BANDITS, PIRATES, MERCHANTS AND FINANCIERS

Bandits and Pirates

Tosa Harbor was the base of the powerful Andô *uji* on the Tsugaru peninsula. As I discussed briefly in my "maritime" survey of Japanese history, the city reached the height of its prosperity in the fourteenth century, rivalling the prosperity of Hakata in northern Kyûshû. Tosa Harbor's once lively downtown district has yielded to archaeologists large numbers of Chinese coins and porcelain as well as Koguryo (Korean) celadon. Indeed, from the fourteenth to the fifteenth centuries, Tosa Harbor may well have been *the* international hub of the north.

To the far south, the city of Bônotsu on southern-most tip of Kyûshû welcomed many ships from the Asian continent from the twelfth century, and excavations in Kanzaki on the Ariake Bay have also uncovered large numbers of Chinese porcelains. But coastal towns are not the only places where Chinese porcelains have turned up. They have also been found in Niimi, up in the mountains of Okayama, demonstrating its close links to East Asia.

But lurking beneath all these traces of trade lies a major problem for historians: what kind of political power guaranteed the flow of goods and bills of exchange? When "checks bounced," or exchanges were deemed invalid, or when there was a dispute over bills, who could offer the guarantees that would resolve the disputes?

The government at this time did not fulfill this function. The Imperial government in Kyôto, the military government in Kamakura, the managers of *shôen* and government lands focused their attention on the resolution of land disputes,

establishing procedures to handle such problems. Without a doubt, disputes over land and fiefs were among the most serious social problems of the time. In particular, the Kamakura shogunate's power was dependent upon its vassals' well-being, and the vassals' livelihoods, in turn, were dependent on their fiefs. So the shogunate was extremely meticulous when it came to litigation over titles to fiefs. In contrast to lawsuits relating to land disputes, which the shogunate called its "property affairs" (*shomu sata*), litigation relating to loans, commerce or distribution were designated "miscellaneous."[1] As the category implies, these lawsuits were not taken as seriously. This had been true since the archaic Ritsuryô state, once again revealing the State's agrarian fundamentalist ideology.

However, as I mentioned above, the imperial and shrine purveyors who were outside the State land system had organized their own financial and distribution networks by the eleventh century. These same groups held their own trials in matters related to commerce and had the power to enforce their decisions. Of course, the Imperial government did not find this alternative authority acceptable. From the twelfth and thirteenth centuries, the Imperial government strove to strengthen its control over the activities of imperial and shrine purveyors, designing an official system that could incorporate them. However, as the cash economy continued to grow from the thirteenth to the fourteenth centuries, commercial and financial organizations and shipping networks also expanded, and grew ever more complex. At the same time, the organizations for imperial and shrine purveryors continued to expand beyond the framework previously provided by the State, becoming ever more independent. In particular, the activities of new groups who managed the traffic and transportation routes became quite prominent during this period.

[1]The Kamakura shogunate recognized three classes of lawsuits: land, criminal and miscellaneous.

As far as the government was concerned, these people were bandits (*akutô*) and pirates (*kaizoku*). For example, the picture scroll depicting the travels of Ippen, the founder of the Buddhist Ji sect, relates the famous story of Ippen's service at the temple of Jimokuji in Owari.[2] In the story, Ippen's followers ran out of food during an especially long ceremony. Just as they began to show signs of fatigue, two wealthy "virtuous men" (*tokujin*) in nearby Kayatsu had a dream in which the Buddhist deity Bishamon ordered them to give alms to Ippen and his monks. In the scroll, these men are shown in unusual attire, with long loose hair, wearing tall *geta* and holding folding fans. According to the text accompanying this scene, the bandits of Owari and Mino had erected an edict board warning that anyone who attempted to interfere with Ippen's evangelical work would be executed.[3] As a result, Ippen's group was able to preach in that region for three years without any interference from bandits in the mountains or pirates on the seas.

In Ippen's time, the ocean reached far inland at Owari and Mino, quite different from the way it is today, and the "outlaws" of that area included groups of "pirates" who worked the ocean and rivers. Even though these groups had no relation to the public authorities, they were able to raise their own edict boards and guarantee the safety of Ippen's passage themselves. In fact, it might be more accurate to call these armed groups "Masters of the Sea" (*umi no ryôshu*) or "Lords of the Mountains" (*yama no ryôshu*), rather than pirates and bandits. Their power derived from their relation to roads and waterways. Many of them were also mountain aescetics or monks from the Tendai monastery on Mt. Hiei who engaged in commercial and financial enterprises. Thus, the circulation of bills of exchange

[2]See "Fear and Loathing" for a more complete discussion of this scene.

[3]Edict boards were the standard form of proclaiming new laws and ordinances. That the bandits would erect such a board suggests that they had arrogated to themselves the practices of official government.

from the thirteenth to the fourteenth centuries that the network of merchants and financiers guaranteed was in turn secured by the control of transportation routes by these "bandits" and "pirates."

These people were originally known as "wanderers" (*yûshu fushoku no tomogara*) and many of them had been gamblers. By the thirteenth century, however, bandits and pirates possessed an organization covering a wide area. Whenever there was trouble of some kind within their territory, they would take bribes and gratuities, hear lawsuits, and resolve the problems on their own authority. Since they would take up lawsuits refused by the authorities, the disputants would actively seek them out and pay tribute in the hopes of a speedy resolution. A bribe paid before the fact was called "a mountain toll" (*yamagoshi*)[4] while a gratuity paid afterward was called "a contract" (*keiyaku*).

In a well-known incident at the beginning of the fourteenth century, a large group of bandits broke into the border post at Hyôgo. It was reported that a number of women were seen amongst their number. Thus, we know for a fact that there were women were active in these groups, and that many of the merchants and financiers who depended on the bandits' organization were women. Some among them, in fact, were probably known as "courtesans."

What was "Evil"?

Of course, the State could not ignore their activities. Since its power was based on the real estate holdings of its military estate stewards and vassals, the Kamakura shogunate in particular, often found its local authorities entangled with the activities of bandits and pirates. The authorities could not look on quietly when

[4]"Yamagoshi" means "crossing the mountain" and may originally have referred to a payment of a kind of toll to the local powers to guarantee safe passage across a mountain pass.

their order in their domains was thus disrupted. The shogunate insistently issued order after order calling for the suppression of bandits and pirates throughout the thirteenth and fourteenth centuries. Such domestic disturbances were particularly disadvantageous to the shogunate when the Mongols were threatening to invade from the Asian mainland. Having labelled the "rulers" of the ocean, mountains and roads "bandits and pirates," the shogunate used military means to suppress and pacify these independent organizations.

Within the shogunate, the harshest opponents of the bandits were those who advocated what was called "beneficent government" based on the principles of "agrarian fundamentalism," the ideology of military landed power. From the perspective of agrarian fundamentalists, "evil" was represented by people who were attracted by the magical powers of coinage and currency—the merchants and financiers who pursued profit and interest—and those who inhabited the roadways of the mountains and rivers, who enjoyed the taking of life in hunting and fishing and engaged in gambling.

The word "evil" in those days was applied to phenomena that disrupted everyday peace, to that which exceeded the power of ordinary people. The taking of profit or interest in and of itself and, by extension, commerce and finance were seen as "evil" in this sense. Such activities as gambling—which decided matters by the roll of the dice—and sex, as well as the condition of pollution (*kegare*) were all seen as related to "evil" powers which exceeded the power of ordinary humans. Those who were seen as possessing such an extraordinary power were often actually officially called "evil," referred to in documents as "Evil Shichibei," "Evil Genta" or "Evil Safu." It was this view of evil that labelled organizations of financiers, merchants and rulers of the ocean and mountains "evil bands."

But while the Kamakura shogunate's attacks on "evil bands" was part of an

attempt to suppress the non-official networks of merchants, financiers and distributers, we may also discern an aggressive attempt within the shogunate not to suppress, but to acquire control of these groups' activities. Based as it was on lord and vassal relations in which fiefs were divided among one's own family vassals, the shogunate approached the task of controling the "bandits" in an essentially "agrarian fundamentalist" mode. But the private vassals (*miuchibito*) of the Hôjô regents (the Tokusô line), who controlled the office of the shogun, took a different approach. The *miuchibito* actively attempted to establish links with merchants and financiers and bring rivers and roadways under their control. They appointed the heads of financial groups to the position of domainal manager and placed them under contract for the collection of land taxes. The case of Niimi Estate is one such example where monks and mountain ascetics, otherwise deemed "evil bandits" became land managers. However, in addition to the standard contracts for land taxes, they were encouraged to engage in the currency transactions necessary to the development of a prosperous consumer economy.

The Tokusô Hôjô also acquired specific harbors and ports that were important to maritime shipping and issued special licenses for the use of those ports. Thus the Tokusô Hôjô derived a significant income from maritime trade. The existence of approximately twenty huge "Kantô-licensed Tsugaru ships," licensed by the Hôjô to ply their trade between Kamakura and Tsugaru from the beginning of the fourteenth century, remind us of this often unrecognized source of Hôjô wealth. Such ships could also be found in Hôshôtsu harbor in Etchû and Tagarasu Bay in Wakasa, both on the Japan Sea coast north of Kyôto. Even though it was directly opposed to the agrarian fundamentalist policy that formally characterized the shogunate, the Hôjô family exploited the maritime trade and distribution system for its own profit.

In fact, politics from the late Kamakura through the early Northern and Southern Courts period were characterized by a tense struggle between these two political lines. This ideological split played an important role in the well known Shimotsuki Incident of 1285 in which Adachi Yasumori—representative of the shogunate's vassals and advocate of agrarian fundamentalist policies—was defeated in a coup by Taira no Yoritsuna— representative of the Hôjô family vassals. This was a turning point for the shogunate which then shifted from trying to suppress the bandit and pirate networks to trying to incorporate them within its system of control.

The Hôjô family also came to monopolize trade and diplomatic relations with the Asian continent by the beginning of the fourteenth century. Until that point, aristocratic families such as the Saionji and a number of shogunate vassals had sent their own trade missions to China, but by the end of the thirteenth century, as virtually all important harbors became Hôjô family holdings, they were supplanted by the Hôjô. Thus, the Hôjô family sought to bring domestic and foreign commercial and financial networks in the islands under their direct control. In the end, their policies aroused the intense opposition of other maritime powers in the islands.

At the beginning of the fourteenth century"pirates" of Kumano staged a major rebellion in western Honshû. We do not know many details of the incident, but it appears that the Kumano shrine purveyors, who wielded great power over an area that included the Kii peninsula, the Inland Sea and northern Kyûshû, rose up against the Hôjô family's tyrannical control. In response, the Hôjô family mobilized troops from fifteen provinces to put the rebellion down. The fighting lasted two or three years. The mobilization of troops from fifteen provinces matches in scale the mobilizations undertaken to put down the famous Jôkyû Disturbance of 1221 and

the battles against Kusunoki Masashige at the time of the Kamakura shogunate's demise. The sheer numbers and time it took to quell the Kumano rebellion gives us a good idea of just how serious and widespread this rebellion was.[5]

The "Ezo" disturbances, in which the maritime powers of Hokkaidô challenged the Hôjô incursions into their area took place at nearly the same time. The rebellion pitted factions of the Andô *uji*—who from the Tsugaru peninsula city of Tosa Harbor controlled a commercial network from the Japan Sea to Hokkaidô—in alliance with the Ainu, who were then quite active in trade, against the Hôjô. This rebellion broke out several times, and the Hôjô were ultimately unable to suppress it before their own fall from power.

Emperor Go-Daigo made his appearance on the historical stage in the midst of this chaos. Go-Daigo employed the military power of these "bandit" groups to topple the Hôjô family and the Kamakura shogunate. In doing so, he expanded upon the *miuchibito*'s policy of aligning with commercial groups. Even before proclaiming the demise of the shogunate and the establishment of his new imperial government, Go-Daigo attempted to place Kyôto directly under his personal control by taxing the saké brewers of the city and making all shrine purveyors from Hie, Kasuga and Iwashimizu Hachiman Shrines his direct attendants. He also ordered

[5]The Jôkyû Disturbance and the rebellion of Kusunoki Masashige at the end of the Kamakura period are both events that would be very familiar to a general Japanese audience. Both of these events would be covered in high school history textbooks and both have found expression in other cultural forms (plays, paintings, novels and so on). But that the uprising of the Kumano pirates was on the same scale as those two would take many of his Japanese readers by surprise, since many would not have heard of it before. While Amino is not explicit about it here, one reason is that the first two incidents involved fighting by warrriors against other members of the warrior class, with one side being backed by aristocracy. The rebellion of the Kumano pirates, however, was a civil war fought by warriors on one side and non-warrior class people on the other. This goes to Amino's general point about "rereading Japanese history." The mainstream textbooks restrict their narratives to those stories involving the elites—the aristocracy and the warrior class. To the degree that they mention such rebellions as that of the Kumano pirates, they depict them as marginal to the main story line. Amino's insistence that the mobilization to suppress the uprising was as big as the mobilization to suppress the Jôkyû Disturbance and Kusunoki Masashige is an argument to the effect that the Kumano uprising was not marginal (nor were the Kumano pirates).

that the produce of all military stewards' fiefs be converted into currency and taxed at five percent. This tax revenue was then turned over to Kyôto financiers and lenders to be used for government expenses. Go-Daigo also planned to mint coins and issue paper currency. Go-Daigo's policies were thus founded on commercial and financial interests, rather than agrarian fundamentalist principles. They were also ultimately despotic. Although he did not ultimately achieve these goals, their failure was not necessarily due to impracticality, given the frequency with which bills of exchange were traded at the time.

Politics from the thirteenth to the fourteenth centuries were thus characterized by a division between agrarian and mercantile lines. The agrarian line was supported by a system of land taxation that emphasized maintaining warrior control of fiefs and drew annual tribute from the fields of private and public estates. In contrast, the mercantilist line sought to organize the activities of the rising merchant, financier and shipper power, to build its strength on networks of distribution and to develop trade to the north and west as well as across the sea.

These two ideological strains came to blows amidst the violent transformations of society during this era. The mercantilist line gradually came to dominate. By the end of the fourteenth century, Ashikaga Yoshimitsu came close to achieving what Go-Daigo had planned, but failed, to do. For a period thereafter, agrarian fundamentalism ceded to mercantilism the dominant position in government.

Urban Religion: The Teachings of Ippen

The clash of these two ideologies was not limited to the realm of politics. Religion had to deal with many of the same issues, most notably the problem of

"evil."

In the early thirteenth century, Shinran, the founder of the True Pure Land Buddhist sect, proclaimed the theory of "Evil's Advantage." According to Shinran, faith in Amida's compassionate vow to save mankind was the only path to salvation. If even a good man could be reborn in Amida's Western Paradise, Shinran argued, then an evil man had a much greater chance of achieving that rebirth since he would be much less likely to think he would gain a propitious rebirth through his own good deeds. "Evil's Advantage" thus represented a positive approach to "evil." After Shinran, Ippen, the founder of the Ji sect, developed a thoroughly universalist theory of salvation in which he claimed that anyone—whether good or evil, pure or impure, faithful or unfaithful—could be reborn in paradise if they would only receive a wooden plaque with the inscription, "In the Name of Amida Buddha" on it. Through his belief in the unconditional vow of Amida Buddha, Ippen was able to directly face and accept what society at the time called "evil." For this reason, Ippen's supporters included "evil bandits" as well as the wealthy merchants and financiers who called themselves "virtuous men." Many women also became believers of Ippen's credo at a time when they were increasingly stigmatized as impure. A great many of them also became nuns and roamed the country with Ippen's group. Ippen's supporters also included many outcastes, or "non-humans," as I discuss in "Fear and Loathing."

What is important for our discussion here is that Ippen's teachings spread quickly in such urban settings as port towns. As an examination of The Picture Scroll of the Holyman Ippen shows, Ippen evangelical work covered a broad area. This, of course, would have been impossible had transportation networks not been stable. Ippen is also known for his attempt to distribute wooden plaques to six hundred thousand people. Considering the population of the islands at that time,

this was a tremendous task only possible once urban areas, where people gathered in large numbers, had developed.

Ippen is also known for the *nembutsu* dance, a kind of religious ceremony performed on a special stage that would be constructed in areas where people gathered in large numbers in the hopes of attracting a significant audience. This method of proselytization was thus predicated on the existence of urban spaces. Indeed, a reading of a document called "A Record of Ji Sect Buddhism" shows that many of the people converted by Ippen's group were "saved" in urban spaces—such as ports and markets.

The Picture Scroll of the Holyman Ippen, painted in the late thirteenth century, differs from earlier picture scrolls which predominantly depicted agricultural scenes. Through the scroll's depictions of a number of urban scenes, we get a view of one of the major social currents of the time, the growth of urban spaces. Indeed, Ippen's teachings constitute a truly urban religion; its adherents were primarily urban denizens.

Yet from an official standpoint, these people were "evil" and impure. The monks of major temples and shrines, aristocrats and warriors—particularly those who supported the agrarian fundamentalist line—all saw Ippen's preaching and the very composition of his followers as "the work of goblins," as activities, in other words, that had to be censured. Two other contemporaneous works, a picture scroll called A Picture Book of Goblins (*Tengu sôshi*) and a poetry collection called A Mirror of Pastoral Life (*Nomori no kagami*), illustrate this position, harshly criticizing the fact that Ippen included "impure" women and "non-humans" in his traveling corps. These texts explicitly depicted Ippen's sect as a licentious, mendicant group supported by "evil bandits" that welcomed polluted outcastes and women.

Religious Solicitors as Traders and Entrepreneurs

During the early Kamakura period, other religious figures, such as Shinran and Nichiren, took the same tactics as did Ippen, purposefully going to preach among the "non-humans" and "bandits." Monks from the Ritsu and Zen sects also sought to save the "non-humans" as a positive response to new developments in society. In addition, there were monks who, even though they wielded great power in the management of *shôen* estates, linked themselves to the Hôjô family's aggressive pursuit of commercial and distributive power and who thus came to function as venture capitalists. How, exactly, did they do this?

The monks from the Ritsu and Zen sects first obtained the permisson of the Hôjô family, or the Imperial Court (when in the west), to travel the country soliciting contributions for temple construction, or some such religious project. Originally, these religious solicitors (*kanjin shônin*) had to walk from province to province and house to house soliciting donations from individual families. But by the Kamakura period, they were constructing check points (like toll booths) in harbors and post towns, collecting their "contributions" as a kind of transportation tax. Another method was to employ provincial constables, with the permission of the Hôjô family or the Imperial Court, to collect ten *mon* in cash from every house in a particular region as a contribution. This was a forced contribution known as "roof beam money." By the fourteenth century, religious solicitors were thus accumulating capital through obligatory contributions at checkpoints and through constables.

The accumulated capital was sometimes put immediately to the purposes for which they had been solicited, such as the repair of temples. However, from the fourteenth century, such funds were occasionally used to construct large trading ships—"*karabune*," or Chinese ships—which were sent to China on trade missions to

earn even more money. Because these vessels were called "Chinese ships,"many have assumed that they were built and operated from China. However, while that may have been the case with many, these ships were not exclusively Chinese in origin. I believe that the Shin'an wreck, which I discuss in "Commerce, Finance and Currency," was probably constructed in the Japanese islands. The ship was made of Taiwanese red pine, a southern tree, so there are some who argue that the ship was built in China. But a great deal of Japanese cypress was crossing the ocean to China for use in construction there from the thirteenth century, so it would not be inconceivable that materials from southern China would make their way over to the Japanese islands. In fact, we have already been able to confirm that some "*karabune*" were constructed in northern Kyûshû.

Nevertheless, construction of such a large, sturdy ship would require the organization and mobilization of a variety of tradesmen. It is here that I find support for my hypothesis of the Shin'an wreck's Japanese construction. The construction of large ships at the time was undertaken by professional sailors known as *gôshi* (lit., net attendants) or *gôsu* (lit., net masters), who were contracted to organize ship carpenters and blacksmiths and to hire sailors for the trip across the ocean. The recovery of the Shin'an wreck has produced not only large numbers of coins and porcelain, but also many wooden tablets (*mokkan*). These tablets have the names of what appear to be Japanese people, such as "Iyajirô," written on them, so we know that there were many sailors hired from the Japanese islands on board. The ship's crew also included a *gôsu* and a religious solicitor. Assuming that this ship began its trip from the archipelago, it was probably loaded with such goods as pearls, swords, gold dust and mercury when it left.

When the Hôjô family dispatched a religious solicitor on a trip to China, they sent him with goods from Hôjô lands to be sold in exchange for an enormous

amount of porcelain and Chinese coins. The religious solicitor would bring these back to the Japanese islands and travel from province to province selling the pottery for profit, using the coins themselves as capital. We know that the solicitor on board the Shin'an wreck was working for the temple of Tôfukuji in Kyôto, so it was likely that the Shin'an wreck was a Tôfukuji-owned *karabune.* There were also *karabune* employed by the Hôjô family to gather funds for such temples as Kenchôji, Shôchôjun'in and the Great Buddha in Kamakura. Since the Shin'an wreck was working for a Kyôto temple, it is unclear whether or not it was dispatched on orders from the Hôjô. I personally believe that the ship was dispatched by Emperor Go-Daigo, but, in any case, the ship's mission was clearly frustrated by its sinking.

If the ship had been able to return safely, its profits would have been used for a large-scale construction project at Tôfukuji. Such construction would have required that the religious solicitor mobilize a labor force of "non-humans" and "riverside people" as well as temple carpenters, blacksmiths, plasterers, shinglers, coppersmiths, casters, stone cutters and other such craftsmen. There is really no appropriate academic term with which to describe the monk who could have organized and mobilized such an array of workers, but if we were to use a contemporary referrent, we might describe these men as half venture capitalist and half construction contractor. It is important to remember that the Ritsu and Zen Buddhist sects were particularly active in this capacity. We should also recall that Emperor Go-Daigo and the Hôjô had the political power to protect, support and impel these monks along these paths.

The disturbances of the Northern and Southern Courts period constituted a watershed for Japanese society. After that era, commodity circulation, currency and a credit economy developed on a scale unlike anything before, driving politics and religion in new directions. That is why I see this period as representing a major

turning point in the history of civilization in the Japanese archipelago. Moreover, since people in Japan, the Ryûkyûs and Hokkaidô began to formulate a sense of their own identities at this time, one can also say that this was a turning point in ethnic history in the islands.

The Formation of Villages and Towns

As these disturbances came to an end in the fifteenth century, the tight trade relationship between the Japanese archipelago and the Asian continent grew even tighter, largely as a result of Ashikaga Yoshimitsu's mercantilist policies. Trade relations also expanded to a wider area. At the beginning of the fifteenth century ships from Palembang in Sumatra, known to Japanese as "Southern Barbarian Ships," entered the harbor of Obama in Wakasa. These ships did not arrive in Obama by accident, but came on regular, annual visits.

The official ambassadors on these ships brought documents addressing Shogun Ashikaga Yoshimitsu as "King of Japan." On one of these occasions, the first elephant ever seen in Japan was brought as a gift to the "King of Japan." Yoshimitsu reportedly saw the elephant once, but since he was not able to care for it he had it sent back to Sumatra. Be that as it may, the transport of an elephant all the way from Sumatra shows how securely Japan was incorporated into the pan-Asian trading sphere, which even included southeast Asia. The Ryûkyûan kingdom, which was first established in the late fourteenth century, was founded on this kind of trade activity, with Ryûkyûan ships plying the maritime trade routes in all directions.

We know, too, that relations with northeast Asia were also quite close. Tosa Harbor in Tsugaru was, as I mentioned earlier, deeply engaged in trade with areas

all along the west coast of the Japan Sea. However, it also appeared to have been engaged in trade with northeast Asia. Therefore, our understanding of fifteenth century life in the Japanese islands must take into account the close trade relationship with all of east Asia.

Such conditions as the profusion of urban spaces, the entrenchment of a cash economy, and the spread of a manager-contract system for *shôen* and government lands contributed to the stability of the fifteenth century and promoted the formation of a number of self-governing villages and towns. While the form of the *shôen* estate system remained as a legacy of earlier times, Japanese society was shifteing to what might be called a village/town system. These settlements were generally governed autonomously, the city of Sakai being the most famous example. Many villages also began to operate on the "village contract system" (*mura-uke*) whereby the village, rather than an overlord, contracted with the government for the collection and payment of the village's annual tax. This suggests that members of the villages and towns had accumulated the necessary skills to manage affairs that had previously been the domain of specialist estate managers.

When Japanese society entered the Warring States period in the fifteenth and sixteenth centuries, a number of small regional states ruled by feudal lords and built upon this village/town system engaged in violent struggle with each other. What has largely been ignored in our studies of this period is the surprising degree to which "rulers of the sea" ("pirates"), merchants and shippers strengthened their organizations and increased their activities.

For example, traffic on Lake Biwa had been long been heavy, but transport on the lake during this period was controlled by "pirates" from the town of Katada. These pirates had bases in all the ports and inlets on Lake Biwa and when anyone sailed on the lake they always took a pirate from Katada on board with them. Since

these people were sought out by the shippers themselves, they were paid a gratuity which functioned as a kind of transport tax to Katada. This, in turn, provided a guarantee of safe passage. Indeed, the Honpukuji Temple Memoirs, written by a True Pure Land monk named Myôzei, noted that if a ship flew the banner of Katada it could cross the lake safely. However, if a ship tried to cross the lake without paying any gratuities, its cargo would be impounded by Katada. This makes the people of Katada the equivalent of pirates, for if a boat did not pay the toll, they would not only attack the ship and impound the cargo, but they would also kill everyone on board, even children. Such rumors undoubtedly helped spread the word that safe passage would be assured only if deference was paid to the pirates.

Customary Law of the Seas

In the beginning of the fifteenth century, a Korean diplomat named Son Gi Hyon wrote a travelogue of a trip he made to Japan. His text provides a rich account of the customs and society of western Japan at that time. The text also contains precise information on pirates. Son's description of his embassy's stay on the island of Kamagari in the province of Aki, on the Inland Sea, resembles the situation in Katada. If boats coming from the east carried an eastern pirate, then western pirates would not touch the boat, while the same held true for the reverse. Kamagiri Island served as the border between the eastern and western halves of the Inland Sea and the contact point between the pirates of each region. Son wrote that he paid seven *kanmon* to an eastern pirate on Kamagiri for safe passage to the west.

This kind of practice was common on the seas at the time. The various regional maritime powers maintained contacts with each other, and so long as checkpoint tolls and warning fees were paid, passage within the linked territories

was safe. The affirmative term for these maritime powers at this time was "buccaneer" (*kaizokushû*). In other words, the term "pirate" was not used in a derogatory manner. It was the accepted term of use among the people that I am now calling "rulers of the sea." The same situation held for mountain roads, although the affirmative term was not "mountain pirates" (*sanzokushû*) but "mountain yeomen" (*yamadachi*).

In order to maintain control over their maritime territories, these groups built fortresses on islands and capes overlooking entries to harbors or waters through which all boats necessarily passed. These were both defensive posts and watch points for the observation of passing ships. For example, on the tips of the Taichi and Shio Capes, there are mountains known as "castle mountains" (*shiroyama*). During the Edo period, these mountains functioned as whaling lookout points. When whales were spotted out at sea, the watchmen would light signal fires to inform the whaling bosses. The whaling bosses would then use hand held banners to guide the boats to help them surround and capture the whales. This fishing method can be traced directly back to the practices of the pirate organizations. As on Lake Biwa, there would be no trouble if deference was paid, but if a ship attempted to pass without payment, men in the lookout fortress would light signal fires. A number of small boats would then surround the offending ship on directions from the pirate leader and impound the cargo.

The Inland Sea and Japan Sea regions had a high concentration of such pirates. There were also many of these lookout posts near harbors in Hokkaidô, such as the Katsuyama Fort in Kaminokuni. Most Japanese think of a "castle" as signifying a mountain fortress in inland regions. However, to truly grasp the nature of fortresses in Japan, we must consider these coastal fortresses in the same terms as the inland mountain castles.

When I first went to Okinawa in the winter of 1993, I found that castles in Okinawa, called "*gusuku*," all overlooked the sea. These castles closely resembled the ocean fortresses of Honshû. Moreover, these *gusuku* were sometimes also located on sacred land known as "utaki." In fact, the same was often true of fortresses in Honshû, Shikoku and Kyûshû, where capes were considered sacred places and the deities were worshipped. The "first rice" offered there in worship by passing ships may have been the origins of checkpoint tolls.

In this way, the networks of merchants and local maritime powers became more tightly organized in the fifteenth and sixteenth centuries. Accordingly, it was at this time that customary law for shippers was codified. In the archaic past, anything that came on the ocean from afar was seen as belonging to the deities, to be used, therefore, by temples or shrines. We also know from documents that customary practices existed to deal with ships that struck reefs or otherwise wrecked. These customs were finally written down in the sixteenth century in a text known variously as the "The Greater Law for Shipping" (*kaisen daihô*) or "Shipping Customs" (*kaisen shikimoku*), which was composed of 31 items. Ten more items were added to these codes in the Edo period and the text was copied and carefully maintained in harbors and ports throughout the islands.

It is not clear who compiled these laws or how. Based on form alone the common claim that it was issued by Hôjô Yoshitoki in 1223, or by Emperor Go-Horikawa, appears to be false. These codes were probably written in the sixteenth century, when someone gathered information regarding customary law among shippers and wrote them down. People from Bônotsu in Satsuma, Urado in Tosa and Hyôgo in Settsu clearly had a hand in their compilation, with the people from Urado playing an especially important role.

There was a similar move to codify merchants' customary practices. Such

documents stressed "the history of the commercial way" and referred to previous "merchants' decisions." None of these codifications of merchant customary law survives today, although we can see traces of such documents in genealogical texts such as The Principles of the Scales (*Hakari no honji*) and Important Affairs of Renjaku (*Renjaku no daiji*). However, much work remains to be done on this topic.[6]

By the sixteenth century, feudal warlords had taken control of every region, establishing small states and drafting their own laws. Yet the networks of merchants, financiers and shippers remained independent of the feudal lords. They maintained their own customary laws which they had compiled themselves, while also actively maintaining their relationships outside the Japanese archipelago. It would take the interdiction of foreign trade by the Tokugawa shogunate in 1638 to bring this to an end.

[6]For further discussion of this see, Amino Yoshihiko, "Chûsei shônin no sekai," in Rettô no bunkashi, no. 9.