Family Property and Household Organizations of the Nagaya-ou Family

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The biggest question that arises when analyzing the mokkan of the Nagaya-ou family is finding a rational explanation for their ownership of family properties that far exceeded the limit for the value of land area they were entitled to manage on the basis of Nagaya-ou's court rank.

The family had two types of household organizations, with the second one located outside Kyo and based around Kaguyama-no-miya, which consisted of land and rice fields that had been gifted for meritorious service following a form practiced in earlier times. Their first type of household organization was the type restricted to those with court rankings ranging from a Shikibu official of the lower third rank through to a minister of the left of the upper second rank according to the Ritsuryo system of ranking, and these organizations consisted largely of land and rice fields either awarded to officials in connection with their official capacities or for meritorious service. Whereas the first type of household organization existed for just Nagaya-ou's lifetime, the second type of household organization was managed for the whole family and was able to be passed on to his descendants. As the son of the highest ranking meritorious retainer in 672, we may surmise that because the Nagaya-ou family's property comprised largely of the 50-hundred households gifted to Takechi-no-miko, it was possible to inherit two types of entities, namely, family property and a household organization.

We may assume that the treatment of the descendents of meritorious retainers in 672 during the Mommu era formed a legal basis for the Nagaya-ou family's ownership of its family property. Because up until the Taiho Code there were no restrictive prescriptions pertaining to abatements or government confiscation of land concerning property that had been gifted for meritorious service, we may interpret this as an endorsement of ownership of family property and a household organization. It is possible that the Nagaya-ou family's management of rice fields in the Kinai area was also undertaken lawfully as a total unit consisting of rice fields gifted to Takechi-no-miko and the rice fields awarded to Nagaya-ou and Kibi-Naishinnjo in accordance with their ranks.

As described above, there is a strong possibility that the Nagaya-ou family's property and household organization were endorsed by society as inheritances of property and rice fields awarded for meritorious service to Takechi-no-miko. The great services rendered to the state by the father
which made his son the descendent of a meritorious retainer in 672 were recognized, and ownership was allowed through an anomaly in the regulations of the Ritsuryo code. This should be recognized rightfully as not only something that conflicts with the family property system that applied to the aristocracy and imperial family, but also as something that was inherent in the Ritsuryo state.