

# Contributions to the Cultural History of Early Tibet

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# CONTENTS

Preface .....	vii
Abbreviations .....	xiii

## PART ONE: SOCIAL AND POLITICAL HISTORY

BRANDON DOTSON

<i>Divination and Law in the Tibetan Empire: The Role of Dice in the Legislation of Loans, Interest, Marital Law and Troop Conscription .....</i>	3
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BIANCA HORLEMANN

<i>The Relations of the Eleventh-Century Tsong kha Tribal Confederation to Its Neighbour States on the Silk Road .....</i>	79
--	----

## PART TWO: LITERARY AND ORAL TRANSMISSIONS

YOSHIRO IMAEDA

<i>The History of the Cycle of Birth and Death: A Tibetan Narrative from Dunhuang .....</i>	105
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SAM VAN SCHAİK

<i>Oral Teachings and Written Texts: Transmission and Transformation in Dunhuang .....</i>	183
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## PART THREE: CHINESE TRENDS IN TIBETAN BUDDHISM

MATTHEW T. KAPSTEIN

<i>The Tibetan Yulanpen jing 佛說盂蘭盆經 .....</i>	211
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DIVINATION AND LAW IN THE TIBETAN EMPIRE:  
THE ROLE OF DICE IN THE LEGISLATION OF LOANS,  
INTEREST, MARITAL LAW AND TROOP CONSCRIPTION\*

Brandon Dotson

Suppose two men at cards with nothing to wager save their lives. Who has not heard such a tale? A turn of the card. The whole universe for such a player has labored clanking to this moment which will tell if he is to die at that man's hand or that man at his. What more certain validation of a man's worth could there be? This enhancement of the game to its ultimate state admits no argument concerning the notion of fate. The selection of one man over another is a preference absolute and irrevocable and it is a dull man indeed who could reckon so profound a decision without agency or significance either one.—The Judge in Cormac McCarthy's *Blood Meridian, or the Evening Redness in the West*, p. 249.

During the period of the Tibetan Empire (c. 600–c. 850), Tibet developed a complex bureaucratic and legal system that supported the paired trends of centralization and the assimilation of conquered territories and peoples. This legal and bureaucratic system also facilitated the levying of troops, the collection of taxes and the legislation of the empire in general. As foreign peoples and their

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territories were subjugated, so too were their territorial divinities. This gave rise to a ritual centralization that embraced a growing 'national' pantheon of deities, which, together with the cult of the divine emperor and the seasonal *sku-bla* rituals performed for the well-being of the emperor and the empire, constituted a major part of the 'state' religion. The paired trends of political centralization and ritual centralization are evident in a remarkable, hitherto unpublished Old Tibetan legal document from Dunhuang, IOL Tib J 740.

This document consists of two texts, the first a *mo* divination manual, the second a set of questions and answers concerning legal processes. In this chapter I will demonstrate the relationship between these two texts, and situate them within the Tibetan legal tradition. The bulk of the analysis will focus on the second text, and its contribution to our understanding of the social and political organization of the Tibetan Empire.

The chapter is divided into three parts. The first part offers a brief introduction to Old Tibetan law in order to locate the document within this tradition. Part two treats the physical features of the document, its orthography and structure. It also underlines the relationship between the divination manual and the legal text, and considers briefly the role of divination in Tibetan law. The third and final part of the chapter is a thematic analysis of the legal text. The main themes under consideration are debt, loans, interest and corvée labour, women and marriage, the legal status of religious estates and the Tibetan system for drafting and provisioning soldiers.

#### LAW IN THE TIBETAN EMPIRE

Before moving on to an examination of this document, it will be useful to briefly consider what we know about the legal culture of the Tibetan Empire. The *Old Tang Annals* (*Jiu Tangshu*) states of the Tibetans:

Their punishments are most severe, and even for small crimes the eyes are scooped out, and the nose cut off, or stripes inflicted with a leather whip. They differ according to caprice, there being no fixed code. They imprison men in holes several tens of feet under the ground, and release them only after two or three years (BUSHELL 1880: 411).

While it would be hasty to dismiss this Chinese account altogether, it may be said that this statement is either an uninformed and

chauvinist account of a barbarian people or describes a very early stage in Tibetan legal culture. Fragmentary Old Tibetan documents from Dunhuang paint a far more complex picture of legal practices in Tibet.

Law, and the 'good law' in particular, was a key element of the Tibetan Emperor's divine inheritance and his earthly legitimation. Simultaneously, Tibetan imperial law, assisted by bureaucracy and a large corps of officials, codified and legislated the emerging foundations of the Tibetan polity.

Legislation and the imposition of political order were regarded as essential values in a Tibetan ruler long before they constituted part of the legacy of the religious kings of the empire as eulogized in Tibetan religious histories. Many of the earliest surviving Old Tibetan documents concerning the Tibetan ruler, the Btsan-po, glorify him because of his practice of 'good (religious) customs and great art of government' (*chos-bzang gtsug-lag che*).<sup>1</sup> Such considerations are present in numerous passages of the *Old Tibetan Chronicle*, an epic history whose political imperatives were to eulogize the Tibetan royal line and to idealize and glorify the principles by which the emperors ruled. This entailed a presentation of the Tibetan Emperor as an ordering principle instantiating the ways of heaven upon the earth, and bringing law and order to the Tibetan people. This is evident in the victory songs exchanged by Khri Srong-brtsan (later known as Srong-btsan Sgam-po) (c. 605-649), and his prime minister, Mgar Stong-rtsan, after their defeat of Zhang-zhung.

Above, the profound lord, Khri Srong-brtsan. Below, the wise minister Stong-rtsan Yul-zung. Endowed with all the conditions of great majesty (*mnga'-thang*), the lord, [acting] in the manner of the heavenly mountain gods, and the minister, [acting] in the manner of the earthly majesty (*ngam-len*), externally increased the polity in the four directions. The internal welfare (*kha-bso*)<sup>2</sup> was abundant and undiminished. They created parity between the high and the low among the black-headed subjects [Tibetans]. They reduced tax fraud and created leisure. They swore [oaths] in the autumn and spring and adhered to this cycle. They gave to the needy and cut out the harmful.

<sup>1</sup> For a discussion of these topics, see STEIN 2003 [1985]: 534-39, 560.

<sup>2</sup> The term literally means, 'to nourish mouths', which translates well enough the English 'welfare'. The term 'welfare' (*kha-bso*) may also be related to the term *khab-so*, which is found in the *Old Tibetan Annals* and other legal and bureaucratic sources, where it is most often taken to mean 'revenue office' in a broad sense. Alternatively, *kha-bso* may just be an error for *kha-bsod*, meaning 'good fortune'.

They employed the powerful and degraded the insolent (*sdo-ba*). They quashed the frightened and allied with the truthful. They praised the wise and respected the heroic. They employed the devoted. The customs being good and the polity lofty (*chos bzang srId mtho ste*), all men were happy.

Previously in Tibet, there was no writing, but it was during the time of this Btsan-po—from the reign of Btsan-po Khri Srong-brtsan—that the entire good basis of Tibet's customs (*bod kyi chos kyi gzhung bzang-po kun*) was created: Tibet's great legal and governmental system (*bod kyi gtsug-lag bka'-grims ched-po*), the [system of] ministerial rank, the division of ranks (*dbang-thang*) into both great and small, the rewards for the good, the punishments for the wicked and deceitful, the equal division of fields and pasturelands into *thul-ka*, *dor-ka* and *slungs*, and the standardization of the weights and measures *bre*, *p[h]ul* and *srang*, etc. All men felt a great gratitude for his kindness and in return they called him 'Srong-brtsan the profound' (Srong-btsan Sgam-po).

*bla na rje sgam na / khri srong brtsan / 'og na blon 'dzangs na stong  
rtsan yul zung / rje nI gnam ri pywa 'I lugs // blon po ni sa 'I ngam len  
gyi tshul // mnga' thang chen po 'i rkyen du / jI dang jir ldan te / pyi 'i  
chab srid nI pyogs bzhIr bskyed // nang gI kha bso ni myi nyams par  
lhun stug / 'bangs mgo nag po yang mtho dman nI bsnyams / dpya'  
sgyu nI bskyungs / dal du nI mchis / ston dpyid nI bskyal // 'khor bar nI  
spyad / 'dod pa nI byin / gnod pa nI pye / btsan ba nI bcugs / sdo ba ni  
smad / 'jigs pa nI mnan // bden pa nI bsnyen / 'dzangs pa nI bstod /  
dpa' bo nI bkur / smon par nI bkol // chos bzang srId mtho ste // myI  
yongs kyis skyid do // bod la snga na yI ge myed pa yang // btsan po  
'di 'I tshe byung nas // bod kyi gtsug lag bka' grims ched po dang /  
blon po 'i rim pa dang / che chung gnyis kyI dbang thang dang / legs  
pa zin pa 'I bya dga' dang / nye yo ba 'i chad pa dang / zhing 'brog gi  
thul ka dang dor ka dang / slungs kyi go bar bsnyams pa dang / bre pul  
dang / srang la stsogs pa // bod kyi chos kyi gzhung bzang po kun //  
btsan po khri srong brtsan gyi ring las byung ngo / myi yongs kyis bka'  
drin dran zhing tshor bas // srong brtsan sgam po zhes gsol to (PT  
1287, 446-455).<sup>3</sup>*

As is evident from this passage of the *Old Tibetan Chronicle*, there was a tradition in early Tibet that ascribed legal and bureaucratic reforms to Srong-brtsan Sgam-po. The measures described in this

<sup>3</sup> For the Tibetan text, see CD2: pl. 574. For transliteration, see CD3: 33-34. For a French translation of this passage that differs considerably from my own, see BACOT *et al* 1940-46: 160-61. See also Kapstein's analysis of the second paragraph of this passage (KAPSTEIN 2000: 55).

passage as ‘the entire good basis of Tibet’s customs’ (*bod kyi chos kyi gzhung bzang-po kun*) would have been codified in legal and bureaucratic manuals (*dkar-chag/rtsis-mgo*).<sup>4</sup> Indeed the existence of such manuals is mentioned in the *Dbā’ bzhed*: Srong-btsan Sgam-po, after admonishing his subjects that if they did not follow his newly codified system of laws, then Tibet would become like the twelve minor kingdoms (*rgyal-phran*) that were defeated due to their internal chaos and lawlessness, announced to them the complete manuals (*rtsis-mgo*) and the good law (*chos-lugs bzang-po*) (WANGDU AND DIEMBERGER 2000: 28-29).

Beyond its insights into Tibetan political theory, the above passage from the *Old Tibetan Chronicle* may be related to the measures laconically described in the best-known reference to the creation of Tibetan law and administration. This is found in the *Old Tibetan Annals*, the single most reliable source for early Tibetan history. The entries for the years 654 and 655 are as follows:

[654] The year of the tiger arriving. The Btsan-pho resided at Merkhe and Prime Minister Stong-rtsan convened [the council] at Mong-pu Sral-’dzong. He divided the military (*rgod*) and the civilians (*g.yung*) and made the manual of the great administration (*mkho-sham chen-pho*). So one year.

[655] The year of the hare arriving. The Btsan-po resided at Merkhe and Prime Minister Stong-rtsan wrote the texts of the law (*bka’-grims*) at ’Gor-ti. So one year.

# / : / *stagI lo la bab ste / btsan pho mer khe na’ bzhugs shIng / blon che stong rtsan gyis / mong pu sral ’dzong du’ bsduste / rgod g.yung dbye zhing / mkho sham chen pho bgyI ba’I rtsis mgo bgyI bar lo gchIg /*

# / : / *yos bu’I lo la bab ste’ // btsan po mer khe na bzhugs shing / blon che stong rtsan gyls / ’gor tI r / bka’ / grIms gyl yi ge brIs phar lo gchig /* (PT 1288, ll. 26-29.)<sup>5</sup>

This passage states unequivocally that the Tibetan Empire developed legal and administrative texts in 654 and 655. While the contents of these texts are not revealed, this testifies to the fact that Tibet possessed a codified system of law at a very early date in its development.

<sup>4</sup> The passage itself may refer to a textual source for ‘the entire good basis of Tibet’s customs’ (*bod kyi chos kyi gzhung bzang-po kun*), if we take *gzhung*, which I have translated here as ‘basis’, instead to mean ‘fundamental texts’.

<sup>5</sup> For text, see CD2: pl. 580. For transliteration, see CD3: 40. For Bacot and Toussaint’s French translation, see BACOT *et al* 1940-46: 31.

Moving beyond theoretical concerns and the origins of Tibetan legal culture, several Old Tibetan documents shed light on legal practice. From the fragmentary legal texts that survived in Dunhuang, it is evident that the Tibetan Empire developed a highly codified system of law that meted out punishments according to the social class of the complainant and that of the defendant in a given case. This is seen most explicitly in PT 1071, a document dealing mainly with blood money or restitution when someone is accidentally shot with an arrow during the course of a hunt. RICHARDSON (1998 [1990]) outlined this text in some detail, and the gradations of punishment according to class are clearly given in his work. The table below is a simplified account that shows the amount of blood money due to each victim according to the victim's rank. These ranks also include certain of the victims' kin relations, but this is too complicated to detail here. It should be noted that blood money is not always acceptable: if one of the four great ministers, for example, is killed by someone in ranks eight through ten, the killer is executed, his male descendants are put to death, and his property is confiscated according to the *sgor-rabs-gcad* death penalty (RICHARDSON 1998 [1990]: 151). Punishment therefore depends both on the class of the assailant and that of the victim. For the sake of clarity, the compensation prices listed in the table below correspond to the price that is paid when the assailant is of an equal or higher rank in relation to the deceased victim.

Table 1: Blood money/ compensation price (*stong-mnyam/ myi-stong*) according to PT 1071.

	<i>Rank</i>	<i>Compensation Price</i>
1	Four great ministers <sup>6</sup>	10,000
2	Turquoise rank	6,000
3	Gold rank	5,000
4	Gold-plated silver ( <i>phra-men</i> ) rank <sup>7</sup>	4,000

<sup>6</sup> The four great ministers are: the prime minister, the great minister of the interior, the Btsan-po's maternal uncle in charge of political affairs (*btsan po'i zhang drung chab srid la dbang ba*), and the deputy prime minister (DOTSON 2004: 81).

<sup>7</sup> DUNG-DKAR (2002: 1359) considers *phra-men* to be an 'alloy of silver and gold', but it can be translated more precisely with reference to a passage in the *New Tang Annals (Xin Tangshu)* regarding the order of rank. BUSHELL (1880: 442) translates the passage as follows. 'The officers in full costume wear as ornaments—

5	Silver rank	3,000
6	Brass rank	2,000
7	Copper rank	1,000
8	<i>Gtsang-chen</i> , royal military subjects, bondservants attached to the fields of an aristocrat or a commoner, governor's attaché ( <i>rgyal-'bangs rgod-do-'tshal dang zhang-lon [dang] dmangs kyi bran rkya la gtogs-pa dang mngan gyi mngan-lag</i> ) (ll. 247-51)	300
9	Civilian royal subjects, bondservants attached to the fields of an aristocrat or commoner, barbarian prisoners ( <i>lho-bal btson-pa</i> ) (ll. 288-89)	200

As I have written elsewhere, the main divide in Tibetan class society is between the ministerial aristocracy (*zhang-lon*, *dku-rgyal*, *yi-ge-pa*), represented by groups one through seven, and the commoners (*dmangs*), represented by groups eight and nine (DOTSON 2004: 81-82). The break begins with the *gtsang-chen*, which, like other designations such as 'silver rank minister', describes a rank, and not a post. However, *gtsang-chen* does not appear to indicate a type of insignia. This is evident from PT 1089, where a man appointed 'great official of fields in general' (*spyi'i zhing-pon ched-po*) is described

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those of the highest rank *ze-ze* [瑟瑟 *sè sè*], the next gold, then gilded silver, then silver, and the lowest copper—which hang in large and small strings from the shoulder, and distinguish the rank of the wearer.' Cf. PELLIOU 1961: 80. The description corresponds exactly to those found in PT 1071, PT 1072 and PT 1073, save for the omission of brass (*ra-gan*) between the ranks of silver and copper, and it further indicates that the Tibetan insignia (*yig-tshang/ yi-ge*) can be considered to be akin to epaulets. We can note that *se-se*, meaning something like 'aquamarine', probably indicates turquoise. Here 'gilded silver' (金塗銀 *jīn tú yīn*) means 'silver coated with gold', and should therefore be rendered more accurately as 'gold-plated silver'. This corresponds to the Tibetan *phra-men*, thus clarifying an obscure term. On the close correspondence between the precious metals employed in both Tibetan and Chinese insignia of rank, see DEMIÉVILLE 1952: 284-86, n. 2.

as having the rank (*thabs*) of a *gtsang-chen*.<sup>8</sup> PT 1071 goes on to deal with other issues arising from the hunt, such as a case where someone is trapped under a yak, and this again is decided according to the rank of the victim and the rank of the bystander (RICHARDSON 1998 [1990]: 156-59).<sup>9</sup>

Similar standardized payments of blood money according to class are recorded in the 'Section on Law and State', a chapter found in several post-dynastic histories, which purports to describe the legal and administrative practices of the Tibetan Empire (*Lde'u*: 264; *KhG*: 378).<sup>10</sup> Subsequent Tibetan administrations, such as those of the Dalai Lamas, followed a similar model of standardized payments, but their legal stratification of society differed significantly from the earlier models, due in part to the influence of Buddhism (FRENCH 1995: 114; CASSINELLI AND EKVALL 1969: 178).<sup>11</sup>

The actual form of the trial in the case of these hunting accidents is very interesting, as 'jurors' (*gtsang-dkar*) play a prominent role. In the legal document PT 1071, when one from the rank of the turquoise, gold or gold-plated silver ministerial aristocracy (ranks 2-4) is accused of shooting, while hunting, one among the highest rank in the ministerial aristocracy (rank 1), the trial proceeds as follows:

Whether [the victim] is killed or not, and there is enmity and it is said that punishment shall never be excused, twelve jurors (*gtsang-dkar*), with he [the complainant?] himself making thirteen, swear an oath, and the case is decided according to the law of homicide (*thong-myi*) in the various manuals (*dkar-chag*). It is not granted that one repay blood money [at this point]. The jurors try him, [and if] the man hit by the

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<sup>8</sup> 'LI pu hwar is appointed the great official of fields in general. He is of *gtsang-chen* rank.' (*Li pu hwar spyi'i zhing pon ched por bskoste// thabs gtsang chen mchis pa*) (PT 1089, l. 61).

<sup>9</sup> For an analysis of rank and status in Tibetan imperial society that relies mostly on PT 1071 and the *Mkhas pa'i dga' ston* of Dpa'-bo Gtsug-lag phreng-ba (hereafter, *KhG*), see GNYA'-GONG 2003.

<sup>10</sup> The 'Section on Law and State' as it is found in its three main versions in the *Rgya bod kyi chos 'byung rgyas pa* of Mkhas-pa Lde'u (hereafter abbreviated *Lde'u*), the *Chos 'byung chen po bstan pa'i rgyal mtshan* of Lde'u Jo-sras, and *KhG*, explicitly claims to be related to the legal and administrative reforms of Srong-btsan Sgam-po. As TUCCI (1956: 76), URAY (1972: 67-68), UEBACH (1989: 831) and GNYA'-GONG (2003: 227) have each pointed out, large parts of the 'Section on Law and State' relate not to this emperor's reign, but to the reigns of several other Tibetan Emperors. The comparison of the 'Section on Law and State' with Old Tibetan sources forms the basis of DOTSON 2006.

<sup>11</sup> For similar traditions of blood money among Tibetan nomads, and comparable social hierarchies, see EKVALL 1954.

arrow was killed, then they impose blood money (*myi-stong*) of 10,000 *srang*, and half is the share of the complainant (*yus-bdag*), the other half that of his associate (*'dam-po*). If there is no associate, 10,000 *srang* is the share of the complainant. If the one hit by the arrow does not die, then they impose blood money of 5,000 *srang* and half is the share of the complainant, the other half that of his associate (*'dam-po*). If there is no associate, 5,000 *srang* is the share of the complainant. When one is hit by an arrow and the accused says, 'it was not my arrow,' and his denial is not accepted, whether the person hit by the arrow was killed or not, the law of homicide is applied. If the denial is upheld, as it is also slander (*skur-pa zan*), it becomes a case of false accusation of homicide.

*gum yang rung ma gum yang rung/ mkhon mchis te chad/ kar 'phangs re zhes/ gtsang dkar bcu gnyis dang kho na bdag dang bcu gsum/ bro stsaldog/ dkar chagsna/ thong myi/ dang khrims gcig go/ stong 'jaldu yang myi gnango/ dkar gyis changs tang/ mda' phogs pa' gum dang/ myl stong/ srang khri babste/ yus bdag dang/ 'dam po phyed mar dbango/ 'dam po ma mchis na/ srang khri yus bdag dbango/ mda's phogs pa/ ma gum na/ gson stong srang lnga stong phabste/ yus bdag dang 'dam po phyed mar dbango/ 'dam po ma mchis na/ srang lnga stong kun yus bdag dbango/ /mdas phogste/ nga'I mda' ma yIn ces snyon snyon ma changste/ mdas/ phogs gum yang rung ma gum/ yang rung/ thong myi dang khrims gcig/ snyon snyon pa tshangs<sup>12</sup> dang/ skur pa zan kyang/ thong myi'i skur pa zan dang khrims gcig du dbango/ (PT 1071, ll. 8-15).<sup>13</sup>*

The ceremony involved in this trial, like those of the other types of trials mentioned above, involves the swearing of an oath. Though oaths of loyalty to the emperor and oaths to uphold the Buddhist religion are quite common in Old Tibetan sources, their frequency should not be taken as an indication of triviality. Sacrifice was a key element of Tibetan oath taking rituals, and, if the *Tang Annals* are to be believed, this sometimes involved the sacrifice of a human being (BUSHELL 1880: 441). This would make such oaths a terrifying experience. In the case above, those who take the oath are the twelve 'jurors' (*gtsang-dkar*), and 'he himself, making thirteen' which likely refers to the complainant. This is significant, because the numeric formula 'twelve plus one, making thirteen' signifies totality, and thus marks off the 'jurors' as an explicit microcosm of Tibetan

<sup>12</sup> Read *changs*.

<sup>13</sup> See also RICHARDSON 1998 [1990]: 150.

society.<sup>14</sup> Though the outcome of the trial will be compensation from one party to the other, it is tempting to see in the structure of this trial the concept of a crime against society. In this case, the ‘jurors’ are the ones who decide the case and award the requisite blood money. Further, they also seem to have the power to accept or reject any denials of guilt. This case may differ from the others as it occurs during the context of the hunt, which was a state affair sometimes involving thousands of people. However, in as much as the hunt reveals itself as a sort of meta-society involving all strata of Tibetan society in a performative event, the legal clauses may be quite consistent with those found elsewhere.<sup>15</sup>

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<sup>14</sup> This same numeric formula of twelve plus one making thirteen is employed in the catalogue of minor kingdoms (*rgyal-phran*) in PT 1286: ‘The twelve minor kings, with Se-re-khri makes thirteen. The twenty-four ministers, with Skyang-re-nag makes twenty-five. The twelve strongholds, with Dbu-lde Dam-pa makes thirteen. The twelve territories, with Byang-ka Snam-brgyad makes thirteen.’ (*rgyal pran bcu gnyis na / se re khri dang bcu gsum / blon po nyi shu rtsa bzhi na / skyang re gnag dang nyi shu rtsa lnga / mkhar bcu gnyis na / dbu lde dam pa dang bcu gsum / yul bcu gnyis na / byang ka snam brgyad dang bcu gsum*. PT 1286, ll. 22-24, in CD2: pl. 555, CD3: 14). The same formula is found in the recitation of the (twelve plus one equals) thirteen kings in PT 1060, a ritual recitation dealing mainly with horses. ‘The twelve kings, with Se-ra-gri makes thirteen. The twenty-four ministers, with Skyang-re-gnag makes twenty-five. The twelve territories (read *yul* for ‘*a yu*), with Hod gyi Se-mo gru makes thirteen. The twelve strongholds, with Dbu-ste Ngam-pa-ra makes thirteen.’ (*rgya po bcu gnyis na se ra gri dang bcu gsum blon po nyi shu rtsa bzhi na’ // skyang re gnag dang nyishu rtsa lnga ‘a yu bcu gnyis na’ hod gyi [se] mo gru dang bcu gsum // mkhar bcu gnyis na’ dbu ste ngam pa ra dang bcu gsum*. PT 1060, ll. 94-96, in CD2: pl. 371, CD4: 29). These thirteen minor kingdoms were a vision of the totality of the known world, and were usually invoked as such in a ritual context.

The scheme was also used in the formulation of the border taming temples, in which the Jo-khang was supported by three groups of four temples in the cardinal directions (SØRENSEN *et al* 2005: 172). For more on the significance of the numbers twelve and thirteen as symbols of totality, see DOTSON forthcoming a; STEIN 1961a: 9-10 and EKVALL 1959.

<sup>15</sup> The miscellanea at the end of the document also concern the proper butchering and distribution of the animal. The act of dividing the kill and partitioning it among the community reveals which parts of the animal were considered most desirable. ‘This is reminiscent, of course, of sacrifice, where different quarters of the animal are invested with a highly stratified sense of meaning and are matched with the various members of the community according to status. The sacrifice of the animal and the distribution of its body thus establishes commensality, while it also reinforces the social hierarchy. Just as in one of Sad-mar-kar’s songs in the *Old Tibetan Chronicle* the fallen yak is a symbol of Zhang-zhung, the killed animal and the protocols for its proper distribution are foundational metaphors for Tibetan society and its hierarchies (ALLEN 1978 and MACDONALD

Another fascinating element of the legal clauses in PT 1071 is the role of the complainant's 'associate' (*'dam-po*). In his reading of this same Old Tibetan document, Btsan-lha Ngag-dbang Tshul-khrims defines the *'dam-po* as 'one who reveals hidden crimes' (*lkog tu nyes skyon ther 'don byed mkhan*), or, in other words, a prosecutor (BTSAN-LHA 1997: 363). Whether Btsan-lha reads too far into this or not, this passage does confirm the existence of legal professionals during the period of the Tibetan Empire. The 'associate', who is entitled to half of the compensation payment, would likely not have been a mediator, but someone with knowledge of the law who was able to make a case before the jurors and influence the proceedings through his *savoir-faire* and eloquence. This is not to say that the 'associate' held the occupational equivalent of a modern lawyer or barrister; he may well have simply been an important and influential local figure with some knowledge of the law.

Another legal document involving animals, this time of the domestic variety, concerns the protocols for punishing those whose dogs attack passers-by. This text, PT 1073, has also been studied by Richardson, and like the laws surrounding the hunt, it decides punishment according to the social classes of the accuser and the defendant (RICHARDSON 1998 [1989]: 136-37). The only difference is that the document also mentions cases in which the defendant is a woman. Lines 14-15 set out the legal punishment for a woman from silver rank to copper rank who sets a dog on a person holding the more prestigious gold-plated silver (*phra-men*) rank:

If a married woman sets a dog [on someone of gold-plated silver rank] and it kills him, all of whatever was given by her own original paternal family will be awarded as compensation for the killed man. (*bud myed khyo mcis/ pa' zhig / khyi sbod sbod de/ bkum na/ mo 'da' gdod ma'/ pa mying gyIs/ cis brtsangs*<sup>16</sup> *pa'/ kund gum pa'I stong du stsald do*).<sup>17</sup>

Here it is evident that the woman must give the accuser the bride-wealth that was bestowed on her by her paternal family when she left her paternal home to live with her husband. This of course serves the same end as deciding a case according to social class, as women from upper class families most likely possessed more bride-wealth than those from lower class families. Further, this is but one of the

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1980). Like sacrifice, the hunt is a ceremony encoded with the structures of Tibetan society (HAZOD 2000: 218-21).

<sup>16</sup> Read *brdzangs*.

<sup>17</sup> See also the translation in RICHARDSON 1998 [1989]: 137.

many instances where Old Tibetan legal texts reveal important information concerning the social structure of the empire. Aside from adding more weight to the assumption that virilocal marriage was common practice in imperial Tibet, this valuable passage also indicates that the *p[h]a-mying*, that is, father and [elder] brothers, as wife-givers, gave bride-wealth to be taken with the bride to her new husband's family. That such bride-wealth was still available to the woman to pay the compensation price for her crime indicates that the bride-wealth was likely her own inalienable property and not a gift to her husband or to his family.

Two Old Tibetan documents, PT 1075 and IOL Tib J 753, detail the proper punishment for theft. Here the punishment depends not upon the class of the thief (who, as a thief, is probably assumed to be of low class), but upon the class of his victim and the amount stolen. According to IOL Tib J 753, a document edited and translated by THOMAS (1936), a thief was met with banishment or death depending on the value of his haul. The following table shows the punishments that apply when thieves are caught red-handed trying to take riches from a treasury.

Table 2: Punishment for a thief caught in a treasury according to IOL Tib J 753 (ll. 12-32)

<i>Amount (srang)</i>	<i>Punishment</i>
100 and upwards	Thief and all accomplices are killed
99-80	Three ringleaders ( <i>rab mgo</i> [sic?]) are killed; others are banished to a hinterland ( <i>pho reng du spyug go</i> ). <sup>18</sup>
79-60	Two ringleaders ( <i>ra bgo pa</i> ) are killed; others are banished to a hinterland.
59-40	One ringleader is killed; others are banished to a distant place ( <i>shul ring-por spyug go</i> ).
39-20	Ringleader thief is banished to a distant place; others are banished to a middle road

<sup>18</sup> THOMAS (1936: 283) translated *rab-mgo (pa)*/ *ra-bgo (pa)* as 'principal heads', a reading supported by GO-SHUL (2001: 388, n. 2). Thomas' translation of *pho-reng du spyug* as 'to be banished, after castration' can probably be disregarded. My provisional translation of *pho-reng* is uncertain, however, as it is based mostly on analogy with the following clauses and taken therefore to refer not to a condition, but to a degree of distance. The classical Tibetan meaning of *pho-reng* is 'bachelor', so an alternate translation, reading *pho-reng du* adverbially, would be 'they banished him alone.'

	(i.e., an outlying area, <i>lam 'bring-por spyug go</i> ).
19-10	Ringleader thief is banished to a middle road. A <i>rkud</i> of two <i>srang</i> is levied on the accomplices. <sup>19</sup>
9 and downwards	Whatever thieves are caught receive a <i>rkud</i> of two <i>srang</i> .

#// *phyag mdzod do 'tshald gyi nang du/ rkun po zhugs pa las / lag tu ma thob par zin pa'i khirms la/// bla'i pyag mdzod do 'tsald gyi nang du / rkun po zhig zhugste / dkor lag du ma tob par zind na dkor srang brgya yan chad gyi khra zhig / mcis pa'i nang du / zhugs te zind na / rkun po mang gtogs nyung gtogs pa / kun dgumo /// srang dgu bchu dgu man chad / brgyad chu mchis pa yan chad // gyi nang du zhugste zind na rkun po du gtogs gyang rung / rab mgo gsum dgumo/// gzhan ni pho reng du phyug go /// srang bdun chu dgu man chad // drug chu yan chad mcis pa zhig gi nang du zhugste / zind na' / rkun po du gthogs gyan<sup>20</sup> rung/ ra bgo pa gnyis dgumo // gzhan ni pho reng du spyugo /// srang lnga bchu dgu man chad / bzhi bchu mchis pa yan chad chig yi nang du zhugs te // lag du ma thob par zind na / rkun po du gtogs gyang rung ra bgo pa gchig dgumo /// gzhan ni shul ring por spyug go/ srang sum chu dgu man chad // nyi shu yan chad mchis pa'i nang du // zhugste / zind na / rkun po ra bgo pa gchig shul ring por spyugo// gzhan du mchis pa lam 'bring por spyug go // srang bchu dgu man chad / bchu yan chad mchis pa'i nang du zhugs te lag du ma thob par zind na / rkun po ra bdo pa gchig ni / lam 'bring por spyugo// slad na [bos ro] rkun po du mchis pa la / srang nyis gyi rkud da dbabo / srang dgu man/ chad mchis pa'i nang du / zhugs te / lag du ma thob par zind na / rkun po du mchis pa la / srang chig gyi rkud dbab 'o /// (IOL Tib J 753, ll. 16-30; THOMAS 1936: 278-79).*

This section of the text closes by stating: 'In accordance with the law (*bka'-grims*), the riches and wealth of the executed or banished thief is granted as a reward to the one who caught him.' ('*dzin 'dzin pa'i bya dgar ni rkun po bkum ba dang spyugs pa'i nor pyugs dang / chal phab pa las / bka' grims bzhin du stshald to / phyag rgya'o //*) (IOL Tib J 753, ll. 30-32). Here again, as in the case of the trials following from hunting accidents, the complainant has a vested interest in

<sup>19</sup> THOMAS (1936: 283) translated *rkud* as 'penalty', which, along with 'fine', seems an acceptable provisional translation.

<sup>20</sup> Read *gyang*.

prosecuting the defendant, because success will result in economic reward.

The distinction in the above clauses between the ringleader (*ra bgo pa*) and his accomplices, and the according differences in punishment, are also found in subsequent Tibetan legal traditions (CASSINELLI AND EKVALL 1969: 169-70).<sup>21</sup>

The text goes on to detail the punishments for those who steal items of wealth from the authority (*bla*) down to the ministerial aristocracy (*zhang-lon*) and commoners (*dmangs*) (ll. 33-42); punishments for those who steal from the authority (*bla*) itself (ll. 57-63); and punishments for those who steal from the wealth of an empress, royal lady, princess (*btsan-mo lcam-sru dang jo-mo*), or ministerial aristocrat, down to that of a commoner (ll. 64-72).

The language in the clauses of PT 1075 is almost identical with that of IOL Tib J 753, but the clauses generally deal with much smaller amounts. As this text is so similar in character to IOL Tib J 753, it is not necessary to describe it in any detail here. Both texts are particularly interesting in that they mention a group of royal ladies, the *btsan-mo*, *lcam-sru* and *jo-mo*, apparently in descending order of rank.<sup>22</sup> Here again the Old Tibetan legal fragments reveal their sociological value.

Aside from these cases that were decided either by a 'jury' or according to a legal code, there appear also to have been what one might call 'capital offenses'. These were decided by the Btsan-po himself. This is demonstrated by the entry in the *Old Tibetan Annals* for the sheep year 695. Mgar Gung-rton, a member of the Mgar clan with whom the emperor will soon be openly at war, is found to be disloyal, and the text states: 'They held Mgar Gung-rton's trial (*zhal-ce dbyangs*) at Sha-tsal, the Btsan-po made a pronouncement at Nyen-kar Lcang-bu, and Gung-rton was killed' (*sha tsal du mgar gung rton gyl zhal ce dbyangs nas / nyen kar lcang bur btsan poe bkas bcade/ gung rton bkum*) (IOL Tib J 750, ll. 69-70; BACOT *et al* 1940-46: 18, 38). While this demonstrates that the Btsan-po could decide a trial directly, this probably only occurred in cases of particularly great importance. Further, this particular case may be seen as an attempt by Emperor 'Dus-srong (r. 676-704) to demon-

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<sup>21</sup> See also the discussion of this practice in Old Tibetan law in HOR-DKAR 2003 [1989]: 314-15.

<sup>22</sup> On these terms and their possible rank order according to their employment in the *Old Tibetan Annals*, see UEBACH 1997: 54-55.

strate his authority by not allowing the Mgar clan to decide the case internally.

In reading these documents and establishing a typology of legal culture in the Tibetan Empire, it must be borne in mind that these fragmentary documents do not reflect reports or minutes of actual cases. They tell us about Tibetan legal theory, which may not necessarily correspond to legal practice. We cannot say how these laws and practices were implemented and to what extent they pervaded the entire empire. Reading these various legal fragments and noting their consistency, however, one wonders if they were taken from a larger legal manual of the type mentioned in the *Old Tibetan Annals*, or if, perhaps, they were compiled in order to create such a manual for the local area of Dunhuang.

With the benefit of just this cursory look at a few fragments of Old Tibetan legal literature, it is evident that the Tibetan Empire possessed a codified set (or sets) of laws and that many of the elements of subsequent Tibetan legal culture were already present at a very early stage. In the case of compensation for injury and blood money, legal cases take the form of a dispute between two parties that proceeds according to the norms of the relevant legal statutes concerning both the form of the trial and the proper punishment. Likewise, in the case of theft, the legal statutes decide the appropriate punishment, and the thief's or thieves' apprehender, in this case the victim, receives the monetary reward of the thief's or thieves' wealth after execution or banishment. While it is fair to assume that the government carried out the punishment of the guilty, whether execution or banishment, this is not made explicit in the clauses themselves. In some cases, such as the trial of Mgar Gung-ton, this is explicitly not a dispute between two parties, but a punishment handed down by the emperor himself. Most of these legal practices, particularly blood money, compensation money, and punishment according to the social class of those involved in a dispute, are taken up in later Tibetan legal traditions. As will soon become evident, early Tibetan law shared another common feature with subsequent Tibetan legal systems: trial by divination.

CHANCE AND DIVINATION IN EARLY TIBETAN LAW:  
IOL TIB J 740

The present legal document, IOL Tib J 740, sheds further light on legal practices in imperial Tibet. In particular, it reveals that legal

decisions were made in a centralized, systematized arrangement of chance. Before moving on to the contents of the text itself, I will first comment on the form of the text and some of its more interesting orthographic features.

### *The Physical Features of the Document*

IOL Tib J 740 consists of a long scroll (849cm X 26cm) containing Chinese on the *recto* and Tibetan on the *verso*. The Chinese text is the *Suvarṇaprabhāsottamasūtreṅdrarājasūtra* in 473 columns. The Tibetan side of the scroll contains two separate but related texts, both of them complete. The first, which comprises the first 237 lines, concerns *mo* divination, and the second consists of 122 lines containing various replies given to legal questions arising from the implementation of a new legal edict. Both texts appear to have been written by the same hand and both employ the same style of punctuation. The text is written in *dbu-can* script in faded black ink, with no ornamentation, and there is some creasing and fraying near the edges of the scroll. It bears no official seal. The divination text is far more tattered than the legal text, revealing that it was consulted more frequently. The Tibetan texts cover only about three quarters of the *verso*, while the Chinese takes up nearly the entire *recto*. There is no Tibetan on the *recto*.

### *A Note on Orthography*

Before moving on to a treatment of the contents of this document, I would like to point out some of its orthographic peculiarities. Alternation between aspirated and unaspirated consonants, the use of *pe'i* or *pe* in place of *pa'i*, and the use of the *ya-btags* are all common, as is the use of reverse *gi-gu* and the indiscriminate *gi-gu* (transliterated 'i').<sup>23</sup> The text employs only *gi/gis* and *gyi/gyis* as genitive, instrumentive and agentive particles; there is no use of *kyi/kyis* following *d*, *b* or *s* suffixes, which are instead followed by *gyi/gyis*. Another feature of the text is a duplication of syllables appearing at the end of the line: the last syllable of a line is often repeated as the first syllable of the next line where there is no

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<sup>23</sup> This is described in MILLER 1966: 264. Miller transcribed it 'i?' and took it to be a result of laziness on the part of the scribe. On the possible phonological value of the Old Tibetan *gi-gu* and reverse *gi-gu* see also Ulving's review article of MILLER 1966 (ULVING 1972: 209-15) and Miller's subsequent rebuttal (MILLER 1981).

grammatical reason to do so. This is merely a formal practice, and should not be read as a grammatical duplication. Also, it is very difficult to distinguish the *ba* from the *pa*, since the *ba* is never completely closed at the top. These are all rather commonplace in Old Tibetan, but the use of the *tsheg* in this text, both double and single, warrants comment. The double *tsheg* predominates throughout the text, but the single *tsheg* is usually employed after *ng*, *d*, *n* and *r* suffixes. Examining the text with this in mind, it is evident that the use of double and single *tsheg* in the document was not due to the whimsy of the scribe, but followed a specific pattern. This is obviously due to space considerations: those letters with long ‘tails’ are followed by a single, instead of a double *tsheg*, because the ‘tail’ gets in the way of the lower of the two dots in the double *tsheg*. This is particularly evident in a few cases where the scribe has placed the two dots of the double *tsheg* on either side of the ‘tail’ of an *n* suffix. One problem in transcribing the pattern concerns the *ng* suffix: since the scribe ends his stroke at the end of the ‘tail’, this creates an ink dot that appears to be a shorthand way of writing the lower of the two dots in the double *tsheg*. Other samples of early Tibetan writing, such as the Zhol Inscription, employ the double and single *tsheg* according to a similar pattern. Here, too, this is probably for space considerations, but the writing in IOL Tib J 740 follows the pattern more closely than do most other Tibetan texts. The single *tsheg* is employed approximately 75% of the time after *ng*, *n*, *d* and *r* ‘suffixes’, but is used only about 5% of the time otherwise. This is either due to the peculiarities of our scribe’s writing, or it suggests that such a punctuation system had been systematized within certain corners of bureaucratic practice, in which case it may prove to be a useful tool for dating Old Tibetan writing.

In presenting the Old Tibetan text, I have transliterated it as it appears in the original documents and made as few corrections as possible in order to retain the older orthographies and irregularities. I have not bothered to correct some of the more obvious liaisons, such as *stagi* for *stag gi*, *be’i* for *ba’i*, or *lagste* for *lags te*. Likewise, I have left untouched most variants between aspirated and unaspirated consonants and also retained attested variant spellings such as *sla ~ zla* or *brtsad ~ brtsan*. Glosses that are not otherwise obvious are given in the footnotes, along with unclear readings. The original punctuation is retained in the transliteration of the second text in IOL Tib J 740 at the end of this chapter, but has been removed from the quotations in the body of the chapter for ease of presentation.

Further editing conventions are as follows:

*I* Reverse *gi-gu*.

*î* Indiscriminate *gi-gu*.

[abc] Intentional deletions in the original.

abc<sub>abc</sub>abc Text intercalated below line.

### *The Structure of the Document*

In the past, most researchers have concentrated on one or the other text in IOL Tib J 740, but never both. Though most of the present analysis concerns the legal text that forms the second part of the document, I wish to demonstrate that the two texts contained in this document are in fact related. Let us turn first to the *mo* divination manual. To my knowledge, F.W. Thomas was the first to comment on the text, but he mentioned only the first half of the text dealing with *mo* divination (THOMAS 1957: 140).<sup>24</sup> Thomas recognised the structure of the text and its similarity to the other divination documents he analysed: each paragraph was preceded by three sets of small circles, each set containing between one to four circles, indicating the scores of three dice rolls. These dice rolls resulted from throwing three four-sided dice, of the rectangular variety that were found in Miran and Mazar Tagh (STEIN 1907: pl. LXXIV, n. xv. 004).



This creates 64 possible combinations, each of which corresponds to one of the entries in the divination book consulted. The *mo* divination manual could also be consulted with recourse to pebbles, and this is evident in the introductory formula to several passages that begin ‘if the pebble jumps.’.. (*rdi phur te*) (l. 115).

<sup>24</sup> The divination text has since been treated in greater detail in GESANG 2005.

Thomas stated that the *mo* text in IOL Tib J 740 consisted of 63 paragraphs in 236 lines (THOMAS 1957: 140). In point of fact, there are 62 paragraphs: the *mo* for the combinations 4 1 2 and 4 3 2 are missing. Further, the text consists of 237 lines, as is evident from the critical editing of Nishida and Ishikawa for OTDO.<sup>25</sup>

The types of prognostications found in the various paragraphs in IOL Tib J 740 are consistent with those in other Old Tibetan divination texts.<sup>26</sup> These were usually consulted for a specific purpose, such as a medical prognosis. The substance of the divination results themselves is rather vague, being generally good or bad, but rarely specified with reference to any given set of circumstances. This is presumably by design, as it gives the diviner some leeway to interpret the results according to the situation. A translation of two examples should suffice to demonstrate the general character of the divinations.

4 1 4:

From the mouth of the road god (Lam-lha): You, human! The gods look upon you with compassion! If you have cast this [divination] for a legal trial (*zhal-ces*), you will be free. If you go trading, your trading will prevail. Not thinking in [your] heart, 'I am clever,' you should honour the gods and your heart's desire will be fulfilled. This is a good prognosis (*mo*). (4 1 4 : // lam lha'I zhal nas myl khyodlhas thugs rje gzIgte / zhal ces btab na yang / thar /tshong bya na yang tshong rgyal / snyIng la bdag 'dzangs snyam masem par lha la phyag 'tshol [dang?] snyIng la bsam ba'bzhl'n 'ongste mo bzango /) (IOL Tib J 740, ll. 40-43).

3 4 3:

From the mouth of the god 'O-de Gung-rgyal: when the king acts as a god, he raises his visage; when a royal subject acts as the lord, he raises his face. When they make a fire in the land of gods, they sing in the land of men. Human—not finding wealth in your house, take to the road, and you will meet with wealth. This is a good prognosis. (3 4 3 / lha 'o degung rgyal gyl zhal nas rgyal po lhas mdzad na zhal mtho

<sup>25</sup> The edited text can be viewed via the website of Old Tibetan Documents Online at <http://www.aa.tufs.ac.jp> and in the first volume of the OTDO monograph series, IMAEDA AND TAKEUCHI *et al.* 2007: 334-45.

<sup>26</sup> For a typology of the prose and verse employed in Old Tibetan divination texts, along with a brief mention of the present text, see STEIN 1971-1972: 440-50. It is interesting to note the similarity between the verses of *mo* prognoses in Old Tibetan divination texts and those of the dice calls used in games of dice (cf. BDE-CHEN 2003: 2ff.). Both genres contain anecdotes relating to gods and famous events or people, and a mutual influence is not unlikely.

*/rgyal rgyal*<sup>27</sup> 'bangs rjes mjad na go mtho lha yul na mye 'bar myI yul na glu len myI khyim na nor myI rnyedelamdu zhugsne<sup>28</sup> nor dang phrade mo bzango /) (IOL Tib J 740, ll. 69-72).

As in the case of each of these examples, every prognosis (*mo*) in the text ends with a short statement declaring the quality of the prognosis. This is usually either 'good' or 'bad', but sometimes 'very good', 'very bad' or 'average' ('bring). The balance is tipped well in favour of a good prognosis, however, with 36 'good' prognoses against only thirteen 'bad' prognoses. This is evident from the following table, which presents the text in a simplified form. Though numerous entries name divine beings, the only such beings listed in the table below are those from whose mouths the prognoses come.

Table 3: The prognoses (*mo*) of IOL Tib J 740.

<i>Line Numbers</i>	<i>Dice Rolls</i>	<i>Source of Prognosis</i>	<i>Quality of Prognosis</i>
1-4	4 4 4	Lhe'u rje Zin-tags	Good
5-9	4 4 3	Lha Gangs-po Shon-gangs	Good
10-12	4 4 1	Lha-myi La-rgyung	Good
13-16	4 3 1		Good
17-20	4 4 2	Ltang Spu rje btsan-ba	Good
21-25	4 3 4	Lha Thang-lha Ya-bzhur	Good
26-29	4 2 4		Good
30-33	4 3 3	Rma-kho Rmo-snying	Good
34-39	4 2 1	Lha-myi La-rgyung	Good
40-43	4 1 4	Lam-lha	Good
44-47	4 2 3	Lha Ma-bar	Good and

<sup>27</sup> This duplication is of the formal (i.e., non-grammatical) type, where words at the end of one line are repeated at the beginning of the next.

<sup>28</sup> Read *na*.

			Excellent
48-51	4 1 3	Myi lha chen-po 'dra'	Very bad
52-54	4 2 2		Bad
55-58	4 1 1		Very bad
59-61	3 3 3	Mu-sman	Good
62-65	3 3 4	Lha Btsan-po	Good
66-68	3 1 4	Srog Stam-chen	Good
69-72	3 4 3	Lha 'O-de gung- rgyal	Good
73-79	3 4 4		Very good
80-84	3 2 4		Good
85-90	3 4 2	Lha Dbyar-mo- thang	Good
91-93	3 1 2		Good
94-99	3 3 2		Good
99-102	3 3 1		Good
103-106	3 1 3	Lhe'u-rje Zin-tag	Good
107-109	3 2 3		Good
110-113	3 4 1		Bad
114-117	3 2 1	Phyug-lha Snyer- 'bum	Good
118-120	3 2 2	Lha Mu-tsa-med	Good
121-124	3 1 1	Gar-the Chos-bu	Good
125-128	2 2 2		Bad
129-132	2 4 4		Good
133-138	2 2 4	Lam-lha	Bad
139-141	2 1 3	Yul-lha Pom-ting	Good
142-146	2 3 3		Good
147-150	2 4 2		Bad
151-153	2 4 3	Lha Rgyung-tsa	Good
154-157	2 4 1	Lhe'u-rje Zin- tags	Good
158-162	2 1 4		Good
162-164	2 3 2	Yar-lha sham- pho	Good
165-168	2 3 4	Rma Sha-bo	Good
169-171	2 2 3		Bad

172-174	2 1 2	Myi btsan Tsom-po	Bad
175-176	2 1 1		Average ('bring)
177-180	2 3 1	Ltang-ring	Basis (gzhi)
180-183	2 2 1	Srog-lha Stam-chen	Bad
184-186	1 1 1	Srin-mtshan Dgu-po	Bad
187-189	1 3 4		Average
190-193	1 1 4		Good
194-196	1 2 3		Average
197-200	1 4 3	Dpal-mo Mthong-chen	Good
201-204	1 3 2	Yar-lha Sham-pho	Good
205-207	1 1 2		Below average ('bring-smad)
208-211	1 4 4	Sha-med Gangs-dkar	Good
212-215	1 4 2	Ngo-sa Khu-bar	Average
216-218	1 3 1		Average
219-221	1 2 2		Bad
222-224	1 1 3	Lha Byi-rje	Bad
225-227	1 3 3	Sla-bo Sla-sras	Good
228-230	1 2 4	Lha Thun-'tsho	Good
231-234	1 4 1		Bad
235-237	1 2 1		Bad

One of the most interesting features of this divination manual is that the prognosis often comes from the mouth of a divinity. The divinities mentioned are striking in that they tie together the gods of the centre with those of the periphery. The territorial divinity of the 'On region, 'O-lde Gung-rgyal (l. 70) is listed, as is that of Yar-lung, Yar-lha Sham-po (ll. 163, 202). So too is Thang-lha Ya-bzhur (l. 22), the mountain deity of 'Phan-yul and the areas surrounding the Gnyan-chen Thang-lha range. These are all well-known mountain gods in central Tibet, but some lesser known gods such as Sha-med Gangs-dkar (l. 209), Lhe'u-rje Zin-tags (ll. 2, 104, 155) and Sla-bo Sla-sras (l. 226) also deliver prognoses in the text. The first two of

these lesser deities are called upon as witnesses in the song of Emperor 'Dus-srong (reigned 685-704) in the *Old Tibetan Chronicle* (BACOT *et al* 1940-46: 119, 164), and these two mountain deities were later incorporated into the pantheons of the 'twelve protectors of the doctrine/chthonic goddesses' (*brtan-ma bcu-gnyis*) and the 'thirteen mountain deities associated with the Btsan-po' (*mgur-lha bcu-gsum*), respectively.<sup>29</sup> The god Sla-bo Sla-sras is mentioned as 'lord' (*rje*) Bla-bo Bla-sras in the Dunhuang ritual text IOL Tib J 734 (ll. 88, 100, 165; THOMAS 1957: 64-67, 80-85). He is also known from later sources: in *KhG*, Lha-bo Lha-sras was among the twelve 'intelligent ones' (*shes-pa can*) who saw the first Tibetan Emperor, Gnya'-khri Btsan-po, descend from the peak of Lha-ri Gyang-tho and arrive at Lha-ri Rol-po Btsan-thang Sgo-bzhi (*KhG*: 159). In a parallel narrative in *Lde'u*, the god Sgam Lha-bo Lha-sras welcomes the new Tibetan sovereign on one of the stages of his journey from heaven to earth (*Lde'u*: 236; KARMAY 1998 [1994]: 302. The other deities mentioned in the divination manual are lesser known or unattested, but special mention must be made of the god Dbyar-mo-thang (l. 86), no doubt connected with the site of the same name in eastern Tibet.<sup>30</sup>

As detailed by MACDONALD (1971: 271-87), Old Tibetan divination texts vary greatly: while some show a marked Buddhist influence, with prognoses coming from the mouths of *bodhisattvas*, other texts seem to reflect an ancient Tibetan tradition with little or no discernible Buddhist influence. The current text seems to fall into the latter category. The text explicitly mentions *bon-po* four times (ll. 14, 54, 111, 206). In one example, the prognosis states 'it is inappropriate for one skilled in *bon* not to perform *bon*; this is a bad prognosis' (*phon mkhas pas bon ma byas na myi rung te mo nganto/*, l. 54). This does not necessarily identify the author(s) of this divination text as *bon-po*, but at least suggests that it came from a

<sup>29</sup> For the *brtan-ma bcu-gnyis*, see NEBESKY-WOJKOWITZ 1998 [1956]: 181-98. According to Nebesky-Wojkowitz's lists, Sha-med Gangs-dkar is located either at Lha-phu gangs, Rdo-rje Brag-dkar, or Rdo-rje Brag-dmar. According to GNYA'-GONG (1993: 390, n. 15), Lhe'u-rje Zin-brang is one of the thirteen mountain deities associated with the Btsan-po (*mgur-lha bcu-gsum*). On this class of deities, see NEBESKY-WOJKOWITZ 1998 [1956]: 223-24.

<sup>30</sup> On the possible locations of this site, which is connected with the treaty of 821-823 between Tibet, China, the Uighurs and Nanzhao, see UEBACH 1991: 516-22, and KAPSTEIN 2004: 106-8.

'*bon-po milieu*', or at least was authored by someone well disposed to this class of Tibetan ritual specialists.<sup>31</sup>

*A Problem of Interpretation: Dice or Tax?*

Aside from Thomas, la Vallée Poussin also noted the existence of IOL Tib J 740. In his Catalogue of Tibetan texts in the Stein collection of the then India Office Library, LA VALLÉE POUSSIN (1962: 234) characterizes the first part of the document as *mo* divination, and the second part as a 'document about taxes'. IOL Tib J 740 then seems to have gone all but unnoticed until Richardson remarked on the second part of the document in his 1989 article, 'Early Tibetan Law Concerning Dog-Bite'. There he rightly states that the document 'gives details of the proper decision, according to a new set of regulations, in cases concerning such matters as loans, taxation, marital disputes and so on' (RICHARDSON 1998 [1989]: 135). Richardson studied the document in further detail, but only a partial translation is found in his papers.<sup>32</sup>

The second part of the document is entitled *StagI lo'i bka'I sho byung be'i sho tshlgs gyI zhus lan*, or 'Replies concerning *sho-tshigs* from the tiger year *sho* edict'. The text contains replies given to questions that concern property, loans, interest, marriage, monasteries and the conscription of troops. These issues are spread out over eleven 'clauses', or sets of questions and answers, and 122 lines. In each clause, the structure is the same: a question is submitted from the minister of the exterior (*phyi-blon*) to the judges of the court retinue (*pho-brang 'khor gyi zhal-ce-pa*), who report back with their decisions. In each case, it is always a question of whether a matter can be decided 'by means of *sho*'. The final words of the petition thus typically end, 'Do we decide by means of *sho* or not—how do you command?' (*shos gcad dam myI gcad ji ltar 'tshal*) (IOL Tib J 740, ll. 7, 69-70).

This underlines the pivotal issue concerning the interpretation and translation of this text: the definition of the term *sho*. While the most common meaning of the word is 'dice', Richardson, perhaps due to the repeated mention in the text of loans (*bu-lon, skyin*), interest

<sup>31</sup> On my use of the terms Bon and *bon-po*, refer to n. 4 of the Preface.

<sup>32</sup> Drafts of a partial transliteration and partial translation are kept in the Richardson papers at the Bodleian Library under the catalogue number MS. Or. Richardson 44.

(*gyur*, *skyed*), fines (*chad*), judicial punishment (*kh rin*)<sup>33</sup> and repayment (*sbyang*), read *sho* as ‘tax’. In doing so, he may have had in mind compound terms such as *sho-gam* (JÄSCHKE 1998 [1881]: 563) and *sho-khral* (ZHANG *et al* 1998 [1984]: 2866), both meaning ‘customs’, ‘duty’, or, in a looser sense, ‘tax’. While I initially applied this reading in my own attempts to translate the text, it became apparent that this reading of *sho* was untenable.

The language of the document is quite obscure due not only to its antiquity, but also to its legal milieu. It employs a specialized legal vocabulary, and includes phrases in a legal jargon that is very difficult to translate. Nonetheless, the grammar is generally consistent. In the phrase *shos gcad*, *sho* is in the instrumentive case, so the petitioners are asking whether or not they should *gcad* (cut, decide) by means of *sho*. To read *sho* as tax would render the phrase ‘to cut/decide by means of tax’. For this to make sense in context, it would have to mean ‘to apply tax’. This would be a rather unusual turn of phrase, and such a translation stretches the bounds of Tibetan grammar far more than the obvious reading, ‘decide by means of dice’. The veracity of this reading can be further demonstrated in the context of some examples from the text.

Clause IV (ll. 251-58) concerns the legislation of loans and interest. The passage is first given in transliteration, with only minor editing, and then translated in two separate ways. The first translation reads *sho* as ‘dice’, and the second translates *sho* as ‘tax’.

*bla 'ogI bu londu gyur pe'i rnamshos myi gcado zhes byung na / bu lon gyi / gyur ded pe'i mchid nas nI gyur yang bu lon shos myI gcad pe'i nang 'du 'du / kh rin ma lags / pas bka' shos myI gcad par gsol ces mchI / chags pe'i khungs po'i mchId nas ni bla 'ogI bu lon shos myI gcad par 'pyung gis / gyur shos myi gcad par yang myi 'pyung la / gyur ces bgyI pa' bu lon dngos sho ma lagste / sngar bu lon dusu ma phul pe'i nongs pe'i chad par gyur pas / 'dI yang nyes che phra [pa] 'dra pas / chad pa 'gum spyug man cad la thug pa / thugs dpag mdzad pe'i bka' shos bcad par gsol ces 'byung 'ba'di rnamshos gang ltar 'tshal / kha mar las byung ba' shos gcad par 'tshol cIg // (IOL Tib J 740, ll. 251-58).*

Translation one: *sho* as dice.

[Question:] Where it is said that interest on those loans that come under the authority (*bla 'og*) is not decided by means of dice, and the one

<sup>33</sup> On the meaning of this term, see COBLIN 1991: 73 and DOTSON forthcoming b.

pursuing the interest on the loan (*gyur ded-pa*) [the lender],<sup>34</sup> requests that the interest should be included within those [cases] of loans that are not decided by means of dice, and that [the interest] should not be a legal punishment (*kh rin*), and therefore should not be decided by means of the dice edict, and the source of the loan [the borrower] requests that since it is the case that a loan under the authority is not decided by means of dice, but it is not the case that interest cannot be decided by means of dice, that there be no dice for the loan itself, but that they do it for what is regarded as interest, and that we kindly decide by means of the dice edict the punishment, from death and banishment on down, according to the severity of the crime, for outstanding previously unpaid loans that have since become punishable offences, how do you command [we resolve] these [matters]?

[Answer:] According to the red notch [instructions], decide by means of dice!

Translation two: *sho* as tax.

[Question:] Where it is said that interest on those loans that come under the authority (*bla 'og*) is not taxed, and the one pursuing the interest on the loan (*gyur ded-pa*) [the lender], states that both the interest and the loan are included within those [cases] that are not taxed, and requests that the tax edict not be applied on account of it not being a legal punishment (*kh rin*), and the source of the loan [the borrower] requests that since it is the case that a loan under the authority is not taxable, but it is not the case that the interest is not taxable, that there be no tax for the loan itself, but that they do it for what is regarded as interest, and that we kindly decide by means of the tax edict the punishment, from death and banishment on down, according to the severity of the crime, for outstanding previously unpaid loans that have since become harmful offences, how do you command [we resolve] these [matters]?

[Answer:] According to the red notch [instructions]: apply the tax!

The reading of *sho* in this passage determines the manner of loan repayment. Reading *sho* as dice, the lender (*gyur ded-pa*, lit. ‘the one pursuing the interest’) wants to be repaid without recourse to dice, while the borrower (*chags-pa'i khungs-po*, lit. ‘the source of the loan’), wants the interest to be decided by means of dice. This is obviously to the advantage of the borrower, as interest, which is generally applied to late payment, is usually decided according to a

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<sup>34</sup> The use of the verb *'ded* in this construction seems to be parallel to its use in the modern nominalized compound *bun 'ded*, short for *lo-bun 'ded-pa*, meaning ‘loan collector’ (GOLDSTEIN 2001: 723).

contract (TAKEUCHI 1995: 46-91), and a good roll of the dice could conceivably free the borrower from having to pay any interest at all.<sup>35</sup> Further, the debtor requests that his punishment for criminally overdue loans be decided in the same manner, perhaps also in hopes of the dice setting him free.

On the other hand, if one reads *sho* in this passage as ‘tax’, and *shos gcad* as ‘to tax’, then the debtor’s request is exceedingly odd, since he is asking to be taxed for the interest he owes. It further beggars belief that he should request to be punished for his outstanding debts according to a tax code that may have him banished or executed. This being the case, if we assume that the borrower is not voicing self-destructive impulses, but is acting in his own self-interest, then the context stands together with the grammar to support the translation of *sho* as ‘dice’, and *shos-gcad* as ‘to decide by means of dice’.

The veracity of this reading is further underlined by a passage in clause VII (ll. 269-86), where disputes concerning an unmarried woman’s chastity are decided by means of dice (*infra*, 42-46). Reading such a passage in terms of tax would render it nonsensical.

We can therefore return to the title of the text, which is ‘Replies concerning the dice statutes (*sho-tshigs*) from the tiger year dice edict (*bka’-sho*)’. It is evident from the text itself that the dice statutes indicate when it is appropriate to use dice to resolve a legal matter. The questions and answers that comprise the second part of IOL Tib J 740 concern those matters that were left sufficiently unclear in these statutes so as to warrant a formal petition. This could be confirmed, of course, were the text of the tiger year dice edict ever to come to light. It should be noted here that the clauses of ‘Replies concerning the dice statutes from the tiger year dice edict’ do not imply that dice were employed only in instances where the facts of the case were disputed or unclear. The clauses plainly include instances where dice decided disputed facts, the final

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<sup>35</sup> Takeuchi noted the formula according to which failure to pay on time doubled the amount to be paid: ‘in case [the borrower] should fail to repay by that time or if he tries to conspire [not to pay, the amount of payment] shall be doubled’ (*dus der ma phul lam gya gyu zhig ’tshal na / gcig la gnyis su [-] bsgyur te*) (IOL Tib J 1141, ll. 5-6; TAKEUCHI 1995: 199, 200). This formula is often followed by a statement to the effect that the lender can then foreclose on the borrower’s possessions. The statement usually begins, *dnegos bsgyur dang bcas-pa* or *dnegos gyur dang bcas-pa*. Takeuchi went some way towards defining this phrase (TAKEUCHI 1995: 52), and it is evident that it means ‘[the loan] itself, with that which it has become (*bsgyur*)’. In other words, ‘the loan, with interest (*gyur*)’.

outcome of the case, and the punishment of a guilty party. In every clause of the text, the local magistrates ask how to decide a case or a point in a case according to the dice statutes of a dice edict. Therefore they had access to legal norms that prescribed dice as a legal means, but the norms were insufficient in these particular cases due either to their complexity or to the inadequacy of the dice statutes in the tiger year dice edict. That the magistrates had access to such norms is evident in their references to previous dice edicts, so the confusion seems simply to have been with the new edict.

Having demonstrated that this legal text does indeed concern whether or not to decide cases, and aspects of cases, according to the roll of the dice, its connection with the *mo* divination text is now evident: when a case was decided by means of dice, it was done with recourse to the *mo* divination text in the first part of the scroll. It is unclear, however, whether or not the *mo* divination text, like the replies to questions concerning the dice edict, was issued from the court (*pho-brang*). Though they appear to be written in the same hand, the document bears no seal, and is most likely the copy of an official document. Therefore, the possibility remains that the divination manual was not a standardized set of prognoses (*mo*) issued from the centre by imperial officials. This conclusion seems all the more likely considering the fact that the manual's prognoses are supremely generic, and that they refer also to pebbles, which, like dice, were used for divination. It seems, then, that in deciding cases, the local magistrates pragmatically employed a generic divination manual, and not an official manual issued from the court. In either scenario, however, the Tibetan Empire did create a standardized method of deciding the guidelines for punishment. Furthermore, whether the gods in this divination manual who give voice to the various prognoses were assembled on an ad-hoc basis as a sort of organic, informal pantheon, or represented a standard set issued from the centre, this divination manual unifies many of the telluric deities of Tibet for the purpose of governance and the rule of law, and stands as a witness to a process of ritual centralization whereby Tibet created a 'national' pantheon.

### *On Dice and Divinity*

The use of dice and other games of chance in deciding legal matters is well-known in the more recent history of Tibet. In his study of homicide disputes in Sakya, for example, HENDERSON (1964: 1103) mentions a case where the accused was forced to roll dice on the skin

of a freshly killed yak, and, winning the roll, was allowed to go free. CASSINELLI AND EKVALL (1969: 176-77) apparently describe this same trial, but in their analysis it appears that the case was only decided in this manner because the facts of the case could not be established with certainty. FRENCH (1995: 134-35) also mentions two cases, one in Lhasa in the 1930s concerning inheritance, the other in southwest Tibet concerning a loan, where the disputed facts of the case were decided by rolling dice. In the modern legal cases mentioned by Henderson and French, both state that recourse to dice was not considered to be a matter of mere chance, but was believed to reveal the will of the gods.

There are numerous other instances where chance is employed in order to resolve what might be viewed as official matters. One well-known procedure for choosing between candidates for a given office is to write the candidates' names on pieces of paper, sometimes within a ball of dough, put them into a bowl or urn and pick one at random to reveal the successful candidate.<sup>36</sup> In some instances, as in the selection of the caretaker of Khra-'brug Monastery, the name was chosen in front of the image of a divinity (SØRENSEN *et al* 2005: 109-10, n. 282), and in other cases various gods were called upon as witnesses. Ramble analyzed a similar process in the Tibetan-ethnic village of Te in Nepal's Mustang district, whereby the village headman is elected by means of an elaborate ritual game that effectively randomizes the outcome (RAMBLE 1993: 292-95). In a brilliant analysis of this 'game' of chance, Ramble reveals that the role of divine intervention in the selection, according to the participants themselves, was secondary at best. RAMBLE (1993: 297) concludes that the 'evidence leaves us with no option but to conclude that it is the *game itself* which decides. People nominate certain candidates, and the gods are called as witnesses to the decision, but the selection is made by nothing other than the game.' A similar process may be at work in the legal procedures revealed in the present document: although the general prognosis and legal decision (but not the specific sentence or terms) often comes from the mouth of a divinity, the prognosis, whether it comes from a divinity or not, is always the result of the roll of the dice. Approaching this from a functionalist perspective, there is little difference whether one attributes the agency in such a procedure to the gods or to random

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<sup>36</sup> See RAMBLE 1993: 295-96 for two relevant examples relating to the selection of the abbot of Sman-ri Monastery and the junior tutor of the Dalai Lama, respectively.

chance. In either case, it is a mechanism through which figures of authority legitimate their decisions by means of placing agency outside of themselves. The role of the local magistrate who presides over the decision is therefore that of a caretaker or assistant who mediates the decision handed down by the dice.

### THE CONTENTS OF THE LEGAL TEXT

Having discussed the nature of the two documents comprising IOL Tib J 740, demonstrated their relationship, and located them in relation to Tibetan legal practice, we can now examine in some detail the contents of the second text, 'Replies concerning the dice statutes from the tiger year dice edict'.

As mentioned above, the legal document contains eleven sets of answered questions and 122 lines. The contents are important not only for what they tell us about Tibetan imperial legal procedure and the law itself, but for the assumptions they reveal about the nature of Tibetan society at the time. Some of the clauses, in particular the clause treating the legal status of monastic estates and monastic property and the clause dealing with the provisioning of soldiers, clarify important issues relating to the day to day functioning of the empire, and will therefore be analyzed in some detail.

The text's eleven sets of questions and answers may be summarized as follows:

'Replies concerning the dice statutes from the tiger year dice edict'.

- I. (ll. 239-42) Relates to the precedence of the statutes of the tiger year dice edict over earlier dice edicts.
- II. (ll. 242-46) Relates to the applicability of the dice edict to land, persons and households that were previously not subject to [decisions through] dice edicts.
- III. (ll. 246-51) Relates to the correct procedure for compensating a husband when a woman breaks off a marriage and returns to her natal home.
- IV. (ll. 251-58) Relates to a dispute between lender and borrower.
- V. (ll. 258-63) Relates to loans that have been secretly re-lent or resold by the borrower.
- VI. (ll. 263-67) Relates to deposited securities (*bzhag-btam*).
- VII. (ll. 268-86) Relates to the proper legal procedure when a married woman is stolen from her husband or when an unmarried woman is kidnapped.

- VIII. (ll. 286-303) Treats the proper procedure for punishing a messenger who loses horses, wages, etc., entrusted to him.
- IX. (ll. 303-20) Relates to loans made by a monastic estate and the legal status of the property of a temple or monastery.
- X. (ll. 320-31) Concerns proper legal procedure when an estate loses its harvest to hail and cannot fill its quotas to the army or to a garrison.
- XI. (ll. 331-59) Concerns the proper provisioning of soldiers by the estates, and punishment for their failing to send the required provisions.

The structure of each clause is the same: in the first part the problem is summarized and a question submitted, and in the second part an answer is given. The text is composite in nature, since it consists of answers given by judges of the court retinue (*pho-brang khor gyi zhal-ces-pa*) to numerous questions submitted by petition through the minister of the exterior (*phyi-blon*). The only continuity in these questions and answers is that they all relate to the correct implementation of the statutes of a new edict issued in a tiger year. As a result, the topics addressed are far ranging, and move from matters of debt, loans and interest to wife capture, monastic estates and troop conscription. Far from being a set of 'frequently asked questions', these clauses appear to have arisen organically from numerous disputes. The manner in which these decisions are taken is instructive, as it demonstrates a high degree of legal and administrative centralization. Two 'addenda' (*yan-lag/yal-ga*) in the text clarify the process by which these sets of questions and answers were created. In both cases, they precede the text of the decision dispatched from the court.

From a supplement (*yan-lag*) to the dice statutes: decision in response to a petition dispatched (*dgyigs*) from the place [seat] of the exterior minister to the place of the judge[s] (*zhal-ces-pa*) of the court retinue: (*sho tshigs gyi yan lag las / pho brang khor gyi zhal ces pe sar [nas] zhus pa / phyi lon sa nas dgyilgste zhus pa / mchId gyis bcade zhus pe'i zhus lan /*) (ll. 268-69).

From a supplement (*yal-ga*) to the dice statutes of the tiger<sup>37</sup> year: decision dispatched from the place of the judge(s) of the court retinue to the place of the minister of the exterior: (*[rta'I] sta lo'I sho tshigs gyi yal ga' las pho brang khor gyi zhal ces pas / [phyi blon sar] zhal*

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<sup>37</sup> 'Horse' (*rta*) was crossed out and replaced, below the line by *sta*, presumably for tiger (*stag*).

*ce'i pe'I sa nas zhus las / phyI blon sar dgyigste mchld gyis bcad pa / /*  
(ll. 273-75).

These clauses locate the decisions contained in the text at the Tibetan court (*pho-brang*), the (mobile) centre of the Tibetan Empire. Therefore the clauses can be taken to represent the legal positions of judges of the central Tibetan imperial government, and cannot be dismissed as representative only of the local area from which each legal query arose. Presumably these cases were brought first to local magistrates, who had trouble with the cases and submitted them to the minister of the exterior, who in turn submitted the case to the judges of the court retinue for a final decision. The clauses in the text are composed of these decisions, which, as is often the case in such official correspondence, open with the original question before moving on to the decision.<sup>38</sup> The document is therefore a testament to the legal and bureaucratic centralization of the Tibetan Empire: matters arising on the periphery are decided at the centre.

The nature of the decisions is important as well. In most cases, the correspondence has to do with the applicability of the dice edict to specific legal cases. Here, as mentioned above, the local magistrate probably had some room to negotiate the terms of a given legal sentence, as the dice presumably decide only who wins a case, or determine a certain point in the case, and not the terms of the settlement. One is tempted to see here the sort of dynamic between centralization and decentralization that held sway in early twentieth century Tibet, where the central administration was content to devolve nearly all legal authority to local administrators, provided that taxes arrived on time (GOLDSTEIN 1971b: 180). In other clauses among the 'Replies', however, the judges of the court retinue hand down full legal decisions. Further, these decisions do not concern only murder or treason, but include more mundane affairs such as marriage and separation (ll. 246-51). This demonstrates a very high degree of legal centralization that was never again matched by any subsequent Tibetan administration. Further, it demands that we rethink to some extent the theory that the exercise of 'soft power' and devolution of authority to the periphery by subsequent Tibetan governments was due to long-standing Tibetan ideology, rather than to straightforward impotence.

This discussion brings up another important question: who were the local magistrates who made these decisions according to the

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<sup>38</sup> See, for example, PT 1089, an answer to a petition concerning the order of rank in Sha-cu, i.e., Dunhuang (LALOU 1955).

guidelines relayed by the minister of the exterior from the judges of the Tibetan court? Their identity or rank is never mentioned explicitly. It is worth noting, however, that in their recourse to *mo* divination they employ technologies taken directly from a ritualist milieu: the methodology of the diviner in making a prognosis, medical or otherwise, and that of the local magistrate in deciding a legal case were virtually identical in form and content. Considering *mo* divination, in which the prognoses often issue 'from the mouth of a god' (*lha'i zhal nas*), Macdonald contends that the prognoses came from mediums in whom the gods and spirits incarnated, and through whom they spoke (MACDONALD 1971: 275, 285). Whether these divinations truly involved possession or not, the question remains: was the use of *mo* divination in a legal context an administrative appropriation of ritual technology, or evidence that ritualists occupied administrative positions as local leaders? Whether the overlap in ritual technologies between the *bon* or *gshen* diagnosing an illness and the local magistrate deciding a legal case indicates that these roles were united in one person is far from clear. That the roles of ritualist, healer and administrator should overlap in a Tibetan context, however, is by no means a radical proposition, and warrants consideration.

The questions and answers in some clauses can be very straightforward, but problematic in those clauses where multiple issues are addressed by more than one authority. The decisions issued from the judges of the court retinue most often open with the phrase *kha-mar las* or *myig-mar las*, and this reveals that the medium through which these decisions were issued was a wooden slip. The *kha-dmar/kha-mar* or 'red notch' refers to the type of notched wooden slip in which instructions concerning judicial decisions were sent. This is made clear in a passage of the 'Section on Law and State' in *Lde'u* that concerns the types of wooden slips appropriate to various legal judgments:

As for the three legal slips (*zhal-lce'i byang-bu*),<sup>39</sup> the 'good undefiled' (*zang-yag*) adheres to the testimony of the complainant (*blo-yus*), and states that he is honest. The striped middle (*sked-khra*) [slip] judges the lawsuit as false, and states that the complainants' wealth is to be confiscated. The red-notched (*kha-dmar*) slip states that instructions are attached (*kha-dmar 'dogs*). Those are the three slips.

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<sup>39</sup> The corresponding Classical Tibetan term, *zhal-lce*, may be a folk etymology of the Old Tibetan term *zhal-ce/ zhal-ces*. Here the *zhal* in the term *zhal-ce/ces* may well be related to *'jal/bcal/gzhal/'jol*, 'weigh, assess, ponder, judge'.

*(zhal lce'i byang bu gsum ni/ zang yag bya ba blo yus kyi shags dang sbyar nas drang por gcod pa la zer ro/ sked khra ni zhal lce yon por gcod gcod pa la zer te/ blo yus kyi nor za ba la zer ro/ byang bu kha dmar ni kha dmar 'dogs pa la zer te/ byang bu gsum mo. Lde'u: 262).*<sup>40</sup>

It is evident that the red notched slip and the attendant instructions are used only in cases where there is no clear verdict for or against a complainant, but a more nuanced decision. The same passage from *Lde'u* also mentions a black dot (*mig-nag*) wooden slip, but unfortunately has nothing to say on the topic of the 'red dot' (*mig-mar*) slip. The 'red dot' that is also mentioned in some clauses of 'Replies' is most likely also a type of slip used to relay instructions regarding a legal decision, but I can observe no qualitative difference between the type of content in the red dot instructions versus the content of the red notch instructions. In any case, both 'red notch' and 'red dot', though ostensibly names of the types of wooden slips themselves, appear to be used metonymically to refer to the information the slips contain and perhaps even to the offices that issue them.

Turning to an analysis of the clauses themselves, since the document is rather long and unwieldy, it will be preferable to summarize the document's more interesting aspects by theme rather than offering here a full translation.

### *Loans, Interest, Debt and Corvée Labour*

Many of the clauses in the document deal with loans and interest and whether or not they are subject to a decision by dice. The above translation of clause IV (ll. 251-58) already demonstrated a case in which the borrower wishes the interest on a loan to be decided by means of dice, while the lender, presumably favouring the terms of

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<sup>40</sup> Despite the fact that *KhG* relied heavily on *Lde'u* as a source for its 'Section on Law and State', the passage on legal slips quoted above is left out of the 'Section on Law and State' in *KhG*, and placed further on in *KhG*'s narrative in a chapter devoted to the reign of Khri Srong-lde-brtsan (reigned 756-c.800). There it makes up one of the reforms created by minister Mgos Khri-bzang Yab-lhag. The passage is evidently lifted from *Lde'u*, but contains an explanatory gloss on the meaning of *kha-dmar*. 'The [slip] that adheres to the complainants' testimony, and finds it to be honest is called the 'good undefiled' (*zang-yag*). The one that finds it false is called the 'striped middle' (*sked-khra*). The slip that has attached instructions (*kha-dmar 'dogs-pa*) concerning [who is] right and wrong is called the 'red notch' (*kha-dmar*). Those are the three legal slips.' (*blo yus kyi shags dang sbyar nas drang por gcod pa la zang yag zer/ yon por gcod pa la rked khre zer/ bden rdzun gyi kha dmar 'dogs pa la byang bu kha dmar zer te zhal ce'i byang bu gsum mo. KhG: 378*).

the contract, does not want the case to be so resolved. As remarked already, adjudicating such a case with dice is obviously to the advantage of the borrower, as interest is usually decided according to a contract, and a good dice roll could conceivably free the borrower from having to pay any interest at all. While in clause IV the judges' decision went in favour of the borrower, and allowed the case to be decided by dice, in clause V (ll. 258-63) the judges side with the lender by honouring the terms of the original contract.

[Question:] [Where] there are crimes and violations, or one subsequently parcels [a loan] ('og-dum bgyis-pa) and so forth, and the lender (*bu-lon chags-pa*)<sup>41</sup> makes an accusation, based on [the contract with] a swearer's seal (*dam-rgya*), [that the borrower] made a subsequent sale [of the loan], but the borrower (*chags-pa'i khungs-po*) requests that it be decided by means of dice because he has sold [the loan] or loaned the item itself, and the lender (*ded-pa*) requests that, as the [contract with a] swearer's seal is confirmed, it not be decided by means of dice, what is to be done with these two positions?

[Answer:]—Addendum (*bu*)—according to the red notch [instructions], do not decide by means of dice the interest on the loan.

*nongs skyon mchls pa dang / 'og tum bgyis pa lastsogs pa / 'og tu tshongsu bgyis pa bu lon chagspa snyadu dam rgya las khungs po'i mchld nas nl / tshongsu bgyis pa[s] ma [lagste] 'am bu lon dngos chags pa chags pa ma lagste<sup>42</sup> pas shos gcad par gsol / [line break] ded pe'i mchid nas nl / dam rgya brtsan shos myi gcad par gsol ces mchi 'dl nyis gang ltar 'tshal / bu/ kha mar las dpyong bu londu byur<sup>43</sup> na shos ma gcad cIg /*

Here the judges of the court retinue reject the defendant's plea for recourse to dice. This is perhaps due to his blatant violation of the loan contract. Similarly, in clause VI (ll. 263-67), which deals with deposited securities (*bzhag btam*), the judges do not allow the dice edict to interfere with a contract drawn up between two parties.

[Question:] In regard to deposited securities (*bzhag btam*), [if] it is said that they are not decided by means of dice, and men, animals (*rkang-gros*), wealth, cattle, horses and so forth were accounted for and put in

<sup>41</sup> This nominalized form appears to conflict with Takeuchi's 'type 1' formula for the opening of a loan contract, where a nominalized form would presumably indicate the borrower (TAKEUCHI 1995: 48)

<sup>42</sup> Some apparent (aborted?) efforts to delete *lagste*.

<sup>43</sup> Read *gyur*.

an official document, and the depositor (*bzhag-pa*) asks, if one does not apply the dice edict to this, and [the deposit] itself (*dnegos*) is not there [i.e., has vanished], concerning punishment of debt (*skyin khrin*), is it carried out (*dgum*) by means of dice or not? How do you command?

[Answer:] According to the red notch [instructions], as it is the case that the loan is not decided by means of dice, do not decide by means of dice!

*bzhag btam [s] lta po shos myI gcad ces 'byung ba' / myi dang rkang 'gros dang nor rdzas gnag rta lastsogs pa / btams pa las/ bka' shogdu blangs nas / bzhag pe'i mchId nas 'dl / bka' shos nI myI khums na / dnegos ma mchIs na skyin khrin lta po shos dgum gam myi dgum// jI ltar 'tshal / kha mar las bu lon shos myi gcad par 'byung bas shos myI gcad par 'tshol cig /*

This decision probably came as a great relief to the depositor, who otherwise might have lost his entire deposit to a roll of the dice despite having recorded it in a contract.

One difficulty regarding loans in the text is the phrase *bla-'og gi bu-lon*, provisionally translated 'loan under the authority'. Alternatively, *bla-'og gi bu-lon* could indicate 'a loan, [whether between those of] high or low [rank]', and indeed TAKEUCHI (1995: 148-49, 264-65) interprets *bla-'og* in this way in two of the contracts he translates. Another possibility is that the phrase means 'a loan [from] a superior [to] an inferior'. Due to the fact that *bla-'og gi bu-lon* is used not only in general descriptions, but apparently to describe the quality of a particular loan, only the first or last of these three interpretations can be correct. And if it is indeed the first interpretation that proves correct, this 'loan under the authority' is not a direct loan from the Tibetan administration, but a loan between two parties where the administration has jurisdiction. This jurisdiction is exercised in the present document by deciding whether or not the interest on a loan can be decided by means of dice, and not according to the terms of the original loan contract. This is also apparent in the case of a debt incurred by a man when he loses horses and goods entrusted to him, apparently for corvée labour, as in clause VIII (ll. 286-303). The first part of the clause describes a situation in which a man has lost goods entrusted to him, and asks how he is to be punished. The first part of a long reply is as follows:

[Answer:] According to the red dot (*myIg-mar*) [instructions], [the debt] is incurred by the messenger, and although according to the replies of the horse year the legal punishment for the debt from his loan

is decided by means of dice, according to the official law (*bka'-khrims*) debts up until the present having been repaid (*sbyang*), if there is interest on something lost or destroyed, as it is interest on a loan under the authority (*bla 'og*), it is proper that it not be decided by means of dice.

According to the reply made by the judge, concerning the so-called 'there being nothing but that in the summary' [statute], even if what is lost reappears (*yong*), it is not there [i.e., 'it does not matter'] (*ma mchis*). Concerning the dead, even if it is given up by the waters (*chab gyis 'tshal*), or by the jackals (*khyI lchang gIs 'tshal*), and even if what is lost is there [present], whether there is interest or not on what is dead or lost, summarize it in what is to be repaid (*sbyang-ba*), but it is not necessary to investigate whether or not it is in the summary (*mdo-ris*).

*myI g mar las phor phog pa dang g.yar pe'i skyIn khrIn / rta'i lo'i zhu lan las shos gcad par 'byung / gIs gyang/ bka' khrims gyis skyin ba'i 'da' bar 'byung pas sbyangste gum stordu gyur na / bla 'ogI bu londu 'gyur pas / shos myi gcad pe'i rIgs / zhal ce pas zhus pa las mdo rIs mchis mchIs pa ma mchIs zhes bya ba' nI stor pa la nI yong yang ma mchIs / gum ba' la yang chab gyIs 'tshal pa dang / khyI spyang gIs 'tshal pa dang / stor pa yang mchIs pa zhîg mchIs na / gum stordu gyur tam ma gyur pa' nI spyang be'i nang du 'du bas mdo rIs mchIs ma mchis pa myI rma be'i rIgs // (IOL Tib J 740, ll. 295-302).*

This is an interesting passage, as it demonstrates that the 'official law' (*bka'-khrims*) held precedence over the statutes of the dice edict. Here it is a matter of compensating someone whose goods and horses were lost after he entrusted them to a messenger. The application of the dice edict would allow the messenger the possibility of not having to repay his debt, but the 'official law' effectively prevents that, and therefore sides firmly with the complainant. Here the refusal to use dice may be due to it being a 'loan/ debt under the authority', namely, as administration-sponsored corvée labour over which the authorities wished to exert full legal control. This meaning is also supported by the opening to clause IV: 'Where it is said that interest on those loans that come under the authority (*bla 'og*) is not decided by means of dice.' (*supra*, 28). Of course that decision goes on to prescribe dice to settle the matter, but, as detailed already, the cases that make up this document are all by nature less than routine.

In dealing with the man's punishment for losing goods and horses, clause VIII specifically states that punishment applies even to cases where the loss is accidental: 'concerning the loss, even if it was not

the fault of men.’ (*stor lta bo myIs nongs pa yang ma lags.* l. 291). This clause therefore serves as an example of how those providing corvée labour were held responsible for any losses of transport animals or merchandise, a practice echoed in early twentieth-century Tibet, where villagers carrying out corvée labour had to pay for any breakage or loss to the goods they carried (GOLDSTEIN 1971a: 17).

The second paragraph of the reply, which applies a very literal and legalistic approach to the summary (*mdo-ris*) of the lost goods, seems to serve as a protection against messengers who steal the goods entrusted to them. Though this is a very difficult passage containing a few obscure metaphors, the meaning seems to be essentially this: once the legal proceedings concerning lost property have begun, no further evidence may be admitted, and the court will only consider the original claims. This appears to serve two purposes: it prevents the complainant from continuously adding to the list of lost goods, and, perhaps more importantly, it establishes that the case will proceed as before even if the man who initially lost the goods somehow finds them. The latter presumably occurred in a number of cases where men stole goods entrusted to them, and later, facing legal proceedings, succumbed to fear and handed them over.

A passage in another Dunhuang document, PT 1290, also concerns the proper conduct of messengers and the types of seals that they employ. Both MACDONALD (1971: 325) and STEIN (1984: 263-64) analyzed this difficult passage and noted its relevance to the Tibetan Empire’s system for relaying information. Of particular interest to the above clause, the passage in PT 1290 states that messengers can be put to death (*sod du rchugste*) for misconduct (STEIN 1984: 263). The above clause and the passage in PT 1290 indicate that the Tibetan Empire operated a sophisticated system for relaying both information and goods.

In summary, it appears from the clauses reviewed above that the Tibetan administration generally did not apply the dice edict to those cases where there was already a firm contract between two parties detailing the terms of the loan. In matters ‘under the authority’ (*bla-’og*) of the Tibetan administration, such as corvée labour, the judges, as one might expect, acted in the interest of the administration and the transportation network.

### *Women and Marriage*

‘Replies concerning the dice statutes from the tiger year dice edict’ contains two clauses that deal with women and marriage. The first,

clause III (ll. 246-51), is short and particularly illuminating on the legislation of marriage.

[Question:] According to previous dice edicts, when a girl breaks off a marriage (*bag-rgod*)<sup>44</sup> and until now resides in her paternal home and stays there, and the husband (*khyim-thab*) asks that she not be sent [back], and the parents and [the girl] herself at first agree but it now comes about, however, that they do not agree and he requests that a substitute (*glud*) be given, how is it to be given?

[Answer:] According to the red notch [instructions], no fine should be paid for the desertion up to the present, and [the girl] herself shall be given to her husband.

*bka' sho'i sngun / rol du pud med pag rgod bgyIste/ da' ltar pha myIng  
la gnas [pa] zhIng mchIs pa/ khyIm thab gyis nI [drung] myi btang par  
gsol/ pha ma dang dngos gyls nI thog ma yang mchId mjal<sup>45</sup> pas da' /  
rung yang mchI mjal par myI 'byung gis / glud 'tshal par yang gsol ba'  
mchIs na ji ltar 'tshal // kha mar las / pardu rang reng 'tshal pe'i chad  
pa ni ma mchIs / dngos ni khyIm thab / stsol cig//*

In this passage, the law falls heavily on the side of the husband. His request for a substitute wife is analogous to an investor's demand to be 'made whole' following an unexpected loss. The legal resolution—that his in-laws need not supply a substitute, but must return him his wife—suggests a 'for better or for worse' approach to marriage. This approach to a man's wife as inalienable property is not so surprising, given that we have records from Dunhuang of marriage by sale (*gnyen-tshongs*) (TAKEUCHI 1995: 162-63).

Among Tibetan nomads there are also legal customs that govern such situations. Describing legal customs among Tibetan nomads in Rdza-chu-kha, Mgo-log, Gser-thang and elsewhere, Nam-mkha'i Nor-bu notes the custom of 'restitution for *mo-sha*'. This term, *mo-sha*, is used to refer to a situation where a girl breaks off a marriage and returns to her parents, generally after three days. Nor-bu attributes this mainly to the nomadic custom of arranged marriage, which leads to situations where the bride and groom have never met before their marriage. As recompense for *mo-sha*, the bride's family

<sup>44</sup> This meaning is not entirely certain, but is suggested by the context. One reading would be *bag bgod*, 'to separate the marriage'.

<sup>45</sup> There is a small circle over the *ma* prefix.

is required to give the groom a good young horse and to pay back nine-fold any bride price given them.<sup>46</sup>

Another section of ‘Replies’, clause VII (ll. 268-86), deals with the proper legal procedure when a married woman is stolen from her husband or when an unmarried woman is kidnapped. This is one of the most difficult clauses in the text, and it should be stressed that the translation is provisional. A major part of the clause concerns *’tsho* and *’tshos-pa*, which I have rendered in terms of its sexual denotation, and not as ‘livelihood’, or any of its other possible meanings.<sup>47</sup>

From a supplement (*yan-lag*) to the dice statutes: decision in response to a petition dispatched (*dgyigs*) from the place [seat] of the exterior minister to the place of the judge[s] (*zhal-ces-pa*) of the court retinue: in previous dice edicts, if a married woman is stolen or captured by another, as regards her sexual activity (*’tshos-pa*) up to the present, is she returned to the care of her previous husband (*bdag-po*), or, not being separated from her [present] sexual activity, is a human loan to be given (*myi skyin stsal*)? How do you command?

According to the replies concerning the dice statutes of the horse year, if the woman’s husband and owner are unable to secure her sale, and the thieves and abductors and so forth are unable, the judicial punishment of her present defilers (*’tshos-pa rnams*)<sup>48</sup> will be decided by means of dice. As for the woman herself, do not subsequently separate her from her sexual activity, but leave her with her defilers. There are no dice for men, fields and houses, but (*gyis*) if they give a human loan (*myi skyin na*), they must each give one that is commensurate.

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<sup>46</sup> Nor-bu’s work is excerpted in BSOD-NAMS TSHE-RING 2004: 381.

<sup>47</sup> For the range of meaning of *’tsho* and related words, along with examples from Old Tibetan texts, see STEIN 1973: 422-23.

<sup>48</sup> While ‘defilers’ is an unfortunate translation due to the considerable baggage it carries, ‘sexual partners’ ignores the fact that the woman has been kidnapped, and ‘rapists’ would be indicated by another Tibetan term, *byi-ba*. This may be a case where vulgarity is not a failure to communicate, but an accurate translation of the Tibetan. In point of fact, another Old Tibetan document, a wooden slip from Miran, reveals that there was a law for punishing rape committed by soldiers, and that justice was administrated directly by the general (*dmag-pon*) and the ‘inspector’ (*spyān*). The slip reads, ‘rapist dispatched to the general and inspector to try according to the great law’ (*byi ba bgyis pa khriims che la thug pa // dmag pon dang/ spyān gis dbyongs dkyigs [la] gsol cig*. TLTD2: 455). Reading this same fragment, CHAB-SPEL (1989: 139-40) glosses the final *gsol* as *gsod*, and thus interprets this slip as sending the rapist to his death.

According to the red dot (*myig-mar*) [instructions], the precedent (*dpe*) of the dice statutes of the horse year is not really clear. Therefore, even if she is one who has no husband, and someone accuses (*sun-pas*) her of subsequently having sex and coupling (*'du-pa*), this being harmful, it is proper to act in this way according to the replies concerning the dice statutes of the horse year: concerning her sewing and weaving (?), (*kha-tshem dang phang-tshem pa*),<sup>49</sup> and concerning her sexual activity up until now, if there has been none whatsoever, it will be decided by means of dice between the woman herself and the one who disputes the validity of the claim (*tha-snyad 'dog-ma*).<sup>50</sup> It is appropriate that she herself be returned.

If one decides by means of dice the legal punishment for the men who forcibly stole her and abruptly (*thugs thub-tu*) sold her, is she herself to be separated from her sexual activity/ defilement or not? If it does not appear clearly according to the dice statutes, what is to be done?

According to the red dot [instructions], the judge replied that if a woman with[out]<sup>51</sup> a husband is abducted and stolen and so forth by others, this is summarised (*'du 'du*) in the above example by the red dot [instructions].

According to the red notch [instructions], act in accordance with the replies concerning the dice statutes of the horse year.

*sho tshigs gyI yan lag las / pho brang khor gyi zhal ces pe sar [nas]  
zhus pa/ phyl lon sa nas dgyI gste zhus pa / mchId gyis bcade zhus pe'i  
zhus lan / bka' sho 'I nghan rol du pud med khyIm thab mchIs pa gzhan  
gyi brkus phrog nas / da' ltar 'tshos pa lta bo / bdag po snga ma [stsa]  
ngo lendu stsal tam / 'tshos myI dpral bar myI skyin stsal tam jI jI<sup>52</sup>  
ltar 'tshal / rta' I lo' I sho tshigs gyI zhus lan las 'pyung ba' / bud med  
bdag po dang / dpang pos<sup>53</sup> 'tshong la dpang<sup>54</sup> pa' / ma lags pa /*

<sup>49</sup> This may have to be interpreted in the sense of marriage, where, as in many other ritual contexts, the spindle (*phang*) symbolizes the woman. In this sense, *kha-tshem* may have to do with one who is betrothed according to oral agreement, while *phang-tshem* may have to do with one who is betrothed by means of ritual. This, however, is pure speculation.

<sup>50</sup> For an explanation of this phrase, see TAKEUCHI 1995: 161.

<sup>51</sup> Though the negative *ma* is crossed out here, it should have been left to stand, as the present sentence refers back to a line above that clearly refers to unmarried women.

<sup>52</sup> Formal (i.e., non-grammatical) duplication from end of line to beginning of next; see note on orthography.

<sup>53</sup> Read *dbang-pos*.

<sup>54</sup> Read *dbang*.

*phrog pa dang brkus pa lastsogs pa myi / dpang<sup>55</sup> pas 'tshos pa rnam  
 khrln ni shos chod / bud med dngos nl slad gyis / [slad]'tshos pa dang  
 'tsho myl dpral par gzhaq // myl zhIng khyIm la sho ma mchIs gyis /  
 myi skyin na tshad 'dra re re phob shlg // mylg mar las rta'I lo'I [lo]  
 sho tshlgs gyi dpe 'a gsel ba' lagste / 'dl lta bu khyIm thab ma mchIsu  
 lags gyis gyang / khong ta sun pas slar 'tsho zhIng 'du pa' la myl phan  
 bas / rta'I lo'I sho tshlgs shus las<sup>56</sup> 'dl bzhln mdzad / pe'I rigs / kha  
 tshem dang phang tshem pa lta bo da' ltar 'tshos pa lta bo ni/ cang ma  
 lags gyIs / tha snyad 'dog ma' dang / mo reng nl shos chod par yang  
 bas / dngos nl lendu stsal pe'I rigs / myl dpang<sup>57</sup> par brkus pa dang /  
 thugs thubdu btsongspa'i rnam / khrln ni shos chod na / dngos 'tshos  
 dpral 'am myl dpral sho tshigs las gsang las gsang bar myi 'byung na  
 jI ltar 'tshal / mylg mar las zhal ce pas zhus pa / bud med khyim thab  
 [ma] mchIs pa las / gzhan phrog pa dang brkus pa lastsogste / sngar  
 mylg mar gong du gsol pe'i nang 'du 'du zhIng mchIs // kha mar las  
 rta'I lo'i sho tshigs gyi zhu lan las 'byung ba' [tsho] bzhln 'tshol cIq //*

In the first part of this clause, the judges agree to decide by means of dice the punishment for the married woman's captors. Pragmatically, perhaps, the judges do not attempt to forcibly reclaim the woman for her husband, as he has already failed in this. They hold out the possibility of a repayment in kind, a 'human loan', as recompense for the husband. Incidentally, this type of practice was also followed in early twentieth century Tibet when a man and a woman belonging to different lords were married. In such a case, if the woman went to live with the man, the man's lord was expected to give her lord one of his own female bondservants in return as a 'human trade' (*mi brje*) (GOLDSTEIN 1986: 106). I know of no such examples, however, where such a 'trade' between lords resulted from a marriage by capture.

The second part of the clause is more interesting, as it deals with unmarried women who are captured, and therefore appears to stand witness to the practice of marriage by capture at an early stage in Tibetan history. This type of marriage is known today in many parts of the Himalayas among Tibetan ethnic groups.<sup>58</sup> The second part of the clause is not as clear as the first part, and the translation is uncertain. One of its most striking aspects is the apparent concern it

<sup>55</sup> Read *dbang*.

<sup>56</sup> Read *zhus-lan*.

<sup>57</sup> Read *dbang*.

<sup>58</sup> See, for example, VINDING 1998: 225-27, and KIND 2002: 285.

shows with chastity, where dice are prescribed to resolve a dispute of this nature.

The mention of a woman being forcibly kidnapped and sold is echoed in other Old Tibetan documents concerned with marriage. One famous document, PT 1083, contains a sealed, official reply to a petition by the Chinese residents of Sha-chu requesting that the Tibetan and Sum-pa ministers no longer take Chinese women as brides (*mchis-brang du 'tshal-ba*), particularly because they take them under false pretexts (*snyad-bthags*) and make them serve as bondservants (*bran*). The Chinese express a desire to be like the Mthong-khyab people, and 'not allow their women to marry others' (i.e., maintain racial endogamy) (*mthong khyab gyi bu sring lta bu / gzhan du gnyen 'tshal du myi gnang ba dang sbyar zhing*. PT 1083, ll. 5-6). The Tibetan minister contemptuously rejects the request, and the title on the back of the dispatch reads, perhaps sarcastically, 'the seal [of the dispatch] granting the Chinese good marriages'.<sup>59</sup> Beyond showing how women could be horribly mistreated after marriage, this document paints a fascinating picture of interracial marriage relations in Sha-cu under Tibetan rule. It reveals that the Mthong-khyab, an ethnic group identified perhaps with the Tongjia people (RONG 1990-1991), practiced racial endogamy. It also reveals that there were marriages between Tibetan and Sum-pa men and Chinese women, and that the Chinese were uncomfortable with this arrangement, and particularly with the servitude of their women to their new overlords.

The clauses in 'Replies' that concern the legal status of women partly confirm the approach to women found in Old Tibetan marriage by sale documents. A man's wife was viewed, legally at least, as his property, and he was referred to as her owner (*bdag-po*, *dbang-po*). It appears from clause III that a woman did not have the right to break off a marriage without her husband's consent. Further, should she wish to break off the marriage and return to her natal home, it was incumbent upon her family to provide the husband with a suitable replacement (*glud*). In the case of a married woman being kidnapped, she is literally 'robbed' (*phrog*) or 'stolen' (*brkus*) from her husband. This case is parallel with the last in that the husband is due a replacement, but this time as a 'human loan' from his wife's captors. In addition, the captors face legal punishment, decided by means of dice. The final section of the second clause, where a

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<sup>59</sup> TAKEUCHI (1990: 177-78) reproduces this document in the course of his analysis of its structure.

dispute over an unmarried woman's chastity is decided by means of dice, can also be read as a matter concerning the integrity of a woman as a marriageable commodity, though traditionally this has never been a major concern in Tibetan society.

### *The Legal Status of Religious Estates*

Clause IX (ll. 303-20) concerns not only the legal status of loans made by a monastic estate, but the legal status of religious estates and their subjects in general. The clause is quite remarkable, as it demonstrates that the Buddhist monastic estates and temples enjoyed little, if any, legal protection over and above that accorded to other Tibetan subjects. As this clause necessitates a rethinking of the Tibetan Empire's approach to monastic estates, it will be useful to first review the state of our knowledge on the imperial legislation of Buddhist monasteries and temples.

Our most reliable knowledge about the legal and tax status of the Buddhist community in imperial Tibet comes from inscriptions. The most important of these is of course the Bsam-yas Pillar inscription and the documents that accompanied it. These were composed by Khri Srong-lde-btsan (742-c. 800) around the year 779, after the foundation of Bsam-yas Monastery. The pillar inscription itself is very brief, and on the topic of government support for the temples of Ra-sa and Brag-mar and so forth it only states: 'as to the provisions allotted, they will be neither reduced nor diminished.' (*yo byad spyard/ pa' yang/ de las myi dbri mi bskyung bar bgyI'o/*) (LI AND COBLIN 1987: 188, ll. 7-9). The specific nature of these provisions is explained in the first of the two edicts (*bka'-gtsigs*) that accompanied the Bsam-yas Pillar. This is essentially a more detailed version of the carved inscription on the pillar, and lists the names of those who swore to uphold the edict. The passage in question states:

The estates (*rkyend*) allotted to provision the three jewels at those temples are of a suitable amount, and having been bestowed by the authority (*bla*), they will be neither reduced nor diminished. (*gtsug lag khang de rnams su dkond mchog gsum gyi yo byad sbyord ba'i rkyend kyang ran pa 'ong par dpags te bla nas phul ba las/ nam zhar kyang mi dbri mi bskyung bar bgyis so/ KhG: 371*).<sup>60</sup>

<sup>60</sup> See also the translation in RICHARDSON 1998 [1980]: 92.

As is most often the case with Old Tibetan texts of this nature, there is little detail about how the monasteries were actually supplied and administrated. This, however, is elaborated in post-dynastic sources, in particular the *Sba bzhed*.

The system for supporting the religious estates (*lha-ris*), according to the *Sba bzhed*, was set up almost entirely by Ye-shes Dbang-po, the first Tibetan abbot of Bsam-yas Monastery. In fact, the narrative suggests that the abbot went too far in his support of the nascent monastic community, stating that he fled to Lho-brag because of opposition to his plans for reform. Among the reforms we find those listed in the following passage:

Thereafter, through Ye-shes Dbang-po's foresight, and in order to establish the supports of the church (*dkon-mchog*) in perpetuity, one hundred subject households were allotted to the church, and three subject households to each monk. The subjects of the religious estates (*lha-ris*) were no longer controlled by the authority (*bla*), but control over them was entrusted to the *samgha*. (*slad kyi ye shes dbang po mngon shes dang ldan pas/ dkon mchog gi rten yun du gnas pa'i ched du/ dkon mchog gi rten la 'bangs mi khyim brgya/ ban de res la 'bangs mi khyim gsum gsum du bcad/ 'bangs lha ris phal bla nas dbang mi bya bar chad nas/ dbang dge 'dun la bskur nas/*).<sup>61</sup>

A similar passage is found in the *Dbā' bzhed*, which goes into considerably more detail about how the legislation actually worked. The passage is somewhat clearer in the form in which it is preserved in *KhG*, however, so I will quote this passage here instead.<sup>62</sup>

[Ye-shes Dbang-po] requested that two hundred subject households be allotted to the Three Jewels, and three subject households be allotted to each monk, and that authority being entrusted to the *samgha*, the subjects, men and fields of the religious estates should not be controlled by the authority (*bla*), and that this should be so in perpetuity... Considering from whom the subjects of the religious estate should be taken—the military (*rgod*), autonomous fiefs (*rang-rje*),<sup>63</sup> those in possession of an internal tax document (*khab-so nang-yig can*),<sup>64</sup> close

<sup>61</sup> See transcription in STEIN 1961b: 53-54. See also the translation in HOUSTON 1980: 66.

<sup>62</sup> For a rough translation and commentary on this passage in the *Dbā' bzhed*, see WANGDU AND DIEMBERGER 2000: 75-76.

<sup>63</sup> This reading of *rang-rje* follows Wangdu and Diemberger's reading of *rang-rje'u* (WANGDU AND DIEMBERGER 2000: 75, n. 278).

<sup>64</sup> The term *khab-so* appears to refer in general to the tax office/revenue office (*khab-so*) and its functionaries (*khab-so-pa*, *khab-so dpon-sna*) (LI AND COBLIN

relatives (*thugs-gnyen*)<sup>65</sup> or the good estates—[they decided] that the lord's estates (*rje'i-zhing*) were suitable, and the overseer (*gnang-chen*),<sup>66</sup> 'Bri Khri-'jam Gung-ston, took it in sections and completely divided it.

*dkon cog gsum la 'bangs khyim nyis brgya gang zag ban dhe re la 'bangs khyim gsum gyi thang du gcad de dbang dge 'dun la bskur nas lha ris kyi 'bangs mi zhing la bla nas dbang mi mdzad par bgyis na nam du yang brtan zhing legs zhes gsol ba dang. . . rkyen ris kyi 'bangs ni rgod dang rang rje dang khab so'i nang yig can dang thugs gnyen dang gzhi bzang po 'tshal las su sa bzung/ rje'i zhing ni gang zag do 'tshal las gnang chen 'bri khri 'jam gung ston gyis bus bzung ba bzhin du bcad/ (KhG: 382, ll. 6-10, 12-15).*

This passage suggests that the religious estates enjoyed functional legislative autonomy under Khri Srong-lde-btsan, and also states that their land grants issued from the emperor himself. The fact that the monasteries enjoyed legislative autonomy tells us little, however, about the legal and tax status of the monastic estates.

The Skar-chung Pillar and accompanying edict, which are essentially Khri Lde-srong-btsan's ratification of his father's Bsam-yas edicts, offer further insight. They both appear to date to the latter half of his reign (c. 800-815),<sup>67</sup> and RICHARDSON (1998 [1977]: 71)

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1987: 123-25). The present clause, therefore, refers to one in possession of an internal document (*nang-yig*) issued by the revenue office. Such document would presumably exempt its bearer from unwanted ad-hoc taxes and tithes such as those in support of establishing a monastery.

<sup>65</sup> *Thugs-gnyen*, literally 'heart relative', perhaps refers to the hereditary aristocracy, or more explicitly to the near relatives of the Tibetan Emperor, but its definition is far from certain. The phrase *khab-so'i thug-nyen* appears in the entry for 722 in the *Old Tibetan Annals* (BACOT *et al* 1940-46: 23, 46).

<sup>66</sup> Translating the *Prophecy of Samghavardhana*, Thomas renders *gnang-chen* 'important personages' (TLTD1: 60, n.6). In this case, however, it clearly refers to a specific position or post. The spelling and abbreviation make it doubtful that this refers to the great minister of the interior (*nang-blon chen-po*), and the name 'Bri Khri-'jam Gung-ston appears nowhere in the list of ministers of the interior in the Bsam-yas edict preserved in *KhG*. The *Dbā' bzhed*, however, clarifies the term considerably. In a passage where Ye-shes Dbang-po dissuades Khri Srong-lde-btsan from allotting seven households to each monk in favour of three, he argues that 'some *gnang-chen* would be abandoned by their *sne-bran*' (WANGDU AND DIEMBERGER 2000: 75). Reading *sne-bran* as a type of bondservant, it is clear that the worry is that they would abandon their estates. As seen from the passage above, the estates are managed by the *gnang-chen*, but owned by the emperor. Therefore 'overseer' seems an adequate translation.

<sup>67</sup> On the dates of his reign and the chronology of events surrounding his succession, see DOTSON forthcoming c.

proposes c. 812 as a likely date for the inscription. The following passage is from lines 48-51 of the Skar-chung Pillar inscription.

According to the custom upheld by my forebears and my descendants of neither debasing nor destroying the estates designated for the Three Jewels, they are administered according to what appears in the earliest (*mgo-nan*) register of households (*// yab mes dbon sras gang gl ring la yang rung ste/ dkon mchog gsum gyI rkyen bcad pa'i rnams kyang ma dma's ma zhlg pa'i chos su// lha rIs kyI khyIm ylg gl mgo nan las 'byung ba bzhlIn du chis mdzad do//*)<sup>68</sup>

This passage suggests that the religious estates were subject to government administration (*chis*),<sup>69</sup> but that they enjoyed a discount in as much as they were administered according to their original allotment of subject households and not the current tally, which would presumably include a greater number of households. In this way they seem to have enjoyed a privileged tax status in that their growth was not factored in to their tax obligation. The passage also reveals that estates kept records of their subject or tenant households, and that these records were called 'household registers' (*khyim-yig*).

The Skar-chung Edict, preserved in *KhG*, goes into considerably more detail regarding the status of the Buddhist clergy and their property.

Monks shall not be awarded as the bondservants (*bran*) of others. They will not be punished with suppression, and [if] they are involved in a household's legal punishment (*khrin*), the charge (*gyod*) shall not include them. We, the father and the son, have indeed so granted to those officiant-donees (*mchod-gnas*).<sup>70</sup> Never will we eschew or renounce the offerings and the established supports of the Three Jewels at the emperor's court. Never will they not act as officiant-donees. In short, in the emperor's court and in the realm of Tibet, there will never be any manner of renouncing or going without the Three Jewels, whether in the reigns of my ancestors or my descendants. Never will those estates (*rkyen*) allotted to the Three Jewels deteriorate, be destroyed or not practice the Dharma.

<sup>68</sup> From transliteration in LI AND COBLIN 1987: 320, ll. 48-51. For translations, see LI AND COBLIN 1987: 328 and RICHARDSON 1985: 81.

<sup>69</sup> On the meaning of *chis* and *tshis*, see RICHARDSON 1998 [1969]: 224 and IMAEDA 1980.

<sup>70</sup> The term *mchod-gnas* could be translated more literally as 'person worthy of offerings'. It signals a ritual relationship that marks off the religious preceptor as the receiver of prestations, generally from a lay ruler or benefactor (*yon-bdag*). See, most recently, SEYFORTH RUEGG 2004.

*rab tu byung ba'i rnam s gzhan gyi bran du mi sbyin/ nan gyis mi dbab/ khyim pa'i khrin la gtags te gyod la mi gdags shing / nged yab sras kyis mchod gnas su gnang ba bzhin du byas te/ btsan pho'i/ pho brang na dkond cog gsum gyi rten btsugs cing / mchod pa yang gud du spang zhing bskar re/ mchod gnas su myi bya re/ mdor na/ btsan pho'i/ pho brang dang bod khams na/ dkond cog gsum myed pa dang spang ba'i thabs ji yang bya re/ yab mes dbon sras gang gi ring la yang rung ste/ dkond cog gsum gyi rkyen bcad pa'i rnam s kyang / ma dams ma zhig pa'i chos mi bya re/ (KhG: 411).<sup>71</sup>*

This passage reveals that the grants allotted to the Buddhist clergy were given in perpetuity and at a fixed rate that could not be lowered. Further, it reveals a certain level of legal immunity on the part of monks in that they were exempted from legal punishments (*khrin*) involving their houses. This passage is also interesting because it suggests that monks did not necessarily live only in monasteries, but could, and indeed did, live as householders.

The Lcang-bu Inscription, issued by Khri Lde-srong-btsan's son, Khri Gtsug-lde-brtsan (reigned 815-841), is essentially a charter for Lcang-bu Temple. On the topics of legislation and tax, the edict states:

He arranged for four monks to reside there and fully apportioned servants of the estate, fields and pastures, religious accoutrements, wealth, cattle and so forth. It serves as a perpetual gift of Khri Gtsug-lde-brtsan. Even the name of this temple was given by the Btsan-po's order. He attached it to the back of his tutelary temple, 'On-cang-do, and ordered that it be administrated by the authority (*bla*). The wealth and subjects of the religious estate will not be taxed, and they are not subject to fines, punishments and so forth. They are granted the status of a great religious estate.

*dge slong bzhi gnas par sbyar nas// rkyen kyI bran dang/ zhIng 'brog dang/ lha cha dang/ nor rdzas dang/ rkang 'gros las stsogs pa/ tshang bar bcad de// btsan po khri gtsug lde brtsan gyi sku yon rgyun myI 'chad par byed do// gtsug lag khang 'dl'i mtshan yang// btsan po'i bka' zhal gyIs btags ste/ 'on cang do'i thugs dam gyI gtsug lag khang chen po'i mjug la gdags shIng/ chis kyang/ bla nas mdzad par// bka's gnang// lha rIs kyI 'bhangs dang/ dkor la/ khral myI dbab pa dang/ khwa dang/ chad ka myi bzhes pa las stsogs pa yang// lha rIs chen po'i thang du// bka's gnang ngo//<sup>72</sup>*

<sup>71</sup> See also the translation by TUCCI (1950: 53-54).

<sup>72</sup> From transliteration in LI AND COBLIN 1987: 302-03, II. 17-31. See also the translations in LI AND COBLIN 1987: 308-09 and RICHARDSON 1985: 97-99.

This very insightful passage reveals the precise nature of the material support necessary for the establishment of a Buddhist temple and it also reveals a good deal about the temple's tax status. It demonstrates that the religious estate was tax-exempt (*khral myi dbab*), and enjoyed immunity from fines (*khwa*) and punishment (*chad-ka*). This may be due to its status as a particular class of religious estate, namely a 'great religious estate' (*lha-ris chen-po*), though this connection is not made explicitly in the edict.

The 'Inventory of Yu-lim Gtsug-lag-khang', in PT 997, contains a 'record' (*thang-yig*) of the religious estate's holdings. Records such as these were deposited in an inventory (*dkar-chag*), which was copied and kept by various authorities (RICHARDSON 1998 [1992]: 280-82). PT 997 also reveals that Yu-lim Gtsug-lag-khang, and presumably other religious estates, fell under the jurisdiction of a number of petty functionaries, and that while the temple received gifts (*yon*), it also received fines (*khwa*), punishments (*chad-ka*) and reprimands (*bla-snon*) (RICHARDSON 1998 [1992]: 280-82). This obviously contrasts with the 'great religious estate' of Lcang-bu, and suggests that there was a hierarchy of privilege concerning religious estates.

Having reviewed these sources on the legal and tax status of religious estates in the Tibetan Empire, it is evident that the general picture is that the church was heavily supported by the emperor, and through this support enjoyed a certain degree of administrative autonomy, tax exemption and immunity from fines.

The evidence from 'Replies concerning the dice statutes from the tiger year dice edict' generally complicates this picture. Clause IX (ll. 303-20), like all of the clauses in the text, reflects a legal decision made by a judge at the Tibetan court (*pho-brang*).

[Question:] In earlier dice edicts, legal punishments determined in judgments pertaining to the wealth of the church (*bkon-mchog*) were decided by means of dice. If the valuable object itself is paid back (i.e., returned), but there are also requests up until the present by various leaders of the religious estate (*lha-ris*) concerning previously unpaid debts, and if it does not appear clearly [what is to be done] according to this dice edict also, shall we decide by means of dice or not? How do you command?

[Answer:] According to the replies concerning the dice statutes of the horse year, where common subjects take loans from the property of the church and the clergy, or where subjects take a general loan from the church and the clergy, if one relies on the texts of the *dharma*, it is

inappropriate to apply the dice edict, so offer it as an offering (*sog*) or replace the object itself.<sup>73</sup> If the item itself is not given, offer its price. As for accrued interest, decide by means of dice. The articles of a monk and subjects of the religious estate are [liable to be] decided by means of dice just like common subjects. Legal punishments (*khrin*), from legal cases or otherwise, concerning the church on downwards, are decided by means of dice. Concerning loans (*bskyIs-pa*) from the wealth of the church (lit. ‘Three Jewels’) and interest on a loan (*bun-skyed*), the ‘gift’ (*btang*) itself is not decided by means of dice. Concerning interest on a loan and fines and legal punishment, they are decided by means of dice. The personal subjects of a monk are [dealt with] like common [subjects].

[Answer:] According to the red dot (*myIlg-mar*) [instructions], taking as an example the dice statutes of the horse year, accrued interest and legal punishments pertaining to the wealth of the church are decided by means of dice. As not deciding [the loan] itself by means of dice accords with the tax statutes from elsewhere (*gud-las*), it is fitting to do this without deciding by means of dice.

According to the red notch (*kha-mar*) [instructions], act in accordance with the replies concerning the dice statutes of the horse year.

*bka' sho'i sngun roldu bkon mchogI dkor pa las zhal ce brtsad bzung pa'I khrin nI shos chod [rkanga'] dkor gyI dngos 'jal pa' sngar ma phul pe'I skyin pa' lha rI 'da' par lha ris gyi dpon snas gsol ba' dag gyang mchIste / sho tshIgs 'dī las gyang gsang par myi 'byung na shos gcad dam myi gcad ji ltar 'tshal / rta'i lo'I sho tshIgs gyi zhu lan las 'byung ba' / mgon mchog dang dge' dun gyi dkor las 'bangs phal la chags pa dang / 'bangs gyI bu lon bkon mchogs dang / dge 'dun sbyI [las] / chags pa dar ma'I gzhung dang gdugs na / bka' shos gcadu myI rung par 'byung gIs sog 'tshal dngos [rting]<sup>74</sup> su phul cIg / dngos dngosu myi 'byor na rīndu phul cIg / gyur dang skyed nI shos gcado / dge slong gI rdzas dang lha 'bangs rnams [gyI] nI 'bangs phal dang 'dra shos gcado / zhal ce lastsogs pa khrin du rma'o 'tshal bkon mchog man cad gyi shos gcado / bkon mchog gsum gyI dkor las bskyIs pa dang bun skyed btang dngos nI shos myI gcado / bun skyed dang chad khrIn nI shos gcado / dge slong sgo sgo'I 'bangs phal dang 'dra'o // myIlg mar las rta'I lo'i sho tshIgs gyI dpe 'ang gsol pa lagste / bkon*

<sup>73</sup> This presumably alludes to the protocols for lending on interest set out in the *Mūlasarvāstivāda-vinaya*, for which see SCHOPEN 2004 [1994]: 47-49, 58-61.

<sup>74</sup> There is a blue inkspot on this word, and what looks like a *na-ro* above it. Richardson transcribed this as *gting* in a partial transliteration found in his papers at the Bodleian Library.

*chogi dkor gyi [d]gyur skyed dang khrin ni shos gcad / dngos ni shos myi gcad par sho tshigs gud las [gtug par 'ang] thun par 'byung bas 'dl yang shos myi gcad par mdzad pa'i rigs // kha mar las rta'i lo'i sho tshigs [las 'bya] gyl zhu lan [sa] las 'byung ba' bzhin 'tshol cIg /*

The first part of the clause deals with loans taken from the church and the proper method of repayment. Here it appears that the interest can be decided by means of dice. The statement that according to the texts of the Dharma it is inappropriate to apply the dice edict to the loan itself is particularly interesting. On the face of it, it may seem that the saṃgha is strictly against making a profit from such loans. However, the next sentence states that interest will be decided by means of dice. As mentioned already, the divination manuals used for *mo* divination in IOL Tib J 740 reflect a *bon-po* or *bon-po*-friendly milieu. Is it possible, then, that the saṃgha objects to having their cases decided in such a manner? If so, the authorities have ruled against the saṃgha, since the clause goes on to state that in the event that the church is punished due to a legal case or another matter, the punishment is decided according to dice. These considerations, however, are secondary.

The clause also states unequivocally that the property and subjects of a monk are treated in exactly the same way as those of a commoner. This is in full agreement with Uray's observations, based on separate documents, that not only the subjects of a religious estate, but the monks themselves, were subject to military service (URAY 1961: 229).<sup>75</sup>

It is difficult to resolve this with the information from the edicts and other sources reviewed above. One possibility is that the edicts record only those most privileged of religious estates—the temples of the nobles and the personal projects of emperors—and that they therefore enjoyed a tax and legal status quite separate from common religious estates. This is hinted at in Khri Gtsug-lde-btsan's designation of Lcang-bu Temple as having the 'rank of a great religious estate' (*lha-ris chen-po'i thang*). It appears to be the case, therefore, that there was a stratified system whereby monastic estates, like imperial administrators, carried gradated ranks to which certain benefits were attached.

In conclusion, we must revise the simplified narrative popularized by later histories such as the *Sba bzhed*. According to this narrative, Dba' Ye-shes Dbang-po dissuaded Khri Srong-lde-btsan from allotting seven subject households to the support of each monk by

<sup>75</sup> See also BECKWITH 1987: 169-70, n. 174.

arguing that it would lead to the destruction of Buddhism in Tibet and the degradation of the royal lineage. Within the narrative, this serves to foreshadow the disastrous consequences brought on by Ralpa-can's overzealous allotment of seven households to each monk roughly half a century later. As we can see from the above analysis, there was far more nuance to the Tibetan Empire's approach to monastic estates. There were probably various 'ranks' (*thang*) of monastic estates, with the 'great monastic estates' (*lha-ris chen-po*) enjoying the greatest benefits. These were the personal projects of the Tibetan Emperors or the temples of those with favour at the court. Lower rank temples and monasteries presumably did not enjoy the same type of lavish support, exemption from fines and so on that these great monastic estates did, and so were subject to the types of procedures detailed in clause IX above.

### *The Provisioning and Conscription of the Tibetan Imperial Army*

Beyond being the period in which Buddhism first took root in Tibet, the Tibetan Empire is perhaps best known as the time of Tibet's greatest military prowess. During this age, Tibet vied with China for control of the Silk Route, did battle with the Turks, the Türgis, the Arabs, the Nanzhao Kingdom and the Uighurs. To do so, they required a massive army and a system for requisitioning and supplying their soldiers. While numerous articles have been written about the structure of the Tibetan military, and contribute greatly to our understanding of the Tibetan Empire, none to date have shown how the Tibetan army was constituted and supported. Our only knowledge of how troops were levied comes from one terse statement in the *Old Tang Annals* that states: 'For collecting warriors they use gold arrows.' (BUSHELL 1880: 440).

The longest and most detailed clause in 'Replies concerning the dice statutes from the tiger year dice edict', clause XI (ll. 331-59), concerns precisely the conscription and provisioning of troops, and describes the system in some detail. It reveals how the Tibetan army was levied and supported, and how provisions were effectively distributed to the troops. The clause, which becomes an enlightening discourse on the policies of imperial Tibet's army, arises out of a dispute concerning provisions, specifically on what is to be done with the surplus bales of provisions sent by an estate-holder for his bondservants who were conscripted as soldiers.

[Question:] From a supplement (*yal-ga*) to the dice statutes of the tiger<sup>76</sup> year: decision dispatched from the judge(s) of the court retinue to the minister of the exterior: in previous dice edicts, [when people] were gathered in the fields (*skyar btus*) for official duty (*rje-blas*), the estate holder (*gzhi-bu*) provisioned them (*brdzangs-pa*) and they were assigned to official duty as soldiers. Concerning soldier punishment itself, it also arises from the statutes of the dice edict that no legal punishment is meted out. Concerning provisioning soldiers to war, a separate soldier having received [the provisions] (*dmag god thob*), when they are gathered afterwards and the provisions are given, are they [still] given, or are they given back [to the estate holder]?

[Answer:] According to the red notch [instructions], have the minister of the exterior dispatch [a letter] asking whether gathering them like this is permissible or impermissible.

[Answer:] According to the red dot [instructions], if one adheres to the manual/ code (*rtsis-mgo*) for gathering soldiers (*mun-dmag*) and the pronouncements of the authority (*bla'i bka'-gsung-ba*), all other soldiers are gathered. Concerning their provisioning through planting the harvest, and their provisions falling to someone else, they are put in bales (*ltang-bu bab*), and, under the soldiers of the thousand-district (*stong-sde so'i 'og*), they become internal affairs (*nang-srid*). They then go to be sent as provisions by the group of ten (*bcu-tshan*) and the tally group (*khram-tshan*).

Now, as for pursuing the soldiers' provisions by deciding the soldier fines by means of dice, generally many are also like this. As for the military fine, though his own punishment itself is decided by means of dice, concerning the provisions sent by the estate holder (*gzhi-bu*), according to the law, the soldiers own them. From when they were first levied from the estate and given in perpetuity (*gtan-du stsal*), they were the soldiers' possessions (*nor*). Although this was so even before the dice edict was issued, when the military punishment (*dmag chad*) is death or banishment, the judicial punishment extends to one's entire family (*bu-smad kun*), but [if] the estate holder does not evade (*bda'*) provisioning [his soldiers], and if this accords with what is seen (*rmyig*), interest does not accrue on the loan either. Since an estate holder who up until now evades [provisioning soldiers] will anger all subjects, it is fitting to proceed by deciding by means of dice the provisions as well. If one proceeds by deciding by means of dice in accordance with the above request, an estate holder's soldiers'

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<sup>76</sup> 'Horse' (*rta*) was crossed out and replaced, below the line by *sta*, presumably for tiger (*stag*).

[provisions] would not be used up elsewhere (*god du ma chud-pas*), and whatever of the [estate holder's] servants (*bu-bran*) who are suitable to be levied will indeed become soldiers. The provisions will also be gradually paid back, and whether they lose or win, concerning the military punishment, which is like the official punishment, banishment and death and serious legal punishment will be resolved by means of the dice edict. The crop fields (*rkya*) being resolved by means of the dice edict as well, is it permissible or impermissible not to add [soldiers] to the crop fields?

[Answer:] According to the red notch [instructions], do not grant the military punishments to separate crop fields, but add the soldiers to the estate. Concerning the provisions, do not decide by means of dice the interest on the loans, but return them to the estate holder.

[*rta'l*] *sta lo'I sho tshigs gyl yal ga' las pho brang khor gyl zhal ces pas / [phyi blon sar] zhal ce'i pe'I sa nas zhus las / phyl blon sar dgyigste mchId gyis bcad pa / /bka' sho'i sngan roldu / rje blas skyar btuste / gzhl bus brdzangs pa las dmag myl rje blas gcad pa dmag chad dngos nI khrin myi rma bar bka' sho'i tshigs las gyang 'byungs na / dmagmag rdzangs lta bo / dmag god thob pas / thus slad ma'i tshe 'ang [za] rdzong 'tshalte / [sla] 'tshal tam / slar 'buldu stsal / kha mar las 'di lta bsdu be'i rIgs sam myi rIgs / phyi blon gyls dbyigste gsol cig / mylg mar las 'byung ba' / mun dmag btus pe'I rtsis mgo dang bla'I bka' gsung ba' dag dang [ga] sbyar na / mun mun<sup>77</sup> dmag gzhan kun bsdu / rkyar btab pe'i sgos rdzong 'dI lta bo rdzang gzhan la dbab par nI ltang bur bab pas da' ltar / stong sde so'i 'og nang srId du bgyis nas bcu tshan dang khram tshan gyls rdzong ba' du mchis da' dmag chad shos khums pe'i dmag rdzong ded pa nI spyi mangdu mchis pa yang 'dra / dmag chad dngos gyl bka' chad nI shos khums par yang bas na / gzhl pus brdzangs pe'i rdzangs lta bo khrims gyls dmag myis dpangste<sup>78</sup> / thog ma gzhl bo las 'gug pe'i tshe yang gtandu stsal pas dmag myl nor lagste / bka' sho ma byungdu lags gyls gyang dmag chad 'gum 'am spyugs na / bu smad kun yang khrIn gyl bka' chad la / thug pas / gzhl bus rdzangs bdar<sup>79</sup> ma mchIs pa lagste 'dI yang rmyig dang sbyar na / bu londu yang myl 'gyur la / da' ltar gzhl pus bda' ba' / yongs 'bangs khrog par 'gyur pas rdzangs gyl rnames gyang shos gcad par mdzad pe'i rIgs / gong du gsol ba gzhlIn shos gcad par mdzad na / gzhl po'i mun dmag gyang godu ma chud pas / bu bran btu pe'i 'os mchIs pa mchIs nI dmag myi 'ang bab / rdzongs gyang nyl rimdu du*

<sup>77</sup> Formal (i.e., non-grammatical) duplication from end of line to beginning of next; see note on orthography.

<sup>78</sup> Read *dbangste*.

<sup>79</sup> Read *bda'*.

*'jalte pham yang rab na / bka' chad dang 'dra bar gyur pa dmag chad  
 la bo 'gum spyugs a thug pa yang khrin chen po yang bka' shos/  
 khums / rkya 'ang bka' shos dgum zhIng rkya yuldu ma bsnan pe'i /  
 rIgs sam myi rIgs // kha mar las dmag chad rnam rkya god stsal par  
 myI gnang gIs dmag nI gzhi la snon cig rdzangs [gya] ni bu londu gyur  
 pas shos ma chod gyis gzhi bo slar stsol cig /*

The long response from the red dot instructions reveals a highly organized system for provisioning the soldiers. When the Tibetan army came to levy troops from an estate for official duty (*rje-blas*) as soldiers, the estate holder (*gzhi-bu*) was not only forced to allow his bondservants (*bran*) to be taken as troops, but was also expected to provision them with the crops from his fields. A certain amount was likely required for each bondservant, and it is this that was sent to his thousand-district (*stong-sde*) in a bale. There, the 'group of ten' (*bcu-tshan*) and the 'tally group' (*khram-tshan*) recorded its receipt and sent it along. Holding the individual estate holders responsible for the provisioning of bondservants conscripted from their estates as soldiers meant that, theoretically, every soldier would be provided for. Further, as the system would not work unless enough bondservants were left to work the fields, it seems, on the surface at least, to be a sustainable model.

The clause also reveals that it was not uncommon for estate-holders to evade the conscription tax, and that punishment for doing so was the death or banishment of an estate-holder's entire family. This implies that the tax was viewed as an onerous one, and that it depleted the estate holder of valuable labour.

The system of troop conscription and provisioning described in this document is highly sophisticated and goes some way towards explaining how Tibet managed to levy and support such a large and successful army. Without the requisite bureaucratic infrastructure, and without the threat of official punishment for those evading these taxes, such a system would have been impossible. PT 1089, a Dunhuang document dealing with the order of rank (*gral-thabs*) in Sha-cu (Shazhou 沙洲, i.e., Dunhuang), lists several officials who presumably would have been involved in these and other affairs. These are the great minister in charge of pastoral estates of the upper and lower regions (*stod smad gyI phyug-ma'I gzhIs-pon chen-po*) (l. 37), the great tax official (*khral-po[n] chen-po*) (l. 38), the inspector official of estates (*gzhIs-pon spyan*) (l. 41), the deputy official of estates (*gzhIs-pon 'og-pon*) (l. 42), and the tally official (*khram-pa*)

(l. 43). The document also names the appointment of one man as both district tax official and as official in charge of estates' provisions (*gzhi-rdzongs*), a combination of offices that makes perfect sense given that provisioning, as demonstrated by clause XI of IOL Tib J 740, can be regarded as an onerous tax.<sup>80</sup>

The document also sheds some light on the nature of the administrative units *stong-sde* and *tshan*, which have been discussed by URAY (1961, 1982), UEBACH (1994) and TAKEUCHI (1994). Particularly, the clause above confirms that thousand-districts (*stong-sde*) were not concerned only with military matters, and cannot be regarded as brigades. They levied provisions, processed them and sent them along. Further, these tasks were assigned to units within the thousand-district, in this case the 'group of ten' (*bcu-tshan*) and the 'tally group' (*khram-tshan*).

In his study of *tshan* as the subordinate units of the thousand-districts, TAKEUCHI (1994: 856) distinguished two types of *tshan*: the twenty subordinate units of a thousand-district made up of about fifty households each, and the various types of 'compound *tshan*' units. The former unit, Takeuchi argued, was the equivalent of the Chinese unit *jiang* 將. Among the latter, Takeuchi identified *dog-tshan*, *khram-tshan*, *brgya-tshan* and *dar-tshan*. He was not entirely clear of the relationship of these latter types of *tshan* to the former subordinate unit *tshan*, and stated that it 'may be the case that these units in compound terms were selected and formed from the members of each *tshan* for particular purposes' (TAKEUCHI 1994: 855). Among these functions, he noted that the *khram-tshan* and *brgya-tshan* seem to own property.<sup>81</sup>

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<sup>80</sup> 'Cang mdo tse was appointed tax official of one district and [official in charge of] estates' provisions (*gzhi-rdzongs*).' (*cang mdo tse sde gcIg gi khral pon dang gzhi rdzongsu bskos so*. PT 1089, l. 59; LALOU 1955: 177-78, 182-84).

<sup>81</sup> Takeuchi arrived at this conclusion based on the appearance in numerous Old Tibetan boundary documents of phrases such as 'to the west it borders on the juniper field of the *khram-tsan* of Da myi bong tshe' (*nub da myi bong tshe khram tsan kyi shug zhing la thug*. IOL Tib J 1410; TAKEUCHI 1994: 854). If we proceed with the generally safe assumption that the Tibetan ruler enjoyed at least nominal ownership of all the land, then these *tshan* groups cannot be regarded as landowners, but must be seen as usufructuaries. Alternatively, it is possible that these boundary documents list neighbouring fields not by their usufructuaries, but by those whose authority they fell under in terms of thousand-district accounting. The latter possibility would make sense in the context of an official document dealing with the jurisdiction of the tally.

The explicit mention in IOL Tib J 740 of a 'group of ten' (*bcu-tshan*), along with the 'tally group' (*khram-tshan*), and the *dog-tshan*, *brgya-tshan* and *dar-tshan* mentioned by Takeuchi, suggest how these 'compound *tshan*' units differed from the 'standard *tshan*' units of fifty households. Though also subordinate to the thousand-district, the compound *tshan* units were made up of various numbers: we have seen already the 'group of ten' (*bcu-tshan*) and the 'group of one hundred' (*brgya-tshan*). This indicates that *tshan* in these compounds does indeed mean 'group', or 'team'. Whether or not members of these groups came also from the same 'standard *tshan*' or *jiang* 將 is probably secondary, though in the case of a team of one hundred, this is obviously impossible. This partly resolves the relationship between the 'standard *tshan*'/*jiang* 將 and the 'compound *tshan*' teams or groups.<sup>82</sup>

### CONCLUSIONS

The Old Tibetan document IOL Tib J 740, comprising a *mo* divination text and a legal text entitled 'Replies concerning the dice statutes from the tiger year dice edict', is of great importance for a number of reasons. The connection between the divination text and the legal text reveals that local magistrates employed divination dice and divination manuals to decide legal disputes. In doing so, the method by which cases were decided overlapped significantly with ritual technologies employed by ritual specialists for healing and prognostication. Whether such ritual specialists indeed had a role in the administration of legal justice in these and other cases is unclear. The content of the divination text reveals a truly 'imperial' pantheon of deities from whose mouths the prognoses come, in that the text names territorial deities of several different regions. This reveals the creation of a pan-Tibetan pantheon of divinities called into existence by the Tibetan Empire's expansion and its administrative centralization.

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<sup>82</sup> This essentially confirms one of Takeuchi's reservations: 'we still have to hold as a possibility that *tshan* in these compound terms have no direct connection with the administrative units *tshan* and was simply a common word meaning 'group', because there is a case where *tshan* was apparently used as a common noun...' (TAKEUCHI 1994: 860, n. 32).

While in modern Tibetan legal practice it appears that dice, ordeal and chance were employed as a last resort when the facts of a case were disputed or unclear, this is not the case in the clauses of 'Replies concerning the dice statutes from the tiger year dice edict'. It is evident from the repeated references to earlier dice edicts, such as that of the horse year, that the government issued norms for how to employ dice in legal cases. The clauses of IOL Tib J 740 arise from issues that were not covered by these norms and required clarification. They plainly include instances where dice decided not only disputed facts, but the final outcome of the case, and the punishment of a guilty party. The use of dice was therefore not a desperate measure, but a standard practice codified by legal manuals.

Whether recourse to dice in such decisions is interpreted as revealing the will of the gods or being simply a matter of chance, in either case the dice act as an accepted authority exterior to the disputants and the court itself. In this, the will of the gods or the luck of the dice stands over and above the legal process itself. This deflects the burden of agency from the officials of the court and presumably diffuses the conflict between the disputants.

The sets of questions and answers found in 'Replies concerning the dice statutes from the tiger year dice edict' expand our understanding of several facets of the social history of the Tibetan Empire. In both form and content, 'Replies' emphasizes the centralization of the Tibetan Empire. Faced with legal cases that were not covered by the various legal manuals at their disposal, local magistrates brought their problem to the minister of the exterior (*phyi-blon*), who in turn sent the matter to the judges of the court retinue. The judges then dispatched either a full decision or a set of guidelines for deciding a case, as in the many instances in the text when the judges instruct that a case should be decided by means of dice. The numerous clauses dealing with debt, loans and interest reveal the extent to which the individual was beholden to the legal, fiscal and bureaucratic machinery of imperial Tibet. The clauses dealing with marriage, separation and kidnapping or marriage by capture further reveal important aspects of Tibet's social history. The long clause on the legal status of religious estates reveals that monastic estates, the clergy and their subjects were legislated in virtually the same manner as other Tibetan subjects and estates. This leads to the conclusion that the status of monastic estates, like the status of individuals in imperial Tibet, was highly stratified, and that only the most important monastic estates enjoyed the special treatment that came with royal patronage. The final clause of the

document reveals how the Tibetan army was levied and provisioned, thus partially solving one of the great mysteries of Tibet's success as a major military force.

Taken together with other Old Tibetan legal and bureaucratic documents, IOL Tib J 740 contributes to our understanding of the manner in which the Tibetan Empire constituted itself socially and politically. With a greater understanding of Tibet's social history, we can move beyond simple platitudes about the rapid growth of the empire, and be far more precise in charting the expansion of the empire and its reach into nearly every aspect of Tibetan life. Such inquiries into imperial Tibet's legal and bureaucratic culture, along with research into its military and religious traditions, move us towards a social history of Tibet. Such a history will add some nuance and detail to our understanding of the dynamic processes by which a small kingdom in Yar-lung grew to become one of the dominant empires in the history of Central Eurasia.

### TRANSLITERATION

What follows is a transliteration of the second part of IOL Tib J 740, 'Replies concerning the dice statutes from the tiger year dice edict'. An edited transliteration of the entire document, including the *mo* divination manual, can be found on the website of Old Tibetan Documents Online and IMAEDA AND TAKEUCHI *et al.* 2007: 334-45. I present my own transliteration here both for ease of reference and to demonstrate the pattern of use of the double and single *tsheg* in the text. As mentioned above, I have edited the text as lightly as possible, adding glosses only where they seemed absolutely necessary. Heavier editing can be found in the OTDO transliteration. To review, editing conventions are as follows:

*I* Reverse *gi-gu*.

*î* Indiscriminate *gi-gu*.

[abc] Intentional deletions in the original.

abc<sub>abc</sub>abc Text intercalated below line.

- 238 #:// stagI: lo'I: bka'I: sho: byung. be'i: sho: tshlgs: gyI: zhus: lan./ ngo. prang.<sup>83</sup> nas: mchIs<sub>pa</sub>://
- 239 # :/ stagI: lo'I: sho: tshigs: las:/ / stagI: lo'I: dbyar. sla: ['pyar.] 'prIng: po: tshes: drug: phan. cad./
- 240 nyes: pyung: 'o: 'tshal:/ shos: chod. ces: byung: na./ snga. dro: phyi: dro: dag. las: mchId. myi: mjal: pa: mchi<sub>s</sub>. na/
- 241 snga. dro: phyi: phyI: dro: gang. [brtsan.] gI: tshigs: brtsan. par. bzung. par. 'tshal:/ / kha: mar. las: tshes: drugi./
- 242 gtugs: pas: gyI: tshigs: gyls: zung: shlg:/ sho: tshigs: snga: ma: dag. las: myI: zhIng. dang. khyIm: sho: ma:/
- 243 ma: mchIs: pa: skad: gsang. par. 'byung. na./ myI: zhing. khyim: la: shos: gcad. dam: myi: gcad:/ mchid. myi:
- 244 myI: mjal: pa: mang: na: mchId: myi: mjal: pa: phal: che:/ shos: gcad. dam: myI: gcad. ji. ltar. 'tshal:/
- 245 zhIng. khyim: myI: stagî: lo'i: sho: tshigs: dang. spyor. la: [ji.] zhing. khyim: myi: ji: 'ogdu: song. yang. shosmyi:
- 246 chod. gyls: slar. bdag. po: stsol: cig:/ par: byung: gIs: de: dang. sbyor. cIg:/ bka': sho'I: sngun:/
- 247 roldu: pud. med. pag: rgod. bgyIste:/ da': ltar. pha: myIng. la: gnas: [pa.] zhIng: mchIs: pa:/ khyIm: thab.
- 248 gyis: nI: [drung.] myi: btang: par. gsoj:/ pha: ma: dang. dngos: gyIs: nI: thog: ma: yang. mchId. mjal:<sup>84</sup> pas: da'://
- 249 rung. yang: mchI. mjal: parmyI: 'byung: gis:/ glud. 'tshal: par: yang: gsol: ba': mchIsna. ji: ltar.
- 250 'tshal:/ / kha: mar: las:/ pardu: rang. reng. 'tshal: pe'I: chad. pa: ni: ma: mchIs:/ dngos: ni khyIm: thab./
- 251 stsol: cig/ / bla: 'ogI: bu: londu: gyur. pe'I: rnames: shos: myî: gcado: zhes: byung: na./ bu. lon. gyi:/
- 252 gyur: ded. pe'I: mchid. nas: nI:: gyur. yang. bu. lon. shos: myI: gcad: pe'i. nang: 'du. 'du./ khrin. ma: lags./
- 253 pas: bka': shos: myI: gcad. par. gsoj: ces: mchI:/ chags: pe'i: khungs: po'I: mchId. nas: ni: bla:
- 254 'ogI: bu: lon. shos: myI: gcad. par: 'pyung. gis:/ gyur. shos: myi: gcad. par: yang: myi: 'pÿung:
- 255 la:/ gyur. ces: bgyI: pa': bu: lon. dngos: sho. ma: lagste:/ sngar: bu: lon: dusu: ma: phul: pe'i: nongs:

<sup>83</sup> Read *pho-brang*.

<sup>84</sup> There is a small circle over the *ma* prefix.

- 256 pe'i. chad. par. gyur. pas:/ 'dI: yang: nyes: che: phra: [pa:] 'dra:  
pas:/ chad. pa: 'gum: spyug: man. cad.
- 257 la: thug: pa:/ thugs: dpag: mdzad. pe'i: bka': shos: bcad. par.  
gsol: ces: 'byung. 'ba'di: mams:
- 258 gang: ltar. 'tshal:/ kha: mar. las: byung. ba': shos: gcad. par:  
'tshol: cIg:// nongs: skyon. mchIs: pa:
- 259 dang:/ 'og: dum: bgyis: pa: lastsogs: pa:/ 'ogdu: tshongsu: bgyis:  
pa: bu: lon. chags<sub>pa</sub>. snyadu. dam: rgya.
- 260 las: khungs: po'I: mchId. nas: nI:/ tshongsu: bgyis: pa[s:] ma:  
[lagste:] 'am: bu: lon. dngos: chags: pa:
- 261 chags: pa: ma: lags[te:] pas: shos: gcad. par. gsol:/
- 262 ded. pe'i. mchid. nas: nI:/ dam: rgya: brtsan. shos: myi: gcad.  
par: gsol: ces: mchi: 'dI: nyis: gang:
- 263 ltar. 'tshal:/ bu / kha: mar. las: dpyong.<sup>85</sup> bu: londu: gyur. na.  
shos: ma: gcad: cIg:// bzhag: btam: [s] lta:
- 264 po:: shos: myI: gcad: ces: 'byung. ba' / myi: dang. rkang: 'gros:  
dang. nor: rdzas: gnag: rta: lastsogs: pa:/
- 265 btams: pa: las/ bka': shogdu: blangs: nas:/ bzhag: pe'i: mchId:  
nas: 'dI::/ bka': shos: nI:
- 266 myI: khums: na:/ dngos: ma: mchIs: na: skyin. khrin: lta: po:  
shos: dgum: gam. myI dgum:// jI: ltar. 'tshal:/
- 267 kha: mar. las: bu: lon. shos: myi: gcad. par: 'byung: bas: shos:  
myI: gcad. par: 'tshol:: cig:/
- 268 sho. tshigs: gyI: yan. lag: las:/ pho: brang. khor: gyi: zhal: ce<sub>pe</sub>:  
sa<sub>r</sub>: [nas:] zhus: pa:/ phyI: lon. sa:
- 269 nas: dgyIgstes: zhus: pa:/ mchId. gyis: bcade: zhus: pe'i: zhus:  
lan./ bka': sho'I: sngan. rol:
- 270 du: pud. med. khyIm: thab: mchIs: pa: gzhan: gyi: brkus: phrog:  
nas:/ da': ltar. 'tshos: pa: lta.
- 271 bo:/ dbag: po: snga. ma: [stsa:] ngo. lendu: stsal: tam:/ 'tshos:  
myI: dpral: bar: myI: skyin. stsal: tam: jI:
- 272 jI: ltar: 'tshal:/ rta'I: lo'I: sho: tshigs: gyI: zhus: lan. las: 'pyung:  
ba':/ bud. med. bdag: po: dang./
- 273 dpang. pos: 'tshong. la: dpang. pa':/ ma: lags: pa:/ phrog: pa:  
dang. brkus: pa: lastsogs: pa: myi:/
- 274 dpang. pas: 'tshos: pa: rnam: khrIn. ni: shos: chod./ bud. med.  
dngos: nI: slad. gyis:/ [slad:]'tshos:

<sup>85</sup> Read *dpyod*.

- 275 pa: dang: 'tsho: myI: dpral: par. gzhang: / / myI: zhIng: khyIm: la: sho: ma: mchIs: gyis: / myi. skyin.
- 276 na: tshad. 'dra. re: re: phob. shIlg: / / myIlg: mar. las: rta'I: lo'I: [lo:] sho: tshIgs: gyi: dpe 'a:
- 277 gsel: ba'. lagste: / 'dI: lta: bu: khyIm: thab: ma: mchIsu: lags: gyis: gyang: / khong. ta. sun.
- 278 pas: slar. 'tsho. zhIng. 'du: pa': la: myI: phan. bas: / rta'I: lo'I: sho: tshIgs: shus: lan. 'dI. bzhIn. mdzaḍ: /
- 279 pe'I: rīgs: / kha. tshem: dang: phang: tshem:<sup>86</sup> lta: bo: da': ltar. 'tshos: pa: lta: bo: nī: / cang. ma: lags:
- 280 gyIs: / tha: snyad. 'dog: ma': dang: / mo: reng. nI: shos: chod. par. yang: bas: / dngos. nI: lendu. stsal:
- 281 pe'I: rīgs: / myI: dpang. par. brkus: pa: dang: / thugs: thubdu: btsongs<sub>pa</sub>'î: rnams: / khrIn. ni: shos
- 282 chod. na: / dngos: 'tshos: dpral: 'am: myI: dpral: sho: tshigs: las: gsang. las: gsa<sub>ng</sub>: par.
- 283 myi: 'byung: na. jI: ltar. 'tshal: / myIlg: mar. las: zhal: ce: pas: zhus: pa: / bud. med. khyim:
- 284 thab: [ma:] mchIs: pa: las: / gzhan. phrog: pa: dang. brkus: pa: lastsogste: / sngar. myIlg: mar.
- 285 gongdu. gsol: pe'i: nang. 'du: 'du. zhIng: mchIs: // kha: mar. las: rta'I: lo'î: sho: tshigs:
- 286 gyî: zhu: lan. las: 'byung: ba': ['tsho:] bzhIn. 'tshol: cIlg: // / chIbs: shul: gong.
- 287 spa. dang: sde.<sup>87</sup> pas: / zhang. lon. dang. 'tshal: zas: phor. mnos: pa: gum: pa: dang. stor. pa:
- 288 skyIn. pa'. phab: nas: / bkye: bskyon: pa': / stor. ba'. dang. gumpe'i: mdo: rIs: blar. ma: phul:
- 289 par. yang: bas: na: / gum: nas: mdo: rIs: ma: phul: pa': lta: bo: / phor. ['tshel:] 'tshal: pas:
- 290 gsoj: na: / bkye: bskyon. lta: bu: chad. khrIn. thebs. lags. zhes: bgyi: pa'. 'dI: lags: / stor.
- 291 stor. lta: bo: myIs: nongs: pa: yang. ma: lags: / gum: pa': mdo: rIs: phul: ba': bka'. shos: bcad
- 292 par. gsol: / na: / jI: ltar. 'tshal: / rta'i: sho: tshIgs: las: byung: ba': mchibs: phor. mnos: pa: dang:

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<sup>86</sup> *tshes?*

<sup>87</sup> *ste?*

- 293 g.yar. por. btang: ba'. nI: bzhag: btam: pa: dang. 'draste: shos: myI: 'chod./ pho: dang. g.yar. pa: las
- 294 gum: storte:/ chad. khram: btab. dang. phyi: khungs: dang. nang. khungs: las: chad. pa: nI: shos: gcado:/
- 295 zhes: 'byung./ / myIg: mar. las: phor. phog: pa: dang: g.yar. pe'i: skyIn. khrIn:/ rta'i: lo'i
- 296 zhu: lan. las: shos: gcad. par. 'byung./ gIs: gyang:/ bka': khrImS: gyis: skyin. ba': 'da':
- 297 bar. 'byung. pas: sbyangste: gum: stordu: gyur. na:/ bla: 'ogI: bu: londu: 'gyur. pas:/ shos: myi:
- 298 gcad. pe'i: rIgs:/ zhal: ce pas: zhus: pa: las: mdo: rIs: mchis: mchIs: pa:
- 299 ma: mchIs: zhes: bya: ba': nI: stor. pa: la: nI. yong. yang: ma: mchIs:/ gum: ba': la: yang.
- 300 chab: gyIs. 'tshal: pa: dang./ khyI: spyang: gIs: 'tshal: pa: dang./ stor. pa: yang: mchIs: pa.
- 301 zhig: mchIs: na./ gum: stordu: gyur: tam: ma: gyur. pa': nI: spyang. be'I: nang: du: 'du: bas:
- 302 mdo: rIs: mchIs: ma: mchis. pa: myI. rma. be'i: rIgs:/ / kha: mar: las: shos: myI: gcaḍ.
- 303 par. 'tshol: cIg:/ bka': sho'i: sngun. roldu. bkon. mchogI: dkor. pa: las: zhal: ce:
- 304 brtsad. bzung. pa'I: khrin: nI: shos: chod. [rkanga':] dkor. gyI: dngos: 'jal: pa': sngar: ma:
- 305 phul: pe'I: skyin. par. lha: rI. 'da': par: lha: ris: gyî: dpon. snas: gsol: ba': dag: gyang.
- 306 mchIste:/ sho: tshIgs: 'dî: las: gyang. gsang. par. myi: 'byung. na. shos: gcad. dam: myi: gcad. ji:
- 307 ltar. 'tshal:/ rta'i: lo'I: sho: tshIgs: gyi: zhu: lan. las: 'byung: ba':/ mgon: mchog: dang.
- 308 dge': dun. gyi: dkor. las: 'bangs: phal: la: chags: pa: dang./ 'bangs: gyI: bu: lon: bko<sub>n</sub>
- 309 mchogs dang:/ dge: 'dun. spyI:: [la:] pa:/ chags: pa: dar: ma'I: gzhung. dang. gdugs. na./
- 310 bka': shos: gcadu. myI: rung. par. 'byung: gIs: sog: 'tshal: dngos: [st]ong.<sup>88</sup> su: phul.

<sup>88</sup> There is a blue inkspot on this word, and what looks like a *na-ro* above it. Richardson transcribed this as *gting* in a partial transliteration found in his papers at the Bodleian Library (MS. Or. Richardson 44: 130-31).

- 311 cIg:/ dngos: dngosu: myi: 'byor: na. rîndu: phul: cIg:/ gyur.  
dang: skyed. nI: shos: gcado:/  
312 dge: slong. gI: rdzas: dang. lha. 'bangs: rnam: [gyI:] nI: 'bangs:  
phal: dang. 'dra. shos:  
313 gcado:/ zhal: ce: lastsogs: pa: khrin. du: rma'o: 'tshal: bkon:  
mchog: man. cad: gyi: shos  
314 gcado:/ bkon: mchog: gsum: gyI: dkor: las: bskyIs: pa: dang:  
bun. skyed. btang:  
315 dngos: nI: shos: myI: gcado:/ bun: skyed. dang. chad. khrIn. nI:  
shos: gcado:/ dge: slong. sgo: sgo'I  
316 'bangs: phal: dang: 'dra'o:/ / myIg: mar. las: rta'I: lo'i: sho:  
tshIgs: gyI: dpe: 'ang: gsoj  
317 pa: lagste:/ bkon. chogi: dkor: gyî: [d]gyur: skyed. dang. khrin.  
nI: shos: gcad./ dngos: nI:  
318 shos: myI: gcad: par: sho: tshIgs: gud. las: [gtug: par. 'ang.]  
thun. par. 'byung. bas:  
319 'dI: yang. shos: myI: gcad: par: mdzad. pa'I: rigs:/ / kha: mar.  
las: rta'i: lo'I:  
320 sho: tshigs: [las: 'bya:] gyI: zhu: la<sub>n</sub>: [sa:] las: 'byung: ba':  
bzhin. 'tshol: cIg:/ sho: tshIgs  
321 ngos: chad. dang. gIing. chad. lastsogs: pa: ser. la: thebs: pa:  
khram: nag: la: thebs: pa: dang:/  
322 dmag: myI: lo: bun. gyIs: bcad. pa: dang. mkhar. tsud. lo: chags:  
pe'i: rnam:/ shos:  
323 gcado: zhes: byungste:/ chad. pa: nî: bka': shos: khums: par:  
yang: bas:/ rje: blang: ngo:  
324 blang: 'tshal: tam: myI: 'tshal/ / kha: mar: las: dmag: dang.  
mkhar: tsud. bcad. pa'i:  
325 rnam: chad. pa: yang: shos: chod. dngos: gyang: gzhi: gzhi: la::  
mchIs:/ dper: na. tshI: gu:  
326 stag: nu:<sup>89</sup> la: gtogs: pa: lta: bu: lo: rtsis: ma: bgyIs: pas: ser. la:  
nI: ma: bebs:<sup>90</sup>  
327 sog: sa: che: chung. da.<sup>91</sup> jag: rongdu. brtsis: pe'i: chad. byang:  
las: byung. ba': ni: sho: tshIgs  
328 las: sngan. cad. nyes: byungo. chog: shos: gcado: zhes: byung:  
bas: khrin. yang: bka: shos

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<sup>89</sup> ru?

<sup>90</sup> thebs?

<sup>91</sup> na?

- 329 chod: gzhi: gzhi: la: yang: mchIs: par. gnango./ [rta] sta 'I: lo'I:  
 sho: tshigs: gyI: yal: ga'.  
 330 las: pho: brang. khor. gyI: zhal: ces: pas/ [phyi: blon. sar.] zhal:  
 ce'i: pe'I: sa: nas: zhus:  
 331 las:/ phyI: blon: sar: dgyigste: mchId. gyis: bcad. pa:/ /bka':  
 sho'i: sngan.  
 332 roldu:/ rje: blas: skyar. btuste:/ gzhi: bus: brdzangs: pa: las:  
 dmag: myI: rje blas  
 333 gcad. pa: dmag: chad. dngos: nI: khrin: myi: rma: bar. bka':  
 sho'i: tshigs: las:  
 334 gyang. 'byung. na./ dmagmag: rdzangs: lta: bo:/ dmag: god.  
 thob: pas:<sup>92</sup>/ thus:  
 335 slad. ma'i: tshe: 'ang. [za:] rdzong. 'tshalte:/ [sla:] 'tshal: tam:/  
 slar. 'buldu. stsal:/  
 336 kha: mar. las: 'di: lta: bsdu: be'i: rIgs: sam. myi: rIgs:/ phyi:  
 blon. gyIs:  
 337 dgyigste: gsoj: cig:/ myIg: mar. las: 'byung: ba':/ :mun: dmag:  
 btus  
 338 pe'i: rtsis: mgo: dang: bla'I: bka': gsung: ba': dag: da<sub>ng</sub> [ga]  
 sbyar. na./ mun.  
 339 mun: dmag. gzhan: kun. bsdu./ skyar btab. pegi: sgos: rdzong.  
 'dI: lta: bo: rdzang.  
 340 gzhan. la: dbab. par. nI: ltang: bur. bab. pas: da': ltar./ stong: sde.  
 so'i: 'og.  
 341 nang: srId. du: bgyis: nas: bcu: tshan: dang: khram: tshan. gyIs:  
 rdzong. ba': du. mchis  
 342 da': dmag. chad: shos: khums: pe'i: dmag: rdzong. ded. pa: nI:  
 spyi: mangdu. mchis  
 343 pa: yang. 'dra:/ dmag. chad. dngos: gyI: bka': chad. nI: shos:  
 khums: par. yang:  
 344 bas: na./ gzhi: pus: brdzangs: pe. 'i: rdzangs. lta: bo: khrim:  
 gyIs: dmag: myis  
 345 dpangste:<sup>93</sup>/ thog: ma: gzhi: bo: las: 'gug: pe'i: tshe: yang:  
 gtandu: stsal: pas.  
 346 dmag: myI: nor. lagste:/ bka': sho: ma: byungdu: lags: gyIs:  
 gyang. dmag. chad.

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<sup>92</sup> las?

<sup>93</sup> Read *dbangste*.

347 'gum: 'am: spyugs: na./ bu. smad. kun. yang. khrIn. gyI: bka':  
chad. la:/

348 thug: pas:/ gzhI: bus: rdzangs: bdar. ma: mchIs: pa: lagste: 'dI:  
yang. rmyig<sup>94</sup>

349 dang. sbyar. na./ bu. londu. yang: myI: 'gyur: la:/ da': ltar: gzhI:  
pus: bda':

350 ba':/ yongs: 'bangs: khrog: par: 'gyur. pas: rdzangs: gyI: rnam:  
gyang:

351 shos: gcad. par. mdzad. pe'i. rIgs:/ gong. du. gsol: ba: gzhIn.  
shos. gcad.

352 par: mdzad. na./ gzhI: po'i: mun: dmag: gyang: godu. ma: chud.  
pa: sa:<sup>95</sup>/ bu: bran.. btu.

353 pe'i: 'os:: mchIs: pa: mchIs: nI. dmag: myi: 'ang:<sup>96</sup> bab:./  
rdzongs: gyang: nyI: rimdu.

354 du: 'jalte: pham: yang. rab: na:/ bka'. chad. dang: 'dra: bar. gyur.  
pa: dmag: chad.

355 lta. bo: 'gum: spyugs: a: thug: pa: yang: khrin: chen: po: yang:  
bka': shos/

356 khums:/ rkya. 'ang: bka': shos: dgum: zhIng: rkya: yuldu: ma:  
bsnan: pe'i:/

357 rIgs: sam: myi: rIgs:/ / kha: mar. las: dmag: chad. rnam: rkya.  
god.

358 stsal: par. myI: gngang: gIs: dmag: nI: gzhi: la: snon. cîg: rdzangs:  
[gya:] ni:

359 bu: londu. gyur. pas: shos: ma: chod. gyis: gzhi: bo: slar. stsol:  
cig./

## GLOSSARY

Due to the fact that IOL Tib J 740 has been transliterated by OTDO, and added to their KWIC concordance tool, it is unnecessary to present here a full concordance. Below, however, are some key terms, most of which appear in IOL Tib J 740.

*dkar-chag*

Manual, inventory.

<sup>94</sup> [r]myig?

<sup>95</sup> Read pas?

<sup>96</sup> gang?

<i>bka'-khrims</i>	Law (honorific).
<i>bka'-sho</i>	Dice edict.
<i>rkud</i>	Fine, penalty?
<i>rkya</i>	Crop fields.
<i>rkyen(d)</i>	Estate.
<i>skyin-pa</i>	Loan/ debt.
<i>bskyis-pa</i>	Loan/ debt.
<i>kha-(d)mar</i>	Red notched wooden slip.
<i>khram-tshan</i>	Tally group.
<i>kh rin</i>	Legal punishment.
<i>khrims</i>	Law.
<i>dang khrims gcig/ chig</i>	Apply the law, try.
<i>gyur</i>	Interest, usually on an overdue loan.
<i>gyur 'ded-pa</i>	Lender; lit. 'the one pursuing the interest'.
<i>dgum</i>	To carry out, execute. Past tense: <i>khums</i> .
<i>dgyigs</i>	To dispatch?
<i>sgor rabs-gcad</i>	Death penalty involving extermination of family line.
<i>dn gos</i>	Himself, herself, itself.
<i>bcu-tshan</i>	Group of ten.
<i>chags-pa'i khungs-po</i>	Borrower.
<i>chad/ chad-ka</i>	Punishment.
<i>mchid mjal</i>	To agree.
<i>mchid kyis bcad</i>	To decide.
<i>mchis-brang</i>	Bride, wife.
<i>rje-blas</i>	Official duty.
<i>lta-bo</i>	Considering, concerning; similar to <i>lta na</i> ; topicalizer.
<i>thang-yig</i>	Record.
<i>thugs-dpag</i>	Consideration.
<i>thong-myi khrims</i>	Law of homicide.
<i>bda'-ba</i>	To evade.
<i>'dam-po</i>	Legal associate.
<i>gnang-chen</i>	Overseer/ manager of an estate.
<i>m nos-pa</i>	To entrust.
<i>pho-reng</i>	Hinterland?
<i>bag rgod</i>	To break off a marriage, separate?
<i>bu-lon chags-pa</i>	Lender; lit. 'the one who made the loan'.
<i>bla-'og</i>	1. Above and below, high and low. 2. Under the [jurisdiction of the] authority.

<i>bla'og gi bu-lon</i>	A loan 'under the authority;' i.e., a government-protected loan.
<i>blo-yus</i>	Accuser, complainant.
<i>mig-(d)mar</i>	Red dotted wooden slip.
<i>mun-(d)mag</i>	Soldier. Conscript?
<i>myi-skyin</i>	Human loan/ human debt.
<i>myi-stong</i>	Blood money; amount of compensation for murder or injury.
<i>gtsang-dkar</i>	Juror; similar to <i>gtsang-mi</i> .
<i>gtsang-chen</i>	Rank just below that of ministerial aristocracy.
<i>rtsis-mgo</i>	Manual, code.
<i>rdzang/rdzong/brdzangs</i>	To provision.
<i>rdzangs</i>	Provisions.
<i>zhang-lon</i>	Minister, ministerial aristocracy.
<i>zhal-ce(s)-pa</i>	Judge.
<i>zhal-ce dbyangs</i>	To hold a trial; decide a legal case.
<i>gzhi-bu</i>	Estate holder.
<i>bzhag-btam</i>	Deposited security.
<i>yus-bdag</i>	Accuser, complainant.
<i>sho-tshigs</i>	Dice statutes.
<i>shos gcad</i>	To decide by means of dice.

## BIBLIOGRAPHY

### *Abbreviations*

- CD2 SPANIEN, A. AND Y. IMAEDA. 1979. *Choix de documents tibétains conservés à la Bibliothèque nationale: complété par quelques manuscrits de l'India Office et du British Museum. Tome 2*. Paris: Bibliothèque nationale.
- CD3 IMAEDA, Y. AND T. TAKEUCHI. 1990. *Choix de documents tibétains conservés à la Bibliothèque nationale: complété par quelques manuscrits de l'India Office et du British Museum: Corpus syllabique. Tome 3*. Paris: Bibliothèque nationale.
- CD4 IMAEDA, Y. AND T. TAKEUCHI, *et al.* 2001. *Choix de documents tibétains conservés à la Bibliothèque nationale: complété par quelques manuscrits de l'India Office et du British Museum: Corpus syllabique. Tome 4*. Tokyo: Institut de Recherches sur les

- Langues et Cultures d'Asie et d'Afrique (ILCAA), Université des Langues Étrangères de Tokyo.
- Jo-sras* LDE'U JO-SRAS; *Chos 'byung chen mo bstan pa'i rgyal mtshan*, Chos-'dzoms (ed.). Lhasa: Bod ljongs mi dmangs dpe skrun khang, 1987.
- KhG* DPA'-BO GTSUG-LAG PHRENG-BA; *Dam pa'i chos kyi 'khor lo bsgyur ba rnams kyi byung ba gsal bar byed pa mkhas pa'i dga' ston*. Beijing: *Mi rigs dpe skrun khang*, 1985.  
*Mkhas pahi dgah ston* by Dpah-bo-gtsug-lag 'phreng-ba, Lokesh Chandra, (ed.), Śatapiṭaka Series no. 9 [4], New Delhi 1965.
- Lde'u* MKHAS-PA LDE'U; *Rgya bod kyi chos 'byung rgyas pa*, Chab-spel tshe-brtan phun-tshogs (ed.). Lhasa: Bod ljongs mi dmangs dpe skrun khang, 1987.
- OTDO Old Tibetan Documents Online <http://www.aa.tufs.ac.jp>
- TLTD THOMAS, F.W. 1935, 1951, 1955, 1963. *Tibetan Literary Texts and Documents Concerning Chinese Turkestan*, Vols. I—IV. London: The Royal Asiatic Society.

### *Cited Old Tibetan Sources*

- PT 997 The inventory of Yu-lim Gtsug-lag-khang.
- PT 1101 An Old Tibetan tax record.
- PT 1060 A ritual text involving horses, and containing a catalogue of principalities.
- PT 1071 Laws regulating hunting accidents.
- PT 1072 Fragments of laws regulating hunting accidents.
- PT 1073 Laws concerning the dog bite.
- PT 1075 Laws concerning theft.
- PT 1083 Petition by Chinese residents of Sha-cu for racial endogamy.
- PT 1089 Petition regarding the order of rank in Sha-cu.
- PT 1286 The *Royal Genealogy*, properly a part of the *Old Tibetan Chronicle*.
- PT 1287 The *Old Tibetan Chronicle*.
- PT 1288 Part one of the *Old Tibetan Annals*, 'civil version'.
- PT 1290 Fragmentary text containing the coronation of Khri Gtsug-lde-brtsan; catalogue of principalities and information about messengers.
- ITJ 750 Part two of the *Old Tibetan Annals*, 'civil version'.
- ITJ 753 Laws concerning theft.
- ITJ 1141 Loan document.
- ITJ 1410 Document recording the boundaries of crop fields.
- Bsam-yas Pillar Dates to c. 779, records official conversion to Buddhism.

- Bsam-yas Edict This *bka'-gtsigs* dates to the same period and supplements the pillar inscription. Preserved in *KhG*.
- Skar-chung Pillar Dates to c. 812, renews commitment to Buddhism.
- Skar-chung Edict Dates to the same period and supplements the pillar inscription. Preserved in *KhG*,
- Lcang-bu Inscription Dates to reign of Khri Gtsug-lde-btsan (815-841), sets out charter for Lcang-bu Temple.

### References

- ALLEN, N.J. 1978. Quadripartition of society in early Tibetan sources. *Journal Asiatique* 266, 341-60.
- BACOT, J., F.W. THOMAS AND C. TOUSSAINT. 1940-46. *Documents de Touen-Houang Relatifs a l'Histoire du Tibet*. Paris: Librairie Orientaliste Paul Geuthner.
- BDE-CHEN SGROL-DKAR (ed.). 2003. *Sho bshad*. Beijing: Mi rig dpe skrun khang.
- BECKWITH, C.I. 1987. *The Tibetan Empire in Central Asia: A History of the Struggle for Great Power among Tibetans, Turks, Arabs, and Chinese During the Early Middle Ages*. Princeton: Princeton University Press.
- BSOD-NAMS TSHE-RING (ed.). 2004. *Snga rabs bod kyi srid khrims*. Beijing: Mi rigs dpe skrun khang.
- BTSAN-LHA NGAG-DBANG TSHUL-KHRIMS. 1997. *Brda dkrol gser gyi me long*. Beijing: Mi rigs dpe skrun khang.
- BUSHELL, S.W. 1880. The early history of Tibet. From Chinese sources. *Journal of the Royal Asiatic Society* 12, 435-541.
- CASSINELLI, C.W. AND R. EKVALL 1969. *A Tibetan Principality: the Political System of Sa skya*. Ithaca: Cornell University Press.
- CHAB-SPEL TSHE-BRTAN PHUN-TSHOGS AND NOR-BRANG O-RGYAN. 1989. *Bod kyi lo rgyus rag rim g.yu yi 'phreng ba, stod cha* (volume 1 of 3). Lhasa: Bod ljongs dpe mying dpe skrun khang.
- COBLIN, W.S. 1991. Notes on old Tibetan rje-blas. In E. STEINKELLNER (ed.), *Tibetan History and Language: Studies Dedicated to Uray Géza on his Seventieth Birthday*. Wien: Arbeitskreis für Tibetische und Buddhistische Studien, 63-110.
- DEMIÉVILLE, P. 1952. *Le concile de Lhasa*. Paris: Collège de France, Institut des Hautes Études Chinoises.
- DOTSON, B. 2004. A note on *zari*: maternal relatives of the Tibetan royal line and marriage into the royal family. *Journal Asiatique* 292(1-2), 75-99.
- . 2006. Administration and Law in the Tibetan Empire: the *Section on Law and State* and Its Old Tibetan Antecedents. D.Phil. Thesis: Oxford University.

- . forthcoming a. At the behest of the mountain: gods, clans and political topography in post-imperial Tibet. In C.A. SCHERRER-SCHAUB (ed.), *Old Tibetan Studies Dedicated to the Memory of Professor Ronald E. Emmerick (1937-2001)*. Proceedings of the 10th Seminar of the International Association for Tibetan Studies, Oxford 2003. Leiden: Brill.
- . forthcoming b. *Khrims* and punishments in Old Tibetan: on the Old Tibetan legal term *khrin*. In K. HONGLADAROM, M. TURIN AND B. ZEISLER (eds), *Languages of the Himalayas: Continuity and Change*. Leiden: Brill.
- . forthcoming c. 'Emperor' Mu-rug-btsan and the 'Phang thang ma Catalogue. *Journal of the International Association for Tibetan Studies* 3.
- DUNG-DKAR BLO-BZANG 'PHRIN-LAS. 2002. *Bod rig pa'i tshig mdzod chen mo*. Beijing: Krung go mi rigs dpe skrun khang.
- EKVALL, R.E. 1954. Mi stong: the Tibetan custom of life indemnity. *Sociologus* 4, 136-45.
- . 1959. Significance of thirteen as a symbolic number in Tibetan and Mongolian cultures. *Journal of the American Oriental Society* 79(3), 188-92.
- FRENCH, R. 1995 *The Golden Yoke: the Legal Cosmology of Buddhist Tibet*. Ithaca: Cornell University Press.
- GESANG YANGJING. 2005. Dunhuang zangwen xiejuan ch. 9 II 19 hao chutan ch. 9 II 19 (A study of the Old Tibetan divination document, ch. 9 II 19). *Zhongguo Zangxue (China Tibetology)* 2, 9-17.
- GNYA'-GONG DKON-MCHO G TSHES-BRTAN. 1995. *Bod kyi brda rnying yig cha bdams bsgrigs*. Beijing: Krung dbyang mi rigs slob grwa chen mo'i dpe skrun khang.
- . 2003. *Bod kyi btsan po'i rgyal rabs skabs kyi 'bangs mtho dman bar pa'i gral rim gyi dbye ba 'gar rags tsam dpyad pa*. In KHA-SGANG BKRA-SHIS TSHE-RING (ed.), *Bod kyi yig rnying zhib 'jug*. Beijing: Mi rigs dpe skrun khang, 210-28.
- GOLDSTEIN, M. 1971a. Taxation and the structure of a Tibetan village. *Central Asiatic Journal* 15, 1-27.
- . 1971b. The balance between centralization and decentralization in the traditional Tibetan political system. *Central Asiatic Journal* 15, 170-82.
- . 1986. Re-Examining choice, dependency and command in the Tibetan social system: 'tax appendages' and other landless serfs. *Tibet Journal* 11, 79-112.
- (ed.). 2001. *The New Tibetan-English Dictionary of Modern Tibetan*. Berkeley: University of California Press.
- GO-SHUL GRAGS-PA 'BYUNG-GNAS. 2001. *Bod btsan po'i skabs kyi gna' rtsom gces bsdus slob deb*. Lhasa: Mi rig dpe skrun khang.

- HAZOD, G. 2000. The land of g.ya'-bzang-pa: supplementary data and summary. In T. GYALBO, G. HAZOD AND P.K. SØRENSEN. 2000. *Civilization at the Foot of Mount Sham-Po: The Royal House of Lha Bug-Pa-Can and the History of g.Ya'-Bzang*. Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 203-25.
- HENDERSON, D.F. 1964. Settlement of homicide disputes in Sakya (Tibet). *American Anthropologist* 66(5), 1099-1105.
- HOUSTON, G.W. 1980. *The Council of Tibet: Sources for a History of the Bsam Yas Debate*. Sankt Augustin: VGH-Wissenschaftsverlag.
- HOR-DKAR BU-PHRUG. 2003 [1989]. *Btsan po'i skabs kyi bod kyi khrims lugs la rags tsam dpyad pa*. In KHA-SGANG BKRA-SHIS TSHE-RING (ed.), *Bod kyi yig rnying zhib 'jug*. Beijing: Mi rigs dpe skrun khang, 307-15.
- IMAEDA, Y. 1980. Towards an interpretation of the word chis. In M. ARIS AND AUNG SAN SUU KYI (eds), *Tibetan Studies in Honour of Hugh Richardson*. Warminster: Aris and Phillips, 131-32.
- IMAEDA, Y. AND T. TAKEUCHI *et al.* 2007. *Tibetan Documents from Dunhuang Kept at the Bibliothèque Nationale de France and the British Library*. Old Tibetan Documents Online Monograph Series, Vol. 1. Tokyo: Research Institute for Languages and Cultures of Asia and Africa.
- JÄSCHKE, H. A. 1998 [1881]. *A Tibetan English Dictionary*. New Delhi: Munishiram Manoharlal.
- KAPSTEIN, M.T. 2000. *The Tibetan Assimilation of Buddhism: Conversion, Contestation, and Memory*. Oxford: Oxford University Press.
- . 2004. The Treaty Temple of De ga g.Yu tshal: Iconography and Identification. In HUO WEI (ed.), *Essays on the International Conference on Tibetan Archeology and Art*. Chengdu: Sichuan Renmin Chuban-she, 98-127.
- KARMAY, S.G. 1998 [1994]. The origin myths of the first king of Tibet as revealed in the Can Inga. In S.G. KARMAY, *The Arrow and the Spindle: Studies in History, Myths, Rituals and Beliefs in Tibet*. Kathmandu: Mandala Book Point, 282-309.
- KIND, M. 2002. Abducting the divine bride. Reflections on territory and identity among the Bonpo community in Phoksumdo, Dolpo. In K. BUFFETRILLE AND H. DIEMBERGER (eds), *Territory and Identity in Tibet and the Himalayas*. Leiden: Brill, 271-88.
- LA VALLÉE POUSSIN, L. DE. 1962. *Catalogue of the Tibetan Manuscripts from Tun-huang in the India Office Library*. London: Oxford University Press.
- LALOU, M. 1955. Revendications des fonctionnaires du grand Tibet au VIII<sup>ème</sup> siècle. *Journal Asiatique* 243, 171-212.
- LI, F.K. AND W.S. COBLIN. 1987. *A Study of the Old Tibetan Inscriptions*. Taipei: Institute of History and Philology, Academia Sinica.

- MACDONALD, A. 1971. Une lecture des Pelliot tibétain 1286, 1287, 1038, et 1290: essai sur la formation et l'emploi des mythes politiques dans la religion royale de Sroñ bcan Sgam po. In A. MACDONALD (ed.), *Études Tibétaines Dédiées à la Mémoire de Marcelle Lalou*. Paris: Adrien Maisonneuve, 190-391.
- MACDONALD, A.W. 1980. Creative dismemberment among the Tamang and Sherpas of Nepal. In M. ARIS AND AUNG SAN SUU KYI (eds), *Tibetan Studies in Honour of Hugh Richardson*. Warminster: Aris and Phillips, 199-208.
- MILLER, R.A. 1966. Early evidence for vowel harmony in Tibetan. *Language* 42, 252-77.
- . 1981. Phonemic theory and orthographic practice in old Tibetan. *Tibet Journal* 1, 45-62.
- NEBESKY-WOJKOWITZ, R. DE. 1998 [1956]. *Oracles and Demons of Tibet. The Cult and Iconography of Tibetan Protective Deities*. Delhi: Classics India Publications.
- PELLIOT, P. 1961. *Histoire Ancienne du Tibet*. Paris: Adrien Maisonneuve.
- RAMBLE, C. 1993. Rule by play in southern Mustang. In C. RAMBLE AND M. BRAUEN (eds), *Anthropology of Tibet and the Himalaya*. Zürich: Völker-kundemuseum der Universität Zürich, 287-301.
- RICHARDSON, H. E. 1985. *A Corpus of Early Tibetan Inscriptions*. London: Royal Asiatic Society.
- . 1998 [1969]. Tibetan chis and tshis. In M. ARIS (ed.), *High Peaks, Pure Earth*. London: Serindia, 25-27.
- . 1998 [1977]. Ministers of the Tibetan kingdom. In M. ARIS (ed.), *High Peaks, Pure Earth*. London: Serindia, 56-73.
- . 1998 [1980]. The first Tibetan chos-'byung. In M. ARIS (ed.), *High Peaks, Pure Earth*. London: Serindia, 89-99.
- . 1998 [1989]. Early Tibetan law concerning dog-bite. In M. ARIS (ed.), *High Peaks, Pure Earth*. London: Serindia, 135-39.
- . 1998 [1990]. Hunting accidents in early Tibet. In M. ARIS (ed.), *High Peaks, Pure Earth*. London: Serindia, 149-66.
- . 1998 [1992]. The inventory of Yu-lim Gtsug-lag-khang. In M. ARIS (ed.), *High Peaks, Pure Earth*. London: Serindia, 279-85.
- RONG, X. 1990-91. Mthong-Khyab or Tongjia: a tribe in the Sino-Tibetan frontiers in the seventh to tenth centuries. *Monumenta Serica* 39, 247-99.
- SCHOPEN, G. 2004 [1994]. Doing business for the lord: lending on interest and written loan contracts in the Mūlasarvāstivāda-vinaya. In G. SCHOPEN, *Buddhist Monks and Business Matters: Still More Papers on Monastic Buddhism in India*. Honolulu: University of Hawaii Press, 45-90.
- SEYFORTH RUEGG, D. 2004. Introductory remarks on the spiritual and temporal orders. In C. CUPPERS (ed.), *The Relationship Between Religion and State (chos srid zung 'brel) in Traditional Tibet*.

- Proceedings of a Seminar Held in Lumbini, Nepal, March 2000.* Lumbini: Lumbini International Research Institute, 9-13.
- SØRENSEN, P.K. AND G. HAZOD, in cooperation with T. GYALBO. 2005. *Thundering Falcon: An Inquiry into the History and Cult of Khra-'brug Tibet's First Buddhist Temple.* Wien: Verlag der Österreichischen Akademie der Wissenschaften.
- STEIN, A. 1907. *Ancient Khotan.* Oxford: Clarendon Press.
- STEIN, R.A. 1961a. *Les Tribus Anciennes des Marches Sino-Tibétaines; Légendes, Classifications et Histoire.* Paris: Presses Universitaires de France.
- . 1961b. *Une Chronique Ancienne de Bsam-Yas: Sba bzhed.* Paris.
- . 1971-1972. Etude du monde Chinois: institutions et concepts. *Annuaire du Collège de France 71<sup>ème</sup> Année, Résumé des Cours de 1971-1972*, 431-50.
- . 1973. Un ensemble sémantique Tibétain: créer et procréer, être et devenir, vivre, nourrir et guérir. *Bulletin of the School of Oriental and African Studies* 36(2), 412-23.
- . 1984. l'Usage de métaphores pour des distinctions honorifiques à l'époque des rois Tibétains. *Bulletin de l'École Française d'Extrême-Orient* 73, 257-77.
- . 2003. On the word gcug-lag and the indigenous religion. In A. MCKAY (ed.), *The History of Tibet. Volume One.* London: Routledge Curzon, 530-83.
- TAKEUCHI, T. 1990. A group of Old Tibetan letters written under Kuei-I-Chün: a preliminary study for the classification of Old Tibetan letters. *Acta Orientalia Scientiarum Hungaricae* 44(1-2), 175-90.
- . 1994. Tshan: subordinate administrative units of the thousand-districts in the Tibetan empire. In P. KVÆRNE (ed.), *Tibetan Studies: Proceedings of the 6th Seminar of the International Association for Tibetan Studies, Fagernes 1992.* Oslo: Institute for Comparative Research in Human Culture, 848-62.
- . 1995. *Old Tibetan Contracts from Central Asia.* Tokyo: Daizo Shuppan.
- THOMAS, F.W. 1936. Law of theft in Chinese Kan-su: a IXth-Xth century fragment from Tun-huang. Stuttgart: Zeitschrift für vergleichende Rechtswissenschaft, 275-87.
- . 1957. *Ancient Folk Literature from Northeastern Tibet.* Berlin: Akademie Verlag.
- TUCCI, G. 1950. *The Tombs of the Tibetan Kings.* Serie Orientale Roma I. Roma: Is. M.E.O.
- . 1956. *Preliminary Report on Two Scientific Expeditions in Nepal.* Serie Orientale Roma X. Roma: Is. M.E.O.
- UEBACH, H. 1989. Notes on the section of law and state in the chos-'byung of Lde'u. In S. IHARA AND Z. YAMAGUCHI (eds), *Tibetan Studies,*

- Proceedings of the 5th Seminar of the International Association for Tibetan Studies, Narita 1989*. Narita: Naritasan Shinshoji, 823-31.
- . 1991. Dbyar-mo-thañ and Goñ-bu Ma-ru. Tibetan historiographical tradition on the treaty of 821/823. In E. STEINKELLNER (ed.), *Tibetan History and Language: Studies Dedicated to Uray Géza on his Seventieth Birthday*. Wien: Arbeitskreis für Tibetische und Buddhistische Studien, 497-526.
- . 1994. Small units in the territorial division of the Tibetan empire (7th - 9th century). In P. KVÆRNE (ed.), *Tibetan Studies: Proceedings of the 6th Seminar of the International Association of Tibetan Studies Fagernes 1992*. Oslo: Institute for Comparative Research in Human Culture, 997-1003.
- . 1997. Eminent ladies of the Tibetan empire according to old Tibetan texts. In S.G. KARMAI AND P. SAGANT (eds), *Les Habitants Du Toit Du Monde*. Nanterre: Société d'Ethnologie, 53-74.
- ULVING, T. 1972. Tibetan vowel harmony reexamined. *T'oung pao* 58, 203-17.
- URAY, G. 1961. Notes on a Tibetan military document from Tun-huang. *Acta Orientalia Academiae Scientiarum Hungaricae* 12, 223-30.
- . 1972. The narrative of legislation and organisation of the Mkhas pa'i dga'-ston: the origins of the traditions concerning Sroñ-brcan Sgam-po as the first legislator and organizer of Tibet. *Acta Orientalia Academiae Scientiarum Hungaricae* 26, 11-68.
- . 1982. Notes on the thousand-districts of the Tibetan empire in the first half of the ninth century. *Acta Orientalia Academiae Scientiarum Hungaricae* 36(1-3), 545-48.
- VINDING, M. 1998. *The Thakali: A Himalayan Ethnography*. London: Serindia Publications.
- WANGDU, P. AND H. DIEMBERGER. 2000. *Dbā' Bzhed: The Royal Narrative Concerning the Bringing of the Buddha's Doctrine to Tibet*. Wien: Verlag der Österreichischen Akademie der Wissenschaften.
- ZHANG YISUN *et al* (eds). 1998 [1984]. *Bod rgya tshigs mdzod chen mo*. Beijing: mi rigs dpe skrun khang.