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研究課題名(和文) Buddhism and Law in South-Eastern Himalaya: An analysis of the conceptions of law, fairness, and legitimacy in medieval and pre-modern Bhutan, Sikkim, and related areas

研究課題名(英文) Buddhism and Law in South-Eastern Himalaya: An analysis of the conceptions of law, fairness, and legitimacy in medieval and pre-modern Bhutan, Sikkim, and related areas

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研究成果の概要(和文)：チベットのラマ僧がCOVID危機に対してどのような反応を示したのか、社会政治的な意味について研究を行いました。その成果は、総集編として出版され、国際会議(SBU テヘラン)で発表されました。チベットのケンポ・ツルトリム・ロドロの『政治と仏法の連合』を翻訳し、分析しました。この著作は、信教の自由を尊重する仏法に基づく制度というチベットの伝統的なモデルを、一方では神権政治、他方では政教分離という西洋のモデルと比較するという新しいアプローチを提示するものであります。これまで欧米のアカデミアで無視されてきた日本の資料、すなわち佐藤や山口のチベット帝国体制に関する著作を翻訳し、分析しました。

研究成果の学術的意義や社会的意義

Academically: analysis of Tibetan primary sources, on the relation Religion-Politics, and Japanese secondary sources, on the law of the Tibetan Empire, unstudied in Western Academia. Socially: study on lama's reactions to the covid as a socio-politically exemplary.

研究成果の概要(英文)：I conducted a research on the socio-political meaning of the reaction of Tibetan lamas to the covid crisis, comparing Buddhist sources and advice and guidelines provided by them mainly in social media. The results were published in a collective volume in entitled "Religious Fundamentalism in the Age of the Pandemic" and presented in the international conference "Interface Dialogue on Religion and Pandemics" (SBU, Tehran, Iran). I have translated and analyzed the "Union of Politics and Buddhist Dharma" by Tibet-based Khenpo Tsultrim Lodro, which presents a novel approach comparing the traditional Buddhist Tibetan model of a Dharma-inspired system respectful of religious freedom with the Western models of Theocracy on the one hand and Separation of Church and State on the other. I have located, translated and analyzed Japanese sources so far ignored in Western Academia, namely the works of H. Sato and Z. Yamaguchi on the legal, political, and military system of the Tibetan Empire

研究分野：Legal & Political Studies

キーワード：Legal Philosophy Political Philosophy Buddhism Tibet Himalaya

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1 . 研究開始当初の背景 (Background)

The background for the conducted research takes an interdisciplinary nature since it implies the encounter of legal-philosophical approaches to normative phenomena as well as the regional or area studies focused on the so-called Tibeto-sphere. Such an academic intersection required the clarification of the philosophical conception of Law (and its related political and normative realms) from which the study would be conducted (a), and an consideration of the main literature focusing on the normative subsection within Tibetology, Area Studies and Buddhist Studies (b).

This resulted in a scientific background for this project being concerned two main research domains:

- (a) on the one hand, the technically called “legal tri-dimensionality” which, based upon neo-Kantian theories, basically sustains that law comprises three irreducible and interdependent dimensions, namely, values, facts, and rules. Such an approach has never been attempted in countries influenced by Buddhism; and
- (b) on the other hand, the relatively new research field of “Buddhism and Law”, which defends the theoretical interest of investigating a specific Buddhist notion of Law and Politics; in this case, the scholarly production focusing on the region Tibetan and its adjacent and related cultural area, both historically and systematically.

In this regard, current research trends point to the notion that Buddhism could play a significant public function in countries where it assumed a major civilizing role and encountered no settled rival tradition, i.e., Southeast Asia and the Himalayas (French 1995, 2002; Huxley 2012; Alvarez-Ortega 2018). Such an idea is controversial in the case of central Tibet (some argue Buddhism played no legal role in that area: Schuh 1984; Glenn 2004; Pirie 2006) and remains only superficially studied in the case of peripheral entities broadly pertaining to the same macro- cultural area, Bhutan and Sikkim standing out as highly interesting for Buddhism and Law studies (Whitecross 2004, 2007; Mullard 2011).

2 . 研究の目的 (Purpose)

The aim of the project related to the reconstruction of the legal and socio-political concepts developed in the Buddhist Himalayan areas, namely in the Southeastern enclaves. In this regard, in-field work was essential not only in order to achieve anthropological data, but also to have access to written sources only present in the region. Unfortunately, the international crisis provoked by the coronavirus has made impossible to conduct in-field research, and so I have focused on locating and working with sources available in Japan or accessible online that, broadly speaking, relate to Tibetan Buddhist approaches to socio-political and legal

issues or represented secondary sources on such topics so-far unstudied in the West.

3 . 研究の方法 (Methodology)

The philosophical foundations of the research implied the need to embrace a comprehensive methodology dealing with theoretical foundations, textual exegesis, and socio-political analysis. In this sense, I have tried to put true interdisciplinary into practice, since philologists and historians of religions typically lack legal and political education, while legal scholars either rely on secondary sources or take a positivist approach that neglects the foundations of law.

More specifically, I employed qualitative research methods when addressing the socio-political discourses of Tibetan lamas on the coronavirus, combined with anthropology of religions and socio-political analysis. My projects based on Tibetan and Japanese material also required language analysis in translation and textual approaches.

4 . 研究成果 (Results)

I conducted research on the socio-political meaning of the reaction of Tibetan lamas with an international influence, based on a comparison between Buddhist sources and the advice and guidelines provided by such Tibetan lamas mainly in social media. The results were published in a collective volume in Germany entitled “Religious Fundamentalism in the Age of the Pandemic” (Transcript Verlag, 2021); while I also presented the results of such research in the international forum “Interface Dialogue on Religion and Pandemics”, celebrated on March 2022 at SBU Tehran (Iran). The research shows how Tibetan Buddhism did not present radical or millennialist reaction to the crisis, asking for compliance with the government and medical authorities, while their advice could be read either in symbolical or esoterica fashion.

I also had the chance to locate a very important contemporary text on the “Union of Politics and Buddhist Dharma” by Tibet-based lama Khenpo Tsultrim Lodro, which presents a very novel approach comparing the traditional Buddhist Tibetan model of a Dharma-inspired system respectful of religious freedom with the Western models of Theocracy on the one hand and Separation of Church and State on the other. I have been able to translate the text from Classical Tibetan into English and I am currently working on a critical study of its sources and socio-political meaning and impact with the goal of a monographic publication.

Finally, aware of the importance of Japanese scholarship on Buddhism in general, and the legal and political dimensions of Tibetan Buddhism in particular, I have undertaken the

location of relevant sources and worked on their translation with collaborating colleagues to eventually publish a collective volume. The works of Sato Hisashi and Yamaguchi Zuiho on the legal, political, and military system of the Tibetan Empire have already been translated and will eventually be included in such an intended publication.

5. 主な発表論文等

〔雑誌論文〕 計0件

〔学会発表〕 計0件

〔図書〕 計1件

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| 1. 著者名 Miguel Alvarez Ortega; Nina Kaesehae (ed.) | 4. 発行年 2021年 |
| 2. 出版社 Transcript Verlag | 5. 総ページ数 40 pages (book total 276) |
| 3. 書名 "Global Virus, International Lamas: Tibetan religious Leaders in the Face of the Covid-19 Crisis", in Religious Fundamentalism in the Age of the Pandemic | |

〔産業財産権〕

〔その他〕

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6. 研究組織

| 氏名 (ローマ字氏名) (研究者番号) | 所属研究機関・部局・職 (機関番号) | 備考 |
|---------------------------|-----------------------|----|
|---------------------------|-----------------------|----|

7. 科研費を使用して開催した国際研究集会

〔国際研究集会〕 計0件

8. 本研究に関連して実施した国際共同研究の実施状況

| 共同研究相手国 | 相手方研究機関 |
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