

A Study of Traditional Mongol Law in Europe

This brief study examines the historical evolution and codification of traditional Mongol laws and their role in shaping governance from antiquity to the early 20th century. The paper is organized into three parts: an overview of key Mongolian legal sources – including the Great Yasa, Yuan legal codes, and various edicts – an analysis of European contributions that systematized Mongol legal traditions through pioneering Russian and German scholarship, and a discussion of future directions in Mongol legal research. Emphasizing interdisciplinary methodologies and the translation of historical texts, this work aims to enhance global accessibility to Mongolia's legal heritage and stimulate further comparative legal studies.

Keywords: *traditional Mongol laws, the 1640 Great Code, European research on Mongol laws, translations*

1. Legal history studies and a brief overview of traditional Mongol laws

Traditional legal research plays a crucial role in the study of legal history. In order to determine the development of law and its future direction, it is essential to examine past history and traditions, reflect on the path we have traveled, compare it with the current level, and analyze what is and should be in this context. These factors make the study of legal history an essential academic pursuit.

At the same time, legal history is a broad and interdisciplinary field, intersecting with numerous scientific disciplines. As a result, legal phenomena and relationships must be analyzed with precision and specificity. Additionally, the study of legal history is fundamentally rooted in the examination and analysis of primary legal sources. Legal sources can be categorized into various research areas, such as source analysis, legal research, and institutional studies, each offering distinct perspectives on the evolution of law. Since a comprehensive discussion of these aspects would require extensive space, the following key points offer a succinct overview of their significance.

Mongolia possesses a deep-rooted legal tradition, shaped by centuries of governance and societal regulation. Despite the limited number of codified legal statutes, Mongolian law effectively structured social relations, demonstrating a distinctive approach to jurisprudence. However, few historical legal sources have been physically preserved, a scarcity largely attributed to the nomadic lifestyle of the Mongols, which prioritized oral transmission and customary legal practices over extensive written documentation.

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Nevertheless, the existing legal statutes exhibit remarkable breadth and complexity. A prime example is the *Great Yasa* (*Yeke Jasagh*), which, during the 13th century, served as Mongolia's primary legal framework. This monumental legal code encompassed state law (excluding constitutional law), criminal law, and fundamental civil law principles, shaping governance structures and judicial norms within Mongol society.

Beginning in the 15th and 16th centuries, Mongolian legal traditions underwent a notable transformation, moving from a unified legal framework to a system characterized by multiple statutes regulating social relations. This shift was influenced by two primary factors: first, the fragmentation of Mongolian communities across different regions, and second, the increasing complexity and expansion of social interactions, necessitating a broader and more diversified approach to legal governance. The development of legal thought during this period is reflected in the substantive provisions of the legal norms enacted at the time. Notably, some statutes incorporated explicit protections for human rights, including natural rights, demonstrating the advanced state of Mongolian jurisprudence. A significant example is the inclusion of legal provisions safeguarding the fetus in the mother's womb, illustrating a legal recognition of human dignity and rights even before birth. These protections were not borrowed from European legal traditions but rather emerged organically as a result of Mongolia's socio-cultural and legal evolution. Such developments underscore the autonomous progression of Mongol law and its responsiveness to the changing needs of society. Numerous additional examples can be drawn from this period, further demonstrating the sophisticated legal reasoning that governed Mongol society during this era.

Like other civilizations, the Mongols established norms and legal regulations to govern social interactions, ensuring order and stability. Although much of the documentary evidence regarding early Mongolian law has been lost through the passage of time, a considerable number of primary and secondary sources remain, allowing scholars to reconstruct the legal foundations of Mongolian society. A key reference in this regard is the *"Historical Records"* (*Shiji*) of the ancient Chinese historian *Sima Qian*, which provides indirect insights into the legal characteristics of Mongolia during antiquity. Due to the absence of direct legal records from early Mongolian history, *Sima Qian's* observations serve as an essential scholarly resource for tracing the jurisprudential principles that influenced Mongolian governance. The evolution of Mongolian law from antiquity to the present can be classified into two broad stages. Traditional Mongolian law, shaped by customary legal practices, codified statutes, and imperial decrees – including foundational texts such as the *Great Yasa* – formed the basis of legal governance. In contrast, modern Mongolian law is characterized by the institutionalization of legal frameworks, the codification of statutory law, and its alignment with international legal standards. These stages can be further subdivided into distinct periods, each marked by specific legal developments that shaped the structure and function of Mongol jurisprudence. Below is the table outlining the historical evolution of Mongol legal norms and their role in regulating social relations across different eras.

Period of Ancient Mongol State From the Xiongnu (Hun) Empire to Khamag Mongol	Customs / Customary law Decrees and edicts issued by various rulers (khans)	3 rd century BCE – 1206 CE
Period of Mongol Empire Great Mongol State (Yeke Monggol Ulus), Yuan State	Customs / Customary law <i>Great Yasa</i> <i>Yuan legal codes</i> (including multiple statutes) <i>White History of the Ten Virtues</i>	1206–1368
Period of Political Fragmentation in Mongolia	Customs / Customary law <i>Golden (Altan) Khan's Edict</i> <i>Law Manuscript on the Birch Bark</i> <i>Great Code</i> (1640)	1368–1755
Period of Mongol-Manchu Alliance	Customs / Customary law <i>Khalkha Jirum</i> (a legal code established by Mongols themselves, primarily regulating civil and domestic relations) <i>Legal Code of the Ministry for Governing Outer Mongolia by Imperial Decree</i> <i>Mongol Legal Code (monggol cagajiin bichig)</i> (the last two laws were enacted by the Manchu government for Mongols, mainly regulating state-citizen relations)	1634/1691/1755-1911
Period of Mongolia's National Restoration	Customs / Customary law (from this period onward, the role of customary law in regulating social relations gradually diminished) <i>Codified Legal Code of Mongolia enacted by Imperial Decree</i> <i>Bogd Khan's Decrees</i> Government resolutions and decisions Regulations	1911–1920
	<i>Bogd Khan's Decrees</i> Government resolutions and decisions Regulations Non-unified Constitution	1921–1924
Mongolian People's Republic	Unified Constitution and laws enacted in accordance with it	1924
		1940
		1960
Modern Mongolia	Constitutional Amendments	1990–1992
	New Constitution	1992–1997
	Comprehensive Legal Reform Program	1998-2007
		From 2008 to the present

Figure 1: Historical evolution of Mongol legal norms (compiled by the authors)

Based on the above, from ancient times to the early 20th century, Mongolian social relations were regulated by a limited number of legal statutes, with only ten major laws identified over a span of two millennia. These include the *Great Yasa*, *Yuan legal codes*, the *White History of the Ten Virtues*, the *Golden Khan's Edict*, *Law Manuscript on the Birch Bark*, the 1640 *Great Code*, the

Khalkha Jirum, the *Legal Code of the Ministry for Governing Outer Mongolia by Imperial Decree*, the *Mongol Legal Code*, and the *Codified Legal Code of Mongolia enacted by Imperial Decree*. While these laws have been studied within Mongolia, particularly through source-based research, many historical records remain unexplored and largely unknown to the public. Furthermore, detailed analyses of their legal provisions are still limited.

2. European research on traditional Mongol legal codes

The study of Mongolian law was initially introduced into academic discourse by foreign scholars, particularly Russian and German researchers, who played a crucial role in shaping the field. While it is not feasible to list all European scholars, who have examined Mongolian legal traditions, the following presents a brief overview of some pioneering research efforts.

Among traditional Mongol legal sources, the 1640 *Great Code* was the first to be systematically studied by Russian and German scholars. *B. M. Bakunin* (Russia, 1776) published “*Mongolian Kalmyk Law*” in Russian, providing wider accessibility to Mongol legal traditions. Shortly after, *P. S. Pallas* (Germany, 1776) published “*Laws of Mongols*” in German, representing the earliest systematic analysis of the 1640 *Great Code*.¹ In 1879, *F. I. Leontovich* translated *Pallas’s* German version into Russian², further clarifying the historical origins of the *Great Code*. In 1880, the Russian scholar *K. F. Golstunsky* published a Russian translation of the *Clear Script (Todo Bichig)* text³, incorporating annotations and additions made by *Dondogdash* and *Prince Galdan*. This publication significantly expanded the accessibility of the 1640 *Great Code*, providing a comprehensive scholarly edition with detailed commentary. In the following decades, Russian scholars, including *V. A. Ryazanovskiy*⁴ and *S. D. Dylikov*⁵, carried out specialized research on this legal tradition, further enriching its scholarly development. Their studies expanded historical insights, clarified legal interpretations, and contributed to the broader academic discourse on Mongol legal codes.

In addition to the 1640 *Great Code*, several other historical Mongol legal codes have been the subject of scholarly examination by European researchers. The *White History of the Ten Virtues* was analyzed by German Mongolists *W. Heissig*⁶ and *K. Zagaster*⁷, as well as Russian scholars *P. B. Baldanzhapova* and *Ts. P. Vanchikova*.⁸ The *Golden Khan’s Edict* was investigated by German scholar *R. O. Meisezahl*⁹, while the *Law Manuscript on the Birch Bark* received scholarly attention from *A.D. Nasilova*.¹⁰ The *Khalkha Jirum* was studied by *Ts. Jamsranov*, *N. A. Turunov*¹¹,

1 BAYANBAATAR, A Study on the Manuscript of the Great Code 11.

2 LEONTOVICH, On the History of the Law of Russian Indigenous Peoples.

3 GOLSTYNSKY, Mongol-Oirat Laws of 1640.

4 RYAZANOVSKY, Mongol Law (Primarily Customary); RYAZANOVSKY, Historical Overview of Mongol Legal Documents.

5 DYLYKOV, The Great Code (‘Ikh Tsaaz’).

6 HEISSIG, Familien-und Kirchengeschichtsschreibung der Mongolen 16–18.

7 SAGASTER, Die Weisse Geschichte (Čayan teūke).

8 BALDANZHAPOVA, Čayan teūke – “White History”.

9 MEISEZAHN, Die Handschrift in den City of Liverpool Museums.

10 NASILOVA, Eighteen Steppe Laws.

11 ZHAMTSARANO – TURUNOV, Khalkha Jirum.

V. A. Ryazanovsky¹², and S. D. Dylikov¹³, contributing to a broader understanding of Mongol legal traditions. Lastly, the *Mongol Legal Code* was examined in detail by V. A. Ryazanovsky,¹⁴ S. D. Dylikov¹⁵, and Hoissert Dorothea¹⁶, furthering the academic discourse on historical Mongol jurisprudence. These scholars played a fundamental role in integrating Mongol legal history into global academic discourse.

Several historical Mongol legal laws have been systematically studied, contributing to a deeper understanding of Mongol jurisprudence. Among the preserved legal sources, extensive foundational research has been conducted on the *White History of the Ten Virtues*, the *Golden Khan's Edict*, the *Law Manuscript on the Birch Bark*, the 1640 *Great Code*, the *Khalkha Jirum*, and the *Mongol Legal Code*. These texts form the core pillars of Mongol legal tradition and continue to serve as essential references in historical legal studies. While foundational research has explored various aspects of these sources, certain primary texts remain underexamined, requiring further academic inquiry into legal norms, institutional structures, and jurisprudential interpretations.

Several European scholars have made significant contributions to the study of Mongolian law and legal traditions, even though specific legal codes were not individually examined. Hungarian scholar Borbála Obrusánszky explored the legal philosophy of Mongolian governance in her work “*Törvények és tanítások: A sztyepei lovas birodalmak szellemi öröksége*” (“*Law and Teachings: The Intellectual Heritage of the Steppe Empire*”).¹⁷ French historian Petis de la Croix incorporated discussions on the *Great Yasa* in “*The History of Cenghizcan the Great*”¹⁸, synthesizing earlier research from scholars such as *Rashid al-Din* and *Juwayni* into what he termed the law of *Genghis Khan*. Although primarily a historical text, this work holds significant academic value. Additionally, *Francoise Aubin* conducted research on both traditional Mongolian legal heritage and modern Mongolian law and social structures, publishing multiple articles on the subject. The *Great Yasa* has evolved into a globally recognized field of study, with extensive research available. Due to its prominence, it has not been individually highlighted here.

Based on the findings discussed above, global Mongolists have made significant contributions to the study of Mongolian legal traditions, with European scholars playing a particularly prominent role.

However, among the historical legal sources mentioned, foundational research on major legal laws from the period of Mongolia's national restoration, such as the *Codified Legal Code of Mongolia enacted by Imperial Decree*, remains largely unexplored, drawing academic attention to this gap.

Overall, the study of traditional Mongol legal sources has established a solid foundation, and today, it has reached a stable academic framework. Nevertheless, further in-depth analysis is required to examine the content and legal norms of these sources, particularly within specific branches of law and comparative legal history. The need for specialized research across legal institutions and comparative jurisprudence remains an ongoing priority.

12 RYAZANOVSKY, *Mongol Law (Primarily Customary)*; RYAZANOVSKY, *Historical Overview of Mongol Legal Documents*.

13 ZHAMTSARANO – DYLIKOV, *Khalkha Jirum*.

14 RYAZANOVSKY, *Historical Overview of Mongol Legal Documents*.

15 DYLYKOVA, *Tsaadzhin Bichig (Mongol Code)*.

16 HEUSCHERT, *Die Gesetzgebung der Qing für die Mongolen im 17. Jahrhundert anhand des Mongolischen Gesetzbuches aus der Kangxi-Zeit (1662–1722)*.

17 OBRUSANSZKY, *Laws and Teachings*.

18 CROIX, *The History of Cenghizcan the Great* 79–88.

3. Advancing the study of traditional Mongol law to a new level

With Mongolia keeping pace with international development trends, the role of legal science has expanded unprecedentedly, fostering diverse legal research methodologies and evolving theoretical frameworks – a process that continues today. A considerable portion of Mongolian legal scholarship has focused on historical legal sources, with methodological precision improving over time. Scholars have employed historical analysis, source studies, and textual research methodologies to enhance comprehensive investigations. Despite these advancements, critical gaps persist, particularly in the specialized examination of legal norms, institutional structures, and jurisprudential interpretations.

Further in-depth research is needed to explore the content and legal principles of historical Mongolian legal sources, as well as their institutional contexts within specific branches of law. In this regard, German scholars, including *Dorothea Heuschert*, *Paul Ratchnevsky*, *Dietrich Nelle*, *Klaus Sagaster*, *Dieter Seiwert*, *Michael Weiers*, *Hartmut Walravens*, and *Heinz-Dieter Heimann*, have made notable contributions.

The Mongolian legal system has evolved within its own legal tradition, maintaining historical continuity and distinctive characteristics. While some aspects align with the Roman-Germanic legal tradition, Mongolia has progressively incorporated elements of this legal system, resulting in shared features that influenced its development.

A comprehensive analysis of traditional Mongol legal codes is necessary to examine their structure, legal principles, commonalities, and distinctions. This requires translating historical Mongolian legal texts into English, making them accessible to international scholars, and subsequently conducting comparative legal studies. To facilitate this process, Mongolian legal documents from the 13th to the early 20th century should be translated into English, enabling global researchers to engage with and analyze them effectively.

To conclude, this study demonstrates that traditional Mongol laws, though few in number, have profoundly shaped governance and jurisprudence in Mongolia over two millennia, with key statutes such as the *Great Yasa*, *Yuan legal codes*, and the 1640 *Great Code* forming the backbone of this unique legal tradition. By examining both indigenous legal developments and pioneering European scholarship – especially the systematic research conducted by Russian and German scholars – the paper underscores the intricate evolution of Mongolian legal thought and the enduring gaps in our understanding, particularly regarding underexplored legal texts and detailed institutional analyses. Thus, the research advocates for an interdisciplinary and comparative approach, including the translation of historical legal documents into English, to enhance global accessibility and foster a more comprehensive dialogue on traditional legal systems.

Sources and literature

- BALDANZHAROVA, Purbo Baldanovich: *Їаян теўке – “White History”: A Mongolian Historical-Legal Monument of the 13th–16th Centuries [Їаян теўке - “Белая история” монгольский историко-правовой памятник XIII–XVI вв]. Ulan Ude 2001*
- БАЯНБААТАР, Batbayar: *A Study on the Manuscript of the Great Code [Их цаазын эх бичгийн судалгаа]. Ulaanbaatar 2008*
- CROIX, Petis de la: *The History of Cenghizcan the Great. London 1722*

- DYLYKOVA, Sandzhe Dantsikovich: Tsaadzhin Bichig (Mongol Code): Qing Legislation for the Mongols, 1627–1694 [Цааджин бичиг (Монгольское уложение). Цинское законодательство для монголов. 1627–1694 гг.]. Moscow 1998
- DYLYKOV, Sandzhe Dantsikovic: The Great Code ('Ikh Tsaaz') - A Monument of Mongolian Feudal Law from the 17th Century – Oirat Text ["Их цааз <<Великое уложение>> Памятник монгольского феодального права XVII в. Ойратский текст]. Moscow 1981
- GOLSTYNSKY, Konstantin Fyodorovich: Mongol-Oirat Laws of 1640, Additional Decrees of Galdan Khan, and Laws Compiled for the Volga Kalmyks under Kalmyk Khan Donduk-Dashi, Kalmyk Text with Russian Translation and Commentary ["Монголо-Ойратские законы 1640 года, дополнительные указы Галдань-хунь-тайджия и законы, составленные для волжских калмыков при калмыцком хань Дондукъ-Даши". Калмыцкий текст съ русскимъ переводомъ и примечаніями]. Saint Petersburg 1880
- HEISSIG, Walther: Familien-und Kirchengeschichtsschreibung der Mongolen. Wiesbaden 1959
- HEUSCHERT, Dorothea: Die Gesetzgebung der Qing für die Mongolen im 17. Jahrhundert anhand des Mongolischen Gesetzbuches aus der Kangxi-Zeit (1662–1722). Wiesbaden 1998
- LEONTOVICH, Fyodor Ivanovich: On the History of the Law of Russian Indigenous Peoples: Ancient Mongol-Oirat Code of Penalties ["Монголо-Ойратские законы 1640 года, дополнительные указы Галдань-хунь-тайджия и законы, составленные для волжских калмыков при калмыцком хань Дондукъ-Даши"]. Odessa 1879
- MEISEZAHN, Richard Othon: Die Handschrift in den City of Liverpool Museums. Wiesbaden 1973
- NASILOVA, Aelita Dorzhievna: Eighteen Steppe Laws - A Monument of Mongolian Law from the 16th–17th Centuries [Восемнадцать степных законов, Памятник монгольского права XVI-XVII вв.]. Saint Petersburg 2002
- ОВРУСАНСЗКЫ, Borbála: Törvények és tanítások: A sztyeppei lovas birodalmak szellemi öröksége. Sepsiszentgyörgy 2014
- RYAZANOVSKY, Valentin Alexandrovich: Mongol Law (Primarily Customary) – A Historical Overview [Монгольское право (преимущественно обычное) – Исторический очерк]. Harbin 1931
- RYAZANOVSKY, Valentin Alexandrovich: Fundamental Principles of Mongol Law. Indiana 1965
- RYAZANOVSKY, Valentin Alexandrovich: Historical Overview of Mongol Legal Documents – The Great Yasa [Монголчуудын хууль цаазын дурсгал бичгүүдийн түүхэн тойм - Их засаг хууль]. Ulaanbaatar 2000
- SAGASTER, Klaus: Die Weisse Geschichte (Саяан теүке) – Eine mongolische Quelle zur von den Beiden Ordnungen Religion und Staat in Tibet und der Mongolei. Wiesbaden 1976
- ZHAMTSARANO, Tseveen – TURUNOV, Alexander Nikolaevich: Khalkha Jirum – A Description of the Monument [Халха джирум – описание памятника]. Irkutsk 1923
- ZHAMTSARANO, Tseveen: Qalq-a Jirum (Russian Translation). Ulaanbaatar 1959
- ZHAMTSARANO, Tseveen – DYLYKOV, Sandzhe Dantsikovic: Khalkha Jirum – A Monument of Mongolian Feudal Law from the 18th Century [Халха Джирум. Памятник монгольского феодального права XVIII в.]. Moscow 1965

