



## LAW AND THE GESAR EPIC

George FITZHERBERT

*Cet article propose une brève étude littéraire sur l'éclairage que l'épopée orale traditionnelle de Ling Gesar pourrait apporter à la compréhension et aux attitudes culturelles tibétaines envers la loi (khrims). Gesar est représenté en tant que symbole de la loi dans diverses sources classiques, et la loi, conçue d'un point de vue général, est l'un des thèmes récurrents qui constituent « le réservoir d'éléments traditionnels » de l'épopée. Cet article s'appuie sur différents matériaux, dont les textes légaux classiques ; ceux de l'épopée historique (datés des XVIII<sup>e</sup>, XIX<sup>e</sup> et XX<sup>e</sup> siècles) ; et des publications des répertoires oraux des bardes quasi contemporains.*

### Introduction

To take a mobile oral-traditional epic as the basis for a discussion of law inevitably invites some rather impressionistic observations. So it should be stated at the outset that the discussion here is essentially literary in nature. It is a general exploration of questions related to the perception and symbolism of law, and an illumination of its associated oratorical conventions, based on epic-related sources. This article does not address the actual practice of law in specific times or places. Nor does it relate to any particular period of Tibetan history (since the literary sources drawn upon range from the fifteenth-century to the contemporary). Nevertheless, the association between Gesar and law alluded to in some seminal Tibetan texts, and the prevalence of the theme of law within the oral-literary Gesar epic tradition, suggest that the Gesar-related material can provide valuable insights into popular perceptions of law in Tibetan society.

The relevance of this epic-related material to the issue of law is based on three basic premises. First, that Ling Gesar is often presented—both within the epic and in sources extraneous to it—as a symbol of law, *trim* (*kbrims*), and ideal rulership. Second, that law, broadly speaking, is a recurrent theme in the epic tradition's "pool of tradition."<sup>1</sup> And thirdly, that the rhetorical style of the epic in which characters

---

1. The concept "pool of tradition" was coined by Lauri Honko in his seminal work on the entextualisation of oral-traditional epics. It refers to that pool of traditional elements which any storyteller—whether oral or literary—draws upon in his or her reconstruction of a tale at a new telling. He defines the pool of tradition as: "a 'pool' of generic rules, storylines, mental images of epic events, linguistically preprocessed descriptions of repeatable scenes, sets of established terms and attributes, phrases and formulas, which every performer may utilize in an imaginative way, vary and reorganize according to the needs and potentials present at a new performance."



regularly cite “Tibetan proverbs of the ancient forefathers” (*gna’ mi bod kyi gtam dpe*) in presenting their cases, mirrors age-old Tibetan oratorical customs of legal defence and advocacy.

The extent to which the Gesar epic was a point of reference for the negotiation of values and mores in pre-modern Tibet was highly variable from one region to another. In general, one can say that it tended to be more significant among pastoralist communities and in those regions where centralised political authority was weak or non-existent. And especially in those areas—such as Golok (Mgo log) in the north east of the Tibetan plateau—where patterns of clan, tribal or community-based raiding and retaliation (as epitomised in the epic) continued to be common right up until the advent of communist rule in the 1950s, and beyond. In other parts of the Tibetan cultural world, such as in those large areas of Central Tibet well incorporated within the state structure of the Lhasa-based Ganden Phodrang (Dga’ ldan pho brang) government, for example, the lore of Gesar may have been entirely irrelevant to local practices of law.

A final proviso is that the sources drawn upon here are predominantly of an eastern Tibetan provenance. The Gesar epic exists in various forms at the western reaches of the Tibetan plateau in Ladakh, Baltistan and Gilgit; in the eastern Sino-Tibetan border regions of Rgyal rong and the Monguor (Ch: Tuzu 土族) inhabited areas; and in the north as far as Mongolia and Buryatia.<sup>2</sup> Although some passing reference will be made to the Ladakhi versions collected at the turn of the twentieth century by August H. Francke (*A Lower Ladakhi Version of the Kesar Saga*, henceforth *Kesar Saga*)<sup>3</sup> and to the Central Tibetan *Rtsa’ ba’i rnam thar* (known as the *Gyantse Xylograph* in the researches of Rolf A. Stein, henceforth *Rtsa’ ba’i rnam thar*),<sup>4</sup> most of the material referenced reflects the epic tradition that flourishes in Kham and

---

Lauri Honko, “Text as Process and Practice: The Textualization of Oral Epics,” in *Textualization of Oral Epics*, ed. Lauri Honko (Berlin: Mouton de Gruyter, 2000), 18.

2. The Gesar cycle (spelt Ke sar in Ladakh, and Geser in Mongolian regions) is spread across the Bodic and Mongolic worlds and tends to be particularly strong at the geographical margins of those linguistic zones. It can be roughly categorised into three distinct regional traditions: the western Tibetan/Ladakhi traditions (including the Burušaski traditions of the Gilgit region), the eastern Tibetan traditions spread across Kham and Amdo, and the Mongolic traditions, which are spread as far west as Kalmykia. Detailed analysis of particular tellings will sometimes reveal complex narrative and stylistic correspondences which cut across these traditions and render this neat regionalisation problematic, but by and large it is sound. For correspondence between the Ladakhi versions collected by Francke and the so-called Guide manuscript, see Rolf A. Stein, “L’épopée de Gesar dans sa version écrite de l’Amdo,” in *Indo-Tibetan Studies: Papers in Honour and Appreciation of David L. Snellgrove’s Contribution to Indo-Tibetan Studies*, ed. Tadeusz Skorupski (Tring: Institute of Buddhist Studies, 1990), 293–304.

3. August H. Francke, *Gsham yul na bshad pa’i ke sar gyi sgrungs bzbugs so (A Lower Ladakhi Version of the Kesar Saga)* (New Delhi: Asian Educational Services, 2000 [repr. of articles originally published by the Asiatic Society of Bengal, 1901–1909]).

4. Full title: *Phags pa’i yang sprul mi yi seng ge skyes bu nor bu dgra ’dul gyi mdzad pa las spros pa’i yan lag do rte rtsa ba’i rnam thar*, in *Gling rje ge sar gyi rtsa ba’i mdzad pa mdor bsodus dang slob dpon chen po’i rnam thar chen mo nas zur phyung snying bsodus ’ga’ zbig*, ed. Tashi Tsering (Dharamsala: Library of Tibetan Works and Archives, 1981), fols. 5–240.



Amdo. Most important among the sources are the two-volume *Struggle between Hor and Ling* (*Hor Ling I and II*)<sup>5</sup> which was originally composed in 1730s on the basis of the oral recitations of “some twenty bards” by the *zhab drung* (secretary) of the Dergé (Sde dge) kingdom; the three-volume *Lingsang Xylograph* (*Ling I–III*)<sup>6</sup> composed in the early twentieth century under the patronage of the religious king of Lingsang (Gling tshang); and two versions of near-contemporary oral epic bards (transcribed and published recitations), namely those of Bard Drakpa (henceforth *Grags pa*)<sup>7</sup> who died in Lhasa in 1986, having recorded 998 hours of recitation, and Bard Samdrub (henceforth *Bsam grub*),<sup>8</sup> who died in 2011 after recording over 3,000 hours.<sup>9</sup>

### Law and the Epic among Tibetan Nomads

In his seminal article “Law and the Individual among Tibetan Nomads” the Gansu-born American anthropologist and missionary Robert Ekvall, who spent several years in Amdo between the 1920s and 1940s,<sup>10</sup> stated that prior to the watershed years of 1958 and 1959, “the body of law, or custom, by which anti-social behavior was controlled among the Tibetans, was an amalgam system, compounded of three different kinds of law,” which he enumerated as “canon law,” “royal law,” and the

5. Full title: *'Dzam gling ge sar rgyal po sgrung hor gling g.yul 'gyed*, 2 vols. (Xining: Mtsho sngon mi rigs dpe skrun khang, 1979; repr., 1990). Based on the 1730s version of the *Sde dge zhab drung Ngag dbang bstan 'dzin phun tshogs*, also published as vols. 3 and 4 of *The Epic of Gesar* (*'Dzam gling ge sar rgyal po'i rtogs brjod*) series (Thimpu, Bhutan: Kunzang Tobgyel, 1979). For translations from this source I would like to acknowledge the valuable assistance of Dr. Lama Jabb of Oxford University, and the support of a 2010 British Academy Small Grant.

6. Full titles: *Lha gling gab tse dgu skor* (*Ling I*), *'Khrungs gling me tog ra ba* (*Ling II*), and *Rta rgyugs nor bu cha bdun* (*Ling III*), repr. in the *Gling ge sar rgyal po'i sgrung* series (Chengdu: Si khron mi rigs dpe skrun khang, 1980; repr., 1999). Also published together as vol. 1 of *The Epic of Gesar* series. A full English translation is available in Robin Kornman, Sangye Khandro, and Lama Chonam, trans., *The Epic of Gesar of Ling: Gesar's Magical Birth, Early Years and Coronation as King* (Boston: Shambhala, 2012). There is also an abridged French translation (along with the full transcribed Tibetan text of all three volumes) in Rolf A. Stein, *L'épopée tibétaine de Gesar dans sa version lamaïque de Ling* (Paris: Presses universitaires de France, 1956).

7. At least seven volumes (and perhaps more) of Drakpa's recording have been transcribed and published (with considerable editing) in the *Grags pas bshad pa'i gling rje ge sar rgyal po'i sgrung* series (Beijing: Mi rigs dpe skrun khang, 1996–99).

8. At least fifteen volumes (and perhaps more) of Samdrub's recordings have been transcribed and published (with minimal editing) in the *Sgrung mkhan bsam grub kyis phab pa'i gling rje ge sar rgyal po'i sgrung* series (Lhasa: Bod ljongs bod yig dpe snying dpe skrun khang, 2001–).

9. Many of the most prolific Gesar bards are inspired raconteurs, who recite in a state of rapture, and whose narrations (*'bab sgrung*) are said to “fall” (*'bab*) through them, in a manner reminiscent of spirit possession (*lha 'bab*). Drakpa and Samdrub, both of whom were illiterate, are considered examples of such rapture-bards (*'bab sgrung gi sgrung mkhan*).

10. On the life and writings of Ekvall see David P. Jackson, “The Life and Writings of Robert B. Ekvall (1898–1983): Missionary, Soldier-Interpreter and Observer of Tibetan Nomadic Life,” in *Three Mountains and Seven Rivers: Prof. Masashi Tachikawa's Felicitation Volume*, ed. Shoun Hino and Toshihiro Wada (Delhi: Motilal Banarsidass, 2004), 610–13.



“law of tradition or custom.”<sup>11</sup> The first two of these correspond to the traditional Tibetan pairing of religious law, *chötrim* (*chos kbrims*) and royal or secular law, *gyeltrim* (*rgyal kbrims*). Religious law is said to be based on the fundamental law of *karma* and the ten virtues and so on. It is used, in the context of the epic, to refer to the rules enjoined as part of membership in a practising Buddhist community. Secular law or royal law concerns the rights and duties of laymen based on social status; the division of land and tax, and grazing rights and so on. The exact Tibetan referent of Ekvall’s third strand, the “law of tradition or custom” is less obvious. He describes it as “the pattern manner of Tibetans,” as “country law” and as “epic law” (in each case using quotation marks), but does not give the equivalent Tibetan terms. In expanding on his notion of country law, Ekvall says it is

exemplified in the violence-charged episodes of the epics of the land— and notably those of the Gesar cycle—and its earliest form is the *law of reprisal*. (italics added)

Ekvall argues that this fundamental principal of reprisal (as both a right and an obligation)—a form of “an eye for an eye”—is, however, inherently unstable and was experienced in Tibetan societies as unsustainable in practice, since cycles of revenge led to endless blood feuds and presented a huge drain on society’s resources. As a result, explains Ekvall,

[the law of reprisal] was modified into a system of traditional law which could preserve society as a successfully functioning whole. In lieu of the content of reprisal—violent retaliation and the infliction of injury—there had been substituted a set of value payments or indemnifications; and in application, direct unilateral action had been changed into the processes of mediation whereby claims were met by agreed-upon indemnification; reprisal was forestalled; and peace was—somewhat precariously—preserved.<sup>12</sup>

This system of mediation and indemnification Ekvall thereafter describes as the “modified system” of the “epic law” of reprisal.

Across the Tibetan cultural world, he says, the law as actually practised was an amalgam of these three systems (religious law, royal law, and the modified system). This amalgam, he continues, was further augmented in various regions and at various historical periods by two further extraneous factors, namely “exposure to the influence of Mongol codes and law concepts”; and “by being subjected to an enforced borrowing of Chinese legal forms and punishments.” As such, the precise relationship between this proposed amalgam and actual practices of governance and conflict resolution is hard to discern with precision, because it varied considerably across Tibet’s many regions and districts. Everywhere, however, ultimate appeal was made to *chötrim*, or religious law, as the ground for normative ethical conduct.

Ekvall’s model of Tibetan legal tradition is attractive for its inclusiveness: it is able to account for how legal tradition was conceived and imagined in diverse Tibetan contexts and allows for the influence of various historical contingencies and local anomalies. But what is of particular interest for our present discussion is the

11. Robert B. Ekvall, “Law and the Individual among the Tibetan Nomads,” *American Anthropologist* 66 (1964): 1110–15.

12. *Ibid.*, 1111.

prominent role he accords to the epic tradition of Gesar, in particular as a discursive locus for Tibetan cultural traditions concerning bedrock notions of retributive justice.

In presenting the epic's significance in this regard, it is pertinent that Ekvall sees the epic not as furnishing positive models of normative behaviour, as a representation of something like a heroic "golden age." On the contrary, in the context of the evolution of Tibetan *'brog pa* (highland pastoralist or "nomad") society, the Gesar epic functions as a kind of legal dystopia, a negative role-model which the traditions of mediation and indemnification are designed to avert. For, as Ekvall was right to observe, a society characterised by unforgiving cycles of "taking revenge" (*sha la len*), which the epic appears to epitomise, is, despite a certain heroic glamour, dysfunctional.

This dysfunctionality was no doubt appreciated by the epic's Tibetan audiences, and indeed is expressed by characters within the epic itself, with the sagacious uncle Chipön (Spyi dpon), in particular, regularly calling for restraint in the face of injury. Revenge is a recipe for social breakdown and fragmentation—a reality that was close to home for Tibetan nomads in the relatively stateless societies of early-twentieth-century eastern Tibet. It creates a society in a constant state of uncertainty and insecurity in which pasturelands need constant patrolling to protect the herds, womenfolk, and property. All of this is exemplified by *Hor Ling I* in which, after endless rounds of retaliatory raiding, the society of Ling is left weak and exposed. In this way the Gesar epic serves as a cautionary tale, as a reminder of the costs of the primitive law of reprisal. Its most significant legal function, according to Ekvall—and presumably his Amdo Tibetan informants, who in the 1950s included Taktser Rinpoche, the Dalai Lama's elder brother<sup>13</sup>—is as a *deterrent*, a reason to forsake the instinct to revenge in favour of mediation and compromise.

Ekvall's point is certainly valid. But there is no doubt that the epic's role in the discourse of normative conduct in Tibetan societies could also be *positive*: in providing exemplary models to be emulated. As we will see in sources cited below, Gesar is himself often considered a symbol of just or ideal rulership and of the law, itself. The epic thus also functions (in tribal assemblies, for example) as an idealised mirror held up to society. It can serve as a citable basis on which to ground not just values and norms, but also local laws and customs, or the principles of duty and responsibility. A local informant in the region of 'Bri stod (Ch. Zhiduo, in Yushu prefecture of Qinghai province 青海省玉树藏族自治州治多县) put it this way:

[the Gesar tradition] covers everything in popular culture—it is completely pervasive, like the earth and rocks (*sa khyab rdo khyab red*). Our way of talking and way of thinking, everything is influenced by Gesar, especially in the highland pastoralist areas. For example when we have a horse race, we say we are having a "Ling-style" horse race—it is like the role model (*ma dpe*). If we have a feast, it's a "Ling-style" feast, like when Gesar and 'Brug mo have a feast—everything is replicated, there is a tradition for everything we wear . . .<sup>14</sup>

13. Jackson, "Life and Writings," 613–14.

14. Wangdrak (Dbang grags) is a self-educated scholar and historian who works with Gesar bards in the 'Bri stod area, and has published the narrations of one particularly talented local rapture-bard named Bsod nams nor bu. I interviewed him in 2004.

### The Epic Theme in Tibetan Legal Tradition

The significance of legends, epic, proverbs and so on in furnishing normative models and points of reference in the practice of Tibetan law is reasonably well-attested. Such legends—whether about the kings of the Tibetan imperial period or Gesar, depending on region—can serve as a discursive resource in the negotiation of normative standards of behaviour, shared values, and in resolving conflict in the presence of an authoritative figure. For Tibetan historians, this theme—of legends providing guidance in the practical management of society—dates back to the pre-literate and pre-Buddhist period. This is encapsulated, for example, in the saying that before the advent of Buddhism in Tibet,

*chab srid* (civil order, the polity) was preserved by *sgrung* (epics, stories and legends), *lde'u* (riddles and divination) and *bon* (the native religion) for twenty-seven generations.<sup>15</sup>

In recent times also, rhetorical prowess and the ability to skilfully deploy relevant proverbs or sayings, *tampé* (*gtam dpe*), has continued to be important in the practice of conflict resolution among Tibetan highland pastoralist communities, as illustrated for example by Fernanda Pirie in her fieldwork-based article about Golok.<sup>16</sup>

The Gesar epic tradition has particular resonance with these ancient and modern customs of legal rhetoric, not just because of its content, but also because of its style. The Gesar epic is a *chantefable*—third-person narration interspersed with first-person songs sung by the protagonists in turn, very often in an adversarial tone. And one of the epic's key stylistic conventions is that each character, when presenting his or her case, regularly deploys “Tibetan proverbs of the forefathers” in their defence. A sagacious character like Chipön will ideally do this with dignity, presenting relevant, well-known and edifying examples about the observation of status, the negative effects of rash behaviour, and the importance of social harmony. Villainous characters or demon-inspired dullards, on the other hand, will often spout garbled or nonsensical *tampé*, opening themselves to ridicule and abuse.<sup>17</sup> This stylistic convention mirrors the oratorical customs of argumentation and advocacy in Tibetan tradition.

This perceived relevance of the Gesar epic to traditional Tibetan customs of law at a variety of levels (concerning both its content and its style), finds expression in a few key classical literary sources.

15. Dpa' bo gtsug lag phreng ba (1504–64), *Dam pa'i chos kyi 'khor lo bsgyur ba rnam ky'i byung ba gsal bar byed pa mkhas pa'i dga' ston* (Beijing: Mi rigs dpe skrun khang, 1985), 1:166.

16. Fernanda Pirie, “Rules, Proverbs and Persuasion: Legalism and Rhetoric in Tibet,” in *Legalism: Rules and Categories*, ed. Paul Dresch and Judith Scheele (Oxford: Oxford University Press, 2015), 105–28.

17. One finds a good example of this in a scene near the beginning of *Ling I*, when the hero (at this point still in the upper heavenly realm) has to blag his way past a pair of demon door-guards to get into the celestial palace of Padmasambhava. The door guards cite a range of bombastic proverbs in a ham-fisted attempt at courtly language, which the hero-child puts down curtly: “if you can't grasp the meaning, so many words are just so much slobbering saliva.” *Ling I*:4.

The first is the *Rlangs po ti bse ru*,<sup>18</sup> the mytho-historical charter-text of the Pakmodru (Phag mo gru) dynasty (which ruled central Tibet from the mid-fourteenth century). In an early portion of this text which narrates the legends of the Rlang ancestors, we read how the sage Jangchup Dréköl (Byang chub 'dre bkol, who lived, according to tradition, around the eleventh century) set off for China in search of his destined disciples. In eastern Tibet, he meets Ling Gesar, who gives him various gifts and takes him as his lama, whereupon the sage is given safe passage across eastern Tibet by all the local deities of the region, headed by Pomra (Rma rgyal spom ra, the great mountain deity of north eastern Tibet, and an important locus of authority in the epic). The sage then arrives safely at the Five-Peaked Mountain (五臺山 Wutai shan) in China, where he immerses himself in religious retreat. After some time, Gesar appears there, apparently on a horse-trading mission in China. He requests Jangchub Dréköl to return to Tibet and to support this request, offers the sage a variety of gifts, namely his own:

- Silver Spear of the Law [called] Ke ru (*kbrims kyi dngul mdung ke ru*),
- Great Drum of the Law [called] the Vanquisher (*kbrims kyi rnga bo che zil gnon*), and
- Black Banner of the Law [called] Subduer of Enemies (*kbrims dar nag po dgra 'dul*)<sup>19</sup>

In effect, what we have here is Gesar, presented as an eastern Tibetan horse-trading chief with an intimate connection to the presiding mountain deities of the region,<sup>20</sup> advocating on behalf of the collective interests of Tibet and (what concerns us most here) conferring emblems of legal authority upon an ancestor of the Pakmodru dynasty. Notwithstanding that the text in which this legend is contained is said to have been a *gter ma* (a “treasure” text authored or at least authorised by Padmasambhava himself), it is clear that the political function of the story in this context, is to augment the charisma and authority of the Pakmodru and give it some authoritative status over the Gesar-orientated clans and principalities of eastern Tibet—especially, one can speculate, the kingdom of Lingtsang which, in this period, was a popular stopover for lamas and dignitaries travelling between Tibet and China.<sup>21</sup>

It also worth noting here, with regard to Ekvall's thesis sketched above, that the names given to the accoutrements of law wielded by Gesar (the spear, drum, and banner) do not suggest a model of law based on mediation and compromise, but

18. *Rlangs kyi po ti bse ru* (Lhasa: Bod ljongs mi dmangs dpe skrun khang, 1986).

19. *Ibid.*, 46. Here, the law-banner is called *zil gnon*, like the drum, but when it is mentioned again on p. 48 it is called *dgra 'dul*.

20. For a discussion of Gesar's heroic palimpsest in the epic, which includes the idea of his paternity by mountain divinity (a traditional source of political authority in eastern Tibet) and his descent from sky-gods (part of the legitimating myth of the Tibetan Yarlung Pugyel imperial dynasty), see George FitzHerbert, “Constitutional Mythologies and Entangled Cultures in the Tibeto-Mongolian *Gesar* Epic: The Motif of Gesar's Celestial Descent,” *Journal of American Folklore* 129, no. 513 (Summer 2016): 297–326.

21. For example, successive Karmapas visited Lingtsang during the fourteenth and fifteenth centuries, the Fourth Karmapa in 1358, the Fifth Karmapa in 1406, and the Seventh Karmapa in 1466. For further references on the relationship between Lingtsang and the Pakmodrukpa see George FitzHerbert, “An Early Tibetan *Gesar bsang* Text,” *Archiv Orientalní* 84 (2016): 16–19.

rather one based on the overawing power of their bearer (“the vanquisher” and the “subduer of enemies”). In other words, Gesar’s law is not that of the mediator, but rather that of the all-powerful sovereign who establishes order through the exercise of unquestioned authority, symbolised in these accoutrements. It is on the basis of this early textual reference<sup>22</sup> that many Tibetan historians, starting with the Fifth Dalai Lama, have written Gesar into their histories of Tibet in the eleventh century.<sup>23</sup>

The other early text which refers to Ling Gesar in a law-related manner is the classical Tibetan legal text known as the *Mirror of the Two Laws*.<sup>24</sup> The provenance of this text is probably the same Pakmodru milieu of the fourteenth to fifteenth centuries as the *Rlangs po ti bse ru*.<sup>25</sup> This coincidence suggests a rise in prestige of the Gesar epic in this period, likely connected to the rise of the eastern Tibetan kingdom of Lingsang (near Dergé), as alluded to above.<sup>26</sup>

This mention of Gesar in the *Mirror of the Two Laws* comes in a proverb cited within a section dealing with the appropriate compensation for killing people of differing social status. In particular, it is used to illustrate the regional diversity of legal precedents in customary law concerning the compensation due for the killing of a king. The proverb is cited as coming from the “oral tradition of the worldly elders” (*jig rten rgan po’i ngag las*) and runs as follows:

*stod ya rtse rgyal po hor gyis bsad/  
spur dang gser la mnyam ’degs byas/  
smad ge sar rgyal po ldan mas bsad/  
da dung stong gzhug ’phrod pa med/*

Up in the West, the Ya rtse king was killed by Hor, and  
His corpse’s weight in gold had to be given.  
Down in the East, King Gesar was killed by Ldan ma, and  
Even now compensation is outstanding.<sup>27</sup>

22. The *Rlangs po ti bse ru* probably received its final redaction around the beginning of the fifteenth century. Rolf A. Stein, “Une source ancienne pour l’histoire de l’épopée tibétaine: Le *Rlangs Po-Ti bSe-Ru*,” *Journal Asiatique* 250 (1962): 77–106.

23. The Fifth Dalai Lama (Rgyal dbang lnga ba Ngag dbang blo bzang rgya mtsho) alludes to the story of Gesar’s meeting with Jangchub Dréköl in his *Bod kyi deb ther dpyid kyi rgyal mo’i glu dbyangs* (Beijing: Mi rigs dpe skrun khang, 1957; repr., 1980), 122. The story has been further alluded to in almost every treatment of Gesar as a historical personage since.

24. “Khrims gnyis lta ba’i me long,” in *Tibetan Legal Materials* (Dharamsala: Library of Tibetan Works and Archives), 1–38.

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

26. The royal family of Lingsang, who (at least in later centuries) claimed descent from Gesar’s nephew, maintained close relations with both the Pakmodru in central Tibet, and the Ming Dynasty in China. From the latter, they received seals and titles on a par with their Pakmodru counterparts. See Elliot Sperling, “Ming Ch’eng-tsu and the Monk Officials of Gling-tshang and Gon-gyo,” in *Reflections on Tibetan Culture*, ed. Lawrence Epstein and Richard F. Sherburne (Lewiston, NY: Edwin Mellen Press, 1990), 75–90.

27. “Khrims gnyis,” 20.



This proverb appears to make two points: first, the heavy cost incurred by killing a king and, second, that traditions concerning the value of a king's life (and thus the corresponding indemnity) can be based on different regional precedents. The first couplet alludes to the case of the ransom for the body of Yeshé Ö (Lha bla ma Ye shes 'od)—the eleventh-century king whose body was ransomed for its weight in gold—as exemplary in upper or western Tibet, and the second alludes to a legend that gives responsibility for Gesar's death to Danma (Ldan ma/'Dan ma)—the name of a hero in the epic (Tsha zhang Ldan ma) and also a locality close to Lingsang on the eastern bank of the 'Bri chu river north of Dergé—as exemplary in lower or eastern Tibet. The common legend of Yeshé Ö was that he was captured by the Gar log (Qarluk Turks) in the early eleventh century and was languishing in prison. His captors demanded his weight in gold as a ransom for his return. But the saintly king (depicted by Buddhist historians as a bodhisattva) instructed his people not to send the gold but instead to use it to invite the celebrated Buddhist master Atiśa to Tibet, which they did. Atiśa arrived in Tibet in 1042 and forever changed the history of Tibet's religious landscape. Yeshé Ö, for his selfless part in that momentous invitation, is remembered with pious gratitude in every Tibetan history of the *dharma*. This legend, whether or not historically factual,<sup>28</sup> is not therefore about the compensation to be paid for the *killing* of a king, as the proverb above and the context of its citation would seem to suggest, but rather about the ransom demanded for the return of a living king. The relationship between the couplet on Gesar and its associated legend is somewhat obscure. In fact, a legend by which Gesar is somehow “killed” by Danma is by no means well-known within the epic tradition. Danma (Ldan ma) is considered one of Gesar's most loyal knights, and the story of his having killed Gesar is unknown to me in any particular telling of the epic.

However, the couplet itself, with some variation in wording, is well-attested in a variety of sources, and one finds various explanations, all of which concern the “in perpetuity” subject status of the Danma region towards the neighbouring kingdom of Lingsang since the time of Gesar. Sumpa Kenpo (Sum pa Mkhan po), for example, mentions it in his 1780 letter on the subject of Gesar to the Sixth Panchen Lama, Lobzang Palden Yeshe (Blo bzang dpal ldan ye shes).<sup>29</sup> There he

28. Karmay cites a near-contemporary source (a biography of Rin chen bzang po) which states that the king died at home in Tho ling after an illness, suggesting that the story of the weight in gold may have been piously embellished by later Buddhist historians. Samten Karmay, “The Ordinance of lHa Bla-ma Ye-shes-'od,” in *Tibetan Studies in Honour of Hugh Richardson*, ed. Michael Aris and Aung San Suu Kyi (Warminster: Aris & Phillips, 1980), repr. in Samten Karmay, *The Arrow and the Spindle: Studies in History, Myths, Rituals and Beliefs in Tibet*, vol. 1 (Kathmandu: Mandala Book Point), 3.

29. See George FitzHerbert, “On the Tibetan Ge-sar Epic in the Late 18th Century: Sum-pa mkhan-po's Letters to the Sixth Paṅ-chen Bla-ma,” *Études mongoles & sibériennes, centrasiatiques & tibétaines (EMSCAT)* 46 (2015), doi: 10.4000/emscat.2602, <http://journals.openedition.org/emscat/2602>. For the full Tibetan text of Sumpa's letter see his *Gsung 'bum*, vol. *nya*, fol. 189–201, also reproduced in Tibetan in Tseten Damdinsuren, *Istoricheskie korni Geseriady* (Moscow: Izd-vo Akademii nauk gobl, 1957), 184–91.

gives the following account of the legend, based on his discussions with various elders of Dergé:

Later, one time when Ge-sar went to the land of 'Dan, he was pursued by 'Dan dogs, and his horse got startled and threw him, and it was from this [fall], it is said, that he passed away. Since then the people of 'Dan-ma have had to pay an indemnity (*stong mjal*) for Ge-sar, which is like a tax that they have to give to the Ling-bas every year. Indeed, at the so-called Thang-chung lha-khang (temple) in the land of 'Dan, there is a large pile of stones to which it is said even now that if the 'Dan-ma [people] add a stone each year carved with the *mani*, the land will be well. And for that reason, in that land there is a saying:

“there is no end to the paying of Ge-sar’s blood-price;  
there is no end to the wealth of 'Dan-ma.”

*ge sar gyi stong mjal ba la tshar rgyu med/  
'dan ma'i rgyu chas la 'dzad rgyu med.*<sup>30</sup>

Sumpa Kenpo thus explains a saying with similar import by reference to the famous *mani* wall outside the imperial-era temple at 'Dan khog (capital of Danma).

A saying even closer to that found in the *Mirror of the Two Laws* is also reported by Rolf A. Stein, citing his erudite informant Champasangta (his preferred romanisation of Byams pa gsang bdag) who, Stein says, had “personal experience of Sde dge” and cited it as part of the oral tradition on “the origins of civil law” (*kbrims kyi byung khungs*):

Up in the West, [when] the king was killed,  
The corpse [’s weight in] gold was paid,  
Down in the East, [when] King Gesar was killed by 'Dan ma,  
Even now the debt had not been repaid.

*Stod rgyal po bsad pa red/  
ro dang gser gnyis mnyam mjal/  
smad ge sar rgyal po 'dan mas bsad/  
da dung stong la 'khyer dus med*<sup>31</sup>

Champasangta also gave a different account to that of Sumpa of the legend on which this saying is based: namely that Gesar, on his return from the demon-land of the north, transformed himself into wolf and went to prey on Danma’s sheep. By killing the wolf Danma incurred a perpetual debt for his kinsmen. This account has the advantage of avoiding the awkwardly obscure assertion that Danma killed Gesar, by deflecting it into an account of killing a manifestation-wolf of Gesar instead, which sounds more like a Gesar epic plotline. But it is worth observing that not even this version is found in the *Hor Ling*, the classic literary version of Gesar’s return from the north, originally composed in Dergé.

30. FitzHerbert, “Tibetan Ge-sar Epic,” para. 47.

31. Stein, *Recherches*, 127. It is interesting from the point of view of mutation in oral tradition and its entextualisation, to note that although the import of the saying cited by Stein is almost identical to that of the saying cited in the *Mirror of the Two Laws*, the wording is very different.

We find what appears to be another, somewhat garbled, version of the tale in Francke's epic collected in Ladakh. There we read that Gesar, upon returning from imprisonment by a *nāgini* (presumably a version of the Klu bstan "demon of the north" episode, thus according with Champasangta's account), turns himself into a wolf. Dpal le is guarding the sheep at the time and recognises Gesar, and tells him that in his absence the minister Ldan pa has taken 'Bru gu ma (the 'Brug mo of the Ladakhi versions) and installed himself in the palace of Ling. Gesar surprises the minister, and to evade death, the latter offers him all his land and goods, an inventory of which, it is said, is kept at Ling. Since that time, it continues, Danma must provide *corvée* labour for Ling.<sup>32</sup> Clearly these are variations on a theme in the manner of oral traditions.

That both couplets in this quatrain encode condensed versions of local legends illustrates a basic point: that the precedents found in legends of oral tradition, were considered a useful resource in Tibetan legal practices, and that such legends could be inherently mobile and flexible, especially in the hands of skilled orators. A further point that this reference in the *Mirror of the Two Laws* illustrates for our purposes here, is that the lore encoded by legends of Gesar, in particular, could be used as points of reference for the assertion of legal rights and dues.

After this brief treatment of the "epic theme" in Tibetan legal tradition, we shall now turn to the "legal theme" in the Tibetan epic tradition.

### The Legal Theme in Tibetan Epic Tradition

Law is a recurrent theme in the Gesar epic's "pool of tradition," to which its characters regularly make allusion. Looking across various entextualised episodes<sup>33</sup> of the epic, we find references to all five components of the amalgam of Tibetan legal systems outlined by Ekvall: religious law, royal law, traditional law, Mongol codes and concepts, and Chinese legal forms and punishments. The epic also gives colourful expression to the Tibetan custom of using proverbs as an important resource in argumentation and advocacy; it reflects the importance of status and social order in Tibetan conceptions of justice; and it also gives voice to the traditional resistance of Tibetan pastoralists to externally-imposed legal codes and conceptions ownership over shared resources, such as water and pasture.

Returning to Ekvall's five strands of law, the first two, the traditional pairing known as the two laws, *trimnyi* (*kbrims gnyis*) of religious law and royal law, are regularly evoked in the epic with their respective epithets "silken knot" (*dar gyi mdud pa*) and "golden yoke" (*qser gyi gnya' shing*). They are also often the subject of

32. Stein, *Recherches*, 127–28, citing August H. Francke, "The Palladins of the Kesar Saga," *Journal and Proceedings of the Asiatic Society of Bengal*, n.s., 2, no. 10 (1906): 488–90 (repr. in *Kesar Saga*, 484).

33. By entextualised episodes I mean episodes which have been rendered into text, either as literary compositions by literate authors (as in the cases of *Hor Ling* I–II and *Ling* I–III), or as the transcriptions of oral narrations (as in the cases of *Grags pa* and *Bsam grub*).



proverbial elaboration, when talking about the respective duties of religious guides, lamas, and secular officials, *pönpo* (*dpon po*). There is also an association of the two forms of law with India and China respectively:

Religious law, established by the King of India up in the west,  
Is like a silken knot,  
Its truth can never be destroyed.  
Royal law, established by the King of China down in the east,  
Is a like a golden yoke,  
For it never rusts/degenerates (*nyams pa med*).<sup>34</sup>

The presentation of India and China as the lands of religious and secular law respectively is a very common trope in the eastern Tibetan epic tradition. One finds it alike in *Hor Ling* I–II, *Ling* I–III as well as in the narrations of bards Drakpa and Samdrub. Obviously, this resonates with the scheme of the Four Directions that is a typical feature of Tibetan historiographic traditions concerning the period of the Tibetan empire and before. However, in the historiographic *chos 'byung* tradition, China is more often presented as the land of astrology or calculation rather than law, as it is found in the epic tradition.<sup>35</sup> Other epithets used for China in the epic tradition include it being the land of “wealth and taxes.”<sup>36</sup>

### Internalising External Threats

Regarding the settlement of disputes, the ethos that is particularly prominent in the Gesar epic is the key distinction between *internal* and *external* disputes.

For external threats, the law of reprisal (as discussed by Ekvall) clearly holds sway. This ethos of retaliation and revenge is particularly epitomised in the character of Gyatsa Zhelkar (Rgya tsha Zhal kar), Gesar’s moon-faced elder half-brother who is hot-tempered, fearless, and brimming with familial solidarity. His passionate calls for revenge (*sha la len*) at clan assemblies are typically countered by the voice of restraint personified by the chief counsellor, *chipön*, the sagacious elder of the tribe and Gesar’s paternal uncle Chipön Rongtsa tragen (Spyi dpon Rong tsha khra rgan). The sparring between Gyatsa and Chipön on this theme (revenge vs.

34. *Hor Ling* II:37. This quote actually comes within a song sung by the (enemy) Hor chief Gur dkar. It is an initially surprising feature of the Gesar epic, that opponents of Ling (such as Horpas) are just as apt to cite “Tibetan proverbs of the forefathers” as their Lingpa counterparts. This probably reflects the oral nature of the tradition—all the different “parts” in the epic are sung by one and the same *raconteur*, and so the oratorical styles of different characters can sometimes mix. A clear differentiation is made at the beginning of the songs in the deities evoked by the different characters, but once the argumentation begins, all characters cite proverbs of the ancient Tibetans.

35. For the directional kings and their epithets in a wide range of *chos 'byung* and Gesar epic sources, see the extensive table in Stein, *Recherches*, 254–61. With characteristic erudition Stein has shown how a similar scheme of four directions is also found with only moderate variation in early medieval Turkic and Arabic sources.

36. For an example see *Hor Ling* I:38.



restraint) is an oft-encountered narrative theme in several eastern Tibetan versions of the epic (including *Hor Ling* and *Ling*). The right to revenge *per se* is not challenged by Chipön, but its effectiveness as a strategy is called into question, with Chipön typically pointing out that rash action can have unfortunate consequences.<sup>37</sup>

In these exchanges, we can see that in the heroic society of Ling, retaliation and revenge against neighbouring tribes is a fundamental currency. But for *internal* disputes, the key principle is peaceful settlement through consensus among the tribal community. This principle is reflected in a saying one finds in both *Hor Ling* I and in the *Ling* II :

If you are on the inside, [we the clan are] like a handful of soft silk thread,  
But if you are on the outside, [we are] like a plain filled with sharp spears.  
When an enemy comes, our spears are raised together,  
When a friend comes, every last morsel is shared at the blade of a knife.<sup>38</sup>

This is the saying also cited by Karmay in his elucidation of the kinship values of “solidarity, commensality and equality” embodied by the society of Ling.<sup>39</sup>

One finds that the primary principle espoused in cases of internal conflict is the maintenance of internal order, with a key emphasis on the “internal law of White Ling” (*gling dkar po'i nang kbrims*). The fact that the young Gesar (known as Jo ru) disturbs this internal order is the reason he is expelled from Ling society, for if he is not, argue the kinsmen, “the law traditions of White Ling will be destroyed” (*gling dkar po'i kbrims lugs ni med par 'gro*).<sup>40</sup>

The importance of the distinction between internal and external conflict is reflected also in the model of conquest or tribal *agrandissement* that the epic cycle celebrates. The pattern we see is that the victory of Ling over its rivals is not simply about the acquisition of land, cattle, horses, loot, and trading levies. Nor is it about subjugating its rivals. Rather, it is driven by the prerogative to *internalize* external threats. When a rival lord (whether of Hor, Bdud, Jang, Mon, Stag gzig, Mi nyag or any other), submits to Gesar and accepts him as his lord, the subjects of that lord are incorporated within the swelling clan ranks of Ling, and his ministers often become leading protagonists on the side of Ling for future conquests. The classic example of this is Shan pa Rme ru rtse, formerly a minister of Hor, who, after its defeat, becomes a prominent hero of Ling, counted among the Thirty Warriors. As Ling's dominance expands, the concept of “kinship” as the basis of its internal cohesion is eroded and membership of the community becomes less about kinship and more about sworn fealty. The “Thirty Kinsmen” (*phu nu sum cu*) morph into the “Thirty Warriors” (*dpa' rtul sum cu*).

37. For an example see *Ling* II:15–19; English translation, Kornman, Sangye Khandro, and Lama Chonam, trans., *Epic of Gesar*, 169–73.

38. This version of the saying is translated from *Hor Ling* I:101. A slightly different version is found in *Ling* II:8; Kornman, Sangye Khandro, and Lama Chonam, trans., *Epic of Gesar*, 160.

39. Samten Karmay, “The Social Organization of Ling and the Term *phu-nu* in the Gesar Epic,” *Bulletin of the School of Oriental and African Studies* 58, no. 2 (1995): 303–13, repr. in *The Arrow and the Spindle*, 310.

40. *Ling* II:93; Kornman, Sangye Khandro, and Lama Chonam, trans., *Epic of Gesar*, 249.

### Mediation and Recourse to Authoritative Legal Texts

By and large, the modalities of mediation and indemnity, which Ekvall emphasises as the basis of his “modified system,” are not foregrounded in the epic. One does, however, find proverbs about reaching agreement as the basis of stability, and the importance of third-parties. For example:

When three men are in perfect agreement,  
The laws of the land will be balanced.  
When the three hearthstones are arranged correctly,  
The copper vessel will be stable.<sup>41</sup>

Although the society of Ling depicted in the epic is mostly devoid of text, one does also find allusions to authoritative legal texts. In *Ling* I–III, for example, one finds frequent mention of the so-called “Original Document of the Prophecy of the Ldong [tribe]” (*ldong gi ma yig lung btsan*), the possession of which confers on its holder the authority to adjudicate. In Bard Drakpa’s repertoire we also find allusion to a range of authoritative legal texts. To paraphrase: After ’Gog mo (Gesar’s mother-to be) is taken prisoner by Ling in a tribal raid, there is a dispute over who should win her as a spoil of war. Trotung (Khro thung), in a frenzy of agitation, demands the girl. Chipön replies calmly: “It won’t be done like that. When all the Lingpas have gathered, it will be decided in the time-honoured tradition, by the casting of dice.” Trotung protests vociferously, saying it isn’t fair, that he never wins at dice, and that his need is the greater. Chipön replies “divination and astrology are impartial, they can come out any-which way, there is an equal chance for all parties.” Trotung then resorts to insult: “Chipön, your words are softer than butter, but inside [your intentions] are rougher than a saw. I am the paramount chief here, so you and all the other tribesmen haven’t a grain of authority [over me]. She will be mine!” Chipön remains unperturbed: “You have no authority to take her like that. There are the *Thirteen Edicts and Statutes* (*kbrims yig zhal lce bcu gsum*); there are the *Sixteen Principles of Good Behaviour* (*mi spyod [sic] gtsang ma bcu drug*),<sup>42</sup> and there is the *Banner and Conch of the Law* (*kbrims dar dang kbrims dung*) all of which have been conferred by the great tribe of Ling upon Stag ’phen and Gzig ’phen, not on you, O [fickle] drum-head (*Da ru mgo*).”

41. *Ling* I:61; Kornman, Sangye Khandro, and Lama Chonam, trans., *Epic of Gesar*, 73.

42. The *Zhal lce bcu gsum* would seem to refer to a legal text composed in the early years of the Ganden Phodrang. According to Ishihama, the text of the *Zhal lce bcu gsum* is found at fol. 41a–52b of *Mchod yon nyi zla zung gi kbrims yig*, a text she dates to 1653; Yumiko Ishihama, “On the Dissemination of the Belief in the Dalai Lama as a Manifestation of the Bodhisattva Avalokitesvara,” *Acta Asiatica* 64 (1993), 40. The *Mi chos gtsang ma bcu drug* refers to an older tradition which, according to some Tibetan histories (like the *Deb ther dmar po*), was first promulgated by Srong btsan sgam po. For a full treatment of the tradition of the “sixteen norms,” see Ulrike Roesler, “‘16 Human Norms’ (*mi chos bcu drug*): Indian, Chinese, and Tibetan,” in *The Illuminating Mirror*, ed. Olaf Czaja and Guntram Hazod (Wiesbaden: Dr. Ludwig Reichert Verlag, 2015), 389–409. Here we have an illiterate epic bard, Drakpa, referring to two classic central Tibetan legal treatises from different periods, reflecting the penetration of legal texts into Tibetan oral tradition.

As the argument continues the insults intensify, and eventually others have to intervene by evoking the proverb “one kills a deer on the mountain, and one settles a dispute internally” (*sha ba ri gsod rgyags/ kha mchu nang sgrig kbe*). In this way order was restored (*sgrig byas pa*).<sup>43</sup> Again, we see violence as appropriate in the wilderness of the world outside the community, while on the inside, within the community, compromise is called for.

### The Giving of Guarantees and Entreaty Payments

The practice of giving entreaty payments in support of petitions and as guarantees of future goodwill is also alluded to in the epic. To paraphrase again from the version of the Drakpa: During Uncle Trotung’s attempted murder of the infant Joru, Trotung binds the infant spread-eagled on the ground with four pegs, and then drives a stake through his heart. The child loses consciousness, but then his protective spirits (and especially the tiger-spirit Gnyan stag dmar po) come to his aid and the stake pops back out. Jumping onto Trotung’s head, the infant pulls at his braids with all his strength until his uncle’s head is bald and red. Then the ‘Gog-child (Joru/Gesar) quickly picks up his uncle’s two hammers, one big, one small, and begins to strike Trotung on all his protruding joints. At the most sensitive spots, he hits the hardest, and on the least sensitive lightest. In short order, he smashes Trotung’s spine and several of his ribs. Crumpling into a heap, Trotung begs him again and again. “It pleases me to see you grovel,” says Joru, “but where is the payment which guarantees your fidelity?” Immediately Trotung emanates a thousand ants each carrying a grain of gold dust from the land of the *sadak* (*sa bdag*, spirit lord of the locality). He gathers up the gold dust, filling a small box,<sup>44</sup> and offers this as his “entreaty-payment.” Then, prostrating before him again and again, Trotung sings a groveling song, pleading for mercy, which includes the lines:

If there is no entreaty-support-payment, that would violate the law (*kbrims dang ’gal*)  
 [So] I offer you [this] stainless white scarf,  
 And begging you, divine prince, to be my refuge,  
 I offer this precious gold-dust  
 O, divine prince, please accept this as my guarantee!<sup>45</sup>

43. *Grags pa* (1998), 75–76.

44. Tibetan folktales often feature gold-digging ants. The association between ants and gold is an ancient one. In Book III of Herodotus’ *History*, he mentions “the most extreme lands of the earth” and mentions the tribes who live north of the Indians. Near these tribes he says there are giant ants which dig up sand containing gold. As Kachewsky has pointed out, the origins of this story likely lie in the Sanskrit word *pipilaka*, “an adjective whose root means ‘ant’.” When this adjective is nominalised, it signifies a special kind of gold.” Rudolf Kaschewsky “The Image of Tibet in the West before the Nineteenth Century,” in *Imagining Tibet, Perceptions, Projections, and Fantasies*, ed. Thierry Dodin and Heinz Rather (Boston: Wisdom, 2001), 3.

45. *Grags pa* (1996), 32.

### The Law of the Assembly

The real centrepiece of the legal theme in the Gesar epic is the “great assembly” (*tsbogs chen/ tshoms chen*) of the tribe, for it is by means of calling such assemblies of all the allied clans (enumerated in exhaustive lists, like the ships of Homer’s *Iliad*) that collective action is decided. The supra-tribe (*tsho chen*) is made up of potentially countless clans, tribal lineages, fraternities, settlement communities, brigades and other groupings (*rus, rgyud, mched, sde, shog kha, khri skor, ru shog, khyu tshogs* among others). The primary significance of the emblems of law—whether the drum, the conch, the spear, the axe, the banner, or the texts—is that custodianship of these emblems confers on the bearer the right to convene such assemblies. In the epic tradition, a Great Flat Drum of the Law (*kbrims rnga leb chen*) and a Great Conch of the Law (*kbrims dung skad chen*) are used by both Lingpas (example *Hor Ling I:19*) and Horpas (example *Hor Ling I:9*) to summon the assembly. Naturally enough, the greater the appeal of the summons, the greater the authority of its resolutions, and the greater the prestige of its chief and elders. But an assembly is useless if it cannot achieve unanimity, which is typically based on loyalty to a supreme lord. So, it is obedience to the summons of an assembly and willingness to cooperate with its agenda, which constitutes the first and perhaps last article of the epic law, as such. Effectively, the reach of “law” is defined by the reach of the summons. Different tribes or communities respond to different summons, and thus are subject to a different law.

The purpose of the assembly for the Lingpas is to achieve public consensus. This is contrasted to the law of the Horpas, in which the assembly is merely a vehicle for the assertion of the autocratic leader’s will. In the idealised assemblies of the Lingpas, consensus is achieved through leadership, persuasion, and the observation of status, which are also the predominant themes in the many “Tibetan proverbs of the ancients” that are evoked.

In the epic, the ideal of leadership is grounded in the values of honesty, integrity, and justice, all covered by the Tibetan adjective *drang po* which literally means “straight” and is often associated with experience and seniority in age. Its classic personification in the epic is Chipön, who in some anecdotes is said to be as much as five-hundred-years old. A place is also given to authority based on bravery, which is the prerogative of the younger clansmen, known as the *stag shar*, literally “rising tigers.” As such, the assemblies are not univocal affairs, and there is often tension between these two poles (as mentioned above with regard to Gyatsa and Chipön). These conventional bases of authority (honesty, experience, bravery) are then hugely augmented, and indeed trumped, by the charismatic authority of Gesar himself, based on his supramundane qualities and achievements. For Gesar, like the emperors of the Tibetan imperial period, is a divinely-ordained prince sent from the upper realm of gods. He is a shape-shifter who transcends the ordinary constraints of what Stephan Beyer has called in a Buddhist cultural context, “the public



nonreality”;<sup>46</sup> and he is also a demon-tamer who does not stoop to propitiate the unruly spirit world, but rather conquers and tames it, becoming himself the *sadak*, the spirit-lord of the landscape. In the Buddhist interpretative “mental texts”<sup>47</sup> of Gesar storytellers, these demon-taming aspects of Gesar’s heroic identity are often framed with allusions to tantric practice. The hero bears the “wrathful gaze for the subduing of Rudra,”<sup>48</sup> for example, or he may be depicted at an assembly “dressed in fine dharma robes wearing a lama’s *ushnisha* empowerment crown.”<sup>49</sup>

Persuasion is based on skill in oratory and the appropriate deployment of pithy proverbs and sayings. The third key factor, observation of status, is emphasised as something like a law of nature. For despite the subaltern aspect of Gesar as a trickster-hero, who often achieves his ends in the guise of socially-liminal characters (cripples, beggars, alms-seekers, or low castes like blacksmiths or fishermen), the ethos of “knowing your place” is nevertheless a recurrent theme in eastern Tibetan tellings of the epic. It is presented as the key to a harmonious society, and its main illustration is the elaborate seating arrangements at assemblies, which are described in exhaustive detail. In a couplet from *Ling I*, for example, social status, rank or order (*sgrigs*) is presented as a core principle of *gyeltrim*, the “royal” or secular law:

A transgression of the (monastic) code, is an issue for the lama’s religious law.  
A transgression of the hierarchy, is a matter for the chief’s royal law.

*bca’ gal na bla ma’i chos kbrims yod//*  
*sgrigs gal na dpon po’i rgyal kbrims yod//<sup>50</sup>*

Good examples of the “seating plans” (*gral sgrig/ gral god*) that illustrate this principle, are Dar ’dzom’s seating-plan in the *Ling I*,<sup>51</sup> and Skya lo ston pa rgyal mtshan and Minister Dga’ brtan dar lu’s “seat-assigning duet” at the Ling homecoming assembly after the conquest of Hor.<sup>52</sup>

The latter is a typical example of the theme. On the central golden throne sits Gesar, himself (Sku rje Seng chen nor bu) and next to him on a conch-white throne a close kinsman (in this case his nephew and heir Dgra lha rtse rgyal). Then the ministers, warriors, and ladies are seated in rows on the right, left and in front, so that all are seated “each according to their consequence” (*phro thob dang bstun*), a phrase which is repeated four times in the same song. They are on tiger-skin seats on the right, rhinoceros-hide seats in middle; leopard-skin seats on the left. Then behind them, there are beaver-skin seats and behind them, cloth-covered seats,

46. Stephan Beyer, *Magic and Ritual in Tibet: The Cult of Tara* (Delhi: Motilal Banarsidass, 1988).

47. For the concept of “mental texts” in the composition or entextualisation of oral-traditional epics, see Honko, “Text as Process and Practice.” Honko pairs “pool of tradition” and mental text as the two factors which combine in the forging a new version of a traditional epic.

48. *Rtsa ba’i rnam thar*, fol. 5.

49. *Bsam grub* (2002), 42.

50. *Ling I*:60; For an alternative translation, see Kornman, Sangye Khandro, and Lama Chonam, trans., *Epic of Gesar*, 72.

51. *Ling I*:60–62; Kornman, Sangye Khandro, and Lama Chonam, trans., *Epic of Gesar*, 70–72.

52. *Hor Ling II*:659–62.



and behind them wolf-hide seats. So, “from the white-haired elders on down, and the white-teethed children on up, all were seated in rows, like rows of pearls, and all are served with tea, and songs are sung.”

This concern in the epic with rank and status is also a source of humour. The absurd figure A khu Khro thung, with his incorrigible thirst for power and prestige, is often the object of such mockery, as in this passage, from the narrations of Samdrub:

Then from the far end of the front row, rising from his red sandalwood throne, from atop a black bearskin cushion, placed on top of a spotted leopard-skin cushion, which was itself on top of a tiger-skin cushion on top of an ornate dragon-design cushion, rose the Four-Mothers Chief Khro rgyal. His yellowish hair was standing on end, and full of tantric initiation-knots: a buddha top-knot, a *dorje* head-knot of a government aristocrat, a *hum* matted lock of a *tāntrika*; a meat-eater blood-drinker knot (for the religious protectors), an axe-knot for attacking enemies, a *wer ma* knot for bringing back the booty. His hair on the left tied in a *ra ru* knot, the hair on the right in a *ru ru* knot . . .

In mocking Khro thung’s obsession with the augmentation of his own status in this way, the epic gives expression to a humourous scepticism about social hierarchies, and the potential vanity and egotism of those who vaunt their birth-right (as aristocrats) or their supposed religious accomplishments.



### Duty and Natural Order



Despite the strain of social criticism that runs through the epic, the tradition is also at core conservative in its values. A good deal of the proverbial wisdom evoked in the epic relates to things being in their rightful place, symbolising the idea of natural harmony, and the dangers of disturbance to the natural order. For example,

In the saying of the Tibetans of old (*gna’ mi bod kyi gtam dpe la*),  
 If the sun and moon above don’t curb their height  
 They will be destroyed body and soul by Rāhu (*gza*).  
 If the white cliffs in the middle don’t curb their haughtiness,  
 They will be destroyed by lightning.  
 If the rivers and rivulets below don’t know their course,  
 The riverbeds will dry up.  
 So says the proverb of the ancient Tibetans.<sup>53</sup>

Refrains about things “being in their proper place” are very common. An example is the oft-evoked scheme of the vertically-ordered landscape, with each layer represented by its own emblematic animal or animals: vultures and eagles in the sky above, snow lions roaming the icy upper mountains, antelopes and deer on the high meadows, wild yaks on the plains, tigers in the lowland forests, fish in the rivers and brooks. This natural order in the landscape is a mirror for the different duties of those in different stations within human society: religious guides, lamas, must

53. *Hor Ling* I:56.



uphold the *dharmā*; chiefs must uphold the law; elders (*pha kbu*) must give sage counsel; young men (*stag shar*) must be brave and ready to fight; mother-aunts (*ma sru*) must know the larder well; young women (*na chung*) must know how to conduct themselves with dignity. An example is a song in the narrations of Samdrub (sung by Gesar's guiding 'aunt' Gong sman rgyal mo). In this song, observation of one's place in society is likened to the ordained-by-nature return of migrating geese to a lake at the end of winter. They may not *want* to return, but are drawn by nature:

Those lamas with their yellow hats and maroon robes,  
Unaware that Buddhahood lies in their own minds,  
Progress in their practices step by step,  
Seeking an initiation for each.  
But [they should know that] it is only with blessings of mind  
That beings can be benefitted and sustained,  
And that all mother-sentients can be led from suffering.  
That is, of course, the duty of lamas.

Chiefs/officials must forsake theft, oppression and beating;  
Protect the villages as if with gentle light,  
Act in truthfulness, in observation of the law of *karma*,  
Cutting out deception and upholding an honest law (*kbrims drang*).  
Their highest goal, [should be] the wellbeing of the common people,  
And with self-control, [they] should have mastery over themselves.  
These are the duties of chiefs.

Those in the rank of elders (*pha a kbu*),  
Should know how to discern a good plan from bad,  
Always act with foresight, and be wise in hindsight.  
Know when to speak out, and when to hold back.  
These are the duties of goodly elders.

As for young men (*stag shar*) with their three weapons of the *dgra lha*,  
When an enemy comes they must not back off,  
Able to carry themselves and win the "heroic scarf,"  
They should spread their fame and renown across the land,  
These are the duties of celebrated heroes (*ming grags dpa' bo*).

Virtuous womenfolk (*ma bsod nams*) with their store-larders:  
In long days of spring, may bellies be full,  
In the chill breezes and winds of autumn, may bodies be warm.  
They should know how much to eat and drink, and how much to store for later,  
And be cheerful and hearty, full of song and dance.  
Steadfast inside, and able to enjoy prosperity.  
These are the duties of the goodly womenfolk (*ma sru*).

Pretty young women (*na chung mdzes ma*), with fine faces and good figures,  
With many invitations to join [households] as wives,  
Should look after themselves, mind their own wellbeing (*rang phy wa*),  
Know themselves, and be alert to their own affairs.  
They should get on with everyone, with laughter and smiles,  
Be discreet in public, but speak frankly within the family,

[For it is in this way] the nest's smaller birds are protected.  
These are the duties of young women.

In just this way, O great King Gesar,  
When the rivers run blue,  
The golden-winged geese dwell in the north.  
But when ice forms on the water, they head for the south.  
And when the ice is on the verge of melting,  
They forego the southern valleys and return to the north,  
Hearts yearning for the Rich Sky-Lake (Gnam mtsho phyug mo).  
They have no great wish to fly,  
But when the spring comes again and  
Frozen water trickles back into summer life  
Soon the time of rushing, eddying and swirling is back,  
And there they are again! The geese, circling the lake,  
Filling both themselves and the lake itself with joy.<sup>54</sup>

Later in the same song, Manene (Gong sman rgyal mo) warns of the consequences if the natural order is neglected:

When a lama is lazy (lit.: "sleeps"),  
Religion loses leadership.  
When a powerful chief (or official) sleeps,  
The court of law (*kbrims ra*) is destroyed.  
When elders sleep, policy loses direction.  
When a round stone sleeps, it gets stuck in ice.  
When a tree sleeps, its roots rot.  
When young men sleep, the enemy escapes.  
When womenfolk sleep, tea and water run dry.  
When young women sleep, opportunities for marriage are lost.  
A slothful boy is one without good qualities,  
So, do not rest! It is time to rise!<sup>55</sup>

In this way, observation of the natural order of society is trumpeted in the epic as the guarantor of social harmony. This aspect of the epic tradition is also foregrounded in *Ling* I–III, which was influenced by 'Ju Mi pham (1846–1912), an influential and politically-engaged lama<sup>56</sup> in late nineteenth-century eastern Tibet who was responsible, above all others, for constructing the elaborate Buddhist ritual cult around Ling Gesar which continues to gain popularity today. In *Ling* II one finds the recurrent theme of the ethical integrity of leaders. Once that is assured, then the law should be flexible, not rigid, based on the sound judgements of the

54. *Bsam grub*, 34–35.

55. *Bsam grub*, 36.

56. 'Ju Mi pham was involved in mediating the conflict-ridden politics of Dergé in the late nineteenth century. He also authored a treatise on statecraft, recently published in English translation: Jamgön Mipham, *The Just King: The Tibetan Buddhist Classic on Leading an Ethical Life*, trans. José Cabezon (Boulder Colorado: Snow Lion, 2017).

wise. The following proverb of the ancients, for example, is cited (in a song sung by the emperor of China in *Ling* II to his grandson Rgya tsha zhal dkar of Ling):

Mount Meru, the ocean, and a great leader, these three—  
Should be firm and unmoving.  
Conversation, counsel, and arrows, these three—  
Should be straight, not crooked nor bent.  
Lawsuits (*gyod*), bows, and lassos, these three—  
Should be flexible so as to encompass their objects.<sup>57</sup>

The law, as expressed here, should not be rigid and procedural, but should be flexible and based on human values and common sense.

### Corruption of the Law

In eastern Tibet, the epic also functions as a vehicle for social criticism, and we find many examples in several versions, criticising the venality of social and economic elites and expressing scepticism about the application of law in practice. An example from the *Ling* II (in a song sung by Gesar's mother) is, as follows:

When a high-ranking chief/official passes judgement, he is full of wise words.  
“It's necessary for the wellbeing of the common man,” he says.  
“It's forbidden to covet another's wealth,” he says.  
“Dishonest deeds will be brought before the law,” he says.  
But these words don't match his actions.  
While the common people bear suffering and famine as their lot,  
For the rich it is just picturesque.  
If the secret payoff given in advance is significant,  
Just look and see how wrongdoers escape from the law!<sup>58</sup>

Corruption is seen as the root downfall of secular law. One finds this proverb (in a song by a Horpa warrior) in *Hor Ling* I:

As the proverb of the ancient Tibetans says,  
The reason senior lamas lose their communities (*chos ra*)  
Is attachment and aversion to different forms of *dbarma*.  
The reasons great chiefs lose their jurisdiction (*kbrims sa*),  
Is corruption (*kbrims yo*) and the taking of bribes (*gzur rngan zos*).  
The reason for a community (*sde*) losing its cohesion  
Is that sending out enemy raids brings on one's own destruction.<sup>59</sup>

Here again, criticisms of malpractice are tied to a notion of social order based on the observation of the particular rights and duties tied to particular stations in society.

57. *Ling* II:11. See also Kornman, Sangye Khandro, and Lama Chonam, trans., *Epic of Gesar*, 165.

58. *Ling* II:36–37; after the translation of Kornman, Sangye Khandro, and Lama Chonam, trans., *Epic of Gesar*, 191.

59. *Hor Ling* I:87.

### The Laws of Hor

It would be simplistic to say that the ethnonym “Hor” in the epic simply means Mongol,<sup>60</sup> but there is no doubt that the portrayal of the Horpa, in the eastern Tibetan epic at least, owes a good deal to Tibetan historical and folkloric perceptions of Mongols. We see this, for example, in the names of various Horpas in the epic (whose names often include the element “thog”—cf. Thog Temür the last ruler of the Mongol Yuan dynasty),<sup>61</sup> and the name of the main chief of the Horpa in the epic is Gur dkar, which means simply “white tent”—presumably a reference to the customary white tents of Mongol nomads, in contrast to Tibetan nomads’ traditional black tents. Waves of Mongol settlement on the northern and eastern parts of the Tibetan plateau between the thirteenth and eighteenth centuries—often in areas with good pasturelands—had a significant (and often underplayed) impact on Tibetan cultural history, and in particular on the Gesar epic tradition, which has tended to flourish in areas close to such areas of settlement. In particular, as Karmay has shown, the Horpas as depicted in the *Hor Ling*, for example, who take the Thel divinities as their main objects of propitiation, appear to be modelled, at least in part, on the Bonpo-aligned “Thirty-nine tribes of Hor” (Hor tsho so dgu) who are said to be the indigenized descendants of Mongol settlers. Even today the Hor of the thirty nine tribes inhabit a large region of northern Nag chu and Chab mdo Prefectures in the northern part of the Tibetan Autonomous Region.<sup>62</sup>

In the epic, the rival conceptions of law between Hor and Ling repeatedly come up as a theme, as does the Horpa obsession with passing new laws. In the *Hor Ling*, for example, the Hor chief Gur dkar is characterised as a whimsical autocrat forever enacting unwelcome new laws.<sup>63</sup> One of his characteristic phrases

60. The roots of the Tibetan word *hor*, like the English word *horde*, appear to lie in the old Turkic and later Mongolian use of *ordu/ordo* as a large military organisational group or camp. The Ordos is also the name of the desert region enclosed in the great northern bend of the Yellow River (Rma chu/Huang he) in what is today the south of the Inner Mongolian Autonomous Region. As an ethnonym, “Hor” has had a shifting designation through different periods of Tibetan history. In the Tibetan imperial and post-imperial periods it appears to refer to the Uighurs, whose powerful confederacies vied with Tibetans for control over parts of the inner Asian Silk Road, but with the Mongol incursions into Tibet in the mid thirteenth century, it clearly refers to Mongols.

61. Thog Temür is known in Chinese as Huizong. In *Hor Ling*, the Hor chief Gu dkar sings: “I am the *tsha bo* (nephew/grandson) of Tho thog rgyal po. I am the son of Thog rmog ral chen, I am the lord of law and action// I am the lord and chief of the valleys// etc. *Hor Ling* 1:71.

62. Samten G. Karmay, “The Thirty-Nine Tribes of Hor: A Historical Perspective,” in *The Arrow and the Spindle*, vol. 2, 199–202.

63. On Gur dkar as a whimsical autocrat, see for example his fierce song of chastisement against a diviner who brings an unwelcome prognostication: “I am the lord of law and work (*kbrims dang las ka*)// I am the lord and chief of the valleys// I have control over the five elements// I am the lord of all arbitration (“the line of action and its fruit” *las ’bras drang thig*) . . . A diviner! Ha! A bag of lies! Not one of your prognostications is reliable!// . . . This child of falsehood, this white-haired old fool// Draw and quarter him, cut him to pieces!// And bury the pieces beneath a *la btas*!// Pull out his heart from the back!// *Hor Ling* 1:48.

is “*kbrims shig bca’ dgos*,” “we need to enact a [new] law.” In short, a contrast is drawn between the idealised law of White Ling, which is virtue-based, grounded in the integrity of its chiefs and the ineluctability of the law of *karma*, on the one hand, and the dictatorial law of Hor (and other “enemies”), which is based on the vanity of its leaders, the notions of honour (*dbu ’phang*), power (*dbang thang*) and above all, in the case of the Hor pas, on ownership and territorial rights. In this regard, it is worth observing that in the mid-eighteenth century, when the *Hor Ling* was first composed, Mongol chiefs in the Kokonor region were busy passing a great many new laws.

At one point in the first volume of *Hor Ling*, the Hor chief Gur dkar sings a “Song of Enacting New Laws” (*kbrims gsar bca’ ba’i glu*) which includes the following:

Now from this moment on, from this day henceforth,  
 I promulgate a new law like none before,  
 Those inside shall not be allowed to leave,  
 And those outside shall not be allowed to enter.  
 Give the instructions and pass the word!  
 We must ring-fence the area, like a round earring.  
 We must tighten the watch on the banks of Hor,  
 So that Gesar has no way of entering.  
 And we must bring the lady ’Brug mo here to the base,  
 And from here escort her to the Ya rtse fortress.  
 If she says she will not come,  
 Then show her the terrifying [force of the] law (*kbrims ’jigs ston*).  
 I appoint Shan chen and Thang rtse  
 As my two chief magistrates (*kbrims dpon chen gnyis*).<sup>64</sup>

The theme of the Horpas as the bringers of unwelcome law is not just found in *Hor Ling*. In the *Rtsa’ ba’i rnam thar*, for example, we hear how Gesar charges the Horpas with:

Destroying temples at Lhasa; mutilating the sacred statue of Śākyamuni; destroying monasteries and monastic communities; enslaving the dharma-protectors of Tibet; and committing even me, the Great Lion, to a census.<sup>65</sup>

As R.A. Stein observed, this passage seems to refer directly to the Mongol invasion of central Tibet in 1240, when a Mongol force headed by Dorta killed five hundred monks and laity, burnt down the monastery of Rwa sgreng north of Lhasa, and then committed the population to a census.<sup>66</sup>

A good illustration of the rival conceptions of law between Ling and Hor is found in the second volume of *Hor Ling*, when Gesar repeatedly defies and transgresses the Hor pa assertion of territorial grazing and hunting rights.<sup>67</sup> To paraphrase one part of the story: Gesar has magically created a teeming encampment near the Hor

64. *Hor Ling* II:38.

65. *Rtsa’ ba’i rnam thar*, fol. 103–4 (vol. *ga*: 17a–b).

66. Stein, *Recherches*, 139, citing Sum pa mkhan po Ye shes dpal ’byor’s *Dpag bsam ljon bzang*, fol. 276b.

67. *Hor Ling* II:352–60.

fortress, which is churning up the pastureland so precious to the Horpa. Then Gesar experiences a visitation of Gung sman rgyal mo who instructs him to capture and kill the “three royal soul-fish of Hor” (one of the Hor chief’s many totemic soul-residences). In order to do so, Gesar transforms into a red-robed fisherman with an entourage of twelve. With nets they capture the precious fish along with huge accompanying shoals. Within sight of the Ya rtse fortress (the Hor citadel) they throw this huge catch of squirming fish onto a dry patch of land, with the fishes’ “eyes flashing like mirrors and tails swiping like sling-shots.” The Hor minister Shan pa Rme ru rtse sees this scene from the fort’s ramparts and immediately gallops over to protest. In a song directed to the fishermen, he tells them haughtily that law has now been established in this land, and that this law “binds the hands and heads of all without exception.” There is no tribe nor community nor grazing campsite which is exempt from the law, he says. If it weren’t for such law, he continues, all the grasslands would be trampled and churned to dust. He criticises the unauthorised camp that has sprung up on the plain, and says that this latest affront—killing the fish and turning the river of Hor red with their blood—cannot go unanswered. This river, he says, belongs to Hor (*hor gyi chu skal red*). For the mountains in the upper valleys, he says, there are hunting laws (*rngon kbrims*). If the hunting laws are violated (*kbrims bshig na*) then the perpetrator is to be skinned alive. And for the rivers in the lower valleys there are fishing laws (*nya kbrims*). If the fishing laws are violated, the perpetrator is to be decapitated. So, he tells the fishermen (Gesar and crew), you are not permitted to catch even little fish here. For these fish are reserved as the sustenance of [the tribes of] Upper Yellow Hor. With threats he then orders the fishermen to throw their catch back into the river and return to their camp, and “if you don’t,” he says, “you had better watch out, for I am not someone with compassion. My ears have not been touched by *dbharma*. And I am the messenger of the Lord of Death. So don’t exchange your life just for the sake of a bit of fish-meat!” The song continues with the usual squaring-off you get before a Gesaric duel:

My power and influence (*dbang thang*) is great,  
 While a fisherman’s power and influence, is meagre (lit.: barely a whisker).  
 In the lands of Yellow Hor,  
 Even the smallest patch of land (*rkang chung*) on which one might camp,  
 Is governed (*bdag rkyen* lit.: “primarily conditioned”) by the hand of the lord of Hor.  
 So have no doubt: this law will be enforced by his officials,  
 Who act in defence of the prestige (*la rgya*) of their lord.  
 For Gurkar’s sense of honour (*dbu ’phang*) is as high as the sky.  
 In everything you do, you will not be free.  
 There is nothing to be argued about here!

In response, the red-robed fisherman picks up an almost-dead fish and pulling out its bloody entrails, slaps Shan pa Rme ru violently across the face. He then mocks him—openly defying his claims to ownership of the land as preposterous:

O haughty Shan pa!  
 No one owns the river (*chu bdag med*).  
 The fish have no lord (*nya bdag med*).



.....  
 What lofty talk of laws (*kbrims gtam dpa' gtam sha ra ra*),  
 Waffling on and waving your arms about!  
 Are you for real, or just talking rubbish?  
 With your tongue flapping like a prayer flag  
 Your words are as meaningless as the bluster of the wind.

He continues:

There is no ownership of land and rivers, no!  
 In general, according to customs of this world,  
 If you store things in your treasury, you may call yourself the owner (*bdag*).  
 If you corral livestock in an enclosure, you may call yourself the owner.  
 So, if you want to call yourself the owner of this brown river,  
 Put it in your treasury!  
 Collect these yellow fish in a *gdang* [?].  
 Do that, and I won't kill them. I'll release them and leave,  
 But otherwise, O Shan pa of Hor,  
 There is no owner of this river (*chu bdag*). Who governs this little fish here!  
 In the case of a horse, [to prove ownership you must] show me its *thong sdom* (brand?),  
 Then I won't take it—I'll let it be Gur dkar's steed.  
 In the case of a bushel of grain, show me the *dpung rtsid* (weight stamp?),  
 Then I won't take it—let it be Shan pa's provisions.

.....  
 In the case of a dog, show me its collar,  
 Then I won't take it, let it be a guard dog at Ya rtse.  
 In the case of a person, show me its hat, clothes, and boots,  
 Then I won't take him, let him be a minister of the Lord of Hor.  
 But with none of these, why should I throw back this little fish?

.....  
 The cool blue river flows from the white snowmelt of the mountains,  
 But the white snow does not own (lit.: "is not lord of") the river.  
 The mighty dark river descends through China  
 But China does not own the river.  
 Eventually the river falls into the sea  
 And its water is engulfed by the ocean,  
 So ultimately, its owner (*bdag*) is the ocean.  
 Apart from that it has no "lord" or owner.  
 So, we will take these little fish to our camp,  
 To be food for our camp's lamas,  
 Vittals for our chiefs,  
 Dinner for our traders.<sup>68</sup>

By the time the fisherman finishes his song, the dried-out fish have died. Flushed by the insult and humiliation, Shan pa returns to the fort, and the fishermen laugh and feast.

Here, Gesar, in the form of a transgressive trespassing fisherman, rejects laws based on territorial ownership.

68. *Hor Ling* II:354–58.

## Conclusion

The world depicted in the Gesar epic—the raiding and retaliation, the bases of authority, the methods for achieving consensus, the rhetorical conventions employed in contexts of argumentation and conflict, and the rejection of externally-imposed laws—are not far removed from the real world of highland pastoralist communities in early twentieth century eastern Tibet and even today. In her 2005 article on the practices of law amongst Amdo nomads, Pirie notes that “relations amongst the pastoralists are, to a significant degree, governed by the dynamics of vengeance and retaliation.”<sup>69</sup> Noting the existence of written codes, she further suggests that the functions of these is largely symbolic and that in practice they are not substantially referred to in legal disputes. More important than such documents, she says, are the “use of a different type of rhetorical resource, namely proverbs and aphorisms which are often ambiguous and suggestive rather than explicit and legalistic.”<sup>70</sup> She further observes that each area and tribe has its own mediators, who are often headmen or other respected elders, who are said to be able to achieve justice through their status, prestige, and powers of persuasion.<sup>71</sup> She also reports that local informants repeatedly stated that in Golok, in particular, each tribe has its own *trim*, and that this tribally-delimited notion of *trim* constituted a marker of tribal identity and autonomy. She cites a local proverb (*tampé*) used to illustrate the point: “each valley has its own words; each basket has its own rope.”<sup>72</sup> One of the mediators she interviewed explained that this proliferation of rules could be a problem, which is why the leaders used to meet to discuss them. All of this resonates with what has been said above about the representation of law in the Gesar epic. Pirie further notes that if one of the most powerful tribes committed its laws to writing, this could be regarded by others as an attempt to consolidate its influence over them and be resisted. She even suggests that the persistence of the rhetorical conventions of invoking *tampé* in the context of legal dispute, itself “may involve implicit resistance on the part of particular tribes and tribesmen to the possibility that the *xbombo* (*dpon po*)—or anyone else—might impose the order of the [written] *kbrims* upon them.”<sup>73</sup>

This remarkable convergence of observations about the culture of law in an ethnographic context, with the representations one finds here in a literary context, illustrates that the cultural sensibilities about law expressed through the Gesar epic are deeply-embedded aspects of Tibetan identity and culture, particularly in predominantly pastoralist regions of the plateau where a high degree of local autonomy has been maintained for centuries. They reflect a strong tradition of legal autonomy, which is not about the existence of established written codes and texts, but rather about age-old social values and practices, which are only informal insofar as they are largely unwritten.

69. Pirie, “Rules, Proverbs and Persuasion,” 107.

70. Ibid., 106.

71. Ibid., 108.

72. Ibid., 118.

73. Ibid., 122.