

Narratives of Buddhist legislation: Textual authority and legal heterodoxy in seventeenth through nineteenth-century Burma

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For more than a century scholars of central and western mainland Southeast Asia have sought to characterise the status of dhammasattha — the predominant genre of written law from the region before colonialism — and define its authority vis-à-vis Pali Buddhism. For some, dhammasattha texts represent a predominantly ‘secular’ or ‘customary’ tradition, while for others they are seen as largely commensurate with, if not directly derived from, the religio-political ideas of a cosmopolitan and purportedly canonical ‘Theravāda’. However, scholarship has yet to investigate the way that regional authors during the late premodern period themselves understood the character and legitimacy of written law. The present article examines seventeenth through nineteenth-century Burmese narratives concerning the genealogy and status of dhammasattha to advance a pluralist conception of the relationship between law and religion in Southeast Asian history. This analysis addresses a historical context where ideas concerning Buddhist textual authority were in the process of development, and where there were multiple and competing discourses of legal ideology in play. For elite monastic critics closely connected with royalty, dhammasattha stood in problematic relation to authoritative taxonomies of scripture, and its jurisprudence was seen to contradict authorised accounts of the origin and nature of Buddhist law; the genre thus required reform to be brought into alignment with what were construed as orthodox legal imaginaries. The principal hermeneutic move these monastic commentators performed to achieve this involved redescribing dhammasattha in light of such accounts as a variety of Buddhist royal legislation and written law as the prerogative of the Buddhist state.

In 1681 a monk under the patronage of the royal court at Ava was requested to compile a bibliography of authoritative Buddhist scripture. Uttamasikkhā was tasked

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with cataloguing which texts then circulating in Burma were part of the *Piṭakat* or Buddhist ‘canon’, most likely in connection with a project to copy a new set of manuscripts for the king’s merit.¹ This canon was defined for him as comprising those texts that contained ‘the profound and venerable speech (*nhup nak tau*) of the Lord Buddha, Solitary Buddhas (*paccekabuddha*), or the Enlightened (*arhat*)’, as opposed to those that were ‘the work of deities, sages (*rṣi*), or unenlightened masters learned in the scriptures’.² The bibliographical project he faced presupposed an ideal literary hierarchy as well as a practical uncertainty about the relative authority of texts lying in Burmese manuscript libraries. After itemising in detail what he considers to be the legitimate contents of the *Piṭakat*, Uttamasikkhā turns his attention to works written by deities and sages. Here he provides a list of several texts and genres — comprising law, astrology and alchemy, Sanskrit grammar, and politics (*nīti*)³ — and singles out thirteen legal treatises by name. Among these thirteen is included the *Gold Line Dhammasat of Manusāra*, which was compiled less than thirty years prior under the guidance of a celebrated monk, Tipiṭakālaṅkāra Munindaghosa. Uttamasikkhā concludes his bibliography by cautioning that these legal and other treatises were written by sages and wise men and that they are excluded from or ‘outside’ (*bāhira*) the category of canon — they are ‘not Buddhist texts (*sāsanā tau kyamḥ ma hut*) and pose a danger (*antarāy*) to the path and fruition of *nibbāna*’.⁴

1 During the seventeenth and eighteenth centuries it was common for Burmese kings to sponsor the copying of a new edition of the *Piṭakat* during their reign. Compare, for example, a manuscript copied in 1640 that contains a detailed list of the contents of the *Piṭakat* prepared for such a project during the reign of King Thalun (fl. 1633–48), entitled *Piṭakat mhan cā ranḥ* [Mirror of the *Piṭakat*] (Ministry of Religious Affairs, MS 4100). King Minye Kyaw-htin (fl. 1673–98) was involved in the sponsorship of at least two such projects, one which began in 1680 and was the likely catalyst for Uttamasikkhā’s bibliography, another which concluded in 1695; his successor, King Sanay, ordered an investigation of the contents of the *Piṭakat* in 1699 shortly after taking the throne. See Uḥ Kulāḥ, *Mahārājavaṅ kriḥ* [Extended great chronicle of the lineage of kings] (rev. repr., Yangon: Rā praññ., 2006, 3rd. ed.), vol. 3, sections 278 and 304; *Mhan nanḥ mahārājavaṅ tau kriḥ* [Glass Palace chronicle of the lineage of kings] (rev. repr., Yangon: Ministry of Information, 2003), vol. 3, p. 298; *Rājavaṅ lat* [Middle chronicle of the lineage of kings] (Ministry of Religious Affairs, MS 8501), f. chyā(r). My thanks to Alexey Kirichenko for the latter reference.

2 Uttamasikkhā, *Piṭakat samuiṅḥ* [History of the *Piṭakat*] (Universities’ Central Library, MS 9171), f. jhāḥ (r). My use of the term ‘canon’ as a gloss of *Piṭakat* is meant to signify those distinctive constructions of more or less restricted (‘open’ or ‘closed’) corpora of authoritative scripture invoked, argued, or critiqued in Burmese historical discourse. It is beyond the scope of the present article to describe at length the complex and changing nature of these discourses, which were ongoing since the thirteenth century, but see Alexey Kirichenko, ‘Classification of Buddhist literature in Burmese inscriptions and “Histories of pitakat”’ (Paper presented at the Eighth International Burma Studies Conference, Northern Illinois University, DeKalb, 3–5 Oct. 2008).

3 ‘*Dhammasat bedaṅ kalāp pañji vidag daṅḍi lokanīti*’, Uttamasikkhā, *Piṭakat samuiṅḥ*, f. ṅñai(r). These refer to the *dhammasattha* and *vedāṅga* genres (on which see below), treatises on the *Kātantra* or *Kalāpa* system of Sanskrit grammar, as well as Burmese transmissions of Dharmadāsa’s *Vidagdhamukhamaṅḍana*, Daṅḍin’s *Kāvyaḍarśa*, the *Lokanīti*, and an uncertain ‘*Pañjikā*’ or ‘*Pañcīkā*’, which is likely Ratnamati’s *Cāndravyākaraṇapañjikā*, its sub-sub-commentary the *Pañjikālaṃkāra* (*Candrālaṃkāra*) by Sāriputta, or Trilocanadāsa’s *Kātantravṛttipañjikā* — each of these three works of *sakkaṭasadda* (‘Sanskrit grammar’) are attested earlier in Burma.

4 Ibid.

How is it that a legal text, and one compiled with the help of a famous monk no less, might pose a danger to Buddhist enlightenment? What were the taxonomies of authoritative scripture or countervailing ideologies of law that could enable such a criticism? These questions raised by Uttamasikkhā's bibliography are important not only for the history of Burmese law, they relate to fundamental uncertainties in the minds of monastic commentators about the legitimacy of the heterogeneous corpora of Buddhist texts and their associated practices in premodern Burma. Debates about the proper boundaries of Buddhist scripture characterise a significant proportion of seventeenth through nineteenth-century Burmese monastic writings. The prevalence of such debates shows clearly that the scope of the canon was not universally fixed, and that the classification of Buddhist texts as belonging to or excluded from the *Piṭakat* was in the process of ongoing formulation. According to 'Theravāda' tradition the contents of the Pāli canon or *Tipiṭaka* were established by the early fifth century CE when Buddhaghosa, a monk who was an affiliate of the Sinhalese Mahāvihāra fraternity, explicitly demarcated its limits in certain of his commentaries.⁵ Although there is strong evidence that this authoritative Mahāvihārin framework of understanding the parameters of scripture was known in Burma from the thirteenth century (for there is evidence that Buddhaghosa's texts were transmitted in Burma then) we can be equally certain on the basis of later evidence that it was not universally accepted, but rather exerted varying degrees of influence on Buddhist culture at different times and places. Thus the presence or absence of notions of textual authority must be approached as the outcome of specific intellectual histories and in relation to local textual and commentarial practices.⁶ The principles guiding the inclusion of a text in the category of *Piṭakat* are not fully explicit or standardised across seventeenth through nineteenth-century Burmese literature; however, the majority of authors who discuss the issue follow the Pali commentaries in taking the criterion of *saṅghāyanā taṅ* (Pali, *saṅgīti-ārūḷha*, 'presented at a recitation') — whether a text was recited during the first three Buddhist Councils or 'Communal Recitations' (*saṅgīti*) and thus worthy of the status of the 'word of the Buddha' (*Buddhavacana*) — as primary.⁷ To accommodate other works as *Piṭakat*, secondary

5 The terms 'Theravāda' and 'Mahāvihāra' in reference to particular forms of precolonial Buddhism in Southeast Asia are unsatisfactorily imprecise. Neither of these words appear in precolonial Burmese discourse as a self-description of Buddhist identity; at best 'Mahāvihāra' is found, as in instances cited below, in contexts concerning monastic lineage. For recent criticism of this and related terminology, see Peter Skilling, 'Theravāda in history', *Pacific World*, 3rd series, 11 (Fall 2009): 61–93; Peter Skilling, Jason A. Carbine, Claudio Ciczuzza and Santi Pakdeekham, *How Theravāda is Theravāda? Exploring Buddhist identities* (Chiang Mai: Silkworm Books, 2012).

6 As Steven Collins has shown, it is appropriate to see the construction of early Mahāvihārin ideas about canon in such a light. It should come as no surprise that recent research suggests that conceptions of scriptural authority in late premodern South and Southeast Asian Buddhism varied considerably across the region, and it is instructive to keep this diversity in mind when considering the Burmese evidence. See Steven Collins, 'On the very idea of the Pali canon', *Journal of the Pali Text Society*, 15 (1990): 89–126; Anne M. Blackburn, 'Looking for the *vinaya*: Monastic discipline in the practical canons of the Theravāda', *Journal of the International Association of Buddhist Studies*, 22, 2 (1999): 281–309; Peter Skilling and Prapod Assavavirulhakarn, 'Tripiṭaka in practice in the fourth and fifth reigns', *Manusya: Journal of the Humanities*, special edition, 4 (2002): 60–72; Justin Thomas McDaniel, *Gathering leaves and lifting words: Histories of Buddhist monastic education in Laos and Thailand* (Seattle: University of Washington Press, 2008), pp. 193–7.

7 Following the Mahāvihārin commentators, such authors recognised that both the *Pāḷi* or *mūla* (root

criteria based on authorship — whether a text was spoken by a Buddha, *arhat*, or specialist in the scriptures — or consonance with *Buddhavacana* were invoked.⁸

The genre of written law called into question by Uttamasikkhā is known as *dhammasattha* (literally, ‘treatise on law’), a corpus genealogically related to broader South and Southeast Asian written legal traditions — of which Sanskrit Brāhmaṇical *dharmaśāstra* literature is the most famous example — which are excluded from Buddhaghosa’s paradigmatic catalogue of authoritative scripture, as well as all bibliographies of *Piṭakat* in Burma.⁹ *Dhammasattha* is not once mentioned by name in the Pali canon or commentaries of the Mahāvihāra tradition, although it has an attested history of transmission in Burma and other parts of Buddhist Southeast Asia throughout the course of the second millennium CE, and is cited as an authoritative source of law in countless records of judicial disputes beginning from the mid-thirteenth century.¹⁰ It was one of the most popular and widely copied forms of literature in the region; thousands of unstudied Pali, vernacular, and bilingual *dhammasattha* and related texts (commentaries, digests, tribunal reports, etc.) survive in Burmese manuscripts alone, and there are numerous witnesses in manuscript libraries in contemporary Yunnan, Laos, Arunachal Pradesh, Cambodia, and Thailand.

Since the late nineteenth century this genre has been characterised in multiple ways. Early colonial judicial officials embraced *dhammasattha* as a deceptively anodyne and unproblematic repository of what they called ‘Burmese Buddhist Law’; a transmogrification of ‘Hindu’ *dharmaśāstra* that was testament to and a lingering residuum of the early ‘Indianisation’ of Southeast Asia overlain with local custom and modified to harmonise with ‘Theravādin’ Buddhist ethics.¹¹ Drawing on such discourses, within nationalist and postcolonial circles in Burma *dhammasattha* was and is still seen as a privileged archive of authentically Burmese Buddhist customs and traditions or indeed as a national ‘common law’.¹² Beginning with the

texts of the *Tipiṭaka* and many of the commentaries (*aṭṭhakathā*) themselves were included in these recitations.

8 These principles agree with the *cattaro mahā-apadesā* or ‘four great authorities’ for determining the authentic credentials of a statement (and by extension a text) elaborated by Buddhaghosa and other Mahāvihārin commentators on *vinaya*. Compare J. Takakusu and M. Nagai, *Samantapāsādikā*, 7 vols. (London: Pali Text Society, 1924–47), vol. 1, pp. 230–1. For an instructive discussion of the modes of reckoning scriptural authority in Indian Buddhism, including a detailed analysis of Mahāvihārin perspectives, see Peter Skilling, ‘Scriptural authenticity and the śrāvaka schools: An essay towards an Indian perspective’, *Eastern Buddhist*, 41, 2 (2010): 1–47.

9 *Dhammasat* is the vernacular Burmese cognate of Pali *dhammasattha*. Throughout this article I employ the term *dhammasattha* in reference to the genre as a whole, or in reference to Pali or *nissaya* texts, while I reserve the term *dhammasat* for references to particular vernacular treatises. For a discussion of the early history of the transmission of this literature in Burma and mainland Southeast Asia, and its relationship with Indian and Insular Southeast Asian legal-literary traditions, see Dietrich Christian Lammerts, ‘Buddhism and written law: *Dhammasattha* manuscripts and texts in premodern Burma’ (Ph.D. dissertation, Cornell University, Ithaca, 2010), pp. 59–204.

10 Gordon H. Luce and Pe Maung Tin, *Inscriptions of Burma*, portfolio II (London: Oxford University Press, 1939), plate CLXXIV, line 14.

11 John Jardine, ‘On the Hindu origin of the Burmese law’, *Notes on Buddhist law*, vol. 4 (Rangoon: Government Printing, 1883); E. Forchhammer, *The Jardine prize: An essay on the sources and development of Burmese law from the era of the first introduction of the Indian law to the time of the British occupation of Pegu* (Rangoon: Government Printing, 1885).

12 E Maung, *The expansion of Burmese law* (Rangoon: Royal Printing Works, 1951); Maung Maung, *Law and custom in Burma and the Burmese family* (The Hague: Martinus Nijhoff, 1963); Aon Sanh

comparative work of Robert Lingat in the 1930s on the relationship between monastic *vinaya* and *dhammasattha* in Burma and Thailand, scholars started to explore in more detail the considerable influence that particular texts and ideas from the Pali *Tiṭṭaka* and commentaries have had on the formation and development of certain treatises.¹³ Recent scholarship has downplayed the local or customary aspects of the genre altogether to suggest that the varieties of written law encountered in pre-colonial Southeast Asia — whether *dhammasattha*, royal law, or *vinaya* — are united in frictionless consensus about the nature of law, equally conditioned and legitimated by a vision of Buddhism derived from the Pali canon and its commentaries.¹⁴ To date no one has seriously questioned the uniform acceptance and authority of *dhammasattha* as a ‘Buddhist’ genre in Southeast Asian history, nor examined precisely how it was understood in premodern or early modern debates about law and scriptural canon. As Uttamasikkhā’s remarks suggest, *dhammasattha* was not regarded as an uncontroversial written record of local Buddhist legal culture, but as a non-Buddhist literature that was opposed to alternative visions of scripture and law rooted in canonical authority.

This article shows how closer attention to *dhammasattha* and other local ‘extra-canonical’ literatures, and especially to the debates surrounding them, helps us to develop more complex understandings of premodern and early modern Southeast Asian religio-legal, intellectual, and literary histories, which were neither diachronically static nor synchronically uniform. In doing so it reorients towards law a now familiar analytical tradition in Southeast Asian and Buddhist Studies that has sought to counter received narratives of the conformity of regional Buddhisms with Pali canonical norms or what John Strong, Victor Lieberman, and others have called ‘Theravāda Orthodoxy’.¹⁵ As Lieberman has argued, from the mid-second millennium CE onward we witness the increasing salience and appeal in parts of Burma

Tvanḥ [Aung Than Tun], *Mran mā dhammasat samuiṇḥ* [History of Burmese dhammasat], 3 vols. (Yangon: Cā pe bimān, 2005–7). In recent years Burmese jurists have replaced the colonial phrase ‘Burmese Buddhist law’ with ‘Burmese customary law’, arguing that the former is inadequate since Buddhism, *sensu stricto* in their distinctively modernist conception, does not offer explicit regulations concerning civil law. Such concerns were earlier voiced by colonial-era scholars and judges. On this suggestive change in terminology, see Myint Zan, ‘Of consummation, matrimonial promises, fault, and parallel wives: The role of original texts, interpretation, ideology and policy in pre- and post-1962 Burmese case law’, *Columbia Journal of Asian Law*, 14, 1 (2000): 155–212.

13 Robert Lingat, ‘Vinaya et droit laïque: Études sur les conflits de la loi religieuse et de la loi laïque dans l’Indochine hinayaniste’, *Bulletin de l’École française d’Extrême-Orient (BEFEO)*, 37 (1937): 415–77; Robert Lingat, ‘La conception du droit dans l’Indochine hinayaniste’, *BEFEO*, 44, 1 (1951): 163–87; Andrew Huxley, ‘Buddhism and law: The view from Mandalay’, *Journal of the International Association of Buddhist Studies*, 18, 1 (1995): 47–95.

14 Compare, for example, Tambiah’s claim that ‘[...] the canonical conception of first kingship acted as a charter and legitimator of legal systems and social practices of three major Buddhist societies of South and Southeast Asia — Sri Lanka, Burma, and Thailand’. Stanley J. Tambiah, ‘King Mahāsammata: The first king in the Buddhist story of creation, and his persisting relevance’, *Journal of the Anthropological Society of Oxford*, 20, 2 (1989): 115–16.

15 John S. Strong, *The legend and cult of Upagupta: Sanskrit Buddhism in North India and Southeast Asia* (Princeton: Princeton University Press, 1992), chap. 8; Victor Lieberman, ‘Was the seventeenth century a watershed in Burmese history?’, in *Southeast Asia in the early modern era: Trade, power, and belief*, ed. Anthony Reid (Ithaca: Cornell University Press, 1993), pp. 214–49; François Bizot, *Le figuier a cinq branches: Recherche sur le bouddhisme khmer* (Paris: École Française d’Extrême Orient, 1976).

and elsewhere in Buddhist Southeast Asia of strict, canonically inflected interpretations of what counts as authoritative religious practice and culture.¹⁶ According to such models, the construction of this orthopraxy or orthodoxy and its pursuit was particularly intense in locations surrounding centres of royal power and among monks associated with the court or its clients. While this trajectory is in part supported by evidence presented below, it must be qualified by the fact that there were a range of alternative forms of vernacular and Pali Buddhist thought and activity — the writing and reading of *dharmasattha* literature among them — that either resisted this trend or could participate in it only after undergoing significant reform and reinterpretation. Thus we cannot assume simply because certain individuals in Burma preserved, honoured, and reproduced the Pali *Tipiṭaka* and its commentaries that legal actors were therefore motivated primarily by concepts of order and law derived from that corpus, or that the shape of law in the region was congruent with the norms it prescribed.¹⁷ As the example of *dharmasattha* makes clear, this was not always the case, and in fact there were multiple and competing conceptualisations of law in play.

The present account shows that we cannot consider precolonial Burma to have possessed a univocal ideology of law or mode of legal expression. The history of Burmese jurisprudence is instead characterised by diverse and at times conflicting legal ideas and practices that ask us to redraw with more precision some of our basic assumptions about the relationship between religion, law, and the state in pre-modern Burma and mainland Southeast Asia. This relationship was defined by tension rather than commensurability, and jurisprudential, as well as textual, innovation and change was often driven by attempts to resolve ideological, conceptual, or literary conflicts. Over the past several decades proponents of legal pluralism have argued that multiple and dissonant regimes of law are a standard feature of legal cultures everywhere.¹⁸ For anthropologists and comparative law theorists such arguments have been foundational for critiques of positivist accounts of law's monism and essential connection with state-centric models of legislation derived from modern European jurisprudence.¹⁹ However, analyses of legal pluralism remain largely focused on the coordinated interaction between local or 'traditional' and colonial or international legal regimes, paying far less attention to the analysis of premodern normative diversity or disjunction in history, especially in Asia.²⁰ The present essay therefore has suggestive comparative implications for thinking about legal culture

16 Victor Lieberman, *Strange parallels: Southeast Asia in global context, c. 800–1830*, vol. 1 (Cambridge: Cambridge University Press, 2003), pp. 137–9, 196–7.

17 A similar argument has been made in reference to non-legal historical contexts in Charles F. Keyes, 'Structure and history in the study of the relationship between Theravāda Buddhism and political order', *Numen*, 25, 2 (1978): 156–70; see also, Steven Collins, *Nirvana and other Buddhist felicities: Utopias of the Pali imaginaire* (Cambridge: Cambridge University Press, 1998), pp. 72–89.

18 Compare, among many others, Sally Engle Merry, 'Legal pluralism', *Law and Society Review*, 22, 5 (1988): 869–96; Brian Z. Tamanaha, 'Understanding legal pluralism: Past to present, local to global', *Sydney Law Review*, 30 (2008): 375–411.

19 Franz von Benda-Beckmann, 'Who's afraid of legal pluralism?', *Journal of Legal Pluralism and Unofficial Law*, 47 (2002): 37–82.

20 This need to orient discussions of legal pluralism towards issues of conflict and premodern contexts has been suggested by Masaji Chiba, 'Other phases of legal pluralism in the contemporary world', *Ratio Juris*, 11, 3 (Sept. 1998): 228–45.

in Burma at other times — concerning, for example, competing visions of law under colonialism or in the current theatre of legal ‘reform’ (*pru prañ pronh lai mhu*) — as well as in other regional contexts such as Indonesia or Vietnam where imported Islamic, Chinese, or European legal ideas and practices historically contended with, and were translated by, discordant local and/or regional visions and voices of law.

Getting at the diversity of legal thought at work in Burma during this period is difficult business, however. We are fortunate to have extensive and in many cases published documentation of seventeenth through nineteenth-century debates that critique the authority and status of *dhammasattha* from the multiple perspectives of an elite monastic culture intimately associated with royal patronage, several examples of which are discussed below. But the jurisprudence represented by the *dhammasattha* tradition itself is more elusive and covert. A significant problem here is practical, since nearly all surviving *dhammasattha* texts exist only in manuscript versions in Burmese libraries, and the few texts that were published or translated by the British colonial judicial office in the late nineteenth century are defective and unreliable to the point of being unusable. A more substantive analytical obstacle consists in the significant fact that *dhammasattha* texts are not conspicuously theoretical. Some amount of reflection on the authority of law is a hallmark of most written legal cultures, and in South and Southeast Asia the *dharmaśāstras*, *dharmaśāstras*, Buddhist *vinaya* literatures, and their commentaries, all grapple with questions of what makes a rule legitimate as law, often through a consideration of the sources of law.²¹ *Dhammasattha* devotes less space to the explicit theorisation of such matters, but a careful reading reveals that the genre has much to say about them.

Early *dhammasattha* texts usually begin by telling a myth that provides a narrative account of the genesis of written law. There are several versions of the myth found across the genre, but they all depict tales of a sage named Manu (or ‘Manusāra’ or other variants) who copies the already written text of the law off the boundary wall of the universe and presents it, uncorrupted and unabridged, to a king named Mahāsammata. Mythic narrative is one of the key features that sets *dhammasattha* apart from other forms of written law in premodern Burma and Southeast Asia, such as royal edicts, which date to the Pagan-era (eleventh–thirteenth centuries CE) and have analogues throughout South and Southeast Asian political history,²² or the administrative (*upadesa*) laws of the late Konbaung Dynasty (1752–1885), which were themselves a unique amalgamation of *dhammasattha*, king-made law, and early modern European juridical models. It is also one of the more notable formal differences between *dhammasattha* and Sanskrit Brāhmanical *dharmaśāstra*, most examples of which devote far less space to narrative accounts of law’s origins.²³

21 Donald R. Davis, Jr, *The spirit of Hindu law* (Cambridge: Cambridge University Press, 2010); Oskar von Hinüber, ‘Buddhist law according to the Theravāda-vinaya: A survey of theory and practice’, *Journal of the International Association of Buddhist Studies*, 18, 1 (1995): 7–45.

22 Compare Grégory Mikaelian, *La royauté d’Oudong: Réformes des institutions et crise du pouvoir dans le royaume khmer du XVII^e siècle* (Paris: Presses de l’Université Paris-Sorbonne, 2009).

23 However, the *Vaiṣṇava dharmaśāstra* (c. sixth–eighth centuries CE) departs from the reticence of earlier texts by devoting relatively more space to the mythic origins of the law. See Patrick Olivelle, *The law code of Viṣṇu: A critical edition and annotated translation of the Vaiṣṇava-Dharmaśāstra* (Harvard Oriental Series, 73; Cambridge, MA: Harvard University Press, 2009), pp. 16–17.

Although they have been read as such, these narratives were not employed to articulate what Maine referred to as a ‘legal fiction’, a device used by legislators to obscure the fact that law was made by human hands.²⁴ Given the paucity of explicit reflection on or theorisation about law in *dhammasattha* materials, if we are to achieve any traction on precolonial Burmese jurisprudence it is necessary to approach such myths as ‘ideology in narrative form’, to use Bruce Lincoln’s succinct phrasing.²⁵ Seen in this light myth lays the theoretical groundwork and establishes the basis for the effective capacities of *dhammasattha* law. Myth’s fundamental conceptual propositions reflect back on the ways *dhammasattha* narrators and audiences conceptualised law. Mythopoeic narratives concerning the celestial discovery of the written text of the law and its uncorrupted appearance in the world due to the intercession of sages charged with supernormal powers encode important jurisprudential insights about legal authority. As Lincoln warns, it is important not to approach such narratives as narrowly structuralist, but rather to track their historical modulations in response to various contextual demands and interests. This approach enables a number of compelling trajectories for research on *dhammasattha* jurisprudence. One of these would be to trace substantive and formal variations in *dhammasattha* narrative over time.²⁶ Another, which is the methodology advanced below, is to explore the variety of reactions and criticisms *dhammasattha* narrative — as expressed in one text or across multiple texts — elicited in its audiences. As I show below, in addition to their extra-canonical or *bāhiraka* status, and precisely due to the distinctive variety of legal ideology they advanced, such narratives confronted elite, royally connected audiences with anxieties and uncertainties. They were read as incongruous with orthodox conceptions of the proper origin and character of Buddhist legislation, which they regarded as a fundamental prerogative of kings. Monks as well as laypersons learned in the texts of the *Piṭakat* argued for the exclusion of *dhammasattha* from that scriptural corpus. Critics of the genre invoked an alternative model of legal and textual authority which attempted to redescribe *dhammasattha* as a variety of Buddhist royal legislation sanctioned by the *Piṭakat*, something wholly alien to the jurisprudence presupposed by *dhammasattha* itself.

The authors of the *Manusāra*

Of the thirteen *dhammasattha* treatises named in Uttamasikkhā’s bibliography only four can be identified in known manuscripts.²⁷ One of these, the vernacular *Dhammasat* of Thera *Dhammavilāsa*, is undated in extant versions, but had reached its current form sometime before 1628.²⁸ Two others, the *Manosāra* and *Manussika*

24 Henry S. Maine, *Ancient law: Its connection with the early history of society and its relation to modern ideas* (London: Oxford University Press, 1951 [1861]), pp. 17–36.

25 Bruce Lincoln, *Theorizing myth: Narrative, ideology, and scholarship* (Chicago: University of Chicago Press, 1999).

26 An example of this type of approach is Andrew Huxley, ‘When Manu met Mahāsammata’, *Journal of Indian Philosophy*, 24, 6 (1996): 593–621.

27 The identification of texts in this list raises a number of vexing problems, especially when compared with later eighteenth and nineteenth century *dhammasattha* bibliographies and surviving manuscripts. For more details see Lammerts, ‘Buddhism and written law’, pp. 27–54.

28 The current state of research suggests that this text is the earliest surviving Burmese *dhammasat*. One manuscript of the *Dhammavilāsa* states in its scribal colophon that it was copied in 1825 from a

dhammasats, each have only a single undated witness, both copied in the nineteenth century.²⁹ The remaining treatise, which forms the basis for the following discussion, is entitled the *Gold Line Dhammasat of Manusāra* (hereafter *Manusāra*) and was redacted in 1651 on the basis of earlier materials. *Manusāra* exists in two complementary versions: a Pali verse text written in the ubiquitous *vatta* metrical style of eight syllables per line, and a bilingual prose Burmese-Pali *nissaya* commentary on the Pali text.³⁰ The Pali *Manusāra* has the distinction of being the earliest of several *dhammasatthas* written entirely in Pali. Of the twenty-one known manuscripts of *Manusāra*, only four include the Pali version along with the *nissaya*, while the other seventeen include only the *nissaya*. It thus appears that at least during the eighteenth and nineteenth centuries — our earliest manuscript of *Manusāra* was copied in 1745, the latest in 1877 — the Pali text did not circulate independently of its *nissaya* commentary.

As Uttamasikkhā correctly identifies, the text was written during the reign of King Pindale (fl. 1648–61) by a jurist styled as Manurājā, the ‘Eater’ of Kaing Village, under the guidance of the monk Tipiṭakālaṅkāra Munindaghosa. Authorial colophons found within most manuscripts confirm that both the Pali and *nissaya* texts were simultaneously redacted or ‘purified’ (*sodhita*) by these individuals. There are three authorial colophons interspersed at the end of various sections of *Manusāra* and only one of these mention Tipiṭakālaṅkāra’s involvement, so it is possible that his role in producing the text was more limited than that of Manurājā.³¹ From the same colophons it would seem the project to redact the text was initiated by King Pindale, although his involvement is not mentioned by standard chronicle accounts of his reign, and some later materials attribute the *Manusāra* to the reign of his father and predecessor King Thalun (fl. 1633–48).³²

manuscript dated 1628 (British Library MS Or.Add 12249), f.jā(r). All other known manuscript versions were copied in the late eighteenth or nineteenth centuries.

29 *Manosāra dhammasattha nissaya* (National Library of Myanmar, MS Kañḥ 123); *Manussika dhammasat* (National Library of Myanmar, MS Kañḥ 119). The latter manuscript is incomplete and lacks a colophon and explicit attribution.

30 In the broadest sense a *nissaya* (literally, ‘support’) text is a bilingual commentary that works by way of an interverbal, interphrasal, or interlinear gloss on a Sanskrit or Pali or vernacular source text or portion thereof. *Nissayas* may also include sections called *adhippāyas* that give lengthy ‘explanations’ of the source text in the target language. Vernacular *nissayas* of Pali source texts are most common, but there are also Pali *nissayas* of Sanskrit source texts and Pali *nissayas* of vernacular source texts. In rare cases both the source text and gloss parts of a *nissaya* might be authored simultaneously, as in *Kyok tuin khum* [Judge of Kyauktaing], *Kyok tuin dhammasat* [Dhammasat of Kyauktaing], written c. 1800 (Universities’ Central Library, MS 13003). For an example of a Pali *nissaya* of a vernacular source text see Nandamālā (Chum thāḥ sayadaw), *Manu rañḥ dhammasat nissaya* [Nissaya of the original Manu dhammasat], written c. 1770 (Universities’ Central Library, MS 8000), especially ff.ka–kā(r), discussed in Lammerts, ‘Buddhism and written law’, pp. 265–72.

31 Kuinḥ Cāḥ [Eater of Kaing Village] and Tipiṭakālaṅkāra, *Manusāra-dhammasattha*, written 1651 (British Library MS Or.Add 12241), f.kī(r), f.ko(r), f.kau(r). The Pali authorial colophons in the text that support this date and attribution are discussed at length in D. Christian Lammerts, ‘Scribal practices and the roles of manuscripts in Burmese legal culture: A preliminary study of variation across nineteen manuscript versions of the *Manusāra-dhammasattha*’, Paper presented at the Annual Meeting for the Association of Asian Studies, Honolulu, 31 Mar.–3 Apr. 2011.

32 Lak Vai Sundara, *Dhammasat atui kok* [Abridged dhammasat], written 1792 (Ministry of Religious Affairs, MS 4888), f.ka(v).

About Manurājā very little is known from contemporary seventeenth-century documents. According to the colophons noted above he was a judge (*akkhadassa*) and, as his Pali title *balibhogin* suggests, the ‘Eater of Taxes’ for the village of Kaing. This village was probably located in the Myingyan district on the east bank of the Irrawaddy near its confluence with the Chindwin River. Although there is no information on Kaing in seventeenth-century sources, by 1783 it had fallen under the broader authority of the town headman of Kyauksauk.³³ A Royal Order of 1788 states that the *asaññ* (tax-paying freemen) inhabitants of Kaing were under the jurisdiction of the governor of the nearby town-district of Taloke.³⁴ Alternatively, it is possible that the Kaing in question may have been located elsewhere, on the west bank of the Irrawaddy along the route between modern-day Pakokku and Myaing, although even less is known about the precolonial history of this site. The formal office of ‘village eater’ (*rvā cāḥ*) meant that the jurist was an appanage holder who had the right to all the crown taxes, including judicial fees, collected in the village. This privilege would have been bestowed on him by the court, in return for some ministerial or other service he performed; he may have also been related to the royal family by blood. More important, appanage holders were typically allotted entire town-districts (*mrui.*), which in their stock description included a fortified town, market, and sometimes a number of attached villages. That he was entitled only to the taxes of Kaing suggests he was not too high in the administrative hierarchy, even though his title would have placed him far higher in status than local village officials and certainly the villagers themselves. The relative insignificance of the grant of Kaing’s taxes is also attested to by the fact that we do not find it mentioned in records documenting the bestowal of sizeable appanages in the early seventeenth century.³⁵ His other title, Manurājā, also signified an official role connected with the court, or at least that the title itself was conferred by a king. We find Manurājā used in an epigraphic reference to an official associated with the Pagan-era king Kīrcvā already in the mid-thirteenth century.³⁶ Although we can speculate that this title probably had some connection with the mythic lawgiver Manu, it is not encountered in legal or administrative documents regularly enough to say much more. The Eater of Kaing was also responsible for another legal work, a lengthy compendium of royal jurisprudential principles which survives under several different names (most commonly, *The decisions of Manurājā* or *The extended great treatise on royal law*). This too was purportedly written with the assistance of Tipiṭakālaṅkāra, sometime during the reign of King Thalun, and thus prior to *Manusāra*.³⁷

33 Frank N. Trager and William J. Koenig, *Burmese sit-tāns 1764–1836: Records of rural life and administration* (Tucson: University of Arizona Press, 1979), p. 293.

34 Than Tun, *The royal orders of Burma, A.D. 1598–1885*, 10 vols. (Kyoto: Center for Southeast Asian Studies, Kyoto University, 1983–90), vol. 5, p. 435.

35 See, for e.g., Sīri-ujanā, *Lokabyūhā kyamḥ* [Treatise on the array of the world] (Yangon: Ministry of Culture, 2001), part six.

36 Than Tun, *Khet hōñḥ mran mā rājavāñ* [History of early Myanmar] (Yangon: Mahādaguṃ, 1969), p. 142.

37 Kuinḥ Cāḥ Manurājā [Manurājā, Eater of Kaing Village] and Tipiṭakālaṅkāra, *Mahārājasat kriḥ* [The extended great treatise on royal law], written c.1633–48 (National Library of Myanmar, MS 2016), f.ka–kā(v).

By contrast there is ample, if not in certain instances apocryphal, documentation concerning Tipiṭakālaṅkāra Munindaghosa, who was one of the more important figures of seventeenth-century Burmese monasticism.³⁸ According to more or less congruous chronicle accounts written between circa 1706 and the late nineteenth century, he was born in Salin in 1578 and regarded as an incarnation of the *sayadaw* ('abbot') of the Zidaw (Wild Plum Forest) Monastery who died in 1569. Zidaw was himself the son of a tax-paying freeman from Salin, born during the reign of Dutiya Mingaung (fl. 1482–1501), who was raised in part at the capital of Ava, where he received his education as a novice with the support of the royal family. Zidaw is said to have been of the lineage of Chappada, a monk who, according to the late fifteenth-century Mon and Pali *Kalyāṇī inscriptions* and later Burmese chronicles based on them, received ordination in Laṅkā in the late twelfth century and is credited with importing an iteration of Sinhalese ordination lineages to Pagan.³⁹ Eight years after his death, the mother of the future Tipiṭakālaṅkāra had a dream in which the Zidaw *Sayadaw* came to her and entered her womb. Ten months later Tipiṭakālaṅkāra was born. At the age of 15 he moved to Prome and studied with and later received higher ordination under Abhisāṅketasāra. This ordination inserted him into a lineage of disciples at Prome that stretched back to Mahāsāmi and Saddhammacārī, the latter a monk said to have received ordination in Laṅkā and responsible for a re-importation of Sinhalese lineage to Prome during the lordship of prince Minye Kyawswā in the early fifteenth century. Chronicle accounts also state that the ordination would have connected him to Sadhammaṭṭhiti, Mahāsāmi's teacher and Minye Kyawswā's preceptor, who was a disciple of Sāradassi from the Sagāḥ Monastery complex at the former Burmese capital of Pinya. The seven important monasteries of this complex were donated by King Uzanā (acc. 1322), and comprised the seat of Guṇābhirāma and other monks who gave instruction in the 'doctrine of the lineage of Ānanda', one of the four monks who had brought the Sinhalese lineage from Laṅkā with Chappada. Thus in terms of both the narrative of his incarnation as the former abbot of Zidaw as well the accounts of the multiple foreign influences in his ordination lineage, Tipiṭakālaṅkāra is remembered as an early seventeenth-century representative of the Prome-based branch of a Laṅkā-derived lineage whose members are often credited as purveyors of Buddhist texts, practice, and doctrine orienting themselves towards Laṅkā as an authoritative icon or ideal.

38 The following account of Tipiṭakālaṅkāra's biography is compiled from Uttamasikkhā (Ññoṅ caññ rhve kyoṅ sayadaw), *Rhañ tisāsanadhaja anvay tau samaṇavaṃsa cā tamḥ* [Account of the monastic lineage of Tisāsanadhaja], written c. 1706; Nandamālā, *Sāsanasuddhidīpaka-pāṭha nhañ. nissaya* [Treatise on the purity of the religion] (Yangon: Ministry of Religious Affairs, 1980 [c. 1785]); Mahādhammasaṅkraṃ, *Sāsanālaṅkāra cā tamḥ* [Treatise on the adornment of the religion] (Yangon: Haṃsavātī 1956 [c. 1831]); and, *Ca lañ mruī. samuiñḥ* [History of Salin town] (Universities' Central Library, MS 8099). I have used several versions of Uttamasikkhā's text: a transcription by U Htun Yee from an unattributed manuscript (Yangon: Mran mā mhu bimān, c.1988), a transcription by Alexey Kirichenko (of National Library of Myanmar, MS kañḥ 85); and, National Library of Myanmar, MS kañḥ 85 itself. I stress that the reliability of all these accounts is uneven and that an adequate critical biography of Tipiṭakālaṅkāra remains to be written.

39 *Ca lañ mruī. samuiñḥ*, f.mo(r).

In 1608, when he was thirty years old, King Anaukphetlun (fl. 1578–1628) seized control of Prome and brought Tipiṭakālaṅkāra to his capital at Ava, where he gave him the title *dharmarājaguru* (Preceptor of dhamma-kings). In a submission to this king that year Tipiṭakālaṅkāra personally represented himself as belonging to the illustrious tradition of Chappada and the Laṅkā-derived ‘Mahāvihāra’ fraternity by virtue of his ordination into the lineage of Saddhammacārī.⁴⁰ In this submission Tipiṭakālaṅkāra connects his membership in this lineage with his ability to safeguard kings, invoking a comparison with the *Mahāvamsa*’s account of the protection Sakka, the king of the gods, provided at the Buddha’s request to Vijaya, the mythic first king of Laṅkā. In 1618 Anaukphetlun’s brother, the Eater of Salin, donated a four-storey monastery located along the bank of the Irrawaddy near Sagaing to the monk. At the age of sixty he gave up his monastery and established himself in the practices of the solitary ‘forest austerities’ (*araññakaṅ dhutaṅ*), and passed away in 1651, the very year he is alleged to have been involved in the redaction of the *Manusāra*. It is clear from self-identifications in the colophons to certain of his works that he envisioned himself as a *bodhisatta* or ‘future Buddha’.⁴¹ In addition to his role in the compilation of legal texts with the Eater of Kaing, his many surviving works include the *Vinayālaṅkāra-ṭīkā*, an important sub-commentary on the *Vinayaśāṅgha*, a treatise on monastic law written in late-twelfth-century Laṅkā, several *nissayas* to Pāli *vinaya* and *abhidhamma* texts, vernacular poems about the former lives of the Buddha, collections of apotropaic verses and mantras and, especially, a number of medical and alchemical treatises.

Might any aspects of Tipiṭakālaṅkāra’s biography have motivated Uttamasikkhā’s condemnation of the *Manusāra*? After 1706, at least twenty-five years after the compilation of his bibliography of the *Piṭakat*, Uttamasikkā wrote a lengthy monastic chronicle entitled the *Treatise on the lineage of Tisāsanadhaja*. Tisāsanadhaja was an important monk active in the mid-sixteenth century regional communities of Ava and Sagaing to whom Uttamasikkhā traced his own lineage. He is also represented with a pedigree that descended from Chappada and his Pagan-era Sinhalese fraternity.⁴² In his *Treatise* Uttamasikkhā provides a number of details concerning Tipiṭakālaṅkāra’s career, stating that he studied in Prome with Abhisāṅketasāra and later in Ava with Dharmarājaguru, monks belonging to Tisāsanadhaja’s line, and that it was due to this that Tipiṭakālaṅkāra became famous as an author of Buddhist texts.⁴³ Uttamasikkhā, however, connects Tipiṭakālaṅkāra only indirectly with the prestige of this lineage, not celebrating Tipiṭakālaṅkāra’s *dhammasattha*, *mantra*, or alchemical treatises, but his *vinaya* sub-commentary and vernacular manual on the *Dhammapada*, *Jātaka*, and other *Piṭakat* texts entitled *Narratives for the increase of glory (Yasavaḍḍhana-vatthu)*.⁴⁴ That is, according to

40 Than Tun, *Royal orders*, I 196–8; Lammerts, ‘Buddhism and written law’, p. 343.

41 Tipiṭakālaṅkāra, *Vinayālaṅkāra-ṭīkā* [Adornment of the vinaya], 2 vols. (Yangon: Ministry of Religious Affairs, 1984), vol. 2, p. 434.

42 Uttamasikkhā, *Treatise* (National Library of Myanmar, MS kaṅḥ 85), f.ge(r), f.go(v).

43 Ibid., f.kai(v).

44 On this text, see Harada Masami, ‘The importance of Burmese Buddhist literature: *Yasavaḍḍhanavatthu* (The story of increasing glory)’, *Journal of Pali and Buddhist Studies*, 14 (2000): 27–41 [in Japanese]; Harada Masami, ‘The practical interpretation of canonical texts with reference to

Uttamasikkhā, Tipiṭakālaṅkāra is to be remembered only for his discipleship with members of Tisāsanadhaja's lineage and his writings that engage with perceived authoritative scripture, not for his activities as a legist or alchemist. But there is nothing about the *Treatise* that suggests Uttamasikkhā regarded Tipiṭakālaṅkāra himself as an outsider or, still less, a heretic, despite the fact that he was by this time already aware of his authorship of the *Manusāra*, a work that he clearly viewed as non-Buddhist. Rather, Uttamasikkhā's earlier denunciation of *dhammasattha* was motivated by scholastic concerns rooted in his understanding that the genre is excluded from authoritative definitions of what counts as legitimate Buddhist scripture. Such concerns were of course not purely scholastic; they had important political implications since the promotion of textual orthodoxy was intimately connected with the valorisation of the legislative powers of Buddhist kingship. As we shall see below, *dhammasattha* was criticised not only because it was regarded as standing outside the *Piṭakat*, but because its narrative ideology argues for a jurisprudence that is decidedly at odds with orthodox accounts of the origins and authority of written law and its essential relationship with royal legislation and Buddhist statecraft.

Manusāra's narrative argument

What was this narrative ideology? *Manusāra* begins with a long introductory section that recounts the mythic arising or biography (*atthuppatti*) of the legal text.⁴⁵ This inventive narrative commences by stating that successive kings, beginning in the era of Mahāsammata up to sixteenth-century Burma, have been responsible for the preservation and transmission (though not the authorship of) *dhammasattha* law:

Mahāsammata, king of men at the beginning of our world-cycle, desired the welfare of all mortal beings. Wise in all matters, he sought to know the law. Starting with king Mahāsammata the succession of sovereigns spread out over the surface of Jambudīpa. In Sunāparanata, Pagan, the crown of the island of victory, the royal lineage arrived with the coronation of king Pyū Mañ Thīḥ. So that the law of the *dhammasat* treatise would be well understood, this king, together with Sakka, king of the *devas*, and a *r̥ṣi* — three noble men possessing great power (*tan khuiḥ*) — set down an abridgement of it, from pure Pali into pure Pali. When the *dhammasat* arrived in Rāmañña Country from Upper Burma, it was translated into Mon by a virtuous individual {named Raṇṇavaṃsa} residing in the Kyoṅ Ūḥ Vihāra. During the reign of the *dhammarāja*, Chañ Prū Myāḥ Rhañ (Bayinnaung, fl. 1551–81), the first-born son of that lord of white elephants, great king of the law, lord of life, his crown prince, wise and eager for the welfare of his subjects, requested Mahāthera Buddhaghosa to compile a *dhammasat* treatise {from the old Mon *dhammasat*}, whose judgments were in accordance with the law, so that it would be well understood.⁴⁶

yasa in the Burmese *Yasavaḍḍhanavathu'*, *Journal of Pali and Buddhist Studies*, 16 (2002): 97–108 [in Japanese].

45 The several manuscripts of the *Manusāra* used as the basis for the following account are: British Library, MS Or.Add 12241; Ministry of Religious Affairs, MS 95; Ministry of Religious Affairs, MS 9421; Universities' Central Library, MS 5440; Universities' Central Library, MS 105682; Universities' Central Library, MS 9183; National Library of Myanmar, MS Tañ 10.

46 From Ministry of Religious Affairs, MS 95, ff.ka(r)–ki(v), which follows most manuscripts; the text

The text continues to offer a detailed account of the origin of *dharmasattha* during the primordial reign of Mahāsammata, describing how a deity referred to as Brahmadeva transmigrates from the Brahmaloaka heaven and is born into the world as a member of the ‘family’ (*kula*) of royal counsellors in the lineage of the sovereign. Brahmadeva hears accusations among men intent upon condemning one another and then gives up his householder status and decides to ordain as a sage (*isi-pabbajjam karitvā*). He withdraws to the Himavanta Mountains to dwell in a cave near the Mandākīnī Lake ‘in accordance with the practice of the sages of the Diamond Mountain’.⁴⁷ There he begins to engage in fire worship and practices concentration meditation on an earth formation (*kaṣiṇa*). As a result he gradually achieves the states of meditative absorption (*jhāna*), including the eight levels of attainment (*samāpatti*) and the five psychic powers (*abhiññā*), comprising the divine eye, the divine ear, supernormal abilities (*iddhi*), knowledge of other minds, and knowledge of former births. At the beginning of the following rainy season, a divine Gandhabbī-kinnarī nymph is caught in a storm while playing in the lake with her fellow celestials. Afraid of both the strength of the storm and of the alchemists and wizards (*vijjādhara*) who inhabit the area, she seeks refuge at the door of Brahmadeva’s rock-cave and begs him to protect her. Because she is a woman and thus forbidden to practising ascetics he initially refuses, but then due to her pleading concedes to let her enter the cave. Upon entering the cave she warns him not to look upon her beauty.

During the evening as Brahmadeva performs his fire-worship he catches a glimpse of the Gandhabbī’s body in the flicker of the fire. He is overcome by desire and sexual passion, which causes him to lose concentration and abandon his mundane absorptions (*lokiya-jhāna*) to the defilements (*kilesa*). He carries her into the depths of the cave to have sex with her. Here the rhythm of the narrative shifts somewhat, and the text turns to address the audience directly about the dangers of sexual temptation:

Surely, when there is great sexual desire, the virtuous (*sīlavā*) is like a moth enticed by the glow of a flame; pervading pleasure suffuses his entire body and his psychic powers are destroyed.⁴⁸

As a result of their continued conjugal cohabitation the Gandhabbī bears Brahmadeva two sons. The first of these they name Subhadra (auspicious one) because he is ‘endowed with all good signs’. The second son is born three years later, and because

enclosed in braces are variants found only in parallel locations in a single manuscript, Universities’ Central Library, MS 9183.

47 In both Pali and Burmese *vajira* (and its vernacular cognate *varajin*) can be read as either ‘thunderbolt’ and ‘diamond’. In eighteenth and nineteenth-century Burmese cosmological treatises, ‘Diamond’ Mountain (*vajira ton*) is listed as one among the 210 mountains of the Himavanta, so-called because it is composed of diamonds and ‘shines forth in brilliant, lustrous rays’. See Rhve Nau, *Ādikappa kambhā ū kyamh* [Treatise on the origin of the universe] (Yangon: Haṃsavātī, 1958), p. 39.

48 The reference here echoes a simile found in several locations in Pali literature, which compare beings overcome by desire to moths enticed (and hence destroyed by) fire. Compare ‘Tela-kaṭāha-gāthā’, ed. Edmund R. Gooneratne, *Journal of the Pali Text Society*, 1884: 49–68; *Papañcasūdanī: Majjhimanikāyatthakathā of Buddhaghosācariya*, vol. 1, ed. James H. Woods and Dharmananda Kosambi (London: Pali Text Society, 1922), p. 39.

he spoke words which were pleasing (*manuñña-vākya*) he is called Manusāra, ‘the essence of [that which is pleasurable to] the mind’.⁴⁹

When Manusāra is ten years old his father informs him and his brother that his parents plan to return to their separate abodes connected with their respective clans: he will travel assisted by meditation back to the Brahmaloaka heaven, while their mother will go to the realm of the divinities to dwell upon the Gandhabba Mountain with her kindred. Weeping, the two sons ask their father, ‘what is our lineage and family?’, to which Brahmadeva replies that they are of the lineage and family of man, which lives upon the surface of Jambudīpa. He exhorts them saying ‘if you have the desire to see your own kind, become *ṛṣi*-monks and cultivate the *jhānas*!’ The two brothers thus become *ṛṣi*-monks and gradually attain the *jhānas* and achieve the psychic powers. Brahmadeva passes from his bodily form, and after cremating their father in a sandalwood fire the two fly to the boundary wall of the universe (*cak-kavāḷassa pākāra*) that surrounds Jambudīpa. Off the wall Subhadra transcribes the text of the *yantra*, *mantra*, and *vedāṅga* (*añḥ mantra vedāṅga*) which contains the ‘essence of worldly phenomena’ (*lokiya-sāra*).⁵⁰ Manusāra copies the text of the *dharmasattha*. Then the narrative of the origin of the text of the law concludes:

Carrying that which is of benefit to the entire world, the two brother-*ṛṣis* flew on clouds through the sky until they reached the dwelling of King Mahāsammata. When he saw them, the king provided them with a throne, and, bringing his hands together in the lotus-form as a gesture of respect, asked why they had come. The brothers replied that they had come because they belonged to the lineage of Mahāsammata, and then showed him the text of the *yantra*, *mantra* and *vedāṅga*, the logic of all worlds, and the worldly (*lokiya*) *dharmasat* text. A hunter of the forest who was present told Mahāsammata about the marriage of minister Brahmadeva to the gandhabbī-maiden, and that the two *ṛṣis* were his sons. King Mahāsammata gave them some excellent food and they ate. May the texts of the *yantra*, *mantra*, and *vedāṅga* and the *dharmasat* be repeated as they were preached by the sages!

The initial sections of this narrative of the origins of *dharmasattha* law encourage certain comparisons with Pali commentarial accounts of Buddhist kingship and legislation, although there are several critically important differences. Comparisons are especially suggestive with the *Discourse on what is primary* (*Aggañña sutta*), the locus classicus for canonical representations of King Mahāsammata. Briefly, this

49 This is likely the reason for the occasional transposition of the names Manusāra and Manosāra in certain manuscripts, and in other Burmese texts. According to the etymology given here the ‘Manu’ element of Manusāra’s name is derived from Pali *manu-ñña* or Sanskrit *mano-jña*, literally ‘mind-knowing’ or ‘agreeable to the mind’, hence ‘pleasing’. For ‘Manosāra’ in this context, compare Universities’ Central Library, MS 9183, f.ku(r).

50 In Burma, *mantra* generally refers to potent verses (*gāthā*), seed-syllables (*bija*), or sections of text that when recited provide the reciter, auditor, or other designated recipient with certain powers or protections. *Yantra* (Burmese species of which include *añḥ*, *ca-ma*, etc.) comprise graphical, calligraphic, or otherwise material representations of magical text, often written in cipher, which might be tattooed on the body, burnt, or ingested to bring about its effects. See Thomas Patton, ‘In pursuit of the sorcerer’s power: Sacred diagrams as technologies of power’ (n.p., 2011). In premodern Burma the *vedāṅga* (Burmese *bedāñ*), lit. ‘vedic branch sciences’, encompass texts and practices dealing with prophecy or astrology and, according to certain authors, also medicine, alchemy, and law.

discourse of the Buddha recounts how, in the prelapsarian utopia beginning the cyclic generation of the world, beings gradually became greedy, began to indulge in impurities such as sex, and, due to their greed and laziness, began to amass surplus stores of food. One being stole another's share of rice, marking the emergence of theft, which was followed closely by accusation, lying, and punishment. Responding to the emergence of such 'bad things', the beings came together and decided to appoint one individual as king to 'criticize whoever should be criticized, accuse whoever should be accused, and banish whoever should be banished'.⁵¹ In later Pali commentarial accounts that date between the sixth to twelfth centuries CE, Mahāsammata is equated with Manu, and said to be responsible for setting the 'limits' or 'boundaries of conduct' among men in the world. Perhaps the earliest work to assert the identity of the two figures is the commentary on the canonical *Stories of heavenly abodes* (*Vimāna-vatthu*) by Dhammapāla (c. sixth century CE), in a passage that is found elsewhere in later sub-commentaries and lexical texts:

The worldly (*lokiyā*), however, say [people] are [called] 'humans' (*manussā*) because they are the offspring of Manu. Manu is the name of the one at the beginning of the world-cycle who was the first to judge (*vidhāyako*) what is and is not beneficial regarding the conduct of men (*loka-mariyādā*) and was established as the father of beings. In the [Buddhist] teaching he is called 'Mahāsammata'. Beings who are established in the instruction of his exhortation, either first-hand or by virtue of lineage, are called 'humans' (*manussā*) because they are like his sons. Indeed, because of this those beings are also designated as 'men' (*māṇavā*) or 'born of Manu' (*manujā*).⁵²

Here it is important to underscore the commentator's acknowledgement that the figure of Manu has a double career. 'In the Buddha's teaching' he is referred to as 'Mahāsammata' while among those who are 'worldly' or 'mundane' (more on these terms below) he is known as 'Manu'. As Collins notes, this identity is reiterated in the sub-commentary on the *Ambaṭṭha sutta* (c. eighth–twelfth centuries) in a very important series of verses that, as we shall see below, are remobilised by later Burmese critics of *dhammasattha*:

There was a powerful king called Mahāsammata, born into the family of the Sun, a man of flawless excellence.
(He was) the eye of the world, his good qualities blazing like rays, he shone like a second Sun, dispelling the darkness.

51 Steven Collins, 'The discourse on what is primary (*Aggañña-sutta*)', *Journal of Indian Philosophy*, 21, 4 (1993): 345.

52 The Pali Text Society edition of this text has *loka-pariyādā* for *loka-mariyādā*, which does not agree with Burmese manuscripts or editions; see E. Hardy, *Paramattha-dīpanī*, part IV (London: Pali Text Society, 1901), p. 19. My translation here is assisted by Peter Masefield, *Vimāna stories* (London: Pali Text Society, 2007), pp. 24–5, which is based on that romanised edition, though modified by the Burmese Pali edition, *Vimānavatthu-aṭṭhakathā* (Yangon: Ministry of Religious Affairs, 1958), p. 17, as well as glosses including pre-Sixth Council Burmese *nissayas*: Jāgaramahāthera, *Vimānavatthu-aṭṭhakathā nissaya*, 2 vols. (Mandalay: Mandalay Hill Piṭaka Publishing House, 1940), vol. 1, p. 47; Nandisena Aggamahāpaṇḍita, *Sāratthadīpanī-ṭikā nissaya sac*, 2 vols. (Yangon: Ministry of Religious Affairs, 1980), vol. 1, pp. 565–6; Paññāsāmi, *Abhidhāna-ppadīpikā-ṭikā nissaya*, 2 vols. (Mandalay: Padesā, n.d. [1849]), vol. 1, p. 343.

Out of concern for the world he set up boundaries [*mariyādā*] among people [*loke*]; once they were established, people could not transgress them.

Illustrious, brilliant, guardian of the boundaries [*sīmā*] among people, (they) call this primordial great hero 'Manu'.⁵³

As the figure associated with the primordial imposition of *loka-mariyādā* or 'worldly boundaries', Mahāsammata/Manu is thus represented as the first Buddhist lawmaker. The connection in both of these passages between Manu/Mahāsammata and the fixing of boundaries is especially significant. *Mariyādā* in Pali often refers to boundaries, but is also a term signifying 'custom', 'discipline', or 'rules'. According to the Pali lexicographical tradition *mariyādā* is a synonym of both *sīmā* (boundary, boundary marker) and *ācāra* (conduct, discipline).⁵⁴

In *Manusāra*, by contrast, Mahāsammata is acknowledged as the primordial king at the beginning of the world, but we are not offered a tale of his appointment by the people to ensure against bad practices among men. Nor is he ever identified as Manu. Rather, it is Brahmadeva who is initially responsible for recognising and taking action against human impropriety. *Manusāra* does not tell us why Brahmadeva chose to transmigrate from the Brahmaloḥka heaven to be reborn as a counsellor in the lineage of Mahāsammata, nor anything much that can help us identify him with further specificity. Of course Brahmadeva is an epithet of Lord Brahmā who quite famously according to the *Mahābhārata* and other Brāhmaṇical works was the author of the mythic first legal treatise entitled *Daṇḍanīti* (Guide to Punishment) that was later abridged by Br̥haspati.⁵⁵ But there is little else in the *Manusāra*'s narrative to suggest further parallels with Sanskrit accounts of Brahmā's authorship of law, and nowhere in canonical Pali literature are similar accounts attested. In contrast to other seventeenth-century *dhammasatthas* such as the *Dhammavilāsa* that state that 'Manu' is appointed as a counsellor by Mahāsammata, here we encounter the somewhat elusive figure of Brahmadeva.⁵⁶ As in the *Discourse on what is primary*, the desire for an order of law originates in the recognition of its absence. Men existed in a lawless state where they accused one another of wrongdoing and Brahmadeva, hearing these recriminations, relinquishes his householder status and withdraws from the world. However, because he sacrificed his ascetic powers to carnal desire, it is not Brahmadeva himself but his son Manusāra who is powerful enough to retrieve the cosmic text of the law. Manusāra and Subhadra achieve access to their respective corpora of worldly treatises via jhānic practice unimpeded by sexual

53 Steven Collins, 'The lion's roar on the wheel-turning king: A response to Andrew Huxley's "Buddha and the social contract"', *Journal of Indian Philosophy*, 24, 4 (1996): 425–6.

54 Nāṇavara, *Abhidhān pāṭh nisya* (Yangon: Tuiḥ cā, n.d. [c. 1746]), sections 226, 1054. Additionally, in Sanskrit *dharmaśāstra* literature the cognate *maryādā* is used to refer to 'customary rules'. As Donald Davis has shown, the term played a crucial role in referring to 'law' in the legal culture of medieval South India, where it referred to the "boundaries" of acceptable legal and religious behavior' as determined by local authorities through the 'selective appropriation of *dharmaśāstra*'s judicial techniques, conceptual vocabulary, and even substantive rules'. Donald R. Davis, Jr, *The boundaries of Hindu law: Tradition, custom and politics in medieval Kerala* (Torino: Centro Piemontese di Studi su Medio ed Estremo Oriente, 2004), pp. 147–9, 164.

55 Pandurang Vaman Kane, *History of dharmaśāstra*, 5 vols. (Poona: Bhandarkar Oriental Research Institute, 1930–62), vol. 1, pp. 287–8.

56 Compare *Dhammavilāsa dhammasat* (Universities' Central Library, MS 9926), ff. ka(v)–kā(r).

temptation. Although the texts they collect from the boundary wall are deemed beneficial for humankind, their motives derive from a desire to be united with their own family or race.

Most importantly for present purposes, the *Manusāra* narrative provides a vivid dramatisation of the central proposition of *dhammasattha* jurisprudence that asserts that the law is cosmic, without author, and ‘worldly’. Written law is cosmic insofar as it is literally inscribed in the heavens and carried down to earth in uncorrupted transmission through the intercession of a sage charged with supernormal powers. We are not told who wrote this text presumably because it has no author. It was not composed by a sovereign, even though it may be destined to serve the administration of righteous kings, and it is not characterised as or authorised by the words of the Buddha. The law is authoritative because it is written on the wall of the universe,⁵⁷ hidden to ordinary humans and accessible only via ascetic practice, and no further justification for its effective capacities is necessary. It would be incorrect to see here close parallels with conceptions of ‘divine law’ or ‘natural law’ derived from European theological formulations, in which a universal and eternal law bestowed by God is apprehended through revelation or the exercise of reason. Despite its remote and cosmic origins, *dhammasattha* law is repeatedly defined as ‘worldly’ or ‘mundane’ or as encoding the essence or logic of worldliness.

This characterisation of *dhammasattha* as ‘worldly’ and its relationship with other mundane genres such as *yantra*, *mantra*, and *vedāṅga* is important. In Burma as elsewhere in premodern Asia, law and the production of legal literature participated in a broader set of literary and disciplinary practices which were rarely pursued or envisioned in isolation. Those who compiled law treatises, whether monks or laypersons, were often also alchemists, poets, grammarians, historians, and astrologers. Understood as a written discipline (*sattha*) or technical art (*sippa*), law comprised one of the eighteen ‘worldly branches of knowledge’ (Pali *vijjāṭṭhāna*, Burmese *atat*), a schematisation attested in Pali Buddhist literature no later than the *Milindapañhā* (c. fourth century CE), if not earlier under slightly different guises.⁵⁸ The past several decades have witnessed studies of the importance of the related Sanskrit terms *śāstra* and *vidyāsthāna* to the history of education and disciplinary practices in South Asia, although scholars working on Pali Buddhist societies in Southeast Asia have been slow to explore their comparative salience in systematising precolonial knowledge there as well.⁵⁹ There is ample evidence that by the

57 Although beyond the scope of the present essay, this representation of cosmic writing may point to the circulation of *dhammasattha* in contexts where the written word itself entailed certain potencies. As Andrew Huxley observes, in this sense written law may have ‘created its own legitimacy’ (Huxley, ‘Buddhism and law’, p. 75).

58 *Milindapañho*, ed. Vilhelm Trenckner (London: Williams and Norgate, 1880), pp. 3–4. Note that there are considerable variants among different *Milinda* textual traditions with respect to this passage, on which see Lammerts, ‘Buddhism and written law’, pp. 411–12.

59 Sheldon Pollock, ‘The idea of śāstra in traditional India’, in *Shastric traditions in Indian arts*, 2 vols., ed. Anna L. Dahmen-Dallapiccola (Stuttgart: Steiner, 1989), vol. 1, pp. 17–26; Hartmut Scharfe, *Education in ancient India* (Leiden: Brill, 2002). For Southeast Asia compare Craig J. Reynolds, *Seditious histories: Contesting Thai and Southeast Asian pasts* (Seattle: University of Washington Press, 2006), chap. 10; Tony Day, *Fluid iron: State formation in Southeast Asia* (Honolulu: University of Hawai‘i Press, 2002), chap. 3.

fifteenth century this classificatory scheme was pervasive in Burma, and that law and the other branches of knowledge were reckoned as ‘worldly’ or ‘mundane’ (*lokiya* or *lokika*) disciplines, as opposed to those that were characterised as ‘otherworldly’ or ‘supermundane’ (*lokuttara*).⁶⁰ As is well known, this dichotomy is not limited to Pali Buddhism but has a long and varied history within all Buddhist traditions in Asia.⁶¹ Among other things, it was mobilised as a taxonomic principle by early Pali commentators in categorising different Buddhist texts in terms of their content, aims, and varying degrees of authoritativeness. The term ‘supermundane’ was applied to texts that dealt with the soteriology of *nibbāna*, its techniques for attainment, and the qualities of the religious adept, while ‘mundane’ described those that related to worldly existence, ethics, *kamma* and its result, and rebirth. When used in this way these labels imply claims about a text’s cosmological, theological, and practical significance.⁶²

In one of his verse homilies composed around 1500 CE, a poet-monk of the Royal Monastery of Kandaw asserts that the ‘good person’ (*sū tau*) should mindfully cultivate learning in the eighteen mundane disciplines, and that such learning is conducive to worldly prosperity.⁶³ He expresses a similar notion in another poem entitled *Epistle of instruction*, saying that one should ‘continuously strive to acquire learning in the branches of mundane knowledge’ and that doing so ensures future worldly material benefit.⁶⁴ In a commentary to this work written in 1733, the sayadaw of the Royal Monastery at Taungdwingyi describes what is meant by ‘branches of mundane knowledge’. He explains that knowledge is of two types: ‘that which is done for the world’ (*lokavatta*), comprising ‘the eighteen-fold mundane knowledge concerned with the livelihood of men’, and ‘that which is done for the *dhamma*’ (*dhammavatta*), comprising forms of knowledge enshrined in the *Tipiṭaka* which contain the ordinances of the Buddha.⁶⁵ In a list that closely parallels that found in the *Milindapañhā*, he goes on to enumerate the eighteen worldly disciplines, which include *dhammasattha* as well as *mantra* and *vedāṅga*.

60 Justin McDaniel has recently made the point that past scholarship on Southeast Asian Buddhism has tended to displace the rubrics *lokiya* and *lokuttara* from their discursive contexts and repurpose them, quite problematically, as general binary paradigms that define opposing, tightly bounded, domains or ends of Buddhist practice or culture. This important critique should not diminish the fact that, as shown here, these idioms were vital to premodern Pali and vernacular debates about scriptural authority, genre, the status and classification of sciences, and law, and as such continue to call for careful historical and literary scrutiny. See Justin Thomas McDaniel, *The lovelorn ghost and the magical monk: Practising Buddhism in contemporary Thailand* (New York: Columbia University Press, 2011), pp. 113–17.

61 David Seyffort Rugg, *Ordre spirituel et ordre temporel dans la pensée bouddhique de l’Inde et du Tibet* (Paris: Collège de France, 1995).

62 *The Nettī-pākaraṇa, with extracts from Dhammapāla’s commentary*, ed. E. Hardy (London: Pali Text Society, 1902), pp. 161–4; George D. Bond, ‘The gradual path as hermeneutical approach to the *dhamma*’, in *Buddhist hermeneutics*, ed. Donald S. Lopez, Jr (Delhi: Motilal Banarsidass, 1993), pp. 29–45.

63 *Lokasāra pyūī* [Verses on the essence of the world], ed. Charā Ñāvan [Hsaya Nyunt] (Yangon: Burma Research Society, 1931), p. 4.

64 *Kan tau mañḥ kyoñḥ metta cā nhañ. toñ tvañḥ mañḥ kyoñḥ apha* [The *Epistle of instruction* by the abbot of the royal monastery of Kandaw, with its commentary by the abbot of the Taungdwin royal monastery], ed. Phuñ Cin [Hpo Sein] (Yangon: Hamsāvati, 1959), p. 2.

65 *Ibid.*, pp. 81–2.

Dhammasattha and its discontents

It is in fact the relationship of this mundane law to the supermundane *dhamma* expounded by the Buddha and enshrined in the *Piṭakat* that constituted the principal jurisprudential problem faced by authors of and commentators on *dhammasattha* in seventeenth through nineteenth-century Burma. In a sense, their problem echoes that encountered by Indian *mīmāṃsaka* theorists in medieval India, who saw their task relative to Brāhmaṇical *dharmaśāstra* law as in part the exegetical harmonisation of the legal texts with the injunctions of the Vedas. Yet the difficulties of the Burmese were more acute. *Dhammasattha* treatises like *Manusāra* do not invoke the Buddha as legislator or characterise his teaching as a source of law in the same way that *dharmaśāstra* explicitly orients itself toward the Veda as a principal authority. Moreover, as we saw with the example of Uttamasikkhā's bibliography, that *dhammasattha* was excluded from Mahāvihārin taxonomies of authoritative scripture could constitute grounds for rejecting the genre as non-Buddhist. Other authors were not so harsh as Uttamasikkhā, however. They attempted to redescribe the status of *dhammasattha* and the other mundane disciplines in terms that sanctioned them in light of the *Piṭakat*. Thus we find authors who refer to such works as *anavajja-lokiya* or 'faultless mundane' treatises. This approach is exemplified in an epistle sent in 1784 by the monk Nāṇābhivamsa to King Bodawhpaya (fl. 1782–1819).

Nāṇābhivamsa served as Bodawhpaya's royal preceptor from 1788 and was one of the more influential court monks of the late eighteenth and early nineteenth centuries. In 1812 he was compelled to disrobe by the king due to his failure to prevent dissension in the *saṅgha* and subsequently served as a minister to the court under the title Mahādhammasaṅkramaṇ.⁶⁶ He is best known due to his authorship of two important vernacular religious chronicles, and his participation in the committee to compile the *Glass Palace chronicle* during the reign of Bodawhpaya's successor, Bagyidaw (fl. 1819–37). However his activities additionally encompassed the writing of sub-commentaries on *abhidhamma* and the compilation of *nissayas* on a wide range of Pali and Sanskrit materials.⁶⁷ Nāṇābhivamsa was particularly productive in glossing in Pali certain Sanskrit astronomical texts imported from locations in India and Lankā, some of which still survive in manuscript. In 1784 he explained the significance of a recent shipment of Sanskrit texts that had arrived in Burma as follows:

The Omniscient Buddha accomplished the perfections over the duration of four universal-cycles and one hundred thousand world-cycles. During that period the faultless mundane sciences (*anavajja-loka-sippas*) were known to him. It is stated in the *Asātamanta Jātaka*, the *Tibedaka-tittira Jātaka*, and elsewhere that by attaining perfection in practices conducive to the benefit of the world (*lokatta-cariya*) he became omniscient, the pinnacle of the three worlds. As a *bodhisatta* who would become omniscient and the pinnacle of the three worlds, Mahāsammata worked to perfect his wisdom.

66 Ū Taiṅ [U Tin], *Mran mā mañḥ aup khyup puṃ cā tamḥ* [Treatise on the administration of Burmese kings], vol. 3 (Yangon: Government Printing, 1970), pp. 122–5.

67 For references see s.v. 'Moñḥ thoñ nāṇābhivamsa', in Moñ Moñ Nñvan [Maung Maung Nyunt], *Mran mā nuiñ ñam pāli nhañ. piṭakat cā pe samuiñḥ sac* [New history of Pali literature transmitted in Myanmar] (Yangon: Cā pe bimān, 2003); Moñ Moñ Nñvan [Maung Maung Nyunt], *Rheḥ khet pran mā cā pe chuiñ rā kyamḥ myāḥ le. lā mhu* [Premodern Burmese literary treatises] (Yangon: Cā pe bimān, 2008).

According to the scriptures, he designated the boundaries (*apuiñh akhrāḥ*) of worldly practice, which persisted for a long time from generation to generation. The faultless sciences are enumerated in the righteous teaching of the *dhamma* of the Buddha. Thus their study is related to the propagation of that teaching. Comprising the ornament of the world, the following treatises which enable the propagation of the teaching have been collected from various points [in India], including Majjhimadesa, the Kāsika Country, Vārāṇasī, Navadīpa, etc. They were written by the ten sages, namely Aṭṭhaka, Vāmaka, Vāmadeva, Aṅgīrasa, Bhagu, Yamadaggi, Vāsiṭṭha, Sāradvāja, Kassapa, and Vesāmitta [...].⁶⁸

Ñāṇābhivāṃsa goes on to enumerate one hundred and seventy *śāstric* works recently brought to Burma from India, of which eight are labelled as *dharmasattha*. These are all rather common Sanskrit *dharmasāstra* titles dealing with marriage and inheritance, and it is striking that one of them, the *Dāyādhikāra*, may have been written only one or two decades before its importation to Burma.⁶⁹ It is important to note that Ñāṇābhivāṃsa makes no distinction whatsoever between these Sanskrit *dharmasāstra* texts brought from South Asia and Burmese or Pali *dharmasattha* treatises compiled in Burma. For him they all originate in the primordial legislative activity of the Buddhist king Mahāsammata, and his model was followed by later sages.⁷⁰ Here Ñāṇābhivāṃsa connects the ‘authorship’ of *dharmasattha* with the ten ancient sages of the Brahmins mentioned in the *Discourse on Ambaṭṭha* and elsewhere in the *Tipitaka* and commentaries, where they are represented as the compilers of the Vedic *mantras* and the six-fold *vedāṅgas* (*chalaṅga*) necessary for their performance (i.e., ritual rules, grammar, etymology, phonetics, prosody, and astronomy).⁷¹ Nowhere in the *Tipitaka* or its commentaries are these sages connected with the writing of law texts specifically, but Ñāṇābhivāṃsa utilises these figures to provide authoritative justification for worldly genres in general. He claims that these faultless mundane sciences are not to be rejected despite their exclusion from the canon; rather, they are sanctioned by the ‘teaching of the *dhamma*’ and engagement with them is in fact a mode of supporting and propagating the teaching. This constitutes a very persuasive argument in favour of the Buddhist appropriation and continued application of *dharmasattha* as well as other Sanskrit Brāhmanical texts in Burma.

The distance of Ñāṇābhivāṃsa’s account of the faultless mundane sciences from Uttamasikkhā’s condemnation of *dharmasattha* is symptomatic of the varying perspectives on the legitimacy of these texts and their associated practices in premodern Burma. The repeated attempts by different writers trying to account for the existence

68 Ñāṇābhivāṃsa, *Ameh tau phre* [Answers to royal questions] (Mandalay: Jambū. Mit Chve, 1961), p. 172.

69 *Jimūtavāhana’s Dāyabhāga: The Hindu law of inheritance in Bengal*, ed. and trans. Ludo Rocher (Oxford: Oxford University Press, 2002), p. 16.

70 Other texts from this period also attribute *dharmasattha* to human authorship. In a response to King Alaunghpaya thirty years earlier, the monk Atulābhivāṃsa Shin Yasa stated that ‘treatises on *bedāñ*, prediction, *dharmasat*, and prophecy are a product of human convention (*loka-saṅketa*)’. According to Atula, these discourses (*ca kāḥ*) differ from *Buddhavacana*, which is the product of Buddhas and contains an ultimate truth, inasmuch as their truth is manmade and therefore relative. *Nanḥ cañ pucchā* [Royal questions], ed. Ū Sau Jañ (Yangon: Cā pa lve, 1970), pp. 72–5.

71 See *Dīgha nikāya*, vol. 1, ed. T.W. Rhys Davids and J.E. Carpenter (London: Pali Text Society, 1890), p. 104; *Vimānavatthu-aṭṭhakathā*, p. 246.

of *dharmasattha* in light of Pali canonical and commentarial narratives suggests strongly that the proper Buddhist credentials of *dharmasattha* were widely and persistently regarded with suspicion. In a work recording seventy-nine different questions on various matters submitted between 1758 and 1762 by the minister Letwe Naurathā U Nay to Sayadaw Khañ Kriḥ Phayau Ñāṇālaṅkāra the abbot of the Taungdwin Monastery, several interesting perspectives on *dharmasattha* are addressed.⁷² In these cases Letwe Naurathā's questions are somewhat more revealing than Ñāṇālaṅkāra's answers. In one of these, dated 1758, the minister asks: 'Does the narrative found in the *dharmasat* texts concerning the sages Manu or Mano at the beginning of the world have any support in the scriptural texts containing the Words of the Buddha (*Buddhavacana*) [recited] at the Buddhist Councils?'⁷³ The question again implies an uncertainty as to the status of *dharmasattha* relative to the canon, defined here as those texts included in the Council recitations. Ñāṇālaṅkāra answers that 'the entire distinctive system of worldly duties were set forth by King Mahāsammata. It is said in the authoritative Buddhist texts only that in the world Mahāsammata was called "Manu". Nothing further is stated regarding the details of the sages Manu, Mano, or others'.⁷⁴

Some fifty years later the status of *dharmasattha* was still an issue of concern. In 1811 the matter reappears in a series of questions asked to Ādiccaramsī, the sayadaw of Monywe, by the monk Sirimālā. Ādiccaramsī was closely allied with the royal court like all the other monks we have surveyed, and was also one of the chief compilers of the *Glass Palace chronicle*. The majority of his surviving works are poems, many of which explicitly deal with *lokiya*-classified knowledge such as astrology, and he is also remembered for his learning in Sanskrit, oneiromancy, and *vedāṅga*.⁷⁵ Sirimālā asks the abbot how, if the *dharmasattha*, *mantra*, and *vedāṅga* texts were copied off the boundary wall of the universe as they claim, can there be variations among different texts. If the narrative of the sages Manusāra and Subhadra and their presentation of these texts to Mahāsammata were true, then all the surviving texts should be in agreement, but in fact 'they do not agree with one another in terms of their content or their comprehensiveness'.⁷⁶

This question is particularly interesting because it refers directly to the mythic narrative of the origin of written law in the text of the *Manusāra* itself. Ādiccaramsī begins his response by stating that he has searched through numerous

72 On Letwe Naurathā see Sutesī ta ūḥ [U Htun Yee], 'Lak vai naurathā e* bhava nhañ cā pe' [Letwe Naurathā: His life and literary work], in *Mañḥ lak vai naurathā* [Letwe Naurathā] (Yangon: Burma Translation Society, 1975), pp. 179–300; U Thaw Kaung, 'Letwe Nawrahta (1723–1791), recorder of Myanmar history', *Myanmar Historical Research Journal*, 21 (June 2011): 63–105. Ñāṇālaṅkāra was a prolific author, grammarian, and commentator, who also wrote treatises related to alchemy and *vijjadhāra* practices. In the *Manuvaṇṇanā pyui. dharmasat*, a vernacular verse legal text written in 1759 by one of Ñāṇālaṅkāra's disciples, Boñḥ lañḥ Ñāṇasaddhamma, he is described as 'learned in all the *tipiṭaka* and *lokiya* treatises' (Universities' Central Library, MS 6762), f.ghau(r).

73 Ñāṇālaṅkāra, *Lak vai nau rathā lhyok thumḥ* [Questions of Letwe Naurathā] (Yangon: Haṃsāvati, 1963), p. 51.

74 Ibid., p. 100.

75 Mum rveḥ charā tau (Ādiccaramsī)[Monywe Sayadaw], *Mhat cu* [Notes] (Yangon: Haṃsāvati, 1963), pp. ṭṭha–la.

76 Mum rveḥ charā tau (Ādiccaramsī) [Monywe Sayadaw], *Samantacakkhu-dīpanī kyamḥ* [Treatise on the all-seeing eye], 2 vols. (Yangon: Gandhamā, n.d.), vol. 1, p. 259.

cosmological and other texts that describe the boundary wall of the universe⁷⁷ but has been unable to find in any of them a single mention of *dhammasattha* or *vedāṅga* inscribed on it. Furthermore, an investigation of certain *vedāṅga* texts themselves does not support that they were copied from the boundary wall, but that they were compiled by various sages — including several whom Ādiccaramsī lists by name — after the primordial reign of Mahāsammata. He cites a passage verbatim from the Pali text of the *Manusāra* which reads: ‘from the boundary wall Subhadra copied the texts containing the essence of worldliness, and Manusāra copied the *dhammasat*, [they both] collected these written records of practices’, and comments that this narrative cannot be accepted as true since the *Piṭakat* does not mention it.⁷⁸ He then states:

If the extant *dhammasat* texts did not originate from the boundary wall of the universe then where did they come from? Since the commentary on the *Ambaṭṭha sutta* says that King Mahāsammata laid down judgments as to the boundaries between men, he was the first. We should understand that reference as suggesting that later wise kings, ministers, judges, sages, and monks gave judgments [as to the law] also. Especially, [there is the reference] in the *Tuṅḍila jātaka*, where the Pig-King, the *bodhisatta* Mahātuṅḍila, sits on the seat of judgment and determines the law. After the king of Vārāṇasī dies the Pig-King caused his rulings to be written down in a palm-leaf manuscript (*pe*), and said ‘the law should be determined according to these rulings’. As the people cried he and his brother disappeared together into the forest. The instruction (*ovāda*) contained in the judgments of the Pig-King *bodhisatta* are said to have endured for sixty-thousand years. Similarly, King Ādasamukha in the *Gāmaṇicanda jātaka*, King Candakumāra in the *Khaṇḍahāla jātaka*, King Senaka in the *Sattubhastha jātaka*, Mahosadhā in the *Mahā-ummaga jātaka*, and the sage Mahābodhi in the *Mahābodhi jātaka*, were all skilled in legal rulings (*thumhī sādha*) and passed judgment about the law. But these all took place very long ago. In later times, rulings were also made. In Śrī Kṣetra there were the rulings of Kings Duttabaung and Bherinda, in Arimaddanā [Pagan] there were the rulings of King Pyū Mañ Thīh, in Muttama [Martaban] the rulings of King Wagaru (*Vāriyū*), in Chiang Mai the rulings of King Ku Nā (*Arakunā*). Still later there were many such rulings made by wise kings, ministers, judges, sages, and monks. As support for the writing down of laws by the kings of old we note the *Sattubhastha jātaka*, which says ‘*Vohāra-suci* means that which is pure (*suci*) in the established ruling of the law (*vohāra*) that has been written down (*likhapetvā*) by former righteous kings (*dhammikarāja*). [They are pure] in the sense that, having abandoned that which is contrary to *dhamma*, [those kings] make rulings which are in accordance with *dhamma*’. Or, in the *Tesakuna jātaka* it says [the king, saying] ‘may this ruling endure’ wrote his judgment that was in accordance with *dhamma* on gold-leaf and went into the forest’. It is said that his instruction endured for forty-thousand years.

77 He refers here by name to the following texts: *Vinaya-pārājika-aṭṭhakathā*, *Visuddhimagga*, *Aṭṭhasālinī*, *Sammohavinodanī*, *Lokadīpaka[-sāra]*, *Lokadīpanī*, *Candasūriyagatidīpanī*, *Cagatidīpanī*, *Sāratthadīpanī*, *Saratthasaṅgaha*, *Lokapaññatti*, *Lokuppatti*, *Jinālanikāraṭṭhikā*, *Kappavaṇṇanā*, *Kapasāra*, *Pavaramanobhirāma*, *Ananta leḥ pāḥ*, *Jinālanikāra*, *Lokavidū*, and *Visuddhimaggadīpanī*.

78 Ādiccaramsī, *Samantacakkhu-dīpanī* kyamh, p. 268.

It is in this way that those who are wise put down their judgments in writing [...]. Accordingly, we know the manner in which such rulings were written by former kings.⁷⁹

In this fascinating passage, perhaps the longest sustained commentary on the nature of written law from premodern Burma, we witness Ādiccamaṃsī's attempt to harmonise *dharmasattha* jurisprudence with accounts of royal legislation in the *Piṭakat* that he regards as of ultimate authority. Here he cites tales from a variety of commentaries on *Jātaka* that show that written law is enacted by righteous Buddhist kings. Not once does he dismiss the legitimacy of the genre as a form of law, even if he might accuse it of untruths: *dharmasattha* did not originate as a cosmic inscription on the boundary wall of the universe, but is a product of human law-making, and specifically the activity of kings. Mahāsammata was the first to pass judgment about the law, and his legislative model was followed by later sovereigns. Ādiccamaṃsī displays a deep familiarity with perceived canonical textual passages that relate instances of king-made law, and he mobilises this learning to redescribe *dharmasattha* as a form of royal Buddhist legislation sanctioned by the *Piṭakat*. As we have seen, this redescription is decidedly at odds with representations of the authority of written law narrated in the *Manusāra*'s origin myth.

***Dhammasattha* as Buddhist royal legislation**

This article began with Uttamasikkhā's late-seventeenth-century rejection of *dharmasattha* as a properly Buddhist genre on the grounds that it was excluded from definitions of *Piṭakat* or scriptural canon he regarded as authoritative. It then investigated whether that rejection may have been motivated in part by any aspects of the biographies of the compilers of the *Manusāra* in the context of the monastic histories that were in the process of coalescing in seventeenth-century Ava. Evidence suggests that, on the contrary, Uttamasikkhā recognised Tipitakālaṅkāra as descended from his own line of religious teachers, and that the critique of *dharmasattha* he advanced rested instead on scholastic or ideological concerns. To define the challenge *dharmasattha* posed its critics, we explored the jurisprudence encoded in the narrative myth of the *Manusāra*. That text represents written law as originating on the boundary wall of the universe, authoritative because of its cosmic derivation and the fact that it can be accessed only by certain individuals who have attained supernormal powers through ascetic and meditative practice. In this account *dharmasattha* is not framed as a legislative pronouncement in the same way that a royal order or decree might be, nor is it in any obvious sense promulgated by an authority, such as a king, a Buddha, or an inspired sage, who fulfils the role of legislator. Here we encounter — as did our Burmese critics of the genre — the crucial difference between the jurisprudence presupposed by monastic law, royal law, and *dharmasattha* law. In the context of monastic law Gotama Buddha's legislative acts implicitly sanction all rules for the *saṅgha*. *Dhammasattha*, by contrast, was not enacted by a Buddha or by kings, ministers, or jurists, and claims a genealogy independent of the 'state' or other legislative institutions.⁸⁰ Some scholars of Burmese law have

79 Ibid., pp. 268–72. In this translation I have omitted several lengthy sections where Ādiccamaṃsī provides Pali citations from the sources he invokes.

80 Here it is important to note, however, that certain early *dharmasattha* texts do recognise a limited legislative capacity of kingship. *Dhammavilāsa*, for example, maintains that the king has authority to

attempted to characterise *dhammasattha* and the premodern legal culture more generally as a system of Buddhist morality.⁸¹ Robert Taylor has asserted that in precolonial Burma 'law and custom were little distinguished and legal codes were intended more as guides to moral conduct than as principles of decision and right'.⁸² Yet just as it is incorrect to view *dhammasattha* as a variety of royal legislation, it is inaccurate to see it as a distillation of general normative principles, as the legal instantiation of a Buddhist moral order or abstract conception of *dhamma* that guarantees the legitimacy of law. There is no legislative source that stands behind written law; the law is the text of the law.

Criticism of the genre was motivated by two interconnected prejudices. The first and arguably primary critique was empirical, and stipulated that *dhammasattha* was excluded from the *Piṭakat* as an aspirational scriptural ideal. The second was ideological, and maintained that the cosmological and textual sanction *dhammasattha* claims for itself conflicts with theories of properly Buddhist legislation drawn from that canon. In this latter sense *dhammasattha* represented a heterodox literature. Yet precisely what was to be done about *dhammasattha* remained an open question. Uttamasikkhā was untroubled in rejecting the genre as a 'danger' outright. For Ñāṇābhivamsa and Ādiccaramsī the vast corpus of the *Piṭakat* provided extensive literary and conceptual resources which could be used to anoint and justify *dhammasattha* in terms of that corpus itself. This process, however, required an essential redescription of the genre in light of canonical jurisprudential ideals: *dhammasattha* became what it had never been before; namely, a variety of royal discourse, an expression of sovereign legislation in a tradition initiated by Mahāsammata, the first Buddhist dhamma-king.

Given that they were levied from a standpoint intimate with royal prerogatives, such redescriptions of the genre were arguably proportionate to the challenge written law was seen to pose not only to ideas concerning scriptural authority, but to the *Piṭakat*-derived political theory of Buddhist kingship as well. Historically and conceptually, *dhammasattha* had never been a form of written law that emanated from the state or any individual lawgiver. Its genealogy, which traces back to the early, and still imperfectly understood diffusion of Indo-Southeast Asian *dharmaśāstra* literature in the first millennium C.E., is distinct from that of royal orders or edicts, which have a separate history and set of justifications in local and regional theories of statecraft. In light of the *Piṭakat* narratives of legislation that in the eighteenth and nineteenth centuries exerted significant influence over elite Buddhist discourse in Burma, however, any genre of 'mundane' written law that claimed to originate outside the figure of the king was regarded as lacking theological sanction and therefore invalid. As the arguments of Ñāṇābhivamsa and Ādiccaramsī show, only the sovereign and clients of the state are authorised to act as law-makers.

During the eighteenth and nineteenth centuries *dhammasattha* continued to be written and applied in juridical contexts. Many of these later treatises were written by

make law, though only with respect to criminal matters concerning murder, injury, defamation, rape, and theft (Universities' Central Library, MS 9926, f.khī(v)).

81 U Hla Aung, 'The Burmese concept of law', *Journal of the Burma Research Society*, 53, 2 (1969): 27–41.

82 Robert Taylor, *The state in Myanmar*, 2nd ed. (Singapore: National University of Singapore Press, 2009), p. 53.

monks closely associated with the royal court of the Konbaung Dynasty (1752–1885) who were involved in other projects aimed at providing Burmese kingship with a range of textual and symbolic conduits of power. An extension of the analysis presented here would turn its attention to the comparative investigation of treatises produced during this period to explore how the above criticisms of the genre were addressed by or incorporated into these new *dhammasattha* compilations. For the most part they were answered by various attempts at concession. After the middle of the eighteenth century, for example, narratives of the cosmic derivation of law all but disappear as a core feature of *dhammasattha* jurisprudence. Compilers for the first time felt the need to assert the genre's proper credentials by bringing their depictions of legal authority in line with Pali commentarial accounts of the royal origins of worldly legislation, often citing extensive passages from the *Piṭakat* to redefine *dhammasattha* as the work of Buddhist kings and an emblem of sovereign right. In substantive areas, too, the impact of a heightened sensitivity to the demands of scriptural normativity is apparent. Instances of dissonance between laws for monks in *dhammasattha* and in the monastic *vinaya* raised troubling questions for compilers. Any such laws that could not be harmonised with perceived canonical monastic legal provisions (which are themselves often cited verbatim and at length by eighteenth and nineteenth-century *dhammasattha*) were rejected.⁸³

In precolonial Southeast Asia trends in the direction of the reform of *dhammasattha* as a mode of Buddhist royal discourse were not limited to Burma. In neighbouring Siam in 1805 King Rama I initiated the compilation of a massive compendium of Ayutthayan royal law known as the *Kotmai tra sam duang* ('Three seals code') in an explicit attempt to provide a legislative basis for his new dynasty based in Bangkok. It is not incidental that the process of revising the law is represented in Siamese chronicle literature as occurring in tandem with the revision of the *Tipiṭaka*.⁸⁴ The committee tasked with editing this new law 'code' was instructed by the king to survey legal texts that had survived the Burmese destruction of Ayutthaya and to reject those provisions that were not in accord with authoritative scripture ('*Pāli*').⁸⁵ The first section of their compendium is prefaced by an undated version of a *dhammasattha* treatise that serves as the organisational framework for the ensuing presentation of laws enacted by historical Siamese monarchs which comprises the major part of the text's content.⁸⁶ The structure and legal provisions of *dhammasattha* serve as an index to this royal legislation. That is, in the case of its

83 D. Christian Lammerts, 'Genres and jurisdictions: Laws governing monastic inheritance in late pre-modern Burma', in *Buddhism and law: An introduction*, ed. by Rebecca R. French and Mark A. Nathan (Cambridge University Press, forthcoming).

84 Chaophraya Thiphakorawong, *Phraratchaphongsawadan krung Rattanakosin ratchakan thi nung* [Dynastic chronicle of the Rattanakosin era, the first reign] (Bangkok: Khruasapha, 1960), pp. 316–18. On this reform see Robert Lingat, 'Note sur la revision des lois siamoises en 1805', *Journal of the Siam Society*, 23 (1929): 19–27; Klaus Wenk, *The restoration of Thailand under Rama I: 1782–1809* (Tucson: University of Arizona Press, 1968), pp. 35–8.

85 Thiphakorawong, *Phraratchaphongsawadan*, p. 317; Lingat, 'Note', p. 24. More research is needed on the precise significance of '*pāli*', which Lingat translates as 'texte sacré', within this context, though we can hypothesise that the discourse is comparable to Burmese conceptions of *Piṭakat* discussed above.

86 *Kotmai tra sam duang chabap ratchabandit sathan* [The laws of the Three Seals Code in the edition of the Royal Institute], 2 vols. (Bangkok: Royal Institute, 2007), vol. 1, pp. 122–66.

appropriation by the *Three Seals Code*, *dhammasattha* became both textually and jurisprudentially interwoven with king-made law to the point that the boundaries between them became almost indistinguishable.⁸⁷ Such a thoroughgoing assimilation of *dhammasattha* into the royal legislative idiom never occurred in Burma, despite the increasing redefinition of the former in terms of the latter over the course of the seventeenth through nineteenth centuries.

87 Robert Lingat, *The classical law of India* (Berkeley: University of California Press, 1973), pp. 270–2.