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Law, State, and Political Ideology in Tibet

One of the most difficult tasks that scholars of pre-modern non-Western cultures face is that of accurately representing these societies. Our representation must reconcile two conflicting demands. The first is to depict these cultures as they differ from modern societies, while seeking to avoid the inappropriate assimilation of traditional cultures to our own models through the use of familiar concepts in describing them. The practice of representation reveals that this task is exceedingly difficult, for it conflicts with a second demand, which is to delineate the sense of agency of the members of the represented society. In trying to respect the otherness of traditional societies, we tend to overemphasize the differences, making these societies so completely other that we lose sight of the modes of action, particularly political action, of their members. These cultures may be seen as passive objects of the historical, economical, and social forces that we scholars study, rather than remain visible as the agents that the members of these cultures feel themselves to be.

At the center of this problem of representation is the question of the nature of the state. It is clear that states in traditional societies have been quite different from modern states. Does this mean that these societies have been stateless prior to the eruption of modernity? Colonial administrations often have answered this question positively. Thus, this question is not just important theoretically, but has political implications as well. It is an important element in the development of what Said describes as uncoercive ways of studying non-Western societies.[1]

This essay analyzes the nature of the state in Tibet before 1950, which is significant in view of the contemporary political situation. It is of great importance to describe this complex society, and to avoid depicting Tibetans as a delightful people living in a simple society, a

1. E. Said, *Covering Islam* (New York: Pantheon, 1981) 159.

depiction which warms the hearts of colonial administrators, whether they come from the West or from East Asia. Tibetans themselves are enraged when they hear of this simplistic depiction of their society. They feel that traditional Tibet was a sophisticated civilization with its own forms of political and legal institutions inadequately captured by labels such as "stateless society," or loaded descriptions such as "feudalism."[2] This essay attempts to take into account the sense that Tibetans have had of their own political system, while avoiding the other pitfall, the assimilation of the traditional Tibetan political system to modern concepts of political institutions.

More concretely, I focus on two distinct but related aspects of the question of the state in Tibet: 1) the role and history of the politico-legal ideology, described by Tibetans as the union of the religious and the political (*chos srid zung 'brel*), and 2) the relation between the Tibetan legal system, state formation, and the bureaucratic system.

The first part of this essay analyzes the way in which the Tibetan political system has been informed by Buddhist principles, which provide its main source of legitimacy. The role of the union of the religious and the political, however, goes well beyond legitimization. It provides a social framework that makes sense of some of the most particular characteristics of Tibetan culture (the institution of the reincarnated lama and the political dominance of religious groups throughout most the history of Tibet). The study of this ideology also allows a comparative approach to Tibetan culture. Too often, Tibet is depicted as a totally unique civilization that escapes every categorization. Rather than emphasize the unique features of Tibetan cul-

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2. Within the field of Tibetan studies, a particularly virulent debate has opposed those such as Carrasco who hold that this word applies to traditional Tibet and those such as Michael who refuse to do so, seeing this word as politically loaded. See: H. Chen, *Frontier, Land Systems in Southermost China* (New York: 1949), and P. Carrasco, *Land and Polity in Tibet* (Seattle: American Ethnological Society) 1959. On the other side, see: F. Michael, *Rule by Incarnation* (Boulder: Westview Press, 1982). A related issue concerns Goldstein's use of the term "serfdom" to describe the situation of premodern Tibetan peasants. See M. Goldstein, "Serfdom and Mobility: An Examination of the Institution of 'Human Lease' in Traditional Tibetan Society," *Journal of Asian Studies* 30.3 (1971): 521-534, E. Dargyay, *Tibetan Village Community* (New Delhi: Vikas, 1982) and M. Goldstein, "Reexamining Choice, Dependency and Command in the Tibetan Social System," *Journal of Tibet* 11.4 (1986): 79-112.

ture, I will focus on the elements that allow a comparison with other Buddhist cultures, particularly those of South-east Asia.

The second part deals with the state formation proper. Is it appropriate to speak of a state in pre-modern Tibet or are these traditional institutions misrepresented by the use of the word "state"? Should we then attempt to find more appropriate concepts such as galactic polity, or traditional polity? I emphasize the importance of considering the question from an historical angle. The question of the nature of the state in Tibet cannot be answered in abstractions. More specifically, I suggest that an answer can be found in the evolution of the relation between the development of rationalized legal systems and bureaucracies.

Buddhist societies and the union of the religious and the political

Like Thailand and Burma, Tibet is a Buddhist society. By this I do not mean that Tibet is a country where people follow Buddhist ideals in their actual lives. While the degree of commitment of individuals to religious ideals is certainly relevant to social life, it cannot determine the nature of the overall social framework. The term "Buddhist society" in relation to Tibet mans that Buddhism is dominant both from religious and socio-political points of view. The role of Buddhism in Tibet contrasts with countries such as China and India, where Buddhism was important but rarely dominated the culture. In Tibet, Buddhism made a unique contribution to the society in many domains, and in the process, a specifically Buddhist culture developed. This development, which also took place in Thailand and Burma, did not occur in India or China, where the legal and political domains were occupied by other dominant traditions with their own legal and political philosophies. Hence, the application of the term "Buddhist society" to Tibet.

The central role occupied by Buddhism in Tibet is easy to understand if one remembers that conversion to this religion marked an important leap in the culture of this country. Tibet was originally a non-Buddhist land without any, or at least very little, literacy. In the process of converting to Buddhism, Tibetan culture was drastically changed, bringing considerably civilizing transformations. Tibetans are fond of describing Tibet as a land originally "beyond the pale" (*mtha' 'khob*), the "Land of the Bad Ones," the "Land of the Red-faced

Flesh-eating Demons," etc.[3] Whatever the extent of the truth of such a description, it reflects the profound changes of Tibetan culture after the middle of the eighth century. This view also reveals an important aspect of the self-understanding of Tibetans, who feel themselves to be members of a culture in which Buddhism is the main, if not the only, civilizing force. The cultural supremacy of this force is quite different from the self-understanding of Buddhists in India and China, who are part of a rich civilization where Buddhism has had to compete with other systems for cultural survival.

One part of the civilizing changes brought about by Buddhism in originally non-Buddhist cultures pertains to the process of formation of political institutions. Though Buddhism was not yet the major force that it was to become in the second half of the eighth century, it contributed to the process of unifying Tibet carried on by Srong-btsan-sgam-po (604?-650). The introduction of Buddhism to Tibet also corresponded with at least the standardization of writing. By introducing literacy, Buddhism greatly contributed to other processes required for more unified forms of political authority.

The introduction of Buddhism also promoted the development of legal codes, basic to more centralized forms of political authority. The legal code of the empire reflects the influence of Buddhism. Like the monastic code of discipline, the legal code of the empire speaks of four fundamental laws, prohibiting murder, thievery, lechery, and the bearing of false witness. The code also mentions ten non-virtuous acts, an obvious reference to the basic Buddhist ethical framework. Thus, Buddhism contributed to the substance of Tibetan laws, as well as providing their formal framework.[4]

The extent to which Buddhism informed the formation of political institutions has raised its own set of problems. Articulation of the relation between Buddhism and the political domain seems to have been delicate in most, if not all, Buddhist societies. Begun as an ascetic tradition intended for religious *virtuosi*, Buddhism was not formulated to provide the framework for a whole society. In India, Buddhism never achieved the dominance that it acquired in Tibet and other Buddhist countries. Hence, the relation between political power

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3. J. Gyatso, "Down with the Demoness," *Feminine Ground*, ed. J. Willice (Ithaca: Snow Lion, 1987) 33.

4. G. Uray, "The Narrative of Legislation and Organization of the *mKhas-pa'i dga' ston*," *Acta Orientalia Scientarum Hungaricae* 26 (1972): 11-68.

and religious authority rarely took on the urgency that it did in cultures where Buddhism became dominant. Concepts such as non-violence and renunciation, central to a Buddhist tradition, create a difficult situation when this tradition becomes dominant and provides socio-political norms. How can political authority, which is based on the use of a certain degree of violence, operate within such a tradition?

The relation between Buddhism and the political domain is not just a question of ideological legitimization of political actions. The problem runs deeper, affecting the relation between the two poles of Buddhist society, the monastic order and the laity. The dominant paradigm within a Buddhist society is that of a complementary duality between these two. Monks, nuns, and other religious *virtuosi* abandon the world and devote themselves to the practice of dharma, while lay people remain involved in worldly activities. This allows the laity to support the efforts of religious *virtuosi* in the process gaining religious merit. At the political level a conflicted complementarity exists between monastic or quasi-monastic[5] groups and political authority.

In Buddhist societies, this relation is problematic and unstable, constantly negotiated and renegotiated. Typically, political authorities, while offering patronage, seek to control and regulate the monasteries, which resist incorporation and subjugation. In this respect, Tibet is not different from other Buddhist societies. What is different is the solution that Tibetans have given to this problem. Instead of insisting on continous control of the monastic order by political authorities, in Tibet monastic groups have tended to take over the instruments of political domination. The institution of incarnated lama manifests this unique Tibetan solution. It would be a mistake, however, to overemphasize the uniqueness of Tibet. Rather, Tibetan political arrangement are continuous with those found in other Buddhist countries, though they go further.

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5. The usual picture of a Buddhist society in which monastic order and laity complement each other is complicated in Tibet by the fact that there are many religious *virtuosi* who are not parts of the monastic establishment in the strict sense of the word. I would like to argue, however, that this fact does not change significantly the situation. For, lay *virtuosi* are not lay people in the usual sense of the word. Their life-styles, orientations, and economical positions are similar to those of the members of monastic groups in which they are often integrated. Thus, the basic picture of complementarity of Buddhist societies is not changed significantly in Tibet.

The dominant Tibetan response to the problem of how religious authority and political power relate is often described as the union of the religious, that is, Buddhism, and the political (*chos srid zung 'brel*). This model of union has functioned as an ideological template for organizing the legal and political systems and articulating their relation to Buddhism. Rebecca French in this issue describes it as implying a maṇḍala-like structure, representing the ultimate union of religious and political, where the latter is on the outside surrounding a Buddha-core. It is a reification of a social hierarchy with concentric movements from inferior marginality to central superiority in a graduated vertical series of steps. It represents the nature of power spiraling toward the center and radiating out to the periphery.

This union of the religious and the political is illustrated in pre-1950 Tibet by the physical and conceptual location of the Lhasa government in relation to the outlying provinces, and by the centrality of the Dalai Lama in that Tibetan cultural universe. The path to Lhasa was both secular and religious. It was the path of the pilgrims who came to see the Dalai Lama and the central temple founded during the reign of Srong-btsan-sgam-po. But it was also the path of the seeker for legal justice, the path followed by complaints and appeals. All these paths theoretically converged towards one center, the Dalai Lama. A contemporary Tibetan scholar, Ge-she Rabten, was fond of describing how as a youth he used to think of the Dalai Lama as an inaccessible deity rather than as a human being. This was the view of the commoners, who had no access to the Dalai Lama and the center of power. For such a person, the Tibetan politico-legal system was part of a unified system encompassing both secular and religious aspects of life. This union created a profound sense of awe and authority in a system in which the Dalai Lama was the charismatic pinnacle of the religious and politico-legal system.

This political arrangement represents a Tibetan solution to the tension between political and religious poles of authority inherent in the dual organization of Buddhist societies. The combination of the religious and the temporal collapses into one of the two poles around which a Buddhist society is organized: the king, who supports and protects the monastic order, and the monastic order, led by prestigious religious teachers. The combination of the two functions is incarnated by the Dalai Lama who fulfills both political and religious functions. As the king, he is the leader of the polity, and thus the patron of the monastic order. As the foremost religious teacher, he is also the head

of the monastic organization, involving the special relation with its members this role entails.

At this juncture, two important points must be made concerning the model of union of the religious and the political in Tibetan culture. The first concerns the existence of a counter-tendency in the Tibetan cultural universe, a more cynical or realistic recognition of the problematic nature of the relation between these two conflicting domains. The second concerns the need to contextualize the model of union by noticing the historical steps that led to the development of this ideology and its final promulgation as an official ideology in 1751 by the Seventh Dalai Lama.

First, we should not over-emphasize the importance of this model of union between the religious and the secular. There is another tendency in Tibetan Buddhist culture counter-balancing this hierarchical mandala view of cultural realities. This is the view that law and state are oppressive, making demands on individuals, families, and communities that are hard to meet. Taxes are too high, and the rules are biased in favor of the rich and powerful. Officials are corrupt and unreliable, and the outcome of legal procedures is uncertain. Monasteries and the estates of incarnate lamas are even greedier than the government dominated by aristocratic self-serving families.

This familiar populist view represents the disenfranchisement that people are bound to feel in a highly structured and hierarchized social universe, reflecting a social life in which inferior social groups only grudgingly recognize the superiority of other groups. This attitudinal protest is as solidly embedded in this Buddhist society as in any other hierarchical society. Buddhist traditions provide rich support for a cynical view of power and politics. Politics is part of the worldly domain (*'jig rten*), which is of the nature of suffering and bondage. Participation in the political system is seen as a drawback in religious terms.

In monastic circles an anti-political culture systematically dismisses any activity which is not directly oriented towards religious practice. The strength of this monastic sub-culture explains a number of aspects of Tibetan culture and history. It is partly responsible for the conservative attitude of monastic circles, which have succeeded in blocking most of the more daring efforts of reform promulgated by the Dalai Lama and central authorities. It is reflected in the peculiar situation of monks of the great dGe-lugs-pa monasteries of Central Tibet who, though highly literate, rarely have extensive writing skills. Reading is

essential to religious practice, but writing is often seen as the first step towards involvement in worldly affairs, particularly in government business. An involvement in worldly affairs is considered as incompatible with a serious religious commitment in ordinary beings. Only enlightened beings such as lamas are thought to be able to reconcile the two. Even in this special case, however, monastic skepticism does not disappear completely. Though the Dalai Lama is highly respected, many in monastic circles considered it advisable to avoid relationships, particularly religious ones, with a person whose office involves him in worldly activities.[6]

The hierarchical view of society as an ideal maṇḍala in which the center is seen with considerable awe is thus mitigated by another view of the politico-legal system as burdensome in more ways than one. A popular reluctance to accept authority is presumably present in any complex society. But in Tibet it also has a more specifically Buddhist origin and content, coming out of the renunciatory elements of the Buddhist tradition. Though it would be a mistake to see this as the essence of Buddhism, it would also be a mistake to underestimate its importance in Tibetan society. It is the continuous and unstable interaction of these two tendencies that had formed the texture of Tibetan social life.

This tension is manifested in the sMon-lam festival, celebrated shortly after the Tibetan New Year, when the Tibetan state reaffirms its *raison d'être*, to support and protect the development of Buddhism, by submitting itself to the monastic authorities. Symbolically, the state is purified and its Buddhist character reaffirmed by the participation of all its members in the ceremonies. The government acknowledges it is not the supreme power, but just the protector and custodian of Buddhism. This submission is not, however, just symbolic. During the two weeks that the festival lasts, Lhasa is under the rule of the monastic authority of 'Bras-pungs monastery. The two head disciplinarians (*tshogs chen shal ngo*) have all the power of arbitration, and their decisions can be immediately executed. The most famous example of the swiftness of this power perhaps happened during the 1940's when a famous Nepalese thief, whom the government had been unable to touch because of his foreign status, was brought to court and promptly punished by a fatal beating which was ordered by the disciplinarian. The rule of the disciplinarian is thus the means, both sym-

6. This is a description of the pre-1950 situation.

bolic and material, to reassert the power of the monastic establishment and its complex relation to the state authority.

The union of the religious and the political and reincarnated lamas

The union of the religious and the political also represents a more pervasive principle of social arrangement within Tibetan society. Its global importance in the Tibetan world is clear in the institution of the reincarnated lama, which has become over the centuries one of the most striking characteristics of Tibetan Buddhism. It is also apparent in a global tendency within Tibetan society for religious groups to take over political institutions, which are in the hands of secular groups in other Buddhist societies.

As stated earlier, a complex ideology combining the religious and the political is not unique to Tibet. Other Buddhist societies are based on a similar view, though at times this ideology might be not as clearly delineated and developed as in the Tibetan case. Stanley Tambiah has identified two main religious concepts that have been essential for the validation of political power in Buddhist societies.[7] First, there is the Ashokan idea of the Buddhist king as a virtuous king, who rules according to the universal dharma. Often this virtuous king (*dharma-raja*) is presented as a universal monarch who rules in the service of dharmic goodness. In later Buddhist societies another picture emerges, that of the king as bodhisattva. The king is not just a virtuous but ordinary person promoting universal goodness. He becomes a divine bodhisattva, and his rule becomes the activities of this bodhisattva.

In Tibet, these two concepts were used from the beginning of the effective penetration of Buddhism in the country. Early emperors such as Srong-btsan-sgam-po and Khri-srong-lde-btsan (740-798) were presented as virtuous kings (*chos rgyal*). They also started to be seen as incarnations of a celestial bodhisattva.[8] Later on, this depiction continued, as in the *Maṇi bKa' 'bum*, which presents Srong-btsan-sgam-

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7. S. Tambiah, *World Conqueror and World Renouncer* (Cambridge: Cambridge University Press, 1976).

8. The description of the Tibetan kings as bodhisattvas seems to go back to the eighth century when the Indian teacher Buddhaguhya praised Khri Srong-lde-btsan and his forefathers as Avalokiteśvara's manifestations. E. Dargyay, "Srong-Btsan-Sgam-po" in P. Granoff and K. Shinohara eds., *Monks and Magicians* (Oakville: Mosaic Press, 1988), 99-118, 102.

po's saga as the deeds of Avalokiteśvara, the patron bodhisattva of Tibet.[9] The later institution of the reincarnated lama in general, and that of the Dalai Lama in particular, developed this idea. The Dalai Lamas and other influential lamas came to derive their legitimacy from a genealogy of reincarnation that went back to a divine being, usually Avalokiteśvara, through their direct predecessors.

Although the system of reincarnated lamas is indeed a continuation of classical Buddhist ideas on the validation of political organization, it clearly goes beyond any other Buddhist system in its integration of the religious and the political. This development can be understood to originate historically in the problematic nature of political authority in Tibet after the collapse of the empire in 842.

After that date (marking the assassination of the last emperor, gLand-darma, who is supposed to have turned the empire away from Buddhism), central authority in Tibet weakened and collapsed. A protracted period of political division created a partial political vacuum. With the second diffusion of Buddhism in the tenth century, this vacuum was filled by certain Buddhist monastic or quasi-monastic groups developing their own political structures. In a situation of political instability and weak authority, the power of these groups increased. As secular groups gradually lost their influence, power focused on monastic groups, organized around the families of their religious leaders.

From the twelfth century, autonomous sects such as the Sa-skya and the different bKa'-rgyud groups competed with each other for religious as well as political supremacy. These groups were quite different from the earlier rNying-ma and bKa'-gdam schools, which represented different models of the transmission of religious authority. The rNying-ma school emphasized tantric transmission within non-monastic local groups, particularly the family. The bKa'-gdam school represented a more exoteric and monastic tradition, not unlike the traditions of other Buddhist countries. Although these two latter schools have been religiously important, the tradition that they represent has been less influential than those of the former. Consequently, the political influence of these schools also has been smaller.

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9. M. Kapstein, "Remarks on the Maṇi bKa'-'bum and the Cult of Avalokiteśvara in Tibet," *Tibetan Buddhism; Reason and Revelation,* eds. S. Goodman and R. Davidson (Albany: Suny, 1991) 79-94.

The model offered by Sa-skya and bKa'-rgyud has been much more important in Tibetan Buddhism. It has been adopted largely by the other schools, the rNying-ma and the new bKa'-gdam, the dGe-lugs. This model emphasizes tantric transmission within monastic groups. Most of its participants are monks and nuns, although its life is not organized around the usual monastic practices, but around tantric practices often used as monastic rituals. The relations between the individual members of the community and the leaders of these groups are based on the intensely personal relationships that tantric practices presuppose. Within such a group, the transmission of religious authority from one leader to another is of the greatest importance. It is also a delicate matter, for the authority of the leader is not based on monastic principles, but on the charisma that the leader has as a tantric teacher. How can one ensure that one charismatic leader will be succeeded by another one?

Tibetan history reveals the transformation of traditions which have evolved to answer this question. At first, the authority within Sa-skya and bKa'-rgyud schools was based on blood, involving kinship relations thought to parallel religious abilities and bonds. For example, the religious authority within the Sa-skya school, which dominated Tibet during the thirteenth century, has remained within the Khon family, which had started the school in the eleventh century. During the thirteenth century, however, another mode of transmission based on the idea of reincarnation was developed, primarily within the bKa'-rgyud tradition. The Third Kar-ma-pa appears to have been one of the first major reincarnated lamas. The transmission of religious authority by reincarnation was gradually adopted by most schools, so that it is now the generally accepted mode of transmitting religious authority within Tibetan culture.[10]

The model of the reincarnated lama fits particularly well the requirements of schools such as the bKa'-rgyud. In contrast to family transmission, reincarnation is easier to integrate into a monastic environment. It also allows a focus on particular personalities to provide the charismatic element necessary to the continuation of the tradi-

10. T. Wylie, "Reincarnation: A Political Innovation in Tibetan Buddhism," *Proceedings of the Csoma de Koros Memorial Symposium*, ed. L. Ligeti (Budapest: Akademiai Kiado, 1978) 579-586.

tion.[11] The authority invested in the figure of the reincarnated lama is not just religious. The reincarnated lama is also a political leader, heading a network of often influential monasteries supported by powerful families.

The fifteenth century marks the transition from transmission based on blood genealogy to one based primarily on religious genealogy of reincarnation. Prior to this date, reincarnated lamas had been rare. Political power had been mostly in the hands of a religious aristocracy ruling over familial and monastic domains. After the fifteenth century, reincarnated lamas such as the Karma-pa and the Dalai Lama dominated Tibetan life, and blood-based genealogies receded into the background, though they did not disappear.

E. Gene Smith has documented the evolution toward religious genealogy within the 'Brug-pa bKa'-rgyud school.[12] This school was founded by gTsang-pa rGya-ras (1161-1211) of the clan of rGya who owned the monastery of Rwa-lung. For two centuries, transmission was kept within the rGya clan, often passing down from uncle to nephew. This period represents an intermediary stage, in which transmission was thought of as a double genealogy, based on both blood and religious value. Once the mode of transmission became completely based on the idea of reincarnation, the blood lineage was redescribed as also involving a lineage of reincarnation.

Changes started to occur in the fifteenth century when the tenth 'Brug pa hierarch, rGyal-dbang Kun-dga'-dpal-'byor (1428-1476), claimed to be the reincarnation of gTsang-pa rGya-ras. This remarkable claim, which had already been made for the Karma-pa lamas, was reinforced by elaborating a whole religious genealogy, in which the 'Brug-pa hierarch became the reincarnation of the Indian yogin Nāropa, and ultimately of the bodhisattva patron of Tibet. This became the model which was used shortly afterwards by the Dalai Lamas upon establishing their center of power, the dGa'-ldan pho-brang, in the 'Bras-pung monastery. Still, rGyal-dbang Kun-dga'-dpal-'byor was part of the rGya clan, and the claim had been made to strengthen the

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11. Surprisingly little has been written on the formation of these schools and their models of religious traditions. D. Snellgrove, *Indo-Tibetan Buddhism* (Boston: Shambala, 1987) 485-508 is probably one of the best treatments of this topic.

12. Gene Smith, foreword, *Tibetan Chronicle of Padma-dkar-po* (New Delhi: International Academy of Indian Culture, 1968).

power of the family. Unfortunately, no male heir appeared within the family, and diverse groups claimed to have found the reincarnation of Kun-dga'-dpal-'byor within their midst. The dispute between the different groups and modes of transmission was settled in favor of the great scholar Pad-ma-dkar-po (1527-1592), who was chosen as the 'Brug-pa hierarch, to the disappointment of the rGya clan. After his death, the heir of the rGya clan, Zhabs-drung Ngag-dbang-rnam-rgyal (1594-1651), made a last and unsuccessful attempt to re-establish the primacy of the rGya clan. Subsequently he fled to Bhutan, which he unified during a tumultuous career. Supreme authority within the 'Brug school became based exclusively on the spiritual genealogy of reincarnation.[13]

This evolution from family to religious genealogy is an important trend in Tibetan history, indicating the weakening of non-religious institutions at the expense of monastic ones. Gananath Obeyesekere has remarked on the general tendency towards the weakening of family ties in Buddhist societies,[14] which is clearly visible in Tibetan socio-political life. The only power groups that succeeded in unifying Tibet after 842 were based on monastic affiliations. The non-monastic groups, such as the Ring-pung, failed despite their close monastic connections. Only the Sa-skya and the dGe-lugs-pa hegemonies lasted for any length of time with sizable power. Similarly, the most successful religious traditions have been monastic groups organized around charismatic reincarnated lamas.

The movement from a clanic political organization towards a mode of authority based on religious genealogy puts into new perspective the Tibetan ideology of the union of the religious and the political. The promulgation of this ideology as the official state view in 1751 by the Seventh Dalai Lama was not an isolated occurrence, but the result of a long-term evolution. Henceforth, the Tibetan state understood itself to derive its legitimacy from the strength of the monastic basis of the dGe-lugs establishment and the charisma of its leader, the Dalai Lama. Thus, the political ideology reflected in the mandala view of social hierarchy and understood as the union of the political and the religious is not a given. Rather, it derives from a long historical process, as part of a general strategy to legitimize and construct

13. M. Aris, *Bhutan* (Warminster: Aris and Phillips, 1979).

14. G. Obeyesekere, *Work of Culture* (Chicago: Chicago University Press, 1990) 160.

political authority in the Tibetan context of struggle between competing politico-religious groups.

This ideology is inseparable from the institution of the reincarnated lama, which it legitimizes in its most complete form. This institution represents a Tibetan solution to several problems: it responds to the necessity of transmitting a charismatic authority within monastic or quasi-monastic groups organized around the practice of tantric rituals. It also answers the Buddhist problem of how to relate the religious and the political. Instead of an exalted ruler limited to the secular, the reincarnated lama is a political hierarch in whom these two aspects of social life are fully unified. The lama is not just a king who happens to be considered a bodhisattva. He is a charismatic religious teacher, who as such has considerable control over the people he touches directly or indirectly. This powerful figure, who often combined personal charisma, profound learning, and political acumen, served as the focus for developing state institutions. I now turn to the importance of the state and its institutions in the Tibetan legal and political system.

Was Tibet a stateless society?

The nature of the state in the Tibetan world has been repeatedly debated by Tibetologists. One view is that prior to 1950 Tibet was a society in which it is inappropriate to speak of a state. C. W. Casinelli and R. Ekvall, for example, argue that the Lhasa government was not a state exerting domination over other parts of Tibet, but rather an extended estate, more powerful than other estates, such as the Sa-skya principality, but not fundamentally different.[15] Others have presented the Lhasa authorities as a real state, with its own bureaucracy, financial control, judicial system, etc.[16] Still others, such as M. Goldstein, have argued for a middle way, pointing to the limited extent of the bureaucratic control exerted by Lhasa authorities, but noting elements of state formation in the Tibetan political system.[17]

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15. C. W. Casinelli and R. Ekvall, *A Tibetan Principality* (Ithaca: Cornell University Press, 1969).

16. This view is represented by Michael, *Rule by Incarnation*, and by most Tibetan authors. See, for example, T. Shakabpa, *Tibet, a Political History* (New York: Potala, 1984).

17. M. Goldstein, "An Anthropological Study of the Tibetan Political System," diss., University of Washington, 1968, and M. Goldstein, "The Bal-

In his recent work on Tibetan civilization, Geoffrey Samuel reopens the debate.[18] He presents a picture of traditional Tibet as a stateless society. Samuel's point is twofold: on the one hand, he argues for the diversity of the Tibetan world, and the limitations of effective power held by the Lhasa government. But his argument goes further. Samuel thinks that we are deluded by the use of the label "state," which is a modern Western term that does not apply to the more fluid situation of traditional Tibet. Samuel argues that Tibet is a stateless society dominated by shamanistic religious practices, which are enabled and strengthened by the lack of central authority.

My point here is not to judge Samuel's overall contribution but to focus on his picture of Tibet as a stateless society. Can we speak of a genuine state in pre-1950 Tibet, or only of a traditional organization like a largely patrimonial estate that we misrepresent by using the word "state"? This question is important for the understanding of pre-modern Tibet, but also has larger theoretical and political ramifications, as explained above.

A useful starting point may be Tambiah's concept of galactic polity. His thesis is well known and does not need to be elaborated at length. For him, the concept of state is a Western construct that cannot be readily applied to traditional Buddhist societies. In a recent book he asserts:

> The concept of state as a political construct took shape in modern European history to connote a political community organized by a distinct government invested with the monopoly of force and accepted by the people qua citizens as owing conformity.[19]

To replace this inadequate concept, Tambiah has developed the notion of galactic polity which describes the political organizations of traditional South and South-East Asian polities. These polities are center-oriented formations with shifting and blurred boundaries. Such polities are mandala-like with repeated concentric structures. They are

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ance between Centralization and Decentralization in the Traditional Tibetan Political System," *Central Asiatic Journal* 15 (1971): 170-182. My own view follows this middle position.

18. G. Samuel, *Civilized Shamans* (Washington: Smithsonian, 1993).

19. S. Tambiah, *Buddhism Betrayed* (Chicago: Chicago University Press, 1992) 172.

organized as central royal domains surrounded by satellite principalities and provinces replicating the center at the margins. The center does not control the whole extent of the territory which is theoretically under its power. Even within its domain, the power of the central authorities is limited and decreases the further one moves away from the center. Such a power is also constantly shifting, depending on alliances and the fortunes of battles.

Because the galactic polity is not organized in relation to boundaries but is unbounded and center-oriented, it is obviously very different from the modern nation-state. But Tambiah's point is stronger, for he argues that a galactic polity is also different from the traditional semi-bureaucratic state-like structures described by Max Weber. Tambiah says:

> Whatever the formal theory of king's "ownership" of all lands, of his right of taxation and execution, of his position as the supreme judicial authority in the highest court of appeal, the traditional mechanism of delegated authority, of man-power mobilization, of collection of taxes and fees, and of remuneration of the rulers and officials produced quite other than centralized and bureaucratic systems.[20]

Bureaucratic states are oriented toward performance and dominated by rationalization. They are organized around universalistic recruitment, a pyramidal chain of command, continuous communication between superiors and inferiors, the notion of offices and their functionally differentiated activities and decreasing competencies. Quite different is the galactic polity with its reduplication of authority structures ranked in concentric circles surrounding a dominant center and the nesting of the building blocks within each region.

It is here that the discussion becomes interesting. That the traditional Tibetan state was never a nation-state is hard to deny. The depiction of Tibet as a strongly centralized and well organized state is doubtlessly anachronistic. But does the fact that traditional Tibet was not a nation-state entail that it was only a galactic polity?

At first hand, it appears that the Tibetan political and legal system fits the concept of Tibet as a galactic polity quite well. Like Tambiah's galactic polity, the Tibetan legal system is to be understood within a cosmology conceptualized as a maṇḍala. Based in Lhasa, the

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20. Tambiah, *World Conqueror*, 123.

central authorities relied for their power on the personal charisma of the Dalai Lama. The hold of the center on the provinces was diffuse and uncertain. Central Tibet itself was partly divided, and the exact division of power between the center and powerful principalities such as Sa-skya remained subject to constant changes and re-negotiations. The status of Eastern Tibet was even more problematic. In particular, the status of the different parts of Khams and Amdo seems to have remained in almost constant flux. For example, the region of Nya-rong in Khams seems to have been controlled at times by the forces of the central government, while at other times a powerful chieftain was able to assert his independence. It thus appears that the social and legal realities of Tibet does fit the concept of galactic polity. Rather than as a centralized state, Tibet could be thought of as a loose federation overseen by a small bureaucracy organized around the charismatic figure of the Dalai Lama.

This picture may not account, however, for all the facts. Another model is needed, one which suggests that Tibet was more a traditional semi-bureaucratic state than a galactic polity. It is here that the role of history, considered in greater detail, has something to offer. Sociological concepts are not just ideal types that apply *sub specia aternitate* to particular societies, they also need to take into account historical realities. Is it not the case that certain distinctions have to be made between historical periods, and that Tibetan society has to be considered in the light of its historical evolution?

The concept of galactic polity applies very well to a large portion of Tibetan history, but historical differences have to be taken into account if one wants to avoid reifications and simplifications. Instead of encompassing Tibet within a single concept such as statelessness or galactic polity, one can see an evolution from a stateless society (after 842) to a type of state which corresponds to Tambiah's galactic polity (thirteenth century). This evolution, which is far from uniform and continual, does not stop there, however, but continues to move towards an increasing bureaucratization (from the seventeenth or eighteenth century). Thus, pre-1950 Tibet cannot be adequately characterized as a traditional polity, but represents a semi-bureaucratic state, or at least, a transition from galactic to bureaucratic polity. This evolution is clearly marked in the Tibetan legal system and the development of mechanisms of enforcement.

In general, the nature and existence of central authority has been problematic throughout Tibetan history. In a way, Tibet never recov-

ered from the dissolution of its empire after 842. By the end of the ninth century, the authority of the center had collapsed, and Tibet entered a time of chaos, with periodic unrest and chronic divisions. Samuel's description of Tibet as a stateless society certainly applies to this period of Tibetan history, which is perhaps culturally the most formative. With the possible exception of Western Tibet, there appears to have been no stable and substantial organized power for a long period. It is during this stateless period that Buddhism makes its second coming, and develops in ways that are close to what has existed for the last centuries.

This chaotic situation partly changes during the thirteenth century, which marks the transition from a stateless quasi-tribal society to a more organized traditional polity whose structure is well captured by Tambiah's concept of galactic polity. During the first half of the thirteenth century, the necessity of dealing with the Mongols obliged the warring groups in Tibet to cooperate and accept the primacy of the Sa-skya tradition. This dominance did not last for long, however. It marks, rather, the beginning of a period dominated by the struggle for supremacy in Tibet which lasted up to the middle of seventeenth century.

The instability of this period is in keeping with the nature of the political organization that existed during and after the thirteenth century. The primacy of the Sa-skya and others did not rest on a stable state organization. Rather, the rules of these groups was based on a mixture of personal charisma and an unstable alliance that allowed a group to claim primacy for a time. The leader of the dominant group was more a *prime inter pares* than an uncontested leader. During this period, which ended in 1642, Tibet cannot be understood as having a real state. It is more a traditional polity, a structure is described by J. C. Heesterman:

> The state is then based on a network of personal relations in which rights in the soil are subsumed. This means that power and authority are situated at the crossroads, so to say, of the personal relations which make up the polity. Power and authority are dispersed. If there is a king he can only be the living expression of the balance of these relationships and their opposing pulls and pushes, which tie him down and prevent his acting on his

> own. He does not transcend the community by divine right or otherwise; at best, he is a *primus inter pares.*[21]

The examination of the legal system of this period confirms the limited nature of political authority during this time. During the Sa-skya supremacy, no local code of law was developed. The Sa-skya family might have been using the Mongolian code of law, but this remains to be established. The other groups struggling for domination after the weakening of the Sa-skya hegemony promulgated legal code. The Phag-mo-gru, which dominated for a century after 1358, established its own legal system, which represents a transition from the traditional and poetic code of the empire and the more formal codes of the later period. Similarly, the Tsang dynasty, dominant from the 1560s, developed a legal code which probably represents the first true administrative code in Tibet. Rather than being largely a collection of accumulated wisdom and proverbs, the Tsang code provided a systematic compilation of local laws, a discussion on military administration, the rule and promotion of officers and the administration of borders.[22] Nevertheless, the degree to which this legal system was effectively enforced throughout Central Tibet must have remained rather limited. Thus, though existent, the political authority of this period remains very limited, and is adequately captured by the concept of galactic polity.

The situation changed after 1642 when the Dalai Lama and the rising power of the dGe-lugs establishment succeeded in partially unifying the country. This became even truer after 1751, when a stable though limited bureaucracy was created, based on the exercise of partial but very real financial and judicial control. The Tibetan government then had a definite structure. Authority under the Dalai Lama was divided, following the distinction between the the religious and the secular. Whereas the Cabinet (*ka-shag*) dealt with the affairs of the laity, the monastic business was left to the personal office of the Dalai Lama, based in the Potala (*rtse yig tshang*).[23] Within the governmental

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21. J. C Heesterman, "Power and Authority in Indian Tradition," *Tradition and Politics in South Asia,* ed. R. J. Moore (New Delhi: Vikas, 1979) 60-85, 67.

22. R. French, *The Golden Yoke* (Ithaca: Cornell University Press, 1995).

23. M. Goldstein, *A History of Modern Tibet, 1913-1951* (Berkeley: University of California, 1989) 10-20.

structure itself, the division between lay and monastic officials was duplicated. Such division afforded guarantees to subjects, and provided stability and moderation. The government exercised four functions: administering, collecting revenues, storing and redistributing revenues, and deciding cases according to the law. These functions were not just theoretical constructs, but were actually enforced over a large part of the territory under the control of the Lhasa government.

Enforcement of the Lhasa power was not equally spread throughout the territory. Scholars have argued a great deal over how much power was left to subordinate units. The inequalities of the spread of the power of the Lhasa government over the rest of Tibet were real. These inequalities in the distribution of power do not indicate, however, an absence of state apparatus. Rather, they are typical of any pre-modern state, which is defined not by boundaries but by a complicated network of overlapping allegiances.

The bureaucracy employed by the Tibetan state was very small. The administration of this geographically very large territory was in the hands of no more than a few hundred people. Most functions were delegated to local hierarchs, who worked under the loose control of the central government. Moreover, meritocracy, a central element to the development of a bureaucracy was introduced only during this century by the Thirteenth Dalai Lama as an element in his failed attempt to transform Tibet into a modern state. Thus, the degree to which Tibet was a bureaucratic state is more limited than in pre-modern China or Japan. Nevertheless, the reality of the bureaucratic control exercised by the Tibetan state is not in dispute.

This existence of the Tibetan state is also reflected in the Tibetan legal system, which was more substantive than formal. Rather than insisting on procedures, Tibetan law emphasized the importance of social harmony, moral and religious values such as truthfulness, peace of mind, etc. They also stressed the importance of conciliation, and the relevance of religious doctrines such as the law of karma to legal decisions. Nevertheless, the Tibetan legal system also had formal aspects, with discussions about procedures, the types of admissible evidence, and the power of the different jurisdictions. It was also possible to appeal decisions to higher authorities, mostly within the central government, which was an important factor in mitigating the often harsh rule of local landlords, particularly that of monasteries and lama estates. Finally, and most importantly, the legal system was

backed up by a system of enforcement. The decisions were recorded and transmitted to the proper authorities, who would enforce them.

Thus, pre-1950 Tibet was not a galactic polity, or even less a stateless society. It is best described as a semi-bureaucratic state, which had the potential to achieve greater rationalization. This possibility was to be annihilated by a conjunction of internal and external reasons.[24]

The Tibetan State

The next question is when and how did this change occur? The obvious breaking point is 1642 when the country was unified under the power of the Fifth Dalai Lama. This date represents a movement toward the realization of a certain cultural ideal of Tibetan unity which I have examined elsewhere.[25] And yet, did the nature of political authority in Tibet actually change? This is a point on which I am far from being clear. For, on the one hand, the Fifth Dalai Lama and his prime minister, sDe-srid Sangs-rgyas-rgya-mtsho promulgated a legal code. They also tried to develop a unified organization with its own bureaucracy, and order of precedence for its personnel and allies. Did they succeed? Further research is needed to answer this question with any semblance of certainty. After the demise of the Fifth Dalai Lama, trouble started, and his successors were unable to continue the task that he had begun. This seems to indicate that his authority was less based on a stable bureaucratic network than on personal charisma.

Only in 1751, after more than half a century of continuous internal strife, did the nature of authority in Tibet seem to have changed decisively. Reacting to the massacre of its representatives in Lhasa, the Ch'ing dynasty decided to impose a lasting settlement. At the request of lCang-kya rol-ba'i rdo-rje (1717-1786), the Ch'ing agreed to establish a stable Tibetan administration under the leadership of the Dalai Lama. The reform of 1751 seems to have drastically altered the nature

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24. This description is ideal-typical and hence captures only one aspect of the Tibetan situation. There are other aspects such as the continuation of patrimonial estates, the distribution of praebandial estates as a means to reward bureaucrats, the largely charismatic nature of the rule of reincarnated lamas. This does not show that the Weberian types do not apply but that each type characterizes a different aspect of a complex society.

25. G. Dreyfus, "Proto-nationalism in Tibet," *Tibetan Studies*, ed. P. Kvaerne (Oslo: Institute for Comparative Research. 1994) 205-218.

of political authority in Tibet. Henceforth, the power of the government rested on stable bureaucratic control of the financial and judicial systems, with partial but real considerations for performance and efficiency.

A central difference between a galactic polity and semi-bureaucratic state I have described as existing in Tibet before 1950 is in the financial and judicial control exercised by central authorities in Lhasa. The government exercised this control before 1950 within the limits of a non-modern, that is, unbounded form of political organization. Moreover, the financial and judicial control developed by the Lhasa authorities was basically stable, without the kind of fluctuations associated with earlier forms of political authority in Tibet. From 1751 on, the authority of the Dalai Lama and the Lhasa government did not face repeated challenges. Their authority became accepted, sometimes grudgingly, in Central Tibet and in many parts of Khams and Amdo. Even when no Dalai Lama ruled, as was the case during most of the nineteenth century, the authority of the government was never seriously challenged. The business of tax collection and judicial arbitration continued with little change. The power of the central state did not rest solely on the Dalai Lama's personal charisma, but was based on stable structures typical of traditional semi-bureaucratic states. Though Tibet was clearly a traditional society, it contained fiscal and legal bureaucracies that could have been used for a modernization of the country.

The fact that this transformation, which occurred in Japan and to a lesser degree in China, did not take place in Tibet is not due to the lack of rationalizing elements but mostly to the internal configuration of Tibetan politics. Powerful conservative groups in which the large monasteries played an important role managed to stifle and quash the reforms that the central government wanted to implement. The last surge of reform occurred after the 1911 proclamation of Tibetan independence by the Thirteenth Dalai Lama. By the 1920's, it was clear that his attempt, like previous ones, had failed and that the movement towards modernization had been dealt a fatal blow. As it turned out, the future of Tibet was no longer in the hands of Tibetans.