

# WILDLIFE IN ASIA

Cultural perspectives

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# THE CHASE AND THE DHARMA

## The legal protection of wild animals in premodern Tibet

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### Introduction

In premodern Tibet, as in many similar societies, people categorized and related to wild animals in many different ways. By 'premodern' here I mean pre-1959, a date which not only marks the full Chinese colonial occupation of Tibet but also the beginning of a period of intensive structural changes, such as social and land reforms, technical modernization and later infrastructure developments. By 'Tibet' here I mean 'ethnographic Tibet' as described by Goldstein (1994: 76–77) and Samuel (1993: Chapters 1–8). It is an area comprising the Tibetan plateau, its eastern marches and various high-altitude Himalayan valley systems, and inhabited by peoples with a manifestly high degree of linguistic similarity who share cultural and social patterns and historical experience. But it is not coterminous with any historical or modern political boundaries.

The characteristic large Tibetan herbivores (wild yak, wild ass, antelope, deer, wild sheep, and so on) of the high mountains and plateau grasslands have long been associated with ideals of strength, purity or intelligence. For example, the massive wild yak bull (*brong*) is legendary for its immense power, and the human ability to capture or kill one has always been the measure of a hero. The elusive deer are believed to have a sensitive intelligence, and often feature in Tibetan ritual and symbolism. The collective designation for all such wild animals that subsist on plants and water is *ri-dwags* (also spelled *ri-dag/dags/dwag*), which also signifies 'game animals' in general. One possible etymology for this term is 'mountain' (*ri*) + 'purity' (*dag-pa/dwangs*),<sup>1</sup> which agrees with Tibetan thinking since ancient times about the essential, pristine quality of high and remote places in the natural environment, where deities dwell and which are undefiled by human activity. In certain areas, wild animals were considered to be the embodiments of deities, or to be under the ownership of local spirit powers. Their sudden appearance or particular behaviour patterns have often been interpreted by Tibetans as portents or divinatory signs.

Although there is no shortage of positive or powerful associations made with wild animals in the traditional Tibetan worldview, these appear never to have stopped Tibetans from killing them for survival, profit or pleasure. Indeed, all records (archaeological, historical and ethnographic) for premodern Tibet suggest that hunting has long taken place and was widespread, and that wild animal products were important. It is also true that the essential ethical systems of historical Tibetan religions (both Buddhism and Bon) are completely opposed to any intentional taking of life, such as hunting. From the religious point of view, practices like hunting wild animals are considered in the most negative moral light, and seen as soteriologically detrimental to those involved. Thus, unlike many other societies which practice hunting, premodern Tibetans hunted (and still hunt) in an atmosphere of stark contradiction between ideals and practices. A few preliminary observations have to be made about this tension before introducing the main topic of the chapter: hunting laws and the protection of game animals in premodern Tibet.

Buddhist values are not originally Tibetan. They were introduced in formal and well articulated forms from India over a thousand years ago. The extent to which they have influenced the Tibetan world appears, from all the evidence, to be extremely variable. This variability is itself socially recognized in Tibetan discourse. Anthropologists have pointed to a fundamental value dichotomy in Tibetan life and religious culture which is expressed as the difference between that which is considered 'wild' (*rgod-pa*) and that which has been 'tamed' (from the verb *dul-ba*: 'to tame', 'subdue', 'civilize', 'convert', etc.). Within this framework, figures such as the human hunter or the local mountain cult deities (who are martial in nature) are clearly considered 'wild', while the ordained, vow-holding Buddhist monk is 'tame'. Those persons who attempt to heed the moralizing sermons of elite Buddhist practitioners such as the lama, or the local deities who are subjected to the lama's superior ritual powers, are considered as 'never being tamed'.<sup>2</sup> It is the lama's business to go about taming that which is not in conformity with the Tibetan form of Buddhism. Thus, on the ethical front, we find abundant historical evidence of influential lamas actively attempting to 'tame' or 'convert' professional life-takers, such as pastoralists, hunters or butchers, as part of their role in society. They preach on the evils and dire consequences of killing, they undertake exemplary good deeds by purchasing and freeing (*tshé-thar*) or ransoming (*srog-blu[s]*) the lives of animals destined to be slaughtered and they also encourage lay people to take vows to abstain from killing (*srog mi-gcod-pa'i sdom-pa*).<sup>3</sup>

While there is ample evidence of active Tibetan Buddhist opposition to practices like hunting, within the framework of institutionalized Tibetan religion the results of this opposition were never a foregone conclusion. For one thing, values and concomitant prohibitions are never uniformly or consistently subscribed to or internalized in relation to competing discourses, survival needs and other interests (such as economic gain). Also, Tibetan religion offers its followers a multitude of ritual means for dealing with the spiritual burden of ethical breaches. Practitioners can either gradually cleanse themselves of the

cognitive and physical defilements ([s]griḅ) thought to result from immoral actions, or obviate them altogether. Thus the hunter, as a Buddhist, could continue to kill game with the hope of, at some point (usually in later life), combatting or avoiding the soteriological consequences of his (only males hunt) negative actions with ritual. A hunter's personal feelings of guilt, and any social reprobation, had to be dealt with in other ways – for example, by choosing to moderate the number of animals taken and hunting discreetly or in secret.

It has long been clear to the ethically concerned Buddhist elite in Tibetan societies that no amount of preaching or good examples could ever restrain or eliminate hunting, especially when practised for economic gain – such as the lucrative trade in valuable animal products (e.g., musk, bear gall, stag horn, leopard skins, antelope belly hair, etc.) of the plateau and Himalayan regions. To keep hunting in check, Buddhist clerics and lay rulers resorted to alternative methods. To augment the internalized ethical controls which they attempted to socialize into the lay population, a complement of externalized prohibitory measures against hunting were developed. Such measures, largely legal in nature, are the subject of this chapter.

The aim of this brief study is twofold. First, I shall give a historically based outline of the type and development of traditional Tibetan concepts and legal institutions used to prohibit hunting and to protect game. Second, using more recent documentary evidence and ethnohistorical data gained from interviews with Tibetans, I shall briefly review how these were applied in Tibet in the twentieth century, prior to and during the 1950s. For reasons of space, the closely related topics of private non-legal initiatives to ban hunting, prohibitions of hunting associated with non-Buddhist local cults and the prohibition of fishing in Tibet will not be treated. The data on which this chapter is based are drawn from a close examination of historical texts on Tibet and from ethnographic fieldwork carried out in Central Tibet and Amdo between 1986 and 1996.

### **Historical development of game and hunting laws**

In Tibetan historical documents, we find that legal attempts to stop hunting were formally addressed at various levels of society: the monastery, the agricultural estate, the cult territory, the local principality and the centralized state itself. I shall use the expression 'anti-hunting laws' here as a general term to discuss a number of different premodern legal institutions occurring at all of these levels. Yet the phrasing of many of these laws reveals that they were not only concerned with the hunters but also referred to the wild game animals. The historical trend has been towards emphasizing the protection of the game itself, rather than specifically designating the hunter's actions (although this is always implicit). The reason for this, as we shall see, is that Tibetan anti-hunting laws became increasingly Buddhist in the rhetoric of their presentation and justification.

The earliest hunting laws that we know of in Tibet occurred at the state level. The first centralized state during the Yar-klungs dynasty era (ca. AD 622–842)

differed considerably from the later Buddhist influenced period, and its culture and legal systems reflect this. The contemporary records of the Yar-klungs (Yarlung) state period show that the early kings, or *btsan-po* ('mighty ones'), the political elite and the general populace all hunted, and there is no evidence of opposition to hunting. Indeed, the grand battue-style hunts, known as *lings*, were an important part of court and social life. The most sophisticated and lengthy Tibetan hunting laws are also known from this period. However, they only concern compensation resulting from hunting accidents and other regulations observed during the *lings* hunts.<sup>4</sup> There is no relationship between these early hunting laws and any known from later Tibetan history during the Buddhist period.

Following the demise of the Yar-klungs dynasty, no centralized state authority existed on the Tibetan plateau until Mongol suzerainty was imposed during the thirteenth and fourteenth centuries. At this time, the first anti-hunting laws were introduced and enforced by Yuan administrators. Imperial edicts, in both 'Phags-pa script and Tibetan issued in 1277 (or 1289) and 1324, prohibited hunting, but in non-religious terms. There is no mention of ethics or any hint of Buddhist motives in these laws. Directives not to hunt were included in general rules of behaviour for the population in certain districts and were associated with the rights of official control over a range of environmental resources (grazing, timber, water, etc.) which had been sanctioned by imperial decree for certain large monasteries.<sup>5</sup> At this time, codes of monastic rights and regulations began to be formulated by the Yuan administration throughout China as well, and general Yuan legal codes of the period also contained regulations to control hunting.<sup>6</sup> So the earliest Tibetan laws against the hunt do not represent any uniquely Tibetan development during this period.

### **'Sealing the hills and sealing the valleys'**

It is not until the fifteenth century that we find purely Tibetan anti-hunting laws which are phrased in relation to Buddhism. By this time, under a strong Buddhist cultural influence, a new and very different set of models of Tibetan kingship and statehood became well developed. The model ruler, whether lay or religious, was now based upon the bodhisattva ideal to varying degrees, and was supposed to embody Buddhist principles, such as ethics, compassion, sagacity, etc.<sup>7</sup> The first Buddhist anti-hunting laws were issued by local Buddhist lay rulers of kingdoms in Central and Western Tibet, such as the so-called 'religious-kings' (*chos-rgyal*) of rGyal-rtse and Gung-thang.<sup>8</sup> They are phrased in terms of Buddhist ethical and soteriological concerns and certain Mahayana doctrines, but are still related to control over, and access to, natural resources. Most of the features of the fifteenth-century anti-hunting laws, including their method of promulgation, became routinized and recur in all the later Tibetan legal documents and practices concerning prohibition of the hunt and protection of game.

An important feature of these first Buddhist-styled laws is their use of the concept of 'sealing the hills and sealing the valleys' (*ri-rgya klung-rgya sdom-pa*, or in

short, *ri-klung rgya sdom*, hereafter 'sealing the hills'). This concept continued to be employed in anti-hunting laws right up until the 1950s. It is also known from many pre-fifteenth-century Tibetan historical sources, but in nearly all these instances it refers to an institution that had nothing directly to do with prohibition of hunting and protection of game. Early forms of application of 'sealing the hills' actually express a system of territorial control used by politically influential lamas, particularly in times of social conflict. In the later codes of monastic regulations (*bca'-yig*), enforcing a 'sealing the hills' law clearly comes to function as a fundamental legal claim of rights over territory, as much as it does to stop hunting and protect game.<sup>9</sup> Both the idea and terminology of 'seals' and 'sealing' are found in some Buddhist sutra texts and in the tantras translated into Tibetan. Early Tibetan lamas applied various types of external sealing, such as the 'command seal' (*bka'-rgya[-ma]*), which refers to the restriction of access a lama puts on certain teachings by commanding that they remain closed, and not be revealed or 'opened' and read until specified.

'Sealing the hills and sealing the valleys' is very closely related to, and often found in combination with, the idea of 'sealing the roads' (*lam-rgya*). The earliest use I have found of all such types of territorial sealings is in relation to Bla-ma Zhang's (1123–93) worldly activities, including fighting against bandits and going to war.<sup>10</sup> A clear example of the 'sealing the hills' law functioning as a tool for political control of territory in times of war or social breakdown is found in the actions of the Third Zhwa-dmar-pa Chos-dpal Ye-shes (1406–52). He applied a 'sealing the hills' edict to the area of Kong-lung Ral-gsum in southeast Tibet during 1434 to control the local Tibetans who were fighting amongst themselves and with neighbouring Klo-pa and Mon-pa tribes.<sup>11</sup> Unfortunately, the sources give no detailed indication of how these territorial closures were applied and enforced. We assume that they depended greatly upon respect for the lamas' moral authority and even more upon fear of the lamas' magico-ritual powers – the practice of sealing in later times invokes powerful wrathful deities who are 'entrusted with the function' (*'phrin-bcol*) of punishing those who violate seals.

It was a logical step for politically powerful Buddhist leaders who wanted to close an area to hunters and thus protect the game there, to apply a 'sealing the hills' decree as an act of law. When this is described in the anti-hunting laws, it is done so explicitly in relation to various Buddhist ideas.

### 'The gift of fearlessness'

Another new feature of the fifteenth-century Tibetan anti-hunting laws is the explicit linkage made between the practice of 'sealing the hills and sealing the valleys' and the idea of 'the gift of fearlessness' (*mi-'jigs-pa sbyin-pa*) being offered to wild animals. The Tibetan expression *mi-'jigs-pa sbyin-pa* here is a translation of the Sanskrit *abhaya-dana*, a familiar concept from Mahayana Buddhist literature. *Dana* is the first of the six perfections (*paramita*) and consists of three types: (i) the gift of material goods, (ii) the gift of fearlessness and (iii) the gift of the Buddha's

teachings. It is an old idea in Tibet, and one finds *abhayadana* fully treated in some of the earliest indigenous Tibetan systematic expositions of Buddhism, including in relation to wild animals. For instance, the twelfth chapter of sGam-po-pa's (1079–1153) *Thar pa rin po che'i rgyan* states: '[*Abhayadana*] means to be a refuge for those who are frightened by robbers, wild animals, diseases and floods ... The gift of fearlessness is to be known as being a refuge for those who are frightened by lions, tigers, crocodiles, kings, robbers, floods and other disasters.'<sup>12</sup>

Such Tibetan expressions of 'the gift of fearlessness' depict wild animals as the threat from which one requires protection. Yet elsewhere in the Buddhist literature and in the Tibetan anti-hunting laws, the *abhayadana* concept is fully extended to cover the wild animals themselves, including carnivores, which are frightened and on the run from the human threat of hunting, and which are given refuge by way of 'sealing the hills and the valleys'. The anti-hunting laws contain many expressions of the position of the hunted game animals in relation to the sealings, which are said '[to] offer the protection of fearlessness to defenceless living creatures',<sup>13</sup> or that 'the living creatures of the hills and valleys should breathe freely without fear for their lives'.<sup>14</sup> Similarly, territory sealed from hunters' access to wild animals is described as being 'an island of freedom (*thar-pa-gling*) [for game animals], offering the gift of fearlessness'.<sup>15</sup> Such expressions were stock phrases in the Tibetan anti-hunting laws used up until the 1950s. The moral imperative of offering the gift of fearlessness was also cited by lamas as a reason for other related practices, such as purchasing and freeing the lives (*tshe-thar*) of animals destined for slaughter.<sup>16</sup>

### Benefits and motivations

Merely to offer the gift of fearlessness by way of a sealed territory for protecting game was in itself a highly positive act in Buddhist terms, since it partly entailed cultivating the Mahayana perfections. Yet other Buddhist justifications were also introduced in relation to the early anti-hunting laws, and these specifically concern the benefits of issuing such laws. They clearly indicate that, whatever a ruler may have thought about protecting defenceless game animals because of their intrinsic value, the ruler himself also stood to gain directly from the issuance. For example, by proclaiming and enforcing such laws a king is said to have 'accumulated merit by way of the ten virtuous actions' (*dge-ba'i bcu*) and to have 'cleansed the effects of negative actions',<sup>17</sup> both of which are fundamental prerequisites for attaining better rebirths in Tibetan Buddhism. There was therefore a personal soteriological imperative for rulers to impose such laws upon their subjects. It is also likely that Buddhist interpretations of Indian Arthashastra theories of statecraft and kingship, which circulated in Tibet, influenced rulers to formulate anti-hunting laws. We know of only one, rather late reference to this in the legal documents. In the twenty-one article administrative code of the regent sDe-srid Sangs-rgyas rGya-mtsho (1653–1705), the 'sealing the hills' section is immediately preceded by a quote which sets out the general duties of a king as an

environmental steward, and which is taken from the *Canakyarajanitisastra* translated in the Tibetan Buddhist canon.<sup>18</sup>

Influential lamas and clerics, who often went about privately setting up their own sealed territories to protect wild animals from hunters, had a range of other motivations and benefits in mind as well. The west Tibetan lama bSod-nams Blo-gros (1456–1521) read verses in several tantric texts about the benefits – such as being spared evil rebirths – of directly saving the lives of hundreds of beings. On the basis of these teachings, he states that he established preserves to protect game animals from hunters around two monasteries which he founded.<sup>19</sup> Another lama, 'Jigs-med Gling-pa (1730–98), who often expressed his great love for animals, purchased and sealed the territory of a whole mountain as an act of compassion when he learned of the destructive hunting practices of the local community there.<sup>20</sup>

### Monastic and state applications of laws

A further precedent set already by the fifteenth century was the development of two parallel traditions of 'sealing the hills' laws. This can be seen in the anti-hunting laws issued by the king of rGyal-rtse, Rab-brtan Kun-bzang 'Phags-pa (1389–1442), between the years 1415 and 1440.<sup>21</sup> One is in the form of general edicts issued by the king, and proclaimed in public. The other is in a monastic code of rights and regulations applied to the territory controlled by the local monastery. This parallel application links the 'sealing the hills' laws with specific units of space and time, a parallel found in all later laws up to the 1950s. In the monastic regulations (*bca'-yig*), the law applied to a specifically defined unit of territory over which the monastery had rights and control. Here time was the constant, while the precise space covered by the regulations varied. Different units of territory were sealed to hunters, but always in perpetuity. Monastic territories which were sealed against hunters were defined and delimited in different ways. Some had precise boundaries fixed in relation to natural landmarks or cultural features, while others existed within 'a distance as far as the sound of a conch trumpet can be heard' or in 'an area as far as the sound of a horn travels surrounding the monastery', and 'in the area within sight of the precious sangha in the environs of the monastery'.<sup>22</sup>

In the public edicts (*rtsa-tshig*, *bca'-tshig*, *bka'-shog*, etc.), by contrast, space is the constant since the laws theoretically applied to the whole area of the kingdom or state. But they are also related to abstention from taking life according to the annual Buddhist ritual calendar: hunting is prohibited everywhere but only during certain important calendar months or ritual periods. The following examples show how different time frames for sealing were related to different purposes. In the fifteenth-century rGyal-rtse kingdom, the hills and valleys were sealed specifically at the time of the four great festivals (*dus-chen bzhi*) celebrating events in the Buddha's life: his miracles at Sravasti on the fifteenth day of the first Tibetan month; his awakening, death and final passing beyond suffering on the

fifteenth day of the fourth month; his first teaching on the fourth day of the sixth month; and descent from the realm of the gods on the twenty-second day of the ninth month.<sup>23</sup> The main reason for this timing is that any positive deeds (in Buddhist terms) performed on these holy days, such as abstaining from taking life or even sealing areas from hunters, are believed to generate thousands of times more merit for the practitioner than at other times. The reverse is believed to apply with the consequences of negative acts, which are multiplied greatly.

We find a much more extensive sealing of hill and valley areas against hunters applied in the laws of the seventeenth-century gTsang kingdom: 'from the time of the festival of the Sravasti miracles [i.e. the *sMon-lam Chen-mo*, on the fourth to fifteenth days of the first month] up until the tenth month'.<sup>24</sup> This sealing period offered blanket cover for all major rituals in the year. In addition, it also coincided with the breeding, carrying and birthing season for game animals, and more recent evidence confirms that animal biology was a consideration in the prohibition of hunting. At least one of my informants, a nomadic hunter from mNga'-ris in western Tibet, stated that in the 1950s antelope and other large game, especially females, were not traditionally hunted during breeding and pregnancy periods. A second informant, from Amdo in the eastern plateau and also speaking of the 1950s, stated that local monasteries performed a popular dance known as the 'Stag and Hunting Dog Ritual Dance' (*Sha-ba dang sha-khyi 'cham*) in the early autumn.<sup>25</sup> The performance narrative relates the story of a famous Tibetan lama (Mi-la Ras-pa, 1040-1123) who saves a frightened deer from a hunter and his dog and then 'tames' them all by conversion to Buddhism. It was said to have been staged at this time because the following period was the optimal time for local hunting of musk deer (musk pod quality and size were optimal), and the dance was intended to dissuade hunters from hunting in this crucial season.

A final example of a sealing period is found in several of the main state law codes for Central Tibet. In one of these codes, used from the seventeenth to the twentieth centuries, is stated the following: 'During the religious festival of the fifth month, the hills and the valleys are to be sealed'.<sup>26</sup> The festival of the fifth month is the popular 'Universal Incense Offering' (*Dzam-gling styi-bsangs*), a major occasion for the worship of the many local protective deities said to have been tamed by an early tantric lama in Tibet and then converted to become protectors of Buddhism. These deities are mainly nature spirits redefined within the Tibetan Buddhist pantheon and cosmology. They often dwell on mountains, in rivers and springs and in the subsoil. Some of them are invoked by lamas to guard sealed territories, others rule over pilgrimage mountains or monastic precincts. Others, dwelling in remote places, are popularly believed to be owners of the game animals, or to use these animals as their mounts; hunters believe that the deities can sometimes become angered when 'their' game animals are caught and killed. These deities are also highly offended by certain types of pollution of their abodes, such as the blood a hunter might accidentally spill in a spring, lake or stream when processing a game carcass, or the smoke from flesh roasted over a campfire. All Tibetans

consider these deities capricious and dangerous. They are deemed (mostly retrospectively) a major cause of illness, natural disaster and bad fortune, and people therefore devote careful ritual attention to them. It is due to these concerns, on the part of the religious state itself, that the hills and valleys must be sealed against hunters to protect against upsetting the deities during their special time of annual worship. In this syncretistic aspect of Tibetan religion, which provided frequent grounds for sealing areas against hunters (as we shall see below), the protection of game had little or nothing to do with Buddhist ethics or soteriology.

Anti-hunting laws based on the combination of 'sealing the hills' and *abhayadana* became incorporated into the formal legal codes (*khrims-yig*) of successive Buddhist states in Tibet until the 1950s. They are found in the related thirteen-, fifteen- and sixteen-article *zhal-lce* codes, which elaborate few new features beyond those already established in the fifteenth century. One notable exception is a tendency towards enumerating the classes and species of wild animals to be protected, as well as those exempt. This enumeration began in the Zhal lce bcu gsum of the early dGa'-ldan Pho-brang state in Central Tibet (that is, the Dalai Lama era) and developed until a more or less blanket cover is given for the two main Tibetan categories of large wild animals hunted as game, the 'herbivores' (*ri-dwags*) and 'carnivores' (*gcan-gzan*). In addition, it extended to lesser creatures of harvest and control, like birds, fish, otters and even eggs and bees. The stock phrase for inclusive protection is 'all creatures great and small dwelling on dry land and in water'. The only exceptions are wolves, which may always be hunted due to the threat they pose to livestock.<sup>27</sup>

### Enforcement and punishment

How were hill and valley seals against hunting enforced and what happened to hunters caught violating them? Although the area of enforcement and punishment by the state is never elaborated in the main state law codes and proclamations, we do know of them from recent oral testimonies and I shall discuss them when reviewing the twentieth-century data below. In the monastic regulations, however, specific details are often listed. Some monastic laws state that the responsibility for superintending the sealed areas lies with the resident lamas and monks of the monastery or hermitage. This was, in most cases, the only option since many religious communities were intentionally located in areas remote from the lay populace, a fact that also made it easier to hunt discreetly or secretly in such areas. Some monastic codes explicitly warn administrators that hunters should be regarded as persons not to be trusted, and one should be wary of them 'telling lies of their ignorance that [hunting] is not allowed'.<sup>28</sup> The hunters are also liable for punishment without even being caught in the act of making a kill; merely to see a hunter in the monastery's sealed area or to hear his horn, was enough.<sup>29</sup> This seems to be exactly the spirit of the 'sealing the hills' as a form of territorial closure: unauthorized or suspicious entry was an automatic violation in itself, whether one hunted or not.

A range of possible punishments could be applied to apprehended hunters, depending upon the traditions at individual monasteries. Fines in kind were common, but they were always described as 'offerings'. A guilty hunter might have to offer one or more communal tea servings (*mang-ja*) for the assembly of monks in the monastery or offer ceremonial butter lamps and scarves (in specified amounts).<sup>30</sup> Fines in cash are reported from very large monasteries,<sup>31</sup> and confiscation of hunting equipment was also practised.<sup>32</sup> More interesting is the use of the local protective deities, who usually have a special shrine (*mgon-khang*) dedicated to them within the main temple complex. One monastic code for a *dGe-lugs-pa* establishment states the following: 'When itinerant game hunters appear, they should be punished by gathering their weapons in the protector's temple and in addition exhorted once again to observe lawfulness'.<sup>33</sup> The logic behind this is that one major type of offering to protector deities are weapons of all kinds – their shrines are usually full of assorted antique arms and armour that reflect their martial and wrathful natures. Judging from the deference and care that present-day rural Tibetan men display when entering such shrines (women are usually barred from entry), one can easily imagine how any punishment connected to these deities might serve as an edifying experience for the guilty hunter. Some codes mention hunters having to recite religious texts in the protector's temple.<sup>34</sup>

One assumes that Tibetan hunters were always laymen, but that was not so. It is known that very occasionally Tibetan clerics and lamas who were extremely lax about observing their own vows, or about Buddhist ethics in general, sometimes hunted. The punishments mentioned for monks who break the monastic anti-hunting laws were generally much harsher than those for laymen. In a monastic code written in 1846 by the Fourteenth Karma-pa lama, Theg-mchog rDo-rje (1799–1869), such a punishment, probably based upon the precedent of an actual incident, is recorded:

In the case of a monk with bad mental intentions of killing wild animals of the hills and valleys, the offender is to be apprehended and immediately receive a warning by way of heavy physical punishment. He has to offer to the Buddha, Dharma and Sangha a Hundred Offerings (usually one hundred butter lamps), four communal tea servings [for the assembly of monks] and make a confession of sins, together with such things as one hundred prostrations; and in no case may these punishments and obligations be reduced or avoided, not even upon the intervention of a third party. After this, the offender must make a vow not to repeat the offence.

(Schuh and Dagyab 1978: 246, 1.6–7)

### **Hunting and protection of game in the twentieth century**

The survey above does not, for the most part, include twentieth-century Tibetan historical sources. We have little corroborating evidence that what is recorded in

the documents was put into practice. We do know that nearly all of the concepts and institutions outlined were still in evidence and put into practice in various populated areas in Tibet up until the colonial occupation of the plateau by China in the late 1950s. Between 1986 and 1996, I gathered oral information about hunting from elderly Tibetans who were adults in the premodern society that existed prior to Chinese occupation. Drawing upon some of this data, and also written eyewitness accounts, I shall briefly survey what is known about Tibetan efforts to prohibit hunting and protect game animals in the final period before premodern institutions were suddenly abolished (or transformed) under Chinese colonialism.

Aside from occasional claims in the biographies of earlier lamas, we are left to speculate about the actual operation and success of sealing areas off from hunters before the twentieth century. What was often written in the earlier law codes represented an ideal that was perhaps seldom, if ever, realized. In certain cases, the laws could also have been set down as a pious effort to earn religious merits and maintain a morally upright appearance, but with little real interest in the ultimate fate of the game animals. There is also the problem of how such laws were enforced on the vast, sparsely populated Tibetan plateau, in which premodern administrative systems were minimal in most areas. Many questions remain unclear, though more recent eyewitness accounts reveal that some individuals and institutions did indeed take the protection of game from hunters very seriously. We also know some of their motives and why their attempts were sometimes successful, sometimes not.

The later Tibetan Buddhist state, the *dGa'-ldan Pho-brang*, was headed by the Dalai Lamas and their regents and functioned in various forms from 1642 up to 1959. The twentieth century is remarkable in the history of this state as it witnessed a continuity of strong religious heads. These men, committed to upholding and cultivating Buddhist traditions and values, took active roles in leadership: the Thirteenth Dalai Lama (r. 1895–1933), the sTag-brag regent (in office 1941–1950) and the Fourteenth Dalai Lama (r. 1950–59). Frequently in the past, this had not been the case. For example, between the time of the strong Fifth Dalai Lama (1617–82) and the Thirteenth Dalai Lama, there is virtually no evidence of state edicts and other legal measures to ban hunting. The complex reasons for this have partly to do with variability in the political culture. Ensuring that Buddhist values prevailed throughout the polity took a much lower priority under rulers with greater interests in power politics, commerce and so on. In addition, it must be considered that the behaviour (such as passing legislation) of the ruler, both at the level of the centralized state and in more local political units, were not entirely dominated by Buddhist models and agendas. Indeed, since the period of the early kings – the *btsan-po* or ‘mighty ones’ – the more martial ‘big man’ (*mi che-ba*) type of leader has remained strongly evident in Tibetan cultural history. This model lived on as an ideal in folk stories and epic literature, and in the martial nature of the local mountain gods and territorial deities, but also in the style of leadership of historical lay heads of state, numerous

tribal or clan chiefs and even village headmen, particularly in eastern Tibetan areas. The more 'wild' (*rgod-pa*) model of lay ruler, one associated with martial ability, valued prowess in and enjoyment of the hunt.<sup>35</sup> Thus in the mid-eighteenth-century, when a layman headed the Central Tibetan state, the ruler himself went on huge annual hunting expeditions with government troops.<sup>36</sup> This was something unthinkable during the twentieth century, with strong Buddhist rulers intent on 'taming' (*dul-ba*) the populace.

The twentieth century was thus a period when the Buddhist heads of state consistently sought to prohibit hunting within their sphere of influence. But it was also a period during which hunting became increasingly common, and more effectively practised, due to various factors. Since the nineteenth century, Tibetan luxury animal products, like musk, stag antler, bear gall and fox or leopard pelts, fetched high prices in colonial and regional Asian markets, which demanded an ever increasing supply. Hence Tibetan harvests and trade in these valuable items boomed. At the same time, a steady supply of modern rifles began to be smuggled and imported into Tibet, often by the Lhasa government or minor local states and kingdoms for defence. The traditional Tibetan muzzle-loading matchlock guns used by hunters were fairly inaccurate, effective only at close range and good for only one shot before the alerted game was dispersed. With modern weapons, the possible kill rates became much higher. Already before mid-century, localized extinctions, mass killings of game animals and environmental problems due to predator species depletions were being reported as a result of over-hunting in Tibetan areas.<sup>37</sup> Although most such problems were more evident in eastern Tibet, where the Lhasa-based state exercised a much lower (if any) degree of administrative influence, many such areas also had local rulers, lamas and monasteries committed to sealing hills and valleys and punishing hunters.

To keep hunting in check, the Dalai Lamas and regents periodically issued a form of public edict known as the 'Hill and Valley decree' (*Ri-klung rtsa-tshig*), as well as other more general edicts. These often composite documents could cover topics such as law and order, ethical issues, ritual and public behaviour. They contained sections addressing the prohibition of hunting and the sealing of hills and valleys.<sup>38</sup> Although issued in the capital Lhasa, multiple copies of the edicts were circulated and posted throughout the network of government administrative centres (*rDzong*). From there, the public proclamation and enforcement of the edicts were the duty of the district administrative officer (*rDzong-dpon*) and his agents, who further made their contents known to local estates and settlements. My informants from former administrative districts of southeastern Central Tibet remember that the annual proclamation of these decrees or edicts by local officials or headmen was often the only regular contact they had with the traditional legal system.

When edicts against hunting were circulated, hunters who did not want to get caught simply desisted for some time until the proclamation had been forgotten or overshadowed locally by other events, or they hunted in secret in remote areas. Secret hunting alliances existed between men as a form of horizontal relationship in some villages.<sup>39</sup> According to most informants, if one really

wanted to hunt in spite of regulations and seals, one just had to be very careful and practise restraint by not taking large numbers of animals. Many areas used by hunters were sparsely populated, and it was easy to conceal one's activities. Apart from pure bad luck and coincidence, or being informed on by one's enemies, many hunters who got caught only did so because they pursued game too close to monasteries with hill and valley seals in place. The reason for this was that many game animals gathered in these preserves since they knew from experience they would be safer around the monasteries. In some monastic sanctuaries, game animals became undisturbed by human presence and even semi-tame when monks regularly put food out for them. This of course was a great temptation to hunters.

However, when the anti-hunting laws were circulated in local communities it was much more difficult to get around the regulations. These were the so-called 'obstacle years' (*lo-'gag*) – astrologically inauspicious or negative years occurring every thirteenth year in the life of the Dalai Lama or other high lamas. The government was scrupulous about announcing and enforcing anti-hunting laws to everyone during these critical years, as any offence caused to the powerful protective deities dwelling at certain special locations could bring bad fortune to the Dalai Lama and thus to the state as a whole. Good examples of such locations are sacred pilgrimage mountains (*gnas-ri*), like Tsari or Ti-se (i.e. Mount Kailas), where it was commonly believed that the resident deities could become embodied as wild game animals. Lamas therefore warned against harming the animals and the government sealed the areas against hunters.<sup>40</sup> Such cases of sensitivity towards hunting were not directly related to Buddhist ethics, but rather to specific Tibetan views of nature and notions of causality. Normally, a hunter caught operating in his home area got off with a warning the first few times, especially if he was friendly with the village leaders. But during inauspicious *lo-'gag* years, headmen were under great pressure from government officials to be strict about the laws and seals, and to hand over culprits to the local authorities for formal punishment.

Punishment in the form of physical violence for breaking the anti-hunting laws is not mentioned in any of the state law codes. However, it is reported by all informants as having been normal. Hunters who came before the authorities received a sound beating with a whip or cane administered by the local officials. This was also the normal method of punishing hunters caught violating monastic preserves during the twentieth century.<sup>41</sup> In cases where a stronger public example was to be made, confiscation of weapons, imposition of fines, short-term imprisonment and severe beatings were used. Even harsher punishments could be imposed. Mutilation punishments are listed for serious offences (murder, treason, violence against the clergy, etc.) in the main Tibetan law codes, but were rarely imposed in the twentieth-century Lhasa state. However, in small states ruled by local kings and lamas in eastern Tibet, we have at least two records of mutilation punishments for breaking anti-hunting laws, both involving the removal of a hunter's hands at the wrist.<sup>42</sup>

Edicts issued by the Tibetan Buddhist head of state were directed as much at administrative officials as they were towards the general populace; this was also the case with anti-hunting laws. A common feature of premodern state administration in Tibet was the prevalence of corruption, especially in outlying areas. Official corruption was a principal reason why anti-hunting laws were often ineffective or not even brought to the public's attention.

Administration of *rDzong* districts was undertaken by both lay and clerical officials, mainly drawn from a small body of aristocratic families. Officials were normally given the position of district administrator or *rDzong-dpon* as a three-year contract, with the primary task of collecting revenues on behalf of the government. They received no direct salary, but instead, outside of sending the expected annual taxes to Lhasa, they could derive various personal profits from the position.

One way to increase these profits illegally was for a *rDzong-dpon* to disregard the anti-hunting laws issued by the state when the edicts were forwarded to him. Instead, he would demand that part of the revenues due from the local populace be paid in valuable animal products, which could then be traded at great profit. For example, at the beginning of the 1950s, the monk official who was *rDzong-dpon* of sKyid-grong district in western Tibet required local residents to hunt leopards for their skins, which he collected and sold for a good price.<sup>43</sup> This sort of practice was tacitly accepted until the Thirteenth Dalai Lama's reign, when he began to issue strong warnings against it as a part of the anti-hunting laws in his edicts:

Generally, although specific edicts [against hunting] are periodically issued, officials at remote *rDzong* and estates must not be negligent in stringently applying them because they put extortion and obtaining personal advantages first. Also, those in authority and the general populace have not consistently observed these regulations... The restrictions on not harming, even for a moment, the lives of all living creatures, large or small, must be publicized and earnestly exhorted.

(Dalai Lama XIII 1901: 1.42-46)

Another related practice mentioned by all my informants was the purchase of large quantities of valuable game animal products from peasants by influential Tibetan lama corporations (*bla-brang*) and monastic business managers (*phyag-mdzod*) for trading to China and India. Thus, the harvest of game animals was always being directly or indirectly encouraged by the same institutions that were publicly opposed to it.

A final example which reveals some of the dynamics surrounding twentieth-century Tibetan state attempts to ban the hunt concerns a special prolonged 'sealing the hills' edict imposed by the Thirteenth Dalai Lama from the mid-1920s. It is reported that hunting was prohibited in all districts for a seven year period 'of special prayer by the Dalai Lama on behalf of his country'.<sup>44</sup> This came immediately following the critical political struggle between the pro-British, pro-modernizing government officers (favoured by the Dalai Lama) and the

conservative monastic body, in which the former lost out completely. The events, a major blow to the Dalai Lama and his policies, destabilized the situation and nearly triggered a coup. It was normal that the pious Dalai Lama should encourage the scrupulous observation of ritual and Buddhist ethics in order to increase the spiritual and political welfare of his country at this time. Since the political turn of events was essentially against foreign influences, the activities of foreign visitors and residents in Tibet came under critical scrutiny. It was common for foreigners to engage in shikar, or shooting, while in Tibet. The conservative Tibetan government reacted by putting strong pressure on them not to hunt. Travel documents issued to visitors at this time stated that shooting was strictly prohibited in Tibet, and officials reminded them of this as they entered through the border regions.<sup>45</sup> Yet reports of such encounters reveal how ineffective and even contradictory the prohibitions were in practice. Not only did foreigners continue to hunt freely in the vast tracts of country where no officials could check on them, but some Tibetan government officials who served as their escorts even 'blasted away' at wild animals themselves.<sup>46</sup> It was noted by foreign observers in some areas that, despite the special anti-hunting prohibitions announced locally by the highest ranking government officers from Lhasa, local people continued their hunting in secret, and that game numbers were decreasing.<sup>47</sup>

### Conclusion

The materials briefly summarized in this chapter demonstrate that the Buddhist-inspired anti-hunting laws and institutions which existed in twentieth-century pre-colonial Tibet have a long history (of at least six or seven centuries). They are clear evidence of a continual willingness on the part of certain Buddhist religious and secular leaders to take measures to protect the lives of a wide range of wild animals from human harvest. All such measures were motivated by a combination of formal Buddhist doctrines and ethics and other Tibetan beliefs about causality and the local deities associated with the natural environment. Within this framework of ideas, the benefits of protecting wildlife from hunters were believed to accrue to both the wild animals and their human protectors. But there was no sense that wild game had any intrinsic value – that is, as uniquely evolved species or as quantifiable units whose ecological viability depends upon maintaining certain population levels.

The variability in Tibetan political culture and value orientation has been consistently underestimated by scholars because of an undue emphasis upon Buddhism and its major institutions. In spite of mainly Buddhist inspired measures against hunting, Tibetan societies always maintained a positive interest in hunting, whether this was in connection with ideals of leadership or simply had to do with survival needs or economic gain. The promotion and effectiveness of measures to prohibit hunting in a specific period and area depended upon the value orientation of the ruling elite and their administrative agents, and the range of other interests and needs of the population at large. At least during the twentieth century, anti-

and pro-hunting forces were both strong and in competition. In addition, Tibet's large land area, sparse population and low level of premodern administrative infrastructure militated against the effectiveness of anti-hunting measures. It would appear that localized prohibitions, such as the Tibetan Buddhist innovation of 'sealing the hills and sealing the valleys' around individual monastic communities or discrete natural landscapes (such as holy mountains), were far more effective against hunting than the blanket prohibitions issued by the state.

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### Notes

- 1 It is also possible that *d[w]ags* here is related to *gdag[s]* ('light' or 'daylight'), since this has long been a Tibetan designation for the sunny (i.e. south-facing) slopes of the mountains (as opposed to *sib*, 'shade/dark'), which are the preferred habitat of both wild and domestic animals. *Ri-dwags* is normally opposed to *gyung-dwags* ('domesticated animals'; *gyung* means 'tame').
- 2 Samuel (1993: 217–222).
- 3 See, for example, Ricard (1994: 447, 542).
- 4 See Pelliot *Tibétain in Spanien* and Imaeda (1979: 1071, 1072; Richardson 1990).
- 5 *Bod kyi lo rgyus*, Document 2, cf. also Documents 1, 3, 5, 13, 14; Tucci (1949: 750).
- 6 See Ratchnevsky (1985: 371–374).
- 7 See especially Ruegg (1995: 17–92).
- 8 For example, see 'Jigs-med Grags-pa (1987: 198, 222; 262, 271–272) for rGyal-rtse, and Schuh (1981: 350, l.16–17; 364, l.16–17) for Gung-thang.
- 9 Similar types of institutions, often linked to hunting and harvesting, were common in many premodern societies. For example, on *rahui* preserves among the Maori of New Zealand, see Best (1904) and Firth (1929: 258–262).
- 10 In the *Shog dril chen mo* of Zhang g.Yu-brag-pa br'Tson-'grus Grags-pa (1972: 140); dPa'-bo II gTsong-lag 'Phreng-ba (1989, vol. 1: 808).
- 11 Si-tu Pa-chen Chos-kyi 'Byung-gnas and 'Be-lo Tshe-dbang Kun-khyab (1972, vol. 1: 494); dPa'-bo II gTsong-lag 'Phreng-ba (1989, vol. 2: 1047).
- 12 Guenther (1986: 157).
- 13 'Jigs-med Grags-pa (1987: 272, l.13–14).
- 14 sDe-srid Sangs-rgyas rGya-mtsho (1987: 210).
- 15 Schuh and Phukhang (1976: 111).
- 16 See 'Jigs-med Gling-pa (1971: 405).
- 17 'Jigs-med Grags-pa (1987: 271, l.1–10; 272, l. 13–14).
- 18 sDe-srid Sangs-rgyas rGya-mtsho (1987: 210); Tsa-na-ka: 25–27.
- 19 Snellgrove (1992: 119).
- 20 'Jigs-med Gling-pa (1971: 393); I am grateful to Janet Gyatso for this reference.

- 21 'Jigs-med Grags-pa (1987: 198, 222, 262).
- 22 See, respectively: 'Jigs-med Grags-pa (1987: 198); Dalai Lama VII (1976: 461, l.5-6); Schuh and Dagyab (1978: 247, l.27-28); Schuh and Phukhang (1976: 111).
- 23 'Jigs-med Grags-pa (1987: 222).
- 24 Zhal lce bcu drug: 90.
- 25 This dance is well documented by Draghi (1980; 1982) and Montmollin (1988; 1990).
- 26 Zhal lce bcu gsum: 157; Zhal lce bcu drug: 108.
- 27 See Zhal lce bcu gsum: 156; Dalai Lama XIII (1901; 1981: 334, l.5-7); French (1995: 235).
- 28 Kong-sprul Blo-gros mTha'-yas (1975: 306, l.1-3).
- 29 Dalai Lama XIII (1981: 184, l.1-3).
- 30 For example, see 'Jigs-med Grags-pa (1987: 198), Dalai Lama VII (1976: 377, l.2-3), Schuh and Dagyab (1978: 247, l.27-8), and Dalai Lama XIII (1981: 184, l.1-3).
- 31 Das (1969: 80).
- 32 Dalai Lama XIII (1981: 82, l.1-3; 184, l.1-3).
- 33 Dalai Lama XIII (1981: 82, l.1-3).
- 34 Kong-sprul Blo-gros mTha'-yas (1975: 306, l.1-3).
- 35 For examples of lay rulers hunting in Tibetan societies, see mGon-po rNam-rgyal (d.1865) of Nag-rong (Tsering 1985: 205), Chagur Thubten (c.1940) of sDe-dge (Carnahan 1995: 95), 'Jigs-med rNam-rgyal (1825-1881) of Bhutan (Aris 1994: 66-67), and Nyi-ma rNam-rgyal (r. 1694-1729) of Ladakh (Bray and Butters in press); cf. n.38 below.
- 36 On 'Gyur-med rNam-rgyal's (r. 1747-1750) hunts, see mDo-mkhar-ba Tshe-ring dbang-rgyal (1981: 61-62).
- 37 On localized extinctions of deer species by Tibetan government troops with modern weapons, see Allen (1938: 282; 292-93); on mass Tibetan kills of wild yak and wild shecp with repeating rifles, see Clark (1955: 154, 253); on environmental problems due to over-hunting of predator species by nomads with modern weapons, see Duncan (1952: 192, 209; 1964: 246).
- 38 For examples mentioning anti-hunting laws, see Dalai Lama XIII (1901; 1981: 332, l.1-337, l.2), sTag-brag sPrul-sku (1944), Rwa-sgreng sPrul-sku (1939), French (1995: 233-235).
- 39 See also Dargyay (1982: 49, 78).
- 40 See, for example, Huber (1998: 181, 198-200).
- 41 Denma Locho Rinpochey (1994: 86); cf. also Stubel (1958: 59).
- 42 Dolan (1938: 168), Duncan (1964: 245).
- 43 Tashi Khedrup (1986: 65); cf. also Sherring (1906: 27).
- 44 Hayden and Cosson (1927: 128); cf. Roerich (1931: 385) for the same area and period, and McKay (1994: 382-82) for British responses to the policy.
- 45 Roerich (1931: 309, 409).
- 46 Hayden and Cosson (1927: 126), describing mKhyen-rab Kun-bzang sMon-grong and his staff. On private tolerance of foreign hunting by government officials in spite of the prohibitions, see Macdonald (1932: 148-149).
- 47 Roerich (1929: 367), describing Nag-chu-kha and Ka-shod-pa Chos-rgyal Nyi-ma's (b. 1903) visit there as Hor sPyi-khyab.

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