

Review of *Social Regulation. Case Studies from Tibetan History*. Edited by Saul Mullard and Jeannine Bischoff. (Brill Tibetan Studies Library.41) Leiden: Brill 2017. X, 257pp., 109,00€.

Franz Xaver Erhard

(Leipzig University)

Interest in Tibet and her society for most of the time was and largely still is limited to the religious, usually Buddhist, and the political domain. No wonder then, the social history of Tibet, compared to classical fields of Tibetological research such as political and religious history, or philosophy, is a gravely unexplored field. In past decades, the gradual opening of the People's Republic of China and Tibet to international visitors sparked a rise of ethnographical and anthropological fieldwork in Tibetan areas of China, bearing tremendously interesting results. Nevertheless, while this research helped greatly to understand Tibetan societies and ordinary Tibetan's life in the 20th and 21st centuries, these studies can tell but little about the social history of Tibet under the rule of the Ganden Phodrang (dGa'ldan pho brang) government (mid-17th—mid-20th centuries). As Ken-saku Okawa points out, due to a lack of access to original sources, the study of social history of pre-1950 Tibet could only be reconstructed by "substitutive ethnography" (197n1). However, in recent years more and more archival sources gradually became available and made the historical study of Tibetan social history more feasible and comprehensive.

The Franco-German research project "Social History of Tibetan Societies, 17th—20th Centuries"—some results are presented in the volume under discussion here—has considerably stimulated research over the past years. The first volume, *Tibetans Who Escaped the Historians Net*,¹ perhaps opened the field by identifying the agents of Tibetan social history. The second volume *Social Regulation. Case Studies from*

¹ Charles Ramble, Peter Schwieger and Alice Travers, eds., *Tibetans Who Escaped the Historians Net: Studies in the Social History of Tibetan Societies* (Kathmandu: Vajra Publications, 2013).

Tibetan History now turns the focus away from the agents, highlighting their social relationships and especially the modes and means that govern these relations.

The volume presents altogether nine case studies each concerned with archival materials, i.e. different types of legalistic documents such as treaties, law codes, constitutions, contracts, taxation manuals or title deeds. Other sources informative on the topic of social history and social regulation such as biographies and memoirs were intentionally not considered for the volume.² Moreover, the volume presents case studies from Central Tibet, Sikkim and Nepal, but excludes the vast pastoral regions of Amdo and, with the exception of Peter Schwieger's contribution on rGyal thang (Chapter 5), also Khams. The case studies are supplemented by a thorough introduction by the editors Jeannine Bischoff and Saul Mullard as well as Fernanda Pirie's (Chapter 10) essay on Tibetan morality and legalism, which provides a necessary discussion of the underlying Tibetan concepts of political rule and social regulation.

Each case study takes the reader to a specific social domain and addresses different social relations and their regulations. The presented case studies, all interesting, valuable and full of detailed information by themselves, help to create a mosaic representation of highly multifaceted, heterogeneous and decentralized Tibetan societies.

The description and analysis of the legal documents allows for a rough functional division into three categories. First, the documents set forth the rules and regulations in a literal sense. Second, the documents' function transcends this literal reading and aims at an idealistic establishment, constitution and stabilization of a social group. Third, the documents regulate legal but also social and moral relations between social groups or individuals.

In Tibetan societies, there are some indications of general moral and social rules as set out in the various law codes (*zhäl lce*) addressing all Tibetans. Nevertheless, rules for ordinary people could easily be ignored or broken by members of elite communities who were more or less separated from the life of common villagers and families. Such violation occurred occasionally or perhaps even frequently and thus may have prompted the formulation of particular rules for specific social groups. One such example are Tibetan monastic communities. Berthe Jansen (Chapter 3) introduces monastic guidelines (*bca' yig*) as

² Such sources, however, were the specialized topic of the workshop "Social Status as Reflected in Tibetan Fictional Narrative Literature, Biography and Memoirs" (<http://www.tibetanhistory.net/tibstat-conferences/social-status-as-reflected-in-tibetan-fictional-narrative-literature-biographies-and-memoirs/>) organized in May 30—31, 2017 within the follow-up research project *Social Status in the Tibetan World*.

a window into the Tibetan monastery as a social group. By describing *bca' yig* in great detail as a literary genre, Jansen successfully presents them as a pragmatic and versatile means to set up the rules of monastic behaviour and demonstrates "the efforts made by the authors to regulate the monastic community and to negotiate its position within society" (76). In a similar fashion, Alice Travers (Chapter 4) focusses on another much understudied social group, the Tibetan army. She presents the *lcags stag dmag khrims*, a military law code from 1950, the first of its kind in Tibet. The code is seen as a prerequisite for the revival of the Tibetan army that had fallen in decay over the past decades. Hence, it appears, that the code answers a number of shortcomings in conduct and organisation of the army and at the same time attempts to formulate a Tibetan military ideal.

As Fernanda Pirie points out, the *zhal lce* seem to mostly have mere ceremonial importance, while the rules governing day-to-day social relations most often took the form of "private agreements" (241). Perhaps the most common form of such agreements are obligation contracts (*gan rgya*) as studied by Jeannine Bischoff (Chapter 6). Her presentation of contractual relations between *mi ser*, Tibetan serfs, and their estate lords reveals much about the living conditions of ordinary Tibetans, but also about the ethical principles invoked in the contracts that often lacked the necessary backing of an executive power. The documents show that social relations were based on the estate lord's benevolence for his subjects, which had to be reciprocated by gratitude. A breach of this ethical principle was to be punished.

Kensaku Okawa (Chapter 8) focusses on the important genre of *gtan tshigs* or land tenure documents. He shows how the rights of family and monastic estates balanced the government's power. The validity of the documents, however, was often questioned by competitors which led to frequent reconfirmations of documents often in very short periods. Hence, Okawa points out that *gtan tshigs* appear as documents of horizontal conflict regulation, for instance in land disputes between estates.

Kalsang Norbu Gurung (Chapter 9) introduces the *Iron-Tiger Land Settlement* (*lcags stag zhib gzhung*), an 1830 document recording arable fields for tax purposes, which exists in various copies of different length and detail. While the census improved and stabilised the dGa' ldan pho brang government's income, it functioned at the same time as a counterbalance to estate holder's interests, as it protected people from unjust taxation.

As already indicated by Okawa's study of *gtan tshigs*, besides the foremost purpose of a document, there may also be secondary objectives such documents are meant to achieve. One case is certainly Saul

Mullard's (Chapter 1) reading of the 1876 *Fifteen-clause Domestic Settlement* (*nang 'dum*), a document that regulates Nepalese immigration into Sikkim. As Mullard convincingly demonstrates, the Nepalese are made a scapegoat for two homemade problems in Sikkim, namely emigration of larger parts of Sikkimese commoners due to bad living conditions mostly into British territories, and political and economic conflict and competition between the larger and lesser aristocratic estates. The document glosses over these problems by inventing a new national identity, founded on the three ethnic communities of Sikkim (Lepcha, Limbu, Lhopo). Charles Ramble and Nyima Drandul (Chapter 2) present another interesting case, an unusual *gan rgya*. Much different from the documents presented by Bischoff, this *gan rgya* pretends to be a contract for social reform. Its main aim seems to have been the simplification and modernization of village ceremonies and the burden they bear on individual families. However, none of the reforms have been implemented and thus the true intention for writing up and signing such a document must lie with other developments, perhaps with, as Ramble suggests, the modernistic and rationalistic impact of the Maoist-inspired "Back to the Village National Campaign" as it was promoted in the 1960s in Nepal. The brief contribution underscores the fact that the existence of a document does not necessarily mean its implementation as social practice or that this was the actual intention of the document.

On first sight, Yuri Komatsubara's study (Chapter 7) falls a bit out of place as it presents the Chinese version of the important peace treaty of 1792 between the Gorkha kingdom of Nepal and the dGa' ldan pho brang government for the first time in English translation. The treaty is an important document for the history of Tibetan international relations in 18th century. The document, as it turns out, is preoccupied with the well-being of the inhabitants of the border region as well as safeguarding their trade relations.

Peter Schwieger (Chapter 5) looks at the traces of shifts in political power, which have influenced the practice and wording of documents in the Tibetan border area of rGyal thang (Chin. Zhongdian) or Shangrila. The documents clearly reflect the shift of power from the Qoshot Mongols to the Qing emperor as the new overlord after 1727. However, while the Qoshots seem to have more frequently intervened in local jurisdiction and legislation, the Qing court largely confirms the legislation of the dGa' ldan pho brang government.

The volume is generally well edited and of high quality. The reader will be especially grateful for the transcriptions and occasional translations (especially of the Tibet-Gorkha-treaty) in some of the studies, which make the difficult material more accessible. The occasional inclusion of images of documents (48, 63, 96–98, 171, 174), even though

unfortunately only in black and white, give an idea of the materiality of the texts. Given the high price of the book, a few of the contributions would have profited from thorough copy editing, as it becomes obvious in a few inconsistencies such as “Zhwa dmar ba” (183) versus “Zhwa dmar pa” (e.g. 184); also “*blong*” (204) for “*blon*”, or “mostly likely” (219) instead of “most likely”.

While the heterogeneity of the presented materials is certainly a main strength of the volume, it is also one of its problematic aspects. Even though Fernanda Pirie (Chapter 10) gives a conspectus of the disparate chapters and sources of the volume and puts them into the context and perspective of Tibetan legalism, and despite the editor’s thorough introduction to Tibetan social history, it remains difficult to come to a greater, encompassing overall picture of Tibetan social history. It remains a bit vague how representative the case studies are. Nevertheless, what becomes clear from the material and analysis presented, is that Tibetan societies and the interaction of different social groups and statuses were less guided by the great law codes such as the *zhal lce*, as Pirie convincingly argues, but regulated “in the form of private agreements,” in which “an arrangement between particular people, rather than generally applicable rules” were set out (241).

The volume will prove extremely helpful for any historical, philological or literary study of the dGa’ ldan pho brang era as it provides us with intriguing details on the social life in traditional Tibetan societies that form the context of political as much as of religious history. Moreover, the volume presents an image of Tibet that is a welcome corrective to the long established and still widely accepted view of Tibet as a unified nation with a homogenous society.

