

# **War and State Building: Lessons from Medieval Japan**

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## **Abstract:**

This paper brings the tumultuous events of Japan's medieval and early modern history—roughly 1185 to 1600--into conversation with comparative theorizing about war and politics. We take as our starting point that in Japan as elsewhere, military lords offered security of property and person against marauders in exchange for taxes. But the extent to which peasants were willing to contract with warlords depended on the value they placed on protection. Our analysis suggests that this calculation varied considerably by topography. Mountain or island communities were plausible self-defenders for much of human history, making them reluctant to pay others for their protection. Communities made remote by elevation or water placed relatively low value on security provided by overlords because they were able to protect themselves. This calculation, in turn, had bearing on subsequent constitutional development, and whether or not mobilization for war induced kings to make concessions to those providing manpower and resources needed for war.

“The hills were the refuge of liberty, democracy, and peasant ‘republics.’”

Fernand Braudel. 1949/1994. *The Mediterranean and the Mediterranean World in the Age of Philip II*. Berkeley: University of California Press. P. 40

## 1. Introduction

Ninja—the lightly armed warrior who operates by stealth and amazing physical prowess to attack powerfully equipped enemies—is a familiar comic book image and heroic action figure. It is generally known that the ninja existed sometime in the mists of Japanese history. Less well understood is that the ninja were but one manifestation of fierce and extensive resistance to encroaching armies in the dying years of medieval Japan. Local farming communities, particularly those in mountain valleys, armed themselves with simple weapons and guerrilla techniques to forestall the trend towards territorial consolidation and centralized taxation.<sup>1</sup>

The world is more familiar with similar events in Europe. The legend of William Tell is of a simple mountain man who inspired Swiss alpine farmers in 1307 to resist domination by the Habsburg Empire. Tell, it is said, was forced to shoot an apple on his son’s head in exchange for freedom after failing to bow to the Austrian governor’s hat placed in the village square.<sup>2</sup> In the Battle of Morgarten in 1315, Swiss farmers armed with rocks, logs, and halberds are said to have crushed the magnificent cavalry of Duke Leopold I of Austria in an ambush at Morgarten Pass, pushing countless horses and their riders off a steep mountainside, spearing other unfortunates through with pikes, and causing the rest to flee in terror. Swiss halberdiers from mountain

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<sup>1</sup> Souyri, 2007, writes, “In oral stories told in the chronicles kept by wealthy Kôga families, one can find almost incredible tales of the special powers of ninja. The families who created these stories and thus invented a tradition were descendants of the *jizamurai* who had ruled the country until the 1570’s when Oda Nobunaga’s forces destroyed resistance to his rule. Claims of ancient ninja traditions are almost all fabrications.”

<sup>2</sup>According to legend, which first appears in texts dating to the 16<sup>th</sup> century, Tell shot the apple cleanly, sparing his son’s life and limb. When the Austrian magistrate asked what the second arrow in his quiver was for, Tell replied that he would have shot the Austrian magistrate in the event that he had his aim faltered and he shot his son. In the heroic sequence that followed, Tell was thereupon arrested but escaped and then did shoot the magistrate after all. All of this is said to have inspired the Swiss mountain villages to rise in full revolt.

villages managed to protect their land from foreign invaders; Swiss autonomy was assured.<sup>3</sup>

These Japanese and Swiss resisters are not known, as are the renaissance Italians or the seventeenth century English, for elaborating an indigenous theory of limited government.<sup>4</sup> But it is possible to see them as fighting for something else that is a vital part of republican legacy: for the freedom of the city. Freedom of the city is the requirement that the citizens acting together can determine collective action, a consequence of a notion of positive liberty. Of course there is nothing in this conception that implies any kind of negative liberty, which is another vital part of the republican tradition passed down through the ages. But the mountain warriors were, for the most part, uneducated farmers and woodsmen scrabbling out a living in high valleys and were unfamiliar with the classical Greek and Roman texts that inspired Italian and English anti-monarchical theorizing.<sup>5</sup> What distinguishes the ninja and the Swiss from farmers elsewhere was the formidable terrain that made it possible for them to think that they could defend themselves. In the mountains, moreover, farming was harder going, providing outsiders with fewer incentives to take it over. By contrast, the great plains of Europe, which sometimes doubled as highways for marauding armies, were populated with farmers in who chose instead—or were forced to choose—to exchange their labor for military protection.<sup>6</sup>

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<sup>3</sup> Feared and admired the world-over for their ferocity in battle, Swiss fighters were recruited into mercenary armies throughout Europe. The Roman Catholic pope chose them for his own guards, a role they continue to serve to this day.

<sup>4</sup> Machiavelli's *Discourses* built on a tradition of Italian renaissance theorizing on liberty during a time when liberty—both from foreign and domestic domination—was under threat. Wootton 2007. The English carried on the tradition in resistance to monarchs overstepping traditional boundaries. Hunton, Harrington, and Locke. An authoritative source is Pocock 1975. The famous Swiss champion of self-governance, Jean Jacques Rousseau (1712-1778), wrote much later with full advantage of earlier Italian and English theorizing.

<sup>5</sup> Petrarch (1304-1374) is said to have revived the study of Roman thought, making him one of the fathers of the Italian Renaissance.

<sup>6</sup> North and Thomas, 1971. See Nunn and Puga 2007 for an argument about how West Africans relied on rugged terrain to evade slave traders. Scott 2007 discusses the ways “friction of distance” allows mountain dwellers to resist state formation and appropriation.

Unlike the Swiss, the ninja and the communities they defended were eventually slaughtered or intimidated into quiescence by the powerful armies of the “unifiers” like Oda Nobunaga and Toyotomi Hideyoshi in the 16<sup>th</sup> century.<sup>7</sup> Various Buddhist temples and the leagues organized under their auspices also resisted ferociously,<sup>8</sup> but eventually all of Japan, some parts kicking and screaming harder than others, succumbed to centralized military government for three centuries before a new government would take tentative steps towards constitutional monarchy in 1868.

Although the Meiji oligarchs only cracked open the door to electoral competition in 1889, the energetic expressions of free speech and support for democracy by incipient political parties were testament to a capacity for self-governance. This is not to say that Japan’s freedom-fighting past was a continuing legacy that kept alive the potential for resistance. The Japanese acquiescence to military rule in the 1930s and 1940s, which was followed by an enthusiastic embrace of democracy from 1945 onwards, is better explained by changes in constraints than by longstanding mental frames.<sup>9</sup> But one could, perhaps, see in the Japanese resistance to 19<sup>th</sup> century Western encroachment in East Asia something of a revival of the idea of the free city, but on a national scale.

This paper brings the tumultuous events of Japan’s medieval and early modern history—roughly 1185 to 1600--into conversation with comparative theorizing about war and politics. We take as our starting point that in Japan as elsewhere, military lords offered security of property

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<sup>7</sup> The term is Berry’s, 1982.

<sup>8</sup> The powerfully armed temple Enryakuji on Mount Hiei overlooking Kyoto was one of the last hold outs against Oda Nobunaga’s advancing army, but Nobunaga finally managed to burn down the temple complex in 1571. Adolphson 2000:5. The Honganji Temple of Kyoto and its branch temples all over Japan resisted Nobunaga for a decade from 1570 until the temple patriarch cut a deal with Nobunaga in 1580. Tsang 2007.

<sup>9</sup>It is reasonable to consider that Japan’s communitarian culture had the effect of hastening a switch to a new equilibrium in response to new circumstances. But which equilibrium was never a foregone conclusion.

and person against marauders in exchange for taxes.<sup>10</sup> But the extent to which peasants were willing to contract with warlords depended on the value they placed protection. Our analysis suggests that this calculation varied considerably by topography. Mountain or island communities were plausible self-defenders for much of human history, making them reluctant to pay others for their protection. Communities made remote by elevation or water placed relatively low value on security provided by overlords because they felt they were able to protect themselves.

Demand for protection, or the lack thereof, had profound consequences for subsequent constitutional development. Ninja and Swiss fighters offer a romantic picture of rustic self governance of the sort that Rousseau seems to have had in mind in his discourse on the origins of inequality.<sup>11</sup> Opposition to centralized rule was also stiffer and theorizing about limited government was more prolific in Italy and England where relative remoteness left wide open a range of political outcomes.<sup>12</sup> But wide, fertile plains that were populated with people seeking a livelihood were also the favored pathways of invading armies: they were stocked for predation, they supplied the food for troops, they were an easy place to maneuver and avoid entrapment, and they were well suited for amassing large armies for battle. While ninja and Swiss hold-outs provide a fascinating side show, the main story of the emergence of the modern territorial state is a Hobbesian one of distraught peasants exchanging financial and labor resources for military protection.<sup>13</sup> We do not mean to imply that farmers in fertile plains rushed out to embrace

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<sup>10</sup> North and Thomas 1971; Bean 1973.

<sup>11</sup> The idea was not novel to Rousseau. Writing two centuries earlier in 1575, the Frenchman Loys le Roy commented that “A country covered with mountains, rocks, and forests, fit only for pasture, where there are many poor men, as is most of Switzerland, is best suited for democracy.” In *De l'excellence du gouvernement royal*, quoted in Braudel, 1949/1994: 38.

<sup>12</sup> Montesquieu, in 18<sup>th</sup> century France, mused that England’s relative isolation may have given it some advantage in developing a theory and practice of limited government. *The Spirit of the Laws*.

<sup>13</sup> Hobbes, *Leviathan*, argued that citizens would give up powers to a sovereign only in exchange for protection. See Skinner. The political geographer, Edward Fox (1960), notes that large territorial states (France, Spain, Prussia,

encroaching territorial consolidation, for the pages of history include many accounts of resistance to coercion in all sorts of places.<sup>14</sup> But geography shaped the feasibility of resistance, and geography's effects run through the stories communities told themselves to encourage defiance. Resistance ideology – a nascent republican idea that ultimately justifies limited government -- is a phenomenon of the periphery.

In the embattled lowlands of France following years of religious wars, the protection that comes with strong centralized government took the shape laid out in Bodin's work.<sup>15</sup> Agricultural communities finding themselves in the thoroughfare of competing armies were more likely to supply increasingly large revenues in exchange for protection, however frustrated they may also have been with oppressive taxing authorities.<sup>16</sup> Their fear of violence was greater even than their desire for freedom from domination and their supply of resources for large armies lies at the root of Japan's political unification in the 16<sup>th</sup> century. The same logic accounts for the rise of absolutism in Europe as well.<sup>17</sup>

## **2. War and Constitutions**

War is credited with the creation of the modern nation-state as we know it. Political sociologists beginning with Max Weber but more recently including Tilly (1975, 1978, 2003), and Ertman (1998) recount the process by which the mobilization of big armies to fight long wars in the 16<sup>th</sup> century transformed loosely organized feudal entities or isolated merchant city

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Russia, Poland, Austria) tended to develop around large inland plains, whereas seaports and navigable rivers were more conducive to small states and competitive merchants such as the Hansa, the Dutch, the Alsatians.

<sup>14</sup> See Alexander Field's (1981) objection to the exchange language of North and Thomas (1973).

<sup>15</sup> In the 14<sup>th</sup> and 15<sup>th</sup> centuries the French experienced the ravages of English armies, under orders to plunder the countryside and show no mercy to enemy and noncombatant alike. This brutal tactic, known as *chevauche*, had the dual advantage to the English of relieving the costs of feeding their own troops, and depriving the French of supplying theirs. Sumption 2001: 272. The 16th century brought the vicious religious wars, in which Huguenots and Catholics fought without mercy for doctrinal control. In the 17<sup>th</sup> century, the Thirty Years' War brought plundering armies into villages over large swaths of Germany and France.

<sup>16</sup> Henneman (1978) found that, in early modern France, border lands in the line of attack were willing to pay more taxes than areas out of the way of trouble.

states into centralized territorial states. As to the question of what sorts of states these were and whether the medieval past provides clues as to the future capacity for self government, we know far less. Brian Downing (1996) argues that institutionalized bargaining in medieval times between estates and the monarchy over resources for war is a good predictor of future development of theories and practice of limited government. But this comes too close to restating the question. Besides, the insistence on the positive liberty of self government does not really imply any demand for the negative liberty that would be the result of limited government. Indeed, in sufficiently tough environments, one could imagine that the first demand could exclude the second. Perhaps ancient Sparta is an example. We are interested in why resistance was successful in some places but not in others. Protracted struggle against centralization, we find, is more likely in the periphery where protection is less valued, and where centralizers face physical barriers in their quest for control.

War does not automatically bring absolutism in its wake.<sup>17</sup> Though miserable for those who fight and for those whose homes and fields are destroyed in the path of battle, war can under some circumstances shift the balance of bargaining power away from rulers in favor of those whose resources are required for battle. History provides some dramatic examples of political rights following from war mobilization, starting with classical Athens and republican Rome. In Athens, Kleisthenes became a ruler as a result of a bargain with the masses in exchange for their support against Spartan-backed oligarchs. Similarly, in Rome, the patricians made concessions

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<sup>17</sup> Sometimes “absolutism” is used to describe the large territorial state, but the implication of absolute control, as many historians have pointed out, is misleading. Henshall 1992; Hoffman and Rosenthal 1997.

<sup>18</sup> Ticchi and Vindigni 2006. By absolutism, we mean centralized rule. Absolutism does not refer to the absoluteness of power, but to the absence of representation of estates or regions as a principle of legitimation. We follow Montesquieu: “A Republican government is that in which the body or only a part of the people is possessed of the supreme power: monarchy that in which a single person governs but by fixed and established laws: a despotic government is that in which a single person directs every thing by his own will and caprice” (*Spirit of the Laws* II,1). Montesquieu, of course, was walking in a venerable tradition of institutional theorizing traceable to Aristotle, Polybius, and Machiavelli.

to the plebes out of desperation when faced by a sit down strike of the army. But much depends on several factors that affect how much and to whom rulers need to make concessions in exchange for resources, including the degree to which the people supplying resources for war value the protection of a powerful ruler.<sup>19</sup> If communities are confident of their ability to protect themselves, they will be willing to fight for others only in exchange for something of value such as political and economic freedoms or, if they are already free, for pay.

We conceptualize early modern governments as the products of multilateral bargaining among a number of players: a king and various aspiring warlords who competed to offer protection; moneyed interests with mobile assets who paid taxes in exchange for protection or other services; and the peasantry whose bargaining power varied with their usefulness in war and with their exit options on the one hand, against their need for protection on the other. Although the king required resources for war and would potentially have to make concessions of various sorts in exchange for money and manpower, we argue that war, or more precisely, vulnerability to the ravages of war, made local communities more willing to provide resources in exchange for protection.

In Europe of the middle ages, the king occupied a relatively weak position: a lord from a better family if you like. The king granted lands to his vassals in exchange for their fealty. His vassals in turn were manor lords able to protect themselves and their tenant farmers largely on their own until heavy artillery in the mid 15<sup>th</sup> century undermined the viability of small castles and cavalry units.<sup>20</sup> The institutions of the medieval kingship typically included “representative”

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<sup>19</sup> In Athens, Kleisthenes was not yet the ruler but an entrepreneur who became a ruler as a result of a bargain with the masses. Similarly, in Rome, the patricians made concessions to the plebes out of desperation when faced by a sit down strike of the army.

<sup>20</sup> Bean 1973.

institutions of some kind that gave vassals a place to complain; in this way the medieval kingship was a kind of mixed government.

Invasions beyond the vassals' power to resist gave kings more power, particularly when they succeeded in repelling invasion. Often, the prospect or reality of invasion led to demands for permanent support – revenues and troops – that undermined the mixed features of medieval government. The size of the military budget and the optimal scale of territorial protection grew larger in tandem. Vulnerability accounts for the overall trend towards territorial consolidation, as well as variation on that theme.

In Russia and Eastern Europe, fear of invading tribes from Central Asia and Turkey played into the hands of higher hierarchical orders. In Western Europe, the development of cities pulled the rug out from under serfdom by providing safe havens for miserable peasants, but vulnerability to invasion and attack varied considerably, creating a patch work of regimes from the large territorial state of France to the autonomous mountainous refuge of Switzerland.

Things took a different shape in the German context, for Germans seem to have been little troubled by the idea of an unchecked monarch. Eighteenth century German political theory, according to Fania Oz-Salzberger (2002) retained the Lutheran acknowledgement of the superiority of princely power. By our “functionalist” view of mixed government, people worried about despotism only insist that somehow despotism is inhibited and there are many ways – perhaps indefinitely many – that this might be done. The Germans may have thought that the princes of small states were weak and adequately restrained by institutions of the Holy Roman Empire and perhaps by military competition. Possibly for that reason, Montesquieu's arguments for a separation of powers, which had a special urgency in a large and powerful nation state, may have been less compelling in small states for this reason. Montesquieu's views about separation

of powers were, in any case, largely ignored in Germany though they liked his "quest for a spirit of a people."

In Japan, as in Europe, farmers living in fertile plains were forced to accept strong, centralized government as the solution to their territorial vulnerability. Because plains were fertile, military leaders tried to control them to feed their armies. At the same time, warlord competition in those plains involved bidding for the loyalty of farmers. The first warlord to eliminate the competition for fertile plains from other warlords was likely to develop a stable hierarchy and expand the scale of the state, producing Mancur Olson's (1993) predicted shift from roving to stationary banditry. The logic is similar to the explanation for the origin of the firm. Oliver Williamson (1971), following Coase (1937) and Arrow (1969), argued that for interactions that are fraught with strategic behavior, vertical integration is more efficient than engaging in spot market transactions. The people in the plain were engaged in spot market bargaining with warlords but the bargains were subject to costly breakdowns because the warlords had short run incentives to exploit the peasantry and move on. It was more efficient to accept a "buyout" from a single warlord and forgo the opportunity to engage in spot market transactions.

The desperate desire for peace of farmers and merchants provided early monarchs with resources, and variation in that desperation established the contours of the concessions monarchs had to make in procuring resources for war. The less the danger of invasion, the more raising large peasant armies required shearing land owners to relieve pressures on agricultural production, and the more borrowing from merchant investors diluted the perquisites of nobility by selling titles to people with money to pay for wars.<sup>21</sup> To be sure, these strategies entailed

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<sup>21</sup> Beik (1998) argues that the French crown raised war funding by making office into secure property that could be sold, but in so doing, increased the group of nobility exempt from taxation in the longer run.

trade-offs as well because monarchs that could raise money from merchants would not have to motivate peasant soldiers by conferring political rights to the masses. Italian city states that could borrow from merchant investors paid for mercenary armies rather than to motivate and equip indigenous militia, as Machiavelli lamented.<sup>22</sup>

To one degree or another—and more in remote areas than on fertile thoroughfares—military leaders ended up making both sorts of concessions. We might think of these concessions to the poor and to the rich, respectively, involving two dimensions, with the Athenian populist strategy at one extreme of one dimension, and Venetian elitism on the other axis. Regimes in which merchants held an institutional check were better able to raise money and could avoid making political concessions to people of the foot soldier class.<sup>23</sup> But Maurice of Nassau (1567-1625) and Gustavus Adolphus of Sweden (1594-1632) accommodated both the holders of capital and of labor in their experiments with full mobilization against far larger opponents. Over the subsequent centuries, international military rivalry would push in both directions for the world's leading powers.

### **3. The Rise and Fall of Decentralized Military Rule in Medieval Japan**

The debates among social and economic historians over the repressive nature of Japanese feudalism have largely played themselves out as accumulating evidence suggests that farmers retained some leverage in dealing with overlords of one sort or another.<sup>24</sup> Moreover, this leverage varied considerably over time and place. Still underdeveloped, however, is theoretical

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<sup>22</sup> Caferro 2006.

<sup>23</sup> Brewer 1988; North and Weingast 1989; Stasavage 2007.

<sup>24</sup> Japanese economic history in the 1960s and 1970s centered on a debate between two Marxist variants: the *koza-ha* (associated with the communist party) that thought Japan had failed to achieve a bourgeois revolution by the 20<sup>th</sup> century and required forced industrialization by the state, and the *rono-ha* (associated with the socialists) who thought that industrialization was proceeding on its own and that a socialist society could emerge without a communist revolution. After World War II, leftist intellectuals dominated Japanese universities because they escaped Occupation purges of the conservative right. Medieval Japanese history was more theoretical than

analysis explaining this variation in leverage both within Japan, and between Japan and elsewhere. We argue that, holding all else constant, farmers' bargaining leverage is inversely related to their vulnerability to military attack and hence to their willingness to pay for protection.

All else is not constant, of course, because there are also more purely economic sources of farmers' bargaining power, such as labor scarcity during the early period of land abundance. Japan was settled in the Paleolithic period, tens of thousands of years ago, by hunter gatherers from the Asian mainland (to which Japan was physically attached by land bridges during the ice age) and fisher folk from Polynesia. This early society enjoyed land abundance and relatively egalitarian social structures. Then in about 300 B.C., waves of immigrants from Korea invaded Japan and pushed the earlier inhabitants into the mountains and outlying islands.<sup>25</sup> The newcomers from Korea were rice farmers who organized into clans (*uji*) that jostled among themselves for preeminence. In time, the good land became crowded and people became eager to buy protection from warlords.

By the 8<sup>th</sup> century, the clans had imported ideas along with material culture from China, and took to calling their leader an "emperor" on the Chinese model, although he was a clan leader who arose from a competition among warlords as we have sketched. Imperial succession, though sometimes spectacularly contested, was usually managed peacefully through negotiations among a coalition of leading clans. Unlike many powerful monarchical dynasties in China or Europe, the imperial family never achieved sufficient hegemony over related clans to adopt the principle of male primogeniture; instead, Japanese kingship moved among collateral families. Ironically, the losing clans that moved to the frontier lands in eastern Japan honed their military

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empirical and focused, as a matter of belief, on landed elites' extraction of economic surplus from unfree labor. Tom Scott, ed., 1998, documents peasant choices and resourcefulness in the European context.

skills in protracted warfare with Japan's earlier inhabitants (known as *emishi*, a derogatory term).<sup>26</sup> With that military prowess, they would come to dominate an imperial court grown flabby with self-preoccupation and extended years of international peace.<sup>27</sup>

Once the fertile plains were settled by the 10<sup>th</sup> century, the scramble to clear new arable land in remote frontier regions or less fertile areas on hillsides and swamps gave bargaining leverage to individual farmers who were willing to do this work. Noble families, who reduced their tax exposure by clearing new lands not already claimed by the emperor, bid up the price of agricultural labor in their efforts to bring new land under cultivation.<sup>28</sup> Farmers often chose to work as tenants on this tax exempt land rather than to till taxable lands allotted to them by the central government.<sup>29</sup> Buddhist temples and monasteries, which kept their own militia, were another favored sponsor for tenant farmers. Farmers with cultivation rights often “commended” (*kishin*) those rights to warrior families or temples, in exchange for protection of their cultivation rights.<sup>30</sup> Over several centuries, farmers’ “voting with their feet” weakened the tax base of the imperial court to the point that the imperial court could no longer afford to field a conscript army.<sup>31</sup>

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<sup>25</sup> Genetic tests show that modern Japanese inhabitants of the northernmost island of Hokkaido and the southernmost island of Okinawa share more DNA in common with each other than with Japanese living on the central islands of Kyushu, Shikoku, and Honshu. Imamura 1996.

<sup>26</sup> The *emishi* were descendents of the Jomon people who had a separate language that has not been reconstructed by modern scholars. Tohoku, the northwest region of Japan, retains many place names from this earlier language.

<sup>27</sup> Piggot 1997.

<sup>28</sup> The Japanese “estate” was “a group of plots, often scattered, that were bound together under a common proprietor. The proprietor, who might be the head of a powerful local family, a member of the aristocracy or the imperial family, or a religious institution, inherited the immunities created by the establishment of the estate and held most of the key powers over the land.” From Duus 1993: 31.

<sup>29</sup> Asakawa (1911) differentiated between “exempt *shoen*” and “private *shoen*”; Kambayashi and Hamada 2007; Hall 1966; Duus 1969/1993; Yamamura 1974

<sup>30</sup> Adolphson and Ramseyer 2007. The temples and monasteries also did battle with each other. The fact that branch temples sometimes switched their allegiance to doctrinally different lead temples suggests that the disputes were more often over land, income, and territory than over doctrine. William Londo, personal communication. Adolphson 2000 calls Buddhist temples one of the three “Gates of Power” (*kenmon*), along with warriors and the imperial court.

<sup>31</sup> Yamamura 1974.

With the deterioration of its tax base, the imperial court became increasingly dependent on the frontier-based warrior families to guard the capital and to maintain order throughout Japan. Local land owners, adapting to the new environment, commended their land to warriors or temples rather than to rely on a distant and weak central government for protection.<sup>32</sup> Almost imperceptibly at first, imperial power diminished until, in a dazzling series of battles with rival clans, the Minamoto warrior family established a military government in 1185 from its capital in Kamakura in eastern Japan.<sup>33</sup> In the centuries that followed until the 16<sup>th</sup> century, the imperial court was overshadowed by military governments by one clan or another. Periods of stability were punctuated dramatically by violent clan rivalries, until all of Japan—save a few mountain redoubts--was at civil war by 1467.

The romantic image of a valiant and honorable medieval samurai class keeping the peace is a myth.<sup>34</sup> Villagers sometimes banded together<sup>34</sup> and in coalitions with local warriors to fend off bandits or marauding bands of outsider warriors.<sup>35</sup> In one of the more famous episodes, in 1485, village heads and local warriors in Yamashiro formed a community pact (*kuni ikki*) to drive out two warring factions of samurai warriors whose fighting had laid waste to crops and homes.<sup>36</sup> Among warriors, loyalty to their lord was least common when it was the most valued. Warriors fought alongside their lords when they thought they could win, but often switched sides

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<sup>32</sup> In contrast to the imagery of the poor and downtrodden farmer, people who located in economically fertile areas must have known that they would be vulnerable to predation hired protectors. Sometimes these protectors must have been relatively poorly paid, at least until their services became essential and valued.

<sup>33</sup> Both the Minamoto and Taira were descendants of early ninth-century emperors. Duus 1993: 43. The most stunning military victory was in 1184 when Minamoto Yoshitsune attacked an unsuspecting Taira garrison camping on a beach at Ichinotani protected by water on one side and a cliff on another. Minamoto led his cavalry in a charge down the cliff against all odds (and with many casualties), and won a decisive victory. Yoshitsune's brother Yoritomo became jealous of Yoshitsune's hero status and chased him into exile.

<sup>34</sup> Berry (2005: 842) points out that Yamamoto Tsunetomo, the author of the samurai classic, *Hagakure*, invented a code of abject loyalty during the Tokugawa peace when this loyalty would never be tested. "To speak of loyalty in these circumstances [of authoritarian peace] is deceptive silliness." *Bushido*, Japanese for "the way of the warrior," was coined in 1905 by Nitobe Inazo who was describing to the western world an idealized model of samurai loyalty that in civil war Japan was the exception rather than the rule. Saeki 2004.

<sup>35</sup> Arai 2005.

to join the victors rather than to have their land confiscated and reallocated among the winners. Among the farmers whose land was ravaged and whose lives were destroyed, war was hell.<sup>37</sup>

#### **4. Territorial Consolidation**

Farmers in medieval Japan were inevitably drawn into wars among military clans in one way or another. In exchange for tax concessions, farmers were often drafted to fight in defense against raiding armies of neighboring domains. Villages were typically governed by a council of elders who organized the collective payment of agricultural taxes, and they often undertook, to some degree, to manage their own security. Adult males in the village community, mainly from the group of larger or self-sufficient holders, armed themselves to protect the communal gathering and hunting grounds in neighboring mountains, and water sources with which to irrigate fields. To improve their mobilizational capacity, villages passed ordinances that specified punishments—typically ostracism—for villagers who failed to rally around the village banner in boundary skirmishes. Villages also rewarded individuals for bravery in battle on behalf of the common good.<sup>38</sup>

Surviving documentation of community life from this period is uneven, but temple records provide extended glimpses into village life.<sup>39</sup> In the complex property arrangements of medieval Japan, ownership and cultivation rights could be sold, leased, or divided. Although warrior families competed with one another for land rights and agency fees, many cultivators chose temples as owners, and even owners chose temples as managers and protectors.<sup>40</sup> Like nobles, temples had some ability to protect property rights against competing claimants, and

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<sup>36</sup> Tsang 2007: 42.

<sup>37</sup> Berry 1994.

<sup>38</sup> Inaba 2006.

<sup>39</sup> Because temples were more likely to keep historical documents than smaller peasant communities, one must interpret the data with this selection effect in mind.

<sup>40</sup> By the 16<sup>th</sup> century, the estate system had loosened, and stipends became attached to the lands themselves rather than to the officer positions associated with protecting the land. Hirayama 1997; Ike 2006.

temples could pass along access to its religious tax exemption.<sup>41</sup> In an example from the 13<sup>th</sup> century, farmers from the Tamataki estate near Nara asked Todaiji, the largest local temple, to help repel incursions from a neighboring estate. Todaiji monks, apparently, excelled at horse-mounted archery, and the monastery's service staff augmented the monks to make up a sizeable militia.<sup>42</sup> In an example from the 16<sup>th</sup> century, slightly more than a third of the land in the town of Kamikuze in Yamashiro province was owned by the village residents, and the remainder was owned by Toji Temple.<sup>43</sup> Temples competed with each other for adherents and lessees (who were often one and the same), keeping rents competitive.<sup>44</sup> Temples also played a role in the process of territorial consolidation by throwing their weight behind warrior families that cut them favorable deals, and were powerful enough to honor their side of the bargain.<sup>45</sup>

Centrally-supplied law and order had collapsed in medieval Japan, leaving local communities to manage the best they could with temples and warriors as protectors. In the 15<sup>th</sup> century, the shogunate's control was limited to the Kinai region around Kyoto and its neighboring provinces. The other regions were ostensibly governed by the shogun's vassals, but violent uprisings and incursions by neighboring warriors against weak vassals undermined attempts to impose order from above. Instead, the most powerful military leaders won the competition for warrior retainers, leading to a steady growth in domainal size. Between the 13<sup>th</sup> and 16<sup>th</sup> centuries, Japan went from a nominally centralized system of government sitting atop

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<sup>41</sup> Adolphson and Ramseyer 2007: 6.

<sup>42</sup> Adolphson and Ramseyer 2007: 7.

<sup>43</sup> "Of the 76 individuals who appear in the 1507 registry of Kamikuze no sho, four held ownership rights to all fields listed under their names; fifty held only cultivation rights to fields owned by Toji; and 22 held ownership rights to some fields and cultivation rights granted by Toji to others." Berry 1986: 24.

<sup>44</sup> Honganji, a powerful temple in Osaka with branch temples all over Japan, battled with Enryakuji of the Tendai sect, ostensibly over doctrinal matters, but with strong underpinnings of economic friction. Tsang 2007: 55. Doctrinally similar sects sometimes fought the most bitterly because they competed for members with the same pool of potential adherents. Tsang 2007: 75.

<sup>45</sup> Temple adherents also sometimes became involved in secular disputes, because their capacity for collective action was valued and rewarded with tax cuts or other favors. Tsang 2007: 78-83.

hundreds of local domains, to a largely decentralized system with a few dozen regional lords (daimyo) who raised local taxes and attracted retainers in exchange for property rights. The demand for protection under conditions of widespread violence and chaos created enormous territorial economies of scale.

Tax documents (*sashidashi*) reveal the contractual nature of bargains between village communities and warrior lords.<sup>46</sup> When a military leader conquered another warrior's territory, the new leader collected taxes from the land owners in that territory at the existing rates, lest furious villagers swing their loyalty to one of his many competitors. Tax agreements also specified the public duties which a village had agreed to provide for the lord, including corvee labor and military service. Peasants called up for military duty, primarily to transport military equipment and supplies to the battle field, accounted for more than 30% of military personnel in the 16<sup>th</sup> century.<sup>47</sup> Village communities were in continual negotiation with their lords over the provision of military service, seeking to keep as many of their able bodied males in productive agricultural work as possible, and getting tax breaks for every supply of labor.

Two of the most innovative warlords, Oda Nobunaga (1534-1582) and his general Toyotomi Hideyoshi (1536-1598) who succeeded him, are famous for forbidding farmers to own weapons (*katana gari*).<sup>48</sup> Confiscating farmers' arms was not an act of oppression, but responded to peasants' demands for protection in exchange for farmers' production of food and payment of taxes.<sup>49</sup> Farmers were to remain on their land, while only warriors (many of whom

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<sup>46</sup> Inaba 2005.

<sup>47</sup> Inaba 2005: 5.

<sup>48</sup> In fact, the more successful domainal lords, or daimyo, had already begun this process of dividing labor between farmers and fighters earlier in the 16<sup>th</sup> century. Asao 1994; Conlan 2005.

<sup>49</sup> Peasants disliked forced military labor and sent convicts or other men disfavored by the community for this purpose. A villager writing to a friend on the front (in Hideyoshi's ill-fated invasion of Korea in 1591) urged him to come home. "It is time you should return to the village. Officers will not investigate, even if a group of you flee back to the province of Higo." In Inaba 2005: 11.

of course had previously been farmers) would fight in battles. Although taxes increased, so did agricultural productivity and economic growth.<sup>50</sup>

Making good on the promise to protect farmers gave these leaders an enormous advantage over their opponents.<sup>51</sup> Leaving farmers to till the land, Oda Nobunaga and Hideyoshi Toyotomi created armies of unprecedented organization and discipline. Maurice of Nassau (1567-1625) and Gustav Adolf of Sweden (1594-1632) are heralded in histories of modern warfare for building regimented and skilled armies, but Oda Nobunaga and Toyotomi Hideyoshi were accomplishing a similar achievement on the other side of the globe.<sup>52</sup> Nobunaga and Hideyoshi also carried out extensive land surveys to clarify available assets for taxation, and dealt gently with former enemies to win their compliance.<sup>53</sup> In the space of less than two decades, they succeeded at what centuries of military families had failed to do before them: consolidate much of Japan's land mass under unitary rule.<sup>54</sup> Although it remained for Tokugawa to build a coalition big enough to finish the job, Oda Nobunaga and Toyotomi Hideyoshi had broken the back of resistance to central military control.<sup>55</sup>

The last hold-outs were ninja warriors in mountain hideaways and armed monks in temples all over Japan. For these fortress communities, some by virtue of geography and others by virtue of religiously motivated solidarity, the protection that Oda Nobunaga and Toyotomi Hideyoshi put on offer came at dear a price: their autonomy.

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<sup>50</sup> Totman 1993: 59; Farris 2006: 223 points out that warring states daimyo led the way in clearing land, fixing river banks, and irrigating new fields.

<sup>51</sup> Conlan 2006.

<sup>52</sup> Michael Roberts, Geoffrey Parker 1988, John Lynn 2003, Clifford Rogers.

<sup>53</sup> Duus 1993: 76-77.

<sup>54</sup> Conlan 2006 establishes the insufficiency of the technology argument.

<sup>55</sup> In 1600, Tokugawa Ieyasu and his allies won the great battle of Sekigahara, uniting all of Japan. In 1615 the Tokugawa vanquished the remaining resistance from Hideyoshi's heirs, and in 1638 the Tokugawa put a violent and decisive end to the Shimabara Rebellion. For the next two and a half centuries, the Tokugawa shogunate ruled in

In the mountainous region of Iga not far from Kyoto, inhabitants formed an organization called the “league of all the commons of Iga” (*Iga sokoku ikki*). This league was not unique, for there were others, but this is one for which we have a clear record. This organization is known to us by a single text, the articles of league formation, probably written between 1552 and 1568 when Nobunaga’s army had advanced within striking distance.<sup>56</sup> The league conferred the status of *samurai* upon drafted peasants who distinguished themselves in battle. Rule 9 of the league’s charter strictly forbade acts of violence in the villages where the league’s troops were billeted. The league covenant also called for Iga to join forces with neighboring Koga in a “league of equal villages.”<sup>57</sup> Local warriors called themselves “citizens” (*kokujin*) and Koga forces “allies” to distinguish them from outsiders.

Nobunaga marched into Kyoto in 1568, but it was years before he brought the last hold outs to heel. In a series of ferocious, village-raiding battles, trained armies of samurai fought and defeated pockets of resistance all over Japan. It was not a technologically foregone conclusion, since guns were available to both sides.<sup>58</sup> The organizational and numerical superiority of the conquering army was made possible by the taxes of millions of war weary farmers, a feat that opponents to centralized rule were unable to match.<sup>59</sup> In 1571 Nobunaga’s army destroyed Enryaku Temple and its battalions of monk warriors on Mount Hiei overlooking the Kyoto. Nobunaga then turned to Iga and Koga, attacking the high mountain valleys with 40,000 soldiers from all sides, slaughtering the league of farmers and local warriors whose guerilla warfare lives

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peace but Berry (1986: 242) points out that the Tokugawa did not establish a strong, interventionist state beyond what was necessary to carry out their mandate of imposing peace and security.

<sup>56</sup> The text, belonging to the Yamanaka archives, is kept at the library of the Ise Shrine. Souyri 2005.

<sup>57</sup> Souyri 2005: 5.

<sup>58</sup> In the Battle of Nagashino of 1575, Nobunaga defeated the cavalry of Shingen’s son with an army of musketeers. This, not the last stand of Saigo Takamori in 1873, was the battle of “the last samurai.” Guns became the standard weapon of war soon thereafter.

<sup>59</sup> Conlan 2006.

on, somewhat glorified, in the lore of ninja fighters.<sup>60</sup> Against the temples of Honganji in Kaga, Ise, Kii, Echizen, and elsewhere, Nobunaga fought for a decade until his forces finally prevailed in 1580.

## **5. War and State Building in Japan and Europe**

Centuries earlier, following the fall of the imperial court in the late 12<sup>th</sup> century, Japan was dotted with castles of noble warriors in much the same way that Europe was. Farmers in the surrounding countryside provided labor, crops, or both in exchange for protection from invaders provided by the nobility's cavalry. Common to both Japan and Europe was the rather small territorial size of feudal domains after the break up of empires, given the difficulty of protecting large tracts of open terrain with small bands of warriors on horseback. It was not until war once again became endemic, and farmers were willing to pay larger sums for their protection, that military leaders raised armies large enough to command expansive territorial control.

Changes in economies of territorial scale are, of course, also affected by other factors such as modes of economic production and military technology. But economics and technology, alone or together, leave unexplained substantial parts of the variation in scale economies. Economic theory might suggest, for example, that Eastern Europe was dominated by larger fiefs and more persistent serfdom because economies of scale in grain production are greater than for the sorts of crops that were cultivated in the hillier terrain of Western Europe. The fixed costs of maintaining teams of oxen and other farm equipment would be too expensive for small landholders, making large manors more economically productive. There is no obvious reason, however, why farmers might not have worked out some cooperative arrangement to share expensive livestock and tools.

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<sup>60</sup> Yamaguchi 1965.

Another influential economic model of serfdom (and slavery) turns standard bargaining logic on its head. Precisely because abundant land-to-labor ratios favored peasants in Eastern Europe compared to Western Europe, political regimes had to be more oppressive in order to extract economic surplus from peasants.<sup>61</sup> Regimes that mustered coercive power displaced their pusillanimous counterparts because they were able to extract greater effort and productivity from peasants. But this model offers no explanation as to the origins of coercive power.

Military technology is another explanation on offer for changes in economies to territorial size. The introduction of stirrups to Europe from somewhere in Asia in the late 7<sup>th</sup> century gave cavalry an edge over amassed foot soldiers, ushering in an era of feudalism in which only nobles could afford the required horses and armor.<sup>62</sup> Castles were easy to defend and hard to destroy, creating diseconomies of scale until the invention of heavy artillery in the mid 15<sup>th</sup> century. With the cannon in 1449-1450, Charles VII of France regained much of Normandy by knocking down 60 fortifications, each of which took the English a year to build, at a clip of more than one a week during.<sup>63</sup> The Turks destroyed Constantinople in 1453 with comparable dispatch. Well regimented armies, equipped with heavy artillery, were now a match for the castles and cavalry of the nobility.

Changes in technology may indeed have shifted the relative productivity between capital- and labor-intensive modes of warfare, with potential consequences for the bargaining leverage of those with capital or labor. While rich nobles thrived in the age of the cavalry, farmers stood to

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<sup>61</sup> Domar (1970: 13) credits Kliuchevsky (1937) for the argument that, when Russian nobles competed for scarce labor in the 16<sup>th</sup> century, the government restricted the freedom of peasants. When labor is scarce, labor has higher marginal value than land, and landlords have an incentive to control labor in order to expropriate the full value of labor's marginal product. This has become the standard explanation for the establishment of oppressive colonial regimes in Latin America. Martins; Acemoglu and Robinson 2006.

<sup>62</sup> Lynn White 1962; Rogowski and MacRae 2003.

<sup>63</sup> Richard Bean 1973: 207.

gain from the military value of foot soldiers before the stirrup and after the cannon.<sup>64</sup> But the exposure of farm land to plundering armies meant that farmers were always exploited, even when they were mobilizationally useful. In many parts of the world, farmers were too vulnerable to make use of their relative scarcity as bargaining leverage.

Early modern Poland is instructive here, because the inability of Polish peasants to assert their natural bargaining advantage conferred by the abundance of labor relative to land has always been something of a mystery to economists. The dominance of the Polish landed nobility makes more sense when one remembers the serial invasions by Magyar and other horseback invaders, against which the Polish cavalry was quite successful.<sup>65</sup> So glorious was the battle record of the Polish cavalry that Poland neglected military innovation and was destroyed by Russian and Prussian armies of foot soldiers in 1794 and 1797.<sup>66</sup>

The emergence of larger territorial units was, for farmers, a double edged sword. Although the larger government unit was able to raise more powerful armies and provide greater security, it also meant that farmers lost the benefit of exit options among multiple political units. This was particularly true in Eastern Europe where there were fewer cities to provide absconding peasants with anonymity and alternative employment.<sup>67</sup>

Consolidating territorial size is a function of raising enough revenue to pay for the inputs of war, a problem the economic and technology accounts fail to address. The remaining puzzle

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<sup>64</sup> The stirrup and cannon are meant here as short hands for a host of reasons why mass armies may or may not be effective. In island territories such as Greece, heavily armored hoplites were no match for lightly armed soldiers in skillfully maneuvered boats. See, for example, Strauss 2004. In mountainous terrain, horses are never a match for local fighters who know how to use terrain in their favor.

<sup>65</sup> Frost 2000.

<sup>66</sup> One of the most glamorous images in the history of warfare is the Polish-Lithuanian winged hussar, mounted soldiers decorated with great wings constructed from the feathers of large birds. Polish-Lithuanian hussars were the decisive factor in countless battles, often against overwhelming odds, and were reputed to be the most powerful striking force in Europe for over a century. Frost 2000.

<sup>67</sup> Eastern European nobles, on whom the Holy Roman Emperor depended for protection from the Magyars and others, secured tax concessions for manufacturing operations such as breweries undertaken on their lands. In Poland,

is where this money comes from.<sup>68</sup> The medieval Japanese experience was similar to the European one, in revolving around the peasant need for protection from violence. Lords had an incentive to extract from their own base and compete for the loyalty of neighboring farmers. Only where warfare was infrequent or where locals were confident of their ability to defend themselves did peasants resist taxes and territorial consolidation.<sup>69</sup>

Territorial consolidation began in flat areas most vulnerable to military invasion, and spread as the armies of those areas gained preeminence. In France, monarchical control began in the Ile de France and Normandy but was resisted in Langue d'Oc and Brittany for longer, and only gained acceptance in the wake of harrowing religious violence in the 16<sup>th</sup> century. Elsewhere in Europe, taxes were higher and armies were larger in the great flatlands of Prussia and Russia, in the pathway of steppe land hordes. Big armies can often defend effectively, but there is the question of paying to feed, train, and equip them. Widespread fear of violence and the demand for protection gave birth to the modern nation state with territorial control, first in the form of the absolutist state.

This recognition of the importance of peasant demand for protection differs from the Marxist suggestion that the landed nobility needed an absolutist state to fix their status against the onslaught of the proto-industrial bourgeoisie.<sup>70</sup> Nor were undefended “church lands” available for confiscation in Japan, because monasteries tended to be armed to the hilt.<sup>71</sup> In

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once thriving towns along the trade routes and rivers feeding the Baltic Sea fell into decline with the collapse of the Polish-Lithuanian monarchy in the 16<sup>th</sup> century.

<sup>68</sup> Richard Bean (1973) notes the importance of what he calls the “administrative technique” of raising taxes, but this only asks the question in another form.

<sup>69</sup> Sam Cohn found that mountain villages in areas surrounding Florence successfully negotiated lower taxes than lowland villages. This was thanks to the natural fortification provided by terrain rather than on account of being in a borderland area where the villages could pit competing overlords in a bidding war with each other. Note that lowland borderlands, such as between France and Holland or France and Germany, paid higher taxes than areas at some distance from military thoroughfares. Henneman 1978.

<sup>70</sup> Perry Anderson, *Lineages of the Absolutist State*.

<sup>71</sup> Levy and Tiger.

Japan, the unifiers robbed their competitors of their lands militarily, whereupon they divvied the lands among to their men.<sup>72</sup> The practice of rewarding loyal warriors with land taken from the vanquished had, in any case, occurred so repeatedly over Japan's medieval years that most of the elite were, by the mid 15<sup>th</sup> century, of shallow vintage.

In overwhelmingly rural Eastern Europe, Russian and Prussian "absolutism" seem hardly to have been in response to a threatening rise of the middle class. Peasant fear of violence from marauders is a more consistent theme that runs through all of these cases. This is not to deny that peasants were often miserable, on the verge of starvation, and hardly able to pay heavier taxes for larger armies. But in their desperation, they chose among the available poisons. Their choices had significant consequences for the kinds of states that would subsequently emerge.

## 6. Conclusions

Widespread territorial vulnerability and fear of violence created the territorial state. This article tells the relatively little known story of medieval and early modern Japan, but the logic we develop here also holds in Europe and elsewhere. We do not seek to overturn the conventional wisdom that widespread war in early modern Europe ushered in the territorial state. We rather offer a richer causal account, showing how variation in vulnerability shaped local responses to the supply of protection by a strong state. By extension, we provide a template with which to evaluate the relationship between war and constitutional development.

There is some irony in the way vulnerability paved the way for strong, hierarchical governments with extensive coercive powers over the subject population. At least in the short run, mobilization for war could have increased the bargaining leverage of the populace whose

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<sup>72</sup> As in Europe, "there was a persistent moral threat insisting that the lord *should* grant fiefs and that his men have the right to look elsewhere if he disappoints them." Bartlett 1993: 46.

resources were needed for war. When foot soldiers are militarily valuable, peasants may profitably refuse to fight unless the leader is willing to offer better terms of exchange. History gives us a number of examples of political concessions to peasant fighters, including 5<sup>th</sup> century B.C. Athens when Cleisthenes granted the *hoi polloi* full participatory rights in exchange for their help in ousting the Spartan-installed oligarchy.<sup>73</sup> In Republican Rome, fighting wars for Rome was the ticket to citizenship, first for local residents and then for men of conquered lands as well.<sup>74</sup> During the protracted Dutch Revolt against the Habsburg Empire (1568-1648), ordinary citizens gained the right to participate in politics, even if the rights were substantially retracted after the war was won.<sup>75</sup> In modern times, World War I ushered in female suffrage in most rich democracies, World War II launched the civil rights movement, and 18 year olds gained the right to vote during the Vietnam War.<sup>76</sup> Why does war bring political rights in one setting and an abdication to absolutist government in another?

Japanese history provides a number of clues. As the example of the ninja shows, mountain villagers had little use for an absolutist ruler when they could live out their lives without a strong protector. In the lowlands, the bidding among nobles for peasant support did in

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<sup>73</sup> Samons 1998.

<sup>74</sup> Lintott 1999; Cornell 1995.

<sup>75</sup> Israel 1995.

<sup>76</sup> Keyssar 2001.

fact raise many farmers through the ranks of warrior status to become lords in their own right. But armies consisted of small bands of cavalry, and competing nobles typically could not afford to put entire villages in arms. Compared to classical Greece, which was invaded by the ferocious Persian army, violence in Japan escalated only slowly. We can only speculate whether, had the Mongols actually made it across the straits, the Japanese people might also have won political concessions in exchange for emergency mobilization.

The piecemeal intensification of violence in Japan worked against mobilizational concessions of a broader sort. Once widespread destruction reached an intolerable threshold, ordinary people were willing to pay for large armies and a leader strong enough to lead them. Territorial consolidation ended competition among aspiring generals, without which peasant bargaining attenuated.

Peasant life in wartime was miserable and explains the relief with which peasants greeted Oda Nobunaga's policy of dividing labor between farmers and warriors. Rather than being distressed to have their swords confiscated, many farmers welcomed the new leader's ambition to bring fighting clans to heel. Throughout these years, farmers retained their local village councils in which they made their collective decisions to support the emerging centralized regime.

Japan follows the pattern, discussed exhaustively in histories of modern Europe, that states were built out of the mayhem of warfare. But societal need for order is, by itself, no explanation for how a state capable of providing security materialized on either continent. The variation within Japan over time and place suggests a mechanism for its emergence that was at work in Europe as well. Farmers in the pathway of armies became desperate for protection, even at the cost of their money and freedom. Although less vulnerable populations in hills or

islands resisted territorial incorporation that would burden them with taxes to pay for the security of others, farmers on the fertile plains generated enough money and military might to break the resistance of these natural fortresses. In Japan, the entire archipelago became as one.

North and Weingast (1989) are known for the proposition that limited government as a constitutional form ultimately out-competed unitary monarchy because checked governments were better able to assure investors that their loans would be repaid.<sup>77</sup> Over centuries of warfare and intense bargaining for resources, governments were forced to make concessions to those supplying both manpower and money. Eventually, of course, these bargains became enshrined as the twin pillars of modern constitutional government: a large political franchise in exchange for manpower, combined with institutional checks that protect the property rights of the rich. Although this “republican” form of government with its electoral elitism seems natural to us in retrospect, the two were hardly natural complements in ages past when governments struggled with external enemies while giving away as little as possible domestically.

But history also teaches the folly of expecting representative democracy to emerge through a simple survival of the fittest. Constitutional development is nonlinear, in that warfare tends to generate repressive government before wider accountability. Countries beset with war can be caught in an absolutist equilibrium for extended periods. Even in modern representative democracies, the fear of violence can induce otherwise vigilant populations to give up some of their normal democratic rights to enable a strong government to protect them. We expect this particularly to be the case where civil wars and violence create a demand for protection in the absence of external threats that can force governments to make broad political concessions in

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<sup>77</sup> They echo Brewer 1988, who noted the British monarchy was at once weak at home and powerful abroad, and that these were perhaps causally linked. He also noted that the had of the British state was far heavier in the colonies, where rule was not based on consent.

service of fuller mobilization of societal resources. When it comes to constitutional bargains, war makes matters worse before it makes matters better, if at all.

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