

# Buddhism under the Ritsuryō System in Japan: A Study of the “Monks and Nuns Decree”

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**Abstract.** From the 7th to the 10th century, Japan was in the Ritsuryō system. As a significant method for building a Ritsuryō state, Buddhism assumed an important part in governmental politics and diplomacy, and its interaction with the state was bidirectional dynamic. The Ritsuryō state attached great importance to utilizing Buddhism to maintain its regime and safeguard the country. Simultaneously, by establishing management policies in legal through the “Monks and Nuns Decree”, the state attempted to practice comprehensive and strict control over monks, nuns and temples. This paper endeavours to take the “Monks and Nuns Decree” as an entry point, mainly adopting the method of documentary analysis, to reveal the characteristics of Buddhism during the Ritsuryō system in Japan from a micro-level perspective. It further explores how the “Monks and Nuns Decree” as a legalized religious management has impacted and reconstructed the relationship between Buddhism and the state during the Ritsuryō period, and thus to discuss the attributes of the state’s control over the Buddhism during Ritsuryō system in Japan.

**Keywords:** Japan, Ritsuryō system, national Buddhism, Monks and Nuns Decree.

## 1. Introduction

In the seventh century, the East Asian world was rife with turmoil and underwent tremendous changes. Japan’s defeat in the Battle of Baekgang led to a profound awareness of the advanced and sophisticated system that emerged in the Tang Dynasty. Therefore, faced with the problem of how to rebuild the nation order after defeat, Japan chose to enter the East Asian order centred on the Tang Dynasty. It has studied Tang Dynasty culture on a large scale and use the Tang legal system as a blueprint to systematically established a relatively perfect Ritsuryō system state, thus achieving the transformation to a feudal society.

It has long been the view of scholars that the formation of ancient Japan as a Ritsuryō system state was the result of learning from Sui and Tang dynasties. For instance, Nishijima Sadao discussed that Japan was situated within the framework of the “East Asian World”, that is, politically it entered international relations centred on Chinese dynasty through investiture relations, and culturally it was based on Chinese characters, Confucianism, Buddhism, and the legal system were common culture elements, realizing the transformation from clan system to a centralized state [1]. Nevertheless, in the process of learning and transplanting institutions and cultures, due to the deep structure dissimilarities between the country, it is inevitable that the patterns of domination and culture traits exhibited will vary considerably. This paper explores how the “Monks and Nuns Decree” in the Ritsuryō system of Japan, as a legalized and formalized religious management policy, has influenced and reconstructed the relationship between Buddhism and the state during the Ritsuryō system period in Japan, and thus elucidate the characteristics of the state’s control over Buddhism during the Ritsuryō system period in Japan from a micro-level perspective.

Furthermore, the history of Buddhism in Japan constitutes an integral aspect of Japanese history. In comparison to the Japan’s extensive research on the history of Chinese Buddhism, China’s research on the history of Japanese Buddhism is obviously insufficient, and the studies on national Buddhism under Japan’s Ritsuryō system is also relatively scattered and fragmented. In addition, most Chinese scholars’ studies on “Monks and Nuns Decree” is mostly based on the restoration of “Dao Seng Ge”, resulting in an absence of research on the order itself [2-5].

This paper employs the “Monks and Nuns Decree” as a point of departure, and mainly adopts the method of document analysis to reveal the characteristics of Buddhism in Japan during the period of the Ritsuryō system from a micro perspective. This is done with the aim of supplementing domestic studies on Japanese Buddhism and deepening understanding of the obstacle Japan encountered in absorbing Chinese culture and the subsequent divergences in the development paths of Buddhism.

## 2. The Construction of Japan’s Ritsuryō State and Nation Buddhism

In ancient Japanese history, the second half of the seventh century to the eighth century was a pivotal period of transformation for Japan. During this period, Japan introduced the full range of Ritsuryō system of the Sui and Tang dynasties and continued to move towards the construction of centralized state. Ultimately, the Taihō Code saw the culmination of the transplantation of the Ritsuryō system, whereby Japan realized the institutional transformation from a clan society to a feudal society. In this process, Buddhism played an important role in politics and diplomacy, serving as an essential instrument for the establishment of the Ritsuryō State. This interaction was characterized by a bidirectional dynamic between the Buddhism and the State.

From one perspective, the prioritization and utilization of Buddhism by Ritsuryō State fostered a direct correlation between regime and Buddhism. Its reliance on Buddhism not only strengthened the religious and centripetal nature of the regime. Conversely, the Ritsuryō State commenced a process of consolidating its authority over Buddhism temples, monks and nuns. This was done with an objective of integrating Buddhism under the control of Ritsuryō system, and thereby achieving comprehensive vertical management of society. Consequently, State Buddhism emerged on the stage of Japanese history.

### 2.1. The Construction Process of Japan’s Ritsuryō State

A review of the extant documents suggests that the establishment of Japan’s Ritsuryō system should be informed by the principles set forth in the Taihō Code and the Yōrō Code. Prior to this, two codes were established: the 22-volume “The Ōmi Code” formulated by Emperor Tenji, and the “Asuka Kiyomihara Code” compiled during the reign of Emperor Tenmu [6]. Although the latter is cited several occasions in the Nihon Shoki, the complete text of both is no longer accessible, leading the academic community has doubts about their authenticity. This issue has remained unresolved to date, and as a result, is not included in the scope of discussion of this article.

Emperor Mommu’s fourth year (700 AD), the emperor “dispatched the third-ranking Prince of the Criminal Division, the three Fujiwara courtiers Nobi, the fourth-ranking Mono courtier Komaro, the fifth-ranking likiren Hokuto, and Iyumu Renma Yao to draft legislation” [7]. This legislation in quotation is the Taihō Code, which is currently unaccounted for. Only a portion of the law can be inferred from the “Ancient Records” (commentaries on the Taihō Code) in “Ling Ji Jie”. The Yōrō Code was compiled by Fujiwara no Fuhito as the chief executive in Empress Genshō’s second year (718 AD) and was officially implemented in Kōken’s Tenpyei Shōho (757). Most of the codes have been preserved to present day in the form of official commentaries, including the “Ling Yi Jie” and “Ling Ji Jie”. As this historical juncture, Japan saw the establishment of a Ritsuryō system state centred on the emperor.

Masao Shimada designated the interval between the Taika Reform (646) and the Heian Period as the “Ritsuryō Law Period” (646-1185) [8]. It is evident that the construction of Japan’s Ritsuryō state was not a rapid phenomenon. It spanned nearly half a century, and the process was not smooth sailing. On the contrary, it was a process of compromise with considerable obstacles. The emperor does not possess a highly concentrated imperial power, rather, his authority is the consequence of a negotiated equilibrium within the context of political manoeuvring. Therefore, the clan aristocracy represents an important political force that cannot be overlooked when considering the limitations imposed on the construction of the Ritsuryō system state. “The local aristocratic officials, each of them appointed their own people and employed them in a reckless manner. Furthermore, they seized country’s

counties, mountains, seas, forests, fields, ponds, and farmlands as their own property, and fought endless [9].” This historical phenomenon is the manifestation of the expansion of aristocratic power and the intensification of the conflict between the power of the nobility and the emperor in land ownership. As Ge Zhaoguang observed, the Yamato regime was a coalition of various factions. The emperor or the imperial court were unable to eliminate the status and power of the nobles and lords. The central nobles and local powerful individuals still retained considerable political influence, military strength, and economic resource [10].

Considering the power structure, two points warrant further clarification. Firstly, the duality of power inevitably affected the central government’s management of religion, providing Buddhism a relatively marginal zone of power and constrained scope for autonomous development. Secondly, Buddhism also functioned as a tool used for the Ritsuryō state, with both conflict and cooperation with clan aristocracy occurring during its development.

## 2.2. National Buddhism

The fundamental characteristics of Buddhism during the Ritsuryō period in Japan can be encapsulated by the concept of “National Buddhism”. Mitsusada Inoue recapped this feature into three elements: Initially, temples, monks and nuns are subject to state control; Subsequently, the state protects and nurtures Buddhism within its control; and thirdly, the government seeks to advance the nation’s prosperity through the influence of Buddhism mantra [11]. During the Nara period, Buddhism was strongly supported by the emperor as a crucial instrument for consolidating the feudal system. With the purpose of “protecting the country”, it was closely interwoven with politics. “The notion of protecting the nation is predicated on realistic interests, the temple is integrated with the existing state-political order and protected by it; Concurrently, as a price, the religious apparatus of Buddhism is employed to directly safeguarding the state order [12].” It can be observed that Buddhism, as a national ideology, and Ritsuryō system are mutually reinforcing, and through a process of cooperation they collectively reshaped the ruling pattern of socio-political and ruling model of governance within the ancient Japanese state. This was not only the inevitable choice for Buddhism, as an alien religion, to adapt to Japan’s national conditions, but also a clear manifestation of the Ritsuryō state’s internalization of advanced culture.

With Buddhism formally positioned in religious policy, its social influence was also increased. The question of how to effectively manage and control the growing number of monks and nuns and make use of them in a way that both beneficial and compliant with the law become pressing issue that needed to be addressed. As a result, the “Monks and Nuns Decree” came into being.

## 3. The Monks and Nuns Decree

### 3.1. Background of the Promulgation of the “Monks and Nuns Decree”

April of the 32nd year of Empress Suiko (624), “A monk struck his grandfather with an axe [13].” The emperor saw this incident as an opportunity to advance his plans for state control of Buddhism. She initiated the process of “monk inspection”, which was designed to ensure the compliance of Buddhist monks and nuns with the state’s policy. This incident demonstrates that, in the objective circumstances of a lack of mature understanding of Buddhism, the state recognized the necessity of regulating and restraining the actions of monks and nuns. Nevertheless, due to the absence of Buddhist precepts and the limitation of the emperor’s authority by aristocracy, it was difficult to exert control over monks and nuns. Therefore, shortly after the destroy of the Soga clan, Emperor Kōtoku “dispatched officials to the principal temples in the first year of Daiyou, with the objective of summoning the monks and nuns and issuing an edict [9].” This marked the establishment of the state’s dominance over Buddhism communities.

During the reign of Emperor Tenmu, based on the precepts that had been imported from Chinese dynasty, the emperor used political decrees to restrain the activities of religious groups and consistently augmented its control over Buddhism. In June of the first year of the Taihō era (710),

“dispatching seventh place officials Obitona Michi issued ‘Monks and Nuns decree’ at Daan-ji Temple [7].” This event marks the official promulgation of the decree. As this epoch, the Ritsuryō state completed formulation of the legal regulation of Buddhism groups.

From the evidence presented, it can be concluded that the promulgation of the “Monks and Nuns Decree” was driven by the promotion of state power. The “Monks and Nuns Decree” established the legal state’s control over the daily practice of monks and nuns in the form of specific laws. These laws coordinated with the monk official system to restrict monks and nuns both the macro and micro levels, and its fundamental purpose is to ensure the purity of monks and nuns to stabilize state Buddhism under the Ritsuryō state.

One aspect that has been relatively elucidated is that the process of Ritsuryō state incorporation monks and nuns into its national system occurred against the backdrop of Japan’s comprehensive contact, study and transplantation of Tang culture. In accordance with the Book of Orders, “There was no evidence of an order for monks and nuns in the Kaiyuan Order of the Tang Dynasty. Instead, the Monks and Nuns Decree was created based on the Dao Seng Ge of the Tang Dynasty [13].” In addition, it should be noted that in the annotations of “Ling Ji Jie· Monks and Nuns Decree”, the “Dao Seng Ge” of the Tang Dynasty is referenced on numerous occasions as the basis for interpretation. From analysing the evidence, it can be discerned that there is a profound interconnection between “Dao Seng Ge” and “Monks and Nuns Decree”. The latter’s compilation is predicated upon the former, serving as a comprehensive point of reference.

### 3.2. Analysis of Article 27 of the “Monks and Nuns Decree”

The “Monks and Nuns Decree” consist of 27 articles, covering four aspects: the provision on legal jurisdiction and specific penalties of monks and nuns; the decree on the protection on the litigation rights of monks and nuns; the decree on the management of monks and nuns; and the regulation of their daily behaviour [14, 15]. There are four laws and regulations pertaining to the legal trail rights and specific penalties for monks and nuns, stipulating that the power to judge monks and nuns is vested in Three Essences and the government. Firstly, the Regulation on Following the Rules of Law states, “let the essences judge the matter and convict according to the Buddhist teachings.” The Regulations on Observation of the Mysterious Phenomenon states, “let the relevant legal authorities convict monks and nuns in accordance with the legislation.” Secondly, two regulations delineate the types of punishment for monks and nuns.

There are two pieces of legislation regarding the protection of the litigation rights of monks and nuns and seven laws on management of monks and nuns. They stipulate the specific punishment standards for several offenses, including the adopting children and accepting women serve as servants of temples, the appointing and dismissing the monks and nuns, returning monks and nuns to secular life, the management of monks who have passed away, and the punishment of private ordination. The remaining seventh articles constitute decrees regulating the daily behaviour of monks and nuns. The decrees have set out detailed provision on clothing, food, housing, performing, and character, and strict etiquette standards for monks and nuns in their daily lives in form of decrees.

The 27 articles reveal two principal features. Firstly, the monks and nuns are managed and controlled by state as a professional sector. This characteristic is initially exemplified by the state’s rigorous governance of official monks and the delineation between them and private monks. In accordance with the “Regulation on Following the Rules of Law”, with a certificate, one year of imprisonment is sentenced, where “certification” refers to the proof of identity issued by the government to officially ordained monks. Monks and nuns who obtained “public verification” enjoyed the same privileges as government officials, such as exemption from taxes, rent, labour service and certain reductions in sentences, and were protected by the Ritsuryō state in all respects [16]. The ruling class granted Buddhist monks and nuns special privileges, while employing Buddhism as a strategy to safeguard national security.

Secondly, these regulations impose restriction on monks and nuns through a combination of precepts and laws, encompassing the duality of both religious and secular. “The perspective on monks

and nuns that associated those with monks with the precepts is the most ancient view on monks and nuns in Japan, and its unique concept crystallized in the “Monks and Nuns Decree” [17]. The “Monks and Nuns Decree” not only prohibits monks and nuns from drinking alcohol, eating meat, leaving the temple without permission, and living together with other monks or nuns, but also contains provisions for “making the final judgment according to secular rules” and “sentencing crimes according to the secular law.” The formulation of the “Monks and Nuns Decree” not only completely considered the position of Buddhism as the religious pillar of the Ritsuryō state, but also emphasized the significance of the Ritsuryō state’s government in trial, fundamentally reflecting the Ritsuryō state’s requirements for religious jurisdiction and its aspiration to exert social governance. However, under the duality, Buddhism precepts were influenced by the state and inevitably showed a tendency of alienation. For instance, the “Regulation of non-temple” prohibited monks and nuns from “establishing separate ashram and gathering people to spreading Buddhist teaching.” From a Buddhist standpoint, the state’s requirements restricted the activities of monks and nuns in the form of precepts, which could be considered an essential negation of Buddhism.

In summary, the formulation of the 27 articles demonstrates the state’s micro-level control over the Buddhism and manifests the intervention of the state power in the religious structure. The defining feature of this phenomenon is to exert control over monks and nuns through the utilization of state power. As Saburō Ienaga observed, “Buddhism has been entirely detached and abstract from its original faith context and has become a merely blessing for the objects of control [18].” Monks and nuns were subjects to direct state control and are obliged to comply with the law quasi-bureaucratic capacity. The religious authority they relied on assumed the attributes of nationalism following the involvement of public authority, and they engaged in a power struggle.

### 3.3. Implementation of the “Monks and Nuns Decree”

The Ritsuryō government initiated the centralization of the religious authority since the 7th century, subsequently gradually promoted the process of incorporating Buddhism into the Ritsuryō state through a series of measures. These included the promulgation of the “Monks and Nuns Decree”, the construction of official temples, the improvement of the monk official system and the establishment of the Genba-ryo (Bureau of Buddhism and Aliens). Although there has been a strength of the level of control exerted over Buddhism, this has not matched the expected level of effectiveness in the implementation process.

In the edict of the first year of Yōrō, there is the following description of monk Gyōki, who preached among the people, is provided: “Now the young monk Gyōki and his disciples. Individuals emerge sporadically or multiply in the public domain. They discuss sin and blessings at will, form cliques, burn and peel off fingers and arms, set up sects to elucidate Buddhism teachings, beg for remnants, falsely claim to be holy, deceive the people and make the society disturbed. The customs in question caused considerable disruption to the established order, promoting individuals from a diverse range of background, including scholar, workers, farmers, and businessmen, to give up their careers and convert to Buddhism. Such actions are contrary to the tenets of Buddhism and to the established law [11].” It can be observed that the enactment of the Taihō Code did not effectively suppress the spread of Buddhism. Conversely, folk Buddhism continued to flourish on the historical stage. The implementation of the “Monks and Nuns Decree” was not as comprehensive as it might be.

In the fourth year of Yōrō era (721), following the promulgation of Yōrō Code, an imperial decree issued: “Some monks and nuns have formulated their own interpretations of Buddhism scriptures, which conflict with the official interpretations. Such conduct has resulted in the younger generation becoming accustomed to it and refusing to accept the official interpretations. I am afraid that the interpretations of Buddhism scriptures that taint Buddhism began here [7].” The context provides an overview of the different religious standpoint within Buddhism. Religious groups that are governed by the “Monks and Nuns Order” are required adhere to the religious stance that is held by the state. Any Buddhism stance that is not considered to be legitimate. Therefore, there are natural

contradictions within Buddhism. Foreign Buddhism is merely acknowledged and accepted as a shared point of consciousness. The discrepancies in the understanding of Buddhism itself at the national and local levels influence the selection of Buddhism stances by both parties.

Nevertheless, the question of whether the Buddhism stance of local and private temples is consistent with that of the state hinges on the extent of actual control exerted by the “Monks and Nuns Decree” in the local area. In general, the implementation of the “Monks and Nuns Decree” proved challenging in achieving the intended effect, largely due to the inherent contradictions inherent in the religion’s foreign identity and the weak control of the state over local areas under the Ritsuryō system.

Furthermore, the historical event of Jianzhen’s eastward voyage also illustrates the limitations of the actual effectiveness of the “Monks and Nuns Decree”. By the time Jianzhen travelled to Japan, the religious management system of Japanese Buddhism was still in its infancy, with the construction of precepts was extremely imperfect. In the first year of Empress Genshō Reiki era (724), the Daijō-kan reported: “Recently, the monks and nuns in the capital city display a paucity of profound knowledge and wisdom. With the shallow interpretation, they use fallacious and vacuous rhetoric to discuss the nature of sin and blessing and evince no concern for the Buddhist precepts” [7]. The fundamental tenet of Buddhism precepts is to encourage adherents to refrain from evil, to engage in virtuous deeds, to enhance their morality, and to become fully aware of the nature of life and existence [19]. In the absence of completely Buddhist precepts, the internal management of monks and nuns in Japan was characterized by severe disorganization and chaos.

Many monks and nuns exhibited moral corruption and an inability to practice self-discipline. Moreover, most individuals who assumed the monastic vows did so primarily to evade substantial taxes levied by the state, rather than out of a genuine commitment to the Buddhist teachings. Despite the efforts of “Monks and Nuns Decree” to regulate the conduct of monks and nuns through the legalization of precepts, it proved inadequate in effectively controlling the moral conduct of Buddhism worship groups. As a result, the trend of Buddhism deteriorated steadily, undermining the very foundation of the Ritsuryō state.

Facing the reality of prevailing disorder within Buddhism practice, the emperor repeatedly endeavoured to reestablish order, even though there was already a “Monks and Nuns Decree”, which represent an existence of a comprehensive law of conduct for monks and nuns. To illustrate, Emperor Shōmu promulgated the “Golden Light Sutra” in the fifth year of Reiki era (728) with the objective of unifying the sutras and commentaries dispersed in various locations. In the fifth year of Tenpyō era (733), he ordered Eiei and Fushō to accompany the Japanese missions to Tang China and invited eminent monks to Japan to disseminate Buddhist precepts. Although Dao-xuan, a monk from Dafu Xiansi Temple in Luoyang, to preach the precepts in Japan, the outcome did not meet the expectations of the emperor. Thereupon, in 742, Eiei and Fushō travelled to Yangzhou with the objective of invited Jianzhen to undertake the mission to Japan, where he would be responsibility for teaching Buddhist precepts [20]. The sixth year of Tenpyō-shōhō (754), “Tang monk Jianzhen, Fashin and eight others came to the Japanese court” [7]. After Jianzhen’s monastic community in Japan, Empress Kōken promptly issued an edict, stating that “Jianzhen shall be in charge of the transmission of precepts” [20], conferring him the authority to disseminate Buddhism teachings and impart precepts.

Jianzhen undoubtedly made outstanding contributions to changing the disorderly ordination of Japanese monks and nuns. He established the “Three teachers and seven witnesses” and set up an ordination platform in Tōdai-ji Temple, formally systematizing the ordination of Japanese monks. In addition, Jianzhen also personally taught the Buddhist scriptures and commentaries he brought with him, further spreading his thoughts on Buddhist precepts, following the emperor’s edict. Jianzhen “converted more than 40,000 people, as described above and the number of times he lectured [21].” However, behind Jianzhen’s outstanding contribution to Japanese Buddhism, there is also a gap between state’s ideal and actual implementation of in the series of regulations on precepts outlined in the “Monks and Nuns Decree,” and the state authority still finds it difficult to implement them.

In conclusion, the Ritsuryō government’s endeavour to oversee and ultimately regulate Buddhism was a tangible demonstration of its exertion of state power to intervene and rectify in the domain of

Buddhism. The “Monks and Nuns Decree” served as a pivotal medium for this process, its emptiness at the practical level, also foreshadowed the eventual demise of the Ritsuryō state and the decree itself.

### 3.4. The Collapse of the “Monks and Nuns Decree”

The “Monks and Nuns Decree” constituted a vertical method which the state exercised control over Buddhism in accordance with the Ritsuryō state. As a constituent of the Ritsuryō system, it is inextricably linked to the advent, evolution and demise of the Ritsuryō state. Therefore, with the collapse of the legal system, the implementation of the “Monks and Nuns Decree” became superficial because of the decline in the state’s actual control over the temples, monks and nuns. Furthermore, the close relationship between Buddhism and politics meant that the imperial court treated monks and nuns generously, offering them a plethora of rewards. “Monks were like civil servants in robes. They devoted more attention in the affairs of the imperial court than to the religious affairs [22].” Against this background, the political and economic power of the temples expanded rapidly. The monks, relying on the protection of the court, engaged in large-scale land mergers and lending for profits, thereby demonstrating a tendency to degenerate into the secular world.

At the beginning of the 10th century, the Ritsuryō state, which had previously served as the basis of the ruling order, began to disintegrate, resulting in a gradual weakening of governmental authority. The authority of the state was forced to share with the manor lords, and the Ritsuryō system, including the “Monks and Nuns Decree”, became a mere nominal entity. Thus, the monks and nuns and temples that were subject to the decree became unmanageable. The religious autonomy previously lost by Buddhism groups in the “Monks and Nuns Decree” was subsequently reclaimed through the collapse of the law and expanded with a vengeance. The monasteries underwent a gradual process of aristocratic and secularization, which resulted in the deterioration of the monastic system. This was accompanied by the emergence of Monzeki [2]. The temples become large landowners, and to protect their property in the context of political and social unrest, the temples established a dedicated military – the Sōhei. Consequently, Buddhism under the Ritsuryō system ultimately experienced decline.

## 4. Conclusion

The construction of Japan’s Ritsuryō system was based on the transplantation of the Sui and Tang dynasties’ laws and regulations. It was during this period that Buddhism was incorporated into the state control through the “Monks and Nuns Decree” as a religious pillar with the responsibility of “guarding the country”. In brief, the relationship between Buddhism and the state under the Ritsuryō system was a two-way interaction. The Ritsuryō State placed a premium on the utilization of Buddhism as a means of maintaining its regime and safeguarding the nation. Simultaneously, the state sought to exert comprehensive and rigorous control over monks, nuns and temples by establishing management policies in legal through “Monks and Nuns Decree.” As a subject of jurisdiction, Buddhism, due to its special status as an alien religion, has embodied the spirit of nationalism in its adaptive changes.

However, this has also resulted in the emergence of different and contradictory religious stances within Buddhism. The implementation of the “Monks and Nuns Decree” and its actual effectiveness are the most illustrative reflection of this issue. The collapse of the Ritsuryō system resulted in the gradual declined and evolution of Buddhism under its rule, leading to emergence of a religion with distinctive Japanese local characteristics. It played a crucial role in Japanese history, influencing the development of Japan’s ideological scope.

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