

RIVISTA DEGLI STUDI ORIENTALI
NUOVA SERIE

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NUOVA SERIE

SAPIENZA UNIVERSITÀ DI ROMA
ISTITUTO ITALIANO DI STUDI ORIENTALI

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ISTITUTO ITALIANO DI STUDI ORIENTALI

PALAEOGRAPHY BETWEEN EAST & WEST

Proceedings of the Seminars on Arabic Palaeography
at Sapienza University of Rome

EDITED BY
ARIANNA D'OTTONE RAMBACH

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FABRIZIO SERRA EDITORE

Pisa · Roma

Casella postale n. 1, Succursale 8, I 56123 Pisa

Uffici di Pisa: Via Santa Bibbiana 28, I 56127 Pisa,
tel. +39 050542332, fax +39 050574888, fse@libraweb.net

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NOTES ON DIPLOMATICS AND PALAEOGRAPHY IN ANCIENT AND MEDIEVAL JAPAN

MARIA CHIARA MIGLIORE*

Diplomatics was introduced into Japan in the early years of the Meiji era (1868-1912) and was referred to as *komonjogaku* (古文書学). It developed rapidly because Japanese scholars had to compare an enormous amount of sources to be examined and classified, as documents had been in use in Japan from the Nara period (710-784) and played a fundamental role in the bureaucratic State based on the legislative system (*lūling* 律令, or *ritsuryō*, according to its Japanese pronunciation), adopted by Japan from Sui and Tang China. As in China, Japanese administrative codes also contained a section dealing with official documents (*kushikiriyō*), which regulated the format and the use of twenty-two types of documents to be used by the central and peripheral bureaucracy. This article will confine itself to setting out some of the overall contours of the topic, trying to provide the necessary background or context for further researches.

KEYWORDS: Japanese diplomatics, official documents, Nara period

THE introduction of the Western disciplines of diplomatics and paleography (in Japanese *komonjogaku* 古文書学) in Japan dates back to the first years of the Meiji period (1868-1912), when Japan adopted elements of Western civilisation in order to modernise the country and create a nation-state capable of standing as an equal among Western powers. These efforts at modernisation required Western science and technology, and Western culture was widely promoted. In addition to sending thousands of students to the USA and Europe, between 1874 and 1899 the Japanese government employed more than three thousands foreign advisors (*oyatoi gaikokujin* 御雇外国人), chosen for their specific skills in a particular field. Among these men was Ludwig Riess (1861-1928) a German historian, pupil of one of the founders of modern historiography, Leopold von Ranke (1795-1886), who was invited to Japan and stayed there from 1887 to 1902 in order to teach at Tōkyō Imperial University (today known as Tōkyō University) and transmit methods of modern Western historiography.

Of course, along with historiography, the study of ancient documents and of writing styles had existed in Japan since the medieval period, above all with a view to checking the authenticity of documents. During the Edo period (1603-1868), thanks to the considerable historiographical activity under the Shōgun government, documents generally kept by religious institutions and private individuals were studied and sometimes copied; nevertheless, a scien-

* University of Salento, mariachiara.migliore@unisalento.it

tific method allowing a critical study of Japanese documentary sources did not develop.

A university course in the new discipline was set up in September 1893 at Tōkyō Imperial University;¹ in 1895 the historian Tsuboi Kumezō (1859-1936), who also taught at Imperial University, edited a summary of the handbook by the German historian and diplomatics specialist, Harry Bresslau as soon as he came back to Japan after completing a four-year period of study in several European universities (Berlin, Prague, Wien).² Japanese scholars obviously borrowed the methodology of European diplomatics and paleography, appropriately translating the related terminology. Many essays, handbooks and documents were soon produced: in fact, Japanese scholars were confronted with a considerable quantity of sources, many of which date back to the earliest periods of Japanese civilisation and were jealously preserved in public, religious and private archives.

The most ancient Japanese original documents date back to the Nara period (710-784), which marks the apex of concerted Japanese efforts to emulate Chinese cultural and political models. Indeed, just as in the Meiji period, ancient Japan sought to imitate Chinese civilisation in order to join the greater cultural sphere of East Asia. The ancient Japanese political élite not only adopted science, arts, literature, and Buddhism from China but also – and above all – the administrative and legislative system, creating a centralised and bureaucratic State moulded on the Chinese model. This long process of assimilation, which began towards the close of the sixth century, became systematic from the second half of the seventh century and reached its final phase during the eighth century in the bureaucratic State of the Nara period, defined as the ‘State held by codes’ (*ritsuryō kokka* 律令国家), namely penal 律 (Chinese *lǜ*, Japanese *ritsu*) and administrative codes 令 (Chinese *ling*, Japanese *ryō*).³

The most remarkable feature of the ancient Japanese State was, therefore, the solid development of the administrative system, supported by a body of laws which constituted and held a State system basically supporting a markedly hierarchical bureaucratic class, a model of centralised State where almost all regulations focused on officials taking part in the State administration after obtaining a mandate from the sovereign. State administration, in

¹ For a history of diplomatics in Japan see TAKAHASHI MASAHIKO, *Komonjo kenkyū no rekishi* (2) *Nihon*, in AKAMATSU TOSHIHIDE et alii (eds.), *Nihon komonjogaku kōza*, volume 1, Tōkyō, Yūzankaku 1978, pp. 44-56.

² HARRY BRESSLAU, *Handbuch der Urkundenlehre für Deutschland und Italien*, Berlin, W. de Gruyter, 1889. Tsuboi Kumezō, *Seiyō komonjogaku no yūrai*, edited on numbers 66, 67 and 68 of «Shigaku zasshi», 1895, pp. 1-6, 1-10 and 1-16 respectively.

³ The definition comes from the expression ‘Etat régi par les codes’ by FRANCINE HÉRAIL, *Histoire du Japon des origines à la fin de Meiji*, Paris, Publications Orientalistes de France, 1986 p. 55. See also PIERRE-FRANÇOIS SOUYRI, *Nouvelle histoire du Japon*, Paris, Perrin, 2010, pp. 121-123. On Japanese codes see INOUE MITSUSADA et alii (eds.), *Ritsuryō*, Tōkyō, Iwanami shoten, 1976.

turn, was based on the production of official documents. Nowadays, it has been established that this system was in place from the seventh century up to the closing decades of the tenth century. The quantity of documents produced in one day by the central administrative offices has been calculated, and it emerges that at the beginning of the eighth century eleven million, five hundred and fifty-two thousand characters were written in only one month, and could sometimes surpass this figure. The quantity of written characters was higher for offices working for the sovereign and the royal family, more than for offices working outside the capital, suggesting that the centre was losing interest in what was happening in the provinces.⁴ During the successive Heian period (794-1192), this caused a gradual detachment of the provinces from State authority.

Documents from the Nara period still existing today amount to about ten thousands, a large part of which are official documents. More than ninety per cent of these documents have long been kept in the Shōsōin, a storehouse attached to the Tōdai monastery of Nara. Later periods also saw widespread use of documents, more of which were for private rather than official use. Those surviving from the subsequent Heian period amount to five thousand, mostly preserved in the archives of aristocratic families and Buddhist monasteries. Moreover, the remaining original documents surviving from later periods (from 1200 to 1867, i.e. up to the birth of the modern State), kept in the private archives of aristocratic and military families and of religious institutions, amount to more than one hundred thousand, and the total number is not yet known. Publication of this monumental body of documents was begun in 1901 by the Historiographical Institute of Tōkyō University in the collection named *Dai Nihon komonjo* 大日本古文書 (Old Documents of Japan), which has now reached the considerable figure of one hundred and ninety-three books. Documents from the Nara period are published in chronological order,⁵ while the others have been classified by chanceries of aristocratic families and religious institutions.⁶ Recently, the Historiographical Institute has also been working on digitalisation.⁷ Moreover, over the last thirty years, in connection with the archaeological excavations of sites corresponding to ancient royal palaces prior to the Nara pe-

⁴ ALEXANDER N. MESHERYAKOV, *On the Quantity of Written Data Produced by the Ritsuryō State*, «Japan Review» 15, 2003, pp. 187-199.

⁵ TŌKYŌ TEIKOKU DAIGAKU BUNGAKUBU SHIRYŌ HENSANJO, *Dai Nihon komonjo*, Tōkyō, Tōkyō daigaku shuppankai, 1901-1940. The complete list of documents kept at the Shōsōin was compiled by the TŌKYŌ DAIGAKU SHIRYŌ HENSANJO, *Shōsōin monjo mukuroku*, Tōkyō, Tōkyō daigaku shuppankai, 1987-2004, in five volumes. Documents from the *Shōsōin* have also been digitalised on <http://somoda.media.osaka-cu.ac.jp/>. See also TAKEUCHI RIZŌ (ed.), *Nara ibun*, 2 volumes, Tōkyō, Tōkyōdo, 1943-1944 and IDEM, *Heian ibun*, 15 volumes, Tōkyō, Tōkyōdo shuppan, 1947-1980.

⁶ TŌKYŌ DAIGAKU SHIRYŌ HENSANJO, *Dai Nihon komonjo*, Tōkyō, Tōkyō daigaku shuppankai, 1935, under publication.

⁷ Accessible on <https://www.hi.u-tokyo.ac.jp/publication/komonjo-j.html>.

riod, several documents written on wood have been found, known as *mokkan* 木簡. Unfortunately, many of them are fragmented, but they are nonetheless fundamental in tracing a more comprehensive historical understanding of ancient Japan.⁸

LAWS ON OFFICIAL DOCUMENTS

Japan is the only country in the world with an ancient example of legislation handed down to our day in terms of the form of its documents (*Kushikiryō* 公式令, Laws on Official Documents).⁹ The text of the laws has been handed down in two commentaries from the ninth century, the *Ryō no gige* 令義解 (Official Commentary on Administrative laws, 833) and the *Ryō no shūge* 令集解 (Collection of Commentaries on Administrative Laws, compiled between 859 and 877); both commentaries contain the texts of the laws enacted in the Yōrō era (717-723), known as the Yōrō code (*Yōrōryō* 養老令) and they make it possible to partially reconstruct the previous code, the *Taihōryō* 大宝令, in force during the Taihō era (701-703). Thanks to these two sources it is also possible to follow (albeit partially) the process of gradual modification of the system of administrative laws in general and the *Kushikiryō* in particular, in a conscious attempt by Japanese legislators to adapt the Chinese system to Japan's real needs.¹⁰

The *Kushikiryō* contains eighty-nine law articles and represents the most substantial of the thirty sections into which the administrative code of the Yōrō era is divided. Its date of issue is still a matter for discussion: the term *kushikiryō* certainly occurs in the *Taihōryō*, but some mentions of the process concerning the issue of sovereign's edicts already appeared in 689,¹¹ suggesting that a section regarding official documents existed in the penal and administrative code known as *Kiyomihara ritsuryō* 淨御原律令 (Kiyomihara's Penal and Administrative Code) enacted by the Tenmu (r. 672-686) in 681.¹²

⁸ For an introduction in English see JOAN R. PIGGOTT, *Mokkan: Wooden Documents from the Nara Period*, «Monumenta Nipponica» XLV, 4, 1990, pp. 449-470. Digitalisation of the *mokkan* (a database of around fifty-eight thousand finds, to date) is being carried out at the Nara National Research Institute for Cultural Properties: <http://jiten.nabunken.go.jp/index.html>.

⁹ The only study on this topic in a Western language is by MARIA CHIARA MIGLIORE, *I documenti ufficiali del periodo di Nara (Official documents of the Nara period (710-784))*, Roma, La Sapienza Orientale-Ricerche, 2011, on which this essay is mostly based.

¹⁰ During the process of adaptation of Chinese civilisation to ancient Japan's needs, some elements were of course discarded or given less importance, or else radically changed. For a general discussion on Japanese Confucianism in ancient times, see CHARLES HOLCOMBE, *Ritsuryō Confucianism*, «Harvard Journal of Asiatic Studies» 57, 2, 1997, pp. 543-573. As for the administrative system, Japan adopted the Chinese codes developed in the Sui (581-618) and Tang (618-907) periods, almost completely lost in China but wholly preserved in Japan. The Chinese administrative code has been reconstructed, mostly on the basis of the Japanese code, by NIIDA NOBORU, *Tōryū shūi*, Tōkyō, Tōkyō daigaku shuppankai, (1933) 1964.

¹¹ SAKAMOTO TARŌ *et alii* (eds.), *Nihon shoki*, Tōkyō, Iwanami shoten, 1967, pp. 496-497.

¹² NAGAYAMA YASUNORI, *Kiyomihara ritsuryō no sonpi ni tsuite no shiryō*, «Shoku Nihongi kenkyū» 151, 1970, pp. 13-17.

As explained in the commentaries, the term *kushiki* means ‘forms of official documents’ (*kumon no yōshiki* 公文の様式). A section regarding official documents also existed (*Gongshi ling* 公式令) in Sui and Tang administrative codes, but nothing has survived. Some parts, probably dating back to 717 (Kaiyuan 7) have been found in Dunhuang and are now housed at the Paris National Library; analysis has shown several evident and basic differences between the Japanese system of official documents and their original Chinese models.¹³

The first twenty-two articles of the *Kushikiryō* establish the forms of as many official documents and the respective procedures to follow when compiling them. The documents are as follows:

- Art. 1: the sovereign edict form (*shōsho* 詔書), divided into five different styles;
- Art. 2: the sovereign edict form for minor matters (*chokushi* 勅旨);
- Artt. 3-5: the forms of reports to the Throne (*sō* 奏);
- Art. 6: the form of decrees issued by the Crown Prince (*ryōji* 令旨);
- Art. 7: the form of reports to the Crown Prince (*kei* 啓);
- Art. 8: the form of reports issued by the Board of Censors (*sōdan* 奏彈);
- Artt. 9-10: the form of urgent communications to the provinces (*hiyaku* 飛駟);
- Art. 11: the form of petition (*ge* 解);
- Art. 12: the form of notification between equivalent offices (*i* 移);
- Art.13: the form of an order (*fu* 符);
- Art.14: the form of communications (*chō* 牒);
- Art.15: the form of reports to superiors for officials or individuals (*ji* 辭);
- Artt.16-18: the form for appointments to a court rank (*iki* 位記), divided into three styles according to the importance of the rank;
- Artt.19-21: the form of registers containing the list of documents exchanged between the capital and the provinces (*keikai* 計会), in three styles, according to the relevant offices;
- Art. 22: the form of the pass for officials in mission or for travelling civilians (*kasho* 過所).

The articles of law that follow regard several formal and stylistic instructions on how to draw up documents, as well as the kind of paper and ink to be used, instructions about seals and signatures, and regulations for issuing documents.

I provide a translation of *Kushikiryō*'s first article, which explains how to compile the sovereign edict (*shōsho* 詔書), in five different styles according to the importance of the subject matter.¹⁴

¹³ YAMAMOTO TATSURŌ *et alii* (eds.), *Tun-huang and Turfan Documents Concerning Social and Economic History*, Tōkyō, Tōyō bunko, 1980, pp. 40-41. Rong Xinjiang, *Eighteen Lectures on Dunhuang*, Leiden-Boston, Brill, 2013. NIIDA NOBORU, *Tōryū shūi* cit., pp. 542-606.

¹⁴ For this English translation I partially rely on the terminology given by GEORGE B. SANSOM, *Early Japanese Law and Administration*, «Transactions of the Asiatic Society of Japan», Second Series, IX, 1932, pp. 67-109 and IDEM *Early Japanese Law and Administration, Part II*, «Transactions of the Asiatic Society of Japan», Second Series, XI, 1934, pp. 117-149. Sansom also translated some sovereign's edict in his *The Imperial Edicts in the Shoku-Nihongi (700-790 A.D.)*, *Translated with Introduction and Notes*, «Transactions of the

詔書式

明神御宇日本天皇詔旨云云。咸聞。

明神御宇天皇詔旨云云。咸聞。

明神御大八州天皇詔旨云云。咸聞。

天皇詔旨云云。咸聞。

詔旨云云。咸聞。

年 月 御畫日

中務卿位臣姓名宣

中務大輔位臣姓名奉

中務少輔位臣姓名行

太政大臣位臣姓

左大臣位臣姓

右大臣位臣姓

大納言位臣姓名等言

詔書如右。請奉 詔。付外施行。謹言。

年 月 日

可。御畫。

右御畫日者。留中務省為案。別写一通印署。送太政官。大納言覆奏。畫可訖。留為案。更写一通誥。訖施行。中務卿若不在。即於大輔姓名下注宣。少輔姓名下注奉行。大輔又不在。於少輔姓名下。併注宣奉行。若少輔不在。余官見在者。並准此。

Edict. Form.

These are the sacred words of the Manifest God who is ruling Japan.¹⁵ Text. Let all pay heed.

These are the sacred words of the Manifest God who is ruling. Text. Let all pay heed.

These are the sacred words of the Manifest God who is ruling the Eight Great Islands.¹⁶

Text. Let all pay heed.

These are the sacred words of the Sovereign. Text. Let all pay heed.

These are the venerable words. Text. Let all pay heed.

Year month day, written by the Sovereign

Drafted by the Minister of the Court Affairs, court rank, family name, hereditary title, name

Received by the Vice-Minister of the Court Affairs, court rank, family name, hereditary title, name

Asiatic Society of Japan», Second Series, I, 1924, pp. 5-39. The edicts of Kōken tennō, the 'last Empress of Nara Japan', are translated by ROSS BENDER, *The Edicts of the Last Empress, 749-770, A Translation from Shoku Nihongi*, CreateSpace Independent Publishing Platform, 2015.

¹⁵ During the second half of the seventh century, the idea that the sovereign was a deity was reinforced, as he was said to be the direct descendant of Amaterasu, goddess of the sun. The two Chinese characters 明神, read as *arami kami* or also *akitsu kami*, meaning a deity who is 'appearing', is 'visible' (manifest).

¹⁶ Ōyashima no kuni 御八島州 (the country of the Eight Great Islands) was yet another name for Japan.

Transmitted by the Assistant Vice-Minister of the Court Affairs, court rank, family name, hereditary title, name.

The Great Minister of State, court rank, family name, hereditary title

The Great Minister of the Left, court rank, family name, hereditary title

The Great Minister of the Right, court rank, family name, hereditary title

The Great Counsellor, court rank, family name, hereditary title, name, etc.,¹⁷ report

These are the sacred words of the Sovereign. We have humbly received the edict and we transmit it to be executed. Respectfully.

Year, month, day

Approved, written by the Sovereign.

The draft containing the indication of the day written by the Sovereign shall be compiled at the Ministry of Court Affairs. Another document, stamped with the Sovereign's seal, shall be sent to the Great Council of State. The text shall be compiled upon the Sovereign's written approval. Lastly, an order to be issued shall be drafted.¹⁸ In the absence of the Minister of Court Affairs, the word 'drafted' shall be written after the hereditary title and name of the Vice-Minister, while the words 'received and transmitted' shall be written after the hereditary title and name of the Assistant Vice-Minister. In the absence of the Vice-Minister, the words 'drawn, received, transmitted' shall be written after the hereditary title and name of the Assistant Vice-Minister. In the absence of the Assistant Vice-Minister, this procedure shall be performed in the same order by officials whose official rank will come immediately after his.

As the above text shows, the drafting of a sovereign edict was subjected to a rather complicated bureaucratic process involving several offices at the central administration. As mentioned above, the official language used during the Nara period (like the literary language) was Chinese, and of course, as testified by several examples contained in the Japanese official histories, the *shōsho* would also be drawn up in Chinese, especially in diplomatic exchanges with the kingdoms of the Korean Peninsula or China. Nevertheless, these sources also contain edicts in Japanese, using Chinese characters only for their phonetic value: this kind of document is known as a *senmyō* 宣命, a word coined during the Heian period, meaning *mikoto o noru* 命を宣る: 'to proclaim the sacred words'. In fact, the edict was read not only at the Court – where the use of spoken Chinese was usual in the Nara period – but also elsewhere in the provinces. Article 75 of the *Kushikiryō* also provides that sovereign edicts (*shōsho* and *chokushi*) be read publicly in villages and districts.¹⁹

It appears that the Chinese codes also required the first form of edict, known as *ceshu* 冊書, to be read out in public. Interestingly, the English

¹⁷ In the event other officials were involved in drawing up the edict.

¹⁸ Meaning that the Great Council of State (the *Dajōkan* 太政官) will issue an order in the form of a *fu* 符 (see the list above, document form nr. 13). For details see MIGLIORE, *I documenti ufficiali (Official documents)* cit., pp. 32-33 and 64-65.

¹⁹ INOUE MITSUSADA et alii (eds.), *Ritsuryō*, cit., p. 403. On *senmyō* and the rite of royal pronouncements see ROSS BENDER, *Performative Loci in the Imperial Edicts in Nara Japan, 749-70*, «Oral Tradition», 24/1, 2009, pp. 249-268.

word ‘edict’, from the Latin *edictum*, neuter nominal form of *edictus*, the past participle of *edicere*, means ‘announce’, ‘pronounce’, to refer to a pronouncement with the force of law by imperial command. Public reading of edicts in Japanese may go back as far as Tenji reign (668-671) even if their use seems more frequent under Monmu (r. 696-707), during whose reign the code *Taihōryō* code was completed. From a philological point of view, the *senmyō* 宣命 represent a basic source for the reconstruction of old Japanese. Moreover, this alternation of *senmyō* and *shōsho* reveals the dynamic relationship between the two concepts, opposed but at the same time correlated, of sovereign divinity and bureaucratic State. *Senmyō* represented a more emotional quality expressed through ritual rather than an administrative function, which was proper to the *shōsho*. This ritual consisted in the solemn ceremony of announcing the sovereign’s will in the presence of all His subjects and dates back to the period prior to the introduction of the Chinese administrative code in Japan. The Nara period is undoubtedly characterised by the importance given to written documents, so much so that it is referred to as ‘the period of documents’ (*monjo no jidai* 文書の時代). However, in the edicts written in Japanese conserved a feature of the previous political system, which has been defined as a ‘world of sounds’ (*onsei no sekai* 音声の世界).²⁰ Despite the basic importance given to documents in the Nara bureaucratic state and the adoption of Chinese culture, the sovereign edict – the pronouncement of the sacred words – was considered a magical and sacred element, inherited from a pre-existing system where publicly announcing the sovereign’s true words was much more important than the written word.²¹

Not all documents were subjected to such an elaborate bureaucratic procedure as the edict; the procedure was certainly simpler for all other documents. For purposes of comparison, here is a piece of legislation (nr. 14 above) on the form of document to be used by administrative offices of the same level.

牒式

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右内外官人主典以上。録事申牒諸司式。三位以上。去名。若有人物名数者。件人物於前。

²⁰ HAYAKAWA SHŌHACHI, *Nihon kodai kanryōsei no kenkyū*, Tōkyō, Iwanami shoten, 1986, pp. 309-314.

²¹ This identification of the sovereign word with law further explains the essential difference in the notion of law between China and Japan. Law in China was considered a synonym of punishment needed to restore the natural order and became, under the influence of legalist philosophy, an impersonal and uniform principle, superior even to that of sovereign authority. This notion was unacceptable in Japan, where the sovereign – as a God – was considered the very origin of law and could not be judged in any way.

Communication. Form.

Text of the communication. It is humbly informed.

Year, month, day. Court rank, hereditary title, name of the official sending the communication.

The above-mentioned form [shall be used] by officers performing an administrative role in offices established and/or not established by codes and who have a fourth level administrative rank or higher, in order to forward a communication to any administrative board. Officers holding a third level court rank or a higher rank may omit to include their name. Should [the communication] regard persons or objects, their names or quantities shall be indicated before the 'text'.

From an analysis of the extant documents from the Nara period, we find that they do not generally correspond to the forms established by these rules. For this reason, their effective application and their subsequent function within the system of official documents have been called into question. Nevertheless, a system based on *Kushikiryō* (or on *ritsuryō* in general) must not be considered from a static point of view: the entire Nara period should be seen as a continuous dynamic process of adjustment of the laws enacted on the Japanese social-political scenario.²² In fact, not only were several modifications carried out during the eighth century, but the *Yōrōryō* itself was subjected to revisions and amendments soon after establishment; an intense legislative work whose formulation took up to the eleventh century led to a miscellaneous corpus of decrees containing further regulations and supplements (*kyaku* 格 and *shiki* 式), collected in works such as the *Engi shiki* 延喜式 (Supplementary Decrees to the *Ryō* of the Engi Era)²³ and the *Ruijū sandai kyaku* 類從三代格 (Implementing Decrees of the Three Eras Grouped by Topic).²⁴ This process of adaptation and transformation of the legal system also informed later periods, when the bureaucratic administrative State based on codes lost both its identity and unity, shifting towards a semi-private management of the country, also leading to a parallel shift from official to private documents.

FROM OFFICIAL TO PRIVATE DOCUMENTS

According to the legislation of the Nara period translated above, there was also a form of document that could be also used by private citizens: the *ji* 辭. The pertinent article (*Kushikiryō* nr. 15) is given here:

²² YOSHIOKA MASAYUKI, *Kodai bunken no kisoteki kenkyū*, Tōkyō, Yoshikawa kōbunkan, 1994.

²³ Compiled in fifty books between 927 and 967. Text edited in KUROITA KATSUMI, *Engi shiki*, Tōkyō, Kokushi taikai kankōkai, 1937.

²⁴ It was compiled between 1002 and 1089, and contains decrees issued during Kōnin (810-824), Jōgan (859-877) and Engi (901-923) eras. The text is in KUROITA KATSUMI, *Ruijū sandai kyaku*, Tōkyō, Kokushi taikai kankōkai, 1936. There is a complete translation in two volumes by FRANCINE HÉRAIL, *Recueil de décrets de trois ères méthodiquement classés*, Geneva, Droz, 2008 and 2011.

辞式。

年月日位姓名辞。其謂。雜任初位以上。若庶人称本属。

其事云云。謹辞。

右内外雜任以下。申牒諸司式。若有人物名数者。件人物於云云前。

Report. Form.

Year, month, day. Court rank, hereditary title, name of the officer sending the report. Subject. This form shall be used by officials belonging to any administrative office holding an initial or higher court rank. In the event civilians send the document, they shall specify the household register where they are listed. Text. It is humbly informed.

The above-mentioned form [shall be used] by officers performing an administrative role in offices established and/or not established by codes, in order to forward reports to any administrative boards. In the event that [the report] concerns persons or objects, their names or quantities shall be indicated before the ‘text’.

As we have seen in the above article, civilians too could use this form by indicating the household register (*koseki* 戸籍) where they were listed, and stating the province and district of residence.²⁵ The earliest appearance of *ji* is found in a bill of sale (*kenmon* 券文) dated 912, drawn up at the administrative office of the capital’s western section (*Ukyō shiki* 右京職). Here we read that the permit of sale requested by a civilian was written using a *ji*.²⁶ The petition too (*ge* 解, *Kushikiriyō* nr. 11), the form of document by which lower administrative offices forwarded requests or reports to the offices upon which they depended, was used by private citizens. Unlike all the forms of documents we have seen above, but have not been handed down, there are several original *ge* from the Nara period preserved at the Shōsōin museum. Many of these documents fully conform to the rules and contain petitions and requests for administrative use, while a number do not conform and are distinctly private in character. This is the case, for example, of a theft report submitted by an officer at the administrative office of the capital’s western section. It is dated 735, and contains a list of stolen objects; the capital’s western section administrative office’s seal is impressed on the text thirteen times. In reality, administrative laws provided that the ‘theft of slaves, animals and goods in private houses’ had to be ‘denounced in writing to the authorities’ because, if they were found, stolen goods could all be returned to the owner if there was a document reporting the theft.²⁷

Moreover, sale certificates for real and personal property had to be compiled using the *ge*, according to the following procedure: the seller presented

²⁵ The Shōsōin museum houses several household registers and tax registers (*keichō* 計帳) from the Nara period. TAKEUCHI RIZŌ, *Documents of Local Administration in the Nara Period. The Household registers and the Tax Registers, Foreword, Translation and Notes* by Maria Chiara Migliore, in NINO FORTE (ed.), *Tang China and Beyond*, Kyōto, Italian School of East Asian Studies, 1988, pp. 125-161.

²⁶ For details, see MIGLIORE, *I documenti ufficiali (Official documents)* cit., pp. 34-35.

²⁷ INOUE MITSUSADA et alii (eds.), *Ritsuryō*, cit., p. 448.

a *chō* or a *ji* to the district Office in order to ask permission to sell a property, and the district Office drew up a *ge* which was sent to the provincial Office. If the application was approved, the document was stamped with the seal of the Office and another two copies were prepared, representing the sale certificate. One copy remained at the province Office, one went to the District Office, and the third one was delivered to the buyer.²⁸

Even if, as illustrated above, the law stipulated the existence of private documents, they were to be used in accordance with the administrative system. This aspect would gradually fade out in later periods. The transfer of the capital from Nara to Heian (now Kyōto) in 794 marked the weakening of the bureaucratic state, which gradually lost its centralised character. However, the relocation of the capital did not cause a fundamental breakup in the administrative system, which, despite several changes, remained in force almost up to the end of the tenth century and was never legally abolished. On the contrary, during the early years of the Meiji era, supporters of the new governmental system partly adopted the names and functions of ancient institutions.

The Heian political structure was a kind of aristocratic and patrimonial state, where power gradually passed through the hands of the noble families of the court. During the Nara period, the bureaucratic state had already surrendered some of its rights to powerful Buddhist establishments,²⁹ which enjoyed a certain administrative autonomy. These religious establishments communicated with the central administration through documents whose forms were provided by *Kushikiryō* (the *chō*, in particular); nevertheless, monastic chanceries adopted several forms of documents that were not pre-established by law.³⁰ In general, some official document forms from the Nara period (such as the sovereign's edicts) were still used in later periods while others fell into disuse, especially those used in provincial administrations, evidencing a reduction in administrative (and political) contact between the centre and the provinces.

Saga's (786-842) first political action upon taking the throne in 810 was the establishment of his own private chancery (*kurōdodokoro* 藏人所) through which he issued a form of document known as *senji* 宣旨, which was not subject to the complicated process of *shōsho* and which continued to be used by sovereigns and by members of the great aristocratic families through their private chanceries (*mandokoro* 政所). In the same way, centralised administrative offices started issuing new or simplified forms of documents which were not provided for by the laws on official documents.

²⁸ SAKAUCHI MITSUHIKO, *Kodai kenmon ni arawareru shiki no seikaku*, «Shinano», 41, 1985, pp. 1-27.

²⁹ One of reasons for moving the capital was the need to reduce the power of Buddhist establishments around Nara.

³⁰ MARIA CHIARA MIGLIORE, *Il documento cartaceo in Giappone: i periodi di Nara ed Heian (Paper Documents in Japan: Nara and Heian Periods)*, «Il Giappone» xxx, 1992, pp. 25-43, in particular p. 37.

The *kudashibumi* 下文 became the most commonly issued document by the offices of the central and provincial administration. Its form is reduced to the essentials: the protocol contains only the character 下 (to be read *kudasu*, a verb meaning 'to order') and the date and officials' signatures follow the main text. The *kudashibumi* appeared around the middle of the Heian period, and is the first Japanese document not based on Chinese models. It soon became widely used because it could be issued by any administrative office to send orders to offices of lower status.

During the Kamakura period (1185-1333) documents known as 'of the military class' (*bukeyō monjo* 武家様文書) were introduced.³¹ The rise of the samurai class in the provinces in the second half of the Heian period gradually led to a new kind of authority, held by the military class, which would eventually see to the establishment of the first shogunate, or *bakufu* (literally 'tent government') in the new city of Kamakura. The Kamakura shogunate came to possess military, administrative, and judicial functions, although the sovereign government remained the recognised legal authority in the country. Nevertheless, its socio-economic structure was still informed by the patrimonial and private system of the Heian aristocratic establishment, and in the early days the *bakufu* overlapped with civilian authority, giving rise to the so-called 'dualism of the Kamakura period'.³² In this 'joint polity'³³ the *bakufu*'s administrative and bureaucratic structure was designed and carried on by officials of the court aristocracy who chose to 'migrate' to Kamakura, which provided better career opportunities.

The great efficiency of the *bakufu* administration largely contributed to the success of the new system, which effectively focused on the territory's control and administration. Its documents shared considerable elements of continuity with the previous period: the most commonly used document was the *kudashibumi*, along with the *gechijō* 下知状, a kind of 'new' document created by the military bureaucracy, generally used to issue the Shōgun's judicial decisions on the matter of disputes, mainly regarding land ownership and administration³⁴ Such land disputes characterised much of the work of the judiciary during of the Kamakura period.³⁵

All the topics presented in this brief introduction are barely (if at all) mentioned in Western academic publications. Nevertheless, it would be useful to

³¹ Studied by JOUON DES LONGRAIS, *Age de Kamakura - Sources (1150-1333)*, Tōkyō, Maison Franco-Japonaise, 1950.

³² G. CAMERON HURST III, *The Kōbu Polity: Court-Bakufu Relations in Kamakura Japan*, in JEFFREY MASS (ed.), *Court and Bakufu in Japan*, New Haven and London, Yale University Press, 1982, pp. 3-28.

³³ HURST III, *The Kōbu Polity: Court-Bakufu Relations in Kamakura Japan*, cit., p. 5.

³⁴ MARIA CHIARA MIGLIORE, *Il documento cartaceo in Giappone: il periodo di Kamakura (Paper Documents in Japan: Kamakura Period)*, «Il Giappone» xxxi, 1993, pp. 55-66.

³⁵ JEFFREY MASS, *The Kamakura Bakufu: A Study in Documents*, Stanford 1976 and *Idem, Lordship and Inheritance in Early Medieval Japan. A Study of the Kamakura Sōryō System*, Stanford, Stanford University Press, 1989.

examine Japanese diplomatics in greater depth not only in terms of the form of the documents and their public or private functions, but as fundamental and essential instruments for understanding Japan's State and bureaucratic organisation both in ancient and medieval times.

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