

Dan Sherer (USC), "'Evil Bands' (Akutō) at Ōbe Estate"
「大部荘における悪党活動」

(A copy of the Powerpoint for this presentation in .pptx format can be viewed [here](#).)

The sudden appearance in the historical record of mysterious akutō (evil bands) in the thirteenth century, as well as their disappearance a century later, have long fascinated historians, and there has been protracted debate about what exactly an akutō is. While much scholarship has focused on the akutō as a social phenomena, such as the victims of increased monetization or as a sign of locals pushing against oppressive overlords, some scholars see the word akutō as a rhetorical and legal tool. This talk will follow this line of scholarship to look at two well documented akutō cases at Ōbe, and to demonstrate how akutō suits were constructed.

The two suits, brought some twenty-five years apart, use very different evidence: while the first case (from the 1290s) uses edited documents from people on the ground at Ōbe, the second (from the 1320s) primarily uses documents from another case involving another estate with another proprietor. I will use the evidentiary documents to demonstrate that the residents of Ōbe were engaging the legal system themselves, to attempt to understand just who on the estate was writing the letters, and to show that Tōdaiji, Ōbe's proprietor, appropriated and manipulated their appeal in the first case. I will also argue that the absence of a local perspective in the second case suggests that the residents of Ōbe who had been active in writing the first set of documents were either disinterested or opposed to the temple in the second case.

十三世紀後半から約百年後まで、史料上に不思議な「悪党」は急に多く現れている。歴史学者は長く「悪党」はどういう意味をもつかを論じた。従来の研究は悪党を社会的事象として、そう呼ばれた人が貨幣の普及より貧乏になった地主とか、荘園領主に対抗する庄民とか、色々な評価が論じされた。これに対して、山陰春夫氏・下沢敦氏などの研究者は「悪党」という言葉が社会的事象よりむしろ法的用語か修辞手法とした。本稿は、後車の研究に従え、大部庄を背景とした二件悪党事件を検討し、「悪党」に対する訴訟の作り方を明かしたい。

第一事件から第二事件までわずか二十年間立てたが、その証拠は全く違う。永仁三年（1296）の訴訟は百姓申状が添えたが、元亨二年（1322）の訴訟は別の領主の平野庄に関する文書を添えた。両事件の証拠の文書の検討を注目すれば、永仁の事件で大部庄の庄民は自分自身法廷に手を出すこと分かる。そして、その庄民はどんな人か、領主の東大寺は庄民のアピールをどう操るかなどを明かす。さらに、元亨の事件に、庄民の文書が一通もないので、前の事件に活躍した百姓は後者の訴訟に利害関係がなかったかもしれない。