

# On the Question of “Vinaya” and “Soniryō” in Ancient Japan

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## Abstract

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*This study is devoted to the question about the nature of the Japanese government's policy towards Buddhism in the seventh and eighth centuries. This question was investigated by studying separate articles from the special legislative code “Soniryō” (“Rules and restrictions for nuns and monks”), enacted by the Japanese government to control the Buddhist sangha. It was a part of Japan's uniform code of laws, “Taihoryō,” based on the Chinese legislative statutes of the Sui (581–618) and Tang (618–907) Dynasties and adopted in Japan at the end of the seventh century. The ritsuryō government tried to bring the Buddhist sangha into the framework of the Confucian legislative system with greatest emphasis on its service to society. Having received privileges from state officials, Buddhist monks and nuns should consider service to the state as a personal obligation.*

Key words: Buddhist sangha, “Soniryō,” “Taihoryō,”  
Ritsuryō Government.

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## I. The Spread of “Vinaya” in Japan in the seventh Century

The period from the seventh to the eighth centuries in Japan was characterized by dramatic changes in state and social structure when the country surprisingly quickly evolved into a centralized state with a developed bureaucratic system (ritsuryo, 律令).

It is remarkable that during this period, Buddhism, which had only appeared in Japan in the 6th century, gradually became the state religion with the support of imperial authority. Emperors Temmu (天武, 673–86) and Shomu (聖武, 724–49) and Empresses Jito (持統, 686–97) and Koken (孝謙, 756–83) all promoted the transformation of Buddhism into the state ideology. In addition, in 603 during the reign of Emperor Suiko, Japan also established a state civil service system, based on the Chinese system, consisting of 12 official ranks. Also in 603, the palace of “Oharida no miya” (小治田宮) was built, which researcher Osumi Kiyoharu believes that it was styled after the Chinese imperial palaces of the Sui Dynasty. Its builders planned for it to be the first imperial palace where state affairs would be centrally managed and court ceremonies would be held. The palace’s layout was based on Chinese ideals about symmetry and flowed from west to east (Osumi 2010, 68). Soon afterward, a system of court etiquette based on Confucian principles was adopted with prescribed rules for how to enter and exit the imperial palace.

It is also noteworthy that at the beginning of the seventh century, Confucian culture, as well as Buddhism, began to spread, brought in by Buddhist monks from Korea who arrived in Japan during the reign of Empress Suiko. Their role was to train young aristocrats in not only Buddhist philosophy, but also other sciences accepted at the Chinese and Korean courts: astronomy, geography, constructing calendars and even Taoist magic. One of these instructors was the monk Gwanreuk (觀勒) from Beakje. Another monk, Hyeja (慧慈), became the teacher and closest friend of the crown prince, Shotoku (Mesheryakov 1997, 91).

Buddhism’s appearance in Japan and its transformation into the state religion has been investigated by both Western and Japanese scholars for

years. The most prominent research in this field was done by Nakai Shinko, Futaba Kenko, Osumi Kiyoharu, Daigan and Alicia Matsunaga, and J. M. Augustine. However, there are still some unanswered questions, especially about the government's actual policy toward Buddhism and other religions.

To answer some of these questions, I researched the "Soniryō" (僧尼令, Rules and restrictions for nuns and monks), the legislative code governing the Buddhist clergy of the Nara period. It is a section of the "Taihōryō" (大宝令), the legal code established by Japan at the end of the seventh century which was based on the Chinese legislative statutes of the Sui (581–618) and Tang (618–907) Dynasties. As one might suppose, a study of the "Soniryō" articles should eliminate some of the questions regarding the actual legal and administrative position of the Buddhist sangha in Japan during the eighth century.

Before discussing "Soniryō," I must mention "Vinaya" (or Pratimoksha)—a Buddhist canon which prescribes the ethical behavior and discipline of sangha members.

The word "Vinaya" has two meanings. Firstly, Vinaya is a general term referring to any and all Buddhist ethical doctrines, rules, precepts, vows etc. Secondly, it may refer to the "Vinaya-pitaka" (the collected Buddhist writings that specifically prescribe ethical behavior and morality for monks and nuns). This is the first multivolume section of the Buddhist canon known as the "tripitaka" (three baskets). It begins with the Buddhist charter (obligatory rules of behavior for monks and nuns concerning residence, clothing, etc.), known also as "Pratimoksha" (Matsunaga 1987, 49).

Intended to consolidate the Buddhist community, quite to the contrary, the "Vinaya" created schisms in the Buddhist community, resulting in the rise of various Buddhist schools which each interpreted "Vinaya" in their own way. Due to the timing of Buddhism's advance across the Far East, four types (or categories) of "Vinaya" developed: the four categories of Vinaya of the *Dharmagupta* School (shibunritsu, 四分律), the Vinaya of ten readings of the *Sarvastivada* School (jujuritsu, 十誦律), the Vinaya of five categories of the *Mahishasaka* School (gobunritsu, 五分律) and the Mahasanghika "Vinaya"

(makasogiritsu, 摩訶僧祇律) (ibid.).

Of these four, only the "Vinaya of five categories" was widely adopted. In China it became the basis of the Lyui School (Ritsu), founded by Daosyuan (596–667).

In Japan, Vinaya appeared at the end of the 6th century, due to the activities of Buddhist monks from Baekje (ibid., 49–52). However, it wasn't practical applied at first, which early on created difficulties in relations between the Buddhist sangha and the state. Evidence of this was a decree issued by Empress Suiko (推古) in 624 which was issued because of a crime committed by a Buddhist monk. The decree created the special administrative posts of "sojo" (僧正) and "sozu" (僧主) to supervise monks and nuns, the *sojo* being a Buddhist monk and the *sozu* being a government official. Also created was the position of "hozu" (坊主) which was responsible for temple property. As a result, a census of Buddhist temples, monks and nuns was conducted. According to this census, during the reign of Emperor Suiko, there were 46 Buddhist temples and a total of 1,385 Buddhist monks (816 monks and 569 nuns) (Mesheryakov 1997, 111).

As researchers Daigan and Alicia Matsunaga explained, the reason the Buddhist sangha in Japan had not accurately registered monastics previously was because the doctrines of the various Japanese Buddhist schools were mainly philosophical and not much concerned with issues of ethical behavior and ordination (Matsunaga 1987, 49).

The necessity for Vinaya in the Japanese Buddhist schools was realized by the authorities in the first half of the 8th century. For this reason, Emperor Shomu (724–58) dispatched two priests to China, Eiei from Gangoji Temple and Fusyo from Dayanji Temple.

After ten years of training, Fusyo (Eiei died from illness) convinced his instructor, Chinese Vinaya master, Jianzhen (Ganjin, 鑑真), to accompany him back to Japan.

Ganjin belonged to the Dharmagupta School of Vinaya (*Sifenlu*, Shibunritsu), whose interpretation of Vinaya was considered the standard for most Chinese schools. He arrived in Japan in 753, and, according to the

traditions of Shibunritsu, erected in Todaiji Temple the first *kaidan*—an ordination platform. Similar *kaidans* were also erected at Yakushiji and Kannonji Temples in Tsukusi.

In 754, at Todaiji Temple, the ordination ceremony was held, attended by Emperor Shomu, his wife and children, and a retinue of 440. They all received from Ganjin the Buddhist sermons known as *silā*—the ethical rules which must be practiced every day by Buddhist laymen. In the biography of Ganjin, written by Omi no Mifune, it says that the emperor, the empress and the crown prince received from Ganjin the “Bodhisattva precepts” and that on that day, about 400 monks and nuns rejected their former Vinaya to follow Shibunritsu.

## II. The structure of the “Soniryo” code

The “Soniryo” code consisted of 27 articles which were publicly announced to all high-ranking monks at Daianji Temple in 701 (Augustine 2005, 23). According to the “Anthologies of Interpretations of Ritsuryo” (Ryo no shuge) (868), the “Soniryo” code was based on “Daosenge,” the Chinese legal code governing Buddhist and Taoist monks of the Tang Dynasty (618–907). Unfortunately, not all of it remains, so Futaba Kenko, a “Soniryo” researcher, has tried to reconstruct it on the basis of citations from “Ryo no shuge” (Futaba 1994, 65–66). According to Futaba’s research, “Daosenge” was established in China at the beginning of the seventh century. Evidently, Tang authorities considered Taoist and Buddhist monks as “religious government officials” and forbade them from preaching. Officials were afraid that the sermons of wandering monks could incite the people to mutiny, and so they made a clear distinction between officially-ordained and self-proclaimed monks (ibid.).

The majority of the articles in the “Soniryo” correspond to those in the “Daosenge.” Nevertheless, Nakai Sinko has noticed that at least four articles in the “Soniryo” have no counterparts in “Daosenge.” He explains this fact

saying that some articles were probably added later by the composers of the "Ryo no shuge" to address certain realities of the Asuka period (Nakai 1994, 83). For example, in article 25 of the "Soniryō," it was recommended to exile monks or nuns to remote provinces if they broke a monastic rule three times. Nevertheless, as Nakai states, a similar distinction between the capital and the provinces wasn't characteristic of China in the sixth and seventh centuries where there were several geopolitical centers. Also absent in "Daosenge" is Soniryō's article 19 which required traveling monks to dismount and hide their face upon meeting an official of the third rank and above (*ibid.*, 84).

The basic distinction between "Daosenge" and "Soniryō" is that the main objective of "Soniryō" was, first of all, to restrict Buddhist clergy activity outside of state temples and sanctuaries while "Daosenge" tried to balance, first of all, the rights of Taoist and Buddhist monks. So, article 23 of "Soniryō" imposed strict punishments on monks and nuns who sermonized to laymen outside of the temple or gave out sutras and images of Buddha. The listeners, in turn, should also be punished (Popov 1985, 72).

Monks and nuns were forbidden not only to preach in places not intended for that purpose, but also forbidden from fortune-telling, distributing talismans, and practicing shamanism or medicine (article 1 and 2) (*ibid.*, 66). This implies that Buddhist clergy were popular among the commoners, foremost as fortune-tellers and healers, but the government wanted to propagate a state-controlled Buddhism. According to Soniryō articles 2 and 5, any monk who left his monastery, established a temple and preached without the sanction of the authorities, must be immediately defrocked (*ibid.*, 67).

The government tried to regulate all aspects of the Buddhist sangha. Even if a monk or nun wished to live as a hermit, he or she must inform the "Department of Affairs of the Clergy" (Sogo, 僧網), an office established during the reign of Empress Suiko. Officials and monastic authorities must know in which mountain refuge a hermit was living, and he/she was forbidden to leave it (*ibid.*, 69).

Articles 18 and 26 of "Soniryō" forbade monks and nuns from private ownership of gardens, houses or property, being engaged in any trade or

usury, and accepting any gift of slaves, livestock or weapons (ibid., 70–73). This illustrates the government's attempts to establish control over any redistribution of land between the temples which had, begun during the reign of Emperor Temmu. However, these restrictions didn't worry large Buddhist temples which continued to own both land and slaves. It is remarkable that slaves who ran away and took monastic vows, weren't pursued under the criminal code. However they automatically became slaves again if they were defrocked or became lay Buddhists (ibid., 72).

Article 21 deserves special attention because it equated the status of monks and nuns to that of government officials. For example, if a monk or nun committed a crime for which a layman would be punished with 100 lashes, they were simply forced to make a public confession. Even when monastics committed serious crimes, they were judged under monastic rules. However, if a cleric was involved in an antigovernment conspiracy, he was judged as a state criminal (ibid., 71).

The government cruelly punished those who took the precepts without being officially ordained (*shidoso*, 私度僧). *Shidoso* is mentioned for the first time in the chronicles "Shoku Nihongi" during the reign of Emperor Shomu (724–49). However, J. M. Augustine believes that punishment for *shidoso* only began to be enforced in the second half of the seventh century when emperor Temmu introduced a new system of land taxation (Augustine 2005, 50).

This system was based on the number of laborers working the land and was accompanied by various obligations to the state (both labor and military) and a tax increase. The frequent natural calamities and disease epidemics during the Nara period made this intolerable for many peasants. To avoid paying taxes many of them became wanderers or pseudo-monks. As a consequence, the authorities prosecuted vagrants as *shidoso* whenever possible. So, article 16 warns: "If a monk or nun secretly takes the precepts or another monk's name, they must be defrocked and punished under the criminal code. At the same time, the seller [of the name] must meet the same punishment" (Popov 1985, 70). As medieval commentators on "Soniryō," monks Ryosyaku and Gikai stated that transferring one's monastic name to another person meant

that the person receiving the name also accepts the monastic vows. They also mention incidents where officially ordained monks sold their names to laymen who wished to become officially ordained monks. Gikai also confirms that paying to acquire the name of a deceased monk was a widespread practice among shidoso (Augustine 2005, 51). Therefore, to prevent this, article 20 required the Buddhist clergy and provincial governors to report the deaths of monks and nuns every month to the “Sogo” and the State Council (Popov 1985, 71).

Punishments for shidoso and others connected with them are listed in article 22:

If someone secretly takes the precepts or appropriates another’s monastic name, or if a defrocked monk dresses in monastic vestments, he/she must be punished under the criminal code. If the abbot of a monastery or other clergy living in the same temple knows about such things, all of them must be defrocked. If any clergy shelters such a person or gives him lodging for even one night, all of them must do 100 days of repentance. Any monk or the nun knowing of such things or giving vagrants lodging for even one night must also do 100 days of repentance. If any vagrant commits a serious crime while posing as a monk, he/she must be judged under the criminal code. (Popov 1985, 72)

Speaking about punishments under the criminal code for self-proclaimed monks, medieval commentators Ryosyaku and Gikai stated that more often they were sentenced to one year of hard labor (Augustine 2005, 51). On a similar note, Inoue Mitsusada, in his research on “Soniryo,” noted that punishments for shidoso were the cruelest because these self-proclaimed monks undermined state control over the Buddhists (Inoue 1982, 291–354).

Inoue has subdivided the punishments for monks and nuns into two categories:

- A. Violations of ritsuryo laws
  1. High treason (article 1)
  2. Ordination without government sanction (articles 3, 16, 20, 22)
  3. Asceticism and sermons outside of temples and monasteries.

- (articles 5,13)
4. Disobedience to any ministry, department or government officials supervising monks and nuns. (articles 4,8,17,19)
- B. Violations against the monastic order.
1. Murder, larceny, and other ethical crimes (article 1)
  2. False doctrines, fortune-telling, healing, shamanism (articles 2, 5, 23)
  3. Causing dissension within the Buddhist community (articles 4, 5, 14)
  4. Constant violations against the monastic order (articles 5, 7, 9, 10, 11, 12, 18, 26)

As Inoue points out, the most rigid punishments in both categories were established for violations of article 1 (ibid.).

The “Soniryō” articles Inoue placed in the second category were special laws to control the monastic order of the Buddhist sangha. Buddhist monks and nuns should live virtuously so that in their religious practice they could cultivate supernatural abilities. Articles from the first category implied that such abilities must be used for the prosperity of the state. In other words, the government recognized the charismatic force of the Buddhist clergy and tried to include it in the framework of its Confucian legislative system, putting the highest priority on service to society.

Abe Ryuichi remarks that: “The government intended to transform the sangha into a bureaucracy, bestowing benefits on and protecting monks and nuns, as representatives of the emperor” (Abe 1999, 28). Hajami Tasuku also shares this opinion:

The *ritsuryō* government considered the primary goal of “Soniryō” to be the integration of Buddhism into the government system, making monks and nuns representatives of the emperor. Having received privileges, as did government officials, they should consider service to the state as a personal obligation. “Soniryō” considered unsanctioned ordinations and the transferring of monastic names to others as a form of mutiny, illustrating the state’s intention to transform the sangha into an organization of “monk-officials” (kansō, 官僧). Creating a functioning Buddhist clergy bureaucracy was the basic intention of Ritsuryō. (Hayami 1986, 14)

Despite the strict measures and restrictions, the government, nevertheless, allowed the sangha to select high-ranking priests who were given official recognition. Though these priests also had the right to punish any monks or nuns who committed serious crimes, they themselves could be punished if they didn't inform the authorities about "Soniryō" violations.

When comparing "Vinaya" and "Soniryō," it is still not clear to what extent they influenced each other. J. M. Augustine believes that the Chinese legal code for Buddhists, "Daosenge," was based on two different Vinaya, that of the Dharmagupta School (*Sifenglu*, *Shibunritsu*) and the Mahishasaka School (*Wufenlu*, *Goburitsu*) (Augustine 2005, 55). In spite of the fact that in the Asuka-Nara periods the Vinaya of the Shibunritsu School was widely followed in Japan, it is apparent that "Vinaya" and "Soniryō" have more differences than similarities.

The basic difference between "Vinaya" and "Soniryō" was that "Soniryō" exempted Buddhist monks and nuns from paying taxes and having any military or labor obligations to the state, the same as government officials. In exchange, the Buddhist clergy was required to remain loyal to the government and serve the government by carrying out Buddhist ceremonies in state temples, as well as being obedient to the monastic order. Therefore, punishment for Buddhist monastics was more severe under the "Soniryō" code than under "Vinaya."

Nevertheless, a study of the official chronicle of the eighth century Japan, "Shoku Nihongi" (Continuation of the Annals of Japan), reveals that *ritsuryō* laws for Buddhist clergy were frequently not enforced. For example, in 760, the monk Ketatsu from Yakushiji Temple lost to monk Hanyo, from the same temple, in a game of dice and killed him. According to *ritsuryō* law, he should have been executed, but instead, he was defrocked and banished to Mitsu Province. In another example, another monk from Yakushiji Temple, Gyosin, was accused of practicing sorcery to destroy a rival priest. Under *ritsuryō* law, a non-monastic would have been executed, but Gyosin was only demoted one rank and exiled from the capital to the

provincial monastery of Simotsuke (Abe 1999, 33).

Researcher Futaba Kenko believes that the government's reverence for the Buddhist clergy was connected to a belief in the shamanistic power of monks and nuns. Even if Buddhist adherents hadn't received the government's permission to be ordained, they were still considered to have mystical power and bring good fortune as long as they followed religious instructions (Futaba 1984, 309–16).

Another researcher, Hayami Tasuku, believes that state intervention into the affairs of the Buddhist sangha was connected to the dual religious role of the Japanese emperor who was both the supreme priest of the Shinto gods and the defender of Buddhist Dharma at the same time. Hayami writes:

If strict observance of the precepts accompanied by continuous religious practice guarantees the purity of monks and nuns, then the increased magical and religious benefits from Buddhist services bestows increased religious authority on the emperor, whose protection gave Buddhism the status of an official state religion. The state requirement that monks and nuns must follow the precepts originates from an ancient Japanese religious concept that demanded governmental intervention in cases of physical and spiritual defilement. Because “gods hate defilement,” during Shinto services it was required for participants to maintain their purity, for example, to observe a vegetarian diet and remain celibate. The expression “the worship of gods and Buddhas should both be done in purity” often appeared in imperial edicts of the Nara period and represents how the criteria for divine Shinto services were also applied to Buddhist monks and nuns. (Hayami 1986, 15)

It explains why the authorities punished more severely monks and nuns convicted of adultery. “The profaned” clerics lost not only their religious and moral authority, but also the extraordinary abilities they possessed to serve the state and bring prosperity.

### III. Conclusion

When contemplating the question of the relationship between Shinto and Buddhism in sixth through seventh century Japan, many researchers note distinctions in the state's relationship with Buddhism and Shinto. If the state's treatment of Shinto was more regulatory in character, towards Buddhism it was more intrusive, apparently due to the many "Soniryo" articles. This may be because Shinto was more connected to Japanese society's clan structure. Since birth, every member of every social group participated in Shinto rituals and was under the protection of a patrimonial deity (*ujigami*, 宇治上神). Shinto was completely intertwined with everyday life, and, for this reason, had no ideological opponents.

Buddhism, on the other hand, was often used by Japan's political elite as a means of ideological struggle. Thus, its usual rival was Confucianism, not Shinto. In this respect, Japan had inherited the Chinese problem of whether to support Confucianism or Buddhism as the official state religion. Supporters of Buddhism thus tended to be theocratic and believed in ritual magic to influence their surroundings. Confucians, an influential group within the Fujiwara clan, preferred the Chinese system of governance through the strict observance of *ritsuryo* law. The culmination of this struggle occurred in the middle of the eighth century when the monk Dokyo tried to seize power and proclaim himself as emperor.

## **Glossary**

(C= chinese, J=Japanese)

- Gobunritsu (J) 五分律  
Hozu (J) 坊主  
Jianzhen (C), Ganjin (J) 鑑真  
Jito (J) 持統  
Jujuritsu (J) 十誦律  
Kanso (J) 官僧  
Koken (J) 孝謙  
Makasogiritsu (J) 摩訶僧祇律  
Oharida no miya (J) 小治田宮  
Ritsuryo (J) 律令  
Shibunritsu (J) 四分律  
Shidoso (J) 私度僧  
Shomu (J) 聖武  
Sogo (J) 僧綱  
Sojo (J) 僧正  
Soniryō (J) 僧尼令  
Sozu (J) 僧主  
Suiko (J) 推古  
Taihoryo (J) 大宝令  
Temmu (J) 天武  
Ujigami (J) 宇治上神

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