

[REVIEW> Leider on Lammerts, 'Buddhist Law in Burma: A History of Dhammasattha Texts and Jurisprudence, 1250-1850'](#)

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D. Christian Lammerts. *Buddhist Law in Burma: A History of Dhammasattha Texts and Jurisprudence, 1250-1850.* Honolulu: University of Hawaii Press, 2018. 304 pp. \$65.00 (cloth), [ISBN](#)

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Buddhist Law in Southeast Asia

D. Christian Lammerts's *Buddhist Law in Burma* does nothing less than lay the foundation of a research field in Burmese Buddhist studies. This is the exploration of *dhammasattha*, a genre of legal literature that “played a vital role in monastic and lay Buddhist intellectual, socio-legal, and textual practice for centuries in Southeast Asia” (p. 1). His work fills a near-void and is a masterpiece of painstaking research and philological erudition. It puts at the hands of scholars of precolonial Southeast Asia an immense amount of thoroughly assessed knowledge that will inform religious, historical, and cultural studies for many years to come. In the author's sober words, his work “trace[s] the history of jurisprudential discourses in and about the *dhammasattha* genre, and consider[s] how, why, and under what conditions these were reformulated in Burma between the thirteenth and nineteenth centuries” (p. 179). Yet the significance of this book stretches much beyond the analysis of the genre, and Lammerts's sophisticated contextualization of Buddhist jurisprudence within the country's poorly known intellectual history usefully connects his work to other recent investigations in the fields of political and religious history of Myanmar.

As the author skips a description of his astounding fieldwork, his modesty should be compensated with a word of appreciation. In material terms, *dhammasattha* texts form an archive of thousands of “hitherto neglected” palm leaf manuscripts written in “Burmese, Arakanese, and Pali languages” spread over state and monastic libraries in contemporary Myanmar and elsewhere and often erratically named and listed by scribes and librarians (p. 1). There is neither an old nor a recent catalogue, anthology, or glossary to start with, a digital base, or other tool of reference and not even a proper edition of a single one of these texts (unless one turns to Lammerts's own earlier academic work). Nearly starting from scratch, Lammerts left for the darkness of the unknown and the shapelessness of the unfamiliar and returns, years later, as an expert guide having crafted his own tools, projecting a timeline and drafting categories and questions for further inquiry. *Buddhist Law in Burma* is the work of a dedicated researcher who joined those few who, over the least thirty years, have put intellectual and methodic efforts in exploring the “rich archives that have not been

adequately investigated by scholarship” embracing considerable material and scholarly challenges (p. 2). None of the repositories of these manuscripts is easy to access and work on. To be true, as the chapters unfold, Lammerts reassesses some recent eclectic work on *dhammasattha* texts. Yet other, mostly colonial, work turns to dust and is gently blown off the shelf in polished footnotes.

The book is organized in six chapters with the first and the last standing out from the chronological order followed in chapters 2 to 5. The first one is an introduction to the issues and objectives of the study and a discussion of core terminology. The last chapter addresses the *cui bono* question, “What were these texts, and their compilers trying to do?,” a question hovering over the *historical* sections and building suspense (p. 181). Chapters 2-4 cover the period from the thirteenth to the late seventeenth century, presenting a succession of *dhammasattha* source texts as integral to an evolving tradition of Buddhist law. Chapter 5 examines the critical reception of this tradition between the late seventeenth and the middle of the nineteenth century as it underwent a process of historicization, textual criticism, and reform.

The expression “Buddhist law” lends itself to some confusion as it has been erroneously perceived as “coextensive with monastic law or *vinaya*” or its emergence as a proper *law* denied with reference to Buddhism’s ethical ballast by authors like Max Weber or T. W. Rhys Davids (p. 6). The Buddhist law of the *dhammasattha* genre is a normative set of regulations intimately drawing on Buddhist concepts and curricula and pertaining to both lay and monastic people. It should not be confused with the common understanding of Buddhism itself as *dhamma*, the law and the soteriology taught by the Buddha. Further complications arising with Pali Buddhist *dhammasattha*’s historically “uncertain” relationship with India’s Brahmanical *dharmaśāstra* (law codes) are also discussed and elucidated (p. 14).

When engaging with *dhammasattha* as “one genre of written law among several that circulated in precolonial Burma,” Lammerts’s primary goal was to do what had not yet been done, namely, to “map and describe the significance of the production, circulation, and transformation of *dhammasattha* treatises” and “provide an account of the genre’s general jurisprudence” (pp. 2, 12, 179). This is what the book does in a very efficient way, looking at practices rather than trying to prove a theory. Lammerts demonstrates “the development of a dynamic, historically situated ... discourse of law by and for lay and monastic Buddhists” and successfully establishes “Buddhist law” “as a modality of religious law” besides Islamic and Hindu law (p. 7). He also hammers some more nails in the coffin of the “unchanging nature of precolonial Burmese legalism” propagated by colonial writers, and lastly, undercuts the still lingering perception of Burma’s cultural history as a barely changing Buddhist monolith (p. 2).[1]

Chapter 2, “Before the Law: Traces of *Dhammasattha* in Buddhist Legal and Textual Culture, c. 1250-1600,” covers the proto-textual period from which no datable texts have come down. The author sorts a puzzle of textual references pointing to the existence of an authoritative text attributed to Manu and containing “a set of guidelines for the juridical comportment of kings and ministers who might serve as judges” (p. 36). He further concludes from the literary evidence that *dhammasat* rules (as the term is spelled in Burmese) covered worldly practices that were not opposed to Buddhist principles and also included monastic cases outside the scope of monastic law (*vinaya*). A variety of legal treatises differing by content and style appeared since the early seventeenth century. They are examined in intricate detail in chapters 3 and 4 and illustrated with copious citations translated by

the author.

Chapter 3, “Legal Text and Cosmology in the Early Seventeenth Century,” discusses the *Dhammavilāsa* treatise, the “earliest securely dated example of the *dhammasattha* genre” surviving in manuscripts displaying astonishing textual variation (p. 57). By deconstructing its erroneous dating by both the Burmese legal-historical tradition and colonial scholarship and attributing it some time before 1637-38, Lammerts fixes a “provisional starting-point from which we may begin to talk more sensibly about the history, content, and form of surviving Burmese law treatises.” *Dhammavilāsa* defines written law as a “cosmic fixture, coming into being and passing away with the universe itself, knowable ... only by supermen with magical powers,” a belief that provoked critical reflection a few decades later (p. 86). Facing the challenge of the complexity and variations of the extant *Dhammavilāsa* manuscripts, Lammerts opts for a “majority” version based on a selection of manuscripts. He presents relevant features and offers a fascinating account of intertextuality engaging canonical Pali literature and major *personae* of Buddhist cosmogony, the legal treatises being “more often than not quite incongruous with any apparent counterparts in Pali texts” (p. 72). We are also told that *Dhammavilāsa*’s “aggregative engagement with multiple external textual sources of law and precedent” rooted in the corpus of regional Buddhist literature was exceptional and came under critical review since the middle of the seventeenth century (p. 87).

Chapter 4, “Manusāra History, Jurisdiction, Authorship,” focuses on the Manusāra treatise written in Pali. Its author, for the first time, connects law with the role of “historical Burmese and Mon kings” as patrons of the legal tradition (p. 89). A comparison of the Pali source text with its *nissaya* (that is, the vernacular translation, explanation, and, at times, commentarial expansion) shows the proliferation of “ancillary laws” within the eighteen traditional categories. This challenged, quite obviously, the essential but delusive characterization of the *dhammasattha* as an original cosmic law. Together with other inconsistencies such as the opposition of cosmic origins and the role of royal patrons or the gap between the *dhammasattha* tradition and certain rules of the monastic law (illustrated by the differing regulations concerning the succession of monastic property), such divergences became points of departure for textual criticism in the next decades.

In 1681, Uttamasikkhā, a learned monk at the court of King Minye Kyaw Htin of Ava, included a discussion of *dhammasattha* in a catalogue of canonical Buddhist scriptures requested by the king. The reason of this catalogue was the king’s fear that, unless he would not ensure a correct transmission of the canon, the teaching of the Buddha would deteriorate. Worldly texts written by learned men, or even by “deities and seers,” had no place within the canon and were moreover seen as an obstacle to the development of Buddhist practice (p. 139). Bibliographic descriptions, such as Uttamasikkhā’s, acknowledged the plurality and the variance of *dhammasattha* texts and foreshadowed the dawning of textual criticism and the radical questioning of older views on the *dhammasattha*. These remarkable developments are scrutinized in chapter 5 (“*Dhammasattha* and Its Discontents, 1681-c. 1850”).

Reasoning on the “boundaries of the canon” and the respective place of the *dhammasattha* reflected an increasing methodological rigor in textual projects initiated by kings and run by educated monks (p. 139). How was this worldly discipline going to be repositioned with regard to the sacred texts? The emerging critiques of *dhammasattha* infused a multitude of jurisprudential commentaries as new *dhammasattha* were composed in the eighteenth century. In the light of the criticisms, not only the

dhammasattha's human rather than cosmic nature became uncontroversial, but the genre also had to rehabilitate and realign itself with its Buddhist credentials reaffirmed, concluding that *dhammasattha* was Buddhist law because "Buddhists ... made the law and we know this because the *pitakat* tells us so" (p. 158). With its erudite description of jurisprudential adjustments, chapter 5 demonstrates the "broader changes in Buddhist intellectual culture" during the late eighteenth and early nineteenth centuries (p. 159). It is perhaps here that Lammerts's study is the most powerfully inspiring as it undermines the dismissive and lingering portrait of the Burmese elite propagated by British imperialists in the middle of the nineteenth century. This connects more broadly with other work presenting the process of political and administrative reform generated by the military and diplomatic contest with the British rooted within a malleable semantic field of traditional Buddhist notions (see Aurore Candier's *La réforme politique en Birmanie pendant le premier moment colonial, 1819-1878* [2020]). "Purification," the vernacular term for "reform," became an overriding concern of monks and kings alike. However, while this concern was driven by soteriological motives (meritorious acts to advance one's progress in the cycle of rebirths), it also had an immediate political relevance.

As *Buddhist Law in Burma* keeps the attention of its readers focused on textual and ideological developments, it reserves the question of the *dhammasattha* law's "purposes and aims" until the end. Doing away with the "vague generalities" authored by scholars for more than a century, Lammerts concludes with a set of rich and expressive citations from the sources pointedly commented and elucidating what the *dhammasattha* law meant to "Buddhist authors and audiences" (p. 181). *Dhammasattha* texts were directly addressed to and considered as beneficial to be used by judges, a potentially diverse group as classifications show. But beneficial in what sense? As *dhammasattha* law is good law grounded in Buddhist principles, it instructs lawful action that generates merit (*kusala*) and enables people to progress on their way to *nibbana*, the ultimate liberation. It is, as one *Dhammavilāsa* recension has it, "a stairway to heaven" (p. 183). Moreover, *dhammasattha* law was conducive to human prosperity in general, able to generate merit making for the continuity of the Buddha's teaching.

Buddhist Law in Burma includes an appendix with translations of four *dhammasattha* bibliographies of the late eighteenth and early nineteenth centuries, copious endnotes that often lead onward to further research issues, an excellent bibliography, and a well-curated index. They make the volume into an easy-to-handle tool for researchers and curious readers. This elegantly written book is warmly recommended to researchers in Buddhism as well as Southeast Asian history and culture. For anyone taking up Myanmar studies, it is essential reading.

Note

[1]. Lammerts's interest in precolonial "Buddhist dynamics" has led to the publication of his edited collection, *Buddhist Dynamics in Premodern and Early Modern Southeast Asia* (Singapore: ISEAS, 2015).

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