

# THE INTELLECTUAL FOUNDATIONS OF MONGOLIAN CONSTITUTIONALISM: JAMSRANGIIN TSEVEEN AND THE MODERNIZATION OF STATEHOOD

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**Abstract** - Our study examines the intellectual and institutional contributions of Jamsrangiin Tseveen (1881-1942) also known by his Buriat name, Tsyben Zhantsaranovich Zhamtsarano to the formation of modern Mongolian constitutional thought. Tseveen worked to link the structures of traditional nomadic law with the requirements of a modern state. Within the political context of the 1920s and 1930s, this article argues that Tseveen did not adopt foreign constitutional models without modification. Instead, he proposed a legal system based on Mongolian historical traditions to address the challenges of the period. By examining his writings and institutional activities, this study demonstrates that Tseveen addressed the fundamental dilemma of early twentieth-century Mongolia: how to transform a theocratic society into a sovereign constitutional state.

**Keywords:** *lorem Jamsrangiin Tseveen (Tsyben Zhantsaranovich Zhamtsarano), Mongolian Constitutionalism, Nomadic Customary Law, State Modernization in Mongolia.*

## INTRODUCTION

Jamsrangiin Tseveen—also known as Tsyben Zhantsaranovich Zhamtsarano (1881-1942)—maintained that Mongolia’s progress depended on integrating cultural heritage with modern scholarship to establish a rule-based legal state. A Buriat scholar and mentor to a generation of Mongolian revolutionaries, Zhamtsarano was born in the Aga steppe and educated at the private gymnasium of Pëtr A. Badmaev in St. Petersburg and later the Imperial University of St. Petersburg (Rupen 1956).

The collapse of the Qing dynasty in 1911 confronted Mongolia with a profound political challenge (Atwood 2004). The newly independent state inherited a governance structure shaped by aristocratic privilege, Buddhist monastic authority, and the administrative legacy of the Qing imperial system (Batbayar 1996). Although this system preserved political autonomy, it lacked the institutional mechanisms required for modern constitutional governance (Bawden 1968).

The emerging reform movement sought to modernize the state through legal reform, and among its leading figures was Jamsrangiin Tseveen, a scholar trained in Oriental studies, linguistics, and law (Rupen 1979). Tseveen argued that a rule-based legal state (*erh züit tör*) was essential for national progress (Tseveen 1924). He articulated these ideas in his influential work, *Ulsyn Erkh* (“National Rights”), which stands as a foundational text on constitutional governance in modern Mongolia (Tseveen 1924).

### 1. Methodology

Our study employs a historical-comparative approach to analyze Tsyben Zhantsaranovich Zhamtsarano’s writings and his research on traditional Mongolian and Buriat legal sources. By examining these texts, the study demonstrates how his work revealed Mongolia’s historical legal traditions and informed early discussions on national rights and constitutionalism (Amarsanaa 2012). The research utilizes textual analysis of *Ulsyn Erkh* (1924) alongside scholarly investigations into the Khalkh Juram, Buriat customary legal compilations, and the judicial regulations of the Khori-Aga Buriats (Amarsanaa 2012).

Tsyben Zhantsaranovich Zhamtsarano’s translations of the 1763 legal code of the Khori Buriat clans and the 1808 compilation of Buriat laws were published in scholarly collections associated with Irkutsk University and referenced by V.A. Ryazanovsky (Ryazanovsky 1931). Through this analysis, Tseveen demonstrated that Mongolian society possessed sophisticated legal traditions long before the modern era (Bold 1996). Finally, this article considers his institutional role within the Mongolian Academic Committee, which served as a center for constitutional debate in the early 1920s (Tsetsegmaa 2008).



## 2. Theoretical and historical context

*2.1 Legal tradition and customary law:* Tseveen's constitutional thought was rooted in the conviction that modern law must evolve from local traditions (Humphrey and Onon 1996). His research focused on Buriat and Mongolian customary law, which regulated social relations through community norms (Bawden 1968). The 1808 Khorii-Buriat legal code, which included provisions for internal governance, taxation, and judicial procedure, served as a primary example of how nomadic society adapted norms to changing economic and social conditions (Tsetsegmaa 2008; Bold 1996). Tseveen argued that such traditions should be systematically studied and integrated into modern state institutions to ensure cultural continuity (Uchral 2012).

*2.2 The development of constitutional ideas:* In Ulsyn Erkh (1924), Tseveen analyzed the constitutional systems of England, Austria, Prussia, Belgium, Sweden, Spain, and Russia to understand the structure of parliamentary governance. He evaluated various models—including hereditary and elective upper chambers—to determine which arrangements best suited Mongolia's political conditions (Tseveen 1924; Ewing 1980). His work advocated for a legal framework that respected local norms while adopting the functional mechanisms of modern constitutional states.

## 3. Analysis: Theory and synthesis

*3.1 The Constitutional principles of Ulsyn Erkh.* In Ulsyn Erkh, Tseveen outlined several principles for state formation:

**Parliamentary Governance:** He proposed sixteen fundamental principles for a national parliament, including procedures for drafting legislation and overseeing state finances (Tseveen 1924).

**Separation of Powers:** He argued that government officials could not independently enact laws without parliamentary approval, an approach that anticipated modern checks and balances (Tseveen 1924; Ewing 1980).

**Protection of Individual Rights:** He emphasized civil liberties, including freedom of speech, association, and protection against arbitrary arrest, reflecting influences from English and American constitutional models (Tseveen 1924; Lattimore 1940).

*3.2 Contribution to the 1924 Constitution.* Tseveen served on the commission responsible for drafting the 1924 Constitution, drawing on his translations of the Soviet, English, and Swiss constitutions (Mongol Uls 2004; Mongolian People's Republic 1924). The 1924 document established that statehood resides with the people and introduced significant reforms, including gender equality in political rights (Sabloff 2011).

*3.3 Intellectual collaboration and educational advocacy.* Tseveen's influence extended beyond legal theory. He advocated for modern education to support the new ministries, founding the Russian Mongolian Press and the journal *Shine Toli* (New Mirror) in 1913 (Cheney 1982). He also founded the *Sudur bichig-ün khüriyeleng* (Philology Institute), the precursor to the Mongolian Academy of Sciences (Vladimirtsov 1934). These efforts, combined with his collaboration with scholars like V.A. Ryazanovsky and B.Ya. Vladimirtsov, formed an international effort to document Mongolian legal and cultural traditions (Ryazanovsky 1931; Heissig 1980). Despite his contributions, the political climate of the late 1920s led to the marginalization of such intellectuals, with many, including Zhamtsarano, eventually being silenced or deported (Baabar 1999).

In our opinion that Tsyben Zhamtsarano's work Ulsyn Erkh laid an important intellectual foundation for constitutional governance in Mongolia by advocating parliamentary rule, separation of powers, and the protection of fundamental civil rights. His participation in the preparation of the 1924 Constitution and his comparative study of foreign constitutional systems helped introduce modern legal and institutional principles into Mongolia's emerging state structure. In addition to his legal ideas, Zhamtsarano's educational initiatives, scholarly collaborations, and publishing activities played a crucial role in shaping Mongolia's intellectual environment and promoting the development of modern legal consciousness and national rights.

## CONCLUSION

Jamsrangiin Tseveen remains one of the most significant intellectual architects of Mongolia's transition to modern statehood. By synthesizing historical scholarship on customary law with comparative constitutional analysis, he sought to build a system that reflected both local traditions and universal

legal principles. His work demonstrates a coherent strategy for modernizing a state while maintaining its cultural identity, a perspective that provides a deeper understanding of the origins of Mongolian constitutionalism. Although the political tragedies of his era prevented the full realization of his vision, Tseveen's writings continue to serve as a foundational source for studying the development of law and governance in Mongolia (Kaplonski 2014; Lattimore 1940). As contemporary Mongolia continues to navigate the evolution of a rule-based democratic state, the questions Tseveen posed regarding parliamentary authority and civil liberties remain as relevant today as they were in the 1920s (Sabloff 2011).


We concluded after studying of our research that Jamsrangiin Tseveen was one of the key intellectual figures who contributed to Mongolia's transition toward a modern legal and political system. Through his research on customary law, comparative constitutional studies, and active participation in institutional reforms, he helped shape early ideas about constitutional governance and national rights in Mongolia. Although the political conditions of his time limited the full implementation of his proposals, his works remain an important scholarly foundation for understanding the development of Mongolian constitutionalism and the continuing evolution of a rule-based democratic state.

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We would like to express our sincere acknowledgement of the enduring intellectual legacy of Jamsrangiin Tseveen, whose work laid a critical foundation for Mongolia's transition toward modern constitutional statehood. His ability to synthesize customary legal traditions with comparative constitutional thought continues to inform contemporary scholarly understanding of law, governance, and national identity in Mongolia. Despite the political tragedies that constrained the realization of his vision, his contributions remain a lasting source of academic inspiration and analytical insight.

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