

The Yōrō Ritsuryō Sōniryō

Laws on Monks and Nuns

Interpreted by Joan Piggott

The Sōniryō in the Yōrō administrative code—the code was compiled in 720 but promulgated only in 757—is a set of 27 clauses containing regulations for Buddhist monks (*sō*) and nuns (*ni*), including initiates, male *shami* and female *shamini* who had not yet officially become monks and nuns through the official certification process (*tokudo*). There was no such section in the Tang codes, but according to a medieval commentary, the *Ryōkikigaki*, the Sōniryō provisions were based on a set of Tang regulations known as the *Dōsōkyaku* for the Buddhist and Taoist monks and nuns. Given that the *Shoku nihongi*, the official court record covering much of the eighth century, notes that “The Laws for Monks and Nuns was explained at Daianji” in the sixth month of 701, it is thought that a version of this set of regulations was originally a section of the *Taihō Code* that was promulgated in 702.

1. Monks are forbidden to divine either good fortune or future tragedy by observing heavenly omens, thereby deceiving both the *tennō* and the people. They are also forbidden to possess and study military tracts; to commit murder, rape, robbery or other crimes; and to feign enlightenment. All of the above are crimes which will be punished according to law (*hōritsu*) by the authorities (*kanshi*).
2. Monks who practice divination and magic as well as those who cure illness by magical practices shall be laicized. However, monks may aid the sick through prayers and other methods recognized by Buddhist law.
3. If a monk wishes to be laicized, the three deans (*sangō*) of his temple shall record the location of his original home and residential group (*kanzoku*). They shall then notify the Central Monastic Office (*Sōgō*) if he resides in the capital, or, in the provinces, they shall notify the provincial governor (*kokushi*). These authorities will then report the request to the Ministry of Civil Affairs (*Jibushō*), which will exclude the monk's name [from the monastic register]. Should the three deans or the monk's teacher conceal the matter [of his leaving the monkhood] for more than for thirty days, that person will receive

fifty days of monastic punishment (*kushi*). If the matter is hidden sixty days or more, 100 days of punishment will be ordered.

4. Monks are the guardians of the Three Treasures (*Sanpō*), which they transmit to the secular officials. Now if monks conspire and lead other monks to become unruly, or if they slander or otherwise shame temple officials or elders, they shall receive 100 days of punishment. However meeting together to discuss matters properly and reasonably is permitted.
5. Monks and nuns who live outside temples, building special retreats (*dōjo*) and gathering and teaching the people; monks who teach that there is profit in crime; and those who defy the authority of monastic superiors shall all be laicized. Should the officials of the province (*kuni*) or district (*gun*) know of these crimes and fail to report them, they shall also be punished, according to civil law.

If there is anyone who wants to beg, the three deans shall sign [the petition] and submit it to the district and provincial authorities. After investigation, the authorities shall approve the petition. In the capital, the Bureau of Alien and Buddhist Affairs (*Genbaryō*) shall be notified. In all cases begging shall be done before noon, and no surplus is to be requested.

6. Monks may utilize as servants well-mannered boys from their home villages who are related to them within three degrees and who are between seven and fifteen years of age. These boys are to be returned to their homes when they reach the age of 17. Similarly, nuns may take women servants who wish to serve them.
7. Monks will be punished thirty days for drinking *sake*, eating meat, or using any of the (forbidden) five spices (*goshin*). However, if any of these spices are required as medicine, the three deans may authorize their use for a specified number of days. If a monk gets drunk and becomes unruly, he shall be laicized.
8. When there is a problem within the temple, monks and nuns must petition through the proper channels. A monk in the provinces should first petition his temple's three deans, who will forward the request to the provincial governor's office. If a monk does not follow this procedure, he shall be punished for fifty days. And if he repeats the same crime, he shall receive 100 days of punishment. However, if there has been some unreasonable decision by either the secular authorities (*kanshi*) or the Central Monastic Office, this rule does not apply.

9. Playing games involving betting or gambling as well as the playing of music instruments is forbidden and will result in 100 days of punishment. However, playing the five-string *biwa* is allowed.
10. Monks and nuns are permitted to wear purple, blue, black, or yellow robes. They shall be sentenced to ten days of punishment if they wear other colors or robes of fine silk or brocade. If they wear secular clothes, they will be punished for 100 days.
11. Any monk who lets a lay woman stay in the quarters where monks reside, or any nun who lets a lay man stay in the quarters where nuns reside, shall be punished. If the situation lasts for one night or more, there will be ten days of Buddhist labor imposed as punishment. If it lasts five days or more, there will be thirty days of Buddhist labor imposed as punishment. If it lasts for ten days or more, then there will be 100 days of labor imposed as punishment. And if the three deans in charge know and approve of such misbehavior, then they too shall be judged guilty, and they shall be punished in the same manner.
12. Monks shall not enter a nunnery without good reason, nor shall nuns enter a temple where monks live without good reason. However if it is to visit or greet one's teacher, to visit the sick or dying, to participate in a ceremonial meal, to do Buddhist good works, or to study, then it is permitted.
13. The purpose of a monk's life is to practice meditation and Buddhist discipline. This means monks should rejoice in peace and quiet and not mix with the lay world. If there is anyone who seeks to dwell in the mountains and subsist on the plants of immortality, the three deans of his temple shall sign his request. Then a monk or nun in the capital shall apply to the Central Monastic Office, who shall contact the Bureau of Alien and Buddhist Affairs. In the case of a monk or nun outside the capital, the three deans shall contact the district and province, where officials shall verify the request and report it to the Council of State (*Daijōkan*). The Council shall then respond, informing the province and district officials of the location of the monastic retreat. Thereafter, the monk or nun must not move to any other location.
14. The Central Monastic Office consists of those monks holding the rank of Master of Discipline (*risshi*) and above. Only those with virtue, whom other monks will obey, who enjoy the respect of both the secular and monastic communities, and who can administer their duties well shall be chosen. The members of the monastic community shall make nominations, sign them, and send them to the Council of State. Should there be any group of evildoers who nominates an unworthy candidate, they shall receive 100 days of punishment. After appointment, a Central Monastic Office member can not usually be removed. However, if a member commits a crime for which he is to be punished, or if he is too old or sick, he should not serve, and another monk should be chosen in the manner prescribed above.
15. If a monk commits an offense deserving of monastic punishment, he should do some meritorious work, such as cleaning or maintenance tasks in the Buddha hall and other public areas of the temple. In all cases, he shall do a full day's labor for each day of prescribed punishment. If the three deans fail to assign punishment, thereby excusing his crime without cause, they shall be required to serve the same number of days of punishment.
16. A monk or nun who, for his or her own purposes, uses another's name shall be laicized. He or she shall then be punished according to civil law. And anyone else involved in the crime shall be judged guilty of the same crime.
17. A monk or nun with some complaint who wishes to petition the Council of State should do so using his lay name and status. But Central Monastic Office and temple officials who wish to appeal to the Council regarding matters having to do with their community or other Buddhist concerns shall receive special audiences.
18. Monks and nuns shall not accumulate private land holdings or other capital, nor are they to engage in commerce or lending for personal profit.
19. When traveling, monks and nuns who meet persons of the third rank or above shall dismount and cover their faces. If they meet persons of the fifth rank or above, they shall rein in their mounts, exchange bows, and let those persons pass. When on foot, they should hide their faces.
20. The deaths of monks and nuns shall be reported monthly by a temple's three deans to the provincial governor, and then yearly by the governor to the central agent (*chōshūshi*), who will report to the Council of State. In the capital, the Central Monastic Office will report these deaths seasonally to the Bureau of Alien and Buddhist Affairs, who will inform the Council at year end.
21. When a monk or nun commits a crime and that crime, according to civil law, deserves punishment exceeding one year of hard labor, that

monk or nun shall be laicized. The crime shall then be punished according to the law, but one year of hard labor may be exempted in exchange for rendering up the monastic permit (*kokuchō*). In the case of a crime deserving more than one year of hard labor, any remaining punishment is to be served according to the law. In the case of crimes deserving less than 100 lashes, ten days of monastic punishment shall be served for every ten lashes. While serving monastic punishment or while awaiting judgment, a monk or nun shall be kept under guard. If it is a crime meriting more than monastic punishment but not deserving laicization, the three deans shall decide the matter according to Buddhist law and then they shall order punishment.

A laicized monk or nun, or one under sentence of monastic punishment, shall not report his or her temple's officials or the affairs of his or her monastic community to the secular authorities. However, in the case of knowledge of a very serious crime such as rebellion or inciting the people by oracles or magic, this restriction shall not apply.

22. Unlicensed, self-declared monks (*shidosō*), those who lie and falsely assume a monk's identity, or those who have already been laicized but put on monks' garb, shall be judged and punished by civil law. Any religious teacher, temple official, or resident of the same monastic dwelling who knows of the crime shall also be laicized. Even someone not dwelling in the same quarters who knows and condones the situation for one night or more shall serve 100 days of monastic punishment.

Any monk or nun who knowingly harbors anyone who has unlawfully left his residence for one night or more shall receive 100 days of punishment. The seriousness of the crime shall be decided according to civil law.

23. Any monk or nun who passes sutras or images through the temple gates to a lay person, or who instructs a lay person, shall be punished 100 days. The lay person shall be judged by civil law.
24. Any houseman (*ke'nin*) or slave (*nuhi*) who, having become a monk, is laicized for a crime, or one who decides to be laicized for his own reasons, shall be returned to his original master and legal status. A person who has claimed monastic status unlawfully, even if he knows the sutras, cannot be allowed to take vows.
25. On the third occasion when a monk or nun commits a crime deserving monastic punishment of 100 days or more, he or she shall

be banished to a temple in the provinces outside the Capital Region (*Kinai*).

26. Slaves, cows, horses, and military weapons are not to be given to monks and nuns as alms at ceremonies. If such alms are given, they shall not be accepted.
27. Monks are not to immolate themselves or attempt suicide. Those who break this law shall be punished according to civil law.¹

Summaries of other Yōrō Ritsuryō provisions pertaining to Buddhist affairs

Laws on Posts and Ranks (*Kan'iryō*)

The Ministry of Civil Affairs (*Jibushō*) senior manager (*kami*) shall be of the senior fourth rank.

The Bureau of Alien and Buddhist Affairs (*Genbaryō*) senior manager shall be of the junior fifth rank.

Laws on Appointments to Offices and Posts (*Shikiinryō*)

The Ministry of Civil Affairs shall supervise two bureaus (the Bureau of Court music or *Gagakuryō* and the Bureau of Alien and Buddhist Affairs) and two departments, the Department of Royal Mausoleums (*Misazaki no tsukasa*) and the Department of Funerary and Memorial Rites (*Sōgishi*). It shall be staffed by one senior manager, two second-level managers (*suke*), seven fourth-level managers (*sakan*), ten clerks (*shishō*), ten specialized scribes (four *ōitokibe* and six *sunaitokibe*), two secretaries (*shōshō*), sixty messengers and four corvée laborers. The Ministry of Civil Affairs shall be responsible for *kabane* records, marriage records, omens, pre-funerary activities, gifts for the dead, national days of mourning, taboos, and foreigners and their activities. Specialized scribes shall maintain family genealogies.

¹. This translation is based on the text in the Nihon shisōshi taikēi *Ritsuryō*, edited by Inoue Mitsusada and Seki Akira (Tokyo: Iwanami shoten, 1976). A Heian-period commentary, the *Ryōnoshūge*, has been checked to aid in the translation of difficult passages. The *Ryōnoshūge* is published in the *Shintei zōhō kokushi taikēi* series of documentary sources. I have also referred to Aida Hanji's *Chūkai Yōrō ritsuryō* (Yūshindō) published in 1964.

The Bureau of Alien and Buddhist Affairs staff shall include one senior manager, three second-level managers, and two fourth-level managers plus four clerks, twenty messengers, and two corvée laborers. It shall maintain the registers listing the names of monks and nuns (*myōjaku*), arrange and supervise Buddhist affairs, and handle the concerns of foreign visitors and unnaturalized Koreans in the realm, including their living quarters.

Laws on Rice Fields (*Denryō*)

Shrine and temple fields are not subject to the usual six-year reallocations.

Laws on Official Emoluments (*Rokuryō*)

Sustenance households (*fuko*) are not normally allotted to temples, but they may be granted to temples by special royal command, for a period not exceeding five years.

Laws on Miscellaneous Matters (*Zōryō*)

Provincial governors, or in the case of the capital, the capital administrators (*kyōshiki*), shall compile in triplicate a list of monks and nuns every six years, noting for each monk (or nun) the date he became a monk, the number of years he has been a monk, and his scholarly specialty (*tokugyō*). This document shall be signed, and one copy shall be kept locally, while two copies shall be sent to the Council of State, which will send one to the Ministry of Central Affairs (*Nakatsukasashō*) and one to the Ministry of Civil Affairs. Supplies will then be furnished to temples according to the number of monks and nuns recorded in these registers.