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COMPARATIVE FEUDALISM:

FEUDALISM IN WESTERN EUROPE, JAPAN AND THE OTTOMAN EMPIRE

A DISSERTATION SUBMITTED TO THE GRADUATE FACULTY OF MIDDLE
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DEPARTMENT OF HISTORY

BY

George J. Pimentel

MURFREESBORO, TENNESSEE

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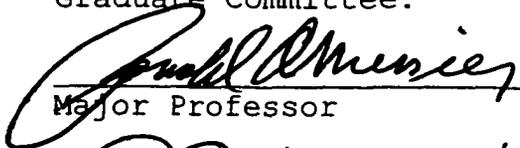
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COMPARATIVE FEUDALISM:
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ABSTRACT

COMPARATIVE FEUDALISM:

FEUDALISM IN WESTERN EUROPE, JAPAN AND THE OTTOMAN EMPIRE

GEORGE J. PIMENTEL

Over the centuries, the term feudalism has come to encompass a variety of definitions. This has led to numerous works concentrating on the subject of feudalism, with a majority of them focusing on western European feudalism. However, a definitive definition of feudalism that encompasses all of the variations and regional complexities does not exist.

Utilizing both primary and secondary sources, this dissertation examines the historiography of feudalism with particular emphasis on the Western European feudal institutions of vassalage and benefice and the concept of private jurisdiction. I will begin with Western Europe because most historians agree that feudalism did exist in

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Western Europe although they may differ on their approaches in concluding that it did exist.

A fully feudalized society will be said to exist if it meets all of the following criteria: 1) the government is based on personal relationships (vassalage) 2) individuals providing governmental services receive benefices (fief) in lieu of fixed monetary income 3) individuals provide basic governmental services (protection and law) on a local level and 4) the local lords who provide basic governmental services view these services as personal possessions. These elements do not have to progress in a linear fashion. Although all need to be present, it is possible for different regions to develop the component parts in different order. I will then examine the extent to which Japanese and Ottoman institutions possess these characteristics and compare them to Western Europe by using a sliding scale of feudalism.

The sliding scale of feudal development identifies three degrees of feudalization. Each level is characterized by the existence of feudal institutions within a society. The scale begins with a non-feudal period lacking any elements of feudalism. Level 1 is a

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pre-feudal period in which some elements of feudalism exist, but not all. Level 2 is a partial-feudal society in which vassalage, fief, and local rule exist, but the society lacks the private jurisdiction aspect necessary in a fully developed feudal society. Level 3 is a fully feudalized society containing all institutions and necessary relationships incorporated into the society, including the inheritance of fiefs. Each region will be analyzed to determine how its society fits into the feudal scale, and then will be compared to the other regions to postulate the level of feudalization for each society at any given time.

It is my contention that feudalism defies definition in terms of a rigid model. Its complex nature requires a definition that is broad enough to take into account regional and cultural differences. Rather than a model with a fixed set of requirements as its base, a sliding scale could demonstrate both regional differences and similarities. At any particular time and place, a government can be more or less feudal. This type of sliding scale will be beneficial in that it can show

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comparisons across cultural lines and at the same time highlight differences in similar institutions.

Feudal government evolved out of necessity, not from design. Feudalization is a process. It is something that is in the process of becoming more or less rather than something that is. Therefore, an accurate definition must not only consider the final product of feudalization, but must also take into consideration the process of feudalization to accurately understand this period of history in any region or society.

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CHAPTER I
INTRODUCTION

Over the centuries, the term feudalism has come to encompass a variety of definitions. This has led to numerous works concentrating on the subject of feudalism, with a majority of them focusing on western European feudalism. However, a definitive definition of feudalism that encompasses all of the variations and regional complexities does not exist. Historian Robert S. Hoyt states that feudalism is the single most difficult subject to explain.¹ The Catholic Encyclopedia suggests that feudalism "is indefinable" because "it represents the progressive development of European organization during seven centuries."² The development of the feudal paradigm is a historical construct, which has even led some to doubt its very existence. Noted medieval scholar Joseph Strayer

¹Robert S. Hoyt, Feudal Institutions: Cause or Consequence of Decentralization? (New York: Holt, Rinehart and Winston, 1961), 1.

²The New Catholic Encyclopedia, s.v. "feudalism."

expressed a similar concern when he questioned, "Are the possible solutions to human problems so limited in number that events which are really not very similar will produce results which are almost identical? Or is it a mirage, caused by the poverty of our vocabulary?"³ Only by examining the historiography of feudalism in Western Europe and then comparing it to a broader regional context can one approach an answer to Strayer's question.

Much of the confusion over the definition of feudalism arises because medieval writers never used the term to describe their political institutions.⁴ The term feudal or *feus* first appeared in Burgundian Charters in 881 A.D. *Feus* in this earliest context referred simply to movable property.⁵ Italian jurist Giacomo Alvarotto in his fifteenth century treatise *De Feudis* (concerning fiefs), used "feudal" as a term to describe the body of law governing the use of the fief. He described the basic

³Joseph Strayer, *Feudalism in History* (Hamden, Conn: Archon Books, 1965), 4.

⁴Joseph Strayer, "The Idea of Feudalism," in *Feudalism in History*, ed. Rushton, Coulborn (Hamden, Conn.: Archon Books, 1965), 3.

⁵David Herlihy ed., *The History of Feudalism* (New York: Walker and Company, 1970), xiii.

principles of government in Europe as the customary law of the fief. Alvarotto's work claimed that despite regional variations, regulations governing the transfer of property belonged to customary feudal law. He undoubtedly saw enough similarities concerning land-tenures to conclude that a common body of law did exist across Europe.⁶ This is an important fact in the defining of feudalism. It gives the modern historian a base to declare that the fief was in general use throughout Europe and the laws therefore governing the use, transfer, and powers associated with the fief formulated their basis for feudal government. De Feudis is an important work for it became the basis for the development of the classical definition of feudalism.

Professor F. L. Ganshof, medieval scholar and chief founder of the classical definition of feudalism, describes feudalism as a form of government whereby a vassal swears loyalty to lord in exchange for a fief. This transfer of public authority into private hands creates a society that emphasizes political fragmentation and private jurisdiction.

⁶Ibid., xv.

Feudalism in this context is a social and political organization that is rooted in feudal law of the fief.⁷

Another commonly held view of feudalism that developed during the eighteenth century emphasized feudalism as a socio-economic and exploitive system of government. Adam Smith in the Wealth of Nations (1776) coined the term "feudal system" to describe an economic production via exploitation of the peasantry. Feudalism's non-market economy, argues Smith, produced a society characterized by poverty, brutality and economic disparity between the landed nobility and the peasant farmer.⁸ At the same time, writers of the French Enlightenment, such as Montesquieu and Voltaire, were critical of "feudal law" which granted the nobility exploitive rights over the peasantry.⁹ As Robert Hoyt writes, "This use of `feudal` as a term of opprobrium became common in the eighteenth century through the works of writers who were critical of feudal institutions or what

⁷F. L. Ganshof, Feudalism, trans. Phillip Grierson forward Sir F. M. Stenton, (London: Longmans, Green and Co., 1952), xv.

⁸Adam Smith, An Inquiry Into the Nature and Causes of the Wealth of Nations (1776), ed., Edwin Cannan, intro. Max Lerner (New York: The Modern Library, 1937).

⁹Dictionary of the Middle Ages, s.v. "feudalism."

they misconstrued to be feudal institutions."¹⁰ Enlightened philosophers mistook manorialism for feudalism.¹¹

What these writers were reacting to was the continuance of exploitive laws practiced during the eighteenth century, which claimed legal rights based on Middle Age customary laws associated with the fief. Eighteenth century French lords had continued to exploit the peasantry through traditional manorial practices. The manorial system is a form of land division whereby a lord held a large amount of land usually containing a castle. Estates were divided between personal lands held by the lord and lands given in common to the peasants. Peasants who lived on this land owed the lord rent in either money or crops. In addition to this rent, peasants were required to work a set amount of time on the lord's land and or on public projects.¹² The continued use of the manorial system as a form of land tenure had by the time of the Enlightenment come into direct conflict with new economic and philosophic views of liberty

¹⁰Robert S. Hoyt, Feudal Institutions: Cause or Consequence of Decentralization?, 1.

¹¹Dictionary of the Middle Ages, s.v. "manorialism."

¹²Jerry H. Bentley and Herbert F. Ziegler, Traditions and Encounters, A Global Perspective on the Past (Boston, McGraw Hill, 2000), 392-393.

and democratic rule.¹³ They saw the "feudal system" as a system that bound people to a life of servitude under the oppressive thumb of a mighty lord.¹⁴ The Enlightenment definition fueled the idea of feudalism as being an oppressive system of government. In fact, France's National Constitutional Assembly abolished the feudal system in 1789 -- the first official act of its governing body.¹⁵ Twentieth century French historian Marc Bloch explains, "To the people of the French Revolution to destroy feudalism was to destroy manorialism."¹⁶ Feudalism for eighteenth century writers meant any type of political fragmentation or abuse of power by the political or economic elite.¹⁷ This misconception had profound influence on the development of the feudal paradigm.

¹³David Herlihy ed., The History of Feudalism, xvi.

¹⁴Ibid., xvii.

¹⁵"The Decree Abolishing the Feudal System August 11, 1789," J. H. Robinson, ed., in Readings in European History vol. 2 (Boston: Ginn Publishing, 1906), 404-409.

¹⁶Marc Bloch, Feudal Society, vol. 2 Social Classes and Political Organization. trans. L. A. Manyon (Chicago: University of Chicago Press, 1961), 442.

¹⁷Robert S. Hoyt, Europe in the Middle Ages (New York: Harcourt, Brace & World, Inc., 1957), 176.

The eighteenth century definition of feudalism became the basis for the Marxist view of feudalism. Karl Marx incorporated many of the ideas expressed by Smith and Montesquieu in developing a definition of feudalism that became synonymous with authoritarian rule, non-democratic government, and the exploitation of the underclass.¹⁸ Marxist historians argue that feudalism is a social and economic system based on the manor.¹⁹ In this context, the manor²⁰ is an economic system that binds serfs to powerful landowners.²¹ This negative idea that feudalism is a word

¹⁸Bloch, Feudal Society, vol. 2, 441.

¹⁹H.M. Gwatkin ed., Cambridge Medieval History, vol. 3, Feudalism (New York: The Macmillan Company, 1924-36), 18-21.

²⁰"In the manorial system, the lord or feudal aristocrat owned huge expanse of land. Some of the land was held in common by the peasant and other parts were parceled to individual families. The peasants, in exchange for the land, owed the lord a fixed rent in money or crops. Additionally, peasants were obliged to perform labor on "public" functions administered by the lord, such as work on roads, bridges, and dams. The lord was obliged by the code of the seigniorial system to protect the peasants in his manor, although there was no authority to compel such protections. While some peasants were free, at least in name many others were tied to the particular manor, hence serfs." The Encyclopedia of the Middle Ages, s.v. "manorialism."

²¹Rosamond McKitterick, ed., The New Cambridge Medieval History, vol. II, c.700 -c.900 (Cambridge: Cambridge University Press, 1995), 475.

to describe anything fragmented or abusive has been slow to give way, and it is still a common misconception among casual readers of medieval history. As new historiographical approaches to the study of feudalism developed, scholars re-examined its origins and traditional definitions. Work has focused on the complexity of the word, separating economics from political forms, and as a result, several broad and narrow definitions emerged as an attempt to adequately define feudalism as a form of government.

Adopting a clear definition of feudalism is difficult for a variety of reasons, least of which is the desire of historians to construct paradigms capable of demonstrating commonalities. This has led historians to create definitions that range from the very broad to the minutely detailed. There are many examples of the broad definition of feudalism. For example, the *Oxford English Dictionary* states that feudalism is a system of government that prevailed in Europe during the Middle Ages, and was based on a lord/vassal relationship and the holding of a fief.²² Historian Robert S. Hoyt argues that feudalism consisted of

²²The Oxford English Dictionary, s.v. "feudalism."

three important elements: vassalage, fief, and private jurisdiction; he also suggests that feudal society began when these institutions became interlocking.²³

Historian Marc Bloch, founder of the French Annales School, also uses a broad interpretation to define feudalism. Similar to the views of the Marxist school, he discusses feudalism from a broad structural approach in which a society becomes feudal when it develops a "subject peasantry, widespread use of the service tenement (i.e., the fief), instead of salary; supremacy of a class of specialized warriors; ties of obedience and protection which bind man to man; fragmentation of authority; and, in the midst of all of this, survival of other forms of association, family and State."²⁴ The physical and social environment plays a much greater role in Bloch's idea of feudalism than does the traditional narrative history of lords and vassals.

Joseph Strayer, however, argues that the central problem with broad definitions is that feudal institutions such as the lord/vassal relationship or the economic system

²³Hoyt, Europe in the Middle Ages, 176-178.

²⁴Bloch, Feudal Society, vol. 2, Social Classes and Political Organization, 446.

of the manor exist in areas without the accompanying feudal government or feudal society.²⁵ He explains that most broad definitions contain both an economic and social component. For example, the exploitation of agriculture by the ruling elite did happen in Western Europe during the Middle Ages. Such exploitation is common in the late Roman Empire and the southern United States during the nineteenth century. However, this does not make them feudal societies.²⁶

Additionally, the use of vassalage or the armed retainer, who was bound to his superior by a private agreement and whose primary loyalty was to a lord, existed even in a fairly well organized state. Such examples are found in the late Roman Empire, but also existed when there was only the shadow of a state or no state at all, such as in the case of the Germanic *commitatus*.²⁷

For Strayer, feudalism is "a method of government,"²⁸ and a way of securing the forces necessary to preserve that

²⁵Hoyt, Europe in the Middle Ages, 176.

²⁶Norman F. Cantor, Inventing the Middle Ages (New York: William Morrow, 1991), 280.

²⁷Joseph Strayer, Feudalism in History (Hamden, Conn.: Archon Books, 1965), 4.

²⁸Strayer does go on to say that although feudalism is only a form of government and not an economic or social

method of government."²⁹ Therefore, for Strayer, feudalism's basic characteristics include fragmented political power, whereby public power is in private hands and the military is controlled through a system of private contracts. Strayer's definition differs from Hoyt's in that the fief, vassalage, and military obligations are the elements that allow the ruler to secure his political power, but the existence of these elements does not necessarily make the government feudal.³⁰

What Strayer fails to address is the fact that, in every region in which feudalism is said to exist, the elements of the fief (not necessarily land) and vassalage are present. The existence of these elements may not automatically dictate that feudalism is the form of government used, but they are mandatory elements for feudalism to exist.

Historian Ronald Messier resolves Strayer's misgivings about the importance of the fief and vassalage by clearly articulating the nature of government. For Messier,

system these two elements do effect and are affected by the institution of feudalism.

²⁹Norman F. Cantor, Inventing the Middle Ages, 279.

³⁰Ibid.

feudalism is a system of government based on personal relationships designed to provide basic government services (protection and law) on a local level.³¹ These basic governmental services usually manifest themselves with such institutions as the fief, vassalage and military service. In a non-currency economy, these institutions are effective means to control political power.³²

Professor F. L. Ganshof argues that historians actually have used the word feudalism in two very distinct ways. Ganshof placed some historians in the camp that define feudalism as a form of society. This group would include the Annales and Marxist schools of thought. This view of feudalism is one in which the elements are easily defined such as a specialized military class being the dominant class on the social scale and dispersal of political power in the hands of local officials that protect their own interests.³³ In this type of society, comparisons with other countries are easily made.

³¹Dr. Ronald Messier Medieval History lecture.

³²Bloch, Feudal Society, vol. 2, Social Classes and Political Organization, 446.

³³Ganshof, Feudalism, xv.

His second meaning refers to feudalism as a body of institutions. These institutions regulate the lord's power and therefore are more than just elements of feudal society - they are what are necessary to allow feudal society to exist. This is the classical approach and espoused by historians such as Strayer and Hoyt. Ganshof refers to this usage as more technical in nature and regards this definition as the legal sense of the word and the first definition as the social or political sense of the word. Obviously they are both somewhat related.³⁴

Alternatively, some historians have attacked Ganshof's classical definition of feudalism as a purely arbitrary definition. For example, in 1974, Professor Elizabeth Browning in her controversial article in the *American Historical Review* 79 (1974) entitled "The Tyranny of a Construct: Feudalism and Historians of Medieval Europe," attacked the idea of feudalism as simply being a modern construct developed by historians to fit a set of facts not readily explained.³⁵ "As far as pedagogy is concerned,"

³⁴Ibid., xvi-xvii.

³⁵E. A. R. Browning, "The Tyranny of a Construct: Feudalism and Historians of Medieval Europe," *American Historical Review* 79 (1974), 1063-88.

Browning declared, "students should be spared an approach that inevitably gives an unwarranted impression of unity and systematization."³⁶ For Browning feudalism is no more than an imaginary construct developed by historians to explain complex sets of dissimilar variables without making a plethora of assumptions.

More recently, Professor Susan Reynolds continued Browning's original argument in her 1994 book Fiefs and Vassals: The Medieval Evidence Reinterpreted.³⁷ Reynolds's exhaustive study analyzes documentary evidence from England, France, Germany and Italy, missing only Spanish land tenure documents. Similar to Browning, Reynolds argues that feudal words such as *fevum*, *beneficium*, and *casamentum* did not have any technical meaning until the twelfth century.³⁸ In fact, Reynolds argued that the link between vassalage and the fief is only a modern myth created by historians.³⁹ To

³⁶Ibid., 1078.

³⁷Susan Reynolds, Fiefs and Vassals: The Medieval Evidence Reinterpreted (New York: Oxford University Press, 1994), 1994.

³⁸Fredric Cheyette, review of Fiefs and Vassals: The Medieval Evidence Reinterpreted by Susan Reynolds, Speculum 71, (Oct., 1996), 998-1006.

³⁹Reynolds, Fiefs and Vassals: The Medieval Evidence Reinterpreted, 323.

historians like Reynolds and Browning, feudalism exists only in the minds of historians.

One prevailing theme found in all definitions of feudalism is the emphasis on the breakdown of public authority. Georges Duby's 1953 study of the Maconnais⁴⁰ concluded that public authority declined at the same time new lords were successful in exerting new authority over a subject peasantry. The conclusion was a transfer of power from public to private hands. Other scholars such as J. P. Poly and Eric Bournazel (1980),⁴¹ and more recently, T.N. Bisson (1994) presented similar views.⁴² In each case, they concluded that public authority was given to private individuals because of increased violence from internal and outside forces. This transfer of authority allowed local lords to infringe upon the traditional peasant rights and as

⁴⁰George Duby, Maconnais During the Years 980 to 1030, (Paris: A. Colin, 1953), passim.

⁴¹J. P. Poly and Eric Bournazel, The Feudal Transformation, 900-1200, trans. Caroline Higgett (New York: Holmes and Meier, 1991), passim.

⁴²T.N. Bisson, "Feudal Revolution: Western Europe from the 10th to the 12th centuries," Past and Present 142 (February, 1994): passim.

a result laws protecting peasant property was ended.⁴³

These studies are important in establishing public authority in private hands as a distinguishing feature of the feudal paradigm.

The issues raised in the argument over the nature or definition of feudalism is a complex problem. The historical debate is complicated further due to feudalism's regional and cultural diversity. The basic institutions of feudalism (the fief, vassalage, and private jurisdiction) were not uniform in their use. They thrived at different times and places, and were influenced by regional customs. Even within France, there is a distinct difference between the feudalism found in northern France and the forms found in southern France. Nevertheless, historians call them all feudal societies.⁴⁴ This historical debate is important because it attempts to explain a highly complex set of ideas based on relationships between men and institutions, which are often identified as being primitive or backward.

⁴³Richard Abels, "The Feudal Paradigm", [lecture on-line] (United States Naval Academy, 2001, accessed January 2001); available from <http://www.nadn.navy.mil/Users/history/abels/hh315/feudal.html>; Internet.

⁴⁴Ganshof, Feudalism, xv.

Ironically, the difficulty in defining feudalism is proof of its complex nature.

It is important to understand the concepts behind feudalism because they form the basis of our understanding of the Middle Ages as well as our modern concepts of government at its most basic level of existence. The eighteenth century reaction against feudal privilege is proof of its pervasiveness in society, however misguided by definition. In feudalism, we see the beginnings of common law, property rights, trial by peers, and even our ideas of constitutional authority and representative rule. The modern nation state developed from feudalism. By identifying common elements of feudalism that occur in three distinct regions, some of the historical debate on the nature of feudalism may be resolved or clarified. In addition, if feudalism recurs in the three selected areas of this dissertation, then it can be concluded that a uniformity of history does exist to some degree. This would then mean that there are historical elements that are common that could and do replicate themselves across regional and cultural borders.

For the purposes of this dissertation, feudalism is defined as a system of government whereby the functions of

government (law, military, and taxation) are maintained at a local level. The military leaders who provide basic governmental services are held in place by the system of vassalage (personal relationships) and benefices (means of compensation). Vassals swear fealty and homage to a lord creating a reciprocal relationship to provide military service and aids⁴⁵ to his lord in exchange for a benefice.⁴⁶ This benefice, which would later be known as a fief, came usually in the form of land-tenure, but not always. A fief could be any form of income capable of supporting a vassal as an armored soldier.⁴⁷ In Western Europe, land-tenure was the most sought after form of benefice because it not only provided a solid basis of income, but it also allowed the vassal the opportunity to subdivide his fief into smaller

⁴⁵Aids were duties owed to ones lord in addition to military service that typically meant some type of payment. A Thirteenth century Norman example states that customary aids due when: 1) The lords oldest son became a knight. 2) The marriage of his oldest daughter. 3) The Ransom of the lord.

⁴⁶Thomas C. Mendenhall, Basil D. Henning and A. S. Foord, eds., Ideas and Institutions in European History 800-1715 (New York: Holt, Rinehart and Winston, 1963), 14.

⁴⁷Ganshof, Feudalism, 55.

sections thus becoming a lord himself under the concept of subinfeudation.⁴⁸

What makes this system of land-tenures and vassalage unique is that, within their feudal domains, powerful lords possess the rights of government. Public authority in private hands is the most important element in the feudal system. Lords view feudal rights as private possessions and inheritable by feudal customary law. The rights to tax, collect a portion of tithes, open markets or collect fines are not duties performed by the lord as a governmental official on behalf of a king or state; they are rather feudal rights of ownership.⁴⁹ These local military lords are the government within their territories. Government functions usually associated with the state are shared among several powerful military leaders each tied nominally to the king by personal oaths of fealty and homage. Rulers maintain central authority through vassalage, which ironically stresses fragmented political power. No matter how weak a king is and how limited his authority seems over his vassals, he is still technically the central authority.

⁴⁸Bloch, Feudal Society, vol. 2 Social Classes and Political Organization, 444.

A challenge to central authority or cases in which a king's power seems limited is unimportant to the feudal paradigm. As in any government, feudalism is feudalism even if it is bad feudalism.

Concerning subinfeudation in Western Europe, the king not only allowed the division of fiefs by vassals, but he also encouraged it as a way to raise large numbers of armored cavalry.⁵⁰ Technically, through the system of vassalage, the king commanded all the military forces in the kingdom. The king also maintained governmental authority in his kingdom through the same system of vassalage. He would not be in direct control, but through the system of vassalage he maintained feudal control based on the oaths of fealty and homage. Joseph Strayer calls this "a fiction of unity" and argues that kings at best "can merely keep peace among the lords."⁵¹ Nevertheless, this fiction did exist at least through the oaths of allegiance and the relative merits of local lords. Those lords who denied their feudal obligations and rebelled against their overlord did not

⁴⁹Gwatkin, H. M., ed. Cambridge Medieval History. Vol. 3, Feudalism. New York: The Macmillan Company, 1924. 16-18.

⁵⁰Ganshof, Feudalism, 59.

⁵¹Strayer, Feudalism in History, 17.

destroy feudalism as a legitimate means of government. A republican form of government does not cease to be because of corruption among some of its representatives.

The medieval concept of feudalism is important to consider here as well. Our modern concepts of states are drastically different from the medieval concept of state. Unlike today, states during the feudal period were not responsible for education, public works or charity. The Church coordinated relief for the poor and education. Local manorial lords or villages initiated and maintained public work projects, if at all. This left the king, or other great count or baron only three fundamental duties. These duties were the protection of the faith, to defend territory from foreign and domestic invasion, and maintain justice and internal peace.⁵² The king's duties were restricted to police functions and waging war. In all three regions, Western Europe, Japan and the Ottoman Empire, their concepts of state were remarkably similar. To keep the peace and suppress rebellion were thus his chief duty and if he as Strayer comments "[The king] at best [was] only able to keep

⁵²Bloch, Feudal Society, vol. 2, Social Classes and Political Organization, 408-409.

the peace" he is fulfilling his obligations as military lord and leader.⁵³

In reality, this debate over the definition of feudalism is an argument over degrees of feudalization. Arguments center on how much or how little a particular institution must be utilized by society for it to denote a fully developed feudal government. As pointed out above, historians have differing views as to what and how much is necessary in order to fulfill the basic requirements of feudalism. For example, the contractual obligation under vassalage did vary between regions. Some regions required the knights to perform forty days of military service to fulfill their obligations, and in other regions, less time was necessary. In the case of England, monetary compensation in lieu of military service was encouraged. If one defines vassalage as military duty for a specific period, does this mean that feudalism does not exist in England or that a minimum days in service is required?

The main problem with the study of feudalism is that even within Western Europe regional variations concerning vassalage and the use of the fief are common. As a result, the definition of feudalism tends to be very broad or narrow

⁵³Ibid.

depending on one's original historical assumptions. The narrow definition is best applied to regions to demonstrate that feudalism is not a form of government, which encompasses all of Western Europe. On the other hand, the broad definition of feudalism creates a feudal model as a wide sweeping phenomenon existing in most parts of Europe throughout the Middle Ages.

In either case, the model attempts to place feudal organizations into a rigid model, which allows historians to either confirm or reject feudalism as a form of government based on a specific set of criteria. This type of rigid model does not allow for the fluidity of feudalism. Institutions such as vassalage, fief, and aids vary greatly from region to region. As a result, no definition of feudalism will completely satisfy every region studied, even within areas in which historians agree that feudalism exists.

In regards to comparing feudalism across cultural borders, do the institutions have to be identical for feudalism to exist? In Japan, vassalage was open-ended with Samurai swearing to serve a lord until death. In Western Europe there were contractual limitations based on a knight's service. If one denies the existence of feudalism

in Japan based on the difference in the concepts of vassalage, then one must conclude that feudalism can only exist in one province of France -- not all similar institutions would qualify as a true feudal system.

It is my contention that feudalism defies definition in terms of a rigid model. Its complex nature requires a definition that is broad enough to take into account regional and cultural differences. Rather than a model with a fixed set of requirements as its base, a scale could demonstrate both regional differences and similarities. At any particular time and place, a government can be more or less feudal. This type of sliding scale will be beneficial in that it can show comparisons across cultural lines and at the same time highlight differences in similar institutions.

My analysis will focus on Western European feudal institutions to determine the ingredients that are fundamental to medieval society. I will begin with Western Europe because most historians agree that feudalism did exist in Western Europe although they may differ on their approaches in concluding that it did exist. A fully feudalized society will be said to exist if it meets all of the following criteria: 1) the government is based on personal relationships (vassalage) 2) individuals providing

governmental services receive benefices (fief) in lieu of fixed monetary income 3) individuals provide basic government services (protection and law) on a local level and 4) the local lords who provide basic governmental services view these services as personal possessions. These elements do not have to progress in a linear fashion. Although all need to be present, it is possible for different regions to develop the component parts in different orders. I will then examine the extent to which Japanese and Ottoman institutions possess these characteristics and compare them to Western Europe by using a sliding scale of feudalism.

The sliding scale of feudal development has three degrees of feudalization. Each level is characterized by the existence of feudal institutions within a society. The scale begins with a non-feudal period lacking any elements of feudalism. Level 1 is a pre-feudal period in which some elements of feudalism exist, but not all. Level 2 is a partial-feudal society in which vassalage, fief, and local rule exist, but the society lacks the private jurisdiction aspect necessary in a fully developed feudal society. Level 3 is fully feudalized society containing all institutions and necessary relationships incorporated into the society,

including the inheritance of fiefs. Each region will be analyzed to determine how it fits into the feudal scale, and then will be compared to the other regions to postulate the level of feudalization for each society at any given time.

CHAPTER I

WESTERN EUROPE

The classical age of western European feudalism occurred between the tenth and the thirteenth centuries. During these centuries, feudalism took root. The pre-feudal institutions that developed during the Merovingian and Carolingian periods of Frankish history (5th-10th centuries) evolved into a distinctive form of government. The early institutions of *commendatia* and *precarium* took on a new distinct character and represented a new form of government, which blended two separate systems into one.¹ Medieval lawyers, in a rediscovery of Roman law code, justified and systemized feudal institutions. The basic elements of the fief, vassalage, and an emphasis on local jurisdiction became the distinguishing features of the feudal form of government in the West.²

¹Joseph R. Strayer, Western Europe in the Middle Ages: A Short History (New York: Appleton-Century-Crofts. Inc., 1955), 60-64.

²F. L. Ganshof, Feudalism trans. Phillip Grierson and forward Sir F.M. Stenton (New York: Longmans, 1952), 117-118.

Medieval feudalism traces its origins to the time of the Merovingian Franks. The ever-increasing barbarian pressure on Rome during the fifth century forced the withdrawal of the Roman legions from the frontier leaving the western Empire virtually unprotected. For the next two centuries, various Germanic tribes battled for power in Western Europe. The Merovingian rulers, who were the heirs of the Roman Empire in the West, were unable to provide stability within the region and by the late seventh century, the Merovingian government had completely collapsed. The only institution to survive was the Church and during this time of reorganization, the Church carried on the legacy of Christian thought. The Carolingians, under Charles Martel, Pepin, and later, Charlemagne stabilized the Merovingian kingdom by uniting classical, Christian and Germanic cultural identities.³

Feudalism developed in direct response to the need of the Carolingian kings to defend and administer their kingdoms. Two dynamics were at work here. First, the agriculturally based economy had difficulty supporting the size of the Carolingian state. Charlemagne, just as his predecessors, found it increasingly difficult to administer

³Warren C. Hollister, Medieval Europe: A Short History (New York: Alfred A. Knopf, 1982), 80.

a state of this size with limited monetary resources and a lack of skilled administrators.⁴ The second dynamic at work was the increased military conflict with various barbarian tribes, which added to the overall pressure of the state. Barbarian attacks, although not full-scale invasions were very costly and were common throughout Europe. In the Netherlands, a document from the abbey of Xanten described a typical assault: "According to their custom the Northmen plundered Eastern and Western Frisia and burned the town of Dordrecht."⁵ Protection, the chief obligation of the state, failed.⁶ As a result, the Frankish kings adapted both Roman and Germanic customs to strengthen their positions within the Frankish kingdom. Professor Carl Stephenson notes the brilliance of Charles Martel and later, Charlemagne. Stephenson observed "to preserve and strengthen their authority, these rulers depended less on their theoretical sovereignty than on the fidelity of their personal

⁴Carl Stephenson, Medieval Feudalism (Ithaca N.Y. Cornell University Press, 1942), 7-10.

⁵Annals of Xanten, 845-854, trans. J.H. Robinson, in Readings in European History, vol. 1 (Boston: Ginn & Co., 1904), 158-162.

⁶Marc Bloch, Feudal Society, vol. 2, Social Classes and Political Organization, trans. L.A. Manyon (Chicago: The University of Chicago Press, 1961), 408-409.

retainers, now styled vassals."⁷ Because of the need to strengthen their authority, Carolingian rulers instituted the concept of vassalage to secure power. To maintain and secure vassals Carolingians provided their vassals *benefice*.

It is interesting to note that the concept of vassalage and that of the *benefice* did exist in both the Merovingian and Carolingian periods.⁸ Early Frankish kings readily used vassalage to provide soldiers for their armies and to secure areas under nominal control, but the Carolingians linked the two ideas and created an early feudal form of government labeled by scholars as Carolingian feudalism.⁹ Both vassalage and the use of the *benefice* (later called the *fief*) were indispensable institutions in the development of classical feudalism.

The concept of vassalage is the most important of the feudal institutions because it held feudalism together. Since the power of the state could not adequately provide basic governmental services, the Frankish kings turned to the ancient concept of personal service as a means to defend and administer their kingdoms. The concept of *ingenui in*

⁷Stephenson, Medieval Feudalism, 11.

⁸Norman F. Cantor, The Civilization of the Middle Ages (New York: Harpers Collins, 1993), 198-199.

⁹Ganshof, Feudalism, 15.

obsequio (free men in dependence) provided men to serve in a military and administrative capacity. Vassalage was not a new development in Western Europe. It had existed both in the late Roman period in the form of private armies called *buccellarii* and in the older German custom of *commitatus*.¹⁰ Roman scholar, Tacitus, writing in the first century provides a brief description of the Germanic use of the *commitatus*. "They [warriors] attach themselves to certain more experienced chiefs of approved merit; nor are they ashamed to be looked upon as belonging to their followers. . . . It is honor and a source of strength always to be surrounded by a great band of chosen youths, for they are an ornament in peace, a defense in war."¹¹ The relationship created between lord and vassal was reciprocal. For the chieftain or lord it was a source of military power and for the vassal it was a source of support and protection. Both the late Roman *buccellarii* and German *commitatus* systems used personal relationships of loyalty. By the beginning of

¹⁰Ibid., 3-4.

¹¹Tacitus, *Germania*, trans. R. P. Robinson (Middleton, Conn., 1935) in Ideas and Institutions in European History 800-1715, eds. Thomas C. Mendenhall, Basil D. Henning and A.S. Foord (New York: Holt, Rinehart and Winston, 1963), 7.

the classical period of feudalism, this personal bond of loyalty became known as vassalage.¹²

The bond between lord and vassal is a contractual relationship established by the oath of *commendation* -- the swearing of loyalty to another man.¹³ Early oaths associated with the Roman and German *commitatus* were simple and informal. The complexity and formality of these oaths changed over time. By at least the eleventh century, scholars referred to the establishment of vassalage as requiring two separate oaths. These were the act of *homage* and the oath of fealty. Both were necessary to establish the formal contract of vassalage.¹⁴

The act of *homage*, the first step in becoming a vassal, required a symbolic gesture of obedience and submission and a verbal request to become a vassal. *Homage*, as described by Galbert of Bruges in 1127, was the earliest known oath to link the giving of *homage* as a condition to receive a

¹²Joseph Strayer ed., Western Europe in the Middle Ages: A Short History, 62.

¹³Byrce Lyon, Herbert Rowen, and Theodore S. Hamerow, eds., A History of the Western World(Chicago: Rand McNally, 1974), 172-172.

¹⁴David Herlihy ed., The History of Feudalism (New York: Walker and Company, 1970), 70-71.

fief.¹⁵ Galbert writes, "First, they performed *homage* in this fashion: the count inquired if [the prospective vassal] wished completely to become his man. He replied, "I do wish it, and with clasped hands, surrounded by the hands of the count, they were bound together by a kiss."¹⁶ The symbolic ceremony established a sense of submission to a lord. A fourteenth century English definition of *homage* explains that *homage* is a promise to keep faith in matters just and necessary and to give aid and counsel. He who does *homage* should place his hands between those of him who is to receive it and say these words, "I become your man and I shall keep faith with you against all others except¹⁷ for my allegiance to the duke of Normandy."¹⁸ Since *homage* required the surrendering of your person to another, the vassal had to submit willingly. *Homage* gave a lord

¹⁵Ibid., 98.

¹⁶O.J. Thatcher and E.H. McNeal, trans. A Source Book for Medieval History (New York: Charles Scribner sons, 1905), 364-365.

¹⁷This conditional phrase "except for my allegiance to the duke of Normandy" is a rare occurrence particular to the English system of feudalism, which contained no sense of allodial property after 1066.

¹⁸W. L. Gruchy, ed., L'Ancienne Coutume de Normandie (Jersey, 1881), in Ideas and Institutions in European History 800-1715, eds. Thomas C. Mendenhall, Basil D. Henning and A.S. Foord (New York: Holt, Rinehart and Winston, 1963), 10.

authority over his vassal, but did not detail the contractual obligations. The oath of fealty provided the mutual obligations between lord and vassal.

Fealty is the verbal oath that accompanied the ceremony of *homage*. A typical oath of fealty included a detailed explanation of obligations owed by vassals. The *Liber feudorum maior*, provides an excellent example of the oath of fealty.

I Richard Altemir, the son of Lady Ermengardis, swear that from this hour forward I will be faithful to you, the lord Count Raymond, son of the Countess Sancia, the Lady Almodis, countess, the daughter of the Countess Amelia, without fraud or evil deceit or any deception, and I the said Richard, from this hour forward will deprive you, the said Count Raymond and Countess Almodis, neither of your life or nor of your members which are attached to your bodies nor of the city which is called Barcelona, nor of the episcopate of the holy Cross and of St. Eulalia, nor of those fortresses or castles which are in the said county or episcopate. . . . And I, the said Richard shall help to maintain the preserve all the above things and to defend them for you, the said count and countess, against all men and women or many, who might take, or might wish to take, form you, the said count and countess, all things.¹⁹

Although *homage* and *fealty* are two separate oaths, there is only one ceremony. Carl Stephenson explains one can swear fealty and not become a vassal, but to swear *homage* always implies vassalage.²⁰ The act of vassalage formed the basis

¹⁹Herlihy, A History of Feudalism, 100.

²⁰Stevenson, Medieval Feudalism, 19-20.

for feudal government for the next three hundred years. What made vassalage so important was the reciprocal relationship between lord and vassal.

As in the older ceremony of *commendation*, a man who became a vassal pledged to serve and honor his lord.²¹ Bishop Fulbert of Chartres writing in the eleventh century states that the duties owed a lord included *auxilium* and *consilium*, (aid and counsel).²² The Bishop in a letter dated 1020 outlines for the Duke of Aquitaine the general obligations of vassalage.

He who swears fealty to his lord ought always to have these six things in memory: What is harmless, safe, honorable, useful, early, and practicable. Harmless, is to say that he should not injure his lord in his body; safe, that he should not injure him in betraying his secrets or the defenses upon which he relies for safety; honorable, that he should not injure him in his justice or in other cases that pertain to his honor; useful, that he should not injure him in his possessions; early and practicable, that good which his lord is able to do easily he make not difficult, nor that which is practicable he make not impossible to him.

It is right that the faithful vassal should avoid giving these injuries, but he does not deserve his holding merely on the ground that he abstains from evil, unless he does good too. It remains, therefore, that in the same six matters above mentioned, he should faithfully offer aid and counsel to his lord if he is

²¹Herlihy, A History of Feudalism, 70-71

²²Ganshof, Feudalism, 78.

to be worthy of his benefice and to be secure in the fealty he has sworn.

The lord ought also to act toward his faithful vassal reciprocally in all these things. Moreover, if he does not do this, he will be justly considered guilty of bad faith; just as the former, if he should be detected in avoiding or consenting to the avoidance of his duties, he would be perfidious and perjured.²³

Fulbert's letter is important for two reasons. First, it outlines the duties of a vassal and it demonstrates the reciprocal relationship that is inherent in the act of vassalage. A vassal owes services that include protecting his lord in all matters as well as owing him council and aid. A lord owes protection to his vassal. If either the lord or the vassal should fail to uphold their required duties, the feudal contract would be invalid.

The concept of *auxilium* is the first of the obligations owed by a vassal. *Auxilium* essentially means, during the classical period of feudalism, service. Service could be anything that a lord needed including judicial or governmental services. However, the most common service was duty as an armed soldier, specifically an armored cavalryman.²⁴ The type of military service owed depended

²³M. Bouquet, *Recueil des Historiens des Gaules et de la France*, ed L. DeLisle (Paris, 1760), in *Ideas and Institutions in European History 800-1715*, eds. Thomas C. Mendenhall, Basil D. Henning and A.S. Foord (New York: Holt, Rinehart and Winston, 1963) 12.

²⁴Ganshof, *Feudalism*, 78.

upon the size of the fief. The military nature of vassalage is well documented and again highlights the importance of defense as a basic governmental service at the local level. Vassals either served in person or provided a certain number of soldiers based on the terms of the feudal contract.²⁵ Phillip III of France, in 1272, documents how he secured troops for military service. This contemporary record outlines the feudal obligations of the knights in the King of France's service. For example:

"Fulk of Baugeunzay, a knight appeared for the abbot of St. Ebrulf, and went forth for the said abbot, as he should and was held to do.

The archdeacon of Cheautville did not appear, but sent one knight, namely, Peter of Maucamble.

Reginald Trihan, a knight appeared and went forth for himself. . . . John of Alleman, an old and weak knight, sent his son, a squire, in his place, and the son went."²⁶

This document shows that military service was the chief obligation of vassals regardless of their fief. Two of King Phillip's vassals were clergymen who were still required to

²⁵Summa de legibus in Readings in Western Civilization vol. 4, Medieval Europe, eds. John W. Boyer and Julius Kirshner (Chicago: The University of Chicago Press, 1986), 69-71.

²⁶Bouquet, Recueil des Historiens des Gaules, XXIII, 752-83; in Ideas and Institutions in European History 800-1715, eds. Thomas C. Mendenhall, Basil D. Henning and A.S. Foord (New York: Holt, Rinehart and Winston, 1963), 13.

provide soldiers as part of their feudal obligations. In fact, a detailed analysis of the entire document shows that the king summoned twenty vassals. Of these twenty vassals, ten were knights or marshals and ten were bishops or abbots. The lay vassals provided the king a total of seventy-one knights for service and the ecclesiastical vassals provided a total of twenty-nine knights. All but two ecclesiastical vassals provided knights. The two exceptions provided, as per their traditions, money in lieu of military service.²⁷

Although length of military service initially had no limitations, by the middle of the eleventh century the generally accepted length of service was forty days. Ordinances of Louis IX who reigned from 1226 to 1270 demonstrate the limitation of service prevalent throughout Europe.

"Barons and the vassals of the king ought to appear in his army when they shall be summoned, and ought to serve at their own expense for forty days and forty nights, with whatever number of knights they owe. And he possesses the right to exact from them these services when he wishes and when he has need of them.

²⁷Ibid., 13.

If, however, the king shall wish to keep them more than forty days and forty nights at their own expense, they need not remain unless they desire. But if he shall wish to retain them at his cost for the defense of the kingdom, they ought lawfully to remain. But if he shall propose to lead them outside of the kingdom, they need not go unless they are willing, for they have already served their forty days and forty nights."²⁸

Time limitations of knights' service foreshadowed the demise of feudalism's military nature. Beginning in the twelfth century, some knights paid a new tax called *scutage* (shield money) instead of providing military service. The new tax first appeared in England and eventually spread across Europe.²⁹ This system allowed knights to pay a fee instead of providing personal military service. *Scutage* provided the means for England to establish a stable military drawn from the population who were not restricted in their service based on feudal precedent, but who were a professional military force paid for their services.

Other military duties ranged from castle guard to providing escorts and messengers.³⁰ Often, serjeanty tenure

²⁸P. Violett, ed. *Les Etablissements de Saint Louis* (Paris, 1881-86) in *Ideas and Institutions in European History 800-1715*, eds. Thomas C. Mendenhall, Basil D. Henning and A.S. Foord (New York: Holt, Rinehart and Winston, 1963), 12.

²⁹Hollister, *Medieval Europe: A Short History*, 161.

³⁰Ganshof, *Feudalism*, 80-81.

included non-military duties. Geoffrey de Turville's twelfth century contract is a typical serjeanty tenure:

Be it known to all faithful men, present and future, that I, Geoffrey de Turville, have given to John of Lee one hide of my demesne in Weston, with all its appurtenances, as was settled before me and my men and with the hide I have given him the mill which William held with all appurtenance in land and in meadow. All this I have granted to him in fee and inheritance, free and quit of all service and exaction, except that John and his heirs shall keep post for me in the castle of Weston for forty days in time of war with a destrier and a rouncey, and for three weeks in time of peace. Be it known also that I have done this because John has given up to me his inheritance, namely the land of Lee which I have given to the canons of Missenden in alms, and the aforesaid John has quitclaimed it to the aforesaid canons and pledged his faith to acquit it to them according to his power against all men so far as he is concerned, and has released it and abjured it.³¹

Once again, the contract sets limits on service. Although military service was the main service due a lord, he was also entitled to both aid and hospitality.

Aids and hospitality are economic supports given to lords. Hospitality was simply the duty of providing entertainment and shelter to a lord at your own castle. Often lords traveled amongst their vassals, and it was the duty of the vassal to provide for his lord during these

³¹F. M. Stenton, trans. The First Century of English Feudalism (Oxford, 1932), in Ideas and Institutions in European History 800-1715, eds. Thomas C. Mendenhall, Basil D. Henning and A.S. Foord (New York: Holt, Rinehart and Winston, 1963), 13.

visits. The cost of these visits varied and could become very expensive.³²

Aids on the other hand were money payments provided to a lord on specific occasions. Over time, these aids were limited and became almost universally standard. There were of course minor regional differences, but aids essentially consisted of economic support to a lord on three specific occasions. The first was upon making the lord's eldest son a knight; the second was upon the marriage of the oldest daughter; and the third was the ransom of the lord from prison.³³

In addition to *auxilium*, the vassal owed *consilium*. Fulbert defined *consilium* as counsel. For Fulbert, *concilium* included the giving of advice and/or the sitting in his lord's court. Although many countries did not restrict the number of times a lord could summon a vassal, some attempts to restrict this obligation occurred in France and in western Germany.³⁴ Law documents of Henry I outline the *consilium* requirements of a vassal.

³²Stephenson, Medieval Feudalism, 30.

³³Gruchy, L'Ancienne Coutume de Normandie, in Ideas and Institutions in European History 800-1715, eds. Thomas C. Mendenhall, Basil D. Henning and A.S. Foord (New York: Holt, Rinehart and Winston, 1963), 14.

³⁴Ganshof, Feudalism, 84.

To every lord it is allowed to summon his man that he may be at right to him in his court; and even if he is resident at the most distant manor of that honor form which he holds, he shall go to the plea if his lord summons him. If his lord holds different fiefs, the man of one honor is not compelled by law to go to another pleas, unless the cause belongs to the other to which his lord has summoned him.

If a man holds fiefs from several lords, however much he holds from others, he owes most and will be subject for justice to him of whom he is the liegeman.

Every vassal owes to his lord fidelity concerning his life, members, and earthly honor and keeping of his counsel in what is honorable and useful saving the faith of God and of the princes of the land.³⁵

Interestingly, the feudal right of a lord to summon a vassal to counsel soon evolved to mean a lord had an obligation to seek the counsel of his vassals. Vassals expected their lords to call upon them for their advice on important matters. Again, the reciprocal nature of feudalism becomes a dominant theme.

Henry's law documents also introduce the concept of subinfeudation, another common characteristic of Western European Feudalism.³⁶ Subinfeudation allowed vassals to divide their fiefs into smaller fiefs for the purposes of securing vassals for themselves. This division could

³⁵F. Liebermann, Die Gestze der Angelsachsen (Halle, 1903-16), in Ideas and Institutions in European History 800-1715, eds. Thomas C. Mendenhall, Basil D. Henning and A.S. Foord (New York: Holt, Rinehart and Winston, 1963), 14.

³⁶Cantor, The Civilization of the Middle Ages, 202.

continue as long as the fief granted to a vassal provided adequate income to support an armored soldier. The question for feudal lords was simple. Does the vassal of my vassal owe allegiance to his lord's lord? The answer was no. Because of the personal bonds of loyalty that established the feudal relationship, the vassal owed allegiance only to the lord who had granted them a fief even if the lord did not technically have allodial rights over the grant. With multiple layers of vassalage, possible powerful lords and monarchs found themselves in the position of overlords in principle--if not in fact. In reality, it was more likely that the local feudal government operated with a majority of knights and vassals owing multiple allegiances, which in time of war created confusion. Instead of a knight owing allegiance to only one man, often he owed allegiance to multiple lords.

Subinfeudation was not only common, but rulers of Western Europe initially encouraged it. By allowing their vassals to create vassals themselves, the king or other powerful magnate raised large bodies of armored knights.³⁷ In Europe subinfeudation of fiefs led to the heyday of feudalism -- allowing vassals to amass large fiefs thus

³⁷Robert S. Hoyt, Europe in the Middle Ages (New York: Harcourt, Brace & World, Inc., 1957), 262.

increasing their wealth and military strength. It was not unusual for several levels of lordship and vassalage to exist. One man could owe allegiance to one or more higher lords, and at the same time receive the allegiance of lesser lords. There were essentially two ways in which a vassal expanded his wealth and power. Vassals, ambitious in nature, attempted to acquire estates by force. Feudal warfare was common during the early years of feudalism and accounts for some of the misconceptions that feudalism was a purely anarchical system of government. Obtaining land by force was dangerous nonetheless; it was a reliable way to increase both wealth and power. The key to wealth and power under the feudal system lay in acquisition of a large amount of land and then subdividing this land among vassals.³⁸ For most vassals the only way to obtain enough land to provide for not only oneself, but also others, was by swearing allegiance to several lords and obtaining grants of land from each. Once a vassal had obtained a sizable amount of land, he could increase his power by subleasing the land to men who, in return, became his vassals. As a result, it was possible to owe allegiance to two lords who both called the same vassal to provide military service at the same time or

³⁸Ibid., 427-428.

even worse, against another lord who was also the vassal's lord.

The designating of a liege-lord attempted to resolve multiple and conflicting allegiances. The liege-lord was the lord to whom one owed ultimate allegiance.³⁹ A typical oath of liege *homage* reads:

I, John of Toul, affirm that I am the vassal of the Lady Beatrice, countess of Toyres, and of her on Theobald, count of Champagne, against every creature living or dead, excepting my allegiance to Lord Enjourand of Coucy, Lord John of Arcis, and the count of Grandpre. If it should happen that the count of Grandpre should be at war with the countess and count of Champagne in his own quarrel, I will aid the count of Grandpre in my own person, and will aid the count and countess of Champagne by sending them the knights whose services I owe them from the fief which I hold of them.⁴⁰

However, this oath illustrates the function of feudalism in its political role throughout the middle Ages. John of Toul owed allegiance to the Count and Countess of Champagne as well as the Count of Grandpre. His oath swears allegiance to both and specifies what his actions would be in time of conflict. Multiple oaths of *homage* allowed the feudalistic society to function.

³⁹Frederich Heer, The Medieval World: Europe 1100-1350, trans. Janet Sondheimer (New York: Welcome Rain, 1993), 20.

⁴⁰Hollister, Medieval Europe: A Short History, 121.

The personal bond of loyalty existing between lord and vassal was the foundation of the feudal system. This bond of loyalty did not exist between a vassal and his lord's lord. Not until the development of the liege lord system was the lack of loyalty to the sovereign addressed. Although the liege lord system occurred in England much earlier than the rest of Europe, in general the system was uncommon until the fourteenth and fifteenth centuries whereby feudalism as a form of government had already begun to decline.

A lord's obligations to his vassals were nearly reciprocal in every way. Bishop Fulbert wrote, "The lord ought also to act toward his faithful vassal reciprocally in all these things."⁴¹ His obligations were the same. He was to protect legally his vassal in all matters, and provide for his upkeep. Another important aspect of his role in protecting his vassal lay in the area of justice. Feudal lords were responsible for defending their vassals in the courts. Again, feudal contracts clearly show these aspects of the lord's duty: "if the lord emperor of the Romans

⁴¹M. Bouquet, *Recueil des Historiens des Gaules et de la France*, ed. L DeLisle (Paris, 1760), in *Ideas and Institutions in European History 800-1715*, eds. Thomas C. Mendenhall, Basil D. Henning and A.S. Foord (New York: Holt, Rinehart and Winston, 1963), 12.

summon the Count of Hainault to his court for any matter, the bishop of Liege is bound to make himself the defendant, and answer instead of the count. Moreover if any person shall attack the land of Hainault with intent to do it an injury, the bishop of Liege shall bring his army to assist the count of Hainault at his own expense."⁴² Here it clearly states the responsibilities of a lord concerning his defense of his vassal. The lord was also required to provide advice and counsel to his vassals whenever needed and to provide their upkeep.

In the lord-vassal reciprocal relationship, the lord's maintenance of his vassal was important because it allowed the vassal to fulfill his obligations and serve his lord as a mounted knight. As in the older institution of the *commitatus*, a lord might provide for his vassal in his own household or provide him some type of fief. Marc Bloch argues that the idea of providing protection to one's vassal had a definite economic element.⁴³ The fief was, by the eleventh century, the main way for a lord to provide economic support to his vassal.

⁴²Ganshof, Feudalism, 86.

⁴³Marc Bloch, Feudal Society, vol. 1, The Growth of Ties of Dependence, trans. by L.A. Manyon, forward M. Postan (Chicago: The University of Chicago Press, 1961), 163.

Support of one's vassal was of prime importance in the establishment of feudalism. The providing of the *benefice* or latter *feodum* as condition of vassalage remained unchanged since its introduction in the ninth century.⁴⁴

The basic definition of fief as defined by F. L. Ganshof is "a tenement granted freely by a lord to his vassal in order to procure the latter the maintenance which was his due and to provide him with the means of furnishing his lord with the services required by his contract of vassalage."⁴⁵

Although the name changed from *benefice* to *feodum*, the technical meaning remained the same. The name change resulted from the need to distinguish tenements granted to knights as compared to others. Terms such as *feodum militis* or *feodum militaira* denoted fiefs with conditional, usually military, service.⁴⁶

The fief in its basic form was a landed estate. It varied in size from a few acres to several thousand. The minimum size requirement of a grant was so that the fief would produce sufficient income to support a vassal and allow him to fulfill his feudal obligations. A landed

⁴⁴Hoyt, Europe in the Middle Ages, 178-180.

⁴⁵Ganshof, Feudalism, 96.

⁴⁶Ibid., 94-97.

estate was the most common form of a fief, but it was not the only form.⁴⁷ For example, a fief might also be a castle with no land attached or a right to some type of public authority or income. Fiefs that did not include land still had a geographic boundary such as the right to collect tolls on a specific county road or market. Ganshof argues that "there was an infinite number of other duties and rights which might be held as fiefs, such as the right to tolls and market dues, the rights of minting and justice, the functions of chatelaine, advocate, mayor, provost, receiver, and so on."⁴⁸ Essentially anything used to support a vassal could be a fief.

The most lucrative fiefs were ecclesiastical in nature. Churches and abbeys were the most valuable fiefs and usually belonged to the most powerful lay vassals. These types of fiefs provided vassals with incomes derived from tithes, endowments, and church dues.⁴⁹ Many of the most powerful fiefs besides ecclesiastical fiefs were *honors*. *Honors* were those rights that had at one time been the duties of the

⁴⁷Byrce Lyon, Herbert Rowen, and Theodore S. Hamerow, eds., A History of the Western World, 174-177.

⁴⁸Ganshof, Feudalism, 100.

⁴⁹Bloch, Feudal Society, vol. 1, The Growth of Ties of Dependence, 170.

state. Powerful kings granted *honors* to territorial princes as a means of providing stability during the ninth century. These honors were usually rights to justice and did provide a basis of territorial power that was unmatched.⁵⁰

The type of service required from a fief became a distinguishing feature. *Fief de hauberk* (coat of mail) or *feodum militis* were fiefs requiring military service.⁵¹ *Feodum liberum* or free fiefs were fiefs requiring no specific commitments, but were general in character pledging only loyalty to the lord.⁵²

Other fiefs are distinguished by how they were created. *Feodum de reprise* were some of the most important fiefs of this category.⁵³ It was relatively common for allodial landholders who were not able to protect themselves for a variety of reasons to give their land to another and then receive it back from them in the form of the fief. This transfer of ownership provided these new vassals with the reciprocal relationship that was necessary for military aid

⁵⁰Bloch, Feudal Society, vol. 2, Social Classes and Political Organization, 335.

⁵¹Ganshof, Feudalism, 100-101.

⁵²Marc Bloch, Feudal Society, vol. 1, The Growth of Ties of Dependence, 168.

⁵³Ibid., 173.

and mutual protection. This type of transfer was also common in paying debts or in gaining loans. Property owners who owed substantial amounts of money or wished to borrow did sometimes transfer their allodial lands or fiefs to others and then receive the property back in fief. If the original property owner (now vassal) failed to repay the debt or loan, the lord could confiscate the fief and reissue it to another vassal.⁵⁴

It was also common for vassals to relinquish their fiefs and then receive them back from a third party. This was especially useful when forming political or military alliances. A vassal would give up his fief to his lord -- who would then grant this fief to another vassal then this vassal would grant the fief back to its original holder.⁵⁵ All of these fiefs were conditional fiefs whereby the vassal held usufructory ownership from a lord in return for some specified service. The rights of both the lord and vassal would be the elements that would undergo a fundamental change during the classical period of feudalism.

On the surface, mutual obligations established by the granting of a fief created a contractual relationship with

⁵⁴Ganshoff, Feudalism, 101.

⁵⁵Ibid., 101-102.

mutual duties clearly established. The granting of a fief never implied a transfer of ownership.⁵⁶ Originally, this meant that a vassal had the right to use the land, which would include benefiting from all income produced from the fief. It is clear that under Roman law a vassal did not possess the right to alter the fief in any way.⁵⁷ By the twelfth century, this would not be the case.

Vassals because of physical occupation of the fief gain more and more power at the expense of the lord. This growth in the power of the vassal over the real rights of the fief grew out of military need. Often lords faced with the tremendous need for soldiers were forced into making concessions to maintain their military strength. Vassals ultimately gain all rights over their fiefs save abridgment by the twelfth century.⁵⁸ Medieval lawyers seeking to codify existing feudal practices essentially interpreted Roman property law to provide what they would call the doctrine of divided *dominium*. Lords who held allodial title would have *dominium directum*, (eminent domain) and the

⁵⁶Cantor, The Civilization of the Middle Ages, 199.

⁵⁷Hoyt, Europe in the Middle Ages, 179.

⁵⁸Byrce Lyon, Herbert Rowen, and Theodore S. Hamerow, eds., A History of the Western World, 179-181.

vassal would maintain *dominium utile* (useful ownership).⁵⁹ Consequently, under these definitions lords granted vassals the right to use as well as divide their feudal property under subinfeudation. By the thirteenth century the only right denied the vassal with reference to the fief was his inability to abridge the property. There seems to be a link between the growth of the rights of fiefs and the idea that fiefs were also inheritable.⁶⁰

Originally, a *benefice* was not inheritable. The conditional nature of the fief in exchange for service meant useful ownership was for the life of the vassal (life tenure). Theoretically, fiefs reverted to the lord for reallocation. The earliest document to suggest that sons could inherit fiefs comes from the capitulary of Quierzy-su-Oise. In 877, Charles the Bald issued this capitulary in order to satisfy the concerns of his vassals on the upcoming Italian campaign Charles declared:

"If a count whose son is with us should die, our son should with our other faithful men appoint, from among those who were his most intimate friends and closest neighbors, someone who shall watch over this county and of the bishop, until the news shall have reached us. If, however, the deceased count should leave a son of tender years, this

⁵⁹Ganshof, Feudalism, 117-118.

⁶⁰Hoyt, Europe in the Middle Ages, 180-181.

administrator, with the servants of the county and the bishop in whose diocese he may be, should look after the same county until the news comes to our attention. If any of our faithful men, after our death, should wish to renounce the world, leaving a son or a close relative able to perform meritorious service to the commonwealth, he should be allowed to convey to him his offices [*honores*]. If he should wish to live peacefully on his allodial holdings, no one should presume to oppose him, or demand anything from him, saving only that he come to the defense of the fatherland.⁶¹

Here Charles clearly allows sons of vassals to inherit fiefs of any type - including landed estates or governmental rights [*honors*]. Since a lord's main point in having vassals was to provide soldiers for his army, it was advantageous to have a stable line of vassals. Upon the death of a vassal, the fief did revert to the lord in name, until the son swore *homage* and *fealty* to the lord who owned the property. The time necessary to accomplish this varied from region to region and was the only requirement placed on the vassal's son. The son could not be denied the opportunity to swear *homage* and *fealty* as long as it was done within the specified time outlined by custom.⁶² By the eleventh century, the fief had become a condition of service. No longer was a benefice given to a loyal servant, but the causal relationship had switched from that of reward

⁶¹Herlihy, The History of Feudalism, 106-107.

to that of requirement.⁶³ Additionally, the establishment of inheritance as an accepted idea completely feudalized the lord/vassal relationship. Once vassals had secured the right to transfer benefice to their heirs, the rights of government became personal property. This is the key element in the establishment of a fully feudal society.⁶⁴

Feudalism as a form of government in Western Europe consists of several specific interlocking relationships. Feudalism was a system of government whereby the functions of government (justice, and protection) were maintained at a local level. Feudalism in Western Europe evolved out of a failure of the central government (king) to provide peace and security. Both Roman and German customs were adapted to provide a new system where oaths of homage and fealty bound the man to man in a reciprocal relationship based on personal bonds of loyalty. The fief provided vassals the income necessary to perform their governmental duties. Most importantly, public authority would be in private hands with

⁶²Cantor, The Civilization of the Middle Ages, 200.

⁶³Hoyt, Europe in the Middle Ages, 180.

⁶⁴Byrce Lyon, Herbert Rowen, and Theodore S. Hamerow, eds., A History of the Western World, 170.

vassals owing their allegiance to lords and not a state.⁶⁵

This system worked as an adequate system of providing the basic medieval concepts of governmental duties -- protection and law. Although power and governmental duties are divided among many layers of men - it was not anarchy.

Originally, Carolingians thought vassalage and benefice was a more efficient system of governing and in the absence of a monetary economy. These institutions provided an effective way to deal with the pressing problems of their time. Although it can be said that they did have the effect of providing adequate governmental services, they did erode the power of the central government if not in theory, but in fact. In theory, the state still maintained control through the concept of vassalage. All great territorial vassals did hold their positions through vassalage from the king. However, as vassals obtained greater rights and the hereditary nature of fiefs became the norm and not the exception, military and political power would be in the hands of local princes and not the king.

Ironically, as the economy improved, lords allowed vassals to provide money payments in lieu of military

⁶⁵Strayer, Western Europe in the Middle Ages: A Short History, 12-13.

service.⁶⁶ Paid soldiers provided kings large military forces often of specialty troops, such as archers. These forces could be employed in the field for long periods. As professional soldiers became more important, they would eventually replace the feudal levy. As a result, feudalism's main obligation (military service) would end leading eventually to the end of feudalism as a form of government. The ending of personal military service in Western Europe opened the door for the king to reestablish his feudal rights. It is when kings were successful in reestablishing their central authority that feudal government began to wane.

⁶⁶Hoyt, Europe in the Middle Ages, 428.

CHAPTER III

JAPAN

The development of feudalism in Japan is similar to the development of feudalism in Western Europe. Both areas had a tradition of central authority, which came under attack by both native and outside forces leading to a distinctive local military rule. In Japan, military rule began in 1185 and lasted until 1868.¹ During this period, military rule combined with traditional Japanese institutions to produce a distinctive feudal government and society. The process was slow.² Although the office of the *shogun* played an important role in the development of a feudal form of government it was not solely responsible. Friction between imperial and local authority would eventually lead to a fully feudal form of government in which personal property

¹H. Paul Varley, The Onin War: History of Its Origins and Background, with selected translation of The Chronicle of Onin (New York: Columbia University Press, 1967), 3.

²Archibald Lewis, Knights and Samurai: Feudalism in Northern France and Japan (London: Temple Smith, 1974), 1-6.

rights blended with rights of government at the local level.³

Similar to Western European feudal development, feudalism in Japan developed out of a failure of the central authority to govern a growing empire effectively. Although knowledge of early Japanese political organization is limited, it is generally believed that tribal chieftains dominated local communities. Third century Chinese historical documents describe the kingdom of *Wei* (Japan) as a country dominated by tribal chieftains who ruled "countries" within Japan.⁴ Japanese tribal government was primitive by modern standards producing a system of government, which combined both the *Shinto* religion⁵ (Way of

³Peter Judd Arnesen, The Medieval Japanese Daimyo: The Ouchi Family's Rule of Suo and Nagato (New Haven, Conn.: Yale University Press, 1979), 22.

⁴History of the Kingdom of Wei (Wei Chih) c. A.D. 297 in Sources of Japanese Tradition, ed. Wm. Theodore de Barry (New York: Columbia University Press, 1958), 6.

⁵"Shinto (the Way of the Gods) was the indigenous religion of the Japanese before the advent of Buddhism. It had no highly organized ecclesiastical system nor even a very elaborate set of beliefs. Worship centered on the offering of prayers and sacrifices to local agricultural deities, unusual natural objects considered to be holy, and the totemic ancestors of the clan aristocracy. Most of its rituals aimed at promoting the well-being of the community or society as a whole." Duus, Feudalism in Japan (New York: McGraw-Hill, Inc., 1993), 19.

the Gods) and a strong sense of kinship organized around the family based clan. Through contact with other cultures, namely Korea and China, Japanese political and social organizations radically changed. Contact eventually brought not only technological advances such as writing, but political organizational theory - most importantly the Chinese concept of central monarchy supported by a government bureaucracy.⁶ Throughout this informative period of cultural exchange, powerful Japanese warlords consolidated power. Beginning in the fifth century the Yamato clan conquered the various countries -- establishing a clan based central authority.⁷ Propagating the myth of divine descent from the Shinto Sun Goddess, the Yamato clan established themselves as the imperial rulers of Japan. Their claim of divine descent enabled them to secure their position as hereditary rulers of Japan -- making it virtually impossible for rival clans to overthrow the office of the emperor without severe religious consequences.⁸ Yamato rulers consolidated power by appointing family and

⁶Ibid., 15-19.

⁷Frederica M. Bunge ed., Japan a Country Study (Washington D.C.: American Washington University, 1983), 6.

⁸W. G. Beasley, The Japanese Experience: A Short History of Japan (Los Angeles: University of California Press, 1999), 16-18.

clan chiefs to important positions within the imperial government establishing hereditary posts.⁹ Consequently, by the late fifth and sixth centuries, leading clan chieftains dominated posts within the central government competing amongst each other for prestige and power. These clan rivalries destabilized the government and usurped imperial authority.¹⁰ Regent Prince Shotoku (574-622), understanding the need to reform the government, initiated a reform movement to bolster the ailing imperial court.

Shotoku hoped to eliminate hereditary governmental positions by adopting Chinese institutions. His desire was to replace hereditary officials with men of ability based on the Chinese civil service example. As a result, in 604, Prince Shotoku adopted the Constitution of the Seventeen Articles. These articles addressed moral behavior for government officials and established the supremacy of the imperial house. Supported by other powerful chieftains hoping for wealth, status and prestige, Shotoku standardized hereditary titles but was never able to replace traditional clan chieftains within the central administration. Unlike the Chinese system, which called for the appointment of

⁹Bunge, Japan a Country Study, 5-6.

¹⁰Mikiso Hane, Premodern Japan: A Historical Survey (Oxford: Westview Press, 1991), 29.

officials based on ability, Japan continued to appoint men to important positions based on status.¹¹ Ultimately, few changes actually took place during Shotoku's lifetime. However, the articles set an important precedent of the value of written legal code as a legitimate means of establishing authority.

The importance of the Constitution of the Seventeen Articles was not forgotten by later reformers. Beginning in the seventh century, Prince Naka-no-Oe (626-672) came to power after a brief civil war. Desiring to bolster imperial power, Prince Naka-no-Oe initiated the *Taika* reforms, or Great Transformation. The *Taika* stressed land reform as the key to create clan loyalty to the central state instead of loyalty to the independent estate holders.¹² By the eighth century, reformers began to draft legal codes to reinforce authority to the central state. The *Taiho* code issued in 704 is the first legal code intended to reinforce imperial authority centered on land reform. Additionally, reformers reaffirmed the supremacy of the emperor, reorganized the central government, transferred all land to the public

¹¹David H. James, The Rise and Fall of the Japanese Empire (London: George Allen & Unwin, 1951), 59-61.

¹²George Sansom, A History of Japan to 1334 (Stanford Calif.: Stanford University Press, 1958), 56.

domain, and instituted military conscription.¹³ Despite these reforms, the *Taiho* code only partially transformed Japanese society. Although the imperial administration increased in power, the very nature of the imperial land reforms created a separation of the ruling imperial government from the provinces and local government. The land reforms that created the *shoen* land system (private estates) allowed court officials and local elite to collect income from their *shoen* estates, but reside at the imperial court. Ironically, land reform intended to reinforce the power of the central authority became the first step in the feudalization of Japan.

The absentee nature of the provincial officials opened the door for the resurgence of local elite within the provinces. Even regional governors appointed by the imperial court to govern the provinces resided at the capital. By the mid-ninth century, true power once again rested in the hands of local chieftains and Buddhist monasteries.¹⁴ These local leaders competed for power within their regions.

¹³Hane, Premodern Japan: A Historical Survey, 31-33.

¹⁴Jeffrey P. Mass, "The Kamakura Bakufu", in The Cambridge History of Japan, Medieval Japan, vol. 3, ed. Kozo Yamamura (Cambridge: Cambridge University Press, 1990), 47-48.

Government officials, who became absentee landowners, needed local men to act as overseers on the estates. The need for overseers led absentee landowners to use the local warrior class as administrators and estate managers.¹⁵ Peasants also depended upon the local warriors for protection and aid. As the central authority became increasingly absent, local government became increasingly unstable. Local leaders throughout this period looked to each other for mutual protection and aid. Provincial governors ruled in theory, if not in fact, with real power resting in the hands of the local warrior class. Over time important clan chieftains emerged that were able to gain and maintain influence within the imperial court, and at the same time secure the loyalty of the local warrior class through the traditional use of kinship.¹⁶ The conflict between the territorial governors based at the imperial court and the local warriors would eventually lead to civil war.¹⁷

¹⁵Marius Jansen ed., Warrior Rule in Japan (New York : Cambridge University Press, 1995), 2.

¹⁶Mass, "Kamakura Bakufu," in The Cambridge History of Japan, 3:49-50.

¹⁷Peter Duus, Feudalism in Japan, 42-45.

The *Gempei* war, which lasted from 1180-1185, established military rule in Japan for the first time. Court rivalries as well as old clan animosities fueled the war, which essentially pitted central versus local interests.¹⁸ Finally, in 1185, the *Minamoto* clan was successful in defeating the *Taira* clan for dominance. Minamoto Yoritomo, the leader of *Minamoto* clan, forced the emperor to appoint him *shogun* (Warrior Monarch) in 1192 as a means to add legitimacy to his *de facto* rule.¹⁹ With this Minamoto established the *Kamakura Bakufu* (warrior government headed by the *Shogun*) in the twelfth century establishing for the first time a rival military government.²⁰

The creation of the office of the *shogun* would be the first step in the feudalization of Japan. The *shogun*, not the emperor, became the effective ruler. Although the *shoguns* established themselves as absolute military rulers of Japan, they did not eliminate the office of the

¹⁸Jeffrey P. Mass, "The Emergence of the Kamakura Bakufu," eds. John Whitney Hall and Jeffrey P. Mass, Medieval Japan: Essays in Institutional History (New Haven, Conn.: Yale University Press, 1974), 26.

¹⁹Mass, "Kamakura Bakufu," The Cambridge History of Japan, 3:64.

²⁰Ibid., 3:46-47.

emperor.²¹ The divine nature of the emperor had existed since the earliest history. In fact, the idea that the emperor was the "manifestation of god on earth" was not a political theory but a basic assumption of the Japanese people.²² It would have been inconceivable for any *shogun* to attempt to eliminate the office of the emperor. However, the precedent of limiting the political authority of the emperor had been set as early as the fifth century. The *Soga* clan had limited the political authority of the emperor while at the same time increasing the emperor's position as divine ruler.²³ Throughout the Japanese feudal period, the emperor maintained a court presence in Kyoto, but for all practical purposes, he served only in a ceremonial function.²⁴

During this early feudal period, military leaders slowly consolidated power. Early *shoguns* did not attempt to revolutionize Japanese government. On the contrary, they simply used the traditional land tenure system (*shoen*) as a means of consolidating their power. *Shoen* were private

²¹Duus, Feudalism in Japan, 45.

²²Sansom, A History of Japan to 1334, 45.

²³Ibid., 45.

²⁴Mass, "Kamakura Bakufu," The Cambridge History of Japan, 3:66.

estates exempt from central taxation and government intrusion.²⁵ Minamoto Yoritomo simply assigned his vassals as stewards in various *shoen* and through confiscation and commendation became the largest estate holder in Japan.²⁶ With his vassals as stewards, he was able to control much of the economic and political systems of Japan.

During the *Ashikaga* period (1338-1573), the land tenure system became diverse. A variety of proprietors claimed *shoen* rights. Because the central government was experiencing increased pressure from elements within the government, it was ineffective in controlling the outlying provinces. Leadership within these provinces increasingly fell to local warriors and constables who entrenched themselves politically and militarily. By the fifteenth century, many constables secured hereditary status for their fiefs and collected rents directly from their *shoen* estates.²⁷

Over time, constables increased the strength of their political positions by creating vassals of the local

²⁵Arnesen, The Medieval Japanese Daimyo: The Ouchi Family's Rule of Suo and Nagato, 7.

²⁶Varley, The Onin War: History of Its Origins and Background, 7.

²⁷Hane, Premodern Japan: A Historical Survey, 90-91.

warriors. Local warriors and stewards allied themselves with local constables since the constables could support them in their attacks against the absentee landholders who held title to the lands. Competition between the classes led to the *Onin War* in 1467-1477.²⁸ The war eliminated the last vestiges of central authority, and regional warriors began competing for dominance within the provinces.²⁹ Eventually, a new kind of warlord emerged. These new warlords, called *daimyo*, ruled Japan with their samurai vassals thereby establishing feudalism as a dominant social and governmental system within Japan for the next four hundred years.³⁰

The key elements in the transition of Japan to a feudal form of government were the *shoen* and vassalage systems. Initially, in order to support the emperor and the central bureaucracy in Kyoto, the emperor declared all land public. The land was then redistributed to all classes based on

²⁸Wm. Theodore de Bary, ed., Sources of Japanese Tradition (New York: Columbia University Press, 1958), 204.

²⁹Conrad D. Totman, Politics in the Tokugawa Bakufu 1600-1843 (Cambridge: Harvard University Press, 1967), 11.

³⁰Nagahara Keiji, "The Decline of the Shoen System" trans. Michael P. Birt, in The Cambridge History of Japan, vol. 3, Medieval Japan, ed. Kozo Yamamura (Cambridge: Cambridge University Press, 1990), 277-278.

population census that would be taken every six years. Each person did not own the land. Peasants obtained the right to cultivate the land in return for levied taxes in rice, labor or other local products. These taxes directly supported the court aristocracy and the emperor. Territorial governors appointed by the central government managed this system. Local chieftains appointed by the territorial governors were directly responsible for tax collection, law, and order. Although this was a centrally administered system, actual rule rested in the hands of local chieftains.³¹

To this system of public land, the emperor added the institution of the private estate or *shoen*. The *shoen* was the key to economic and political power in Japan. Similar to the European manor, the *shoen* was a private estate which a temple, shrine or noble had obtained exemption from taxation, land redistribution, or government regulation.³² The emperor had authority to distribute public tracts of land to individuals as private estates. These estates would provide the court aristocrat income in lieu of emoluments.³³

³¹Duus, Feudalism in Japan, 23-24.

³²Arnesen, The Medieval Japanese Daimyo: The Ouchi Family's Rule of Suo and Nagato, 7.

³³Jeffrey P. Mass, Lordship and Inheritance in Early Medieval Japan: The Study of the Kamakura Soryo System (Stanford: Stanford University Press, 1989), 2.

By 1150, over half of all available land was in private hands.³⁴ It is important to note that the court aristocrats who held these private estates were more often than not absentee property owners using income from the *shoen* to support themselves at court. *Shoen* estates were typically scattered plots of land taken most often from lands newly cleared or conquered and therefore were not continuous domains.³⁵ It was common for nobles to have several *shoen* grants scattered all over Japan.³⁶ As a result, aristocrats appointed estate managers (*jito*) to run estates in the provinces.³⁷ Essentially *shoen* provided nobles with rights to income called *shiki*. Although *shoen* proprietors held the right to survey land, their estate protectors, local managers, and peasant farmers shared in *shiki* rights thus dividing the total income of an estate between several people.³⁸ The *shoen* is different from the European fief

³⁴Duus, Feudalism in Japan, 31.

³⁵Lewis, Knights and Samurai: Feudalism in Northern France and Japan, 24.

³⁶Totman, Politics in the Tokugawa Bakufu 1600-1843, 293.

³⁷Mass, "The Kamakura Bakufu," The Cambridge History of Japan, 3:83.

³⁸Varley, The Onin War: History of Its Origins and Background, 221.

because it only grants right to income and not rights of *dominium utile* (useful ownership).³⁹

Inheritance decrees demonstrate the complexity of *shiki* rights and their division among multiple individuals. Taira Ason writes to clarify the rights and obligations of his daughter in her award of *jito shiki* in 1238. The inheritance letter states, "The aforesaid places are herewith deeded to my daughter-named Shinju. However, whereas two *cho* shall be stipend land (*kyuden*), the remainder shall be obligated to pay the regular annual tax (*onnengu*) to the patron (*honke*), in accordance with precedent. As for mountain and plain areas, . . . the boundaries are as stipulated. The taking of animal life is prohibited. As concerns the boundaries for paddy and upland, details appear in the release held by the house by the house head-designate (*soke*). Where, this instrument (*jo*) is thus."⁴⁰ This letter is interesting because it specifically sets the details of her inheritance and demonstrates that women could inherit *shiki* rights. The document also shows at least three levels or *shiki* payments

³⁹F. L. Ganshof, Feudalism trans. Phillip Grierson forward Sir F. M. Stenton (London: Longmans, Green and Co., 1952), 117-118.

⁴⁰Mass, Lordship and Inheritance in Early Medieval Japan, 246.

-- one to taxes, one to the patron and the remainder to her. Women would continue to inherit property until the late *Ashikaga* period where *daimyo* enforced primogenitor as a means of preventing the weakening of fiefs by division.⁴¹

Beginning with the initial appointments of vassals to the position of *jito* stewards, Yoritomo allowed many powerful warriors to increase their wealth and their position in the provinces. Although his appointments extended his authority over the provinces, it had the effect of providing *jito* the means of encroaching on the rights of the landholder.⁴² The *bakufu* (warrior government headed by the *shogun*) protected the rights of the *jito*. *Jito* appointments were inheritable property and absentee nobles had no disciplinary authority over appointed *jito*. *Jito* were accountable only to their direct lords. If disputes arose, absentee estate holders sought justice in the *bakufu* courts.⁴³

Once again, inheritance documents clearly show the level to which *jito* held reign over their absentee

⁴¹Hane, Premodern Japan: A Historical Survey, 94.

⁴²The Taiheiki: A Chronicle of Medieval Japan, trans., intro. and notes, Helen Craig McCullough (New York: Columbia University Press, 1959), xxiii.

⁴³Mass, "The Kamakura Bakufu," The Cambridge History of Japan, 3:68-74.

landowners. In 1302, a suit brought before the bakufu court shows how absentee landholders were powerless to stop *jito* encroachment. The *bakufu* often sided with the *jito* stewards especially where important vassals were concerned. The suit argues, "Numerous details have come out in this appeal-level suit (*osso*). In essence, however, [the appeal argues that] Matsuyoshi myo and Muto myo of this island constitute the *jito* share (*jito bun*); all other land (*shitaji*) is under the jurisdiction of the proprietor (*honjo no shinshi*)."⁴⁴ In the case, the absentee landholder Raishu had attempted to restrict the inheritance of *shiki* to the areas of Matsuyoshi and Muto myo only. The documents produced were not sufficient to limit the Kutsuna house to those areas and the court eventually ruled the families' holdings were much larger.⁴⁵

Apart from legal opposition, estate holders were virtually powerless to stop local *jito* encroachment. Faced with this growing problem, Yoritomo appointed constables called *shugo* to the provinces to maintain law and order and to monitor and limit the growing power of the estate stewards. Ironically, he needed his personal vassals

⁴⁴Ibid., 268.

⁴⁵Mass, Lordship and Inheritance in Early Medieval Japan, 270.

assigned to the position of steward in the provinces for military purposes, but he also needed to protect the overall financial system of the *shoen*, which he too was a part.⁴⁶

Shugo constables initially had limited duties. In 1232, the third regent Yasutoki issued the *Johei Shikimoku*.⁴⁷ The *Johei* code established a set of guidelines of behavior and was not technically a set of laws. However, the code established guidelines for fair behavior. According to the code constables were responsible, "1) to chastise rebel; 2) to pursue and apprehend murderers; 3) to enforce guard duty; 4) to act as intermediary for all correspondence between the *shogun* and his direct vassals (*go-kenin*); 5) for repair of temples and shrines and upkeep of roads and post stations."⁴⁸ The code did not replace traditional law code in Japan but served as an addition specifically dealing with the concerns of the warrior class. These early constables were far from being autonomous feudal warlords. Their power derived from the office of the *shogun*.

Throughout the *Kamakura* period (1185-1334), the *shoen* and proprietary province system dominated Japan. It worked

⁴⁶The Taiheiki: A Chronicle of Medieval Japan, 7-8.

⁴⁷David John Lu, ed., Sources of Japanese History, vol. I (New York: McGraw-Hill Book Co., 1973), 100.

⁴⁸*Ibid.*, 8.

because it served both court nobles and local *jito* warriors. For the court nobles it provided a financial support and local warriors needed the legitimacy provided by the posts as stewards to maintain their leadership over their men and the land. Competition between court nobles and the warrior classes eventually came to a head in 1336.⁴⁹ Several reasons contributed to the final breakdown of the *shoen* system: 1) The tradition of dividing *shiki* rights among heirs of the warrior class had often not produced enough income to support the growing warrior class; 2) the frontier had been conquered; and 3) the dissatisfaction⁵⁰ with rewards as a result of the Mongol invasions.⁵¹

The shrinking of available private lands available for issue as a *shoen* resulted in limiting the income of the warrior class. This shrinking of available land increased

⁴⁹Arnesen, The Medieval Japanese Daimyo: The Ouchi Family's Rule of Suo and Nagato, 132.

⁵⁰Japanese vassalage was based upon a reward system whereby vassals would receive rewards based on their service to their lords. Typically, when new territories were conquered, the new lands would be converted to *shoen* and distributed to the lord's loyal followers. Since the Mongol invasions did not result in any captured lands, only the defense of the Japanese mainland, many vassals felt cheated for they had served their lords with no compensation.

⁵¹The Feudal Experience, part 1, in series Japan: The Living Tradition (Great Plains National, 1976), video cassette.

by the tradition of dividing *shiki* rights among the *jito*'s heirs.⁵² *Shiki* rights of the *jito* class remained very tenuous. Although powerful *jito* warriors were able to encroach upon *shiki* rights, as demonstrated by the inheritance documents of the early medieval period, lesser *jito* still feared replacement by the *bakufu* or absentee property owners who allied themselves with the *bakufu*. The *jito* estate manager's rights traditionally were secondary to any claims of the court nobility. This resulted in tremendous class animosity with members of the *jito* striving to solidify their positions. As a result, as *bakufu* power waned in the early fourteenth century, the warrior class was able to increase their power in the provinces. With the *bakufu* and absentee landowners unable to check the warriors growing power, local provincial warriors began securing their rights as *shoen* managers by violence rather than by legal decree.⁵³

The early wars of the fourteenth century are chronicled in *Taiheiki*, one of the five remaining Japanese war epics. The epic tells the story of how the emperor Go-Daigo sensing

⁵²Mass, Lordship and Inheritance in Early Medieval Japan, passim.

⁵³Arnesen, The Medieval Japanese Daimyo: The Ouchi Family's Rule of Suo and Nagato, 133.

the growing weakness of the *shogun* attempted to overthrow *shogun* rule and reinstate the emperor as sole ruler of Japan. Ultimately, the civil war initiated by Go-Daigo was not successful in establishing imperial rule, but it did establish the need to satisfy the land needs of the warrior class.⁵⁴ The civil war served to reinforce the power of local vassals within the provinces and placed considerable pressure on the *shogun* to quell local disturbances.

The result of the civil war was that *shoguns* gave more authority to their provincial constables (*shugo*) to enforce the peace and to protect proprietary property rights.⁵⁵ Traditionally, historians blamed the *shugo* for the collapse of the *shoen* system. The assumption is that the *shugo's* quest to consolidate power led to the transfer of proprietary ownership of the *shoen* from court nobles to the local warrior class effectively ending the traditional land system of Japan.⁵⁶ Although early fourteenth century *shugo*

⁵⁴The Taiheiki: A Chronicle of Medieval Japan, xvi-xlviii.

⁵⁵John Whitney Hall, "The Muromachi Bakufu", in The Cambridge History of Japan vol. 3, Medieval Japan, ed. Kozo Yamamura (Cambridge: Cambridge University Press, 1990), 176.

⁵⁶Arnesen, The Medieval Japanese Daimyo: The Uchi Family's Rule of Suo and Nagato, 132-35

commanded great authority, they did not hold proprietary rights of all land within their provinces. They were able to enfeoff large portions of the land within their provinces to local warriors, thus creating a power base of local vassals, but some local warriors would still hold independent lands not subject to their authority.⁵⁷ The nature of their holdings, as with most court nobles, is their lands were not continuous domains.⁵⁸ The traditional *shoen* system of *shiki* rights gave the *shugo* their source of power. Historian Peter Arnesen argues that it was not the *shugo* who destroyed traditional Japanese land tenure system, but "*Shugo's* vassals, rather than the *shugo* himself in seeking the agents primarily responsible for the extension of warrior control of the land".⁵⁹ This erosion of court nobility's proprietary rights would not be complete until the fifteenth century. The reason for this loss is simple. Based on the system of the *shoen*, *shiki* rights were divided between the absentee proprietor, peasant farmers and the local warrior manager. *Shiki* payments were a form of taxes paid by the peasantry. Since military authority rested in

⁵⁷Duus, Feudalism in Japan, 60-61.

⁵⁸Ibid., 31.

⁵⁹Arnesen, The Medieval Japanese Daimyo: The Ouchi Family's Rule of Suo and Nagato, 134.

the hands of local warriors, the central court nobility were unable to produce income from the peasantry without relying on the warrior class. These local warriors eager to enforce their lordship directly over the land simply refused to provide the court nobility with their *shiki* payments.⁶⁰ This effectively destroyed the power of the court nobility at the imperial court, for without military power themselves they were powerless to enforce their traditional land tenure rights.⁶¹

Ironically, the *shugo* increasingly gained greater rights over the land to help stem the tide of warrior encroachment over land rights. In fact, by 1390 *shugo* had total control of civil governments within their provinces.⁶² These duties were codified with the *karita rozeki*, which gave them "(the power to deal with harvest disorders and the cutting and theft of crops) and the *shisetsu jungyo* (the power to enforce judicial decisions and to ensure the

⁶⁰Nagahara Keiji, "The Decline of the Shoen", The Cambridge History of Japan, 3:266-267.

⁶¹Arnesen, The Medieval Japanese Daimyo: The Ouchi Family's Rule of Suo and Nagato, 138.

⁶²Jeffrey P. Mass, ed., The Bakufu In Japanese History (Stanford: Stanford University press, 1985), 99.

transfer of confiscated lands to the winning claimant, etc.)"⁶³

Perhaps the most influential change in the *shugo's* power was the ability to levy *tansen*. *Tansen* was traditionally a temporary provincial tax levied by state officials. *Shugo* began to levy *tansen* in the fifteenth century, not as state officials, but based on their own political authority.⁶⁴ This tax, in many cases, became a permanent levy indicating the supreme political authority of the *shugo* within the provinces and the ineffectiveness of the central state bureaucracy to limit such encroachments.⁶⁵

With these new powers, the constable *shugo* became the most powerful officials in Japan. However, the *shoen* continued to be their base of power for which they too were dependent on *shiki* rights for their income. Therefore, it is inconceivable that they would consciously destroy the land tenure system for which they too were dependent.⁶⁶ The

⁶³Varley, The Onin War: History of Its Origins and Background, 36.

⁶⁴Tanuma Mutsumi, "Muromachi Bakufu, Shugo, Kokujin," in Iwanami Koza, ed., Nihon Rikishi (Tokyo: Iwanami Shote, 1976), 33-40.

⁶⁵Nagahara Keiji, "The Decline of the Shoen", The Cambridge History of Japan, 3:278.

⁶⁶Arnesen, The Medieval Japanese Daimyo: The Uchi Family's Rule of Suo and Nagato, 138-139.

shugo managed to hold power and limit the growing power of the warrior class through a system of vassalage and alliances until the end of the *Onin* War.

The *Onin* War was the last step in the transformation of Japan into a fully feudal society. Professor John Hall remarks, "In the *Onin* War, the *shugo* families exhausted themselves opposing each other, so that nearly all disappeared or became the puppets of their stronger vassals. Between 1467 and the 1530's, the far-flung jurisdictional territories of the *shugo* broke into fragments, and a second wave of families of local origin inherited the pieces."⁶⁷ With the total collapse of the *shoen* system, a new overlord called the *daimyo* would dominate local rule.⁶⁸

The new *daimyo* class based its authority on military force. Traditionally political and legal authority rested in the hands of the *shogun*, military governors and court aristocrats, while true military power was in the hands of the local warrior classes. *Daimyo* were able to consolidate power within their local domains by securing political and legal authority through military force.⁶⁹ Those with

⁶⁷John Whitney Hall, "Foundations of the Modern Japanese *Daimyo*," Journal of Asian Studies, (May, 1961) 321.

⁶⁸*Ibid.*, 318.

⁶⁹Nagahara Keiji, "The Decline of the *Shoen*", The Cambridge History of Japan, 3:277.

military force had jurisdictional authority over their land and the central bureaucracy was powerless to stop it.⁷⁰

One such family who was able to secure power was that of the *Ouchi*. Evidence demonstrates that within the provinces of *Suo* and *Nagato*, *Ouchi* leaders had begun to perform duties previously held by the *shogun*. *Ouchi daimyo* confirmed the land rights of the local warriors, confiscated enemy land and issued fiefs to their own vassals.⁷¹ By claiming the rights to confiscate and enfief lands, *daimyo* gained *dejure* proprietary ownership of all land within their territories.

For example, in 1550 the region of Bizen consisted of 179 fiefs belonging to 59 separate vassals. These vassals swore loyalty directly to the *daimyo* lord. Typically, each of the vassals would hold a castle on their fief and have followers of their own. *Daimyo* secured vassal loyalty by marriage alliances, family ties, and personal bonds of

⁷⁰Hall, "Foundations of the Modern Japanese Daimyo," 323.

⁷¹Varley, The Onin War: History of Its Origins and Background, 178-179.

vassalage, but most importantly, by military force.⁷² The *daimyo* secured authority by controlling local government.⁷³

Vassalage is the second most important element in the feudalization of Japan. Traditionally, Japanese society was based on a clan system and provided a basic system of military and social hierarchy in the provinces. The Japanese court used this concept of personal service through family relationships as a means of providing law and order in the provinces as well as providing military forces in times of necessity. Minamoto Yoritomo used this kinship system to solidify his power at the end of the *Gempei* war thus ushering in a new phase in Japanese history.

Originally, Japanese vassalage was a kinship system whereby both immediate and extended family members swore loyalty to the clan chief. When a family head swore loyalty to a clan chieftain, his oath included his entire immediate and extended family. The bonds between families and the clan chief were those of personal loyalty as well as blood ties.⁷⁴ These bonds are also patriarchal in nature.

⁷²Hall, "Foundations of the Modern Japanese Daimyo," 323.

⁷³Lewis, Knights and Samurai: Feudalism in Northern France and Japan, 50-51.

⁷⁴Duus, Feudalism in Japan, 38.

Although, there is some evidence to suggest early Japanese society was matrilineal, the adoption of Confucius thought early in the fifth century would have the effect of limiting women's social positions based on Chinese patterns. Feudal society is a society based on military duty. Therefore, the patriarchal system would be necessary to secure political and economic rights by military strength. The switch from a matrilineal to a patriarchal society would be gradual. Although women would continue to inherit property until the Tokugawa era (1600-1867), other social rights were limited quickly.⁷⁵

G. B. Sansom stated that early bonds of loyalty were more patriarchal in nature and transcended any loyalty to the state.⁷⁶ Loyalty to family, clan or community would be a crucial factor in limiting attempts at early loyalty to the state. For example, when Tameyoshi, grandfather to Yoritomo, the first *shogun* of Japan, was summoned to the emperor's court he stated, "I come because I have been told to come by the head of my house. Otherwise not even an imperial edict could bring me to the palace, for we Minamoto

⁷⁵Hane, Premodern Japan: A Historical Survey, 2.

⁷⁶G. B. Sanson, Japan a Short Cultural History (New York: Appleton-Century-Crofts, Inc., 1941), 288.

do not serve two masters."⁷⁷ Bonds of personal loyalty transcended all other commitments. Family bonds of loyalty would hinder the development of loyalty to the central state, for it provided rivals of the imperial court a source of military strength.

Early bonds between lords and vassals were not contractual nor was there a formal oath or ceremony.⁷⁸ Vassals served until death without any guarantee of economic support. *Saslo Sadatsima*, vassal to the *Minatomo* clan stated: "It is the duty of a warrior to be like a monk observing a rule. It is his business to preserve the state by protecting the sovereign. Whether he holds but a pin's point of land or rules a thousand acres, his loyalty must be the same. He must not think of his life as his own, but as offered by him to his lord."⁷⁹ As in the Germanic *commitatus* tradition, loyalty was unconditional. Vassals hoped for economic rewards based on their loyal service, but it was not a necessity of service. Minamoto Yoritomo would begin to change this traditional view of vassalage when he began the practice of rewarding his supporters and enemies

⁷⁷Ibid, . 288.

⁷⁸Lewis, Knights and Samurai: Feudalism in Northern France and Japan, 25.

⁷⁹Sansom, A History of Japan to 1334, 286.

(provided they swore loyalty) with *shiki* grants and appointments as land stewards as a means of reward for becoming the personal vassal (*kennin*) of the *shogun*.⁸⁰

The change in vassalage was significant for it allowed Yoritomo the ability to place his vassals throughout the provinces thus securing his authority over large areas of land.⁸¹ Although oaths of loyalty were still open-ended, vassalage was now dependent upon the issuance of a *shoen* estate. What held early Japanese vassalage together was strong family ties of loyalty. Now to secure loyalty Yoritomo offered economic stability. Bonds of loyalty would remain personal, based on the traditional sense of unconditional loyalty with no contractual agreement. However, vassals openly expected economic support as a condition of their service.⁸²

These early forms of Japanese feudalism are remarkably similar to early Carolingian feudalism in Western Europe. Each system relied heavily on traditional forms of governance and traditional family loyalties. These systems

⁸⁰Jeffrey P. Mass, Lordship and Inheritance in Early Medieval Japan: The Study of the Kamakura Soryo System, 41-43.

⁸¹Varley, The Onin War: History of Its Origins and Background, 7.

⁸²Sansom, A History of Japan to 1334, 286-288.

developed, as Peter Duus states a "government of vassalage" as both systems replaced central officials with personal vassals as a means of providing basic governmental services. In Japan, as in Western Europe, vassals continued to grow in power as the last remnants of central authority disintegrated.

Although Yoritomo never intended to destroy the traditional estate and political system of Japan, his move towards vassalage, as a means of political control, eventually replaced both systems with feudalism. Over time, vassalage became the key to political authority. As highlighted earlier, during the Ashikaga period (1338-1573) the power struggle between court nobles caused a power vacuum within the provinces. Local constables, warriors and stewards took advantage of this lack of control to consolidate power through vassalage. These struggles culminated in the Onin War, which completely changed the political landscape of Japan. The instability created by the war would lead to a rise of a new provincial authority, the *daimyo*. *Daimyo* became fully independent provincial rulers. Local *daimyo* lords took direct control over the provinces. *Daimyo* then redistributed to their followers fiefs of varying size with vassals living on fiefs providing military support to their lords. In order to prevent the

weakening of fiefs by subinfeudation, *daimyo* enforced the policy of primogenitor.⁸³ *Daimyo* required vassals to swear loyalty directly to them. Although family heads were typically immediate vassals of the *daimyo*, *daimyo* secured loyalty by direct enfiefment and were less content to rely on a system of kinship as the chief bonds of loyalty.⁸⁴

Originally, the granting of *shiki* meant, "Right to receive income from *shoen* accorded to each position within the *shoen* hierarchy."⁸⁵ During the fifteenth century, the word *chigyokoku* replaced that of the *shiki* and now refers to, "Province (*koku*) held as fief (*chigyo*) by a warrior."⁸⁶ With this change, the vassal no longer divided income or resources among several levels of ownership. The vassal controlled all rights within his fief and his military obligations were based the size of his fief.⁸⁷ *Chigyo* was a feudal possession.⁸⁸ This change in the concept of

⁸³Hane, Premodern Japan: A Historical Survey, 94.

⁸⁴Hall, "Foundations of the Modern Japanese Daimyo," 321-323.

⁸⁵Kozo Yamamura, The Cambridge History of Japan, vol. 3, Medieval Japan, 698.

⁸⁶*Ibid.*, 688.

⁸⁷Duus, Feudalism in Japan, 65.

⁸⁸Lewis, Knights and Samurai: Feudalism in Northern France and Japan, 51.

proprietary ownership of estates and the holding of fiefs was the final step in the feudalization of Japan.

Japanese vassalage underwent another change in that it became more formal and was less open ended as it had been during the *Kamakura* period. The lord vassal relationship became contractual in nature including a formal ceremony and oaths sworn before a multitude of gods.⁸⁹ In fact, *shoguns* often appointed lesser officials to oversee the multitude of rituals used during the late feudal period.⁹⁰ These changes are evident in the writings from Japanese *daimyo* to their followers. Although, they are family based rules, they all have similarities. Typical regulations stress loyalty, fairness, and obedience to God.⁹¹ These precepts are reciprocal in nature being equally important to both lord and vassal. Kuroda Nagamasa's instructions to his son included: "Both lord and vassals should observe these principles well, manage things in a way that there will be no mistakes, and not act contrary to my precepts."⁹²

⁸⁹Duus, Feudalism in Japan, 65.

⁹⁰Totman, Politics in the Tokugawa Bakufu 1600-1843, 305.

⁹¹Ideals of the Samurai: Writings of Japanese Warriors, trans. and intro. William Scott Wilson (Santa Clarita, Calif.: Phara Publications, 2000), *passim*.

⁹²*Ibid.*, 139.

Japan, unlike Western Europe, never developed a system of multiple *homages*. Subinfeudation is forbidden.⁹³ Vassals still only served one master, and as a result ambitious vassals had only one means to improve their economic status -- rebellion. Treachery was high during the fifteenth and sixteenth centuries as vassals strove to improve their conditions.⁹⁴ Without a system of multiple *homages*, vassals could only increase their holdings by rebelling against their lords or betraying them to another powerful *daimyo* in the hopes of securing a more lucrative fief. Although, betrayal seems almost common during these centuries, writers again stressed the importance and moral necessity of remaining loyal. Loyalty was the most cherished Japanese value. In fact, every Japanese house rule stressed loyalty above all else. Torii Mortotada writing to his vassals explains: "Even if all the other provinces of Japan were to unite against our lord, our descendants should not set foot inside another fief to the end of time."⁹⁵ Although warfare was common among vassals

⁹³Lewis, *Knights and Samurai: Feudalism in Northern France and Japan*, 51.

⁹⁴Mary Elizabeth Berry, *Hideyoshi* (Cambridge, Mass.: Harvard University Press, 1982), 26.

⁹⁵*Ideals of the Samurai*, 123.

and betrayal the only means of advancement, Japanese feudalism was and remained as stable as the Western European model. They both exhibited periods of anarchy where vassals challenged their lords and vows of loyalty were stretched to the breaking point, but these periods did not collapse the feudal form of government and vassals did maintain authority within their domains.

Japanese reunification began in the sixteenth century. Three men are credited with beginning the reunification of Japan: Nobunaga, Hideyoshi, and Ieyasu.⁹⁶ Despite efforts in consolidating power, Nobunaga and Hideyoshi were unable to establish a new dynasty. Ieyasu successfully established the *Tokugawa* dynasty of *shoguns* and the establishment of the *Edo bakufu*. The *Tokugawa* period (1603-1868) established central authority through feudal practices. Although, extremely important to the history of Japanese feudalism, it is beyond the scope of this work to discuss the feudal institutions and their changes during the *Tokugawa* period. The important feudal institutions of vassalage, benefice, and private jurisdiction were firmly established before the *Tokugawa* period and continued until the end of Japanese feudalism in 1868.

⁹⁶Duus, Feudalism in Japan, 75.

Despite differences in geography and the isolated nature of Japan, Japanese feudalism developed very similarly to western European feudalism. In both regions, Feudalism developed in stages developing early feudal institutions that eventually reached a level of complete feudalism. Each country developed a system of government based on vassalage and fiefs. Japanese *Daimyo* secured loyalty by the granting of fiefs (*chigyō*). The fief provided vassals the income necessary to perform their governmental duties in lieu of salary. *Daimyo* inherited the duties of the *shugo* constable and maintained the functions of government (justice and protection) at a local level. Public authority was in private hands with *Daimyo* families who created their own law codes in the form of "house codes".⁹⁷ Vassals owed their allegiance to *Daimyo* lords through vassalage and not to the state. Ultimate authority still traced its legitimacy through the *shogun* and *emperor* but legal and military authority rested in the hands of the local elite. It was not until the *samurai's* importance as warrior declined that Japanese feudalism ended in the nineteenth century.

⁹⁷Duus, Feudalism in Japan, 69.

Chapter IV

THE OTTOMAN EMPIRE

The classical age of Ottoman history is between the fourteenth and seventeenth centuries. During this time, the *ghazi* principality of the Ottomans grew into the largest and most powerful of the Islamic states. Ottoman society is a history of adaptation. The Ottomans combined Islamic and Byzantine institutions to their traditional Turkish and *ghazi* society to produce a highly effective centralized state.¹ From the Seljuks, the Turks accepted Islam, the *iqta*, and certain legal institutions. From the Byzantines they adopted elements of taxation and feudal practices.² As Halil Inalcik wrote, what began, as a *ghazi* frontier became a "Frontier Empire, a cosmopolitan state,

¹Ira M. Lapidus, A History of Islamic Societies (Cambridge: Cambridge University Press, 1988), 303-304.

²Steven W. Sowards, Twenty-Five Lectures on Balkan History Lecture 3: The Balkans in the Age of Nationalism, [lecture on-line] (East Lansing Mich.: Michigan State University, 2001, accessed 8 January 2002); available from <http://www.lib.msu.edu/lecture3.htm>; Internet.

treating all creeds and races as one, which was to unite the Orthodox Christian Balkans and Muslim Anatolia in a single state."³

Ottoman feudal institutions trace their origin to the time of the Mongol invasions in 1220. Following the battle of *Kosedag* in 1243, the Seljuk sultan became a vassal of the *Ilkhanids* in Iran.⁴ As a result, the Turkish tribes were pushed westward eventually settling in the frontier between the Byzantium and Seljuk empires. In this frontier, Turkish nomads forged a society dedicated to the ideals of the *ghazis*.⁵ The duty of all *ghazi* warriors was to take part in raids (*ghaza*) in the holy war (*jihad*) against the infidels.⁶ The Ottomans preferred the independent life of the nomadic warrior where they were free to win booty and spread the Islamic faith. Soon, the

³Halil Inalcik, The Ottoman Empire: The Classical Age 1300-1600, trans. Norman Itzkowitz and Colin Imber (New York: Praeger Publishers, 1973), 7.

⁴Ibid., 5.

⁵P. M. Holt, Ann K. S. Lambton and Bernard Lewis eds., The Cambridge History of Islam, vol. 1, The Central Islamic Lands, by Halil Inalcik (Cambridge: Cambridge University Press, 1970), 263.

⁶Ibid., 751.

Ottomans came into conflict with the Seljuks another Turkish tribe that had begun the Turkification of Anatolia and established a thriving empire well before the arrival of the Ottomans. The Seljuks realizing a potential problem with the nomadic tribes encouraged the Ottomans to raid the eastern areas of the Byzantine Empire where as *ghazi* warriors they could serve Islam and at the same time avoid settled areas of the Seljuk Empire.⁷ Throughout the next half-century, Turkish leaders organized independent principalities within this frontier region.⁸ Eventually, the Seljuks granted *ghazi* chieftains permanent marches. It was from one of these early *ghazi* marches that the leader Osman, beginning in 1299, would begin the transformation of a frontier principality into an empire.⁹ By the fourteenth

⁷Ibid., 6.

⁸Inalcik, The Ottoman Empire: The Classical Age 1300-1600, 3-6.

⁹Herbert Adams Gibbons, The Foundation of the Ottoman Empire: A History of the Osmanlis up to the Death of Bayezid I 1300 - 1403 (London: Frank Cass & Co., 1968), 51--53.

century, followers of Osman would begin to call themselves *Osmanlis*, from which the word "Ottoman" derived.¹⁰

Within the independent principalities, Ottoman rulers adopted the political and institutional traditions of the Seljuk state. To these, they added their nomadic traditions, which produced a truly effective form of government in a highly complex and cosmopolitan region.¹¹ As in Western Europe, institutions developed in direct response to the need for the Ottoman sultans to defend and administer their principalities. Military conflict was a way of life for the *ghazi* warriors dedicated to war against the infidel. Fourteenth century Anatolia provided an easy target for the growing Ottoman state.¹² The need to provide soldiers and to govern conquered territory would lead to the adoption of feudal forms of government and institutions.

¹⁰M. A. Cook, A History of the Ottoman Empire (Cambridge: Cambridge University Press, 1976), 38-39.

¹¹*Ibid.*, 22.

¹²Gibbons, The Foundation of the Ottoman Empire: A History of the Osmanlis up to the Death of Bayezid I 1300 - 1403, 17.

Two early institutions dominated classical Ottoman history -- the *sipahis* and the *timar*.¹³ Ottoman military strength lay with military units called the *sipahis* (cavalry) and *Janissary* infantry drawn from the *devshirme* system.¹⁴ The *sipahis* were semi-professional troops who replaced the disorganized Turkish raiders who had won early successes against the Byzantine Empire. Originally, all Turks were horse soldiers who in time of war gathered under the leadership of clan chieftains.¹⁵ These chieftains led their warriors on limited raids into Byzantine areas of control and soon were forcing the main forces of Byzantium into an all out defensive posture. Early Ottoman warriors

¹³Inalcik, The Ottoman Empire: The Classical Age 1300-1600, 47.

¹⁴"Christian boys were confiscated from the population as slaves and converted to Islam. As slaves, these boys became absolute dependents of the sultan. The brightest of these children were educated in the law, foreign languages, the sciences, sport, and administrative skills; they then entered the sultan's "Inner Service." Levied children with less talent went into the military, and formed the "janissary" infantry, the 30,000 men kept under arms as garrisons in key fortresses and as the core of the sultan's army." Sowards [lecture on-line].

¹⁵Stanford Shaw, History of the Ottoman Empire and Modern Turkey: vol. 1, Empire of the Gazis: The Rise and Decline of the Ottoman Empire, 1280-1808 (Cambridge: Cambridge University Press, 1976), 25.

were primarily cavalry armed with bows and spears. Leaders granted soldiers booty captured during the campaign in lieu of salary. This system worked efficiently based on the old concept of *ghazi* (warrior for Islam).¹⁶ However, as the military needs of the Ottoman army changed, it became increasingly important to have troops who were capable of performing complex military objectives such as laying siege. In 1320, Orhan, son and heir apparent to Osman, recognized this limitation and organized a new body of soldiers who would be salaried troops instead of undisciplined cavalymen paid in booty.¹⁷ To support this new army, the Ottoman leaders granted *timars* (fiefs) in return for military service.¹⁸

Following Osman's death in 1326, Orhan (1326-1362) continued his father's conquests capturing the city of

¹⁶Kemal H. Karpat, The Stages of Ottoman History: A structural Comparative Approach (Madison, Wisc.: University of Wisconsin Press, 1985), 85.

¹⁷Shaw, History of the Ottoman Empire and Modern Turkey: vol. 1, Empire of the Gazis: The Rise and Decline of the Ottoman Empire, 1280-1808, 24-25.

¹⁸P.M. Holt, Ann K. S. Lambton and Bernard Lewis eds., Cambridge History of Islam, vol.1, The Central Islamic Lands, 90.

Bursa in 1326, which became the Ottoman capital. In addition, Orhan brought under his control the Turkish principality of *Karasi*.¹⁹ With these victories, the Ottomans established a state to rival that of the Seljuks or Byzantine empires. The early transformation of Ottoman military organization is remarkably similar to that of Western Europe. Like the German *commitatus*, Turkish tribal organization created bonds of loyalty between warriors and hereditary chieftains or *beys*. Bonds of loyalty were not permanent. Turkish warriors often dissolved bonds of loyalty and declared their allegiance to militarily successful *ghazis*.²⁰ This was not seen as an act of treachery. Turkish tradition held that leadership was a divine right bestowed by God.²¹ Consequently, successful *ghazi* leaders were thus favored by God -- who then attracted large bodies of Turkish troops to their regions. These *ghazi* leaders owed allegiance to the *emir* or sultan

¹⁹Lapidus, A History of Islamic Societies, 306-7.

²⁰P.M. Holt, Ann K. S. Lambton and Bernard Lewis eds., Cambridge History of Islam, vol.1, The Central Islamic Lands, 264.

²¹Lapidus, A History of Islamic Societies, 308.

by ties of personal loyalty.²² Orhan combined the traditional bonds of loyalty and a system of land grants to create a lord/vassal relationship between the warrior class and the sultan. The change transferred bonds of loyalties from local *ghazi* leaders to the Sultan. This was an extremely important step in the transformation of Ottoman society from frontier principality to a state-centered Islamic society.

Ottoman rulers used vassalage to provide *sipahis* for their armies as well as to secure areas within their principalities under nominal control. Ottoman vassalage in its truest sense was the bond of loyalty between soldier and sovereign. *Sipahis* recognized the sultan as God's agent on earth. All Ottoman sultans held authority over all land. Through the issuance of the *timar*, the sultan provided a means of support to a *sipahis* in exchange for military service. Unlike Western Europe, this relationship lacked a personal ceremony that established a bond between individuals. Ottoman bonds of loyalty never evolved into a

²²P.M. Holt, Ann K. S. Lambton and Bernard Lewis eds., Cambridge History of Islam, vol.1, The Central Islamic Lands, 264.

personal relationship between men. Instead, the relationship bonded soldier to sultan. There is no evidence to suggest that the bond between soldier and sultan was a reciprocal relationship. Although *sipahis* owed military service and gained the use of a landed estate in exchange for military service, they did not gain the right of *dominium utile* (useful ownership) over the land. The sultan maintained control and the *sipahis* remained officials of the state dependent upon the sultan for their income and status. Government by vassalage never developed in areas under Ottoman control.

This did not mean that the Ottomans were not familiar with the Western European concept of vassalage. On the contrary, Ottoman rulers utilized Western European vassalage within conquered areas in which western feudalism was the existing form of government. In fact, by 1352 Ottomans had begun to see their Christian allies as vassals.²³ The Ottomans simply inserted themselves as lord in the politically fragmented areas of the Balkans and Anatolia.

²³Inalcik, The Ottoman Empire: The Classical Age 1300-1600, 10-11.

Although the lord/vassal relationship is the same as the Western European model, there were differences. Christian vassals maintained control over their principalities and were at first only required to send yearly tribute to their Ottoman lords as a sign of submission. These Christian areas were often the site of rebellion and anarchy. As a result, Ottoman rulers later required vassals to send their oldest son as hostages to the Ottoman court. Vassals were also required to swear allegiance yearly at the Ottoman court. Concerning feudal aids, Ottoman vassals were required to send troops as needed to the Sultan and to adhere to the traditional western European obligations between lords and vassals. These vassal principalities were firmly established by 1389. However, beginning in the fifteenth century the constant threat of revolt caused Ottoman rulers to convert these principalities into directly administered provinces.²⁴ It is important to note that western European feudalism existed only in areas conquered by the Ottomans, but not under direct control. In areas under direct control, the

²⁴Ibid., 105.

sultan traditionally directed all aspects of Ottoman administration with the appointment of *beys* and *kadi*.²⁵

Following Seljuk administrative patterns, the Ottomans assigned two government officials to each district. The *bey* was a military leader whose authority came directly from the sultan and the *kadi* was the district's legal authority appointed by the religious class.²⁶ This system gave powers to each authority, whereby they worked together in representing the sultan. *Beys* performed police functions and carried out all legal punishments dictated by the courts while the *kadi* served as judge.²⁷ Neither could infringe upon the duties of the other. However, some hereditary *beys*, who traced their power to the original tribal leaders, governed their provinces (*sanjaks*) independently. These *beys* commanded the personal loyalty of the *sipahis* within their *sanjaks*. However, this did not develop into a feudal relationship. *Beys* were never able

²⁵Ibid., 15-16.

²⁶Shaw, History of the Ottoman Empire and Modern Turkey: vol. 1, Empire of the Gazis: The Rise and Decline of the Ottoman Empire, 1280-1808, 23-26.

²⁷Inalcik, The Ottoman Empire: The Classical Age 1300-1600, 104.

to evolve into a permanent class of independent landholders primarily because of the relative strength of their enemies. *Beys* needed the military support of the sultan to prevent possible annexation by outside forces.

Additionally, Ottoman sultans actively campaigned in the provinces and skillfully used the *beylerbeyi*²⁸ system and *Janissary* infantry to maintain their authority.

This separation of power was essential to fair administration of the districts and reinforced the sultan's position as sole ruler. The use of directly controlled administrative officials distinguishes directly controlled Ottoman provinces from vassal principalities. It is clear that these officials served as officers of the state and not independent vassals.²⁹

Within the districts, the sultan maintained his *beys* and *sipahis* with the *timar* system. The Ottomans maintained one of the largest standing armies in Europe and their

²⁸An administrative unit comprising of several sanjaks. A *Beylerbeyi* had authority over the *beys* in the provinces.

²⁹P.M. Holt, Ann K. S. Lambton, and Bernard Lewis eds., The Cambridge History of Islam, vol. II, The Further Islamic Lands, Islamic Society and Civilization by G. E. Vongronebaum (Cambridge: Cambridge University Press, 1970), 285.

economy was unable to support such a large force. This, coupled with a general shortage of gold and silver, led to the use of a military fief system. As in the older institutions of the Byzantine *pronoia*³⁰ and the Persian *iqta*,³¹ the *timar* system assigned state agricultural revenues to vassals in exchange for military service.³²

Timar, the administrative land grant system of the Ottoman state, is often translated incorrectly to mean fief. Although there are some similarities, the *timar* is closely related to the Persian *iqta*. Traditional Islamic land policies trace their origin to the time of Umar (634-642) who converted private property to tribal property.³³ As such, all land belonged to the state and was subject to taxation. Nonetheless, there were distinctions in property use. Islamic law recognized four types of property. *Miri*

³⁰Ibid., 112.

³¹Ibid., 460.

³²Lord Patrick Balfour Kinross, The Ottoman Centuries: The Rise and Fall of the Turkish Empire (New York: William Morrow and Company, Inc., 1977), 152.

³³P.M. Holt, Ann K. S. Lambton, and Bernard Lewis eds., The Cambridge History of Islam, vol. II, The Further Islamic Lands, Islamic Society and Civilization, 459.

or state land consisted of all farmland, mountains, and pastures. Miri lands were subject to taxation and were by far the largest portions of land within the Islamic state. The Waqf land grant was tax-exempt property given to institutions dedicated to public welfare, such as hospitals.³⁴ True private property was called Mulk. Mulk lands consisted of peoples' houses, gardens, vineyards and orchards.³⁵ Finally, the iqta grant was the name for an administrative land grant used by the early Muslim state. According to the Encyclopedia of Islam, "The ikta was calculated as an equivalent of pay on the basis of its cadastral fiscal value, and although it was inevitably accompanied by the delegation of some administrative prerogatives, it was basically nothing more than a wage collected at source, directly, without the mediation of the state treasury. There was nothing permanent about it: the area granted and the grantees were constantly changed;

³⁴Cook, A History of the Ottoman Empire, 49.

³⁵Sowards, "The Balkans in the Age of Nationalism," [lecture on-line].

whenever possible wages were still paid without resort to ikta."³⁶

Islamic rulers used the *iqta* system sparingly until the thirteenth century when Seljuk vizier Nizam al-Mulk introduced it in both eastern Iran and in the provinces. Like the fief in Western Europe, the use of the *iqta* expanded in an attempt to bolster the ailing Seljuk state, which had come under intense pressure due to the Mongol conquest. Continuity exists between the earlier Islamic and Seljuk uses of the *iqta* system; however, the Seljuks did make some important changes. The Seljuks began the custom of granting increasingly larger and larger *iqta* grants, sometimes rivaling that of provincial governorships.³⁷ Additionally, the Seljuks instituted the practice of granting hereditary status to *iqta* in an attempt to secure the loyalty of their troops. In areas in which men were both *iqta* holders and provincial governors, the *iqta* grants became for all practical purposes lordships in the European sense of the word. The *iqta*, as the fief,

³⁶ B. Lewis, V. L. Menage, Ch. Pellat and J. Schacht, eds., The Encyclopedia of Islam, s.v. "Ikta."

³⁷Ibid.

became the dominant government institution because of the need to provide military retainers in time of tremendous military pressure. Consequently, it was the Seljuk version of the *iqta* that had tremendous influence on the development of the Ottoman state. Although it is unknown how the transition from *iqta* to *timar* took place, the *timar* is obviously an Ottoman adoption of the *iqta* system.³⁸ The systems are so similar that the Cambridge History of Islam defines *timar* as "The Turkish equivalent to *iqta*."³⁹

In its most basic sense, the *timar* is a "grant of tax revenues to support a military retainer of the sultan."⁴⁰ The *timar* system essentially provided support to the *sipahi* cavalryman on several levels. The *sipahi* would reside in a village where he would collect the tax for his support in-kind. This relieved the farmer from the burden of converting his crops into cash in order to pay his yearly taxes. The cavalryman was able to then convert his payment

³⁸Encyclopedia of Islam, s.v. "Ikta."

³⁹P.M. Holt, Ann K. S. Lambton, and Bernard Lewis eds., The Cambridge History of Islam, vol. II, The Further Islamic Lands, Islamic Society and Civilization, 909.

⁴⁰Lapidus, A History of Islamic Societies, 927.

to cash if needed and he had the support of the village to maintain his horse and his equipment. In addition to the peasant tax, peasants were required to give the *timar* holder annually payments of wood, fodder, and hay as well as a fixed amount of labor.⁴¹

Unlike European peasants who were subject to arbitrary exploitation by the fief-holder, the Ottoman peasants lived under careful protection of the state. Although a class structure did exist within Ottoman society, each class had an important role to play within society. Nasi ad-Din Tusi writes in 1273 about the Islamic class structure. He writes, "First come the Men of the Pen such as the masters of the sciences and the branches of knowledge, the canon-lawyers, the judges, secretaries, accountants, geometers, astronomers, physicians, and poets, on whose existence depends the order of this world and the next; among the natural elements these correspond to water. Secondly, the Men of the Second; fighters, warriors, volunteers, skirmishers, frontier-guardians of the state, by show intermediacy the worlds organization is effected; among the

⁴¹Inalcik, The Ottoman Empire: The Classical Age 1300-1600, 112.

natural elements these correspond to fire. Thirdly, the Men of Negotiations, merchants who carry goods from one region to another, tradesmen, masters of crafts, and tax-collectors, without whose co-operation the daily life of the species would be impossible; among the natural elements, they are like air. Fourthly, the Men of Husbandry, such as sowers, farmers, ploughmen, and agriculturalists, who organize the feeding of all the communities and without whose help the survival of individuals, would be out of the question; among the natural elements they have the same rank as earth."⁴²

Clearly, Islamic tradition limited the exploitation of the peasant farming class and saw them as a vital element in society. This recognition is evident in the limiting of *timar* holders rights by the sultans.

Ottoman peasants had specific duties. According to Professor Halil Inalcik, peasants were required to: "...build a barn, but not a house, for the *sipahi*; they had to carry the *sipahi* tithes to the barn or to the market, except where the market was more than a day's journey away. They

⁴²Nasur ad-Din Tusi, The Nasirean Ethics, trans. G. M. Wickens (London: George Allen and Unwin, 1964), 230.

had to help reap the *sipahi's* meadow but not to carry the hay to his barn. If the *sipahi* came to the village, the villager had to provide hospitality for three days, supporting both the *sipahi* and his horse."⁴³ The *sipahi* could not require any additional duties of the villagers. If a *sipahi* broke any of these rules, he would lose his *timar*.⁴⁴ In fact, peasants under European control often left their land to settle in Ottoman controlled areas where duties were much less than those imposed upon them by European fief-holders. According to one contemporary writer: "I have seen multitudes of Hungarian rustics set fire to their cottages, and fly with their wives and children, their cattle and instruments of labor, to the Turkish territories, where they knew that besides the payment of the tenths, they would be subject to no imposts or vexations."⁴⁵ Clearly, the Sultan took great strides to

⁴³Inalcik, The Ottoman Empire: The Classical Age 1300-1600, 112.

⁴⁴Kinross, The Ottoman Centuries: The Rise and Fall of the Turkish Empire, 152.

⁴⁵Quoted in Kinross, The Ottoman Centuries: The Rise and Fall of the Turkish Empire, 207.

protect the peasant farmers from abuses from the timar-holding class.

The Ottoman central administration kept careful track of taxes and periodically sent officials into the districts to determine tax liability. The officials were also responsible for determining the relative value of land grants. Land grants producing an annual income of less than twenty thousand *akces* were *timar* grants. Land grants producing from twenty *akces* to one hundred thousand *akces* were *zeamet* grants and land grants producing over one hundred thousand *akces* annually were *has* grants.⁴⁶ The audits to determine the economic value of land grants were critical in determining the strength of the army and reinforced authority of the sultan over the provinces.

Typical *sipahi* were mounted and armed with bow, sword, shield, lance and mace. If his income was adequate, he also wore armor. For each three thousand *akces* of income, the *sipahi* was required to bring an additional armed

⁴⁶Jason Goodwin, Lords of the Horizon: A History of the Ottoman Empire (New York: Henry Holt and Company, 1998), 68.

retainer.⁴⁷ Records of the period clearly demonstrate the level of record keeping and the obligations that were determined based on the size of the fief. The register of the *timar* of *Sunkur* lists: "the *timar* of *Sunkur*, a slave of the bey. In the time of the late sultan, it supported the steward *Murad*. In our [the present] sultan's reign they gave it to the aforementioned [*Sunkur*]. He possesses the sultan's patent. Himself in heavy armor, 4 horsemen with cuirasses, 1 tent [then follows village by village the number of households and income from each village] total: 8 villages, 2 cultivated sites, 171 households, 8 widows, 6 bachelors Revenue 12,671 akchas".⁴⁸ It is under this system that the Ottomans could call into action large bodies of men.

In addition to the *sipahis'* military duties, he was responsible for law and order within the village. He enforced all state laws and was able to rent unoccupied land to peasants, but could not alter its use in any way. Concerning his police enforcement, his duties were

⁴⁷Ibid., 113.

restricted to arresting offenders. Under no circumstances could a *sipahis* pass sentence or carry out punishments. His only benefit was that he collected half of the fines levied to help defray additional costs associated with his police duties. In every aspect, the sultan limited the power of the *sipahis* to that of an official of the state.

Another way in which the sultan maintained control was in his personal control of the granting of *timar*. Only the sultan could grant individual *sipahis timars*. Commanders recommended *sipahis* for *timar* grants based on their loyalty and military prowess. The Sultan approved the *timar* by issuing a decree based on a certain value and size of the fief. *Sipahis* waited until a *timar* became available. He then delivered his certificate to the central government to receive his *timar*.⁴⁹ In the fifteenth century, some military governors issued *timars* without central authority. However, this practice ended by the sixteenth century. Hereditary transference of a *timar* was not possible. All

⁴⁸Norman Itzkowitz, Ottoman Empire and Islamic Tradition (Chicago: University of Chicago Press, 1980), 45-46.

⁴⁹Kinross, The Ottoman Centuries: The Rise and Fall of the Turkish Empire, 152-153.

perspective *sipahis* went through the same process to receive a *timar* grant; however, a father's past service as a *timar* holder was taken into consideration. The transfer of the *timar* was a legal transfer based on a petition to the sultan. The system was purely an administrative form of support and no bond of vassalage existed in the granting of the *timar* to the soldier on any level. No personal oath of homage or fealty was a condition of holding the *timar*.

The only qualification to be eligible to hold a *timar* was that the perspective grantee had to be of the military class.⁵⁰ Ottoman class structure was not fluid. People within each class were expected to remain within that class without hope of change except through the *devshirme* system. Although abuses occurred, sultans strove to limit class mobility. Consequently, military class status was inheritable, but did not guarantee a *timar* grant upon the father's death. In conquered territories, the Ottomans did convert Christian fief-holders into *timar* holders. In fact, in 1431, sixteen percent of *sipahi* were former

⁵⁰Itzkowitz, Ottoman Empire and Islamic Tradition, 40-43.

Christian fief holders.⁵¹ Even more interesting is that if a *sipahi* failed to perform his military duties for seven years, he lost his status within the military class and entered into the peasant class -- *reaya*.⁵² *Sipahis* who had lost their *timar* grants due to inadequate service or other crime had the opportunity to regain their *timars*. Ottoman law allowed a *sipahis* to regain his *timar* by obtaining a recommendation from his commanding officer after serving faithfully on campaign.

Timar grants were only forbidden to the peasant class. Government officials received *timars* as a form of salary or in some cases as a pension for faithful service. By granting *timars* to administrative officials, the central state was able to limit costly salaries lessening the financial burden on the empire. In keeping somewhat with the tribal tradition of granting booty to loyal followers, faithful service could be rewarded by modest increases to a *timar* holder's grant. *Sipahi* who had excelled in their

⁵¹Inalcik, The Ottoman Empire: The Classical Age 1300-1600, 114.

⁵²Kinross, The Ottoman Centuries: The Rise and Fall of the Turkish Empire, 152.

services could receive a ten percent increase in their *timar* holdings. For exceptional service, *sipahi* could receive a *zeamet* grant, but this was extremely rare and usually reserved for high-ranking officials.⁵³

Timar holders had no personal rights over the land. The *timar* grant was an unalterable grant. The central government of the Ottoman Empire also maintained tight control over the provinces. Unlike western European feudalism where local rule was not only the norm but was encouraged, Sultans continuously took steps to limit autonomy of state officials. Halil Inalcik states: "Only the decree of the sultan could establish any income or privilege. Everything had first to be fixed by regulation whose execution was entrusted to a *kadi*, acting independently of the local authority. The Ottoman regime thus established a centralized administration in place of feudal decentralization, and general regulations in place of the taxes and privileges that had been at the discretion of feudal overlords."⁵⁴ Written records reinforce the

⁵³Inalcik, The Ottoman Empire: The Classical Age 1300-1600, 115.

⁵⁴*Ibid.*, 13.

central authority of the state. For example, the Circle of Equity reinforces obedience to the central authority by demonstrating how the central government serves as the protector of the classes. The Circle of Equity reads:

- 1) There can be no royal authority without the military.
- 2) There can be no military without wealth.
- 3) The *reaya* [peasant farmers] produce the wealth.
- 4) The sultan keeps the *reaya* by making justice reign.
- 5) Justice required harmony in the world.
- 6) The world is a garden; its walls are the state.
- 7) The state's prop is the religious law.
- 8) There is no support for the religious law without royal authority.⁵⁵

The central authority of the state was never questioned within Ottoman society. Even during periods of unrest where local leaders gained semi-autonomy the sultan was able to quell these rebellions and reemphasize central authority. The *timar* system provided the key to the sultan's power and it would not be until the military necessity of these troops would end that the *timar* system would collapse.

Interestingly, the Ottomans used feudal institutions to maintain a highly effective centralized state. They utilized western European vassalage to secure

principalities under their nominal control. They used a military fief system, *timar*, to maintain troops in lieu of salary and successfully transferred traditional bonds of loyalty between man and tribal chief to that of sultan. In Western Europe and Japan, these developments led to the establishment of local rule by vassals. European and Japanese overlords delegated government responsibility to local vassals creating a government by vassalage where rights to government were private possessions. In contrast, Ottoman government utilized early forms of vassalage and fief system to secure central authority to the sultan. Ottoman vassals were never able to gain independent rule within their *timars* through a system of vassalage. The sultan maintained central control using state appointed administrators and *Janissary* infantry. These men as well as local *sipahis* remained government officials, which will be the single element that prevents the Ottoman Empire from becoming a fully feudal form of government.

⁵⁵Circle of Equity, quoted in Itzkowitz, Ottoman Empire and Islamic Tradition, 88.

Chapter V

Conclusion

Feudalism is ideally a system of government based on personal relationships designed to provide basic government services (protection and law) on the local level. The institutions of vassalage and benefice are crucial to the workings of the feudal system. These institutions allowed government to function in the face of increased warfare and limited money economy. Alone, however, they do not constitute a feudal form of government. A fully feudalized state only exists when lords grant government functions as benefice. With this, vassals possess the rights of government within their territories. The rights to tax, open markets or to collect fines are not duties performed by the vassal as a governmental official on behalf of a king or state, but are personal rights of feudal ownership.¹

¹Thomas C. Mendenhall, Basil D. Henning and A.S. Foord eds. Ideas and Institutions in European History 800-1715 (New York: Holt, Rinehart and Winston, 1963), 14.

In this dissertation, I have analyzed three specific geographic regions: Western Europe, Japan and the Ottoman Empire. Analysis has concentrated on the institutions of vassalage, benefice, local jurisdiction and functions of government as private possessions. In each case, all three regions used variations of these concepts. However, not all are feudal to the same degree. I have clearly demonstrated that not all feudal institutions are identical even within the same cultural region. Subtle differences in land tenure or oaths of vassalage create difficulty in developing a definition of feudalism that is all encompassing. For example, in examining Western Europe, Japan, and the Ottoman Empire it is clear that all three regions used a form of *benefice* in lieu of salary. Western Europe used the *fief*, Japan the *shoen*, and the Ottomans the *timar*. All provided a means of economic support to secure military retainers, but they are not identical.

The complexity of these institutions and their relationships to government necessitates the use of a feudal model or definition that takes into consideration regional variations that may be similar in design but exact in function. To this purpose, an accurate and useful

definition of feudalism must include incremental stages. Feudalism is a practice of government, not a systematically consciously created theory of government. A society enters into a feudal stage when it develops feudal institutions for providing government where no formal government exists.

By creating an incremental model of feudalism, the process of feudalization becomes clear. Regions developed feudal institutions and relationships piecemeal. It is then important to identify stages in feudal development and not only the final form. An incremental model illustrates the varying levels found within feudalism, which is important for a complete understanding of the feudal paradigm. Some societies may become completely feudal and others may not. Nonetheless, they are all in transitional stages of feudalism.

The sliding scale has three separate levels. The non-feudal stage has no feudal institutions present in any form. Level 1 is a pre-feudal level has feudal institutions present, but not complete. For example, if a region has a system of vassalage such as the German *commitatus* but no other feudal institution or relationships, it would be in a pre-feudal stage. Level 2

is a partial-feudal level exists when it develops the use of vassalage, benefice and local rule, but lacks the private possession aspect necessary in a fully developed feudal society. Level 3 is a fully feudal society and has all elements present. Vassalage, benefice, local jurisdiction and government functions in private hands are the distinguishing elements of a fully feudalized society.

The model's usefulness is in its ability to highlight stages in feudal development. Traditional definitions of feudalism consider only level three, dismissing regions, which do not reach the final stage in feudal development. By using this method, it is difficult to explain how German, English, and French societies in 1100 are all feudal for regional customs prevent a universal picture of feudalism. An incremental model of feudalism solves this problem. Northern France could be in a fully feudal stage while southern France is in a partial-feudal stage. The model can highlight differences in the development of feudal institutions while at the same time not denying the existence of a feudal society in southern France. In the absence of any other type of government, once a society develops feudal institutions it enters into a feudal

period. It does not mean that they are a fully feudal society, but they are feudal to some degree. The model could also show the chronological development of feudalism within a country or region. For example, Western Europe entered its feudal period in 800 and lasted generally until the late fourteenth century. This generalization can be then broken down into stages to illustrate the level of feudalization at any given time and how long it remained in that stage. In examining Western Europe, Japan and the Ottoman Empire, it is clear that their institutions were similar in many ways. By comparing each country to the incremental model, the level of feudalization can be clearly determined for each region.

ANALYSIS OF REGIONS

In Western Europe, vassalage created a contractual relationship between lord and vassal. Two separate oaths are required to create the vassal relationship *fealty*-swearing loyalty to another man and *homage*-a symbolic gesture of obedience and submission and a verbal request to become a vassal. The relationship created between lord and

vassal is reciprocal. For the lord it is a source of military power and for the vassal it is a source of support and protection. This support exists in the form of a *benefice* or *fief*, which allows for the economic support of the vassal. This linkage creates a feudal form of government.

The fief in its most common form was a landed estate. Although fiefs varied in size, a fief needed to produce enough income to support at least one armored man.² For example, a fief might also be a castle with no land attached or a right to some type of public authority or income. Fiefs that did not include land still had a geographic boundary such as the right to collect tolls on a specific county road or market.³ Essentially anything used to support a vassal could be a fief.

On the surface, mutual obligations established by the granting of a fief created a contractual relationship with

²Byrce Lyon, Herbert Rowen, and Theodore S. Hamerow, eds., A History of the Western World, vol. 1, Prehistory through the Renaissance (Chicago: Rand McNally, 1974), 174-177.

³F. L. Ganshof, Feudalism, trans. Phillip Grierson forward Sir F. M. Stenton (London: Longmans, Green and Co., 1952), 100.

clearly established duties. The granting of a fief never implied a transfer of ownership.⁴ Originally, this meant that a vassal had the right to use the land, which would include benefiting from all income produced from the fief. It did not create a legal ownership of the land beyond that of the reciprocal relationship through vassalage.

To this system of economic support, powerful lords issued *honors* as a means of providing government within the territories under the command of their vassals. *Honors* were those rights that had at one time been the duties of the state fulfilled by salaried state officials. These honors were usually rights to justice and did provide a basis for territorial power that was unmatched.⁵ Western European lords became the legal government within their territories. Dukes, counts, and kings granted vassals these rights through the systems of vassalage secured and supported by the issuance of a fief. A vassal's heir could inherit both landed estates and honors. A vassal's son

⁴Norman F. Cantor, Inventing the Middle Ages (New York: William Morrow, 1991), 199.

⁵Marc Bloch, Feudal Society, vol. 2, Social Classes and Political Organization, trans. L. A. Manyon (Chicago: University of Chicago Press, 1961), 335.

could not be denied the opportunity to swear *homage* and *fealty* to his father's lord. The only limitation was the time required to swear homage and fealty. A son could take possession of his father's fief, if accomplished within the specified time outlined by custom.⁶

Based on this analysis, Western Europe meets all requirements for a fully feudal society. It was a system of government whereby vassals obtained *honors* to perform the functions of government (justice, and protection) on the local level. The fief provided vassals the income necessary to perform their governmental duties in lieu of salary. Public authority would be in private hands with vassals owing their allegiance to lords and not to a state.⁷ This system worked as an adequate system of providing the basic medieval concept of government -- protection and law.

Like Western European feudal institutions, Japanese institutions developed in direct response to Minamoto Yoritomo's need to place loyal vassals throughout the provinces to secure his authority. These bonds were those

⁶Cantor, Inventing the Middle Ages, 200.

⁷Joseph Strayer, Feudalism in History (Hamden, Conn: Archon Books, 1965), 12-13.

of personal loyalty and transcended any loyalty to the state.⁸ This bond between lord and vassals was not a purely contractual relationship nor was there a formal oath or ceremony.⁹ However, Japanese vassals did swear open-ended oaths before a multitude of gods but nothing as formal as the multiple oaths required under western European vassalage.¹⁰ Japanese vassals served until death - and never developed limitations on their military service. Although Japanese vassalage is different from Western European forms, it did create a bond between men based on personal loyalty held in place by a system of land grants, which provided a means of support for the vassal.

Originally, the Japanese land tenure institution (shoen) only provided the vassal with a *shiki* or share of the income of a specific geographic region divided among multiple levels of absentee landowners and court

⁸G. B. Samson, Japan a Short Cultural History (New York: Appleton-Century-Crofts, Inc., 1941), 288.

⁹Archibald Lewis, Knights and Samurai: Feudalism in Northern France and Japan (London: Temple Smith, 1974), 25.

¹⁰Peter Duus, Feudalism in Japan (New York: McGraw-Hill, Inc., 1993), 65.

officials.¹¹ During the fifteenth century, this would change. The word *chigyokoku* replaced that of the *shiki* and now refers to landed estate.¹² With this change, the vassal no longer divided income or resources among several levels of ownership. The vassal controlled all rights within his fief; however, the size of his fief determined his military obligations.¹³ *Chigyo*, like the western European fief, was a feudal possession.¹⁴

Japanese *Diamyo* secured loyalty by the granting of *chigyo*. *Diamyo* maintained the functions of government (justice, and protection) at a local level. Public authority was in private hands with *Diamyo* creating personal codes of law to govern their domains. Ultimate authority still traced its legitimacy through the emperor and *shogun*, but legal and military authority rested in the

¹¹John Whitney Hall, "The Muromachi Bakufu," in The Cambridge History of Japan vol. 3, Medieval Japan, ed. Kozo Yamamura (Cambridge: Cambridge University Press, 1990), 698.

¹²*Ibid.*, 688.

¹³The size of the fief determined the amount of troops required of the vassal in times of war exactly like the European model.

¹⁴Lewis, *Knights and Samurai: Feudalism in Northern France and Japan*, 51.

hands of the local elite. Here too, Japanese government fulfills all the criteria to be a fully feudal society. Although, some differences are noticeable when compared to Western European feudalism, Japanese feudal society does contain all the necessary elements to be designated a feudal form of government.

Ottoman feudal forms are a peculiar blend of three distinct elements: Western European feudal customs, Islamic administrative elements, and nomadic tribal traditions. The Ottomans not only used western European feudal customs to organize new provinces under their nominal sovereignty, but also utilized an Islamic land tenure and administrative system to govern areas under their direct control.

The Ottoman *timar* system closely resembles that of the early Japanese *shoen*. The *timar* provided the *sipahis* rights of income on state lands in return for military service. Although the *sipahis* would not hold personal property rights over the land, he was responsible for law and order within the village. This differs from the European model in that he is responsible for enforcing

Ottoman law. He was a government official not independent vassal.

Concerning vassalage, Ottomans never established a personal bond to the degree that existed within the Japanese or European systems. Traditional tribal loyalty combined with the dynastic loyalty to the sultan to produce an effective centralized state. Ottoman vassalage looks similar to that of other feudal systems because of the use of a fief to secure troops, but it only created a theoretical reciprocal relationship. It did not create a lord/vassal relationship. What complicates the Ottoman administrative patterns is that they did utilize western European feudalism to secure areas nominally under control. However, this was only a transitional phase and the Ottomans converted all vassal principalities into directly administered provinces as quickly as possible.¹⁵

Based on the analysis, the staged model shows both the Western European and Japanese systems as being stage four fully feudalized societies (figure 1). Both governments

¹⁵Halil Inalcik, The Ottoman Empire: The Classical Age 1300-1600, trans. Norman Itzkowitz and Colin Imber (New York: Praeger Publishers, 1973), 105.

are based on personal relationships (vassalage). Individuals providing governmental services receive benefices (fief) in lieu of fixed monetary income. Local lords provide basic governmental services (protection and law) on a local level, and view these services as personal possessions. In contrast, the Ottoman lords who provided basic governmental services did not view these duties as personal possessions. Public authority was never in private hands. Vassals remained officers of the state. However, the Ottomans did use feudal institutions. They utilized a land tenure system to provide troops (*timar*) in lieu of fixed monetary income. These *timar* holders did provide basic government services (protection and law) on a local level, but never gained the private possession aspect necessary in a fully feudal society. Fulfilling these three criteria qualify the Ottomans as a stage three partial-feudal society.

The similarities between the three systems are remarkable. All three passed through stage two pre-feudal institutions early in their development. Early systems of loyalty bonded man to man. Early land tenure systems provided economic support to men in lieu of salary. These

early institutions of the fief and vassalage created governments based on personal relationships.

Sliding Scale of Feudalism

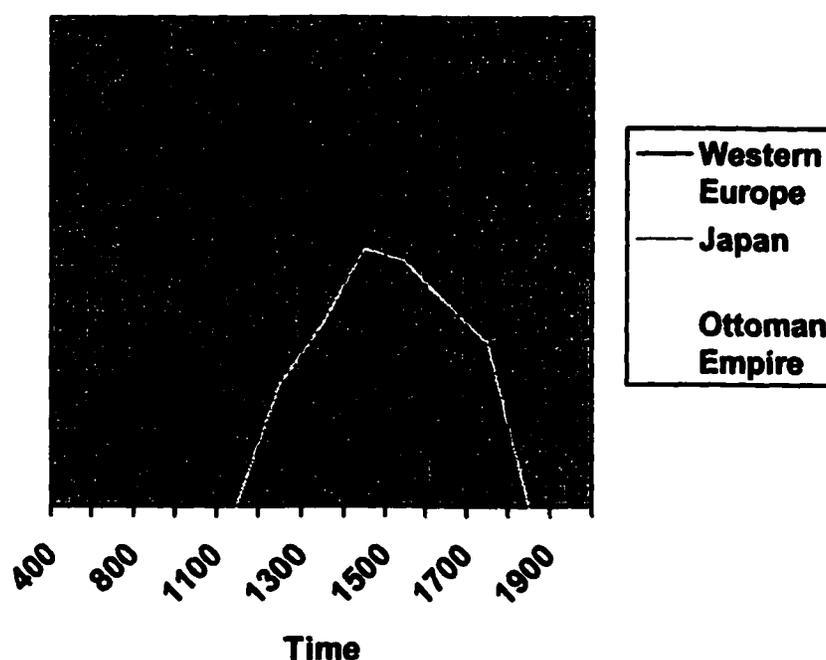


Figure 1

It is in the partial feudal stage that the differences begin to appear. Both in Japan and in Western Europe, vassalage and benefice become locally entrenched whereby local lords become the government within their territories. Their authority stems from feudalism itself and not through the functions of the state. In contrast, the Ottoman sultan maintained tight control over vassals never allowing

them to establish independent rule within their *timars*. They remained officials of the state. Finally, Western European and Japanese feudal lords saw the functions of government as personal possessions and inheritable. Local lords had the ability to tax, collect fees, and administer justice. The Ottoman system never developed government by vassalage. Ottoman society and government continued to be centrally administered through a large body of state officials who were loyal to the sultan and not to local military leaders.

Feudalism evolved out of necessity and was not formally designed by government officials. Feudalism is a practice of government and not a formal government in the traditional sense. Historians when examining the period between the fall of the Roman Empire and the development of fourteenth century nation states, found a system of government that did not fit existing patterns. Nonetheless, they attempted to define the institutions and society in the same vein as modern governments. Because historians are obsessed with creating a mental construct to explain what they confront, a multitude of definitions of feudalism now exist, which fail to recognize its complex nature. Definitions are then broad or narrow, neither accomplishing to explain fully the period because the

historians were looking at a practice not a certain stage in an evolving process of government. The failure to recognize this aspect of feudalism is the source of the confusion. In the absence of any other type of government, once a society develops feudal institutions it enters into a feudal period. It may not be fully developed it is, however, still feudalism. Each level within itself is a government. When Japan and Western Europe are in their pre-feudal stage, it is a feudal government. When the Ottoman Empire enters the partial-feudal stage, it is a feudal government, regardless of its failure to develop into a fully feudal society. Feudal government evolved out of necessity, not from design. Feudalization is a process. It is something that is in the process of becoming more or less rather than something that is. Therefore, an accurate definition must not only consider the final product of feudalization, but must also take into consideration the process of feudalization to accurately understand this period of history in any region or society.

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