Book Reviews

Lammerts, D. Christian, *Buddhist Law in Burma: A History of Dhammasattha Texts and Jurisprudence, 1250–1850*. Honolulu: University of Hawai'i Press, 2018, xii + 304 pp. ISBN: 9780824872601, price: USD 65.00 (hardcover).

Lammerts's book is a crucial contribution to a seriously understudied topic: the Buddhist lay law in precolonial Burma. Considering the extensive textual corpus of Burmese legal texts and the fact that there are only a few reliable translations of these texts into English, the reviewed volume is intended 'to serve as a sort of prolegomenon to any such study' (p. 13). This is a humble understatement: Lammerts's monograph is the first critical study of *dhammasattha*, a form (or rather forms) of Buddhist law in precolonial Burma and its textual corpus. Burma is among the few regions of the Buddhist world to have developed a written corpus of Buddhist law that claimed jurisdiction over all members of society, and the author rightly warns against a well-established view that Buddhist law is coextensive with the monastic law (*vinaya*).

Certain books succeed in establishing their authority from their very first page, and Lammerts's excellent work is certainly among this privileged group. The book is divided into six chapters; the first chapter stands in place of the introduction, and the five chapters that follow are divided between 'Part I' and 'Part II.' In Part I ('Sources', pp. 1–134), which consists of chapters 2, 3, and 4, the author introduces the *dhammasattha* genre and discusses its traces in the legal environment of Burma between 1250–1600 CE. In the next two chapters (chapters 3 and 4) he focuses in detail on the two oldest witnesses to the genre, the *Dhammavilāsa dhammasat* and *Manusāra dhammasattha*. In Part II ('Revisions and Reasons', pp. 135–193), which consists of two chapters (chapters 5 and 6), the author looks at the history of selected legal texts postdating a formative period of the *dhammasattha* genre. The book closes with a useful Appendix (pp. 195–199), which contains 'Four Dhammasattha Bibliographies (1768–c. 1818)', Notes (pp. 205–251), Bibliography (pp. 253–279), and the Index (pp. 281–288).

In the introductory chapter, the author takes a fresh look at the formative period of Burmese legal tradition and challenges the well-entrenched view that the vernacular *dharmasattha* genre was born out of the Sanskrit *dharmasāstra* tradition; he demonstrates persuasively that both genres are fundamentally different in terms of their legal theory and substantive content. Clearly the most common feature of both genres is the organizing framework of what Sanskrit legal tradition knows as the eighteen *vyavahārapadas* ('titles of law') into which most legal texts are dissected. The author observes, however, that whereas 'in many *dharmasāstra* texts [...] treatment of these eighteen titles constitutes only a portion—and sometimes a rather small portion—of the overall composition, in most Burmese *dharmasatthas* the eighteen titles [...] serve to loosely structure the entire treatise' (p. 13).

Earlier scholars commonly understood the Burmese *dharmasattha* tradition as the end result of a direct process of translating and re-interpreting Sanskrit *dharmasāstra* into a Pali Buddhist idiom, and they posited that the Mon people acted as the agents of this transfer. The author challenges this view, pointing out the lack of evidence for a widespread Sanskrit literary culture in premodern Burma, and of Sanskrit *dharmasāstra* before the late eighteenth century CE (p. 15). Sanskrit was never a 'prestige language' in this part of Southeast Asia. Unlike nearby Arakan (and Java or Campā), a decisively Pali-oriented Buddhist culture dominated in Burma from the first millennium CE. This cultural affinity may have been at least partially rooted in the alleged lack of interest among the South Asian Buddhists to draw on Sanskrit *dharmasāstra* sources, as noted by the author. Yet, *dharmasāstra* legal culture was present elsewhere in mainland Southeast Asia, as it is referenced in a number of donative inscriptions beginning no later than the mid-seventh century CE (p. 15). The author suggests not to think about the *dharmasāstra* tradition in the Buddhist milieu as the Brāhmanical law, but rather as a 'somewhat flexible normative discourse, textual form, or learned discipline whose relation to religious identity and praxis is historically dynamic and variable' (pp. 16–17).

In the next four chapters, Lammerts traces the history of jurisprudential discourses in and about the *dharmasattha* genre. In chapter 2, he demonstrates that the presence of *dharmasattha* (or the "prototextual" period of *dharmasattha*) in Burma before the sixteenth century CE is shadowy at best. The sparse early evidence mainly consists of two inscriptions issued in 1249 CE and 1442 CE respectively, several vernacular poems composed around 1500 CE, and a collection of early seventeenth-century CE *vinaya* court cases. Interestingly, already in the inscription issued in 1249 CE we encounter the existence of formal judicial process, legal institutions, and juridical professionals. We also note 'the absence of royal legislation and the deference of royal judgement to

an authoritative legal text referenced in the vernacular as *dhammasāt*' (p. 22). The most revealing documents for this period, however, are the lists of the titles of legal manuscripts donated to monasteries, most of them unknown or not yet identified. The author has succeeded to demonstrate that monks were subject to *dhammasattha* as well as *vinaya* jurisdiction.

Chapter 3 examines the *Dhammavilāsa dhammasat*, the oldest surviving Burmese legal text. The author refutes the widely accepted attribution of this text to late twelfth-century Pagan. The chapter offers evidence that the text was only written sometime around 1637–1638 CE. To the author, its attribution to the Pagan period was proposed by Ariyāvamsa, one of the most influential monastic authors of the first quarter of the nineteenth century CE, 'in an attempt to provide the text with a history that could find support in the epigraphic record, albeit one that does not withstand close empirical scrutiny' (p. 56). Unlike most previous scholarship, the author is not only interested in the shared features of the native Burmese legal thinking and the trans-regional Pali legal texts, but he identifies distinctive features of Burmese jurisprudence. One of the most important achievements of this study is its assertion that the written law of *dhammasattha* derives not from the legislative activity of a *buddha*, king, or other lawmaker, but from the physical wall of the cosmos itself, whence the law is magically transcribed and transported to the world of men through the intercession of the seer Manu in service of the first Buddhist king, Mahāsammata (pp. 62–65). This legislative framework of 'legal cosmology' seems to be a unique feature of early-modern Burmese law, as claimed by the author. It was repudiated in theory, if not always in written texts themselves, only by mid-eighteenth century CE, when a positivist legislative model of Buddhist king-made law slowly replaced it.

In chapter 4, the author explores refinements and further developments in the Burmese jurisprudence. He takes a close look at the *Manusāra dhammasattha*, a text co-authored in 1651–1652 by the judge Kaingza Manurāja and a monk Tipiṭakālaṅkāra. We learn that *Manusāra* is the first known Burmese legal text to clearly assert a boundary between the monastic and lay jurisdictions, and to enjoin that each is governed by its own corpus of written law, *vinaya* and *dhammasattha* respectively. In *Manusāra* we also find *dhammasattha* law represented for the first time as linked geographically with Burma, and politically and chronologically associated with historical Burmese (and Mon) kings, who are now depicted as patrons and curators of legal-textual tradition.

Chapter 5 studies this rather belated jurisdictional separation against the broader intellectual background of the late seventeenth century CE, when Burmese bibliographers began to advocate for a narrower definition of the corpus of *piṭakat* authoritative texts. In 1681 CE, the Avan court monk Uttamasik-

khā was required to compile the oldest Burmese bibliography of legal texts (p. 140), known as *Piṭakat samuiñh* ('catalogue of the *piṭakat*'). Another noteworthy compilation, the *Mahābuddhañkura dhammasat*, is a vernacular law book that is easier to understand for those not learned in Pali. The book is important for its willingness to tacitly acknowledge disagreements among prior law texts, a truly revolutionary achievement. In an interesting, methodologically very useful section on the *dhammasattha* texts written in the mid-eighteenth century CE, the author shows how scholarly attention devoted to a single, relatively unimportant text has set the direction of scholarship for decades. In this particular case it is the *Manu kyay*, one of only a very small number of published *dhammasattha* texts and the first ever translated fully into English. Since 1882, countless works on legal history have referred to it as the most authoritative Burmese legal treatise from the precolonial era, allowing it 'to become the prime source of colonial and postcolonial legal knowledge about Burmese "customary law"' (p. 147). The rest of the chapter discusses a number of more important legal texts that have helped to redefine the law by recognizing a plurality of *dhammasattha* texts written by the jurists in the eighteenth and nineteenth centuries. Chapter 6, entitled 'Conclusion; Sakka's Thunderbolt,' offers a convenient summary of the book and poses a number of questions and suggestions for further research.

I have spotted only a few typos. In the Bibliography section, the personal name 'Meulebeld' should be corrected to Meulenbeld (p. 270 and p. 213, n. 47). To conclude my review: by a quantum leap this is the best book on the subject in the English language, and should be obligatory reading not only for scholars of precolonial Burma and students of legal history, but for anyone interested in premodern Southeast Asia.

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