

The 17-Article Constitution of Crown Prince Shōtoku 聖德太子

By HIROSATO IWAI

I. Foreword

I have never been a specialist or a researcher on Japanese history. My small field of study has always been in Oriental history. As long as Japan, though situated in the Orient, or in the Far East, had nothing to do with other Oriental countries, in studying Japanese history, researches made with Japanese materials alone were sufficient. However, since Japan has entered into direct or indirect intercourse with other Oriental countries, it goes without saying that it has become necessary to compare, contrast, and investigate, on both sides, the contemporary materials, political, military, economic, cultural, and otherwise. Now that Japan is in one part of the Orient, we should view Japanese history in the light of Oriental history as a whole, and study whether political or cultural influences flowed into or out of those countries which have had mutual relations with Japan, and how the recipient nations managed and developed them. Isn't this the proper way to clarify Japanese history? Thus far I have been used to consider Japanese history in this light.

The present paper is just such a study. It is only a tentative draft which may rouse severe criticism among the experts of Japanese history or the devotees of the Crown Prince. However, now that the following material has come up, I feel obliged to investigate the matter.

It was 18 or 19 years ago when Dr. Kenzō TAKAYANAGI 高柳賢三 was curator of the Tokyo University Library that I was presented with a reprint of his paper entitled *Obiter dicta* おびた・でいくた in the *Hōgaku Shimpō* 法學新報 (Vol. 51, No. 1, Jan. 1941) published by the Law School of the Chūō University. The reprint is now mislaid somewhere, but the gist of the paper was something like this.

An American lawyer had written to Dr. TAKAYANAGI, "If you have an original Tibetan copy of 'The Sixteen Laws of Tibet' in Japan, please photograph it and send me a copy." The American was no doubt requesting this because Dr. TAKAYANAGI was curator of the Tokyo University Library and also because he was an authority on the history of jurisprudence. As Dr.

TAKAYANAGI had never heard of the existence of such laws, he consulted his seniors and colleagues in the field of the history of jurisprudence and even some Tibetologists, but all in vain. Being prompted by a curiosity as to the contents of the Sixteen Laws of Tibet, if there were such a thing, which might be associated with Crown Prince Shōtoku's 17-Article Constitution, and also by a hope that in the view of the present prosperity of Oriental studies in Japan some one in possession of a copy of the Tibetan original had already read its text, he published the letter from the American lawyer and requested that the owner communicate with him.

The reprint was accompanied by his note requesting me to investigate the matter because he heard that the Toyo Bunko possessed a large amount of Tibetan literature. At that time our library was still investigating the bKaḥ-ḥgyur section, and the bsTan-ḥgyur section of the Tibetan Tripiṭaka, and indexes had not been yet completed. For this reason, it was impossible to comply with Dr. TAKAYANAGI's request and quite against my will I had to put the matter aside until only recently. If such laws existed, I was convinced that they must be among the Extra-canonical books (which include histories, biographies, etc.), but I was unable to take up the issue. Meanwhile the course of the war had grown worse and inquiry or research became impossible for over a dozen years. After the close of the war, through the strenuous efforts of the members of the Tibetan seminar of the Toyo Bunko the contents were investigated and the indexes were completed until even the Extra-canonical books were exhausted. It was in October, 1940 that we discovered that the Sixteen Laws of Tibet in question is included in the great Tibetan histories: *Maṇi-bkaḥ-ḥbum* and *Ta-le-lama rgyal-rabs*. These are the histories which fully describe the period of Srong-btsan-sgam-po which is called the zenith of the history of Tibet. This will be abbreviated as King Srong in the following. I hastened to report of this discovery to Dr. TAKAYANAGI, and thus, though very much belated, I discharged my long-neglected duty. But a few days later, he told me that he had read my paper with pleasure, but that he was sorry to inform me of the death of the American lawyer which had taken place during the war. (If he had been living, he would have been extremely satisfied.)

When I published an introduction to the Suiko-ki 推古紀 (The Annals of Empress Suiko) in the *Kyū-shō Nihon-shoki* 舊鈔日本書紀 (An Old Manuscript from the *Nihon-shoki*), a national treasure in the possession of the Oriental Library, in the *Tokusho Shunjū* 讀書春秋 of the Diet Library, Vol. III, No. 10, October, 1940; on that occasion, in connection with the inclusion of the 17-Article Constitution by the Crown Prince, I introduced the Sixteen Laws of Tibet drawn up by King Srong. As I had little space for a full discussion then, I shall introduce it here to the reading public for a second time.

II. The 16-Item Creed of King Srong

Let me first introduce the text of the complete history "*Mani-bkaḥ-ḥbum*" (p. 190. b., ll. 1-4.) (Cf. Plate I)

The 16-Item *Khrims* which should be observed by the immaculate person drawn up by King Srong-bstan-sgam-po (宗弄讚甘博 in the *T'ang-shu* 唐書). *Khrims* to-day means law, but here it should rather be called a creed.

1. To prohibit the four roots,—killing, stealing, adultery, and falsehood.
2. To revere the Three Treasures and to fulfil the Buddha's words.
3. To feel that one's obligation to one's parents is inexhaustible.
4. To revere the virtuous, the noble and the aged.
5. To be sympathetic with one's relatives and friends.
6. To benefit one's community and neighbours.
7. To speak honestly and cautiously.
8. To follow in the footsteps of the elders and superiors and to wish for their longevity.
9. To be contented with one's lot.
10. Do not fail to show gratitude for favours your friends have done for you in the past.
11. To pay one's debts by the appointed time.
12. Not to deceive in measurements.
13. To treat all people as equals and not to feel jealous.
14. Not to listen to wicked friends and to maintain one's own position.
15. To speak gently and to tell the truth.
16. To behave firmly and be peaceful and happy at heart.

By mastering the items designated in the foregoing and through preparing oneself with the ten virtues of proper friendships the gates of the three vices will be closed and the road leading to the celestial world and salvation will be fully opened.

King Srong says that a 10-item creed had been issued before he proclaimed this 16-item creed; and later, after saying "A 16-item creed was also designated," he gives the above-mentioned items. The 10-item creed implies the ten injunctions in Buddhism, namely 3 injunctions concerning the body, 4 concerning the mouth and 3 concerning the will: if these injunctions are fully observed, it means that the person has observed the ten virtues and he has fulfilled the virtues. If he has gone against them, it means he has committed the ten vices. Those concerning the body are not to kill, not to steal, and not to commit adultery; those concerning the mouth are not to deceive, not to instigate, not to curse and abuse, and not to spread rumors; and those concerning volition

are not to feel jealous, not to harbor wickedness, and not to spread a false doctrine.

III. The 17-Article Constitution of Crown Prince Shōtoku

The item for (the 3rd day) Mou-ch'ên 戊辰, the 1st day of Ping-yin 朔戊辰, 4th month, 12th year, the reign of Empress Suiko 推古, in the *Nihon-shoki* 日本書紀 (Bk. 22) reads as follows: (Cf. W.G. ASTON, *Nihongi*. London, 1896 and Plate II)

The Crown Prince personally created the 17-Article Constitution.

1. Value reconciliation and make non-opposition your fundamental principle. All people are inclined to sectionalism; but few have enough wisdom. Consequently, they disobey their sovereigns and fathers; they readily disagree with their neighbours and community. However, if the sovereign be gentle and the people amicable, and they be in accord with each other in the management of affairs, their deeds will naturally accord with reason. Nothing would be impossible.
2. Sincerely revere the Three Treasures. They are the Buddha, the Law, and the Priesthood. This is the destination of all creatures, and the ultimate end of all nations. There is no generation, or no man who will not revere this Law. Few people are wicked. When properly instructed, they will obey you. Unless you ultimately return to the Three Treasures, how will you straighten the crooked?
3. If a message be issued by the sovereign, revere it humbly without fail. The sovereign is deemed as heaven, the subjects as the earth. Heaven covers, and earth supports. Thus the four seasons go round smoothly, and all the atmosphere diffuses everywhere. If earth should desire to cover heaven, it would lead itself to destruction. Therefore, when the sovereign speaks, the subjects should listen. When the top acts, the bottom will follow it. Therefore, if a message is issued by the sovereign, you should always revere it; if you do not revere it, you will be destroyed by yourselves.
4. All ministers and officials should adopt courtesy as their fundamental virtue. The basic principle of governing the people invariably consists in courtesy. If courtesy is missing in those at top, the common people will not be in good order. If courtesy is missing among the common people crimes will always follow. Therefore, if the ministers and officials are courteous, order will not be disturbed. If the peasants are courteous, the State will naturally be peaceful.
5. Get rid of gluttony and greed, deliberate on lawsuits fairly. There are a thousand lawsuits daily among the peasants. So many every day. So many in a number of years. Nowadays those who judge lawsuits usually receive

costly presents and give sentences after receiving bribes. Therefore, a lawsuit for wealthy people is like throwing stones into the water while one for poor people is like throwing water on stones. For this reason, poor people do not know whom to trust. Hence the way of the people is being lost sight of.

6. It is a fine time-honored law to punish vice and commend virtue. Therefore, never conceal virtue, and always correct vice. A man who flatters and deceives is a sharp weapon in overturning the State, and an excellent sword in destroying the people. A man who loudly flatters is apt to exaggerate the errors of the bottom to the top, and to blame the failures of the top to the bottom. Such a man is neither loyal to the sovereign, nor merciful to the people. This is the root of a serious rebellion.
7. Each man has his own duties. He should properly fulfil them and never neglect them. If a wise man is appointed an official, good feeling will prevail at once; if a wicked man is appointed, troubles and disturbances will come frequently. Few people are born wise, but by constant reflection they will become wise. Affairs large and small will be accomplished by the most appropriate men. The generations whether critical or indifferent will be rendered broad-minded by employing wise men. For this reason, the State may endure permanently and society may remain secure. Thus the wise rulers of antiquity always sought men for offices and not offices for men.
8. Ministers and officials, report early in the morning and retire late. Official duties allow no leisure. They could not be fulfilled even if you worked all day long. Therefore, if you report late, urgent duties may be neglected. If you retire early, some duties must be left over.
9. Honesty is the basis of righteousness. Be honest in everything. Everything, virtuous or successful, invariably involves honesty. If the officials are all honest, nothing will be impossible. If they are dishonest, everything will invariably fail.
10. Stop indignation; desist from fury. Don't get irritated if others disagree with you. Everyone has his own mind, and every mind has its own attitude. What he approves I reject; what I approve he rejects. Not always am I wise, while not always is he a fool. He and I are only common men. Who can decide which is right? We are both wise and foolish like a metal ring which has no end. Therefore, if he is angry, better fear that you are mistaken. Even if you alone have achieved, follow the rest and behave likewise.
11. Distinguish merits and demerits; commend or punish them properly. Lately merits have not been praised and demerits have not been punished. The

- officials concerned should praise merits and punish demerits properly.
12. The Kokushi 國司 and Kuni-no-miyatsuko 國造 (provincial governors) should not levy too heavy taxes and tributes. There are never two sovereigns for the State, there are never two rulers for the people. The sovereign is the only master of the whole people in the land. And the officials are all subjects of the sovereign. If so, the appointed officials should not levy too heavy taxes on the people on the pretext of serving the public.
 13. All appointed officials, be acquainted with the duties of your fellow-officials. Being sometimes unwell, or sent as a messenger, you may not be able to do your own duties. If you are acquainted with one another's duties, you will be able to fulfil them as easily as if they were your own. Do not neglect official duties because you are not familiar with them.
 14. All ministers and officials, do not be jealous. If I envy others, they will also envy me. The evil of jealousy knows no end. If others are wiser than you, you will not be happy, and if others are more talented, you will be jealous. Hence, though you may come across a sage in five hundred years, it would be much more difficult to look forward to a sage in a thousand years. If one cannot get sages and saints, how can you govern your country?
 15. To turn your back on selfish interests and to look toward the public interest, this is the way for retainers. If you are selfish, there will always be bitterness; when there is bitterness, there will always be disharmony. When disharmony prevails, the public will suffer because of your selfishness. When bitterness arises, usages will be neglected and law will be violated as stated at the opening section; therefore, the top and the bottom should be reconciled and harmonized. (This is what it implies.)
 16. It was a splendid rule in old times to choose a good season for *corvée*. During the winter months, when they have spare time, they may be employed. From spring to autumn, it is the season for growing the cereals and picking mulberry-leaves. The people should not be employed. If they raised no farm products, what could they eat? If they picked no mulberry leaves, what would they wear?
 17. You should not decide a major issue all alone. You should always deliberate it together with the other officials. Small issues are trifling, and not always to be deliberated with others. In deliberating major issues, you should take care lest there should be errors. When you deliberate with the other officials, your words will naturally be sensible.

IV. Comparison of the Two Laws

For convenience' sake, the Crown Prince's articles may be simplified and

tabulated as follows for the purpose of comparing them with those by *Ta-le-lama rgyal-rabs* and *Maṇi-bkaḥ-ḥbum*.

Ta-le-lama rgyal-rabs's and *Maṇi-bkaḥ-ḥbum's*

(16 items)

1. Prohibit the four roots—killing, stealing, adultery and falsehood.
- (1. Have faith and reverence for the Three Treasures.)
2. Revere the Three Treasures and fulfil Buddha's words.
- (2. Seek after and fulfil the true faith.)
3. Feel that your obligation to your parents is inexhaustible.
- (3. Repay your parents' love to you.)
4. Revere the virtuous, the noble, and the aged.
- (4. Revere the virtuous.)
5. Be sympathetic with your relatives and friends.
- (5. Items 4 and 5 are given combined.)
6. Benefit your community members and neighbours.
- (7. Be useful.)
7. Speak honestly and cautiously.
8. Follow in the footsteps of the elders and superiors and wish for their longevity.
- (9. Respect elders and superiors.... avoid heretical teaching)
9. Be contented with your lot.
- (10. Do things moderately. (Moderation))
10. Do not fail to show gratitude

The Crown Prince's

(17 articles)

1. Reconciliation should be valued.
2. Sincerely revere the Three Treasures: the Buddha, the Law (Dharma), and the Priesthood.
3. Be sure to revere the sovereign's message: if you don't, you will certainly be defeated.
4. All ministers and officials should adopt courtesy as their fundamental virtue.
5. Get rid of gluttony and greed.
6. Punish the wicked and commend the virtuous.
7. Each man has his own duties. He should not neglect them.
8. All ministers and officials should report early and retire late.
9. Honesty is the basis of righteousness. Be honest in everything.
10. Stop indignation; desist from

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| <p>for favours your friends have done for you in the past.</p> <p>(11. Do not forget those who have been considerate in the past.)</p> <p>11. Pay debts by the appointed time.</p>
<p>12. Not to deceive in measurements.</p> <p>(12. Be fair and just.)</p>
<p>13. Treat all people as equals and do not feel jealous.</p>
<p>14. Do not listen to wicked friends and maintain your own position.</p> <p>(14. On friendship. Guard yourselves against calamities.)</p> <p>15. Speak gently and tell the truth. (To be reticent.)</p>
<p>16. Behave firmly and be peacefull and happy at heart.</p> <p>[Note: Differences between <i>Mani-bkaḥ-hbum</i> and <i>rGyal-rabs</i> are printed in parentheses.]</p> | <p>fury.</p>
<p>11. Distinguish merits and demerits and commend and punish them properly.</p> <p>12. Do not overtax the people. There are never two sovereigns for the State: there are never two rulers for the people.</p> <p>13. All officials, be acquainted with your duties. Be responsible for them.</p> <p>14. Let there be no jealousy among all ministers and officials. There is no end of the evil of jealousy.</p>
<p>15. Forget your own interest, work for the public interest,—this is the way for retainers.</p> <p>16. Choose the proper time for enforcing the corvée.</p> <p>17. Do not decide a major issue all alone; you should always deliberate with other officials.</p> |
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Everyone will admit that the Constitution of the Crown Prince regulates the duties of government officials, but at the same time it regulates common people's duties to society. Though it contains 17 articles, it would seem that its great spirit is embodied in its first three articles. Article 1 reads "Value reconciliation and make non-opposition your fundamental principle. All people are inclined to sectionalism; but few have enough wisdom. Consequently, they disobey their sovereigns and fathers; they readily disagree with their neighbours and community. However, if the sovereign be gentle and the people amicable, and they be in accord with each other in the management of affairs, their deeds will naturally accord with reason. Nothing would be impossible." If this is compared with the Creed by Srong, Article 3 which reads "Repay your parents' love to you; do your duties to them"; Article 5 which reads "Be affectionate to your relatives and friends"; Article 6 which reads "Serve

your community-members and neighbours”;—all these articles seem to be included in this first article. Article 2 reads “Sincerely revere the Three Treasures. They are the Buddha, the Law and the Priesthood. This is the destination of all creatures, and the ultimate end of all nations. There is no generation, or no man who will not revere this Law. Few people are wicked. When properly instructed, they will obey you. Unless you ultimately return to the Three Treasures, how will you straighten the crooked?” This is simplified in Srong’s as “Revere the Three Treasures and fulfil Buddha’s words”, but in another version this is divided and put in two articles:—Article 1: “Have faith and reverence for the Three Treasures”; 2. “Seek after and fulfil the true faith.” At any rate both the Crown Prince and Srong mysteriously assign it to Article 2. Is this to be considered a mere coincidence? This article seems to set forth the Crown Prince’s fundamental principle of governing the people. He apparently thought that, for their moral and religious education, Buddhism should be adopted. Yet he does not simply tell them to believe in Buddhism; as his instruction: “Sincerely revere the Three Treasures (Buddha, law, and priesthood)”, shows his attitude toward Buddhism. Now prior to this, namely in the 2nd year of Empress Suiko, the edict for enhancing the Three Treasures had been issued. The high officials of her court constructed Buddhist temples. It is written that this was a way of repaying for the blessings from their emperors and their parents. According to Srong, *Mani-bkah-hbum* says “Three Treasures”, but in other versions, it seems, “Three” is stricken off and only “Treasures” is written. “Three Treasures” 三寶 is a Chinese translation from the Sanskrit. The same Sanskrit expression is rendered with the Tibetan language “dkon-mchog-gsum” 三至尊 (three supreme beings). In this instance, “dkon” (treasure) corresponds to 至尊 (supreme being); therefore it may be understood to refer to Buddha. On the other hand, this may also mean “the supreme heavenly deity”, namely the supreme deity of the Bompo religion, the original Tibetan religion (a kind of Shamanism which I have treated in my previous papers). Therefore, in this Srong may be thinking of a reconciliation between the original Tibetan religion and Buddhism. When we compare this with the case of the Crown Prince, we find that he is on the one hand making use of imported culture and on the other, reflecting the original state of affairs in Japan. For about a half century after the introduction of Buddhism, those who worshipped the Shintō deities and those who revered Buddhism had been involved in political conflicts and various factions and cliques opposed to each other so fiercely that the people’s ideas fluctuated and their faith was restless. It was in such troubled times that the Crown Prince was Regent. The Prince personally undertook to investigate Buddhism, mastered its esoteric doctrine, managed to attain harmony between the Shintō worship and the Buddhist religion, and led

the Japanese people to a well-grounded faith. Of all his successes this was evidently one of the most conspicuous. The resemblance between his and Srong's in this instance should be noticed. Article 3 reads: "If a message be issued by the sovereign, revere it humbly without fail.if you do not revere it, you will be destroyed by yourselves." Article 12 reads "There are never two sovereigns for the State; there are never two rulers for the people." These two articles evidently allude to the political situation of the times and the treacherous deeds of the Soga 蘇我 family and therefore makes the most important point of our national structure. There are no article corresponding to this in Srong's creed, probably because the political situation was so utterly different that there was no need to refer to it. While Article 4 reads: "All ministers and officials should adopt courtesy as their fundamental virtue. The basic principle of governing the people invariably consists in courtesy. If courtesy is missing in those at the top, the common people will not be in good order. If courtesy is missing among the common people crimes will always follow...." In Srong's creed, however, Item 4 reads: "Revere the virtuous, the noble, and the aged." and Item 10 reads: "Do not fail to show gratitude for favours your friends have done for you in the past." Srong is somewhat more concrete, but courtesy is emphasized all the same, and both put it under number 4. Article 5 reading: "Get rid of gluttony and greed...." is of the same spirit as Srong's Item 9 reading: "To be contented with one's lot." Article 9 reading: "Honesty is the basis of righteousness. Be honest in everything," corresponds to Srong's Article 11 reading: "To pay one's debts by the appointed time" and Item 12 reading: "Not to deceive in measurements." Furthermore, Article 14 reading: "All ministers and officials, do not be jealous. If I envy others, they will also envy me. The evil of jealousy knows no end," which corresponds to Srong's Item 13 reading: "To treat all people as equals and not feel jealous." Though assigned under two different articles, the spirit of warning against jealousy is identical. Besides, a glance at the Crown Prince's Constitution shows that it preaches the secrets of administration to the government officials and politely but strictly gives the rules of everyday life for the common people, as seen in Article 5 reading: "....deliberate on lawsuits fairly"; Article 6 reading: "Punish vice and commend virtue"; Article 10: "Stop indignation; desist from fury," etc. In Srong's creed we find Item 7 reading: "To speak honestly and cautiously"; Item 14 reading: "Not to listen to wicked friends and to maintain one's own position"; Item 15 reading: "To speak gently and to tell the truth," etc. In preaching the virtues for the common people and designating the points which both the sovereign and his people should observe the two have perfectly common aims. In the Tibetan writing, it reads *De-ltar mi-chos gtsaṅ-ma bcu-drug-gis khrim-kyi-gṣi bzun-nas*. It is true, the character *Khrims* is used here,

but it is not the word 'law' which we use nowadays. It is exactly the same in the case of the Crown Prince; though the word 'constitution' is used, it is different from what we accept as a constitution. Everybody will admit that it has a different conception from ours.

Needless to say, owing to the different situations of the two countries, there are naturally certain points which do not agree at all.

I hope the foregoing has roughly shown the resemblances between the Crown Prince's Constitution and Srong's Creed. In the following section I shall introduce what may be considered another model.

V. King Srong's 16-Item Creed and King Aśoka's Ordinance

Since I have been interested in the history of India, I have written some papers on it, but I have been careless thus far. Now that I confront this question, I notice that both the Crown Prince's Constitution and Srong's Creed are based on Buddhism and have been the ideal principle of administration. Then I cannot help recalling the stone-inscription and pillar-inscription of King Aśoka's Ordinance.

As is readily seen by a reader of the sections on Aśoka in the *Political History of India* by DODWELL, ALLAN, and HAIG, *History of Ancient India* by RAPSON, E.J. and *History of India* by SMITH, V.A. the pillars of the Ordinance for religious propagation, and the monument inscription carved on a rock, have approximately been dated (B.C. 257-243) and the localities of the exhumation identified. And thanks to the strenuous efforts of the experts, deciphering has been accomplished. While young, as Megasthenes says, since "Hunting was the sport of an Indian king," he was absorbed in hunting and battling. He was even called "the Atrocious Aśoka". After experiencing the miseries and atrocities of battling during his Kalinga campaign, he underwent a change of mind; and prompted by the native traditional karma idea, the king declared as follows: 1. Devote yourselves to the Three Treasures. (He himself went through the 3 items and the 5 injunctions, and later wore a canonical dress, recited sūtras and prayers.) 2. Do not kill any living creature. 3. Do not be impolite to your relatives, Brahmins, or ascetics. 4. Be dutiful to your parents. 5. Be kind to your servants. 6. Be generous and faithful to your friends. 7. Revere the saint. 8. Always speak truthfully. 9. Treat all religions as equals. 10. Those who abuse other parties in order to boast of their own invariably damage their own.

In practising these ten virtues the King himself set an example to his people. As this has something to do with what I shall discuss later, I shall mention here that the monument inscription at Mysore contains 6 articles,

the inscription at Delhi 8 articles, and those discovered at Gujarāt, Orissa, Punjab, Bombay coast contain 10~14 articles. I have no space to discuss the contents here. A glance at the actual administration of Asoka will show that he practised exactly what Srong and the Crown Prince did.

“In order to provide shade for travellers and cattle, I have planted banyan trees; and in order to obtain fruit, I have planted mango trees along the highways. I have dug a well per half *krosa* for supplying water; I have provided a number of rest-houses for people and animals. I have helped the poor at the charity food depots which I have founded; for the purpose of treating the sick I have established charity hospitals. As for religious faiths, I have issued strict ordinances to my subjects not to abuse the religions of other people; I have given them the freedom of religion.” This is only a part of King Aśoka’s actual administration. These ideas have been handed down to this day as the political ideals of Indian statesmen. I am fully convinced that, in Srong’s administration and the Crown Prince’s administration, the identical ideals were diffused through Buddhism.

VI. King Srong’s 16-Item Creed Still Observed

It seems that this creed is still observed and practised. In 1904, the year in which the Russo-Japanese War broke, Great Britain dispatched expeditionary forces to Tibet. David MACDONALD, who was enlisted in the expedition, says in his book entitled “*Twenty Years in Tibet*”, London, 1932, (pp. 192-193) as follows:

Each official above the sixth rank keeps a register in which every event of importance occurring in his district is recorded. I was fortunate in obtaining that of the Pharijong magistrate at the time of the British expedition to Tibet in 1904, in which the last entry is: “This year the enemies of religion, the British, arrived here, and war resulted.” In this register was also written down the code of the “Sixteen Laws” by which officials are supposed to govern their conduct. I still have this book of records, the only one in existence as far as I know, outside of Tibet. Much of the recent history of the country would become clearer if all these records could be collected and examined. The code of the “Sixteen Laws” runs as follows:

1. To have faith in God (Buddha), to worship Him, and to make offerings at all times.
2. To believe in the doctrine of retribution, and to refrain from sin.
3. To honor and serve one’s parents.
4. To return kindness with kindness.
5. To follow the example of the virtuous, and to avoid imitating the vulgar.

6. To behave with becoming modesty.
7. To acquire knowledge from the learned.
8. To pay no heed to the words of women.
9. To deal with true weights and measures.
10. To pay taxes and debts when due.
11. To serve the public and to harm nobody.
12. To respect age and superiors, and to obey them.
13. To pay heed only to the calls of duty, and not to engage in outside pursuits.
14. To keep promises, and never to break oaths.
15. To be loyal to superiors and to obey their orders.
16. To perform all duties with conscientiousness, and to administer justice and truth.

It is evident from this that in the course of time the items of the virtues have been changed. But it is interesting to note that the 16 items have all this time been maintained to this day.

VII. Resemblance between the Crown Prince's Activities and King Srong's

The history of Tibet, like that of India, lacks accuracy as to its chronology. Therefore, diverse views are offered as in the case of Indian history. The history based on accurate historical materials really dates from King Srong. As for his age, according to the view represented in the *Deb-t'ér sngon-po* which is considered the most reliable Tibetan history, he is dated 569-650 A.D. (from the 1st year of T'ai-chien 太建 of Emperor Hsüan-ti 宣帝 of the Chên 陳 dynasty of the South and North dynasties in China to the 2nd year of Yung-hui 永徽 of Emperor Kao-tsung 高宗 of the T'ang dynasty, dying at the age of 82. Another view holds that he lived 617-650 A.D. from Emperor Kung-ti 恭帝 of the Sui dynasty to the above-mentioned date of the T'ang dynasty, dying at the age of 33. The age of the Crown Prince is dated 574-622, dying at 49 (from Chia-wu 甲午, the 3rd year of Emperor Bitatsu 敏達 in Japan to Jên-wu 壬午, the 30th year of Empress Suiko 推古). It may be seen that the Crown Prince and King Srong lived in approximately the same age.

A brief account of King Srong may be given as follows: soon after his enthronement he succeeded in unifying his country, and having won over the hearts of the lords on the frontier, he triumphantly advanced eastward and invaded southern Mongolia and the western frontier of China and enlarged his territory. On the west, he invaded west Nepal and conquered it, and spread the glory of his nation. On his conquest of Nepal, he married Princess Bhrkuti,

the daughter of King Amu-shur-Varman, in 639. He also negotiated with the T'ang court and signed a favorable military treaty. That the relation was settled only after Emperor T'ai-tsung 太宗 consented to giving his daughter Princess Wên-ch'êng 文成 in marriage is clearly stated in the *Chiu-t'ang-shu* 舊唐書 and the *Fan-t'ang-hui-meng-pei* 蕃唐會盟碑. This happened in 641. It is evident that these two queens from the east and the west were both devotees of Buddhism and they brought over Buddhist statues and sūtras among their wedding gifts. The contribution of these two princesses rendered in diffusing Buddhism in Tibet was very considerable indeed. However, if Srong himself had not been a devout Buddhist, nothing would have resulted. He himself was a devotee, and with Thon-mi-sam-bho-ta 端美三菩提 as leader, he sent 16 young men to India proper for the purpose of seeking after truth and explaining the ancient Buddhist sūtras. They all returned to Tibet and assisted Srong in establishing schools, building Buddhist temples, and translating Buddhist sūtras, and did a great deal for the propagation of Buddhism.

The foregoing were Srong's chief activities; he was one of the greatest kings of Tibet who excelled in both literary and military arts. Now his activities may be compared with the Crown Prince's.

If the view of Tibetan historians is to be accepted, Srong was the 33rd in descent of his dynasty. (Some hold that he was the 30th). This 33rd generation-descent theory in Tibetan history may be attributed to the tradition that is regarded as an incarnation of Avalokiteśvara (the Goddess of Mercy 觀音), but it is interesting to note that Empress Suiko whom the Crown Prince served as Regent was the 33rd sovereign. King Srong courageously established a firm diplomatic relationship with the T'ang court. Everybody is familiar with 日出國文書 (The Epistle from the Land of the Rising Sun) which the Crown Prince sent to Emperor Yang-ti 煬帝 of the Sui dynasty. In adopting Buddhism as a State religion, and in building the Buddhist temples and pagodas—the temples which were at the same time schools for studying Buddhism, though such was a general tendency in those days, the two men travelled the same road. They dispatched students to foreign countries, introduced foreign culture, and thoroughly assimilated it. The number of students and priest-students was 8 in the case of the Crown Prince, while in the case of King Srong it was 16. Moreover, they endeavored to reconcile the newly imported Buddhism with the conventional native religion. (Buddhism and Shintoism in the case of the Crown Prince, and Buddhism and the Bompo religion in the case of King Srong.) The Crown Prince studied the three sūtras: Hokke 法華, Shōman 勝鬘 and Yuima 維摩, while King Srong investigated Dge-ba-bchu 十善經, Za-ma-tok akod-pa 宗薩經 and Dkon-mch'og-shrin 寶雲經 (King Srong, as previously mentioned, had declared ten virtues under the term "Ten-virtue-

creed", prior to his stipulation of the 16-Item Creed.) The government officials of King Srong were classified into 6 grades, while the order of crowns introduced by the Crown Prince was divided into 12 grades, but it was really of 6 grades named Toku 德 (virtue), Jin 仁 (mercy), Rei 禮 (politeness), Shin 信 (fidelity), Gi 義 (justice), and Chi 智 (wisdom), which were each subdivided into two, major and minor. It is more interesting to note that, though this came somewhat later, in this country also, there arose a belief that the Crown Prince was an incarnation of Avalokiteśvara (the Goddess of Mercy) as in the case of King Srong in Tibet. In the *Dpag-bsam-ljon-bsang*, a history of Tibetan Buddhism, it is expressly written that the genuine Tibetan King, the incarnation of Avalokiteśvara, appeared in Srong-btsan-sgam-po. On the other hand, the *Jōdo-wasan* 淨土和讃 by Shinran 親鸞, the founder of the Shin Sect 眞宗 says: "Avalokiteśvara the Great Savior appeared in Crown Prince Shotoku...." And there are several such expressions recorded in Japanese writings. How should we explain the above-mentioned resemblances between the two men? Should they be dismissed as mere coincidences? I somehow feel that they could not be.

VIII. 16 Items and 17 Articles

A word may be said on the number of the articles. While Srong's has 16 items, the Crown Prince's has 17. Could there be any significance? In regard to the inscriptions of Asoka, as was previously mentioned, the one discovered at Mysore had 6 articles, the one discovered at Delhi 8, the ones discovered on Gujarāt, Orissa, Punjab, Bombay coast 10 or 14. You must notice that all these are even numbers. Now, a study of the phrases related with the Buddhist numerals shows that the facial expressions of Buddha in the Ta-po-jo-ching 大般若經 are represented as 32 aspects (相) and 80 charms (種好), and the Wu-ling-shou-ching 無量壽經, which discusses the Pure Land of Amitabha, mentions 8 virtuous waters, and 4 renunciations, 8 righteous ways, and 48 wishes. Besides, there are 8 troubles, 8 dangers, 8 emancipations, 8 major hells, 8 major dragon Kings; also 12 fates, 16 Arhats, 108 carnal desires, 84,000 Buddhist texts. The numbers are all even numbers, and 8 seems to be a sacred number. Therefore, the numbers are all multiplicable or divisible by 8, or those multiplicable by a fraction of 8.

On the other hand, our mythology and ancient history have 2 deities Izanami and Izanagi, Yata-no-kagami (the mirror of 8 ta), Yasakani-no-magatama (the comma-shaped 8-hill jewels), Yamata-no-orochi (the mammoth serpent of 8 heads), Hakko Ichiu (the 8 directions; one whole world), Shidō-shōgun (the generals of 4 provinces). Thus it may be seen that they are mostly even

numbers, and similarly 8 is the sacred number. As we look into ancient China, we notice a remarkable difference:—such as T'ien-ti-jên-san-ts'ai 天地人三才 (3 fundamentals; heaven, earth and mankind), Yin-yang-wu-hsing 陰陽五行 (duality and 5 circuits), San-hang-wu-ti 三皇五帝 (3 Emperors and 5 Kings), Mêng-mu-san-ch'ien 孟母三遷 (3 moves by Mencius's mother), Wu-k'o-wu-hsaj 五穀五菜 (5 cereals and 5 vegetables), Wu-fu-chiu-chou 五服九州 (5 areas, 9 provinces), and Ch'i-pu-chih-shih 七步之詩 (a poem in 7 steps). Odd numbers in these cases are prominent. In choosing articles, odd numbers are prominent as 31 varieties in the Shao-yao-hua-pu 芍藥花譜 (the album of peony flowers) by Liu Kung-fu 劉貢甫, or 35 kinds in Chü-p'u 菊譜 (the album of chrysanthemums) by Liu Mêng 劉蒙. A few common phrases run I-jih-san-hsing 一日三省 (3 reflections every day), Ch'iu-shi-san-ch'ih 秋水三尺 (a sword 3 *ch'ih* long), and Pai-fa-san-ch'ien-chang 白髮三千丈 (white hair 3 thousand *chang* long). In this way, sacred numbers in China are odd numbers. In his book on *The Japanese Numerals*, the late Dr. SHIRATORI said that in ancient times the Japanese often employed the numbers 4 and 8 as felicitous numbers, and also in his book entitled *Jindai-shi Kenkyū* 神代史研究 (Studies in the history of the Mythological Age) said that the Japanese in remote antiquity were fond of coupling; therefore, originally, it was not "Tenjin Go-dai chijin shichi-dai 天神五代地神七代 (5 generations of heavenly deities and 7 generations of earth deities)", it should have been "Tenjin roku-dai chijin hachi-dai 天神六代地神八代 (6 generations of heavenly deities and 8 generations of earth deities)." So Dr. SHIRATORI asserted, with a number of citations. According to him, as I recall, the idea of valuing the numbers 3, 5, 7 and of adopting odd numbers for the total numbers of articles, for example, dates from the assimilation of Chinese culture on the part of the Japanese. We should remember that, as previously mentioned, the number of Tibetan students sent to India by Srong was 16 while that of the Japanese students sent to Sui China by the Crown Prince was 8.

The Crown Prince for his Constitution drew up 17 articles, —in an odd number. Srong's is in 16 items, —in an even number. In my view, the adoption of this odd number should be regarded as the key point in determining the time at which the Constitution was drawn up. The fact that the articles of the Constitution attributed to the Crown Prince are of an odd number shows that the Constitution was composed after the idea of the Japanese on numbers had been influenced by Chinese ideas: —in other words, when the *Nihon-shoki* 日本書紀 was compiled, mostly by those men fully versed in Chinese learning, common sense, and writing.

IX. Conclusion

Now that Srong's activities and the Crown Prince's have been compared and the question of the numbers of the articles of their laws has been investigated, it seems that there are two points which would lead to a conclusion on the relationships between the 16-Item Creed Laws by Srong and the 17-Article Constitution by the Crown Prince.

As for the supposition that the Crown Prince himself composed the Constitution in person, my opinion is that this was the case. As to whether the two men achieved one and the same work at practically the same period, I should consider this is rather too elaborate to be taken as a mere coincidence. As to whether there were some ideas or documents on the Continent—in China—in those days which might have served as models, is it impossible to suppose that one came west to Srong's court in Tibet and became the 16-Item Creed, while the other came east to this country and became the Crown Prince's 17-Article Constitution? Merely on the strength of the absence of such an ideational background in the present-day Chinese documents, is it possible to flatly deny this fact? For, during the period of the Wu-hu-shih-liu-kuo 五胡十六國 (5 Savage Tribes and 16 Kingdoms), Fu-shih 苻氏 of Former-Ch'in 前秦, Lü-shih 呂氏 of Later Liang 後涼, and Yao-shih 姚氏 of Later Ch'in 後秦 who reigned all over North China for some time were all of the Tibetan tribes, and moreover Kumārajīva of Kucha 龜茲 who was a devotee of Buddhism and a most prominent figure in translating sūtras into Chinese, it is conceivable that among the priests from Central Asia and India some introduced the knowledge of the achievements of Aśoka, and the Buddhism was handed down to Northern Wei 北魏; and through the Northern and Southern dynasties, the unification of the land by Sui was realized, and all the Sui systems and culture came to be inherited almost entirely by the T'ang dynasty. Furthermore, it may be conceived that the above-mentioned Tibetan tribes introduced all the knowledge directly into Tibet.

The other view is that, even if the Crown Prince had embraced such an idea or composed the Constitution, it assumed the extant form no doubt under the large influence of the idea or writing of the compilers of the *Nihon-shoki*. As pieces of circumstantial evidence, I may mention the fact that, as I investigated and published several years ago, the posthumous edict of Emperor Yūryaku 雄略 in Chapter 14 of the *Nihon-shoki* is the posthumous edict of Emperor Wên-ti 文帝 recorded in the main section of the *Sui-shu* 隋書 borrowed in its entirety, (*Gei-rin* 藝林 Vol. II, No. 2, Kyoto, 1951); again the fact that the written memorial to the Throne on the presentation of the Buddhist image and sūtras by King Shêng-ming 聖明王 of Pai-chi 百濟 on the occasion of the

importation of Buddhism recorded in the annals of Emperor Kin-mei 欽明 of the *Nihon-shoki* is an excerpt from No. 12 of Ssü-t'ien-wang-hu-kuo-p'in 四天王護國品 of the *Chin-kuang-ming-tsui-shêng-wang-ching* 金光明最勝王經 (Bk. 6); and the fact that, as published by Zentarō TAKAHASHI 高橋善太郎 in the *Tōyō-Gakuhō* 東洋學報 (Vol. 33, Nos. 1-4, Tokyo, 1950), the account of the messengers sent to the Sui court recorded in the annals of Empress Suiko 推古 in the *Nihon-shoki* is most probably a re-writing based on Wa-kuo-chuan 倭國傳 of the *Sui-shu* 隋書, by the compilers of the *Nihon-shoki*. When viewed in this light, it might enlighten the reader on the subject. Now if one comes down to the Nara period during which the *Nihon-shoki* was compiled, one will see that the intercourse between Japan and the T'ang dynasty had become quite busy, Indian prieststudents had come to Chang-an, the capital of the T'ang dynasty, and Tibetan missions also came often. During this period Japanese students and priest-students had also studied there. Returning to Japan, these students and priest-students became leaders in the Court. When viewed in the light of general Oriental history at this period, it may be considered not improbable that, judging from the scholarly attainments, views, attitude, writing, manner of thinking of the compilers of the *Nihon-shoki*, and judging from the concepts of the State or the historical views in those days, in the minds of these compilers there existed as common knowledge the remote political ideal of Aśoka and the more recent 16-Item Creed of King Srong, which in their minds were combined with the Crown Prince's accomplishments and thus the Constitution came into being in that form of expression. From the fact that the Crown Prince's promotion of industry and arts, establishment of social welfare works such as founding Keiden-in 敬田院 (asylums for the destitute) and Hiden-in 悲田院 (asylums for the aged), assimilation of new culture, intercourse with China on equal terms, reformation of politics, improvement of social systems, were combined with his views on morality and society, —namely, the system of logically combining politics, social works, and Buddhism —from the striking resemblance between all these accomplishments of the Crown Prince and those of Kings Srong and Aśoka, may this not be considered a desk operation on the part of the compilers of the *Nihon-shoki* as exactly in the case of Emperor Wên-ti 文帝 of the Sui dynasty and Emperor Yūryaku 雄略? When viewed in this light, the originality of the 17-Article Constitution might be questioned, and further investigation of this subject might be necessary.

History is a mirror used for reflecting the true image. For this purpose the surface of the mirror should be carefully cleaned. At the same time, it is necessary to observe the object from all possible angles. This is especially important when new historical documents are discovered. (For searching for

and translating the Tibetan original in preparing this paper, I have been kindly assisted by my colleagues Mr. Taishun MIBU 壬生台舜 and Mr. Ryōta KANEKO 金子良太. I have also been advised by my friend Mr. Bunkyo AOKI 青木文教. I wish to extend my thanks to them.

Postscript

As we all know, the so-called 17-Article Constitution handed down as the composition by Crown Prince Shōtoku, describes the service regulations for bureaucrats, and was made after the introduction of Chinese centralized bureaucratism into Japan. The establishment in Japanese history of the centralized government form, as we all admit, dates from the Reformation of the Taika era. Therefore, according to our understanding of history of Crown Prince Shotoku's time (the earliest part of the 7th century), such provincial government officials as Kokushi (Kuni-no-tsukasa) 國司 or Kuni-no-miyatsuko 國造 had not been politically institutionalized yet. Even if we should admit that in the Crown Prince's days powerful families or landlords in the province called Kuni-no-miyatsuko Agata-nushi 縣主, or Tomo-no-miyatsuko 伴造, as if they possessed the lands, were accustomed to receive what the farmers in their territories offered, it would have been impossible for government officials called Kokushi to have appeared before the Reformation of the Taika 大化 era. For the officials dispatched to the provinces by the central government in consequence of the establishment of a centralized government in the Reformation of the Taika era were Kokushi. Needless to say, they were the local officials invested by the central government with sovereign power in their administrative districts: in other words, as a result of the Taika Reformation the former Kuni-no-miyatsuko were replaced by Kokushi. In spite of this fact, Article 12 of the Constitution reads: "Kokushi and Kuni-no-miyatsuko (provincial governors) should not levy too heavy taxes and tributes." How could we explain the fact that Kokushi the provincial governors stipulated in the Taika Reformation, 40 years later than the Crown Prince's time, are included here? Besides, there is another article we should refer to. Under Article 8, in which service regulations are formulated for government officials, we read the rule: "Ministers and officials, report early in the morning and retire late." The original phrase Gunkyo Hyakuryo 群卿百僚 (Literally, the numerous ministers and a hundred officials), needless to say, is closely related to the perfection of the government organization. So far as the ministers or counsellors are concerned, though the customary phrase says Hyakkan Senryo 百官千僚 (a hundred officers and a thousand aids), we might not worry about the numbers. In other words, they simply imply a large number of officials. It

could not be considered that such a perfect bureaucratic organization had been established in Crown Prince Shōtoku's days. This certainly dates from some time after the Reformation of the Taika period.

There is also a question in connection with Buddhism. Concerning the Crown Prince's ideas of Fa-hua 法華 and his view of Buddhism observed in *Hokke-gi-so* 法華義疏 (Notes on the Fa-hua-ching 法華經), there are various opinions and interpretations. This I am willing to admit. However, the Crown Prince's view of Buddhism taken in the light of the Fa-hua-ching 法華經 as observed here must necessarily represent the ideas not to have been observed in China until the T'ang period. However Crown Prince Shōtoku under the reign of Empress Suiko was a contemporary of the Sui period in China. This point is beyond my apprehension. Still another thing I wish to say, according to the record, as to the *San-kyō-gi-so* 三經義疏 (Note on the Three Sūtras) by the Crown Prince, the note on the *Shōman* 勝鬘 was written at the age between 36 and 38 namely, between April 8th, the 17th year of Empress Suiko (609 A.D.) and Jan. 25th, the 19th year (611 A.D.), being completed in 1 year, 9 and a half months, and the note on the *Yuima* 維摩 was written between his 39th year of age and his 40th year, namely between Jan. 15th, the 20th year of Empress Suiko (612 A.D.) and Sept. 15th, the 21st year (612 A.D.), being completed in 1 year and months; and the last one, the note on the *Hokke* 法華 was written between his 41st year of age and his 42nd year, namely, between Jan. 8th, the 2nd year of Empress Suiko (614 A.D.) and April 15th, the 23rd year (614 A.D.), being completed in 1 year and 3 months. However rare a genius the Prince might have been, it is impossible to imagine that he, in the above-mentioned successive years, completed those bulky works one after another. It would have been humanly impossible.

Finally, the *Nihon-shoki* 日本書紀 does not contain a single word with reference to the *San-kyō-gi-so*. How could this be explained? Is this not a matter important enough to be questioned?

Dr. Kunitake KUME 久米邦武 made the following statement in the *Shigaku Zasshi*, Vol. 27, No. 6, Tokyo, 1916: "The 17-Article Constitution was drawn up, not by the Crown Prince, but by Chüeh-chia 覺智, a great scholar of that days, who discussed and revised the draft of the Constitution with the priests named Huei-ji 慧慈 and Huei-sō 慧聰. Much less likely that the Crown Prince went so far as to take trouble of writing it down himself." This leads me to presume that the passage in the *Nihon-shoki* which reads, "The Crown Prince for the first time in our history established a constitution consisting of 17-Articles and submitted it to the Empress in his own handwriting", is a record written when the *Nihon-shoki* was completed.

We must also consider the fact that various tales about Crown Prince

Shōtoku were told from the beginning of the Nara period to the Kamakura period. One of those, which was believed by the believers in Crown Prince Shōtoku, was that he was the incarnation of Nan-yüeh Huei-ssü 南嶽慧思 of China.

Ssü-t'ō 思託 advocated that Crown Prince Shōtoku was the rebirth of Huei-ssü, but it has no historical proof and is incorrect chronologically. HIRATA Atsutane 平田篤胤, a Japanese classical scholar of the Tokugawa period, pointed it out in his book entitled *Shutsujō Shōwa* 出定笑話 and made cynical remarks; "Great Teacher Nan-yüeh is recorded to have died at the age of 63 in the 9th year of T'ai-chien 大建 during the Ch'ên 陳 dynasty. The 9th year of T'ai-chien was, in Japan, the 6th year of the reign of the Emperor Bitatsu 敏達, and then the Crown Prince must have been five years old. How could he be born in Japan five years before his death?" Such a contradiction itself proves that there are many legendary elements around the Crown Prince. The foregoing legend is described in detail in the article "Shōtoku Taishi no Eshi Zenji Kōshin Densetsu to Hokekyō" 聖德太子の慧思禪師後身傳說と法華經 written by ŌNO Tatsunosuke 大野達之助 an intimate friend of mine. With all these points considered, I feel the necessity of a comprehensive study on Crown Prince Shōtoku's life, which will enable us to re-examine the relation between the Crown Prince and the 17-Article Constitution and explain other problems like *San-kyō-gi-so*.

In concluding this study I wish to add a final word. For what reason were 16 Items in King Srong's Creed changed to 17 in Crown Prince Shotoku's Constitution? Article 3 in the latter which reads: "Be sure to revere the Sovereign's message: if you don't, you will certainly be defeated" is the one not found in the former. I am fully convinced that this was added because it most clearly stipulated the relations between the emperor of Japan and Japanese people in those days.

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Handwritten text in a vertical column, likely a page from a manuscript. The script is a form of Tibetan or related East Asian characters, arranged in a single column from top to bottom.

Plate I. The 16-Item Creed of Strong-btsan-sgam-po (*Mani bkah-hbum*, fol. 190 a & b)

