose of family itself. Stability, enforced through law, was necessary to the maintenance of carefully constructed and often contested lineage structures, especially due to the absence of a well-founded or socially well-defined marriage bond in medieval Japanese society. However, while the article itself is clear, its application was difficult due to the lack of a formalized marriage bond. As Hitomi Tonomura has noted, this article had to be revised several times as women who claimed not to have “remarried” carried on clandestine sexual relations, all the while attempting to retain the rights over the late husband’s lands.²⁹

Article 21 addresses whether or not a divorced wife should keep lands gifted to her by her former husband. The code is somewhat ambiguous here, but it essentially states that the former wife would be allowed to keep such lands if she was deemed to be

²⁹ As a functional example of article 24, we can turn to a case translated by Jeffrey P. Mass, which he titled “The Bakufu Interrogates Witnesses in a Final Rehearing of a Remarriage Charge, 1244.” This document deals with the issue of whether or not a widow should keep her former husband’s lands after remarrying. According to the legal precedent we have examined, a woman who remarried would be required to return her deceased husband’s holdings to his children. In this particular case, the conflict was between the nun-widow of Yamashiro Saburō Katashi and vassal Michihiro of Hizen Province. The case was dropped by the Bakufu due to a lack of evidence that the nun-widow had engaged in a relationship and thus “re-married.” This was apparently a common problem, and this portion of the Shikimoku article was re-written several times, and probably never functioned fully in an impartial or objective application. This case is useful in that it provides direct application of the precedent that a widow “remarrying” would be automatic grounds for the forfeiture of holdings from her previous union. The issue of “marriage” and “remarriage” was thus a particularly difficult one. Jeffrey P. Mass, *The Development of Kamakura Rule, 1180-1250 : a History with Documents*. p. 275, Document #144. For more on how article 24 was re-written, see Hitomi Tonomura, “Women and Inheritance in Japan’s Early Warrior Society.” p. 602. Tonomura demonstrates the problematic nature of this law by providing the original, a revision from 1239, and another from 1286. The causal nature of what could be considered “remarriage” is demonstrated here, as widows were regularly accused of keeping new “marriages” secret.

innocent of transgressions against the husband.³⁰ These transgressions would most likely include (but would not be limited to) adultery, theft, and conspiracy against the husband or his other wives or concubines, any of which would tamper with the planned succession of the family. Janet Goodwin has provided an interesting and useful definition of the evolution of how various “transgressions,” specifically related to adultery, were viewed during the late Heian and early Kamakura periods.³¹ An increasing awareness of “sexual transgression” highlights concern about illicit, secretive affairs and the potential for marital disharmony associated with them. With increasing awareness of and concern about extramarital relationships, laws involving the definition and preservation of the traditionally weak marriage bond became necessary to ensure the lineal continuity of family.

Article 23 established the right of wives to adopt their own, separate heirs from those of the husband if they had property of their own to alienate.³² Wives and husbands did not pool their property, and husbands held no express legal right to the property of their wives, and vice versa. Through this article and the tradition of the retained separation of property in marriage, women could, and frequently did, establish separate lines of inheritance, either within the family or through adoption, or donations to religious institutions.

³⁰ John C. Hall, *Japanese Feudal Law*, p. 30.

³¹ Janet Goodwin, *Selling songs and smiles: the sex trade in Heian and Kamakura Japan*, pp. 72-78.

³² John C. Hall, *Japanese Feudal Law*, p. 31.

Under the Goseibai Shikimoku, the parental prerogatives of both the father and mother were substantial, and both the husband and wife held extensive rights over their lines of property. Article 18 and article 26 deal with the revocation of lands from daughters and sons, respectively, and establish that parents had the right to take back any land they granted, even after it had been confirmed officially by the Bakufu as belonging to their children. This right of revocation was remarkably powerful, with little justification needed to disinherit a child that had already received extensive amounts of property earlier on.³³ However, the right of revocation from sons was curtailed by article 22, which stipulated that a son who had not committed a transgression against his parents could not be fully deprived of inheritance, and should receive a minimum of 1/5th of the inheritance.³⁴ The result of these articles was an inheritance schema that slightly favored males even from its inception in 1232, although the “transgression” required for disinheritance could be as minimal as a claim of unfilialness by the parent. Thus, while males and females, as patriarchs and matriarchs, had equal rights to their own property, the seeds of a predomination towards male-favored inheritance, at least to a minor degree, existed even in the Goseibai Shikimoku itself.

In addition to the parameters established by the Bakufu as legal guidelines for its patrons, there also existed detailed moralistic guidelines created by its early leading figures, the best known of which came from Hōjō Shigetoki (1198-1261). His *Gokurakuji Letter* (極楽寺消息, *Gokurakuji shōsoku*) translated by Carl Steenstrup, has been hailed

³³ Ibid., pp. 27 and 32.

³⁴ Ibid., pp. 31-32.

as an influential work in the establishment of *samurai* ethical and moral philosophies, and it provides unique insight into the leadership ideology of a Hōjō patriarch.³⁵ In the letter, Shigetoki admonishes his descendants to treat each other with respect, act as proper heads of the house, and to obey the wishes of their parents. The letter is comprised by 98 articles of conduct based on given situations and given roles within the family. The tone of the letter is distinctly cooperative, urging a sense of familial tranquility which rarely existed for most households in the Kamakura period. The 98 articles cover a wide range of topics, but two in particular have relevance to the focus of this study.

On the institution of *sōryō* (house head), a post adopted by the warrior class from the aristocracy and which we shall explore in greater detail below, Shigetoki had compelling advice. Articles 54 and 55 deal with the relationship between the *sōryō* and the secondary heirs of the household. Article 54 admonishes:

The *sōryō* must not take advantage of his superior position and be rude to the [secondary heirs]. On their part, they should show him respect and loyally do their share if he needs help in any major undertaking. The *sōryō* should realize that his privileged position is due to the disposition of the gods and buddhas and to old karmic relationships. He should, of course, be friendly to the [secondary heirs] who are friendly to him; but he should treat with compassion even those who are not, knowing that if he discards them, no one else will provide for them.³⁶

The political position of Hōjō Shigetoki, the younger brother of Yasutoki, lends particular credence to his comments on *sōryō*. In essence, the man who was most responsible for the initial codification of warrior law was Shigetoki's elder *sōryō* brother. Thus, he is

³⁵ Carl Steenstrup, "The Gokurakuji Letter: Hōjō Shigetoki's Compendium of Political and Religious Ideas of Thirteenth-Century Japan."

³⁶ Ibid., p. 22.

speaking for experience both as a leadership figure in Japanese society as a whole, and as a former co-heir himself. Shigetoki is well aware of the necessity of good leadership within the family, and of what makes a good *sōryō*. Thus, his letter provides useful guidelines for *sōryō* and those under him. Furthermore, Shigeotoki, like his older brother, seems to have been well versed in Confucian ethical values, a theme expressed in the relationships (ruler-subject, elder-younger brother), apparent in these articles. With his position at the fulcrum of Hōjō family thinking, he was uniquely positioned to see the ins and outs of *sōryō* dynamics. On the subject of how co-heirs should act towards their superior *sōryō* sibling, he stated:

The attitude of a [secondary heir] should be as follows: 'My heritage share derives from my parents, of course, but if there were no *sōryō*, it would be like property without a legal owner.' He should be grateful for the *sōryō*'s protection. He should think, 'To me, the *sōryō* is like a lord, parent, or [god or buddha].' Even if a [secondary heir (*shoshi*) should attain higher official status], he should still feel gratitude toward the *sōryō* and must not think, 'Now I am independent of him.' He should still regard an elder brother who is *sōryō* with the same respect as he owes [his lord]. Further, if a [secondary heir] is in trouble, the *sōryō* must not take advantage of his superior status and dismiss the [secondary heir's] plea for aid.³⁷

We don't know if cases were resolved based on his logic, but Shigetoki's letter is certainly reflective of the prevalent ideals on *sōryō*, particularly within the upper echelon of the warrior class.

However, the guidelines listed in the *Gokurakuji Letter* must be viewed in a different light than legal codes, for their purpose and audience were radically different.

Shigetoki himself states that his remarks are meant to be read only by Hōjō family

³⁷ Ibid., pp. 22-23. I have edited sections of Steenstrup's translation here based on Shigetoki's original work, found in Ishii Susumu, *Chūsei Seiji Shakai Shisō* v.1, pp. 322-347. These changes are designed to avoid ambiguities in terminology related to siblings, and relationships with figures of authority implied by Shigetoki.

members, and as I have already remarked, the prerogatives towards stability in the family for the Hōjō were significantly biased due to their extensive holdings.³⁸ Rather than a perspective of expansion, the Hōjō were unique in that their primary goal was consolidation and maintenance of their vast, unmatched landholdings and significant influence over the warrior class. The nature of Shigetoki's letter as a *kakun*, or house code, precludes it from applying to the warriors as a whole in a direct way. Contemporary warriors outside of the Hōjō family would not have had access to or knowledge of their house codes, and thus I will refer to these codes only rarely in analyzing both various cases and the Nakano and Ichikawa families. Yet Shigetoki's insight into the ideal leadership of a household is certainly reflected in the practices of some warriors. To gain a fuller understanding of the connection between laws, moral ideals, and familial realities, we must investigate family documents and the evolution of these themes in specific cases.

Family in Documents

References to additional laws, either as amendments to the Goseibai Shikimoku or separately defined precedents, can be found scattered in the primary source record from the Kamakura period. By studying such additional laws we can get a further sense of the difference, even early in the Kamakura period, which had begun to exist between males and females in the family structure. One of these additional laws, originally conceived in

³⁸ Ibid., p. 34.

1235 and then revised in 1240, outlines basic conflict-of-interest law.³⁹ Specifically, this ordinance was meant to regulate members of the judiciary who oversaw cases. In the article, a list of relatives whose involvement in a case would represent a conflict of interest is given. These were members of the family who were considered too closely related to a judge to be tried under his authority. Similar rules exist in virtually all legal systems, yet the relational listings in these documents are useful in filling in the gaps that contribute to the ambiguity of defining “family” in medieval Japan. The following document, while not designed by the Bakufu for direct use as a definition of the warrior family, can be interpreted as such in its application to the Kamakura’s vassals.⁴⁰

The first portion of the article dealing with conflict of interest is a brief passage that outlines its purpose as a definition of conflict of interest. Following this is a listing of the family members considered to be too closely-related to the judge for his authority to remain unbiased, and in whose presence the judge should not preside over a case. Let us examine this listing in detail to get a further sense of the specific family ties that were deemed most important, specifically here in a legal sense, by the Bakufu itself. Figure 2.1

³⁹ Enno 2 (1240).4.25 *Kanto gechijō* (in Takeuchi Rizō 竹内理三 ed. *Kamakura Ibun* 鎌倉遺文, [Tōkyōdō shuppan, 1971-], volume 8, document 5561; hereafter *KI*, 8:5561), See Appendix A #4a-c for full translation of each of these documents. The earlier document, #4c in the appendix, from 1235 seems to have been a framework for the law from 1240, which was applied more widely and seems to have become the standard version.

⁴⁰ The existence of at least three slightly different iterations of the law in documents needs to be explained. Although there are several versions, this particular version appears to be the “standard” version. The existence of multiple versions does, however, demonstrate that there was considerable debate over how far a family could extend in legal terms even within the Kamakura judiciary itself. The second document in the series, drawn from a 16th-century collection by a group of hereditary legal scholars dating back to the Heian period, is labeled as “Nobukata no Sho,” an abbreviation of Kiyowara Nobukata’s Shikimoku-Sho, an annotated edition of the Goseibai Shikimoku and later amendments. See Sato Shin’ichi and Ikeuchi Yoshisuke, *Chūsei Hōsei Shiryōshū* Additional Volume pp.415-569. For a fuller explanation of the specific variance in these documents, see Appendix A, documents #1a-c.

below contains a family tree of those represented in the code, with the judge in the center of the tree. Of note is the rather extended set of male relatives to which there are no female counterparts. I have made note of the missing female relationships.

Fictional family tree of family members listed in the 1240 conflict-of-interest code:

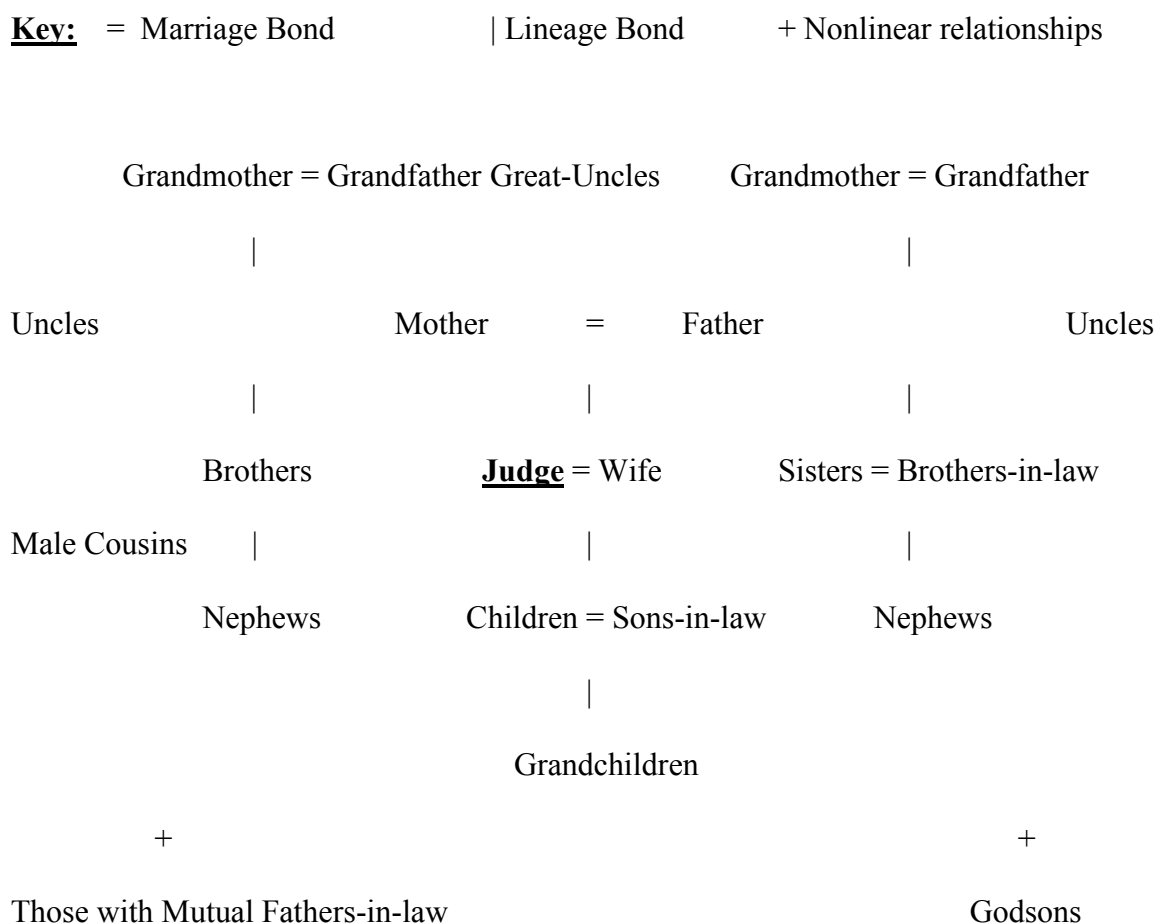


Figure 2.1. Conflict of Interest Code Diagram. Note the following missing female relatives: Aunts, Great-Aunts, Nieces, Sisters-in law, Daughters-in-law, those with Mutual-Mothers-in-Law.

As we can see, the article covers familial relations in a top-to-bottom, close-to-distant set of relationships, with grandparents and parents listed first and second. Descendants, specifically children and grandchildren (子孫) and siblings are included third and fourth.⁴¹ These relationships are fairly obviously a part of virtually any definition of family, and so I will not delve too deeply into their inclusion here. Included next are son-in-law and father-in-law, neither of which were blood related but both of which could potentially inherit a family estate.⁴² This is also a fairly direct relationship within the context of the inheritance and succession-based family system in effect.

The next member of the list is that of *aiyake* (相舅), which can be translated as “mutual-father-in-law.” This concept is somewhat confusing and thus an additional visual demonstration is perhaps the easiest way to define such a relationship. The following example in Figure 2.2 is another (abbreviated) fictional family tree designed to demonstrate this relationship (those with a “mutual father-in-law” and the “mutual father-in-law” himself are underlined):

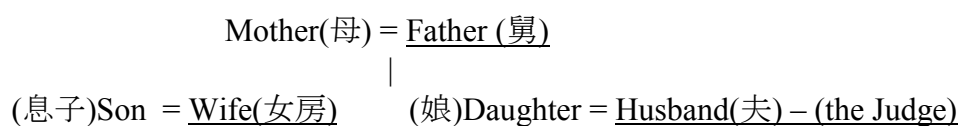


Figure 2.2. Mutual Father In-Law

⁴¹ Notable here is the inclusion of both ways of writing the Japanese word for “siblings.” Although even in modern Japan it is common to use the male connoted *kyodai* (兄弟), to refer to siblings in general, the document uses *shimai* (姉妹), the female connoted version, as well. The feminine characters appear as subtext in the original document, which may indicate that the inclusion of female siblings here is implicit and should not be overlooked. This is, however, merely my interpretation of this grammatical decision by the original author of this document.

⁴² These family members would therefore be in potential competition for familial authority.

In this example, the mutual father-in-law is held by the son's wife and the daughter's husband. These two people are not related by blood in any way and come from entirely separate families, but would be considered "family" with both one another and their respective spouses in at least the broad legal terms laid out by this edict because of their mutual relationship to the father.

Following this is the inclusion of another somewhat cloudy relationship. The characters for "uncle's father" are listed. However, this would seem redundant, given that grandparents had already been placed at the top of the list. What is probably indicated here is a general category for family members from the father's generation or above.⁴³ This could include great uncles, grandparents, step-grandparents, et cetera. While within the nuclear family, the inclusion of female family members, and of gender-neutral categorizations, was deliberate, here the emphasis seems to switch to specifically male relatives. The next two relationships also demonstrate this; they are the characters for nephew, or *oi* (甥) and brother-in-law, or *kojūto* (小舅). That these are specifically male categories, with no female equivalents listed, can be seen as indicative of a switch from a set of nuclear relationships that include both genders to a more extended network of male relatives, who were all in competition for the family fortune as potential successors to various branches of family wealth. Next on the list are male cousins from within one's own generation; again a set of conspicuously male characters is used here.⁴⁴

⁴³ The specific connotation here appears to be male, and no female subtext (as was given in the case of siblings) is included.

⁴⁴ 従父兄弟. This compound includes both the "father" (父) and "male sibling" (兄弟) characters.

The second-to-last set of characters deal directly with how a judge should proceed if his wife were brought to trial. The character for husband is used, followed by a specific declaration that “if the wife (of a judge) is involved in a lawsuit, he (the judge) should immediately leave the room.” This is a departure from the theme of male relatives listed, but stands on its own with the help of the subscript.

The final element listed, and perhaps the most remote relationship of them all, is one that best equates to the position of godson. The characters here literally read “raven-hat child” or *eboshiko*. An *eboshi* (烏帽子) was a traditional hat that was worn by a boy when he turned 15. On that day he would gain a godfather, called an *eboshi-oya* (烏帽子親).⁴⁵ This practice was unique to warrior families. The inclusion of godsons, but not godfathers, probably indicates the general top-down proclivity of the patrilineal system, but also the more simplistic fact that in a godfather-godson relationship, the godfather would more likely be the one in the position of judicial power. There does not appear to be evidence of the presence of god-daughters or god-mothers, or that this relationship existed at all.

This document provides interesting insight into the family networks active during the Kamakura period. Although they must certainly be viewed through the lens of legal use and design, the absence of female relatives outside of the immediate family shows the emergence of a significant difference in the perception of the function of women and men within the family. That is, that the potential succession lines involving men and women

⁴⁵ Joseph Kitagawa, *Religion in Japanese History*. p. 103.

relegated women to the role of caretakers and dependents rather than pillars of succession. This is not to say that women did not take on these roles; indeed a number of the documents translated for this paper will show that women's rights of inheritance varied by household. Yet it should be noted that even as early as 1240, the male elements of the family tree extended further from the nuclear center than the female elements. While this is connected to increasingly patrilocally-based living arrangements, a part of the explanation also lies in shifting inheritance customs themselves.

Over time, the inheritance practices of the landed-samurai class changed from plural to unitary. Prior to the Kamakura period, partible inheritance had been a nearly universal norm among the landholding upper classes in Japanese history.⁴⁶ The shift to unigeniture, like other social shifts of this nature, occurred within families themselves and was not mandated by the Bakufu. Rather than dividing land evenly among children (including girls, as had been the practice in the Heian/early-mid Kamakura period), it became common to funnel the resources of the family into a single heir. This change is often explained by historians as a result of the scarcity of land resources or their affiliated titles and the danger that a house might fragment over time as branches of the family grew apart and female children married into other families. It was recognized that family holdings grew thin through repeated division among siblings, as strain between siblings grew along with competition for dwindling inheritances.⁴⁷

⁴⁶ Jeffrey P. Mass, "Family, Law, and Property in Japan, 1200-1350," p. 3.

⁴⁷ Ibid., p. 4.

It was increasingly viewed as counterproductive to allow family wealth to be exported, along with daughters, to other houses. Unitary inheritance practices led to a family system in which families held one son (often, though by no means always the eldest) to be the structural member designated to continue the family name and control the family lands, titles, and stewardships following, or in some cases prior to, the death of his parents. It is important to note, once again, that this shift was not mandated from above by the Bakufu, but rather tended to grow from the families themselves out of the necessity of linear familial survival. Through specific examples of inheritance practices it is clear that scarcity caused competition within families as well as between them. The corresponding impact on marriage, family values, and women's rights was powerful.

What had developed in the Kamakura period, especially as inheritances changed and family struggles became heated, was a system of family in which parents were the unquestionable executors of their own property. As supreme familial authority figures, parents had multiple avenues of potential succession and distribution open to them at all times. Adoption, disinheritance (usually on the basis of "unfilialness"), the re-writing of wills, the re-deeding of property to and from children, and the ultimate legal authority of the word of the parents in the court, became universally accepted.

An additional law reinforcing these values is separately found in the *Azuma Kagami* record from 1240/5/14.⁴⁸ Essentially this law was devised in response to a suit

⁴⁸ *Azuma Kagami* (吾妻鏡), Ninji 1 (1240).5.14. In Kuroita Katsumi, ed. *Kokushi Taikei Henshūkai* vol. 33, pp. 260-261. The *Azuma Kagami* was the official contemporary chronicle of the Kamakura Shogunate from 1180-1266.

brought by a son against his widowed mother, Ochiai, in Shinano province.⁴⁹ In brief translation, the matter was dealt with as such:

This was dealt with in council today, and the son's suit was rejected. Moreover, his crime of acting against teachings and law is a heavy crime. From hereafter, if [people] act as enemies/opponents [of their parents] they shall be charged with a serious crime [or be severely punished].

Subsequently, based upon that meeting of the *hyōjōshū* “board of councilors,” an additional law was drawn up to emphasize the severity of such unfilial lawsuits:⁵⁰

As to the matter of those who oppose their grandmother and grandfather, or father and mother, and then engage in a dispute [lodge suits]. The crime of such slander is not a light one, and in recent days there has been a case of this. The crime of violating teachings and law is a heavy one. From hereafter, these must cease. If someone does oppose [grandparents or parents], then certainly in accord with the original provision [of the Shikimoku, unspecified as to which article in particular], they shall be charged with a serious crime/dealt heavy punishment.

This particular example reveals the absolute authority of the parents and the maintenance of that authority by the Bakufu. Children could not challenge parents in court, and parents could freely rewrite wills and disinherit children if they wished to do so.

As the increasingly patrilineal succession system became popular, the expectations of women changed throughout the warrior class. This shift has typically been recognized (accurately) by women's historians as a significant loss of the initial freedom and rights enjoyed by warrior women in the early Kamakura. This loss of

⁴⁹ Modern-day Nagano Prefecture, the same province from which our latter subjects, the Nakano and Ichikawa, originate.

⁵⁰ The *hyōjōshū* is defined in Jeffrey P. Mass, *Court and Bakufu in Japan: Essays in Kamakura History*, p. 289, as the “supreme decision-making body of the Kamakura Bakufu.” This additional law is numerically referred to as additional law #143 in the Bakufu historical record. For further information on the *hyōjōshū*, see Andrew Goble, “The Hōjō and Consultative Government.”

authority and status was by no means immediate. The upholding of women's rights to personal land ownership and divided succession (the choosing of an heir by the wife to receive her personal property apart from that of the husband) is still apparent in cases into the 1300's. However, the social and legal restrictions placed upon women rose as the Kamakura period progressed. The enhanced importance of the male head of the family and strengthened marriage bonds, which grew alongside these changes, impacted the way in which families were regarded.⁵¹

As the laws suggest, "marriage" in the Kamakura period was a highly informal union, which was neither ceremonial nor legally binding. As Hitomi Tonomura puts it, "conjugal unions were formed casually without any reference to civil authority, and, as far as I have found, without a formal contractual agreement between the parties involved."⁵² This is an accurate characterization of what can be found in surviving documents. Multiple wives were common, and offspring from any of these wives were considered potential heirs; so were offspring from prostitutes and female entertainers that were considered to be offspring of the father.⁵³ While Jeffrey Mass has argued that the concept of "illegitimate children" was nonexistent, there appears to be some evidence

⁵¹ By "male head" I am referring to both the earlier branch-family patriarchs and later *sōryō* heads, which became more common in the latter half of the Kamakura Period. The distinction between figurehead and real headship through the *sōryō* position can be hard to determine, as the position was adopted as one of real authority in only some families during Kamakura, with increasing emphasis on *sōryō* a relatively late development.

⁵² Hitomi Tonomura, "Women and Inheritance in Japan's Early Warrior Society," p. 602.

⁵³ For a history of such entertainers, see Janet Goodwin, *Selling songs and smiles: the sex trade in Heian and Kamakura Japan*. Additionally, Appendix A document #5 involves a property dispute between a sexual entertainer and two wives, all three of whom had sons by the same man.

that, while illegitimacy was a muted concept, it did come up in legal battles as siblings used any means necessary to discredit their rivals.⁵⁴ I would argue that illegitimacy was, as Mass has stated, an unlikely category for disqualification, yet the concept was brought up and therefore must have had some limited social weight.⁵⁵

The evolving position of main wife ensured stability for a wife and her children within the family structure.⁵⁶ Holding this position was seen as an issue of primary importance for branch and/or trunk bloodlines because it could determine the way in which inheritance, both physical and titular, would flow. This practice would have serious impact as increasingly, the main wife became the husband's only true wife, with additional women in the family often relegated to the status of concubines.⁵⁷ Of equal and directly related importance was the idea of widowhood, in which only one wife could be defined as a widow, who would, as the parental authority figure, be responsible for executing the late husband's will.⁵⁸ However, as the period progressed, widows were sometimes passed over in favor of male heirs.

⁵⁴ Jeffrey P. Mass, "Family, Law, and Property in Japan, 1200-1350," pp. 15-16.

⁵⁵ See Appendix A, document #4 for an example in which the tem "fallen seed" or "spilled seed" is used to indicate an illegitimate child. This is used in the context of sibling rivalry, however, and the surrounding circumstances must be taken into account. I believe that the statements Mass has made regarding illegitimacy are useful, but that some qualifications are necessary.

⁵⁶ Several words can be used for wife, although here the reference is to the "*seisai*" (正妻) meaning "legal wife."

⁵⁷ Wakita Haruko, "The Medieval Household and Gender Roles within the Imperial Family, Nobility, Merchants, and Commoners" p. 83.

⁵⁸ Tonomura, Hitomi. "Women and Inheritance in Japan's Early Warrior Society." The term for "widow," or *goke*, the kanji for which literally means "later house" or "the second house" (as with eg. Go-Daigo, meaning the second emperor of that name; thus a general meaning of the subsequent or succeeding). "After

A 1329 document illustrates this decline in the fortune of wives and women in general.⁵⁹ In this case, the patriarch Terao Koreshige had died intestate, and distribution of family lands was left to the Bakufu rather than to the widow and surviving wife Myōchi. While Myōchi was granted a respectable share of lands, she gained none of the parental authority to distribute property she would have legally gained earlier in the Kamakura period. In this case, the holdings of the family were split 8 ways, between children, grandchildren, and the widow. The widow received 2 *chō* 5 *tan* of paddy fields and 5 houses in the home province of Tō-no-Hara, out of a total of 18 *chō* 3.5 *tan* of fields and 44 houses. The eldest son, Shigehiro, received the largest portion of 6 *chō* and 4 *tan* of paddy fields and 14 houses in total. The widow's inheritance was roughly equal to or slightly less than that of her two secondary sons and greater than that of her grandchildren. Essentially she was treated as a secondary heir. This fits with Hitomi Tonomura's argument that "women's property rights, unquestioned at first, gradually diminished along with secondary sons' rights."⁶⁰

Although Myōchi was not apparently the original "main wife," she was termed the "widow" at the time of the husband's death. This lack of the widow's inheritance of the husband's authority is characteristic of the declining trend in women's rights and status within the house. It is interesting to note that in this chronologically late

house" (後家) indicates that she was charged with the "protection of the house upon the death of her husband." p. 606.

⁵⁹ Asakawa Kan'ichi, *The Documents of Iriki*, p. 223. (Document # 71).

⁶⁰ Hitomi Tonomura, "Sexual Violence Against Women: Legal and Extralegal Treatment in Premodern Warrior Societies," p. 138.

inheritance case, Kamakura had actively cut out (although not disinherited) the widow, a decision that might have been carried out quite differently a century earlier.

In cases of such a vacuum of familial power, when no will was available, Kamakura seems to have been willing to step in and pass judgment on what should happen to a family's holdings. Only when there was no will to be followed (i.e. the owner of family holdings died intestate) would the Bakufu step in to assert its authority. While it was not the place of the Bakufu to limit the options or authority of the family head, in the absence of such familial authority it was recognized that a surrogate parent was needed – personified by the Bakufu itself. This need for authority grew directly from a lack of predetermined “family values” as we have defined them, as well as from the confusion of such compositionally intricate and yet authoritatively muddled households.

In addition to the case just mentioned, several other cases of confusion appear in the Appendix A of this paper. Of these, perhaps the most complex and problematic case for the Bakufu occurred in the wake of the initial Mongol invasion of 1274.⁶¹ Having answered the call to arms, the family head, Aogu, and his three sons, Tomuru, Isamu, and Naosu, each by a different mother, were killed in battle on the same day. As the invasion occurred without significant warning, Aogu had neither time nor reason to have drawn up a will, and thus he died intestate. In the wake of the death of Aogu and his sons, multiple wives and grandchildren entered into a legal competition for the family holdings. This is a case in which the Bakufu was required to step in and solve the matter without the guidelines of a will sanctioned by the parent, and thus had to act as a surrogate to the

⁶¹ See Appendix A, document #5.

parent's now absent authority. Rather than limiting itself to arbitration, in such cases the Bakufu took on the role of decision-maker.

A similar case can be found in 1258, in which an aunt died intestate and her two nephews began a lengthy legal quarrel over her holdings.⁶² Even though her landholdings were relatively small, the Bakufu was once again required to deal with the matter in place of the aunt herself.⁶³ For the conclusions of these cases, please see the translated documents in Appendix A, #2 and #6.

The Kamakura judiciary thus served as an arbitrator which, only in the absence of the parents, could sometimes decide cases if necessary in order to settle disputes. These settlements were largely matters of documentary evidence and legitimacy, although there is some indication that their resolution could take on a more preferential tone if documents were lacking or nonexistent. As court battles grew more vicious, forged documents and questions of authentication became common, as individuals struggled to rise above their kin.⁶⁴ In Appendix A, document #7 an example of this forging behavior can be found, as well as the allegation of such behavior in document #6, but without enough evidence for a conclusion to be made by the Bakufu.

As we have found, succession in the Kamakura period did not always mean a strict maintenance of the family line from father to son. One of the most interesting

⁶² See Appendix A, document #6 for the Bakufu's response to the continuing dispute, and document #2 for the initial settlement between the two nephews.

⁶³ Roughly 3.5 acres in sum, a relatively small holding considering the extent of the quarrel, which continued for over 30 years.

⁶⁴ For more information on the prevalence of forged documents and the problems they caused for the courts, see Hitomi Tonomura, "Forging the Past. Medieval Counterfeit Documents."

aspects of succession is that of the adoption of heirs from outside the family. Perhaps the ultimate example of parental prerogative that we may note is that of the adoption of an heir from outside of the bloodline to maintain the house and inherit the wealth of the family.

Stability outweighed genetics in terms of importance in many succession scenarios, yet adopting an heir from outside the bloodline was, of course, a practice carried out only when necessary, and indeed I believe it cannot be seen as something that was taken lightly. This qualification aside, there were a variety of reasons an adoption might be considered. Common examples include cases of an “unfilial” child, deemed unworthy to inherit the family estate, or cases in which there was no successor or in which the original successor had predeceased the parents. There were also a number of cases in which children were considered incapable of taking over the household for various reasons: if they were too young to reliably control the estate, and no one from within the family could act as their guardian until they reached maturity, or if they were simply considered mentally incapable of successfully navigating the pitfalls of lineage management.

A logical manifestation of the supremacy of parental authority, the legally legitimized concept of “unfilialness” gave parents a practically universal capacity to write children out of wills (and therefore out of important positions within the family) whenever necessary. Adoptees were typically adults, not children, were well-known to the family, and were considered trustworthy enough to carry on the family line. Despite the fact that they were not related by blood, these adopted successors would be

considered a part of the family in both social and legal terms. This is a particularly unique set of social behaviors, where it was possible for an heir to be passed over in favor of someone from outside the bloodline of the family who was deemed more capable or trustworthy in maintaining the household and titular position within the political and social hierarchy.

That the difference between a genetic and adopted relative was understood can be inferred from a number of terms used to identify adopted and “real” children in documents. Terms such as “belly child” “belly mother” or “belly brother” appear to define uterine relationships as separate from non-uterine relationships, both in terms of step-siblings/relatives and adoptees.⁶⁵ While not common, this reference does appear in multiple documents, and was a clear delineation between adoptive and genetic kinship.⁶⁶ However, although genetics were understood, once adopted, these new members of the family were considered kin in legal terms. In social terms, adoption was fairly widely practiced and viewed as acceptable in the Kamakura period.

Let us examine two cases involving adoption, which illustrate the issue from different perspectives: first, from that of a family that lacked a “competent” heir, and second, from a family that had natural children in abundance in which adoption was directly condemned by the patriarch.

⁶⁵ These terms appear in the Appendix A in documents 2 and 8. “Belly Child” refers to a child from the same mother, and thus does not include half-siblings from the same father, step-siblings, or adoptees.

⁶⁶ Bun’ei 5 (1268).7.3 *Shami Jōkei (Murakata Ujinari) ukebumi* (KI, 13:10274). In this document a reference is made to a “Brother of the same [one] belly” (一腹舎弟). In this particularly dramatic and grisly case, one brother killed the other, causing the mother to disinherit the surviving son out of horror. The document is dated 1268, and refers back to the murder from over 40 years earlier. In this case, the heirs of the disinherited surviving son were attempting to reclaim their grandmother’s lands.

The first case appears in the Appendix A as document #3, from 1271.4.26.⁶⁷ The case involves an adopted son, Sukenao (資直) who was to receive a *jitō* post according to a will outlined by his late adoptive father. In this case the genetic daughter, Kiyohara (清原) was cut out of the inheritance.⁶⁸ The court upheld the late father's wishes, even though the adopted son Sukenao had apparently murdered a servant woman who had voiced that he was adopted, probably a veiled statement in support of the succession of the daughter over the adopted son. While the murder was an act that might have been deemed "unfilial" and disrespectful by the father while he was alive, his will was upheld. Thus in court, the prerogative of the late parent took ultimate precedence over the evident character of the heir, even after the parent's death and despite other crimes since committed by the adoptee.⁶⁹

The second adoption case we will look at was originally translated by Jeffrey Mass under the title "A House Chieftain Warns against Fragmentation of the Family

⁶⁷ Bun'ei 7 (1270).4.26 *Kantō gechijō* (KI, 14:10617).

⁶⁸ In this case, the term *toriko* (取子), or "taken child" is used to define Sukenao's adoption. This terminology was not the standard for an adopted child, and is pejorative in connotation. The reason for this usage is the context of accusation by the daughter Kiyohara, who was quarreling with Sukenao over the inheritance. The term *toriko* appears a total of only four times in the *Kamakura Ibun*. The more common term for "adopted child" is *yoshi* (養子), which appears at least 190 times in the *Kamakura Ibun*.

⁶⁹ Notably, because the servant girl was not a member of the warrior class, no charges were made in the case, and the adopted son was evidently not punished for her killing by Kamakura. See the translation for Kamakura's statement to this effect. It should be noted that because this was a civil hearing, and the killing of a servant would constitute a criminal offense, the murder was not a part of the case. The Bakufu certainly did not condone the murder of servants, but it should note that the difference in class between warriors and servants was great enough to at least somewhat trivialize the matter in this civil suit. The murder itself would have more than likely been dealt with as a separate matter by the local authority, most likely the *shugo*.

Estate, 1193.”⁷⁰ This document is particularly useful in that it deals with both adoption and the embodiment of the shift from partible to unitary inheritance. In addition to its relevance in terms of the study of adoption practices, also notable is the reinforcement of the idea that the partible-unitary shift originated within the household rather than as a result of outside (i.e. Bakufu-based) influence.

In this document, the aging head of the household, named Kaya, officially ordered that his estate was not to be donated to adopted heirs (which, as Mass notes, went against standard adoptive practices of the time).⁷¹ Additionally, he forbade the sale of lands to anyone outside the family, and also to anyone within the family who would not be considered fit to manage them. By doing so, Kaya was consolidating the wealth of the family under his direct heirs, an obvious effort at preventing the fragmentation of his holdings, and therefore his familial legacy. His stance against adoption is interesting in that the father must have felt reasonably confident in the bloodline he had designated to succeed him, to such an extent as to place a legally legitimate ban on the succession of heirs adopted by his successors. By doing so, Kaya was essentially eliminating one avenue of possible succession from his lineage, although I would argue that the order of Kaya would probably not have been considered legally applicable for more than the single generation of his immediate successor.⁷² The phenomenon of precluding bequeathal of lands to outsiders will appear again in the Ichikawa documents.

⁷⁰ Jeffrey P. Mass, *Lordship and Inheritance in Early Medieval Japan*, p. 130, Document #8.

⁷¹ *Ibid.*, p. 130.

⁷² Following the trend of parental authority, Kaya’s successor would likely have been comfortable with and within his or her legal rights in adopting an heir of their own. From a legal standpoint, as he or she would

I have included this case to emphasize that adoption was not something to be taken lightly by the family head, and indeed there is a clear preference for the true bloodline in numerous cases. This being said, adoption was recognized as an additional tool that was regularly employed, without stigma, when necessary to the continuation of the family under a strong and “filial” proprietor. A further tool of succession designation often employed in the latter half of the Kamakura period was that of family headship.

Parallel to the decline in women’s rights and the trend towards unitary inheritance evident by the late Kamakura was the revival of the *sōryō* or “family head” position.⁷³ While women frequently held *jitō* posts, sending men as proxies when necessary to carry out their vassal duties, the position of *sōryō* was categorically male in nature.⁷⁴ What this meant for women within the house employing the new status of the *sōryō* was that their capacity to become exclusive matriarchs was severely restricted, as even widows would share control of the house with their son (or step-son), who would inherit the *sōryō* position based on the father’s will.

have taken ultimate authority of his holdings by the time they were choosing a successor of their own, thus alienating the original testament of Kaya. In the end, these restrictions were renewed by the successors of Kaya, and passed on, although in legal terms this was likely carried out at the successor’s discretion.

⁷³ As I have been using terms such as “house head” and “family head” throughout this essay without the connotation of the *sōryō*, I should note that not all heads of the household were *sōryō*, as evidenced by the inclusion of female house heads that would not usually have held the position. Most, if not all male house heads I have described were likely also *sōryō*, although the extent to which this title was a source rather than a sign of their power is varied. The term of *sōryō* existed as one of de facto power only in houses which had adopted unigeniture. In families practicing partible inheritance, the *sōryō* was a title with little to no weight. In Chapters three and four we will see reference to a female *sōryō*, which was highly uncommon.

⁷⁴ Wakita Haruko, “Marriage and Property in Premodern Japan from the Perspective of Women’s History.” p. 88. Wakita notes that these proxies were typically sons-in-law.

Variously employed by historians and difficult to explain concisely, the “*sōryō* system” has been retroactively applied (meaning that during the period, there was nothing known as a “*sōryō* system”) as a description of the nature of the relationship between Bakufu and house, specifically the vassal (*gokenin* - 御家人) house, which evolved along with the Kamakura polity.⁷⁵

While the concept of the “house head” had existed even prior to the Kamakura period, and actually originated from aristocratic and imperial usage, earlier partible inheritance practices had restricted its capacity and importance in terms of actual control of the house.⁷⁶ Historians have argued that the competitive nature of divided inheritance, which caused heirs to actively oppose the ascendancy of one of their siblings to a position of true authority, restricted the *sōryō* to figurehead status in many cases.⁷⁷ This may be something of an oversimplification, as the position itself was coveted, and therefore served some purpose even under divided inheritance. However, it is safe to say that *sōryō* initially functioned, in general, as a symbolic position of leadership rather than one of practical control of the house. A possible analogy would be that, in the early Kamakura period, *sōryō* acted more as chairs of a committee of influential siblings than as fully

⁷⁵ For our purposes, this definition may be explanation enough, but for slight variations on how *sōryō* can be defined and variances on the origins and role of *sōryō* throughout the period. See Mass, Jeffrey. *Family, Law, and Property in Japan, 1200-1350*, p. 15, and also Hyungsub Moon, “The Matsura Pirate Warriors of northwestern Kyushu in the Kamakura Age.” There is currently some debate ongoing regarding the nature of the *sōryō* system in terms of its origins, its makeup and adoption by warriors, and the extent and periods of its importance, this being said, clearly in the Kamakura there was a shift towards family headship, and the *sōryō* was the symbolic position of authority within most families by the end of the period.

⁷⁶ Andrew Goble, *Kenmu: Go-Daigo's Revolution*, pp. 7-8. Here, the use of *sōryō* headship in imperial succession is noted by Emperor Kameyama, who held the position.

⁷⁷ Jeffrey P. Mass, *Yoritomo and the Founding of the First Bakufu*, p. 45.

authoritative department heads. While the position could be generally stronger or weaker in either of these analogous situations, the framework of *sōryō* power resulted from the way that wealth was distributed in a given house. As inheritances dwindled and families began to funnel their holdings into a single “head of the house” to oversee the branch members, competition grew stronger and more difficult for secondary heirs. It is clear that the *sōryō* position naturally tied in with the shift towards unigeniture and primogeniture, but it also had numerous other causative factors.

Inheritance themes alone cannot account for the shift in the importance of the *sōryō*. Military service, as seen in the Jōkyū War (1221) and later revived by the need for national defense springing from the Mongol invasions (1274, 1281), had grown to such a proportion that military leadership was, by the 14th century, seen as a part of the *sōryō*’s set of duties.⁷⁸ I would argue that the Mongol invasions themselves were a catalytic more than causative factor in the expansion of *sōryō* headship. This was especially the case in Kyushu, where the concept of an imminent external threat had been fully realized, with an active defense being constructed in both physical and human terms, the costs of which were beginning to expose the regional fragility of the Bakufu itself.⁷⁹ Yet changes in

⁷⁸ The Jōkyū War, between the Bakufu under the Hōjō and the rebellious imperial forces under Go-Toba, resulted in a victory for the Bakufu that would expand its power in the Western regions of Japan and in Kyoto itself. Part of the impact of this conflict was the revived need for *sōryō* to lead vassal families in battle. See William McCullough, “The Azuma Kagami account of the Shōkyū War,” and also Brownlee, John “The Shōkyū War and the Political Rise of the Warriors.” The argument that the Mongol invasions increased the military service role of *sōryō* is made in Fumiko Miyazaki, “Religious life of the Kamakura Bushi: Kumagai Naozane and His Descendants.” p. 446.

⁷⁹ Fortification efforts in Hakata bay between the first and second invasions were sizeable, including a series of walls which were largely successful in repelling the second attack, but the construction of which strained the Kamakura regime economically and politically. See Thomas Conlan, *In Little Need of Divine Intervention: Takezaki Suenaga's scrolls of the Mongol invasions of Japan*. p. 267. See also Yamamura

headship were already occurring, with the idea of *sōryō* on the periphery evident from as early as 1222. In fact, this conception of the *sōryō* as the functional head of a more unified household originated in Kyushu 50 years prior to the initial Mongol attack.⁸⁰

As Andrew Goble has suggested, by the late 1330's "the eastern *sōryō* (family head) system ensured that links would be retained with the Kanto homeland; and the *gokenin* status that assured them of protection for their land rights naturally oriented them to the east."⁸¹ This would seem to indicate that by last years of the Kamakura period *sōryō* were being used by the Bakufu as a means of retaining control over its new western domain.

Once again, change was gradual and grew organically from the bottom-up, on a family-by-family basis. *Sōryō* were not initially designated or required by Kamakura; the trend towards selecting *sōryō* grew out of specific family needs. It is certainly evident, however, that by the end of the Kamakura period the Bakufu was promoting the concept of *sōryō*, if not actively requiring the adoption of such headship. As Goble describes this change, the shift towards the *sōryō* was "a noticeable, but not uniform" one, naturally synchronous with the shift towards unitary inheritance.⁸² Just as vassal houses had

Kozo, "Tara in Transition: A Study of a Kamakura Shōen." p. 363, for more on the exposed fragility of Bakufu vassals.

⁸⁰ Hyungsub Moon, "The Matsura Pirate Warriors of northwestern Kyushu in the Kamakura Age" p. 22. Moon asserts that the Matsura families, as early as 1222, had begun to consolidate into a "political and military association whereby those in geographical proximity and with over-lapping social and economic interests might provide for collective self-defense, or alleviate conflicts among its membership." This mirrors the *sōryō* phenomena of the mid-late Kamakura period in both terms and purpose, and echoes the shift to unitary inheritance under a house head.

⁸¹ Andrew Goble, *Kenmu: Go-Daigo's Revolution*. p. 110.

⁸² *Ibid.*, p. 119.

functioned previously, legitimacy born from *sōryō* flowed both ways; *sōryō* validated Kamakura authority, which was the legal legitimizer of their claim to the inheritance of family headship.

By the time of the Mongol invasions, and especially in the affected areas, *sōryō* came to embody an idea of a phalanx of houses for use in national defense and Bakufu networking. At the same time, this system functioned by limiting confusion over the distribution of property in houses that were once again being called upon as functional military bodies. This shift towards *sōryō*, while piecemeal, can be seen by the end of the Kamakura period as the first step towards primogeniture that would eventually become the norm in warrior society. However, even under the “*sōryō* system,” eldest sons could still be passed over, and some families continued partible inheritance. The need for family unity caused by national defense and turbulence within the Bakufu itself was still not something mandated by Kamakura or adopted by every family under its authority.

Defining the Warrior “Family”

Given what we know from the laws and cases we have investigated, the question remains: what was common about family during the Kamakura period? Was there anything about these seemingly disparate groups of people that we can see as categorically definitive?

Three factors seem to be consistently present and universally important from the cases we have studied and from existing historical scholarship. The first of these is that the single factor of paramount importance to family was its own continuation. In other

words, succession was integral to both the family and to the Bakufu. Succession provided a mutually legitimizing relationship between family and patron institution via the emergent “*sōryō* system,” but it can also be seen as the key, self-maintaining internal purpose of the Kamakura family itself. Beyond the external influence of the Bakufu, the continuation of the family or clan name and its associated (and now hereditarily communicable) titles and offices constituted a self-sustaining and internal opposition to the “centrifugal” forces otherwise at work, primary among these being divided inheritance and the competition for household headship. Indeed, as we have seen with the example of adoption, succession superseded even genetics, which was clearly a concept that was at least vaguely understood, in terms of importance for the family.

The second definitive factor is that, in addition to the internal and external needs for succession from the Bakufu structure and the family itself, succession had to be authenticated legally through a rigid set of official documents that provided the foundational structure for succession and inheritance. The paper trail needed to prove succession was ever-present and represented an administrative system that allowed nearly infinite variability in familial configurations- provided these configurations were registered and validated in the proper manner. In a system that carried no normative definition of succession or family itself, this series of authentications was necessary to maintain order on any scale. This is recognized and enforced time and again in surviving documents from the period. As we have seen, Kamakura had little interest in making decisions for families; it was rather their function to uphold decisions of those passing on

property or titles as fairly as possible. Impartiality kept the system functional and buttressed the fledgling regime's legitimacy and authority.

Third and finally, the parental prerogative of succession was universally followed and unchallenged by either the family members themselves (at least while the parents were living) or by the Kamakura government. This allowed for the legitimization on a micro-scale of the family head, which paralleled that of the macro-level Bakufu legitimacy. The “patriarchy” of the system was observable at both the governmental and social levels. While familial configurations were varied and unregulated, they remained anchored to the parental authority figure (male or female). This authority was then used to determine the course of the household, either independent of larger social trends, or in accordance with them.

Evidence of these themes is a uniting factor; that is, in every document there is not simply a conflict, but an active need for resolution from above to maintain order. This is not only a symbol of Kamakura's authority as a reactive legal body, but of what was considered normal at the time. This kind of legal process of authentication and dispute was in fact what Kamakura wanted. As it has been eloquently stated, this was the very means by which “intra-family justice came to be viewed as essential to the maintenance of general order.”⁸³

In sum, while the Kamakura period was a time in which the concept of family was evolving from the ground up and on a family-by-family basis, and while the Kamakura government was not, in its own right, concerned with what a family could or could not be,

⁸³ Jeffrey P. Mass, “Family, Law, and Property in Japan, 1200-1350,” p. 2.

these factors were very nearly universal. The ideas of succession, legitimization, and parental authority can be seen as definitive of what a family in the Kamakura period was, both in terms of its purpose, function, and continuation as an integral part of the social fabric of medieval Japan.

Now, in order to see these themes, and how they applied in the genesis of a single lineage of property and family, let us turn to the Nakano and Ichikawa as they struggled with virtually all of the issues we have discussed here in the course of their family history. This family was one that took advantage of the flexibility of social practices and the flux of history in order to strengthen its position both locally and as a local extension of Bakufu power, and also one which endured the tribulations of internal disharmony, particularly in the earlier generations. Their story, tracing the course of the end of the Kamakura period, can illuminate the way in which the social practices and legal prerogatives seen in this chapter could be manipulated and appropriated by family leaders in order to solidify their legacies and, in some cases, control the destinies of their successors.

CHAPTER III

THE ORIGINS OF THE ICHIKAWA LEGACY

Having analyzed the broader context in which warrior families existed, and the social practices variously employed in households across Japan during the Kamakura period, we can examine a single lineage. The history of the Nakano and Ichikawa that we will follow spans six generations. Before we begin with the family documents, a brief introduction to the Ichikawa, and their predecessors, the Nakano, is in order. We will come to understand shortly how these two families are related to each other, and while the most compelling of the documents in terms of lineal manipulation and control come from those using the Ichikawa name, we must first begin with their forebears, who experienced much of the internal turbulence characteristic of the middle Kamakura period.

The Nakano were a loyal group of Kamakura vassals acting as a primary organ of warrior control; the family lived and administered lands in the Northeastern extremity of the pre-modern province of Shinano, in the Japan Alps.⁸⁴ Geography played a vital role in the lives of these families, although for our purposes, the Japan Alps will remain largely a

⁸⁴ This area corresponds to the modern prefecture of Nagano. The Ichikawa were based largely in the Shikumi area, near and within the city of Nakano (中野), which retains the same name today.

backdrop to their social practices. Little mention is given in their record to the nature of their surroundings, beyond the mountainous boundaries of their holdings. Suffice it to say theirs was a world far removed from the bustling cities of Kamakura and Kyoto; yet in many ways the Ichikawa were typical vassals. They held a *jitō* post of land-stewardship from the Kamakura Bakufu, served guard duty in the warrior capital, and consulted the Bakufu as their sole source of consultative legal authority when conflict among family members arose.

This chapter is divided into two sections. The first covers the Nakano line and the transmission of Yoshinari's holdings to his adopted great-grandson Ichikawa Morifusa, who ran the family as *sōryō* for a substantial period. The second sections concerns the bequests of Morifusa and his wife, Senkō, who outlived him by eight years. These documents provide detailed insights into the goals of this couple, and exemplify the virtually unlimited capabilities of parents in constructing their successor lineage when their prerogatives were fully and intelligently utilized.

The Nakano and Ichikawa "Family"

Before we begin with our analysis of the Nakano, a note on the family genealogy and the varying names of family members is in order. The complex naming practices of the period pervade the documents, and in order to make their history as approachable as possible I will refer to individuals by a consistent name or title throughout.

I generally list family members by their personal names, which appear after the family name in the Japanese order. The first three generations we will study, from

Yoshinari to Shakua, went by the surname Nakano, likely derived from their origins in the particular area of Shinano they called home. The last three generations, from Morifusa onward, went by the surname Ichikawa.⁸⁵

In addition to these personal and family names, most of the main figures in this study took Buddhist names, usually late in life, and often sons are referred to by their numerical childhood names. I use the given name of most figures in this analysis, but in the event that the personal name is unknown, as is common with females in the genealogy, the Buddhist name or numerical name may be the primary means of reference. The Buddhist names of many of the Nakano and the Ichikawa are indicative of their active participation in Lotus Sect of Amidist Pure Land Buddhism. Based on the names of specific figures of the family (Ren'a, Shakua *amida butsu*), the majority of the Ichikawa and Nakano seem to have taken an active part in a larger Buddhist community later in their lives. However, the nature of their membership is not specifically mentioned or explained in any of the documents I have examined. Taking Buddhist names late in life was a common practice employed by a majority of the members of the warrior class. This action often indicated a theoretical retirement from lay-life in favor of the pursuit of spiritual understanding, although it is common to see lay-monks and nuns participating actively in multiple avenues of familial, judicial, and military routine. This was a common practice in the Kamakura period.⁸⁶ Whatever their personal reasons for taking

⁸⁵ For more information on various naming practices utilized by the warrior class, see Jeffrey P. Mass, *Antiquity and Anachronism in Japanese History*, p. 91.

⁸⁶ Kenneth Kraft, *Eloquent Zen: Daitō and Early Japanese Zen*, p. 21.

Buddhist names and declaring themselves lay-monks, these names can be useful in understanding the phase of life certain individuals were undergoing at a given time or in a certain surviving document. Figures who have taken Buddhist names are usually, although not always, of the elder generation. A Buddhist name followed by “*nyudo*” (入道) refers specifically to a male lay-monk who had “entered the path,” that is, a man who had taken Buddhist vows but still lived in his own home. A Buddhist nun would preface her name with “*ama*” (尼 - nun). For example, in documents the nun Senkō is referred to as “Amasenkō.”

In Figure 3.1 I have provided an extended family tree that includes most of the subjects of the Nakano and Ichikawa documents. Six generations are listed, the first three of the Nakano lineage, and the last three of the Ichikawa. This will serve as a reference guide when reading the following chapters and the translated Ichikawa documents included in the appendix. In Appendix A, Figure A.1, a list of the multiple names of each principal member is also listed in Japanese. A number of figures in this representation of the family are linked through property transmission rather than blood, although their status within the families were generally that of normal relatives. Several elements of the genealogy are not obviously evident, but will become clear as my description of the family continues in the following chapters.

Part I: From Yoshinari to Morifusa

For our purposes, the fortunes of the Ichikawa family began with a man from the Nakano family named Yoshinari (Buddhist name Myōren), the original patriarch in

The Nakano and Ichikawa Genealogies

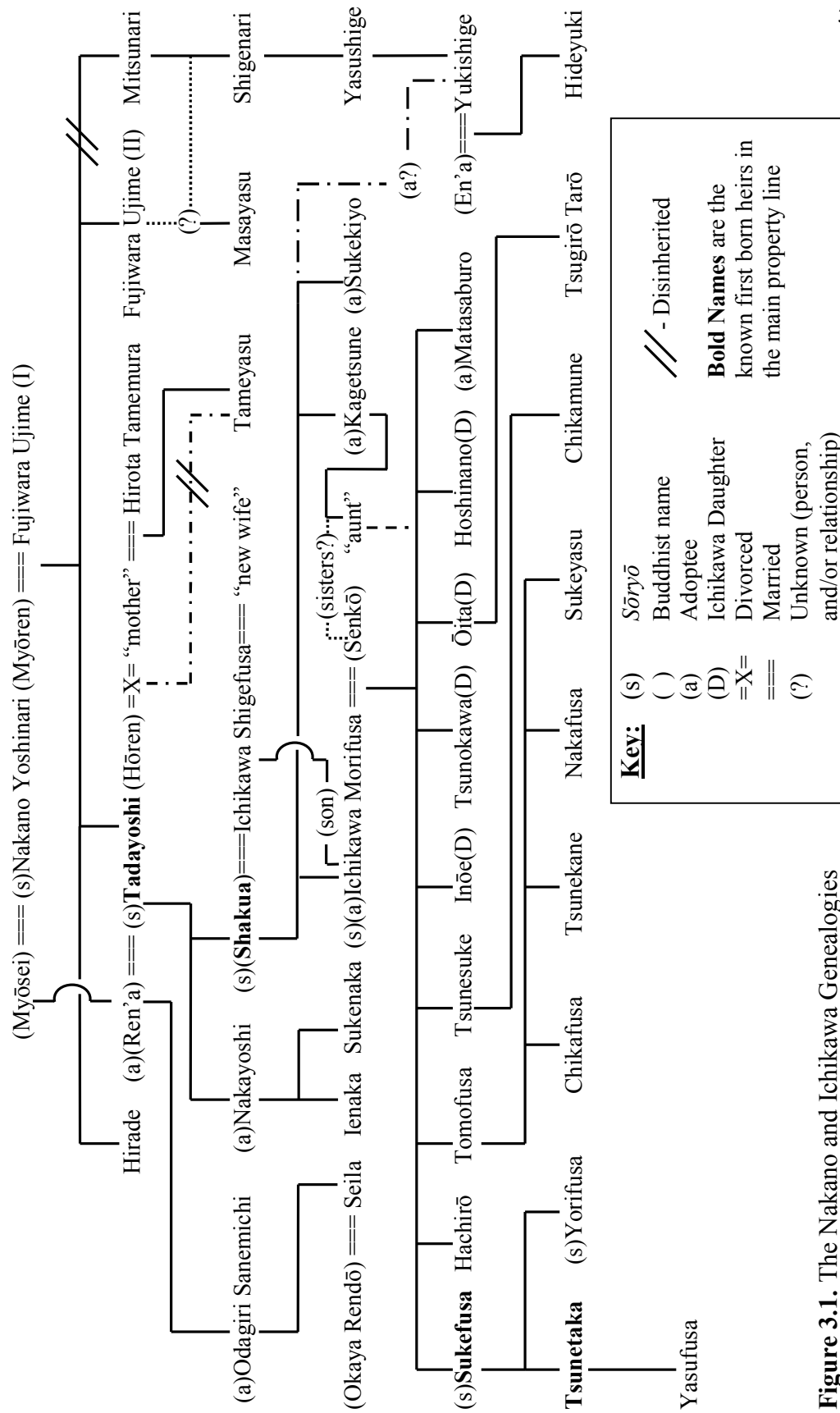


Figure 3.1. The Nakano and Ichikawa Genealogies

possession of what would become the bulk of the Ichikawa family property.⁸⁷ Let us follow the path of his property as it passed from numerous heirs, eventually settling with an adopted great-grandson, Ichikawa Morifusa.

In 1249, Nakano Yoshinari passed his post of land stewardship, a *sō-jitō-shiki* (惣地頭式) to his second son Tadayoshi.⁸⁸ Yoshinari initially received this post in an award from the bakufu in 1203. He had also received property directly confirmed by Hōjō Tokimasa, including a fief and named fields.⁸⁹ Tokimasa was father-in-law to the founder of the Kamakura Bakufu, Minamoto Yoritomo, and at least in the seven years after his death stood as the most powerful warrior figure in the land. Yoshinari's holdings were reconfirmed following the Jōkyū War, and he had held them securely for decades since.⁹⁰ The reconfirmation following the Jōkyū War is indicative of the political awareness of the Nakano, who seem to have been well informed of political rhythms, a skill that we will also note for his successors in the 1330's.

As we have learned, the *jitō* post would grant the recipients in the Nakano line with the duty of maintaining order, collecting taxes, and functioning as an extension of

⁸⁷ I am indebted to Dr. Andrew Goble and fellow graduate student Xia Yun who previously translated a series of documents pertaining to Yoshinari and his bequest. They have graciously allowed me to include their translation of these documents in Appendix B.

⁸⁸ Kenchō 1 (1249).12.15 *Myōren yuzurijō* (KI, 10:7149. Also found in Shinano Shiryō Kankōkai 信濃史料刊行会 ed. *Shinano Shiryō* 信濃史料, [Nagano, Shinano Shiryō Kankōkai, 1956-1967], volume 4, pages 187-188; hereafter SNS, 4, pp. 147-148), See Appendix B for full translation.

⁸⁹ Kennin 3 (1203) *Hōjō Tokimasa andojō*, *Kamakura Bakufu gechijō* (KI, 3:1381,1434, 1441 ; SNS, 3, pp. 500-507. Kennin 3 (1203).9.4/9.23 (fief), Genkyū 1 (1204).2.21 (named fields), Genkyū 1 (1204).3.19 (named fields).

⁹⁰ Jōō 3 (1224).11.11 *Kamakura Bakufu gechijō* (KI, 5:3307; SNS, 3, pp. 612-613).

Bakufu authority in the region, while also giving the *Jitō* substantial guaranteed income. The official documentation for this post, an *on-kudashibumi* (御下文) was received from the Bakufu with confirmation, and the collection of family documents, or *tetsugi*, were transferred. These documents can be viewed as a primary family treasure conveyed in any bequest. As Jeffrey P. Mass has characterized them, *kudashibumi* “were edicts of long-term or permanent efficacy and were therefore reserved for matters of importance....during the post-Jokyū [1221] era [they] functioned as the nearly exclusive vehicles of appointments and confirmations.”⁹¹

By following the bequest of Yoshinari, we can gain key information about the early Nakano lineage. In addition to his bequest of the *jitō shiki* to Tadayoshi, Yoshinari's other property holdings were distributed among his children and grandchildren. His first son, Tarō Mitsunari, who might have been expected to become the main heir, was excluded from the bequest for “going against the heart of the parent” and thus “not having the requisite ability” to become the family head, and his second son Tadayoshi was named the successor *sōryō*.⁹² This statement justifies the exclusion of a son from inheritance, as required by the 22nd article of the Goseibai Shikimoku, which would have otherwise granted the son a minimum 1/5th share of inheritance.⁹³ Furthermore, Yoshinari stated that if Mitsunari, the disinherited son, challenged Tadayoshi for possession of the *jitō-shiki* or other property, Tadayoshi should receive favorable judgment in any case.

⁹¹ Jeffrey P. Mass, “Translation and Pre-1600 History,” pp. 71-72.

⁹² Kenchō 1 (1249).12.15 *Myōren yuzurijō* (*KI*, 10:7149; *SNS*, 4, pp. 187-188).

⁹³ John C. Hall, *Japanese Feudal Law*, p. 22.

Such a challenge eventually came from Mitsunari, but the parental prerogative employed by Yoshinari to delegate his lands as he pleased was upheld by the Bakufu in a judicial decision (*gechijō*) in 1252.⁹⁴ This document additionally confirmed landholdings of both the main heir Tadayoshi and his sisters received in Yoshinari's bequest, likely in an effort to curtail further legal challenges by the disinherited son. The line of Mitsunari would continue separately from the main Nakano line, and will resurface later on in the lineage in the form of an outside party. As is often the case in the documentary record, little evidence of Tadayoshi's life as family head remains beyond these early disputes and confirmations. We do, however, gain a great deal of insight into the family under Tadayoshi based on his will and the circumstances surrounding his transmission of the wealth of the family.

By the year 1265, Tadayoshi, having taken the Buddhist name Hōren, died of illness. Following his death, the reliability of Tadayoshi's bequest, and whether or not he had completed it prior to his death, came into question. This left the family in disarray and forced the Bakufu to intercede, as they had in documents from the previous chapter, sorting out the inheritance distribution in his place. After a number of dispute documents, a *Kantō gechijō* was handed down that distributed the *Jitō* posts and his property in Nakano, and summarized the claims of the heirs over Tadayoshi's holdings.⁹⁵ The principal figures were Tadayoshi's widow, known by her Buddhist name Ren'a, and the

⁹⁴ Kenchō 4 (1253).12.26 *Shōgun-ke mandokoro kudashibumi* (*KI*, 10:7506; *SNS*, 4, pp.183-184).

⁹⁵ Bun'ei 2 (1265).4.18 *Kantō gechijō* (*KI*, 13:9285; *SNS*, 4, pp. 255-261) See appendix B for full translation by Andrew Goble and Xia Yun.

son of Tadayoshi's ex-wife presumably by her new husband Tameyasu, and not by Tadayoshi. As we will see, Tameyasu was a particularly devious and interesting figure who illustrates the lengths to which warriors would go in attempting to gain lands through the legal process. The document from the Bakufu summarizes numerous documents in which Tameyasu, Ren'a, and her daughter Shakua argued over the particulars of the case.

1265: Tameyasu vs. Ren'a and Shakua

Initially, Tameyasu claimed to be the legitimate son of Nakano Tadayoshi and his ex-wife (whose name does not appear in the document), and accused the rest of the family of attempting to wrongfully exclude him from his father's inheritance. In counterclaim, the widow, Ren'a, and her daughter by Tadayoshi, Shakua, submitted that Tameyasu was the child of Hirota Tamemura to whom Tadayoshi's wife had been secretly married simultaneously prior to their separation.⁹⁶ Also, Ren'a and Shakua stated that Tameyasu had been declared the legitimate heir (*chakushi* - 嫡子) of Hirota Tamemura and had received inheritance from him two decades earlier. The daughter and widow went on to describe Tameyasu's further attempt, after Tadayoshi's reluctance to accept that he was his son, to become a son in law by marrying into the family! Ren'a, in

⁹⁶ Through article 21 of the Goseibai Shikimoku, we can infer that by engaging in "marriage" to two men at the same time, any lands gifted to the ex-wife by Tadayoshi would have been revocable at his discretion. Her transgression against the husband would have been viewed as a "serious crime" against him. See John C. Hall, *Japanese Feudal Law*, p. 30. I use the term "separation" here because while it is clear that Tadayoshi's wife left him, it is not clear that anything considered a "divorce" was involved.

response to Tameyasu's outlandish assertions, asked rhetorically "How can one person have two fathers?"

Next, the daughter and mother declared that in both a handwritten document from the grandfather (Yoshinari), and also in a bequest from Tadayoshi, Shakua was listed as the only legitimate heir and had been properly awarded Tadayoshi's estate. Furthermore, the mother Ren'a had taken a portion of the inheritance and granted it to the son she and her late husband had adopted, named Nakayoshi. The daughter Shakua then stated that Tameyasu would receive a small portion of the inheritance as it could not be determined whether he was or was not in fact Tadayoshi's son. This action, although not referencing it specifically, follows the general moral outline given by Hōjō Shigetoki in his *Gokurakuji Letter*. Therein, Shigetoki included a clause for *sōryō* stating "he should treat with compassion even those who are not [legitimate co-heirs], knowing that if he discards them, no one else will provide for them."⁹⁷ Shakua was in essence performing the same leadership role as that of *sōryō* in the family due to her status as the main heir, and appears to have been considered the de facto *sōryō* by the family. It is generally assumed that females could not be *sōryō*, and I have mentioned that women did not usually hold the *sōryō* position. However, Tameyasu's comments can only be taken as indicating that the family had, by general consent, acknowledged that Tadayoshi, and they, regarded Shakua, his sole biological child, as the *sōryō* irrespective of the fact that he had also adopted Nakayoshi as a male heir. Thus, for her to follow moral standards like the one

⁹⁷ Carl Steenstrup, "The Gokurakuji Letter. Hōjō Shigetoki's Compendium of Political and Religious Ideas of Thirteenth-Century Japan," p.22.

enunciated by Shigetoki was a prudent course of action, regardless of her dispute with Tameyasu.

Tameyasu did not accept the offer of minor lands, and continued his legal attack. He claimed that the bequest document that Ren'a and Shakua submitted was illegitimate, altered from its original version, forged to appear as if in Tadayoshi's hand, and with a false signature that did not look like that of Tadayoshi.⁹⁸ Tameyasu also claimed to have attended to Tadayoshi in his final days when he was bedridden, and that the statement in the forged document claiming that Tameyasu was unfilial could not be true because of his service to Tadayoshi on his deathbed. To counter the claim of forgery, Shakua stated that Tadayoshi had requested that she write the document, and that as she wrote it (based on Tadayoshi's dictation), Ren'a, their children, Tadayoshi's sister Hirade, and others, had been present whereas Tameyasu had not even been in the room. Also, she stated that Tameyasu and Nakayoshi had signed the will where the two pages met to authenticate it, and that Tameyasu had taken the farmhouse and land in Nakano, while refusing a farmhouse and land in Shikumi that was also offered.⁹⁹ The widow and daughter then also forwarded four documents written in Tadayoshi's hand for the Bakufu to use for comparison with the document to prove its legitimacy. The issue of forgery was clearly taken very seriously, as the documentary link to the family lands was a vital legitimizer.

Tameyasu claimed that the signature where the pages joined was not his and was forged, and that he was present when the bequest was written (rather than in the next

⁹⁸ Bun'ei 2 (1265).4.18 *Kamakura Bakufu gechijō* (KI, v13:9285 and SS, v., pp. 255-261).

⁹⁹ The authenticating signatures overlapped the joint of two separate pages of the original bequest.

room). He then claimed that the farmhouse and lands in Nakano had not been given to him, and remained in the possession of Shakua. He attested to the legitimacy of the four documents sent to the Bakufu, but claimed that because the bequest in question had sections that were overwritten, that regardless of whether it had originally been a forgery it was now an illegitimate document (due to revisions after-the-fact). He accused Hirade, Tadayoshi's sister, of lacking credibility as a witness because she had adopted Shakua as an heir (presumably making her a biased party).

In rebuttal, Shakua stated that she had not been made an heir of her aunt Hirade, and that Tameyasu had made up this story to discredit her as a witness to the writing of Tadayoshi's final bequest. She also argued that Tameyasu had taken possession of the lands in Nakano and that this action constituted an earlier acceptance of the bequest, regardless of his current claims. Shakua then reiterated the 1264 bequest and its contents, which listed her as the main heir with secondary holdings going to the adopted son, Nakayoshi, who had been cared for by the family since his infancy.

Finally, following the numerous statements above, the Bakufu was prepared to weigh in on the above series of disputes and rebuttals. Beginning with Tameyasu's claim of forgery of the 1264 bequest by Tadayoshi, the Bakufu stated that the signatures from the documents they had been sent matched that of the bequest, and that the peculiarities of these signatures were explained in the hand of Tadayoshi himself.

Next, the Bakufu declared that the overwritten or rewritten portion of the document did not deal with critical matters, and asked rhetorically "what other purpose

they could serve than to benefit the clarity of the document?”¹⁰⁰ The Bakufu judges agreed with the statement by Shakua that by possessing the lands in Nakano, and by signing the joint of the document itself, Tameyasu had effectively conceded the genuine nature of the document. This further discredited the claims by Tameyasu on the lands.

In the final part of the judgment, the Bakufu determined that the lands held by Shakua and Nakayoshi were in accordance with the will of Tadayoshi, and that their possession of those holdings should not be interfered with. Tameyasu’s claims to be the legitimate heir of Tadayoshi were deemed in conflict with his receipt, as legitimate heir, of lands from Hirota Tamemura, which indicated that he was claiming to have two fathers. Further, his lack of possession of a separate document of inheritance from Tadayoshi, and that he was to be given a small portion included in the 1264 bequest, ruled out his ability to challenge the older sister’s claim. His portion was confiscated and returned to the family.

Analysis: Tameyasu vs. Ren’a and Shakua

This dispute was obviously a heated one, and provides remarkable insight into the vicious and extended cycle of documents that often erupted from family conflicts. One of the most striking elements of the dispute is the lengths to which Tameyasu went in attempting to legitimize himself as not only deserving of property, but of in fact being the legitimate main heir of two separate households! Furthermore, Tameyasu not only attempted to inject himself into the family lineage, he did so twice, in such a bold way as

¹⁰⁰ Bun’ei 2 (1265).4.18 *Kantō gechijō* (KI, 13:9285; SNS, 4, pp. 255-261).

to directly expose his own false claim. Yet the Bakufu and the legitimate heirs were forced to treat his claim as a realistic threat to the succession of the family.

The tenuous nature of succession is illuminated by this otherwise somewhat ridiculous series of disputes. The tenacity of Tameyasu in the face of a virtually insurmountable barrier to his ability to succeed in his lawsuits is fully evident. Even if he had been a legitimate son of Tadayoshi, and thus his only real (non-adopted) son, the fact that he was not included in Tadayoshi's bequest nullified any claim he would have had to any of the family property. As we have learned, although the *Goseibai Shikimoku* technically called for a portion of inheritance to be given to any deserving son, and although Tameyasu appears to have been making his case on the basis of that article (#22), the reality of disinheritance had, by 1265, eclipsed the authority of that article as a means of protest by disenfranchised heirs.¹⁰¹ As we have already learned, the rights parents enjoyed when granting property to their heirs had, as established in numerous documents, given them the prerogative to be "entirely arbitrary in the disposition of property and the naming of house heads."¹⁰² In essence, although Tameyasu had the legal right to dispute the document, there was little hope for success given the document itself, which served as direct evidence against him.

What can we learn from this lengthy dispute? The very nature of the arguments here is centered upon the legitimacy provided by the possession of an individual document, which could very easily make or break the capacity of any of these individuals

¹⁰¹ John C. Hall, *Japanese Feudal Law*, pp. 32-33.

¹⁰² Jeffrey P. Mass, *Lordship and Inheritance in Early Medieval Japan*, p. 71.

to enjoy primary status within the family. Forgery issues became increasingly common in the latter portion of the Kamakura period, as desperation drove secondary heirs and others who would otherwise gain little to no land from their parents to claim forgery as a last-ditch effort at establishing their own property lines, and this was just such a case.¹⁰³ Had the Bakufu ruled that the document was forged, a serious crime, the livelihood of not only the main heir Shakua, but her mother and Tadayoshi's widow Ren'a could have been practically wiped out as punishment. As article 15 of the Goseibai Shikimoku stated, in the case of forgery, "If a Samurai commits the above, his [or her] fief shall be confiscated; if he has no investiture he shall be sent into exile. If one of the lower class commits it, he shall be branded in the face by burning."¹⁰⁴ While it is unlikely that the Bakufu would have given the property to Tameyasu had it been confiscated, due to his own apparent judicial failings, the danger to Shakua was serious. The precedent for protecting against accusations of forgery found in later bequest documents from this property lineage, formulated roughly 50 years later under Morifusa and Senkō, are most likely based on this dispute.

Shakua and the Nakano-Ichikawa Link

By 1272, Shakua had married a member of the Ichikawa family, Ichikawa Shigefusa, and had adopted multiple heirs, including Ichikawa Morifusa, who would be

¹⁰³ Jeffrey P. Mass, *Lordship and Inheritance in Early Medieval Japan: A Study of the Kamakura Sōryō System*, p. 105. For another case involving forgery, see Appendix A, document # 7.

¹⁰⁴ John C. Hall, *Japanese Feudal Law*, p. 27.

designated as her main heir. It is unclear how Shigefusa and Morifusa were related, although based on the naming practices of the family and the presence of the “*fusa*” (房) character in each of their names, it is apparent that he was Shigefusa’s son from another woman, or an adoptee in the Ichikawa family in the care of Shigefusa. In 1272, Shakua established a bequest document that granted Morifusa the original family documents and the associated estates and duties.¹⁰⁵ Shakua, having secured her position as main heir, certified by the Bakufu and her mother, enjoyed security in her holding of her late father’s lands as well as holdings from her mother. However, when she attempted to pass the holdings on to Morifusa, the transfer did not go smoothly. Following Shakua’s death, her adopted brother Nakayoshi, who was still alive, filed suit against Morifusa in 1276, claiming that the boundaries between the Northern and Southern holdings in Nakano had been crossed, and that Morifusa was encroaching on upland fields, mountain lands, and a hunting residence in the Northern half, which was not his.¹⁰⁶ Two years later, Shakua’s mother, Ren’a, along with Nakayoshi, filed suit against Morifusa as well, attempting to reclaim her lands and those of her late husband from Morifusa.¹⁰⁷ Shigefusa helped to represent Morifusa in the suit.

In effect, the bulk of the property once held by Shakua’s grandfather, patriarch Yoshinari, was now being passed to an adopted son from the Ichikawa lineage. Yet there

¹⁰⁵ Bun’ei 9 (1272).8.18 *Ama Shakua Amidabutsu yuzurijō* (KI, 15:11547; SNS, 4, pp. 287-288).

¹⁰⁶ Undated (1276?) *Nakano Nakayoshi gonjōjō* (KI, 13: 9286; SNS, 4, pp. 293-294). See also Bun’ei 11(1276).6.15 *Kanto mikyōsho* (KI, 15:11671; SNS, 4, pp. 294-296) and Undated (1276/1291?) *Nakano Nakayoshi jyūshinjō* (KI, 23:17481, SNS, 4, pp. 295-296).for expansion on the boundary issue. The possible date of the final document in the sequence is unclear.

¹⁰⁷ Kōan 1 (1278).9.7 *Kanto gechijō* (KI, 17:13170; SNS, 4 pp. 311-316) .

were debates over the legality of this action. In her bequest, Shakua had given Morifusa lands that originated from both her father and mother's lines, and Ren'a and Nakayoshi attempted to claim all of these. Interestingly, here we have two adoptees, neither related by blood to the family that they would come to represent, fighting for what essentially constituted family headship. Consequently, the avenue of assaulting Morifusa's credibility as an adopted child, as we saw utilized in CHAPTER II, was not open to Nakayoshi.¹⁰⁸

Using her rights as an original donor of property, Ren'a, Tadayoshi's widow, attempted to support Nakayoshi in his claim, and lands that were originally hers were redistributed to him without protest from Shigefusa, who acknowledged her right to do so. However, in the spirit of separate parental lines of property, the larger share of holdings that had belonged to Tadayoshi and been alienated to Shakua were deemed hers to pass on as she pleased. Nakayoshi's claims over Tadayoshi's lands beyond the secondary portions originally granted to him were not upheld by the Bakufu. As Ren'a had maintained separate property from Tadayoshi, Shakua's designated heir, Morifusa, retained the property of Shakua's late father, his adoptive grandfather, and thus the majority of the property of the lineage. The maintained legal division of the husband and wife's property lines, in this case those of Tadayoshi and Ren'a, even two generations after the husband's death, is a striking example of the strict codification of inheritance law, and the dedication the Bakufu had to upholding the rule of law and impartiality that simultaneously legitimized it and reiterated its authority in defining the parameters of

¹⁰⁸ See Appendix A, Document #3.

such essential matters of succession. These parameters of divided property lines had been followed correctly by both Tadayoshi and Shakua in the transference of his property, and although his widow, Ren'a, remained alive, her claims to bequeath rights over Tadayoshi's lands were ultimately deemed illegitimate.¹⁰⁹ The power and flexibility of inheritance prerogatives, and the strict adherence to legal parameters are once again mirrored in this example.

As we have already learned, often times lands were passed on prior to the death of the benefactor, and there is no direct indication as to whether Shakua was alive, dead, sick, or healthy at the time of the official confirmation of the conveyance of lands in 1274. Although my sense is that she was either ailing or had already passed on by that time. It would seem that had Shakua been alive when she granted Morifusa the lands, her presence alone as a retired benefactor would have protected him from legal assault. It is likely that Morifusa learned a valuable lesson from this lawsuit, as in his bequest it appears that he may have planned on passing lands early enough that he would have been around to support his own inheritance outline.

The property that Morifusa had retained following the suit from his adoptive uncle and grandmother included the *jitō-shiki* in Hirabayashi, a part of the Shikumi district of Shinano, and a residential compound and lands in Western Nakano.¹¹⁰ The property that had been successfully reclaimed from Morifusa by Ren'a, constituting her original holdings given to Shakua, included paddy lands in Nakano and property around

¹⁰⁹ Kōan 1 (1278).9.7 *Kanto gechijō* (KI, 17:13170; SNS, 4 pp. 311-317) .

¹¹⁰ Bun'ei 11 (1274).2.20 *Shōgun-ke mandokoro kudashibumi* (KI, 15:11547; SNS, 4, pp. 290-291).

Yuyama in Shikumi.¹¹¹ Their revocation was in accordance with the legal precedent of parental rights, effective even after the Bakufu confirmed the transfer.

Having been at least partially successful in the defense against the legal assault by his adoptive grandmother and (adopted) adoptive uncle, Morifusa began his period as *sōryō*, a defining period for the lineage which would come to greatly impact the way in which the property of the family was transmitted.

The “Morifusa Period”

Having defended the property gained in Shakua’s bequest, the main property line shifted from the Nakano to the Ichikawa surname. The perceived significance of this shift is unknown, and members of the Nakano would continue to appear in Ichikawa documents well after Morifusa’s death, but from this period on they were secondary figures in the family. However, the lands of Ren’a stayed in the Nakano line, and the extended Nakano branch family would continue to conflict with the Ichikawa over neighboring lands in the future. Ichikawa Morifusa, having gained a significant portion of the landed and titular wealth of his adoptive great-grandfather, Nakano Yoshinari, proceeded to marry and establish his own family line. Having no less than four sons and four daughters, one might expect that the family would have faced even more turbulent times in the future, yet there were multiple factors that led to an uncharacteristically stable period of internal family relations. The full reality of this phenomenon will be

¹¹¹ Kōan 1 (1278).9.7 *Kantō gechijō* (KI, 17:13170; SNS, 4, pp. 311-317).

explored later, but we can begin here with one of the main factors that may have led to the internal stability of the Ichikawa family.

Morifusa, having gained his lands from his adoptive mother Shakua in 1274 and successfully defended his claims thereafter, would continue to hold headship over the family until passing the position on over 47 years later, in the year 1321. This period of headship by an individual family member is remarkable. While the year of Morifusa's death is unknown we can infer from his multiple bequest documents, each dated Genkō (元亨) 1, or 1321, that Morifusa controlled family affairs until then.¹¹² We know concretely that Morifusa had died by the year 1329, when his widow issued her bequest, but the exact time of his death between these two documents is unknown. Based on a document from 1327, in which Morifusa's deputy performed legal duties in his stead, we know that he lived significantly beyond the date of his bequest.¹¹³ This means that Morifusa was in control of the family's affairs for between 47 and 55 years, although I suspect it is likely he ceded his rights as head relatively soon after his bequests were written, as the property was officially transferred and confirmed within two years. Based on the dates of the bequest and the subsequent Bakufu confirmation, a conservative time frame puts Morifusa's active headship at 47-49 years in length.

One characteristic of the "Morifusa period" in the Ichikawa record is a relative dearth of surviving documentation, which indicates that few familial land disputes

¹¹² Genkō 1 (1321).10.24 *Morifusa yuzurijō* (*KI*, 36: 27885-27887; *SNS*, 5, pp. 20-24) see Appendix B for full translations of all three portions of Morifusa's bequest.

¹¹³ Karyaku 2 (1327).10.8 *Kamakura Bakufu hikitsuke tōnin hōsho* (*SNS*, 5, pp. 66-67). This document does not appear in the *Kamakura Ibun*.

requiring legal inquiry and attention erupted during this time. While one might ask whether or not documents from this period may have been lost through the course of history, given the intact nature of the surrounding periods in the Nakano and Ichikawa document collections, and of other records from Shinano *kuni* at the time, this seems unlikely. More likely, I would argue, is that this lack of documents can be interpreted in its own right as a signal that these were peaceful years, both internally and externally, for the Ichikawa family. Moreover, it was typical that in the years of stable headship disputes were uncommon in general. Thus, a period of internal calm characterizes Morifusa's time as *sōryō*.

From the period Morifusa gained his lands in Bun'ei 11 (1274) to the period of his bequest in Genkō 1 (1321), a total of only 10 documents involving Morifusa and his family appear in the *Shinano Shiryō*. Excluding the first three from the year Morifusa received his inheritance, and the last three which are his bequest documents, only a few documents remain from the 47 year period of his headship. The sheer lack of family documents is an indicator that this was a period of relative calm for the family. Of the outstanding documents, one from 1278, two from 1300, and one from 1302, only the first deals with an internal inheritance dispute, already discussed above and directed at Morifusa's receipt of land from Shakua and the legacy of her grandfather Yoshinari.¹¹⁴ Following the initial failed dispute by Nakayoshi, a relatively low number of documents appear compared to the apparent average for the family. Of course, based on their inability to do so during the life of their predecessor, there are no disputes from

¹¹⁴Kōan 1 (1278).9.7 *Kantō gechijō* (KI, 17:13170; SNS, 4, pp. 311-317).

Morifusa's heirs or potential heirs during this period. Furthermore, only a few conflicts from outside the family arise during Morifusa's 47 year tenure.

Although not expressly the concern of this study, during the 1290's extended disputes between the heirs of Ren'a would also arise. Conflict between her adopted son with Tadayoshi, Nakayoshi, and a new adoptee of her own, Odagiri Sanemichi, erupted in 1290.¹¹⁵ The two Ichikawa documents from 1300 deal with disputes between the Ichikawa and their Nakano neighbors on annual tax issues of a particular fief, and the document from 1302 deals with that suit as well.¹¹⁶ This dispute was between Morifusa and his fellow adopted brother under Shakua, Nakano Yukishige. Based on the naming practices of the lineage, Yukishige may be the grandson of Mitsunari, the disinherited son of Yoshinari. Regardless, the award in this case went to Morifusa. However, the determined compensation was not paid by Yukishige, who died soon after the decision. The document from 1302 is the subsequent legal decision that the tax payments were to become the legal responsibility of En'a, Yukishige's wife.¹¹⁷ The issue of compensation from the Nakano branch under Yukishige for outstanding taxes would be a longstanding problem for the Ichikawa, and would re-emerge 30 years later under Morifusa's heir, Sukefusa. This will be taken up later on, but these protracted disputes highlight the

¹¹⁵Shōō 3 (1291).11.17 *Kantō gechijō* (KI, 23:17480). See Appendix B for a full translation. The edition of the *Shinano Shiryō* I was using had a publication error which caused the omission of this document.

¹¹⁶ These documents appear in (SNS, 4, pp. 490-493, 498-499, and 515-516).

¹¹⁷The 1300 documents appear in (SNS, 4, pp. 490-491 and 498). The 1302 document appears on pp. 515-516.

continuing turmoil experienced between Nakano and Ichikawa branches of the property lineage after the passing of Shakua.

Based on the lack of recorded internal Ichikawa dispute documents after 1278, it would seem that the presence of an extremely long-termed family head was a factor that muted family conflict, the significance of which should not be overlooked. Morifusa had confirmed, legally validated property and had no internal disputes with his children. Based on his experiences under the Nakano household, where dispute seemed ubiquitous, personal motivations of Morifusa in avoiding such problems may have arisen. We cannot know his exact feelings, but in his record, the avoidance of conflict through the simplification of inheritance structure becomes evident. He did not adopt heirs or bequeath to anyone but his own children, he was monogamous (i.e. he had no children by a woman other than his wife), and he took proactive steps towards avoiding confusion and conflict between his heirs.

How unusually long was Morifusa's period of headship? In comparison to his predecessors, it was a substantial difference. Shakua, for example, received her lands only 7 years before passing it on to Morifusa. Her predecessor, Tadayoshi, held onto the bulk of the family property for about 15 years. For Morifusa to have held the family lands for no less than 47 years is an exceptional deviation from the previous generations. The following chart in Figure 3.2 provides a visual comparison of the longevity of the headship of the major figures of the family. We will learn more about Morifusa's successor, Sukefusa, in the next chapter.

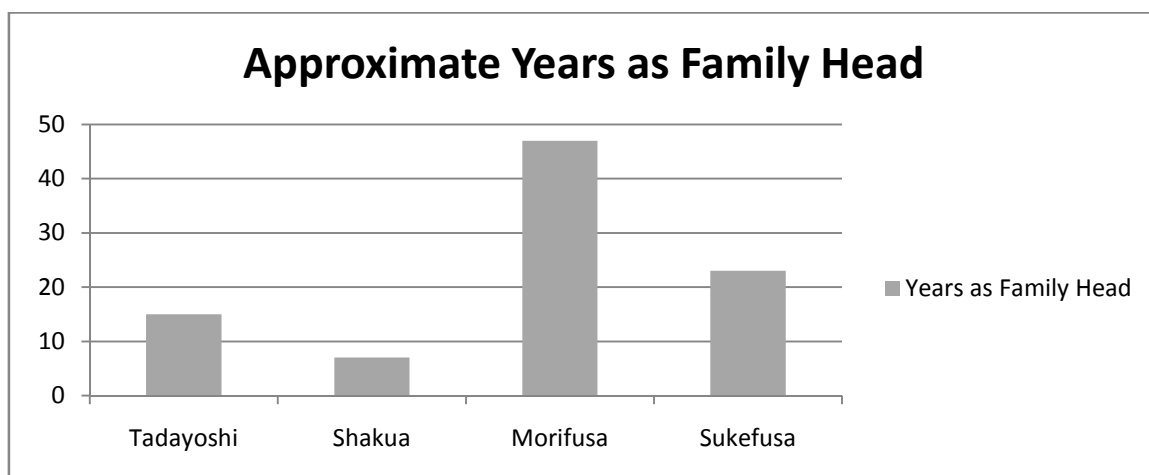


Figure 3.2. Comparative Lengths of Ichikawa/Nakano Family Headship

Morifusa's longevity was an important facilitating factor that enabled his successors to maintain relative familial stability. However, other factors were also at work. This will become apparent as we study his designation of succession and that of his wife, Senkō; in the next section we will explore the details and implications of several bequests through which Morifusa sought to provide for the future of the family.

Part 2: Morifusa and Senkō's Bequest Documents

Rather than moving through these documents in a linear manner in the order of their original clauses, for the sake of fluidity I have condensed them thematically and broken them into sections based on those themes to increase their accessibility.¹¹⁸ These

¹¹⁸ Morifusa left behind 3 bequest documents in the year 1321 (Genkō 1), all dated the 24th of the 10th month. These documents constitute a set of bequests submitted and created together, and should be read and interpreted together in order to understand the framework Morifusa had designed for his heirs. All three of these documents appear in full translation in Appendix B, but will also be explained in detail here. The order of these documents is not standard, and they appear in different orders in the *Kamakura Ibun* and the *Shinano Shiryō*. Consequently, the order in which I have placed these documents within the appendix

include *sōryō* inheritance, Morifusa's general stipulations, taxation guidelines, and personal belongings/heirlooms. Let us examine Morifusa's bequest based on these categories.

Morifusa's 1321 Bequest: *Sōryō* Inheritance

While Morifusa had eight children, four males and four females, his bequests deal almost exclusively with his male heirs as beneficiaries. His sons, Sukefusa (Rokurō, 六郎), Hachirō (八郎), Tomofusa (Kurō, 九郎), and Tsunesuke (Jurō, 十郎) are the primary recipients. Additionally, his wife, Senkō is mentioned frequently as an executor of his estate and caretaker of his legacy. Of the four daughters who appear in Senkō's later bequest, only one, the Ōita Daughter (大井田女子) is mentioned in Morifusa's bequest documents. Her inclusion is directly related to her status as the mother of Morifusa's grandson Tsugirōtarō (次郎太郎), and Morifusa is granting them use of living quarters, not permanent property.¹¹⁹ Based on this, the exclusion of other daughters likely indicates that they were not yet parents themselves.

should not be taken as the order in which Morifusa may have originally intended them to be read. Of the three documents, the first in the appendix addresses his son and main heir Sukefusa (助房), as well as the family at large. The second document is the largest of the three, and deals with Sukefusa and his other sons and daughters, familial public duties, heirlooms, and stipulations on lineage planning. The third is addressed to one of the daughters, who may have been considered Morifusa's main daughter (labeled as "The Ōita Daughter" - 大井田女子), and whom had a male child of her own when Morifusa passed on his property.

¹¹⁹ Genkō 1 (1321).10.24 *Morifusa yuzurijō* (KI, 36: 27887; SNS, 5, p. 22).

Sukefusa was given the title of *sōryō* and the generations of *on-kudashibumi* and other documents.¹²⁰ The importance of this type of document was discussed earlier in the legacy of the family (as was handed down from Yoshinari to Tadayoshi), but it should be reiterated here that this was their most valuable possession. The possession of these documents in themselves was a legitimizing factor for the family head, and would have allowed him to trace the landed lineage of the family back through time.

Although more of the *sōryō*'s duties and the restrictions thereupon will be illuminated by the next three sections, it should be made clear that Morifusa's grant of the *sōryō* post, while a short clause in the full scope of the will itself, was in fact by far the most significant of the inheritances granted. The family had not yet adopted strictly unified inheritance practices, as we will see, but the trunk line of the family was by this generation very well defined and separate from that of the other siblings. While other sons and daughters were given land and land use rights that were sufficient to live on, and several of the secondary sons received substantial property, Sukefusa had clearly been given the bulk of the family property and titles and the prerogatives of authority that came with them.¹²¹

¹²⁰ Genkō 1 (1321).10.24 *Morifusa yuzurijō* (KI, 36: 27886; SNS, 5, pp.20-22). The *Shinano Shiryō* version of this document should be consulted, as the *Kamakura Ibun* contains an editing error that caused the omission of a significant line in the bequest.

¹²¹ The passing of the *jitō* post to Sukefusa is not expressly stated in Morifusa's document, although we can assume that he took on this title as a part of his receipt of the family document holdings. That the *sōryō* title had come to encompass the assumption of the *jitō-shiki* itself speaks to the importance and value of the position within the Ichikawa family hierarchy, yet the authority Sukefusa would enjoy as *sōryō* was not unqualified, as we shall see.

Morifusa's 1321 Bequest: General Stipulations

Morifusa's bequest contains a number of points that set some basic parameters on his expectations from his sons, including the new *sōryō*. One of these points deals with the physical boundaries of the estates being granted to them. This section states that the boundaries of property on or near Akiyama (秋山) had never been formally established, and that to establish them at that point would be difficult.¹²² A plot on Koakazawa was reserved for Tsunesuke, and the rest was divided among all of the brothers. Morifusa detailed his expectations for his sons. He stated that there should not be quarrels over the taking of lumber from this area of the family holdings, and that efforts to alter the parameters of the original holdings in this region would be considered un-filial behavior (and therefore endanger the holdings of those who attempted to do so). Morifusa also stated that this element of his current bequest document should be reflected in future documents relating to this area.

Morifusa's goal with this clause was likely to set clear limits on the level of dispute that could arise from what seems to have been a historically poorly divided area of landholdings. The area in question had been held for multiple generations without formal dividing lines, and the issue Morifusa was attempting to preempt was that the sons might attempt to accumulate lands by bending the informal division of this plot to their advantage. This clause made any attempt to do so a legally dangerous one for his heirs.

¹²² Genkō 1 (1321).10.24 *Morifusa Yuzurijō* (KI, 36: 27886; SNS, 5, pp.20-22). Once again, see the *Shinano Shiryō* version rather than the erroneous *Kamakura Ibun* copy.

The next point addresses an estate in Western Nakano that was already or would be inhabited by someone referred to as Nakano Saburō (中野三郎) who had taken Buddhist vows and retired.¹²³ Who exactly this “Saburō” was remains somewhat unclear. It appears that a member of the Nakano line had been allowed to reside in this residence in the pursuit of Buddhist learning, possibly a retired elder from one of the branch lines of the family from before the adoption of Morifusa by Shakua. Morifusa was clearly not giving the man this residence, and it is stated that this was a lifetime bequest, after which the house would revert to Tomofusa or his heirs. Such clauses of inheritance reversion would be used extensively by Morifusa and his widow as an effective means of pre-empting dispute over given estates and holdings.

Another point along this line declared that the house Morifusa inhabited in his retirement from lay-life should be passed on to Tomofusa upon Morifusa’s death.¹²⁴ As we have already learned, it appears that Morifusa was in fact merely retiring as family head, rather than passing on his lands in response to the expectation of proximate death. The lands he allotted for his use were to be given to Tomofusa within three years regardless of what happened to Morifusa. Morifusa’s bequest is difficult to interpret here, as the exact nature of this clause, which would have been abundantly clear to the family at the time it was written, is not as clear from our perspective, 700 years removed from the dissemination of the bequest. It is quite possible that, after nearly fifty years in his managerial position, Morifusa had simply grown tired of dealing with the stresses of this

¹²³ Genkō 1 (1321).10.24 *Morifusa Yuzurijō* (KI, 36: 27886; SNS, 5, pp.20-22).

¹²⁴ Genkō 1 (1321).10.24 *Morifusa Yuzurijō* (KI, 36: 27885; SNS, 5, pp.23-24).

status, and sought relaxation in his old age. This was a common reason why people chose to leave lay life. It is difficult to determine whether or not this clause in his bequest is truly self-referential or not. However, the clause is explicit about the intention that Tomofusa should get the property; it directly excludes other siblings from trying to take over this estate.

Morifusa also bans the transfer of bequeathed properties to outsiders, a practice sometimes employed to combat the deterioration of family wealth.¹²⁵ Morifusa states that if land has been passed to outsiders or attempts to do so were made, then the possessions in question should be divided among the children and grandchildren of the family in accordance both with the precedent of his bequest (i.e. along the general lines of distribution he was applying) and based on their mother's judgment. These statements are important for two reasons; first, they established a standard of inheritance that kept family property consolidated within the lineage, and second, the authority of the mother to act in Morifusa's stead was reaffirmed.

Morifusa's 1321 Bequest: Taxation Outline

In perhaps the most interesting portion of any of the three bequest documents, in assigning tax duties for large and small public services or levies, Morifusa stated that Sukefusa, as *sōryō*, should delegate these duties to the rest of the family. However, Morifusa went beyond a simple statement of principle and provided Sukefusa and the co-heirs with a concrete guideline of what the balance of such duties should be for each heir.

¹²⁵ Genkō 1 (1321).10.24 *Morifusa Yuzurijō* (KI, 36: 27885; SNS, 5, pp.23-24).

In doing so, Morifusa provides us with clues as to the relative wealth and status within the family of each of his heirs. Morifusa then went on to state that the labor involved in delivering and storing tax goods should also follow this ratio. The bequest uses the *kanmon* (貫文) currency system, based on copper coins, or *mon*, imported from China. Such coins were used as common currency with varying popularity throughout the Kamakura period.¹²⁶ When one *kanmon* (the equivalency of 1000 copper coins) worth of tax or duty was owed for yearly levies on property in Shikumi, Morifusa stated that the heirs should pay as follows in Figure 3.3.¹²⁷

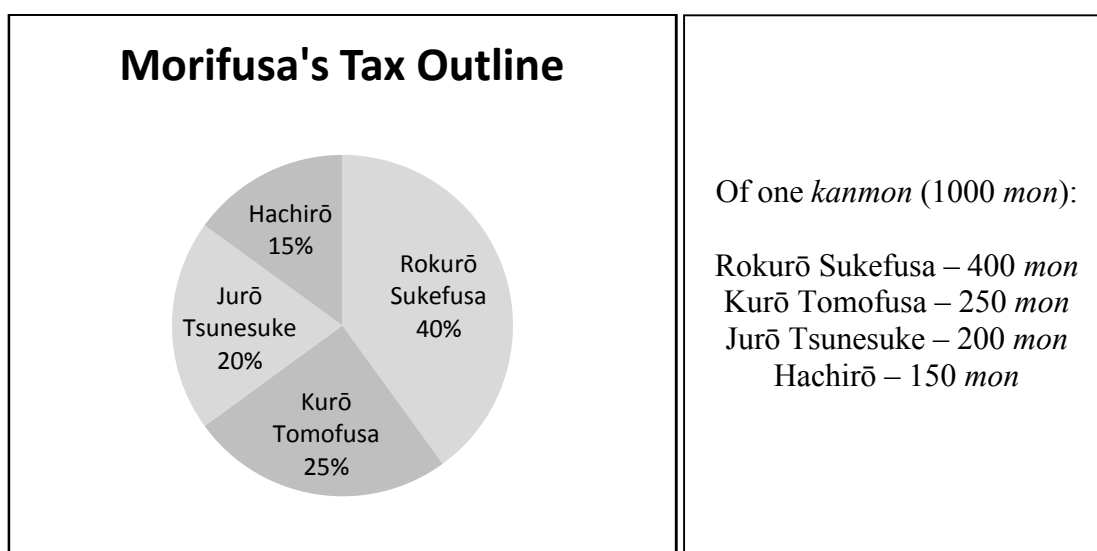


Figure 3.3. Morifusa's Tax Outline

Morifusa had granted Sukefusa the right and responsibility to handle levying duties, but had set a rigid guideline for the balance between heirs in such matters. The amount due from a given party was a fixed proportion of the whole, restricting the

¹²⁶ Ethan Segal, *Awash with Coins: The Spread of Money in Early Medieval Japan*.

¹²⁷ Genkō 1 (1321).10.24 *Morifusa Yuzurijō* (KI, 36: 27885; SNS, 5, pp.23-24).

capacity of the *sōryō* to encroach financially on his siblings by manipulating his authority as the family tax collector.

Morifusa's 1321 Bequest: Heirlooms and Personal Property

Morifusa's second bequest document deals with, among other things, the distribution of his personal belongings and family heirlooms. Regarding his miscellaneous personal belongings, Morifusa left distribution to the discretion of his wife, once again highlighting their marriage bond. The only possessions Morifusa specifically bequeathed to his sons were the family sets of armor. Armor was extremely expensive; according to Thomas Conlan, a single set could take between ten months and two years to craft, with the best sets crafted by skilled leatherworkers/armor-smiths in Kyoto.¹²⁸ Further, armor was the most visible symbol of membership in the warrior class, making the ownership and passage of armor a highly valued symbol of status and wealth. Sukefusa was given a set of "cherry" (*sakura*) armor (*yoroi*, 鎧), likely indicative of its color rather than material composition. *Yoroi* armor would have consisted of a "boxy cuirass wrapped around the left, front and back of the wearer's chest, while a separate piece, called the *waidate*, protected his right side."¹²⁹

As he was *sōryō* and this set is listed first, it is safe to assume that this was the set used by Morifusa, and the most treasured or valuable of the sets of armors handed down. We don't know why Morifusa would have several sets of armor, whether they were all

¹²⁸ Thomas Conlan, *State of War: The Violent Order of Fourteenth Century Japan*, pp. 86-87.

¹²⁹ Karl Friday, *Samurai, Warfare, and the State in Early Medieval Japan*, pp. 91-92.

his own, whether they came from his father from the Ichikawa line, or even from preceding Nakano heads Tadayoshi. It is clear that Morifusa had a substantial collection of various types of armor. A “pine bark” (again, likely referential to the color) chest protector (*haramaki*) and armor set (*yoroi*) was given to Hachirō. A *haramaki* "was designed as a single piece that wrapped around the wearer's chest and back and overlapped under the right arm, eliminating the *waidate*.”¹³⁰ Tomofusa was given a set of “cherry” (*sakura*) armor. Other armor, of which no precise amount was listed, was to be distributed by the discretion of the mother. Interestingly, this detailed listing only granted armor to 3 of the 4 sons. However, given that Tsunesuke, the son not given armor here, was expected to pay higher taxes than Hachiro, who received a chest guard and armor set, and that there are “other armors” listed that Morifusa did not feel the need to directly bequeath, it seems likely that Tsunesuke already had adequate armor either from a different source or from an earlier transfer from Morifusa.¹³¹ Quite coincidentally, within a few short years the members of the family would have occasion to put their armor to its intended use, and one can well imagine that their possession of fine sets would mark them out as warriors of stature in the turbulent decades that were to follow.

Analysis: Morifusa’s Bequest

Morifusa, with these documents, made a number of clear provisions for his heirs to follow. He set limits on their ability to dispute lands; affirmed the authority of his main

¹³⁰ Ibid., pp. 94-95.

¹³¹ Genkō 1 (1321).10.24 *Morifusa Yuzurijō* (*KI*, 36: 27885; *SNS*, 5, pp.23-24).

heir; and granted him the documents primary to his position as *sōryō*. He set standards for communal duties and the repayment of debts for the next generation. He also dealt with the specific allocation of lands, tax duties, heirlooms, and further matters of public service and the repayment of debts. Throughout these documents we note meticulous attention to curbing potential disputes. Morifusa's utilization of a variety of succession techniques is impressive, and he had clearly studied the previous family documents in detail during his lengthy term as family head, recognizing common issues and searching for means of smoothing the transition from one generation to the next. Furthermore, his reliance on his widow in resolving unseen issues and in handling routine matters outside of the scope of the will indicates a strong bond between Morifusa and Senkō that will become more apparent when we examine her bequest document presently.

Morifusa's motivations for working towards familial stability may be based on his understanding of the previous generations of the property lineage. During his period as family head, Morifusa would have had ample time to inspect the most destructive elements of familial disputes as they appeared in the Nakano documents he had inherited. Moreover, he had personally experienced disputes which put at risk his property lineage and caused extreme stress on the Nakano house from which his property had drawn. His decision to employ more concrete terms in his own bequests probably resulted from his understanding of such conflicts in his own experiences and in prior cases in the family history. In determining his own legacy, Morifusa sought to avoid such disharmonious and destructive elements. Efforts by Morifusa to maintain order among his descendants by drafting these particularly detailed and structured bequests appear to have been largely

successful. In the years following Morifusa's bequest, there appears to be no record of any disputes from within the immediate family.

While Morifusa's bequest document is certainly an extraordinary example of family planning, it is important to assess whether or not his ideas were unique in order to understand the nature of his decisions as an example familial headship. In reality, Morifusa had not broken any new ground with his bequests, but had rather employed a particularly substantial number of the tools of succession available to all benefactors in a particularly rigorous and calculated manner. In documents throughout the period, similar elements to those of Morifusa's bequest exist. In document #8 from CHAPTER II, we saw the utilization of the precedent of preemptively censuring the passing of property to those outside of the family, including adoptees, in a strikingly similar example to one of Morifusa's stipulations.¹³² Morifusa's taxation/public service division outline, which gave percentage guidelines for his heirs, while particularly detailed and not overly common, can also be found in other documents.¹³³ The tradition of allowing the widow or mother to act in the stead of the father was common, and a role the nature of which was solidified in article 24 of the Goseibai Shikimoku itself. It was the combination of these tools of succession and the careful manner in which they were devised by Morifusa that was unique, not the individual parts themselves.

¹³²KI, 36:27574. See Appendix A, Document #8 for a full translation of this document.

¹³³KI, 15:11427. Here we find another example of *onkuji* "public service" division. Interestingly, in this case the family had held onto an *onkuji* document for over 45 years before submitting it to the Bakufu, and the document was confirmed and upheld regardless of the gap between drafting and implementation.

It is certain that a great deal of the responsibility for the internal cohesion of the successive generation lies with Morifusa's will, but there are several other factors that seem to have played equally vital roles. First, and the less definite of these, is the possibility that Morifusa died significantly later than the drafting of his will and redistribution of his properties, and could have remained a vital authority in the family. As we saw in his bequest, he had outlined land for himself to live on for up to three years, which may indicate that, while he was certainly fairly old by this time, he may not have been on the verge of death yet. If he had in fact survived significantly beyond the drafting and submission of his bequest as evidence would suggest, it is safe to assume that his influence on the family would have remained as a bonding force between his sons and daughters. While it is likely his continued presence as a retired head muted conflict between heirs, there is no way to determine from the record available to what extent Morifusa directly influenced the family past the date of his bequest.

The second factor, which we can determine conclusively, was directly responsible for the almost uncharacteristic civility of the Ichikawa siblings. Morifusa's widow, known by her Buddhist name Senkō (listed as Amasenkō – literally “nun Senko”), drafted her bequest a full eight years after Morifusa, in 1329.¹³⁴ Her presence as Morifusa's widow, and the family matriarch, would certainly have acted as strong factor in the maintenance of order among the Ichikawa children. Acting in the traditional *goke*

¹³⁴ Karyaku 4 (1329).6.23 *Ama Senkō yuzurijō* (KI, 39:30641; SNS, 5, pp. 86-88). See Appendix B for full translation. The *Kamakura Ibun* also lists a copy (*an*) of this document significantly earlier from Shōō 4 (1292).6.23, (KI, 23:17634), but this would seem to be an error in the dating of the document, possibly by its creators, as the month, day, and contents are the same. Furthermore, the facts of the document are incongruous with this earlier date. We can conclusively rule the accuracy of the early date due to the confirmation of the passage of the *sōryō* post to Sukefusa it contains, which did not occur until 1321.

role, and to our knowledge not having remarried or gone against Morifusa's wishes, Senkō retained significant authority over her children even after her son Sukefusa was granted the *sōryō* post. This authority was not only intrinsic to her role as *goke*, but was also bolstered by Morifusa's clauses on her capacity as an arbitrator between sons when conflict arose among them, and of her other various capacities including the designation of Morifusa's personal property (aside from the armors he bequeathed specifically). In a sense, what had been developed by Morifusa and Senkō as a bridge to the next generation was a binary base of familial power. Sukefusa, as the new *sōryō*, held the majority of the family possessions and its legitimizing documents, yet Senkō had the ability to intervene if he and one of his siblings entered into a dispute. Rather than being capable of bullying his brothers and sisters and encroaching on their possessions as the new de facto family head, Sukefusa's first eight years as *sōryō* came with significant checks on his authority. None of the surviving evidence indicates dispute between Morifusa's children, and while this may be a testament to his success in family planning, it is equally likely that Senkō's presence muted any potential conflict before it reached a level of documented legal confrontation. Her position served as another motivating factor in burying internal feuds and establishing a new level of family-branch stability. Thus, along with the strengthening marriage bond came cohesion among siblings in such cases as that of the Ichikawa.

However, the potential authority of the widow in solving matters between her children should not be seen as conflicting with the theoretical headship of the *sōryō*. In matters of daily authority and familial leadership, Sukefusa would have almost certainly

have acted independent of his mother. Her capacity to intervene in matters otherwise routinely carried out by the *sōryō* in every clause stems directly from conflict, and in the absence of such conflict the matters of family administration had been explicitly passed to her son. Additionally, parents in general were accorded great respect in both legal and social terms, as we have already learned. Demonstrated clearly in the Ichikawa example of the *sōryō* title is the flexibility with which it could be employed.

As stated earlier, the decision to employ the *sōryō* post, and more importantly what weight to assign to it, was a non-uniform practice. The *sōryō-shiki*, as Jeffrey Mass explained, had “upward or downward” potential through generations, and was largely defined by “the particular mix of same-generation relatives acted upon by the degree of restrictiveness of senior-generation inheritance strategies.”¹³⁵ In some families, as is typically characterized, the *sōryō* was indisputable the family head, exercising power over his siblings and members of branch lineages. In other families, the *sōryō* might have been less powerful, following the orders of his benefactors and acting more like a familial intermediary than as a chieftain. Ichikawa Sukefusa’s authority appears to have been placed somewhere between these two extremes, at least until the death of his mother. The Ichikawa provide one possible permutation on a “system” that was flexible.

Beyond the direct reality of her presence as a barrier to the abuse of headship authority, Senkō and her bond to Morifusa seems particularly strong, based on the well-integrated nature of his bequest of 1321 and her own nearly eight years later. For the

¹³⁵ Jeffrey P. Mass, *Lordship and Inheritance in Early Medieval Japan: A Study of the Kamakura Sōryō System*, p. 108.

Ichikawa, marriage had seemingly become a more formal and solid bond than that characterized by some earlier cases and the Goseibai Shikimoku. In the case of the Ichikawa, the same document that rigidly outlined the lands, houses and associated taxation duties of each son, the most critical elements of inheritance, also left the ultimate capacity to resolve problems with their mother, a woman clearly trusted by Morifusa as a caretaker and partner in the family. That his widow was able to hold such strong authority over his heirs represents a significantly different conception of marriage by Morifusa and Senkō than had been predominant 100 years earlier. In order to understand the bond between Morifusa and Senkō, we must investigate her bequest document, and how it is integrated with that of her late husband.

Senkō's 1329 Bequest

Senkō's bequest of 1329 is shorter than her husband's, but takes into account more heirs, including four sons, four daughters, and what appears to be an adopted son.¹³⁶ Whereas Morifusa's patriarchal bequest only addressed sons and the direct transmission of land itself, Senkō's document as his widow also included their daughters, and covered their rights to usage of family lands.¹³⁷ Nonetheless, her goals and those of her husband appear to be very well integrated with one another, and she upholds what he had bequeathed while adding a number of interesting clauses. These relate largely to land use

¹³⁶ Karyaku 4 (1329).6.23 *Ama Senkō yuzurijō* (KI, 39:30641; SNS, 5, pp. 86-88).

¹³⁷ Jeffrey P. Mass, *Lordship and Inheritance in Early Medieval Japan: A Study of the Kamakura Sōryō System*. pp. 103-105. The tendency for women to pass property on to both male and female heirs, while men often excluded their daughters, is mentioned here.

and the distribution of her property. In her bequest, each child is listed in a separate entry, for a total of nine grants to her children and to the adopted son. The holdings she passed on were stated to have been granted to her by her wet nurse (*uba* - 乳母) called Konanako-Gozen. The bond between Senkō and her wet-nurse appears to have been a particularly intimate relationship.¹³⁸ She passed on a residence and several plots of land in Shikumi, in a place called Kajikazawa. Senkō is herein bequeathing her personal property, as well as delegating of the usage rights of the children in harvesting from family lands.

The initial statement in the document restates Sukefusa's authority as *sōryō* and his rightful possession of the family documents and *on-kudashibumi*. In this document, for the first time in the five generations since Yoshinari, the practice of the unified inheritance of the mother and father's lands was established. The product of an extended monogamous relationship, Morifusa and Senkō established a unified lineage as an extension of their marriage bond. None of the prior generations wherein a mother and father's lands were present (Shakua's following generation was unified, but her children were adopted and no patriarchal bequest was handed to Morifusa) successfully utilized this practice. Ren'a and Tadayoshi's lands, while granted to Shakua during the final seven years of her life, were separated once again soon after her death. Although Ren'a

¹³⁸ Karyaku 4 (1329).6.23 *Ama Senkō yuzurijō* (*KI*, 39:30641; *SNS*, 5, pp. 86-88). Thomas Conlan has noted the strength of the wet nurse relationship, a bond that "was equal to, and sometimes stronger than, kinship ties." See his article "Thicker than Blood: The Social and Political Significance of Wet Nurses in Japan, 950-1330."

initially made Shakua main heir and unified the parental property lines, when the lands were passed to the Ichikawa, this unification was broken.

Yoshinari's main heir, Tadayoshi, did not receive lands from his mother's line in any records I have found. Thus, a shift had occurred wherein the father and mother of Sukefusa had determined him to be their joint successor, giving him the lion's share of each of their holdings, and more significantly, he held these lands successfully and passed them on a shared lineage. Both Morifusa and Senkō also elected to grant property, or at least property rights, to a number of secondary heirs, as we have seen with Morifusa and will examine momentarily in Senkō's bequest document. It is important to recognize that, apart from the decision to unify the property of one benefactor in the lineage, the line of both parents had now been consolidated primarily under one child. As we learned in CHAPTER II, this practice, especially by mothers who might have otherwise been more generous in bequests to daughters than male benefactors, had a decisive impact of the landholdings of daughters, a point noted by Jeffrey P. Mass.¹³⁹ Although almost at the end of the Kamakura period, the transition to what we might term "combined unigeniture" was essentially complete for the Ichikawa. Sukefusa's position as the heir of both Morifusa and Senkō was thus one of practically unparalleled influence in the history of the Nakano/Ichikawa line. This was a major development in the dynamics of succession. We will examine his use of this authority shortly, as well as the impact of the broader

¹³⁹ Jeffrey P. Mass, *Lordship and Inheritance in Early Medieval Japan: A Study of the Kamakura Sōryō System*, p. 104.

impact of political change on his ability to do so, but for now let us continue with Senkō's bequest document and the establishment of Sukefusa's penultimate headship.

After restating Sukefusa's *sōryō* rights, Senkō addressed Hachirō's inheritance, and in the process established a pattern of phraseology reused throughout the remainder of the document in granting lands and land use to each heir. Hachirō was given rights to take 400 "cuts" (*kari* - 刈) from Kajikazawa paddy fields.¹⁴⁰ The specific location from which Hachirō was to take his "cuts" is also listed, and while "in front of the large shrine" may be somewhat difficult to place today, to the family members at the time it is likely that this would have been a clear designator for land use, and likely one they had used before. The use of "cuts" or *kari* to dole out land usage was fairly well established in the Kamakura period, used most predominantly in the Tohoku region of Northeastern Hōnshū, close to, but further north than the Ichikawa lands. *Kari* was a denomination used in the buying and selling of crop commodities, and can be found in documents of sale (*baibaimonjo*, 売買文書). This unit of measure varied by locale and was not uniform.¹⁴¹

In the second half of Hachirō's bequest clause, an extension of this basic form of land use is revealed. Here, instructions are given that make use of a "100 cut rope," presumably a rope used as a measuring tool for binding 100 cuts from the paddies.¹⁴²

¹⁴⁰ Karyaku 4 (1329).6.23 *Ama Senkō yuzurijō* (KI, 39:30641; SNS, 5, pp. 86-88).

¹⁴¹ *Nihon Shi Daijiten – Cyclopedia of Japanese History*, v. 2 p. 432, also has a lengthier definition of the origins of "*kari*" as a unit of measure including information on its use before and after Kamakura.

¹⁴² Karyaku 4 (1329).6.23 *Ama Senkō yuzurijō* (KI, 39:30641; SNS, 5, pp. 86-88). Literally a "*hyaku kari nawa*" is referenced.

Because “cuts” were non-uniform, it would have been prudent for the family to have such a tool of measure, but they also used it in other capacities. In Hachiro’s case, the rope was to be used in 6 *tan* of upland fields (*hatake*, 畠), located to the north of the large shrine, for measuring out his allotted harvest there. Upland fields could have been used for a variety of agricultural purposes, including growing vegetables (leafy greens, radishes, et cetera), and cash crops (such as mulberry for silkworms). The clause does not specify what exactly Hachirō was allowed to take from the upland fields, but it is clear that he was intended to use the “100 cut rope” as a measuring tool for how much he was allowed to harvest. This proprietary measurement for land use is a creative way to ensure that the secondary sons, under the *sōryō*, who presumably would have kept the remaining majority of the produce of these lands, were adequately provided for. Here the combined brilliance of Morifusa and Senkō in creating stable conditions for their heirs begins to fully take shape.

Next in Senkō’s bequest, Kurō (Tomofusa) was given a former Nakano family residence, the name of which appears to be “Utayufu,” but which remains unidentified, and 3 *tan* of paddy fields presumably in the same location. He is also granted the clause that allows him to take the “100 cut rope” to the uplands fields in Kajikazawa, where he is to use the rope to harvest from 5 *tan* of fields that are located above those to be used by Hachirō. It does not appear that Hachirō or Kurō/Tomofusa were being given these lands as possessions, but rather were to harvest a limited amount, based on the measurement of the “100 cut rope,” from these specific areas. Not only is the bequest to them specific about where they should harvest, it also makes sure that they are not each harvesting from

the same part of the uplands North of the “large shrine.” The attention to detail that we first encountered in Morifusa’s bequest is also clearly maintained by Senkō, in a further effort towards creating a foundational bequest, the clarity of which was to be one of its strengths.

Apart from Hachirō and Kurō, none of the other heirs (one son, four daughters, and one presumably adopted son) were given land rights in the *hatake*. However, most were given “cuts” from the paddies in Kajikazawa, and all received some property or income rights. The youngest son, Jurō (Tsunesuke) was given 300 “cuts” from a specific paddy area constructed by someone named “Tonotaimi” in an area of Kajikazawa. Thus, even the paddies from which the “cuts” of Hachirō and Jurō/Tsunesuke were drawn were clearly demarcated. Tsunesuke received the smallest inheritance of the four sons in both his mother and father’s bequests, a fact that would motivate him later in the 1330’s as a warrior seeking compensation for service.

At the end of each of the bequest clauses for Hachirō, Kurō, and Jurō, their bequests were listed as permanent. One of the key differences between the allocations to the sons and daughters was that while all of the sons received their grants as permanent bequests, three of the four daughters gained property only during their lifetimes, as did the presumably adopted son Shikano Matasaburō. Only the “Tsunokawa” daughter was given 200 “cuts” from paddies in Kajikazawa permanently, meaning of the following heirs, only her portion would have been passed on to her own heirs as she saw fit. The “Inoue” and “Hoshinano” daughters received 200 “cuts” each from paddies in Kajikazawa, with the Inoue’s rights being listed as harvested from in front of the large

shrine there. Based on the passage of permanent land use rights to the Tsunokawa daughter, we cannot make a clear distinction between the sons and daughters in their perceived status as heirs by their mother. It is clear that the sons are generally receiving a greater share of lands and land usage than the daughters, but not that they were considered otherwise different than the daughters in terms of their link to the household. In fact, the inheritance of the Hoshinano daughter in particular highlights the connection of female heirs to furthering the structure of the family.

In addition to the “cuts” listed above, Senkō granted the final daughter listed, the “Hoshinano” daughter, two *tan* of paddies in Nakano. This bequest is significant for several reasons. First, it is safe to assume that giving the actual ownership of two *tan* of paddies was more significant than harvesting rights, or “cuts” from such lands, because the actual possession of the lands in question would carry significantly more value than harvesting rights alone. Second, the bequest states that after her lifetime, the Hoshinano daughter was to bequeath these holdings among the children of Kurō (Tomofusa) as she saw fit. She was thus being granted a temporary and limited prerogative over these lands, but an important one nonetheless. Gaining the authority to control which of Kurō’s children gained these lands after her life, the Hoshinano daughter would have had a stronger bond with her nephews and nieces under Kurō, and their motivations in maintaining a filial relationship with their Aunt would have been bolstered significantly. Even at this minute level, a single passage within one clause in a larger bequest was being manipulated by Senkō to establish and maintain family cohesion.

Why other daughters did not gain these prerogatives, or why other son's children are not listed in such a way, are difficult questions to answer. It is possible that the other sons did not yet have children, or that the other daughters had not yet proven themselves in the mother's eyes as potentially trustworthy heirs in the execution of lineage planning, but this remains speculative. An additional insight we can gain from this clause is that by 1329, Kurō/Tomofusa had at least two children.

The last heir mentioned by Senkō, following the grants to her four sons and four daughters, was that of Shikano Matasaburō, who was granted 100 “cuts” that were to revert to the *sōryō* after his death. As I have already stated, I assume that Matasaburō was adopted, likely after the death of Morifusa, and his placement at the end of the document, with the smallest share of all of the beneficiaries, would seem to support this hypothesis. In Figure 3.4 below I have included a chart of the bequest clauses to each of Senkō's heirs. Note that the system of comparison here is not exact: this chart is meant merely as an approximation of the balance of wealth distributed by Senkō in her bequest document. Various elements of the bequest, permanent lands in particular, might be correctly seen as particularly valuable, more so than land usage rights or lifetime bequests.

Analysis: Senkō's Bequest

As Hitomi Tonomura stated, “Women's property rights, unquestioned at first, gradually diminished along with secondary son's rights” as the Kamakura period progressed.¹⁴³ To expand on this somewhat, it was not technically the rights of the

¹⁴³ Hitomi Tonomura, “Sexual Violence Against Women,” p.138.

daughters and secondary sons that had been reduced, as their legal prerogatives over any property they held remained unchanged. Rather, their capacity to take advantage of such rights through the receipt of substantial inheritance had been significantly diminished as they were passed over in favor of a single, typically male heir (although even in the Ichikawa lineage we can find exception to this in the case of Shakua, when no viable, genetic male heir was available and the daughter was preferred to the adopted son). As we can observe in Figure 3.4, the secondary sons in the Ichikawa family received significantly more property and land rights than their sisters, and held it permanently rather than for their lifetime alone, as was the case with all of the daughters other than Tsunokawa.

Senkō's Bequeath Outline

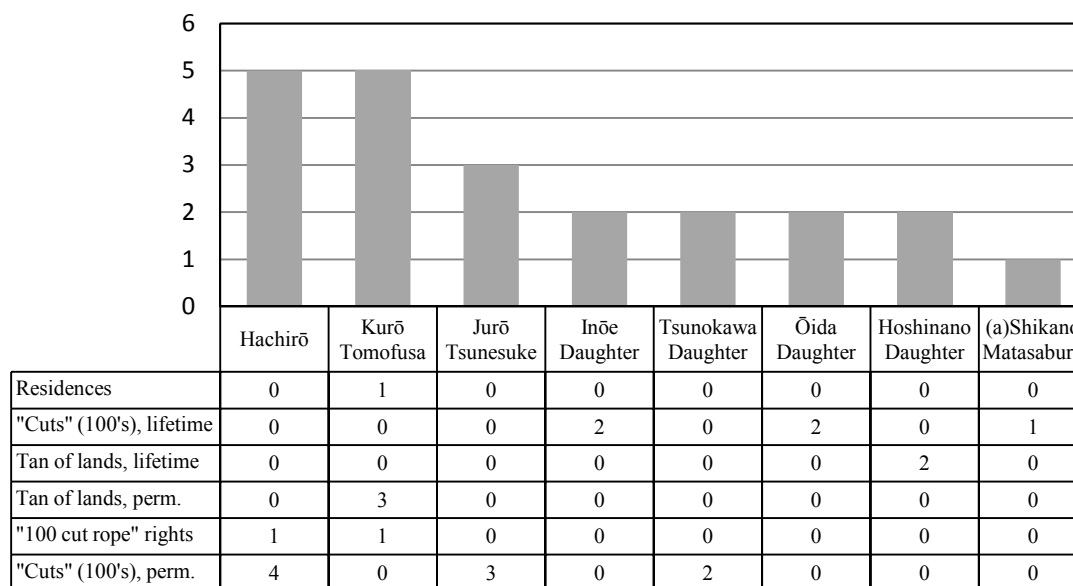


Figure 3.4. Senkō's Bequest Outline

Tomomura has characterized the phenomenon of reduced female inheritance as the “subjugation [of women] to the increasingly male-centered social structure” prevalent in

the late Kamakura period and amplified after its destruction.¹⁴⁴ The reflection in the Ichikawa of this phenomenon, which was covered at length in CHAPTER II, can be characterized as a fairly common development by the time of Senkō's bequest from 1329.¹⁴⁵

After establishing the passage of lands and land usage rights, Senkō also provided expansion on Morifusa's effort to preclude future accusations of forgery or illegitimate documents. Senkō included an explicit statement of the family's documentary policies, including the reasoning behind the use of a single inheritance document rather than the more standard practice of giving separate bequests to each child. Senkō, too, had clearly understood the more problematic elements in the history of the family documents, and here established a strong precedent to prevent issues like that of the 1265 dispute between Shakua and Tameyeasu, in which accusations of forgery were central to the argument of the disgruntled party.

The efforts of Morifusa and Senkō to create a stable legacy were meticulously detailed, and we know them to have been to a large degree successful from an apparent lack of dispute between their sons and daughters. Yet to understand the impact of their

¹⁴⁴ Hitomi Tonomura, "Women and Inheritance in Japan's Early Warrior Society," p. 593.

¹⁴⁵ The general proclivity towards male-based inheritance, which had been the trend in the late Kamakura period, was clearly being employed by the Ichikawa. Along these lines, remember also, that not listed on the chart is the largest share of family wealth of all, that of Rokuro Sukefusa, who had gained headship and presumably held the rights over the lands from which these siblings took their "cuts." Thus, the inheritance of the family was held in the overwhelming majority by males, who would have the capacity to pass their possessions on, while most of the females, having received smaller bequests, typically of harvesting rights rather than actual property holdings, would only hold such rights during their lifetimes. The corresponding dependence on males, either natal family members or husbands, was substantially magnified by the completion of the shift towards a male inheritance bias.

parental efforts, we must step outside of the vacuum of the internal Ichikawa dynamics, and follow the children of Morifusa and Senkō as the tide of history turned.

CHAPTER IV

THE ICHIKAWA IN WARTIME

It is clear that branches of both the Ichikawa and the Nakano maintained significant connections to local authorities in the early 1300's. in 1309, Nakano Nakayoshi, who became heir to Ren'a after she retrieved her property from Morifusa, passed his lands on to his son Ienaka. Confirmation of the transfer came not from the Bakufu, but from the Shinano provincial office.¹⁴⁶ The active functionality of this separate office, under the imperial power structure, is also expressed in a document addressed to Morifusa from the ninth month of 1324, wherein he was referred to, although not by his name (the office is assigning this duty to the “new Ichikawa saemon”), as holding responsibilities relating to a periodic survey of the area of Shinano around his holdings.¹⁴⁷ The mention of a Shinano provincial office in relation to each of these lines not only indicates a level of local stature in the Ichikawa and Nakano lines, but also importantly indicates a connection to central imperial authority well in advance of the fall of the Kamakura Bakufu. This is a vital clue that the Ichikawa and Nakano

¹⁴⁶ See Enkei 2 (1309).4 *Shinano Kuni no Tsukasa chōsen* (KI, 31:23678) for the transfer of Nakayoshi's property and its confirmation by the Shinano office.

¹⁴⁷ Genkyō 4 (1324). *Shinano Kuni Zasshō moshijō* (SNS, v. 5 pp. 53-54). I have been unable to locate this document in the *Kamakura Ibun*.

were well aware of an authority other than the Kamakura Bakufu that was a functional base of power capable of confirming landholdings. Such knowledge of an additional alternative structure of authority is noteworthy given the changes that were to come.

To this point I have not addressed the changes occurring outside of these families in the broader political context. In less than a half-decade from the time of Senkō's bequest in 1329, the political structure upon which the local authority and landholdings of the Ichikawa were dependent and legitimized would crumble, and in the course of less than ten years the allegiance of the Ichikawa would shift more than once. This chapter will be divided into two parts. The first will cover 1329-1339, the second 1339-1350 and onward. These periods are divided based on the currents of Japanese history, and correspond directly with the regime change from Kamakura to Kenmu, and then Kenmu to the Ashikaga.

The turbulence of the early 14th century was more than a backdrop for the Ichikawa family. The sons of Morifusa and Senkō took active roles in several regimes and multiple battles, large and small, which raged across Japan in the years following the fall of the first Bakufu. Following over 100 years of relative peace, their generation of the warrior class, active from the 1330's, entered into a period of unprecedented insecurity. Few warriors remained alive, let alone militarily active, who had fought in the Mongol Invasions, and the concept of sustained warfare had never been a reality for the Japanese. Before we continue with the Ichikawa, some background to the changes Japan was experiencing at this time is required to fully understand their continuing experiences.

There are three primary reasons to demarcate a break in the story of the Ichikawa in the 1330's. They coincide by accident in the case of the Ichikawa, and I must admit that I was unaware of their alignment when I began work on this project. However, the coincidence of three important breaks in the story of the Ichikawa makes their case an excellent example of the immediate impact of societal changes on warriors in general. Second, as we have learned from documents in the previous chapter, was the familial break; only four years before the Bakufu fell, the Ichikawa siblings, with Sukefusa at their head, became the elder generation of their lineage. Third, and perhaps the most significant to the study of the prerogatives of individual warriors, was the social break.

Warriors during the Kenmu (1333-1336) and Nanbokuchō (1336-1392) periods experienced an avenue of social mobility that had been largely closed to them since 1185. Rewards for merit-worthy military service reemerged as a primary means of upward socioeconomic mobility in latter two-thirds of the 14th century. This was a powerful phenomenon that motivated members of the warrior class in the 12th century under imperial and aristocratic rule, and then in rebellion against it. Karl Friday aptly characterized the similarities between the Genpei war and the Nanbokuchō wars as “new wine in old bottles,” the flavor of which might have faded from the palate of the warrior class in the interim century, but with which they quickly gorged themselves in the decades after Go-Daigo's revolution.¹⁴⁸

¹⁴⁸ Karl Friday, *Samurai, Warfare, and the State in Early Medieval Japan*, pp. 128-134.

The Re-Emergence of Warfare

While warriors under Go-Daigo and Ashikaga Takauji fought with multifaceted motivations, the chance of significant rewards for their service provided an impetus for the active participation in military campaigns for individual warriors, family units, and precipitated the formation of larger, extended clans. On the one hand, in stark contrast to the latter decades of the Kamakura period, secondary sons from warrior families found realistic opportunities for significant wealth gain, and the dynamics of unitary inheritance that had become prevalent no longer eclipsed the capacity of secondary sons to hold reasonable independence and forge their own, socially meaningful heredity. On the other hand, for warriors who already held significant lands and titles, the need to fight in order to preserve their holdings quickly became inescapable. Furthermore, the political upheavals of the 1330's renewed the significance of the proper compensation of warriors, and also made more lands available for redistribution to vassals.

The endemic fighting that commenced in the Kenmu era (1333-1336) provided warriors with a significant chance for upward mobility on a scale not extant since the Genpei war. In reality, warfare during this period, contrary to the bold, vast conflicts retold from literary sources, was more frequently a “small-scale, disorganized, individualistic affair.”¹⁴⁹ Such skirmishes provided excellent opportunity for recognition of individual skill, bravery, and valor in battle, which equated to a heightened potential for rewards from military sponsors. This trend is recognizable in records from the

¹⁴⁹ Helen Craig Mcullough, *The Taiheiki: A Chronicle of Medieval Japan*, p. xxxiii.

Ichikawa brothers, and clearly created a capacity for the secondary sons to establish themselves on a level that their familial inheritances had not otherwise provided.

In studying the Ichikawa from this period, a different type of document is frequently available than in previous generations. These documents are military in nature more often than they are based in inheritance records, a sign of the times that permeates the record from all periods of military significance. Thus, in addition to a few disputes from the final days of the Kamakura regime, in this chapter I will be drawing from documents that primarily refer to military service and explanations of matters pertaining to these topics. These are in the form of *gunchūjō*, comprehensive military reports that were often compiled from the battle reports of various individuals as a form of petition for reward for military service, and *chakutōjō*, or reports to duty.¹⁵⁰

In particular, wounds are mentioned as a form of direct proof of not only attendance, but active participation in conflicts, and were seen, quite literally, as badges of honor for their bearers. More importantly, injuries sustained in combat for a lord provided lasting physical proof of service.¹⁵¹ The violence of this period is not to be underestimated, and my reason for consulting military documents here as an almost exclusive source for the further study of the Ichikawa is directly related to their prevalence in relation to other types of documents.

¹⁵⁰ Karl Friday, *Samurai, Warfare, and the State in Early Medieval Japan*, p. 16. These types of military documents range from extensive summarizations of battles or skirmishes, their participants, and individual acts of bravery, to simple and straightforward reports of where and when warriors responded to calls for their service.

¹⁵¹ Andrew Goble, "War and Injury – The Emergence of Wound Medicine in Medieval Japan," pp. 297-298.

The Ichikawa and Regime Change: 1329-1341

In the years following Senkō's bequest, it is quite possible that the times were too turbulent for the Ichikawa heirs to fight amongst one another. Another possibility is that the efforts by Morifusa and Amasenkō to stabilize their lineage were a complete success. More likely is a combination of these factors, and yet the reality remains that from 1329 onward, the Ichikawa siblings appear to have obeyed their parent's wishes and maintained internal stability.

The final dispute we see in the *Ichikawa Monjo* from the Kamakura Period followed the death of Senkō. This dispute was not between the Ichikawa siblings, but rather a charge brought by Sukefusa against members of a secondary Nakano line. Sukefusa's first act as family head was an attempt to resolve a long standing issue and thereby consolidate family finances. This dispute appears in two documents, which can be found in Appendix B, and was resolved by the Bakufu in 1332. The main point of dispute reached back to the earlier mentioned monetary dispute between Morifusa and Nakano Yukishige, a fellow adoptee of Shakua.

Yukishige and Morifusa had disputed over income shares from a plot of land in 1285, with Morifusa winning victory in the suit and being awarded a yearly payment from Yukishige.¹⁵² This payment had not been maintained by Yukishige's grandson, Hideyuki, and Sukefusa had filed suit. However, Hideyuki, although Yukishige's heir, stated that he had not received the lands from which the payment to the Ichikawa was to be drawn. His mother, En'a, had kept those lands, and Hideyuki claimed several times

¹⁵² Syōkyō 1 (1332).12.23 and 12.27 *Kantō gechijō* (KI, 41:31930 and 31940, SNS, 5, pp. 179-180).

that it was her responsibility to pay the Ichikawa their dues. Continuing their streak of judicial good fortune, the Ichikawa won the case against Hideyuki's mother En'a, and Sukefusa was awarded significant, although not full reparations for her failure to pay decades of dues and taxes.

The Bakufu was heavy-handed in this case, threatening to revoke one third of En'a's holdings if she did not pay the Ichikawa. This could be attributed to the political issues facing the warrior authority in the early 1330's as this case was raised (i.e. the need to ensure *gokenin* support at a time when new pressures were being placed on them), but it more likely involved En'a's tenacious denial of wrongdoing and her accusation of favoritism and bias by the Bakufu officials involved. Of particular, although tangential interest, is the fact that this decree from the Kamakura Bakufu judiciary, dated 12.27.1332, was actually the last of its kind ever made. Only a few days later, the Bakufu would begin to fail in earnest.

The Ichikawa Brothers in Arms

The Ichikawa family documents from 1333 onwards tell a story of military service, political alignments, and familial strength. Yet they do not reveal the full story of the Ichikawa family members we have studied thus far. One element of mystery is the fate of Morifusa's son Hachirō, of whom there is no mention whatsoever following Senkō's 1329 bequest. As each of his three brothers are well represented in documents from the Kenmu and later periods, I must assume that his health was failing or that he had already died by the time these documents appear. That he would not have participated in

battle while his three brothers fought throughout the province and surrounding areas seems like an unlikely scenario. Furthermore, there is no record that he had children, and as his holdings from Senkō and Morifusa were based in land usage rights rather than lands themselves, so no property lineage of significance would have remained after his death. Thus, our story from this point on only involves the activities of three, rather than four, Ichikawa brothers of Sukefusa's generation.

It is clear that, during the Kenmu and early Nanbokuchō periods, the unity of the family established by Morifusa and Senkō was retained and even bolstered as warfare drove the family together, rather than apart. This was a fairly common phenomenon in the Kantō, at least in terms of their broader political loyalties, as “virtually no eastern *gokenin* houses split between the two sides that formed in 1333.”¹⁵³ As we shall see, the Ichikawa brothers maintained the lineage of Morifusa and bolstered the reputation of the Ichikawa house during their time as warriors under Go-Daigo and Ashikaga Takauji.

Documents from the Ichikawa in the post-Kamakura periods rarely take the form of the sweeping and foundational documents seen before the collapse of the Hōjō regime. Where once there had been long periods of documentary gaps, now there appears a more staccato pace of shorter and less landmark references to the Ichikawa and its members. Nevertheless, the interpretation of these documents can establish a viable narrative for the way in which the Ichikawa siblings, predominantly the brothers, survived the tumult of regime change. The sisters are, of course, not referred to in battle documents, as they did not fight, and this makes their story an unfortunately difficult or impossible one to trace.

¹⁵³ Andrew Goble, *Kenmu: Go-Daigo's Revolution*, pp. 120-121.

Regardless, the Ichikawa story after 1333 is a fascinating one. Let us follow the Ichikawa as they reported for duty.

We know that the Ichikawa brothers joined Go-Daigo's cause by the mid-1333, although precisely when they abandoned the Kamakura regime under the Hōjō is unclear. Ichikawa Tsunesuke and Sukeyasu reported for military duty on 1333.6.7, under the command of Nitta Yoshisada, although I have found no record beyond their initial reports.¹⁵⁴ The Nakano under Iehira (likely Ienaka's heir) also appear to have abandoned Kamakura early on, having joined Takauji and fighting under his command in Kyoto in the 5th month of 1333.¹⁵⁵ On 1333.7.25, Emperor Go-Daigo sent out an initial edict concerning the reconfirmation of warrior landholdings, offering to certify those of former Bakufu retainers who joined his cause.¹⁵⁶ The Ichikawa, under family head Sukefusa, had their lands confirmed in the 11th month of that year.¹⁵⁷ The survival of these documents today is uncommon, and their possession in the Ichikawa collection is a valuable element of the record of their relationship with the new imperial power base. Like most former Kamakura vassals, the Ichikawa readily moved to seek land confirmations from Kenmu. While many such confirmations exist, what is of particular note is their possession of a copy of the land policy edict, of which few were distributed. The 7.5 edict was one of the

¹⁵⁴ Genkō 3 (1333).6.7 *Shinano Ichikawa Tsunetsuke chakutōjō* (KI, 41: 32247), *Shinano Ichikawa Sukeyasu chakutōjō* (KI, 41: 32248).

¹⁵⁵ Genkō 3 (1333).5.8 *Nakano Iehira chakutōjō* (KI, 46: 52157, SNS, 5, pp. 191-192) and Genkō 3 (1333).5.14 *Nakano Iehira chakutōjō* (KI, 46: 52160, SNS, 5, p. 192). The *Kamakura Ibun* documents are found in the *hoi* volume #4. Each of these documents are signed by Ashikaga Takauji.

¹⁵⁶ Genkō 3 (1333).7.25 *Kansenshi-jō* (KI, 41:32392; SNS, 5, pp. 214-215).

¹⁵⁷ Genkō 3 (1333).10 *Ichikawa Sukefusa mōshijō* (KI, 42: 32650, SNS, 5, pp. 218-219).

most important in the era, and its possession alone in the Ichikawa portfolio attests to their status at the opening of the Kenmu period and their active involvement in the era.

In mid-1334, Sukefusa reported to the *shugo* headquarters in Shinano, in the first of a series of militarily oriented documents which comprise the whole of the Ichikawa records in the Kenmu and early Nanbokuchō periods.¹⁵⁸ Sukefusa, as the family head, appears to have been summoned by and reported to the *shugo*, governor of Shinano, initially on his own. There, instructions relating to landholdings and yearly tax levies took place, apparently as a reaffirmation of Sukefusa's function as a *jitō* "officer" in the new government.¹⁵⁹

Within two weeks, on 1334.6.25, Sukefusa, Tomofusa, and Tsunesuke were called up for military service together.¹⁶⁰ In this case, the unity of the new generation of the Ichikawa is highlighted. The brothers failed to appear for duty and were late in arriving because their aunt had died, and they were in mourning for her and making funerary arrangements. The fact that all three warrior brothers attended to familial matters at this point, rather than responding to the call from their new leaders, speaks to the depth of their familial connections. One could approach this scenario from the perspective that the brothers were not enthusiastic about putting their lives at risk, and

¹⁵⁸ Kenmu 1 (1334).6.16 *Zassō ketsudansho chō* (*NBI-Ka*, 1:101; *SNS*, 5, pp. 229-230). From this point until Sukefusa's bequest in 1343, dozens of documents appear in the *Ichikawa Monjo*, all of them either reports to military service (*chakutōjō*) or battle documents (*gunchūjō*). The record of the Ichikawa is not unique in this; documentary records from the period explode with military documents throughout the 1330's and 1340's, as the forces of Go-Daigo clashed first with remaining Bakufu loyalists, and then split in their loyalties between Go-Daigo and Ashikaga Takauji.

¹⁵⁹ Kenmu 1 (1334).6.16 *Zassō ketsudansho chō* (*NBI-Ka*, 1:101; *SNS*, 5, pp. 229-230).

¹⁶⁰ Kenmu 1 (1334).6.25 *Ichikawa Sukefusa-ra chakutōjō* (*NBI-Ka*, 1:102; *SNS*, 5, pp. 231-233).

used their aunt's death as an excuse to evade military duty. However, I believe this line of reasoning fails in light of the extensive, protracted period of service performed by all three of the Ichikawa brothers beginning only weeks afterward. The connection to their aunt, listed as the daughter of Morifusa's adoptive brother, Shinno Tarō Nyūdo, is an impressive statement of family loyalty.¹⁶¹ It is also possible that the aunt was the sister of Senkō, making her a blood relative, and consequentially the final remaining link to the foundational generation of Morifusa. The respect shown for their aunt can be seen as more than the acknowledgement of their tie to their mother's sister, but as an act of appreciation for the entire generation that came before them. Their expression of the strength of familial bonds, eschewing significant calls to duty, is noteworthy regardless of the specific relationship to the aunt. Soon after her funeral, the brothers reported for duty, having sent a representative before them to explain their situation.

In 1335, military reports from Ichikawa became more frequent. Although in Kyoto Go-Daigo had established himself as the unequivocal head of a new imperial regime, and made inroads to asserting local control in parts of the Kinai and Kanto regions, much the countryside was by no means peaceful.¹⁶² As forces fleeing from Kamakura and surrounding areas of the Kanto plain used Shinano as a Northern escape route from Go-Daigo's forces, which were under the command of Ashikaga Takauji, the Ichikawa found themselves on the front lines of a truly massive series of conflicts.

¹⁶¹ 新野太郎入道. I hypothesize that he may be a Nakano branch member based on the second character in his name, but this is a tenuous link at best. He was adopted by Shakua along with Morifusa and several other heirs

¹⁶² Andrew Goble, *Kenmu: Go-Daigo's Revolution*, p. 244.

On 1335.2.5, Sukefusa received an order to pacify the Ichikawa region of Shinano and eliminate “enemies of the court” that had been straggling there.¹⁶³ This order, a *saisokujō*, was effectively a license to kill for the Ichikawa, and placed them at odds with prominent Hōjō remnants. The Hōjō held strong links to Shinano throughout the Kamakura period, and as a result, the pursuit through the province was not an easy one. Following Go-Daigo’s order, the Ichikawa brothers engaged “enemies of the court” on numerous occasions. Beginning on 1335.3.29, the family members began to depart in hopes of engaging the few remaining Hōjō family members and their retainers. The first to leave was Tomofusa’s son, Sukeyasu, followed five days later by his uncles, Sukefusa and Tsunesuke, and his father.¹⁶⁴ They reconnoitered and geared themselves for battle soon after, riding to Zenkoji (善光寺) temple in north central Shinano. Four days later, on 1335.4.8, they engaged in battle in the Minochi district of Shinano, helping to settle a riot or rebellion there. On the 16th, they rode back, presumably towards their home district of Takai. This represents the first act of military service carried out by the Ichikawa family under the mantle of Emperor Go-Daigo.

Five weeks later, on 1335.5.16, Sukefusa, Tomofusa, Tsunesuke, and Sukeyasu once again reported for duty, hastening to join the newly assigned *shugo*, Ogasawara Sadamune (1294-1350), and his forces in the pursuit of court enemies, specifically Hōjō

¹⁶³ Kenmu 2 (1335).2.5 *Taira Nagatane gunzei saisokujō* (*NBI-Ka*, 1:199; *SNS*, 5, pp. 252-253).

¹⁶⁴ Kenmu 2 (1335).3 *Ichikawa Sukefusa-ra chakutōjō* (*NBI-Ka*, 1:221; *SNS*, 5, p. 260) Sukeyasu is listed as the “Ichikawa nephew.” He is listed as Tomofusa’s son on *SNS*, 5, p. 263.

Tokiyuki, who is mentioned by name in several documents.¹⁶⁵ The presence of such prominent figures (Ogasawara Sadamune was one of Ashikaga Takauji's generals in the overthrow of the Kamakura Bakufu) indicates that the Ichikawa were by this time engaging in military campaigns of considerable historical importance. Ogasawara Sadamune had himself served the Kamakura Bakufu as a general of Tokiyuki's father, the final Kamakura regent, Hōjō Takatoki, before joining the Ashikaga.¹⁶⁶ Hōjō Tokiyuki's rebellious march toward Kamakura, the Nakasendai rebellion, constituted one of the bloodiest and largest-scale military encounters of the period.¹⁶⁷ The rebellion was the result of months of rallying in the Shinano region by Hōjō survivors, who felt that the opportunity to regain control of their formal capital was quickly slipping away, creating a sense of desperate need for action.¹⁶⁸ As organization was ongoing in Shinano, Go-Daigo had been relatively secure in his newly established western power base by 1335, and the mopping up efforts such as those the Ichikawa had engaged in while pursuing Hōjō Tokiyuki were generally given low priority.¹⁶⁹

In the 7th month of 1335, the Ichikawa fought with the forces of Sadamune, who personally witnessed their participation. On the 15th, Sukefusa engaged in close combat with the court enemies, and was wounded by a blade and fell. His younger brother,

¹⁶⁵ Kenmu 2 (1335).5.16 *Ichikawa Sukefusa-ra dō Tsunesuke-ra chakutōjō* (*NBI-Ka*, 1:238 and 239; *SNS*, 5, pp. 262-264).

¹⁶⁶ E. Papinot, *Historical and Geographical Dictionary of Japan, Volume II*, p. 472.

¹⁶⁷ Andrew Goble, *Kenmu: Go-Daigo's Revolution*, pp. 246-7.

¹⁶⁸ *Ibid.*, p. 246.

¹⁶⁹ *Ibid.*, p. 245.

Tomofusa, after his brother was cut down, shot the enemy, bringing him down as well.¹⁷⁰

This battle took place in a dry river bed in Hachiman village (八幡村), which appears to have been a hotbed for military activity involving the Ichikawa from 1335 to 1337.¹⁷¹

Sukefusa survived his injuries, the extent of which are not specified in the battle document. It is also not clear whether or not Sukefusa was well enough to take part in fighting a week later, which occurred with members of the Murakami clan. Following these engagements, Sadamune reported that the loyalty of the Ichikawa brothers was unquestionable. Following the battles in the 7th month, the sons of Morifusa had quite literally become brothers in arms, fighting together in close quarters on the battlefield. In stark contrast to appearance of intra-familial rivalries on the battlefield that defined the Genpei (1180's) and Jōkyū (1221) wars and the Hōgen and Heiji incidents (1150's) that preceded them, for the Ichikawa, solidarity between siblings was unquestionable, as evidenced by Tomofusa's literal defense of his older brother and familial superior, which may have saved Sukefusa's life. As Andrew Goble has noted, this was a common feature of the participants in post-Kamakura warfare; eastern warrior families in general were not divided in the 1330s.¹⁷² The conflicted family of the early Kamakura period had become, at least in some cases, a much more unified body.

¹⁷⁰ Kenmu 2 (1335).7 *Ichikawa Sukefusa-ra chakutōjō* (*NBI-Ka*, 1:261; *SNS*, 5, pp. 264-266).

¹⁷¹ Kenmu 2 (1335).7 *Ichikawa Chikamune gunchūjō* (*NBI-Ka*, 1:279; *SNS*, 5, p. 266). I have been unable to concretely locate the Hachiman area within Shinano, but a Hachiman-yama and Hachiman-mura are mentioned.

¹⁷² Andrew Goble, *Kenmu: Go-Daigo's Revolution*, p. 238.

Sporadic fighting continued throughout the 7th month of 1335, as the Ichikawa brothers under Sadamune continued to pursue Hōjō Tokiyuki's fleeing forces. Sukefusa's wound did not prevent him from military service by this time, as he fought alongside his brothers and nephew in the 8th and 9th months, when they took two of the enemy Hōjō loyalists prisoner on the 22nd day.¹⁷³ Five days later, Sukefusa was given an award for meritorious service of lands in Azumi district (安曇郡) by Ashikaga Takauji, their new military leader.¹⁷⁴ Meanwhile, Tomofusa and his son Sukeyasu continued riding with the *shugo* Sadamune's forces.¹⁷⁵ Similarly, Tsunesuke was actively riding and reporting for duty during the 11th month.¹⁷⁶ However, the battle reports from these months are terse, and only reveal the bare bones of the actual activities of the brothers. In the first month of 1336, Tsunesuke, Sukefusa, and Sukeyasu each reported for duty and fought on the 13th and 17th days.¹⁷⁷ This set of documents is significant because here the first reference to a military officer is used by Sukefusa. In what would become a growing trend, the Ichikawa had begun to take on retainers of their own, expanding the family influence through the addition of loyal military deputies. The deputy listed here, of Sukefusa, may have taken on a name to signify his allegiance, and is known to us as Sukemoto (助元).

¹⁷³ Kenmu 2 (1335).9.22 *Ichikawa Tsunesuke gunchūjō* (NBI-Ka, 1:286; SNS, 5, pp. 294-295).

¹⁷⁴ Kenmu 2 (1335).9.27 *Ashikaga Takauji kudashibumi* (NBI-Ka, 1:293; SNS, 5, pp. 295-296).

¹⁷⁵ Kenmu 2 (1335).10 *Ichikawa Tomofusa dō Sukeyasu chakutōjō* (NBI-Ka, 1:314; SNS, 5, pp. 298-299).

¹⁷⁶ Kenmu 2 (1335).11.28 *Ichikawa Chikamune chakutōjō* (NBI-Ka, 1:346; SNS, 5, p. 308).

¹⁷⁷ Kenmu 3 (1336).1.17 *Ichikawa Tsunesuke gunchūjō* (NBI-Ka, 1:379; SNS, 5, p. 317), *Ichikawa Sukefusa-dai Nanba Sukemoto gunchūjō* (NBI-Ka, 1:380; SNS, 5, pp. 317-318), *Ichikawa Tsunesuke dō Sukeyasu gunchūjō* (NBI-Ka, 1:381; SNS, 5, pp. 318-319). Document 380 is that of Sukefusa's deputy.

Based on the addition of deputies, more of whom appear later, it is clear that the Ichikawa had quickly become recognized as an organized military unit.

No documents appear in the *Ichikawa Monjo* record for the next five months, but on 6.29, a substantial set of documents from Tsunesuke refers back, in detail, to fighting beginning three months earlier. A total of five report documents are collected, comprising a detailed record of Tsunesuke's military service during the third month of 1336.¹⁷⁸ He reported for duty on 3.21, and the battle documents are dated 3.23. During that time Tsunesuke was apparently a leading figure in an assault, along with Murakami Nobusada (村上信貞), on the "Maki castle" (牧城 - *makishiro*) in Shinano's Sarashina district (更級郡) where Kōsaka Shotarō and his forces had barricaded themselves.¹⁷⁹ The Kōsaka clan, following the split between Go-Daigo and Ashikaga Takauji, had sided with the imperial forces, putting them at odds with the Ichikawa. The siege was apparently unsuccessful, with the attack called off after a failed final assault on the 26th day of the 6th month.

During the course of the siege, multiple injuries were received by soldiers on Tsunesuke's side, and they are listed in the initial document of the set. The deputy Sukemoto, listed as a foot-soldier (若党, *wakatō*), was shot by an arrow in the finger(s)

¹⁷⁸ The full set of *gunchujō* appears in the following: (*NBI-Ka*, 1:406-409 and 480-481; *SNS*, 5, pp. 322-326).

¹⁷⁹ Kenmu 3 (1336).6.29 *Ichikawa Tsunesuke dō Sukeyasu gunchūjō* (*NBI-Ka*, 1: 481) This document does not appear in the *Shinano Shiryō*. The Kosaka appear to have held the castle in their lineage throughout the Kamakura period.

on his left hand.¹⁸⁰ Komi Hikoroku, presumably also a deputy, was shot in the right eye. *Chūgen* (中間- lord's servant) Magogorō was shot, and his ankle pierced.¹⁸¹ Kojirō, presumably also a *chūgen*, was shot in the left thigh or groin.¹⁸² Four more names are also listed who did not sustain injuries, but who fought in the siege. The designation of deputy and foot-soldier, although not expressly stated, may apply to all of these men. Tsunesuke attested to their loyalty in the document, reiterating his position as a leader.

The extended listing of participants and their injuries in this battle indicates that Tsunesuke was, if not a direct superior officer, at least a leading figure on the battlefield. He described the fight as a harsh or terrible one between the villainous surviving family members of former leader Hōjō Takatoki (who died in 1333), and the rightful *shugo* of the Murakami line. Following the siege, Tsunesuke also mentions another battle during this period of service that occurred on or near Hachiman-yama (八幡山).¹⁸³ From this point forward his name is prevalent in Ichikawa military documents, and he appears to have been the most militarily active of the three Ichikawa brothers or their children in the

¹⁸⁰ Sukemoto is listed as Nanba-Tarō-Saemon, the name Sukemoto appears in parenthesis.

¹⁸¹ The status of a *chūgen* was that of a military servant not of warrior rank, and lacking a surname. See Thomas Conlan, *State of War: The Violent Order of Fourteenth-Century Japan*, p. 250.

¹⁸² Thomas Conlan, *State of War: The Violent Order of Fourteenth-Century Japan*, pp. 76-77. As was characteristic of the period, the bulk of the fighting appears to have been ranged. Likely amplified by the nature of siege warfare, arrows were the primary cause of wounds rather than swords, pikes, or other weaponry. As Thomas Conlan has noted, the battles of the fourteenth century often took the form of ranged skirmish fighting, with 73% of the recorded injuries from the period caused by arrows.

¹⁸³ Kenmu 3 (1336).2.23 *Ichikawa Tsunesuke gunchūjō* (*NBI-Ka*, 1: 408, *SNS*, 5, pp. 325-326). I have been unable to pinpoint this location within Shinano, but it lies within Sarashina District (更級郡). It is almost certainly related to the Hachiman-mura (village) listed earlier, indicating a sustained theme of military conflict in the area. The district lies to the Southwest of the Ichikawa homelands, in North-central Shinano.

following years. Due to the numerical convention of their names, Sukefusa as Rokurō (6th son), Tomofusa as Kurō (9th son) and Tsunesuke as Jurō (10th son), I believe that Tsunesuke was the youngest of the brothers, which may well explain why he fought more than his brothers. First, his youth would have naturally made him more capable of enduring longer, more frequent campaigns, although this is a difficult line of reasoning, because we have no idea how large or small the age gap was between brothers. Second, and more importantly, he had more to gain. As discussed in the opening of this chapter, the opportunity of upward socioeconomic mobility provided by warfare was a significant motivator for warriors, particularly those who did not already have significant holdings.

As we saw in Morifusa and Senkō's bequests from the 1320's, Sukefusa gained the *sōryō*'s share of family property. Tomofusa received lands and a residence from his mother, and his children would receive further property from their aunt as she saw fit. Tsunesuke gained land use rights, but no land was explicitly granted to him in bequeath from either of his parents. His share of tax duties was the lowest of the surviving brothers, indicating that his landed income was the least significant. Tsunesuke may have had other, additional motivations for fighting, but the capacity to make a name for himself, and in doing so increase his social and financial status, must have been an attractive incentive towards adopting the military lifestyle of a 14th century warrior.

Although thus far the battles of the Ichikawa brothers have been fairly small in scale and lesser known to history, soon enough the Ichikawa brothers would have the opportunity to further establish their martial status by participating in one of the most crucial battles of the early Nanbokuchō period.

The Ichikawa at Kanegasaki

Ashikaga Takauji, the military leader who betrayed the Hōjō in 1333 and joined the fledgling forces of Emperor Go-Daigo, was not satisfied with his role under the new imperial regime as it had developed in the subsequent years. His forces, under the order of Go-Daigo, fought to put down the Nakasendai Rebellion, and then pursued the surviving Hōjō through the Kantō region, as we have witnessed in the Ichikawa documents. During these campaigns, Ashikaga Takauji had petitioned Go-Daigo twice to be made *Shogun*, and was rejected each time.¹⁸⁴ Following the second rejection in 1335, and the belligerent recapture of Kamakura by Takauji's forces, relations between Go-Daigo and Takauji grew tepid, and their future as allies became unclear. While the Ichikawa had been busy in Shinano ridding the area around their property base of fleeing Nakasendai rebels, the larger political sphere had once again become murky and conflicted. The animosity that grew out of their mutual quests for power would lead Go-Daigo and Takauji on a collision course, with the seeds of counterrevolution having already been sown from late 1335 onward. Takauji began to act without orders from Go-Daigo; leading his army to quell the Nakasendai rebellion was the start of the break in their alliance. Meanwhile, the Ichikawa, who had to this point been fighting under the aligned authorities of Go-Daigo and Ashikaga Takauji, found themselves fighting under the Ashikaga banner against Imperial loyalists in the late 1330's, as civil war continued. Takauji ousted Go-Daigo from the capital in 1336, but his enemy Nitta Yoshisada escaped.

¹⁸⁴ Andrew Goble, *Kenmu: Go-Daigo's Revolution*, p. 248.

We have no record of the feelings of the Ichikawa brothers or their new base of deputies on the matter of the conflict between Takauji and Go-Daigo, but we do know that they sided with the Ashikaga from Kanegasaki onward. The Ichikawa also began using the emperor dates of the Northern Court for the first time on record several years later, in documents dated to the 8th month of 1340.¹⁸⁵ The delineation of allegiance is clear because of the dating of the documents themselves; following the failure of Go-Daigo to hold Kyoto, he relocated to Yoshino to establish a second court there, thus lending the name to the period of Northern and Southern Courts, or *Nanbokuchō-Jidai* (南北朝時代). By using the emperor dates of the Northern Ashikaga court, the Ichikawa were indicating loyalty to that regime rather than to Go-Daigo's Southern Court. In reality, they likely never saw themselves in the position to actively choose sides; although they had received land confirmations from Go-Daigo and had received his orders to hunt down straggling Hōjō and those loyal to them, the fighting they had done thus far was under the military command structure of the *shugo*, whose loyalty to Takauji was revealed in the Nakasendai rebellion.

From late 1336 through 1337, the Ichikawa documents reveal details of the siege of Kanegasaki, a famous set-piece battle between Nitta Yoshisada and Ashikaga Takauji, which many have argued sealed the fate of Go-Daigo's remaining military supporters. Kanegasaki, located in on the western side of Echizen province, was the farthest any of the Ichikawa forces on record had travelled for military service. Ichikawa Tsunesuke is listed as a Shinano vassal (*gokenin*) in a *chakutōjō* report of arrival for duty in the 12th

¹⁸⁵ Ryakuō 3 (1340).8 *Ichikawa Tomofusa gunchūjō* (SNS, 5, pp. 433-434).

month of 1336, taking part in the battle or siege of Kanegasaki for the first time on new year's day.¹⁸⁶ Tsunesuke's son, Chikamune, also reported to duty at Kanegasaki in late 1336. They remained active there into the first months of 1337, establishing Ichikawa loyalty to the Shinano *shugo* Sadamune under the Ashikaga banner. Chikamune refers to himself as holding a share of the *jitō* in Mikuriya in his report for duty. As these holdings are not a part of the original portfolio of the Nakano or the Ichikawa, this was possibly a reward gained from the military services rendered either by himself or his father.¹⁸⁷

Sukefusa did not personally fight at Kanegasaki, possibly due to lingering problems stemming from the wounds he sustained in mid-1335. He was represented in battle by a deputy, who fought for him in multiple skirmishes in and around Kanegasaki. This was a different deputy than the one listed a year earlier, indicating that Sukefusa had multiple retainers at this point. Credit for the service of such deputies, acting under Sukefusa's name, would have gone to him, as was customary throughout the early medieval period. The presence of numerous deputies accounted for by the Ichikawa in battle document compilations from 1335 to 1337, indicates a continually growing reputation of the Ichikawa family as a local leadership authority. It is fair to say that the Ichikawa were well-represented at Kanegasaki. Sukefusa had essentially accumulated the status and following necessary to stay home while his representatives fought for him. It should also be noted that Sukefusa, as the eldest of the brothers, may have felt it was time to retire from active duty following his injuries in the previous year.

¹⁸⁶ Kenmu 3(1336).12 *Ichikawa Tsunesuke chakutōjō* (*NBI-Ka*, 1:625; *SNS*, 5, p. 353).

¹⁸⁷ Kenmu 3(1336).12 *Ichikawa Chikamune chakutōjō* (*NBI-Ka*, 1:626; *SNS*, 5, pp. 353-354).

Tsunesuke and Chikamune went into battle together, along with Sukefusa's deputy, fighting on six different occasions from 1337.1.1 to 1337.3.6, all of which appear in their individual sets of battle reports (all three figures sent in their own *gunchūjō*).¹⁸⁸ We cannot be sure of their exact proximity to one another during these battles, but the dates between Tsunesuke, Chikamune, and Sukefusa's deputies reports are all the same, as are their renditions of the events, with the exception that Chikamune called attention to arrow injuries, sustained on 2.12.1337, to the base of his knee.¹⁸⁹ Kanegasaki would fall to the Ashikaga forces in the third month of 1337, although Nitta Yoshisada had already escaped by then, surviving another year before finally falling to Takauji's forces.¹⁹⁰ While father and son Tomofusa and Chikamune fought for months in the fairly distant shores of Echizen, two provinces west of Shinano, other members of the Ichikawa were fighting much closer to home.

Although he had not been at Kanegasaki, a set of military documents from the eighth month of 1340, (noted earlier for the use of Northern Court dates) marks the return of the middle Ichikawa brother to battle after an absence of several years in the record. In this document, Tomofusa asserts that, while his brothers and nephew had been fighting throughout Shinano province and at Kanegasaki, he had been guarding the entryway

¹⁸⁸ Kenmu 4 (1337).2 *Ichikawa Chikamune gunchūjō* (NBI-Ka, 1:674-675; SNS, 5, pp. 355-356), *Ichikawa Tsunesuke gunchūjō* (NBI-Ka, 1:676-677; SNS, 5, pp. 356-357), *Ichikawa Sukefusa-dai Komi Kyōin gunchūjō* (NBI-Ka, 1:678-679; SNS, 5, pp. 358-359).

¹⁸⁹ Kenmu 4 (1337).2 *Ichikawa Chikamune gunchūjō* (NBI-Ka, 1:674-675; SNS, 5, pp. 355-356).

¹⁹⁰ John W. Hall, et. al. eds., *The Cambridge History of Japan* v. 3, pp. 186-187.

through Shinano in the homelands of the Ichikawa, in Shikumi (志久見), since 1335.¹⁹¹

Thus far, I have devoted little attention to the geographical and tactical significance of the lands held by the Ichikawa themselves, but from this document, we can gain a sense of their importance in these terms. Shinano, as was mentioned earlier, is a particularly rugged part of Japan, with steep, snowy mountains and deep valleys, through which warriors and commoners alike travelled between main centers of power and the northern periphery. On 1337.8.20-21, a fierce battle took place there, with Tomofusa and his sons (who are not listed individually) defending the entrance to Shikumi at the base of the mountain from which its name was derived.

To understand the broader military geography, we need to recall that in 1333, Go-Daigo had placed forces in Echigo province, northwest of Shinano, under Nitta Yoshisada, governor of both Echigo and Kōzuke at the time, as a means of influencing the warrior power balance in the East.¹⁹² The Yoshisada and the Ashikaga were longstanding rivals, and their presence only a few days ride north of Kamakura must have been unsettling for the Ashikaga as they worked to consolidate power in the Kantō. Thus, while the significance of the Ichikawa lands is not expressly stated in the document of Tomofusa's defense from 1337, we can piece together that this was a post which should be seen as significant. The area Tomofusa and his sons were defending represented a vital line of transportation between the Pacific Ocean and the Japan Sea, and also served as the route between Kamakura and Echigo province. The strategic significance of the area was

¹⁹¹ Ryakuō 3 (1340).8 *Ichikawa Tomofusa gunchūjō* (*NBI-Ka*, 2:1184; *SNS*, 5, pp. 433-434).

¹⁹² Andrew Goble, *Kenmu: Go-Daigo's Revolution*, pp. 154-155

likely not something that was considered actively during late Kamakura, given the lack of military activity during the period. However, based on documents from 1360, when an Ichikawa descendant was given lands specifically for his services in defense of the passes on the Ichikawa lands themselves, we can infer that their geography was of unequivocal tactical significance.¹⁹³

Thus under the Ashikaga, the post Tomofusa held for two years had evolved into one that blocked the emperor's forces from direct assault on Ashikaga-held Kamakura. While Nitta Yoshisada was not in the area during most of this period, as he escaped to Kyoto from Settsu in 1336 after the battle of Minatogawa and then defended Kanegasaki later that year, it is likely that significant forces loyal to Go-Daigo through their ties to the Nitta clan remained in the area North of Shinano well into 1338.¹⁹⁴ Thus, while his younger brother attacked Yoshisada's forces in the Kanegasaki, Tsunesuke was, although likely without full knowledge of the broader significance of his post, blocking other Imperial forces from attempting a counterattack on Kamakura.

In sum, during the decade after the death of their mother, the Ichikawa proved their military worth in numerous battles, large and small, and enhanced the size and reputation of their retinue through the addition of multiple retainers. From the sixth month of 1334 through the ninth month of 1337, the Ichikawa record consists of 17 *chakutōjō* (arrival for duty) documents and 21 *gunchūjō* (battle report) documents, most

¹⁹³ Enbun 5 (1360).6.27 *Ogasawara Nagamoto ate gyōjō* (SNS, 6, p. 356). We will return to this document later, as Sukefusa's grandson becomes an active warrior in defense of the Ichikawa home-front.

¹⁹⁴ John W. Hall, et. al. eds., *The Cambridge History of Japan* v. 3, pp. 186-187

of which are summarized above.¹⁹⁵ Although these documents frequently occur in overlapping sets stemming from the same battles, this is a substantial amount of military service for such a short period of history, and indicates the high level of military activity of the Ichikawa family during the mid 1330's. In the years following the establishment of Ashikaga Takauji's Northern Court in Kyoto, the record settles significantly. Tomofusa and his son Tsunekane continued to guard the entrance to Shikumi until at least the 6th month of 1341, when a battle there erupted in which Sukefusa, Tomofusa, Tsunekane, and their sons and deputies fought.¹⁹⁶ The brothers in this case were fighting under Ogasawara Sadamune to fend off outlaws (凶徒, *kyōto*) from Echigo province. This is the first battle record in the *Ichikawa Monjo* since 1337, and the presence of the whole family at this fight indicates that it was on or very near their holdings, and also that all three of the Ichikawa brothers had returned home by that time.

The Ichikawa in the 1340s

Although the Ichikawa continued to be militarily active, from this point forward their activities were less bound to the currents of major historical events, and are more difficult to contextualize given the lack of information contained in their increasingly sporadic *gunchujō* and *chakutojō* documents. However, we can trace the Ichikawa in broader strokes. Sukefusa's bequest document from 1343 has survived, providing a useful means of tracing the inherited traits of the lineage from Morifusa. The familial

¹⁹⁵ These documents, in total, appear between pages 261 and 368 of the *Shinano Shiryō*, volume 5.

¹⁹⁶ Ryakuō 4 (1341).6 *Ichikawa Tomofusa gunchūjō* (*NBI-Ka*, 2:1237; *SNS*, 5, pp. 452-453).

lands, granted to Sukefusa only two decades earlier, yet worlds apart from the violent setting of the mid-14th century, were passed on to a new head of the Ichikawa household.

Sukefusa's 1343 Bequest

Sukefusa's bequest documents consist of two portions, to each of his two sons, and are dated 1343.2.22. The documents are shorter than those of Morifusa or Senkō and also less complex. However, this stems at least partially from the smaller number of heirs being provided for. The first document, to son Yorifusa, granted him the *sōryō* post and the private holdings of the Ichikawa, as well as the *on-kudashibumi* and *tetsugi* document collection of the family. His other son, Tsunetaka, received an exception of lands in Hirabayashi village to call his own.¹⁹⁷

Sukefusa also included a clause stating that if Tsunetaka had no children, the lands he was granted were to revert to Yorifusa. A mirrored clause applied to Yorifusa, whose lands would go to Tsunetaka if he had no heirs. The clause that lands could not be passed to outsiders, present from the time of Morifusa, was also restated. In effect, Morifusa's "no outsiders clause" was now a part of the familial common sense, having been reaffirmed by both his widow and his son in their respective bequests. The lands that had been set aside for Tsunetaka were to be given to him without dispute, as they were restated in his bequest document, the second of the two, with specific boundaries.

¹⁹⁷ Kōei 2 (1343).2.22 *Ichikawa Sukefusa yuzurijō* (*NBI-Ka*, 2:1397; *SNS*, 5, pp. 475-476) Note: only the first half of his bequest appears in the *Nanbokuchō Ibun*.

With respect to taxation and public levies, Sukefusa followed Morifusa's example by setting out a specific ratio for the sons to follow, the specific application of which is certainly inherited from Morifusa's bequest. The new *sōryō*, Yorifusa, was to pay 3/5th of such levies or taxes, while Tsunetaka was to pay the remaining 2/5th. Both of their holdings were given over permanently (meaning that they could pass them on to their own heirs in the future).

The second document, addressed to Tsunetaka, provides further insight to Sukefusa's homage to previous generations. In his bequest, he quotes Morifusa, who referred to the original benefactor of the Ichikawa lands from five generations earlier, Nakano Yoshinari, in laying out the duties of heirs with respect to public levies and the transmission of lands. By invoking the statements of both Ichikawa Morifusa and Nakano Yoshinari in this passage of his bequest, Sukefusa, the adopted great-great grandson of the Nakano lineage, solidified the link to their legitimate status as holders of the hereditary properties in Shinano. Even after a dozen years of sustained civil warfare, service in high profile military conflicts, and the downfall of two regimes, the Ichikawa under Sukefusa maintained the wishes of their progenitors, referring back five generations and nearly 100 years to maintain the legitimacy of their holdings. The link between proper documentation and the legitimate ownership of land had clearly survived the passage of history.

However, one stark difference from the period of Morifusa is the total absence of females in the bequest. Sukefusa makes no reference to a wife, the mother of his children, or any daughters in either of his inheritance documents. This may be the result of specific

circumstance, perhaps Sukefusa had no daughters, perhaps his wife had predeceased him or they had divorced, but the absence of women wholly from the bequest is worthy of mention. It should be noted, however, that this was a common feature of male bequests dating back to the late Kamakura period, and the lack of information regarding female relationships to Sukefusa hampers us from making anything beyond general observations on this point. We do know that Sukefusa's bequest follows the precedent of his father to a substantial degree, especially given the changes in society which had occurred in the transpiring decades. The secondary son was provided for with lands of his own, and although the *sōryō* received the lion's share of the property, public levies were handled by both of the heirs based on a predetermined ratio. As a final note, we do not know why Sukefusa chose his younger son, Yorifusa, to be his primary heir, but the decision to do so reveals that the Ichikawa lineage prevailed despite its nonconformity to the mechanical social formulas of later scholars.

Epilogue: The Ichikawa after Sukefusa

The bequest documents of the brothers of Sukefusa are not extant, but their legacies, while more fragmented than that of their older *sōryō* sibling, can be traced to a lesser degree by looking briefly into the next generation. Following the death of Sukefusa, Tsunesuke, the youngest brother and most active militarily, took an active role as a leader within the family. The balance of power between the younger *sōryō* and his uncle is unclear, but both were influential family members; just as Sukefusa had not eclipsed his brothers or his mother as the house head, Yorifusa did not, and indeed could not presume

to stand above his elder. Yorifusa's nephew, Yasufusa, appears in documents from the 1350's onward.¹⁹⁸ In the second and third months of 1351, Yasufusa, the son of secondary heir Tsunetaka, took part in battles in Shinano, serving the *shugo* along with his great-uncle Tsunesuke.¹⁹⁹ Later in the year, Tsunesuke was consulted by the Ashikaga regarding a dispute over a *jitō-shiki* in Shinano, possibly because he was a disinterested party in the case, but certainly because he had become a man of significant status following his extensive military service in the previous decades.²⁰⁰ The Ichikawa are then absent from record for five years, reappearing in battle in the 10th and 12th months of 1356.²⁰¹ Two documents appear, in which Ichikawa Tsunetaka defended the passage through family lands in Hirabayashi. The phenomenon of taking heads, or *buntori* (分取), appears in the document from the 12th month. This practice, which follows its namesake literally, was a common means of establishing proof of victory in battle throughout the medieval period, prevalent during the Kamakura and Nanbokuchō periods.²⁰²

Based on these and other documents from the 1340's and onward, it is clear that the reality of warfare for the Ichikawa in the 1350's had shifted from the previous

¹⁹⁸ In the mid-1350's, Ichikawa documents switch from the Northern Ashikaga court dating to the Southern Go-Daigo lineage, although this is not expressly explained. See (SNS, 6, p. 206) for this anomalously dated document.

¹⁹⁹ Kannō 2 (1351).3 *Ichikawa Tsunesuke gunchūjō* (SNS, 6, pp.78, 80).

²⁰⁰ Kannō 2 (1351).6.2 [untitled] (SNS, 6, p. 91).

²⁰¹ Shōhei 11 (1356).10 *Ichikawa Tsunetaka gunchūjō* (SNS, 6, pp. 206-207).

²⁰² Karl Friday, *Samurai, Warfare, and the State in Early Medieval Japan*, p. 155. Takezaki Suenaga's scrolls on the Mongol Invasion provide a visual record of *buntori*, which was actually discouraged by the Bakufu in frequent cases, as *gunchūjō* became more reliable documentary record of military service. See Thomas Conlan, *State of War* and *In Little Need of Divine Intervention*.

decades of fighting. Now, instead of actively joining in military campaigns as they had in the 1330's, their battle documents uniformly refer to defensive activity in and around their core landholdings. In the latter half of the 14th century, fighting was not only much more sporadic for the Ichikawa, it was typically reactive rather than proactive in nature. This may reflect the military history of the period. However, as the tactical significance of the passage through their lands had become more recognizable over time, they not only had to deal with periodic intrusion onto their property, they were generously compensated for doing so.

In 1360, confiscated lands were granted to Tsunesuke by the *shugo* for his use in maintaining the post.²⁰³ The award of these lands was specifically linked in the document of their conveyance to the service, or *chū* (忠) of guarding the area around the Ichikawa holdings, reiterating their significance.²⁰⁴ Such lands, called *kessho* (關所) were commonly confiscated from enemies of the Bakufu or *shugo* and then redistributed to loyal retainers as a new evolution in their prerogatives circa the 14th century.²⁰⁵ *Hyōrōmai* (兵糧米), or military provisions, could be drawn from such lands and assigned to specific loyal vassals, such as Tsunesuke, to provide for their military needs.²⁰⁶ The receipt of such an award from the *shugo* of Shinano connotes a status as a well-compensated retainer. We are perhaps on safe ground in assuming that the defense of the Ichikawa

²⁰³ Enbun 5 (1360).6.27 *Ogasawara Nagamoto ate gyōjyō* (SNS, 6, p. 356).

²⁰⁴ Enbun 5 (1360).6.27 *Ogasawara Nagamoto ate gyōjyō* (SNS, 6, p. 356).

²⁰⁵ Thomas Conlan, *State of War: The Violent Order of Fourteenth-Century Japan*, pp. 154-155.

²⁰⁶ *Ibid.*, p. 254.

lands, carried out by Tomofusa in the 1330's and Tsunesuke in the 1350's, was considered a valuable service by the Ashikaga authorities. Furthermore, the receipt of such lands reinforces the idea that secondary heirs, such as Tsunesuke, could enhance their status and wealth significantly in the 14th century through military service.

Eight years later, Ichikawa Yorifusa, Sukefusa's heir as *sōryō*, appears as the newly appointed governor of Kai (甲斐) Province, adjacent to the Southeastern side of Shinano, in the battle document of one of his deputies.²⁰⁷ His new, substantial rank represents the full genesis of the Ichikawa lineage from the late Kamakura period to the mid-Nanbokuchō. Although the story of the Ichikawa continues, the prevalence of documentation from the late Kamakura and early Nanbokuchō periods are not contiguously reflected in the following decades. Yet what we have learned from the Ichikawa family as active military figures in the 1330's-1360's and from disputes definitive of earlier Kamakura warrior society can help to explain the nature of the early Japanese warrior family as it evolved through the 13th and 14th centuries.

²⁰⁷ Ōan 1 (1368).9 *Ichikawa Yorifusa nanba Motofusa gunchūjō* (SNS, 6, pp. 493-494). The entries on pages 491-493 are summarizations of the full document.

CHAPTER V

UNDERSTANDING THE ICHIKAWA & CONCLUSIONS ON FAMILY

The Nakano and Ichikawa were, to say the least, a fascinating lineage whose documentary record tells the dramatic story of the genesis of a family through the winding passage of history. They also provide excellent insight into the internal and external dynamics that affected warrior families more generally in Japan's early medieval period. While not every family followed the same path, and in reality no typical social experience existed, we can learn a great deal about the nature of the warrior family itself from the Nakano and Ichikawa lineage. In the 14th century, families rose and fell in response to the shifting world around them, and yet they did so based on their successes or failures in social as well as military terms. It is difficult to overstate the significance that social decisions based in inheritance and succession, like those we have witnessed in both the Ichikawa case study and in general documents, had on family groups within the continually evolving framework of the Japanese warrior class. The story of the Nakano and Ichikawa provides a lens on the evolving conception of the warrior family itself as it matured in the 13th and 14th centuries.

In CHAPTER II, we learned that the prerogatives enjoyed by parents in designating the destiny of their lineage were practically unlimited, and that the capacity

to do so was based in the strict application of law and the support of the bakufu as a legal foundation for parental rights. The variety of ways in which parental prerogatives could be implemented, or ignored, by benefactors is highlighted throughout our multigenerational study of the Nakano and Ichikawa. Let us begin by comparing the two in broad strokes.

The Nakano generations epitomize the chaos and unpredictability of the Japanese warrior family in this period; protracted internal disputes over land punctuated every major property transfer for the first four generations of our study, and structures of familial control were highly incongruous and almost totally ineffective, when they existed at all. The strongest figure from the Nakano line aside from Yoshinari himself was Shakua, the female *sōryō*, whose time as family head, while stable, represented the fleeting eye at the center of a typhoon of legal quarrels. Nakano allegiances shifted frequently, as branch family members fought tooth and nail for ever-diminishing shares of the family wealth.

The Ichikawa story is starkly different than that of their predecessors. Along with the family property, Morifusa inherited a truly monumental legal mess from his adoptive mother, as branches of the Nakano came out of the woodwork to assault the validity of his inheritance almost immediately following Shakua's death. The difficulties surrounding Morifusa from his inheritance in 1272 onward eventually led him to enact forceful policies of family structure that would make such a tendency towards legal conflict among his own heirs a significantly less likely phenomenon. As the legal strategy of Morifusa and Senkō was tested in the following generation, the value of their decision

to concretely establish rules of succession was embraced and emulated by their children. This is a key point: the strategies employed by Morifusa only lasted into the next generation because they were effective, and viewed as beneficial to the family moving forward. The practical function of the design of their elders was upheld by Sukefusa and his peers specifically because it worked.

Based on the distinction between the Ichikawa and the Nakano examples, in viewing the benefactors of headship and property in the Nakano and Ichikawa periods of the property lineage we have studied thus far, two basic types of distinct familial proprietors appear. Those who actively planned for household continuity and those who, either willingly or unwillingly, failed to do so. These two categories of headship can be defined in shorthand as land “transmitters” and land “organizers.” Land “transmitter” figures in this study are typically from the Nakano house, and include Shakua, Ren’a and Tadayoshi. These figures expressed few structural guidelines, if any, in their bequests, often resulting in a characteristically chaotic period of inheritance dispute and confusion over the transmission of property following their deaths. Conversely, land “organizers” concerned themselves quite directly with defining the future of their property lineage through concrete definitions of land use, inheritance boundaries, taxation division, landholding durations, and their wishes on basic elements of land transmission in general. These figures include Morifusa, Senkō, and Sukefusa, each of whom took active steps in insuring their legacy through pointed and specific designations of succession.

Benefactors could never account for the whole of variable grounds for disputes or familial disharmony, but as we can see from the bequeath behavior and subsequent

familial reaction of these two categories of family leadership, the capacity of careful succession structuring by a patriarch and/or matriarch to calm the waters of inheritance quarrels was substantial and effective. Disputes still occurred in our case study under “organizers,” but following the structured bequests of Morifusa and Senkō, all of the disputes that appeared were external to the nucleus of inheritors defined in their bequests. That is: they were brought by or directed at those who were outsiders. Additionally, while the bulk of the story of Sukefusa’s generation takes place after the destruction of the Kamakura Bakufu, in the immediate years following the death of their parents, during which the overall stability of the Kamakura polity was maintained, the Ichikawa brothers and sisters did not engage in legal disputes with one another. As we have seen, these are the times when inheritance disputes often reach their peak. Yet rather than going against the wishes of his parents, Sukefusa’s only aggressive legal action as the new house head involved settling old debts with outside members of Nakano branch lines, and no disputes arose from his siblings. As internal schisms continually characterized the Nakano household, the Ichikawa formed a united kin group under the example of Morifusa and Senkō that would stand the test of time.

Also characteristic of such “organizer” headship figures are what could be categorized as family-bonding bequest clauses, as developed by Morifusa and Senkō. These clauses provided an additional layer of cohesion between members of a given generation of property recipients. Such structures include the clause in Senkō’s will that bonded the children of Tomofusa to their aunt, the “Hoshinano Daughter,” through property reversion, the clause in Sukefusa’s will that referred to the injunctions of his

father and great-great grandfather in their bequests, and the clause in Morifusa's will that gave the brothers a concrete taxation framework which simultaneously empowered and restricted the *sōryō* in the use of his authority in such matters.

While families could still be structured in a variety of ways and by the will of the benefactors, the need to create a more rigid set of bonds was, in the case of families that endured such frequent disputes, the result of combined internal and external pressures. Just as diminishing property shares forced families to individually modify their inheritance patterns, often towards a more unified property lineage structure, the same pressures increased the intensity of internal conflict, creating a need for a fuller and more frequent usage of the structuring tools available for many families. The skill of the family leadership in employing these methods often determined the success or failure of a given lineage of warrior nobility. Laws changed little in the Kamakura period regarding the way in which families organized themselves, and yet radical change to these organizations evolved over the course of a few short generations. The explanation for this change must, therefore, rest in reasons such as these.

The personal motivations of Morifusa in establishing the grounds within the Ichikawa lineage for such extensive "organizer" behavior cannot be fully known. However, it is useful to analyze the nature of his decision, and based on the background to his succession we can infer several motivating factors that likely played a significant part in the choice to establish a more concrete family structure. First, he personally experienced several legal assaults, from his adoptive grandmother, Ren'a, and his adoptive uncle Nakayoshi. Morifusa was belatedly welcomed into the Nakano line with a

series of multi-year lawsuits and a number of new enemies, permanently damaging any viable social bond with that kin group. Based on the rigid structure of his bequest documents, we can infer that this behavior was obviously not something Morifusa wanted as a part of his own legacy. Second, the portfolio of family documentation Morifusa received was thick with previous cases of dispute springing from uncertainty and poorly defined inheritance documents. Family members had, for generations, assaulted one another based on ambiguities found in the bequests of their predecessors. Morifusa had ample time to review these cases, as we have already learned in comparing his extensive period of headship to that of the other members of his property lineage. Organized structuring behaviors were adopted, in the Ichikawa case, as the result of a combined personal and historical learning experience that had grown out of generations of divisive familial discord in the preceding Nakano line and culminated in Morifusa's decision to make a definitive change. The need for or benefits of such structures might have been more or less apparent in a different family or generation, but the tendency toward more rigid structures based in conflicts stemming back into the family history seems to make practical sense for any family leader, especially one faced with the burgeoning exigencies of the 14th century, both before and after the end of the Kamakura period.

Another important point to note when analyzing Morifusa's motivations is the nature of his personal relationships themselves. Contrary to what might be expected, most of the strongest figures in his life were women. Shakua, his adoptive mother, represented the only relatable member of the Nakano house, and Senkō, the woman with whom he shared a life-long bond, was trusted as the co-founder of his legacy. Furthermore, the

connection between aunts and nephews and nieces was stressed in several parts of the *Ichikawa Monjo*. Also, one of the key differences between Morifusa and the previous generations was the presence of a strong and unbroken monogamous bond. It seems evident that Morifusa's concerns involved a definition of welfare itself which went beyond that of his personal sphere, possibly as an extension of the close nature of his marital relationship. Rather than seeking success for himself as an individual member of a larger group of competitive figures, as many of the Nakano clearly did, Morifusa began a trend towards a redefinition of success which included a nuclear kin group. The enhancement of their marriage bond seems to have created a stronger familial sense in Morifusa and Senkō than had existed under the generations of Yoshinari, Tadayoshi, and Shakua. Consequently, their bond resulted in the establishment of a particularly complex structure of familial power in which it was rare for one figure to control the house exclusively. As Sukefusa gained headship in 1321, his power was balanced with that of his mother, who had overriding authority in any conflicts that arose between her children, and survived until at least 1329, and his father, who survived for at least five years after his retirement. This bilateral, cooperative power dynamic, while not always present, was at least a common feature to the Ichikawa lineage from that point forward. Additionally, although inheritances in the Ichikawa line were centered around a primary figure, no members of the house went un-provided for, at least in terms of their most basic income needs.

The generation following Morifusa and Senkō understood the value of the structural outlines they had received. Sukefusa followed the precedent of his father and

mother, and his son Yorifusa (although perhaps inadvertently) was left under the watchful eye of his younger brother, who appears to have been the most active if not the most capable warrior in the family, Tsunesuke. He reiterated the structured inheritance outline of the previous generation, and further solidified common familial inheritance practices by doing so. In reality, power in few medieval warrior families was simple; but the Ichikawa maintained a deliberate, deep structural complexity which functioned as an even keel, preventing destabilization and precluding any attempts to dispute inheritances regardless of external turbulence or the tides of history. For all intents and purposes, the Ichikawa *sōryō* functioned in the expected role of family representative, the trunk of the property lineage, and the external image of family economic and military power, but in reality deeper forces simultaneously checked his power and enhanced the security of the family as a whole.

By establishing functional rules of succession which were viewed by heirs as beneficial to the legacy of the family, family heads like Morifusa and Senkō could impact the inheritance and succession practices of their followers for multiple generations. The positive manipulation of such dynamics could have a dramatic effect on the potential enhancement of the status of a house. While the growth of status in the Ichikawa case is certainly related also to external opportunities offered by a changing society, the capacity to seize such opportunities enjoyed by Sukefusa's generation was enhanced by the stable foundation laid by their predecessors.

We have learned that the Ichikawa were warriors in more than name, rank, and title alone. With ample credentials and scars of battle, their mettle as a unit was tested on

the battlefield and off. The impact of constant warfare on family structures was multifaceted, potentially strengthening or weakening the status of a family while also impacting the balance of wealth in ways that could not have been predicted or affected by previous generations.

Tomofusa's numerous battle documents, the number of which eclipse either of his older, wealthier brothers, and the subsequent requests for confirmation and compensation of his military deeds, demonstrate the viability for wealth generation gained by secondary sons in the mid-14th century. The success of the Ichikawa in taking advantage of such propitious opportunities for wealth generation was not unique, as new avenues for profit were widely exploited by those in a position to do so.²⁰⁸ Morifusa and Senkō's combined application of structuring clauses in their legacy designation had left not just Sukefusa, but the family as a whole in a strong position in this regard going into the Nanbokuchō period. As the early 14th century gave way to endemic civil war, it became apparent that the strongest figures in society were backed by concrete clan structures which originated from a core familial base. As we have seen from the initial coalescence of family vassals, groups like the Ichikawa attracted the attention of career-minded warriors from inside and outside of the *bushi* class, strengthening their viability as local leaders through the accumulation of followers from outside the family group.

It would have been impossible for Morifusa to have understood the full significance his decision to enact rigid familial structures would hold given the radical

²⁰⁸ As Thomas Conlan notes, a relative landed status, enjoyed by the Ichikawa, was necessary to making demands for compensation. See *State of War*, p. 144.

sociopolitical changes that occurred only a decade after his death. Yet we can understand from the family history prior to his inheritance that the impetus for change towards a more cohesive family unit, in the Ichikawa case, was based directly on internal sources of conflict that were drawn from generations of loose and poorly-defined succession, and which characterize the nature of the warrior family itself in the early medieval period. Making a change to avoid such time consuming, relationship-straining and legacy-endangering disputes, Morifusa and Senkō altered the course of family history through the particularly intelligent application of parental prerogatives available to all family heads. Their impact was significant, and their descendants came to fully appreciate their policies through the successful maintenance of the example set by their predecessors.

APPENDICES

FOREWORD TO DOCUMENTS

A number of people have contributed to this portion of the project, most directly Dr. Andrew Goble and Ph.D. student Xia Yun, who have translated multiple documents and granted me permission to include them here. The documents they have translated are labeled below. Having said this, any errors in interpretation, editing, or translation found within these documents are my own. As a final note on Kamakura-era legal documents themselves, there are a number of challenges faced when confronting fragmented documentary evidence of the distant past. Often the background to these documents is unavailable and challenging to decipher given the limited frame of reference provided for the reader. This represents not only a translation challenge in determining the major and minor figures themselves, but also in interpreting a case as a whole from only a part of the legal record. As further documents are unearthed, analysis of these cases may one day need expansion or revision to include new evidence. These are challenges we face knowingly as historians.

I have included a Japanese reference copy of the Ichikawa family genealogy below in Figure A.1, which includes multiple names for many of the figures discussed in the analysis of the Nakano and the Ichikawa.

The Nakano and Ichikawa Genealogies. 中野家と市河家

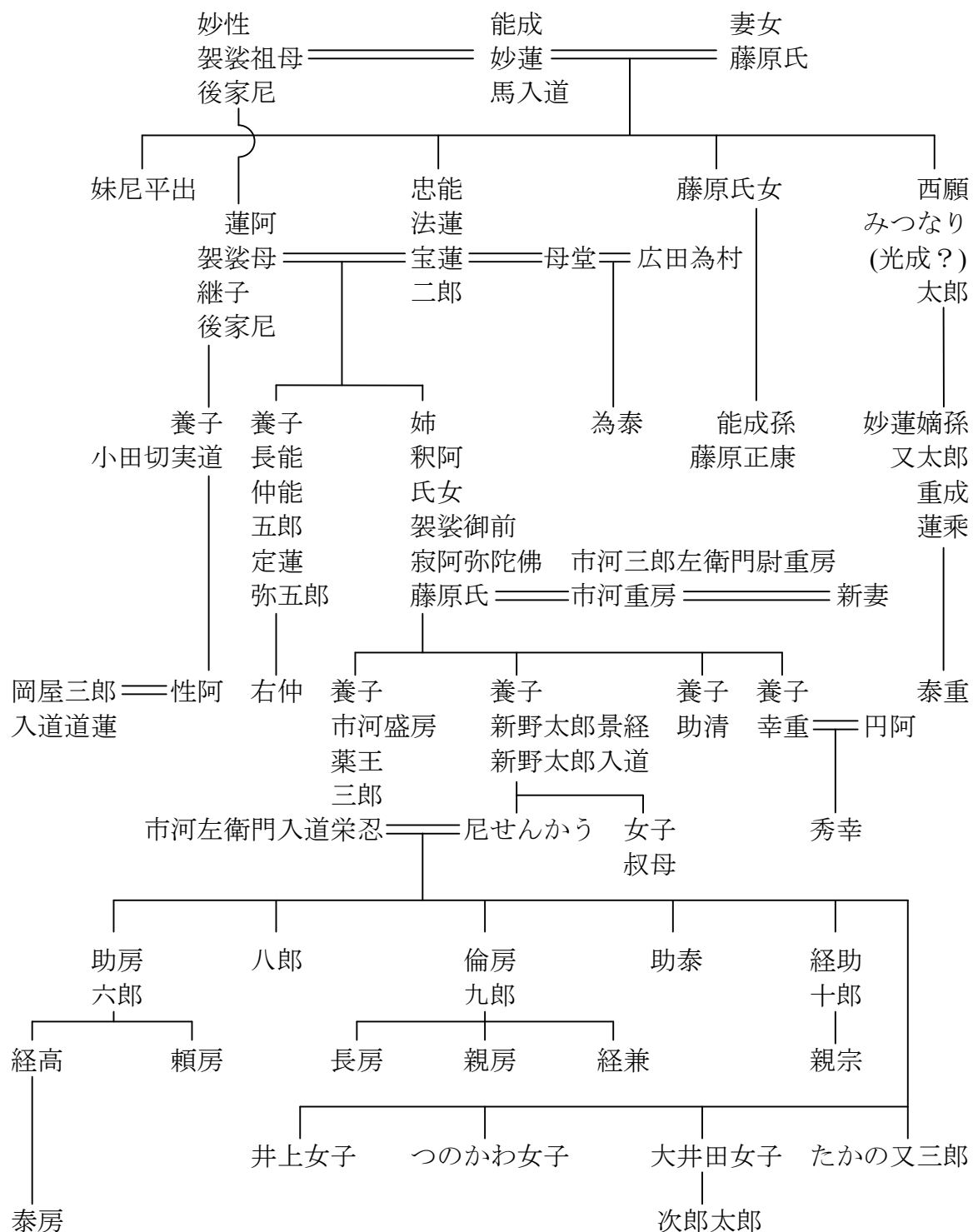


Figure A.1. The Nakano and Ichikawa Genealogies (Japanese Reference)

APPENDIX A

DOCUMENTS FOR CHAPTER II:

p. 160 - Document #1a: *Kanto gechijō*, Conflict of Interest Laws.
Enno 2 (1240).4.25 (Translated by Kevin Gouge)

p. 161 - Document #1b: *Kanto gechijō*, Conflict of Interest Laws.
Enno 2 (1240).4.25 (Translated by Kevin Gouge)

p. 162 - Document #1c: *Kanto gechijō*, Conflict of Interest Laws.
Bunryaku 2 (1235).6.21 (Translated by Kevin Gouge)

p. 167 - Document #2: *Takebe Chikatsuna wayojō*, Aunt Dies Intestate (settlement).
Shōka 2 (1258).9.21 (Translated by Kevin Gouge)

p. 170 - Document #3: *Kantō gechijō*, Family with an “Adopted” and a “Real Child.”
Bun’ei 7 (1271).4.26 (Translated by Kevin Gouge)

p. 141 - Document #4: *Kantō gechijō-an*, Incest and a Succession Mother’s Legitimacy.
Bun’ei 9 (1272).12.26 (Translated by Andrew Goble)

p. 152 - Document #5a: *Kantō gechijō-an*, Mongol Invasions, the Death of Male Heirs.
Kouan 2 (1279).10.8 (Translated by Andrew Goble)

p. 154 - Document #5b: *Kantō gechijō*, Mongol Invasions, the Death of Male Heirs.
Kōan 2 (1279).10.8 (Translated by Andrew Goble)

p. 165 - Document #6: *Kantō gechijō*, Aunt Dies Intestate, no Direct Heirs (dispute).
Einin 3 (1296).5.1 (Translated by Kevin Gouge)

p. 163 - Document #7: *Kantō gechijō-an*, Forged Documents, Competition for Succession.
Kagen 2(1304).4.24 (Translated by Kevin Gouge)

p. 147 - Document #8: *Kantō gechijō*, Belly Child, Adopted Daughter, and Succession.
Gen’ō 2 (1320).9.25 (Translated by Andrew Goble)

DOCUMENT 1a
Kamakura Ibun, 8:5561

Enno 2 (1240).4.25 (Translated by Kevin Gouge)

Conflict of Interest Law,

Kanto gechijō, (Source: amendments to the Goseibai Shikimoku)

Concerning established opinion on the need for the retirement of a judge from his position when a case involving member(s) of the following list of his kin is brought before the court:

Grandparents, Parents, Children and Grandchildren, Siblings (including sisters)¹, Sons-in-law, Fathers-in-law, Those with mutual fathers-in-law,² Men of the elder generation,³ Nephews, Brothers-in-law, Male cousins, Wives (if the judge's wife is being tried, he should immediately leave his post and exit the room), Godsons.

Enno 2 (1240).4.25

¹ A subtext below the entry for male siblings is that of female siblings.

² See the body of the article for an explanation/visual depiction of this categorization.

³ Uncles/Great Uncles, for example, but possibly also other qualifying members of such a peer group, including step-uncles.

DOCUMENT 1b
Kamakura Ibun, 8:5562

Enno 2 (1240).4.25 (Translated by Kevin Gouge)

Conflict of Interest Law,

Kanto gechijō, (Source: Kiyowara Nobukata no Shikimoku-Sho)⁴

Concerning established opinion on the need for the limited capacity⁵ of a judge when a case involving member(s) of the following list of his kin is brought before the court:

Grandparents, Adoptive Parents, Children and Grandchildren, Adopted Children and Grandchildren, Brothers, Sisters,⁶ Sons-in-Law (and the same with Grandsons-in-Law from the Sister's Grandchildren), Fathers-in-Law, Those with mutual fathers-in-law, Uncles and Great-Uncles,⁷ Nephews and Nieces,⁸ Male cousins, Brothers-in-law, Wives (if the judge's wife is being tried, he should immediately leave his post and exit the room).

Enno 2 (1240).4.25

⁴ The Nobukata were a family of hereditary legal scholars that can be traced back to the Heian period. This document is from a 16th century compilation, and is supplementary to the Shikimoku Amendment in Document #1a. This document lists a number of additional relationships which were excluded from the final version of the conflict of interest law. The discrepancies between the final law and this copy are indicative of the debate over the extent to which relationships should be seen as legally defined within the Hyojoshu.

⁵ The meaning is essentially the same as in the final law of 1240, and indicates that the judge should not preside over the case.

⁶ In this edition, rather than in a subtext, sisters are listed as a full entry following the entry for brothers.

⁷ Both the father's elder and younger brothers are specifically included.

⁸ Nieces were removed from the formal copy of the law.

DOCUMENT 1c
Kamakura Ibun, 7:4782

Bunryaku 2 (1235).6.21 (Translated by Kevin Gouge)

Conflict of Interest Law,

Kanto gechijō, Established rules for leaving one's seat in the judicial conference chamber,
 (Source: New Supplementary Compilation)⁹

Concerning established opinion on the need for the limited capacity of a judge
 when a case involving member(s) of the following list of his kin is brought before the
 court:

Grandparents, Parents, Adoptive Parents, Children and Grandchildren, Adopted
 Children and Grandchildren, Brothers, Sisters,¹⁰ Sons-in-Law(and the same with
 Grandsons-in-Law from the Sister's Grandchildren), Fathers-in-Law, Those with mutual
 fathers-in-law, Uncles and Great-Uncles,¹¹ Nephews and Nieces,¹² Male cousins,
 Brothers-in-law, Wives (if the judge's wife is being tried, he should immediately leave
 his post and exit the room), Godsons.

Bunryaku 2 (1235).6.21

⁹新編追加 – Shinhen Tsuika.

¹⁰ In this earlier law as well, rather than in a subtext, sisters are listed as a full entry following the entry for brothers.

¹¹ Both the father's elder and younger brothers are specifically included.

¹² Note: nieces were removed from the formal copy of the law.

DOCUMENT 2
Kamakura Ibun, 11:8282

Shōka 2 (1258).9.21 (Translated by Kevin Gouge)

Aunt Dies Intestate, With No Direct Heirs (Original Settlement),

Takebe Chikatsuna wayojō

An out-of-court settlement document from Takebe Chikatsuna,

A item-by-item settlement between Chikatsuna and Munechika concerning matters involving lands, duties/posts, and other such matters in Sata (Sada?) village.

Item: Following the division of the house and the opening of new lands for cultivation (between Miyata and Sakai?). The property in question is for Munechika, there is no need to go into details. Next, as to the newly opened fields, on the basis of the illegitimate interferences therein, henceforth they shall remain Munechika's without dispute or disturbance.

Item: As to the old (existing) road and the construction of a new road with the purpose of diverting traffic through Munechika's domain(s). As to the issue of the roads, considering the map, which clearly shows the original main road along with the official stamp, the issue is closed. There will be no other road. There is no need to go into any further detail.

Item: As to the Provincial Governor's (kokushi) new order of compensation involving lands (fields). As to the fields in question, totaling 1 *cho* and 5 *tan* (3.6765 acres). Based on Munechika's stated dispute, the 5 *tan* (1.2255 acres) will be transferred to Munechika.

Item: As to the military/public service of the dead father's household. The public service in question, despite (or "even though there have been," *iedomo*) appeals and a lawsuit (*soshyō*), must be carried out by (or for) Munechika. There is no need to go into detail on this matter.

Item: As to the matter of the two daughters (female children's) portions. As to the said lands, within Chikatsuna's domain is his main residence and distinguished paddy lands. The ordered amount (5 *tan*), in the end, should be drawn from part of Chikatsuna's fief.

Item: As to the accusation of Munechika's wrongful seizure of lands owned by the mother's 3 children (or, by the 3 women including mother and her children?), the prefectural governor has dictated the following:

On this matter: Within the home domain, questions involving the many details of this issue have already been answered. According to (based on) Munechika's statement, there is no need to bring up this lawsuit.

Item: Absorbed in 鞞¹³ submission? (possibly: This submission should be carried out by the fall season).

Item: "Ango" will be carried out. (there is some indication that this relates to the *sōryō* system....an extended religious (zen/zazen) training session/ritual for house heads taking place from 4th month, 15th day until 7th month, 15th day of the lunar calendar.)

¹³ This character only appears 15 times in the entire Kamakura Ibun, the closest thing to a definition I have for it relates to horses and knot-tying, or alternately, to striking a blow. I am fairly sure this is not the intended usage here. The character may be a precursor to the character for Fall - 秋 "aki."

Item: For the provincial governor (shugo), food and lodging will be provided dutifully (or possibly “so that the shugo may perform his duties”)

Item: On the same token, a guest house/room will be constructed.

Item: And the same (service) provided for the Kamakura Lords.

Item: Ceremonial foods (and other goods?) will be available.

Item: Shinto Purification (ōharai) will be performed

Item: When they (plural, meaning the lords or other guests?) undertake public duty, it must be announced.

Finally (migi), these points, mutually ordered and settled by Chikatsuna and Munechika are, now and after, closed. Let there be no discrepancy or variation. Accordingly, this settlement is devised thus.

Shōka 2 (1258).9.21 Takebe Chikatsuna (seal)

DOCUMENT 3
Kamakura Ibun, 14:10617

Bun'ei 7 (1271).4.26 (Translated by Kevin Gouge)

Family with Both and Adopted and “Real” Child,

Kantō gechijō,

As to the dispute between the Kiyohara *ujime* and her brother Nogami Tarō Sukenao over the *jitō* post to Nogami village in Bungo province.

As to this, as in the report of the Dazaifu, “even though there are many details, in the end Sukenao, utilizing the fact that he is the son of Sukemichi, has inherited his holdings. The *ujime* [argues] that ‘she should be granted the property on the basis of having an earlier signed bequest; that this Sukenao is a taken [adopted] child; and that a servant woman who mentioned this was killed [by him], which is a crime.’ Though she argued this, Sukenao stated that ‘the *ujime* is not an outsider, she is Sukemichi’s child. It is absolutely inappropriate for her to go against her father’s instructions and to challenge his decisions. Moreover, as to the killing of the servant woman, she was sold.’ There is no clear evidence on this; but even supposing that it was true she was an underling and cannot be the subject of a suit.”

Next as to going against a summons from Dazaifu, since Sukenao has sent a representative to explain the facts of the matter, it is not the case that he has been causing difficulties.

In sum, as to the said village, Sukenao holds the father’s later signed bequest. There cannot at this point be any departure from this.

In accord with the orders of the Lord of Kamakura, the directive is as such.

Bun'ei 文永 7 (1271).4.26 Sagami no kami Taira *ason* (seal) [Hōjō Tokimune].

Sakyō gondaiyu Taira *ason* (seal) Hōjō Masamura].

DOCUMENT 4
Kamakura Ibun, 15:11167

Bun'ei 9 (1272).12.26 (Translated by Andrew Goble)

Incest and a Succession Mother's Legitimacy,

Translated By Andrew Goble 安龍 ©2008

Kantō gechijō-an,

Items relating to Ishii district and dwellings in [Iyo] province in dispute between Yūkan the deputy of Kōno Shirō Michitoki and the same Rokurō MichiXXXXX (yoshi character omitted), [all] of Iyo province.

Item. The matter of the document of agreement of Bun'ei 5 (1268).7.25. As to this, even though there are many details in the content of the plaintiff and the defense [accusations and refutations], in sum, Ishii district and the separate parcels were the property of Kōno Kurō Uemon nyūdō Keiren (Michitoki's grandfather, and Michiyoshi's grandfather). Whereas his son Michitsugu (Michitoki's younger brother, and Michiyoshi's father) received a document of bequest on Bun'ei 4 (1267).8.10, since Michitoki and Michitsugu were in dispute [over the bequest], on Bun'ei 5 (1268).7.25 the two sides entered into a compromise. Since Michitsugu awarded to Michitoki eight parcels of the said district and the family retainers [allocated to those parcels], with respect to Michitsugu's family portion and with respect to Michitoki's proprietary portion, for each place a documentary order was drawn up. And it is claimed that it is written in this document that with respect to the content of Michitsugu's allocation, it was not an equal division, and the places

were distant or separated and some larger and some smaller; and that since the eight parcels were an internally divided possession, so should there be any disturbances this would break the compromise. Even though many details were spoken, as in Michitoki's document of the same day [1267.7.25] which was provided by Michiyoshi, it is not written that the compromise must be altered. Accordingly, it is impossible [difficult] to alter the compromise document of the same day as well as the documentary order. Accordingly, Michitoki's suit is not within our charge (will not be taken up; outside our jurisdiction).

Item: the matter of the bequest of Bun'ei 4 (1267).8.10. As in this document, "as to the matter of the separate parcel(s) of Ishii district, since this (land) constitutes a reward for service, it is transferred by bequest to Ochi Michitsugu. However the original dwellings within this are to be distributed to the other children etc, and the remaining portions as well as the family retainers etc shall be possessions under the control of Michitsugu." However, as to Ishii district, in 1237 Michitoki received a bequest, and Michitsugu received the separate parcel by bequest. Even though Michiyoshi has claimed that the Bun'ei document [1267.8.10] is a later-signed one, this document notes that, as to Ishii district, in 1237 Michitoki received this by bequest, and as to the separate parcel Michitsugu received this by bequest.

Even though [Michitoki's deputy] Yūkan states that even though Michiyoshi claimed that the Bun'ei document [1267.8.10] is a later-signed document, since "Ishii district separate parcel" is recorded in this document, and the separate parcel was for a second time received by bequest, at the time of the compromise agreement of the brothers

[1268.7.25] the district was not divided, [so] the parcel was divided into portions, and Michitoki gained [some] from within that. Now furthermore, is it that there is no reason to attach payments and obligations with respect to that bequest document?

Next, even though it is similarly stated that since it is a document from after Keiren had retired from the world, there cannot be any levies (不能叙用) [assigned to the property in question], given that Michiyoshi responded in defense that Keiren served duty in the capital, is it [not the case] that there is no demurral that up through around the Kōchō [1261-1263] and Bun'ei [1264-1274] eras either he possessed a document from Rokuhara and served his duties, or else at times of disturbance hastened to serve? Even if for example there was some prior transgression, as a child, this cannot be raised as suit (不可訴之). And, that Michitoki in order to break a bequest document went as far as a willful disorderly suit (濫訴) he cannot escape punishment for willfully accusing (告言). In sum therefore, as to the Bun'ei era bequest document [1267.8.10], it is not the case that it is problematic. Next, as to Michitoki's punishment for falsely claiming, his lands are to be listed, and they shall be partially called in [confiscated].

Item: As to the matter of the legacy of Keiren's daughter the nun Kan'a within the separate parcel. As to this, Even though [Michitoki's deputy] Yūkan raises details, in sum, since it is recorded in the Bun'ei era bequest document that apart from allocations to various children it shall be possessed by Michitsugu, Michitoki's suit is not within our charge.

Item: As to Michitsugu changing his family name and receiving an appointment. As to this, even though Michitoki has stated that Michitsugu changed his original family name

and sought to be raised in rank to be appointed as a provincial governor, since Michiyoshi has stated that his being called for service has stopped, and Michitsugu has already died, similarly, it will not be dealt with.

Item: Whether or not Michitoki underwent his father's disinheritance. As to this, as Michiyoshi states, "Since Michitoki carnally embraced (懷抱) his step-mother, he was disinherited by Keiren, and from that time until the end of his life [Keiren] never pardoned him. Furthermore, the disinheritance document as well as the acknowledgement document [of that disinheritance document] from Mutsu no kami Tokishige, and the oath in Michitoki's own hand are abundantly clear. And, as to Michitsugu apportioning and awarding the said district as well as the retainers, whereas this is a benefice, there is no basis for this willful untrue suit."

As Yūkan stated, "As to the matters of carnally embracing the step-mother as well as the disinheritance, this is an empty assertion. The documents that Michiyoshi has produced are all of them forgeries. As to Tokishige's document, there is no reference to unfilialness. The Michitoki document is absolutely not in his own hand."

Even though it is written in the 1248 bequest document forwarded by Michiyoshi that Michitoki had been unfilial, "in the Kenchō era [1249-1255] he was pardoned." After this, sometime around the Shōka era [12567-1258], once again [Michitsugu] claimed that [Michitoki] had been disinherited, and even though [Michitsugu] furnished Keiren's pledge as well as Michitoki's oath, subsequent to Keiren's death, Michitoki and Michitsugu reached a compromise, and divided up their father's legacy. As to matters prior to the compromise, we cannot investigate the truths or falsities of the matter.

Consequently, with respect to the matter of disinheritance, with respect to forgery [document corrupt].

Item: the matter of whether or not Michitsugu married his step-mother. As to this, Yūkan thereby states that Michitsugu had sexual relations with [both] the two people Keiren's wife and his concubine (妾). Since Michiyoshi has replied that this is not true, and since Michitsugu has died, likewise it will not be dealt with.

Item: the matter of whether or not Michiyoshi had sexual relations with his step-mother. As to this, even though both sides together have stated many details, in sum, as to witnesses, in the case of Jakubutsu, given that he has stated his dislike of Michiyoshi his dislike, since it is impossible to question the other retainers, and since apart from this no specific proof has been offered, is it that it is difficult to give credence? As to the punishment for untrue submissions, since Michitoki is to be punished for a separate offence, this will not be dealt with.

Item: the matter of the holdings of Keiren's daughter Jūtoku. As to this, As [Michitoki's deputy] Yūkan states, "as to the said possession, where it was to have been transmitted [Jūtoku's?] after the lifetime of the mother nun (Keiren's widow), this nun was carnally embraced by Michitsugu, Michiyoshi, and others. These holdings should be awarded to Michitoki." As Michiyoshi has stated, "since these are not Michiyoshi's holdings, there is no need to relate any details." As to the matter of whether or not Michitsugu and Michiyoshi had sexual relations with Keiren's widow, it has been noted in the previous item that in the case of Michiyoshi there is no proof of this. As to Michitsugu, due to his being dead, the matter will not be taken up. Consequently, on the

issue of the widow's remarriage, is it that the truth or falsity of this is as yet undetermined? Accordingly, first of all the bequest document held by Jūtoku is to be called in, and if there is proof of the widow's possession, at that time whether or not she has remarried shall be investigated.

Item: the matter of whether or not there was encroachment on the paddy and dry fields within the eight parcels that are Michitoki's holding. As to this, even though it is recorded in Michitoki's register of the land division (*tsubotsuke*) that "twelve paddy or dry fields within the eight parcels have been encroached upon," as in Michiyoshi's rejoinder statement "these lands are either ones for which Shimizu *ama* and others received a bequest document, or else they are among the parcels held by Michiyoshi." Accordingly it shall be ordered to [the bakufu's branch headquarters in Kyoto] Rokuhara that it question those who have succeeded [to the lands], and to call in the register of landholdings (*torichō mokuroku* 取帳目録).

Item: the matter of the assertion that Michitoki's holdings shall be attached to the family head (*sōryō* 総領). As to this, even though Michiyoshi has stated that since Michitoki planned falsehoods, and conducted himself as an enemy, [these] should be returned to the *sōryō*, since on a previous occasion a compromise was reached, the matter will not be dealt with.

The above items, in accord with the command of the Lord of Kamakura, are ordered as noted.

Bun'ei 9 (1272).12.26

Sagami no kami Taira ason [Tokimune]

Sakyō gondaiyu Taira ason [Masamura]

DOCUMENT 5a
Kamakura Ibun, 18:13730

Kōan 2 (1279).10.8 (Translated by Andrew Goble)

Mongol Invasions, the Death of Male Heirs,

Translated By Andrew Goble 安龍 ©2008

Kantō gechijō-an,

On the matter of the two villages of Shiozuru and Kanzaki within Sashi village in Hizen province being the legacy lands of Sashi Minamoto Saburō Tomuru, petitioned by Myōren the widow of Hizen province *gokenin* Sashi Shirō Saemon no jō Fusa, [Fusa's] grandson Kumataimaro, as well as Minamoto *ujime* and the nun Agyō.

As to this, as stated by Myōren, “even though Fusa married/had sexual relations with Agyō and Tomuru was born, since from the time when he was in swaddling clothes/diapers I raised him, he is like a real son. And, with Tomuru giving his life on the battlefield, given that there is no person who can inherit, I should be granted the posthumous lands.”

As stated by Kumataimaro, “Given that there is no person who can inherit the legacy of my grandfather Fusa, Agyō is an entertainer at the government headquarters (Saifu). I should be granted them.”

As the Ujime stated, “The said village is within the holding of the Ujime. Because of my grandfather's service, I should be granted them.”

As stated by Agyō “Tomuru is Agyō's child. I am to be granted the legacy, and it shall be used for [my?] maintenance and education (教養).”

As to Myōren's and Ujime's wishes, given that that neither of them have the standing (are adequate) to be someone who can inherit, and Myōren has already died, these are not fitting details/circumstances [that would allow the matter to be considered].

At this juncture, the mother Agyō is an entertainer at government headquarters, she is not fitting to hold the land. Even though Kumataimaro is Fusa's legitimate grandson, that he not be appropriate for Fusa's legacy, is this problematic (不便)? And this legacy is one which has no owner. The claim that it should be awarded to Kumataimaro is not without reason.

Accordingly, the document whereby these two villages are to be awarded to Kumataimaro is by order of the Lord of Kamakura, ordered as above.

1279.10.8 Sagami no kami Taira *ason* [Hōjō Tokimune].

DOCUMENT 5b
Kamakura Ibun, 18:13731

Kōan 2 (1279).10.8 (Translated by Andrew Goble)

Mongol Invasions, the Death of Male Heirs,

Translated By Andrew Goble 安龍 ©2008

Kantō gechijō,

With respect to the jitō post to Sashi village within Matsura estate in [Hizen] province which is in dispute between Ieyasu the representative/deputy of Kumataimaro who is the legitimate grandson of the Hizen province vassal Sashi Shirō Saemon no jō Fusa, and Musubu the representative/deputy of Minamoto ujime (Ukuso) who is the daughter of the third son [of Fusa] Isamu.

As to this matter: As noted in Ieyasu's statement, "The said village was the holding of Kumataimaro's great grandfather Sashi Genjirō Aogu. In the document which he bequeathed to Fusa in 1244 it states that 'After Fusa's lifetime the land must be transmitted to his grandson Naosu (Kumataimaro's father).' Consequently, while it was that after Fusa's lifetime it should constitute Naosu's portion, at the time of the Mongol battle Fusa as well as his main heir Naosu, second son Tomuru, and third son Isamu all sacrificed their lives. Since Kumataimaro was a child, he was unable to proceed to the battlefield and thus remained alive. At this point Isamu's mother Myōren with the most malicious intent hid Fusa's 1240s-era bequest, claimed that [the lands] had been bequeathed to Isamu, and falsely enabled the awarding of an official document [recognizing that claim] to Ujime, all of which was a wicked stratagem. In any event, Fusa had three sons. Even if Fusa had written out and left a bequest document, a main

heir cannot be omitted from this, and so as to Naosu's portion it is claimed that there is no bequest document. Further, as to Tomuru's portion, in the first instance while [he?] it was stated that there was no bequest document, when it was ordered that he must bring along [the? a?] hanging scroll [on which would have been mounted the document?] and appear before the court, he furnished [document?]. This was a wicked stratagem. Further it is the legacy of someone who has been killed. How can a legitimate main-line grandson be discarded, and it be transmitted to a female child who is the youngest? Further, it having been claimed that apart from this young lady there is no person who can inherit, a confirmatory edict [recognizing this] was falsely obtained. We wish that the loyal service of father and grandfather be given precedence, and that in accord with Naosu's bequest, we be awarded the said village."

As stated by Musubu, ".It is an untruth that after Fusa's lifetime Naosu was to inherit. As in Aogu's 1249 bequest, is it that we do not see this noted? Next as to Fusa's bequest, it is very clearly stated in the 1259.5.11 bequest that the paddy and dry fields of Sashi villages, as well as pasture, mulberry hedges, and the shipwood mountains, are to go to Isamu (child name Namako). From within that Shiotsuru, Kamizaki, and Homuda were divided off, and in a bequest of 1266.7.29, awarded to Tomuru (child name Ototsuru). As to Naosu, he was a fallen seed,¹⁴ and since he was not thought of as a son, it did not extend to there being a bequest document. Ujime is Isamu's only child. Why would she not inherit her father's legacy? And as for it being claimed that a confirmatory documentary was cheated, there is no evidence for this. Next as to Tomuru's bequest

¹⁴ "fallen seed" here is a pejorative comment on Naosu's legitimacy.

document, we have stated from the outset that it was written up. Why should that have been hidden?

As to the 1274.10.15 document of Naosu forwarded by Ieyasu, it notes that as to those lands awarded to Kumataimaro, those which are Naosu's legacy are to be held free of interference by others. But as to the Sashimura *jitō* post, it is common knowledge that the grandfather Aogu stated and laid down that after Fusa's lifetime it was to be held by Naosu. In this way he noted that should he set off for war and should anything happen to him, then those details are to be stated to higher authority and the land should be held [by Naosu].

As in the document furnished by Musubu which is Aogu's bequest to Fusa of 1249.5.16: "As to the matter of the document of disposition that is being bequeathed, as to the matter of the paddy and dry fields etc within the estate of the eastern district as well as the western district of Matura in Hizen province, these are Aogu's private lands which have been transmitted through many generations. When traveling to the capital in 1244 last [in order to perform guard duty?], at the time Aogu while in Kyoto contracted dysentery (痢病), even though when Shirō Saemon no jō Fusa's mother [parents? 親母] was in good health and they together wrote up [document of] transmission and gave it to Fusa while he was in the province [at home], furthermore collating all relevant proof and testamentary sequence documents they were once again bequeathed [to Fusa]. However, since the eldest son Kurojirō had predeceased his father, and even though, in order to assuage his feelings, some smaller portions of land were allocated to his son Iyatsuru,

these were revoked and taken back because he refused to follow Aogu's instructions. If hereafter any proof documents should appear, they shall be regarded as forgeries."

As in the document of 1259.5.11 that Fusa bequeathed to Isamu, "As to the matter of the portions to be bequeathed, as to the matter of the paddy and dry fields as well as the pasture, mulberry hedges, and shipwood mountain of the villages of Sashimura within Matsura western district estate of Hizen Province, as to this, these properties are these are Fusa's which have been transmitted over eight generations. It is true that all collated relevant proof and testamentary sequence documents have been (are) bequeathed to my first child (*hatsuko*)."

As in an interlinear notation in Japanese dated 13th day of the 3rd month in this same document, "once again bequeathing and attaching land purchase documents and deeds of sale and with there to be no interference on even one plot, I bequeath these to Namako"

As in the 璽 deed of sale of 1268.12.27 and the Japanese-language reverse notation of the same date, "even though the *sōryō* has granted this to Sōgenjirō Isamu, as this has been now purchased, it is bequeathed to this same Genjirō Isamu."

As in the bakufu document of 1268.12.27, "On the matter whereby immediately Minamoto *ujime* (Ukuso) shall possess paddy and dry fields etc of the Shimura villages within Matsura western district estate of Hizen province, As to this in accordance with the import of the plea/petition (申請) whereby 'at the time of the battle with the Mongols and others my late father Sashi Genjirō Isamu hastened to the battlefield and gave his life,' these are to be awarded. Immediately in accord with precedent these shall be possessed," even though it is stated that it is recorded Aogu's 1240s Kangen document that after Fusa's lifetime it must be transmitted to Naosu, since this is disputed by Musubu, as in

the 1240s Hōji document is it that this is not seen? Even if supposing that it is recorded in the 1240s Kangen document since it is not recorded in the later 1240s Hōji document, is it difficult for it to be given credence? This is point one.

As to Fusa's bequests, they do mention Isamu and Tomuru's portions, but there is no reason for claiming that Naosu did not have one. Over and beyond the fact that he was not disinherited formally, even though it seems that there was some reason for Musubu to claim that the succession mother Ren'a hid (documents), on the matter of them being secreted, is it that there is no proof?. This is point two.

As to Tomuru's bequest portion, though initially it was argued that there was no bequest document, at the point when it was mentioned that [who? Check above] was to appear in court with the hanging scroll, even though Ieyasu said that he would produce it, since Musubu has stated that that was not done, is it that it does not extend to details? This is point three.

Next, Ieyasu stated that "it states in Tomuru's bequest document that 'with respect to public obligations there is to be discussion/consultation and this shall be performed.'" Therefore it is entirely apparent that Naosu, Tomuru and Isamu were to have consulted [among themselves]. Even so, is it that written down that there shall be a discussion/consultation with respect to the Tomuru and Isamu portions? Is it that it doesn't extend to this difficulty? This is point four.

Next, as to the matter of Isamu's portion bequest document, as in the plaint and rejoinder documents forwarded by [Da]zaifu, at the point where no difficulties had been added, at the time of the questioning by the adjudicators (*hikitsuke*), Ieyasu claimed "on

the one hand that there were discrepancies over Isamu's child name as Hatsuko or Namako; and on the other that the deed of sale was dated the fifth month of 1259, with respect to which as in the interlinear notation since there was no year period is it of the third month of the third year? So to take a later dated sale document, and to record on it words of bequeath of an earlier date, makes it a forgery." Even so, is it that since there was no year recorded in the interlinear notation this was [just additionally written in? Accordingly is it difficult to assert that it is a document of the same year? This is point five.

Next, as to the claim that discarding a legitimate grandson, the said villages were attached to the last child's daughter. Kumataimaro is Fusa's legitimate grandchild. Since the said village was bequeathed to Isamu by Fusa, it constitutes Isamu's legacy, and that it was awarded to Ujime, does this accord with reason? This is point six.

Next, as to the matter of reward for meritorious service, as to Kumataimaro's father Naosu, and as to Ujime's father Isamu, both gave their lives on the field of battle. Kumatai and siblings as well as Ujime shall receive that reward. This is point seven.

In sum, as to Isamu's lands, Kumataimaro's incursions are to cease, and Ujime shall be given possession of the land. By order of the Lord of Kamakura, the decision is as such.

Kōan 2 (1279).10.8

Sagami no kami Taira *ason* (seal) [Hōjō Tokimune]

DOCUMENT 6
Kamakura Ibun, 24:18821

Einin 3 (1296).5.1 (Translated by Kevin Gouge)

Aunt Dies Intestate, With No Direct Heirs (Dispute),

Kantō gechijō,

As to the matter of seven *tan* of paddy and one garden within Sata village in Ōsumi province in dispute between Ryōshin the representative of Sata Iyakurō Sadachika and the same [Tatebe] Iyashirō Chikaharu.

As in the plaint and defense documents submitted by Dazai Shōni Tsunesuke *hosshi* (Buddhist name Jōkei) and Ōtomo Hyōgo Yoriyasu *hosshi* (Buddhist name Dōnin), as well as the proof documents forwarded by the parties, while there are many related details (branches and leaves), in sum, the said paddy and residential buildings are the legacy of Tatebe *ujime*, the aunt of Sadachika et al.

Having no child, she died intestate. Whereupon Sadachika's late father Munechika and Chikaharu's late father Chikatsuna reached an agreement. In Shōka 2 (1258) the constable Owari no zenshi *nyūdō* [Nagoe Tokiakira] issued a judicial order noting that "there is to be no disagreement," and thirty years have elapsed subsequent to that. Accordingly, in accord with the Shikimoku, now at this juncture the matter will not be taken up. Therefore, the document of agreement and the prior judicial order are to be upheld, and each and all are to comply with them.

Next, the matter of Chikaharu, claiming that it was a document from the presiding official, fabricated a forgery. Even though both parties have mentioned particulars, in sum, since there is no genuine copy of the document, the matter will not be taken up.

With respect to these above items, in accord with the command of the Lord of
Kamakura, the directive is as such.

Einin 3 (1296).5.1

Mutsu no kami Taira *ason* [Hōjō Nobutoki]

Sagami no kami Taira *ason* [Hōjō Sadatoki]

DOCUMENT 7
Kamakura Ibun, 28:21802

Kagen 2 (1304).4.24 (Translated by Kevin Gouge)

Forged Documents, Competition for Succession,

Kantō gechijō-an,

On the matter of his late father Muneyoshi's holding of Onimura village in Waga district of Mutsu province, appealed by Onimura saemon Shirō Noriyoshi's representative Shinben.

As to this, Mitsuyoshi, while intestate was, on the 10th day of the 10th month of the 5th year of Einin (1298), murdered in a night attack. Shinben has sued that there is no justification for [Noriyoshi's] older brother Saburō Mitsukage and younger brother Gorō Ieyuki (child name Kannon), having forged a document and claiming it to be a bequest, to have the holdings divided among them. Since when, in order to ascertain whether the bequest was genuine or a forgery, both Mitsukage and Ieyuki ignored the summons there was a decision in on the 23rd of the last month that because they could not evade the crime of forgery, since it was intestate land, it shall. Excepting Mitsukage and Ieyuki, be divided among the kin.

At this juncture then, of Mitsuyoshi's four children, the presumptive primary heir (*chakushi* 嫡子) Mitsukage and the third son Ieyuki were excluded from the allocation to kin. Shinben stated that the fourth son Tsurumatsumaru and his mother were murdered at the same time as Mitsuyoshi. Accordingly, is it that apart from Noriyoshi there are no kin to receive allocation of Mitsuyoshi's holdings?

Accordingly, with respect to the said village, it shall be held by Noriyoshi.

In accord with the order of the Lord of Kamakura, the directive is as such.

嘉元 Kagen 2 (1304).4.24 Sagami no kami Taira *ason* (seal) [Hōjō Moritoki].

Sakyō gondaiyu Taira *ason* (seal) Hōjō Tokimura].

DOCUMENT 8
Kamakura Ibun, 36:27574

Gen'ō (1320).9.25 (Translated by Andrew Goble)

Belly Child, Adopted Daughter, and Succession,

Translated By Andrew Goble 安龍 ©2008

Kantō gechijō,

The matter of the legacy of Ogasawara Jūrō Yasukiyo within Tsuu estate in Aki Province and Itanishi Shimo estate in Awa Province, as well as the Kamakura residential property, raised by Kobayakawa Mimasaka Iyajirō Saemon no Suke Kagemune (original name Masamune).

As to this, even though at the time of the appeal suit there were many details, in sum, these places were the property of the grandfather Mimasaka nyūdō Honbutsu [Kobayakawa Shigehira]. In 1258, his son Shirō nyūdō Jōshin [Masakage], after having been transmitted the property, as proof for the future, on the same day informed Rokuhara of the details. That on 1289.2.16 [the lands] were apportioned among Kagemune as well as the adopted son Nagamasa, and the grand-daughter Himeishi and others, is clear from Jōshin's testament, and the notification reply of Nagasaki Saemon nyūdō Shōkō and Saitō Shirō Saemon nyūdō Kan'i [Motonaga]. Even though on a previous occasion the older sister [of Kagemune?] the nun Kakusei and others raised objections that this testament was a forgery, it has been adjudicated that it is a true document. And as in Honbutsu's 1258.2.19 testament that was received by Jōshin, there is the injunction that "should Jōshin not produce a male child, then it shall be bequeathed to a person from within the

clan (*ichimon* 一門) who is considered to be suitable. It must not be bequeathed to someone outside the family (*tanin* 他人).” Due to a suit by Kakusei and others that Kagemune was not Jōshin’s true son, on 1297.10.27 his original lands were confiscated. As Kagemune lodged an appeal suit to the effect that it was a great difficulty that he was now living in straitened circumstances, upon perusing a memorandum of a previous day/the previous day, [it is noted that] “Kagemune’s mother is the wife of Jōshin’s adopted son Nagamasa. Since Nagamasa has not separated from her she cannot have given birth to Jōshin’s son. Is not Jōbutsu making things up when he states that based on Honbutsu’s injunction, he took Nagamasa’s son and made him into his own true son?” However, given that Kagemune has stated that “It is a matter of course that there is a contract that Yamashiro nyūdō Kōa’s adopted daughter shall be the wife of the elder brother (*aniyome* 嫂). However, after going to meet and get her, Jōshin and she joined each other sexually. And since Kagemune was born Nagamasa furthermore did not have a husband wife relationship.” Even supposing that that it was from the belly of the older brother’s wife, there are no remaining doubts that he is Jōshin’s son, it is difficult to dismiss [the suit] peremptorily (輒難被棄捐). Not only this, it is noted in the document that Jōbutsu sent to Shōkō, “Since there has been no generally acceptable procedure, I had fears about what was heard by outsiders at the time (無人氣次第候之間、當時外聞憚存候云々). With respect to Honbutsu’s injunction, if in order to obtain the legacy Jōshin truly should have made up a son that did not exist, how and why could words like this have been recorded? Is it a fact that Kagemune is Jōshin’s child and son?

Further, at the time when Jōshin retired from lay life in 1280, Kagemune's mother likewise became a nun (落飾). After several tens of years passed both Jōshin and Nagamasa have passed away. If she had not sexually joined Jōshin, and not given birth to Kagemune, then she would not have done this (此儀). Not only that, with respect to Jōshin's bequest document, around the eighth month of 1289, since Kagemune had requested an official document of confirmation in Rokuhara, upon Mimasaka no zenshi [Kobayakawa] Tadashige being questioned, having not already spoken in support (of the appeal), after fulfilling the Kyoto guard duty that was a Jōshin legacy, when in the first month of 1290 (Kagemune) sent a letter of appreciation to Tadashige, as in the letter of reply, "I am absolutely overjoyed that you have served your Kyoto guard duty safely and without incident (無為)." Furthermore it is recorded that he is delighted that they are of the same heart. If Kagemune was not a true son, why would Tadashige not have spoken details and this should have continued for two or three years? Accordingly, [Kobayakawa] Matasaburō Masahira's son [Kobayakawa] Asahira is the son of an individual connected to the Kamo Shrine clan. Even though Tadashige likewise sued that he is not Masahira's son, using the reply letter of Dewa nyūdō Dōkū [Nikaidō Yuki Yoshi], a property investiture document as Masahira's son was issued. As to the matter of Kagemune, Jōshin spoke to Rokuhara, and possesses the reply document from Shōkō and Kan'i. Are there not details in what Kagemune is arguing, that it is difficult to discard what is in a similar type of injunction? [that is, referring to Honbutsu's injunction that land to be distributed if a child is not born to Jōshin?].

Now, as to the matter of Nagamasa's letter, it says that "Iyajō [Kagemune?]'s difficulties have separate details. I know his feelings." As to Kagemune not being Jōshin's child, saying that it to be seen in this document, Kakusei on a previous occasion forwarded it for perusal. Since it is written in one place in Kagemune's appeal suit that "While, since it is not the handwriting of Kagemune's mother it is clearly a forgery, on a previous occasion this was not fully investigated, there remain doubts," upon Kakusei being questioned, a document in rebuttal was proffered noting that "There is no argument with the judicial decision of a previous occasion that that Kagemune is not Jōshin's child. The bequest document was not adjudged a forgery. Even though Kakusei is a daughter, whereas she is the only child, she was not awarded the posthumous lands. On these two points the decision is contradictory." Subsequent to this, due to [Kakusei] ignoring numerous summons and not appearing for a formal confrontation, it was ordered to Ushida Shinsaburō nyūdō Myōdō on the seventeenth of the eleventh month of last year that again a summons document be sent. As noted in Myōdō's report document of the eleventh of the second month of this year, "Even though the nun Kakusei the widow of Mikawa province Kami district's Jirō kurōdo was notified, she did not sent an acknowledgement." (The words of the report are here abridged). That Kakusei ignored a summons is the height of unreasonableness. However, as to the previously forwarded document we are in agreement with [the view expressed] in the two previous opinions that it is not sufficient as evidence,. Since there are many tangled elements [branches and leaves] we are not going to determine the truths and falsehoods.

In sum, whereas that Kagemune is a true child is clear from the bequest documents and from the evidence, the 1290s decision that called in original holdings of many generations standing on the basis of a claim of being from the belly of the brother-in-law's wife and simply surmising was mistaken. Since the above holdings were commended to Kenchōji upon the temple being questioned, the temple response document of 1314.10.18 forwarded by Shioaki Ukon nyūdō noted that “Since this was commended to the temple in 1297, we are unaware that this was confiscated from the original owner.” As to the residential property, Iki no Zenshi [Godaidō] Masaari was questioned. It is noted in Masaari's response of 6.12 of the same year [1314], “Since being a new recipient I am unaware of the details I am unable to speak verify [any details].”

In sum, with respect to the holdings and the residential property, after an alternative [property] has been provided for the temple and Masaari, these shall be returned to Kagemune. By order of the Lord of Kamakura, the judgment is as such.

Gen'ō 2 (1320).9.25

Sagami no kami Taira ason

Saki no Musashi no kami.

APPENDIX B:

DOCUMENTS FOR CHAPTERS III AND IV:

- p. 172 - Document #9: *Myōren yuzurijyō*
Kenchō 1 (1249).12.15 (Translated by Andrew Goble and Xia Yun)
- p. 173 - Document #10: *Shogunke mandokoro kudashibumi* (Nakano Tadayoshi *jitō-shiki*)
Kenchō 4 (1252).12.26 (Translated by Andrew Goble and Xia Yun)
- p. 174 - Document #11: *Shogunke mandokoro kudashibumi* (Nakano Masayasu residence)
Kenchō 4 (1252).12.28 (Translated by Andrew Goble and Xia Yun)
- p. 175 - Document #12: *Shogunke mandokoro kudashibumi* (Fujiwara *Uji* residence)
Kenchō 6 (1254).12.12 (Translated by Andrew Goble and Xia Yun)
- p. 176 - Document #13: *Kantō gechijō* (Tadayoshi's Estate)
Bun'ei 2 (1265).4.18 (Translated by Andrew Goble and Xia Yun)
- p. 184 - Document #14: *Shogunke mandokoro kudashibumi* (Fujiwara *Uji jitō-shiki*)
Bun'ei 2 (1265).5.25 (Translated by Andrew Goble and Xia Yun)
- p. 185 - Document #15: *Ama Shakua Amidabutsu yuzurijyō*
Bun'ei 9 (1272).8.18 (Translated by Andrew Goble and Xia Yun)
- p. 186 - Document #16: *Shogunke mandokoro kudashibumi*
Bun'ei 11 (1274).2.20 (Translated by Andrew Goble and Xia Yun)
- p. 187 - Document #17a-b: *Nakano Nakayoshi gonjōjō & Kantō mikyōsho*
Kenji 2 (1276).6.15 (Translated by Andrew Goble and Xia Yun)
- p. 188 - Document #18: *Kantō gechijō* (Ren'a v. Ichikawa Shigefusa)
Kōan 1 (1278).9.7 (Translated by Andrew Goble and Xia Yun)
- p. 195 - Document #19: *Kantō gechijō* (Yasushige v. Sukenaka & Sanemichi)
Shōō 3 (1290).11.17 (Translated by Andrew Goble and Xia Yun)

p. 200 - Document #20: *Morifusa yuzurijō* (to Sukefusa)
Genkyō 1 (1321).10.21 (Translated by Kevin Gouge)

p. 202 - Document #21: *Morifusa yuzurijō* (Public Duties, heirlooms/armor)
Genkyō 1 (1321).10.21 (Translated by Kevin Gouge)

p. 204 - Document #22: *Morifusa yuzurijō* (to Ōita Daughter)
Genkyō 1 (1321).10.21 (Translated by Kevin Gouge)

p. 205 - Document #23: *Ama Senkō yuzurijō*
Karyaku 4 (1329).6.23 (Translated by Kevin Gouge)

p. 207 - Document #24: *Kantō gechijō* (Sukefusa v. En'a, resolution)
Syōkyō 1 (1332).2.23 (Translated by Kevin Gouge)

p. 209 - Document #25: *Kantō gechijō* (Sukefusa v. En'a, complaint)
Syōkyō 1 (1332).2.27 (Translated by Kevin Gouge)

p. 211 - Document #26: *Sukefusa yuzurijō* (to Yorifusa)
Kōei 2 (1343).3.22 (Translated by Kevin Gouge)

p. 212 - Document #27: *Sukefusa yuzurijō* (to Tsunetaka)
Kōei 2 (1343).3.22 (Translated by Kevin Gouge)

DOCUMENT 9 Kenchō 1 (1249).12.15 (Translated by Andrew Goble and Xia Yun)
Kamakura Ibun, 10:7149

Myōren yuzurijyō,

Ichikawa Monjo 市河文書 – Andrew Goble 安龍 and Xia Yun 夏昀 – © May-June 2008.

The matter of bequeathing the *sōryō*-ship (そりやう = 惣領).

Apart from the paddy and residences from among the two districts (*gō*) of Nakano and Shikumi which have been apportioned among my children and grand-children, as to the post of *sō jitō* (そうちとふしき = 惣地頭職), I hereby make [my second son] Jirō Tadayoshi my main heir, and bequeath to him in perpetuity the official investiture edicts (*onkudashibumi*) along with all the accompanying original documents. With respect to [my first son] Tarō Mitsunari, because he has gone against the heart of his parent and for this reason does not have the requisite competence and ability (*kiryō*, きりやう = 器量), he cannot be set up as the main heir. If [he] should attempt to raise a suit, it is to be understood at large that the import of what Tadayoshi says is what [I] Myōren have stated, and that any judgment is to go to [Tadayoshi]. For this purpose the bequest is as such.

Kenchō 1 [1249].12.15 Shami Myōren

DOCUMENT 10 Kenchō 4 (1252).12.26 (Translated by Andrew Goble and Xia Yun)
Kamakura Ibun, 10:7506

Shogunke mandokoro kudashibumi (Nakano Tadayoshi *jitō-shiki*),

Ichikawa Monjo 市河文書 – Andrew Goble 安龍 and Xia Yun 夏昀 – © May-June 2008.

The shogunal chancellery hands down: to Fujiwara [Nakano] Tadayoshi.

On the matter whereby immediately [you] are to hold the *jitō* post to Shinano province's Nakano nishijō as well as Shikumi *gō* (excepting those portions determined for the older brother Tarō *nyūdō* Saigan and the female [sister?] within the Kasuchika holding).

As to this, even though Saigan has mentioned particulars, since there is no basis [for the argument], [you Tadayoshi] shall hold this post in accord with [your] late father Saemon no jō *hosshi* (Buddhist name Myōren)'s bequest of Kenchō 1 [1249].12.15. Jurisdiction is to be exercised in accord with precedent. It is ordered as such, and so directed.

Kenchō 4 [1252].12.26.

Anzu Kiyowara;

Chikeji Kiyowara.

Ryō Saemon no jō Fujiwara

Bettō Mutsu no kami Taira ason [Hōjō Shigetoki]

[Bettō] Sagami no kami Taira ason [Hōjō Tokiyori].

DOCUMENT 11 Kenchō 4 (1252).12.28 (Translated by Andrew Goble and Xia Yun)
Kamakura Ibun, 10:7508

Shogunke mandokoro kudashibumi (Nakano Masayasu residence),

Ichikawa Monjo 市河文書 – Andrew Goble 安龍 and Xia Yun 夏昀 – © May-June 2008.

The Shogunal chancellery hands down: to Fujiwara [Nakano] Masayasu.

The matter whereby immediately [you] shall hold in Shinano province's Nakano *gō* one residence and one *tan* of paddy field (determined to be cultivated by Iyakuma) and the Munetaiyu paddy and dwelling in Shikumi *gō*.

As to this, the document whereby, in accord with [your] late grandfather [Nakano] Sama no jō Yoshinari's bequest of the twenty fifth day of the first month (added; of the year En'ō 2 [1240]), you shall possess this land, is ordered as such, and so directed.

Kenchō 4 [1252].12.28.

Anzu Kiyowara

Chikeji Kiyowara.

Ryō Saemon no jō Fujiwara

Bettō Mutsu no kami Taira ason [Hōjō Shigetoki]

[Bettō] Sagami no kami Taira ason [Hōjō Tokiyori].

DOCUMENT 12 Kenchō 6 (1254).12.12 (Translated by Andrew Goble and Xia Yun)
Kamakura Ibun, 11:7829

Shogunke mandokoro kudashibumi (Fujiwara *Uji* residence),

Ichikawa Monjo 市河文書 – Andrew Goble 安龍 and Xia Yun 夏昀 – © May-June 2008.

The shogunal chancellery hands down: to Fujiwara *uji*.

The matter whereby immediately you shall hold one dwelling and five *tan* of
 paddy within Nakano nishijō in Shinano province.

As to this, the document whereby you shall hold [these properties] in accord with
 [your] late father Uma no jō [Nakano] Yoshinari *hosshi* (Buddhist name Myōren)’s
 bequest of Tenpuku 2 [1234].12.25 as well as the import of the quit document of your
 [elder] brother Tadayoshi of the seventeenth of the last month [1254.11.17], is ordered as
 such and so directed.

Kenchō 6 [1254].12.12.

Anzu Kiyowara;

Chikeji Kiyowara.

Ryō Saemon no jō Fujiwara

Bettō Mutsu no kami Taira ason [Hōjō Shigetoki]

[Bettō] Sagami no kami Taira ason [Hōjō Tokiyori].

DOCUMENT 13 Bun'ei 2 (1265).4.18 (Translated by Andrew Goble and Xia Yun)
Kamakura Ibun, 13:9285

Kantō gechijō (Tadayoshi's Estate),

Ichikawa Monjo 市河文書 – Andrew Goble 安龍 and Xia Yun 夏昀 – © May-June 2008.

文永 Bun'ei 2 [1265]. intercalary 4.18 *Kantō gechijō* (*KI*, 13:9285). [Initially translated
 by Xia Yun 夏昀, 3/23/2008]

As to the matter of the legacy of Hōren, being Hōren's proprietary portion within Nakano *gō* as well as the *jitō* posts in Shikumi *gō* and elsewhere [all in] Shinano province, in dispute between Nakano Jirō Tarō Tameyasu, and [Ren'a] the nun widow of Nakano Uma Jirō Tadayoshi *hosshi* (Buddhist name Hōren), her daughter Fujiwara Ujime [Kesa Gozen], and her adopted son Nakano Iyagorō Nakayoshi et al.

As to this, at the hearing, as stated by Tameyasu, “the above-mentioned two properties are Hōren's hereditary holdings. Tameyasu is the legitimate son (*chakunan*, 嫡男) of Hōren. During the past second month (of 1264 [last year]), when Hōren was dying with an illness, although the relatives admonished him that he must make some arrangements for his legacy, since he was not fully conscious and was unaware of his surroundings (不弁前後) he did not write a letter of bequeath. He died on the 19th day (of the second month of last year) without having assigned his property. Whereas, accordingly, Tameyasu being the legitimate heir (*chakushi*, 嫡子) should have been in charge of the legacy, it was claimed that the *sōryō* [post] had been bequeathed to the

daughter, and the above-mentioned two properties were forcefully appropriated, in consequence whereof Tameyasu was left without any support. I was suddenly thrown into poverty and could not do anything about it. I [Tameyasu] desire that the court immediately provide me with an allocation in accord with settled custom [傍例].”

As stated by the widow and the daughter, “as to Tameyasu being the legitimate heir (*chakushi*), this is an incomprehensible claim. Tameyasu’s mother in previous years was secretly married to (相嫁) [both] Hōren and to Hirota Iyajirō Tamemura and was Tamemura’s wife (妻女). After she went to Hirota, even though she gave birth to Tameyasu and several other children, she was divorced, and subsequently when Tamemura died Tameyasu as his legitimate heir (*chakushi*) was bequeathed his property. Then with twenty years having passed since his father’s death, he learnt that Hōren had no male child, and so in order to put in a claim for the property he visited Hōren. Since [Hōren] was dubious about whether he was his son or not, at that juncture Tameyasu [mentioned that] he was seeking a wife, and upon [him being asked] if he was Hōren’s son why was he stating that he should be taken in as a son-in-law, all he said was that he was definitely his son. How can the one person have two fathers? Even supposing that Tameyasu without any doubt was [Hōren’s] son, he had already succeeded to Tamemura’s name and had been bequeathed his property, and this being so then in accordance with settled custom [傍例] he was ineligible to compete [put in a claim] for Hōren’s estate (遺領). Moreover, the grandfather’s handwritten document is clear that since the daughter was the only child then the property should be transmitted to her. Consequently, with the property being bequeathed to the daughter both by Hōren and by the hand-written letter

[of the grandfather], a portion was allocated to the adopted son Nakayoshi and awarded to him to set him up independently. With respect to Tameyasu, since it was not known if he was a real son, by the daughter's decision it was written down in the words of a contract that a small portion should be granted to him. The daughter desires the award of a document of confirmation (安堵御下文) that will immediately bring to a halt Tameyasu's baseless demands (非分競望).”

Tameyasu stated: “the letter of bequeath written in Japanese characters of the seventeenth day, the second month of 1264, held by the nun widow and the daughter, is not in Hōren's own hand; it is in another hand imitating his handwriting. Above that it is recorded that “since I wasn't able to write out an interlinear notation, there is an autograph in two places,” but as the autograph on the edge was written in scribble, whether or not it is Hōren's hand-writing is not clear to me. The shape of the main [interior] autograph is not like the shape of autograph on the edge, and other than that the autograph was clear. Since the autography on the edge is not clear, how can the main autograph be clear? No matter whether one looks at the hand-writing, or at the shape of the autograph, the document is not written or signed by Hōren. It is a forged document that has been produced by the widow and those on her side. Not only that, it is quite evident that part of the document has been changed. Also, when Hōren was ill in bed, Tameyasu dedicated himself to taking care of him until he died. During this time, he [Hōren] did not write any bequests at all. And it is also written on the same document that Tameyasu is unfilial. This is an extreme falsehood. It is evident that up until the moment of his death, Hōren was supportive of Tameyasu.”

The daughter and those on her side stated: “the accusation that the letter of bequeath produced on the seventeenth day, the second month of 1264 is a forged document is nonsense. When Hōren was asked to write (令書) that letter of bequeath on the seventeenth day of the second month, the widow his children and others were all present in front of him, while Tameyasu was in a detached room set apart in which he was made to live. And Hōren’s younger sister the nun (Hirade) witnessed that there was one person who was not present at that gathering (其座). After Hōren’s funeral on the twenty-first day of the month, the letter of bequeath was revealed. Since there were two pages that were disconnected, when they were attached together both Tameyasu and Nakayoshi added their autographs at the join. After this Tameyasu accepted the land and farmhouse in Nakano, and was given possession (知行) of that. With respect to the land and farm-house in Shikumi village, even though the daughter decided to give it [to him], Tameyasu did not accept them. And now for him to claim that [the bequest] is a forgery is a wicked trickery. Secondly, as to the accusation that the wording has been changed and the autographs do not match, there is not much to say other than that it was written and signed by Hōren. Also, we will present for perusal as similar documents four documents that were written by Hōren in his own hand. Even though there are many documents apart from these, we will act in accord with any additional summons [i.e. we will be happy to provide them should they be summoned subsequently].”

Tameyasu stated: “the statement that when the letter of bequeath was written, Tameyasu was not present, is not true. Next [secondly], as to my autograph on the join of the document, whether one examines the hand-writing or the autograph, it is a forgery. In

order to make use of it that document [so that that document would not be kept hidden], they added the autograph. Next [thirdly], as to the claim that, after I signed the document, I took possession of the farmhouse and land in Nakano, even though they stated to me that I should take one *chō* [119 yards] of land, I did not take that residence, and so it is actually possessed (当地行) by the daughter. However since I Tameyasu am the main heir this has remained unallocated land. Even though I should have control, because of the malicious interference by the daughter and others I have not had control, so in order to fulfill filial piety last year I sold [them] three *tan* of this one *chō*. Further when I Tameyasu headed to my wife's locale I summoned Nakano equipment and porters. Since in all things they submitted, I didn't take it. Next [fourthly], the matter of the four similar documents. There was no dispute that these are written by Hōren in his own hand, and consequently I added my autograph. In sum, even if this document [the bequest in question] was to be a genuine document (実書), given that words have been overwritten [by other words] it is not credible. Not to mention that it is an obvious forgery. Next [fifthly], since the Hirade nun made the daughter her adopted child and bequeathed her property to her, she is not sufficiently credible to be a witness."

The daughter stated: "the claim that the document of bequeath was forged, and that in order to use it, we added an autograph on the join, is an absolute fabrication. The autograph was added because [Tameyasu] had acknowledged that the letter was written in Hōren's own hand. If he knew that it was a forgery, how, after adding his autograph, could he be given control of Nakano rice-fields? Next, the claim/accusation that the daughter asked Tameyasu to possess (知行) the land is absolutely false. Next, when

Tameyasu headed to Hirota in Musashi Province he summoned horses, men and equipment because he had actual possession [of the holding]. Next, as to the claim that the Hirade nun made the daughter her adopted child and bequeathed property to her, this is false. Since she was such an evident (powerful) witness he made up this story. Next, as to the matter of one similar document forwarded by Tameyasu, and his statement that “since there was no dispute that these were written by Hōren in his own hand, so I added my autograph on the join of the document,” as it states in the letter of bequeath written in Japanese characters of the seventeenth day of the second month of 1264 that has been forwarded by the daughter, “as to Nakano and Shikumi, since she is the legitimate daughter (*chakujo*, 嫡女) they are bequeathed in perpetuity to my daughter Kesa Gozen. Iyagorō [Nakayoshi] has been nurtured from when he was a small infant. A portion of the holdings shall be calculated and granted to him (these are the four boundaries). The family temple shall be given (attached) to Iyagorō [Nakayoshi]. To [support the family temple?] land in Hirota shall be determined by the older sister [the daughter], and a small portion of land in Nakano and Shikumi should also be made available.”

At this point Tameyasu has made several accusations. Tameyasu states that “the document of the seventeenth was not written in his own hand or signed by his father Hōren, but there are autographs in two places. Whereas the autograph on the edge is unclear, the one in the main body is absolutely clear. It is an evident forgery.” Even though he [Tameyasu] so claims, when one compares the document of the seventeenth with similar documents that both parties have accepted as written in Hōren’s own hand,

from the hand-writing and from the autograph, we see that they are in the same hand. Next, Tameyasu states that “of the two autographs the one on the edge is unclear and the one in the main body is absolutely clear.” Even though he [Tameyasu] so claims, it is recorded that “since I wasn’t able to write an interlinear notation [奥判; earlier in the document the term used is 奥書] there is an autograph in two places,” and since the hand-writing of this is in Hōren’s own hand, how can there be any doubts? Next, Tameyasu claimed that “even if the document of the seventeenth was a genuine document some words have been written in and in other places words have been overwritten by other words, and in accord with established custom it is difficult to give it credence.” Even though Tameyasu so claims, these words do not deal with important matters, and furthermore, isn’t it that they are not there for our personal benefit? Next, as to the document of the seventeenth, whereas the daughter has stated that “since Tameyasu consented to it, after adding his autograph to the join, he took the Nakano lands and residence and possessed them,” by both adding his autograph and possessing [the property] Tameyasu has already admitted by himself [that it is genuine]. Consequently, is it that there is no objection that he had consented to the document of the seventeenth? As to these various items, there is no justification for these objections that Tameyasu is raising.

Accordingly, as to Hōren’s proprietary portions in the two districts of Nakano and Shikumi, there shall be no interference to the possession, as originally, of the daughter and Nakayoshi and others in accord with the bequest of the seventeenth day of the second month of 1264. Next, as to the matter of Tameyasu’s portion, Tameyasu was originally

the legitimate heir of Hirota Iyajirō Tamemura and inherited his estate. Now further for him to claim that he is Hōren's legitimate heir and that in his own person he has two fathers, is the most unbearable wickedness. Moreover, he did not receive any separate bequest, and it is written in the bequest that he should be given a small portion, to be designated by the older sister [the daughter], so we will not take up this document. There no reason for him to not accept that document and then to immediately make the elder sister into an opponent. Consequently Tameyasu's portion is to be attached to the *sōryō* clan head. Next, as to claiming that a genuine document is a forgery, given that his possessions are to be attached to the clan head, no action will be taken [on this item].

In accord with the orders of the shogun, the order is as above.

Bun'ei 2 [1265].intercalary 4.18

Sagami no kami Taira ason [Hōjō Tokimune]

Ukyō gon daiyu Taira ason [Hōjō Masamura]

DOCUMENT 14 Bun'ei 2 (1265).5.25 (Translated by Andrew Goble and Xia Yun)
Kamakura Ibun, 13:9293

Shogunke mandokoro kudashibumi (Fujiwara Uji *jitō-shiki*),

Ichikawa Monjo 市河文書 – Andrew Goble 安龍 and Xia Yun 夏昀 – © May-June 2008.

The shogunal chancellery hands down: to Fujiwara *ujime*.

On the matter whereby immediately [you] are to hold the *jitō* post to Shinano province's Nakano nishijō (the portion possessed by Hōren) as well as that to Shikumi *gō* within the Kasuchika property.

As to this, in accord with the bequest of the seventeenth day of the second month last of your late father Tadayoshi *hosshi* (priest name Hōren), you are to hold possession. It is ordered as such, and so directed.

Bun'ei 2 [1265].5.25.

Anzu Sugano

Chikeji.

Ryō Saemon no shōjō Fujiwara

Bettō Sakyō gondaiyu Tara ason [Hōjō Masamura]

[Bettō] Sagami no kami Taira ason [Hōjō Tokimune].

DOCUMENT 15 Bun'ei 9 (1272).8.18 (Translated by Andrew Goble and Xia Yun)
Kamakura Ibun, 15:11088

Ama Shakua Amidabutsu yuzurijyō,

Ichikawa Monjo 市河文書 – Andrew Goble 安龍 and Xia Yun 夏昀 – © May-June 2008.

[Pasted on a slip: this is a bequest from Sakuamidafu (infant name Kesa Gozen) to
 Ichikawa Morifusa (son)].

Bequeathed to Yakuō [Morifusa], Hirabayashi in the lower district of Shikumi,
 generations of original documents, and Nakano Shikumi's *kushite*. There is to be no
 interference from others. Respectfully,

Bun'ei 9 [1272].8.18

Saku Amida bu [Pasted on slip (infant name Kesa Gozen)].

[Written on reverse]

Yukishige's deputy his son Hideyuki has stated that this document constitutes a proof
 document. Accordingly it is sealed on the reverse.

Sakon no shōkan Fujiwara

Danjō no chū Tachibana

DOCUMENT 16 Bun'ei 11 (1274).2.20 (Translated by Andrew Goble and Xia Yun)
Kamakura Ibun, 15:11547

Shogunke mandokoro kudashibumi (Morifusa land and *jitō-shiki*),

Ichikawa Monjo 市河文書 – Andrew Goble 安龍 and Xia Yun 夏昀 – © May-June 2008.

The shogunal chancellery hands down:

On the matter whereby immediately Ichikawa Saemon Saburō Fujiwara Morifusa (child name Yakuō) shall hold the compound in Nakano Nishijō (the four boundaries are recorded in the bequest), Miyayama, as well as the *jitō shiki* to Hirabayashi in Shikumi Shimojō, all in Shinano province.

As to this, in accord with the bequest (excepting the portions of later children) of the eighteenth day of the eighth month of Bun'ei 9 [1272] of your mother Shakua you shall hold this post. Authority is to be exercised in accord with precedent.

It is ordered as such, and so directed.

Bun'ei 11 [1274].2.20.

Anzu Sugano;

Chikeji.

Ryō Saemon no shōjō Fujiwara ason

Bettō Sagami no kami Taira ason [Hōjō Tokimune]

[Bettō] Musashi Taira ason [Hōjō Yoshimasa].

DOCUMENT 17a-c Kenji 2 (1276).6.15 (Translated by Andrew Goble and Xia Yun)
Kamakura Ibun, 13:9286 and 15:11671

Nakano Nakayoshi gonjōjō & Kantō mikyōsho,

Ichikawa Monjo 市河文書 – Andrew Goble 安龍 and Xia Yun 夏昀 – © May-June 2008.

[Undated – 1276?] Nakano Nakayoshi gonjōjō (*KI*, 13:9286). (Not translated)

Complaint of Nakayoshi that Ichikawa Morifusa is crossing boundaries and encroaching on dry fields, mountain areas, and a hunting residence. There are many details on boundaries and topographical features. Nakayoshi is represented by his nephew Sukekiyo, who is another of the sons adopted by Shakua, and thus Morifusa's adoptive-brother.

文永 Bun'ei 11 [1276].6.15 Kantō mikyōsho (*KI*, 15:11671).

As to the matter of the boundary appealed by Nakano Iyagorō Nakayoshi, the complaint document [*KI*, 13:9286?] is hereby forwarded. The document whereby you shall immediately explain is, pursuant to [shogunal] order, hereby forwarded.

Musashi no kami [Hōjō Yoshimasa]

Sagami no kami [Hōjō Tokimune]

[To] Ichikawa Saemon Saburō [Morifusa].

[Undated Nakano] Iyagorō Fujiwara Nakayoshi kasanete no gonjōjō (*KI*, 23:17481)

(Not translated). This is related to the previous two documents, Nakayoshi's complaint against Morifusa. There are many details on boundaries and topographical features.

DOCUMENT 18 Kōan 1 (1278).9.7 (Translated by Andrew Goble and Xia Yun)
Kamakura Ibun, 17:13170

Kantō gechijō (Ren’a v. Ichikawa Shigefusa),

Ichikawa Monjo 市河文書 – Andrew Goble 安龍 and Xia Yun 夏昀 – © May-June 2008.

Matters in dispute between the nun Ren’a widow of Nakano Uma Jirō Tadayoshi *hosshi* (Buddhist name Hōren), and Ichikawa Saburō Saemonnosuke Shigefusa.

Item: The matter of the Horinouchi land and paddy in Nakano *gō*, as well as Yuyama in Shikumi *gō*.

As to the import of the suit and rejoinder, even though there are many particulars, in sum: As stated by Ren’a, “Whereas the original owner Nakano Uma *nyūdō* Myōren [Nakano Yoshinari] bequeathed on En’ō 2 [1240].1.25 to his wife and to Fujiwara Ujime, since the Ujime predeceased Myōren, on Kenchō 2 [1250].4.5 he gave attached to this bequest a new bequest to Ren’a. Accordingly on Kenchō 4 [1252].12.24 she was granted a document of confirmation and took possession. Since Shakua was the only child [of Ren’a and Tadayoshi], in Bun’ei 4 [1267] it was bequeathed to her. Since Shakua then predeceased Ren’a, whereas [any decision on the property] should have been at Ren’a’s discretion, Shigefusa appropriated the sequence of testamentary documents and committed disturbances.”

As stated by Shigefusa, “With respect to Ren’a’s bequest document, since Shakua was granted a document of confirmation in Bun’ei 4 [1267], though she bequeathed this in portions to a number of adopted children, Shigefusa does not state any objections to Ren’a taking back possession.”

With respect to taking back [an alienation], even though a document of confirmation has been granted, over and above the fact that [any decision on revocation] should be according to the will of the parent, since Shigefusa has not argued the matter, Ren'a shall be caused to take possession immediately.

Item: The matter of generations of confirmation edicts, bequests, and other proof documents.

As to this, as stated by Ren'a, "The original proof documents and a number of other documents were placed in Shakua's possession. Whereas they should have been returned upon Shakua's death, Shigefusa appropriated them."

As stated by Shigefusa, "Though the above-mentioned proof documents were held because, pursuant to Ren'a's bequest, Shakua was granted a document of confirmation, when [I Shigefusa] said that I should return them, because of conversations with Yukishige and others she did not accept them. This is a false suit."

With respect to the proof documents held by Ren'a, over and above these being attached to the properties, since Shigefusa has not willfully confiscated (拘措) them, they shall be returned immediately. With respect to the proof documents applying to the *sōryō*'s portion, it is written on the left of the document that these are not to be under Ren'a's jurisdiction, so accordingly they are not to be handed over to her.

Next, on the matter of Hōren's document of transmission, as there is no dispute that the said paddies are the actual possession of Ren'a, the matter shall not be taken up.

Next, as to the details of the subdivision of the paddy, the details are likewise.

Item: the matter of Shakua's legacy.

As to this, as stated by Ren'a, "Since Shakua did not have any children, she took relatives and others as adopted children. When she apportioned the holdings, she said that the dry fields and residences were to be variously allocated, but that the paddy fields should be [disposed of] at the discretion of Shigefusa." Accordingly, in accord with the import of what had been laid down, over and above the fact that [the paddies?] should be under the control of Ren'a, since Shigefusa has already formed a union with a new wife, it is difficult for him to be in possession of the holdings of his previous wife. Not only this, as in the bequest document held by the wife of the adopted child Shinno Tarō Kagetsune, it is written that "should Shigefusa form a union with a new wife, then he cannot succeed to Shakua's legacy." There is no justification for these two separate bequest documents being rewritten in one sheet."

As stated by Shigefusa, "The aforesaid lands were bequeathed to Shakua by Hōren. Since Shakua bequeathed them to her adopted son Morifusa, Shigefusa [Morifusa's father?] is in possession of them. With respect to the paddy fields, the bequest document is abundantly clear that that they should be [disposed of] at the discretion of Shigefusa. Next, as to the claim that the bequest documents of the female(s) [which is why the wife of the adopted son would have a bequest document?] etc were rewritten, since these are written in Shakua's own hand, this is a falsehood. Next, as to whether Ren'a should have control of the legacy, and further on the claim of forming a union with a new wife, most certainly should this not be a matter to be decided by higher authority?"

With respect to Shakua's holdings, she succeeded to them from the hand of her father Hōren, and given that Ren'a was not the designated original owner, on the occasion of Shakua's death they were divided among her adopted children, so accordingly it is difficult for her [Ren'a] to have control on the grounds that they are the legacy of her daughter. Accordingly, she shall stop her forcible encroachment.

Item: Whether Myōren's bequest document of En'ō 2 [1240].1.24 is a forgery or not.

As to this, as stated by Ren'a, "This bequest document is one of the twenty-fifth of the first month written in [Myōren's] own hand. Whereas Ren'a's portions and the boundaries thereof are clear, in order to cheatingly obtain [portions] within that, Shigefusa has hidden that document and produced a forged document. The bequest document of the twenty-fifth should be called in and it returned to me. With respect to Shigefusa, he should be punished for the crime of forgery."

With respect to Shigefusa's statement that "What document is it that is the forgery? I want this to be made absolutely clear," as stated by Ren'a's representative Sainen, "Myōren's taking of the tonsure was because of the passing of the late Shūri daiyu [Hōjō Tokifusa]. That passing was during the night of En'ō 2 [1240].4.24. Consequently, since on the same twenty-fifth he had already taken the tonsure, on what is referred to as the bequest document received by Shakua that was furnished by Ren'a it is written that he received the tonsure on the twenty-fifth. Not only this, as in the document written and sent to the son-in-law Hara Hyōenosuke, it notes that 'while on the twenty-fourth the tonsure had yet to be taken, on the document forwarded by Shigefusa it says

“Myōren.”” How can the priestly name be written prior to taking the tonsure? Since this is a forgery done at a later date can there be any doubt about the circumstances/situation (前後)? Further, as in the document of confirmation of Kenchō 4 [1252].12.28, “authority is to be exercised in accord with the bequest document of the twenty-fifth of the first.” So to conceal this document is a wicked scheme.”

As stated by Shigefusa, “The passing was on the twenty-fourth,” so nothing about the timing can be hidden. Next, as to the document of the twenty-fourth bearing his lay name, even though it was within one day, is it that it depends on the actual time? In sum, if Shigefusa had produced a forged document, then how could the dating be at variance with the document of confirmation? Further, the document of the twenty-fifth cannot be produced. Since it was claimed in rebuttal that it was in the hand of Myōren, and upon comparing what both sides had acknowledged were similar documents [ie ones in Myōren’s hand], is it that there was no dispute over either the signature or the handwriting? Not only this, given that the documents of the twenty-fifth were furnished, and this document is not one that holds any benefit for Shigefusa, is it difficult [to see him as having] made a forgery. Accordingly the matter will not be acted upon.

Item: The matter of Morifusa opposing Ren’a.

As stated by Ren’a, “Morifusa, having absolutely no qualms about opposing [Ren’a], forcibly entered the Ōmi holdings. When, because he forcibly appropriated the income from it and committed disturbances, I lodged suit against him and against Shigefusa as an accomplice, he wrote in his rebuttal document that he should hold it

because he had received Shakua's legacy by bequeath. Accordingly he should receive punishment."

As stated by Shigefusa, "Morifusa absolutely did not oppose [Ren'a]. Shigefusa spoke in rebuttal with respect to Ren'a's baseless suit."

Does one not have qualms about opposing a maternal grandmother [外祖母]? How much the moreso one should not inflict difficulties on an adoptive grand-mother in a related line [? 外戚養祖母]. And since Morifusa has not mentioned any details, the matter will not be acted on.

Item: The matter of Ren'a's holding the legacy of Nushidono Shichirō *nyūdō* within Ōmi province's Ochi *gun*.

As to this, as stated by Ren'a, "Since this was a hereditary holding of long standing, even though I bequeathed it to Shakua, when Shakua died I took Shigefusa and made him my son and bequeathed it to him. And then because he forcibly appropriated the income from it and committed disturbances as an opponent, I recalled the lands. Punishment should be meted out to Shigefusa."

As stated by Shigefusa, "It is beyond dispute that Shigefusa obtained these said lands by bequeath. Even if Morifusa were to have taken the income, how could this be a difficulty?"

As in the Bun'ei 2 [1265] bequest document of Ren'a held by Shigefusa, "Even though at an earlier date this was bequeathed to Shakua, since she died, on the twentieth of the third month I bequeathed it to Shigefusa. Even though it is written in this document

that 'At a later date it is to be awarded to Saemon Jirō Yukishige,' it shall be given to any of the children based upon Shigefusa's discretion." (The Japanese characters have been converted into Chinese characters).

And even though it is stated [by Shigefusa?] that this document of the twentieth was hidden because it is recorded in it that "Taking Shigefusa as a child I bequeath it to him," since he had not been adopted from when he was an infant, it is difficult to give this credence. Accordingly, since it constitutes a settlement with an outsider [that is, Shigefusa is the outsider?], it shall be confiscated.

Item: The matter of Shigefusa being shown a compassionate face [恩顔] by Ren'a.

Item: The matter of destroying a store-house and carrying off rice.

Item" The matter of taking life without any diffidence towards the time and date.

Since these three items have been dismissed, they shall not be taken up.

The above items are ordered as above in accord with the orders of the Lord of Kamakura.

Kōan 1 [1278].9.7

Sagami no kami Taira ason (seal) [Hōjō Tokimune]

[pasted slip: Sagami no kami Tokimune].

DOCUMENT 19 Shōō 3 (1290).11.17 (Translated by Andrew Goble and Xia Yun)
Kamakura Ibun, 23:17480

Kantō gechijō (Yasushige v. Sukenaka & Sanemichi),

Ichikawa Monjo 市河文書 – Andrew Goble 安龍 and Xia Yun 夏昀 – © May-June 2008.

The matter of the Horinouchi and the paddy fields in Nakano *gō* as well as Yuyama in Shikumi *gō*, all in Shinano province, in dispute between Yasushige the son of Nakano Matatarō Shigenari *hosshi* (Buddhist name Renjō, now deceased), and the same [Nakano] Iyagorō Nakayoshi *hosshi* (Buddhist name Jōren)’s deputy his son Sukenaka and Odagiri Sanemichi.

As to the complaint and rejoinder, though there are many details, in sum:

As in the document of En’ō 2 [1240].1.24 bequeathed to his wife the nun Myōsei by the original holder Nakano Uma *nyūdō* Myōren [Yoshinari] forwarded by Yasushige, “One *chō* of cultivated land and likewise of paddy-land within the Nakano compound and the compound at Shikumi Yuyama shall, after having been bequeathed to [your?] daughter [Ren’a?] and grandchild, be bequeathed to Myōren’s descendents.” As noted on an interlinear notation on the same document, “Since she has been my wife of many years the bequest document is as such. [Dated] the day of my leaving lay life.”

As in the document of (added date, En’ō 2 [1240]).1.25 bequeathed to Myōsei by Myōren forwarded by Jōren et al, “The area inside the moat and likewise one *chō* of cultivated land at Nakano and the compound (the four boundaries are herein recorded) are hereby bequeathed and transferred. [Dated] the time of my leaving lay life.”

As in the likewise forwarded [by Jōren et al] document of (added date, Kenchō 2 [1250]).4.5 bequeathed by Myōren to his stepdaughter the nun Ren'a (Myōsei's daughter, and the adoptive mother of Jōren and Sanemichi), "Even though because she had been my wife of many years I had bequeathed to her, she has suddenly been lost to me, and so accompanied by a bequest to the Mother of Kesa (a variant name for Ren'a) I bequeath and transfer [that previously bequeathed to Myōren]. Accordingly, neither [other] children nor grandchildren are to cause any disturbances."

As in the Kenchō 4 [1252].12.28 document of confirmation, "The Chancellery of the Shōgun directs, to Fujiwara *ujime* (called Mother of Kesa), As to the matter whereby you shall possess the Nakano area inside the moat (Horinouchi) (the boundaries area recorded in the bequest document), one *chō* of cultivated land in the *myōden*, as well as the Yuyama compound in Shikumi, all in Shinano province, As to this, in accord with the bequest document of the twenty-fifth of the first month (appended, the second year of Kenchō [1250]) of your late father Sama no suke Yoshinari *hosshi* (Buddhist name Myōren), you shall have jurisdiction."

As in the judicial decision of Kōan 1 [1278].9.7 forwarded by Sanemichi, "In dispute between the nun Ren'a widow of Nakano Uma Jirō Tadayoshi *hosshi* (Buddhist name Hōren), and Ichikawa Saburō Saemonnosuke Shigefusa, the matter of the Horinouchi land and paddy in Nakano *gō*, as well as Yuyama in Shikumi *gō*. As to this, whereas the original owner Nakano Uma *nyūdō* Myōren [Nakano Yoshinari] bequeathed these on En'ō 2 [1240].1.25 to his wife and to Fujiwara Ujime, since the Ujime predeceased Myōren, on Kenchō 2 [1250].4.5 he gave attached to this bequest a new

bequest to Ren'a. Accordingly on Kenchō 4 [1252].12.24 she was granted a document of confirmation and took possession. Ren'a shall be caused to take possession."

The same document [also] says that "On the matter of Myōren's bequest document of En'ō 2 [1240].1.24, as to this document, even though Ren'a stated that Shigefusa had produced a forged document, Since it was claimed in rebuttal that it was in the hand of Myōren, and upon comparing what both sides had acknowledged were similar documents [ie ones in Myōren's hand], is it that there was no dispute over either the signature or the handwriting? Not only this, given that the documents of the twenty-fifth were furnished, and this document is not one that holds any benefit for Shigefusa, is it difficult [to see him as having] made a forgery. Accordingly the matter will not be acted upon."

Yasushige has claimed that "As written in Myōren's document of the twenty-fourth of the first month, 'After Myōsei's lifetime it shall be bequeathed to Myōren's children and grandchildren [descendants].' There is no justification for Ren'a, after being transmitted the property, to act contrary to this document, take Jōren and other outsiders [他人], call them adopted children, and bequeath it to them. Further, Renjō [Shigenari] is Myōren's legitimate grandchild [嫡孫], and in accord with this testament [遺狀], should have it awarded to him." Nonetheless, the document of the twenty-fourth was changed [revoked] and on the same twenty-fifth and with the boundaries delimited it was bequeathed to Myōsei, and so the document of a previous day [here it is literally the previous day] was discarded [棄破].

Yasushige has claimed that” it is written in the interlinear notation on [the document of] the twenty-fourth that, ‘Since she is my wife of long standing the document I hereby bequeath to the Grandmother of Kesa (a variant name for Myōsei) is as such. [Dated] the day of my leaving lay life.’ [But] Myōren’s leaving lay life was on the twenty-fifth. This document was made retrospectively on a later day.” Nonetheless, since Myōsei predeceased Myōren, after that time in Kenchō 4 [1250], and accompanying the bequest document of the twenty-fifth day, he bequeathed it to his step-daughter Ren’a, and based on this in [Kenchō] 4 [1252] Ren’a received a document of confirmation. Above and beyond that in Kōan 1 [1278] there was a repeat suit, and in that judgment it is written “In accord with Myōren’s bequest document of En’ō 2 [1240].1.25 and that of Kenchō 2 [1250].4.5, Ren’a shall have possession.” Further, Ren’a is Myōren’s step-child. Given that on a later date it was bequeathed to the step-daughter, the document of admonition/advice that was written out and awarded to the wife [妻子] at a previous date cannot constitute a proof document.

Therefore, in accord with Ren’a’s bequest and other documents, Jōren and other individuals shall not dispute the possession.

Next, Yasushige has claimed that “it is noted in the confirmation edict of Kenchō 4 [1252].12.28 that was granted to Ren’a that ‘Possession shall be held in accord with Myōren’s bequest document of (Date added, Kenchō 2 [1250]).1.25.’ With respect to what is called the bequest document of Myōren held by Ren’a, among the two documents furnished by Jōren and others, ‘one document is dated En’ō 2 [1240].1.25,

and one document is dated Kenchō 2 [1250].4.5.’ Accordingly this is at variance with the confirmation edict. The bequest document of Kenchō 2 [1250].1.25 must be called in.”

Jōren and the others have stated that the document of 1.25 is from En’ō 2 [1240]. The document of 4.5 is from Kenchō 2 [1250]. These documents all have year dates which have been written in subsequently, and so when the date was recorded for the En’ō [1240] document, a year date was written in for the Kenchō document. They cannot be separate documents.

Over and above this, there was a decision on these two documents in Kōan [the 1278.9.7 decision] and Ren’a was awarded the judgment, and so now at this time there cannot be any objections [to that ruling]. Accordingly no action will be taken on Yasushige’s claims.

Next, Yasushige has stated that “whereas Renjō on a previous occasion did for a time undergo censure because of the crime of lying [不実之咎] he has already been pardoned, and it is a slander [悪口] to write in the rejoinder document that he had been banished because of that censure.” Nonetheless, since it is difficult to charge that Jōren overstated the case when he noted the details with respect to it being written in a judgment that he [Renjō] should be banished, the same applies [no action will be taken on the claims; it requires no action].

In accord with the orders of the Lord of Kamakura, the judgment is as above,
Shōō 3 [1290].11.17

Mutsu no kami Taira ason [Hōjō Nobutoki]

Sagami no kami Taira ason [Hōjō Sadatoki].

DOCUMENT 20

Genkyō 1 (1321).10.21 (Translated by Kevin Gouge)

Kamakura Ibun, 36:27886; *Shinano Shiryō*, 5, pp. 20-22*Morifusa yuzurijō* (to Sukefusa),

Rokurō Sukefusa of Shinano-kuni, Takai District, Shikumi township, will hold the sōryō-shiki there, the hereditary on-kudashibumi, and the tetsugi [full sequence of deeds] including all of the portions of the inheritance documents to various parties. These must be passed to him.

Item, As for Akeyama, since the boundary from Sumiyoshi has not be set up/divided, and it would be difficult to set up now, apart from giving holdings in koakazawa to juro, this is divided among all of the brothers. Do not cause difficulty in the taking of lumber [from this area]. Over and above writing out and handing down this bequest as it is, the original holdings consisting of cultivated paddy and upland fields, buildings/residences, speaking of them, once again you cannot cause difficulties with them of make alterations. Even among other siblings, and apart from things in their bequests, such parties attempting to do this are to be considered unfilial people.

Item, as to Bizen-kuni documents, appeal documents & matters, when things come up suddenly in transfer, or when trouble and disorder befalls [the family], the heart of the mother is disobeyed, Based on the mother's decision/plans, the holdings [in question] must be distributed among the children and grandchildren according to the will of the mother. Regarding the mother's early ripening rice fields in front of Hirabayashi, during her lifetime, 200 cuts are to be harvested [for the mother]. An allotment of 15

laborers for this shall be provided and paid for [by the heirs] and this duty will be respectfully carried out.

Item, concerning the Western residence where Nakano Saburo Nyudo studies as a Buddhist to gain enlightenment, 3 tan of paddies in Furi-machi are granted. After his term [life] ends, this must be granted to the kurō, he may bequeath them among his heirs including younger brothers, but not to deputies/assistants, who must be excluded in accordance with his will.

Item, In the Koan era [1278-1288], a document was written out and given to the mother of Myō-ō to the effect that if there were kuji [public duties] for Rokuro [that is, if there were ones that had to be paid by him?] then two residences and three chō of paddy in Mononobe are to be bequeathed. Nonetheless, Mononobe has been bequeathed to Hachirou, so if there are kuji [that Rokuro has to meet] then they are to be divided off from the two residences, three chou of upland and three tan of paddy in Shinano Mizukuri. With respect to the onkuji, that is written down separately. Thus for the future my bequest is as such. For future reference I have written this in my own hand.

Genkyō 1 (1321).10.21

Morifusa *ason*

DOCUMENT 21

Genkyō 1 (1321).10.21 (Translated by Kevin Gouge)

Kamakura Ibun, 36:27885; *Shinano Shiryō*, 5, pp. 23-24*Morifusa yuzurijō* (Public duties, heirlooms/armor),

Below is a resolution on public service.

Item, Under the lord lay-monk Nakano Umanyudo-dono's legacy, at the time when large and small public duties [taxes] are levied/applied, Rokuro (Sukefusa) in his capacity as soryo, ought to apportion them. For example, when one kanmon [1000 mon] is to be collected, 400 mon to Rokuro, 150 mon to Hachiro, 250 mon to Kuro (Tomofusa), 200 mon to Juro should be determined. Use these proportions in the further allocation of public obligations. In this fashion, this must be upheld. As to the public obligations owed by daughters/females, they are written in the bequest document.

Item, of the annual tribute/land tax in Shikumi, the Rokuro will pay 2 kanmon, the Hachiro 600 mon, the Juro 200 mon, which must be paid as decided. In order to take this payment up, follow this, and apply it to the labor/storehouses needed [to transport it], in dividing up the expenses for that, follow these ratios and pay this each year.

Item, the bequests are laid down to everyone, but if there is dispute, and the mother's heart [wishes] is crossed, even if they are original children and grandchildren, the mother can take over, and divide their holdings, males and females alike, and their descendants. [new clause] Outsiders cannot be bequeathed-to, and if they are, if someone passes [land] to outsiders, this should be brought up to the children and grandchildren,

and the possessions must be divided among them in accordance with the original proportion of division [from this document].

Item, of Morifusa's personal belongings, hereditary heirlooms, and his servants/retainers. The mother's discretion must be obeyed. No one is to complain about the condition of these things or say that they are unsightly. This being provided, Rokuro is granted to major set of armor, the set distinguished by small sakura/cherry-colored/patterned bindings, the family hereditary armor, casual [off duty] clothing [under armor]. The haramaki and yoroi of pine bark color goes to Hachiro. The sakura colored yoroi goes to kuro. All of the other various armor must be distributed by the mother. Although this will/bequest is rough and ready, this is what I have written out and given to you.

Item, as for Nakano [village], for a specified period of time having been loaned out [to us?] whatever happens to Morifusa, following this [document], after three years, the Kuro, after waiting, will get it. He is to possess 9 portions of the Hirabayashi portion of the fief.

Item, regarding the division of public services over and above those already written in this bequest. Do not go against what is written here, recommend useless ideas/actions, or give others difficulties. Do not quarrel among siblings, and on occasions at Suwa, all [heirs] must look after themselves, go up together, and deal with matters well. At times when headship is needed, Rokuro must act as such. From this day forth, let the above statements be adhered to.

Genkyō 1 (1321).10.21

Morifusa *ason*

For future reference, I have written here in my own hand.

DOCUMENT 22 Genkyō 1 (1321).10.21 (Translated by Kevin Gouge)
Kamakura Ibun, 36:27887; *Shinano Shiryō*, 5, pp. 22-23

Morifusa yuzurijō (to Ōita Daughter),¹⁵

“The Ōita daughter’s document”

Bequeathed to the Ōita daughter, mother of [Morifusa’s] grandson Tsugirō Tarō, is the Yukitsubo residence___ in Shinano’s Takai-gun, Shikumi-go Nishijō. The four borders there will be the Shikumi river/stream to the East, the large shrine___swamp where it meets the shikumi river/stream to the north, in the west where the Chikuma river/stream connects to it. This is bequeathed as such, but the paddy and upland fields in this area are not. In the event of various large and small levies, these are to be used [harvested], and Jurō (Tsunesuke) will be responsible for this. Of _____ one Kanmon, Yoriko (寄子) will pay 500 mon, kyōjō (京上) will pay 500 mon, and ___chyaku (___役) will pay 500 mon, this must be carried out as decided [here]. If there are other levies, follow what is stated herein.

The bequest is as above,

Genkyō 1 (1321).10.21

Morifusa *ason*

After this one child, the mother, this must be held until her death?

For future reference, I have written here in my own hand.

¹⁵ This document is missing a number of characters, and is partially corrupt.

DOCUMENT 23

Karyaku 4 (1329).6.23 (Translated by Kevin Gouge)

Kamakura Ibun, 39:30641; *Shinano Shiryō*, 5, pp. 86-88*Ama Senkō yuzurijō*,

The bequest document of Ama Senkō [Morifusa's widow]

Residences/Holdings in Shinano-Kuni, Takai-gun, received from the Konakano-Uba [wet nurse] Gozen in childhood are herein bequeathed. Among these things from the Nishi-Jo are the utayufu?[unidentified named residence] Zaike, and 5 tan of paddy fields in Kajikazawa village in Shikumi.

Item, As to Rokurō's portion, The Soryo post, the testsugi [full sequence of deeds] and the on-kudashibumi, gathered together, are bequeathed to him.

Item, As to Hachirō's portion, from the paddy fields in Kajikazawa, 400 cuts are granted from the fields in front of the Ōmiya [large shrine]. The same hundred cut rope should be taken [and used to collect produce] from the 6 tan of hatake [upland fields] north of the Ōmiya. This is given as a permanent bequest.

Item, As to Kuro's portion, [he receives] the former Nakano Utayufu [unidentified] residence, 3 tan of paddy fields. [He may also] take the hundred cut rope to Kajikazawa, from the 5 tan of hatake [upland fields] above the Hachiro's bequeathed area [the rope may be used to collect produce]. This is given as a permanent bequest.

Item, As to Juro's portion, from Kajikazawa, from the paddies made personally by Tonotaimi [unknown person], 300 cuts are granted. This is given as a permanent bequest.

Item, As to the Inoue [井上] Daughter's portion, from the paddy fields in Kajikazawa, 200 cuts [are granted], from in front of the Omiya. This is granted for one lifetime, and after your lifetime, this must be returned to the sōryō.

Item, As to the Tsunokawa Daughter's portion, from the paddy fields in Kajikazawa, 200 cuts [are granted], as a permanent bequest.

Item, As to the Ōita Daughter's portion, from the paddy fields in Kajikazawa, 200 cuts [are granted], after your lifetime, this must be returned to the Soryo.

Item, As to the Hoshinano Daughter's portion, 2 tan of paddy fields in Nakano, such is given for one lifetime, and after your lifetime, this must be distributed among the kuro's [Tomofusa's] children according to [her] heart's will.

Item, As to Shikano Matasaburo's portion, from the paddy fields in Kajikazawa, 100 cuts [are granted], after your lifetime, this must be returned to the sōryō.

Migi, These places are bequeathed to each and every one of you, these documents should be written for each person. Since, for generations, we have granted in a document in one single sheet, to set up boundaries for each/every heir is bothersome, so it is written on one sheet. Upholding the import of this, Rokuro being made sōryō, fiefs as above.

Karyaku 4 (1329).6.23

For future reference after Ama Senkō [passes on] this has been added in her own brush.

DOCUMENT 24 Syōkyō 1 (1332).2.23 (Translated by Kevin Gouge)
Kamakura Ibun, 39:31930; *Shinano Shiryō*, 5, pp. 179-180

Kantō gechijō (Ichikawa Sukefusa v. En'a, resolution),

Ichikawa Saemon Nyudo Jōnin (Morifusa) <now deceased>, his son called Sukefusa, matters regarding the division of income shares (得分- とくぶん) from Nishijo inner paddy lands in Shinano-Kuni, Nakano-gori, (lower Takai-gun).

As to this, these income shares, based on [earlier] dispute by Morifusa and Nakano Jiro Yukushige, it was settled in disputes from from Kōan 7.12.25(1285) and Shōwa 2.3.3 (1313). Jōnin's [Morifusa's] approved [period of] custody (預り - あずかり) is finished. Even though his son was ordered repeatedly [to pay] as in his acknowledgement document (*ukebumi* -請文) from the 3rd month of Shōchū 2 (1325), with respect to the legacy of his late father Yukishige, his fief, without leaving even the smallest piece of land (*tanbu* -段歩) [for Hideyuki], was bequeathed to his mother En'a.

Based on this, since Karyaku 4.6.14 (1330), payment of the award has been sought from En'a, but she has not responded. Since that time, on the 8th day of the 7th month of this year, the honorable bakufu official Tokiwai Rokumune-ie was assigned to oversee this ongoing issue/case. Since then, in a document from the 26th day of the 8th month was sent by En'a, she requested that Shungon, the deputy of Sukefusa, <Son of the late Morifusa>, [“]on matters of the income shares in Nishijo inner fields, should act as arbitrator to govern the proper amounts. This was done, but at that point, she claimed that [his determination] was an excessive exaction.[”] In the document she sent up, she

claimed that Shungon was overcharging, and requested an official [to intervene]. An official, Saito Kuro Saemon, was assigned to the case [at that point]. Based on this, [when he had made judgement], she then claimed that the official had been biased against her. This is an unfounded claim. Saito Mototsura, at that point was transferred to the case, and after this the investigating official was changed again to Takazane, and she was notified of this. As a response, she blamed the original official. Then, she sent up a statement that the claim that she had not paid her dues was false, and offered to appear [in court] to make an explanation. For months, she has failed to appear.

As to the matter of the income shares, compensation must be provided immediately/without delay. To act in contravention of this declaration shall be a heavy and inescapable crime, and will result in the confiscation of the confiscation of one third of the fief.

Kamakura's order on this matter is as stated above.

Syōkyō 1 (1332).2.23

Ume Gondō Taira Asomi *ason*¹⁶ Sagami Shūhei Asomi *ason*¹⁷

¹⁶右馬権頭平朝臣 (花押)

¹⁷相模守平朝臣 (花押)

Kantō gechijō (Ichikawa Sukefusa v. En'a, complaint),

Ichikawa Saemon Rokuro Sukefusa's representative Shungon's statement as to the yearly leveies from Uchiichibashi, Konyama, and Hosoe Sanga villages.

As to this, annual taxes are owed by <now deceased> Nakano Jiro Yukishige's nun-widow En'a, since Shōan 2 (1300), of 500 mon each year. The soryo has stated that in accord with precedent, this be investigated, since he made this claim, she was summoned up multiple times since 7.4 of last year. Since Tokiwai Rokumune-ie, [the honorable bakufu official] was assigned on the 9th day of the 6th month of this year. On the 4th day of the 8th month of this year, En'a and her son Nakano Magotaro Nyudo Keisho (Hideyuki) sent a statement that the taxes only applied to public lands, and that because their three residences are not public lands, they do not pay taxes on them. Thus, Sukefusa's deceased father did not lodge suit on this, and 40 years have elapsed. You can take no action on this.

Although a number of years beyond the time of victory [in the suit], the decision [of the court] must not be ignored. In sum, since En'a, [who is now] in her 8th decade, and is suffering from palsy, Keisho (Hideyuki) has been given the rights. They were be related via a deputy, but the deputy has not appeared. Doesn't their current absence cause difficulty (難渋, nanjyuu), and unreasonable hindrance? Accordingly, with respect to the said [outstanding] annual taxes on share [10% of the 32 years of taxes due, or 3.2 years of taxes] will be the settlement which must be paid in bequest to Sukefusa.

Kamakura's order on this matter is as stated above.

Shyōkyō 1 (1332).2.27

Ume Gondō Taira Asomi *ason*

Sagami Shūhei Asomi *ason*

DOCUMENT 26

Kōei 2 (1343).3.22 (Translated by Kevin Gouge)

Nanbokuchō Ibun, Kantō hen 2:1397; *Shinano Shiryō*, 5, p. 475*Sukefusa yuzurijō* (to Yorifusa),

As of the 26th, Ichikawa Sukefusa, grants holdings in Takai-gun, Nakano-go inner Nishijo and in Shikumi-go, the *sōryō* post, etc, to son Matsuo-maru (Yorifusa) Bequeathed are the *sōryō* post in Shinano province, takai-gun, nishijo in Nakano and Shikumi, and property in Tsukinari-jō within Bizen province's Kasane-myō.

As to this, the aforementioned lands are Shōgen's (Ichikawa Sukefusa) private holdings of many generations of transmission. They are bequeathed his son Masuō-maru along with the accompanying confirmed on-kudashibumi as a permanent bequest.¹⁸ Excepted is the Hirabayashi village within Shikumi-gun, which is bequeathed to Iyaroku (Tsunetaka). If he has no children, this must be returned to the *sōryō* Matsuō. Furthermore, if Matsuō himself is childless, this must be bequeathed to Iyaroku. As to various levies [that may arise], 2/5ths are Iyaroku's, 3/5ths are Matsuo's, these must be attended to (given over). This is also written in the bequest to Iyaroku so you are both to attend to this without any disputation.

After reading this, for future reference, this bequest is as such.

Kōei 2(1343).3.22 Shōgen (昌源) *ason*

¹⁸本領安堵 【ほんりょうあんど】 recognition and guarantee, by the shogunate, of ownership of the inherited estate of a samurai who pledged allegiance to it (in the Kamakura and early Muromachi periods)

DOCUMENT 27
Shinano Shiryō, 5, pp. 475-476

Kōei 2 (1343).3.22 (Translated by Kevin Gouge)

Sukefusa yuzurijō (to Tsunetaka),

Shōgen's bequest to his son Kōzen (Tsunetaka).¹⁹

As to the matter of the bequest to [your brother] Matsuō-maru (Yorifusa), the *sōryō* post in Shinano province's Shikumi-go in Takai-gun, the hereditary documents and saemon title are bequeathed along with the generations of testamentary proof documents. As was written down by Yōnin (Ichikawa Morifusa), with respect to the legacy of Uma-Nyūdo (Nakano Yoshinari), "when levies are assessed, these shall be apportioned among the heirs" Thus, with respect to [yourself] the older brother Tsunetaka, I am bequeathing lands east of the Hirabayshi paddies all the way to Atata_ peak.

With respect to levies, I have written that Yorifusa is to provide 3/5ths. He shall possess the lands all the way to Takuyama and Akiyama. This cannot be bequeathed to outsiders. Since Yōnin spoke of all of this, I have set it down this way: If he has no children, his legacy must be performed by [attached to] Iyaroku (Tsunetaka).

This bequest is as such.

Kōei 2 (1343).5.26 Shōgen *ason*
 (Sukefusa)

¹⁹ This document does not appear in the *Nanbokuchō Ibun*.

BIBLIOGRAPHY

JAPANESE PRIMARY SOURCES

Chūsei Hōsei Shiryōshū (中世法制史料集). Satō Shin'ichi and Ikeuchi Yoshisuke, eds., Tokyo, Japan: Iwanami Shoten, 1978.

Chūsei Seiji Shakai Shisō. (中世政治社會思想). Ishii Susumu (石井進) et. al, eds., Tokyo, Japan: Iwanami Shoten, 1981.

“*Ichikawa Monjo Chūshaku-kō*.” (「市河文書」註釈稿) parts 1-4. Ushiyama Yoshiyuki. *Shinshu Daigaku Kyōikugakubu Kiyō* 77, (1992): 157-170, *Shinshu Daigaku Kyōikugakubu Kiyō* 78, (1993): 116-122, *Shinshu Daigaku Kyōikugakubu Kiyō* 83, (1994): 185-190, *Shinshu Daigaku Kyōikugakubu Kiyō* 87, (1996): 198-210.

Kamakura Bakufu Saikyojōshū. (鎌倉幕府裁許狀集). Seno Seiichirō, ed., Tokyo, Japan: Yoshikawa Kōbunkan, 1987.

Kamakura Ibun. (鎌倉遺文). Takeuchi Rizō, ed., Tokyo, Japan: Tōkyōdō Shuppan, 1971.

Kokushi Taikei. (国史大系). Henshūsha Kuroita Katsumi, Kokushi Taikei Henshūkai, Tokyo, Japan: Yoshikawa Kōbunkan, 1967.

Nanbokuchō Ibun. Kantō hen (南北朝遺文. 関東編). Satō Kazuhiko (佐藤和彦), et al, eds., Tokyo, Japan: Tōkyōdō Shuppan, 2007.

Shinano Shiryō. (信濃史料). Shinano Shiryō Kankōkai, Nagano, Japan, 1956-1967.

Sonpi Bunmyaku (尊卑分脈), located within the *Kokushi Taikei*. (国史大系). Henshūsha Kuroita Katsumi, Kokushi Taikei Henshūkai, Tokyo, Japan: Yoshikawa Kōbunkan, 1967.

The Documents of Iriki. (入来院家文書). Asakawa Kan'ichi, Tokyo, Japan: Japan Society for the Promotion of Science, 1955.

BIBLIOGRAPHY

SECONDARY SOURCES

Arnensen, Peter J. "Suo Province in the Age of Kamakura" in Mass, Jeffrey. *Court and Bakufu in Japan: Essays in Kamakura History*. New Haven, CT.: Yale University Press, 1982.

Berger, Gordon M, Andrew Edmund Goble, Lorraine F. Harrington, and G. Cameron Hurst, eds. *The Currents of Medieval Japan: Essays in Honor of Jeffrey P. Mass*. Los Angeles, CA: Figueroa Press, 2009.

Brownlee, John "The Shokyu War and the Political Rise of the Warriors." *Monumenta Nipponica* 24.1/2 (1969): 59-77.

Conlan, Thomas. *In Little Need of Divine Intervention: Takezaki Suenaga's Scrolls of the Mongol Invasions of Japan*. Ithaca, N.Y. East Asia Program: Cornell University, 2001.

Conlan, Thomas. *State of War: the Violent Order of Fourteenth-Century Japan*. Ann Arbor, MI: Center for Japanese Studies, the University of Michigan, 2003.

Conlan, Thomas. "Thicker than Blood: The Social and Political Significance of Wet Nurses in Japan, 950-1330." *The Harvard Journal of Asiatic Studies* 65.1 (2005): 159-205.

Friday, Karl. *Samurai, Warfare, and the State in Early Medieval Japan*. New York, NY: Routledge, 2004.

Friday, Karl. "Teeth and Claws. Provincial Warriors and the Heian Court." *Monumenta Nipponica* 43.2 (1988): 153-185.

Goble, Andrew. "The Hōjō and Consultative Government" in Mass, Jeffrey P., ed., *Court and Bakufu in Japan: Essays in Kamakura History*. New Haven, CT. Yale University Press, 1982.

Goble, Andrew. *Kenmu: Go-Daigo's Revolution*. Cambridge, MA: Harvard University Press, 1996.

Goble, Andrew. "The Kamakura Bakufu and Its Officials" in Mass, Jeffrey, and William Hauser. *The Bakufu in Japanese History*. Stanford, CA: Stanford University Press, 1985.

Goble, Andrew. "War and Injury – The Emergence of Wound Medicine in Medieval Japan." *Monumenta Nipponica* 60.3 (2005): 297-338.

Goodwin, Janet. *Selling Songs and Smiles: The Sex Trade in Heian and Kamakura Japan*. Honolulu, HI: University of Hawai'i Press, 2007.

Hall, John C. *Japanese Feudal Law*. Washington, D.C. University Publications of America, Inc., 1979.

Hall, John W, and Jeffrey P. Mass, eds. *Medieval Japan; Essays in Institutional History*. New Haven, CT: Yale University Press, 1974.

Hall, John W., et. al., eds., *The Cambridge History of Japan*. New York, NY: Cambridge University Press, 1993.

Hurst, G. Cameron, "The Kobu Polity: Court-Bakufu Relations in Kamakura Japan" in Mass, Jeffrey P., ed. *Court and Bakufu in Japan: Essays in Kamakura History*. New Haven, CT. Yale University Press, 1982.

Hurst, G. Cameron, "The Structure of the Heian Court : Some Thoughts on the Nature of 'Familial Authority' in Heian Japan" in Hall, John W, and Jeffrey P. Mass, eds. *Medieval Japan: Essays in Institutional History*. New Haven, CT: Yale University Press, 1974.

Ishimoda, Shō. "Japan's Medieval World" in Piggot, Joan, ed. *Capital and Countryside in Japan, 300-1180*. Ithaca, NY: East Asia Program, Cornell University, 2005.

Kanda, James. "Methods of Land Transfer in Medieval Japan." *Monumenta Nipponica* 33.4 (1978): 379-405.

Kiley, Cornelius. "The Imperial Court as a Legal Authority in the Kamakura Age" in Mass, Jeffrey. *Court and Bakufu in Japan: Essays in Kamakura History*. New Haven, CT.: Yale University Press, 1982.

Kitagawa, Joseph. *Religion in Japanese History*. New York: Columbia University Press, 1966.

Kraft, Kenneth. *Eloquent Zen: Daitō and Early Japanese Zen*. Honolulu: University of Hawaii Press, 1992.

Mass, Jeffrey P. *Antiquity and Anachronism in Japanese History*. Stanford, CA: Stanford University Press, 1992.

Mass, Jeffrey P., ed. *Court and Bakufu in Japan: Essays in Kamakura History*. New Haven, CT: Yale University Press, 1982.

Mass, Jeffrey P. "Family, Law, and Property in Japan, 1200-1350." (Occasional paper / Harvard University, Edwin O. Reischauer Institute of Japanese Studies), Number 2000-03, December 2000.

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

Mass, Jeffrey P. and William Hauser, eds. *The Bakufu in Japanese History*. Stanford, CA: Stanford University Press, 1985.

Mass, Jeffrey P. *The Development of Kamakura Rule, 1180-1250: A History with Documents*. Stanford, CA: Stanford University Press, 1979.

Mass, Jeffrey P. "The Emergence of the Kamakura Bakufu" in Hall, John W, and Jeffrey P. Mass, eds. *Medieval Japan; Essays in Institutional History*. New Haven, CT: Yale University Press, 1974.

Mass, Jeffrey P. *The Kamakura Bakufu: A Study in Documents*. Stanford, CA: Stanford University Press, 1976.

Mass, Jeffrey P., ed. *The Origins of Japan's Medieval World: Courtiers, Clerics, Warriors, and Peasants in the Fourteenth Century*. Stanford, CA: Stanford University Press, 1997.

Mass, Jeffrey P. "Translation and Pre-1600 History." *Journal of Japanese Studies*, 6.1(Winter, 1980): 61-88.

Mass, Jeffrey P. *Warrior Government in Early Medieval Japan: A Study of the Kamakura Bakufu, Shugo and Jitō*. New Haven, CT: Yale University Press, 1974.

Mass, Jeffrey P. "What Can We Not Know About the Kamakura Bakufu?" in Mass, Jeffrey P. and William Hauser, eds. *The Bakufu in Japanese History*. Stanford, CA: Stanford University Press, 1985.

Mass, Jeffrey P. *Yoritomo and the Founding of the First Bakufu*. Stanford, CA: Stanford University Press, 1999.

Mcullough, Helen Craig. *The Taiheiki – A Chronicle of Medieval Japan*. Morningside Heights, NY: Columbia University Press, 1959.

McCullough, William. "The Azuma Kagami Account of the Shokyu War." *Monumenta Nipponica* 23.1/2 (1968): 102-155.

McKnight, Brian E., ed. *Law and the State in Traditional East Asia: Six Studies on the Sources of East Asian Law*. Honolulu, HI: University of Hawai'i Press, 1987.

Miyazaki, Fumiko. "Religious Life of the Kamakura Bushi: Kumagai Naozane and His Descendants." *Monumenta Nipponica* 47.4 (1992): 435-467.

Moon, Hyungsub. "The Matsura Pirate Warriors of Northwestern Kyushu in the Kamakura Age" in Gordon M. Berger, Andrew Edmund Goble, Lorraine F. Harrington, and G. Cameron Hurst, eds. *The Currents of Medieval Japan: Essays in Honor of Jeffrey P. Mass*. Los Angeles, CA: Figueroa Press, 2009.

Nagahara, Keiji. "Landownership under the Shōen-Kokugaryo System." *Journal of Japanese Studies* 1.2 (1975): 269-296.

Papinot, E. *Historical and Geographical Dictionary of Japan*. New York, NY: Frederick Ungar Publishing Co., 1964.

Perkins, George W. *The Clear Mirror: A Chronicle of the Japanese Court during the Kamakura Period (1185-1333)*. Stanford, CA: Stanford University Press, 1998.

Piggot, Joan, ed. *Capital and Countryside in Japan, 300-1180*. Ithaca, NY: Cornell University, 2005.

Piggot, Joan, ed. *Capital and Countryside in Japan, 300-1180*. Ithaca, NY: East Asia Program, Cornell University, 2005.

Reischauer, Robert. "The Japanese Shōen (荘園), Or Manor: Some Useful Terminology." *Journal of the American Oriental Society* 57.1(1937): 78-83.

Ruch, Barbara, ed. *Engendering Faith: Women and Buddhism in Premodern Japan*. Ann Arbor, MI: Center for Japanese Studies, the University of Michigan, 2002.

Segal, Ethan. "Awash with Coins: The Spread of Money in Early Medieval Japan" in Gordon M. Berger, Andrew Edmund Goble, Lorraine F. Harrington, and G. Cameron Hurst, eds. *The Currents of Medieval Japan: Essays in Honor of Jeffrey P. Mass*. Los Angeles, CA: Figueroa Press, 2009.

Steenstrup, Carl. "Sata Mirenscho: A Fourteenth-Century Law Primer." *Monumenta Nipponica* 35.4 (1980): 405-435.

Steenstrup, Carl. "The Gokurakuji Letter. Hōjō Shigetoki's Compendium of Political and Religious Ideas of Thirteenth-Century Japan." *Monumenta Nipponica* 32.1 (1977): 1-34.

Steenstrup, Carl. "The Legal System of Japan at the end of the Kamakura Period from the Litigant's Point of View" in McKnight, Brian E., ed. *Law and the State in Traditional East Asia: Six Studies on the Sources of East Asian Law*. Honolulu, HI: University of Hawai'i Press, 1987.

Tonomura, Hitomi. "Black Hair and Red Trousers: Gendering the Flesh in Medieval Japan." *The American Historical Review* 99.1 (1994): 129-154.

Tonomura, Hitomi. "Coercive Sex in the Medieval Japanese Court: Lady Nijo's Memoir." *Momunemta Nipponica* 61.3 (2006): 283-337.

Tonomura, Hitomi. "Forging the Past. Medieval Counterfeit Documents." *Monumenta Nipponica* 40.1(1985): 69-96.

Tonomura, Hitomi. "Re-envisioning Women in the post-Kamakura Age" in Mass, Jeffrey P., ed. *The Origins of Japan's Medieval World : Courtiers, Clerics, Warriors, and Peasants in the Fourteenth Century*. Stanford, CA: Stanford University Press, 1997.

Tonomura, Hitomi. "Sexual Violence Against Women" in Tonomura, Hitomi, Anne Walthall, and Wakita Haruko, eds., *Women and Class in Japanese History*. Ann Arbor, MI. Center for Japanese Studies, University of Michigan, 1999.

Tonomura, Hitomi, Anne Walthall, and Wakita Haruko, eds., *Women and Class in Japanese History*. Ann Arbor, MI. Center for Japanese Studies, University of Michigan, 1999.

Tonomura, Hitomi. "Women and Inheritance in Japan's Early Warrior Society." *Comparative Studies in Society and History* 32.3 (1990): 592-623.

Varley, H. Paul. "The Hojo Family and Succession to Power" in Mass, Jeffrey P., ed. *Court and Bakufu in Japan: Essays in Kamakura History*. New Haven, CT. Yale University Press, 1982.

Wakita, Haruko. "Marriage and Property in Premodern Japan from the Perspective of Women's History." *Journal of Japanese Studies* 10.1 (1984): 73-99.

Wakita, Haruko. "The Medieval Household and Gender Roles within the Imperial Family, Nobility, Merchants, and Commoners" in Tonomura, Hitomi, Anne Walthall, and Wakita Haruko. *Women and Class in Japanese History*. Ann Arbor, MI: Center for Japanese Studies, the University of Michigan, 1999.

Yamamura, Kozo. "Tara in Transition: A Study of a Kamakura Shōen." *Journal of Japanese Studies* 7.2 (1981): 349-391.