

Immigrants, Outsiders, and the Outside World in the Yōrō Administrative Code

This document brings together the clauses in the Yōrō administrative code that have to do with foreign people in or entering the realm, people of the realm going to foreign lands, and interactions with other polities. Clauses that are particularly relevant have been translated in full with the original Sino-Japanese text, a classical Japanese reading (*kundoku*) of that text, and an English translation. Less relevant clauses have been listed with only an abstract of their contents. All of the originals are from Inoue Mitsusada's 1976 edition of *Ritsuryō*, the standard reference work for the Yōrō penal and administrative codes.¹

Laws on Appointments to Offices and Posts

Shikiinryō

職員令

7 - Royal Storehouse Bureau

職員令7内蔵寮 (*Kuraryō*)

Responsible for managing foreign tribute goods, also employed Paekche artisans and Paekche residence units.

16 - Ministry of Civil Affairs

職員令 16治部省 (*Jibushō*)

Responsible for designations and genealogies, as well as receiving foreign envoys.

18 - Bureau of Buddhism and Foreigners

職員令 18 玄蕃寮 (*Genbaryō*)

[原文]

玄蕃寮

頭一人。〈掌。仏寺。僧尼名籍。供齋。蕃客辞見讌饗送迎。及在京夷狄。監当館舎事。〉
助一人。大允一人。少允一人。大属一人。少属一人。史生四人。使部廿人。直丁二人。

[訓読]

げんぱりょう
玄蕃寮

頭一人。〈掌らむこと、仏寺、僧尼の名籍、供齋のこと、蕃客の辞見、讌饗、送迎のこと、及び在京の夷狄。館舎を監当せむ事。〉 助一人。大允一人。少允一人。大属一人。少属一人。史生四人。使部廿人。直丁二人。

¹ Inoue Mitsusada, *Ritsuryō* (Tokyo: Iwanami Shoten, 1976).

[English]

Bureau of Buddhism and Foreigners²

1 Director {Responsible for Buddhist temples; the registers of the names of monks and nuns; meal offerings;³ the greetings, send-offs, banquets, entertainment, and audiences for foreign guests; and the aliens living in the capital, including supervision of their accommodations.}

1 Second-level manager

1 Senior third-level manager

1 Junior third-level manager

1 Senior fourth-level manager

1 Junior fourth-level manager

4 Clerks

20 Attendants

2 Corvée laborers⁴

Laws on Residence Units

Koryō

戸令

16 – Captured or Shipwrecked in a Foreign Land

戸令 16没落外蕃条

[原文]

凡没落外蕃得還。及化外人帰化者。所在国郡。給衣糧。具状発飛駈申奏。化外人。於寛国附貫安置。没落人依旧貫。無旧貫。任於近親附貫。並給糧遞送。使達前所。

[訓読]

凡そ、外蕃げぼんに没落ぼつらくして、還かへることを得たらむ、及び化外けがいの人化よに帰らば、所在しよざいの国郡こくぐん、
衣糧いろうを給たまへ。状かたちを具つづにして飛駈ひやくを發たてて、申奏しんそうせよ。化外けがいの人をば、寛ゆたかなる国かんに貫つに附
けて安置あんちせよ。没落ぼつらくの人、旧もとの貫かんに依れ。旧もとの貫かん無くは、任あたる近親ごんしんの貫かんに附つけよ。並に
糧かて給だいそうひて遞送ぜんしよし、前所たちに達たせしめよ。

[English]

² See also: George Sansom, “Early Japanese Law and Administration - Part I,” *Transactions of the Asiatic Society in Japan* 2nd series Vol. 9 (1932): 86; and Joan Piggott, “The Yōrō Ritsuryō Sōniryō,” available on The Project for Premodern Japan Studies website. <http://www.uscppjs.org/resources/#/ritsuryo-translation-project/>.

³ *Bukkyōgo daijiten*, s.v. “供齋,” accessed on July 14, 2017 via Japan Knowledge.

⁴ Laborers sent from the provinces were divided into the *jikichō* (直丁), who were based in the capital, and the *kushichō* (駆使丁), who operated in the provinces. *Kokushi daijiten*, s.v. “直丁,” accessed on July 11, 2017 via Japan Knowledge.

Captured or Shipwrecked in a Foreign Land

As for those who have been captured or shipwrecked in a foreign land but are able to return, as well as people from outside the transformative influence⁵ who submit and are transformed, let the provincial and district officials provide them with food and clothing. Record their appearance with great care, and dispatch an express messenger to memorialize the throne. People from outside of the realm should be settled in a plentiful province and be added to the registers there. If they were captured or shipwrecked, use their former register. If they do not have a former register, add them to the register of close relatives. Also, forward provisions to the aforementioned place [ie. where the person or people will be settled], and ensure that they arrive.⁶

26 – On Marriage

戸令 結婚条 26

*Marriages can be voided if one party is absent due to being detained in foreign state for over a year, among other reasons.*⁷

41 – Residence Units of Official Servants Returning on their Own

戸令 41官戸自拔条

[原文]

凡官戸。家人。公私奴婢。被抄略。没在外蕃。自拔得還者。皆放為良。非抄略。及背主入蕃。後得歸者。各還官主。

[訓読]

凡そ官戸、家人、公私の奴婢、抄略せられて、没して外蕃^{げばん}に在りて、自ら抜けて還ること得たらば、皆放して良と為^せよ。抄略せらるるに非ず、及び主を背きて蕃に入りて、後に帰ること得たらむは、各官主^{おのおの}に還せ。

[English]

⁵ The *ritsuryō* codes divided people into those who were outside the transformative influence of the sovereign (*kegai* 化外) and those who were within the transformative influence of the sovereign (*kenai* 化内). Bruce Batten compares these categories to Roman distinctions between inner and outer lands and sees them as zones primarily defined by whether or not they were under the direct administration of the state. See *To the Ends of Japan: Premodern Frontiers, Boundaries, and Interactions* (Honolulu: University of Hawai'i Press, 2003), 28-30.

⁶ According to the *Koki* commentary in the *Ryō no shūge* (a collection of official and non-official legal commentaries completed 859-876 CE), the *Taihō* code of 701 CE included a provision for the arrival of people with particular talent or ability, who were to be reported to the throne, and regarding whom an edict would be issued.

⁷ For a full English translation with key terms and analysis, see Yoshie Akiko, Yōko Ijuin, and Joan R. Piggott, "Gender in the Administrative Code, Part 1: Laws on Residence Units," *Teikyo Journal of History* 28 (February 2013): 342-345.

Residence Units of Official Servants Returning on their Own

Regarding those in residence units of official servants, hereditary household servants, and official and non-official bound servants who were taken as plunder and ended up in foreign lands, if such a person is able to escape and return on his or her own, he or she shall be released them and made a free person. If they were not taken as plunder or if they have disobeyed their master in entering a foreign land, then return them to their official master if they return.

44 - Bound Servants from Outside the Transformative Influence

戸令 44化外奴婢条

[原文]

凡化外奴婢、自来投国者。悉放為良。即附籍貫。本主雖先来投国。亦不得認。若是境外之人。先於化内充賤。其二等以上親。後來投化者。聽贖為良。

[訓読]

凡そ化外奴婢、自ら国に來投せらば、悉く放して良と為よ。即ち籍貫に附けよ。本主先より国に來投せりと雖も、亦認むること得じ。若し是れ境外の人、先より化内に賤に充てられたらむ、其の二等以上の親、後に化に來投せらば、贖ひて良と為ること聽せ。

[English]

Bound Servants from Outside the Transformative Influence

Regarding slaves from outside the transformative influence, if they approach and submit, release them all and make them free people. Then add them to the residence unit registers. Even if the master says that he or she approached and submitted before [the bound servant], [his or her claim] will not be recognized. If a person from outside the borders has already been assigned [the status of] bound person within our realm, then relatives of the second degree of kinship and closer⁸ who later approach and submit shall be made free people as an atonement.

Laws on Rice Fields

Denryō

田令

18 – Royal Business

田令 18王事条

⁸ See the administrative code Laws on Propriety (*Giseiryō*) 25 on relatives of the five degrees. The first degree included father and mother, adoptive father and mother, husband, and children. The second degree included grandfather, grandmother, the official wife of the father, other wives of the father, uncles and aunts on the father's side, brothers, sisters, the father and mother of the husband, wives, concubines, nieces and nephews, grandchildren, and the wife of one's child.

Discusses how to handle rice fields assigned to people who are sent abroad on royal business and are not able to return for some time, as well as what to do if such people do eventually return.

Laws on Taxes

Buyakuryō

賦役令

10 – Peripheral Polities

賦役令10辺遠国条

[原文]

凡辺遠国。有夷人雜類之所。応輸調役者。隨事斟量。不必同華夏。

[訓読]

凡そ^{へんおん}辺遠の国の、夷人^{いにん}の雜類^{ぞうるい}有らむ所にして、調役輸^{いだ}すべくは、事に隨ひて斟量^{しんりょう}せよ。
必ず^か華夏^かに同じくせず。

[English]

Peripheral Polities

Regarding peripheral polities where there are various uncivilized peoples⁹ and whether or not they should forward tax paid in goods and corvée laborers, make allowances according to the circumstances. Do not necessarily treat them the same as civilized people.¹⁰

15 – Captured or Shipwrecked in a Foreign Land

賦役令 15没落外蕃条

[原文]

凡没落外蕃得還者。一年以上。復三年。二年以上。復四年。三年以上。復五年。外蕃之人投化者。復十年。其家人奴。被放附戸貫者。復三年。

[訓読]

凡そ外蕃^{げばん}に没落^{もつらく}して還ること得たらば、一年以上ならば、復^{ふく}三年。二年以上ならば、復四年。三年以上ならば、復五年。外蕃の人化に投^{とう}せらば、復十年。其れ家人、奴、放^{ゆる}されて戸貫^{こかん}に附^つかば、復三年

⁹ The *Koki* commentary in the *Ryō no shūge* gives the Hayato (隼人) and Ebisu or Emishi (毛人) as examples.

¹⁰ The term *kaka* (華夏) could be literally translated as “[people of the] *Xia* and *Hua*,” but it is used generally to mean civilized, non-barbarian people.

[English]

Captured or Shipwrecked in a Foreign Land

Regarding those who were captured or shipwrecked in a foreign land, but were able to return: if they have been gone more than one year, three years of tax exemption.¹¹ If they have been gone more than two years, four years of tax exemption. If they have been gone more than three years, five years of tax exemption. For people from foreign lands who submit and are transformed, ten years of tax exemption. If the person is a hereditary household servant or bound servant who has been released and added to the registers, three years of tax exemption.

Laws on Promotion

Senjoryō
選叙令

11 – Courtiers without Posts

選叙令 11散位条

Regulations for the promotion of courtiers of the sixth rank and below who have rank, but no post. Gives limitations on their selection and ranks for promotions in inner part-time official work. Includes a notation that those who have served as envoys abroad for at least four years shall receive evaluations for promotion.

Laws on the Evaluation of Officials

Kōkaryō
考課令

14 - Evaluations

考課令14最条

Regulations on the evaluation of officials in the Ministry of Civil Affairs (Jibushō) and Bureau of Buddhism and Foreigners (Genbaryō).

Laws on Defense

Gunbōryō
軍防令

64 – Arrival and Departure of Foreign Envoys

軍防令 蕃使出入条 64

[原文]

凡蕃使出入。伝送囚徒及軍物。須人防援。皆量差所在兵士遞送。

¹¹ The tax exemption included the tax in goods (*chō*), tax goods submitted in place of corvee labor (*yō*), and the miscellaneous labor tax (*zōyō*).

[訓読]

凡そ蕃の使出入せむ、囚徒及び軍物を伝送せむに、人を防援に須みば、皆量りて所在の兵士を差して遞送せよ。

[English]¹²

Arrival & Departure of Foreign Envoys

When foreign envoys escorting prisoners or transporting military materials require additional troops to guard them as they arrive or depart, local soldiers shall be selected and dispatched.

Laws on Official Documentation

Kushikiryō
公式令

70 – Post-station Messengers to the Capital

公式令 70 駅使至京条

[原文]

凡駅使至京。奏機密事者。不得令共人語。其蕃人帰化者。置館供給。亦不得任来往。

[訓読]

凡そ駅使京に至りて、機密の事奏せば、人と共に語らしむること得じ。其れ蕃人の帰化せむは、館に置いて供給せよ。亦 任 に来往すること得ず。

[English]

Post-station Messengers to the Capital

Regarding messengers authorized to use the post-station system, if they will memorialize the throne regarding military and other secret matters, they shall not speak with other people when traveling to the capital or after arriving. If there are foreigners who wish to submit and be transformed, install them in an official residence and give them the necessary provisions. They are not to be allowed to come and go as they please.¹³

89 – People of Other Customs from Far Away

公式令 89 遠方俗殊人

¹² See also Karl Friday's translation available on The Project for Premodern Japan Studies website: <http://www.uscppjs.org/resources/#/ritsury-translation-project/>.

¹³ The Bureau of Buddhism and Foreigners (*Genbaryō*) managed the official residences used for foreign guests.

[原文]

凡遠方殊俗人。来入朝者。所在官司。各造図。畫其容状衣服。具序名号処所并風俗。随
 訖奏聞。

[訓読]

凡そ遠方えんぼうの殊俗しゅぞくの人、来りて朝に入らば、所在おのおのの官司、各 図造れ。其の容状、衣服を
 畫いて、具に名号なごう、処所しよしょ、并に風俗ふうぞくを序ついででよ。訖おわらむに随そひて奏聞そうもんせよ。

[English]

People of Other Customs from Far Away Places

Regarding people of other customs who come from far away to enter our realm, the officials in the place where they arrive should create an image of each of them.¹⁴ They should depict the appearance and clothing, and record the names of the person and the country of origin, the location of the country of origin, and their ways and manners. Once completed, memorialize the throne.

Laws on Official Stables and Pastures

Kumokuryō

厩牧令

15 One Chief for Each Post Station

厩牧令 15駅各置長

Regulates the appointment and rotation of post-station chiefs and references the possibility of being kidnapped by foreign bandits.

Laws on Barriers, Markets, and Trade¹⁵

Genshiryō

関市令

6 – Bows and Arrows

¹⁴ The *Ryō no gige* (an official legal commentary that had the force of law once promulgated in 833) and the *Ryō shaku* (both in the *Ryō no Shūge*) specifically state that 「所在官司」 referred to the place where a person had entered the realm. The Taihō code had the phrase 「所司」 rather than 「所在官司」 and the *Koki* commentary interpreted this to mean that the Bureau of Buddhism and Foreigners (*Genbaryō*) should be in charge. However, the *Koki* also noted that the provincial governor of the place where people first arrived should be sure to report the arrival.

¹⁵ For a detailed analysis on the markets and trade of Nara period Japan, including a comparative consideration of Yamato and Tang laws on trade, see William Wayne Farris, “Trade, Money, and Merchants in Nara Japan,” *Monumenta Nipponica* 53, no. 3 (1998): 303–34.

関市令 6弓箭

[原文]

凡弓箭兵器。並不得与諸蕃市易。其東辺北辺。不得置鉄冶。

[訓読]

凡そ弓箭兵器、並に諸蕃と与に市易すること得じ。其れ東辺北辺は、鉄冶置くこと得じ。

[English]

Bows and Arrows

Regarding weapons [such as] bows and arrows. They should not be traded at the market with various foreign [people]. Regarding those in the northern and eastern regions, they shall not establish iron forges.

7 - Foreign Guests

関市令7蕃客

[原文]

凡蕃客初入関日。所有一物以上。関司共当客官人。具録申所司。入一関以後。更不須検。若無関処。初経国司。亦准此。

[訓読]

凡そ蕃客初関に入らむ日に、有る所の一物以上、関司当客の官人と共に、具に録して所司に申せよ。一つの関に入れて以後、更に検ふべからず。若し関無からむ処は、初国司に経れむも、亦此に准へよ。

[English]

Foreign Guests

Regarding the days on which foreign guests first enter the barriers, all of the officials in charge of welcoming the guests and serving them throughout their stay should be recorded and reported to the Ministry of Civil Affairs.¹⁶ After entering the first barrier, they should not be further investigated. If [they arrive in] a place where there is no barrier, they should proceed through the governor of that province, who shall follow these instructions.

8 – Officials

¹⁶ According to the *Ryō no gige*, “所司” here refers specifically to the Ministry of Civil Affairs (*Jibushō*).

関市令 8官司

[原文]

凡官司未交易之前。不得私共諸蕃交易。為人糺獲者。二分其物。一分賞糺人。一分没官。若官司於其所部捉獲者。皆没官。

[訓読]

凡そ官司交易せざる前に、私・諸蕃^{しょばん}と共に交易すること得じ。人の^{ため}に糺^{ただ}し獲^えられたらば、其の物を二分にして、一分は糺さむ人に賞へ。一分は没官せよ。若し官司其の所部にして捉^{とら}へ獲^えたらば、皆没官せよ。

[English]

Officials

Conducting trade with private individuals or various foreign people before official trade is conducted is forbidden. If someone informs authorities [that such trade has taken place] and seizes [the goods], the goods shall be divided in two and one part shall be given to the informant. The other portion shall be confiscated as official goods. If an official seizes goods in his or her area of jurisdiction, they shall all be made official goods.

9 – Forbidden Goods

関市令9禁物

[原文]

凡禁物。不得将出境。若蕃客入朝。別勅賜者。聽将出境。

[訓読]

凡そ禁物は、境将て出すこと得じ。若し蕃客入朝せむ、別勅に賜へらむ者は、境将て出すこと聴せ。

[English]

Forbidden goods

Forbidden goods shall not be taken beyond the borders.¹⁷ For foreign guests who enter the realm, those who are given gifts by edict shall be allowed to take them outside the borders.

Laws on Miscellaneous Matters

Zōryō

雑令

¹⁷ According to Inoue, “forbidden goods” included weapons of various kinds (listed in the Laws on Defense) as well as astronomical instruments, certain books, and calendars.

29 - Foreign Envoys Traveling to and from the Capital

雑令 29蕃使往還

[原文]

凡蕃使往還。当大路近側。不得置当方蕃人。及畜同色奴婢。亦不得充伝馬子及援夫等。

[訓読]

凡そ蕃の使往還せむ、大路の近側に当りて、当方の蕃人を置き、及び同色の奴婢畜ふること得じ。亦伝馬子及び援夫等に充つること得じ。

[English]

Foreign Envoys Traveling to and from the Capital

Regarding foreign envoys traveling to and from [the court], foreign people from the same place are not to be settled near the great roads,¹⁸ nor shall bound persons of the same origin be allowed to gather near the great roads. Furthermore, they shall not be assigned as relay horse grooms or support staff.

¹⁸ “Great roads” here refers to the Sannindō and Saikaidō, or the circuit highways that linked the Dazaifu (where foreign envoys would arrive) and the capital. For a discussion of the official highways of the Nara period and their symbolic significance, see Takeda Sachiko, “Roads in the Tennō-Centered Polity,” in *Capital and Countryside in Japan, 300-1180: Japanese Historians in English*, interp. Piggott, Joan R. (Ithaca NY: East Asia Program Cornell University, 2006), 147–65.