

Sharecropping leaseholds organized by village communities
in pre-Second World War Japan

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I. Introduction

In the debate on the ‘transition of feudalism to capitalism’, Brenner (1976; 1982) insists that the distribution of property rights played an important role in the development of agrarian capitalism. In England, the peasant landholdings disintegrated early; therefore, ‘the landlords consolidated holdings and leased them out to large capitalist tenants who would in turn farm them on the basis of wage labour and agricultural improvement’, while in France the predominance of ‘secure small peasant property’ caused the failure of ‘agrarian transformation’ (Brenner 1976). Van Bavel (2001; 2009), however, states that ‘a crystallization of property rights’ was more crucial than the change in the property structure. The emergence of ‘absolute, well-defined and exclusive property rights to land’ was a necessary precondition for the rise of ‘short-term leasing’; the development of lease holding in turn could ‘pave the road to agrarian capitalism’. Before property rights crystallized, ‘several people could have strong rights on the same

plot of land and/or its produce'; this prevented the rise of short-term leasing (Van Bavel 2009, pp.180, 198; Van Bavel and Schofield 2009).

The crystallization of property rights has also been a vital issue for many Japanese lawyers, economists, and historians. However, while Van Bavel praised the early crystallization of the rights to land in thirteenth- and fourteenth-century Low Countries, twentieth-century Japanese scholars deplored the incompleteness of contemporary land ownership. At the end of the nineteenth century, Japan elaborated a 'modern' Civil Code defining 'modern' property rights. Nevertheless, this does not necessarily mean that the notion of land ownership was established in Japanese society. Right after the end of World War II (hereinafter WWII), Kawashima (1949, p.60) stated 'since the Meiji period our country has imported modern codes and enacted several laws; however, it is another question whether we have modern legal norms and relationships'. In fact, in Japan, the 'modern' property rights defined by the Civil Code did not lead to the development of 'commercial and modern lease'; many peasants cultivated their fields under sharecropping tenancy, a system which many lawyers and economists have condemned as 'feudal' and 'pre-modern'. Meanwhile, it is also noteworthy that Japanese peasants increased productivity in the 'pre-modern' agrarian regime. This article reveals the factors that prevented the 'crystallization' of property rights and also realized the growth of agriculture in Japan. In Sections 2 and 3, I examine land ownership and tenancy from the Tokugawa to the Meiji and Taisho periods, respectively. Then, in Section 4, I show how Japanese peasants raised agricultural productivity throughout these three periods.

II. Landownership and Tenancy in Tokugawa Japan, c.1600-1868

Peasant land holdings in the late Tokugawa period are characterized by multilayered land holdings, autonomous village communities, the growth of landlordism, and the traditional Japanese concept of the 'perpetual family' (*iyē*). First, in Tokugawa Japan, the structure of land holdings was multilayered. On one level, shoguns or daimyos dominated (*ryōyū*) their land. While the shoguns politically reigned over Japan, they did not directly control the entire country. Ieyasu, the founder of the Tokugawa shogunate, 'left roughly 180 daimyo in place as hereditary rulers of relatively autonomous domains' (Gordon 2003, p.13). In the eighteenth century, daimyos dominated approximately three quarters of Japanese territory. On another level, peasants held (*shōji*) land and paid tax (*nengu*) – mainly in rice – to the shoguns or daimyos. However, we should note that shoguns and daimyos did not levy the tax directly on individual households. 'In important ways the Tokugawa government stopped at the village gate' (Gordon 2003, p.26).

The second feature of Tokugawa Japan was the autonomy of village communities. Before the Tokugawa period, samurai 'had controlled small portions of land, called fiefs, as well as peasants who farmed them'. However, under the peace of Tokugawa reign, many samurai moved to castle towns and obtained stipends from a shogun or daimyo (Gordon 2003, pp.14-5). This contrasts with the European rural societies where landed gentry maintained constant control over their properties (Saito 2006). For example, in fifteenth-century England even on estates based mainly on rentals, many gentry had to constantly monitor their tenants, since they 'were reluctant to pay rents or attend

courts' (Dyer 2003, p.102). It is known that in medieval England, village communities sometimes protested against their landlords; 'the community could and did attempt to reduce the burden of rent imposed upon it by landlords' (Schofield p.43, 159-61).

However, the English villages were not as autonomous as Japanese villages. In Tokugawa Japan, each village was collectively responsible for paying tax (*nengu*) under a system of tax farming by village (*murauke*). It was village officials who allocated a portion of the tax to each family and paid the full sum to the shogun or daimyo.

Furthermore, village communities guaranteed the holding 'rights' of cultivators and managed land transactions between peasants. '[R]egisters listing all plots of cultivated land, as well as the names of holders of the field concerned and the titles thus certificated, were kept by village officials, not by samurai administrators' (Saito 2006, p.3). Nevertheless, peasants were not completely free to trade their lands. In each village, peasants cooperated closely in many tasks, such as planting rice, harvesting, cleaning irrigation canals, and thatching. Therefore, peasants disliked outsiders holding lands in the village. There was a strong common belief that 'all the land in a village should be held by the members of the village' (Watanabe 2008, p.71). Therefore, villagers were not allowed to mortgage, sell, or alienate their land to those out of the village. Village officials recommended some villagers to whom other villagers could mortgage their land. When the officials could not find a proper mortgagee, they themselves would mortgage the land at the expense of the village. In this way, peasant land transactions were controlled by village communities. Meanwhile, the selling or mortgaging of lands inevitably caused the stratification of land holdings.

The third characteristic of Tokugawa Japan is the growth of landlordism as a result of

the active land transitions. Some wealthy peasants collected lands and let parts of them to other peasants, usually under sharecropping tenancy. While there were still many owner-cultivators, the field under sharecropping tenancy accounted for approximately ten per cent in north-eastern Japan, and thirty per cent around Osaka and Kyoto at the end of the Tokugawa period (Saito 2006). Similarly, in Europe, peasants sometimes sublet their lands. For example, in medieval England, not only freeholders but also customary tenants could sublet a part of their holding. The amount of the villeins' rent was usually fixed by custom and lower than economic rents (Kanzaka 2002), such that 'even heavily burdened customary tenants could benefit by subletting their landholdings at high rents' (Whittle 2009, p.144). However, the Japanese sharecropping tenancy was distinctive in that it developed mainly from mortgage. Impoverished peasants mortgaged their lands; then, the mortgagees and mortgagors became landlords and tenants respectively. In 1643, the Tokugawa shogunate prohibited the permanent sale of land. Land transactions through mortgage were one of the ways to dodge the regulations. Nevertheless, it was more important that the land tenure based on mortgage made it possible for the tenants or mortgagor to continue to cultivate the same plot of lands. Since there was a strong tie between a family and their lands, peasants chose this practice. Furthermore, many village communities protected the family-land bond by guaranteeing villagers 'the perpetual customary right to redeem the forfeited mortgaged land'. The original land holders permanently kept the right to redeem the land under foreclosure (Watanabe 2008).

The final feature of Tokugawa Japan is the idea of the perpetual family (*iyē*), which also supported the strong family-land bond. Tokugawa peasants assumed that family

property was possessed by not an individual family head, but by the perpetual family. Therefore, 'although the head of a family has dominion over his family, he cannot divide, sell, or alienate the family estates at his own will. It was believed that the head of a family is responsible for succeeding the family estates from his ancestors and conveying them to his offspring without any change' (Watanabe 2008, p.49). Furthermore, children did not *inherit* their parents' land but just succeeded the position of manager of the family property. 'At the death of a *koshu* [family head] the eldest son should step into the status of the *koshu* to guard the family property and to provide for and preside over its members' (Isono 1988). In Tokugawa Japan, the head of a perpetual family usually had the same first name. At that time, peasants were not allowed to have a surname, so the succeeding first names of family heads were considered the 'family names'.

Thus, in the multilayered landholding structure of Tokugawa Japan – which relied on autonomous village communities and developed landlordism – shoguns or daimyos, villages, landlords, and tenant cultivators or family heads each had some 'rights' on the same plot of land.

III. Land Ownership and Tenancy in Meiji and Taisho Japan, 1868-1920s

After the Meiji Restoration in 1868, the new Meiji government carried out the Land Tax Reform from 1873 to 1880. In this reform, the government gave absolute and exclusive property rights to landlords or owner-cultivators, who obtained the certificate of land title (*Chiken*) and were responsible for paying a land tax in cash at three per cent (two-and-half per cent from 1877) of the assessed land value. In Tokugawa Japan,

shoguns or daimyos, village communities, and tenant cultivators also had some land 'rights'. However, the Meiji government denied these 'rights'. First, after defeating the Tokugawa shogunate, the Meiji government eradicated daimyo domains. '[T]he government in August 1871 had the emperor announce that all domains were immediately abolished'; as a result, '[t]he central government would now collect taxes from domain land' (Gordon 2003, p.63). Second, villages were no longer collectively responsible for paying tax; the Meiji government levied taxes directly from individual landlords and owner-cultivators. Furthermore, the government made larger administration units on the basis of 'village corporations' in the Tokugawa period (Matsuzawa 2009). Third, the Meiji government denied the customary rights of tenant cultivators. For example, during the Tokugawa period, some tenants had enjoyed permanent tenancy (*ei-kosaku*) due to the contribution to reclamation or customary tenancy that had been in place for more than twenty years. Nevertheless, the government forcibly restricted their tenancy to a limited period (Ono 1924; Fukushima 1970). Thus, it seems that the Meiji government guaranteed landlords and owner-cultivators 'absolute, well-defined and exclusive property rights to land'. However, in Meiji Japan, property rights did not crystallize. Since peasants still held the idea of the perpetual family and followed the regulations of village communities, the 'owners' of land were not able to sell or dispose of their land at their own will.

The strength of the perpetual family idea was revealed in the process of the formulation of the Civil Code. Right after the Meiji Restoration, the government started to compile modern legal codes; this was necessary for revising the unequal treaties which had been imposed by the US and European countries at the end of the Tokugawa period. Then, in

1890, the Civil Code was published. However, this aroused a fierce controversy. Many lawyers insisted that the Civil Code was essentially incompatible with Japanese tradition. In 1891, a prominent legal scholar, Yatsuka Hozumi, published an article: 'If the Civil Code is Enacted, Loyalty and Filial Piety Will Be Destroyed' (*Minpo idete, chuko horobu*) (Frank 2005, p.178). One of the most important issues was the family system. The Civil Code stated that individual members of a family (*ie*) were independent and had several individual rights. Therefore, parents' property would be divided among their children. Nevertheless, this partible inheritance contradicted the idea of perpetual family property. Then, in the revised Civil Code of 1896 (the Civil Code of 1896 is called the 'Meiji Civil Code', while that of 1890 is called the 'Old Civil Code'), the modern notion of private property compromised with the Japanese traditional principle of perpetual family. Property that had been owned by a perpetual family was made the private property of the family head; then, the status of family head was to be inherited by the eldest son (Isono, 1988, p.189). Thus, the succession of family property was guaranteed in the modern legal system. Furthermore, it is noteworthy that landlords and tenants shared this idea of perpetual family. In 1920, Nobuyoshi Yamazaki, a prominent agriculturalist before WWII, stated that a landlord was 'a king of that region' since the landlord's family had continued without break. On the other hand, tenants also justified their holdings by the fact that tenants had stayed on and cultivated the land for a long time (Kawaguchi 1990, pp.19, 90).

Table 1. Change of the number of household (Toyama)

Village	A	B	C	D	E	F	G	H
1838	10	20	9	65	42	13	14	13
1863	13	25	7	81	54	16	18	14
1970	10	23	12	77	56	15	14	19

(Sakane 2011, p.75)

In fact, many Japanese families, including both landlords and tenants, especially in rural areas, did succeed their family properties. Table 1 shows that the number of households barely changed from the end of the Tokugawa period until after WWII. The structure of the villages was surprisingly stable. Each family continued to cultivate the ancestral field for many generations. This immobility contrasts with the high turnover of households in England. Wrightson (1982) states, '[T]he population of England was surprisingly mobile...in Honiger in Suffolk, of sixty-three names recorded in the period 1600-34 only two can still be found in the register for 1700-24'. In the Midlands, landholding was more stable; impartible inheritance was predominant. However, Whittle (1998, p.58; 2000, pp.85-177) states that 'the strength of the family-land bond does not have its origin in peasant economy and culture, but in the nature of the manorial system and the form of land tenure'; the relationship between a family and its land was changeable according to agrarian structures. Considering this, the fact that the Japanese peasants kept cultivating the same land through the institutional changes, such as the growth of landlordism, the Land Tax reform in the Meiji era, and the Land Reform after WWII, proves that their strong family-land bond originated in their 'culture', specifically in the idea of the perpetual family.

The second factor that prevented the crystallization of property rights was the regulation of village communities. Village customs were crucial for many peasants because, while land under sharecropping tenancy had expanded since the 1880s, the Meiji Civil Code did not guarantee the rights of tenant cultivators. Then, only the customary rights of each village protected the tenants. Landlordism constantly grew after the Land Tax Reform. In the 1880s, severe deflation hit the Japanese economy. Since owner-cultivators had to pay the tax in cash, the deflation increased their burden. Impoverished peasants had to mortgage their land. Maeda of the Ministry of Agriculture and Commerce deplored the poverty of peasants, stating, 'They have enormous debts. Hence, most peasants cannot maintain as high a standard of living as before, even though they sell or mortgage their ancestral real estates. In an extreme case, they are so miserable as to dig up grass roots and eat them' (Maeda 1884). As Table 2 shows, at the end of the nineteenth century, almost half of the fields were cultivated under tenancy. However, the Meiji Civil Code of 1896 avoided clearly defining the rights of tenants. In the Old Civil Code, Gustave Emile Boissonade, a French legal adviser to the government, defined the lease or tenancy as a real right. He states, 'If it is defined as an obligation of the lessor who could take up the leasehold at any time at his will, it would be unfortunate not only for the lessor but also for the holding itself in cases in which the lessee can obtain returns only after several years of working the land' (quoted in Ogura 1951, pp.7-8). However, during the controversy, the code was revised in favour of landlords. In the Meiji Civil Code, the tenancy was defined only as an obligation of landlords. This made the status of tenants unstable. Nevertheless, landlords did not evict the legally unprotected peasants. Each village had a non-legal order in which landlords established paternalistic dominance and tenants held

customary rights (Kawaguchi 1990).

Table 2. Increase of land under tenancy

	Ownership	Tenancy	
1883	3615.6	1821.4	33.5%
1888	3332.3	2175.7	39.5%
1899	3028.1	2427.9	44.5%
1908	2991.5	2497.5	45.5%

(Nakamura 1974, p.123)

The unity of each Tokugawa village survived in the Meiji period. Such a village is usually referred to as a ‘natural village (*shizen-son*)’ to distinguish it from an ‘administrative village (*gyosei-son*)’, or a larger administrative unit made by the Meiji government. Each village (‘natural village’, the same hereinafter) had several customs which both landlords and tenants had to obey (Takeuchi 1990). In a village, peasants were expected to work together and help each other. Furthermore, they still had the idea of common possession of the village. Yanagida (1910/1976), a famous folklorist, states, “The idea that “land in a village should be used by the [members of] the village” has its origin in history still have a surprisingly strong influence in today’s society’ (see also Watanabe 2008, pp.140-2). In fact, the Japanese village officials had effective control over land transfer and field utilization. Even if some outsiders, such as town merchants, became absentee landlords leasing lands to the villagers, the officials required the landlords and the tenants to follow the village’s rule of cultivation.

In this non-legal order, what justified land holdings were not the articles of the Civil Code but lasting, industrious contributions to the cooperative cultivation. When tenants

claimed their right against landlords in the 1920s – sometimes violently, sometimes peaceably– they made their long-time industrious cultivation the basis for their demand: ‘It is quite natural that the cultivating right is given to the tenants who have worked diligently for many years and made up these fertile fields’. Interestingly, many landlords also justified their rights by their industriousness and contributions to village agricultural works. Although the Meiji Civil Code gave landlords exclusive property right, many landlords tried to avoid appealing to the law. Diligence and support for tenants were considered a more important basis for landlords’ property rights. In 1920, Yamazaki stated that landlords had obtained their lands ‘as a result of their ancestors’ industrious works’. Furthermore, considering that many contemporary landlords had stopped cultivating, he added, ‘Even if they do not cultivate by themselves, landlords should do as difficult tasks as tenants at instructing [their tenants]’ (Kawaguchi 1990, pp.19, 90-2, 138).

Since the diligent contribution to the village was the proper basis for property rights, absentee landlords were severely condemned. That is why, in the 1920s, fierce landlord-tenant disputes broke out mainly in villages with many absentee landlords (Kawaguchi 1990, pp.19, 90-2, 138).

Thus, the property right in Meiji and Taisho Japan did not crystallize. Although the Meiji Civil Code had clearly defined the absolute and exclusive property right of landlords and owner-cultivators, they usually justified their right by the continuous succession of land holding and industrious contribution to their villages. Therefore, landlords’ decisions were severely restrained by the ideas of perpetual family and

cooperative village community. The landlords were not able to transact their land freely. In 1947 Kawashima (1947, p.62) deplored the lack of modern property rights: 'In our country, especially in its rural area, there is little to none of this [modern legal] ethos... The property rights are not based on "free" and rational ethos, but deeply connected with a hierarchical and community-based mentality'.

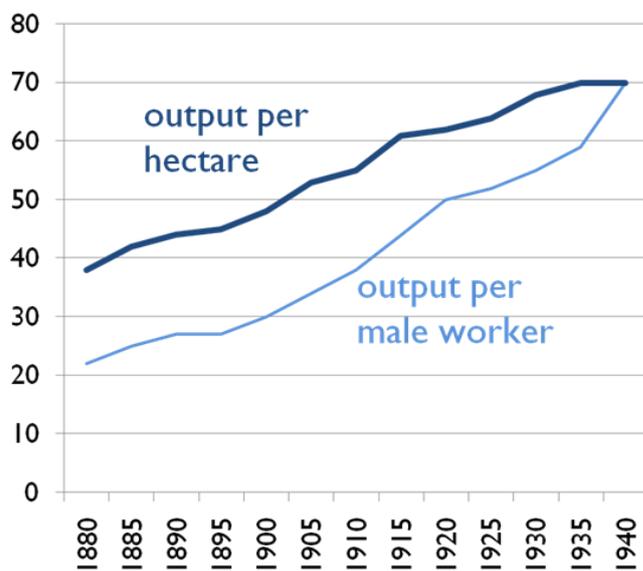
IV. Agricultural Growth in Meiji and Taisho Japan

The Land Tax Reform and Meiji Civil Code defined the absolute and exclusive property right, and therefore some scholars state that the 'modern property right' was established in Meiji Japan (e.g. Okuda 2001). However, the ideas of perpetual family and cooperative village community prevented the proprietors from transacting their land at their own will. Therefore, other legal and economic historians state that the property right in Meiji and Taisho Japan was 'pre-modern'. The debate is still going on. I support the latter argument.

In this debate, many economic historians have focused on the features of agrarian structures. In Meiji and Taisho Japan, the landlords obtained 'modern' ownership of their land and still took as high percentage of product as in the Tokugawa period (Tomobe 1996). Therefore, economists have questioned whether their agrarian regime was truly 'modern'. Yamada (1934) blamed contemporary Japanese sharecropping tenancy for being 'feudal', and classified 'Japanese capitalism' as 'militaristic and semi-serfish' in contrast to English capitalism 'based on modern large land ownership'. In addition, after WWII, many Japanese scholars have insisted that to 'modernize

Japanese society' individuals should be independent of family and a village community. Kawashima (1947, p.61) states that 'the basic characteristics of modern ethos include, firstly, the self-consciousness to regard oneself as an independent agent, not being in servitude to anyone and, secondly, the social-consciousness to respect others as independent agents as well'. Furthermore, many scholars have criticized the ideas of perpetual family and cooperative village community as the obstacles to 'modernization'. Takahashi (1950) states, 'The community-based restrictions were transformed into the means for seigniorial dominance'. Therefore, peasants were not allowed to trade their land at will. These 'feudal and community-based constraints' are widely regarded as obstacles against modern economic growth.

Fig. 1 Agricultural Productivity in Japan

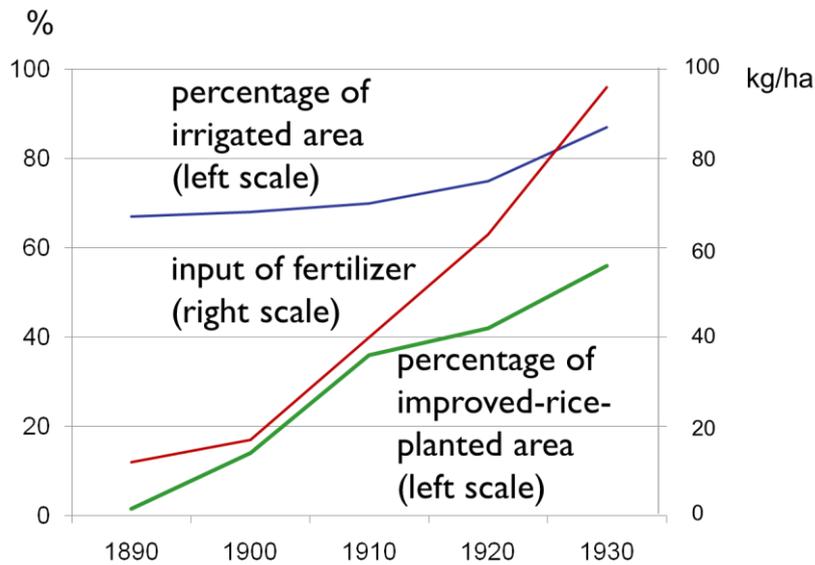


The index of agricultural production, 1960=100

(Hayami and Ruttan, 1971/1985, p.468)

In contrast, Ishikawa (1967), Hayami (1971), Franks (2006), and Sanake (2011) praise the high performance of the Japanese agrarian regime. It is true that continuous family holding and cooperative village communities made the property right in Meiji and Taisho Japan different from that in modern Europe; however, they were not obstacles to agricultural growth. Indeed, as Figure 1 shows, land and labour productivity of Japanese agriculture continuously increased. This growth was achieved mainly by land improvement. The construction and maintenance of infrastructures for irrigation and drainage, and the application of fertilizers are crucial for increasing land productivity. Figure 2 shows that the percentage of irrigated area and the amount of fertilizer per hectare rose during the Meiji and Taisho periods. Continuous family holding contributed to land improvement. 'Since they clearly know that their children and grand-children will exclusively succeed the intact family estates, including fields, they can systematically make long-range investments, such as the adoption of new techniques and land improvement' (Sakane 2011, p.78). Furthermore, village communities are suitable for improving and maintaining land quality. Hayami and Godo (2005) state that, in the supply of 'local public goods', community is usually superior to market and state because 'the community relationship is effective in preventing free-riders'. The members who do not join collective works, such as constructing and maintaining irrigation canals, would be severely sanctioned by the village. Yanagida (1926) also states that 'the slack of just twelve people will cause failure in community-based works such as destroying insect and weed seeds and repairing canals and roads... Japanese villages avoid this risk by old customs, while many other law-governed countries do this by enactment' (see also Sakane 2011, p.138-9).

Fig. 2 Irrigation and Fertilizer-Input in Modern Japan



(Hayami and Godo 2002, p.114)

V. Conclusion

Although landlords and owner-cultivators obtained absolute and exclusive ownership in the process of the Land Tax Reform and the formulation of the Meiji Civil Code, the property right did not crystallize in Japan. The idea of perpetual family and the regulations of cooperative village community, which had their origin in the Tokugawa period, prevented owners from transacting their land at will. The strong family-land bond and village communities are sometimes regarded as an obstacle to agricultural growth. However, in the Meiji and Taisho periods, Japanese peasants did improve the land and labour productivity through the practice of continuous family holding and the cooperation in village communities. Thus, the Japanese experience exemplifies a different type of agricultural development.

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