

# The Gods Are Watching: Talismans, Oaths, and Political Allegiance in Medieval Japan

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This contribution explores oaths and talismans in medieval Japan. After recounting the early use of talismans and the practice of pledging to the gods, it explains how oaths underpinned laws and alliances, even though they were only binding for a short period of time. Analysis of oaths reveals much about changing social norms and how people perceived their interactions with the gods and buddhas.

*Keywords: Oaths, talismans, alliances, ordeals, adjudication, social hierarchies*

## *Prologue: Ox-head Talismans*

People desired to protect themselves from illness. Just as people wore masks during the COVID epidemic, so too all careful and responsible people in ancient and medieval Japan relied on talismans for safety. These talismans, objects real or imagined, were designed to empower, or protect the owner through contact.<sup>1</sup> They were often, in the case of Japan, written with special ink that contained an ointment drawn from ox livers, which was thought to ward off illness. Devotion to the salutary properties of oxen led to the ninth-century initiation of the famous Gion rites at Yasaka shrine in Kyoto. Sometimes pieces of paper had protective phrases written on them which, by a process of synecdoche, became known as Ox-head paper (*go-ō shi* 牛玉紙), although the name for the paper is best translated as »Jewel seal of the ox king.«<sup>2</sup> This *go-ō shi* was placed in houses to guard against pestilence, not always with success, and can be observed in scenes from the twelfth-century *Kokawadera engi emaki* (粉河寺縁起絵巻).

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- 1 For this definition of talisman, I am indebted to Zhai, Buddhist Talismans. According to Zhai, talismans most closely correspond to split bamboo seals, known as *fu* (符). See also Strickmann, *Chinese Magical Medicine*.
- 2 For this translation, and an informative overview, see Moerman, Shugendō as social practice, 219-221. For pathbreaking studies of oaths and punishments, see Satō Hiroo, Wrathful deities and saving deities. and Fabio Rambelli, Buddha's wrath.

The writing served as a way of materializing spirits in script.<sup>3</sup> In the late thirteenth century, pieces of paper with talismans written on them were created at shrines, with the oldest reference to such paper appearing in a 1244 record for Iwashimizu Hachiman. The oldest surviving specimen with an Ox-head talisman dates from 1266 and it has stylized characters written on the obverse that spell out *Nachi taki hōin* (那智瀧宝印), »the treasured seal of Nachi Taki,« one of three major Kumano shrines.<sup>4</sup> How this document was created is not known, but one dating from 1375 clearly has *Kumanosan hōin* (熊野山宝印), »the treasured seal of Mt. Kumano« (the main Kumano shrine) printed on it. Other examples, dating from 1378, had the name of the god Hachiman printed on the obverse (Figure 1). Other printed oaths can be found in eastern Japan from 1528 onward. For an early 1378 printed version, see Figure 1.<sup>5</sup>

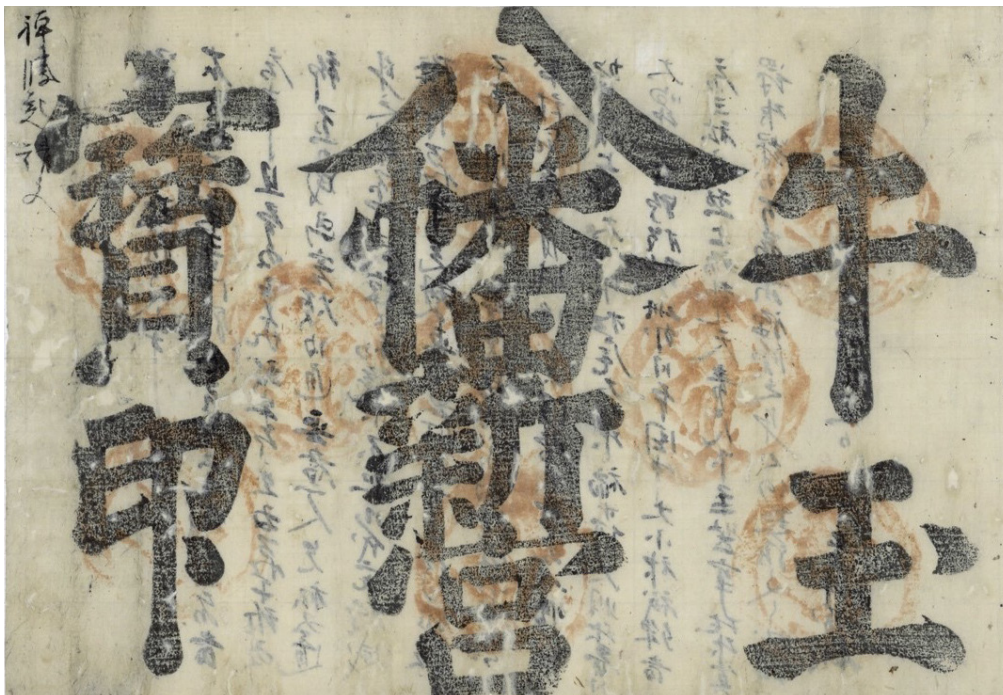


Figure 1: *Tōji monjo* box 8, 12.24.1378 (Eiwa 4) *Wakasa no kuni Tara no shō kumon Benyu daikan Yūen renshō kishōmon*<sup>6</sup>

3 For this insight, see Keane, *On spirit writing*, 6-7.

4 *Dainihon komonjo iewake 4 Iwashimizu monjo*, vol. 1 (Tokyo, 1909), doc. 62, 1244 (Kangen 2) *Gūji narabi ni Gokurakuji kōrei busshinji sōshidai*, 166-167, for reference sheets of paper with this Ox-head talisman (*go-ō* 牛玉). The oldest surviving Ox-head talisman paper can be found in Tōdaiji and dates from 1266. See *Dainihon komonjo iewake* 18, *Tōdaiji monjo*, vol. 8, doc. 564, 12.27.1266 (Bun'ei 3) *Tōdaiji senshikōshū renshō kishōmon* (東大寺世親講衆連署起請文), 84-88. The earliest surviving oath with a talisman from Iwashimizu shrine dates from 1372. *Dainihon komonjo iewake 4 Iwashimizu monjo*, vol. 6: *Kiku Ōji ke monjo* (Tokyo, 1915), doc. 404, 1372 (Ōan 5) *Shinzen hōji Eisei kishōmon*, 507-9.

5 For one of the earliest printed examples from eastern Japan, see 1528 (Daiei 8) Yamakichi Masahisa *kishōmon*, *Uesugi ke monjo*, *Niigata kenshi shiryōhen 3 chūsei 1*, doc. 238, 135.

6 Accessed on 20 August 2021: [hyakugo.kyoto.jp/contents/detail.php?id=663](http://hyakugo.kyoto.jp/contents/detail.php?id=663).

The name of the temple or shrine was printed in black, while a second impression, in red ink, reproduced a wish fulfilling jewel (*nyoi hōju*, *Skt. cintāmani*). These objects are, as Max Moerman has proven, linked to longstanding practices of Mountain worship (*shugendō*, which was quite intensive in the Kuamano highlands).<sup>7</sup> Kumano talismans proved to be the most common, because a wide network of Kumano shrines existed, and traveling Kumano priests (*oshi*) and nuns (*bikuni*) also distributed these materials widely.<sup>8</sup>

Although printed talismans became more common over the course of the fourteenth and early fifteenth centuries, they remained rare. On the contrary, unadorned documents continued to be used for oaths, although some would have the names of shrines or temples written on the back of them. Some fourteenth-century examples refer to seven shrines of Hie, a shrine complex located at the base of Mt. Hiei, while others refer to the Miedō sub-temple of Tōji, which is dedicated to the Shingon founder Kūkai. Buddhist institutions and shrines dedicated to the *kami* were used interchangeably in oaths, as these deities were composite, with *kami* thought to be incarnations of various Buddhist deities, in what is known as the doctrine of »original substance and manifest traces« (*honji suijaku* 本地垂迹).<sup>9</sup>

Those that contain the names of temples on the obverse were consecrated while Buddhist rites were being performed, and were later distributed for use as oaths and talismans. Ox-head talismans *go-ō fuda* (牛玉札) came into particular favor in the fifteenth century. These small sheets of paper were printed while Mizutori rites at the Nigatsudō of Tōdaiji were being performed.<sup>10</sup> Not all temples created talismans. Monks from the temple of Tōji stamped stylized characters resembling a generation of snakes on their sheets of oath paper (see Figure 2).

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7 For insightful analysis of thirteenth and fourteenth-century practices, see Moerman, *Shugendō as social practice*, 220-221. See also *idem*, *Localizing Paradise*.

8 For this insight, I am indebted to Max Moerman and Horikawa Yasufumi.

9 For an excellent overview of the concept, see Rambelli and Teeuwen, *Buddhas and Kami*.

10 The *mizutori* rites occur during at the opening of two-week long second-month rites (*Shuni-e*) that mark the beginning of spring. Large torches are carried across the balcony of the Nigatsu-dō of Tōdaiji. According to Chijiwa Itaru, these printed small sheets first appeared in the fifteenth century. See Chijiwa, *Tōdaiji monjo ni mieru go-ō hōin*.

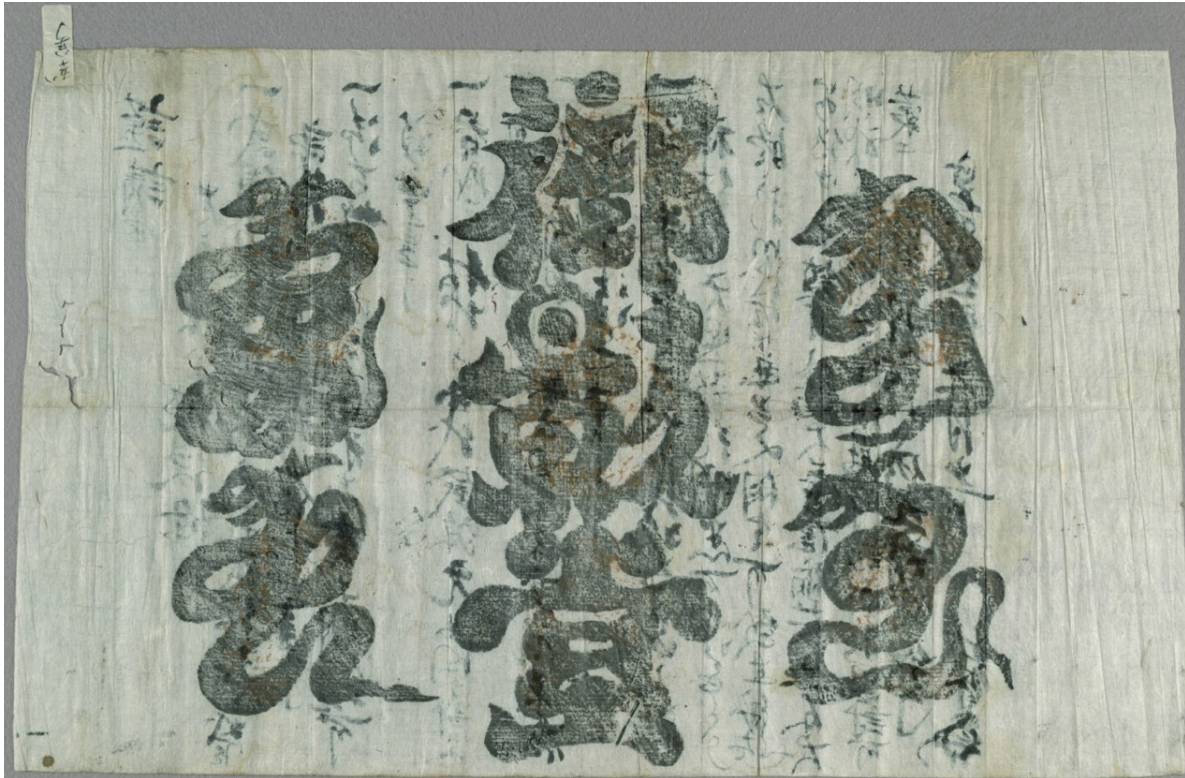


Figure 2: *Tōji monjo*, box 159, 6.11.1429 (Shōchō 2) *Wakasa no kuni Tara no shō jōshi Yūken kishōmon*<sup>11</sup>

Over the course of the fifteenth century, elaborate representations of the Ox-head talisman appeared, which included snakes, hawks, doves, and above all, crows. Associated most strongly with the three Kumano shrines, these crows were thought to be messengers of the deities whose support was required for rites to be performed.<sup>12</sup> Anywhere from 42 to 72 images of crows were used, for example, to spell out characters for *Kumanosan hōin* (熊野山宝印), with slight variations between the »main« and »new« Kumano shrines, and *Nachi taki hōin* (那智瀧宝印) (see Figure 3).

11 Accessed on 18 August 2021: [hyakugo.pref.kyoto.lg.jp/contents/detail.php?id=810](http://hyakugo.pref.kyoto.lg.jp/contents/detail.php?id=810) 八函/159/文書名若狭国太良庄上使祐賢起請文.

12 Grapard, *Mountain Mandalas*, 178. See also Hurst, *Armed Martial Arts*, 188.

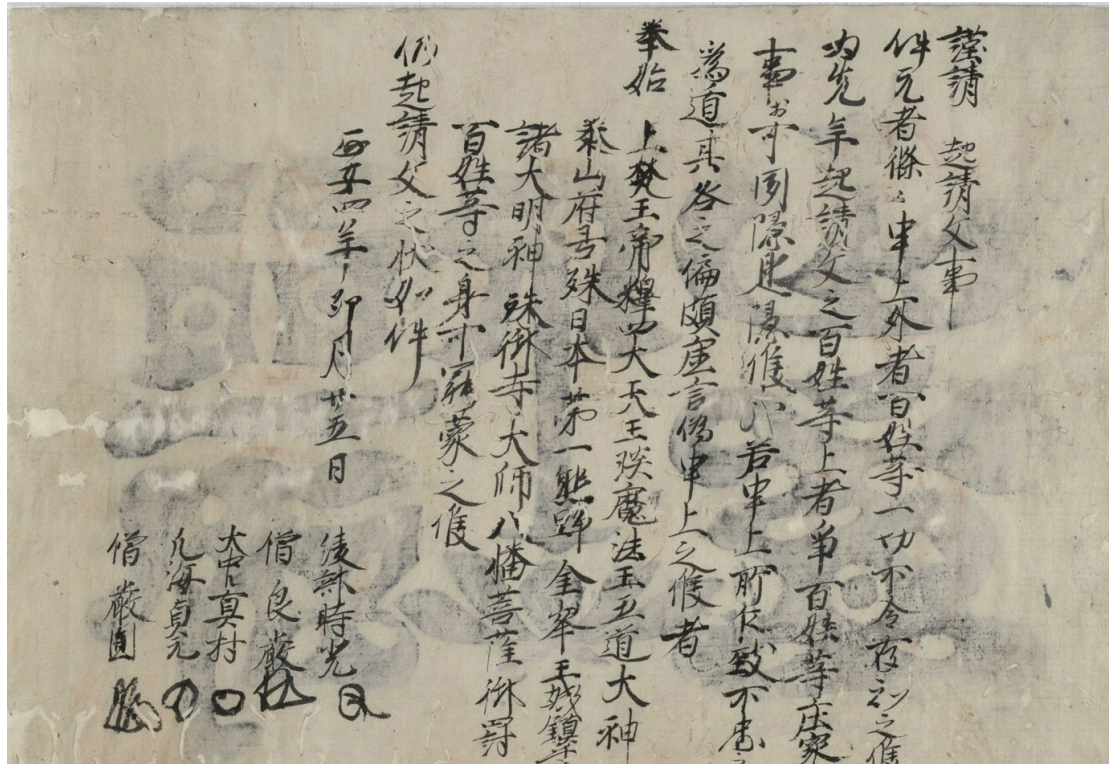


Figure 3: *Kosaji kishōmon* (1556/*Kōji* 2) obverse with *Kumanosan hōin* (熊野山宝印)<sup>13</sup>

Over time, these printed Ox-head talismans became conceived as being an essential element of oaths. This led to some old unadorned documents being retrospectively stamped with an Ox-head seal. For example, in 1302, the commoners of Tōji's Tara estate wrote an oath that has a Kumano Ox-head talisman printed on the obverse (see Figures 4 and 5). The blocks used to print this oath were discovered among the shrine treasures of Sekiganji in Harima province, located near Tara estate. Surprisingly, they had been created in 1538, 236 years after this oath was written. By the first half of the sixteenth century, these seals were thought to be so essential for oaths that some old documents, as seems the case here, were stamped with them centuries after their creation.<sup>14</sup> These seals became so popular that a bewildering variety of them exists today.

13 Accessed on 14 August 2020: [pulsesearch.princeton.edu/catalog/10166399](https://pulsesearch.princeton.edu/catalog/10166399) (Princeton purchased these documents in March 2017).

14 One might assume that the 1302 document was forged, but the paper, language, and writing style of the document are indisputably of that time. When confronted with this seeming paradox, one scholar (Chijiwa Itaru) has argued that that Sekiganji started printing these talismans before 1302, but when these printing blocks wore out, nearly identical replacements were later carved in 1538. Nevertheless, the absence of other comparable seals on the many surviving Tara documents casts doubt on this explanation. It seems more likely that this printed talisman was added to the obverse of the 1302 oath approximately two and a half centuries after its creation. For this document, see Figure 4 (若狭国太良庄百姓僧藏門等連署起請文). For more on this oath, see Chijiwa, *Kumanosan hōin sokkuri no »go-ō«*.



Figures 4 and 5: Tōji monjo, box 7, 4.25.1302 (Shōan 4) Wakasa no kuni Tara no shō hyakushō Sō Gon'enra rensho kishōmon reverse (Figure 4) with 1528 stamp on obverse (Figure 5)<sup>15</sup>

15 Accessed on 31 August 2020: [hyakugo.pref.kyoto.lg.jp/contents/detail.php?id=24482](http://hyakugo.pref.kyoto.lg.jp/contents/detail.php?id=24482).

### *Oaths and their Fundamental Characteristics*

By the twelfth century, if not before, documents known as »oaths« (*kishō*) came into use quite independently of the Ox-head talismans. People started attest to the truth of a statement, which they would write, or have written down for them, on wood or paper. Evidence of this practice was discovered in Shiotsu, located on the northern reaches of Lake Biwa in 2007. There, some 55 slips (*kishōfuda mokkan*) were discovered in the mud by the remains of an old shrine. The largest of these wooden documents is over six feet in length! Nearly all concern denials of theft in spite of rumors to the contrary. The most illuminating record dates from 1137 (Figure 6) and reads as follows:

In deep worship, on the twenty-ninth day of the seventh month of the third year of Hōen (1137), I request the judgment of Heaven. In the Upper Realm (*jōkai* 上界) may Bonten (Brahma), Taishaku (Sakra Devanam Indra), the Four Guardian Kings, and in the Lower Realm (*gekai* 下界) the great protector of the court (*ōjō* 王城) Hachiman Bodhisattva, the Lower and Upper Kamo [Deities] and all eighteen of the Illuminating Deities (Daimyōjin 大明神), and in particular the protector of this province [Ōmi] the Seven Shrines of the Mountain King (Hie), and especially (*koto ni*) the protectors of this area [Shiotsu], the Daimyōjin of the five areas, Inari Hōriyama, Tsu Myōjin, and the three Wakamiya areas, and in addition, all 13,700 of the great and small gods throughout Japan [judge me]. In front of all I respectfully state the following. If [I], Kusabe no Yukimoto, having undertaken to transport goods, lost any of them, even a single fish, then at the soonest within three days, and at the latest within seven, may Yukimoto, himself, endure the punishment of the gods on all 84,000 hairs, pores and openings of his body.<sup>16</sup>

This oath is not a not a promise of future action but rather a statement whereby Kusabe no Yukimoto attested that he had not lost anything in shipping. He was willing to place himself under divine judgment by an astounding array of deities, and stipulated that, if what he stated was untrue, he would be physically punished by them, sometime between three and seven days later (see Figure 6).

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16 For the discovery photographs, and transcriptions of these *mokkan*, see the 7 October 2007 »Shiotsukō iseki hak-kutsu chōsa genchi setsumeikai shiryō«, accessed on 14 September 2023: [www.shiga-bunkazai.jp/wp-content/uploads/site-archives/download-pdf-071007\\_s\\_shiodu.pdf](http://www.shiga-bunkazai.jp/wp-content/uploads/site-archives/download-pdf-071007_s_shiodu.pdf).



Figure 6: Shioda kishōmon (1137)<sup>17</sup>

17 Shiga-ken kyōiku iinkai and Kōeki zaidan hōjin Shiga-ken bunkazai hogo kyōkai (eds.), *Ōkawa sōgō ryūiki bōsai jigyō ni tomonau hakkutsu chōsa hōkokusho 1, Shiotsu-kō iseki 1: Nagahama-shi Nishiazai-chō Shiotsuhama, Ibutsu hen 2, Mokkan* (Shiga, 2019), *shashin zuhan* 66.



Thus our Kusabe no Yukimoto wrote this oath on an unadorned piece of wood and offered it to a shrine at Shiotsu where it was buried in front of the buildings. It became waterlogged and so was preserved. The act of writing proved important in ways that merely swearing something orally did not, as it seems that the gods were perceived as being able to read documents, rather than hear them. The 1137 document is the oldest example where the gods were called down to witness a solemn oath.<sup>18</sup>

These oaths provide tantalizing clues about changing religious practices in Japan. The number of gods mentioned by Kusabe no Yukimoto is interesting. The *Engi shiki*, a tenth-century compilation of administrative regulations, lists 3,132 gods of heaven and earth (*tenjin chigi* 天神地祇), but by the twelfth century, the number had expanded to 13,700. According to the list of gods mentioned in the Tōdaiji Second Month Rites (*Shuni-e* 修二会 (*Mizutori*), this number consisted of deities »known and unknown« by Japanese court officials (日本州有官知・未官知万三千七百余所大明神等).<sup>19</sup> This number would be widely disseminated in other documents from the twelfth and thirteenth centuries, and the question of whether this higher number of gods had any relationship with the increasing number of oaths deserves further research.<sup>20</sup>

Oaths would continue to be written in ensuing centuries, but on paper rather than wood. The 1232 promulgation of a code of laws by the Kamakura shogunate (*bakufu*), Japan's first warrior government (1185-1333), led to an upswing in oaths because Kamakura required strict standards of evidence, and relied on oaths to verify »facts« that had no documentary basis, and functionally resembled the situation in Latin Europe.<sup>21</sup> Tellingly, many examples of oaths were linked to records from the appellate office of the Kamakura regime in the 1240s.<sup>22</sup>

Nearly all these thirteenth-century oaths were written on plain paper.

People continued to write oaths whereby they placed themselves in jeopardy of divine punishment, and illness and death were certainly seen as the devastating consequences that might befall oath breakers. For example, after signing an oath, on 11.11.1275, the head of a shrine suffered an illness with a high fever and died. Survivors commented: »This was because he was struck down by an oath« (*kore mo sunawachi kishōmon ni utetaru yue nari*).<sup>23</sup>

18 Chijiwa distinguishes between these oaths, which he describes as being »*kanjōgata kishōmon*«, whereby gods were called down to vouch for a pledge, and »standard« pledges, which are of greater antiquity. See Chijiwa, *Chūsei no seiyaku monjo-kishōmon no futatsu no keiretsu*.

19 For this insight, I would like to thank Yoshikawa Shinji. For an accessible version of this text, the Tōdaiji Kaidan'in *kōyō shinmyōchō* (東大寺戒壇院公用神名帳), see *Zoku gunsho ruijū* vol. 3.1 *Jingibu*, 181-184; Makino Eizō, Tōdaiji Nigatsudō *shōmyō jinmyōchō*.

20 *Heian ibun*, vol. 7 (Tokyo, 1956), docs. 3144, 3398, 2526 and 2676. For examples dating from 12.15.1266 (Bun'ei 3) see *Kamakura ibun*, vol. 13 (Tokyo, 1979), doc. 9614, p. 220, and vol. 23 (Tokyo, 1982), doc. 17984, 8.16.1292 (Shō-ō 5), 271.

21 See Barthélemy, *Diversité*, 4; Bartlett, *Trial*, 29-33.

22 See [hyakugo.pref.kyoto.lg.jp/contents/detail.php?id=18937](http://hyakugo.pref.kyoto.lg.jp/contents/detail.php?id=18937) for a 11.25.1243 (Kangen 1) Rokuhara *saihyōjō* (accessed 20 August 2021).

23 *Kasugasha kiroku*, vol. 1, 11.11.1275 (Kenji 1), 315. See also 11.14, 316.

Those that wrote oaths were willing to expose their bodies to potential punishment by the gods and buddhas. To cite another example, sometime before the twenty-third day of the sixth month of 1280, some alcohol (*sake*) was illicitly imbibed while it was being transported to the capital. Eight men in all disavowed that they had partaken in the *sake* and professed no knowledge as to its whereabouts. Two groups of porters signed oaths, with one stating: »If what has been humbly stated is not true, may each suffer the divine and hellish punishments of the Great Buddha, Hachiman, and the Kasuga Avatar (*gongen*).« The other vowed:

If you hear or see who has taken the aforementioned *sake*, and state that it was not actually taken, then you will suffer the divine and hellish punishments of the Great Buddha, Hachiman, and all of the middling, great, and small gods of all of Japan, and receive black and white leprosy in this life, and descend directly into hell forever.<sup>24</sup>

The porters were able to »prove« their innocence and disavow any knowledge of who had stolen these beverages by not contracting leprosy. Other documents dating from 1283 describe oaths as providing signs of proof (*kenzen no shokō*) regarding tax goods lost in shipment. One manager responsible for shipping taxes even expressed a willingness to undergo water and fire torture to vouch for his truthfulness.<sup>25</sup>

The signatories of the 1280s oaths regarding *sake* and leprosy do not mention the time frame within which the stipulated punishments would be inflicted. This is because, in 1235, the Kamakura shogunate issued guidelines that clarified which signs constituted »divine punishment« and when these symptoms would appear.<sup>26</sup> Kamakura explained that signs of divine punishment were as follows: having one's clothes eaten by mice; being defecated upon by a kite or a crow; bleeding from the torso or lower body (unless this was caused by being hit with a stick); choking (but only if a slap to the back was required); the death of a relative where mourning was required; the death of one's riding horse; or a father or son being charged with a crime. Likewise, Kamakura stated that these unfortunate events would only be classified as signs of oath breaking if they appeared within fourteen days of the signing of the oath. In other words, malignancies spawned by broken oaths had an incubation period of less than two weeks.

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24 *Kamakura ibun*, vol. 18, docs. 13999-14000 of 6.23.1280 (Kōan 3), 370. These documents have been translated in the appendix.

25 See »Keep dry!« [hyakugo.pref.kyoto.lg.jp/eng/?p=300](http://hyakugo.pref.kyoto.lg.jp/eng/?p=300) (accessed on 20 August 2021) for analysis of one such set of documents concerning problems with the shipping of salt and a promise to provide »obvious evidence« (*kenzen no shokō* 顯然之証拠) if it should be missing. See box 42 *Yo*, 3.1283 (Kōan 6) *Aki no kuni Shinchokushiden azu-karidokoro Bō ukebumi* [hyakugo.pref.kyoto.lg.jp/contents/detail.php?id=5258](http://hyakugo.pref.kyoto.lg.jp/contents/detail.php?id=5258) (accessed on 20 August 2021). For one such oath describing how 12 out of over 100 bags of rice dissolved because of water damage, see the Box *shi* 12, 1.14.1324 (Genkō 4) [?yo shojō hyakugo.pref.kyoto.lg.jp/contents/detail.php?id=15372](http://yo.shojō.hyakugo.pref.kyoto.lg.jp/contents/detail.php?id=15372) (accessed on 20 August 2021).

26 *Chūsei hōsei shiryōshū*, vol. 1, amendment 73 of the sixth intercalary month of 1235 (Bunryaku 2), 94-96. This amendment has been translated in the appendix. Mass, *Development of Kamakura Rule*, 141, describes the regulations as »bizarre«, and has since then been criticized for this characterization. See Fröhlich, *Rulers, Peasants*, 124-125.

Gods and buddhas were thought to be capable of reading written oaths. According to the rhetoric of these documents, the divine entities named would evaluate the veracity of a statement; if true, no actions would be taken, but if not, then the oath taker (and breaker) would be bombarded by the feces of kites or crows; choke; bleed; or suffer misfortune to close relatives or to favored horses. Oaths used to verify facts, or serve as legal evidence, were relatively straightforward, but cases in which they were used to establish alliances proved more fraught.

### *Oaths and Allegiances*

Kishōmon were suited for determining »truth,« but not so for establishing lasting obligations and alliances. An episode from the *Azuma Kagami*, a chronicle compiled in the latter half of the thirteenth century, reveals this process quite well.<sup>27</sup> Minamoto no Yoritomo, the first leader of the Kamakura shogunate, was famously suspicious. In 1193, his ire fell on his half-brother Noriyori. Noriyori responded with an oath, which he wrote on 8.2.1193. With it, he sought to assure his brother that he had no rebellious intent. Noriyori wrote:

It is most unseemly that I have given you cause for suspicion. Indeed, from this time and in future times hence, I will countenance no thoughts of disservice (*fuchū*) and will speak of this to my descendants. If I violate this oath, may I, Noriyori, suffer the divine punishment of Bonten (Brahma) from the upper realm and Ise, Kasuga, Kamo, and the Great Bodhisattva Hachiman from the lower realm. Thus, respectfully this oath is such. The Mikawa Governor Minamoto Noriyori.<sup>28</sup>

Noriyori does not deny that he may have considered rebelling, but he does state that he will not countenance disservice to Yoritomo for now or in the future, nor will he informally convey such sentiments to his sons. In terms of the gods mentioned, the oath is remarkably consistent with the one sworn by Kusabe no Yukimoto in 1137.

The main distinction between the two documents is that Yukimoto submitted his to a religious institution, whose gods would pass judgment, while Noriyori's was sent to Yoritomo, who was in a position to accept or dismiss the oath. In this case, Yoritomo discarded Noriyori's oath. He did not do so because it implied Noriyori's earlier rebellious intent. Rather, Yoritomo complained that Noriyori's oath was invalid because of its improper format. He argued that the oath was void because Noriyori had signed the document with his surname (Minamoto), when the proper epistolary style for oaths among relatives was that surnames should not be written. Instead, Noriyori should only have signed the document with his personal name (Noriyori).

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27 *Azuma Kagami* must be used with care as many references to objects or institutions are anachronistic. This includes statements that Ox-head paper was used for oaths in 1185 by Minamoto Yoshitsune, when in fact the oldest examples of such paper being used dates from 1266. See Chijiwa, Chū-kinsei kishōmon no yōshiki ni tsuite no kenkyū. For the *Azuma Kagami* citation, see, *Azuma Kagami* vol. 1, 5.24.1185 (Genryaku 2), ed. Ryō Susumu, 198. For a reference to Minamoto Yoshitsune using documents with »the holy seal of the Sacred Ox«, see Shinoda, *Founding of the Kamakura*, 5.24.1185 (Genreki [sic] 2), 317. For other *Azuma Kagami* anachronisms, see Mass, *Mixing of past and present; idem, Shugo and Jitō* imagined.

28 For a convenient version of this, see *Azuma Kagami* vol. 3, 8.2.1193 (Kenkyū 4), ed. Ryō Susumu, 98-99. For further analysis of this episode, see Moerman, *Shugendō as social practice*, 222.

Yoritomo apparently considered the oath to be deceitful because Noriyori had not adhered to the proper conventions. An invalid oath would presumably not come under the purview of the gods. Yoritomo believed that Noriyori in fact harbored rebellious intentions. After signing his oath, Noriyori was so rattled after a week of Yoritomo's silence that one of his retainers, a warrior named Tōma Tarō, crept in and hid underneath Yoritomo's bed in a desperate attempt to convince him that Noriyori had no rebellious intent. When Tarō was discovered, Yoritomo had him tortured and eventually killed.<sup>29</sup> Nevertheless, he did not punish Noriyori until the two-week period of divine evaluation had ended. Once two weeks had passed, and Noriyori had not suffered any repercussions, Yoritomo did not absolve Noriyori, but rather killed him and his men for their invalid oath.<sup>30</sup>

Here, oaths placed not only the signers but their retainers in legal jeopardy, as the poor Tōma Tarō and Noriyori's other unfortunate retainers would discover to their chagrin. In 1232, Yoritomo's regime, the Kamakura shogunate, stipulated in its laws that oaths would apply to all, not only those of the higher status, but also to their friends, family, and followers (*burui kenzoku* 部類眷属).<sup>31</sup> These people were bound by oaths that they had not actually endorsed. To cite one example, albeit from centuries later in 1549, a retainer of Asō Shigesato, upon learning that his lord had sealed by oath an alliance that involved treachery, protested violently. He refused to accept the oath, and Shigesato ultimately killed him.<sup>32</sup>

After Yoritomo's passing, the Kamakura shogunate relied on oaths to attest to the veracity of actions. On top of merely being used to deny illicit behavior, warriors had recourse to other men's oaths to verify their actions in battle, with the caveat that those offering the oaths had to be unrelated (*hiensha* 非縁者) to the oath maker or to beneficiaries of the oaths' contents. Thus, in this process, such unrelated persons would have to agree to stand witness for other warriors, and write oaths that would be submitted to war leaders so as to verify these other warriors' actions in battle.<sup>33</sup> This prohibition of having recourse to related persons, when coupled with Yoritomo's comment about relatives, suggests that the existence of a notion that kin relations would influence the obligations and responsibilities inherent in oaths. Kinship ties and allegiances were implicitly thought capable of superseding oaths.

Oaths served to convey »facts« that could otherwise not be known. This worked well for battle service, and protestations regarding theft, but less so when it came to alliances. Noriyori's oath merely stated that he did not harbor rebellious intentions. Attempts to confirm allegiance through oaths was fraught with problems of deception.

29 *Azuma Kagami* vol. 3, 8.10.1193 (Kenkyū 4), ed. Ryō Susumu, 99-100.

30 For Noriyori's exile and the death of his retainers, see *Azuma Kagami* vol. 3, 8.17-18.1193 (Kenkyū 4), ed. Ryō Susumu, 101. The *Azuma Kagami* does not record Noriyori's death, but his assassination is mentioned in the *Hōryaku kanki* and the *Hōjō kyūdaiki*. After 8.17.1193 nothing more about Noriyori is known.

31 This phrasing appears in the 1232 Jōei Code of the Kamakura shogunate. See *Kamakura ibun*, vol. 6, doc. 4341, 383. For a later example of 10.3.1286 (Kōan 9), see *Kamakura ibun*, vol. 21, doc. 15998, 142.

32 This narrative was drawn from Sagara Taketō's letter in the Mōri house records, which recounts these events in detail. *Dainihon komonjo iewake 8 Mōri ke monjo*, vol. 4, doc. 1556, 1.5.1551 (Tenbun 20) Sagara Taketō *mōshijō utsushi*, 458-465.

33 See Conlan, *In Little Need*, docs. 20-24, 27-28, 217-224.

Here a fictional episode in the fourteenth-century *Genpei jōsuiki* reveals the mindset of medieval Japanese warriors who were pressured to write oaths of alliance. According to this narrative, a warrior named Nakahara Kanetō was forced by the Taira to sign an oath even though he had already promised to join the forces of Minamoto Yoshinaka. Kanetō reasoned to himself that: »This is not an oath that I write from my heart. The gods will not hold this against me. The gods will forgive what I say under this sort of duress.«<sup>34</sup> In analyzing this passage Elizabeth Oyler astutely argues that Kanetō was more concerned about breaking a written oath than about lying orally. That being said, Kanetō still wrote a false oath with the hope that the gods would be able to understand his situation and forgive him for writing falsely.<sup>35</sup> This fourteenth-century fiction reveals a tension between social pressure and inner thought. Using oaths to proclaim the veracity of an event (battle service) or non-event (theft) before the gods and buddhas was uncontroversial but attempts by men to use oaths to demand allegiance caused tensions because men (lords) could *de facto* unilaterally determine the validity of an oath of allegiance. The *Genpei jōsuiki* suggests that, when forced into signing such oaths of allegiance, people would console themselves in the knowledge that the gods could distinguish between what was truly believed and written statements that had been agreed to under duress. These fourteenth-century accounts reveal that people of the time assumed that the gods and buddhas would not only read an oath, but analyze its social and political context, and read the mind of the oath taker. Depending on the context, falsehoods could be excused.

#### *Ashikaga Takauji's Rebellion and the Temporal Validity of Oaths*

One such false oath led to the collapse of the Kamakura shogunate.<sup>36</sup> In 1331, Emperor Go-Daigo had started a revolt against the shogunate.<sup>37</sup> Although Go-Daigo was defeated and banished to Oki Island, his partisans continued to fight against Kamakura. On 3.10.1333, they briefly managed to occupy the capital Kyoto. Kamakura officials decided to dispatch a reinforcing army to keep order there, but they lacked good commanders, and had to rely on a young warrior of impeccable lineage who had a grievance against them. They did not fully trust this person, Ashikaga Takauji (1305-1358, shogun 1338-1358), but they needed him to lead their armies, so they had him swear an oath not to rebel against their forces. Takauji duly swore an oath and then departed with his army. The *Masukagami*, a chronicle written in the 1330s by a well-connected courtier who was deeply knowledgeable of the politics of his day, explains what then happened, and the tension between an oath codified in writing and Takauji's inner thoughts:

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34 *Genpei jōsuiki*, quoted and translated in Oyler, *Swords, Oaths and Prophetic Visions*, 69-70.

35 Oyler, *Swords, Oaths and Prophetic Visions*, 70.

36 For an overview, see Conlan, *State of War*, 10; for the translated documents, see *idem*, *Samurai and the Warrior Culture*, 109-110, 118-122.

37 For more on Go-Daigo, see Goble, *Kenmu*.

When Takauji had departed from the east, he wrote an oath stating that he had undivided allegiance to Kamakura. But there were doubts about what he really thought. This Takauji was a descendant of Yoriyoshi of old and, although he was a warrior of impeccable lineage, his Genji lineage had not been influential since the time of Jōkyū [1219–22]. Although [the Ashikaga were] obscure, a number of branch families had been established, and their influence extended far and wide. They gained the support of many in the provinces. Some people wondered if, during this time of crisis, Takauji would rise up in the world [through rebellion] and their suspicions proved to be correct. Stating that he had been commanded to depart for the province of Hōki, Takauji stopped at Nishiyama Ōhara for a night, and then on the seventh day of the fifth month, just at the light of dawn, he broke through the barricades at Ōmiya avenue. Dividing his forces into seven units, he then headed east on seven roads from Nijō, in the north, to Shichijō in the south. With their banners, he and his men, thick as fog and clouds, headed toward Rokuhara. They encountered no opposition along the way. Having already received an edict from the previous emperor Go-Daigo, *Jibu no taiyū* Takauji had thus turned to conquer the capital.

Takauji and his men raised thunderous battle cries; the ground shook, and the heavenly king Bonten (Brahma) must have been surprised in his palace. All who heard them were rattled by the clamor. It goes without saying that Emperor Kōgon, the Crown Prince, and the Retired Emperors Hanazono and Go-Fushimi were distraught. Accustomed more to beautiful melodies, they were shocked to hear such strange sounds.

Half of Rokuhara's warriors had been dispatched to Mt. Kongō; those that remained resolved to stay in the capital for as long as they lived. It was a ferocious battle, fought with reckless abandon. Many died in front of their comrades, brought down by arrows that fell like heavy rain. They fought day and night. Both Rokuhara leaders resisted until their forces were no more. But in the end their defenses collapsed, and the end appeared near.

The emperors, nobles, and courtiers could not have fled, even if they believed this day would be their last. Of course, none could have imagined the previous day's betrayal by Takauji, a man honored with a Retired Emperor's edict. All huddled together in fear.<sup>38</sup>

Here, in spite of writing an oath promising not to rebel against Kamakura, Takauji attacked and destroyed their forces. It would seem that oaths were of not an effective means of securing allegiances.

Ashikaga Takauji's rival, Kitabatake Chikafusa (1293–1354), treated Takauji's actions as treason, writing: »Takauji, before setting out, wrote a pledge to dispel doubts about his own loyalty. But, ignoring the witness of the gods to this pledge, he changed allegiance.«<sup>39</sup> The *Taiheiki*, a fictionalized history compiled in the fourteenth century, provides one rebuttal to these charges, with Takauji's brother Tadayoshi purportedly stating that the gods and buddhas would ignore Takauji's false oath because his actions were not for his own sake, but for the realm and, in particular, Emperor Go-Daigo in his struggle against Kamakura. In such cases »the gods and buddhas will recognize and protect loyal intent, even if false words are written in an oath.«<sup>40</sup>

38 *Shūtei Masukagami shōkai*, 738–752. For a different translation, see Perkins, *Clear Mirror*, 215–218.

39 Kitabatake Chikafusa, *Chronicle*, trans. Varley, 246. For an overview of *Taiheiki*, see Piggott, Introduction.

40 *Taiheiki (Seigenin bon)*, vol. 2, maki 9, »Ashikaga dono jōraku no koto«, ed. Hyōdō Hiromi, 38–39.

Takauji, for his purported betrayal, was not widely excoriated for his treachery during his lifetime, or for centuries thereafter. The compiler of the *Clear Mirror* and Kitabatake Chikafusa did accuse Takauji of rebellion, but their charges were rebutted in the *Taiheiki*, although that narrative was critical of Takauji elsewhere.

Imagawa Ryōshun (1326-1420) provided a different view when he recounted the history of the Minamoto lineage of Ashikaga Takauji. He explained that the existence of a prophecy written by Takauji's distant ancestor Minamoto Yoshiie had forced Takauji's hand, as his role in seizing the realm had been prophesied. According to Ryōshun's account:

Yoshiie wrote in his testament (*okibumi*): »I shall be reborn seven generations hence and seize the realm.« That generation was Ietoki's, who, no doubt realizing that the time was not yet ripe, prayed as follows to Hachiman: »Cut my life short, I beg, and have us seize the realm within three generations.« He then slit his belly [in 1285]. The testament written in Ietoki's own hand gives further details. My late father and I read it in the presence of both Takauji and Tadayoshi. They said that they owed their conquest of the realm to this prayer [by Ietoki]. Ambition working over generations had made them masters of the world.<sup>41</sup>

Ryōshun's father Norikuni was a close and trusted commander, and relative of Takauji, but his reminiscences were written considerably after the events at hand. Powerful evidence that Ietoki's 1285 testament existed comes from a document dating just a few years after Takauji's victory. It was written by his brother Tadayoshi, who took Ietoki's document »for safe keeping« and left a copy with a retainer, whose ancestors had preserved this record. Tadayoshi wrote, in his own hand, »I viewed the document from the time of Ietoki's passing, which he gave to his retainer Kō no Morouji. Reading it brings tears to my eyes; I will not forget it. I am thus taking this document and will send you [Kō no Moroaki] a copy.«<sup>42</sup>

Something of Takauji's frame of mind can be ascertained in a prayer that he had written on 4.29.1333, at the time of his rebellion against Kamakura. In it, Takauji described himself as a »lingering trace« of the Hachiman Bodhisattva, who would »follow the imperial command and raise a righteous army« so that, among other things, the fortunes of their house would flourish.<sup>43</sup> Takauji's prayer to Shinomura Hachiman, with its emphasis on his Minamoto descent, suggests that he was aware of the testament of his ancestors proclaiming that he would seize the realm. This testament superseded the oath he had offered to Kamakura. When Takauji found himself at the head of an army, the only thing preventing him from commanding it was Kamakura's request that he sign an oath of loyalty to them. He wrote what turned out to be a false oath to ensure that familial prophecies of generations past would be fulfilled.

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41 Translation slightly modified from Tyler, *Fourteenth-Century Voices*, 236-238.

42 Dainihon komonjo iewake 19, *Daigoji monjo*, vol. 1, doc. 160, 4.5 Ashikaga Tadayoshi *jihitsu shojō*, 117. This has been translated in Conlan, *Samurai and the Warrior Culture*, 121.

43 *Kamakura ibun*, volume 41, doc. 32120, 4.29.1333 (Genkō 3) Ashikaga Takauji *ganmon*. See also Conlan, *Samurai and the Warrior Culture*, 121-122.

Takauji, steeped in the practices of Kamakura, upheld its legal norms when writing his oath. Kamakura had determined in 1235 that malign signs of a broken oath would appear after an incubation period of two weeks.<sup>44</sup> According to the *Clear Mirror*, Takauji arrived in the capital with a great number of warriors on 4.10.1333. He rebelled against Kamakura on 4.25.1333, precisely two weeks after he entered the capital.<sup>45</sup> Thus, by Kamakura's own legal standards, Takauji's oath had been accepted by the gods, for he had suffered no illness or signs of divine disfavor during the two-week testing period. To Takauji and his compatriots, the fact that he had not suffered any consequences from a »false« oath meant that Takauji's grandfather's testament had more power. After having waited two weeks and suffering no adverse effects, Takauji was confident that the gods favored his rebellion against Kamakura. His former Kamakura allies were bitter – and indeed, most died in 1333 – but save for the *Clear Mirror* account and Chikafusa's *Chronicle of Gods and Sovereigns*, most narratives of the time, even those written by Takauji's rivals, do not refer to him as an oath breaker.

Oaths seem to have been widely understood as being valid only for a relatively short duration. Some warriors would, however, maladroitly promise alliances for improbably long periods of time. The *Taiheiki*, the above-mentioned fourteenth-century chronicle, describes the 1359 battle of Chikugogawa. Here, Shōni Yoriyasa of Northern Kyushu had pledged to support Kikuchi Takemitsu »for seven generations« but, only a year later, Yoriyasa took up arms in direct violation of his oath. The forces of Kikuchi Takemitsu then attacked Shōni Yoriyasa's oath to their battle flag and fought him in battle. The *Taiheiki* goes on to explain:

As the two opposing encampments were only separated by a short distance, one where words could be easily seen, the Kikuchi, in order to shame the Shōni, attached a single page oath to a flag with gold and silver symbols of the sun and moon. That is because in the previous year, at Furu-ura castle, when Isshiki *Kunai no taifu* [Norinori] attacked them, Kikuchi Higo *no kami* [Takemitsu] came with a large army to support [Shōni Yoriyasa] from the rear, and Shōni [Yoriyasa], overjoyed, exclaimed: »Henceforth, for seven generations of my descendants, we will never unleash a single arrow against the Kikuchi [in hostility].« He wrote this in blood on Kumano Ox-head paper. [The Kikuchi] did this to broadcast to all his ruthless change of heart, and so as to appeal to the heavens, and to appeal to the wisdom of men.<sup>46</sup>

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44 *Chūsei hōsei shiryōshū*, vol. 1, amendment 73 of the sixth intercalary month of 1235 (Bunryaku 2), 96.

45 *Kamakura ibun*, vol. 41, docs. 32103-4.

46 *Taiheiki (Seigenin bon)*, vol. 5 »Kikuchi ikusa no koto«, ed. Hyōdō Hiromi, 248-250.



While the phrase »appeals to the heavens« suggests that the notion remained that the gods would see and evaluate oaths, the social context mattered most, in that men too could evaluate whether oaths were being broken or not. In this case, Shōni Yoriyhisu was shown by all to be an oath breaker because he foolishly bound seven generations of his family to this contract, only to break it the following year. Yoriyhisu's lack of intelligence and reliability would have been evident because he signed an oath valid for centuries that he himself could not uphold for even a year. Yoriyhisu was defeated and the Shōni then earned a reputation for incompetence, duplicity, and untrustworthiness. Perhaps unsurprisingly, sixteen years later, based on similar suspicions, Imagawa Ryōshun would kill Yoriyhisu's son Fuyusuke at a banquet celebrating the defeat of the Kikuchi.<sup>47</sup> Distrust of the Shōni lasted far longer than their oath.

### *Oaths and Duress*

In contrast to oaths regarding theft, or legal situations, oaths of alliance proved to be of more limited duration and could be recalibrated through a sequence of later oaths (not unlike in twelfth-century Southern France, see H el ene D ebax's contribution to this volume). For example, in 1531, M ori Motonari (1497-1571) signed an oath promising to be like a brother to Amako Yoshihisa.<sup>48</sup> Later, however, when Motonari's lords, the Ōuchi, and his neighbors, the Amako, became embroiled in a long-standing and debilitating dispute, Motonari had to choose sides.<sup>49</sup> In response, in 1537, Ōuchi Yoshitaka promised to come to the aid of M ori Motonari if he were attacked by the Amako.<sup>50</sup> By 1539, Motonari confirmed his undivided service to Yoshitaka and not the Amako.<sup>51</sup> Yoshitaka had Motonari sign a formal oath confirming his allegiance later that year.<sup>52</sup> Thereupon Motonari would fight the Amako, until they were ultimately destroyed. The context in which oaths of allegiances were proffered mattered. Those that were imposed under duress were thought to be less binding than freely initiated agreements. Yoshitaka's weaning of the M ori from the Amako involved repeated oaths and assurances, so as to ensure that Motonari would not feel overly pressured to attack the Amako.

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47 For a summary of the events surrounding Fuyutsuke's death, see Hanawa Hokinoichi, *Kaei sandaiki*, 203, and Yamada Sh o ei, *Yamada Sh o ei jiki*, 70, 94-95. For one of the few contemporary documentary references to Fuyutsuke's »chastisement«, see *Nanbokuch  ibun Ky ush  hen*, vol. 5, doc. 5392, comp. Seno Sei'ichir . Reference to this episode also appears in Conlan, *State of War*, 141-142.

48 *Dainihon komonjo, iewake 8 M ori ke monjo* 1, doc. 210, 7.10.1531 (Ky oroku 4) Amako Yoshihisa *keiyakuj  utsushi*, 182.

49 Masuda Saneuji *shoz  shinshutsu ch sei monjo no sh kai*, doc. 27, ed. Nakatsukasa, Nishida and Watanabe, 131 and doc. 64, 156 reveals that Yoshitaka was on good terms with the Amako during 1528 through 1530, but once he rebuffed them, they later allied with Yoshitaka's rival, the Takeda, the nominal *shugo* of Aki.

50 See *Sengoku daimy  no komonjo Nishinihon hen*, ed. Yamamoto, Hori and Sone, 242-243. for a 1.27 [1537/Tenbun 6]. Ōuchi Yoshitaka *shoj *. This document was long mistakenly thought to have been written in 1551, and incorrectly suggests that Yoshitaka was relying on Motonari in 1551, but his monograph dates from 1537 and expresses Yoshitaka's concern for the M ori. See also *Yamaguchi kenshi ts shihen ch sei*, 505.

51 *Sengoku ibun Ōuchi shi hen*, vol. 3, doc. 3120, 7.7 [1539/Tenbun 8] Ōuchi Yoshitaka *shoj *, 354. The letter was addressed to another Aki warrior, Kumagai Nobutada.

52 *Sengoku ibun Ōuchi shi hen*, vol. 3, doc. 3129, 9.13.1539 (Tenbun 8) Ōuchi Yoshitaka *shoj  an*, 357 and doc. 3131, 9.28.1539 (Tenbun 8) M ori Motonari *ukebumi an*, 357.

### *Oaths and Hierarchies*

Some commanders signed oaths to their subordinates to get them to agree to difficult orders. For example, Ōuchi Yoshihiro wrote an oath shortly after he became protector (*shugo*) of Kii province. Yoshihiro forced Mōri Hirouchi to remain with him, far from his homelands, and again vouched for the urgency of his need, stating that should he lie, may he be punished by Myōken the North Star god, as well as the Tenjin, the Kumano deities, and all of the great, lesser, and middling gods of Japan. He wrote this oath on Kumano paper, in the style for Nachi Kiyotaki shrine, which also demonstrated his control over the province where Kumano was located.<sup>53</sup>

Importantly, these fourteenth-century oaths, written by commanders, did not forge alliances. Instead, they attested that their motives were pure in forcing reluctant warriors to remain in the field. The format of an oath served as a concession of sorts because commanders rarely wrote orders to their subordinates. After he became shogun, Ashikaga Takauji's only written oaths were for cases where he prohibited warriors from leaving his army to return to their homelands. He wrote one such oath in 1346 to Shimazu Saburō to show that there was no duplicity in his request. Takauji duly stated that, if he were lying, the gods of the Ise shrines, Hachiman, and Kitano (Tenjin) should punish him.<sup>54</sup>

After Takauji's 1346 promise to Shimazu Saburō, oaths by Ashikaga shoguns become extremely rare. The Ashikaga no longer signed oaths but forced others to sign them. For example, the fifth Ashikaga shogun Yoshikazu, aged 15, had a drinking problem and, in 1421, his father Yoshimochi (1386-1428, shogun 1394-1423) made Yoshikazu's followers sign an oath »not to let Yoshikazu drink *sake* without Yoshimochi's permission.«<sup>55</sup> Yoshimochi relied on an oath to compensate for his inability to control his wayward son, but he did not sign one himself, or require one from his son. The Ashikaga refused to sign oaths or put themselves under divine judgment.

### *The Gods Are Watching: Oaths and Organization*

Over the course of the fifteenth and sixteenth centuries, the principle that the gods viewed, and indeed read, these documents remained unchanged, but the idea that they would, with a fine sense for complexity and with nuance, analyze the political situation seemed to wither. Rather than referring to the judgment of gods and men, or the fraught political context in which these oaths were pledged, the texts of oaths indicated that the deities were dispassionately and uncritically »seeing« and judging the documents and every cosigner.

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53 *Dainihon komonjo iewake 8 Mōri ke monjo*, vol. 4, doc. 1334, 8.5.1392 (Meitoku 3) Ōuchi Yoshihiro *kishōmon*, 250-251.

54 *Dainihon komonjo iewake 16 Shimazu ke monjo*, vol. 1, intercalary (*urū*) 9.14 [1346 Jōwa 2] Ashikaga Takauji *kishōmon*, 598-599. Shimazu Saburō kept his oath but sent a copy to his family.

55 *Kaei sandaiki, Gunsho ruijū*, vol. 26: *Zatsubu*, 66-142, 6.25.1421 (Ōei 28), 118 and 6.29, 118-119. See also Itō Kiyoshi, *Ashikaga Yoshimochi*, 156-158.

For example, at the turn of the sixteenth century, Ōuchi Yoshioki (1477-1528) relied on oaths to the clan's protector deity Myōken to bolster important alliances with families such as the Masuda.<sup>56</sup> These oaths describe the majesty of Hikamisan Myōken, and the Great Bodhisattva (Daibosatsu) Hachiman, and explain how both watched over the signatories.<sup>57</sup> There is no suggestion that the gods would interpret the nuances of the oath's creation, or for that matter, understand the state of mind of those signing the oath. Likewise, the above-mentioned 1549 case in which a retainer of Asō Shigesato refused to sign an oath on pain of death reveals a stark change in attitudes from the time of Takauji. Shigesato's retainer did not think that the gods could evaluate his true intentions. Instead, he simply refused to sign this oath, and his lord killed him for his intransigence. Sixteenth-century mores differed from those of the fourteenth.

Attitudes regarding oaths became more fundamentalist, focusing solely on the written words of the document without any means of escape such as by considering the mindset of its author. Following this change in perceptions regarding oaths, and in contrast to earlier practice, all parties bound by an oath were required to sign it. While it had previously been understood that allies and dependents were implicitly bound by their lord's pledge, this was no longer the case, and greater numbers of people affixed their signatures to oaths. To cite one example, in 1557, Mōri Motonari, the successor to the Ōuchi, required over 240 people to sign an oath. In doing so, the signatories bound themselves to follow the orders of their lord. One clause of their oath reads: »Orders are most important. Hence, from now all shall sign their names and take this oath. Hachiman Daibosatsu and the Itsukushima Daimyōjin shall view these words.«<sup>58</sup>

All who signed such an oath displayed their words and their names to the gods. This was socially levelling, in that all who signed were equally under divine purview. Likewise, the oaths of the sixteenth century would include larger groups of followers, with each signing personally. Highlighting the move toward greater equality – sometime under a powerful leader like Motonari – some of these oaths would have the participants write their names in a circle so as to obscure differences in social hierarchy (*karakasa renbanjō*). This contrasted with the previous way of signing of the document linearly, which revealed the relative status of the signatories.

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56 *Sengoku ibun Ōuchi shi hen*, vol. 1, doc. 938, 10.27.1496 (Meiō 5) Ōuchi Yoshioki *shojō*, 304. For a similar scenario with the Akamatsu, see Hall, *Government and Local Power*, 251-257.

57 *Sengoku ibun Ōuchi shi hen*, vol. 1, doc. 775, 10.16 [1494 (Meiō 3)] Sugi Takeaki *shojō an*, 253.

58 *Dainihon komonjo iewake 8 Mōri ke monjo* vol. 2, doc. 402, 12.2.1557 (Kōji 3) Fukuhara Sadatoshi *ika kashin rensho kishōmon*, 43-62. For a translation, see Conlan, *Samurai and the Warrior Culture*, 222, also 216-221.

### *Conclusion*

Oaths served as a means of appealing to the judgment of humans and of gods. They arose as a means of attesting to the veracity of otherwise unverifiable statements. Over the course of the thirteenth through sixteenth centuries, they became linked to the practice of distributing Ox-head talismans to ward off illness, and these seals became incorporated into the oath format.

Oaths proved effective in transforming otherwise unknowable statements as legally binding facts but, because of the limited duration of their efficacy, they proved to be less suitable as a means of establishing alliances. In the fourteenth century, oaths taken under duress were thought to be invalid, and men believed that gods, and men, would evaluate the social and political context of their creation.

A skilled commander could keep people in the fold, but a single oath did not constitute an ongoing and indefinite sign of service, or its »breaking« an invariable example of treachery. It still remained as a vehicle for communication with otherworldly luminaries. Nevertheless, some, such as the Ashikaga, eschewed writing oaths once they achieved a position of political hegemony. On the contrary, they forced their subordinates to write oaths in response to their requests.

Some hegemony relied on oaths to create a lasting political organization by forcing all to pledge to obey orders. These oaths served to enhance their command authority. They also became more inclusive as hundreds, rather than dozens, signed oaths individually and did not rely on someone else to sign on behalf of their kith and kin. Accompanying this greater participation was a return to the notion that gods and buddhas could only read and act upon that which had been explicitly pledged but could not know the thoughts of those who had sworn to them.

*Appendix: Selected Translations***1**

(73) *Kamakura bakufu amendment concerning oaths.*<sup>59</sup>

Regulations (*sadame*) concerning the invalidity of oaths (*kishōmon*)

Item. A nosebleed

Item. Becoming ill after writing an oath (*kishōmon*). This does not apply, however, in cases of previous illnesses

Item. Being defecated upon by a kite or crow.

Item. Having one's clothes eaten by mice.

Item. Bleeding from the torso or lower body. This does not apply when hit by a stick, or for women, their menstrual cycles, or in cases of hemorrhoids.

Item. Having to wear clothes of mourning (e.g. the death of a relative).

Item. Having a father or son charged with a crime.

Item. Choking while eating or drinking (but only if a slap on the back was required shall it be decided that the oath is invalid).

Item. The death of one's riding horse.

Concerning the aforementioned, if these signs do not appear within seven days of writing an oath, then for another seven days, the person shall be observed within shrine precincts. If none of these signs appear during these two seven-day periods, then the person shall be judged to be in the right. These regulations are ordered thus.

The Twenty-Eighth Day of the Sixth Intercalary Month of the Second Year of Bunryaku (1235)

*Uemon no daisakan* (右衛門大志) Kiyowara Sueuji

*Saemon no shōjō* (左衛門少尉) Fujiwara Yukiyasu

*Zusho no shōjō* (図書少允) Fujiwara Kiyotoki

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59 *Chūsei hōsei shiryōshū*, vol. 1, amendment 73, *urū* 6.1235 (Bunryaku 2), 94-96.

## 2

*Two oaths concerning the theft of sake.*

## A

Wakajirō *rensho kishōmon*<sup>60</sup>

Respectfully: A request (*kishō*) of Heaven's Judgment (*tenpan*)

The aforementioned stems from a report that one of us (*tomogara*) illicitly stole and imbibed *sake* while going up to the capital. Such a rumor is most unseemly. Nevertheless, when asked who in fact took the *sake*, we admit that we have not done so, nor have we heard, or seen, or were in any way aware of how it had been consumed. If what has been humbly stated is not true, may each of us suffer the divine and hellish punishments of the Great Buddha, Hachiman, and Kasuga Avatar (*gongen*) throughout their bodies. Thus.

Twenty-Third Day of the Sixth Month of the Third Year of Kōan (1280)

Respectfully

Wakajirō (monogram)

Tone (monogram)

Ichirō Suemori (abbrev.monogram)

Gorō *gon no kami* Narichika (monogram)

## B

Daijō *nyūdōra rensho kishōmon*<sup>61</sup>

Respectfully: A request (*kishō*) of Heaven's Judgment (*tenpan*)

The aforementioned stems from a report that *sake* intended for the capital has been stolen. If we have heard or seen who has taken the aforementioned *sake*, but do not name the culprit, then we will suffer the divine and hellish punishments of the Great Buddha, Hachiman, and all of the middling, great, and small gods of all of Japan, and receive black and white leprosy in this life, and descend directly into hell in the afterlife and never escape from these sufferings (*shutsugo*). Thus.

Twenty-Third Day of the Sixth Month of the Third Year of Kōan (1280)

Daijō *nyūdō* (ink seal)

Seibutsu (abbrev.monogram)

Kunimitsu (abbrev.monogram)

Otojirō (abbrev.monogram)

60 *Kamakura ibun*, vol. 18, doc. 14000, 6.23.1280 (Kōan 3) *Wakajirō rensho kishōmon*, 370.

61 *Kamakura ibun*, vol. 18, doc. 13999, 6.23.1280 (Kōan 3) *Wakajirō rensho kishōmon*, 370.

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