र्व पत्ने.स.

Fourth

मुलाबुंबर्यान्द्र्यायादह्र्यार्द्ध्याचत्रन्याय। [16] यक्षुद्रायान्द्रा चुःच्रवाःहुःचत्रन्यायाहेश्य

An explanation of the application ('jug') of the royal law, itself, in two sections: general instructions and detailed explanation.

न्दः संदी त्यस्ति स्वान्त्र में स्वान्त्र में स्वान्त्र में स्वान्त्र में स्वान्त्र में स्वान्त्र में स्वान्त स्वान्त्र में स्वान्त्र मे स्वान्त्र में स्वा

Firstly, for making decisions in different types of dispute, it is said that there are four aspects (*gzugs*) and eight witnesses (*dpang*) and the *drang*, making nine. When considering this it is said that the *drang* can be the legal lord (*khrims bdag*) or a mediator (*bar mi*). The four aspects are superior experience, a measured disposition, a questioning attitude, and [capacity] for thorough investigation (*tshod len*). As for the eight witnesses, from each of the two sides you should select four key people familiar with the case.

The activites are known as the following: the mediation (*bar pa*) is an open plain of equanimity; the accusations (*blo yus*) are a steep mountain slope (avalanche) (*rbab*); the cow (*glang mo*) is the argument (acknowledgement) of failure and doubt (*pham dogs kyi gshags*); the satin measuring string¹ is for truth and falsity; the ears are vessels for evil talk; the mouth is a vessel for meat and *chang*; the front pocket (*Am phrag*) is a vessel for blood (*khrag gzu*).²

¹ za 'og gi thig, this seems to be a measuring string for fine cloth.

²In the colophon (p. 67), the *A 'bag khrag gzug gi snod* seems to concern the mediator's rewards.

न्मूंशःक्षाः चुःचन्। न्याः विश्वश्वः विश्वशः विश्वशः विश्वशः विश्वः विश

Secondly, the three detailed explanations:

The explanation of what is expected of the legal lord and mediators

The explanation of what is necessary for parties (*dngos bdag*) and guarantors (*khag theg*); The explanation of each of the edicts (*zhal lce*) of the Turquoise Dragon Proclamation.

Firstly, the activities of the legal lord and mediators: there are three commitments (*dam tshig*) and four values (*gces pa*), by means of which they should (apply) the law and make decisions (*khrims dang kha mchu byed*).

As regards the three commitments:

The first commitment is to listen in detail with a discerning mind.

The middle commitment is to resolve doubts definitively.³

The final commitment is to carry out duties patiently.

र्बुलानेश्वरान्त्वीत्ती क्रम्भागायमात्त्र-अन्-स्मराव्या मुक्तान्त्र-स्मराव्या मुक्तान्त्र-स्मराव्या मुक्तान्त्र-स्मराव्या मुक्तान्त्र-स्मराव्या मुक्तान्त्र-स्मराव्या मुक्तान्त्र-स्मराव्या स्मराव्या सम्मराव्या सम्मराव

As regards the four values:

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³ dogs gcod for dog gcod. An alternative reading could be dge gcod, implying the making of excellent judgements.

⁴ This could possibly be *gzhugs*.

The first is, without a nyan yig khag khur,⁵ do not give an edict.

Second, without [displaying] partiality towards relatives or friends, give correct explanations.⁶

Third, put forward a principal agreement that is without deceit or falsity.

Fourth, consult wise people who have no wrong views or self-interest.

In brief, you should act dextrously, like someone who knows how to use a sewing needle and a knife.

So, firstly, a judge (mtshams mi), ⁷ gathering all the facts, ought to act in these ways:

The solidity⁸ of the human body is the origin of [both] happiness and suffering;

[Both] good and bad happen to people; evil is created by men;

Knots appear in wood; the axe and hatchet chop [the wood];

Between two quarrelling men, one man comes; it is like the advent of a deity.

It is said that fighting occurs in the realm of the deities and reconciliation occurs in the realm of the demons.

If the first words are spoiled (gya pa), you will end up mediating [between] corpses.

⁵ Melvyn Goldstein's, *New Tibetan-English Dictionary of Modern Tibetan* (2001, p. 409) describes a *nyan yig* as a document in which the parties promise to follow the mediator's advice. *Khar khur* suggests that a surety is also involved.

⁶ This might mean explanations of governmental rules (gzhung)

⁷ Elsewhere, the text uses *bar pa* or *bar mi*, which has the sense of 'mediator', literally, 'the person in the middle'. Here, *mtshams mi* (elsewhere, *mtshams mkhan*) indicates the person who makes or achieves the decision or settlements (*dpyad mtshams*).

⁸ Literally, the four corners.

Even if the revenge killings surpass one hundred, in the end [the parties] will be reconciled.

Wanting to cut down a tree is a matter of regret for the wind; wanting also to chip away at the flesh is a matter of regret for the blood.

Pursuing a pointless legal case for property of little value is like stirring up dust.

सर्ट्री चास्त्र-प्राह्मस्य प्राप्ता विकार्स्य स्त्री व वास्त्रस्य स्त्री व वास्त्रस्य स्त्री व वास्त्रस्य स्त्र विकार्य स्त्रम्य स्त्र स्

Nevertheless, as far as the mediation (*sdum*) is concerned, first it is necessary to listen to the arguments (*gshags*) of the accuser. At this stage, arguments are flung about by the parties. There are five types of argument:

First the 'black-eyed' (*mig nag*) forceful arguments ('phen gshags): do not oppose it when [the parties] say that friends should not participate; do not summon those who do not know [about the case]; do not exclude someone who claims innocence; do not reject the bad and deceitful (sle)⁹, and so on.

Second, overcoming the eight bad arguments (*ngan gshags*): the *ya'i kha¹¹¹* should be put in a mouse hole; do not press down (*'tshang*) with a wooden yoke; a little ignorance can be vanquished by pride; do not take a mountain of gold from a servant.

Third, the twenty-five arguments about dignity: [one party] asserts the faults of the person killed; [the other party says] the blame rests solely with the killer.

⁹ H. Jäschke in *A Tibetan-English Dictionary* (1881, p. 568) gives *sle yon:* 'craft, deceit, trickery'; *sle ba*: 'distortion, dislocation', nominalized from 'to twist, laid, braid, knit'.

¹⁰ This may refer to types of argument.

त्यू।

त

Fourth, the arguments in response, and the points being made. [He says] 'You are stubborn, you do not deserve what you are siezing (demanding); I am compliant, I should not be dashed down'.

Fifth, the arguments of the proud, those of high rank:

The four causes of greatness.

The four signs of greatness.

The four qualities of greatness.

As regards the four causes of greatness:

The greatness of one's ancestral lineage.

The greatness of the destiny of one's deeds.

The greatness of powerful resources.

As regards the four signs of greatness:

The sign of greatness when one drinks tea and chang.

The sign of greatness when one wears fine silks and wolf or lynx [furs].

The sign of greatness when one [is able to] carry [loads] like a mdzo or a mule.

The sign of greatness when one entertains great people and those who come from afar.

As regards the four qualities of greatness:

The great quality of being able to venerate a precious *lama* as if he were a jewel in a crown.

The great quality of the ability to support one's parents and family, like an iron stirrup.

The great quality of the ability to protect one's children and those around one, as if they were calves and lambs.

The great quality of the ability to strike enemies and evil-doers, as if striking a ritual dagger (*phur ba*) into the grass.

३४.प्यमः बिर्म्यक्ष्यः स्त्री क्ष्र्रं प्यक्ष्यः स्त्रीयश्चरः स्त्रीयश्चरः स्त्रीयः प्रक्षः स्त्राच्चरः स्त्री स्त्राच्चरः स्त्री स्त्राच्चरः स्त्री स्त्राच्चरः स्त्राचः स्त्रा

As regards the essence of the arguments [the mediator should think]: 'This world and its inhabitants, has it been formed in the time of your parents, or destroyed in the time of my parents? Has it been sold in my time, or bought in your time?' In this way, you should hear out the opening arguments (*gshags sgo*).

Then, the mediator should act like this (say): 'You should both talk gently, and your speech should be like this: knowing how to strike without using your horns; knowing how to perform without using your limbs; after aiming at the bone of the vulture (rgod kyi ru), you shatter the conch into fragments (dung gi sil bu); the arrow shot in the dark reaches the ear of the deity. You should be like this.'

He should take whatever additional promises and guarantees (*nyan khag zur gte'i bsdams*)¹¹ are appropriate in the situation.

¹¹ This could be a reference to the *nyan yig khag* khur referred to above (p. 31): the document by which the parties agree to be bound by the agreement.

प्रवास्त्रियाम् स्थान्य स्थान

Secondly, the explanation of what is necessary for a party and a guarantor (khag theg).

The parties must avoid the three sins and know, in summary, the explanation of the four values (*gces pa*) and three necessities (*dgos pa*).

As regards the three sins:

One, the very argumentative thief.

Two, the serial sexual offender.

Three, ba skam rmos bzang ba.12

These three are the sins that one must avoid.

As regards the four values (gces):

One, in general, not to make enemies of ordinary people.

Two, not to put forward untruthful arguments.

Three, not to go beyond your actions. 13

Four, not to deceive your surety (khag khur).

As regards the three necessities:

Talking in a gentle and natural way, your speech should be more melodious than a bell.

When putting forward contradictory arguments, you should be calmer than the breath of a lama (*ljags phu*).

By combining the meaning of several arguments, you should be sharper than a beak (mchu skyi tshe).

¹² This is probably a proverb, and seems to concern a dry cow which ploughs.

¹³ This suggests that the parties should not give evidence of what they do not know about.

योच्चान्यः स्वीत् । व्रम् त्राच्चान्य स्वीतः योश्चान्यः योच्चान्यः स्वात् त्राच्चान्यः स्वात् स्वात् स्वात् स्व स्वात् स्वात् स्वात् स्वीतः योश्चान्यः योश्चान्यः योज्ञः स्वात् स्वात्य

In brief:

Based on the trio of example, meaning, and sign, you put forward your arguments in stages.

Based on the trio of similarity, agreement, and suitability, you augment the discussion within.

Based on the trio of virtue, good qualities, and fault, you convince the other side.

Based on the trio of blame, coarseness, and gross transgression, you make equally strong arguments.¹⁴

Based on the trio of higher, lower, and middle, you discern displays of exaggeration about general (worldly) affairs.

त्वन्यात् हुन्याः स्ट्राः स्ट

As regards the four values of those who provide guarantees (khaq khur):

One, one's own surety.

Two, capturing the faults of the other side.

Three, allowing for the complete giving and receiving of respect.

Four, arriving at perfectly clear written agreements (chod yig).

¹⁴ This suggest arguments to match those of the other side