

The enactment of the Taiho Ritsuryo Codes and ancient Japan's ideas about its periphery

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Since Ishimoda Sho's description of ancient Japan as a "small empire of eastern non-Han people," the Japanese ancient state has been widely understood as distinguishing entities not yet subjected by the state ("kegai" 化外) as either *shoban* 諸蕃 (i.e., kingdoms of the Korean peninsula) or *iteki* 夷狄 (not yet assimilated peoples settled on the archipelago, like the Emishi 蝦夷 on the northeastern periphery and the Hayato 隼人 on the southern periphery). That is to say, the distinction between two categories it thought to have been clearly institutionalized in the Taiho Ritsuryo legal codes. The present article poses a challenge to the basis of such an understanding by means of a critical investigation of the "evidence" taken from the *Ryo-no-shuge* 令集解 commentaries on the codes and the differences between the Tang Dynasty and Japanese versions of the codes.

Consequently, the author argues that there is no basis for supposing a clear distinction between *shoban* and *iteki*, since the specific references made to the two terms in the Ritsuryo codes make no such fine distinction, but rather reflect the traditional Chinese idea of an empire made up of Han and non-Han peoples which was imbued in the Tang codes. While it is certain that by the content of the Taiho legal codes Japan's ancient state looked upon its periphery as *kegai*, there is no evidence of some intent to make any further refined legal or institutional distinctions among them.

Upon examination of the various commentaries on the Ryo 令 civil codes and the official chronicles, the author finds the creation between the early 8th and the mid-9th century of a new perception in which the kingdoms of Korea were now considered as *ban* 蕃, and distinguished from both *i* 夷 and *iteki*. That being said, the perceptions of the ancient state regarding yet assimilated entities should rather be regarded more in the fluid terms of historically

developing relations and individual opinions based on the current situation, instead of statutory regulations. When considering such factors as the unfolding of Japan's foreign relations up into the 9th century and the changes occurring in the periphery of the archipelago, any attempt at envisioning the structure of Japan's "small empire" based on such elements as "*ban*" and "*i*" discussed in legal commentaries is fraught with problems.

In its Taiho Ritsuryo codes, the Japanese state merely adopted uncritically the conventional Chinese ideas contained in the Tang Dynasty's codes. Any later attempts to make distinctions between *ban* and *i* or any individual perceptions or responses to the existence of *kegai* all show clearly the limits to ancient Japan's "small empire" structure.