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*Buddhist Law in Burma: A History of Dhammasattha
Texts and Jurisprudence, 1250-1850*

Reviewed by Nyi Nyi Kyaw

National University of Singapore and University of Sydney
nnkster@gmail.com

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vforte@albright.edu

A Review of *Buddhist Law in Burma: A History of Dhammasattha Texts and Jurisprudence, 1250-1850*

Nyi Nyi Kyaw¹

Buddhist Law in Burma: A History of Dhammasattha Texts and Jurisprudence, 1250-1850. By D. Christian Lammerts. Honolulu: University of Hawai'i Press, 2018, xi + 288 pp., ISBN 978-0-8248-7260-1 (hardback), \$65.00.

D. Christian Lammerts's academically groundbreaking and elegantly written study of Buddhist legal discourse and jurisprudence in *dhammasattha* texts in Burma breaks new ground in four essential ways. First, *Buddhist Law in Burma* revisits and corrects two dominant views in Buddhist legal studies held and promoted by Max Weber and T. W. Rhys Davids, among others. Namely, that there is no Buddhist law except for the *Vinaya*, or the monastic code of law, and furthermore, that ethics and customs took the place of Buddhist law as such. Second, it critiques colonial-era European scholarship, pioneered by John Jardine and E. Forchhammer, that argues that precolonial Burmese Buddhist law only concerns customary or familial issues such as marriage, divorce, and inheritance. Third, the study

¹ The Inter-Asia Engagements Cluster at the Asia Research Institute, National University of Singapore and the Sydney Southeast Asia Centre, University of Sydney. Email: nkster@gmail.com

presents “the development of a dynamic, historically situated, and changing discourse of law by and for lay and monastic Buddhists” (7) that is on par with Islamic law or Hindu law. Finally, while *Buddhist Law in Burma* is similar to the work of the late Andrew Huxley in that both focus on *dhammasattha* as a genre of law, Lammerts’s study also represents a helpful departure. Whereas Huxley examined the genre as a trans-regional and -cultural Buddhist package in Burma, Laos, Thailand, and Cambodia, Lammerts recognizes how the *dhammasattha* of Burma is not only religiously Buddhist but also locally Burmese.

Textually extremely rich, the study has six chapters. To give a brief overview, chapter one introduces the central argument. Next, chapters two to four describe and analyze sources. Chapter five discusses the development of the genre of *dhammasattha* of Burma between the thirteenth and nineteenth centuries, and chapter six concludes findings of the study.

Each of the chapters provides a close look at the dynamics of Buddhist law in Burma. Chapter two, for example, lays out the textual background of the study, and traces *dhammasattha* to a stone inscription in Pagan in 1249 C.E. This inscription concerns a case of inheritance between the wife and the brother of a dead man, and contains the term *dhammasattha* or *dhammasat*, quite possibly for the first time in known history. The chapter then discusses several other sources of early *dhammasatthas* in the form of stone inscriptions, mostly written in Pāli rather than in Sanskrit, and outlines the rich body of *dhammasattha* texts between the mid-thirteenth and early seventeenth centuries. The chapter establishes that *dhammasattha* then was still considered to be part of the *piṭakat* or Pāli canon studied by monastics, and, importantly, that the genre was not “a non-Buddhist, heretical, or alien literature” (32).

Chapters three and four consist of close textual analysis of the *Dhammavilāsa dhammasat* and the *Manusāra dhammasattha*, written before 1637-1638 and in 1651-1652, respectively. First Lammerts explores the *Dhammavilāsa dhammasat*, which is “the earliest securely datable *dhammasattha* text from Burma” (86), though its authorship is unknown. It offers

an account of law “as a cosmic fixture, coming into being and passing away with the universe itself, knowable in its origins only by supermen with magical powers” (86). For law is “not the product of human or divine legislation, nor is it a transcript of customary practice or norms” (86). This early Burmese legal cosmology laid out in *Dhammavilāsa dhammasat* lists eighteen titles of law for issues that vary from debt to the destruction of property to slander to murder to inheritance to gambling (58-61). Drawing on close analysis of this rich text, the chapter problematizes the sweeping argument of colonial-era European scholarship that Burmese Buddhist law is largely derived from the Hindu or Brahmanical tradition. In addition, it reminds readers that the *Dhammavilāsa dhammasat* is “the corpus of regionally transmitted Buddhist literature” (87).

Chapter four turns to the *Manusāra dhammasattha*, which was written by monastic and scholar Taungbhila Sayadaw Tipiṭakālaṅkāra and lay judge Kaingza Manurāja in the mid-seventeenth century. The chapter also provides a detailed biographical background of the two authors (118-131). According to Lammerts, the *Manusāra dhammasattha* represents *dhammasattha* law “for the first time as linked geographically with Burma, and politically and chronologically associated with historical Burmese and Mon kings” (89).

Chapter five, which is the pivotal chapter of the study, provides a detailed discussion of texts produced between the late seventeenth and mid-nineteenth centuries. During this period, Lammerts notes, “*Dhammasattha* is disjoined from the increasingly narrowly defined *piṭakat* corpus” (143). As part of a process of *sāsana* purification, *dhammasattha* came to be excluded from the *piṭakat*. *Piṭakat* became sacralized as *the* most authoritative texts of Buddhism, whereas *dhammasattha* became seen as *lokiya* (mundane) texts. As such, writers of the time suggested their removal from the *piṭakat*. Lammerts cites works of *piṭakat* historians, who were mostly monks, such as *Piṭakat samuiṅḥ* (*History of the Piṭakat*) by Uttamasikhā and *Piṭakat samuiṅḥ* by the first abbot of the Kyaw Aung San Hta

monastery at Ava Ñāṇavara. These authors of *piṭakat* legal historiography lamented the inclusion of *dhammasattha* in *piṭakat*.

Chapter five also includes Lammerts's analysis of several *dhammasattha* works composed by monastic authors such as Ava court monk Uttamasikkhā, Taungdwin Sayadaw Khingyi Hpyaw Ñāṇālaṅkāra, and Monywe Sayadaw Ariyāvaṃsa Ādiccaramāsi. All of them adhere to "the notion that status and authority of *dhammasattha* law should be evaluated in light of the *piṭakat* to which it has been determined it does not belong" (172). These authors shared a common commitment to "fostering the development and propagation of *dhammasattha* literature" (172), but argued that it should not be included in *piṭakat*. In this way, the *piṭakat* "becomes ever more influential in shaping the context and interpretation of the genre" (143). For the dual purpose of the purification of *piṭakat* and the authorization of the *dhammasattha* literature, authors of the genre "creatively marshaled narrative evidence from the *piṭakat* to reconcile *dhammasattha* texts with that corpus" (143).

Lammerts highlights three distinctive characteristics of the later *dhammasattha* corpus that noticeably depart from its earlier forms. First, later *dhammasattha* texts dispute the claims of the cosmic origin of *dhammasattha* made by earlier texts such as *Dhammavilāsa* and *Manusāra*, and contend that the genre is "the product of instances of legislation by lawmakers" (173). Second, despite the authorship of *dhammasattha* texts by seers, monks, jurists, and the like, in later texts, the most important historiographic legislators are kings and their royal reigns, and their role in the production of royal *dhammasattha* texts is emphasized and celebrated. Third, authors of later texts saw their reformulation of earlier *dhammasattha* treatises as an act of purification of the earlier law, which was written on the basis of the *piṭakat*. Additionally, Lammerts highlights in this chapter the importance of *dāna* (merit-making) that facilitated or funded the production of *dhammasattha* texts in the period under study.

Chapter six provides conclusions and summarizes that "Buddhist law and jurisprudence in Burma during the seventeenth through

nineteenth centuries were thoroughly historical, dynamic, changing, and sometimes even controversial phenomena” (181). It emphasizes that *dhammasattha* law not only “exists for the sake of Buddhism” (192) but “serves as site for articulating modes of social, domestic, political, and economic action as both Buddhist and lawful” (192).

Having given this overview of *Buddhist Law in Burma*, some observations or reflections are in order. The first reflection is that the study has two significant merits, in addition to usual academic critiques and claims of contribution to scholarship stated in the beginning of the review. Through meticulous archival research, linguistic and semantic analysis, and historical contextualization, Lammerts has offered a study of *dhammasattha* that is both textually and historically outstanding. But, the historical merit of the study is unfortunately lessened, to a certain extent, by its primarily textual focus. As Lammerts himself admits, his study “has concerned itself mainly with developments within the sphere of *dhammasattha* law, jurisprudence, and legal history, to the exclusion of detailed analyses of broader changes taking place in varied Buddhist intellectual, ritual, and social scenes” (174). A more balanced discussion and analysis of historical, dynastic, social, economic, cultural, religious, and ritual contexts in which the genre of *dhammasattha* developed in Burma from 1250 until 1850 would strengthen the historical merit of the study.

The second reflection is, again, concerned with the historical context in which *dhammasattha* developed. Of course, the study only aims to discuss *dhammasattha* until 1850, that is, the pre-British colonial period, but it would have been helpful to extend his analysis into the colonial and post-colonial period. Although Lammerts does revisit colonial scholarship on *dhammasattha* and critiques colonial scholars’ assessment that *dhammasattha* limited itself to customs and familial matters, sufficient attention is not paid to the body of colonial scholarship. Likewise, Lammerts mentions, very briefly and noticeably on the last page of his book, the influence of an “ongoing yet dynamic Buddhist prudence” on colonial, post-colonial, and contemporary issues in Burma/Myanmar. For instance,

there is a modern-day Buddhist *dhammasattha* corpus for issues including but not limited to intermarriage, citizenship, immigration, and the constitutional enshrinement of Buddhism as state religion. But none of these issues were apparently covered nor considered in precolonial *dhammasattha* texts Lammerts has concerned himself with.

Two studies by Lammerts himself or others would supplement this book. The first study should carefully look at, again, how colonial positivist law-making in Burma (in Huxley's formulation) grappled with *dhammasattha* texts, and perhaps attempt a comparison between precolonial life and postcolonial life within the domains of *dhammasattha*.

The second study should explore whether there are any efforts by legislators of postcolonial or independent Burma/Myanmar, since 1948, to redraw boundaries of and reposition *Dhammasattha* in everyday social, cultural, and religious lives. It could consider how these efforts might affect not only Buddhist citizens but also non-Buddhist citizens, as well as the extent to which such efforts are explicitly framed as *dhammasattha* law-making. A contemporary example that is highly relevant to the discussion here is to look at the trajectory of three laws (1939, 1954, 2015) that concern Myanmar Buddhist women's marriage with non-Buddhist men. These laws were passed before independence, in early postindependence, and in contemporary Myanmar in transition, and were framed as an attempt to protect women's rights to inheritance, child custody, and most recently religious freedom. These are topics considered in *dhammasattha*, and so it would be interesting to explore how *dhammasattha* law played or did not play a role in conceptualizing or advocating for the passage of these laws.