

The Political Organisation of Southern Mustang During the 17th and 18th Centuries

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During the 17th and 18th centuries western Nepal consisted of numerous political entities which recognized the suzerainty of the king of Jumla. Even the relatively small area of southern Mustang comprised at least several smaller states, for instance Thags (the area from Thugche down to the southern border of the present district), sPung-khris (presentday Marpha), Som-bu (present-day Thini) and Yul-kha bcu-gnyis (present-day Baragaon). It is an interesting fact that this fragmentation into small political units paved the way for the development of forms of political state-organisation, which seems to be unique even for the rest of Asia.

Whereas source material on the political

structure of most of the so-called 'western-kingdoms' seems to be extremely rare, we find an entirely different situation in southern Mustang. Here the small states were ruled according to written constitutions, called bem-chag, and some of these are still kept in archives of different places. The first bem-chag known to us is a document copies of which were kept in different places of the Thak Kholā area north of Thukche. I was able to photograph the copies kept in Marpha and Shyang, while the copy of Cimang was published in facsimile in 1987 by M. Vinding and Charles Ramble.¹ Accordingly we shall call this document Cimang bem-chag.

Four more bem-chag documents were

1. Charles A. E. Ramble and Michael Vinding: The bem-chag Village record and the early History of the Mustang District. Kailash, Vol. XIII (1987), p. 5-48. We have to remark however that the translation of this bem-chag as contained in this article is in several essential points not very reliable. It should be used with great care only.

photographed by me in 1987 and 1988. These are the bem-chag of Kagbeni and Marpha.² All existent bem-chag documents are written in Tibetan script. The language is a mixture of classical Tibetan and Mustang dialect. The rules of orthography are more or less completely neglected. This means that the interpretation of these documents is extremely difficult.

The name bem-chag itself is not of Tibetan origin. It derives from the Mongolian word bicig 'letter' which was used during the 13th centuries as a designation for legal documents of a certain type.

If we compare the Cimang bem-chag with the bem-chag of Kagbeni, we can observe that the former contains much more historical narrative than the latter one. Contrary to the other bem-chag documents, the Cimang bem-chag does not contain anything about the internal political order of the political units of northern Thak Khola but contains regulations of supra-state relations between the different states of Thak Khola. In one case the text of one of the treaties (rgam-shag) between Thak and Som-bu is cited in part. This treaty dates back to the time when Thak Khola was divided into two states only. This document was issued most probably no later than the 17th century. Besides this the Cimang bem-chag contains the complete text of a second treaty (chod-yig) between the three countries (yul-sgo gsum) Thag, mThin (Thini) and sPun-gri (Marpha). This treaty was ratified either in 1697 or in 1757. It regulates among other things the return of animals and slaves that escaped from their owners and the mutual

support of the countries in case of military danger from outside.

As far as the Marpha bem-chag is concerned, I was able to photograph three different versions, which shall be called MB1, MB2 and MB3. MB1 and MB2 are basically two copies of the same code of laws ratified in 1796 by an assembly of all citizens. Both texts contain many later additions of paragraphs and reformulations. These changes were always discussed and decided upon by assemblies of the citizens of Marpha. The citizens are called yul-mi, whereas foreigners are generally mentioned under the term phyi-mi. But not all residents of Marpha were regarded as citizens. The bem-chag mentions two more groups of persons, called g. yog-po (slaves) and bha-do (bondservants). Both groups consisted of persons forced to stay with their masters. Sexual intercourse between members of these groups and female citizens was explicitly forbidden and fined. Obviously slaves and bondservants did not take part in the assemblies of the citizens and were not entitled to fill a position in the administration of the state.

The right of the citizens (yul-mi) to decide upon new legal regulations was achieved at least as early as the first half of the 18th century. In MB3 we find a regulation which dates back to the year 1738. In this year it was decided by all citizens that the judiciary power would be entrusted to the rgan-pa, the 4 mi-thus, the so-called eight great men (mi-chen bgyad) and the twelve 'nobles' (mi-drag bcu-gnyis). The text of this decision of

2. A critical edition and a complete translation of all these bem-chag texts are under preparation and will be published soon.

1738 shows clearly that the power to enforce the law was conferred mainly upon to the twelve nobles. It seems to me that the twelve nobles represented the old aristocratic groups among the families of Marpha who had lost their predominant role during the 17th century, so the decision of 1738 actually meant a step back in the development of democratic structures. The reason for this is mentioned in the decision itself : There had been serious problems with the enforcement of public law and order within the community.

Looking into the bem-chag of 1796, we find that the group of nobles did not have any specific function any longer. They are only enumerated as one of the groups of persons present at the ratification of bem-chag. They were again present in a meeting which took place in 1808. Hereafter no text available to us mentions them again.

The citizens had to fulfill a number of public duties. One of these duties was the participation in the regular meetings of the citizens. To these assemblies every household (grong—pa) had to send one man. The participation was compulsory. If someone failed to attend such a meeting without prior excuse he was fined.

Between the ages of 18 and 60 all citizens had to accept appointments for public offices made by the head of the state, who is mentioned under the term 'elder' (rgan—pa) of 'great elder' (rgan—chen). The great elder himself, who also bears such exalted titles as 'lord of the people' (mi—rje) and 'highest being' (gong—ma), acted as political leader for a period of three years. Before he took office, he had to swear an oath in front of the assembly of all citizens organized by the four mi—thus. Although the bem—chag mentions

that he was elected by all citizens (yul—mi), it does not say anything about the procedure of this election. We also do not know if everybody was eligible for this office or if the position was confined to a specific group among the citizens of Marpha.

One of the specific duties of the great elder was the appointment of the other officials, such as the four mi—thus and the ten rol—po. The rol—po were headed by one official called min—kya who belonged to the group of rol—po, so altogether the administration of Marpha consisted of group of sixteen officials. The citizens of Marpha were appointed to these offices in turn (rim—pa). If it was someone's turn and if he refused to take office he was fined.

Beside a number of specific duties, which included the representation of the country in its relations with outside powers, the great elder also acted as judge. There existed the possibility of appeal if someone did not accept the decision of the great elder. Then the case was entrusted to somebody else and the great elder and the four mi—thus acted as one party against the citizens who had appealed the judgement. It was an outstanding feature of the legal system of Marpha that in legal procedures any appeal to foreign officials was strictly forbidden. In spite of the fact that in 1796, the year of the ratification of the bem—chag, Marpha was a part of the Gorkha Kingdom of Nepal, the bem—chag forbade explicitly any appeal to the king of Kathmandu (Yam—bu). Only in 1808 did an assembly of the citizens lay down an additional rule. From that year onwards it was allowed to go for appeal to the residence of the king of Kathmandu. But this was

considered to be the only exception to the general rule.

There is another feature of the democratic structure of Marpha which seems to be of great importance. Although the great elder was the leader of the community, for a certain period of time invested with remarkable power, he was still compelled to submit to the regulations and laws laid down in the bem-chag. If the great elder acted against the law of the country it was the duty of the four mi-thus to inform all citizens of Marpha. In this case an assembly of all citizens was called together and the case of the great elder was decided upon by all members of the assembly. If the mi-thus failed to summon the assembly of citizens they were fined.

Next in rank to the great elder were the four mi-thus. None of them was allowed to leave Marpha without the permission of the great elder. It was the general rule that two of them had to be present in Marpha always. The period of office for the mi-thus was two years. Every year two of them were replaced. Lowest in rank within the administration of Marpha were the ten rol-po. They were appointed for a period of one year only. Like the great elder, the mi-thus and rol-po had to swear an oath before taking office.

It was a general rule that somebody who was appointed to a certain office had the duty to stay in Marpha most of the time. If we take into account that trade must have been an important source of income for the greater part of the citizenry we can understand why this obligation was a real burden for all officials.

The reason for this obligation is easy to understand. It was the main duty of the

officials to enforce adherence to public law and order. If someone acted against the regulations laid down in the bem-chag, he was fined. In many cases 50% of the fines imposed on citizens was distributed among officials. The rest was added to the general income of the community. If any official failed to impose a fine on a citizen in accordance with prescriptions of the law he was fined himself accordingly.

Beside their responsibility for public law and order the officials had to be present at the execution of certain obligations by all citizens. This included, among other things, the collection of tributes and taxes, the cleaning of irrigation channels and the construction of a bridge over the Kali Gandaki in summer.

Besides the income from imposed fines, the mi-thus and more especially the rol-po were not paid for their services. The advantages granted to them on certain occasions were at most economically insignificant. This does not hold true for the great elder. He could, for instance, rely on the services of the rol-po, who had to supply portage to him even when he was travelling privately. Besides this he received a significant income from taxes raised from all households on his behalf. Every household had to deliver five bundles of hay, a certain amount of rice and a certain quantity of grain every year to be handed over to the great elder.

While the Marpha bem-chag of 1796 consists of approximately 48 paragraphs, only ten of them deal with the political organisation of the community only. The rest can be grouped into four parts, dealing with the following main subjects:

1. Organisation of labour and trade.
2. Internal economic organisation.
3. Regulations concerning the monastery.
4. Customary laws and regulations.

1. With respect to the payment of labourers and trade with outsiders, the laws of Marpha enforced a unity among its citizenry which must be characterized as a cartel. This cartel covered the recruitment of labourers, the purchase of animals and the monopolistic control of trade activities.

If a weaver was employed by a citizen of Marpha, the amount of payment was strictly prescribed as a certain fixed amount of buckwheat. If the employee paid more or tried to attract labourers by paying in kind with rice or grain, he was fined. For all other kind of labour the payment was fixed to 2 anna per day. Again anybody whose payment surpassed this amount was fined heavily.

Since the community of Marpha obviously relied heavily on the import of meat, the purchase price of livestock, especially Yaks, was strictly prescribed. As the price of an animal depends mainly on its age and size, the regulations had to be quite detailed. For example the price of a certain older animal was fixed as 16 dngul. The community tried to enforce this price almost by any means. If someone observed an offence against this regulation and reported the case to any official he was rewarded with the payment of 4 dngul, which is equal to one fourth of the price of the animal purchased. Any official who failed to prosecute such an offence had to pay a fine of 1 dngul zho. Special regulations contained the stipulation that the purchaser had to buy the animal as a whole. If he returned the tail, the head or the hide to the cattle breeder who sold it to him he

was fined also.

Very strict regulations existed with respect to trade. The community had established a house of trade (grong-khang) to which all trading activities were confined. Chapter 9 of the bem-chag contains the regulation that no trader from Thags, a country which formed the southern border of Marpha, was allowed to store any goods, as for instance salt and grain, in private houses of Marpha. Generally the salt of all other traders from outside had to be stored in this house of trade. The traders were compelled to keep their transport animals here too. Citizens of Marpha were not allowed to transport grain brought from the south beyond the house of trade to the north. It was especially forbidden for them to transport grain to the houses of trade in Shyang and Jomsom. If a citizen of Marpha was engaged in trade or the selling of beer in Shyang he had to pay the huge fine of 51 dngul, a sum which was equivalent to the price of three Yaks.

2. As far as the internal economic organisation is concerned the bem-chag contains mainly regulations concerning the usage of forest, the common usage of fields, the usage of irrigation water, the tending of cattle and the taxation of inns.

Due to lack of time I shall deal only with regulations concerning the usage of forest. Although the area covered by forest belonging to Marpha must have been quite large the rules for the usage of wood from these forests were very strict and complicated. In the bem-chag they cover approximately two pages. In certain parts of the forest it was allowed to cut trees for building houses only. In other areas this usage was limited to cutting pine trees. As a general rule, it was not allowed to bark trees.

The importance of the forest for the economy of Marpha was not only limited to the usage of wood. The dried needle-like leaves of the conifers and the cones were considered to be of high value for agriculture. Their collection was bound to take place at a certain period of time in summer only and at the same time the means of collection were again strictly regulated. During the first three days of the period of collection, it was not allowed to hire any labourer for this purpose. While being collected, dried leaves and cones were put together into big bundles. It was compulsory to transport these bundles to the town on the same day. There the collected material was spread on the ground of the roads and the stables in order to get it mixed up with the dung of the animals. Later it was put on the fields to improve the soil.

3. Two paragraphs deal with regulations concerning the monastery. The first one fixes the fines to be paid by a monk or a nun, who leaves the monastery. The second one deals with the rotation in the office of the chos-khrims-pa and his payment for the time he is in-charge of this position.

4. Fourteen paragraphs of the bem-chag deal with customary law. Among other things they contain regulations for marriage and divorce, death ceremonies and a number of festivals held in the course of the year.

I suppose that during the 18th century a similar code of laws or bem-chag must have existed in Thags too. But until now unfortunately we have not been able to photograph any copy of such a bem-chag. As mentioned above already, this does not hold true for the area of present-day Baragaon. If we call this area Baragaon, we must keep in mind that this name is only a translation of its old Tibetan designation Yul-kha bcu-gnyis.

This area comprised twelve villages and formed the northern border of old Som-bu. In former times one of the most important places of that area was Kagbeni. The bem-chag of Kagbeni was photographed by me in 1987. It was written in a fire ox year, which is most probably equivalent to 1697.

Contrary to the bem-chag of Marpha, the bem-chag of Kagbeni is not a code of laws ratified by the citizen of the community but mainly a description of the political system, the borders between Kagbeni and other villages, the judiciary system, the obligations of the officials concerning the collection of taxes, etc., the regulation of customs duties to be paid to the customs house in Kagbeni and the organisation of certain festivals.

According to the description in the Kagbeni bem-chag, the political organisation of old Baragaon was a feudal system. The bem-chag contains the statement that Baragaon belonged to the realm of the king of Jumla. The main representative of the king of Jumla is mentioned under the title 'o-om-pa, which is a transcription of hukum-pa 'one who is in command of'. Next to him was an official bearing the title khri-thog-pa. He was obviously a member of the noble sKyar-kya-gang-pa-family, whose ancestors had built the castles of Dzong, Dzarkot and Kagbeni in the 15th century. Having their main seat in Dzong and possessing the castles of Kagbeni and Dzarkot, the Khri-thog-pa and their noble family were the actual rulers of Baragaon.

The 'o-'om-pa did not stay permanently in Baragaon. He came every year to Kagbeni for a period of three months only. The main purpose of his visit was the collection of tributes from Upper and Lower

Mustang. The tribute for the area of Lower Mustang was collected by the elder (rgan-pa) of Kagbeni, the steward of the castle of Kagbeni (mkhar gyi gnyer-pa) and two stewards of the farmers of the area (mnga'-zhabs kyi gnyer-pa). These four persons gave what was collected to the khri-thog-pa, who handed it over to the 'o-'om-pa.

In the Kagbeni bem-chag the elder of Kagbeni is also called the 'elder of the whole of Yul-kha-bcu-gnyis', so his position must have been quite important. Nothing is known about his appointment. The bem-chag mentions two more groups of officials. The first of these, the six rol-po, took office for a certain period of time only. The second group was formed by six mi-thus, who were representatives of the so-called six cho-ba groups of Baragaon.

The bem-chag gives much space to the description of judiciary system of Baragaon. Here I only want to mention that this system derives almost completely from Tibet.

The area of what we call present-day Thak Khola stretches from Gaza in the south to Jomsom in the north. During the 18th century, it was divided into three small state-like political units, which developed real democratic forms of political organisation. These areas were bordered in the south by Parbat and in the north by Baragaon and Mustang proper. All these neighbours had feudal systems and were governed by aristocratic families, so we have to ask for the reasons these unique forms of political organisations were able to develop in the area.