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日本令にみるジェンダー
―その(3)後宮職員令(下)―

Gender in the Japanese Administrative Code
Part 3: Laws on Officials in the Back Palace (2)

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はしがき

本稿は、2013年に『専修史学』55号に掲載した「日本令にみるジェンダー――その（2）後宮職員令（上）―」の続編である。「上」では、後宮職員令全18条のうち、前半の妃条（1条）から園司条（9条）までの現代語訳・注釈・解説を5項目にわけ、掲載した。「下」では、殿司条（10条）から氏女采女条（18条）を6項目にわけ、取りあげる。

なお、律令官司名や職掌をはじめとして、日本古代史上の用語は、英訳が確定していないものや、そもそも英訳自体がないものが多い。当共同作業は、個々の用語の訳語を模索しながらすすめている。このため、本稿と「日本令にみるジェンダー」その(1)戸令、(2)後宮職員令(上)で使用したものとは、若干の不統一がある。この点は、検討を重ねながら最適の訳語を模索している段階であることに鑑み、ご寛恕願いたい。また、今回は時間的制約で glossary を付けることができなかった。次の機会に、既刊の戸令・後宮職員令「上」も含めて総合した glossary を提供したい。あわせてのご寛恕をお願いする次第である。

本稿の英語原稿はピジョーが担当したが、それは、日本語原稿の単なる英訳ではない。日本古代史を学び始めた英語圏読者の理解を助けるために、補足説明等をピジョーの判断で適宜加え、さらに入手しやすい英語テキストを提示している。とりわけ、"Introduction, by Joan Piggott"は、日本古代史研究におけるジェンダー分析の意義を、英語圏の研究状況に即して語るとともに、2回に

渡って記述してきた古代女官制度の特徴を簡潔に紹介し、後宮職員令の精緻な分析によって日唐の女性の政治的地位の相違が明確になる等の研究の成果をわかりやすく記している。日本語読者にも、ぜひ、読んでいただきたいと思う。

〔本稿中、令文の本注は（　）内に記した。また、『令集解』『令義解』『類聚三代格』は、新訂増補国史大系の該当ページを記載した。『令集解』各条の各説は、当該条以外の『令集解』に引用されているものは、その条文名も記した。条文名を記していないものは、『令集解』当該条からの引用である。〕

【凡例】

史料　　〔略称〕

・『延喜式』〔新訂増補国史大系〕26、吉川弘文館、1965年

＊虎尾俊哉編『延喜式』〔訳注日本史料〕集英社、全3巻（既刊上・中巻）、2000～　に詳しい注釈がある。

・『公卿補任』第1篇〔新訂増補国史大系〕53、吉川弘文館、1964年

・青木和夫他校注『古事記』〔日本思想大系〕1、岩波書店、1982年

・日崎徳衛校訂・解説『侍中群要』吉川弘文館、1985

・『続日本紀』〔新訂増補国史大系〕2、吉川弘文館、1966年　『続紀』

＊青木和夫他校注『続日本紀』〔新日本古典文学大系〕12-16、岩波書店、1989～98に詳しい注釈がある。

・『大日本古文書　編年』全25巻、東京大学出版会、1968年覆刻　『編年』

・『日本紀略』〔新訂増補国史大系〕10・11、吉川弘文館、1965年　『紀略』

・『日本後紀』〔新訂増補国史大系〕3、吉川弘文館、1966年　『後紀』

・『日本三代実録』〔新訂増補国史大系〕4、吉川弘文館、1966年　『三代実録』

・坂本太郎他校注『日本書紀』上下〔日本古典文学大系〕67・68、岩波書店、1965～1967年　『書紀』

・『万葉集』〔新日本古典文学大系〕1～4、岩波書店、1999～2003年

・律令研究会編『訳註日本律令』一～十一、東京堂出版、1978年～99年　『訳注』

・井上光貞他校注『律令』〔日本思想大系〕3、岩波書店、1976年　『律令』

・『令義解』〔新訂増補国史大系〕22、吉川弘文館、1966年　『義解』

・『令集解』〔新訂増補国史大系〕23・24、吉川弘文館、1966年　『集解』

・『類聚国史』〔新訂増補国史大系〕5・6、吉川弘文館、1965年　『類史』
・『類聚三代格』〔新訂増補国史大系〕25、吉川弘文館、1965年　『三代格』
　＊関晃他校注『類聚三代格』〔神道体系〕古典編10、神道大系編纂会、
　　1993年には、狩野文庫本の類聚三代格もあわせ所収。
・『類聚符宣抄』〔新訂増補国史大系〕27、吉川弘文館、1965年
・中田祝夫編『倭名類聚抄』勉誠社、1978年　『和名抄』

後宮職員令の注釈と解説

以下、6項目にわたり、9条文をとりあげて、本文、語釈、解説の順で記す。

6　後宮職員令10殿司条／11掃司条／14酒司条

本文

〔原文〕10　殿司

尚殿一人。〈掌。供奉輿輦。膏。沐。燈油。火燭。薪炭之事。〉典殿二人。〈掌同尚殿。〉女孺六人。

11　掃司

尚掃一人。〈掌。供奉牀席。灑掃。鋪設之事。〉典掃二人。〈掌同尚掃。〉女孺十人。

14　酒司

尚酒一人。〈掌。醸酒之事。〉典酒二人。〈掌同尚酒。〉

〔訓読〕10　殿司

尚殿一人。（掌らんこと、輿輦、膏、沐、燈油、火燭、薪炭に供奉せんこと。）典殿二人。（掌らんこと尚殿に同じ。）女孺六人。

11　掃司

尚掃一人。（掌らんこと、牀席、灑掃、鋪設に供奉せんこと。）典掃二人。（掌らんこと尚掃に同じ。）女孺十人。

14　酒司

尚酒一人。（掌らんこと、酒醸らんこと。）典酒二人。（掌らんこと尚酒に同じ。）

〔現代訳〕10　殿司

尚殿（長官）の定員は1人。職掌は、天皇の輿輦、膏、沐、燈油、火燭、薪炭に関することである。典殿（次官）2人。職掌は尚殿と同じ。女孺6人。

11　掃司

尚掃（長官）の定員は1人。職掌は、牀席、灑掃、鋪設に関することである。典掃（次官）2人。職掌は尚掃と同じ。女孺10人。

14　酒司

尚酒（長官）の定員は1人。職掌は、醸酒である。典酒2人。職掌は尚酒と同じ。

語釈

輿輦…輿は、車輪のない乗物のこと（『令集解』職員令43主殿寮条所引「古記」、p.126）。輦は、輦のこと。

膏……肉脂、つまり動物性のあぶら。

沐……洗い清める水。

燈油・火燭・薪炭…燈油は燈火に用いる油。火燭は照明具。薪炭は、たきぎ（薪）と炭。

牀席…腰掛けなど天皇の座。

灑掃…水を注ぎ、掃き清めること。

鋪設…調度を備えつけること。

解説～女官と男官の共同労働と分業～

殿司、掃司は、天皇の居所の設営・維持・管理や、儀式も含めた日常的に必要な物品調達を所管する官司である。酒司は、天皇のための酒作りを監督する官司である。養老令の規定はきわめて簡単で、そこから女官たちの具体的な労働を想定することは難しかった。しかし、「日本令にみるジェンダー――その（2）後宮職員令（上）―」『専修史学』55、2013、pp.2-3）で述べたように、平安前期(九世紀)の法注釈書（『令義解』『令集解』）や令の施行細則を集成した十世紀前半の『延喜式』を素材とした研究が進展したことによって、1980年代以降、女官の労働実態が復原されてきた。禄令による位位は、尚殿は従六位、尚掃は従七位、尚酒は正六位、典殿、典掃、典酒はいずれも従八位。

殿司に対応する男性官司は、宮内省（くないしょう）に直属する下級官司（被官（ひかん））である

主殿寮である（職員令43主殿寮条）。殿司の日常業務は、『令集解』に「男官とともに預り知るのみ」（与男官共預知耳）、つまり、男性官司とともに遂行すると記されている（「朱記」、p.176）。殿司と主殿寮が共同労働していたようである（文珠正子 1992、p.187）。

酒司の役割は、天皇に進上する酒作りを監督することである。なお、女官の酒司は、唐にはない、日本のみの官司だという（勝浦令子 2000、p.135-136）。古代の地域社会では、豪族・庶民の女性が酒造りにかかわり、また、天皇即位時の大嘗などの重要儀礼に用いる造酒でも、豪族・庶民の女性が重要な役割を果たしていた（義江明子 1996・1997・2005）。女官の酒司が日本独自の官司として設けられた理由は不明だが、古代社会の生産と祭祀、それを統括する天皇の機能といった問題と深い関係がある可能性もある。今後の検討がまたれるテーマである。

酒司は、後宮十二司中唯一、女孺も采女も配属しない官司である。では、現実の酒造りは、どのように行われたのだろうか？

ヒントは男性官司との対応にある。酒司に対応する男性官司は、宮内省被官官司である造酒司である（職員令47造酒司条）。造酒司は、天皇に供奉するためだけではなく、儀式の際に官人たちに供給する酒造りにも携わった。このため、実際に酒をつくる集団（酒部60人と酒戸185戸）も抱えていた。

平安初期の延暦年間（782～806）に成立したとされる養老令注釈書「令釈」は、酒司の職務について「男官とともに行う」と書いている（『令集解』、p.177）。平安初期の明法家も、男官の造酒司条注釈で「女司がこの司（男性官司の造酒司）に来てともに酒をつくる」とし（『令集解』47造酒司条所引「穴記」、p.131）、女性官司から男性官司へ人員が派遣されて、酒造りが行われたと解釈している（文珠正子 1992、pp.186-187）。ここで女官の酒司が関与したのは、造酒作業の監督であり、かつ、造酒司の酒造り全般ではなく、天皇のための酒造りだと考えられる。

掃司は、宮中行事などの際に、天皇用の設営を担う官司である。同様の職掌を担う男性官司は、大蔵省被官の掃部司（職員令35掃部司条）と、宮内省被官の内掃部司である（職員令55内掃部司条）。

掃部司は、百官のための設営を担当し、内掃部司は天皇のための設営を担当する（『訳註』10、p.477）。このため、実際に労働する集団である掃部も、掃部

司に10人、内掃部司に30人配属されている。この2つの官司は、弘仁11年(820)に統合されて宮内省掃部寮となった(『三代格』弘仁11年閏正月5日太政官奏、p.147)。男性官司である掃部司、内掃部司に掃部が配属されているのに対し、女性官司である掃司には掃部は配属されていない。

では、彼女たちは、実際にはどのように職務を果たしたのだろうか。『延喜式』に、天皇即位にあたって実施される大嘗祭で、天皇用の舗設にあたる掃司の動きが記載されている。それによると、掃司の次官である典掃が、掃部寮の官人や女孺を指揮して設営を行う(『延喜式』巻38掃部寮)。ここからは、実際の労働集団を配属されていない女性官司が、男性官司の官人たちを指揮して職責を果たした仕組みがよくわかる。このように、女官である掃司が、男官である掃部寮を指揮して舗設にあたるあり方は、掃部寮成立(820年)以前の時代に遡ることができるという(橋本義則1995、p.443)。おそらく、男女が共同して行っていた労働形態が、律令制定後の八世紀にも継承されていたのであろう。

男女の共同労働は、以上の3つの官司だけの特徴ではない。『令集解』各説は、女性官司と男性官司の共同労働について、「自余諸司」(蔵司条所引「穴説」、p.173)、「以下諸司」(殿司条所引「朱記」、p.176)も同様だとしている。すべての女司が、時に応じて男官とともに労働していたのである(文珠正子1992、p.187)。もともと日本の宮廷では男女は共同で労働していたと考えられる。ところが、律令官僚機構をつくる際に、隋唐制の影響を受けて男女別の官司体制に組み替えざるを得なかった。このため、現実には男女が共同労働していながら、官司は男女別に編成されるというズレが生まれたのである(勝浦令子2000、p.137)。

唐では、後宮に宦官がおり、宦官と宮官(女官)は、宦官が指揮・監督する関係であったとされる(古瀬奈津子1998、pp.47-50)。しかし、日本では、男官の監督下に女性が置かれたとばかりみることはできない。女官の職務の多くは男女共同労働によって遂行されており、前回の内侍司条解説(『専修史学』55、2013、p.10)で、尚侍が、詔勅を起草する専門官(内記=男官)に天皇の旨を伝え、文章起草作業を監督していた(春名宏昭1997、p.277)と述べたように、女官による男官の監督も行われていたのである。

これまでみてきたように、養老令では、職掌が重複する女性官司と男性官司が設置された(表参照)。このため、たとえば酒司を例に、男官に造酒司がある

のだから、女性官司の酒司は重要ではないと考えられてきた（角田文衛 1973、p.166）。しかし、逆に、養老令に同じ職掌の女性官司と男性官司が存在したことにこそ、①令制前の男女共同労働の実態と、②律令制導入時に採用された、形の上では男女別の官司を設置するという律令官僚機構の編成原理の特質、の両面が示されているのである。

女性官司と男性官司の役割の対応関係（10 殿司条～14 膳司条）

女性官司と役割		男性官司と役割		上級官司
殿司	天皇の乗物や燃料を管理	主殿寮	天皇の乗物管理、燃料供給	宮内
掃司	天皇のための調度設営	内掃部司	天皇のための調度調達と設営	宮内
		掃部司	宮中行事の設営、官人のための調度供給	大蔵
酒司	天皇のための造酒を監督	造酒司	天皇と官人のための造酒	宮内
水司	天皇のための水や粥を管理	主水司	水や粥、氷室を管理[1]	宮内
膳司	天皇の食膳を管理・供進	内膳司	天皇の食膳を調理・供進	宮内
		大膳職	行事の際の官人の食膳調理	宮内

（官司の訓読みは、『律令』『国史大辞典』『日本国語大辞典』による）

[1] 『令集解』によると、主水司は天皇のほか、太上天皇、皇后のための用も担っている（『令集解』主水司条所引、弘仁7年9月23日官符、p.135、『類聚三代格』巻四、p.171）。また、内裏で仏事を行うときには僧たちの洗手の設備も担当した（『令集解』所引官員令別記、p.135）。

7 後宮職員令12水司条・13膳司条

本文

〔原文〕12 水司

尚水一人。〈掌。進漿水。雑粥之事。〉典水二人。〈掌同尚水。〉采女六人。

13 膳司

尚膳一人。〈掌。知御膳。進食先嘗。惣摂膳羞。酒醴。諸餅菜菓之事。〉典膳二人。〈掌同尚膳。〉掌膳四人。〈掌同典膳。〉采女六十人。

〔訓読〕12 水司

尚水一人。〈掌らんこと、漿水、雑の粥進らんこと。〉

典水二人。〈掌らんこと尚水に同じ。〉采女六人。

13 膳司

尚膳一人。〈掌らんこと、御膳を知らんこと、進食に先づ嘗みんこと、膳羞、酒醴、諸の餅、菜、菓を惣べ摂べんこと。〉典膳二人。〈掌らんこと尚膳に同じ。〉

掌膳四人。〈掌らんこと典膳に同じ。〉采女六十人。

〔現代訳〕12 水司

尚水（長官）の定員は1人。職掌は、重湯やさまざまな粥を天皇に進上すること。典水（次官）の定員は2人。職掌は尚水と同じ。采女6人を配属する。

13 膳司

尚膳（長官）の定員は1人。職掌は、天皇の御膳にかかわる職務の監督、御膳の毒味・献上や、さまざまな種類の酒と餅、野菜、果物の全般的管理。典膳（次官）の定員は2人。職掌は尚膳と同じ。掌膳（判官）の定員は4人。職掌は典膳と同じ。采女60人を配属する。

語釈

漿水…重湯（『訳註』10、p.682）。粥から米粒の部分を除いたノリ状の流動食。

雑粥…種々の粥。粥は、米を水で煮たものを指すという（『訳註』10、p.682）が、「雑の粥」には、アワやキビなど雑穀の粥が含まれる可能性がある。

采女…郡の大領・少領の姉妹か女で、推薦されて出仕した女性。後宮職員令

18 氏女采女条と軍防令 38兵衛条に規定がある。一国の郡を 3 分し、3 分の 1 の郡から女性を出仕させ、采女とした。3 分の 2 の郡から男性を出仕させ、兵衛とした。本稿の氏女采女条（pp.24-28、70-77）を参照されたい。

進食先嘗…食膳を進上する前に食べること。毒味。

膳羞…ごちそうを進めること。

醴……醴は「甘酒」（『令義解』造酒司条、p.52）で、甘酒のこと（『令集解』造酒司条「古記」、p.131）。

諸餅蔬菓…諸餅は、さまざまな種類の餅のこと。蔬は、野菜。菓は、果実。

解説～采女の本来の役割と配属官司～

水司と膳司は、采女の配属を令に明記する官司である。このことは、律令制定時に采女の本来の役割がどう考えられていたのかを考察するうえで、重要な点である。

禄令による準位は、尚膳が正四位で、尚蔵の正三位に次ぐ高位である。対応する男性官司は、宮内省の下級官司である内膳司（職員令 46 内膳司条）だが、その長官である奉膳の相当位は正六位上であり、女官である尚膳の準位のほうが飛び抜けて高い。膳司典膳の準位は従五位で、対する男官の内膳典膳の相当位は従七位下であるから、やはり女官の準位が高い。女官の三等官である掌膳は正八位。男官の内膳司には三等官は置かれていない。

尚水は従七位、典水は従八位で、対する男官の主水司（宮内省の下級官司）の主水正（長官）は従六位上、主水佑（次官）は正八位下である。水司は唐の後宮にはない、日本のみの官司である（勝浦 2000、p.135-136）。

膳司は、内膳司とともに職務を遂行していた。膳司には采女 60 人が配属され、内膳司には、膳部（食事の調理を担当した集団）40 人が配属された。平安初期の明法家によると、天皇の食事は、男官の内膳司が調理を行い、天皇に供するときに男女官司がともに関与したという（『令集解』「朱記」、p.177）。采女と膳部の男女共同労働は、大宝令制定前まで遡ることができる。七世紀末の天武天皇の葬送儀礼で、両者が奉膳（天皇の食を掌った官人の長）に率いられて儀式に臨んだとする『日本書紀』の記載は、その一例証である（『日本書紀』持統天皇元年〔687〕正月丙寅朔条。伊集院葉子 2012、pp.13-15）。

水司の職掌は、男性官司の主水司の職掌に類似している（職員令 53 主水司条）。男女の共同労働のあり方は、水司に関しては不明な部分が多い。ただ、内

膳司と膳司の関係から見て、主水司が粥を作り、実際に天皇に供する際に、男官の主水司と女官の水司がともに携わったのではないかと推定することは可能である。

水司と膳司の任官者には、共通の特徴がみえる。官司のトップには王族や中央の大貴族出身の女官が任じられ、その下位の職事に采女出身の女官が就任したようなのである。膳司の長官である尚膳は、天武天皇の孫である少長谷女王（？-767、尚膳従三位で死去。『続日本紀』神護景雲元年〔767〕正月己未条）の例があり、他にも王族や藤原氏の女官就任例が多い。水司も、長官である尚水には王族の川原女王の任官が確認できる（『日本紀略』弘仁７年〔816〕４月己酉条）。一方、判官である掌膳には采女出身者が就任していた（常陸国筑波采女壬生宿弥小家主、上野国佐位采女上野佐位朝臣老刀自。『続日本紀』神護景雲２年〔768〕６月戊寅条）。

水司・膳司条に明らかなように、令の規定する采女の職掌は、天皇の食事への奉仕であった。采女出身者が膳司の職事に就任したことが確認できるのは、彼女たちが長年の勤務経験を経て実務担当の責任者に昇進したためだと考えられる。それは、大王の食膳への奉仕という令制前からの采女の役割にもとづくものである。これまで、令制前の采女を地方豪族の服属の証として大王に献上された人質だとみなし、神婚儀礼をふくめ大王に性的に従属した存在だったとする通説が受け入れられてきた。しかし、令制の人員構成と職事登用の実態、労働のあり方は、采女が、天皇の食膳を支える実務型女性官僚であったことを示している。

8　後宮職員令15縫司条

本文

〔原文〕縫司

尚縫一人。〈掌。裁縫衣服。蒔組之事。兼知女功及朝参。〉典縫二人。〈掌同尚縫。〉掌縫四人。〈掌。命婦参見。朝会引導之事。〉

右諸司掌以上。皆為職事。自余為散事。各每半月。給沐仮三日。

其考叙法式。一准長上之例。〈東宮ゝ人。及嬪以上女嬪准此。〉

〔訓読〕　縫　司

尚　縫　一人。〈掌らんこと、衣服裁ち縫わんこと、纂組のこと。兼ねて女功、及び朝参を知れ。〉　典　縫　二人。〈掌らんこと尚縫に同じ。〉　掌　縫　四人。〈掌らんこと、命婦の参見、朝会の引導のこと。〉

右は、諸司の掌以上をば、皆職事とせよ。自余をば散事とせよ。各半月毎に、休假三日給え。其れ考叙の法式は、一つ長上の例に准えよ。東宮の宮人、及び嬪以上の女竪も此に准えよ。

〔現代訳〕縫司

尚縫（長官）の定員は１人。職掌は、衣服の裁縫、纂組の監督。女性の労働や朝参も管掌する。典縫（次官）の定員は２人。職掌は尚縫と同じ。掌縫の定員は４人。職掌は、命婦が参上した時の対応や朝会に列席する際の引導である。[1]

右の十二司の掌（判官）以上が、皆、職事である。他は、散事である。各人に半月ごとに休暇を３日間与えよ。女官の考叙法式は男官の長上官と同じにせよ。東宮に仕える宮人や、嬪以上のキサキに仕える女竪も、同じように考叙せよ。

語釈

纂組…纂は編むこと、組は組むこと。つまり、編んだり組んだりして帯や紐を作ることをいう。

女功…女性が行う労働のこと。

「女功」の意味をめぐっては、縫司で管掌する衣服裁縫、纂組の労働実績のとりまとめを指すとする説（『律令』後宮職員令15頭注、p.201）と、他司も含めた女官たちの労働を指すとする説（『訳註』10, pp.699-700）がある。後者であれば、本条の「女功」は、あるいは令が定める勤務評定基準の「功」（考課令１内外官条）に関わる可能性もあろう。今後、検討されるべきテーマである。

朝参…天皇の臣下が朝廷の儀式に参ること。女性の朝参を所管する官司は内侍

[1] 縫司には、他の諸司と異なり、女孺・采女のどちらも配属されていない。このため、定員の記載もない。その理由は、「古記」によると、女官として出仕した女性を各司に配属した後、余った人員を全て縫司に置いたからだという（『令集解』「古記」、p.178）。

司と縫司であるが、行列での並び方＝序列については次条（朝参行立次第条）が規定している。内侍司条解説（『専修史学』55、pp.7-12、pp.29-35）と、本稿の朝参行立次第条（pp.17-20、60-65）をそれぞれ参照されたい。

命婦…五位以上の位階をもつ女性のこと。9語釈「内外命婦」の項（『専修史学』55、p.9、pp.30-31）と9語釈「内命婦・外命婦」の項も参照のこと。

参見…天皇の命により、参上し面会すること（『令集解』「朱説」所引「古答」[3]、p.178）。

朝会…朝廷で行われる公式行事。節日等の行事を指す（『令集解』「朱説」所引「古答」、p.178）。養老令の規定では、節日は、正月1日、7日、16日、3月3日、5月5日、7月7日、11月大嘗の日である（雑令40諸節日条）。正月1日は元日節会、7日は白馬節会、16日は踏歌節会、3月3日は上巳節会[4]、5月5日は端午節会、7月7日は相撲節会である。11月大嘗は、天皇の代替わりごとの大嘗祭ではなく、毎年おこなう新嘗のことである（『律令』補注、p700）。次の条文（9朝参行立次第条）で、儀式での女性の序列が決められている。

引導…案内すること。

職事…長官・次官・判官のいずれかに就任している役職者のこと。男性官僚の場合は、職掌のある官職についている者を職事官と呼び、そうでない者を散官と呼ぶ（公式令52内外諸司条）。男女で呼び方が異なるのは、男性は位階に相当する「官」（ポスト）が官位令で決められているが

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[3] 『令集解』が引用する「古答」とは何を指すのかについては、諸説がある。代表的なものは、「古記」とは別の大宝律令の注釈書であるとする説（利光三津夫「集解所引の「古答」は大宝律令の注釈書」『律の研究』名著刊行会、1988年、pp.3-22、初出1960年。同「再び「古答」について―稲葉佳代氏の「古答」に関する見解を駁す―」『続律令制の研究』慶応通信株式会社、1993年、pp.219-235、初出1984年）である。これに対しては、『令集解』所引の「古答」には養老令の注釈書も含まれているという反論がある（稲葉佳代「令集解における古答について」『続日本紀研究』229、1983年。同「古記と古答について」『金城学院大学論集〔人文科学編25〕』143、1992年。pp.104-129）。本稿では、大宝令の規定に関する注釈とみる。

[4] 上巳は、月の初めの巳の日のこと。日にちに「子・丑・寅・卯・辰・巳・午・未・申・酉・戌・亥」の12の動物の名をつけ、上記の順番で数える古代の用法に基づく。一月に2～3回、同じ動物の名前の日が巡ってくるので、最初の日に「上」をつけ、中間の日は「中」、最後の日に「下」を付けて区別した。

（官位相当制という）、女性の場合は、位階に相当する「官」という規定がなく、給与支払いの便宜のために禄令で准位を決めていたからである（②解説〔『唐律疏議』55、p.9、pp.31-33〕を参照）[5]。ここには、律令官僚機構のなかで女性を正式の「官人」とは位置づけないという律令の基本理念が反映されている（野村忠夫 1970、p.528、同 1978、pp.61-63）。

しかし、律令国家は、神祇官・太政官以下の二官八省および地方官から女性を排除して官僚機構を作り上げたが、これまでみてきたように、女官は、天皇の政務と日常生活を支える実質的な官僚として機能してきた。本稿では、こうした理念と実態のズレに着目し、後者を重視する観点から、あえて女官（女性官人）の用語を使用する。

散事…役職に任じられていない女官のこと。条文のうえでは、十二司各司に配属された女孺と采女を指す（『令集解』「朱説」、p.178）。しかし、実際の用法では、高位の女官で職事のポストについていない女官が散事と記されることがあった。たとえば、桓武朝に尚侍だった百済王明信は、嵯峨朝に死去した際には「散事従二位百済王明信」と記載された（『日本後紀』弘仁 6 年〔815〕10 月壬子〔15 日〕条）。この場合は、ポストはないが高い位階を帯びている女性という意味で「散事」が使われたのである。

沐假…洗髪のための休暇。半月ごとに 3 日なので、毎月 6 日間の休暇になる。男官の休暇は毎月 5 日間（仮寧令1給休假条）。中国・後漢時代に成立した漢字辞書『説文解字』によると、「沐」は髪を洗うという意味。

考叙法式…考叙の「考」は勤務評定を行うこと、「叙」は位を与えること。考叙は、勤務評定を行い、その結果に応じて位を与えること。法式は、勤務評定のための詳細を規定したもの。

長上之例…「長上」は、毎日出勤する官僚のこと。男性官司の職事官は長上官であり、最低でも年間 240 日出勤しなければ、その年の勤務評定を受けることができなかった（考課令 59内外初位条）。6 年間勤務評定を受け

[5] 准位は、年 2 回支給される給与（禄）の基準であるが、女官自身は准位とはべつに、個々人の位階を得ていた。たとえば、勝司の長官である尚勝の准位は正四位であるが、前項で尚勝の実例として紹介した少長谷女王は、従三位を帯びていた（p.10）。

た後、その善し悪しによって位階をどれだけ引き上げる（＝昇叙）のかが決められるのである（選叙令 9遷代条）。「長上の例に准えよ」とは、このような男性の長上官と同じやり方で女官の勤務評定を行い、その結果に応じて位階を昇叙せよということである（解説で詳述）。

なお、交替勤務を行う男官は分番官と呼ばれ、最低で年間 140 日出勤すれば、その年の勤務評定を受けることができた（考課令 59 内外初位条）。分番官は、8 年間勤務評定を受けた後、その成績によって位階の昇叙が決定された（選叙令 11 散位条）。

東宮ゝ人…東宮は皇太子、宮人は女官のこと。東宮の宮人は、皇太子の家政機関に配属された女官。宮人については②語釈参照（『専修史学』55、p.8、p.30）。「古記」によると、東宮宮人の定員は臨時に別式で定められたという。勤務評定は、東宮に配属された男官と同様、東宮大夫（皇太子の家政機関の長官）が行った（『令義解』、野村忠夫 1970、pp.519-521）。

嬪以上女竪…嬪以上とは、キサキである妃、夫人、嬪たちのこと（①参照、『専修史学』55、pp.4-7、pp.24-29）。女竪は、文字表記は異なるが、後宮十二司配属の女孺と同じ（②語釈参照（『専修史学』55、p.9、30）。嬪以上の女竪とは、妃・夫人・嬪たちの家政機関に配属された女官のこと。妃・夫人・嬪の家政機関職員の勤務評定文書は宮内省が作る規定だった（考課令 66家令条）ので、嬪以上に仕える女竪の勤務評定結果も宮内省に送られた（『令義解』）。「古記」によると、キサキに配属される女竪の定員は、帳内・資人[6]の数と同じだという。たとえば、三位の夫人に配される資人は 60 人であるから、同数の女竪が配属されたことになる。最低ランクの従五位の嬪でも、20 人の女竪が配属されたとみられる（遠藤みどり 2011、pp.4-6）。

解説～男官と同様に勤務評定される女官～

本条文は、2 つの内容で構成される。前半は、これまでの各司条と同じように、縫司の職掌について規定している。「右」で始まる後半は、4～15 条前半の総括規定というべきものであり、縫司だけではなく、後宮十二司及び東宮・嬪

[6] 警固や雑務のために皇親や貴族に配される下級男性官人。親王・内親王に配される者を「帳内」、五位以上の男女の王臣に配される者を「資人」と呼ぶ。

以上のキサキに仕える女官たちの勤務評定について定めている。総括規定を挟んで、つづく16～18の3条は、15条以前とは異なり、「凡」字で始まる通常の条文構成となる（⑨訳釈参照）。

禄令による尚縫の准位は正四位で、尚蔵に次ぎ、尚膳と並ぶ高位である。典縫は従五位、掌縫は正八位。職掌が類似する男性官司は、縫殿寮（職員令8縫殿寮条）と縫部司である（職員令37縫部司条）。縫殿頭（縫殿寮長官）の相当位階は従五位下、縫部正（縫部司長官）の相当位階は正六位下である。縫殿頭の職掌は、女王・内外命婦・女官の名簿管理、勤務評定であり、このほか、裁縫衣服・蔡組も管掌する（職員令8縫殿寮条）。

男官の勤務評定と叙位・人事は、養老令では、文官は式部省（職員令13式部省条）、武官は兵部省（職員令24兵部省条）が所管した。一方、女官の勤務評定と叙位は最終的には中務省が決裁する（職員令3中務省条）。縫殿頭は、中務省の下級官司の長官の職掌として、女官考課の実務的な取りまとめと評定案作成を担当した。それが縫殿寮の中心的役割だったと考えられる。

では、本条の「考叙」は、どのような手順で行われたのだろうか。男性官司による後宮十二司女官にたいする勤務評定の仕組みを以下にみていこう。

大宝令と養老令では、男官である長上官は、勤務評定結果によって6年ごとに昇叙が判断されると規定されたが、大宝令施行直後に4年に短縮された（『続日本紀』慶雲3年〔706〕2月16日条、『類聚三代格』p.231）。以後、一時期を除いて、この慶雲格の規定が有効だった。この昇叙方式は、女官にも適用された。

平安時代の養老令注釈書によると、勤務評定の手順は、女孺と采女では異なっていたようである。八世紀の女官の叙位を詳細に検討した玉井力氏によると、養老令では後宮十二司の女官の評定は縫殿頭、采女の評定は采女正が実施したという（玉井力1969、p.303）。女孺は、その所属する司が出勤日数と仕事ぶりを記録して縫殿寮に送り、縫殿頭が勤務評定の案を定めて中務省に送る（『令義解』職員令8縫殿寮条）。一方、采女の考課は、采女の配属先である司が出勤日数と仕事ぶりを記録して采女司に送り、采女司が勤務評定の案を定めて中務省に送る（『令集解』所引「跡説」、p.179）。簡略に示すと次のようになる。

女孺の場合……後宮十二司（女官）→縫殿寮（男官）→中務省（男官）

采女の場合……後宮十二司（女官）→采女司（男官）→中務省（男官）

以上のように、女官たちの勤務評定を男官の縫殿寮と采女司が所管したのは、

女官への評定権は男官が持つというのが律令の基本原則だったからだという（野村忠夫 1970、p.525）。最終的には、女官の考叙を管掌する中務省が成績評価と昇叙すべき位階を決め、天皇または太政官の判断を仰ぐという手順になる（伊集院葉子 2010）。律令の規定通りの勤務評定を受け、男官と同じ日に位階を昇叙された女官たちの例も『続日本紀』に記録されている（『続日本紀』慶雲4年〔707〕2月甲午〔25日〕条）。女官も男官と同じように厳格に勤務評定を受け、職責を果たしたと評価されれば、規定どおり昇叙されたのである（伊集院葉子 2014）。女官の昇叙を、天皇の恣意や一族の有力男性の権力によるものとして特殊視する従来の見方は、見なおす必要があるだろう。

なお、女官の勤務評定のとりまとめは、平安期には内侍司が担ったとみられている（『訳註』10、p.700）。平安中期成立の故実書『侍中群要』によると、女官の出勤日数とりまとめは、内侍司に置かれた令外の女性書記官である女史が担当している（『侍中群要』六、月奏、pp.113-114。『専修史学』55、p.10、p.34）。

骨蔵器の蓋に書かれていた銘文は次の通り

（括弧内と見られるものは伊集院が補った）

因幡國法美郡伊福吉部徳足比賣臣　藤原大宮御宇大行天皇御世慶雲四年歳次丁未春二月二十五日従七位下被賜仕奉矣
和銅元年歳次戊申秋七月一日卒也　三年歳戊寅十月火葬即殯此處故末代君等不應崩壊
上件如前故注録牌
和銅三年十一月十三日己未

伊福吉部徳足骨蔵器（鳥取県鳥取市出土）

伊福吉部徳足は、因幡国法美郡から藤原京へ出仕した女官。遺骨が青銅製の骨蔵器（上掲左）に納められて故郷に埋葬された。骨蔵器の蓋に銘文が記されている（上掲右）。内容は、「徳足比売臣は藤原京で文武天皇に仕え、慶雲4年（707）2月25日に従七位下に叙された（p.59 参照）。和銅元年（708）7月1日に死去し、和銅3年(710)に火葬し、故郷の法美郡で葬儀を行った。後世の人々は、徳足の墓を決して壊してはならない」というもの。（画像提供：東京国立博物館）

Iokibe no Tokotari was a female official from Hōmi district in Inaba province who went to the Fujiwara capital. After her death, her remains were returned to her home place in the pictured urn. According to the inscription on the lid, Lady Tokutari served Monmu Tennō (r. 697-707). In Keiun 4 (707), on the 25th day of the 2nd month, she was promoted to the junior seventh rank lower step (p. 59). She died the following year, in Wado 1 (708), on the first day of the 7th month. After cremation, her ashes were buried in Hōmi district, with the instructions that her grave should never be destroyed.
Photograph by favor of Tokyo National Museum

9 後宮職員令16朝参行立次第条

本文

〔原文〕凡内親王女王及内命婦。朝参行立次第者。各従本位。其外命婦。准夫位次。若諸王以上。娶臣家為妻者。不在此例。

〔訓読〕凡そ内親王、女王、及び内命婦、朝参に行立せん次第は、各本位に従れ。其れ外命婦は、夫の位の次に准えよ。若し諸王以上、臣家を娶きて妻と為んは、此の例に在らず。

〔現代訳〕内親王、女王、内命婦が朝廷の儀式に参列するときには、それぞれ本人が帯びる品階と位階に従って順に並ぶようにせよ。外命婦は、夫の位階によって並べ。もし、親王と王が一般貴族の女性と婚姻し妻とした場合には、この条文は適用しない（その妻たちは夫の位階によって――親王の妻が内親王の列に、王の妻が女王の列に――並ぶ、ということはしない）。

語釈

凡……律令の個々の条文の冒頭につける言葉。「そうじて」「全て」の意。官位令のような諸官を列挙する規定には付きない。後宮職員令の場合も、1～15条は職名・定員・職掌を列挙する一覧表のような規定なので「凡」はついていない。しかし、本条以下の3つの条文のような、それ自体で完結する単行条文は、「凡」の文字がつけられている。

内親王…天皇の娘と姉妹。10の語釈「親王及子」の項も参照されたい。

女王…大宝令・養老令ともに天皇から数えて2世（皇孫）～4世の女性王族。2世以下の世代の数え方は、男系をたどる。5世王は王や女王を名乗ることはできるが、皇親（天皇の親族）の範囲からは外された（継嗣令1皇兄弟子条）。

しかし、慶雲3年（706）2月の格で5世王も皇親に入れられ、延暦17年（798）まで実施された（『続日本紀』慶雲3年2月庚寅〔16日〕条。『類聚三代格』巻17、p.509、延暦17年閏5月23日勅）。慶雲3年の改訂で、5世王が皇親の範囲に入れられたのを受け、5世王が朝廷の儀式で着る朝服も改定され、4世王までの皇親と同じとなった（『続日本紀』慶雲3年2月己亥〔25日〕条）。このため、延暦17年までは5世女王も朝参の該当者だったと考えられる。

内命婦・外命婦…内命婦は、自身が五位以上の位を持つ女性。外命婦は、五位以上の男性官人の妻で、自身は六位以下の女性。2語釈「内外命婦」(『専修史学』55、p.9、pp.30-31) も参照されたい。

朝参…臣下が朝廷の儀式に参ること。8の「朝参」語釈も参照されたい。朝参して参加する儀式の具体例については、同じく8の「朝会」語釈を参照されたい (p.12)。

行立次第…行列の並び方の順序。

本位…本人の位。

准夫位次…夫の位階に従って並ぶこと。外命婦の並び方の規定である。なお、平安初期の明法家は、自身が五位を帯びる内命婦と、一位の官人の妻の並び方について、五位内命婦が先に立ち、その後に一位の官人の妻である外命婦が立つという判断を示している (『令集解』「跡記」、p.180)。つまり、儀式のときの行列は、内親王・女王・内命婦・外命婦というカテゴリーで厳密に区分されるべきだと認識されていたのである。

臣家…王族ではなく、臣下の諸家出身の人のこと。

解説〜女性の朝儀参列を規定〜

本条文は、皇親女性と五位以上の女官、および五位以上の官人の妻が朝参し儀式に列するときの序列を規定している。

公式令 55 文武職事条に男官の朝参時の序列の規定があり、親王、諸王、諸臣は別の列にならび、入り混じってはならないこと、その列の内部では本人の位階の序列に従って並ぶことが決められている。朝参には女性も加わるが、その場合、男女に分かれて並ぶ。それぞれの中での並びかたの原則は男女共通である (『律令』後宮職員令 16 頭注、p.201)。ただし、女性についてのみ、外命婦という夫の位階を基準とする規定が盛り込まれていることが異なる点である。

本条をめぐる主要論点は、儀式への女性の実際の参加の有無と、条文後半の「外命婦」の扱いである。前者は女性の政治的公的地位に関わり、後者は当時の婚姻形態および妻の地位と密接に関わる。

まず前者について、当条の実効性については諸説がある。たとえば『訳註』は、「朝参」を、儀制令 5 文武官条にある「毎月朔日(さくじつ)の朝に文武官初位(そい)以上の者が朝堂院の庭上に会合する儀」だと限定したうえで、内外命婦が朔日朝参した事実は記録では見受けられないとし、内外命婦の朝参は早期にすたれたとした

(『訳註』10、pp.631-632、内侍司条注釈)。

しかし、本条の朝参は、朔日の儀式に限定されるわけではない。たとえば、官人への叙位は、八世紀には1月7日の節会という儀式のなかで実施されており、そこには男官だけではなく女官も同席していた。ところが、平安時代になると男官は1月7日、女官は1月8日と男女別に実施されるようになり、女叙位と呼ばれる女性だけの新しい儀式が生まれてくるのである(岡村幸子 1993、pp.20-24)。

奈良時代に女官が様々な朝儀に参列していたことは、橋本義則氏も指摘している。橋本氏は、衣服令で、内親王・女王・内命婦が大嘗祭、新嘗祭、元日朝賀に参列する際の礼服や、四孟(1、4、7、10月の1日に実施する各官司からの行政報告の儀式)に参列する際の朝服が規定されていたこと(衣服令8内親王礼服条、同9女王礼服条、同10内命婦礼服条などの諸条文)、六位以下の女官も、四孟に参列する際の朝服が決められていたこと、さらに、元日朝賀儀や節会に女性が実際に参加していたことを記す史料もみられること(『続日本紀』天平元年〔729〕正月壬辰朔条等)や、本条の規定などを総合して、女性も朝参していたと結論づけた。しかし、奈良時代を通して政治からの女性の疎外がすすむとともに、朝儀からも女性は後退していき、平安時代に至って朝儀への参列も行われなくなったのだという(橋本義則 2011、pp.301-307、pp.318-319)。

なお、女性の朝参に関与する官司は、内侍司と縫司である。内侍司尚侍は、「内外命婦の朝参、禁内礼式」を所管する(②後宮職員令4内侍司条)。縫司は、長官の尚縫が「朝参」を所管し、三等官である掌縫が、参集した女性たちを儀式の場へ引導するのである(⑧縫司条参照)。尚侍と尚縫の関与の具体的なあり方は不明だが、尚侍の職掌に「禁内礼式」が含まれていることから、儀礼の場をつかさどることを期待されたのは内侍司だったとみることができる。平安時代に入り、女性だけを対象にした儀礼が確立したのちのことであるが、尚侍を勤めた女官の薨伝に「よく禁内の礼式を修めり」という讃辞が記されている(『三代実録』貞観元年〔859〕8月10日条、尚侍従三位当麻浦虫薨伝)。内裏の儀式作法に習熟し、女性たちを教え導くことができたトップ女官の一面をうかがわせる史料である。

条文の後半部分は、皇親の妻が臣家出身である場合には外命婦としての朝参を認めないとする規定である。臣家の女性が皇親の妻である場合、夫の「位次」

に従って列することになると、彼女は内親王や女王の列に混じることになる。それを避けるために後半部分が規定されたということで、平安初期の明法家の見解は一致している（『令集解』各説、p.180）。

奈良時代の「古記」は、親王・王の妻について、彼女自身が女王であれば女王の列に並び、臣家出身女性であれば朝参はできないとしている。『令義解』も、親王・王の妻となった臣家の女性を外命婦の扱いにはしないとし、内親王・女王・内命婦・外命婦は入り混じらずに分立するべきだとしている。五位以上の女性は、皇親の妻であっても、自身の位階に従って内命婦の列に並ぶ。六位以下の女性は、皇親の妻であっても、儀式に参列できない。内親王・女王も夫の品位とは関わりなく、自身の本位に従って列立する。結局、外命婦として朝参できるのは、五位以上の臣家男性と結婚した六位以下の臣家女性のみ、ということになる。

つまり、内親王・女王・臣家女性という女性本人の身分が、夫を基準とする夫婦単位の身分の区分けに明白に優先するのである。これは唐令と日本令の「内外命婦」の違い（⑫語釈参照）について述べたこととも共通する。

本条は、朝廷の重要儀式に女性が参列することを前提として序列を規定した条文である。しかし、外命婦に関しては、夫の位階によって序列づけようとしたため、矛盾が生じた。古代の明法家たちは、皇親の妻の扱いに関心を向けたが、矛盾は、諸臣の妻に関してもあり得たと思われる。なぜなら、平安時代に政権を担った摂関家においてさえ、正妻制が芽生え、確立するのは、平安中～後期だったからである（梅村恵子 1987、p.472、服藤早苗 1997、p.97）。まして八世紀に、諸臣に複数の同格の妻がいた場合、誰が外命婦の資格で朝参するのかは非常にむずかしい問題だったのではないだろうか。現実には、大嘗（おおにえのまつり）などの重要行事では、百官の「妻女姉妹」が集まったらしい（『続日本紀』養老5年7月己酉〔4日〕条）。妻女姉妹という括りならば、貴族層に属する女性は等しく大嘗に参集できただろう。こちらがより現実的だったのではないか。本条の外命婦規定がスムーズに運用されたかどうかは疑問が残るのである[7]。

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[7] 婚姻史の研究成果では、八世紀ごろは貴族層でも婚姻形態はゆるやかな結びつきだったことが明らかになっている。一方で、大宝令ですでに、五位以上の官人の「嬪妻」の把握が治部卿の職掌に規定されていたとみられる（『令集解』所引「古記」、p.86）。喪葬令でも、京官三位以上の妻が亡くなったときには弔使を派遣することが定められ（喪葬令3

16 後宮職員令 17 親王及子乳母条

本文

〔原文〕凡親王及子者。皆給乳母。親王三人。子二人。所養子年十三以上。雖乳母身死。不得更立替。其考叙者。並准宮人。自外女竪。不在考叙之限。

〔訓読〕凡そ親王及び子には、皆乳母給え。親王に三人、子に二人。養えらん所の子、年十三以上ならば、乳母身死にたりと雖も、更に立て替うること得じ。其れ考叙は、並に宮人に准えよ。自外の女竪は、考叙の限に在らず。

〔現代訳〕親王とその子には、全員に乳母を与えよ。親王には3人、子には2人の乳母を与えよ。乳母が死亡した時に、養育されている子どもが13歳以上であれば、替わりの新しい乳母を与えることはしない。乳母の勤務評定は、女官たちと同じにせよ。親王や子に仕えるそのほかの女官たちは、勤務評定の対象外である。

語釈

親王及子…親王は天皇の皇子女・兄弟姉妹。令文でも、男女を区別するときには男は親王、女は内親王と表記するが、天皇の一族の範囲や呼称について定めた継嗣令は、皇女も「親王」と書く（継嗣令1皇兄弟子条、同4王娶親王条）。また、男性天皇だけではなく、女帝の子も親王である。ただし、「子」は、男系の皇孫、つまり皇子・皇兄弟の子である2世の王・女王を指す。⑨語釈「内親王」「女王」の項も参照。

乳母…子どもに乳を与える女性のこと。しかし、日本古代の乳母は、授乳にとどまらず養育や生活全般に目配りし、子どもの成人後も強いつながりをもった。本条の乳母も、乳児期だけではなく成人後も親王や2世王に奉仕し続けた女性を指す（解説で後述）。

乳母の起源は、『日本書紀』『古事記』中の神話や伝承に描かれている。

京官三位条）、大宰帥正三位大伴旅人（『公卿補任』によると中納言在任）の妻の死去にあたっては弔問使が送られている（『万葉集』巻8-1472歌左註）。貴族層の婚姻の掌握を指向した朝廷は、そのためになんらかの方策をとっていたと考えられる。しかし、具体的な点は現在のところ不明である。なお、庶民層の婚姻実態と戸籍の「妻・妾」記載の矛盾については、最初の婚姻による妻を「妻」、それ以外を「妾」と記した、と推定されている（関口裕子1993、p.220）。『帝京史学』28、p.406も参照。

それによると、トヨタマヒメがヒコホホデミノミコトの妻となって子を産んだときに、実際に養育にあたったのは妹のタマヨリヒメで、同時に母親の代わりに乳を与える女性たちを置いたという（『日本書紀』神代下、第十段一書第三）。また、『古事記』にも、垂仁天皇の后（きさき）サホヒメが死に臨んだとき、乳母や扶育にあたる人々を置いて乳児を育てるように夫の天皇に指示したという物語が記されている（『古事記』垂仁記）。このような乳母の起源伝承は平安時代に成立した辞書にも反映されており、乳母は「めのおと」（漢字表記は「妻妹」）「めのと」「ちおも」だと書かれていた（二十巻本『和名抄』（わみょうしょう）巻二）。「妻妹」は妻＝メ、妹＝オト（年少者）という意味であり、「妻の妹」が養育を担ったという上記起源伝承との関わりを示唆する表記である。「ちおも」は、乳＝チ、母＝オモで、母の代わりに乳を与える女性である。本稿では、『律令』の読み方に従って「にゅうも」と音読する。

女竪…8語釈「嬪以上女竪」を参照。後宮十二司に配属され、ポストについていない女官は「女孺」と表記され、キサキの家政機関や皇子女たちに仕えた女官は「女竪」と書かれた。読みはともに「にょじゅ」。

考叙…勤務評定を行い、その結果に応じて位階を授けること。8語釈「考叙法式」を参照。

解説～皇子女・皇孫の養育形態の変化～

本条は、皇子女・皇孫という天皇位継承の可能性が高い皇親男女の乳母に関する規定である。

語釈で紹介したように、『日本書紀』『古事記』には乳母の淵源とともに、養育に関する負担を担う集団が置かれたという伝承が記されている（『古事記』垂仁記）。これは、その人々と乳母が一体のものとして扱われたことを示している（平野邦雄 1969a、p.280）。皇子女と乳母の経済的結びつきという角度から本条を検討した勝浦令子氏は、その経済的結びつきの強さの原型は、上記のような大化前代の幼年養育のあり方に求められるとした（勝浦令子 1981、pp.38-39）。

乳児に授乳する女性使用人としての乳母の制度は唐にもあり、語釈で紹介した平安時代の辞書には、法令によって皇子と皇孫に乳母がつけられていたことが記されている（前掲『和名抄』）。唐制における皇子の乳母の定員は不明だが、史書によると唐の最後の皇帝である哀帝（あいてい）（在位 904-907）には 3 人の乳母の名

がみえる(『旧唐書』本紀哀帝紀、天祐2年〔905〕9月壬申〔16日〕条)。哀帝は、父皇帝である昭宗(在位888-904)の即位後に産まれた皇子だった。また、高宗(在位649-683)と武則天(在位690-705)のあいだに生まれた皇女である太平公主(?-713)にも乳母がいて、歴史書に名を残している(『旧唐書』薛懐義伝)。皇子女と皇孫に乳母を与えたという点は、日唐で共通していたとみてよいだろう。

七-八世紀の天皇や皇親には、養育氏族の氏名に由来する名前が多数確認できる。天武天皇は大海人皇子といったが、それは大海という氏族に養育されたからだと考えられている。孝謙天皇の名の阿倍は、乳母の一人である阿倍朝臣の氏の名からとった。このような事例もまた、養育を担った乳母および氏族と養い子との強い関係を示している。

孝謙天皇と平城天皇には、本条の規定通り3人の乳母が支給されていた(『続日本紀』天平勝宝元年〔749〕7月乙未〔3日〕条、延暦7年〔788〕2月辛巳〔3日〕条)。両人とも、誕生時は2世王だったため2人支給で、父天皇の即位後、1人増員されたのである(勝浦令子1981、p.30)。

また、乳母は、養い子が成人した後も終身で仕える。孝謙天皇の乳母の一人である山田三井宿祢比売嶋(生没年不詳)は、大貴族も巻き込んで準備された孝謙への反乱計画(天平宝字元年〔757〕の橘奈良麻呂の乱)を知っていながら報告しなかったため、発覚時には死去していたにもかかわらず処罰され、乳母の号を剥奪された(『続日本紀』天平宝字元年8月戊寅〔2日〕条)。つまり、比売嶋は死亡時まで乳母の資格を帯びていたわけで、養い子との情愛による結びつきという側面だけではなく、職制のうえでも乳母の地位は終身だったのである。

以上にみてきたように、本条は、天皇の子と孫の養育に関わる規定である。大化前代には、大王(天皇)の子女の養育は母の一族が担うか、母族の責任において養育氏族を選んであたらせた(薗田香融1981、pp.376-377)。しかし、律令制は、豪族たちが私的に人びとを従属させ、彼らを率いて大王に奉仕するしくみを排し、民と国土を天皇の下に一元的に支配することをめざした。この律令制のもとで、皇子女の養育も、母方氏族への依拠による扶養ではなく、国家的給付によって担われるべきものに変化した。遠藤みどり氏が明らかにしているように、後宮職員令や禄令などに盛り込まれたキサキへの手厚い給付は、

キサキへの給付であるだけではなく、彼女たちが生んだ皇子女の扶養の資としての意味をも持ち、それは、律令国家の君主たる天皇の再生産を担う国家的役割をキサキが担ったことを示すのである（遠藤みどり 2011、pp.2-7）。

31 後宮職員令 18 氏女采女条

本文

〔原文〕凡諸氏。氏別貢女。皆限年卅以下十三以上。雖非氏名。欲自進仕者聽。其貢采女者。郡少領以上姉妹及女。形容端正者。皆申中務省奏聞。

〔訓読〕凡そ諸の氏は、氏別に女貢せよ。皆年卅以下十三以上を限れ。氏の名に非ずと雖も、自ら進仕せんこと欲わば、聴せ。其れ采女貢せんことは、郡の少領以上の姉妹及び女の、形容端正なる者をもちてせよ。皆中務省に申して奏聞せよ。

〔現代訳〕もろもろの氏は、氏ごとに女性を推薦して出仕させよ。（出仕時点での）年齢は 30 歳以下、13 歳以上に限る。女性を出仕させる資格のある氏ではなくても、みずから出仕を希望する場合には許可せよ。采女を推薦するにあたっては、郡の大領か少領の姉妹または娘で、容姿が整った者にせよ。（選ばれた氏女・采女を）皆、中務省を通して天皇に報告せよ。

語釈

諸氏…いくつかの氏、という一般的な意味ではなく、女性を出仕させる資格のある氏族のこと。「諸氏」に該当する氏族名は、「別式」（令の施行細則）で定められていたという（『令集解』「穴記」、「跡記」、p.181）。別式の内容は不明だが、大宝令の注釈書である「古記」は、女性を出仕させる氏の範囲を京畿内としている（『令集解』所引「古記」、p.181）。別式の登載氏族は、天武朝で制定された八色の姓（真人、朝臣、宿禰、忌寸、道師、臣、連、稲置）の忌寸以上、令制の位階では五位以上の官人を出すことができる畿内氏族だったと考えられている（磯貝正義 1978a、p.263、273）。

貢……官人任用に関する律令用語。国司の職掌に「貢挙」（官吏候補者の推挙）が含まれている（職員令 70 大国条）ように、地方から官人を推薦する

という意味で使用される。男性の場合も、郡司の一族であることが資格要件の兵衛は、国司が選抜し郡司が「貢」することになっている（軍防令 38 兵衛条）。「貢」は、養老令では地方や外国からの物の献上という意味（職員令 7 内蔵寮条、賦役令 35 貢献物条）でも使われるが、むしろ用例は少ない。

舎人以下十三以上…出仕開始時点で 13 歳以上 30 歳以下であるという意味。30 歳で退任するということではない。

なお、男性は、中央官人や郡司の子弟を対象にした官吏養成機関である大学・国学への入学許可年齢は、13 歳以上 16 歳以下（学令 2 大学生条）。大学・国学への入学は義務ではないが、21 歳になっても出仕していない者は舎人などに補されることになっていた（軍防令 46 五位子孫条、47 内六位条）。

女……日本の律令用語の「女」は、女性の総称（オンナ）。既婚女性を「婦」、未婚女性を「女」と書き分ける唐令とは相違する（梅村恵子 1997。『帝京史学』28〔pp.411-412、368〕も参照）。本条の「氏別貢女」の「女」は、氏族の女性という意味。「郡少領以上姉妹及女」の「女」は、娘を指す。広い意味では、両者ともに、その氏や豪族に属するオンナ、ということになる。

非氏名…「氏の名に非ず」の解釈は、奈良・平安時代の明法家の間で異なっている。「古記」は、「非氏名」に続く「欲自進仕者聴」を、自ら仕えたいと望む者は、畿内・畿外を問わず出仕を許されると解釈した（『令集解』所引「古記」、p.181）。一方、奈良末・平安時代初期の延暦年間（782～806）の明法家の解釈である「跡記」と、養老令の公的注釈書である『令義解』（天長 10 年〔833〕成立）は、氏が 1 人を出仕させたあとでも、さらに出仕を望めば許可することだとした（『令集解』「跡記」、pp.181-82。『令義解』、p.69）。

しかし、氏名の「氏」は、語釈で記したように「別式」に登載された氏を指すので、「非氏名」は、「別式に登載されていない氏」という意味になる。つまり、「雖非氏名、欲自進仕者聴」は、畿内氏族でありながら別式に載っていない氏のほか、畿外氏族も、女性を出仕させたいと望めば許可すべしということになる（磯貝正義 1978a、p.264）。実際に、

八世紀を通じて、畿外出身の女孺が多く確認できるが、彼女らは、「古記」が示した解釈で出仕を許可された地方からの氏女だったのである（麻野絵里佳 1994、p.26）。ただし、八世紀には１つの氏から同時期に複数の女性が出仕する例が恒常的に確認されるため、「跡記」がのべるように、１氏族１人に限らず、希望者は出仕できたことも、また、確実である。

采女…郡少領以上（下記語釈）の姉妹または娘で、選ばれて貢された女性。軍防令の規定では、国内の３分の２の郡からは男性（兵衛）、残りの３分の１の郡から女性（采女）を貢する決まりだった。兵衛と采女の貢は、国司が管掌する（軍防令 38 兵衛条）。２対１に割り切れない場合は、兵衛を多く出す（『令義解』軍防令、p.193）。采女の主な配属先は、水司と膳司である（後宮職員令 12 水司条、13 膳司条）。

郡少領以上…郡は、国の下に置かれた地方行政単位。少領以上とは、長官（大領）と次官（少領）のこと。

形容端正…容姿がととのっていること。「古記」は、端正を「かおよし（賀富好）」と説明している（『令集解』「古記」、p.182）。なお、男性の舎人も、容形がよいことが出仕時の配属先優遇条件の１つとされていた（軍防令 46 五位子孫条、47内六位条）。

中務省…天皇の政務に関する事務を所管するとともに、縫殿寮や左右大舎人寮など天皇に直接供奉する官人たちに関わる諸官司を管理統率した役所。女王、内外命婦、女官の名簿や考叙も統括した（職員令３中務省条）。

解説～女官の出仕ルートと資格要件～

本条は、後宮十二司女官の出仕ルートと資格要件に関する規定である。女官は、畿内貴族の場合は氏、地方豪族の場合は郡司の一族を母体として出仕する。前者は「氏女」、後者は采女で、律令女官の２大供給源である。氏女の選定は氏上が行い、采女は語釈に記したように選択権は国司が握ったという（磯貝正義 1978b、p.211）。選ばれた女性の記録は中務省に送られ、名簿に登載される。氏女は、出仕後は女孺として後宮十二司に配属されたほか、妃・夫人・嬪の家政機関や、東宮や親王・内親王たちのもとへも出向した。令文上の規定はないが、皇后宮に配属された女孺もいたと考えられる。氏女・采女とも、配属先が未定の場合には縫司にひとまず配された（⑥現代訳脚注２参照）。

「舞以下十三以上」の語釈でも記したが、男性は、中央の官人層であれば21歳以上になるとすべてが官仕することになっており、地方豪族の場合も、兵衛として出仕する道のほか、郡役所の官人への任用など複数の官仕ルートがあった。一方で女性は、日本の律令官僚機構が中国の制度を継受して構築されたため、令文の上では「官人」とは位置づけないという基本理念のもとに置かれ、二官八省からも排除された（⑧語釈「職事」参照）。

ところが、②～⑧（後宮職員令4内侍司条～15縫司条）でみてきたように、女官は、天皇の重要な政務である勅旨発給や、天皇位の象徴である神璽などの保管、非常事態時の幹線道路の遮断や兵士動員に関わる関契の管理など、一連の重要実務に携わった。さらに女官は、公的行事だけではなく日常生活においても男官との共同労働によって天皇を支えた。律令国家成立期において、女性を完全に排除したのでは天皇を中心とした行政システムが運営できなかったために、律令制度導入以前の男女官人の政事関与や共同労働のしくみを、律令国家機構に継承し、女性を行政システムのなかに包摂せざるを得なかったのである。このため、法制上は「官人」から排除されたはずの女性が、行政システムのあちこちで姿をみせているのである。

聖武天皇（在位 724-49）は、天平勝宝元年（749）に東大寺毘盧遮那仏の建立を祝って官人たちに位を授けた際、男官だけではなく女官も授位対象とし、その理由を「男だけが祖先の栄誉を担って天皇に奉仕しているのではない。男女が立ち並んで天皇に仕えるのが道理なのだ」とのべた（『続日本紀』天平勝宝元年4月甲午朔〔1日〕条）。男女ともに祖先の栄誉を担って天皇に奉仕するのが、本来の姿なのだと明快に語ったのである。この理念を女性の出仕規定のなかに明確化したものが、本条の氏女采女条である。

氏女制は九世紀初頭には停廃していたが、大同元年（806）に「30歳以上40歳以下、無夫の女性」という新しい資格要件に変更して復活された。氏女は、実務処理を担う下級女官の供給源として位置づけ直された（渡部育子 2000）。畿内の特定氏族出身女性たちが、祖先の栄誉を担って天皇を支えるという氏女本来の役割は終焉を迎え、大貴族出身の高位女官の指揮下での実務専従者に再編されたのである（伊集院葉子 2014）。

采女については、その語源も、いまだに定説がなく、起源も不明な部分が多い。『日本書紀』に、倭 直吾子籠が、履中天皇の皇位継承に抵抗して殺され

そうになったときに、妹の日之媛を献上して罪を許されたとする伝承があり、これが倭直らが采女を貢する起源ではないかと記されている（『日本書紀』履中天皇即位前紀）。このため、令制前の采女については、地方豪族が服属の証として天皇に献上した人質だという見解が通説となってきた（門脇禎二 1965、磯貝正義 1978b）。しかし、律令制導入前の官人制を検討した平野邦雄氏によって、采女は、天皇のそば近くに仕えることを職掌とする官人だということが明らかにされている（平野邦雄 1969b）。朝廷と、各地に散らばる直轄地であるミヤケの管理者たる豪族とをつなぐ役割を担って出仕してきた人びとが采女なのである（伊集院葉子 2012）。先の倭直の采女献上伝承も、当事者の倭直吾子籠が大和のミタ（屯田＝朝廷の直轄地）の管理者であったという伝承（『日本書紀』仁徳天皇即位前紀）とともに考察すべきで、後考がまたれるテーマである。

なお、采女制が成文化されたのは、大化2年（646）の改新詔による（『日本書紀』大化2年正月甲子朔〔1日〕条。磯貝正義 1978b、pp.201-202）。八世紀半ばには貢する郡が全郡に拡大された（『続日本紀』天平14年〔742〕5月庚午〔27日〕条）。しかし、九世紀初頭の男官も含む律令官司統廃合と再編の流れの中で、采女貢進は停止され（『類聚国史』40采女、大同2年〔807〕5月癸卯〔16日〕条）、翌年には采女を所管する男官の采女司も縫殿寮に統合された（『類聚国史』107縫殿寮・107采女司）。采女司は弘仁3年(812)に復活するが、地方行政における郡司の役割の低下にともない、郡領一族であることを資格要件として出仕する采女の本質的な意義は喪失し、国別定員制に変更された。九世紀末の総定員は47人となった（『類聚三代格』寛平9年〔897〕正月25日太政官符、p.190）。しかし、采女は、大嘗祭の神饌（神に捧げる酒食）を供する儀式に膳部とともに奉仕するなど、食膳奉仕という本来の役割が天皇制祭祀のなかに定着したため、職名としては近世まで続いた。

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Gender in the Japanese Administrative Code

Part 3: Laws on Officials in the Back Palace (2)

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Herein we continue our translation of the Laws on Officials in the Back Palace, Kôkyûsikiinryô 後宮職員令, that we began publishing in *Senshû shigaku* 55 (2013). Therein we included annotated translations and analysis for the first nine clauses out of eighteen. Here we include annotated translations and analyses for the remaining nine clauses, from Clause 10 through Clause 18 and divided into 6 groups.

There are many *ritsuryô* offices, posts, and special terminology for which there are not yet standard English translations. There are also many Japanese terms used by specialists of Japanese classical history for which English translation has proven challenging. Nonetheless, grappling with such issues of "naming" is a key concern of this project. As we move forward, we occasionally become dissatisfied with an earlier attempt at translation. In such instances, our practice is to ameliorate the translation and explain the rationale for change in a footnote. Due to a tight schedule we are unable to add a glossary for this part of the translation but we will do so in the future, combining terminology from the Laws on Residence Units and for the entire Laws on Officials in the Back Palace.

Citations from the *Ryônoshûge* 令集解, *Ryônogige* 令義解, and *Ruiju sandai kyaku* 類聚三代格 translated herein are based on the published texts in the *Shintei zôho Kokushi taikei* compendium of historical sources, for which we provide appropriate page numbers. In the case of the *Ryônoshûge*, citations refer to the section concerning the clause under discussion. When that is not

the case, we add the appropriate information, including page numbers.

Introduction, by Joan Piggott

It was in 1988 when Professor Hitomi Tonomura and Professor Haruko Wakita first suggested that I investigate instances of female rulership in Japan's protohistorical and early classical ages. At that time, most English readers of Japanese historiography had heard of the queens Himiko 卑弥呼 (mid 3rd c.) and Suiko 推古 (554-628). But few knew of Jitô 持統 (645-702, r. 690-97), Genmei 元明 (661-721, r. 707-15), Genshô 元正 (680-748, r. 715-24), or Kôken-Shôtoku 孝謙—称徳 (718-70, r. 749-58, 764-70). In the course of that research—I remember the learning curve was steep, given that it was my first venture into the field of gender history and there was little written in English to build on—I was shocked as I came to understand for how many years, 44 in total, the eighth-century court was led by women. I also remember thinking that without someone pointing out that the monarchs were women, no one would give it any thought, given that the royal title of *tennô* was not gendered.[1] In retrospect I consider that early research on eighth-century female rulers extremely valuable. It led not only to my subsequent analysis of the long development of classical monarchy in Nara times. It also led me to conclude that historians need to consider the histories of both men and women, and related multifaceted questions of gender relations, in their research.

Our annotated translation of the clauses in the Yôrô-era Laws on Officials in the Back Palace focuses on another important aspect of women's scripts and service at the eighth-century court: how female officials, who worked for both male and female sovereigns, had their own chapter of administrative laws, and how the eighteen clauses in the chapter prescribed the circumstances and conditions of their employment. Up to this point, English readers have learned

[1] Joan R. Piggott 1999, 2003a. And in Japanese, see Joan R. Piggott 2003b.

From this drawing of the deity Kichijōten at Yakushiji, said to have been painted in mid-Nara times, we can get some idea of how an elaborately dressed high ranking lady might have looked—a princess of the blood or other royal princess, or a very elite female official—prepared to participate in a court ritual.

about the staff of the Back Palace from literary texts such as *The Tale of Genji* (c. 1000, mid-Heian Period). Otherwise there has been little research published in either Japanese or English on the content or issues raised by these laws concerning Back Palace officials. We are delighted to change that situation with this translation of Clauses 10 through 18, continuing the work of our earlier translation of the first nine clauses that was published in early 2013.

The female officials of the Back Palace—including those with managerial posts as well as attendants from noble families called *ujime* 氏女 and provincial attendants called *uneme* 采女—served the *tennō* in various ways. Specifically, looking back over the first half of the Laws previously published, Clauses 1, 2 and 3 deal with the titles, appointment, and status of the *tennō*'s nine wives (excluding the queen consort) from the two second-level wives down to the three third-level wives and four fourth-level wives. We should note that even as royal wives, these consorts maintained a significant degree of independence—they often had their own households outside the palace, and their royal children might be raised in those households. Clause 4 inscribes the large staff of the Office of Female Chamberlains (Naishishi 内侍司), including its managers and lower ranking officials, about 110 women in all. We know that its managers actually played a role in transforming the ruler's oral commands into written edicts. Clause 5 describes the 17 members of the staff in the Office of the Treasury (Zoshi 蔵司), including their tasks in managing the monarch's treasures. Clauses 6, 7, and 8 define the quite small staffs in the offices of the Library 書司, Medicine 薬司, and the Armory 兵司, together with their duties. It is in analyzing these smaller offices that we begin to understand how female and male officials from parallel units in the bureaucracy worked together to serve the *tennō*. Indeed this is a key point being made here about the working of the Nara-period bureaucracy: that female officials of the Back Palace often cooperated with male officials based outside the Back Palace who did similar work. The likelihood is that such cooperation was a legacy of pre-*ritsuryō* times, when men and women together served Yamato kings in

their palaces. Clause 9 enumerates the small staff of the Office of Inner Gatekeepers (Ishi 闈司)—there were 5 managers and 10 lower rankers there—who manned the inner doors of the monarch's living space.[2]

Meanwhile in our translation of Clauses 10 through 18 here, Clauses 10, 11, and 14 enumerate staff and tasks handled by the quite small offices of Supplies (Denshi 殿司), Purification (Sôshi 掃司), and Rice Wine (Shushi 酒司), whose officials cooperated with male counterparts to see to the monarch's everyday and special ritual needs. Clauses 12 and 13 describe the Office of Drinking Water (Suishi 水司) and the Office of the Table (Zenshi 膳司). Both employed *uneme*, provincial attendants (6 for the Suishi but 60 for the Zenshi) whose original function—one that was seen as quite an honor for the woman and her provincial elite family—was to serve at the monarch's table, sometimes together with male officials. As Ijûin Yôko points out in her analysis, the rubric here and elsewhere throughout these clauses seems to have been gender separation but cooperation. Clause 15 prescribes a managerial staff of seven in the Office of Sewing (Hôshi 縫司), which seems to have been involved not only with overseeing the cutting and sewing of clothes and accessories but also with leading processions of female officials and other high-ranking women for court rituals.[3] Clause 16 prescribes protocols for how female officials and other women of high status were to line up for court rituals, with women who actually held rank preceding those who did not, however high ranking their husbands might be. Clause 17 deals with the appointment of wetnurse-nursemaids for princely persons, providing insights not only to the raising of royal children but also the Chinese patrilineal emphasis that, despite evidence of bilinealism in Nara times, still insisted that only princes could carry on royalty into a new generation. And finally Clause 18 specifies conditions for

[2] The numbers of staff members in each of the 12 Back Palace offices can be found on the chart in our previous translation, in *Senshû shigaku* 55 (2013), 32.

[3] Due to better understanding of the functions of this Office—its managers oversaw the work of sewing rather than engaging in sewing—we have renamed it (from "Office of Seamstresses") the "Office of Sewing."

the recruitment and credentials of provincial female attendants. While we don't know their exact numbers, we do know that about 200 of them came into the capital from provincial elite families and were distributed to the various offices of the Back Palace, with the largest groups in the Office of Female Chamberlains and the Office of the Royal Table. Those in the latter unit served the important role of presenting food to the *tennô* on a daily basis, as well as to the gods on certain important ritual occasions.

It is important to note here that while women held posts in the twelve offices of the Back Palace, these posts were special ones. That is to say, unlike the posts held by male officials, posts in the offices of the Back Palace held by female officials were not directly tied to specific ranks. But since remuneration of an official was determined by the rank associated with the post occupied, holders of posts in the Back Palace were remunerated based on "equivalent ranks" (*jun'i* 准位) as prescribed by the Laws on Remuneration (Rokuryô 9).

What did this signify? It would seem to be a case where Yamato lawmakers followed Chinese protocols halfway. Unlike their Chinese counterparts, they instituted specific posts for women, but they did not attach ranks to those posts. It is also clear, as Ijûin Yôko argues, that female officials—managers and attendants—had significant responsibilities, served close to the monarch, and were considered sufficiently critical to the bureaucracy that they had their own constitutive chapter of laws in the administrative code.

We have been diligent throughout this translation project about noting differences from the Chinese Tang-dynasty codes and courtly practice, at least to the extent that such differences are known. Not surprisingly, those differences that we have identified in the Laws on Officials in the Back Palace are substantial. At the top of the list is the fact that there was no parallel chapter of laws concerning female officials in the Tang codes, since there were no such female officials who were members of the bureaucracy. In China women were wives, mothers, daughters, consorts, and servants of various

sorts, which is why the back palace there is often referred to as a harem. In Japan, however, the clauses of the Kôkyûshikiinryô indicate that officials in the Back Palace had much to do with the everyday and ritual services needed by the monarch in his residence. On the other hand, as we noted earlier, until late in the eighth century consorts of Nara monarchs generally had homes outside the palace, rather than living in a back palace. Furthermore, in early eighth-century Japan there were female officials who had not only their own posts but also their own ranks. The social scripts and status of women in classical Japanese and Chinese court societies were very different.[4]

In conclusion, I have learned much while working on this Gender in the Japanese Administrative Code project. I now have a much better sense of the contents and organization of the administrative code, and I have learned a great deal about how to study *ritsuryô* law. In order to understand the codes, we need reference to a wealth of additional sources—the court chronicles, commentaries, and various reconstructions of the Chinese codes that are cited in the notes and bibliographies of our three publications to date.[5] I am also pleased that we have tackled numerous "issues of naming" to interpret and analyze the Laws on Residence Units and Laws on Officials in the Back Palace, with the result that an increasing number of concepts and terms from the codes can be discussed in English. I look forward to continuing this project in future, when we will turn to additional chapters in the Yôrô administrative code that will provide additional perspectives on issues of gender in the early Nara court and society.

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[4] On this point, particularly useful is Ijûin Yôko 2013. Also broadly informative and thoughtful are Narikiyo Hirokazu 2001 and 2012.

[5] In addition to our 2013 publication, we previously translated the Laws on Residence Units (Koryô): *Tôkyô shigaku* 28 (2013), 317-418.

Translation and Analysis

LAWS ON OFFICIALS IN THE BACK PALACE (2)

Clauses 10, 11, and 14

The Office of Supplies, the Office of Purification, and the Office of Rice Wine

後宮職員令 10 殿司条／11 掃司条／14 酒司条

Clause 10 Office of Supplies Denshi/Tonomorinotsukasa 殿司

尚殿一人。〈掌。供奉輿轜。膏。沐。燈油。火燭。薪炭之事。〉典殿二人。〈掌同尚殿。〉女孺六人。

There shall be one director (*shōden/tonomorinokami* 尚殿). Her responsibilities include the care of [the monarch's] palanquins, umbrellas, water for purification, lighting oil, lamps, firewood, and charcoal. There shall be two second-level managers (*tenden/tonomorinosuke* 典殿). Their responsibilities are the same as those of the director. There shall be 6 lower ranking female officials (*nyoju/menowarawa* 女孺).

Clause 11 Office of Purification Sōshi/Kanimorinotsukasa 掃司

尚掃一人。〈掌。供奉秡麻。灑掃。鋪設之事。〉典掃二人。〈掌同尚掃。〉女孺十人。

There shall be one director (*shōsō/kanimorinokami* 尚掃). Her responsibilities include taking care of seating arrangements, purification with water, and other necessary provisions for the monarch. There shall be two second-level managers (*tensō/kanimorinosuke* 典掃). Their responsibilities are the same as those of the director. There shall be 10 lower ranking female officials.

Clause 14 Office of Rice Wine *Shushi/Sakenotsukasa* 酒司

Corresponding Units Staffed by Female and Male Officials, Clauses 10 - 14

Units Staffed by Female Officials	Units Staffed by Male Officials
Tonomorinotsukasa, Office of Supplies (Back Palace) Management of royal conveyances and fuel resources	Tonomorinotsukasa, Bureau of Supplies (Royal Household Ministry) Management of royal conveyances, provisioning of fuel resources
Kanimorinotsukasa, Office of Purification (Back Palace) Management of royal facilities	Uchinokanimorinotsukasa, Office of Royal Purification (Royal Household Ministry) Management of royal props and facilities
	Kanimorinotsukasa, Office of Court Purification (Royal Treasury Ministry) Management of facilities for annual court events, provisioning of props for officials at such events
Sakenotsukasa, Office of Rice Wine (Back Palace) Oversight of production of royal rice wine	Sakenotsukasa, Office of the Brewery (Royal Household Ministry) Oversight of making wine for monarch and officials
Moitorinotsukasa, Office of Drinking Water (Back Palace) Management of water and gruel for the monarch	Moitorinotsukasa, Office of Water Management (Royal Household Ministry) Management of water, gruel, and ice for the Residential Palace[1]
Kashiwadenotsukasa, Office of the Table (Back Palace) Management of the royal table and its service	Uchinokashiwadenotsukasa, Office of the Royal Table (Royal Household Ministry) Preparation of food for the monarch, and its service
	Ōkikashiwadenotsukasa, Office of the Great Table (Royal Household Ministry) Preparation of food for officials at court events

Note: we have followed the readings in *Kitsuryō* (Iwanami Shoten) and *Nihon kokugo daijiten* (Yoshikawa Kōbunkan) for the names of bureaucratic units.

1 According to the *Ryōnoshūge*, the Office of Water Management (Moitorinotsukasa) in the Royal Household Ministry (Kunaishō) served the needs of the retired monarch (*daijōtennō*) and the queen-consort (*kōgō*) as well as those of the *tennō* (*Ryōnoshūge*, Moitorinotsukasa, Kōnin 7 [816] 9/23 directive of the Council of State (*kampu*), p. 135; and the same in *Ruijū sandai kyaku* 4, Kōnin 7 [816] 9/23, p. 171).

尚酒一人。（掌。醸酒之事。）典酒二人。（掌同尚酒。）

In the Office of Rice Wine there shall be one director (*shōshu/sakenokami* 尚酒). Her responsibility is supervising the brewing of rice wine for the monarch.[6] There shall be two second-level managers (*tenshu/sakenosuke* 典酒). Their responsibilities are the same as those of the director.

Explanation of Terms

輿轝… *yo* 輿 a palanquin, a carriage without wheels (*Ryōnoshūge*, Shikiinryō 43, Koki, p. 126); *sen* 轝 umbrellas for the monarch, whether for rainy weather or ceremonial use

膏… *kō* animal fat, lard

沐… *moku* water used for washing and purification

燈油・火燭・薪炭 *tōyu, kashoku, shintan* *tōyu* oil used for lighting; *kashoku* an oil lamp; *shintan* firewood and charcoal

牀席… *shōshaku* seating materials and arrangements for the monarch

灑掃… *reisō* to clean, purify with running water

鋪設… *fusechi* supervising the provisioning of equipment and goods

Analysis

Separation and Cooperation, How Male and Female Officials Worked Together

Female officials in the Office of Supplies, the Office of Purification, and the Office of Rice Wine were in charge of the operation, maintenance, and supervision of the monarch's living quarters. They made sure that equipment and goods needed for the *tennō*'s daily life and ritual activities were available

[6] Rice wine was not actually made in this office of the Back Palace. Rather it was made in the Office of the Brewery (Sakenotsukasa 造酒司), which was staffed by male officials. But we know that staff from the Office of Rice Wine actually participated in supervising the manufacturing process, about which see the Analysis that follows.

as needed. Since the provisions in the Yôrô code 養老令 (compiled between 717 and 724) are spare, they do not provide us with much information about how female officials actually carried out their work. But as we have noted in our previous translations and analysis of the first nine clauses of the Laws on Officials in the Back Palace, thanks to advances made since the 1980s in research utilizing the ninth-century Commentary on the Administrative Code (*Ryônogige* 令義解), Collected Commentaries on the Administrative Code (*Ryônoshûge* 令集解), and research on the early tenth-century Protocols of the Engi Era (*Engi shiki* 延喜式), we have gained a much better understanding of the work and working conditions of female officials in the Back Palace, including how female officials frequently cooperated with male officials in parallel units of the bureaucracy to perform their tasks.[7]

To begin, the "equivalent ranks" of their managers give us a sense of the status of these offices and their managers in the palace bureaucracy. According to the Laws on Official Emoluments (Rokuryô 禄令 Clause 9), the director of the Office of Supplies was to receive remuneration equivalent to that of a junior sixth ranker; the director of the Office of Purification was to receive remuneration equivalent to that of a junior seventh ranker; and the director of the Office of Rice Wine was to receive remuneration equivalent to that of a senior sixth ranker. Second-level managers in the three offices were to receive remuneration equivalent to that of junior eighth rankers.[8]

As for parallel units in the male-staffed bureaucracy, corresponding to the Office of Supplies was the Bureau of Supplies (Tonomorinotsukasa 主殿寮) in the Ministry of the Royal Household (Kunaishô 宮内省, Shikiinryô 職員令 43). According to a citation in the *Ryônoshûge*, daily duties of officials from both offices were to be jointly carried out (Kôkyûshikiinryô 10, Shuki 朱記)—in

[7] "Gender in the Japanese Administrative Code, Part 2: Laws on Officials in the Back Palace (1), *Senshû shigaku* 55 (2013), pp. 1-58.

[8] See our explanation of this system of equivalent-rank salaries in *Senshû shigaku* 55, p. 33, and elsewhere below. An excellent chart of the correspondences of ranks held by male officials and "equivalent ranks" of female officials can be found in Ijûin 2013, p. 22.

other words, male and female officials from the two units worked together (Monju Masako 1992, p. 187).

Another good example of cooperation between male and female officials can be seen in the way female members of the Office of Rice Wine worked with male officials of the Office of the Brewery (Sakenotsukasa), which was a subordinate unit of the Ministry of the Royal Household (Shikiinryô 47). Specifically the Office of the Brewery manufactured rice wine for the monarch and for official use during rituals. To accomplish its mandate, the Brewery was a large unit that included 60 low rankers (*sakabe* 酒部) and 185 rice-wine residence units (*shako* 酒戸). In contrast to the male-staffed Brewery, the Office of Rice Wine was quite small—indeed, it was the only unit in the Back Palace that had neither lower ranking female officials (*myoju* 女孺) nor female provincial attendants (*uneme* 采女). That is because it did not need a large staff, given that workers in the male-staffed Brewery made the rice wine, although under the joint management of officials from both offices. For instance a citation from the *Ryôshaku* 令釈 commentary that dates from the Enryaku 延暦 era (782-806) notes that male and female officials worked together to supervise the making of rice wine (*Ryônoshûge* 14, p. 177). And another citation from the Anaki 穴記 commentary records that the Office of Rice Wine sent female officials to the Office of the Brewery to help manage the making of rice wine, probably destined for the monarch's own consumption (*Ryônoshûge* Shikiinryô 47, p. 131; Monju Masako 1992, pp. 186-87).

There was no similar unit in the Tang 唐 back palace (Katsuura Noriko 2000, pp. 135-36), so its existence in the Back Palace in Nara suggests the special and important role of women in the preparation of rice wine in Japan. In fact we know that in provincial society elite commoner women were also deeply involved in producing rice wine. Meanwhile the rice wine used for Royal Accession Rites (*Daijôsai* 大嘗祭) included an important role for provincial women in its manufacture (Yoshie Akiko 1996, 1997, 2005). So the codal establishment of a special office staffed by female officials to help manage the production of the monarch's rice wine must be seen in light of the role of

women in classical winemaking. This is an issue that merits further study.

Meanwhile the Office of Purification was charged with overseeing materials and accessories needed to carry out rituals in the monarch's palace, which made it part of a larger bureaucratic network. Specifically, while other units of the Back Palace were paralleled by one male-staffed unit outside the Back Palace, the Office of Purification was paralleled by two male-staffed units: the Office of Court Purification (Kanimorinotsukasa 掃部司), a subordinate unit of the Ministry of the Treasury (Ôkurashô 大蔵省, cf. Shikiinryô 35); and the Office of Royal Purification (Uchinokanimorinotsukasa 内掃部司), an office supervised by the Ministry of the Royal Household (Kunaishô, cf. Shikiinryô 55). The Office of Court Purification, with its small staff of ten lower rankers, oversaw various arrangements for officials including the making and repair of equipment as well as cleaning. The Office of Royal Purification, with a staff of thirty lower rankers, saw to arrangements for the monarch during rituals (*Yakuchû* 10, p. 477). Since they both included lower rankers, the two male-staffed units were large. In contrast, the Office of Purification in the Back Palace did not have lower rankers on its staff.

So what did its female officials actually do? A clue is found in the early tenth-century Protocols of the Engi 延喜 Era (*Engi shiki* 延喜式), where second-level managers of the Office of Purification were mandated to supervise male officials of the Bureau of Purification (Kamonryô 掃部寮) as well as lower ranking female officials during the preparations for Royal Accession Rites (Daijôsai, *Engi shiki* Section 38).[9] Researchers have posited that this reflects earlier practices of cooperation between male and female officials that predated establishment of the Heian-period Bureau of Purification (Hashimoto Yoshinori 1995, p. 443). However my own view is that such cooperation dates back further, to precodal practices of male and female

[9] The Bureau of Purification was created in 820 when the Office of Court Purification and the Office of Royal Purification were merged, on which see *Ruiju sandai kyaku* (Regulations of the Three Eras), Kônin 弘仁 11 [820] 01/05 *Daijôkan sô* 太政官奏 (Memorial of the Council of State), p. 147.

officials working cooperatively in the palaces of Yamato great kings prior to the eighth century.

These three offices of the Back Palace were not the only bureaucratic units where female and male officials worked together, a fact that further confirms the hypothesis that such cooperation represents an artifact of how work was organized in the pre-*ritsuryō* palace. Commentaries in the *Ryōnoshūge* concerning the Office of Supplies and the Office of the Treasury also reveal cooperative work by female and male officials (cf. Anaki 穴記 and Shuki commentaries, p. 173 and p. 176; Monju Masako 1992, p. 187). Remember too the earlier discussion on the Office of Female Chamberlains wherein the director was responsible for transmitting a royal order to a residential palace secretary (*naiki* 内記)—a male official—as well as for supervising his making of the written draft of that order (*Sewshū shigaku* 55, pp. 10, 34). In that case, a female official actually supervised the work of a male official.

So what changed, and why? As the *ritsuryō* bureaucracy developed, it was increasingly difficult to avoid the separation of male and female officials that was a prominent feature of the Sui- and Tang-dynasty Chinese bureaucracy (Katsuura Noriko 2000, p. 137). And as Furuse Natsuko has pointed out, there were eunuchs in the Tang Chinese palace who supervised palace women there (Furuse Natsuko 1998, pp. 47-50). Still the argument here is that it would be a mistake to assume that male officials supervised female officials at the eighth-century court in Nara, where we have considerable evidence that male and female officials frequently worked together.

A prominent hypothesis for explaining why the *ritsuryō* bureaucracy included corresponding female- and male-staffed units with similar names and doing similar work (see the Chart) has been that the female-staffed units were essentially unimportant—an example is seen to be the brewing of royal sake by the male-staffed Office of the Brewery (Tsunoda Bun'ei 1973, p. 166). And yet the Yōrō code makes it clear that female- and male-staffed offices performed similar types of work and frequently cooperated to accomplish their mandates. We can only conclude that 1) the codes inscribed both separation of and

cooperation by male and female officials, 2) that the separation was more formal than actual, and 3) that the cooperative efforts of female and male officials represented a legacy of precodal practices in the monarch's residential palace.

Clauses 12 and 13

the Office of Drinking Water and the Office of the Table

後宮職員令 12 水司条／13 膳司条

Clause 12 The Office of Drinking Water Suishi/Moitorinotsukasa 水司

尚水一人。（掌。進漿水。雜粥之事。）典水二人。（掌同尚水。）采女六人。

There shall be one director (*shōsui/ moitorinokami* 尚水). Her responsibilities include overseeing the presentation of various dishes of strained and unstrained gruel [to the *tennō*]. There shall also be two second-level managers (*tensui/moitorinosuke* 典水). Their responsibilities are the same as those of the director. There shall [also] be six female provincial attendants (*uneme* 采女).

Clause 13 Office of the Table Zenshi/Kashiwadenotsukasa 膳司

尚膳一人。（掌。知御膳。進食先嘗。惣摂膳羞。酒醴。諸餅菜果之事。）典膳二人。（掌同尚膳。）掌膳四人。（掌同典膳。）采女六十人。

There shall be one director (*shōzen/ kashiwadenokami* 尚膳). Her responsibilities include overseeing the preparation of the royal tray, pre-tasting to insure against poison, and supervising the presentation of delicacies, various sorts of rice wine, cakes, vegetables, and fruits [for the *tennō*]. There shall be two second-level managers (*tenzen/kashiwadenosuke* 典膳). Their responsibilities are the same as those of the director. And there shall be four third-level managers (*shōzen* 掌膳) to share the same responsibilities. There shall [also] be sixty

表(右)「寺請　小豆一斗　醤一□(ヵ)　玉升(たまます)酢　米醤等」
裏(左)「右四種物竹波命婦御所　三月六日」
(奈良文化財研究所『平城宮発掘調査出土木簡概報三五』(二〇〇〇年)参照)

女官の名を記した木簡（長さ 259 ㎜、幅 19 ㎜、厚さ 4 ㎜）

平城宮跡から出土した木簡に、竹波命婦（つくばのみょうぶ）という女官名が見える。竹波命婦は、常陸国筑波郡出身の采女・壬生宿禰小家主のこと（p. 10, 50）。孝謙天皇の寵愛をつとめていた。この木簡は、孝謙天皇が退位後、法華寺（ほっけじ）に住んだ天平宝字 7～8 年(763～764)ごろのもの。表(右)から裏(左)にかけて、法華寺からの指示によって竹波命婦のもとへ 4 種の食材を届けたことが記載されている（渡辺晃宏、2010 年）。　（画像提供：奈良文化財研究所）

A document on wood (*mokkan*) in which the name of a female official appears.
In this *mokkan* excavated from the site of the Heijō (Nara) palace, the name of the female official Tsukuba no Myōbu appears. She was a provincial attendant from Tsukuba district in Hitachi province, and she served as a third-level official (*shōzen*) in the Office of the Table in the Back Palace of the monarch Kōken Tennō (r. 749-58). The document records a request sent from Hokkeji, where Kōken lived in 763-764, after she had retired from the throne. It directs that four kinds of culinary supplies were to be sent to Tsukuba no Myōbu (Watanabe Akihiro, *Heijikyō, 1300-nen zenkenshō*, Kashiwa Shobō 2010, pp. 329-34).
Photograph by favor of Nara Bunkazai Kenkyūjo

female provincial attendants.

Explanation of Terms

糗水… *komizu* rice gruel from which the particles of rice have been removed, familiar as *omoyu* 重湯 today (*Yakuchû* 10, p. 682)

雑粥… *kusagusa no kayu* various sorts of gruel made from water and rice (*Yakuchû* 10, p. 682), although other cereals such as millet (*awa* 粟, *kibi* 黍) may have been used as well

采女… *uneme* female attendants at court from provincial elite families—they were the sisters or daughters of district chieftains. Clause 18 of the Laws on Officials in the Back Palace contains provisions for such attendants from provincial elite families, while Clause 38 of the Laws on Defense contains provisions for female attendants as well as guards (*hyde* 兵衛), both to be sent up to the palace by provincial elite families. The connection between such female attendants and guards was that each province was to have 1/3 of its districts send up female attendants while two-thirds of the districts were to send up male guards (also cf. Clause 18 below, pp. 24-28, 70-77).

進食先嘗… *shinjiki ni mazu kokoromin koto* the pre-tasting of dishes for the royal meal, to guard against poisoning

膳羞… *zenshu* presentation of delicacies to the *tennô*

醴… *tamusake* 甜酒 (*Ryônogige* 令義解 Zôshushi 造酒司, p. 52), sweet rice wine, or *amazake* 甘酒 (*Ryônoshûge* 令集解, Zôshushi, Koki 古記, p. 131)

諸餅菓果… *moromoro no mochii, kusabira, kadamono* cakes, vegetables, and fruits for the royal tray

Analysis

Original Functions of Female Provincial Attendants and the Offices to Which They Were Assigned

The Office of Drinking Water and the Office of the Table were bureaucratic units in the Back Palace to which the codes clearly stipulated that female

provincial attendants (*uneme*) were to be assigned. Therefore laws concerning the operation of these units provide clues to the original functions served by these female attendants that were sent up to the capital from provincial elite families in the early *ritsuryô* era.

As for the status of these two offices indicated by the equivalent ranks of their managers, according to the Laws on Official Emoluments (Rokuryô 禄令) the director of the Office of the Table was to be remunerated as if she were a senior fourth ranker. That put her just below the director of the Office of the Treasury, who was remunerated as a senior third ranker. The second-level managers in the Office of the Table were remunerated like officials of the junior fifth rank.

Meanwhile the parallel unit staffed by male officials that was concerned with managing food service for the monarch was the Office of the Royal Table (Uchinokashiwadenotsukasa 内膳司, Shikiinryô 46). It was a subordinate unit of the Ministry of the Royal Household (Kunaishô 宮内省). Its director held only the senior sixth rank while second-level managers held the junior seventh rank. In other words, and notably, the leading female officials of the Office of the Table had substantially higher equivalent ranks than their male counterparts. Moreover the Office of the Table had three levels of managers, and its third-level officials were remunerated like senior eighth rankers. In contrast, the male-staffed Office of the Royal Table had no third-level managers.

As for the Office of Drinking Water, its director was remunerated at the junior seventh rank while second-level managers were remunerated like junior eighth-rankers. Of interest too is the fact that there was no office like it in the Tang back palace (Katsuura Noriko 2000, pp. 135-36). Meanwhile the parallel unit of male officialdom was the Office of Water Management (Moitorinotsukasa 主水司) in the Ministry of the Royal Household (Shikiinryô 53). Its male director held the junior sixth rank upper grade, while second-level managers held the senior eighth rank lower grade. Extant records do not provide clues as to how female and male officials of the two units cooperated,

but given the way other parallel offices worked together, it seems likely that male cooks in the Office of Water Management prepared gruel while both male and female officials were involved in its presentation to the monarch.

As for the Office of the Table, its female officials worked with their male counterparts in the Office of the Royal Table (Uchinokashiwadenotsukasa) in the Ministry of the Royal Household to manage the monarch's table and its service. Sixty female provincial attendants were assigned to the Office of the Table in the Back Palace while forty food preparers (*kashiwade* 膳部) were assigned to the Office of the Royal Table. In the early Heian Period, a legal scholar noted that it was customary for male cooks in the Office of the Royal Table to prepare the monarch's food, while it was served by both male and female officials (*Ryônoshûge* Kôkyûshikiinryô 13, Shuki p. 177). This was likely a legacy from the past because we also have a record noting how at the time of the funeral of the monarch Tenmu 天武 in 687, the leading official charged with overseeing the royal table led both men and women for that ritual (cf. *Nihon shoki* 日本書紀, section on Jitô Tennô 持統天皇, First Year [687] 1/1; Aston p. 384). In other words, female and male officials worked together before the Taihô code 大宝令 was compiled in 701 (Ijûin Yôko 2012, 13-15).

It is also important to note that in both the Office of Drinking Water and the Office of the Table royal women or women from leading aristocratic families served as managing officials while female provincial attendants worked under them. For instance the granddaughter of the monarch Tenmu 天武 (r. 673-686), Princess Ohatsuse 少長谷女王 (?-767), served as director of the Office of the Table, and when she died she had attained the quite high junior third rank (*Shoku nihongi* 続日本紀 Jingo Keiun 神護景雲 1 [767] 01/08). In the early Heian Period Princess Kawara 川原女王 was named director of the Office of Drinking Water (*Nihon kiryaku* 日本紀略, Kônin 弘仁 7 [816] 04/14). Throughout the eighth century various other female royals and women from the ministerial Fujiwara family were appointed as the director in one or the other of these two units. Meanwhile there are records evidencing that provincial attendants from Hitachi 常陸 (ex. Tsukuba no Uneme Mibu no

Sukune Oyakanushi 筑波采女壬生宿祢小家主) and Kōzuke 上野 (ex. Sai no Uneme Kamitsukeno no Sai no Ason Oitoji 佐位采女上野佐位朝臣老刀自, *Shoku nihongi*, Jingo Keiun 2 [768] 06/06) served as third-level managers in the Office of the Table. Such records demonstrate how after long years of service some women from the provinces succeeded in attaining appointments to third-level (*jō* 掌) managerial posts in these offices.

In conclusion, close analysis of Clauses 12 and 13 helps us understand that the function of female provincial attendants was to serve the monarch's table. It also shows how the administrative codes inscribed practices from the palaces of Yamato kings of precodal times. While past research has emphasized that the sending of female provincial attendants to court was a sign of the subordination of provincial elites to the *tennō*, or that sacred marriages were key to binding the monarch and provincial elite families, these clauses indicate that female provincial attendants served essential roles as courtiers: they labored in the palace to oversee and attend to the needs of the monarch's table, and in some cases they developed the expertise to become high ranking managers.

Clause 15

The Office of Sewing
Hōshi/Nuidononotsukasa 縫司

後宮職員令 15 縫司条

尚縫一人。（掌。裁縫衣服。墓組之事。兼知女功及朝参。）典縫二人。（掌同尚縫。）掌縫四人。（掌。命婦参見。朝会引導之事。）

右諸司掌以上。皆為職事。自余為散事。各每半月。給沐假三日。其考叙法式。一准長上之例。（東宮ゝ人。及嬪以上女竪准此。）

There shall be one director (*shōhō/nuidononokami* 尚縫). Her responsibilities

include the oversight of cutting and sewing clothes as well as the assembling and sewing of accessories and other decorative elements. She will also oversee the work of female officials and the attendance of high-status women at court ceremonies. There shall be two second-level managers (*tenhô/nuidononosuke* 典縫). Their responsibilities are the same as those of the director. And there shall be four third-level managers (*shôhô/nuidononojô* 掌縫). Their responsibilities include leading female officials of the fifth rank or higher and the wives of officials of the fifth rank or higher who are attending court by the monarch's command, and they will precede them in procession at court rituals.[10]

All of the third-level managers and higher officials in the various Back Palace offices noted above [Clauses 4-15] are managerial officials holding specific posts. The others are officials without post. All shall be given three days off for hair washing every half-month. Furthermore their service shall be evaluated for promotion as mandated by the law according to the rules for full-time male managerial officials. The same provisions shall apply to female officials in the Crown Prince's Household and to lower ranking female officials in the households of fourth-, third-, and second-level royal wives.

Explanation of Terms

幕組… *sanso* the assembly and sewing of accessories and other decorative items, such as belts.

女功… *nyokû* work without lack or fault by female officials. The extent to which the Office of Sewing oversaw the work of female officials—whether the stipulation here included only the officials of the Office of Sewing (*Ritsuryô Kôkyûshikiinryô* 15, note, p. 201), or whether it included the work of female

[10] Notably, in contrast to such stipulations for other units in the Back Palace, there is no indication here of the number of lower ranking female officials (*nyoju* 女蔵) or female attendants from provincial elite families (*uneme* 采女) to be appointed to the Office of Sewing. According to a citation from the Koki 古記 commentary in the *Ryônoshûge* 令集解, the reason was that the Office of Sewing was to take in all those extra *nyoju* and *uneme* who were not distributed to other units (*Ryônoshûge*, p. 178).

officials more broadly including those in other offices of the Back Palace (*Yakuchû* 10, pp. 699-700)—is debated. The latter seems likely since the Laws on the Evaluation of Officials (Kôkaryô 考課令) uses the phrase *kû* 功 to mean the accomplishment of one's assigned work without lack and fault, and as the standard for evaluating officials, both male or female. The matter is a topic for future research.

命婦… *myôbu* female courtiers of the fifth rank or higher (cf. *Senshû shigaku* 55, pp. 9, 30-31). While *naimyôbu* 内命婦 were female courtiers who themselves held the fifth rank or higher, *gemyôbu* 外命婦 were the wives of male courtiers who held the fifth rank or higher. At the Tang court, where a wife's rank was determined by her husband's status, *naimyôbu* included the wives and concubines of the monarch and crown prince, while *gemyôbu* included princesses, the wives of princes, and mothers and wives of courtiers with the fifth rank or higher. Since in Japan the status of a *naimyôbu* derived from her own rank, the situation was quite different than that at the Tang court.

朝参… *chôsan* participation by ministers and officials, both male and female, in rites at court. The Office of Female Chamberlains 内侍司 and the Office of Sewing were charged with overseeing participation at court by high-status women: female officials, princesses of the blood, women of high rank, the wives of high rankers, and princesses (cf. *Senshû shigaku* 55, pp. 7-12, 29-35; and Clause 16 below).

参見… *sanken* to attend court in response to the monarch's command (*Ryônoshûge*, Shuki 朱記, which quotes the still older, "Old Answer" (Kotô 古答, p. 178).[11]

朝会… *chôe* a court ritual. Kotô identifies these rituals as the seasonal rites (*sechi* 節), which according to the Yôrô code were held on 1/1 (New Year's Day

[11] There are various theories concerning the "Old Answer" (Kotô 古答) cited in the *Ryônoshûge*. Rikô Mitsuo (1988a, 1988b) has argued that it was a commentary (*chûshaku*) on the Taihô code (702), a view that is well established. In contrast, Inaba Kayo (1983, 1992) argued that the Kotô was a commentary on both the Taihô and Yôrô codes. Here we follow Rikô's view.

元日節会), 1/7 (the day of the Aouma no Sechie 白馬節会, White Horse Royal Banquet), 1/16 (the day of the Tôka no Sechie 踏歌節会, Dance and Song Royal Banquet), 3/3 (the first Jôshi Day 上巳節会, or "First Snake Day" Royal Banquet), 5/5 (the day of the Tango no Sechie 端午節会, or Fifth-month Royal Banquet), and 7/7 (the day of the Sumai no Sechie 相撲節会, or Wrestling Royal Banquet), as well as on the day of Niiname 新嘗, the Great Harvest Rite Royal Banquet (Zôryô 雑令 Laws on Miscellaneous Matters 40, and *Ritsuryô* p. 700).

引導… *indô* to lead and provide direction

職事… *shikiji* managerial post officials: the first- (*kami*), second- (*suke*), and third-level (*jô*) managers in *ritsuryô* units. In the case of male officials, those with such posts were called *shikijikan* 職事官. Others were categorized as *sanikan* 散官, "officials without post" (Kushikiryô 公式令, Laws on Official Documentation 52). While male officials held specific ranks to which their posts corresponded, posts held by female officials in the Back Palace were not explicitly paired with ranks. So, as we have already seen in discussing various clauses of the Laws on Officials in the Back Palace, according to the Laws on Official Emoluments (Rokuryô 禄令) female officials therein were remunerated as if they held a given rank—theirs was a sort of "equivalent rank" (准位,jun'i; cf. *Senshû shigaku* 55, p. 9, 33).[12] This put these female officials outside the basic post-rank congruence principle (*kan'i sôtôsei* 官位相当制) of the *ritsuryô* bureaucracy. That meant that according to *ritsuryô* logic, women could not be recognized as full officials (Nomura Tadao 1970, p. 528; Nomura 1978 pp. 61-63). However while *ritsuryô* provisions excluded women from posts in the two councils, eight ministries, and provincial headquarters, we have already seen in discussing various clauses of Laws on Officials in the Back

[12] While the Laws on Official Emoluments dictated that female officials be paid as if they held a given rank (i.e. an "equivalent rank"), some female officials actually held rank. For instance, while the director of the Office of the Table was to be remunerated as if she held the upper fourth rank, we can cite the example of Princess Ohatsuse 少長谷女王 discussed here: she was the director of that office and actually held the junior third rank (above, p. 10, 49).

Palace that women participated extensively in the daily activities of the *tennô* and various aspects of his reign and rule. So the conclusion must be that there was a gap between *ritsuryô* ideals and actual practice in Japan, as indicated by our usage of the term "female officials" to denote those who worked in the Back Palace.

散事… *sanji* here female officials without post; specifically, lower ranking female officials (*nyojo*) and provincial female attendants (*umeme*) that served in the various units of the Back Palace (*Ryônoshûge*, Shuki, p. 178). On occasion, however, even high-ranking female officials might be termed *sanji*. For instance, a noble woman and director of the Office of Female Chamberlains during the reign of Kammu Tennô 桓武天皇 (781-806), Kudaranokonikishi Myôshin 百済王明信, was called *sanji* when she died during the reign of Saga Tennô 嵯峨天皇 (809-23). At the time she held the junior second rank (*Nihon kôki* 日本後紀, Kônin 弘仁 6 [815] 10/15). Likely she had retired from her post.

沐仮… *mokake* time off for hair washing. Female officials were to receive three days off twice a month, for a total of six days off duty monthly. In contrast, male officials had only five days off monthly (cf. Ke'nyôryô 仮寧令, Laws on Official Holidays and Leaves 1).

考叙法式… *kôjo hôshiki* regulations concerning the evaluation of an official's work, leading over time to promotion in rank. *Kô* 考 refers to the evaluation process itself, and *jo* 叙 denotes the process of being promoted in rank.

長上之例… *chôjô no rei* *Chôjô* 長上 was a category of male officials for those who worked full-time on a daily basis, and it included managerial officials (*shikijikan*). Such officials were expected to work at least 240 days annually. If they did not, they could not receive an evaluation for their year's work that qualified them for eventual promotion in rank (Kôkaryô, Laws on the Evaluation of Officials 59). Specifically after six years and according to the strength or weakness of accumulated evaluations, male officials either received promotion in rank or they did not (Senjoryô 選叙令, Laws on Promotion 9). In contrast, male officials who served in rotation rather than in a daily full-time capacity were categorized as *bunbankan* 分番官. They were required to work

140 days annually to be evaluated (Kôkaryô 59), and they could be promoted in rank only after eight years of positive evaluations (Senjoryô 11). What is clear from Clause 15 is that female officials who were categorized as "without post" were still to receive annual evaluations of their work and eventual promotion in rank based on them just as did full-time male managerial officials (cf. Analysis below).

東宮 > 人… *Tôgû no kunin* female officials who worked in the household of the crown prince (*kôtaishi* 皇太子), whose palace was known as the Tôgû 東宮 (on *ku'nin* 宮人, cf. *Senshu shigaku* 55, pp. 8, 30). According to the *Koki* commentary cited in the *Ryônoshûge*, the number of such officials was to be decided from time to time and written down in a separate list of protocols called a *besshiki* 別式. Meanwhile the director of the Crown Prince's Household was responsible for evaluating male and female officials of the staff therein (Nomura Tadao 1970, pp. 519-21).

嬪以上女豎… *hin ijô no nyoju* *Hin ijô* denotes the second-, third-, and fourth-level wives of the monarch (*Senshû shigaku* 55, pp. 4-5, 24-25). The *nyoju* were lower ranking female officials that served in the official households (*kaseikikan* 家政機関) of the royal wives (cf. *Senshû shigaku* 55, pp. 9, 30). The character used to denote those female officials who served in these households was 女豎. It was pronounced the same way but written differently from the appellation for lower ranking female officials that served in the Back Palace, *nyoju* 女孺. But their origins and the regulations that concerned both groups seem to have been quite similar (cf. Clause 18 below, p. 74). In terms of evaluating their service, since male officials serving on the household staffs of the second-, third-, and fourth-level royal wives were to be evaluated by the Ministry of the Royal Household (Kôkaryô 66), we can assume that female officials serving those wives were evaluated by that same ministry (*Ryônogige* 令義解 p. 69). And according to the Koki commentary, the number of lower ranking female officials serving the royal wives was to match the number of low ranking male household attendants (*chônai* 帳内 and *shijin* 資人) that

served them—a sort of gender balance was in place.[13] For example, if 60 male household attendants were appointed to serve a royal wife with the third rank, she was also to receive 60 lower ranking female officials. The numbers of such attendants was significant: even a relatively low ranking fourth-level royal wife who held the junior fifth rank received 20 female officials (Endô Midori 2011, pp. 4-6).

Analysis

Female Officials Were Evaluated for Promotion Just as Were Male Officials

There are two parts that comprise Clause 15. In the first part, managerial officials of the Office of Sewing[14] are enumerated, just as previous clauses of the Laws on Officials in the Back Palace enumerate the staff and responsibilities of other offices. In the second part, there are regulations for the evaluation process for female officials serving in the various offices of the Back Palace as well as for those serving the crown prince and royal wives. Notable too is that the second part begins with the phrase, "As for the foregoing." When added to the fact that the texts of the following three clauses (16, 17, 18) of the Laws on Officials in the Back Palace all begin with the expression "In general" (*oyoso* 凡), it seems clear that this second part of Clause 15 as well as the clauses that follow were meant to be of broader applicability than earlier clauses.

According to the Laws on Emoluments, the director of the Office of Sewing

[13] These were lower ranking male officials appointed by the government to serve princely persons or nobles as guards or attendants. Those serving princely persons of the first generation were called *chônai*, and those serving royal descendents or nobles of the fifth rank or higher were called *shijin*.

[14] We have changed the name of this unit from our earlier translation in 2013. Due to better understanding of its functions—its managers oversaw the work of sewing rather than engaging in sewing itself—we have renamed it (from "Office of Seamstresses") the "Office of Sewing."

was remunerated as if she were a senior fourth ranker—that was less than the director of the Office of the Treasury received but equal to the remuneration for the director of the Office of the Table. Her equivalent rank was therefore quite high. The two second-level managers were paid as if they were junior fifth rankers, and the four third-level managers were paid as if they were senior eighth rankers.

Parallel offices staffed by male officials were the Bureau of Sewing Management (Nuidononotsukasa 縫殿寮, Shikiinryô 8) and the Office of Court Sewing (Nuibenotsukasa 縫部司, Shikiinryô 37). According to the Yôrô Shikiinryô, the work of the director of the Bureau of Sewing Management included supervision of the work of female officials, registration of female royals of the second generation and beyond (*nyoô* 女王), registration of female officials of the fifth rank and higher (*naimyôbu*), registration of wives of fifth-rankers or higher (*gemyôbu*), and oversight of the sewing of clothes.

The Ministry of Personnel (Shikibushô 式部省) had charge of the evaluation and promotion of male civil officials (*bunkan* 文官, Shikiinryô 13), while the Ministry of Military Affairs (Hyôbusho 兵部省) had charge of those matters for military officials (*bukan* 武官, Shikiinryô 24). But the evaluation of female officials and their promotion in rank was handled by the Ministry of Central Affairs (Chûmushô 中務省, Shikiinryô 3). Specifically, as the director of a subsidiary office in that Ministry, the head of the Bureau of Sewing Management exercised oversight of the evaluation of female officials, likely the most important function of the Bureau. So how was the evaluation (*kôjo* 考叙) process carried out?

As noted earlier, according to both the Taihô and Yôrô administrative codes full-time male officials (長上官) were to be considered for promotion once every six years on the basis of their annual evaluations. A regulation issued in 706, however, ordered that full-time male officials were to be considered for promotion in rank every four years (*Shoku nihongi* 続日本紀 Keiun 慶雲 3 [706] 2/16; *Ruiju sandai kyaku* 類聚三代格, p. 231). For the most part this four-year rule was applied for both men and women thereafter.

On the other hand, Heian-period legal commentaries indicate some notable differences in the way lower ranking female officials and female attendants from provincial elite families had their work evaluated. According to Tamai Chikara's detailed research on how female officials were promoted in rank during the eighth century, the Yōrō code provided that the director of the Bureau of Sewing Management (Nuidononotsukasa) was to evaluate female officials in all twelve units of the Back Palace, while the director in the Office of Female Attendants from Provincial Elite Families (Unemenotsukasa 采女司) in the Ministry of the Royal Household (Kunaishō 宮内省) was to evaluate the work of those female attendants (Tamai Chikara 1969, p. 303). In the case of lower ranking female officials, the office where they worked was to send a report of the number of days worked and an evaluation of their work to the Bureau of Sewing Management. The director there then sent a copy of his evaluation to the Ministry of Central Affairs (Chûmushô, *Ryônogige* Shikiinryô 8, p. 71). In the case of female attendants from provincial elite families (*uneme*), the director of the office where they worked was to make a report of their days worked and an evaluation of their service, and then she was to send it to the Office of Female Attendants from Provincial Elite Families. That office then produced an evaluation and sent a copy of it to the Ministry of Central Affairs (*Ryônoshûge* Atoki 跡記 p. 179).

The routing of paperwork for the evaluation and promotion of lower ranking female officials and female attendants from the provinces looks like this:

•Lower ranking female officials 女官: paperwork was sent from the Back Palace unit where they worked (a female-staffed office) -> to the Sewing Bureau (a male-staffed office) -> to the Ministry of Central Affairs (a male-staffed office)

•Female attendants from provincial elite families 采女: paperwork was sent from the Back Palace unit where they served (a female-staffed office) -> to

the Office of Female Attendants from Provincial Elite Families (a male-staffed office) -> to the Ministry of Central Affairs (a male-staffed office)

As seen here, it was the Ministry of Central Affairs that had charge of the final evaluation of female officials and their credentials for promotion in rank, and its staff of male officials looked to the monarch and the Council of State for their approval of decisions (Ijûin Yôko 2010). Furthermore besides being evaluated according to the same *ritsuryô* stipulations, male and female officials often received promotions in rank on the same day (ex. *Shoku nihongi* Keiun 慶雲 4 [707] 2/25, p. 16). It is clear therefore that female and male officials were subjected to the same strict evaluation procedures on their job performance (Ijûin Yôko 2014).

By the middle of the Heian Period (794-1185) the situation changed considerably, since, the responsibility for evaluating female officials for promotion was taken over by the Office of Female Chamberlains (Naishishi, cf. *Yakuchû* 10, p. 700). And the eleventh- century handbook of protocol for the Royal Secretariat (Kurôdodokoro 蔵人所) known as the *Jichûgunyô* 侍中群要 indicates that by that time, gathering reports of days worked by female officials was being handled by an extra-codal female secretary who worked in the Office of Female Chamberlains (*Senshû shigaku* 55, pp. 10, 34).[15]

[15] The *Jichûgunyô* can be found in the compendium of sources *Zokazoku gunsho ruijû* vol. 7 (Hôseibu). An annotated edition is Mezaki Tokue, *Jichûgunyô*, Yoshikawa Kobunkan, 1985. Also there is an article by Yoshikawa Shinji (1995) translated into English on the subject of female courtiers in Heian times: "Ladies-in-waiting in the Heian Period."

Clause 16

On the Order of Procession for High-status Women Attending Court Rituals

後宮職員令 16 朝参行立次第条

凡内親王女王及内命婦。朝参行立次第者。各従本位。其外命婦。准夫位次。若諸王以上。娶臣家為妻者。不在此例。

In every case royal princesses—that is, sisters and daughters of the monarch—as well as royal women inclusive of the fourth generation of princesses as well as female courtiers holding the fifth rank or higher, when they line up to attend rites at court, they shall all line up according to their ranks. Wives of male officials of the fifth rank or higher shall line up according to their husbands' ranks. This provision does not apply, however, to aristocratic women who are wives of princes.

Explanation of Terms

凡... *oyoso* a term that usually occurs at the beginning of a clause in the *ritsuryô* codes to designate broad application. It means "in all cases," or "generally." It does not appear in the first fifteen clauses of the Kôkyûshikiinryô, since those clauses concern particular posts and tasks. But it appears in the last three clauses of the Laws.

内親王... *naishinnô* princess of the blood—a daughter or sister of the *tennô* (cf. Clause 17 below, pp. 66-67).

女王... *nyoô* princess—according to both the Taihô and Yôrô codes, the category included women of royal blood including granddaughter princesses and down to female descendants of the monarch in the fourth generation. The codes provided, however, that from the second generation through the fourth generation, only male royals could initiate royal lineages. The codes also allowed a fifth-generation royal descendent to be called "prince" (王) or

"princess" (女王), but they were excluded as royal relatives (皇親 Keishiryō 継嗣令 1). A supplemental regulation (*kyaku* 格) was issued in 706, however, that added fifth-generation royals to those considered royal relatives (*Shoku nihongi* 続日本紀 Keiun 慶雲 3 [706] 2/16). On that basis, on 706 2/25 it was commanded that fifth-generation royals should wear the same raiment as fourth-generation royals (*Shoku nihongi* Keiun 3 (706) 2/25). That practice continued until 798, when the original provision was reinstated (Enryaku 延暦 17 [798] intercalary 5/23 royal decree (*choku* 勅), *Ruiju sandai kyaku* 類聚三代格 17, p. 509).

内命婦・外命婦… *naimyōbu, gemyōbu* *A naimyōbu* was a female courtier holding the fifth rank or higher. A *gemyōbu* was a wife of a male courtier who held the fifth rank or higher (when she herself held the sixth rank or below, cf. *Senshū shigaku* 55, p. 9, 30-31).

朝参… *chōsan* participation by ministers and officials both male and female in ceremonies at court (cf. *chō* 朝会 in Clause 15 above, pp. 12, 52-53).

行立次第… *gyōryū shidai* the order in which courtiers should line up for participation in court rituals

本位… *hon'i* a person's rank

準夫位次… *otto no kurai no tsuide ni nazoraeyo*: the wife of a fifth-ranker or higher ranking official (*gemyōbu*) was to line up according to her husband's rank when she participated in rites at court. According to legal scholars of the early Heian Period (794-1185), female officials who themselves held the fifth rank or higher were to line up in front of women who did not personally hold rank, even in front of the wife of a first-rank minister (*Ryōnoshūge* 令集解, Atoki 跡記, p. 180). This meant that for a court ritual, princesses of the blood (sisters and daughters of the monarch) were to be followed in procession by royal women of the second or lower generations, followed by female officials with the fifth rank or higher, and then by wives of fifth-rankers or higher.

臣家… *shinke* aristocrats, as opposed to royal relatives (王族).

Analysis

On the Order of Procession of High-ranking Women Attending Court Rituals

This clause contains rules concerning the order of procession that were to be adhered to by royal women, female officials holding the fifth rank or higher, and wives of officials with the fifth rank or higher when they lined up for court rites.

Clause 55 of the Laws on Official Documentation (Kushikiryô 公式令) stipulates the order of procession for male officials attending court rites. It dictated that princes of the blood, lesser princes, and officials were all to form separate lines, and they were to line up in accordance with their rank. Women attended court rites too, but men and women lined up separately. The rules for how women should line up were generally similar to those for men, but there was a special protocol for *gemyôbu*, wives of officials of the fifth rank or higher who derived their status from their husbands' ranks.

Debates as to how to interpret Clause 16 include the issue of whether women actually participated in court rituals and the treatment of *gemyôbu*. While the former issue is closely associated with the social and political roles of women, the latter is related to marital practices and a wife's role and status.

As for whether women actually participated in court rites, editors of the *Yakuchû* compendium have noted that Clause 5 of the Laws on Ceremonial Protocols (Giseiryô 儀制令) states, "All civil and military officials from beginning rank and higher shall assemble together in the Garden of Ministries (Chôdôin 朝堂院) in the morning on the first day of every month." But the extant record does not show that either *naimyôbu* or *gemyôbu* participated in such events, and the common wisdom is that this clause in the Giseiryô represents prescription rather than actual practice (*Yakuchû* 10, pp. 631-32).

Nevertheless new research points to the likelihood that female officials did participate in court assemblies. For instance Hashimoto has pointed out that the Laws on Dress (Ifukuryô 衣服令) mandate what women should wear to

specific court events (Hashimoto Yoshinori 2011). Princesses of the blood, lesser royal women, and female officials of the fifth rank or higher were to wear ceremonial garb (*raifuku* 礼服) when they lined up for the Grand New Food Festival of the Enthronement (Daijōsai 大嘗祭) at the beginning of a new monarch's reign, for the annual Thanksgiving Rites (Shinjōsai 新嘗祭), and for the New Year's Audience (*Ganjitsu Chōga* 元日朝賀). They were also ordered to wear formal court dress (*chōfuku* 朝服) for the four Seasonal Report days (*Shimō* 四奏, Ifukuryō 8-10).[16] Court dress was similarly stipulated for female officials of the sixth rank and below for attendance at the Seasonal Report. There are also extant records noting the presence of female officials at the New Year's Audience (*Chōga* 朝賀) and at royal banquets (*sechie* 節会, *Shoku nihongi* 続日本紀 Tenpyō 天平 1 [729] 01/ 01). It is notable too that the Ceremony for Promotions in Rank (*Joi* 叙位) in the eighth century was held jointly for both men and women during the royal banquet on the seventh day of the first month. Only in Heian times did it come to be held for men and women separately (Okamura Sachiko 1993, pp. 20-24).

All of this indicates that female officials did participate in a variety of court rituals, although it is true that during the course of the eighth century women gradually withdrew from actual government-related activities, and by Heian times they no longer participated in court rituals (Hashimoto Yoshinori 2011, pp. 301-7, 318-19). But as Okamura has pointed out, new court rites were instituted for female officials, like the Promotion in Rank Ceremony on the eighth day of the first month.

Official units in the Back Palace that oversaw the attendance of women at court were the Office of Female Chamberlains and the Office of Sewing. As we saw in the discussion of Clause 4, the directors of the former—the *shōji* 尚侍—were to oversee court attendance by female officials of the fifth rank or higher, wives of male officials of the fifth rank or higher, and matters of palace

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[16] *Shimō* (四奏). The character *mo*「奏」means "first," so *shimō* refers to the first day of the first, fourth, seventh, and tenth months, when each bureaucratic unit made a report to the *tennō*.

etiquette (*Senshū shigaku* 55, pp. 8, 29). Similarly the director of the Office of Sewing was charged with oversight of women attending court rites; and the third-level managers of the same Office were to lead assembled female courtiers to the ritual venue (cf. Clause 15 above). How officials of the two offices worked together to accomplish their responsibilities is not known, but it seems likely that the Office of Female Chamberlains took a leading role in overseeing ritual space. By the Heian Period, defined spaces for rituals for female courtiers had developed, and there is even an instance of postmortem praise for a director of the Office of Female Chamberlains, the junior third-ranker Taima no Uramushi 当麻浦虫, who is said to have "maintained excellent control of rituals within the residential palace" (*Sandai jitsuroku* 三代実録 Jōgan 貞観 1 [859] 8/10). This note gives us a glimpse of a woman who was likely the leading authority and teacher for female courtiers of her day.

The latter section of Clause 16 stipulates that the wife of a royal family member who was not herself of royal blood could not line up to attend court rituals, since it would have resulted in her being seen as a member of the royal family. In later commentaries legal scholars were at pains to maintain the separation between royal and aristocratic status (*Ryōnoshūge*). According to the Koki 古記 commentary from Nara times, the wives of princes of the blood and lesser princes who were themselves female royals could line up with other female royals. And female officials who personally held the fifth rank, even if they were married to royals, lined up as *naimyōbu*, according to their own rank. But women of the sixth rank or below, even if they were wife to a royal, could not participate in court rites at all.

Notable too is the fact that princesses of the blood and other women of the royal family did not depend on the rank of their husbands—they were to line up according to their own rank. So in Japan a woman of royal blood or an aristocratic woman with her own rank had her own status as distinguished from that of her husband. Furthermore *gemyōbu* who could participate in rites at court were women from noble families who themselves held the sixth rank or lower. This indicates the very different nature of a woman's status in Japan

compared with that of women in the court of Tang China (cf. *Senshû shigaku* 55, pp. 9, 30-31).

Clause 16 is founded on the premise that female courtiers had an important role to play in court rituals, and that the way they lined up was of considerable significance. But the principle that some women, the *gemyôbu*, were to line up based on their husband's rank rather than their own rank introduced a contradiction into the ritual hierarchy of the court. Legal minds of the day were certainly conscious of the problem presented by the treatment of royal wives, and there must have been concerns about treatment of the wives of courtiers as well. Later in the mid-to-late Heian period, as regents took over leadership of the court, the primary wife system (*seisaisei* 正妻制) came into practice and was fully established (Umemura Keiko 1987, p. 472, Fukutô Sanae 1997, p. 97). But in the eighth century, when leading ministers had multiple wives, it must have been difficult to decide which wife had the credentials to serve as a *gemyôbu* in court rituals. In fact there was an instance, at the time of a Great Purification (Ôharae 大祓) in 721, when there was an order for all the wives, daughters, and sisters of officials (*hyakkan* 百官) to assemble (*Shoku nihongi* Yôrô 養老 5 [721] 7/4). That may well indicate how the law was generally interpreted. In fact, however, we do not really know how provisions concerning *gemyôbu* were applied.[17]

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[17] In terms of the history of marriage, it has become clear that at least among those of the fifth rank and higher (*kizoku* 貴族), marital relations remained loose and fluid. According to the Taihô code, the one legal wife (*chakusai* 嫡妻) of an official of the fifth rank or higher was to be registered with the head of the Jibushô 治部省, or Ministry of Civil Affairs (*Ryôwoshûge*, Shikiinryô Koki, p. 86). According to the Laws on Funerary Practices and Mourning (*Sôdryô* 喪葬令), the court would send a mourning emissary on the occasion of the death of a wife of a third-rank or higher official in the capital. That actually happened when the wife of the senior third-ranker Ôtomo no Tabito 大伴旅人, who was then head of the Dazaifu 大宰帥 (or possibly a middle counselor, according to *Kugyô bunin* 公卿補任), died in 728 (*Manyôshû* 万葉集 # 1472). The court may have developed this policy as a means of gaining some influence over marriages of those with the fifth rank or higher. But about how these policies and laws were applied little is known. As for marital practices among commoners, notations as to wife (*tsuma* 妻) and concubine (*shô* 妾) in the residence unit registers (*koseki* 戸籍) have been interpreted to

Clause 17

On Wetnurse-nursemaids for Princely Persons

後宮職員令 17 親王及子乳母条

凡親王及子者。皆給乳母。親王三人。子二人。所養子年十三以上。雖乳母身死。不得更立替。其考叙者。並准宮人。自外女嬪。不在考叙之限。

In every case princes and princesses, including the sons and daughters of the monarch as well as the monarch's siblings male and female and the children of the princes, shall all be provided with wetnurse-nursemaids. Princes and princesses shall each have three wetnurse-nursemaids assigned while the sons and daughters of princes shall have two assigned. Once the child is thirteen years of age,[18] if the wetnurse-nursemaid dies, a new one shall not be provided. As for evaluating wetnurse-nursemaids for promotion, they shall be treated like other female officials. Female officials who serve princes and princesses and the children of princes, however, are not covered by this provision.

Explanation of Terms

親王及子… *shinnō oyobi ko* In *ritsuryō* parlance, the term *shinnō* broadly denoted sons, daughters, and siblings of the monarch, a group that might be termed "princely persons." Specifically, in the Laws on Inheritance (Keishiryō 継嗣令 1, 4) royal sons and daughters were designated *shinnō*, whether the children of a male or female monarch. When gender differentiation was needed, a daughter of the monarch was termed a *naishinnō* (内親王, "princess

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mean that the first marriage was considered to be that to a wife, while subsequent marriages were with concubines. See Sekiguchi Hiroko 1993, vol. 2, p. 220; as well as our translation of the Laws on Residence Units in *Teikyō shigaku* 28 (2013), p. 406.

[18] Note that in Japanese age counting (*kazoedoshi*), a child is one year old when he or she is born.

of the blood"). In the next generation, however, only males produced princely offspring—that is, only the children of sons or brothers of the monarch could produce second-generation princes or princesses (二世の王・女王. See too the previous entries for *naishinnô* 内親王 and *nyô* 女王 above, Kôkyû shikiinryô 16, pp. 60-61).

乳母… *nyûmo* wetnurse-nursemaid, that is a women who nourishes a newborn with her milk and then cares for the child. In classical Japan the wetnurse-nursemaid provided care and livelihood for the child far beyond infancy, and her bond with her charge remained strong into adulthood (see Analysis). The roots of this institution can be seen in old stories recounted in such eighth-century sources as *Nihon shoki* 日本書紀 and *Kojiki* 古事記. For instance, when Toyotamahime 豊玉姫 became the wife of Prince Hikohohodemi 彦火火出見 and then gave birth to a child, her sister Tamayorihime 玉依姫 reportedly appointed wetnurses and raised the child (*Nihon shoki* 神代紀; Aston 93-104). And in the *Kojiki*, when the queen-consort of Suinin 垂仁 was dying, she directed the monarch to appoint wetnurse-nursemaids to care for and bring up their child (*Kojiki*, Suinin chapter; Heldt 92). These stories influenced entries in Heian-period dictionaries. According to the tenth-century *Wamyôshô* 和名抄, for instance, the phrase 乳母 could be read *me-no-oto* or *menoto* (me=妻, oto=妹), meaning a wife's younger sister who nourishes her sister's child. Or it could be read as *chiomo* (chi=乳、omo=母), meaning one who gave her breast to the baby in place of the biological mother. The term 妻妹 (*me-no-oto*) seems to have come from the Tamayorihime story. Here, however, we read the character phrase 乳母 as *nyûmo*, following the *Ritsuryô* editors.

女嬬… *nyoju* Lower ranking female officials who worked in the households of the monarch's wives were called *nyoju*, written 女嬬. But lower ranking female officials that did not hold specific posts in the Back Palace were also *nyoju*, written 女孺 (see also the previous entry for *hin ijô no nyoju* 嬪以上女嬬 above, Kôkyû 15).

考叙… *kôjo* evaluation of an official's work that was required for promotion

in rank (also see the previous entry for *kōjo hōshiki* 考叙法式, Kōkyū shikiinryō 15).

Analysis

The Rearing of Princely Persons and Royal Progeny

This clause concerns the appointment of wetnurse-nursemaids for princely persons—royal sons and daughters, brothers and sisters, and the children of princes, all of whom could potentially become a monarch.

As noted above (Explanation of Terms), early stories that provide insight into practices of the pre-Taika era before 645 大化前代 such as the *Nihon shoki* and *Kojiki* show that wetnurse-nursemaids were not simply providers of breast milk. In these early texts we find references to groups charged with rearing and providing for a royal child, and wetnurse-nursemaids were associated with such groups. Katsuura Noriko has noted that such practices had important economic facets (Katsuura Noriko 1981, pp. 38-39). Furthermore given that the appointments continued long into princely persons' lives, they created strong bonds between caregivers and charges (Hirano Kunio 1969a, p. 280).

The Tang court in China reportedly used royal wetnurses, according to a note in the early tenth-century Japanese dictionary *Wamyōshō*. How many women were appointed is not known, but according to the Old Tang History (*Kutōjo* 旧唐書), the last Tang monarch, who was born a prince of the blood after his father took the throne, had three wet-nurses in the early tenth century. Much earlier Emperor Gaotsu 高宗 (r. 649-83) and his consort Wu 武后 gave birth to a princess who was provided with a wetnurse as well.

In fact we know the names of many noble families who raised and supported princely persons in seventh- and eighth-century Yamato. For instance, the monarch known as Tenmu 天武 (r. 673-86) was called Prince Ôama 大海人皇子 before his accession, probably because he was raised by members of the noble titled lineage Ôshiama 大海 (alt. Ôama). And the

female monarch Kōken 孝謙 (r. 749-58) was originally known as the Princess Abe 阿倍内親王 because one of her nurses came from the Abe-no-Ason 阿倍朝臣 family. Such circumstances created strong bonds between the princely child and the lineage that raised him or her. We know too that both the monarch Kōken and the Heian monarch Heizei 平城 (r. 806-9) had three wetnurse-nursemaids, just as mandated by Clause 17 (*Shoku nihongi* Tenpyō Shōhō 天平勝宝 1 [749] 7/3; Enryaku 延暦 7 [788] 2/3). Since both were born before their fathers took the throne, they would have originally had two nurses; but when their fathers took the throne, a third nurse was added (Katsuura Noriko 1981, p. 30).

As noted earlier, a wetnurse-nursemaid served the princely child throughout her life and normally remained in her post until death. Evidence comes from a counterexample. Kōken Tennō had a nurse named Yamada no Mii no Sukune Himeshima 山田三井宿祢比売嶋. The nurse is said to have known about a coup planned against the monarch in 757 but she chose not to report it. So despite her death prior to discovery of the coup, Himeshima was punished posthumously by having her title as wetnurse-nursemaid stripped away (*Shoku nihongi* Tenpyō Hōji 天平宝字 1 [757] 8/2.

One objective of Clause 17 was to assure a change in the way the offspring of children and grandchildren of the monarch were raised and supported. As noted above, before the Taika 大化 era children of the Great King were dependent on the mother's family, and women close to the mother's family were usually chosen to nurture and raise royal children (Sonoda Kōyū 1981, pp. 376-77). But the *ritsuryō* system sought to replace such private arrangements with a single hierarchy presided over by the *tennō* as master of the realm and its people. Royal children were therefore removed from dependence on the mother's family and given support by the royal government. Nonetheless, as Endō Midori has argued, the Kōkyūshikiinryō and the Rokuryō chapters of the code still provided generous support to wives of the monarch not only for their own sake but also to enable them to raise their children, from among whom a future heir to the throne was be chosen. After all, the purpose of a

royal wife was essentially a political one—to assure that the monarchy would continue (Endô Midori 2011, pp. 2-7).

Clause 18

On Female Attendants from Noble Titled Lineages and Provincial Elite Families

後宮職員令 18 氏女采女条

凡諸氏。氏別貢女。皆限年卅以下十三以上。雖非氏名。欲自進仕者聽。其貢采女者。郡少領以上姉妹及女。形容端正者。皆申中務省奏聞。

In general let the various [qualified] noble titled lineages recommend female [attendants]. Those nominated should be between the ages of 13 and 30. Even if it is an unlisted lineage, sending such a woman, should such lineages wish to do so, shall be permitted. As for the recommending of female attendants from provincial elite families, they shall be the sisters and daughters of senior and junior district chieftains, and they shall be pleasing in appearance. The Ministry of Central Affairs shall be notified of their selection, and their names shall be memorialized to the monarch [by that Ministry].

Explanation of Terms

諸氏… *moromoro no uji* "the various [qualified] noble titled lineages." The meaning here is not "all noble titled lineages" but rather, those noble titled lineages qualified to proffer female attendants to serve at court. According to the Anaki 穴記 commentary cited in the *Ryônoshûge* 令集解, the names of such noble titled lineages were decided and written down on a supplementary list (*besshiki* 別式, *Ryônoshûge* p. 181). And according to the Koki 古記 commentary on the Taihô code 大宝令, also cited in the *Ryônoshûge*, these noble titled lineages were those registered in the vicinity of the capital and

nearby provinces (that is, in the 5 Kinai 五畿内 provinces, *Ryônoshûge* p. 181). It is suspected that the noble titled lineages on the supplementary list included those with one of the four highest royal titles (that is to say, the *kabane* 姓 of *mahito* 真人, *ason* 朝臣, *sukune* 宿祢, and *imiki* 忌寸) decided in the era of Great King Tenmu 天武 (r. 673-86). These were the same lineages from which officials of the fifth rank or higher were to be selected (Isogai Masayoshi 1978a, p. 263, 273.

貢… *gu(suru)* to recommend, nominate. In *ritsuryô* parlance it meant to recommend or nominate an individual for appointment to a post. One responsibility of provincial governors (*kokushi* 国司) was to recommend persons from the provinces for appointment to posts (Shikiinryô 70). For instance members of the families of district chieftains might be recommended to serve as guards in the capital (*hyôe* 兵衛, Gunbôryô 軍防令 38). Alternatively, in the Yôrô code 養老令 the term *gu* also meant to send in tribute goods from the provinces or abroad (Shikiinryô 7, Fuekiryô 賦役令 35), but such usage appears less frequently.

卅以下十三以上… *sanjû ika jûsan ijô* "below 30 and above 13 years of age" From the time of beginning her service, the female attendant from a noble titled lineage was to be between the ages of 13 and 30. In contrast, in the case of men that were sons and grandsons of fifth-rankers or brothers and sons of district chieftains who could be selected as students for the royal university (*daigaku* 大学) or provincial school (*kokugaku* 国学), they were to be between the ages of thirteen and sixteen (Gakuryô 学令 2). By the age of 21, if such men had not been appointed to a post, they were to become equerries called *toneri* 舎人 (Gunbôryô 46, 47).

女… *nyo* (*onna*) woman. In Japanese *ritsuryô* parlance, all females were termed *onna*. This contrasts with usage in Tang China, where a married woman was denoted by the character 婦 (*fu*), and an unmarried woman was denoted by the character 女. In other words, in China the critical factor was whether the woman was married or not. That was not the case in Japan (Umemura Keiko 1997; also cf. *Teikyô shigaku* 28 pp. 411-412, 368). For instance

in Clause 18, the phrase 氏別貢女 *uji goto ni nyo guseyo* can be translated, "let a woman from each noble titled lineage be recommended." Here the character 女 denotes "a woman." But in the phrase 郡少領以上姉妹及女 ("the sisters and daughters of junior district chiefs and higher"), the character 女 denotes a "daughter."

非氏名… *uji no na ni arazu* "If the name of the noble titled lineage does not appear…" Legal scholars in Nara and Heian times differed in their interpretations of this stipulation. The Koki commentary took it to mean, "If someone wants to serve, let it be permitted." In other words, whether the nominee came from the Kinai or from outside it, such service would be permitted (*Ryônoshûge*, p. 181). On the other hand, the Atoki commentary (~782-806) on the Yôrô code took it to mean that once a noble titled lineage had sent in one attendant, it should be permitted to send in additional attendants (*Ryônoshûge*, pp. 181-82; *Ryônogige* 令義解 p. 69). However since we know that the names of qualified lineages were to be written down on a supplementary list, it is also possible that the meaning is, "Kinai lineages not on the list," or "lineages outside the Kinai" (Isogai Masayoshi 1978a, p. 264). The fact is, during the eighth century many woman from outside the Kinai were permitted to serve as attendants from provincial elite families, and it is likely that they received permission to do so just as noted in the Koki (Asano Erica 1994, p. 26). But the citation from the Atoki helps explain why we find records of multiple women from the same noble titled lineage serving at court at the same time.

采女… *uneme* sisters and daughters of junior and senior district chieftains (i.e. provincial elites) that were proffered to the monarch to serve him as female attendants from provincial elite families. According to the Gunboryô, two-thirds of the districts in a province were to provide palace guards (*keyôe*) while the remaining one-third of districts was to send *uneme*. The provincial governor was to oversee the process (Gunbôryô 38). Where a two-to-one division was not possible, the number of guards sent was to exceed that of female attendants (*Ryônogige*, Gunbôryô, p. 193). A particularly large number

of female attendants sent in by provincial elites as *uneme* served in the Office of Drinking Water and the Office of the Table in the Back Palace (cf. above Clauses 12, 13).

郡少領以上… *gun no shôryô ijô* literally, "the second-level manager of the district and above." Several *gun* (郡) comprised a province (*kuni* 国). The *shôryô* 少領 was the junior district chieftain; the official above him was the *dairyô* 大領, or senior district chieftain. Together the two managed the district office (*gunga* 郡衙) as the director (*kami* 長官) and second-level manager (*suke* 次官). Both were leaders of the provincial elite in their locale.

形容端正… *keiyô tanjô*, literally, "pleasing in appearance." According to the Kokî, *tanjô* was taken to mean, "a pleasing face" (*Ryônoshûge*, p. 182). Notably there was a similar provision elsewhere: men to be selected as equerries from the sons of officials of the fifth rank and higher, or from the sons of those from the sixth to eighth ranks, were also to be of pleasing appearance, according to the Laws on Defense (Gunbôryô 46, 47).

中務省… Chûmushô, the Ministry of Central Affairs, one of the eight ministries under the supervision of the Council of State. "Central" herein denotes the monarch and the monarch's residential palace (*dairi* 内裏). This ministry oversaw, among other offices, the Bureau of Sewing (Nuidononotsukasa 縫殿寮) and the Bureau of Left and Right Royal Equerries (Sauôtoneriryô 左右大舎人寮), whose members directly served the monarch. Also of particular importance for women at court, this ministry compiled registers of royal women of the second generation and beyond, inner and outer high-ranking women, and female officials. It also assembled their evaluations and dealt with matters associated with their promotions (Shikiinryô 3).

Analysis

Recruitment and Credentials of Female Officials

Clause 18 contains stipulations concerning how women could enter the twelve offices of the Back Palace. We see herein that a woman from the Kinai

aristocracy would enter from her noble titled lineage (*uji* 氏), while a woman from the provincial elite would enter from the family of a provincial district chieftain. In the former instance, she was termed "an attendant from a noble titled lineage" (*ujime* 氏女), while in the latter instance she was called "a female attendant from a provincial elite family" (*uneme* 采女). These were the two categories from which all *ritsuryô* female officials came.

Meanwhile the one who chose an attendant from a noble titled lineage was the head of a noble titled lineage, the *ujinokami* 氏上. But the one to choose a woman from a provincial elite family was the provincial governor (Isogai Masayoshi 1978, p. 211). Once a woman had been selected, her name was sent to the Ministry of Central Affairs, where it was registered. When she began work, she was categorized as a lower ranking female official (*nyojo* 女孺), and she was assigned to one of the twelve offices of the Back Palace; or to one of the royal wives' households; or to the palace of the crown prince; or to that of a prince or a princess of the blood. While it does not appear in the codes, it is probable that lower ranking female officials were also assigned to work in the queen-consort's household (Kôgôgû 皇后宮). Those not appointed to any one of these venues were sent to the Office of Sewing 縫司, where a pool of lower ranking female officials was employed (cf. Clause 15 above).

As for the age when new female officials began to work, we saw above that they were to be younger than thirty but older than thirteen. This contrasts with male officials, including men from the provincial elite who worked as palace guards (*hyôe*) or men who worked at the district office (*gunga*) that had their own career paths—all such men were to be given posts by the age of 21.

One would think that in modeling their bureaucratic system after that of China—which excluded women from government service—Japanese lawmakers would have excluded women from administrative duties. But as we have seen in our discussions of Clauses 4 to 15 of the Kôkyûshikiinryô, despite their absence from the councils and ministries, female officials were in fact involved in various matters of royal administration including the promulgating of royal decrees, keeping the royal seal that was a symbol of

royal authority, and keeping the keys used to order the closing of highways or mobilizing of troops at times of crisis. We have seen too that female officials, while relatively few in number because of the limited posts open to them, worked cooperatively with male officials in managing the everyday life of the monarch and the royal residential palace.

Why was this? The fact is, when the *ritsuryô* polity was first developing, it was not possible to exclude women fully from *tennô*-centered administration. The cooperation of male and female officials in supporting the monarch and his government continued from earlier times, which is why the participation of female officials shows up here and there in Japan's early *ritsuryô* protocols and practices.

A particularly telling incident took place in 749, when Shômu Tennô 聖武天皇 (r. 724-49) gave promotions in rank to his officials on the occasion of the celebration of the completion of the Great Buddha 大仏 at Tôdaiji 東大寺 in Nara. At that time he promoted both men and women saying, "It is not just male officials who carry on their ancestors' glory and serve the monarch. It is proper that men and women stand together and serve the *tennô* (*Shoku nihongi* Tenpyô Shôhô 天平勝宝 1 [749] 04/01)." Shômu Tennô's words make it clear that his ideal was that both men and women should serve the monarch together, just as reflected in the circumstances for selection of *ajime* and *uneme* seen in Clause 18.

The practice of noble titled lineages proffering female nominees for officialdom lapsed by the early ninth century. Nevertheless in 806 there was a call for women without husbands and between the ages of thirty and forty. In this new system, the *ajime* became lower ranking female officials whose labors were overseen by higher ranking women from the great aristocratic families (Watanabe Ikuko 2000, p. 31-33). So from the early ninth century forward no longer were women drawn from special noble titled lineages in the Kinai to carry on their ancestors' tradition of service to the monarch (Ijûin Yôko 2014).

As for the *uneme*, the origins and actual significance of the practice of proffering them to serve the monarch are debated. In the *Nihon shoki* there is a

story about how Agoko of the Yamato-no-Atai lineage 倭直吾子籠 opposed the accession of the monarch Ritchû 履中 (–fifth century) and was about to be executed when he offered his younger sister, Hinohime 日之媛, to the monarch, and thus had his crime forgiven. Compilers of the *Nihon shoki* took this as the beginning of the practice of presenting *uneme* to the ruler. That is why researchers have long considered an *uneme* as a sort of hostage and symbol of subordination (Kadowaki Teiji 1965, Isogai Masayoshi 1978b). But Hirano Kunio, who studied the structures of royal officialdom before the adoption of the *ritsuryô* codes, concluded that service by the *uneme* close to the monarch indicated that they were actually courtiers (Hirano Kunio 1969b). Further confirming that view, there is the fact that *uneme* came from provincial elite families that managed royal properties (*miyake* 屯倉) for Yamato kings in every part of the realm (Ijûin 2012). Even in the case of Yamato-no-Atai Agoko, there is a story that identifies him as the manager of royal rice paddies (*mita* 屯田, *Nihon shoki*, Nintoku 仁徳 chapter; Aston I, 273–4).

According to the *Nihon shoki*, the *uneme* system was institutionalized in royal law by the Taika decrees of 646 01/01 大化改新詔 (Isogai Masayoshi 1978b). By the mid-eighth century, the practice of proffering *uneme* was expanded to include all districts of the realm (*Shoku nihongi* Tenpyô 天平 14 [742] 5/27). But in the midst of the reorganization and merging of many *ritsuryô* administrative units in early Heian times, the sending of *uneme* ceased entirely in 807 (*Ruiju kokushi* 類聚国史 40, Daidô 大同 2 [807] 05/16). And in the following year the male-staffed office that had managed the female attendants from provincial elite families, the Office of *Uneme* Management (Unemenotsukasa 采女司), was itself merged with the Bureau of Sewing Management 縫殿寮 (*Ruiju kokushi* 107). The Office was reinstituted in 812, but as the role of district chieftains lessened in provincial administration, their families' qualifications to recommend female attendants were lost.

By 897 the number of *uneme* to be sent in from each of 39 provinces was stipulated in a royal order—many of the provinces were to send only one female attendant, although a few (Ise 伊勢, Echizen 越前, Ômi 近江, Mino 美

濃, and Sanuki 讃岐) could send two, and one (Harima 播磨) could send three. According to that order, when a female attendant from a province died, she was to be replaced by a woman from the same province. The purpose of the new system, according to the supplementary law itself, was to assure fairness and lessen the fierce competition over such appointments (*Ruiju sandai kyaku*, Kanpyō 寛平 9 [897] 01/25 *daijōkanpu* 太政官符, directive of the Council of State, p. 190-91).

As holders of an official post, *uneme* existed until late in the early modern era. Early in a new reign when the sacred meal was presented in the Grand New Food Festival of the Enthronement (Daijōsai 大嘗祭), *uneme* joined with cooks (*kashiwade* 膳部) to present the repast, signifying that the original function of the *uneme*—serving food for the *tennō*—continued.[19]

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[19] The *Daijōsai* was the particularly grand banquet celebration at which newly harvested grain was offered to deities by the monarch following his accession (*Sokui*). Given its importance, it was held with great pomp, exceeding that of the annual *Shinjōsai* 新嘗祭, or New Food Festival. Here we have rendered *Daijōsai* as "the Grand New Food Festival of the Enthronement."

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