

# Property in Tibetan Societies Ownership, Transfer, Confiscation



15–16 December 2014

Conference of the Franco-German (ANR-DFG) Project SHTS  
“Social History of Tibetan Societies, 17<sup>th</sup> to 20<sup>th</sup> Centuries”

Collège de France, 52 rue du Cardinal Lemoine 75005 Paris,  
Salle Claude Lévi-Strauss

## MONDAY 15 DECEMBER

09h30–09h45

*Welcome and Introduction*

09h45–10h00

*Report on Project Publications and Website*

10h00–10h15

*Tea/Coffee*

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***Monday Morning Session***

**Chair: Peter Schwieger**

10h15–11h00

**Christian Jahoda** (Austrian Academy of Science): *Systems of Landownership in Spiti and Upper Kinnaur (19<sup>th</sup> to 20<sup>th</sup> Centuries)*

11h00–11h45

**Charles Ramble** (EPHE-CRCAO): *“...My House, from its Foundations Down Below to the Prayer Flag on Top...”: What We Can Learn from Tibetan Wills and Testaments*

11h45–12h30

**Hanna Schneider** (Bonn University): *Property Rights in South-western Tibet in the 19<sup>th</sup> and 20<sup>th</sup> Centuries*

12h30–14h00

***Lunch***

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***Monday Afternoon Session***

**Chair: Charles Ramble**

14h00–14h30

**Alice Travers** (CNRS-CRCAO): *State Power and the Limits of Property Rights: a Discussion of Estate Confiscation under the Dga' ldan pho brang in the 19<sup>th</sup>-20<sup>th</sup> Centuries*

14h30–15h15

**Kalsang Norbu Gurung** (Bonn University): *The Size of the Tibetan Estates and their Shift among Estate-Holders*

15h15–15h45

**Peter Schwieger** (Bonn University): *Who Owned Land and Houses? Property Ownership in Traditional Tibetan Societies*

15h45–16h00

***Tea / Coffee***

16h00–16h45

**Jeannine Bischoff** (Bonn University): *Wherever They may be – Two Examples of Administering Mi bogs*

## **TUESDAY 16 DECEMBER**

**Chair: Hanna Schneider**

9h30–10h15

**Fabienne Jagou** (EFEO): *Who were the Owners of the Manchu Amban Yamen in Lhasa?*

10h15–10h45

**Liu Yuxuan** (Bonn University): *Afterlife Trusteeship: A Land Transaction between a Tibetan Woman and the chuanzhu shenghui ('Holy Association of the Sichuan Host')*

10h45–11h00

**Tea/Coffee**

11h00–11h45

**Berthe Jansen** (University of Leiden): *On the Monastic Payroll? Tibetan Monks and their Income*

11h45–12h30

**John Bray**: *Land, Slavery and Territory: French Missionary Strategies in Eastern Kham*

12h30–14h00

**Lunch**

14h00–15h00

***Business Meeting for Speakers***



## ABSTRACTS

**Jeannine Bischoff**

*Wherever They may be – Two Examples of Administering Mi bogs*

Goldstein translated *mi bogs* as “human lease”, meaning that by paying that lease fee the *mi ser* would be free to go elsewhere for work and life. While this was so, he/she still remained bound to the estate he/she had left and could be called back if needed. To do so it was necessary to administer the whereabouts of one’s *mi bogs*. This paper will present two (supposedly) exceptional cases in which the monastic estate of Kun bde gling held register books of *mi bogs* belonging to the king of sDe dge. While an overview about the recorded information will be given, also the curious question of why those register books were to be found in the Kun bde gling archives shall be addressed.

**John Bray**

*Land, Slavery and Territory: French Missionary Strategies in Eastern Kham*

In 1854 Fr Charles-René-Alexis Renou of the Missions Étrangères de Paris (MEP) acquired access to land in Bonga, a previously deserted hamlet in the Tsarong region of eastern Kham, between the Salween and Mekong rivers. Having done so, he faced a challenge that was then common to land holders across the wider Tibetan cultural region: how to find and keep the human labour needed to develop his property and thus to build the nucleus of a Christian settlement in Tibet. He solved the problem through a combination of means: hiring labour from neighbouring villages during the summer months, inviting Chinese Christians to join him, and purchasing child slaves with a view to bringing them up as Christians.

The Bonga mission proved to be short-lived. In 1865 the MEP was expelled from Tibetan territory after a series of legal disputes over their entitlement to the land and their right to be in the region at all. Subsequently, the MEP continued to operate from Chinese-controlled territory in the Tibetan marches. However, access to land, disputes over property rights and the need to provide economic as well as physical security for Catholic converts remained recurrent themes throughout the 19<sup>th</sup> century and beyond.

Nearly 20 years ago, I prepared a paper on “French Catholic Missions and the Politics of China and Tibet, 1846-1865” for the 1995 IATS conference in Graz. In that paper, my main focus was on the wider geopolitical aspects of the mission, including the role of the French government and the relationship between the Manchu government and Tibet. Since then I have continued to gather source material from the MEP archives in Paris, and from secondary literature (notably by Laurent Deshayes and Stéphane Gros), but without writing it up. In this paper, I revisit the 19<sup>th</sup> century MEP missionaries, re-examining their activities through an ‘SHTS lens’, and with a particular focus on their strategy with regard to land, property and economic security.

### **Kalsang Norbu Gurung**

#### *The Size of the Tibetan Estates and their Shift among Estate-holders*

In the famous land settlement of Iron-Tiger year in 1830, there are lists of the estates belonging to the Ganden Phodrang government, monasteries and aristocrats in Central Tibet. These lists show us only the total number in a specific measurement unit of agricultural lands, pastoral lands and livestock that an individual family or estate owned. However, in order to know further details about the property or the exact size of individual family or estate, one must study other relevant document like *sa tho* (land records). In this paper, I will study a *sa tho* document in the light of the corresponding reference from the abovementioned land settlement and will discuss the size of the estate in terms of the properties including lands and houses as recorded in the archival document. Furthermore, I will also discuss how one estate, along with all its properties, was transferred to another owner.

### **Fabienne Jagou**

#### *Who were the owners of the Manchu Amban yamen in Lhasa?*

The Manchu Amban living in Lhasa had various residencies between the eighteenth and the beginning of the twentieth century. After a statement about these residencies, that will demonstrate that the situation evolved from a loan to a property, this communication will challenge the status of these residencies compared with others foreign ones in Lhasa, with the Manchu *yamen* located in the Khams province and with the foreign concessions in China. The final point will be to discuss how much the status of the Amban *yamen* reveal about the importance given to the Manchu residents by the Tibetan authorities.

### **Christian Jahoda**

#### *Systems of Land Ownership in Spiti and Upper Kinnaur (19<sup>th</sup> to 20<sup>th</sup> Centuries)*

The systems of land ownership valid both in Spiti and in Kinnaur in the early 19<sup>th</sup> century were strongly based on customary law and legal practices that can be seen as deriving to a large degree from the religio-political order of the West Tibetan kingdom and its successor states. These systems of land ownership constituted the basis on which taxes or dues on land were calculated but also the basis for the obligatory performance of various services, namely of labour and transport. In Spiti (as also in Upper Kinnaur) those who belonged to the stratum of the population that had land at their disposal were referred to as *kebral pa* and their agricultural holdings as *zhing khang*. A fundamental change in the land ownership status of these strata of the population, effected after 1846 by the measures taken by the British administration, *de facto* meant a change from landholders or tenants to landed proprietors (“zemindar”, “zamíndár”). As a consequence of this, in the area of the system of land ownership there was a range of types varying from the category of landholders to that of

landowners. The legal status of the peasants formed an important aspect of the asymmetrical structural relationship between ‘the peasant stratum’ and ‘controlling groups’ or ‘producers of surplus and controllers’, which however *de facto* often remained subordinate to regulations from earlier periods. Spiti and Upper Kinnaur constitute two models of related developments in which these structural relationships, above all in the case of the *kbral pa* of the ‘royal’ tax districts in the case of Spiti and comparable strata in Upper and Central Kinnaur, were relatively similar. Over the course of time these changes in the system of land ownership facilitated also the disposal of land and thus, in particular since the 1950s, also the permanent establishment of new neo-local (*kbang chung*) households (mainly by younger brothers who are increasingly being awarded certain autonomous claims to parental property).

### Berthe Jansen

#### *On the Monastic Payroll? Tibetan Monks and their Income*

The mountaineer and traveller Spencer Chapman, who reached Lhasa in the 1930s, was puzzled by the Tibetan monastic community. In his writings he wonders to himself: “How on earth do all these thousands of monks spend their time? How are they supported? And what good, if any, do they do?” Some eighty years later, these questions remain largely unanswered. In most cases, monks in pre-modern Tibet could not rely on their monastery to provide their sustenance. From the mid-17<sup>th</sup> century onwards, however, there seems to have been a gradual but steady shift, mostly among Central Tibetan *Gelug* monasteries, in which the monastic authorities and the Tibetan government started handing out “salary” to the monks. Various rules existed on what kinds of monks had rights to receive an income. Furthermore, the monastic guidelines (*bca' yig*) regularly list the amounts the monks working for the monastery were to receive. In this paper I will talk about how monks were supported, and supported themselves, between the 17<sup>th</sup> and the 20<sup>th</sup> century. I will also discuss the somewhat problematic concept of a “monk-salary” and how monastic notions of self-sufficiency and dependency appear to have changed over time.

### Liu Yuxuan

#### *Afterlife Trusteeship: A Land Transaction between a Tibetan Woman and the Chuanzhu Shenghui ('Holy Association of the Sichuan Host')*

In the documents of Kundeling Monastery in Tibet which have been digitized as Tibetan archival material at Bonn University, the number of Chinese documents only occupies a small portion. However, amongst them is a particular item that does not match the genre of the rest of the Kundeling Monastery collection. This document can simply be categorized as “the title deed for land” (*digi*) concerning a Tibetan widow who dealt with an inheritance from her Han husband. Interestingly, she made a transaction with the *chuanzhu shenghui* (“Holy Association of the Sichuan Host”) attributed to her husband who was a Sichuanese, while the *chuanzhu shenghui* played a role, as her fellow-villagers knew at that time. Moreover,

she also adopted the Han way of memorializing the death to a certain degree. Thereafter, she could return to her native place Li thang with a double insurance: the afterlife service provided by the *chuanzhu shenghui* and the maintenance she had received from the transaction. The main purpose of the paper is to translate and explain the contents of this document to restore part of the history of ordinary people.

### Charles Ramble

*“...My House, from its Foundations Down Below to the Prayer Flag on Top...”: What We Can Learn from Tibetan Wills and Testaments*

Inheritance in Tibetan societies did not usually require a will. In areas where patrilineal succession and the “monomartial principle” were the norm, the eldest son would inherit, and brothers who opted out of the polyandrous marriage would forfeit their part. If there were no sons, a daughter would inherit, and an in-marrying son-in-law (*mag pa*) engaged. Matters were less straightforward where there were several prospective heirs, or no obvious heirs, or other complicating circumstances. This paper will present the wills of three unmarried heiresses from nineteenth-century Mustang to examine the very different circumstances that obliged them to draw up these documents, and the solutions they found to their respective impasses. These wills also shed a valuable light on the fiscal environment of the time, while incidentally informing us exactly what moveable chattels the estates in question possessed.

### Hanna Schneider

*Property Rights in South-Western Tibet in the 19<sup>th</sup> and 20<sup>th</sup> Century*

Generally speaking, it was the state being the Big Owner, that is, the overseer of landed property in Central Tibet during the dGa’ldan Pho-brang era—with regard to a concept of state wherein all soil was, in principle, the Snowland’s own property. This being said, landed property and its use in Tibet was owned and executed, by individuals and groups, in a manner that, both *de jure* and *de facto*, each individual or group had the right to “own” land and execute ownership over it, but could be made responsible for the proper use of their landed property rights, ideally at any given time, or, at least, at the end of each fiscal term. In my presentation, I shall focus on property rights within land tenure in the Shelkar-Dingri-Porong region during the 19<sup>th</sup> and 20<sup>th</sup> centuries, with respect to the terms *bdag-thob*, *’dzin-dbang* (land title and property law) and *dge-bed* (rights of use and the utilization of land, in diverse aspects), within the following groups: state-owned and monastic *gzhis-ka*, monasteries, private owners (*sger-pa*), *gzhung-royugs-pa*-villages, and the nomad communities of Shelkar and Porong alike. The presentation will mainly draw on historical sources contained in the Berlin State Library’s collection of legal documents of the region.

**Peter Schwieger**

*Who Owned Land and Houses? Property Ownership in Traditional Tibetan Societies*

My starting point is the statement “In Tibet all land is considered to belong to the ruler,” made by Pedro Carrasco in 1959 and thereafter again and again repeated by others. Based on the screening of legal documents I want to check to which extent this general statement applies. First, I will consider briefly documents concerning confiscating and granting of property. Second, I will look for evidences of donation, sale and purchase of property. Third, I will compare such documents from various Tibetan regions and try to extract common components and phrases. Fourth, I will investigate whether there was a taxation of property sales in Tibet in the course of the period under consideration. On the base of these four points, I will try in the final conclusion to answer more precisely than in the past the fundamental question of property, land and houses, in traditional Tibetan societies.

**Alice Travers**

*State power and the limits of property rights: a discussion of the confiscation of estates under the Dga' ldan pho brang in the 19<sup>th</sup> and 20<sup>th</sup> centuries*

In his well-known paper on “The Circulation of Estates in Tibet” (1973), Melvyn Goldstein has shown how the practice of confiscating estates in Tibet was a structural necessity linked to the politico-religious and geographical characteristics of the Dga' ldan pho brang government, *i.e.* political succession through incarnation and the lack of new sources of economically viable agricultural land. This paper will further analyse the confiscation of estates in Central Tibet by examining a number of cases from the 19<sup>th</sup> and 20<sup>th</sup> centuries, based on written accounts published in the collection *Bod keyi lo rgyus rig gnas dpyad gzhi'i rgyu cha bdams bsgrigs*, on other published autobiographies and on British and Tibetan archives. It will seek to develop a clearer understanding of the process of punishment through confiscation, by investigating what kind of estates could be confiscated, for what reasons and with what types of consequences. By examining confiscation as the very limit of land tenure in Tibet, it is hoped that this presentation will shed light on the nature of land property rights—which appear as a reward for service—, and on their relationship with the State—the Tibetan government being at the same time their source, their guarantor, and the only entity that could legitimately encroach on them.