Will hear and receive [these words].
Then the earthly deities will climb up
To the summits of the high mountains and to the summits of the low
mountains,
And pushing aside the mists of the high mountains and the mists of the low
mountains,
Will hear and receive [these words].

When they thus hear and receive,
Then, beginning with the court of the Sovereign Grandchild,
In the lands of the four quarters under the heavens,
Each and every offense will be gone.
As the gusty wind blows apart the myriad layers of heavenly clouds;
As the morning mist, the evening mist is blown away by the morning wind,
the evening wind;
As the large ship anchored in the spacious port is untied at the prow and untied
at the stern
And pushed out into the great ocean;
As the luxuriant clump of trees on yonder [hill]
Is cut away at the base with a tempered sickle, a sharp sickle—
As a result of the exorcism and the purification,
There will be no offenses left . . .
Hear me, all of you:

Know that [all the offenses] have been exorcised and purified
In the great exorcism performed in the waning of the evening sun
On the last day of the sixth month of this year. Thus I speak.
Oh diviners23 of the four lands,
Carry them out to the great river
And cast them away. Thus I speak.

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23In the purification ritual, it is the diviners (urabe) who carry away the offense-bearing articles and cast them into the river.
into the future and to find answers to perplexing day-to-day problems. Exchanging poems written in Chinese was considered the highest accomplishment in polite society, and the Chinese poems were also employed to impress upon foreign visitors Japan's cultural advancement at diplomatic receptions. The *Kaifūsa*, the first compilation of Chinese poems, completed in 751 and thus ahead of the *Manyōshū*, typified Japan's adulation of China. The first permanent capital of Nara, with its broad-patterned avenues, temples and pagodas, was a replica of the imperial city of Chang'an. Even in selecting the location of this new capital, the Chinese geomancy was carefully consulted.

However, indigenous elements did not completely submerge when Japan imported Chinese thought and institutions. From the very beginning there was an attempt for adaptation, not mere imitation. This trend was most clearly discernable in the Taifi-Yorō codes (Document 3). As long as the Chinese institutions provided a means for enhancing the power of the imperial court, they were eagerly adopted. In the case of propagation of Buddhism, the same attitude held true. It was less for spiritual pursuit, and more for political gains that Buddhism was encouraged (Documents 6, 7, and 8). This pragmatic approach and the coalescence of indigenous and alien elements were in large measure responsible for the success of Japan's cultural importation.

In their cultural borrowing, the Japanese were selective. They chose only those features of Chinese civilization most advantageous to Japan. For example, Japanese Buddhism was deeply influenced by the Buddhism of northern dynasties, which maintained a strong belief in the ability of Buddhism to protect the state. This was, of course, attractive to Japanese rulers. On the other hand, in literature, a far stronger influence came from southern China, independently of Buddhism in that region.

The relatively long period of time that Japan was subjected to Chinese cultural influence also helped facilitate successful assimilation of this alien civilization. What was once foreign became familiar through a process of education and continuous exposure. Generation after generation of Japanese elite who were educated in Chinese classics shared a certain set of common values with their Chinese counterpart. Meanwhile, the difficulty of sea passage prevented the two groups from becoming homogeneous in their life-styles and world views. The Japanese elite retained their perspectives distinct from the Chinese ones. Yet to the Japanese elite the Chinese values and Japanese perspectives were both part of their heritage. Gradually they created a culture distinctly their own, naturalizing Chinese elements to suit the requirements of the new age in Japan. Then in later years, the culture thus nurtured by the elite would seep downward to become the heritage of the common man.

THE REGENCY OF PRINCE SHÔTOKU

The flowering of civilization and new confidence in the fate of the imperial institution characterized the regency of Prince Shôtoku which lasted from 593 to

622. In 604, the Prince promulgated the so-called Seventeen Article Constitution. It was not a basic law in the sense that we understand the term today, but was more of a series of moral precepts and injunctions. In this stylistically correct Chinese writing, the "constitution" quotes freely from Confucian, Legalist, Taoist and Buddhist works. There were unabashed claims for the right of the sovereign (Articles 3 and 12), and attempts to create a "bureaucracy" to replace the domination of the great clans (Articles 7, 8, 11, 13, and 15).

Some of these professed aims remained mere pious wishes, and there is no evidence indicating that the Constitution was ever shown to the great clans whose powers it intended to curtail. However, it could have remained within the imperial household and set the standards which were to be pursued. In this sense, Prince Shôtoku paved the way for the eventual success of the Taika reforms. The era of Prince Shôtoku coincided with the period when the term Tennō was first used to denote the reigning sovereign. The word ten corresponds to the Chinese tian or heaven, and nô to huang or ruler. Thus the term Tennô was endowed with new sacerdotal and political significance. He was not a mere emperor who ruled by the mandate of heaven, but one who was coeval with heaven.

1

The Seventeen Article Constitution, 604 A.D. Summer, 4th month, 3rd day [12th year of Empress Suiko, 604 A.D.]. The Crown Prince personally drafted and promulgated a constitution consisting of seventeen articles, which are as follows:

I. Harmony is to be cherished, and opposition for opposition's sake must be avoided as a matter of principle. Men are often influenced by partisan feelings, except a few sagacious ones. Hence there are some who disobey their lords and fathers, or who dispute with their neighboring villages. If those above are harmonious and those below are cordial, their discussion will be guided by a spirit of conciliation, and reason shall naturally prevail. There will be nothing that cannot be accomplished.

II. With all our heart, revere the three treasures. The three treasures, consisting of Buddha, the Doctrine, and the Monastic Order, are the final refuge of the

3There is a controversy over the authorship of the Constitution, with some evidence pointing to the fact that Prince Shôtoku was not its real author. However, the document does reflect the *zeitgeist* which governed the reign of Prince Shôtoku, and it can be read in that context.


5From the Analects of Confucius, I, 12.

6Ratna-traya in Sanskrit, referring to Buddha, Dharma, and Sangha. The sangha stands for the community of seekers united by their knowledge and right conduct.
four generated beings,\textsuperscript{7} and are the supreme objects of worship in all

countries. Can any man in any age ever fail to respect these teachings? Few men
are utterly devoid of goodness, and men can be taught to follow the teachings.
Unless they take refuge in the three treasures, there is no way of rectifying
their misdeeds.

III. When an imperial command is given, obey it with reverence. The sover-

eign is likened to heaven, and his subjects (yatsuko) are likened to earth. With

heaven providing the cover and earth supporting it, the four seasons proceed in

orderly fashion, giving sustenance to all that which is in nature. If earth attempts

to overtake the functions of heaven, it destroys everything. Therefore when the

sovereign speaks, his subjects must listen; when the superior acts, the inferior

must follow his examples. When an imperial command is given, carry it out with

diligence. If there is no reverence shown to the imperial command, ruin will

automatically result.

IV. The ministers (machikimitachi) and functionaries (tsukasa tsukasa) must

act on the basis of decorum,\textsuperscript{8} for the basis of governing the people consists of
decorum. If the superiors do not behave with decorum, offenses will ensue. If the

ministers behave with decorum, there will be no confusion about ranks. If the

people behave with decorum, the nation will be governed well of its own.

V. Cast away your ravenous desire for food and abandon your covetousness

for material possessions. If a suit is brought before you, render a clear-cut judg-
ment. . . . Nowadays, those who are in the position of pronouncing judgment are

motivated by making private gains, and as a rule, receive bribes. Thus the plaints

of the rich are like a stone flung into water, while those of the poor are like water

poured over a stone.\textsuperscript{9} Under these circumstances, the poor will be denied re-
courses to justice, which constitutes a dereliction of duty of the ministers

(yatsuko).

VI. Punish that which is evil and encourage that which is good. This is an

excellent rule of antiquity. Do not conceal the good qualities of others, and

always correct that which is evil which comes to your attention. Consider those

flatterers and tricksters as constituting a superb weapon for the overthrow of the

state, and a sharp sword for the destruction of people. Smooth-tongued flatterers

love to report to their superiors the errors of their inferiors; and to their inferiors,
castigate the errors of their superiors. Men of this type lack loyalty to the sover-

eign and have no compassion for the people. They are the ones who can cause
great civil disorders.

\textsuperscript{7}Catastro yonah is Sanskrit. The four processes of being born from eggs, from a

womb, moisture-bred, or formed by metamorphosis (e.g., butterflies from caterpillars),
hence, all creatures.

\textsuperscript{8}The Chinese word li is variously translated decorum, courtesy, proper behavior cere-

mony, and gentlemanly conduct.

\textsuperscript{9}The plaints of the rich meet with no resistance, while those of the poor have no efficacy.

VII. Every man must be given his clearly delineated responsibility. If a wise

man is entrusted with office, the sound of praise arises. If a wicked man holds

office, disturbances become frequent. . . . In all things, great or small, find the

right man, and the country will be well governed. On all occasions, in an emer-

gency or otherwise, seek out a wise man, which in itself is an enriching experience.
In this manner, the state will be lasting and its sacerdotal functions will be

free from danger. Therefore did the sage kings of old seek the man to fill the

office, not the office for the sake of the man.

VIII. The ministers and functionaries must attend the court early in the morn-

ing and retire late. The business of the state must not be taken lightly. A full day

is hardly enough to complete work, and if the attendance is late, emergencies

cannot be met. If the officials retire early, the work cannot be completed.

IX. Good faith is the foundation of righteousness, and everything must be

guided by good faith. The key to the success of the good and the failure of the

bad can also be found in good faith. If the officials observe good faith with one

another, everything can be accomplished. If they do not observe good faith,
everything is bound to fail.

X. Discard wrath and anger from your heart and from your looks. Do not be

offended when others differ with you. Everyone has his own mind, and each

mind has its own leanings. Thus what is right with him is wrong with us, and

what is right with us is wrong with him. We are not necessarily sages, and he is

not necessarily a fool. We are all simply ordinary men, and none of us can set up

a rule to determine the right from wrong. . . . Therefore, instead of giving way to

anger as others do, let us fear our own mistakes. Even though we may have a

point, let us follow the multitude and act like them.

XI. Observe clearly merit and demerit and assign reward and punishment

accordingly. Nowadays, rewards are given in the absence of meritorious work,

punishments without corresponding Crimes. The ministers, who are in charge

of public affairs, must therefore take upon themselves the task of administering

a clear-cut system of rewards and punishments.\textsuperscript{10}

XII. Provincial authorities (mikotomochi)\textsuperscript{11} or local nobles (kuni no miyatsu-

ko) are not permitted to levy exactions on the people. A country cannot have

two sovereigns, nor the people two masters. The people of the whole country

must have the sovereign as their only master. The officials who are given certain

functions are all his subjects. Being the subjects of the sovereign, these officials

have no more right than others to levy exactions on the people.

XIII. All persons entrusted with office must attend equally to their functions.

\textsuperscript{10}Here is an indication of the influence of the Chinese legalist, Han Fei Zi.

\textsuperscript{11}Other renditions for the term mikotomochi are kuni no tsukasa and kokushu (provincial

governors). However, the system of provincial governors was not established during the time

of Prince Shōtoku’s regency. Thus, Article XII gives some credence to the theory that Prince

Shōtoku was not the author of the “Constitution.”
If absent from work due to illness or being sent on missions, and work for that period is neglected, on their return, they must perform their duties conscientiously by taking into account that which transpired before and during their absence. Do not permit lack of knowledge of the intervening period as an excuse to hinder effective performance of public affairs.

XIV. Ministers and functionaries are asked not to be envious of others. If we envy others, they in turn will envy us, and there is no limit to the evil that envy can cause us. We resent others when their intelligence is superior to ours, and we envy those who surpass us in talent. This is the reason why it takes five hundred years before we can meet a wise man, and in a thousand years it is still difficult to find one sage. If we cannot find wise men and sages, how can the country be governed?

XV. The way of a minister is to turn away from private motives and to uphold public good. Private motives breed resentment, and resentful feelings cause a man to act discursively. If he fails to act in accord with others, he sacrifices public interests for the sake of his private feelings. When resentment arises, it goes counter to the existing order and breaks the law. Therefore it is said in the first article that superiors and inferiors must act in harmony. The purport is the same.

XVI. The people may be employed in forced labor only at seasonal times. This is an excellent rule from antiquity. Employ the people in the winter months when they are at leisure. However, from spring to autumn, when they are engaged in agriculture or sericulture, do not employ them. Without their agricultural endeavor, there is no food, and without their sericulture, there is no clothing.

XVII. Major decisions must not be made by one person alone, but must be deliberated with many. On the other hand, it is not necessary to consult many people on minor questions. If important matters are not discussed fully there may always be fear of committing mistakes. A thorough discussion with many can prevent it and bring about a reasonable solution.

THE TAIKA REFORMS

After the death of Prince Shōtoku in 622, Japanese politics was dominated by the Soga clan. It was a period of inertia. The traditional uji system and its attendant hereditary privileges were no longer suitable to the requirements of the new era. In 645, a palace coup was successfully executed by Prince Naka-no-ôe (who later reigned as Emperor Tenchi, 661–671) and Nakatomi-no Kamatari. The two then jointly embarked on the Taika reforms.

The basic aims of the reforms were to bring about greater centralization and to enhance the power of the imperial court. To do so, the Japanese government

was to be reorganized on the model of the Tang, and the system of land tenure and taxation (in Japanese so, yô, chô) then in force in China was to be adopted.

It was a gigantic step forward in an attempt to nationalize land and to create a network of institutions subordinate to the central government. However, in practice, the provisions of the edict remained pious wishes, for the government lacked power to enforce them. Even if the edict had been implemented, it would not have meant demise of the strong clans. While their lands were nationalized, they were assigned official positions and given stipends which continued to sustain them economically. And based on this economic power, they would in later years once again erode the power of the central government.

2

The Reform Edict of Taika, 646 A.D. As soon as the New Year's ceremonies were over, the Emperor promulgated the following edict of reforms:

I. Let the following be abolished: the titles held by imperial princes to serfs granted by imperial decrees (koshiro); the titles to lands held directly by the imperial court (miyake); and private titles to lands and workers held by ministers and functionaries (omi, maruji and tomo no miyatsuko) of the court, by local nobles (kuni no miyatsuko), and by village chiefs (mura no obito). In lieu thereof, sustenance households shall be granted to those of the rank of Daibu (Chief of a bureau or of a ward) and upwards on a scale corresponding to their positions. Cloth and silk stuffs shall be given to the lower officials and people, varying in value.

It is said that the duty of the Daibu is to govern the people. If they discharge their task diligently, the people will have trust in them. Therefore it is for the benefit of the people that the revenue of the Daibu shall be increased.

II. For the first time, the capital shall be placed under an administrative system. In the metropolitan (or capital) region, governors (kuni no tsukasa) and prefects (kôri no tsukasa) shall be appointed. Barriers and outposts shall be erected, and guards and post horses for transportation and communication purposes shall be provided. Furthermore bell-tokens shall be made and mountains and rivers shall be regulated.

One alderman (osa) shall be appointed for each ward (bô or machi) in the

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12From the Analects of Confucius, I, 5.
14The term “sustenance households” is a loose translation of the Japanese term hehito or fuku. It refers to a certain number of households which were assigned to the officials in place of the serfs taken from them. Generally taxes remitted by these households became personal income of the officials. The rights to these sustenance households were hereditary.

15The phrase is a verbatim quotation of a passage in the “Chronicle of Hui Di”, History of the Former Han Dynasty (Han Shu).
16Bell-tokens entitled their bearers to use post-horses which were kept for official use only. By the regulation of mountains and rivers is meant the posting of guards at ferries and mountain passes, thus delimiting the boundaries between provinces.
capital, and one chief alderman (unakashî) for four wards. The latter shall be responsible for maintaining the household registers and investigating criminal matters. The chief alderman shall be chosen from those men belonging to the wards, of unblemished character, strong and upright, who can discharge the duties of the time effectively. In principle, aldermen of rural villages (ri) or of city wards, shall be selected from ordinary subjects belonging to the villages or city wards, who are sincere, incorrupt and of strong disposition. If a right man cannot be found in a village or ward in question, a man from the adjoining village or ward may be appointed.

The metropolitan region shall include the area from the Yokogawa (river) in Nahari on the east, from (mount) Senoyama in Kii on the south, from Kushibuchi in Akashi on the west, and from (mount) Afusakayama in Sasana in Ōmi on the north.

Districts are classified as greater, middle and lesser districts, with districts of forty villages constituting greater districts; of from four to thirty villages constituting middle districts; and of three or fewer villages constituting lesser districts. The prefects for these districts shall be chosen from local nobles (kuni no miyatsuko), of unblemished character, strong and upright, who can discharge the duties of the time effectively. They shall be appointed as prefects (tairei) and vice prefects (shōrei). Men of ability and intelligence, who are skilled in writing and arithmetic shall be appointed to assist them in the tasks of governance and book-keeping.

III. It is hereby decreed that household registers, tax registers, and rules for allocation and redistribution of land shall be established.

Each fifty households shall be constituted into a village (ri), and in each village there shall be appointed an alderman. He shall be responsible for the maintenance of the household registers, the assigning of sowing of crops and cultivation of mulberry trees, prevention of offenses, and requisitioning of taxes and forced labor.

All rice-fields shall be measured by a unit called a tan which is thirty paces in length by twelve paces in breadth. Ten tan make one chō. For each tan, the tax (so or denso) shall be two sheaves and two bundles of rice; for each chō, the tax shall be twenty-two sheaves of rice.

IV. Old taxes and forced labor shall be replaced by a system of commuted taxes based on [the size of] rice fields (denchô). These taxes shall consist of fine silk, coarse silk, raw silk, and floss silk, which are to be collected in accordance with what is produced in the locality. For each chō of rice field, the rate shall be one rod (i.e., 10 feet) of fine silk. For four chō of rice field, the rate shall be one piece of fine silk which is forty feet in length by two and a half feet in width. If coarse silk is substituted, the rate shall be two rods per chō, and one piece of the same length and width as the fine silk for every two chō.

A separate household tax (kochô) shall also be levied, under which each household shall pay one rod and two feet of cloth, and a surtax consisting of salt and offerings. The latter may vary in accordance with what is produced in the locality. With regard to horses for public service, one horse of medium quality shall be contributed by every one hundred households, or one horse of superior quality by every two hundred households. If the horses have to be purchased, each household shall contribute one rod and two feet of cloth toward the purchase price. With regard to weapons, each person shall contribute a sword, armor, bow and arrows, a flag, and a drum.

Under the old system, one servant was supplied by every thirty households. This system shall be altered to allow every fifty households to furnish one servant to work for various officials. These fifty households shall be responsible for providing rations for one servant, by each household contributing two rods and two feet of cloth and five masu19 of rice in lieu of service (yō or chikara shiro).

Waiting women in the palace shall be selected from among good-looking sisters or daughters of officials of the rank of vice prefect or above. Every one hundred households shall be responsible for providing rations for one waiting woman. The cloth and rice supplied in lieu of service (yō) shall, in every respect, follow the same rules as for servants.

LAW AND ADMINISTRATION UNDER THE TAIHÔ-YÔRÔ CODE

In the first year of Taihô (701), a new ryô (administrative code) and ritsu (penal code) were issued and became effective the following year. These are known as the Taihô laws, but they are not extant. A revision of these laws was made in the second year of Yôrô (718). This revised code is extant and is usually but incorrectly referred to as the Taihô code. In any event, the administrative system first laid down in the Taihô code in 701 became the theoretical basis of government until the mid-nineteenth century. During the years of civil and military dictators, administrative methods experienced certain changes, but all of them paid formal respect to this hierarchical system established in 701.20

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19Or shō. One shō equals 1.638 quarts.
20The editor is indebted to George B. Sansom, "Early Japanese Law and Administration, Parts I and II" in TAJL, 2d ser., vol. 9 (1932) and vol. 11 (1934) [Note: The letters TAJL stand for Transactions of the Asiatic Society of Japan. A number of translations rendered by members of the Asiatic Society of Japan are reproduced in this volume. They represent their pioneering labor of love for which this writer wishes to pay his special tribute.]; James I. Crump, Jr., "‘Borrowed’ T'ang Titles and Officers in the Yôrô Code" in Occasional Papers, Center for Japanese Studies, University of Michigan, II (1952); and James I. Crump, Jr., "T'ang Penal Law in Early Japan," ibid., IV (1953).
Some observers contend that the promulgation of the Taihō or Yōrō code marked the climax of Japan's cultural borrowing from China. There was no doubt that the adoption of the administrative and penal codes was inspired by the example of Tang. Indeed some sections of the Yōrō code were taken verbatim from the Tang codes. However, these facts should not obscure us from realizing the Japanese ability for adapting alien institutions to meet Japanese requirements.

It seems clear that the framers of the Taihō-Yōrō codes knew that the Japanese problem lay in establishing an all-powerful imperial house. They were undoubtedly aware that there were many features of the Tang code and government which could be inimical to such a goal. Thus the Taihō-Yōrō codes rejected the "incorrigibly democratic" aspects of the Chinese bureaucracy which would have opened administrative positions to scholars irrespective of their lineage. In the end, the codes served to perpetuate the hereditary aristocracy and the imperial household in Japan.

There was greater incidence of emulation of the Tang code in ritsu, or the penal code. However, a penal code is the product of a given society which cannot be readily transplanted into another society. In many instances, the ritsu provisions were simply not enforced. On other occasions, the Japanese eliminated concepts which were not consistent with Japanese tradition. For example, the Tang concept of the illegality of marriage within the extended family or clan (persons of the same surname) was nowhere to be found in the Taihō-Yōrō codes.

Two basic questions emerge in the study of the Taihō-Yōrō codes. As stated by Sir George Sansom, "The first is the question of their origins. To what extent are they based on Chinese codes, to what extent are they adapted to meet Japanese requirements? The second is the question of their enforcement. To what extent were the codes in practice actually operative?" 21

3a The Administrative System, 718 A.D. [Under the Yōrō code, all administration centered around the imperial family and the court. The central government consisted of two main divisions—the Department of Religion and the Department of Administration, with the former taking precedence over the latter. The following is an abridged translation of relevant portions of the Ryō no Gige, a commentary on the ryō undertaken in 833 to provide an authoritative version of the existing codes.22 The passages enclosed in parentheses ( ) are original Japanese terms, and those enclosed in brackets [ ] are explanations provided by the translator, Sir George Sansom.]

21 Sansom, op. cit., vol. 9, p. 118.
governments, they also had custody of the seals and tokens by which the commands of the Sovereign or the orders of the Government were authenticated and transmitted by post-horse to their destinations. The staff of their office was as follows:

Two Secretaries (Dai geki) to scrutinize the drafts of Imperial pronouncements and to draft memorials from the Council of State. [These were responsible permanent officials of the 7th, later the 6th rank, men skilled in composition and calligraphy. Their posts soon became hereditary in such families of Confucian scholars as the Kiyowara and Nakahara.]

Two Junior Secretaries (Shō geki).

Ten Scribes (Shishō) to copy documents and keep them in order.

The Controller of the Left (Sadaiben) controls the four Ministries (shō) of State:

Nakatsuasa (Ministry of Central Affairs). The Minister (Kami) is in constant attendance upon the Sovereign and advises him on matters of ceremonial and precedent. He scrutinizes the drafts of Imperial rescripts and edicts and transmits memorials to the Throne after examining them. He supervises the compilation of official chronicles; the keeping of lists of Court Ladies and palace women and the records of their services, promotions and ranks; the registers of population, land-tax (so) and labor-tax (chō) of all provinces; the registers of monks and nuns.

Shikibu (Ministry of Ceremonial). The Minister is to keep registers of officials, central and provincial; to review their services and recommend promotions, transfers, appointments and dismissals; to supervise their behavior at Court and to regulate their precedence at Court Ceremonies; to keep a record of their Court ranks and to recommend rewards for merit; to deal with the appointments and reception at Court of provincial officers; and to have charge of education and examination for government service.

Jibu (Ministry of Civil Administration). [It dealt with the ceremonial in its broader aspects, not as it affected officials alone. It was largely concerned with matters of ritual, genealogies and religious observances, and its functions were similar to the “Ministry of Rites” in China.] The Minister is to regulate family names [i.e., to scrutinize genealogies], succession [of persons holding the 5th rank and upward], marriages [of the same persons], auspicious omens [in their relation to funeral ceremonies, etc.], funeral rites, posthumous awards [of rank or gifts], national mourning, and the reception of foreign envoys.

Minbu (Ministry of Popular Affairs). [Its chief business was to supervise the people who were neither officials nor nobles, but plain producers.] The Minister is to be responsible for the registers of population; the labor tax; family obligations [i.e., exemptions from labor tax in deserving cases]; rewards for meritorious conduct; servants and slaves; bridges and roads, harbors, fences, bays, lakes, mountains, rivers, woods, and swamps, etc.; rice lands in all provinces. [The Ministry kept plans and records of these topographical features because the information was needed as a check upon tax returns and the transport of produce paid as tax. It was not directly responsible for the upkeep of roads, bridges, etc.]

The Controller of the Right (U daiben) controls the four Ministries of State:

Ryōbu (Ministry of War). The Minister is in charge of registers of military officers, both metropolitan and provincial; records of their services; transfers and promotions; records of their court ranks; registers of hyōshi [equivalent to non-commissioned officers]; court assemblies [annual assemblies at the capital of official delegates despatched by Provincial Governors to report on affairs in their provinces and to recommend promotions, rewards, etc., of civil and military officers serving under them]; rewards and emoluments; the allocation of troops, arms and equipment for war service and ceremonial; fortifications; beacons.

Gyōbu (Ministry of Justice). The Minister is to be responsible for the investigation and judgment of offenses; registers of free (ryōmin) and unfree (senmin) people [i.e., of the civil status of suitors and defendants]; imprisonment; claims for debt.

Ōkura (Ministry of the Treasury). The Minister is in charge of the receipt and issue of tax-goods (chō) from the provinces [usually textiles], coins, gold, silver, jewels, copper, iron, bones, horns and leather, furs and feathers, lacquer, hangings and curtains, weights and measures; the assessment of prices for sale and purchase; miscellaneous tribute goods.

Kuni (Ministry of the Imperial Household). The Minister is in charge of receipts and issues [by the bureaus and offices under him]; tax-goods (chō) from all provinces and miscellaneous tax-goods; tax-rice; official lands (kanden) [crown rice lands situated in the metropolitan region]; reports and orders regarding Imperial food-produce; delicacies from all quarters [i.e., tribute other than the prescribed taxes, and gifts of special foods from different localities].

3b The Law of Households (koryō) [Under the Yorō code, the whole country was divided into provinces (kuni). Each of these provinces was placed under the jurisdiction of a provincial governor (Kami). In theory, he represented the throne, and combined all religions, civil, military, and judicial functions. The governor in turn was to be assisted by district officials. However, in practice, the provincial and district governments were regarded mainly as tax collecting agencies.]

One of the means of collecting taxes was to maintain registers of people. The following excerpts are from the Law of Households which shows how these registers were kept. In reading the following passages, note the incidence of absconding by “free” people and measures adopted to prevent it, as well as frequent references to the family system.

1. A village (rī) is composed of fifty households, and over each village shall be placed a headman (richō or mura no osa). In mountainous, remote and sparsely populated regions the number may be fixed according to convenience.

35Sanson, ibid., pp. 134–149.
5. The head of a household (ko) shall be the person who is head of the family. Households shall be divided into (1) taxable households and (2) exempt households, according as they comprise taxable or exempt members. The exempt categories, as stated in the Ryō no gige, are: (1) members of the Imperial Family; (2) persons of the 8th rank and upwards; (3) males of sixteen years and under; (4) certain persons “covered” by their relationship; (5) old people; (6) deformed and crippled people; (7) diseased people; (8) all female members of a household; and (9) servants and slaves.

6. The following classification of members of a household must be used:

- Males and females up to the age of 3
- Males and females from 3 to 16
- Males and females from 16 to 20
- Males of 21 and upwards
- Males of 61 and upwards
- Males of 66 and upwards
- Infants
- Children
- Youth and girls
- Able-bodied
- Elders
- Aged men

9. Households shall be formed into groups of five families, under the headship of one person who is responsible for the good conduct of the group. Members of the group must keep one another informed of the arrival and departure of guests from distant places and of their own journeys.26

10. When a household absconds, the group shall be responsible for its pursuit. If it cannot be brought back, it must be retained on the register for three years, during which period the group and the relatives of the absconders in the village are to be responsible for the cultivation of its allotment and for the payment of its tax [in kind and in labor]. After three years its allotment returns to the State. When a member of a household absconds, the household is responsible for his tax for six years, after which he may be removed from the register and his household reverts to the State.

18. The tax registers (keichō) must be compiled annually. Before the 30th day of the 6th month, each year the metropolitan and provincial officers must demand returns from the head of each household, giving the year, the name of the household and a list of its members. The registers must be transmitted under joint seal to the Chancellor’s Office (daijōkan) by the 30th of the 8th month.

19. The registers of population (koseki) must be compiled every six years, starting from the beginning of the 11th month and following the prescribed forms. There shall be one volume (i.e., a separate roll) for each village, and three copies of each volume, all marked with the name of the province, district, village, and the year. The work shall be completed by the last day of the 5th month. Two copies shall be sent to the Chancellor’s Office and one copy retained in the province.

20. The registers of population and tax registers must contain particulars of

26The object of this article is to prevent taxable persons from absconding.

27It is not clear whether “children” here means only sons. From the text and the commentaries it would appear that daughters and concubines receive only a half share.
could not work; or (2) if since marriage the household has risen in status; or (3) if there is nobody to receive her (i.e., if there is no member of her family or other sponsor of the marriage to whom she can return). But these exceptions shall not apply if she has been guilty of a grave offense against piety or of adultery or has a bad disease.

33. The governor of a province shall once a year make a tour of his territory, when he shall take note of local customs; enquire after the health of persons of one hundred years of age; examine the cases of persons detained in prison, and put right any injustices; carefully inspect the work of administration and law, deal with the complaints of the people; warmly encourage the five teachings and promote agriculture. 28

If he learns of the existence in a district of persons of great learning or of especially good character (e.g., models of filial piety, loyalty, integrity, generosity, etc.) he shall recommend them for reward. If there are persons of evil or disorderly conduct he shall examine and correct them.

The governor must carefully examine the conditions in each district, and judge the merit of the district officials by the state of the fields, the number of criminal cases, etc. He must report on their suitability to the Central Government, but in cases of urgency, he should dismiss an offending district officer forthwith.

45. When owing to flood, drought or pests there threatens to be a failure of the harvest, the provincial or district authorities shall, if there is a shortage of supplies and relief is to be given, upon examinations of the facts, act upon their own discretion and report to the Council of State.

HISTORY AS A MEANS OF SOLIDIFYING THE IMPERIAL POWER

The Jinshin rebellion occurred in 672, one year after the death of Emperor Tenchi, and pitted Prince Ōama, Tenchi’s brother, and Prince Ōtomo, Tenchi’s son, against each other. (For a triangular love affair between Tenchi, Prince Ōama, and Princess Nukada, see Document 5.) The rebellion ended in the triumph of Prince Ōama who then became Emperor Temmu (r. 673–686). One of the measures that Temmu adopted was to order the compilation of a historical work to remedy errors “handed down by the various houses.” Indirectly it was intended to bolster Temmu’s claim to “legitimacy” after the bloody rebellion. The work was not completed during his reign but had to await the reign of Empress Gemmei in 712 in what was to become known as the Kojiki (Records of Ancient Matters).

4 Preface to Kojiki, 712 A.D. 30 I, Yasumaro, do say:

When the primeval matter had congealed but breath and form had not yet appeared, there were no names and no action. Who can know its form? However, when heaven and earth were first divided, the three deities became the first of all creation. The Male and Female here began, and the two spirits (Izanagi and Izanami) were the ancestors of all creation. . . .

Thus, though the primeval beginnings be distant and dim, yet by the ancient teachings do we know the time when the lands were conceived and the islands born; though the origins be vague and indistinct, yet by relying upon the sages of antiquity do we perceive the age when the deities were born and men were made to stand. . . .

The borders were determined and the lands were developed during the reign of Emperor Seimu, and the titles were corrected and the clan names selected during the rule of Emperor Ingvyō. Although each reign differed in the degree of swiftness or slowness, and each was not the same in refinement and simplicity;

28The five teachings are the five rules of pious duty, viz., the duty of a father—justice; of a mother—affection; of an elder brother—friendship; of a younger brother—respect; of a child—obedience.

29Author of the Shi ji, or Historical Records, died about 85 B.C., during the former Han dynasty.

yet there was not one [ruler] who did not by meditating upon antiquity straighten manners which had collapsed, and who did not by comparing the present with antiquity strengthen morals and teachings verging on extinction.

Coming now to the reign of Emperor Temmu: Already as latent dragon he embodied the royal qualities, and the repeated thunderpeals responded to the times. Hearing the song in a dream, he knew that he was to receive the Dignity. But the time of Heaven had not yet come, and cicada-like he shed his wrappings in the southern mountains. As popular support grew for his cause, he walked tiger-like in the eastern lands. The imperial chariot proceeded with quick willingness, crossing over the mountains and rivers. The six regiments shook like thunder, and the three armies moved like lightning. The spears and javelins revealed their might, and the fierce warriors rose up like smoke. The crimson banners gleamed upon the weapons, and the treacherous band collapsed like tiles. Before a fortnight had elapsed, the foul vapors had been purified. Thus they released the cattle and rested the steeds, and returned peacefully to the capital. Furling the banners and putting away the halberds, they remained singing and dancing in the city.

As the star rested in the region of the Cock [673 A.D.], in the second month, in the great palace of Kiyomihara he ascended the throne and assumed the Heavenly Dignity. In the Way he excelled the Yellow Emperor; in Virtue he surpassed the King of Zhou. Grasping the regalia, he ruled the six directions; gaining the Heavenly Lineage, he embraced the eight corners. Adhering to the Two Essences, he put the five elements in right order. He set forth profound principles to implant good practices, and he proposed noble manners to issue throughout the land. Not only this, his wisdom was vast as the sea, searching out antiquity; his mind was bright as a mirror, clearly beholding former ages.

Whereupon, the Emperor said:

"I hear that the Imperial Chronicles (Teiki) and Fundamental Dicta (Honji) handed down by the various houses have come to differ from the truth and that many falsehoods have been added to them. If these errors are not remedied at this time, their meaning will be lost before many years have passed. This is the framework of the state, the great foundation of the imperial influence. Therefore, recording the Imperial Chronicles and examining the Ancient Dicta (Kajii), discarding the mistaken and establishing the true, I desire to hand them on to later generations."

At that time there was a court attendant whose surname was Hieda and his given name Are. He was twenty-eight years old. He possessed such great native intelligence that he could repeat orally whatever met his eye, and whatever struck his ears was indelibly impressed in his heart. Then an imperial command was given to Are to learn the Imperial Sun-Lineage and Ancient Dicta of Former Ages. However, the times went on and the reign changed before this project was accomplished.

Prostrate, I consider how Her Imperial Majesty [Empress Gemmei, r. 707–715], gaining the One [i.e., the throne], illumines the Universe; being in communion with the Three [i.e., heaven, earth, and man], nurtures the populace. . . .

Hereupon, appalled at the mistakes in the Ancient Dicta, she determined to correct the corruptions in the Imperial Chronicles. On the eighteenth day of the ninth month of the fourth year of Wado [711 A.D.], an imperial command was given to me, Yasumaro, to record and present the Ancient Dicta learned by imperial command by Hieda no Are. Reverently, in accordance with the imperial will, I chose and took them up in great detail. However, during the times of antiquity, both words and meanings were unsophisticated, and it was difficult to reduce the sentences and phrases to writing. If expressed completely in ideographic writings, the words will not correspond exactly with the meaning, and if written entirely phonetically, the account will be much longer. For this reason, at times ideographic and phonetic writings have been used in combination in the same phrase, and at times the whole matter has been recorded ideographically. Thus, when the purport is difficult to gather, a note has been added to make it clear; but when the meaning is easy to understand, no note is given. . . .

In general, the account begins with the beginning of heaven and earth and ends with the reign of Empress Suiko. . . .

SONGS OF MYRIAD LEAVES

The Manyōshū is the oldest anthology of Japanese poetry, and was compiled in the mid-eighth century. It contains about 4,500 poems including the typical thirty-one syllable waka, or tanka (short poems), chōka (long poems), sedōka (5, 7, 7; 5, 7, 7 syllables) and other seldom-used poetical forms. Its poems are less stylized than those in the later anthologies. Unlike the melancholy air of the

31Emperor Temmu reigned from 673–686 after his victory in the Jinshin rebellion of 672 against Prince Otomo. "Latent dragon" is a Chinese expression for the "crown prince," and the "repeated thunderpeals" are signals calling him to the throne. The following paragraphs show an elaborate attempt to justify Temmu's accession and to glorify his reign.

32The future Emperor Temmu, shortly before the death of the preceding Emperor Tenchi, renounced the world (i.e., shed cicada-like his worldly adornments) and retired to Mount Yoshino for purely tactical reasons. He went to the eastern part of the kingdom and rebelled against Prince Otomo, Tenchi's son and chosen successor, in 672.

33The Yellow Emperor was a legendary Chinese ruler. The king of Zhou may refer either to King Wen or Wu, Confucius' idealized rulers of Zhou.

34The Two Essences here refer to the yin and yang. The five elements are water, fire, wood, metal, and earth.

35If translated entirely into literary Chinese, there will be discrepancies between the ideographic text and the original traditions; if written entirely phonetically, a much greater number of ideographs will be required to express the same meaning.
poems of later periods, the Manyō poems are known for their directness and unaffected air. The freedom of expression in the Manyōshū is seldom matched, and human passions are often depicted spontaneously and even impulsively. Thus the human pathos, emotions and travails which greeted the princes and common men alike during the period of great political changes, witnessed in this chapter, are recaptured in the poems of the Manyōshū. The following selections must be read with this in mind. (The explanatory notes between the poems are supplied by the editor.)

From the Manyōshū

Adulation for the Emperor: During her reign, Empress Jito (r. 686–697) made thirty-one imperial visits (kunimi) to different parts of the land. They were conducted to survey the general state of affairs, agricultural production, or matters relating to the subjugation of alien or local chieftains. The spirit of one of such trips was captured by Kakimoto no Hitomaro.

Our great Sovereign, a goddess,
Of her sacred will
Has reared a towering palace
On Yoshinu’s shore,
Encircled by its rapids;
And, climbing, she surveys the land.
The overlapping mountains,
Rising like green walls,
Offer the blossoms in spring,
And with autumn, show their tinted leaves,
As godly tributes to the Throne.
The god of the Yū River, to provide the royal table,
Holds the cormorant-fishing
In its upper shallows,
And sinks the fishing-nets
In the lower stream.

Thus the mountains and the river
Serve our Sovereign, one in will;
It is truly the reign of a divinity.

Envoy

The mountains and the waters
Serve our Sovereign, one in will;

And she, a goddess, is out on her pleasure-barge
Upon the foaming rapids.

On the occasion of the Empress climbing the Thunder Hill, Hitomaro also composed the following song of adulation:

Lo, our great Sovereign, a goddess,
Tarries on the Thunder
In the clouds of heaven!

Political Intrigues: Empress Jito ascended the throne after the death of her husband, Emperor Temmu, to insure succession by her grandson. This was necessitated by the untimely death in 689 of her son, Prince Kusakabe. Prior to that, in order to make her own son the Crown Prince, the Empress placed a false charge of rebellion against Prince Ōtsu, forcing him to commit suicide. The popular, urbane and gifted prince was a son of Emperor Temmu by another consort, and was a leading contender for the throne. The following poems composed by his sister, Princess Ōku, Priestess of the Shrine of Ise, poignantly mirror the sorrow of parting for the one who embarked on a journey toward a certain death.

To speed my brother
Parting for Yamato,
In the deep of night I stood
Till wet with the dew of dawn.

The lonely autumn mountains
Are hard to pass over
Even when two go together—
How does my brother cross them all alone!

And when she arrived in the capital, after his death:

Would that I had stayed
In the land of Ise
Of the Divine Wind.
Why have I come
Now that he is dead!

Now that he is no more—
My dear brother—
Whom I so longed to see,
Why have I come,
Despite the tired horses!

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