

Which “Two Laws”? The Concept of *trimnyi* (*khriims gnyis*) in Medieval Tibet

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Résumé

Le concept de *trimnyi*, « deux lois », apparaît dans un certain nombre de récits tibétains à l'époque médiévale, entre le XI^e et le XVII^e siècle. Cependant, le contenu de ces lois n'y est jamais clairement exprimé. Cet article explore les origines de cet appariement – à savoir des lois religieuses et des lois royales – dans les textes de l'époque post-impériale et la façon dont les récits les développèrent jusqu'au XV^e siècle. Cet article aimerait montrer comment le concept des « deux lois » a servi à exprimer l'idée que les rois de la dynastie tibétaine de Yarlung fondaient leurs activités politiques, y compris leur législation, sur des principes bouddhiques. Ainsi, les auteurs de ce type d'écrits parvinrent à créer une description du Tibet qui ressortait d'une stratégie bouddhique ancienne, selon laquelle les principes religieux avaient fourni les bases des pratiques juridiques et gouvernementales des premiers souverains. Plus qu'une représentation idéaliste de l'influence que le bouddhisme a pu exercer sur la cour de Yarlung, je suggère que ces types de narrations prenaient probablement racine dans des faits historiques, reflétant des événements qui se dévoilaient lorsque de nouvelles idées religieuses étaient incorporées au sein de structures politiques déjà établies.

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WHICH “TWO LAWS”? THE CONCEPT OF *TRIMNYI* (*KHRIMS GNYIS*) IN MEDIEVAL TIBET

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Le concept de trimnyi, « deux lois », apparaît dans un certain nombre de récits tibétains à l'époque médiévale, entre le x^e et le xvi^e siècle. Cependant, le contenu de ces lois n'y est jamais clairement exprimé. Cet article explore les origines de cet appariement – à savoir des lois religieuses et des lois royales – dans les textes de l'époque post-impériale et la façon dont les récits les développèrent jusqu'au x^v siècle. Cet article aimerait montrer comment le concept des « deux lois » a servi à exprimer l'idée que les rois de la dynastie tibétaine de Yarlung fondaient leurs activités politiques, y compris leur législation, sur des principes bouddhiques. Ainsi, les auteurs de ce type d'écrits parvinrent à créer une description du Tibet qui ressortait d'une stratégie bouddhique ancienne, selon laquelle les principes religieux avaient fourni les bases des pratiques juridiques et gouvernementales des premiers souverains. Plus qu'une représentation idéaliste de l'influence que le bouddhisme a pu exercer sur la cour de Yarlung, je suggère que ces types de narrations prenaient probablement racine dans des faits historiques, reflétant des événements qui se dévoilaient lorsque de nouvelles idées religieuses étaient incorporées au sein de structures politiques déjà établies.

Within the Tibetan corpus of historical writing, a common narrative describes how the Yarlung kings of the seventh and eighth centuries established a system of “two laws,” *trimnyi* (*khrims gnyis*). These were the religious laws and royal laws, *chötrim* (*chos khrims*) and *gyeltrim* (*rgyal khrims*). But what did they consist of? The texts are rarely explicit, although most emphasize congruence between them. A fourteenth-century treatise entitled *The Mirror of the Two Laws* (*Khrims gnyis lta ba'i me long*) explains that the royal laws have the same ends as the religious laws, namely observance of the ten Buddhist virtues. But when it turns to “the application of the kings’ laws” the text describes rules and customs for the resolution of disputes. In practice, although the Vinaya provided detailed rules for the conduct of monks and nuns, Tibetans never developed a structured set of laws for the laity. It is not even clear what the expression “religious laws” referred to: sometimes the texts indicate the Vinaya, sometimes moral rules, sometimes laws supporting

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religious institutions and practices. So, what did Tibetans mean by the expression “two laws”? I suggest in this article that, rather than describing what were actually two distinct sets of laws, Tibetan authors used the phrase to evoke an ideal realm in which political and worldly practices were conducted in harmony with Buddhist principles and practices. This was part of a project by writers in the post-imperial period to create an account of Tibet as a Buddhist polity. The idea that the Yarlung kings had made their laws on the basis of Buddhist principles allowed them to assert a Buddhist source for political authority.

In this article I explore the concept of *trimnyi* and related references to religious and royal or worldly laws in Tibetan texts written between the eleventh and the fifteenth centuries. During this period, the related concepts of *luknyi* (*lugs gnyis*), two systems, and *tsülnyi* (*tsbul gnyis*), two ways or methods, were used by some, notably Sakya (Sa skya), authors, to suggest congruence between two systems of government, those directed towards spiritual and worldly affairs, respectively. Somewhat later, Tibet’s Ganden Phodrang government used the idea of *chösi zungdrel* (*chos srid zung ’brel*), or harmony between religion and politics, as a legitimating ideology. The idea of two systems or methods presented the Tibetan state as one founded upon Buddhist principles. In his analysis of the relationship between the spiritual and temporal orders, Ruegg links the concept of *luknyi* with that of *trimnyi*.¹ However, as I describe here, the idea of two laws has a separate genealogy, dating back to at least the twelfth century. As well as being an idealistic representation of Buddhism’s influence at the Yarlung court, the idea of two distinct laws was probably also rooted in historical fact. It reflected events that unfolded during the early Tibetan empire, when a new set of religious ideas, originating in India, was incorporated into established political structures. The consequences were still being worked out centuries later, as Tibetan writers in the post imperial period developed their ideas about the nature of the Buddhist polity and the relationship between religious and worldly activities. The idea of “two laws,” based on the same Buddhist principles, was the result.

Laws in Tibetan Histories

From the seventh to the ninth centuries, the Tibetan empire developed laws and legal practices, but there is no evidence that Buddhist ideas and principles influenced their content in any way. Legal texts, edicts, and records of court cases are largely devoid of any references to Buddhism.² Moreover, law hardly even features in the

1. David Seyfort Ruegg, “Introductory Remarks on the Spiritual and Temporal Orders,” in *The Relationship between Religion and State (chos srid zung ’brel) in Traditional Tibet*, ed. Christoph Cüppers (Lumbini: International Research Institute, 2004), 9–13.

2. See Brandon Dotson, “Introducing Early Tibetan Law: Codes and Cases,” in *Secular Law and Order in the Tibetan Highland*, ed. Dieter Schuh (Andiast: International Institute for Tibetan and Buddhist Studies, 2015), 267–314; Fernanda Pirie, “Buddhist Law in Early Tibet: The Emergence of an Ideology,” *Journal of Law and Religion* 32 (2017): 406–22.

accounts that Tibetans wrote of their politics and history during this period. For example, the text known as the *Old Tibetan Chronicle*, written in around the 840s, has very few, and very general, references to law.³

As the political structures began to crumble, in the ninth and tenth centuries, Tibetan writers started to develop more idealistic accounts of their history and the place of both law and Buddhism within it. In this re-writing process, an account emerged about how the early emperors had made laws: the seventh-century king, Songtsen Gampo (Srong btsan sgam po, c. 605–49), sent one of his ministers to India to learn how to read and write, and he returned with various Buddhist texts, including one concerning the ten virtues (the *gewa chu, dge ba bcu*). The king then made laws on the basis of those virtues, thereby civilizing his people and establishing a Buddhist polity. The ten virtues—listed in Tibetan texts dating back to the eighth century—prohibited killing, stealing, sexual misconduct, lying, gossip, slander, harsh speech, avarice, malevolence, and wrong (religious) views.⁴ Although these were largely matters of social morality, they primarily provided guidelines for individuals anxious to attain a higher rebirth under the system of karma. As originally formulated, they do not seem to have been related to any notion of an ideal social order, or to any code of laws. Nor is there any evidence that they influenced imperial laws or legal practices in any way. It was only in the later historical accounts that law-making came to be associated with these moral norms.

The Chronicles of Wa and Ba

The earliest surviving text in which this account of imperial law-making appears is the *Chronicle of Wa* (the *Dbā' bzbed*). A version of this text that Pasang Wangdu and Hildegard Diemberger have dated to the eleventh century opens with an account of how texts, which the early kings are unable to read, fall from heaven.⁵ Some generations later, king Songtsen Gampo sends his minister to India to learn how to read them, and the minister brings back Buddhist sutras. The king then establishes his laws, based on the ten virtues. The text does not explicitly equate these virtues with Buddhism or the introduction of the religion and its institutions into Tibet, but it clearly implies that these were part of a single project. The resulting laws are described as the “laws of the ten virtues” (*katrim gecchu, bka' khrims dge bcu*). The king tells his subjects that they must act in accordance with these laws and he also

3. Jacques Bacot, F. W. Thomas, and C.-G. Toussaint, *Documents de Touen-Houang relatifs à l'histoire du Tibet* (Paris: Librairie Orientaliste Paul Geuthner, 1940).

4. Sam van Schaik, *The Spirit of Tibetan Buddhism* (London: Yale University Press, 2016), 20.

5. See Pasang Wangdu and Hildegard Diemberger, *dBa' bzbed* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2000). Several different versions survive and there is considerable uncertainty over their dates. The references here are to the text reproduced in *Rba bzbed phyogs bsgrigs* (Beijing: Mi rigs dpe skrun khang, 2009). These and other texts are often compilations of earlier sources, more or less reworked, redacted, and expanded. I, therefore, use the terms “author” and “writer” loosely to refer to the compiler of the version in question.

creates an “administrative plan” *tsigo* (*rtsis mgo*), and “good customs” *chölug zangpo* (*chos lugs bzang po*).⁶ It is worth remembering that during the imperial period the concept of *chö* (*chos*) was not firmly associated with the Buddhist idea of *dharmā*, as it came to be later.⁷ In the *Chronicle of Wa*, it still seems to be used to refer to customs and practices, in general. In this account, Songtsen Gampo simply creates his laws, based on the ten virtues, and establishes good customs. In other words, the logic of karma and the associated moral principles are supposed to have provided the basis for his laws.

The majority of the *Chronicle of Wa* is concerned with the later king Tri Songdétse (Khri Srong lde btsan, 742–c. 800), who ruled in the eighth century, and his activities to propagate Buddhism in Tibet. There are few references to *trim* in these sections, although the text does refer to the *chölap trim nga* (*chos bsalab kbrims nga*), the five basic Buddhist precepts.⁸ The last sections of the text discuss a time of decline, followed by a period of revival—apparently the reign of King Ralpachen (Ral pa can, 802–38). At this point, it says, the religious laws, *chötrim*, were re-established, as were the good religious customs and practices, *lhabchö* (*lha chos*).⁹ These terms suggest specifically religious laws or rules, although the text gives no further details about what they might have consisted of.

The later *Chronicle of Ba*, the *Sba bzbed*, preserves a somewhat different version of the *Chronicle of Wa*, omitting the account of Songtsen Gampo and his law-making and concentrating on events under Tri Songdétse.¹⁰ The author uses an expanded vocabulary for legal texts and practices at the Yarlung court, including *kasho* (*bka' sho*), *katrim* (*bka' kbrims*), *kanen* (*bka' nan*), *katsel* (*bka' tsal*), *chökitrim* (*chos kyi kbrims*), and *tsultrim* (*tsbul kbrims*). There were also *trimbuchung* (*kbrims bu chung*), which seem to have been minor administrative rules. However, it is far from clear what most of these terms refer to, or what the differences between them were supposed to be, and they mostly disappear in the later texts that present versions of the same narrative. The *Chronicle of Ba* describes several incidents during the early part of Tri Songdétse's reign, when he was battling with hostile ministers intent on preventing the establishment of Buddhism who created laws or made orders to suppress religious practices and destroy the *dharmā*.¹¹ *Trim* were not, therefore, always associated with Buddhism and could also be used against the religion. At the same time, the *chötrim* are generally associated with distinctly Buddhist practices.¹² When Tri Songdétse is installed as king, he makes an edict (*kasho*, *bka' sho*) and

6. *Rba bzbed phyogs bsgrigs*, 238–39.

7. Sam van Schaik, “The Naming of Tibetan Religion: Bon and Chos in the Tibetan Imperial Period,” *Journal of the International Association for Bon Research* 1 (2013): 227–57. See also Pritzker, in this volume.

8. *Rba bzbed phyogs bsgrigs*, 258.

9. *Ibid.*, 274.

10. This version of the chronicle follows the same basic narrative, but includes quite different details, ending with events that indicate it was compiled after the middle of the eleventh century. It is reproduced in the *Rba bzbed phyogs bsgrigs*, 1–79.

11. *Ibid.*, 6–7, 10.

12. In the *Chronicle of Ba* the concept of *chos* is generally associated with Buddhism.

religious laws (*chökitrim*) forbidding mutilation punishments and the death penalty.¹³ Later, under Ralpachen, the *chötrim* are established on the advice of the highest religious authorities,¹⁴ although evil ministers want to destroy them; later Buddhism is again suppressed and the *chötrim* are contravened or destroyed.

Tholing and Yeshé Ö

Another historical narrative, the *Tholing Manuscript*, which David Pritzker dates to the twelfth century, was prepared for the kings who ruled Western Tibet in the ninth and tenth centuries.¹⁵ In this text, it is said that the ancient kings used *trim* as part of their government and administration, *tsuklak* (*gtsug lag*).¹⁶ *Trim* were supposed to regulate customs and practices, *chöluk*, and promote civilized behaviour. Songtsen Gampo appears later in the manuscript, introducing new laws based on Buddhist virtues and the customs of the people, *michö* (*myi chos*). Other sections of the text hint at the existence of separate rules for monks and nuns, or “the commands of the Buddha,” and that they should not be punished according to the *michö*. This is also reflected, Pritzker points out, in an early inscription at the Tabo monastery complex, which is followed by a section with “Vinaya-like” rules.¹⁷ This detailed code of monastic discipline had been translated into Tibetan during the reign of Tri Songdétse.¹⁸ Like the *Chronicle of Wa*, the *Tholing Manuscript* seems to identify separate realms of political and religious activity, particularly when recounting the activities of the Western Tibetan kings. Here they are indicated by the concepts of royal government, *gyelsi* (*rgyal srid*), and religious laws, *chötrim*, respectively, although the king has authority over both.

A biography of the tenth-century ruler, Yeshé Ö (Ye shes ’od, 947–1019/24) sheds further light on this confusing period. It was written in the fifteenth century, although probably based on earlier sources from the Guge court in West Tibet.¹⁹ The text suggests that Yeshé Ö used the concept of *trim* to refer to a wide variety of rules and administrative practices. Dalton argues that the text marks an ethical and legal separation between the Buddhist saṅgha and the secular world of the king, which, he says, was necessary in order that the former could provide proper ethical support for the authority of the ruler. This argument has considerable force if we

13. *Rba bzhed phyogs bsgrigs*, 45. This is a change from the *Chronicle of Wa*, which describes mutilation penalties. As I have argued in “Buddhist Law in Early Tibet,” 15, it might reflect the declaration of an imperial amnesty.

14. *Rba bzhed phyogs bsgrigs*, 66–67.

15. See his paper in this volume.

16. See Doney’s article in this volume for a discussion of the meaning of *gtsug lag*.

17. *khrims pa’i chos nyid dang sbyar du*. See Pritzker in this volume.

18. Matthew T. Kapstein, *Tibetan Buddhism: A Very Short Introduction* (Oxford: Oxford University Press, 2014), 15.

19. Jacob P. Dalton, “Power and Compassion: Negotiating Buddhist Kingship in Tenth-Century Tibet,” in *The Illuminating Mirror: Studies in Honour of Per K. Sorensen on the Occasion of His 65th Birthday*, ed. Olaf Czaja and Guntram Hazod (Leiden: Brill, 2015), 110.

allow that the text represents the activities and ideas surrounding Yeshe Ö. At one point, the text refers to *trimnyi*. However, consideration of subsequent narratives leads to doubt about whether this term would have been used at the time, as it does not appear elsewhere until the late fourteenth century. Nevertheless, there does seem to be a distinction between the realm of religion, represented in this text by the *chötrim* (along with the *'dul khrims* and a *nang khrims kyi yi ge*), and political activity, represented by other sorts of *trim*. This confirms the distinction reflected in the *Chronicle of Wa* and the *Tholing Manuscript*.

As David Pritzker convincingly argues, these texts all combine elements of imperial-era narratives with new ideas, most notably the presentation of the kings as a lineage of bodhisattvas. The basic concept of *trim* seems generally to be associated with government, politics, and civilizational goals. However, a new element is introduced with the idea that Songtsen Gampo, the first Buddhist king, created his laws on the basis of Buddhist virtues. At the same time, there is an emerging idea that monks and nuns inhabit a distinct domain, with its own rules, probably recognizing the importance of the Vinaya, with its detailed rules for renunciates. We must turn to later texts, however, to find these ideas synthesized into an explicit pairing of religious and royal laws.

The Pillar Testament, the Essence of Flowers, and the Mañi Kambum

The account of Songtsen Gampo's law-making presented in the *Chronicle of Wa* was repeated and expanded in later Tibetan texts, coming to form part of a standard narrative. A version is found in the Pillar Testament (*Bka chems ka khol ma*), an important text probably dating from the twelfth century, which was widely read and copied.²⁰ Here, it is said that after his minister brings Buddhist texts from India Songtsen Gampo creates the *gewa chu gyeltrim* (*dge ba bcu rgyal khrims*), the royal laws of the ten virtues.²¹ He then sends another minister to Nepal to ask for the king's daughter as a wife. At first, the Nepalese king refuses, asserting that he is far superior to Songtsen Gampo. Among other things, he says that he has the royal laws of the ten virtues, which are like a golden yoke.²² The Tibetan king sends a message in response, retorting that "I have instigated the creation of royal and religious laws, as if they were a single sun."²³ This is the first time we see the pairing of *gyeltrim* and *chötrim*, and the king emphasizes how close they are as aspects of his polity. They are described as analogous to a golden yoke and a silken knot (*gser gyi gnya' shing* and *dar gyi mdud pa*), an important simile, which reappears in later texts. This section of the text also refers, several times, to the trio of good

20. A ti sha, *Bka' chems ka khol ma*, ed. Smon lam rgya mtsho (Lanzhou: Kan su'u mi rigs dpe skrun khang, 1989). And see Ronald M. Davidson, "The Kingly Cosmogonic Narrative and Tibetan Histories," *Lungta* 16 (2003): 69–70.

21. *Bka' chems ka khol ma*, 208–9.

22. *Dge ba bcu'i rgyal khrims gser gyi gnya' shing*. Ibid., 131.

23. *Rgyal khrims dang chos khrims nyi ma gcig*. Ibid., 131–32.

qualities that characterize a Buddhist kingdom: *trim*, *chö*, and *longchö* (*kbrims dang chos dang longs spyod*). These terms apparently refer to law, religious practices, and material wealth, and the Tibetan king has authority over all three.

The *Pillar Testament* also says that, in making his laws, Songtsen Gampo adopts the example of the sixteen *michö* (*mi chos*), human or earthly customs.²⁴ As Roesler has discussed, there are several sets of sixteen rules dating from this period and earlier. They concern rules for conduct, such as honouring one's parents, avoiding deceit, envy, harm, and so on, and probably had their origins in Indian sources.²⁵ The author of the *Pillar Testament* seems to have taken the accounts in the *Chronicle of Wa* and the *Tholing Manuscript*, which associated the *trim* with the *michö*—there indicating imperial government—and changed it subtly to refer to the sixteen moral rules with Indian origins.

Nyangrel's religious history, the *Essence of Flowers*, also from the twelfth century, largely follows the account in the *Pillar Testament*, but there is now more emphasis on the *chötrim*.²⁶ Songtsen Gampo, for example, establishes the *chö gewa chu'i trim* (*chos dge ba bcu'i kbrims*), the laws of the ten religious virtues.²⁷ Nyangrel also refers several times to the pairing of *gyeltrim* and *chötrim*. For example, in his account of events under Ralpachen, when Buddhism was re-established, he says that the *gyeltrim* and *chötrim* spread and the king confirmed the *michö* and *lbachö*. Nyangrel is, therefore, using terms and ideas found in the *Chronicle of Wa* and the *Tholing Manuscript*, but he sets up a more explicit pairing between the two types of law. When describing the decline that occurred under Langdarma (Glang dar ma, 803–41), he employs the same language as the *Pillar Testament*, saying that the silken knot of the religious law was loosened and the golden yoke of the royal law was broken.²⁸

In these texts, there is little to suggest that the concept of *chötrim* refers specifically to the Vinaya, but the *trim*, in general, have a disciplinary character. In the *Pillar Testament*, when the king has secured brides from Nepal and China, he explains that the people of Tibet are basically uncivilized and need to be tamed (*'dul ba*), so that they can acquire religious knowledge and participate in religious practices. This is why, he says, he has established his religious and royal laws.²⁹ Nyangrel describes how the king had already enacted punitive royal law, but since people needed religious laws in order to avoid the non-virtues, he makes new rules ordering compensation for killing and stealing and oaths for lying, as “the laws of the ten virtues” (*dge ba bcu'i kbrims*).³⁰

24. Ibid., 109.

25. Ulrike Roesler, “‘16 Human Norms’ (*mi chos bcu drug*)—Indian, Chinese, and Tibetan,” in *The Illuminating Mirror*, 389–409.

26. Nyang ral nyi ma'i 'od zer, *Chos 'byung me tog snying po sbrang rtsi'i bcud* (Lhasa: Bod ljongs mi dmangs dpe skrun khang, 1988).

27. Ibid., 174–75.

28. *Chos kbrims dar gyi mdud pa 'dra ba grol/ rgyal kbrims gser gyi gnya' shing chag*. Ibid., 446.

29. *Bka' chems ka khol ma*, 258.

30. Nyang ral nyi ma'i 'od zer, *Chos 'byung me tog snying po sbrang rtsi'i bcud*, 174–75.

The idea that civilized behaviour is generated by punitive laws is found even more clearly in another text from this period, the *Maṇi Kambum*.³¹ This compilation was probably put together at the end of the twelfth century. Here, the story of Songtsen Gampo and his law-making is told twice.³² The second account states that before the period of the Buddhist kings, there were “sinful traditions of royal law” (*rgyal kbrims sdig kbrims*) and Songtsen Gampo had to create laws based on religious principles in order to bring about good moral behaviour on the part of his subjects. The text repeats the views expressed in the *Pillar Testament* that people were basically uncivilized and needed to be tamed by being punished severely or, at least, threatened with punishments, which it describes in some detail.³³ However, the idea of punitive royal laws clearly presented something of a problem for writers who were monastically trained: both the *Pillar Testament* and the *Maṇi Kambum* claim that the punishments were inflicted on emanations, not on real people, in order to frighten the population into compliance.³⁴

The basic idea that emerges in these texts, most clearly in the *Maṇi Kambum*, is that in the pre-imperial period the Tibetan people were uncivilized and their kings sinful. People needed a virtuous king who would induce them to comply with Buddhist moral principles, so that they would lead good lives and have favourable rebirths. The Buddhist kings did this through the *gyeltrim*. The *chötrim* seem to represent the ideal standards with which people should comply, rather than rules specifically for monks and nuns, or relating to institutionalized religious practices, as suggested in the *Chronicles of Wa and Ba* and the *Tholing Manuscript*. It is, however, impossible to say that there was a clear and consistent basis for the distinction between types of laws in these texts. Nyangrel associates the *chötrim* with religious practices, and at one point suggests that they were, or included, rules for renunciates (*rab tu*).³⁵ What seems to be more important is the pairing of the royal and religious laws. The successful Buddhist king combines two types of law and the activities they represent, bringing his administration into line with Buddhist principles. He can thereby ensure good moral conduct on the part of his people.

31. *Ma ṇi bka' 'bum: A Collection of Rediscovered Teachings Focussing upon the Tutelary Deity Avalokiteśvara (Mahākaruṇika)* (New Delhi: Trayang & Jamyang Samten, 1975).

32. *Ibid.*, 204–5, 375–76.

33. *Ibid.*, 277, 407.

34. The problem that this presented for Indian Buddhist writers has been discussed by Michael Zimmerman, “Only a Fool Becomes a King: Buddhist Stances on Punishment,” in *Buddhism and Violence*, ed. M. Zimmerman (Lumbini: International Research Institute, 2006), 213–42. As Martin Mills notes in “Ritual as History in Tibetan Divine Kingship: Notes on the Myth of the Khotanese Monks,” *History of Religions* 51 (2012): 219–38, in this series of texts the story of the monks from Khotan changes in a similar way, coming to describe punishments enacted on emanations. And see Doney, in this volume, who discusses the Indian origins of these ideas.

35. Nyang ral nyi ma'i 'od zer, *Chos 'byung me tog snying po sbrang rtsi'i bcud*, 327–28.

The Yuan in Tibet

The account of Tibetan history presented in these texts continued to be repeated in historical narratives written during the thirteenth to sixteenth centuries.³⁶ In the meantime, however, new practices of law and politics were introduced into Tibet. Certain Mongol leaders began to assert military and political influence in Tibet in the mid-thirteenth century, as part of the establishment of the Yuan empire.³⁷ Over the next century they effectively governed Tibet, establishing a bureaucracy, conducting censuses, and creating rules for taxation, postal stations, and so on. They handed out seals as symbols of authority to local Tibetan rulers and created official documents, known as *jasa* (*‘ja’ sa*).³⁸ These granted authority, gave instructions, and recorded the terms of the agreements by which disputes were resolved. The Yuan also compiled law codes and reworked them several times.³⁹

Although there is no evidence that the Yuan laws extended to Tibet, the Mongols’ activities do seem to have complicated Tibetan ideas about law. The concept of *trim* now came to be used to refer to aspects of Yuan authority and administration. For example, in the 1260s, the emperor Qubilai (1215–94) gave the title of Prince of Bailan to Chakna Dorjé (Phyag na rdo rje, 1239–67), a member of the Sakya Khön family. The Sakya were acknowledged as head of the central *chölkha* (*chol kha*), one of the three administrative regions into which Tibet was divided. They were, thus, responsible for ensuring that the emperor’s orders were carried out and they initially dominated the administration of Tibet. As Prince of Bailan, Chakna Dorjé was said to have been a legal authority, *trimdak* (*kbrims bdag*), although it is doubtful whether he exercised any power. In the fourteenth century, Yuan emperors gave the same title to three other prominent Tibetans. Again, it was largely a titular post, but at least one of the incumbents was said to have been responsible for legal affairs (*kbrims kyi bya ba*).⁴⁰ The concept of *trim* thus came to be associated with the governance and administration of the Yuan authorities in Tibet. This represented a change from the idea of a set of rules based on moral principles with Indian origins, found in the earlier narratives, and their sense of disciplinary and punitive laws. The government of the Yuan, at least in Tibet, did not involve the promulgation of any legal code.

During this period, leading Tibetans acted as preceptors, or spiritual advisers, to their Mongol rulers. In the late thirteenth century, Pakpa Lama (*‘Gro mgon*

36. These include the *Lde’u Chronicles*, the *Red Annals*, the *Mkhas pa’i dga’ ston*, and several others.

37. The details in this section are largely drawn from Luciano Petech, *Central Tibet and the Mongols* (Rome: ISMEO, 1990), and Olaf Czaja, *Medieval Rule in Tibet* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2013).

38. Dieter Schuh, *Erlasse und Sendschreiben mongolischer Herrscher für tibetischer Geistliche* (Bonn: Habilitationsschrift, 1977); Karl-Heinz Everding, *Herrscherkunden aus der Zeit des mongolischen Grossreiches für tibetische Adelshäuser, Geistliche und Klöster*, 2 vols. (Halle: International Institute for Tibetan and Buddhist Studies, 2006).

39. Paul Ratchnevsky, *Un code des Yuan*, vol. 1 (Paris: Ernest Leroux, 1937), 151.

40. Petech, *Central Tibet and the Mongols*, 19–20, 94–95.

'Phags pa blo gros rgyal mtshan, 1235–80) wrote *An advice to the Mongol Prince, Jibik Temür*. He attributes two systems, *tsülnyi* (*tsbul gnyis*), to the Prince. As Krug discusses, this phrase has, in other contexts, been interpreted as referring to the *yönchö* (*yon mchod*) relationship between the Mongol khans and their Buddhist lamas—and the relationship between Pakpa and Qubilai Khan has been regarded as archetypal in this regard.⁴¹ However, Krug convincingly argues that this is not how the phrase should be interpreted in Pakpa's letter. Rather, he says, it refers to the dual aspect of the ruler's government, which should be oriented towards both worldly wealth (*'jig rten dpal*) and the wealth of the dharma (*chos dpal*). Both types of activity should be based upon Buddhist ethics, *tsültrim* (*tsbul kbrims*).⁴² Of course, rulers engaged in distinct activities, such as tax-collecting and waging war, on the one hand, and founding monasteries or patronizing lamas and their rituals, on the other. The phrase indicates that all the acts of a ruler should be based upon Buddhist principles. Pakpa Lama does not use the phrase *trim*, or *trimnyi*, but he does seem to be emphasizing a similar idea of harmony between realms of activity as that expressed by the pairing of royal and religious laws in other texts.

Jangchup Gyaltsen and the Pakmodru

In the first half of the fourteenth century, the Pakmodru (Phag mo gru) mounted an effective challenge to the dominance of the Khön family. In 1322 their leader, Jangchup Gyaltsen (Byang chub rgyal mtshan, 1302–64), was appointed *tripön* (*kbri dpon*), head of one of the *trikor* (*kbri skor*) into which the central Tibetan *chölkha* was divided. After several military skirmishes and tussles over the control of forts and lands, he effectively gained a dominant position over his Sakya rivals. This was recognized by the Yuan emperor in 1357, when he granted Jangchup Gyaltsen the title of *Tai situ* (*Ta'i si tu*), along with the seal that had been used by the Sakya.

In his testament, written towards the end of his life in 1364, Jangchup Gyaltsen frequently refers to *trim*.⁴³ He uses the term *hor trim* (*hor kbrims*) to refer to the advent of the power and authority of the Mongols, more specifically the Yuan emperors, and he uses the phrase *trim mak* (*kbrims dmag*) to refer to the imperial army.⁴⁴ At one point, he says that to comply with the law means complying with instructions, implicitly those coming from the imperial court.⁴⁵ He also uses the concept of *trim* to refer to administrative acts and rules, for example tax

41. Adam C. Krug, "Pakpa's Verses on Governance in *Advice to Prince Jibik Temür: A Jewel Rosary*," in "Kingship, Ritual, and Narrative in Tibet and the Surrounding Cultural Area," ed. Brandon Dotson, special issue, *Cahiers d'Extrême-Asie* 24 (2015): 117–44.

42. Ibid., 120.

43. Byang chub rgyal mtshan, *Rlangs kyi po ti bse ru rgyas pa* (Lhasa: Bod ljongs mi dmangs dpe skrun khang, 1986).

44. Ibid., 109.

45. Ibid., 283–84.

regulations, *trim trel* (*khrims kbral*).⁴⁶ In describing one episode of armed conflict, he says he was asked to “give assistance in [imposing] law,” to an ally currently being besieged by enemies.⁴⁷ The implication is that this would re-establish order in the area. There are also rather idealistic statements about how establishing law can bring about peace and happiness: describing the early days of Mongol power, Jangchup Gyaltsen asserts that when the khans’ generals began to act on the advice of Tibetan Buddhist leaders, the royal and religious laws became “like the rising sun at daybreak.”⁴⁸ What this phrase means is not entirely clear, although it hints at the establishment of a new social and political order. In the early days of his own authority, he also says, by establishing law he “brought happiness.”⁴⁹ In any event, for Jangchup Gyaltsen, *trim* are firmly associated with the power, authority, and administration of the Mongol overlords.

In the introductory remarks to the catalogue of a Tengyur (*bstan ’gyur*), which Jangchup Gyaltsen co-commissioned in around 1362, we find a reference to *trimnyi*.⁵⁰ Jangchup Gyaltsen is said to uphold the *gyeltrim* of the emperor, inasmuch as he is skilled in the *trimnyi*.⁵¹ The closing remarks refer to him as the *trimnyi gi nga dak* (*khrims gnyis kyi mnga’ bdag*), someone with authority, or sovereignty, over the two laws. This is the earliest written record, of which I am aware, in which the phrase *trimnyi* is used. In this specific context and given the explicit acknowledgement of the authority of the emperors, it must be referring to the authority delegated to Jangchup Gyaltsen by the Yuan. We should not be tempted to read the phrase as referring to a combination of Jangchup Gyaltsen’s secular legal authority, delegated by the Yuan, and some sort of Buddhist authority, which he enjoys as a monastically-trained Tibetan leader since, as mentioned above, he elsewhere attributes a combination of royal and religious laws to an early Mongol general. The implication is that at the highest levels, the exercise of governmental power has a dual aspect, represented by laws concerning both spiritual and worldly affairs. This is the power that Pakpa Lama attributes to Prince Jibik Temür, arguing that both aspects should be based on Buddhist principles.

In employing the concepts of *tsulnyi* and *trimnyi*, neither Pakpa Lama nor Jangchup Gyaltsen draws a clear distinction between realms of activity or types of law. What seems to be more important is the idea that the two forms of law or government should be united by a benevolent ruler. The unity is more important than any distinction between them. At the same time, a basic distinction between religious (*chos*) or supra-worldly (*jig rten las ’das pa*) and royal (*rgyal*) or worldly (*jig*

46. Ibid., 119.

47. *khrims grogs byed pa*. Ibid., 237.

48. *nam langs la nyi ma shar ba lta bu*. Ibid., 109.

49. *khrims bsadams skyid du bcug nas*. Ibid., 204.

50. Leonard W. J. van der Kuijp, “Fourteenth Century Tibetan Cultural History 1: Ta’i-Si-Tu Byang-Chub rGyal-mTsan as a man of Religion,” *Indo-Iranian Journal* 37 (1994): 139–49. Van der Kuijp suggests that the Tengyur, dated 30th June 1362, should be referred to as the Rtse thang or Sne gdong Tengyur.

51. *khrims gnyis kyis bya ba la mkhas pa*. Ibid., 139, 141, 145.

rten) seems to remain important. I turn, later, to the question of why this should be expressed in terms of law. First, I consider other fourteenth-century texts, in which Tibetan authors use the concept of “two laws”—royal and religious—to suggest subtly different ideas.

Orgyen Lingpa, Lama Dampa, and Shenrab Miwo

A number of *terma* texts, attributed to the fourteenth-century Nyingma (Rnying ma) scholar Orgyen Lingpa (O rgyan gling pa, 1323–60), set up a triple division between royal, religious, and people’s laws. The chronicle known as the *Katang Denga* (*Bka’ thang sde lnga*) was “revealed” by Orgyen Lingpa, as part of an extensive treasure inventory he is said to have discovered at Samyé (Bsam yas) monastery.⁵² The text recounts the history of Tibet, with a focus on events surrounding the activities of Padmasambhava, the Indian Buddhist master who travelled to Tibet at the time of Tri Songdétse. Different references to *trim* are scattered throughout the text, and in two instances the term is employed in a three-fold typology: royal law (*gyeltrim*, or *rgyal po’i bka’ khrims*), religious law (*chötrim*, or *bla mchod chos khrims*), and the people’s laws (*’bangs khrims*, or *’bangs kyi mi chos*).⁵³ Orgyen Lingpa also uses the terms *tangtrim* (*thang khrims*) and, less often, *yültrim* (*yul khrims*, the laws of the land) to refer to law, in general. A similar triple division is found in his other major work, the *Pema Katang* (*Padma bka’i thang*).⁵⁴ One of the 108 chapters of this biography of Padmasambhava, created in around 1352, describes how Tri Songdétse established religious laws, *chötrim*. It begins by recounting that the king made religious law which, it says, was like a silken knot, along with the royal law, which was like a heavy and bulky golden yoke, and he bound the two together. Three lines later, it asserts that there were three types of law: *chötrim*, *gyeltrim*, and *tangtrim*. The chapter continues with a long list of rules for behaviour, distinguishing between members of the laity, Buddhist monks, and tantric practitioners.

This triple division is also found in the thirteenth-century *Lde’u Chronicles* and in the earlier *Tholing Manuscript*.⁵⁵ However, Orgyen Lingpa also employs the more standard pairing of royal and religious laws, and the *Katang Denga* asserts that sovereignty (*mnga’ ’og*) combines *lhachö* and *michö*, the pairing also invoked by Nyangrel. Orgyen Lingpa is obviously familiar with, and does not wish to contradict,

52. O rgyal gling pa, *Bka’ thang sde lnga* (Lhasa: Mi rigs dpe skrun khang, 1997). The text is divided into five parts, including the Gyelpo katang (Rgyal po bka’i thang) and the Lönpo katang (Blon po bka’i thang), the chronicles of the kings and ministers, respectively.

53. The first is in a passage describing an age of decline, during which all three types of law are said to have faded, along with the work of learned masters and study of the doctrine: Rgyal po bka’i thang, chap. 5. The second appears within a general description of the historic Tibetan polity under the Buddhist kings and their ministers—for Tibetans who had not been freed from stupidity and confusion, it says, there are three types of law: Blon po bka’i thang, chap. 9.

54. O rgyan gling pa, *Padma bka’i thang* (Chengdu: Si khron mi rigs dpe skrun khang, 1987).

55. *Mkhas pa lde’us mdzad pa’i Rgya Bod kyi chos ’byung rgyas pa* (Delhi: Bod kyi gtsug lag zhib dpyod khang, 2013); see Pritzker, in this volume.

the accounts of earlier texts. Nevertheless, in a striking departure from these more idealistic accounts, the *Katang Denga* adopts a notably critical tone at several points. Chapter sixteen of the *Gyelpo Katang* describes how Tri Songdétsen makes his laws after careful examination and thought, using succinct and concise words and phrases. A long discussion, implicitly directed at contemporary rulers, follows on what happens if laws are not properly thought through, and if people do not interpret them carefully. In these cases, it says, the king can appear like a demon, devoid of kindness. The *Pema Katang* also presents an idealistic picture of law-making under Tri Songdétsen. However, towards the end of the text, chapter ninety-two discusses the treasures (*terma*, *gter ma*) that will be hidden during periods of crisis, and says that one of these will be a time in which those who have not been properly trained are called *lotsāwa* (translator), when learned Tibetan monks are banished to distant lands, and when the new laws of the Mongols and of patron-priest relations (*bor dang yon mchod kbrims*) are bound together.⁵⁶ Although this expression is somewhat cryptic, it does seem to be a critical reference to the (contemporary) regime of the Yuan, maybe also implicating the Pakmodru and Tibetan lamas who supported the Mongols' administration.⁵⁷ Like the earlier texts, then, these accounts present the historic Buddhist kings of Tibet as models of good governance, but Orgyen Lingpa also emphasizes that bad kings can pose a danger if they do not properly enact or enforce their laws.

A more traditional account of royal law-making is presented by Lama Dampa Sönam Gyaltsen (Bla ma dam pa bsod rnam rgyal mtshan, 1312–75) in *The Mirror of the Royal Lineage* (*Rgyal rabs gsal ba'i me long*).⁵⁸ Lama Dampa was a Sakya scholar and one of Jangchup Gyaltsen's teachers, and the two are thought to have remained close.⁵⁹ Chapter ten presents the standard account of how Songtsen Gampo establishes laws on the basis of the ten virtues, but it is more detailed and elaborate than the versions found in the majority of earlier texts, naming the ministers responsible for law-making and setting out a long list of their rules. These include a set of administrative provisions, which effectively give instructions on how the realm is to be governed (rewards to be given to the good, punishment to be inflicted on the bad, highland water to be collected in reservoirs, fields to be divided into plots, and so on) followed by a set of rules for personal conduct (people should seek refuge in the Three Jewels, repay the kindness of their parents, help friends and neighbours, be honest, repay debts, and so on). This is the image of the benevolent Buddhist king who administers his realm in accordance with Buddhist virtues, which also appears in earlier writings. Later sections of the text, describing events under

56. *Padma bka' thang*, 564–65.

57. It is suggested by his hagiographers, that Orgyen Lingpa suffered political persecution, which might explain this critical comment: Dudjom Rinpoche, *The Nyingma School of Tibetan Buddhism*, trans. Gyurme Dorje and M. Kapstein (Boston: Wisdom, 2002).

58. *Rgyal rabs gsal ba'i me long* (Beijing: Mi rigs dpe skrun khang, 2002).

59. The text may have been commissioned after Samyé monastery was damaged in 1353 and it was completed in 1368, shortly before his death in 1375: Per Sørensen, *The Mirror Illuminating the Royal Genealogies* (Wiesbaden: Harrassowitz Verlag, 1994), 32–35.

Songtsen Gampo's successors, frequently refer to periods of good government as being characterized by the (royal) laws of the virtues (*gewé gyeltrim*, *dge ba'i rgyal kbrims*). For example, when Ralpachen restores Buddhism after a revolt, he re-establishes both the religious and royal laws.⁶⁰ At the end of the text, Lama Dampa addresses his closing remarks to future kings, describing them as those who preserve the "two laws in accordance with the dharma," *trimnyi chö zhin* (*kbrims gnyis chos bzbin*).⁶¹ The appearance of the term *trimnyi*, in this text, is practically contemporaneous with the commissioning of Jangchup Gyaltsen's Tengyur, mentioned above. Lama Dampa's vision of Tibetan history and, by implication, the political situation under the Yuan, is one in which the king combines his administrative activities with support for, and recognition of, Buddhist institutions and principles. This is represented by the pairing of *gyeltrim* and *chötrim*. It is an optimistic vision, positive about both the Mongol period and what the future could bring.⁶² It contrasts with the much more sceptical account of Orgyen Lingpa.

A third vision is offered by a Bonpo text, completed towards the end of the fourteenth century, the twelve-volume biography of the mythical founder of the Bonpo sect, Prince Shenrab Miwo (Ston pa Gshen rab mi bo).⁶³ This work contains a section describing how the prince bestows his laws on the people. The prince explains that royal law has two aspects, the law of ultimate truth and the law of conventional truth.⁶⁴ He emphasizes the need to have kings in a good polity, saying that "the law for a king is to exert power from his throne."⁶⁵ But then, using a series of extended metaphors, he asserts that the priest is superior to the king, concluding:

The great golden rule of the royal law bears down [on those below],
But the silken knot of the Bon law raises [them] up.⁶⁶

This is not so much a criticism of royal law as a statement emphasizing that however benevolent a king may be, his law is inferior to that of the Bon religion. The distinction between types of law is here associated with king and priest, firmly asserting a hierarchical relationship between them. It thus draws on the standard trope of a duality of laws to set up the sense of an ideal religious (Bonpo) law, which should guide the activities of men, including kings.

60. *chos kbrims dang/ rgyal kbrims gnyis gtan la phab*. Ibid., 232–33.

61. Ibid., 249.

62. The Yuan empire must have collapsed by the time he completed his text, but much of it had probably been written earlier.

63. The references are to the manuscript reproduced by the Buddhist Digital Resource Center, commonly known as the *Mdo dri med gzi brjid*: <http://www.tbrc.org/#!rid=W23434>.

64. *don dam dngos por bden pa'i kbrims dang kun rdzob mtshan ma bden pa'i bka' kbrims gnyis. Mdo dri med gzi brjid*, 477.

65. *rgyal po rgyal sa gnon pa rgyal pa'i kbrims*. Ibid., 406–7.

66. *rgyal kbrims gser gyi thig chen 'og tu gnon/ bon kbrims dar gyi mdud so gong du skyong*. Ibid., 484. A somewhat different translation is given by Charles Ramble in "Sacral Kings and Divine Sovereigns: Principles of Tibetan Monarchy in Theory and Practice," in *States of Mind: Power, Place and the Subject in Inner Asia*, ed. David Sneath (Bellingham, WA: Centre for East Asian Studies, 2006), vol. 2, 129–49.

The Mirror of the “Two Laws”

At some point after the collapse of the Mongols’ Yuan dynasty in 1368, a treatise was written about the “two laws” of Tibet. Its provenance and dating are obscure but, as I have argued elsewhere, it appears to have been written by, or for, one of Jangchup Gyaltsen’s Pakmodru successors.⁶⁷ It was probably completed in the last few decades of the fourteenth century or the beginning of the fifteenth.⁶⁸ The text is divided into four sections, of varying lengths. The first discusses the ten virtues, making numerous references to Buddhist texts and explaining each of the virtues with a short morality tale. Many of these have brahmins as protagonists, and refer to buffaloes (*ma he*), Indian kings (Udayana, Prithvirāja, Bimbisara), and Indian sages (*lha bu’i drang song*). Each concludes with what is presented as a quote from Brahma, Indra, Shiva, or another similar deity, who explains that the tale illustrates the karmic consequences of upholding, or not, the virtue in question. The writer then comments that this is how the law on rejecting that specific non-virtue was established. After considering each of the ten virtues, the section concludes by saying:

Even though the religious and royal laws are different in terms of their names and methods of abandoning [non-virtue], because they are not different in terms of what ought to be abandoned, the proper royal law is just like the religious law.⁶⁹

The short second section of the text explains “the good and bad effects of applying or not applying the royal laws.”⁷⁰ The third section concerns the history of law in Tibet—presenting an account that is very close to that of Lama Dampa. The fourth section, by far the longest, concerns “the application of the royal law, itself.”⁷¹ It comprises general principles on which mediators, parties, and guarantors should act during legal processes, followed by a discussion of fifteen edicts (*zbelché, zhal lce*). These deal with killings, injuries, theft, oaths, sexual misconduct, divorce, and a number of other matters. They end with a discussion of court fees, followed by a long colophon, which enjoins mediators to act appropriately.

Although the historical account in the third section of the text is familiar to that in *The Mirror of the Royal Lineage*, the content of the second and fourth sections is quite unlike anything found in the standard historical narratives. The second section discusses the unhappiness that results if a king does not enact laws in accordance with the dharma, and it points out that if wrong-doing is not subject to legal processes (*kbrims kyi brda ’ded*), a disposition to evil—implicitly on the part

67. Fernanda Pirie, “The Making of Tibetan Law: The *Kbrims gnyis lta ba’i me long*,” in *On a Day of a Month of a Fire Bird Year*, ed. Jeanine Bischoff, Petra Maurer, and Charles Ramble (Lumbini: International Research Institute, forthcoming).

68. The references here are to the earliest known manuscript, which must have been compiled in the seventeenth century, or later, catalogued as *Tibetan Legal Materials* in the Library of Tibetan Works and Archives in Dharamsala.

69. *des na chos kbrims dang rgyal kbrims gnyis ming ’dogs dang spong byed sgo nas ’gal kyang/ spang bya’i sgo nas mi ’gal bas rgyal kbrims rnam dag cig chos kbrims kho nar ’dug go. Tibetan Legal Materials*, 11.

70. *rgyal kbrims bcas ma bcas kyi phan yon dang nyes gnyis*. Ibid., 11.

71. *rgyal kbrims dngos la ’jug tshul*. Ibid., 15.

of ordinary people—will develop.⁷² The fourth section is clearly based on a survey of contemporary mediation practices, frequently referring to what “wise people” and elders say and do when faced with cases of injury, claims to compensation, disputed allegations of theft, divorce, revenge, slander, and so on. The impression it gives, although it is not explicitly stated, is that the religious laws are the principles of abandoning the non-virtues, discussed in the first section, while the royal laws are practical rules or administrative arrangements made by the king. These include the processes of mediation carried out within his jurisdiction. The application of the “royal law,” therefore, refers to legal practices, in general, including processes for the resolution of disputes, not just the promulgation and application of disciplinary and punitive rules.

In practice, political authority was unstable in the decades following the collapse of the Yuan, and the Pakmodru only maintained their position until around 1435. As I have described elsewhere, this text appears to be an attempt to assert authority over legal practices, which were probably highly decentralized and variable.⁷³ Like Jangchup Gyaltsen, the author of this text is presenting the practice of law in terms of the traditional Tibetan image of the good king who exercises political and legal power according to religious principles. The assertion at the end of the first section that the “two laws” are directed towards the same goal—the rejection of non-virtue—allows him to assert congruence between practices of mediation and religious principles. The first part of the section on the fifteen edicts mirrors the beginning of the list of the ten virtues, starting with sections on killing and injuries, theft, lying, and sexual misconduct. However, there the correspondence ends. Obviously, there was little law in Tibet, at this time, in terms of explicit rules and regulations for the conduct of either political administration or the daily lives of the populations. Buddhist scholars had not developed rules to guide daily life amongst the laity, beyond the basic principles of the ten virtues. The author is, therefore, trying to give substance to the idea of “two laws,” by describing mediation practices as the application of the “king’s law.”

Although there is no evidence of how the text was used at the time, it had an important influence on later legal thinking. The Tsang ruler, Karma Tenkyong (Skar ma bstan skyong, 1606–42), seems to have emulated its structure and much of its content in his 1631 treatise on law, which contains a list of sixteen *zbelché*. The content of his text was, in turn, adopted by the authors of *zbelché* texts in twelve and thirteen sections, elaborated in the mid-seventeenth century and widely reproduced under the Ganden Phodrang government.⁷⁴

72. This does, in a general way, represent the explanation of the introduction of law by the Tibetan kings in earlier chronicles. Similar ideas had been expressed in what is commonly referred to as the *Satyaka sūtra*, translated into Tibetan in the ninth century: Michael Zimmermann, “A Mahāyānist Criticism of *Arthaśāstra*: The Chapter on Royal Ethics in the *Bodhisattva-gocaropāya-viṣaya-vikurvaṇa-nirdeśa-sūtra*,” *Annual Report of the IRLAB at Soka University* 3 (2000): 177–210.

73. Pirie, “The Making of Tibetan Law.”

74. These texts are found in a number of compilations, for example: *Bod kyi snga rabs khrims srol yig cha bdams bsgrigs* (Lhasa: Bod ljongs bod yig dpe nying dpe skrung khang, 1989).

Law and Legitimacy

This paper has described how the concept of *trimnyi*, “two laws,” emerged in the series of historical narratives created in Tibet’s medieval period—between the eleventh and fourteenth centuries—originally as a pairing of religious and royal laws. However, beyond the idea that these laws were based on the ten virtues, what they were supposed to consist of was never made clear. I am arguing here that the concept of “two laws” was used to express an idea that had become important by the eleventh and twelfth centuries, namely, that Buddhist kings should base their political activities, including law-making (*gyeltrim*), on Buddhist principles (*chötrim*), and that Tibet’s Yarlung dynasty kings must have done so. This allowed the authors to present a historical account of Tibet as a Buddhist polity, one in which religious principles had provided the basis for the kings’ authority.

The pairing first appears in the twelfth-century *Pillar Testament*, which, as Davidson explains, was associated with the rise of esoteric Buddhism in Tibet. New conceptions of royal power were based on Indian ideas, but the resulting model of king as emanation, he argues, collapsed the Indian distinction between buddhadharma and rājadharmā. It effectively unified political power with spiritual position.⁷⁵ The concept of “two laws” could be seen as an element in this story, expressing the idea of harmony between the religious and political realms. However, the insistence on a duality does not entirely collapse the distinction, suggesting that kingship needed a separate source of legitimating authority, as it did in the Indian Buddhist tradition. As Heesterman argues, with respect to Hindu kingship, authority for royal power needed to be located somewhere above and beyond the king, himself; Indian writers attributed it to the ancient and mystical authority of the Vedas, represented by the brahmins. King and priest, then, had distinct realms of power and authority.⁷⁶ Early Buddhist accounts combined the figures of the king and of the priest in the *cakravartin*, the “wheel-turning emperor” or “universal monarch,” and in the Tibetan narratives, Songtsen Gampo becomes an emanation of the bodhisattva Avalokiteśvara. Nevertheless, by maintaining a duality of religious and royal laws, writers preserved a source of authority located in another realm: the religious tradition, with its Indian origins.

A question remains: why was this duality of religious and political power and activity expressed in terms of law? During Tibet’s medieval period, the legal structures of the former empire practically disappeared, so why did the writers turn to the concept of *trim* when formulating their ideas about the Buddhist polity? It may be that another factor was involved, namely, historical fact. Although the empire had all but collapsed by the mid-ninth century, the memory and textual remnants

In his *History of Tibet*, the Fifth Dalai Lama refers to a legal document containing fifteen edicts written by Jangchup Gyaltzen. However, he then lists the titles of fifteen of the edicts in Karma Tenkyong’s text: *Bod kyi nga rabs kbrims srol yig cha bdams bsgribs*, 47–48.

75. Davidson, “The Kingly Cosmogonic Narrative,” 80.

76. J. C. Heesterman, “Power, Priesthood, and Authority,” in *The Inner Conflict of Tradition*, ed. J. C. Heesterman (Chicago: University of Chicago Press, 1985), 141.

of that regime had considerable influence on the ideas of later writers. *The Testament of Wa* presents an idealistic narrative about the founding of the Buddhist kingdom by Songtsen Gampo, but it makes it clear that the new religion had had to be incorporated into existing structures of power and authority, and not without challenge. This is, of course, what actually happened, albeit mainly under rulers who succeeded Songtsen Gampo. *The Chronicle of Ba* describes how Tri Songdétse and Ralpachen faced considerable opposition from malevolent ministers. The practices and rules of the new religion—including the ten virtues and the Vinaya—were disputed and remained distinct from the edicts and administrative structures already established in the royal and political realm.

At the same time, as the *Tholing Manuscript* and *Tabo Inscription* suggest, the rules of the Vinaya came to mark out the boundaries of the separate realm of monastic activity. Monks and nuns were exempted from punishment under the royal laws.⁷⁷ The *Chronicles of Wa* and *Ba* seem to reflect this separation, by using the concept of *chötrim* to refer to distinctly religious practices and institutions. The biography of Yeshe Ö does the same and describes how the king supports monasteries as places of distinct, and proper, religious practice. Besides, in what seems to have been a dramatic gesture of renunciation he resigns his political position to devote himself to religious practice, thereby presenting Buddhism and its practices as firmly superior to, and distinct from, the realm of power and politics. The existence of the Vinaya, a long and complex set of rules for monastic practice, may well have encouraged these writers to think in terms of laws when describing the relationship between kingship and monastic life. The *Chötrim* came to stand for the rules of religious practice and monastic discipline, while the *tangtrim* and *gyeltrim* referred to the rules and practices of government and administration.

At the same time, a Buddhist king should combine political and religious authority, and this was expressed in the account of Songtsen Gampo, who used the ten Buddhist virtues as the basis for his laws. This account is further developed in the *Pillar Testament*, where the religious and royal laws are now likened to a single sun, a symbol of the kings' status as a religious emanation. These developments have European parallels. As Berman describes, the spread of Christianity in the early Middle Ages split life into two realms, the eternal and the temporal, and the ruler came to enjoy a universality based on both military power and spiritual authority as head of the church.⁷⁸ The king was regarded as a twin person, both human by

77. This is also reflected in the text known as *The Scripture from the Sky*—a short work created at some point during the disintegration of the imperial regime. It distinguishes between the discipline of the ten virtues (*'dul ba'i dge bcu srung ba*)—quite possibly a reference to the Vinaya—and the laws of the king, as the ruler of men (*mi mgon rgyal po'i rgyal khrims*). See Rolf A. Stein, "Tibetica Antiqua IV: La tradition relative au début du Bouddhisme au Tibet," *Bulletin de l'École française d'Extrême-Orient* 74 (1986), 169–96, and Pirie, "Buddhist Law in Early Tibet," 416. The dating is suggested by Sam van Schaik in his blog post, *Dharma from the Sky III: Self-Appointed Buddhas*, <http://earlytibet.com/2010/09/24/dharma-from-the-sky-iii/>.

78. Harold J. Berman, *Law and Revolution* (Cambridge, MA: Harvard University Press, 1983), 66, 82.

nature and divine by grace.⁷⁹ In Tibet, the introduction of Buddhism led to similar ideas: the concept of “two laws” expressed a comparable duality on the part of the Buddhist king, who combined secular power and spiritual authority. The concept was then applied to Mongol emperors by Tibetans forced to acknowledge, and keen to support, their military and political power. It was later adopted by Jangchup Gyaltzen to legitimize his own position. Now, the term had come to refer to the power delegated to him by the Yuan emperors, but it was expressed in the idioms of Tibetan history. The concept of “two laws” had come to refer to legitimate authority in a Buddhist polity.

The majority of these developments occurred during periods of political instability, when there were, as far as we are aware, no bureaucratic judicial regimes or systems of law; there are also no traces of codes for lay conduct from this period that are in any way analogous to the disciplinary rules of the Vinaya.⁸⁰ Tibetan religious scholars were not interested in constructing elaborate rules for the conduct of the laity. The equation of the two forms of law, therefore, remained wholly theoretical. This ultimately presented a problem for writers who set out to elaborate a more detailed and practical account of what Tibetan law was. The *Mirror of the Two Laws*, written at a time in which the Pakmodru were trying to consolidate their political authority, therefore presents mediation practices as the application of the king’s laws. This set the scene for the *zbelché* texts, created in the seventeenth century, which continued to be regarded as authoritative statements of Tibetan law into the 1950s.

Conclusion

The concept of “two laws” had its origins in early attempts by Tibetan writers to create an account of Tibet as a Buddhist polity. Older ideas about kingship and government—represented by the concepts of *tsuklak*, *tangtrim*, and *katrim*—now had to be related to the ideas of a new religious realm, with its own institutions, practices, and disciplinary rules. This came to be represented by the new concept of *chötrim*. In what must be the earliest post-imperial texts, we find attempts to keep these realms apart—monks and nuns were not to be subject to secular laws—alongside parallel attempts to bring them together. The Tibetan model of a Buddhist polity was then based on the idea that the king made his laws, the *gyeltrim*, according to Buddhist principles. In later texts, the concept of *chötrim* no longer seems to refer

79. Ernst Kantorowicz, *The King’s Two Bodies* (Princeton: University Press, 1957), chap. 3. When tensions later emerged between church and kings, Pope Gelasius could challenge the Emperor Anastasius to obey the laws of those who administered the sacred systems. His words became known as the doctrine of the “two swords,” whereby the priesthood administered the sacred systems with their laws, while the emperors made their own laws (*ibid.*, 92).

80. The twelfth-century Lama Zhang, for example, refers to “the yoke, the law, and the seals” (*gnya’ rgyal kbrims rgya*) when describing his activities as ruler, but his biographies give no indication that he ever promulgated detailed rules: Carl S. Yamamoto, *Vision and Violence* (Leiden: Brill, 2012), 194–203.

to monastic rules, while the *gyeltrim* came to be represented as disciplinary rules for the laity, aimed at bringing forth good behaviour, but enacted in a realm of emanations. In these later texts, the idea of an equivalence or a form of unity of the two realms and their laws became more important than the differences between them. Nevertheless, maintaining the distinction allowed writers to suggest that there had been a Buddhist source for the political authority of the ancient Tibetan kings. This formed the basis of a concept of political legitimacy that Tibetans continued to invoke well into the twentieth century.