


# The Origins of Tibetan Law: Some Notes on Intertextuality and the Reception History of Tibetan Legal Texts<sup>1</sup>

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ow did law in Tibet originate? Works of various genres of Tibetan literature start off explaining the origins of the topic they discuss. This is no different in the rarely studied genre of Tibetan legal texts. By examining the way in which they present the history, place, purpose, and legacy of law in Tibet, we gain access to some important clues regarding the law's position and functioning in society. What is the relationship between Buddhism and law? How have views of the law changed over several centuries? In this article, I use a number of, previously largely unstudied, Tibetan legal works, which include—but are not limited to—variations of the *zhal lce* (“pronouncements”). By placing the development of legal ideology not just in the context of the political history of Tibet but also in the context of the changes and continuities of Tibetan Buddhism, this article intends to shed light on the multiple dimensions of the well-known concept “religion and politics combined” (*chos srid zung 'brel*).

## 1. Introduction

Where does law as a concept come from, according to Tibetan sources? “Where” can, of course, mean two things here: the geographical “where” but also the more figurative “where”—the origins of law and justice.<sup>2</sup> Various types of Tibetan genres of literature—be they written

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<sup>1</sup> The research that went into this article was made possible by a VENI grant from the NWO (Dutch Ministry of Education and Science) for the project “The Interaction between Religion and the Law in Tibet.” I am grateful for the corrections, suggestions and remarks made by the anonymous peer reviewers and Jonathan Silk.

<sup>2</sup> The geographical “where” is not dealt with directly here, but is represented in some of the legal texts and pertains to the directionality and spatiality of law and its origins in Tibet. See my article “Tibetan Legal Geography: Situating Legal Texts, Situating Tibet” (forthcoming, PIATS 2019, edited by L. Galli and Ch. Ramble).

or oral— start by addressing the origins and the (mythical) history of the topic, even when the topic is not necessarily a historical one.<sup>3</sup> Of relevance here is that many Tibetan legal texts contain some kind of preamble that discusses the “history of law.” The narratives located therein are often similar to those found among the genre of historiography (*rgyal rabs/ chos 'byung*).<sup>4</sup>

Tibetan legal texts are notoriously difficult to date, in particular, because they are often “composite” texts (on which more below), while the physical manuscripts and versions that are currently available to us are never older than the 17<sup>th</sup> or even the 18<sup>th</sup> century. Although it would indeed be interesting to place these legal works in their political and social contexts, because they are difficult to date and because they are heavily intertextual, doing so would risk making ahistorical conjectures. For this reason, I refrain from any such attempt here.

In this article, I highlight a number of these texts and discuss their gloss on the “history of law.” First, it is necessary to discuss the narratives connected to the establishment of law in Tibet in more general terms, which requires looking at mainly historiographical texts composed a few centuries prior to these legal works. They convey the continuity of Tibetan notions of law. Furthermore, these shared stories found in historiographical works help define and solidify sociocultural relationships in Tibetan society throughout the centuries.<sup>5</sup>

As Pirie has noted, while the Tibetan tradition claims that law emerged on the basis of Buddhist notions, when Buddhism was adopted as the state religion in the 8<sup>th</sup> century, laws during this time seem not to have had a direct basis in Buddhist sentiments. Rather, it appears that a juridical system was already in place during the height of the Tibetan empire.<sup>6</sup> According to Uray, the introduction of Buddhism did promote the development of (new) legal codes, meaning that the legal code of the empire did, in fact, reflect the influence of Buddhism. In these imperial era legal codes, four fundamental laws are given, prohibiting murder, thievery, lechery, and the bearing of false witness. The ten non-virtuous acts (*mi dge ba bcu*), “an obvious reference to the basic Buddhist ethical framework,” are also referred to in these imperial law codes. In other words, “Buddhism contributed to the substance of Tibetan laws, as well as

<sup>3</sup> See, for example, Jackson (1984) for an elaborate preamble to a royal history. In oral traditions, such as wedding recitations, similarly the origins of the object used in the wedding ritual are described before they are employed. Here such “explanations” are called *bshad pa*, see Jansen 2010.

<sup>4</sup> For an overview of this genre, see van der Kuijp 1996.

<sup>5</sup> On the static nature of “history as myth” in Tibet, see Schwieger 2000.

<sup>6</sup> Pirie 2017a: 409–410. Also see van der Kuijp 1999. For an exploration of those laws, see Dotson 2006.

providing their formal framework.”<sup>7</sup> Schuh, conversely, claims that the legal texts that were subsequently produced (the *zhal lce*) were *not* based on these non-virtuous acts or on the 16 pure human rules (*mi chos gtsang ma bcu drug*).<sup>8</sup> Rather, he argues that the influence of Buddhism was a “retrospective, purely fictitious, ideological construct.”<sup>9</sup> Van der Kuijp has also noted “the total absence of anything that might remotely be construed as Buddhist, except for their propagandistic introductions written for the purposes of legitimation and authority.”<sup>10</sup> While the introductions of the various extant *zhal lce* indeed serve to legitimate the author’s or compiler’s laws, one of the aims of this article is to demonstrate that they also contain much more information on legal ideology than has been previously presumed, and thus they should not simply be dismissed as “propaganda.” Furthermore, the “history of Tibetan law” itself is emically related in these introductions, of which this article is a preliminary reception-historical study.

## 2. *The Beginnings of Law According to Tibetan Historiographies* (Chos 'byung, Rgyal rabs, etc.)

While it is, of course, unthinkable that there was no law whatsoever before the introduction of Buddhism into Tibet, it is very plausible indeed that the new, more universally applicable religion had some influence on the law-making that followed its introduction. For the current purpose, however, we are largely concerned not with what actually was, but with the *ex post facto* presentation of the beginnings of law by Tibetan authors. From the point of view of reception history, then, we are concerned with the history of the ways in which these texts have “influenced communities and cultures down the centuries.”<sup>11</sup> This way of studying (Tibetan) literature, in which the texts themselves are scrutinized for meaning alongside an examination of the legacy and reception of these texts, has the potential to fuse historical-critical and literary-critical approaches.<sup>12</sup>

<sup>7</sup> Dreyfus 1999: 120. See also Uray 1972.

<sup>8</sup> While these sets are nowadays seen as unproblematically Buddhist, it appears that they were closer to being codes of morality, containing considerable convergences with Chinese Confucian principles. See Uray 1972; Yamaguchi 1987; Roesler 2017.

<sup>9</sup> Schuh 1984: 299–300.

<sup>10</sup> van der Kuijp 1999: 288. Also see Pirie 2014: 170.

<sup>11</sup> Sawyer 1999: 2.

<sup>12</sup> For an insightful article on how this is conceived of in the field of Bible Studies, see Beal 2011.

Tibetan literary sources, generally speaking, tend to connect the broad concept of “*khriims*” (law, rules, *mores*, customs, etc.)<sup>13</sup> with the introduction of a Tibetan script, an innovation which in turn is portrayed as the catalyst for all things to do with “civilization”: religion, statecraft, and law.<sup>14</sup>

Srong btsan sgam po (569–649?), as goes the well-known narrative of the introduction of the Tibetan written language, wanting to introduce Buddhism into Tibet, sends a number of Tibetans to India to develop a script. Only Thon mi Sambhoṭa (7<sup>th</sup> century) ends up succeeding. Was the Tibetan script then immediately used for the purpose of statecraft, and were laws written with it? Or did it initially serve solely as a way to introduce the Buddha-dharma? At this point, the early religious histories and other sources that deal with the imperial period diverge.

Before discussing these divergences, it is necessary to mention the different types of *khriims* or laws that we are dealing with. From the imperial sources onward, we come across three types: the laws of the ten virtues (*dge ba bcu'i khriims*), the royal law (*rgyal khriims*), and religious law, or simply Buddhism (*chos khriims*).<sup>15</sup> The three emerged—again, according to the general narrative—roughly around the same time that the script was introduced. Which “set of laws” then was perceived to have come first? Interestingly, when we look at the Tibetan sources themselves, we see different ideas on which “system” influenced which.<sup>16</sup>

In Mkhas pa'i lde'u's *Religious History of China and Tibet* (*Rgya bod kyi chos 'byung rgyas pa*) and Lde'u jo sras' *Great Religious History: A Victory Banner of the Teachings* (*Chos 'byung chen po bstan pa'i rgyal mtshan*), both of which were written mid- to late 13<sup>th</sup> century, Srong

<sup>13</sup> This word has both secular and religious connotations, see, for example, *khriims* — *lha chos sam mi chos dang mthun pa'i lugs* [*khriims*: way[s] that accord either with Buddhist or with human governance] (Zhang 1993: 283). Clearly, *khriims* is also often used as an equivalent to *tshul khriims*—moral discipline, often specifically referring to monastic discipline. Throughout this article, *khriims* is mostly translated as “law”—partly for convenience's sake. It should be kept in mind that when referring to “religious law” in the Tibetan context, we refer to some sort of moral discipline, which could be monastic discipline or simply universally applicable ethical conduct. On the distinction between religious and secular law in early Tibet, see Pirie 2017b.

<sup>14</sup> For a good overview of early Tibetan works that deal with the Dharma-king and the law, see Stein 2010: 215–220.

<sup>15</sup> Stein 2010: 216.

<sup>16</sup> The following presentation has benefited from various excerpts and translations of relevant passages by Pirie and Manson, available on <http://tibetanlaw.org/texts/histories>. The translations here, however, are my own. For a discussion on “Buddhist law” in early Tibetan sources, see Pirie 2017a.

btsan sgam po is said to have created royal laws in his youth, but religious laws in his old age.<sup>17</sup>

In other words, according to these narratives, royal laws existed *before* the introduction of Buddhism. In a similar way, Nyang ral nyi ma 'od zer (1124–1192) writes in his *Religious History* (*Chos 'byung me tog snying po sbrang rtsi'i bcud*) about Srong btsan sgam po: “Then, because the 'Tshal ris minister of Tibet did not change anything, the king thought: ‘As I have established and taught the law I will thereby establish a tradition of the true Dharma.’”<sup>18</sup> The text then goes on to describe the king's thought process: “As sentient beings now are able to be tamed by means of the Dharma, I shall develop religious laws, methods for virtuous actions, and the Dharma.”<sup>19</sup> Clearly, Buddhism and morality here are presented as civilizing forces, ways to make subjects more naturally law-abiding. Also apparent is that royal law is presented as having been created first and religion, or morality, second.

Many other later sources that deal with the Tibetan imperial era have it the other way around. In those texts, the suggestion is made that “just law” (as opposed to “evil law”: *sdig khrims*) can only be instated when it is based either on the laws of the ten virtues or the religious law or both. For example, in the 12<sup>th</sup>-century work *Entering the Gate of Dharma* (*Chos la 'jug pa'i sgo*) by Bsod nams rtse mo (1142–1182), it is said that Srong btsan sgam po “created the laws based on the ten virtues.”<sup>20</sup> Very similarly, the *Ma ni bka' 'bum*, put to writing in c. 1200, notes that in order to establish Buddhism in Tibet, Srong btsan sgam po “established the law (*khrims*) based on the *Sutra of the Ten Virtues*.”<sup>21</sup> From the context, we can glean that this *khrims* here means royal law.

At the same time, this text signals the precarious equilibrium between religious and royal law. Srong btsan sgam po is reported to have asked his chief minister for help: “In this kingdom, the royal law

<sup>17</sup> Mkhas pa'i lde'u: 4; *de nas rgyal pos tshe smad la chos kyi rgyal po'i sa bzung nas chos khrims kyi srol bstod de* (Lde'u jo sras: 115; Uebach 1992: 824; Dotson 2006: 75). According to Uebach, the *chos khrims* here deals with “the king's activities to promote the spread of Buddhism” (1992: 825).

<sup>18</sup> *de nas bod kyi blon po 'tshal ris de nas tsam yang ma bsgyur bas rgyal po'i thugs la/ ngas khrims bcas pa yang btsan par gyur pas/ de yis dam pa'i chos kyi srol gtod do zhes grags* [read: *bsgrags*] so (*Chos 'byung me tog snying po sbrang rtsi'i bcud*: 175).

<sup>19</sup> *da ni chos kyi sems can rnams 'dul du btub par 'dug pas/ chos khrims dge ba'i las stabs dang chos bya snyam mo* (Ibid).

<sup>20</sup> *dge ba bcu las brtsams te khrims bcas* (Bsod nams rtse mo 1167: 343). Also see Stein 2010: 217.

<sup>21</sup> *dge ba bcu'i mdo la brten nas khrims bcas te* (*Ma ni bka' 'bum*: 266). Also see Stein 2010: 218; Ishihama 2004: 17–18.

has been turned into religious law. Help my offspring to also make sure that royal law is in accord with religious law."<sup>22</sup>

In the *Mirror Clarifying the Royal Genealogies* (*Rgyal rabs gsal ba'i me long*), attributed to Bla ma dam pa Bsod nams rgyal mtshan (1312–1375), the king is also said to have based the royal law on the ten virtues.<sup>23</sup> But this royal law is then the basis on which Buddhism can be introduced in Tibet. In the *Feast for Scholars* (*Mkhas pa'i dga' ston*), composed by Dpa' bo Gtsug lag phreng ba (1504–1566), it is also suggested that virtuous behavior, which must be the basis for more formal religious practice, is warranted by the presence of royal law. In other words, royal law protects people from doing bad things. Srong btsan sgam po is reported to have said:

Now, I must make the great royal laws. Formerly, because there were no laws, the small polities were left to their own devices. If there is still no law, bad conduct will spread, and my subjects will suffer, so laws must be established.<sup>24</sup>

Bu ston rin chen grub (1290–1364) more ambiguously states that Srong btsan sgam po had created the law of the ten virtues.<sup>25</sup> Stein, however, notes that “[y]et elsewhere Bu ston poses as a general rule that the ‘religious laws’ appear to be based on the ‘royal laws’” (Stein’s citation of Bu ston lacks any reference, but the source is Bu ston’s *Ship to Enter the Ocean of Yoga Tantra* (*Rnal 'byor rgyud kyi rgya mtshor 'jug pa'i gru gzings*), an extensive introduction to the Yoga Tantras).<sup>26</sup>

Another author, the 3<sup>rd</sup> Karmapa, Rang byung rdo rje (1284–1339), suggests that a third option is possible, but that still both royal law and religious law (*chos khrims*), which may here refer to monastic discipline, come forth out of something religious. He writes that: “These Nine Vehicles of Ancient Secret Mantra were completely and perfectly translated from beginning to end, blending into one the royal

<sup>22</sup> *blon po sna chen po la zhal bstan spyang gziags nas zhang blon chen po kha ba can gyi rgyal khamis 'dir rgyal khrims chos khrims su bsgyur ba yin no/ nga'i dbon sras la yang rgyal khrims chos khrims dang bstun du chug cig* (*Ma ni bka' 'bum*: 266). This translation has benefitted but differs from that of Ishihama (2004: 18).

<sup>23</sup> *dge ba bcu la brten pa'i rgyal khrims 'cha' ba*, and: *dge ba bcu la bstun pa'i rgyal khrims bcas* (*Rgyal rabs gsal ba'i me long* 1373: chapter 10; Uray 1972: 54–55).

<sup>24</sup> *da ni ngas rgyal khrims chen po bca' dgos/ sngon yang khrims med pas rgyal phran rnams so sor 'khyar ba yin/ da dung khrims med na nyes byed dar zhing nga'i 'bangs rnams sdug bsngal bar 'gyur bas khrims bca' bar bya'o gsungs nas cas skad* (Dpa' bo gtsug lag phreng ba: 184). For more on this work and how it portrays the king as legislator, see Uray 1972.

<sup>25</sup> Stein 2010: 219. *dge ba bcu'i khrims bcas* (Bu ston rin chen grub 1326: 182/ 119a).

<sup>26</sup> *spyir rgyal khrims la brten nas chos khrims byung ste* (*Rnal 'byor rgyud kyi rgya mtshor 'jug pa'i gru gzings*: 68a). This text is discussed in Weinberger 2010.

law and the religious law.”<sup>27</sup> This notion of blending the two, royal and religious rule, is, of course, well known throughout Tibetan history, in particular from the time of the Sa skya hegemony onwards. Throughout history, we see this two-fold structure—or dyarchy—phrased and glossed in various ways: two systems (*lugs gnyis*), two laws or legal systems (*khriims gnyis*), the two ways (*tshul gnyis*), two “traditions” (*gtsug lag gnyis*),<sup>28</sup> the two: patron and priest (*mchod yon gnyis*), and the union of Dharma and politics (*chos srid zung ’brel*). While they do not necessarily mean the same thing in all contexts, the ubiquity of these types of phrases is striking.<sup>29</sup> Tibetan traditional history writing makes much of Srong btsan sgam po’s part in introducing Buddhism to Tibet, in addition to this role as a legislator. While this is likely to be overstating matters, to say the least,<sup>30</sup> there are early sources that point to his role in formalizing law in Central Tibet. We find a reference to this in the *Old Tibetan Chronicle*, which can be dated sometime between the second half of the 9<sup>th</sup> century and the 10<sup>th</sup> century, in which Srong btsan sgam po is accredited with establishing writing and along with it:

the great government and legal systems of Tibet, the ministerial ranks, the levels of power, the awards for good service and the punishments for criminals, the contracts for grazing, tilling, and irrigation rights for farmers and nomads, the systems of weights and measures.<sup>31</sup>

Taking into account the above-cited early historiographical sources that deal with the beginnings of law in Tibet, which are by no means intended to be exhaustive, we can see that they display an ambiguity with regard to which laws are based on which, and that they also clearly demonstrate that Buddhism is always in the foreground when it comes to the origins of law. The question then arises how the legal texts themselves present the history of Tibetan law, a question to which we now shall turn.

<sup>27</sup> *sangs sngags rmying ma’i bka’ theg pa pa dgu po ’di/ rgyal khriims dang chos khriims gnyis gcig tu sdebs nas dbu zhabs su tshangs par rdzogs par bsgyur zhing* (Rang byung rdo rje: 330). Stein 2010: 185.

<sup>28</sup> This concept is famously difficult to translate and means different things in different contexts. See Stein 1985.

<sup>29</sup> See Ruegg & Cüppers 2004: 9.

<sup>30</sup> This discrepancy is discussed in Uray 1972; Kapstein 2000: 56–57; Wangdu 2002; Dotson 2006: 13–14; Dalton 2013: 99–101.

<sup>31</sup> Dalton 2011: 100; Pt1287: l. 451–455.

### 3. *The Beginnings of Law According to Legal Texts*

When we look at where, or more precisely, with whom law begins according to the legal texts themselves, an equally ambiguous picture emerges. Clearly, for Tibet, there can be no doubt that, narratively speaking, law / *khrim*s started with Srong btsan sgam po. He is seen as the archetypical lawmaker, and most legal texts refer to him and claim that their laws are based on his legacy. Tibetan legal materials, fortunately, tend to provide a bit more information on relative chronology. Some works contain detailed historical accounts and others but brief overviews, more often than not inspired by or directly based on the narratives found in the historiographical narratives.<sup>32</sup> They are telling not just in what they contain but also in what they omit. For the current purpose, I here discuss the preambles of a number of legal texts and the ways in which they present the history and origins of Tibetan law.

The first text is presumed to be earlier than the other works presented below. While the year and author are not given in the work itself, Pirie tentatively dates it to the 14<sup>th</sup> or 15<sup>th</sup> century. *The Mirror of the Two Laws*, as it appears in a compilation of Tibetan legal texts in the keep of the Library of Tibetan Works and Archives (*Tibetan Legal Materials, Bod khrim*s *yig gi skor*, henceforth TLM), has been translated in full by Pirie and Manson.<sup>33</sup> This text is interesting because its historical narrative is perhaps the most extensive of all Tibetan legal texts. While this article is not the place to enter into much philological detail, the intertextual entanglements of the genre of legal texts naturally come to the fore in any discussion of more than one of these Tibetan law texts. Here, it must be noted that there exists another version of one section of this text embedded in a larger compilation, which has previously gone unnoticed, called *Various Important [Texts] Such as the Legal Work in 16 Pronouncements of the Gtsang Commissioner and the Dga' ldan pho brang's 12 Pronouncements* (*Sde pa gtsang pa'i khrim*s *yig zhal lce 16 dang dga' ldan pho brang ba'i zhal lce 12 sogs nyer mkho sna tshogs*, henceforth DTK).<sup>34</sup> In this latter work, the anonymous compiler and author of the brief introduction to the collection of legal texts calls

<sup>32</sup> Such a detailed account can be found in translation in Ehrhard 2015. The text contains, in addition to a law code, a genealogy of the Gtsang dynasty, down to Karma bstan skyong dbang po (1606–1642).

<sup>33</sup> <http://tibetanlaw.org/texts/mirror>. Also see Pirie 2019. The full name of the text is *Khrim*s *gnyis lta ba'i me long*, elsewhere also referred to as *Zhal lce bco lnga*, “the 15 Pronouncements.”

<sup>34</sup> This version of one section of this text can be found in *Sde pa gtsang pa'i khrim*s *yig zhal lce 16 dang dga' ldan pho brang ba'i zhal lce 12 sogs nyer mkho sna tshogs*, BDRC 24038: 3a–14a. The version that is more similar to the one in TLM is found in *Bod kyi snga rabs khrim*s *srol yig cha bdams bsgrigs* 1989: 46–81.



it a compilation of several original written legal texts, “which are useful and famous, written in Tibet itself.”<sup>35</sup> The relevant section that is presented in the DTK and also found in *The Mirror of the Two Laws* is the third and final part, which discusses the history of law and enumerates the 15 “pronouncements.”<sup>36</sup> It starts as follows:<sup>37</sup>

As for the explanation of the time when the royal law came about in Tibet: in an earlier time, in this Tibet, which was like a land of darkness, the 12 petty kingdoms had established laws. All house-dwellers lived in mountain-huts, hunted for a living, and ate meat, and drank blood for their sustenance. For clothing, they wore skins. In order for them to distinguish good from bad, the emanated Dharmarāja Srong btsan sgam po himself established, in order to lead the Tibetan people to happiness, the royal laws based on the Dharma of the ten virtues; he increased material wealth and brought everybody profit. In order to lead his subjects towards the True Dharma’s instructions and because there was no writing in Tibet, he sent seven clever ministers to India to learn writing.<sup>38</sup>

We see here that this text clearly borrows from the *Mirror Clarifying Royal Genealogies*, and Pirie makes a case for dating *The Mirror of the Two Laws* to the late 14<sup>th</sup> century or early 15<sup>th</sup> century.<sup>39</sup> If indeed my

<sup>35</sup> *gangs ri'i phreng ba dkar pos khor yug tu bris pa'i sman ljong 'di nyid du mkho shing grags che ba'i bka' khrims kyi yig tshang khungs thub 'ga' zhiig phyogs sgrigs kyi bkod pa la/* (DTK: 4a).

<sup>36</sup> Because the *Mirror of the Two Laws* contains several parts, which are indicated as such, and because the work contains multiple “historical” preambles—albeit but one enumeration of the pronouncements—and because the last part features in its entirety in another text, I find it likely that the *Mirror* itself is also a compilation, making it hard—if not impossible—to date.

<sup>37</sup> This translation has benefitted from, but is not based on, that by Pirie and Manson.

<sup>38</sup> The last few lines are in all likelihood adapted from the *Mirror Clarifying Royal Genealogies*. The underlined sections correspond almost exactly. *rgyal pos dge ba bcu'i khrims bcas pa'i skor/ de nas chos dge ba bcu la brten pa'i rgyal khrims 'cha' ba/ 'dod yon lnga spel ba/ phan tshun du skyes bskur ba/ mgna' 'og gi 'bangs rnam la chos kyi bka' bsgo ba la/ bod na yi ge med pas/ blon po dbang po rno ba bdun rgya gar du yi ge slob tu btang bas* (Bla ma dam pa Bsod nams rgyal mtshan: 66). *bod du rgyal khrims nam gyi dus su byung bshad pa ni / sngon gyis dus na bod yul mun pa'i 8. rnag rum dang 'dra ba 'dir / rgyal phran bcu gnyis kyi khrims bcas so / khang pa thams cad ri khyim la brten nas / las su rgon pa byed / zas su sha za khrag 'thung / gos su lpag pa gyon / dge sdig ngos 9. shes pa la / sprul pa'i chos rgyal srong btsan sgam po de nyid kyi bod 'bangs bde la bkod pa'i phyir / chos dge ba bcu la brten pa'i rgyal khrims bca' ba / 'dod yon lnga spel ba / phan tshun du 13. 1. skyes bskur ba / mnga' 'og gi 'bangs rnam la dam pa'i chos kyi bka' bsgo ba la / bod na yi ge med pas / blon po dbang po rno ba bdun rgya gar la yi ge slob tu btang bas /* (*Khrims gnyis lta ba'i me long*: 12–13). The DTK has some variant spellings and punctuation, enough to suggest they have been copied from different sources.

<sup>39</sup> Pirie 2019. In the same article, Pirie also notes the “close correspondences” to this text, but deduces from this that the text must have been written by someone in the same religio-cultural milieu as the historiography’s author, Bsod nams rgyal mtshan (i.e., Phag mo gru): 614.

supposition is correct and this law text paraphrases the *Mirror Clarifying Royal Genealogies* written in 1373, this would mean that the textual adaptation from historiography to legal text took place rather soon after the former work was authored, which seems unlikely. While I do not propose an alternative date or time period, we should perhaps err on the side of caution and dismiss the late 14<sup>th</sup> century as a likely possibility, while putting the text's *terminus post quem* at 1373 for this legal work. In any case, it is clear that this work copies the order of origination from the *Mirror Clarifying Royal Genealogies*, discussed above: the ten virtues were first created, then the royal laws, and lastly the Dharma.

The next legal work looks at the very earliest beginnings of law and royal lineages. Again, different versions of this text circulate. Cüppers has published one that has been photographed in the context of The Nepalese-German Manuscript Cataloguing Project (NGMCP), called the *Great Gtsang Legal Text* (*Gtsang khrims yig chen mo*).<sup>40</sup> The title suggests it was composed during the Gtsang dynasty (1565–1642), but Cüppers convincingly argues that the usage of a particular type of administrative language conveys that it was written, edited, or completed during the Dga' ldan pho brang period.<sup>41</sup> This legal work presents the law in 12 pronouncements. Interestingly, this text shows many correspondences to the *Legal Text of Gtsang pa sde srid karma bstan skyong* (*Gtsang pa sde srid karma bstan skyong dbang po'i khrims yig*) found in the aforementioned compilation TLM.<sup>42</sup> While the spelling is on occasion different, and sometimes words are added or missing, there are many sections that correspond. The two texts do not follow the same sequence, various sections of the *Great Gtsang Legal Text* are scattered throughout the *Legal Text of Gtsang pa sde srid karma bstan skyong*, making up about 70 percent of its total content. Another (partial) version of the *Great Gtsang Legal Text* can be found as part of another bundle of legal texts referred to earlier, DTK.<sup>43</sup>

The compilation contains many longer and shorter texts that have some relations to Tibetan law. The text itself is nameless, which is perhaps why it has gone unnoticed so far.<sup>44</sup> While the *Great Gtsang Legal Text* was not dated, this text is: the year given is the Female-Iron-Sheep Year, and it was written on the day of the full moon of the tenth

<sup>40</sup> See Cüppers 2012; 2013; 2015.

<sup>41</sup> Cüppers 2015: 2.

<sup>42</sup> TLM: 96–112.

<sup>43</sup> This work is available on BDRC. According to this catalogue's description the text is found within "a collection of legal texts on the codes governing Tibet during the 16<sup>th</sup> and 17<sup>th</sup> centuries," and it was "reproduced from a new copy of an ancient manuscript from Sog tsan-dan dgon near Nag-chu-kha." Republished: Dolanji, Ochghat, Himachal Pradesh: Tibetan Bonpo Monastic Community, 1985.

<sup>44</sup> DTK: 180–213.

month.<sup>45</sup> Assuming that at least most parts of the text were written during the Dga' ldan pho brang period (i.e., after 1642), this means that the *terminus post quem* for this text is the Iron-Sheep Year of 1691.<sup>46</sup> The *Great Gtsang Legal Text* knows yet another version, again unnamed, found in a compilation of legal texts.

This manuscript, written in the cursive script (*dbu med*), was Charles Bell's and is now housed in the Liverpool Museum.<sup>47</sup> The cover page reads in English: "This contains an abridgment of the 13 codes of law made since the establishment of the Ga-den Po-trang (Lhasa Government) and a list of fines that may be inflicted." A more recent copy in *dbu chen* script of this can be found in the Buddhist Digital Resource Center (BDRC).<sup>48</sup> While by no means a one on one copy, this version gives the same year as the corresponding nameless text in the DTK.<sup>49</sup> A part of the *Great Gtsang Legal Text* was, according to Cüppers, compiled later than the rest of the work (lines 361–378 of the NGMCP version), on account of there not being any parallels elsewhere.<sup>50</sup> Both of the other versions indeed do not contain this last section, which appears consistent with this claim. On the whole, we can assume that this text—like many of the other Tibetan legal texts, is a composite, borrowing and incorporating various sections from other works.

One section in *Legal Text of Gtsang pa sde srid karma bstan skyong*, not found in the *Great Gtsang Legal Text* analyzed by Cüppers, relates the very beginning of "society" and how the creation of law was a necessity due to the degeneration of time. Further, during the *Kṛtayuga* (the "perfect age"), humans naturally practiced the ten virtues, effortless and without paying attention to the laws of the king. Later on, when behavior became a bit more violent,<sup>51</sup> the great kings, who were inspired by the compassion of Avalokiteśvara, established a system of laws.<sup>52</sup>

In the precious sutras, it is extensively taught that the happiness or suffering of the world depends on whether the royal laws are in accord with the Dharma or not. In particular, in the *Suvarṇa[pra]bhāṣottama*

<sup>45</sup> *skye* [read: *skyes*] *bdag ces pa lcogs* [read: *lcags*] *mo lug gi lo/ smin drug gi nya ba'i dkar po'i phyogs kyi dga' ba dang po'i tshe* (DTK: 212).

<sup>46</sup> It could also have been written in 1751, 1811, 1871, or even 1931.

<sup>47</sup> Manuscript number 50–31–113a. Also see Meisezahl 1973: 240–243.

<sup>48</sup> The compilation is called *Khrims yig zhal lce bcu gsum* (henceforth, KZC). The copy was made available through the Library of Tibetan Works and Archives. BDRC: W1KG5097. The relevant text pagination is 1a–19b. A badly legible copy of the Liverpool text can also be found on BDRC: W1CZ855.

<sup>49</sup> *skyes bdag lcags mo lug gi lo dga' ba da sngo'i tshe la bris pas* (KZC: 19b).

<sup>50</sup> Cüppers 2015: 4.

<sup>51</sup> *brlang pa* (Skt. *paruṣa*), meaning rugged, harsh, violent, etc.

<sup>52</sup> *rnam thos kyi khrims lugs bca' ba*: "created the system of laws of Vaiśravaṇa" (cf. KZC: 4a).

*Sūtra*, it is extensively taught that someone who has merit is blessed by the lord of gods [Indra],<sup>53</sup> and enters the womb of his mother.<sup>54</sup> As he becomes the king of men, it is correct to call him “god,” and it is taught that thereby a system of laws based on the ten virtues can spread. In numerous other sutras, tantras, and *śāstras*, there are many presentations of the way of the kings (*rājanīti*).<sup>55</sup>

The reference to this sutra is striking, not because its contents do not match the message, but because—as far as I am aware—the *Suvarṇabhāṣottama Sūtra* tended not to be used by authors in Tibet trying to justify the king’s rule by portraying him as divine—whereas it was of course extensively used for that very purpose in East Asia and Mongolia.<sup>56</sup> More to the point, this section of the text goes back to a mythical perfect time long before the Dharma-king Srong btsan sgam po, and we see royalty portrayed as semi-divine. We can see that this text conceives of the ten virtues existing in the very beginning as natural phenomena. The Dharma, probably here referring more to a just system than to any sort of religion, only becomes necessary when the times change—due to which the royal laws, again, based on the Dharma, are created to uphold the Dharma and the ten virtues.

<sup>53</sup> *lha yi rgyal por byin gyis brlabs*: “is blessed as the king of gods” (cf. KZC: 4a).

<sup>54</sup> D555, a translation from the Chinese in 31 chapters, D556 a translation from the Sanskrit in 29 chapters, D557 a translation from the Sanskrit in 21 chapters. This reference to the *Suvarṇabhāṣottama Sūtra* roughly corresponds to chapter 12 of D556 and D557, in which Brahma is shown to explain the divinity of human kings, there named Rājaśāstra (*lugs kyi bstan bcos*). *mi yi gnas su skyes pa ni/ rgyal po rnams kyi skye ba dang / lrgyu gang gis na yul rnams su/ rgyal por gyur pa bshad par byal/ lha dbang rnams kyi byin brlabs kyi/ lma yi rum du 'jug 'gyur te/ lha yis sngar ni byin brlabs nas/ lphyi nas mngal du 'jug par 'gyur/ lmi yi 'jig rten skyes kyang ni/ lmi yi dbang por gyur pa yin/ lha las skyes par gyur pas na/ de ni lha yi sras zhes byal* (D557: 248a). The corresponding chapter 21 of the translation from the Chinese is quite different and uses different vocabulary. *sngon gyi las kyi mthu yis ni/ lhar skyes rgyal por gyur pa yin/ lgal te mi nang gnas gyur nas/ ldbang sdud mi yi bdag po byed/ lha rnams lhan cig byin brlabs nas/ de 'og ma yi mngal du 'jug lma yi mngal na gnas pa na/ lha rnams kyi ni srung bar byed/ lmi yi 'jig rten skyes gyur kyang / lgtso mchog gyur phyir lha zhes byal/ lha rnams kyi ni bsrungs pas na/ lha yi bu zhes brjod pa yin/* (D555: 120a).

<sup>55</sup> *de yang rdzogs ldan gyi 4. dus rgyal po'i khrims dang gzhan gyi 'bad rtsol la ma ltos par / mi rnams rang rang gis dge ba bcu la spyod de rjes su cung zad spyod pa brlang par gyur pa na / 5. 'phags pa'i thugs rje zhugs pa'i rgyal po chen po rnams kyi khrims lugs bcas so / spyir mdo sde rin po che rnams las / 'jig rten gyi bde sdug 6. rgyal khrims chos dang mthun par bskyangs ma bskyangs la rag las pa rgyas par gsungs / khyad par gser 'od dam pa mdo dbang po'i rgyal po las / bsod 7. nams dang ldan pa zhig lha'i dbang pos byin gyis rlabs nas ma'i lhums su 'jug cing / de mi'i rgyal por gyur pa la lha zhes rjod rigs pa dang / des dge 8. ba bcu dang mthun pa'i khrims lugs bca' ba'i tshul rgyas par gsungs shing / mdo rgyud bstan bcos gzhan du ma las kyang rgyal po'i lugs kyi rnam par 9. bzhag pa du ma gsung /* (TLM: 97). The underlined part roughly corresponds to KZC: 3a–4a. KZC then jumps to TLM: 98.7.

<sup>56</sup> See Gummer 2015: 256–258.

The Tibetan legal text, *The Mirror of the Two Laws*, discussed earlier, interestingly does not discuss the origins of the various laws, but the primacy of laws and states the following:

Therefore, even though the two, the religious law and the royal law, contradict each other in terms of names given and who does the abandoning, in terms of the object of abandonment, the proper royal laws exist only within the religious laws.<sup>57</sup>

Here the text establishes the primacy of religious law, which is to say that when there is religious law, royal law can thrive—or simply function. This sentiment is in alignment with, among others, *The Mirror Clarifying the Royal Genealogies*, a historiographical work which is clearly one of the sources of inspiration of this legal text.

#### 4. The Intertextuality of Legal Texts

Through an examination of the various versions of histories of law, rule, and royalty in these legal texts, it becomes possible to establish some level of intertextuality and borrowing. This delivers evidence that confirms my hypothesis that most, if not of all, of these texts are composites in nature. While some examples have already been given, the sample of material offered below reveals both borrowing and editing. The earlier mentioned *Legal Text of Gtsang pa sde srid Karma bstan skyong*, which is in many parts very similar to *Great Gtsang Legal Text*, contains a section that does not appear in the latter text:

In particular, due to the virtue that I have gathered previously, the trunk of the powerful elephant has extended and [I am] the one who brings about happiness and support in this world: because I have been empowered from [my] crown [on] by the golden vase of the finest gold filled with the ambrosia of merit, then when the great earth up until the oceans is covered with the umbrella of laws, the precious teachings of the Buddha can be preserved, and all can make offerings [...]<sup>58</sup>

<sup>57</sup> *des na chos khrims dang rgyal khrims gnyis ming 'dags dang spong byed sgo nas 'gal kyang / spang bya'i sgo nas mi 'gal bas rgyal khrims rnam dag cig chos khrims kho nar 'dug gol* (TLM: 11). Pirie has previously translated this section as: "Even though the religious and royal laws are contrary (different) in terms of their names and means of abandoning [non-virtue], because they are not contrary in terms of what ought to be abandoned, the proper royal laws are exactly like the religious laws" (2019: 607). This gives a very different gloss to the work. The Tibetan syntax, however, is in my opinion far from ambiguous here.

<sup>58</sup> *khyad par du nged rang sngon bsags dge ba'i stobs kyis glang chen dbang po rna zhags bskyangs pas 'jig rten 'dir l.A. phen bde bskrun pa'i byed por / dzam bu na da'i gser gyi bum pa bsod nams gyi bdud rtsis yongs su gang ba'i spyi bo nas dbang bskur bas 'khor yug*

Striking here is the first person and the very Indic portrayal of royalty. We see strong similarities when we compare this to a legal text that has presumably been written by Rdo ring tha'i ji (also known as Gung Paṇḍita or Rdo ring Paṇḍita, 1721–1792). Meisezahl has referred to and cited parts from this text, but oddly he dates what he calls a new edition (*Neufassung*) of the 13 Pronouncements to 1867.<sup>59</sup> The year is given as Fire-Hare (*me yos*), which in combination with the author's name in the colophon and the knowledge that for a brief period he was acting administrator of Tibet in 1750–1751, makes it very reasonable to date the work to an earlier Fire-Hare Year, namely 1747. In addition, while there may have been numerous Rdo ring tha'i ji-s, I have located a reference to what might be this text in the autobiography of Mdo mkhar ba Tshe ring dbang rgyal (1697–1763), where it is noted that Rdo ring Paṇḍita wrote a text in 13 points.<sup>60</sup> If this is indeed the legal work under discussion here, this reference puts the *terminus ante quem* to 1750, making 1747 the likely correct year.

The text, authored by Rdo ring tha'i ji, is called *The Seed-Essence of the Law in Two Systems: The Sword Deciding on the Legal Texts of the Pronouncements in 13 Parts* (*Lugs gnyis khrims kyi sa bon snying po/ khrims yig zhal lce gcod pa'i ral gri yan lag bcu gsum zhes bya ba dran 'dzin lcag kyu kun lde'i* [read: *bde'i*] *a darsha zhes bya ba bzhugs pa'i dbu phyogs lags so*, henceforth LKS). Until recently, only one version appeared to be extant, namely in the Charles Bell collection of the Liverpool Museum,<sup>61</sup> which may be a copy created for him specifically. I am grateful to Xaver Erhard for discovering—and notifying me of—another version in the NGMCP, which differs somewhat in orthography but is otherwise almost identical.<sup>62</sup> This text is significant for a number of reasons, but in the interests of space, I omit further discussion here. Rather, I cite only the following:

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*rgya mtsho'i l.5. bar gyi sa chen po bka' khrims kyi gdugs dkar gcig gi khyab par gyur pa na / sangs rgyas kyi bstan pa rin po che de 'dzin dang bcas pa mtha' dag mchod l.6. pa dang / (TLM: 99). TLM's 69 l.9–100 l.4 are not found in the Great Gtsang Legal Text, but this section corresponds to KZC: 4a–4b.*

<sup>59</sup> Meisezahl 1973: 243.

<sup>60</sup> *don tshan bcu gsum 'khod pa dang* [...] (Mdo mkhar ba Tshe ring dbang rgyal: 118). Schaeffer *et al.* (2013: 564) translate this as: “Duke Paṇḍita set down the Thirteen Points [of Administration] [...]” In the light of this text, we probably should emend “Administration” to “Law.” See Hartley 2011 for this aristocrat's autobiography.

<sup>61</sup> Bell 19, Nr. 5o.31.113b.

<sup>62</sup> This work is catalogued in the NGMCP catalogue as E 2979/18 and simply called *Khrims yig zhal lce bcu gsum*. I am grateful to Christoph Cüppers for retrieving and sending me the scans of this version. Cüppers and I are working on an annotated translation and critical edition of this very interesting legal text.

In particular, due to the presentation of the three ancestral Dharmarājas,<sup>63</sup> the trunk of the elephant has been extended. And therefore, the one who brings about happiness and support in this world: because he has been empowered from the crown [on] by the golden vase of the finest gold filled with the ambrosia of merit. And pervading the great earth up until the oceans as if they were one, then with regard to the feelings and views of all sentient beings, they will have the correct view which is without mistakes—those are the designations (*tha snyed*) of the king Mahāsammata.<sup>64</sup>

What can we make of this? There can be no doubt that the LKS was inspired by the older legal text cited earlier. A notable difference is, of course, that the author of the second text does not place himself at the center of attention, but ascribes the royal power to previous rulers. The author of the first text appears to see himself as a consecrated king in the Indian style. In terms of the language employed, Rdo ring Paṇḍita's Tibetan appears rather garbled, as though earlier copyists have misread and left out certain parts. Corrupted though the text may be, we find that this is one example in which an author actively adapted a previous legal work to suit a different purpose.<sup>65</sup>

As I have pointed out above, the texts under examination all, either explicitly or implicitly, address the issue of which came first, or which should take the most prominent place: royal law or religious law?

Regarding this particular issue, toward the end of the “legal history” part of the LKS, we find these words, which seem—in terms of chronology—quite out of place:

The great Ācārya [Padmasambhava] said from the Mang yul Gung thang pass to the prince Mu khri btsan po: “Listen, you should impose the royal laws in an honest way. In that case, when wrong-doers are punished by the royal laws, it is obvious that you can, later on, purify

<sup>63</sup> This could refer to Nyang ral Nyi ma 'od zer's work *Chos rgyal mes dbon rnam gsum gyi rnam thar rin po che'i phreng ba*.

<sup>64</sup> *bye brag tu chos rgyal mes dbon rnam gsum kyi rnam bzhag stobs kyi glang po che yi sna zhag brkiyangs tel 'jig rten 'dir phan bdes bskrun pa'i byed po 'dzam bu na da'i gser gyi bum pa/ bsod nams kyi bdud rtsi'i yongs su gtam pas spyi bo nas dbang bskur ba'i* (LKS: w5b) *'khor yug rgya mtsho'i bar sa chen po dum bu gcig tu khyab pas/ [sems can] [thams cad] tshor ba dang lta ba'i dbang gi 'khrul pa med pa yangs dag pa'i blta ba la/ mang pos bskur ba'i rgyal po zhes pa'i tha snyed de dag go/* (LKS: 6a). In Indian mythology, Rāja Mahāsammata (*mang pos bskur ba'i rgyal po*: the king chosen by consensus) was the first king of the world. For this myth see, for example, Davidson 2019: 57–58.

<sup>65</sup> As part of my current project on Buddhism and law in 17<sup>th</sup> and 18<sup>th</sup> century Tibet, I am in the process of researching this phenomenon of adaptation and intertextuality.

[the evil deeds]. Conversely, if you take sides for the sake of flattery or sustenance, you will go to hell.”<sup>66</sup>

This famous discourse, given by Padmasambhava on the Gung thang pass to Khri srong lde btsan's son Mu khri btsan po, is meant to have been his last before leaving Tibet. What we see addressed here is the problem faced by religiously minded rulers: that passing judgment on people so that they receive their due punishment is connected to the accumulation of negative karma.<sup>67</sup> Here Padmasambhava puts the prince at ease: it is better, to be honest, but strict than to be too lenient and malleable—the negative karma can always be purified later on. This passage appears just before the actual “pronouncements” begin, which means that it is perhaps an appeal for the intended audience of the text—presumably judges and other practitioners of the law—to be unbiased.

While I have not (yet) been able to trace the above as a direct citation or paraphrase of another work, this specific episode is well-known in Tibetan historiography.<sup>68</sup> In my search for parallels, I came across the same narrative—not set on the Gung thang pass—in which Padmasambhava gives Mu khri bstan po advice on how to rule, in the *Prayer in Seven Chapters* (*Le'u bdun ma*), a treasure text (*gter ma*) revealed by Sprul sku Bzang po grags pa in the 14<sup>th</sup> century:

You nourish the royal law with religious law. Since it is the degenerate age, finish off irreligious ones, idiots, frauds, and swindlers, and install the religious law. By acting in accord with Dharma, [your] kingdom will be happy. If your life is in danger or your royal power gets taken away, or if the king is downgraded to the rank of a commoner, you should prevent this from happening, taking the gods and demons as your witnesses!<sup>69</sup>

<sup>66</sup> *slob dpon chen pos mang yul gung thang la nas lha sras mu khri btsan po la bka' rtsal pa/ nyon cig khyed kyis rgyal khrims 'di drangs por 'dzin cig/ des na nyes byas rgyal khrims kyis bcad na phyi la sbyangs zla mi dgos so/ de las zlog pa'i ngo [srung] zas phyir phyogs lhung byas na khyed rang dmyal bar 'gro'o/ zhes gsungs/* (LKS: 6a).

<sup>67</sup> A fair amount has been written on this conundrum in the Buddhist context, see, for example, Zimmermann 2006.

<sup>68</sup> A similar narrative can be found in the biography of Padmasambhava attributed to Ye shes mtsho rgyal but revealed by Nyang ral Nyi ma 'od zer (the *Zangs gling ma*), with more elaborate advice—not set in Mang yul Gung thang here—for the king, his ministers, and his queens, to rule Tibet. See *The Lotus-Born* (Kunsang tr.): 155–157. For an examination of various recensions of this work, see Doney 2014.

<sup>69</sup> *rgyal khrims chos kyi khrims kyis 'tsho bar mdzod/ chos med dred po zol zog g.yo sgyu can/ snyigs dus 'byung bas tshar chod chos khrims tshugs/ chos bzhin spyod pas rgyal kham bde bar 'gyur/ sku srog nyen zhing mnga' thang 'phrog pa dang/ rgyal po dmangs su 'bebs pa'i gal byung na/ lha srin dpang du tshugs la bzlog pa mdzod/* (O rgyan gu ru padma 'byung gnas kyi rdo rje'i gsung 'khrul pa med pa'i gsol 'debs le'u bdun ma lo rgyus dang bcas pa (*Le'u bdun ma*): 608). According to Solmsdorf (2014: 13), this collection of



The message here is as above—being a just and religious king means being strict, decisive, and required the maintenance of existing hierarchies. All in all, when we review the narratives that regard the history of law in Tibet, we find that they generally are consistent with existent histories written by Tibetans and that they contain many references to Indic themes and texts.<sup>70</sup> It becomes clear that it is beneficial to read law texts in conjunction with Tibetan historiographies, with an appreciation of the Indic materials they may refer to. Even if the reader is not convinced that these legal texts are “Buddhist,” it can nonetheless be argued that without a thorough understanding of “Indo-Tibetan culture,” they cannot be fully understood. To dismiss these sometimes overly ornamental introductions to legal texts as Buddhist propaganda is to ignore the legal and Buddhist ideologies held by their authors.

### 5. Concluding Remarks

It is important to reiterate that for the current purpose, the actual history of law in Tibet is of hardly any importance. This article is primarily concerned with how the concept of law and its origins was formulated, how it developed over time, and particularly how Tibetan authors formulated the relationship between religious and royal law. Perhaps not surprisingly, when comparing, for example, earlier historiographical narratives of law to those from the Dga’ ldan pho brang era, we find that views of law, the role of the ruler, the notion of hierarchy and the chthonic effects of justice or injustice have remained largely the same. We find some significant differences, however, which need further examination.

By looking at legal treatises in a comparative and intertextual way, we start to see the beginnings of answers to questions that scholars previously have asked about these documents, but also to the questions that we have so far neglected to ask of these legal works. These do not necessarily deal with the history of law in Tibet, but have

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eight treasure-texts—and in particular the here cited section, widely known as the *Gsol ’debs bsam pa lhun grub ma*—addresses the rulers of this area and played a decisive role in tying Padmasambhava to the later royal house of Gung thang, since the king of Gung thang (16<sup>th</sup> century) was supposed to have been an incarnation of Mu khri btsan po.

<sup>70</sup> Van der Kuijp supposes that the proverbs common in the Tibetan legal texts (*zhal lce*) are inspired by or derived from *nītiśāstra* materials (*lugs kyi bstan bcos*) (1999: 280). There are indications that the influence of this genre of texts on the Tibetan legal texts is even greater than previously assumed—something I intend to elaborate on in future publications.

to do with the reception history of the legal texts. For example, why were there no block prints of the Tibetan legal texts? Why do most of these works lack an author signature or any kind of colophon, even when they were meant to have been written in an era in which this was common practice? It is my hypothesis that author signatures and the creation of block prints would “finalize” these documents. In the eyes of Tibetan legal specialists, this may have been neither necessary nor desirable. If legal texts were conceptualized as flexible documents—from which one can pick and mix—authorship and a fixed print would counter that very flexibility. This further explains the intertextuality of the works—borrowing and paraphrasing without reference must have been entirely acceptable—perhaps even more so than in other Tibetan genres of literature. This also means that we have to start paying better attention to when the texts deviate from the general narrative. These deviations may provide us clues as to by whom and what for these texts were (newly) composed (here, in the literal sense of putting things together).

Returning to the original question of this paper—which came first, secular law or religious rules—I want to point out that this touches on a larger issue with which philosophers of law, such as Sandel,<sup>71</sup> have grappled, namely the question of whether a just society necessarily promotes the virtue of that society, or even whether justice is required as a basis to promote virtue. Rawls, a prominent political thinker, argues that a modern just society should promote freedom, not virtue.<sup>72</sup>

However, when considering the evidence presented here, I think it is safe to say that most Tibetan rulers and authors of legal texts in premodern times saw “royal laws” as prerequisites to virtue (in the broadest sense of the word) and subsequently to social order. Social order and virtue, in turn, were viewed as essential to the practice of religion.

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<sup>71</sup> Sandel 2009: 9.

<sup>72</sup> Rawls 1999.

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