CHAPTER 1

Regulating Sikkimese Society: The Fifteen-clause Domestic Settlement (nang ’dum) of 1876

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Introduction

“All societies have rules,” wrote Christopher Hutton in his book on language and the law (Hutton 2009: 62). Tibetan societies are also governed by rules, whether they are rules of kinship, marriage, theft or violence, they serve the same process in any society: they guide behaviour and regulate relationships and interaction. By studying these rules, how they are formed and what moral principles guide them, we can gain insights into the society itself. A key component in the study of social regulation is morality, the guiding force in social behaviour. For Emile Durkheim, it is the collective consciousness that serves as the “general regulating force in society” (Treviño 2001: 236). Written codes are oftentimes quite different from the implicit rules described by Hutton and Durkheim, as the process of writing rules requires a reduction of general moral themes; nevertheless, they are often influenced by the unwritten conventions that govern society and social interaction. In the Sikkim of the mid-19th century, what is interesting is that a process had begun whereby written moral codes became increasingly tied to nationalism. Social cohesion becomes integrated with political and national themes.

This paper looks specifically at the example of the fifteen-clause domestic settlement of 1876, signed by the leading aristocratic families and monastic estates of Sikkim. It is both a practical piece of lawmaking and an attempt to enshrine the political existence of Sikkim within religious and moralistic themes. In particular it deals with two key issues relevant to the study of Sikkim on the cusp of modernity: the problem of Nepalese immigration and the creation of a national narrative for the kingdom. Through the examination of the clauses in this agreement along with a study of the socio-political context of the time, this paper aims to draw some preliminary conclusions regarding the construction of a narrative of social regulation and its relationship to the cohesion of the Sikkimese socio-economic system on the one hand and demographic changes brought about by both emigration of Sikkimese commoners and immigration of Nepalese workers.
The Text

The fifteen-clause domestic settlement was written two years into the reign of the ninth Sikkimese king (chos rgyal) Thutob Namgyal (mThu stobs rnam rgyal) who ruled Sikkim from 1874–1914. The text (Sikkimese Palace archive catalogue number PD/9.5/027) is 69 lines long. The opening five lines are written in a Tibetan cursive script closely resembling the Tsugmakhyug (tshug ma ’khyug) sub script style. The remainder of the document is written in Tibetan shorthand (’khyug bris). It is divided into a number of sections, but these sections do not completely correspond to those given by Hanna Schneider for other types of reconciliation documents (’dum khra) namely: publicatio, arenga, narratio, dispositio (Schneider 2002: 421–23). Instead the text is closer in structure to an obligation contract (gan rgya), though it begins with an invocation—a departure from the set style of obligation contracts as has been discussed by Schneider (2002: 418) where the text should start with the inscriptio. In the domestic settlement the inscriptio follows the invocation:

Z. Om Swasti! With devotion and praise to Guru Rinpoche, the lotus [born] the protector of the four realms, who performed the accomplishment of subjugation from the virtuous beautiful mountain, and who is the noble ornament of the disciples of the noble dharma, the emanation of the Lord Buddha who came forth from the treasure lake. Praise to the Lama who, through kindness, established the great happiness of the subjects in the maintenance of the royal and religious laws, who in this place, the hidden land, opened the northern door, the mighty Lord of the Dharma: the emanation Lha btsun [chen po]. By the effort of prayer the leader of rdzog chen [Lha btsun chen po] arrived in this pure land which is the second Akanishta. The Dharmaraja, the leader of men is the crown jewel of the subjects, prostrations to the priest and patron relationship, which is inseparable like the sun and the moon! Today on the virtuous day which is the fortune of all beings of the Nyi ma ’brug epoch, when the stars are aligned and 100 types of auspiciousness are arranged on the 15th day, which is a Sunday, and which is the festival of Buddha Amithabha the month of the Fire Dog [ninth month], the end of the autumn season of the Male Fire Rat year [1876], which is known as ’dzin byed, a submission [has been made]

Z. To the golden throne, to the lotus feet of the supreme holder of the dual laws which are the sources of temporal and spiritual wellbeing.¹

¹ For Tibetan text see the addendum at the end of this paper.