

Directive of the Council of State (copy) Jishō 2 (1178) 7th month 18th day (KW08-Shiryō 11, Dajōkanpu An)

Source:

治承二年七月十八日太政官符案（書陵部所蔵壬生家古文書） 治承二年の新制
Zushoryōsōkan Mibuke Monjo V.7, Doc. 1969, p. 205
FINAL FINAL

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January 17, 2009

原文

太政官符山陰道諸国司
雑事拾式箇条

(中略)

一、応停止五節櫛棚金銀風流并瀧口送物過差事

右、同宣。¹奉 勅、禁驕節儉者、明王之善政也。件等過差悉可停止、者。

一、応禁制六斎日殺生事

右、同宣。奉 勅、禁断殺生、嚴制重疊。違犯之科、格条已明。而今如聞、遊手浮食之輩、多当彼日、殊成此犯云云。内破仏戒、外忘皇憲。重加下知、慥令禁断、者。

(中略)

一、応同停止私出挙利過壹倍事

右、同宣。奉 勅、出挙私物、格制殊重。況於非法利乎。而貧弊之民、被責窮困、窃以借用。返償之間、悉尽資貯云云。如斯之類、縦出契状、雖經多年、一倍之外、可停止非法、者。

(中略)

以前条事如件。諸国承知、依宣行之。符到奉行。

正四位下行左中辨兼紀伊權守藤原朝臣（重方）（花押）

修理左宮城判官正五位下行左大史兼播磨介小槻宿禰（花押）

治承二年七月十八日

読み下し

太政官符²す山陰道諸国司

¹中略の文に左大臣が宣を書いたことが明らか。左大臣は藤原経宗（ふじわらのつねむね 1119-1189）。藤原経実の四男。永万二年（1166）左大臣に任じた。（平安時代史事典 2144）

雑事（ざつじ・そうじ）十二箇条

（中略）

一、まさに五節³の櫛棚⁴の金銀の風流⁵（ふりゅう）並びに瀧口⁶の送物の過差（かさ）を停止すべき事

右、同く宣す。勅を奉るに、驕り⁷を禁じ、節儉（せつけん）⁸するは、明王の善政なり。件等の過差ことごとく停止すべし、てへり。

一、まさに六齋日（ろくさいにち）⁹の殺生（せつしょう）を禁制すべき事

右、同く宣す。勅を奉るに、殺生を禁断するは、嚴制重疊（ちょうじょう）。違犯の科（とが）、格条すでに明（あきらか）なり。而（しかる）に今聞く如んば、遊手（ゆうしゅ）¹⁰浮食（ふしょく）¹¹の輩、多く彼の日に当たり、殊（こと）に此の犯（ほん）を成すと云云。内には仏戒（ぶつがい）¹²を破り、外には皇憲（こうけん）¹³を忘る。重ねて下知を加え、慥（たしか）に禁断せしめよ、てへり。

（中略）

一、まさに同く私出挙（しすいこ）¹⁴の利（り・かが）一倍を過ぐるを停止すべ

² 太政官符については、追加資料を参照。

³ 五節：五度袖を翻して舞姫が舞を舞ったという説もある。大嘗祭や新嘗祭などに行われた舞。またその舞姫。

⁴ 櫛棚（くしだな）＝櫛笥（くしげ）：理髪（りはつ）の用具とする櫛を納めておく容器。平安時代には、寝殿造の宮殿の母屋に配置する二階厨子の上に櫛笥を飾って室礼（しつらい）をするのが例となった。（『国史大辞典』）。

⁵ 風流：美しく飾ること。

⁶ 瀧口：清涼殿の東北方にある御溝水（みかわみず）の落ちる所。また、ここに内裏警護の武士の詰所があったところから、その詰所もいう。滝口への贈り物は、お菓子・食事等も含めた。

⁷ 驕り：過分の金銭を費やすこと。ぜいたく。奢侈（しゃし）。過差。

⁸ 節儉：出費を控えめにして質素にすること。また、そのさま。

⁹ 六齋日：仏語。特に身をつつしみ持戒清浄であるべき日と定められた六か日。一般に月の八日・一四日・一五日・二三日・二九日・三〇日をいう。特に在家ではこの日に八齋戒をまもる。

¹⁰ 遊手：これといった仕事もせず遊び暮らすこと。また、その人。

¹¹ 浮食：働かずに生活すること。また、各地を放浪して食いつなぐこと。

¹² 仏戒：梵網經（ぼんもうきょう *Brahma Net Sutra*）に説く大乘戒をいう。J.J.M. DeGroot（翻訳者）*Le code de Mahayana en chine* を参照。

¹³ 皇憲：天皇・朝廷の支配下にあるものが従うべきであるとされる法

¹⁴ 私出挙：奈良・平安時代、私人が稲粟錢財などの私財を他に貸し与え、利息を増収すること。錢財の私出挙の利息は六〇日毎に八分の一、稲粟の私出挙の利息は変遷はあるが一年（春から秋）に五割の公定であることが多かった（共に単利のみ）。

き事

右、同く宣す。勅を奉るに、私物（しぶつ）を出挙するは、格制殊（こと）に重（おも）し。況（いわんや）非法の利においてをや。而（しかる）に貧弊（ひんぺい）の民、窮困（きゅうこん）に責められ、窃（ひそかに）以って借用す。返償（へんしょう）¹⁵の間、悉く資貯を尽くすと云云。斯（かく）の如き類（たぐい）、縦い、契状¹⁶を出だし、多年を経るといえども、一倍の外、非法を停止すべし、てへり。

（中略）

以前の条の事、件の如し。諸国承知し、宣によりてこれを行え。符到たらば奉りて行え。

正四位下行¹⁷左中辨兼紀伊権守藤原朝臣<重方>¹⁸（花押）

修理左宮城¹⁹判官正五位下行左大史兼播磨介小槻²⁰宿禰（すくね）<隆職>

（花押）

治承二年七月十八日

現代日本語訳

太政官が山陰道の諸国司に[命令を]下す。

諸事、十二箇条

（中略）

¹⁵ 返償：かえしつぐなうこと。つぐない。

¹⁶ 契状：契約の証文。

¹⁷ 行の字は位が高く官吏が低い意味を示す。（国語大辞典）

¹⁸ 藤原重方朝臣（ふじわらのしげかたあそん）：詳細不明。『弁官補任』には、当時の官職しか記録されていない（正四位下行左中辨兼紀伊権守・『弁官補任』p. 182, 188）。

¹⁹ =修理宮城使：平安時代以降、宮城の外郭などの修理・造営をつかさどった令外の官。（小学館）

²⁰ 小槻 隆職（おつきのたかもと 1135－1198）：壬生家の祖。（『平安時代史事典』p. 403、『官史補任』196） 壬生家については、脚注 42 も参照。

一、 まさに、五節[舞姫]の櫛笥の金銀の飾りとともに滝口武士への送り物が贅沢になることを禁止すべき事。

右、[左大臣が]宣する。[次のように]勅を承った。「贅沢を禁じ、儉約するは賢明な君の善い政（まつりごと）である。これらの贅沢を禁止せよ」ということである。

一、 まさに、六斎日には、殺生を禁止すべき事。

右、[左大臣が]宣する。[次のように]勅を承った。「殺生を禁断することは厳しい取締りが重ねて出されている。それを犯した場合の罰は過去の法令にすでに明らかである。しかし、遊び暮らしたり放浪している人たちは多くこの日に罪を犯しているという。心の中では仏戒を破り、世間にとっては天皇の法律を蔑ろにしている。重ねて命令を出して、たしかにその禁止を徹底せよ」ということである。

(中略)

一、 まさに同様に、民間の出挙の利息が倍²¹以上になることを禁止する事。

右、[左大臣が]宣する。[次のように]勅を承った。「民間の出挙について[禁止をする]法令は嚴重である。まして違法の利息に関してはいうまでもない。しかし貧しい民は、貧困に耐えられず、ひそかに借用している。返済をする時には、全ての資産を失ってしまうということである。このような場合には、もし契約状を出して、長い間が経ったとしても、[借りた額より]同額を超える利息は違法であり、禁止せよ」ということである。

(中略)

以上はこの通りである。諸国が承知し、大臣の宣に従って執行せよ。この符がきたならば承知して執行せよ。

²¹ 一倍=かける2ということ。100%以上。

正四位下行左中辨兼紀伊權守藤原朝臣<重方> (花押)

修理左宮城判官正五位下行左大史兼播磨介小槻宿禰 (すくね) <隆職>
(花押)

治承二年七月十八日

英訳

The Council of State directs the various provincial governors along the San'in Road
[concerning]

12 items [on] various matters

(Omitted)

Item: Regarding the prohibition against extravagantly decorated²² comb boxes²³ in gold and silver for the *gosechi* dancers,²⁴ as well as the extravagant offerings of food for the Takiguchi Royal Bodyguards.²⁵

As above, [the minister of the left]²⁶ has received the *tennō*'s command and [now]

²² 風流(*furyū*): Extravagant ornamentation. Ostentatious.

²³ 櫛棚 (*kushidana*) (=櫛笥 *kushige*): A container used to hold hair accessories, including decorative combs, (*kushi*). In the Heian Period, this type of container could also decorate the top of a two-tier cabinet that could often be found in the central room of the main hall in a Heian courtier's home. (*Kokushi daijiten*). See Image 1.

²⁴ 五節(*gosechi*): Refers to the long sleeves of the dancer's robes that were waved five times as part of the dance. The *gosechi-mai* was one event during the Enthronement Festival (*Daijōsai*) in the year of a new *tennō*'s accession, or during the First Fruits Festival (*Niiname-sai*) in other years. It took place on the middle days of the Ox, Tiger, Rabbit, and Dragon in the eleventh month. In the former case there were five dancers and in the latter four; of these, in a *Niiname-sai* year, two came from senior nobles and two (three in a *Daijōsai* year) came from the privy gentlemen or provincial governors. On the day of the Ox, the dancers and their escort of gentlewomen entered the *Gosechi* chamber in the *Jōneiden*. On the last day (that of the Dragon), there was the great court banquet known as Warmth of Wine (*Toyo no Akari*). On this occasion the *Gosechi* dancers danced the dance of the heavenly maidens. On the day of the Rabbit, page girls (*warawa*) were viewed by the *tennō* (*dōjō goran no gi*). (Tyler, *Tale of Genji*, as per the Shiryō Hensanjo Database)

²⁵ 滝口 (*takiguchi*): Established in 890 by Uda Tennō to protect himself from the deposed and dangerously hostile Yōzei Tennō. Its members were non-nobles of the sixth-rank attached to the Royal Secretariat (*kurōdodokoro*). In the late Heian Period the appointments became hereditary in warrior lines of the Taira and Minamoto clans (*The Cambridge History of Japan*, Volume 2: Heian Japan. pp. 680-681). The guardpost where they were stationed was northeast of the Seiryōden.

²⁶ In the omitted section, the source of the order is given as the minister of the left. At this time, the minister of the left is Fujiwara no Tsunemoto (1119-1189), the 4th son of Fujiwara no Tsunetzane. He reached the

transmits it. It says: “Forbidding excess²⁷ and economizing²⁸ are the virtuous policies of the wise king. The above mentioned extravagances should be stopped.”

Item: Regarding the prohibition against taking of life on the six precept-observing days.²⁹

Also, [the minister of the left] has received the *tennō*'s command and [now] transmits it. It says: “Strict prohibitions forbidding the taking of life have been sent out repeatedly. The punishments for these crimes have already been made clear in the supplementary laws of the past. However, I hear that wastrels³⁰ often commit such crimes on these [special] days, violating Buddhist [Mahayana] precepts³¹ and disregarding royal law.³² In addition [to previous orders], this order is sent out, [to the effect that such actions] are completely forbidden.”

(Omitted)

Item: Likewise, prohibit the charging of over one hundred percent interest on private loans.³³

As above, [the minister of the left] has received the *tennō*'s command and [now] transmits it. It says “There are strict rules regarding private loans. It goes without saying

rank in Eiman 2 (1166). (*Heian jidaishi jiten* p. 2144)

²⁷ 驕り (*ogori*): To spend excessive amounts of money.

²⁸ 節儉 (*sekken*): To limit expenditures and be frugal; a person who is frugal.

²⁹ 六齋日 (*rokusaijitsu*): “The six precept-observing days,” i.e. 8th, 14th, 15th, 23rd, 29th, and 30th of every month. It is believed that on those days the Four Guardian Kings (*Shitennō*) examine people's acts, or that evil spirits seek opportunities to capture people's minds. People therefore abstain from breaking the precepts, including that of not eating after midday (hence, *sai* ‘abstinence’).” (Inagaki, Hisao. *A Dictionary of Japanese Buddhist Terms*. Berkeley: Stone Bridge Press, p. 250)

³⁰ This refers to a combination of the two terms 遊手 (*yūshu*): To live an idle life of leisure without working. Or a person who lives that way; and 浮食 (*fushoku*): to wander throughout the land while just barely making a living. In this case, it likely refers also to the transient workers (fishermen, other peasants) that the court would have regarded as undesirables.

³¹ 仏戒 (*bukkai*): Refers to the Mahayana Buddhist precepts as explained in the Brahma net sutra. See translation by J.J.M. DeGroot, *Le code de Mahayana en chine*.

³² 皇憲 (*kōken*): The law of the *tennō* and/or the court.

³³ 私出挙 (*shisuiko*): During the Nara and Heian periods, to lend privately held funds or goods to someone to increase one's revenue. Cash loans were payable at a rate of 12.5% every two months. Interest on loaned goods varied but a rate of 50% seems to have been the most common.

that collecting interest is illegal. However, the poor people cannot bear their poverty, and secretly borrow funds. As for repayment,³⁴ it is reported that all forms of their assets are depleted. In such cases, even if a contract³⁵ was made and many years have passed, interest exceeding one hundred percent [of the original loan] is illegal and shall be forbidden.”

(Omitted)

Let the various provinces know and carry them out according the aforementioned clauses/orders) accordingly. When received, see to it.

Senior Fourth Rank Lower Under Posted³⁶ Left Middle Controller cum Provisional Governor of Kii Province, Fujiwara <no Shigekata>³⁷ (Seal)

Third Level Manager in charge of Left Defensive Wall Repair³⁸ Senior Fifth Rank Lower Under Posted Senior Secretary of the Left Controller cum Assistant Governor of Harima Otsuki [no Takamoto]³⁹ *Sukune*.⁴⁰ (Seal)

Jishō 2 7th month 18th day

Appendix

太政官符： 公式様古文書の一つ。太政官から八省・諸国へ命令を下達する公文書。字面に太政官印（外印）が捺印され、最も正統的な公文書であったが、平安以降その数が減少し、官宣旨（左弁官下文）で代用されることが多くなった。

³⁴ 返償 (*henshō*): To return, repay.

³⁵ 契状 (*keijō*): A document form used to establish an agreement or contractual arrangement between two or more parties, commonly cosigned by all of them.

³⁶ The character *gyō* signifies that one's position is below one's rank. (*Kokugo daijiten*)

³⁷ 藤原重方 Fujiwara no Shigekata (Birth/death dates unknown): See *Benkan bunin*, p. 182, 188.

³⁸ = 修理宮城使 (*shūri kyūjō no tsukai*): A term used from the Heian Period to refer to an auxiliary post responsible for the construction and repair of the palace defensive walls (*Shōgakkān*).

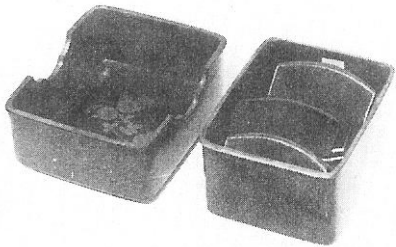
³⁹ 小槻隆職 Otsuki no Takamoto (1135-1198): Founder of the Mibu family. (*Heian jidaishi jiten* 403, *Kanshi bunin* 196). For more information on the Mibu family, see footnote #44.

⁴⁰ *Sukune* is a royally granted title, like *ason*.

太政官符 (*dajōkanpu* or *daijōkanpu*): A type of official document used by the Council of State to transmit orders to the eight ministries or provincial offices. The Council of State's official seal is stamped on the document. Originally this was an orthodox document. However from the Heian Period the number of these documents decreased and the government generally substituted another type of order called a *kansenji*.

図 1 ・ Image 1

櫛棚 (『国史大辞典』) ・ Comb boxes (*Kokushi daijiten*)



Source

治承二年七月十八日太政官符案 (書陵部⁴¹所蔵壬生家⁴²古文書) 治承二年の新制⁴³

Jishō 2 (1178) 7th month 18th day Directive of the Council of State (copy) (Ancient Documents from the Mibu Family,⁴⁴ Collection at the Office of Documents and Graves⁴⁵)

⁴¹ 書陵部：宮内庁の一部局。皇室の戸籍や皇室典範、詔書および図書などの保管と陵墓の管理などを行なう部局。もと宮内省に属した図書寮（ずしりょう）を昭和 24 年（1949）に改称したもの。

⁴² 元小槻家。平安時代以降、太政官の史と算博士を世襲した氏族。平安時代の初めより算道出身の中央官人を輩出し、さらに今雄以後は太政官の史に任ぜられ、殊に当平の曾孫（ひまご）奉親が五位の左大史に任ぜられてからは小槻氏長者が大夫史を世襲独占する風を馴致し、官務家とも呼ばれて江戸時代末に及んだ。その間、鎌倉時代の初めより、広房流の大宮家と隆職流の壬生家に分かれ、互いに氏長者と官務の地位を争ったが、戦国時代大宮家が断絶して、官務家は壬生一流に帰し、明治に入って同家は男爵に列した。（『平安時代史事典』）管務小槻氏の壬生家が保管し伝来してきた文書群が「壬生家古文書」という。この文書がその書群に含んでる。（『日本史文献解題辞典』）

⁴³ 新制は天皇・院が出す律令を補完する法令。（『国史大辞典』）

⁴⁴ Previously known as the Otsuki family. From the Heian Period on, this family was known for being hereditary fourth-level managers of court offices as well as mathematicians. From the early Heian Era, the family produced many central officials who studied mathematics, and Otsuki family members from Imao (dates unknown) on were posted as clerks of the Council of State. The great-grandson of Masahira,

Jishō New Royal Laws⁴⁶

Tomochika, attained the post of fifth-rank secretary of the controller of the left. After this, the head of the Otsuki family came to monopolize the post of the fifth-rank clerk and through the Edo Period members of the family served in the Controller's Office. From the beginning of the Kamakura Period, the family head and controller's office posts struggled for status, and during the Sengoku Era, the Ōmiya family split off. The controller's office branch of the family became known as the Mibu. During the Meiji Period, both families were titled as barons. (*Heian jidaishi jiten*) The collection of documents kept and passed down by the Mibu family is called *Mibuke monjo*. This document is part of that collection. (*Nihonshi bunken kaidai jiten*)

⁴⁵ 書陵部(*shoryōbu*): A division of the Contemporary Imperial Household Agency, (Kunaichō) that manages books, royal orders, the royal house's family register, as well as tombs and burial mounds of the royal family.

⁴⁶ 新制 (*shinsei*): Laws made by the decree of a *tennō* or a retired sovereign that supplemented the *ritsuryō* codes. Some of these laws primarily related to moral issues such as banning extravagant clothing, and some dealt with estates and the like. (*Kokushi daijiten*). See also Mitobe Masao, *Kōka shinsei no kenkyū*