

**IMPERMANENCE AND RETRIBUTION: A RE-EXAMINATION OF TWO  
UNIFYING THEMES IN THE *TALE OF THE HEIKE***

BY

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Submitted to the Department of East Asian Languages and Cultures  
and the Faculty of the Graduate School of the University of Kansas  
In partial fulfilment of the requirements for the degree of  
Master's of Arts

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## ABSTRACT

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The primary theme of impermanence for all things and the secondary theme of retribution are widely acknowledged by literary scholars to be unifying themes in the *Tale of the Heike*, a medieval Japanese narrative. These themes are apparent from the famous opening lines of the tale's Preface, but interpretations differ regarding their subsequent development in the main narrative. In English scholarship, the implications of impermanence in the *Heike* have not been adequately explored, and the sad fate of the whole Taira clan has often been misunderstood as simply karmic retribution for Taira Kiyomori's evil deeds.

This thesis re-examines these themes to demonstrate how: (1) the *Heike's* emphasis on the Buddhist law of impermanence for all things in general, and the decline of the proud and mighty in particular, is manifested not only in the fate of the Taira clan, but also in the fate of the retired emperors, (2) Confucian, Buddhist, and *kami* beliefs function together to justify retribution for the Taira clan, and (3) the suffering endured by Taira Kiyomori's descendants can be read as *one aspect* of retribution for Kiyomori, similar to the practice of *enza*, or the execution of an offender with his kin.

## ACKNOWLEDGEMENTS

I must have done something very good in a previous life to have earned the generous support of the many individuals who helped bring this project to completion.

First and foremost, I want to thank my advisor, Dr. Margaret Childs, who has spent countless hours over the course of my academic career offering me valuable guidance and thoughtful criticism. She taught me the skills necessary to undertake this project, and studying with her has been an immensely rewarding experience.

I would also like to thank the other members of my thesis committee. Dr. Eric Rath's intellectual rigor has greatly improved this project and remains a model for my future endeavors. I owe a deep debt of gratitude to Dr. William Tsutsui for sharing not only his keen intellect, but also his infectious enthusiasm and warm encouragement.

Many other scholars have offered advice during this project. The thoughtful comments from Dr. William Lindsey and Dr. Daniel Stevenson in the Religious Studies Department provided valuable insight into Buddhism. Dr. Elizabeth Oyler (University of Illinois at Urbana-Champaign) kindly provided helpful comments and suggestions on a paper that became the foundation for the third chapter of this thesis.

My fellow graduate students at the University of Kansas challenged and inspired me, especially Mr. Tom Barker and Mr. Ernest Caldwell. I carry many good memories of the time we shared, and I hope we will create many more in the future.

Finally, special thanks go to my wonderful wife, Sachiko, whose support, love, and encouragement made all of this possible.

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## CHAPTER ONE: INTRODUCTION

Twelfth-century Japan saw the dramatic weakening of the traditional imperial and Buddhist institutions under the growing social, political, and military influence of warrior families such as the Taira clan (平家 Heike). Thought to have been originally composed in the early thirteenth-century, and later revised by multiple authors,<sup>1</sup> the *Tale of the Heike* 平家物語 (*Heike monogatari*) is a mix of historical fact and fiction describing this phenomenon from the contentious entry of the warrior Taira Tadamori 平忠盛 (1096-1153) into the Courtiers' Hall 清涼殿 (*Seiryōden*) in 1132,<sup>2</sup> to the execution of Tadamori's last male descendant in 1198.

The *Heike's* concern with the themes of impermanence (for all things) and retribution (for Kiyomori and the other proud and mighty historical figures) can be seen in the opening passage, which is often referred to as the "Preface":<sup>3</sup>

The sound of the Gion Shōja bells echoes the impermanence of all things; the color of the *sāla* flowers reveals the truth that the prosperous must decline. The proud do not endure, they are like a dream on a spring night; the mighty fall at last, they are as dust before the wind.

In a distant land, there are the examples set by Zhao Gao of Qin, Wang Mang of Han, Zhu Yi of Liang, and Lushan of Tang, all of them men who prospered after refusing to be governed by their former lords and sovereigns, but who met swift destruction because they disregarded admonitions, failed to recognize approaching turmoil, and ignored the nation's distress. Closer to home, there have been Masakado of Shōhei, Sumitomo of Tengyō, Yoshichika of Kōwa, and Nobuyori of Heiji, every one of them proud and

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<sup>1</sup> Evidence suggests that the *Heike* was composed sometime during the period from 1218-1221. For more, see Kenneth D. Butler, "The Textual Evolution of the Heike Monogatari," *Harvard Journal of Asiatic Studies* 26 (1966): 23-29.

<sup>2</sup> Both *Heike* variants used in this study mistakenly claim Tadamori's entry into the hall occurred in 1131.

<sup>3</sup> I follow the convention of using *Heike* in italics in reference to variants in the *Heike* corpus, and without italics in the rare cases when it is used as an alternate name for the Taira clan. Variants of the *Heike*, with the exception of the *Genpei jōsuiki*, which is titled differently, are not italicized.

mighty. But closest of all, and utterly beyond the power of mind to comprehend or tongue to relate, is the tale of Taira no Ason Kiyomori, the Rokuhara Buddhist Novice and Former Chancellor.<sup>4</sup>

The Preface is arguably one of the most famous passages in Japanese literature. Yet, it has generally been neglected as a subject of inquiry in English scholarship. Nearly all of the approximately one-hundred variants of the *Heike* contain this Preface, and it has been argued that its existence across variants in similar form is evidence for its strong connection with the original creation of the tale.<sup>5</sup> It follows, then, that we could gain a better appreciation of the *Heike* through studying the issues raised in the Preface and the development of these issues in the main narrative.

### **Interpretations of the Preface and the Main Narrative**

In apparent recognition of the Preface's importance, one authoritative guide to Japanese literature maintains that, even though the *Heike* was not always recited to an audience in its entirety, "not to know the sonorous opening is not to know the work at all."<sup>6</sup> The guide then translates the first few lines of the Preface and provides a brief analysis that can be considered to represent, in many respects, the conventional interpretation in English language scholarship of the relationship between the Preface and the rest of the narrative:

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<sup>4</sup> Helen Craig McCullough, trans., *The Tale of the Heike* (Stanford: Stanford University Press, 1988), 23.

<sup>5</sup> See Kajihara Masaaki 梶原正昭, *Shishi-no-tani jiken: Heike monogatari kanshō* 鹿の谷事件：平家物語鑑賞 (Tokyo: Musashino Shoin 武蔵野書院, 1997), 36. With few exceptions, and relatively little variation, all extant variants contain the Preface.

<sup>6</sup> Earl Miner, Hiroko Odagiri, and Robert E. Morrell, *The Princeton Companion to Classical Japanese Literature* (Princeton, NJ: Princeton University Press, 1985), 50.

At the Jetavana Temple / The bell gives voice  
To the impermanence of all / As it reverberates.  
That the pairs of teak trees, / In the hue of their flowers.  
Show the downfall of the splendid / Is a matter of reason.  
The magnificent ones as well / Will not continue long.  
Only like a night in spring / When dreams are brief.  
The most stalwart ones as well / Are overthrown in the end,  
As one before the tempest / They are blown away like dust.<sup>7</sup>

According to the guide, the tale's "great theme of the collapse of the Heike is present everywhere....the majestic opening bids us see in the fall of the Heike the common end of the great,"<sup>8</sup> and that "it is clear that those magnificent ones doomed to fail are the Taira, the Heike of the title."<sup>9</sup> First, by equating the magnificent ones doomed to fail with the Taira clan, this explanation implies that impermanence is only shown in the tale to affect them. Second, the explanation clearly identifies the clan as the main focus of the tale (instead of Taira Kiyomori 平清盛).

There is plenty of evidence to support the guide's reading of the *Heike*.

Looking at the overall structure of the variant that the guide refers to (the Kakuichi *Heike*), we see that the main narrative begins with an episode about the rise of the Taira warrior clan under Kiyomori's father, Tadamori, and concludes with the destruction of the clan when Kiyomori's great-grandson, Rokudai 六代 (1173-1198), is executed. The tale's arrangement illustrates impermanence through the fate of the

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<sup>7</sup> Miner, *The Princeton Companion to Classical Japanese Literature*, 163. Note the words "magnificent" and "stalwart," that have a more positive connotation than "proud" and "mighty," which were found in McCullough's translation. For insightful criticism of Miner's translation, see Michael G. Watson, "A Narrative Study of the Kakuichi-bon *Heike monogatari*" (Ph.D. thesis, Queens College, University of Oxford, 2003), 44.

<sup>8</sup> *Ibid.*, 50.

<sup>9</sup> *Ibid.*, 163.

clan, but the episodes about Tadamori and Rokudai are also significant because they have more to do with the clan as a whole than with Kiyomori. The strongest evidence against taking Kiyomori as the protagonist, though, is that he does not appear at all in the second half of the tale, and after his death in the first half, the story smoothly continues, focusing on the tragic fate of his descendants.

The continuation of the tale after Kiyomori's death is one factor that has led historian Ishimoda Shō to argue that a reading of the tale with Kiyomori as the protagonist is a mistake.<sup>10</sup> In fact, he considers one of the *Heike's* distinctive characteristics to be that it "is not the story of a single hero. In its narrative individuals are swept along by the fate of their corporate kin." In his view, "episodes are unified by the narrative, but the links are not those of emotion or fancy---the torrent that destroyed the *Heike* war band is described objectively as a product of real historical change based on the Buddhist law of karma."<sup>11</sup> Ishimoda's point about the relationship between historical change and karma is provocative, and will be revisited in the second chapter of my thesis. However, while valid and supported by the main narrative, both the guide and Ishimoda oblige us in their readings to question the claims of the Preface, especially the focus of the tale on Taira Kiyomori.

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<sup>10</sup> Ishimoda Shō 石母田正, *Heike monogatari* 平家物語 (Tokyo: Iwanami Shoten 岩波書店, 1957), 107.

<sup>11</sup> Ishimoda Shō, "Japan's Medieval World," in *Capital and Countryside in Japan, 300-1180: Japanese Historians Interpreted in English*, interpreted and edited by Joan R. Piggott (Ithaca, NY: Cornell University East Asia Program, 2006), 344.

Certain characteristics of the *Heike* itself encourage us to support the readings suggested by these scholars, and not overemphasize the importance of the Preface. For instance, even if we accept that the Preface was shared by all of the variants from the tale's inception, as the tale developed over time and under multiple authors, the main narrative may have deviated from the promise of the Preface.<sup>12</sup> We cannot forget the various ideological goals of the authors as well, which probably contributed to significant differences between *Heike* variants. Also, because the tale is episodic and was not always recited to audiences in its entirety, the authors might have tolerated a certain amount of disjunction between the Preface and the main narrative.

Nonetheless, the authors would have known all the *Heike* episodes and we can assume that some attempt was made to maintain unity and coherence in the tale. It is possible to reconcile the claims in the Preface with the development of the main narrative, and an attempt to do so offers compelling new insights into the *Heike*. Besides the Preface, one narrative element that is stable across *Heike* variants is punishment, and punishments are integral to the development of two claims made in the Preface: that impermanence is the fate of all things and that Kiyomori is the protagonist who suffers retribution (like the other historical figures before him). In particular, I contend in this thesis that the effects of impermanence extend even to

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<sup>12</sup> For an overview of theories about early forms of the *Heike* and its later development, see Hasegawa Tadashi, "The Early Stages of the *Heike Monogatari*," *Monumenta Nipponica* 22, no. 1/2 (1967): 65-81.

the retired emperors in the tale, and that justifications besides the Buddhist law of karma are employed to explain retribution for Kiyomori and the Taira clan.

### **Thesis Outline**

In this first chapter of the thesis, I introduce previous approaches to studying the *Heike* corpus by scholars in English. Then, I briefly consider the sources used in this study, the Kakuichi 覺一 and the Engyōbon 延慶本 *Heike*.

In the second chapter of this thesis, I examine the Preface and some problematic aspects of it. Specifically, the meaning and significance of key passages are explored to highlight issues related to impermanence and Kiyomori's role in the tale. To the best of my knowledge, with the exception of two tantalizingly brief examinations of it, the Preface has not been treated in English scholarship.<sup>13</sup>

The third chapter traces the theme of impermanence as it is developed in the narrative in relation to the retired emperors. The wording of the Preface has been interpreted as limiting the effects of impermanence to those who rebel against the imperial court, thereby excluding members of the imperial family. I argue that a reading of the tale which focuses on punishments supports the Preface's claim that impermanence applies to everything, including the retired emperors.

In the fourth and final chapter, I go on to discuss Kiyomori's role in the tale.

Scholars often acknowledge a connection between the evil deeds 悪行 (*akugō*) in the

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<sup>13</sup> See David Theodore Bialock, "Peripheries of power: Voice, history, and the construction of imperial and sacred space in 'The Tale of the Heike' and other medieval and Heian historical texts" (Ph.D. diss., Columbia University, 1997), 348-353, and Minobe Shigekatsu, "The World View of *Genpei Jōsuiki*," *Japanese Journal of Religious Studies* 9, no. 2-3 (June-September 1982): 230-231.

first half of the tale, Kiyomori, and the fate of the Taira clan in the second half of the tale, but I am not aware of any English scholarship that has examined this connection in detail. It is tempting to assume that Kiyomori's descendants suffer karmic retribution for *his* evil deeds, but a close reading of the variants shows that this interpretation is untenable for the Kakuichi *Heike* and only possible in the Engyōbon *Heike*. Justification for retribution in the tale is surprisingly ambiguous, and is actually explained through appeals to Confucian thought, Buddhist karma, and *kami* beliefs. Finally, I propose that we read retribution for Kiyomori's descendants as one aspect of retribution for Kiyomori himself.

### **Approaches to the Tale of the Heike**

Itinerant *biwa hōshi* 琵琶法師, blind Buddhist priests who recited tales to the accompaniment of a lute (*biwa*), ensured that the *Heike* was heard by a broad spectrum of audiences. Not surprisingly, this included those who listened because they could not read, but according to literary scholar Barbara Ruch, "the records make it clear that audiences represented the full range of literary accomplishment, or lack of it, from scholar-aristocrat to illiterate beggar."<sup>14</sup> Consequently, the *Heike* was a work of literature that, unlike earlier works by the court, swiftly traveled far beyond the geographic confines of the capital and the class confines of the literate elite.

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<sup>14</sup> Barbara Ruch, "Medieval Jongleurs and the Making of a National Literature," in *Japan in the Muromachi Age*, edited by John W. Hall and Takeshi Toyoda (Berkeley: University of California Press, 1977), 287.

In addition to having literary merit, the tale served various needs for its diverse audiences. For example, scholars have suggested that the *Heike* and other military chronicles were part of a discourse that “(1) clarified the prerogatives of warrior authority in governing the realm and (2) provided legitimacy to the notion of dual imperial courts.”<sup>15</sup> *Heike* scholar Elizabeth Oyler writes that the *Heike* and other related works from the medieval period represented “a difficult past in such a way as to ensure authority and legitimacy.” While the *Heike* has been consigned in modern times to the literary genre of war tales 軍記物語 (*gunki monogatari*), she points out that in pre-modern times it was part of “a cultural milieu in which historiography was inseparable from fiction, religion, superstition, and performance art.”<sup>16</sup> Participating in these contexts, the *Heike* carried significant cultural clout in shaping popular perceptions about the import of events in the twelfth-century.

Due to these factors in its development, the *Heike* corpus is ensconced in the interstices between several academic disciplines such as history, literature, religion, art history, and theatre. The *Heike* narrative is populated by historical figures who participate in historical events, inviting it to be treated as a historical text. However, many of the characterizations of those historical figures and accounts of historical events are clearly what modern scholars would classify as fictional, which explains

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<sup>15</sup> David Bialock, “Nation and Epic: *The Tale of the Heike* as Modern Classic,” in *Inventing the Classics: Modernity, National Identity, and Japanese Literature*, edited by Haruo Shirane and Tomi Suzuki (Stanford: Stanford University Press, 2000), 155-156.

<sup>16</sup> Elizabeth Oyler, *Swords, Oaths, and Prophetic Visions: Authoring Warrior Rule in Medieval Japan* (Honolulu: University of Hawai'i Press, 2006), 2.

why the tale is most often considered a work of literature. Studies of the *Heike* have been guided by the questions that scholars have brought to it from their respective fields, and because this thesis examines punishments in the *Heike*, approaches attempting to answer questions from the fields of history and literature are the most relevant.

The first approach to the *Heike* has been to mine the corpus for nuggets of historical information. Karl Friday, who has written extensively on Japanese warriors, claims that because there is a paucity of reliable historical sources for studies of medieval Japan, early variants of the *Heike* such as the Engyōbon and the *Genpei jōsuiki* 源平盛衰記 can be invaluable for the historian “if approached with appropriate caution and skepticism.”<sup>17</sup> Wayne Farris is one scholar who has taken just such a cautious approach, most recently to provide evidence for the effects of war on the general populace in his study of Japan’s medieval population.<sup>18</sup> Additionally, as historian Mikael Adolphson demonstrates, some episodes from the *Heike* can also be recommended as easily accessible historical accounts, because they do not differ substantially from other historical evidence.<sup>19</sup>

The *Heike* must be used as a historical source by scholars studying this time period, but perhaps due to its current position in the literary canon, a detailed study

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<sup>17</sup> Karl F. Friday, *Samurai, Warfare and the State in Early Medieval Japan* (New York: Routledge, 2004), 17.

<sup>18</sup> William Wayne Farris, *Japan’s Medieval Population: Famine, Fertility, and Warfare in a Transformative Age* (Honolulu: University of Hawai’i Press, 2006), 62. For another example, also see William Wayne Farris, *Heavenly Warriors: the Evolution of Japan’s Military, 500-1300* (Cambridge, MA: Harvard University Press, 1992), 300-02.

<sup>19</sup> Mikael S. Adolphson, *The Gates of Power: Monks, Courtiers, and Warriors in Premodern Japan* (Honolulu: University of Hawai’i Press, 2000), 386.

in English to determine the historicity of individual *Heike* episodes has yet to be done. That is unfortunate, because as my research demonstrates, historically inaccurate passages from the *Heike* continue to influence historiography, and this is an area where further research could greatly aid historians. Fortunately, Japanese scholars such as Gomi Fumihiko and Uwayakote Masataka have addressed this, and their work has guided my discussions about the historicity of episodes considered in this thesis.<sup>20</sup>

Some of the most provocative research on the *Heike* has approached the narrative from a literary perspective to consider the *Heike*'s role in the production of history and culture. The first full-length study of the *Heike* was Barbara Arnn's 1979 dissertation, which described the worldview and cultural values reflected in the corpus, and the interactions between literature and history in medieval Japan. Relevant to this thesis is her discussion of Taira Kiyomori's portrayal in the *Heike* corpus.<sup>21</sup>

David Bialock's 1997 Ph.D. dissertation is the most thorough treatment of the *Heike* in English to date. In an effort to understand how different voices from the text were involved in the production of history, he considers the *Heike* as part of a historical discourse dating back to the eighth century. The second and third chapters

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<sup>20</sup> See Gomi Fumihiko 五味文彦, *Heike monogatari: shi to setsuwa* 平家物語：史と説話 (Tokyo: Heibonsha 平凡社, 1987), and Uwayokote Masataka 上横手雅敬, *Heike monogatari no kyokō to shinjitsu* 平家物語の虚構と真実, 2 vols (Tokyo: Hanawa Shobō 塙書房, 1985).

<sup>21</sup> See Barbara Arnn, "Medieval Fiction and History in the *Heike Monogatari* Story Tradition" (Ph.D. diss., Indiana University, 1984).

of my thesis were inspired by his insightful analysis of the Preface and the first episode of the main narrative in the *Heike*.<sup>22</sup>

The first monograph in English on the *Heike* was published in 2006 by Elizabeth Oyler. She attempts to reconstruct “the fullness and texture of medieval historical awareness about the Genpei period,” which leads her to “reflect on historicity itself, and how medieval interpretations of the war’s meaning reshaped historiographical inquiry and continue to do so even today.”<sup>23</sup> Her analysis grapples with how the past was interpreted and where the sources of Minamoto political legitimacy were located. Influenced by her approach, I attempt to expand on her insights in the final chapter of this thesis to show how Taira and Minamoto political legitimacy was constructed through the portrayal of punishments.

### **The Heike Corpus**

Until recently, there was relatively little written on the *Heike* in English, and most of it was restricted to the Kakuichi *Heike*, which is only one text from the approximately one-hundred variants that comprise the *Heike* corpus. This thesis also focuses on the Kakuichi *Heike*, but when appropriate, it attempts to make comparisons with the Engyōbon in order to illuminate different ways that issues in the Preface are developed within the *Heike* tradition.

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<sup>22</sup> Bialock, “Peripheries of Power,” 347-429.

<sup>23</sup> Oyler, *Swords, Oaths, and Prophetic Visions*, 2.

The 1371 Kakuichi *Heike* text is the most widely recognized variant of the tale. This is evidenced by the amount of secondary scholarship in English and Japanese based on it, and for this reason, it forms the primary focus of this study.<sup>24</sup> A colophon attached to it attributes authorship of the text to a *biwa hōshi* named Akashi Kakuichi 明覚一 (?-1371), about whom we know very little.<sup>25</sup> The Initiate's Chapter 灌頂卷 (*Kanjō no maki*), which expanded from a single episode in the main narrative into a separate chapter to conclude the tale, is one of the distinguishing characteristics of the Kakuichi *Heike*.<sup>26</sup> All of the English translations published to date have been based on this variant.

The Kakuichi *Heike* is typically classified as part of the “recited lineage” 語り本系統 (*katarihonkei*) in the *Heike* corpus, because the variant was recited by the *biwa hōshi* to a listening audience. This classification of the text has been called into question by scholars, since it assumes boundaries between variants that are excessively rigid. In particular, it is unclear whether the earliest performers of the *Heike* were really blind *biwa hōshi* at all. Elizabeth Oyler views the conventional practice of assuming that *biwa hōshi* itinerants had control over the creation of the *Heike* as “a characterization that only bolsters the idea that the *Heike* represents that

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<sup>24</sup> The two complete translations of the *Heike* that exist in English are based on the Kakuichi *Heike*: Hiroshi Kitagawa and Bruce T. Tsuchida, trans., *The Tale of the Heike* (Tokyo: University of Tokyo Press, 1975), and Helen Craig McCullough, trans., *The Tale of the Heike* (Stanford: Stanford University Press, 1988). In Japanese, the Kakuichi *Heike* is the variant traditionally included in the literary canon.

<sup>25</sup> For a concise discussion about Kakuichi and his variant, see Barbara Ruch, “Akashi no Kakuichi.” *The Journal of the Association of Teachers of Japanese* 24, no. 1 (April 1990): 35-47.

<sup>26</sup> Hyōdō Hiromi 兵藤裕己, *Heike monogatari no rekishi to geinō* 平家物語の歴史と芸能 (Tokyo: Yoshikawa Kōbunkan 吉川弘文館, 2000), 32.

voice of the folk,” despite the fact that documentary evidence suggests “control and dissemination of the work by highly literate religious figures whose institutions served the highest levels of society.”<sup>27</sup> The variety of justifications for retribution explored in this thesis may have their origins in the different voices struggling for control of the *Heike* tradition.

The 1309 Engyōbon (also read as Enkeibon or Enkyōbon) text is not as well-known as the Kakuichi *Heike*, but scholars have begun paying more attention to it. One reason for its recent popularity in the academy stems from differences between its narrative and the Kakuichi *Heike*. Another reason is because it is now considered to be one of the earliest *Heike* variants. Unfortunately, Japanese commentaries on the text are only available for the first few chapters (more are planned for the future), and no English translations of the text have been published yet.

The Engyōbon is classified as part of the “read lineage” 読み本系 (*yomihonkei*) in the *Heike* corpus, because it appears to have been composed for reading instead of reciting. One of the characteristics the Engyōbon shares with other texts in this lineage is a strongly chronological arrangement and composition using *kanbun* 漢文 (classical Chinese). In this thesis I compare elements of the Engyōbon *Heike* that address issues related to punishment in order to highlight different ways of developing the themes of impermanence and retribution within the *Heike* corpus.

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<sup>27</sup> Oyler, *Swords, Oaths, and Prophetic Visions*, 12-13.

## CHAPTER TWO: THE PREFACE

This chapter considers the Preface, which comes at the beginning of both the Engyōbon and the Kakuichi *Heike*. It analyzes each passage in the Preface, introduces previous Japanese scholarship on it, and explores problematic aspects of these interpretations that will be addressed in succeeding chapters of this thesis.

### The Impermanence of All Things

The Preface begins by locating the narrative within a Buddhist discourse:

“The sound of the bells of Gion Shōja echo [*sic*] the impermanence of all things.”<sup>28</sup>

The Gion Shōja was a Buddhist monastery in India, and according to tradition, four silver bells hung from each of the corners on the outside, and four crystal ones were on stands inside the Impermanence Hall 無常堂 (*Mujōdō*), which was a hospice located in the northwest corner of the monastery (the direction of the setting sun).<sup>29</sup>

According to the *Ōjōyōshū* 往生要集, which likely inspired this first line of the Preface,<sup>30</sup> the sound of the bells was supposed to alleviate suffering and help the dying pass on to the Pure Land. When a monk neared death, the bells (four inside and four outside the hall) rang of their own accord. In their sound, the dying monk could hear the Buddhist “Verse of Impermanence for All Things” 諸行無常偈

(*shogyōmujō ge*): “All things in this world are impermanent, because it is a law that

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<sup>28</sup> Bialock, “Peripheries of power,” 348. Bialock’s translation of the Preface is used throughout this chapter in order to provide a different perspective than McCullough’s, and to maintain consistency between translations for the Kakuichi *Heike* and Engyōbon Prefaces.

<sup>29</sup> See Kajihara, *Shishi-no-tani jiken*, 37-39.

<sup>30</sup> See Hyōdō Hiromi 兵藤裕己, *Ōken to monogatari* 王権と物語 (Tokyo: Seikyūsha 青弓社, 1989), 69-70. The *Ōjōyōshū* was a collection of passages from Chinese texts about Pure Land Buddhism compiled by in 985 by a Tendai priest, Genshin 源信 (942-1017). It was widely known and extremely influential in the pre-modern period.

everything born must die. When [attachment to] birth and death is completely extinguished, Nirvana will be enjoyed” 諸行無常、是生滅法、生滅々已、寂滅為樂 (*shogyōmujō, zeshōmetsubō, shōmetsumetsui, jakumetsuiraku*).<sup>31</sup>

Insofar as the *Heike* was recited to pacify the souls of the vanquished Taira clan and aid them on their journey to the Pure Land, it is fitting that the *Heike* begins with this particular passage alluding to the alleviation of suffering.<sup>32</sup> We can see this belief in angry spirits expressed not only in the *Heike* text itself,<sup>33</sup> but also in other contemporary writings. In the *Gukanshō* 愚管抄, for example, Jien 慈円 (1155-1225) claims that “understanding people should realize, moreover, that there are many TAIRA vengeful souls.”<sup>34</sup> In order to placate these spirits, which could cause harm in the world through earthquakes and other misfortunes, the heroic and tragic stories of the Taira were recited.<sup>35</sup>

Regarding the connection between the *Heike* text and the placation of angry spirits, Herbert Plutschow describes the *Heike* as part of a victimary discourse that mixed public and private versions of history with “cultic needs to placate political

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<sup>31</sup> Ibid., 40-41. This is my translation. The passage is actually cited later in the Engyōbon. See *Engyōbon Heike monogatari: honbunhen* 延慶本平家物語：本文篇, vol. 1, edited by Kitahara Yasuo 北原保雄 and Ogawa Eiichi 小川栄一 (Tokyo: Bensei Shuppan 勉誠出版, 1990), 512

<sup>32</sup> Ibid., 43-44.

<sup>33</sup> For a textual example of this belief in the angry spirits of the Taira clan, see McCullough, trans., *The Tale of the Heike*, 402.

<sup>34</sup> Delmer M. Brown and Ichirō Ishida, *The Future and the Past: a Translation and Study of the Gukanshō, an Interpretative History of Japan Written in 1219* (Berkeley: University of California Press, 1979), 182. The *Gukanshō* was a history of Japan written by Jien, a Buddhist priest and historian.

<sup>35</sup> For a discussion of the relationship between the *Heike* and spirit placation, see Elizabeth Oyler, “Daimokutate: Ritual Placatory Performance of the Genpei War,” *Oral Tradition* 21, no. 1 (2006): 90-118. For more in Japanese on *Daimokutate*, see Hyōdō Hiromi 兵藤裕己, *Heike monogatari: 'katari' no tekusuto* 平家物語：〈語り〉のテキスト (Tokyo: Chikuma shobo 筑摩書房, 1998), 110-126 and 160-178.

victims.” The Ashikaga (1336-1568) and Tokugawa (1603-1868) warrior governments sponsored official recitations of the tales 平家語り (*Heike gatari*) to ensure “that the victims they had caused themselves, at the outset of their power, would not revenge themselves on the victimizers and their descendants.”<sup>36</sup> Importantly, he also views the power of the dead “in defeat and disgrace as a conservative force upon history, preventing their conquerors from enjoying victory too proudly, as well as preventing them from wiping out their enemies.”<sup>37</sup> In light of this, the victorious Minamoto who succeeded in exterminating the Taira would not have objected to the many justifications in the *Heike* for the retribution the Taira suffered (discussed in Chapter 4 of this thesis), because it would have insulated them from the anger of their victims.

Some of the most vividly described scenes in the *Heike* are those of death and dying, and in this sense, the interior of the Impermanence Hall also holds significance in the tale. The *Ōjōyōshū* describes the hall this way:

A single gilded standing image was placed in the center of the hall, facing toward the West. The right hand of the image was raised aloft, while to the left hand was fastened a banner of the five colors, which draped down to the floor. To bring peace to the dying person, he would be placed behind the image, and given the end of the banner to hold in his left hand. In this way, he would be encouraged to produce thoughts of following after the Buddha and going to the Pure Land.<sup>38</sup>

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<sup>36</sup> Herbert Plutschow, “Ideology and Historiography: the Case of Sugawara no Michizane in the *Nihongiryaku*, *Fusō Ryakki* and the *Gukanshō*,” in *Historiography and Japanese Consciousness of Values and Norms*, edited by Joshua A. Fogel and James C. Baxter (Kyoto: Kokusai Nihon Bunka Sentā 国際日本文化研究センター, 2003), 133-134.

<sup>37</sup> Herbert Plutschow, *Chaos and Cosmos: Ritual in Early and Medieval Japanese Literature* (Leiden, Netherlands: E.J. Brill, 1990), 228.

<sup>38</sup> The passage was translated by Frederic J. Kotas, “The Craft of Dying in Late Heian Japan,” in *Bukkyō bungaku no kōsō* 仏教文学の構想, edited by Imanari Genshō 今成元昭 (Tokyo: Shintensha 新典社, 1996), 588.

When reading the *Ōjōyōshū*, writes Fredric Kotas, “a reader is struck by its compiler’s extraordinary concern with the moment of death.”<sup>39</sup> The same concern informs the *Heike* as well. The powerful symbolism of the Impermanence Hall in the Gion Shōja compound is particularly important in the Initiate’s Chapter that comes after the main narrative of the Kakuichi *Heike*, because the bell sound, the central statue, the five-colored cord, the direction, and illness re-appear as elements in its conclusion.

The impermanence described in the *Heike* is different from that found in earlier Japanese literature, as it tends to emphasize death and destruction. Literary scholar Margaret H. Childs notes that in the medieval period (13<sup>th</sup>-16<sup>th</sup> centuries), “what especially shifts over time is the literary response to death, that most painful and traumatic manifestation of transience.” In earlier engagements with impermanence during the Heian period (784-1185), the natural world and love were the elements from which images of impermanence were created, and they found expression in falling cherry blossoms or “lonely sleepless hours spent remembering a lost love.” An attitude of “elegant resignation” was cultivated to the extent that “sorrow itself became beautiful.” During the time when the *Heike* was being composed, transience took on a darker tone. Writers like Kamo no Chōmei and Yoshida Kenkō confront death more directly, but continue to “evoke the aristocratic aesthetic of the Heian period.”<sup>40</sup>

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<sup>39</sup> Ibid., 585.

<sup>40</sup> Margaret Helen Childs, *Rethinking Sorrow: Revelatory Tales of Late Medieval Japan* (Ann Arbor, MI: Center for Japanese Studies at the University of Michigan, 1991), 7-8.

The different approach to impermanence reflected recognition of unprecedented changes. Religion scholar Monte Hall suggests that a shift in the aesthetic values to “a more austere and muted beauty that incorporates, as it were, its own negation,” occurred because the relatively stable environmental and social context was shaken by cataclysmic changes such as natural disasters and armed conflicts in the capital towards the end of the Heian period.<sup>41</sup> According to another religious scholar, William LaFleur, the concern with impermanence that previously focused on nature (seasons) and human affairs (love relationships among the elite), is seen by the end of the Heian period “through earthquake, flood, and fire,” which meant that it was experienced collectively and no longer “merely the private experience of those whose mutual love had dissolved.”<sup>42</sup>

The change in aesthetics likely had a great deal to do with who the medieval authors were as well. After all, itinerant *biwa hōshi* reciting the *Heike* on the streets of the city, or even priests composing it in religious institutions, were not likely to interpret beauty the same way as the elites at court in the Heian period. Additionally, in the *Heike*, the locus of literary production moves outside the palace walls, and through the medium of the *biwa hōshi*, outside the capital, where it recognizes and incorporates more varied experiences of impermanence.

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<sup>41</sup> Monte S. Hull, “Mujō: the Japanese Understanding of and Engagement with Impermanence” (Ph.D. diss., University of Hawai‘i, 1984), 169.

<sup>42</sup> William R. LaFleur, *The Karma of Words: Buddhism and the Literary Arts in Medieval Japan* (Berkeley: University of California Press, 1983), 61.

## All That Flourishes Must Decline

The unexpected ending of the second line of the Preface has engendered debate among scholars over its textual antecedents and significance within the *Heike* narrative: “the color of the sala flowers reveals how all that flourishes must decline.”<sup>43</sup> According to tradition, the sala flowers on the pair of sala trees under which the historical Buddha died changed from light-yellow to white at his passing. The phrase that concludes this line of the Preface, “all that flourishes must decline” 盛者必衰 (*jōsha hissui*), comes from the Buddhist “Verse of Four Lines on Impermanence” 四無常偈 (*shimujō ge*). Consequently, it is generally recognized that the first two lines of the Preface are an amalgamation of two Buddhist verses (the “Verse of Impermanence for All Things” introduced above and the “Verse of Four Lines on Impermanence”).<sup>44</sup> Because the phrase “all who are born must die” 生者必滅 (*shōja hitsumetsu*) is associated with the “Verse of Impermanence for All Things,” though, replacing it with “all that flourishes must decline” from a different verse creates a slight disjunction in the first two lines.

Focusing on this disjunction, *Heike* scholar Tomikura Tokujirō believes that the concept of impermanence created by the pairing of these two verses in the *Heike* is unconventional. If it were the conventional concept of Buddhist impermanence, he contends that the “the color of the *sāla* flowers” would have been followed by “all

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<sup>43</sup> See Bialock, “Peripheries of power,” 348.

<sup>44</sup> See *Heike monogatari zenchūshaku* 平家物語全注釈, vol. 1, translated and edited by Tomikura Tokujirō 富倉徳次郎 (Tokyo: Kadokawa Shoten 角川書店, 1966-1968), 34 and 37-38, and Kuroda Akira 黒田彰, “Gion shōja oboegaki: chūshaku, shōdō, setsuwashū 祇園精舎覚書：注釈、唱導、説話集.” In *Heike monogatari Taiheiki* 平家物語 太平記, edited by Saeki Shin’ichi 佐伯真一 and Koakimoto Dan 小秋元段 (Tokyo: Wakakusa Shobō 若草書房, 1999), 30-34.

who are born must die.” As evidence that this pairing is more conventional, he cites a passage from the *Hōgen monogatari* 保元物語 that describes the Buddha’s apparent extinction under the trees in order to “demonstrate the truth that living beings must perish” 生者必滅のことわりをしめさん (*shōjahitsumetsu no kotowari wo shimesan*).<sup>45</sup>

What does this difference between the *Hōgen* and *Heike* passages indicate?

According to Tomikura, the misalignment between the Buddhist metaphor of “the color of the *śāla* flowers” and the “truth that the prosperous must decline,” is a shift in focus that functions to emphasize the latter part of the phrase. He interprets the shift to be one from religious to historical concerns. The Buddhist sentiment of impermanence is the starting point for the Preface, but this shift in the second passage shows how the narrative is also focused on mundane, historical processes. In other words, the subtle change indicates to the audience of the *Heike* that the tale is not just about religion, but also a historical narrative.<sup>46</sup> The authors of the *Heike* might not have conceptualized as clear a distinction between religion and history as modern-day audiences would, but for the purpose of analyzing the text, we can tease apart the religious and historical strands in the *Heike* narrative to see how they function in the narrative.

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<sup>45</sup> *Heike monogatari zen chūshaku*, vol. 1, 37-38. The translation comes from William R. Wilson, trans., *Hōgen monogatari: tale of the Disorder in Hōgen* (Ithaca, NY: Cornell University East Asia Program, 2001), 6. The *Hōgen monogatari* was a war tale in the same tradition as the *Heike*. It is about the Hōgen Disturbance of 1156, but it was probably written around the same time as the *Heike* in the early Kamakura period (1185-1333).

<sup>46</sup> *Heike monogatari zen chūshaku*, vol. 1, 37-39.

The historical and religious elements can be distinguished from one another in the way statements are joined together. In his discussion of the relationships between episodes in the *Heike*, Clinton Morrison identifies two ways for statements in the text to be conjoined: sequential and causative. Sequential can be thought of as “and” or “and then,” while causative conjunction of two statements can be thought of as “therefore” or “because.” Thus, sequential points to historical, chronological concerns, and causal to religious or philosophical concepts employed to interpret the significance of events.

Morrison explains that in the “Death of Atsumori” episode, for example, “the Buddhist theme of *Heike*, which stresses the inevitability of destruction and the impermanence of all things, blurs the distinction between the sequential ordering of events and their causal connection.”<sup>47</sup> According to him, both types of conjunction (sequential and causative) are needed to maintain the narrative, and “viewed along only its sequential or its causative axis, the narrative would be reduced to either a dull chronology or a religious homily.”<sup>48</sup> Thus, we can say that the entanglement of history and religion in the *Heike* avoids the extremes of both narrative styles, possibly contributing to the tale’s appeal for audiences.

Recently, however, Tomikura’s explanation of the first two lines of the Preface has come under criticism. In an important essay on the Preface, Kuroda

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<sup>47</sup> Clinton D. Morrison, “Context in Two Episodes from *Heike Monogatari*,” in *The Distant Isle*, edited by Thomas Hare, Robert Borgen, and Sharalyn Orbaugh (Ann Arbor, MI: Center for Japanese Studies, the University of Michigan, 1996), 326.

<sup>48</sup> *Ibid.*, 326-327.

Akira acknowledges that “all who are born must die” would have been possible in the second line, but sees nothing unconventional about using the “truth that the prosperous must decline” instead. He points out that the same pairing can be found, for example, in a passage from the *Konjaku monogatari shū* 今昔物語集 (*Tales of Times Now Past*) describing how Buddha entered Nirvana.<sup>49</sup> After Buddha lays down under a tree of the Sala Forest, he says, “I am going to enter nirvana, just as all those who prosper certainly will decline and those who were born certainly will die.”<sup>50</sup> From these examples alone we cannot determine which usage was more common, but there was precedent for the combination of Buddhist verses in the Preface.

Kuroda notes that the same combination of Buddhist verses can also be found in commentaries on the famous *iroha uta* 色葉歌, a Buddhist poem that uses each of the 47 sounds in the Japanese alphabet one time. Rather than shifting the focus to historical, mundane concerns, Kuroda argues persuasively that the Preface is referencing the commentaries, and by extension, the Buddhist *iroha uta* itself.<sup>51</sup> While the *Heike* narrative unquestionably contains Buddhist interpretations of historical events, it is unclear whether the focus on them actually begins in the second line, or later in the Preface.

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<sup>49</sup> The *Konjaku monogatari shū* is a collection of over one-thousand short tales of unknown authorship that were probably compiled sometime in the twelfth century.

<sup>50</sup> Yoshiko Kurata Dykstra, trans., *The Konjaku Tales: Indian Section*, vol. 2 (Hirakata: Intercultural Research Institute, Kansai University of Foreign Studies Publication, 1986), 61.

<sup>51</sup> Kuroda, “Gion shōja oboegaki: chūshaku, shōdō, setsuwashū,” 30-34.

## The Arrogant Do Not Last Long and the Fierce Perish

The third line of the Preface describes one type of prosperous man who will decline: “The arrogant do not last long; they are like the dream of a spring night. The fierce, too, perish in the end; they are like dust before the wind.”<sup>52</sup> Of course, impermanence applies to all things, but the emphasis of the *Heike* is clearly on a particular manifestation of impermanence. The general consensus among Japanese scholars is that these first few lines function to restrict 限定 (*gentei*) impermanence to those prosperous who are arrogant and fierce.<sup>53</sup> The question, which will be explored later in this chapter, is whether we should also view the relationship between these lines, which speak of overarching themes, and the following lines that focus on concrete examples, as further restricting the effects of impermanence.

## Manifestations of Impermanence in China

The fourth line of the Preface provides concrete examples from China of individuals (not clans) who have fallen victim to the type of impermanence introduced in the previous lines:

If we investigate [the examples of] distant foreign lands, Zhao Gao of Qin, Wang Mang of Han, Zhu Yi of Liang, and Lushan of Tang, all of these deviated from the government of former kings and emperors, and pursued to the limit the pleasures of wealth; and because they disregarded the admonitions, were unaware of the imminent disorder in the empire, and

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<sup>52</sup> See Bialock, “Peripheries of power,” 348.

<sup>53</sup> For example, see Sekiguchi Tadao 関口忠男, “*Heike monogatari* joshō oboegaki: omo to shite sono mujōkan wo megutte 『平家物語』序章覚書—主としてその無常観をめぐって,” in *Bukkyō bungaku no kōsō* 仏教文学の構想, edited by Imanari Genshō 今成元昭 (Tokyo: Shintensha 新典社, 1996), 338-343, and Hyōdō Hiromi, *Ōken to monogatari*, 69-72.

ignored the people's distress, they did not endure long and all of them perished.<sup>54</sup>

One aspect of the *Heike* that should be borne in mind is its frequent reference to historical events. This locates the tale within a historical discourse, which legitimizes through "real" examples the earlier truth claims in the Preface, and lends the aura of historical, factual accuracy to the narrative.<sup>55</sup>

The first indirect reference to punishments in the *Heike* comes via association with these Chinese historical figures. Among other misdeeds, Zhao Gao 趙高 (?-207 B.C.E.) is infamous for subjecting a personal enemy, Li Si 李斯 (?-208 B.C.E.), to painful punishments before executing him and his relatives.<sup>56</sup> Zhao Gao was eventually murdered by a member of the imperial family, but not before he had usurped power and brought chaos to the country. As will be seen in the following chapters, Kiyomori follows a similar pattern in the tale by ordering cruel punishments for his enemies and taking over the government.

If we ask what the Chinese figures mentioned in the Preface did wrong to deserve their punishments, we can see that their actions violated Confucian principles of conduct, particularly because they refused to be governed by their lords. It has been argued that the Taira clan "serves throughout this epic as the prime

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<sup>54</sup> Bialock, "Peripheries of power," 348.

<sup>55</sup> For scholarship that has explored this aspect of the *Heike*, see Oyler, *Swords, Oaths, and Prophetic Visions*, and Bialock, "Peripheries of power."

<sup>56</sup> See Burton Watson, trans., *Records of the Grand Historian* (New York: Columbia University Press, 1993), 201-204.

example of improper religious behavior,"<sup>57</sup> but as this part of the Preface suggests, improper behavior in the tale is more frequently defined as violation of Confucian principles than violation of Buddhist or *kami* beliefs. Thus, in the Preface and the rest of the narrative, we find the Confucian belief system nested within the Buddhist framework.

### **Manifestations of Impermanence in Japanese History**

The fifth line of the Preface provides concrete examples from Japanese history of impermanence at work in Japan: "When we look nearby at our land, there is Masakado of the Shōhei era [Taira Masakado 平将門 (?-940)], Sumitomo of the Tengen era [Fujiwara Sumitomo 藤原純友 (?-941)], Gishin of the Kōwa era [Minamoto Yoshichika 源義親 (?-1108)], and Shinrai of the Heiji era [Fujiwara Nobuyori 藤原信頼 (1133-1159)]. Both arrogance of mind and fierce deeds characterized each one in his own way."<sup>58</sup> These men are also closely associated with punishment, as recipients rather than practitioners of it. Fujiwara Nobuyori, for example, was executed by Kiyomori.

Neither the Japanese nor the Chinese examples of the arrogant and fierce are listed with their official titles, and the Japanese figures are only listed with their given names. It may be that this is because they rebelled against the court, and lost their titles. However, Morrison argues that because the *Heike* was "originally

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<sup>57</sup> Herbert S. Joseph, "The 'Heike Monogatari': Buddhist Ethics and the Code of the Samurai," *Folklore* 87, no. 1 (1976): 101.

<sup>58</sup> Bialock, "Peripheries of power," 348.

composed for performance before a less sophisticated and cloistered audience,” and because “all voices were spoken by one narrator,” the identities of characters in the story were usually made explicit.<sup>59</sup> If we accept his argument, then it is not impossible that the full names and stories of the figures, including the punishments they gave or received, were familiar to early audiences of the *Heike*.

### **The Way of Heaven**

Following the lists of rebellious figures from Chinese and Japanese history, the Engyōbon contains a passage that is not found in the Kakuichi *Heike*: “Though human actions may deceive, the Way of Heaven is difficult to deceive; if this is true for rulers, then all the more should ministers and retainers exercise caution.”<sup>60</sup>

Viewing this passage as an example of the Engyōbon’s overtly ideological tone, David Bialock argues that,

The Confucian concept of heaven was invoked in the medieval period as a transcendent principle that was above even the emperor. In the Preface, this combines with the karmic logic of cause and effect to reinforce the message that emperors, warriors, and ministers were all subordinate to and dependent on the power of Buddhist authority.<sup>61</sup>

The Kakuichi *Heike* shares a similar amalgam of Confucian and Buddhist concepts, as evidenced earlier in the Preface, but it is not as explicit in this as the Engyōbon.

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<sup>59</sup> Morrison, “Context in Two Episodes from *Heike Monogatari*,” 325.

<sup>60</sup> David Bialock, *Eccentric Spaces, Hidden Histories: Narrative, Ritual, and Royal Authority from the Chronicles of Japan to the Tale of the Heike* (Stanford: Stanford University Press, 2007), 281. For the original Japanese, see *Engyōbon Heike monogatari: honbunhen*, vol. 1, 17.

<sup>61</sup> Bialock, *Eccentric Spaces, Hidden Histories*, 281.

## The Villainous Protagonist

Following the list of historical Japanese figures in the Preface, and introduced with his full name and multiple titles, is the protagonist of the *Heike*, Taira Kiyomori: “but in recent times, what I have heard of Lord Taira Kiyomori, the Rokuhara Buddhist Novice and Former Chancellor, is beyond the power of words to express and mind to comprehend.”<sup>62</sup> Literally, the passage claims that Kiyomori cannot be described or understood. However, as Michael Watson has observed in his detailed study of the Kakuichi *Heike*, “Kiyomori’s character is more than adequately suggested by everything that is said before....Kiyomori is implied to be everything that the famous rebels and usurpers were, and more.”<sup>63</sup>

In a stimulating reading of the Preface, Kajihara Masaaki notes that the passage gives the names of examples from China and Japan of arrogant and fierce men who perished, but Kiyomori is not included in the list. Kajihara reasons that by doing this, the Preface shifts the focus to Kiyomori and contrasts him with the other examples to show that his acts are so evil they belong to a separate category.<sup>64</sup> It should be noted that Kiyomori’s descendants are never mentioned in the Preface, which further emphasizes his role as the protagonist.

Rather than being a tale about the Taira clan, then, the Preface implies that this will be a tale about Taira Kiyomori. Indeed, according to Tomikura, the phrase

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<sup>62</sup> Bialock, “Peripheries of power,” 348.

<sup>63</sup> Watson, “A Narrative Study of the Kakuichi-bon *Heike monogatari*,” 43.

<sup>64</sup> Kajihara, *Shishi-no-tani jiken*, 60.

from the second line, “all that flourishes must decline,” should be read as the decline of one individual rather than the decline of the entire clan.<sup>65</sup> Insofar as Kiyomori is the principal character of the tale, it is appropriate to label him as the protagonist. However, the promise of a tale about him does not seem to be fulfilled. Kiyomori dies halfway through the tale, the evil deeds are alternately attributed to both Kiyomori and the Taira clan, and the last half of the tale focuses on the destruction of his descendants.

### **The Development of Themes from the Preface**

To explain the apparent schism between the Preface and the main narrative, Monzen Shin'ichi has speculated that the original *Heike* (no longer extant) was a much shorter tale about Kiyomori. The tale was first written as one about karmic retribution for Kiyomori's evil deeds, and the central theme of the tale was not impermanence, but these evil deeds, which were defined as Kiyomori's consistent opposition to imperial and Buddhist law 王法仏法 (*ōbō buppō*). Monzen concludes that the first half of the tale should be read this way, and that the theme of impermanence and other elements of the tale were later additions.<sup>66</sup>

Monzen's argument is certainly plausible. However, because the Preface is shared in similar form among the extant variants of the tale, it is at least as likely that the first line of the tale was present in the earliest forms of the *Heike*. In addition, as

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<sup>65</sup> *Heike monogatari zen chūshaku*, vol. 1, 38-39.

<sup>66</sup> Monzen Shin'ichi 門前真一, “*Heike monogatari no shudai: Kiyomori no akugyō ōhō monogatari* 平家物語の主題 : 清盛の悪行應報物語,” *Yamabe no Michi* 山辺道 5 (April 1960): 11-28.

mentioned earlier, the mix of religious and historical concerns may have contributed to the *Heike's* appeal for audiences. One could argue that religious elements were added later to a chronologically organized account in order to increase the tale's appeal, but there is no compelling reason why the Buddhist monks involved in the tale's production would not have included both elements from the beginning.

More importantly for this thesis, except for implying that the tale is less than successful at reconciling this core and the other elements of the tale, Monzen's argument does little to aid our understanding of how the Preface functions in the extant forms of the tale available to us. While these later additions increased the possibility for multiple readings of the tale, it does not follow that they cannot be reconciled with the Preface. In fact, since the authors knew all episodes from the tale and there were times when the tale was recited in its entirety, we should expect to find unifying elements such as the chronology and the themes of impermanence and retribution.

A relationship can be discerned in the Preface between impermanence and retribution that indicates, contrary to Monzen's argument, that they should be considered together. Hyōdō Hiromi agrees with Tomikura that the first and second lines of the Preface are imperfectly matched. He maintains, like other scholars, that if we interpret the natural laws of "impermanence" and "decline" strictly within the context of the Preface, the first line begins by saying that *all things* 諸行 (*shogyō*) are impermanent, but then qualifies or restricts it in the second line by arguing that the

ones who flourish 盛者 (*jōsha*) must decline 必衰 (*hissui*). However, he views the extent of impermanence as being further restricted in each subsequent line all the way to the end of the Preface. In analyzing the lists of Chinese and Japanese figures from history, he determines that the Preface is equating evil deeds with rebellion against the court. According to Hyōdō, the law of impermanence that appears in the tale is limited to those who prosper through defying imperial authority, and this is illustrated through the main character 主人公 (*shujinkō*) of Kiyomori. He concludes that this is the *Heike's* particular karmic theory 因果論 (*ingarōn*) of retribution for the rebellious.<sup>67</sup>

It is not difficult, though, to find examples besides Kiyomori, most notably the retired emperors, who find their fortunes declining. The decline of the imperial family in the story is acknowledged by Hyōdō, but is attributed to the effects of *mappō* 末法 (the latter days of the Buddhist Law) rather than impermanence. After all, he claims, if it were really a matter of the decline of all the prosperous, then the opening passage might have mentioned the Fujiwara regency or the emperors Daigo and Murakami instead of figures who staged rebellions. In Hyōdō's view, impermanence in the *Heike* was only for the rebellious.

Hyōdō's argument is intriguing, but restricting the meaning of the passage in this way to just the contumacious, or rebellious, is unwarranted. Impermanence was for all figures in the tale, as the Preface claims in its opening line. I would agree that

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<sup>67</sup> Hyōdō, *Ōken to monogatari*, 71-72.

each line of the Preface narrows the focus of the tale, but as Watanabe Sadamaro has argued, Kiyomori and the rebellious figures are just one of several ways in which impermanence is manifested. The line in the Preface about the arrogant and the fierce contains the Japanese particle meaning “even” も (*mo*), which Watanabe interprets to mean “Not only regular people, but even those arrogant people who *seem like they will never perish*.”<sup>68</sup> In short, the main focus of the Preface is certainly Kiyomori, but this does not mean that impermanence is exclusively restricted to him or the rebellious figures in the tale.

It may be for this reason that Sekiguchi Tadao allows for more flexibility than Hyōdō in his analysis of the Preface, and he finds evidence that appears to contradict Hyōdō’s claim. Sekiguchi argues that the first three lines work together to restrict the effects of impermanence to the proud and mighty who are prosperous, and that this is the particular view of impermanence adopted by the *Heike*. He does not go further, though, to say that the *Heike* is advocating a karmic theory of retribution for those who rebel.

Sekiguchi finds the phrase “the prosperous must decline” (*jōsha hissui no kotowari*) mentioned in the main narrative of the *Heike* only once in relation to a courtier, who far from being rebellious, is actually plotting together with the retired

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<sup>68</sup> Watanabe Sadamaro 渡辺貞麿, “*Heike* ‘jōsha hissui’ to iu koto: ‘jō’ no mujō 『平家』・「盛者必衰」ということ—「盛」の無常,” *Bungei Ronsō* 文芸論叢 21 (September 1983): 18. Emphasis in original.

emperor.<sup>69</sup> Fujiwara Narichika shows “haughty indifference to the rest of the world,”<sup>70</sup> one day, but after plotting to destroy the Taira, he is captured and tortured by Kiyomori the next. The narrator comments that Narichika’s swift change of fortune was “an illustration before people’s very eyes of the truth that the prosperous must decline.”<sup>71</sup> Sekiguichi contends that impermanence in the Preface to the *Heike* is *focused* on the prosperous, proud, and mighty who decline. As the next chapter of my thesis shows, impermanence is not *restricted* to the rebellious figures.

## Summary

Multiple readings of the Preface and the development of its ideas in the text are encouraged because religious, philosophical, and historical concerns are layered on top of one another. Considering that it was recited by *biwa hōshi*, the tale begins logically enough with the Buddhist theme of impermanence for all things. However, historical figures who violated Confucian ethical principles, rather than Buddhist beliefs, are also introduced as examples of justification for the decline of the prosperous. The tension between these interpretations of historical events remains in the main narrative, and subsequent chapters will attempt to explore some aspects of this.

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<sup>69</sup> See Sekiguchi Tadao 関口忠男, “*Heike monogatari no mujōkan shōkō: Fujiwara Narichika reiraku no jojutsu wo megutte* 『平家物語』の無常観小考—藤原成親零落の叙述をめぐって,” in *Gunki bungaku no keifu to tenkai* 軍記文学の系譜と展開, edited by Kajihara Masaaki 梶原正昭 (Tokyo: Kyūko Shoin 汲古書院, 1998), 181-196.

<sup>70</sup> McCullough, trans., *The Tale of the Heike*, 70.

<sup>71</sup> *Ibid.*, 70.

### CHAPTER THREE: IMPERMANENCE AND THE RETIRED EMPEROR

In the last chapter we saw that impermanence was introduced in the Preface of the *Heike* as the central theme for the tale, and that the focus was on decline, especially for the proud and mighty who prosper. Emphasizing that the effects of impermanence were not limited to just Kiyomori and the Taira clan, this chapter will focus on how the retired emperors are portrayed in the tale.

The sovereign in twelfth-century Japan had significant *authority* (“the legitimacy or socially recognized entitlement to command and to be obeyed”),<sup>72</sup> but did not have much real *power* (“the capacity to coerce others to do something they would not otherwise do”).<sup>73</sup> Instead, he competed with the retired emperors, court officials, warriors, and Buddhist priests for political power.<sup>74</sup> Japanese law in the twelfth century was divided into administrative and penal codes that described duties for the sovereign’s subjects and punishments if they failed to fulfill them.<sup>75</sup> Japan had a system of retributive justice,<sup>76</sup> and power in this type of legal system was often expressed through the application of punishments.

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<sup>72</sup> John Owen Haley, *Authority without Power: Law and the Japanese Paradox* (New York: Oxford University Press, 1991), 13.

<sup>73</sup> *Ibid.*, 13.

<sup>74</sup> Historians use the term “gates of power” 権門体制 (*kenmon taisei*) to refer to the political system in which royal, Buddhist, and warrior institutions shared power. Although it was not fully developed in the twelfth century, it was during the production of the tale, and this thesis will show that the gates of power system is reflected in the *Heike*. For more on the gates of power, see Adolphson, *The Gates of Power*.

<sup>75</sup> For a concise and insightful overview of the development of pre-modern Japanese law, see Carl Steenstrup, *A History of Law in Japan until 1868* (New York: E.J. Brill, 1991), 1-106.

<sup>76</sup> Haley, *Authority without Power*, 31.

Punishment plays a prominent role in the *Heike*, suggesting that attendant issues of authority and power are being addressed. Significant scenes of punishment in the tale often lack support in the historical record, and within the fictional embellishments we can see the narrative themes being developed.

This chapter will consider three important episodes from the *Heike* that are closely connected to issues of authority and power for the retired emperor: “The Night Attack at the Courtiers’ Hall” 殿上闇討 (*Tenjō no yamiuchi*), “Shishi-no-tani” 鹿ヶ谷, and “The Admonition” 教訓状 (*kyōkunjō*). I contend that the abuse of power over punishments by a retired emperor in the first episode, and the lack of power over them by a retired emperor in the second, demonstrate how their decline is expressed through their relationship to punishments. The third episode shows that even though they decline in power and become marginalized by the second half of the tale, the retired emperors continue to retain authority.

### **A Fictional Legal Conflict**

The *Chūyūki*, a diary kept by Palace Minister 内大臣 (*naidaijin*) Fujiwara Munetada 藤原宗忠 (1062-1141), tells us that on the thirteenth day of the third lunar month in 1132, Retired Emperor Toba granted Taira Tadamori the right to enter the Courtiers’ Hall.<sup>77</sup> He earned this privilege in gratitude for his donation of a Buddhist

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<sup>77</sup> *Chūyūki* 中右記, edited by *Zōho shiryō taisei kankōkai* 増補史料大成刊行会, vol. 14 of *Zōho shiryō taisei* 増補史料大成 (Kyoto: Rinsen Shoten 臨川書店, 1965), 295-97 (長承 Chōshō 1/3/13). In the original entry, the second character for Tadamori’s name has been mistakenly written 成 instead of 盛.

temple in fulfillment of Toba's vow.<sup>78</sup> However, courtiers and senior nobles considered Tadamori to be undeserving of his new rank and privilege. After Tadamori entered the hall for the first time, Munetada lamented that it was "unprecedented" 未曾有 (*mizou*).<sup>79</sup> The senior courtier likely wrote this because Tadamori was a warrior who, despite his distant connection to royalty, was an outsider without the appropriate pedigree for this privilege.

Eight months later, on the twenty-third day of the eleventh month, the courtiers met in the palace for the annual Gosechi Flushed Faces Banquet 五節豊明の節会 (*goseettoyo no akari no sechie*). Munetada noted Tadamori's presence, but displayed none of his earlier rancor towards him in his diary entry for the day of the banquet. Most importantly for this chapter of my thesis, he mentioned nothing out of the ordinary about Tadamori's behavior.<sup>80</sup> Thus, the historical record indicates that Tadamori's presence was tolerated and possibly even accepted by the courtiers.

The *Heike*, however, provides a dramatically different account of the banquet by concocting an ahistorical plot by the courtiers and senior nobles to attack the interloper, Tadamori. To protect himself from the attack, Tadamori wears a weapon and is accompanied by an escort to the court banquet, both of which are

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<sup>78</sup> During the Heian period, emperors might make a vow to build a temple, termed a *goganji* 御願寺, or a monk might petition for an existing temple to be designated as a *goganji*. For more on *goganji*, see Paul Groner, *Ryōgen and Mount Hiei: Japanese Tendai in the Tenth Century* (Honolulu: University of Hawai'i Press, 2002), 35-38, and Mikael Adolphson, "Institutional Diversity and Religious Integration: the Establishment of Temple Networks in the Heian Age," in *Heian Japan: Centers and Peripheries*, edited by Mikael Adolphson, Edward Kamens, and Stacie Matsumoto (Honolulu: University of Hawai'i Press, 2007), 217-218.

<sup>79</sup> See *Chūyūki*, vol. 14, 298-99 (長承 Chōshō 1/3/22). Munetada frequently uses this phrase to indicate what appears to be mild disapproval.

<sup>80</sup> *Ibid.*, 348-50 (長承 Chōshō 1/11/23).

actions that appear to violate the law. The courtiers are intimidated and no attack occurs. However, they express their displeasure through ridicule of Tadamori during the singing and dancing at the party by punning his name with the word for a wine bottle.

The temerity shown by the courtiers seems to have been an attempt to rile Tadamori, but the celebration ends without incident. This is because Tadamori prudently refrains from telling his hot-headed retainer about the ridicule he suffered. According to the *Heike*, if the retainer had learned about it, he would most likely have leapt “into the Courtiers’ Hall itself, slashing and cutting.”<sup>81</sup> Considering the serious consequences for Tadamori if he or his retainer had attacked the courtiers, it is possible to read this ridicule as a second strategy by the courtiers to bait Tadamori into attacking them, an action which surely would have warranted punishment.

After the banquet, the courtiers adopt a third strategy to harass Tadamori. This time, they call on the retired sovereign to punish Tadamori for “unprecedented breaches of conduct,” because he “stationed a warrior wearing a hunting robe at the small garden outside the Courtiers’ Hall” and “attended a formal banquet with a weapon at his waist.”<sup>82</sup> Upon investigation, Tadamori’s sword is found to have been a fake and the retired emperor accepts Tadamori’s explanation that the retainer came on his own to stand guard outside the hall without Tadamori’s knowledge. The

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<sup>81</sup> McCullough, trans., *The Tale of the Heike*, 25.

<sup>82</sup> *Ibid.*, 25.

episode ends with the retired emperor commenting that the retainer was just doing “the kind of things warriors’ retainers do,”<sup>83</sup> finding Tadamori innocent of the charges, and even praising him for demonstrating “admirable resourcefulness—precisely what one would desire in a warrior.”<sup>84</sup>

There is no external evidence for the *Heike*’s account.<sup>85</sup> The authors of the *Heike*, like others in the Heian and Kamakura periods, freely altered historical events and did not perceive a “need for categories such as historical fiction, fictional biography, or other combinations of historical fact and fictionalized characters.”<sup>86</sup> So, why does it matter if the *Heike*’s version of the banquet is fictional?

### **Constructing Fictional Legal Conflict**

Recognizing the fictional presentation of the legal process in the night attack episode exposes the way characters are introduced in order to manifest impermanence in the tale through changes in their fortunes. The warrior Tadamori is shown to be relatively powerless, thus setting the stage for the rise of the Taira warrior clan, and the courtiers and retired emperor are shown to be relatively powerful, thus setting the stage for their decline. The legal conflict at the center of the episode articulates these power relationships.

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<sup>83</sup> Ibid., 26.

<sup>84</sup> Ibid., 26.

<sup>85</sup> For more on the episode’s lack of historicity, see Gomi Fumihiko 五味文彦, *Taira no Kiyomori* 平清盛 (Tokyo: Yoshikawa Kōbunkan 吉川弘文館, 1999), 16-19.

<sup>86</sup> Aileen Gatten, “Fact, Fiction, and Heian Literary Prose: Epistolary Narration in *Tōnomine Shōshō Monogatari*,” *Monumenta Nipponica* 53, no. 2 (Summer 1998): 190.

The courtiers claim that weapons can only be worn in the hall in accordance with certain unspecified regulations. Historically, this was true.<sup>87</sup> One of the regulations the text may have been referring to was a directive 官符 (*kanpu*) of the Council of State 太政官 (*Daijōkan*) issued on the first day of the third month in 975, that permitted military officials 武官 (*bukan*) to be armed in the palace. Kondō Yoshikazu has argued that Tadamori was not a military official and did not yet have a high enough rank to receive imperial authorization to wear a sword.<sup>88</sup>

The episode itself hints at the distinction between civil and military functionaries. When Tadamori first hears of the plot, he justifies his resistance to it by saying, “I am not a civil functionary...I belong to a warrior house.” He does not use the term “military functionary,” though, so it is not clear whether he is stressing his continuing status as a military official or claiming that his warrior birth trumps his new status as a civil functionary. Kondō suggests that, “more than opposition between courtiers and warriors, this episode can be seen as offering an interesting example of the relationship between warriors and military officials.”<sup>89</sup> We can assume that at least one of the courtiers at the banquet was a military official or had permission to wear a weapon. However, it is curious that in the tale they did not do so. Short of smothering Tadamori in their bulky ceremonial garb, it is unclear how

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<sup>87</sup> The *Genpei jōsuiki* cites the law incorrectly, with the courtiers claiming that weapons were prohibited at the banquet.

<sup>88</sup> Kondō Yoshikazu 近藤好和, “‘Tenjō no yamiuchi’ no ‘katana’ ni tsuite no zakkan 「殿上闇討」の「刀」についての雑感,” in *Engyōbon Heike monogatari kōshō*, vol. 2, edited by Mizuhara Hajime 水原一 (Tokyo: Shin Tensha 新典社, 1993), 95-96.

<sup>89</sup> *Ibid.*, 95-97.

the unarmed courtiers could have carried out their planned “night attack” 闇討 (*yamiuchi*).

Modern scholars disagree on whether the attack planned by the courtiers was intended to embarrass, injure, or kill Tadamori. Banquets could apparently be rowdy affairs. Citing a later diary entry about the Gosechi Flushed Faces Banquet in 1201 that records one courtier mentioning physically bullying 凌轢 (*ryōreki*) another one at the banquet,<sup>90</sup> most scholars have argued for the first two less-extreme interpretations of the word for night attack. The strongest piece of evidence for the latter lethal interpretation is found in another version of the night attack episode from the *Genpei jōsuiki*, in which Tadamori’s retainer says he is there to watch the “end.”<sup>91</sup> Even this is inconclusive, though, with Matsuo Ashie interpreting it to mean an attempt to end Tadamori’s life,<sup>92</sup> and Saeki Shin’ichi arguing that the “end” in that case could have meant merely watching the matter come to its conclusion.<sup>93</sup>

The external historical and internal textual evidence strongly implies that the courtiers would have had a non-lethal attack planned, and the ambiguity in the passage is probably not coincidence. Ambiguity is difficult to translate, and in this case, one English version of the *Heike* does an injustice to the text by rendering

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<sup>90</sup> *Kunchū Meigetsuki* 訓注明月記, vol. 1, edited by Inamura Eichi 稲村栄一 (Matsue-shi 松江市: Matsue Imai Shoten 松江今井書店, 2002), 454-55 (Kennin 建仁 1/11/24).

<sup>91</sup> *Genpei jōsuiki* 源平盛衰記, vol. 1, edited by Ichiko Teiji 市古貞次, Ōsone Shōsuke 大曾根章介, Kubota Jun 久保田淳, Matsuo Ashie 松尾葦江 (Tokyo: Miyai Shoten 三弥井書店, 1991), 15.

<sup>92</sup> 果給わん様 (*hate tamawan sama*). See Ichiko Teiji 市古貞次, ed., *Heike monogatari jiten* 平家物語辞典 (Tokyo: Meiji Shoin 明治書院, 1973), 341.

<sup>93</sup> Saeki Shinichi 佐伯真一, “‘Tenjō no yamiuchi’ no gogi 「殿上闇討」の語義” in *Engyōbon Heike monogatari kōshō* 延慶本平家物語考証, vol. 1, edited by Mizuhara Hajime 水原一 (Tokyo: Shintensha 新典社, 1992), 89-94.

“night attack” unambiguously as “a plot to assassinate [Tadamori].”<sup>94</sup> The ambiguous term in the original Japanese introduces tension into the episode, which exaggerates the physical and political threat posed by the courtiers to Tadamori, while maintaining a distinction between courtier and warrior behavior.

An unambiguously lethal word like “assassination” seriously contradicts the internal logic of the episode. After all, if the text had shown the courtiers plotting to seriously injure or kill Tadamori, their actions would surely have been an unprecedented breach of law resulting in punishment of the courtiers themselves, not to mention its incongruity with the refined image of the courtiers elsewhere in the tale.

### **The Apogee of Imperial Power**

The night attack episode shows the so-called “cloister government”, or 院政 *insei*, of Retired Emperor Toba, as having absolute authority over the courtiers and the warriors. By asking Toba to adjudicate the case, the courtiers were implicitly accepting his authority. Furthermore, the observance of the imperial laws by both the courtiers and Tadamori throughout the episode implies that they considered themselves subject to imperial law.

In what Law and Literature scholar François Ost refers to as a “founding conversion,” or the construction of a new way of thought, Toba’s role in deciding punishment for Tadamori may have created a view of Toba’s rule that is at odds

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<sup>94</sup> Kitagawa and Tsuchida, trans., *The Tale of the Heike*, 7.

with the historical evidence.<sup>95</sup> Historian Pierre François Souyri, for example, has argued that Toba “ran the ‘cloister government’ with an iron fist,” and “the concentration of power in Toba’s hands gave rise to deep antagonisms in the Heian court between those who had his support and those who did not.”<sup>96</sup> Ultimately, according to Souyri, the despotism and favoritism of the retired sovereigns led to the rise of the warriors and the outbreak of the wars that followed Toba’s death in 1156.

Souyri’s explanation is consistent with the version of events in the *Heike*, where Tadamori suddenly receives permission to appear at court, and in the next episode of the tale, his clan rises swiftly over the course of a few lines of text to take over the functions of government. However, recent scholarship by Karl Friday and others has convincingly shown that the rise of warriors was a gradual event that took place over a long span of time. Most importantly, the warriors could not claim to have become independent of the court until after the Taira were defeated in the 1180s at the earliest,<sup>97</sup> and more likely not until after the Jōkyū War in 1221.<sup>98</sup>

Cameron Hurst has argued that Toba actually worked within existing institutions, which limited his power. In his study of the *Insei*, Hurst gives an example from 1147 of a legal case involving an altercation between Gion Shrine retainers and Toba’s warriors, who included Kiyomori. He observes that a meeting

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<sup>95</sup> See François Ost, “The Law as Mirrored in Literature,” *SubStance* 35, no. 1 (2006): 7.

<sup>96</sup> Pierre François Souyri, *The World Turned Upside Down: Medieval Japanese Society* (New York: Columbia University Press, 2001), 27.

<sup>97</sup> See Karl Friday, *Hired Swords: the Rise of Private Warrior Power in Early Japan* (Stanford: Stanford University Press, 1992), 167-177.

<sup>98</sup> For details about the expansion of warrior power, see Jeffrey P. Mass, *The Development of Kamakura Rule, 1180-1250: a History with Documents* (Stanford: Stanford University Press, 1979), 34-58.

of senior courtiers was held at Toba's palace to decide the case, but points out that "such instances were not the norm; they occurred infrequently and only over serious matters."<sup>99</sup> Thus, even though Toba "had the most influential voice at court," it was the council of senior courtiers who generally discussed matters and came to decisions.<sup>100</sup>

If we compare the historical Toba presented by Hurst with Toba's fictional counterpart in the *Heike*, then we can see that the tale greatly exaggerates Toba's influence over the court. Had a trial of Tadamori actually happened, it is unlikely that the retired sovereign could have unilaterally adjudicated the case, much less have handed down a verdict supporting the warrior instead of the courtiers. Presented this way, the exaggerated Toba in the tale provides a point within the narrative framework of the tale from which the arc of decline can begin for the retired emperors.

### **Praise of the Courtiers and Criticism of the Retired Emperor**

The Kakuichi *Heike* never claims that any member of the imperial family is a "proud" おごれる人 (*ogoreruhito*) or "mighty" person たけき者 (*takekimono*), or that they are the prosperous who decline. Therefore, we might be inclined to agree with those who argue "it is clear that those magnificent ones doomed to fail are the Taira,

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<sup>99</sup> G. Cameron Hurst III, *Insei: Abdicated Sovereigns in the Politics of Late Heian Japan 1086-1185* (New York: Columbia University Press, 1976), 164-165.

<sup>100</sup> *Ibid.*, 163.

the Heike of the title.”<sup>101</sup> However, the four occurrences of “proud”<sup>102</sup> and the seven occurrences of “mighty”<sup>103</sup> in the main narrative are never used in connection with Kiyomori either, and the only character in the tale explicitly identified as one of the prosperous who declines is a courtier, Fujiwara Narichika.<sup>104</sup> We must conclude, then, that the audience is expected to understand who is proud, mighty, or prosperous from behavior and context.

The first episode of the *Heike* is commonly read as criticism of antiquated courtier values. Paul Varley, for example, has seen the episode as demonstrating “the qualities that distinguished courtiers from warriors (represented by Tadamori) in this age and made inevitable the victory of the latter as the future rulers.” He contends that it shows Tadamori as “determined, realistic, and resourceful,” while the courtiers are “arrogant and aloof, unbending in their commitment to status and class privileges and to the rules that for centuries have tightly governed conduct at the court.”<sup>105</sup>

Varley is not alone in this reading of the text. As support for this negative depiction of the courtiers in the episode, he cites Nagazumi Yasuaki, who explains,

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<sup>101</sup> Miner, *The Princeton Companion to Classical Japanese Literature*, 163.

<sup>102</sup> See McCullough, trans., *The Tale of the Heike*, 47 (the monk Shunkan is “haughty”), 48 (the Retired Emperor’s North Guards are “arrogant”), 390 (“the talk has gone to his [Minamoto Yoshitsune’s] head”), and 396 (the First Emperor of Qin’s “arrogance”).

<sup>103</sup> *Ibid.*, 78 (Kiyomori’s “fierce warriors”), 215 (a monk “does not look so formidable”), 349 (Minamoto Yoriyoshi’s “faith was strong”), 388 (Minamoto “dauntless warriors”), 392 (Minamoto “dauntless warriors”), 395 (Taira Munemori is the “bravest Commander-in-Chief”), and 396 (Minamoto “dauntless warriors”).

<sup>104</sup> *Ibid.*, 70. For more, see Sekiguchi, “*Heike monogatari no mujōkan shōkō: Fujiwara Narichika reiraku no jojutsu wo megutte.*”

<sup>105</sup> Paul Varley, “Warriors as Courtiers: The Taira in the *Heike monogatari*,” in *Currents in Japanese Culture: Translations and Transformations*, edited by Amy Vladeck Heinrich (New York: Columbia University Press, 1997), 57.

“the *Heike* subtly enforces the courtiers’ rigid commitment to privileges and rules by having them employ elaborate, Chinese-style language when they lodge their complaints.”<sup>106</sup> Varley’s reading of this passage as a criticism of the courtiers has merit, Nagazumi’s interpretation of the scene is a plausible one, and Varley’s analysis offers valuable insights.

However, I propose that we consider the opposition of the courtiers to Tadamori as praise for the courtiers, because they attempted to remedy the damage done by Toba when the retired emperor allowed Tadamori entry into the Courtiers’ Hall. It is easy for us to sympathize with Tadamori the warrior, who is outnumbered and beset on all sides by powerful enemies. Conversely, it might be difficult for us to sympathize with the courtiers, who are motivated by jealousy to secretly plot an attack on a victim whose only offences seem to have been birth in a less prestigious family and possession of a physical deformity (a squint). In the context of the *Heike*, though, courtiers are almost always portrayed in a positive manner. It is impossible to know for certain what effect the authors hoped to achieve with this episode, but this indicates that reading this passage as criticism of the courtiers might not match the authors’ original intention.

The legal conflict in the first episode can be considered a *critical subversion*, which Ost has noted as one function of law in literature.<sup>107</sup> In this critical subversion,

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<sup>106</sup> *Ibid.*, 57.

<sup>107</sup> Ost, “The Law as Mirrored in Literature,” 7.

the courtiers exploit the language of the law and precedent in a strategy that subverts the power of the retired emperor. They reason as follows:

Rules and regulations are supposed to determine who may wear a weapon to an official banquet, and who may go in and out of the palace accompanied by Escorts...It has always been accepted that neither may be done without explicit imperial authorization. But Tadamori stationed a warrior wearing a hunting robe at the small garden outside the Courtiers' Hall, on the pretext that the man was a hereditary retainer, and he also attended a formal banquet with a weapon at his waist. Both actions were unprecedented breaches of conduct. A person who commits a double offense must not escape punishment. Tadamori must have his name removed from the duty-board and lose his official position at once.<sup>108</sup>

In their plea for justice, the courtiers make their case against Tadamori using the language of the law.

The courtiers' accusations contain legal terminology, details about legal procedures, and stiff prose. However, for the original audiences of the *Heike*, the medieval legalese used by the courtiers probably lent a patina of authenticity to their claims. One scholar has likened the prose in this passage to that found in a formal accusation 訴状 (*sojō*) that would have been presented in a legal context.<sup>109</sup> The *Heike* frequently includes documents, and Elizabeth Oyler has argued that this "gives the entire work the feel of an eyewitness account, and the fact that they are mostly evidentiary (letters, oaths, records) further evokes the realm of history rather than fiction."<sup>110</sup>

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<sup>108</sup> McCullough, trans., *The Tale of the Heike*, 25.

<sup>109</sup> Igarashi Chikara 五十嵐力 cited in Kajihara, *Shishi-no-tani jiken*, 88.

<sup>110</sup> Oyler, *Swords, Oaths, and Prophetic Visions*, 17.

The courtiers exhibit a facility with the language of the law that is contrasted with the retired sovereign's subjective application of his power. Whereas the courtiers cite legal provisions in their accusation, it is significant that Toba offers no legal justification whatsoever for his own decision not to punish Tadamori or the retainer, and the narrator ends the episode saying that "in view of [Toba's] evident approval, there was no more talk of punishment."<sup>111</sup> Tadamori violates the spirit, if not the letter of the law, yet Toba allows it to go unpunished.

The retired emperor is portrayed even more unflatteringly in the Engyōbon than in the Kakuichi *Heike*. Tadamori's argument that his retainer came of his own volition is less credible in this variant because the retainer is shown asking Tadamori for permission to go to the banquet beforehand. Tadamori grants it, which shows that Tadamori is very much in control of his retainer's actions. Therefore, in this *Heike* variant, the retired emperor seems foolish for believing Tadamori's claim that he is unable to control the actions of his retainer.

The Kakuichi *Heike* continues its criticism of the retired emperor later in the tale. The monks of Kōfukuji complain in a letter that, when Toba granted courtier privileges to Tadamori, "everyone inside and outside the capital deplored Retired Emperor Toba's mistaken generosity."<sup>112</sup> Taken together, the unsatisfactory ending to the banquet at the beginning of the *Heike* and the criticism of the retired emperor's actions later in the *Heike* implies that Toba is both mighty and foolish in inviting the

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<sup>111</sup> McCullough, trans., *The Tale of the Heike*, 26.

<sup>112</sup> *Ibid.*, 148.

Taira clan leader into the Courtiers' Hall, and in sparing Tadamori from punishment against the counsel of his ministers. Toba is even credited with being Kiyomori's father, which can be read as another implicit criticism of the retired emperor, because it manages to connect him with the dangerous success of both Tadamori and Kiyomori.

Recognizing these criticisms of the retired emperor encourages a more positive reading of the courtiers' role in the first episode and a more negative view of the retired emperor than is generally acknowledged. I would contend that the rise of the warriors is not shown to be inevitable, as Varley argued, but actually made possible by the retired emperor's support. Toba's acts were unprecedented, and he brought about the decline in the retired emperors' fortunes.

### **Sources of Conflict**

The authors of the *Heike* draw the legal elements of the text from actual laws, but other details are drawn from past events. *Heike* scholar David Bialock has termed this a reenactment of a past event in the narrative present,<sup>113</sup> because it reiterates compelling themes from earlier historical narratives. Bialock maintains that this episode from the *Heike* reenacts moments from the past concerning the "slaughter of a rival person or group under conditions of deception within the setting of a banquet" [italics in the original].<sup>114</sup> As evidence, he cites similar banquet scenes from

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<sup>113</sup> See Bialock, "Peripheries of power," 366.

<sup>114</sup> *Ibid.*, 366.

the Yamato Takeru and Jinmu Tennō narratives in Japan's earliest chronicle, the *Kojiki*.

Historical laws function in the episode to articulate an imagined conflict between courtiers and warriors that uses law to add a new layer to the reenactment. The central story about the group slaughter of an individual at a banquet remains the same (the courtiers planning a night attack for the banquet), but instead of dying as did the vulnerable characters in the earlier stories, Tadamori survives. If we accept the courtiers' interpretation of legal practices in the *Heike*, imperial law effectively makes Tadamori vulnerable to attack by disarming him, but ironically, the law also prevents the courtiers from carrying weapons, and he is spared from punishment by the retired sovereign. The missing ingredient that would have allowed the courtiers to carry weapons and attack Tadamori was imperial sanction. They finally receive this permission more than four decades later in the Shishi-no-tani plot against Kiyomori.

### **Downward Trajectory of the Retired Emperor**

Support by the retired emperors for the Taira was withdrawn in 1177 by Retired Emperor Go-Shirakawa 後白河 (1127-1192) with disastrous results for imperial power. During a secret gathering at Shishi-no-tani that year, Go-Shirakawa discusses a plot against the Taira with his closest associates. One of those in attendance exclaims, "many people are listening. The secret will leak out in no time." Then, a courtier named Narichika "rose abruptly, and the sleeve of his

hunting robe grazed and overturned a wine bottle.” Asked by Go-Shirakawa what that meant, Narichika replies in typical courtier fashion with a witty pun, “The downfall of the *heiji* [a pun on the Taira clan name and the word for wine bottle],” which elicits a smile from the retired sovereign.<sup>115</sup> This is similar to the pun introduced previously in the night attack episode, and recalls for the *Heike*’s audience events from the aborted plot against Kiyomori’s father.

While we do not know whether the attack on Tadamori that was plotted by the courtiers in the earlier episode was supposed to have been lethal, this plot against Kiyomori almost certainly is. After Narichika’s pun, another participant says there are too many wine bottles / *heiji*, and the Buddhist monk Saikō 西光 replies, “the best thing is to take their heads,” then he “decapitated” a bottle.<sup>116</sup> Toba did not authorize the attack on Tadamori in the earlier episode, and afterwards he protected Tadamori from punishment, but with a different retired emperor looking on at this gathering, the Heike clan (*heiji*) are symbolically beheaded.

As in the earlier episode with his father, Kiyomori discovers the plot by the courtiers and must decide how to respond. Unlike his father, Kiyomori now possesses the power to use force of arms against the plotters. Whereas Tadamori deftly outmaneuvered the courtiers and maintained the support and authority of the

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<sup>115</sup> McCullough, trans., *The Tale of the Heike*, 47.

<sup>116</sup> *Ibid.*, 47.

retired emperor, Kiyomori savagely revenges himself on the plotters, defies, and even attempts to restrict the authority of the retired emperor.

The outcome is the opposite of that in the night attack episode, because the retired emperor is no longer mediating disputes, and Kiyomori is the one who unilaterally decides the fate of the courtiers. Kiyomori sends a subordinate with a message for the Retired Emperor:

Some of the Retired Emperor's associates are plotting to overthrow our clan and cast the nation into confusion. I intend to arrest them all, question them, and take disciplinary action. The Retired Emperor will please not interfere.<sup>117</sup>

Casting himself as the protector of order in the nation, Kiyomori assumes the authority to determine punishments for the retired emperor's associates.

This plot is also of dubious authenticity, and the lack of historicity for both plots is significant because it supports one of Judge Richard Posner's claims about law in literature. Posner argues that "we cannot learn a great deal about the day-to-day operations of a legal system from works of imaginative literature.... but we can learn a great deal of *jurisprudence* from such works of literature."<sup>118</sup> The aspect of jurisprudence, or general theory of law, addressed in the narrative concerns the relationship between imperial authority and power, courtiers, and warriors.

Imperial *authority* derives from a divine source, and is thus inviolable, but imperial *power* is not. Although he does not make this distinction when he argues

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<sup>117</sup> Ibid., 63-64.

<sup>118</sup> Richard A. Posner, *Law and Literature* (Cambridge, MA: Harvard University Press, 1998), 5.

that impermanence in the *Heike* does not affect the retired emperors, Hyōdō Hiromi may be referring to imperial authority rather than imperial power. As an analysis of the following episodes illustrates, while imperial authority remains unaffected in the tale by the proud and mighty, the retired emperors themselves are subject to the same vicissitudes of impermanence as all other things.

### **Sources of Authority**

After successfully punishing the associates of the retired emperor who joined in the Shishi-no-tani plot, Kiyomori surreptitiously decides to punish the retired emperor himself. This leads Kiyomori's son, Shigemori, to admonish his father in one of the *Heike's* most direct discussions about the limits of warrior authority. Shigemori appeals to the *kami*, Buddhist, and Confucian belief systems to admonish his father and urge him not to take revenge on Narichika and the retired emperor in order to avoid divine displeasure. Shigemori's admonition identifies the sources of political authority (the imperial family and the Fujiwara clan) and explains the limits on how warriors should exercise power (Buddhist, *kami*, and Confucian beliefs).

First, Shigemori mentions the divine source of authority in Japan. He says that it is improper for someone who has become Prime Minister to put on a helmet and armor, which Shigemori claims has been true since the descendants of the Sun Goddess 天照 (*Amaterasu*) have reigned and the descendants of the ancestral god of

the Fujiwara clan (*Ame no Koyane Mikoto*) have ruled.<sup>119</sup> In short, the authority of the imperial family and Fujiwara clan is hereditary, and through the voice of Shigemori, the tale makes it clear that the gods long ago invested authority in the imperial family and power in the Fujiwara clan.

The source of warrior authority and power is also divine, but its nature is not hereditary. Instead, it is temporarily given. The *Heike's* audience is reminded of the divine support for Kiyomori just prior to Shigemori's admonition, when Kiyomori arms himself with "a short spear with a silver snake-coil pattern on the hilt—a weapon that he had received from the Itsukushima deity in a dream visitation"<sup>120</sup> during his term as Governor of Aki. We can understand the weapon as a physical manifestation of the authority given to Kiyomori, but he is warned that his "good fortune will not extend to [his] progeny if [he is] guilty of wicked deeds."<sup>121</sup> It was also during his term as governor that a sea bass "leaped into his boat while he was making a pilgrimage from Ise Bay to Kumano," and after feeding parts of it to "all his kinsmen and samurai...he was blessed by one stroke of luck after another."<sup>122</sup> The latter event represented the divine favor of the Kumano deities, and like the weapon given to Kiyomori, the meal is a physical manifestation of divine blessing

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<sup>119</sup> This claim is derived from Japan's earliest official history, the *Kojiki*. See Donald Philippi, trans., *Kojiki* (Tokyo: University of Tokyo Press, 1969), especially 139-140.

<sup>120</sup> McCullough, trans., *The Tale of the Heike*, 73.

<sup>121</sup> *Ibid.*, 105.

<sup>122</sup> *Ibid.*, 27.

that is only temporary, unlike the eternal authority granted to the Fujiwara and imperial families.<sup>123</sup>

Kiyomori loses his divine authority to Minamoto Yoritomo later in the tale when he moves the capital to Fukuhara. Inauspicious events occur there, but the most important one of which is a dream by a young samurai about senior officials gathered in the Department of Shrines at the Greater Imperial Palace.

...they were expelling someone in a lower seat who gave the impression of belonging to the Taira faction.

“Who is that person?” the dreamer asked an old man.

“The Itsukushima deity,” he answered.

Then the dignified, aged occupant of the highest seat spoke. “The Sword of Commission, temporarily entrusted to the house of Taira, is now to be presented to the Izu Exile Yoritomo.”<sup>124</sup>

In an article on the Genpei jōsuiki, Minobe Shigekatsu interprets this passage to mean that,

Kiyomori received the power to overtake the Fujiwara family and approach the imperial authority by the assistance of Itsukushima Myōjin, a fact which was in violation of the fixed harmony of imperial authority, and for that reason alone, it was necessary for him to protect the basic principles in order to maintain his hold on authority.<sup>125</sup>

Later in the same episode from the *Heike*, the narrator explicitly states that the Taira are in danger of losing the Sword of Commission “for having disregarded the imperial will.”<sup>126</sup> These examples from the text emphasize the difference between

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<sup>123</sup> For more on this episode, see Bialock, *Eccentric Spaces, Hidden Histories*, 279-281.

<sup>124</sup> McCullough, trans., *The Tale of the Heike*, 172.

<sup>125</sup> Minobe, “The World View of *Genpei jōsuiki*,” 215-216.

<sup>126</sup> *Ibid.*, 173.

the guaranteed authority of the imperial and Fujiwara families, and the provisional authority granted to the warriors.

Besides arguing for the need to submit to the imperial and Fujiwara authority granted by the *kami*, Shigemori invokes Buddhist beliefs to constrain Kiyomori's authority. Shigemori says that as a lay priest, it is a violation of Buddhist beliefs for Kiyomori to discard his robes, and in wearing arms, "he commits sins against Buddhism by breaking the commandments and losing his sense of shame."<sup>127</sup> However, Buddhist thought does not figure prominently in his lengthy admonition.

The third belief system to be found in Shigemori's admonition is Confucian. According to Shigemori, Kiyomori's behavior does not follow the Confucian principles of benevolence, righteousness, proper demeanor, wisdom, and good faith. Shigemori's efforts to act according to Confucian principles are frequently contrasted in the first half of the tale with his father's disregard for them. For instance, after the first of the "Taira clan's evil deeds," Kiyomori orders the punishment of the Regent for chastising Shigemori's son, Sukemori. Shigemori admonishes his own son, because he believes his son should have acted more courteously towards his superiors, and that his rudeness sullied Kiyomori's name. In Shigemori's view, his son's actions show that Sukemori has "no conception of filial piety."<sup>128</sup> In Confucian

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<sup>127</sup> Ibid., 74.

<sup>128</sup> Ibid., 44.

terms, by admonishing his father when he is in the wrong, painful though it may be, Shigemori is demonstrating the depths of his filial piety.

Shigemori's most serious criticism, however, is based on the debt of loyalty the Taira clan owes to the retired sovereigns as one of its four ostensibly "Buddhist" obligations: "to heaven and earth, to sovereigns, to parents, and to all living things."<sup>129</sup> He chastises Kiyomori, saying, "our clan holds more than half the provinces and districts in the country, and we control private estates as we see fit. Aren't all those things signs of extraordinary imperial favor?" In Shigemori's mind, the service that Kiyomori has rendered to the retired emperor has been adequately rewarded, and it is Kiyomori who is being disloyal.

Yet, while the concept of four obligations is Buddhist in name and origin, the content is hardly Buddhist at all. Buddhist literature from the early ninth century in Japan held "that all beings are obligated to repay: one's parents, other sentient beings, the sovereign, and the three jewels of Buddhism."<sup>130</sup> In an insightful study of the four obligations, Brian Ruppert points out that in Shigemori's admonition,

the four debts, which had in earlier continental history lacked any mention of the sovereign, were now reinterpreted to place the debt of all to the ruler as the highest priority and to discard any mention of debt to Buddhism!<sup>131</sup>

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<sup>129</sup> Ibid., 74.

<sup>130</sup> Brian D. Ruppert, "Sin or Crime? Buddhism, Indebtedness, and the Construction of Social Relations in Early Medieval Japan," *Japanese Journal of Religious Studies* 28, nos. 1-2 (2001): 32.

<sup>131</sup> Ruppert, "Sin or Crime? Buddhism, Indebtedness, and the Construction of Social Relations in Early Medieval Japan," 46-49.

In this passage, Shigemori has emptied the four obligations of their Buddhist content. Shigemori is torn between his loyalty to the sovereign, which he has identified as the greatest obligation of all, and his loyalty to his father. He determines that he must take “a few samurai” with him and defend the retired emperor from his father, and that the situation “may become extremely difficult.”<sup>132</sup>

The Engyōbon presents Shigemori’s admonition in a more menacing manner than the Kakuichi *Heike*. Shigemori says that he will take more than 200 samurai and defend the retired emperor, and does not seem to expect that he will be defeated. In fact, he fears what will happen when he wins. He reminds his father of the Hōgen rebellion, when Minamoto Yoshitomo and his father fought on different sides, and after that battle, Yoshitomo had to execute his father. Shigemori ends by saying that, “until yesterday I had [only] seen and heard about that, but today I feel it is happening to me,” 昨日マデモ見聞候シニ、今日ハ重盛ガ身ノ上ニナリヌトコソ覚候  
〜 (*Kinō mademo mikikisōraishini, kyō wa Shigemori ga mi no ue ni narinu to koso oboesōrae*).<sup>133</sup> This is somewhat ironic, considering that Kiyomori was said to have executed his own uncle during the Hōgen conflict to force Yoshitomo to have to execute his father.<sup>134</sup> Commentators have noted that Shigemori’s reference to the past event can be read as a veiled threat by Shigemori against his father.<sup>135</sup> He

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<sup>132</sup> McCullough, trans., *The Tale of the Heike*, 75-76.

<sup>133</sup> The translation is mine. *Engyōbon Heike monogatari: honbunhen*, vol. 1, 149.

<sup>134</sup> See Wilson, trans., *Hōgen monogatari*, 65.

<sup>135</sup> *Engyōbon Heike monogatari: honbunhen*, vol. 1, 205-206.

demonstrates that he has the authority (from the retired emperor) and the power (from the Taira warriors) to thwart him.

Kiyomori decides the issue of loyalty to the sovereign in a different way than Shigemori. Before Shigemori's admonition, Kiyomori attempts to justify the treasonous behavior he is contemplating. Kiyomori contends that he repeatedly risked his life to serve Retired Emperor Go-Shirakawa, and the high status he had attained was a reward for that service. Retired Emperor Go-Shirakawa owes a debt of gratitude to the Taira clan, and according to Kiyomori, he "ought to have stood by our clan unto the seventh generation."<sup>136</sup> Loyalty to his lord is not unconditional for Kiyomori. Instead, it is a kind of contractual agreement that requires reciprocity by his lord. By plotting against Kiyomori, the retired emperor broke the bonds between them and voided the arrangement.

The concept of loyalty put forth by Kiyomori here appears to reflect what would later become the reality in medieval warrior culture. Historian Thomas Conlan maintains that a new basis for determining social status was developed in the fourteenth century; "Instead of being prescribed by those in authority, status came to be based on performance and control over physical resources."<sup>137</sup>

Kiyomori's argument may have its origins in the medieval social and historical context that produced the *Heike*, but as Shigemori's admonition and the examples

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<sup>136</sup> Ibid., 73.

<sup>137</sup> Thomas Donald Conlan, *State of War: the Violent Order of Fourteenth-Century Japan* (Ann Arbor, MI: Center for Japanese Studies, the University of Michigan, 2003), 5. For more details about loyalty in the fourteenth century, see 141-164.

given above demonstrate, authority in the more idealistic worldview of the *Heike* ultimately comes as a reward or gift from a higher earthly or supernatural power.

### **Summary**

The Shishi-no-tani affair ends with the full expression of the themes introduced in the first episode. In contrast to his father, when Kiyomori discovers a plot against him, he ignores all precedent and reacts with violence to punish the plotters. In doing so, he takes from the retired sovereign the judicial authority to summon, capture, interrogate, judge, and sanction punishment. Consequently, in addition to his identity as courtier, warrior, and Buddhist monk, Kiyomori acquires a fourth identity as a quasi-retired sovereign.

In a sense, within the narrative framework of the tale, he binds together in his person all of the institutions of power (the imperial court, religious institutions, and warrior aristocracy). The outcome of the Shishi-no-tani affair marks the apogee of warrior power, as Kiyomori completes the upward trajectory that began in the first episode with Tadamori's entry into the Courtiers' Hall. Conversely, this marks the nadir of imperial power, as Go-Shirakawa completes the downward trajectory that began in the first episode with Toba's unilateral decisions.

In the chapter that follows, I argue that Kiyomori's deeds are defined as evil because he uses the apparatus of judicial power to exact revenge on his enemies. Furthermore, by going beyond the reach of punishment under imperial Law, the only limit to his abrogation of power is karmic retribution under Buddhist Law.

Thus, the explanation for Kiyomori's sudden death is due to the workings of his Buddhist karma, while the reasons for his clan's destruction can be found in a conflation of mundane and supernatural laws particular to the *Heike*.

## CHAPTER FOUR: RETRIBUTION, REVENGE, AND KIYOMORI

According to the analysis of impermanence in the preceding chapter, we saw that regardless of their sacred and divine authority, impermanence affected even the retired emperors, and they suffered decline just as surely as Kiyomori and the rest of the Taira clan did. The purpose of this chapter is to illuminate how Kiyomori's role as the protagonist is developed and how the attendant theme of retribution functions in the narrative.

Scholarly consensus holds that retribution is a secondary theme in the *Heike*. Literary scholar Margaret Childs, for example, has argued that the Taira clan's defeat is partly retribution for Kiyomori's abuse of power, but primarily a result of "the natural law that all things are transient."<sup>138</sup> Similarly, historian Delmer Brown maintains that the "death of Kiyomori's sons and the destruction of the Taira house were, according the *Heike*, retribution for Kiyomori's evil deeds."<sup>139</sup> Cultural historian Paul Varley believes the Taira clan's destruction was mainly the result of an "unfathomable, relentless fate," and secondarily the result of "karmic retribution."<sup>140</sup>

There is an undeniable connection between the theme of retribution, Taira Kiyomori, the evil deeds in the tale, the destruction of the Taira clan, and Buddhist karma. In his foreword to Kitagawa and Tsuchida's translation of the Kakuichi *Heike*,

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<sup>138</sup> Childs, *Rethinking Sorrow*, 9.

<sup>139</sup> Brown, *The Future and the Past*, 394.

<sup>140</sup> Paul Varley, *Warriors of Japan as Portrayed in the War Tales* (Honolulu: University of Hawai'i Press, 1994), 87.

Edward Seidensticker writes that “Kiyomori, who dominates the early chapters, behaves with arrogance and cruelty, and his sins are visited upon his clan.”<sup>141</sup> In their introduction to the translation, Kitagawa and Tsuchida correctly observe that “the karmaic theory of Buddhist philosophy persists throughout the *Heike*,” but they contend that “the fall of the Heike is treated as retribution for the evil deeds committed by Kiyomori.”<sup>142</sup> In an essay at the end of her translation of the Kakuichi *Heike*, McCullough summarizes the tale as one “of a proud and mighty man, Taira no Kiyomori, of his contumacy, ‘freakish caprices,’ and selfishness, and of the destruction visited on his descendants in accordance with the law of karmic retribution.”<sup>143</sup> McCullough is not as specific about the connection between Kiyomori and his descendants, but the implication is clear enough; namely, that Kiyomori’s behavior brought destruction to his descendants through karmic retribution.

In this chapter I argue that these explanations of karmic retribution in the Kakuichi *Heike* are untenable. Karma is typically considered to be an individual matter. However, the interpretations offered by these scholars assume that even though individuals (Kiyomori’s descendants) are not guilty of committing evil deeds themselves, they share responsibility for deeds committed by someone else (Kiyomori), and therefore suffer the karmic consequences (extirpation) for his actions.

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<sup>141</sup> Kitagawa and Tsuchida, trans., *The Tale of the Heike*, xvii.

<sup>142</sup> *Ibid.*, xxvii.

<sup>143</sup> McCullough, trans., *The Tale of the Heike*, 456.

I demonstrate in this chapter that there is no clear evidence in the Kakuichi *Heike* to support this reading of what I term as “vicarious karmic retribution.” Justification for retribution is actually much more complicated and ambiguous, because it draws on a mix of supernatural and mundane sources including Confucian concepts, Buddhist karma, *kami* beliefs, and legal practices.

### **Revenge and Retribution**

We will begin by examining some issues related to terminology, then address the connections drawn in the tale between these elements. Retribution and revenge occupy some of the same conceptual territory. Philosophy scholar Andrew Oldenquist, for example, argues that “there is no doubt that retribution is revenge, both historically and conceptually.”<sup>144</sup> If revenge aspires to achieve a new identity as retribution, though, Oldenquist believes it must be “expressed through institutional ritual and ceremony.... [and] the socialization of revenge transforms it into justice.”<sup>145</sup> Noted legal scholar Bryan Garner (best known as editor of the authoritative Black’s Law Dictionary) writes that to *retribute* means to *pay back*,<sup>146</sup> and establishes more substantial conceptual boundaries between retribution and revenge than Oldenquist when he writes that:

to *avenge* is to visit fitting retribution upon another...to *revenge* is to inflict suffering or harm upon another out of personal resentment. *Avenge* and

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<sup>144</sup> Andrew Oldenquist, “An Explanation of Retribution,” *The Journal of Philosophy* 85, no. 9 (September 1988): 473.

<sup>145</sup> *Ibid.*, 475.

<sup>146</sup> Bryan A. Garner, *A Dictionary of Modern Legal Usage*, 2<sup>nd</sup> ed., (New York: Oxford University Press, 1995), 768.

*vengeance* have to do with justice and the legal process, *revenge* with getting even.<sup>147</sup>

Garner's definition will be used in this paper for the sake of clarity, but as this chapter shows, the gray area between public, legal retribution and private, extralegal revenge that Oldenquist identified is important for understanding the significance of punishments in the *Heike*.

We should also consider revenge as a theme in the *Heike*. When we look at punishments in the *Heike* and distinguish between revenge and retribution, we can see that most of the punishments by Kiyomori are motivated by his desire for revenge. Four punishments, in particular, are emphasized in the text. The first is the humiliating punishment of the Regent as revenge by Kiyomori for the way that the Regent treats his grandson in the "Horsemen Encounter the Regent" episode.<sup>148</sup> The second is the execution of Narichika for conspiring with the retired emperor to destroy the Taira clan in the so-called Shishi-no-tani affair.<sup>149</sup> The third is the imprisonment of the retired emperor, which is revenge for his machinations against the Taira in the Shishi-no-tani affair.<sup>150</sup> Fourth is the assassination of Prince Mochihito for attempting to raise a revolt against the Taira.<sup>151</sup> It goes without saying that none of these acts were carried out with imperial permission.

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<sup>147</sup> Ibid., 93.

<sup>148</sup> See McCullough, trans., *The Tale of the Heike*, 42-44.

<sup>149</sup> Ibid., 82-84.

<sup>150</sup> Ibid., 126-128.

<sup>151</sup> Ibid., 155-158.

In contrast to punishments inflicted under Kiyomori's auspices, punishments under the Minamoto after they receive an imperial order to "chastise" the Taira,<sup>152</sup> are generally executions accompanied by the institutional ritual and ceremony characteristic of retribution. When the eight-year-old Taira Yoshimune (Fukushō) is executed, the warriors take the boy to the execution ground (the dry bed of the Kamo River) and put down a fur rug for him to sit on (a fur rug is also used in Rokudai's execution). That is not to say the executions are devoid of brutality. When the time came, a Minamoto warrior "pulled Fukushō away from the nurse's breast, pushed him down with his dagger, and cut off his head." However brutal they were, though, after the execution, even the Minamoto warriors wept to demonstrate that they "were not insensate rocks or trees."<sup>153</sup>

When the last of Kiyomori's male descendants is executed, we can see that the Minamoto authority to punish is legitimized by the court. The "Kamakura Lord"<sup>154</sup> presumably has the power to forcefully seize Rokudai and execute him. However, perhaps because Rokudai has become a monk, the warrior leader must repeatedly plead with the court for permission to execute him, saying, "Although he may have a shaven head, he is no monk at heart." The court accedes to his request and orders that Rokudai be sent to the Kantō region (the east), and then executed.<sup>155</sup>

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<sup>152</sup> Ibid., 184.

<sup>153</sup> Ibid., 392.

<sup>154</sup> Yoritomo was already dead by this time, so Ichiko Teiji suggests that this might refer to Yoriie, who succeeded his father in 1199 to head the clan, or Minamoto Sanetomo, who became head of the clan after Yoriie was removed in 1203. See *Heike monogatari* 平家物語, vol. 2 of *Nihon koten bungaku zenshū* 日本古典文学全集, translated and edited by Ichiko Teiji 市古貞次 (Tokyo: Shōgakukan 小学館, 1994), 496.

<sup>155</sup> See McCullough, trans., *The Tale of the Heike*, 425.

Considering the contrast between the Taira and Minamoto, punishments that permeate the *Heike* can be thought of as part of a discourse on the distinction between revenge and retribution. For warriors like Kiyomori who lack imperial authority for their acts, the punishments they mete out are acts of revenge, which are termed “evil deeds” in the tale. Warriors who have imperial authority, like the Minamoto, are legally administering retributive justice. Another way to frame this discourse might be in terms of authority and power. Both Taira and Minamoto warriors have the power to commit acts of violence, but in the tale, their authority to exercise that power derives from the imperial family.

In the Initiate’s Chapter, which follows Rokudai’s death at the end of the main narrative in the Kakuichi *Heike*, the importance of punishments to understanding the fate of Kiyomori and the Taira clan is made clear. According to the narrator, the tragic fate of the clan was:

all the fault of the Chancellor-Novice Kiyomori, the man who had held the whole country in the palm of his hand and executed and banished as he pleased, unawed by the Emperor above and heedless of the myriad folk below, with no concern either for society or for individuals. There seemed no room for doubt that the evil deeds [罪業 *zaigō*] of a father [父祖 *fuso*]<sup>156</sup> must be visited on [報ふ *mukuu*]<sup>157</sup> his offspring.<sup>158</sup>

Significantly, as this passage reminds us, the exercise of punishments such as banishment and exile function as one of the primary methods for representing Kiyomori’s turpitude in the tale.

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<sup>156</sup> A more literally accurate translation of 父祖 would be *ancestors*.

<sup>157</sup> An alternative translation of 報ふ would be *retribution*.

<sup>158</sup> McCullough, trans., *The Tale of the Heike*, 437-38.

This passage from the Initiate's Chapter is also significant because it assumes a kind of natural law whereby evil deeds engender retribution for one's descendants. Evil deeds (罪業) and retribution (報ふ) are vocabulary that imply a discourse about karmic retribution, but the wording of the passage also echoes the Confucian concept (from the *Book of Changes*) that was introduced via Shigemori earlier in the tale. The passage never mentions that this is karmic retribution, though, and as this chapter of my thesis shows, if we read it as karmic retribution for Kiyomori's evil deeds, then it is in conflict with the rest of the narrative. It may be for this reason that interpretation of this passage is left to the audience. So, how should we understand the retribution for Kiyomori and the Taira clan in the tale?

### **Confucian Thinking and Retribution for the Taira**

Surprisingly, despite the *Heike's* close relation to Buddhist institutions and the overall Buddhist tone of the work, the strongest link between the Taira clan's fate and Kiyomori's evil deeds can be found through an appeal to Confucian philosophy.<sup>159</sup> This is expressed succinctly by Shigemori when he cites a phrase from the *Book of Changes* 易經 (*Ekikyō*; Ch: *Yi Jing*),<sup>160</sup> which was considered part of the traditional Confucian canon: "Later generations prosper in a house where good

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<sup>159</sup> As discussed in Chapter 2, the authors of the *Heike* freely mixed Confucian and Buddhist thought, suggesting they saw little need to distinguish between them.

<sup>160</sup> In English, see Richard Rutt, *Zhouyi: the Book of Changes* (Richmond, Surrey: Curzon Press, 1996), 439.

deeds have accumulated; calamity lingers in a family where evil deeds have accumulated.”<sup>161</sup> However, the sentiment is not repeated elsewhere in the tale.

As Saeki Shin’ichi has argued, it cannot be relied on as the sole explanation for the connection between Kiyomori’s evil deeds and the fate of his descendants.<sup>162</sup> Moreover, the Confucian concept’s connection to Buddhist karma, which clearly plays some role in retribution for the Taira, is never made clear. Here and in Shigemori’s admonition for his father, Buddhism plays only a minor role. According to Shigemori, Kiyomori’s evil deeds will be punished by some combination of earthly means (Shigemori’s armed defense of the retired emperor and oblique threat to execute his father) and supernatural means (Confucian, Shinto, or Buddhist).

### **Karmic Retribution and the Six Paths**

One punishment for medieval malefactors like Kiyomori was supernatural retribution, which in the tale is primarily a manifestation of Buddhist karmic law. In the Buddhist worldview at the time, karmic rewards or punishments were understood to be present in this life 現報 (*genpō*), they could be postponed until the next life 正報 (*shōhō*), or they could be postponed to “a lifetime even farther in the future”<sup>163</sup> 後報 (*gohō*). Karma determined transmigration along six manifestations or “paths” (*rokudō*): gods (*kami*), humans (*ningen*), warring titans called asuras (*ashura*),

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<sup>161</sup> McCullough, trans., *The Tale of the Heike*, 69.

<sup>162</sup> See Saeki Shin’ichi 佐伯真一, “Heike monogatari no ingakan 平家物語の因果観,” *Nihon bungaku* 日本文学 32, no. 4 (1983): 34-35.

<sup>163</sup> William R. LaFleur, “Kyōkai and the ‘Easternization’ of Japan: a Review Essay,” review of *Miraculous Stories from the Japanese Buddhist Tradition: the Nihon ryōiki of the Monk Kyōkai* by Kyoko Motomochi Nakamura, *Journal of the American Academy of Religion* 43, no. 2 (June 1975): 270.

animals (*chikushō*), hungry ghosts with “insatiable cravings and desires” (*gaki*), and creatures of hell (*jigoku*).<sup>164</sup> The most obvious example of the influence of this worldview on the tale is the dramatic and unique re-interpretation of the six paths found in the final Initiate’s Chapter from the Kakuichi *Heike*.

The Initiate’s Chapter reinforces the Preface’s emphasis on decline. The transmigration of the soul through the six courses normally indicates a cyclical process occurring over several lifetimes. Thus, Bialock has read this as enforcing the cyclicity implicit in the phrase “all that flourishes must decline” 盛者必衰 (*jōsha hissui*) from the Preface.<sup>165</sup> In this episode of the tale, transmigration is compressed into a single lifetime. Early in her life she lives like a god (the first course) as Emperor Antoku’s mother, then she descends through the courses until arriving in hell (the sixth course) when the Taira clan are destroyed in battle, and “it seemed even the shrieks of sinners under the flames in the hot hells could sound no worse.”<sup>166</sup> After arriving in hell, she is reborn, in a manner of speaking, as a nun. She is then able to lead herself and other clan members out of the cycle to enter the Pure Land.

### **Karmic Retribution and the Taira Clan**

For the rest of Kiyomori’s descendants, transmigration through the six courses occurs across lifetimes as a result of karmic retribution and recompense for

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<sup>164</sup> William R. LaFleur, *The Karma of Words: Buddhism and the Literary Arts in Medieval Japan* (Berkeley: University of California Press, 1983), 28-29.

<sup>165</sup> Bialock, “Peripheries of Power,” 352.

<sup>166</sup> McCullough, trans., *The Tale of the Heike*, 436.

their actions. Though it has been argued that karmic retribution is visited on the Taira clan due to their evil deeds in this life, a close reading of the Kakuichi *Heike* reveals this to be a problematic interpretation. Writing about Shigemori's admonishment, Herbert Joseph argues:

The evil deeds of the House of Heike in this passage demonstrate according to Shigemori that they are on the downward path and headed for destruction. As the epic progresses these evil deeds bear immediate results for the Heike Clan in terms of continued misfortune, bad judgment and calamity.<sup>167</sup>

However, Shigemori's admonition is clearly directed at his father, Kiyomori, and his only complaint in the text about the clan as a whole is that they "treat others like dirt."<sup>168</sup> Moreover, with the exception of Shigehira and Kiyomori (whose actions lead to the burning of Tōdaiji and Kōfukuji) no Taira death or misfortune is directly attributed to any deeds in this life (by the clan or Kiyomori). When Munemori is being executed, for example, a holy man tells him "that which is to happen now is your karma from a previous existence: you must not blame society or men."<sup>169</sup>

In Kiyomori's case, though, the overwhelming emphasis is on karmic retribution in this life for his evil deeds, and hell is the path decided by Enma 閻魔 for him in the next life. A serious headache or fever 頭風 (zufū)<sup>170</sup> overtook Kiyomori towards the end of the second month in 1181, and claimed his life a few

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<sup>167</sup> Joseph, "The 'Heike Monogatari': Buddhist Ethics and the Code of the Samurai," 102.

<sup>168</sup> McCullough, trans., *The Tale of the Heike*, 75.

<sup>169</sup> *Ibid.*, 398.

<sup>170</sup> Matsunaga Goichi suggests the illness may have been high blood pressure or a kind of dengue fever. See Matsunaga Goichi 松永伍一, *Heike densetsu* 平家伝説 (Tokyo: Chūō Kōronsha 中央公論者, 1973), 23.

days later.<sup>171</sup> According to records collected in the *Hyakurenshō* 百鍊抄, when Kiyomori became ill, it was rumored that his fever burned like a flame and people interpreted this as retribution in this life 現報 (*genpō*) for the conflagration that consumed the Tōdaiji and Kōfukuji temples about two months earlier.<sup>172</sup>

The interpretation of his illness from the historical record in the *Hyakurenshō* appears in the *Heike's* account. Regarding this, Kajihara Masaaki argues that Kiyomori built up bad karma and he called down retribution on himself for his evil deeds. Behind the “prosperous must decline” (*jōsha hissui*) phrase from the Preface is the concept of karmic retribution, and Kiyomori’s fate is an example of karmic retribution in this life (*genpō*) for one’s evil deeds.<sup>173</sup>

The *Heike* embellishes the historical accounts by inventing a macabre malady and describing its horrific progression in graphic detail. Kiyomori becomes so hot that “people could hardly bear to remain within twenty-five or thirty feet of the bed,” and when they tried to cool him in a bath, “the water boiled up and turned to steam as soon as Kiyomori got in to cool off.” When they poured water on him, “the few drops that struck him burst into flame.”<sup>174</sup> Beyond the destruction of the Nara temples, records such as the *Hyakurenshō* do not associate any of Kiyomori’s alleged crimes with his illness. However, in the *Heike*, the narrator explains that “it seemed

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<sup>171</sup> The *Gyokuyō* records his illness beginning on the twenty-seventh day and the *Azuma kagami* records that it as beginning on the twenty-fifth, but they both agree with the *Hyakurenshō* that he died of an illness on the fourth day of the intercalary second month. See *Gyokuyō*, Jishō 5 (1181) 2/27, int. 2/4; *Azuma kagami*, Jishō 5 int. 2/4; *Hyakurenshō*, Jishō 5 int. 2/4, 6, 8.

<sup>172</sup> See *Hyakurenshō*, Jishō 5 int. 2/4, 6, 8.

<sup>173</sup> Kajihara, *Shishi-no-tani jiken*, 56-57.

<sup>174</sup> McCullough, trans., *The Tale of the Heike*, 209.

no ordinary ailment,” and the people’s comments that “his deeds have come home to roost,”<sup>175</sup> suggest that in the tale, his disease was actually considered retributive karmic punishment for his crimes.

During the course of Kiyomori’s illness, a supernatural tribunal convenes and declares him guilty. In a dream, Kiyomori’s wife sees a flaming carriage come from “Enma’s tribunal” for her husband. A voice tells her:

It has been decided at the tribunal that the Chancellor-Novice will fall to the bottom of [the Hell of Punishment] Without Intermission [Mugen] for the crime of burning the one-hundred-sixty-foot gilt bronze Vairocana in the world of men. Enma has written the mu of Mugen [on an iron tablet], but he has not put in the gen [intermission] yet.<sup>176</sup>

Perhaps because the historical Kiyomori’s suffering did not last very long, and he died at the height of his power without having to face any judgment on earth, the *Kakuichi Heike* introduces the character of Enma, the lord of hell, into the story to judge him. In Enma’s court, though, Kiyomori alone is judged to be guilty and punished in the hell to which he is sent.

The problem is whether the evil deeds of Kiyomori result in karmic retribution for him only, or whether the effects of karma vicariously extend to his entire family through a kind of suffering through association. Matsunaga Goichi believes it is the latter, arguing that the *Heike* authors go from Kiyomori’s unusual illness, to animosity towards the Minamoto on his deathbed, death, and finally the

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<sup>175</sup> *Ibid.*, 209.

<sup>176</sup> *Ibid.*, 210.

destruction of his clan to show the work of karmic retribution for Kiyomori's lack of adherence to Buddhist teachings. According to Matsunaga, Kiyomori was unable to let go of his animosity, which brought about the karmic retribution for his descendants.<sup>177</sup> As this chapter will show, Matsunaga's reading is a difficult one to maintain for the Kakuichi *Heike*, the variant which he was writing about, but a more sustainable one for the Engyōbon.

One unique characteristic of the Engyōbon is that the fate of the Taira clan is yoked to Kiyomori's evil deeds. Saeki Shin'ichi cites one passage from the Engyōbon text that seems to support the reading of vicarious karmic retribution in the tale.<sup>178</sup> First, after Kiyomori's death in the sixth chapter, the narrator explains that Kiyomori was actually a reincarnation of Ryōgen, and that "to destroy Buddhist law and mock royal law, to make manifest these evil deeds in his present body, and finally to contract a fever and after his death cause the destruction of his descendants—this was surely an example of promoting good and chastising evil."<sup>179</sup> Saeki is inclined to interpret mention of the deaths of Kiyomori's descendants in this context as the karmic result of Kiyomori's evil deeds. Accordingly, regardless of whether it would have been part of orthodox Buddhist teachings at the time, one way to understand retribution for the Taira clan in the Engyōbon is to see it as the result of Kiyomori's evil deeds.

Another passage from the Engyōbon also posits vicarious karmic retribution for one person due to the evil deeds committed by others.

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<sup>177</sup> Matsunaga, *Heike densetsu*, 21-28.

<sup>178</sup> See Saeki, "Heike monogatari no ingakan," 34-35.

<sup>179</sup> Bialock, *Eccentric Spaces, Hidden Histories*, 313. For the original Japanese, see *Engyōbon Heike monogatari: honbunhen*, vol. 1, 622.

You [Antoku] have not ruled all under heaven yourself. For what sin have you been removed as one of the promised one-hundred rulers who are supposed to protect the country. This, in short, is because our clan simply received superfluous offices, ranks, and emoluments; not only did we cause hardship for the country, but we showed disdain towards the emperor, and caused the decline of the gods and buddhas, which created bad karma for us to share.

天下ヲ自治ル事モナシ。何ノ罪ニ依テカ、忽ニ百皇鎮護ノ御誓ニ漏レ給ヌルニヤ。是即我等ガ一門、只官位俸禄身ニ余リ、国家ヲ煩スノミニアラズ、天子ヲ蔑如シ奉リ、神明仏陀ヲ滅シ、悪業所感之故也。

*Tenga wo mizukara osamuru koto mo nashi. Nani no tsumi ni yotte ka, tachimachi ni hakuō chingo no onchikai ni moretamawanuru ni ya. Kore sunawachi warera ga ichimon, tada kan'ihōroku mi ni amari, kokka wo wazurawasu no mi ni arazu, tenshi wo naigashiro ni gotoshi tatematsuri, shinmeibutsuda wo horoboshi, akugōshokan no yue nari.*<sup>180</sup>

The evil deeds are attributed to the entire clan, not just Kiyomori. This passage describes a case of vicarious karmic retribution whereby the evil deeds of Antoku's family extend to affect Antoku, though Antoku is held blameless for them. One consequence of taking this passage from the Engyōbon as an explanation for the clan's fate is that the clan as a whole becomes the main focus of the text. Thus, the Engyōbon not only undermines Kiyomori's role as the protagonist by attributing responsibility for the evil deeds to the entire clan, but it contradicts the earlier claim in the same text that the clan suffers karmic retribution for Kiyomori's evil deeds.

This belief in vicarious karmic retribution is not limited to the *Heike* corpus. The warrior Hōjō Shigetoki, writing about three decades after the *Heike* was thought to have first been composed, clearly states that "Retribution for your sins against the Buddhist law will also be visited on your sons and grandsons; and the misfortunes

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<sup>180</sup> *Engyōbon Heike monogatari: honbunhen*, vol. 2, 529.

of retribution will strike both on earth and in the afterlife.”<sup>181</sup> It has been suggested that his interpretation of karma in this fashion was uncommon,<sup>182</sup> which might explain why the Engyōbon’s reference is the only appearance of this concept of vicarious karmic retribution in the *Heike* corpus.

We should also remember that even if the authors of the other *Heike* texts possessed the conceptual tools to make the same claim as Hōjō Shigetoki, it may be that they were avoiding resolution of the ambiguity about why the whole clan had to be destroyed, possibly in an effort to include the voices of multiple authors in the work. In the end, even if we accept Saeki’s interpretation of this passage, it applies only to the Engyōbon, and we are still unable to explain the Kakuichi *Heike*’s connection between evil deeds and retribution for the Taira clan.

Within the Kakuichi *Heike*, the issue of karmic retribution becomes clearer when we look at the deaths of two Taira figures that have the least connection to the evil deeds. Kiyomori’s son, Shigemori, is a paragon of Confucian virtue in the tale, but he calls the illness that eventually takes his life “a matter of karmic retribution.”<sup>183</sup> In a similar case of bad karma for an innocent descendant of Kiyomori, the child emperor Antoku is told shortly before he is drowned that “you obeyed the Ten Good Precepts in your last life, but now an evil karma holds you fast

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<sup>181</sup> Carl Steenstrup, *Hōjō Shigetoki (1198-1261) and His Role in the History of Political and Ethical Ideas in Japan* (London: Curzon Press, 1979), 177. Shigetoki composed this advice for his descendants between 1256 and 1261.

<sup>182</sup> *Ibid.*, 286 n. 25.

<sup>183</sup> McCullough, trans., *The Tale of the Heike*, 117.

in its toils.”<sup>184</sup> Shigemori does not commit evil deeds in the tale, and it is unlikely that Antoku, a mere child, could have committed many evil deeds in his brief life.

We might expect the Kakuichi *Heike* to explain that Shigemori and Antoku came to have bad karma because of Kiyomori’s evil deeds, but this is never stated. Considering the fact that good deeds could transfer karmic merit to others (Tadamori’s donation of the temple to fulfill Toba’s vow, for example), it might seem to follow that evil deeds could transfer as well. However, with the exception of the Engyōbon passage noted above, vicarious karmic retribution, or karmic effects that extend beyond the individual, does not seem to be a part of the *Heike* tradition.

The view that karma is an individual matter, and suffering in this life is retribution for deeds committed in earlier ones, is also present in the texts. Both variants contain an explanation about the relationship between karma, retribution, and Kiyomori’s descendants near the end of the tale that provides evidence for this. A Minamoto warrior says to the hapless Rokudai that “No matter who petitions [Yoritomo for your life], because you and the rest of the Heike clan share the same karma from previous lives, and must therefore share the same retribution [一業所感 *ichigō shokan*], the petition cannot succeed.”<sup>185</sup> Accordingly, we can say that

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<sup>184</sup> *Ibid.*, 378.

<sup>185</sup> *Heike monogatari*, vol. 46, 474. This is my translation. McCullough translates this ambiguously as “You share the Taira karma.” See McCullough, trans., *The Tale of the Heike*, 414. Kitagawa and Tsuchida fare a little better, translating it as “since your sad fate in the continuum of the Heike deeds was decided in a former life.” See Kitagawa, *The Tale of the Heike*, 743.

Kiyomori's actions for good or ill had no effect at all in this life on *karmic retribution* for Rokudai, Shigemori, or Antoku.

### **Retribution from *Kami***

Retribution for the Taira clan can be tied to belief in the *kami*, or native deities. Shigemori alludes to this in his admonition to Kiyomori, when he warns that Kiyomori risks punishment from the gods if he continues his evil ways. As we saw in the previous chapter, Kiyomori loses his divine authority to the Minamoto after he moves the capital to Fukuhara, and when he is given a spear from the Itsukushima deity, he is warned that his progeny will not experience good fortune if Kiyomori is wicked.<sup>186</sup> Punishment from angry spirits and curses of other men may also affect someone's fate. When Narichika is exiled, the narrator reminds the audience that "sometimes the punishments of gods and the curses of men work swiftly; sometimes they are slow to take effect."<sup>187</sup> In general, as Saeki points out, punishment attributable to *kami* beliefs comes from people's hatred, angry spirits, or because someone has defied the will of the *kami*.<sup>188</sup> However, there is not much distinction made in the tale between Buddhism and belief in the *kami*.

The ambiguity, particularly in the Kakuichi *Heike*, about what kind of retribution the Taira suffered may have been left unresolved by the authors because they did not think it necessary to clarify it for the *Heike*'s audience. Saeki believes

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<sup>186</sup> See McCullough, trans., *Tale of the Heike*, 105

<sup>187</sup> *Ibid.*, 79.

<sup>188</sup> See Saeki, "Heike monogatari no ingakan," 38-39.

that early audiences for the tale might have thought it axiomatic that doing evil deeds would result in the destruction of one's clan without needing any recourse to Confucian or Buddhist ideology; it would have been common sense.<sup>189</sup> Building on Saeki's insight, I would like to suggest another element of common knowledge that is not explicitly tied to the fate of the Taira clan in the tale, but might help us understand why the entire clan's destruction would have been expected.

### ***Enza*: Vicarious Liability for Punishment**

After Kiyomori's death, the agents of retribution are generally members of the Minamoto clan who have been given authority by the retired emperor to punish the Taira. Some of these characters attribute their end to bad karma or a rotten fate, but it is worth noting that none die from supernatural illnesses or other "unnatural" causes. The fate 運命 (*unmei*) that Paul Varley believes is "the main force behind the decline [of the Taira clan]"<sup>190</sup> actually appears to be the karmic retribution shared by the Taira clan for evil deeds in previous lives, or in the case of Shigehira, his deeds in this life, and not a result of Kiyomori's villainy. Additionally, bad karma often seems to be merely a justification for the bad luck of being on the losing side in a battle or finding oneself under the executioner's sword, especially when the character has not been shown to have committed any "evil deeds" in the tale.

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<sup>189</sup> See Saeki, "Heike monogatari no ingakan," 38.

<sup>190</sup> Paul Varley, *Warriors of Japan as Portrayed in the War Tales*, 88.

Given the mundane fates of Kiyomori's descendants, and the faint connection drawn in the tale between them and Kiyomori's evil deeds through Buddhist or Confucian beliefs, I suggest that the connection can also be understood as an expression of the traditional *enza* 縁座 punishment under imperial law. *Enza* referred to the execution of an offender together with his kin, regardless of whether the kin were complicit in the original crime. In practice, this form of earthly retribution meant that an offender's punishment was not completed until his family was extirpated. The connection in the tale is never explicitly made, but we can assume that the concept of *enza* was general knowledge among early *Heike* audiences.

*Enza* can be found in the earliest historical records of Japan. The *History of the Later Han* (Ch: *Hou Han shu* 後漢書), which covers the period from 25-220 C.E. and was compiled about 445 C.E., contains the following comments on punishments: "When men break a law, their wives and children are confiscated; when the offense is serious, the offender's family is extirpated....The laws and customs [under Pimiko] were strict and stern."<sup>191</sup> Similar concepts of vicarious liability developed independently in other legal traditions, so this may have been an indigenous development. However, *capital punishment of family members* was a variation that was of particular importance in Chinese law. This implies that early Japanese legal practices were either influenced by the Chinese or that the Chinese observers were

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<sup>191</sup> Tsunoda Ryūsaku and Carrington Goodrich, *Japan in the Chinese dynastic histories: Later Han through Ming dynasties*, Perkins Asiatic Monograph 2. (South Pasadena, California: P.D. and Ione Perkins, 1951), 1-3.

interpreting their observations through their own cultural preconceptions of punishment. Whatever the case may be, the tradition of vicarious liability was firmly established in Japan's legal consciousness from an early date.

By the twelfth century, *enza* had been part of the written legal codes for over 400 years. This punishment was reserved for the most serious crimes such as plotting to endanger the state 謀反 (*muhen*), plotting to damage imperial graves or the palace 謀大逆 (*mudaigyaku*), and plotting to betray the country 謀叛 (*muhon*).<sup>192</sup> Although Kiyomori claims in the tale that he is protecting the country from disorder, it could be argued that at the very least, Kiyomori endangers the state when he places the retired emperor (Go-Shirakawa) under house arrest, assassinates a member of the imperial family (Prince Mochihito), and weakens the supernatural protection of the state when he destroys the Great Buddha statue at Tōdaiji.

Historically, the application of *enza* might have been uncommon due to unenthusiastic enforcement of punishments in general, but the authors of the *Kakuichi Heike*, at least, were consciously aware of the punishment, because it is mentioned in the text:

Chancellor Moronaga was stripped of his title and exiled to eastern Japan. Implicated through kinship in the guilt of his father [縁坐 *enza*], the Fearsome Minister of the Left Yorinaga, Moronaga, and his three brothers had all suffered banishment in the Hōgen era.<sup>193</sup>

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<sup>192</sup> These were the three most serious of the eight abominable crimes 八虐 (*hachigyaku*). For the Japanese penal codes, see *Yakuchū Nihon ritsuryō* 譯註日本律令, vol. 1, edited by Ritsuryō Kenkyūkai 律令研究會 (Tokyo: Tōkyōdō Shuppan 東京堂出版, 1975), 42-56 and 82-87.

<sup>193</sup> McCullough, trans., *The Tale of the Heike*, 123. For the original Japanese, see *Heike monogatari*, vol. 45, 246.

*Enza* is not mentioned, however, in the Engyōbon. Furthermore, unlike the Engyōbon, the Kakuichi *Heike* concludes the main narrative with the death of Kiyomori's great-grandson, Rokudai. By emphasizing the end of Kiyomori's male descendants, the Kakuichi *Heike's* arrangement is most evocative of the *enza* punishment.

Indirect evidence outside the *Heike* indicates that the fate of the Taira clan was attributed by some to mundane forces. In the *Gukanshō*, Jien writes:

I can not think that the destruction of all TAIRA descendants or the course of events for the descendants of MINAMOTO Yoritomo---who really pacified the empire and with an ability that was rare for either ancient or modern times---have been the doings of man. The ancestral Kami of the Imperial House (*sōbyō*) have decided that soldiers are to control the state in this visible world (*ken*). This is now a requirement of, and in line with, Principle.<sup>194</sup>

Jien's interpretation of history was unique in many respects, and this passage suggests that he was arguing against a more common belief that men on earth, as opposed to the supernatural forces discussed earlier in this chapter, had a hand in the fate of the Taira clan. Although Jien does not elaborate on this opposing viewpoint, the concept of *enza* may well have been part of it.

### **The *Heike* As an Extended Legal Proceeding**

The *Heike* is not overtly about law, but legal elements such as trials are key components of the plot. If Kiyomori is considered as the protagonist, then it may be useful to see the framework of the tale as one extended legal proceeding. The *Heike*

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<sup>194</sup> Brown, *The Future and the Past*, 182.

begins with a kind of trial of Kiyomori. During the six chapters of the trial, evidence is presented for Kiyomori's crimes, or "evil deeds," many of which are acts of revenge against his enemies. Then, these crimes are followed by karmic punishment in the form of an extraordinary ailment. Kiyomori had been seriously ill and miraculously recovered once in the past, but during this illness, Enma judges Kiyomori to be guilty of destroying the Great Buddha, and sentences him to punishment in hell. This results in what could be interpreted as Kiyomori's supernatural "execution" by means of illness plus the *enza*-style punishment (carried out by the Minamoto clan) of his descendants.

The recitation of the *Heike* during the premodern period was part of a penal ritual that publicized Kiyomori's trial and punishment through the re-creation of the past. As David Garland has noted, "like all rituals of power, punishments must be carefully staged and publicized if they are to have their intended results."<sup>195</sup> The spread of the tale by the *biwa-hōshi* may have reaffirmed social solidarity,<sup>196</sup> contributed to the shared knowledge of appropriate behaviors for warriors, and warned audiences of the consequences for failing to adhere to societal norms. This is not to imply that recitation itself was some kind of crime control, but the popularization of the tale may have contributed to a belief that certain acts would result in both supernatural and secular retribution.

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<sup>195</sup> David Garland, *Punishment and Modern Society* (Chicago: University of Chicago Press, 1990), 80.

<sup>196</sup> For a discussion of Durkheim's thought on social solidarity, see Garland, *Punishment and Modern Society*, 47-81.

## Summary

What is the connection between the evil deeds in the first half of the *Heike*, Taira Kiyomori, the Taira clan, and retribution? It is not just karmic. The *Kakuichi Heike* never directly acknowledges any connection between Kiyomori's evil deeds and karmic retribution for his descendants, and only two members of the clan (Kiyomori and Shigehira) clearly suffer retribution for evil deeds mentioned in the tale. The *Engyōbon* is more provocative by implying vicarious karmic retribution, but contradicts itself by attributing responsibility for the evil deeds to Kiyomori, and later to the Taira clan as a whole.

This chapter has suggested two possibilities for understanding retribution in the *Heike*. First, in both the *Kakuichi Heike* and the *Engyōbon*, it is possible to reconcile the main narrative with the Preface through Confucian beliefs. Unfortunately, this is ultimately unsatisfactory, primarily because the idea that evil deeds committed by one family member will linger in a family to affect one's descendants is inadequately developed in the narrative.

The second way to understand Kiyomori's role as the protagonist is to consider several justifications for punishment together. In addition to Confucian and Buddhist thought, I propose that his descendants' tragic fates be considered as *part* of his punishment. Kiyomori's behavior is excessively "evil," so he suffers karmic retribution, but he also suffers earthly, imperial retribution in the form of an *enza*-like punishment. All of his descendants must die or be executed because that is

the most effective way to punish Kiyomori. One implication of this *enza* punishment is that without descendants to pray for the repose of his spirit, he is doomed to suffer in hell.<sup>197</sup> In other words, Confucian, Buddhist, and *kami* beliefs work in tandem in the tale to authorize secular *enza* to accompany supernatural karmic retributive punishment of Kiyomori for his evil deeds.

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<sup>197</sup> The vanquished Taira appear in a dream and ask Kiyomori's daughter to pray for their enlightenment so that they can escape suffering. She zealously prays for them, but we notice that Kiyomori is conspicuously absent from the assembled Taira, suggesting that her prayers will not reach him. See McCullough, trans., *The Tale of the Heike*, 436.

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