

considerations and applications of Japanese law, and the operation of its legal system. The book is a welcome addition to our literature on Japanese law and the Japanese legal system.

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Buddhist Law

Christian D. Lammerts, *Buddhist Law in Burma: A History Dhammasattha Texts and Jurisprudence, 1250–1850* (Honolulu: University of Hawai'i Press, 2018) pp 304. Hardcover: \$65.00.
doi:[10.1017/als.2019.14](https://doi.org/10.1017/als.2019.14)

Dhammasattha is a genre of legal literature that was popular in Southeast Asia during much of the second millennium. Somewhat varied in style and contents, most *dhammasattha* texts appear to have been written as instructional manuals for those who were charged with managing disputes in the pre- and early-modern periods: village heads, magistrates, judges, royal officers, and other “good persons.” These manuals instruct would-be users on a variety of topics related to arbitration. These include procedural matters such as the major types of litigation, the ideal qualities of judges, classifications of people and offences, and lists of rules and remedies. They also include (what we moderns might want to call) religious matters relating to cosmology and Buddhist soteriology. Thus, alongside discussions of evidence and oaths, one also finds information about law’s cosmic origins as well as explanations of how and why the proper adjudication of disputes helps one attain a better rebirth. *Dhammasattha* texts have been important in the territories of modern-day Thailand, Cambodia, and Laos. Yet they have played an especially major role in the legal history of Burma.

Buddhist Law in Burma is a special book. Although the *dhammasattha* genre has been studied by several other scholars,¹ Lammerts’s book engages directly, critically, and comprehensively with Burma’s large and important *dhammasattha* manuscript archive on a new scale. Not only has Lammerts located, translated, and analyzed an incredible amount of to-date unexamined sources; he does so in a manner that is accessible and inviting to

1. Important recent studies include Ishii (1986); Okudaira (1986); Baker and Phongpaichit (2016); and a very important edited volume by Huxley (1996).

scholars from a variety of fields. For scholars of Buddhism, the book offers a fresh and erudite history of the religious worlds and textual practices of pre-modern Burmese monks and lay literati. For historians of Southeast Asia, Lammerts opens up the logics and material culture of Burmese manuscript production in the centuries before the British colonization, while also providing new insights into pre-modern social imaginaries. For socio-legal scholars, this book offers an unmatched and unprecedented introduction to a type of law and jurisprudence that shows both remarkable parallels with modern Asian and Western law as well as instructive divergences (a theme explored below). For all scholars, this book provides an exemplum of the very best of socio-legal history, combining scholarly rigor, subtle insight, and strong, clear, compelling prose.

At its broadest, Lammerts's book accomplishes two major tasks. First, it offers the first detailed account of the history and transformations of Burmese *dhammasattha* literature from the early second millennium to the advent of colonialism—one that is informed by what seems to be an exhaustive consultation of relevant epigraphical and manuscript sources in the original languages (mainly Burmese and Pali, but also Sanskrit and Arakanese) along with scattered Pyu and Mon sources in translation. Second, the book lays out a clear picture of *dhammasattha* jurisprudence and its transformations between the sixteenth and nineteenth centuries, which, in Lammerts's view, "constitutes a tradition of Buddhist law—or, minimally, a tradition of legal discourse and jurisprudence so intermeshed with Buddhism that any alternative characterization is impossible to analytically sustain" (p. 3).

The book is organized chronologically. In its pursuit of comprehensiveness, Chapter Two offers a pre-history of *dhammasattha* that documents depictions of the genre in the centuries before the earliest existent *dhammasattha* manuscripts, using a variety of inscriptions (the earliest dating to 1249) and literary artefacts (poetry, homilies, and an important collection of monastic legal decisions (*vinicchaya*)). Lammerts's findings in this chapter challenge three long-standing assumptions about *dhammasattha*, which have influenced scholarship since the nineteenth century: assumptions that *dhammasattha* was, from its inception, (1) a form of positive law, which was (2) directed only at laypersons and (3) based primarily on Indic Dharmaśāstra prototypes. Lammerts's findings discredit all three ideas: rather than empowering kings, *dhammasattha* constrained them; rather than focusing on lay behaviour alone, early *dhammasattha* addressed both monks and laity; rather than imitating Brāhmanical legal texts, *dhammasattha* incorporated "resources and repertoires" from a much broader "transregional Pali Buddhist literature" (p. 44).

The earliest reliably datable example of the *dhammasattha* genre in Southeast Asia is the *Dhammavilāsa Dhammasat*, composed sometime before 1638, which Lammerts examines in Chapter Three. In a typically careful and precise passage, Lammerts explains that he uses the text not as "a point of origin," but as a "baseline" for comparison—"a mirror reflecting a certain discursive state of affairs in *dhammasattha* legalism in Burma around the early seventeenth century" (p. 48). This state of affairs is one of deep inter-textuality with multiple bodies of literature. As Lammerts shows, *Dhammavilāsa* is studded with rhetorical "resonances" (p. 77) from Sanskrit *śāstra* texts and, more significantly, from a wide variety of Pali sources, including stories about the Buddha's preaching (*suttas*) and his past lives (*jātakas*), passages from monastic disciplinary texts (*vinaya*), and commentarial works. Lammerts's close examination of dominant variants of *Dhammavilāsa* also reveal the idiosyncratic and creative reworking of several well-known Sanskrit or Pali literary conceits,

demonstrating clearly that *Dhammavilāsa* was not indebted to *one* pre-existing literary genre, but likely drew inspiration more holistically from a “as yet poorly documented regional Southern Asian legal culture” (p. 87).

But what about *Dhammavilāsa*'s law? Lammerts's method permits him to identify several features that distinguish early seventeenth-century *dhammasattha* vis-à-vis other legalisms of the same period. Law, according to *Dhammavilāsa*, comes into existence not through human intellect or royal decree, but naturally with the creation of the cosmos: it is, quite literally, a text that is supposedly discovered on the boundary wall of the universe, written in letters the size of cows. Rather than something created by a king, it is a cosmic code that must be delivered to society—in a kind of promethean act—by a person with ascetically cultivated super-human powers. In *Dhammavilāsa*'s origin story, it is the “seer” Manu who initially transcribes the cosmic law and brings it to the first king, whereupon it is copied, translated, and summarized to make it ready for use by judges and rulers in order to benefit of humankind (pp. 64–8, 74).

From the oldest datable *dhammasattha* text in Chapter Three, Chapter Four looks closely at variants of the oldest datable text that is attributable to an identifiable author: the *Manusāra Dhammasattha*, a collaborative work written jointly (in Pali verse and Burmese gloss) by a lay magistrate and a famous Buddhist monk sometime between 1638 and 1652. Comparing *Manusāra* with *Dhammavilāsa*, Lammerts points to a number of subtle shifts in legal imaginary of *dhammasattha* during the 1600 s. While maintaining the idea that law has cosmic origins, *Manusāra* offers a very different story about its retrieval, focusing closely on a “localizing” chain of transmission whereby the mythical seer Manu is connected to a lineage of local kings. *Manusāra* also begins a process—which would pick up pace in subsequent centuries—of attempting to categorize *dhammasattha* alongside other regimes of knowledge: it places *dhammasattha* alongside the various “worldly” (*lokiya*) sciences that were common in Southern Asia, such the sciences (*śāstra*) of rhetoric and medicine; similarly, it distinguishes *dhammasattha*'s rules and jurisdiction from those of Buddhist monastic law (*vinaya*)—a distinction *Dhammavilāsa* did not make.

These processes of legal classification, distinction, and reimagining are shown with special clarity in Chapters Five and Six of the book, where Lammerts documents a fascinating history of *dhammasattha*'s reception between the 1680s and the mid-nineteenth century. Using numerous eighteenth- and nineteenth-century *dhammasattha* texts along with a variety of law digests, bibliographical compendia, legal handbooks, and other sources, Lammerts charts several dramatic shifts in the conception and content of *dhammasattha* in the lead-up to British rule. During this period, authors (most of them monks) come to treat *dhammasattha* not as a cosmic text transmitted overtime in “lossless” copies, but as the product of fallible legal draftspersons (sponsored by kings) who tried (and often failed) to preserve a once-pristine text. It is during this period that authors tried to compile authoritative lists of *dhammasattha* texts, to separate the more reliable from the less reliable ones and, in some cases, to correct or cleanse “corrupt” manuscripts of errors. One also finds evidence for a new historiography of law that highlights, among other things, the importance of human influences such as royal patronage, translational choices, and specialist knowledge in the writing and interpreting of *dhammasattha* and other law texts.

During this period, the question of *dhammasattha*'s “Buddhist” nature becomes especially vexed. To assess the validity and authenticity of *dhammasattha*, this new generation

of monastic scholars relied upon the texts of the Buddhist “canon” (*piṭakat*). Yet, as Lammerts shows, the contents and boundaries of that canon were themselves under dispute—leading to the creation of multiple “*piṭakat* bibliographies” containing differing lists of texts. Thus, Lammerts illuminates for readers an ironic and fascinating situation in which jurists increasingly treated *dhammasattha* as a “worldly” genre outside of and less prestigious than the *piṭakat* while at the same time trying to preserve the authority of *dhammasattha* by finding its precedents in the *piṭakat*—a body of texts that were themselves a source of disagreement! So, for example, monastic authors might assess the validity of a *dhammasattha* text based on its conformity to commentaries on monastic discipline or examples taken from stories of the Buddha’s past lives as humans and animals (*jātakas*), such as stories of legal judgments given by the boar king Mahātuṇḍila or the parrot king Jambuka. Yet that very act of assessment not only distinguished the *dhammasattha* genre from “the words of the Buddha” (pp. 150, 160); it also attempted to validate *dhammasattha* in terms of those words.

Scholars of law and religion will immediately recognize parallels between these troubled acts of distinction and those of ecclesiastical and royal jurists in Europe during similar historical periods.² Indeed, one of the great contributions of Lammerts’s book is the way it augments and de-centres existing Eurocentric histories of law and religion. The process of *dhammasattha*’s distancing from the Buddhist canon, readers learn in Chapters Five and Six, is driven in large part by laypersons’ “anxieties” about the karmic efficacy of their donative projects. Donors wanted to know with certainty that their sponsored manuscripts or engravings were, in fact, the words of the Buddha and therefore maximally generative of karmic benefits in the next life. These concerns with securing a better rebirth led to attempts to define the boundaries of the Buddhist textual canon, which eventually led to the questioning of *dhammasattha*’s Buddhist bona fides. Put in the language of comparative law, one could say that individuals’ soteriological concerns actually hastened a transition in the way *dhammasattha* was viewed—from a type of natural law, it came to be seen in more a more positivist light (see e.g. pp. 169, 172–3, 179–80)!

Yet, as Lammerts shows, the story is even more complicated than this. Although monks and jurists treated *dhammasattha* as less-than-canon in the eighteenth and nineteenth centuries, the contents of *dhammasattha* texts themselves remained thoroughly concerned with soteriological goals, promising the jurists who read them that adherence to the text could help judges and litigants achieve superior rebirths, preserve the Buddha’s legacy (*sāsana*), and, perhaps ultimately, free humankind from unpleasant cycles of rebirth and achieve nirvana (Chapter Six, esp. pp. 189–90).

It is not just these fascinating historical moments that offer creative and destabilizing possibilities for the usual understandings of (secular) law and religion in Western scholarship. Lammerts upsets these regnant categories at the outset of his book. In Chapter One, he points out a central paradox concerning the study of “Buddhist law.” Despite a long history of European scholarship that regarded Buddhist law (qua *dhamma*) as central to Buddhism, Lammerts observes, there have been “virtually no studies until fairly recently (and still not terribly many)” of even the most basic examples of “Buddhist legalism” (p. 5). This situation has arisen, he suggests, because of entrenched and Eurocentric assumptions about

2. See e.g. Sullivan, Taussig-Rubbo, & Yelle (2012); Berman (2006); Danchin (2008).

Buddhism and law that have made the idea of Buddhist legalism difficult to think about. Scholarly presumptions that Buddhism is ethical (rather than legalistic) and focused on monks (rather than laity), along with presumptions that law comes from rulers (rather than the cosmos) and concerns itself with justice (rather than salvation), have meant that Buddhist law—*dhammasattha* and, I would add, other forms—continues to elude scholarly attention. Put another way, Buddhist law is not under-studied because it is peripheral to the life and practices of Buddhists historically, but because it confounds and draws into tension foundational assumptions about religion and law that have shaped scholarship since the nineteenth century. Lammerts's history of *dhammasattha* not only exposes the limits of these assumptions and categories; it also provides a vivid and compelling story of how these categories (and their approximations in Burmese historical contexts) transform and co-constitute each other over time—and do so in reference to other important analytical categories, such as worldly (*lokiya*) and more-than-worldly (*lokuttara*) qualities, canon (*piṭakat*) and non-canon, monastic discipline (*vinaya*) and lay discipline (*gihivinaya*) (pp. 160–1).

Beyond this, Lammerts's book begs many exciting questions for future scholarship: How was *dhammasattha* used by kings, monks, and judges in pre-colonial Burma to actually shape behaviour or manage conflict? What roles did law—as a text, ideology, discourse, institutions, and/or set of practices—play in mediating or contesting the relationships among various social groups in pre-modern Burma? What were the changes in legal procedure that might have paralleled changes in jurisprudence? These questions appear to be illuminable by Lammerts's remarkable epigraphical and documentary archive. (In the main text and the footnotes, Lammerts's book offers tantalizing details about evidence, witnesses, oaths, standards of interpretation, and acceptable sources of law, but cannot fully examine them in the course of his broader argument.) One can only hope that he chooses to address these questions in future work.

Naturally, there is much more to these chapters than I have described here. The history and transformations of *dhammasattha* that I sketch above are brought to life through specific analyses of jurisprudence on inheritance, donations, and property, which serve as recurring topics for Lammerts's comparative investigations. Throughout the book, Lammerts gives readers a front-row seat to philological and material-culture debates involving the identification and dating of manuscripts and writers. There are also fascinating details concerning the lives of jurists and monks, such as the fascinating excursus in Chapter Four into the biography of Tipiṭakālaṅkāra, which exposes, among other things, the ways in which expertise in law “sat comfortably” alongside other spheres of monastic erudition (p. 119). Lammerts's book also provides important insights into colonial influences on *dhammasattha*, including the ways in which British legal officials ended up redeeming the status of *dhammasattha* by selectively privileging and “calcify[ing]” certain texts within the tradition as “black-letter laws ... in the guise of invented ‘custom’” (p. 181; see also pp. 8–10).

If not for the discipline of the author, this book could easily have been longer and, in places, the work feels taut with evidence and examples that Lammerts has insufficient time to discuss. One sees this in the multiple passages in which Lammerts refers to “numerous other examples” of a given literary phenomena or “the many other variants” of a given *dhammasattha* manuscript. Footnotes are equally overflowing and profitable (see e.g. the discussion of the “four things to be considered in a legal dispute” contained in note 36 on p. 229).

Indeed, the extensiveness of Lammerts's research with manuscripts is well known among scholars of Southeast Asia and Buddhist studies. In recent years, he has transcribed, catalogued, read, and/or digitized hundreds of manuscripts, of various types, throughout Myanmar, India, Japan, France, Germany, the UK, and Thailand. He has also played key roles in manuscript-preservation projects around Asia, such as the Fragile Palm Leaves Project.³ For his dissertation alone, upon which this book draws, Lammerts referred to approximately 600 *dhammasattha* manuscripts.⁴ Lammerts's negotiation and documentation of this large and difficult-to-access manuscript archive—especially the identification of major Burmese legal texts and their variants—are alone a prodigious feat, which few scholars could complete. That, by itself, would be a significant contribution to scholarship in several fields, including socio-legal history.

Yet, the work is more than that. It is, in my opinion, one of the very best books on Buddhist law—and I would presume Burmese law—to be written in a generation. Without a doubt, it cements Lammerts's position as one of the leading scholars of Southeast Asian legal history, Buddhist law, and manuscript culture. The erudition, extensiveness, and quality of Lammerts's research, the sensitivity, clarity, and scrupulousness of his arguments, the originality and scope of his textual and epigraphical archives as well as Lammerts's remarkable linguistic competencies make this a work of rare and special scholarship—one that few other scholars could have written. Moreover, the book is written beautifully. Lammerts composes prose with a level of style and verve that makes the book not just accessible to non-specialist scholars, but enjoyable and inviting to the lay reader. I cannot recommend *Buddhist Law in Burma* highly enough. I am sure the book will continue to influence Buddhist studies, Southeast Asian studies, and socio-legal studies for many years to come.

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4. Lammerts (2010), p. 28.

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Corporate Governance Systems

Bruce Aronson & Joongi Kim, eds., *Corporate Governance in Asia: A Comparative Approach* (New York and Cambridge: Cambridge University Press, 2019) pp 434. Paperback: \$34.53. doi:[10.1017/als.2019.16](https://doi.org/10.1017/als.2019.16)

Danger lurks in any book that sets out to explain the law *in or of* Asia. The countries of that part of the world are often more different than alike. Indeed, some of them have laws that look more like those of other parts of the globe than those of their neighbours.

Aronson and Kim wisely avoid the trap of overgeneralization by labelling their book "A Comparative Approach." Even so, they have to confront another dilemma: should the comparisons be organized by topics across countries or by countries across topics? They have chosen the latter, which makes the book easier to use by readers who only want to find about a particular nation.

The cost of that approach, however, is the diminishment of the big picture, to the extent that such a picture actually exists. Their solution is to devote two of the first four chapters—1 and 4—to the topics across societies, before proceeding to the country-by-country descriptions. Chapter 1, for example, is an "Introduction to Comparative Corporate Governance." It raises such questions as: do Asian values exist and, if so, how are they embodied in corporate law? Several excerpts of articles show the preferred position of controlling shareholders (often based on families) and the resistance to egalitarian notions of corporate governance viewed as the gold standard in the US and other Western countries.

Chapter 2 sets out the "US and UK Models." Chapter 3 focuses on "German and European Models." Both of these are fine overviews of those approaches that could easily stand on their own without the rest of this book. So, one may wonder what they are doing in a book that purports to be about law in Asia. The reason is revealed in Chapter 4, which deals with "Convergence Theory." These models from outside Asia, it seems, are at least looked at within Asia and—in various places in various ways—accepted. Even where they are not, they can serve as convenient baselines for comparison by lawyers from Western countries who are trying to understand the approaches of Asian nations.

The book is aimed at several audiences: scholars and students of corporate law, scholars and students of the law of individual countries, and lawyers who are looking for practical information about doing business in particular countries. For students, the chapters have Notes and Questions to facilitate discussion. Lawyers are likely to read past this material, but—if they can put aside billable hours for a few minutes—they will be rewarded by reading it and giving it some thought.