

49 *Bhutanese Legal Code from 1729*

Introduced by Dagmar Schwerk

Introduction

The *Bhutanese Legal Code from 1729* was composed by the tenth Chief Abbot of Bhutan Tendzin Chögyel (bsTan 'dzin chos rgyal, 1701–66/67), on behalf of the tenth Regent of Bhutan, Mipham Wangpo (Mi pham dbang po, 1709–38). The work is embedded in Bhutan's 'first' religious and political history, the *Lho'i chos 'byung bstan pa rin po che'i 'phro mthud 'jam mgon smon mtha'i 'phreng ba*. The *Bhutanese Legal Code from 1729* is the first formalised and standardised legal code in Bhutan, but is closely related to earlier Bhutanese sources dealing with monastic or civil laws. Those are: (1) Zhapdrung Ngawang Namgyel's (1594–ca. 1651; hereafter Zhapdrung) personal seal, the *Sixteen I's*;^I (2) Zhapdrung's earlier monastic code (Tib. *rtsa yig chen mo*), dated to 1629; and (3) the 'first' legal code from 1652, written on black slates at the walls of Punakha Dzong. Substantial parts of those slates are now illegible; fortunately, their content is preserved in later textual sources.^{II}

The *Bhutanese Legal Code from 1729* belongs to the Tibetan text genre of legal codes (Tib. *bka' khrims*). It includes a variety of quotations from other textual genres, such as Buddhist canonical and extra-canonical works, advice literature (Tib. *lugs kyi bstan chos*), proverbs and sayings (Tib. *legs bshad*), and former-birth stories of the Buddha (Tib. *skyes rabs*).

After the institutionalisation of the "Joint Twofold System of Governance" (Tib. *chos srid gnyis ldan/chos srid zung 'jug/chos kyi rgyal srid*) by Zhapdrung in Bhutan in 1625/26, the *Bhutanese Legal Code from 1729* was essential for identity policies and nation-building processes in Bhutan in the eighteenth century. It lays out the institutional differentiations between the societal spheres of religion, politics, and economics, including their respective actors and functions – that is to say, it outlines Bhutanese 'securities.' Furthermore, contrary to other, earlier legal codes in the Tibetan cultural area, which were rather formalistic codes of law, Tendzin Chögyel emphasised the underlying 'epistemic structures' that are expressed mostly in the form

I For a translation of, and introduction to, Zhapdrung's *Sixteen I's*, see text no. 48.

II For an annotated English translation and reconstruction of the 'first' legal code, see Michaela Windischgrätz and Rinzin Wangdi, *The Black-Slate Edict of Punakha Dzong* (Thimphu: JSW Law Publishing Series 2019).

Dagmar Schwerk, Leipzig University, History, Art and Area Studies, Institute for South and Central Asian Studies

of conceptual pairs, emic terminologies, and religious and political metaphors.^{III} These structures had served to organise, establish, and legitimise Buddhist rule, not only in Bhutan, but also in earlier forms of dual governance in Tibet, going back to the Tibetan Empire (seventh to ninth centuries) and India.^{IV} Covering areas such as the happiness, well-being, and security of the populace, good governance, Buddhist morality and ethical codes of conduct, and tantric Buddhist cosmology, territory and state rituals, Tendzin Chögyel's legal code plays a crucial role in the collective memory and socio-cultural identity of those societies.

The *Bhutanese Legal Code from 1729* consists of three parts: (1) the genealogy and principles of the Joint Twofold System of Governance; (2) the duties of the Buddhist ruler and ministers; and (3) the duties of government officials. One excerpt from each of the three parts is presented here, illustrating the intricate interplay between the institutional differentiations into the spheres of religion, politics, and economics, and their underlying epistemic structures.

The conceptual pairs, emic terminologies, and religious and political metaphors found in the *Bhutanese Legal Code from 1729* have been abundantly appropriated in modernity, to institutionalise, legitimise, and transform the Joint Twofold System of Governance within the legal framework of the *Constitution of the Kingdom of Bhutan from 2008*, and Bhutan's policies of Gross National Happiness (GNH). In the country's ongoing democratisation since 2008, their importance is now also visible in academic and public discourses about the optimal relationship between the spheres of religion and politics, the role of the Buddhist king, and Bhutan's future development path; they are central to understanding 'secularities' in Bhutan today.

Lastly, two earlier translations of the *Bhutanese Legal Code from 1729* into English, commissioned by John Claude White and Sir Charles Bell, showcase its historical importance to the former British colonial administration in India, and its foreign relations with Bhutan. In the context of the 'Great Game' of nineteenth-century imperial

III On 'social and epidemic structures,' see Christoph Kleine and Monika Wohlrab-Sahr, "Preliminary Findings and Outlook of the CASHSS 'Multiple Secularities – Beyond the West, Beyond Modernities.'" *Working Paper Series of the CASHSS "Multiple Secularities – Beyond the West, Beyond Modernities"* 22, Leipzig, 2020, https://www.multiple-secularities.de/media/wp_22_kleinewohlrabsahr_preliminaryfindingsandoutlook.pdf; see also Christoph Kleine and Monika Wohlrab-Sahr, "Comparative Secularities: Tracing Social and Epistemic Structures Beyond the Modern West," *Method & Theory in the Study of Religion* 32, no. 4 (2020): 1–30.

IV Christoph Cüppers compared the *Bhutanese Legal Code from 1729* with the Tibetan legal code (1681) by the Tibetan regent Sangye Gyatso (1653–1705), and observed that, while the Bhutanese had copied quite significant portions from the Tibetan text, the emphasis on legitimisation and justification of Buddhist rule, Buddhist morality, and codes of conduct is not found in this Tibetan counterpart; see Christoph Cüppers, "Bstan 'dzin chos rgyal's Bhutan Legal Code of 1729 in comparison with Sde srid Sangs rgyas rgya mtsho's Guidelines for Government Officials," in *Bhutan: Tradition and Changes. PIATS 2003: Tibetan Studies: Proceedings of the Tenth Seminar of the International Association for Tibetan Studies, Oxford, 2003*, ed. John A. Ardussi and Françoise Pommaret (Leiden: Brill, 2007), 45; 47–50.

powers, diplomatic relations with Bhutan were crucial for gaining access to the broader Tibetan cultural area north of Bhutan.^V

Bibliographical Information

10th Chief Abbot of Bhutan Tendzin Chögyel. *Dpal 'brug pa rin po che mthu chen ngag gi dbang po'i bka' khrims phyogs thams cad las nram par rgyal ba'i gtam*, 1729, in *lHo'i chos 'byung bstan pa rin po che'i 'phro mthud 'jam dgon smon mtha' 'phreng ba*, fols. 100b4–115a3. N.p.: n.n., n.d. [BDR: WA1KG9413]; 103r–113v.

Pagination in the translation excerpt follows the original Tibetan block print foliation.

The translation adopted here can be found in:

Michael V. Aris, trans. *Sources for the History of Bhutan*. Wiener Studien zur Tibetologie und Buddhismuskunde 14. Vienna: Arbeitskreis für tibetische und buddhistische Studien, Universität Wien, 1986. 121–168 (plus corrigendum). Michael V. Aris' translation was adopted and annotated for this publication by Dagmar Schwerk.

The translation has been standardised in relation to punctuation and to transliteration of Tibetan and Sanskrit names and terms.

Due to their philological depth, footnotes from Michael V. Aris' translation are not included (fns 31–41; 42–49; 86–91). If relevant, information from them has been summarised and referred to.

Translation Adopted from Michael V. Aris

[DS: Part I: Legitimation and Principles of the Joint Twofold System of Governance]

Having defeated the four atrocious demons together with their disorderly battle lines and having gained control of the upholding, guarding and diffusing of the stainless theocracy of the dual system [of religious and secular government], he^I began the laying out of vast numbers of 'triple supports'^{II} and temples, and subjected to his authority all the districts of the South^{III}. Having introduced laws where there had been no southern laws and fixed handles where there had been no handles on pots, he con-

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V See Michael V. Aris, *Sources for the History of Bhutan* (Vienna: Arbeitskreis für tibetische und buddhistische Studien, Universität Wien, 1986), 7.

I DS: i.e. Zhapdrung.

II DS: i.e. images of the Buddha, Stūpas, and Buddhist scriptures.

III DS: i.e. Bhutan.

strained by means of religious laws [fol. 103r/103v] like a silken knot and pressed down with state laws as with the weight of a golden yoke. Beginning [from the time of] the introduction of the great law of the dual system, the successive rulers also preserved intact the observance of state laws in accordance with religion and it is due to this that the possibility has arisen for all subjects of the Realm of Four Approaches^{IV} to enjoy themselves in the glory of happiness and contentment. This being so, there is a need for maintaining unimpaired the practices of the early royal lineage.

Now, foremost in the legal code of the great *Dharmarāja*^V [there occurs] the law of not taking life, manslaughter-fines for the dead and the living; the law of not taking without being given – the hundredfold restitution for stealing religious goods, the eightyfold restitution for the king's goods, with the eightfold restitution for the goods of subjects; the law of not committing adultery with married women, with fines for fornication and penalties for adultery or rape; the law of abstaining from falsehood, the law of calling the guardian deities to witness when swearing oaths etc., and in general, in addition to abstaining from the Ten Unvirtuous Actions, showing filial respect for one's father and mother and due respect to *Śramaṇas* and *Brahmins*, honouring the elders of the family, returning kindness done to oneself by others, abstaining from false cheating with regard to weights and measures – he^{VI} performed this enactment by law of the Sixteen Pure Rules of Human Conduct.

In that manner the so-called “regulation of [public] order”^{VII} of Zhapdrung Rinpoche acted in previous times throughout the whole of this land of the South as a most sacred example of a legal code pertaining to the dual system; [fol. 103v/104r] however, in the meantime this regulation of [public] order has been largely treated with indifference and if such things are left to continue in that manner, laws relating to what should and should not be done are not practicable. If there is no law, happiness will not come to beings. If beings do not have happiness there is no point in the Hierarchs of the Drukpa upholding the doctrine of the dual system. Therefore, holding the precious doctrine in one's heart, it is necessary to enact legal observances like those of the *Dharmarāja* Songtsen Gampo which establish a justice devoid of bias or partiality.

Furthermore:

The happiness of beings depends on the doctrine
And the doctrine on beings who uphold it.

Thus it happened, and so for beings who uphold the doctrine there is cause for desiring an establishment of happiness in the doctrine and among beings by setting up

IV DS: i.e. one of the pre-seventeenth-century names for Bhutan.

V DS: This refers to the law codes of Songtsen Gampo, the first ‘Dharma’ king of the Tibetan Empire (seventh to ninth centuries), who is accredited with having established laws for the first time.

VI DS: i.e. Songtsen Gampo.

VII DS: Tendzin Chögyel refers to the above-mentioned earlier Bhutanese writings regarding religious and secular law, initiated by Zhapdrung's rule – but points out the importance of now having, for the first time, a formally standardised and detailed legal code that everyone must follow without question.

whatever is fundamental to a dual system [of legal administration] under which all beings are looked upon as an only child.^{VIII}

Yet nowadays, due to sheer obstinate wickedness on the part of various persons [characterised by] bad, confused thoughts and lack of due measure, the bodeful laws have been repudiated. Without thinking for a moment about discrimination between good and evil, or between cause and effect, penalties and summary confiscations have been meted out for the sake of [acquiring] wealth by making false accusations against the innocent, beating and tying them with ropes and throwing them into dungeons, and all the ‘patrons’^{IX} have really become ghosts in the land of humans. The beneficial, enchanted lake of the state laws has been stirred into turbidity by many evil deeds not consonant with the doctrines, such as plain trickery, including bribery, on the part of a few wealthy and important people who include among them [village] counsellors and messengers [who do this] while speaking sweet sounding deceits [fol. 104r/104v] in pretence of respecting officialdom; also uprisings of subjects pushed towards the capital by some of them [with] all sorts of truths and untruths. Therefore, having investigated in detail what is what, the chief master of the laws should turn towards good legal usages that distinguish religion from irreligion. As it is said:

The *Jina*^X skillful in all things
Should consider well his servitors.
With application to truth and religion
He should always protect the provinces.

Since it is necessary therefore to preserve the state laws in accordance with religion, acts of evil that transgress religion are to be suppressed; the pursuit of terminating all such things as selfishness, anger, fecklessness, wild behaviour, fierce oaths, contempt, the ‘Seven Defects’ and the ‘Ten Realms’ is the intention of the *Sūtras* and *Tantras*.

According to the word of the *Buddha* himself:

By cutting to pieces these things,
The sojourn in hell will become short,
There will be no obstacles to achieving *yoga*,
The power of the Mahāyana [DS: sic] will expand
And the Buddhist doctrines will extend.

VIII DS: Today, the preceding paragraphs are often quoted and referenced in public and academic discourses in Bhutan to point out the uniqueness of Bhutan’s legal system and definition of good governance.

IX DS: Throughout the legal code, “patrons” (Tib. *sbyin bdag*) refers mostly to the relationship between lay donors from different societal strata, and religious institutions/persons. However, the term also is part of the important emic conceptual pair of the more elitist patron-priest/preceptor-donor relationship (Tib. *yon mchod/mchod yon*) between Tibetan tantric Buddhist masters and rulers in the Tibetan cultural area. In Bhutan, unlike other parts of the Tibetan cultural area, those two roles were conjoined in the person of Zhapdrung.

X DS: i.e. Buddha Śākyamuni.

Thus it was said, and in the Northern Medicine Land of Sāla^{XI} the *Dharmarājas* who came forth in early times were certainly nothing other than Bodhisattvas and abodes of grace. But later one section of [Tibetan] rulers, as a result of their severe favouritism [characterised by] frenzy and evil temperaments, oppressed both the Kar[mapa] School and the Druk[pa] School as much as possible and even achieved their will [by promulgating] ordinances to the effect that since the order of these schools was evil they were to be annihilated.^{XII}

For example [fol. 104v/105r]:

Even though the jackal howls with arrogance,
The lion bears [him] compassion.
Or again:
The great being examines his own faults;
The bad man looks for faults in others.

It was as said in these words. Similarly, even in this state of the Southern Land^{XIII} a few have fallen into selfishness and so the time draws near when the hundred white petals of the doctrine of religious and secular government will close. Exhorting, therefore, from one's innermost heart the sense of duty that cannot bear [to see] the doctrine repudiated before one, it is necessary to take after the wisdom and courage of the Bodhisattva Pañcaśikha, Tri Songdetsen^{XIV}, for the sake of protecting and of upholding, guarding and diffusing this white parasol of the action of religious and secular law.

[Here ends] the preliminary introduction to the general fundamentals of the theocratic rule of the Glorious Drukpa Rinpoche, the Mighty Ngagi Wangpo^{XV}. May the first virtuous blessing contained herein fill the whole world.

[DS: Part II: The Principles of Good Governance of Rulers and Ministers and the Relationship Between the Spheres of Religion and Politics]

Those who hold the authority of royal measures taken
In this happy and prosperous world,

XI DS: i.e. Tibet.

XII DS: This refers to the central Tibetan government (Ganden Phodrang Government) that was institutionalised as a form of the Joint Twofold System of Governance in Tibet in 1642. Tendzin Chögyel alludes here to the religious and political persecution of the Kagyü school, amongst others, in Tibet.

XIII DS: i.e. Bhutan.

XIV DS: The second 'Dharma' king during the Tibetan Empire, Trisong Detsen (d. 797).

XV DS: i.e. Zhapdrung.

May these great beings diffuse from here
The fragrance of their deeds on the Mālaya winds.

Now, as to the chief actions befitting a Desi Chagdzo^{XVI}, who is the illuminator of the doctrine of the joint system [of religious and state law] and master of the practice of legal observances, the Bhagavat has said in the *Sūtras*:

If the king becomes enamoured of religion,
It is the path to happiness both in this and future lives
Subjects will also act as the king acts;
Therefore he must learn how to live in accord with religion.
Also [fol. 105r/105v] the Second Buddha [Padmasambhava]^{XVII} has said:
A pure parental lineage, many supporting subjects,
Noble behaviour, heed to promises made in an oath-list,
Ability to guard one's dominion and possession of an army to overcome one's enemies,
These are the requisites of an excellent king, a great man.

In accordance with these words, since this southern range^{XVIII} is itself the unequalled and glorious Drukpa Rinpoche's^{XIX} field of conversion^{XX}, there is a definite need for not inferior designs to further the happiness of beings and of the doctrine by honouring on high the lotus feet of the Mighty Ngagi Wangpo, the *Jina's* ruler^{XXI}.

Since the *Sangha* [DS: sic] is the basis of the Buddhist doctrine, measures should be taken to do it honour as the occasion arises, giving pure exhortations towards [the cultivation of] the meditational procedures of the *utpatti[-krama]* and *saṃpanna[-krama]*^{XXII} including the Ten Religious Practices and the study of sacred dance, *Maṇḍalas* and chanting. Textual examinations on studies completed by the students of grammar and poetry and by the College of Logic should be held at frequent intervals

XVI DS: This refers to the regent in charge of the political/administrative branch within the Joint Twofold System of Governance in Bhutan. The explanation demonstrates how the regent was, later on, supposed to also take over the symbolic role of the Buddhist ruler/king, therefore blending together those roles that are theoretically separate in the conceptualisation of the Bhutanese Joint Twofold System of Governance. Naturally, after Zhapdrung's passing, and with the subsequent enduring struggles over his succession, the regent indeed often did take over the role of the Buddhist ruler/king as well. This overlap in function is visible throughout the second part of the legal code.

XVII DS: This refers to Padmasambhava/Guru Rinpoche, who, in the Tibetan Buddhist tradition, is considered to be the 'Second Buddha', accredited with the introduction of Buddhism to the Tibetan cultural area.

XVIII DS: i.e. Bhutan.

XIX DS: i.e. Zhapdrung's.

XX DS: Zhapdrung's conquest and unification of the territory of Bhutan is expressed in terms such as the "subjugation of a spiritual field/field of conversion" (Tib. *gdul zhing/dul zhing/gdul bya'i zhing*) or the "heavenly field/Buddhafield" (Tib. *zhing khams/dkar rgyud zhing khams*) of a raven-faced form of Mahākāla (Tib. *las mgon bya rog gdong can*), a protector deity.

XXI DS: i.e. Zhapdrung.

XXII DS: i.e. the two stages of tantric meditation of the *Niruttaratantrayoga*.

and rewards should be given in accordance with the works [on which they are examined]. An annual proclamation should be issued to the effect that instead of otherwise squandering whatever material objects there are in all the residences, they are to be used as offerings to the [Triple] Gem^{XXIII}, including the body, speech and mind-supports of the *Jina*, and for the upkeep of the *Sangha* [DS: sic].

In the College of Crafts and also among the bodyguards and household servitors, examinations are to be held in accordance with their respective work in which emphasis should be placed on the Ten Religious Practices consisting of writing, making offerings, giving alms and so forth; and they should be employed in whatever works of service are undertaken for the doctrine.

When, in carrying out a daily investigation into the general welfare of the subjects, [it becomes evident that it is] favourable or unfavourable, they should be brought exclusively to states of happiness. Enquiries should be entered into concerning how in time gone by the wisdom of good counsel caused subjects to adhere to the laws of the Ten Rules of Virtuous Conduct [and how this could also be done] in the future [such as was done in the past by] the enactment of prohibitions against hunting and fishing and so on, whereby killing and thieving were abstained from in the various districts [fol. 105v/106r].

Since the victory or defeat of worldly welfare depends chiefly on judgements passed on litigation and on [matters concerning] taxation, corvée and the [compulsory] transportation of [government] loads, strict measures should be taken continuously in order to enquire into and root out any prejudiced relations that have been formed with an eye to [the acquisition of] food and wealth, whoever it may be [who indulges in this], great or small. The ability to call the state laws to witness must be given prime importance, without being influenced solely by what is said by [the incumbents to the offices of] Dzongpön, Drönnyer, Chila^{XXIV} and others who are wealthy and important, and [without being influenced] by the selfishness of personal servants in [one's own] retinue.

In this regard, as to the officials on the frontiers of the four borders, just as the happiness of the centre depends on the outer limits, if the terms of a treaty should be violated, one's own laws being treated laxly and acts of brigandage by one's own people occurring on the other side, not only will we meet with reprisals for these things but also it will turn into a serious transgression against the doctrine and beings in general. Lest this should happen, orders are to be issued repeatedly concerning the need for peaceful conduct.

Furthermore, if there should be any 'patrons' in any of the districts under the administration of a fort who are particularly oppressed by [the need to render] grass-

XXIII DS: i.e. *Buddha*, *Dharma*, and *Saṅgha*.

XXIV DS: Those were the most important political and administrative offices in pre-modern Bhutan, under the Zhapdrung; see Karma Phuntsho, *History of Bhutan* (Noida: Random House, India, 2013), 258.

tax and wood-tax, such persons must be allowed to take charge of [government] horses and supply grass-tax at rates of liability fixed according to the custom which prevailed in previous times.

In brief, one must know the mechanism which illuminates the mastery of controlling at one time the play of the Four Actions [of pacifying, multiplying, ruling and subduing in order to fulfil], externally, the means by which the subjects are brought to happiness; internally, the commission of all officials; and in truth, the good deeds which diffuse the Three Refuges [and] the monastic community [fol. 106r/106v]. In *The Mighty Lion's Roar* it is said:

In the centre a peaceful circle, on the outside a square,
Prospering with the works of the four conch-shells,
The lion's roar which subjugates the three realms,
Turning the wheel of the magic-working sword.^{XXV}

And in *The Razor which Defeats the Enemies of the Doctrine* it is said:

Any malignant being
Will be overtaken by magic power like a debt.
Bring down like a meteorite
Powerful works of destructive magic upon him.

As it is thus commanded, the custom of heaping good on good is instituted. If the heaping of evil on evil is not brought to an end, the state laws will not be able to spread in accordance with religion and so the principal requirement of a king is the fair discharge of state law. Moreover, just as one speaks of 'the law beloved of the king', so if a single king administers the law fairly he can bring his subjects to happiness in a single day. Now, the fact that the succession of ancestral *Dharmarājas* in previous times sustained the beings of the Cool Land^{XXVI} by means of the simultaneous discharge of religious and secular authority and the fact that Zhapdrung Rinpoche was able to tame this wild area of the South is due to the power [they obtained through] administering state laws in accordance with religion.

In general the reason for instituting state laws is for the very sake of the happiness of subjects in the various districts. In particular it is for the purpose of upholding, guarding and diffusing the *Sangha* [DS: sic] which [abides to] the *Vinaya* rules of the Buddha and [forms] the basis of the doctrine. However, in the meantime it has declined in some of its aspects and monks have broken their vows, taken life, taken that which is not given, and so forth. Although acting as the cause of the doctrine's decay [such persons] are not rooted out. Not only is this a bad example but it will also

XXV DS: Michael V. Aris notes that the form and symbolism of Zhapdrung's seal, the *Sixteen I's*, is directly derived from this Buddhist canonical verse, see fn 18 in original. See also text no. 48.

XXVI DS: i.e. Tibet.

cause the good path of the doctrine and of beings to decline as prophesied [fol. 106v/107r]:

When the *Vinaya* rules decline the land is
filled with oath-breakers.
This causes the happiness of beings to diminish.

And:

When religious law is discarded the main protector departs to heaven.
It is broken to pieces by the exhalations of the demon brothers.
When the religious customs of humans are discarded the gods decline.
The classes of black devils laugh ‘Ha ha!’

Moreover, the *Tathāgata* himself has said in the *Sūryagarbhasūtra* that the laws of monks during the final age of decline will accord with the laws of the state. Accordingly, from this time on when things have become intolerable for us, punishments are to be meted out in conformity with the customs of the *Vinaya* in right measure [for each] fault against the monastic precepts and it is certain that [such monks] must be deprived of their tokens of office and their robes.

[DS: Part III: Laws Regarding Funeral Rites, Inheritance, Hermitages, and Monastics and Other Religious Practitioners]

With regard to deaths, if much killing [of animals for funerary feasts] takes place, this is not good either for the dead or for the living. Therefore, in entertaining the Lama^{XXVII} who performs the cremation, it is sufficient to offer him a ‘white meal’^{XXVIII}. If this is done, then the government share is to be reckoned to the value of half a [ma]-*ṭam*^{XXIX} in lieu of the head and quarter of an animal and the Lama’s share to the value of one roll of cotton. If, however, besides simply the ‘blessed food’ [fol. 112v/113r] offered to the deceased himself, ‘white meals’ cannot be provided, the shares for the government and for the Lama are to be reckoned as above and the monks assisting in the ritual are to be given four *phul* measures^{XXX} of rice or a piece of cloth in lieu of their shares of meat.

XXVII DS: i.e. the tantric teacher.

XXVIII DS: i.e. vegetarian food.

XXIX DS: This refers to the Bhutanese name of a silver coin, the Narayani half-rupee, that was widely used in Cooch Behar and Bhutan from the sixteenth century onwards. Bhutanese silver was minted into this coinage in Cooch Behar, and later in Bhutan (with lower silver content). In Bhutan, it was only used for specific purposes, such as donations or foreign trade. For a depiction of the coinage and more information about its usage, see Dorji Penjore, *Zhidar Matters: The Rise and Fall of a Controversial 18th Century Bhutanese Rule* (Thimphu: Centre for Bhutan & GNH Studies, 2021), 76–77.

XXX DS: i.e. four “handfuls.”

If, however, it happens that there is nothing for it but to kill an animal, then a single animal may be butchered and used in a manner sufficient for providing the government [share] and for the entertainment of the monks assisting in the ritual and all the kinsmen assembled there. It is not permitted to butcher more than that. [The distribution of] meat to the relatives as a feast and [a similar distribution made] when the pall is placed [on the corpse] is prohibited. Acts of merit [for the deceased] should be performed in his own village and not elsewhere. As for the materials used in acts of service 'reckoned to the thousandfold', these may accord with the desire of the 'patron' himself and consist of whatever 'dry' [cash] or 'wet' [food] he has at hand.

Lamas of monastic communities [acting] in their private capacity must cremate the corpses of the deceased before one day has elapsed in summer and two in winter; the number of monks assisting in the ritual and the material necessities are equal to [those prescribed for funerals performed by] the government. In cases when the Lama cannot come in person or is delayed, the 'patrons' must take to the monastery whatever provisions they have at hand, and of good quality, as the food required for the Lama and the government when introducing the ritual of 'The Root of Virtue'; apart from doing this, it is not permitted to introduce [such rituals under these circumstances] in the home [of the deceased]. It is not permitted to set aside part of one's land and fields [in order to raise] the food shares of the religious persons [conducting a funeral]. Lay persons are not to reduce the provisions offered to religious persons. The personal property left by a deceased religious person who was himself the possessor of a tax estate should be disposed of by his loving patrons and attendant disciples in whatever meritorious works they can accomplish. After the death of a retired orderly who has devoted himself to the religious life, his religious objects and ritual implements are to be offered to the ruler for his funerary memorials. If there are more things besides these, they should be disposed of in whatever meritorious works can be accomplished.

As to the requirements governing the building of hermitages for religious persons, these should be built only within range of a monastic community and not above villages or in any random side valley [fol. 113r/113v]. If men and women who cohabit in monastic communities should bear children, [they] should be forced to settle in district communities where substitute taxpayers are required [in order to replace previous tax-payers who had died there without issue] since the village is where worldly actions should be performed. If monks spend more than half a month in heedless loitering, except in the case of their going on begging tours, pursuing their own [legitimate] affairs or their Lama's business, then just as householders engage themselves in agricultural work, [so also should] the government representative in the district where such monks make their halt put them to work in the transportation of loads and in *corvée*. Similarly, the Lamas of monastic communities are to reside solely in

states of seclusion, except when they are engaged in the annual and seasonal initiations, teachings, *Tsechu* rituals and *Maṇi* recitations^{XXXI}.

Besides [propounding] in the district communities those spiritual precepts which are well-founded in learning, the diviners, astrologers, spell-binders, false monks and doctors who deceive others by singing whatever comes to mind are to be prohibited. Apart from devotional offerings, it is not permitted to render any kind of tax to the various sorts of *Maṇiwa*^{XXXII}, for instance to the licensed *Maṇiwa* attached to the districts under the administration of a Dzong^{XXXIII}.

XXXI DS: i.e. important (often public) religious rituals and festivals of the Bhutanese Buddhist calendar.

XXXII DS: A *Maṇiwa*/ *Maṇiba* (Dzo. Manip) is a (usually lay and male) religious practitioner and storyteller in the Tibetan cultural area, who, for example, performs Buddhist songs and life-stories of famous Buddhist figures, such as of Drukpa Künlé and Zhapdrung in Bhutan, and excessively recites the Mantra of the Bodhisattva of Compassion, Avalokiteśvara. It is important to note that this class of religious practitioner is, in itself, diverse. *Maṇiwas* usually carry with them either a portable *stūpa* (Tib. *bkra shis sgo mang mchod rten*) or scroll paintings depicting different important Buddhist teachings. Today, this tradition is unfortunately in decline in Bhutan, see Tsering Tashi, “The Lam Manip,” *Kuensel online*, 25 September 2016, accessed October 31, 2024, <https://kuenselononline.com/the-lam-manip/>; see also footnote 91 in the original. Moreover, the term is used to refer to Buddhist practitioners who accumulate a very high number (at least a million) of the Avalokiteśvara Mantra. This paragraph shows the high level of granularity of the legal code in determining functions and positions of diverse religious practitioners, beyond a simple lay-monastic and religious-secular divide in the Joint Twofold System of Governance.

XXXIII DS: i.e. a district governmental seat of secular and religious rule and fortress.

