

Doring Pandita

&

*Khrims yig zhal lce gcod pa'l ral gri yan lag bchu sum (1747)*

Tenzin Dolker

Submitted in partial fulfillment of the requirements for the degree of  
Master of the Arts in the Graduate School of Arts and Sciences

Columbia University  
2012

Advisor: Professor Gray Tuttle

## Table of Contents

### Acknowledgements

- I Introduction
- II Review of Literature
- III Doring Pandita's Biography and Politico-Historical Context
- IV Pandita's *Khrims yig zhal lce gcod pa'I ral gri yan lag bchu sum* (The Thirteen Legal Codes)
  - A. Introduction: A Tibetan Legal Narrative
  - B. 1<sup>st</sup> Legal Code: Law for Officers
    - 1. The Great Fifth Dalai Lama vs. Doring Pandita: Law for Officers
    - 2. Background on *Desrid* (Regent)
  - C. 10<sup>th</sup> Legal Code: Law for *Med-pa* (Injury)
- V Conclusion
  - General Observations on Tibetan Law
  - Future Research
  - Bibliography

## Acknowledgements

I would like to first and foremost thank my advisor Professor Gray Tuttle from Columbia University for his unconditional support in all of my intellectual and academic, and personal pursuits. My MA thesis would not have materialized without his mentorship, guidance and generosity.

I would also like to thank my language teachers Gyen Lobsang Jampsel and Gyen Tenzin Norbu, and Pema Bhum from Lhatse Library for not only assisting me with translation but also in analyzing and historically contextualizing a challenging legal text.

Finally, I would like to thank my family, who has made many difficult life choices to provide numerous meaningful opportunities for me. I will never be able to repay their love, care and all of their support.

With deepest gratitude,

Tendol

## I. Introduction

The birth of this thesis began with my interest in Tibetan law. As I started my archival research for primary sources on Tibetan law during my first semester in the fall of 2010, at the Tibetan Buddhist Research Center (TBRC), I came across a legal commentary written in 1747. Without any prior knowledge of mid-18<sup>th</sup> century Tibetan political and legal history, nor any information on the author, I started gradually unpacking *Khrims yig zhal lce gcod pa'I ral gri yan lag bchu sum* (The Thirteen Legal Codes). This marked the beginning of my journey with Doring Pandita, a fascinating Tibetan lay scholar-statesman and his legal commentary, which not only presents us with clues on understanding the changes happening in Tibet at the time, but also provides deep insights on the Tibetan legal system and social world where that system was practiced.

In 1751, Doring Pandita was appointed as the key administrator in *Ganden Phodrang*, the dual secular and religious Tibetan government, by the Seventh Dalai Lama, Kalsang Gyatso. Pandita's 1747 legal commentary entitled, *Khrims yig zhal lce gcod pa'I ral gri yan lag bchu sum* (The Thirteen Legal Codes) provides unexplored insights into understanding a historical moment in Tibet when internal power struggles among the ruling elites as well as growing Manchu influence in Tibetan affairs threatened to permanently alter the political landscape.

In the introduction of Pandita's legal commentary, I observe the continuation of a narrative tradition regarding the Tibetan legal system which parallels the

historical claims and essential political ideology of *Ganden Phodrang*, founded by the Great Fifth Dalai Lama, Lobsang Gyatso in 1642. By contextualizing Pandita's legal narrative within the broader political currents of the time, I discern that he supports the *Ganden Phodrang* administration when its political fortunes were highly precarious. After the reestablishment of *Ganden Phodrang* in 1751 under the Seventh Dalai Lama as the sole political authority, Pandita secured his own position and remained a leading lay Tibetan political figure for decades to come. In addition to providing a new perspective into the complex field of 18<sup>th</sup> century Tibetan political history, Pandita's legal text also offers a new avenue for approaching the dynamic legal culture and societal organization of Tibet at the time.

*Khrims yig zhal lce gcod pa'l ral gri yan lag bchu sum* begins with an introduction by Pandita, followed by thirteen legal codes. My main contribution will be to first translate and then analyze the introduction and two of the legal codes: Law for Government Officers, and Law of Injury. Because of the significant political role Pandita played during this time period, the legal text becomes an important piece of evidence for the years from 1747 to 1751 when Tibet's political future, as inferred by many of scholars and historians of Tibet,<sup>1</sup> was extremely uncertain. For instance, historians such as Ruhong Li pose questions regarding Pandita's allegiances during the power struggles between key ruling figures such as Polhanas, Gyurmé Namgyel and the Seventh Dalai Lama. In my thesis, I seek to utilize Pandita's legal commentary as a lens for viewing how Pandita negotiated the turbulent political terrain so as to legitimize his own authority and bolster the

---

<sup>1</sup> More details on the present scholarship for mid-18<sup>th</sup> century Tibetan history will be provided in the literature review .

*Ganden Phodrang* administration. I also seek to show how changes in terminology in Pandita's commentary, such as in the code for government officers, relative to the language used in the code of the Great Fifth Dalai Lama, reflects Pandita's delicate balancing act between the changing political realities of the present and the need to uphold legal traditions as a basis of legitimacy. The juxtaposition of deference and neglect to traditional Tibetan legal culture is a consequence of Pandita's attempts to negotiate between historical and contemporary bases of authority. By investigating the unannounced narratives that are contained in Pandita's text, I hope to shed light on the parameters of the complex and evolving dialogue between old and new, religious and secular, and other opposing centers of power. This thesis thus seeks to problematize some of the long-held master narratives that dominate the literature on 18<sup>th</sup> century Tibetan history by illuminating an important legal text from an oft-overlooked protagonist of the secular administration.

## II. Literature Review

The present historical literature discussing content on the first half of the eighteenth century central Tibet generally lacks an in-depth analysis on the figures and narratives, especially from the vibrant Tibetan lay-intellectual community. Furthermore, the years from 1747 to 1751 - particularly the 1750 civil strife with the killing of the ruling figure Gyurmé Namgyel, and then the subsequent killing of two Chinese ambans and the ascension of Doring Pandita to power - although known to have greatly shaped Tibetan politics and its governance structure- are still not detailed historically. Leading Tibetan historians such as W.W. Rockhill, Luciano Petech, and Tsepon D. Shakapba, although all pioneering Tibetan political historians, nevertheless gloss over the second half of the eighteenth century Tibet without significant details, particularly the legal system.

Petech provides the greatest details of this time period in his book *China and Tibet in the 18th Century* (1950), arguably the most frequently cited book by later scholars of history as well as other disciplines on Tibet. It is widely used for writings on Sino-Tibet relations showing substantial contemporary relevance and implications for such a historical writing. Later Tibetan historians as well as scholars of other disciplines frequently cite him, especially those whose topic relates to the Sino-Tibet relationship.<sup>2</sup> For example, Herbert Franke in his review for Petech's first book places the importance of the year 1751 for shaping Chinese suzerainty over Tibet: "The foundations for Chinese rule have been laid during the

---

<sup>2</sup> Leading contemporary scholars from the social sciences and humanities background such as the late Dawa Norbu, Elliot Sperling, Michael C. van Praag, and Tsering Shakya all continue to make references to Petech's work.



first half of the 18th century and whoever wants to understand the present international status of Tibet has to study the events which led to the final organization of Chinese protectorate in 1751" (140). So why then are there so few historical writings deeply analyzing such a critical period of Tibetan history? Especially a period frequently described as a one that resulted in "Chinese suzerainty over Tibet" and known to have shaped the Tibetan governance structure for the next three hundred years?

There are various reasons for this gap in Tibetan historical literature articulated by scholars of Tibet, a few of which will be addressed further. For example, in Hugh E. Richardson's 1973 review of Petech's *Aristocracy and Government in Tibet 1728-1959*, he acknowledges the lack of writing on and by laymen in Tibetan biographical literature citing: "Such colorful detail as there is comes mostly from Chinese and western sources; Tibetan biographies of layman are rare...although most families preserved oral traditions of the deeds and characters of their forebears and great men of the past..." (84). This might explain why scholars of Tibet tended to use more of the Chinese sources in the past (i.e. Petech's use of *Qing shilu* especially for the 1750 event). Furthermore, Petech himself articulates other challenges during his time of research about the lack of documents on key administrative organs of the government from the period 1747-1751 in his book: "In the same way little is known about the several departments of the central government during these years. We only have some scattered information about the judiciary, the finance department, the army, the 'u-lag and postal service, and the provincial government" (225). Petech also attributes to the lack of administrative

documents, especially Tibetan legal texts, by referring to them as being “nearly silent” when it comes to the “organization of the Tibetan justice” (225).

On a practical level, there have been dramatic advances in terms of technology, making it easier to scan the availability of multi-lingual sources and broadening the global network of Tibetanists. Such advantages have led to the emergence of 18th century Tibetan historians such as Ruohong Li, who is able to utilize the best current historical practices and leverage all the advances in methodology for Tibetan Studies to fill this vacuum of in-depth analysis. In her doctoral thesis, Li focuses on the important lay aristocratic family - Doring family (earlier known as Gabzhis) - who emerged as a leading family during this period. She draws broader connections between Qing policy and its relations with Tibet. Li is one of the few central Tibet historians writing on mid-18th century history using the current dominant micro-historical approach, enabling her to analyze one significant aristocratic family to make broad arguments on the Sino-Tibet relationship.

The purpose of my literature review is to provide an overall summary of available materials in English by leading historians of Tibet who analyze the mid-18th century Tibetan political history in their publications. I discuss their main arguments, primary sources used and description of the leading lay characters of the period such as Gyurmé Namgyel and Doring Pandita. Furthermore, I explore how the authors frame the 1750 event and its consequences. And lastly, I propose how using Doring Pandita's legal text, *Khrims yig zhal lce gcod pai' ral gri yan lag bcu*

*sum*, “The Thirteen Legal Codes” (1747), can supplement significantly the current mid-eighteenth century literature on Tibetan history. Pandita's life and his commentary on Tibetan law and legal system assist in addressing particular gaps aforementioned by scholars such as Richardson and Petech concerning the lack of laymen’s voices and particular administrative documents in the Tibetan historical literature. Unlike autobiographies, the 1747 legal commentary does not provide explicit statements on Pandita’s deliberations at the time; nonetheless, the mere existence of such text is momentous. When the author and his legal text are contextualized within the broader political climate, presented by tumultuous local and regional geo-politics vis-a-vis the rise of a Manchu China, the significance of it clearly emerges.

W.W. Rockhill's *The Dalai Lamas of Lhasa and Their Relations with the Manchu Emperors of China 1644-1908* published in 1910, is one of the earliest books in English to examine the time period from 1747 to 1751. In its third chapter entitled "1700-1793", Rockhill discusses the 1750 anarchy and its broader political context (38-39). His narrative first begins with the Seventh Dalai Lama arriving in Lhasa from exile in eastern Tibet but removed of all temporal power. He claims that “the governor-general” Polhanas Sonam Topgyal was greatly trusted by the Qing government that the small Chinese garrison was “practically removed” and he became known in Tibet as “the Mi-wang” (38). After providing a broader political context for the years before 1747-1751, Rockhill then begins to describe Gyurmé Namgyel’s succession after Polhanas’ sudden death in 1747. The widely accepted narrative of Gyurmé Namgyel petitioning the emperor for the removal of the

Chinese military presence from Lhasa is described. Thereafter, some four hundred soldiers were ordered back to China leaving in Tibet only five hundred who were divided between Lhasa and Shigatse.

Through using primarily Chinese sources (Tung-hua ch'uan-lu, Ch'ung-te IV. 15b. Conf. Edict) – a document collection mostly with memorials to the emperor by ambans during the dynasty - Rockhill constructs his historical narrative. Rockhill argues that the 1750 uprising in Lhasa, where the feelings against the Chinese were intense, was coordinated and planned after Gyurmé Namgyel sought the aid of the Oelot [Oirad] of Ili (the Mongols). Rockhill narrates the situation with sympathy for the Chinese residents and the ambans:

"[T]he existence of the conspiracy at Lhasa was well known, the lives of the Chinese residents and of their little escort hung by a thread, and Chinese dominion was once more in dire peril. The Chinese Ambans Fu-Ch'ing and La-Pu-tun, by an act of extraordinary energy, saved the situation. They invited Gyurméd [Gyurmé Namgyel] to visit them in a pavilion of their yamen on the 13th of the 10th moon, when Fu-Ch'ing cut him down and killed, with the assistance of La Pu-tun, four or five of his companions, sacrificing their own lives but breaking up the conspiracy and saving Chinese rule, though most of the Chinese in Lhasa were murdered and the yamen was looted. The devotion of these two officials was recognized by the Emperor who conferred on them the posthumous rank of 'Po of the 1st class', and had raised to their memory a shrine in Lhasa known as the 'Shrine of the patriotic pair'" (38-39).

In Rockhill's understanding, the ambans "saved the situation" when they murdered the Tibetan ruling figure, Gyurmé Namgyel. He concludes with his interpretation – a widely accepted narrative - of what happens as a result of the 1750 event where "this abortive uprising" led to the Tibetans being "strictly forbidden to hold any intercourse with the Oelot." In addition, Rockhill states that "Chinese titles were no longer conferred on the high officials of the country and the office of Prime Minister ('King of Tibet') was abolished" and instead an administration divided among four *kalon* who governed in the name of the Dalai

Lama was reintroduced. Thereafter, the Chinese garrison was increased up to one thousand five hundred men, and the amban was given a “limited right to take part in the government of the country” (39). Thus, early twentieth scholars such as Rockhill laid the foundation for understanding this key historical moment in Tibetan history with mostly Chinese sources. A few decades later, Luciano Petech, one of the first few western Tibetan historians to use both Chinese and Tibetan sources, came to the foreground.<sup>3</sup>

Luciano Petech (1914-2010) was a prolific and leading historian on 18<sup>th</sup> century Tibet. His works include *China and Tibet in the Early 18th Century* (1950), “The Dalai Lamas and Regents of Tibet: A Chronological Study” (1959), and *Aristocracy and Government in Tibet 1728-1959* (1973). Herbert Franke, in his review of Petech's book, applauds Petech as the first scholar to make extensive use of both Tibetan and Chinese sources (140). His main sources are the autobiographies of the Seventh Dalai Lama, the Second and the Third Tashi Lamas [Panchen Lama] and a biography on Polhanas, who ruled Tibet from 1728-1747.<sup>4</sup> As for the Chinese sources, Petech uses the *Qing shi lu* and *Qing shi kao*.

Petech's first book provides the most extensive work on the period between 1747 and 1751 with two chapters entitled "aGyur-med-rnam-rgyal [Gyurmé Namgyel], the last 'King' of Tibet (1747-1750)" and "The End of the Kingdom and the Rise of the Temporal Power of the Dalai Lama." In addition, the chapter "The

---

<sup>3</sup> According to Gray Tuttle, no one has yet looked at earlier sources, by people like the Tibetan Buddhist Chinese monk like Fazun, but he suspects that he may have used both Chinese and Tibetan sources.

<sup>4</sup> 1728-1748 is the date he mentions in this book.

Administration of Tibet during the First Half-century of Chinese Protectorate" investigates the results of the 1750 event on how the Qing court modified its approach to administering Tibet. Petech simply frames the 1750 event within a broader antagonistic relationship between the Tibetans and the Chinese:

"And thus we perceive that the upheaval of a 1750 is utterly different from that of 1727/8. Then we had a war between two opposite Tibetan parties, with Chinese armed intervention at the end, and the establishment of the permanent and hereditary authority of a lay ruler. In 1750 we have the ruler, in peaceful and secure possession of sovereignty, planning revolt against the irksome Chinese tutelage" (216).

Franke is correct in observing the significance of the year 1751, but for him it is for shaping "Chinese suzerainty over Tibet" (140). However my question is how are sources being used to construct narratives for complex events such as the 1750 event? Although Franke is correct in stating that Petech uses both Tibetan and Chinese sources for his book, I have observed that particularly for the 1750 event, only the Chinese sources of *Qing shilu* on the ambans' memorials to the emperor are referenced.<sup>5</sup> So the challenges lie in our ability to complicate these long held narratives that have great contemporary relevance as mentioned earlier by Franke. I demonstrate in my thesis that one way maybe is to analyze documents and commentaries produced by other imperative lay intellectual figures from the time such as Doring Pandita, who have been frequently overshadowed by more familiar (usually religious) figures, especially in our scholarship and literature of Tibet's past.

Petech mentions Pandita's name in passing throughout his book,

---

<sup>5</sup> It might be that the Chinese provide the main narrative of events, though one would guess that the DL7 bio and the autobiography of Dokharwa Tsering Wanggyel would cover the event as well (of course the defeated don't get to tell their story)

acknowledging the importance of his life during this time period. Pandita was an influential and wealthy aristocrat married to the ruler Polhanas' daughter, Deden Drolma. Petech hints that Pandita "played a certain role in the hectic events of 1750", where the relationship between Gyurmé Namgyel and Pandita is observed to be tense. Petech asserts that Gyurmé Namgyel was "even suspected for conspiring" with the duke of Ngari, who was Gyurmé Namgyel's brother. During the 1750 anarchy when Gyurmé Namgyel was murdered and the two Manchu ambans lynched, Pandita was in Lhasa and "the Dalai Lama entrusted him with the task of re-establishing order." Petech even suggests that "[f]or a moment it seemed [like] he [Pandita] was going to be the successor of Gyurmé Namgyel. However, his appointment by the ambans shortly before their violent death was completely unauthorized; and the emperor refused to confirm it" (54).

As briefly acknowledged by Petech in his works decades earlier, it is important that we not overlook the significance of figures such as Pandita in shedding light on the critical juncture of Tibetan history. Pandita was appointed by the Dalai Lama to bring order during the chaotic event, which clearly shows that he was probably a trusted administrator for the Seventh Dalai Lama even before 1750. Thus, by examining Pandita's life and his writing, we can elucidate further on the complex nature of the period.

One of the most influential Tibetan historians is the late Tsepon D. Shakabpa (1907-1989). He is mostly known for his prominent book, *Tibet: A Political History* (1967), which is now available with a longer translation in English with useful

commentaries for each chapter by Darek F. Maher in *One Hundred Thousand Moons* (2010). Though criticized in the academy for its nationalistic aspirations, like Petech's work, the book is also cited many times for the significant amount of Tibetan sources used. Chapter Nine, "Ascension of the Seventh Dalai Lama to the Golden Throne and the Beginning of Manchu Influence in Tibet," uses references from Dokhar Zhapdrung Tsering Wangyel's *Biography of Miwang* (Polhanas) and Changkya Hotoktu Rolpe Dorje's *Precious Wish-Fulfilling Tree and Biography of the Seventh Dalai Lama Kelzang Gyatso*, to provide details of historical context for the years between 1747 and 1751.

Maher explains the first two decades of the 18th century as marked by violence in a tumultuous landscape leading people in Tibet, interested Chinese, Manchurians, and Mongolians to desire a political structure that would bring peace and stability. He adds that this period is of "great flux and uncertainty", and in "a quest for normalcy", Tibetans "came to accept some measure of involvement of the Manchu court in their affairs" (431). There is a subtle change in language when explaining the degree of Manchu involvement in the governance of Tibet during this time from the earlier writings by Rockhill and Petech. Shakabpa seems to present a lesser degree of political influence in Tibetan affairs by the Qing court. In addition to disagreement on the degree of Manchu influence on Tibetan politics, the scholars also have diverging views on one of the most significant Tibetan historical characters of this period: Gyurmé Namgyel.



The scholars who analyze this period differ in the portrayal of Gyurmé Namgyel. Petech observes that most of the Tibetan historical literature does not portray Gyurmé Namgyel in a favorable light, labeling him as irreligious. However, Shakabpa hails Gyurmé Namgyel for his Tibetan patriotism and nationalistic aspirations. The author explains how Gyurmé Namgyel aspired to institute a Tibetan government according to the time of the Great Fifth Dalai Lama by stating that "these traditions ought to be continued" (469). Shakabpa's sentiments of this time period and his empathy for Gyurmé Namgyel is clearly rendered when he criticizes the government officials of that time for their political negligence: "The government officials who came into power at this time were incapable of upholding Tibet's interests during this important time. This was their fault. There was absolutely no doubt that Dalai Batur [Gyurmé Namgyel] was a courageous hero of the country who could have protected the interests of Tibet's religious and political system" (471). After framing Gyurmé Namgyel as a Tibetan nationalist who was a "courageous hero of the country (Tibet)", Shakabpa continues to elaborate on his murder by the two ambans, an event that spiraled into the 1750 anarchy in Lhasa; a portrayal which, intentionally or unintentionally, leads readers to be more empathetic towards Gyurmé Namgyel.

Doring Pandita also makes a lingering appearance in Shakabpa's book. During the first instance, in 1748, Pandita accompanies Sikyong<sup>6</sup> Dalai Batur Gyurmé Namgyel on a pilgrimage in the Tsang region with the rest of his large

---

<sup>6</sup> Sikyong usually means administrator of politics

entourage (464).<sup>7</sup> Pandita is then mentioned about three times in passing during the demise of Gyurmé Namgyel and the aftermath of the 1750 event (468-472). Unlike other scholars who have written on the aftermath of the event, Shakabpa provides the most substantial details in terms of Tibetan names and figures.

Shakabpa elucidates the Tibetan governance structure in which the Seventh Dalai Lama becomes the sole ruler of Tibet (similar to Petech's observation). He says that the Seventh Dalai Lama accepted responsibility for religious and political affairs in 1751. Four cabinet ministers were appointed to serve. They were Gapzhi Gung Pandita [Doring Pandita] as the senior figure, Dzasak Dokharwa (Rakha Shak) Zhapdrung Tsering Wangyel as his assistant, Dzasak Tonpa (Labrang Nyingpa) Sicho Tsedon, and the monk steward Darhen Nyima Gyeltsen (Drongtsewa). As a sign of the high status of cabinet ministers, cabinet secretaries Trashi Tongpa, Tsatsulwa, and Tronpa Kyapa of Zhikatse, Lhasa, and Meldro, respectively, and Dekyi Lingpa, the cabinet steward of Nyetang, were appointed to the respective cabinet ministers with responsibility over Samye Temple and other such places. "They initially met on the first day of the second month of 1751" (472). Shakabpa concludes by adding that ever since then, "the cabinet has held the general responsibility for civil and military, internal and external affairs of Tibet. It is like the pillar of the *Ganden Phodrang* government of Tibet" (472). As asserted in Ruohong Li's thesis, in Shakabpa's narrative, the Qing ambans are not mentioned as having equal political

---

<sup>7</sup> It is also interesting to note how the title for Gyurmé Namgyel changes in different scholars' writing. For example, the scholars who mostly use Chinese sources call Gyurmé Namgyel "King" and "Wang" whereas scholars such as Shakabpa uses the title "Sikyong" (political leader). It could be that Shakabpa uses more contemporary relevant terms. Such translation issues, which affect the meanings rendered, will be also explored in my thesis.

power as the Dalai Lama. Now, turning to a more recent scholarship, Li's research contributes significantly to the study of mid-18th century central Tibetan history.

Li's dissertation "A Tibetan Aristocratic Family in Eighteenth-century Tibet: A Study of Qing-Tibetan Contact" (2009) uses multi-lingual sources to shed new light on the connections between Tibetan lay aristocrats and Qing officials. Li's research directly responds to the challenges mentioned by Richardson a few decades earlier about the deficiency of biographical literature and writing on and by lay Tibetans. In the second chapter, "The Rdo ring [Doring] Family in Full Power: the Second Generation Rdo ring ba [Doring ba] in the Mid-eighteenth Century," Li recognizes that the eighteenth century Tibetan sources mention Pandita frequently "but only in passing on occasions such as Tibetan religious rituals and governmental etiquette" (76). Similarly, Pandita is also frequently noted in many of the past hundred years of Tibetan historical scholarship. Therefore, Li's study is the first effort to look deeper into this leading lay aristocratic figure and his family within a broader context of growing Qing presence in inner Asia. The author demonstrates in her thesis how the Doring family emerges as a chief Tibetan aristocratic family amidst fluctuating Qing policies and manages Tibetan politics, especially during the time when Qing issued an "early pro-lay aristocracy policy."

Mainly using the autobiography by Tenzin Peljor <sup>8</sup> (1760/61 - 1810), Li provides crucial details on Pandita's life and observes the first decade 1740-49 of Pandita's political career that takes place during the second half of Polhanas' reign when Pandita was "overshadowed" in government affairs. Li draws rich anecdotes

---

<sup>8</sup> Pandita's son however Li mentions a controversy in her dissertation about who the actual biological father is.

from different biographies such as Lcang skya [or Changkya] lama's to illustrate the growing tension between Polhanas and the Seventh Dalai Lama. Nevertheless, Li is unsure about Pandita's participation in these growing factions (77-78). She says that little is known about Pandita's involvement in the tense relationship until Gyurmé Namgyel assumes power. But far more serious difficulties come to the forefront during the reign of Gyurmé Namgyel and especially, when Pandita "participated in the internal strife of the Tibetan government" (79).

Li's dissertation dedicates an entire sub-chapter for the 1750 event. More importantly, she attempts to elucidate Pandita's role during this formative time: "Owing to his family background and political influence, Rdo ring [Doring] Pandita was considered as a potential threat to the political power of 'Gyur med rnam rgyal [Gyurmé Namgyel]. However, no historical documents are available to verify direct tensions between 'Gyur med rnam rgyal [Gyurmé Namgyel] and Rdo ring [Doring] Pandita" (81). Li purports that the death of Polhanas "naturally provided a good opportunity for the Dalai lama's faction" and under such circumstance as the chief minister, Pandita was "not out of [the] race." Pandita was, according to Li, also "highly alert to any possible opportunity to realize his political potential" for Polhanas' and Gyurmé Namgyel's post (81). And in 1750, this opportunity came to him "on the event of the final collapse of the Tibetan aristocratic regime" (82). The fissure in our scholarship, which Li also articulates, about where Pandita's faction alliances lay, may potentially be understood through examining Pandita's legal commentary written in 1747 (the same year as Polhanas' death). These questions will be further explored in my thesis.

Li's thesis contributes greatly to the present, relatively sizable literature on structural effects of Tibetan administrative system as a result of the 1750's event, which starts with the thirteen articles for governing Tibet (89-92). The thirteen articles were: "to enhance and consolidate the Dalai Lama's position and power in Tibetan religious and administrative affairs. At the same time, the Qing ambans were put on 'an equal footing with him'" (89). Unlike authors of the past such as Shakabpa, who argued that the Dalai Lama gained sole religious and secular power; Li complicates that assertion. She explains that after the lay aristocracy failed the Qing court, most notably because of the Gyurmé Namgyel incident, the Dalai Lama's dominant power both in the political and religious realms could not ensure a balanced power structure nor was the regency reliable in the face of a chaotic situation. Thus, she concludes, "the Qing court was left with no other choices but to turn to its own ambans" (92). Nonetheless, the local political administrative structure changes in which the Dalai Lama became the sole ruler, supported by the government cabinet [kashag] consisting of four ministers are also explained (89). Pandita remains in the ministerial post serving the government for over forty years where "he [is] active in implementing the Qing court's Tibetan policy and [is] the key player in the cabinet" (94).

Ruohong Li is the leading Tibetan historian to bring a deeper understanding on the uncertain mid-18th century central Tibetan political history. Through investigating the life of an important figure but nonetheless a figure overshadowed by dominant religious leaders and other ruling elites of the time, Li presents a thoughtful historical writing based on both Tibetan and Chinese sources.

My research takes off from Ruohong Li's dissertation. I attempt to fill some of the gaps aforementioned by historians of Tibet, particularly, on the lack of lay Tibetan intellectual voices in chronicling Tibet's history. Through analyzing Doring Pandita's legal text *Khrims yig zhal lce gcod pai' ral gri yan lag bcu sum*, "The Thirteen Legal Codes" it is my hope to slowly unravel Tibet's chaotic mid-18<sup>th</sup> century past.

### III. Doring Pandita's Biography and Politico-Historical Context

#### Biography

Doring Pandita (1721-1792), also known as Gonpo Ngodrup Rabtan and Noyon Pandita, was a leading cabinet minister in *Ganden Phodrang*, the traditional Tibetan government during the mid-eighteenth century. Born to Gab-zhi Garpon Tsetan Tashi and Sonam Lhadon, Pandita had a keen interest in Tibetan spelling and grammar since his childhood. He started studying sutras and mantras at the prestigious Mindroling Monastery in 1737 (Grags pa 'byung gnas, 314). He was examined for “the ancient lore” (science, astrology, divination) in front of His Holiness the Seventh Dalai Lama Kelsang Gyatso and Polhanas Sonam Topgyal, and was bestowed the title of “Noyon Pandita” (a great scholar) for his proficiency in grammar, rhetorical and religious subjects. However, Pandita had to leave his studies to fill the government position of his brother's.

Pandita was a man of both exceptional Buddhist scholarship and administrative skills. His political career took place from 1740 through 1749 during the second half of Polhanas' reign and then for the next thirty-three years after the reestablishment of *Ganden Phodrang* (Li, 74). In 1751, at the age of 31, he was appointed as a leading cabinet minister in *kashag*, the council of ministers. From that point, he served in *kashag* for forty-one years. During his appointment, he also commanded warfare between central Tibet and Nepal, and with Markham. Under his leadership, Tsug-lag-khang Monastery was also renovated. Pandita was

absorbed with spheres of dharma until the age of 72 (Grag pa 'byung gnas, 315).

Ruohong Li, in her dissertation, discusses the Doring family, who emerged as a leading aristocratic family because of the Qing's early pro-lay aristocrat-centered policy and provides details of the life of Doring Pandita through studying an autobiography written by his son Tenzin Peljor (1760/61-1810). He was portrayed as the member of their family who brought power and prestige through his scholarship, religious and administrative achievements (Li, 73).

After Polhanas died in 1747, his son Gyurmé Namgyel assumed power. Historians agree that Gyurmé Namgyel had nothing positive written about him and was in open confrontation with the Seventh Dalai Lama. Gyurmé Namgyel even suspected his brother-in-law Doring Pandita for trying to usurp his power. Li observes that the death of Polhanas naturally provided a good opportunity for Pandita to be appointed for the post.

Pandita was the minister who served both in the monarchy administration as well as the re-established *Ganden Phodrang*. Because of his familial connection with the monarchy and a particular spiritual and religious relationship with the Seventh Dalai Lama, Pandita played a key role as a figure with ties to each of the competing political factions. Not only does his legal commentary provide an interesting lens to understand the transition of power from the monarchy to *Ganden Phodrang*, it also helps us discern Pandita's own political positioning.

Pandita's legal commentary was written in 1747, the same year Polhanas died.



With factors such as the defection of the monarchy because of Polhanas' death and the lack of popular support for Gyurmé Namgyel and the growing Qing presence in Tibet led to an unforeseeable time for Tibet's political future. His lengthy legal commentary on the Tibetan legal system suggests that Pandita supported and advocated for the dual religious-secular system of *Ganden Phodrang*.

#### Framing Pandita & His Legal Commentary: Broader Politico-Legal History

During the Fifth Dalai Lama's reign, the Tibetan administration of *Ganden Phodrang* was established with the military support from Gushi Khan (1582-1655) of the Qosot Mongols. In 1642, Nawang Lobsang Gyatso, the leader of the Gelug sect (yellow hat) of Tibetan Buddhism became the spiritual and political leader of *Ganden Phodrang*. Gushi Khan, on the other hand, accepted the honorary title of "Dharma king upholding Buddhist teaching" and remained influential in central Tibet until his last descendant in 1720 (Li, 32). However, the gradual Qing expansion in inner Asia played an important role in altering the Tibetan political geography yet again. In response to the perceived threat from the Dzungar Mongols, the Manchu first entered Tibet in 1720 with the support of Tibetan aristocrats (Sperling, 325). By 1727, the Qing residency system in Lhasa was introduced with the arrival of two ambans, the imperial officials selected from high-ranking banner men (Cosmo, 299). However, with gradual loosening of Qing control in Tibet, the Tibetan monarch Polhanas gained control of the country by 1728 with Manchu support.

Petech states the following of the power distribution of the time: “[t]ruly Polhanas was a king, the first Tibetan king after the tragic end of the last Tsang ruler in 1642” and “Polhanas governed the Tibetan people” (Petech, 17). It can be discerned that the Mongols supported *Ganden Phodrang*, where the power laid in the hands of the Dalai Lama transitioned, to Qing supported monarchy under Polhanas by 1728. There seemed to be clear intra-political struggles between the monarchy and the Dalai Lama.<sup>9</sup> In 1747, amidst these internal political contestations, Polhanas, the monarch, died.

Political tensions between top aristocratic rulers and clerical power for nearly two more decades ensued, which escalated to a civil strife in 1750. The relations between Polhanas’ son, Gyurmé Namgyel and the Seventh Dalai Lama resulted in a disastrous event in which Gyurmé Namgyel and the two Qing ambans, along with over one hundred Chinese soldiers and civilians were killed. According to Shakabpa, over two hundred Chinese soldiers, merchants, and civilians took refuge with the Dalai Lama (Shakabpa, 204). The Dalai Lama and Doring Pandita stepped in to restore order in Lhasa (Dai, 130). This tragic event of 1750 marked a big shift in Manchu’s administrative policy in Tibet. According to historians such as Ruohong Li, by 1751, the Qing court shifted both political and religious power from their previous supported monarchy to the Dalai Lama, and hence, reestablished *Ganden Phodrang* rule.

---

<sup>9</sup> External influences such as the Mongols and the Qing seem to be used by internal factions to compete for their own political gain.

Pandita's legal commentary was written in 1747, before significant alterations to the political structure of Tibet's governance in 1751 (as mentioned by scholars of Tibet) were made. With the reestablishment of *Ganden Phodrang* then, Doring Pandita's 1747 legal commentary provides clues to his own positioning within the intra-power struggles between the ruling monarchy, Gyurmé Namgyel and the Seventh Dalai Lama. It is interesting to note that Pandita was one of the ruling elites in 1747 within the monarchy-led (Gyurmé Namgyel at the time) administration, yet he continues to advocate for the dual religious-secular governance structure [*Ganden Phodrang's*] in his commentary. And ironically, after the civil strife of 1750 when changes to their administrative policy were made, *Ganden Phodrang* was re-instituted. Subsequently then in 1751, the Seventh Dalai Lama became the sole religious and secular leader of Tibet and appointed Doring Pandita as the chief administrator of the Tibetan government.

By contextualizing Pandita's legal commentary in a broader politico-legal history mentioned above, it becomes clear that Pandita was advocating for the pre-existing legal system that was established by *Ganden Phodrang* under the Great Fifth Dalai Lama in 1642. Thereby, Pandita successfully secured Tibetan authority as well as his own political position amidst growing Qing presence in Tibetan affairs by reasserting the position of the traditional Tibetan legal system. We can demonstrate Pandita's success in securing Tibetan authority by studying the political restructuring which unfolded after 1750, where *Ganden Phodrang* was re-established, ruling Tibet for the next three hundred years until 1959.

#### **IV. *Khrims yig zhal lce gcod pa'I ral gri yan lag bchu sum* (The Thirteen Legal Codes)**

##### A Tibetan Legal Narrative

Doring Pandita constructs a Tibetan legal narrative that parallels the dominant chronicle of Tibetan history in his introduction of the 1747 legal commentary. Similarly to the widely accepted narration of Tibetan history, the origin of the Tibetan legal history also starts with the coming of Buddhism to Tibet in the 6th century. By contextualizing the legal codes within the widely accepted narrative of Tibetan history and also including various historical moments and prominent figures that shaped the legal system, Pandita successfully brings historical legitimacy to his text. The legal narrative concludes with the advocacy for dual religious-secular structure, which he frames as a system developed throughout the past many generations of prominent Tibetan kings, rulers, and religious figures.

By contextualizing the creation of the dual structure as a product of various historical processes and renowned Tibetan figures from thousands of years, Pandita brings legitimacy to the 1642 founded secular-religious system of *Ganden Phodrang*. Tibetan Buddhist philosophy and prominent figures are the legal foundation of the narrative. By using the dominant Tibetan Buddhist historical narrative in *Khrims yig zhal lce gcod pa'I ral gri yan lag bchu sum*, Pandita then succeeds in bringing legitimacy to the Tibetan government of *Ganden Phodrang* whose underpinning political ideology relied in Buddhist principles and its lineage to Avalokitesvará, the Bodhisattva of compassion, deeply connected to the origin story of Tibet.

I discern that Pandita’s narrative is a chronologically appropriated Tibetan legal history through a Buddhist lens. The text right away pays a long homage to the dynastic Tibetan emperors, who established the Buddhist foundation of the legal system over 3,000 years ago. The first three paragraphs describe the interconnectedness of liberation of samsara to the law. For instance, he states:

སྤྱིར་སེམས་ཅན་ཐམས་ཅད་བདེ་བ་དང་མངོན་མཚོ་དང་ངེས་ལེགས་ཀྱི་གཞི་བག་ཡོད་ཀྱི་སེམས་མཐུན་ལ་ལྟ་ཅེ་སློན་  
 རྒྱལ་བ་དུས་མས་གསུངས་དེ་ལྟ་རྒྱུགས་ལྡན་གྱི་དུས་སུ་སྐྱེ་བོ་འགོ་རྒྱམས་ཀྱི་རང་གི་རིགས་པས་དགོ་བ་བཅུ་སྟོན་པས་སང  
 ས་རྒྱས་ཐོབ་པ་ཡིན་མདོ་སྟེ་ལས་

Spyir sems can thams cad bde ba dang mngon mtho dang nges legs kyi gzhi bag yod  
 khrims mthun la lta ce smon rgyal ba dus mas gsungs de lta rjogs ldan gyi dus su  
 skye bo ‘gro rnam kyi rang gi rigs pas dge ba bcu spod pas sangs rgyas thob pa yin  
 mdo sde las

The foundation for happiness, rebirth and cessation of samsara for all sentient beings is following the law (Pandita, 3A).

Pandita also quotes the Buddha, when necessary:

“[A]s stated by the Buddha many times, with knowledge and practice of the ten virtues, all beings can attain Buddhahood” (Pandita, 3A).

Such use of Buddhist philosophy is prevalent throughout the text. Pandita successfully weaves Buddhism and the legal system together, thereby providing the essential legitimacy of *Ganden Phodrang*, which is founded on Buddhist ideology.

Pandita continues his narrative using important historical figures like the Tibetan Dharma kings and important religious deities and establishments, which continued to stand during his time. For example, he states:

དེ་ཡང་འཕགས་བ་འཇིག་རྟན་དབང་ཕྱུག་དེ་ཉིད་ཀྱི་བོད་ཁ་བ་ཅན་འདུལ་བའི་ཚོད་དུ་མི་ཡི་རྒྱལ་བོ་སྐྱེ་བསྐྱུ་བསྐྱུན་པ་ཚོས་

སྣོངས་བའི་རྣལ་པོ་སྲོང་བཙུན་སྣམ་པོས་ར་པ་འཕུལ་གྱི་གཙུག་ལགས་ཁང་བཞེངས་དགེ་བ་བརྒྱའི་བྲིམས་བཅས་  
 ལྷ་ཚོས་མི་ཚོས་གྱི་སྲེལ་གཙུག་ལེགས་བྱས་གྱི་སྣང་བ་གཏུན་ལ་སབས་བོད་འབངས་རྣམས་བག་ཡོད་གྱི་ངང་ལ་བཀོད་  
 དེ་ལྟར་བྲིམས་བཅས་གསེར་གྱི་འཁོར་ལོ་ཞེས་ཡོངས་སུ་གྲགས་བཅའ་བྲིམ་འདི་དང་མ་འགལ་བ་  
 འདི་ཕྱི་བདེ་བ་ཐོབ་པའི་གཞི་ཅེས་གསུངས་

de yang ‘pags ba ‘jig rtan dbang phyug de nyid kyi bod kha ba can ‘dul ba’i chod du  
 mi yi rgyal po sku bstan pa chos skyogs ba’i rgyal po srong btsan rgam pos ra pa  
 ‘phrul gyi gtsug lags khang bzhengs dge ba bcu’i khrim bcas lha chos mi chos kyi  
 srel gtsug legs byas kyi snang ba gtan la phabs bod ‘bangs rnam bag yod kyi ngang  
 la bkod de ltar khrim bcas gser gyi ‘khor lo zhes yongs su grags bca’ khrim ‘di dang  
 ma ‘gal ba ‘di phyi bde ba thob pa’i gzi ces gsungs

“[T]hen again, it is said that the Dharma king Songtsan Gampo, as a human emanation of Avalotikesvara, came to tame the snow-land of Tibet. He built Rawa Trul’s Jokhang Tsuklha Khang and promulgated the Law of Ten Virtues establishing the religion of gods and humans and hence, illuminated with prosperity. The law of the golden wheel stated: this renowned law should not be violated, as it was the foundation for achieving happiness for this and next life” (Pandita, 3B).

Songtsan Gampo is known throughout Tibetan history as the founding father of the Tibetan empire, consolidating the Tibetan areas in the 6th century. He brought administrative and centralized governance structure and also founded the Tibetan legal system. By tying Songtsang Gampo, one of the key figures in Tibetan history, and his relation to the development of the *Ganden Phodrang’s* Buddhist ideals and principles, Pandita further generates historical authority to the administration he supports. Pandita includes additional prominent kings of Tibet after Songtsan Gampo such as Trisong Detsen, and Tri Ralpachen, who were renowned for the spread of Buddhism as well as building of various Buddhist institutions and monasteries in Tibet. Through these institutions they practiced just laws, as Pandita elucidates:

ཡང་རྗེ་བཙུན་འཇམ་དཔལ་དབྱངས་གྱི་ཡི་ཤེས་གྱི་བསྐྱོས་གར་  
 རྒྱལ་པོ་ཁྲི་སྲོང་ལྷེ་འུ་བཙུན་གྱི་དཔལ་བསམས་ཡས་གྱི་གཙུག་ལགས་ཁང་བཞེངས་  
 སློན་གྱི་རྒྱལ་ཁྲིམས་ལ་གཟིང་བསྟོད་ནས་ཕྱོགས་ལྷུང་མེད་པའི་ཁྲིམ་བཙུན་ནས་ལེགས་བྱས་ལ་དབང་བསྟོད་  
 yang rje btsan 'jam dpal dbyangs kyi ye shes kyi bzlos gar rgyal po khri srong lde'u  
 btsan gyi dpal bsams yas kyi gtsug lags khang bzhengs sngon gyi rgyal khrim la  
 gzing bstod nas phyogs lung med pa'i khrim bces nas legs byas la dbang bstod

“[k]ing Trisong Detsen built the glorious Samye Monastery and examined the  
 previous royal law and praised the natural law” saying the Dharma law was  
 “knotted with silk” and was similar to “a golden yoke”, fair in punishing those who  
 violate the Dharma law (Pandita, 4B).

Thereafter, Pandita discusses Tri Ralpachen another famous Tibetan king:

“[M]ore over, the lord Tri Ralpachen as an emanation of Vajrapani established the  
 assembly of the Sangha serving the Dharma, the three refuge in accordance with the  
 previous royal laws” (Pandita, 5B). Pandita builds a legitimate legal narrative by  
 continuously using renowned Buddhist figures and institutions and then tying it to  
 the “Dharma law.” In addition to internal factors, Pandita also provides a key  
 external influence that brought an important development to the Tibetan legal  
 system: the Mongols. Pandita continues:

ཡང་དེ་རྗེས་རིང་གིར་གནམ་གྱི་རྒྱལ་པོའི་ཁྲིམས་ལུགས་མི་འདྲ་བ་འཇམ་དཔལ་གྱི་ལྷུང་བསྟན་ཟེར་བ་གཅིག་འདུག་  
 ཡང་དབྱང་ཏུ་ཉེ་འདི་ས་བྱུང་འདི་རང་ལུགས་གྱི་བཙུན་པའི་ཁྲིམས་ལུགས་གཅིག་བྱུང་དེ་གཞིས་ཀའི་ཁྲིམས་ལུགས་གྱི་རང་གཞ  
 བ་གྱི་དོན་ཕན་སམས་ཚོགས་པའི་རྒྱལ་ཁྲིམས་བདེ་བར་འཇགས་པ་བྱུང་འདུག་

yang de rjes jing gir gnam gyi rgyal po'i khrim lugs mi 'dra ba 'jam dpal gyi lung  
 bstan zer ba gcig 'dug yang drung ta ha'i sa byun'i rang lugs kyi bcos pa'i khrim lugs  
 gcig byung de gnyis ka'i khrim lugs kyi rang gzan gyi don phun sums tshogs pa'i  
 rgyal

Then, Genghis Khan established a different law of the heaven, one that is called *'jam  
 dpal gyi lung (Jampal Kyi Lung)*, a scriptural teaching and another system created by  
 Taiji, called *sa byun'i rang lugs (Sa Ju Rang Lug)*, which modified our rule of law  
 (Pandita, 5B).

As Pandita explains, the new system is an “achievement, which benefitted both oneself and others for the happiness of the kingdom.” It is the first moment in his commentary where Pandita mentions the dual structure in the legal narrative as something legitimately developed over the past many generations by or with (in the case of Mongol influence) important Tibetan historical Buddhist figures and institutions. The concluding remark before his listing of the actual thirteen legal codes directs the followers to oblige the dual tradition of religious and secular rule stating:

དེ་ལྟར་བདག་གི་རྒྱལ་བ་རྒྱམས་ཀྱི་གསུངས་པའི་བཀའ་ དང་བསྟན་བཅོས་  
 རྒྱལ་པོ་འགའ་ཞིག་གི་ལུགས་གཉིས་ཀྱི་ཤིང་རྩ་ཚད་ལྡན་མཐོང་ཐོས་བྱས་ཏེ་ཀུན་དང་མ་འགལ་བའི་ལུགས་གཉིས་ཁྲིམ  
 ས་ཀྱི་ས་བོན་དུ་གཉེར་བའི་ཁྲིམས་ཡིག་ཞལ་ལྷེ་བཅུ་གསུམ་ཅེས་བྱ་བ་འདི་དག་འབད་ཚོལ་གྱིས་དགོས་པ་ འདི་སྟོན་གྱི་

de ltar bdag gi rgyal ba rnam kyi gsungs pa'i bka' dang bstan bcos rgyal po 'g' zhig  
 gi lugs gnyis kyi shing rta tshad ldan mthong thos byas te kun dang ma 'gal ba'i lugs  
 gnyis khirms kyi sa bon du gnyer ba'i khirms yig zhal lce bcu gsum ces bya ba 'di dag  
 'bad tsol gyis dgos pa 'di sta ste

Thus, it is pronounced by the victorious ones, and with religious commentary. In some cases, kings had a complete experience of dual tradition of temporal and spiritual and the seed of this dual system is the country's 13 legal decree and must make an effort to oblige by it (Pandita, 6A).

As can be discerned from the quote above, Pandita directly advocates for the dual structure of religious and secular rule, which he says are “pronounced by the victorious ones.” He adds that the underpinning “seed” of the dual system is the thirteen legal codes. By directly connecting the codes to the dual structure and the Tibetan legal narrative, Pandita brings historical legitimacy to the laws. Through contextualizing the above statement in the broader tumultuous political



contestation of the time, I discern that Pandita supports the legal system under the administration of *Ganden Phodrang*, when it was competing with other institutions in 1747 as detailed previously in the political context section. However, by supporting the dual religious-secular political structure of *Ganden Phodrang*, Pandita aligns himself with the Seventh Dalai Lama.<sup>10</sup>

#### The Great Fifth vs. Pandita: Law for Officers

The present literature on 18th century Tibetan political history generally argues that in 1751 the Qing (as we saw in earlier section of the political context) altered the Great Fifth Dalai Lama-founded Tibetan political administrative structure. These analyses have been made without analyzing important documents written by key lay Tibetan officials/intellectuals of the time such as Doring Pandita. The political alterations of the government structure seems to have begun before 1751, as can be inferred from Pandita's legal text. The political administrative positions of the Tibetan government are missing in Pandita's first legal code on government officers, which explicitly exist in the Great Fifth Dalai Lama's. Nonetheless, by placing Pandita's legal commentary in the broader legal and historical context, we learn that the indigenous Tibetan legal narrative still continues. Furthermore, the mere existence of the text itself written in 1747 suggests a reemphasizing of the local Tibetan legal system. Nonetheless, clear textual negotiations such as the removal of the political positions can be observed.

---

<sup>10</sup> Through this alignment and relationship might have then resulted in his appointment as the chief minister when *Ganden Phodrang* was re-established as the sole governing body of Tibet in 1751 (a topic which can be explored further).

Luciano Petech in his essay, “The Dalai Lamas and Regents of Tibet,” explains the changes the Qing government made in the Tibetan governance structure. Petech states that “after the murder of the last lay ‘king’ Jigmed Namgyal [Gyurmé Namgyel] (11th November, 1750), the Dalai Lama entrusted Pandita with the provisional conduct of the administration however Peking did not recognize the appointment and an imperial laid down on the 23rd April, 1751, stated that the Dalai Lama himself should govern Tibet, with the help of a council of four ministers” (Petech, 382).

Nevertheless, by analyzing Pandita’s legal commentary, specifically, the legal code on government officers, a deeper understanding of the complexities local Tibetan officials had faced and how particularly, Pandita negotiated with the Qing influence can be slowly unpacked. According to Petech, Pandita remained a prominent member of *kashag* (the Tibetan government advisors) for more than forty years and the Chinese representatives dealt with him in preference to the other *kalons*, the government ministers. By comparing Pandita’s Law for Officers to the foundational legal code for officers written by the Great Fifth Dalai Lama about a century prior, observations on textual alterations can be made which may provide us with more clues on Pandita’s own position.

Pandita and the Great Fifth Dalai Lama’s codes vary in structure, length, and content. Although the former seems to be clearly a replica of the latter, there are a few major differences, particularly in the political and administrative domain. For example, all the political and administrative positions and specific *national* religious

holidays are eliminated. Nonetheless, the larger legal narrative framed within the idea of serving others through compassion and *la-yogs*, an indigenous mechanism of deterrence, is continued.<sup>11</sup>

Pandita’s law for officers renders its authority and legitimacy through its connection with Tibetan Buddhism. The legal code is framed with Tibetan historical authority where it is argued that the Tibetan law is in accordance with the heavenly kings who ruled by Buddhist laws. Furthermore, it is necessary for the state officers - like sunlight - to help the flower buds (subjects) open up like a “lotus flower” (Pandita, 7B). A similar introduction is also present in the Great Fifth Dalai Lama’s code. Pandita’s text then continues to elucidate that much like the earlier historical officers, the administrators shall put aside their intrinsic defects and “work for others through the service to the doctrine of Buddha for this and next life” (Pandita, 7B). The first rupture and disconnect from the Great Fifth’s legal code occurs when the following detail is deleted in Pandita’s document, which explains that the responsibility of the officers is to follow the *desrid*’s order:

གཞུང་དོན་གཅོ་བོར་བྱས་ཏེ་སྤྱོད་གྱི་སྤྱོད་རིམ་དང་ཚོས་རྒྱལ་རྒྱལ་ཐར་གྱི་འཕྲིན་ལས་བསྐྱབ་པར་དམིགས་པ  
 འི་སངས་རྒྱལ་གྱི་བསྟན་པའི་འབས་ཏོག་གཅོ་བོར་བྱས། ཚོས་མཐུན་གྱི་འཕྲིན་ལས་དང་བྱུང་མཐའ་མི་བསྐྱར།  
 དུས་ཚེན་གྱི་ལྷ་བ་ལྷ་ལ་རི་རྒྱུང་རྒྱུ་མས་དང་།

gzhung don gtso bor byas te sde srid kyi sku rim dang chos rgyal rnam thar gyi  
 'phrin las bsgrub par dmigs pa'i sangs rgyas kyi bstan pa'i zhabs tog gtso bor byas  
 chos mthun gyi zha rigs dang grub mtha' mi bsgur dus chen gyi zla ba lnga la ri rgya  
 klung rgya rnams dang

“[t]he main work of the government is such that one must revere *desrid* (regent)

---

<sup>11</sup> I attempt to analyze the concept of *la-yogs* later in the thesis about its function in the Tibetan legal system.

and accomplish the religious king's Buddha activity. And most importantly, one must be aware and provide service to Buddha's teachings. During the festival of the fifth month, it is prohibited to kill wild animals and kill fish in the river" (5DL, 157).

Erberto F. Lo Bue in "Scholars, Artists and Feasts" discusses the Great Fifth Dalai Lama's role in founding a Tibetan polity based out of Lhasa. Lo Bue explains that Lhasa's renown would not have spread beyond Central Asia had it not been for the skill and determination of the Great Fifth Dalai Lama and the regent Sangye Gyatso, who succeeded in setting up a vast institutional and cultural system to unify Tibet around Lhasa under the hegemony of their religious order (the Gelugpa sect). The cultural and aristocratic achievements that were made possible by the Gelugpa rule transformed Lhasa into "the new capital of the Land of Snows", and acted as powerful symbols of the new political set-up with which the Dalai Lamas and the Gelugpa order identified themselves with for three centuries to come (Lo Bue, 198). As can be rendered from various secondary sources available and the Fifth Dalai Lama's legal codes themselves, his political ambitions for Tibet are clear. His ambitions to create a Tibetan polity are assertive in his legal code as details of the civil and political institutions are explicitly included in his legal code for government officers. However, in Pandita's commentary, the political positions and nationalized Tibetan religious days are completely taken out. The following statement is from the Great Fifth's legal code emphasizing Tibetan religious holidays, and civil and political positions:

སོགས་ ཉམ་གྱི་སྐོར་ལ་དམིགས་པའི་སྤྱི་ལོ་སྤྱི་ལོ་ཆོས་ལ་ཡུལ་ཚན་སོ་སོར་སྤྱི་ལོ་ཆོས་བཅུ་གསལ་འདེབས་བྱེད་  
'འདུག་པ། གཉེར་ཚང་དུ་ཆོས་བཅུ་ཆག་མེད་འདུག་པ།

འབྲུལ་ཆས་ཀྱི་གཞིར་འོག་ལ་ཐེའུ་གཏོང་བ་མ་གཏོགས་རྗེས་དཔོན་གྱིས་གཏན་ཚིགས་མི་སྟེར།  
 སྒྲིབ་ཀྱི་འབུན་འབྲེལ་ཆགས་གཞུང་དུ་ཡོད་པ་རྣམས་ལ་སྒྲིབ་ནས་བཟའ་འདེད་མི་གཏོང་།  
 སྒྲིབ་པ་ལྟུང་ལ་འབྲུམས་དུས་ཀྱི་ཐབ་འཛོལ་རྒྱུ་དུ་འགྲོ་རིགས་མ་གཏོགས་ཤེ་བམ་མི་སྟེར།

Sogs (sog) zlog la dmigs pa'i spal zla spe lo'i tshes la yul tshan so sor sga thogs tshes  
 bcu gsol 'debs byed 'jug pa gnyer tshang du tshes bcu chag med 'jug pa 'phral chas  
 kyi gnyer 'og la the'u gtong ba ma gtogs rdzong dpon gyis gtan tshigs mi ster sger  
 gyi 'bun 'brel chags gzhung du yod pa rnam la sger nas bza' 'ded mi gtong sde gzar  
 yul 'khyams dus gyi thab 'thor rgyen du 'gro rigs ma gtogs she bam mi ster

“[a]s for awareness of the opposite, regions themselves must be responsible by praying for the continuity of the tenth auspicious day in commemoration of Guru Padmasambhava on the day of the lunar monkey of the monkey year. Storeroom must be continuously open without interruption because of *tse-chu*. Besides under the purpose of temporary casting away, district administrative officer must not give written and official document. Send the debt collector for the private debt related with government that’s all in existence. Do not give official government deed assinging land except for the results after separation and exilement as a result of civil dissension and warfare” (5DL, 157).

And the following section is a translation from Pandita’s code, which completely omits all the details of *tse-chu* and the guidelines surrounding the special religious days:

དེ་ལྟར་སྒྲེ་མོར་མངག་པ་རྣམས་ཀྱི་རང་འོད་ཀྱི་སྟོན་སྲུང་གཞན་དོན་གཙོ་བོར་འདོན་  
 འདི་ཕྱིའི་འཕྲིས་ལ་བརྩོན་པའི་སངས་རྒྱས་བསྟན་པའི་ཞབས་དོག་སྐྱ་གསུང་ཐུགས་བརྟེན་ལ་ཞིག་གསོས་  
 ལམ་དུ་འབྲང་གཟའ་སྟོར་རི་ཁྲུང་གི་བསྐྱམ་ར་བཀག་ནག་རྩོམ་རི་རྩལ་གཙུག་

de ltar sne mor mngag pa rnam kyi rang 'od kyi sgon spang gzhan don gtso bor 'don  
 'di phyi'i 'phris la brtson pa'i sangs rgyas bstan pa'i zhabs tog sku gsung thugs brten  
 la zhid gsos lam du 'phrang gza' sgor ri klung gi bsdam ra bkag nag rngon ri rgya  
 gtsug

“[I]ike that, earlier envoys humbled their own intrinsic defect and mainly, worked for others through the service to the doctrine of Buddha for this and next life. They practiced the teachings of the Buddha for mind, body, and speech. They supported from falling off the dangerous path of mountain cliff and established prohibition to pass mountain valleys and hunting” (Pandita, 7B).

Pandita’s 1747 legal commentary is similar to the Great Fifth’s legal code in its structure and the manner in which the codes are laid out. For instance, the

document starts with an introduction, and then, with the list and explanation of the respective thirteen codes. Therefore, the alterations in the code itself, particularly, the one for officers is apparent when the two documents are juxtaposed and compared. As can be deduced from the selected translations of the two texts provided above, the rupture occurs when Pandita deletes the Tibetan political position of *desrid* (regent) and *tse-chu*, the Tibetan religious - de-facto national holiday - from the commentary. In order to better understand the complexity of the political relationship between the two documents, we must then first attempt to understand the historical evolution and significance of the office of *desrid*, a very much indigenous Tibetan institution.

#### The Office of *Desrid*

Luciano Petech in "The Dalai Lamas and Regents of Tibet: A Chronological Study" provides useful historical details on the system of *desrid* (regent) in the Tibetan political structure. The administrative office of *desrid* was created in approximately in the early 1640's. Petech defines the regents as the caretaker of the spiritual and temporal rights of the Dalai Lamas. He observes three separate periods in the development of the *desrid* office (Petech, 377). The first period - from 1642-1706 - was when the regent was the head of the civil and political but not military administration. He exercised the temporal rights, which belonged to the Dalai Lama, but could not be wielded personally. At first the Qosot Khan [the Mongolian ruler] appointed him [the regent], but soon the choice fell particularly in the hands of the 5th Dalai Lama (Petech, 378).

After the personal rule of Lha-bzang Khan (1706-1717), there was no regent in the sense defined above. There was a head of state, which acknowledged only the suzerainty of the Manchu emperor, without any notice being taken of secular rights of the Dalai Lama. Only during the exile of the 7th Dalai Lama (1728-1735), a spiritual and disciplinary representative was appointed (Petech, 378). The third period then begins in 1757, where during the Dalai Lama's minority, the regent is the only "vicegerent exercising the secular and disciplinary rights" on behalf of the Dalai Lama and he can be only a monk and may be chosen only within a small community of monastic dignitaries (Petech, 378).

Petech explains that during the second period (also during the time Pandita's legal commentary was written - 1747) there was no regent in the real sense of the term, as the Dalai Lama was not considered as the temporal ruler of Tibet. The Dalai Lama was limited to the ecclesiastical field, where he of course exercised his powers directly (Petech, 381). Since Pandita's legal commentary seems to be the only significant legal document currently available after the Great Fifth Dalai Lama's legal codes, Pandita's text thus helps us infer changes that were being made to the Tibetan administrative structure in the mid 18<sup>th</sup> century before 1751 when *definite* political structural changes were made as demonstrated in Petech's research<sup>12</sup>. Although the native religious and political institution of *desrid* founded by the Great Fifth is eliminated in Pandita's legal text, a strong Tibetan legal narrative still plays an important role, sustaining authority and legitimacy for Tibetan law. In addition to

---

<sup>12</sup> With the Manchu's political influence or not is debatable as we need more varying primary sources from the time period.

the changes mentioned previously about the elimination of *desrid* system in Pandita's commentary, there are also additions made to the first legal code on government officers, which – we may call now - the civil law.

For example, Pandita adds a sentence on marriage and discipline for marital affairs stating “discipline for male and females.” However, he does not include much detail. Pandita states:

མི་ནང་འཕྲུག་བྱུང་ན་འདུམ་བྱེད་བུན་བདག་རྣམས་ནས་ངོས་ཅིག་སྦྱོང་ཅིག་ལས་དངོས་པོའི་སྦྱོང་ལོན་དང།  
དེ་ནས་སྦྱོང་གཉིས་ལས་སྤྱི་ཚའི་རི་ཁང་(རིན་གོང་)གི་སྦྱོང་མཁས་ལོན་ཤེས་བྱེད་(བྱས་)ནས།  
དེ་མཐོས་ཀྱི་རྩ་བ་སྦྱོང་དང་བཅའ་ལོན་དག་འདོད་མི་བྱེད།

mi nang 'khrug byung na 'dum byed bun bdag rnam nas ngos cig sgyed cig las dngos po'i smod lon dang de nas sgyed gnyis las spu cha'i ri khung (rin gong) gi smod mkhas lon she's bye'I (byas) nas de mthos kyi rtsa bsgyed dang btsan lon drag 'dod mi byed

“You can't have single male with wife and single woman with husband and if problems occur in marriage, judge clearly who is right and try to reconcile” (5DL, 158).

The particular addition on marriage and male/female relationship is new in Pandita's text compared to the Great Fifth's legal code, where details of how law should address marital issues are not mentioned. Further analysis is needed to see how and why that is the case. Questions that arise then are: in a traditional Tibetan society where the practice of polygamy and polyandry are common, how did these changes come to be and why? Are these signs of influences on Tibetan legal norm and culture from the Qing legal codes? Or does adding comments on marital affairs have to do with the authors' background as a religious figure vs. a lay administrator?



Inquisition and questions such as these will help create understanding on Tibetan legal norm building processes and can be the next step in deconstructing what the Tibetan legal system looked like in practice during such complex time period in the mid 18<sup>th</sup> century. Therefore, Pandita's first legal code on government officers provides us with immense literature to help make inferences on Tibetan political and legal history at the time. Nevertheless, Doring Pandita's tenth legal code on *med-pa* (injury) serves as an insightful literature on how the Tibetan society conceptualized itself, its laws and disputes.

#### Law of Injury: Hierarchal Realm(s) of Med-Pa

Pandita's 10th legal code on *med-pa* (injury) provides a crucial window into the social world of Tibet in mid 18<sup>th</sup> century where social hierarchy and value systems can be examined. The Tibetan conceptual realms and different categories of *med-pa* can be observed throughout the code: human *med-pa*, animal *med-pa*, and land *med-pa*. As we can see, *med-pa* has a broad meaning, transcending injuries to the human body into that of land and animal, which play pertinent roles in Tibetan society. Within these three categories, a system of social classification and hierarchy of indemnities can be discerned. Kurtis Schaeffer states in his preliminary research on the central Tibetan legal system in "The Codification of the Laws: the Legal Codes of Central Tibet" that "class matters" in Tibetan law. He adds, "[...] the severity of the punishment is related not only to the severity of the crime but also to the social rank of the victim" (491). Similar observations can be made in Pandita's Law of Injury as well. In order to understand the relationship between the different indemnities, we

must first begin by unfolding the Tibetan notion of *tong-pa*, a foundational legal concept throughout the law on injury.

### *Tong-pa* as the basis for other indemnities

Before we discuss the indemnity for injury as stated in Pandita's *med-pa* code, it is imperative that we first study the traditional Tibetan system of *tong-pa*. *Tong-pa* is the nine-part ranking of monetary sums that equate the level of compensation with the social and economic status of the victim of a crime (French, 320). Although, secondary sources analyzing Tibetan law on *med-pa* are scarce, there are a small number of legal materials on *tong-pa*. After careful analysis and study of these materials on *tong-pa* and Pandita's law on *med-pa*, I observe an almost mechanical correlation between indemnity for homicide (*tong-pa*) and indemnity for *med-pa*.

Robert Ekvall, in "Mi sTong [Mi tong]: The Tibetan Custom of Life Indemnity" argues that the emergence of *tong-pa* is connected to the law of reprisal, which existed before the codified legal system. The Law of Reprisal is retaliation against blood feud, which can result in chain-reaction killings. As for cases of theft, they result in the seizure of wealth or holding of hostages to exert pressure to extract full restitution. Similarly, in cases of personal assault, they took the form of violent actions- the matching of bruise-for-bruise and wound-for-wound (1111). Ekvall believes that the Law of Reprisal was codified into a traditional system to prevent the degeneration of the societal whole. The violent retaliation and infliction of injury were substituted with a set of value payments or indemnifications. Hence, direct action had been changed into the process of mediation (Ekvall, 1111). Ekvall

believes that *tong-pa* had been in existence since the royal law called the Thirteen Pronouncements. The indemnity stipulated varied both with the relative social status of the killed and the killer, and with the circumstances of the killing - whether it was accidental, provoked, or done in self-defense. The medium rate turns out to be about \$1,000 worth of a unit (1101). As I have earlier used Pandita's law for officers to further illuminate Tibet's politico-legal and historical changes in the mid-18<sup>th</sup> century, similar analysis, in addition to general observations on social organization of Tibet can be made. If Ekvall's observation that the Law of Reprisal was codified into a traditional system to prevent the degeneration of the societal whole-- where the violent retaliation and the infliction of injury were substituted with a set of value payments or indemnifications-- then what did the law building process look like? How did Buddhist worldview and vision for society influence such legal reform of Tibet? Does Pandita's text provide any clues to unpack Tibetan law? We can start by a first attempt to understand how the Tibetan society conceptualized the world around them.

*Med-pa*: Human(s)

Similar to the system of *tong-pa* as Ekvall detailed, the first part of Pandita's law on *med-pa* presents the varied amount of payment depending on the injurer's social status. Kurtis Schaeffer in his preliminary research on Tibetan law "The Codification of the Law: The Legal Codes of Central Tibet" makes similar observations stating that "[...]class matters." He continues, "[...]the severity of the punishment is related not only to the severity of the crime but also the social rank of

the victim. If the victim is of high rank, the punishment will be harsher” (Schaeffer, 491).<sup>13</sup> The hierarchal classification of the social status is explicit in the law on *med-pa* in Doring Pandita’s commentary as well. He uses the following terms to classify the human realm: 1) མི་རབ་ *mi rab* – highest human 2) མི་འབྲིང་ *mi ‘bring* – median human and 3) མི་མཐའ་ *mi mtha’* human in the periphery (Pandita, 25A).<sup>14</sup>

In addition, the human *med-pa(s)* are categorized in three different groups, depending on the *med-pa* type and the indemnity. The first category of human *med-pa* is directly related to causing blood. The indemnity for causing “one drop of blood” is dependent on the injurer’s social ranking: for a person of high birth, the fine is three *sho*; for an ordinary birth, the fine is two *sho*; and for a lower birth, the fine is one *sho*. Pandita does not provide the actual value of *sho* in his commentary. However, it is typically described as the unit of weight for gold/silver.

Pandita continues to discuss indemnity for other human *med-pa(s)*. It is interesting to note that social status is not mentioned for most of the other human *med-pa(s)*. The second category seems to be of human *med-pa* that does not directly relate to causing blood:

སོ་བཅག་ལ་རྩ་ ལྷ་བྱི་ལ་ལུག་

so chag la ta ta gyi la lug

For a broken tooth, the fine is one horse and for tearing of the hair, the fine is a sheep (Pandita, 25B).

---

<sup>13</sup> Schaeffer does not make clear which legal codes he uses, it is most likely that he has translated the Great Legal Code by the Fifth Dalai Lama..

<sup>14</sup> They are rough translation for terms.

Livestock compensation needs to be paid for these two types of injury unlike the third category, where the basis of indemnity starts with *tong-pa*, the standard payment for manslaughter.

The last list of human *med-pa* seems to be that of its proportional relation with the *tong-pa* payment. Pandita quickly adds the social ranking terms in the beginning and does not mention it again throughout the law. Pandita lists the different human *med-pa* with its respective payments as followed:

ཡང་མིག་བཅར་བ་མི་རབ་འབྲིང་གི་དབྱེ་བའི་བསད་སྟོང་གི་བཞི་རྒྱུ་སྟོང་ ཡན་ལག་བཅགས་པ་ལ་དེ་ཡི་བྱེད་ཆ་སྟོང་  
བྱེད་པར་མགོ་སྤྲད་བ་བཞི་ཆེ་བས་མགོ་ཆག་བྲིམས་ས་ལྟ་རྒྱུ་ཟེར་བའི་དཔེར་  
ལྟ་རྒྱུ་འབོད་ནས་ཞིབ་བལྟས་བྱེད་པའི་ཆག་གྲུག་ རུས་རྩ་ལྷག་རྩ་ཉམས་མིན་སོགས་འདི་ཕྱི་མ་འགལ་བ་སྤྲ་  
རྩི་སྤྲོད་པོར་ལྟར་སྟོང་

Yang mig char-ba mi-rab ding gi yay-way say-tong gi zhi-gyu toe Yan-lag chag-pa la  
dey yi ched-cha toe Kyed-par go ned-ba zhi chay-bay go-cha tim-sa ta-jay ser-way  
per khyad par mgo snad ba bzhi che bas mgo chag khrims sa lta rje zer ba'i dper lta  
rje 'bod nas zhib bltas byed pa'i chag grug rus rgya lpag rgya nams min sogs 'di phyi  
ma 'gal ba smra rtsi sman gong ltar sprod

Again blinding caused by a person of an ordinary birth, must be fined 1/4th of the *tong* fine that is for manslaughter and give 1/2 of that *tong* fine for broken limbs, especially if there is injury to the head, confirmed as a big problem by the doctor. First, provide the elixirs mentioned above for utterances that do not surpass this and next life by the doctor, who confirms all the broken limbs and bones, and lacerations after examining meticulously.

སྤྲོས་ཟན་མགོ་བཅག་ལ་བསད་སྟོང་གི་བཅུ་ཟུར་ རུས་རྩ་ཉམས་ན་མགོ་སྟོང་གི་བྱེད་ཆ་  
ལྷགས་རྩ་ཉམ་ན་རུས་རྩའི་བྱེད་ཆ་སྟོང་

sname zan mgo bcag la bsad stong gi bcu zur rus rgya nams na mgo stong gi phyed  
cha lpag rgya nyom na rus rgya'i phyed cha sprod

For an injury to the head, the fine is 1/10th of *tong* for manslaughter. For an injury to the bone, the fine is 1/2 of *tong* for head injury. For lacerations, the fine is 1/2 of *tong* for broken bones (Pandita, 26B).

By analyzing the hierarchy of payments/indemnities, one can deduce the ranking of

the third category of human *med-pa*. For the rest of the human *med-pa*, as listed above, the compensation is a derivative of some proportion of *tong-pa*. The following equations can be produced:

$$\text{A) Manslaughter}/4 = \text{Blinding}/2 = \text{Broken Limbs}$$
$$1000/4=250/2=125$$

$$\text{B) Manslaughter}/10 = \text{Head injury}/2 = \text{Broken Bone}/2 = \text{Laceration}$$
$$1000/10=100/2=50/2=25$$

With the respective outcome of equation, we can then rank the different human *med-pa*, starting with injury that results in death requiring the heaviest indemnity:

- Death - 1000
- Blinding - 250
- Broken Limb - 125
- Head Injury - 100
- Broken Bone - 50
- Laceration - 25

The challenge now is considering the relationship between the three different categories of human *med-pa*. For example, where does the second category of the tearing of hair and loss of tooth rank within the above human-*med-pa* hierarchy? Since there is no monetary value (*sho/tong-pa*) placed on the livestock horse and sheep in the text, ranking is a difficult task.<sup>15</sup> Another category of the law on *med-pa* is the vague grouping of situations that result in injury that deem indemnity-free.

Pandita lists individuals from certain social institutions and situations that need not be accountable for indemnity resulting in human *med-pa*. The emphasis on the injurer throughout the document plays an important role in demarcating explicit

---

<sup>15</sup> Nevertheless, such peculiarity and fluidity provide a space for local and regional variations and may help overcome time and space, which may render legal codes outdated.

lines of authority and subject in the text. Such description from the text provides us with clues to the institutions and individuals that consist of different social rankings of *mi-rab*, *mi-ding*, and *mi-tha* as discussed earlier. The monastic and the administrative bodies are explicitly privileged in the tenth law of *med-pa*. The lists of injuries resulting from the following injurers and situations need not pay compensation: the monastic and the king, parents to children, malicious fights between hostile parties, drunken blindness, spirit possession, and innocent children. There is particular vagueness in the code, which might have worked for a society that emphasized the flexibility of contextual solution to the case. It highlights mediation to bring both parties to mutually consent to agreement, in hopes of a long-term peace as also explained by Ekvall earlier. The following paragraph from Pandita’s legal code lists the different situations where an indemnity is not necessary:

རྒྱལ་ཁྲིམས་འགལ་བ་རྗེ་ཡི་འབང་སྐྱེས་པ་དང་པ་མས་བུ་ཚ་སྐྱེས་པ་སོགས་ལ་སྐྱེས་འཇལ་སྲོད་ལོན་གྱི་ཡུལ་མིན་  
 མཁོན་ཞེ་བཞག་གི་མི་རྗོད་འདྲ་མཉམ་ཁ་བཤད་པའི་སྐྱེས་པ་ ཆང་གཟིའི་དྲན་མེད་གྱི་སྐྱེས་པ་  
 སྲོན་པས་གདོན་དབང་གིས་སྐྱེས་པ་ བྱིས་པས་མ་ཤེས་སྲོན་གྱིས་སྐྱེས་པ་རྣམས་ལ་སྐྱེས་ཟན་ལས་ ཆད་པ་ཆེར་མི་ཐོབ་

rgyal khirms ‘gal ba rje yi ‘bang smas pa dang pha mas bu tsha smas pa sogs la smas  
 ‘jal sprod lon gyi yul min mkhon zhe bzhag gi mi rgod ‘dra mnyam kha bshad pa’i  
 smas pa chang gzi’i dran med kyi smas pa smyon pas gdon dbang gis smas pa byis  
 pas ma shes skyen gyis smas pa rnams la smas zan las chad pa cher mi thob

Injuries incurred as punishment for breach of monastic law or those of the king, or those caused to children by parents are exempt. The fine is nullified for malicious injury between hostile parties, injury done by those in drunken blindness, or those deranged by spirit possession, or by innocent children are nullified (Pandita, 25B).

I discern Pandita's last type of human *med-pa*, saying that in the cases of injuries caused by self-defense such as an encounter with a thief and a bandit, there is no need for indemnity. The obvious observation that can be made from the codified law on *med-pa* is its lack of specificity, highlighting the importance of the case-context and mediation. As can be deduced from the above text, there is much room for mobility and fluidity within the different categories of human *med-pa*. The lines of privileging the monastic and the ruling-institution are clearly drawn. The situations where indemnity is annulled are quite vague. For instance, the injuries caused by "drunken blindness" and "those deranged by spirit possession" are abrogated. These guidelines make one wonder about the function of such vague legal writing and how the text connects to social practice. The indemnity seems to be a caste based and quite *un-Buddhist* in its discrimination. What was his legal reasoning to preserve these classes of society? Such questions would lead us to complicate our understanding of Tibetan society.

#### *Med-pa: Animal(s) & Land*

In the last part of Pandita's *med-pa* legal code, Pandita discusses injuries related to the natural world: animals and land disputes. On the one hand, when an animal injures a person, there is no difference in terms of the compensation with one's social status. On the other hand, when a person injures an animal, there are variations in payment in accordance to the type of animal that is injured. Pandita provides the following situations that have over-laps between the human and animal realms:



ཡང་རྩ་ཐོགས་ནས་ལྷུང་ཏེ་སྐྱས་པ་ མངོ་གཡག་ཡི་བརྩུང་ཏེ་སྐྱས་པ་  
 གྱི་ཡི་རྩུག་ཏེ་སྐྱས་པ་སོགས་ལ་མི་སྐྱས་པའི་སྤྱད་བདག་གི་སྲོད་པ་དུད་འགྲོའི་སྐྱས་འཇལ་  
 ཡང་མི་ཡི་དུད་འགྲོ་པར་སྐྱས་ན་ མི་སྐྱས་ལྟ་བུའི་སྐྱས་འཇལ་གྱི་སྤྱད་རྩ་སྐྱས་ལ་སྲོད་  
 རྩ་སྐྱས་ཀྱི་སྤྱད་མངོ་གཡག་གི་སྐྱས་ན་སྲོད་

yang rta thogs nas lhung te smas pa mdzo gyag yi brdung te smas pa khyi yi rmug te  
 smas pa sogs la mi smas pa'i phyed bdag gi sprod pa du 'gro'i smas 'jal yang mi yi  
 dud 'gro phar smas na mi smas lta bu'i smas 'jal gyi phyed rta smas la sprod rta smas  
 kyi phyed mdzo gyag gi smas na sprod

Moreover, injury caused by falling from horse, getting hit by *mdzo* and *yak*  
 and being bitten by a dog, the owner of the animal must compensate 1/2 of the fine  
 for injury caused by man. If man injures the animal and if it's a horse, provide 1/2 of  
 compensation that is usually fined for an injured human. For *mdzo* or *yak*, provide  
 1/2 of the compensation fined for injuring a horse (Pandita, 27B).

A similar ranking system as the human *med-pa* can be rendered for the animal  
*med-pa*: 1) horse and then 2) mdzo/yak. Why is the horse privileged over the  
 mdzo/yak, especially as the yak is known to provide the basic necessities of life such  
 as food, shelter, and transportation in the Tibetan society? Injuring a horse is  
 equivalent to half of injuring a human being. Injuring *mdzo/yak* is the same as half of  
 injuring a horse. The law on injury, particularly on the animals raises a few  
 questions. For example, how did the legal code come to privilege certain kinds of  
 animals? Such questions will help unfold the complex world of animal *med-pa* and  
 its role in shaping value systems translating to the legal world of the Tibetan society.

The last category of injury - land *med-pa* - can also be discerned in Pandita's  
 codes. The notion of *med-pa* in the Tibetan legal system places importance on the  
 natural environment. The last few sentences of the legal code describes "injuries" on  
 land such as grazing pastures and farms. The animal's owner must compensate the

farmer whose pastures have caused injury to the land. Nevertheless, the clause “when it is prohibited” shows the law in context where there are particular days/time where pastures are open for grazing and law on injury would not be implemented. As he states:

ཡང་ཞིང་གི་སྒོ་རས་དང་ ཅ་བཀའ་ཐོག་ནས་རྩ་ཐོགས་སྐྱས་ན་ཞིང་བ་གི་འོ་ར་བདག་ལ་  
གོང་གི་ཐུང་ཆ་སྒོད་པ་སོགས་ཇི་ལྟར་སྐབས་དང་ སྐར་དགོས་ཏུ་ཡིན།།

yang zhing gi sngo ras dhang tsa bkag-thog nas rta-sogs smas na zhing-ba gi nor-  
bdhag la gong gi phyed-cha spod-pa sogs ji-ltar skabs dhang sbyar dgos-ju yin

[i]n addition, if there is damage caused by horse and livestock on farmer’s pastures when it is prohibited, 1/2 of the earlier said compensation must be provided by the livestock owner to the farmer, however in accordance to the situation (Pandita, 27B).

Thus, Doring Pandita’s 10<sup>th</sup> legal code on injury provides us with vast information on how disputes and conflict resolution was conceptualized in mid-18<sup>th</sup> century central Tibet. More importantly, because of the author’s high government administrative position in an uncertain Tibetan political climate - as acknowledged by many historians and scholars of Tibet – Pandita’s legal text, particularly the code on injury, provides clues on understanding social and legal organization in Tibet. Pandita’s law of injury, in particular, shows that although various changes were made to the legal code (such as in the Law for Officers as mentioned previously), at least the legal code on injury retains much of its indigenous systems and ways of dispute resolution since the founding of Tibetan legal system under the Fifth Dalai Lama’s *Ganden Phodrang* rule. It is clear that Pandita maintains and privileges the status quo of the class systems and could be explored further.

## VI. Conclusion

My focus in this thesis has been to first provide a broader historical and political context of the time when Doring Pandita wrote his 1747 legal commentary, *Khrims yig zhal lce gcod pa'I ral gri yan lag bchu sum* (The Thirteen Legal Codes). Although Pandita played a significant role during this politically chaotic period in Tibet's history, as we have observed in the historical scholarship on 18<sup>th</sup> century Tibet in my literature review, Doring Pandita has been blatantly overlooked and neglected in the narratives of Tibet's past. I demonstrate in my thesis how Doring Pandita was a significant but undervalued figure in Tibet's mid-18<sup>th</sup> century political transition.

Internally, the period saw increased conflict among the ruling elites, punctuated by an intractable rift between the monarchy and the Seventh Dalai Lama, and growing friction between the monarchy and the Qing. With the sudden death of the ruling monarch Polhanás in 1747 and the ensuing succession of the unpopular Gyurmé Namgyal, the stability of the monarchical political structure was jeopardized. Operating within these trying circumstances, not only did Pandita play the role of a go-between the powerful governing figures within the Tibetan polity, but he also bridged a large gap between the religious and secular authorities.

In Section IV, I translated the legal commentary's introduction and two of the thirteen legal codes, which are laws on state officers and injury. Through translation and textual analyses, I then compared the legal code for Tibetan government officers written by the Great Fifth Dalai Lama Losang Gyatso, the founding father of *Ganden*

*Phodrang* (1642), to Doring Pandita's. Furthermore, comparing these two legal codes from different historical period and political context then assisted in understanding the evolution and development of these legal codes. Consequently, development and changes of the codes also presented clues on analyzing broader power dynamics and political changes. The Fifth Dalai Lama's legal system, based on a religious secular rule, which was the political and ideological foundation of the Tibetan political system, was being challenged during the mid-18<sup>th</sup> century. My findings lend credence to the notion of "negotiated arrangement" vis-à-vis the growing influence of the Qing state in the Tibetan affairs put forward by many scholars of 18<sup>th</sup> century Tibetan history.<sup>16</sup>

As author, Pandita becomes the mediator between the requirements of perpetuating the legal traditions of the past while at the same time adapting the law to meet the political needs of the times. Tensions and negotiations can be observed between the legal codes on government officers written by the Great Fifth Dalai Lama and Doring Pandita. Pandita's alterations – or perhaps deliberate omissions – of key terms in the Fifth Dalai Lama's legal code may offer clues on how governance and political structures were being re-imagined at the time of Pandita's

---

<sup>16</sup> Paul Nietupski in "Sino-Tibetan Relations in Eighteenth Century Labrang" discusses the founding of Labrang Monastery (1709) and its development by its local community in a matrix of Tibetan, Mongol, and Chinese power relations and how it functioned as a regional place for both religious and political activity under the guidance of the religious hierarchy. Nietupski's mainly argues that the Labrang community functioned as an "autonomous Tibetan enclave", with its religious heritage as its key operative factor. Through his study of claims of territorial sovereignty and ownership in the early 18<sup>th</sup> century, Nietupski states that the so-called new Chinese empire was not a single, unified political state, and that Tibet, Xinjiang, and Mongolia were not protectorates of or buffers for the Chinese but a "negotiated arrangement" (122). Similarly, central Tibet directly dealt with the Qing-state a few years later in the 1720's as they tried to influence gradual control. Nonetheless by 1751, there was much more Qing presence in the Tibetan political terrain. However, with more centralized Tibetan local institution and local strong ruling elites and administrators (like Pandita) in Lhasa, then what did the "negotiated arrangement" look like? These questions can be slowly answered through Pandita's legal text: the negotiating arrangement between various competing internal and external ruling individuals and institutions for authority.

commentary. The reign of the Great Fifth Dalai Lama during the mid-17<sup>th</sup> century was perhaps notable for the degree of Tibetan self-rule. However by Doring Pandita's time in the mid-18<sup>th</sup> century, the political landscape had shifted significantly because of the Qing Empire's state-building project in inner Asia, as explained by scholars like Di Cosmo. Doring Pandita offers no direct narrative of these historical changes, however, the abrupt textual reformulations in his commentary on the code for government officers stands as a revealing measure of this change in contemporary lay administration.

Most of the textual changes and omissions occur in areas where indigenous Tibetan political structures and national holidays (most usually special religious days) are mentioned in the code. Pandita's law code on government officers eliminates all the native Tibetan political posts, which were founded during the Great Fifth Dalai Lama's administration, and had been included and detailed in *Law for Officers*.<sup>17</sup> It may appear that Pandita was yielding local political authority by removing traditional Tibetan government offices from his legal text. Nonetheless, Pandita's maintenance of the ideological narrative underpinning the religious-secular rule within the *Ganden Podrang* shows his actions to be far from a simplistic political act. Instead, Pandita's introduction connects *Ganden Phodrang's* founding political ideology to the origins of the Land of the Snow and draws heavily on Buddhist traditions and philosophy. Indeed, Pandita's abandonment of the traditional Tibetan terms for political offices and holidays seems tempered by a

---

<sup>17</sup> This is my own observation which has no basis of evidence yet. The removal of the Tibetan indigenous political posts could have very well happened a few decades prior in the 1720's when the Mongol has made changes in the political structures. Such questions will require an immense research during the period when Mongols had the most influence.

refusal to stray from the basic politico-religious assumptions regarding the origins of Tibetan law.

Through analysis of Pandita's legal commentary, I have sought to show how Pandita firmly endorsed the *Ganden Phodrang* system. In addition to revisiting the origin stories of Tibetan law, he also restated and emphasized key laws such as the one on injury. We observed, for instance, how for the Law of Injury, Pandita sought to frame the issue of injury in accordance to a culturally-rooted Tibetan worldview that incorporated the land, the environment and livestock. In addition to evidencing broader historical shifts in power relations in central Tibet, Pandita's legal text also serves as a repository of information on the social organization and legal norms of 18<sup>th</sup> century Tibet.

With the political context of the mid-18<sup>th</sup> century as a backdrop, I have sought to delineate Pandita's programmatic construction of a historical narrative for the Tibetan legal code. Pandita's introduction to his legal commentary narrates evolution of the Tibetan legal system, beginning with its mythical origins and progressing through a process of enlightened secularization that consummates in the dual religious and secular vision of the law that his own commentary represents. He presents the dual political structure as the endpoint of an unfolding teleology that can be traced back to the era before the coming of the great Dharma king, Songtsen Gampo, who brought Buddhism from India. Pandita says that the law derives its sanction from Avalokitesvara and the Dharma kings of Tibet who by giving natural law, also laid the moral grounds for Tibetan law. The teleological

development of the Tibetan legal tradition serves as an ideological justification for religious-secular rule and by extension of the *Ganden Phondrang*. By reaffirming that the thirteen legal codes have deep roots in Tibetan Buddhism, with powerful associations to classical Tibetan history, philosophy, and culture, Pandita sought to recover the spiritual basis for a contemporary vision of legal order.

## General Observations and Challenges on Researching Tibetan Law

Without a pre-existing legal theoretical framework, it is challenging to analyze Tibetan legal documents such as the Fifth Dalai Lama's 1642 legal code and Pandita's 1747 legal commentary. However, I have tried to analyze mechanics of Tibetan law from the documents themselves to start building a broader Tibetan theoretical foundation for examining these legal documents. One of the main concepts in the Great Fifth Dalai Lama's law for government officers provides clues to the mechanisms of Tibetan deterrence in its legal system: the concept of *la-yogs*. This conceptual framework can potentially be developed further to think about Tibetan legal theory - transcending religious ways - as the ultimate framework for understanding Tibetan law and its legal culture and norms.<sup>18</sup> As Ekvall commented (noted earlier), *tong-pa* was a way of codifying preexisting traditional systems to solve disputes and the concept of *la-yogs* was incorporated in the codification.

In addition to the term being frequently used in colloquial form, *La-yogs* is a common term used throughout the codes I have translated. In a leading Tibetan dictionary by Goldstein, *la-yogs* is explained as "a retribution for one's own bad act" and does not necessarily have a "religious" meaning but is framed as a social understanding. Other definitions are: 1) a change in fortune due to external circumstances without any necessary link to past causes and 2) of having done improper deeds to others the bad fruition ripening toward oneself (THDL).

---

<sup>18</sup> For example, *The Golden Yoke* by Rebecca French



The underlying machinery of Tibetan law is fused with moral and ethical values of compassion, generosity, and kindness, as can be explicitly drawn from the legal codes. Such values are normalized through legal and social mechanisms through religious philosophy and practices. The guidelines and advice on how to govern a society is connected in various ways, especially to its natural environment, people, and many social deterrence are taken into consideration in the creation of the administrative Law for Officers. The details are not rigid laws/rules but perpetually works to influence to shape the officer and thereby, consequently the subjects the officers govern. For example, the Great Fifth Dalai Lama concludes the Law for Officers with the following paragraph:

ཁྱིམ་མཐུན་བྱམས་བརྟེན་སྒྲོང་བ། སྤྱི་ནང་གི་སར་ཁ་མཚུ་སྒྲོར་བ་དང་འཚོལ་བ་མི་བྱེད་ཅིང་  
 ཁྱིམ་སར་ཞུ་འབོད་བྱུང་བ་རྣམས་ལ་ལེ་བར་མི་འཛོག་པར་སྤྱང་བཤད་པན་ཚུན་སློ་ཁ་རྫོགས་ཐབས་བྱེད་པ་མ་གཏོགས་  
 དབང་ལྷག་འཁར་མི་བྱེད། རང་ཁྱིམ་སར་སྒྲོད་རིང་རང་གི་ཉེ་བ་དང་དགའ་སྤྱོད་ལ་  
 འདི་སྐབས་ཉེ་འགྲུང་སྒྲོངས་དགོས་པ་དང་། མདོར་ན་མ་ཤེས་གོང་ཕྱད་གྱིས་སྤྱོད་སོ་མ་ལྷུངས་པའི་  
 དཔོན་ཁུངས་ཀྱི་བྱ་བ་ཆེ་ཆུང་གང་ལ་ ཡང་འཛིག་རྟེན་དུ་གྲགས་པའི་ཐོག་ནས་མིག  
 ལྟོས་ཡར་ལྷ་བྱས་པའི་ལ་ཡོགས་མི་འཇུག་པ་ཞིག་བྱེད་དགོས་རྒྱུ་ཡིན།

“[d]efend the law with kindness and compassion. Upon receiving lawsuit from either the external or internal (family or non-relative), do not give favoritism. And alongside rising appeals, only try to settle mutual dispositions by a mediator and through explanation but, never proceed by coercion. During your stay in court of law, it is necessary to abandon your prolonging intimacy to a closed relative or an enemy. To summarize, stay on the side of no biases and naturalness of the official position, even if any are of big or small deeds, they all must be accomplished that way in the world. It is necessary to act with reverence to *la-yogs*” (5DL, 158).

The term *la-yogs* is explicitly added into the code (last word of the code) to deter or even warn the officers of the Tibetan government under *Ganden Phodrang* from being biased toward making judgments and carrying out (some verb because

the earlier parallel in the sentence is “being” biased) a nepotistic behavior during dispute resolution. The last sentence of the legal code includes “to act in reverence to *la-yogs*.” *La-yogs* seems to provide the legal system a mechanism that checks and balances the officers and the subjects themselves. Such mechanism of guiding morals and ethical values and consequently deterring the officers and people are the themes of the legal system.

Therefore, concepts such as *la-yogs* can be further explored to see what the legal function and implications are in Tibetan law. And if Goldstein defines it correctly in stating that *la-yogs* is not merely a religious concept, then what are its roots? Will that start to help us build our understanding of Tibetan legal culture, norms, and its interplay with the legal codes themselves? By analyzing previous historical legal codes then we might be able to start unpacking the roots of these indigenous Tibetan concepts, which do not necessarily originate from Tibetan Buddhist worldview and ideas.

## **Future Research: Tibetan Sources for mid-18<sup>th</sup> Century Political History**

In my literature review earlier, I demonstrated the lack of detailed scholarship using Tibetan primary sources on mid-18<sup>th</sup> century Tibetan history. Prominent authors such as Shakabpa and Petech, who use Tibetan sources and include details on mid-18<sup>th</sup> century Tibetan political history have analyzed certain parts – such as Gyurme Namgyal’s character – very differently. Therefore, it is clear that the mid-18<sup>th</sup> century Tibetan history is complex with deep contemporary relevance regarding Sino-Tibet relationships but have yet to fully develop. Through my research over the last two years, I have come across various Tibetan sources, which could immensely add to the current dialogue and scholarship on political and legal history of Tibet, particularly, the chaotic few years in the mid-18<sup>th</sup> century.

For more primary sources on the historical context, *Tibet World Bibliographical Series* (Volume 128) provides history of the 17<sup>th</sup> and 18<sup>th</sup> century Tibet. The sectarian and regional conflicts of the era, involving Tibetan regents, Mongol chiefs and Manchu emperors, set against the background of the rise in importance of the Dalai Lama as a temporal and spiritual power, are covered.

In *Bod kyi lo rgyus yig tshags gces btus zhes pa'i dpe deb la dpyad pa'i gnam: don tshan drug cu pa* (2000), document 41 includes a petition letter written by the Seventh Dalai Lama during the Dzungar invasion and other exchanges between he Yongzheng emperor and the Seventh Dalai Lama (47-59). In addition, details on the mid 1750’s event between Gyurmé Namgyel and the two ambans are detailed as well (54-55). Similarly, *Bod kyi lo rgyus yig tshags dang gzhung yig phyogs bsdus*

*dwangs shel me long* provide letter exchanges between the Qianlong emperor and the 7th Dalai Lama and Doring Pandita during the hectic times of 1740's onwards. These Tibetan primary sources will provide further background on the historical context, which will complicate the dominant understanding of mid-eighteenth century Tibetan political history, a history that is largely dominated by Chinese (Qing) sources.

Volume 7 in *Bod kyi snga rabs khrims srol yig cha bdams bsgrigs* (1989) include the legal codes from the Fifth Dalai Lama period; questions and answers between Desi Sanggyé Gyatso and [Shegyin? Xegyin] Namgyel about laws and regulations and two regulations on Tibetan affairs stipulated during Qianlong's reign. Finally, there is also *Bod kyi lo rgyus rig gnas dpyad gzhi'i rgyu cha bdams bsgrigs* (1988), which has been used by previous scholars (ie. Shakabpa, Ruohong). Volume 2 includes a chapter on Mon history (an important border region in the Southeast of Tibet). The second part, particularly, explains the legal and political structures of how Mon was divided into 32 units during the "18th century when there was Chinese influence in Tibetan affairs." Such texts can help us extend institutional and systematic details, which will provide more distinct points on current broad narrative writings of the period between 1747 and 1751. These documents could help contextualize Doring Pandita's 1747 legal text better for a deeper understanding on the historical context.

## Bibliography

- bod rang skyong ljongs spyi tshogs tshan rig khang gi bod yig dpay rnying dpay skrun khang nas bsgrigs. *Bod Kyi Snga Rabs Khrims Srol Yigcha Bdams Bsgrigs*. Vol. 7. bod ljongs mi dmangs dpay skrun khang nas bsgrun, 1989.
- . “Tah La’i Blama Sku Phreng Lnga Pa’i Dus Su Gtan La Phab Pa’i Khrims Yig Zhal Lce Bcu Gsum.” In *Bod Kyi Snga Rabs Khrims Srol Yigcha Bdams Bsgrigs*. bod ljongs mi dmangs dpay skrun khang nas bsgrun, 1989.
- Doring Pandita. “Khrims Yig Zhal Lce Gcod Pai’ Ral Gri Yan Lag Bcu Sum”. TBRC, 1747. tbrc.org.
- Elliot Sperling. “A Tibetan Aristocrat at the Court of Qianlong.” *The International History Review* 20, no. 2 (June 1998): 325–335.
- Erberto F. Lo Bue. “Scholars, Artists and Feasts.” In *Lhasa in the Seventeenth Century: The Capital of the Dalai Lamas*. Vol. 3. Boston: Brill, 2003.
- Dan F. Henderson. “Settlement of Homicide Disputes in Sakya (Tibet).” *American Anthropologist* 66, no. 5 (October 1964): 1099–1104.
- Franke, Herbert. “China and Tibet in the Early 18th Century. History of Establishment of Chinese Protectorate in Tibet Review.” *Brill* 5, no. No. 1 (July 31, 1952): 140–141.
- Graggs-pa-<sup>3</sup>byun-gnas, Ko-<sup>3</sup>zul. *Gaṅs-can Mkhas Grub Rim Byon Min Mdzod / Ko-<sup>3</sup>zul Grags-pa-<sup>3</sup>byun-gnas Daṅ Rgyal-ba Blo-bzan-mkhas-grub Gñis Kyis Brtsams*. [Lan-chou]: Kan-su<sup>3</sup>u mi rigs dpe skrun khari : Mtsho-sñion Žin-chen Žin-hwa dpe khai gis bkrams, 199AD.
- Luciano Petech. *Aristocracy and Government in Tibet: 1728-1959*. Serie Orientale Roma XLV. Stampato, Italy: Istituto Italiano Per Il Medio Ed Estremo Oriente, 1973.
- . *China and Tibet in the Early Eighteenth Century*. Leiden: Brill, 1972.
- . “The Dalai Lamas and Regents of Tibet: A Chronological Study.” *T’oung Pao, Second Series* 47 (1959): 368–394.
- Nicola Di Cosmo. “Qing Colonial Administration in Inner Asia.” *The International History Review* 20, no. 2 (June 1998): 287–309.
- Nietupski, Paul K. “Labrang Monastery: Tibetan Buddhism on the Sino-Tibetan Frontier.” *Religion Compass* 2, no. 4 (2008): 513–535.
- Rebecca French. *The Golden Yoke: The Legal Cosmology of Buddhist Tibet*. Ithaca, NY: Snow Lion Publications, 2002.
- . “Tibetan Legal Literature: The Law Codes of the dGa’ Ldan Pho Brang.” In *Tibetan Literature: Studies in Genre*, edited by Book Edited by Jose Ignacio Cabezón and Roger R. Jackson, 438–453. Ithaca, NY: Snow Lion, 1996.
- Richardson, Hugh E. “Aristocracy and Government in Tibet 1728-1959 Review.” *Cambridge University Press* 1 (1975): 83–84.
- Robert B. Ekvall. “Law and the Individual Among the Tibetan Nomads.” *American Anthropologist* 66, no. 5 (October 1964): 1110–1115.
- . “Mi sTong: Der Tibetanische Brauch Der Lebensentschädigung / Mi sTong: The Tibetan Custom Of Life Indemnity.” *Sociologus* 4, no. 2 (1954): 136.

- . “Peace and War Among the Tibetan Nomads.” *American Anthropologist* 66, no. 5 (October 1964): 1119–1148.
- Rockhill, W.W. *The Dalai Lamas of Lhasa and Their Relations with The Manchu Emperors of China 1644-1908*. Reprinted in India: Library of Tibetan Works & Archives, 1998.
- Ruohong Li. “A Tibetan Aristocratic Family in Eighteenth -Century Tibet”. Harvard University, 2002.
- Samten G. Karmay. “The Fifth Dalai Lama and His Reunification of Tibet.” In *Lhasa in the Seventeenth Century: The Capital of the Dalai Lamas*. Vol. 3. Boston: Brill, 2003.
- Schaeffer, Kurtis, Matthew T. Kapstein, and Gray Tuttle, eds. “The Codification of the Laws.” In *Sources of Tibetan Tradition*. New York: Columbia University Press, forthcoming.
- Shakabpa, Tsepon Wangchuk Deden. *One Hundred Thousand Moons: An Advanced Political History of Tibet Volume I & II*. Edited by Darek F. Maher. Vol. 23. Leiden ; Boston: Brill Tibetan Studies Library, 2010.
- “THDL.” *Tibetan Himalayn Digital Library*, n.d. [www.dictionayr.thdl.org](http://www.dictionayr.thdl.org).
- Tsepon W.D. Shakabpa. *Tibet: A Political Hisotry*. New Delhi, India: Paljor Publications Pvt. Ltd., 2010.
- Yingcong Dai. *The Sichuan Frontier and Tibet: Imperial Strategy in the Early Qing*. Seattle: the University of Washington Press, 2009.

**Translation: Doring Pandita - 1747 Legal Commentary**

*Introduction*

2B

སྤྱི་མོ་མཚོན་ཅིང་ཞབས་ལ་འདུད་ བསྐྱུགས་འོས་གསེར་གྱི་འཁོར་ལོས་ནམ་མཁའ་འཕགས་པ་ལས་  
རྩ་མཚོའི་གོས་ཅན་འོད་ཟེར་དུ་མས་ལེགས་བསྐྱུན་པའི་ འཛམ་གླིང་འགོ་འདི་བསྐྱུལ་བཟང་ཉིན་བྱེད་ལ་འགོད་པའི་  
ཚོས་རྒྱལ་མི་དབང་རིམ་བྱོན་རྣམས་ལ་བསྟོད་པར་འཚལ་

Praise to the dharma kings, lord of mankind, who ruled in the sun of the good era world, who produced goodness with the many rays of light. The world was made beautiful by adored rays of light, clothed with ocean and many rays of light who comes from Aryas (noble ones).

གསེར་ཁྱིམ་གསེར་གྱི་འཁོར་ལོ་འདྲིན་མའི་བཅུད་ བཏུང་བས་སྤངས་དོར་ཤེས་པའི་འདོར་གྱིས་  
ཁྱིམ་གྱི་ཉིན་མོར་གསལ་བའི་ས་བོན་འདི་ ལེགས་པར་བཤད་པ་ཡི་གེའི་གཟུགས་སུ་བཀོད་  
ཅས་མཚོན་པར་བརྗོད་པའི་ལེའ་ཏེ་དང་པོའི་ དེ་ཡང་འཛམ་བ་གླིང་སྤྱིར་དང་  
བྱེ་བྲགས་དུ་བོད་འབངས་གི་སྤྱོད་པོ་མཚོག་དམན་མཐའ་དག་གིས་གོ་བར་བྱེད་པ་ནི་འདི་སྟ་ཏེ་

Be discerning (good/bad) by drinking the essence of earth, which is the golden wheel of golden law. This seed, which is visible in the day of the law, is recorded in the form of letters. As understood by the world in general both mighty and inferior, all sentient beings must understand the foundation for happiness and liberation of samsara, goodness of all beings is to be conscientious with the law.

3A

སྤྱིར་སེམས་ཅན་ཐམས་ཅད་བདེ་བ་དང་མདོན་མཐོ་དང་ངེས་ལེགས་གྱི་གཞི་བག་ཡོད་ཁྱིམ་མཐུན་ལ་ལྟ་ཅེ་སྟོན་  
རྒྱལ་བ་དུས་མས་གསུངས་དེ་ལྟ་རྒྱུགས་ལྡན་གྱི་དུས་སུ་སྤྱོད་པོ་འགོ་རྣམས་གྱི་རང་གི་རིགས་པས་དགེ་བ་བཅུ་སྟོད་པས་ས  
ངས་རྣམས་ཐོབ་པ་ཡིན་ མདོ་སྤེལ་ལས་ འདིག་རྟེན་བདེ་སྤྱུག་རྒྱལ་པོའི་ཁྱིམ་ཡིན་ལས་ ཞེས་གསུངས་འདུ་བ་ལས  
ལྟ་ཡུལ་དུ་ཚངས་པ་དང་བརྟེན་གྱི་ལྟ་གནས་སྟོངས་ལགས་  
མེད་ཡུལ་དུ་ཚོས་རྒྱལ་རྣམས་གྱི་འགོ་བ་གིམས་གྱི་འདྲིན་སྟོངས་ཚུལ་དང་  
ངན་སོང་དུ་དཀར་ནག་ཤན་འབྱེད་གཤེན་རྗེའི་ཁྱིམ་ལུགས་སོགས་ཚོས་རྒྱལ་ཁྱིམ་གྱི་ཚུལ་རྣམས་པར་གསུངས་

The foundation for happiness and liberation of samsara, goodness of all beings is to be conscientious and accord with the law. As stated by the Buddha many times

through out eon of time, their knowledge and practice of the ten virtues, all beings can attain buddhahood. As stated in the scripture, the happiness and suffering of the world depends on the law of the king. Like from the Vinaya codes, the system of the heaven of Brakma and Indra . In the manner of the way of protecting/maintaining all the living beings are protected by dharma kings in the human world. It says spread the manner of the law of the dharma kings such as the rule of system of human protected by dharma king on earth and the manner of rule in the heaven of Indra and Brakma and rule of Yama (lord of death), who decides good from bad.

3B

དེ་ལྟར་རྒྱ་གར་འཕགས་པའི་ཡལ་རྩ་རྒྱལ་པོ་རྣམས་ཀྱི་ཚོས་མཐུན་གྱི་བྲིམས་བཅའ་བའི་སྐབས་  
 རང་གི་བ་དང་ཉེ་དུ་རྣམས་ཉེས་བ་དང་འབྲེལ་ན་གཞན་ལས་ལྷག་པའི་ཆད་པ་གཙོ་བོ་ཅིང་  
 རང་གཞན་གྱི་ཚུལ་བ་བཟུང་བས་རྒྱལ་ཁམས་བོད་བར་འདྲག་ཅིང་མ་བཅོས་པའི་བྲིམ་བྱུང་བ་ཡིན་

Similarly, during the time when the kings in India when they promulgated laws in accordance with the Dharma, if the decision for punishment is affected by your relationship with the person, then there will be heavier punishment than others. The natural law, which brought tranquility for the kingdom for not apprehending the way of self and others emerged

3B-4A

དེ་ཡང་འཕགས་བ་འདིག་རྟན་དབང་ཕྱག་དེ་ཉིད་ཀྱི་བོད་ཁ་བ་ཅན་འདུལ་བའི་ཚོད་དུ་མི་ཡི་རྒྱལ་པོ་སྐྱབས་བསྐྱེད་པ་ཚོས་  
 རྫོངས་བའི་རྒྱལ་པོ་སྲོང་བཙན་སྐམ་པོས་ར་པ་འཕྲུལ་གྱི་གཙུག་ལགས་ཁང་བཞེངས་དགེ་བ་བཅུའི་བྲིམས་བཅས་  
 ལྷ་ཚོས་མི་ཚོས་ཀྱི་སྲེལ་གཙུག་ལགས་བྱས་ཀྱི་སྤང་བ་གཏན་ལ་ཕབས་བོད་འབངས་རྣམས་བག་ཡོད་ཀྱི་ངང་ལ་བཀོད་  
 དེ་ལྟར་བྲིམས་བཅས་གསེར་གྱི་འཁོར་ལོ་ཞེས་ཡོངས་སུ་གྲགས་བཅའ་བྲིམ་འདི་དང་མ་འགལ་བ་  
 འདི་སྤྱི་བདེ་བ་ཐོབ་པའི་གཞི་ཅེས་གསུངས་

Then again, it is said that the Dharma king Songtsan Gampo, as a human emanation of Avalotikesvara came to tame the snow land of Tibet. He built Rawa Trul’s Jokhang Tsuklha Khang and promulgated the Law of Ten Virtues. The religion of gods and human is established and illuminated with prosperity. The Tibetan subjects was placed in the state of mindfulness. The law of golden wheel states: this renowned law should not be violated, which is the foundation for achieving happiness for this and next life.

ཡང་རྗེ་བཙན་འཇམ་དཔལ་དབྱངས་ཀྱི་ཡེ་ཤེས་ཀྱི་བསྐྱོས་གར་  
 རྒྱལ་པོ་བྲི་སྲོང་ལྷེའུ་བཙན་གྱི་དཔལ་བསམས་ཡས་ཀྱི་གཙུག་ལགས་ཁང་བཞེངས་  
 རྫོན་གྱི་རྒྱལ་བྲིམས་ལ་གཟིང་བསྟོད་ནས་ཕྱོགས་ལྷུང་མེད་པའི་བྲིམ་བཅས་ནས་ལེགས་བྱས་ལ་དབང་བསྟོད་



Furthermore, Jetsun Jampal Yang displayed wisdom and proclamation when King Trisong Deutsen built the glorious Samye monastery. Examining the previous royal law without any biases, praised the natural law and then gave power to one who did good.

4B

ཉེས་བྱས་ལ་ཚད་པས་བཅད་ ཚོས་བྲིམས་དར་གྱི་མདུད་པ་ རྩལ་བྲིམས་གསེར་གྱི་གཉའ་ཤིང་ཞེས་གྲགས་  
ང་ཡི་ཚོས་བྲིམས་བསྐྱམ་ལྟར་མ་བྱས་ན་ དེས་པར་གཅོད་ལ་རྩལ་པོའི་བྲིམས་ཡིན་པས་ ཅེས་གསུངས་

It is said to give punishment to the one who did fault; dharma law which is knotted with silk and the renowned golden yoke of king’s law. I will be punished in accordance with the law of the king if I violate the Dharma law.

ཡང་གསང་བདག་ཕྱག་ན་རྫོ་རྗེའི་སྣ་འཕྲུལ་དྲ་བའི་སྣང་བརྟན་མངའ་བདག་གི་རལ་པ་ཅན་གྱིས་འཕགས་པའི་དགེ་འ  
དུན་གྱི་སྡེ་མང་དུ་གཙུགས་ དཀོན་མཆོག་ལ་ཞབས་ཏོག་ཡུལ་སྟོན་གྱི་རྩལ་པོ་རྩམས་གྱི་བྲིམས་ལགས་  
དང་མཐུན་པའི་བྲིམས་བཟུང་

Moreover, the lord Tri Ralpachen as an emanation of Vajrapani established the assembly of the Sangha serving the Dharma, the three refugee that accords with the previous royal laws.

4B-5A

རང་གི་སྟོན་པོ་ནས་མཐའ་མི་རྩམས་དང་བཅས་རྩལ་བྲིམས་གཅིག་འོག་ཏུ་བཀོད་ཚུན་དང་  
མཐུན་པའི་སྣང་དོར་མ་ཞོར་བར་གཏན་ལ་ཕབས་ མཆོག་དམན་སྲས་ཀྱང་རང་རྩལ་གྱི་སྟོན་པ་ལྟ་མོ་ཅམ་མོད་པ་བྱུང་  
བཅའ་བྲིམས་གདུགས་དཀར་གྱང་ཞེས་ཞེས་གྲགས་སོ་

Your minister incorporated people on the borderland, foreigners or scholars (?) under the king’s laws and in establishment made sure they are acceptable. The high and low did not act in stubborn. The law of white umbrella spread over the sky.

ང་ཡི་བཅའ་བྲིམས་ནམ་མཐའ་ལྟ་བུའི་གདུག་འདི་དང་འགལ་ན་མཐའ་ཡི་གཡངས་ལ་སྦྱར་ ཅེས་གསུངས་་  
ཞེས་སྟོ་ཕྱི་དེ་རྩམས་གྱི་མརྩུད་པའི་བྲིམས་ཡིགས་དུག་བཀའ་དོས་ཆེན་མོ་དུག་ ཡིག་ཚན་དུག་ བཀའི་ཕྱག་རྒྱ་དུག་  
རྒྱ་རྗེན་ཆེན་དུག་དཔའ་ཚད་དུག་སོགས་བོད་གྱི་མཐམས་སུ་བཅུ་ཅ་དུག་ཟེར་བ་དེ་དག་གོ་

It is said: “My law is also like spreading in the sky. If the law is breached then one will fall from the precipice.” In that way there are six great consultations for the law, six group, and six seals according to the previous and future writing. Those great causes of six measurement of the intrepid was for Tibet’s 36 kingdoms (?)

5B

ཡང་དེ་རྗེས་ཇིང་གིར་གནམ་གྱི་རྒྱལ་པོའི་སྲིམས་ལུགས་མི་འདྲ་བ་འཇམ་དཔལ་གྱི་ལུང་བསྟན་ཟེར་བ་གཅིག་འདུག་།  
ཡང་དུང་ཏཱ་ཏི་ས་བྱུའི་རང་ལུགས་གྱི་བཅོས་པའི་སྲིམས་ལུགས་གཅིག་བྱུང་། དེ་གཉིས་ཀའི་སྲིམས་ལུགས་གྱི་རང་གཞ  
ན་གྱི་དོན་ཕན་སུམས་ཚོགས་པའི་རྒྱལ་ཁམས་བདེ་བར་འཇགས་པ་བྱུང་འདུག་།

Then Genghis Khan established a different law of the heaven, one that is called  
“འཇམ་དཔལ་གྱི་ལུང་བསྟན” scriptural teaching. After that, another system where ཏཱ་ཏི་ས་བྱུའི་རང་ལུགས་  
(high official) Taiji (?) modified our rule of law and created (ས་བྱུའི་རང་ལུགས). Both of  
these two law systems formally presented a collection of achievement to benefit  
both to oneself and others for the happiness of kingdom.

5B-6A

དེ་ལྟར་ཚོས་བཞིན་སློངས་བའི་རྒྱལ་པོ་རྣམས་གྱི་ལུགས་སྣེ་དང་།  
བྱེ་བྲག་ཏུ་ཚོས་རྒྱལ་མེས་དཔོན་རྣམས་གསལ་གྱི་རྣམས་བཞག་སློབས་གྱི་གྲང་པོ་ཆེ་ཡི་སྤྲོ་ཞག་བརྒྱུངས་ཏེ་  
འཇིག་རྟེན་འདིར་ཕན་བདེ་བས་བསྟན་པའི་བྱིད་པོ་འཇམ་བུ་ན་དའི་གསེར་གྱི་བམ་པ་  
བསོད་ནམས་གྱི་བདུད་རླུའི་ཡོང་ས་གཏམ་པས་སྣེ་བོ་ནས་དབང་བསྐྱར་བའི་  
འཁོར་ཡུག་རྒྱ་མཚོའི་བྲ་ས་ཆེན་པོ་དུམ་བ་གཅིག་ཏུ་བྱུང་བས་  
སེམས་ཅན་མམས་ཅེད་ཆེར་བ་དང་ལྟ་བུའི་དབང་གི་འཁུལ་པ་མེད་པ་ཡངས་དག་པའི་བལྟ་བ་ལ་  
མང་པོས་བསྐྱར་བའི་རྒྱལ་བའི་རྒྱལ་པོ་ཞེས་པའི་ཐ་སྲིད་དེ་དགོ་

In this way, the general principle was preserved by the kings in accordance with the  
Dharma. Especially the three ancestral king’s classification, thus extending in more  
power than the nostril of a big elephant, benefiting this world of the golden vase of  
the Jambu river consecrated with nectar of merit, spreading one part of the great  
horizon of the earth. All sentient beings view with extensive purity and  
empowerment, without any error and many are guided by the victorious kings for  
everything.

སློབ་དཔོན་ཆེན་པོས་མང་ཡུལ་གྱི་ཐང་ལ་ནས་ལྷ་སྤྲུལ་བྱི་བཅན་པོ་ལ་བཀའ་ཚལ་པ་  
ཉོན་ཅིག་ཁྱོད་གྱིས་རྒྱལ་སྲིམས་འདི་དྲངས་པོར་འཇིན་ཅིག་།  
དེས་ན་ཉེས་བྱས་རྒྱལ་སྲིམས་གྱིས་བཅད་ན་ཕྱི་མ་སྤྲངས་ལྷ་མི་དགོས་སོ་  
དེ་ལས་སློག་པའི་ངོ་སྤྲང་ཟས་ཕྱིར་ཕྱོགས་ལྷུང་བྱས་ན་ཁྱོད་རང་དམུལ་བར་འགོའོ་ ཞེས་གསུངས་

At the མང་ཡུལ་གྱི་ཐང་ the sky plain district, the great master ordered to the divine  
prince,  
Matri Tsenpo: “Listen, you hold to this royal law truthfully.” Therefore, if one  
breaches the royal law with wicked actions, it is not necessary to company with

purification later.

6A-6B

དེ་ལྟར་བདག་གི་རྒྱལ་བ་རྣམས་ཀྱི་གསུངས་པའི་བཀའ་ དང་བསྟན་བཅོས་  
རྒྱལ་པོ་འགའ་ཞིག་གི་ལགས་གཉིས་ཀྱི་ཤིང་རྩ་ཚད་ལྡན་མཐོང་ཐོས་བྱས་ཏེ་ཀུན་དང་མ་འགལ་བའི་ལགས་གཉིས་བྲིམ  
ས་ཀྱི་ས་བོན་དུ་གཉེར་བའི་བྲིམས་ཡིག་ཞལ་ལྗེ་བཅུ་གསུམ་ཅེས་བྱ་བ་འདི་དག་འབད་ཚེ་ལྱིས་དགོས་པ་ འདི་སྟ་སྟེ་

Thus, it is pronounced by the victorious ones, and with religious commentary. In other cases, kings had a complete experience of dual tradition of temporal and spiritual and the seed of this dual system is the country's 13 legal decree and make an effort to oblige it.

གཞན་གྱི་མཚོག་ཏུ་བསྐྱར་བའི་སྤྲིང་པོ་མདུན་པ་ཆེན་པོའི་རྩ་བ་ བསྐྱོས་བ་རྩུང་ནས་གཅོད་པའི་གོ་ཆ་  
འགས་པ་འདུམ་པའི་གོ་ཆ་ བདེན་ཅན་དང་མཉམ་ཚུང་གི་རྒྱབ་བསྐྱོར་  
རྫོང་པོ་དང་རྩུན་མའི་གཉའ་འོན་བཟང་པོའི་སྤྲིང་གི་དགའ་སྟོན་ ངན་པའི་སྟོག་གི་སྟུ་གི་ཅེས་བྱ་བ་བ་ཚངས་མེད་པ་  
མེ་ཏོག་སྟུ་ཚོགས་ཀྱི་རྒྱུན་པོ་ ཏུ་བའོ་ དཔེར་ན་ སུ་ན་ཏིང་འཛིན་བསྐྱོམ་པ་དང་ མདའ་ན་གཉིས་འདུམ་པ་

Supremely, the fundamental core of transmission is that it is a tool for annihilating, to bring reconciliation of differences, to protect the truth and the innocent, to bring happiness for the subdued, uncultivated with dishonesty and it is said to purify the life of the bad with the knife. For example, it is like different flowers in a collection in order to contemplate at the summit and be reconciled.

7A

དེ་ལྟར་བརྗོད་བྱའི་དངོས་པོ་འདི་དག་ལས་ གཅིག་ལ་སྟེ་མོ་ལས་འཛུན་གྱི་ཞལ་ལྗེ་  
གཉིས་པ་ཉོར་འདྲ་བ་རྣམས་ཀྱི་ཞལ་ལྗེ་ གསུམ་པ་ཆད་ལས་དྲན་འཛུན་གྱི་ཞལ་ལྗེ་  
བཞི་པ་སྟེ་གཡར་བསྐྱོས་འདུམ་གྱི་ཞལ་ལྗེ་ ལྷ་པ་ཞུ་ཤེར་བདེན་རྩུན་གྱི་ཞལ་ལྗེ་ དུག་པ་སྟོན་ཉམ་བཀའ་ལང་གི་ཞལ་ལྗེ་  
བདུན་པ་བཟང་བཀྱིག་བྲིམས་པའི་ཞལ་ལྗེ་ བརྒྱན་པ་ནག་ཆེན་སྟོར་གྱི་ཞལ་ལྗེ་ དགུ་པ་རྣམས་པ་འཇལ་གྱི་ཞལ་ལྗེ་  
བཅུ་པ་རྣམས་པ་ཁྲག་གི་ཞལ་ལྗེ་ བཅུ་གཅིག་པ་བསད་པ་ སྟོང་གི་ཞལ་ལྗེ་  
བཅུ་གཉིས་པ་ཉེས་འབྲེལ་འགས་འདུམ་གྱི་ཞལ་ལྗེ་ བཅུ་གསུམ་པ་བྱི་བྱས་རིན་གྱི་ཞལ་ལྗེ་

These are the categorizations of the 13 Legal Codes:

1. The law on head of state.
2. The law on transportation and food
3. The law on punishment
4. The law on borrowed property disputes.
5. The law on petitions.

6. The law on lying deceit.
7. The law on imprisonment.
8. The law on criminals.
9. The law on stealing.
10. The law on injury.
11. The law on murder compensation.
12. The law on family disputes.
13. The law on adultery.

*Legal Code 1: Law for Government Officers*

(7b)

དང་པོ་སྤྲོ་མོ་ལས་འཛུན་གྱི་ཞལ་ལྟེ་ནི་ ཚོས་རྒྱལ་ནམ་མཁའི་ནོར་བུའི་བཀའ་དང་ལུང་ འཛུན་འོད་སྟོང་འཕྲོ་བ་ཡིས་  
མངའ་འབངས་པད་མའི་ཚལ་ལྷར་ཁ་འབྱེད་པའི་ དྲི་ཚིམ་སྤང་བུ་བཞིན་འཁོར་སྤོང་ཤས་དགོས་

First is the legal code for the head of state (one holding an office, one having to work with his hand). In accordance with the heavenly kings who ruled by the Buddhist laws which diffused glorious 1,000 lights, it is necessary like the bees satiated by the smell of the flowers for the subjects to open up like a lotus flower.

དེ་ལྟར་སྤྲོ་མོར་མངག་པ་རྒྱམས་གྱི་རང་འོད་གྱི་སྟོན་སྲང་གཞན་དོན་གཙོ་བོར་འདོན་  
འདི་ཕྱིའི་འཕྲིས་ལ་བརྩོན་པའི་སངས་རྒྱས་བསྟན་པའི་ཞབས་དོན་ ལྷ་གསུང་ཐུགས་བརྟེན་ལ་ཞིག་གསོས་  
ལམ་དུ་འཕྲང་གཟའ་སྦྱོར་ རི་ཁྲུང་གི་བསྐྱམ་ར་ བཀག་ནག་རྩོམ་རི་རྩ་གཅུག་

Like that, earlier envoys humbled their own intrinsic defect and mainly, worked for others through the service to the doctrine of Buddha for this and next life. They practiced the teachings of the Buddha for mind, body, and speech. They supported from falling of the dangerous path of mountain cliff and established prohibition to pass mountain valleys and hunting.

8a

ཕོ་མོའི་སྤོམ་བྲིམས་ཤི་རྒྱ་ནང་བསྐྱམ་ནང་རྒྱ་ཕྱི་བཤུག་སོགས་མ་ཕྱི་ནང་གི་བྲིམས་བསྐྱུགས་། རྫོང་སྟོད་ལྟའི་(ལུམ་རའི་  
or ལྷ་བའི་) བུན་ཚིག་གི་(ཚིག་གི་) ཐེའུ་མ་དོག་བཀའ་ཤོག་མི་སྟེར་། ཕོ་ཡན་ལ་ཆུང་མ་དང་མོ་ཡན་ལ་  
ཁྱོ་བཞགས་པ་སོགས་མངའ་འབངས་མཐོར་སྤོན་མ་སོང་བ་བྱ། གཟའ་ལྷ་བཟའ་ལྷ་མི་ནང་འཇུག་བྱུང་ན་འདུམ་  
བྱེད་བུན་བདག་རྒྱམས་ནས་དོས་ཅིག་སྤྱོད་ཅིག་ལས་དངོས་པོའི་སྟོན་ལོན་དང་། དེ་ནས་སྤྱོད་གཉིས་ལས་སྤྱོད་ཚའི་  
རི་ཁང་ལྷ་རིན་པོང་ལྷ་གི་སྟོན་མཁས་ལོན་ཤེས་བྱའི་ལྷ་བྱས་ལྷ་ནས་དེ་མཐོས་གྱི་རྩ་བསྤྱོད་དང་  
བཙན་ལོན་དྲག་འདོད་མི་བྱེད་། བྲིམས་ཞུ་མིར་བདོན་རྩོན་མཐའ་བཅད་པ་ལས་རྩ་རྒྱས་གྱི་ལྷོག་འགྱུར་

འཇིགས་ཡོན་དབང་རྟོག་སོགས་མི་བྱེད་

Law of discipline for males and females, control inside the outside thieves (?), proclaim by not taking bribe from internal thief. Don't give government order unless the manager from dzong has a seal. Can't have single male with wife and single woman with husband more that like the "higher people." or problems with spreading? If problems occur in marriage, judge clearly who is right, and for loaner and creditor and give and take one interest, and more than that, truthfully give and take. And then, for two interest, know how to distinguish compensate (reciprocate) for the value and property, cloth and fur materials (?) You cannot forcefully and greedily take higher than the principle. The practitioner of the law may not secretly take bribe and present and judge and make decision based on what is the truth and false.

8b

ཕྱི་ནང་གང་ལ་ཡང་འགོས་སྐྱོར་དང་དབྱེན་ལྷུག་མི་བྱེད།  
མདོར་ན་བཏང་འཇིགས་གྱི་དཀར་ནག་འདི་དང་འདི་ཞེས་གྱི་ཚིག་གི་གསལ་ཆ་བྱེད་མཁོ་ནས་སློབ་ཁྲོན་གསུངས་ཀྱི་མ་ཤེས་གོ  
ང་ཡུད་དང་མཚོག་དམན་གྱི་ཁྱད་པར་མ་སོང་བའི་འཇིགས་རྟེན་མོག་ལྟོས་ལ་མངོས་པ་ཞིག་བྱེད་དགོས་སྐྱེ་ཡིན།<sup>2</sup>

Inside, outside, or wherever do not instigate hatred among close ones. In summary, to judge (handle) honesty, what is what need to be detailed in writing and to satisfy one's desires not knowing before the best, for fair and equality to not make differentiation, look ahead, on top better.

*Doring Pandita's 10<sup>th</sup> Legal Code: Law of Med-pa (Injury)*

25 A.

བཅུ་པ་རྣམས་པ་ཁྲག་གི་ཞལ་ལྗེ་ནི་གདུག་པ་སྐྱུ་ལྱི་འབབ་པའི་དུག་གྲུང་ན་ རི་དགས་ལྟེ་བ་སྐྱབ་དུ་ལེན་པ་ལྟར་  
འཇིགས་རྟེན་མཚོག་གི་རྩི་མཚོན་གྱིས་སྐྱས་ན་ གསོ་བའི་རྩི་སྐྱབ་དག་གི་འདི་ལྟར་འཚོ་

10th decree is that of injury (literally- blood)  
Just as in order to stop the poison of a snake, one takes medicine from the stomach of a deer, so it is that when injured by an arrow, knife, stone, or other weapon (3) so too in healing, there are different kinds of elixirs. it is with these medicines of healing (4).<sup>19</sup>

<sup>19</sup> Metaphorical: each injury has its own medicine

དེ་ལྟར་བྲིམ་ཡིག་རྒྱུ་དང་པ་ལས་ མི་རབ་ཁྲག་ཐིག་ཞོགས་མ་ མི་འབྲིང་ཁྲག་ཐིག་ཞོ་དོ་ མི་མཐའ་ཁྲག་གི་ཞོག་གང་  
སོ་བཅག་ལ་རྟ་

The prescriptions of the old law are the same:

[For each] drop of blood [spilled from] a person of high birth, the fine is three *sho*  
For each drop of blood spilled from a person of ordinary birth, the fine is two *sho*.  
For each drop of blood spilled from a person of lower birth, the fine is one *sho*.  
For a broken tooth, the fine is one horse.

25 B.

སྐྱ་གྱི་ལ་ལྟག་ཟེར་བ་ཡོད་ཀྱི། དགེ་འདུན་བཅའ་ཡིག་དང་འགལ་བ་ལས་སྐྱེས་སྐྱེས་པ་དང་  
རྒྱལ་བྲིམས་འགལ་བ་རྗེ་ཡི་འབངས་སྐྱེས་པ་དང་པ་མས་བུ་ཚ་སྐྱེས་པ་སོགས་ལ་སྐྱེས་འཇམ་སྲོད་ལོན་གྱི་ཡལ་མིན་  
མཁོན་ཞེ་བཞག་གི་མི་རྒྱུད་འདྲ་མཉམ་ཁ་བཤད་པའི་སྐྱེས་པ་ ཆང་གཟིའི་དྲན་མེད་གྱི་སྐྱེས་པ་  
སྲོན་པས་གདོན་དབང་གིས་སྐྱེས་པ་ གྱིས་པས་མ་ཤེས་སྟེན་གྱིས་སྐྱེས་པ་རྣམས་ལ་སྐྱེས་ཟན་ལས་ ཆད་པ་ཆེར་མི་ཐོབ་

Regarding tearing of hair, the fine is a sheep. Injuries incurred as punishment for breach of monastic law or those of the king, or those caused to children by parents are exempt.

The fine is nullified for malicious injury between hostile parties (3), injury done by those in drunken blindness (4), or those deranged by spirit possession (5), or by innocent children. Injury caused by a drunkard with no memory, injury by a crazy possessed person with no power, Injury by an innocent child. For these injuries, the compensation is nullified.

རྗེ་ལ་འབངས་གྱིན་ལོགས་བྱས་པ་གཙོ་རྒྱུ་ ལ་ཕབ་པས་སྐྱེས་པ་ རྒྱན་བྲམས་གྱིས་ཐོག་བདག་སྐྱེས་པ་  
མཉམ་ཆུང་ལ་རྒྱུད་པས་མ་འོས་པར་སྐྱེས་པ་

Regarding injuries done to the village chieftain by those who are revolting against the monarch (8), injuries done to owners by thieves (9), injuries done by strong to the weak (9), injury to welfare of farm-owners by loss of land or crops. Injury by slandering the thief to the owner (26 A). Injury by the strong to the weak

ཞིང་དང་རྩེ་ར་བསྐྱོན་པ་དོན་ཞིང་བདག་སྐྱེས་པ་སོགས་སྟེད་མེད་སྟེད་འདོག་སོམས་སྐྱེས་པའི་རིགས་ལ་  
སྐྱེས་འཇམ་དངུལ་སྲང་ཉི་ཤུ་ནས་སྲང་གང་ཡན་གྱི་སྐྱེས་ཚ་བ་དང་། བསྐྱེན་པའི་ལྷ་རྗེ་ཐེངས་གཉིས་གསུམ་འབོད་པ་དང་  
དབང་ལྷ་བ་དང་

To calculate the amount of damage done, however great or small, start with a base compensation of 20 ounces of silver per injury and multiply 2 or 3 times according

to the number of visits by the doctor. Take empowerment initiation

ཞག་གསལ་ཡ་བཞི་མོ་ལ་རྒྱན་འགྲུར་གྱི་རི་གོ་སོགས་། བྱ་ཚབས་དང་བསྐྱུན་ཉལ་ས་ལ་ཞག་དྲུ་། འགྲེལ་གྱི་རྒྱ་ཆས་དང་  
སྲགས་པ་འབོད་པ་སོགས་བྱེད་ཅིང་། མཐའ་བརྟག་པས་རྫོ་ཡོད་མེད་མ་ལྟོས་པའི་ལོ་གཅིག་རྒྱུ་ལ་དམིགས་པས་རྒྱན་  
དེ་གི་ན་སྟོང་ངོ་བོའི་སྟོང་བྱེད་སུམ་རྒྱ་སྐབས་དང་སྤྱར་

For three or four days, empowerments, divinations and rituals should be given according to the compensation/fine. For someone who is bed-ridden because of an injury provide water and a tantric master but if their condition remains unimproved and the victim dies within a year, the nature of the fine will be three times higher than the normal *stong* (1,000 for manslaughter).

26 B.

རྒྱན་གཞན་གྱིས་འཆི་ན་སྟོང་སྟོང་ལེན་མེད་པ་བཞིར་བཞག་

Of course, the *tong* fine is not applied if the death is not caused by humans.

ཡང་མིག་བཅར་བ་མ་རབ་འབྲིང་གི་དབྱེ་བའི་བསད་སྟོང་གི་བཞི་རྒྱ་སྟོང་

Again blinding caused by a person of an ordinary birth must be fined 1/4th of the *tong* fine that is for manslaughter (2). And give 1/2 of that *tong* fine for broken limbs, especially if there is injury to the head confirmed as a big problem by the doctor.

ཡན་ལག་བཅགས་པ་ལ་དེ་ཡི་བྱེད་ཆ་སྟོང་།

བྱེད་པར་མགོ་སྤྲད་བ་བཞི་ཆེ་བས་མགོ་ཆག་ཁྲིམས་ས་ལྟ་རྒྱུ་ཟེར་བའི་དཔེར་  
ལྟ་རྒྱུ་འབོད་ནས་ཞིབ་བལྟས་བྱེད་པའི་ཆག་གྲུག་ རུས་རྩ་ལྷག་རྩ་ཉམས་མིན་སོགས་འདི་བྱི་མ་འགལ་བ་སྤྱ་  
རྩི་སྤྲན་གོང་ལྟར་སྟོང་

First provide the elixirs mentioned above for utterances that does not surpass this and next life by the doctor who after examining meticulously confirms all the broken limbs and bones, and lacerations.

སྤྲས་ཟན་མགོ་བཅག་ལ་བསད་སྟོང་གི་བཅུ་ཟར་ རུས་རྩ་ཉམས་ན་མགོ་སྟོང་གི་བྱེད་ཆ་  
ལྷགས་རྩ་ཉམ་ན་རུས་རྩའི་བྱེད་ཆ་སྟོང་

For an injury to the head, the fine is 1/10th of the *tong* for manslaughter.  
For an injury to the bone, the fine is 1/2 of the *tong* for head injury.  
For lacerations, the fine is 1/2 of the *tong* for broken bones

27 A.

ཡང་བྲིམས་ཡི་རྙིང་པ་ལས་ སྐྱུ་ལྷན་ལ་བྱིང་དཀར་ བྲགས་བྱིས་ལ་དར་ཡུག་ དམའ་དགྲིས་ལྷ་རྣམས་སྒོས་ཟེར་  
From the old law, it is ordered to provide white felt for the wounded, silk to clean the blood, and woolen cloth to cover the wound.

སྐྱུ་ཆད་བདེན་མཚུན་དང་སྒོས་རྩ་  
ལ་སྐྱ་བ་སོགས་གཞི་ཆེ་བའི་ཟུར་གསལ་ལྟར་གཙོད་རྩ་བྱེད་སྐྱུ་ཟན་རྩ་གཙོ་ཆེ་བས་ཐུ་ཚབས་དང་བསྐྱུན་

Additionally, the injured will recite to the truth and falsity, and the decision for the dispute is according to the main injury

ཡང་སྐྱུ་འདྲ་མཉམ་བྱུང་ན་རྩི་སྐྱུ་རང་རང་གི་རང་ལ་བྱེད་ སྐད་ཆད་སོ་སོར་གཙོད་ ཡང་འཆི་སྐྱུ་གཉིས་བྱུང་ན་  
འཆི་བ་ལ་སྒོང་

Again, if both party are equally injured, they should provide elixirs and compensation by themselves. And if there are two deaths, then it is the *tong* fine per death.  
the *tong* fine for manslaughter

སྐྱུ་པ་ལ་རྩི་སྐྱུ་ཟུར་གསལ་ལྟར་གཙོད་  
ཚུར་རྒོལ་གྱི་རིགས་རྩ་འདག་བྱས་པ་སྐྱུ་པ་ལ་སྐྱུ་འདྲ་སྐྱུ་ཆད་བཅས་མི་དགོས་

Give additional elixirs for the wounded. In the cases of injuries caused by self-defense such as with a thief and a bandit, there is no need for compensation and punishment.

27 B.

ཡང་རྩ་ཐོགས་ནས་ལྷུང་ཉེ་སྐྱུ་པ་ མངོ་གཡག་ཡི་བརྩུང་ཉེ་སྐྱུ་པ་  
ཁྱི་ཡི་རྩུག་ཉེ་སྐྱུ་པ་སོགས་ལ་མི་སྐྱུ་པའི་བྱེད་བདག་གི་སྒོད་པ་དུ་འགྲོའི་སྐྱུ་འདྲ་ལ་

Moreover, injury caused by falling from horse, getting hit by *mdzo* and *yak*, and being bitten by a dog, the owner of the animal must compensate 1/2 of the fine for man-caused injury.

ཡང་མི་ཡི་དུད་འགྲོ་པར་སྐྱུ་ན་ མི་སྐྱུ་ལྟ་བུའི་སྐྱུ་འདྲ་ལ་གྱི་བྱེད་རྩ་སྐྱུ་ལ་སྒོད་  
རྩ་སྐྱུ་གྱི་བྱེད་མངོ་གཡག་གི་སྐྱུ་ན་སྒོད་

If a person injures the animal, the compensation varies according to the animals injured. For a horse, provide 1/2 of compensation fined for an injured human. For *mdzo* or *yak*, fine 1/2 of the compensation fined for a horse.



ཡང་ཞིང་གི་སྤོ་རས་དང་

རྩ་བ་ཀྱི་ཐོག་ནས་རྩ་བོ་གས་སྤོ་ན་ཞིང་བ་གི་འོ་ར་བདག་ལ་གོང་གི་བྱེད་ཆ་སྤོད་པ་སོགས་ཅི་ལྟར་སྤོབས་དང་སྤོར་དགོ་ས་ཏུ་ཡིན།།

In addition, if there is damage caused by horse and livestock on farmer’s pastures when it is prohibited, 1/2 of the earlier said compensation must be provided by the livestock owner to the farmer however in accordance to the situation.

**Translation: The Fifth Dalai Lama’s The Great Legal Code**

*1st Legal Code: Law for Government Officers*

དང་པོ། རྩལ་པོ་མེ་ལོང་གཏོང་གི་ཞལ་ལྷེ་འཇ་སྤོ་མོ་ལས་འཛིན་གྱི་ཞལ་ལྷེ་ནི།  
ཚོས་རྩལ་ནམ་མཁའི་འོ་ར་བུའི་ལྷེ་གིས་ནི། སྤོ་མོ་ལས་འཛིན་འོད་སྤོང་འཕྲོས་པ་ཡིས།  
མངའ་འབངས་པད་མོའི་ཚལ་རྩམས་མ་ལས་པ། དགེ་ལེགས་འདབ་བརྒྱ་བཞད་པའི་དཔལ་དུ་གྱིས།  
ཞེས་ཅེད་རང་རྩལ་པོའི་ལྷེ་གིས་སྤོ་མོར་བསྐོས་པ་རྩམས་གྱིས་རང་འདོད་ཁོ་ནའི་སྤོན་སྤངས།

First, the all-seeing king’s code is the dharma king’s system, ruled by splendid 1,000 lights without leaving the lotus petal-like subjects. Good work will help bloom the buds. As ordered by the appointed leaders by the kings before, you must renounce personal desires.

གཞུང་དོན་གཙོ་བོར་བྱས་ཏེ་སྤོ་གྱི་སྤོ་རིམ་(revere)དང་ཚོས་རྩལ་རྩམ་ཐར་གྱི་འཕྲིན་ལས་བསྐྱབ་པར་དམིགས་པའི་(object of awareness)སངས་རྒྱས་གྱི་བསྟན་པའི་ཞབས་དོན་གཙོ་བོར་བྱས།  
ཚོས་མཐུན་གྱི་ཞེས་གས་དང་གྲུབ་མཐའ་མི་བསྐྱུར། དུས་ཚེན་གྱི་ལྷ་བ་ལྷ་ལ་རི་རྩལ་རྩམས་དང་།

The main government work is such that one must revere *desrid* (regent) and accomplish the religious king’s buddha activity and most importantly, one must be aware and provide service to the Buddha teachings. During the festival of the fifth month, it is prohibited to kill wild animals and kill fish in the river.

སྤོ་གསུང་ཐུགས་གྱི་རྟེན་ཞིག་གསོས། གཉེར་ཚང་དཀར་སྤོར་བྱེད་པ། སྤོ་གསུང་ཐུགས་གྱི་རྟེན་ཞིག་གསོས།  
ལམ་འཕྲང་ཞིག་གསོ།

Restore and sustain the storeroom of dairy products and stock with the support of body, speech, and mind. Maintain and renovate the treacherous narrow path way.

སོགས་ ཉམ་གཤིས་ ལ་དམིགས་པའི་སྐྱེལ་སྐྱེལ་ལོའི་ཆེས་ལ་ཡུལ་ཚན་སོ་སོར་སྐྱོ་ཐོགས་ཆེས་བཅུ་གསོལ་འདེབས་བྱེད་  
འདུག་པ། གཉེར་ཚང་དུ་ཆེས་བཅུ་ཆག་མེད་འདུག་པ།  
འཕྲུལ་ཆས་ཀྱི་གཉེར་འོག་ལ་ཐེའུ་གཏོང་བ་མ་གཏོགས་རྗེས་དཔོན་གྱིས་གཏན་ཚིགས་མི་སྟེར།

As for awareness of the opposite, regions themselves must be responsible by praying for the continuity of the tenth auspicious day in commemoration of Guru Padmasambhava on the day of the lunar monkey (7th) month of the monkey year. Storeroom must be continuous without interruption because of the tenth auspicious day. Besides under the purpose of temporary casting away, district administrative officer must not give written and official document.

སྒྲིབ་ཀྱི་འབྲུག་འབྲེལ་ཆགས་གཞུང་དུ་ཡོད་པ་རྣམས་ལ་སྒྲིབ་ནས་བཟའ་འདེད་མི་གཏོང་།  
སྒྲིབ་གཟུང་ཡུལ་འབྲུམས་དུས་ཀྱི་ཐབ་འཛོལ་རྗེས་དུ་འགྲོ་རིགས་མ་གཏོགས་ཤིང་བམ་མི་སྟེར།

Send the debt collector to collect for the private debt related with government that's all in existence. Don't give official government deed assining land except for the results after separation and exilement as a result of civil dissension and warfare.

འབྲུག་རྗེས་ལོ་འཁོར་དུ་ལོངས་པ་ལ་ངོས་གཅིག་བེད་གཅིག་འགྲིག་ན་དེ་ལྷག་ལ་སྒྲོད་ཤེས་ཀྱི་གཙོ་བོ་རྒྱུད་པ་མ་གཏོགས་  
ས་རྒྱུས་སྐྱབ་མི་བྱེད།

At the one-year anniversary for old debt, if one gain/interest/negotiation is settled on one side, do not complete the calculation except for documenting a lawsuit-deciding letter (which sets a price for property instead of taking money owed).

མངའ་ཞབས་དང་སྟོ་ཟུག་གྱི་བར་ཁ་ཉམ་ཁྲབ་པའི་ཉོར་འདྲ་མི་སྒྲེའི་ཁྲུང་པར་གྱི་ཉམ་ཐོམ་དུ་མ་སོང་བ་ཞིག་དགོས་ཤིང་།  
ཁྲིམས་ཀྱི་སར་སྟོ་གཟུ་བོར་གནས་པའི་སྟོགས་ཆ་ཉེ་རིང་བདེན་རྒྱུན་ཤན་བྱེད་པའི་ཁྲིམས་འགལ་ལ་སྒྲིང་སྟོབས་ཀྱིས་བ  
རྩར་འདེད།

Like the Mongolian leadership and structure, there also must be a good relationship between the subordinate (term for a government official) and contract servants, particularly, if they don't fit together with the Tibetan government representative messenger of lay community under the authority of a monastery. In court, residing in the middle with presence of awareness and knowledge, appeal and invoke breaching of the law by only differentiate between truth and falsity, and prejudice and biases through power of the heart.

ཁྲིམས་མཐུན་བྱམས་བརྩེས་སྒྲོང་བ།  
ཕྱི་ནང་གི་སར་ཁ་མཆུ་སྟོར་བ་དང་འཚོལ་བ་མི་བྱེད་ཅིང་ཁྲིས་སར་ཞུ་འབོད་བྱུང་བ་རྣམས་ལ་ལེ་བར་མི་འཛོག་པར་སྐྱ

ང་བཤད་པམ་ཚུན་སློལ་སློལ་མཐུན་སྲུང་བ་མ་གཏོགས་དབང་ལྷན་འཁུར་མི་བྱེད།

Defend the law with kindness and compassion. Upon receiving law suit from either the external and internal (family or non-relative), do not give favoritism. And alongside for rising appeals, only try to settle mutual dispositions by the mediator and through explanation, never proceed by coercion.

རང་བྲིམས་སར་སློང་རིང་རང་གི་ཉེ་བ་དང་དགྲ་སྲོགས་ལ་འདི་སྐབས་ཉེ་འགྲུང་སློངས་དགོས་པ་དང་།  
མདོར་ན་མ་ཤེས་གོང་མད་ཀྱིས་སྲོགས་སོ་མ་ལྷུངས་པའི་དཔོན་ཁངས་ཀྱི་བྱ་བ་ཆེ་ཆུང་གང་ལ་ཡང་འདིག་རྟེན་དུ་བྲག  
ས་པའི་ཐོག་ནས་མིག་སློལ་ཡར་ལྷ་བྱས་པའི་ལ་ཡོགས་མི་འདུག་པ་ཞིག་བྱེད་དགོས་ཚུ་ཡིན།

During your stay in court of law, it is necessary to abandon your prolonging intimacy to a closed relative or an enemy. To summarize, stay on the side of no biases and naturalness of the official position, even if any of all the big and small deeds, they all must be accomplished that way in the world. It is necessary to act with reverence to *la-yogs*, retribution.