

BUDDHISM AND WRITTEN LAW: DHAMMASATTHA MANUSCRIPTS AND  
TEXTS IN PREMODERN BURMA

A Dissertation

Presented to the Faculty of the Graduate School

of Cornell University

In Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

by

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May 2010

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BUDDHISM AND WRITTEN LAW: DHAMMASATTHA MANUSCRIPTS AND  
TEXTS IN PREMODERN BURMA

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Cornell University 2010

This dissertation examines the regional and local histories of *dhammasattha*, the preeminent Pali, bilingual, and vernacular genre of Buddhist legal literature transmitted in premodern Burma and Southeast Asia. It provides the first critical analysis of the dating, content, form, and function of surviving *dhammasattha* texts based on a careful study of hitherto unexamined Burmese and Pali manuscripts. It underscores the importance for Buddhist and Southeast Asian Studies of paying careful attention to complex manuscript traditions, multilingual post- and para-canonical literatures, commentarial strategies, and the regional South-Southeast Asian literary, historical, and religious context of the development of local legal and textual practices. Part One traces the genesis of *dhammasattha* during the first and early second millennia C.E. through inscriptions and literary texts from India, Cambodia, Campā, Java, Laṅkā, and Burma and investigates its historical and legal-theoretical relationships with the Sanskrit Brāhmaṇical *dharmaśāstra* tradition and Pali Buddhist literature. It argues that during this period aspects of this genre of written law, akin to other disciplines such as alchemy or medicine, functioned in both Buddhist and Brāhmaṇical contexts, and that this ecumenical legal culture persisted in certain areas such as Burma and Java well into the early modern period. Part Two examines the distinctive styles and formats of the earliest surviving Burmese *dhammasattha* manuscripts to discuss how their textual and literary features reflect the local

circulation and reception of written law. It contends that an investigation of written law in practice must be attentive to features of manuscript culture, including aural/oral modes of reading, the role of versification, the status and function of Pali and vernacular languages, and the relationship between source-text and commentary. Part Three analyzes how legal and textual authority is imagined by the *Manusāra-dhammasattha* (redacted 1651 C.E.) relative to other genres of Buddhist literature. It considers criticisms of and apologies for *dhammasattha* as either a “Vedic” or “Buddhist” corpus of texts. In so doing it presents a detailed analysis of the specific hermeneutic arguments marshaled to account for and accommodate *dhammasattha* and other varieties of Brāhmaṇical learning in premodern Burma. It concludes with an analysis of the centrality of moral conceptions to aspects of *dhammasattha* jurisprudence, arguing that Buddhist legal ethics was highly composite in textual terms and related to Sanskrit and Pali literature as well as vernacular normative ideals.

## BIOGRAPHICAL SKETCH

Christian Lammerts received a B.A. in Philosophy from Williams College in 1997. In 2002 he completed a M.A. in Southeast Asian Studies at the School of Oriental and African Studies, University of London. In 2005 he received a M.A. in Southeast Asian Studies from Cornell University. He was awarded a Ph.D. in Asian Religions, specializing in the history, culture, and literature of Buddhism in Southeast Asia, by Cornell University in 2010. He is currently a Research Associate with the Nalanda-Sriwijaya Centre at the Institute of Southeast Asian Studies, Singapore.

## ACKNOWLEDGEMENTS

This dissertation has benefited from the support of many teachers, scholars, colleagues, and friends. Foremost among these have been my exceptional committee members, Anne Blackburn, Tamara Loos, and Larry McCrea. My interest in dhammasattha literature began at Cornell in the Fall of 2002 during a seminar with Anne. Since then she has served as my advisor and has never ceased to act as generous mentor, critic, and advocate. I am very fortunate to have had the opportunity to work with her over the years. Tamara's insights on my dissertation have been challenging and productive, and she has been a constant source of encouragement. Larry kindly agreed to serve on my committee when he joined the Cornell faculty, and I appreciate his careful reading of the dissertation and many helpful comments.

At Cornell I also worked closely with Christopher Minkowski and Daniel Boucher. Chris briefly served on my committee before he moved to Oxford. I am grateful for their ongoing assistance and interest in my research. I would like to acknowledge the support and mentorship of the faculty of the Cornell Southeast Asia Program and the Asian Religions graduate field, particularly Thak Chaloemtiarana, Jane Marie Law, San San Hnin Tun, Eric Tagliacozzo, and Keith Taylor. The several years I spent studying Burmese with San San Hnin Tun were crucial. I especially appreciate San San's friendship, patience, and willingness to work with me through premodern manuscript texts which from the perspective of her usual classroom materials can only be described as atypical. David Wyatt was an early and important source of inspiration and historical learning. His enthusiasm for Burmese and Thai manuscript studies and book culture was infectious. Thanks are also due to Kim Scott in the Asian Studies department and Wendy Treat at SEAP for their extensive administrative and logistic help.

Beyond Cornell I am indebted to many teachers. U Saw Tun, Daw Mar Lay, Than Than Win, and U Kyaw Nyunt taught me Burmese in Madison, DeKalb, and Yangon. In Myanmar U Thaw Kaung, U Htun Yee, U Nyunt Maung, U Win Tint, and U Ni Tut shared their extensive knowledge about Burmese manuscript traditions and helped me track down manuscripts. Dr. U Myo Myint deserves special mention. Without him much of the research for this project would not have been possible, and I am grateful for his ongoing support and friendship. Lilian Handlin, Alexey Kirichenko, Justin McDaniel, and Peter Skilling have been vital conversation partners and fonts of information about Burmese and Southeast Asian Buddhism, history, and manuscripts. Andrew Huxley and Ryuji Okudaira have always been gracious in answering my questions about dhammasattha and sharing their research with me. Don Davis and Patrick Olivelle invited me to present a version of Chapter Three on a panel on dharmaśāstra in Kyoto in 2009, and I continue to learn a great deal from them. Don kindly circulated much of his important work on dharmaśāstra and Indian Law before it was published.

Many bhikkhus and monastic communities in Myanmar invited me into their monasteries and allowed me to dig through their manuscript chests. I would like to thank in particular Sayadaw U Paṇḍita, U Sumana, Sayadaw U Tejaniya, U Kuṇḍala, U Vicittañāṇa, U Sutālaṅkāra, U Paṇḍavaṃsa, Sayadaw U Kesara, and Sayadaw U Ādiccavaṃsa. I also worked a great deal in government and private manuscript libraries throughout the country, and I appreciate the kind assistance of the authorities and staff at the following locations: Research Library of the Department for the Promotion and Propagation of the Sāsana (Yangon), State Pariyatti Sāsana University (Mandalay), Universities Central Library (Yangon), Historical Research Department (formerly Universities Historical Research Centre, (Yangon), Shwedagon Pagoda, Mandalay Museum, Department of Archaeology (Salay), Department of Archaeology

(Pakhangyi), Bāgayā Monastery (Amarapūra), Resource Centre for Ancient Myanmar Manuscripts (Yangon and Mandalay), National Library of Myanmar (Yangon), and Meiktila University. The following librarians were particularly generous: Daw Tin Tin Win, Ma Pyone Pyone Aye, Daw Khin Hnin Oo, Daw Nu Nu San, Daw Soe Soe Sein, and Daw Swe Swe Myint. Peter Skilling and Peter Nyunt also welcomed me on several occasions to the rich collection of the manuscript library of the Fragile Palm Leaves Foundation in Nonthaburi.

Many scholars in Myanmar in addition to those mentioned above aided my search for manuscripts, especially: Ko Soe Kyaw Thu, U Yaw Han Htun, Dr. Tint Lwin, U Htay Win Maung, Ko Thein Swe Oo, U Ko Ko Oo, U Kyaw Zaw Naing, Dr. Thu Nandar, and Dr. Phyu Phyu Win. Ko Soe was particularly generous with his time and enthusiasm in assisting my research. I received a great deal of essential help while writing in Singapore from the curators and administrative staff of the Echols Collection on Southeast Asia at Cornell's magnificent Kroch Library, especially from Greg Green and Lorena Dremel. San San May went well beyond the call of duty during my research with the Burmese manuscripts in the British Library. Bo Bo Lansin provided remote assistance with materials at the SOAS library. I would also like to thank the many book dealers of Yangon, who displayed utmost skill in securing rare Burmese, Pali, and nissaya books for me. May the venerable traditions exemplified by the book stalls of Pansodan Road and the Yangon rare book fairs continue long into the future! Here a special mention goes to Ko Heavy on Pansodan, Ko Aung Win Naing at Icchāsaya, and Dr. Thant Thaw Kaung.

Research for this dissertation was primarily carried out during a Fulbright-Hays Fellowship in 2007-2008. Additional manuscript materials were examined, collected, transcribed, and/or digitized with the support of two grants from the Toyota Foundation in 2005-06 and 2006-07 for the "Preservation, Compilation, and

Annotation of Indigenous Documents in Peripheral Regions of Asia”. Funding to study Burmese in Myanmar was provided in 2005 by the Blakemore-Freeman Foundation. I have also received generous financial assistance from the Cornell University Graduate School and the Cornell Southeast Asia Program. I thank all of these institutions and organizations for their financial support and continued willingness to fund scholars pursuing research in Myanmar.

Many other mentors, friends, and colleagues in Ithaca, Singapore, Thailand, Myanmar, and elsewhere enriched this project. Thank you to Antika Preeyanon, Aung Soe Minn, Maitrii Aung-Thwin, Michael Aung-Thwin, Erik Braun, Ian Brown, John Buchanan, Chat Aksornsawad, Ven. Candamukha, Aurore Candier, Steve Carroll, Nance Cunningham, Ven. Khammai Dhammasāmi, Kyaw Yin Hlaing, Alex Denes, Michael Feener, Tilman Frasch, Erik Harms, Gustaaf Houtman, Masao Imamura, Douglas Kammen, Jacques Leider, Christian Lentz, Victor Lieberman, Masaki Matsubara, Pat McCormick, Christophe Munier, John Okell, Tom Patton, Anne Peters, David Powers, Pat Pranke, Bill Pruitt, Craig Reynolds, Ronit Ricci, Michelle Tan, Worrasit Tantinipankul, U Tin Htway, U Toe Hla, Peter Vail, Jan van der Putten, James Warren, and Jon Young. Ven. Ashin Ācāra of the Singapore Maṅgalavihāra never ceased to indulge my many questions during the final months of writing.

My parents-in-law in Yangon, Osamu Ikeya and Daw Mya Kay Thee, provided unstinting support and good humor. My mother, Suzanne Lyon, and my step-father, David Lyon, were always there for me and offered continual encouragement. I sincerely thank them for their kindness.

My deepest debt is owed to my wife, Chie Ikeya, my primary interlocutor, audience, critic, and source of strength. I continue to learn from her scholarship and example. Thanks are due also to Mogyo and Maṇi, who were by my side during much of the writing.

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## LIST OF ABBREVIATIONS

- ARASI *Annual Report, Archaeological Survey of India*
- Bāḥ Bāgayā Monastery Mss Library, Amarapūra
- BORI *Bhandarkar Oriental Research Institute*
- AŚ Kauṭalya *Arthaśāstra* (Kangle ed.)
- BD Horner, trans., *The Book of the Discipline*, 5 vols.
- BED Stewart and Dunn, et. al., *Burmese-English Dictionary*
- BEFEO *Bulletin de l'École française d'Extrême-Orient*
- BHSD *Buddhist Hybrid Sanskrit Grammar and Dictionary*
- BurmMss Bechert, et. al., eds., *Burmese Manuscripts*, 6 vols.
- Bse Burmese (language, recension, or edition)
- Buil Resource Centre for Ancient Myanmar Manuscripts, Yangon (Buil ta thoñ)
- CPD *Critical Pāli Dictionary*
- CS Chaṭṭha Saṅgāyana edition
- CSCD Chaṭṭha Saṅgāyana CD-ROM, Ver. 4.0
- DAK *Dhammasat atui kok*
- DBBL *A Digest of Burmese Buddhist Law* (Burmese version)
- DhV *Dhammavilāsa Dhammasat*
- DhVD Lammerts, “The *Dhammavilāsa Dhammasat* [...]”
- DOP Cone, *A Dictionary of Pali*, Part I, a–kh
- DPh *Dvattabhoñ mañḥ krīḥ phrat thumḥ*
- EB *Epigraphia Birmanica*
- EI *Epigraphia Indica*
- FPL Fragile Palm Leaves Foundation, Bangkok
- HPL von Hinüber, *A Handbook of Pali Literature*

IOB *Inscriptions of Burma*, 5 Portfolios

JA *Journal Asiatique*

JAOS *Journal of the American Oriental Society*

JBS *Journal of Burma Studies*

JBRS *Journal of the Burma Research Society*

JD *Judson's Myanmar-English Dictionary*

JESI *Journal of the Epigraphical Society of India*

JIABS *Journal of the International Association of Buddhist Studies*

JIH *Journal of Indian History*

JIP *Journal of Indian Philosophy*

JPTS *Journal of the Pali Text Society*

JRAS *Journal of the Royal Asiatic Society*

KAN Kyau Aoñ Caṃ Thāḥ Charā Tau, *Abhidhan pāṭh nissya*

Kane *History of Dharmaśāstra*, 5 vols.

Kāt *Kātyāyanasmṛti* (ed. Kane)

KCh *Kuiḥ choñ khyup dhammasat*

KN Moñ Moñ Ññvan., *Kunḥ bhoñ khet mran mā nissaya myāḥ*

KNDh *Kyamḥ nak dhammasat*

Kulāḥ *Mahārājavan Krīḥ*, 3 vols.

KVL Kyau Aoñ Caṃ Thāḥ Charā Tau, *Abhidhan nissya nhañ. abhidhanakkharāvali*

KVC Catalog of mss in the collections of the Bernard Free Library and Kañḥ Van  
Mañḥ Krīḥ, 1906

KyT *Kyok tuiñ dhammasat*

LOM Richardson, ed., *Laws of Menoo*

LPP Luṃḥ Tau Chara Tau, *Pucchāpakiṇṇaka kyamḥ*

ManM Mandalay Museum Manuscript Collection

MB Modern Burmese  
 MBDK *Mahābuddhañkūra dhammasat (Dhammasat kyau)*  
 MCh *Mranmā. cheḥ kyamḥ myāḥ*  
 MDh *Mānava-Dharmaśāstra* (Olivelle ed.)  
 MDT Nai Pan Hla, ed. *Eleven Mon Dhammasāt Texts*  
 MLCD *Mran mā aṅgalip abhidhān / Myanmar-English Dictionary*  
 MMOS *Mran mā mañḥ aup khyup puṃ cā tamḥ*  
 MORA Research Library, Department for the Promotion and Propagation of the  
     Sāsana, Kaba Aye, Yangon  
 MRD *Manu rañḥ dhammasat nissaya* (Nandamālā Mahāthera)  
 MRKr Ūḥ Kulāḥ *Mahārājavañ krīḥ*  
 MSR *Manusāra rhve myañ dhammasat*  
 MST *Materials for the Study of the Tripitaka*  
 Nār *Nāradasmṛti* (ed. Lariviere)  
 NL National Library of Myanmar  
 Nis Nissaya  
 OB Old Burmese  
 Pe Palm-leaf  
 PAS Arhañ Kelāsa, *Pakhukkū abhidhān nissaya sac*  
 Piṭ-sm Mahāsīrijeyya Sū Ūḥ Yaṃ, *Piṭakat tau samuiñ*  
 PLB Bode, *Pali Literature of Burma*  
 PMTBM Pe Maung Tin, “Burma Mss. in the British Museum”, JBRS, xiv, III (1924)  
 PNT *Pāli Nīti Texts of Burma*  
 PSP *Piṭakat suṃḥ puṃ cā tamḥ* (an early catalogue of UBhS)  
 PSS, Moñ Moñ Ññvan., *Pāli nhañ. piṭakat cā pe samuiñ sac*  
 PSV, Tvanḥ mrañ., *Pāli sak vohāra abhidhān*

PTSD, *Pali-English Dictionary* (PTS)  
Pu Parabaik  
PTS Pāli Text Society  
PTSD Pāli Text Society, *Pāli-English Dictionary*  
Rhve Shwedagon Cetī Manuscript Library  
KMK Kuiñḥ ma krīḥ Monastery manuscript collection, Pakhangyi  
RK *Rājavan̄ kyau*  
RMK *Rheḥ hoñḥ mran mā kyok cā myāḥ*  
RNS *Rhve nanḥ sumḥ vohāra abhidhān*  
ROB *Royal Orders of Burma*  
S [*Cūla-*]sakkarāja Era  
Sadd Bhadantācariya Aggavaṃsa, *Saddanīti-ppakaraṇaṃ*  
Sās *Sāsanavaṃsa*  
Sās-suddhi *Sāsanasuddhidīpaka*  
SāsC *Sāsanālañkāra cā tamḥ*  
SKh Dagun Ūḥ Thvan Mrañ., *Sukha mhat su*  
Skt Sanskrit  
SLTP Sri Lanka Tipiṭaka Project  
SMh *Sukha mhat cu*  
SPA Obhāsābhivaṃsa, *Sutesana sarup pra abhidhān*  
SRM Sāsana. roñ khraññī monastery manuscript collection, Salay  
TMKh Tañ Moñ Khyui, *Dhammasat cā rañḥ*  
TPMA *Tipiṭaka pāli mran mā abhidhān*, 22 vols.  
TTV, Tañ Tañ Vañḥ, *Mran mā dhammasat nhañ. phrat thumḥ chuiñ rā cā cu cā rañḥ*  
UBhS Ūḥ Bhuiḥ Sīḥ Manuscript Library, Saddhammajotikārāma Monastery, Thaton  
UCL Universities' Central Library, Yangon

Vār *Vāru-rājasattha (Vāru mañḥ dhammasat)*

VDhM *Vañṇadhamma Kyau Than Manusāra Rhve Myañṇḥ Dhammasat*

VL *Vinayālaṅkāraṭṭikā*

Voh *Vohāratthapakāsanī*

VTa Ūḥ Van, *Takkasuī mran mā abhidhan*

VTS Ūḥ Van, *Takkasuī mran mā sat ṇṇvanḥ kyam*

*Wellcome Wm. Pruitt and R. Bischoff, Catalogue of the Burmese-Pāli and Burmese Manuscripts in the Library of the Wellcome Institute*

Yas *Yasavaḍḍhana-vatthu*

YDh *Yājñavalkya Dharmasāstra*

Unless otherwise noted abbreviations of Indic texts follow conventions set forth by CPD, HPL, and Heinz Bechert, *Abkürzungsverzeichnis zur buddhistischen Literatur in Indien und Südostasien*, Göttingen, Vandenhoeck and Ruprecht, 1990. For Pali texts in most cases I follow the editions of the *Chaṭṭhasaṅgīti piṭakaṃ*, 40 vols, Marammaraṭṭhe Sāsanikappamukhaṭṭhāna, Yangon, B.E. 2549 (and var. printings), CSCD, and printed Burmese editions of commentaries, as well as those of the PTS. Burmese conventions for abbreviations of Pali titles are listed in TPMA, vol. 1, pp. 91-94. Except in certain cases, Pali texts, whether PTS or Burmese editions, are not included in the bibliography.

In the case of nissayas these are cited with the glossators or editors name, followed by the abbreviated text title and publication date, if available, e.g.: Sāradassī, Dhp-a-nis, vol. 3, MORA, 1973, p. 240.

## TRANSLITERATION CONVENTIONS

My distinctive transliteration method is based on a version of the Library of Congress romanization system and the system utilized by Bechert, Braun, Peters, et. al. in *Birmanische Handschriften*, 6 vols., Stuttgart, Franz Steiner, 1979-2007. These and other romanization methods derive from earlier schema, for which see John Okell, *A Guide to the Romanization of Burmese*, London, Luzac, 1971.

As Okell notes in his survey of the history of romanized Burmese, no method will be suitable for all purposes and persuasions. The method below is meant primarily to encompass the transliteration of Burmese, Pali, and Sanskrit texts written in Burmese script, and for this purpose is an improvement over other systems.

I thank Nance Cunningham for devising the Sanskrit-Burmese AvaThiha font, based on the AvaLaser font developed by Okell. For Burmese-Sanskrit ligatures and variant akṣaras see Aggadhammābhivaṃsa, *Amarakośaḥ*, Mandalay, 1938.

Consonants

က	ခ	ဂ	ဃ	င	တ	
ka	kha	ga	gha	ña	ha	
စ	ဆ	ဇ	ဈ	ည	ယ	
ca	cha	ja	jha	ña	ya	
ဋ	ဌ	ဍ	ဎ	ဏ	ရ	ဇ
ṭa	ṭha	ḍa	ḍha	ṇa	ra	ḷa
တ	ထ	ဒ	ဓ	န	လ	
ta	tha	da	dha	na	la	
ပ	ဖ	ဗ	ဘ	မ	ဝ	
pa	pha	ba	bha	ma	va	

Vowels

အ	အာ	ဧ	အဲ
a	ā	e	ai
ဓ	ဣ	ဤ	
śa	i	ī	
ဓ	ဇ		
ṣa	ṛ	ṛī	
သ	လူ	လူ	
sa	ḷ	ḷī	
ဥ	ဦ	ဝ	အော်
u	ū	o	au
အို			
ui			

Diacritic vowels

က	ကာ	ကိ	ကီ	ကု	ကူ	ကု	ကူ	ကွ	ကွ	ကော	ကဲ
ka	kā	ki	kī	ku	kū	kṛ	kṛī	kḷ	kḷī	ke	kai
ကော	ကော်	ကို									
ko	kau	kui									

Medials

၂	၂	၂	၂
-ya	-ra	-va	-ha

### Finals

◌̣	◌̤
-ṃ	not marked (optional -' in abbreviations, see below)

### Tone markers: *aok mrac* and *visajjanīya* (visarga)

◌̣◌̤	◌̣◌̤◌̣◌̤
-.	-ḥ (optional -: with non-Indic texts)

### Punctuation


### Abbreviations

၏	၌	၍	၎
e*	n*	r*	l*

For other commonly used abbreviations in Burmese manuscripts/epigraphy see Moñ Moñ Ññivan., *Pe cā purapuik*, Yangon, Cā pe bimān, 1999. Such abbreviations are transcribed directly,

e.g.: သည် > သ် > sh; လက်ထက် > လ့က် > lthak; ဝ အင်္ဂါ > ဝါ > ṅlā

Certain abbreviations produce uncertain outcomes in transcription,

e.g.: ကောင်း or ကြောင်း > ငေး > ṅeḥ < ငေး

In such cases there is an option of marking the consonant (with this example: ṅ'eḥ) to remove some of the uncertainty, although the correct reading must be inferred from context.

### Word division

For Burmese words, leave a space after each syllable, except initial  $\text{အ}$ . For Pali, Sanskrit, Indic-derived words, and loanwords follow word division in the original language.

### Capitalization

Capitalization is optional (e.g. in proper names) and does not represent any features of the script.

## NOTE ON TRANSLATION AND TERMINOLOGY

Most of the dhammasattha texts discussed in the following chapters were compiled in bilingual Pali-Burmese nissaya, a form of textual composition that is described in detail in Chapter Four. Usually nissayas are presented as interverbal or interphrasal vernacular glosses of preexisting Pali source texts. Yet in certain instances nissayas were compiled on the basis of vernacular sources, or both the Pali and vernacular portions were written simultaneously. Nissaya presents a particular challenge to the translator insofar as the meaning of source text and gloss are not always equivalent (and in fact their meanings are very often quite divergent). So as to avoid lengthy commentary on the semantic or syntactical disagreements between source text and gloss in most cases I have focused in translation on the accurate rendering of vernacular portions of nissaya texts. Where such disagreements are important to my argument these have been noted.

The translation of Pali texts of the *tipiṭaka*, commentaries, and ancillary works follows the Pali, although where possible I have tried to check readings against 18th and 19th century nissayas, which are noted in footnotes.

*Dhammasat* (pronounced “dhammathat”) is the vernacular Burmese cognate of Pali *dhammasattha*. Throughout this dissertation 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.

## CHAPTER ONE

### INTRODUCTION

#### I. *Dhammasattha*: A preliminary definition

Dhammasattha is a Pali, vernacular, and bilingual genre of Buddhist written law that has an attested history of transmission in Burma and other parts of Southeast Asia throughout the course of the second millennium C.E. Thousands of dhammasattha and dhammasattha-related manuscripts survive in Burma alone; and there are numerous witnesses to the genre in manuscript libraries in contemporary Yunnan<sup>1</sup>, Laos<sup>2</sup>, Cambodia<sup>3</sup>, and Thailand.<sup>4</sup> What unites this diverse material is a shared reliance upon Pali as a language of expression alongside vernaculars, and also certain similarities in form, literary style, and scope of content. It was written utilizing the techniques of the prevailing manuscript culture in prose, verse, and Pali-vernacular nissaya styles.<sup>5</sup> It was addressed, primarily, to an audience of judges or otherwise “Good People” (*sajjana, sū tau koṅh*)—whether bhikkhus, brāhmanas, ministers,

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<sup>1</sup> Yin Shaoting, Christian Daniels, et. al. *A Synopsis of Tay (Chinese Shan) Old Manuscripts in the Dehong Autonomous Region of Yunnan, China*, Kunming, Nationalities Publishing House, 2002. For dharmaśāstra (*thammasat-vatthu*), cf. 257.

<sup>2</sup> The recently launched Digital Library of Lao Manuscripts contains no less than 14 Lao, Lue, and bilingual (Pali-vernacular nissaya) dharmaśāstra texts, as well as numerous *horā* (astrological) and medical śāstras. See <http://www.laomanuscripts.net> [Accessed Jan 13, 2010]. Compare Finot’s remarks that “the śāstric genre is poorly represented in Laos” in “Recherches sur la littérature laotienne”, *BEFEO*, 17, 1, p. 136.

<sup>3</sup> Cambodian manuscripts of scientific texts are poorly documented, though dharmaśāstra-related materials survive and are being inventoried by Olivier de Bernon of the EFEO, Phnom Penh. See certain entries in Au Chhieng, *Catalogue du Fonds khmer*, Paris, Bibliothèque nationale, 1953; especially mss. nos. 236-256.

<sup>4</sup> *Lān Nā Literature: Catalogue of 954 Secular Titles Preserved on Microfilm at the Social Research Institute of Chiang Mai University*, Chiang Mai, Social Research Institute, 1986.

<sup>5</sup> On the form and significance of bilingual nissaya composition and other literary styles see Chapter Four.

sovereigns, or lay-folk—who would participate in legal disputes as arbitrators, witnesses, guarantors of oaths, or litigants.

Dhammasattha is the Pali cognate of the Sanskrit term *dharmaśāstra*, literally “the (textual) science or discipline of Law”. *Dharmaśāstra* is a Sanskrit Brāhmaṇical legal genre that developed in the early centuries of the common era, though was based on more ancient textual materials such as the *dharmasūtras*. Inscriptions from the region reveal that from the middle of the first millennium C.E. patrons of Buddhism in Southeast and well as South Asia embraced aspects of *dharmaśāstra* idiom. Southeast Asian dhammasattha texts betray numerous parallels with *dharmaśāstra*, though this does not mean that they were directly modeled after Brāhmaṇical prototypes “imported” from India. By the 13th century, which is when we find the earliest reference to the genre in Burma, *dharmaśāstra* had already been regarded for several centuries or more in Southeast Asia as a variety of Buddhist discourse. We cannot be certain when or where the genre was first redacted in Pali or any Buddhist vernacular. The most likely candidates are however the Pali-using Buddhist communities of Southern India, Sri Lanka or the central Irrawaddy or Chao Phraya river basins, sometime before the end of the first millennium.

Dhammasattha is concerned with the articulation of legal rules and remedies that are principally organized into eighteen “titles of litigation” called *vyavahārapadas* in Sanskrit, *mūlas* (“roots”) in Pali, and *amracs* (“roots”) in Burmese. These eighteen roots are further elaborated to include hundreds if not thousands of *sakhas* or “branch” laws, which allows the core structure to expand to encompass almost infinite digressions on nearly any title of law. There is little difference in terms of the overall structure of the organizational framework of the eighteen titles according to

Brāhmanical and Buddhist texts.<sup>6</sup> The main difference between them is that this is virtually the only type of content dealt with in dhammasattha. Many, though not all, Sanskrit dharmaśāstras discuss a wealth of material aside from the *vyavahārapadas*, for example rules incumbent upon a brāhmaṇa at various stages of life (*varṇāśrama dharma*) or rituals of penance (*prāyaścitta*), which are entirely unknown to the Buddhist law texts. There are also numerous Sanskrit dharmaśāstra commentarial texts and “digests” (*tattvas*, *nibandhas*, etc.) dating from the late 1st millennium C.E. onwards, which exerted no influence whatsoever in mainland Southeast Asia.<sup>7</sup>

According the Burmese and mainland Southeast Asian tradition, dhammasattha was not understood to represent a “universal” account of the law, and the texts admit other categories of legislation (e.g. *rājasattha*, or “legislation by the king”) which fell outside of its purview. The function of dhammasattha texts was primarily pedagogical and exhortative. They explicitly state that they are compiled for the betterment of judges who are to bear their provisions in mind (*nha lumḥ svaiḥ*) in their juridical activities. There are long-standing debates among scholars of Indic legal traditions concerning the degree to which written law was utilized in “actual” cases of dispute as repositories of “positive law”.<sup>8</sup> What is at stake in such debates is an attempt to come to terms with the purposes of written law, why it was written, and who its audience(s) may have been. In Burma dhammasattha was referred to and cited

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<sup>6</sup> On variability in the organization of the eighteen *vyavahārapadas* in major Sanskrit smṛtis, see Olivelle, MDh, “Introduction”, p. 14. In Burma, this organizational scheme is more or less prominent depending on the text, and will be discussed further in subsequent chapters.

<sup>7</sup> On the potential circulation of *nibandhas* in Java, see Chapter Three.

<sup>8</sup> Cf. Ludo Rocher, “Law Books in an Oral Culture”, *Proceedings of the American Philosophical Society*, 137, 2, (1993), pp. 254-67; Donald R. Davis, Jr., “Law and ‘Law Books’ in the Hindu Tradition”, *German Law Journal*, 9, 3 (2008), pp. 309-325; J. Duncan M. Derrett, “Two Inscriptions Concerning the Status of Kammālas and the Application of Dharmaśāstra”, in *Essays in Classical and Modern Hindu Law*, Vol. 1, Leiden, Brill, 1976, 86-105.

as authoritative in countless recorded legal cases from the 13th to the 19th centuries. Dhammasattha texts themselves state that whether a case has been adjudicated properly or not may be determined by reference to the “letter of the law” contained in the dhammasattha, which is of final authority. Yet as far as can be established from our comparatively rich yet still fragmentary record of legal practice, it is certain that the majority of disputes in Burma were not tried through direct reference to texts, and in fact the judges who presided over them were typically village elders or headmen with little familiarity with written jurisprudence. As a legal maxim frequently found in dhammasattha and other Burmese materials has it, the purpose of litigation was arbitration and the mitigation of disputes, not the precise execution of written rules. It was only in such instances where a mutual settlement could not be reached that reference to dhammasattha became necessary.

Simply because texts may not have been explicitly cited or applied in disputes certainly does not mean that they had no effect on actual legal practice. Dhammasattha served as a manual of instruction for those who would act as judges, whether they did so in a professional or institutional capacity (e.g., as a royally appointed judge) or not. The monastic Vinaya literature functioned in a closely parallel way. Both Vinaya and dhammasattha stipulate that the text of the law operates as a final authority, as mediated through the figure of the judge who is established as such due to educational and moral criteria.<sup>9</sup> Both of these genres attribute a great deal of importance to written

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<sup>9</sup> The Vinaya analogue to the judge here is the *vinayadhara*, who is defined in the *Catubbidhavinayakathā* of the Sp as one who has learnt the “fourfold Vinaya.” This “fourfold Vinaya” is grounded in 1. the entire text of the Vinaya, 2. that which is consonant with the Vinaya (defined according to the four *mahā-apadesa* or “great authorities”), 3. the opinions of the commentators (*ācariyavāda*), and 4. individual judgment (*attanomati*) of what accords with the texts and commentaries. Sp I, 230 ff.; Ma Aū Sayadaw, *Pārājikaṅ-atthakathā-nissaya-sac*, Vol 3., ed. Uḥ Thvanḥ Raññ, Mandalay, Kavilakkhaṇa, 2002 [from a ms. dated 1867], pp. 120 ff. Perhaps not incidentally, this formula parallels in many respects the fourfold “root” (*mūla*) of the

law while stating that law in practice is to be determined by learned mediators. We have records of 18th and 19th century court cases where the Vinaya was cited in cases between monks; where monks were tried by dhammasattha; where non-monastics were tried by dhammasattha; and of course many examples where texts are not cited at all.<sup>10</sup> In theory at least the assumption was always that the written law contained rules that conformed to “right practice” as it would be decided in the course of a dispute, even if a text was not directly applied.

## II. Law and written law

There are few words in the Burmese language more polysemic than that glossed in the following pages as “law”: *tarāḥ*. In a general sense *tarāḥ* may be understood as the vernacular counterpart to the Pali term *dhamma*. In Old Burmese (OB) epigraphy *tarāḥ* is found spelled *tāryā*, *taryā*, *tāyā*, and *tryā*, and while its meanings in various contexts are quite clear, its etymology is far from certain.<sup>11</sup> *Tryā* is first attested in a securely dated inscription from 1112 C.E., where it seems to be used as an element in a title of a donor: *tryā jeyya saṅghābhuiv*. Here *tryā jeyya* may be a vernacular-Pali parallel to the Pali *dhammajeyya* (~Skt. *dharmajaya*), “victory of dhamma”, though the inscription is fragmentary and the precise referent is uncertain.<sup>12</sup> As Than Tun has noted, in Pagan-era epigraphs (c. 12th-14th centuries) “the word *tryā* means firstly the Buddhist scriptural texts synonymous with the *tipiṭaka*, secondly the

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law according to Brāhmaṇical dharmaśāstras such as the MDh, on which see Chapter Three, although of course here the Veda is replaced by the Vinaya.

<sup>10</sup> See in particular, Bha Soṅḥ, “Kunḥ bhoṅ khet tarāḥ upade, 1750-1885”, Unpublished MA Thesis, Mandalay University, 1975.

<sup>11</sup> Of these *tryā* is the most common OB spelling. *Tāyā*, *tāryā*, and *taryā* are all used in three different statements of the triple-gem formula in a single inscription from 1222 C.E. See RMK 1, p. 143.

<sup>12</sup> RMK, I, p. 8, ln. 7; The paleography of this epigraph is discussed briefly in the *Report of the Director, Archaeological Survey, Burma*, 1955-56, pp. 18-19.

preachings whereby the monk tries to explain some part of the teachings of *Gotama* to his congregation, thirdly a law suit, fourthly the judges themselves and lastly to describe a natural phenomenon such as death, *atañ may so tryā*—the law of impermanence. Thus the medieval Burman used the word *tryā* in connection with all applications of law or discipline ranging from *khui[v] tryā* ‘a petty theft case’—to *akl[v]at tryā*—the attainment of *nirvana*. But the origin of this useful and comprehensive term is still an open question.”<sup>13</sup> It is also the word used to gloss dhamma in the vernacular formulation of the triple gem *buddha dhamma saṅgha* (e.g. *purhā tryā saṅghā ratanā suṃ bā*).<sup>14</sup> There are numerous examples attesting to this range of meanings of the term *tryā* in the early vernacular epigraphy, and Than Tun provides an extensive discussion of many instances.

*Tarāḥ* has been provided variously Indic, Mon, and Tibeto-Burman derivations, none of which are fully satisfactory. Luce has asserted that the term is “a spoonerized form of Hindu [*sic.*] *rta*”, which is neither historically nor etymologically likely.<sup>15</sup> Taw Sein Ko proposed a more improbable derivation from Sanskrit *dharma* via Chinese, evidence he used as support for his theory that Buddhism was propagated in Prome and Pagan by “Chinese missionaries”.<sup>16</sup> A more plausible etymology has been suggested by U Hpo Lat who sees the term as a combination of two elements (*ta* and *rā* or *rhā*) which he traces in various forms across a range of Tibeto-Burman languages, meaning roughly that which is “right” or “proper”.<sup>17</sup>

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<sup>13</sup> Than Tun, “History of Buddhism in Burma, A.D. 1000-1300”, *JBR*, LXI (Dec 1978), p. 77.

<sup>14</sup> RMK, II. p. 181, ln. 2.

<sup>15</sup> G.H. Luce, “Old Kyaukse and the Coming of the Burmans”, *JBR*, XLII, i (June, 1959), p. 101.

<sup>16</sup> Taw Sein Ko, *Burmese Sketches*, Rangoon, British Burma Press, 1913, pp. 27-31.

<sup>17</sup> Phuiḥ Lat, *Mran mā ca kāḥ aphvañ. kyamḥ*, Vol. 1., Yangon, Paññānanda, 1962, pp. 253-262.

A similar form *traḥ* is also found in Pyū (c. 5th-12th centuries). On the Pyū Face of the quadrilingual Myazedi Inscription dated 1112, *traḥ* is used as an element in an honorific (*traḥ b.āḥ*) meaning something like “lord” or “venerable” perhaps in apposition to the term *saṅgrī* (probably from *saṅgha krīḥ* ~ “great [member of the] *saṅgha*” or *sakhaṅ krīḥ* ~ “great lord”) in the parallel Burmese text.<sup>18</sup> Blagden noted that “it might conceivably be the same as the Burmese *tarāḥ*”.<sup>19</sup> There are other locations in the inscription where the same form is used, but where it seems to mean “slave”, at least according to the readings of Blagden and U Tha Myat, which sought to reconcile the meaning of the Pyū text with that of the Burmese, Mon, and Pali faces.<sup>20</sup> In recent work on the Myazedi and other Pyū inscriptions Bhunḥ Tañ. Kyau has challenged this interpretation, and suggested that the form *traḥ* should have the meaning of “noble” or “venerable” in all cases.<sup>21</sup> The term may also be used as an honorific of a king in an Pyū burial urn epigraph dated around 700 C.E. although the text is somewhat damaged and the reading conjectural.<sup>22</sup>

We might add yet another speculation by noting the distinctiveness of the OB forms, which may be of some significance. In OB the conjunct *-ry-* is extremely rare in medial or final position in polysyllabic words, and found almost exclusively in

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<sup>18</sup> Shafer takes the term to mean “teacher”, “scholar”. Robert Shafer, “Further Analysis of the Pyu Inscriptions”, *Harvard Journal of Asiatic Studies*, 7, 4 (1943), p. 334.

<sup>19</sup> *EB*, I, i. p. 66.

<sup>20</sup> For U Thaw Myat’s readings see *Pyū phat cā*, *Pyu Reader*, Yangon, National Printing Works, 1963.

<sup>21</sup> Bhunḥ Tañ. Kyau, *Pyū cac lhyaṅ mran mā*, Yangon, Kam. kau vat raññ, 2007, p. 107.

<sup>22</sup> Bhunḥ Tañ. Kyau, p. 103, takes it in this sense. Cf. Blagden, “The ‘Pyu’ Inscriptions”, *EI* 12, p. 129, Plate A, ln. 1; U Tha Myat, p. 50, no. 1; Shafer, p. 338. There are of course other Pyū inscriptions yet to be read which may also contain the term. Cf. Luce, *OBEP*, p. 391.

words of Indic origin.<sup>23</sup> Aside from the *tryā* variants the most common word to contain *-ry-* is *chryā* or *chryiā* (“teacher”, both forms are found and derive from Pali or Middle Indic *ācariya* or Skt. *ācārya*). *Chryā* and *chryiā*, like *tryā*, are repeatedly found in epigraphy until the 17th century. Similar instances of *-ry-* in Indic loanwords from the inscriptions dated to the 13th century and earlier include:

1192 C.E. *aryā* < Pali *ariya*, Skt *ārya* (RMK 1, p. 55)

1204 CE: *tryāk ṅrā* < Skt. *tiryag-niraya*, “animal-hell” (RMK 1, pp. 75-6). The same inscription also writes the same phrase as *trak ṅrā*. The word *tryā* is also used in this epigraph in its meaning of “sermon”.

1216: *mahāmittryā* < *mahā-maitreya* (RMK 1 p. 117)

1223: *saṅsaryā* < Pali/Skt. *saṃsāra* (RMK 1 p. 143)

1224: *mattarya* < Skt. *amātya*, “minister”, etc. (RMK 2, p. 71)<sup>24</sup>

1267: *caṅkryaṃ* < Skt. *caṅkrama*, “monastic ambulatory” (RMK 3, p. 39)

We see a great deal of variation when Indic terms with the medials *-ry-*, *-r-*, or *-y-* are adopted into Burmese. Any one of these forms might produce *-ry-* as a potential outcome.<sup>25</sup> Given this we might look for possible derivations from Pali or Sanskrit forms that begin *t-* and are followed in second position by *-r/y-*. Here the closest etymon on semantic and morphological grounds might be some element in the genealogy of Vedic *tāra*, *trā* “protector”, from the Skt. root  $\sqrt{tṛ}$ , which in addition to the meaning of “conquer,” “save”, “protect”, also implies “cross over”, “surmount”, etc. Indic *d-* in initial position is often exchanged for OB *t-* (e.g. *tāyakā* for Pali

<sup>23</sup> Note that there are initials in *ry-*, such as the monosyllabic terms *ryak*, “day”, *ryā*, “hundred”, and *ryā*, “field”. A rare disyllabic word containing *-ry-* in second position is *si-ryak*, “mango”. For a discussion see Yoshio Nishi, “OB ry nitsuite 1”, *Shiroku*, 8 (1975), pp. 1-16. Nishi characterizes *tryā* as a loanword with no cognates in Lolo-Burmese.

<sup>24</sup> This inscription is very damaged so this reading is somewhat questionable.

<sup>25</sup> For a fuller discussion of this change see Win Than Tun, “Pali and Sanskrit Loans in Myanmar Language”, Unpublished MA Thesis, Tokyo University of Foreign Studies, 1992, pp. 145-48.

*dāyaka* “donor”), so Pali or Sanskrit words beginning with *d-* are also candidates. For semantic reasons we might want to construe *tryā* as derived from Skt. *dharma*.

Although initial Indic *dh-* sometimes produces OB voiced *th-*, there are no instances of any medial nasal resulting in *-y-* or *-r-*.<sup>26</sup> Or, it could also be that *tryā* results from a form of *dharma* in another Indian language, perhaps Tamil *tarumam*, though again here we are still troubled by the absence of the nasal.

It is unlikely that this etymological question can ever be conclusively answered, and since we have such rich evidence for the early meaning of *tarāḥ* this is of little consequence. As the most common gloss in lexica and bilingual texts for the Pali and Sanskrit words *dhamma* and *dharma*, *tarāḥ* carries a range of meanings that is not easily captured by the translation “law”. The c. 13th century Pali lexicon *Abhidhānappadīpikā* and its sub-commentary (*ṭīkā*), perhaps written in Burma during the 14th century<sup>27</sup>, provide 14 meanings of the term *dhamma* as follows:

1. Fixed identity (*sabhāva*)
2. The study of the texts of the Vinaya, Abhidhamma, and Sutta (*pariyatti*)
3. Wisdom (*paññā*)
4. Propriety with respect to the path, etc., together with praxis (*paṭipadā*)
5. Truth (*sacca*)
6. Nature (*pakati*)
7. Merit (*puñña*)
8. What is to be known (*ñeyya*)<sup>28</sup>
9. Virtue (*guṇa*)
10. Right conduct (*ācāra*)
11. Concentration (*samādhi*)
12. Not having the identity of a living creature (*nissattatā*)
13. A Vinaya offence (*āpatti*)
14. Cause (*kāraṇa*)

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<sup>26</sup> Cf. Win Than Tun, “Loans”, pp. 138-43.

<sup>27</sup> On the dates of these texts see Medagama Nandawansa, *Abhidhānappadīpikā: A Study of its Text and its Commentary*, Pune, BORI, 2001, pp. x-xxii.

<sup>28</sup> The *ṭīkā* explains this as “five-fold, consisting of aggregation (*saṅkhāra*), alteration (*vikāra*), characteristics (*lakkaṇa*) [of impermanence, suffering, and non-self], *nibbāna*, and concept (*paññatti*)”.

This list is qualified by *ādi*, “and so on”, signifying that there are yet more meanings of *dhamma*.<sup>29</sup> As the vernacular analogue of *dhamma*, *tarāḥ* thus refers in its most expansive usage to the True Law (*sacca-dhamma*) discovered by the Buddha and the broad range of concepts this paradigm implies.<sup>30</sup> *Dhamma* conjures overlapping meanings connected to education, ethics, law, mental cultivation, the calculus of merit, epistemology, ontology, and soteriology.<sup>31</sup> In the following chapters we will be principally concerned with *dhamma* and *tarāḥ* in the sense of what the above lexicons refer to as *ācāra*, “right conduct”, though ideas of, especially, virtue, wisdom, propriety, and merit are also very important. Insofar as *tarāḥ* is concerned with legislation and legal remedies, we come closer to the above meaning of *dhamma* as an offence (*āpatti*) against the monastic Vinaya which the early Burmese Pali grammarian Aggavaṃsa defines according to the commentaries in his *Saddanīti* as “offences such as those leading to expulsion (*pārājika*) or suspension (*saṅghādisesa*) from the order”.<sup>32</sup>

It is important to underscore that there is some degree of dissonance between the way *tarāḥ* and *dhamma* are understood in dhammasattha and the way *dhamma* is

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<sup>29</sup> Abh-ṭ, 784. Aggavaṃsa’s *Saddanīti*, written at Pagan in the 12th or 13th century (see Ch. 2 for a discussion of its date), provides a similar definition: *sabhāva, paññā, puñña, paññatti, āpatti, pariyatti, nissattā, nijjīvatā, vikāra, guṇa, paccaya, paccayupaṇṇādīsu* | “identity, wisdom, merit, concept, Vinaya offense, texts, non-being, lifeless, alteration, virtue, condition, conditioned phenomena, etc.”. *Sadd-dhatumāla*-Bse, p. 337.

<sup>30</sup> The term *saccadhamma* as it is found in dhammasattha texts is further explored below.

<sup>31</sup> For a more detailed discussion of these various meanings and their historical development through the commentaries see John Ross Carter, *Dhamma: Western Academic and Sinhalese Buddhist Interpretations, A Study of a Religious Concept*, Tokyo, Hokuseido, 1978; Rupert Gethin, “He Who Sees Dhamma Sees Dhammas: Dhamma in Early Buddhism”, *JIP*, 32 (2004), pp. 513-542.

<sup>32</sup> *Sadd-dhātumālā*-Bse, pp. 338. See the next chapter for a discussion of the date of this work.

variously used by the Pali commentarial tradition. The terms have an elective affinity but are not identical; or rather in the dhammasattha context the juridical significance of *tarāḥ* and *dhamma* is elaborated. This is so in simple linguistic terms insofar as *tarāḥ* designates such things as “judges” and “lawsuits” (meanings which are unattested in commentarial Pali, where these terms are rendered *akkhadassa*, etc., or *aṭṭa*). Yet in a broader, jurisprudential sense we can see differences between *tarāḥ* and commentarial accounts of *dhamma* in light of the way legal authority is imagined. The authority of the laws (*tarāḥ*) contained in dhammasattha was justified in explicitly textual and cosmological terms. The text of the law was carried in uncorrupted transmission down to earth from the boundary-wall of the universe (*cakkavāla*) by ṛṣis (“sages”) who possessed supernatural powers due to their meditative attainments. As described in Chapter Six, from the 17th century (if not earlier) this mythology was frequently criticized as illegitimate or in need of adjustment according to the perceived higher authority of narratives concerning the origins of Buddhist legislation contained in the Pali *tipiṭaka* and its commentaries. Such critics argued that dhammasattha was not easily reconciled with the *dhamma* of the Pali tradition, and should be viewed as analogous to the Vedic corpus—treatises on medicine, astrology, mathematics, alchemy, etc.—as it was construed in the Burmese imagination. According to them, these treatises were of human origin, the product of the legislative activity of ṛṣis, Buddhist kings, and wise men (*paṇḍitas*, *paññā rhi*) to promote the welfare and prosperity of the world. In such criticisms we are provided a rare glimpse of Burmese authors attempting to come to terms with a genre and its self-justifications that did not sit comfortably alongside understandings of Buddhist tradition garnered from the Pali commentaries and sub-commentaries. Dhammasattha required re-description to bring its own accounts of authority in line with orthodox narratives.

In the following pages I am principally concerned with law as it is expressed in writing, and specifically as it is expressed in the dhammasattha genre. There were many other forms of written law in premodern Burma that I only discuss in passing. The monastic Vinaya and its *vinicchaya* (“decisions”) literature, royal edicts, legal judgments (*phrat thumḥ*, *kok khyak*, etc.)<sup>33</sup>, and late Konbaung-era *upadesa* laws, constitute extensive corpora of written law that are distinct from dhammasattha and deserve separate treatment. Moreover, there are many ways in which writing was utilized in Burmese legal culture, for example in the drawing up of contracts (*cā khyup*, etc.) or in written submissions of testimony or oaths. The structure, content, and ideology of each of these forms have very different genealogies that any comprehensive history of written law would have to engage in detail. What follows, therefore, is not an account of written Buddhist law in any general sense. In fact, I do not think that there is much value in speaking of “Buddhist law” as a definable phenomenon or univocal idiom. Buddhist cultures in history produced multiple accounts of law and legality that were expressed and understood variously within different contexts. The legal imaginaries underpinning the monastic Vinayas, the royally-sponsored legislation in the edicts of Aśoka, or Tibetan Buddhist conceptions of sovereign legislation offer theories of law which are quite different from (and perhaps at times at odds with) that found in Burmese dhammasattha.<sup>34</sup>

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<sup>33</sup> The “judgments” or *phrat thumḥ* literature may refer to records of actual trials as well as digests of legal opinion.

<sup>34</sup> Oskar von Hinüber, “Buddhist Law According to the Theravāda-Vinaya: A Survey of Theory and Practice”, *JIAS*, 18, 1 (1995), pp. 7-45; Jules Bloch, *Les Inscriptions d’Asoka*, Paris, Les Belles Lettres, 2007; G. Uray, “The Narrative of Legislation and Organization of the Mkhas-pa’i Dga’-ston” *Acta Orientalia Academiae Scientiarum Hungaricae*, XXVI (1), pp. 11-68. Anthropological literature on more recent expressions of law in Tibetan Buddhist contexts also draws vastly different conclusions as to the nature of legal culture, particularly in terms of its intersection of legality and religion. Compare Fernanda Pirie, “Secular morality, village law, and Buddhism in Tibetan societies”, *Journal of the Royal Anthropological Institute*, New

Among legal historians written law often signifies written legislation. However, the concept of legislation is somewhat problematic in application to dhammasattha. The English verb *legislate*, according to the *Oxford English Dictionary*, is a back formation of the noun *legislation*, which is composed of two derivations from Latin: *legis*, the genitive of *lex*, and *lātio*, from the present participle of the verb *ferre*, “to bring”, or “carry”. *Lex*, of course, means “law” (often law that is written), thus literally the term “legislation” describes the act of “bringing a (written) law” or “proposing a (written) law”.<sup>35</sup> More specifically the significance of *lex* according to the Latin tradition is rather variable; different attempts were made by medieval theological jurisprudence to connect *lex* etymologically (and thus conceptually) to the Latin verbs *legere* (cf. PIE {Pokorny} \*leg-, “to gather”, Greek *λόγος*, etc.), “to write”, and *ligare* (cf. PIE {Pokorny} \*leig-, Skt. *√lag?*), “to bind”. The law is that which is written down and read and/or that which binds creation, in the sense of a *lex aeterna* (“eternal law”) ordained by God.<sup>36</sup> This sense of law as *lex* and as intimately related with literacy is different from the English term law (it is closer to the French *loi*), which perhaps derives from an Old Icelandic root meaning “something fixed”.<sup>37</sup> Legislation signifies the act of enacting written law, a law which is understood *as law* precisely because it is enacted (or “legislated”) in writing by

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*Series*, 12 (2006), pp. 173-190 with Rebecca Redwood French, *The Golden Yoke: The Legal Cosmology of Buddhist Tibet*, Ithaca, Cornell University Press, 1995.

<sup>35</sup> The Latin verb *ferre* is used in a variety of forms in connection with *lex* and related acts of legislation. See references in Lewis and Short, *A Latin Dictionary*, Oxford, Clarendon Press, 1879, s.v. *fero*.

<sup>36</sup> On the medieval theological-jurisprudential arguments in whose service these various etymologies were put see Jean-Robert Armogathe, “Deus Legislator”, in *Natural Law and Laws of Nature in Early Modern Europe: Jurisprudence, Theology, Moral and Natural Philosophy*, Lorraine Daston and Michael Stolleis, eds., Surrey, Ashgate, 2008, pp. 265-277.

<sup>37</sup> OED, s.v. Compare also the discussion of these etymologies in Jack Goody, *The Logic of Writing and the Organization of Society*, Cambridge, Cambridge University Press, 1986, ch. 4.

individuals recognized as having the authority to act as legislators. Law on this reading is a specialized form *ius*, “right” or “justice”, which for the Romans and later Christian theologians signified a conception of law that also encompassed unwritten legal norms or even custom (*ius non scriptum, mos*).<sup>38</sup>

Dhammasattha law has a special relationship with writing. The idea of *lex* as law which is authoritative because it has been put into writing goes a long way in capturing the positive nature of dhammasattha law.<sup>39</sup> But there are problems with this comparison insofar as the laws contained in dhammasattha are not framed as legislative pronouncements in the same way that a royal order or decree might be, and they are not in any obvious sense “promulgated” by an authority, such as a king, the

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<sup>38</sup> The relation of *lex* and *ius* is complex, and has been argued differently by different historians. See in particular A. Arthur Schiller, *Roman Law: Mechanisms of Development*, The Hague, Mouton, 1979, Ch. 7; Adolf Berger, *An Encyclopedic Dictionary of Roman Law*, Philadelphia, American Philosophical Society, 1953, s.v.; also, G.R. Evans, *Law and Theology in the Middle Ages*, London, Routledge, 2002, Ch. 5; Shirley Robin Letwin, *On the History of the Idea of Law*, Cambridge, Cambridge University Press, 2005, Ch. 3.

<sup>39</sup> My use of the term “positive” here relates to twin theses central to the jurisprudence of legal positivism. First is the “separation thesis” which posits a distinction between what *is* law and what *ought* to be law; i.e., that one of the fundamental distinguishing features of law is that it has no *necessary* connection with morality (so-called “soft-positivism”). The corollary to this is the “social thesis”, which argues that law originates in the fabric of social life, in social institutions (rather than in the dictates of reason, ethics, religion, etc.), and most ostensibly in the “command” of the sovereign (according to early positivists like John Austin), state, or other properly constituted juridical authority. Positivists argue that together these theses allow us to distinguish “law” from other types of norms. Law is law not because it is derived from principles of what is right or just, but because it is enacted through the ostensibly legislative activity of certain human beings. There are numerous exceptional studies of legal positivism and its criticism by natural law theorists. See for example Joseph Raz, *The Authority of Law: Essays on Law and Morality*, Oxford, Oxford University Press, 1979, Chapter 3; Brian Leiter, “Realism, Hard Positivism, and Conceptual Analysis”, *Legal Theory*, 4 (1998), pp. 533-547; Mark Tebbit, *The Philosophy of Law: An Introduction*, London, Routledge, 2005; Brian H. Bix, “Legal Positivism”, in *The Blackwell Companion to Philosophy of Law and Legal Theory*, eds. Martin P. Golding and William A. Edmundson, London, Blackwell, 2005, pp. 29-49.

Buddha, or an inspired ṛṣi, who acts as legislator.<sup>40</sup> Here we encounter a major difference between Vinaya and dhammasattha jurisprudence; in the former context the Buddha’s legislative acts implicitly sanction all legal rules. Dhammasattha was not seen as enacted by kings, ministers, or jurists, and was viewed as a legal tradition that developed independently of influence from the “state” or other worldly institutions.<sup>41</sup> In this sense the 17th through 19th century critics of dhammasattha who argued that the genre should be seen a variety of human legislation did so in explicit critique of dhammasattha accounts of their own authority. Similarly, it would be wrong to view dhammasattha as a distillation of more general normative principles, as the legal instantiation of a moral order or abstract conception of dhamma that guarantees the legitimacy of law.<sup>42</sup> There is no legislative source that stands behind written law; the law is the text of the law. This of course does not mean that dhammasattha is wholly unconnected with ethics. As we shall see, one of the stated aims of the literature is that written law serves the purpose of increasing human welfare (*hita; akyuiḥ cīḥ phvāḥ*) in

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<sup>40</sup> Although in certain cases dhammasattha does attribute the statement or discovery of individual laws to Manu or other learned ṛṣis or paṇḍitas, such individuals are not characterized as the source of law. The construction of the authority of law in dhammasattha will be explored in Chapter Six.

<sup>41</sup> It must be acknowledged that the compilation of new legal texts was sometimes sponsored by kings, however it is by no means certain that this had any direct impact on the shape or content of law.

<sup>42</sup> In this respect my understanding of dhammasattha written law resonates with Paul Hacker’s insights concerning the “empirical” character of Brāhmaṇical dharma discussed in Chapter Three. Most commentators make the opposite claim, that Burmese law was basically a system of morality. 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.” While I agree with Taylor’s broader argument that the “state” had little impact on dhammasattha law, I cannot support his characterization of written “codes” as “guides to moral conduct”. Robert Taylor, *The State in Burma*, Honolulu, University of Hawaii Press, 1987, p. 53. For a similar statement that premodern Burmese law was inherently an ethical system, see Hla Aung, “The Burmese Concept of Law”, *JBRS*, LIII, ii (1969), pp. 27-41.

the world. Even more importantly, the practical application of dhammasattha is left to judges who are qualified to act as arbiters of law in part because of their moral standing.

Definitions of law that attempt to arrive at a general meaning of the term are manifold, and there is far from any consensus among scholars as to how the term should be properly understood.<sup>43</sup> Since the late 18th century Burmese dhammasattha texts have been characterized by Euro-American and some Burmese commentators as “law codes” or repositories of “customary law”.<sup>44</sup> In almost all instances dhammasattha were seen as containing “Buddhist law” according to the British colonial tactic of distinguishing the limits of jurisdiction according to religion. In applying these labels such commentators drew on definitions of law which derived from distinctive traditions of European jurisprudence, and particularly ideas filtered via Blackstone, Bentham, Austin, and Maine, which offered a framework for the discrete comparative analysis of colonial “legal systems” in terms of the separation between positive and natural law, theories of legal obligation, the relationship between religion and law, and the distinction between codification and custom.<sup>45</sup> It is now very

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<sup>43</sup> For a concise treatment of the varying perspectives on law in recent jurisprudence see Brian Tamanaha, “Law”, *St. John’s University Research Paper Series*, Paper 08-0095, January 2008.

<sup>44</sup> The utility of the terms “code” and “codification” depends of course on the way they are defined. Among legal theorists “codification” usually signifies the authorized redaction of previously judge-made law into an arranged text, which is then applied within juridical contexts (e.g. in disputes or trials). This is conception of “code” is far too narrow to be of use in the analysis of dhammasattha. Yet there are still other ways of thinking about code and codification. See the excellent discussion by Martha Roth in “The Law Collection of King Hammurabi: Toward an Understanding of Codification and Text”, in *La Codification des Lois dans L’Antiquité, Actes du Colloque de Strasbourg, 27–29 novembre 1997*, ed. E. Lévy, Paris, De Boccard, 2000, pp. 9–31.

<sup>45</sup> For a good overview of Austinian preconceptions regarding the makeup of a legal system see Joseph Raz, *The Concept of A Legal System: An Introduction to the Theory of the Legal System*, Oxford, Oxford University Press, 1980. The roots of comparative

well documented how in colonial legal regimes such biases gave rise to gross contortions.<sup>46</sup> Still, nearly all varieties of jurisprudence within the academy today (whether within law schools or philosophy departments) take as their focus legal institutions and concepts derived from Greco-Roman traditions. There are all too obvious vocational and political reasons why this is the case. (Though, for the same reasons the study of Islamic law is increasingly the object of more mainstream scrutiny). We forget that the oldest surviving legal documents originate not in Europe but in Egypt and the Ancient Near East in the early 3rd millennium B.C.E., and that this tradition contained the seeds which germinated into both civil and common law traditions that are now taken as exemplary in standard discussions of law.<sup>47</sup>

As Pollock and Maitland advise at the outset of their classic work on the history of English law, “it has been usual for writers commencing the exposition of any particular system of law to undertake, to a greater or less extent, philosophical

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law were of course far more ancient in Europe before its “science” began to be applied to colonial legal cultures in the late 18th century. On this history see Walter Hug, “The History of Comparative Law”, *Harvard Law Review*, 46, 6 (April 1932), pp. 1027-1070.

<sup>46</sup> There is a growing literature on this subject from the perspective of many different colonized regions. See Bernard S. Cohen, “Law and the Colonial State in India”, in *Colonialism and its Forms of Knowledge*, Princeton, Princeton University Press, 1996, Ch. 3; Tamara Loos, *Subject Siam: Family, Law, and Colonial Modernity in Thailand*, Ithaca, Cornell University Press, 2006; Nandini Bhattacharyya-Panda, *Appropriation and Invention of Tradition: The East India Company and Hindu Law in Early Colonial Bengal*, New Delhi, Oxford University Press, 2008; Noor Aisha Abdul Rahman, *Colonial Image of Malay Adat Laws*, Leiden, Brill, 2006; Sally Falk Moore, *Social Facts and Fabrications: “Customary” Law on Kilimanjaro, 1880-1980*, Cambridge, Cambridge University Press, 1986; Laura Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, Cambridge, Cambridge University Press, 2004; Talal Asad, “Reconfigurations of Law and Ethics in Colonial Egypt”, in *Formations of the Secular: Christianity, Islam, Modernity*, Stanford, Stanford University Press, 2003, Ch. 7.

<sup>47</sup> Cf. Russ VerSteeg, *Law in Ancient Egypt*, Durham, Carolina Academic Press, 2002. Raymond Westbrook, “The Character of Ancient Near Eastern Law”, *A History of Ancient Near Eastern Law*, Raymond Westbrook, ed., Leiden, Brill, 2003.

discussion of the nature of laws in general, and definition of the most general notions of jurisprudence”. Like them, and to the extent that it is possible, here I “purposely refrain from any such undertaking”.<sup>48</sup> I do however use the word “law” in both the title of this dissertation and repeatedly in the pages that follow; and there is a great deal of technical terminology that I translate by words that may in some cases too readily suggest similarities with modern legal ideas and institutions: “court”, “tribunal”, “judge”, “testimony”, “appeal”, “jurisdiction”, “witness”, etc. I have tried in all instances to provide extended commentary on how the underlying Burmese terms were understood in their historical and literary context. The reason for applying this terminology, which is so thickly laden with the “baggage” of European jurisprudence is not because I want to emphasize modern analogues or intervene in debates in legal philosophy—whether we can construe dhammasattha law as a form of natural law, positive law, etc. I do this partly for lack of better choices but more importantly to lay the groundwork for comparison. For example, without assigning such phantom etic terms as “judge” to a host of family resemblances, it would be impossible to explore the comparative historical diffusion and significance of emic practices and ideas associated with *vohārika*, *dharmādhikārin*, *akkhadassa*, *tarāḥ sū krī*, *khuṃ mañḥ*, etc.

### III. Manuscripts, texts, and Buddhist history

Manuscripts formed the textual basis of literate Buddhist and legal culture in premodern Burma and Southeast Asia. Despite their overwhelming importance, scholars have hardly begun to explore either their form, content or significance in any adequate detail. Pali or Vernacular texts that have been “edited” by Burmese scholars

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<sup>48</sup> Frederick Pollock and Frederic William Maitland, *The History of English Law Before the Time of Edward I*, Cambridge, Cambridge University Press, 1899, p. xxiii.

are often the result of work with only very few manuscript witnesses. The only Burmese manuscripts that have been critically edited by foreign scholars remain those of Pali canonical and commentarial literature. Vernacular literature and Burmese-Pali nissayas have received far less critical attention on an international scale.

There are a number of reasons for this. A pragmatic obstacle is the inaccessibility of the manuscripts themselves. Major collections of the most easily accessible Burmese manuscripts are kept in large research libraries or government archives in Myanmar and abroad. Even when it is possible to obtain research permission to read materials in such locations, often reproductions can only be acquired via time-consuming hand transcription methods or very costly reprographic services, if at all. An even greater problem is the fact that in Myanmar (as elsewhere in the region) the locations and contents of monastic and private collections are very poorly documented. It is usually impossible to determine in advance whether a monastery has a manuscript library and, if so, what it contains. If a researcher wants to know whether a manuscript may exist in a monastery of interest all they can do is go there and search through the manuscript chests personally. One learns a great deal from such work, and I would not prefer a digital copy easily accessible via some centralized internet database. Historically, manuscripts were not equivalent to the texts they contain, but were a function of the multiple contexts in which they circulated; they were preserved in chests alongside other manuscripts of different texts, often in monasteries which were part of local patronage networks, or in semi-private collections of village magistrates, officials, or of the king. Thus they reflect certain determinate habits—of making, copying, collecting, organizing and reading texts—and intellectual predilections of the people who came into contact with them. One of the disadvantages of the modern archive or database is that, except in only very rare cases, none of this contextual information is transmitted alongside the manuscript. The

manuscript has been uprooted from its locale and removed to an institution where all supports are treated equally, merely as vehicles for the transmission of content.<sup>49</sup> With some Burmese manuscripts we might be fortunate enough to encounter the name of a scribe, donor, monastery or owner within the manuscript itself or on its binding ribbon, but this is all too rare, as are premodern records inventorying manuscript libraries or the contents of donations of manuscripts.

With the exception of ornamental *kammavācā* (on which see Chapter Four), manuscripts are no longer produced in Burma; the last black parabaik manuscripts were used in the 1960s, and the making of palm-leaf came to an end in the early 20th century. So today the majority of remaining monastic libraries cannot without some qualification and detective work be viewed as representative of intact historical collections as they were when manuscript culture was still a viable tradition, as in the middle of the 19th century or earlier. Manuscripts traveled. They still travel. Some monasteries contain manuscript chests that are fitted with wheels to enable the movement of large collections of texts. Many monks are avid collectors, even when they aren't interested in reading manuscripts. Larger monasteries with relatively more resources of space and patronage have continued to serve as local repositories for manuscripts de-acquisitioned from smaller monastic libraries. To an extent, a similar dynamic was always the case; if a monastery or library could for whatever reason no longer afford the luxury of housing manuscripts they would be donated elsewhere. But the past 100 years have witnessed unprecedented intensive migrations on a massive scale. Urban scholars, collectors, and monks have scoured the countryside and centrally warehoused manuscripts stripped of their provenance at urban monasteries

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<sup>49</sup> A major exception to this is the Digital Library of Lao Manuscripts <<http://www.laomanuscripts.net>> which in many cases has at least preserved details on the original location of the manuscripts in its database.

and libraries. Tens of thousands of manuscripts have been sold to antique dealers for sale to tourists and collectors in curio shops in Hong Kong, Chiang Mai, and Bangkok.

Yet a more entrenched intellectual bias has given rise to our current lamentable state of affairs regarding Burmese manuscript research, which relates to long-standing prejudices among researchers in both Buddhist and Southeast Asian Studies. Although there is some excellent work on both Pali texts and premodern vernacular texts and histories these areas are too often seen as distinct fields of inquiry, each with its own forms of training and specialization. Despite recent critiques of the field, students of Pali Buddhism are for the most part still preoccupied with mainstream Pali literature, defined particularly in terms of the root-texts (*mūla*) of the Pali canon (*tipiṭaka*), and their later commentaries (*aṭṭhakathā*) and sub-commentaries (*tīkā*, etc.).<sup>50</sup> The term “Theravāda” continues to be uncritically applied in scholarly literature to the Buddhisms of premodern South and Southeast Asia as though it accurately encapsulates an authentic historical reality of Buddhist culture and practice. If anything, the term is at best meaningful in the description of monastic ordination lineages, which did not necessarily determine the proclivities and habits of regional Buddhist communities (lay or monastic) in a broader sense.<sup>51</sup> When the core texts of a

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<sup>50</sup> For similar criticisms of the over-reliance among Buddhist studies scholars on early Pali texts see Charles Hallisey, “Roads Taken and Not Taken in the Study of Therāvada Buddhism”, in *Curators of the Buddha*, ed. Donald S. Lopez, Chicago, University of Chicago Press, 1995, pp. 31-61; 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), pp. 281-309; Justin Thomas McDaniel, *Gathering Leaves & Lifting Words: Histories of Buddhist Monastic Education in Laos and Thailand*, Seattle, University of Washington Press, 2008, Chapter Six.

<sup>51</sup> A good survey of ideas concerning ideal Theravāda doctrine and orthopraxy may be found in Kate Crosby, “Theravāda”, in R. Buswell, ed., *Encyclopedia of Buddhism*, New York, Macmillan, 2004, pp. 836-841. The term “Theravāda” was not used as a descriptive label of Buddhist identity in premodern Burma or elsewhere in Southeast Asia. For an important critique of this term see Peter Skilling, “Ubiquitous and Elusive: In Quest of Theravāda”, Unpublished mss (2007). For a catalogue of early

vastly diverse and dynamic set of traditions are defined, as they often are, according to a neat corpus that was edited nearly in its entirety over one hundred years ago, there is very little incentive for students to pursue further research on lesser known texts in manuscript. As a genre of Pali literature dhammasattha has been neglected by the undue emphasis placed by scholars on such supposedly canonical materials.

Pali and nissaya astrological, medical, and alchemical treatises have suffered a similar fate, as has the relationship of Southeast Asian Buddhist literatures to Sanskrit materials. We might cite as another example here the extensive literature of the *vijjādhara* (or *vijjā*, “weikza”) tradition in Burma. Perhaps in part because there are but few references to *vijjādhara* in the Pali *tipiṭaka* and commentaries, scholars have not concerned themselves with the premodern textual foundations of this tradition, viewing it instead as a form of “occult” or “folk” Buddhism largely disconnected from any corpus of written learning. Although the identity of the *vijjā* is arguably in certain respects a modern phenomenon, there are thousands of extant manuscripts associated with *vijjādhara*-type practices in Burma—particularly concerning medicine and alchemy—that one would expect to constitute the primary field of research for anyone interested in understanding the history of these traditions.<sup>52</sup> Though to my knowledge no scholar of *vijjā* has ever explored a single one of these sources in any detail. This has serious implications not only for the possibilities of understanding the historical development of *vijjā* but also for its comparative study with regional forms. One of the main reasons for all this, to be sure, is the convenience of relying on Pali canonical

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and commentarial uses see Oliver Abeynayake, “The Theravāda Tradition: Its Identity”, *Journal of the Centre for Buddhist Studies Sri Lanka*, VII (2009), pp. 90-100.

<sup>52</sup> Not to mention the extensive range of Sanskrit Buddhist material relating to *vijjādhara* traditions in India, on which see *inter alia* David Gordon White, *The Alchemical Body: Siddha Traditions in Medieval India*, Chicago, University of Chicago Press, 1996; Ronald M. Davidson, *Indian Esoteric Buddhism: A Social History of the Tantric Movement*, New York, Columbia University Press, 2002.

texts for an understanding of Burmese Buddhism; they come in handy volumes edited by the PTS, and English translations are always available (and this is possibly why the commentaries are far less commonly discussed—most of them are not translated). There are important exceptions: scholars like Padmanabh Jaini, François Bizot, Madhav Deshpande, Petra Kieffer-Pülz, Anne Peters, Peter Skilling, John Strong, Heinz Braun, Nyunt Maung, Tin Lwin, and Eugène Denis, just to name several, have concentrated efforts on texts that aid an understanding of the distinctiveness of the Burmese Buddhist tradition or bringing to light data on the compilation and transmission of so-called “post-“ or “para-” or “non-” canonical Pali literature in Burma and Southeast Asia. But there is still a vast amount of work to be done, particularly on the corpora of Pali and nissaya texts associated with *lokiya-sattha* materials.

Dhammasattha is such a genre. Oskar Von Hinüber’s *Handbook of Pāli Literature* does not mention dhammasattha in its catalogue of Pali texts, which purports to deal “with the whole of the literature in Pāli”. Since most of the surviving Pali and Pali nissaya dhammasatthas have never been edited this is excusable. But the fact that dhammasattha is one of the largest corpora of literature from premodern Burma and remains virtually unstudied by Buddhism and Pali scholars is less so. This disregard is directly related to the longstanding prejudices of our field. Moreover, despite ever-increasing academic attention to the intersections between Buddhism and modern science, the importance of premodern scientific or śāstric disciplines to Buddhist cultures in history is grossly neglected.<sup>53</sup> Scholars continue to imagine Pali Buddhism as unconnected with śāstric learning, despite the fact that many kings, monks and Buddhist laypersons actively engaged in the patronage, study and

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<sup>53</sup> On debates over the connection between Buddhism and modern science, see Donald S. Lopez, Jr., *Buddhism & Science: A Guide for the Perplexed*, Chicago, University of Chicago Press, 2008.

translation of such material. A reader of the *Cambridge History of Southeast Asia*, Coedes' *Les états hindouisés*, or nearly any other history of premodern Southeast Asian Buddhism might be forgiven for concluding that there was no written scientific culture to be found, certainly not one that was so fundamentally interwoven with Buddhist practice.

A different though related set of difficulties exists within the field of Southeast Asian Studies. Here the issue is that during the past seventy-five years or so the study of Pali and Sanskrit and an emphasis on textual criticism and philology has been increasingly *in absentia*. Southeast Asian Studies, particularly as it has been construed at universities in the United States, and perhaps paradigmatically at Cornell, is overwhelmingly preoccupied with history in the vernacular. Vernacular culture is approached as somehow separable from Pali, Sanskrit, Chinese, or Arabic culture, as though it were not a fact that, for example, many premodern Burmese authors were literate and wrote both in Pali and Burmese. Monastic education throughout mainland Southeast Asia was thoroughly bilingual. As discussed in the following two chapters, the interventions of such scholars as van Leur, Wolters, and Geertz, who were instrumental in arguing the case for the vernacular “autonomy” of Southeast Asia, articulated what was in their time a much-needed critique of earlier positions—especially prominent among both French Colonial and Indian Nationalist historians—which viewed Southeast Asia, inaccurately, as merely a refraction of Indic civilization. Yet this reaction and the resulting emphasis on local knowledge and local languages came at a high cost; graduate students working on the history of Burma, Laos, Thailand, and/or Cambodia today only very rarely accord any importance to the study of Sanskrit or Pali in addition to vernacular languages. It is seen as perfectly natural that someone could conceivably write a dissertation or monograph exploring aspects of the history of Burmese Buddhism without engaging a single Pali source. Pali alone is also

insufficient, and increasingly it will become necessary—no less in work on dhammasattha—to engage texts written in multiple vernaculars as well. Fortunately, the expectations concerning the requisite techniques for the study of premodern Southeast Asian religion and history are changing, due in part to the increasing recognition of the multilingualism of the region. The recent work of Anne Blackburn, Justin McDaniel, William Pruitt, Ronit Ricci, and Anne Hansen, among others, highlights the insufficiency of monolingual approaches to texts and histories. The criticism here is not profound; that a scholar should be equipped with such tools went without saying in the best of early 20th century colonial scholarship, and has remained to a large degree preserved in the work on Southeast Asia emanating from the EFEO.

A corollary to this linguistic critique is an urgency to reevaluate of the nature of historical and literary sources themselves. The reliance of earlier generations upon unedited printed materials as value-neutral textual supports for the conveyance of brute historical facts is no longer viable. Of course manuscripts are important in a basic sense because they are our primary evidence for texts and textual variants. This fact has been known for centuries to Biblical scholars and for quite a long time to students of Sanskrit literature, though it is something Burma Studies is only recently beginning to realize. Work on Burmese manuscripts by Htun Yee, Alexey Kirichenko, Toe Hla and others highlights the possibilities of taking the manuscript tradition seriously. As Peter Skilling has remarked, what is needed is a holistic approach to manuscripts that takes into account their roles in social and religious practice.<sup>54</sup> Also, more attention must be paid to the formal aspects of manuscripts as vital historical sources in their own right. As Chapters Four and Five argue, we can learn a great deal about the function of texts by paying close attention to their manuscript form.

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<sup>54</sup> Personal communication, February, 2009.

This dissertation takes up similar challenges posed by recent scholarship in Buddhist and Southeast Asian studies that seek to explore multilingual texts in the context of neglected manuscript traditions. The analysis of dhammasattha presented in the following chapters is based almost exclusively on unpublished manuscript sources. We cannot make adequate arguments about the history of dhammasattha or written law in premodern Burma without taking this multilingual manuscript culture seriously. This means paying close attention to the ways that Pali texts were read and glossed in the vernacular. To this end I have tried to privilege Burmese readings in my analysis and translation of Pali and nissaya material. As I discuss in Chapter Four one of the primary functions of nissaya was the explanation of source texts through the elaboration of linguistic and semantic meaning. A single Pali word might receive several lines of vernacular commentary in a nissaya. The meanings of the Pali and vernacular (or Sanskrit and Pali) portions of some nissayas are quite divergent, and this is especially the case in the dhammasattha genre. By focusing on such vernacular interpretations we are gain access to the specific meanings certain Pali terms, phrases, and texts held for their local audiences in history. Thus, wherever possible my translations from Pali have been checked against 18th and 19th century Pali nissaya versions from Burma, and often rechecked against commentarial understandings of Pali terminology in Pali literature composed during the second millennium in Burma. Here Aggavaṃsa's *Saddanīti*, the *Abh-ṭ*, and numerous nissayas of Pali and Sanskrit lexica have been invaluable resources.

Furthermore, this dissertation might be read as indicating the rich possibilities for research and comparative study that lie in wait in Southeast Asian manuscript chests for future students. Dhammasattha is but one of a vast body of literature connected with Buddhist disciplinary knowledge. Although there has been some work on regional medical and astrological and other śāstric traditions, there have been no

close studies of any of these genres and their manuscripts. Scholarship is urgently needed on the various texts of the Pali *sattha*-related corpora in premodern Southeast Asia, their significance for regional communities, complex relationship to Indic materials, and vectors of transmission.<sup>55</sup> These materials are important not only because they provide a fruitful context for investigating the transformation of broader Southern Asian knowledge systems, but, most importantly, because they constitute our primary archive for some of the most salient yet hitherto unexplored features of the history of Buddhist cultures in Southeast Asia.

#### IV. Sources and historiography

Dhammasattha is a vast literature on which there has been frustratingly little philological or text-critical research. I say this knowing full well that such a complaint could extend to almost any area of premodern Southeast Asian literature or history. Nearly everything that has been written on the genre has relied on faulty editions published in the late 19th century (or slightly later). There has been far too much emphasis placed on the few texts (such as the *Manu Kyay*) that had the good fortune of being translated into English by missionaries or colonial officials though which are not representative of the diversity of the tradition or even the most popular or widely copied texts. For the past six years I have worked to inventory and in many cases digitally preserve all the Burmese dhammasattha and related legal manuscripts in government, private, and monastic libraries inside and outside of Myanmar.

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<sup>55</sup> Some recent scholarship has begun to explore the significance of śāstric genres in the Sri Lankan context. See Heinz Bechert, *Eine regionale hochsprachliche Tradition in Südasien: Sanskrit-Literatur bei den buddhistischen Singhalesen*, Vienna, Austrian Academy of Sciences, 2005; Anne M. Blackburn, “Śāstra & Civilization: Language, Science and Colonialism in 19th-century Sri Lanka”, Presented at the Annual Meeting of the Association of Asian Studies, 2009; Anne M. Blackburn, *Locations of Buddhism: Colonialism and Modernity in Sri Lanka*, Chicago, University of Chicago Press, 2010, Ch. 2.

Government archives, archaeological museums, and university manuscript libraries in Yangon, Mandalay, Pagan, and Meiktila have been surveyed and in many cases catalogued and partially digitized. I have read, transcribed, or digitized manuscripts in private collections of scholars throughout Myanmar. Manuscript chests in monasteries in Yangon, Mandalay, Sagaing, Mingun, Salingyi, Salay, Prome, Beikthano, Pakhangyi, Pakkoku, Mondaing, Taunggyi, Kengtung, Thaton, as well as in rural locations in between these places, have been explored and relevant manuscripts have been examined or digitized. But there are still dozens if not hundreds of monastic libraries of various sizes I have not yet had the opportunity to visit. I have also worked extensively with all the legal manuscripts in the British Library, and have taken account of all the other collections outside of Myanmar, including those in India, Japan, France, Germany, and at the Fragile Palm Leaves Foundation in Nonthaburi, Thailand. Barring the future unearthing of any major caches of Burmese manuscripts the claims put forth by this dissertation are based on varying degrees of close encounter with a reasonable majority of extant palm-leaf dhammasattha manuscripts which number somewhere in the region of around 600, depending on how one counts.

In addition to dhammasattha texts and commentaries proper, the not-so-precise boundaries of which are discussed in Chapter Four, there are thousands of surviving related legal manuscripts that are not engaged in detail in the present study. These principally include digests, comparative collections (*khvai puṃ*, *poṅḥ khyup*, etc.), and records of legal rulings (*kok khyak*, *phrat cā*, etc.). There is a vast wealth of juridical miscellanea related to dhammasattha which survives mainly from the 18th and 19th centuries, including records of contracts, oaths, depositions, letters of judicial appointment, etc. While they occasionally circulated in palm-leaf, such texts were often written with white steatite chalk on black mulberry paper folding parabaik (*purapuik*) manuscripts. Arguably these constituted the types of manuscripts that were

used in the most immediate practical contexts of dispute resolution, at least during the Konbaung period. The study of digests, rulings, and juridical miscellanea is at its infancy, though recent work discussed in the following pages by Toe Hla, Htun Yee, Thu Nandar, and Thein Swe Oo has begun to explore some of this material in critical detail.

The historiography of dhammasattha is bedeviled by countless misconceptions and groundless assertions, even in regard to the most basic chronology of the surviving texts. There is no evidence whatsoever that any surviving dhammasattha text was compiled before the 17th century. Certainly, there is continuous evidence for the circulation of dhammasattha in Burma from the mid-13th century. And the earliest vernacular literary texts (excluding epigraphs)—poetry dating to not earlier than the very late 15th century—mention the genre repeatedly. Yet only two surviving treatises (the DhV and MSR) can be reliably dated to the 17th century. Commentators persist in attributing named texts to earlier eras, even to Pagan. The reasons for this state of affairs are manifold. A nearly total inattention to the vast archive of surviving manuscript witnesses is perhaps mainly to blame. But scholars also tend to rely far too heavily on late Burmese bibliographical accounts of the history of the genre.

The Burmese records that describe the history of dhammasattha begin in the late 17th century, with a brief description of nine legal texts alongside so-called “Vedic” treatises at the very end a *Piṭakat samuiṅḥ* (“History of the Piṭaka”) bibliographical text written by the Anok Van Sayadaw Rhañ Uttamasikkhā in 1681.<sup>56</sup>

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<sup>56</sup> The text was compiled by Uttamasikkhā and recited to the Rhve U Mañ Sayadaw Mahāsūratanaḍhigalaṅkāra after an inquest into the status of various Buddhist literatures by the king (presumably Mañḥ Rai Kyau Thaṅ) in 1681. See UCL9171. Compare also Museum für Indische Kunst, Berlin, Hs-Birm. 8. Bechert, et. al. in *Burm-MSS* vol. 1 (pp. 170-2) provide a misleading attribution to this text, and mis-transcribe the names of other monks mentioned in connection with compilation (i.e. Saddhammayasamahārājaguru for what should be Saddhammaghosamahārājaguru; Mahāsūratanaḍhigalaṅkāra for what should be Mahāsūratanaḍhigalaṅkāra).

This section of the bibliography will be translated in full and discussed in more detail in Chapter Six, but for present purposes will be instructive to briefly note the texts and attributions it mentions:

1. *Manūssika dhammasat*, written by an unnamed ṛṣi during the reign of Mahāsammata
2. *Manosāra dhammasat*, written by an unnamed ṛṣi during the reign of Mahāsammata
3. *Manū dhammasat*, written by an unnamed ṛṣi during the reign of Mahāsammata
4. *Manūssika akray*, written by paṇḍitas during the reign of Prū Maṅḥ
5. *Atitrā [Āditya] dhammasat*, written by paṇḍitas in Arakan during the era of the Buddha Kassapa
6. *Manu akyay dhammasat*, written by paṇḍitas during the reign of King Tvattapoṅ
7. *Dhammavilāsa dhammasat*, compiled by the individual Dhammavilāsa during the era of the [present?] Buddha
8. *Manosāra akray dhammasat*, written by paṇḍitas during the reign of Prū Maṅḥ Thīḥ
9. *Jāli Maṅḥ dhammasat*, which came from Lanka

The bibliography goes on to note one other text called *Dhammasat Kyau*, which it says was written during the reign of Chaṅ Phrū Rhaṅ (Bayinnaung, fl. 1551-1581), and also that the *Manosāra akray dhammasat* was edited during the reign of King Thalun (fl. 1629-1648).<sup>57</sup> The named kings during whose reign several of these treatises are said to have been written are apocryphal, attested only in post-15th century historical materials, at least a millennium after they are said to have reigned.

According to Burmese chronicles, Tvattaboṅ (i.e. Dvattapoṅ, etc., or “Duttabaung”) was the mythic founder-king of Śrī Kṣetra, who together with Sakka, Ganeśa, and other deities established the polity in 444 B.C.E. Prū Maṅḥ Thī, either the first or third

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Furthermore, in their notes they mention that “this work is different from the hitherto known Burmese bibliographical compendia, viz. the *Piṭakat samuiṅḥ* by Paṭhama Moṅḥ thoṅ charā tau (1755-1832 A.D.) [...]” This claim is incorrect, this bhikkhu is not known to have compiled any such bibliographic text.

<sup>57</sup> UCL 9171, f.jhāḥ(r); Hs-Birm 8, MIK Berlin (Burm-mss. #116), ff.khu(v)-khū(r). The texts attributed to these two latter kings will be discussed in Chapters Four and Five.

king of Pagan, is said in the same chronicle literature to have flourished no later than the middle of the second century C.E.<sup>58</sup> Setting aside the specific argument that the compiler of this bibliography is attempting to make by noting the “historical” attribution of these texts, which is itself of importance to late 17th century understandings of written law, I want to stress that it is upon such bibliographies that the understanding of the history of dhammasattha now rests. This list is not meant to be an objective account of the tradition; and except for the references to the compilations written during the reigns of Bayinnaung and Thalun, which were roughly contemporary with the biography itself, it would be of little assistance in trying to construct a valid chronology of surviving texts.

Lists such as these proliferated in the 18th and 19th centuries. Very often they are found written in parabaik manuscripts unaccompanied by the name of a compiler, and without any attribution. It is in most cases impossible to trace their direct interrelationships, except to say simply that these were popular histories of the development of the genre that had wide currency. Details of chronology, authorship, length, and first lines—when they are provided in bibliographies—differ considerably. Below I provide a translation of several lists as examples of the shape and development of the Burmese historiography of the dhammasattha tradition.

#### A. *Vinicchaya-pakāsanī-nissaya*

One of the earliest surviving lists falls within the fifth book of the *Vinicchaya-pakāsanī* (VinP), a bilingual Pali-Burmese nissaya dhammasattha written in 1771 as a commentary to a mid-17th century legal text, the *Mahārājasat Krīḥ* (MRK). The text cites a series of Pali verses which provides the names of 18 dhammasattha texts and

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<sup>58</sup> Further details on the dates for both of these figures will be discussed in Chapter Two.

describes the individuals connected with their compilation. These gāthās are then followed by a vernacular nissaya gloss, which I translate as follows<sup>59</sup>:

[As for the ‘nine dhammasats’:]

- [1.] *Manu Dhammasat*
- [2.] *Mano Dhammasat*
- [3.] *Manusāra Dhammasat*
- [4.] *Manosāra Dhammasat*
- [5.] *Manūssika Dhammasat*
- [6.] *Dhammavilāsa Dhammasat*
- [7.] *Atityā Mañḥ Dhammasat*
- [8.] *Dhammasat Kyau*<sup>60</sup>
- [9.] *Jālika Mañḥ Dhammasat*

These nine dhammasat treatises should be known. Also, the following nine should be known:

- [10.] *Pāsāda Dhammasat*
- [11.] *Dhammasat Kyau*
- [12.] *Dhammavilāsa Dhammasat*
- [13.] *Atityā Dhammasat*
- [14.] *Ādāsako Dhammasat*
- [15.] *Petāla Dhammasat*
- [16.] *Chaṅ Phrū Rhaṅ* [Bayinnaung, fl. 1551-1581] *Dhammasat*<sup>61</sup>
- [17.] *Nan Tau Myāḥ Mañḥ* [Nadaungmya, fl. 1211-1234] *Dhammasat*<sup>62</sup>
- [18.] *Sihala Dhammasat*

The *Manusāra Dhammasat* was compiled on the basis of these nine dhammasats. The teachers (*charāḥ*) who compiled these treatises are called the ‘nine teachers’. This has been demonstrated by Manurāja [in the MRK].<sup>63</sup>

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<sup>59</sup> UCL 6526, Book Five, f.ko(v) ff., UCL 9831 f.jū(v) ff.. In the reorganized colonial printed edition this falls on p. 153 ff., Moug Tetto, ed. *The Wini-tshaya Paka-thani Dhammathat*, Rangoon, Govt. Printing, c. 1879. The VinP and the character of these colonial editions will be discussed briefly in Chapter Five.

<sup>60</sup> Here the Pali name for this text is *Nicchayattavibhāvani*.

<sup>61</sup> The Pali title is given as *Seta-nāginda-satthaka*.

<sup>62</sup> The Pali title is given as *Mandira-baharājaka*.

<sup>63</sup> The reference here is to the statement in the MRK that “the noble compilers of the nine dhammasat treatises are known as the ‘nine teachers of the law’” *kuiḥ coṅ so dhammasat tui. kui cī raṅ so sū mrat tui. kui | tarāḥ charā 9 roṃ hū pā sañṅ |* UCL 14879 f. jhu(r). Note that the MRK says nothing about the names of these compilers.

[As for the identity of these teachers:] The *Mano Dhammasat*, the *Mānussika Dhammasat*, the *Manu Dhammasat*, and the *Manosāra Dhammasat* originated at the beginning of the world (*kambhā*). The *Pāsāda Dhammasat* was compiled at Ketumatī [Taungoo] town (*mrui*). The *Dhammavilāsa Dhammasat*, the *Dhammasat Kyau*, were compiled at Hamsāvātī [Bago] town. The *Atityā Dhammasat* was written during the time of the Kakusandha Buddha (*kakusan bhurāḥ rhañ e\* kāle*). It has the name *Gajādhipati* (“lord of elephants”). Because new recensions were compiled by Chañ Phrū Rhañ and Nan Tau Myāḥ, the *Chañ Phrū Rhañ Dhammasat* and *Nan Tau Myāḥ Dhammasat* are known by their names. Because the *Ādāsaka Dhammasat* was compiled by King Ādāsamukha it is known by his name. Because the *Petāla Dhammasat* was compiled by King Petāla it is known by his name. Because the *Sīhala Dhammasat* came from the Island of Sīhala (*sih khuiv kyvanḥ*) it is known by that name. **Although this is said, because the tradition (or “lineage”, *vaṃsa*, *achak anvay*) [of these texts] is broken (*chinnaka*, *prat lvan*.) and has faded away, what is shown here is only based on available knowledge; if it is true it should be accepted, if it is false it should be rejected.**<sup>64</sup>

Vañṇadhamma’s final statement in this passage serves as an important warning even to contemporary dhammasattha scholars. Here the most prolific and influential jurist of the late 18th century admits his uncertainties about the received genealogy of the genre. He explicitly says that the tradition has been broken, implying that the treatises mentioned no longer survive and that their attributions cannot be determined with certainty through reference to the texts themselves. The history he has outlined is based not on fact but on available knowledge, that is, on bibliographical or chronicle accounts or on the opinions of the learned. But Vañṇadhamma cautions that it should not be believed unless it is true, a proposition that he leaves entirely open to question.

#### B. *Dhammasat atui kok* “Abridged dhammasat”

<sup>64</sup> Emphasis mine. This crucial final sentence reads: *iccapi | i sui. chui sau lañṇḥ | vaṃsachinnake | achak anvay prat lvan. khrañḥ kroñ. | yathā diṭṭhaṃ va | tve. bhūḥ mrañ bhūḥ sa mhya kui sā lhyañ | dassitaṃ | pra ap e\* | saccaṃ | mhaṃ mū kāḥ | gāheyya | yū rā e\* | na vā saccaṃ | ma mhaṃ mū kāḥ | no gāheyya | ma yū rā cvan. phrac rā e\* ||*

This work is a brief (~15-20 folios) digest that survives in many palm-leaf and parabaik manuscripts. It was written in 1792 by the judge (*tarāḥ sū krīḥ*) Lak Vai Sundara.<sup>65</sup> At the very beginning of the digest Sundara provides the name and attribution details for fourteen dhammasat texts, and then goes on to claim that it is upon the collected dhammasats that his digest is based:

[1.] The *Manu Raṅḥ* (“Original Manu”) beginning with the *gāthā inako issaro ceva* was compiled during the reign of Mahāsammata. It was copied (*choṅ yū*) off the boundary wall of the world-system (*cakravalā*) by the ṛṣi Manussara. {[The text is] one fascicle (*aṅgā*)<sup>66</sup> in length}<sup>67</sup>.

[2.] The ṛṣi Manosāra copied [off the boundary wall] the *Manusāra [Dhammasat]* beginning with the *gāthā {a}nantaññāṇaṃ gocaraṃ*. [The text is] seven fascicles in length.

[3.] The ṛṣi Manusīka copied [off the boundary wall] the *Manusīka Dhammasat* beginning with the *gāthās iṅako sāsiko ceva*. Four fascicles.

[4.] During the dispensation of the Lord Kassapa Buddha, Phrū Maṅḥ<sup>68</sup>, Gavāṃpate. [Gavāṃpati], Ṛṣi, and Sakka purified the *Manusīka* for the sake of the benefit of the human world. [Their text is] the *Manusīka Akyay* (“Extended *Manusīka*”), beginning with the *gāthā kiccakut [gijjhakūṭa] pappate*, in twelve fascicles.

[5.] During the reign of King Atitrā who ruled Sarekhetarā [Śrī Kṣetra] two Arahants compiled the dhammasat beginning with the *gāthā abhiññādibbena*, in two fascicles.

[5.] During the era of the future omniscient Buddha Prince Vesantarā, during the reign of King Jālī, eight ṛṣis who had achieved supernormal power [*ta khuiḥ*, i.e. *iddhi*] compiled the dhammasat beginning with the *gāthā attano ete*, in three fascicles.

[6.] During the reign of King Dvattabhoṅ<sup>69</sup> three thousand Arahants compiled the dhammasat beginning with the *gāthā apāyaṃ gatim uppāyaṃ*, in four fascicles.

[7.] Prū Maṅḥ, Gavāṃpate., Ṛṣi, and Sakka, who together ruled Great Pagan, purified the dhammasat in {eight}<sup>70</sup> volumes and compiled [the dhammasat] beginning with the *gāthā daṭṭhesu vānaṭṭhe*, in twelve fascicles.

[8.] During the reign of King Vāruiru [“Wagaru”] who ruled the Mon realm (*ta luiṅ praññ*) of Muttama [Martaban], the dhammasat beginning with the *gāthās saccanā | saccanā ceva*<sup>71</sup> was compiled, in eight fascicles.

<sup>65</sup> MORA 4888 f.ka(v)ff.; UCL 6228 f.ka(v)ff.; UCL 11843 f.ka(v)ff.; UCL 149165 f.ka(v)ff.

<sup>66</sup> One *aṅgā* or fascicles comprises 12 folios.

<sup>67</sup> Not in MORA 4888.

<sup>68</sup> See the following chapter for details on this king.

<sup>69</sup> See the following chapter for details on this king.

<sup>70</sup> UCL 6228 reads “seven”.

<sup>71</sup> The introductory pada to the MSR, i.e. *sajjanāsajjanā sevaṃ |*

[9.] During the reign of the *Bhuivḥ Tau Chañ Phrū Rhañ* [Bayinnaung, fl. 1551-1581] who ruled over the one hundred and one people (*lū*) together with *Rāmañña* [Mon] Country (*tuiñḥ*) Arhañ Buddhaghosa translated the *Manosāra Dhammasat* from Mon into Burmese and gave it to the king. Eight fascicles.

[10.] The *Manusāra Dhammasat* beginning with the *gāthā ahaṃ āvuso* was compiled by twelve Sayadaws after a request from the king, in seven fascicles.

[11.] During the reign of Nāḥ Chū Dārakā the son of Chañ Phrū Rhañ [i.e., Nandabayin, fl. 1581-1599] judges from Lañ Jañ [Lanxang], Jañḥ May [Chiang Mai], Dvārāvātī [Arakan], {Hamsāvātī [Bago]}<sup>72</sup>, purified [the texts] and compiled the dhammasat beginning with *anantaññāṇaṃ paravaṃ*, in five fascicles.

[12.] The Sayadaw Dhammavilāsa compiled the dhammasat beginning with *iṅako pathato*, in twelve fascicles.

{[13] During the reign of the Rājamanicūḷa Dārakā [Thalun, fl. 1629-1648], {Sayadaw Tipiṭakalaṅkāra and the minister Manurājā}<sup>73</sup> edited the Pali verses of the golden text (*rhve cā*) in twelve volumes (*tvai*) and compiled the dhammasat beginning {*mamalintena*}<sup>74</sup>, in twelve fascicles.}<sup>75</sup>

The [14.] *Vaṇṇadhamma Kyau Thañ Kyamḥ*<sup>76</sup> was composed (*phvai. thāḥ*) without deviating from the laws (*tarāḥ*) contained in these dhammasats. The lord judge (*tarāḥ sū krīḥ mañḥ*) Lak Vai Sundara composes [the present] treatise (*kyamḥ*) in accordance with the collected dhammasats and from [the laws of] the *Manuvaṇṇanā* and the *Mahārājasat*, which contains the judgments of the minister Manurāja, so that the various judgments (*vinicchaya*) about the different titles of law (*tarāḥ prāḥ*) will be made known.

This manner of appealing to the authority of earlier dhammasats is very common in introductions to various treatises, and in most instances it is difficult to know whether it implies any direct familiarity with the treatises invoked. As Chapter Four discusses the citation of and reference to named legal texts is often meant merely to suggest the

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<sup>72</sup> Not in UCL 11458.

<sup>73</sup> From UCL 6228 and UCL 11847; MORA 4888 says this text was written by Manurājā “in the era (*lak thak*) of Tipiṭakalaṅkāra”.

<sup>74</sup> Cf UCL 11847 *mamalivanda*?

<sup>75</sup> This entire section is not included in UCL 11458.

<sup>76</sup> A reference to the *Manuvaṇṇanā Dhammasat*, an extremely popular Pali nissaya digest also written by Vaṇṇadhamma Kyau Tha in 1763. See below for some surviving manuscripts. It was published in reorganized form with the vernacular and Pali portions separated from the nissaya as *The Manoo Wonnana Dhamma-that or Digest of Burman Law by Wonna-Dhamma-Kyaw-Deng*, ed. Mounḡ Tetto, Rangoon, Govt. Printing, 1878.

correspondence of content, that the laws of a particular treatise agree with the legal provisions of another text. Citation or reference does not necessarily signify a direct relation in the sense that the compiler was citing verbatim from another text, or indeed that a compiler had any first-hand experience with the reference text at all.

C. *Kuiḥ coṅ khyup dhammasat — Navadhammasattha*, “Digest of Nine Dhammasats”

The date of this text is uncertain, although in one manuscript the compilation is dated to 1838 (s.1200).<sup>77</sup> All surviving manuscripts of this text bear copy dates after 1838.<sup>78</sup> It is a brief (~20 folios) nissaya digest compilation discussing the *mūlāṭṭharasa* (“eighteen titles of law”) from twelve named dhammasattha texts, whose titles I give here in their Pali forms:

1. *Manu-dhammasattha*
2. *Mano-dhammasattha*
3. *Manūssika-dhammasattha*
4. *Titya-dhammasattha*
5. *Tvattarāja-dhammasattha*
6. *Jālorāja-dhammasattha*
7. *Pāsādha-dhammasattha*
8. *Dhammavilāsa-dhammasattha*
9. *Kitti-dhammasatta*
10. *Manūsāra-dhammasattha*
11. *Manosāra-dhammasattha*
12. *Abhinnā-dhammasattha*

D. *Dhammasat Phrat Thuṃḥ* “Dhammast Judgments”

This is a digest of laws extracted from various dhammasatthas written by the judge Moṅ Rhve Krā of Yangon. Unfortunately it is also undated but the three

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<sup>77</sup> UCL 105674 f.khā(v).

<sup>78</sup> UCL 105674 copied 1874; UCL 6082 copied 1872; UCL 8039 copied 1870; UBhS 34-608 copied 1887.

manuscripts I have consulted contain copy dates from 1850<sup>79</sup>, 1871<sup>80</sup>, and 1881<sup>81</sup>. It may very well date to prior to the Konbaung period, since none of the texts it mentions were written, according to its attributions, after 1750. It begins with a condensed history of the dhammasattha tradition which includes an account of certain judgment texts:

The nine dhammasat treatises that derive from the beginning of the world-system (*kambhā*), namely: *Manu*, *Dhammavi[lāsa]*, *Manussika*, *Manosāra*, *Dhammasat Kyau*, *Manusāra*, *Tityā Mañḥ*, *Jalī Mañḥ*, *Dvattapoṇ Mañḥ*, were redacted Panya town (*mruī.*) in ink from Sīhala<sup>82</sup> by the famous monks (*pugguīl kyau*) Sumaṅgala and Uttama. Later *Manujā-saṅgara* [?] was translated into Burmese. *The Judgments (phrat thumḥ) of Bago (Pai kū) Saṅ Phrū Rhaṅ*, *The Judgments of King Upāli*, {the *Judgments of King Hāsāda*, *The Judgments of King Petadhamma*, *The Judgments of King Aṭṭhasamukha*, *The Judgments of Princess Sudhammacārī*}<sup>83</sup>, *The Judgments of King Nāḥ Thoṅ Myāḥ*, *The Judgments of King Vārirū*, *The Judgments of King Kū Nā*, *the Judgments of King Kakva Vaṅṅa*, *The Judgments of Kin Saṃ Vaṃ Lakyāḥ*, *The Four Volume Dhammasat* based on *Manusāra*, *Dhammasat Kyau*, *Manu*, and *Dhammavilāsa*, a conspectus of all the great judgments<sup>84</sup>, *Manussika Akray [Dhammasat]*, *Manu Akyay [Dhammasat]*, *the Judgments of Manurāja*, *the Judgments of the Pugaṃ Pyaṃ Khyī*—Sovereigns (*mañḥ*), ministers, governors (*mruī. van*), military officers (*cac kai.*), judges and pleaders who protect the realm, are ignorant and powerless without them.

The text then continues to describe the compilation of the *Manu Rañḥ* (“Original Manu”) during the reign of King Mahāsammata, and then moves to discuss a number

<sup>79</sup> UCL 5785 f.ghū(r).

<sup>80</sup> UCL 11205 f.ñi(v).

<sup>81</sup> UCL 105682 f.ghaṃ(r).

<sup>82</sup> UCL 5785 f.ka reads *sīhuīl thvak mhaṅ sac saññ nhaṅ. reḥ thāḥ* | UCL 105682 f.ka reads *sīhuīl thvak mañḥ akkharā*, though accepting *mañḥ* (“king”) in this context makes little sense.

<sup>83</sup> Only in UCL 105682.

<sup>84</sup> *dhammasamahāvinicchaya mraṅ kvaṅḥ mraṅ ṇay* |

of points of law in detail. Appended to the end of the text there is another list of legal texts, which gives the following details on twenty-eight works:<sup>85</sup>

[1.] The dhammasat beginning with the gāthā *ṇako nissayo ceva* was compiled by the ṛṣi Manu who resided on the *Cintā* Mountain during the reign of the first Mahāsammata.<sup>86</sup> Seven fascicles in length.

[2.] The dhammasat beginning with the gāthā *anantaññāṇagocarāṇi{gācaram}*<sup>87</sup> was written during the reign of the second Mahāsammata by the ṛṣi Manosāra. Seven fascicles in length.

[3.] The dhammasat beginning with the gāthā *ṇako sādha}ko ceva* was written during the reign of the third Mahāsammata by the ṛṣi Manūssīka. [It is known as the] *Manūssīka Dhammasat*, three fascicles in length.

[4.] The dhammasat beginning with the gāthā *ahaṃ āvuso kiccakūṭe {=gijjhakūṭe} pabbate* was compiled during the era of the Buddha Kassapa by king Prū Maṅḥ Thīḥ, Gavāmpate {=Gavāmpati}, Ṛṣi, and Sakka, based on the original *Manūssīka Dhammasat*. The *Manūssīka Akyay*, five fascicles in length.

[5.] The dhammasat beginning with the gāthā *abhiññā dibbabhedena* was compiled by an Arahant (*rahantā*) during the era of the Buddha Kassapa for King Atitrā {=Adityā}, who ruled over all of Jambudīpa. The *Atitrā Maṅḥ Dhammasat*, twelve fascicles in length.

[6.] The dhammasat beginning with the gāthā *attho etenātipadaṃ taṃ* was compiled during the reign of King Jālī by a ṛṣi who had attained *jhāna-ābhiññā*.<sup>88</sup> The *Jālī Maṅḥ Dhammasat*, three fascicles in length.

[7.] The dhammasat beginning with the gāthā *ṇako va tato ceva* was compiled during the era of our Lord Buddha (i.e. Gotama Buddha) by an individual [bhikkhu] named Dhammavilāsa. The *Manū Akyay Dhammavilāsa Dhammasat*, eight fascicles in length.

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<sup>85</sup> From UCL 105682 f.gho(v)ff.; UCL 11205 na(v)ff. This section is not appended to UCL 5785. The section in 105682 is quite confused, so I principally follow 11205. I am translating the text verbatim, although there are some lengthy digressions I have omitted. See below for a discussion of these.

<sup>86</sup> The theory of multiple reigns of a succession of Mahāsammatas is common in cosmogonic accounts. Each of the various ṛṣis associated with the compilation of Vedic texts in the Pali commentaries (on which see Chapter Six) is thought to have flourished during the period of the first eleven Mahāsammatas. See Rhve Nau, *Ādikappa kambha ūḥ kyamḥ*, Yangon, Haṃsāvātī, 1958, pp. 2ff. This work is based on a late 19th century version but earlier recensions of *Ādikappa* cosmological treatises are common.

<sup>87</sup> This latter element is not typically included in conventional lists of first lines; it may be a scribal mistake.

<sup>88</sup> On the importance of *jhānas* in connection with dhammasat see Chapter Six.

[8.] The dhammasat beginning with the gāthā *apāyāgatim upāyā* was compiled 111<sup>89</sup> years following the *parinibbāna* of the Buddha, during the reign of King Duttabaung, by three hundred Arahants in the ṛṣi country (*rasse. praññ*) named Śrī Kṣetra. The *Dvattaboṅ Mañḥ Dhammasat*, four fascicles in length.

[9.] The dhammasat beginning with the gāthā *atthesu navasuddhasattesu* was compiled at Arimaddana-Pagan {[1]155}<sup>90</sup> years following the *parinibbāna* of the Buddha, during the reign of Pyū Mañḥ Thīḥ, in the monastery of Gavāṃpati, by [Gāvāṃpati], Pyū Mañḥ Thīḥ, and Sakka. It was based on [the above] eight treatises. The *Manosāra Akyay*, eighteen fascicles in length.

[10.] The dhammasat beginning with the gāthā *saccānā saccānā sevaṃ* was compiled during the reign of Haṃsāvati Chañ Phrū Rhañ [Bayinnaung, fl. 1551-1581]. It was translated by the *mahāthera* Buddhaghosa into Burmese from a Mon (*ta luiñ*) language dhammasat from Muttama [Martaban]. The *Manūsāra Dhammasat*, eighteen fascicles in length.

[11.] The dhammasat beginning with the gāthā *ahaṃ āvuso* was compiled in the year 93[0] during the reign of Haṃsāvati Chañ Phrū Rhañ by twelve *mahātheras* after a request. The *Manūsāra Dhammasat*, seven fascicles in length.

[12.] The dhammasat beginning with the gāthā *anantaññāṇaṃ {pavaraṃ?}* was compiled during the reign of Chañ Phrū Rhañ's son, the Toñ Nū Rok Mañḥ (Taungoo Yauk Min = Nandabayin, fl. 1581-1599). It was compiled by eight jurists from the eight realms (*praññ*) of Rammā[-vatī] [=Taungdwin], Ketumadi [=Taungoo], Tharekhetarā [=Śrī Kṣetra/Prome], Ratanāpūra [=Ava], Suvanṇabhumma Jañ May [=Chiang Mai], Dvāravatī [=Arakan], and Khemāvāra [=Kengtung], from the basis of the Pali gāthās of the [above] eleven treatises. The *Dhammasat Kyau*, nine fascicles in length.

[13.] The dhammasat beginning *kuiṅgāmassa{ph}alindena* was compiled during the reign of King Sālvaṃ [Thalun, fl. 1629-1648], the donor of the Rājamañicūlā Pagoda, under the guidance of the Sayadaw Ṭipitakālañkāra and in accordance with fifteen volumes of the *Manūrāja Dhammasat* [i.e., the MRK]. The *Rhve Mrañ Dhammasat* [i.e. the MSR], twenty-five fascicles in length.

These are the thirteen dhammasat treatises.

[14.] During the reign of Mrañ Cuiñ Rhve Nan Rhañ [fl. 1501-1527] Saddhammapāla-guru-*chrāḥ* wrote the *Manū Prui* [i.e. *pyui*].<sup>91</sup>

[15.] During the reign of Toñ Nū Rok Mañḥ in Myiñ gvaṃ [= Myingun], Dhammavilāsa compiled the *Manū Pruiḥ* beginning with *kuiḥ pāḥ nava guṃ*

These are the two verse dhammasat texts; altogether 15.

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<sup>89</sup> The usual date in the chronicle literature for Duttabaung's accession is 101 years after the death of the Buddha.

<sup>90</sup> The date here reads 15155. See the following chapter for a discussion of chronicle accounts of Pyū Mañḥ Thī's reign.

<sup>91</sup> A verse dhammasat, see Chapter Four.

[16.] Pagan Praṃ Khyi compiled a judgment (*phrat thumḥ*, here as a “digest”) on the Pali gāthās from five dhammasats, in fifteen fascicles.

[17.] Manujā compiled a digest on the five dhammasats, in five fascicles.

[18.] Rhañ Ññāṇavilāsa [=Ññāṇavilāsa] compiled the *Le. Coñ. Tvai Dhammasat* (“Dhammasat of Four Volumes”) on the basis of *Manū*, *Mano[sāra]*, *[Dhamma]vilāsa*, and the *Dhammasat Kyau* while residing at the Mahā Mrat Muṇi Anom Mrom Rham. [Monastery].<sup>92</sup>

According to the paṇḍitas: [19.] *The Judgments of Kraññ Mañḥ*, [20.] *The Judgments of Kāmavaṇṇa Mañḥ Krīḥ*, and [21.] *The Princess Sudhammācārī Judgments* are not concerned with legal matters (*tarāḥ sui. ma vañ*).

According to the paṇḍitas: [22.] *The Judgements of Aloñ Ce Sū* [Alaungsithu, fl. 1112-1167], [23.] *The Judgments of Nāḥ Toñ Myāḥ* [Nadaungmya, fl. 1211-1234], [24.] *The Judgments of Sihapate* [fl. 1255-1286], [25.] *The Judgments of King Chañ Phrū Rhañ*, [26.] *The Judgments of Toñ Nū Rom Mañḥ*, [27.] *The Judgments of the Judge Rhañ Kyau Sū*, [28.] *The Judgments of Lakyāḥ Praṃ Khyi* are concerned with legal matters (*tarāḥ sui. cañ sañ*).

One should take note in order to become skilled in the list of dhammasats and judgments (*phrat thum koṃ phyak*).

In the course of this description the author digresses at length in certain instances to explain precisely how the history (*aṭṭhuppatti*, “arising”) of specific texts has been determined. For example, in the case of number six he tells us that the attribution of the text is confirmed by “the *Mahārājavañ* written by the monk (*bhunḥ tau krīḥ*) Mahāsīlavaṇsa”, that is, the *Rājavañ Kyau* (RK) written in the early 16th Century by Mahāsīlavaṇsa. We know the history of dhammasat number seven he says “because of the *Dvattaboñ-Rājavan Krīḥ Tui*. (the Royal Chronicles [which report facts about] King Duttabaung). The details of text number 11 come from the “extended history of [King] Chañ Phrū Rhañ”. It is thus clear that this information has nothing to do with actual text criticism or the perusal or colophons. While some chronicle accounts do

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<sup>92</sup> The Mahamyatmuni Anaukmyauk Monastery at Ava, built by King Ññon Ramḥ (Nyaungyan, fl. 1600-1606).

mention the compilation of dhammasatthas under the auspices of certain ancient Burmese kings (as discussed in the following chapter), it is likewise clear that Moñ Rhve Krā is simply associating texts with names found in the chronicle literature. While the *Rājavan̄ Kyau* does mention King Jāli as a Sakyan monarch and descendant of Okkāka at Kapilavatthu (largely following the account in the *Mahāvamsa*), nowhere does it indicate his connection with dhammasat.<sup>93</sup>

A different text that provides a closely parallel version of this account is a bibliography entitled *Piṭakat Kreḥ Muṃ* (“Piṭaka Mirror”). This text is dated but only quite problematically so: the copy date of the manuscript is 1910 (s.1272) and the date of compilation is given as 1931 (s.1293)—twenty-one years after the copy-date! The text states that it was written by a certain Sayadaw with the title Guṇamunindābhisaddhammadhajamahādhammarājādhirājaguru. Unfortunately there are a number of monks to whom this might possibly refer. Perhaps the author is the Bhut Kan Sayadaw<sup>94</sup>, the Mañḥ Aui Sayadaw<sup>95</sup>, or the Man Laññ Sayadaw<sup>96</sup>, all of whom received similar titles and were active in the late 18th and early 19th centuries? Yet a curious feature of the work is that its introductory section parallels almost verbatim the introduction to a number of bibliographical treatises dated to circa 1681, such as that by Uttamasikkhā described above, so it may date quite a bit earlier. In any case, it adds one additional text Moñ Rhve Krā’s list, a *Dhammasat-laṅkā* written by the disciple of the [Rhve] Caññ Kuṃ Kyoñḥ Sayadaw during the reign of Mrañ Kvanḥ Rhve Nanḥ Rhañ.<sup>97</sup>

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<sup>93</sup> RK, pp. 15-6.

<sup>94</sup> Moñ Moñ Tañ, *Kuñḥ Bhoñ Chak Mahārājavan̄*, II, p. 179.

<sup>95</sup> SāsC, p. 197.

<sup>96</sup> Arhañ Kelāsa, *Sāsanāvan̄ Bhvai. taṃ chip tau myāḥ samuiñḥ*, Yangon, MORA, 1981, p. 24; SāsC, p. 197.

<sup>97</sup> A *Dhammasat-laṅkā* associated with Mrañ Kvanḥ (Myingun) is usually attributed to the bhikkhu Dhammavilāsa. Cf. Piṭ-sm, p. 244 where this text is dated to 1650.

Above I have listed only several of some of the more common lists of dhammasatthas that achieved wide circulation. There are many more such lists particularly on parabaik,<sup>98</sup> many of which contain significant variations. It is certain that few if any of them were compiled on the basis of first-hand familiarity with actual texts. The vast majority of the dhammasatthas mentioned are no longer extant, and I assume, following Vaṇṇadhamma's remarks, their disappearance was already widely recognized in the 17th and 18th centuries. They are simply reproductions of popular bibliographic histories. Dhammasatthas written (and thus still in circulation) in the 18th or 19th centuries were of course much easier to date, and later lists compiled during the 19th century typically attribute such texts accurately. These attributions can be easily corroborated through an examination of authorial colophons in surviving manuscripts.

One of the most thorough 19th century lists is that of the *Nānāvinicchayapakiṇṇaka*, written 1832, which parallels the list found in the *Dhammasat Phrat Thuṃḥ* (D, above). However, after providing the details on #18, the *Le. Coṅ. Tvai Dhammasat*, the compiler extends the list to attribute six more texts<sup>99</sup>:

- [1.] The *Manu Raṅḥ Rhve Myaṅḥ*, written by the Chum Thāḥ Sayadaw<sup>100</sup>
- [2.] The *Manuvaṇṇanā*, written by Maṅḥ Vaṇṇa (i.e. Vaṇṇadhamma Kyau Thaṅ)
- [3.] The *Manusāra Rhve Myaṅḥ*, by Maṅḥ Vaṇṇa
- [4.] The *Vinicchayapāṭh Anak* (i.e. the VinP), by Maṅḥ Vaṇṇa
- [5.] The *Vinicchaya-laṅkā*, by Lak Vai Sundara<sup>101</sup>

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<sup>98</sup> For one such list see Htun Yee, *Collection of Hpyat-sa*, III, pp. 310 ff.

<sup>99</sup> UCL 55058 f.ṇā(r).

<sup>100</sup> This nissaya dhammasat by the Chum Thāḥ Sayadaw Rhaṅ Nandamālā was written in 1770 and although it is somewhat rare still survives. It will be discussed in Chapter Five.

<sup>101</sup> This is a verse version of the VinP. It was an extremely popular text, and was printed early in Yangon in 1881: *Vinicchayapakāsani*, Rangoon, Burma Herald Steam Press, 1881.

[6.] The *Manu Kyay*, written by the Kyuṃḥ Van Maṅḥ Krīḥ<sup>102</sup>

This brings the total number of texts discussed by this account to 37. These six texts were written within a century of the compilation of the list, and would have still been in circulation. It is thus no surprise that the author of the *Nānāviniṅchayapakiṅṅaka* provides accurate attributions for them.

One of the longest and most detailed bibliographies I have come across is found in a palm-leaf manuscript entitled *Yuvadhāraṇa-kyamḥ*, which as the title implies is a school manual, a treatise for the “support of youth” compiled by the Kattīpāguṅ Sayadaw.<sup>103</sup> The text is undated, but must have been written towards the end of the 19th century, if not later, since it mentions the most recent dhammasat compilations by the Kaṅḥ Van Maṅḥ Krīḥ Ūḥ Koṅḥ (Kinwun Mingyi U Kaung), e.g. the *Aṭṭasaṃkhip-dhammasat-laṅkā*, written in 1868.<sup>104</sup> The *Yuvadhāraṇa* gives a detailed list of 46 dhammasat texts, 15 verse (*laṅkā*) dhammasats, 33 *phrat thumḥ* or judgment texts, and 6 *khvai puṃ* or tabular-comparison texts. Its account is very close in most respects to that of the *Piṭakat Tau Samuiṅḥ* (Piṭ-sm) by Mahāsiriṅgeyyasū Ūḥ

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<sup>102</sup> Perhaps the most well-known dhammasat outside of Burma, the *Manu Kyay* was written in 1753 by Alaunghpaya’s minister of moats Mahāsiri Uttamajeyya Saṅkram. It was translated by David Richardson and published at the American Baptist Mission Press in Moulmein in 1847 as *The Dhammathat, or the Laws of Menoo*. This work is the subject of an upcoming book by Ryuji Okudaira, which I have unfortunately been unable to consult. Ryuji Okudaira, *Kingship and Law in Early Konbaung Period (1752-1819) of Myanmar: A Study of the Manugye Dhammathat*, Bangkok, Orchid Press, forthcoming 2010.

<sup>103</sup> UCL 147111.

<sup>104</sup> The reference is on f.kū(v). This verse dhammasat written in 1868 is also extremely common to find in manuscript collections. It was published in 1881 by the Maṅgālā Kyau Press in Yangon. It was followed in 1881 by a longer prose commentary, the *Aṭṭasaṃkhepa-vaṅṅanā*, also written by Kinwun Mingyi, which was published almost immediately after its compilation by the Royal Printing Works at the Mandalay Palace in 1882. The *Yuvadhāraṇa* does not mention the commentary, so it may be that it was compiled sometime between 1868 and 1881.

Yam, which is by far the most influential Burmese language chronology.<sup>105</sup> Like many premodern Burmese bibliographies the Piṭ-sṃ had its origins in a project to copy or edit the texts of the *tipiṭaka*— in this case King Mindon’s Fifth Council recension of the canon—a process that required an organized accounting of relevant texts. As in the 1681 *Piṭakat Samuiṇḥ* discussed above, Mahāsiriḥḥyasū includes a discussion of legal literature,<sup>106</sup> and he mentions 46 dhammasats, 34 judgment texts, 6 tabular comparison texts, and 16 verse dhammasats. Yam’s section on dhammasattha circulated in parabaik manuscripts independently, often attached to digests of individual titles of law.<sup>107</sup> Both the *Yuvadhāraṇa* and the Piṭ-sam draw heavily on the earlier lists discussed above, while providing securer attributions for dhammasatthas written closer to their era.

The bibliographies that have had the most impact on the development of scholarly understandings of dhammasattha history are those in English. Perhaps the earliest such list is the “Civil Circular No. 12, dated 25th September 1892 of the Judicial Commissioner, Upper Burma”, which was published in Mandalay in 1894 as an appendix to a colonial legal handbook.<sup>108</sup> This work provides the titles and in certain cases attribution details for seventy prose and verse dhammasats. For materials written prior to the 18th century it closely follows the list of the Moṅ Rhve Krā *phrat thumḥ* (D.) above, although it contains several attributions not found in earlier lists. It is uncertain where the information in this text came from and no directly parallel lists

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<sup>105</sup> *Piṭakat Tau Samuiṇḥ*, Yangon, Haṃsāvātī, 1959.

<sup>106</sup> His understanding of the history and nature of the dhammasattha in light of the Pali commentaries, which he describes in his introduction to the section on legal literature, closely mirrors that of Ādiccaramsī, discussed in Chapter Six.

<sup>107</sup> Cf. *Arap rap dhammasat atui koṃ*, NL parabaik mss. 1253, 1191, 239, 240, 241.

<sup>108</sup> Henry M. Lütter, *A Manual of Buddhist Law being Sparks’ Code of Burmese Law*, Mandalay, Star of Burma Press, 1894.

have been found in surviving manuscripts.<sup>109</sup> However, it is certain the list was written after 1858, since it contains a reference to “The *Manu* in poetry, commencing with the verse ‘*mahāparama*’”. The text in question is the *Manu Rañḥ Dhammasat-laṅkā*, a very common verse dhammasat written in 1858 by the Tvaṅḥ Saṅḥ Maṅḥ Kriḥ Mahā Cañṅsū whose date and authorship is attested in surviving colophons.<sup>110</sup> In its depiction of the history of later dhammasatthas this work is extremely close (in terms of content, not in organization) to that of the *Yuvadhāraṇa* and Ūḥ Yam’s bibliography.

The list that has achieved canonical status among scholars is that is included in U Gaung’s *A Digest of Burmese Buddhist Law Concerning Inheritance and Marriage* (DBBL). This massive two volume digest of thirty-six dhammasattha provisions on family law was published in Burmese in 1898 (“Inheritance”, Vol. I) and 1899 (“Marriage”, Vol. II) and subsequently provided a slightly abridged English translation in 1902 (Vol. I) and 1909 (Vol. II). Although this work was compiled to serve the specific purposes of the British colonial courts—which as in India required that cases of “family law” be adjudicated according to “customary law”—it did not entirely depart from early Burmese models.<sup>111</sup> Treatises and digests devoted

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<sup>109</sup> For a discussion of this list as well as two other late 19th century colonial English language lists see Andrew Huxley, “Three Nineteenth-Century Law Book Lists: Burmese Legal History from the Inside”, *Journal of Burma Studies*, 13 (2009), pp. 77-105. It should be noted that there is no evidence for the attribution of the “Civil Circular No. 12” list to the early 19th century or to Maungdaung Saydaw U ṅāṇa (on whom see Chapter Six), as Huxley claims. He cites Bechert, et. al. in *Burm-mss.* to make this connection, on which see the note *supra*. Also, evidence internal to this list makes it clear it was written after 1858, thus after the death of this monk.

<sup>110</sup> Cf. UCL 12274, f.khāḥ(r).

<sup>111</sup> From the prefatory note to the first Burmese volume by the Judicial Commissioner Douglas Burgess: “The Digest is confined to those branches of Buddhist Law which are of the greatest practical importance, and are most frequently brought under the consideration of the Civil Courts, namely, Succession and Iheritance, and the Domestic Relations, that is to say in reality, Marriage and Divorce”. *DBBL*, I, p. i.

exclusively to comparing inheritance laws excerpted from various dhammasatthas, for example, dated to at least the late 18th century, if not earlier.<sup>112</sup> U Gaung was a major figure in the administrative reforms initiated during the reigns of Kings Mindon and Thibaw and had travelled to Europe as an ambassador from the Burmese court in the early 1870s. Following the final annexation of Upper Burma in 1885 he served the British as a member of the colonial legislative council.<sup>113</sup> The DBBL was compiled not by U Gaung but by a team of scribes working under his supervision, and several hundred black parabaik manuscripts on which the printed edition was based still survive in the National Library of Myanmar.<sup>114</sup> The digest was compiled from thirty-six dhammasats and in the second chapter of the DBBL these texts are listed along with the languages in which they are written, their dates, first lines, and the names of their compilers.<sup>115</sup> The attributions of texts in the DBBL are largely sourced from Yam’s bibliography, although in certain cases additional information is drawn from colophon data provided in the single manuscript witness used.<sup>116</sup>

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<sup>112</sup> Cf. *Amve khañḥ dhammasat laṅkā* [“Verse Dhammasat on the Chapter of Inheritance”], UCL 14590, copied 1786; *Amve tarāḥ thup nhut khyak* [“Commentary on Inheritance Laws from the Dhammasat”] UCL 6772, copied 1789.

<sup>113</sup> On his activities connected with precolonial reform see Thant Myint-U, *The Making of Modern Burma*, Cambridge, Cambridge University Press, 2001; Myo Myint. “The Politics of Survival in Burma: Diplomacy and Statecraft in the Reign of King Mindon, 1853-1878”, Unpublished PhD Dissertation, Cornell University, 1987; Maung Maung Tin, *Kaṅḥ Van Maṅḥ Kriḥ Samuiṅḥ*, Yangon, Burma Research Society, n.d.

<sup>114</sup> For a portion of these see NL parabaiks 393-603.

<sup>115</sup> Cf. *DBBL*, I, pp. 4-9. On the dates of the manuscripts used see the page following Burgess’ “Prefatory Note” in the same volume.

<sup>116</sup> A thorough criticism of this work is beyond the scope of the present introduction, and would require a closer look at the actual manuscripts used in the compilation of the text, many of which still comprise part of the Kinwun Mingyi collection at the NL. However, we should caution that some of the texts it cites may not in fact be different compilations at all, but merely different versions or translations of the same dhammasat. This is most noticeably the case with the two texts it alleges are the earliest—the *Manosāra* and *Manussika*—which appear to be nothing more than slightly different versions of the MSR (on which see Chapter Five), the former a

Scholarly accounts of surviving dhammasattha traditions are largely based on lists of legal texts used in the *DBBL* or on the *Piṭ-sm*. Such histories rarely take into account lesser-known dhammasattha treatises that describe the history of the tradition such as those translated above, nor do they attempt to engage directly with the manuscripts, comparing versions of texts and colophon information. The *DBBL* mentions only 36 dhammasatthas and does not attempt a critical history of the authorship of the texts it cites, relying in most cases on the *Piṭ-sm* or on colophon information in its historical attributions. The *DBBL* utilized only one manuscript witness to each text; and while it is not certain whether the *Piṭ-sm* was compiled on the basis of an investigation of actual manuscripts, this seems highly unlikely. Many of the texts mentioned in *Piṭ-sm* no longer survive, and one wonders whether U Yam was perhaps not simply rehearsing traditional attributions of texts without searching for manuscripts. All of the histories discussed above present dhammasattha as a corpus that appears far more historically tidy than it is in actuality.

Sadly, to date there has been only one critical appraisal of these traditional attributions based on an investigation of actual manuscript colophons. In 1989 Tañ Moñ Khyui, a young scholar at the Universities' Central Library, Yangon compiled a brief but excellent annotated catalogue of 78 Pali, nissaya, and vernacular prose dhammasatthas and 26 verse dhammasats.<sup>117</sup> This unpublished work cites information about some texts that are no longer extant but attested in traditional bibliographies, but wherever possible the author has tried to compare traditional attributions with data from surviving manuscripts in the UCL and NL collections. Unfortunately more detailed studies were cut short by Tañ Moñ Khyui's untimely death.

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nissaya and the latter a vernacular version of that text. Also, none of the dhammasats in the *DBBL* are written in "Pali" as the information it provides asserts. All the so-called "Pali" texts it cites are nissayas.

<sup>117</sup> Tañ Moñ Khyui, *Dhammasat cā rañḥ*, Unpublished Catalogue, December, 1989.

Here I provide a résumé of surviving dhammasattha palm-leaf manuscripts from collections around Myanmar and in the British Library. This list is not meant to be exhaustive, particularly in terms of providing the location on all the manuscripts—such an accounting would run into the tens if not hundreds of pages. When texts have more manuscripts associated with them this represents that, overall, they survive in more manuscript versions. Because the titles of texts are extremely unreliable means of determining textual relationships, I have included *only* manuscripts that I have been able to verify as belonging to a particular tradition by direct comparison. This list provides an accurate reflection of the dhammasattha treatises which survive based on a reasonably detailed search of most of the major manuscript repositories in Myanmar. Yet there are a number of dhammasattha-related texts this list does not contain: most judgment texts, tabular dhammasats, comparisons, and “manual texts” (as described in Chapter Three), as well as dhammasatthas written on other supports such as parabaik, are not included.

1. *Kuiḥ coṇ khyup dhammasat* UBhS 34-608; UCL 105674; UCL 9843; NL Bhāḥ 794
2. *Kuiḥ coṇ khyup dhammasat laṅkā* UCL 6082
3. *Kuiṅḥ cāḥ manurājā lhyok thumḥ [Mahārājāsat kriḥ]* UCL 139125; UCL 13143; UBhS 88-610; NL Kaṅḥ 72; NL Bhāḥ 43; Rhve 976; UCL 8270; UCL 7121; NL Bhāḥ 237. See Chapter Five.
4. *Kyok tuiṅ dhammasat* UCL 13003. See Chapter Four.
5. *Kyamḥ nak dhammasat* NL Kaṅḥ 143; NL Bhāḥ 793? See Chapter Four.
6. *Gaṅṭhi dhammasat* NL Kaṅḥ 67; NL Kaṅḥ 68 (NL 2096)
7. *Ta chai. rap dhammasat laṅkā* UCL 6514
8. *Tvaṅḥ saṅḥ dhammasat* UCL 63447; UCL 13215

9. *Dvattaboṇ maṅḥ phrat thumḥ* UBhS 36-612; UBhS 332-585. The text states that it contains the judgments of the Pyū king Dvattaboṇ. Contains 37 laws. See Chapter Two.
10. *Dhammacetī phrat thumḥ* UCL 96325; UCL 8203
11. *Dhammavilāsa dhammasat* UBhS 163-582; UCL 9926; UCL 14782; UCL 7490; BL OR Add 12249; BL Add 12248; BL Or 11775; NL Kaṅḥ 18; NL Bhāḥ 2073; NL pu 402; NL pu 530; [MDT 3]. These are all the known extant manuscripts of this text, although there are several other closely related traditions. See Chapter Five and DhVD for more information.
12. *Dhammavilāsa dhammasat pyui*. Buil 1475
13. *Dhammavilāsa dhammasat laṅkā* UCL 139258
14. *Dhammavilāsa phrat thumḥ* UCL 9348; NL Bhāḥ 1979
15. *Dhammasat atui kok* (Lak Vai Sundara) UCL 167702; UCL6228; UCL12772; MORA 4888; BL Add 27458; NL 1433; NL Bhāḥ 28; NL 2860; NL Kaṅḥ 65; NL Bhāḥ 15
16. *Dhammasat kvaṃ khrā kyamḥ* UCL 105675; UCL 8411; UCL 44758; UBhS 90-609 (*Gambhīsāra amve tarāḥ*); NL Bhāḥ 2074
17. *Dhammasat kvaṃ khrā* UBhS 89-610 [Cf. *Pyam khyī dhammasat*]
18. *Dhammasat kyau* UCL 11841
19. *Dhammasat kyau* UBhS 582-151
20. *Pakiṅṅaka dhammasat* UCL 8726; UCL 11842; UBhS 74-615
21. *Pakiṅṅaka ovāda dhammasat* UBhS 43-623
22. *Pyam khyī dhammasat phrat thumḥ* UCL 44758; [*Dhammasat kvaṃ khyā*] UCL 105672.
23. *Prū maṅḥ thīḥ dhammasat laṅkā* UCL 5320; UCL 5220
24. *Bhaya kyau sū dhammasat khvai puṃ* UCL 73; UBhS 582-151
25. *Manu kyay* UCL 167696; UCL 14953; ManM 154; BL ManBur 3429; NL Kaṅḥ 19; NL Toṅ 2784

26. *Manu krak ruiḥ dhammasat* NL Bhāḥ 60
27. *Manu rañḥ dhammasat [pāṭh anak]* UCL 8000; UCL 7458. See Chapter Four.
28. *Manu rañḥ dhammasat nissaraññḥ (nissaya)* UCL 5517 Written s.1221/1859 by Laṅkārama Sayadaw. See Chapter Four for a brief discussion.
29. *Manu rañḥ laṅkā (Manu rhve nāḥ tau svañḥ)* UCL 8098; UCL 12274; UCL 6319; UCL 12039; UCL 105681; UCL 136910; UCL 56904; UBhS 247-475; BL Or 4784. Compiled by Kavisāra Thera after a request from the minister Kyau Thaṅ [cf. UCL 12039 f.kha(v)].
30. *Manu rañḥ laṅkā pyui. (Maṅgalā tuiṅ bhūḥ)* UCL 178397; BL ManBur 3472
31. *Manusāra (Vaṅṅadhamma)* UCL 105683; UCL 9267; UCL 14784; UCL 105684; UCL 5085; UCL 6751; UCL 6544; UCL 13227; UCL 11228; UCL 7486; UCL 6227; UCL 158021; Buil 529; MORA 4746; MORA 7057; Rhve 756; Rhve 1591; KMK 41; UBhS 146-619; UBhS 221-632; FPL 3740; FPL 2630; NL Bhāḥ 10; NL Bhāḥ 794; NL Bhāḥ 1977; NL Kañḥ 134. See Chapter Five.
32. *Manusāra Rhve Myaññḥ* (Toṅ Bhī Lā and Manurājā). See Chapter Five for an extensive discussion of this text and its manuscripts based on all the surviving versions.
33. *Manusāra rhve myaññḥ laṅkā* UCL 7481
34. *Manuvaṅṅanā* UCL 50919; UCL 178333; UCL 178410; UCL 6332; UCL 1391; UCL 9927; UCL 6229; UCL 6418; UCL 105689; UCL 11227; UCL 178333; UCL 8208; UCL 119438; UCL 139161; UCL 7472; UCL 11618; UCL 56919; UCL 7834; UCL 12992; UCL 8294; UCL 11619; UCL 6332; UCL 10465; MORA 4746; Rhve 645; FPL 3740; FPL 10590; BL Or 14052; BL OR 16018; NL Toṅ 2209; NL Bhāḥ 59; NL Kañḥ 152. See Chapter Five .
35. *Manuvaṅṅanā-laṅkā* UCL 105692
36. *Manuvaṅṅanā-pyui.* UCL 6726; BL ManBur 3472. Written by Bhoṅḥ Laṅḥ Rhaṅ Ñāṅasaddhamma, cf. UCL 6726 f.gho(r) ff.. TMKh s.v. attributes the text to s.1121/1759.
37. *Mahābuddhankūra dhammasat (Dhammasat kyau)* UCL 14879; NL 2070. See Chapter Four.

38. *Mohavicchedani dhammasat* UBhS 41-622; NL Kañḥ ?<sup>118</sup>
39. *Rājabala dhammasat phrat thuṃḥ* UCL 5790; BL Or 6452a
40. *Vāru mañḥ dhammasat* NL Bhaḥ 36
41. *Vāru mañḥ (Vārīyū, etc.) dhammasat phrat thuṃ laṅkā* UCL 5709; NL Kañḥ 39
42. *Vicārachinda dhammasat* UCL 12069
43. *Vinicchayadhammayadhammarāsī (Vinicchayarāsī) dhammasat pyui.* (Puppāḥ Mai Thiḥ Sayadaw, Rhaṅ Khemācāra) UCL 12073; UCL 119441; UCL 115043; UCL 8217; UCL 5837; SRM 25; BL Or 6456b
44. *Vinayarāsī dhammasat* (Atula Sayadaw) UCL 15144
45. *Vinicchayapakāsānī (Vaṇṇadhamma Kyau Thaṅ)* UCL 6526; UCL 9831; NL Kañḥ 60; NL Kañḥ 37
46. *Vinicchayadhammasat kvan khyā akhyup* UCL 149165
47. *Vinicchayapakāsānī-laṅkā* (Lak Vai Sundara a.k.a. Lak Vai Nandamit) UCL 9034; UCL 8207; UCL 9338; UCL 5500; MORA 95; Rhve 409; FPL 2630; FPL 2771
48. *Vo kyuiiv dhammasat* UCL 14880
49. *Sa Ivan phrū (Sayadaw) phrat thuṃḥ* UCL 3767; UCL 10716; UCL 3774; UBhS 37-611; NL Bhāḥ 48
50. *Sādhina dhammasat* UCL 11230
51. *Aḍḍarāsī dhammasat laṅkā* UCL 8271; UCL 8297; UCL 5007; UBhS 33-614; FPL 10232
52. *Aḍḍasaṅkhep-laṅkā* Buil 1275; FPL 7215
53. *Aḍḍasaṅkhepavaṇṇanā* UCL 8199; UCL 8726; UBhS 66-615
54. *Atula sayadaw (rhaṅ yasa) phrat thuṃḥ* UCL 10121; UCL 12137; UCL 4648; UCL 9928; UCL 10509; UCL 10716; UCL 13003; UCL 15579; UCL 102771; MORA 5677; UBhS 29-580

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<sup>118</sup> I am not certain of the correct accession number.

55. *Amve khanḥ dhammasat laṅkā* UCL 14590

56. *Amve kvai puṃ kyaṃḥ* UCL 11614

#### V. Dhammasatthas securely dated before 1750

The attributions of texts in the DBBL and Piṭ-sm compiled after 1750 can usually be taken as reliable as they are typically confirmed by authorial and scribal colophons in surviving manuscripts or backed by considerable external data. Yet when it comes to texts allegedly written prior to 1750 we encounter an array of problems. Many of their manuscripts contain quasi-historical attributions that must be regarded as apocryphal. For example one of the texts which provides a very early internal date of authorship is the brief (~20 folios) digest, the *Pyam* [or *Pram*] *khyī dhammasat phrat thumḥ* which is also known in manuscript as the *Dhammasat kvaṃ khyā phrat thumḥ*. In UCL 44758 the colophon says it was compiled on the basis of a text compiled in the year 673 C.E. (“*sakkarāj 35*”) by a Lord of Pagan who carried the title *Pram khyī*, on the basis of four earlier texts, the *Manu*, *Manosāra*, *Dhammavilāsa*, and *Mānussika*. The manuscript itself was copied only in 1869.<sup>119</sup> *Pyam khyī* is a very common royal title associated in chronicle literature and epigraphy with numerous figures (though none of whom from such an early era), although this date is far too early to be reliable.<sup>120</sup>

Dating surviving Burmese texts on linguistic grounds is tricky since in the course of copying manuscripts scribes would update orthography and “correct” readings. In many cases it is possible when comparing difficult passages in multiple manuscript versions to see clearly how different scribes construed an underlying word

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<sup>119</sup> UCL 44758 f. kha(v).

<sup>120</sup> A possible resolution to this problem may be that this date is meant to be read as s.1035, thus 1673 C.E.

or phrase differently, hoping to arrive at the intended meaning of a passage. Dating texts on the basis of citations in digests—a strategy that is very useful in attributing Sanskrit dharmaśāstra material—is of little help since all the surviving digests themselves can be securely dated only to the mid-18th century or later. The most secure approach to dating is of course in terms of manuscript scribal colophons, since texts must date to a period before they were copied. In establishing texts that may date before 1750 this approach is of some help, but such efforts are troubled by the fact that the vast majority of surviving Burmese manuscripts (of any genre) date from the late 18th century or later. The earliest manuscript copy of any dhammasattha is that of the *Vāru mañḥ dhammasat* (NL Bhaḥ 36), a short nissaya dhammasat text that survives only in a single version copied in 1707 C.E.<sup>121</sup> Thus it is certain that this text was written at the very beginning of the 18th century if not earlier. The authorial colophon to this text states that it is a Burmese translation of an earlier Mon work, though presumably what is meant is that the source text was a Mon-Pali nissaya, the vernacular portions of which were translated into Burmese. The date of the compilation of the text is itself undated. According Piṭ-sm and the DBBL, relying upon a chronicle text, it was written in the late 13th century during the reign of king Vārīrū (“Wagaru”).<sup>122</sup> Utilizing the same strategy of analyzing scribal colophons it is also possible to date the *Dhammavilāsa Dhammasat* to earlier than 1628 on the basis of BL OR Add 12249, which is discussed in Chapter Four.<sup>123</sup>

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<sup>121</sup> This text was published virtually unedited with a translation by E. Forchhammer as *Manudhammasattham khau Manu Dhammasat kyamḥ King Wagaru’s Manu Dhammasattham: Text, Translation, and Notes*, Rangoon, Govt. Printing, 1892. I have compared the NL mss with this edition and they are largely identical.

<sup>122</sup> The DBBL cites the chronicle *Rājādhirāj areḥ tau puṃ*, for which see Nai Pan Hla, ed., *Rājādhirāj Areḥ tau puṃ*, in *Mran mā mañḥ myāḥ areḥ tau puṃ*, Yangon, Rā praññ., 2005, p. 119.

<sup>123</sup> See also Lammerts, DhVD.

Authorial colophons are also very helpful references although they are far less reliable than scribal colophons. Here we are faced with the problem of trying to determine whether an authorial colophon may not simply be trying to fake an attribution to bolster the legitimacy of a compilation, perhaps by associating it with the sponsorship of a particularly renowned or righteous sovereign. Legal texts associated with the reigns of *Prū Mañḥ Thīḥ* or *Dvattapon* discussed in the next chapter are perhaps compilations of this sort. In fact, among treatises that provide pre-1750 attributions in authorial colophons only three can be relied upon with any degree of certainty. One of these, discussed in Chapter Four, is the *Mahābuddhānkūra dhammasat* (*Dhammasat kyau*), probably compiled sometime during 1733-52. The other two are both associated with the mid-17th century jurist *Kuiñḥ Cāḥ*. These are the vernacular *Mahārājasat Krīḥ* or *Kuiñḥ cāḥ manurājā lhyok thumḥ* (MRK), written during the reign of King Thalun, and the Pali and Pali-nissaya *Manusāra dhammasattha* written in 1651. Both of these texts are discussed in detail in Chapter Five.

Thus, out of the fifty-six dhammasattha texts whose manuscripts are listed above, only five can be securely dated to before 1750 C.E. It must be noted that a number of these manuscripts carry no attribution details. My claim here is not meant to suggest that there are no other treatises dated before 1750, but simply that on the basis of current research these five are the only texts which can be reliably considered early.

## VI. A brief outline of the study

The remainder of this dissertation is divided into three parts, which move approximately from the general to the specific. Part One, “Situating Dhammasattha”, examines the associations between written law and religion in Burma and Southeast

Asia before the 15th Century. Following a review of earlier theories concerning the origins of Buddhist dhammasattha in Southeast Asia Chapter Two, “Dhammasattha and Sanskrit Learning in Early Burma”, begins with an examination of a reference to dhammasattha as an authoritative repository of inheritance law in an epigraphic record of a legal dispute from 13th Century Pagan. It questions the assumption that this citation implies a text with a Pali, Sanskrit, or vernacular genealogy, a critique which is further elaborated in light of a discussion of the transmission of Indic literature in Burma before 1442 C.E. and certain textual histories contained in manuscript colophons. Here I argue that the approach to the early history of dhammasattha until now has been constrained by an unwarranted insistence on the necessary connection between Buddhism, defined in opposition to Brāhmaṇism, and written law. Chapter Three, “Buddhist Dharmaśāstra”, advances a new argument that dharmaśāstra law, akin to other disciplines such as alchemy or medicine, had meaning in both Buddhist and Brāhmaṇical contexts throughout South and Southeast Asia during the first and early second millennium C.E. It traces the early genesis of Buddhist dharmaśāstra on the basis of inscriptions from India, Cambodia, Champa, Java, Sri Lanka, and Burma and investigates its relationship with the Sanskrit Brāhmaṇical dharmaśāstra tradition. I suggest that this “ecumenical” legal culture persisted in certain areas such as Burma and Java well into the early modern period.

In Part Two, “The Manuscripts of Written Law”, I turn to an analysis of the surviving Burmese dhammasattha manuscripts themselves. Chapter Four, “Manuscripts, Textual Form, and the Organization of Legal Knowledge”, begins with an overview of Burmese manuscript culture, outlining the scope of genres that circulated, the literary and formal techniques that compilation entailed, and the contexts of the production, recitation, and copying of manuscripts. I highlight the vital importance of written treatises (*kyamḥ*) to premodern Buddhist learning while

exploring the practical implications of different manuscript formats and textual supports. Then I describe the way certain features of the broader manuscript culture were utilized in the production of written law, taking five examples of legal texts that engage with the “tradition” of the *Dhammavilāsa-dhammasat* (DhV, probably compiled before 1628). Here I show that dhammasattha was structured in a rich variety of ways, and that variable relationships between source-text and commentary, different modes of citation, and preferences for certain languages and literary styles provide important clues about how legal texts functioned and how their interrelationships were imagined. In Chapter Five, “*Manusāra*”, I turn to the formal features and organization of a single treatise, the *Manusāra-dhammasattha* (MSR, compiled in 1651), which comprises two different recensions—one in Pali (MSRP) and one in nissaya (MSR-nis)—on the basis of an examination of over twenty manuscript versions. I provide a close comparative analysis of the relationship between the Pali and nissaya recensions to show the degree to which glosses were used to creatively supplement source-texts to suit new purposes. I then investigate at length the attribution of the MSR and the historical identity and activities of its compilers in mid-17th Century Burma.

Part Three, “Dhammasattha and Textual Authority”, addresses the different ways that the MSR conceives of legal authority in relation to textual authority. Chapter Six, “Dhammasattha and its Discontents”, examines Pali canonical and commentarial conceptions of the beginnings of Buddhist kingship and law-making through an analysis of narratives concerning Mahāsammata and Manu. These representations are then contrasted with depictions of the authority of written law contained in the mythic account of the origin of dhammasattha in the MSR. The second half of this chapter proceeds to explore Burmese understandings of dhammasattha as a “*lokiya-sattha*” or mundane textual discipline in light of a detailed

account of early Buddhist hermeneutics that argued for different conceptions of scriptural authority based on a distinction between mundane and supermundane texts. After describing the scope and history of the mundane disciplines (*sattha*, *atat*) in Burma, I show how certain authors during the 17th through early 19th centuries mobilized this distinction in their criticisms of dhammasattha. According to such critics, the cosmic and textual authority of written law claimed by dhammasattha could not be fully supported on a basis of the Pali *tipiṭaka* and its commentaries. The genre required redescription to reconcile it with this corpus.

In Chapter Seven, “Judges, Good Men, and Composite Legal Ethics” I investigate the diverse textual sources invoked in representations of judges and witnesses in the MSR. This section begins with a background survey of the legal function of different social classes attested in non-dhammasattha juridical and administrative documents from premodern Burma. Then, I explore the theory of the all-important figure of the judge (*akkhadassa*, *tarāḥ sū krīḥ*) according to the MSR. Judges were the principal audience for dhammasattha, and they were responsible for the exercise of written law. Here I show that the qualifications of a judge were determined by both educational and moral criteria with parallels in a wide range of Pali and Sanskrit dharmaśāstra materials. To further explore the role this textually composite ethics plays, in conclusion I turn to the theory of the witness, whose testimony is meant to be reliable insofar as they are a “Good Person” (*sū tau koṇḥ*, *sajjana*). In this section I argue that it is precisely in the character of these two types of practical legal authorities that moral considerations are foregrounded by dhammasattha, and that this jurisprudence is informed by both Buddhist and Brāhmanical textual sources.

Chapter Eight, “Death of a Thera”, recapitulates the principle arguments of the dissertation. It briefly discusses the nature of the increasing conflict between

dhammasattha and Vinaya in the context of laws concerning monastic inheritance over the course of the 17th through 19th centuries, and outlines prospects for extending the study in future research. These chapters are followed by two appendices. Appendix I presents the complete Pali text of the MSRP; Appendix II presents the complete nissaya text of the *aṭṭhuppatti* section of the MSRnis, Book One.

PART ONE

SITUATING DHAMMASATTHA:  
WRITTEN LAW AND RELIGION IN BURMA AND SOUTHEAST ASIA  
BEFORE 1500 C.E.

All this seems simple enough. And yet here lies probably the greatest obstruction to a straightforward study of adat law, an obstruction which has, in fact, blocked the way to this study until recent years. It can be put in one sentence: it is the wholly erroneous supposition that law follows religion, that the pagan Indonesian therefore has pagan law, the Hindu Hindu law, the Moslem Moslem law, the Christian native Christian law (insofar as this may exist)—a supposition which is based on nothing, which is emphatically contradicted by the facts, but which, both in our Indies and elsewhere, has wielded, and is still wielding, its obnoxious influence.

C. Van Vollenhoven, "The Elements of Adat Law", 1906

## CHAPTER TWO

### DHAMMASATTHA AND SANSKRIT LEARNING IN EARLY BURMA

The earliest datable recensions of Burmese dhammasattha texts were compiled in the middle of the 17th century, and survive in 18th and 19th century manuscripts. The literary history of dhammasattha—when we begin to find mention of the genre in other poetry and prose texts transmitted in manuscript—begins only in the late 15th century. These and other legal and literary texts and their manuscripts will be examined in detail in the second and third sections of this dissertation, and constitute the primary archive of sources for developing an understanding of the content, meaning and function of dhammasattha in Burma. Yet our surviving dhammasattha did not arise out of nothing, and the genre has an attested history in Burma dating back to at least the early 13th century. The present section, comprising chapters two and three, sketches a history of dhammasattha written law and its relation to literary and religious culture in Burma and Southeast Asia up until the 15th century, to illuminate the complex background that gave rise to, and left an enduring impression upon, our surviving texts. What is the genealogy of the Pali and vernacular dhammasattha corpus? What are its regional textual, linguistic, and jurisprudential analogues, and vectors of transmission? What is its relationship to other forms of Buddhist or Brāhmanical literature, not least to Sanskrit dharmaśāstra? Answers to these questions continue to elude scholarship, and there is a great deal of uncertainty and confusion surrounding them. Yet they are important not just for the legal history of Burma or of Pali-using Buddhist cultures and questions concerning the conjunction of Buddhism and law, but also because they relate to long-standing and still unsettled debates surrounding the meaning, status and authority of Indic cultural forms in Southeast Asia and the vernacular autonomy of early Burmese, Khmer, Cham, and Javanese

politics and literatures. They also have bearing on historical understandings of early Southeast Asian religious attitudes and interactions among variously Brāhmaṇical and Buddhist political theologies and ritual and textual practices.

I contend that the early history of dhammasattha in Burma can be made sense of only when placed in a regional, multilingual, and multi-“religious” context, rather than in the narrowly nationalist, sectarian, and vernacular frameworks that have hitherto dominated scholarship. Thus in Chapters 2 and 3 I address materials compiled over a period of approximately 1500 years in Pali, Sanskrit, and vernacular languages in Burma, mainland and insular Southeast Asia, India, and Sri Lanka. My goal is not to trace the genesis of dhammasattha to discover the locus of some legal-textual archetype or original domain of legal invention. Such a project is impossible in the first instance because of the problematic and fragmentary character of our (known) sources for regional legislation, textual compilation and transmission. But more importantly, the claims I advance in the following pages suggest that there is perhaps no one place where dhammasattha-related discourse properly originates.<sup>124</sup> My argument is that we must understand dhammasattha as a function of an early regional legal culture that has a complex, adaptive relationship with Sanskrit, Pali, and

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<sup>124</sup> The same argument could be made for other Buddhist, Brāhmaṇical, Islamic, Christian, or Ancient Near Eastern traditions of written law. Such practices have no true origin in the strict sense, but are products of processes of historical miscegenation, creativity, resistance, and appropriation. The study of the interrelatedness and difference of Southern Asian legal cultures in premodernity has hardly begun. The following chapter will address recent studies in this direction as concerns Buddhist and Brāhmaṇical law. On, for example, the Ancient Near Eastern context of early Islamic law see Wael B. Hallaq, *The Origins and Evolution of Islamic Law*, Cambridge, Cambridge University Press, 2005, ch. 1. It is well beyond the scope of this dissertation but certain pre-Islamic Persian written law sources and dharmasāstra might be fruitfully compared, e.g. sections of the *Mātakdān ī Hazār Dātastān (Book of a Thousand Judgments)*, edited and translated by Anahit Perikhanian, Mazda and Bibliotheca Persica, 1997. See also Jany János, “The Four Sources of Law in Zoroastrian and Islamic Jurisprudence”, *Islamic Law and Society*, 12, 3 (2005), 291-332.

vernacular languages as well as with Buddhist and Brāhmaṇical traditions. The recognition of this fact does not mean that we are blind to the very significant differences among the multiple expressions of law that developed in response to common jurisprudential and literary features—for example the influence that particular Pali texts or local forms of socio-political organization have exerted upon the development of Burmese dhammasattha. The second and third sections of this dissertation will be concerned with precisely the individuality of the Burmese genre in the context of its regional relationships.

Claudine Bautze-Picron has recently written that “Pagan appears as a place of transition, where Indian models, both contents and forms, were assimilated and transformed into a genuinely local formulation”.<sup>125</sup> This statement, although made in reference to the iconography and technology of mural painting, reflects much of the prevailing wisdom on the origin of dhammasattha literature in Burma. Most who have grappled with the question of the development of written law in Burma or Southeast Asia have concluded that the texts are to some extent “based on” more or less proximate “Indian” models of Brāhmaṇical dharmaśāstra texts written in Sanskrit. These texts were imported to Southeast Asia through unspecific channels (but often connected with seaborne or coastal Indian traders among the Mon) and then transformed over time, in light of local legal knowledge and “Theravāda” Pali ideology, into the historical corpus of Buddhist dhammasattha that has come down to us through manuscripts surviving in Burma, Siam, Lan Na, Laos, Cambodia and Yunnan.

Scholars who have attempted to trace early dhammasattha in Burma have relied primarily upon late Burmese bibliographical and chronicle accounts of dubious

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<sup>125</sup> *The Buddhist Murals of Pagan: Timeless vistas of the cosmos*, Bangkok, Orchid Press, 2003, p. 3.

authority to date texts in the tradition to Pagan or other moments in Burmese history.<sup>126</sup> A central preoccupation of this scholarship asks: was dhammasattha written at Pagan and, if so, by whom and after what prototypes? Much ink has been spilt over this question, which is on my reading—for a number of reasons that will hopefully become clear in the pages that follow—not terribly fruitful. The earliest Burmese bibliography (*piṭakat samuiṅḥ*) that provides “historical” attributions for named dhammasattha texts is that by the Anok Van Sayadaw Rhañ Uttamasikkhā in 1681 C.E.<sup>127</sup> Yet the most frequently-cited bibliographies are those published in English by colonial authority in the late 19th and early 20th centuries, principally the list published as “Civil Circular No. 12” by the Judicial Commissioner of Upper Burma in 1892 and the list of thirty-six dhammasatthas in the DBBL. As noted in the introduction, the histories contained in these and similar sources must be used with extreme caution. Students of Burmese law continue to reproduce such attributions as though they were based on sound historical scholarship.

Chapter Two begins with a review of earlier theories concerning the *ursprung* of dhammasattha in Burma and Southeast Asia and the relation of the genre with Buddhist and Brāhmaṇical culture and Sanskrit and Pali. It then isolates one of the key elements in these arguments—namely, the thesis that Pagan was a moment of transition and translation—which it interrogates in light of readings of the earliest epigraphic and textual references to dhammasattha and Sanskrit learning in Burma. The aim of this chapter is to bracket the data concerning the authorship and attribution of texts that has come down to us in late bibliographic and chronicle accounts and in secondary historiography and to examine the securely datable evidence for the early history of the genre. On the basis of these sources alone, we can make only modest

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<sup>126</sup> See the introduction for a more detailed discussion of these dubious authorities.

<sup>127</sup> See Chapter Six for a further analysis of this text.

and tentative claims about the character and function of dhammasattha written law and its relationship to Sanskrit dharmaśāstra in pre-15th century Burma. Certainly, dated inscriptional sources do not allow us to draw any convincing parallels between early dhammasattha and surviving manuscript texts or, even less, make any strong claims about authorship.

In the final section of this chapter I briefly assess evidence from the introductions to two manuscript traditions that contain attributions to early Burma. Even though these narratives must be regarded with suspicion, they reveal important clues about the local histories of the genre. The collective evidence presented in this chapter suggests that a narrow focus on Burmese or Pali-language evidence from Pagan, Pañyā, or Ava—the major central Burmese polities between the 12th and 15th centuries—is insufficient to account for the early history of dhammasattha in Burma. I propose, therefore, that we see early Burmese citations of dhammasattha in another light: not as a point of origin but rather as part of an ongoing regional process of the transmission, adaptation, and application of dharmaśāstra literature among both Brāhmanical (principally Śaivite) and Buddhist communities in Southeast Asia, a process that is attested from the middle of the first millennium C.E. through to the 15th.<sup>128</sup> Chapter Three continues to elaborate this argument along these lines.

#### I. Textual genesis and “Indianization”

It has become a scholarly commonplace to refer to the variety of Southeast Asian dhammasattha- and dharmaśāstra-type traditions as generally derivative of Indic

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<sup>128</sup> And arguably later; though as the conclusion in Chapter Eight notes in the early 19th century Burmese monarchs made a conscious attempt to separate different jurisdictions for laity (based on *dhammasattha* and royal law), monks (based on Vinaya and *vinicchaya* texts), and brāhmaṇas (based on the “communal traditions” of such communities).

models. Yet on close examination what this statement actually means is quite unclear. The most obvious question such an assertion raises is: what is meant here by “Indic”? Historians of culture in early Southeast Asia have largely neglected to reflect on the boundaries of “India” as a cultural entity and its relationship to “Southeast Asia”. Both of these terms remain poorly defined, and only recently have scholars of India begun to complicate the geographical, cultural, and literary boundedness of the Sanskrit tradition, and focus in detail on its spread throughout the subcontinent, in a process that we might term the “Indianization of India” during the early centuries of the 1st millennium C.E.<sup>129</sup> In his authoritative statement on the Indianization of Southeast Asia, Coedes presupposes an imaginary meridian passing approximately down the western border of Burma which separates East from West, and a properly Indian cultural sphere from the “autochthonous societies” that can only be understood as Indic in a hybrid or syncretic sense, thus: Indo-Javanese, Indo-Khmer, etc.<sup>130</sup> He never asked to what extent India or Sanskrit culture itself was hybrid. In the imagination of earlier generations of writers, India was equated with a generalized Brāhmanical and Sanskritic culture, emanating from the South Asian subcontinent (excluding Sri Lanka which, in the same imagination, was the locus of a distinctive manifestation of Pali Buddhism that exerted a different set of influences in Southeast Asia). This culture is thought to have been well-established, if not fully formed, prior to its imposition or adaptation in Southeast Asia, where it signified the emergence of literacy and, on some accounts, the rise of “civilization”. In the work of Himanshu Ray and others, the

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<sup>129</sup> See particularly, Johannes Bronkhorst, *Greater Magadha*, Leiden, Brill, 2007; Sheldon Pollock, *The Language of the Gods in the World of Men*, Berkeley, University of California, 2006; H. Kulke, “Indian Colonies, Indianization, or Cultural Convergence”, *Semaian*, 3 (1990), pp. 8-32. Pollock, *The Language of the Gods*, pp. 535-7.

<sup>130</sup> G. Coedes, “Indianization”, in *The Indianized States of Southeast Asia*, Honolulu, University of Hawaii Press, 1968, pp. 14-35.

geography of this India responsible for imparting Indic models to Southeast Asia has been further specified, and the very trade routes along which texts, religious and political ideas, and persons are thought to have travelled have been mapped in detail.<sup>131</sup>

But trade and transportation networks alone cannot be responsible for the transmission of texts or culture. Indianization theory is further complicated when we inquire about the precise mechanisms through which alleged Indic models such as dharmaśāstra were propagated and translated in Southeast Asia. There have been numerous answers to this question, ranging from theories of the ‘colonization’ of Southeast Asia by *kṣatriyas* in strands of colonial French scholarship and the work of Majumdar and the Greater India Society,<sup>132</sup> to those who saw this process motivated by the local genius and initiative of Southeast Asian rulers themselves, as represented by the classic studies of van Leur, Wolters, and others.<sup>133</sup> Each theory differs considerably in its understanding of the function and authoritativeness of imported Indian models. For colonization theorists, Southeast Asian representations of Sanskrit or Brāhmaṇical motifs or rituals were interpreted as a direct analogue, in form,

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<sup>131</sup> Himanshu P Ray, *The Winds of Change: Buddhism and the Maritime Links of Early South Asia*, New Delhi, Oxford University Press, 1998; *The Archaeology of Seafaring in Ancient South Asia*, Cambridge, Cambridge University Press, 2003.

<sup>132</sup> Susan Bayly, “Imagining ‘Greater India’: French and Indian Visions of Colonialism in the Indic Mode”, *Modern Asian Studies*, 38, 3 (2004), pp. 703-44; R.C. Majumdar, *Ancient Indian Colonization in South-East Asia*, Baroda, University of Baroda Press, 1955.

<sup>133</sup> J. C. van Leur, *Indonesian Trade and Society*, The Hague, Bandung, 1955; O.W. Wolters, “Khmer Hinduism in the Seventh Century”, in R.B. Smith and W. Watson, eds., *Early South East Asia*, New York, Oxford University Press, 1979, pp. 427-442. For a good, concise survey of the parameters and development of the Indianization debate see I.W. Mabbett, “The ‘Indianization’ of Southeast Asia: Reflections on the Historical Sources”, *Journal of Southeast Asian Studies* 8.2 (1977), pp. 143-161; Paul Wheatley, “Presidential Address: India Beyond the Ganges—Desultory Reflections on the Origins of Civilization in Southeast Asia”, *Journal of Asian Studies*, 42, 1 (Nov. 1982), pp. 13-28.

content, and significance, of their alleged Indian prototypes. The citation of dharmaśāstra in early Cambodian inscriptions, for example, meant that the early Khmer had been “Hinduized” and followed Brāhmaṇical law according to the dictates of their religion just like the kings of India. By contrast, for scholars such as Wolters who privileged local initiative and the persistence of vernacular culture, the appropriation of Indian forms was a function of “traditional”, “Southeast Asian” regional modes of pre-Indic power. On such a reading the use and meaning of Sanskrit was thoroughly invested with vernacular, pre-Indic political and theological concepts, and had little to do, except on a superficial formal level, with India.

In light of the following analyses of the early history of dhammasattha in Burma, Southeast Asia, and India, I have come to see this problem of the interrelationship between South and Southeast Asia, and between Sanskrit, Pali, and vernacular languages differently. I will return to this point in Chapters Three and Seven. First it is necessary first to survey how the overarching problematic of Indianization has conditioned the study of Burmese dhammasattha, and how various authors writing about Burmese traditions of written law have understood the connection of the genre to India, Sanskrit, and Brāhmaṇical culture.

16th century travelers such as Frederici, Varthema, and Fitch reported observations about the practice of “justice” in the coastal areas of Pegu and Tennaserim, and the former even noted the role played in tribunals by “supplications” written on palm-leaf. During the 17th through early 18th centuries, although we have relatively detailed accounts of Arakan by Manrique and some Dutch narratives of judicial and literary activity in Burma, European observers were silent on the existence of written legal traditions.<sup>134</sup> It seems that the first mention of dhammasattha in a

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<sup>134</sup> The accounts of Frederici, Varthema, and Fitch are reproduced in the *SOAS Bulletin of Burma Studies*, 2, 2 (Autumn 2004). For Manrique on Arakan see *Itinerario de Sebastião Manrique*, 2 vols., ed. Silvera, Lisboa, 1946. For some 17th

European record is that of Michael Symes in his *Account of an Embassy to the Kingdom of Ava* (c. 1795), and he explicitly connects the tradition to imagined “Hindoo” origins.<sup>135</sup> This was followed by similar reports by William Francklin (c. 1811)<sup>136</sup>, Sangermano (c. 1818)<sup>137</sup>, and Crawford (c. 1827)<sup>138</sup>, while the earliest colonial administrative report on the use of written law in the Burmese provinces annexed to India following the first Anglo-Burmese War (1825-6) is that of Maingy, the first commissioner of Tennaserim.<sup>139</sup> The lateness of these reports suggests that

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century Dutch references to the legal system, see Wil Dijk, *Seventeenth-century Burma and the Dutch East India Company, 1634-1680*, Singapore, Singapore University Press, 2006, pp. 25-33.

<sup>135</sup> *Account of an Embassy to the Kingdom of Ava in MDCCXCV*, Vol. II, Edinburgh, Constable and Co., 1831, p. 39. Symes’ remarks from his 1795 embassy are worth repeating in their entirety: “The laws of the Birmans, like their religion, are Hindoo; in fact, there is no separating their laws from their religion. Divine authority revealed to Menu the sacred principles in a hundred thousand slokas, or verses. Menu promulgated the code. Numerous commentaries on Menu were composed by the Munis, or old philosophers, whose treatises constitute the Dherma Sastra, or body of law. The Birmans generally call their code Derma Sath, or Sastra; it is one among the many commentaries on Menu. I was so fortunate as to procure a translation of the most remarkable passages, which were rendered into Latin by Padre Vincentius Sangermano, and, to my great surprise, I found it to correspond closely with a Persian version of the Arracan code, which is now in my possession. From the inquiries to which this circumstance gave rise, I learned that the laws, as well as the religion of the Birmans, had found their way into the Ava country from Arracan, and came originally from Ceylon”. Symes continues to cite several passages from his Persian version of the “Arracan code”.

<sup>136</sup> *Tracts, Political, Geographical, and Commercial on the Dominions of Ava*, London, Cadell and Davies, 1811, p. 153.

<sup>137</sup> *Relazione del Regno Barmano*, Roma, Francesco Bourlié, 1833, p. 104. *The Burmese Empire a Hundred Years Ago*, Bangkok, Orchid Press, 1995, p. 87. Sangermano was resident in Burma (mainly in Rangoon) from 1783 to 1808. The various parts of his account were written in Italian prior to 1818 but published in English translation only in 1833.

<sup>138</sup> *Journal of an Embassy to Ava in 1827*, London, Colburn, 1834, pp. 156-7. It is worth noting that Crawford appears to be one of the earliest observers to have noted major differences between the content of the “Hindu codes” and the Burmese texts.

<sup>139</sup> “Mr. Maingy’s Report on the Tenasserim Provinces”, *The Asiatic Journal and Monthly Miscellany*, Oct 1834, p. 70.

European observers may have begun to recognize Burmese “law codes” only subsequent to the effects of work initiated by colonial officials in Bengal, who since the later half of the 18th century had been active in constructing examples of native written law that culminated in the publication of the “Code of Gentoo Laws” in 1776.<sup>140</sup> However, it was not until 1849 that a notice appeared in the *Journal of the Royal Asiatic Society*, which marked the entrance of the subject of the Burmese dhammasattha texts into the sphere of mainstream European Indological discourse:

The Council adverts with pleasure to the edition of a code of laws in the Pali language, which is in course of preparation by Dr. Rost, under the auspices, and at the expense, of the Right Honourable the President of the Society. This code, the existence of which has been unknown to Europeans, was discovered by Dr. Rost among the Manuscripts at the British Museum. It claims to have been promulgated in the 5th century of the Christian era, and is, at all events, of considerable antiquity, though its form and contents shew it to have been founded on the laws of Manu, as might be inferred from the name of its reputed author, Manusara [*sic.*]. It is accompanied by a translation and commentary in the Burmese language, adapting its provisions to the wants of more recent times; and appears to be the text book of the Burman courts of law, as well of those of the other Buddhistic countries beyond the Ganges.<sup>141</sup>

Reinhold Rost was then the librarian of the British Museum and while his planned edition of the *Manusāra* unfortunately never materialized he did publish, in the inaugural issue of *Indische Studien* the following year, a brief study of the Pali section of the text, which holds the honor of being the earliest academic article on the subject of Burmese dhammasattha.<sup>142</sup> Rost examined the first book of the 17th century

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<sup>140</sup> On this process in Bengal see Nandini Bhattacharyya-Panda, *Appropriation and the Invention of Tradition: The East India Company and Hindu Law in Early Colonial Bengal*, Delhi, Oxford University Press, 2008, chs. 2-3.

<sup>141</sup> *JRAS* XI (1849), p. ix. Reference was made to this notice the same year in Germany in a brief communication, “Das Gesetzbuch des Manusara”, in *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, 3 (1849), p. 465

<sup>142</sup> Reinhold Rost, “Ueber den Manusāra”, *Indische Studien*, I, pp. 315-20. James Low’s article that deals with Siamese dhammasattha, to which Rost refers, had

*Manusāra* (MSR), which is entirely in Pali. The subsequent 10 books of the MSR comprise an elaborate vernacular commentary (*nissaya*) on the first Pali book.<sup>143</sup> He appears to have utilized only one manuscript, presumably that currently catalogued as BL Add 12241, which, judging from the purchase information written in pencil on the first folio of the manuscript, entered the British Museum collection in 1843. Rost’s short article gives very little critical consideration to the genesis of the text, but for him it goes without saying that the Burmese code must be closely related to the Brāhmanical dharmaśāstras. He is of the opinion that the text is based on *Manusmṛti*, although he notes that “even where the sense (*Sinn*) is identical with *Manu*, [the MSR] rarely uses the same words as *Manu*; however this is not evidence that [the compiler] had an earlier recension of *Manu* in front of him. Some passages appear to be taken from a Buddhist moral book (possibly the *Dhammapada*).”<sup>144</sup>

Another more detailed, descriptive article was published in two parts by A. Führer in 1882, which also deals with BL Add 12241, though apparently he had access to, or knowledge of, the later 18th century redaction of the Pali book of the MSR, the VDhM.<sup>145</sup> Although much of Führer’s article echoes Rost’s views, with additional (and occasionally dubious) descriptions of the text, he makes one remark that is worthy of reproduction here:

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appeared three years previously: “On the Laws of Mu’ung Thai or Siam”, *Journal of the Indian Archipelago and Eastern Asia*, 1 (1847), pp. 327-429.

<sup>143</sup> On this text and its surviving manuscripts see Chapters Five through Seven below.

<sup>144</sup> Rost, “Ueber den Manusāra”, p. 318

<sup>145</sup> Alois Anton Führer, “Manusāradhammasatṭham, the only one existing Buddhist law book, compared with the Brahmanical Mānavadharmasāstram”, *JRAS Bombay*, XV (1883), I, pp. 329-38; II, pp. 371-82. His familiarity with the VDhM is indicated by remarks on p. 335. The MSR and its relation to the VDhM will be discussed in Chapter Five. As Andrew Huxley has pointed out in personal communication, Führer was something of a fraudster; his exploits connected with a deceptive identification of relics from the Piprahwa stupa have been documented in Charles Allen, *The Buddha and Dr. Führer: An Archaeological Scandal*, London, Haus, 2009.

The pre-eminent importance of the Manusāradhammasaṭṭham makes it necessary to treat its relation to the Brahmanical Code of Manu as fully as the limits of a short time would allow; therefore I shall give to-day as briefly as possible the contents of the only one existing Buddhist law book, and I shall try to show in a following paper how far the relation extends to the Mānavadhammaśāstram and to the Codes of Yajñavalkya [*sic.*], Nārada and Bṛihaspati, and more especially that Manusāra used a more ancient version of Manu than that we now possess.<sup>146</sup>

Führer's subsequent comparative paper was never published, so we cannot be sure what evidence he had planned to present to prove the antiquity of the Burmese text and that it was "more ancient" than existing versions of Manu.<sup>147</sup> Over the course of the following several years other major and still influential studies on Burmese dhammasattha appeared, most notably John Jardine's *Notes on Buddhist Law* and E. Forchhammer's *Jardine Prize Essay*.<sup>148</sup> These works are problematic in many respects and are based on what scholars now rightly regard as deeply misguided conceptions of the "Hindu colonization" of Southeast Asia and a romanticization of India's "ancient" past vis-à-vis its decadent present, not to mention an obsolete understanding of history of regional interactions among literary and religious cultures.

Jardine and Forchhammer worked as something of a team on the *Notes* and many of their insights concerning the early history of the genre are outlined in the latter's *Essay*. For present purposes it is sufficient to note that Forchhammer was of the opinion that a distinctively Burmese tradition of written law emerged during the Pagan era (11th-13th c. C.E.) and was based on earlier Mon dhammasattha textual

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<sup>146</sup> Führer, "Manusāra", p. 333

<sup>147</sup> It is, furthermore, unclear to me how such an argument could be sustained in light of his conclusion on p. 338 of this article that his analysis "proves as distinctly as possible the presumption that Manusāra used for the compilation of his work not only the Code of Manu, but also the more recent Codes of Yajñavalkya and Nārada".

<sup>148</sup> John Jardine, *Notes on Buddhist Law*, 7 vols., Rangoon, Govt. Printing, 1882-3; E. Forchhammer, *The Jardine Prize, an Essay on the Sources and Development of Burmese Law [...]*, Rangoon, Govt. Printing, 1885.

traditions which were themselves based on Sanskrit dharmaśāstra that had been imported to the “Hindu colonies” that, he asserts, existed along the western coast of Southeast Asia during the first millennium C.E.<sup>149</sup> For Forchhammer, as for many colonial scholars on Southeast Asian cultures in general, the Burmese and Mon were illiterate “tribes” before being brought into the light of civilization by their contact with “Hindu” learning. Although Forchhammer points out a number of textual parallels between the Burmese and Brāhmaṇical texts he also highlights certain features of Burmese dhammasattha that he attributes to “native” influence. Some of these, he claims, were pre-Buddhist customary practices that were absorbed into the legal literature at an early date; others, such as what he refers to as the “Buddhist element” of Burmese dhammasattha, are only found in texts attributed by him to after the 16th century. This is a common and enduring feature of much of the scholarship on dhammasattha: whatever rules cannot be traced to a parallel in extant Brāhmaṇical Sanskrit dharmaśāstra are attributed to “native custom”, “oral law”, despite the fact that texts like the MSR make no mention of custom or unwritten law as a source of law. Forchhammer is of the opinion that the laws contained in the Burmese and Mon texts “can nearly all be traced to Hinduic India”, but notes that they display none of what he refers to as the “neo-Brahmanical” characteristics of extant dharmaśāstra texts.<sup>150</sup> This leads him to note the following in his discussion of the *Wagaru* dhammasattha, written according to him in the 13th century and translated into Burmese and Pali in the 15th:

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<sup>149</sup> *Jardine Prize*, pp. 24-6, 106; *Notes*, III, p. ix. It should be noted that Forchhammer’s use of “Hindu” does not always presuppose a religious, but rather a geographical, identity, e.g. in the citation below he speaks of the “Hindu as a Buddhist”.

<sup>150</sup> *Notes*, p. ix.

The *Wagaru* is a code of law which admits of no direct comparison with the law-books of the **neo-brahmanic period**, as instituted by the “Code of Manu” in its present form, and by Yajñavalkya [*sic.*]; it is based upon a source which was probably also that of the latter two; both are near related; yet one applies to the Hindu as a Buddhist and the other to the Hindu of the later Brahmanic cults. In Manu and Yajñavalkya [*sic.*] we behold the authorities of the Vedas and the Brahmans struggling for general recognition and exclusive supremacy; in the *Wagaru* we have a work which bears **as yet** no sign of the **struggle between Buddhism and Brahmanism**, a code which is the necessary and natural emanation of social and religious conditions, such as must have prevailed in India during the long period of religious and political supremacy of Buddhism in that country. [...] [The *Wagaru*] is therefore a Hindu dhammasattham in its roots and its constant element, and probably the only survivor of the original Mānava school of India, which must have flourished when Buddhism was prevailing throughout the Peninsula. It would indeed be strange if Buddhistic India, which cultivated every branch of learning, developed the mightiest and most extensive native empires and covered the land with architectures of wonderful and stupendous magnitude, should have left us no record of its civil institutions.<sup>151</sup>

Despite the fact that this observation is clearly flawed in a number of different respects—most notably in the ill-defined characterization of the *Manusmṛti* as a “neo-brahmanic” text and the presumed antiquity of the *Wagaru*<sup>152</sup>—Forchhammer, echoing Führer’s brief comment, offers an insight worthy of further examination. Here we find perhaps the first clear statement of the hypothesis of the circulation of dharmaśāstra or dhammasattha texts among non-Brāhmaṇical communities in India. This proposition has never been adequately examined, and I return to it in detail in Chapter Three. Taking the direction in which this suggestion points seriously does not require us to agree with Forchhammer’s periodization of these materials, or with his hypothesis that the Burmese texts may represent a particularly early, let alone a *pre-neo-brahmanic* recension of Manu or any dharmaśāstra text.<sup>153</sup>

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<sup>151</sup> *Jardine Prize*, p. 38; my emphasis.

<sup>152</sup> As noted in the introduction, the date of this text is far from certain; it survives as a Pali-Burmese nissaya in a single manuscript copied in 1707.

<sup>153</sup> This is something that interested Julius Jolly about the Burmese material, and although he produces parallels between Burmese texts with the “latest productions of the smṛti epoch” to show that they could not have been earlier than MDh, he went as

A major problem with Forchhammer's argument is that he presupposes that if a legal text were written in a context where Brāhmaṇism and Buddhism were in contact, then the text should bear signs of a "struggle". The absence of traces of this struggle signifies the historical priority of the text to that era of contact and its attribution to "the long period of religious and political supremacy of Buddhism in [India]". We now know that this understanding of the history of Buddhist and Brāhmaṇical relations in India is quite flawed; what is important to keep in mind is Forchhammer's supposition that written law must necessarily relate to one "religion" to the exclusion of others lest it embroil itself in a Hegelian struggle for survival which would necessarily leave some mark on the text itself. He is incapable of considering the possibility that a law text might in fact not display sectarian features of a religious community, or that such features might not be of primary importance, particularly if it was destined to be used in a context where a legal culture encompassing both Buddhist and Brāhmaṇical communities flourished.

Throughout much of the early and mid 20th century in Burma, the study of dhammasattha languished, or became embroiled in nationalist narratives of the exclusively local development of the texts that turned attention away from comparisons with regional Pali, Sanskrit, or vernacular material.<sup>154</sup> Aside from what

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far as concurring with Forchhammer that "the hypothesis of a non-Brahmanical Indian original of the Dhammathats is by no means irreconcilable with the theories put forth in the present volume regarding the high antiquity of the Code of Manu in its present version, and its existence prior to the compilation of the Dhammathats. A Buddhist version of the Code of Manu might have existed in India by the side of the Brahmanical version. The Buddhist version might have been transferred into Burma, together with other standard works of the Buddhists. It might have been lost, in after times, in India, whereas the Talaing [i.e., Mon] and Burmese translations of it were handed down to posterity." *Outlines of an History of Hindu Law*, Calcutta, Thacker, Spink and Co., 1883, p. 293 and ff.

<sup>154</sup> These perspectives are exemplified by the work of Maung Htin Aung, E Maung, and Kyin Swi, who were harshly critical of Forchhammer's Indian origins thesis and

appears as a brief flurry of excitement regarding the regional connections of this literature with Sanskrit dharmaśāstra, or with India, in the late 19th century, such questions were never really pursued. Robert Lingat, however, in the late 1940s and early 1950s briefly recuperated the issue. After describing how Brāhmanical dharmaśāstra could have had no value for lay Buddhists in the Buddhist regions of Southeast Asia, he states:

Remarquons que, dans l'Inde propre, la question, pour autant que l'on puisse s'en rendre compte, se présentait d'une manière différent. La Bonne Loi que prêchait le Bouddha s'adressait bien à tous. Mais elle ne devenait véritablement une loi et ne portait pleinement ses fruits que pour ceux qui, entièrement convertis à la religion nouvelle, abandonnaient leur foyer et répudiaient leurs droits et leurs devoirs de chefs de maison pour adopter la vie de moine mendiant au sein d'une communauté bouddhique. [...] Mais, tant qu'il n'avait pas revêtu la robe jaune et pris le bol des moines mendiants, le bouddhisme ne constituait encore pour lui qu'une discipline intérieure, qui ne l'empêchait pas de vivre comme il avait été accoutumé de faire avant sa conversion. **Il continuait à être soumis à la même condition juridique, c'est-à-dire aux règles de sa caste, de sa corporation, de sa famille ou de sa province.**<sup>155</sup>

Here Lingat suggests that lay Buddhist “converts” in India, if they remained outside the monkhood and thus outside the purview of the “real law” of the monastic Vinaya, continued to exist in the same legal condition as that prior to their conversion. In effect, this amounts to a claim that even Indian Buddhists, so long as they were not monks, would have remained under the jurisdiction of dharmaśāstra law. Yet like others who have remarked on this subject, Lingat’s remarks are qualified with a “pour autant que l’on puisse s’en rendre compte”, and he doesn’t delve into the matter in any

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emphasized local Mon or Burmese factors in the development of the genre. Something of an exception to this is Shwe Baw’s 1955 dissertation.

<sup>155</sup> Lingat, “La conception du droit dans l’Indochine hīnayāniste”, *BEFEO*, 44, 1 (1951), p. 164; my emphasis. This statement is put slightly differently in an earlier article in English, “The Propagation of Hindu Law in Hinayanist Indochina”, *ABORI*, 30 (1949), pp. 285-6.

additional detail. On Lingat’s account, Buddhist Southeast Asia did not have its own written tradition of laws, so it was necessary for the lay Buddhists there to fashion their own dhammasattha after the model of the Sanskrit dharmaśāstra texts; in Southeast Asia “le bouddhisme devait avoir, lui aussi, ses dharmaśāstra.”<sup>156</sup> Why this necessarily follows given his statements about the applicability of dharmaśāstra to lay Buddhists in India is not explained, but apparently his logic derives from the supposition that Southeast Asia was a sufficiently different socio-religious context, not determined by the same life-stage (*āśrama*) and caste (*varṇa*) provisions as in India, such that it required a written law besides that which was embodied in the dharmaśāstra traditions. For Lingat as for Forchhammer and virtually all other commentators, the task of this compilation fell to the Mon of Rāmaññadesa.<sup>157</sup>

All of the foregoing narratives of the development of Buddhist dhammasattha texts in Burma or Southeast Asia emphasize that they are based on originally Brāhmaṇical dharmaśāstra written in Sanskrit and then translated into Mon, Pali, or Burmese at some point in early Burmese history. However, I have also tried to highlight some comments that hint at the possibility of a relationship to a hypothetical Indian Buddhist dharmaśāstra. According to Andrew Huxley, who has studied this scholarship in detail and noted these positions, the idea that an Indian Buddhist dharmaśāstra “served as a model” for the Southeast Asian texts is “no more likely than the traditional view that they were magically transported from the walls at the edge of

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<sup>156</sup> Lingat, “La conception”, p. 165.

<sup>157</sup> See Nai Pan Hla, *The Significant Role of the Mon Version Dharmaśāstra*, Tokyo, Institute for the Study of Languages and Cultures of Asia and Africa, 1991. For an important critique of the primacy of Mon “civilization” in early Burma and Thailand and its presumed role as a culture-broker between Indic and local traditions see Michael Aung-Thwin, *Mists of Rāmañña: The Legend that was Lower Burma*, Honolulu, University of Hawai’i Press, 2005.

the universe”.<sup>158</sup> Huxley argues that “the four earliest dhammathats already divide into two written in Pali and two written in Burmese. The dhammathat genre is vernacular as early as we encounter it.”<sup>159</sup> Although it has yet to be proven how the language in which our extant texts are written relates in any direct way to their possible origin, as the translation of texts over time (e.g. from Pali to Burmese, Burmese to Pali, Mon to Burmese, or again from Sanskrit to Javanese) was a common feature of the history of their transmission, my reservation with this argument is that its understanding of the “four earliest” texts seems to be based on late 19th century bibliographies, as enshrined in the DBBL.<sup>160</sup> The DBBL account is unreliable and only one of the four texts it lists as the earliest survives and may be attributed to the 17th century (the mostly vernacular DhV); the other three are apocryphal, or at least have not been clearly identified in any manuscript versions. In the same article Huxley maintains that “no known text from outside S.E. Asia even closely resembles [the dhammathat genre of law texts], though the general inspiration, and some 3% of the text, comes from the Indian dharmaśāstra tradition”.<sup>161</sup> While I agree that there are extensive and significant differences between Brāhmaṇical dharmaśāstra and Burmese dhammasattha, which require enumeration, his comments here need to be approached with caution. Most importantly it is necessary to clarify what we mean by “Brāhmaṇical dharmaśāstra”, as this is, arguably, not a univocal tradition equally represented across all surviving texts. The question of the relationship between dhammasattha and dharmaśāstra cannot be reduced to a game of percentages of legal or textual parallels. There are divergences in form and content between different texts even within the Sanskrit smṛti tradition, so

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<sup>158</sup> Andrew Huxley, “The Reception of Buddhist Law in Southeast Asia 200 BCE-1860 CE”, *La Réception des Systèmes Juridique: Implantation and Destin*, ed. M. Doucet and J. Vanderlinden, Bruxelles, Bruylant, 1994, p. 193.

<sup>159</sup> Huxley, “Reception”, p. 193.

<sup>160</sup> DBBL, ii., p. 4. Compare my remarks concerning this work in the introduction.

<sup>161</sup> Huxley, “Reception”, p. 193.

the fact that the Burmese texts may, and often do, contain different rules or textual characteristics should not surprise us in the least. Moreover, even when parallel rules are found these are not sufficient to establish direct lines of transmission. The suggestion that Brāhmaṇical dharmaśāstra, however, does not even “closely resemble” dhammasattha is an overstatement. Indeed, if we neglect to see the formal structure and conception of the scope of legal practice and procedure of these texts as closely related and pointing to a shared legal culture, we risk losing valuable insights into the history of the genre in Southeast Asia and perhaps in India as well.

Huxley’s understanding of the development of the Burmese dhammasattha tradition is that it was originally loosely based on Brāhmaṇical dharmaśāstra that was influential in what he, following Higham and others, calls the “mandala kingdoms” of the “classic period” of Southeast Asia, c. 100-900 C.E. Although he acknowledges that some early inscriptions cite formulae that may be traced to dharmaśāstra literature, he asserts that “Indian legal ideas [in Southeast Asia] in 500 CE are nothing more than a loose intellectual wrapping around an endogenous content.”<sup>162</sup> This comment echoes the well-known criticisms of “Hinduization” theories by scholars such as van Leur, Smail, and Wolters regarding the function of Indic religions in early Southeast Asia; namely, that Buddhist or Brāhmaṇical language functioned more as an idiom through which authentically “Southeast Asian” (Cham, Khmer, Javanese, etc.) political and chthonic ideals were expressed. Based on evidence of the increasing citation of dharmaśāstra-related material in epigraphic records of judicial disputes from Java and Campā during the 8th and 9th centuries, Huxley contends that in this period the implantation of “Hindu law” reached a high-water mark, and that it was only at this late date that legal texts began to function in the context of dispute

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<sup>162</sup> “Reception”, p. 180.

settlement.<sup>163</sup> He states that it was in the polities of Pagan and Angkor of mainland Southeast Asia these texts began to develop differently through the ensuing centuries untouched by the influence of Indian texts. As Huxley notes, “the parts came from India long ago, but the parts are assembled by S.E. Asians to a local design. We should understand the phrase ‘reception of Indian law’ to mean ‘the do-it-yourself assembly of a legal system out of bits received from India.’”<sup>164</sup> In a related discussion in another article Huxley describes what he understands to be the three principle sources of the dhammasattha tradition.<sup>165</sup> The earliest and most enduring of these is what he calls “local custom” or the “oral law of the rice-plain” dating from the period prior to the 3rd century C.E. and the introduction of Indic scripts in Southeast Asia.<sup>166</sup> The problem with this hypothesis is that there is no clear record of what this customary law may have looked like, aside from written witnesses to legal culture in texts (in, e.g., dhammasattha or inscriptions) that emerge well after the arrival of Sanskrit, Pali or Prakrit traditions. Thus trying to trace the origins of such pre-literate rules or practices can be tricky business. How do we separate custom from such written records of law, already laden with Indic Brāhmaṇical or Buddhist overtones, not to mention their employment of Indic scripts? Is anything in the dhammasattha that cannot be traced directly to an extant Sanskrit dharmaśāstra or Pali literature to be considered immemorial oral custom? His second source is “Sanskrit law” which, revising his earlier estimate, he now reckons to account for approximately “5% rather

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<sup>163</sup> Much of the first millennium epigraphic evidence will be reviewed in Chapter 3.

<sup>164</sup> “Reception”, p. 199.

<sup>165</sup> Andrew Huxley, “Thai, Mon, and Burmese Dhammathats—Who Influenced Whom?” in *Thai Law: Buddhist Law*, ed. Huxley, Bangkok, Orchid Press, 1996, pp. 81-131.

<sup>166</sup> Huxley, “Who Influenced Whom?”, p. 106.

than 50%—it is marginal rather than essential”.<sup>167</sup> Huxley’s final source is the Pali canonical literature, and particularly the Vinaya.<sup>168</sup>

The general chronology Huxley proposes is reasonable, if not in all the precise details. It is entirely certain that dharmaśāstra circulated among both Buddhist and Brāhmanical communities in Southeast Asia during the 1st and early 2nd millennia C.E.—though the extent to which such communities were at all mutually exclusive is a matter of important debate—and it was presumably early during this period that dharmaśāstra, as a legal genre and term of jurisprudential art, entered the various political and cultural vocabularies of various Southeast Asian polities. Two points in Huxley’s argument require further attention. The first is that he insists upon understanding Indian dharmaśāstra in its most expansive and theological sense, as a genre that “defines the orthodox stream of Hindu religion” and which is “concerned above all with caste purity and the elevated role of Brahmins.”<sup>169</sup> While this definition is certainly accurate for parts of particular texts and for mīmāṃsā-inflected commentarial understandings of the genre, it is also possible to conceptualize the role and function of dharmaśāstra, particularly as it seems to have operated in certain South and Southeast Asian contexts, as more narrowly related—perhaps exclusively so in some cases—to issues of *vyavahāra* or legal practice. As the following chapter will show, the significance of legal practice rather than theological speculation or ritual activity in the development of dharmaśāstra in India should not be underestimated, and this fact has important implications for the development of the genre in Southeast

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<sup>167</sup> Huxley, “Who Influenced Whom?”, p. 106.

<sup>168</sup> In another article Huxley even goes so far as to claim that at Pagan the “vinaya [inspired] the production of dhammathat texts to regulate the Burmese laity”. See Andrew Huxley, “Buddhist Case Law on Theft: The Vinītavatthu on the Second Pārājika”, *Journal of Buddhist Ethics*, 6 (1999), p. 325. There are of course no dhammasattha texts that are plausibly datable to Pagan.

<sup>169</sup> “Reception”, p. 199.

Asia. Any instance of the presence of dharmaśāstra-type law among Buddhists in Southeast Asia does not necessarily signify a moment of inter-religious, Buddhist vs. Brāhmaṇical struggle or require the “conversion” of texts from one or another religion. Rather dharmaśāstra as it functioned in early Southeast Asian contexts was predominantly a *vyavahāra*-type discourse that was not essentially bounded in terms that were exclusively either Buddhist or Brāhmaṇical.

Secondly, although Huxley appears to agree with Lingat that lay Indian Buddhists may have come under the jurisdiction of dharmaśāstra law, he nonetheless insists that such law would have been inadequate for Buddhists in Pagan. He writes that “Pagan’s achievement was to construct a ‘Buddhist law for the laity’ when no such thing had been needed in India.”<sup>170</sup> As above with Lingat, by this Huxley appears to mean that the distinctively Brāhmaṇical provisions of dharmaśāstra would have been rejected by Southeast Asian Buddhists, and that they therefore developed their own texts incorporating rules derived from Buddhist and customary sources. While, quite naturally, Burmese dhammasattha texts (to say nothing of the Siamese, Lao or Javanese texts) were influenced both by Buddhist texts and by local administrative and juridical realities, this argument can be taken too far. There is nothing anti-Brāhmaṇical about the legal content of the majority of our surviving dhammasattha texts, or any provisions in them that suggest that they were meant to be applied exclusively to a Buddhist jurisdiction. Or rather, the conception of jurisdiction they insist upon *includes* brāhmaṇas. This is evident from numerous provisions relating to brāhmaṇas in the *Manusāra* (MSR) and later texts. For example, according to the MSR brāhmaṇas and bhikkhus are noted as the two groups of individuals whose manumitted slaves are exempt from *dāsakamma*, the typical laws governing

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<sup>170</sup> Huxley, “Reception”, p. 200

slavery,<sup>171</sup> and the property of brāhmaṇas is to be treated akin to royal property in cases related to debt and found property.<sup>172</sup> Later 18th century texts make allowances for distinctive inheritance rules for brāhmaṇas.<sup>173</sup> These and other regulations suggest that brāhmaṇas were situated well within the jurisdiction and audience for dhammasattha law, and that it was only in certain cases that separate rules for them were necessary.

A corollary to this is the fact that we know of several Sanskrit smṛti texts, such as the *Nāradasmṛti*, which do not foreground matters that would have had relevance for exclusively Brāhmaṇical communities, issues such as *varṇāśrama* duties or rituals of expiation (*prāyaścitta*).<sup>174</sup> And again, although we have sufficient evidence for the circulation of dhammasattha texts concerned with inheritance law at Pagan, none of the manuscripts or inscriptions indicate that any surviving texts were compiled during that era. As the rest of this chapter and Chapter Three will argue the idea that Buddhist dhammasattha originated in Pagan is unsustainable. The late, 19th century bibliographic imaginings of Pagan-era legal composition, which have been largely swallowed whole by scholars of Burmese dhammasattha, are not supported by any evidence aside from those late bibliographies themselves, whose reliability Vaṇṇadhamma already regarded as suspect in the late 18th century.

## II. Dhammasattha in 13th Century Burma

The remaining portion of this chapter is concerned with the evidence for dhammasattha in Burma at Pagan and elsewhere up to the middle of the 15th century.

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<sup>171</sup> MSRh-nis., f.ghī(v).

<sup>172</sup> MSRh-nis., ff.thu(r)-thū(v).

<sup>173</sup> Maung Tetto, ed. *The Manoo Wonnana* [Manuvaṇṇanā] *Dhamma-that or Digest of Burman Law by Wonna-Dhamma-Kyaw-Deng* [Vaṇṇadhamma Kyau Thaṅ], Rangoon, Govt. Printing, 1878, sections 4, 83; *DBBL*, I, sections 389-393.

<sup>174</sup> For more on this point see Chapter Three.

It questions whether any of the foregoing claims concerning the emergence of a uniquely Burmese tradition of the genre at Pagan are corroborated by evidence securely dated to early Burma. Although there are several dozen Burmese inscriptions from prior to the 15th century which report details about legal tribunals and disputes, some of which describe the roles played by writing or documents in the legal process<sup>175</sup>, there is only one explicit mention of dhammasattha in Pagan-era sources, in an inscription from Pagan dated s.611 (1249 C.E.). This fact alone is worth bearing in mind. The vast majority of dispute-related sources show that legal culture at Pagan—as in India, Java, and anywhere else in South or Southeast Asia for which we have early evidence—did not rely in practice on the direct citation and application of written law understood as a code. The predominantly aural/oral nature of dispute settlement persisted for centuries. This of course does not mean that written law was of little consequence in dispute settlement, and I will return to this point in the following chapters. For present purposes, I will concentrate on the single epigraph that cites dhammasattha, which was produced to enumerate the slaves, fields and other forms of property that had been donated to or successively acquired by a monastery since 1228 C.E. (*sakkarāj* 590). The inscription is divided into three sections describing proceedings that took place in 1228, 1232 (s.594), and 1249 C.E. (s.611)<sup>176</sup>. It appears from the organization of the text on both sides of the stele and the uniformity of the handwriting that the entire inscription was composed at the same time, presumably at some point in or after 1249. The first of these sections, which is translated in its entirety below, records important details of a dispute that took place in

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<sup>175</sup> On which see Than Tun, “The Legal System in Burma, A.D. 1000-1300”, *Burma Law Institute Journal*, I, 2 (June 1959), pp. 171-184; Than Tun, *Khet honḥ mran mā rājavanḥ*, Yangon, Mahādaguṃ, 1969, ch. 12; Tilman Frasch, “Inscriptions bearing on the Legal System in Early Burma”, Unpublished manuscript.

<sup>176</sup> s.590 (1228 C.E.): lines r. 1-18 (translated below); s.594 (1232 C.E.): lines r. 18-v. 4; s.611 (1249 C.E.): lines v. 4 - v. 30.

1298 over a portion of the lands and slaves in question before they were donated to the monastery in 1232 by the victors in the case. The remaining two sections of the inscription that bear directly on the dispute are also translated:

*Jeyapikraṃ moṇ nhaṃ inscription*<sup>177</sup>

[I.]

recto 1} Sakarāj 590, *nhāc* (nakṣatra) of Phlaguin, 5th waning Kuchan, Wednesday.

**Ñā Ña[y]**, son of **Phi Yoñ**, said to the king (*mañ*)<sup>178</sup>:

2} ‘My uncle gave [the slaves and fields] to my father. My father gave [the slaves and fields] to me. I would like an official decree<sup>179</sup> [initiating proceedings to prove this statement]<sup>180</sup>.’

3} Thus, **Kaṃ phā mi**<sup>181</sup> issued the decree. Judgment was carried out in the eastern pavilion of justice<sup>182</sup>. Sāṅpuṃma<sup>183</sup> **Pitarac**, **Kvarāc**, and **Anandapatiy**,

<sup>177</sup> Also known as the Mut Gū Bhurāḥ inscription; currently in the collection of the Pagan Museum, inscription no. 47. The inscription has been published four times: *Inscriptions Collected in Upper Burma*, vol. 1, Rangoon, Govt Printing, 1900, pp. 186-90; E Maung, *Pugaṃ kyok cā lak rveḥ cañ*, Yangon, Paññānanda, 1958, pp. 170-76; *Inscriptions of Burma*, Portfolio II, nos. 174-5; RMK II, pp. 104-10. My reading is based principally upon the transcription in RMK and on a rubbing made for me at the Pagan Museum in 2005. The inscription has been translated in full by Tilman Frasch in “Some Reflections on the Burmese *Dhammasats* with Special Reference to the Pagan Period”, in Gärtner and Lorenz, eds., *Tradition and Modernity in Myanmar*, Hamburg, Lit, 1994, pp. 53-4. Frasch’s work has been instrumental in my own translation. Part of the text has also been translated into English or discussed in Than Tun, “The Legal System in Burma”; Michael Aung-Thwin, *Pagan: The Origins of Modern Burma*, Honolulu, University of Hawai’i Press, 1985, pp. 120-1; Than Tun, *Khet honḥ mran mā rājavañ*, ch. 12.

<sup>178</sup> This term may also mean “lord” or “sovereign”, implying someone of royal or *khattiya* status. It will be discussed in detail in later chapters. Given the additional references in the epigraph it is likely that it means king here.

<sup>179</sup> *thuy tāv*

<sup>180</sup> To make sense of this in light of the following line it seems necessary to assume that here Ñā Ñay asks for an order initiating the investigation of his claim (i.e., he is not requesting a decree attesting to his ownership of the land).

<sup>181</sup> It seems like this should be a title of an official.

<sup>182</sup> Here literally “pavilion of satisfaction”, although cf. *tryā kvan sā yā*, “pavilion of judicial satisfaction” at RMK 1, p. 173.

<sup>183</sup> Spelled variously *sañ* (prob. lord, etc.) + *phama*, *pha ma*, *phma*, *puṃ ma*, etc. A common term for a type of magistrate or judicial officer associated with investigating and deliberating in disputes; often inaccurately translated as “judge”. The etymology is uncertain.

4} these 3 saṅghama, made inquiries. Upon being questioned, the sister-in-law (*mi rī*) of **Lord Phi Yoñ** said: ‘My husband died when I was over (*mlat*) 20 years of age; I used his

5} slaves and lived off his fields.’ **Anūrāthā** replied: ‘my paternal aunt knows that my uncle gave [the slaves and fields] to my father.’

6} The wife of **Nāgārac** was made a witness (*saksiy*). When 4 saṅghama questioned this witness as a good person (*su koñ*), she said: ‘I am the younger sister of **Lord Phi Yoñ**.

7} My middle brother (i.e. the husband of the sister-in-law in ln 4), who was higher than me [in terms of inheritance rank?]<sup>184</sup>, died. I gave my middle brother his wife in marriage.

8-10} My younger brother (i.e. Phi Yoñ) also died. Since you ask me, I did not hear whether my middle brother gave [the slaves and fields] to him. I heard that when my sister-in-law gave my nephew the daughter of **Jeyyasaṅkram** [in marriage], she [also] gave [the slaves and fields] to him. After my nephew died, I again heard that my sister-in-law gave [the slaves and fields] to **Jeyyapikram** and his wife in front of **Rājāsaṅkram**.’ Having heard the testimony **Pitarac**,

11} **Kvarāc**, **Anandapatiy**, and **Kaṃphāmi**, these 4 saṅghama repeated it to the king, as follows:

12-14} ‘In the dispute (*tryā*) which we are judging between **Nā Nay**, the son of **Phi Yoñ**, and the younger brother of **Rājāsaṅkram**: As regards the younger brother of **Rājāsaṅkram**, **Lord Phi Yoñ**’s sister-in-law had the slaves that were given. As regards **Nā Nay**, the son of **Phi Yoñ**, his paternal aunt has served as his witness. The aunt said that she did not hear whether they were given to **Nā Nay**’.

14} The king (*purhā rhañ*) spoke— ‘Given this testimony, take the dhammasāt and judge’.<sup>185</sup>

15-16} According to the judgment of the 4 saṅghama, **Jeyyapikram**, the younger brother of **Rājāsaṅkram**, won the dispute (*tryā srañ*). **Phi Yoñ**’s son **Nā Nay**, together with his elder and younger sisters who are sustainers (*san put saññ*) [of the saṅgha], lost the dispute (*tryā yhum kha*). In the place where [the verdict?] was established<sup>186</sup>, a seal was requested by (or from) the ministers (*amat*) and affixed [upon the written verdict?].

17-18} [The verdict was that?] It is true that **Jeyyapikram**, the younger brother of **Rājāsaṅkram**, and his wife won the slaves and fields. It is true that **Phi Yoñ**’s son **Nā**

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<sup>184</sup> *nā tañ thak lhyañ te* | Frasch translates this phrase as “passed away [lying] on my knees”, but he notes the translation is uncertain.

<sup>185</sup> The wording here is not as clear as we might hope. See discussion below.

<sup>186</sup> The meaning here is a bit uncertain. I assume (*pā*) *taññ sā nhuik* refers to the place where the verdict was reached. A similar phrase is used below in ln 27 (not translated here) in reference to a *kan* (lake, pond, pool, or water tank), where perhaps it means a man-made tank instead of a natural pool? Or again this could be an entirely different term.

Ñay, together with his elder and younger sisters who are sustainers (*san put saññ*) [of the saṅgha], lost the dispute (*tryā yhuṃ kra*).

## II.

18-19} [The following was] established (*dhāpanā*)<sup>187</sup> on Sakkarac 594, *nhāc* (nakṣatra) of Āsat, full moon of Tan choñ mhun, Friday: **Jeyyapikraṃ** and his wife donate [to the monastery] the monastic slaves and fields.

[r.19 - verso 4 enumerates the slaves other property contained in the donation]

## III.

verso 4-5} [...] Sakarac 611, *nhac* (nakṣatra) Mruiksuir, 12 waxing Namkā, Thursday [...]

[v 5-18 enumerates additional property acquired by the monastery since s.611 and then continues with a recapitulation of the details of the dispute:]

18-19} [...] The land at Uttvañ belonged to **Khañ Un Auin Ñrim Sañ**<sup>188</sup>. The middle **Phi Yoñ** was the eater (i.e. owner) of the land. When he died his wife became eater. She

20} again gave the land to **Phi Yoñ**'s son and [her] niece. After **Phi Yoñ**'s son died 21} [she] again gave a wife and the land to **Jeyyapikraṃ** and his wife **Jeyyamiyā**<sup>189</sup>.

**Jeyyapikraṃ** and his wife

22} donated the slaves, fields, and a water pool/tank to the monastery (*phurhā*). These monastic slaves, monastic fields, monastic gardens, monastic betel and

23} coconut [fields] shall be subject to the needs of the threefold Buddha, Dhamma, and Saṅgha (*purhā tryā saṅghā*) [...]

[the text concludes with a standard curse for anyone who would violate the dicta of the inscription.]

The details of this dispute are somewhat complex, so I will briefly summarize the main points of the proceedings:

1. Nā Ñay, the son of Phi Yoñ, claims that certain property was given to him by his father. He claims that his father received the property from his uncle.

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<sup>187</sup> Cf. Win Than Tun, *Pali and Sanskrit Loans in Myanmar Language (Pagan Period)*, s.v. *thāpanā*

<sup>188</sup> Perhaps the daughter of king Kyanziththa. See Fräsch, op. cit., p. 47.

<sup>189</sup> lit. “the wife of Jeyya”. The syntax of this line is not as clear as it could be, but it seems that this must be the meaning.

2. The proceedings reveal, however, that there is no evidence aside from Nā Nay's own testimony that the property belonging to Nā Nay's uncle was given to Nā Nay's father. The uncle's wife claims in a statement that she inherited the property upon his death.
3. The testimony of the wife of Nāgārac supports this. She claims that she did not hear that the property was given to Nā Nay's father, and further that she thought the wife of Nā Nay's uncle gave the property as a marriage gift to (presumably) her son and the daughter of Jeyyasaṅkraṃ. When this son died the property was given to Jeyyapikraṃ.
4. The officials relate the evidence to the king, who tells them to consult the dhammasāt to come up with a judgment in the case.
5. The officials decide that the property rightfully belongs to Jeyyapikraṃ.

It appears as though the case was initiated by Nā Nay, who sought to recover property in the possession of Jeyyapikraṃ that he believed himself to have some right to. It is clear that the legal question at issue concerns inheritance ranking among a range of co-heirs and whether or not an individual has the right to alienate property as a gift, even if that gift violates inheritance rules. The evidence presented in the proceedings establishes that the property was given not by Nā Nay's uncle to his father to him, but passed upon the death of his uncle to his aunt, who freely gave the property to her son and then, after his death, to Jeyyapikraṃ. But all this testimony proves is that this is the way things probably happened. The important question in terms of resolving the dispute is whether or not this was the appropriate way in which the property of Nā Nay's uncle should have been distributed after his death. Was it right that the uncle's property passed to his wife upon his death? Did his wife have the right to give the property to whomever she chose? Did Nā Nay have any claim to his

uncle's property, even if it was never given to him or his father? This appears to be the reason why the king calls for reference to the "dhammasāt".

This reference clearly signifies that dhammasattha was not only in circulation in 13th century Burma but that the text or genre was viewed as an authoritative source of written law, employed in the context of dispute settlement, and that its contents, at a minimum, dealt with matters concerning gifts and inheritance. Here it is unclear whether a rule excerpted from the dhammasattha was directly cited and applied in this instance, or whether the text was used, instead, to guide the judgment of the four *sañphuma*. There are a range of citations from later dhammasattha texts which support the ruling of the officials in this dispute, and I refer to several here just to show that there are potential parallels in these texts that would be applicable. I note that the details concerning these matters are quite complicated and I risk oversimplifying these rulings by citing only their most general shape as grouped according to the artificial subject headings listed in *DBBL*, to which I refer merely for the sake of easy reference:

a) Property given to individual children by parents cannot be claimed by his or her siblings.<sup>190</sup> This is a very common ruling concerning the separate property of children extant in many texts. Thus if the property was recognized as initially a gift from Khañ Un Auin Ñrim Sañ to Ñā Ñay's uncle then Ñā Ñay's father would have no immediate claim on it in the event of his death.<sup>191</sup>

b) Property passes to the wife (or wives) in the event of the death of the husband.<sup>192</sup> Although in certain texts there are exceptions to this rule<sup>193</sup>, it is clear that

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<sup>190</sup> *DBBL*, vol. I, section 115

<sup>191</sup> More precisely, according to dhammasattha he could have a claim if there were no higher-ranking heirs, but this was certainly not the case here.

<sup>192</sup> Cf. *DBBL*, vol. II, section 375.

<sup>193</sup> Cf. *DBBL*, vol. II, sections 30, 112.

if there is a surviving spouse property should not pass to a sibling (unless the spouse can be shown to be unfit to inherit). It is possible that if there were a child and depending on the type of property in question (i.e. whether it was considered joint marriage property or the individual property of the deceased) the child might have a valid claim to inherit, but this is clearly not an issue here.

Other parallels between this epigraph and the extant dhammasattha manuscripts relate to aspects of the legal process, all of which are clearly elucidated in the later texts, including: the important function of testimony and witnesses and the significance of calling witnesses who are classified as “good people” (*sū koṅḥ*). For present purposes we must consider what else, if anything, this epigraph can tell us about the nature of dhammasattha in 13th century Burma and the role it played in dispute settlement. Unfortunately, there are a number of difficulties with the interpretation of the latter half of line 14, which reads in its transcription in RMK II, p. 105:

*purhā rhañ hū e\* thuiv suiv hū mū kā nāñ tuiv dhammasāt rhuy rūy chañ*

I have translated this as “The king (*purhā rhañ*) spoke— ‘Given this testimony, take (*rhuy*) the dhammasāt and judge’”. The uncertain reading here concerns the phrase *dhammasāt rhuy rūy chañ*. Commentators who have read this passage agree with this transcription of the text,<sup>194</sup> and Than Tun has take *rhuy rūy chañ* to mean ‘consult (the dhammasāt) and decide’ (modern Burmese *rhu r\* chañ*)<sup>195</sup>. While I agree that this is an accurate reading of the text as it is written, the main problem with this translation is

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<sup>194</sup> Cf also E Maung, *Pugaṃ kyok cā*, p. 171; Than Tun, *Khet hoṅḥ*, p. 157; *UB* gives a slightly different reading of this line in its updated transcription of the text:

*dhammasāt rhuy. ruay. chañ*

<sup>195</sup> Than Tun, *Khet hoṅḥ*, p. 157.

that it takes OB *rhuy* as the equivalent of MB *rhu* when, according to the most typical morphological transformations of the OB sequence *rhuy*, this should instead produce MB *rhve*, or similar (e.g. *rhve.*, *rhveh*). I have consulted both a squeeze of the stone and the original stone itself and it seems that the reading *rhuy* must be correct; but if this is so, it is highly unlikely that the meaning could be ‘look’, ‘consult’, as implied by MB *rhu* (which in OB should not contain the -y final).

Michael Aung-Thwin seems to have noted this problem, and has made the interesting suggestion that by *dhammasāt rhuy* is implied a “golden dhammasat”, as *rhuy* is the most common OB spelling of MB *rhve* meaning “gold”, “golden”. He has translated line 14 as: “If that is the testimony, you [judges] arrange [the verdict] according to the *Golden [Shwe Myaṅ] Dhammasat.*”<sup>196</sup> From documents securely-dated to the 17th century and later we know of the existence in Burma of a dhammasat called the *Rhve Myaṅ* (i.e. *Shwe Myaṅ*)<sup>197</sup>, and it is presumably on this basis that Aung-Thwin offers this interpolation. However, Tilman Frasch has argued that this is unlikely because this reading would force us to read *rhuy* as a noun or adjective when the word immediately following it, the conjunctive and subordinate clause-marking particle *rūy* (MB *r\**), seems to require that *rhuy* is a verb.<sup>198</sup> Citing Aung-Thwin’s remarks, Frasch comments:

As the inscription has the reading (...) *dhammasāt rhuy rūy chaṅ* (...), it has been suggested that a “golden *dhammasat*” or *Shwemyin-Dhammasat*, which we know as a work of the 18th century, was meant. If *rhuy* was to mean “golden”, it should have appeared in front of the noun, whereas the following *rūy* (mod. *rwe.*) “and” followed by *chaṅ* “to consider” clearly shows that the preceding *rhuy* must be a verb. There is no verb *rhve* in modern Burmese which would fit meaningful[ly], so we must take it

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<sup>196</sup> *Pagan: The Origins of Modern Burma*, Honolulu, University of Hawai’i Press, 1985, p. 120.

<sup>197</sup> The earliest extant version of this text is the MSR, discussed at length in the following chapters.

<sup>198</sup> Frasch, op. cit., p. 48.

as a writer’s mistake who was influenced by the verb-particle *rwe*. that follows. Perhaps he wanted to write *ruy* (mod. *rwe*;) “to select” or *rhu* “to look at”. Both conjectures render an acceptable translation of the king’s order [...]From this interpretation it will become obvious that there was no “Golden *dhammasat*” referred to in this inscription.<sup>199</sup>

Although the first part of Fräsch’s criticism—that *rhuy* should appear before the noun if it were an adjective meaning “golden”—is correct according to old and modern Burmese syntax, this does not necessarily mean that the complete phrase “*dhammasāt rhuy*” could not have referred to a title of a text in 13th century Pagan. In later eras the phrase *dhammasat rhve kyamḥ* (lit. dhammasat-gold(en)-treatise) as an alternative title for the MSR and VDhM is commonly found in manuscripts, and we can not rule out the possibility that *dhammasat rhuy* might have functioned in some contexts as an alternative form of such a title. This is the only reference to *dhammasattha*, and one of the very few references to any named texts, in pre-15th century Burmese, so it is very hard to be certain of what naming conventions actually may have been. However, Fräsch’s remarks concerning the conjunctive particle *rūy* (MB *r\**) are more conclusive; as he notes, this particle can only follow verbs. In this case *rhuy* must be a verb unless something besides *rūy* (MB *r\**) is meant by the following word. The only likely candidates for a modern verb resembling OB *rhuy* would seem to be MB *rvhe*. or *rvhai*. The first of these means ‘to move from one place to another’<sup>200</sup>; the second means ‘to be wet’.<sup>201</sup> Of these it is plausible that the former is meant, thus the translation of the passage: “move (i.e. take?, get?) the dhammasat and judge”.

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<sup>199</sup> Ibid.

<sup>200</sup> *Mran mā abhidhān akyañḥ khyup*, vol. 4, s.v. Perhaps historically the transitive form of the verb *rveḥ* in the third example below.

<sup>201</sup> *Voharāratthapakāsānī*, p. 439; *Mran mā abhidhān akyañḥ khyup*, vol. 4, s.v.

But it is also possible that *rūy* is not a conjunctive particle at all and means something besides MB *r\**. First we might note that the spelling of *rūy* in this line is somewhat unusual. Typically, MB *r\** is spelled *ruy* in OB, of which there are hundreds of examples in the early inscriptions. Spelling can be quite inconsistent, so this alone doesn't reveal much.<sup>202</sup> And in certain cases in both old and modern Burmese it is common for *r\*/ruy* to be omitted in joining two verbs, particularly in cases where simultaneity of action is emphasized. If we take *rhuy* to mean 'golden' and *rūy chañ* as a compound verb, the following are perhaps the most likely MB outcomes:

*dhammasat rvhe. [kyamḥ] rve. chañ* “move (get?) the Golden Dhammasat [text] and decide”

*dhammasat rvhe. [kyamḥ] rveḥ<sup>203</sup> chañ* “choose the Golden Dhammasat [text] and decide”

Without a much more thorough examination of the use of these and similar terms across the 13th century corpus I feel that it would be premature to try to pass final judgment on the meaning of this passage. We can be certain that the correct interpretation, at a minimum, signifies that the king instructed the ministers to deliberate or judge (*[tryā] chañ*) in relation to the dhammasāt. Perhaps the reading that encounters the least amount of resistance in terms of syntax and orthography is MB

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<sup>202</sup> MB *r\** even appears to be spelled as *rhuy* (i.e., identical to the word for 'gold') at one point! Cf. Ohno, “The Structure of Pagan Period Burmese”, p. 263.

<sup>203</sup> Aung Myint U, *Pugaṃ khet mran mā cā areḥ asāḥ ca nac*, Unpublished PhD Dissertation, Yangon University, Nov. 2000, p. 177; RMK I, p. 258 ln 24. Yet another possibility, albeit more remote, might be *dhammasāt rhuy rvay chañ* “be intent upon the Gold Dhammasat and decide”, although I haven't been able to locate another use of this verb in the corpus; cf. *Voharāratthapakāsanī*, p. 610

*dhammasat rvhe. r\* chan*: “move (lit. ‘displace’, i.e. get, take) the dhammasat and judge”

But other interpretations cannot be entirely ruled out when we consider the many irregularities that plague OB epigraphic orthography: Aung-Thwin’s reading is strong since it does not require us to read *rhuy* as an error, but it does ask us to view this phrase as the proper name of a text and also to take *rūy* as a verb rather than as the MB particle *r\**. In any case, even if *Golden Dhammasat* is meant, there is no way of knowing whether this text looked much if anything like the MSR of the 17th century or its later 18th century redaction, the VDhM. Fräsch’s criticism that the conjunctive *rūy* requires a verb is equally compelling, although its acceptance requires us to read the preceding *rhuy* either as MB *rvhe*. ‘move’ or to view it as a scribal error for some other verb.

One feature of line 14 that has not been remarked upon, as far as I am aware, is the fact that the name of the dhammasattha genre is a) in the vernacular and b) spelled *dhammasāt*, with a long -a- in the final syllable. This spelling is not found in any other central Burmese dhammasattha manuscripts, nor in any other Burmese texts or inscriptions citing the term, at any other point in history. But the long -a- is a component of the typical spelling of the genre in Mon as known from later manuscript sources.<sup>204</sup> That the referent here might be a Mon language text, although it cannot be entirely discounted, seems unlikely, for the simple reason that the dispute seems to have been entirely a vernacular Burmese affair, judging from the transcriptions of reported speech in the epigraph. Significantly, however, this form points towards a

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<sup>204</sup> Cf. Nai Pan Hla, *Eleven Mon Dhammasāt Texts*, Tokyo, Toyo Bunko, 1992. Interestingly in Mon the term *dhammasāt*, with the long -a-, is used even to gloss Pali *dhammasattha*, without the long -a- (cf. p. 6; p. 460). The long -a- is also a feature of various Tai usages, although these preserve additional features that signal their clear connection with Skt. *śāstra* (e.g. central Thai *dharmaśāstr*). Many Shan spellings, including those in Yunan, parallel the Burmese.

non-Pali, Prakrit or Sanskrit derivation of the second term of the compound, *-sāt*, here clearly related to *śāstra*, rather than to the Pali cognate *sattha*, which lacks the long *-a-* in its first syllable. We can probably make little of this fact given the lack of further evidence for the use of *-sāt* for *śāstra* or *-sat* for *sattha* in early Burmese inscriptions, but it does raise the issue of the genre’s connection to Sanskrit or other non-Pali Indic texts. These echoes may have originated with the Sanskrit Brāhmaṇical *smṛtis* themselves, as many scholars have supposed, but it seems to me equally possible, given the traces of the circulation of Buddhist *dharmasattha* (or *vyavahāra*-related) texts in the broader region, to propose that such texts may not have been tied, necessarily, to Brāhmaṇical or Vedic commitments, even if they were associated with Sanskrit. The additional fact that the term ends in a final *-t* unfortunately does not prove anything regarding the language in which the text itself may have been written, as there are numerous parallel examples that vernacular text titles were common even for texts written in Pali.<sup>205</sup>

### III. Pali Buddhist literature in early Burma

What might further evidence about the literary culture in the 13th century be able to tell us about the character of this “*dharmasāt*” and its possible connection to Sanskrit, Pali or Prakrit? There are approximately 500 published lithic inscriptions attributable to Pagan from roughly the early 12th century (some perhaps earlier)<sup>206</sup>

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<sup>205</sup> The clearest evidence of this comes from the many instances in the vernacular inscriptions where we find text names such as “*piṭakat*” (*piṭaka*), “*sut*” (*sutta*), *nikāy* (*nikāya*), or “*vināñ*” (*vinaya*). It is possible that in some cases these texts may have been written in Burmese (or *nissaya*), but it seems more likely that these were simply the accepted vernacular transcriptions of the Pali titles and that they don’t necessarily imply anything about the language in which the texts were written.

<sup>206</sup> The history of early settlement and culture in Pagan before the 11th century is murky; there is an urgent need for philological study of the language of potentially pre-11th century old Burmese inscriptions by competent linguists.

through the late 13th century. This number comes from our most complete collection of published transcripts of the epigraphic texts, but there are certainly more inscriptions that have yet to be excavated or read or published.<sup>207</sup> In this considerable corpus only a small number of surviving epigraphs offer explicit information about the character and content of the literary culture at Pagan. Here our most valuable documents are those that inventory the contents of donations of manuscripts to monastic establishments. Among these the 1227 C.E. inscription that records the donation of Buddhist texts to a monastery constructed by Lord Singhavīr Sujjabuil is by far the most detailed, and will be taken as a representative example below. While there are a number of other Pagan-era inscriptions that represent the making and donation of manuscripts, some of which briefly mention the names of texts, the Sujjabuil inscription is particularly significant because of its length, and in many ways the amount of detail provided makes it somewhat exceptional.<sup>208</sup> Here it must be underscored that this epigraph provides us with insight into only one among many different practical dimensions of the literary landscape of Pagan Buddhism. The texts given in the list (or indeed in any such list) should be approached with caution and not uncritically taken as a final statement of the general literary predispositions of the various monastic communities at Pagan but rather as a distinctive expression of literary values held by the donor and the immediate monastic recipients of the donation. I do believe it is representative of the book-donation inscriptions, but it would not be difficult to marshal extensive evidence—murals, captions, ink inscriptions, and other textual, iconic and narrative forms of representation (such as

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<sup>207</sup> RMK, vols. 1-3.

<sup>208</sup> For a non-exhaustive survey of some of the other inscriptions mentioning the donation of manuscripts, see Than Tun, “The Bagan Libraries”, in *Sanḥ Thvanḥ rhac chay praññ.*, Yangon, Canḥ roṅ rhin cā pe, 2003, pp. 81-92. Also, RMK I, p. 290; II, p. 81, 89.

wood carving, tapestry painting, and statuary)—to shed light on further textual predilections of other donors and monasteries which would undoubtedly greatly complicate the picture presented here.

**Manuscript bundles (*klyam*) donated to the Sīṅhavīr Sujjabuil Monastery in 1227 C.E.**

*11 texts (*klyam*)<sup>209</sup> of the viney [vinaya]  
9 texts of the dīghanikay [dīgha nikāya]  
9 texts of the macyimanikay [majjhima nikāya]  
9 texts of the saṅyuttanikay [saṅyutta nikāya]  
10 texts of the aṅguttaranikāy [aṅguttara nikāya]  
2 texts of the visuddhimagg [visuddhimagga]  
29 texts of the khuddanikāy [khuddaka nikāya]*

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<sup>209</sup> *Klyam* (MB *kyamḥ*) appears in this inscription to refer to texts as physical objects (i.e. manuscripts or manuscript bundles) not as conceptual entities related to the perceived organization or division of textual material (chapters, volumes, etc.). It is clear that a number of these individual texts must have been donated bundled together into a single *klyam*, otherwise there would be more than 113 total *klyam*. (Counting each named text as a “volume” rather than a manuscript yields a total of 119 texts). Thus the line *viney 11 klyam* should not be interpreted as “11 volumes [in an uncertain number of manuscripts] that comprise the *Vinaya*” but as “11 manuscripts on *Vinaya*”, which may have comprised more (or less) than 11 distinct divisions of the texts. I do not think that in the case of this inscription we have sufficient information to assert whether or not the manuscripts listed as comprising a category are intended to be exhaustive. We cannot know whether the compilers of this inscription viewed the *Vinaya* as made up of a total of 11 different textual divisions. Alexey Kirichenko, whose reading of the inscription I am mainly in agreement with, suggests that at least in the case of the *dīgha nikāya* and the *majjhima nīkaya* the reference to 9 texts implies the threefold divisions of the *pāṭha* texts (into three *vaggas* and *paṇṇāsas*, respectively) and their respective commentaries (*aṭṭhakathā* and *ṭīkā*) equaling a total of 9 volumes comprising each division. This is a clear ninefold division of these *nikāyas*, and I agree that we have evidence that such a ninefold division is found enumerated in later book lists, although I am not sure that there is enough evidence from this inscription (or indeed other Pagan inscriptions) to support this reading here. I caution that we should be careful about trying to speculate about the identity of various texts and their conceptual divisions in this list based on later sources. Cf. Kirichenko, Alexey, “Classification of Buddhist Literature in Burmese Inscriptions and ‘Histories of Pitakat’ (*Pitakat Thamaing*)”, Unpublished paper read at the Burma Studies Conference, Oct. 2008, Northern Illinois University.

2 texts of the pāt aṭhakathā nettippakuir [nettippakarāṇa pāṭha (and) aṭṭhakathā] milindapaññhā [milindapaññhā]

[1 manuscript containing:] {pat anāgatavāṇ [anāgatavaṃsa]

{aṭhakathā amatādhārā [aṭṭhakathā amata{rasa}dhārā]

{maññjussatīkā [{mañisāra-? paramattha-? nirutti-?}maññjūsātīkā]

{dhūpavaṇ [thūpavaṃsa]

{bodhivāṇ [bodhivaṃsa]

pāt aṭhakathā mahāvāṇ [mahāvaṃsa pāṭha and aṭṭhakathā]

tathākatuppatti [tathāgatuppatti]

kaccay [kaccāyana pāṭha?]

ññay [nyāsa]

ṭīkā mahāther{a}

ṭīkā sambyaṇ

cuḷasandhi

[1 manuscript containing:] {sandhivisodhanā

{ku ṭīkā mahānamakkār [mahānamakkāra ṭīkā]

7 texts of the jāṭ ta nraññ [jātaka {nissaya?}]

15 texts of the abhidhammā

Total 113 texts of piṭaka texts were made by the wife (khaṇ un) of Sujjabuīl

The son of Singhavir Sujjabuīl made the donation of the following piṭaka:

The pāt, aṭhakathā and ṭīkā of the vinaya, a total of 15 texts

visuddhimagg aṭhakathā, ṭīkā, and grandhapuīl [gaṇṭhipada], a total of 3 texts

abhidhammā piṭakat, a total of 15 texts

2 texts of the lakyhaṇ<sup>210</sup> ku ṭīkā [lakṣaṇa ṭīkā]

9 texts of the dīghanikāy pāt, aṭhakathā, and ṭīkā

15 texts of the saṇyuttanikāy pāt, aṭhakathā, and ṭīkā

10 texts of the aṅguttaranikāy pāt, aṭhakathā, and ṭīkā

The khuddakanikāy pāt, aṭhakathā, and grandhapuīl, total 28 texts

kāccāy mahānūrut [kaccāyana mahānirutti]

ṭīkā mahāther

ṭīkā mahāsampeṇ

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<sup>210</sup> Presumably *laksan* subcommentaries, often associated with abhidhamma. The reading provided in NTKCM is *lakyvaṅku ṭīkā*, although it seems probable that the conjunct -yv- is not the only possibility. In the reproduction of the squeeze (NTKCM, p. 25) there is a slight difference in the way the conjunct -yv- is written in *kyvan* ('slave') on v-5 and the shape of the conjunct here in v-21. It is thus plausible that this instance in v-21 is in fact -yh-, a conjunct commonly used to transcribe the Sanskrit akṣaras ṣ or ś (e.g. in later eras *sāstra* is commonly written *syhāttra*). Unfortunately there are no other instances of -yh- written in this hand to confirm this. However, further supporting this reading is the placement of *laksan* in the 1442 inscription, grouped among texts of the abhidhamma (RMK, V, p. 28, ln. 40-1). Kirichenko reads the conjunct as -khyā-, thus: *lakkhyaṇ{a}*, which seems plausible graphically but raises a question as to why the -y- would be present.

*mahārupasiddhī [mahārūpasiddhi]*  
*ṭikā mahārūpasiddhī*  
*maññjūssaṭṭikā*  
*byākhyan mahānirut [vyākaraṇa mahānirutti]*  
*ṭikā byākhyā(...)* [*ṭikā vyākaraṇa*]  
*nirut [nirutti]*  
*cūḷasandhi*  
*sandhivīsodhanā ku ṭikā*  
*mahānamaggār(...)* [*mahānamakkāra*]

Although the exact identity of some of these texts must remain uncertain, a number of insights can be drawn from this list. The first is the rather expansive definition of *piṭaka* at work. Here *piṭaka* does not refer exclusively to those texts understood as belonging to modern editions or understandings of the *tipiṭaka* (the “Pali canon”), but encompasses a range of commentarial, “paracanonial”, and grammatical treatises. Secondly, we must note that it is not entirely certain whether all of these texts were written in Pali or vernaculars (presumably Burmese, but perhaps also Mon?). The term *pāṭha* (lit. “recitation”) attached to the name of some texts in this context designates a *mūla* or “source” or “root” text (i.e. a text that is the recipient of a commentary) as opposed to an *aṭṭhakathā* (commentary) or *ṭikā* (subcommentary). In all known usages this term always signifies a Pali language text, and we may surmise that the same applies here.<sup>211</sup> In any case, we should underscore

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<sup>211</sup> The meaning of *pāṭha* in this sense is very common. Compare the entries for manuscripts of Pali texts with *pāṭh* in the title in PSS, *passim*. The usage of the term in this inscription to designate a *mūla* text written in Pali is interesting. In later usages *pāṭha* signifies primarily a Pali recension as opposed to a *nissaya* or vernacular translation and can be applied to commentaries (*aṭṭhakathā*) or subcommentaries (*ṭikā*). There are many examples of this. For the use of *aṭṭhakathā-pāṭha* see Burm-mss. (IV), p. 55, #780 (Cod.birm. 46. BSB, Munich), “*Pārājikaṇ aṭṭhakathā pāṭh*” to refer to manuscripts of the Sp. For *ṭikā-pāṭha* see Burm-mss. (IV), pp. 143-4, #841 (Cod.birm. 294. BSB, Munich), “*Khuddasikkhā ṭikā pāṭh*”. In this inscription however *pāṭha* seems connected with ideas of commentarial practice divided into root text, commentary, and subcommentary. This may, conjecturally, relate to the possibility that in the 13th century *nissaya* was not yet an established practice, and that with the

the apparent absence of texts written in Sanskrit, with the potential exception of the reference to a *lakṣaṇa-ṭīkā*, yet this despite the name is most likely a *laksan* (further vernacularized as *lak san*, ‘finger manual’), Burmese-Pali subcommentarial manuals on various aspects of the *tipiṭaka*.<sup>212</sup> Indeed, in none of the donative inscriptions from Burma dated prior to 1442 is there a clear mention of a single text that is obviously written in Sanskrit.<sup>213</sup> This of course should not suggest that Sanskrit texts were not circulated, read, and translated at Pagan, or that Sanskrit learning was unknown, although the evidence of the textual record from the 11th-13th centuries strongly argues that vernacular Burmese or Pali (or some combination thereof) was the privileged linguistic medium of public lithic expression and Buddhist literary learning.

Another interesting feature of the 1227 book list epigraph is the prevalence of named Pali chronicle and grammatical texts. From the first list we notice that of the named and presumably single-treatise texts 7 are *vaṃsas* (some, such as the *Thūpavaṃsa*, *Bodhivaṃsa*, and *Mahāvavaṃsa* are connected with the Sinhalese Mahāvihāra lineage), 5 are grammatical texts, 2 are somewhat uncertain, and 1 is a panegyric verse text (the *Mahānamakkāra*)<sup>214</sup>. In the incomplete second list all of the named and presumably single-treatise texts are grammatical works except for the *Mahānamakkāra* and the somewhat uncertain *ṭīkā mahāther{a}* although the placement of the last text, both in this inscription and in the later 1442 Tak nva

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emergence of *nissaya* composition later the meaning of *pāṭha* as applied to text shifted somewhat to indicate texts exclusively written in Pali as opposed to *nissayas*.

<sup>212</sup> For surviving texts understood as related to this corpus see PSS, pp. 173-195.

<sup>213</sup> 1442 C.E. is the date of the important Tak Nva Monastery Inscription, which inventories the donation of approximately 300 texts. For the text see RMK, vol. V, pp. 21-33. The list portion of the epigraph has been transcribed and translated in G.H. Luce and Tin Htway, “A 15th Century Inscription and Library at Pagan, Burma”, *Malalasekera Commemoration Volume*, ed. O.H. de A. Wijesekera, Colombo, 1976, pp. 203-256. See below for a further discussion.

<sup>214</sup> For the text of what is presumably implied by the latter see H. L. St. Barbe, “Namakkāra, with translation and commentary”, *JRAS* 15 (1883), pp. 213-20.

Monastery epigraph, might indicate that it is a grammatical text as well.<sup>215</sup> The arrangement and grouping of the texts in this list may have some significance, however I would argue that we should not make too much of the fact that in the first list the chronicles and grammatical texts are listed prior to the *jātaka* or texts of the *abhidhamma*, or to infer that the relative placement of texts in this list reflects on understandings of canonicity or textual authority. In the second list the placement of the *abhidhamma* is reversed.

Finally we should note that the majority of the texts named here, including the *nikāya pāṭha* texts and their commentaries, were not locally composed in Burma.<sup>216</sup> It is impossible to know to what extent they were perceived as such by residents of Pagan in the 13th century—indeed, it is impossible to know the extent to which any of these texts closely resembled the more recent manuscript versions which form the basis of modern editions—or what the implications of such perceptions may have been. In sum, the picture presented by this inscription attests to the popularity of Buddhist texts associated with Pali traditions. Although the contents of these manuscripts cannot be determined with certainty, there is nothing in this and other such donative book-lists which suggests the presence of Buddhist literature written in Sanskrit or Prakrit, or indeed any title or genre known only to schools of Sanskrit Buddhism. Such a state of affairs should not surprise us: the earliest manuscripts found in Burma, at Śrī Kṣetra, and dated to the 5th-6th centuries, contain brief Pali texts. Given these documents and other early Pali epigraphs, it is clear that Pali texts were transmitted and that Pali literacy was known in this region very early on.<sup>217</sup>

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<sup>215</sup> Cf. Luce and Tin Htway, p. 233.

<sup>216</sup> The *Tathāgatuppatti* is attributed in some late bibliographies (e.g. Piṭ-sm) as a work compiled in Pagan.

<sup>217</sup> For other examples see Peter Skilling, “The Advent of Theravāda Buddhism to Mainland Southeast Asia”, *JIAS*, 21 (1997), 93-107.

#### IV. Śāstras and Sanskrit learning

Yet in addition to such evidence there is some reason to assume on the basis of other materials that some degree of Sanskrit learning, alongside Pali texts and their translations, may have been a feature of the Pagan intellectual landscape.

Unfortunately we are severely handicapped in trying to address this question, as donative inscriptions are typically silent on the prevalence of Sanskrit-affiliated literature. In one inscription dated 1278 we find mention of monastery donated by a certain minister named Caturaṅgabijay (Skt. Caturaṅgavijaya), who is described as “learned in the three *piṭakas* and in *saṅskruit* (*saṃskṛta*, Sanskrit) astrology (*horā*)”.<sup>218</sup>

We can of course also point, as Luce and others have done, to material that seems to suggest the influence at Pagan of what many scholars of the 20th century have regarded as a distinctively “Sanskrit Buddhism” or “Tantric Buddhism”. Here authors cite the evidence of the use of Sanskrit, often written in nāgarī script, on sealings or “votive tablets” dating from early Pagan period, many of which date to the reign of Anaurathā, which have been discussed by Luce, Mya, Skilling and others.<sup>219</sup> However, in all cases when Sanskrit text is found on sealings it is stamped into the tablet in nāgarī characters below the image at the time of manufacture. Only nāgarī is used to write Sanskrit, whereas the old Mon-Burmese script is used for Pali or vernaculars. Some sealings contain both stamped Sanskrit in nāgarī and inscribed Burmese-Mon script, which would have presumably been added post-manufacture.<sup>220</sup> This is perhaps

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<sup>218</sup> RMK III, p. 120.

<sup>219</sup> See in particular Mrāḥ, *Aut khvak rup pvāḥ chāṅḥ tu tau myāḥ akroṅḥ*, 2 vols., Yangon, Dept. Of Archaeology, 1961; Luce, *Old Burma: Early Pagan*, vol 1.

<sup>220</sup> Compare Anaurathā’s tablet depicting Lokanātha in Mrāḥ, *Aut khvak*, plates 2 and 3 and Luce, *Old Burma: Early Pagan*, vol. 2, plate 7. In this case the Sanskrit *ye dharmā hetu prabhavā...* formula is stamped in nāgarī beneath the image. On the base is inscribed by hand (i.e. *not* stamped) the Pali line *eso lokanātho mahārāja siri aniruddhadevena kato vimuttatthaṃ sahatthenevā ti* “This *lokanātha* was made by the

significant, and may mean that the use of Sanskrit was a rather distinctive feature of the technology of the production of sealings, part of the “genre” of that particular medium. These tablets were made locally for local audiences (i.e. not as pilgrimage souvenirs), though it is unlikely that there was any widespread utilization of nāgarī in other contexts.<sup>221</sup> Furthermore, there are a few instances where minor sections of inscriptions contain Sanskrit passages, typically recording astrological data, such as in the final three lines of the long 1131 C.E. Shwegugyi Inscription, the rest of which is in Pali.<sup>222</sup> Sanskrit is most commonly used in the inscriptions for brief invocatory phrases, but even these are very rare.<sup>223</sup> The most common of such phrases is the brief *Śrī*, mainly found mainly in the earliest among the dated Old Burmese inscriptions which appear around the latter half of the 12th century.<sup>224</sup> Other instances of Sanskritisms in invocatory positions include:

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great king Aniruddha by his own hands for the sake of emancipation.” A number of the same tablets have been found with only the stamped nāgarī and without a Mon-Burmese script inscription.

<sup>221</sup> On the local production, use and installation of Buddhist sealings in Southeast Asia see Peter Skilling, “‘Buddhist Sealings’: Reflections on Terminology, Motivation, Donors’ Status, School-Affiliation, and Print-Technology”, *South Asian Archaeology 2001: Proceedings of the Sixteenth International Conference of the European Association of South Asian Archaeologists*, Paris, Éditions Recherche sur les Civilisations, 2005, pp. 677-85; “Buddhist Sealings in Thailand and Southeast Asia: Iconography, Function, and Ritual Context”, in *Interpreting Southeast Asia’s Past*, Elisabeth A. Bacus, Ian Glover, and Peter D. Sharrock, eds., Singapore, NUS Press, 2009, pp. 248-262

<sup>222</sup> For a reading and translation of the text see G. H. Luce and Pe Maung Tin, “Inscriptions of Burma, Portfolio I, Plates 1 and 2, Edited and Translated”, *Bulletin of the Burma Historical Commission* I, 1 (1960), pp. 1-28.

<sup>223</sup> Aside from the following all of the invocatory words and phrases found in Pagan-era inscriptions are in Pali, and conform to common formulations e.g.: *namo buddhāya*, *namotassati*, *namobuddhassa*, etc. Less common openings are *namo lokanāthāya*, *sotthi hotu*, *sotthi*, and *siddham*. However, the vast majority of Burmese inscriptions, of any era, do not contain invocations, and merely commence in Burmese with the date: *sakarac...*

<sup>224</sup> According to the RMK corpus, *Śrī*, sometimes followed by an additional Pali invocation such as *namo buddhāya*, appears 9 times in that spelling (i.e., not *Srī*,

*namo sabba jaññāya* (RMK I, p. 322; 1067 C.E.)  
*namaḥ sarbba ññāya* (RMK I, p. 347; 1183 C.E.)  
*namo sarbba jaññāya* (RMK I, p. 352; 1185 C.E.)  
*svatthi* (RMK III, p. 364; 1329 C.E.)  
*namā śbarbba rññāya*<sup>225</sup> (RMK III, pp. 350; 1334 C.E.)

In addition to these there are only a handful of other brief instances of Sanskrit in the Pagan inscriptions<sup>226</sup>, including an invocatory line in a Tamil-language epigraph recording a donation to the only (documented) Viṣṇu temple at Pagan.<sup>227</sup>

Duroiselle once commented that “the opening lines of some Burmese inscriptions are in pure Sanskrit”.<sup>228</sup> This is a gross exaggeration. Sanskrit invocations

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which appears on a few other occasions) during this period (RMK I, pp. 1ff., 8, 11, 29, 35, 59, 81). During the next 130 years or so the invocation appears again only once (RMK II, p. 157). *Śrī* is found during this period as a part of royal epithets, however (e.g. RMK II, p. 99; III, pp. 248, 249)

<sup>225</sup> This very interesting inscription continues with a *praśasti*-type panegyric to the king (who has donated a *vihāra* as well as “piṭaka” manuscripts) in four lines of “Sanskrit” intermixed with Pali forms, which is then glossed in a subsequent Burmese nissaya. The entire text of the Indic section, which is a good a representation of the hybrid quality of early second millennium C.E. Burmese Sanskrit, is as follows (reproduced from the transcription in RMK): *śrīmādbuddhambuvāhas-tribhavana-gagaṇe byāma-raśmy-endre tavā | pūretvā buddhadhamme pahitam itayuge sarbba-sattārthahete | śīla-sakandhādi nānāvaraguṇa bhuṣabbad-gajjita jññānavajraḥ | viṭhvastakleśa gharmmaññ ciraṣ-abhibhavitan dharmmabb-aṣpā-prajāgaṃ | tasyābja śāsana varasya subodhakāraḥ | gandhāraśenya-gajah-bannapa-siha-vañśaḥ | śrīmāt-praśastam avitikrama kirtti tejaḥ | samprāpyarajya vibhavambara tāmradeśe | soṇṇaddi tulyaṃ kāresi vihāraṃ | sudhammaṃ piṭaka-poṭṭhake cā pi*

<sup>226</sup> For example RMK I, p. 257 (1235 C.E.): *dānapati vaiśava{ṃ} | yeta{ṃ} nyesatva rāśayaḥ vantu sadārsokhya | mayurā rogya saṃḍhaḥ* | The only published work on Sanskrit in the Pagan corpus is unaware of most instances: C. Duroiselle, “Inventaire des inscriptions Pālies, Sanskrites, Mon, et Pyū de Birmanie”, *BEFEO*, 12, 1 (1912), pp. 19-34. See also Co Lū, *Pugaṃ khet mran mā cā*, Vol 2, Yangon, Cā pe bimān, 1996, pp. 235ff.

<sup>227</sup> E. Hultzsch, “A Vaishnava Inscription at Pagan”, *EI*, VII (1902-3), pp. 197-8. We might also note that this claim is meant to apply to also the few Mon language inscriptions from Pagan, which do not contain Sanskrit aside from the rare invocatory statements mentioned above. Cf. Khyac Sinh, *Mvan kyok cā poiṇḥ khyup*, Yangon, Dept. of Archaeology, 1965.

<sup>228</sup> *List*, p. ii

begin only around a dozen of the over 500 12-13th century inscriptions, very few of which contain even Pali. And in each instance it is generous to refer to the language of these texts as “Sanskrit” in any straightforward sense; rather, the language displays characteristics of an inconsistent mixture of Palicised Sanskritic forms. The same holds for the quality of the Sanskrit in many of the sealings of Anaurathā and others. It seems to me that such forms were highly idiosyncratic and determined by immediate factors surrounding the production of a text, rather than entrenched linguistic practices or cultural affinities for one or another language. On their own, they most certainly do not seem to reflect any widespread literacy in Sanskrit. Most importantly, it is reckless to infer that the employment in such very few instances of Sanskritized words or phrases (i.e., instances of Indic text that do not readily recall standard Pali) somehow indicates sympathies with “Northern”, “Mahāyāna”, or “Tantric” practices or concepts or the popularity of Sanskrit literature at Pagan, as has been suggested by some commentators.<sup>229</sup>

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<sup>229</sup> This is typified in the remarks of Niharranjan Ray, *Sanskrit Buddhism in Burma*, Bangkok, Orchid Press, 2002 [1st ed., Leiden, 1936], pp. 37ff. Duroiselle’s article “The Ari of Burma and Tantric Buddhism” (*ARASI*, 1915-16, pp. 79-93) was influential in the early formation of such perspectives. The arguments, based on iconographic or architectural evidence, for the presence of “Tantric” Buddhist and/or Brāhmaṇical tendencies at Pagan, for example on the murals of the Abeyadana Temple, is well known, and there is no need to recite them here. The best single survey of this material remains Luce, *Old Burma: Early Pagan*, vol 1, chs. X-XI. For Brāhmaṇical traces see P. Gutman, “Viṣṇu in Burma”, in *Art of Burma: New Studies*, ed. Stadtner, Mumbai, Marg, 1999, pp. 29-36; “Śiva in Burma”, in *Interpreting Southeast Asia’s Past*, Elisabeth A. Bacus, Ian Glover, and Peter D. Sharrock, eds., Singapore, NUS Press, 2009, pp. 135-141. It is important to note the here the circumscribed nature of the visual evidence that can be traced exclusively to Sanskrit sources, and also to keep in mind that simply because a reference to certain representations cannot be located in the corpus of known Pali texts, this should not imply that such representations necessarily derived from Sanskrit, or materials that were simply “Northern Buddhist” or “Mahāyāna” or “Brāhmaṇical” in any straightforward sense.

Yet, Mabel Bode noted long ago that the *Dhātumālā* of Aggavaṃsa's famous Pali grammar, the *Saddanīti*, written, according to her late (post-18th century) sources, in 1154 C.E., “gives the Sanskrit equivalents of the Pali forms”.<sup>230</sup> Unfortunately there have been virtually no historical studies of the *Saddanīti*, and no one has yet conducted a systematic survey of the vast number of textual sources cited in the work.<sup>231</sup> But the *Dhātumālā* is reliant upon the Sanskrit *Pāṇinīya Dhātupaṭha*<sup>232</sup> and all three volumes of the text explicitly mention the relation of certain Pali forms with forms in “*sakkaṭabhāsa*” (Sanskrit).<sup>233</sup> Furthermore, although the vast majority of all citations in the text refer to well-known Pali texts and commentaries, there are a range of direct and indirect references to Sanskrit literature across all three volumes, including direct citations by name (although at least in our modern editions the titles and citations have become Palicized) of the grammatical and lexicographical works the *Kātantra*,<sup>234</sup> *Patañjali Mahābhāṣya*,<sup>235</sup> *Amarakośa*,<sup>236</sup> and the *Ekākṣarakośa*.<sup>237</sup>

<sup>230</sup> Bode, *Pali Literature of Burma*, p. 16; also, Bode “Early Pali Grammarians in Burma” *JPTS* 1907, p. 88. Characteristically, most of Bode's dates derive from her reading of the *Sāsanālaṅkāra*, Piṭ-sm, and Minayeff's edition of the *Gandhavaṃsa*, all of which should be approached critically.

<sup>231</sup> The only historical study I am aware of is a brief conference paper by Tin Lwin, “The *Saddanīti* and its date”, in *Texts and contexts in Southeast Asia*, Part II, Yangon, Universities Historical Research Centre, 2003, pp. 96-100. There have been several valuable studies of the text from a Pali grammatical and philological perspective. See most recently, Kahrs, “Exploring the *Saddanīti*”, *JPTS*, 17 (1992), pp. 1-212.

<sup>232</sup> Sīlānanda, *Pali Roots in Saddanīti*, ed. Bhikkhu Nandisena, Centro Mexicano del Buddhismo Theravada, 2005.

<sup>233</sup> e.g. Sadd-bse I, p. 124-5, 247; II, p. 10, 13, 18, 77

<sup>234</sup> Sadd-bse I, p. 77

<sup>235</sup> Sadd-bse III, p. 140-1

<sup>236</sup> Among these and related Sanskrit grammatical and lexicographical texts *Amarakośa* retains a fair amount of popularity throughout the next 600 years. There are still a number of manuscripts of this text and its nissaya in monasteries throughout Burma. The circulation of particular types of Sanskrit texts (mainly having to do with grammar, astrology, or astronomy) in later centuries will be discussed in detail in following chapters.

<sup>237</sup> Sadd-bse I, p. 321; The title of the text is spelled *Ekakkharakosa*, which is the same as that of the Pali lexicon compiled in 16th century Burma by Saddhammakitti. The

The date of the *Saddanīti* is difficult to establish, despite Bode's apparent confidence in following the dates provided in the late *Gandhavaṃsa* and *Sāsanavaṃsa*.<sup>238</sup> But this text more than any other may have a reasonable chance of actually dating to Pagan or thereabouts. The *Gandhavaṃsa* as well as other Burmese bibliographic treatises and manuscript colophons of the *Saddanīti* support the attribution to *Arimaddanapura* (Pagan) reading “*arimaddanapuravāsinā aggavaṃsācariyena kataṃ saddanītippakaraṇaṃ niṭṭhitaṃ*” (“the text of *Saddanīti*, compiled by Acariya Aggavaṃsa who dwells in Arimaddanapura, is concluded”)<sup>239</sup>. The text further states that the author was a disciple (*sisṣa*) of and took higher ordination from a preceptor (*upajjha*) with the title Mahāggapaṇḍita and that he is the nephew (*bhāgineyya*) of another monk called Aggapaṇḍita.<sup>240</sup> Unfortunately the text does not give a date of composition, and so, theoretically, it could very well have been written several centuries after the 12th century.<sup>241</sup> Tin Lwin, following the *Mahādvāranikāya-sāsanavaṃsa*, assembles evidence taken from the 1187 C.E. Mahāggapaṇḍita Cetī Inscription which records the death of a certain Mahāggapaṇḍita upon a return journey to Pagan from Bodh Gaya in 1173. The inscription further mentions that a pupil of this monk had the title Aggapaṇḍita, and on this basis Tin Lwin concludes that these individuals must be identical to those mentioned in the

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Sadd quotes (or misquotes) the third pada of the final gāthā of the *Ekākṣarakośa* by Puruṣottama: *maḥ śivaś candramā vedhā as mo sivo candimā cevā*. Here the Sanskrit text is taken from Ram Kumar Rai, ed., *Dictionaries of Tantrashastra*, Benares, Prachya Prakashan, 1984 input by Oliver Hellwig at GRETEL [[http://www.sub.uni-goettingen.de/ebene\\_1/fiindolo/gretit/1\\_sanskr/4\\_rellit/saiva/purekaku.htm](http://www.sub.uni-goettingen.de/ebene_1/fiindolo/gretit/1_sanskr/4_rellit/saiva/purekaku.htm)].

<sup>238</sup> Bode, *Pali Literature*, p. 16-7; Minayeff, ed., *Gandhavaṃsa*, *JPTS* 1886, p. 67; Sās., p. 74.

<sup>239</sup> Sadd-bse III, p. 432.

<sup>240</sup> *ibid.*

<sup>241</sup> In Burma the text is first mentioned in the epigraphy in the Tak Nvay Monastery book list dated 1442, so I assume it must have been written at some point prior to this.

*Saddanīti* colophon. He therefore dates the text to sometime during the early 13th century.<sup>242</sup>

From these few sources that shed some light on the nature of Pagan-era literary culture we can draw several conclusions. I want to again underscore that these conclusions require us to make assumptions about a general state of affairs based on a survey that is far from exhaustive, and so must be understood as provisional. But it is probably fair to say that at Pagan there was little value accorded to Sanskrit as a medium of public expression, particularly for use in recording donations in lithic inscriptions, which make up the majority of our written sources from the period. As far as we know from both epigraphic and later chronicle and bibliographic accounts, no original texts were compiled in Sanskrit at Pagan (or indeed at any other locale in Burma during the second millennium). There are also no references in the early epigraphy before 1442 to the donation of texts that are clearly written in Sanskrit. Pali, or perhaps vernacular translations from Pali, appears to be the exclusive linguistic medium for nearly all forms of Buddhist practice and literature. However, the *Saddanīti*, which among the various texts attributed to Pagan by later sources has a comparatively high likelihood of actually dating to the 12th or 13th centuries, displays a level of advanced familiarity with Sanskrit lexicographical and grammatical texts, and from this we must conclude that Sanskrit learning, at least in terms of Sanskrit traditions dealing with such disciplines of technical knowledge (*śāstra*) as grammar, must have been relatively developed among at least a small percentage of persons.<sup>243</sup>

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<sup>242</sup> Tin Lwin, op. cit., pp. 99-100. For the chronicle account see Sirīsobhana, *Mahādvāranikāya-sāsanavaṃsadīpanī*, Yangon, Lay tī maṇḍuiṅ, 1974, s. 36; for the inscription in question, see *Inscriptions Collected in Upper Burma*, Vol. II, Rangoon, Govt Printing, 1903, pp. 190-196.

<sup>243</sup> On the definition and scope of *śāstra* and their significance in Burmese and Buddhist contexts see the following chapter.

By the mid-15th century we have very firm evidence of the transmission of śāstric texts in Burma from the Tak nvaṃ kyoṅḥ inscription, which records the contents of a donation of approximately 300 manuscripts to the Pagan monastery.<sup>244</sup> Roughly 80 of the approximately 300 total manuscripts mentioned comprise texts either written in Sanskrit or translated into Burmese or Pali from Sanskrit.<sup>245</sup> In the list the manuscripts appear to be grouped according to certain systems of classification, as was common in the earlier 1227 inscription discussed above, though the precise significance of some of these groupings is not entirely evident. The manuscripts are organized into the categories of *vinaya*, *abhidhamma*, *dīghanikāya*, *majjhimanikāya*, *saṃyuttanikāya*, *aṅguttaranikāya*, *khuddakanikāya*, *nissayas*, *śabda-class (sabtā myuiv)*<sup>246</sup>, and *sutta-class (sut myuiv)*. Sanskrit or Sanskrit-derived works are placed in the latter category. The majority of these include śāstric texts and commentaries on language or lexicography, such as *Kalāpa*, *Amarakośa*, and *Vṛttaranākara*; works on medicine, including the *Dravyaguṇa* and *Roganidāna*; and astrology: *Bṛhajjātaka* and *Rājamārtaṇḍa*. None of the titles of any of the Sanskrit or Sanskrit-derived works are spelled perfectly “correctly” in forms that preserve all the Sanskrit phonological features, which may mean that they were not actually written in Sanskrit but were rather translations into Pali or Burmese. We also do not know how complete any one of these manuscripts would have been. A number of bilingual glosses to Sanskrit-derived works are also mentioned, and these are called either *nissaya* or *amhī*. The latter term is in later years a common vernacular equivalent of the term *nissaya*, yet it

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<sup>244</sup> Cf. RMK V, pp. 21-33; Luce and Tin Htway, “A 15th Century Inscription”; Alexey Kirichenko, “Classification of Buddhist Literature”.

<sup>245</sup> Luce and Tin Htway, p. 250.

<sup>246</sup> The title of this category would suggest some relationships of the included grammatical texts to Sanskrit grammar, but apparently the majority, if not all, of the texts included are Pali grammatical treatises. Sanskrit grammar is placed in the category of “sutta-class” texts.

is not certain whether in this inscription *amhī* might refer to a specific type of vernacular gloss distinct from *nissaya*.<sup>247</sup>

Many of the Sanskrit-derived texts mentioned continued to be transmitted in Burma and are still extant in manuscript libraries.<sup>248</sup> “Dhammasat” is mentioned with the modern, vernacular spelling,<sup>249</sup> as are several texts conventionally related to the dhammasattha tradition, including the *Nītisāra*, and, judging from their titles, perhaps two texts entitled *Satthaprayutta* and *Atthaprayutta*.<sup>250</sup> The placement of dhammasattha in the list among “sutta-class” texts might suggest that the text was written in Sanskrit or that genre was regarded as derived from Sanskrit, but there is in fact some evidence to the contrary. There are numerous Pali texts included in the section of “sutta-class” texts, including an unnamed *kammavācā*, which is listed immediately before “dhammasat”, and also the *Subodhālaṅkāra* and the *Milindapañhā*.

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<sup>247</sup> We should note that the term *nissaya* does not signify only vernacular bilingual glosses from Pali, but is applied to Pali *nissayas* of Sanskrit texts as well. So these references may have been to *nissayas* in bilingual Sanskrit and Pali.

<sup>248</sup> For mss of the *Dravyaguṇa* and *Roganidāna*, as well as many other Sanskrit-derived medical manuscripts see Moñ Mra Ññvan., *Mran mā. cheḥ kyamḥ myāḥ cā cu cā ranḥ*, Unpublished diploma thesis, Library Science, Yangon University, 1973. Mss of the *Bṛhajjātaka* (*Bryihat kyamḥ*) are held at UCL 4682, 5609, 5861, 105615, etc. and of the *Rājamārtaṇḍa* (*Rājamattan*) at UCL 4286, 8718-ka, 8718-kha, 139177, etc.; a version of the latter text has been published as *Rājamattaṇḍa nissaraññḥ kyamḥ*, Yangon?, n.d. [from a ms dated 1846]. There has been less documentation of Sanskrit-derived grammatical texts in Burma. For mss of the *Kalāpa* (*Kalāp*) see KVC Bhā 175, FPL 4747; *Amarakośa*: MORA 2854, UBhS 650/314, 82/631, and *Aggadhammābhivaṃsa*, *Amarakośaḥ*, Mandalay, 1938.

<sup>249</sup> The transcription in RMK V, p. 31, ln. 29 which reads “dhammacak” is incorrect. The inscription very clearly reads “dhammasat”. I thank Alexey Kirichenko for sending me a photograph of the relevant section of the stone.

<sup>250</sup> “[Text] connected with the *sattha* (Skt. *sāstra*)” and “[text] connected with the *attha* (Skt. *artha*)”, respectively. On the terms *sāstra* and *artha* and their connection to legal literature see chapter 3.

We should finally note, briefly, additional evidence for a more remote historical connection between Sanskrit learning and old Burmese culture. The evidence for this is twofold. First, there are a range of central Burmese and Arakanese epigraphs from the mid to late 1st millennium that indicate that among both the Pyū<sup>251</sup> and more intensively in Southwest Burma surrounding Veśālī and Mrohaung<sup>252</sup> Sanskrit must have functioned as a relatively important literary language, and was most likely connected with Buddhist (as well as perhaps Brāhmaṇical) religious practices. Current research on these sites suggests that there may have been a reasonable amount of continuity between early Pagan and Pyū culture, at least in terms of certain architectural and sculptural predispositions, if not in terms of literary traditions.<sup>253</sup> Second, there are a fair amount of non-Pali Indic (Sanskrit or prakrit) loanwords in the Old Burmese (and Old Mon) language, which suggest a proximity, at one point presumably prior to the 12th century when such loanwords are already

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<sup>251</sup> Some of the Pyū inscriptions remain undeciphered, and are not all collected or published. For details on Sanskrit in Pyū inscriptions see G. H. Luce, *Phases of Pre-Pagan Burma*, vol 1, Oxford, 1985, pp. 65-6; Niharranjan Ray, *Sanskrit Buddhism in Burma*, pp. 22-6. Some transcriptions are collected in Tha Myat, *Pyu Reader*, Yangon, National Printing Works, 1963, and more recently (with some Burmese readings) in Bhunḥ Tañ. Kyau, *Pyū cac lhyañ mran mā*, Yangon, Kaṃ kau vat, 2007. On a bilingual Sanskrit-Pyū *nissaya*-style inscription around the base of a stone Buddha image at the Kan Vak Khoñḥ mound at Śrī Kṣetra see *IOB*, iv, pl. 356a; *ARASI*, 1927-28, pp. 128, 145; Luce, “The Ancient Pyu”, *JBRS*, XXVII, iii, pp. 243; Tha Myat, *Reader*, pp. 41-3. Our knowledge of all this is imperfect, but judging from the available sources the use of Sanskrit among the Pyū was less widespread than Pali.

<sup>252</sup> All of the lengthy lithic *praśasti* from early Arakan are written in Sanskrit. There are however shorter “Pali” or quasi-Sanskrit texts found on sealings and pillars dating perhaps from the 6th century onward. Gutman notes that stronger Pali influence is discernable in materials from the Southeast (closer to Śrī Kṣetra) rather than in the Northwest. See P. Gutman, *Ancient Arakan*, PhD Dissertation, ANU, 1976, ch. 2.

<sup>253</sup> Michael Aung-Thwin, *The Mists of Rāmañña*, ch. 2; Bob Hudson, “The Origins of Bagan: The Archaeological Landscape of Upper Burma to AD 1300”, PhD Dissertation, University of Sydney, 2004.

widespread, to Sanskrit or Prakrit terminology related to Buddhist as well as śāstric or technical knowledge.<sup>254</sup>

#### V. Later manuscripts as a witness to history

The foregoing provides a survey of early references to dhammasattha in Burma based on materials datable to the mid-15th century and earlier. In light of these sources alone this history is extremely fragmentary. It is only when we begin to draw out further hypotheses in light of later manuscript material that more historical detail begins to come into focus. Yet relying on such material as evidence for the early history of the genre is troubled by numerous problems of interpretation. To what extent are the accounts of the origins of dhammasattha represented in the later manuscripts themselves reliable? Are there any reasons for taking seriously attributions of dhammasatta texts in late 18th or 19th century bibliographical or chronicle accounts? A perfect example of the dangers associated with such an approach is the common attribution of the *Dhammavilāsa Dhammasat* to Pagan by scholars such as Forchhammer, Bode, Huxley, Toe Hla, Okudaira, and others. This attribution is “supported” on the basis that the manuscripts name the author of the text as a monk named “Dhammavilāsa” and that the 15th century *Kalyāṇī Inscriptions* mention an important monk by that name at Dala and Pagan in the early to mid-13th century, and that there are a few references, stretching well over a 100 year period, to

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<sup>254</sup> Win Than Tun, “Pali and Sanskrit Loans”. Of course most Indic loanwords in Old Burmese come from Pali, but some very basic Buddhist terms are derived from Sanskrit or hybrid Sanskrit, e.g.: *kramma* (Skt. karman, Pali kamma); *kambha* (kalpa/kappa); *sikrā* (śakra/sakka), *saṅphut* (sambhoja), etc. Most of the śāstric terminology found in the inscriptions relates to *jyotiḥśāstra* (astronomy), particularly astrological phenomena connected with the calendar, such as knowledge of the *nakṣatras* (on which see D. Pingree, “History of Mathematical Astronomy in India”, *Dictionary of Scientific Biography*, 15, New York, Scribner’s, 1978, pp. 533-633). It should be noted that Indic loanwords are found also in Pyū but appear to derive exclusively from Sanskrit (or hybrid Sanskrit); cf. Luce, *Phases*, p. 64.

monks with the same name in Pagan epigraphy.<sup>255</sup> Beyond these mere coincidences, there is no evidence whatsoever in the Dhammavilāsa itself, in related legal and historical manuscripts, or in the epigraphy that supports this attribution.

In Chapter Six I will discuss at length how origin narratives in dhammasattha texts played a key role in articulating the authority of written law. Here I would like to ask whether there any surviving texts in which such narratives may also encode historical insights concerning genealogy and transmission or connections with Sanskrit learning. Interestingly, the compilers of only very few of the extant dhammasatthas explicitly associate their texts with named historical or even quasi-historical epochs, events or individuals in the early history of the Burmese, Mon, Arakanese, or Pyū kingdoms. The majority of dhammasatthas claim to originate either during the mythical past of king Mahāsammata (thus claiming coeval status with the very beginning of human social and political organization) or provide only scant details concerning the history of their particular recension (such as the name of the compiler or translator). The central Burmese versions of the DhV transmit a text of this sort, which states only that it was originally compiled by Manu during the reign of Mahāsammata, and that this original text was later abridged by the Thera Dhammavilāsa at some unspecified time and place. But there are two texts that do provide an origin narrative that includes a reference to early Burma and genealogies associated with the early kings Pyū Maṅḥ Thīḥ (or Pyū Co Thīḥ) and Dvattaboṅ. The first of these is the *Manusāra*, written in 1651:<sup>256</sup>

Mahāsammata, king of men at the beginning of time (*ādikappa*), desirous of the welfare of all mortal beings, endowed with the wisdom (*paññā*) of all that is to be

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<sup>255</sup> This attribution was first made in 19th century Burmese texts, and later accepted by scholars such as Forchhammer. See DhVD for details.

<sup>256</sup> Principally following MSRa (MORA 95), ff. ka(r)-ki(v), and related manuscripts. Variants from other mss referred to in footnotes will be discussed in Chapter Five.

done, requested <according to his wish><sup>257</sup> judgment about the law (*tarāḥ*). <That request was his judgment.><sup>258</sup> Starting with king Mahāsammata the succession of kings spread out over the Jambū plain. In Sunāparaṃ (P. *Aparantaḥjanapada*), the crown of the strong and proud island of victory<sup>259</sup>, the royal lineage arrived with the coronation of king Pyū Mañ Thīḥ. So that the judgments of the dhammasat kyaṃḥ would be well understood, king Pyū Mañ Thīḥ, Sakka, king of the Devas, and a ṛṣi<sup>260</sup>—three noble men possessing great power (*tan khuiḥ*)—set down (*thapesum, thāḥ pe kun*) an abridgement (*saṅkhepa*) in pure Pāli (*sak sak Māgadhabhāsā*).<sup>261</sup> When the judgments of the dhammasat kyaṃḥ arrived in Rāmañña country from Sunāparaṃ, so that they would be well understood they were established (*thapito*) in Mon (*Rāmaññadesabhāsā*) by a noble *pugguīl* <named Raṇṇavaṃsa><sup>262</sup> staying at the Kyoñ Ūḥ vihāra. During the reign of the great king of the law (*tarāḥ*) Chañ Prū Myāḥ Rhañ (P. *Setanāgindabhū*), the first-born son (*orasa*)<sup>263</sup> of that lord of white elephants, great king of the law, lord of life, the crown prince (*uparāja*), endowed with reflective wisdom (*achañ akhyañ paññā*) and desirous of the meritorious welfare (*akyuiḥ cī pvāḥ*) of his subjects (*praññ. sū*), requested Mahāthera Buddhaghosa to compile (*cī rañ*) a dhammasat kyaṃḥ <from the old Mon dhammasattha><sup>264</sup>, whose judgments were in accordance with the law (*tarāḥ*),<sup>265</sup> so that it would be well understood.

There are several important features in the passage worth of note. The first is that the origin of the dhammasat is placed within the reign of the mythic first king Mahāsammata. The narrative of the origins is described in full later on in the MSR, and will be discussed in detail in Chapter Six. The dhammasat arrived in Sunāparanta

<sup>257</sup> MSRe only.

<sup>258</sup> MSRe only. Here the implication seems to be that although MS did not himself judge the law, his request for a judgment (*achun aphrat*) constituted a sort of judgment (*achun aphrat*) in itself.

<sup>259</sup> “*kyamḥ mān aon̄ nhip kvan ū thip n\**”; *kyamḥ* = MB *kyanḥ* (less possibly *kramḥ*). Cf. VTA s.v. *kyanḥ* for “*kyanḥ mān*”.

<sup>260</sup> MSRe reads “Pru Co Dhīḥ, Sakka, king of the Devas, and the Sakka-master ṛṣi”. It is somewhat unclear from the usage whether “Sakka-master” (*sikrāḥ-charā*) should imply that the ṛṣi was Sakka’s teacher or preceptor.

<sup>261</sup> Note the pāṭha text reads “*suddhamāgadhā suddhamāgadhāya*”, thus the abridgement was made from an original that was also in “pure” Pali.

<sup>262</sup> MSRe

<sup>263</sup> MSRb *rañ nhac saññḥ krāḥ*, “offspring”; “first-born” is implied by the term *orasa*.

<sup>264</sup> MSRa. only

<sup>265</sup> MSRa. “a dhammasat kyaṃḥ whose judgments were in accordance with the dhammasat”

(~central upper Burma)<sup>266</sup> with the first king of the Burmese branch of this lineage, Pyū Mañḥ Thīḥ. Aided by Sakka, devas, and a ṛṣi, this king was responsible for a recension of the text.<sup>267</sup> It is not stated what the original language of the text was, but the language of the recension produced in Sunāparanta was Pali. Pyū Mañḥ Thīḥ himself was according to certain texts the founder-king of Pagan and is at best a quasi-historical figure. There has been some speculation about the origin of the name Pyū Mañḥ Thīḥ, which is also found spelled Pyū Co Thīḥ. The different components of name are: Pyū (clan name?, toponym?) Mañḥ (“sovereign”, “lord”, “king”, etc.) Thīḥ (parasol; a symbol of sovereignty)<sup>268</sup>. All the securely dated 17th or pre-17th century references to this name I have been able to locate are spelled Pyū Mañḥ Thīḥ.<sup>269</sup> In certain later chronicles it is found written Pyū Co Thīḥ, which contains the Shan-Tai *co*, “sovereign” (i.e. Chao, Saw, etc.) commonly found in the names of rulers from various Tai polities in the Shan States, Laos, Thailand, and Yunnan.<sup>270</sup> As some scholars have suggested, features of how Pyū Mañḥ Thīḥ’s immediate lineage

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<sup>266</sup> Of course the precise boundaries of this geographical entity are not entirely certain, and different texts give different details. The early 16th century *Rājavan̄ Kyau*, which is roughly contemporary with, or perhaps prior to, the MSR, defined Sunāparanta as the “northern side of the Irrawaddy river”, in distinction to Tambadīpa, on the “southern side” (p. 121). See also ROB, I, p. xi; X, pp. 2, 5, 12-3.

<sup>267</sup> Assistance given by Sakka as well as other devas and ṛṣis is a common rhetorical component of Burmese foundation narratives, associated also with the establishment of royal realms.

<sup>268</sup> The idea of the thīḥ in dhammasattha more specifically symbolizes the concentration of political authority in a realm and, more locally, in a palace. In a sense the parasol is a type of palace itself and marks the centre of the royal sovereignty.

<sup>269</sup> RK, p. 123; *Jātā tau puṃ rājavan̄*, ed. Hla Tin, Yangon, Ministry of Culture, 1960, p. 37; Also the versions of the MSR. Kulāḥ, although slightly later, seems to prefer this name as well, cf. *MRKr*, I, p. 133.

<sup>270</sup> The MMR states that as a boy he was known as Co Thīḥ, but after it was recognized that he was of royal lineage his name was changed to Mañḥ Thīḥ. Cf. p. 110-1. Pyū Co Thīḥ is also how he is called before he is consecrated king in the late 18th century *New Pagan Chronicle*, but then is occasionally referred to as Mañḥ Thīḥ once he is on the throne. *Pugaṃ Rājavan̄ sac*, UCL 5995, ñe r.

preserves patronymic elements in their names may point to a relation with customary naming practices documented in late 1st millennium Yunnan.<sup>271</sup>

Different chronicles give only slightly variable dates for his reign and for the founding of Pagan. According to one of the earliest datable accounts in the *Rājavan̄ Kyau*, Pyū Mañḥ Thīḥ was the first or third king of Pagan, which was established 700 years after the parinibbāna of the Buddha, or 156 C.E.<sup>272</sup> Kulāḥ and the *Mhan nanḥ* give the date of his accession as Mahāsakarāja 89 (152 C.E.).<sup>273</sup> According to Kulāḥ, Pyū Mañḥ Thīḥ was the son of a female nāga (serpent) named Jaṃsīḥ and the Sun prince who was hatched from an egg. Prior to his birth, a ṛṣi prophesied that he who would emerge from the egg would be “complete in meritorious power (*bhunḥ*),

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<sup>271</sup> Harvey, p. 312; Hudson, “Origins of Bagan”, p. 189. The sequence involves the preservation of the final element of a father’s name as the first element of the son’s name e.g.: Pyū Mañḥ Thīḥ > Thīḥ Mañḥ Yañ > Yañ Mañḥ Puik > Puik Señ Laññ > Señ Laññ Kroñ > Kroñ Tū Rac > etc. This process is most clearly evident here but also is found in the naming conventions of the Śrī Kṣetra dynasty as well as in later Pagan. It is, however, not at all clear to me what this parallel patronymic process might prove beyond some relation of uncertain character and distance—certainly not the “community of race” that Harvey imagines.

<sup>272</sup> p. 123; *Silavaṃsa* addresses what was perhaps an uncertainty regarding the memory of the founder kings of Pagan when he writes: “as for the kings of Pagan—beginning with Pyū Mañḥ Dhīḥ (i.e. Pyū Mañḥ Thīḥ) up to Tarup Preḥ Mañḥ, there are 50; although including 5 others—Samuddarāj and Rase Kroñḥ, who preceded Pyū Mañḥ Dhīḥ, and Nanḥ Kya Kyau Cvā, Co Nac, and Co Mvan Nac, who followed Tarup Preḥ Mañḥ—there were 55 kings in Pagan.” p. 123.

<sup>273</sup> MRKr I, p. 136; MMR p. 117. Also Kulāḥ, *Rājavan̄ khyup*, NL Bhāḥ 764, f. ke(v). Some scholars have tended to be confused by the mention of this date in certain chronicle texts. Bagshawe’s translation of the *Mañiratanā puṃ kyamḥ*, for example, mistakes the Mahāsakkarāj date 89 given for his accession with the Cūlasakkarāj calendar, thus leading him to interpret this as 727 C.E., which must be incorrect on the internal evidence of that text, which states that the Mahāsakkarāj date 446 of the accession of Sāra Mvan was roughly contemporary with the reign of the Sinhalese King Mahānāma in the early 5th century C.E. Cf. L.E. Bagshawe, *The Maniyadanabon of Shin Sandalinka*, Ithaca, Southeast Asia Program, Cornell University, 1981. I have not been able to locate any texts that clearly date Pyū Mañḥ Thīḥ’s reign according to the Cūlasakkarāj calendar beginning 638 C.E., and the attempts of Harvey and others to identify him as a vassal of a mid-8th century Nanchao chief are not supported by any Burmese evidence. Cf. Harvey, p. 308.

wisdom (*paññā*), and all the major and minor characteristics [requisite of a king], and will subjugate all enemies across the earth and protect and bear forth the *sāsana* of the Master.”<sup>274</sup> This origin narrative was harshly criticised one hundred years later by the compilers of the *Mhan nanḥ* because on the grounds that it is “contrary to those records that are in accordance with the Pāli and its *aṭṭhakathās*, and *ṭikās*”.<sup>275</sup> They propose an alternative birth story for the king they call Pyū Co Thīḥ, which provides him with a Sākiya lineage which runs via the kings of Tagaung back to king Mahāsammata.<sup>276</sup> This alternative they further support with citations from a range of Pali and other chronicle texts.

According to the MSR the dhammasattha originated in Upper Burma with the lineage of Sākiya kings descended from Mahāsammata. Chronicle evidence suggests that by the 17th century when this recension of the MSR was written, it was fairly commonly understood that these events took place at Pagan sometime in the early 1st millennium C.E., although no precise date is given in the dhammasat. This text was then translated into or “established” in Mon at some unspecified time prior to the reign of Chañ Prū Myāḥ Rhañ (Bayinnaung, 1551-81 C.E.), during whose reign it was translated into Burmese by a monk called Buddhaghosa after a request from the prince, Bayinnaung’s son, who would succeed him on the throne as Nandabayin. It is not clear from this narrative whether the Burmese version was based on the earlier Mon version—this is explicitly stated only in MSRa-nis.—and this question will be discussed in detail in Chapter Five.

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<sup>274</sup> MRKr, pp. 133-4; compare also *Pugaṃ Rājavanḥ sac*, UCL 5995, ṇi v-r.

<sup>275</sup> MMR, p. 113

<sup>276</sup> On aspects of the narrative of the founding of Tagaung by Sākiyans see Michael W. Charney, “Centralizing historical tradition in precolonial Burma: the Abhiraja/Dhajaraja myth in early Kon-Baung historical texts”, *South East Asia Research*, 10, 2 (2002), pp. 185-215. It should be noted that already here in the MSR Pyū Mañḥ Thīḥ is clearly provided with a Sākiya lineage traced to Mahāsammata.

Although it is strictly speaking not a dhammasattha but a collection of thirty-seven<sup>277</sup> legal judgments (*phrat thumḥ*) in disputes purportedly tried by the king, the *Dvattabhoṇ mañḥ krīḥ phrat thumḥ* (“Decisions of King Duttabaung”, hereafter, DPh) points towards an origin of the dhammasat texts in Burma during or prior to the reign of Duttabaung, the founder-king of Śrī Kṣetra in 444 B.C.E. The introduction reads in part:

[*Namotassa...*] One hundred years following the parinibbāna of the apogee (*athvaṭ*) of the threefold *lū*, the noble Buddha, seven noble individuals (*yok*)—Rṣi, Sikrā<sup>278</sup>, Nagā, Gaḷuṃ, Candī [and] Paramisvā<sup>279</sup>, and Mahābinnai<sup>280</sup>—established in seven days the golden palace and the golden umbrella of the golden realm (*praññ*) of Śirikhettarā [Śrī Kṣetra]. Sikrāḥ and Nagāḥ cast aside the assembled bhīlū and installed Tvettapoṇ Maṅ Krīḥ in the golden palace. Then the king was seated upon the golden throne (*rājapallaṅ*) where the seven noble individuals—Rṣi, Sikrāḥ, Nagā, Gaḷuṃ, Candi, Paramisvā, and Mahāpinnai—anoointed him with a consecration (*maṅgalābhissik svan*) which was called<sup>281</sup> the “*atissa sakara rasse.*” (the “Rṣi Sakara Atissa”?). The seven *cakra*<sup>282</sup> were given [to him with respect to] Jambudīpa island, the space above it for one *yojana*, the nagā realm, the asurā realm.<sup>283</sup> [A., kā-r, 8802] He delighted in the golden palace and golden umbrella. As for the establishment of the seven jewels—King Tvattaboṇ, the lord of land and sea, the crown above the Asūrā and Nagāḥ kings [B. ga-r, 8496] ruled according to the ten laws of kingship and the four *saṅgaha* laws<sup>284</sup>, with the desire for the meritorious welfare (*akruīḥ cīḥ pvāḥ*) of the class of

<sup>277</sup> This is at least the count in UBhS 332-585.

<sup>278</sup> Śakra

<sup>279</sup> The text reads only *candīparamisvā* separated by punctuation. I offer the resolution only to make the list add up to seven as seems necessary.

<sup>280</sup> > mahāvighna, i.e. Gaṇeśa

<sup>281</sup> Perhaps alternatively, “which involved the recitation of”?

<sup>282</sup> I.e. the seven treasures of a *cakkavatti* king. It is not frequently enough underscored that the theory of the *cakkavatti* is as much a regional and Sanskritic phenomenon as it is a Pali one. Thus the invocation of this ideology should not immediately signify intimacy with Pali canonical suttas on the subject of the *cakkavatti*. The theory is of course early in Sanskrit literature, see for example *Bṛhaddevatā* (Macdonell ed. vol 2, p. 198), v. 123 on Rṅ Veda vi. 74, I; also J. Gonda, “Ancient Indian Kingship from the Religious Point of View (Continued)”, *Numen*, 3, 2, (April 1956), 122-155.

<sup>283</sup> I.e., he ruled over these places as *cakkavatti*. The syntax is a bit unclear, but this seems to be the intent, particularly comparing with the account in Kulāḥ, Rājavaṅ lat (“The Middle Chronicle”), UCL 9486, kai-v (on which see further below).

<sup>284</sup> The four “great sacrifices” of *assamedha*, *purisamedha*, *sammāpāsa*, *vācāpeyya* which are the four *saṅgahavatthu* or grounds of (royal) popularity. In their Buddhist

slaves.<sup>285</sup> He did not accept the three kinds of bribes.<sup>286</sup> He did not follow the four wrong courses (*agati*). He did not give preference to either of the two litigants in a case (*amhu*) and treated them with affection and respect (*khyac khañ leḥ mrat*) as though they were his own sons. His [judgments] were based on the dhammasats<sup>287</sup> that were copied from the cow-sized letters (*akkharā*) upon the boundary-wall of the world-system by the ṛṣi Manūrājā. In the golden palace, the two litigants could not exhaust [him]. They were [like] a blind person who hid both his eyes [A. kā-v, 8806] and just sat there without seeing even what was right in front of him. [The king] was like a person who had sight and could direct them and pull them along by the hand. He passed judgments that were a path to the law (*tarāḥ*) for the litigants.<sup>288</sup>

Unfortunately it is not known when this text was written. According to the current archaeology of the Śrī Kṣetra, the walled city was probably inhabited during the middle of the 1st millennium C.E. but in the absence of more detailed excavations of lower layers of settlement and radio-carbon dating there is little reason to believe that the site could have been graced with a “golden palace” 1000 years earlier.<sup>289</sup> There is in fact no reason to assume that this text was not a product of much later history, perhaps dating to the 18th century.

However, in this narrative, as in the MSR above, the founding of the realm associated with the Duttabaung is linked to the intercessionary assistance of a “ṛṣi”, but here also of Caṇḍi, Parameśvara, and Ganeśa. In other versions of this narrative the role of Ganeśa is played by Gavāmpati.<sup>290</sup> The mention of Caṇḍi, Parameśvara,

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commentarial meaning, implied here, they signify equitable taxation, judiciousness in bestowing favors, providing interest free loans to the poor, and affable speech. See It-a, 27; P. Masfield, trans., *The Commentary on the Itivuttaka*, vol 1, pp. 234ff

<sup>285</sup> *chañ rai sāḥ kvan tau myuiḥ tui*. † The term *chañ rai sāḥ* is the common gloss for Pali *sudda*, *antavaṇṇa*, *vasala*, etc. cf. KAN, 503. The presence of the term *myuiḥ* indicates that this is a reference to the trope of the four *vaṇṇas*.

<sup>286</sup> cf. SMh s.v. *taṃ cuiḥ 3 myuiḥ*; Yas II, pp. 395-6.

<sup>287</sup> plural in the text

<sup>288</sup> Dvattabhoñ mañḥ krīḥ phrat thumḥ A. UBhS 332-585, B. UBhS 36-612, C. NL Toñ 256.

<sup>289</sup> Hudson, “Origins”, ch. 5.

<sup>290</sup> MMR p. 94. Kulāḥ replaces Ganeśa with Kumbhaṇ (Kumbhanda) and Parameśvara has become Paramesūrā. MRKr, I, p. 119. Compare also the version of this narrative

and Ganeśa, figures who do not derive in any straightforward sense from the *tipiṭaka* and Pali commentaries, may also indicate that in terms of the way the history of this text was remembered, it was associated in part with non-Buddhist or para-Buddhist origins. Yet in saying this we must also remember that the DPh, like all extant dhammasat texts, displays parallels that indicate it was profoundly shaped by an encounter with the Pali Buddhist tradition; in this passage alone there are a number of references that are directly traceable to the texts of that tradition, such as the ten laws of kingship, the four *saṅgha* laws, and the four wrong courses. These features will all be discussed in later chapters.

This chapter has shown that between the 13th and mid-15th century dhammasattha was already present in Burma and that certain texts of the genre dealt with matters relating to inheritance. In one instance “dhammasāt”—a vernacular form of the title that may or may not have signified a vernacular text—was explicitly cited in the adjudication of an inheritance dispute; though it seems that in all of our other records of disputes or tribunals, dhammasattha is not referred to. This suggests that in practical dispute contexts written laws were not typically applied as codes, even if they may have guided judgment on a more theoretical level. The curious presence in this citation of the final element of the name of the genre, *-sāt*, which may derive from Sanskrit term *śāstra*, provides a provocative if inconclusive clue as to the affiliation of this legal text with Sanskrit learning.

Our limited inscriptional record of Pagan-era literary culture reveals that Burmese and, to a lesser extent, Pali were the privileged linguistic media for epigraphic and monumental expression, and that probably the majority of texts donated to monasteries were written in Pali or Burmese, not in Sanskrit. The few

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from the Mon-language Shwezigon Inscription, *Epigraphia Birmanica*, I, 2 p. 94-5; p. 114.

Sanskrit terms that are attested in inscriptions are primarily associated with astrological reckoning. Sanskrit linguistic forms are preserved in several old Burmese terms associated with Buddhism, though the vast majority of the Indic-derived vocabulary comes from Pali (or closely related Prakritic forms). But the relative silence of the early epigraphic record must be placed in a broader context of other records of literary practice. From the example of the *Saddanīti*, a work written by a Buddhist monk with perhaps the most secure attribution to Pagan, it is clear that a number of Sanskrit texts circulated in the learned monastic culture, particularly śāstric treatises on grammar and prosody. From the 1442 inscription we can be certain that a large number of Sanskrit texts, or Pali or vernacular translations of them, connected with other śāstric disciplines such as astrology, horoscopy, and medicine were both transmitted in Burma and comprised an important part of monastic libraries. And Chapter Six will address in detail the transmission and translation of Sanskrit śāstric materials during later centuries in Burma. Yet we have no direct evidence of the translation from Sanskrit to Pali or vernacular languages at Pagan, nor of any instances of independent Sanskrit textual composition in Burma, either during the 12th-15th centuries or at any other moment in Burmese history.<sup>291</sup>

This evidence paints a complex picture of the Pagan intellectual landscape. An overly simplistic reading might conclude that although Pali-affiliated material was *de rigueur* in Buddhist monastic education during the 13th century, Sanskrit-affiliated material circulated, though perhaps in less mainstream contexts, and had a recognized importance for technical disciplines such as astrology or law. The problem with such a

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<sup>291</sup> Of course, Sanskrit texts were provided with nissaya glosses into Pali or Burmese, and as Chapter Six shows there is ample evidence for this practice in later centuries. There are also some later examples of Sanskritic mantras in apotropaic and *vijjā*-related materials (cf. Bayerische Staatsbibliothek-Hss Cod.birm. 286). But the writing of unique Sanskrit language literary texts in Burma is not attested.

conclusion is that it sets up a false dichotomy between properly “Buddhist” literary culture based on Pali texts on the one hand and Sanskrit disciplinary treatises connected with such sciences on the other. That such a division of intellectual labor along linguistic lines is illusory is suggested by Aggavaṃsa’s work and by the 1442 inscription, which clearly reveal the desirability of śāstric texts for monastic audiences. Even in the example of the latter document, although we find Sanskrit-affiliated materials classified alongside the *Milindapañhā* as “*sutta*-type” texts, we do not have enough evidence to make decisive claims concerning their textual authority relative to other genres in Pali or vernacular. There is however no evidence that monks or non-monastics at Pagan were hostile towards or skeptical of Sanskrit-affiliated texts, in whatever form, or recognized them as antithetical to Buddhist learning.

The foregoing analysis reveals little about dhammasattha translation or authorship. There are no contemporary textual materials or later manuscripts that attribute dhammasattha compilation to 11-13th century Pagan. That dhammasattha was written during Pagan, for example during the reign of Narapati-caññsū, is largely a figment of the 19th century Burmese bibliographic imagination, advanced in works such as the *Kavilakkhaṇadīpanī* and the DBBL described in Chapter One. However, I have cited two relatively early manuscript traditions that make claims about authorship and attribute their texts to early Burma. Such mythopoeic accounts are hardly solid evidence in support of an attribution, and they are centuries too early to be corroborated by archaeological evidence for the construction of reasonably large settlements at either Pagan or Śrī Kṣetra, but the suggestion that the genre arrived in Burma sometime in the earlier part of the 1st millennium, or at least prior to the 11th century when the epigraphic record for Burma begins in earnest, may not be implausible. The following chapter will explore such a possibility further by

investigating the evidence for the transmission of dharmaśāstra in Buddhist contexts in South and Southeast Asia during 500-1500 C.E.

## CHAPTER THREE

### BUDDHIST DHARMAŚĀSTRA

This chapter explores evidence for the employment of dharmaśāstra-related discourse and the transmission of Pali, Prakrit, Sanskrit, or vernacular dharmaśāstra texts among Buddhist communities in the Southeastern Asian region during the period c. 500-1500 C.E. On the basis of the citation of dhammasattha in the 13th century Burmese inscription discussed above it is possible, as some scholars have asserted, to view late Pagan as the starting-point of a uniquely Burmese and Buddhist tradition of dhammasattha written law. It is argued that this tradition is based upon that of the Mon, who acted as cultural brokers translating Sanskrit texts into Pali and adapting Brāhmanical motifs into a so-called “Theravāda” milieu during the late first millennium. Such assertions do not rest on solid evidence, and we must look elsewhere to trace the early history of the genre. The Mon, whether in the Dvāravatī region or elsewhere, may have been part of this process, but so presumably were the Pyū, the Candras of Vesālī (Arakan), the Khmer, the Javanese and Sumatrans, and the inhabitants of the polities of Campā. Although my analysis is focused on Southeast Asia, preliminary research on Indian epigraphy suggests that a parallel process of what we might term ‘legal ecumenicalism’ may have been underway simultaneously in certain locales on the Indian subcontinent and also in Laṅkā. In what follows I argue that as it was seen in particular regions of mid-1st millennium Southeast and South Asia both dharmaśāstra texts and dharmaśāstra-related discourse, particularly in connection with matters of *rājadharmā* and *vyavahāra*, may have been quite commensurable with Buddhist rhetoric and institutions.

There are two principal reasons for this. The first is that in areas of Southeast Asia both prior to and following the 15th century, as in certain regions of India,

strands of Brāhmaṇical thought and practice were regarded as highly amenable to, if not in many cases presupposed by, the majority Buddhist culture. The previous chapter suggested that although Sanskrit literacy was probably quite modest in early Burma, a number of texts associated with Sanskrit learning certainly circulated and were studied in Pagan monasteries. Chapter Six will return to later evidence for the transmission, translation, and appeal of śāstric, “Vedic”, and Brāhmaṇical literature in later centuries. There is no reason to assume that such spheres of learning were regarded as incompatible with properly “Buddhist” learning; quite the contrary. There is a great deal of evidence that the same state of affairs held sway elsewhere in Southeast Asia.

Second, it could be argued that dharmaśāstra law itself as it circulated in manuscripts throughout Southeast Asia was not necessarily presented or defined in terms that excluded one or another devotional community. Dharmaśāstra written law was understood as a form of authoritative socio-legal practice that transcended or encompassed diverse confessional attitudes. The genre articulated a charter for right conduct and legal process, for example, regardless of whether an audience patronized Śaiva or Buddhist institutions, or both. Certain traditions of written law—such those embodied in the monastic Vinayas or in dharmaśāstra provisions on *śraddha* or *prāyaścitta*—were immediately relevant only for specific subsets of religious communities, but not the basic category of *vyavahāra* (“legal practice”) as I elaborate it below. Unsurprisingly, in a context like that of Burma where Buddhist social concepts and texts were particularly popular and had a lasting endurance (more so than, say, in Bali), our extant manuscripts of dharmaśāstra-related law—themselves preserving texts that can be dated no earlier than the second half of the second millennium C.E.—display the marked influence of centuries of engagement with a complex Buddhist tradition with diffuse genealogies. Yet this does not mean that these

texts were always only relevant for Buddhist communities. There is nothing that suggests that in a 17th century Burmese dhammasattha, provisions for contract or the hiring of laborers, for example, were meant to apply only to “Buddhists”. Indeed, a number of our extant Burmese texts contain references to laws that explicitly pertain only to brāhmaṇas, and from this it is clear that only in certain areas of the law did either a Brāhmaṇical or Buddhist identity entail a separate set of legal practices.<sup>292</sup>

Written law in Burma has always been “Buddhist” in the obvious sense that it was the written law of a region which since the mid-1st millennium C.E. was predominantly Buddhist, though perhaps this is a term whose full significance in the premodern Burmese context continues to elude us. The local and regional values and key Pali and vernacular texts of this community exerted the most influence on the development of dhammasattha. But this does not mean that the vocabulary, technology, genre, and authority of written law was seen as relevant only for Buddhists understood in strict sectarian terms, or that it had no significant relationship to broader regional manifestations of Sanskrit dharmasāstra.

At the outset I should admit that one of the shortcomings of the thesis of this chapter is that although there is extensive evidence for the utilization of dharmasāstra-related idioms and concepts by patrons of Buddhism in early Southeast Asia, there is little direct, contemporary evidence for the circulation of actual dharmasāstra texts or manuscripts among Buddhist communities. We should note, however, that this problem is not unique to dharmasāstra. In fact there is very little explicit evidence

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<sup>292</sup> On Burmese brāhmaṇas (*puṇṇāḥ*) see Dagun, *Rājavan̄ thai mhā puṇṇāḥ*, Yangon, Sīri me, 2008. For a discussion of the their roles at court during the Konbaung-era see Jacques Leider, “Specialists for Ritual, Magic, and Devotion: The Court Brahmins (*Punna*) of the Konbaung Kings (1752-1885)”, *JBS*, 10 (2005/06), pp. 159-202. See Chapters Six, Seven and Eight for a further discussion of the complex ways in which brāhmaṇas and Brāhmaṇical texts and practices were negotiated by dhammasattha and Burmese commentators.

whatsoever for the circulation of any named texts or specific genres in early Southeast Asia. To get a sense of what general categories of literature were transmitted our best data comes from a careful reading of implicit references in the epigraphic record.

This chapter begins with the claim that an understanding of the character and development of Sanskrit Brāhmaṇical dharmaśāstra is essential to any study of Pali or vernacular Buddhist dhammasattha in Burma or elsewhere in Southeast Asia. Most authors (a notable exception being Robert Lingat) who have written about dhammasattha texts in any detail have misunderstood the basic history and jurisprudential claims of the Sanskrit dharmaśāstra texts and traditions as they have been elucidated by Indological scholarship. Dharmaśāstra is not a frozen discourse that sees no place for adaptation or innovation. Rather, creativity and a flexible responsiveness to novel juridical problems and circumstances is built into the very heart of the genre. It is true that on certain highly influential and historically enduring readings, both within dharmaśāstra texts and in commentaries on them influenced by arguments of the mīmāṃsā exegetical school of jurisprudence, the genre is thoroughly rooted in Vedic commitments and relevant only to Brāhmaṇical communities. However, such perceptions did not halt the diffusion of dharmaśāstra-related concepts and ideas—if not texts—among Buddhists in early Southeast Asia. The remaining portion of this chapter looks at the detailed history of the transmission of this literature among Buddhists throughout this broad region.

### I. Śāstra and the Indic disciplines

The term dhammasattha is the Pali name for the legal genre that is attested in both Burmese and Mon manuscripts. The element *-sattha* is the Pali cognate of the Sanskrit term *śāstra*, which is derived from the Vedic root  $\sqrt{śās}$ , “command” or “order”. Śāstra has a long history, and is already mentioned in the earliest surviving

strata of Vedic texts, in the *Ṛg Veda*, where its meaning is obscure, but is perhaps connected to the sense of “command” or “instruction”.<sup>293</sup> Later texts, dated roughly to the mid-1st millennium B.C.E. and onward, use the term to signify an “instruction”, “teaching”, or “rule” and also in references to the Vedas.<sup>294</sup> It is not certain when exactly the term may have come to be used to refer to written texts or treatises, although one of the principal meanings of śāstra is as a written “instrument of teaching”.<sup>295</sup> In many instances where śāstra (and, as we shall see below, the Pali *sattha*) is employed it can be difficult to determine whether the intended referent is an oral “teaching” or a written “treatise”. For example, the *Gautama Dharmasūtra*, compiled according to Patrick Olivelle perhaps circa the 3rd century B.C.E., provides that the administration of justice by the king “shall be based on the Veda, the Legal Treatises (*dharmaśāstrāṇi*), the Vedic Supplements, Subsidiary Vedas, and the Purāṇa”<sup>296</sup>. Although “treatise” in English carries with it an old etymology that can signify both oral and written texts<sup>297</sup>, today the term is typically used to refer to written texts. In this passage the translation “treatise” perhaps belies the fact that it is not always certain that at this early date dharmaśāstra referred to a written as opposed to an oral tradition of instruction about dharma;<sup>298</sup> even in later eras the precise meaning is sometimes uncertain.

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<sup>293</sup> ṚV 8.33.16; Geldner translates the term by the German “belehrung”. *Der Rig-Veda*, part 2, Harvard Oriental Series, vol. 34, Cambridge, Harvard University Press, 1951.

<sup>294</sup> Matthew R. Sayers, “An Early History of the Term Śāstra”, *SAGAR*, 13 (2002), 23-52; Sheldon Pollock, “The Idea of Śāstra in Traditional India”, *Shastric Traditions in Indian Arts*, Vol. 1, ed. Dallapiccola, Stuttgart, Steiner, 1989, pp. 17-26.

<sup>295</sup> Sayers, “Early History”.

<sup>296</sup> *tasya vyavahāro vedo dharmaśāstrāṇy aṅgāny upavedāḥ purāṇam* | Olivelle, *Dharmasūtras*, Delhi, Motilal Banarsidass, 2003, p. 147 (*GDh*, 11.19); Cited also in Sayers, “Early History”, p. 37.

<sup>297</sup> *Oxford English Dictionary*, 2nd Edition, Oxford, 1989, s.v.

<sup>298</sup> On the emergence of writing in India in general see Harry Falk, *Schrift im alten Indien: Ein Forschungsbericht mit Anmerkungen*, Tübingen, Gunter Narr, 1993.

Śāstra designated a corpus of oral or written textual instructions connected with a variety of technical or theoretical subjects. Classical dharmasūtra and dharmaśāstra texts, for example, in addition to referencing the *dharmasāstra* or the “śāstra of dharma”, refer also to *śabdaśāstra*<sup>299</sup> (grammar), *nītiśāstra*<sup>300</sup> (statecraft), and *vastuśāstra*<sup>301</sup> (architecture, geomancy), as well as many other śāstras.<sup>302</sup> The total number of śāstras was enumerated differently according to different authors writing in Sanskrit. In this usage the term is often translated as “science”, although the English term “discipline”, which implies both discipleship (the Brāhmaṇical *śiṣṭa* or “student”, a term also derived from  $\sqrt{śās}$ ) and the element of rule or command, perhaps approximates more closely the sense often implied here<sup>303</sup>. This sense of śāstras closely relates to Brahmāṇical catalogues of the *vidyā-sthānas*, often enumerated at fourteen or eighteen, which comprise ways of knowing dharma<sup>304</sup>; and according to medieval authors such as Jayantabhaṭṭa (c. 9th century C.E.), these terms were even equated.<sup>305</sup> One of the earliest extant references to the *vidyā-sthānas* as a list of disciplines in Indic literature is given in the *Chāndogya Upaniṣad* 7, 1.2 where seventeen are enumerated as: *ṛgveda* (Ṛgveda) *yajurveda* (Yajurveda), *sāmaveda* (Sāmaveda), *ātharvaṇa* (Ārthavaṇa), *itihāsapurāṇam* (histories and ancient tales), *pīṭrya* (ancestral rites) *rāśi* (mathematics), *daiva* (soothsaying, divination), *nidhi* (the art of locating treasures), *vākovākya* (dialogues), *ekāyana* (monologues), *devavidyā* (knowledge of the gods), *brahmavidyā* (of ritual), *bhūtavidyā* (of spirits), *kṣatравидyā* (of power or government), *nakṣatравидyā* (of astronomy), and *sarpadevajanavidyā* (of

<sup>299</sup> *Vasiṣṭha dharmasūtra*, 10.20

<sup>300</sup> AŚ 5.4.03

<sup>301</sup> *Bṛhaspati Dharmasāstra*, 1.1.47

<sup>302</sup> Sayers, “Early History”, p. 24.

<sup>303</sup> Hartmut Scharfe, *Education in Ancient India*, Leiden, Brill, 2002, pp. 232-3.

<sup>304</sup> See Kane, *History*, II, i, p. 355.

<sup>305</sup> Pollock, “Idea of Śāstra”, pp. 21-22.

serpent beings).<sup>306</sup> Shorter lists are found in other texts from the first half of the 1st millennium B.C.E., such as the *Śatapatha Brāhmaṇa*, and Scharfe notes that

this list of arts, sciences and skills has grown steadily over the centuries with the rise of grammar, metrics, philosophy, medicine, veterinary medicine, tree care, statecraft, law, literature, aesthetics, architecture, sculpture and painting, music, and countless others, some with direct practical applications, others more theoretical. An older list of fourteen sciences was later expanded to eighteen; at the ‘*śāstras* of the sixty four arts’ and the seventy-two arts mentioned in Jaina texts. In their beginnings, phonetics, etymology, grammar, geometry and philosophical speculations were clearly nothing but adjuncts to the study of the ancient [Vedic] hymns and the [Vedic] ritual, assuring their proper conservation and understanding, which may, however, not always agree with our historical interpretation. What is almost totally absent is the concept of a science or an art for its own sake, since even the seemingly most theoretical science has a goal—not the detached search for truth as we would have it, but deliverance through assimilation of the truth that has been revealed.<sup>307</sup>

## II. The meaning of Brāhmaṇical dharmaśāstra

If we want to understand the early usages of the term dharmaśāstra and dhammasattha in Southeast Asia it is necessary to understand also precisely what dharmaśāstra, as a śāstric discipline and legal-textual genre, signified in 1st millennium South Asia. According to traditional Brāhmaṇical theory dharmasūtra and dharmaśāstra texts were classified as *smṛti* texts; that is, texts that were “remembered”, and of human origin (*pauruṣeya*), as opposed to, and of lesser authority than, the *śruti* (“heard”) texts of divine origin, namely the Veda.<sup>308</sup> In

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<sup>306</sup> The Skt text is from Göttingen Register of Electronic Texts, which was checked against V.P. Limaye and R.D. Vadekar (Eighteen Principal Upanisads, vol. 1, Poona 1958). The translation is partly from P. Olivelle, *Upaniṣads*, p. 156. Olivelle admits uncertainty with some of these titles. Olivelle dates this text to circa the 7th or 6th centuries B.C.E. It should be noted that in this particular context these fields of learning are not explicitly equated with the term śāstra.

<sup>307</sup> Scharfe, *Education*, p. 59.

<sup>308</sup> On the development of the distinction between śruti and smṛti see Sheldon Pollock, “The ‘Revelation’ of ‘Tradition’: śruti, smṛti, and the Sanskrit Discourse of Power”, in Lienhard and Piovano, eds., *Lex et Litterae: Studies in Honour of Professor Oscar*

attempting to understand the nature of dharmaśāstra most scholars have concentrated their enquires on the sources and arbiters of dharma as represented in the principal dharma-related texts, particularly in the dharmasūtras (c. 4th-1st Centuries B.C.E.) and the early dharmaśāstras (c. 1st Century B.C.E.-500 C.E), occasionally in comparison with earlier Vedic conceptualizations of dharma.<sup>309</sup> The logic here is that knowledge of the sources of dharma—where dharma derives its authority and/or its content—somehow reflects the essential nature of the genre; to know the former is to know the latter. For the dharmasūtras, Patrick Olivelle has recently provided a convenient catalogue of textual instances recording the sources of dharma.<sup>310</sup> Representative citations include the following:

*dharmajñāsamayaḥ pramāṇam | vedāśca |*

“The authority (for the Laws) rests on their acceptance by those who know the Law and on the Vedas.” [*Āpastamba Dharmasūtra* 1 1.2-3]

*vedo dharmamūlam | tadvidāṃ ca smṛtiśīle |*

“The source of the law is the Veda, as well as the tradition and practice of those who know the Veda.” [*Gautama Dharmasūtra* 1.1-2]

*śrutismṛtīvihito dharmah | tadalābho śiṣṭācārah |*

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*Botto*, Torino, CESMEO, 1997, pp. 395-417; David Brick, “Transforming Tradition into Texts: The Early Development of *Smṛti*”, *JIP*, 34 (2006), pp. 287-302.

<sup>309</sup> On the history and dating of the dharmasūtra texts see Patrick Olivelle, *Dharmasūtras*, pp. 1-17. On the dating of dharmaśāstras see Kane, *History*, I; Olivelle, MDh, “Introduction”; Lariviere, Nār, II, “Introduction”.

<sup>310</sup> Patrick Olivelle, *Dharmasūtra Parallels: Containing the Dharmasūtras of Āpastamba, Gutama, Baudhāyana, and Vasiṣṭha*, Delhi, Motilal Banarsidass, 2005.

“The Law is set forth in the Vedic (*śruti*) and traditional (*smṛti*) texts. When these do not address an issue, the practice of cultivated people [i.e. brāhmaṇas learned in the Veda, as in VaDh 6.43] becomes authoritative.” [*Vasiṣṭha Dharmasūtra* 1.4-6]

Thus, according to the dharmasūtras dharma has two principal sources: Vedic texts (and for Vasiṣṭha also the *smṛti*) and the authoritative customs and traditional practices (*ācāra*, *śīla*) of brāhmaṇas who are learned in the Veda, the *śiṣṭa*. The conceptualization of the sources of the law within the dharmasāstra tradition was further transformed over time, with later texts making certain additions. A frequently cited passage from MDh states that there are four sources of dharma:

“The root of the Law (*dharmamūlaṃ*) is the entire Veda (*vedo ’khilo*); the tradition and practice of those who know the Veda (*smṛtiśīle ca tadvidām*); the conduct of good people (*ācāraścaiva sādḥūnām*); and what is pleasing to oneself (*ātmanas tuṣṭireva ca*).”<sup>311</sup>

Later, the *Nārada Dharmasāstra* states:

“The four feet of legal procedure (*catuspād vyavahāro*) are dharma, legal procedure (*vyavahāraś*), custom (*caritaṃ*), and the king’s decree (*rājaśāsanaṃ*); each latter one overrides the former.”<sup>312</sup>

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<sup>311</sup> MDh, 2.6. These four are also enumerated in Yājñavalkya, I.7.

<sup>312</sup> Nār, 1.10. Note that there are divergent interpretations of this text. Lingat takes this not as a reference to the sources of dharma themselves but to the various sources of judgment in a legal dispute. Robert Lingat, “Les Quatre Pieds du Procès”, *Journal Asiatique*, 1962, esp. pp. 490-1.

The study and discussion of these passages, and others like them in various dharmaśāstra texts, has produced a variety of views as to the ultimate sources of the dharma prescribed by the texts and their relative hierarchy and authority. Many earlier scholars regarded the Vedas as, at least in theory, the primary and ultimate source of dharma. Julius Jolly states that “the Veda, in the theory of the Brāhmaṇical Schools, is the fountain-head of the sacred law. It has existed from eternity [...]. It will be seen presently, however, that the influence of the Vedas, practically speaking, on the growth of Indian Law has been very slight, because these religious works contain very little indeed about worldly matters.”<sup>313</sup> Jolly goes on to elaborate that despite the significant influence custom appears to have had on the dharma tradition, it is still less a source of authority than texts connected with the Veda or its exegesis (*smṛti* or *śruti*). Only those customs “shall be given the force of law which are not opposed to the Śruti (Veda) and Smṛti; and the practice of eminently virtuous men (*śiṣṭas*) even has authority in those cases only which are not expressly provided for in the Veda or Smṛti.”<sup>314</sup> Yet, it is one thing to reproduce the claim of the smṛtis that the ultimate source of dharma is the Veda and the conduct of brāhmaṇas (understood as the embodiment of Vedic teaching), it is another entirely to account for the precise ways in which the Vedas and the dharma texts are related. This difficulty has given both traditional Sanskrit commentators on dharmaśāstra and modern scholars something of a hard time. Jolly has little to say about this, and other early scholars, most notably Max Müller and Georg Bühler, rather unsatisfactorily dispatched this problem by suggesting, as certain dharma texts themselves do, that the dharmaśāstras were

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<sup>313</sup> Julius Jolly, *Outlines of an History of The Hindu Law of Partition, Inheritance, and Adoption*, Calcutta, Thacker, Spink, and Co., 1885, p. 31.

<sup>314</sup> Jolly, *Outlines*, p. 35.

originally directly linked to Vedic schools (*śākhās*) and that their legal content comprised elaborations of earlier dharmasūtra texts that are now lost.<sup>315</sup>

Is it possible to more clearly construe the Vedas, which are after all liturgical texts and ritual manuals predominantly concerned with the proper achievement of sacrifice, as a source of the dharma literature that deals in part with such apparently mundane legal subjects as inheritance and debt? The authors who have tried to describe in more detail the relationship between the two have done so in a number of ways. Attempts have been made to trace the continuity in the dharmasāstra of Vedic theological conceptions of law or order, such as *ṛta*,<sup>316</sup> and some scholars have argued that the genre represents an extension and elaboration of Vedic “social theory” concerning caste (*varṇa*), which can be traced to the *Puruṣa-Sūkta* of the *Ṛg Veda* and other early Vedic texts, particularly the *Brāhmaṇa* literature.<sup>317</sup> Other scholars have found support in the perspective of the Pūrvamīmāṃsā, an exegetical tradition that often strongly advocated what has been called the principle of *Vedamūlatva* (Vedic-rootedness), which asserts that the source of all dharma (as contained in a

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<sup>315</sup> “There can be no doubt, however, that all the genuine metrical Dharmasāstras which we possess now are, without any exception nothing but more modern texts of earlier Sūtra works or Kula-dharmas belonging originally to certain Vedic Charaṇas.” Note that the principal evidence in support of such claims comes from the texts and commentators within the dharma tradition itself, e.g. *Āpastamba Dharmasūtra*, 1.12.10 and Haradatta’s commentary on the text. Max Müller, *A History of Ancient Sanskrit Literature*, Edinburgh, Williams and Norgate, 1859, p. 135, p. 103; See also Bühler’s introduction to his translation of *The Laws of Manu*, Oxford, Clarendon Press, 1886.

<sup>316</sup> Werner Menski, *Hindu Law: Beyond Tradition and Modernity*, New Delhi, Oxford University Press, 2003, pp. 93ff.

<sup>317</sup> Brian K. Smith, *Classifying the Universe, The Ancient Indian Varṇa System and the Origins of Caste*, New York, Oxford University Press, 1994, pp. 27-8. See also, Smith’s earlier article, “Canonical Authority and Social Classification: Veda and *Varṇa* in Ancient Indian Texts”, *History of Religions*, 32, 2 (1992), pp. 103-125. Smith has received criticism for overemphasizing the role of the Veda in “Hindu” culture generally, see Axel Michaels, *Hinduism, Past and Present*, Princeton, Princeton University Press, 2004, p. 18.

dharmasāstra text or otherwise) is to be found in the ahistorical authority of the Veda.<sup>318</sup> The dharmasāstra texts themselves state that interpretation is indispensable to establishing proper knowledge of dharma, and tradition viewed the modes of reasoning developed within mīmāṃsā as providing the relevant hermeneutic technique. Lingat notes how “Yājñavalkya ranks Mīmāṃsā amongst the bases (*sthānas*) of the knowledge of dharma, along with Nyāya (the system of formal logic) and the vedāṅgas. Vasiṣṭha (III.20), Baudhāyana (I.1.1.8), and Manu XII.111) call a mīmāṃsaka to sit in the *pariṣads* which are given the role of resolving controversial questions.”<sup>319</sup> Thus mīmāṃsakas such as Medhātithi in his commentary on MDh (c. 950 C.E.) sought to justify the *Vedamūlatva* principle by arguing that the means of knowing the Vedas as the root of dharma is “considered as *nyāyamūla*, as being based upon reason” as understood by the Pūrvamīmāṃsā tradition.<sup>320</sup> Kisori Lal Sarkar remarks that “it has been seen that the positive law of the Smritis dealing with visible objects and regulating the natural inclinations of men, is presumed to be parts of the Vedic law. How can such a presumption be proper if such matters be foreign, nay, repugnant, to the scope of the Vedas?”<sup>321</sup> Sarkar attempts to reconcile the dharma of the dharmasāstras with the Vedas by pointing out that certain authoritative Vedic

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<sup>318</sup> It should be noted that the extant commentaries on dharmasāstra by mīmāṃsakas are perhaps relatively late, dating to the second half of the 1st millennium C.E. (datings are in many cases uncertain but see Lingat, *Classical Law*, pp. 107ff.). This means that it is entirely plausible that certain exemplars of the dharmasāstra genre arrived in Southeast Asia *before* they were engaged in detail by the mīmāṃsā tradition on the subcontinent. There is also relatively little evidence for the entrenched study of mīmāṃsā in Southeast Asia; although see Sachchidanand Sahai, *Les Institutions politiques et l'organisation administrative du cambodge ancien*, Paris, EFEO, 1970, p. 11, for a potential 7th century C.E. Cambodian reference.

<sup>319</sup> Robert Lingat, *The Classical Law of India*, Berkeley, University of California Press, 1973, p. 148.

<sup>320</sup> Wilhelm Halbfass, *India and Europe*, Delhi, Motilal Banarsidass, 1990, p. 326.

<sup>321</sup> Kisori Lal Sarkar, *The Mimamsa Rules of Interpretation as applied to Hindu Law*, Calcutta, Thacker, Spink, and Co., 1909, p. 50.

injunctions (*naimittika* and *kāmya vidhis*) “deal with visible and ordinarily desirable worldly matters” [...] “thus there are Vedic *vidhis* like the *smṛti vidhis* [such as the legal rules of dharmaśāstra texts] dealing with visible objects and matters of ordinary inclination, though theoretically joined with the transcendental sanction.”<sup>322</sup> However, stating that Pūrvamīmāṃsā recognizes such distinctions among injunctions does little to determine the precise ways in which the dharmaśāstras may derive their actual rules from the Vedic corpus. Scholars frequently note that as a tradition of reflection on dharma and as a technique of textual hermeneutics embraced by dharmaśāstra commentators, Pūrvamīmāṃsā has a history closely linked in many ways with that of dharmaśāstra, but this gets us nowhere nearer a clearer account of the Vedic sources of the dharma texts.<sup>323</sup>

Kane has examined the Pūrvamīmāṃsā account of the *Vedamūlatva* principle but similarly provides little assistance in determining actual parallels in what is otherwise an excellent survey of mīmāṃsaka attempts to reconcile the sources of *śruti*, *smṛti*, and custom. He reconstructs in detail the commentarial tradition on Jaimini’s *Pūrvamīmāṃsāsūtras*, I.3, which deals with the authority of dharmaśāstra relative to the Vedas and the conditions under which the good customs or usages (*sadācāra*) of the *śiṣṭas* can be taken as authoritative.<sup>324</sup> The mīmāṃsakas advance the claim that *smṛti* is based on the Veda, and as such sanctions right practice, however it does so with a lesser authority than *śruti* itself. But what about those *smṛti* rules which seemingly have no precursor in the Vedas? Kumārila (~7th c. C.E.), for example, argues that “the Vedic *śākhās* are scattered about as men are negligent and unmindful

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<sup>322</sup> Sarkar, *The Mimansa Rules*, pp. 51-54.

<sup>323</sup> On how techniques of interpretation developed by Jaimini and his tradition became important in the development of dharmaśāstra exegesis, see A.B. Keith, *The Karma-Mīmāṃsā*, Calcutta, Association Press, 1921, pp. 97-107.

<sup>324</sup> Kane, *History*, for the former problems see III, pp. 827-43, for the latter see III, pp. 843-55.

and as rules are declared in different contexts even when occurring in the same *śākhā* it is not always possible to point out the Vedic sources of *smṛti* texts.”<sup>325</sup> Viśvarupa, in his 9th century commentary on *Yājñavalkya*, takes up this argument and claims that there are “thousands of *smṛti* rules that have their source in the Veda; he and Kumārila instance the rules against talking with (or coming into contact with) a woman in her monthly illness or the rule against assaulting a brāhmaṇa, or the rule about the sin of killing an ātreya woman &c.”<sup>326</sup> In his commentary on *Manu* II.6, Medhātithi also says that the “authors of the *smṛtis* brought together for easy comprehension matters that are scattered about in the various Vedic texts, that are either not known to the students of the several *śākhās* or that cannot be brought together by men of ordinary or weak intellect.”<sup>327</sup>

For Pūrvamīmāṃsā the dharma texts are radically Vedic, and any *smṛti* rule that could not be harmonized with the Veda through exegesis was illegitimate; however, mīmāṃsakas recognized that the *smṛtis* are man-made, and as such were liable to include rules that were contrary to dharma. Rules contrary to dharma were those which conflicted with the Veda or could be shown to result from worldly or seen (*dr̥ṣṭa*) motives such as greed or sensual desire; rules based solely on the Vedas had otherworldly or unseen (*adr̥ṣṭa*) motives and had only *svarga* or “heaven” as their ultimate result. Likewise, *śiṣṭācāra* is accepted as an authoritative source of dharma only insofar as it does not contradict the Vedic texts and *smṛti* and does not result from seen motives.<sup>328</sup> Certain scholars have viewed this distinction as representing a clear separation of “secular” and “religious” law in the dharmaśāstra comprised of *vyavahāra* and Vedic injunctions (*vidhi*), respectively. Derrett cites the

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<sup>325</sup> Kane, *History*, III, p. 830.

<sup>326</sup> Kane, *History*, III, p. 831.

<sup>327</sup> Kane, *History*, III, p. 831.

<sup>328</sup> Kane, *History*, III, p. 854-5.

*Bhaviṣyapurāṇa* which claims that there are five types of prescriptions in dharmaśāstra: “those which have a ‘seen’ purpose (serve a practical object only), those which have an ‘unseen’ purpose (whose object is not discerned by reason alone), those which partake of both characters, those which are based upon reason (i.e., propositions of logic and natural reason), and those which have no specifically injunctive force because they merely repeat a rule laid down in the Veda explicitly.”<sup>329</sup> For Derrett the provision for prescriptions that have seen or “wordly” purposes is evidence that “religion is not the root of the rules which are comprised in the *vyavahāra* portions” of the *smṛtis*.<sup>330</sup> Yet according to mīmāṃsā commentators the matter is not so clear cut as this. Kumārila, for example, argues that “visible and spiritual purposes are often inextricably mixed up [...] so even when an act has a seen purpose it may still have Veda as the basis.”<sup>331</sup> Therefore, certain rules may entail both proximate or worldly benefits—in terms of *kāma* and *artha*—and be in accordance with dharma, that is, have an unseen result conducive to the attainment of heaven. This rhetorical move was perhaps meant to silence critics of the śāstras who argued that they dealt only with worldly affairs and were therefore inferior to the higher aims of the Vedic injunctions. Kumārila effectively collapses the two realms, and claims that they are in certain respects inseparable.

In recent years the role of the Veda as a source of dharmaśāstra law has come to be seen as far less important than the category of Brāhmaṇical tradition or custom. Scholars such as Paul Hacker, Wilhelm Halbfass, Richard Lariviere, Patrick Olivelle, and Donald R. Davis, Jr., have provided a reappraisal of the origin of the legal content of the dharmaśāstra texts that links them more with local practice than with the Veda

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<sup>329</sup> J. Duncan M. Derrett, *Religion, Law, and the State in India*, London, Faber and Faber, 1968, pp. 98-9.

<sup>330</sup> Derrett, *Religion, Law, and the State*, p. 99.

<sup>331</sup> Kane, *History*, III, pp. 838-9.

or theological commentarial tradition of the *mīmāṃsā*.<sup>332</sup> The shift may be traced in part to Paul Hacker’s influential remark in an essay from 1965 that “Der hinduistische Begriff des Dharma ist radikal empirisch.”<sup>333</sup> Hacker’s reflections emerge from the consideration of a passage in the *Āpastamba Dharmasūtra*, which he calls “the most concrete and precise definition of the Hindu concept of dharma”:

Dharma and Adharma (that is, the opposite of dharma) do not go around saying, “That is us.” Nor do gods, Gandharvas, or ancestors declare what is dharma and what is adharma. Rather what the Āryas praise when it is done, that is dharma; what they condemn is adharma. One should model one’s conduct after the conduct that is unanimously approved in all countries by Āryas who are well-mannered, aged, and self-disciplined, and who are free from greed and deceit.<sup>334</sup>

Hacker goes on to suggest that according to this definition dharma, “encompassing the entire realm of what is moral, ritual, legal, and customary, and effecting through its observance an otherworldly salvation, is not derivable from a philosophical principle or from a religious source, but rather only empirically ascertainable, whether from the Veda or from the consensus of the good with regard to geographical place.”<sup>335</sup> He makes two important points here that should be borne in mind. First is the claim that dharma is “radically empirical.” This suggests that dharma is known not through some

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<sup>332</sup> In what follows I have omitted an account of Olivelle’s important arguments, largely because they relate to the earliest stages in the development of *dharmaśāstra* literature. His work, which seeks to contextualize this development in terms of the Brāhmanical confrontation with early Buddhist conceptualizations of dharma, also serves to dislodge the Veda as the principle source of *dharmaśāstra* law in practice. See Patrick Olivelle, “The Structure and Composition of the *Mānava Dharmaśāstra*”, *JIP*, 30, 6 (2002), pp. 535-74; “The Semantic History of Dharma in the Middle and Late Vedic Periods”, *JIP*, 32 (2004), pp. 491-511.

<sup>333</sup> Paul Hacker, “Dharma in Hinduism”, *Zeitschrift für Missionswissenschaft und Religionswissenschaft*, 49 (1965), p. 99. The translations from this important essay come from Paul Hacker, “Dharma in Hinduism”, trans. Donald R. Davis, Jr., *JIP*, 34 (2006), pp. 479-496.

<sup>334</sup> Hacker, “Dharma in Hinduism”, p. 485.

<sup>335</sup> Hacker, “Dharma in Hinduism”, p. 487.

esoteric source, moral principle, or according to pure reasoning, but is derivable only from experience and the observation of the actual practice of the Āryas in their specific geographical setting. This would seem to exclude the attempts of mīmāṃsakas to derive dharma from the Vedas exclusively merely by means of certain techniques of interpretation; indeed, according to Hacker “a philosophy of dharma exists only in rudimentary attempts; the thought of Kumāṛila is one such attempt.”<sup>336</sup> The observed behavior and tradition of the cultured *śiṣṭa* ultimately determine what is dharma. In difficult cases or instances where there is disagreement “specific procedures are sometimes prescribed: the creation of committees that should consist of a certain number of members from different social classes.”<sup>337</sup> One of the major impacts this essay had on subsequent studies of dharmaśāstra was in emphasizing this point: the practices of the good (*sādhu*), recognized by the Āryas and embodied in the person of the *śiṣṭa* who knows the Veda and whose traditions are (in theory) based upon it, determine what is and is not dharma. This idea of “recognition” seems to be the key aspect of what Hacker means in saying that dharma is empirical. Dharma is dharma only insofar as it is recognized as such by authoritative individuals within the Āryan community. Hacker does not deny that the Vedas are a source of dharma, but his argument suggests that other authors have perhaps overestimated its role. He proposes:

[...] There are portions of [dharma] texts that were probably originally independent in which the Veda is not known as a source [of dharma] at all or appears only in second position. Viewed historically, I would like to hypothesize, those

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<sup>336</sup> Hacker, “Dharma in Hinduism”, p .486.

<sup>337</sup> Hacker, “Dharma in Hinduism”, p. 486. Here Hacker is referring to *Manu* 12.110-112 which prescribes that a legal assembly should be comprised of “one who has knowledge of the three Vedas (*traividyō*), a logician (*hetukas*), a hermeneut (*tarkī*), an etymologist (*nairukto*), a specialist in the law (*dharmapāṭhaka*) and three individuals belonging to the first three orders of life (*trayaś ca āśramaṇaḥ pūrve*).” Cf. Olivelle, MDh, 12.111.

sayings [in the dharma literature] which speak only of the practice or consensus of the good and the expert as a source of *dharma* are very old; they may stem from a time when the Veda was not yet seen by men as a closed, authoritative textual corpus, when they rather still lived *in the Veda*, when the Veda was *sill evolving*.<sup>338</sup>

Second, in saying that dharma is not derived from a religious source Hacker seems to mean that dharma does not emanate from either the “gods” or a set of theoretical propositions or ethical maxims. He states that it is “remarkable that [*Āpastamba*] explicitly denies that gods declare or expound dharma.” Yet, at the same time, Hacker wants to highlight the “transcendental, immaterial” nature of dharma and insist that it is “qualified religiously not only because the specifically religious tradition belongs to it, but above all because it has a connection to salvation.”<sup>339</sup> Hacker does not regard the way in which tradition viewed the source of dharma as transcendent, or the fact that the superiority of the customs of the *śiṣṭa* were contingent upon their intimacy with this transcendent source, as sufficient justification for taking these things as “religious” sources. Although the sources of dharma are not “religious”, dharma itself, insofar as it is concerned with salvation, is. A possible criticism here is that the soteriological significance of dharma might not be separable from the recognition of its rootedness in a transcendent source. In any case, Hacker does not fully elaborate this distinction. Elsewhere he writes that “dharma is the *religious law* or order. This includes not only ritual and moral matters, but also the whole legal system as well as a mass of custom. Thus dharma means, among other things, the whole outward side of religion [...]”<sup>340</sup>

What Hacker asserts is something quite different from the *Vedamūlatva* position. While he sees dharma as a transcendent normative system regulating a wide

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<sup>338</sup> Hacker, “Dharma in Hinduism”, p. 485.

<sup>339</sup> Hacker, “Dharma in Hinduism”, pp. 486, 490, 483.

<sup>340</sup> Paul Hacker, *Philology and Confrontation*, Albany, State University of New York Press, 1995, p. 258.

spectrum of human life (morals, law, ritual, etc.) he emphasizes the extreme context-dependency and tradition-bound character of law. The norms of dharma are transcendent not so much in their derivation from a “religious” source (i.e. the Veda), but in that they are communal and traditional and focused on salvation. This idea of dharma is radically conservative:

As an expression of the self-awareness of Ārya-ness, the concept of dharma was preserved over time, with several accommodations of more advanced ideas, but still little changes at its core. It was, in all its indeterminacy and empiricism, the unifying link of Ārya-ness, the one thing that held together the multiformity of Hindu-ness.<sup>341</sup>

Dharma is a function of Āryan identity, and this community, with the brāhmaṇas learned in the Veda at the top, is primarily responsible for judging what counts as dharma and what doesn't. Taken further, this position amounts to seeing dharma akin to a form of enacted law prescribed by and sanctioned within a particular community.

The notion of the centrality of the community or Āryan identity to the development of dharma is a theme taken up by Wilhelm Halbfass. Halbfass argues that dharma “is the unique and exclusive norm and order of [Hindu] society, and as such, it is the framework and prototype of ‘righteousness’ and order per se. It is a framework and context in which the Āryan is an Āryan, and from which the *mleccha* is by definition excluded. Likewise, the *mleccha* stands apart from the one real and correct language—Sanskrit.”<sup>342</sup> According to Halbfass, the dharmaśāstra tradition, therefore, should be seen as a function of Āryan, and principally Brāhman, attempts to assert and preserve a foundational religious authority and social identity. Dharma remains linked to Vedic conceptions of cosmological order; it is not cosmological order itself but the model for “upholding” this order in action. In the

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<sup>341</sup> Hacker, “Dharma in Hinduism”, p. 493.

<sup>342</sup> Halbfass, *India and Europe*, p. 320.

*varṇāśramadharmā* of the dharma texts this upholding is transposed onto the social, and the theory of duty becomes a key force in maintaining order and conserving identity within the bounded Hindu community. Dharma links certain individuals to particular modes of life and excludes them from others while regulating their “access to ritual performance, to the sources of sacred knowledge, and to the means of salvation.”<sup>343</sup> Thus dharma is intimately related to the “complex xenology and the introverted traditionalism of Hinduism.”<sup>344</sup> Although, like Hacker, Halbfass attributes a deep conservatism to the dharma tradition, he does not deny that the term was subjected to intense debate by various commentators. But what remains constant over time is the function of the term in defining, on the most basic level, the identity of the tradition that expresses it: “an ancient cosmogonic term becomes a vehicle of tradition and ethnocentrism.”<sup>345</sup> Halbfass agrees with Hacker that the dharma of the *mīmāṃsā* and *dharmaśāstra* texts “is ‘positive’ law and ‘radically empirical.’”<sup>346</sup> It is incorrect to view dharma as natural or moral law, as there is no set of religious or ethical principles from which *dharmaśāstra* law can be derived. What is dharma is precisely what the dharma texts prescribe. Dharma rules are textual models of that behavior which is praiseworthy among the *Āryas*, the perpetuation of which is central to the maintenance of *Āryan* social order and identity.

Richard Lariviere likewise displaces the Vedas as the central source of *dharmaśāstra*, although he does so in a far more radical way. He agrees that the customs of the *Āryas* comprise the basic content of the texts, and that *brāhmaṇas* and—importantly—kings served as the primary arbiters of dharma. But this, too, he states much more forcefully: “I believe that the *dharmaśāstra* literature represents a

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<sup>343</sup> Halbfass, *India and Europe*, p. 321.

<sup>344</sup> Halbfass, *India and Europe*, p. 320.

<sup>345</sup> Halbfass, *India and Europe*, p. 332.

<sup>346</sup> Halbfass, *India and Europe*, p. 333.

peculiarly Indian record of local social norms and traditional standards of behavior. It represents in very definite terms the law of the land.”<sup>347</sup> According to Lariviere, the “ultimate source of dharma in a legal sense was custom.”<sup>348</sup> He considers dharmaśāstra a form of positive law, which he defines as “law enacted by a constituted authority for the government of society,” who in his analysis are kings or royal sponsors of the texts.<sup>349</sup> What about the *Vedamūlatva* principle? It is merely an “idiom” and “fiction” the dharma texts employ to “obfuscate” the fact that they are a record of custom.<sup>350</sup> According to Lariviere, the dharma texts are enacted law based on local customs and traditions which comprise the “immediate source” of their dharma. Furthermore, the idea of the Vedic source of dharma is merely a fiction concocted by compilers to “integrate these practices into the Brāhmaṇical/Vedic *weltanschauung* the promotion of which was the basic motive for their recording the customs in the first place.”<sup>351</sup>

In a series of important publications Donald R. Davis, Jr. has recently examined in detail how the interplay between custom and legal text may have played

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<sup>347</sup> Richard W. Lariviere, “Dharmaśāstra, Custom, ‘Real Law’, and Apocryphal Smṛtis”, *Journal of Indian Philosophy*, 32 (2004), p. 612.

<sup>348</sup> Lariviere, “Real Law”. We should note that Lariviere is not the first to make this suggestion. As we saw above, the idea that custom is an important source of law is recognized both throughout the smṛti literature and the scholarship. The difference here is that Lariviere wants to radically deemphasize the centrality of the Veda as a true source. Mention should also be made here of Ludo Rocher, who argues that “dharma, basically, is accepted custom” binding on different social groups. Rocher’s evidence for this claim is the fact that a text such as *Manu* contains numerous contradictory prescriptions on individual subjects, such as levirate. It should be noted that Rocher’s position on other issues in dharmaśāstra, such as the extent to which it was applied in practice, differs significantly from that of Lariviere. See Ludo Rocher, “Law Books in an Oral Culture”, *Proceedings of the American Philosophical Society*, 137, 2, (1993), pp. 254-67.

<sup>349</sup> Lariviere, “Real Law”, p. 612.

<sup>350</sup> Lariviere, “Real Law”, p. 612.

<sup>351</sup> Lariviere, “Real Law”, p. 618.

out in practice in Indian history.<sup>352</sup> Davis suggests that although the dharmaśāstras were never used as law codes, “the evidence that is available, however, seems to justify a claim that localized [legal] systems were influenced by the sacred texts of the dharmaśāstra tradition, not in the manner of a code but rather in the realms of legal education, legal reasoning, and jurisprudence.”<sup>353</sup> This statement corresponds well to what the available evidence suggests concerning the function of dhammasattha in Burma, as will be described in later chapters. Davis goes about establishing the relationship between dharmaśāstra and actual legal practice by investigating parallels between dharmaśāstra prescriptions and other juridical records.<sup>354</sup> For example, in one article he shows that the comparison of certain types of contracts from late medieval Kerala reveals a “patterned parallelism” which “confirms the influence of dharmaśāstra provisions on the legal system”.<sup>355</sup> He reveals how vernacular records of usufructory and custodial mortgages in this context reveal that they “are instantiations of mortgages found in dharmaśāstra texts.”<sup>356</sup> Davis’ analyses suggest, furthermore, that these local practices were not only influenced by dharmaśāstra provisions, he

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<sup>352</sup> Donald R. Davis, Jr., “Law and ‘Law Books’ in the Hindu Tradition”, *German Law Journal*, 9, 3 (2008), pp. 309-325; “A Realist View of Hindu Law”, *Ratio Juris*, 19, 3 (2006), pp. 287-313; “Intermediate Realms of the Law: Corporate Groups and Rulers in Medieval India”, *Journal of the Economic and Social History of the Orient*, 48, 1 (2005), pp. 92-117; *The Boundaries of Hindu Law: Tradition, Custom and Politics in Medieval Kerala*, Torino, Corpus iuris sanscriticum et fontes iuris asiae meridiana et centralis, 2004; “Recovering the Indigenous Legal Traditions of India: Classical Hindu Law in Practice in Late Medieval Kerala,” *Journal of Indian Philosophy*, 27 (1999), pp. 159-213.

<sup>353</sup> Davis, “Law and ‘Law Books’”, p. 315.

<sup>354</sup> We should note that Davis is not the first to employ this methodology. See, for example J. Duncan M. Derrett, “Two Inscriptions Concerning the Status of Kammālas and the Application of Dharmaśāstra”; Richard Lariviere, “A Sanskrit *Jayapattra* from 18th Century Mithilā”, in *Studies in Dharmaśāstra*, ed. R. Lariviere, Calcutta, Firma, 1984, pp. 49-80. The advantages and shortcomings of this methodology will be discussed further in a later chapter.

<sup>355</sup> Davis, “Recovering”, p. 168.

<sup>356</sup> Davis, “Recovering”, p. 168.

provides compelling examples of how the content of dharmaśāstra texts was itself derived from custom.<sup>357</sup>

Davis has also provided an analysis of the history of the engagement of the mīmāṃsā and dharmaśāstra traditions with the concept of “custom” (*ācāra*) to show that it is precisely the recognition of *śiṣṭācāra* (the practices recognized as valid by the educated disciples of the Veda) as a source of dharma that the dharmaśāstra tradition was able to “meet the challenges of historical developments while preserving an orthodox theological view of the ‘roots’ of dharma as uniformly Vedic.”<sup>358</sup> Davis provides a useful summary of his thesis which deserves being reproduced in full:

In the jurisprudence of Dharmaśāstra, the rule of recognition [lending legal authority to a given rule] is based on the criterion of “Vedic-rootedness” (*Vedamūlatva*), the idea that all rules of dharma emanate from the sacred Vedas, however imperfectly understood by humans. This rule of recognition is abstract and mostly limited to scholastic and theological discourses. Therefore, authorization of laws by reference to the Vedas does not appear to have been part of common discourses of law in practical contexts. However, another discourse of a more practical nature may be found in the related concepts of *ācāra*, *caritra*, *maryādā*, *samaya*, *saṃvid*, etc., all referring to rules of a particular locality, community, merchant group, etc. [...]. These terms are found in both Dharmaśāstra texts and in the vocabularies of local and regional law in medieval India. The rule of recognition in these practical discourses is connected to the authority of certain elites, experts, or leaders of a given group who are empowered to

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<sup>357</sup> Davis, “Recovering”, pp. 177-9; See also the arguments of “Intermediate Realms” pp. 108-9. His understanding of the role played by custom and its relation to mīmāṃsā hermeneutics is presented in detail in *The Spirit of Hindu Law*, Cambridge, Cambridge University Press, 2010.

<sup>358</sup> “Dharma in Practice: *Ācāra* and Authority in Medieval Dharmaśāstra”, *JIP*, 32 (2004), pp. 813-30. Note that in this article Davis criticizes the understanding of *ācāra* as “custom” as it is conventionally understood. He writes (p. 826): “The idea that *ācāra* lacks specific content and corresponds to vague notions of ‘custom’ that float around legal theory circles must be reconsidered in light of the precise manner of expression and the clearly defined content of *ācāra* as it is discussed in the texts. In this way, *ācāra* constitutes perhaps the most significant source of *dharma* in medieval Dharmaśāstra. At the same time, the authority of *ācāra* itself derives in a tautological manner from the authority accorded to knowledgeable (*śiṣṭa*) and good (*sat*) people whose character is made impeccable and trustworthy by virtue of their Vedic study and education in the *śāstras*.”

speak for the group and often to enforce their collective decisions. The discourse of these conventional dharmas (or *ācāras*, to use the most common technical term) as locally determined rule-systems is historically the closest to practical law because it was violations of these standards that would necessitate legal penalties or religious expiations.<sup>359</sup>

That is, for Davis the theological aspirations of the *dharmaśāstra* corpus and their compilers are far less significant in practice as it might first appear. According to its most abstract, theoretical register in *mīmāṃsā* discourse *dharmaśāstra* was regarded as a “sacred” pursuit, directly related to the interpretation of the Veda; yet in the everyday working-out of legal problems and dispute settlement, such theological concerns were of far less importance and it was authoritative custom or practice, as determined by the learned elites of a given Brāhmaṇical community, that shaped the content of the texts and directed their application.<sup>360</sup>

### III. *Dharmaśāstra* seen from the East

If as the foregoing analyses suggest the *dharmaśāstra* tradition developed at least in part over centuries of engagement with instances of local legal practice in India, and that the recognition of what we might call “authorized practice” (*śiṣṭācāra*) comprised perhaps the most significant source of law, this has important implications for the ways in which the genre was regarded as relevant for the regulation of specific communities, and for our reflection on the possible development of a Buddhist conception of *dharmaśāstra* in Southeast Asia. If, as Lariviere suggests, theological “fictions” could be layered upon texts that were originally records of customary legal practice then what obstacles would there have been for Indian Buddhists to similarly develop their own *dharmaśāstra*-type texts, layered with their own particular fictions?

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<sup>359</sup> Davis, “Intermediate Realms”, p. 98.

<sup>360</sup> See also Davis, “Law and ‘Law Books’”.

If dharmaśāstra texts were records of custom, then why could they not have recorded Buddhist custom? There is however no conclusive evidence that this ever happened anywhere on the subcontinent. The extent to which scholars of dharmaśāstra regard the genre as a specifically “Āryan” or Brāhmaṇical tradition is apparent. Although they are critical of theological-exegetical apologetics for the genre developed by the mīmāṃsakas, downplaying the significance of Vedic texts in the development of law, Hacker, Halbfass, Lariviere, and Davis nowhere suggest that the legal content of the dharmaśāstra is somehow separable from Brāhmaṇical commitments—indeed, for them it is precisely certain members of the learned Brāhmaṇical elite who are responsible for textualizing the approved customary practices of their communities; in a word: legislating. While the mīmāṃsā hermeneutic concerning the derivation of dharma from a Vedic source may on these accounts have been more of a rhetorical, legitimizing feature of the discourse, dharmaśāstra was in fact deeply rooted in the lived history of Brāhmaṇical communities. A conception of law defined in Brāhmaṇical terms pervades the content of the dharmaśāstra texts. If dharmaśāstra was originally a discourse that developed among Brāhmaṇical communities—perhaps initially, as Olivelle suggests, as a response to early Buddhist understandings of dharma—it was at its very earliest stage incorporated into the “Brāhmaṇical/Vedic *weltanschauung*”. It was, therefore, from its earliest inscription in texts an overtly Brāhmaṇical genre, connected in theory if not in practice with distinctively theological understandings of the authority of dharma and its relation to law that the Buddhists probably did not share.<sup>361</sup> While this seems like perhaps the most reasonable argument

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<sup>361</sup> Early Buddhist criticism of Vedic ideology and conceptions of dharma and its implications has been noted in a number of early Pali texts. See for example R. Gombrich, *Theravada Buddhism*, London, Routledge, 2002, pp. 66ff. In later chapters the Burmese conception of the “Veda” will be discussed, as well as the importance of *vaṇṇa* theory in Burmese socio-legal thought.

why Buddhist dharmaśāstra never developed in India (as far as we know), how do we then account for the emergence of such texts in Southeast Asia? Perhaps because mīmāṃsā travelled less well than the *vyavahāra* portions of dharmaśāstra texts?<sup>362</sup>

We must begin by insisting on a working hypothesis that proposes, with all due respect to those scholars who view dharmaśāstra as a preeminently Hindu cultural statement<sup>363</sup>, that it is not entirely certain whether certain aspects of the dharmaśāstra vocabulary and textual technique were not, to some extent, shared by a range of different groups in classical and early medieval India and Southeast Asia with differing religious commitments. Already the celebrated Hāthīgumphā inscription, written in Orissa in perhaps the middle of the 2nd century B.C.E., eulogizes the Jain king Khāravēla as “skilled in correspondence, currency, finance, legal practice (Pkt. *vavahāra*; Skt. *vyavahāra*) and precept (*vidhi*), excellent in all learning”.<sup>364</sup> What was the nature of this legal practice? Was it conceived of as embodied in a śāstra as was the *vyavahāra* of the brāhmaṇas? There are a number of materials from mid-1st millennium Andhra Pradesh that seem to imply an adherence to both dharmaśāstra-related prescriptions and Buddhism, such as some of the Viṣṇukuṇḍi copper-plates found in Nalgonda district. The copper-plates of Govindavarman I and

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<sup>362</sup> As noted above, I am aware of only one unequivocal reference to mīmāṃsā in mainland Southeast Asia, in the 10th century Sanskrit inscription of Pre Rup, Angkor of Rājendrarvarman (K.806); Sahai, *Les Institutions politiques*, p. 23.

<sup>363</sup> “Manu is the pivotal text of the dominant form of Hinduism as it emerged historically and at least in part in reaction to its religious and ideological predecessors and competitors. [...] it provides a direct line to the most influential construction of the Hindu religion and Indic society as a whole. No modern study of Hindu family life, psychology, concepts of the body, sex, relationships between humans and animals, attitudes towards money and material possessions, politics, law, caste, purification, pollution, ritual, social practice and ideals, and world-renunciation and worldly goals, can ignore Manu.” Wendy Doniger, with Brian K. Smith, *The Laws of Manu*, London, Penguin, 1991, p. xvii.

<sup>364</sup> K.P. Jayaswal, “The Hathigumpha Inscription of Kharavela”, *EI*, XX (1933), pp. 71-89; cf. p. 79.

Vikramendravarman II, of the 5th and 6th centuries, respectively, were edited for the first time by B.N. Sastri in a Telugu journal and published in an English-language journal by M. Rama Rao in 1965.<sup>365</sup> Both grants record the royal support of both monks (*bhikṣus*) and brāhmaṇas (*dvijas*). The purpose of Govindavarman’s copper-plate seems to have been to document a gift of two villages to the community of Buddhist monks (*āryasaṃgha*) dwelling in a monastery (*vihāra*) donated by his chief-queen. In the inscription the king is described as beloved (*anurakta*) by all the *varṇāśramas* and as thoroughly learned in the meaning of all the śāstras.<sup>366</sup> What is meant by the term “śāstra” in this context is not entirely clear, and it may be that here the word is meant to refer to Buddhist scriptures rather than technical manuals on kingship, law, or other disciplines. The king is eulogized as a bodhisattva, characterized by the 32 *mahāpuruṣalakṣaṇa*, and as having mastered the four confidences (*chatur-vaiśāradya*) and the 18 *āveṇika buddhadharmas*<sup>367</sup>. After describing the content of the king’s donation to the saṃgha several lines follow, setting forth typical imprecations to befall anyone who would disturb the grant. Then there is the line *bhavanti ca atra manugītāślokaḥ* — “concerning this there are the *ślokas* sung by Manu”:

*ṣaṣṭiṃ varṣa-sahasrāṇi svargge vasati bhūmidah |*  
*ācchettā cānumantā ca tāny eva narake vaset || 1*  
*svadattāṃ paradattāṃ vā yo hareta vasundharām |*  
*sa viṣṭhāyāṃ kṛmir bhūtvā piṭṛbhi[s] saha pacyate || 2*  
*bahudhir vvasudhā dattā bahubhiś ca ānupālītā |*

<sup>365</sup> M.R. Rao, “New Light on the Viṣṇukuṇḍins”, *JIH*, XLIII, Part I (1965), pp. 733-46. Rao does not transcribe the entirety of the imprecatory verses which contain the reference to Manu below. For the complete text of the copper-plate, with the reading followed here, see Rao, et. al., *Buddhist Inscriptions of Andhradesa*, Ananda Buddha Vihara Trust, Secunderabad, 1998, pp. 197-207.

<sup>366</sup> *sakalāśāstrārthaśravaṇaparijñāna*

<sup>367</sup> See Edgerton BHSD, s.v. *āveṇika*; Gray, ed. *Jinālanakāra*, §220; Jones, trans. *Mahāvastu*, vol. 1, pp. 127-8, p. 33 n.

*yasya yasya yada bhūmis tasya tasya ta[dā] phalam || 3*

A giver of land dwells in heaven for sixty thousand years;  
he who revokes it or allows [another to do so] dwells for the same period in hell.  
He who destroys land given by himself or another  
becomes a worm in excrement and rots along with his ancestors.  
Land has been donated repeatedly and maintained by many  
Its fruits belong to whomever possesses it at any time.<sup>368</sup>

Identically parallel curses are found across a large corpus of donative epigraphs produced throughout the latter half of the second millennium. Not all of them are attributed to Manu; many, when attributed at all, are described as the words of Vyāsa or the “seers” (*ārṣāḥ*).<sup>369</sup> Hopkins long ago discussed similar passages attributed to Manu and noted that there are no verses in our extant versions of MDh that directly parallel such formulae.<sup>370</sup> But Sircar has noted textual parallels to these as well as other imprecatory or celebratory passages occurring in donative texts and has shown that some of them are attested in the dharmaśāstra-related corpus.<sup>371</sup> For example a śloka closely paralleling stanza 3 of the text attributed to Manu in the Govindavarman grant above can be traced both to certain Purāṇic texts that deal with dharmaśāstra, such as the *Bṛhaspatisaṃhitā* of the *Garuḍa-purāṇa* and, according to Aparārka, a 12th century commentator on *Yājñavalkya*, to the *Vṛddha-Gautama-dharmasūtra*.<sup>372</sup>

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<sup>368</sup> My translation here relies on Solomon’s translations in *Indian Epigraphy* of similar verses found in other contexts.

<sup>369</sup> On these and parallel curses see D.C. Sircar, *Indian Epigraphy*, Delhi, Motilal Banarsidass, 1965, pp. 170-201; Solomon, *Indian Epigraphy*, 4.1.2.3. The translation of the above passage follows Solomon’s translations of parallel verses in other epigraphs.

<sup>370</sup> E.W. Hopkins, “On the Professed Quotations from Manu found in the Mahābhārata”, *JAOS*, 11 (1882-85), pp. 243-46.

<sup>371</sup> Sircar, *Indian Epigraphy*, pp. 170-201.

<sup>372</sup> The stanza as cited by Sircar is *bahubhir vasudhā bhuktā rājabhiḥ sagarādibhiḥ | yasya yasya yadā bhūmis tasya tasya tadā phalam*. Sircar, *Indian Epigraphy*, pp. 180, n. 2

It seems that the explicit citation of Manu as an authority in epigraphs commemorating the patronage of Buddhism are not altogether rare. The same phenomenon occurs, again with the citation of stanzas also introduced by *bhavanti ca atra Manugītāślokāḥ*, in a copper-plate grant of Pṛthivī Śrī Mūlarāja, recording the construction of a *mahāvihāra* for the monks of the *śākya bhikṣusaṅgha*, in 5th century Andhra.<sup>373</sup> Furthermore, in this as in numerous other epigraphs that record royal acts of patronage towards Buddhism, kings are characterized as ardent supporters of the saṅgha and eulogized as good Buddhists while simultaneously depicted as upholding the *varṇāśramadharmā* and displaying learning in the *smṛti* texts. This is evident both among these and other records of mid-1st millennium Andhra<sup>374</sup>, and, as Sanderson has recently shown, elsewhere among kings of dynasties of the Bhauma-karas, Pālas, and Candras during this period.<sup>375</sup>

Furthermore, we know well that certain concepts, practices, and texts signified by the term *nīti*, which was regarded as a *śāstra*, a “discipline” or written instrument of disciplinary knowledge by the Brāhmaṇical tradition, were popular among Jains and Buddhists during the first millennium C.E. The *nīti* genre was clearly associated in the minds of certain Sanskrit commentators with dharmāśāstra, and connected

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<sup>373</sup> Note that in addition to the Buddhist epithets applied to the king, he is also characterized as a devotee of Śiva (*Paramamahāeśvara*). V.V. Krishna Sastry, “Three Copper Plate Grants of Prithivi-Sri-Mularaja from Kondavidu”, *JESI*, 16 (1990), pp. 71-83; also, *Buddhist Inscriptions of Andhradesa*, pp. 213-15. See lines 231f. of the second set of plates. For the citation of parallel ślokas in other epigraphs compare Sircar, *Indian Epigraphy*, pp. 170-201.

<sup>374</sup> *Buddhist Inscriptions of Andhradesa*, p. 113.

<sup>375</sup> “Nor is it the case that royal devotion to the Buddha in eastern India during this period [roughly the second half of the first millennium] weakened in this region the traditional commitment of Indian rulers to the imposition and preservation of the caste-based brahmanical social order in which Śaivism was embedded”. Alexis Sanderson, “The Śaiva Age: The Rise and Dominance of Śaivism during the Early Medieval Period”, in *Genesis and Development of Tantra*, ed. Shingo Einoo, Tokyo, Institute of Oriental Culture, University of Tokyo, 2009, pp. 41-349; p. 116.

broadly, as the etymology of the term suggests, with principles or treatises concerned with “guidance” in the determination of right political and social conduct.<sup>376</sup> This relationship does not exist only in the minds of the commentators: certain texts associated with *nīti* have a number of direct textual parallels with dharmaśāstra.<sup>377</sup> *Nīti* literature was transmitted extensively among the Buddhists and the Jains. There are eight principal *nīti* collections preserved in the Tibetan Tanjur.<sup>378</sup> One of these is also extant in Prakrit and Sanskrit recensions, although the respective Jain and Brāhmaṇical texts attribute the work to different authors associated with their traditions.<sup>379</sup> Despite the fact that many of the Tibetan *nīti* texts do not exist in exact Sanskrit versions, there are a range of textual parallels in them with Indian textual materials on *nīti*. These include a variant of the famous *Cāṇakya-rājanīti-śāstra*, as well as texts that cite sections of the *Mahābhārata* and the *Pañcatantra* (favorites among *nīti* authors) on statecraft and *rājadharma*, and even a text that contains explicit references to the *Arthaśāstra*.<sup>380</sup> The work of Sternbach, Hooykaas, Bechert and Braun has been instrumental in bringing to light the wealth of *nīti* texts preserved among Buddhists in Laṅkā and Southeast Asia.<sup>381</sup> A fair portion of this material has parallels in preserved Brāhmaṇical texts such as the *Kāmandāka Nītisāra*, *Hitopadeśa*,

<sup>376</sup> Kane, III, p. 8ff.

<sup>377</sup> L. Sternbach, “Mānava-dharmaśāstra verses in Cāṇakya’s Compendia”, *JAOS*, 79, 4 (1959), pp. 233-54. On the role of maxims in Indian legal education see Donald R. Davis, Jr., “Maxims and Precedent in Classical Hindu Law”, *Indologica Taurinensia*, 33 (2007), pp. 33-55.

<sup>378</sup> L. Sternbach, “The Spreading of Cāṇakya’s Aphorisms over ‘Greater India’”, *Journal of the Greater India Society*, XVII (1959), pp. 364-5; S. K. Pathak, *The Indian Nītiśāstras in Tibet*, Delhi, Motilal Banarsidass, 1974, ch. 4.

<sup>379</sup> Pathak, p. 29.

<sup>380</sup> Pathak, chs. 4-5.

<sup>381</sup> Ludwik Sternbach, “Indian Wisdom and Its Spread Beyond India”, *JAOS*, 101, 1 (1981), pp. 97-131; H. Bechert and H. Braun, *Pāli Nīti Texts of Burma*, London, PTS, 1981; C. Hooykaas, “Kāmandakīya Nītisāra etc. in Old Javanese”, *Journal of the Greater India Society*, XV, pp. 22-50; H. Bechert, “On the Nītiśāstraviniścaya, a Subhāṣ-saṃgraha from Sri Laṅkā”, *Indologica Taurinensia*, 8 (1980), pp. 83-92.

and *Cāṇakya-rāja-nītiśāstra*, but much of it also cannot be traced to such texts. The evidence of the complex spread of this material suggests that in India, Tibet, Nepal and Southeast Asia *nīti* was a genre which signified certain conceptual themes and textual techniques, and that whatever their origins these texts were not regarded as the exclusive property of one or another linguistic or religious community. Jains as well as Indian, Tibetan, Laṅkān and Burmese and Javanese Buddhists participated in the sponsorship, compilation and transmission of *nīti* throughout the 1st and early 2nd millennium C.E.

The question all this raises is this: if for *nīti* why not for dharmaśāstra? If certain Sanskrit *nīti* texts dealing with issues such as social ethics, statecraft, or kingly conduct were transmitted among Buddhists in Laṅkā and in Tibet, why is there little or no direct evidence for the transmission of dharmaśāstra-type texts among Buddhists *except* for the evidence of surviving legal manuscripts from Southeast Asia? This question goes to the heart of problems related to our understanding of the boundaries between textual genres and their relation to religious communities in premodern India and Southeast Asia. In a telling remark about one of the *nīti* texts in the Tanjur, translated into Tibetan probably sometime in the 13th century, Sternbach notes that: “similarly as most other Sanskrit sources which found their way to Tibet, [...] there is nothing Buddhistic about the [*Subhāṣitarathanidhi*], which contains material, arrangement and division of subjects similar to those of most other Sanskrit anthologies [...]”<sup>382</sup> In regard to the Burmese *Lokasāra Pyui.*, a vernacular *nīti* perhaps compiled by the Kandaw Minkyaung Sayadaw (Kan tau maṅḥ kyoṅ charā tau) in c. 1500<sup>383</sup>, clearly in part on the basis of identifiable earlier Pali and Sanskrit materials, he states: “the whole chapter of [*Lokasāra*] on *rājadharma* is Hinduistic in

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<sup>382</sup> Sternbach, “Spreading”, p. 376.

<sup>383</sup> Aspects of this text will be discussed in Chapter Six.

nature [... it] is basically Hinduistic and founded in the first place on the Brahmanic Mānava-dharmaśāstra and other *dharma-* and *artha-śāstra-s*, most of the rules [...] we find also in Indian sources.”<sup>384</sup> Parallels between various Tibetan, Burmese, Pali, Javanese, etc. and Sanskrit texts can hardly be doubted, but Sternbach’s comments simply assume that the dicta enshrined in them is necessarily Brāhmaṇical or somehow out of proportion with Buddhism. Why this is relates to the fact that scholars like Sternbach have insisted upon looking mainly to so-called “canonical” rather than historical materials for their understandings of Buddhist social and political thought, and have taken these as representative of the Buddhist position at the exclusion of other texts. When texts such as *nīti*—not to mention the entire range of additional disciplinary or śāstric material, including astronomy, grammar, medicine, etc.—are identified in a Southeast Asian Buddhist context, they are not seen as “really Buddhist” but as the mere appropriation, derivation, or development of forms of learning that are originally and properly Sanskritic and Brāhmaṇical.<sup>385</sup> For scholars

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<sup>384</sup> L. Sternbach, “On the influence of Sanskrit Dharma and Athaśāstras upon the Nīti literature of Burma”, *Charudeva Sastri Felicitation Volume*, Delhi, 1974, p. 615.

<sup>385</sup> This perspective was paradigmatically represented in colonial approaches to Burmese and Southeast Asian Buddhist literature, which insisted on strict boundaries between “Buddhist” and “Brāhmaṇical” genres transmitted in the region, even when such boundaries were not upheld by their Buddhist audiences themselves. Southeast Asian varieties of so-called “Brāhmaṇical” or “Hindu” texts were invariably disparaged as corrupt and inferior imitations of their subcontinental counterparts. Compare Forchhammer’s remarks that in addition to Buddhist literature “there remains still to be mentioned a second branch of literature in Burma, the Brahmanical or Sanscrit works and translation from the latter. Though of far inferior value to the Buddhist literature, yet it is still more qualified to shed light upon the intercourse of Further India with India proper prior to and after the introduction of Buddhism in Burma. Works of Hindu origin are (1) a number of law-books; (2) medical, astronomical, and astrological, &c., works; (3) the Baiden-thon-bon or the three Vedas, in part identical with 2; (4) Histopadesa, Amara-kosha, ctr., and the original recension of Dhammaniti, Lokaniti, and Rajaniti. I have heard of a Burmese recension of the Ramayana, but I did not succeed in obtaining any [...]”. E. Forchhammer, *Report on the Literary Work Performed on Behalf of Government for the Year 1879-80*, Rangoon, Govt. Printing, 1882, pp. 10-11. Later scholars of Burmese Buddhism

working on Southeast Asian materials, the construction of this fictional Buddhism derives from a bias towards early materials compiled in Pali, as well as the fact that manuscripts and epigraphs have largely been forsaken in preference for convenient published editions.

But what were the texts, if any, upon which the Buddhist polities of, for example, the mid- to late- first millennium Kṛṣṇa River Basin relied in the adjudication of disputes, to say nothing of their contemporary Buddhist communities in Campā or Java? Should the apparent absence of extant and explicitly Buddhist dharmaśāstra (or more precisely—*vyavahāra*- or *rājadharmā*-related texts) be taken as an indication that their law was predominantly oral, or, worse yet, of lawlessness? What of the lay Buddhist devotees in such contexts? How were their inheritances apportioned, loans contracted, and marriages and divorces realized? What was the shape of judicial procedure? Conventional wisdom tells us that the Buddhist textual traditions, of whatever Vinaya school or soteriological orientation, had little if anything to say about such things, in contrast to what is rightly regarded in both Asian and comparative legal studies as the textual and jurisprudential behemoth that is Brāhmaṇical dharmaśāstra.

Gregory Schopen has shown that in the case of the *Mūlasarvāstivāda Vinaya*, and thus at some point probably in Northern India around the middle of the 1st millennium C.E., we witness a number of instances of Buddhist engagement with dharmaśāstra law. In areas of debt, contract, and inheritance this Vinaya and the *smṛti*

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continued to endorse similar distinctions between “Buddhist” and “Hindu” genres circulating in Burma. See Melford Spiro, *Burmese Supernaturalism*, Philadelphia, Institute for the Study of Human Issues, 1978, p. 148; E. M. Mendelson, *Sangha and State in Burma*, Ithaca, Cornell University Press, 1975, p. 151.

texts “often speak the same language”.<sup>386</sup> Upon Schopen’s reading the redactors of this Vinaya were clearly influenced by a legal culture that also had its expression in the Brāhmaṇical dharmaśāstras; a “fundamental similarity” characterizes much of this legal thought.<sup>387</sup> If thanks to these analyses it is now clear that monistic redactors would have allowed legal concepts and practices that were shared between them and non-Buddhist-monastics (if not non-Buddhists) to figure so prominently in their monastic regulations, does it not seem probable that lay Buddhist devotees, also, would not have had reservations about participating in that same legal culture? As noted in Chapter Two, Robert Lingat proposed (though he did not fully explain his reasoning) that lay Buddhist “converts”—as he called them—in India, insofar as they remained outside the monkhood and thus outside the jurisdiction of the Vinaya, “continued to be subjected to the same legal status, i.e. the rules of their caste, guild, family or province”; that is, lay Indian Buddhists were governed by Brāhmaṇical dharmaśāstra. Other commentators such as Forchhammer posited a hypothetical “lost Buddhist dharmaśāstra” compiled and utilized among Buddhists in India and then transmitted to Southeast Asia where it was preserved, with later accretions, in the surviving Burmese, Mon, and Siamese dhammasattha corpus. It seems to me that both of these propositions may contain some truth, even if neither of them is entirely correct. Both Lingat and Forchhammer understand Buddhist law and Brāhmaṇical law as mutually exclusive; for them a law text and a legal culture is necessarily *either* Buddhist *or* Brāhmaṇical, and these religiously defined jurisdictions did not overlap. When it comes to 1st millennium Southeast Asia such an understanding of the religious boundaries of dharmaśāstra becomes increasingly difficult to sustain.

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<sup>386</sup> Gregory Schopen, *Buddhist Monks and Business Matters*, Honolulu, University of Hawai’i Press, 2004, p. 56.

<sup>387</sup> Schopen, p. 62; other key passages may be found on pp. 80-1, 130-1, 209-10.

#### IV. Vyavahāra

When we look at textual remains, turns of phrase, epigraphic citations, and consider the surviving manuscripts of our Burmese dhammasattha texts, we find that from the perspective of Southeast Asia it does not seem at all implausible that dharmaśāstra, particularly in terms of its conceptualization as a literature focused on questions of *vyavahāra*, had a certain currency among Buddhists. It is clear that among those manuscript cultures that preserve Buddhist dhammasattha texts, the relation that these texts may have with any Indic materials is rather limited in scope in terms of the fullest definitions of dharmaśāstra as encompassing not only subjects of legal practice (*vyavahāra*) but also the intricacies of the Brāhmaṇical *varṇāśrama* system, ritual prescriptions, rites of *śrāddha* and *prāyaścitta*, and so forth. The textual relations among the Sanskrit and Burmese, Tai, Javanese, or Pali texts must be understood as limited to the formal features of the *vyavahārapādas* (grounds for legal practice) as both a rhetorical principle and also in terms of the content of individual rules. As noted above, it would be an arduous yet probably fruitless task to try to catalogue the full range of close parallels between, for example, our Pali lists taken from the Burmese texts and the Brāhmaṇical Sanskrit materials in the hope of being able to establish some certain genealogy or mode of transmission. That may be an interesting exercise (and many parallels will be noted in the following chapters), but in terms of drawing conclusions about the precise historical relationships between the two genres, I find it unlikely that such parallelisms could lead to conclusive results.

The problem with the textual parallels that have been drawn to date, for example by Forchhammer or by Shwe Baw, is that such data is partial in that it has always been based on only one or a few representatives of either tradition and usually on material in translation.<sup>388</sup> Secondly such studies neglect to consider a range of

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<sup>388</sup> Forchhammer, *Jarding Prize*; Shwe Baw, “Origin”.

intermediary processes that may have been responsible for producing illusory parallels. Nearly all of the comparisons that have been made between dharmaśāstra and Burmese law texts (as with those of Java, Bali, Siam, or Cambodia) have utilized only a handful of texts and only several of the most well-known Sanskrit *smṛtis* in modern printed editions—usually the *Laws of Manu* in Bühler’s translation—and these texts can hardly be said to be exemplary of a sprawling manuscript tradition containing hundreds of texts. This is not the place for an exhaustive comparative study of dharmaśāstra and dhammasattha; indeed, given the state of manuscript and critical research on both genres of legal literature, such a study could hardly be conclusive today. But there are, nonetheless, certain characteristics of the Burmese, and also the other extant examples of Southeast Asian, legal texts that are shared with Sanskrit dharmaśāstra and have parallels nowhere else, as far as I have been able to establish, and these parallels have considerable historical significance.

It is simply implausible to suggest that there is no substantial relationship between Buddhist dhammasattha and Brāhmaṇical dharmaśāstra in terms of the general conceptual framework and formal structure of the written law that they both presuppose. This is important to underscore because as indicated above in the past 50 years or so certain scholars have sought to downplay the possible connections of the Burmese (and Thai) dhammasat genre with Sanskrit or Brāhmaṇical material<sup>389</sup>. This has been a welcome contribution, since some of these interventions, particularly those of Huxley and Aung Than Tun, have, in turning scholarly attention away from India and Sanskrit literature as the presumed “source” of the dhammasats and towards Burma and Southeast Asia and Pali Buddhist literature, brought to light important Pali and Buddhist currents in the texts, including hitherto unrecognized affinities between

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<sup>389</sup> It strikes me as not accidental that arguments in favor of the “local” Burmese or Southeast Asian genesis of the texts coincided with the emergence of nationalist anti-colonial movements in Burma and intensified following Burmese independence.

dhammasattha and the Pali Vinaya. Yet at the same time such a shift in focus glosses over important questions that still haunt any approach to the Southeast Asian dhammasattha texts; namely, the question of their early genesis and transmission and their place in a regional legal culture.

In fact, what has happened is that the question of the relationship with dharmaśāstra has been largely ignored. Part of the reason for this—in addition to the general inward-looking-ness of post-colonial nationalist scholarship on the “autonomy” of Southeast Asia—is the hastening of conceptions, over the course of the 20th century, of Burmese Buddhist culture as belonging to a distinctively “Theravāda” literary and Buddhist ecumene. Burmese Buddhism (like the Buddhisms throughout much of Southeast Asia) has come to be seen increasingly as part of a regional type. So parallels with the dhammasattha are sought perhaps in texts that circulated in Laṅkā, Siam or Lān Nā, and above all in the perceived charter-text that is the “Pali Canon”, but not in Andhra, Java, Angkor, Bengal, or Bali, let alone Tibet or China. We cannot dispute the importance of the Pali *tipiṭaka* and commentaries to the development of dhammasattha, but I would like to highlight the fact that in shifting our attention away from parallels with non-Pali literature we stand to neglect potentially important sources of insight concerning the early life of the dhammasattha corpus, as well as of other Buddhist texts and practices, in the region. This argument is not meant to suggest in any way that the Burmese texts “originated” or are directly derived from Brāhmaṇical Sanskrit dharmaśāstra but simply that both traditions presuppose a shared framework for textualizing certain aspects of legal thought, and that these frameworks, as well as certain details in the legal content or jurisprudential theory contained in the Burmese texts, seem to have a regional provenance.

The most fundamental formal, organizational feature of the Burmese dhammasattha texts is their thematic and conceptual division according to eighteen

legal roots (*mūlāṭṭhārasā*, *amrac 18 pāh*). All dhammasattha texts that can be dated reasonably securely to before 1750 contain a discussion of the eighteen roots, and many texts, including the DhV and MSR, explicitly employ them as the basic organizational principle for their entire text. Also, even most of the dhammasattha texts<sup>390</sup> written after 1750 discuss the eighteen roots, although some of them mention only the formulation without fully explicating its content.<sup>391</sup> As noted by Shwe Baw, one text that does *not* explicitly refer to the eighteen roots is the *Gaṇṭhi Dhammasat* compiled very late in s.1213 (1869 C.E.),<sup>392</sup> although even this text deals only with subjects of law generally understood by the tradition to fall within the scope of dhammasattha as defined originally by the *mūlāṭṭhārasā*, namely: debt, deposit, marriage, gambling, assault, theft, slaves, and inheritance. In certain texts, including

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<sup>390</sup> Excluding commentaries, digests, compendia, tables of comparison, extracts, etc.

<sup>391</sup> Huxley, following Shwe Baw, asserts that “only two of the Burmese dhammathats make any serious attempt to use the 18 heads, and some of them even enumerate them, but these works are organized on a different principle which I call the ‘lists of lists’”. As far as I can make sense of his ‘list of lists’, he regards this as somehow parallel with or related to a citation a D iii, 190. I cannot find any echoes of this passage in Burmese dhammasattha, although certain of the features discussed in that canonical passage are frequently cited in the legal literature: the four “bad courses” (see Chapter Six), for example (which, of course cannot be viewed as a reference to exactly that passage in the *Dīghanikāya*). There is also no relationship to the number 227 or direct citation of the *patimokkha* in the dhammasattha tradition, so far as I can tell. Huxley maintains, furthermore, that a citation in a Mon dhammasat is “borrowed” from the Vinaya, when in fact this is not even remotely the case. The ‘list of lists’ describing the “18 roots of law” is exactly identical with the eighteen *vyavahārapādas* and that as I describe here their importance, *pace* Shwe Baw, continues across virtually all texts. The concept of the *sākhā* or “branch” is a rhetorical technique that allows for the contraction or elaboration of law *in terms of* the fundamental concept of the 18 roots and will be discussed in detail in connection with the MSR in Chapter Five. Huxley, “Buddhism and Law—the View from Mandalay”, *JIAS*, 18.1 (1995), pp. 66-7.

<sup>392</sup> There are some divergences over the date of this text although the colophon to the only ms I am aware of reads *gaṇṭhidhammasattaṃ navamapakaraṇaṃ niṭṭhitaṃ | sakkarājesahassa dvisata ekatise | saradamāse dasame dive |* “The *gaṇṭhidhammasattaṃ* is completed in *sakkarāja* 1213 on the 10th day in the month of *Sarada*”. NL 116, f.cha(r). This text displays other “late” features which will be described Chapter Eight.

the MSR, these eighteen roots are further explicitly divided into numerous “branches” (*sākhā*; *akhak*) that encompass a bewildering variety of subsidiary laws, sometimes only very loosely related to the theme of the *mūla* they fall under. And in fact as I suggest in Chapter Five the concept of the *sākhā* has direct parallels in *Nārada* and other Sanskrit dhamraśāstras and was the primary mode through which dhammasattha law was expanded and related back to the fundamental principle of the eighteen roots. The description of the eighteen roots or *mūlāṭṭhārasā* is, in all cases in the earlier texts, derived from a Pali gāthā which is cited and then given a nissaya gloss. There are several variants of this gāthā. Below I provide examples of two of these. The first is found in several texts, including the Arakanese recension of the *Kyak ruiḥ Dhammasat*, the DhV, and the *Manu Kyay*. The second example is taken from one of the extant ms versions of the MSR but is found as well in the *Manu rañḥ*.

*Kyak ruiḥ dhammasat* NL 1703 khā-r ff.; DhV UBS 163/582 kha [8103] v ff., NL kañḥ 18 kau-r ff.; also other DhV mss; LOM, p. 68

*iṇako dhāpako ce va | paradabbavinodanaṃ | dinnaṃ paccāharaṇato | samaggaṃ vaddhīnaṃ bhāgaṃ | bhatijīvitaṃ kammaṇa | saccaṃ viparikāraṇaṃ | gopālānañca lakkhaṇaṃ | kayavikkaya ābhaṭaṃ | sūmipamāṇato ce va | ambhācikkhanato pi ca | theyyakopahato cāpi | ghātako pāricariyā | dāsānañca vivādānaṃ | dāyajjaṃ duttakīlithā | idhajanāvivādānaṃ | aṭṭhārasabhavantite<sup>393</sup>*

[nissaya:]

1. iṇako<sup>394</sup>; mrī khyeḥ rā tarāḥ (the law regarding contracting debt)
2. dhānato<sup>395</sup>; uccā naṃ so tarāḥ (the law regarding deposit of property)
3. paratappavinodanaṃ<sup>396</sup>; sū ta pāḥ tui. e\* uccā kui yoṇ chaṇ pyak r\* khui roñḥ so tarāḥ<sup>397</sup>

<sup>393</sup> LOM, p. 68

<sup>394</sup> UBS 163/582 iṇato

<sup>395</sup> UBS 163/582; NL kañḥ 18 *dhammato*; NL 1703 *dhāko*; UCL 9926 *padhako*; LOM *dhāpako*

<sup>396</sup> UBS 163/582

<sup>397</sup> UBS 163/582: *sū ta pāḥ tui. e\* uccā kui yoṇ chaṇ pyak r\* khui vhaḥ* “theft by transforming the appearance of someone else’s property”

- (lit. the law regarding illicit sale by transforming the appearance of someone else's property; i.e. sale without ownership)
4. *dinnaṃ paccāharaṇato | peḥ pīḥ so uccā kui ta phan toṇ pran sau ra rā ma ra rā so tarāḥ*<sup>398</sup> |  
(the law regarding the propriety of requesting the return of property that has already been given; i.e. resumption of gifts)
5. *samaggam vaddhīnam*<sup>399</sup> *bhāgam | aññi aññvat lak sa māḥ kui. e\* ve sā kra tarāḥ*  
(the law regarding the appropriate wages for carpenters)
6. *kammena jīvitaṃ bhati*<sup>400</sup> | *amhu saññ lup so kuiy kha phrañḥ asak mveḥ so tarāḥ*  
(the law regarding wages for laborers)<sup>401</sup>
7. *saccaviparikāraḥ | amhan chui pī so saccā phok pran so tarāḥ*  
(the law regarding breach of oath)
8. *gopālānaṃ lakkhaṇaṃ | nvāḥ thin tui. e\* mhat kroṇḥ lakkhaṇā tarāḥ*  
(the law regarding the characteristics of cowherds)
9. *kayavikaya ābhaṭaṃ | roṇḥ pī vay pīḥ so uccā kui tun. pran rā ma tun. pran rā so tarāḥ*  
(the law regarding returning or reclaiming property bought or sold)
10. *bhūmipamaṇato | mre e\* apuiḥ akhyāḥ pamāṇa kui chuṃ prat so tarāḥ*  
(the law regarding the demarcation of boundaries of land)
11. *abbhācikkhaṇato | cvat chai*<sup>402</sup> *so tarāḥ*  
(the law of accusation)
12. *theyyako*<sup>403</sup> | *khuiḥ vhaḥ so tarāḥ*  
(the law of theft)
13. *pahato | khat put kra so tarāḥ*  
(the law of assault)
14. *ghatako*<sup>404</sup> | *ase sat so tarāḥ*  
(the law of murder)
15. *paricariyā*<sup>405</sup> | *lañ nhañ mayāḥ kyañ. rā so tarāḥ*  
(the law regarding the duties of husband and wife)
16. *dāsānañ ca vivādānaṃ | kyvan e\* aphaṇc kui ñrañ khuṃ kra so tarāḥ*<sup>406</sup>  
(the law regarding disputes concerning the status of slaves)
17. *dāyajja | amve ve kra so tarāḥ*

<sup>398</sup> NL 1703

<sup>399</sup> i.e. a *vaddhaki*, a carpenter, architect. cf. PTSD s.v.; UBS 163/582 *vattakanam*; UCL 9926 *samavattanam*; NL 1703 *veṭhanam*

<sup>400</sup> cf. KAN 1054; cf. Skt. *bhṛtaka*; Pali *bhataka*, “servant”

<sup>401</sup> Although the entire Pali passage above is quoted in NL 1703, nos. 5 and 6 are not glossed in the nissaya section. Both are included in the vernacular translation following the nissaya section as nos. 2 and 3.

<sup>402</sup> UBS 163/582; LOM *ruiḥ cvap*

<sup>403</sup> NL 1703 *dhanajhariyo*

<sup>404</sup> LOM, UCL 9926; UBS 163/582 *ghaṭaka*

<sup>405</sup> LOM, NL 1703; UBS 163/582, UCL 9926 *paracariyā*

<sup>406</sup> UBS 163/582

(the law regarding the partition of inheritance)  
 18. jutakilinā | [kyve]<sup>407</sup> an ca so ka cāḥ khyañ n\* loñḥ khyañ saññ kui ra rā ma ra rā  
 so tarāḥ<sup>408</sup>  
 (the law regarding whether gambling is appropriate in games such as dice, etc.)

These 18 divisions (*chan ruiḥ*) of the dhammasat which have been described are the causes of dispute (*vivādāni*; *nrañ khyañ*) among men in the world.

MSR (fr. Add 12241 gāḥ r ff [0041]); *Manu rañḥ*, p. 16-17

I shall put forth this gāthā which describes the divisions (*aprāḥ*) of the laws established (*chumḥ phrat*) in this Manusāra Dhammasat:

*tattha aṭṭā dvidhā vuttā mūlasākhappa bhedato | mūlāṭṭhārasadhā sākḥā | tidinnodi anekadhā*

[nissaya:] [The gāthā] says that there is a twofold division into roots (*mūla*; *amrac*) and branches (*sākḥā*; *akhak*) of the laws (*aṭṭa*; *tarāḥ*) established by this dhammasat named *Manusāra*. It says that there is a division of the laws into 18 roots. It says that there is a division of the laws into branches beginning with the [law concerning the] three types of giving. [As for the root laws:]

*inadhanaṃ sannidhānaṃ | nasakaṃ parakiṇitaṃ | adhammadhanavibhāgaṃ | dhanam datvā pacchā gaṇhaṃ | bhaṭikassa palibodho | bahumajjhe susamukhe | yaṃ vacanaṃ kathetvāna | pacchā puna kathenti taṃ | kiṇitvā puna icchati | vikiṇitvā vivattati | dvipadā vā catupadā | sabbe manussabhaṭikā | pathavivibhattivācā | aññadosaparopitaṃ | paraḡhātaṃ gharaṃ gacche | itthipurisavigate | vibhatti ca dhanahetu | akkhamuttapaṭibhāro | ete mūlāṭṭhārasa | dhammasatthe pakāsītā*

[nissaya:]

1. *inadhanaṃ* | mṛī uccā tarāḥ  
(the law of debt-property)
2. *sannidhānaṃ* | nhaṃ so uccā  
(deposit)
3. *nasakaṃ parakiṇitaṃ* | mi mi uccā ma hut so uccā kui su āḥ roñ khrañ  
(sale without ownership)
4. *adhammadhanavibhāgaṃ* | ma tarāḥ sa phrañ. uccā kuiv peḥ khrañ  
(illicit distribution of property)
5. *dhanam datvā pacchā gaṇhaṃ* | uccā kuiv peḥ priḥ r\* nok mha yū khrañ tarāḥ  
(the law regarding the resumption of gifts)
6. *bhaṭikassa palibodho* | kuiy kha ñhāḥ cāḥ so tarāḥ

<sup>407</sup> NL 1703

<sup>408</sup> all the DhV mss basically follow this text; LOM reads *duttakīlītā | krak tuik | an khat aca rhi so ka cāḥ khrañ n\* loñḥ tamḥ kra so tarāḥ*

- (the law regarding the payment of laborers)
7. *bahumajjhe sukhamukhe yaṃ vacanaṃ kathetvāna puna pacchā* | amyāḥ tuiv. e\*  
 alay n\* laññ koṇḥ sū tau koṇ tui. myak mhok laññ koṇḥ akraṇ ca kāḥ kui chuiv prīḥ r\*  
 ta phan nok mha chuiv kun e\* | taṃ thui tarāḥ ca kāḥ laññ ta pāḥ  
 (lit. “discourse concerning the law regarding swearing an oath in the middle of  
 an assembly/crowd or in front of Good Men and then at a later time giving a different  
 testimony”; i.e. the law regarding oaths)
8. *kathenti kiṇitvā puna icchati* | roṇ prīḥ mha ta phan lui pran so tarāḥ  
 (the law regarding resumption of things sold)
9. *vikīṇitvā vivattati* | vay prīḥ mha tuṃ pran so tarāḥ  
 (the law regarding resumption of things purchased)
10. *sabbe dvipadā vā catupadā* | aluṃmḥ cuṃ so akhre nhac khu akre le khu tui. tarāḥ  
 (the law regarding all two-footed and four-footed [animals])
11. *manussabhaṭikā* | sū kha cā  
 (the law regarding the price of men; i.e., wages)
12. *pathavīvibhattivācā* | mre kuiv ve khraṇ ca kāḥ  
 (the discourse regarding [the law of] dividing land)
13. *aññadosaparopitaṃ* | su kui aprac rhā r\* cvat chvai khraṇ tarāḥ  
 (the law regarding fault-finding (aprac rhā) and accusation)
14. *paraghātaṃ* | su kui sat put khraṇ tarāḥ  
 (the law of physical assault)
15. *gharaṃ gacche* | su aim su rā suiv. rok khraṇ tarāḥ<sup>409</sup>  
 (the law regarding going to a home or dwelling, i.e. marriage)
16. *itthipurisavigate* | laṇ mayāḥ kvā kraṇ tarāḥ  
 (the law of divorce)
17. *vibhattidhanahetu ca* | uccā ve khraṇ tarāḥ  
 (the law of the division of property; i.e. inheritance)
18. *akkhattapaṭibhāro ca* | krve khat kra r\* loṇ so tarāḥ  
 (the law regarding cowrie-dice and gambling)

These are the eighteen roots of law explained in the dhammasattha. These eighteen comprise the meaning of what is called the “root law” (*amrac tarāḥ*).

Further details concerning these descriptions and the formal roles they play in the overall organization of their texts will be discussed in later chapters. For present purposes it is important to realize that these eighteen categories are announced near

<sup>409</sup> Shwe Baw (p. 37) translates this as “trespass” in his discussion of MSR. But where the almost verbatim passage in the nissaya gloss of *gharaṃ gacche* appears in *Manu rañḥ*—namely, *eim sui. rok khrañḥ*—he translates it as “offence’s against another’s wife” (p. 39)!

the beginning of their treatises following the proem that narrates the “biography” or uprising (*aṭṭhuppatti*) of the text, and that they set the stage for the unfolding of the discourse that ensues. In all instances the eighteen divisions are not rigorously adhered to, and in certain texts they seem to serve more of a role of providing a theoretical definition of the extent of the law in its different categories, which need not be dealt with in detail elsewhere in the text. The eighteen categories should therefore not be regarded as a table of contents that serves to index the content of a treatise, but rather as a statement about the scope of the dhammasattha discourse in general terms.

As a number of other scholars have pointed out, these eighteen *mūlas* find a parallel in the eighteen *vyavahārapādas* or grounds for litigation in the Sanskrit dharmaśāstra texts, which the *Nāradaśmṛti* enumerates as follows:<sup>410</sup>

1. *ṛṇādanam*, nonpayment of debts
2. *nikepaḥ*, deposits
3. *saṃbhūyasamutthānam*, breach of contract for service
4. *dattāpradānikam*, resumption of gifts
5. *abhyupetyāśuśrūṣā*, breach of contract for service
6. *vetanasyānapākarma*, nonpayment of wages
7. *asvāmivikrayaḥ*, sale without ownership
8. *krītānuśayaḥ*, non-delivery of what has been sold
9. *vikrīyāsaṃpradānam*, renegeing on purchase
10. *samayasyānapākarma*, nonobservance of conventions
11. *kṣetrajavivādaḥ*, land disputes
12. *strīpuṃsayogaḥ*, relations between a man and a woman
13. *dāyabhāgaḥ*, partition of inheritance
14. *sāhasam*, violent acts
- 15-16. *vāgdaṇḍapāruṣye*, verbal and physical assault
17. *dyūtasamāhvayam*, gaming and contests
18. *prakīrṇakam*, miscellaneous

I cite the *Nāradaśmṛti* here because this text, perhaps more than any other of our published editions of dharmaśāstra, seems to mirror the Burmese dhammasattha most

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<sup>410</sup> Nār 16-20.

closely in terms of content and form. That is, *Nārada* is largely concerned only with the eighteen *vyavahārapādas* as well as some issues related to legal procedure. This is perhaps true of the smṛtis of *Kātyāyana* and *Bṛhaspati*, which may have also focused more exclusively on issues of *vyavahāra* than texts such as *Manu* or *Yājñavalkya*, which deal with a range of other issues connected to the Brāhmaṇical understanding of dharma.<sup>411</sup> But of course slightly variant lists of the *vyavahārapādas* is given in other smṛtis, and they do not always add up to exactly eighteen.<sup>412</sup>

I would like to underscore that these eighteen roots articulate the basic scope of dhammasattha as the genre is understood in Burma, and note that recent scholarship has dramatically underemphasized their significance. Unlike in India, where in certain texts such as the MDh *vyavahāra* comprise only a portion of the total content of dharmaśāstra, as far as we know from extant Burmese materials the purview of dhammasattha is, and has always been, exclusively this type of material. Some of our texts do discuss regulations bearing on kingship, the function of officials of the state, and, typically, matters of procedure regarding such things as witnesses, judges, evidence and so forth, yet as described in following chapters these matters are closely related to the elaboration of *vyavahāra*, and connect to the ways in which the eighteen roots, as embodied in dhammasattha as theoretical manuals on law, are actualized in a juridical context. Whether or not a text utilizes extensive technical terminology of *vyavahāra* or enumerates some or all of the roots and their connected branches is

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<sup>411</sup> Cf. P.V. Kane, *Kātyāyanasmṛti on Vyavahāra*, Poona, Aryasaṅskṛti Press, 1933; J. Jolly, *Minor Law Books*, Oxford, Clarendon Press, 1889. However, both of these texts are reconstructions, compiled from extensive citations in *nibandha* digests. It seems difficult to know the extent to which other, non-*vyavahāra* matters would have been dealt with by them. It is also plausible that earlier versions of *Nārada* itself may have contained details on more than just *vyavahāra*, including regulations on *śrāddha* (ceremonies for the dead) and *prāyaścitta* (expiation). For a brief discussion of both of these matters see Lingat, *The Classical Law*, pp. 103ff.

<sup>412</sup> Kane, *History*, III, p. 248ff.

irrelevant; the important point here is the fact that the legal genre deals entirely with issues of practice and procedure comprised, in whole or in part, by these subjects.

## V. Sattha in Pali Buddhist literature

In the early Pali Buddhist literature the use of the Pali term *sattha* (= Skt. śāstra) to refer to disciplines, categories of learning, or “textual instruments” is rare.<sup>413</sup> However, in the *Milindapañhā*, King Milinda is described as learned in the following nineteen disciplines, and here the cognate Pali term *sattha* (*satthāni*) is employed: *suti sammuti saṅkhyā yogā nīti viśesikā gaṇikā gandhabbā tikiccā dhanubbedā*<sup>414</sup> *purāṇā itihāsā jotisā mahā ketu*<sup>415</sup> *mantanā yuddhā candasā buddhavacanena ekūnavīsati*.<sup>416</sup> Many of these terms are not easily translatable verbatim because they refer to specific technical or philosophical genres (e.g. *vaiśeṣika*, *saṅkhyā*), textual genres (*Purāṇa*, *Itihāsā*, etc.) or otherwise require detailed commentary (*śruti*, *smṛti*). I offer a limited translation, providing the Sanskrit equivalents for the Pali words:

*śruti*, *smṛti*, *saṅkhyā*, *yoga*, *nīti* (law, statecraft), *vaiśeṣika*, *gaṇaka* (calculation, finance, numerological reckoning), *gandharva* (music), *trikṛtya* (medicine), *dhanurveda* (archery), the *Purāṇas*, *itihāsa* (history), *jyotiṣa* (astronomy), *maha* (magic), *ketu* (omen interpretation), *mantra*, *yuddha* (military strategy), *chāndasa* (prosody), with *Buddhavacana* (texts relating to the words of the Buddha), nineteen.

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<sup>413</sup> It is attested more commonly in the later *aṭṭhakathā* commentaries, thus from the middle of the 1st millennium C.E. onward. Several of these instances are discussed below.

<sup>414</sup> Some Bse manuscripts have *catubbedā* (“four Vedas”), which is also the reading in the CS edition. CS notes that Sinhalese manuscripts give *dhanubbedā*; although this reading is also found in the Burmese nissaya cited below. This seems to make sense here as *suti* would already encompass the four Vedas.

<sup>415</sup> Some Sinhalese manuscripts read *hetu*. Again, there are different versions of this text in Sinhalese and Burmese manuscripts of the Mil. For a discussion of more of these variants see Chapter Six.

<sup>416</sup> Mil-bse, p. 4.

A partial gloss of this description of the wisdom of King Milinda is found in the later Cambodian *ṭikā* held in Copenhagen and carefully edited by Jaini<sup>417</sup> and in numerous vernacular Burmese renderings of the narrative.<sup>418</sup> A gloss is also found in the Pali *Milindapañhā-aṭṭhakathā* by Mingun Jetavan Sayadaw U Nārada in the 1930s, perhaps compiled in part after earlier Burmese works.<sup>419</sup> The list in the *Milindapañhā* is particularly interesting because it mentions two branches of learning in which the king is said to be skilled, namely *sammuti* and *nīti*, which have a direct bearing on the question of the awareness among 1st millennium Buddhists in the greater South Asian region of dhammasattha texts. Simply from this instance it is impossible to know the details of the disciplines to which these terms would have referred, and indeed whether or not these *sāstras* refer to specifically written modes of knowledge, but the apparent parallels with the categories of *smṛti* and *nīti*, as genres of text that in Sanskrit contexts have bearing on legal knowledge, is suggestive. In the Cambodian *ṭikā* the commentator does not gloss *nīti* but interprets *sammuti* as “grammatical texts” (*saddagantha*).<sup>420</sup> However, in his gloss on the entire list, an early 19th century

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<sup>417</sup> *Milindaṭṭikā*, London, Pali Text Society, 1961, p. 6.

<sup>418</sup> Compare further Southeast Asian references to Milinda traditions in von Hinüber, HPL, III.4; MST s.v. *Milindapanhā*; and, E. Guillon, “Les Questions de Milinda: Un roi Greco-Indien dans un texte Mon” *Cahiers de l’Asie du Sud-Est*, 29-30 (1991), pp. 75-92. In Burma there are witnesses to both a *ṭikā* and a *Milindapanhā-aṭṭhakathā* (see following note), as well as to several nissayas; see PSS 204, 133, 881, 629, 630, 631; KN 102-4. FPL and MORA both hold numerous relevant Bse mss that have not yet been examined.

<sup>419</sup> Cf. Mañḥ kvanḥ jetavan charā tau, *Milindapañhā-aṭṭhakathā*, Yangon, Haṃsāvātī, 1949. This text has been transcribed and edited in roman characters in Madhav M. Deshpande, *Milindapañhā-Aṭṭhakathā*, Tokyo, International Institute for Buddhist Studies, 1999. That an understanding of the eighteen sciences were known in Burma is abundantly clear. For an 18th century list that closely parallels the enumeration in the *Milindapañhā* see Phuiḥ Cin, ed., *Kan tau mañḥ kyoñḥ metta cā aphyre*, Yangon, Haṃsāvātī, 1959, p. 81. This work will be discussed in Chapter Six alongside other Burmese understandings of *sattha*.

<sup>420</sup> *Milindaṭṭikā*, p. 6.

Burmese commentator takes *sammuti* to be a reference to the “dhammasat written texts beginning with *Manu*” and *nīti* to signify “*nīti* written texts beginning with the *Rājanīti*”.<sup>421</sup> Nārada likewise interprets *sammuti* as referring to dhammasattha, writing: “*sammūtī ti sammuniyati etthā ti sammuti | rājūnaṃ aṭṭavinicchayavasena sammutaṃ dhammasatthaṃ*”— “here ‘*sammuti*’ is that which is authorized, [such as] dhammasattha, which is authorized by the authority of judicial decisions of sovereigns”.<sup>422</sup>

We know little about the date or attribution of the *Milindapañhā* except that a form of the text was extant prior to its 4th century translation into Chinese. It appears that this technical list is not exactly paralleled in Chinese versions of the text, where the corresponding passage, in its French translation, describes Milinda as “un homme de haut talent, sage, habile, éclairé sur la Voie des sūtras du temps, capable d’expliquer les points difficiles des choses passées, futures et présentes, éclairé sur les affaires publiques et sur l’art de la guerre; il n’y avait rien que ne pénétrât sa perspicacité.”<sup>423</sup> Thus it seems entirely plausible that the Pali list may be a later insertion of unknown provenance. Yet there is a range of other pre-15th century evidence that seems to suggest a familiarity with *sattha* and dhammasattha-type texts among Buddhists elsewhere in South and Southeast Asia.

## VI. Sattha and written law in Laṅkā

Primary among such references are those that are located in the strata of Laṅkān Pali chronicle traditions drawn together under the name *Mahāvamsa*. Others

<sup>421</sup> Ādiccavaṃsa, *Milindapañhā pāli tau nissaya*, Yangon, Praññ Kriḥ Maṅḍuin, 1915, p. 18. UBhS in Thaton holds a ms version of this text at 426/171.

<sup>422</sup> *Milindapañhā-aṭṭhakathā*-Bse., p. 11.

<sup>423</sup> P. Demiéville, “Les versions chinoises du Milindapañha”, *BEFEO*, 24, 1 (1924), p. 92.

have noted instances in the *Mahāvamsa* that appear to describe the practice of written law in premodern Ceylon. References mentioned in a 1996 article by Huxley<sup>424</sup> include:

a. (written 12th c.?) SLTP 47.20; Geiger trans. *Cūlavamsa*, 49.21: *potthakesu likhāpevo aṭṭe sammāvinicchite rājagehe thapāpesi ukkoṭanabhayena so*

“[The king had] disputes that were properly decided (*aṭṭe sammāvinicchite*) written in manuscripts (*potthakesu*) and kept in the royal palace out of fear of corruption (*ukkoṭanabhayena*)”<sup>425</sup>

b. (12th c.?) SLTP 78.41; Geiger 80.41: *saṅkiṇṇaṃ ca catubbaṇṇaṃ asaṅkiṇṇaṃ vidhāya so dhammādhikaraṇaṃ satthaṃ kārayī kusalatthiko*

“[The general Āyasmanta] organised and separated the four varnas (*vaṇṇa*) which had become mixed, and being intent on the good (*kusala*), had a treatise (*satthaṃ*) written containing questions about the dhamma (*dhammādhikaraṇaṃ*).”<sup>426</sup>

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<sup>424</sup> Andrew Huxley, “Studying Theravada Legal Literature”, *JIAS*, 20 (1997), 63-91. I am using a pre-press draft of this essay so my page numbers differ.

<sup>425</sup> My translation here differs from that of Collins (cited in Huxley), which improves upon Geiger. The difference is simply that I underscore the use of manuscripts in this context and translate *ukkoṭana* (Skt. *utkoca*) as “corruption” rather than in the more specialized meaning of bribery.

<sup>426</sup> Collins’ trans (in Huxley, “Studying”). Note that *adhikaraṇa* also carries more technical usages, some specifically related to judicial administration. It is a typical word for a “court” or “tribunal” in Sanskrit inscriptions and in Pali where it also refers to specific “cases” of litigation or dispute. On later Burmese understandings of the term see KAN, s.v. The office of the *adhikaraṇa-bhikṣu* played an important roll in Indian Buddhist monasteries (cf. Jonathan A. Silk, *Managing Monks: Administrators and Administrative Roles in Indian Buddhist Monasticism*, Oxford, Oxford University Press, 2008, pp. 171-2), as well as later Javanese Buddhist materials. When used in reference to a text the term may indicate a section or “chapter” of a written treatise where it signifies the subject heading of a particular division of a work.

Huxley notes in reference to the latter passage that here the “word ‘dhamma’ need not indicate a written collection of legal norms. The sentence makes good enough sense as a description of two different ways in which Ayasmanta behaved meritoriously: he reformed social organisation and he sponsored a book on religion”.<sup>427</sup> While this is perhaps true we should also note the specialized usage of the term *sattha* employed in this context to refer to the production of a (probably written) text dealing with the subject of dhamma. Throughout the *Mhv* the term *sattha* is used a further 11 times, as follows:

- a. (written 12th c.?) LTP 37.146/Geiger 37.146: *vejjasattha* “medical treatises”, i.e. Skt. vaidyaśāstra (perhaps also at 37.150)
- b. (12th c.?) SLTP 48.59/Geiger 50.60: *sabbasatthavisārado*, “learned in all the treatises”
- c. (12th c.?) SLTP 72.3-4/Geiger 64.3-4: *jināgamesu nekesu koṭillādisu* [ed. note: (e.) Koṭallādisu. (a.) Kecallādisu] *nītisu saddasatthe ca kāveyye sanighaṇḍukakeṭubhe; naccagītesu satthesu hatthisippādikesu ca dhanukhaggādinekesu satthesu ca visesato* “[Parakkamabāhu was learned] in (the?) various divisions of texts (*āgamesu nekesu*) of the Conqueror; in the *nīti* [texts] such as *Koṭilla* [i.e. the Kauṭīliya *Arthaśāstra*]; in the grammatical treatises (*sattha*) and in poetics (*kāveyya*) together with [the art of] glossing texts (*nighaṇḍu*) and [knowledge of] versification [manuals] (*keṭubha*);<sup>428</sup> in treatises (*sattha*) relating to singing and dancing and the sciences (*sippa*) such as that

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<sup>427</sup> “Studying”, pp. 3-4.

<sup>428</sup> Geiger translates *nighaṇḍukakeṭubhe* as “the knowledge of vocabulary and ritual”, following the PTS. My translation of *keṭubha* as “manuals of versification” follows KAN and others who note that this is a term for texts connected with poetics or *alaṅkāra* (i.e., *alaṅkāraśāstra*).

of elephants, and, especially, in the various treatises (*sattha*) related to matters such as the bow and sword.

d. (12th c.?) SLTP 75.88/Geiger 67.88, contains a reference that is almost certainly not to *sattha* (treatise) but to *satthar* (master); I mention it here only for the sake of being thorough: *ñātasatthāgamo*, “[he] knew the texts [*āgama*] of the Master” (Geiger’s trans). Geiger includes a note that in this instance it “is doubtful whether *sattha* contains the Skr. *śāstra* or *śāstr* (P. *satthar*). W[ijayasimha] seems to assume the former, since he translates: “versed in all knowledge and wisdom”. I think the latter and take *satthāgama* as a synonym of *buddhāgama*.”<sup>429</sup> I agree that the former reading is extremely implausible, among other reasons because the term *Satthar* is a very common epithet of the Buddha in the *Cūlavamsa*. Also, not insignificantly, I am unaware of any application of the term *sattha*, in a Pali context, to texts of the nikāyas.

e. (12th c.?) SLTP 78.56/Geiger 70.56: *yuddhopayogikoṭillasattuyuddhaṇṇavādikaṃ* (or *-kocallasattha-*), *sammā vilokayitvāna*, “with careful consideration of the works profitable for the carrying on of war, such as the text book (*sattha*) of (Koṭilla), the *Yuddhaṇṇava* and others” (Geiger trans.). Note here that the term *yuddhopaya*, or the means (*upāya*) of war, seems to suggest, as Geiger points out, the four means of warfare discusses in *AŚ*, *YDh*, and other texts.<sup>430</sup>

f. (12th c.?) SLTP 71.38; Geiger 73.38: *vejjānaṃ katahatthānaṃ sabbasatthappavedinaṃ*, “to dexterous physicians learned in all the treatises (*sattha*)”

g. (12th c.?) SLTP 71.45; Geiger 73.44: *sayam upadisitvāna satthayuttim yathāvato*, “[he] taught them the proper application of the [medical] treatises (*sattha*)”. Geiger translates this as “[he] pointed it out to them as the best of teachers and showed them

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<sup>429</sup> Geiger, p. 274, n. 1.

<sup>430</sup> Geiger, p. 201, n. 2.

the proper use of the instruments”. It seems like he must be reading *sattha* as *satthar* and interpolating “instruments”. My reading does not require any interpolation.

h. (written 18th c.?) SLTP 98.98; Geiger 100.97: *tatoppabhuti*

*saddhammasaddasatthesu chekake; sāmaṇerādike netvā dāpento upasampadaṃ*

“from that time forward, having drawn together *sāmaṇeras* and others learned in the treatises (*sattha*) that relate to the grammar of the Good Dhamma, [the king] gave them the *upasampada* ordination.

i. (18th c.?) SLTP 98.176; Geiger 100.175: *saddhammaVinayatthe ca saddasatthaṃ*

*ca uggahuṃ*, “[bhikkhus] learned the philological treatises (*sattha*) and the meaning of the Vinaya of the saddhamma”

j. (written 1877) SLTP 99.12; Geiger 101.12: *pāḷisakkatasatthadinekasatthesu kosalo*,

“[the king was] adept in the various treatises (*sattha*) beginning with those treatises (*sattha*) in Pāḷi and Sanskrit.

k. (1877) SLTP 99.13; Geiger 101.13: *saddasatthavisārado*, “skilled in the grammatical treatises (*sattha*).

It may be objected that my translation of these passages unfairly privileges one among several possible meanings of *sattha*. Indeed, as with Sanskrit *śāstra* in many instances in Pali it is difficult to tell whether *sattha* is used in reference to a written treatise as opposed to and unwritten “teaching”, “science”, or “discipline”. But I would argue that based on the above instances where the term very probably implies a written text (i.e., *dhammādhikaraṇaṃ satthaṃ kārayī; pāḷisakkatasatthadi; and, kocallasattha*), it is reasonable to assume that for the compiler or compilers of these sections of the *Mahāvamsa*, the notion of *sattha* presupposed a written text or a tradition of knowledge or learning enshrined in written treatises. Moreover, in each of these cases the term *sattha* refers quite specifically not just to any written text but to a technical or

theoretical manual, on medicine, philology, poetics, statecraft, elephantry, etc., all of which have analogues within the Brāhmaṇical śāstric genres (*vaidyāśāstra*, *śābdaśāstra*, *kāvyaśāstra*, *nītiśāstra*, *gājaśāstra*, etc.). Although the term “dhammasattha” is perhaps not explicitly referred to—depending how we read *dhammādhikaraṇaṃ satthaṃ* in SLTP 78.41 above—genres closely related to the dharmaśāstras, such as nīti and arthaśāstra are named<sup>431</sup>. Kauṭīliya’s *Arthaśāstra* is cited by name twice; in both instances the manuscripts provide variant readings for the name of the work (*Koṭilla*, *Koṭalla*, *Kocalla*, *Kecalla*) which may suggest some uncertainty about the correct form of the title in the period when these references were compiled (12th c.?) or when our extant manuscript versions of the text were produced (i.e. post 17th century). The AŚ is a well-known text on kingship and statecraft which contains as its 3rd *adhikaraṇa* (section), “on judges” (*dharmasthīyam*), procedural and *vyavahāra* laws<sup>432</sup> which in numerous instances of both text, vocabulary, and content very closely parallel formulations found in both MDh and the *Yājñavalkya dharmaśāstra*.<sup>433</sup> As Lingat explains, following Vijñāneśvara’s commentary on *Yājñavalkya*, there is a great deal of overlap among arthaśāstra and dharmaśāstra traditions and the distinctions between them derive from a different “way of seeing things” rather than any sort of “fundamental opposition”.<sup>434</sup> Furthermore, given that

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<sup>431</sup> On the identification of nītiśāstra with arthaśāstra by some commentators see Kangle, *The Kauṭīliya Arthaśāstra*, 3 vols., Delhi, Motilal Banarsidass, 2000, vol. 3, p. 3. Of course, in India as well as in Southeast Asia these different textual forms are also, in certain contexts, very distinct. The point here is that this invocation\*\*

<sup>432</sup> Some of the *vyavahāra* subjects (i.e., matters that are grounds for litigation) dealt with in the 3rd section of the AŚ, all of which are also treated in Burmese dhammasattha, include: marriage, inheritance, property, contract, debt, witnesses and testimony, deposit, slaves, sale, gifts, theft, slander, assault, and gambling. See below.

<sup>433</sup> P. Olivelle, “Manu and the *Arthaśāstra*: A Study in Śāstric Intertextuality”, *JIP*, 32 (2004), pp. 281-91; Kane, vol. 1, p. 202 ff.

<sup>434</sup> R. Lingat, *The Classical Law*, p. 147. On the relation between dharma and artha textual traditions more generally see M. Winternitz, “Dharmaśāstra and Arthaśāstra”,

the reference to the compilation of *dhammādhikaraṇaṃ satthaṃ* by the king is made in the context of his efforts to separate the castes (*vaṇṇa*) that had become mixed, it seems plausible that whatever text this was, it was perhaps not simply “a book on religion”. The manual on dhamma referred to here was a technical treatise, of the sort of the śāstric written text mentioned elsewhere in the narrative, presumably connected with the analysis of the proper duties of the four castes, whose sponsorship by the king resulted from his interest in fostering the good. As we shall see in later chapters in our analysis of Burmese materials, such descriptions of the dhammasattha texts and the intentions behind their compilation are extremely common.

We should also note that all of these references come from the later *Cūlavamsa* portion of the *Mhv*, and, with the exception of h-k, which were appended to the text in the 18th or 19th centuries, were arguably written in the 12th century. The tentative dates for sections 37.51-89.84 of the *Cv*, and its attribution to the compiler, “let us call him Dhammakitti”<sup>435</sup>, are not secure, but it is interesting to note that there are no direct references to *sattha* in the earlier layers of the text (~5th c. C.E.?) attributed to Mahānāma.<sup>436</sup>

Yet perhaps our best evidence for the transmission of dharmaśāstra-type texts in the *Mhv* comes from references to “Manu”, which also date to the same section of the text. We must distinguish between the relatively common formulation of *manu* in *manuja*<sup>437</sup>, “born of Manu”, used to refer simply to “human beings” or “men”, from

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*Sir Asutosh Memorial Volume*, vol. 1, Patna, Samaddar, 1926-28, pp. 24-48; Kangle, *op. cit.*, vol. 3, ch. 1; Kane, vol 3, p. 8ff.

<sup>435</sup> Geiger, trans. *Cūlavamsa*, p. iv.

<sup>436</sup> Cf. HPL, §182-85

<sup>437</sup> In the vast majority of cases in the *Mhv* this term is found in the compound *manujādhipo*, “lord of men” (5.196, etc.), which is used dozens of times as a stock epithet. Other compounds include *manujindo* (37.66) and *manujagaṇa* (25.116). It is found used singly to refer to “men” less often: 7.8; 12.23, 25; 25.109; SLTP 97.108 Geiger 99.108. *Manuja* is of course a formulation found throughout canonical and paracanonical Pali texts. There is also a rather curious usage of *manurāya* (SLTP

those instances that seem to refer to the figure of Manu the paradigmatic lawgiver, if not to the actual text of the MDh. There are four instances of the latter sort:

- a. SLTP 78.9; Geiger 80.9: *manunītikkamaṃ kiñci avokkamma mahīpati; catussaṅgahavatthūhi santappesi mahājanaṃ*, “The king did not deviate whatsoever from the practice (*kama*) prescribed by the *Manunīti*; he pleased the people by means of the four bases of royal popularity (*saṅgahavatthū*)<sup>438</sup>.
- b. SLTP 78.53; Geiger 80.53: *rajjāṃ sāsī tivasasaṃ so manunītimavokkamaṃ*, “He ruled for three years, not deviating from the *Manunīti*”
- c. SLTP 82.2; Geiger 84.2: *atha so parasattūhi cirakālappamosite; kulappaveṇikāyatte gāmakkhettagharādayo; tesam tesantu sāmīnaṃ yathāpubbaṃ mahīpati; vavatthāpetvā dā pasi manunītivisārado*, “Then the king, versed in the *Manunīti*, having determined which villages, fields, houses, etc., were the ancestral property of which families during the long occupation by the hostile enemy, had them returned to their former owners.”
- d. SLTP 94.26; Geiger 96.26: *rājā manunītivisārado*, “the king, versed in the *Manunīti*”

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68.233), which Geiger translates as “king of Men”. See Geiger’s n. 2 on this term at his trans. p. 306. See also MW, s.v. *rāya*.

<sup>438</sup> This is not a reference to the four bases of attraction—*dāna* (generosity), *peyyavajja* (kind speech), *atthacariyā* (meaningful conduct), *samānattatā* (impartiality)—known from such texts as D.iii 153, A.ii 32, but rather to the four “great sacrifices” by means of which kings secured their popularity or “legitimacy”: *assamedha*, *purisamedha*, *sammāpāsa*, *vācāpeyya*, which were also referred to as *saṅgahavatthu*. On the redefinition of the four Vedic sacrifices by the commentators that is implied here and which in the Buddhist context signifies equitable taxation, judiciousness in bestowing favors, making interest free loans to the poor, and affable speech, see It-a, 27; P. Masfield, trans., *The Commentary on the Ittivuttaka*, vol 1, pp. 234ff.

In each of these cases the compound *Manunīti* is used. Geiger translates this as the “ordinances of Manu”, although there is some uncertainty as to how the compound should be understood and whether it should be taken as a reference to the title of an actual written treatise. *Manu* probably refers to the proper name Manu, whose genealogy in Buddhist literature I discuss at length in later chapters. In both Sanskrit-Brāhmanical and Pali-Buddhist traditions Manu is a figure associated with the origin of legislation; in Buddhist materials he is often regarded as identical with Mahāsammata, the first king<sup>439</sup>. In Pali *nīti* carries a number of meanings. It is used descriptively to refer to a genre of moral, didactic or political literature, the *nītisattha*, as described above, or to related *subhāṣita* texts<sup>440</sup>, but can also mean “guidance”, “advice” or “counsel”, and is used in this sense at several points in the *Mhv*. Usages in texts presented in the CSCD suggest that in the commentarial literature the term is frequently associated with citations of normative prescriptions of behavior, and in a few cases these explicitly suggest that the prescription derives from a written source or a *sattha*.<sup>441</sup> In any case, it is equally reasonable to interpret *Manunīti* as implying either sense of the term. In a., for example, it is possible to read *manunītikkaṃ* as referring to the “practice advised by Manu” rather than the “practice prescribed by the treatise called *Manunīti*”. Were this a reference to the title of a work on the basis of the information provided it is virtually impossible to say much about its content,

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<sup>439</sup> On the genealogy of Manu-related narratives in Vedic materials see Bühler, *The Laws of Manu*, London, Oxford University Press, 1886, pp. lvii-lxv. On Pali-commentarial identifications see S. Collins, “The Lion’s roar on the Wheel-Turning King”, *JIP*, 24 (1996), pp. 421-46 as well as Chapter Six below.

<sup>440</sup> On *nīti* and *subhāṣita* literature see also L. Sternbach, *Subhāṣita, Gnostic and Didactic Literature*, History of Indian Literature vol. IV, Wiesbaden, Harrassowitz, 1974.

<sup>441</sup> Cf. usages of *nītisattha* at Pv-a 299 [PTS p.129]; Ja-a V 430 [PTS v.490]. Incidentally, throughout the commentary on the *Aṅkurapetavatthuvaṇṇanā* there are a number of other references to *nīti*, including instances where apparently certain *nīti* texts or verbal aphorisms are directly cited (259, 262; PTS 114-5).

particularly in cases b. and d. We can speculate that it may have comprised issues relating to kingship generally, perhaps also the four bases of royal popularity (as in a.) and regulations concerning the ownership of ancestral property (c.).

Although these and the above references don't establish for us that texts explicitly parallel to the *dharmaśāstra*/*dhammasattha* circulated in Ceylon for certain they do provide important clues that a number of features of the broader Southern Asian written legal culture were clearly well known to the compilers of the relevant sections of the *Cv*. First, they suggest that treatises (*sattha*), probably connected to some extent with the definition of branches of learning in terms of a framework related to the idea of the Brāhmanical *śāstra*, were written concerning dhamma, and that an aspect of this dhamma seems to have dealt with the regulation of the four *vaṇṇas*. They show that Kauṭīliya's *Arthaśāstra* was known as well as other political treatises (*nīti*). Furthermore, these references establish that *Manu*, if not an actual text by the name of *Manu* or *Manunīti*, was known as a source of guidance for kings, and kings "concerned with that which is conducive to the good".

Other evidence may help shed further light on the possible transmission of both *sattha* and *dhammasattha* among Buddhists in Laṅkā. In their introduction to one of Niśśaṅka Malla's (1189-1198 C.E.) inscriptions, the editors of *Epigraphia Zeylanica* note a metaphor used in the text which seems to have a parallel in the *MDh* and remark that "this and sundry other passages in the Galpota and Citadel Gate inscriptions show us that Niśśaṅka Malla, or rather the scribe who composed his epigraphs, had some acquaintance with the Hindu *dharmaśāstras*".<sup>442</sup> Unfortunately the editors don't clarify what they mean by this, but it seems that they are referring to stipulations in these inscriptions which promote the divinity of kingship, succession by primogeniture, and describe features of the organization and administration of the

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<sup>442</sup> *EZ*, III, p. 150, n. 4. The reference here is to *MDh* 7.20.

polity, which have certain thematic parallels in the Brāhmaṇical dharmaśāstra literature on *rājadharmā*, the duties and practices of kings.<sup>443</sup> In the Galpota inscription Niśśaṅka Malla is characterized as being “proficient in the sciences (*śāstra*)”<sup>444</sup> and promoting “religion (*dharma*) and science (*śāstra*) by providing suitable means of subsistence for those versed in the *dharma* and in the [various] branches of knowledge (*śāstra*).”<sup>445</sup> In the Citadel North-Gate inscription he is characterized as “skilled in the rules of statecraft” (*nītikusālo*).<sup>446</sup> He is further described as following the fourfold *saṅgrahavastus* (*catussa(ṅgra)ha-vastuyen*)<sup>447</sup> and the *daśarājadharmā* (*daśarājadharmmayen*),<sup>448</sup> which imply references to what are significant components of Buddhist theories of kingship and central to the Burmese dhammasattha literature. Indeed, while there are a number of references in the inscriptions that may recall material treated in the Brāhmaṇical dharmaśāstra texts, no evidence suggests that these concepts, or the texts from which they might have been derived, would have been necessarily “Hindu”, aside from the fact that much of the technical terminology associated with these references seems to be Sanskritic, rather than based on Pali forms. Yet such Sanskritic forms are common in all of the contemporary Laṅkān inscriptions. Rather it is clear that these references are made within a context that seems to privilege what we should term “Buddhist” commitments.

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<sup>443</sup> On these points and Brāhmaṇical *rājadharmā* theory in general see Aiyangar, *Rājadharmā*, Adyar, The Adyar Library, 1941; Kane, *History*, III, pp. 1-241.

<sup>444</sup> *EZ* II, p. 109, ln. 6; trans., p. 115.

<sup>445</sup> *EZ* II, p. 111, ln. 24; trans., p. 118. I thank Anne Blackburn for clarifying the text of this passage for me. Compare also a similar statement in another of Niśśaṅka Malla’s inscriptions at *EZ*, I, p. 132, ln. 22.

<sup>446</sup> *EZ* II, p. 162, ln. 36; trans. p. 164.

<sup>447</sup> *EZ*, II, p. 111, ln. 5.

<sup>448</sup> *EZ*, II, p. 127, ln. 4; p. 136, ln. 5; II, p. 160, ln. 15.

Unfortunately, manuscripts of legal texts explicitly connected in form or content with the dhammasattha tradition have yet to come to light in Laṅkā. Part of the difficulty with assessing the manuscript evidence is the fact that the contents of many of the monastic and private collections in Laṅkā, as elsewhere in the Pali-Buddhist South and Southeast Asia, remain poorly documented, and the majority of previous cataloguing efforts have focused on collecting “canonical” Pali texts.<sup>449</sup> Our understanding of these textual traditions is profoundly limited for lack of critical descriptive inventories of collections. There are of course a number of known texts from Laṅkā which describe modes of lay Buddhist “right practice” or morality,<sup>450</sup> and, additionally, we have several examples of materials we may properly describe as “legal”, if we take into account Vinaya and laws regulating the saṅgha promulgated by Laṅkān kings between the 12th and 18th centuries, such as the *Katikāvatas*.<sup>451</sup> More research is needed on these texts and their relationship to dharmaśāstra, but insofar as the textual point of reference of the *Katikāvatas* is mainly the prescriptions of the Pali

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<sup>449</sup> For a brief survey of cataloguing work in Laṅkā see Stephen C. Berkwitz, “Materiality and merit in Sri Laṅkān Buddhist manuscripts”, in Schober, Berkwitz, and Brown, *Buddhist Manuscript Cultures*, London, Routledge, 2009, p. 40.

<sup>450</sup> See for example the *Upāsakajanālaṅkāra*, ed. H. Saddhatissa, London, PTS, 1965, the final chapter of which, entitled “A Proof of Meritorious Deeds and their Results (*Puññaphalasādhaka*)”, has been translated by S. Collins in “A Buddhist Debate about the Self; and Remarks on Buddhism in the Work of Derek Parfit and Galen Strawson”, *JIP*, 25 (1997), 467-93. This text, arguably written between the 11th and 13th centuries, and its later vernacular translation is the subject of a long, forthcoming study by Jon Young, who has also translated some of the other chapters. It seems that the *Upāsakajanālaṅkāra* was connected with genres of “Upākasa”-focused moral literature in Southeast Asia. A number of Burmese texts seem to be directly related, such as the *Upāsaka-vinicchaya* (MORA11436), *Upāsakālaṅkāra* (UCL 9598), *Upāsakaṭṭhapaṭṭhāna* (UCL11285, UCL 10900), *Upāsakovādaṭṭhāna* (UCL 13100). I have compared some of MORA11436 with the *UJ* and it appears that there are some direct parallels in terms of content of the texts, such as the introductory discussion of the Mahānāma sutta and the discussion of appropriate lay occupations, etc. For a similar text transmitted in Siam and Cambodia see Crosby, “A Theravāda Code of Conduct for Good Buddhists: The *Upāsakamanussavinaya*”, *JAOS*, 126.2 (2006), 177-187.

<sup>451</sup> Nandasena Ratnapala, *The Katikāvatas*, Kitzinger, Munich, 1971.

Vinaya the corpus connects rather with the class of *Vinaya-vinicchaya* materials, decisions written usually by elite monks or *Vinayadhāras* skilled in the Vinaya literatures regarding monastic rules. A massive amount of such literature is extant in Burma.<sup>452</sup> Although, as later chapters discuss, texts apparently connected with Vinaya have exerted influence on the dhammasattha tradition in Southeast Asia, the genre in general is substantially unconnected from such texts which seek, predominantly, to regulate monastic affairs. Furthermore, insofar as texts like the *Katikāvatas* are royal orders (i.e., decisions by kings rather than monks), they are related less to dhammasattha, which presuppose neither the legislative activity of the Buddha nor of a king, but to the class of *rājasāsana* or royal-edict-type texts, a genre that operates as much within Brāhmaṇical as within Buddhist royal contexts in Southern Asia and is directly tied to conceptions of the legislative function of kingship.<sup>453</sup> I discuss the relationship between royal legislation and dhammasattha in Chapter Six; for present purposes it is enough to state that edicts and dhammasattha, while they are both important forms of written law, are quite distinct traditions with their own formal conventions and presuppositions concerning textual sanction and jurisdiction, despite the fact that they may all be features of the same general legal culture which announces certain similarities with other such cultures throughout the region.

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<sup>452</sup> *Vinicchaya* related texts might comprise actual judgments in particular instances of dispute, or they might be commentaries on Vinaya rules.

<sup>453</sup> The legislative ability of kings, and the textualization of royal law, appears to take similar forms irrespective of religious culture in premodern Southern Asia. I don't mean to imply that all such edicts entail similar understandings of the scope and limitation of a king's legislative ability. For India, there has been a fair amount of work on this subject, particularly by legal historians. See, for example, J. D. M. Derrett, "Law and the Social Order in India before the Muhammadan Conquests", *Journal of the Economic and Social History of the Orient*, 7, 1 (1964), 73-120.

Although we have evidence of juridical practices from Laṅkān inscriptions none of the epigraphy suggests the presence of dhammasattha texts.<sup>454</sup> A late 12th century inscription states that Niśśaṅka Malla “made it a rule that when permanent grants of land may be made to those who had performed meritorious services, such bequests should not be evanescent like lines drawn upon water, by being inscribed upon leaves, a material which is subject to be destroyed by rats and white ants, but that such patents shall be engraved on plates of copper, so as to endure long unto their respective posterities.”<sup>455</sup> A very useful collection of hundreds later grants and property deeds is included in A. C. Lawrie’s two volume *Gazetteer of the Central Province of Ceylon*.<sup>456</sup> It appears that the earliest of these may date to the late 16th century,<sup>457</sup> and they all originate within the districts surrounding Kandy. These *sīṭṭu*, which were recorded on palm-leaf, mainly attest to the ownership of lands by both monastics and lay persons and were authoritative forms of testimony that could be referred to in cases of dispute. They were also later used as evidence in cases tried in the British courts in the province. A large number of the records are *sannas* or edicts from a king bestowing property (again, mainly land) on subjects as a reward for royal service or acts of loyalty. A deed that is not a *sannasa* typically follows a set formula in which the parties involved and their property are named, followed by the reasons for the transfer and then the names of the witnesses to the contract as well as the scribe. We should note that all these formal elements that a *sīṭṭuwa* requires, and their arrangement in the text, are very similar to those employed in Burmese *sakkarāj*-type contracts. Indeed the form of both *sīṭṭuwa* and Burmese *sakkarāj* or *cā khyup*

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<sup>454</sup> In what follows I rely largely on Lakshman Perera, *The Institutions of Ancient Ceylon from Inscriptions*, vol. II, part 1, Kandy, ICES, 2003, ch. 6.

<sup>455</sup> Müller, *Ancient Inscriptions of Ceylon*, #143 (text p. 91; trans. p. 125).

<sup>456</sup> Colombo, Skeen 1896 (vol. 1), 1898 (vol. 2).

<sup>457</sup> *ibid.*, vol. 1, p. 9

(contract) texts are nearly identical.<sup>458</sup> The following is a sample of a typical record from Bakmideniya, 11 miles outside of Kandy:

In the year of Saka 1584 [1662 C.E.], on Wednesday, the eleventh of the decreasing moon, in the month II. Whereas the person called Wattuhami, of the village Bakmideniya in Narammini-palata of Tumpane, having rendered assistance to his parents, obtained from them the three pelas [nearly one acre] of Bakmideniye Dorakandakumbura and the hen ... And after having possessed the said panguwa [land] he made over the same to his elder brothers Naide, Sellappu, declaring that whoever shall come forward to dispute this panguwa will suffer from the orderals, but Sellappu will not suffer therefrom. This voucher has been granted with the knowledge of the witnesses Udage Loka Naide, of Bakmideniya; Attanekge Panikkala, the Arachchila [village headman] of Madadeniya; Boraluwege Gamaradala, the Arachchila of Bakmideniya; Rattarana Nekatta Warasajja. Purport of this we also know. This voucher has been written by Galagedara Nekat Naide.<sup>459</sup>

Despite the fact that such records reveal the use and importance of writing and written documents in the legal culture surrounding Kandy between the 16th through 19th centuries, none of them refer to the circulation of texts of written laws. These materials are highly useful for the reconstruction of forms of legal practice—particularly in areas of property and contract—but unfortunately they shed little light on the question of the existence of written law. We might note, however, that the production of written documents in connection with the transfer of property is a basic provision of both dharmaśāstra and dhammasattha law and was a key form of evidence used in dispute resolution.<sup>460</sup> Of course, one way that these materials might be used to

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<sup>458</sup> On the form of sakkarāj see Thu Nandar, “Characteristics of Land-mortgage Contracts in the 18th- 19th-Century Myanmar Society: An Analysis based on Thet-kayit Manuscripts”, PhD Dissertation, Tokyo University of Foreign Studies, 2007, pp. 3-4. As Toe Hla notes, Pagan-era donative inscriptions may be considered the first type of sakkarāj document. “Money Lending and Contractual Thet-Kayits: A socio-economic pattern of the later Konbaung period, 1819-1885”, PhD Dissertation, Northern Illinois University, 1987, p. 4.

<sup>459</sup> *ibid.*, vol. 1, p. 85.

<sup>460</sup> Kane, III, pp 308-316. I discuss the role of writing in Burmese disputes in later chapters.

address the question of the transmission of dhammasattha-related texts more specifically, is to compare the representations of legal practice in them with the laws contained in certain dharmaśāstra or dhammasattha texts. While in certain cases this may be a potentially fruitful methodology, it also entails a number of problems. Any parallels (or the lack thereof) between legal practice and a legal text may attest to the fact that two or more legal cultures are related, but unless they are shown to derive from direct *textual* parallels, they typically cannot establish even a distant relationship between two bodies of written law.

This approach has been implemented by Derrett, who argued in an confessedly highly conjectural essay that parallels with certain Brāhmaṇical dharmaśāstra provisions can be identified in the extant records of so-called “Kandyan law”. He suggests that on the basis of what we know of this legal culture, even though it was apparently never embodied in any written texts, there are certain clearly discernable features that it shares with dharmaśāstra.<sup>461</sup> This for Derrett does not mean that dharmaśāstra texts were ever read or circulated in Laṅkā, but rather that the Sinhalese maintained certain “Āryan” customs (paradigmatically represented, for him, by the dharmaśāstras) that they brought with them onto the island during the period of their “migrations” from the Indian mainland.<sup>462</sup> “Kandyan law” is itself a deeply problematic concept which refers generally to the collected results of colonial legal ethnography conducted by the British following the annexation of the Kandyan provinces of the Laṅkā interior in 1815. In keeping with British colonial theory, the administration of justice in the new provinces of the Empire was left to “be exercised

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<sup>461</sup> J.D.M. Derrett, “The Origins of the Laws of The Kandyans”, *University of Ceylon Review*, xiv (1956), pp. 105-50.

<sup>462</sup> Derrett, “Origins”, pp. 148-50.

according to established forms and by ordinary authorities”.<sup>463</sup> Yet the immediate effect of this stipulation was a requirement that there should be some attempt to determine just what the “established forms” of justice were. The Portuguese and Dutch who had earlier colonized parts of the coastal areas of Laṅkā followed a somewhat different approach, or at least never tried to formally codify laws, real or imagined, in use among their Buddhist subjects, although their Christian subjects were for the most part administered European law, and during the Dutch period Muslim inhabitants came under the jurisdiction of a colonial compilation of Islamic customary law, the *Tesavalamai*, promulgated in 1707.<sup>464</sup>

A number of observers such as Ribeiro<sup>465</sup> and Knox<sup>466</sup> had commented on aspects of legal culture among Buddhists in Laṅkā as early as the late 17th century, and some of these accounts were used by the British as source material for the construction of Kandyan law. But the majority of the information on the shape and content of the law seems to have come from informants among Kandyan “chiefs” and monks.<sup>467</sup> The first major document that resulted from British inquiries was John D’Oyly’s *A Sketch of the Constitution of the Kandyan Kingdom (Ceylon)*. This text was apparently used in manuscript as a reference for several decades following its compilation around 1825, but it was not published until 1929. D’Oyly succinctly puts

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<sup>463</sup> “Proclamation of 2 March, 1815”, article 9, in F.A. Hayley, *Sinhalese Laws and Customs*, Colombo, Cave and Co., 1923, appendix III. On the genesis of Kandyan legal administration see H.W. Tambiah, *Sinhala Laws and Customs*, Colombo, Lake House, 1968, ch. 3.

<sup>464</sup> Reprinted in English translation in *A Revised Edition of the Legislative Enactments of Ceylon, vol. 1: 1656-1879*, Colombo, 1900, pp. 12-43.

<sup>465</sup> Cf. Ribeiro, *Fatalidade histórica da ilha de Ceilão*, Lisboa, 1836; *Histoire de l’isle de Ceylan*, trad. Abbé Le Grand, Amsterdam, 1701; *History of Ceylon*, trans. (from French) G. Lee, Colombo, MDCCCXLVII; *Ribeiro’s History of Ceilão*, trans. (from Portuguese) P.E. Pieris, Colombo, 1909 [repr. Colombo 1948; New Delhi, 1999; etc.].

<sup>466</sup> Robert Knox, *Historical Relation of Ceylon* [1st ed. 1681], in Philalethes, *The History of Ceylon from the Earliest Period to the Year MDCCCXV*, London, 1817.

<sup>467</sup> Hayley, *Sinhalese Laws*, p. 12; Tambiah, pp. 34-5.

in his introduction to his section on judicial institutions a sentiment that all the early British materials reflect:

The Kandyans have no written Laws, and no Record whatsoever of Judicial Proceedings was preserved in Civil or Criminal cases. In Cases of Land only, written Decrees called Sittu and if decided by Oath, the 2 Diwi Sittus were delivered to the Party to whom the land was adjudged, and continued as Title Deeds in his Family. There was therefore nothing to restrain the arbitrary Will of the King and nothing to guide the Opinions of the Sovereign Judge, and the Chiefs, but Tradition and living Testimonies, and for want of written Authorities, the following short Outline of those principal Institutions and Customs which seem to be most generally acknowledged, and sanctioned by Precedents and the existing Practice, I fear will be imperfect and liable to many Errors.<sup>468</sup>

The idea that there are no laws save the will of the king is of course a common trope in early European writing on “despotism” in premodern Asian states, although the absence of such testimony should not be interpreted as evidence in favor of a lack of written law.<sup>469</sup> Indeed it was only very late even in Burma, at the end of the 18th century, that the first European observers began to recognize the use of written law. But this perception of the situation in Lan̄kā continues to persist, and our understanding of Kandyan law still derives from the British colonial materials, despite the fact that, as Tambiah notes, “there are, however, some Sannas (Royal grants written on copper plates), Talipots (conveyances written on Ola leaves) and Sittus (Royal written decrees), which have never been examined fully by scholars.”<sup>470</sup>

Be this as it may, for anyone familiar with the details of Burmese dhammasattha literature there are some striking parallels with some of the colonial

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<sup>468</sup> D’Oyly, p. 31.

<sup>469</sup> D’Oyly’s comment mirrors almost exactly those of Knox in 1681: “here are no laws, but the will of the king, and whatsoever proceeds out of his mouth is an immutable law[...].” Knox, p. 204.

<sup>470</sup> H.W. Tambiah, p. 34

records of Kandyan law. The following passage is mentioned by D’Oyly in connection with judicial administration and judges<sup>471</sup>:

**RULE FOR ADMINISTERING JUSTICE:** The prosperity of him that perverteth Justice through Love, Hatred, Fear or Ignorance, shall diminish gradually as the moon in its wane—but he that shall not deviate from Justice through Affection or Malice, through fear or from ignorance, will advance in prosperity as the moon in its Increase. Should Justice be disregarded and its Rules deviated from, and Judgment given in favour of the false claimant, to the prejudice of the rightful owner of Heir, through affection or love induced by Relationship, Friendship, or Gratitude for benefits conferred—or through the motives of personal animosity or from Fear induced by the daring and wicked character of one of the parties—or from his ignorance, that is not properly acquainted with the Science of Jurisprudence as taught in the comments upon the Sermons (of Buddha)—the wealth, Ritenue [*sic.*], and Celebrity [*sic.*] of such unjust Judge will gradually pass away as waneth the Moon—this is declared the destruction of Prosperity, wealth and Power of him that Judgeth unrighteously, be he a Layman or Priest—and the gradual advancement to Dignities consequent on the celebrity [*sic.*] and renown of the just Judge who escapes from Agati or Perversion, is compared to the progressive expansion of the refulgence of the moon in its increase—it therefore behoveth the wise Judge to act constantly according to the following Rules of Adjudication [...]<sup>472</sup>

Unfortunately, it is not known where D’Oyly received this information, and he does not give the Pali or Sinhala text. It does appear to be a citation from somewhere, but the source is not mentioned. This passage apparently references a Pali canonical *gāthā*<sup>473</sup> in the context of describing the qualities of a judge. A very similar

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<sup>471</sup> A similar passage is also given in a slightly later 19th century compilation, the *Nīti Nighanduwa*, though this work should be used with caution. As Anne Blackburn notes (personal communication, March 2010) this text was first published in the context of caste debates and was compiled by individuals who had access to British colonial discussions of Indian caste and, perhaps, Indian law. See Le Mesurier and Panabokke, *Nīti-nigaṇḍuwa, or the Vocabulary of Law as it Existed in the Last Days of the Kandyan Kingdom*, Colombo, W.H. Herbert, 1880, p. 3.

<sup>472</sup> D’Oyly, pp. 93-4.

<sup>473</sup> *Chandā dosā bhayā mohā yo dhammaṃ ativattati nihīyati tassa yaso kāḷapakkheva candimā* [Whosoever out of desire, hatred, fear, or ignorance transgresses the dhamma, his fame comes to ruin like the moon during the waning fortnight]; found in the *Siṅgalālasutta* of the DN, *Caravagga* of the *Catukkanipāta* in the AN,

formulation, alongside references to the same gāthā is found in a number of Burmese dhammasattha texts, for example the *DhV*:

*Mahāsammata mañḥ trāḥ sū krīḥ tuiv saññ | ta chuṃ ta khu so akroṃḥ tuiv kuiv | ma ṇai. lhyaṃḥ mū r\* myak nhā krīḥ ṇay ma ṇai. pai ma rhut pai | gati leḥ pāḥ nhaṃ. ññī cvā kraṃ. rā e\* gati leḥ pāḥ nhaṃ. ññī cvā ma kraṃ. so tarāḥ sū krīḥ tui. e\* cañḥ cim khyamḥ sā kyau co khraṃḥ tui. saññ | la chut pakkha n\* | lai vanḥ saññ ta ne. ta pāḥ chut sa kai. sui. | ta ne. ta pāḥ yut rā e\* | Mahāsammata mañḥ krīḥ gati leḥ pāḥ hū saññ kāḥ chandā dosā bhayā mohā yo dhammaṃ ativattati hinnayati<sup>474</sup> tassa yaso kālapakkhe va candimā<sup>475</sup>*

King Mahāsammata, a judge should render a verdict according to the Four *gati*, without being biased in favor of one side. The fame and wealth of those judges who do not bear in mind the four *gati* will recede day by day like the waning of the moon. King Mahāsammata, as regards the four *gatis* [it is said]: *chandā dosā bhayā mohā yo dhammaṃ ativattati hinnayati tassa yaso kālapakkhe va candimā* [He who out of desire, hatred, fear, or ignorance transgresses the dhamma, his fame decreases like the moon during the waning fortnight].

The text then continues with a lengthy nissaya gloss of the Pali gāthā.<sup>476</sup> Or we can compare the Pali section of the 17th century MSR:

*yo ca akkhadasso tasmā | agatisu paṭiṭṭhito nihīyati yaso tassa | kālapakkhe va candimā | akkhadasso viniccheyya | agatisu na ṭiṭṭhito | pavaḍḍhati tassa yaso | sukkhapakkheva candimā [...]*<sup>477</sup>

That judge who is established in the [four] *agati*, his wealth comes to ruin like the moon in the waning fortnight; that judge who is not established in the [four] *agati* when rendering a decision, his wealth increases like the moon in the waxing fortnight.

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*Nettipakaraṇa*, *Nettivibhavānini*, *Peṭakopadesa*, and the *Parivāra* of the *Vinaya*, as well as in commentarial texts. The notion that judges should not follow the four ‘bad courses’ comes, of course, from the *Dhp*-a. This passage will be examined in more detail in connection with the discussion of judges in Chapter Seven.

<sup>474</sup> Some mss read *hindayati*

<sup>475</sup> NL kañḥ 18/1386, ki-v.

<sup>476</sup> Cf. Lammerts, *DhVD*, p. 65.

<sup>477</sup> MSRe, gī(r)

The parallels here between this early 19th century record of “Kandyan law” and these c. 17th century Burmese dhammasatthas is striking. Clearly this evidence does not allow us to conclude that there must have been dhammasattha law in Laṅkā, but this nonetheless points to certain commonalities in the way Buddhist legal culture was imagined, and supported by reference to authoritative Pali texts, in both Laṅkā and Burma.

## VII. Dharmaśāstra in Cambodia, Campā, and Java

The earliest dated epigraphical reference from Southeast Asia that explicitly invokes the category of dharmaśāstra is a Sanskrit inscription found in pre-Angkorean Cambodia, from Āḍhyapura in the region of Vyādhapura or Ba Phnom, in the Southeast along the Mekhong. The inscription is dated 667 C.E. and eulogizes to two ministers of a king as follows:

*tasya tau mantriṇāv āstāṃ  
sanmatau kṛitavedīnau  
dharmmaśāstrārthasāstrajñau  
dharmmārthāv iva rūpiṇau*<sup>478</sup>

This Barth has translated as: “ces deux furent ses ministres, tous deux de bon conseil, reconnaissants de (ses) bienfaits, versés dans la science du juste et dans la science de l’utile, le juste et l’utile pour ainsi dire personnifiés”.<sup>479</sup> The context of the reference is an offering to Śiva (*śivayajña*), and there are a host of similar references to dharmaśāstra in inscriptions of an overtly Śaivite character from Cambodia, Campā

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<sup>478</sup> Barth, *Inscriptions Sanscrites du Cambodge* [ISC], Paris, Imprimerie Nationale, 1885, p. 67.

<sup>479</sup> Barth, ISC, p. 69

and Java throughout the next several hundred years.<sup>480</sup> In most of these contexts it is difficult to determine whether the kings who are associated with dharmaśāstra may have also patronized Buddhist institutions, although generally the multiple patronage of various traditions—Śaivite, Vaiṣṇava, and Mahāyāna Buddhist—was common in early Cambodia, Campā, and Java, as it was in certain areas of India during this period.<sup>481</sup> An inscription of the Campā king Indravarman II inscribed in 875 C.E. and found at the largely Buddhist site of Dong Duong near My Son, however, was established for the explicit purpose of recording the donation of a Buddhist vihāra under the aegis of Avalokiteśvara.<sup>482</sup> In this inscription the king is styled as “unequaled in the world in terms of royal glory, knowledge, wisdom, splendor, celebrity, Vedic learning (*śruti*), statecraft (*nīti*), renown, and conduct, ornamented

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<sup>480</sup> For some of these references, see R. Lingat, “L’influence juridique de l’Inde au Champa et au Cambodge”, *Journal Asiatique*, 1949, pp. 273-90; Sahai, *Les Institutions politiques*; H.B. Sarkar, *Corpus of the Inscriptions of Java*, 2 vols., Calcutta, Mukhopadhyay, 1971, I, no. 3. Some of the principal Cambodian inscriptions including apparent references to dharmaśāstra include (numbered according to Coedes, “List Général des Inscriptions du Cambodge”, *Inscriptions du Cambodge*, VIII, Paris, EFEO, 1966): K.78, K.91, K.235, K. 374, K.598, K.806, K.814. References to *vyavahāra* used in the sense of a formal legal process are very numerous, beginning in a Khmer inscription of the 6th century, cf.: K.44, K. 71, K. 100, K.158, K.181, K.233, K.342, K.344, K.425, K.444, K.451, K.693, K.720, K.843, K.868. In what follows I use both geographical terms Campā and Cambodia somewhat loosely, and the precise definition of the boundaries of these areas is not essential for the present argument. For details on the geo-administrative referent of “Campā” see M. Vickery, “Campā Revised”, ARI Working Paper No. 37, Singapore, Asia Research Institute, 2005.

<sup>481</sup> See Alexis Sanderson, “The Śaiva Religion among the Khmers”, *BEFEO*, 90, 1 (2003), pp. 349-462; Ian Mabbett, “Buddhism in Campā”, in *Southeast Asia in the 9<sup>th</sup> to 14<sup>th</sup> Centuries*, eds. Marr and Milner, Singapore, ISEAS, 1984, pp. 291-313; E. Guillon, *Hindu-Buddhist Art of Vietnam: Treasures from Campā*, Trumbull, Weatherhill, 2001; L. Finot, “La religion des Chams d’après les monuments”, *BEFEO*, 1, (1901), pp. 12-33.

<sup>482</sup> L. Finot, “Notes d’épigraphie VI: Inscriptions du Quang Nam”, *BEFEO*, IV (1904), pp. 84-99. It should be noted that alongside the homage this text pays to the Buddha it, like most of the Campā inscriptions, also contains a lengthy panegyric to Bhadreśvara (Śiva) as the preserver of kings, etc.

with glory.”<sup>483</sup> Fourteen years later the same king Indravarman II is mentioned in a bilingual Sanskrit-Cham inscription in connection with another donation—including several statues and the consecration of a mahāliṅga and the donation of fields and slaves thereto—in which he is described as *śāstrajñō lokadharmavit*, “learned in the śāstras and wise regarding the laws of the world”.<sup>484</sup> Although from this reference we cannot be sure which śāstras in particular are implied or what precisely “the laws of the world” is meant to signify, we should note that there are other references which appear to characterize dharmaśāstra as treatises on *lokadharma*, for example in the *Mahābhārata*.<sup>485</sup>

Nearly 200 years later in the inscriptions from My Son there are two clear references to dharmaśāstra in connection with king-patrons of Buddhism. The first comes from a lengthy Cham inscription dated 1088, which depicts how the king Jaya Indravarman II “practiced impartiality with respect to the three objects of *artha*, *dharma*, and *kāma* [...] and knew the eighteen-fold path of Manu (*manumārgga*).”<sup>486</sup>

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<sup>483</sup> *loke so py asamo narendrayaśasā tvam jñānabuddhidutprakhyaṭīśrutinīti-kīrttigatibhiś śrīsampadālaṅkṛtaḥ* | Finot, “Notes” VII, p. 94.

<sup>484</sup> Huber, “Études indo-chinoises”, *BEFEO* XI (1911), p. 271

<sup>485</sup> See Hopkins, “On the Professed Quotations”, p. 254. Note that Hopkins’ citation differs somewhat from the text of the Pune critical edition of the MBh, where the parallel passage is found at XII, 322, 41 lf. Although the meaning of the phrase here is far from certain, it seems less likely to me, given the absence of other Buddhist formulae in the epigraph, that this could not be a reference to the well-known Buddhist conception of the eight *lokadharma* enumerated at *Dharmasaṅgraha*, 61 (or the Pali *lokadhamma* enumerated in D iii, 260) and elsewhere. For the use of the latter in a roughly contemporary inscription dated 792 C.E. from Java see Lokesh Chandra, “Cultural Contacts of Indonesia and Sri Lanḱā in the Eighth Century and their Bearing on Barabudur”, *Sri Venkateswara University Oriental Journal*, 36 (Jan-Dec 1993), pp. 35-6.

<sup>486</sup> My translation here agrees with R.C. Majumdar, *Ancient Indian Colonies in the Far East, Vol 1: Campā*, Book III, Lahore, Punjab Sanskrit Book Depot, 1927, p. 171. In the earlier edition of the inscription (“Notes d’épigraphie, XI: Les inscriptions de Mi-Son”, *BEFEO* IV, pp. 946-51) Finot translates the passage as “les vois de l’homme, qui sont 18 au total.” For my purposes whether we take *manu* as a reference

This is an unequivocal reference to the eighteen *vyavahārapādas* discussed above. Although much of the inscription betrays the king's commitments to Campā Śaivism, further on in the epigraph he is described as having founded a “monastery (*vihāra*) to Śrī Indralokeśvara in the district (*vijaya*) of Tranul”. Majumdar interprets Indralokeśvara to signify Śiva<sup>487</sup>, although there may be some reason to assume that in this instance this was instead a reference to the Buddhist Lokeśvara. As Sanderson has noted the installation of Buddhist deities incorporating elements of the name of the donor king was known in contemporary Angkor, and there may have been a parallel practice at work here. He notes that in Cambodia Buddhist donors “adopted the Śaiva practice of installing deities under names that incorporate that of the founder. Moreover, in the case of Lokeśvara, those names end in -īśvara, as do those of Śiva-images”.<sup>488</sup> Here the deity Indralokeśvara is clearly connected with the construction of a *vihāra*, a term which very probably indicates a Buddhist monastic establishment in the Cham context.<sup>489</sup> Another Cham inscription dated 1170 C.E. provides more straightforward evidence. This text has been celebrated by commentators such as Majumdar who have used it as proof that Brāhmaṇical dharmaśāstra circulated among the Cham.<sup>490</sup> While the inscription refers to King Jaya Indravarman IV as “learned in all the śāstras [...and...] versed in all the *tanatap*, notably the *Nārādīya* et le *Bhārggavīya*”, we unfortunately know virtually nothing about what these texts may have looked like, and there is no reason to assume that merely on the basis of these

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to men in general or to Manu the mythic lawgiver is irrelevant; the important point is that this is a clear reference to the 18 *vyavahārapādas*.

<sup>487</sup> Majumdar, *Campā*, Book II, p. 172.

<sup>488</sup> Sanderson, “Śaiva religion”, p. 424.

<sup>489</sup> More work is needed on this question but Coedes would appear to agree that in the Cham inscriptions *vihāra* likely signifies a Buddhist endowment. Cf. Coedes, “Note sur deux inscriptions du Campā”, *BEFEO*, XII (1912), p. 17.

<sup>490</sup> “The smṛti literature, specially the *Mānavadharmasāstra* or *Manusmṛti*, must have been regarded as a standard and authoritative treatise” [*sic.*]. Majumdar, *Campā*, Book I, p. 233.

names that they were identical with or even largely similar to extant Sanskrit manuscripts of the dharmaśāstras of Nārada and Bhṛgu (i.e. the *Manusmṛti*) from India.<sup>491</sup> Finot takes the Cham *tanatap* to mean dharmaśāstra, and Majumdar follows him, although he does not note that the Sanskrit term dharmaśāstra is not actually used in the text of the inscription.<sup>492</sup> I would agree that these references do seem to indicate dharmaśāstra-type texts—additionally because of their apposition to the representation of the king as “se plaisant au dharma”—although their identity with the modern recensions of the dharmaśāstras of *Manu* or *Nārada* must remain quite uncertain.<sup>493</sup> For our purposes it is important to note that in addition to his familiarity with “all the śāstras” and the dharmaśāstra the king is characterized as knowledgeable in the doctrine of the Mahāyāna (*mahāyānajñāna*).<sup>494</sup> It seems that part of the inscription, at least, was erected to note his installation of images of “the Buddha Lokeśvara, Jaya Indralokeśvara, and Bhagavatī Śrī Jaya Indreśvarī in the district of Buddhaloka”.<sup>495</sup>

Given these references it is incontrovertible that Cham kings who were directly engaged in the sponsorship of both Buddhist and Śaivite institutions actively engaged in dharmaśāstra-related discourse. Majumdar has noted a number of other cases where depictions of royal practice also appear to connect with texts of the Brāhmanical dharma and artha traditions.<sup>496</sup> We have no direct record of detailed legal cases tried among the early Cham, so it is difficult to determine the extent to which such concepts

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<sup>491</sup> Finot, “Notes, XI”, p. 973.

<sup>492</sup> Majumdar, Book III, p. 199.

<sup>493</sup> Lingat agrees with Majumdar that here we find references to these Brāhmanical law texts. Lingat, “Influence”, p. 275.

<sup>494</sup> Finot, “Notes, XI”, p. 971.

<sup>495</sup> Finot, “Notes, XI”, p. 973.

<sup>496</sup> Majumdar, *Campā*, Book I, esp. chs. 13-14.

or their related texts may have been applied in dispute contexts, or in the regulations of matters such as contract or inheritance.<sup>497</sup>

The same situation held sway in contemporary Java and Cambodia. Where there were king-patrons of Buddhism, there is no evidence that suggests that they were reluctant to be represented, explicitly or implicitly, in terms of the idiom of *dharmaśāstra*; and there are a number of instances where Buddhist commitments and *dharmaśāstra* are made to seem fully compatible. An Angkorean inscription eulogizing the Buddhist patron-king Sūryavarman I (c. 1002-1050 C.E.)<sup>498</sup> begins by paying homage to the Buddha before it compares the king to Viṣṇu and describes him as *dharmaśāstrādīmastakā*, “having *dharmaśāstras* and related texts as his head”.<sup>499</sup> In other inscriptions this same king is represented as possessing “les huit qualités de Manu (*aṣṭa-guṇa*) et suivant le chemin indiqué par lui (*manumārgāśrito*)”.<sup>500</sup>

Similarly, we have an important inscription dated 792 C.E. from Java that mentions the construction of an “Abhayagiri” *vihāra* for the sake of monastics from Siṃhala (presumably Laṅkā), perhaps donated by a Śailendra king named Dharmottuṅga.<sup>501</sup> The inscription is fragmentary, but several lines after the

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<sup>497</sup> Indeed, it seems that the silence of the epigraphic record on these matters led Maspero to conclude that “we do not know how justice was administered, and no juridical texts have come down to us.” As Maspero and others have noted, however, there are some references in Chinese materials that may be of assistance in reconstructing certain features of legal practice. G. Maspero, *The Campā Kingdom*, tr., W. Tips, Bangkok, White Lotus, 2002, p. 18.

<sup>498</sup> On whom see Coedes, *Indianized States*, pp. 134ff.

<sup>499</sup> L. Finot, “Notes d’épigraphie: VII”, *BEFEO*, 4 (1904), p. 674.

<sup>500</sup> Sahai, *Institutions politiques*, p. 11.

<sup>501</sup> *ayam iha jinasūnoḥ padmapāṇeḥ kṛpāloḥ prathita [...] pādaiḥ jinavaravinayoktaiḥ śikṣitānāṃ [ya]tīnāṃ abhayagirivihāraḥ kāritaḥ siṃhalānaṃ* | Lokesh Chandra (“Cultural Contacts”, pp. 29-30) translates as follows: “Here this Abhayagiri monastery consecrated to Jinasūnu Padmapāṇi the Compassionate has been constructed for the sake of Siṃhala monks who have been trained in the Vinaya of the Buddha (*jinavara*) as enunciated (*ukta*) by the celebrated (*prathita*) venerable (*pāda*) [...]”. For a lengthy discussion of this passage and its wider relevance see Chandra,

endowment of the monastery is mentioned reads *manuśāsanaññā bhavanti [...]* *jātārthavibhāgaviññāḥ*, “they are learned in the dictates of Manu, knowledgeable concerning the apportionment of property (*jāta artha*)”. Sarkar takes this as a reference to the Sinhalese disciples, but given the fact that these lines are only partially legible we cannot be sure of the subject of whom they are predicated. What is clear is that even within the Buddhist context of this epigraph the “dictates of Manu” appear to be endorsed and that, furthermore, perhaps these “dictates” had something to do with practices regulating the distribution of goods or property.

Also, while a number of Old Javanese *jayapattra* records of legal disputes and copper-plate grants throughout the period 800-1200 provide a massive amount of data concerning judicial procedure and debt and land laws<sup>502</sup>, perhaps more so than for any other area in late 1st millennium South or Southeast Asia, later sources associated with Majapahit further attest to the transmission of dharmaśāstra-type texts within Buddhist-related contexts. In the mid-14th century, a *jayasong* judgment document discusses a lawsuit tried by a council that contained members of both the Buddhist and Śaivite “clergy”, who deliberated on the outcome of a dispute based on the “the opinion of the lawbooks (*śāstradr̥ṣṭa*), the opinion of the country (*deśadr̥ṣṭa*), analogues (*udāharaṇa*), masters of yore (*guru kaka*), and reliant on the essential learning found in the honoured holy *Kuṭāra*, *Mānava*, etc. lawbooks, imitating the character and the customs of the honored scholars (*paṇḍita*), judges of lawsuits (*vyavahāra-viccheda*), in the olden time.”<sup>503</sup> The contemporary “Ferry Charter” issued

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“Cultural Contacts”, although he does not remark upon the apparent reference to Manu; cf. also the full text of the inscription and a different translation in Sarkar, *Corpus*, no. VI.A.

<sup>502</sup> For early *jayapattra* and grants see Sircar, *Corpus*, Vols. 1 and 2, and M.C. Hoadley, “Continuity and Change in Javanese Legal Tradition: The Evidence of the *Jayapattra*”, *Indonesia*, 11 (1971), pp. 95-109.

<sup>503</sup> Theodore Pigeaud, *Java in the 14th Century*, 5 Vols., The Hague, Nijhoff, 1960-63; text, vol. 1, p. 106; trans., vol. 3, p. 154.

by King Hayam Wuruk in 1358 C.E. likewise describes a number of Śaivite and Buddhist ministers as “absorbed in the explanation of books (*śāstra*) of learning, *Kuṭāra Mānava*, etcetera” and “devoted to the discussion of the books (*śāstra*), in the first place *Kuṭāra Mānava*, with a view to acquire firm knowledge of the right and wrong of the pleas of the two litigants (*vyavahāri*).”<sup>504</sup>

Perhaps some of the best evidence regarding the transmission of dharmaśāstra among Buddhists in Java, however, are the extant legal manuscripts themselves.<sup>505</sup> Many of these display certain features that would make comparison fruitful although only a few texts have been examined, edited or translated.<sup>506</sup> Jonker has discussed certain connections of the Javanese “*Agama*” text, perhaps an example of some of the earliest surviving legal literature from Java, with formal and conceptual features of various representatives of the Brāhmanical dharmaśāstra tradition.<sup>507</sup> Van Naerssen has provided a survey of some surviving manuscripts that make explicit reference to or

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<sup>504</sup> Pigeaud, *Java*, text, vol. 1, p. 109; trans., vol. 3, p. 158. On complexities connected with the identities of the *Kuṭāra* [*Kauṭilya*?] and *Mānava* and their potential relation to other Javanese law texts see M.C. Hoadley and M.B. Hooker, *An Introduction to Javanese Law: A Translation and Commentary of the Agama*, Tucson, University of Arizona, 1981, ch. 3; M.C. Hoadley and M.B. Hooker, “The Law Texts of Java and Bali”, in *Laws of Southeast Asia*, vol. 1, ed. M.B. Hooker, pp. 251ff.

<sup>505</sup> Compare, J. Brandes, *Beschrijving der Javaansche, Balineesche en Sasaksche Handschriften*, Leiden, Brill, 1901, nos. 1, 4, 9, 18, 19, 21, etc.; T. Pigeaud, *Literature of Java, Catalogue Raisonné of Javanese Manuscripts*, vol. I, The Hague, Nijhoff, 1967, section 47.000; Geoffrey E. Marrison, *Sasak and Javanese Literature of Lombok*, Leiden, KITLV, 1999, pp. 74-5; See also the ANU Balinese Manuscript Collection Index, which contains bibliographic data on mss held in other collections (e.g. Museum Gedong Kirtya in Singaraja), online at <http://anulib.anu.edu.au/epubs/bali/index.html/>

<sup>506</sup> One text has been transcribed and translated twice (once into Dutch, once into English): J.C.G. Jonker, *Een Oud-Javaansch wetboek vergeleken met Indische rechtsbronnen*, Leiden, Brill, 1885; and, Hoadley and Hooker, *Javanese Law*. On the anonymity and date of this text see Hoadley and Hooker, *Javanese Law*, pp. 57ff. A different text forms the basis for the *Pepakem Tjerbon*, the final section of which is entitled *Mānava*. G.A.J. Hazeu, *Tjeribonsch Wetboek (Pepakem Tjerbon) van het jaar 1768*, Batavia, Albrecht & Co., 1905.

<sup>507</sup> Jonker, *Wetboek*, pp. 162-236.

provide Javanese commentary on the 18 *vyavahārapādas*.<sup>508</sup> One of these, which he dates to Majapahit (i.e. pre-16th century), appears parallel enough to MDh that van Naerssen regards it as a “paraphrase” of *Manu*; in fact from his description of the text it seems to closely resemble, in formal terms, a *nissaya* on an underlying Sanskrit variant of MDh.<sup>509</sup> Van Naerssen even suggests that due to innovations in the vernacular glosses of certain passages, the Javanese commentator may have even had familiarity with late Indian commentaries on MDh.<sup>510</sup>

### VIII. Buddhism, Brāhmaṇism and written law

The survey of material conducted in this chapter has focused on a wide and admittedly non-exhaustive archive of literary and often fragmentary epigraphic texts compiled across a vast geographical region over a lengthy span of time. Necessarily, any conclusions that can be drawn from such a brief survey must be tentative. However, from the foregoing several reasonable hypotheses concerning the genesis and function of *dharmaśāstra* among Buddhists in South and Southeast Asia might be advanced for further consideration.

First, it is certain that *dharmaśāstra*-related idioms did function in epigraphic contexts documenting Buddhist patronage in both South and Southeast Asia during the 1st millennium—well before the historical advent of any sizeable Burmese-speaking polities at Pagan or elsewhere—and in such contexts there seems to be no dissonance perceived in the mutual promotion of both *dharmaśāstra*-related concepts and

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<sup>508</sup> F.H. van Naerssen, “The Aṣṭadaśavyavahāra in Old Javanese”, *Journal of the Greater India Society*, 15, pp. 111-132.

<sup>509</sup> The manuscript contains the text of what is called the *Svara Jambu* (which perhaps recalls the mythic lawgiver of the MDh: Svayaṃbhū) and is held in Leiden at cod. 4530, 4531; cf. T. Pigeaud, *Literature of Java*, no. 47.060.

<sup>510</sup> pp. 128ff. Although the evidence he provides to support this seems to me very inconclusive.

Buddhism. Donor-kings in Cambodia, Campā, and Java who sought to represent themselves as good Buddhists and as patrons of Buddhism also advocated a representation of kingship and law in terms of dharmaśāstra. This they did in two ways: by citing provisions of statecraft or *rājadharmā* that had precedent in the dharma and *artha* literature and by, occasionally, explicitly invoking the category of dharmaśāstra by name. The Mhv and Sinhalese inscriptions provide reasonably strong evidence that dhammasattha or dharmaśāstra may have played a similar role among Buddhist kings in Laṅkā. The inscriptions of Sūryavarman I and the Javanese epigraph recording Dharmottuṅga's bequest may provide evidence of the promotion of dharmaśāstra texts by patrons of Buddhism. There is no question that later this was the case in Burma, as the previous chapter described, or in 14th century Siam.<sup>511</sup>

Second, all of the dharmaśāstra-related references I have been able to locate from early Southeast Asia seem to indicate that the genre predominantly signified (whether in a Buddhist, Brāhmaṇical-Buddhist, or Brāhmaṇical context) concepts and/or texts associated with *vyavahāra* and *rājadharmā*. I fully acknowledge that epigraphic evidence offers little insight when it comes to determining what the contents of the dharmaśāstra circulating in the region may have been. But from other textual references, and particularly from the contents of extant Burmese, Siamese, and Javanese manuscripts, insofar as these may be taken as representative, it seems that this was the case. Mīmāṃsā-inflected arguments for the Vedic-rootedness of dharmaśāstra are unknown both in epigraphic sources and the surviving texts, and

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<sup>511</sup> I have not discussed the Siamese evidence at length. For references to dharmaśāstra and rājaśāstra in Ayutthaya see Prasert Na Nagara and A.B. Griswold, *Epigraphical and Historical Studies*, Bangkok, The Historical Society, 1992, no. 4.

there is no evidence of the transmission of the Sanskrit dharmaśāstra commentaries or *nibandha* digests in mainland Southeast Asia.<sup>512</sup>

Some scholars have persuasively argued that Buddhism emerged in debate with the entrenched Indian Brāhmaṇical culture that preceded and surrounded it,<sup>513</sup> and that many Pali canonical texts constitute arguments against Vedic ritual or criticisms of the Brāhmaṇical world-view.<sup>514</sup> Likewise, others such as Hacker maintain that over time Brāhmaṇism strove to assert itself against the Buddhists, arguing for the supremacy of its philosophical and soteriological vision.<sup>515</sup> Competition for patronage, as well as a vigorous intellectual and debate culture, gave rise to an enduring antagonism between Buddhists and Brāhmaṇas in India, until the gradual decline and disappearance of the former. While there is much truth to such perspectives, without further qualification they can be interpreted as overstating the degree to which Buddhism either in its “origins” (i.e. in its representation in the presumed earliest strata of Buddhist literature) or in its later historical manifestations sought to distance itself from Brāhmaṇical discourse, and vice versa. Recent studies have illustrated the extensive historical interplay of various Indian traditions and mapped dialogues between Buddhist and Brāhmaṇical persons, texts, and practices.

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<sup>512</sup> Though further research on surviving Javanese and Balinese mss. is necessary to establish this more conclusively for insular Southeast Asia.

<sup>513</sup> R. Gombrich, *Theravāda Buddhism*, esp. pp. 65-72; R. Gombrich, *How Buddhism Began*, London, Athlone, 1996, chs. 1 and 2.

<sup>514</sup> Steven Collins, “Discourse on What is Primary (*Aggañña-sutta*)”, *JIP*, 21 (1993), pp. 301-393.

<sup>515</sup> See the discussions of Hacker’s “inclusivism” in David Seyfort Rugg, *The Symbiosis of Buddhism with Brahmanism/Hinduism in South Asia and of Buddhism with ‘Local Cults’ in Tibet and the Himalayan Region*, Vienna, Austrian Academy of Sciences, 2008; and, W. Halbfass, *Philology and Confrontation*. There are many examples of works that emphasize Brāhmaṇical-Buddhist antagonism. See for example Chitrarekha Kher, *Buddhism as Presented by the Brahmanical Systems*, Delhi, Sri Satguru, 1992.

Many of these studies have been concerned with the history of philosophy<sup>516</sup> and the development of Buddhist and Śaiva Tantra.<sup>517</sup> Such studies do not claim that Buddhist and Brāhmaṇical actors developed theological, epistemological, or technical responses to their historical and religious circumstances that were always identical. Rather, they bring to light a common Indian context or “substratum”, as Seyfort Ruegg would call it, that informs the development of these ideas and practices. They emphasize how both Buddhist and Brāhmaṇical authors utilized common discourses and strategies to articulate positions that were frequently divergent but in certain cases strikingly similar.

Such a model is useful for thinking about the development of Buddhist dharmaśāstra/dhammasattha as well as Buddhist engagement with other sciences (*śāstralsattha*) such as alchemy, medicine, grammar, astrology, etc., in Southeast Asia. Although clearly on the self-understanding of a number of Brāhmaṇical commentators, dharmaśāstra was a genre that could not be translated into a Buddhist context, Buddhist patron-kings, and perhaps others as well, did not see things in the same light. This situation is in a certain respect analogous to Seyfort Ruegg’s description of the perception of the sciences and the *vidyāsthānas* in Tibet.<sup>518</sup> He argues that the Tibetans articulated a classificatory system for organizing the “bases of knowledge”, which entailed a hierarchy of disciplines. *Nan rig pa* or *adhyātmavidyā*, the “science intérieure”, was focused exclusively on an ultimate reality and had

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<sup>516</sup> Richard King, *Early Advaita Vedānta and Buddhism: The Māhayāna Context of the Gauḍapādīya-Kārikā*, Albany, SUNY Press, 1995; Dan Arnold, *Buddhists, Brahmins, and Belief: Epistemology in South Asian Philosophy of Religion*, New York, Columbia University Press, 2005.

<sup>517</sup> Seyfort Ruegg, op. cit.; Sanderson, “Śaiva Age”; Ronald M. Davidson, *Indian Esoteric Buddhism*; David Gordon White, *The Alchemical Body*. I note here that all of these authors take very different positions on the problematic of inter-religious “borrowing” and adaptation.

<sup>518</sup> David Seyfort Ruegg, *Ordre Spirituel et Ordre Temporel dans la Pensée Bouddhique de l’Inde et du Tibet*, Paris, Collège de France, 1995, pp. 96-147.

validity only within a Buddhist epistemological framework. This science, from which non-Buddhists were by definition excluded, corresponded to knowledge of the supermundane or *lokottara* sphere and pertained directly to Buddhist soteriology. However, the vast field of “exterior” sciences, which included forms of knowledge related to logic, grammar, lexicography, *cikitsā* (medicine), *nītiśāstra*, and *śilpa* (art), Tibetan commentators recognized as the common heritage of both Buddhists and non-Buddhists.<sup>519</sup> Of course, one objection to using Seyfort Rugg’s analysis as a parallel case is the fact that as yet no dharmaśāstra texts, strictly understood, are known to have been transmitted in Tibet,<sup>520</sup> but as I have shown earlier in this chapter *nīti*, a science some commentators regard as very closely related to dharmaśāstra, was regarded as an important discipline there. As Chapter Six explores in more detail, the Tibetan distinction between mundane and supermundane spheres of knowledge and allied practices closely mirrors the way Burmese commentators positioned dhammasattha (as well as the other śāstric genres) within the context of a similar *lokiyal/lokottara* ontology in the 17th through 19th centuries.

Thus, arguably certain Buddhists in Southeast Asia recognized dharmaśāstra, as a discourse which they understood to be primarily about *vyavahāra* and *rājadharmā*, in similar terms, as an ecumenical śāstric practice that was largely valid

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<sup>519</sup> Seyfort Rugg reminds us that this distinction of higher and lower sciences has something of a parallel in *Muṇḍakopaniṣad*, 1.1.4-5, with the distinction between superior (*parā*) and inferior (*aparā*) forms of knowledge: “Two types of knowledge a man should learn—those who know *brahman* tell us—the higher and the lower. The lower of the two consists of the Ṛgveda, the YajurVeda, the SāmaVeda, the AtharvaVeda, phonetics, the ritual science, grammar, etymology, metrics, and astronomy; whereas the higher is that by which one grasps the imperishable.” Trans. Patrick Olivelle, *Upaniṣads*, p. 268.

<sup>520</sup> We can only speculate as to why this may have been the case. Perhaps it had something to do with the already extensive corpus of legal literature in early Tibet. On this literature see Brandon Dotson, “Administration and Law in the Tibetan Empire”, Unpublished PhD Thesis, Oriental Institute, University of Oxford, 2006.

in both Buddhist and Brāhmaṇical contexts. A question that remains unanswered is the relationship of our surviving Pali-affiliated dhammasatthas with the Sanskrit dharmaśāstra texts and concepts witnessed in first millennium Southeast Asian inscriptions and of course also to the surviving Indian *smṛtis* themselves.

Unfortunately our evidence is such that direct lines of transmission cannot be drawn. Inscriptions from Southeast Asia rarely allow us to say much about the content of the dharmaśāstra in circulation, or about the influence such texts may or may not have had on surviving Burmese, Siamese, or Javanese forms of written law. Future work on regional epigraphy might allow us to better understand the transmission of legal genres in the region, perhaps shedding light on the development of dhammasattha as a more overtly Buddhist genre. Here we must be careful not to overemphasize the extent to which dharmaśāstra and related legal discourses were seen as necessarily embodied in Sanskrit in early Southeast Asia, even if our earliest vernacular referent for the genre appears only in Campā as late as 1002. The ways that Sanskrit and vernacular languages and concepts worked together in other legal contexts during this period have yet to be adequately explored.<sup>521</sup> Yet, as I have argued, Buddhist authors writing in Pali during the 1st millennium in South Asia were already quite aware of, and did not disapprove the use of dharmaśāstra-type texts and motifs, even though we do not find the exact term dhammasattha anywhere in early Pali literature or epigraphy. It seems plausible that dhammasattha may have been expressed in Pali quite early on, either in works compiled in India or Laṅkā or perhaps among the early Pali-affiliated polities of Southeast Asia.

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<sup>521</sup> However, Timothy Lubin has begun to explore the different sorts of work performed by Sanskrit and vernacular languages in bilingual legal epigraphs from early Southeast Asia in “Legal Diglossia: Modeling Discursive Practices in Premodern Indic Law”, Unpublished paper presented at the 14th World Sanskrit Conference, Kyoto, Sept., 2009.

The evidence presented in this chapter further suggests that the embrace of dharmaśāstra concepts—if not texts themselves—among patrons of Buddhism in Southeast Asia may have parallels in mid-first millennium Southeastern India. There is much more work on this question to be done, however. As Kulke and Pollock have argued, during this period the diffusion of Brāhmaṇical culture was as much a matter of the Sanskritization of regions of India as it was of Southeast Asia.<sup>522</sup> The regional political and cultural phenomena that emerged from this process were unquestionably the product of both local and regional circumstances; and this is something that earlier models of “Indianization”—neither Hindu colonization theory or “local genius”, to use Wales’ term—can adequately account for. If anything, this and the previous chapter have attempted to underscore the considerable importance of Sanskrit-affiliated learning and other so-called “Indian” forms in Burma and other regions of Southeast Asia. However, unlike Coedes and others who have argued for the salience of Indianization, in making this suggestion I do not mean to hypostatize a monolithic, Brāhmaṇical “India” as the authentic origin of such cultural forms.

Dhammasattha and dharmaśāstra were living textual traditions in continual engagement with the realities of the legal cultures in which they circulated. The figure of the Brāhmaṇical *śiṣṭa* and the all-important category of *ācāra* allow for the ongoing adaptation and development of dharmaśāstra law, even while they constrain its application to community of Āryas. The precise mechanisms through which the distinctively Brāhmaṇical jurisdiction of these texts was widened to also include or have meaning for Buddhists will probably never be fully known. But it seems reasonable that such a transformation would have been nourished within an ecumenical religious culture of multiple patronage akin to that witnessed in various locales in first millennium Southeast Asia. We should expect to encounter significant

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<sup>522</sup> H. Kulke, “Indian Colonies”; Pollock, *The Language of the Gods*, ch. 14.

variation between Southeast Asian and Indian legal literatures, as well as among different Burmese (or Siamese or Javanese, etc.) texts compiled in different times and places and under different sorts of historical as well as theological circumstances. But this should not blind us to the fact that all these materials relate to a common regional legal culture whose expressions may, in some instances, have transgressed the strict confessional boundaries often ascribed to them by both traditional commentators and modern scholarship.

## PART TWO

### THE MANUSCRIPTS OF WRITTEN LAW

The last of the contextual levels to stand between historians of early English law and their legislative raw material consists of the manuscripts which have fossilized the evidence since its days of active life and made it available for modern inspection. The geological metaphor is apt. What seem barriers to scholars intent on instant wealth of knowledge help others to explain what lies below and how it got there. Like his colleagues in nineteenth-century academia, Liebermann tended to see medieval scribes as obstacles rather than aids to the recovery of the past. Manuscripts were studied chiefly in order to construct elaborate textual *stemmata*. Yet anyone trying to approach legal history without preconceptions of what law ought to be should have much to learn from the context in which legislative texts are found. The character of a legal manuscript—physical appearance, glosses, other contents—has obvious implications for the use made of written law in the circles that produced it. Such circles are of course confined to those whose efforts survived [...]

Patrick Wormald, *The Making of English Law*, 1999

CHAPTER FOUR  
MANUSCRIPTS, TEXTUAL FORM, AND THE ORGANIZATION OF LEGAL  
KNOWLEDGE

Part Two presents and begins to discuss a representative selection of several dhammasattha traditions transmitted in premodern Burma. The histories discussed in Chapters Two and Three serve as the background to this discussion, although in what follows we are concerned with surviving Burmese and Pali manuscript witnesses to the dhammasattha textual tradition. These manuscripts do not contain any texts that can be securely dated to prior to the 17th century, despite the fact that some of them may present narratives that claim genealogies of considerable antiquity. A single manuscript of the *Dhammavilāsa Dhammasat* preserves information in its scribal colophon that suggests the text as we now have it circulated in 1628.<sup>523</sup> The tradition of the *Manusāra-dhammasattha*, discussed in Chapter Five, contains authorial colophons dating that text to 1651. Attempts to date any dhammasattha traditions earlier than these two texts rest on shaky grounds. There is ample evidence for the transmission of dhammasattha in Burma from epigraphic and literary sources from the 13th century onwards, but it is only in the 17th century that we begin to find firm evidence for the circulation of particular treatises. Although in the course of the next two chapters I discuss many different dhammasatthas, I have chosen to focus on these two traditions as the earliest dated representatives of the genre in Burma.

Over the past five years I have surveyed and in many cases transcribed or digitally archived hundreds of palm-leaf dhammasattha manuscripts.<sup>524</sup> Of these, none has yet been the subject of critical scholarly study. As noted above, scholarship has

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<sup>523</sup> Or.Add.12249. See below for a discussion of this text in this and other manuscripts.

<sup>524</sup> Many of these various texts are listed in the Introduction.

discussed particular features of some of these texts, drawing mainly from printed editions and colonial judicial sources, and in certain cases sought to investigate questions relating to the dating of individual traditions, but we still lack even a basic descriptive account of any text based on an appraisal of manuscript witnesses.<sup>525</sup> In addition to collecting, transcribing, photographing, or reading *in situ* these manuscripts from manuscript libraries throughout Myanmar—since there are no reliable, let alone critical, printed editions of the texts—I have had to try to unravel textual relationships among them. Although I have achieved some preliminary insights, even for one tradition and its manuscripts such work requires many years of careful textual criticism to do properly. We lack, furthermore, even rudimentary handlists to many of the relevant manuscript collections, particularly in monasteries,<sup>526</sup> any critical reference materials (lexica, bibliographies, biographies, etc.) dealing with premodern law, or even reasonably sound modern translations of parts of dhammasattha texts into foreign languages. In many cases the technical, legal language of these manuscripts has been mistranslated or over-translated into English or modern Burmese—early colonial commentators who approached dhammasattha from a colonial/administrative perspective translated Burmese terms with English

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<sup>525</sup> Shwe Baw (1955), Aon Sanḥ Tvanḥ (2005-7), Ryuji Okudaira, and Than Tun have produced work that may be considered something of an exception to this, insofar as they have attempted to enumerate or compare the content of individual traditions. Aside from the 19th century work on the *Manusāra*, discussed above, which utilized a single manuscript in the BL, there are only two essays that rely on manuscripts in any detail, and even these are based on single witnesses: R. Okudaira, “A Comparative Study of Two Different Versions of the *Manugye*”, *Journal of Asian and African Studies*, 59 (2000), pp. 179-95; and, Than Tun, “Checking Manugye (1782) with Manugye (1874) and Manuyin (1875)”, *Southeast Asia: History and Culture*, 14 (1985), 28-43. Okudaira’s work on a *Manu kyay* ms. was also incorporated into Okudaira and Huxley, “A Burmese Tract on Kingship”, *BSOAS*, 64, 2 (2001), pp. 249-59.

<sup>526</sup> Though even the British Library still relies heavily upon the handwritten “Catalogue of Burmese Manuscripts” by E. Chevilliot (MSS Eur D.452) written prior to 1882.

words drawn from European jurisprudence. Given this current state of affairs any study that seeks to discuss the history of premodern Burmese written law in light of a concentrated engagement with the dhammasattha manuscripts themselves is necessarily provisional.

Chapter Four begins with a general overview of the history and development of Burmese manuscript culture and technology from our earliest recorded sources. This survey applies to Burmese manuscripts in general, but sets the stage for the more focused discussion of the formal expressions of the dhammasattha tradition that follows, which I introduce by suggesting a typology of the varieties of legal manuscripts produced in premodern Burma. Here I propose the distinction between what I call 1.) narrative *mūla* recensions and their digests and 2.) “manual” texts, and describe their key modalities of language (Pali, vernacular, and nissaya), commentary (verbatim and semantic), and style (prose and verse). Then, I examine features of this typology in action through an examination of five distinct dhammasattha treatises that all engage in some form or another with what I define as the *Dhammavilāsa* “tradition”. I discuss how this tradition was expressed as a vernacular prose *mūla* treatise, cited in verbatim and semantic commentarial digests, and translated from the vernacular into a Pali nissaya. In conclusion I discuss the implications of a certain regional, Arakanese expression of this tradition. In the course of investigating these manuscripts I examine how dhammasattha was organized as a treatise, as a body of written legal knowledge, and the various linguistic, commentarial, and stylistic forms it embodied. As I argue in the introduction, manuscripts are important not merely as documentary sources that function as vehicles for the transmission of positive content. Such content is of course incredibly important to any history of written law, and will be discussed at length in Part Three; but, additionally, we can learn a great deal about

the authorship, reading, and purposes of dhammasattha from analyses of various forms of manuscript texts themselves.

### I. *Cā* and *kyamḥ*

The transmission in Burma of literature in manuscript form is roughly coextensive with the era for which we have evidence of writing in the Irrawaddy basin, and is witnessed by an increasingly rich archive of materials dating from the middle of the first millennium C.E.<sup>527</sup> The first manuscripts, discovered among the relics of the Pyū-speaking culture at Śrī Kṣetra, dated paleographically to c. 5-6th centuries C.E., contain brief Pali texts, all of which parallel formulations found in the *tipiṭaka*, incised in Pyū script on gold plates. The 20 folios of the largest of these finds, that of the manuscript recovered from the Khañ Bha mound, are complete with two perforations on each folio, through which the leaves are secured with a golden wire, and are placed in golden cover-boards, such that the object would be immediately recognizable as a manuscript by anyone familiar with Burmese or other Southern Asian palm-leaf manuscript styles.<sup>528</sup> No local Indic or vernacular compositions, excluding epigraphs,<sup>529</sup> have been securely dated to pre-Pagan Burma, although there

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<sup>527</sup> To the southwest in Arakan there is epigraphic evidence of the transmission of manuscripts (*pustaka*) plausibly dated to not later than the 8-9th centuries C.E. See Johnston, "Some Sanskrit Inscriptions of Arakan", *Bulletin of the School of Oriental and African Studies*, 11, 2 (1944), p. 377.

<sup>528</sup> Tun Nyein, "Maunggan Gold Plates" *Epigraphia Indica*, vol. V, Calcutta, 1898-99, pp. 101-102; L. Finot, "Un nouveau document sur le bouddhisme birman", *Journal Asiatique*, 20 (1912), 121-139; G. H. Luce, *Phases of Pre-Pagan Burma*, 2 vols., Oxford, 1985; Harry Falk, "Die Goldblätter aus Śrī Kṣetra", *Wiener Zeitschrift für die Kunde Südasiens*, 41 (1997), 53-92; J. Stargardt, *Tracing Thought through Things: The Oldest Pali Texts and the Early Buddhist Archaeology of India and Burma*, Amsterdam, Royal Netherlands Academy of Arts and Sciences, 2000. See also the important review of Stargardt by P. Skilling in *Asian Perspectives*, 44, 2 (2005), pp. 386-90.

<sup>529</sup> For an only slightly outdated bibliography of research on the Pyū corpus in Burmese and European languages see Maung Zeyya, Win Tint, and Hla Hla Win,

are several later attributions of texts compiled during the first millennium, for example the *Kappālaṅkāra*, a *vijjādhara* (*vijjā* or ‘weikza’-related) text allegedly compiled by Uttamasīri during the 1st Century C.E., and extant in an 18th century Pali-Burmese nissaya<sup>530</sup> version (which provides this attribution in its colophon) by Taungdwin Sayadaw Ñāṇābhidhammālaṅkāra.<sup>531</sup>

12th and 13th century epigraphic sources from Pagan reveal a literary culture in which manuscripts were highly valued and well-established as part of the Buddhist landscape. Numerous inscriptions record the sponsorship of manuscript-making, the donation of manuscripts to monasteries, and the sympathies motivating such acts of devotion. Copying and production techniques are well documented and supports mentioned include gold-leaf,<sup>532</sup> paper<sup>533</sup>, slate, and palm-leaf—either palmyra or corypha—which was by far the most common and used for religious texts as well as administrative and juridical records.<sup>534</sup> As discussed in Chapter Two, several extant epigraphs reveal the titles of manuscript texts that were circulating at Pagan, and these

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“Bibliography of the Peoples and Cultures of the Pyu”, Meiktila Degree College Library, 1997.

<sup>530</sup> See below for a definition of this term.

<sup>531</sup> The text claims to have been written at Śrī Kṣetra during the reign of the Pyū king Supaññānagarachinna. Manuscripts of the nissaya are held at UCL 14510 (on which see Moñ Moñ Ññvan., *Pe purapuik*, Yangon, Cā pe Bimān, 1999, pp. 21-2), and MORA 7672. A version of the text was published in the *Kappālaṅkāra thvak rap kyamḥ rañḥ krīḥ*, Yangon, Sudhamavati, 1959.

<sup>532</sup> RMK, 3, p. 76, line 38. See also the earlier Shwesandaw Inscription edited and translated by Blagden in *Epigraphia Birmanica*, vol. 1, part 2, p. 158 (Mon text), p. 165 (English translation). Blagden reads “leaf of gold with vermilion writing” but notes that this is “conjectural and highly doubtful”. I thank Lilian Handlin for recalling the latter Mon reference.

<sup>533</sup> RMK 1, pp. 151, line 30. Note that there is only one epigraph from 1223 documenting the use of *purabuit* and from the context it is not entirely clear that the materiel is paper. In later eras the appellation “parabaik” was also applied to supports such as metal, wood, or leather.

<sup>534</sup> Than Tun, “History of Buddhism in Burma A.D. 1000-1300”, p. 44.

are invaluable for the reconstruction of early Burmese and Pali literary history.<sup>535</sup> Writing implements included chalk and soapstone,<sup>536</sup> although from the inscriptions we cannot be sure whether the palm-leaf manuscripts were written in ink or incised; the latter was the more common practice in later years. There are ink epigraphs on temple walls at Pagan<sup>537</sup> but there is no direct evidence of ink being used on manuscripts; however, a number of fragments of Pali palm-leaf manuscripts written in square characters in ink have been excavated from the interior of Pagan temples, but unfortunately no examination of this material has yet been conducted.<sup>538</sup> No securely dated Pagan-era manuscript on any support has ever been found. Indeed, nearly all of

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<sup>535</sup> See Than Tun, “An Original Inscription Dated 10 September 1223 that King Badon Copied on 27 October 1785”, in P. Pichard and F. Robinne, eds., *Études birmanes en hommage à Denis Bernot*, Paris, École française d’Extrême-Orient, 1998, pp. 37-55; Alexey Kirichenko, “Classification of Buddhist Literature in Burmese Inscriptions and ‘Histories of Pitakat’”, Unpublished paper presented at the Burma Studies Conference, Northern Illinois University, October 3-5, 2008.

<sup>536</sup> The epigraph cited in n.7 mentions the donation of 55 *kaṃ kū chān*, which in later Burmese refers to steatite or soapstone, most commonly associated with writing on black parabaik, but also used on metal, lacquered, or gilded manuscripts. It is not entirely certain that the term has the same meaning here, but it is evident that this is an implement used for writing on parabaik that was held by a cartridge (*kaṃ kū taṃ I kleññ*), as were soapstone crayons in later eras. The inscription further mentions a number of minerals such as copper, sulfite, and minium, which were used to make colored ink or paint, although no pen- or brush-like implements are named. Ūḥ Phuiḥ Lat traces the derivation of *kaṃ kū* via *kaṃ kut* (sulfite?) to the Sanskrit *kankuṣṭha* (Pali *kankuṭṭha*), “golden or yellow earth”, citing an inscription of 1238 that also describes ingredients used for paint. Phuiḥ Lat, *Mran mā ca kāḥ aphvai. kyamḥ*, vol. 1, pp. 53-4. More research is needed on the precise meaning of these terms at Pagan and their relationship to Shan *kaṃ kut*, which refers to a pen-like reed used for writing on manuscripts in ink.

<sup>537</sup> See Bha Rhañ, *Pugaṃ mañ cā sutesana lup ñanḥ*, Yangon, Burma Historical Commission, 1966; Aoñ Mrat Kyau, “Pugaṃ mañ cā myāḥ mha samuiñḥ athok athāḥ nhañ. mran mā cā reḥ thumḥ”, *Mran mā samuiñḥ apvai. rhve ratu athumḥ amhat cā coi*, Yangon, Myanmar Historical Commission, 2004, pp. 20-39.

<sup>538</sup> The examples I am aware of are all held at the Pagan Museum. For some 16th-19th century textual references to writing in ink on manuscripts and an important discussion of Burmese ink writing in general see Ūḥ Phuiḥ Lat, op. cit., vol. 2, pp. 47-9.

our extant Burmese manuscripts on whatever support date from the 18th and 19th centuries.

*Cā* is the most basic Burmese term for any text written on a manuscript folio or on other writing supports. It is a neutral term in the sense that it applies to all forms of written expression, despite the subject of the text or its material support. It is used equally to refer to Pali or vernacular texts incised on palm-leaf, stone inscriptions or ink epigraphs, or chalk writing in parabaik manuscripts. It is found in numerous compound forms, including the words *cā tuik*, text-repository (i.e. “manuscript chest”), *cā reḥ*, literally a “text-writer” or scribe (the common equivalent of the Pali terms *lekhaka*, scribe, and *lipikāra*, lit. “letter-maker”), and in the name for individuals who played the role of a *cā phat* or oral “reciter of texts”.<sup>539</sup> It is also used in the most common modern Burmese term used to refer to palm-leaf manuscripts, *pe cā* (“palm [leaf]-text”) or *pe cā thup* (“palm-text bundle”), as well as books, *cā aup* (“covered-texts”).

But the word more commonly used to refer to manuscripts in premodern Burma was *kyamḥ*. *Kyamḥ* derives from old Burmese *klām*, whose etymological sense in its earliest attested usages in old Burmese to refer to manuscripts is not certain. *Kyamḥ* is also a verb that in various contexts means “to level”, “to be level”, or “give a flat, even surface”<sup>540</sup>, and it has been speculated that the usage as applied to manuscripts may have been connected with the flat, even shape of palm-leaf or other types of manuscripts or their binding boards. In the process of producing palm-leaf manuscripts they are placed on a *kyamḥ bhi* or press which compresses and flattens the

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<sup>539</sup> Unfortunately we have little direct evidence for the practice of oral reading by professional *cā phat*, although it is clear that at least at the court such specialists were retained. See Ūḥ Moñ Moñ Tañ, *Rhve nanḥ sumḥ vohāra abhidhān*, Yangon, UHRC, 2004, p. 103.

<sup>540</sup> E.g. “*tañḥ kyamḥ*”, “*taṃ sut kyamḥ*”, etc. Cf. Voh, s.v. *kyamḥ*.

folios. The binding boards of palm-leaf manuscripts, usually made out of wood, are also referred to as *kyamḥ*. Thus *kyamḥ* in reference to the materiality of a palm-leaf manuscript refers specifically to its binding boards and by extension to the whole object or bundle of palm-leaf folios placed between the boards. It is in this sense that we find *kyamḥ* used as a synonym of the Pali word *pothaka*<sup>541</sup>, which refers to the manuscript as material object.

But *kyamḥ* also carries another meaning. In this usage it refers not to the materiality of a manuscript but to a text as a “treatise”. Here some of the Pali terms it glosses are *sattha* (“instrument of disciplinary learning”, “treatise”, Skt. *śāstra*), *gantha* (“composition”)<sup>542</sup>, and *pamāṇa* (“textual reference”). In each of these senses *kyamḥ* implies an understanding of text as a conceptual entity, as a source and repository of learning or as a vehicle for the transmission of knowledge. Although most meanings of the term attested in pre-15th century inscriptions seem to refer to manuscripts as physical objects, in our earliest surviving vernacular literary texts *kyamḥ* is already widely used in the sense of treatise, and is applied to a range of genres. The chronicle *Rājavanī kyau* (RK, c.1500 C.E.) by Mahāsīlavam̐sa refers to Buddhaghosa’s translation of the “*Abhidhamma kyamḥ*” from Sinhalese into *Māgadhabhāsā* (Pali).<sup>543</sup> The *Lokasāra pyui.*, also written in the early years of the

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<sup>541</sup> Cf. Sanskrit *pustaka*. This term, like so many others for manuscripts and treatises, is often translated rather inadequately as “book”. The word may relate to Iranian *post*, ‘hide’. References to manuscripts in India appear only during the early centuries of the first millennium C.E., although writing and literacy may have emerged in the 4th century B.C.E. There is some debate on whether writing was known to compilers of certain late strata of the Pali vinaya. On *grantha* and *pustaka* see Harry Falk, *Schrift im alten Indien*, pp. 298ff; on the emergence and history of writing in India see the same work, *passim*.

<sup>542</sup> A popular variant term is *kyamḥ gan* (< *kyamḥ* + *gantha*) which is often synonymous with this meaning of *kyamḥ*. In certain specialized contexts (see Chapter Six) the term *kyamḥ gan* might be used to designate authoritative *Buddhavacana* or *tipitaka* texts in distinction from other types of treatise.

<sup>543</sup> RK, p. 119

16th century, characterizes dhammasattha texts as *kyamḥ*, as well as many different types of treatise it relates to brāhmaṇa (*puṇṇāḥ*) culture, as it was understood by the Burmese tradition, including *hūhrāḥ kyamḥ* (Skt. *hora*, horoscopy treatises), *cheḥ kyamḥ* (medical treatises), *grahasanti kyamḥ* (treatises on heavenly bodies), *gāthā bhvai. kyamḥ* (treatises on the recitation of magical/apotropaic verses), and *dhāt kyamḥ* (alchemical treatises). In the poem the brāhmaṇa culture that surrounds these *kyamḥ* texts is explicitly related to *saṅskruṭ* or Sanskrit and celebrated as a prestigious educational context.<sup>544</sup> It is thus clear that the understanding of *kyamḥ* was not localized to particular forms of expression connected with *Buddhavacana* but applied to various genres of premodern learning.

## II. Manuscript form and ornamentation

Manuscript treatises or *kyamḥ* were thus understood as both material texts and conceptual repositories of knowledge connected with various fields of inquiry.<sup>545</sup> All Burmese manuscripts have in common certain technical features. Palm-leaf manuscript texts of whatever genre are written in a continuous line left-to-right beginning from the upper left hand corner of a recto folio, usually containing between 5 to 13 lines per folio. Space is left on a folio for margins, and marginal notes, indices, or commentary are found in many manuscripts. Manuscripts are usually foliated in the upper left hand corner of verso folios (except in the cases of the first and last folios of an entire manuscript or its chapter divisions), and in some instances the title of a text or the name of the owner is written in the upper right hand margin of the verso folio throughout some or all sections of the manuscript. In addition, some manuscript texts are prefaced with “tables of contents” or other finding aids. The folios are foliated

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<sup>544</sup> *Lokasāra pyui.*, p. 105

<sup>545</sup> Chapter Six will address Burmese systems of knowledge and their relative authority in more detail.

according to the order of the Burmese alphabet, each letter having twelve vowel combinations, thus *ka, kā, ki, kī, ku, kū, ke, kai, ko, kau, kaṃ, kāḥ > kha, khā, khi...* Each of these 12 folio sections is called an *aṅgā* or fascicle.

Many manuscripts contain not only text but some form of ornamentation. The earliest dated ornamented manuscript is a 1683 *Pañcanipāt aṅguttuir aṭṭhakathā*,<sup>546</sup> in ink and lacquer on gilded palm-leaf, discussed in an article by Stewart in 1934.<sup>547</sup> As Singer notes, the title folio is “decorated in the style of a Kammavaca”, and displays marginal designs that parallel ornamental motifs in the roughly contemporary painted murals of the Tilokaguru cave temple at Sagaing.<sup>548</sup> While the observation that there is shared aesthetic vocabulary between manuscript and other forms of decoration such as murals is very important, we should be cautious about attributing a kammavācā “style” to the 17th century, as few (if any other) securely-dated decorated manuscripts from this era survive, and thus it is impossible to know whether kammavācā comprised a model for manuscripts ornamented in this way. And indeed, as the evidence of the 1683 manuscript suggests, the earliest dated example of this “style” comes from a non-kammavācā manuscript.<sup>549</sup> The question

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<sup>546</sup> The commentary on the “Book of the Fives” from the *Aṅguttara-nikāya* of the Pali Tipiṭaka.

<sup>547</sup> J. A. Stewart, “Burmese Dedicatory Inscription of A.D. 1683”, *Bulletin of the School of Oriental and African Studies*, 7, 3 (1934), pp. 541-44.

<sup>548</sup> N. F. Singer, “Kammavaca Texts: Their Covers and Binding Ribbons”, *Arts of Asia*, May-June 1993, p. 99.

<sup>549</sup> Kammavācā manuscripts comprise texts recited during formal procedures of the saṅgha (*saṅghakamma*), such as in rituals associated with ordination, consecrating new *sīmā*, establishing monastic living quarters, etc. Additionally, kammavācā manuscripts were sometimes held by monks when swearing an oath of truth in juridical contexts, on which see Chapter Six below. Very little research has been conducted on the distinctive kammavācā texts of Burma, and among Burmese scholars there is some difference of opinion as to the variety of texts that are historically included in the genre. For a list of 37 kammavācā texts see Ñānvan. Moṅ, *Man kyaññḥ ce. kammavā panḥ akkharā*, Yangon, Cā pe Bimān, 2000, p. 15-7. Most European work on the Burmese tradition has concentrated on the divisions of the *Navakhaṇḍha-*

here concerns the provenance of the highly stylized broad script of the text of the title of the manuscript, which resembles that of tamarind-seed (*man kyaññḥ ce.*) script kammavācā manuscripts, many examples of which survive from the 18th through 20th centuries.<sup>550</sup> When this script was first used on manuscripts is impossible to determine with certainty, and we are not helped by the fact that most tamarind-seed kammavācā manuscripts, unlike those written on plain palm-leaf, lack colophons and carry no copy dates. Perhaps our best evidence, as Singer and the Burmese manuscript scholar U Nyunt Maung have noted, is the similarity between the tamarind-seed script and the square script used in 12th-14th century Burmese lithic inscriptions.<sup>551</sup> We can only speculate here, but it may be that the majority of Burmese manuscripts produced during an early period would have employed a similar script. For reasons arguably having to do with the unique ritual function of kammavācā in *sañghakammas*, as sacred objects held to guarantee monastic oaths in juridical contexts, and also, for certain manuscripts, their special value given the context of their donation (kammavācās were occasionally donated to individual monks in commemoration of their ordination), such scriptural archaisms were preserved and became increasingly stylized as a marker of the unique function and prestige of the texts. We should also note the difficulties involved in reading the tamarind-seed script, which requires some skill even for those literate in Burmese and Pali; perhaps this would have emphasized the specialized quality of the reading and reciting of these manuscripts, and also provided an incentive for monks to memorize the texts.

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*kammavācā* (kammavācā of 9 chapters); see Anne Peters, “Die birmanischen Kammavācā-Sammlungen mit neun Abschnitten”, in *Untersuchungen zur buddhistischen Literatur*, eds. H. Bechert, et. al., Göttingen, Vandenhoeck & Ruprecht, 1997, pp. 274-84.

<sup>550</sup> The name refers to the shape of the script, said to resemble tamarind seeds. For additional images see Singer, *op. cit.*; Isaacs and Blurton, *op. cit.*

<sup>551</sup> Ñāvan. Moñ, *Man kyaññḥ ce. kammavā*, pp. 47-8.

Kammavācā manuscripts comprised a wide range of styles and supports, and the most common were inscribed with a stylus on plain unadorned palm-leaf. The supports for decorated kammavācā written in ink, such as the tamarind-seed script variety, included lacquered and gilded palm-leaf; ivory; lacquered hardened cloth, typically from discarded monastic robes (*vat lai*); and metal, such as copper and aluminum. These were ornamented in gold leaf, cinnabar, ink, or mother-of-pearl, with often elaborate floral or iconic representations of the Buddha, Sāriputta and Moggallāna, devas, or mythical creatures in the margins of the first and final folios, as well as intricate interlinear and patterned designs bordering the text throughout the manuscript. Many of these decorative features are not limited to kammavācā texts, but shared by other genres written in ink on gilded and lacquered supports, although there are precious few examples of such manuscripts.<sup>552</sup>

Nearly all surviving Burmese palm-leaf manuscripts (*pe cā*)<sup>553</sup> date from the 18th or 19th centuries and are incised on the folios in a round Burmese script that is virtually identical with the contemporary script.<sup>554</sup> There are a number of extant palm-leaf manuscripts dated to the 17th century, but I am not aware of any that have been reliably dated to earlier centuries. Palm-leaf was used for writing a wide variety of texts in addition to dhammasattha, which include Pali literature and its bilingual (*nissaya*) and vernacular commentaries; Sanskrit texts; historical works; poetry; and

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<sup>552</sup> Compare the *Paṭṭhāna* and *Dhammacakkapavattana-sutta* manuscripts reproduced in Ñāṇan. Moñ, *Man kyaññi ce. kammavā*, p. 48, p. 101; also the important manuscripts of the *Saḷāyatana-vagga* prepared for King Mindon and now housed at Northern Illinois Library; online at: [<http://sea.lib.niu.edu/images/search1.php?source=ok> Palitaw].

<sup>553</sup> Palm-leaf was also used for the long strips of one or two line *cā khyvan* manuscripts that communicated official appointments from the king.

<sup>554</sup> On the production and preparation of palm-leaf see *Mran mā. cvay cuṃ kyamḥ*, vol. 10, Yangon, Cā pe Bimān, 1966, s.v. Mran mā pe cā; U Thaw Kaung, “Myanmar Traditional Manuscripts and their Preservation and Conservation”, *Myanmar Historical Research Journal*, 1 (1995), pp. 241-73.

grammatical, lexicographical, medical, and astrological treatises. The vast majority of these manuscripts are undecorated except for the customary bands of gilding and vermillion along the outer edges of the entire bundle, five styles of which are known.<sup>555</sup> The outer edges of a closed bundle may be further ornamented with designs in gold, vermillion, or black ink, although examples are not terribly common.

There are several types of palm-leaf manuscript that occasionally include incised images.<sup>556</sup> The most notable among these are certain cosmological treatises that contain elaborate and highly detailed illustrations of the thirty-one *bhūmi* or planes of existence, often accompanied by captions.<sup>557</sup> Also, *jātā* (horoscope), *byūha* (military, tactical), *cheḥ* (medical), *dhātu* (alchemical, homeopathic), *bedañ* (astrological) and *nakkhatta* (astronomical) manuscripts occasionally carry incised designs or diagrams connected with their subject; unfortunately there is little research on any of these popular pre-modern genres and their manuscripts, let alone their aesthetics.<sup>558</sup>

A major category of palm-leaf ornamentation concerns marginal and interlinear decoration and doodling and graffiti, none of which has received any scholarly attention. Perhaps the most frequently encountered marginal and interlinear adornments are concentric circles or floral patterns surrounding or radiating outwards

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<sup>555</sup> For these styles see Moñ Moñ Ññvan., *Pe cā purapuik*, p. 49.

<sup>556</sup> Painted palm-leaf is rare. I recall seeing only one example several years ago in the Resource Centre for Myanmar Manuscripts in Mandalay. For another see the reproduction of a gilded palm-leaf kammavācā from the Mandalay Museum in Patricia Herbert, “Myanmar Manuscript Art”, in Teruko Saito and U Thaw Kaung, eds., *Enriching the Past*, Tokyo, Tokyo University of Foreign Studies, 2006, pp. 23-41, p. 23.

<sup>557</sup> For a description of this genre and some examples see Patricia Herbert, “Burmese Cosmological Manuscripts”, in A. Green and T. R. Blurton, eds., *Burma: Art and Archaeology*, London, British Museum, 2002, pp. 77-97.

<sup>558</sup> For some references to manuscripts of these various disciplines see Mrañ. Kraññ, *Paññā rap aluik cī cañ thāḥ so rveḥ thut pe cā cā ranḥ*, Unpublished thesis, Yangon University of Arts and Sciences, 1979.

from the perforations on a leaf, most common on the first or last folios of a fascicle, or cross-hatching designs both between lines on a folio and as borders along the edges of the text. Doodles and graffiti, probably made by scribes or monks and novices at monasteries where most palm-leaf manuscripts were kept, likewise include a range of styles and subjects, from rough non-representational marks to more controlled depictions of flora or animals. Doodles and graffiti on palm-leaf are however quite rare, and the majority of cases I have encountered are confined to margins or blank, partial or damaged folios, and I have yet to come across what appears to be an instance of the intentional defacement of a text.

The thematic vocabulary of palm-leaf decoration is limited when compared with illuminated paper manuscripts or mural painting, and the probable existence of paper in Burma from at least the later Pagan era (alongside the higher costs associated with preparing palm-leaf supports) perhaps served to constrain the expansion of palm-leaf art. Surviving paper manuscripts are of two general types: black parabaik and white parabaik. The etymology of the term parabaik is uncertain, and derivations have been made from Sanskrit, Mon, Chinese, Tai, and Pali elements, none of which are entirely satisfactory.<sup>559</sup> In Burma the paper was typically made from the pulp of mulberry bark or different preparations of bamboo.<sup>560</sup> The surface of the

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<sup>559</sup> Ūḥ Tañ, *Mran mā mañḥ aup khyup puṃ cā tamḥ* [MMOS], 5 vols., Yangon, Ministry of Culture, 1983, vol. 5, §554; Moñ Moñ Ññvan., *Pe cā purapuik*, pp. 77-9. MMOS is an important collection and analysis of primary manuscript documents dealing as the title suggests with the “Administration of Burmese Kings” assembled and edited by Pagan Wundauk U Tin (Pugaṃ Van Thok Ūḥ Tañ, 1861-1933) in the 1920s. U Tin briefly served at the Mandalay Palace before the final annexation of Burma in 1885. This multi-volume work, first published in 1931, is an important source of information on (especially) Konbaung-era political and religious history, particularly because it presents the only known copies of many of the manuscripts it cites.

<sup>560</sup> Numerous authors repeat the claim that a type of Burmese parabaik was produced from the bark of the *sa rak khyañ* tree, which to my knowledge was first put forth in 1931 in MMOS, op. cit., §560. Moñ Moñ Ññvan. and Moñ Moñ Sinḥ have argued

paper was then coated with thick rice water mixed with a charcoal powder or, in the case of white parabaik, rubbed with a whitening chalk or oil made from crushed *gum n̄n̄aṅ* (*Entada pursaetha*) seeds.<sup>561</sup> The outer folios of higher quality black and white parabaik were sometimes illustrated or adorned with lacquer relief work, often gilded and inlaid with gold and glass, a technique that was also used for decorating such things as manuscript chests,<sup>562</sup> thrones, and coffins.

Most extant paper manuscripts also date to the Konbaung period, although black parabaik have been found dated to as recently as the late 1960s.<sup>563</sup> Black parabaik were used for writing just about anything that needed to be written. Such manuscripts were relatively inexpensive, lightweight, and portable and could be written on quickly with soapstone or chalk and even erased, recoated, and reused. They were especially valued as supports for administrative, juridical, and economic texts, and thousands of black parabaik records of such things as contracts, deeds, royal orders, saṅgha affairs, court case records, population surveys, accounts, and laws survive in rural monasteries in Burma as well as in non-monastic libraries and archives

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convincingly that instead this name derives from Sa Rak Khyaṅ village in Magwe Division where parabaik were made during the 19<sup>th</sup> century. Cf., Moṅ Moṅ N̄n̄van., *Pe cā purapuik*, p. 87; Moṅ Moṅ Sinh, *Purapuik panḥ khyī le. lā khyak*, Yangon, Cā pe Bimān, 2001, pp. 44-5. Moṅ Moṅ Sinh reports a conversation with a village elder who recalled that in his youth parabaik was made from the bark of *u nhai* (*Streblus asper*) trees, whose leaves are used to make cheroots. Most 19th century foreign observers state that Burmese parabaik were produced from the pulp of bamboo or the bark of *ma lhuin* or mulberry (*Broussonetia papyrifera*), although it seems probable that other types of fibrous pulp would also have been used. See L. Liotard, *Memorandum on Materials in India Suitable for the Manufacture of Paper*, Calcutta, Agricultural Department, 1880.

<sup>561</sup> For an account of the process see Moṅ Moṅ Sinh, *Pe purapuik myak nhā praṅ myāḥ pau mha le. lā tve. rhi khyak myāḥ*, Yangon, Cā pe Bimān, 2000, pp. 49-63; also, Elaine Koretsky and Donna Koretsky, *The Goldbeaters of Mandalay*, Brookline, Carriage House Press, 1991.

<sup>562</sup> Moṅ Moṅ Sinh, *Cā tuik settā panḥ myak nā*, Yangon, Ca pe Bimān, 2001.

<sup>563</sup> Personal communication, Win Tint, Meiktila University, 2008.

inside and outside the country.<sup>564</sup> Other texts commonly written on black parabaik include medical, botanical, and mathematical treatises; transcriptions of inscriptions, poems, songs, and sermons; monastic library catalogs; *paritta* and apotropaic verses; grammatical, lexicographical, and orthographic works; prophecies; sorcery handbooks; and, local histories. Black parabaik were also used, along with slate, as notebooks in the context of monastic education. As a general rule, more valuable or prestigious texts were written on palm-leaf while black parabaik served as a support for texts that were seen as temporary or had a more documentary or practical function; longer works of Pali or vernacular literature were typically not written on parabaik but on palm-leaf, although there are no strict boundaries as to what type of text was written on which support.

A great number of black parabaik contain drawings in soapstone or chalk, and those that I have come across include architectural diagrams; plans for the construction of monastic *sīmā*; horoscopes; *yantra* and runes; anagrammatic diagrams of auspicious or magical Pali verses (*chanḥ bhūṃ*); drawings of humans, animals and plants; sumptuary manuals; cosmologies; maps; and tattooing handbooks. Doodlers were particularly drawn to black parabaik, which underscores its more ephemeral and notebook-like qualities. These manuscripts were occasionally also decorated with white, yellow, red, silver and gold ink, or even painted, but this was relatively rare.<sup>565</sup>

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<sup>564</sup> For a catalog of some of this literature see Win Tint, *Database of Myanmar Studies Source Materials in Parabaik Manuscripts*, 8 vols., Meiktila, Meiktila University, 2004-7; T. Ito, U Htun Yee, et. al., eds., *Documents of Myanmar Socio-Economic History*, 11 vols., Toyohashi, Aichi University, 2002-2008, online at: [<http://taweb.aichi-u.ac.jp/DMSEH/>].

<sup>565</sup> Compare the gold and silver ink on the title folio of the incomplete *Manu akyay dhammasat* in the British Library, Or. 3447A, reproduced in Patricia Herbert, “The Sir Arthur Phayre Collection of Burmese Manuscripts”, *British Library Journal*, 1, 1 (1975), p. 68.

There are unfortunately few studies of black parabaik imagery or its role and relation to the broader artistic culture.<sup>566</sup>

These latter subjects as well as others are illustrated in white parabaik, which in their most basic form were typically written on using a pen (*khoñ tam*) with black or colored ink and, when painted, colored with a brush (*cut tam*) made from the ear-hair of a cow. In the 19th century imported lead pencils were used for writing and sketching on white parabaik, and also employed on palm-leaf to make marginal notes or corrections to the text. In central Burma it is not common to find white parabaik used as supports for texts that are unaccompanied by illustrations, as they are in Shan areas.<sup>567</sup> Furthermore, it is probable that black and white parabaik functioned as sketchbooks for artists and painters who used them to draft images for murals and other types of decoration. Among all the textual supports known in premodern Burma parabaik and slate stand out as the most likely to have been used in the context of artistic as well as other forms of education given their popular circulation, relatively low cost, and the ease with which they could be erased and reused.

The most technically sophisticated painted manuscripts are the so-called “variegated” (*roñ cum*) white parabaik, which required further preparation of the surface of the paper with special oils, wax, and resin before being coated with a layer of white or colored paint. Such manuscripts were painted by artists closely associated with the court, and their sponsors and readers included members of the royal family. One of the most significant aesthetic developments seen in variegated parabaik is the elaboration of the narrative possibilities of manuscript art. Many of these parabaik represented for the first time in manuscripts, across multiple folios and in full color, the life of the Buddha, scenes from the *Jātaka*, cosmologies, and rituals associated

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<sup>566</sup> However, see Moñ Moñ Sinḥ *Purapuik panḥ khyī*, pp. 55-64.

<sup>567</sup> See B. J. Terwiel and Chaichun Khamdaengyottai, *Shan Manuscripts*, Stuttgart, Franz Steiner, 2003.

with royalty, often accompanied by descriptive captions.<sup>568</sup> Such parabaik also retained the documentary function of earlier decorated manuscripts, although with increasing realism, and were used to catalogue varieties of humans, animals, and plants, inventory royal regalia and the king's arsenal, and to produce detailed color maps and architectural plans.<sup>569</sup>

There appears to be no external references to the making of these elaborate variegated parabaik in Burma prior to the 19th century.<sup>570</sup> Major questions remain as to what influenced the development of this genre, whether it can be attributed in part to the influence of European, Indian, or “Thai” artisans, and the extent to which the technical and aesthetic achievements witnessed in these manuscripts are connected to broader transformations in the painterly culture. Further studies are necessary on the relationships among such manuscripts and the themes, techniques, and perspectives of 18th and 19th century murals and other painted and decorated objects such as manuscript chests, wood carvings, and embroidered tapestries.

### III. Narrative and manual texts

Dhammasattha as well as other Burmese manuscripts can be divided for analytic purposes into two general and somewhat ideal categories on the basis of thematic and formal-textual features. I refer to these as 1) prose or verse continuous “narrative” texts and 2) “manual” texts. The appellation “narrative” is used here to

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<sup>568</sup> For additional examples see Patricia Herbert, *The Life of the Buddha*, London, British Library, 1992; and, “Myanmar Manuscript Art”, op. cit.; Charles Duroiselle, *The Pageant of King Mindon*, Calcutta, Government Printing, 1925; Ūḥ Thvanḥ Rī, *Thvak tau mhu akhamḥ anāḥ*, vol. 1, Yangon, n.d.; Khin Maung Nyunt, et. al, *Myanmar Painting*, Ho Chi Minh City, EPH, 2006.

<sup>569</sup> For a fuller list of 19th century subjects illustrated in white parabaik see Mañḥ Nuiñ, *Panḥ khyī tau Ūḥ Krā Ññvan. i khet nhan. sū. lak rā*, Yangon, Ministry of Culture, 1979, pp. 9-11. For an excellent reproduction of a white parabaik documenting royal regalia see *Mañḥ khamḥ tau purapuik phrū*, Yangon, n.d.

<sup>570</sup> Moñ Moñ Sinḥ, *Purapuik panḥ khyī*, pp. 48-9.

signify the continuous, linked nature of a discourse. Some dhammasatthas contain stories which are used to illustrate a particular law or point of legal theory but this is not what I mean by narrative.<sup>571</sup> In narrative dhammasattha the legal content of the manuscript in its entirety is “told” as if it were a story, and comprises a complete, interwoven narrative with a beginning, middle, and end. Different sections of the text are linked together using narrative devices, and very often the teller and audience of the legal narrative are invoked by name and play a recurring role in a text. Narrative dhammasattha often follow a set structure which begins with an account of the *aṭṭhuppatti* or “uprising” or biography of the text, which can in some cases be of considerable length. This textual biography is followed by an organized and interlinked verse or prose exposition of legal material that ranges over several subjects, if not the full eighteen legal titles that comprise the entire extent of dhammasattha law as it was theorized. These features differ somewhat depending on the language and style of a text.

What I call narrative dhammasattha texts can be further subdivided into categories of 1) dhammasattha *mūla* (“root”) recensions and 2) digests. Dhammasattha texts never claim that they are entirely original compositions, so it is important to elaborate the distinction between digest and *mūla* recension in this context. A *mūla* recension is a dhammasattha that claims to be based on, and a revised “edition” of, an earlier dhammasattha treatise. It is represented as an abridgement or reformulation of an earlier text. The archetypal ur-treatise upon from which all other dhammasatthas are represented as derived is the mythic legal text transmitted from the boundary-wall of the universe on behalf of the first Buddhist sovereign, Mahāsammata (on which see Chapter Six). No surviving texts claim to contain this original work, but rather

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<sup>571</sup> On some of these stories see Maung Htin Aung, *Burmese Law Tales: The Legal Element in Burmese Folk-lore*, London, Oxford University Press, 1962.

indicate that they are a later version of this text, or of an earlier text that was based on it. In such cases the compiler of the abridgement aims at reproducing what he—compilers are always men—views as the entirety of that earlier text, in essence if not in exact content. Typically the reasons given for this by the compiler(s) is that the earlier text on which it was based is “difficult to understand”, “exceedingly large”, or has become “corrupt”, so it has been abridged into a new recension. In some cases not the content but the language of an earlier text may have occasioned the new recension. Thus Pali recensions were made of earlier texts in the vernacular, or vernacular verse versions were made from nissaya texts. There is no implication that in the process of producing a recension the author has selectively edited or only partially reproduced the meaning of the source-text. The DhV, MSR, VinP, and VDhM are all examples of texts of this sort, as are most varieties of verse (*pyui.*, *laṅkā*) dhammasats.

The basic parameters of a narrative digest, by contrast, is that such texts are not represented as a recension of an earlier text. A digest is written with the explicit aim of appropriating and reorganizing material from dhammasattha source-texts for the purpose of a set of specific arguments. Other texts are often referred to by name or cited as the source of some textual or thematic content. As discussed in the introduction, some digest-type texts, such as Lak Vai Sundara’s *Dhammasat atui kok*, may even provide some historical details on the authorship of the texts they engage. Digests do not present themselves as updated versions of older texts. They are regarded as novel, unique compilations that bring different legal texts together for distinctive purposes linked to the commentarial aims of the compiler.

Very importantly, we must make a further distinction between the commentarial forms a digest might take, based on their mode of relation to their source-text. Here it is useful to distinguish between 1) *verbal* or *verbatim* commentaries, which reproduce and when necessary, as in the case of nissayas, gloss

*verbatim* passages of source-texts, and 2) *semantic* commentaries which are focused not on glossing citations of a source-text but rather interpret the meaning or import of a passage of a source-text without reproducing any of its text. Many digests claim (sometimes dubiously) to cite text from elsewhere. Yet in certain digests compilers sought to interpret the meaning or sense of passages from other dhammasattha texts without directly citing those texts in the body of their digest. In either case, the commentator does not attempt to reproduce the full extent of the source-text in his digest, but engages for his own purposes the language or intent of only particular sections of text. Quite often in digests numerous texts are brought into juxtaposition with one another to illustrate a single principle.

Such narrative-type texts are not the only sort of manuscripts written and transmitted in pre-modern Burma. We also find many manuscripts (perhaps the overall majority)—often written not on palm-leaf but on parabaik (usually black parabaik, but sometimes white as well)—that contain what I call “manual texts”. I borrow the phrase “manual text” from an important article by Craig Reynolds, in which he describes “Thai manual knowledge” as “knowledge that is self-consciously organized for preservation, retrieval, transmission, and consumption.”<sup>572</sup> According to Reynolds, “in the central Thai world, the diverse and flexible formats for storing and transmitting knowledge are called more generally ‘handbooks’ or ‘manuals’ (*tamra*), a word that has its origins in ancient Khmer [...] All sorts of information, schema, procedures, and rules may be called *tamra*.”<sup>573</sup> The term *tamra*, as Reynolds has shown, is equivalent in the Thai lexicographical imagination with the term *śāstra*, which Burmese texts equate directly with the word *kyamḥ* discussed above. In my usage however, I see

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<sup>572</sup> Craig Reynolds, “Thai Manual Knowledge: Theory and Practice”, in *Seditious Histories: Contesting Thai and Southeast Asian Pasts*, Seattle, University of Washington, 2006, pp. 214-242.

<sup>573</sup> *Ibid.*, pp. 217-18.

“manual texts” not as identical to but as a subset of *kyamḥ* or “treatise-derived knowledge”, as those manuscript texts which are most directly involved in the practical dynamics of what Reynolds’ describes as information retrieval and schematization. There are numerous words, each suggesting slightly different characteristics, that Burmese compilers used to refer to the manual text: *atui kok* (summary), *kok khyak* (selection), *akhyup* (compendium), *poiṅḥ khyup* (collection), *kvaṃ khyā* (“net”), *khoṅḥ cañ* (titles), *khvai puṃ* (comparison), *mhat cu* (notes), etc. The precise boundaries of these different forms of manual text have yet to be determined with any clarity, and much work needs to be done on written knowledge understood in such terms. The principle characteristic of the Burmese manual text is its non-narrative presentation. It eschews the narrative mode, and appears as a compilation of rules, notes, schemata, matrices, excerpts, and sometimes, in the case of certain genres—e.g. on military strategy (*byūha*), botanics or alchemy—illustrations or diagrams. It is seemingly erratic, and jumps from subject to subject. It is without a proper beginning or end, and can be accessed at any point.

Thus the term “manual text” in my usage refers to the way larger treatises or corpora of knowledge are condensed and organized to facilitate the retrieval of important information in more practical contexts. Defining just what such practical contexts are, and when a narrative text or a manual text might have been preferred, is of course a very difficult business. It is clear however that these different forms of narrative or manual texts manuscript reflect the different usages to which they were put in the world. Nonetheless, it would be wrong to force too strong of a distinction here. The manual text remains under the category of *kyamḥ* in that it is regarded as a treatise of authoritative knowledge that is reliant upon narrative texts as the source of its content. In the case of dhammasattha manual texts that were used as practical

handbooks had close and often explicit relationships to longer, bulkier, and more detailed narrative dhammasatthas. This holds for other premodern genres as well.<sup>574</sup>

#### IV. Pali, nissaya, and vernacular

Dhammasatthas transmitted in premodern Burma were written either in Pali or vernacular languages and dialects (Burmese, Mon, Arakanese) or in some form of bilingual gloss (nissaya). In the most general terms nissayas are bilingual exegetical texts that provide an interverbal, interphrasal, or interlinear vernacular translation, gloss or commentary on a Sanskrit or Pali source text or section of text.<sup>575</sup> In this sense they are linguistic-commentarial texts, which seek to give the meaning or “translate” a particular section of Indic text into the vernacular. Yet the function of nissayas is more than simple translation, they are aimed at providing an explanation of a word or string of text. Here and below this is how I understand the term “gloss”, as a mode of relatively constrained translation-commentary that is focused on explanation rather than conveying a literal, word-by-word equivalent. Literalness in translation may have been more important to glossators working in some genres rather than

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<sup>574</sup> This is exemplified also in the case of Vinaya and historical manuals. In certain cases where knowledge was not seen as embodied in treatises but part of an aural/oral tradition of transmission from teacher to student, for example in the context of varieties of medical or apotropaic knowledge, manuals may be seen as an expression not of larger treatises but of texts that exist primarily in memory.

<sup>575</sup> Features of the nissaya style can be seen already in some of the earliest inscriptions from Burma in which Sanskrit text is accompanied by interlinear glosses in Pyū. On the general history and development of Burmese nissaya see Tin Lwin, “A Study of Pali-Burmese Nissaya”, Unpublished M.A. thesis, School of Oriental and African Studies, University of London, 1961; John Okell, “Nissaya Burmese”, *Journal of the Burma Research Society*, L.i, pp. 95-123; Ñāvan. Moñ, “Kunḥ bhoñ khet mran mā nissaya myāḥ”, Unpublished thesis, Yangon University, 1990; William Pruitt, *Étude linguistique de nissaya birmans*, Paris, École française d’Extrême-Orient, 1994. On nissaya texts and practices in Laos and Thailand see Justin T. McDaniel, *Gathering Leaves and Lifting Words: Histories of Buddhist Monastic Education in Laos and Thailand*, Seattle, University of Washington, 2008.

others—for example in *nissayas* of lexicographical texts such as the *Amarakośaḥ* or the *Abhidhānappadīpikā-ṭīkā*. In certain usages *nissayas* were the core tool of Pali language education, in ways similar to the use of interlinear gloss texts in pedagogy in Western antiquity and elsewhere.<sup>576</sup>

U Nyunt Maung distinguishes between three forms of *nissaya* based on the extent and character of the glossators engagement with his source text.<sup>577</sup> The first of these is the *naṃ kyay* (“extended gloss”), which attempts a comprehensive vernacular gloss of each element within a Pali passage.<sup>578</sup> Because they thoroughly address all features of a Pali source-text (including common nouns, pronouns, indeclinable particles, etc.) such *nissayas* were intended as learning aids for students who had only basic knowledge of Pali. *Naṃ kyaṅḥ* (“condensed gloss”) *nissayas*, on the other hand, did not bother with each and every element of a Pali text, but only those words or grammatical features that were particularly difficult. *Naṃ pyok* (“explanatory”) *nissayas* were focused on glossing not the individual words of a Pali text but on providing a vernacular explanation of the *meaning* of that text. Explanatory *nissayas* were focused not on the details of Pali grammar and lexis but on the elucidation of meaning, and such *nissayas* would have been far less useful to students learning Pali. Tin Lwin provides an alternative categorization of four types of *nissays*, which Nyunt Maung also discusses in Burmese. These are:

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<sup>576</sup> See H. I. Marrou, “Bilingual School Manuals”, in *A History of Education in Antiquity*, London, Sheed and Ward, 1956, pp. 263-4.

<sup>577</sup> The following is from Ñāṇvan. Moṅ, “Nissaya myāḥ”, pp. 17-8.

<sup>578</sup> The conventional explanation for the term *naṃ* is that it is an abbreviated form of the word *anak* (“meaning”), as *niggahīta* is commonly used to abbreviate the Burmese rhyme *-ak* (among many others). Apparent references to *nissayas* as *naṃ* occur at least as early as the 1442 Tak nvai Monastery inscription discussed in Chapter 2. We might speculate, however, that the term originated not from (*a*)*nak* but perhaps from *nāma* or *nāmasadda*. These latter terms are commonly used to refer to *nissaya*-style manuscripts in Lao/Tai contexts (on which see McDaniel, *Gathering Leaves*, pp. 135-7) but are no longer found in Burma.

1. “Verbatim” (Nyunt Maung: “*kvanḥ khyañḥ*”, “word-by-word literal”) nissaya: in which individual Pali words are followed by “literal” word-by-word glosses in Burmese without additional elaboration of the meaning.
2. “Free translation” (Nyunt Maung: “*kvanḥ khyai.*”, “elaboration”) nissaya: in which individual Pali readings (*pāṭha*) are cited and their meaning is glossed more freely in the vernacular.
3. “Ornate” (Nyunt Maung: “*lanḥkā*”, “verse”) nissaya: in which a Pali word is followed by a Burmese gloss in rhyme.
4. “Translation with short notes” (Nyunt Maung: “*cā khyā*”, “reading-instructional”) nissaya: which includes not only vernacular glosses of Pali citations but extensive commentary on the grammar and meaning of the text.<sup>579</sup>

Justin McDaniel, who has extensively studied Northern Thai and Lao nissaya and related manuscripts, has characterized nissaya as “negotiations between the classical and the vernacular, the translocal and the local.”<sup>580</sup> He has shown that the principal function of nissaya-type manuscripts was their use as textual supports for aural/oral pedagogy, either in the context of monastic education or Buddhist homiletics. Thus nissaya manuscripts were the primary written vehicles through which translocal Pali literature was made to speak in the specific contexts of vernacular lectures and sermons: “nissaya manuscripts were supports, resources, or guides written by a teacher for a student or a small group of students to guide their translation and study of Pali text and thus enable them to explain Pali concepts in sermons to fellow monks and lay audiences”.<sup>581</sup> Nissayas also played a primary role in grammatical

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<sup>579</sup> Tin Lwin, “Study”, pp. 6-11. The corresponding Burmese terms are taken from Ñāvan. Moṅ, “Nissaya myāḥ”, p. 18.

<sup>580</sup> McDaniel, *Gathering Leaves*, p. 128.

<sup>581</sup> McDaniel, *Gathering Leaves*, p. 132.

education; in certain cases nissayas on non-grammatical texts were composed not as commentaries on the meaning on those texts but to explain the Pali grammar at work in them.

From the perspective of the Burmese materials it is equally correct to see nissaya manuscripts and their compilers as akin to intermediaries or “culture-brokers” which explain, adapt or reformulate Pali texts in a local idiom in pedagogical contexts.<sup>582</sup> As McDaniel has argued, what counts as a “classical” source-text glossed in nissaya is a highly idiosyncratic understanding directly related to specific curricular contexts. The recognition of important source texts that are potential recipients of nissaya treatment for teaching purposes may vary depending on the predispositions of different monks and monastic and lay audiences. However, in Northern Thailand and Laos there are regional similarities in the overall nissaya curriculum, as there are in different locales in the central Irrawaddy basin. Much can be learned about differences in Buddhist intellectual culture from an examination of source-texts deemed worthy of receiving nissaya glosses. U Nyunt Maung’s catalogue of nissaya texts compiled during the Konbaung era (1752-1885) reveals the variety of Pali sources regarded as authoritative and of paramount significance to Buddhist education during this period.<sup>583</sup>

The source texts that received nissaya gloss treatment were of course not identical with the texts of the modern Pali *tipiṭaka* and commentaries. A “complete” printed set of a nissaya version of the entire *tipiṭaka* is still unavailable in Burma, although in the early 20th century a number of nissaya volumes to various parts of the canon and its commentaries began to appear, based on manuscripts prepared by

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<sup>582</sup> See Tin Lwin, “Study”, pp. 36ff.

<sup>583</sup> Ñāṇvan. Moṅ, “Nissaya myāḥ”, *passim*.

different glossators.<sup>584</sup> Prior to this period, as far as we are aware, there had been no concerted effort or specialized project aimed at producing nissaya version of the entire *tipiṭaka*. Of course, as the work of Nyunt Maung highlights many “canonical” texts received nissaya glosses by different monks, though they typically circulated in manuscript independently or as collections grouped either according to their relative place in the orthodox divisions of the *tipiṭaka* or along thematic lines. In monastic collections, bundles of a set of nissaya texts all related to a certain theme are commonly found. Thus we might encounter one bundle containing several kammavācā texts and their nissayas or extracts of *Vinaya* or *Abhidhamma* nissayas along with selections from nissayas of *aṭṭhakathā* and *ṭikā* commentaries on them. But the practice of nissaya was not related only to Pali *tipiṭaka*, canonical, and paracanonical texts and their commentaries. In Burma, Sanskrit texts were given nissaya treatments in Pali. Nissayas were also compiled for medical, astrological, and historical texts.<sup>585</sup> Nissaya was a style of textual production witnessed as much within technical or scientific contexts as with properly “Buddhist” or *buddhavacana* texts. Any important textualized discipline (*sattha*, *atat*) in Pali or Sanskrit—or, as we shall see below, even

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<sup>584</sup> Primary among these are the volumes published in the 1920s by the Mandalay Hill Piṭakat Tuik on the basis of manuscripts edited by U Jāgara of the Muiḥ Thi Monastery in Mandalay. The background of this publishing project remains somewhat obscure. These remain the only published nissayas of certain texts in Burma, although nissayas to other texts by other historical and contemporary glossators continue to be published. Most *tipiṭaka mūla* and *aṭṭhakathā* texts, and many of the sub-commentaries, are available in printed nissayas. Yet still there is no published nissaya of the entire *Jātaka-aṭṭhakathā* (though many nissayas of different *nipātas* and individual tales have been published and republished). As in Thailand, nissaya remains one of the central instruments of lay Buddhist and monastic literary education today, and many nissaya works continue to be written. Some of the most widely used nissayas compiled in recent decades are the over 40 volumes of *bhāsā-ṭikās* by Mahāgandhāruṃ Sayadaw Arhaṅ Janakābhivaṃsa (1900-1977), which gloss numerous Pali commentarial texts. Cf. Arhaṅ Dhammadharālaṅkāra, *Bhāsāṭikā lamḥ ñṅvhan*, Yangon, Dhamma bimān, 2007.

<sup>585</sup> Tin Lwin, “Study”, pp. 25ff.

in the vernacular—within the literary culture was the potential recipient of nissaya treatment.

The sources and status of the Pali text(s) selected and used in a nissaya require careful attention. In most of the scholarly literature on nissayas source-texts are defined as prior Pali compositions—i.e. as Indic texts that pre-existed their gloss in some form—selected by the glossator in light of his distinctive pedagogical interests, audience, and context. While this is usually the case, source-texts were not always prior compositions, nor were they always written in Pali or Sanskrit. As exemplified by certain dhammasattha nissayas discussed below, in some cases both the Pali and vernacular portions of certain nissayas were initially compiled not as separate or independent texts but simultaneously as nissayas.<sup>586</sup> Thus the existence of a nissaya does not necessarily imply the prior or even the independent existence of its source text, as the Pali and Burmese portions of some nissayas were authored together. In addition, some dhammasattha nissayas were written on the basis of vernacular source-texts.<sup>587</sup> That is, a preexisting vernacular text was provided a Pali gloss in a new nissaya text. The reasons for this are several, but arguably relate to the fact that dhammasattha manuscripts primarily functioned as written instruments of a legal education (broadly understood to include not only teaching contexts, but also practices of commentary) that required familiarity with both Pali and vernacular legal vocabulary. This is related, moreover, to the perception among certain dhammasattha authors that the vernacular was an imprecise medium and, as such, was incapable of transmitting the accurate and unambiguous meaning of texts to judges and others concerned with written legal culture. To be considered a “perfect” treatise, a text must be given form in Pali, even if a vernacular version is required, simultaneously, to

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<sup>586</sup> This was clearly the case with the KyT (below) and perhaps also the MSR (Chapter Five).

<sup>587</sup> See the example of the MRD below.

provide universal (literate) access. The simultaneous compilation of texts in both nissaya and the vernacular or Pali and nissaya served these purposes. More will be said about this below.

Burmese nissayas as they function in dhammasattha can take several forms. Nissaya strategies might be used either throughout an entire text or in only sections of a text. Most texts with nissaya in the title (as it is given in a colophon), however, are entirely written in nissaya form. All examples of nissaya in dhammasattha deal exclusively with the interface between Pali and vernaculars (Burmese, Arakanese, or Mon); Sanskrit is never found. These various forms and some variations will be discussed in reference to actual manuscripts below.

## V. Prose and verse

Dhammasattha was only one among many genres of literature that circulated in premodern Burmese manuscript culture, and thus its writing shared common features with texts that dealt with different themes, such as historical chronicles, alchemy, sermons, monastic epistles, astronomy, or tellings of the past lives of the Buddha. Many of these genres circulated in both prose and *laṅkā* or verse format. *Laṅkā* (Pali, *alaṅkāra*) refers literally to the “ornament” of sound in Burmese (as well as Pali and Sanskrit) prosody, and is used in many cases as a synonym of *kabyā* (Pali *kabba*, Skt. *kāvya*), “poetics” or “poetry”. The history of Burmese poetry is complex and unfortunately its many technical forms and their relations with premodern Indic, regional, and Burmese poetic theory have yet to receive adequate scholarly treatment in either Burmese or English.<sup>588</sup> Dhammasattha-*laṅkā* are written in a variety of styles,

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<sup>588</sup> Though see Pugam Van Thok Maṅḥ Ūḥ Taṅ, *Kabyā bandhasāra kyamḥ*, Yangon, Lay tī Maṅḍuiṅ, 1969; Sūra Jau, *Akhyuiḥ kabyā le lā khyak*, Yangon, Cā pe bimān, 1995. For a general survey history of Burmese poetry see Cī Cī Vaṅḥ, Taṅ Moṅ Ṭeḥ,

but most of them adopt the four-syllable per line (*leḥ luṃḥ ta puid*) rhyming scheme of the *pyui*. (pronounced *pyote*) type. The rhymes are often “climbing” in the sense that their position changes from one verse to the next, often moving from fourth to third to second and back to fourth position. This is also a device used to weave together different verses in the overall composition. The basic pattern of the four-syllable line was in place in *pyui*. verses around 1500 and is used throughout early vernacular poetic compositions by authors such as Mahāsīlavam̃sa and Mahāraṭṭhasāra.<sup>589</sup> A basic rhyming pattern can be diagrammed as follows:

--	--	--	A
--	--	A	--
--	A	--	B
--	--	B	--
--	B	--	C
--	--	C	--

And so forth. Yet we should note that even though this scheme recurs as a fundamental pattern in many early *pyui*., 15th-16th century composers like Silavam̃sa also developed more complex and erratic rhymes.<sup>590</sup> The structure of the early *pyui*. form remained popular throughout following centuries, although later examples of *pyui*. evolved more complex rhyming schemes. One example may be cited from the *Dhammavilāsa-laṅkā*, which in this section partially follows the early *pyui*. scheme. The rhyming syllables are in bold:

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and Caṃ Taṅ, “Mran mā kabyā samuiṅḥ” in *Mran mā kabyā cā tamḥ myāḥ*, Vol 1., Yangon, Cā pe bimān, 1984, pp. 18-66.

<sup>589</sup> Examples are found throughout the work of these poets. Compare Aunḥ Rhve and Ūḥ Van, eds. *Mahāraṭṭhasāra e\* Pakkiṅṅaka cā cu*, Yangon, Burma Research Society, 1968; Mraṅ. Sanḥ, ed., *Pāramī tau khanḥ pyui.*, Yangon, Haṃsāvati, 1953.

<sup>590</sup> On other rhyming schemes for the four-syllable line see Ūḥ Taṅ, *Kabyā bandhasāra kyamḥ*, 1.4.

<i>ma-yāḥ krīḥ sāḥ</i>	<i>The son of the major wife</i>
<i>laṅ krīḥ sāḥ nhaṅḥ</i>	<i>the son of the major husband</i>
<i>nhac pāḥ cuṃ pe</i>	<i>close to each other</i>
<i>a-tū ne mha</i>	<i>living together</i>
<i>nhac chve laṅ ma-yāḥ</i>	<i>two families of husband and wife</i>
<i>se lvaṃ ñṅāḥ sau</i>	<i>should they die</i>
<i>nhac pāḥ cuṃ tvaṅ</i>	<i>among both</i>
<i>mraṅ<sup>591</sup> saṅṅ sāḥ nhaṅ.</i>	<i>with the son born</i>
<i>nhac pāḥ ka pā</i>	<i>whatever there is on both sides</i>
<i>sāḥ suṃḥ prāḥ kui</i>	<i>among the three divisions of sons</i>
<i>uc-cā ve haṃ<sup>592</sup></i>	<i>the manner of apportioning the property<sup>593</sup></i>

When Pali is found in dhammasattha manuscripts it is always written in verse. Pali verse (*gāthā*), as used in dhammasattha manuscripts, generally follows the eight syllable *vatta* meter.<sup>594</sup> Typically verses are made up of four eight-syllable lines of varying rhythms, where each line contains two *pāda* (metrical feet) of four syllables apiece. Although there can be a great deal of variation in the rhythm of odd lines, the final *pāda* of even lines typically scan as short-long-shot-long. In most surviving manuscripts Pali tends to be quite corrupt and as a result the structure of *gāthās* can be extremely divergent from that of the classical *vatta*. Often scribes have inserted metrical punctuation that break up individual *pādas* or even individual Pali words,

<sup>591</sup> Presumably for *bhvā mraṅ*.

<sup>592</sup> *Dhammavilāsa-dhammasat laṅkā*, UCL 139250, nu-r.

<sup>593</sup> *Pyui*. pose interesting challenges for the translator. Much must be inferred from the general context of the verses. If we were to translate this section into sensible prose it might read: “This is the method for apportioning the property [as inheritance] among three sons following the death of the parents, where one of the sons is the born of both parents, and the other two are offspring of only the mother or the father, respectively.”

<sup>594</sup> On which see A. K. Warder, *Pali Metre*, London, Pali Text Society, 1967.

though throughout the course of repeated copying of texts this punctuation is liable to become quite confused.

Verse has a unique place in the Burmese literary imagination. Various rhymed compositions are already found in 13th century Pagan-era epigraphs.<sup>595</sup> Almost all of the surviving vernacular literature compiled in Burma before 1600 is written in verse, and the elaborated poetic forms of later centuries continued to occupy a central place in the literary culture. The majority of premodern Burmese authors who compiled texts in prose also wrote in verse. Monks who otherwise wrote only in Pali may have authored one or two vernacular *laṅkā* texts. Poetry was primarily a display of literary aptitude and education, and a common nissaya gloss for the Pali term *paṇḍita* (lit. “wise man”, “scholar”, etc., Burmese: *paññā rhi*) was *kavi*, “poet”.<sup>596</sup> This is the original and ancient meaning of the Sanskrit term *paṇḍita*, a significance that was transmitted by Pali lexica compiled in Burma.<sup>597</sup> As we shall see in Chapter Seven, one of the principal characteristics of the legal judge was his ability to speak words which are pleasant; that is, he should have a knowledge of the ornament of sound embodied in *laṅkā* theory.<sup>598</sup> Verse texts were intended to be sung aloud, perhaps for both educational and entertainment purposes, and one of the key functions of rhyme was to encourage the memorization or the “holding in the heart” of verses so that they could be recited or could serve as a guide without the aid of a written text. Verse *Dhammasat-laṅkā* continued to be written until the late 19th century.<sup>599</sup> Usually verse

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<sup>595</sup> Co Lū, *Pugaṃ khet mran mā cā*, Vol. 3, Ch. 3.

<sup>596</sup> For the Burmese “wise man” (*paññā rhi*) as a gloss for both *paṇḍita* and *kavi* see KAN, §227-8.

<sup>597</sup> I thank Larry McCrea for drawing my attention to the history of the term in Sanskrit. For a Pali lexical usage see Abh-ṭ, §228.

<sup>598</sup> Compare Thomas John Hudak’s remarks concerning the importance of “the aesthetics of sound” in premodern Thai literature in *The Indigenization of Pali Meters in Thai Poetry*, Athens, Ohio University Center for International Studies, 1990, Ch. 2.

<sup>599</sup> See the introduction for surviving dhammasat *laṅkā* and *pyui*. texts in manuscripts.

dhammasat was written on the basis of pre-existing prose treatises: this is the case with Lak vai Sundara’s *Vinicchayapakāsānī-pyui*. (written 1777), which was a verse commentary on Vaṇṇadhamma’s earlier VinP, or the *Dhammavilāsa-pyui*., a verse commentary on the earlier *Dhammavilāsa*. In certain instances however *Dhammasat-lañkā* were not written as verse commentaries based on a prose source-texts but independent compositions that occasioned a subsequent prose commentaries intended to explain the intricacies of the poetic text. Kinwun Mingyi’s *Aṭṭasaṃkhip-lañkā*, a verse dhammasat written in 1868, and *Aṭṭasaṃkhepa-vaṇṇanā*, a long prose treatise written 1881 explaining the verse composition, have such a relationship.

## VI. A typology of dhammasattha manuscripts

The material and textual form of dhammasattha manuscripts—their narrative or manual presentation, their style and usage of language(s)—reveals important clues about the use of legal manuscripts in everyday praxis. I underscore the fact that the categories I have presented are by no means mutually exclusive. We find manuscripts that betray features of both narrative and manual texts, as well as nissayas that appear to be both verbatim and semantic commentaries. Many texts are written in mixed vernacular prose and nissaya style or in alternating prose and verse. The typology I offer here is meant simply to describe a set of core features that come into play across the dhammasattha corpus. We can summarize the categories outlined above in the following scheme:

### I. Types of *kyamḥ* (“authoritative knowledge organized in a written treatise”)

#### A. Narrative texts

##### 1. *Mūla* recensions

##### 2. Digests

##### a. Verbatim commentary

##### b. Semantic commentary

#### B. Manual texts (non-narrative digests/commentaries)

1. Summaries
  2. Comparisons
  3. etc.
- II. Language
- A. Pali (*Pāṭha*)
  - B. Bilingual Nissaya
    1. Entirely nissaya
    2. Partially nissaya
  - C. Vernacular
- III. Style
- A. Verse
  - B. Prose
  - C. Mix of prose and verse

The analytical problems that attend such a categorization are considerable, and result from the fact that in certain instances the same text may exist in different manuscript versions that fit into different categories. Thus a text that is written in continuous vernacular prose nissaya of a Pali verse source-text may exist in other versions as a manual text. Or, a manuscript which is a narrative commentary on other dhammasatthas may contain sections which display features of a manual text, such as the use of tables or charts. The schematization presented here cannot account for the full diversity of textual features represented by the surviving manuscript tradition, although it is a useful heuristic framework for classifying texts in general terms. It is necessary to treat each text, and indeed each manuscript, individually to draw certain conclusions about such features.

In the remaining section of this chapter I look in more detail at several features of dhammasattha textual form in light of the categories outlined above. Each discussion begins with an enumeration of the surviving manuscripts that serve as witnesses to a particular textual tradition. I often include notes that help to describe the material and conceptual arrangement of the text, or deal with attribution-related data such as colophon information. The purpose of this presentation is meant to illustrate

some of the textual features of dhammasattha discussed above, particularly regarding the role played by Pali, nissaya and textual form, but also to comment on the history of some lesser known texts in the surviving manuscript tradition. I hesitate to suggest that certain conclusions drawn from the investigation of any one or even several different manuscript traditions can be generalized to account for the writing and function of dhammasattha texts as a corpus. Nonetheless, the following is offered to illustrate some of the general principles that commonly operate throughout the tradition.

#### VII. Forms of engagement: five cases

Dhammasattha manuscripts and texts cannot be understood in isolation from the traditions in which they are embedded. We may analyze the form or content of individual manuscripts as though it were possible to comprehend them as discrete phenomena frozen in time, but the broader significance of all aspects of dhammasattha are brought to light only when placed in the context of the cumulative histories layered throughout a broad corpus of texts, manuscripts, and variants. This cumulative history I call a “tradition”. Dhammasattha were not written as unique texts conjured from the spontaneous mental activity of their author. Their compilers were legists educated in the Burmese theory and practice of law and their treatises responded directly to the pasts of their discipline while addressing the present concerns of preserving, reformulating, and transmitting legal knowledge.

The student of dhammasattha is confronted by an excess of manuscript testimony, a confusion of names, titles and dates, and—most of all—variation. Textual variation in the dhammasattha corpus results most commonly from scribal tinkering and lapses. Manuscripts were copied both aurally and silently, and the process rarely produced direct facsimile editions of texts, whatever the genre. Burmese orthography, despite the attempts of some authors in the 18th and 19th centuries to produce manuals

of correct spelling, was never guided by any general consensus, and the spelling of the same word could (and often did) vary even in the same line of a manuscript. Spelling was not wildly incoherent, but there was a range of acceptable orthographic variants depending on the value of a given phoneme (when a manuscript was copied aurally/orally) or grapheme (when a manuscript was copied from another manuscript). Pali orthography, on the other hand, was determined in theory by textbooks of Pali grammar and morphology and rooted ultimately in the largely fossilized forms in the *tipitaka*, but in practice was highly irregular and conditioned by the phonology of oral recitation. The transcription of Pali quite regularly produces rampant “errors” in manuscripts due to the fact that a number of graphemes are not vocally distinguished when they are pronounced.<sup>600</sup> Scribes revised the texts they copied: perceived errors in spelling, syntax, or orthography were ironed out through the copying process; and there are instances of very similar manuscripts containing the same texts but slightly rearranged, perhaps to aid recitation or memorization. Some texts in certain manuscript versions are provided with finding aids, such as tables of contents beginning a book, which were added by scribes to facilitate information retrieval.<sup>601</sup> There is less direct evidence of the intentional supplementation or excising of textual content via the scribal process.

Yet variation on a wider scale resulted from the fact that compilers were engaging with common legal ideas and textual sources. Although it is rare to encounter direct verbatim parallels between texts, in most instances dhammasatthas articulate strikingly similar legal rules. Most of these comparisons are implicit in the

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<sup>600</sup> For a discussion of some of these issues related to oral/aural recitation and copying and “errors” in the transcription of Pali due to Burmese phonology, see Lammerts, DhVD, pp. 68-70.

<sup>601</sup> This is the case with several of the manuscripts of the MSR-nis. discussed in the next chapter.

sense that the discussions of other treatises are not referred to, and connections can only be drawn by readers or hearers with trained eyes and ears who might be able to recognize similarities. That the diverse legal content of dhammasattha was appropriated and redeployed across different texts suggests strongly that most compilers viewed the genre as a uniform expression of a single ideal even when their work might introduce certain novelties. Thus we might define (a somewhat ideal) dhammasattha *Tradition* as the sum total of textual activity of various compilers, alongside actually existing dhammasattha *traditions*, of major and minor scales, which were the product of individual compilers interacting with the history of the discipline. Given the extensive amount of overlap between different texts, there are dangers in seeing dhammasattha as unique statements by individual authors who sought to “intervene” in or “criticize” the tradition by introducing a new perspective on dhammasattha written law through the act of compiling a treatise. Naturally, this is a possible interpretation, but that it applies to any single text of the tradition must be proven rather than merely presupposed. Individual texts received multiple treatments and existed in multiple forms. Very similar dhammasatthas were transmitted under different names, in different languages and formats. The “core” content of legal material—if a core can be said to exist—was malleable and capable of being molded into a variety of forms. Many differences are stylistic or formulaic rather than substantive. In such a state of affairs the notion of discrete texts and individual authors becomes increasingly difficult to support.

Below I examine five dhammasattha texts which all constellate around the name *Dhammavilāsa*, and track some of their formal expressions across a variety of different manuscript contexts. This approach is different from that commonly employed in the study of dhammasattha insofar as I am interested here more in tracing convergences and divergences between a group of related texts, rather than trying to

understand *a single text* and its historical authorship. Single texts and authors are hugely important, of course, and I deal with this information as well, but individual texts are not the end of the story. Here I show how texts and parts of texts spilled into other texts, and problematize the boundaries that are often assumed to exist between individual compositions. In so doing, I use the examination of some of these expressions of *Dhammavilāsa* to explore features of dhammasattha form and organization surveyed above. I should note that my selection of these particular texts is somewhat arbitrary. There are certainly other materials that engage in some form or another with *Dhammavilāsa*, and I have chose to focus on some of those which are less well known.

#### VIII. Dhammasattha as a *mūla* recension: the *Dhammavilāsa dhammasattha*

The *Dhammavilāsa dhammasat* (DhV) itself is one of the more well-known dhammasattha treatises due to its presumed antiquity. Today the text is most often attributed to late 12th century Pagan in a narrative that states it was written by a Thera with the title Dhammavilāsa who was patronized by king Narapatisithū, and that he based his work on an earlier composition entitled the *Manu rañḥ dhammasat*. This narrative seems to have become popular only in the late 19th century.<sup>602</sup> Earlier histories of the text were less united in their attributions. Lak vai Sundara's *Dhammasat atui kok*, although it is quick to provide historical details about most of the texts it references states merely that “the dhammasat beginning with ‘*inako pathato*’ was written by the noble Dhammavilāsa Sayadaw and is 12 *aṅgā* [144 folios]

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<sup>602</sup> For the narrative and its history see DhVD, chs. 1 and 2. Cf. also Guṇamunindāsaddhammadhaja-mahādhammarājādhirājaguru, *Piṭakat kreḥ muṃ*, UCL 7183 f.vā(v); Kittipāguṇ Sayadaw, *Yuvadhāraṇa kyamḥ*, UCL 147111 f.kū(r).

in length”.<sup>603</sup> Similarly several late 17th century bibliographical treatises which discuss the DhV do not mention anything about the connection of the text or Dhammavilāsa to Pagan; they state merely that the text was written “during the era of our noble Lord [the Buddha]”.<sup>604</sup> The early history and date of the text must remain uncertain, although we can safely say that a version of the text circulated in if not prior to 1628 on the basis of the colophon to BL OR Add 12249.<sup>605</sup> The initial and folio of this manuscript provides the title “*madhdhasat kyau*”, a spoonerism of *Dhammasat kyau*, a somewhat generic dhammasattha title known from a number of other manuscripts. There is a line and a half of faded and illegible but clearly Burmese (i.e., not Pali) text along the uppermost margin of the folio. In the right margin is the foliation *ttha*. This evidence suggests that this folio may have initially been part of another text, possibly a discarded folio containing errors. Such reusing or overwriting of folios is not uncommon. Otherwise the title folio is blank. Folio jā(v), the reverse of the final folio, includes the India Office accession number as well as the notes “Purchased of Rodd, 8 Jan 1842”<sup>606</sup> and, in a separate hand, “87 leaves 3-12-30 E. G. S.” One distinguishing material feature of the manuscript is the somewhat angular script, which Pe Maung Tin called “archaic”<sup>607</sup>. However, the copy-date of 1825 C.E. indicates that the manuscript is relatively late copy, and perhaps these apparent

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<sup>603</sup> MORA 4888, f.kā(v); the citation ‘*inako pathato*’ in most mss of the DhV reads *inato dhanato*. See below the citation from DhV, UBhS 163-582, ff.kha(r)-(v).

<sup>604</sup> Saddhammaghosa Thera, *Piṭakat Samuiṅḥ*, Staatsbibliothek zu Berlin, MIK I 4194, Hs-birm 8. f.ku(v); Uttamasikkhā, *Piṭakat Samuiṅḥ*, UCL 9171, f.ññe(r).

<sup>605</sup> 87 folios: ka-jā. Most of the folios have had their margins cut so the foliation is not always legible. Cf. PMTBM, p. 225.

<sup>606</sup> Thomas Rodd II was a London antiquarian book and manuscript dealer and bibliographer who died in 1849. A number of the Burmese manuscripts, as well as other materials, in the British Museum collection were acquired from him. See H. R. Tedder, ‘Rodd, Thomas, the elder (1763–1822)’, in Rev. Rosemary Scott ed., *Oxford Dictionary of National Biography*, Oxford University Press, 2004.

<sup>607</sup> PMTBM, p. 225.

“archaisms” derive instead from the hastiness of the scribe.<sup>608</sup> The colophon provides the information that the text was copied from an earlier manuscript dated 1628 C.E., although it is utterly unlikely that the scribe would have attempted to preserve any scriptural archaisms.

The colophon on f.jā(r) reads:

*Sakraj* [1]187, 5th waxing of the month of Nayum, on Sunday, the thammasat [sic.] was copied by Raṅṅalaṅkā, a pugguil of the Northern Monastery (*mrok kroṅ*), from an old text (*cā ahoṅ*) dated nine hundred ninety (*kui rā kuiv chay khu*). On Sunday, 5th waxing of Nayum, after the 3<sup>rd</sup> bell of the evening had been sounded, it was completed. May life be a full 100 years (*āyū dighaṃ sataṃ bhava*), established in the [three] jewels (*rathanatthiyaṃ*)!<sup>609</sup>

<sup>608</sup> The extensive employment of abbreviation throughout the manuscript—e.g. 9 for *kui*; 6 for *so/sau*; *lh* for *laññ*—may suggest that the scribe was working hurriedly, and this may help account for errors. There are also numerous careless spelling mistakes. Compare the first folio: *jeyatū | kambhā u ka phrac so | lū mrā tui sañ | mahāsamata nañ<sup>608</sup> pru cū 6 sū ta rok 9 | mahāsamata hū 6 | amañ pe priḥ 6 | abhit sit mrok r\* | mañ prū ce 6 | dhui kambhā u ka mahāsamata pru 6 akhāḥ | mahāsamata mañ 9 | amat ta yok sañ | paññā kri lha sañ phrac r\* | anū mañ 6 amat hū kyau cau 9 | dhui mahāsamata mañ pru 6 khā | lū mrā tui sañḥ khuik ran mrā kya r\* | trā ta bhoṅ tve kya kuṃṃ 9 | dhui sui 6 amhu sañ nhac pāḥ tui kui | trā chuṃṃ prat cin 6 ñhā | mahāsamata mañ kri sañ | anū amañ hū 6 amat tui āḥ | ma pru r\* | manū amañ rhi 6 amat sañ lh | nāḥ tau lyok 9ḥ |* “Jeyatū... The people at the beginning of the world-system made one person King Mahāsamata and gave him the name Mahāsamata. He was consecrated as king following his *abhitsit* [i.e., *abhiseka*]. At the time at which this Mahāsamata was made [king], he had [lit. there was to him] a renowned minister (*amat*) of great wisdom (*paññā*) named Anū. At the time at which this Mahāsamata was made [king], the people frequently fought and quarreled and there were many legal disputes (*trā*). Without Mahāsamata asking Anū the minister to pass judgment on the two parties in a legal dispute, the minister Manū spoke [the following] respectfully to the venerable ear of the king [...]” On the first folio alone the scribe uses the numeral 6 as an abbreviation 11 times and misspells Manu twice! While such abbreviations and spelling lapses are common to most vernacular manuscripts this is rather excessive.

<sup>609</sup> Given the corruptions here as elsewhere in this mss it is difficult to be sure of these readings *āyū dighaṃ sataṃ bhava* and *ratanatthiyaṃ*.

Here we should note that the date of the “old text” from which the text has been copied by Raṇṇalaṅkā is not written in numerals but spelled out. It is somewhat unclear only from the passage here whether the scribe started and finished the copying of the manuscript in one single day, although the language does not suggest that this was not the case. If this date of 1628 C.E. can be believed, and if we can trust Raṇṇalaṅkā not to have changed the text in any way, then this manuscript contains the earliest securely dated dhammasattha text in existence.

The text of BL OR Add 12249 is nothing else than a rather hastily copied version of the DhV. The DhV itself survives in no less than ten or so manuscripts, and more may await discovery.<sup>610</sup> It is one of the rarer dhammasatthas to encounter in manuscript, despite its apparent importance, judging from digests and bibliographies, during the 17th and 18th centuries. This may suggest that later in the second half of the 18th and 19th centuries, the period from which most of our surviving manuscripts date, its influence began to wane somewhat, as more ambitious and compendious dhammasattha texts were written, such as the work of Vaṇṇadhamma Kyau Thaṅ, many of which responded to the tradition of the MSR, which will be discussed in Chapter Five. The DhV is included among the *Navadhammasattha* compilation, also known as the *Kuiḥ choṅ khyup dhammasat* (KCh), a nissaya digest which carries no date but which was attributed in a late 18th century text to the reign of the Nāḥ chū dāyaka (Nanda-bhuraṅ, fl. 1581-99)<sup>611</sup>. The KCh cites extensively from the DhV but

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<sup>610</sup> I have been rather exhaustive in my search for versions of the text: UBhS 163-582; UCL 9926; UCL 14782; UCL 7490; BL OR Add 12249; BL Or 11775; NL kaṅḥ 18; NL1386; NL pu 402; NL pu 530; [MDT 3]. Related mss: Kyamḥ nak dhammasat NL kaṅḥ 143; Dhammavilāsa phrat thumḥ UCL 9348; NL Bhāḥ 1979; Dhammavilāsa laṅkā UCL 139258; Manu *Raṅḥ Pāṭh Nissaya* UCL 8000.

<sup>611</sup> The date comes from Lak vai Sundara’s *Atui kok*, but cannot be supported. The accuracy of this attribution of the KCh rests on whether or not the MSRP can be attributed to prior to 1651. The KCh cites *verbatim* from that Pali dhammasattha, which was written only in 1651 (see Chapter Five). Compare KCh, UBhS 34-608

does not provide any bibliographical details about it. Perhaps more than anything else, the extent to which the DhV influenced (or was influenced by) the compilation of diverse versions of the text attests to its wide significance.

Most surviving manuscripts of the DhV run in length to between Four and Six fascicles (48-72 folios), depending on the number of lines per folio and style of handwriting.<sup>612</sup> As such, it is one of the shortest of the surviving dhammasatthas that present themselves as narrative *mūla* recensions rather than digests. Nearly a quarter of the text deals with matters classified as outside of the eighteen titles of legislation, such as the *aṭṭhuppatti* of the treatise, the story of the law-giver Manu and his interaction with Mahāsammata, a lengthy description of the qualities of the dhammasattha, and procedural rules for witnesses, judges, ministers, and kings.<sup>613</sup> That the positive legal content—the directly *vyavahāra*-type legal rules and remedies—occupy as little as 75% of the dhammasattha is somewhat unusual, in most 18th or 19th century texts this material comprises 90% or more of the total content. Following this first section of the DhV the eighteen titles of law are cited in a Pali *gāthā* that is then given a nissaya translation:<sup>614</sup>

*iṇato dhanato ceva | paratabbavinodhanaṃ | dinnaṃ pacchāharaṇato |  
samaggivaṭṭakanaṃ bhagaṃ | bhatijivita kammaṇa | saccaviparikāraṇato | gopālāṇca  
lakkhaṇaṃ | kayavikaya ābhataṃ | bhūmipamānato ceva | abbhācikkhaṇato pi ca |  
theyyako pahato cāpi | ghāṭiko paracariyā | dāsaṇca vivādānaṃ | dāyajjaṃ  
jutakilānaṃ | idha jānā vivādāni | aṭṭhārassa bhavanti te*

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f.khi(r) “*bhonto yo ca dāsaṃ agghadadā patidadāna icchanti [...]*” with MSRP Or Add 12241 f.kam(r) “*yo ca dāso agghaṃ dadā patikhādāna icchanti [...]*”.

<sup>612</sup> Lak vai Sundara’s late 18th century estimation that the text was twice as long would make sense if the mss contained fewer lines per folio, which would have been entirely possible. NL 1386 contains 13 lines per folio and totals only 49 folios. By contrast, BL Or 12249, which contains between 8 and 9 lpf., is written in a sprawling script and totals 87 folios.

<sup>613</sup> Cf. UBhS 163-582 ff.ka-kha(v); NL 1386 ff.ka-kau(v). This section is presented in translation in DhVD.

<sup>614</sup> DhV UBhS 163-582, ff.kha(r)-(v)

[As glossed by the nissaya:] 1. debt, 2. deposit, 3. destruction of property, 4. resumption of gifts, 5. distribution of the appropriate carpenter's share, 6. wages of laborers according to their work, 7. breaking of oaths, 8. characteristics of cowherds, 9. buying and selling property, 10. demarcation of the boundaries of land, 11. slander, 12. theft, 13. assault, 14. murder, 15. duties of husband and wife, 16. slavery, 17. inheritance, 18. gambling with dice, etc. Such are the 18 titles of the law that are the cause of dispute among men in the world.

The remaining text is divided into 17 different sections of varying length that describe the content of each of these titles of law. The following list gives the foliation of the various sections in one of the more legible manuscripts:

1. The law of debt [NL 1386 kaṃ(v)-khi(r)]
2. The law of deposit [NL 1386 khi(r)-khū(r)]
3. Sale without ownership [NL 1386 khū(r)-khe(v)]
4. Resumption of gifts [NL 1386 khe(v)-khai(r)]
5. The law of the carpenter's share [NL 1386 khai(r)-khai(v)]
6. The law regarding the hiring (of laborers, animals, etc.) [NL 1386 khai(v)-khau(v)]
7. The law regarding breach of oath [NL 1386 khau(v)-khaṃ(r)]
8. The law regarding herdsmen [NL 1386 khaṃ(r)-khāḥ(r)]
9. The law regarding the return of sold goods [NL 1386 khāḥ(r)-ga(r)]
10. The law regarding the demarcation of land [NL 1386 ga(r)-gā(v)]
11. The law of accusation [NL 1386 gā(v)-gī(r)]
12. The law of theft [NL 1386 gī(r)-ge(r)]
13. The law of assault [NL 1386 ge(r)-go(v)]
14. The law of murder [NL 1386 go(v)-gaṃ(v)]
15. The law of the duties of marriage [NL 1386 gaṃ(v)-ghī(r)]  
[major subcategories of rape and adultery]
16. The law of slavery [NL 1386 ghī(r)-ghe(r)]
17. The law of inheritance [NL 1386 ghe(r)-ṇā(r)-END]

Note that only 17 titles are discussed despite the fact that on ff.kha(r)-(v) 18 are enumerated. The law of gambling is absent, although this is an important subject treated in other dhammasatthas. The omission is not acknowledged by the text. The sections usually begin with a four pāda Pali gāthā written in *vatta* meter and end with the statement “the law of deposit is finished”, “the law of slavery is finished”, etc. The

DhV is written almost entirely in the vernacular, except for a number of Pali gāthās in the nidāna and at the beginning to the above 17 sections. Several sub-sections of text, which fall within each of these 17 sections, also contain brief Pali passages. For example the beginning to the section on assault includes the following gāthā and nissaya:<sup>615</sup>

*hatthapādehi daṇḍehi | hinno paharatuttamaṃ | dhanatassavilumpitvā |  
 ukkhepaniyaṃ kātabbaṃ  
 hinno | yut so sū saññi | uttamaṃ | mrat so sū kuiv | hatthapāde | lak kye tuiv phraṇi  
 laññi koṇi | daṇḍehi | luṃ kan tuiv phraṇi | paharati | khat bhi e\* | tassi | thuiv khat so  
 sū e\* | dhanaṃ | uccā kuiv | vilumpitvā | lu thak r\* | ukkhepaniyaṃ | nhaṇi thut khraṇi  
 kuiv | kātabbaṃ | pru ap e\* |*

An inferior (*yut*) person strikes a superior (*mrat*) person with his hands or with a stick. His property having been taken (*lu yak*), he should be expelled.

Following the nissaya the meaning of the gāthā is explained in Burmese, translated as:

Thus [the gāthā] states: an inferior (*yut*) person strikes a superior (*mrat*) person with his legs, hands, etc., or with a stick, etc. Let as much as he owns as far as a household, etc., diminish (*yut*) and be taken from him. As for that which is taken: let him reimburse the good person (*sū koṇi*) that has been wronged. Let that much of his household diminish and be taken from him. If he has no property, he should be given the punishment of the king (*maṇi dāṇi*) and banished to another place (*arap ta pāṇi*) [...]

While this is a fascinating record of the legal institution of the moral/social order in premodern Burma (more will be said about the categories invoked here in Chapter Seven) what concerns us here is simply the style of the passage, which reflects the majority of the nissaya portions of the DhV. The citation of a Pali gāthā is

<sup>615</sup> UBhS 163-582 f.ghi(v); NL 1386 f.ge(r); the Pali is more “correct” in the former mss.

followed by a nissaya gloss which is followed by a all-vernacular *adhippāya* or “explanation” passage. In several instances Pali gāthās are cited but not provided with a gloss, such as in the introduction to the section on the law of murder or the law of boundaries. These Pali gāthās serve a function as the conceptual “trigger” that initiates the vernacular discussion of the law in each section. Even when they are not directly glossed, the text states that “as it is said in these gāthās [...]” and then begins to discuss the title of law at issue. It is quite tempting to suggest, given the corrupt character of most of these gāthās in all surviving manuscripts, that at one point in the past they may have played more of a substantive role in encapsulating the content of various sections of the text. We can easily see how the gāthās placed throughout the DhV at strategic points beginning each of the 17 sections, and introducing important subsections, serve a purpose in organizing the text, but in many cases in surviving manuscripts these may be more symbolic than anything else given the degree to which the Pali is corrupt.

In no cases are the gāthās cited in the DhV explicitly attributed to another textual source. On one occasion the DhV refers to the “*Dīghanikāya-aṭṭhakathā*” (i.e. *Sumaṅgalavilāsini*) as the source of an discussion concerning the necessity for kings and ministers to rule according to their duty lest the prosperity of their kingdom decrease.<sup>616</sup> On another occasion the text refers to “that which is accordance with the *Vinaya*” in connection with the law on murder.<sup>617</sup> In the majority of cases, however,

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<sup>616</sup> Although the commentary is cited by name the discussion is in the vernacular and somewhat oblique; perhaps it is a reference to the commentary on the *Cakkavattisutta*. It comes in the context of the law of murder, so this may relate to the discussion of the *kusalakammāpatha* against murder in the commentary on that sutta. Cf. Paññājota Thera, *Sut pātheyya aṭṭhakathā nissaya*, vol. 1, Paññābala, Mandalay, 1956, pp. 145-188.

<sup>617</sup> NL 1386 go(v). The reference is again, vague, but if it is meant to refer to a *mūla* text perhaps this is the third *pārājika* on the taking of life.

rules when attributed to another source state merely “thus is said by the ṛṣi”<sup>618</sup> or “thus is said by the ṛṣi Manu”.<sup>619</sup> Nonetheless, there are certain gāthās or vernacular passages in the DhV that can be shown to have clear parallels elsewhere. A number of formulae and stories in the first quarter of the text have parallels in Pali literature. The citation of the *four agatis* or “bad courses” are frequently cited by different dhammasattha as a warning to judges not to perform their duties out of desire, hatred, fear or ignorance, and the gāthās have parallels in the *Vinaya Parivāra*, the *Sīṅgala-sutta*, and elsewhere.<sup>620</sup> Text with parallels in the *Codanākaṇḍa* of the *Vinaya* is also found, in references to the five modes of “right speech” of judges.<sup>621</sup> Other narratives seem to be vernacular adaptations of stories that may be drawn from the *Milindapañhā*, *Itivuttaka* and the *Petavatthu*.<sup>622</sup> Later in the text some laws clearly relate to similar Pali materials, such as the long discussion of the “twenty-five kinds of theft” that begins the section on theft.<sup>623</sup> A discussion of these twenty-five forms of stealing (*pañcavisati avahāra*) are also found in the *aṭṭhakathā* to the *pārājika*<sup>624</sup> as well as in numerous other subcommentaries and vinaya-related and dhammasattha

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<sup>618</sup> NL 1386 f.khai(r); f.khai(v); f.ghī(v).

<sup>619</sup> NL 1386 f.go(v). f.gai(v).

<sup>620</sup> DhVD, pp. 65-6.

<sup>621</sup> DhVD, p.67. The canonical source discusses the five ways in which a bhikkhu may reprove another bhikkhu for a transgression. In the DhV these are applied to judges.

<sup>622</sup> DhVD, pp. 56-9; 64-65; 66-7.

<sup>623</sup> UBhS f.gam(v).

<sup>624</sup> See the *Pañcavisati-avahārakathā* of the *aṭṭhakathā* on the second *pārājika* in Sp II, 304; Ma Aū Sayadaw, *Pārājikaṇ aṭṭhakathā nissaya sac*, vol. 3, Mandalay, Kavilakkhaṇa, 2002, pp. 342 ff. Compare also Andrew Huxley, “The Pali Legal Tradition: Theft from Vinaya to Dhammathat”, Unpublished mss, 2009. Texts concerned with the twenty-five circulated independently were particularly popular in Lao and Lān Nā manuscripts. See Sommai Premchit, ed., *Avahāra 25* (Koṭ mai lān nā), Transliteration Series VI, Chiangmai University, Department of Sociology and Anthropology, Oct 1975.

texts, including the *Vinayaṅkāra-ṭīkā*,<sup>625</sup> compiled in mid 17th century Burma. We must be cautious about interpreting the significance of such “parallels” and of asserting a relationship among specific texts that may not have existed in actuality. For example, in no instances in dhammasattha literature where the *pañcavīsati-avahāra* are referred to is the *Samantapāsādikā* cited as a source.<sup>626</sup> Similarly, none of the references in the DhV which we might be able to trace to canonical or commentarial texts explicitly invoke the name of any source. It is therefore impossible to know the routes via which such material entered dhammasattha. And perhaps most importantly, we must remember that for the vast majority of Pali gāthās and narratives in dhammasattha such parallels in canonical or commentarial Buddhist literature *cannot* be found. The reason why this is important, as will be further discussed in the final section of this dissertation, is that dhammasattha did not rest easily in each and every case along side the texts of the orthodox Pali tradition. For example sometimes it was noted by legists that dhammasattha and vinaya were contradictory.

IX. Dhammasattha as (quasi-)verbatim commentary: the *Kyok tuiñ dhammasat* [nissaya] (KyT), UCL13003, foll. ka-kai, recto

<sup>625</sup> *Vinayaṅkāra-ṭīkā*, vol 2, pp. 169ff.; §232. The following chapter will discuss the author of this text in detail.

<sup>626</sup> For example, although there are some textual parallels in the discussion of the twenty-five thefts in *Manu kyay* (LOM, pp. 111), the Pali citation heading the discussion is not found in the Pali commentaries: *dhanakkassa parassa bhaṇḍā | rañño puggalasantakaṃ | puggalaṃ pappājeyya dhanam tassa {vi}lumpito vasesato |* Other mss provide slightly different versions of this text and punctuate it differently—e.g. UCL 13185, f.je(v) reads *bhaṇḍa* and *sandhakaṃ*; NL 6 reads *bhaṇḍaṃ, puggalappājeyyadhanaṃ, and vilumpito vasosato*. Unfortunately it is uncertain how we should construe *puggalappājeyya* and *vasesato*, perhaps as *puggalaṃ pajeyya* or *puggala-appa-ājeyya* and *visesita, visesato*, etc. Perhaps: “He, precisely, [is a] thief (*vilumpita visesato*) whose wealth [is] wealth not to be plundered (*pa + jayati?*) from a person, belonging to an individual [or] king, the property of another.”

There are a number of surviving dhammasatthas which operate as verbatim commentaries by citing passages or laws attributed to named texts—what I have called “verbatim” commentaries. Some of the more common of these are the *Kuiḥ coṅ khyup dhammasat*, Lak vai Sundara’s *Dhammasat atui kok*, and Vaṇṇadhamma’s *Manuvaṇṇanā kyamḥ*. Here I introduce an interesting yet much less well known text. The manuscript says on its title folio that it contains the text of the *kyom tuiṅ khuṃ cī raṅ saññ dhamasat ka aca khaiḥ achuṃ*—the “dhamasat [*sic.*] [compiled] by the judge of Kyok Tuiṅ beginning on folio *ka* and ending on folio *khaiḥ*”. As far as I can determine, this text survives only in this manuscript, which is rare; most narrative dhammasatthas are extant in more than one manuscript version. Unfortunately it contains neither a copy-date or date of composition. It is not mentioned in standard bibliographies such as the Piṭ-sm or DBBL. This manuscript is particularly interesting because it cites extensively from other dhammasattha texts and, on occasion, other genres. In many of these cases of citation, the source-text is explicitly named. It is an almost ideal example of the commentarial-type dhammasattha described above. The manuscript begins with a discussion of the divisions of a polity, a discussion which it attributes to the *kaṅkhā-aṭṭhakathā*, Buddhaghosa’s commentary on the *patimokkha* of the *vinaya*, as well as on the *Manuvanā ca so dhammasat kyamḥ*, the “dhammasattha texts beginning with *Manuvanā*, etc.” The reference here clearly implies the compiler’s familiarity with Vaṇṇadhamma’s *Manuvaṇṇanā-kyamḥ*, written in s.1134 or 1772 C.E., thus the text must have been written after this date. In fact, the text displays a number of late features associated with the way dhammasattha law was imagined as having both sanction and textual parallels in orthodox Pali texts. The increasing importance of such features will be discussed in Part Three.

Each of the nissaya sections of the KyT follows a set form that remains consistent throughout the entire text. Sections are concerned with one aspect of law or a legal rule, and are typically from several lines to several folios in length. Each section begins with the citation of a Pali word or brief phrase and then follows it with a brief vernacular gloss. In many cases the gloss is then followed by an additional set of Burmese phrases further elaborating the point introduced by the Pali citation. Then another Pali word or phrase is cited, and so on until the section concludes with a list of the texts from which the rule is derived. The following example—the section discussing inheritance obligations of parents-in-law towards their children-in-law following the death of their children—illustrates the basic form:

*mātāpītunaṃ | mi bha tui. saññ | dhanaṃ | puin̄ thuik sa mhya uccā kuiv | puttadhitarānaṃ | sāḥ samih̄ tuiv. āḥ | visuṃ visuṃ | asih̄ asih̄ | vibhajjante | khvaiḥ ve peḥ priḥ mha lhyañ | ekako | ta rok rok | yo | puttadhitarānaṃ | sāḥ smih̄ tuiv. nhañ. | sahava-[kai-r]vesse | atu ne rā | puttadhitare | sāḥ raiḥ smih̄ raiḥ | phrac sū tui. sañ | maraṇaṃ | se lvaṃ sañ rhi sau | jāmaharassa | smak kyveḥ ma tuiv nhañ | sasu | yokkha ma sañ | puttadhitarānaṃ | sāḥ rai. smih̄ raiḥ rhi khañ | vibhajjante | khvaiḥ ve peḥ so uccā kuiv | catudhāgaṃ katvā | 4 cu cu r\* | sasu | yokkha ma sañ | ekaṃ | ta cu | jamāsaye | samak khyveḥ ma tuiv. sañ | tibhagaṃ | 3 cu kuiv | labheḥ | ra thuik e\* | nettho | mreḥ saññ | sante | rhi sau | tibhagaṃ | katvā | 1 cu cu r\* | ayamātussayā | bhuiḥ bhvāḥ mi bha yokkha ma sañ | ekaṃ | ta cu | jāhabhare | smak khrveḥ ma tui. sañ | ekaṃ | ta cu | nettho | mreḥ sañ | ekaṃ | ta cu | sajeyya | peḥ yūḥ rā e\* | iti | ī suiv. | dhammasatthe | manusatthe | manudhammasat | dasama tvai. achimḥ aphrat mha | ācariyā | charā mrat tuiv. saññ | pakāsitaṃ | pra ap e\* |<sup>627</sup>*

Translating only the vernacular portions of the nissaya:

*mātāpītunaṃ | The parents | dhanaṃ | as much property as they have | puttadhitarānaṃ | to their children | visuṃ visuṃ | separately | vibhajjante | after having distributed | jāmaharassa | with the son-in-law and daughter-in-law | sasu | the parents-in-law | puttadhitarānaṃ | which belonged to their own children | vibhajjante the property that had been distributed [as inheritance] | catudhāgaṃ katvā | making 4 shares | sasu | the parents-in-law | ekaṃ | one share | jamāsaye | the son-in-law and daughter-in-law | tibhagaṃ | 3 shares | labheḥ | receive | nettho | a grandchild | sante*

<sup>627</sup> f.ke(r)

| if there is | *tibhagaṃ* | *katvā* | making 3 shares | *ayamātussayā* | the grandparents who are also the parents-in-law | *ekaṃ* | one share | *jāhabhare* | the son-in-law and daughter-in-law | *ekaṃ* | one share | *nettho* | the grandchild | *ekaṃ* | one share | *sajeyya* | should receive | *iti* | this | *dhammasatthe* | *manusatthe* | in the rulings of the tenth volume of the *manudhammasat* | *ācariyā* | the noble teachers | *pakāsitaṃ* | has been revealed.

The parents, having separately distributed all their property to each of their children, live together with one of them. When these children die, [the parents-in-law live] with their children-in-law. The parents-in-law should separate the inheritance previously distributed among their own (*rañḥ*) children into four shares. Let the parents-in-law take one share and the children-in-law take three shares. If there are any grandchildren (*nettho* ~ *mreḥ*), let the inheritance be divided into three shares. Let the grandparents take one share. Let the children-in-law take one. And let the grandchildren take one. This has been revealed by the noble teachers in the rulings contained in the Seventh Volume of the *Manudhammasat*.

The style of nissaya in this passage is unremarkable, and reflects the general character of the nissaya throughout the KyT; Pali words are cited and then followed by brief glosses in Burmese. One of the things to point out here, however, is the lack of explicit citation of longer Pali passages or longer passages written in the vernacular. The entire text of the KyT operates as a nissaya broken up into discrete elements. Vernacular portions of the text are not always “literal” translations of the Pali, and of course since Burmese is uninflected, it often requires several Burmese words to translate only one Pali word, and an often elaborate apparatus of particles to capture the full range of meaning of Pali morphology.<sup>628</sup> The KyT is in fact one of the more “literal” nissayas and in general stays very close to the model of direct or one-to-one Pali word/vernacular gloss throughout the entire text.

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<sup>628</sup> For a description and analysis of some of the particles used to capture the significance of Pali inflected forms see John Okell, “Nissaya Burmese” and Pruitt, *Étude*.

For present purposes, the most important feature of the KyT is that it presents itself as entirely a compilation of rules found in other dhammasatthas. Each section and each rule is attributed to another source-text. The following treatises are cited

*Vinaya kaṅkhā aṭṭhakathā*: f.ka(v)

*Manūvanā*: f.ka(v)

*Manūvaṇṇanā*: f.ke(v)

*Manu rañḥ akyay*: Vol 2, f.ki(r); Vol 6, f.kai(v); Vol 8, f.kau(v)

*Manu rañḥ*: f.ke(v)

*Manuṭīkā*: f.kaṃ(v); Vol 2, f.ki(v), f.ku(v), f.ke(r); Vol 14, f.kī(r); Vol 7, kū(r); Vol 10, f.kāḥ(r), f.kāḥ(v); Vol 11, f.khi(r)

*Manosāra*, f.ki(v)

*Dhammasat Kyau*, f.kī(r), f.kai(v)

*Mahārājasat(s)*, f.kū(r)<sup>629</sup>, f.kha(r), f.kha(v)

*Manurāja*: f.ke(v)

*Vinicchayapakāsānī*: f.ke(v); f.kaṃ(v)

*Manudhammasat*: Vol 7, f.kau(r), f.kū(v); Vol 10, f.khā(v); Vol 14, f.khe(r); Vol 6, f.khe(v)

*Manusika*: f.khe(r)

*Dhammavilāsa*: f.khe(r)

*Manusāra*: f.khe(r)

*Anu lak sanṇi gandhi ṭīkā*: f.kū(v)

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<sup>629</sup> This reference is to *Mahārājasats* in the plural. Only one surviving text entitled *Mahārājasat* is known. Elsewhere in KyT references seem to suggest this is the proper name of a treatise.

All of these texts are explicitly mentioned as part of the dhammasattha genre except for two of them, the *Vinaya kaṅkhā aṭṭhakathā* and the *Anu lak sanḥ gandhi ṭikā*. Although the latter perhaps refers to a *lak sanḥ* or “finger manual” commentary on Dhammapāla’s sub-commentary (*ṭikā*) on the *Aṭṭhasālinī*—itself a commentary on the *Khuddhakanikāya* of the *Abhidhamma*—the precise referent remains uncertain. On only one other occasion is a non-dhammasattha source cited as a reference, although not by proper name. In a discussion on f.khi(v) that describes the “16 types of slaves” the source of the ruling is given as *nānādhammasatthesu*, “in various dhammasatthas” and *nānāvinayadhammesu* (Bse. *vinaya-paññāt*), “in various *vinaya* prescriptions”.

The KyT cites more extensively from a broad corpus of dhammasattha texts than any other legal work I have examined. With the exception of the rather generically titled *Manuṭikā* and *Manu-dhammasat*, the identities of all these texts are well known to other sources; in all cases except for those of the *Manuṭikā*, *Manu-dhammasat*, *Manusika*, and *Manosāra*, the texts cited survive in at least one manuscript version.<sup>630</sup> The fact that it cites so many texts by name is very useful for thinking about the function of *nissaya* and the relation between source-text and gloss in the context of written law. I have attempted to compare citations from some of these texts with versions of the surviving texts in manuscript. Although very broad parallels can be drawn between the content of textual references in the KyT and actual passages in the texts to which it refers, it seems that the KyT is not really “citing” any such passages directly at all. For example, the formula concerning the “three types of testimony” cited at f.khe(r) and attributed to both the *Manusāra* (MSR) and DhV is not found in either text, at least not in their surviving manuscript versions, although

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<sup>630</sup> The identity of the two latter texts is uncertain. We may have manuscripts related to these traditions.

both of those texts, like most dhammasatthas, do discuss matters pertaining to the testimony of witnesses. The version in the KyT states:

*sakivacanam* | *sakse tuiv. e\** | *katamo* | *abhay sañ tuiv nañh* | *kokkata antam* | *krak ū kai. suiv.* | *tiri san rhan* | *aca ma than thvak khrañh* | *gandhisuttam* | *khyaññ mhyañ kai. suiv.* | *akhyut ca kāh aca myāh lyāh khyam r\** | *tvak khrañh* | *dvivacanam* | *phvat lhyā kai. suiv* | *2 khvan 2 khva thvak chui khyak* | *te* | *thuiiv 3 rap so thvak chuiv khayk tuiv sañ* | *kokkata antam krak ū kai. suiv.* | *akhyup ca kāh hut ma hut mhan ma mhan ta khvanh ta san. tañh* | *tiri* | *san. rañh thvak chuiv khrañh saññ* | *punicchatam* | *sabham mran r\** | *nirujjeyya* | *ma cac ma meh thuk prih* | *gandhisuttam* | *khyañ mhyañ kai. suiv* | *aca myāh lyāh* | *akhyup ca kāh khyam r\** | *thvak chuiv so sakse tuiv* | *cakāh kuiv* | *puna ca* | *ta bhan* | *pucceyya* | *cac meh rā e\** | *dvivacanam* | *akhyup cakāh kuiv* | *2 khvanh 2 kvanh thvak chuiv so sakse tuiv. ca kāh saññ* | *parājeto* | *rhunh ce ap e\** | *iti* | *ī suiv.* | *dhammasatthe* | *manusika* | *dhammavilāsa* | *manusāra aca rhi so* | *dhammasat kyamh tuiv. n\** | *ācariyā* | *charā mrat tuiv. sañ* | *kathiyanti* | *chui tau mū kun e\**<sup>631</sup>

What are the three types of testimony given by witnesses? *Kokkata-anta* {*Kukkaṭa-aṇḍa*}, like a hen's egg, a testimony with elements that are not clear. *Gandhi*{*gaṇḍī*}-*suttam*, like thread, the fragments of the testimony are suspended in the air. *Dvivacanam*, like a lizard's tongue, two-forked testimony made up of double-talk. How to know whether testimony that is like an egg is true or false or consistent? Testimony that is clear does not need to be interrogated twice. Witnesses whose testimony is like thread suspended in the air should be interrogated again. [Cases based on the] testimony that is two-forked and made up of double-talk should lose. This has been said by the noble teachers in the dhammasattha texts such as *Manusika*, *Dhammavilāsa*, and *Manusāra*.

Nothing even similar to this passage occurs in either the DhV or MSR. While there are a number of discussions in both of these texts that deal with the characteristics of the testimony of witnesses, this three-fold division of different types of testimony, and the use of the analogies of the egg, thread, and lizard are unknown to them. Note also that, as described above, all our surviving editions of the DhV are written almost entirely in vernacular prose; there are only a few nissaya sections, and none of these contain Pali text that is similar to the Pali used in this section of the

<sup>631</sup> KyT ff.khū(v)-khe(r).

KyT. This suggests strongly that the compiler of the KyT was inventing the Pali that he attributes to the DhV and other vernacular dhammasats. Although the MSR survives in a complete Pali version, none of these formulations or any of this Pali vocabulary can be found in the text. Perhaps the closest analogue to this discussion in the MSR deals with the conditions for the defeat of a case on the basis of testimony that has been changed by a witness:

*yo likkhismim<sup>632</sup> | sapatissam | vatvā taṃ na kare pucchā | sakkhi so ce niddhareyya | tasesakāso parājayo | yo | akraṇ sū saññ | sapatissam | saccā pru aṃ. | iti vacanam | ī suiv. so cakāḥ kuiv | likkhismim | cā reḥ rā n\* | vatvā | chuiv priḥ r\* | pacchā | nok so kāla n\* | taṃ | thuiv saccā<sup>633</sup> kui | na kare | ma pru vaṃ. | so | thuiv ma pru vaṃ. so sū saññ | sakkhi | sakse kuiv | niddhareyya | thut aṃ. | tassa | thuiv suiv. sakse thut so sū āḥ | parājayo okāso | rhuṃḥ so arā phrac khre e\* | saccā pru maññ hu khyup priḥ mha sakse thut pran luiv so tarāḥ<sup>634</sup>*

If someone pledges (*chuiv*) in writing the words ‘I will make an oath’ (*sapatissam*, *saccā pru aṃ*) and at a later time does not take the oath, he shall be dismissed (*niddhareyya*, *thut aṃ*) as a witness. A dismissed witness is an occasion for defeat [for the party in support of whom the witness was produced]. This is the law regarding the dismissal of witnesses after they have pledged (*khyup*) in writing “I will make an oath.

The DhV mentions a similar rule:

*thuiv sakse tuiv saññ | khu nhac rak tvaṇ n\* | ta pāḥ pāḥ so aphrac tuiv saññ | thaṇ la aṃ. | thuiv suiv mū kāḥ aphrac rok so sakse ca kāḥ kroṇ ma nuiṇ pe saññ phrac so kroṇ. | anuiṇ peḥ so sū kui rhuṃ pran ce | rhuṃ so sū kuiv nuiṇ praṃ ce | tuiv sui mū kāḥ | sakse kuiv maṇ dān pe ap e\* |<sup>635</sup>*

Within seven days [following a dispute] should any danger (*aphrac*) befall a witness [who has made an oath], then let the person lose who has won because of wrongful

<sup>632</sup> Add 12241 *dukkhismi*

<sup>633</sup> Add 12241 *uccā*

<sup>634</sup> MSR-nis. Add 12241 f.thai(v) [218]; MORA 96 f.khi(r) [5680]

<sup>635</sup> DhV UCL 321944 f.kū(v)

testimony and let the person win who has lost because of wrongful testimony. Let the witness [who suffered the wrong] receive the punishment of the king.<sup>636</sup>

Although there are similarities between these passages in the MSR and DhV and the text of the KyT concerning the forked-tongued witness who gives false testimony and thus causes the defeat of one side of a case, the parallels, in terms of either vocabulary or content, are remote. These examples (alongside many others too numerous to cite) raise some interesting points about the authorship and function of nissaya in legal (and perhaps other) texts. It is clear that the compiler of the KyT is not producing his commentary by extracting direct citations from various source-texts and rearranging them in his work. Neither the DhV or the MSR, in our example, contain rules that are close to those attributed to them in the KyT. It would follow that the Pali portion of the KyT nissaya also does not derive from such source texts. The KyT seemingly attributes Pali formulations to all the texts it refers to, although the underlying Pali sources cannot be found. The only reasonable conclusion to draw from this is that the compiler of the KyT was responsible for both the vernacular and Pali portions of his text. Judging from the language of the KyT it appears that the compiler is not directly citing different texts but recalling rules, perhaps from memory, that he associates with the texts he names. Thus the above section is not meant as a direct or verbatim citation of text from the “Seventh Volume of the *Manudhammasat*” but rather as an indication of the compilers familiarity with the content of that work. Whether this text or other portions of Pali text in the KyT were cited from the Pali text of other nissaya dhammasatthas is a difficult question to answer, although it seems that in most cases the compiler is here responsible for both the Pali and vernacular

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<sup>636</sup> Truths sworn by oaths were judged valid if none of the “Eight Grāt Dangers” befell their swearer within seven days following a trial. This was also a feature of Sanskrit dharmaśāstra jurisprudence. The parallel to this passage in the MSR will be discussed in Chapter Seven.

sections. That is, this text was authored as a nissaya, and both the Pali and Burmese parts of the text were written simultaneously.

Of course, one objection may be that the compiler was relying on different Pali or nissaya versions of texts like the DhV that no longer survive. It is hard to respond to such a criticism, except to say that the language the compiler uses to describe its mode of reference to source-texts highlights the different ways the relation between source-text and gloss was understood, and that direct citation does not seem to be a primary mode. In almost all cases the KyT uses a set formula to describe its relation to the texts it refers to. The compiler does this by means of simply stating that the foregoing rule is revealed in such and such a text. A typical example is as follows:

*Iti* | this | *sattha aṭṭhavidam* | [regarding the] the seventy-eight types of witnesses (*sakse*) | *dhammasatthe* | in the second volume of the *Manuṭṭikā* | *pakāsitaṃ* | is revealed (*pra ap e\**).<sup>637</sup>

This, regarding the seventy-eight types of witnesses, is revealed in the second volume of the *Manuṭṭikā*.

In certain cases this pattern is elaborated to say that the *ācariyas* or “noble teachers” have revealed the laws described in a section in such and such a text, for example:

*Iti* | this | *dhammasatthe* | in the fourteenth volume of the *Manuṭṭikā* and in the *Dhammasat kyau* | *ācariyā* | the noble teachers | reveal.<sup>638</sup>

This is revealed by the noble teachers in the fourteenth volume of the *Manuṭṭikā* and in the *Dhammasat kyau*.

Both of these formulations involve the use of the Pali indeclinable particle *iti* which refers to the foregoing text of the section. In this context *iti* is glossed by the Burmese

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<sup>637</sup> f. ku(v)

<sup>638</sup> f. kī(r)

phrase *ī suiv.*, which we might translated as “thus”, “this” or “the aforementioned”. Here *iti* does not seem to be used to indicate direct citation or reported speech, as it may do in other contexts. Rather these formulations seem to suggest that the general rule or legal content of the section derives from these texts, but that the reference is not intended as a direct citation. This is made even more clearly in the following similar passage:

*Iti | ī suiv. | nānādhammavinicchayā | manurājadhammasat | vinicchaya pakāsani dhammasat | manu vaṇṇanā dhammasat | manu rañḥ dhammasat | athuḥ thūḥ so dhammasat | achumḥ aphrat tuiv. mha | āgatanaye | lā so naññḥ phraṇ. | pakāsitaṃ | pra ap e<sup>\*639</sup>*

This is revealed by the rules which come from the rulings of various dhammasats including the *Manurāja*, the *Vinicchaya-pakāsani*, the *Manu-vaṇṇanā*, and the *Manu rañḥ*.

Here the compiler’s employment of the phrase *iti nānādhamma{sattha}-vinicchayā āgata-naye pakāsitaṃ* (“this is revealed by the rules which have come from the rulings of various dhammasatthas”) suggests a relation not of citation but of reference. It is the rules (*naya, naññḥ*) which come from the texts referred to, but the precise formulation of these rules in the KyT is the work of the compiler alone. Another way of putting this is that the compiler is saying that the aforementioned legal prescriptions are supported by his reading and understanding of the rules which are contained in other texts.

Direct citation is commonly indicated in premodern (and modern) Burmese texts by the use of some variant of the phrase *x hū r\** followed by a verb meaning to speak, instruct, tell, etc., where x stands for reported speech. But this model of reference is used in KyT only once:

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<sup>639</sup> ke(v)

*Tatheva | thuiv athūḥ | senāsanam | kyoṇḥ aramḥ mre | cetiyaparibhogāni | ceti vatthukamḥ mre tuiv. mha ca r\* | māsavassa | sak ramḥ sakkarāj la nhac vat nu vat raṇḥ tuiv. n\* | vat raṇḥ rā tañ ce hū r\* | dhammasatthe | manuṭikā sattama tvai. aca rhi so dhammasat kyamḥ | rājasatthesu ca | mahārājasat kuamḥ tuiv. n\* | ācariyā | charā mrat tuiv. sañ | kathiyanti | **chui** **tau mhu kun e**\*<sup>640</sup>*

The noble teachers say, in the seventh volume of the *Manuṭikā* and various *Mahārājasat* treatises, that: ‘similarly, what is original monastic property should be established, starting with lands surrounding the monastery, *cetiya*, and donated lands, with reference to the age, year, and month of new and old monastic property [...]’<sup>641</sup>

Here the phrase I have translated as “say” is the Burmese phrase *chui* (MB *chui*).

*Chui* is a verb literally meaning “to speak”, which is used on several other occasions in the KyT to gloss the Pali verb *kathiyanti*.<sup>642</sup> Another similar verb is used with textual references where it is stated that certain laws were “spoken”, rather than the more common “revealed” or “shown” (*pakāsitaṃ*) by “noble teachers”; in these instances the Pali participle *bhasitaṃ* is glossed by the Burmese verb *min.*, a verb also meaning “to speak” that is applied in honorific contexts to monks and personages with an elevated status. In the passage above on f.kū(r), however the verb *chui* is part of a construction that also includes the phrase *hū r\**; namely *x hū r\* chui*, or “x” is said. This should indicate a more direct form of citation, rather than the relation of indirect reference at work elsewhere in the text. But even here this does not seem to be the case. While as I have noted the identity of the *Manuṭikā* is uncertain, it is clear that the *Mahārājasat* treatises referred to here include the *Mahārājasat-kriḥ* (MRK), otherwise known as the *Manurāja lhyok thunḥ* or *Mahārājasattha-vinicchaya*, written in the mid-17th century and extant in numerous manuscript versions (see Chapter Five for

<sup>640</sup> f.kū(r); the relevant words comprising the construction are in bold.

<sup>641</sup> This is part of a much longer discussion concerning the status of monastic property. The implication of the section is that the entire foregoing set of rules is “said” by the teachers in the texts that are mentioned.

<sup>642</sup> Cf. f.khe(v), where it is used twice.

further details on this text). This text contains a long discussion of the necessity to establish the status of monastic property on the basis of older and newer acquisitions, and clearly served for the basis of the discussion in the KyT. However, the discussion in the MRK is entirely in vernacular and the vocabulary and arrangement of the Burmese is not closely parallel.<sup>643</sup>

From this rather lengthy discussion of the interface between source-text and gloss in the KyT several important conclusions concerning the function of nissaya in dhammasattha manuscripts can be drawn. It is evident that the Pali passages of the text were probably assembled by the compiler simultaneously with the vernacular gloss portions. The Pali of the KyT nissaya did not exist as a prior text—although some of its vocabulary and even turns of phrase may have been excerpted from other materials—but came into being with the nissaya itself. Although it appears to be a digest of laws, the KyT thus was not “citing” source-texts and commenting on them in the vernacular, but rather distilling legal rules and principles from what he understood to be the contents of various sections of various dhammasatthas and putting them into both Pali and Burmese. This is clear both from the fact that we cannot establish any close textual parallels—in the sense of verbatim citation or even similar vocabulary—between the references mentioned in the KyT and the text of the KyT itself and from the language used by the compiler of the KyT to describe the relation between his text and that of his source-texts. This suggests a function of nissaya that was directed towards neither textual commentary nor the translation of prior source-texts. Nissaya was a mode of textual production in its own right, not necessarily dependent on the interplay of source-text and gloss. When we place the KyT and similar manuscripts into the larger context of the legal culture, and examine it alongside the role played by written law generally, we can conclude that the nissaya form in this case was used to

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<sup>643</sup> Cf. MRK, NL Bhāḥ 2016, f.nā(r).

familiarize the audience for this text—presumably others interested in gaining a specialist legal education—with both the Pali and vernacular vocabulary and grammar of legal texts. The author of the KyT, whoever he was and whenever he lived (though in the late 18th century or afterwards), was familiar with a large amount of legal literature. It is doubtful that his work was compiled on the basis of “research” in material manuscript sources. Probably, the KyT was compiled wholly or mostly from the memory of his reading/hearing of and familiarity with the contents of various dhammasattha texts.

X. Dhammasattha nissayas of vernacular texts: the *Manu rañḥ dhammasat nissaya* UCL 8000 (MRDa); UCL 7458 (MRDb).

A more extreme example of the phenomena of simultaneously conjuring both the Pali and nissaya portions of a dhammasattha nissaya are those texts that explicitly claim to be nissayas based not on Pali sources but on vernacular materials. *Manu Rañḥ* is found in the title of a number of dhammasattha texts, not all of which belong to the same textual tradition<sup>644</sup>; the phrase literally means the “legitimate” or “original” *Manu*. The colophon to MRDb calls this text simply the “*Manu rañḥ dhammasat*”,<sup>645</sup> whereas the colophon to MRDa calls it the “*Manu rañḥ dhammasat nissaya*”.<sup>646</sup> MRDa comprises 115 folios (ka-ññe) and lacks a copy date, whereas the MRDb runs to 137 folios (ka-ṭu) and was copied in s.1213/1851. The author is identified as Nandamālā Mahāthera in MSDa f.ññu(v).<sup>647</sup> A certain Nandamālā, otherwise known

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<sup>644</sup> For example, manuscripts of the *Manu kyay dhammasat* call themselves the “*Manu rañḥ akyay*” (UCL 167696, chā(r)). Cf. also the text published as *Manu Rañḥ* or “The Manoo-Reng Dhammathat”, which is clearly closely related to the MSR discussed in the next chapter. Ed., Moug Tetto, Rangoon, Govt. Printing, c. 1878.

<sup>645</sup> f. ṭu(r).

<sup>646</sup> f. ññū(r).

<sup>647</sup> MSRB ends without providing any sort of authorial colophon.

as the Chum thāḥ Sayadaw (1718-84), was an important scholar-monk closely associated with the royal court during the reigns of kings Singu (Cañ. kū, fl. 1776-1781) and Bodaw-hpaya (fl. 1781-1819). He was responsible for a ruling in the so-called Ekamsika-Pārupana debate, producing a judgment (*vinicchaya*) arguing in favor of the Pārupana monks, who asserted the legitimacy, in terms of vinaya orthodoxy, of covering both shoulders with the outer-robe.<sup>648</sup> His works include a *sāsanavaṃsa* that discusses both the controversy and the broader lineage history of the Burmese saṅgha,<sup>649</sup> as well as a great number of nissayas on sutta and vinaya texts. He also produced nissayas of the *Uppātasanti* as well as the *Jinālaṅkāra*.<sup>650</sup> We cannot be sure on the basis of information provided in the text, but it seems probable that this is the author of the MRD.

As Nandamālā notes in his introduction, this text was originally a vernacular composition that he rendered into Pali nissaya. The following comes from the introduction on the first two folios of the manuscripts:

In the year s.1132/1770<sup>651</sup> the lord (*mañḥ*) of Pukhanḥ Ṇay (Pakhan Nge) town district (*mrui. ne*), Atula Kyau Cvā, asked: ‘Venerable, the *Manu rañḥ* dhammasat (*manu rañḥ dhammasat saññ*) exists only in plain vernacular prose, and is difficult to understand (*amhat asāḥ khak*). In order to make it easy to understand (*mhat sāḥ lvay*), please arrange (*cī rañ*) [the text] in *Magadha-bhāsā Pāḷi*, so that the meaning (*anak yojanā*) will be distinct and unambiguous (*si sā khrāḥ nāḥ*).’ As a result of this respectful request, I put the meaning into *pāṭh* (*pāṭha*, i.e. a Pali reading), without changing a thing, neither adding to nor subtracting from [the text], so that it can be easily memorized (*kyak lvay*), easily understood, and easily grasped. May the scribes who copy the text in the future write carefully and not mutilate (*pyak*) a single letter (*akkhara*) or verse (*pāda*)! Let only scribes who understand the letters and verses copy the text! For there is no benefit (*kyuiḥ*) in compiling the text in Pali (*pāṭh*) if the letters

<sup>648</sup> Sirīsobhana, *Mahādvāranikāya Sāsanavaṃsadīpanī*, Yangon, Lay tī Maṇḍuiṅ, 1974 p. 223. On this controversy in general see Bode, PLB, ch. V.

<sup>649</sup> *Sāsanasuddhidīpaka pāṭh nhañ. nissaya*, Yangon, Ministry of Religious Affairs, 1980.

<sup>650</sup> Ṇñvan. Moñ, “Nissaya myāḥ”, s.v.

<sup>651</sup> UCL7458: s.1172/1810.

are ruined. So don't mutilate the text! If young scribes and scribes who don't understand [the meaning] produce a text (*ca coiṇ*) then after a time the letters will be ruined. Scribes who have the right skills should take care and do the copying!<sup>652</sup>

This is a fascinating citation for a number of reasons. Before looking at what it tells us about the writing of this dhammasattha nissaya we should note its explicit exhortations to the scribal community. Nandamālā is concerned with a problem that troubles any scholarship on premodern Burmese or Pali or Sanskrit literature, the fact that in very many cases scribal copying renders texts difficult or sometimes impossible to read. Today we might regard scribal “mistakes” as an opportunity to reflect on questions of literacy, phonology, and textual transmission, whereas for Nandamālā they signaled the corruption of the meaning of a text. The passage cited comprises the entire introduction to the MRD, and the glossator uses the occasion to scold would-be-scribes about the necessity of having the proper qualifications for textual copying. It is clear from this that his impression of the scribal community was not uniformly positive; certain scribes were copying texts, perhaps particularly Pali texts, that they could not understand. It is also interesting that he singles out “young scribes” (*lū ṇay*) which indicates that the scribal community was clearly divided in terms of age.

Secondly, we should note what this passage reveals about the ways in which nissaya writing and translation practices were understood in premodern Burma, as this is an important recurrent theme in dhammasattha. Nissaya—understood as a translation practice which included both the putting of vernacular texts into Pali and the putting of Pali texts into the vernacular—was a transparent, lossless process. Nandamālā claims that his translation of the vernacular *Manu Raṇḥ* into Pali will not affect the meaning (*anak*) of the text. Meaning can be changed, but only if the text is

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<sup>652</sup> Taken from both UCL 8000 f.ka-kā(r) and UCL 7458 f.ka-kā(r); the text is virtually identical except for the date.

intentionally supplemented or edited by the glossator. Meaning is transparent, and exists outside of any particular language; perfect literalness in translation is achievable. But according to Nandamālā and other dhammasattha writers in 18th Century Burma, meaning is always clearer in Pali. We have little evidence for what earlier compilers thought about the issue, but there is no reason to assume that they did not hold the same opinions about the succinctness of writing in Pali. Vernacular texts were ambiguous and productive of multiple meanings. Atula Kyau Cvā emphasizes this in his request to the monk. That the text of the *Manu Rañh* is “difficult to understand” is linked directly to the fact that it is a vernacular composition. The phrase used is *amhat asāh khak* which in addition to “difficult to understand” may also mean “difficult to bear in mind” or “difficult to remember”.<sup>653</sup> So the distinctiveness of a Pali composition also resides in its capacity to be held or contained in the mind.<sup>654</sup> Pali serves the interests of clarity and memory, whereas the vernacular is equated with ambiguity and forgetting.

I have as yet been unable to determine the vernacular text on which this nissaya is based. The most likely candidate are texts that would predate 1770 with the title *Manu Rañh*. There are several extant texts that belong to such a group. The majority of these are extant verse texts, including the famous *Manu Rañh Lan̄kā*, also known as the *Manu Rhve Nāh Tau Svañh*, written, according to one colophon<sup>655</sup>, by the monk Kavisāra at the request of the minister Kyau Thaṅ. The Piṭ-sm however attributes this text as the work of the Twinthin Mingyi Tun Ñyo (Tvañh sañh mañh krīh tvañh ññui), who was a prolific poet during the latter half of the 18th century.<sup>656</sup> I

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<sup>653</sup> Compare a number of usages cited in Stewart and Dunn, *BED*, s.v., *amhat*.

<sup>654</sup> See the discussion in Chapter Five of the VinP where a vernacular text is likened to fluid oil or butter that must be contained by Pali.

<sup>655</sup> UCL 56904.

<sup>656</sup> Piṭ-sm 1697.

am unaware of any colophons that mention his name. There was another verse legal text that went under the name *Manu Rañḥ Laṅkā* which was perhaps compiled around the same time.<sup>657</sup> This work the Piṭ-sm also attributes to the Twinthin Mingyi,<sup>658</sup> although extant mss note the author, again, as Kavisāra, and also describe Kyau Thaṅ's hand in the composition.<sup>659</sup> In any case, the MRD was clearly not based on a vernacular work in verse, since Nandamālā says explicitly that his nissaya redacts a pure Burmese prose text (*ca kāḥ pre sak sak*) into Pali.

I have been able to identify two other works entitled *Manu Rañḥ Dhammasat*. The first of these is entitled the *Manu Rañḥ Dhammasat Nissaraṅḥ* (*Nissaya*) compiled by the Laṅkārama Sayadaw in s.1226/1864, which is certainly too late to form the basis of this text. But the nidāna to this text says that it is a nissaya of a Pali dhammasattha written during the reign of the first founder of the city of Amarapūra (Bodawhpaya) by the monk Ketuja.<sup>660</sup> According to Laṅkārama, Ketuja's text states in its introduction (*paṭiñṇā*) that is a Pali translation of an earlier vernacular *Manu dhammasat*, which was capable of bringing good fortune (*khyamḥ sā*)<sup>661</sup> to kings, beginning with Mahāsammata, who guarded the *rājadhamma*, as well as judges and ministers.<sup>662</sup> This would appear to have been written several years following Nandamālā's MRD, however it is interesting to note that at around the same time

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<sup>657</sup> UCL 178397; BL ManBur 3472.

<sup>658</sup> Piṭ-sm 1696.

<sup>659</sup> BL ManBur 3472 f.gū(v).

<sup>660</sup> UCL 5517 f.ki(r). The KLD refers to this text on p. 148.

<sup>661</sup> This term is often found in connection to *dhammasattha* and carries a wide range of meanings connected with auspiciousness, happiness, wealth, and prosperity. It is commonly used to gloss Pali *sukha*.

<sup>662</sup> UCL 5517 f.ki(r); f.ḍā(r). Much more research is necessary on this tradition. But it is interesting that the explicit division of the text into 15 chapters may point towards an earlier *Manu Rañḥ* so divided. The *Manu (Rañḥ) Kyay*, or “the elaborated (original) *Manu*” also contains such a fifteen volume division. Perhaps it is a vernacular elaboration of the same lost text?

another project to translate vernacular dhammasat into Pali was underway. Unfortunately no manuscripts of Ketuja’s Pali dhammasat are known to exist, although gāthās of his alleged compilation, in *vatta* meter, are cited throughout Laṅkārama’s text. For the most part the colophons to the 15 vols of Laṅkārama’s text refer to the work as merely “*Manu Dhamamsat*”; only the scribal colophons to Books Five and Ten use the title *Manu Raṅḥ Dhammasat nissaya*.<sup>663</sup> Another text, a dhammasat commentary, that carries the title *Manu Raṅḥ* in one manuscript version will be discussed below as the *Buddhaṅkūra Dhammasat*, but the content and form of this text and that of the MRD are sufficiently different that it could not have formed the basis for the MRD.

I have not been able to find any vernacular Burmese prose dhammasats explicitly and consistently entitled *Manu Raṅḥ* compiled prior to 1770 when the MRD claims to have been written. The problem with trying to trace the MRD’s source text is in fact that the phrase “*Manu Raṅḥ*” in the *nidāna* cited above might not have been intended as a proper title at all. However, if we compare the MRD to other vernacular dhammasat texts it appears that it is based on a vernacular text very similar to the surviving DhV. It follows the arrangement of the DhV extremely closely, and some of the Burmese text is identical.<sup>664</sup> In some places where the surviving manuscripts of the DhV contain Pali citations, close parallels are found in parallel locations in the

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<sup>663</sup> f.jhī(r).

<sup>664</sup> Cf. Neither the DhV nor the MRD are divided into chapters, and while the MRD does not begin with a description of Mahāsammata and the origin of the dhammasttha, both begin the *vyavahāra* portion of their texts with the law of debt and deposit, then move to laws regarding oaths, cowherds, accusation, etc. . The story of the “seven Brahmins” occurs in the same position in both texts (cf. DhV NL 1386 f.khī(v) with MRDa f.khi(r)). In both texts the law regarding cowherds comes immediately following laws regarding breaking oaths made in front of monks.

MRD.<sup>665</sup> The texts are clearly not identical enough in form or in content to allow us to conclude that the MRD was simply a Pali nissaya translation of the DhV, but the two texts are parallel in very many respects. Perhaps this is best exemplified by a comparison of the list of the 18 titles of law covered in both texts, which is introduced by the following gāthās:

MRD f.ññu(r):

*ṇako ca upanikkhattako | dhanavināsanam dinnayācanam | tacchakabhājanam | bhatijivitaṃ | viparito ca go lakkhaṇam | kayavikayaṃ bhummiparicchedo | abbhācikkhaṇam | theno ca paharaṃ | ghatātako ca | jāyampaticāro | dāsavivādanam | dayajjam | akkhakalinā ca | aṭṭhārasa santi*

[As glossed in the nissaya:] 1. debt, 2. deposit, 3. destruction of property, 4. resumption of gifts, 5. carpenter’s share, 6. wages of laborers, 7. characteristics of cowherds, 8. buying and selling, 9. fixing boundaries, 10. slander, 11. theft, 12. assault, 13. murder, 14. duties of husband and wife, 15. slavery, 16. inheritance, 17. gambling. These are the eighteen [titles of law discussed in the text].<sup>666</sup>

This passage closely parallels the gāthās which describe the 18 titles of law found in the DhV, as cited above (UBhS 163-582, ff. kha(r)-(v)). Naturally, such lists alone are not enough evidence to stake a claim for a relationship between two entire texts, yet each of these manuscripts follows this order closely in their successive

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<sup>665</sup> Unfortunately the Pali sections of all extant ms versions of the DhV are quite corrupt, but compare DhV UBhS 163-582 f.gī(v) *gāme{na} janapade raṭṭhe samaṇānaṃ tam pamukkha | saccam daḷhaṃ {dh?}jaraṃ katvā pacchā pi viparissatu...* “Having made a firm oath in front of recluse *samaṇa* in a village, a *janapada* territory, or [nis.: anywhere in] in a kingdom, and at a later point he will break [that oath]...” with MRDa f.khāḥ(r) *gāme vā janapade vā rajje vā bahu janānaṃ samukhe avipatitaṃ saccakiriyaṃ katvā puna vikāreti*. Having made an oath of truth that is not to be broken in front of many people in a village, or *janapada* territory, or in a kingdom (*praññ*), he breaks [his oath].

<sup>666</sup> Obviously the nissaya enumerates only 17 because it omits *viparito*, which refers to the “breaking” of oaths discussed in the text. Here I have added the numbers for ease of comparison. In the UBhS ms of the DhV below the numbers are included in the text.

examination of the titles of law. More research is needed, but it seems likely to me that Nandamālā may have been working principally with reference to the DhV and that in translating portions of that text into Pali and constructing his nissaya he did—despite his claims in the nidāna to have not altered the text—rearrange and perhaps “correct” some of the readings. The DhV is written almost entirely in vernacular Burmese, and the few Pali passages it contains, such as the one cited here, are often quite corrupt.

XI. Dhammasattha as (vernacular) semantic commentary: the *Mahābuddhaṅkūra dhammasat* (*Dhammasat kyau*) UCL 14879 (MBDKa); NL 2070 (MBDKb); UCL 11940 (MBDKc)

The relationship between source-text and nissaya was not always one of (quasi-)citation or translation, and certain dhammasattha texts claim to function as what I have called “semantic” commentaries, which do not attempt to cite their sources but rather reproduce their meaning more generally. Most catalogues refer to the present text as the *Dhammasat kyau* (“Celebrated Dhammasat”), although this title is misleading since a large number of texts used this name. According to the colophon of MBDKb it was written by Mahābuddhaṅkūra Thera in Ava during the reign of the donor of the Lokasarabhū Pagoda (i.e. Mahādhammarājādhipati, fl. 1733-1752).<sup>667</sup> Unfortunately nothing further is known about this monk, and no other works attributed to him survive as far as I am aware. MBDKb is 40 folios long and was copied s.1225/1863. The same manuscript calls the text *Manu Rañḥ Dhammasat Kyau*. MBDKa contains only the first 12 folios of the text and lacks a colophon. The text written predominantly in the vernacular, except for a nidānas and several other sections where gāthās are cited. These are written in nissaya. The nidāna states:

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<sup>667</sup> TMKh s.v. *Manu rañḥ dhammasat kyau*.

I, Mahābhuddhānkura, having paid homage to the Three Gems, shall compile the *aṭṭhārassavinicchaya* (*ta chai. rhac pāḥ so tarāḥ achuṃ aphrat*, “a judgment concerning the eighteen-fold law”), lifting (*uddharissaṃ, thut*) [texts], by means of abridgement (*samāsenā, akyaññā āḥ phrañ.*), from the dhammasat treatises beginning with *Manu*, such as the *Dhammavilāsa* and the *Manusāra*. Let the Good People (*sū tau koñḥ*) beginning with the sovereign (*mañḥ*) who rules by the protection of men (*lū*) constantly bear this dhammasat treatise forth with veneration.<sup>668</sup>

Here the compiler announces his intention to compile a *vinicchaya* or *chuṃ phrat*, literally a “judgment” or “ruling”, based on the eighteen-fold law based on texts extracted from other dhammasat treatises such as *Manusāra* and *Dhammavilāsa*. The work is prepared for the benefit of the community of the Good, the principle audience of written law and an important juridico-ethical category which I discuss in Chapter Seven. The text offers a condensed résumé of legal-theoretical principles extracted from various dhammasattha texts and then examines each in detail. Immediately following the citation above the text mentions that it will move to discuss in the course of its exposition the following twenty-seven subjects: 1. the five vows of judges; 2. the four types of speech; 3. the four *agati*; 4. the six characteristics of the dhammasat; 5. the eight dangers; 6. the ten punishments; 7. the eighteen grounds of litigation; 8. the four categories of witness; 9. the four laws invalidated on the change of sovereign; 10. the three types of bribery; 11. the four types of wife; 12. the seven types of slave; 13. the twelve types of son; 14. the four types of maiden (*kaññā*); 15. the five types of wife who should be discarded; 16. the four expressions of pride; 17. the five expressions of anger; 18. the two types of sale; 19. the two types of purchase; 19. four types of thing that should be bought; 20. the ten types of slander; 21. the five types of verbal abuse; 22. the four types of case; 23. the four types of comparisons among litigants; 24. the four types of seizure; 25. the two types of release; 26. the various types of witnesses who should be admitted; 27. the various types of inadmissible

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<sup>668</sup> MBDKa, ff.ka-kā(r)

witnesses.<sup>669</sup> Drawing on an analogy from the DhV, but not attributed to that text here, Mahābhuddhāṅkura goes on to say that legists who attempt to discern the law without knowing the details of these various subjects are like a carpenter without a straight-rule, a healer without his reference manual of cures, or a person trying to enter a dark building without a lamp.<sup>670</sup> The remainder of the text continues to successively gloss each one of these different categories individually.

What is interesting for our purposes is the fact that nowhere in the MBDK does Mahābhuddhāṅkura actually cite any of the dhammasatthas from which he claims to have drawn his substantive content. Rather he provides what is apparently his own reading or interpretation of the meaning of the twenty-seven different subjects outlined above. At several points in the text, however, he reiterates that his work is sourced in the dhammasattha corpus, even if he does not provide verbatim citations. It seems highly likely that this “digest”, if we can call it that, of laws derived from a reading of other dhammasattha texts functioned as a distillation of what were regarded as some of the more essential subjects within the dhammasattha corpus as it had come down to Mahābhuddhāṅkura.

XII. A different Dhammavilāsa: Arakan and the “*Kyamḥ Nak*” *Dhammasat*; NL Bhāḥ 43 / NL Kaṅḥ 143.

The so-called *Kyamḥ Nak* or “Profound Treatise” Dhammasat (KNDh) has received little attention from scholars.<sup>671</sup> This is unfortunate given the importance of the KNDh for thinking about the development of DhV-related corpus of texts and

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<sup>669</sup> MBDKa, ff.kā(r-v).

<sup>670</sup> Cf. DhV, UCL 9926, f.kha(r)

<sup>671</sup> The title of this text, *Kyamḥ Nak*, on its own can signify either the “profound text” or the “exposition (*nak*) [of the dhammasattha] treatise (*kyamḥ*). It seems clear however that the phrase is meant to parallel the Pali formula *gambhīraṃ nayaṃ*, or “profound rule”, in the nidāna discussed below.

further since, unusually for a potentially early legal text, it presents a relatively significant amount of historical information about its compilation in its *nidāna*. I mention it briefly in conclusion because the example of this text provides an instructive case illustrating the complexities of surviving dhammasattha traditions. The text is by its own admission compiled by Thera Dhammavilāsa. Yet the differences between this text and the extant central Burmese manuscripts of the DhV—as well as related mss such as the DhV-*pyui*, etc.—are profound. First, the KNDh is written almost entirely in *nissaya*, but its Pali portions are corrupt to the extent that they are often totally irrecoverable. Secondly, the content of the text is similar enough in certain locations to attest to a close relationship between it and the DhV, but different enough in others to make it clear that we are dealing with a significantly different text: it contains a fair amount of material that is absent from the DhV. Third, the organization of the text is quite different. A further fascinating aspect of this text is that it is written in a Southwestern Burmese dialect, and has been attributed to Arakan. That the text may represent a Burmese regional variation of the DhV tradition may help explain a number of the divergences with the surviving central Burmese manuscripts of the DhV.

Before looking at sections of the text we must deal additionally with the attribution of the KNDh to Arakan. In an essay from 1877 the KNDh was grouped among ten total legal texts “in use” in Arakan: 1) Deeta Nugadee [Diṭṭha-anugati?]; 2) Angyee Baydah [Great *añḥ* veda?]; 3) Lawkatha Moodee [Lokāṭṭha-muddita?]; 4) Dama Weelatha [Dhammavilāsa]; 5) Raja Matan [Rājamattaṇḍa]; 6) Menu Kyet-yoh [Kyak Ruiḥ]; 7) Menu Baydah [Manu Veda]; 8) Menu Than Gwen [Voice of Manu?]; 9) Menu Deepanee [Manudīpanī]; 10) Menu Kyanuet [Kyanḥ Nak].<sup>672</sup> Transcription

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<sup>672</sup> Moungh Kyaw Doon, “Essay on the Sources and Origin of Buddhist Law”, Rangoon, Daily News, 1877. On the history of this essay see A. Huxley, “Three Nineteenth Century Law Book Lists”. I can’t identify titles 1-3 and 7-9 with known Burmese

aside, there are numerous problems with the identification of texts in this list, which may raise suspicion about the reliability of the observation.<sup>673</sup> The association with certain dhammasattha texts as “*bayda*” or *bedañ* or “Vedic” texts, however, should not surprise us, as according to numerous sources dhammasattha were understood as related to this corpus of *lokiya*-type literature (on which see Part Three). In any case, the author continues to remark that “these laws are the same in every respect with those administered in other parts of Burma, except that there is a slight difference in the names of the books. The customs, usages and religion of the people of Arracan are the same as those of the Provinces of Pegu and Tenasserim.”<sup>674</sup> This claim makes sense given what we know of premodern “Arakanese” literary culture; namely, that it was largely not independent from central Burmese textual production.<sup>675</sup> An

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texts; although some of them appear as unlikely candidates for law-related texts, e.g.: 2, potentially *añḥ kriḥ veda* (i.e., a vijjā magical or astological text). 5 is a reference to the 11th century *Rājamārtaṇḍa* of Bhoja, a commentary on Patañjali’s *Yogasūtras* and jyotiṣa text that bears on astrological calculations related in part to dharmaśāstra. The association of the text with Sanskrit legal traditions has been discussed by Kane, vol. 5 part 1. Note in the discussion of MSR that an early verse of the *Rājamārtaṇḍa* seems to have a parallel in the nidāna of the MSR. This text was known (in some form) in Burma since at least the 15th century (LuceA, p. 243), and the nissaya has been published, based on a mss copied 1208 (1846 C.E.): *Rājamattaṇḍa nissarañḥ kyamḥ*, MORA?, n.d. It is quite interesting if in fact this text would have been regarded as a dhammasattha-related text in Arakan. More will be said about this work in Chapter Six.

<sup>673</sup> Mounḡ Kyaw Doon lists texts not mentioned in another English-language list of the “most popular” works of literature among the Rukheng, which included the Kvan Khyā, Kyak Ruiḥ, Manu, and “Krudaiḡ”[?] dhammasats. J. Leyden, “On the Languages and Literature of the Indo-Chinese Nations”, *Asiatic Researches*, X, London, 1811, p. 228. A slightly earlier potential reference to an “Arakanese” dhammasat, and I believe the earliest instance of the translation of a dhammasat into English, is the brief citation to be to a version of the MSR. See John Towers, “Observations on the Alphabetical System of the Language of Ava and Rac’hain”, *Asiatic Researches*, V, London, 1799, p. 154.

<sup>674</sup> Mounḡ Kyaw Doon, loc. cit.

<sup>675</sup> Jacques Leider, personal communication, Feb. 2009. This statement should not be taken to mean that Arakanese literary culture was dependent or derivative of central Burmese literary culture, but simply that from what little we know of precolonial

attribution of the KNDh to Arakan was most famously put forward in 1898 in the list of the manuscripts used in compiling the DBBL. The final text listed, number 36, is a transcript of a nissaya of the “Kyannet”, about which, together with the “Kyetyo”, number 35 (discussed below), the compilers note: “these are Arakanese *Dhammathats* the copies of which in the Bernard Library bear no date”.<sup>676</sup>

Finally, Jacques Leider draws our attention to the *Rakhuiñ Mahārājavañ tau kriḥ* published in Sittwe thirty years later in 1927.<sup>677</sup> The editor of this text, Sa Thvan Aoñ, claims that the original is based on a manuscript dated 1536 compiled by a minister Vimala as well as on a copy of “Rhve Dhammasād”. Leider tells us that the text describes how “Mra[v]jati, un sage érudit, exhorte le roi à reformer les lois des Arakanais; sollicité par le roi et ses ministres, il présente le *Rh[v]e dhammasād*, une code de lois, qui sera alors approuvé,” and that chapters 35 though 51 present a selection of these laws.<sup>678</sup> Although Leider cautions that care should be taken in assessing the authenticity of historical information presented by the editor, he states that the dhammasād cited in the text is “probablement d’une version arakanaise des recueils de lois traditionnels de la Birmanie”.<sup>679</sup> Clearly the title of this text, the *Rhve* (“golden”) dhammasat, points towards a relationship with the MSR or similar

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Arakanese libraries, it seems they housed texts that would not have been out of place in central Burmese libraries. Indeed, there may have been significant two-way literary influence and traffic between Arakan and places like Ava.

<sup>676</sup> KVDi, p. i(B); Since we are told by the DBBL that this mss is part of the Bernard collection we might assume that it is identical to the ms no. 1017 listed in the 1906 KVC catalogue, except for the fact that the Bernard Library manuscript—if I am correct that it is the same as NL Bhāḥ 43—does in fact provide bibliographic information about itself.

<sup>677</sup> I have tried to compare the following information with a microfilm of UCL9837, entitled *Rakhuiñ rājavañ kriḥ*, although the copy is too poor to be useful and it cannot be determined whether this is the same text or if it contains any information about Arakanese dhammasat compilation.

<sup>678</sup> Jacques P. Leider, *Le Royaume d’Arakan, Birmanie: Son histoire politique entre le début du XVe et la fin du XVIIe siècle*, Paris, EFEO, 2004, p. 473.

<sup>679</sup> *ibid.*, pp. 336-7

traditions, yet the orthography of *dhammasād*, a spelling that I have yet to come across in any other dhammasattha manuscripts, may suggest similarities with the KNDh.

Unfortunately, as indicated below, the bibliographic information contained in the KNDh does not support Arakanese provenance and chronicle evidence from Arakan is of little help in identifying the sponsors and compilers of the KNDh mentioned in the text. But NL Bhāḥ 43 is nonetheless clearly an “Arakanese” copy, if by that we mean only that the text seems to have been copied in a milieu where a dialect displaying “Arakanese” or South-western Burmese phonology was predominant.<sup>680</sup> NL Bhāḥ 43 clearly displays the phonetic transcription of certain “Arakanisms”, such as the use of *hi* for modern central Burmese *rhi*, the transposition of rhymes *-uiñ* and *-ī* for central Burmese *-aññ* and *-e*, etc., and it was presumably on this linguistic basis—i.e. not on the basis of any explicit references in the text—that earlier commentators attributed it to Arakan.<sup>681</sup>

The colophon reads:

*1202 khu tan khuṃ la praññ kyau 7 ne naṃ nak ne 5 nāri akhyin tvañ dhammassad  
[sic.] 12 coñ avañ kyam nak kui | kvyan aup moñ ve kū r\* pri pri | ī kyam nak kui re kū  
ra so akyui kui kāḥ athak mhā bhavak oṃ mhā aveci tuiñ oñ amhya ve pā e\* | di pu āḥ  
nhañ bhurā chū kui praññ lui pā e\**

On the 7th day after the full moon of the month of Tan Khuṃ in 1203 [1841 C. E.], after the 5th morning bell, I, Moñ Ve, finished copying the profound text (*kyam nak*) containing the 12 volumes (*coñ*) of the Dhammassad. As for the benefits of having

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<sup>680</sup> Of course we have a very poor understanding of “Arakanese” or South-western Burmese historical phonology, and there has been as yet virtually no systematic research geared towards documenting the premodern manuscripts from this region, let alone the linguistic aspects of texts.

<sup>681</sup> Saw Tun has kindly looked at some of the text and is also of the opinion that it transcribes an Arakanese or related dialect. Personal communication Oct 12, 2007. On classifications of the Arakanese dialect and its differences to central Burmese see John Okell, “Three Burmese Dialects”, in David Bradley, ed. *Papers in Southeast Asian Linguistics*, 13, Canberra, Pacific Linguistics, 1995, pp. 1-138; Cakinda, *Rakhuin bhāsā ca kāḥ lamḥ ññvhan*, Yangon, Tak Lamḥ, 1994.

copied this profound text, may they be apportioned as far as to Bhavak [*bhavagga*] above and Aveci [*avīci*] below. May I accomplish the Buddha-prize of di [-bbacakkhu], pu [-bhenivāsānussati], and ā [-savakkhaya]!

We should note here that the phrasing of the line where the alleged title of the text is invoked does not clearly suggest that this is a proper name. The document is referred to by the scribe as a “the profound treatise (*kyam nak*) containing the 12 volumes (coṅ) of the Dhammassad”. It is not called the “Profound Treatise Dhammasat” but rather a “profound treatise which contains the 12 volumes [or divisions of text] of the dhammasat”. This point will be further strengthened with evidence from the nidāna, which begins as follows:

[ka(v):]

*namo tassa[...] abhiññān sammāpat nāḥ pāḥ nhañ. praññ chuṃ cvā tha so | sakhañ rasseḥ tui. | koṅ khañ prañ phrañ. pyaṅ svāḥ le sau | cakkaravañā ta tuiñ nac | thāḥ so dhammassad kyam kui | reḥ kū khai r\* | manu<sup>682</sup> maññ so rasse saññ | aca rā ale alā tat e\* | thui manu maññ so rasseḥ tat so kyam saññ laññ | manu dhammassad maññ e\* | thui manu maññ so dhammassad saññ | alvam kye lha so [kā-recto] kron | suā kha sin tui saññ | ma si nuiñ hū<sup>683</sup> | siridhammanarinda amaññ hi so | mañ e\* amat kri phrac so | vijjāya maññ so praññ e\* | acoṅ phrac so | rājavathaṃ maññ so amat kri toṅ paṃ aṃ so dhammavilāssa amaññ hi so | ariyā sū mrat saññ akye āḥ phrañ. pru so | kāthāpandhamaggathabhāsa kui | si sā lve aon mrammābhāsā praṃ lattaṃ*

The master ṛṣi, accomplished in the fivefold *abhiññā samāpatti*<sup>684</sup>, flew through the sky and copied the text of the dhammassad embedded in the boundary wall of the world-system. The ṛṣi Manu knows the text describing right practice from the source.<sup>685</sup> And that text known to the ṛṣi Manu is called the Manu dhammassad. It was

<sup>682</sup> In both transcripts this is originally written *maga*. The KNDhA corrects the -ga to -nu in the margin, but it seems probable that -ga is written in the manuscript.

<sup>683</sup> KNDhB yū

<sup>684</sup> That is, *iddhividha* (supernormal powers), the *dibbasota* (divine ear), *paracittavijānanā* (knowledge of other minds), *pubbenivāsānussati* (knowledge of past lives), and the *dibbacakkhu* (divine eye). For a standard gloss of the formulation from the ninth book of the *Abhidhammatthasangaha* see, inter alia, Luṃ tau charā tau, *Pucchāpakiṇṇaka kyamḥ*, Yangon, Haṃsāvātī, 1962, #199. See also Chapter Six.

<sup>685</sup> *aca rā ale alā tat e\** | This reading has to be somewhat conjectural but fits with the context of the following line. The transcripts, and presumably the ms, rarely mark the

said that none among men knew that Manu dhammassad because it was incredibly elaborate. King Siridhammanarinda had a great minister in the country of Vijjāya, the great minister Rājavathaṃ who protects [the country], who made a request to the noble ariya named Dhammavilāsa to translate [lit. make] the text from its long version in conjoined stanzas in Pali [*kāthā pandha maggatha bhāsā = gāthā bhandha māgadhabhāsā*] into Burmese [*mrammābhāsā*] so that it would be easily understood.

Neither the king Siridhammanarinda nor his minister Rājavathaṃ can be clearly identified from historical sources. The realm (*praññ*) in which the text was compiled is named as Vijjāya, and elsewhere in the text as Vijiya. The most proximate candidate for this location is Vijayapura which was the Pali name of Pañhya founded by King Sīhasūra in 674 (1312 C.E.), and this toponym is confirmed by contemporary epigraphy.<sup>686</sup> Chronicle sources provide further details of the histories of the local dynasty, which lasted through the reigns of six kings and came to an end around 1360 C.E.<sup>687</sup> Much of the basic information provided by the chronicles concerning regnal dates and royal epithets is at least approximately supported by inscriptions. Although Pañhya continued as a center of Buddhist learning after the end of the dynasty, there are no recorded later kings based in Vijayapura. So if we can accept the identification of Vijjāya/Vijiya with Vijayapura as well as the data concerning the king Siridhammanarinda provided here, then the KNDh was translated by Dhammavilāsa sometime during 1312-c.1360 C.E. My own opinion on this matter is that the date of the text must remain tentatively uncertain, at least before we have a chance to explore bibliographical information contained in other as yet undocumented Arakanese

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*aok mrac* (the so-called “creaky tone”) which makes an already corrupt text even more difficult to read.

<sup>686</sup> Than Tun, “History of Burma: AD 1300-1400”, *JBR* XLII ii (1959), p. 123.

<sup>687</sup> E.g. Arhañ Kelāsa, *Pañhya sāsanaṅgaṅga*, 1973, who draws on both chronicle and literary sources; for standard chronicle accounts see Sīlavamsa, RK, NL Bhāḥ 754, f.gāḥ(r); Kulāḥ vol. 1, 259ff. On some important issues in the historiography of the Pañhya dynasty see Michael Aung-Thwin, “The Myth of the Three Shan Brothers and the Ava Period”, in his *Myth and History in the Historiography of Early Burma*, Singapore, ISEAS, 1998.

dhammasats and historical material. A major problem with this attribution is that it is not anything like those offered in any of the dhammasats that are clearly related to the KNDh on textual grounds, such as the DhV or the MSR. This is not to say that the attribution should be discarded as illegitimate or unhelpful; it provides us with a hypothetical date for the text and for a monk named Dhammavilāsa associated with dhammasattha compilation which deserves further testing against other sources that have yet to come to light.

We might note that a number of important Pali texts and sub-commentaries were written at Pañhya, many of which can be attributed reasonably well through *nidāna* or *nigamana* information.<sup>688</sup> Perhaps most famously are the two major works attributed to the minister Caturaṅgabala: the *Lokanīti*, whose attribution to Pañhya is somewhat uncertain and not based—as far as I am aware—on any textual evidence<sup>689</sup>, and the *Abhidhānappadīpikāṭīkā*, which states in its colophon that it was written by an unnamed minister to a king named Sīhasūra, of which, according to epigraphy, there were at least three at Pañhya.<sup>690</sup> This colophon is of course not without its problems,<sup>691</sup>

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<sup>688</sup> On which see Arhañ Kelāsa, *Pañhya sāsanaṅgaṇi*, passim, which presents bibliographical information apparently compiled out of other chronicles such as the MMR. There is of course also Bode’s PLB.

<sup>689</sup> See, PNT.

<sup>690</sup> For the colophon see the mid-19th century nissaya in Paññāsāmi, *Abhidhān ṭīkā nissaya*, vol. 2, Mandalay, Padesā, n.d. or otherwise the recent edition by Medagama Nandawansa noted above.

<sup>691</sup> 14th century inscriptions reveal that Sīhasūra I was known as Chañ phlū tac ci syañ or the “Lord of One White Elephant” whereas Sīhasūra II or Klav cvā was known as Chañ phlū 5 cī askhiñ (RMK, IV p.83). In the colophon to *Abh-ṭ* a Sīhasūra is referred to as, among other things, both *sitakuñjarindo*, Lord of the White Elephant(s), and *catusetibhindo*, the Lord of Four White Elephants. As far as I have been able to determine, the specific epithet “Lord of Four White Elephants” is not found in either the inscriptions or the chronicle literature, although Kelāsa (*ibid.*, p. 18; 79) calls Sīhasūra II’s son, Kyau cvā ṇay, “Leḥ cīḥ rhañ”, the Lord of Four White Elephants and comments: “although during his father’s reign there were five white elephants, during the son’s [i.e. Kyau cvā ṇay’s] reign there were only four. Thus he is known as the ‘Leḥ cīḥ rhañ’ [‘lord of four white elephants’].” Piṭ-sm, PSS and other texts also

but it is perhaps one of the more reliable attributions of pre-16th century Burmese compositions that we have. Among the works attributed to Pañhya, however, it should be borne in mind that instances of vernacular composition are not recorded; the literary culture as it was represented in 14th century epigraphs and remembered by later chroniclers was overwhelmingly focused on Pali. This however should certainly not suggest that there were no vernacular or nissaya compositions in circulation.

Yet another in a long line of peculiarities in the KNDh concerns the beginning of its nissaya. The first section of the nidāna cited above is in Burmese, but this is followed immediately by a Pali citation and its nissaya. This effectively reverses the more standard practice in which nissaya dhammasatthas begin with Pali gāthās or prose which are then glossed in Burmese. The nissaya section reads as follows<sup>692</sup>:

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mention a Pañhya ‘Leḥ cīḥ rhañ’ as the reign during which the *Maṅgalatthadīpanī* was compiled, but Kelāsa disagrees with this attribution and places that text around S. 1518 (ibid., p. 104). There are in fact a number of disagreements in our sources about the authorship of Pali material at Pañhya—such as the confusion between Maṅgalathera, the author of the *Maṅgalatthadīpanī* and the *yojanā* compiler Ñānakitti—which it will be necessary to investigate through the manuscript traditions of and later commentaries and nissayas on these texts.

<sup>692</sup> I have skipped over the intervening Pali text because it is very corrupt and it is better to reconstruct the meaning with the help of the nissaya. I reproduce the unedited text here: *tilokaṃ | mahātūlaṃ | mukkholaṃ | vithitaṃ | naphpavinacchitaṃ pi | aiprasātarāvanerako | suvinicchataṃ | sampuddhaṃ | namasito | jiniritaṃ | dhammañca dhammavināssa | majjato ca | sutamaṃ | jimino | tarorasamaṃ | cakkasehacāraṃ | mattacānaṃ | kavinañña | siriyā | nināyatejasāte | nahato | niyesupattavesiri | dhammaṃrindasavijaya | purapālino rācavadhananāmena | mahāmittena | yācitonakāraṇaṃ | hitattāya | rājānaṃ | vihitathāya | nisāyapuppacariyāyekikatona | atato | misambhanira | pānovahanahaṃ | sakāni | sakopāpumpubacataṃ | puññaṃ khyirapāno | kunadharo | tveracaṃ | saṃthajothero | paṅgavo | kunabhūsito | kunalakkhanasamaññatharo | mahavilasako | rajayesaṃ | samavasenadhammasathāmanākulaṃ | abhiññā | dippabhetanacaturonasūrora | sānayaṃ | gambhirimanunāmisineraṃ |*

*ahaṃ nā saññ tiloke | lū suṃ pā nac | ikaṃ mahātulaṃ | ta khu so khyin khvaṇi  
sā phrac tha so kavinaca | paññā hi tui e\* pādamūcaṃ | bhava taññ hū so | krā kui  
laññ | mayaṃ nā saññ siri u khoṇ nac | nithāya | thāḥ ū r\* | tenateca shāḥ | thui rhe  
khui khraṇ cedanā e\* | acvan āḥ phraṇi. | nisesaṃ akrvaṇ me. | upattave | uppattaro  
tui kui | haṃtona | phyoṃ u r\* | siridhammanaridhammanarindasa |  
siridhammanarinda amaññ hi so maṇ | vijiyapummipālino | vijiya amaññ hi so praññ  
kri e\* acoṇḥ phrac so | rājavathana nāmaññnha rājavathana amaññ hi so  
mahāmattena mat kri saññ | yāji tau toṇ paṃ aṃ tha so | nakarānaṃ praññ sū tui e |  
hitathāya aci apvāḥ alui nhā | lai koṇ | rājānaṃ maṇ tui e | hitathāya | aci apvāḥ alui  
nā 4ṇ | puppacariyaṃ rhe charā tui e | ayū tui kui | nisāyamhi r\* | athato anak āḥ  
phraṇi | tikathāna ta kva praṇ | taṃvijibhaṃ | su myak nhā kraññ khraṇ mha kaṇ tha so  
| prammāsura karorukā | lū nat prammā nat ta kā tui chuṃ phrat nuiṇ khai tha so |  
alaṃ pi tarāḥ kui laññ | suvinisitaṃ | chuṃ phrat tat tha so | sambuddhaṃ mrat cvā  
bhurāḥ kui | namāsitau | rhi khui u r\* | adhammavithasaṃ | akusui kui | phyak chi tat  
tha so | jinnoritaṃ | mrat cvā bhurāḥ saññ | ho tha so | dhammaññca pariyati nhaṇ  
akva so | tarāḥ che pāḥ kui | namathito rhi khui u r\* | akaṃ{a}ṃ | ññac ññu so akyāṇ  
kaṇ tha so | setajāraṃ | caṇ kre si akyāṇ laññ hi tha so | aggaṃ mrat tha so |  
paccatona | bhututamaṃ | maccimapalipat phroṇ so | mrat cvā so akyāṇ laññ hi tha so  
| jinnotarorasāññ ca | mrat cvā bhurāḥ e | sāḥ tau hrac so ariyā pugguil syac yok kui  
laññ | namāsitau rhi khui r\* | atitaṃ lvaṃ le kuṃ so | aprāḥ phraṇ catūronaṃ |  
surorasāññ mathar saññ | myak nhā tau laññ hi tha so | prammā kri e | sā raṇ phrac  
so | manunāma ikāmakū [eka manu?] maññ so rasse. saññ | irittaṃ ho tha so |  
kambhiraṃ nak naññ cvā tha so | nāyaṃ naññ kui nissayamhi r\* | dhammassad taṃ |  
dhammasad kyam kui | samosena | akye āḥ phraṇi. | racayisaṃ | koṇ cvā ci raṇ pe  
lattaṃ |*

I place upon my head [hands folded like] the lotus which gives life to the learned<sup>693</sup>  
who are [like] a<sup>694</sup> pair of scales (*mahātulā*) among the three worlds.<sup>695</sup> By that act of  
obeisance, with the power (*acvan āḥ*) of destroying (*c{h}edana*) [the defilments?]  
without remainder, may I eradicate<sup>696</sup> further rebirth<sup>697</sup>. The great minister  
Rājavathana who protects the great realm (*praññ*) of Vijjiya [of] King

<sup>693</sup> n.b. *kavin{ā}*; *paññā hi tui*

<sup>694</sup> *ika {eka}* = *ta khu*

<sup>695</sup> The Bse glosses *tiloka* as *lū suṃ pā* > “threefold *lū*”. *Lū*, lit. ‘mankind’, ‘person’, etc. is found used in several different ways in premodern texts. First it may refer specifically to ‘men’ as opposed to devas, demons, etc. Second, and most commonly it is used to gloss *loka* and in an extended sense to collectively indicate the inhabitants of the threefold *manussaloka*, *devaloka*, and *brahmaloka*. It is also commonly found to refer to *loka* understood as the realms of *okāsa*, *satta*, and *saṅkhāra*, on which see Vism 204; SPA, p. 536.

<sup>696</sup> *hantona* <  $\sqrt{han}$  = *phyoṃ*

<sup>697</sup> *uppattara*

Siridhammanarinda, made the request.<sup>698</sup> I rely on<sup>699</sup> the views (*ayū*) of the old ācariyas, which had as their purpose the welfare of the king and the people of the realm. I do obeisance to the Noble Buddha who judged the law<sup>700</sup> for men, nats and brāhmaṇas, without paying heed to [just] whatever discourse (*kathana*) or meaning (*a{t}tha*). I do obeisance to the ten laws (*tarāḥ che pāḥ*)<sup>701</sup> together with the *dhammapariyatti* preached by the Conqueror<sup>702</sup> which destroys all that is unwholesome (*akusala*).<sup>703</sup> I do obeisance to the Eight Ariya Puggalas<sup>704</sup>, sons of the Conqueror, who display noble (*mrat cvā*) conduct (*akyaṇ*),<sup>705</sup> whose conduct is pure (*caṇ kre*), and who are without impure (*ññac ññu*) conduct. I shall compile<sup>706</sup> an abbreviated version of the dhammassad based on<sup>707</sup> the profound rules (*gambhīraṃ nayaṃ*) preached by the ṛṣi Manu, the true son of the great Brahmā <the four-faced diety?><sup>708</sup>.

<sup>698</sup> One of the linguistic difficulties in translating this passage concerns the frequent usage of *so* as either an attributive marker or as a sentence final verb particle equivalent to MB *saññ*. These interchanges have been identified as difficulties in old (Pagan-era lithic) Burmese by Ohno and the development of *so* has been further discussed by Yanson. Unfortunately so little has been written about historical Burmese syntax and semantics that there is scant research on this (and related) issues in premodern literary Burmese, but this is a recurrent feature of the language in later manuscripts. Here, while it is necessary to read *so* in the phrase *rājavathana amaññ hi so mahāmattena amat kri saññ* as an attributive marker (the great minister named Rājavathana), at the end of the same sentence *so* is used as a sentence final particle: *toṇ paṃ aṃ tha so* ([he] requested). Cf. Toru Ohno, “The Structure of Pagan Period Burmese”, in *Studies in Burmese linguistics*, ed., Justin Watkins, Pacific Linguistics, Canberra, ANU, 2005, pp. 241-395; and Rudolf Yanson, “Tense in Burmese: a diachronic account”, in *ibid.*, pp. 221-240.

<sup>699</sup> *nissāya = mhi*. We might also read this as referring to the present text of the KNDh itself, i.e.: “[this compilation] is based on [...]”

<sup>700</sup> *alaṃ pi suvinitaṃ*

<sup>701</sup> Here this refers to the *kusala kammapatha*; cf. M.-nis.-Bse 89 (*Sammādiṭṭhisutta*), etc.

<sup>702</sup> *jinna {jina} = mrat cvā bhurāḥ*

<sup>703</sup> The vernacular gloss uses *akusala*; the Pali is *adhammavīthisaṃ*; fr. *adhammavīthi*, a “course contrary to dhamma”.

<sup>704</sup> On the four pairs of individuals comprising the Eight Ariya Puggalas that make up the *ariyaśaṅgha* see Peter Masefield, *Divine Revelation in Pali Buddhism*, Colombo, Sri Laṅkā Institute of Traditional Studies, 1986, ch. 1.

<sup>705</sup> I have not translated the intervening text, which is very corrupt and yields several possible resolutions/translations, none of which are satisfactory, as follows: *paccatona | bhūtutamaṃ | maccimapalipat phroṇ so*

<sup>706</sup> *racayis{s}aṃ = ci raṇ pe lattaṃ*

<sup>707</sup> *nissaya = mhi*

<sup>708</sup> This is tentative, the arrangement of the *nissaya* is a bit confused here.

This passage, while reiterating some of the details concerning the compilation of the text, contains the requisite homage to the Buddha, Dhamma, and Sangha. Some textualized form of homage to at least the Buddha is required in most premodern Burmese texts—and certainly all dhammasatthas. Several elements of interest follow. While as in the MSR (and unlike the DhV) a son of Brahmā is invoked as the transmitter of the original dhammasattha. Perhaps most interestingly, here and nowhere else in the entire KNDh is the name of Mahāsammata found. These are important clues, since the presence or absence of these concepts may signify a genealogy not directly related to dhammasat texts as found in our corpus of 17th-19th century central Burmese manuscripts.<sup>709</sup>

The Pali in the KNDh, as evidenced by this passage, is some of the most corrupt of any dhammasat manuscript I have come across. In usual cases it is at least possible to edit or reconstruct the underlying forms; but this is barely possible here, and without the vernacular gloss this passage (as well as many others elsewhere in the text) would be largely undecipherable. But what this poor Pali should signify is a difficult matter to determine. Clearly it suggests that the immediate context in which the text was copied in the mid-19th century did not involve a scribe or lector learned in Pali who had any editorial influence over the shape of the text. But whether this should mean that earlier versions of the text after which this copy was made were also corrupt is another matter that must remain uncertain since we have no other witnesses to evaluate. The nissaya style here follows the standard citation-interverbal gloss format. Like most of the nissayas the gloss does not translate every word of the Pali citation verbatim but selectively reorganizes the text and chooses elements to gloss.

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<sup>709</sup> For further on representations of Brahmā and Mahāsammata in dhammasattha see Chapter Six.

One of the distinguishing features of this nissaya however is that it is not followed by a third stage of an all-vernacular translation, which is common to many other dhammasat nissayas (i.e. the citation > interverbal gloss > vernacular *adhippāya* format of the DhV discussed above) to which much of the KNDh is clearly related.

Following this nidāna the KNDh begins to parallel textual passages in the DhV quite closely, although the arrangement of the text is not the same. The immediate section [f.ki(v)] describes the benefit (*akyui*) of the production (*pru khraṇ*) of the dhammasat text.<sup>710</sup> Here again the author is named as Dhammavilāsa who is said to “complete in the attributes of virtue” (*guṇalakkhaṇa*). The gāthās cited to describe the characteristics of the treatise are (in their corrupt form)<sup>711</sup>: “*hithahāraññ ca | nipunaṃ paññāvathana cananaṃ | apayatikaṃmupāyaṃ | kusalopāyamuttamaṃ | sakkalokasa | sopānaṃ | mukkhamaṃtāramūpārūtaṃ | cakkavasaniminnasa | manavacakkavateno* !”.

These text glosses them in the nissaya as:

*hitahāraññ | ci pvāḥ khyam sā laññ choṇ pe tat |*  
[The dhammasattha is] capable of bringing about prosperity and wealth.

*nipunaṃ | sin mveḥ cvā tha | paññā vanecanaṃ<sup>712</sup> | paññā pvāḥ khraṇ kui laññ phrac ce so*  
[The dhammasattha is] subtle, leading to an increase of wisdom.

*sukhirapākova | re nhaṇ ro so nui re kui soṃ nīrāḥ sau laññ re kyan r\* | nui re kui sā vaṇ ce tat tha so | rapāmahaṃsakanisaro | rhve haṅsā apoṇ kui | acui ra so | haṅsā maṇ kri sui | pāpampupajahaṃ | puṇṇāṃkirapānova akusui hū so naññ kui cvan r\* | kusui hū so nui re kui soṃ tat tha so |*

Although one may drink milk mixed with water, only milk enters [the body] and the water is discarded. Like King Haṅsa who rules over the collected haṅsa, [the

<sup>710</sup> The intervening Pali citation reads: *hithahāyaññ ca | nipunaṃ paññāvathana cananaṃ | apayatikaṃmupāyaṃ | kusalopāyamuttamaṃ | sakkalokasa | sopānaṃ | mukkhamaṃtāramūpārūtaṃ | cakkavasaniminnasa | manavacakkavateno* |

<sup>711</sup> Despite the corruptions the size of each pāda typically remains 8 syllables in length.

<sup>712</sup> the Pali section preceding the Pali section, not cited here, reads *vathana canaṃ*; presumably from *vaḍḍhana cana*?

dhammasattha] drinks of the milk that is called wholesome (*kusala*) and discards the rules (*naññh*) that are called unwholesome (*akusala*). [...]

*apayaṃ tikamūpāyaṃ | abay lai pāḥ kui laññ | lvat mrom aṃ so upa yi  
{upetaṃ?} tan myaññ laññ maññ e\* |*

[The dhammasattha is] a release from the four hells.

*kusala{u}pāyaṃ | kusuil phrac aṃ so | upetaṃ laññ maññ e\* |*

[The dhammasattha] is the means to that which is good.

*sakkalokasā | nat rvā e\* | utamaṃ | mrat cvā tha so | sopānaṃ | conḥ tan sa  
bhve laññ phrac pe e\* |*

[The dhammasattha is] a staircase to the realm of the devas (*nat rvā*).

*mokkhataramūpārutaṃ | nibbān tan khāḥ kui laññ pvañ ce tat e\* |*

[The dhammasattha] opens the door to nibbāna.

*indassa | sikrāḥ nat mañ e\* | asaṃ | cakkavā | mui kru cak nhañ laññ tū e\* |*

[The dhammasattha is] like the thunderbolt-weapon of Sakka, king of the devas.

*cakkavatinenā | cakkarā mañ e\* | manivajotarasa pattamrā lak cvat nhañ laññ  
tū*

[The dhammasattha is] like the ruby ring of the *Cakkavatti* king.

The KNDh then cites another very corrupt Pali verse which lists another nine qualities of the dhammasattha, which it proceeds to provide with a nissaya gloss. Here and elsewhere in the text we can note that there is a great deal of confusion between the Pali passage cited and its nissaya gloss. For example the cited pāda *cakkavasaniminnasa* is not glossed, rather it is replaced merely with *indassa asaṃ*. Perhaps this is due to the fact that the Pali was too corrupt to be genuinely intelligible. From the nissaya part of the pāda should read something like *sakkāsani* (“the thunderbolt of Sakka”), although we cannot reconstruct *-minnasa* on the basis of the gloss. This is perhaps where the scribe gets *indassa asaṃ* (*indassa asani*?, “the thunderbolt of Indra”). Despite the unintelligibility of the Pali, however, the scribe accurately transcribes the Burmese vernacular meaning. Moreover, note that within

the nissaya portion we find Pali gāthās that are glossed in the discussion of King Haṅsa but which did not form part of the Pali citation beginning the nissaya!

If we compare this to the parallel section in the DhV we find that while there are many similarities, they are far from mere copies of each other. In the KNDh the qualities of the dhammasattha are described almost immediately at the beginning of the text, whereas in the DhV they fall right before the enumeration of the eighteen legal titles, towards the end of the first quarter of the treatise. The similarities in the gāthā that begins the parallel section in the DhV correspond to only the middle gāthās cited above:

*apāyātikkam ūpāyaṃ | uttamakusalena ca | loke sakkassa sopāṇaṃ | mokkhadvāram  
upāgataṃ*<sup>713</sup>

The version in the DhV does not contain the additional pādas *hithahāyaññ ca* [1] *nipuṇaṃ* [1] *paññāvathana cananaṃ*<sup>714</sup> and *cakkavasaniminnasa* | *manavacakkavateno*<sup>715</sup>, and this text, or its vernacular translation, cannot be found anywhere in the DhV. Furthermore, following the nissaya gloss on this section in the DhV the remaining qualities of the dhammasattha are listed in Burmese prose. There is no additional set of Pali gāthās cited.<sup>716</sup>

<sup>713</sup> DhV, UBhS 163-582 f.kau(v); also DhVD, pp. 112-3.

<sup>714</sup> {*hitahāraṃ ca nipuṇaṃ | paññāvadhana ca{na}naṃ* |}?

<sup>715</sup> {*sakkāsani ?? | maṇijota iva rasa* |}

<sup>716</sup> The entire vernacular portion of the DhV reads: “The noble (*uttama, mrat cvā*) dhammasattha text (*pakaraṇaṃ*) concerns such things as going beyond the four realms of punishment (*apāya*). It deals with matters of action conducive to the good (*kusala, kusuil koṅḥ mhu*) in the realm (*loka*) of men. It is like a staircase to the realm of the gods (*nat rvā, devaloka*) and the staircase approaching (*upagata*) the door to release (*mokkhadvāra, nibbān taṃ khāḥ*). Such are the qualities (*guṇa*) of the dhammasattha. But besides these there are other qualities. The dhammasattha is like (1) Sakka’s thunderbolt; (2) the *maṇijota* ruby of the Cakkavatti king; (3) the weapon of the king and ministers who protect the realm of the king (*prañ*); (4) the ruler of a carpenter; (5) the manual of the medicine-man; (6) a lamp that dispels the darkness; (7) an eye that

This passage is illustrative in that as far as I am aware DhV-related texts are the only textual tradition to enumerate these characteristics of the dhammasattha. That they are found also in the KNDh argues for a close relationship between the two texts. Yet it is interesting that only in the KNDh is this list also found in Pali. The KNDh goes on to discuss a number of other subjects found also in the DhV, such as the “Eight Dangers” and “Ten Punishments” and the “Four *agati* or Bad Courses”.<sup>717</sup> Again, some of this material is common to several dhammasattha traditions, but some of it, like this precise notion of the “Eight Dangers” is found only in DhV related texts.<sup>718</sup> Yet some of this material is *not* included in the DhV but is found in other dhammasatthas, such as the explicit discussion of the four *vaṇṇas*<sup>719</sup>, “the three types of bribes”,<sup>720</sup> the “ten places where punishment may be administered”,<sup>721</sup> and the “two

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can discern whether an appearance (*saṅṭhāna*) is good (*koṇḥ*) or not; (8) an ear that can discern whether a sound is good or not; (9) the rays of the moon that at night illuminate the four islands; (10) the rays of the sun that during the day illuminate the four islands.”

<sup>717</sup> f.khī(v). Interestingly, in the KNDh these are referred to as the *su to tarāḥ lai pāḥ*, the “Fourfold law regarding Good People”

<sup>718</sup> For a discussion of the “Eight Dangers” and their relation to Pali *nikāya* texts see DhVD, pp. 79-80. In DhV related texts these include: earth, crocodiles, ogres (*yakkha*), boat-travel (*nāvā*), lightning (*asani*), tigers (*byaggha*), beeding to death, and madness. Other dhammasatthas discuss Eight Dangers but enumerate them differently. Cf. KNDh f.kāḥ(v). Similar lists of Eight Dangers or Calamities are found elsewhere in Sanskrit, Chinese and Tibetan texts—as far as I am aware an enumerated list is not found in Pali literature. Compare the Dharmaguptaka Vinaya on “Eight Calamities” (Bapat and Hirakawa, p. li, p. 455) as well as formulations of the *aṣṭamahābhāya* in Stephen Beyer, *The Cult of Tārā: Magic and Ritual in Tibet*, Berkeley, 1978, pp. 229 ff.

<sup>719</sup> f.khu(r).

<sup>720</sup> f.khaṃ(r).

<sup>721</sup> f.khaṃ(r). The text only enumerates several, stating: “the fingers, the belly, the legs, the eyes, the nose, the ears, etc. are the ten places”. Compare the discussion of the “oath of the ten punishments” in Chapter Seven.

types of buying and selling”.<sup>722</sup> Interestingly, as opposed to the twenty-five types of theft listed in the DhV the KNDh mentions only “the five types of theft”.<sup>723</sup>

All of this points to the rather eclectic, bricolage-type makeup of the KNDh, and in the absence of further manuscript versions of the text it is difficult to say what is going on here. Perhaps it was a sort of digest, compiled on the basis of a number of different dhammasattha texts, but the compiler decided for whatever reason to present it as a single recension written by Dhammavilāsa? The overall arrangement of the KNDh supports this somewhat. Despite the fact that in the nidāna cited above the text is characterized as comprising “twelve volumes” the surviving manuscript is divided into only two volumes. On folio ge(v) the second and final “book” of the KNDh begins after an overview of the various lists of legal theory cited above. Curiously the text is not prefaced with a summary of the eighteen legal titles, although the initial section on “the old law relating to debt” (*rhe u cvā mre tarāḥ*) is clearly nearly identical with the account in the DhV. Compare the first several lines of this section in the KNDh:

*mre tarāḥ kāḥ | mre arhaṇ kāḥ ā nai aṃ | mre jāḥ sāḥ kāḥ | āḥ hi aṃ | maṇ lhyaṇ koṇ  
cvā ci cac r\* | anuiṇ sat ce rā e\* | mre arhaṇ lañṇ | chat pri lyak prak r\* ma chat sū  
hū chui bhi aṃ. | mre āḥ nai hū kāḥ | sū ta kā tui moṃ | saccā mū ce | ñve ta che phrac  
mū | sū koṇ so lhe kāḥ u nhac saccā mū ce | ñve nac che mroṃ mū kāḥ | athipati hi so  
sac paṇ nat nac saccā mū ce | ñve lai che roṃ mū kāḥ | bhurāḥ rhe nac saccā mū ce |  
ñve ñāḥ che mroṃ mū kāḥ | sū ta kā tui rui se cvā thit mhat so bhurāṇ rhe nac saccā  
mū ce |*<sup>724</sup>

As for the law of debt if the owner of the debt (the creditor) is weak (lit. “has little strength”) and the eater of the debt (the debtor) is strong, let the sovereign (*maṇ*) investigate well and decide who is weaker. If after the debtor has repaid the debt the creditor claims ‘I have not been repaid’, and if the amount lent was not too high, let the creditor prostrate himself and make an oath to that effect before an assembly. If the

<sup>722</sup> f.khāḥ(r)-(v).

<sup>723</sup> f.gā(r):

<sup>724</sup> NL kañḥ 143 f.gai(r)

amount is ten *nive*<sup>725</sup> let him make an oath at the top of the steps belonging to a Good Person (*sū koṇ*). If the amount is twenty *nive* let him make an oath at the foot of the steps. If thirty then let him make an oath before a tree *nat* who is the lord [*adhipati*, i.e. of the tree]. If forty let him make an oath before a Buddha [image]. If fifty let him make an oath before a Buddha [image] which is held in awe and respected by many people.

The parallel section from the DhV:

*mrī arhaṇ kāḥ āḥ naññḥ e\* | mrī cāḥ āḥ rhi aṃ. | praññ rvā suiv aup chuiḥ aṃ so re mre sakhaṇ maṇ lhyaṇ koṇḥ cvā cī cac r\* | āḥ naññḥ so uccā rhaṇ kuiv ra pa ce ap e\* | mrī arhaṇ kāḥ āḥ rhi saññ phrac tuṃ aṃ. | mraññ cāḥ saññ āḥ naññ r\* ma ra tat nuin mhu kāḥ prī arhaṇ saññ mrī cāḥ kui koṇ aoṇ chumma r\* mi mi uccā kui khye pran tuṃ r\* kuṃ ca lay svay pran ce r\* ra laṇ. so amrat kui ta khyui. ta khyui. chap ce | mrī cāḥ kui mrī mha kaṇ r\* puin pā ce ap e\* | mrī cāḥ cap prīḥ lyak kui ma cap hū r\* mrī arhaṇ phyak r\* chui bhi mhu kāḥ khye prī so mrīḥ taññ naññḥ mhu kāḥ amyāḥ ta kā mhok vay mrī arhaṇ saccā pru ce | khye so mrī taññ ta chay phrac mhu kāḥ mrī arhaṇ sau lhe khāḥ ū n\* ne r\* saccā mū ce | khye so mrī nhac chay rhi mhu kāḥ | mrī arhaṇ kui lhe khāḥ raṇ n\* ne ce r\* saccā mū ce | khye so mrī taññ suṃ chay phrac mhu athika nat rhi so sac paṇ raṇ n\* saccā mū ce | khye so mrīḥ taññ 40i | 50i phrac mhu kāḥ amyāḥ ta kā | thit mat so bhurāḥ kui choṇ. so nat tui. kui tuin r\* churāḥ mrat cvā khre tau raṇ n\* saccā mū ce |<sup>726</sup>*

As for [the law of debt] when the owner of the debt is weak and the eater of the debt is strong, let the sovereign who is the lord of the water and earth, who administers the realm, investigate well and decide whether the creditor is weak and the debtor strong. If the creditor is weak and has admonished the debtor saying ‘repay the property I lent’, the debtor should sell some goods (*kuṃ ca lay svay*) and repay with the profit (*amrat*) until he is without debt. If, after the debtor has repaid, the creditor claims ‘I have not been repaid’ and if the amount lent was not too high, let the creditor make prostrate himself and make an oath to that effect in front of an assembly. If debt is is ten<sup>727</sup>, let the creditor stand at top of the steps to the house of a Good Person (*sū koṇ*) and take an oath. If it is twenty let him stand at the bottom of the steps and make an oath. If it is thirty let him stand at the base of an tree containing an *adhika nat* and make an oath. If 40 or 50 let him make the oath at the feet of a Buddha [image] calling as his witness the *nats* who are protectors of the Buddha [image].

<sup>725</sup> Literally “silver”. This is a rather imprecise measure, since various grades and weights of silver were used as specie in premodern Burma. Presumably what is intended here by *nive* is the weight unit of *kyap* (kyat).

<sup>726</sup> UBhS 163-582, f.khā(r)-(v); NL 1386 f.kam(r).

<sup>727</sup> Here again, the exact form of specie is not mentioned, presumably the kyat weight is intended.

These two passages are nearly identical both in their legal content and vocabulary, although spellings vary due to phonological dissimilarities of the different dialects (e.g. KNDh *mre* “debt” for DhV *mrīh*, etc.). Other dhammasatthas discuss debt law in terms of the relative “strength” of the creditor and debtor, but these precise remedies, and particularly the provision that a creditor must take the above-mentioned oaths to prove the truth of his accusation are found exclusively in DhV-related materials. It seems incontrovertible that these different texts are drawing on the same materials. Unfortunately the similarities do not last for long, as directly following the passage translated here there is the citation of a Pali verse that is not found in the DhV. In the DhV, following the passage cited above the text has nothing more to say about the role of oaths in disputes over debt.

Interestingly, a little further on in the discussion of the law of debt then cites the *gāthās* describing the eighteen titles of law, in a highly corrupt passage.<sup>728</sup> Here the text enumerates nineteen rather than eighteen titles: 1. debt, 2. deposit, 3. sale without ownership, 4. reclamation of gifts, 5. distribution of wages (*kve ve*, i.e. the “carpenter’s share”), 6. hiring of laborers, 7. oath-braking, 8. cowherd, 9. buying and selling, 10. demarcation of boundaries, 11. accusation, 12. assault, 13. theft, 14. murder, 15. gambling, 16. wife-theft (adultery), 17. duties of husband and wife, 18. slavery, 19. inheritance.<sup>729</sup> The actual order of the legal titles as they are discussed in the manuscript is somewhat different, however, as can be seen from the following table:

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<sup>728</sup> Compare the earlier citations of the eighteen titles from the MRD and DhV with the following parallel in the KNDh: *inato nāsago ceva | paratappa | vikopato | pacchāparanakohāsamsāvamṅitaci | bhattikā | saccaviparito ceva | bahugatham | vijārayekobālam | viḅṅṅam kamvaṅ usimā bhakkhāto ceva | mātāto | mosakepicakhāpakoparavārako | jāyohinaṅ | jariyādasatāyacca | kilamṅā | canaṅ ti | thavitāke | kunavisam | bhavati | mābhesu atokasa e | kaṅ | attanaṅ | attavinicchaye | puddho | e | kaṅ | to |*

<sup>729</sup> f.gau(v).

*Contents of the KNDh*

Part One: Nidāna, legal-theoretical material (Eight Dangers, Four *agati*, etc.),  
ff.ka-gū(r)

Part Two:

1. Debt ff.gai(r)-gau(r)
2. Deposit gau(r)-ñi(v)
3. Sale without ownership ni(v)-ñe(v)
4. Gifts ñe(v)-ñau(v)
5. Hiring of laborers (Comprises “Carpenter’s share”, and “Hiring of laborers”,  
in DhV) ñau(r)-cā(r)
6. Oath-breaking cā(r)-ci(r)
7. Cowherd ci(r)-cu(r)
8. Buying and selling cu(r)-co(r)
9. Demarcation of boundaries co(r)-cāḥ(r)
10. Accusation cāḥ(r)-chī(v)
11. Assault chī(r)-chau(v)
12. Verbal abuse (*cheḥ reḥ*) chau(v)-ji(r)\*
13. Theft ji(r)-jau(r)
14. Murder jau(r)-jhā(r)
15. Adultery jhā(r)-ññā(r)
16. Duties of husband and wife ññā(r)-ññau(v)
17. Slavery ññau(v)-ṭā(v) nopali gatha
18. Inheritance ṭā(v)-ṭhau(v)
19. Gambling ṭhau(v)-(r)~END

This list of contents, while similar to that of the DhV is not identical. In most cases where the sections overlap, we find a similar Pali *gāthā* beginning the section. In certain instances the DhV contains Pali text that is *not* found in the KNDh, such as at the very beginning of the section on slavery, which comprises a vernacular discussion in the KNDh. We should note that the two sections dealing with the “carpenter’s share” and the “hiring of laborers” in the DhV are compressed into one in the KNDh, even though they are enumerated separately in the passage describing the 18 (here 19) titles. Similarly the KNDh made a distinction between assault and verbal abuse, whereas in the DhV these two are not treated in independent sections. Finally, we should note that unlike any of our central Burmese mss of the DhV, the KNDh

contains a section—although it is barely one side of a folio in length—discussing the law of gambling.

The KNDh is a peculiar dhammasattha. It is clearly related to the DhV, though the convergences and divergences weave in and out throughout the text. If either of these texts represent outgrowths of a single textual tradition, the common ancestor must have been remote indeed. As mentioned earlier, there is yet another dhammasattha attributed to Arakan, which displays Southwestern dialect features similar to those in the KNDh. The *Manu kyak ruiḥ dhammasat* (MKR) is also closely related to the DhV tradition, and claims to have been authored by Dhammavilāsa.<sup>730</sup> Although in the case of the MKR the similarities with the surviving central Burmese manuscripts are extensive. Despite “Arakanisms” in the language of the text it follows the content and arrangement of the central Burmese DhV almost exactly, except for the fact that like the KNDh, the MKR also ends with a brief section discussing the law of gambling. Also, the nidāna of the text is similar to neither the DhV nor the KNDh (it styles Mahāsammata as a bodhisatta, among other things) and does not contain a discussion of the same lists of legal principles. Unfortunately it does not contain any additional information about authorship.

Here I do not intend to present a full account of the relationships among these various texts. The point has been to illustrate the diversity of a single dhammasattha tradition, and to show how two texts with the same author and presumed origin are in fact quite different. This may very well be a result of different regional traditions of individual texts. Much more work is needed on Arakanese dhammasattha manuscripts to further address these questions raised by the comparison of the KNDh and the DhV. It is plausible that research in Arakanese manuscript libraries may reveal variant

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<sup>730</sup> NL 1703. Copied s.1124/1762 C.E. The attribution to Dhammavilāsa is found on f.kam(r).

versions of other central Burmese dhammasatthas, and shed light on their textual histories.

## CHAPTER FIVE

### MANUSĀRA: WRITTEN LAW IN SEVENTEENTH CENTURY BURMA

This chapter examines in detail the formal features and organization of the earliest securely-dated dhammasattha text compiled in Burma, the *Manusāra rhve myaññh dhammasat* (MSR), written in 1651 C.E. Manuscripts of the MSR comprise two texts, the Pali *Manusāra-dhammasattha-pāṭha* (MSRP) and the bilingual nissaya *Manusāra rhve myaññh nissaya* (MSRnis), which, as I argue below, were probably redacted more or less simultaneously and by the same hands. The MSR is a particularly interesting case because it is one of only two examples of dhammasattha traditions in which we have both a surviving Pali and nissaya version,<sup>731</sup> and these are the only surviving dhammasattha treatises written entirely in Pali known from Burma or Southeast Asia.<sup>732</sup> Thus the analysis of the different components of the MSR tradition, and a comparison of the Pali and nissaya “versions” of the text, provide rare insight into the function and interplay of Pali and vernacular languages in the writing of law.

This chapter begins with a brief résumé of twenty-one surviving manuscripts of the MSR tradition. It then proceeds to discuss the contents and organization of both the Pali and nissaya versions of the text and examine their interrelationship. Although the nissaya is clearly based on and structured around the MSRP, close parallels are found only in certain sections of the text. In other sections there is a very large amount of material added to the MSRnis which is foreign to the MSRP. Here the nissaya

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<sup>731</sup> The other is the VDhM, an 18th century text based on the MSR (on which see below).

<sup>732</sup> The DBBL list of thirty-six dhammasats states that a number of the texts it incorporates into the digest are written in Pali. This is incorrect. In all cases except for the *Manusāra* (and “Shin Tezawthara-shwemyin”, on which see below) surviving manuscript versions of these texts are in nissaya.

compiler bracketed the MSRP entirely to expand his text with folio after folio of vernacular content. This suggests that the nissaya was not compiled as merely an interlinear or interphrasal gloss, let alone a “translation”, of the Pali text, but that the nissaya compiler regarded the MSRP as a text that required a significant amount of supplementation. The extent of the divergences between the MSRnis and the MSRP is unique among dhammasattha treatises, and reveal important clues about the genealogy of the text. This also suggests how Pali dhammasattha was regarded as subject to embellishment; a Pali legal text was not treated as though it had unimpeachable authority that could not be supplemented by vernacular content.

In the final part of the chapter, I investigate questions of the authorship of the MSR, as well as its relationship to earlier and later dhammasatthas such as the legal text attributed to the founder-king of Pagan, Pyū-mañḥ-thīḥ, and the influential compositions of the 18th century legist Vaṇṇadhamma Kyau Thaṅ. The MSR should be regarded as a transitional dhammasattha. It is a legal text that marks the end of an era of obscurity in the history of written law in Burma. This is an era to which a number of the texts mentioned in the *Navadhammasattha* compilation, Sundara’s *Atui Kok*, or in the circa 1681 book-lists, including the DhV, may have belonged. But these are all materials which are impossible to date with any accuracy; and it is far from certain that the surviving manuscripts of those potentially early dhammasatthas bear any close resemblance to their earlier recensions, as the discussion of the DhV in the previous chapter illustrated. The MSR stands at the beginning of a period of Burmese legal history where we are on firmer ground, and can begin to speak about compilers and their larger contexts of education, patronage, and literary culture.

Given the significance of the MSR I present the complete text of the MSRP gāthās in transcription as Appendix I. I note that this is not a critical edition of the Pali text—the preparation of which has been postponed pending the discovery of additional

manuscripts—but an unreconstructed transcription based largely on one, albeit in many instances the “best”, manuscript witness. I will refer to this transcription in the discussion below. I have also transcribed the lengthy *aṭṭhuppatti* section from the first book of the MSRnis in Appendix II. These materials will be addressed below and in more detail in Part Three.

## I. Résumé of Manuscripts

### **MSRa=MORA95**

Copied s.1131-3/1769-71. Pali-Burmese nissaya. ka-khū(r), non-sequential foliation; probably copied by multiple scribes. The folios in the current manuscript bundle are not in the correct order. Complete, 10 books; 1st book contains nissaya (i.e., no MSRP pāṭha text). Extensive marginal notes throughout. Fair copy. Close to MSRh in arrangement, though with minor exceptions. Mentions earlier recensions of Pyū Mañḥ Thīḥ and Buddhaghosa in Book 1. Authorial colophons attribute the recension to Kuīṅ Cā Manurāja and Toṅ bhī la Sayadaw. Does not contain Book 5 colophon. Bundled with *Vinicchayapakāsaṅi-dhammasat* (copied s.1238/1876).

### Notes:

The text is referred to as the *Dhammasat kyau rhve mañṅḥ* or simply *Dhammasat kyau* in the scribal colophons. The various books were copied at different times over a two year period, probably, judging from the handwriting, by different scribes.

Book 1: ka-khā(v), copied s.1131/1769

Begins *sujanāsaṅganāsevaṃ | narānarābhivuddhitaṃ [...]. Ends kuiṅgāmassa malindena | paṅḍitena sukhebhina | narādhipūphanissāya lokānamattasādhakaṃ | sattehicācaritehi | sodhitaṃ dhammasatthakaṃ | paṭhama puiṅḥ prīḥ prañṅ. chuṃ e\* |*

1131 pyāsui la praññ kyau 9 rak ne prī saññ | moñ sū lak reḥ ~ “The dhammasattha purified by the paṇḍita, the tax-lord (*phalinda*) of Kuin Village, desirous of happiness, in light of the treatises and teachers, accomplishes the profit (*attha*) of the worlds and kings. The first book is completed this 9th day after the full moon of Pyāsui, 1131”. Copied by Moñ Sū. See below for a discussion of the authorial colophon.

Book 2: kha(v)-gu(r). Ends ~ “The second book of the *Dhammasat rhve maññ* was successfully copied following the second bell, early afternoon (*mvan yimḥ*) on Thursday, the 6th day following the full-moon of Tankhū, 1131 [1770]”.

Book 3: gū(v)-gho(v). Ends [...] *amve tarāḥ 7 bāḥ priḥ prī | antaḷārapuññaena | mahantarāja [gho(v)] sīrinā | sobhanto yo hitaṃ neti nānānagaravāsinaṃ | āyājitaṃ garuṃ tena to{n} bhī la ṭhānavāsitaṃ ti saṃ katvā | {a}kkhadassenasaveha manurājanā sodhitaṃ dhammasatthāyaṃmayā kuiṅgāmbhoginā | tatiya puiṅḥ prī prī | sakraj 1133 khu ka chun lchan 11 rak 4 ne. naṃ nak ta khyak tī kyau akhyin tvañ dhammasat kyau rhve maññḥ tatiya puiṅ kui re kū r\* prī aon mrañ sh”*

Slightly corrupt form of Book 3 colophon that mentions the Toñ Bhī La Sayadaw. See below for a discussion of the this text. The copyists colophon follows: “The third book of the *Dhammasat kyau rhve maññḥ* was successfully copied following the 1st morning bell, Wednesday, the 11th day of waxing Kachun, 1133 [1771]”.

Book 4: khau(v)-ghu(r). Colophon: “The *dhammasat rhve maññ* was successfully copied following the 2nd bell, Sunday, 6th day of waxing Nayun, 1133 [1771]”.

Book 5: cū(v)-cho(r) (foliation written in pencil; not original foliation). Begins *amhu saññ e\* charā tarā sū krī 4 pā kui chui lui r\* ī gāthā tak aṃ saññ* ~ “I put forth this

gāthā describing the four types of judges who are teachers (ācariya) of the litigants”.

Ends *anhoñ cā phvai. nhañ ta kva so uccā kye kyvan kui ma vay ap so tarāḥ* |

*Dhammasat kyau pañcama puiñ* | *sakraj 1133 khu vā chui la praññ kyau ra rak 4 ne.*

*naṃ nak ta khyak tī kyau tvañ dhammasat rhve maññḥ pañcama puiñ kui re kū r\* prī*

*aoñ mrañ saññ* | ~ “[Thus ends the] Fifth Book of the Dhammasat Kyau. Following

the 1st morning bell on Thursday, the 7th day after the full moon of Vāchui, 1133

[1771], the fifth book of the Dhammasat Rhve Maññḥ was successfully copied”.

Book 6: ka(v)-khā(r). Copied 1133/1771. Title as given in colophon: *Dhammasat kyau rhve myaññ*.

Book 7: ka(v)-kāḥ(r). Copied 1133/1771. Title: *Dhammasat kyau rhve mraññ*.

Book 8: ka(v)-kaṃ(r). Copied 1133/1771. Title: *Dhammasat kyau rhve maññ*.

Book 9: ka(v)-kāḥ(r). Copied 1133/1771? Title: *Dhammasat rhve*.

Book 10: ka(v)-khū(r) Copied 1133/1771. Title: *Dhammasat kyau rhve maññ*.

### **MSRb=MORA9421**

Copied s.1146/1784. Pali and Pali-Burmese nissaya. ka(v)-nū(r), sequential foliation, occasionally inconsistent; probably copied by a single scribe. 1 Pali + 10 nissaya

books. 1st book contains Pali pāṭha text, MSRP. Generally a fair copy; good

handwriting. Clearly states authorship by Toñ Bhī Lā and Manurāja only in Pali Book,

but mentions earlier recensions of Pyū Mañḥ Thīḥ and Buddhaghosa in the Pali Book

and Book 1.

Notes:

Pali book begins *sujjanāsajanāsevaṃ* and ends *palantapakāraṃpare*. Contents are referred to as the *dhammasat vaṇṇa* (Pali: *vaṇṇanā*, “exposition”) in the Burmese colophon. On f. kī(r) gives gāthās:

*kuiṅgāmassa phalindena | paṇḍitena sukhesīnā | narādhi  
narādhipupanissāya lokānamattasājhakaṃ | sakketicācaritehi sodhitaṃ  
dhammasatthakaṃ* (on which see below).

MSRbP does not mark transitions between Pali books.

Nissaya Book 1: Ends on gi(v). Title as given: *Manusāra amañ rhi so dhammasat kyamḥ* ~ “The dhammasat with the name Manusāra”. Copying finished on the 13th day of waxing Nayuṃ, 1146 [1784] .

Book 2. Very brief scribal colophon that includes neither the title or date.

Book 3. Ends on nāḥ(r)., Title: *Rhve myañ dhammasat*. Copying finished the 5th day following the full-moon of Nayuṃ, 1146.

Book 4. Ends on chu(r)., Title: *Rhve myaññ dhammasat*. Copying finished on the 15th day following the full-moon of Nayuṃ, 1146.<sup>733</sup>

Book 5. Colophon [jo(v)]: *ī sui. lhyañ dhammasat kyau paññcama puñ n\* cī cañ ap  
[jau(r)] so adhippāya taññ prīñ praññ. chuṃ e\* | terabhādhītavasamhi  
satarajjasahassakejantanahinatasukhettaṃ dhammarājanarājitaṃ  
amitagūṇasampannaṃ garuṃ katvāpamānataṃ | maharājanena tohitaṃ | tena  
maññena sappesampajānaṃ vukkhikam pi ca amhākaṃ rājino cāpi pavattitaṃ  
icchitatun taṃ niṭṭhitaṃ [...]* Title: *Dhammasat rhve myaññ*. Copying finished Tuesday, the 9th day following the full-moon of Tau sa lañ.

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<sup>733</sup> I.e. Nayuṃ la kvay or the day of the “hidden moon”, the final day of the month of Nayuṃ.

Book 6. ññi(r), Title: *Dhammasat rhve myaññ*. Copying finished the 13th day following the full-moon of Tau sa lañ.

Book 7. ñū(r), Title: *Rhve Myañ*. Copying finished Wednesday, the 2nd waxing of Sa tañ kvyat, Wednesday.

Book 8. ñhai(r), Title: *Dhammasat rhve myaññ*. Copying finished the 4th waxing of Sa tañ kvyat.

Book 9. ñam(r), Title: *Rhve Myañ*. Copying finished the 9th waxing of Sa tañ kvyat.

Book 10. Title: *Rhve myañ chai tvai dhammasat kyam; Rhve myaññ dhammasat*. Copying finished on the 5th day of waxing Ta choñ muṃ.

#### **MSRc=UCL5440**

Copied s.1230/1868. Pali-Burmese nissaya. ka(v)-ḍha(r). Sequential foliation; probably copied by a single scribe. Book titles are written in upper right hand margin of verso folios. 10 nissaya books of MSRnis; no Pali pāṭha text. Generally a Good copy; good handwriting. Complete. Mentions Pyū Mañ Thīḥ and Buddhaghosa recensions in Book 1. Following the final gāthās below, all books contain a brief scribal colophon giving only the copy date. Bound with the *Abhidhammavattu* (nissaya commentaries on the 7 books of the abhidhamma, Burmese titles—Vol 1: *Abhidhammasaṅgaṇi-abhidhammā-vattu*, Vol 2: *Vibhañ kyamḥ*, Vol 3: *Dhātukathā*, Vol 4: *Puggalapaññāt*, Vol 5: *Kathāvattu* Vol 6: *Yamuik*, Vol 7: *Paṭṭhān*) copied s.1230 [1868], perhaps by the same scribe, but handwriting is in places inconsistent.

Notes:

Book 1. ka(v)-kāḥ(r) (prior to kaṃ)<sup>734</sup>. Book 1 ends on ln.7 of kāḥū(r) without the narrowing of writing between the manuscript holes as is common with the ending of the rest of the books of the text. Book 1 ends on the same folio as Book 2 begins. Colophon gives *guiṅgāmassaphalindena paṇḍitena sakhesinā narāvīpuphanissāya lokanamattasādhakaṃ sattetiitacariyehi sodhitaṃ dhammasatthakaṃ*, which it leaves un glossed.

Book 2. kāḥū(r)-gī(r). Contains “table of contents” giving folios for laws indexed on the initial folios of the book, although foliation does not correspond to the actual leaves! See below for a discussion of such tables. Title given is *Dhammasat rhve myaññḥ*.

Book 3. gu(v)-gho(r). Begins *suṃ khu mrom [...] sumpāḥ so {tanḥ chui} tarāḥ kui chui lui so tarāḥ | ghu | agati le pāḥ [...] ~ “The third [book ...] the threefold law [of bribery]. | [folio] ghu | the fourfold agati [...]”*. Ends *amve trāḥ khu nhac pāḥ kui sh tvañ aprī sat saññ ~ “The sevenfold law of inheritance is concluded”*. Contains table of contents but this does not correspond to actual foliation. Title given is *Dhammasat rhve myaññ*.

Book 4. ghau(v)-cū(r). Begins *le khu mrog [...] kaññā le pāḥ tarāḥ [...] ~ “The fourth [book...] the four types of maiden”*. Ends [...] *mrui kui lañ r\* lhvat rā e\* | ma rui ma se kyañ so tarāḥ [...] ~ “[...] turned towards the village and released. The law regarding slaves who do not show respect [to monks, brahmins and parents...]”*. Title

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<sup>734</sup> This order of these folios is reversed. The rest of the mss follows the typical pattern of foliation *ka, kā, ki, kī, ku, kū, ke, kai, ko, kau, kaṃ, kāḥ, kha, khā, khi*, and so on.

given is *Dhammasat rhve myaññ*. Contains table of contents but this does not correspond to foliation.

Book 5. ce(v)-chau(r). Begins *nāḥ khu mrom [...] amhu saññ chrā tarāḥ sū kriḥ le pāḥ [...] ~ “The fifth [book...] The five types of judge who are masters of the litigants [...]”*. Contains table of contents, although this does not correspond to foliation. Ends *anhoṇ aphvai nhaṇ. ta kva kyeḥ kyvan uccā kui ma vay ap so tarāḥ ~ “The law stating that it is unlawful to sell property, slaves, or money that has been bonded [is finished]”*. Then the authorial colophon: *terāsādhikavassamhi sakaraje saḥassake | jantunamhitasukhattaṃ | dhammarājenayājitaṃ | amitagaṇasampannaṃ | guruṃ katvā paṭhanakaṃ*.

Book 6. chaṃ(v)-jāḥ(r). Begins *khrok khu mrok [...] khui khraṇ lakkhaṇa nāḥ pāḥ [...] ~ “The sixth [book...] The five types of theft [...]”*. Table of contents does not include folios. Ends *ī saññ aprāḥ tarāḥ | mi loṇ aprāḥ tarāḥ ~ “The law regarding this subject, the law regarding arson [is finished]”*.

Book 7. jha(v)-ññā(r). Begins *khu nhac khu mrok [...] kyin mi r\* aprac ma rhi so tarāḥ [...] ~ “The seventh [book...] The law regarding the {four types of} curse that will not produce a bad consequence [...]”*. Contains table of contents which does not correspond to foliation. Ends *saṇ sh tuiṇ khaṃ luig rā 6 trā ~ “The law regarding the inheritance of separate (saṇ saññ, MB saṇḥ sīḥ) property”*.

Book 8. ññi(r)-ṭā(r). Begins *rhac khu mrok [...] kyvaṃ vay rā so lakkhaṇā sumpāḥ tarāḥ ~ “The eighth [book...] The law regarding the three modes of selling slaves”*. Contains table of contents that does not correspond to foliation. Ends *dhammasat*

*kyamḥ e\* anak adhippāy kuiv lhyañ ma prat mhat ap e\* hū lui sa tañ* ~ “It is said: ‘do not lose sight of the meaning of the dhammasat but take heed and listen!’” Folio ṭā was thought lost until found elsewhere in the bundle in between folios kāḥ and kha of *Dhammasaṅgaṇi*.

Book 9. ṭi(r)-ṭhi(r). Begins *kui khu mrok [...]* *ruik khat khyañ tarāḥ [...]* ~ “The ninth [book...] The law of assault [...]”. Table of contents does not include folios. Ends *loñ tam kra so tarāḥ prī prī* ~ “The law of gambling is finished”.

Book 10. ṭhū(v)-ḍha(r). Begins *chay khu mrok [...]* *nhac la chuṃ phrat r\* roñ so kyvan kui rve so tarāḥ* ~ “The tenth [book...] The law repurchase of a slave after a certain amount of time after s/he has been sold”. Contains table of contents without foliation. Ends *iti ubhāsakānaṃ | ī sui so akhvan kui kareḥ pru rā e\* | dhammasattapakaraṇaṃ niṭṭhitam* ~ “Such a tax should be paid. The text of the dhammasattha is finished”.

### **MSRd(-laṅkā)=UCL63446**

Copied s.1227/1865. ka(v)-ko(r). Good copy. This is not a version of the MSR but rather the first book of a MSR-*laṅkā*, a retelling of the first book of the MSR in mixed vernacular verse. I mention it here because it discusses the Pyū Mañḥ Thīḥ and Buddhaghosa recensions on folio kā(v). It also mentions the Mon recension.

### **MSRe=UCL9183**

No copy date. Nothing particularly archaic about the format, handwriting or orthography. Pali-Burmese nissaya; ka-ññī(r), sequential foliation, some folios missing. Not complete but final folio corresponds to the middle of Book Ten in MSRh

and similar manuscripts. Almost certainly copied by a single scribe. Not divided into books. Fair handwriting. Extensive marginalia providing subject of the text on the folio.<sup>735</sup> Mentions earlier recensions of Pyū Co Thīḥ<sup>736</sup> and Buddhaghosa on ff. kā(r)-(v). States that the text was translated or glossed (from Pali, presumably) into Rāmaññadesabhāsā (Mon) by a certain Raṇṇavaṃsa. The text does not mention Kuiṅ Cā Manurāja or Toṅ Bhī Lā Sayadaw. However, the folios ko and kau which should contain the reference to Kuiṅ Cā (corresponding to the final folios of Book 1 and the first folio of Book 2 in other manuscripts) are missing. On folio ku(r) Brahmadeva’s son, who is ultimately responsible for collecting the dhammasat, is called Manosāra not Manusāra. Below we will discuss questions of variation in this manuscript in more detail, for present purposes what is important to note here is that MSRe is not entirely consistent with other versions of the MSR in terms of the arrangement of the text. It may be reasonable to assume that this is a different recension of the text, perhaps based on that of Buddhaghosa?

**MSRf=UCL11460**

No copy date. ka-kaṃ(r). Good copy. Contains only the first book of the MSR-nis  
Virtually identical to MSRh-nis

**MSRg=UCL11941**

No copy date. ka-khu(r). Good copy. Contains only the ninth book of the MSR-nis  
Virtually identical to MSRh-nis

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<sup>735</sup> Some of which inaccurately represents the contents. E.g. on f. ku(v) the marginal notes read that the body of text describes “the marriage of Manu-ṛṣi with the Gandhabba-kinnarā”. While it is true that the text mentions the marriage, nowhere does it call Brahmadeva “Manu”.

<sup>736</sup> N.b. the spelling here which is different from other MSR mss.

**MSRh=BL Add 12241**

s. 1135/1773. ka-thā(r). Good copy. Contains complete versions of both MSRP and MSRnis. Mentions earlier recensions of Pyū Mañḥ Thīḥ and Buddhaghosa in MSRP and Book 1 of MSRnis. Written by Kuiñ Cā Manurāja and Toñbhīla Sayadaw.

Notes:

The manuscript seems to have been the only MSR version in this collection that was copied in consecutive scribal sessions. Copying began on the 1st day of waxing Tagū (March-April) in 1773 and continued over the following 23 days until complete on the 8th day following the full-moon of Tagū. I have taken this version as the basis for comparison with other manuscripts since in many cases the Pali is of a slightly more readable (i.e. less “corrupt”) quality than in other versions that contain MSRP. Most of the scribal colophons that end each book follow a basic format, e.g. the scribal colophon to MSRh-nis, book one [gai(r)]: *sakkarāj 1134 khu ta kū lchanḥn 2aṃ 7 ne. ne suṃ*

*khyak tīḥ khā nīḥ tvañ rhve myaññ dhammasat pathama tvai kui reḥ kūḥ r\* prīḥ saññ | nibbānnapaccayo hotu |* ~ “The copying of the first book of the Rhve Myaññ dhammasat was finished around the 3rd bell of the afternoon on the 4th day of the week [i.e. Wednesday], 2nd waxing [of the month of] Ta kū, s.1134. May [this scribal act] be a condition of nibbāna”. Authorial colophons, discussed below, are found at the end of books 1, 3 and 5.

Each nissaya book begins with a “table of contents”, but folios are not indexed.

**MSRi=UCL9781**

s.1230/1868. ka(v)-ṭāḥ(r). Good copy. Contains books 2-10 of the MSR. Corresponds to MSR<sub>h</sub> aside from scribal colophons and minor orthographic variations. Book 3 ends with the gāthās of MSR<sub>h</sub>P 32-41, which is followed in Burmese by “the third book of the dhammasat kyau by Toṅ Bhī Lā Sayadaw is finished”.

**MSRj=UCL17761**

Copied s1210/1848. ka(v)-ḍhe(r). Nissaya only. Possibly different scribes copied books 1-7 and 8-10. Good copy. Contains Book One colophon. Does not contain Book Three colophon (MSR<sub>h</sub>P 32-41), which ends with a gloss on MSR<sub>h</sub>P 24-31 ending *dāyajjāsattavuccare*. Contains book 5 colophon = MSR<sub>h</sub>P 52-68. At the end of Book Ten (folios ḍhu(v)-ḍhe(r)) all three colophons found in other mss at the end of Books 1, 3, and 5 are compiled together and the first two are glossed.

**MSRk=UCL8398=VDhMP**

No scribal colophon or copy date. Written s.1131/1769. Contains only the Pali pāṭha text. 25 folios, ka-dhāḥ(v). Good handwriting. Closely parallels MSRP in chapters 1 and 2 and then departs significantly. It is in fact not the MSRP but the VDhMP recension written by Vaṇṇadhamma Kyau Thaṅ, though it does not contain the VDhMP nidāna. The other surviving manuscript of this text is UCL 6757. See the discussion of the VDhMP below.

**MSRl=UCL105682**

Copied s.1239/1877. ka(v)-taṃ(r). Good copy. Unusual handwriting slants sharply from the upper left to lower right. Probably copied by a single scribe. Contains complete pāṭha text, which ends on khī(r) with *phalantupakāarakare* (cf. MSR<sub>h</sub> khe(r)),

12), followed directly by the Pali text of the colophons of book 1, 3, and 5. As with MSRm the Pali book contains markings dividing all ten books. The Pali book is then followed on khū(v)ff. by 10 books of the nissaya, which are complete except for one missing folio, jhi. Text closely parallels MSRh.

Notes:

Pali Book: ka(v)-khu(r). On ki(r) gives the Book One colophon followed by *paṭhamam niṭṭhitam* (“the first is completed”). On ku(v) at the end of Book Two (cf. MSRh-P kū(v), 14) gives *dutiyaṃ* (“second”). On kai(r) gives Book Three colophon (MSRh-P ko(r), 32-41) followed by *tatiyaṃ* (“third”). On kai(v) Book Four ends [.../ *vilumpaye* (cf. MSRh-P ko(v), 67) followed by *catuttaṃ* (“fourth”). On ko(r) gives Book Five colophon followed by *pañcamam* (“fifth”). On ko(r) gives *palāyanam* (cf. MSRh-P kau(v), 25) followed by *chaṭṭhamam* (“sixth”). On ko(r) gives *paribhāsaya* (cf. MSRh-P kau(v), 29) followed by *sattamaṃ* (“seventh”). On ko(r) gives *tabbahātā* (cf. MSRh-P kau(v), 33) followed by *aṭṭhamam* (“eighth”). On kaṃ(v) gives *abbhūtam dade* (MSRh-P kha(v), 16) followed by *imināsabbasattānam muttāvasokabandhanā tathevadantujanindassa* (this gāthā not attested in MSRhP) and then *navama* (“ninth”). Book Ten ends on khu(r) with *pakāramkare* (cf. MSRh-P khe(r), 12), then the three Pali authorial colophons of Books 1, 3, and 5 are reproduced.

Nissaya Book 1: khū(v)-gu(r). Contains Pali authorial colophon, which it does not gloss.

Nissaya Book 2: gū(v)-ghau(r). Contains table of contents without foliation.

Nissaya Book 3: ghaṃ(v)-cā(r). Contains table of contents without foliation. Ends with corrupt Book 3 Pali authorial colophon which it does not give a nissaya gloss.

More correct forms of the relevant gāthās of the colophon are found on kai(r) and

khu(r). Immediately following this citation the scribal colophon continues in Burmese: “The *Maṇu rhve myaññh* by the venerable monk Toṅ Bhī Lā (*toṅ bhī la bhumḥ tau krīḥ*) is finished. On the 12th day of waxing Tau sa laṅḥ, Tuesday, following the third bell, the copying of the third book of the *Manu vaṅṅanā rhve mraṅḥ* is successfully completed. Pu, Ti, Āḥ, [&c., &c...].”

Nissaya Book 4: cī(v)-chaṃ. Contains table of contents without foliation.

Nissaya Book 5: chāḥ(v)-jhā. Contains table of contents without foliation. The end of this Book, folio jhi, which would presumably contain the Book Five colophon, is missing.

Nissaya Book 6: jhī(v)-ññai(r). Contains table of contents without foliation.

Nissaya Book 7: ñño(v)-ṭāḥ(r). Contains table of contents without foliation.

Nissaya Book 8: ṭṭha(v)-ḍi(r). Contains table of contents without foliation.

Nissaya Book 9: ḍī(v)-ḍhe(r). Contains table of contents without foliation.

Nissaya Book 10: ḍhai(v)-taṃ(r). Contains table of contents without foliation. A number of folios are missing from this book. Ends with a gloss on *iti upakāraṃ kare* on f.to(v) and then on the following folios tau and taṃ reproduces all three Pali authorial colophons and glosses them. This is the only manuscript to cite and gloss all three colophons in this fashion.

### **MSRm=NL Taṅ 10**

Copied s.1218. Good copy. Folios ka-ṭhai(v). Complete versions of both MSRP and MSRnis books 1-9. MSRnis book 10 is missing.

Pali book: End of equivalent to MSR Book One on f. ki(v) missing. Skips from *yathākā*...[MSRh kī(r) ln. 18] to *...saddha ye* [MSRh kī(v) ln. 43]. Otherwise the end of different Pali books are noted by a simple *dutiyam*, *tatiyam*, *catuttam*, etc... at the

relevant points of transition. At the beginning of Book Six only [f.kai (r)] we find *namāmāmi ratanattayaṃ*. Copied s.1239/1877, 3rd waxing of Natau (Nat tau).

Nissaya Book 1: Colophon gives title as *Manusāra amaññ rhi so dhammasat*, written by the judge Manurājā, “Eater of Kuiñ Village”, and Tipiṭakālaṅkāra Toñ Bhi Lā Sayadaw. Copying finished the 5th day following the full moon of Nat Tau 1239 (1877). The other nissaya authorial colophons closely parallel MSRh. All nissaya books contain “table of contents” without indexed foliation.

**MSRn=UCL11841**

No copy date. Includes only Book Three of MSRnis. Gives title as *dhammasat kyau* on f.cau(r). Otherwise similar to MSRh-nis Book Three.

**MSRo=UCL136906**

No copy date. Contains only Book Two of MSRnis. Otherwise similar to MSRh-nis Book Two.

**MSRq=NL Toñ 1540**

Copied s.1107/1745. Contains books five and three of MSRnis. Reads at the end of Book Three, f.si(r): *toñ bhū lā bhun tau krīḥ cī rañ pra tau mū so dhammasat kyau tatiya puiñ kāḥ priḥ e\* | ~* “Thus is finished the third book of the *Dhammasat kyau* compiled by Toñ Bhi Lā Sayadaw”. Similar to parallel books in MSRh-nis.

**MSRr=NL Bhāḥ 874**

Copy finished s.1119/1757. Contains Book Ten of the MSRnis. I was unable to consult this manuscript in detail.

**MSRs=NL Kañh 73**

No copy date. f.ka begins the Fourth Book of the MSRnis. Total 145 folios (ka-ḍa). I was unable to consult this manuscript in detail.

**MSRt=NL Bhāḥ 11**

Copied 1207/1845. Contains five books of the MSRnis. 118 total folios (ka-ññau). I was unable to consult this manuscript in detail.

**MSRu=NL Bhāḥ 17**

Copied s.1202/1840. 104 total folios (ka-jhai). I was unable to consult this manuscript in detail.

**II. The organization of the *Manusāra-pāṭha***

The MSR is made up of two different texts, the *Manusāra-pāṭha* (MSRP) and the *Manusāra-nissaya* (MSRnis). In most manuscripts the MSRP is approximately 20 folios long, though the exact length is dependent upon scribal circumstances (themselves largely determined by the inclinations of the donor) such as the number of lines per folio (e.g. MSRh contains 8 lpf. whereas MSRm contains 9 lpf.) and the style of handwriting. The MSRP did not circulate as an independent text in the 18th and 19th centuries; at least I have been unable to locate any surviving manuscripts containing only the MSRP. Rather, the MSRP is always found compiled together with the MSRnis, which comprises a lengthy nissaya interphrasal gloss and commentary on the text of the MSRP. The MSRnis is a much longer text, approximately 180-200 folios in length in the majority of manuscripts. The MSRP survives complete in four manuscripts: MSRb (copied 1784), MSRh (1773), MSRI (1877), and MSRm (1856).

All of these manuscripts contain largely identical content, though none of them can be shown to have served as the immediate basis for another. There are two surviving related manuscripts (MSRk and UCL 6757) in which a complete Pali text is preserved independently from a nissaya gloss in the same bundle. Although this text reproduces much of the text of MSRP, especially as regards the contents of books 1-3, it is a later recension so cannot be classed as a MSRP version.<sup>737</sup> It is interesting to note, however, that this later recension apparently did circulate in an independent Pali version.

The MSRP is written entirely in Pali verse, in the usual eight-syllable *vatta* meter. Scansion is often inconsistent when considered in light of the classical theory of *vatta*, but throughout the text the pāda structure of each line is rigorously adhered to. The even lines of classical *vatta* lines typically contain a final pāda whose syllables scan as short-long-short-long, and this is often (but not always!) followed throughout the MSRP. There is far more variation in the rhythm of odd lines.

The significant differences among the MSRP versions included in these manuscripts are principally formal, and relate to the organization of sections of text into *khandha* (“books” or “chapters”), not to content proper. In fact, aside from the usual and frequent variations in the transcription of Pali—often a product of phonological similarities among different akṣaras that are transposed during the copying process—the text of the MSRP is basically identical in all four manuscripts. However, in some manuscripts the text is organized into ten chapters where in others it is presented as one long composition without numbered sections. In the earliest manuscript, the MSRhp, the only explicit division of the various *khandha* comes at the end of book nine which is marked by “*dharmasattaṃ navamakaṇḍāṃ*” (“the ninth book of the dhammasattha [is finished]”). Curiously, none of the other sections of the

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<sup>737</sup> See the discussion of the VDhMP below.

text are so marked. The next earliest manuscript, the MSRbP, is not explicitly divided into books anywhere in the text. We must contrast this with the two later manuscripts of the MSRP, which each mark the explicit division of ten different books in the text. Both the MSRIp and MSRmP place at the end of each “book” the Pali ordinal words *pathamaṃ* (“first”), *dutiyaṃ* (“second”), etc., to designate transitions between books. It is tempting to attribute these differences to later commentarial engagement with the text and attempts, over time, to make the MSRP more “user-friendly” by trying to schematize and organize the contents. Yet, aside from these numbering conventions all manuscripts of the MSRP contain a number of internal section-marking devices (which are preserved in the later manuscripts) that must have originally served a similar function to indicate transitions within the text. These are usually placed at the end of a particular section of the text that discusses an individual point or title of law. There are lengthy “authorial colophons” (discussed below) at three places in the text—which correspond to the end of books 1, 3, and 5, in the later manuscripts—in addition to the frequent use of such transitional phrases. But neither these internal authorial colophons nor these transitional phrases are accompanied by any indicators that they serve as the endpoint of a “book” or “chapter” of text. The most common transitional phrases used throughout the text are:<sup>738</sup>

Some formulations with *pakāsita*

*dhammasatte pakāsītā / dhammasatthe pakasitaṃ* “It is shown in the dhammasattha”

f. *kī(v)* 3; *kau(r)* 35; *kaṃ(r)* 39, 63; *kaṃ(v)* 6, 34, 46, 57; *kī(v)* 3

*paṇḍitena pakāsitaṃ / paṇḍitehi pakāsītā* “It is shown by the *paṇḍitas*”

*kai(v)* 46; *kau(r)* 23

*pakāsītā / pakāsitaṃ* “It is shown”

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<sup>738</sup> The following citations refer to the text of MSRhp transliterated in Appendix I.

kai(v) 58; kau(v) 41, 57; kaṃ(r) 22, 47; kaṃ(v) 38, 50;

Some formulations with *iti*

*iti vuttaṃ mahesinā* “Thus is said by the great ṛṣi”

ku(r) 39

*iti vuttaṃ va isinā* “Thus is said by the ṛṣi”

ko(r) 11

*iti nayaṃ vijānatā* “Thus the rule is made known”

ko(r) 30

*iti evaṃ lumpadhanā* “Thus in reference to the destruction of property”

kau(v) 62

Insofar as we are able to reconstruct earlier and later approaches to the arrangement of the MSRP on the basis of surviving manuscripts, it seems reasonable to conclude that earlier recensions of the text were probably not organized into ten books, but used transitional phrases such as those cited here to provide the narrative linkage between different “sections”, even though sections were not specifically enumerated. The utilization of transitional phrases occurs rather haphazardly through the MSRP, so we must be careful not to over-emphasize the degree to which the text was schematized. The later manuscripts of the MSRP divided the text into ten explicit chapters for organizational purposes, and also due to the influence of the arrangement of the MSRnis, which is itself divided into 10 books, each of approximately 10-20 folios in length. As the MSRP continued to circulate and be read alongside the MSRnis, scribes attempted to make explicit the way in which the MSRP was indexed to the ten books of the MSRnis. That is, when it was first compiled the MSRP was not organized into 10 books. But when the MSRnis was written it was as a compilation of

ten books, each containing a nissaya gloss commentary on certain sections of the MSRP. Over time the divisions of the MSRnis crept into the very organizational framework of the MSRP itself, even though those divisions were initially foreign to it. We will return to this below in our discussion of the authorship of the MSR.

### III. The *Manusāra-nissaya*

The MSRnis is itself a sprawling composition which has an uneven and complicated relationship to the text of the MSRP. Although all the gāthās found in the MSRP are glossed in the MSRnis, the MSRnis does not simply proceed through the entire text of the MSRP glossing each of the gāthās one by one in orderly fashion. Different sections of the nissaya “books” must be dealt with separately to understand how the nissaya operates differently throughout the entire text. In Books 1-3 the MSRnis has a very close relationship with the MSRP. All the vernacular passages in these books map directly onto the Pali gāthās in the MSRP in a systematic and consistent way. In almost all cases, the gāthās of the MSRP are cited in succession and then given an interphrasal nissaya gloss. In some cases this is followed by an additional explanation of the “meaning” (*adhippāya*) in Burmese. Compare the following sample nissaya section from Book Two:

[1. Vernacular introduction to legal content of citation:]

*sāḥ aprāḥ ta kyip nhac yok tuiv kuiv laññ koṇ | thuiv ta kyip nhac yok so sāḥ tui. tvaṇ | khrok yok so sāṇ tui. sāḥ amve khaṃ thuik saññ kui chuiv luiv r\* | ī gāthā kui tak aṃ saññ |*

[2. Pali citation from MSRP:]

*orasaputtakhettaḥajā | heṭṭhimā ceva puppakā | kittimā ca apatiṭṭhā | chaputtā dāyabandhavā |*

[3. Nissaya gloss of #2.:]

*orasaputtā ca | raṇ nhuik phrac so sāḥ tui. laññḥ koṇḥ | khettaḥajā | khetta phrac so kyvan ma sāḥ tuiv laññḥ heṭṭhima ceva | aprōṇ sā tuiv laññḥ koṇ | puppakā ca | laṇ*

hoñḥ mayāḥ hoñḥ sāḥ tuiv laññḥ koñḥ | kittimā ca | amyāḥ kuiv si thañ ce r\* sāḥ pru so sāḥ tuiv laññ koñḥ | iti chaputtā | ī khrok yok so sāḥ tuiv saññ | dāyabandhavā | ami apha tuiv. e\* amve uccā kuiv khaṃ thuik kun e\* |

[4. Adhippāya/meaning in Burmese prose:]

adhippāy kāḥ | ami apha tuiv saññ sāḥ sa mīḥ tuiv nhañ. thim mrāḥ rve so sāḥ kuiv | orasa hu chuiv sa taññ | {kvan ma n\* phrac so sāḥ}<sup>739</sup> | mi mi khetta hu chuiv ap so akhraṃ araṃ nhuik phrac so kroñ. khettaja hu chui ap sa taññ | apron sāḥ kuiv sañ mi saññ | mayāḥ kriḥ aok phrac so kroñ | heṭṭima hu chui ap sa taññ | lañ hoñḥ mayāḥ hoñ sāḥ kui | puppaka hu chuiv ap sh taññ<sup>740</sup> | araññ akhyañ rhi so sāḥ kuiv | ī sū saññ sāḥ phrac ce hu | amyāḥ si ce r\* sāḥ pru so sāḥ kui kittima hu chuiv ap sa taññ | mi bha phrac khai. r\* mhi khui tai rap ca rā ma rhi so kroñ. kok r\* mve so sāḥ kuiv apatiṭṭha hu chuiv ap sa tañ | ī khrok yok so sāḥ tui. saññ | ami apha e\* amve uccā kui khaṃ thuik kun e\* hu lui sa taññ<sup>741</sup> |

[Translation of Burmese portions:]

[1.] I shall put forth<sup>742</sup> the following gāthā with reference to the mode of inheritance of the six types of sons who among the twelve types of sons are entitled to inherit.

[2.] orasaputtakhettaja | heṭṭimā ceva puppaka | kittimā ca apatiṭṭhā | chaputtā dāyabandhavā |

[3.] orasaputtā ca | Sons who are [born] of the breast (rañ nhuik) | khettaja | and sons who are born of slave-women of the field<sup>743</sup> | heṭṭimā ceva | and sons of concubines (apron) | pubbā ca | and sons of former husbands or wives | kittimā ca | sons who are adopted (sāḥ pru) and recognized as such by many [people] | patiṭṭhā ca | foundlings that have been brought up [by the parents] | iti chaputtā | Such are the six types of sons | dāyabandhavā | entitled to the inheritance of the parents.

[4.] The meaning [of this gāthā] is as follows: Sons who are born of a son and daughter who have been given in marriage (thim mrāḥ) by their parents are called

<sup>739</sup> Missing in MSRm

<sup>740</sup> Minor variations in the language of these sections are for the most part not reproduced. E.g. differences between MSRm *hu chuiv ap sh taññ*. and MSRh *hu chuiv sa taññ*.

<sup>741</sup> From MSRh ghu(r)-(v) [0047] and MSRm gau (r)-(v).

<sup>742</sup> *tak aṃ* > literally “advance”, “raise up”, “lift”; the meaning here however is that the compiler is “citing” from the text of the MSRP. For resonances of this usage with the discourse of “lifting words” in Thai and Lao nissaya see McDaniel, *Gathering Leaves*.

<sup>743</sup> While each of these different rules appear to apply to both mothers and fathers equally, here and elsewhere in the MSR and other dhammasatthas it is presupposed that any children born from relations between a free woman and a male slave are not considered legitimate and thus may not have claims to inherit.

“*orasa* sons”. Sons who are born [from the union of] a slave-women and her owner are called “*khettaja*”<sup>744</sup> because they are *born* to attendants (*akhraṃ araṃ*) which are known as one’s own “*khetta*” (fields). The son of a concubine is known as “*hetthima*”<sup>745</sup> because he is born to a woman who is under the hand of the major wife. The son of a former wife or former husband is called “*pubbaka*”<sup>746</sup>. The son who is known as “*kittima*”<sup>747</sup> is the child who has been made a son (i.e. adopted), by making it publicly known that he, of such qualifications (*araññ akhyaṇ*), is a son. A child who has been found abandoned by his parents and without any refuge or support and then raised (*mveḥ*) [by his new parents] is known as an “*apatiṭṭha*”<sup>748</sup> son. The meaning of the *gāthā* is that these six are the sons who are entitled to the inheritance of the parents.

This classification of the six out of twelve types of sons who are entitled to inherit has a long genealogy in Burma and in *dharmaśāstra*. And it is clear that such representations in the *dhammasattha* tradition have a closer association with Sanskrit *smṛti* texts rather than canonical Pali materials.<sup>749</sup> Other *dhammasatthas* gloss these terms differently; some, for example, maintain that only an *orasa* (lit. “breast-born”) son is entitled to inherit.<sup>750</sup> For present purposes I do not want to deal with the content of this passage but rather its form, since it concisely captures the basic format of the *MSRnis* as it is found in the first several books. The four-stage process of vernacular introduction > Pali citation > *nissaya* > vernacular *adhippāya* is repeated throughout books 1-3 of the *MSR*. This same structure of *nissaya* passages is evident in a number of other *dhammasattha* and premodern *nissaya* texts in manuscript, and might be

<sup>744</sup> *khetta-ja*, lit. “born of the fields”.

<sup>745</sup> Here the compiler seems to be playing off of the meaning of *hetthima* as “lowest” and its resonance with the term *hattha*, “hand”.

<sup>746</sup> lit., a “former one”.

<sup>747</sup> lit. “that which is made” (Skt. *kṛtimā*).

<sup>748</sup> lit. without *patiṭṭha* or a “support”.

<sup>749</sup> For *dharmaśāstra* on the twelve sons see the discussion in Kane, *History*, vol. III, pp. 641 ff and Ganganatha Jha, *Hindu Law in its Sources*, Allahabad, The Indian Press, 1933, II, pp. 170ff. The common enumeration in Pali literature is a set of four, including *atraja*, *khettaja*, *antevāsika*, and *dinnaka*. Compare Nd II, 210; *Jāt-a*, I, 135; *Sādhuvilāsini-CSCD*, *ganthārambhakathāvaṇṇanā*.

<sup>750</sup> For a comparison of different *dhammasatthas* on this issue see *DBBL*, vol. 1.

regarded as the fullest expression of the nissaya exigetical style. The entirety of MSRnis books 1-3 operate more or less exactly like this.<sup>751</sup> The compiler does not discuss additional laws or provide extended vernacular commentary on the text. Yet once we move into Book Four we see that gradually a different type of commentarial strategy is at work, which signifies a different sort of relationship between the MSRP and the MSRnis. Quite dramatically, as the text progresses through books 4-8 the MSRnis becomes less and less constrained by the text of the MSRP. While the MSRnis continues to work its way through the gāthās of the MSRP, from Book Four it begins to insert lengthy vernacular sections that do not have the gāthās of the MSRP as their basis.

Book Two contains 53 nissaya sections, each of which parallel in form the passage concerning the six types of sons reproduced above. These map directly onto and engage with 53 corresponding gāthās in the MSRP. If we compare the text corresponding to Book Two of the MSRP in Appendix I each section of Pali text that occurs between asterisks is cited and then glossed by the text in consecutive order throughout the MSRnis Book Two. These citations and their glosses are the *only* sort of content found in MSRnis Book Two. This holds also for Books One and Three—all of their content is drawn directly from citations from the MSRP, which are provided a nissaya gloss in successive sections of the text. There is one major exception to this, at the end of Book Three where monastic inheritance is discussed. After glossing the relevant gāthā from the MSRP<sup>752</sup> the glossator interjects to state that the rule is contradictory to the provision in the Vinaya.<sup>753</sup> By contrast Book Four contains 61

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<sup>751</sup> One exception is that in Book 1 the first stage of this process where a particular law is introduced is omitted, since that book is not concerned with enumerating laws contained in the MSRP but rather with glossing the Pali account of the *aṭṭhuppatti* of the text itself.

<sup>752</sup> Cf. MSRhp kai(v), 24lf. in Appendix I.

<sup>753</sup> MSRhp, f.cai(v). This passage will be discussed in the Conclusion.

different sections discussing individual laws but only seventeen of these are nissaya sections deriving from citations of the MSRP. Similarly, Book Five discusses a total of 54 laws, only 13 of which are nissayas of citations of passages in the MSRP. And the entirety of Books Seven and Eight each cite and gloss only *a single* Pali gāthā from MSRP in the course of their discussion of numerous laws in the vernacular. Books Nine and Ten however return to follow the pattern of Books 1-3 and parallel the content and arrangement of the MSRP more closely.

Such portions of the MSRnis that do not rely directly on Pali citations from the MSRP are therefore not presented in nissaya. Yet the format of the “vernacular” laws contained in such sections has its own logic. The following is a representative section of the law concerning “midnight visitors” taken from Book Four:

[1.] *akraṇ cheḥ sa māḥ hūrāḥ gaṇan atat saññ | asi akvay phrac so sū saññ | akraṇ aim rhaṇ e\* kroṇ kra krī so kroṇ. ññaññ. nak san khoṇ akhā alāḥ ma hut saññ n\* | thui aim sui. rom mi sau laññ | aprac ma rhi | thuiv aim rhaṇ khau vau r\* ññañ. nak san khoṇ rok pa le sau laññ | aprac ma rhi | yaṇḥ sui. ma hut tuṃ | ta cuṃ ta khu so kroṇ. laññ ma rhi | khau laññ ma khau vau pai kuiv | akhā alāḥ mai ññañ. nak san khoṇ su aim suiv. {rok khre sau}<sup>754</sup> hūrā | sa māḥ atat paññā saññ | si mraṇ saññ sū sau laññ phrac ce | aim rhaṇ lak puḥ taññ. tve. le sau aprac phrac khre e\*<sup>755</sup> | su aim phrac saññ akhan paṇ lyau ce ave sāḥ phrac r\* si mraṇ saññ sū laññ ma rhi maññ ññaññ. nak san khoṇ mha su aim sui. rok sau mhāḥ khyeḥ e\* | dhāḥ lak nak nhaṇ. ta kva su aim rā rok khre sau kāḥ khuiv sū aphrac suiv. rok khre e\* [2.] hu dhammasat chui e\* | [3.] ññaññ. nak saṃ khoṇ su sim suiv. rok khre so tarāḥ |<sup>756</sup>*

[1.] Although a doctor (*cheḥ sa māḥ*), astrologer (*hūrāḥ*), or someone versed in the science (*atat*) of calculation<sup>757</sup> (*gaṇan*), who is well-known [to the household], may arrive at the house at some time other than at midnight because of some great worry of the owner there is no fault (*aprac*). And if he is called by the owner to come at midnight, there is no fault. However, if neither is the case, and he arrives at midnight

<sup>754</sup> MSRh only

<sup>755</sup> MSRm reads *aprac ma rhi khye e\**

<sup>756</sup> MSRh chāḥ(v); MSRm cai(v)-co(r).

<sup>757</sup> More research is necessary on the Burmese tradition of *gaṇanā* texts. Manuscripts of this genre I have perused typically deal with chronological reckoning, financial calculation, arithmetic, and writing in numerical cipher.

without having been called, there is a fault<sup>758</sup> when he has been caught by the owner, even if he is a doctor, astrologer, or “calculator”. Let the owner of the household be compensated the prescribed amount. If he is someone who comes from far away (*aveḥ sāḥ*) and is not well-known [to the household], there is a wrong (*mhāḥ*) when he arrives at the household at midnight. Should he arrive with a knife or weapon he is a thief. [2.] Thus says the dhammasat. [3.] [Such is] the law regarding the arrival of people at midnight.<sup>759</sup>

The basic structure at work here is: 1.) the description of the law > 2.) the attribution of the law to the dhammasat > 3.) statement of the title of law. This format is repeated over and over throughout the vernacular sections of the MSRnis that do not cite from the MSRP. In most cases the description of the law involves not a prescription of abstract or generalized legal principles but reference to specific conditional cases. In the example here legal description is not a matter of stating simply “people may not enter another’s home at midnight”, but involves, rather, a narrative depiction of casuistic cases that serve to illustrate the law at work in a given scenario. In most of the vernacular sections throughout the MSRnis (as well as in other dhammasatthas) these casuistic expressions are introduced by the use of the indefinite pronoun *akrañi* “who”, “which”. Hundreds of laws in the MSRnis take the form of statements such as “Should any woman...”, “Should and debtor...”, “Should any slave...” do *X*, then *Y* is the legal remedy. It should be noted that such formulae are also used on occasion in

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<sup>758</sup> MSRm, mistakenly, reads “there is no fault”.

<sup>759</sup> Out of context the logic of this passage is slightly opaque. It falls in the course of a discussion of what dhammasattha literally terms “wife-stealing” (*mayāḥ khuiḥ*), often translated rather inaccurately as “adultery”. Wife-stealing refers to offences by men against women who are the wife or concubine of another man. The MSR and other dhammasatthas define these offences as relating to: 1. touching another man’s wife/wives/concubines; 2. going to the home of another man while he is away (and his wife/wives/concubines are home); 3. going somewhere in secret with the wife/wives/concubines of another man; 4. deceitful conversation with another man’s wife/wives/concubines; 5. setting foot upon the stairs of another man’s house; 6. entering through the door of another man’s house; 7. entering another man’s bedroom (lit. ‘sleeping place’). Cf. DBBL s.326.

the MSRP and glossed in the nissaya sections of the MSR<sup>760</sup>; my point here is that this is the most common form the vernacular laws in the text take.

It is clear, then, that certain books of the MSRnis work as very rigid nissaya glosses on passages cited from the MSRP in orderly succession, while other books may cite some passages from the MSRP but the majority of their content are vernacular laws with no direct, *verbatim* relationship to the Pali text. The glossator of books 1-3 does not stray from the text of the MSRP, but in books 4-10 supplements the Pali text with, in certain cases, a very large amount of vernacular material. What might have been the reason for this? The simplest answer is that the compiler felt that the Pali text of the MSRP could not account for the full range of legal matters that he wanted to discuss in Books 4-10, but why this might have been the case is not immediately suggested by the contents of these chapters. But to understand where the text of the MSRP and the MSRnis diverge it is necessary to outline the contents of the entire text.

#### IV. Supplementation and creativity

In a sense the MSR already makes provisions for elaboration and supplementation of this sort. At the beginning of MSRnis Book Two and in the corresponding section of MSRP the compiler(s) provides a theory regarding the organization of the text. He states that the text is arranged in terms of a distinction between the eighteen legal roots (*mūla*, *amrac*) and their various branches (*sākha*, *akhak*). He draws a specific distinction between these two “types” of laws in the text (*amrac akhak aprāḥ āḥ phraṇ. nhac pāḥ aprāḥ rhi kun*).<sup>761</sup> The usage of the terms root and branch is apt. The law is organized around a basic set of rootlike titles of law,

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<sup>760</sup> Indeed *akraṇi* is commonly used in nissayas to gloss the Pali pronouns *yo* “who”, *yo koci* “whoever”, etc., which is used in many places throughout MSRP.

<sup>761</sup> MSRm f.gū(r)

but much of the content of dhammasattha is in fact concerned with the expansion or elaboration of this core material.<sup>762</sup> These eighteen *mūla* titles of law, which clearly echo the theory of the eighteen *vyavahārapadas* common also in the dharmaśāstra literature of the broader South Asian region have been discussed in Chapter Three above, where the relevant section of the MSR has also been cited. The concept of branch (Skt. *śākha*) laws also has regional resonances in Sanskrit jurisprudence. Although its precise evolution in Indian legal texts remains somewhat uncertain, the *Nāradaśmṛti* understood the *vyavahārapadas* to have been divisible into hundreds of different branches because of “the various kinds of human activity” (*kriyābhedān manuṣyānām*).<sup>763</sup> In what Lariviere argues is a later commentarial interpolation in the text, one manuscript of the *Nāradaśmṛti* further enumerates the category of the branches to equal 132, comprising the sum of a number of lists of sub-titles of law, including the “twenty divisions of men and women”, “nineteen divisions of inheritance”, and “twelve divisions of assault.”<sup>764</sup> Although the *Kātyāyanasṛti* does not use the precise language of *śākha*, it also accounts for the further subdivision of *vyavahāra* because of the variety of human actions (*kriyābheda*):

*dvipade sādhyabhedāt tu padāṣṭādaśatām gate |*  
*aṣṭādaśa kriyābhedād bhinnāny aṣṭasahasraśaḥ ||*

<sup>762</sup> Elsewhere another 17th century legal text, written by the Eater of Kuiñḥ, who, as we shall see below, had a major hand in the compilation of the MSR, uses the analogy between root and branch in a discussion of legal responsibility. He writes that someone who is the original cause of an dispute (*amhū ran*) is known as the “root” of the dispute. The person who is primarily at fault is known as the “body of the dispute” (*tarāḥ kuiy*) and those who bear less responsibility are the “branches” (*tayāḥ khak*). NL Bhāḥ 2016, f.ke(r)ff.; *Mahārājasat*, Yangon, Haṃsāvati, 1940, p.11 ff. ; Shwe Baw, “Origins”, Appendix, pp. 15ff.

<sup>763</sup> R. Lariviere, ed., *Nāradaśmṛti*, 1.20.

<sup>764</sup> R. Lariviere, “A Bogus Passage in Jolly’s *Nārada-smṛti*”, *Indo-Iranian Journal*, 27, 1984, pp. 201-205.

[*Vyavahāra*] has two aspects, which come to be eighteen owing to the manifoldness in the objects to be secured [by litigation]; the eighteen again become 1008 owing to the multifariousness of the matters to be proved.<sup>765</sup>

Naturally, we should expect that the content of the theory of legal branches in a 17th century Burmese legal text would be significantly different from the ways it is expressed in these Sanskrit materials compiled in India during the first millennium C.E.; nonetheless the jurisprudential similarities are striking. After describing the eighteen root laws the MSR describes branch laws as follows. In brackets I have noted the folios from later in the MSR where these different “branches” are discussed, as well as the chapters in which they occur.

I put forth these gāthās to explain the meaning of the ‘branch laws’, beginning with the three types of giving:

*tidinnaṃ dve ca* [gha-r 0042] *abbhūtā catubhariyā sattadāsakā* | *dvādasaputtavaṇṇā ca* | *tilañcā gaticattāri* | *sattadāyajjā catukaññā itthekapiyaṭhapiyā* | *chattetabbāpañcitthiyo* | *du-ācārā cha-itthiyo* | *pañcalolitthiyo unnā* | *catudhā pañcakuppanā* | *dvikiṇeyyavikiṇeyya* | *avikiṇācatudhanā* | *catuttiṃsasakkhivaṇṇā* | *sattadhāparadārikādasapothā* | *pañcakkosā catudhāpakkhācariyā* | *tulyapakkhācatuvaṇṇā* | *catugaṇhā dvemuñcanā* | *tividhāpaṭibhāgā ca* | *catudānā labhēyyadve* | *iti etehi ādāhi* | *lañcaṃkatvā va paṇḍito* | *paravāde ce chindeyya* | *sugati adhigacchati*

[Nissaya:]

[Glossed in Book Two]

1. *tidinnaṃ* | *peḥ khraṇi suṃ pāḥ*  
(three types of giving)
2. *dve abbhūtā* | *loṇi tam nhac pāḥ*  
(two types of gambling) [ghi r 44-45]
3. *catubhariyā* | *mayāḥ aprāḥ leḥ pāḥ*  
(the four types of wife) [ghi v 45 ln 5]
4. *sattadāsakā* | *kyvan aprāḥ khu nhac pāḥ* [ghī v 46 ln 3]  
(the seven types of slave)
5. *dvādasaputtavaṇṇā* | *sāḥ aprāḥ ta kyip nhac pāḥ* [ghu r 46 ln 4 ~ continue until end of 2 tvai]  
(the twelve types of son)

<sup>765</sup> Kane, *Kātyāyanasmṛti*, 29.

[Glossed in Book Three]

6. *tilañcaṃ* | *taṃ chuiḥ sumḥ pāḥ* [ñai r 63 ln 7]

(the three types of bribe)

7. *cattāri agati* | *agati leḥ pāḥ* [ñai v 64 ln 1]

(the four bad courses)

8. *sattadāyajjā* | *amve khaṃ khu nac pāḥ* [ñai v 64 ln 5 ~ until end of 3 TVAI]

[Glossed in Book Four]

(the seven types of inheritance)

9. *catukaññā* | *kaññā leḥ pāḥ* [chi v 84]

(the four types of maiden<sup>766</sup>)

10. *itthekapiyaṭhapitā* | *khyac ap so mayāḥ laññ ta yok* [chī r 84 ln 4]

(the one type of wife who should be loved)

11. *cha{dd}eppāpañcitthiyo* | *cvan. ap so mayāḥ nāḥ yok* [chī r 84 ln 5]

(the five types of wife who should be abandoned)

12. *du ācārā cha itthiyo* | *akyañ. ma koñ so mayāḥ khrok yok* [chī r 84 ln 5 n.b.

10&11&12 are glossed together]

(the six types of wife with bad conduct)

13. *pañcalolitthiyo* | *lau laññ so mayāḥ nāḥ yok* [chī v 85]

(the five types of immoderate (*lau laññ*) wife)

14. *catudhā unnā* | *mayāḥ tuiv. e\* mān tak khrañ leḥ pāḥ* [chī v 85]

(four types of prideful wife)

15. *pañcakuppanā* | *amyak thvak khrañ nāḥ pāḥ* [chu r 85]

(the five types of anger)

16. *dvikiṇeyya* | *roñ khrañ nhac pāḥ* [chu v 86]

(the two types of selling)

17. *dvivikiṇeyya* | *vay khrañ nhac pāḥ* [chu v 86 glossed w 16]

(the two types of purchase)

18. *avikinācatudhanā* | *ma vay ap so uccā leḥ pāḥ* [chu v 86]

(the four types of thing that should not be purchased)

19. *catuttiṃsa sakkhivaññā* | *sak se myuiḥ sumḥ kyip leḥ yok* | [chū r 86 ln 6]

(the thirty-four types of witness)

a. chai v 89: 8 dangers

20. *sattadhāparadārikā* | *su mayāḥ n\* prac mhā khrañ khu nac pāḥ* [chai v 89 ln 6]

(the seven types of offences against the wife of another)

21. *dasapothā* | *put khat khrañ chay pāḥ* [jī r 96]

(the ten types of assault)

a. seven places where you must/must not have witness [ju r; 98]

22. *pañca akkosanā* | *chai reḥ khrañ nāḥ pāḥ* [jo r 101]

(the five types of verbal abuse)

[Glossed in Book Five]

23. *catudhā pakkhācariyā* | *amhu* [jha-r/v 0106/7] *saññ charā leḥ pāḥ*

<sup>766</sup> There is some discrepancy in the commentary on the precise meaning of this word in the various texts. In certain contexts it seems clear that *kaññā* refers to a young girl or “maiden” who has not had sex, a virgin.

- (the four teachers (*charā*) of a litigant (*amhu*))
24. *tulyapakkhacatuvaṇṇā* | *amhu saññ tuiv. n\* nuiñ rhaññ rā leḥ pā* [jhā v 108]  
(the four kinds of measure in judging a dispute)
25. *catugaṇhā* | *kuiñ khrañ leḥ pāḥ* | [jhā v 108 ln 5]  
(the four kinds of taking)
26. *dvemuñcanā* | *lvat khrañ nhac pāḥ* | [jhi v 109]  
(the two kinds of release)
27. *tividhāpaṭibhogā ca* | *khaṃ khrañ sum pāḥ* [jhi v 109 ln 7]  
(the three types of receiving)
28. *catudānā* | *peḥ khrañ leḥ pāḥ* [jhī r 109]  
(the four types of giving [i.e. the re-giving of things received in 27])
29. *dvelabheyya* | *ra khrañ nhac pāḥ* | [jhī r 109 ln 6]  
(the two types of compensation)

If wise judges (*paññā rhi so tarāḥ sū krīḥ*) pass judgment on the testimony of litigant who has presented him with bribes according to branch laws (*akhak tarāḥ*) beginning with the aforementioned, then they shall arrive at a good course (*sugati; koñ so alāḥ*).

Here we must underscore that the text explicitly intends this list not as an exhaustive enumeration of *sākha* laws, but merely an example of some of them. Later dhammasattha compilers seem to have regarded a variation on this account as somewhat canonical.<sup>767</sup> According to the MSR account a law belongs to the category of *sākha* if it is understood as a legal principle articulated in terms of a numerical list. This echoes the numerical lists of branch laws articulated in the interpolated passage in the *Nāradasmṛti* discussed above. All of these branches involve a list of two or more “types” or “kinds” of person or thing that serves as a legal principle. Yet further testifying to the non-exhaustive nature of this description is the fact that there are a number of similar lists of “types” contained in books 1-5 that are not included here, such as the list of the Eight Dangers (*aṭṭha bhaya*) that is found in MSRP ko(v) ln.40 and glossed in Book Four on MSRh f.cho(v).<sup>768</sup> In any case, what is interesting here is

<sup>767</sup> See for example an undated court decision from *circa* the late 18th century collected in Htun Yee, *Phrat Cā*, vol. III, 8:18; Rantamit Kau Thaṅ, *Recakrui khum tau phrat thum*, Yangon, Haṃsāvātī, 1965, pp. 69-70.

<sup>768</sup> The Eight Dangers according to the MSR are: fire, kings, water, ogres (*yakkha, bhilū*), thieves, madness, leprosy, convulsion/epilepsy (*susuroga, vak rūḥ nāḥ*).

that the description includes only material that is glossed in books 1-5. Presumably the compiler felt as though this enumeration was sufficient to get his point across.

The theory of root and branch laws in both Sanskrit and Burmese/Pali legal texts allows for the progressive elaboration of legal principles while still presenting a semblance of adherence to the central concept of the 18 titles of law. It provides for legal innovation while remaining rooted to the conservative tradition of the 18 titles. But such branch divisions are even further divisible into individual laws or *tarāḥ*. In the above list of legal roots only the first five correspond to material treated in Book Two of the MSRnis. But under each of these five categories Book Two, in the version of MSRm, discusses 47 individual *tarāḥ*. The MSRm-nis version of the Book is organized as follows:

#### MSRm-nis, Book Two

[The three types of gift, comprising glosses to MSRP kī(v) 28-45]

- 1) f. ge(r) Law relating to gifts given out of love
- 2) f. ge(r) Law relating to gifts given out of fear
- 3) f. ge(r) Law regarding gifts given out of [Buddhist] devotion (*kraññ saddhā*)  
[After these three are glossed the text reads: *peḥ khraiṅḥ tarāḥ sum pāḥ*, “the three types of gift”.]

[The Two Laws of Gambling, comprising glosses to MSRP kī(v) 46-59]

- 4) f. ge(v) The law regarding judgments as to the two types of gambling
- 5) f. gai(r) The seven laws that should not be maintained during times when the king changes, the (royal) umbrella is broken, and discipline is not kept.

[After these two are glossed the text reads: *loṅḥ tanḥ tarāḥ nhac pāḥ prīḥ prīḥ*, “the two laws of gambling are finished”.]

[On the Four Classes of Wife, comprising glosses to MSRP kī(v) 60-ku(r) 8]

- 6) f. gai(r) The four types of wives
- 7) f. go(r) Inheritance among the four types of wives
- 8) f. go(v) Inheritance among wives who are not among the Four *Amyuiḥ* (i.e. *vaṅṅa*)

[After these three are glossed the text reads: *mayāḥ myuiḥ leḥ pāḥ tarāḥ prīḥ*, “the law regarding the four classes of wife is finished”.]

[On the Types of Slave, comprising glosses to MSRP ku(r) 9-20]

- 9) f. go(v) The seven types of slave
- 10) f. go(v) The law regarding types of slave who are exempt from sanction

- [After these three are glossed the text reads: *kyvan aprāḥ prīḥ prī*, “the [law regarding the] types of slave is finished”.]
- [On the Twelve Kinds of Son, comprising glosses to MSRP ku(r) 21-kū(v) 13]
- 11) f.gau(r) The law regarding the twelve types of son; and among those the six types of son [who are eligible to inherit] and partition among them
  - 12) f.gau(v) The law regarding the six types of son who are not entitled to inherit<sup>769</sup>
  - 13) f.gau(v) The law regarding parents who do not have the right to give inheritance which belongs to their master
  - 14) f.gam(r) Partition among three sons among the six entitled to inherit
  - 15) f.gam(v) The law regarding [partition upon] the death of the parents when there is an *orasa* son (*sāḥ ran*) and a *kittima* son (*sāḥ phyāḥ*) in the same house
  - 16) f.gam(v) The law regarding the *orasa* son and the *kittima* son who live and eat apart<sup>770</sup>
  - 17) f.gam(v) The law if there is no *kittima* son {and neither an *orasa* son}<sup>771</sup>
  - 18) f.gāḥ(r) The law regarding sons and daughters who do not respect their parents
  - 19) f.gāḥ(r) The law regarding daughters who live and eat apart after being married off
  - 20) f.gāḥ(r) The law regarding women who have no desire for their husband
  - 21) f.gāḥ(r) On the law of the three types of daughter in detail (*akyay tarāḥ*)
  - 22) f.gha(r) The law regarding men who have no desire for their wife
  - 23) f.gha(v) The law regarding when a daughter has been given but no dowry (*asvanḥ uccā*) has been received
  - 24) f.gha(v) The eight ways of giving daughters in marriage (as follows:)
  - 25) f.ghā(r) The law regarding the giving of daughters in marriage because of lineage (*myuiḥ caṇ*)
  - 26) f.gha(r) The law regarding the giving of daughters because of the dowry
  - 27) f.gha(r) The law regarding the giving of daughters because a man says he will work [for her parents]
  - 28) f.ghā(v) The law regarding the giving of daughters to a man who performed some difficult act [on behalf of her parents]
  - 29) f.ghā(v) The law regarding giving of daughters because of fear; and the law regarding the giving of daughters because the man has served [the parents] and is a dependent of the parents (*arip mhī khui*)<sup>772</sup>
  - 30) f.ghā(v) The law regarding the giving of daughters to men [who promise to] release them from an affliction (*anā*)<sup>773</sup>

<sup>769</sup> MSRh includes this law in its table of contents at the beginning of Book Two. This law is not listed in the table of contents for MSRm, but is included in the text.

<sup>770</sup> Here the table of contents to MSRh repeats #16, but the law is not glossed twice in the text.

<sup>771</sup> MSRh table of contents and text, and MSRm text only.

<sup>772</sup> MSRh glosses these as two separate laws.

<sup>773</sup> Not included in the table of contents to MSRm

- 31) f.ghi(r) The law regarding the giving of daughters when the daughter and man desire each other
- 32) f.ghi(r) The law regarding the giving of daughters upon earlier arrangement (*khyinh khyak*) in front of both families that the marriage is agreed upon and the families will be joined
- 33) f.ghi(v) The law regarding when the parents take the daughter back and give her to another man after she has already been married
- 34) f.ghī(r) The law of divorce (*kvā kra*)
- 35) f.ghī(r) The law regarding the selling (*ronh cāh*) of children
- 36) f.ghī(v) The law regarding parents who order their married son to work for them
- 37) f.ghī(v) The law regarding [children who] do not trust in the teachings (*sāsana, chum ma*) of their mother and father<sup>774</sup>
- 38) f.ghu(r) The law regarding wives who die before having a son
- 39) f.ghu(r) The law regarding property that has been received (*lak suiv. vani*) [as a gift of love] or not yet received [as inheritance].
- 40) f.ghu(v) The law regarding virtuous friends and relatives
- 41) f.ghu(v) The law regarding verbal or physical assault against parents-in-law
- 42) f.ghū(r) The law regarding disrespecting elders and parents in the villages
- 43) f.ghū(r) The law regarding the 4 types of slave-concubines (*kyvan min ma pron*)
- 44) f.ghū(r) The law regarding [the manumission of] slave-concubine-wives (*kyvan pron ma yāh*) belonging to the husband
- 45) f.ghū(v) The law regarding [the manumission of] slave-concubine-wives belonging to the wife<sup>775</sup>
- 46) f.ghū(v) The law regarding [the manumission of] slave-concubine-wives belonging to the couple
- 47) f.ghū(v) The law regarding whether following the death of a chief wife, a slave-concubine-wife belonging either to her or to the couple jointly, may be manumitted
- [After these three are glossed the text reads [f.ghē(r)]: *sāh ta kyip nhac yok ca saññ kuiv chui so tarāh māh prīh e\** [...] “the laws beginning with that of the 12 sons is finished”].

<sup>774</sup> In the gloss in MSRe this law is not prefaced by an introduction, although it is listed in the table of contents. MSRh provides an introductory phrase (f.ñā(r)).

<sup>775</sup> The assumption here as elsewhere in dhammasattha is that a male or female slave could belong to either to the husband or wife individually or to the two together. Female slaves belonging to either side were known as *apron* (“concubines”) if they were engaged in sexual relations with the husband, and were also considered as lesser wives.

The division of individual *tarāḥ* is somewhat arbitrary. MSRm-nis, for example, glosses #29 as a single law while MSRh-nis discusses each of them in individual nissaya sections. But here we see how the text is organized in terms of laws that are all grouped according to their specific “branch”. We should note that this mode of organizing legal content into branches is not found in most other dhammasattha, which have different methods of arranging material.

#### V. Excursus: MSRe (UCL 9183)

Most of the surviving manuscripts of MSRnis are remarkably similar to each other. I have yet to find any manuscripts that present major variations in terms of the content or arrangement of the text similar to the sort of differences we witness between the DhV and the KNDh examined in the previous chapter. Further, I have not found any text which displays significant lexical, dialect, or other linguistic variations, although more work on Arakanese manuscript libraries remains for the future. The similarities among surviving manuscripts may suggest a shorter lifespan of the MSR, or its confinement to a narrow geographical range. Scribal and other minor manuscript variations are noted across all manuscripts. One of these variations is whether or not individual books of the nissaya are prefaced with a “table of contents” that provides an ordered list of the various laws discussed in the book. In several cases where we find such a table the scribe has indexed the list of contents to the actual folios where the content is discussed, noting the relevant foliation. Orthographic variation in the transcription of Pali and Burmese is rampant, as is naturally the case in almost all Burmese manuscripts, as texts were transcribed according to idiosyncratic spelling conventions and subject to phonological uncertainties of oral recitation. Precise spelling of vernacular words was not upheld as a scribe’s key virtue.

Yet one of the surviving manuscripts of the MSRnis is sufficiently at variance with all the other witnesses to merit a more detailed look. The first thing to note about this “version” is that it is not divided into books. The entire text is presented continuously without any numbered division between sections. At the location in the manuscript that parallels MSRnis Books One, Three, and Five, where in the MSRnis we find the important authorial colophons (discussed below) that attribute the text to Toṅ Bhī Lā and Manurāja and date the text to 1651 C.E., in MSRe we find nothing but transitional statements marking a change of subject. Thus the nissaya to the text parallel to MSRnis Book Three ends in MSRe on f.gai(r) merely with the statement “the law of inheritance is finished” and then moves to discuss the “four types of maiden” (equivalent to the beginning of MSRnis Book Four). Other moments that correspond to the transition between books in the MSRnis are marked merely by the phrase *dhammasatthe | dhammassat n\* vuttaṃ | rhañ rasse chuiv e\**<sup>776</sup>, “the ṛṣi said in the dhammassāt” or some similar transitional statement. Furthermore, MSRe contains a number of gāthās which, from the perspective of the majority of MSR mss., are transposed. Thus the gāthās describing the Eight Dangers (MSRhP f.ko(v)) comes *after* the gāthās describing what the text calls the four “*tulyapakkha*” or comparisons to be weighed by a judge in a dispute (MSRhP kau(r)).<sup>777</sup> Gāthās found in MSRP

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<sup>776</sup> f.ghā(v); here parallel to the location in MSRnis between Books Four and Five. Although MSRe does not give gloss the gāthās beginning Book Five until f.ghau(v), supplying a great many gāthās not found in the MSR in the interim.

<sup>777</sup> These concern *kālaṃ* (the *time* of the transgression), *desaṃ* (the *location* of the transgression), *dhanaṃ* (the *property* involved), and *agghaṃ* (the *value* of the property). In later texts these four are referred to in Burmese legal discourse as the four *mahāpadesa*; Cf. *Samūhadḍhavicchedanī dhammasat khyup*, 11. In Pali literature, of course, the *mahā-apadesas* do not refer to these grounds of deliberation but rather to the “four great authorities”, on the basis of which a teaching may be judged authentic, defined in the *Mahāparinibbānasutta*, DN ii, 123ff. Andrew Huxley discusses this concept in “The Pali Legal Tradition”, pp. 8ff. These four *tulyapakkha*, however, are parallel with four of the five “factors” (*thāna*) that should be weighed (*tuleti*) in the judgment of cases of theft—*vatthu* (the thing stolen), *kāla* (the time of

Book Six<sup>778</sup> fall on f.ñi(r) folios before gāthās found in MSRP Book Five<sup>779</sup> are glossed on f.ñai(v).

Besides these transpositions another curious set of features concerns the shape of the Pali gāthās and their nissaya glosses. In general the structure of the nissaya passages in the MSRe closely mirrors that of the MSR, and employs the standard introduction > citation > nissaya > vernacular *adhippāya* format described above. Yet none of the gāthās in MSRe are divided into eight-syllable pādas by punctuation. Entire verses are cited without any break between pādas. Although manuscripts of the MSRnis are usually inconsistent in their division of pādas, they nonetheless *usually* attempt to break up Pali verses into pādas using punctuation. Furthermore, in MSRe nissaya passages are not always followed by an entirely vernacular explanation of the meaning of the gāthā. MSRe often states following a nissaya gloss merely *adhippāy lvaḥ prīh*, “the meaning is easy [to understand]”,<sup>780</sup> by which the glossator is indicating that an additional *adhippāya* is unnecessary. Following other and presumably more difficult nissaya glosses, however, MSRe does provide the meaning of a citation in the vernacular, using language similar to that found in other MSR

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the theft), *desa* (the location of the theft), *aggha* (the value of the stolen item), *paribhoga* (the utility of the stolen item)—the fullest commentarial discussion of which is found at *Kaṅkhāvitaraṇīpurāṇaṭīkā*. See *Kaṅkhā-ṭīkā sac nissaya sac*, Yangon, Ministry of Religious Affairs, 1985, pp. 274ff. The *Vinicchayarāsī-dhammasat* of Rhañ Khemācāra (c. 1767 C.E.) discusses these extensively (UCL 153938 f.kāḥ(v)). We note that also, considerations of these variables in weighing disputes are found throughout Sanskrit dharmaśāstra literature. See R. Lariviere, *Studies in Dharmaśāstra*, p. 66; Kane, *History*, III, p. 348. In reference to cases of theft in particular compare AŚ, 4.6.7.

<sup>778</sup> *sahapakkha phalapanam*, etc. MSRhP f.kau(v).

<sup>779</sup> *pakkha akkhadasso raṭṭhako samasāsiko anuṭṭhapito rājeko anuññāto chaṭṭhā matā*. The text in MSRe is slightly different: *pakkha annadattho [~ aññadattho?] ce ko raṭṭhako samasāsako anuṭṭhapito ca raññato anuññato chaṭṭhā matā* |

<sup>780</sup> MSRe f.jū(r); f.jū(r); f.jū(v); f.je(r); f.jo(v); f.jhe(v); f.jho(v)

manuscripts: *ī gāthā e\* adhippāy sau kāh*, “as for the [vernacular] meaning of the *gāthā*...”<sup>781</sup>

The MSRe is without question a text very closely related to the rest of the manuscripts of MSRnis. All of the *gāthās* cited in MSRe can be traced to MSRP, and in many cases the glosses exactly parallel, or only slightly differ from, the glosses found in MSRnis.<sup>782</sup> But it is very difficult to try to account for the various transpositions that have occurred in the text, and also the fact that the MSRe is organized differently from the MSRnis, without suspecting that MSRe is the product of a different recension. Of course, it could be that a particular copyist simply rearranged the text of the MSR to suit his own purposes, but it is difficult to imagine why anyone might have wanted to do such a thing. And we don’t have other examples from the dhammasattha corpus of texts being reorganized in this way. As noted above in the résumé of manuscripts there are a number of additional peculiarities in MSRe that may signify that it is not the result of the same recension. In the *aṭṭhuppatti* section the original author of the dhammasattha is not called Manusāra but Manosāra.<sup>783</sup> As far as I have been able to determine, there are no authentic surviving dhammasatthas in central Burma consistently called *Manosāra* despite the attribution of texts with such a name in bibliographies like the DBBL.<sup>784</sup> And indeed there may be some reason to suspect that the alleged *Manosāra* and *Manusāra* dhammasatthas

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<sup>781</sup> cf. MSRe f.kho(r); f.kham(r), etc.

<sup>782</sup> For example, the gloss to the *gāthā* concerning monastic inheritance beginning *mate saṅghassa pitari* (MSRP, kai(v)) parallels almost verbatim the gloss found in MSRh-nis f.cai(v). Both texts refer to alternative prescriptions found in the vinaya in their discussion of this *gāthā*.

<sup>783</sup> MSRe f.ku(v).

<sup>784</sup> One of the problems here is that even in the manuscripts of the MSR the words *Manusāra* and *Manosāra* are occasionally transposed. See the citation below from MSRh-nis ff. ññe(r)

are in fact the same text with only slight variations.<sup>785</sup> In any case, it is additionally suggestive that MSRe nowhere mentions the involvement of Toṅ Bhī Lā or Manurāja in the compilation of the treatise, even though, like the MSR, it mentions the earlier recensions of Pyū Maṅḥ Thīḥ (in Pali, 2nd C C.E.), Raṅṅavaṃsa (in Mon or Mon nissaya, pre-1551), and Buddhaghosa (in Burmese or Burmese nissaya, 1551-1581) in the *aṭṭhuppatti*.<sup>786</sup> It is tempting to suggest on this evidence that perhaps MSRe is none other than Buddhaghosa’s Burmese nissaya compiled during Bayinnaung’s reign—perhaps based on an earlier Mon or Mon nissaya version—and that, furthermore, this was the text that came down to Toṅ Bhī Lā and Manurāja, which they “purified” in their recension. Yet trying to support such an argument on the grounds of only one surviving manuscript (UCL 9183) which is incomplete, lacks a colophon and copy-date, and otherwise provides no information concerning its compilation, is difficult business. Hopefully further manuscripts of the text contained in MSRe will be brought to light, which will allow more to be said about its relationship to the majority of MSR manuscripts.

## VI. The authorship of the MSRP and MSRnis

Having surveyed the general form of the Pali and nissaya portions that comprise the MSR we can now ask about its compilation. The surviving manuscripts of the text should be our primary source of information concerning the compilation of

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<sup>785</sup> The DBBL, which records the only evidence of the potential contents of a *Manosāra Dhammasat*, claims to take its citations from a single manuscript copied in 1892 (DBBL, “Prefatory Note”, p. ix). This is an extremely late copy. In very many cases the DBBL’s citations from the *Manosāra* are verbatim parallels to passages in the MSR. It is difficult to draw any conclusions about the relationship between these two texts merely on the basis of such a partial presentation of only one alleged witness.

<sup>786</sup> f.kā(v). On these earlier recensions see below. MSRe is the only text to name the monk who translated the text into Mon.

the text, yet they have been entirely neglected by scholars who have discussed its authorship. In terms of the structure of the colophons to the MSR, most complete manuscripts display certain common features. Our most important sources of information are the three Pali “authorial” colophons at the end of MSRnis Books 1, 3, and 5. These correspond to the following three sections of the Pali text of MSRh-P, which is reproduced in Appendix I: kī(r), 40-45; ko(r), 32-41; kau(r), 56-68. Curiously, these gāthās are usually not glossed in the vernacular by the nissaya texts of the MSRnis. In certain nissayas the Books One and Three colophons are glossed, but the Book Five colophon is translated in only one manuscript, at the end of Book Ten in MSRI<sup>787</sup>. Adding to the mystery, these are the only instances where Pali gāthās from MSRP are cited in the nissaya text and not given a vernacular translation. These authorial colophons are generally followed by scribal colophons noting the date and time the text was copied, and also a homily or prayer for the merit accrued through the scribal practice, which is a common feature of Pali or vernacular scribal colophons of any genre.<sup>788</sup> Because the Pali colophons to these three chapters are perhaps the most important sources of information concerning the compilation of the text I translate them here.

**MSRh-P kī(r), 40-45, “Book One” Colophon**

*kuiṅgāmassa phalindena  
 paṇḍitena sukhesinā  
 narādhipupanissāya  
 <kā>lokānamatthasādhakaṃ  
 satte{h}i cācariyehi ||  
 sodhitaṃ dhammasattakaṃ*

<sup>787</sup> However, the final folio of Book 5 in MSRI-nis is missing.

<sup>788</sup> On which see the brief survey by Heinz Braun, “Die Kolophone birmanischer Handschriften” in H. Bechert, S. Bretfeld, and P. Keiffer-Pülz, *Untersuchungen zur buddhistischen Literatur*, Göttingen, Vandenhoeck and Ruprecht, 1997, pp. 35-9; “The Colophons of Burmese Manuscripts”, *JPTS*, Vol. XXVII, pp. 147-53.

By the learned tax-lord of Kuin Village,  
desirous of happiness, and with the support of the king,  
the dhammasattha was purified,  
with reference to the treatises (*sattha*) and teachers (*ācariya*),  
for the sake of the prosperity of the [three] worlds.

**MSRh-P ko(r), 32-41, “Book Three” Colophon**<sup>789</sup>

*anantulāra*<sup>790</sup> *puññaena*  
*mahantarājasīrinā*  
*sobhanto yo hitaṃ neti*  
*nānānagaravāsinaṃ*  
*āyācitaṃ garuṇa*<sup>791</sup> *tena*  
*toṇ bhī lā ṭhāna vāsikaṃ*  
*sīsaṃ katvākkhadassena*<sup>792</sup>  
*saheva manurājinā*  
*sodhitaṃ dhammasatthāya*  
*mahā kuiṇ gāmasāminā*

With incomparable merit  
and royal glory,  
the radiant [king], who  
guides the welfare of the people of the various villages,  
requested the venerable teacher,  
dwelling in the place [known as] *Toṇ bhī lā*,  
and placed him at the head.  
[By him,] together with the judge (*akkhadassa*), Manurāja, lord of the Great Kuin  
Village,  
[this text] was purified on the basis of the dhammasattha.

**MSRh-P kau(r), 56-68, “Book Five” Colophon**

*terasādhikavassamhi*<sup>793</sup>  
*sakkārāje*<na> *sahassake*<sup>794</sup>  
*jantunaṃ hitasukhattaṃ*<sup>795</sup>  
*dhammarājena yācitaṃ*<sup>796</sup>

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<sup>789</sup> Here I have stayed rather close in this translation to the sense of the Pali as it is glossed at the end of Book 10 in MSRj.

<sup>790</sup> MSRj: *anantara-*

<sup>791</sup> MSRj: *tena*

<sup>792</sup> MSRj: *sisam pāmokkhaṃ katvā akkhadassena*

<sup>793</sup> MSRj: *terasadhikavassamhi*

<sup>794</sup> MSRj: *sakarāje sahassake*

<sup>795</sup> MSRj: *jantanaṃ hitessatthaṃ*

*amitagūṇasampannaṃ*  
*garuṃ katvāpaṭṭhānataṃ*<sup>797</sup> ||  
*manurājakkhadassena*  
*mahā kuiṇbalibhoginā*<sup>798</sup>  
*susodhitam idaṃ gandham*<sup>799</sup>  
*sādhujanena tositam*<sup>800</sup> ||  
*tena puñṇena sabbesaṃ*  
*pajānaṃ vuddhikam pi ca*  
*amhakaṃ rājino ca pi patthitaṃ*<sup>801</sup> *ijjhataṃ varanti*<sup>802</sup>

In the thirteenth year  
 of 1000 *sakkarāja* [s.1013/1651 C.E.]  
 a request was made by the king (*dhammarāja*),  
 for the sake of the welfare and happiness of beings.  
 [He who was] complete in the measureless virtues  
 was made venerable teacher and given support (*upaṭṭhāna*).  
 [By him] with judge (*akkhadassa*) Manurāja,  
 the tax-lord of the Great Kuiṇ Village,  
 this text (*gantha*) was purified  
 [to the] satisfaction of the Good Men (*sādhujana*).  
 By this merit [may] the desires and wishes wished by all men  
 and by my king be fulfilled.

On the face of it these colophons provide straightforward information about the  
 authorship of the MSR; namely, that the recension was “purified” in the year  
 s.1013/1651 C.E. by the tax-lord or “Eater” (*rvā cāḥ*) of Kuiṇ Village who was a  
 judge with the title Manurāja. He was assisted by a “teacher” (*garu*) dwelling a place  
 known as Toṇ Bhī Lā. The text was compiled after a request made by the king (he is  
 not named, but he is a *dhammarāja*) and with reference to the treatises (*sattha*) and

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<sup>796</sup> MSRj: *yājitaṃ*

<sup>797</sup> MSRj: *garuṃ katvā paṭṭhānakaṃ*; MSRh-nis ñṇi(v): *guruṃkatvāpaṭṭhānataṃ*;  
 MSRB jau(r): *katvāpamānataṃ*

<sup>798</sup> MSRj: *phaliboginā*; MSRh-nis *mayākuiṇphaliboginā*; MSRB jau(r):  
*mayāpalibhoginā*

<sup>799</sup> MSRj: *susodhitamigantu*

<sup>800</sup> MSRj: *sādhujanena tāsitaṃ*

<sup>801</sup> MSRB: *pavattitaṃ icchitatuntaniṭṭhitaṃ*

<sup>802</sup> The gāthās are divided differently in MSRj: *tenapuñṇanasabbesaṃpajānaṃ |*  
*vuddhitaṃ pi ca amhākaṃ | rājinojāpipattitaṃ icchitaparanti ||*

teachers (*ācariya*). This information is at variance with scholarly consensus as to the date of the text. Forchhammer clearly had not read a copy of the MSR colophons, and he mistakenly identified it with a very different work, but one which the Eater of Kuin probably had a hand in compiling, the *Mahārājasat Krīh*.<sup>803</sup> Other works, including the Piṭ-sm, *DBBL*, and the *Kavilakkhaṇā-dīpanī*<sup>804</sup>, attribute the text to the reign of king Thalun (Sā Lvan), who, according to chronicles and royal edicts, reigned between 1629-48. Yet the Book Five colophon would seem to place the text in the reign of King Pindale (Paṅḥ ta lai, fl. 1648-61). If these authors were familiar with these colophons the reason for this discrepancy might be that they misread the date in the Pali (perhaps incorrectly taking *terasa* not as “thirteen” but as “three”?) or that they had access to different manuscripts. A misreading seems highly unlikely, as these late 19th century authors were clearly literate in Pali. A different version of the text in lost manuscripts also seems implausible since these colophons are found without any substantive variation in a number of our surviving manuscripts. The most likely explanation is that these and other works were merely citing received wisdom concerning the date of the recension.

## VII. Toṅ Bhī Lā Sayadaw Munindaghosathera

All commentators have understood that the MSR was written by the Eater of Kuinḥ village, Manurāja, in cooperation with the Toṅ Bhī Lā (or Toṅ Phī Lā) Sayadaw

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<sup>803</sup> Forchhammer, *Jardine Prize Essay*, p. 90. On this and other confusions in Forchhammer, which are not worth detaining us, see Furnivall, “Manu in Burma”, *JBR*, XXX, ii (1940), pp. 359-61.

<sup>804</sup> Ūḥ Chanḥ Thvanḥ, ed., *Kavilakkhaṇa-dīpanī*, Mandalay, Mra jau, 1961, p. 147. This 19th century text by Sīrimahājeyya-sū is another source of bibliographic information about the dhammasattha tradition. It largely reproduces conventional attributions found elsewhere in earlier texts, so I have not discussed it at length. For further information, particularly in connection with its dating of the DhV, see Lammerts, DhVD.

Tiṭṭakālaṅkāra, and this seems reasonable given these colophons, as well as other, related 17th and 18th century legal materials (discussed below). The monk Toṅ Bhī Lā is one of the most important figures of 17th century Burmese Buddhism.<sup>805</sup> According to chronicle accounts from the 18th and 19th centuries he was born in Salin (Ca laṅḥ) in s.940/1578 and was said to be the reincarnation of the Chīḥ (or Jīḥ) To Sayadaw, who died in 1569. The Chīḥ To Sayadaw was himself a son of a tax-paying freeman (*asañṇ*) from Salin, born during the reign of Dutiya Maṅḥ Koṅ (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. He is said to have been of the lineage of Chappada, a monk who had received ordination in Laṅkā in the 12th century.<sup>806</sup> He was known as Chīḥ To Sayadaw<sup>807</sup> because the monastery donated for him by one of the princes was surrounded by a forest (*to*) of wild plum (*chīḥ*) trees. No works by him survive, and it is not entirely certain why he is typically mentioned in biographies of Toṅ Bhī Lā; though perhaps this was a strategy employed to further establish Toṅ Bhī

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<sup>805</sup> The fullest early accounts of Toṅ Bhī Lā’s life are found in the vernacular *Sāsanālaṅkāra ca tamḥ*. (written c. 1831), the Pali *Sāsanasuddhidīpaka* (c.1782-1819), and the *Ca laṅḥ mruī. samuiṅḥ* (“History of Salin Town”, 1875). The first two served as the basis for modern biographies, for example that of Kelāsa, *Cac kuiṅḥ sāsanaṇaṇi*, which is one of the lengthier treatments. The *Sāsanavaṃsa* (*Sās.*) is derived from the account in the *Sāsanālaṅkāra* (*SāsC.*), but rearranges certain details and dates, which is followed in different modern accounts such as the *Sāsanabahussutappakāsanī*. There is also a fair amount of information on Toṅ Bhī Lā in Candalaṅkā, *Maṅḥiratanā puṅ kyamḥ*, Yangon, Maṅḥalā, 1968, pp. 443 ff. Andrew Huxley has written a brief English biography in *The Encyclopedia of Monasticism*, Vol 2, Chicago, Fitzroy Dearborn, 2000, pp. 1235-6. The following account is based primarily on *Ca laṅḥ mruī. samuiṅḥ*, UCL 8099 f.mo(r)ff.; Nandamālā (Chu Thāḥ Sayadaw), *Sāsanasuddhidīpaka-pāṭha* (*Sās.-suddhi*) and its nissaya by Pañṇajota, published in *Sāsanasuddhidīpaka pāṭh nhaṇi. nissaya*, Yangon, Ministry of Religious Affairs, 1980; and Mahādhammasaṅkram, *Sāsanālaṅkāra ca tamḥ.*, Yangon, Haṃsāvātī, 1956.

<sup>806</sup> *Ca laṅḥ mruī. samuiṅḥ*, UCL 8099 f.mo(r)

<sup>807</sup> The *Sās.*, p. 105, translates this title into Pali (“Badaravanavāsī”), and says that he was of Chapada’s lineage.

Lā's connections via lineage to Laṅkān reform monks at Pagan, who are often credited in late chronicles as guardians of the true *sāsana*. Eight years after his death the mother of the future Toṅ Bhī Lā Sayadaw had a dream in which the Chīḥ To Sayadaw came to her and entered her body. Ten months later the future Toṅ Bhī Lā Sayadaw was born. His uncle was a famous monk to whom is attributed a *phrat thuṃḥ* (*vinicchaya*, or “judgment” text) on aspects of the vinaya.<sup>808</sup> As a novice he was called Munindaghosa, and at the age of 13 he moved to Prome and studied with Abhisāṅketasāra, under whom he received full ordination at the age of 20.<sup>809</sup> At the age of 30 the king Anaukphetlun (Anok phak Ivan) seized control of Prome and took Munindaghosa to Ava, where he gave him the title *dharmarājaguru* because of his great learning. It is perhaps around this time when he also received the title Tipiṭakālaṅkāra.<sup>810</sup> In s.979/1618, Anaukphetlun's brother, the Eater of Salin, Maṅḥ Rai Kyau Cvā, donated a four-storey monastery, located along the bank of the Irrawaddy near Sagaing, to the monk. He received the name Toṅ Bhī Lā, presumably, after the name of one of the hills in the Sagaing area—hence the reference to him that we find in the MSR: “the venerable teacher, dwelling in the place [known as] *Toṅ bhī lā*”. At the age of 60 he gave up his monastery and established himself in the practices of the solitary “forest” austerities (*arañṇaka-aṅgaṃ; arañṇakaṅ dhutaṅ*).<sup>811</sup> It is clear from self-identifications in the colophons to certain of his works that he envisioned himself as a bodhisatta.<sup>812</sup>

<sup>808</sup> UCL 7980; UCL 8768.

<sup>809</sup> *Sās.-suddhi*, p. 85

<sup>810</sup> Certain accounts say he received this title from Thalun, which cannot be correct. See the discussion of ROB I, 18 April 1608 below.

<sup>811</sup> *Sās.-suddhi*, pp. 87-8

<sup>812</sup> *Vinayālaṅkāra* (vol II, p. 434): *metteyyassa bhagavato | pabbajitvāna sāsane || tosayitvāna jīnaṃ taṃ | labhe byākaraṇuttamaṃ || byākaraṇaṃ labhitvāna | puretvā | sabbapāramī || anāgatamhi addhāne | buddho hessaṃ sadevaketi ||* “Having gone forth in the *sāsana* of Lord Metteyya, and having pleased that Conqueror, may I attain the most excellent prediction [of enlightenment]. In the future, having obtained [such]

There are a number of difficulties in assessing the monastic identity of Toṅ Bhī Lā—as well as most any other Burmese monk from the 17th century and earlier—on the basis of lineage because there are very few sources from this period that discuss such matters explicitly. The *Sāsanālaṅkāra* and other late chronicles provide a detailed account of Toṅ Bhī Lās monastic pedigree<sup>813</sup>, making it possible to trace the succession of elders to whose fraternity he belonged by virtue of ordination back to various branches of the Pagan sāsana derived ultimately from Laṅkā n lineages attested no earlier than the late 15th century *Kalyāṇī Inscriptions* (KI).<sup>814</sup> According to such narratives, Toṅ Bhī Lā was ordained into the Prome branch of the so-called “Parakkama” monastic lineage by Abhisāṅketasāra. This inserted him into a lineage that stretched back to Sadhammaṭṭhiti, the alleged first *rajāguru* to king Narapati in Prome in the mid-15th century, who was himself a disciple of Sāradassi who was of the Ca Kāḥ Monastery complex at Paṅḥya (Pinya). The seven important monasteries of this complex in Paṅḥya were donated by King Uzanā (acc. 1322 C.E.), and comprised the seat of Guṇābhirāma and other monks who gave instruction in the “doctrine of the lineage of Ānanda”, one of four monks who had come to Pagan from Laṅkā with Chappada in the 12th century for the purpose of reforming the Burmese

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a prediction, and having fulfilled all the perfections, I will become a Buddha in the company of the devas.” (Cf. *Buddhavāṃsa* 55, for somewhat parallel formulations).<sup>813</sup> *SāsC*, p. 229; for the later Pali parallel: *Sās.* 160ff. Scholars have tried to squeeze far too much significance out of these lineage lists. Such lists are certainly revealing of 18th and 19th century understandings of orthodox Burmese lineages, but their historical accuracy is certainly questionable in the absence of much corroborating evidence.

<sup>814</sup> According to such accounts, Buddhism was established in Pagan in five successive moments. The latter two, which took place in the 12th century, derived their identity from the lineage of their founders, Uttarājīva and Chappada, which was traced to Laṅkā and the Mahāvihāra. Cf. *Sās.* 39-41; 61-8. Also, *The Kalyāṇī Inscriptions Erected by King Dhammaceti at Pegu in 1476 A.D., Text and Translation*, Rangoon, Govt. Printing, 1892.

saṅgha.<sup>815</sup> The extent to which such Sinhalese or Mahāvihārin connections with the early Pagan Sangha are supported by datable epigraphic references has been the source of much scrutiny, which suggests that if these accounts contain any truth it is likely that the reformist activities of Ānanda and his Sinhalese-affiliated cohorts probably took place a century later than they are recorded in the KI and various chronicle accounts.<sup>816</sup> For present purposes this is not terribly important, except to underscore our point that 18th and 19th century accounts of Toṅ Bhī Lā should not be taken at face value. Much has been made of these imaginings by scholars who have seen them as testimony that Toṅ Bhī Lā was a representative of an “orthodox”, reform-minded monastic tradition with ancient historical ties to the Sinhalese Mahāvihāra, as it was purified by King Parakkammabāhu I in the late 12th century. As such, Toṅ Bhī Lā has been called an paragon of “Parakkama orthodoxy”.<sup>817</sup> But what representations of monastic identity in terms of this lineage were meant to signify in the 17th century is far from obvious. The term “orthodox” is of course a highly relative term, and one which carries little meaning by itself unless adequately elaborated.

Yet, if it is authentic, one of the most important surviving documents by Toṅ Bhī Lā is a brief epistle he sent to king Anaukphetlun on April 18, 1608, in which he

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<sup>815</sup> Kelāsa, *Pañḥya Sāsanavaṇi*, n.p., 1973; In its account of the Ca Kāḥ complex the *Mhan nan* (p. 229) notes that one of the monasteries was given to Varapatta, an expert in grammar and astrology, two were given to monks associated with Ānanda’s lineage, and the other four to monks whose lineage is not mentioned, although one of them was an expert in abhidhamma. The *Sās.* account (pp. 83-4) however notes that *all* of these monks were of the Parakkama lineage that traced its roots to Ānanda, and, characteristically, says nothing about Varapatta’s skills in astrology! The earliest account of this narrative (c. early 18th c.) in Kulāḥ, vol. 1, p. 264, says nothing about either the lineage affiliations or the talents of any of these monks.

<sup>816</sup> Win Than Tun, “Myanmar Buddhism During the Pagan Period”, Unpublished PhD Thesis, National University of Singapore, 2002, ch 4.

<sup>817</sup> Mendelson, *Sangha and State in Burma*, Ithaca, Cornell University Press, 1975, p. 56.

provides his own account of the history of the *sāsana* in Burma and his place within it.

He writes:

As for the crossing over of King Vijaya to Sīhala (Sīhul): On the 3rd day following the full moon of Kachūṃ in the year 148 [of the Kaliyuga Calendar = 544 B.C.E.], at the moment the *Parinibbāna* of the Buddha at the monastery in Kussindāruṃ (Kusinārā), King Vijaya crossed to Sīhala with his 700 attendants on wooden logs. The Sīhala Sāsana was first established in Thaton by Rhañ Arahaṃ (Ārahan), who was born in Sīhala. As for the arrival of Arahaṃ in Pagan (Pukaṃ) from Thaton: Twice the *sāsana* was established [at Pagan]. During the reign of the Great Ratanāpūra Narapatīḥ [Narapatisithu, fl. 1174-1211], Rhañ Uttarājīva arrived in Pagan. He was of the lineage of the Ziñḥ May (Zimme, Chiang Mai) Arahants Sonuttara and Utara, the lineage of the Thaton noble lord Rhañ Brānadasi (Prānadassi), and the lineage of Daguṃ (Dagon) Rhañ Mahākala. During the reign of Narapatī, Rhañ Tāmalitta (Tāmalinda), Ānanda, Rāhulā, and Ariyavaṃsa arrived in Pagan. From Sīhala, [the lineage] of those teachers designated in the Kalyāṇī Sīmā [inscription] of Haṃsāvati Rāmādhipati arrived in Prome during the reign of Mañḥ Rai Kyau Cvā [Anaukpetlun's son] with the monk Saddhammacārī who was of the lineage of the Mahāvihāra. [I,] Tipiṭakālānkāra, of the lineage of these four teachers, arrived in Ava (*rhve va*) during the reign of the son of Ññoñ Ramḥ Mañḥ (i.e. Anaukpetlun) who is known as *Mahādhammarāja*. With your support, the four Sayadaws, Rhañ Anuruddhā, Rhañ Anandadhaja, Rhañ Ariyālānkāra, and Rhañ Tipiṭakālānkāra shall go downstream to Haṃsāvati.<sup>818</sup>

It is difficult to know what Toñ Bhī Lā intends here. Whatever the reasons behind it, this epistle is important as one of our earliest surviving narratives of the history of the lineages of early Burma clearly related to if not based on the KI. Interestingly, some of Toñ Bhī Lā's details differ from those of narratives of parallel events in the KI. For example, according to the KI, Ariyavaṃsa was not the name of one of the monks who returned from Lañkā with Chappada.<sup>819</sup> This suggests that in 17th century Ava the current version of the KI—even though it was inscribed on stelae in Bago and perhaps already circulated in manuscript versions—was not yet firmly

<sup>818</sup> ROB 18 April 1608 (s.970, Full Moon of Kachūṃ).

<sup>819</sup> According to the KI the four were named Sīvali, Tāmalinda, Ānanda, and Rāhula.

established in Upper Burma.<sup>820</sup> The date of the inscription, coming only three days before the anniversary of the Buddha's *Parinibbāna* as described in the text, may be of significance. It is also not entirely clear why the four monks listed in the last sentence, Toṅ Bhī Lā among them, may have needed to go to Haṃsāvātī (Bago), though perhaps given the context the implication is that their journey is in connection with the Kalyāṇī *sīmā* site.<sup>821</sup>

But if we place this discussion in the larger context of the epistle we might find more secure basis upon which to speculate as to Toṅ Bhī Lā's intentions. The first half of the lengthy submission to the king concerns the nomenclature and design for construction of eleven royal parasols (*chatta, thīḥ*)<sup>822</sup>. Such parasols comprise an essential material component of Buddhist sovereignty, which aside from being a mere symbol of authority, are explicitly connected to the active protection of the Buddha and kings against danger. Next follows a brief discussion concerning the history of the *paritta* thread utilized for the safeguarding of kings against their enemies, whose origins Toṅ Bhī Lā traces to its use by Sakka to protect king Vijaya from ogres after he had arrived in Laṅkā.<sup>823</sup> This discussion leads directly to the subject of the Laṅkān *sāsana* and Toṅ Bhī Lā's descent from teachers belonging to that fraternity. Why might Toṅ Bhī Lā have seen the need to represent his lineage at precisely this moment? The epigraph is less a mere assertion of Munindaghosa's orthodox

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<sup>820</sup> On vernacular and nissaya manuscript versions of the KI see Lammerts, DhVD.

<sup>821</sup> Anaukhetlun and other kings are said to have paid homage to the Kalyāṇī site, although apparently the repairs he performed took place in s.975/1613. See Kelāsa, *Kalyāṇī Sasanavaṇ*, Yangon, Ministry of Religious Affairs, 1981;

<sup>822</sup> For similar lists see SPA, s.v. *thīḥ*.; LPP, 255. Also the discussion in Ñāṇābhivamaṃsa, *Ameḥ tau phre*, Mandalay, Jambū. mit chve, 1961, pp. 31-2. A number of these *thīḥ* are represented in the 19th century white parabaik account of royal possessions, published as *Maṅḥ khamḥ tau purabuik phrū*, n.d.

<sup>823</sup> Cf. Mv. vii, though Toṅ Bhī Lā's version differs somewhat from the account in Geiger's edition. For a late 19th century Burmese version see Kyīḥ Sai Leḥ Thap Sayadaw, *Mahāvaṇ vatthu*, Yangon, Paññā rhve auiḥ, 1994, vii.

credentials than a narrative arguing for the utility of his lineage to the protection of Buddhist sovereignty. Thus the epistle seems intended as a note on Buddhist kingship; and specifically the sort of protection that Toṅ Bhī Lā's learning, connected with his membership in this succession of teachers, might offer a king.

If as this epistle suggests Toṅ Bhī Lā regarded himself, or at least represented himself to the king, as affiliated to the Laṅkān fraternities indicated in the KI, what did this mean in the context of 17th century Burma? Here lineage seems to signify at a minimum the ability to afford protection to a Buddhist sovereign, but in the absence of further sources it is difficult to say much more. Lineage-affiliation can be a weak indicator of monastic life. Simply because a monk is associated with this or that particular succession of teachers does not necessarily tell us about his intellectual or practical proclivities. That lineage as such, while important, is perhaps of less significance than is sometimes assumed is attested by the fact that it is not always something that monastic authors themselves in premodern Burma proclaimed in identifying themselves publicly, for example in the introductions or colophons to their texts, or that was used by others in inscriptions in donative contexts to identify them. The intensifying energies devoted to lineage-constructing narratives (*vaṃsa*) in Burma in the 18th and 19th centuries suggests that this became more of a preoccupation for monastic authors during these centuries.<sup>824</sup> To the extent that we can try to reconstruct the reading and writing habits of individual monks (who have left us with written records), they provide a far more useful window onto intellectual and practical tastes and habits. Toṅ Bhī Lā's contemporary reputation is built on his notoriety as a great specialist on Vinaya and Abhidhamma (especially the former). His one work that has

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<sup>824</sup> It is certainly worth noting that monastic chronicles (*sāsanavaṃsas*) from Burma are not known to have been written in the 17th century and earlier, even if many of these later texts were modeled after the KI. Certainly Sinhalese royal *vaṃsas* circulated then, as did Burmese *rajāvaṃsa* texts.

reached regional and now international audiences is his *Vinayālaṅkara-ṭīkā*, a sub-commentary on the *Vinayaśaṅgaha-aṭṭhakathā* (by Sāriputta, c. 12th C. Laṅkā). Yet all of his intellectual efforts were not focused narrowly on what we would today regard as “canonical” Buddhist literature. The following works are attributed to him in various bibliographies and manuscripts:

On abhidhamma:

*Mātikā nissaya*<sup>825</sup>; *Yamuik nissaya*<sup>826</sup>; *Paṭṭhāṇḥ nissaya*<sup>827</sup>; *Dhatukathā nissaya*<sup>828</sup>; *Visatavaṇṇanā-ṭīkā*<sup>829</sup>; *Mātikā-nissaya*<sup>830</sup>

Vernacular poetry (on Jātaka):

*Vessantarā pyui. hoṇḥ*<sup>831</sup>

On medicine and alchemy:

*Sampanna dhāt kyamḥ*<sup>832</sup>; *Kvan khyā dhāt kyamḥ*<sup>833</sup>; *Mahānārī dhāt kyamḥ*<sup>834</sup>; *Dhātuvittāra kyamḥ*<sup>835</sup>; *Aṭṭhadhātu kinḥ upade kyamḥ*<sup>836</sup>; *Kammajarup kyamḥ*<sup>837</sup>; *Kyok rogā kyamḥ*<sup>838</sup>; *Paṭisandhe cheḥ kyamḥ*<sup>839</sup>

Apotropaic gāthās and mantras:

*Gāthā mantan kyamḥ*<sup>840</sup>

On vinaya:

*Vinañṇḥ nāḥ kyamḥ pāli tau nisya*<sup>841</sup>; *Vinayālaṅkāra ṭīkā*<sup>842</sup>; *Kathinavinicchayadīpani*<sup>843</sup>; *Dhutaṅgavinicchayadīpani*<sup>844</sup>

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<sup>825</sup> Piṭ-sm 548

<sup>826</sup> Piṭ-sm 363

<sup>827</sup> Piṭ-sm 702; BurmMss 779

<sup>828</sup> Piṭ-sm 555

<sup>829</sup> PSS 264; UCL 10886

<sup>830</sup> PSS 675

<sup>831</sup> UCL 115053

<sup>832</sup> Piṭ-sm 1456

<sup>833</sup> Piṭ-sm 1455; 1457

<sup>834</sup> UCL 8433; *Mahānari kvan khrā* UCL 7860;

<sup>835</sup> MCh 281

<sup>836</sup> Piṭ-sm 1469

<sup>837</sup> Piṭ-sm 1458

<sup>838</sup> UCL 105660; Mrañ. Kraññ, “Pañña rap aluik”, p. 115.

<sup>839</sup> NL 1760; MCh 363. The attribution of the ms is tentative.

<sup>840</sup> NL 1774; MCh 62. The attribution of the ms is tentative.

On Pali morphology and prosody:  
*Rājinda rāja nāmābhidheyya visodhani*<sup>845</sup>

Verse homilies:  
*Pyak cu khak cu khai cu ma mrai cu myāh (Lokasabhava Chuṃḥ ma cā)*<sup>846</sup>; *Ovāda Ratu Puid Cuṃ (Lokahita Chuṃḥ ma cā)*<sup>847</sup>

Astrology:  
*Adhimās ṭikā*<sup>848</sup>

Dhammasattha:  
*Manusāra dhammasattha; Rhve myañḥ dhammasat-nissaya; Mahārājasat Krīḥ*<sup>849</sup>

Answers to questions put by the king:  
*Toṅ Bhī Lā Svaṅ Cā;*<sup>850</sup> (*Ameḥ tau puṃ aphre*)<sup>851</sup>

Cosmology:  
*Lokavidū kyamḥ*<sup>852</sup>

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<sup>841</sup> Kelāsa, *Cac kuiṅḥ Sāsanavaṅ*, p. 103; No manuscripts of nissayas on mūla texts of the vinaya by Toṅ Bhī Lā are currently known.

<sup>842</sup> There are many manuscripts of this text held at most large Burmese manuscript libraries, e.g.: MORA 10430, UCL 9407, UBhS 532/111, Bāḥ 663; etc. See also BurmMss 1031. In addition to the printed text above, a nissaya of this text was published by the Jetavan Monastery, Mandalay, in 1977, although I have only been able to locate the first volume.

<sup>843</sup> PSS 286; UCL 9901

<sup>844</sup> PSS 294; UCL 6296

<sup>845</sup> PSS 353, UCL 884

<sup>846</sup> Aon Sinh, ed., *Haṃsāvati Chuṃḥ Ma Cā Poṅḥ Khyup*, p. 75; Māṇava, ed., *Chuṃḥ ma cā poṅḥ khyup krīḥ*, Yangon, Nha lumḥ, 1965, p. 62.

<sup>847</sup> *Haṃsāvati Chuṃḥ Ma Cā* p. 79; *Chuṃḥ ma cā poṅḥ khyup krīḥ*, p. 67.

<sup>848</sup> BurmMss 265

<sup>849</sup> The first two texts comprise the MSR and MSR-nis. The *Mahārāhasat Krīḥ* (MRK) will be discussed below.

<sup>850</sup> UCL9853. The questions and answers largely have to do with ordination procedure and the vinaya *sikkhāpada* precepts. It is possible that there is some confusion between this text and that of the *Upāli phrat thuṃḥ* mentioned above, allegedly compiled by Toṅ Bhī Lā's uncle.

<sup>851</sup> This is mentioned by Kelāsa, *Cac kuiṅḥ Sāsanavaṅ*, p. 103; Perhaps this is a reference to the royal order discussed in Candalaṅkā, *Maṇiratanā puṃ kyamḥ*, pp. 443ff.

<sup>852</sup> PSS 1278; UCL 6335

Narrative commentary (*Vatthu*):  
*Yasavaddhana vatthu*<sup>853</sup>

*Samatha* meditation:  
*Toṅ bhī lā charā tau guiṇ tau putiḥ cit naññi*<sup>854</sup>

In the footnotes I have provided details on some of the surviving manuscripts of these various texts, when available. Only a handful of the works noted in the Piṭ-sm no longer survive in libraries. Many of them survive in numerous manuscripts versions, attesting to their enduring popularity in the 18th and 19th century. What this bibliography illustrates is Toṅ Bhī Lā’s extensive learning across a variety of subjects, which comprised engagement with texts which today might be regarded (mistakenly) as of contrary purposes and perhaps even out of place in a monk’s education. He was most prolific, it seems, not as a vinaya specialist, but as an alchemist. Chronicle accounts usually neglect this facet of his textual activity,<sup>855</sup> and those modern scholars who note his interest in the medical and alchemical sciences do so in passing, choosing instead to focus on his “fame” resulting from his *Vinayāṅkāra* or his *pyui*. version of the *Vessantara Jātaka*, allegedly composed at the early age of 15. The same goes for his collaboration with Manurāja and his work in dhammasattha. A very influential early 20th century history of the Burmese sāsana, still relied upon by monastic students, does not even mention his connections with dhammasattha, and states merely that he was “learned in the ancillary treatises (*ganthāntara*)”.<sup>856</sup> Indeed

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<sup>853</sup> 2 vols., Yangon, Haṃsāvātī, 1964; *Wellcome*, 114.1; BurmMss 914, 1182; Harada Masami, “The Importance of the Burmese Buddhist Literature ‘Yasavaddhana Vatthu’ (The Story of Increasing Glory)”, *Journal of Pali and Buddhist Studies*, 14 (2000), pp. 27-41. This fascinating text is a commentary on collection of narrative tales (*vatthu*) mostly extracted from the Dhṃ-a and Ja-a.

<sup>854</sup> NL Bhāḥ 2447; On Buddhānussati meditation methods utilizing prayer beads.

<sup>855</sup> Though see his association with *bedañ* (*vedaṅga*) texts at *Sās.* 106-7; *SāsC*, pp. 166-7.

<sup>856</sup> Rājindamahāthera, *Sāsanabahussutappakāsani*, Yangon, Mi khañ erāvātī, 2004. This phrase *gantha-antara* presents significant problems. In modern monastic usage it

only one recent author I am aware of refers to Toṅ Bī Lā’s alchemical works.<sup>857</sup> But in the early 17th century Toṅ Bhī Lā was not unusual in his intellectual pursuits, even if his output and talents were somewhat extraordinary. The monk referred to most frequently in the early 17th century Royal Orders is the Bāḥ Mai. Sayadaw, who, as far as I am aware, never wrote a single word on sutta, vinaya or abhidhamma, strictly construed. References to him in the Royal Orders,<sup>858</sup> as well as his only extant work, reveals him as a specialist in apotropaic practices, yantra, mantra, magic squares, alchemy, and astrology.<sup>859</sup> And he is remembered as an important forebear *vijjādhara* among contemporary weikzas in Myanmar.<sup>860</sup>

### VIII. The Eater of Kuiṅḥ

About the Eater of Kuiṅḥ, the MSR’s co-author, very little is known from 17th century sources. According to the colophon above he was a judge (*akkhadassa*) and, as the Pali title *balibhogin* suggests, he was the “eater of taxes” for the village (*gāma*) of Kuiṅḥ. This town was probably that located in the Myingyan district on the south bank of the confluence of the Chindwin and Irrawaddy rivers. Although there is no information on this village in the 17th century, in 1783 it fell under the broader authority of town headman (*mrui. sū krīḥ*) of Kyauksauk.<sup>861</sup> A Royal Order of 1788

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signifies texts that are not part of the *tipiṭaka* or directly engaged with *Buddhavacana* but which—like grammar or lexicography—might be of some importance to its interpretation.

<sup>857</sup> Ṭheḥ Lhuiṅ, *Rahantā nhaṅ pugguil thūḥ myāḥ*, Yangon, Buddha asaṃ, 1993, p. 91.

<sup>858</sup> 25 August 1598; 30 August 1598; 16 Feb 1605; 18 Nov 1607; Nov 1610; 22 Nov 1628

<sup>859</sup> See the *Bāḥ Mai. lak tve. kyaṃḥ*, 2 vols., Mandalay, Jambū. pati, 1930. The authenticity of even some of this work, however, is not at all certain.

<sup>860</sup> Uggā Maṅḥ, *Bāḥ Mai. charā tau nhaṅ Kaleḥ Va Abhuiḥ charā tau*, Yangon, Rhve Haṅsā, 1998.

<sup>861</sup> Frank Trager and William Koenig, *Burmese Sittans 1764-1826*, Tucson, University of Arizona Press, 1979, p. 293.

states that the *asaññ* (non-crown service group tax-payer)<sup>862</sup> inhabitants of Kuiṅṅ were under the jurisdiction of the *mrui. van* (“town district governor” appointed by the palace) of the nearby town of Taloke.<sup>863</sup> The formal office of *rvā sāḥ* (“village eater”), meant that he 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; it is possible that he was also related to the royal family by blood.<sup>864</sup> More important appanage holders were typically allotted entire *mrui.* (“town districts”), however, that typically included a fortified town, market, and sometimes a number of attached villages. That our co-compiler was entitled only to the village of Kuiṅṅ suggests that he was perhaps not too high in the administrative hierarchy, even though his position would have placed him far higher in status than local village officials and certainly the villagers themselves. That the grant of the village taxes was relatively insignificant is also suggested by the fact that we do not find it mentioned in records documenting the bestowal of sizeable appanages in the early 17th century.<sup>865</sup> It is entirely probable that he did not live in Kuiṅṅ. His other title, Manurāja, also signified an official role in the court, or at least that he had received a title bestowed by the king. Already at Pagan we find the title Manurāja in reference to an official associated with King Klacvā (Kyazwa, fl. 1234-1250).<sup>866</sup> Although we can speculate that this title may have had something to do with law given the name *Manu* it is unfortunately not

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<sup>862</sup> For more on this and related administrative terms see chapter 6.

<sup>863</sup> ROB 20 April 1788.

<sup>864</sup> On the related position of *mrui. cāḥ* (“district eater”) see Lieberman, *Burmese Administrative Cycles*, pp. 36-7; 78-82. Trager and Koenig, *Burmese Sit-tans*, p. 48.

<sup>865</sup> Sīri-ujanā, *Lokabyūhā kyamḥ*, Yangon, Ministry of Culture, 2001, pp. 279ff; ROB vol I, *passim*.

<sup>866</sup> Than Tun, *Khet honḥ mran mā rājavanḥ*, p. 142.

commonly found throughout early epigraphic or later administrative records. If the title carried a uniform meaning it remains uncertain.

The Eater of Kuiṅḥ is not mentioned in chronicle accounts or other state documents and is known mainly from his two dhammasattha compilations, the MSR and the *Mahārājasat Kriḥ* (MRK). In the MSR we find only the information in the authorial colophons cited above. His other work, the MRK, was transmitted under a variety of related names, including *Manurāja phrat thumḥ* (“The Decisions of Manurāja”), *Mahārājasatthavinicchaya* (“The Decisions of the Great *Rājasāstra*”), and the *Lhyok thumḥ mahārājasat kriḥ* (“The Great *Rājasattha* Decisions”) and survives in dozens of manuscript versions.<sup>867</sup> It was written by Manurāja, again with the stated assistance of Tipiṭakālaṅkāra, sometime during the reign of King Thalun, and thus prior to the MSR.<sup>868</sup> As the title indicates the work is not a dhammasattha but a *phrat thumḥ*, a record of “judgments” or “decisions” on various points of law related to dhammasattha. The text contains Manurāja’s answers to twenty-four different questions “concerning difficult matters on the interpretation of rules in the dhammasat” put to him by Thalun.<sup>869</sup> Yet aside from corroborating the date of the Eater of Kuiṅḥ mentioned in the MSR, the MRK provides few additional about his life.

Manurāja is also known from later dhammasattha sources, and particularly Vaṅṅadhamma Kyau Thai’s 18th century “recensions” of the MSR and MRK.<sup>870</sup> One

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<sup>867</sup> Just to name several of the mss.: UCL 139125; UCL 13143; UBhS 88-610; NL Kaṅḥ 72; NL Bhāḥ 43; Rhve 976; UCL 8270; UCL 7121; NL Bhāḥ 237. The text was published as *Mahārājasat Kriḥ* in 1870 by the Burma Herald Press. It was reprinted by Haṃsāvati in 1940. An unannotated translation of the published text is included as the Appendix to Shwe Baw, 1955.

<sup>868</sup> NL 2016 f.ka-kā(v). See also the lengthy authorial colophon of this manuscript f.ṅai(r) ff., which is not found either in the published text or in UBhS 88-610.

<sup>869</sup> NL 2016 f.ka.

<sup>870</sup> About Vaṅṅadhamma see Mhau bhī charā sinḥ, *Paññā yhi kriḥ myāḥ akroṅḥ*, Yangon, Paññā alaṅḥ, 1966, p. 95.

of the earliest dated dhammasattha bibliographical treatises to attribute legal compilations to Burmese reigns is the *Nānāvinicchaya-pakiṇṇaka* (“Miscellaneous Matters related to Various Decisions”) written by Shwe Pu (Rhve Pu) in 1832.<sup>871</sup> In this manuscript the author provides the titles and first lines of 37 different dhammasattha, *phrat thumḥ*, and *laṅkā* legal texts and places many of them in a particular historical reign. What is interesting about this list is that the author cites verbatim from a part of one of the MSR colophons above, stating that “the dhammasattha which begins with the gāthā ‘*kuiṅḥ-gāmassaphalindena*’ (“[compiled] by the tax-lord of Kuiṅḥ Village”), comprising 10 fascicles [roughly 120 folios], was written by the Eater of Kuiṅḥ, a minister with the title Manu, and the Toṅ bhī lā Sayadaw, during the reign of King Thalun, donor of the Rājamaṇicūḷa Pagoda”.<sup>872</sup> Here we already see an attribution to Thalun’s reign, despite the fact that the colophons to surviving manuscripts seem to place the text in the reign of the subsequent king, Pindale. The *Nānāvinicchaya-pakiṇṇaka* contains other confusions. It attributes a text beginning “*sajjanāsajjanāsevaṃ*” (i.e. the first pāda of the MSR), which it calls by the title *Manusāra*, to the reign of the Mon king Vāru (“Wagaru” or “Wareru”). Although the MSR transmits a record of an earlier *Manusāra* that was provided a Mon nissaya, nowhere is this text associated with King Vāru, the legendary ruler of late 13th century Martaban. The line “*sajjanāsajjanāsevaṃ*”, furthermore, is absent from the only one extant manuscript of a *Manudhammasatthaṃ* which claims in its colophon to have been based on a version written during Vāru’s reign.<sup>873</sup>

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<sup>871</sup> UCL 55058

<sup>872</sup> f.ṅā(r)

<sup>873</sup> The manuscript is NL Bhā 3, copy dated 1707 C.E. This text was published with a translation as *King Wagaru’s Manu Dhammasattham*, Rangoon, Govt. Printing, 1892. It is a nissaya dhammasattha which claims to be a recension of a “Mon language”, by which is presumably meant a Mon nissaya, of the *Manudhammasattha*, by a certain Buddhaghosathera. See below for the connection of a Buddhaghosa with the translation of Mon-language dhammasattha.

Yet even earlier dhammasatthas, however, discuss the connection between our “Manurāja” and Thalun. The *Vinicchaya-pakāsani* (VinP) is one of the first dhammasatthas to contain information on the history of legal texts. Its author Vaṇṇadhamma Kyau Thaṅ was certainly 18th century Burma’s most prolific legislator, and the argument could be made that he was largely responsible for much of the codification of Burmese law as it has come down to us. His VinP claims to be a nissaya commentary on the *Mahārājasat Kriḥ*, which according to both extant manuscripts of the MRK and historical records of the text in the VinP and elsewhere, was compiled during Thalun’s reign by the minister Manurāja. The VinP states that it was written after a request of a minister named Jeyyasaṅkhara to edit the text of the MRK into Pali gāthās. In his introduction to the text, Vaṇṇadhamma notes that the minister instructed him as follows:

*sabbā | khap simḥ kun so | ma{dh}utelam | ghaṭādayo | pyāḥ chī tho pat aca rhi saññ tui. saññ | bhājanehi | taññ rā auḥ nhaṅ. | vinā | kaṅḥ saññ rhi sau | pabhiḥjanti yathā | yuivḥ yvaṅḥ pyak cīḥ rhā le kun sa kai. sui. | evaṅḥ tathā | thui. atū | manūrājāvinicchayaṅ | manūrājā achunḥ aphrat | dhammasat khvaiḥ puṅ saññ | santiyā<sup>874</sup> | gāthā pud phraṅ. | vinā | kaṅḥ saññ phrac r\* | pabhiḥcate | yuivḥ yvaṅḥ pyak cīḥ e\* | pamādabāhullaṅ | ayvaṅḥ amhāḥ myāḥ saññ | phrac r\* laññ | akhyaṅḥ khap simḥ | atthaṅḥ | lui ap anak adhippāy kuiv | yaṅḥ yena | akraṅḥ kroṅ | nasādeti | ma priḥ ce nhuiṅ | tato tena | thui sui. ma priḥ ce nhuiṅ saññ aphrac kroṅ. | tumhe | saṅḥ tui. saññ | pajjato | gāthā āḥ phraṅ. | sodhethā | sut saṅḥ pā kuṅ lo |*

Just as such things as honey and butter will come to ruin if they are kept without a pot to hold them, so also the *Manūrājāvinicchaya*, the digest (*khvaiḥ puṅ*) by Manūrājā that compares various dhammasatthas (i.e. the MRK), will come to ruin if it is without [being formed into Pali] gāthās. Where there have been many misreadings [of the text], the intended meaning has not been settled. You, purify [the text by putting it into Pali] gāthās!<sup>875</sup>

<sup>874</sup> In the full citation of the Pali passage above the nissaya this reads correctly *tantiyeva*

<sup>875</sup> VinP UCL 6526 f.ki(r). This text was edited by Maung Tetto (Moṅ Tak Tuiḥ) and published under colonial authority in Rangoon in 1879. The VinP was originally written as an interphrasal nissaya, similar to the “formal” style discussed with reference to the MSR above, and Tet To’s edition has extracted the vernacular

This passage is important for several reasons, the first of which is that it offers additional rare insight on both the ways in which Pali verse was regarded in legal culture and the mechanisms through which a Pali or nissaya dhammasattha might be written. Here Vaṇṇadhamma explicitly connects the writing of legal texts in Pali gāthās to their intelligibility. A legal text written in the vernacular is like honey without a pot: its meaning is unconstrained. The text of the VinP was written to avoid misreadings of the MRK, which stemmed directly from the fact that the text was a vernacular composition. Here and elsewhere in the VinP Vaṇṇadhamma reiterates his allegiance to the MRK, and to putting into Pali verse the intentions of its author Manūrājā. He claims that the MRK itself was based on a reading of the so-called *Navadhammasatthaṃ* or “Compendium of Nine Dhammasatthas”. Yet nowhere in the MRK does the Eater of Kuiṅ mention such a digest as the source of his judgments.

Another dhammasattha by Vaṇṇadhamma Kyau Thaṅ, the *Manusāra-dhammasattha* or *Manusāra rhve myaññ* (VDhM), written in 1769,<sup>876</sup> states in the

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portions of the nissaya to produce a continuous Burmese version of the text, alternating with the Pali gāthās. Otherwise Tet To’s edition is very readable and stays close to the mss., although it is not certain which or how many mss his edition was based on. Another influential 18th century legist, Lak Vai Sundra, compiled a verse version of the VinP, the *Vinichchaya-pākasani pyui.*, in 1775. Numerous manuscripts of this work survive. This text was published in Rangoon at the Burma Steam Press in 1881.

<sup>876</sup> VDhMP, UCL 6757 f.ghā(v): *vaṇṇadhammo ti lañcasmiṃ | subhākitti dvilañjanā likkhito navagandho yaṃ | ekatiṃsa-satādhike | sahassentamhi kojake.* “This new treatise whas written by [him who goes by] the two titles of ‘Vaṇṇadhamma’ and ‘Subhakitti’ in *koja [sakkarāja]* 1131”. VDhMnis., FPL 3740: f.thī(v): *vaṇṇadhammo ti lañcasami | vaṇṇadha[mma] ra saññ | rhve khyaññ phvai pyā tvañ | subhākitti dvilañcinā | kyau thaṅ ta tap chañ. r\* | ap saññ nhañ. maññ nhac bhvai. sā ra tha so | mayā | nā saññ | likkhito | re thāḥ cī rañ ap so | ayaṃ navagandho | ī manusāra dhammasat rhve kyaṃ n\* | nissaya pāth saññ | sakarāj koja saññ | ekatiṃsāsātādhike | 131 khu alvan rhi so | sahasse | 1000 saññ | [From the Burmese:] “I, who have received the two awarded titles of ‘Vaṇṇadhamma’ and ‘Kyau Thaṅ’ wrote this *Manusāra dhammasat rhve kyaṃ pātha nissaya* in the year *sakkarāj* 1131”.*

authorial colophon to certain manuscript versions that it is a purified recension of the *Manusāra dhammasat* that had been edited (*sut saṅ*) during each of the four earlier reigns of Mahāsammata, Pyū Mañḥ Thīḥ, Hsinpyushin, and King Thalun.<sup>877</sup> The gāthās, however, had become “unclean” (*avisada*) and fraught with bad readings (*pamādaka*), and Vaṇṇadhamma Kyau Thaṅ was requested to compile a new recension. He produced an independent Pali version<sup>878</sup> and a nissaya version, both of which are dated to the same year. The VDhM is divided into ten books<sup>879</sup> and judging from the number of surviving manuscripts, it was the most widely circulated dhammasattha text in Burma during the 18th and 19th centuries.<sup>880</sup> In the Pali version (VDhMP) the first three books are almost identical to MSRP. Vaṇṇadhamma even reproduces the authorial colophons that fall at the end of MSRP Books One and Three. However, in Book Four the content and arrangement of the VDhMP begin to diverge considerably from MSRP. Although MSRP ends Book Four with the gāthā “*siyā teva vilumpaye*” VDhM continues its Book Four to include the following thirty-six gāthās of MSRP Book Five, ending with the gāthā “*dviguṇaṃ yeva labheyya* |

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<sup>877</sup> UCL 7486 f.gam(v); UCL 6757 f.gha(r). This text was also printed at the press of the colonial government in Rangoon in 1879, edited by Tetto. The published edition has the same problems as the VinP; namely, that the contents have been slightly reorganized and the Pali and venacular sections have been separated out from the nissaya. In the printed edition this section of the scribal colophon is transposed at the beginning of the text (s.2). I thank Andrew Huxley for sending me the first pages of this edition and Bo Bo Lansin for photographing the entire text for me from the copy in the SOAS library.

<sup>878</sup> UCL 6757; UCL 8398.

<sup>879</sup> Certain scholars such as Shwe Baw (1955, p. 122) state the text is divided into six sections on the basis of the organization of the colonial printed edition!

<sup>880</sup> I have encountered tens if not hundreds of manuscript versions of this text in large and small manuscript libraries throughout Myanmar. In many cases only certain chapters or groups of chapters circulate independently. If there is only one dhammasattha text in a monastic manuscript chest there is a very good chance it will be all or part of the VDhM; if not, then another popular text by Vaṇṇadhamma Kyau Thaṅ, the *Manuvaṇṇanā-kyamḥ*.

*dhammasatthapakāsitā*”.<sup>881</sup> VDhMP Book Five and following contain many gāthās that are not found anywhere in the MSRP. However, VDhMP reproduces the MSRP Book Five colophon, which is translated in the nissaya version of the text. The date given for the authorship of the recension by the Eater of Kuiñḥ and Toñ Bhī Lā is *terasādhikavassamhi | sakarāje saḥassake*,<sup>882</sup> or, in the nissaya, *ta chay sumḥ nhac alvan rhi so 1000 sakkarāj rok sañ nhac n\**,<sup>883</sup> “in the thirteenth year past *sakkarāj* 1000”, i.e. 1651 C.E.<sup>884</sup>

#### IX. Prior recensions and the relation between the MSRP and MSRnis

As noted in Chapter Two, the first several folios of the MSR narrate the history of the transmission of the text in Burma. The dhammasattha transmitted to King Mahāsammata by the ṛṣi Manusāra (on which tale see the following chapter) first arrived in *Aparantajanapada* from some unspecified foreign location during the reign of Pyū Mañḥ Thīḥ, the first Sakyan monarch of Pagan, in the second century of the first millennium C.E. There it was redacted as an “abridged” recension in Pali made by Pyū Mañḥ Thīḥ, assisted by Sakka and Ṛṣi. At a later date before 1551 the text reached Rāmaññadesa, where it was put into Mon, the local vernacular. During the reign of Bayinnaung (fl. 1551-81) the thera Buddhaghosa produced a compilation in

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<sup>881</sup> UCL 6757 f.khā(v).

<sup>882</sup> UCL 6757 f.khu(r).

<sup>883</sup> MORA 7057 f.cāḥ(v)

<sup>884</sup> The question this raises is: how was it possible for Vaṇṇadhamma to reproduce the authorial colophons of the MSR, which date the MSR to 1651, in his recension while simultaneously asserting that the MSR was written during the reign of Thalun? The VDhM is very clear that the fourth recension of *Manusāra* was written “in the time of the donor of the Rājamañicūla Stupa” (*rājamañicūlaṃ thūpaṃ | dāyakassa ca kālamhi*, FPL 3740 f.tha(v)), which the nissaya understands as none other than “King Thalun” (FPL 3740 f.thā(v)). I’m afraid I cannot offer a good explanation for this discrepancy. The coronation of Thalun’s successor, Pindale, in 1648 was hardly a secret matter.

Burmese at the request of the crown prince. It is unclear whether this recension was made on the basis of the earlier Mon recension; this is unequivocally stated only in one manuscript, MSRa-nis. The recension of the MSR prepared by Toñ Bhī Lā and the Eater of Kuiñḥ may have been based on that earlier text by Buddhaghosa, again the language is not perfectly unambiguous. It is clear however that the nissaya glossators of the MSR had access to another text called the *Rhve Myaññ*, as they clearly refer to it in connection with the law of theft, as follows:

As for the types of stolen goods (*vatthu*) there are both animate [lit. ‘having life’] or inanimate objects. It is said as regards animate property (*uccā*): if someone has stolen one elephant let them repay two elephants. If someone has stolen one horse let them repay five horses. If they have stolen one cow let them repay three cows. If they have stolen one water buffalo then let them repay three water buffalos. If they have stolen one goat let them repay fifty goats. If they have stolen one pig let them repay fifty pigs. If they have stolen one peacock<sup>885</sup> let them repay one hundred. If they have stolen a person (*lū*) let them repay ten persons. If [a stolen person] has been concealed let them repay four persons. **In a text of the *Rhve Myaññ* (*rhve myaññ ta choñ*) it is written that one [stolen] cow should be reimbursed with thirty, one [stolen] water buffalo with fifteen. This does not agree with the [Pali text of the] *Manosāra* [i.e. the MSR].**<sup>886</sup>

Among other things it is interesting that here the MSR is referred to as *Manosāra* not *Manusāra*. What this citation proves is that there was another (Pali?, vernacular?) dhammasattha entitled *Rhve Myaññ* in circulation in the mid-17th century to which the glossators had access. Whether this was part of the earlier recension by Buddhaghosa, the Mon edition, or some other version, is unfortunately not clear. No earlier versions

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<sup>885</sup> u doñ Krak vam pai

<sup>886</sup> MSRh-nis ff. ññū(r)-ññe(r); emphasis mine.

of the text survive,<sup>887</sup> although there are certain portions of Mon dhammasatthas that bear further comparison with the MSR.<sup>888</sup>

What clues can this transmission narrative provide about the genealogy of the text? The language used to describe these moments of transmission in the MSR is of some help. In describing the first recension made by Pyū Maṅḥ Thīḥ, et. al., the word used to describe the moment of authorship is from Pali *thapeti* (< *tiṭṭhati* “to stand”, etc.) glossed in the nissaya by the Burmese *thāḥ pe*. Thus they “established an abridgement (*saṅkhepa*) of the dhammasattha in pure Pali”.<sup>889</sup> The fact that the narrative stresses the text was redacted in “pure” or “unmixed” Pali (*suddhamāgadhā, sak sak māgadhābhāsā*) rather than simply “Pali”, clearly indicates that this text was not a nissaya. The recension produced in Mon (*Rāmaññadesabhāsā*) also uses a version of the same verb (*thapita*), stating that “the judgments of that [i.e. the earlier Pali text] were established in Mon”. The text does not say that the text was translated into an entirely Mon vernacular version, and this phrase may signify the compilation of a Mon nissaya which preserved the earlier Pali version either as an independent section of the text or within the body of the nissaya gloss. However, the compilation of the text produced during Bayinnaung’s reign is described using the verb *vicāreti* (< *vicarati*, “to go about”), paralleling the Burmese verb *cī raṅ*, which can mean to “judge” or, as here, in conjunction with the production of texts, to “compile” or “arrange”. The verb *cī raṅ* is not quite as strong as verbs utilizing the compound *reḥ*, which literally signifies the act of “writing” and hence implies a sense closer to the

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<sup>887</sup> However, see the discussion of MSRe above.

<sup>888</sup> See the transcriptions in MDT. It is clear that none of these Mon dhammasatthas are closely parallel to the MSR, although they share some overlapping content in places. A much fuller survey of surviving Mon dhammasāt manuscripts is needed before educated guesses can be made about the details of interactions between Mon and Burmese traditions.

<sup>889</sup> MSRa f.ki(r)

English verb *write* used to denote the moment of authorship. Thus Buddhaghosa “compiled” a version in Burmese; and again here it is entirely plausible that this signifies the compilation of a nissaya or the simultaneous transmission of a Pali version. By contrast, each of the authorial colophons in the MSR above use *sodhita* (< *sodheti*, to “cleansed” or “purify”) to describe the engagement of Toṅ Bhī Lā and Manurāja with the text. As we have noted, these colophons are not glossed in all manuscripts, but MSRI translates *sodhitam* with *sut saṅ*—the dhammasattha was “cleansed” or “purified” (or less literally, “edited”).<sup>890</sup> Thus the first two recensions of the *Manusāra* were “put” or “established” into Pali or Mon whereas the third was “arranged” or “compiled” in Burmese. Toṅ Bhī Lā and Manurāja then “purified” the text.

While the act of “establishing” or “compiling” a text in a particular language may signify a moment of translation—and indeed in all of these instances in the transmission narrative the languages from and into which the text was translated are named—“purifying” a text implies that a redactor is not glossing but editing. Thus the implication is that Toṅ Bhī Lā and Manurāja were editing an earlier text, which I refer to for present purposes as *Manusāra\**, in the language(s) in which it came down to them. But what was this language? Was the *Manusāra\** a vernacular compilation? A nissaya? A *pāṭha* text? Tellingly, nowhere in the MSRP or the MSRnis does the text refer to the compilation of the MSRnis as an independent event, and the authorial colophons above function to document the production of the MSR in *both* the *pāṭha* and nissaya manuscript versions. This suggests that the *Manusāra\** received by Toṅ Bhī Lā and Manurāja comprised both a Pali and a vernacular/nissaya Burmese recension. As I have shown, surviving manuscripts of the MSR reveal that the MSRP did not circulate independent of the nissaya version. In all manuscripts that contain the

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<sup>890</sup> MSRI f.taṃ(r).

pāṭha text, the MSRP and the MSRnis are presented as one compilation, including a Pali recension followed by its nissaya gloss. On the evidence of the authorial colophons describing the 1651 recension, it is probable that the version of the *Manusāra*\* that came down to them was similarly organized in both a Pali and vernacular/nissaya version. There are several possibilities as to what this compilation may have looked like:

1. A pāṭha text accompanied by its nissaya
2. Only a nissaya version
3. An entirely vernacular version accompanied by its pāṭha
4. An entirely vernacular version accompanied by its nissaya

On the basis of what we know of premodern textual and manuscript transmission in Burma possibilities three or four are hardly likely. While we have very little evidence that sheds light on the specific content of Pali and nissaya manuscripts that circulated in Burma during the 16th centuries and earlier, from later periods there is little if any evidence of vernacular texts that circulated alongside their pāṭha or nissaya versions *as part of the same treatise*. There are many examples, however, of pāṭha texts followed by their nissaya versions that circulated as a part of a single compilation. And of course there are thousands of examples of independent nissaya texts.

Toṅ Bhī Lā and Manurāja did not compose the MSRP and then provide it with a nissaya, they inherited both of these texts as part of a single compilation. If the *Manusāra*\* contained only a nissaya, it might be argued that Toṅ Bhī Lā and Manurāja extracted the Pali gāthās and arranged them as the MSRP into a separate section of the text. But this is not likely. First, there are no statements anywhere in the MSR that they did this. But more importantly, the fact that the MSRnis in Books Four

and following contains a significant amount of vernacular content that cannot be traced to parallels in the MSRP argues quite persuasively that this material was more or less part of the nissaya version of the *Manusāra* as they inherited it.

#### X. The persistence of form

Part Two has been primarily focused on examining the ways in which dhammasattha was written in 17th and 18th century Burma. Here I have insisted that before we begin to analyze the content or authorship of a text, we must first read it carefully with an eye to deciphering its structural logic and interrelationships with other texts. Our surviving manuscripts and texts themselves deserve to be regarded as our primary and most proximate evidence for dhammasattha history. The different treatises surveyed have shown that there was no single, privileged form in which the genre was compiled. As *mūla* texts, commentaries or digests, dhammasattha was expressed in both Pali and vernacular languages, in both “narrative” and “manual” styles, and in verse and prose. In this the genre drew on the resources of the broader manuscript and literary culture, which remained remarkably stable until the end of the 19th century when the last dhammasatthas were compiled. One of the earliest surviving dhammasats, the DhV, is an almost entirely vernacular prose text probably written before 1628. And indeed, as Chapter Two discussed, even in the 13th century “dhammasāt” was written in the vernacular. The next earliest treatise, the MSR, dated to 1651, though very likely containing a large amount of earlier text, comprises two different recensions in Pali and Pali-nissaya.

Recent scholarship has argued for a gradual progression during the 17th through 19th centuries in the increasing vernacularization and “popularization” of

legal and other genres of Burmese literature.<sup>891</sup> The evidence presented in the previous two chapters suggests problems with such a characterization. Pali composition remained central to the writing of dhammasattha throughout the genre's history. Like any other knowledge system or variety of *kyamḥ* in premodern Burma, law was expressed in both Pali and vernacular. The enduring appeal of Pali resulted primarily from the fact that it was, and had been since the 12th Century if not earlier, the language of scholastic culture. Pali is often characterized as “the language of the Theravāda *tipiṭaka*”<sup>892</sup>, which of course is absolutely true, but the language and the possibilities it evoked had an significance that extended far beyond “canonical” materials and commentaries. The choice to redact a dhammasattha text in Pali was not directed by any overtly theological concerns, or by a desire on behalf of compilers to emulate or invoke the authority of the *tipiṭaka* by emulating its language.

As we have noted, Pali composition was desirable because it afforded compilers of written law a degree of clarity and succinctness that vernacular composition was seen to lack. Pali was imagined to impart a technical vocabulary and linguistic or formal exactness that appealed to compilers of disciplinary texts, whether dhammasattha, astrology, alchemy, or mathematics. Steven Collins and others have noted the long history of commentary emphasizing the importance and superiority of Pali within certain Buddhist milieux.<sup>893</sup> As Collins shows, Pali was “exempt from contingency” and regarded as a natural language which “exists before the artificialities (*kittimā*, Skt. *kṛtimā*) of humanly derived culture and language are imposed, and it is what emerges after they are cleared away by the Buddhist virtuoso's Discrimination in

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<sup>891</sup> Victor Lieberman, *Strange Parallels: Southeast Asia in Global Context, c. 800-1830, Volume 1*, Cambridge, Cambridge University Press, 2003, pp. 197-98.

<sup>892</sup> Compare the title of Thomas Oberlies' recent grammar: *Pāli: A Grammar of the Language of the Theravāda Tipiṭaka*, New York, de Gruyter, 2001.

<sup>893</sup> Steven Collins, *Nirvana and Other Buddhist Felicities*, pp. 46-53.

Language”.<sup>894</sup> Texts such as the monastic *pātimokkha* and *kammavācā* materials were required to be in Pali and recited according to precise guidelines for the them to be ritually efficacious. Pali was capable of denoting “things ‘in accordance with the way they really are (*yathābhucca*)’”.<sup>895</sup> Legal compilers thus drew on the resources of Pali as a vehicle capable of capturing essential meaning not because of any special attributes of the dhammasattha genre itself, but because of the widespread perception that only Pali offered the possibility of redacting a “perfect” treatise in a linguistic or semantic sense.

Moreover, the fact that most of the Pali found in dhammasattha is written in meter further attests to the use of the language as a rarefied scholastic medium. The MSRP, for example, would have been much easier to interpret if it were written in plain Pali prose. The fact that Toṅ Bhī Lā and the Eater of Kuiṅṅ redacted the MSRP, or Vaṇṇadhamma the VinP, into Pali gāthās means that these authors were not writing for a wide audience who would access their text only through Pali verse. Pali verse may have also served to encourage the memorization of the texts. In this the redaction of dhammasattha in Pali meter was motivated by similar reasons as legal texts in vernacular verse. Verse was the preferred style of homiletic texts that did not deal specifically with law, from Pali *nīti* to Burmese *chumḥ mā sā* and *mettā cā*.<sup>896</sup> Of course Sanskrit dharmaśāstra and Indic *subhāṣita* genres (among others) were also compiled in verse. The initial impetus for the compilation of Sanskrit legal texts in eight-syllable *śloka* meter may have been partly motivated by the fact that towards the close of the first millennium B.C.E. verse came to signify a higher textual authority

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<sup>894</sup> Collins, *ibid.*, p. 52.

<sup>895</sup> Collins, *ibid.*, p. 50.

<sup>896</sup> For a discussion of some texts of the latter two vernacular genres which began in the late 15th and early 16th centuries see Chapter Six.

than prose, and thus supplanted the form of the earlier *dharmasūtra* literature.<sup>897</sup> By the late 15th century when vernacular verse homilies began to be written by Mahāraṭṭhasāra, Silavaṃsa, and the Kan tau mañḥ kyoñḥ Sayadaw, the connection between poetry and textual authority was well established in South as well as Southeast Asia. Versification connected writing to an extensive literature on poetic theory (*kāvya*) in both Sanskrit and Pali, which impacted the development of vernacular conceptions of meter and rhyme in Burma as it did in Siam. The expression of literary skill and creativity associated with the ornament of sound was a principal motivation for the writing of poetic law.

But it is also clear that the practical requirements of the legal culture in premodern Burma could not be met by Pali or verse legal texts alone. The vast majority of cases were not tried by monks, ex-monks or learned authors who would have had a high level of command of Pali or a deep familiarity with poetic theory. The extent to which such judges may have even been literate is an open question; and their sole access to ideas contained in dhammasattha may have been through communal recitations of texts. Disputes, even monastic disputes, were conducted entirely in the vernacular. It is therefore hardly surprising that we also find an array of vernacular prose dhammasattha texts. In this sense nissaya could accommodate both the learned, scholastic aspect of dhammasattha compilation while simultaneously allowing for vernacular prose access to a text via glosses and *adhippāya* passages. There are certain modulations in the development of written law during the 17th through 19th centuries, but this period is not marked by dramatic changes in the formal or linguistic aspects of dhammasattha compilation.

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<sup>897</sup> See Olivelle, “Structure and Composition”.

PART THREE  
DHAMMASATTHA AND TEXTUAL AUTHORITY

*θεὸς ἢ τις ἀνθρώπων ὑμῖν, ὃ ξένοι, εἴληφε τὴν αἰτίαν τῆς τῶν νόμων διαθέσεως*

-Plato, *Laws (Opera, V, 624a)*

CHAPTER SIX  
DHAMMASATTHA AND ITS DISCONTENTS

Some degree of concern with the sources of law is a hallmark of most legal cultures. Since Plato European traditions of jurisprudence have made the articulation of the origins of legal authority one of the key features of its inquiry, while in South and Southeast Asia the dharmasūtras, dharmasāstras, the Buddhist Vinaya literature, and their commentaries, all grapple with questions of what makes a rule legitimate as law. Dhammasattha devotes less space to the explicit theorization of such matters, but a careful reading of manuscripts reveals that it has much to say about them. Part Three examines the textual authority of dhammasattha. Here textual authority refers to both the authority of dhammasattha as a text, as written law, and to the texts the genre invokes as authoritative.

Chapter Six begins with an analysis of the mythologies associated with the origin and authority of written law which frame the MSR. It does so in part to underscore the importance of narrative in articulating the framework within which dhammasattha law is expressed. Narrative is one of the key features that sets dhammasattha apart from other forms of written law in premodern Burma, such as royal edicts, which date to the Pagan-era and have earlier analogues in Indo-Southeast Asian political theory, or the *upadesa* laws of the late Konbaung dynasty, which were themselves a unique amalgamation of dhammasattha, *rājasāstra* and early modern European juridical models. It is also one of the main differences between dhammasattha and dharmasāstra, most examples of which devotes far less space to narrative accounts of law's origins.<sup>898</sup> Here I want to argue that narrative was not

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<sup>898</sup> However, the *Vaiṣṇava Dharmasāstra* (c. 6th-8th Centuries C.E.) departs from the convention of earlier texts in devoting more space to its frame story. See Patrick Olivelle, *The Law Code of Viṣṇu: A Critical Edition and Translation of the Vaiṣṇava-*

simply employed to articulate a “legal fiction”, a device employed by legislators to obscure the fact that law was made by human hands. Rather, it laid the theoretical groundwork and established the authoritative basis for dhammasattha law without which representations of legal authority elsewhere in the texts would be unimaginable. Moreover, the narrative mythologies of dhammasattha provided an opportunity for compilers to instruct their audiences in a range of additional themes concerning ascetic practice and sexual temptation that are perhaps less strictly associated with law.

We thus encounter mythopoeic narratives concerning the celestial revelation of the text of the law and its uncorrupted appearance in the world due to the intercession of ṛṣis charged with supernatural powers. As discussed below, it would be incorrect to view such myths as parallel to Abrahamic conceptions of legislation enacted by God or “divine law”. The legal cosmology at work is specific and presupposes a distinctively (Pali) Buddhist ontology concerning the boundaries of the mundane and supermundane. The law is brought into being because of the ways in which it can serve worldly benefit and political power. In theory at least, law is meant to enhance the conditions necessary for the attainment of an ever more perfect world characterized by right action, which is in turn motivated by the soteriological desires of its inhabitants.

Due to the model of textual authority they propose, such narratives confronted Burmese commentators on dhammasattha with uncertainties. They were regarded, by some quarters at least, as incongruous with orthodox conceptions of the origin of Buddhist legislation. Bhikkhus and paṇḍitas learned in the texts of the *tipiṭaka* and their commentaries, and familiar with traditional narratives concerning the parameters of this literature and its formation, easily recognized the exclusion of dhammasattha

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*Dharmaśāstra*, Harvard Oriental Series Vol. 73, Cambridge, Cambridge University Press, 2009, pp. 16-17.

from it. Critics of the genre invoked an alternative model of textual authority, which redescribed dhammasattha as a form of human legislation and an associate of the “Vedic” corpus, as it was construed by the Burmese and Pali commentarial imagination. For most commentators this corpus was not heretical or “non-Buddhist”. In the second half of this chapter I examine a number of different discussions that attempt to account for, if not reconcile, dhammasattha and other “Brāhmaṇical” disciplines with perceived authoritative Buddhist texts and particularly the *Jātaka* commentarial literature. This analysis is important not only for an understanding of the reception and later transformation of the foundational narratives of dhammasattha written law, but may be extended as a powerful explanation of the ways in which other śāstras, as well as Brāhmaṇism more broadly, were domesticated as legitimate within the Burmese Buddhist context.

Chapter Seven turns from an analysis of the authority of written law to an analysis of the texts invoked as authoritative by the genre. As we have already repeatedly encountered, there are extensive parallels between dhammasattha and both Pali Buddhist texts and Sanskrit dharmaśāstra and nīti-type literature. Here I narrow the focus to concentrate on the representations of judges, witnesses, and oaths in the MSR and DhV. This chapter has two principle goals. The first is to stress the importance of ethics to the dhammasattha imaginary. While Chapter Six explores the more positivistic conception of written law entailed in the MSR origin narrative, Chapter Seven draws attention to the centrality of moral discourse in the determination of individuals qualified to act as judges and witnesses. Secondly, Chapter Seven provides a case study in the textually “composite” nature of this ethics, which is grounded in the authority of Buddhist jurisprudence (sourced from a wide array of Pali texts), Brāhmaṇical dharmaśāstra, and local legal-administrative theory.

## I. Mahāsammata: The origins of Buddhist sovereignty

Many dhammasattha texts begin with a narrative account of the genesis of written law. There are several variants of the account, all but one of which (that of the KNDh discussed above), depict tales of both a ṛṣi Manu (or Manusāra and other variants) and King Mahāsammata.<sup>899</sup> Before looking in detail at the nuances of the MSR account it is necessary to first explore the long history of commentary associated with these two figures in Pali and Burmese literature before the mid-17th century. Mahāsammata, of course, is the first king according to Buddhist cosmogony and chronicles, the progenitor of the Sakyan royal lineage (from which the Buddha Gotama himself descended), and a bodhisatta.<sup>900</sup> The *locus classicus* of discussions concerning him is the well-known *Aggañña Sutta* (AS) of the *Dīgha-nikāya*.<sup>901</sup> The AS is a text that has been put to the service of many different arguments concerning the origins and ideal theory of Buddhist statecraft.<sup>902</sup> Briefly, it recounts how, towards

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<sup>899</sup> Cf. Andrew Huxley, “When Manu met Mahāsammata”, *JIP*, 24 (1996), pp. 593-621, who identifies three principle “versions” of the account. As Huxley admits, these three versions do not map neatly onto the textual tradition. Here my comments relate mainly to the MSR, and I don’t attempt to map the relationship among all of the surviving versions of these origin narratives, since such a project would, at a minimum, require a reasonably careful comparison of hundreds of manuscript texts.

<sup>900</sup> DPPN, s.v.; S. 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 (1989), pp. 101-122.

<sup>901</sup> D III 80-98; Steven Collins, “The Discourse on What is Primary (*Aggañña-sutta*)”.

<sup>902</sup> There is an extensive recent literature on this subject, much of which can be traced to the work of Balkrishna Gokhale; see, for example, his “Dhammiko Dhammarāja: A Study in Buddhist Constitutional Concepts”, *Indica: The Indian Historical Research Institute, Silver Jubilee Commemoration Volume*, Bombay, Indian Historical Research Institute, 1953, pp. 161-65. In part, this work extends earlier scholarship on the development of ideas of a Buddhist political theology focusing on the ideal of the *cakravartin* king. See Émile Sénart, *Essai sur la légende du Buddha, son caractère et ses origines*, Paris, E. Leroux, 1882; J. Przyluski, “La ville du cakravartin: Influences babyloniennes sur la civilisation de l’Inde”, *Rocznik Orientalistyczny*, 5 (1927), 165-185; H.G. Quaritch Wales, *The Mountain of God: A Study in Early Religion and Kingship*, London, Bernard Quaritch, 1953; Paul Mus, *Barabudur: Esquisse d’une*

the beginning of the cyclic generation (*vivaṭṭati*) of a world (*loka*), beings gradually became greedy, began to indulge in impurities (*asuci*) such as sex, and, due to their sloth, began to harvest surplus stores of food. One being stole another's share (*bhāga*) of rice, which marked the beginning of theft (*adinnādāna*), and thus accusation (*garahā*), lying (*mūsavada*), and punishment (*daṇḍadāna*).<sup>903</sup> Then, responding to such transgressions,

those beings came together and lamented 'bad things {*pāpakā dhammā*} have appeared for us beings, in that stealing, accusation, lying and punishment have become known; what if we were to appoint one being to criticise whoever should be criticised, accuse whoever should be accused, and banish whoever should be banished? We will (each) hand over to him a portion of rice'. Then, monks, those beings went to the one among them who was most handsome and good-looking, most charismatic {*pāsādikataro*} and with greatest authority {*mahesakkhataro*} and said 'come, being, (you) criticise whoever should be criticised, accuse whoever should be accused, and banish whoever should be banished; we will (each) hand over to you a portion of rice{'}. He agreed [and did as they asked]; they (each) gave him a portion of rice. 'Appointed by people' [*mahājanena sammato*], monks (is what) *mahāsammata* (means): 'mahāsammata' was the first term (for the kṣatriya class) which appeared. 'Lord of the fields' [*khettānam pati*] is what *khattiya* means: 'khattiya' was the second term (for the kṣatriya class) to appear. 'He brings joy to others [*paresaṃ ... rañjeti*] according to Dhamma', is what *rājā* ('king') means: 'rajā' was the third term (for the kṣatriya class) to appear. This was the birth of the kṣatriya-group {...}<sup>904</sup>

The text continues to narrate the emergence of the additional three classes (*vaṇṇa*) of brahmaṇas, *vessas*, and *suddhas*. But among the four classes the AS states that it is the monk, who may have gone forth from any one of them, who is the best and primary (*agga*),<sup>905</sup> for only he is an *arahant*.<sup>906</sup>

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*histoire du Bouddhisme fondée sur la critique archéologiques des textes*, 2 vols., Hanoi, Imprimerie d'Extrême-Orient, 1935.

<sup>903</sup> D III, 92. On *garahā* and cognate terms see below.

<sup>904</sup> Collins trans., "Discourse", pp. 345-6.

<sup>905</sup> On the nuances involved in '*tesaṃ aggam akkhāyati dhammen' eva no adhammena*' see Collins, "Discourse", notes to translation 7.2, 7.3, and 31.2.

The AS has rightly been seen as an account of the origin of both the social classes and “bad things”—early English translators glossed the phrase *pāpakā dhammā* as “evil deeds”, a Burmese nissaya written in 1753 glosses it “bad conduct” (*ma koñḥ so akyañ.*).<sup>907</sup> Expressions of behavior contrary to dhamma (greed, sex, theft) made governance necessary. Political sovereignty and class were not part of the order of things, but a consequence of debauched practices.<sup>908</sup> A number of commentators have remarked how different this model is from Brāhmaṇical conceptions of the origins of kingship or caste, and suggested that it may have been intended in part as satirical commentary on an earlier, non-Buddhist political theology.<sup>909</sup> The unnaturalness of these phenomena in the AS stands in sharp contrast to arguments in Vedic cosmogonic myths,<sup>910</sup> such as the famous *Puruṣa Sūkta* (RV 10.90) in which the four social classes are created from dismemberment of the Cosmic Man, or indeed to narratives that sought to sacralize kingship in other Brāhmaṇical and Buddhist texts.<sup>911</sup>

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<sup>906</sup> The definition of *Arhant* here is similar to that found elsewhere in the nikāyas, namely: one who has destroyed the defilements (*khīṇāsava*), reached perfection (*vusitavā*), done the duty (*katakarāṇīya*), laid down the burden (*ohitabhāra*), attained the true goal (*anuppattasadattha*), exhausted the fetters of existence (*parikkhīṇa-bhavasamyojana*), and is released by perfect knowledge (*sammadaññā vimutto*). Cf. parallel passages in CS-Bse.— Dī.3.186; M.1.8-11, 361; M.2.194, 234-5; Saṃ.2.110, 167; Saṃ.3.474-5, 497, 503, 827, 907; Añ.1.37-8; Añ.2.49, 55; etc.

<sup>907</sup> Ariyālaṅkāra, *Pātheyyapāḷi-tau nissaya*, Yangon, Icchāsaya, 1973, pp. 155-6.

<sup>908</sup> We should note that across early Pali materials kingship is not characterized by a single, normative set of features. See the extensive discussion of the various forms such representations may take in S. Collins, *Nirvana and Other Buddhist Felicities*, ch. 6.

<sup>909</sup> R. Gombrich, “The Buddha’s Book of Genesis”, *Indo-Iranian Journal*, 35, 2-3 (1992), pp. 159-91, esp. 162 ff.; Collins, “Discourse”, pp. 309-12.

<sup>910</sup> See Brian K. Smith, *Classifying the Universe*.

<sup>911</sup> Here, however we should also note that within Brāhmaṇical theory similar narratives of the “election” of kings by the people are found. Cf. Kane, *History III*, p. 31. On an array of relevant Brāhmaṇical materials see J. Gonda, “Ancient Indian Kingship from the Religious Point of View”, *Numen*, 3.1 (1956), 36-71; 3.2 (1956), 122-155; 4.1 (1957), 24-58; 4.2 (1957), 127-164. The classic studies of sacral

Nowhere in the AS is emergent kingship expressly connected with legislation; the subtext of the narrative is that a good king is the preserver of the order of dhamma.<sup>912</sup> Collins, however, was the first to notice features of the language and content of the AS which reveal its close connection to the laws of the monastic vinaya literature. He writes that “each and every event in the degeneration of beings is in some way related to the monastic order, its ideals and its Code.”<sup>913</sup> The intended audience of the AS was the saṅgha, and as such the parable may have operated to a significant extent as a justification of monastic administrative law before the community, meant to ensure the performance of actions according to vinaya and legitimate the punishment of infractions. Most later Pali and vernacular commentaries fail to explore this connection between the AS and the vinaya. However, Toṇ Bhī Lā, our co-compiler of the MSR, in his *Vinayālaṅkāra-ṭīkā* (VL) attributes a certain monastic law to the primordial reign of Mahāsammata. Toṇ Bhī Lā discusses a vinaya passage (Vin 1, 250) that states that “when seeds (*bīja*) belonging to the community of the saṅgha (*saṅghika*) are sown on lands belonging to an individual (*puggalika*), [the community] may use of the produce after they have given a share [to the individual]”, and vice versa. In the commentary on this passage in the *Samantapāsādikā* and in later

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Buddhist kingship in Southeast Asia and its cosmological foundations are Heine-Geldern, “Weltbild und Bauform in Südostasien”, *Wiener Beiträge zur Kunst- und Kulturgeschichte Asiens*, 4 (1930), pp. 28-78; P. Mus, *Barabudur*, op. cit.; P. Mus, “Le Buddha paré”, *BEFEO*, 28.1 (1928), pp. 153-278. An important recent study returns to many connected themes: Peter Skilling, “King, Sangha, and Brahmins: Ideology, ritual and power in pre-modern Siam” in *Buddhism, Power and Political Order*, ed. Ian Harris, London, Routledge, 2007, pp. 182-215.

<sup>912</sup> That is, the AS is less explicit than certain *dharmaśāstras*, which state that the absence of dharma gave rise to both legal procedure (*vyavahāra*) and kingship. Compare *Nārada*, 1.1-2” “When men had dharma as their sole purpose and were speakers of the truth, there was no legal procedure, no enmity, and no selfishness. Legal procedure came into being at the time when dharma was lost among men. The overseer of legal procedures is the king; he has been made the rod-bearer [*daṇḍadharaḥ*]” (Lariviere, trans., p. 3).

<sup>913</sup> See the important discussion at Collins, “Discourse”, p. 330.

sub-commentaries this practice of “giving a share” is justified as *jambudīpe porāṇakacārittaṃ*, an “old practice in Jambudīpa”, and the amount of the share to be given is further specified as one-tenth of the total produce.<sup>914</sup> Toṅ Bhī Lā refers to this formulation, but further elaborates the rule, stating:

‘*jambudīpe porāṇakacārittaṃ*’ means at the beginning of the world-cycle (*kappa*), humans (*manussā*) made the *bodhisatta* Mahāsammata king. Each [of the humans] divided ten shares of their harvest from their rice-fields and partook of it after having given one share to King Mahāsammata, who was the owner of the earth (*bhūmisāmikabhūta*). Henceforth this practice was said to be that of the people of Jambudīpa. Thus in the sub-commentary on the vinaya, *Sāratthadīpanī*, it is said, ‘having made ten shares, they should give one share to the owner of the land.’<sup>915</sup>

This identification remained the principle justification for the royal taxation of Burmese subjects in the following centuries.<sup>916</sup>

## II. The Buddhist Manu

Manu, on the other hand, is regarded as the father of humankind and author of *śrāddha* rites according to early (i.e. pre-Buddhist) Vedic materials.<sup>917</sup> The first

<sup>914</sup> Sp 5, 1103: *bhāgaṃ datvā ti dasamabhāgaṃ datvā idaṃ kira jambudīpe porāṇakacārittaṃ tasmā dasakoṭṭhāse katvā koṭṭhāso bhūmisāmikānaṃ dātabbo* | This elaboration is also reproduced in the Mahāvagga-ṭīkā of the *Sāratthadīpanī*-Bse-CSCD s.304 and *Vinayaṅgaha-āṭṭhakathā*, Yangon, Praññ kriḥ maṇḍuiṃ, 1954, p. 435.

<sup>915</sup> *jambudīpe porāṇakacārittanti ādikappakāle paṭhamakappikā manussā bodhisattaṃ mahāsammataṃ nāma rājānaṃ katvā sabbepi attano attano taṇḍulaphalasālikhettato pavattataṇḍulaphalāni dasa koṭṭhāse katvā ekaṃ koṭṭhāsaṃ bhūmisāmikabhūtassa mahāsammatarājino datvā paribhuñjimsu* | *tato paṭṭhāya jambudīpikānaṃ manussānaṃ cārittaṃ vuttaṃ* | *tenava sāratthadīpanīnāmikāyampi vinayaṭīkāyaṃ dasabhāgaṃ datvāti dasamabhāgaṃ datvā* | VL, ii, p. 398.

<sup>916</sup> MMOS, 171.

<sup>917</sup> Cf. Bühler, *Laws of Manu*, SBE vol. 25, pp. lvii-lxiii; Kane. *History* I, pp. 306-8.

explicit connection between him and legislation may be in Yāska’s *Nirukta*<sup>918</sup>, or otherwise in the earlier dharmasūtra literature, where his authority is cited in reference to both inheritance regulations and expiatory rites.<sup>919</sup> Later materials depict him as the first king and progenitor of the Ikṣvāku solar dynasty.<sup>920</sup> In a passage that recalls the role of Mahāsammata in the AS, the *Arthaśāstra* says that Manu was made king by the people who were aggrieved by the “law of the fishes” (*mātsyanyāya*)<sup>921</sup>, and that they designated one-sixth of their commodities and one-tenth of their grain and specie as his share. Kings, the text says, “foster the welfare (*yogakṣema*) of their subjects”.<sup>922</sup> Manu is of course most well known as the sage who reveals the contents of the *Manusmṛti*, which he related to a group of ṛṣis who interrupted him in the course of meditation and asked him to provide guidance about the law (*dharma*).<sup>923</sup>

Manu is not mentioned in the *Tipiṭaka*, but has a vibrant “post-canonical” career, as Collins and Huxley have pointed out,<sup>924</sup> in which among other things he is identified as the same as Mahāsammata. The commentary on the *Vimānavatthu* is the earliest Pali text to assert that Manu and Mahāsammata are identical figures. A parallel passage is found also in the *Sāratthadīpanī-ṭīkā* and the *Abhidhānappadīpikā-ṭīkā*:

<sup>918</sup> Kane, *History* I, p. 308. Yāska’s date is uncertain, and placed between the 7th and 3rd centuries B.C.E.; cf. G. Cardona, *Pāṇini: A Survey of Research*, Delhi, Motilal Banarsidass, 1997, s.3.2.1.

<sup>919</sup> *Āpastamba-dharmasūtra* 2.14.11; *Gautama-dharmasūtra*, 21.7. On the date of these texts see P. Olivelle, *Dharmasūtras*, pp. 4-10.

<sup>920</sup> As Collins points out, in the commentary on the *Ambaṭṭha Sutta* three Okkāka (<Ikṣvāku) lineages were descended from Mahāsammata. Collins, “The Lion’s Roar on the Wheel Turning King”, pp. 421-46, p. 424. See also Jonathan Silk’s reading of this lineage narrative in *Riven by Lust: Incest and Schism in Indian Buddhist Legend and Historiography*, Honolulu, University of Hawaii Press, 2009, pp. 129ff.

<sup>921</sup> On this term see Kane, *History* III, pp. 21-2.

<sup>922</sup> AŚ, 1.13.5-7.

<sup>923</sup> MDh, 1.1-3.

<sup>924</sup> See particularly Collins, “The Lion’s Roar”, op. cit.; Collins and Huxley, “The Post-Canonical Adventures of Mahāsammata”, *JIP*, 24 (1996), pp. 623-648.

*lokiyā pana manuno apaccabhāvena manussā ti vadanti | manu nāma paṭhamakappiko lokamariyādāya ādibhūto hitāhitavidhāyako sattānaṃ pituṭṭhāniyo yo sāsane mahāsammato ti vuccati | paccakkhato paramparāya ca tassa ovādānusāsaniyaṃ ʃhitā sattā puttasadisatāya manussā ti vuccanti | tato eva hi te māṇavā manujā ti ca voharīyanti |*<sup>925</sup>

Those in the world (*lokiyā*)<sup>926</sup> say [people] are [called] ‘humans’ (*manussā*) because they are the offspring of Manu. Manu is the name of the first (*ādibhuto*) at the beginning of the world-cycle (*kappika*) who determined (*vidhāyako*)<sup>927</sup> what is and is not beneficial regarding the boundaries between [or: ‘duties of’] men (*lokamariyādā*). He was established as the father of beings. In the [Buddhist] teaching (*sāsane*) 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 (*sattā*) are also designated as ‘*māṇavā*’ (“beings”) or ‘*manujā*’ (“born of Manu”)<sup>928</sup>.

The identification of Manu with Mahāsammata is found elsewhere in Pali literature.

As Collins notes, their identity is reiterated in the sub-commentary on the *Ambaṭṭha Sutta* (c. 8-12th centuries C.E.), which contains the following gāthās:

*ādiccakulasambhūto suvisuddhaguṇākaro |*

<sup>925</sup> CSCD; Cf. *Vimānavatthu-aṭṭhakathā-nisya*, Mandalay, Mandalay Hill Piṭaka Publishing House, 1940, I, p. 47; Nandisena Aggamahāpaṇḍita, *Sāratthadīpanī-ṭīkā-nissaya-sac*, Yangon, Ministry of Religious Affairs, 1980, Vol 1, pp. 565-6; Paññāsāmi, *Abhidhānappadīpikā-ṭīkā-nissaya*, p. 343. A close variant of this passage is found in Sv-ṭ-CSCD. For an alternate English translation see, Peter Masefield, *Vimāna Stories*, London, PTS, 2007, pp. 24-5.

<sup>926</sup> In the nissaya to the passage in the Sp-ṭ the Burmese glosses this term to signify “according to the authors of the worldly and grammatical (*lokī-sadda*) treatises”. On the lokiya/lokuttara distinction in Burma see below. *Sāratthadīpanī-ṭīkā-nissaya-sac*, p. 565.

<sup>927</sup> The sense of *vidhāyaka* might be considerably stronger than “provider” found in PTSD and Masefield’s translation of the Vv-a (PTS, 2007, p. 24). The Burmese nissaya glosses *vidhāyaka* as *cī raṇ tat so*, thus Manu “judged”, “determined”, or “arranged”. The verb *cī raṇ* is the basic Burmese word used to refer to judgments in legal disputes.

<sup>928</sup> Masefield (op. cit.) takes *māṇavā* as “Brahmin youths”. I am following the Burmese nissayas, which take these as two different designations, and appear to intend the sense of the *māṇavo* as a synonym for being (*satta*). Cf. glossed at *Abhidhānappadīpikā*, s.842 (cf. KAN. s.v.).

*mahānubhāvo rājāsi mahāsammatanāmako ||  
yo cakkhubhūto lokassa guṇaraṃsisamujjalo |  
tamonudo virocittha dutiyo viya bhāṇumā ||  
ṭhapitā yena mariyādā loke lokahitesinā |  
vavatthitā sakkuṇanti na vilaṅghayituṃ janā ||  
yasassināṃ tejassināṃ lokasīmānurakkhakaṃ |  
ādibhūtaṃ mahāviraṃ kathayanti manūti yaṃ ||*

There was a powerful king called M[ahā]S[ammata], born into the family of the Sun (*ādicca-kula*), 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.

Out of his concern for the world he set up boundaries (or: limits, *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’.<sup>929</sup>

The connection in both of these passages between Manu/Mahāsammatā and the fixing of “boundaries” is significant. *Mariyādā* in Pali often refers to boundaries, but is also a term signifying “custom”, “discipline”, or “rules”. According to Pali lexicography *mariyādā* is a synonym of both *sīmā* (“boundary”, KAN, s.226) and *ācāra* (“conduct”, “discipline”, KAN, s.1054). In the *Vinaya*, the term *mariyādā* is used to refer to the “limit” of the number of robes allowable to a bhikkhu as ruled by the Buddha,<sup>930</sup> and in the *Mahāniddesa* the term is used to designate the “parameters” of the “four limitations” (*cattaro pariyanta*), which are not to be breached by a monk.<sup>931</sup> In the *Doṇabrāhmaṇasutta* of the *Aṅguttara Nikāya*, *mariyādā* is used to refer to the “discipline” of brāhmaṇas.<sup>932</sup> The precise term *lokamariyādā*, “the boundaries [or “rules”] among men”, found in the *Vimānavatthu* commentary cited above is also

<sup>929</sup> Collins’ trans. in “Lion’s Roar”, pp. 425-5. Cf. The Pali verses are from the *Sīlakkhandavagga-ṭīkā* (CSCD).

<sup>930</sup> Vin I, 288.

<sup>931</sup> Nidd-Bse, s.199, pp. 385-6. The “four limitations” of a bhikkhu are *sīlasaṃvara* (“restraint in *sīla*”), *indriyasaṃvara* (“restraint in the senses”), *bhojane mattaññūtā* (“moderation in food”), and *jāgariyānuyoga* (“the practice of wakefulness”).

<sup>932</sup> AN III, 227, as pointed out by Collins, “Discourse”, p. 369.

mentioned in the subcommentary on the *Mūlapaṇṇāsa*, where it is defined as equivalent to the “laws that protect the world” (*lokapāladhammā*).<sup>933</sup> In the commentary on the *Sukkadhammasutta* of the *Itivuttaka*, the *lokapālakadhamma* are said to prevent chaos (*sambheda*), which itself is glossed as *mariyādabhedam*, “the breaking of boundaries”.<sup>934</sup>

The Sanskrit cognate *maryādā* signifies a “boundary” or “limit” but is similarly used to refer to “the bounds or limit of propriety, rule or custom, distinct law or definition”.<sup>935</sup> In the *Nāradaśmṛti* the word is used to refer to “customary rules”.<sup>936</sup> The *Manusmṛti* states that “They call a king who gathers a sixth portion as levy without providing protection ‘one who gathers all the filth of the entire population’. When a king disregards proper bounds [*anapekṣita-maryādam*], is an infidel, is rapacious, fails to provide protection, and is predatory, one should know that he is headed along the downward course.”<sup>937</sup> The term played a crucial role to refer to “law” in the legal culture of medieval South India. Donald Davis has argued that “the key to understanding law in medieval Kerala is the concept of *maryādā*, also known as *ācāra* in Kerala and elsewhere in India.”<sup>938</sup> According to him, *maryādā* signifies 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”.<sup>939</sup> Elsewhere Davis writes that the Malayalam derivative “*maryāda* signifies the moral and legal boundaries established

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<sup>933</sup> CSCD.

<sup>934</sup> It-a-CSCD; Cf. Masfield, trans., *The Commentary on the Itivuttaka*, vol 1, London, PTS, 2008, p. 396.

<sup>935</sup> Monier-Williams, s.v.

<sup>936</sup> Lariviere, ed. and trans., 15-16.13

<sup>937</sup> Olivelle, ed. and trans., 8.308-9.

<sup>938</sup> Davis, *The Boundaries of Hindu Law*, p.149.

<sup>939</sup> Ibid., p. 164; p. 147.

in a community, especially by its elite, and imposed both by a general ‘Vorliebe für Verhaltensmassregeln’ and by legal proceedings”.<sup>940</sup>

As the figure the Pali commentaries associated with the primordial imposition of *mariyādā* or boundaries or rules among men, Mahāsammata/Manu is identified as the first legislator. It is worth underscoring that according to such narratives his “law”, along with its enforcement through legitimate punishment, is restricted to a mundane jurisdiction. He is not, of course, credited as a source of dhamma itself—which, according to both Brāhmaṇical and Buddhist traditions is supramundane and without an author—but responsible for articulating the “boundaries” of acceptable worldly conduct meant to ensure the conformity of men to the order of dhamma.

### III. Mahāsammata and Manu in Burma

By the time dhammasattha literature began to be transmitted in Burma—the 13th century if not earlier—the identity of Manu and Mahāsammata was already well-established in the Pali commentarial tradition. Thus it would be incorrect to view Manu as he appears in Burma (or elsewhere in Buddhist Southeast Asia) as necessarily a “Brāhmaṇical” borrowing. In Aggavaṃsa’s *Saddanīti*, written in 12th or 13th century Pagan, Manu is recognized as another name for Mahāsammata.<sup>941</sup> Yet it is curious that most of our “early” (pre-18th century) dhammasatthas and other texts concerned with law do not mention the association. Around the 15th century a number of vernacular verse homilies recount the importance of Manu as law-giver, but none of them identify him as Mahāsammata. In a stanza that clearly recalls dhammasattha provisions for judges regarding bribery and adjudication, Mahāraṭṭhasāra’s

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<sup>940</sup> Donald R. Davis, Jr., “*Dharma, Maryāda, and Law in Early British Malabar: Remarks on Words for ‘Law’ in the Tellicherry Records*”, *Studien zur Indologie und Iranistik*, 23 (2002), p. 60.

<sup>941</sup> *Saddanīti-dhātumālā*-Bse, p. 264. On the date of this text see Chapter Two.

*Gambhāsara-chuṃṃ ma cā* states that a sovereign should follow the “ancient path of Manu” (*manu lamḥ hoṃḥ*) in order to determine the law:

*chui bhvay tarāḥ | nhac bhak sāḥ tui. | puinḥ khrāḥ cim. nhā | kap pe lhā mū | phron. cvā ruiḥ ruiḥ | sabho kuiḥ lyak | taṃ chuiḥ uccā | myak nhā kriḥ ṇay | ma rvay ma thok | rvaṃ. krok mai thvan | me. kyan moha | dosa ma rhu | chuṃḥ phrat mhu laññḥ | manu lamḥ hoṃḥ | ta myañḥ kroṃḥ vay | timḥ coṃḥ ma yhi | samādhi phraṇ. || gati ma yvañḥ | taññ ce mañḥ ||*<sup>942</sup>

In giving voice to the law, in approaching either side [of a dispute] in order to judge (*puinḥ khrāḥ*) be honest, straightforward. Relying on the truth (*sabhāva*),<sup>943</sup> don’t consider bribes or property or status. Be without fear, leave ignorance (*moha*) behind, don’t express anger (*dosa*). In a judgment don’t deviate from the ruling line (*myañḥ kroṃḥ*) of the Ancient Path of Manu. By means of *samādhi* (“concentration”), may you not depart from the ‘good courses’ (*gati*).

The referent of the term “Manu” in this passage is ambiguous; it may refer to a law text named *Manu* or to the person of the ṛṣi. Aside from the invocation of Manu as the source of law, in this passage we should also note that the initial verb meaning “to judge” is *puinḥ khrāḥ*, literally “to demarcate” or “set boundaries”. As a nominal form (*apuinḥ akhrāḥ*) this is the typical Burmese counterpart to and nissaya gloss of the Pali term *mariyādā* discussed above. Likewise, the contemporary *Lokasāra-pyui.* written by the Kandaw Minkyaung (Kan tau Mañḥ kyoṃḥ) Sayadaw states that a sovereign should judge a dispute relying on “the dhammasat which was compiled by the ṛṣi, teacher (*charā*) Manu at the beginning of the world-cycle”.<sup>944</sup>

Early Burmese accounts discussing Mahāsammata’s career likewise neglect to equate him with Manu. In the earliest surviving Pali and vernacular Burmese

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<sup>942</sup> Aoñ Sinh, ed., *Hamsāvati chuṃḥ ma cā poñḥ khyup*, p. 27.

<sup>943</sup> This term is very difficult to translate in this context. It might also be rendered as “relying on your judgment” or “relying on the character [of the litigants]”.

<sup>944</sup> *Lokasāra-pyui.*, Yangon, Yogi, 1960, p. 84. For a catalogue of many other similar references to dhammasat in early *pyui.* verse and Burmese literature see KLD, p. 149; Aoñ Sanḥ Thvanḥ, *Mranmā dhammasat samuinḥ*, vol. 1, pp. 2-6.

chronicle, also written by Mahāraṭṭhasāra (c. 1500), Mahāsammata and his lineage are discussed in great detail, probably based largely on Sinhalese *vaṃsa* accounts, although nowhere is he identified as Manu.<sup>945</sup> It is perhaps impossible to know if such early authors writing in the vernacular were aware of narratives linking Manu and Mahāsammata (even if it seems unlikely that they weren't), and there is no solid evidence that establishes when and why such identifications first became widely popular in Burma. At least by the early 18th century, chronicle authors began to focus on the commentarial associations of the two figures. U Kala's *Mahārājavan̄ Kriḥ* cites and provides an extended nissaya commentary on the gāthās from the *Ambaṭṭha Sutta* commentary translated above in the course of its description of Mahāsammata's primordial reign.<sup>946</sup> The chronicle states that Mahāsammata was also known as Manu, and that he, "in collaboration with Good People (*sū tau koṇḥ*), such as the ṛṣis and sages (*muni*), copied the various dhammasat treatises (*dhammasat kyamḥ gan tui*) from the boundary wall of the world-system (Bse.-Skt., *cakravaḷā*). He passed judgment according to the law and without following the four bad courses (*agati*). All the people of Jambūdīpa lived by their reliance upon him. They delivered unto him one-tenth of their produce [...]"<sup>947</sup> There are numerous other 18th and 19th century references that suggest a widespread familiarity with the Manu = Mahāsammata connection. Interestingly, the section on Mahāsammata in the *Glass Palace Chronicle* follows U Kala closely, also citing verses paralleling those in the *Ambaṭṭha* commentary, but remarks that there is no support in the "Buddhist textual tradition"

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<sup>945</sup> Cf. RK, p. 1 ff. Here the account of Mahāsammata relies predominantly upon the *Dīp.*

<sup>946</sup> *Kulāḥ*, p. 47.

<sup>947</sup> *Ibid.*, p. 48. We will return to the important notions of the "Good People" and the "bad courses" below.

(*kyamḥ gan*)<sup>948</sup> for U Kala’s statement that he, together with Good Men, etc., had any hand in the authorship of dhammasattha texts.<sup>949</sup>

Yet one of the remarkable features of the surviving dhammasattha texts is that despite their extensive discussion of both Manu and Mahāsammata, they only rarely uphold the identification of these two figures, and more often present them as separate entities who worked in unison to transmit the first corpus of law to the world of men.<sup>950</sup> A major exception to this is the *Manu kyay*, which dates to the mid-18th century. It also cites verbatim and glosses the verses from the *Ambaṭṭha Sutta* commentary.<sup>951</sup> But no dhammasattha texts that can be securely dated to prior to the *Manu kyay* discuss this passage or assert the identity of Manu and Mahāsammata.

#### IV. Legal origins in the MSR

The MSR begins with a long introductory section that recounts what it calls the *aṭṭhuppatti* or “arising” of the legal text.<sup>952</sup> The appendices contain the complete Pali

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<sup>948</sup> Although *kyamḥ gan* can refer to “treatises” (*sattha*) in general, here, as elsewhere in the MN, the phrase indicates a narrower textual corpus of the *tipiṭaka* and its authorized commentaries. In another discussion of the same verses (*Mhan Nan*, p. 115), though citing the *Sāratthasaṅgaha*, the editors of the chronicle refer to narratives concerning Manu that derive from the *sāsana-kyamḥ*. According to them, dhammasattha literature stood outside this properly Buddhist textual tradition.

<sup>949</sup> MN, p. 9. See below for further such criticisms.

<sup>950</sup> Huxley makes the provocative suggestion that the explicit identification between Manu and Mahāsammata in dhammasattha might be a feature of later texts, “part of the Buddhist reform movement of the 18th and 19th century”. While this may be the case, a potential problem with this argument is that even very late dhammasattha texts written in the 19th century continue to assert that Manu and Mahāsammata are separate individuals. See Kinwun Mingyi, *Aḍḍasaṅkhepa-vaṇṇanā-kyamḥ*, pp. 2-7.

<sup>951</sup> Richardson, LOM, p. 8.

<sup>952</sup> Huxley (“When Manu met Mahāsammata”, p. 599) refers to this version of the narrative as the “Manosāra”, based on the entry in the DBBL and MDT X. On extant mss containing the name Manosāra see the discussion of MSRe in Chapter Five. Shwe Baw (pp. 88 ff.) claims to have consulted a mss by this name dated 1862, although his descriptions of its content are parallel with the MSR (e.g. with regard to its provisions on slaves, monastic inheritance, etc). As Huxley notes (p. 599), there are important

(Appendix I, MSRP ka(v)3-ki(v)27) and nissaya (Appendix II) texts of this section. In earlier chapters I have already noted several features of this part of the MSR connected with historical transmission and authorship, and here I would like to concentrate on its representation of Manu and Mahāsammata and their precise relationship to legal authority.

The narrative begins by introducing the figure of Mahāsammata, stating that he was a bodhisattva who protected the people by dhamma (*janaṃ dhammena rakkhati*) at the beginning of the world-cycle.<sup>953</sup> The text then describes how a deity it refers to as Brahmadeva transmigrates from the Brahmaloaka realm and is born into the “class” of counselors (*matta-kula*)<sup>954</sup> and the lineage of Mahāsammata. Brahmadeva hears accusations (*garaha, kai. rai. khrañḥ*)<sup>955</sup> among men intent upon condemning one another and then gives up his householder status (*gharāvāsa*) and decides to “go forth” as a ṛṣi (*isipabbajjaṃ karitvā*)<sup>956</sup>. He withdraws to the Himavanta to dwell in a cave

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parallels between the mythic narrative concerning the origin of the law presented in this group of texts and in extant Cambodian (as recorded in the “Grand Préambule” of A. Leclère, *Codes Cambodgiens*, I, 1898, pp. 1-19) and Siamese royal versions of the dhammasattha prefacing the Three Seals Code. A similar though incomplete Mon text also exists as a hand-copy made in 1939 in MDT, pp. 456-505. Yet these are not the same “version” and there are quite extensive differences. More research needs to be done comparing these texts.

<sup>953</sup> The nissaya here glosses dhamma to mean that he ruled according to the Ten Laws of Kings, i.e.: *dāna, sīla, paricāga, muduka, uposatha, akkodha, avirodha, avihaṃsana, khantī, sammāpaṭipanna*. For textual references see SPA, s.v.

<sup>954</sup> See below for a discussion of this term.

<sup>955</sup> Cf. Abh-ṭ-nis I, p. 221; *Abhidhānappadīpikā-ṭīkā*, 121 (CSCD), where *garaha* is defined as *upavāda* “accusation”, “blame”, and *kucchā* (Skt. *kutsā*), “contempt”. See further below.

<sup>956</sup> The notion of *isi-pabbajjā* is found, e.g., in the *Cūlaniddesa* where it is used to gloss *isi*; viz. *isayoti isināmakā ye keci isipabbajjaṃ pabbajitā ājivakā nigaṇṭhā jaṭilā tāpasā* > “an *isi* [ṛṣi] is what is called a matted-hair rootless ascetic engaged in *tapas* who has gone forth as an *isi*”. Nidd II-Bse, p. 49. The Burmese nissaya, as below in the MSR, refers to those that have undergone *isi-pabbajjā* as “ṛṣi-monks” (*rase. rahanḥ*). *Cūlaniddesapāli-nisya*, Mandalay, Mandalay Hill, 1926, p. 103. Cf. usages of *isi-pabbajjā* also at Vism, 123.

near the Mandākinī Lake “in accordance with the practice of the ṛṣis of the Vajira Mountain.”<sup>957</sup> There he begins to engage in fire-worship and practices meditation on an earth *kaṣiṇa*.<sup>958</sup> As a result of his *kaṣiṇa* meditation, he gradually achieves the states of meditative absorption (*jhāna*), including the eight levels of attainment (*samāpatti*)<sup>959</sup> and the five psychic powers (*abhiññā*).<sup>960</sup> At the beginning of the following rainy-season, a Gandhabbī-kinnarī<sup>961</sup> maiden 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 *vijjādharas* who inhabit the area she goes to Brahmandeva’s rock-cave and begs him to protect her. Because she is a woman (*mātugāma*) and thus forbidden

<sup>957</sup> The Pali here reads only *vajirapabbataṃ yuttaṃ selaguhaṃ pavāsayaṃ*, thus perhaps only “he dwelled in the rock-cave attached to the Vajira Mountain”. But the Burmese clearly glosses *yuttaṃ* as “in accordance with [practice of?] the ṛṣis”: *rasse. tuiv. āḥ lyok pat cvā*. These ṛṣis are further characterized as those who “are of/on the Vajira Mountain”. We might note that the Vajira Mountain or *Vajirapabbata* (Skt. Vajraparvata) appears to function as a synonym for the Vajrayāna in the *Nikāya-saṃgraha* (compiled in 14<sup>th</sup> century Laṅkā) and it has been suggested that the appellation should be read as another name for Śrīparvata. See R. Sāṅkṛtyāyana, “L’origine du vajrayāna et les 84 siddhas”, *JA* 225 (1934), pp., 214-16.

<sup>958</sup> The classic reference for practices related to the earth *kaṣiṇa* is *Vism*, 123ff.

<sup>959</sup> Cf. *M i*, 40 (*Salleka-sutta*) and its commentary in CSCD, or *Mūlapaṇṇāsa-atthakathā-nisya*, Mandalay, Mandalay Hill, 1924, pp. 526 ff.

<sup>960</sup> Occasionally these are enumerated as not five but six. Various lists of five occur at *S ii*.216 (“*pañcannaṃ ābhiññānam*”); *Nidd II-Bse* p. 114 (in conjunction with the eight *samāpatti*); *Vism* 373. The *Abhidhammāvatāra* (-CSCD) provides a concise statement:

*dibbāni cakkhusotāni | iddhicittavijānanaṃ |  
pubbenivāsañāṇanti | pañcābhiññā imā siyumaṃ ||*

“The divine eye, the divine ear, supernormal ability (*iddhi*), knowledge of [others’] minds, knowledge of former existences—these would be the five [forms of] psychic powers”. On the *ābhiññā* concept see Louis de la Vallée Poussin, “Le Bouddha et les Abhijñās”, *Le Muséon*, 44 (1931), pp. 335-342; On *jhāna* and the development of *iddhi* power see Stanley Tambiah, *The Buddhist Saints of the Forest and the Cult of Amulets*, Cambridge, Cambridge University Press, 1988, ch. 4.

<sup>961</sup> The text refers to her using both of these terms, on which see DPPN, s.v.

(*akappiya*)<sup>962</sup> to ṛṣis he initially refuses, but then due to her pleading concedes to let her enter the cave. Here it is interesting that Brahmadeva, in addition to classifying her as *mātugāma*, refers to the Gandhabbī-kinnarī as an *upāsikā*, a “lay sister”<sup>963</sup>. Upon entering the cave she warns him not to look upon her beauty.

During the evening as the ṛṣi performs his fire-*pūja* (*aggihuta*) he catches a glimpse of the Gandhabbī’s body in the flicker of the fire. He is overcome by desire and sexual passion (*taṇhārāga*), 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 text shifts to address the audience directly:

[Gāthā]

*bahurāgo hi sīlavā | aggobhāsalabhāriva |  
pharaṇāpītuppajanti | jhānabhiññāvinodati |*

[Nissaya:]

*hi | saṇ. cva | sīlavā | sīla rhi so sū saññ | bahurāgo | myāḥ so rāga rhi saññ | bhavati |  
e\* | pharaṇāpīti | kui luṇḥ nham so pīti saññ | uppajanti | phrac saññ phrac r\* |  
jhānābhiññā | jhān abhiññāṇ tui. kui | vinodati | phyok tat e\* | kimiva | abay kai. sui.  
naññḥ hū mū kāḥ | aggobhāsalabhāriva | miḥ lhyam e\* aroṇ nham. tve. so piḥ  
phalam kai. sui. taññ |*

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

The reference of this passage seems to be a simile found in several places throughout Pali literature, which compare beings overcome by desire to moths enticed (and hence

<sup>962</sup> The usage of this term may indicate that women are forbidden according to certain disciplinary rules of the ṛṣi. The term *akappiya* is used in *Vinaya* literature to designate monastic proscriptions.

<sup>963</sup> It is difficult to know, however, what exactly is intended by this appellation; whether it is meant to refer to the Gandhabbī’s role as a Buddhist or ṛṣi devotee or both. On the term *upāsikā* cf. Daniel Boucher, *Bodhisattvas of the Forest and the Formation of the Mahāyāna*, Honolulu, University of Hawaii Press, 2008, p. 202 n.60.

destroyed by) fire. The earliest such usage may be in the commentary on the *Mūlapaññāsa*<sup>964</sup>, but there is a powerful statement drawing on it in the *Telakaṭāgāthā*.<sup>965</sup>

As a result of their continued sexual cohabitation the Gandhabbī-kinnarī 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 he could speak words that are pleasing to the mind (*manuñña-vākya*)<sup>966</sup> he is called Manusāra (“the essence of [that which is pleasurable to] the mind”).<sup>967</sup> Here we see the potential overlap between the designations Manusāra and Manosāra; this may account to some extent for the transposition of these terms in the textual tradition (see the discussion of MSRe in Ch 5). According to the etymology given here the “Manu” element of Manusāra’s name is not intended as related to Manu the ṛṣi at all, but rather to *manuñña*, i.e. Pali *manu-ñña* = Skt. *mano-jña*, lit. “mind-knowing” or “agreeable to the mind”, hence “pleasing”, etc.

When Manusāra is ten years old, his father informs him and his brother that his parents plan to return to separate abodes connected with their respective “races” (*kula*,

<sup>964</sup> Ps I, 39.

<sup>965</sup> CSCD: *brahmāsurāsuragaṇā ca mahānubhāvā  
gandhabbakinnaramahoragarakkhasā ca  
te cā pare ca maraṇaggisikhāya sabbe  
ante patanti salabhā iva khīnapuññā* ||  
“Powerful *brahmas*, *asuras* and gods  
*gandhabbas*, *kinnaras*, great serpents, and demons  
all, and others, fall at the end into the flames of death  
like moths exhausted of merit.”

<sup>966</sup> Regarding *vākya*, here MSR says that Subhadra spoke words that were funny (*hasita-vākya*) while Manusāra spoke words that were pleasing to the mind. From the nissaya it is not clear how to take *vākya*, which it glosses as *ca kāḥ*. In addition to meaning “words” in a general sense both of these terms can refer more specifically to “sayings” or “aphorisms”.

<sup>967</sup> On the definition of *manuñña* as that which is pleasing to the mind (*manam*) see Aggavaṃsa, *Saddanīti-dhātumālā*-Bse, p. 51.

*amyuiḥ*): he will travel via meditation (*bhāvanā*) back to the Brahmaloaka, while their mother will go to the realm of the *nats* to dwell upon the Gandhabba Mountain. The two sons ask their father “what is our lineage and race?” (*pucchanti te puttā kūlaṃ vaṃsaṃ sasambhavaṃ*), to which the great ṛṣi replies that they are of the lineage and race of Mahāsammata that exists upon the surface of Jambudīpa. He exhorts them:

[Gāthā:]

*icchāyataṃ iti bhāvaṃ | attakūlaṃ dassāmanā |  
yadi svātvāṃ isi katvā | jhānaṃ bhāvettha bhāvanaṃ |*

[Nissaya:]

*svātaṃ | saṅ thui nhac yok sh | atthakūladassāmanā | mi mi amyuiḥ kui mraṅ lui so  
nha luṃḥ rhi kuṃṇ saññ | yadi siyuṃ | phrac kun ṅrāḥ aṃ. | isibhāvaṃ | rasse. rahanḥ  
aphrac kui | icchāyataṃ | icchāyatu | alui rhi ce sa taññ | isi | rasse. rahanḥ aphrac  
kui | katvā | pru u r\* | jhānabhāvaṃ | jhān e\* pvāḥ khraṅ kui | bhāvettha | pvāḥ ce kuṃ  
lo |*

If you two have the desire in your heart to see your own race, have the desire to become a ṛṣi-monk! After you have become a ṛṣi-monk, cultivate your *jhāna*!

The two brothers thus become ṛṣis and gradually develop their *jhānas* and achieve the psychic powers. Brahmadeva passes from his bodily form, and after the two sons cremate him in a sandalwood fire (*jhāpetvā candakaṭṭhehi*), they fly to the boundary-wall of the world-system (*cakkavālassa pākāra*) that surrounds Jambudīpa. Off the wall Subhadra transcribes (*likkhitvā, reḥ khai.*) a text containing “the *Aniḥ Mantra Vedāṅga* text<sup>968</sup> which is the essence of worldly existence” (*lokiyasāraṃ, lokīḥ sāḥ tui. e\* anḥac phrac so aniḥ mantarāḥ bedāṅ kyaṃḥ kui*) and Manusāra copies the text of the dhammasattha. Then the *aṭṭhuppatti* narrative concludes:

Carrying that which is of benefit (*aciḥ apvāḥ*) to the entire world, the two brother-ṛṣis flew on clouds through the sky and arrived at the house (*ghara; aimḥ*) of King

<sup>968</sup> More on these terms below.

Mahāsammata. Seeing the brothers, the king provided them with a throne (*issarāsana; mrat so ne rā*). Bringing his hands together in the lotus-form as a gesture of respect, he asked why they had come. The two ṛṣi-brothers replied that they had come because they belonged to the race of Mahāsammata, and they showed him the *Añḥ Mantra Vedāṅga* text, the logic (*kāraṇa, akroṇḥ*) of all worlds, and the *lokīya* dhammasattha text. A hunter of the forest (*vanacāra, to sāḥ mu chui*) told King Mahāsammata about the marriage (*gharāvāsaṃ*) of Brahmadeva, and that the two ṛṣis were the sons of a Gandhabbī and the counselor (*amacca, amat*) Brahmadeva. Then King Mahāsammata gave them some excellent food and the two ṛṣis ate. May all the *Añḥ Mantarāḥ Bedaṇi* and dhammasat texts<sup>969</sup> be repeated as they were preached (*yathāvuttaṃ āvattate*) by the ṛṣis!

#### V. Sex, Race, and *samādhi*

The initial sections of this narrative of the origins of dhammasattha written law encourage certain comparisons with the AS and Pali commentarial accounts of primordial kingship and legislation, although there are important differences.

Mahāsammata is acknowledged as the first king at the beginning of the world-cycle, but we are not offered a tale of his election to ensure against the “bad practices” that arose among men. Nor is he identified as Manu. Rather, here it is Brahmadeva who is responsible for recognizing and taking action against human impropriety. The text does not tell us why Brahmadeva initially chose to transmigrate from the Brahmaloaka realm to be reborn as a counselor “in the lineage of Mahāsammata”—perhaps the implication is that he did so for the benefit of mankind or to serve kings—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 texts, was the author of the first legal treatise entitled *Daṇḍanīti*, which was later abridged by Bṛhaspati.<sup>970</sup> But there is little else in

<sup>969</sup> From the Bse gloss. The Pali here reads only *sabbagandhappakāraṇe*, “all the treatises”. Note also that here the MSR refers to *añḥ mantarāḥ bedaṇi* and dhammasat texts in the plural, whereas formerly in the narrative each of these genres is referred to in the singular.

<sup>970</sup> Cf. MBh 12.58.78; Kane, *History* I, pp. 287-88.

the MSR narrative that suggests further parallels with Sanskrit accounts of Brahmā's authorship of law.<sup>971</sup> Unlike in certain other dhamamsatthas, such as the DhV, where “Manu” is appointed as a minister (*amat*) by Mahāsammata<sup>972</sup>, here we have the somewhat elusive figure of Brahmadeva, who is characterized as having been “born into the class [or “family” or “race”] of counselors” (*mattakula*).<sup>973</sup> The Burmese gloss for *mattakula* is “*amat* [‘counselor’, ‘minister’, < Skt. *amātya*] *amyuiḥ* [‘class’ or ‘race’]”<sup>974</sup>. Both terms *matta* (and the related *amacca*) and *kula* and their Burmese counterparts recur and are important in this narrative and throughout the MSR. The Burmese phrase *amat amyuiḥ* also refers more specifically to the *khattiya vaṇṇa* (Skt. *kṣatriya varṇa*) among the four *amyuiḥ*, “social classes”, parallel to the four *vaṇṇa* comprised of *khattiya*, *brāhmaṇa*, *vessa*, and *sudda*.<sup>975</sup> Thus it is clear that the implication here is that Brahmadeva was born as a counselor of kings, but that, moreover, he was a member of the “class” or “race” (*amyuiḥ*) of sovereigns.

As in the AS, the origin of the order of law results from the recognition of impropriety. Men existed in a state in which they condemned each other (*janabhava garahatthe*)<sup>976</sup>, and Brahmadeva, hearing these accusations (*garaha*) relinquished his householder-status and withdrew from the world.<sup>977</sup> Although neither the Pali or the

<sup>971</sup> The Dīp also mentions a Brahmadeva as the king of Indaputta and a descendent of Mahāsammata. Cf. Dīp 3, 24.

<sup>972</sup> DhVD, p. 78.

<sup>973</sup> On *matta* cf. TPMA, s.v.

<sup>974</sup> The Burmese conception of *amyuiḥ* is tricky. In many instances the term certainly implies an idea of “race” or “lineage” as determined by birth or genealogy, where in others it is used to define relations of kind or classification quite distinct from any conception of biology or descent. Here as a gloss for *kula* I think it is quite certain that the term suggests the former meaning.

<sup>975</sup> On the definition of *matta* as a subset of *rājā* see *Vinaya, Dutiyapārājika, Padabhājanīyavaṇṇanā*, 92; trans. BD, I p. 74.

<sup>976</sup> Bse: *kai. rai ap so sabho rhi so | lū e\* aphrac n\**

<sup>977</sup> The term *garaha* (Skt. √*grah*) is itself a neutral term, and does not by itself imply whether an condemnation or criticism is legitimate or not. It is found used in both senses in the *nikāyas*. (Cf. MN III, 77-8 where it is used to signify criticisms by

nissaya is as explicit as we would like, the implication seems to be that by his act of renunciation, Brahmadeva hopes to redress this state of affairs by imposing order, ultimately in the form of written law, on the world of men. A Mon version of this narrative is clearer: Brahmadeva is “saddened by the numerous disputes and false accusations taking place among the people” and retreats from the world to engage in meditation “because he wished to give [Mahāsammata] a code of law”.<sup>978</sup> Thus the text of the dhammasatta serves the purpose of determining exactly what practices ought to be censured, and separating these from baseless accusations. Yet it is not Brahmadeva himself but his son who directly secures this code of law through his meditative achievements.

A significant portion of the MSR origin narrative is devoted to a discussion of Brahmadeva’s “seduction” by the Gandhabbī-kinnarī. As a result of his attainment of the *ābhiññās* (and presumably through his attainment of the “Divine Eye”) Brahmadeva is able to see his future, and realizes all that is about to transpire, even before he encounters the Gandhabbī: his meditative practices “caused him to visualize his [future] existence, his very life, and his son by his wife. And he understood that Mahāsammata and his lineage was a matter of virtuous service (*upakāra, kyeḥ jūḥ rhi so aphrac*)”. The statement of his prophetic awareness salvages Brahmadeva’s integrity by implying that his sexual exploits were intentional: he sacrifices his higher-knowledge to sexual passion only to ensure the birth of sons who will bring benefit to

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*samaṇas* or brāhmaṇas of practices that are in fact according to dhamma; SN IV, 320 employs the term to refer to the Tathāgata’s criticisms of bad deeds, *pāpakamma*).

<sup>978</sup> *Sla pat dhammasāt pnon thav* (from a monastery near Thaton), MDT X, p. 457; p. 619. Far more research is necessary on this text (and MDT I which is closely related but from Paklat, Siam) before they can be reliably used for comparison. MDT X is reproduced as a transcript made in 1939. The text contains only a few Pali citations, though all of these are also found in the MSR. It mentions that it is a translation of a Burmese dhammasattha, and it seems very likely that this (and also MDT I) is an abridged version of the MSR.

the world of men. Also, it seems to argue for the subordination of ascetic practices to the higher goal of advancing worldly prosperity. It is significant that the only moment during the entire *aṭṭhuppatti* section at which the voice of the text shifts to address the audience directly is during this discussion of Brahmadeva’s lapse of power. Here the narrative serves the additional purpose of offering the audience guidance against the dangers of sexual desire as a primary threat to spiritual cultivation.<sup>979</sup>

Manusāra and Subhadra achieve access to their respective corpora of worldly treatises via ascetic and meditative practice unimpeded by sexual temptation. Although the texts they carry back from the boundary-wall of the *cakkavāla* are deemed beneficial for mankind (*sabbalokahitāvaha*, *aciṅ apvāḥ*), their motivations to collect them in fact derive from their desire (*dohaḷa*) to be united with their own *kula* or *amyuiḥ*.<sup>980</sup> The Buddhist cosmos is ordered spatially, and the various beings which inhabit it each have their own place. Pali and other Buddhist cosmological texts often underscore that destinies (*gati*) are determined by *kamma* rather than parentage.<sup>981</sup> The Buddha has described them as rebirth in hell (*niraya*), the animal realm

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<sup>979</sup> There are numerous accounts in Indic and vernacular literatures from India and Southeast Asia, Buddhist or otherwise, that support this notion that sexual desire (*rāga*) is detrimental to ascetic practice. For an overview of Buddhist formulations see John Powers, *A Bull of a Man: Images of Masculinity, Sex, and the Body in Indian Buddhism*, Cambridge, Harvard, 2009; on *rāga* specifically cf. David Webster, *The Philosophy of Desire in the Pali Buddhist Canon*, London, Routledge, 2005, pp. 100-2.

<sup>980</sup> f.kai(r): *jambudīpatalaṃ vasaṃ | jambudīp apraṇ n\* ne tha so | sammatavaṃsaṃ | mahāsammata maṇḥ e\* anhvay kui | ñatvāna | si ū r\* | gandhabbaṃ | gandhabbanat phrac so | mātukūlaṇ ca | ami myuiḥ kui lh | ñatvā | si prīḥ r\* | dohaḷaṃ | mi mi e\* amyuiḥ kui mraṇ lui so khyaṇ khraṇḥ kui | samuppāditaṃ | koṇ cvā phrac ce e\* |* “Learning that their mother is of the race (*amyuiḥ*; *kūla*) of Gandhabba-nats, and also of the lineage (*anhvay*; *vaṃsa*) of King Mahāsammata, which exists upon the surface of Jambudīpa, they longed to see their own race (*amyuiḥ*)”.

<sup>981</sup> See Paul Mus, *La Lumière sur les Six Voies*, Paris, Institut d’ethnologie, 1939; Ann A. Hazlewood, “A Translation of Pañcagatidīpanī” JPTS, 1987, pp. 133-159; Eugène Denis, *Lokapaññatti et les idées cosmologiques du bouddhisme ancien*, Atelier de Reproduction des Thèses, Université de Lille, 1977, esp., ed., p. 63; trans., pp. 60-1.

(*tiracchānayoni*), the world of ghosts (*pittivisaya*), or as a human or deity.<sup>982</sup> Yet in connection with Manusāra and Subhadra we find no mention of *kamma* as the force that dictates their cosmic station; rather, their “humanity” (*manussatta, lū*) derives from the race of their father before his death (and not their mother’s celestial genealogy) and assigns their dwelling as Jambudīpa among the other humans. Of course it would not be correct to conclude that understandings of *kamma* are irrelevant to the ontology presupposed by the MSR—and indeed, as we see below, the fact that they are not is made repeatedly clear elsewhere in the text—though the narrative here serves to underscore the significance of blood descent and family relations as an important determinant of existential as well as social status.

The connection between asceticism, meditation and law represented by Brahmadeva’s withdrawal and his sons’ jhānic flight to the boundary-wall is something that is not often examined in dhammasattha or dharmasāstra studies, despite the fact that it features in other law-origin myths, and also that the relationship between ascetic practice and power is widely recognized as an important aspect of South and Southeast Asian political theology.<sup>983</sup> As indicated above, in the MDh the ṛṣi Manu relates the text of the *smṛti* after being roused from a state of one-pointed concentration (*ekāgra*).<sup>984</sup> Gustaaf Houtman has explored the significance of such

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<sup>982</sup> MN I, 73; In later texts such as the *Lokapaññatti* this list includes rebirth as an *asura*, bringing the number of destinies to six. See also Hazlewood’s notes to *Pañcagatidīpanī*, op. cit., p. 134.

<sup>983</sup> See Patrick Olivelle, “The Ascetic and the Domestic in Brahmanical Religiosity”, in *Asceticism and its Critics*, ed. Oliver Freiberger, London, Oxford University Press, 2006, pp. 25-42. The classic discussion of ascetic power in connection with sexuality in Southeast Asia is Benedict Anderson, “The Idea of Power in Javanese Culture”, in *Culture and Politics in Indonesia*, ed. C. Holt, Ithaca, Cornell University Press, pp. 1-69 (esp. 8-13).

<sup>984</sup> The commentary on this passage by Medhātithi (c. 9th century C.E.) provides an extended gloss on this term: “The term “*ekāgra*”, by ordinary usage, connotes *immobility*; what is meant by the term is *steadiness of mind*, it being concentrated upon the contemplation of the knowledge of truth, following upon the cessation of all

representations in the mid-18th Century *Manu Kyay dhammasat* (MK)<sup>985</sup>, which, although it varies considerably from the origin myth contained in the MSR, contains a tale of Manu—whom it refers to as the son of King Brahmā (*brahmā mañh e\* sāh*)<sup>986</sup>—in which he retrieves the text of the dhammasattha from the *cakkavāla* due to his jhānic attainments. Like Brahmadeva, Manusāra, and Subhadra, in the MK Manu becomes a ṛṣi-monk, and his meditative practices are almost identical to those of Brahmadeva:

*manu amat saññ acañ atuiñh svāḥ leḥ r\* | rase. ta kā tui. kyañ, pyau rā | mandākinī auññ anīḥ phrac so kyok ati<sup>987</sup> praññ. so | toñ gū e\* anīḥ tvañ phrac so toñ gū n\* kilesā kui pū pan ce lyak ne e\* | thui sui. chui rā | ne. tuiñh ne. tuiñh ta thvā nhañ. leḥ sac*

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doubts and illusions of the person in whom the contact of all defects of passion and the like is set aside by inhibition. It is only when one has his mind in this condition that he is capable of apprehending sound and other objects that lie within reach of his senses; which is not the case when he is in doubt as to the object being a real entity or otherwise. Or, etymologically the term ‘*agra*’ denotes the *mind*, by reason of the fact that in the act of apprehending things it is the Mind that *goes before* (*agragāmi*) the Eye and other sense-organs; and in ordinary parlance that which *acts first* or *goes ahead*, is called ‘*agra*’; so that the compound ‘*ekāgra*’ is to be expounded as ‘he who has his *agra*, or Mind, fixed upon one perceptible object’; there being nothing incongruous in a Bahuvrīhi compound being taken, if its sense demands it, as referring to things that are not co-existent. By this explanation also ‘*ekāgra*’ connotes *absence of distraction*”. Gangānātha Jhā (trans.), *Manusmṛti: The Laws of Manu with the Bhāṣya of Medhātithi*, Vol 1.1, Calcutta, University of Calcutta, 1920, p. 6. Of course, in Yoga discourse the term *ekāgra* refers to a ‘one-pointed’ mental state (*citta*) achieved through concentration meditation. In Patañjali it is one of the five mental states of *samādhi* whose cultivation leads to *samprajñāta samādhi*. See Swāmi Āraṇya, *Yoga Philosophy of Patañjali*, Albany, State University of New York Press, 1983. For a usage of the term in Pali *abhidhamma*, see Vism 84. For a detailed discussion of the interrelationships between the Yogic stages of *samprajñāta samādhi* and the *jhānas* (*dhyāna*) in Buddhist *samatha* (*śamatha*) meditation see Stuart Ray Sarbacker, *Samādhi: The Numinous and the Cessative in Indo-Tibetan Yoga*, Albany, State University of New York Press, 2005, ch. 4.

<sup>985</sup> Gusaaf Houtman, “Manu’s Samadhic State of Mind”, Unpublished paper presented at the Colloquium on Burma Studies, 25-27 October 1996, Center for Burma Studies, Northern Illinois University.

<sup>986</sup> LOM, p. 29, p. 33, p. 34, etc.

<sup>987</sup> NL 6 f.ṇāḥ(v): *atañ*.

*atuiṅḥ arhaññ so tak sac so ne lu laḥ acañḥ nhañ. tū so mre kui kasuiṅḥ rhu r\* | pathavī pathavī | cīḥ phranḥ r\* | rheḥ ḥ cvā so jhān kui acañ atuiṅḥ ra r\* | koñḥ kañ sui. tak le e\* |<sup>988</sup>*

The counselor Manu continued his journey [after having gone forth as a ṛṣi-monk]. Near the Mandākinī lake, surrounded by other ṛṣis engaged in practice, in a mountain-cave among caves made entirely from heaps of stone, he devoted himself to austerities (*pū pan ce lyak ne e\**) focused on [ridding himself of] the defilements (*kilesa*). Like that, day after day, he meditated (*rhu*) on an earth *kaṣiṇa* that had the youthful appearance of the rising sun and was four finger-span in size while reciting ‘*paṭhaviḥ paṭhaviḥ*’ (‘earth, earth’). He obtained in sequence the first *jhāna* [followed by the others] and rose up into the sky.

Although the precise term *samādhi* is not mentioned here, it is of course a concept closely connected to the attainment of the *jhānas*. As Houtman notes, elsewhere in the MK the possession of *samādhi* is listed as an attribute of judges; though, as he acknowledges, in these instances where the term is found it is difficult to ascertain whether it is intended to refer specifically to meditative concentration or to a more everyday sense of being mentally collected and focused.<sup>989</sup> The term *samādhi* is absent from the MSR, and similar concepts are not mentioned as prerequisites of those qualified to be judges, but other dhammasatthas, notably the DhV, state that only those people who have *paññā* (“wisdom”) and *samādhi* (“concentration”) should be admitted as witnesses.<sup>990</sup> Of course, none of these references themselves suggest that the law is or even can be intuited from a meditative posture; yet they nonetheless highlight the important role ṛṣis and ascetic practices may have had in imagining of the origins of worldly law. As Houtman points out, such narratives underscore the

<sup>988</sup> LOM, pp. 25-6. It seems possible that the MK drew this portion of the Manu narrative from the MSR. There is no space in the present study to delve into the relationship among these texts, or discuss the MK in any detail.

<sup>989</sup> Houtman, “Manu”, pp. 19-20.

<sup>990</sup> DhVD, p. 106. The implication in this narrative, however, seems to be that only the testimony of such people can be relied on since they have the ability to both *focus on* and *understand* the events that they may have witnessed.

close connection between two understandings of *dhamma* as *tarāḥ* (“law”) in the Burmese tradition. On the one hand is the *lokiya-dhamma* of *vyavahāra* and related “worldly” practices, including “Vedic” astrology, grammar, and alchemy; on the other is the supramundane or *lokuttara-dhamma* disclosed in *Buddhavacana* and realized through “higher” spiritual practices.

#### VI. *Lokiya-sattha*

The MSR origin narrative provides a vivid dramatization of an important aspect of dhammasattha jurisprudence which asserts that written law derives from the cosmos. The text of the law is cosmic insofar as it is literally inscribed in the heavens and carried down to earth in uncorrupted transmission through the intercession of Manusāra. But it would be incorrect, I think, to see in such tales close parallels with conceptions of “divine law” or “natural law” derived from European theological (e.g. Thomistic) formulations, in which a universal and eternal law bestowed by God is apprehended through the exercise of reason or revelation or otherwise. It is very important to recognize that according to the MSR this law is not enacted or legislated. We are not told who wrote this text, presumably because it has no author. It was not written by the Buddha or a sovereign, even though it is destined to serve the dhammic administration of kings. Despite its remote and cosmic origins dhammasattha law is defined, repeatedly, as essentially “worldly” or “mundane” (*lokiya*) or as containing the “essence” or “logic” of worldliness (*lokiya-sāra*). The relationship of this mundane legal dhamma to the supermundane dhamma expounded by the Buddha comprises the principal jurisprudential problem faced by dhammasattha compilers and commentators in 17th through 19th century Burma. In a sense, their problem echoes that encountered by the Indian *mīmāṃsakas*, briefly discussed in Chapter Three, who saw their task relative to *dharmaśāstra* as in part the exegetical harmonization of the *smṛtis* with the

injunctions of the Vedic *śruti*. Yet the difficulties of the Burmese were more acute. Early dhammasattha literature does not invoke the Buddha as legislator or *Buddhavacana* as a source in the same way that dharmaśāstra explicitly orients itself towards the Veda as a principal authority. Moreover, that the very textual genre of dhammasattha is absent from classical commentarial definitions of the boundaries of the *tipiṭaka* left the very legitimacy of the legal corpus open to question.

Any approach that seeks to understand the relative status of dhammasattha and related *lokiya* and “Vedic” texts in 17th century Burma and later must take into account the long history of Pali commentarial theory concerning the authority of varieties of Buddhist and non-Buddhist discourse and modes of hierarchizing knowledge. Such theory alone cannot account for the perspectives of Burmese authors, nor does it comprise the only perspective on dhammasattha written law, despite its profound influence. Yet from the very earliest literary sources produced in Burma there has been a marked concern with textual authority and the classification of texts and their allied viewpoints and practices. Recently certain historians have argued that a concern with textuality emerged among elite, court-orientated Burmese officials and ecclesiastics only in the late 18th and 19th centuries.<sup>991</sup> While it is certainly the case that varying models of textual authority and organization were in effect at different times and places, among different authors, in precolonial Burma, a preoccupation with what has been called “asserting authority” over texts is a recurrent theme of all periods for which we have evidence. Moreover, we should not be too quick to overlook the extent to which monastic authors utilized discourses drawn from the Pali commentarial tradition to articulate a deeply conservative and persistent vision of

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<sup>991</sup> “The attempt to establish boundaries between different kinds of textual authority was something new and it was contested throughout the nineteenth century”. Michael W. Charney, *Powerful Learning: Buddhist Literati and the Throne in Burma’s Last Dynasty, 1752-1885*, Ann Arbor, University of Michigan Press, 2006, p. 12.

textual authority. Recent scholarship on Pali-using Buddhist cultures in premodern South and Southeast Asia has sought to deconstruct the *tipiṭaka* in terms of both the boundaries of its content and as a central referent for Buddhist literary and practical life. While the interventions of such scholars as Anne Blackburn, Peter Skilling and others have successfully redressed problems deriving from earlier perspectives that viewed Buddhist notions of “canon” in history as highly rigid and synonymous with Pali commentarial elaboration of the contents of the *tipiṭaka*, the implications drawn from such work can be taken too far. In Burma, not all literature was of equal authority to all authors; nor was all literature in circulation regarded as “Buddhist” or “canonical” by all concerned. The notion of more or less authoritative body of Buddhist texts, derived to a very significant extent from Pali commentarial understandings, was operative from the very earliest surviving Burmese monastic texts in Pali, such as in the *Saddanīti* or the *Sīmāvisodhani*. Vernacular literature which survives from after the early 16th century likewise attests to the continued power and importance of such ideas.

## VII. *Lokiya/lokuttara* as classical genre terms

The rather well-known Pali terms *lokiya* and *lokika*, “mundane” or “worldly”, although they are encountered in earlier materials and especially prevalent in the *Abhidhamma*, take shape as labels for categories of Buddhist texts (here *suttas*) in the *Nettipakaraṇa* and *Peṭakopadesa*, and are elaborated as such in great detail in the commentaries to these works.<sup>992</sup> Nett 161 ff. and Peṭ 49 ff. contain similar discussions

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<sup>992</sup> A satisfactory examination of the basic conception of Buddhist “worldliness” would of course require an investigation of both the notion of *loka* in the *nikāya* texts as well as in pre-Buddhist Indic materials. There is not space for such an examination here; however, cf. Jan Gonda, *Loka: World and Heaven in the Veda*, Amsterdam, N.V. Noord-Hollandsche Uitgevers Maatschappij, 1968. On the following discussion concerning the typology of *suttas* in the *Nett* and *Peṭ* see George D. Bond, “The

of *lokiya/lokika* where the term is contrasted with *lokuttara*, “supramundane”.<sup>993</sup> The context of these discussions is a section called the “Pattern of the Teaching” (*sāsana-paṭṭhāna*) in both works (comprising the final section of the Nett and the second section of Peṭ). This section seeks to categorize suttas according to various groupings, based around a core typology of four thematic relations: suttas that relate to defilements (*saṃkilesabhāgiya-sutta*), suttas that relate to practice (*vāsanābhāgiya-sutta*), suttas that relate to penetration (*nibbedhabhāgiya-sutta*), and suttas that relate to the adept (*asekhabhāgiya-sutta*).<sup>994</sup> Throughout the section this typology and its subdivisions are explained by reference to a number of citations from the *nikāyas* which illustrate their principles of classification.

One of the ways in which such suttas in this typology can be further classified is according to whether their subject is either *lokiyallokika* or *lokuttara*. Both texts illustrate the notion of *lokiya/lokika* by citing verse 71 of the *Dhammapada*,<sup>995</sup> which

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Gradual Path as a Hermeneutical Approach to the *Dhamma*”, in *Buddhist Hermeneutics*, ed. Donald S. Lopez, Jr., Delhi, Motilal Banarsidass, 1993, pp. 25-45. For other discussions of the Buddhist notion of *lokiya/lokuttara*, see in particular the following: Peter Masefield, *Divine Revelation in Pali Buddhism*, Colombo, Sri Lankā Institute of Traditional Studies, 1986; John C. Holt, *Buddha in the Crown: Avalokiteśvara in the Buddhist Traditions of Sri Lankā*, New York, Oxford University Press, 1991, pp. 19ff.; David Seyfard Rugg, *Ordre spirituel et ordre temporel*; Heinz Bechert, *Eine regionale hochsprachliche Tradition in Südasien: Sanskrit-Literatur bei den buddhistischen Singhalesen*, Vienna, Austrian Academy of Sciences, 2005; Heinz Bechert, “On the Popular Religion of the Sinhalese”, in *Buddhism in Ceylon and Studies on Religious Syncretism in Buddhist Countries*, ed. H. Bechert, Göttingen, Vandenhoeck and Ruprecht, 1978, pp. 217-33.

<sup>993</sup> In the parallel sections in the Burmese CS editions, *lokiya* is used in the Nett and *lokika* in the Peṭ.

<sup>994</sup> For the full list see Nett, 128; Peṭ-Bse, 183-4.

<sup>995</sup> Nett, 161: *na hi pāpaṃ kataṃ kammaṃ sajjukhīraṃ va muccati | ḍahan taṃ bālam anveti bhasmacchanno va pāvako ||*

Which Ñāṇamoli translates as:

“For evil action when performed, like new milk, does not turn at once  
It follows, like a lurking spark, the fool, burning him [later on]”

Bhikkhu Ñāṇamoli, *The Guide*, London, PTS, 1962, p. 214.

indicates that an example of a mundane sutta is found in its description of future punishment as a result of the performance of bad actions (*pāpa kamma*). Nett continues with a lengthier discussion, and cites an additional verse found in AN (II, p. 18)<sup>996</sup> and elsewhere that describes the four “wrong courses” (*agati-gamana*), also meant to be illustrative of a mundane-type text:

*cattār’ imāni bhikkhave agatigamanāni. sabbaṃ | pe | [read as Nett 129: katamāni cattāri? chandā agatiṃ gacchati, dosā agatiṃ gacchati, bhayā agatiṃ gacchati, mohā adatiṃ gacchati. Imāni kho bhikkhave cattāri agatigamanāni. Idam avoca Bhagavā. Idam vatvāna Sugato athāparaṃ etad avoca satthā:*

*chandā dosā bhayā mohā yo dhammam ativattati]  
nihīyate tassa yaso kālapakkhe va candimāti.*

*Idaṃ lokiyaṃ.*<sup>997</sup>

‘These four, Bhikkhus, are the four wrong courses not to be followed. [Which four? Going on the wrong course of *desire*, going on the wrong course of *hatred*, going on the wrong course of *fear*, going on the wrong course of *ignorance*.’ Thus said the Blessed One. Having spoken, the Teacher, the *Sugata*, also said:

*‘He who because of desire, hatred, fear or ignorance transgresses the Dhamma,] his fame comes to ruin like the moon during the waning fortnight.’*

This is a worldly [sutta].

It is perhaps coincidental, but also revealing, that these *lokiya* gāthās from the AN, etc., concerning the wrong courses are cited or otherwise referred to in most dhammasattha texts, where they operate as a primary exhortation to judges not to follow desire, hatred, fear, or ignorance in determining the law.<sup>998</sup> The final text Nett cites to explain *lokiya* is also parallel to the AN (IV, 157), which is a passage where

<sup>996</sup> In Peṭ(-Bse, p. 200) the notion of the four bad courses is merely indicated by the phrase *cattāri agatigamanāni*; the following verse is not cited.

<sup>997</sup> Nett, 162

<sup>998</sup> DhVD, p. 65

the Buddha describes to a monk the Eight *Lokadhammas* or “conditions of worldliness”:

*aṭṭh’ ime bhikkhave lokadhammā. katame aṭṭha? lābho alābho yaso ayaso nindā pasamsā sukhaṃ dukkhaṃ. ime kho bhikkhave aṭṭha lokadhammā ti. idaṃ lokiyaṃ.*<sup>999</sup>

‘Monks, these are the Eight Worldly Conditions. Which Eight? Profit, non-profit. Glory, non-glory. Blame, praise. Happiness, unhappiness. These, Monks, are the Eight Worldly Conditions.’  
This is a worldly [sutta].

Nett and Peṭ continue to contrast these illustrations of worldly suttas with a definition of suttas that relate to that which is *lokuttara* (“supramundane” or “beyond the world”). In doing so they again marshal representative citations from elsewhere in the *nikāyas* (here the parallel is Dh 94; cf. also Th 205-6):

*yass’ indriyāni samathaṅgatāni assā yathā sārathinā sudantā pahīnamānassa anāsavassa devā pi tassa pihayanti tādīno ti idaṃ lokuttaraṃ*<sup>1000</sup>

Whose faculties (*indriya*) are subdued (*samatha*), like horses restrained by a charioteer,  
who has eliminated pride (*māna*) and is without *āsavas*,  
even the gods envy such an individual.  
This is a supramundane [sutta].

Thus, such a *lokuttara*-type suttas or texts deal with the soteriology of nibbāna and its techniques for attainment. The key term indicating this in the example is *anāsava*, “without *āsavas*”, an epithet signifying an arahant or an individual who is engaged in the ariyan path (i.e. a *sotāpanna*, *sakadāgāmin*, *anāgamin*, or *arahant*) with nibbāna

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<sup>999</sup> Nett, 162.

<sup>1000</sup> Nett, 162

as his or her goal. Although he does not discuss this passage in the Nett, Peter Masfield has conducted a rather thorough survey of the early Jain and Buddhist usages of the term to note that *āsava* probably connotes “the influx of the consequences of previously generated kamma”. He writes: “It will be clear from passages such as these that there was, at least in the Jaina usage of the term, a distinct idea of *āsavas* as karmic consequences flowing in upon one, and the association of this with *dukkha*, both of which can be detected on occasion in purely Buddhist uses of the term. AA v 32, for instance, speaks of *āsavas* belonging to the future as *katapāpamūlakā*, as rooted in some evil deed that one has done, whilst at A iii 414 we are told that there are five different kinds of *āsavas*: (1) *āsavas* leading to (rebirth in) hell; (2) *āsavas* leading to (rebirth in) an animal womb; (3) *āsavas* leading to (rebirth on) the peta-plane; (4) *āsavas* leading to (rebirth in) the world of men; and (5) *āsavas* leading to (rebirth in) the *devaloka*, and it will be clear from both of these passages that the relationship of the *āsava* to the karmic consequence seems at times to have been, if not one of identity, then at least extremely close; whilst as to its association with *dukkha* we may note that at A iii 414 the ariyan eightfold path is said to be the practice leading to the cessation of the *āsavas*, whilst elsewhere the term *āsava* replaces that of *dukkha* in the formulation of the Four Truths (e.g. D i 84; Vin iii 5)”.<sup>1001</sup> Similarly, according to *Abhidhamma*-related texts such as the *Paṭisambhidāmagga* the supramundane is associated with the restraint of the faculties by individuals in various stages of the Ariyan path. All ideas (*dhammā*) that arise to those engaged on the path are without *āsavas* and “have nibbāna as their foundation” (*nibbānārammaṇa*).<sup>1002</sup> Elsewhere Paṭis specifies these *lokuttaradhamma*: “What ideas are supramundane? The four Foundations of Mindfulness, the four Right

<sup>1001</sup> Masfield, *Divine Revelation*, p. 85.

<sup>1002</sup> Paṭis I, 115 ff.

Endeavors, the four Bases for Success (Roads to Power), the five Faculties, the five Powers, the seven Enlightenment factors, the Eightfold Path; then the four Noble Paths [*ariya-maggā*], the four Fruits of Asceticism [*sāmañña-phalāni*], and Nibbana.”<sup>1003</sup> In later usages the last three elements of this list are condensed into merely “*maggaphalanibbāna*”, which is used in certain locations to refer to the supramundane *dhammas*<sup>1004</sup> that comprise the Ariyan path and its fruits leading to nibbāna.

Thus, in addition to its broader application in Buddhist metaphysics, as the Peṭ and Nett illustrate the *lokiya/lokuttara* distinction is also one of the primary modes of classifying sutta texts based on their thematic content or application. From the examples given, it should be clear that the terms when used in this way imply claims about the cosmological, practical, and soteriological significance of a text. Labeling a sutta as *lokiya/lokika* indicates that it is concerned with practices that ensure rebirth among the various planes of existence and the perpetuation of kamma; whereas a *lokuttara*-type sutta deals with ideas and techniques—such as the Ariyan Eightfold Path—aimed at achieving nibbāna. However, it should be pointed out that it is recognized that suttas may contain both *lokiya* and *lokuttara*-type content.<sup>1005</sup>

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<sup>1003</sup> Ñāṇamoli, trans. *The Path of Discrimination*, Oxford, PTS, 2002, p. 347. The Pali text (Paṭis II, 166) reads: *katame dhammā lokuttarā? cattāro satipaṭṭhānā, cattāro sammappadhānā, cattāro iddhipādā, pañc’ indriyāni, pañca balāni, satta bojjhaṅga, aṭṭhaṅgiko maggo, cattāro ariyamaggā, cattāri ca sāmañña-phalāni, nibbānañ ca’ ime dhammā lokuttarā.*

<sup>1004</sup> See the commentary on the above section (*Lokuttarakathā*) in Paṭis-a-CSCD: *tatopi saṅkhepena maggaphalanibbānānaṃ vasena tayo lokuttaradhammāti veditabbaṃ.* Also Paṭis-a-Bse-nis., II, Yangon, MORA, 2003, p. 438.

<sup>1005</sup> Cf. Nett, 163. This echoes the way that the *lokiya/lokuttara* distinction is understood in other texts not strictly concerned with textual classification. For example, texts may speak of the two terms combined, such as in the quite common phrase *lokiya-lokuttara-sukha*, “the happiness of that which is both mundane and supramundane” (Th-a-CSCD; Bv-a-CSCD; Vism 211; etc.)

## VIII. The mundane sciences: *sattha*, *sippa*, *kalā*, *vijjāṭṭhāna*, *atat*

In Chapter Three we surveyed Indic understandings the eighteen disciplines of knowledge (*vidyāsthāna*) and the related *śāstric* genres. There are numerous references to the these disciplines (*vijjāṭṭhāna*)<sup>1006</sup> throughout the *tipiṭaka* and commentaries and in certain (though not all) texts the “*aṭṭhārasa* [eighteen] *vijjāṭṭhāna*” are glossed as equivalent to the “eighteen arts”, designated by the terms *sippa* or *kalā*.<sup>1007</sup> In some (though not all) contexts these concepts are characterized as specifically related to Brāhmaṇical learning, such as in Vv-a where the brāhmaṇa Chatta is described as “having attained perfection in the Brāhmaṇical arts after having learnt mantra and the Disciplines of Knowledge”.<sup>1008</sup> In the *Sippa-sutta* (“Sutta regarding the Arts”) of the *Udāna* the Buddha issues a proscription against the involvement of bhikkhus in technical knowledge connected with the arts, in a list that echoes Sanskrit catalogues.<sup>1009</sup> In the tale the Buddha encounters a group of monks

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<sup>1006</sup> Vism, 439; Thī-a, 87; etc. Perhaps the earliest usage of *vijjāṭṭhāna* in Pali occurs in the commentary in the *Mahāniddesa* on the third verse of the third sutta of the *Aṭṭhakavagga* (= *duṭṭhaṭṭhakasutta*), where “one’s discipline of knowledge” is listed in a long line of things that one should not speak about to others if unasked (Nidd I, 68). The Nidd-a I, 198) glosses *vijjāṭṭhāna* here as the *āṭṭhārasavijjāṭṭhāna*, which is contrasted with *sippa* (as *dhanusippādinā*, “archery, etc.”). Compare also the discussions of different types of *māna* (“pride”, “conceit”) which employ the term in similar lists at Vibh, 353 ff., as well as its use in the discussion of *sati* at Mil, 78.

<sup>1007</sup> Mp-ṭ-Bse-CSCD on *Mantāṇiputtapuṇṇattheravatthu: aṭṭhārasasu pi vijjāṭṭhānesu nipphattim gatattā sabbasippesu kovido hutvā ti vuttam* | “It is said [in the commentary] ‘he was skilled in all the arts’ because he had achieved perfection in all of the Eighteen Disciplines of Knowledge”.

<sup>1008</sup> Vv-a, 229: *mante vijjatthānāni ca uggahetvā brāhmanasippe nipphattim patto* |

<sup>1009</sup> Ud, 31-2; Ud-Bse 113-4. The term *sippa* (Skt. *śilpa*, related in meaning to Pali/Skt. *kalā*) traditionally comprises a list of 64 “arts and crafts”, which are enumerated differently according to several 1st millennium Sanskrit texts (*Kāmasūtra*, etc.). On them, and their relationship to the *vidyāsthānas* see Dugadatta Tripathi, “The 32 Sciences and the 64 Arts,” *Journal of the Indian Society of Oriental Art*, 11(1943), pp. 40-64; A. Venkatasubbiah, *The Kālas*, Madras, Vesanta Press, 1911. On early Vedic usages and the etymology of the term see P. Tedesco, “Sanskrit *śilpa*-‘Adornment; Craft’”, *Language*, 23, 4 (1947), pp. 383-388. Jaina and Buddhist materials, as here, also discuss the concept. The Abh-ṭ (s.528) preserves the notion of

engaged in discussion concerning which of the arts is the best. Each of the monks claims that one among the following twelve arts is the highest: *hatthisippa* (elephantry); *assasippa* (horsemanship); *rathasippa* (the art of chariot driving); *dhanusippa* (archery); *tharusippa* (swordsmanship); *muddāsippa* (the art of mudrās); *gaṇanasippa* (lit. the art of counting, perhaps “astrological reckoning”); *saṅkhānasippa* (the art of calculation); *lekhāsippa* (the art of engraving (or writing?)); *kāveyyasippa* (poetics); *lokāyatasippa* (casuistry)<sup>1010</sup>; *khattavijjāsippa* (the art of

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*Kāmasūtra*, stating “in the *Vacchāyanasattha* [*Vātsyāyana-śāstra*, i.e. *Kāmasūtra*] it is said that there are sixty-four branches of knowledge (*vijjā*), beginning with the knowledge of music (*gītavijjā*)”. This Abh-ṭ-nis. glosses these *vijjā* as *bāhira*, “outside”. On “outside” vs. “inside” texts and fields of knowledge see below.

<sup>1010</sup> The term *lokāyata* is important and was connected by later Burmese authors with dhammasattha. The Ud-a-CSCD defines this further as *viṭṭāḍa-sattha-sippa*, “the art connected with the treatises on *viṭṭāḍa*”, frivolous or sophistic argumentation. The Burmese glossators take *sattha* to mean a “*lokāyata kyamḥ*”, a written treatise, though as noted earlier we might also interpret *sattha* here as meaning simply “science” or “discipline”. *Udānḥ-pāli tau nisya*, Mandalay, Mandalay Hill, 1926, p. 191. Burmese understandings of *lokāyata* drew basically on commentarial interpretations of the term. In the *Cullavagga* of the *Vinaya* there is a fascinating discussion of the various types of learning that are forbidden to bhikkhus. One of these is *lokāyata*, which Horner translates as “metaphysics” (BD V, 194 on Vin II, 139), and its study constitutes a *dukkata* offence. There have been attempts to connect this and other Pali references to *lokāyata* to the Indian materialist thought of Cāvāraka, on which see Surendranath Dasgupta, *A History of Indian Philosophy*, III, Cambridge, Cambridge University Press, 1952, Appendix I. In the commentary on this passage of the *Vinaya* the term is understood as “sophistry” and further glossed as “heretical treatises (*titthiya-sattha*) connected with practices that have no benefit.”— Sp VI, 1214: *lokāyataṃ nāma sabbaṃ ucchiṭṭhaṃ sabbaṃ anucchiṭṭhaṃ seto kāko kāḷo bako iminā ca iminā ca kāraṇenā ti evamādiniratthakakāraṇapaṭisaṃyuttaṃ titthisatthaṃ* | “*lokāyata* is the name of heretical treatises connected with practices that have no benefit, such as [those] saying ‘because of this and this a crow is white, a crane is black, [or] all is with remainder, all is without remainder’”. This is the standard gloss of *lokāyata* found in a number of commentaries. But it seems likely that there is a fair degree of distance between early Pali and such commentarial understandings of this term. As Bhikkhu Bodhi (*The Connected Discourses of the Buddha*, Boston, Wisdom, 2000, p. 763, n. 128) has suggested, following Rhys Davids and Jayatilleke, *lokāyata* may have originally signified “nature-lore and only gradually acquired the negative meaning of sophistry and materialism” found in the commentaries. He notes that the term can be translated as “cosmology” at certain points in the nikāyas. As Rhys Davids points out

(*Dialogues of the Buddha*, I, London, Henry Frowde, 1899, p. 168: n.b. however that here the first several lines Rhys Davids attributes to *Saddanīti* are in fact from Abh-ṭ, s.112, below), Aggavaṃsa's definition in the *Saddanīti* cites both the *Cullavagga* passage discussed above as well as the *Vidhūra Jātaka*, which states that “one should not follow that which is *lokāyata*; it is not conducive to the growth of merit” (Sadd-Bse, *Dhātumālā*, p. 66; Vin VI, 286: *na seve lokāyataṃ netam paññāya vaḍḍhanam*). The 14th century Abh-ṭ by Caturaṅgabala provides perhaps the most expansive gloss: *Loke yaṃ vitaṇḍavādīnaṃ satthaṃ, taṃ lokāyatan ti viññeyyaṃ. Tanu vitthāre, aññamaññaviruddhaṃ, saggamokkhaviruddhaṃ vā tanonti etthāti vitaṇḍo, ḍo, nattaṃ, viruddhena vā vādadaṇḍena tāḷenti ettha vādinoti vitaṇḍo, taḍi tālane, adesam pi hi yaṃ nissāya vādīnaṃ vādo pavatto, taṃ tesam desato pi upacāravasena vuccati, yathā cakkhuṃ loke piyarūpaṃ sātārūpaṃ, etthesā taṇhā pahīyamānā pahīyati, ettha nirujjhamānā nirujjhatī ti. Lokāti bālalokā, te ettha āyatanti ussahanti vāyamanti vādassādenāti lokāyataṃ, āyatiṃ hitaṃ tena loko na yatati na thātīti vā lokāyataṃ, tañhi ganthaṃ nissāya sattā puññakriyāya cittaṃ pi na uppādentī. Abh-ṭ-Bse-CSCD s.122; Paññāsāmi, Abh-ṭ-nis., I, Mandalay, Padesā, n.d. Here the section in bold is a citation found in numerous earlier texts including the Sv-ṭ-Bse-CSCD and the *Saddanīti-dhāt.*, p. 66. Translation: “In the world, the treatise of the *vitaṇḍavādīns* is designated ‘*lokāyata*’. [The root] *tanu* means *vitthāre* (‘to extend’). In such texts they elaborate (*tanonti*) oppositions (*viruddha*) to both heaven and nibbāna, and to one another; thus the treatise is called *vitaṇḍo*—[formed by the suffix] *ḍo*, [and] *na* [from *na*]. Or, it is called *vitaṇḍo* because in it those holding [such] views attack (*tāḷenti*) [one other] with opposing (*viruddhena*) and spear-like views (*vādadaṇḍena*). [The root] *taḍi* means *tālane* (“to strike”). Although, the view of such people is based on that which is not the location [of *vitaṇḍa*]. Because they [viz. the *vitaṇḍavādīns*] are the location [of *vitaṇḍā*], by way of metaphor the treatise is so called. Similarly, [as it is said in the *Mahāsatiṭṭhāna-sutta*:] ‘the eye in the world (*loke*) is pleasant and agreeable. When craving (*taṇhā*) is being abandoned, it is abandoned there; when craving is being ceased, it ceases there.’ ‘*Loka*’ signifies the world of the ignorant (*bālaloka*). *Lokāyata* means: they [viz., the ignorant] are effortful (*āyatanti*), exert themselves (*ussahanti*), and strive, taking pleasure in views, in the treatise. Or, *lokāyata* means: by such [a treatise] the world does not endeavor (*yatati*) or strive for its future welfare. Surely beings who rely on that book (*taṃ ganthaṃ*) do not give rise to a consciousness [established] in meritorious action (*puñña-kriyāya cittaṃ*).” It seems this citation from the *Mahāsatiṭṭhāna-sutta* (DN, II, 310) is intended here to illustrate the metaphor. As the treatise is not the proper “location” of *vitaṇḍa*, but only where *vitaṇḍa* expressed, so the eye in the citation is not itself the proper “location” of *taṇhā*, but only a context in which it is expressed. What is interesting about this for our purposes is that in his 1893 edition of the *Pucchapaṅṅaka kyaṃḥ* by the First Luṃḥ tau Sayadaw (written perhaps 1860-80), the Pali scholar Aggamahāpaṇḍita Hsaya Phre adds a footnote to a discussion of *lokāyata* that states “according to some opinions, included among the *lokāyata* texts that monks should not study are works on prosody (*chanḥ*), poetics (*alaṅkā*), astrology (*bedarī*), and dhammasat. However, only those texts written by heretics (*titthi tui. pru so kyaṃḥ*) unconcerned with benefit are*

governance)<sup>1011</sup>. The Buddha then issues a judgment that bhikkhus who have gone forth from good families (*kulaputta*) should not engage in talk about such subjects (*evarūpiṃ katham*). They should only speak about the dhamma (*dhammiyā kathā*) or engage in Ariyan silence (*ariyo tuṅhī*). Then he speaks the following verses:

*asippajīvī lahu atthakāmo  
yatīndriyo sabbadhi vippamutto ||  
anokasārī amamo nirāso |  
hitvā mānaṃ ekacaro sa bhikkhū ti ||*

Who lives without arts, with light provisions, desiring welfare,  
faculties restrained, released in every respect,  
unconcerned with home or self, without desire,  
having renounced pride, engaged in solitary practices—  
he is a bhikkhu.<sup>1012</sup>

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here said to be *lokāyata*. Thus it should be clearly noted that prosody, poetics, astrology, and dhammasat texts are not *lokāyata*.” It seems that in the late 19th century the notion of *lokāyata* may have come to be associated with dhammasat; although I have been unable to find any explicit associations of the term with dhammasat or indeed with any of the other 18 *sippas*. Charā Phre, ed., *Pucchāpakiṇṇaka kyamḥ*, p. 267.

<sup>1011</sup> Ud-a-CSCD defines this as *abbheyya-māsurakkhādi-nītisattha-sippa*, thus “the art that is [connected with] the *nīti* treatises such as those of Abbhi and Māsurakkha.” Cf. TPMA s.v. *abbheyya* where both *abbheyya* and *māsurakkha* are defined as proper names of authors of *satthas* in reference other locations in the commentaries where they are mentioned. See also Masefield’s note about variant readings of *abbheyya* at *The Udāna Commentary*, Oxford, PTS, 2001, p. 554, n. 629. Interestingly, the published pre-Sixth Council nissayas (~1920s, though based on earlier eds.) of both the Ud and Ud-a read *khattavijjāsippa* (the “art relating to the knowledge of fields”), which they take literally in reference to agriculture. The Burmese nissaya of Ud-a, clearly following a different text of the commentary that does not mention *nītisattha*, glosses *khattavijjāsippa* as *abbheyya-āpūrakkhādi-khattasippa*, which it understands as “the art (*atat*) of knowing whether land (*mre*) in a field (*lay*) is good or not, with the ability (*acvamḥ*) of increasing or decreasing produce, etc.” *Udānḥ-aṭṭhakathānisya*, Mandalay, Mandalay Hill, 1931, p. 505.

<sup>1012</sup> This should not suggest that the category of *sippa* was in all applications prohibited to bhikkhus, and in fact in other texts (e.g. Khp-a) the distinction is drawn between *agārika* (“householder”) and *anāgarika* (“bhikkhu”) *sippas*. The Burmese *Maṅgalatthadīpanī* (c. 1800), contains a long chapter entitled *Sippamaṅgalā*, which discusses this distinction and the *sippas* appropriate for monastics, drawing on *Jātaka*

In Burma these concepts—*sattha*, *sippa*, *vijjāṭṭhāna*, *kalā*—were intimately familiar, and connected closely in certain contexts with notions of *lokiya*-type texts. In the *Saddanīti*, Aggavaṃsa glosses the term *sippa* (“art”) as the *aṭṭhārasa-mahāsippāni*, the “Eighteen Great Arts”, and provides a catalog of them which echos earlier lists of the śāstras.<sup>1013</sup> A slightly variant list is found in Caturaṅgabala’s *Lokanīti* (c. 14th C.)<sup>1014</sup>, a text which describes itself as “the essence of man in the world” (*nīti hi loke purisassa sāro*)<sup>1015</sup> and contains extensive discussion on the importance of *vijjā*- and *sippa*-related learning. In general terms, later Burmese authors use the term *sippa* and *sattha* quite interchangeably in reference to “disciplines of knowledge” (Bse. *atat*), while *sattha* carries the additional sense of a written treatise.

Numerous vernacular Burmese texts compiled around c. 1500 reference the Eighteen *Atat*. The earliest texts to do so comprise part of the *chumḥ ma cā* (Pali: *ovāda*) genre, short vernacular verse homilies or exhortations directed towards the education of “Good People” (*sū tau koṅḥ*, *sādhujana*, *sappurisa*, etc.),<sup>1016</sup> a term, to

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and other canonical tales. Cf. Ññoṅ kan Sayadaw Ūḥ Kavinda, *Maṅgalatṭhadīpanī*, Yangon, Khañ khyui tvaṅḥ, 2005, pp. 145-165.

<sup>1013</sup> Sadd-dhātu-Bse, 259. His list comprises: 1. *suti* 2. *sūramati* 3. *byākaraṇaṃ* 4. *chandoviciti* 5. *nirutti* 6. *jotisatthaṃ* 7. *sikkhā* 8. *mokkhañāṇaṃ* 9. *kriyāvidhi* 10. *dhanubbedo* 11. *hatthisikkhā* 12. *kāmatantaṃ* 13. *assalakkhaṇaṃ* 14. *purāṇaṃ* 15. *itihāso*, 16. *nīti* 17. *takko* 18. *vejja*. We should note that Aggavaṃsa’s definition of the term *sattha* itself explicitly connects it with treatises that explain grammar and the meaning of words: *satthanti sadde ca atthe ca sāsati ācikkhati etenāti satthaṃ | kiṃtaṃ? | byākaraṇaṃ ||* Sadd-dhātu-Bse, p. 187.

<sup>1014</sup> PNT; *Lokanīti*, 10-11:

*suti sammuti saṅkhyā ca yogā nīti visesakā  
gandhabbā gaṇikā c’eva dhanubbedā ca pūraṇā  
tikicchā itihāsā ca joti māyā ca chandasā  
hetu mantā ca saddā sippāṭṭhārasakā ime*

<sup>1015</sup> *Lokanīti*, 2

<sup>1016</sup> More on these terms below.

which we will return in Chapter Seven, that includes both bhikkhus and non-monastics, as well as kings and brāhmaṇas. They are concerned with the development of virtuous qualities (*guiṇ kyeḥ jūḥ*) incumbent upon different members of Buddhist society. Like the Pali *nīti* texts with which they have thematic and sometimes very close textual or formal parallels, they impart knowledge that is meant to foster the attainment of prosperity and happiness in the world; though in doing this (and unlike Sanskrit *nīti* texts) they often display a parallel commitment to monastic discipline and nibbāna as a soteriological aim. As noted above, dhammasat as a genre is very frequently referenced in these texts. In one of his homilies Mahāraṭṭhasāra encourages his audience to keep in their minds each of the Eighteen *Atat*,<sup>1017</sup> while in another he sates that one should “seek to acquire the assorted virtues (*kyeḥ jūḥ*) of the *āṭṭhārasa sippa* and remain obedient to the Good Teachers (*charā, ācariya*) who teach them”.<sup>1018</sup> Kandaw Minkyaung (Kan tau maṅḥ kyoṅḥ) Sayadaw was especially drawn to invoking the concept in his homilies. In the *Lokasāra chumḥ ma cā pyui*, he writes that the Good Person (*sū tau*) should mindfully cultivate learning in the eighteen *sippa* disciplines (*āṭṭhārasa | sippa aprāḥ | atat myāḥ kui | mhat sāḥ sati*), and that such learning is conducive to welfare (*cīḥ pvāḥ*).<sup>1019</sup> His *Ovāda mettā-cā*<sup>1020</sup> expresses the

<sup>1017</sup> *āṭṭhārasa | sippa ma kvraṅḥ | nha luṅḥ svaṅḥ r\* | Lak sac toṅ tā chumḥ ma cā* in *Haṃsāvati chumḥ ma cā poṅḥ khyup*, p. 19.

<sup>1018</sup> *āṭṭhārasa | sippa kyeḥ jūḥ | athūḥ thūḥ kui | caññḥ pūḥ phve rhā | saṅ so khā lhyari | charā koṅḥ tham | kyuiḥ nvaṃ ta rhaññ. | Gambhīsāra chumḥ mā cā*, in *Haṃsāvati chumḥ ma cā poṅḥ khyup*, p. 30; cf. also verse 37 of the same text.

<sup>1019</sup> *Lokasāra-pyui.*, ed. Charā Ññvan., Yangon, Burma Research Society, 1931, p. 4; *Lokasāra-pyui.*, Yangon, Yogī, 1960, p. 39; MORA 7893, f.dhī(r). There are many variant published editions of this text based on different manuscripts. In general the Yogī edition is superior because it attempts to note variants based on other published editions.

<sup>1020</sup> The differences between the *chumḥ ma cā* and *mettā cā* genres at this point in Burma are uncertain, but may have pertained, as Pe Maung Tin suggests, to their different intended audiences. Both sort of texts can be understood as verse “homilies” or “exhortations”. See Pe Maung Tin, *Mran mā cā pe samuiṅḥ*, Ca pay ūḥ, 2003, p.

similar notion saying that one should “continuously [strive for the branches of] knowledge” (*atat raṃ khā*) and that doing so may ensure future material benefit (*uccā*).<sup>1021</sup>

In the *Kan tau mañḥ kyoñḥ mettā-cā aphre kyamḥ*, his commentary on the *Ovāda mettā-cā* written in 1733, the Taungdwin Minkyaung (Toñ tvañḥ mañḥ kyoñḥ) Sayadaw<sup>1022</sup> explains what is meant by this reference to the *atat*. He begins with a slightly variant account of the *Vedabba Jātaka*,<sup>1023</sup> which narrates how the bodhisatta was born as a brāhmaṇa and studied the *sippas* with a certain teacher who possessed knowledge of the *vedabba* mantra (in Taungdwin Minkyaung’s version the mantra is called *dhanasiddhi*, “the accomplishment of wealth”), which when recited calls forth treasures to rain down from the sky. In the *Jātaka* this mantra brings misfortune on the teacher because it is recited at the wrong time in the company of thieves. According to Taungdwin Minkyaung the import of the tale is to illustrate that knowledge should be revealed only at the appropriate time, lest it lead to ruin.<sup>1024</sup> He continues to explain what is meant by “knowledge” (*atat*), stating that it is of two kinds: *lokavat* (< P. *lokavatta*, lit. “practices/duties connected with the world”), comprising “the eighteen-fold knowledge which is connected with the livelihood of men (*lū mhu asak mveḥ*)”, and *dhammavat* (< *dhammavatta*, lit. “practices/duties connected with dhamma”) which is knowledge enshrined in the treatises he calls the “*piṭaka* treatises containing

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112. In later eras the term *mettā cā* was often used to designate an “epistle” or “submission” presented to a sovereign written by a bhikkhu.

<sup>1021</sup> *atat raṃ khā | paññā kui rheḥ | uccā kui nok | Phuñḥ Cin, ed., Kan tau mañḥ kyoñḥ mettā-cā nhañ. toñ tvañḥ mañḥ kyoñḥ aphre*, p. 2

<sup>1022</sup> Unfortunately very little is known about this monk aside from his authorship of this commentary. Cf. Bha Thaug, *Cā chui tau myāḥ atthuppatti*, Yangon, Rā Praññ., 2002, pp. 148-9.

<sup>1023</sup> Jā-a-PTS, I, 252 ff. reads *vedabbha-jātaka* and *vedabbhaṃ nāma manta*. The Bse ed. reads *vedabba*.

<sup>1024</sup> *Kan tau mañḥ kyoñḥ mettā-cā nhañ. toñ tvañḥ mañḥ kyoñḥ aphre*, pp. 78-81.

the ordinances of the Buddha”.<sup>1025</sup> Among the *lokavat*-type knowledges are the following Eighteen as Taungdwin Minkyaung cites them in Pali, accompanied by a translation of his Burmese glosses—

1. *suti* — general knowledge
2. *samuti* — dhammasat knowledge
3. *saṅkhyā* — knowledge of calculation
4. *yoga* — knowledge of construction, building, etc.
5. *nīti* — knowledge of conduct conducive to welfare contained in *nīti kyamḥ*
6. *visesakā* — knowledge of calendrical reckoning
7. *gandhabbā* — knowledge of music
8. *gaṇikā* — knowledge of finance, etc. (*lok leḥ pac ca so*)
9. *dhanubhedā* — knowledge of archery
10. *purāṇā* — knowledge of old aphorisms (*ca kāḥ hoṅḥ*)
11. *tikiccā* — medical knowledge
12. *itihāsā* — comedic knowledge
13. *joti* — astronomical or astrological knowledge (*bedāṅ*)
14. *māyā* — magical knowledge or knowledge of illusion (*lhaññ. cāḥ mhu*)
15. *chandā* — knowledge of prosody
16. *ketu* — diplomatic knowledge (*ta man atat*)
17. *mantā* — knowledge of mantras
18. *saddā* — grammatical knowledge<sup>1026</sup>

One thing to recognize from this list is the variation from “usual” glosses, even within Pali sources, of many of these terms. The notion that here *yoga* might be construed as “construction” or *itihāsa* as “comedy” probably signifies the author’s relative distance

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<sup>1025</sup> Here the phrase is *cā pe kyamḥ gan*. This term is used variously by different authors. *Cā pe* literally means “written text” whereas *kyamḥ gan* is equivalent to either *sattha* or simply “treatise”. Often in combination this phrase can refer to something akin to “scripture” or even “canon”, in reference to the *tipiṭaka*, but not always. I translate this term as “*piṭaka* treatises containing the ordinances of the Buddha” here because below (p.82) Taungdwin Minkyaung uses as this phrase synonymously: *myat cvā bhurāḥ e\* amin. tau piṭakat kyamḥ*. Thus we should understand the meaning here as basically connected with the idea of *tipiṭaka* in the sense of *Buddhavacana*, “the words of the Buddha”. I don’t think we have enough evidence to say what exactly the contours of this textual category might have looked like to Taungdwin Minkyaung. For early citations related to *dhammavat* and *lokavat* see PSV, s.v.

<sup>1026</sup> *Ibid.*, pp. 81-2.

here from typical commentarial and lexicographical understandings of the concepts underlying these terms,<sup>1027</sup> and his attempt, instead, to interpret them on purely etymological grounds (thus, *iti* + *hāsa* “laughter”). Taungdwin Minkyaung states that these Eighteen *lokavat* forms of knowledge are distinguished from *dhammavat* knowledge, which he defines as:

1. Learning that is like a guardian of the royal treasury
2. Learning connected with a desire for release (*tvak mrok*) from the misfortune of *saṃsāra*
3. Learning that is like the example of the snake-catcher

In the same way, he says, that the guardians of the royal treasury must keep watch over its contents to ensure its survival into future reigns, so those who are monks (*rahantā*) must study the *piṭaka* treatises so that such knowledge may persist into the future of the lineage. While studying the *piṭaka* treatises a monk should have as his goal the riches of *mag phuil nibbān* (*maggaphalanibbāna*) and the desire for release from the misfortune of *saṃsāra*. He continues: “If a snake-catcher handles a snake without respect, that snake will bite him on the hand or arm, and he will meet his death. Similarly, one may study the *piṭakat* treatises without having as their aim the *mag phuil nibbān*, and this may bring fame, or at least praise. Or one may study to avoid criticisms of laziness, or to crush ignorant opponents in disputations. But the Buddha has said that those who study the *piṭakat* for these reasons will land in hell.”<sup>1028</sup>

Used in this manner to signify texts, ideas, and practices connected with the world of men or dhamma, *lokavatta* and *dhammavatta* are not “classical” commentarial terms. In Burma they are found in the vernacular *lokavat* and

<sup>1027</sup> E.g. compare Abh-ṭ 111 on *itihāsa*.

<sup>1028</sup> *Kan tau mañḥ kyoñḥ mettā-cā nhañ. toñ tvañḥ mañḥ kyoñḥ aphre*, pp. 82-3.

*dhammavat* more frequently than they are in Pali. But the distinction they call forth rests on Pali commentarial understandings of mundane and supermundane types of text discussed above. Already in vernacular verse in the early 16th century there are references to both *vedaṅga* texts and dhammasat as *lokavat*-type treatises.<sup>1029</sup>

As noted in Chapter Three, in the *Milindapañhā* King Milinda is represented as having acquired learning in the many treatises connected with the disciplines of knowledge (*bahūni satthāni uggahitāni honti*). These include a mostly unsurprising list of the eighteen *satthas*, plus one, bringing the total number to nineteen. However, there is some difference among regional traditions of the Mil as to what exactly the list should comprise. According to Burmese versions—including the CS as well as versions of the text commented upon by pre- Sixth Council nissaya authors<sup>1030</sup> and translators of the text into vernacular Burmese<sup>1031</sup>—the list includes the following: 1. *suti* 2. *sammuti* 3. *saṅkhyā* 4. *yogā* 5. *nīti* 6. *visesikā* 7. *gaṇikā* 8. *gandhabbā* 9. *tikicchā* 10. *catubedā* 11. *purāṇā* 12. *itihāsā* 13. *jotisā* 14. *māyā* 15. *hetu* 16. *mantanā* 17. *yuddhā* 18. *chandhasā* (or *candasā*). Then, the text continues, “with *Buddhavacana*, nineteen” (*buddhavacanena ekūnavīsati*); that is, *Buddhavacana* is listed as an additional field of learning, bringing the total number to nineteen. According to both Burmese and regional manuscripts there is a divergence of opinion as to whether number 10 should be read as *catubedā* (or *catubbedā*), “the four Vedas”, or *dhanubbeda*, “archery” (Ādiccavaṃsa discusses this variant in his nissaya). A more significant variation is that some manuscripts from Laṅkā, including the ones Trencner was presumably preferring at this point in his reading for the PTS edition,

<sup>1029</sup> Rhañ Mahāraṭṭhasāra, *Rājavāsati-khaṇḥ*, UCL 106231, f.go(r): *rājavan nhañ*. | *bedañ dhammasat* | *lokavat laññ* | *ma tat ta sīḥ* |

<sup>1030</sup> Ādiccavaṃsa, *Milindapañhāpāḷi-tau-nissaya*.

<sup>1031</sup> Guṇālaṅkāra, *Milindapañhā-vatthu*, Yangon, Khañ khyui tvaṅḥ, 1999 [written 1765].

here read *muddavacanena* instead of *Buddhavacanena*.<sup>1032</sup> Trenckner offers a comma between these terms, thus “*mudda, vacanena*”, which led Rhys Davids to translate them separately as “[...] poetry (*chandasā*), conveyancing (*mudda*), in a word (*vacanena*), the whole nineteen”.<sup>1033</sup> The more recent Sri Laṅkā Tipiṭaka Project edition reads *chando sāmuddi vacanena*, presumably: “prosody, seafaring, in a word....” Guṇālaṅkāra, in his mid-18th century translation of the text is explicit in a commentary on this passage, saying that Milinda was learned in the treatises (*kyamḥ gan*) of the eighteen mundane sciences (*lokī-aṭṭhārasa atat*), and that in addition to these he was learned in “the dhamma of the *piṭaka* which has been preached by the Buddha (*bhurāḥ rhañ ho tau mū so piṭakat tarāḥ tau*, i.e. *Buddhavacana*)”, thus distancing *Buddhavacana* from the category of *sattha*.<sup>1034</sup> Whatever these regional discrepancies may derive from—and the Mil is a text that is especially troubled by such variants elsewhere—Guṇālaṅkāra’s remarks are important because they help further localize conceptions of *lokiya-sattha* in application to dhammasattha and allied disciplines. These satthas, dhammasattha included among them as the gloss for *sammuti*, were connected with the worldly knowledge.

A 16th century Vinaya manual compiled in Burma at Sirikhetta (Śrī Kṣetra) by Sāgarabuddhī, the *Sīmāvisodhanī*,<sup>1035</sup> uses the term *lokiyasattha* on two occasions. The first of these is in reference to a description of the characteristics of a town (*nagara*), which is supported by gāthās cited from what is called a “worldly treatise”

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<sup>1032</sup> See Trenckner’s rather disparaging remarks about the Burmese manuscript tradition in his introduction to his ed., pp. iv-v.

<sup>1033</sup> Mil PTS, pp. 3-4: *chandasā mudda, vacanena ekūnavīsati*. T.W. Rhys Davids, *The Questions of King Milinda*, Oxford, Clarendon Press, 1890, p. 6. See also his note on *mudda* as “conveyancing”.

<sup>1034</sup> Guṇālaṅkāra, *Mil-vatthu*, p. 8.

<sup>1035</sup> PSS, 342; note there are two texts that go by this title, the other by Atulavipulamahāñāṅakitti. In what follows my reference for the *Sīmāvisodhanī* is the CSCD ed. (*Upasampadākaṇḍa*).

(*lokiyasatthe*). Here the parallel verse is found in the *Abhidhānappadīpikā-ṭīkā*,<sup>1036</sup> thus it seems likely that the reference to “worldly treatise” here refers to that lexicon. The second occasion occurs in the course of a discussion of the meaning of a *rajjasīmā*, a term which refers to the boundaries or borders of a kingdom. The text states that “according to the *lokiyasattha*, those regions are called a ‘*mahāraṭṭha*’, in which the four *vaṇṇas* of *khattiya brāhmaṇa vessa*, and *sudda* dwell.” This may again be a reference to a lexicographical source, although a direct parallel to this definition cannot be located in the Pali *abhidhānas*. When exactly such distinctions began to be applied in Burma technical disciplines and their linked genres of text is unclear.

In addition to grammar, poetics, and dhammasattha, perhaps the other two most common branches of *sattha* or *atat* in premodern Burma were the categories of medicine and *bedañ* (*vedaṅga*). Whereas in Sanskrit traditions the *vedaṅgas* are commonly enumerated at six (i.e. *śikṣā*, *kalpa*, *vyākaraṇa*, *nirukta*, *chandas*, *jyotiṣa*),<sup>1037</sup> in premodern Burma *bedañ/vedaṅga* or “branch-texts of the Veda” refers basically to *jyotiṣa-vedaṅga*, comprising texts that deal with omens, astrology, and astronomy.<sup>1038</sup> According to some usages the genre and practice may also include alchemy, yantra, and mantra, practices often associated with *vijjādhara*.<sup>1039</sup> This understanding is idiosyncratic when viewed in terms of Pali and Pali-commentarial understandings of the Veda, which often transmitted notions of three or four Vedas and explicitly distinguished these from astrology (*jotisa*).<sup>1040</sup> In contemporary Burmese, *bedañ* commonly refers to the highly popular fields of astrology,

<sup>1036</sup> Abh-ṭ 198

<sup>1037</sup> Kane, *History*, II.i, p. 323, n. 775.

<sup>1038</sup> For a survey of this tradition in India see David Pingree, *Jyotiḥśāstra: Astral and Mathematical Literature*, History of Indian Literature 4.5, Wiesbaden, Harrassowitz, 1981.

<sup>1039</sup> The boundaries between *bedañ* and *vijjādhara* as separate strands of practice in premodern Burma are not entirely certain.

<sup>1040</sup> cf. Mil 178.

oneiromancy, and fortune-telling (comprising also imported forms such as tarot and numerology). Often lumped together with alchemy and magic, *bedañ*, and occasionally traditional medicine (*cheḥ paññā*) is the only type of learning that is still generally understood in terms of earlier definitions of “mundane knowledge” (*lokī-paññā*); grammar and law, of course, are no longer viewed in light of such a distinction.<sup>1041</sup> By contrast, in pre-colonial Burma *bedañ* comprises a massive and extremely poorly understood manuscript corpus of texts dealing with mathematics, *ākāśa-śāstra*, omen texts, and other matters related to planetary reckoning, apotropaic practices and prophesy.<sup>1042</sup> *Bedañ-charās* as *horā* or *gaṇika* (astrologers) were hugely influential in determining state and village ritual activity.

#### IX. Criticisms and accommodations

The important bibliographical treatise discussed in the Introduction and Chapter Two written by Uttamasikkhā c. 1681 provides rare insight into one of the ways in which dhammasattha as a genre, imagined along the lines outlined here, faced criticism early on. The *History* was written by the bhikkhu after a request from the king to clarify which texts “contain the profound words of the noble Buddha

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<sup>1041</sup> Any Burmese bookshop carrying Buddhist texts will also be well-stocked, usually on the lower shelves, with texts of this sort. Compare the contents of a widely used manual *Myan mā. ruiḥ rā lokīpaññā ññvan. poṇḥ* [“Manual of traditional Myanmar *lokīpaññā*”], Yangon, Jambūdīpa, 1992.

<sup>1042</sup> There is very little scholarly research on the history of Burmese astrological traditions. Much of Htin Aung’s work addresses related issues but is largely uninterested (or ignorant of) their historical genealogy and regional textual relationships. See Maung Htin Aung, *Folk Elements in Burmese Buddhism*, Oxford, Oxford University Press, 1962. See also Than Tun, “The Influence of Occultism in Burmese History with Special Reference to Bodawpaya’s Reign, 1782-1819”, *Bulletin of the Burma Historical Commission*, I, 2 (Dec 1960), pp. 117-45; Noel F. Singer, *The Sorcerer-King and the ‘Great Abortion’ at Mingun*, New Delhi, APH, 2004; Juliane Schober, “On Burmese Horoscopes”, *The South East Asian Review*, 5.1 (Aug, 1980), pp. 43-56.

comprising the three *piṭakas* [i.e. *Buddhavacana*], the profound words of *Pacceka* Buddhas, or the profound words of arahants, and which are texts (*cā*) were made (*pru*) by devas and ṛṣis or by the *puthujjana*<sup>1043</sup> masters ignorant of the *piṭakas*”.<sup>1044</sup> In this description there is an explicit distinction drawn between those texts which contain the “profound words” or *nhup* (MB *nhut*) *nak tau* of the Buddhas and arahants and those texts (*cā*) which are simply “made” (*pru*) by unenlightened beings. After cataloguing the texts which legitimately belong to the category of *piṭaka*, he writes:

- The outside (*bāhira*) dhammasat, *vedaṇ* [*vedaṅga*], etc., texts written by ṛṣis are—
1. the *Manūssika dhammasat*, beginning with the line *ṇako sādḥako ceva*
  2. the *Manosāra dhammasat*, beginning with the line *anantañāṇa gocaraṃ*
  3. the *Manū dhammasat*, beginning with the line *ṇaṃ nissāmanacceva*
  4. the *Manūssika akray*, compiled by paṇḍitas (*paññā rhi*) during the reign of [the? a?] Prū King, beginning with the line *ahaṃ āvuso kiccakūṭe pabbate*
  5. the *Atitrā* [*Āditya*] *dhammasat*, compiled in Arakan by paṇḍitas during the reign of the Buddha Kassapa, beginning with the line *apāyagatim upāyaṃ*<sup>1045</sup>
  6. the *Manu akyay dhammasat*, compiled by a paṇḍitas during the reign of King Tvattapon [Duttabaung], beginning with the line *abhiññādhībhabhedena*<sup>1046</sup>
  7. the *Dhammavilāsa dhammasat*, compiled by the individual (*pugguīl*, *puggala*) Dhammavilāsa during the reign of the Buddha, beginning with the line *ṇakotṭha pako ceva*
  8. the *Manosāra akray dhammasat*, written by paṇḍitas during the reign of Prū Maṅḥ Thīḥ, beginning with the line *anantañāṇaṃ gocaraṃ*

<sup>1043</sup> On *puthujjana* as those “who have not heard the dhamma”, see Peter Masfield, *Divine Revelation*, Ch 1. The Abh-ṭ defines *puthujjana* as *anariya*, “non-Ariyan”, at section 435, and as *nīca*, an “inferior person” and *muṭṭha*, a “fool” at s.1084. KAN glosses the latter terms as *sū yut* and *sū muik*, respectively. We will encounter *sū yut* again in the following chapter as the least reliable form of witness.

<sup>1044</sup> *piṭakat tau suṃḥ puṃ n\* rhaṇ tau bhurāḥ nhup nak tau | arhaṇ pacceka buddhā nhup nak tau | rahantā nhup nak tau | nat ca so rasse. tui. pru so cā | piṭakat so puthujjān si khaṇ pru so cā || Rhaṇ Uttamasikkhā, Piṭakat samuiṇḥ*, UCL 9171, f.jhāḥ(r). Compare the slightly different formula in Hs-Birm 8, MIK Berlin (Burm-mss. #116), f. kā(r), which further specifies that the bibliography should indicate which texts are included in the *saṅgāyana* recitation of the First Council. On these and the additional histories written around the same time, see Alexey Kirichenko, “Classification of Buddhist Literature”.

<sup>1045</sup> Following Hs-Birm 8, ff.khu(v)-khū(r).

<sup>1046</sup> Following Hs-Birm 8.

9. the *Jāli Mañḥ* [“King Jāli”] *dhammasat*, which came from the island of Lankā, beginning with the line *attho etenāti padaṃ*

Among these nine the *Mānūssika*, *Manū*, and *Manosāra* were compiled by ṛṣis during the reign of king Mahāsammata. During the reign of Chañ Phrū Rhañ [Hsinbyushin], paṇḍitas (*paññā rhi*) compiled the *Dhammasat kyau*. During the reign of king Prū mañḥ thīḥ paṇḍitas compiled the *Manosāra akray*, which was translated into Burmese from a Mon version during the reign of the Second king in Haṃsavatī. During the reign of the son of the Rājamañicūla Mahāceti [King Thalun], Tipiṭakālaṅkāra and Kuiñḥ cāḥ Manūrāja together edited the *Manosāra akray* and renamed it the *Dhammasat Rhve Kyamḥ*. They did not use the *Kyeḥ Mañḥ* [“Tamil King”] *Dhammasat* from Sīhala. These *dhammasat*, *bedañ*, *kalap*, *byañci*, *vitak*, *dañdi*, *lokanīti*, and so forth are not *sāsana* texts (*sāsana tau kyamḥ ma hut*), they are treatises outside (*bāhira*) [the *sāsana*] which can pose a danger to the *maggaphalanibbāna*. Note that [the first] three of the *dhammasat* texts, the alchemical treatises (*dhāt*), and so forth were compiled by ṛṣis, and their commentaries were made by paṇḍitas.<sup>1047</sup>

This is a striking pronouncement on the dangers posed by *dhammasat* and related texts, as they were perceived by some quarters. It is a very unusual criticism, in fact, insofar as it seems to discount the value of the genre entirely, stating that they are potentially a danger to the Path. Whereas the *piṭaka* literature is authoritative because it was either recited by the Buddha or redacted in commentaries by bhikkhus, *dhammasat* and related “Vedic” genres are the work of ṛṣis and paṇḍitas. Here we see an important feature of 17th-19th century monastic critiques of *dhammasattha*. Despite the fact that texts like the MSR do not attribute an original author to the genre, such critics insist on viewing *dhammasattha* as the product of human hands. As such they are therefore of lesser legitimacy than the dhamma discovered by the Buddha.

Yet most authors, drawing on the notions of *lokiya-sattha* discussed above, attempted to accommodate *dhammasattha* as well as the other disciplines mentioned in catalogues of the eighteen sciences. Thus we find a number of texts that refer to them as *anavajja-lokiya*, or “faultless mundane” treatises. This approach is exemplified by

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<sup>1047</sup> *ibid.*

an important epistle sent in 1784 by the first Maungdaung (Moñḥ thoñ) Sayadaw Ñāṇābhivaṃsa to king Bodawhpaya. Ñāṇābhivaṃsa served as Bodawhpaya's *saṅgharāja* from 1788 and was one of the more influential monks of the late 18th and early 19th centuries. In 1812 he reverted to lay life due to concerns over his role in causing dissension in the saṅgha and subsequently served as a minister (Mañḥ tuiñ pañ amat) under the title Mahādhammasaṅkram.<sup>1048</sup> He is probably the most well-known monk from premodern Burma, largely due to his authorship of the important sāsana chronicle, the *Sāsanālaṅkāra*, and his work on the committee to compile the *Hman Nan Rājavan* ("Glass Palace Chronicle") during the reign of Bodawhpaya's successor, Bagyidaw (fl. 1819-37).<sup>1049</sup> However his scholarship additionally encompassed the writing of sub-commentaries on abhidhamma and the compilation of nissayas on a wide range of Pali and Sanskrit materials. Ñāṇābhivaṃsa was particularly active in glossing in Pali certain Sanskrit astrological texts imported from locations in India and Laṅkā, many of which still survive. In his 1784 epistle he explained the significance of a recent shipment of Sanskrit texts that had arrived in Burma as follows:

The Omniscient Buddha accomplished the perfections (*pāramī*) over four *asaṅkheyya*-durations (universal-cycles) and one-hundred thousand *kappas* (world-cycles). During that period the faultless (*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 (*lokattacariya*) he became omniscient, the pinnacle of the three worlds. And because he would become omniscient [i.e. as he was a Bodhisatta], the pinnacle of the three worlds, Mahāsammata worked to increase his wisdom (*paññā*). According to the texts (*kyamḥ gan*, here probably meaning *piṭaka* or commentaries), he designated the boundaries (*apuñḥ akhrāḥ*) of human practice, which persisted for a long time from son to grandson to great-grandson. Because in such texts the faultless sciences (*anavajjasippa*) are enumerated in the righteous teaching of the dhamma (*dhammadesanā*), then keeping them in mind is a matter of the propagation of that

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<sup>1048</sup> See MMOS, §391.

<sup>1049</sup> For further details about his life see Mendelson, *Sangha and State*; Charney, *Powerful Learning*.

teaching. Comprising the ornament of the world<sup>1050</sup> in such propagation are the following treatises, which have been collected from Majjhimadesa, the Kāsika Country, Vārāṇasī, Navadīpa, etc., compiled by the Ten Ṛṣis, namely Aṭṭhaka, Vāmaka, Vāmadeva, Aṅgīrasa, Bhagu, Yamadaggi, Vāsītṭha, Sāradvāja, Kassapa, and Vesāmitta:

1. Sanskrit grammatical treatises, 66 total in 1870 paper pages or 126 palm-leaf fascicles, 3 folios
2. Astrological/jyotiṣa (*bedan* < *vedaṅga*) treatises, 45 in total in 1569 pages or 137 fascicles, 2 folios
3. Logic (*tak* < *tarka*) treatises, 22 in total in 925 pages or 102 fascicles, 7 folios
4. Poetics (*alaṃkāra*) treatises, 8 in total in 630 pages or 46 fascicles
5. Prosody (*chanda*) treatises, 1 in total in 14 pages or 1 fascicle, 10 folios
6. Lexical treatises, 6 in total in 333 pages or 25 fascicles, 10 folios
7. Historical (*itihāsa*) treatises, 7 in total in 892 pages or 78 fascicles. 4 folios
8. Nīti treatises, 1 in total in 3 pages or 7 folios
9. Dhammasat treatises, 8 in total in 247 pages of 25 fascicles, 7 folios
10. Medical treatises, 6 in total in 462 pages or 47 fascicles, 1 folio

These, together with their colophons, have been translated (*pran chui*) from Vārāṇasī, Bengali, Nāgarī writing (*areḥ asāḥ*) into Myanmar Sanskrit writing.<sup>1051</sup>

Extending Uttamasikkhā's criticism, here Ñāṇābhivamsa connects the “authorship” of dhammasattha and the other *satthas* with the ten “ancient ṛṣis of the brāhmaṇas” (*brāhmaṇānaṃ pubbakā isayo*) who were the compilers of the Vedic mantras according to the Pali tradition.<sup>1052</sup> Unlike Uttamasikkhā, however, he notes that “the faultless sciences (*anavajjasippa*)” are sanctioned “in the righteous teaching of the dhamma (*dhammadesanā*)” and that “keeping them in mind is a matter of the propagation of that teaching”. This constitutes a very persuasive argument in favor of the Buddhist appropriation and continued application of the perceived Brāhmaṇical sciences.

<sup>1050</sup> The term here is *kambhā. tan chā*, the “adornment” or “ornament” of the world, which is often used as an adjective to describe dhammasattha and other *lokiya-satthas*.

<sup>1051</sup> Ñāṇābhivamsa, *Ameḥ tau phre*, pp. 171-3.

<sup>1052</sup> These ten are discussed in numerous locations in Pali literature. See the *Ambaṭṭha Sutta*, DN I 104; DN-*Silakkhandha*-Bse, pp. 97 ff. For further references to these ṛṣis in the *tipiṭaka* and commentaries see DPPN, s.v. *Aṭṭhaka*.

Following Ñāṇābhivaṃsa's statement an annotated list of the various Sanskrit titles imported into Burma is given in their Pali translation. These comprise a range of Sanskrit materials—although in certain cases from their titles it is often difficult to know whether *mūla* texts or commentaries are meant; among works on *dharmasāstra* we find (here I have translated the titles from Pali as given back into Sanskrit): *Dāyabhāga-nirṇaya*<sup>1053</sup>, *Udvāha-tattva-mūla*<sup>1054</sup>, *Udvāha-tattva-ṭikā*<sup>1055</sup>, *Dāya-tattva-mūla*<sup>1056</sup>, *Dāya-tattva-ṭikā*<sup>1057</sup>, *Dāyabhāga-tattva*<sup>1058</sup>, *Dāyādhikāra*<sup>1059</sup>, *Dāyabhāgasiddhanta*<sup>1060</sup>. It is surprising that some of these texts were quite “contemporary” compositions, such as the *Dāyādhikāra*, which may have been written only one or two decades before its appearance in Burma. It is also rather curious that all of them deal with inheritance law. As far as I have been able to determine none of these manuscripts—or indeed any other Sanskrit *dharmasāstra* works of any age—survive in Burmese libraries or foreign collections of Burmese manuscripts. Some of the other Sanskrit texts cited in the 1786 list may have survived, and if such

<sup>1053</sup> A commentary on the *Dāyabhāga* of Jīmūtavāhana. Kane, *History*, I, p. 1045, notes that several *nirṇayas*, by the different authors Kāmadeva, Bhaṭṭoji, Vyāsadeva, and Śrīkaraśarmā.

<sup>1054</sup> According to Kane (*History* I, p. 1004), also called the *Vivāhatattva*, by Raghunandana, a very prolific *dharmasāstra* commentator of the early-16th c. (on his dates cf. Kane *History* I, pp. 890 ff.).

<sup>1055</sup> By Kāśīrama Vācaspatibhaṭṭācārya, cf. Kane, *ibid.*, p. 1004; L.D. Barnett, *Supplementary Catalogue of Sanskrit, Pali, and Prakrit Books in the Library of the British Museum*, London, British Museum, 1908, p. 301.

<sup>1056</sup> Probably by Raghunandana, cf. Golapchandra Sarkar Sastri, ed. and trans., *The Dāyatattva of Raghunandana*, Calcutta, Cambay and Co., 1904. Also Ludo Rocher, ed. and trans., *Jīmūtavāhana's Dāyabhāga*, Oxford, Oxford University Press, 2002, p. 16.

<sup>1057</sup> Several *tattvas* exist: cf. Kane, *History* I, p. 1044.

<sup>1058</sup> Perhaps by Raghunandana? Many *tattvas* on the *Dāyabhāga* exist.

<sup>1059</sup> The *Dāyādhikārakramasaṃgraha* by Śrīkṛṣṇa-tarkālaṅkāra, mid-18th century. He wrote a very influential commentary in the *Dāyabhāga*, the *Dāyabhāga-prabodhinī*, on which see Rocher, *Dāyabhāga*, p. 17.

<sup>1060</sup> By Balabhadra Tarkavāgīśa. Cf. Julius Eggeling, *Catalogue of the Sanskrit Mss in the India Office*, Part III, p. 465; MS, IO 1386c.

identifications might be proved to be correct, may have also been provided with Pali translations and vernacular nissayas. A recent printed edition from an unattributed manuscript source contains a Pali translation of the *Lilāvātī* section on mathematics of Bhāskara’s *Siddhāntaśiromaṇi* (12th c.) as well as a vernacular nissaya of the text written in 1864 by Paññāsāmi (better known as the author of the *Sāsanavaṃsa*).<sup>1061</sup> Another recent edition provides an example of a Sanskrit jyotiṣa text on divination from a manuscript dated 1784, two years before the 1786 list.<sup>1062</sup> This comprises the Sanskrit text and a vernacular nissaya of Narapati’s *Svarodaya* (rendered as *Sarodaya* in Pali), originally written in 1177. According to Pingree, this work “describes various arrangements (*cakras*) of letters associated with time divisions and astrological entities, magical pictures of animals and objects (also called *cakras*), and arrangements of *nakṣatras*, months, and numbers relative to the directions (*bhūmis*), all of this promote the military victory of their user.”<sup>1063</sup>

We might briefly digress to ask how unusual the importation and translation of some of this material into Pali and Burmese may have been. Following 1786, there were at least nine other well-documented instances of the importation of Sanskrit texts into Burma over the next 15 years, which resulted in no less than 236 works whose titles have survived and have been compiled by Than Tun. Of the ten geographical sources of the Sanskrit works eight came from locations in “Majjhimadesa” (India), mostly from the region of Vārāṇasī, and two from Laṅkā.<sup>1064</sup> We have less direct

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<sup>1061</sup> In the 1786 list this may be the text catalogued as *Lilāvādī*, classified under *tarka*-related texts, cf. *Amreḥ tau*, p. 178. The recent publication is titled *Siddhantasiromaṇi lilāvātī gaṇapāṭī kyamḥ nhañ. lilāvātīgaṇapāṭīsāra nisya kyamḥ*, n.p., n.d.

<sup>1062</sup> *Narapatijayacāryya maññ so sarodaya khau saradveḥ nissya kyamḥ*, n.p., n.d.

<sup>1063</sup> David Pingree, *Jyotiḥśāstra*, p. 77. See also David Pingree, *Census of the Exact Sciences in Sanskrit*, Series A Vol. 3, Philadelphia, American Philosophical Society, 1976, pp. 137-42.

<sup>1064</sup> Than Tun, “The Influence of Occultism”. Than Tun, however, interprets *lokī-paññā* as “the arts not pertaining to anything that is religious”.

evidence of earlier shipments. This, however, may simply be because in earlier periods records were not kept as fastidiously, or that such records are now lost. Jyotiṣa-related practices and learning have always been an accoutrement of Burmese sovereignty. As the previous chapter suggested, for example, the sponsorship and involvement of kings and elite monks in such forms of knowledge is readily apparent in the early 17th century, even though surviving records are rather slight. It is perhaps much more fruitful to regard these instances of the willing importation of Sanskrit texts into Burma as part of a continuum with practices reflected in earlier documents, such as the 1442 donative book-list epigraph discussed in Chapter Two. They attest to an ongoing interest in Sanskrit and śāstric learning—especially in terms of jyotiṣa and grammar. These were disciplines that had continued relevance in Burma and were not viewed as forbidden or occult because of “religious” sentiments. While a number of Sanskrit jyotiṣa texts have obviously influenced the development of Burmese traditions of *bedāṇ* in noticeable ways, however, none of the dharmaśāstra texts imported in 1786 seem to have had any influence. Indeed, the entire corpus of dharmaśāstra commentaries and *nibandha* or *tattva* type works exerted little or no influence on the development of the dhammasattha tradition. That is, all of the parallels between Burmese and Sanskrit law texts appear to be involve only the smṛti literature, not the commentaries and sub-commentaries. Dharmaśāstra commentarial literature cites extensively from various smṛtis, and also borrows heavily from mīmāṃsā-derived techniques of interpretation. If any of this literature would have left a mark on Burmese dhammasattha it would be easily noticed.

The distance of Ñāṇābhivaṃsa’s account of the faultless *sippas* from Uttamasikkhā’s condemnation of dhammasattha, *bedāṇ*, and related genres as a “danger” is symptomatic of the varying perspectives on the legitimacy of the *satthas* in premodern Burma. Repeated attempts by numerous writers in the 17th through 19th

centuries to try to account for the existence of the dhammasattha tradition in light of Pali canonical and commentarial narratives suggests the genre was regarded with some suspicion.<sup>1065</sup> In a text recording seventy-nine different questions on various matters put by the minister Letwe Naurathā (Lak vai naurathā) Ūḥ Ne<sup>1066</sup> to the Toṅ Tvaṅḥ Sayadaw Khaṅ Krīḥ Phyaū Ūḥ Ñāṅālāṅkāra<sup>1067</sup> between 1758 and 1762, several interesting perspectives on dhammasat are revealed. In these cases Naurathā’s questions are somewhat more telling than Ñāṅālāṅkāra’s answers. A number of the discourses contained in this text bear on our present discussion, but two discuss the

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<sup>1065</sup> There are many such discussions. Here I note only several that are most illustrative.

<sup>1066</sup> This figure is occasionally confused with Lak vai sundara Ūḥ Mrat Caṃ, his contemporary, and a poet, historian, and jurist and author of the *Vinicchayapakāsanī-dhammasat laṅkā* and the *Dhammasat atui kok*. Ūḥ Ne held many different titles besides Lak vai naurathā, including Lak vai sundara. On Lak vai naurathā’s life and work, see the articles collected in *Maṅḥ lak vai naurathā*, Yangon, Mraṅ mā nuīṅ ṅaṃ cā pe pran. pvaḥ re asaṅḥ, 1975; especially Moṅ kyok tuiṅ, “Sukhamin ūḥ ne e\* cā pe gīta | sutesana”, pp. 40-178 and Sutesī ta ūḥ, “Lak vai naurathā e\* bhava nhaṅ. cā pe”, pp. 179-300. Also, Thaw Kaung, “Letwe Nawratha (1723-1791), Recorder of Myanmar History”, Unpublished Manuscript, 2009. On the text in question here, *Lak vai naurathā lhyok thumḥ*, see pp. 79-96; 223-5. This work has a number of curious interrelationships with other examples of the *Amreḥ Aphre* (“Question and Answer”) genre, particularly the *Nanḥ cañ pucchā* (ed. Ūḥ Sau Jaṅ, Yangon, Cā pa lve, 1970; though note there are other texts carrying this title) containing questions put by Alaunghpaya to Mahātulayasadhammarājaguru Atula Sayadaw, some of which also deal with dhammasat.

<sup>1067</sup> This influential monk was particularly involved with the compilation of *bedañ*, medical, alchemical, cosmological, and grammatical texts. Some of the most significant pre-colonial medical and *vijjādhāra*-related treatises are attributed to him, including the *Kavesāra-kyamḥ* (ed. Mandalay, Kyāḥ Khoṅḥ, n.d.) and a nissaya on the *Kappālaṅkāra* (*Lokīsippavijjādhair kyamḥ*, ed. Mandalay, Raṅ kun mantale piṭakat, 1976). See also the entries on him in MCh and PSP. He wrote a sub-commentary (*lak sanḥ*) on the *Netti* and several other works in both Pali and Burmese on abhidhamma, as well as several nissayas. There is another *Amreḥ Aphre* text containing a dialogue between him and Letwe Nauratha on the subject of *Etadagga*, the disciples of the Buddha (cf. PSS, 1378). In the *Manuvaṅṅanaṅ pyui. dhammasat* written in 1759 by one of Ñāṅālāṅkāra’s disciples, Bhoṅḥ Laṅḥ Rhaṅ Ñāṅasaddhamma, he is described as learned in “all the *piṭakat* and *lokī* treatises”, cf. UCL 6726, f.ghau(r).

issue of dhammasat explicitly. In the first of these questions, dated 1758, Ñāṇālaṅkāra is asked by the minister “does the account in the dhammasat texts concerning the ṛṣis Manu and Mano at the beginning of the world appear in the *Buddhavacana* texts that were included [as recited] in the *saṅgāyana* council?”<sup>1068</sup> The question implies an uncertainty as to the status of dhammasat relative to the genre of “*piṭaka*” literature, defined here as those texts thought to have been recited at the First *saṅgāyana* council at Rājagaha. Ñāṇālaṅkāra, however, does not go into questions of textual authority in his answer, rather he states that:

In the matter of whether the details about Manu and Mano come from the *tarāḥ kyamḥ gan* (here as the *tipiṭaka* together with the commentaries)— The entire unique arrangement (*acī amañ*) of worldly (*loka vāy*) duties were set forth first by King Mahāsammata. It is said in the *tarāḥ kyamḥ gan* texts only that in the world Mahāsammata was called ‘Manu’. Nothing further is stated regarding the details of the ṛṣis Manu, Mano, et. al. However, the *tarāḥ kyamḥ gan* texts say that at the beginning of the world beings lived for a long time and lacked *rāgadosa* [‘lust and anger’], so there were many ṛṣis who had developed their *jhānas*. When we consider this fact, Mahāsammata, as a paṇḍita (*paññā rhi*), held many consultations with ṛṣis and paṇḍitas because it is in the nature of the wise to confer with one another.<sup>1069</sup>

In a certain light this answer can be seen as trying to salvage a connection of the dhammasat genre with the scriptural authority of Pali commentarial accounts of the content of the *tipiṭaka*. Given both the question and answer, both parties in the discussion are well aware of the accounts of that content in the Sp and elsewhere.<sup>1070</sup> He acknowledges that although dhammasat as a genre cannot be included within this corpus, its existence may be accounted for on the basis of information provided in it.

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<sup>1068</sup> *Lak vai naurathā lhyok thumḥ*, p. 51.

<sup>1069</sup> *Lak vai nau rathā lhyok thumḥ*, p. 100.

<sup>1070</sup> Jayawickrama, ed., Sp. 14-19, 26-28; As 18-27.

As though this question was somehow insufficient, three years later in 1761 Naurathā, who at the time held the title *Mañḥ saññ sū kyau thañ*, asks again the bhikkhu:

Among the dhammasats, it is said in the dhammasat beginning ‘*atthesu navasu dhammasatthesu*’<sup>1071</sup> that the dhammasats [*sic.*] beginning ‘*indako sāsako ceva*’ were compiled by the ṛṣi Manusika, et. al. and delivered to Mahāsammata; similarly, the dhammasats beginning ‘*indako nissayo*’ were compiled by ṛṣis; and, the dhammasat beginning ‘*anantañāṇaṃ gocāraṃ*’ was compiled by Manosāra, the son of the ṛṣi Manu, and given to Mahāsammata. Even if these dhammasats were given to Mahāsammata at the beginning of the world (*kambhā*)<sup>1072</sup>, or at the beginning of the world-system (*kap*), they have not come down to us (*ma rhi rā rok khai saññ*). Furthermore, it is said that the number of dhammasat treatises has increased from the original and that there are now many, such as the *Dhammavilāsa*, the *King Ādityā*, the *King Jālī*, the *Manusāra*, the *Manusāra-akyay* [i.e., the MSR] beginning with ‘*sajjanā sajjanāsevaṃ*’ [i.e. the MSR], the dhammasat from Laṅkā translated by Rhañ Sumaṅgala, etc. The rulings in these various treatises are very much in disagreement (*achiṃ aphrat ma ññī ma ññivat lvanḥ*). There is no clear indication (*visesa*) as to which dhammasat texts should be regarded as authoritative (*pamāṇa*). Many different things regarding juridical matters (*amhu*) are explained in the various dhammasat treatises. The texts are settled (*ñirim sak*) only because of the judgments (*ci rañ thumḥ*) prepared through the deliberations of the paṇḍitas (*paññā rhi*). Provide a decisive answer regarding your understanding of the dhammasat literature (*dhammasat cā pe*) and its connection with Mahāsammata.<sup>1073</sup>

Here we encounter a recurrent issue that faced many dhammasattha commentators. If, as the texts state, they derive from the wall of the *cakkavāla* and were handed down to Mahāsammata, then why is it that there is so much variation among the surviving texts. The “harmonization” that Naurathā refers to is a reference to the many dhammasattha digests (*kok khyak, khvai puṃ*, etc.) written in Burma which collect and

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<sup>1071</sup> Here a reference to the *Kuiḥ con khyup dhammasat kvan khyā*.

<sup>1072</sup> Here the usage of *kambha* implies the beginning of the world in general (perhaps parallel to the conception of *mahākappa*, roughly equivalent to the incalculable duration of the existence of the entire universe), whereas, as Ñāṇālaṅkāra’s answer makes clear, the term *kap* (<*kappa*), which I translate as “world-system”, refers to an *antarakappa*, the much briefer cycle of time in which humans are present on the earth.

<sup>1073</sup> *Lak vai nau rathā lhyok thumḥ*, p. 157.

compare different sections of laws from various texts, and discuss their disagreements in attempt to determine an authoritative ruling. The *Kuiḥ coṅ khyup dhammasat kvan khyā*, the comparative “digest of nine dhammasatthas”, is a text of this sort. In his answer, Ñāṇālaṅkāra is again rather elliptical, and refuses to come out and directly condemn dhammasattha as heretical literature. He provides a nuanced response that strives to bring the texts into line with canonical accounts of Mahāsammata, and to downplay the significance of textual variation:

As for the question whether the dhammasat treatises originated during the reign of Mahāsammata at the beginning of the current *antarakappa* or during the reign of Mahāsammata at the beginning of the world-system (*kambhā*), we should understand that the reign of Mahāsammata at the beginning of the world is correct. Because, at the beginning of the universe, the three *Sāma*, *Yaju*, and *Ishyu Bedaṅ* [*Sāman*, *Yajus*, and *Ṛc Vedas*] were created by ṛṣis for the sake of human welfare and prosperity. Later, the *Āthabbaṇa Bedaṅ* [*~Ātharvaṇa Veda*] was created by brāhmaṇas (*puṇṇāḥ*) who did not adhere to the Law (*tarāḥ*).<sup>1074</sup> During the era of the dispensation of the Lord Kassapa the paṇḍitas (*pañṇā rhi*) incinerated the *Āthabbaṇa Bedaṅ*. The *Sārattadīpanī* and other texts say that today only the three other *bedāṅ* remain. If we take into consideration the fact that until today the *bedāṅs* from the beginning of the world have survived, we should understand that also the dhammasat written at the beginning of the world has survived.

As for the problem that the various dhammasat texts are not in agreement, this does not only apply to dhammasat. Among the *bedāṅ* treatises there are many agreements and disagreements. Indeed, even among the *piṭaka* texts, in the *aṭṭhakathā*, *ṭīkā*, *anu*, *ganthantara*, etc., kinds of texts there are agreements and disagreements. In matters of disagreement we should reach a conclusion after examining what accords with acceptable opinions, comparison with similar cases, and what is logical [lit. ‘whether causes fit the effects’]. The authority of the texts should be followed when there is an explanation [in them] that will account for the discrepancies. If the texts support conflicting readings then that reading which is agreeable to the Great Teachers, the Noble Teachers, and the individuals who know the texts (*kyamḥ tat pugguil*) should be accepted. As with the *piṭakat*, so among the dhammasat; if there are various and contradictory readings we should investigate whether there is an explanation. If there are contradictory accounts, we should accept [the explanation based in] the authority of the texts. If there are disagreements in the texts, then we

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<sup>1074</sup> This assertion is lifted basically verbatim from the description in the *Vmv*. Cf. *Maṅḥ vaṃ toṅ ruiḥ Indāsabhamahāthera*, *Vmv-Bse-nis.*, 2 vols., Yangon, *Piṭakat byūhā*, 1983 [written 1849], vol. I, p. 67.

should accept the rulings (*cī raṇi thumḥ*) [of the paṇḍitas who are jurists familiar with the texts].<sup>1075</sup>

This is a rather fascinating reply that concerns both the authority of dhammasattha relative to *piṭakat* and *bedan* literature but also the authority of dhammasattha vis-a-vis the rulings made by jurists. We should note the close association in Ñāṇāḷankāra's mind between the *bedan* and dhammasattha treatises—according to him both are the products of early ṛṣis, and thus the fate of one corpus may be taken as an indication of the fate of the other. Presumably his association of these texts, both of which are often characterized as “written for the welfare and prosperity of mankind”, derive from an understanding that they are each *lokiya*-type texts.

Some fifty years later the status and reliability of dhammasattha was still an issue of concern. In 1811 the matter reappears in a series of questions asked to the Muṃ rveḥ Sayadaw Ādiccaramṣī by the monk Sirimālā. Ādiccaramṣī was closely allied with the royal court and one of the chief compilers of the *Mhan Nanḥ*. The majority of his surviving texts are *pyui* compositions, many of which explicitly concern *lokiya* subjects, and he is also remembered for his learning in Sanskrit, oneiromancy, and *bedan*.<sup>1076</sup> Sirimālā asks:

It is said that the *bedan*, therapeutic mantra (*mantarāḥ cheḥ*), and dhammasat treatises (*kyamḥ*) were written on the boundary-wall of the world-system, in letters (*akkharā*) the size of a elephant or horse, so that they would be the ornament of the world, and that the ṛṣis Manusāra and Subhadra carried those letters to Mahāsammata. If what is said in this way is true, then each of these texts from the boundary-wall would be in agreement (*aññī aññvat achumḥ aphrat*). [But] they do not agree either in terms of their content (*achumḥ aphrat*) or their extensiveness (*akyañḥ akya*). Please provide an authoritative response to these matters.<sup>1077</sup>

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<sup>1075</sup> *Lak vai nau rathā lhyok thumḥ*, pp. 163-5.

<sup>1076</sup> See the Forward and the Introduction to Muṃ rveḥ charā tau, *Mhat cu*, Yangon, Haṃsāvati, 1963.

<sup>1077</sup> Muṃ rveḥ charā tau Ādiccaramṣī, *Samantacakkhu-dīpanī kyamḥ*, Vol. II, Yangon, Gandhamā, n.d., p. 259 [Question 149].

Here this reference is clearly addressed to the origin narrative of the MSR discussed above. Ādiccamaṃsī provides a very detailed answer taking each genre consecutively, which begins by describing the various features and dimensions of the *cakkavāḷa* (Bse. *cakravalā*). Then he states that as much as he has been able to determine from an extensive search through the texts which discuss the *cakkavāḷa*—which include the *Vinaya-pārājika-aṭṭhakathā*, *Visuddhimagga*, *Aṭṭhasālinī*, *Sammohavinodanī*, *Lokadīpaka*, *Lokadīpanī*, *Candasūriyagatidīpanī*, *Caḡatidīpanī*, *Sāratthadīpanī*, *Saratthasaṅgaha*, *Lokapaññatti*, *Lokuppatti*, *Jinālaṅkāraṭṭikā*, *Kappavaṇṇanā*, *Kappasāra*, *Pavaramanobhirāma*, *Ananta leḡ pāḡ*, *Jinālaṅkāra*, *Lokavidū*, and *Visuddhimaggadīpanī*—he has been unable to find a single mention of *bedañ* or dhammasat written on it in letters the size of an elephant or horse. Furthermore, he states, the extant *bedañ* texts do not mention anything about their being copied from the *cakkavāḷa*, but state rather that they were compiled by various ṛṣis, including some of whom he lists by name,<sup>1078</sup> at a later date (i.e. after Mahāsammata). Then he continues to describe the contents of the *Ambaṭṭha-sutta*, which provides the canonical list of ten ancient ṛṣis associated with the compilation of Vedic mantras, and discusses a number of other locations in the *tipiṭaka*, commentaries, and other texts such as the *Rājamattaṅḡa* (*Rājamārtaṅḡa*)<sup>1079</sup> that deal with *bedañ* and mantra.<sup>1080</sup> Nowhere does

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<sup>1078</sup> *Vakya-charā* (*ācārya*), *Vagga-charā*, *Harīta-charā*, *Gotama-charā*, *Yavana-charā*, *Varāhamihira-charā*, *Byāsa-charā*, *Hārīta-charā*, *Yavanādhipati-charā*, *Guri-charā*, *Giridisa-charā*, *Giridaṅḡa-charā*, *Pavanerasa-charā*, *Bārābhana-charā*, *Parāsara-charā*, *Satya-charā*, *Jīva-charā*, *Yuja-charā*, *Samita-charā* (p. 260). Of these texts the c. 6th century *Bṛhajjātaka* by Varāhamihira was transmitted in Burma at least since the 15th Century and remained very influential. A nissaya of a Pali translation of the Sanskrit text was made by one of the Ñāṅābhivaṃsa is extant at least in typescript as *Moṅḡ thoṅ charā tau bedañ kyamḡ*, n.d., n.p.

<sup>1079</sup> By Bhojarāja (11th c.). It is another Sanskrit jyotiṣ text that was influential in Burma. It is mentioned in the 1442 inscription, and in a Royal Order from 1575 the *Rājamattaṅ[ḡa]* is cited and referred to as a “*lokī-kyamḡ*” (ROB II, pp. 112-3). An

he find any mention of the *cakkavāḷa*. Ādiccaramsī performs the same operation for medical texts, and refers to the *Milindapañhā*, the *Apadāna*, the *Mahākuṇḍala* and *Campeyya Jātakas*, and the *Vinaya-mahāvagga* to provide authoritative statements on the derivation of medical treatises and medical knowledge according to the *tipiṭaka*.<sup>1081</sup> Nowhere does he find any mention of the *cakkavāḷa*. Turning to the question of dhammasat, Ādiccaramsī starts by citing a line from the MSR which states: *subhadro cakkavāḷaselā likhitvā lokiyasāraṃ dhammasatthaṃ manusāro likhitvā vācamuggato*<sup>1082</sup> “With noble words, from the rock of the boundary-wall, Subhadra copied the *lokiyasāra* [i.e. *bedanī*] and Manusāra copied the dhammasattha”<sup>1083</sup>. It is important to note the detail of the rest of his argument, so here I reproduce it in full. He says that although such a text is found in the MSR,

it cannot be accepted as true in the same way as the Pali texts [that speak to this issue] that come from the *kyamḥ gan* (here signifying the *tipiṭaka* and commentaries) since [the dhammasat] was written by *Kuiṅḥ cāḥ* [the author of the MSR], et. al.<sup>1084</sup> The teachers (*charā*) who know the *kyamḥ gan* have said:

‘*Manu-sammata, always putting in place, the four sangahas, beginning with sassamedha*’<sup>1085</sup>

Even though some may say Mahāsammata and Manu are not related, it is not true. In this verse (*kabyā*) Mahāsammata is called ‘Manu’, which we acknowledge as a connection. Also in the *kyamḥ gan* Mahāsammata is called ‘Manu’, as here:

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edition of the Sanskrit-Burmese nissaya from a ms dated 1846 has been published as *Rājamattaṅḍa-nissaraññī kyamḥ*, n.p., n.d. For a brief description of the Sanskrit text see Pingree, *Jyotiḥśāstra*, p. 102.

<sup>1080</sup> Ādiccaramsī, pp. 161-66.

<sup>1081</sup> Ādiccaramsī, pp. 166-68.

<sup>1082</sup> Cf. MSRP: *subhadrā cakkavāḷā | likhitvā lokiyasāraṃ | dhammasattaṃ manusāro | likhitvā ca vācuggato*

<sup>1083</sup> Ādiccaramsī, p. 168.

<sup>1084</sup> On *Kuiṅḥ Cāḥ*, the author of the MSR, see Chapter Five.

<sup>1085</sup> *sassamedha | ca saññ leḥ khu | saṅgruiḥ mhu phrañ. | manusammata | rheḥ ka saṃ puinḥ | thāḥ khai. tuiṅḥ phrañḥ* | The source of this verse is not known.

*ādiccakūla* [...].<sup>1086</sup> Similar things are said in the *Sāratthasaṅgaha*, the *Visuddhimag*, the *Aggaññasutta-aṭṭhakathā*. In the *Vimānavatthu-aṭṭhakathā* it says: *lokiyā pana* [...].<sup>1087</sup> Also, in the *Abhidhammatthavibhāvanī-tīkā* it says *lokiyā pana manuno ādikhattiyassa apaccaṃ puttāti manussāti vadanti*—‘The worldly teachers [*lokī charā* glossing *lokiyā*] say that those who are sons of King Mahāsammata, the first *khattiya* named Manu, are called *manussa*.’ Thus, in the *kyamḥ gan* Mahāsammata is called ‘Manu’, and it is due to this that we get the line concerning *Manu-sammata* in the verse above.

If the extant dhammasat texts did not come from the *cakkavāḷa* then where did they come from? Since according to the text (*pāṭha*), *thapitā yena mariyādā | loke lokahitesinā* [from the *Ambaṭṭha Sutta* commentary] it is said that Mahāsammata set down rulings (*achumḥ aphrat*), he was the first. We should understand this as saying that later wise kings, wise ministers, wise judges (*tarāḥ sū kriḥ*), and ṛṣis and bhikkhus learned in the law (*tarāḥ*) again set down rulings. Especially, [there is the reference] in the *Tuṇḍila Jātaka*, where the Pig-King, the bodhisatta Mahātuṇḍila 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 in a manuscript (*pe*), and said ‘the law should be determined by reference (*kraññ. rhu*) to these rulings’. As the people cried he and his brother went 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, [*vinicchayāni potthake...*]<sup>1088</sup>. Similarly, King Ādāsamukha in the *Gāmaṇicanda Jātaka*, King Candakumāra in the *Khaṇḍahāla Jātaka*, King Senaka in the *Sattubhastha Jātaka*, Mahosadhāpaṇḍita in the *Mahā-Umaṅga Jātaka*, and the ṛṣi Mahābodhi in the *Mahābodhi Jātaka*, were all skilled in legal rulings (*thumḥ-sādhaka*) and passed judgment about the law. These are all took place very long ago. In later times, rulings (*cī raṇ thumḥ*) were again made. In Śrī Kṣetra there were the rulings of King Dvattapoṇ [Duttabaung] and the rulings of King Bherinda; in Arimaddanā [Pagan] there were the rulings of King Phrū Maṅḥ Thīḥ; in Muttama [Martaban] the rulings of King Vāriyū [Wagaru]; in Jaṅḥ May [Chiang Mai] the rulings of King Arakunā [Ku Nā]<sup>1089</sup>. In later times there were many such rulings made by wise kings, ministers,

<sup>1086</sup> What follows is a citation and nissaya of the passage from the sub-commentary on the *Ambaṭṭha Sutta* discussed above.

<sup>1087</sup> What follows is a citation and nissaya of the passage from the sub-commentary on the Vv-a discussed above, although Ādiccaraṃsī understands *lokiyā* in the first line of the passage differently from Collins. His translation reads “Because those who have mundane wisdom [*lokī paññā* glossing *lokiyā*] are the sons of the King named Manu, they are called *Manussa* [...]”.

<sup>1088</sup> Here citing from the final several lines of Ja-a III, p. 292. Ādiccaraṃsī’s version differs slightly from both PTS and CS eds.

<sup>1089</sup> Fl. 1367?-1388?, 1355?-85?; There are several variant dates for his reign. Cf. N. A. Jayawickrama, trans., *The Sheaf of Garlands of the Epochs of the Conqueror (Jinakālamālī)*, London, PTS, 1978, pp. 116 ff.; David K. Wyatt and Aroonrut Wichienkeo, trans., *The Chiang Mai Chronicle*, Chiang Mai, Silkworm, 1998, pp. 66ff.; Thaw Kaung and Ni Ni Myint, trans., Tun Aung Chain, ed., *Zinme Yazawin*,

judges, ṛṣis, and bhikkhus. In connection with the kings of old writing down such rulings down we should note the *Sattubhastha Jātaka* from the *Sattanipāta*, *Paṭhamavagga* [which says]: *vohārasucīti porāṇadhammīkarājūhi likhapetvā ṭhapitavinicchaye vohāra sucībhavati | adhammaṃ pahāya dhammena vinicchayena vinicchayaṃ karontī ti attho*.<sup>1090</sup> In connection with this the *Tesakuṇajātaka*<sup>1091</sup> says: *evaṃ vinicchayaṃ pavatteyyāthā ti vinicchayadhammaṃ suvannapatte likhāpetvā araṇṇaṃ pāvīsi | tassovādo cattālīsavassasahassāni pavattayi*.<sup>1092</sup> Thus, the bodhisatta Jambuka, the parrot, wrote his rulings on gold-leaf and then went into the forest. It is said that his instruction (*ovāda*) endured for forty-thousand years. It is in this way that those who are wise put down their rulings [in writing]. As for the way in which such [rulings] were put down [in writing] by the former kings, the *Cittasambhūta-Jātaka* says: *adhammakāroti porāṇakarājūhi ṭhapitaṃ vinicchayadhammaṃ bhinditvā pavattā adhammakiriyā*.<sup>1093</sup> Accordingly we know the manner in which such rulings were put down by former kings. Surely there are many [treatises] among the *bedāṇi*, mantra and medical texts because they were first written by the ṛṣis Atṭhaka, Vāmaka, et. al., and later followed by the [works of the] ṛṣis Varāhamihira, Kālīdāsa, Piṅgala, Jayadeva, Surāma, Bhuttagutta, Setava, et. al. We must acknowledge that these accounts do not say that the dhammasat, *bedāṇi*, mantra, etc. treatises were copied off the *cakkāvala*. Regarding the question of the disagreement among the treatises, it is certainly the case that they are in disagreement because the paṇḍitas (*paññā rhi*) are unable to reach a consensus in their opinions, and because of what is said in

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Yangon, UHRC, 2003, p. 31. Each of the latter two texts refer to the king as learned in dharmaśāstra.

<sup>1090</sup> Ādiccaramsī does not provide a gloss, but we might translate this passage as: “*Vohārasuci* means that which is pure in the established ruling of law (*vohāra*) that has been written [down] by former righteous kings (*dhammīkarāja*). [They are pure] in the sense that, having abandoned that which is contrary to *dhamma*, [those kings] make rulings which accord with the rulings of *dhamma*.” In modern editions this text is not found in the *Sattubhastha-jātaka*, but comes at the end of the aṭṭhakathā to the *Kukku-Jātaka* of the *Sattanipāta*, cf. Ja-a-PTS, III, pp. 320-1; Ja-a-CSCD. The Bse-CS edition contains basically the same sense (replacing *adhammaṃ* with *agati-gamaṇaṃ*), reading: *vohārasucinti porāṇakehi dhammīkarājūhi likhāpetvā ṭhapitavinicchayavohāre sucīṃ, agatigamaṇaṃ pahāya dhammena vinicchayakāraṅkanti attho ||*

<sup>1091</sup> This *Jātaka* and the one cited previously are closely related; in the commentary on *Kukku* it says that the story concerning the “instruction to the king” (*rājovāda*) will appear in the *Tesakuṇa*.

<sup>1092</sup> Ja-a-PTS V, 125. “[Saying] ‘may this ruling endure’ he wrote the ruling that was in accordance with dhamma on gold-leaf, and went into the forest. His instruction endured for forty-thousand years”.

<sup>1093</sup> Ja-a-PTS IV, 400. The PTS edition varies slightly. The CS ed. has the same as Ādiccaramsī. “*Adhammakāra*” (“acts contrary to dhamma”) means the actions contrary to dhamma that result from breaking the rulings in accordance with dhamma established by former kings.”

connection with our own position [viz., that they were written by multiple authors at different times].<sup>1094</sup>

In this fascinating passage, perhaps the longest sustained commentary on the nature of dhammasattha written in premodern Burma, we witness Ādiccaramsī's attempt to harmonize the existence of the genre with Pali *tipiṭaka* and commentarial accounts. He never once dismisses the legitimacy of dhammasattha, even if he might accuse it of untruths—according to the *kyamḥ gan*, at least, written law did not originate from the boundary-wall of the universe. Echoing Ñāṇābhivaṃsa's comments, he invokes the names of the ten “ancient ṛṣis of the brāhmaṇas” mentioned in the *nikāyas*. In the same way that such ṛṣis were responsible for the authorship of mantras and medical texts, which did not derive from the *cakkavāla*, similarly we must attribute the origin of dhammasattha to the activity of human beings. Mahāsammata was the first to set down rulings concerning the boundaries of right conduct in a dhammasat, and his legislative model was followed by later kings. Ādiccaramsī displays a deep familiarity with textual passages that relate instances of king-made law, and he mobilized this learning to redescribe dhammasattha as a form of Buddhist legislation sanctioned by the *tipiṭaka*. His redescription is decidedly at odds with the representations of the authority of written law depicted in the MSR origin narrative. According to the MSR written law is inherently legitimate on its own terms due precisely to the fact that it is a written text coeval with the world-system and transmitted from the heavens in uncorrupted form.

While the foregoing investigation is for the most part restricted to discourses connected with the reception of dhammasattha in 17th through early 19th century Burma, we can see how similar explanations might have been utilized to account for and domesticate other śāstric genres or “Vedic” learning more generally. The Pali

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<sup>1094</sup> Ādiccaramsī, pp. 168-272.

*tipiṭaka* and commentaries provided extensive resources which could serve to accommodate a variety of textual practices that might on first glance appear quite incommensurable with sectarian understandings of the tradition. Uttamasikkhā’s condemnation of dhammasattha, which saw the legal genre as a potential “danger” to the Path, was derived from such a rigid understanding. He sought to enforce a strict separation between properly “Buddhist” texts—defined as *Buddhavacana* or the *tipiṭaka* and other texts that contain the profound words of enlightened *Pacceka* Buddhas and arahants—and “outside” (*bāhira*) texts made by unenlightened devas, ṛṣis and *puṭhujjanas*. The other authors surveyed were far more resourceful in accommodating the genre; Ñāṇābhivaṃsa went so far as to say that keeping dhammasattha and other “Vedic” texts in mind is related to the propagation of the teaching of dhamma.

CHAPTER SEVEN  
JUDGES, GOOD MEN, AND COMPOSITE LEGAL ETHICS

In narrative or mythopoeic terms, dhammasattha originated at the very edge of worldliness (and therefore borders that which is “beyond the world”) and was transmitted by ṛṣis charged with jhānic powers. Written law is authoritative neither because it was enacted by the Buddha, a ṛṣi, or a divine legislator, nor because it claims to be rooted in the *tipiṭaka* or other authoritative texts. It was not explicitly grounded in custom, unlike Sanskrit dharmasāstra which, as we saw in Chapter Three, derived in part from the authoritative *ācāra* of the Brāhmaṇical *śiṣṭa*. Although dhammasattha is transmitted for the benefit of kings and men, it is not produced by human hands. In light of the claims of the MSR *aṭṭhuppatti* written law is authoritative as such; the law is simply the unauthored text of the law. Furthermore, while the MSR asserts that dhammasattha contains the “essence” of worldliness, it does not make an appeal to Pali commentarial discussions of *lokadhamma* which connect worldly law with worldly legislation. This was the principle concern of the Burmese commentators who sought to redescribe dhammasattha as a variety of Buddhist legislation sanctioned by the *tipiṭaka* and commentaries. Similarly, Maine might have recognized the narrative of the origin of the law in the MSR as a “legal fiction”, a device that “conceals, or affects to conceal, the fact that a rule of law has undergone alteration [...]. The *fact* is [...] that the law has been wholly changed; the *fiction* is that it remains what it always was.”<sup>1095</sup> Despite such claims, however, dhammasattha was deeply interconnected with an extensive corpus of textual materials. Although in theory it arose out of nothing, it betrays numerous parallels with a broad literature. We have already surveyed a number of instances of overlap between dhammasattha and Pali

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<sup>1095</sup> Sir Henry Maine, *Ancient Law*, London, Oxford University Press, 1959, pp. 21-2.

and Sanskrit texts, but nowhere are the complex textual sources of written law more apparent than in passages that describe legal procedure and, especially, the qualifications of judges and witnesses.

The judge was the primary audience of dhammasattha, for whom the genre was intended as a manual of instruction if not, occasionally, direct application. The king (*ekarāja*) himself was the paradigmatic judge, whose decisions were unimpeachable, although there were many other gradations of judge which operated in different contexts of dispute. In comparison with juridical records from premodern Burma it is clear that the provisions relating to judges map closely onto everyday practice. Below I look in detail at all the instances in the MSR where judges are discussed, to explore the specific jurisprudence connected with this class of individual. Then I turn in conclusion to a discussion of the related category of the judicial witness and their oaths. I show that the authority of judges and witnesses in dhammasattha (and in the legal culture more generally) rested primarily upon pedagogical and moral considerations. Their “ethics” was highly composite in textual terms, since many of the ideologies marshaled to justify their juridical activity have parallels in Pali literature, Sanskrit dharmaśāstra, as well as native Burmese social and administrative theory.

#### I. Law in practice and status divisions

Since the 1970s scholarly attention has increasingly focused on non-dhammasattha juridical and administrative texts produced in Burma during the 17th through 19th centuries, which has allowed for a detailed picture of premodern Burmese socio-economic and legal practice to emerge. Studies and manuscript/editorial work by Trager and Koenig, Than Tun, Bha Thaug, Toe Hla, Toshikatsu Ito, Teruko Saito, Ni Tut, Htun Yee, Win Tint, and Thu Nandar, in

particular, have drawn attention to the thousands of surviving parabaik royal orders<sup>1096</sup>, *phrat cā* “court records”<sup>1097</sup>, *cac tamḥ* “population and revenue inquests”<sup>1098</sup>, *sakkarāj* “contracts”<sup>1099</sup>, *cā ranḥ* “administrative lists”<sup>1100</sup>, and related materials, as essential primary sources for the reconstruction of such histories, which, together with studies by U Tin, Mya Sein, Than Tun, Toru Ohno, Michael Aung-Thwin, Victor Lieberman, and others, have made it possible to define administrative and legal activity with a great deal of specificity. Although a legal history based on such texts is beyond the scope of the present work, a number of features of these materials are important to address here before turning to examine how judges and witnesses are represented in dhammasattha literature.<sup>1101</sup>

In very broad terms, the primary social divisions of Burmese society as represented in these documents are organized via the hierarchical categories of *mañḥ*, *amhu thamḥ*, *asaññ*, and *kvyan*. *Mañḥ* (“sovereign” or “lord”), as discussed earlier, referred to the king, but *in extenso* to the entire class of members of the royal family,

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<sup>1096</sup> The major printed collection is ROB. Though there are some other unnamed and undated typescript collections of orders from the late Konbaung period not included in the ROB in circulation.

<sup>1097</sup> The only major published collection is *Collection of Hpyat-sa: Legal cases and Court Decisions of Myanmar in the Kon-baung Period*, 4 Vols., Yangon, Myanmar Affairs Bureau, Literature Bank, 2006.

<sup>1098</sup> Frank N. Trager and William J. Koenig, *Burmese Sittans 1764-1826*, Tucson, University of Arizona Press, 1979.

<sup>1099</sup> The principal published collections are: Tuiḥ Lha, *Kunḥ bhoñ khet lay yā sakkarāj pā lū mhu cīḥ pvāḥ reḥ samuiñḥ*, 3 vols., Unpublished Typescript, 1977-1981; U Htun Yee, *Collection of Thet-kayit*, 4 Vols., Toyohashi, Aichi University, 1999.

<sup>1100</sup> Htun Yee in *Collection of Sayin: Various Lists on Myanmar Affairs in the Konbaung Period, 1752-1885*, 4 Vols., Toyohashi, Aichi University, 2003.

<sup>1101</sup> For such a legal history of the Konbaung period drawing mainly on *sakkarāj* and *kok khyak* (or *phrat cā*) documents see Tuiḥ Lha, *Kunḥ bhoñ khet mran mā. lū mhu aphvai. acaññḥ nḥan. tarāḥ mhu khanḥ myāḥ*, Yangon, UHRC, 2004; Bha Thaug, “Konñ bhoñḥ khet tarāḥ upade, 1750-1885”; Thein Swe Oo, “The Study of Lawsuits and Written Judicial Decisions from Meiktila and Surrounding Areas”, Unpublished M.A. Thesis, Meiktila University, 2004.

titled ministers and officials, appanage holders, as well as hereditary officials at the local level and so-called “village headmen”.<sup>1102</sup> *Amhu tamḥ*, usually translated as “crown service group member”, also referred to as *acu sāḥ* (“[service] group son (or child)”), were collectivities exempt from taxation or taxed at a low rate, but who performed various forms of labor for the state in perpetuity.<sup>1103</sup> In return they became in effect clients of the palace, from whom they received support for their livelihood, for example in the form of land for personal cultivation, renting, or mortgaging.<sup>1104</sup> Their populations were administered directly by ministers (*van*) appointed by the palace and were often settled together in particular locales.<sup>1105</sup> The many *acu* included the various divisions of military units (e.g. *sveḥ sok* “infantry units”, *mrañḥ cu* “cavalry units”, etc.), royal miners or agriculturalists who farmed royal lands (*lamuiñḥ sāḥ*, known also among other things as “royal slaves”, *mañḥ kyvan*), and crown artisans (*cu nu*) and scribes (*cu reḥ*).<sup>1106</sup> In certain cases it was forbidden for some of

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<sup>1102</sup> On the application of the term *mañḥ* to hereditary chiefs see MMOS, II, pp. 141-45 (see the note describing MMOS in Chapter Four). Compare also references to *mañḥ sāḥ* in the “Pagan Land Roll of 1765” in Trager and Koenig, *Sit-tans*, p. 192 and p. 290, n.1, and compare Richardson, LOM, p. 151. I cautiously suggest that there were degrees of overlap between the category of *mañḥ* and hereditary office holders at the village level, since it is clear that a village headman was a) a taxpayer and hence an *asaññ* and b) subordinate to titled officials appointed by the crown. Like all of these terms, there are many sub-categories of different types of *mañḥ*, for various distinctions see Toe Hla, “Money-lending and Contractual Thet-kayits”, pp. 21-35.

<sup>1103</sup> Perhaps the best single source on the various *acu* groups, as well as on *asaññ*, are the documents edited by Htun Yee in *Collection of Sayin*. These volumes collect a number of lists of various *acu* in different locales. On taxation rates set for *acu* and *asaññ* see ROB. The rates of taxation varied under different kings.

<sup>1104</sup> See Toe Hla, “Money Lending”, pp. 59 ff.; Htun Yee, *Sayin*, *passim*.

<sup>1105</sup> E.g. on various *acu* groups settled in Meiktila in the late 19th century see Thu Nandar, *op. cit.*, p. 16.

<sup>1106</sup> There are hundreds of different divisions and sub-divisions of royal service groups, many of which are detailed at various points in ROB and Htun Yee, *Sayin*. See also MMOS, III, pp. 41-48; RNS, pp. 282 ff. Note that it seems that the category *cu khrāḥ* which Tin defines as “cavalry or armed units comprised of foreigners” may have been just another name for *acu* in general signifying that they were separate (*khrāḥ*) from the class of *asaññ*. On this term see Htun Yee, *Collection of Hpyat-sa*, 1,

these *amhu tamḥ* to enter the monkhood, presumably because of the labor drain it could potentially cause the crown.<sup>1107</sup>

*Asaññ*, also called *sū rañḥ* (lit. “original people”)<sup>1108</sup>, referred to non-service group taxpayers,<sup>1109</sup> who theoretically were required to deliver one-tenth of the annual yield of their lands or other produce to royal revenue collectors.<sup>1110</sup> In practice, modes of taxation were highly variable.<sup>1111</sup> *Asaññ* groups were also settled populations administered by an official appointed by the court,<sup>1112</sup> and were subject to demands of corvée. The rural mobility of such “free” tax-payers was probably quite limited, at least in official terms, and when an individual from outside joined an *asaññ* population they were termed in populations inquests as *van ne* (“an entrant”, when they married a local spouse) or *kappāḥ* (when they remained single), and did not enjoy the same rights over communal farm lands as “native” *asaññ*.<sup>1113</sup> The offspring of a *van ne* or

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2, pp. 155-6. However, unquestionably many *acu* were composed of foreigners. On *cu reh* see Tau Cin Khui, *Lvhat tau mhat tamḥ*, Yangon, Govt. Printing, 1977, p. 233.

<sup>1107</sup> ROB 10 April 1679.

<sup>1108</sup> RNS, p. 291.

<sup>1109</sup> MMOS s.424.

<sup>1110</sup> MMOS s.526. This is the so-called *dasamabhāga* tax that found sanction in Pali literature dealing with the Four *saṅgahavatthu*, a king’s “bases of legitimacy” (on which see Ch. 3) and in narratives of the one-tenth tribute paid during Mahāsammata’s reign, discussed above. See Toshikatsu Ito, “Dathamabaga Ngwe-daw and Thuyiship Administrative System in the Middle Konbaung Period”, in *Traditions in Current Perspective: Proceedings of the Conference on Myanmar and Southeast Asian Studies, 15-17 November 1995*, Yangon, Universities Historical Research Centre, 1996, pp. 43-58.

<sup>1111</sup> Cf. MMOS IV, p. 307. Most trade—both in the sense of the buying and selling of commodities and their transport between various localities—was taxed, regardless of the parties involved. Even a cursory glance through royal legislation on taxation since the early 17th century in the ROB shows that different kings enacted quite different revenue structures.

<sup>1112</sup> *Asaññ* were organized according to separate jurisdictions or *tuin* for purposes of taxation. Cf. ROB 31 May 1679.

<sup>1113</sup> Htun Yee draws this distinction between the two terms where according to MMOS s.424 *kappāḥ* might intermarry with local *asaññ*. Cf. Htun Yee, *Collection of Hpyat-sa*, Vol I, part 2, p. 170.

*kappāḥ* and a local *asaññ* was called *alā* (an “arrival”), who inherited *asaññ* status from the *asaññ* parent.<sup>1114</sup>

*Kyvan* refers to individuals obligated to various degrees of unfreedom; in different contexts they might be understood as dependents, servants, bonded laborers, or slaves. For analytical purposes, as they appear in non-dhammasattha juridical and administrative documents and donative epigraphy, *kyvan* can be divided into five main groups.<sup>1115</sup> There are *kyvan sīḥ tau* or *bhurāḥ kyvan*, slaves who work pagoda lands<sup>1116</sup>; slaves who are war captives; debt slaves (simply *kyvan* or *ace kyvan*) who enter into temporary service following the contract of a loan;<sup>1117</sup> purchased slaves,

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<sup>1114</sup> This is according to U Tin in MMOS, s. 424 and ROB 28 Jan 1795. Note however that ROB 8 Aug 1604 defines an *alā* as “an *asaññ* from another village or town who cohabits (*san. ne*) with a [local] *asaññ* woman” and *kappā{ḥ}* as “all men and women who come and settle [in the locality] from another territory, village, or town.” It is interesting that according to this same order, and also that of 18 Jan 1681, such “immigrants” among a settled *asaññ* population were taxed far less (over 75% less) than the local *asaññ*. If this was in fact the case it may have contributed to very high mobility indeed among poorer *asaññ* who were unable to pay their tribute to the crown.

<sup>1115</sup> Dhammasatthas usually divide *kyvan* into lists of 7 to 12 different types. There are various lists of slaves in the *Jātaka* to which these formulae are likely in part indebted (cf. the list of five at *Jāt-a*, vi, 285). The MSR gives the following:

MSRh-nis. *ghī(r)*, MSRm-nis. *go(v)*:

1. Slaves brought with property (*uccā*)
2. Slaves who are the offspring of a female house-slave
3. Hereditary slaves
4. Slaves obtained as gifts
5. Slaves obtained as a legal remedy
6. Slaves for subsistence
7. Slaves who are captives (*suṃn. kyvan*)

<sup>1116</sup> Cf. Toe Hla, “Money Lending”, pp. 45-7. Apparently such slaves could also be regarded as *asaññ*; cf. ROB 28 Jan 1795.

<sup>1117</sup> A number of documents recording such transactions are edited in U Htun Yee, *Collection of Thet-kayit*, 4 Vols., Toyohashi, Aichi University, 1999, Vol. III, part 5. Such debt slaves were not always bonded to their “owner” in a total sense, but may have been required to perform only certain tasks as stipulated in their *sakkarāj* contract.

including individuals sold into slavery by their families for money; and slaves who enter into servitude because of poverty.<sup>1118</sup>

Membership in particular *acu* or *asaññ* groups was primarily determined by heredity, and disputes resulting from cases when a member of one group had a child with the member of another were common, and occasionally referred to the king for adjudication. The general rule was that girls belonged to the *acu* of the mother while boys belonged to the *acu* of the father.<sup>1119</sup> *Kyvan*-ship was also inherited, typically matrilineally,<sup>1120</sup> although it was possible in certain instances for unfree persons to achieve manumission by paying their body-price.

There were a number of additional markers of status which were used to further specify identities within the various groups of *mañḥ*, *amhu thamḥ*, and *asaññ*. Aside from numerous royally bestowed or hereditary titles, which were sure to be included in such records alongside (or in place of) an individual's proper name,<sup>1121</sup> people were commonly represented in terms of their donor-status relative to monastic institutions, indicated by prefixing their names with a title indicating their most munificent donation. There are numerous records where people are called *takā* (< *dagā* < P. *dāyaka*, “donor”), thus: *kyoñḥ takā* “donor of a monastery”, *to kyoñḥ takā*

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<sup>1118</sup> See Toe Hla, “Money Lending”, pp. 239 ff.; ROB 28 Jan 1795. Although the practice of selling children to settle debts appears to have been officially discouraged, see ROB 7 July 1673.

<sup>1119</sup> This was generally the case in determining the “inheritance” of social or administrative identity of a child when the parents were of roughly the same status. There were variations when a member of an *acu* had a child with a slave or an *asaññ*. Several permutations derived from the ROB are catalogued in ROB X, pp. 31-33.

<sup>1120</sup> ROB 28 Jan 1795. But contrast ROB 10 April 1679.

<sup>1121</sup> Like all of the matters discussed in this section, there is much more research required on the vast array of Burmese titles and their significance. See, however, Thant Zaw Htwe, “A Study of Titles and Ranks during the Reigns of Di-pe-yin and Myei-du Mins (1760-1775)”, Unpublished M.A. Thesis, Mandalay University, 2000. For titles used at Pagan and Pañḥya see Sanḥ Chve, *Mran mā bhāsā ca kāḥ mran mā kyok cā*, Yangon, Department of Education, 1980. On the history of monastic titles see Arhañ Kelāsa, *Sāsanāvañ bhvai. taṃ chip tau myāḥ samuiñḥ*.

“donor of a forest monastery”, *cā tuik takā* “donor of a manuscript chest”, *bhurāḥ takā* “donor of a pagoda or Buddha image”, *rhve thīḥ takā* “donor of a golden umbrella”, *saṅghanḥ takā* “donor of robes”, *umaṅ takā* “donor of a cave [retreat]”, *re tvaṅ takā* “donor of a water tank”, *rahanḥ takā* “donor [i.e. sponsor] of an ordination”, and so forth.<sup>1122</sup> Similar modes of representing donor-status as an indicator of social identity are already apparent in early Pagan-era epigraphy, and are a common feature of the chronicle literature. As Htun Yee’s research shows, certain members of moneylending families in the Salin area in the late 18th and 19th centuries also prefixed their name with the title *sū koṅḥ*, “good person”.<sup>1123</sup> This was not a royally bestowed title, although as Htun Yee notes the term *sū koṅḥ pru*, lit. “maker of good men”, was a term often applied to *acu* members and local officials in recognition of services rendered to the crown.<sup>1124</sup> We will recall that the term *sū koṅḥ* (OB, *su koṅ*) was used in epigraphy as early as the 13th century to refer to the characteristics of a female witness (*saksiy* < Skt. *sākṣin*) who provides reliable testimony in a legal dispute.<sup>1125</sup> More will be said about this important category in connection with witnesses below.

Unfortunately for purposes of comparison with the MSR the material bearing on the various social and administrative categories discussed above is more limited for the period prior to 1752. In the royal edicts that survive from the Nyaungyan (Ññiōṅ ramḥ) Dynasty (1597-1752) information about legal authorities is far scarcer than it is for the Konbaung Period. In addition to the royal edicts<sup>1126</sup> we have the MSR and several other dhammasatthas securely dated to pre-1752. Legal authorities in non-

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<sup>1122</sup> These and other terms are scattered throughout most of the documents under discussion, and also in royal edicts, epigraphs, court case reports, etc. See the index to U Htun Yee, *Thet-kayit*, for some relevant citations.

<sup>1123</sup> Compare the citations in *Thet-kayit*, vol. I, pp. 191-2.

<sup>1124</sup> *Thet-kayit*, vol. I, p. 10.

<sup>1125</sup> See the Jeyapikramṃ moṅ nhamṃ inscription translated in Ch. 2; Section I, ln.6

<sup>1126</sup> Those collected in ROB vols. I and II.

dhammasattha documents appear typically in the context of legal disputes or contractual transactions. They are of two types: (1) the sovereign (*mañh*) together with the entire class of *mañh* including appointed ministers, appanage holders, and hereditary lords; (2) judges (*tarāh sū krīh*). In a sense we might also witnesses (*sakse* < OB *saksiy* < Skt. *sākṣin*) as legal authorities insofar as they are relied upon to provide authoritative testimony in a dispute. There is also a fourth and somewhat more ambiguous category of legal professional called a *rhe. ne* (lit. “being in front”), often translated as “pleader”. *Rhe. ne* argued in formal disputes on behalf of “clients” from whom they received a fee for their services.<sup>1127</sup> Most dhammasattha do not discuss their function in any detail—indeed most dhammasattha, including all of those dated to the Nyaungyan period, do not mention them at all—but their activities are depicted in numerous royal orders starting from the first half of the 17th century<sup>1128</sup> and in manuscript *phrat cā* documents from the Konbaung era.<sup>1129</sup> There are remote similarities between this group and the *niyoga* (“appointed”) representatives referred to in certain Sanskrit dharmaśāstra-related materials.<sup>1130</sup> But unlike in early Indian *smṛtis* and *nibandhas*, the principal function of Burmese *rhe. ne*, at least from the 17th century, was more than mere “representation” and involved trying to secure victory in a legal dispute on behalf of clients through persuasive argumentation in return for a

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<sup>1127</sup> On this group and their fees during the Konbaung period see Toe Hla, *Mran mā. lū mhu aphvai. acaññh*, pp. 14-17.

<sup>1128</sup> Myint Zan, “Woe Unto Ye Lawyers: Three Royal Orders Concerning Pleaders in Seventeenth-century Burma”, *The American Journal of Legal History*, 44, 1 (2000), pp. 40-72.

<sup>1129</sup> E.g. there are many cases argued by *rhe. ne* in the *Atula phrat thumh*, edited in Htun Yee, *Hpyat-sa*, vol. II.

<sup>1130</sup> See Ludo Rocher, “‘Lawyers’ in Classical Hindu Law”, *Law and Society Review*, 383 (1968-1969), pp. 383-402. In fact, this practice of appointed representatives, usually drawn from among a litigants family members, seems to have been a separate practice in Burma. See ROB 12 April 1691.

fee.<sup>1131</sup> However, it is not certain that this group was particularly learned in dhammasattha or other juridical texts, or had any specialized training, as opposed (in theory) to judges. Their main function was as preparers and “arguers” of cases in practical juridical contexts, and were probably less concerned with written jurisprudence.

While the legislative function of each of these categories is documented in administrative texts, such materials tell us little about the “theory” underlying their activities. Witnesses and judges are commonly invoked in *phrat cā* documents and Royal Orders, but the distinctive attributes of these classes of individual, and the reasons why they are seen to have a unique legal function and authority are elaborated and justified only in the dhammasattha corpus. In this sense dhammasattha may be interpreted as a charter text or “blueprint” that describes not only the administrative infrastructure of juridical practice, but also seeks to rationalize the existence of such a system in light of a particular jurisprudence.

## II. *Akkhadassa*, “judges”

Dhammasattha representations of social status and legal authority are often not strictly aligned with those of the documents described above. Dhammasattha invokes such notions of social status in two different contexts: in descriptions of legal authorities and in consideration of legal remedies or proscriptions that vary depending on the status of the party concerned. Status is an issue when it comes to determining who can adjudicate and speak authoritatively about the law, but also in the exercise of law; people of different status are treated variously depending on their social, moral,

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<sup>1131</sup> ROB 23 June 1607 provides a detailed survey of these modes of argumentation. For a translation of this order as well as an excellent commentary on these modes see Mytint Zan, “Woe”, pp. 48-57.

or economic position.<sup>1132</sup> In many instances we note disjunctions between dhammasattha “theory” and “actual” social, political, and juridical practice. The categories of *acu* or *amhu tamḥ* and *asaññ*, for example, are never mentioned and only obliquely implied at a few points the MSR and most other dhammasatthas<sup>1133</sup>, despite the fact that they are perhaps two of the most important administrative categories of Burmese statecraft since at least the early 17th century.<sup>1134</sup> Although dhammasattha goes to great length to describe the attributes of judges, in reality the vast majority of cases in premodern Burma were tried not by professional jurists but by village headmen, *rvā cā*, and other local officials and informal authorities acting in the capacity of judge or arbitrator, who may have had very little, if any, formal exposure to dhammasattha written law. Thein Swe Oo has recently conducted a detailed survey of 67 lawsuits that were tried in and around Meiktila during the Konbaung period. He shows that fifteen different categories of individual acted in judges in these cases, and most of them were not whom we might call “professional jurists” but rather local officials or village elders who were mutually agreed upon by each side in the dispute to act as arbitrator. A “judge” (*tarāḥ sū krīḥ*) is mentioned in connection with only one case, while “judicial officers” (*kum mañḥ*) tried ten cases. The remaining 55 cases were tried by village headmen (*rvā sū krīḥ*), officers of royal service units such as the cavalry (*mrañḥ van*, etc.), or other town and district administrators. Village elders tried 22 cases.<sup>1135</sup> One dispute between a monk and a layperson concerning the ownership of bricks and lime donated to a monastery for the construction of a library

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<sup>1132</sup> There are numerous examples of this fact throughout the dhammasattha corpus. There is not space to discuss this in more detail here.

<sup>1133</sup> There is however some overlap in certain texts. Compare MRK, pp. 154-156; Richardson, LOM, pp. 151 ff., and DBBL, II, s.12.

<sup>1134</sup> And presumably earlier. Our records on Burmese administration, however, are not as reliable for earlier centuries.

<sup>1135</sup> Thein Swe Oo, “Lawsuits”, p. 41.

was decided by a group of bhikkhus.<sup>1136</sup> These facts must be kept in mind in any discussion of the representation of judges in dhammasattha. Most disputes of any era in premodern Burma were not heard by professionals who had extensive experience with written legal theory, but arbitrated by individuals whose sole aim was conflict resolution. Dhammasattha itself makes provisions that judges should aim to resolve conflict, even at the expense of applying the “letter of the law”. In saying this, however, I do not mean to minimize the practical importance of dhammasattha written law, for there are many examples of cases being tried with reference to its rules.

In an important Royal Order of King Anaukpetlun (Anok bhak Ivan, r. 1605-1628)<sup>1137</sup> issued on 24 June 1607 lists ten different types of appointees to a law court (*khum samat*)<sup>1138</sup> as follows:

1. A judge (*tarāḥ sū krīḥ*) who lives in the town (*mrui*.)
2. A judge appointed by a sovereign (*mañḥ*)
3. A judge mutually agreed upon (*khvañ. pru*) by the two litigants
4. A judge who is a member of the sovereign (*mañḥ*) class
5. A judge who tries cases in the town and village[s]
6. A judge who adheres to the principles of *sīla*
7. A judge who can speak pleasantly (*sā yā*)
8. A judge who is skilled at detecting the artifice of litigants
9. A judge who is an expert in the case (*amhu n\* tvañ so*)
10. A brāhamaṇa (*puṇṇāḥ*) judge

Here we should note that none of these categories of judge make explicit provisions requiring a judge to be of a certain class, and number three would seem to leave open the possibility that a judge could be almost anyone, provided they are agreed upon by

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<sup>1136</sup> Thein Swe Oo, “Lawsuits”, pp. 56-7.

<sup>1137</sup> ROB 24 June 1607. This same order was reissued nearly verbatim by Anaukpetlun’s successor, King Thalun, in an order dated 24 June 1634.

<sup>1138</sup> This term literally means an “appointee” or “designate” (*samat*) to a formal “tribunal” or “court” (*khum*, lit. “seat”, “bench”). In Than Tun’s transcription Thalun’s edict reads *khum sū mat*, perhaps “law court minister”.

both parties of a dispute. Bhikkhus and brāhamaṇas are also included as possible judges, as is made clear by the provisions of numbers 6 (though here those who adhere to the principles of *sīla* are not only monks) and 10. In Kuiṅ Cā’s 17th century legal texts there are several different lists of the various types of judges and their qualifications. In the MRK this is the first subject addressed in the text, as follows:

The Four Types of Judges are:

1. The *mañḥ* who is lord of the realm (*praññ.*)
  2. The ministers who hold military office (*amat cac sū krīḥ*)
  3. Those who have authority over the realm and control the towns (*praññ cuiḥ mruī. kvap*)
  4. The learned paṇḍitas and *sukhamin* (*paññā rhi sukhamin* or *su kha min*)
- These four must adjudicate the law, and are known as the Four Judges.<sup>1139</sup>

The term given in number 4, *sukhamin* (or *su kha min*), is of uncertain derivation. In meaning it is basically equivalent to the term *paññā rhi*, which literally means “one possessing wisdom”, and is the typical nissaya gloss of the Pali term *paṇḍita*.<sup>1140</sup> Yet in other usages it seems to be a broader category of “wise person”, which may comprise paṇḍitas as well as groups.<sup>1141</sup> *Sukhamin* is already attested in early Burmese epigraphy where it is used in this sense, combined with *pumṇā* (=brāhmaṇa) and *paññā rhi*.<sup>1142</sup> On first glance, the term would appear to derive from the Pali term *sukha-mina*, where *mina* perhaps derives from the verbal root  $\sqrt{mi}$ , “to fix”, “judge”, thus “one who determines *sukha*” or prosperity, although no such word is found in the Pali commentaries or lexica. Early epigraphic attestations include the vernacular *sū*

<sup>1139</sup> MRK, p. 5; NL Bhā 2016, f. kī(v).

<sup>1140</sup> Voh, s.v. *min*, s.402. PSV, s.v.

<sup>1141</sup> See, e.g., the reference from the MSR immediately below, where *sukhamin* is used to refer to *khattiya*, *brāhmaṇa*, *amacca*, and *paṇḍita*.

<sup>1142</sup> Phuiḥ lat, *Mran mā ca kāḥ aphvañ. kyamḥ*, II, p. 345-50; Mrat kyau, *Pugaṃ khet mran mā kyok cā abhidhān*, s.v.

*kha min* (*sū* = “person”, “individual”), however, which suggests a non-Indic derivation, perhaps signifying an “experienced” or “elder” learned person.<sup>1143</sup>

In the MSR Book Ten the different gradations of judicial authority are described in detail:

A village governor (*rvā sū krīḥ*) investigates (*ci cac*) a case (*aṭṭam ~ amhu*). If he does anything which is illegal (*adhammika ~ ma tarāḥ*), the village-governor-judge<sup>1144</sup> should investigate the case again. If the village-governor-judge does anything which is illegal (*adhammika ~ ma tarāḥ*) the town governor (*rakkhako ~ mruiv. kvap*) should investigate the case again. If the town governor does anything which is illegal (*adhammika ~ ma tarāḥ*) a minister [of the crown] (*mahāmacca ~ amat krīḥ*) should investigate the case again. If that minister [of the crown] does anything which is illegal (*adhammika ~ ma tarāḥ*) the king (*khattiyo ~ ekarāj maṇ*) or the queen should investigate the case again. If that king and queen (*aim rhaṇ mi bhurāḥ*) do anything that is illegal then the king [alone] (*khattiyo ~ ekarāj maṇ*) should investigate the case again. If that the king does anything which is illegal (*adhammika ~ ma tarāḥ*) then a novice or a brāhmaṇa (*dvijā ~ puṇṇāḥ*), or a *paṇḍita*, or a teacher of the king (*ācariya ~ maṇ e\* charā*) should advise (*sāseyyuṃ ~ chum ma pe*) the king. If those monks, etc., are unable to give such instruction, a military general (*senāpati ~ cac sū krīḥ*), or the teacher of the prince, should advise him. If those monks, etc. cannot advise him, then all the people (*bahulokā*), together with the general, the prince’s minister, his princess, should ensure that the laws (*dhamma*) of a king are carried out. This is the law concerning how judgment should be made in succession according to law by the judges who administer the realm (*praññ cuiv tarā sū krīḥ*) and others.<sup>1145</sup>

In this passage the basic hierarchical structure of the different strata of judicial administration is clearly laid out.<sup>1146</sup> At the most basic level, disputes are to be adjudicated by village headmen. Higher authorities then include the village judge, the town governor, a minister of the crown, the king and queen together, and finally the

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<sup>1143</sup> For this argument based on a comparison with regional Mon and Tibeto-Burman elements see Phuiḥ lat, *ibid*.

<sup>1144</sup> *rvā sū krīḥ tarāḥ sū krīḥ* | The Pali gives *raṭṭha-akkhadassa*, a “judge of the realm”.

<sup>1145</sup> MSRh-nis., to(v)-tau(r).

<sup>1146</sup> For similar depictions of such levels of judicial authority in the Pali commentaries see von Hinüber, “Buddhist Law According to the Theravāda-Vinaya”, pp. 33 ff. For dharmaśāstra parallels see Kane, *History*, III, pp. 280 ff.

king. It is interesting that this passage notes that when the king persists in violating the law in the resolution of a dispute, it is left to everyone (*bahuloka*, “the whole world”), including the military commander and ministers, to ensure that the law is followed. This constitutes a very strong argument against the absolute nature of the king’s decision, although as we shall see below, in cases of appeal the MSR notes that the decision of the king is of final authority. What is important to note about this passage is that it outlines a structural arrangement for the legal process which closely aligns with the apparent hierarchy of legal authorities represented in the non-dhammasattha juridical records described above. Yet this passage does not tell us what attributes contribute to making an individual qualified as a judge, something dealt with elsewhere in the text.

In the MSR a description of the qualifications of a judge comes at the beginning of Book Five:<sup>1147</sup>

I put forth these gāthās [from the dhammasattha] concerning the four types of judges who are the teachers of a litigant (*amhu saññ charā tarāḥ sū kriḥ*) —

*kulasīlaguṇupeto* | *saccadhammaparāyano* |  
*kavino pasilo dakkho* | *akkhadassavidhāyako*<sup>1148</sup> ||  
*khattiyo brāhmaṇo macco* | *paṇḍito caturo janā* |  
*ete aṭṭhaṅgasampannā* | *catudhā pakkhācariyā* ||

*kulasīlaguṇupeto* means:

He who is endowed with the good qualities of a virtuous lineage or “clan” (*amyuiḥ aruiḥ sīla sa taṅ guṇ kyeḥ jū*, lit. the good qualities of observing the *sīla* of the hereditary lineage),

*saccadhammaparāyano* means:

He who reposes (*lyoṇi*) in the True Law (*saccā tarāḥ*),

<sup>1147</sup> The following from MSRh-nis., jha(r), ff.; MSRe-nis., ghau(v), ff.; MSRm-nis. chū(v), ff.; MSRa-nis. cū(v), ff.

<sup>1148</sup> MSRa reads *vidāyito* (in the citation of the gāthā) and *vidhāyiko* (in the gloss). MSRb (f.chai(r)) gives *vidhāyiko* and *vidāyiko*.

*kavino* means:

He who knows how to speak pleasant words as though they were drawn from the heart (*cit < citta*),

*pasilo*<sup>1149</sup> means:

He who has the ability to speak gracefully (*khyo mo pre prac so ca kāḥ*),

*dakkho* means:

He who is skilled (*lim mā*) in seeing the deceptions (*caññḥ lai*) of a litigant,

*akkhadassa-vidhāyako* means:

He who appoints (*chok nhaṅ*) others as judges.

Before continuing with the second Pali verse and its gloss, here we should pause to note the significance of this description. This passage is parallel, in most respects, with a gāthā occurring at *Rājanīti*, 10<sup>1150</sup>, and *Cāṇakyanīti*, 102<sup>1151</sup>. The former, the closest of the two, reads: *kulasīlaguṇopeto | saccadhammaparāyano | supañño pesalo dakkho | dhammajjhakkho*<sup>1152</sup> *vidhīyate* ||<sup>1153</sup> “He should be appointed a judge who is endowed with the good qualities of a virtuous clan, who reposes in the True Law, is of excellent wisdom (*supañña*), amicable (*pesala*),<sup>1154</sup> skillful (*dakkha*).<sup>1155</sup>” The uncertain term in the MSR *pasilo* may be a mistake for *pesala* here; they are closely parallel in terms of the vernacular gloss, at least. The only substantial semantic difference between these two verses is the replacement of *kavina* in MSR with *supañña* in *Rājanīti*.

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<sup>1149</sup> The derivation of this word is not certain, but it is found in all mss. It may be a form related to *upa-silesa*, “connection”, “rhetoric”, cognate with Skt. *upaśleṣa*. Or perhaps a mistake for *pesala*, “amicable”, “skillful” (Abh-ṭ, 721, 1070), as in the *Rājanīti* citation below; though the presence of this mistake across all mss would be somewhat unusual.

<sup>1150</sup> PNT, 132. For further parallels in Sanskrit *nīti* see p. 143, n.10.

<sup>1151</sup> CSCD-ed.

<sup>1152</sup> Cf. Skt. *dharmādhyakṣa*; PNT, p. 143, fn. 10; UBhS 102-581, kī(r) reads *dhamma-dakkha*

<sup>1153</sup> Cf. *Rājanīti*-nis. UBhS 102-581, kī(r); PNT, p. 132.

<sup>1154</sup> This nissaya glosses this as “amicable in speech”. *Pesala* can also mean “skillful”.

<sup>1155</sup> Our nissaya glosses this as “able to discern the victor and loser of a case”.

It is important to stress the distinctively moral qualities that are required of a judge. A judge must be endowed with *kulasīlaguṇa*—“the good qualities of a virtuous clan (or family)”—and must rely on the *saccadhamma*. Without further context it is impossible to specify precisely the referent of the term *kulasīlaguṇa* here, and one could write several dissertations on the various notions of *sīla* in the Burmese context. The Burmese gloss *guṇ kyeh̄ jū* makes it evident that *guṇa* is intended to mean “virtuous (or ‘good’, etc.) quality”. There are numerous different lists of *guṇas* or “virtues” specified for different classes of individual throughout Burmese and Pali literature.<sup>1156</sup> The specific compound *sīlaguṇa*, interestingly, is rare in the *mūla* texts of the Pali *tipiṭaka*<sup>1157</sup>, though it is frequently used in the commentarial literature. *Sīla*, of course, refers most commonly to the moral “restraint” secured through observance of the *pāṭimokkha* training rules legislated by the Buddha for bhikkhus and bhikkhunis, and in a narrower sense to the “ten precepts” (*dasa-sikkhāpada*), five of which are incumbent (*niccasīla*) upon laity (or eight on *uposatha* days).<sup>1158</sup> Much has been made of such lists as providing the core meaning of *sīla* within Buddhist contexts.<sup>1159</sup> While it is true that the “precepts” and restraints of the *pāṭimokkha* are frequently characterized as *sīla* and vice versa, it is often ignored that the term is also found used in other senses. There are early references to *sīlas* that do not perfectly

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<sup>1156</sup> Cf. various entries in SPA and Smh.

<sup>1157</sup> It occurs exactly six times, four in the *Cariyāpiṭaka* and twice in Mil. In the *Cariyāpiṭaka*, Cp-Bse, II.74, King Jayadissa is referred to as *sīlaguṇamupāgato*, “having attained the qualities of virtue”. Cf. also Cp I.136 (*sīlaguṇaupeto*), II.6 (*sīlaguṇam*), III.79 (*sīlaguṇo*).

<sup>1158</sup> On *sīla* as “restraint” see

<sup>1159</sup> Cf. Hammalawa Saddhatissa, *Buddhist Ethics*, Boston, Wisdom Publications, 1997, pp. 40ff.; Peter Harvey, *An Introduction to Buddhist Ethics*, Cambridge, Cambridge University Press, 2000, pp. 66ff.

parallel either,<sup>1160</sup> and indeed the *Visuddhimagga* is a key text that offers numerous additional ways of understanding the term. Among these are included *pakatisīla* and *ācārasīla*. The first of these might be translated as “natural” virtue<sup>1161</sup>, while the latter is glossed by the text as the customary forms of conduct (*mariyādācārittaṃ*) particular to specific clans, localities, and sects (*kuladesapāsaṅḍānaṃ attano attano mariyādācārittaṃ ācārasīlaṃ*).<sup>1162</sup> While this reference may be the only usage of *mariyādācāritta* in Pali literature, the notion of *ācārasīla* is quite common. The gloss to this passage in the *Visuddhimagga-mahāṭīkā* states: “*mariyādācāritta* means the customary practices that exist (*mariyādabhūta*) concerning those transgressions which no one should commit, [they are] those customs (*cāritta*) that have been established (or written down, *ṭhapita*) by former men of the clan, etc. Indeed, such customs of a clan, territory, or sect are known as ‘*ācārasīla*’. Here *kuladhamma* means the abstaining from intoxicants, etc., of brāhmaṇas, etc.; *desadhamma* means the non-violent customs, etc., of people living in a territory; *pāsaṅḍadhamma* means the restrained customs (*yamaniyama*) of adherents to other sects (*titthiya*)”.<sup>1163</sup> In the *Jātaka* commentary *ācārasīla* is frequently used to gloss *sīla* and upon one occasion is used as an equivalent of *lokacāritta*, “worldly customs.”<sup>1164</sup> This is not the place to conduct an exhaustive catalogue of Pali references; suffice it to say that the term *sīla* used to mean ‘virtue’ does not always refer to the precepts or the *pāṭimokkha*. Rather, it seems the Pali commentators were quite comfortable with a notion of virtue that

<sup>1160</sup> Cf. PTSD, s.v. *sīla*. The term *sīla* in Pali is extremely complex in its various usages; and this complexity is often glossed over by work that stresses its meanings in reference to the precepts.

<sup>1161</sup> The example given in the *Vsm* and *Vsm-mhṭ* of “natural *sīla*’ is that of the bodhisatta’s mother, who upon becoming pregnant with the bodhisatta suddenly became accomplished in the five *sikkhāpadas* (cf. DN ii, 12-13).

<sup>1162</sup> *Vsm*, 15. Here note again the usage of the term *mariyādā* discussed above.

<sup>1163</sup> *Vsm-mhṭ-CSCD*; Mahā caññ Sayadaw Sobhanathera, *Vsm-mhṭ-nis.* (4 Vols.), Yangon, MORA, 1966, I, p. 92.

<sup>1164</sup> *Jāt-a* I, 367.

could extend beyond even the community of Buddhists.<sup>1165</sup> It is probable that in this passage in the MSR the term *kulasīlaguṇa* is parallel with *kuladhamma* as *ācārasīla* or *marīyādācāritta*, rather than with the notion of the “precepts”, though as we shall see below virtue understood as the “precepts” was an important attribute of judges as well.

In the above reference *saccadhamma*, the “True Law”, refers to the nine *lokuttara-dhamma*—the “four paths” and “four fruitions”—of the four *ariyapuggala*, plus *nibbāna*.<sup>1166</sup> It implies a reference to the Law, the dhamma, discovered by the Buddha in its most expansive theological and soteriological sense. The inclusion of this stipulation might seem equivalent to a requirement that a judge must be a “Buddhist”, or that legal authority is somehow circumscribed by devotional attitudes. In a sense this is correct, but we will recall from Anaukpetlun’s order concerning judges above and will see again in a provision from the MSR below that *brāhmaṇas* were perfectly acceptable to act as judges. The fact suggested by these references is simply that in 17th century Burma *brāhmaṇas* themselves might “repose in the True Law” and could be considered Ariyan.

As for the terms *pasīla* and *kavīna*, much is made in dhammasattha literature about the speaking ability of judges. We have noted this in Part Two in connection with the importance of poetry to written law. Here they are required to speak gracefully pleasing words that are drawn from the heart (*citta*). In this connection the DhV provides an extended gloss on acceptable types of speech of judges which it calls the “five vows of a judge” (*paṭiññāṇ nāḥ pāḥ*), which parallels the five acceptable means of accusing (*codaka*) a bhikkhu of wrongdoing found in a number of early and

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<sup>1165</sup> We must acknowledge, however, a distinction between *lokiya* and *lokuttara sīla*, in which the former is excluded from the Ariyan path. Cf. Vsm 13; Vsm-mḥṭ-nis., I, pp. 84-90.

<sup>1166</sup> On which see Nett-a-CSCD; Saddhammanandī, Nett-a-nis., 2 vols., Yangon, Dhammabimān, 2007, Vol II, pp. 357.

commentarial Vinaya and sutta texts.<sup>1167</sup> This discussion is absent from the MSR as are further expansions on *kavina* and *pasila*.

The gloss of the second gāthā of this section from the beginning of MSR Book Five continues:

*khattiyo ca* means:

The sovereign who is established in the Law (*tarāḥ n\* taññ*),

*brāhmaṇaṃ ca* means:

The brāhmaṇa (*punṇāḥ*) who is greatly learned (*akrāḥ amraṇi myāḥ*),

*amacco ca* means:

The minister who possesses wisdom (*paññā rhi*),

*paṇḍito ca* means:

The *sukhamin* who is accomplished in the Law (*tarāḥ*),

*aṭṭhaṅgasampannā* means:

Those who are fully accomplished in the so-called eightfold constituents [of virtue, *sīla*]<sup>1168</sup>

*ete caturojanā* means:

These four individuals {who are *sukhamin*}<sup>1169</sup>,

*catudhā pakkhācariyā*

They —[supplying:] *āhu*—are called the four teachers (*charāḥ*) of the litigants.

[The following is vernacular-only and has no parallel in MSRP:]

These four [i.e. the *khattiya*, *brāhmaṇa*, *amacca*, and *paṇḍita*] sit in judgment in a dispute (*tarāḥ pvai*). Having studied the law of the dhammasat, they should pass judgment, keeping in mind the testimony (*ca kāḥ*) of all involved. As for the what is meant by ‘law of the dhammasat’ [in this reference]... it is profound and difficult to comprehend (*nak laññ nak lha*). For that reason Sakka (*sikrāḥ*), King Prū Maṇḥ Thīḥ, and a ṛṣi who possessed great supernormal powers (*tan khuivḥ*, i.e. *iddhi*) due to the

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<sup>1167</sup> For this passage see DhVD, pp. 67-8. Parallels are found in Vin *Cūlavagga* (Vin II, 249) and *Parivāra*, DN, AN, as well as the Sp, Pālim-pt, and VL (II, 201, 203).

<sup>1168</sup> Here certain manuscripts vary. MSRm reads only “those who are fully accomplished in the constituents” [...]. These *aṭṭhaṅga*, “eightfold constituents” are not enumerated in the MSR, though we assume this is a reference to the eight *sikkhāpadas*, on which see Abh-t, s. 780; PTSD, s.v. *sīla*.

<sup>1169</sup> MSRm.

perpetual activation of his *jhāna-abhiññā*, came together in a prestigious locale and produced an approved recension (*akraññ āḥ chve nve pran pe*) of the text of the dhammasat, so that it would be free from defects (*kvyat yvañ*). Why? This dhammasat was examined and redacted (*chve nveh cī rañ pran pe*) to increase the prosperity of all beings and so that future sovereigns would be as skilled (*limmā*) as Sakka.

Thus, [the above is said in connection with] the four judges who are the teachers of the litigants.

Here the term *tarāḥ* in the first reference to *khattiya* is probably intended not in the narrowly legal sense but along the lines of *saccadhamma* of the previous verse. Thus the *khattiya* or sovereign—again, here this does not mean only the “king” but lords in general—has authority as the “teacher of a dispute” insofar as he accepts and adheres to the broader principles of *dhamma* understood as the Law of the Buddha. The *aṭṭhaṅga*, “eightfold constituents” are not enumerated in the MSR, though we assume this is a reference to the eight *sikkhāpadas*.<sup>1170</sup> It seems certain by this reference that judges were expected to observe the first eight of the ten precepts.

In addition to further emphasizing the moral requirements of a judge this verse stresses the importance of learning and skillfulness. Judges as *brāhmaṇas*, *paṇḍitas*, or *sukhamin* are all characterized by their knowledge of the law. The vernacular passage following the *nissaya* portion is meant to elaborate the quality of this learning and the connection of the dhammasat written law with it. Judges are expected to have studied the dhammasat before passing judgment in a dispute. The dhammasat itself is represented as having been compiled to impart to sovereigns (and presumably others who would act as judges as well) knowledge of the profound law so that they would become as skilled as Sakka himself.

The immediately following section on judges in the MSR continues with another list, here of the “six types of judge”:

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<sup>1170</sup> The term *aṭṭhaṅga* is often used in this sense, cf. see Abh-ṭ, s. 780; PTSD, s.v. *sīla*.

I put forth the following gāthās [from the dhammasattha] regarding the six types of judges: *pakkha{-}akkhadasso*<sup>1171</sup> | *raṭṭhako samasāsiko*<sup>1172</sup> | *anuṭhapito rājeko* | *anuññātochatṭhāmata*

*pakkha akkhadasso c’eko* means:

[1.] A judge who is [on the side of] a litigant<sup>1173</sup>,

*raṭṭhako ca* means:

[2.] A judge in the town or village (*mruiv. rvā*),

*samasāsiko*<sup>1174</sup> *ca* means:

[3.] A judge who superintends the law (*tarāḥ krap*),<sup>1175</sup>

*anuṭhapito ca* means:

[4.] A judge who is a representative (*kui{y} cāḥ*) of a sovereign (*mañḥ*),

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<sup>1171</sup> MSRe ñai(v)

<sup>1172</sup> MSRa *samāsamiko*

<sup>1173</sup> *amhu saññ phrac so tarāḥ sū krīḥ*

<sup>1174</sup> A word of uncertain derivation, but found in all mss. Book Four of VDhM (roughly corresponding to the “Introduction”, p. 20 of the printed edition, although much of this section is omitted) contains a detailed discussion of this word. Vaṇṇadhamma writes (MORA 7057 ño(v) ff. [3624]; UCL 6544 nū(v) ff. [32]): “[Regarding *samasāsiko* which we gloss as] ‘a judge who superintends (*krap*) the law’, there are various opinions as to the meaning (*ayū prāḥ myāḥ*). It means either ‘*samaṇ*’ or ‘*samito*’ and ‘*sāseti*’. [Thus] we should analyze the word (*vacanattha pru*) ‘*samasāsako*’ [MORA 7057 *sāmasāsako*]. *Samaṇ* [here] means with each party present (*myak nhā cuṇ ññī*) or [as] *samito* [it means] according to both parties. *Sāseti* means ‘to instruct’ (*chuṇṇ mā cī raṇ*). Therefore (*iti tasmā*) ‘*samasāsaka*’ [i.e. ‘one who provides instruction based on the presence of both parties’]. Some are of the opinion that the term refers to an *aññhi khaṇ khaṇ* judge, since he is a person who will render an equitable judgment after some other judge has ruled [unjustly] by taking into account only the testimony of one side. Some others believe it refers to judicial investigations. [But] such explanations do not agree with the grammar (*saddā nhañ. ma lyau*). In Vaṇṇadhamma’s explanation the phrase *aññhi khaṇ khaṇ* is something of a technical term. Literally, it means a “tribunal” or “judge”, where matters are “adjusted”, thus a “second-order” court or perhaps “appellate court”. Cf. BED, s.v. *aññhi*.

<sup>1175</sup> *tarāḥ kyap chaṇ so* | This is not as straightforward as we would like. MSRm has *tarāḥ kyam chaṇ so*, perhaps “who prepares judgments according to (MB *kyamḥ*, lit. “level with” or “even with”) the law”. I am taking *kyap* as MB *krap*, “superintend”, “supervise”, which is the spelling found in VDhM. According to this reading, as well as the explanation of VDhM in the previous footnote, this would appear to be a reference to a higher-order legal official.

*rājeko* means:

[5.] A judge who is a sovereign (*mañḥ tarāḥ sū krīḥ*),

*anuññāto ca* means:

[6.] A judge who is sanctioned by [the agreement of] both litigants.

These should be known as the six types of judge. Among them, when any of the first four have decided a case and both litigants are displeased [with the ruling], there may be an “appeal” (*chuiṽ pran*, lit. a “saying again”). If [the ruling of] the judge happens to contradict (*kvyat yvañḥ*) the dhammasat, the judge should reimburse the litigant according to [what s/he has lost] by the incorrect ruling. However, if the judgment made is in accordance with the law (*tarāḥ nhañ. lyau pe ññi pe*), then the person who made the accusation [that the ruling was unjust, i.e. the “appellant”] must pay the judge double (*nhac cha tak*) the original penalty. Why? Because they have petitioned the crown<sup>1176</sup> in their appeal that [a ruling] is contrary to law (*tarāḥ nhañ. chan kyañ.*). If a ruling that has been accepted by each parties in a dispute, even if it is found upon investigation to be incorrect (*mhāḥ yvañ*), there is no fault on behalf of the judge. Why? Because each of the litigants accepts the ruling. If a ruling has been accepted by each party, but at a later time one litigant wants an appeal, he may not appeal. Why? Because the case has already been decided and the ruling accepted by each party. Thus, [the above is said in connection with] the six types of judge. The law regarding the types of judges who are the teachers of litigants in a dispute is finished.

These “six types of judges” are listed here in ascending order of judicial authority. The least authoritative sort of judge is one who is either a litigant or on the side of a litigant. Such a judge presumably refers to disputes in which one of the parties involved or their associate attempts to arbitrate. Next are judges in the towns and villages, a reference to arbitrators with some sort of institutional role; perhaps here what is understood as village headmen, who seem to have fulfilled the large part of local juridical tasks, including hearing cases in the provinces. The third category comprise the somewhat elusive *samasāsiko*, the “teachers of that which is equitable”, paragons of just deliberation in disputes. Next are judges who are appointed by a

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<sup>1176</sup> MSRm-nis. and MSRh-nis. have *mañ{ḥ} tuiñ cui{vḥ} yok {MSRh rok} lhyok khre* | they have “petitioned the crown” or “the government of the royal districts”. MSRa-nis. has *mañ tuiñ cui rok phrac khre so kroñ* “[their petition] has reached the crown”.

sovereign or lord. This category of the *anuṭhapita akkhadassa*, the “appointed judge”, comes closest to a conception of the judge as a formal office and institution of the state. The final two types of judge are exceptional in the sense that their rulings may not be appealed even if they are perceived to contradict written law. The judgment of the sovereign—here probably a reference to the king himself or perhaps his highest court, the *hlvat tau*—is unchallengeable because there is no higher authority. Similarly rulings by judges that are mutually accepted by both parties in a dispute cannot be overturned.

In such hypothetical cases of appeal, which are only permissible in disputes tried by the first four types of judge, the law contained in dhammasat is said to be of final authority. If there is an appeal the immediate recourse to see whether or not the judgment was correct is to the text of the dhammasat. If a judgment is found to be incorrect the judge himself is responsible for compensating the losses incurred as a result of his faulty ruling. This fact would have put a very high value indeed on the necessity for judges to produce judgments that agree with written dhammasat provisions.

Following this verse the MSR continues to discuss the four *tulyapakkha* from the Vinaya discussed briefly in a previous chapter.<sup>1177</sup> There is one other section in the MSR where judges are discussed in detail. Immediately following the *aṭṭhuppatti* passages which comprise the majority of MSR-nis. Book One, the issue of judges is raised as the first order of business. This is the case because it is they to whom the text of the dhammasat is addressed.

*agati n\* taññ so tarah sū krīḥ tui. e\* aphrac kui laññ neḥ | agati mha lvat so tarāḥ sū krīḥ tui e\* aphrac<sup>1178</sup> kui lh koñḥ chui pe lui r\* ī gāthā kui tak aṃ. saññ |*

<sup>1177</sup> cf. MSRm che(v).

<sup>1178</sup> MSRh. *akyuivḥ* is probably correct.

*yo ca akkhadasso tasmā | agatisu patitthito |  
nīhiyati tassa yaso | kālapakkhe va candimā |  
tasmā | thui kroṇ. ra kāḥ | yo ca akkhāḍasso | dhammasat n\* achuṃ aphrat kui mraṇ  
tat tha so akraṇ tarāḥ sū krīḥ sh | agatisu | chandā gati aca rhi so leḥ pāḥ so agati tui.  
n\* | patitthito | taññ sh phrac r\* | [supplying:] ce vinicchaya | akay r\* chuṃ phrat  
khre aṃ. | tassa | thui tarāḥ sū krīḥ e\* | yaso | akhyaṃ araṃ kyau co khraṇḥ saññ |  
nīhayati | yut saññ phrac le rā e\* | kimiva | abay kai. sui. naññḥ hū mu kāḥ |  
kālapakkhe | la kvay pakkha n\* | candimā | la maṇḥ saññ | nīhiyati va | yut le sa kai  
sui lhyaṇ taññ |*

*akkhadasso viniccheyya | agatisu na tiṭṭhato |  
pavaḍḍhati tassa yaso | sukkapakkhe va candimā |  
agatisu | agati 4 pāḥ tui. n\* | na tiṭṭhato | ma taññ so | yo ca akkhadasso | akraṇ tarāḥ  
sū krīḥ saññ | [supplying:] dhammena | dhammasat tarāḥ nhaṇ. lyok pat cvā |  
viniccheyya | chuṃḥ phrat pe sh phrac aṃ. | tassa thui tarāḥ sū krīḥ e\* | yaso | akraṃ  
araṃ kyau co khraṇḥ sh | pavaḍḍhati | tak pvāḥ pran pro rā e\* | kimiva | abay kai. sui.  
naññ hū mū kāḥ | sukkhapakkhe | la chan so akhā n\* | candimā | la maṇḥ sh |  
pavaḍḍhati iva<sup>1179</sup> | pvāḥ tak sa kai. sui. lhyaṇ taññ |<sup>1180</sup>*

I shall put forth the following gāthās [from the dhammasattha] concerning the benefits (akyuivḥ)<sup>1181</sup> to judges free from the four bad courses (agati), as well as the punishments (aphrac) that will befall those judges who are established in them.

*Any judge who is established in the bad courses*

*His virtuous renown, as a result, comes to ruin like the moon in the waning fortnight*

Thus the judge who has knowledge of the rulings (achuṃ aphrat) of the dhammasat, if he passes judgment while established in any of the four bad courses beginning with chanda agati, the renown of that judge shall decrease. How? It will decrease like the moon during the waning fortnight.

*The judge who would pass judgment, not established in the bad courses,*

*His virtuous renown increases like the moon in the waxing fortnight*

The judge who is not established in the four bad courses, who passes judgment appropriately (lyok pat cvā) according to the law of the dhammasat, his renown shall increase like the waxing moon during the bright fortnight.

We note that in the nissaya of the citations from MSRP the glossators have supplied additional terms. The gāthās from MSRP (ki(v) 31-38) read only *yo ca akkhadasso tasmā | agatisu patitthito | nīhayati tassa yaso | kālapakkheva candimā || akkhadasso viniccheyya | agatisu natiṭṭhito | pavaḍḍhati tassa yaso | sukkapakkheva candimā*

<sup>1179</sup> h. gī-v [0032]

<sup>1180</sup> From MSRa ko(v).

<sup>1181</sup> here following MSRe.

which corresponds to the two gāthās cited in MSR-nis. However, in the nissaya gloss the additional elements *ce vinicchaya* “if he should pass judgment” in the first gāthā and *dhammena* “according to dhamma” in the second gāthā are supplied to supplement the meaning. Here the term “according to dhamma” is glossed in Burmese as “according to the law of the dhammasat”, to specify the nature of the dhamma or *tarāḥ* in question. Verbatim parallels with the gāthās cited are not found in Pali literature outside dhammasattha, although the simile comparing the increase or decrease of *yasa* to different phases of the moon depending on the degree to which an individual adheres to the dhamma is applied in both juridical and non-juridical contexts in many different texts. The well-known verse on which the simile is based is found in numerous locations:<sup>1182</sup>

*chandā dosā bhayā mohā yo dhammaṃ ativattati  
niḥiyati yaso tassa sukkhapakkheva candimā*

He who transgresses the dhamma out of desire, hatred, fear or ignorance,  
his virtuous renown comes to ruin like the moon in the waning fortnight.

This gāthā is often cited together with another verse that reads:

*chandā dosā bhayā mohā yo dhammaṃ nātivattati  
āpūراتi yaso tassa kāḷapakkheva candimā*

He who does not transgress dhamma out of desire, hatred, fear or ignorance,  
his virtuous renown increases like the moon in the waxing fortnight.<sup>1183</sup>

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<sup>1182</sup> DN iii, 182; AN ii, 18-19; Nett, 129; Peṭ 64; Vin v, 168. See Chapter Three for a discussion of the simile in Laṅkān legal texts.

<sup>1183</sup> These verses have been glossed in many different ways. Here I follow the sense of a late 19 century nissaya on the *Parivāra* by Sac Chim. Sayadaw Paññāsīha Mahādhammarājaguru in *Parivā-pāḷi tau nissaya*, Yangon, Piṭakat tau pran. pvāḥ reḥ, 1990, pp. 326-7

Moreover the notion of the four “bad courses” is expressed or commented upon in numerous contexts where the gāthā is not reproduced verbatim.<sup>1184</sup> The utilization of this simile is found in most dhammasattha texts, usually where it is cited in Pali, and could easily be considered one of the most foundational provisions relating to judges common to the genre as a whole.<sup>1185</sup> Its application in the MSR and other legal texts is probably not meant to recall any single textual source, yet in certain Pali texts the simile of the *yasa* of judges is used in specifically juridical contexts, including locations in the Vinaya, especially in the *Parivāra*, the Vinaya commentaries, and the DhP-a. In the latter text, in particular, the simile is mobilized in the commentary on verses 256-7 of the *Dhammapada* which read:

*na tena hoti dhammaṭṭho | yenatthaṃ<sup>1186</sup> sāhasā<sup>1187</sup> naye |  
yo ca atthaṃ anattañ ca | ubho niccheyya paṇḍito ||  
asāhasena dhammena | samena nayatī pare |  
dhamassa gutto medhāvī | dhammaṭṭhoti pavuccati ||*

Like many verses in the *Dhammapada*, verses 256-7 have been translated in different ways. The following translation relies on a reading from a nissaya written in 1846 by the Saṅgajā Sayadaw Aggadhammālaṅkāra:

Should one pass judgment (*atthaṃ naye*) in error<sup>1188</sup>, by that one does not become established in dhamma,

<sup>1184</sup> Cf. Vin i, 339; ii, 285; Sp i, 7.

<sup>1185</sup> For its form in the DhV, which parallels verbatim the canonical gāthās translated above, see DhVD, pp. 65-6.

<sup>1186</sup> Other pre-CS Bse mss read *yenatṭaṃ*. The sense of the nissaya is to read *attha* as lawsuit (= *atṭa*) in the first instance and as benefit in the second. See Saṅgajā Sayadaw Aggadhammālaṅkāra mahādhammarājādhipuru, *Dhammapadapāḷi tau nissaya*, Yangon, Icchāsaya, 1991.

<sup>1187</sup> PTS, Sinhalese, and Siamese eds. read *sāhasa*. Cf. DhP-Bse, p. 50.

<sup>1188</sup> The Pali term is *sāhasa*, which does not mean error but in most contexts signifies an “arbitrary action” (PTSD) or “act of force” (cf. PTSD, KAN, s.v.), yet here it is

He who is a paṇḍita, who would discriminate<sup>1189</sup> between both benefit and non-benefit,  
 Who leads<sup>1190</sup> others without error, justly (*ññī ññvat*), in accordance with dhamma,  
 A guardian of dhamma<sup>1191</sup>, replete with wisdom, he is called ‘established in dhamma’.<sup>1192</sup>

In the Dhp-a these verses are commented upon in a section entitled the *Vinicchayahāmatta-vatthu*, the “story of the minister who judges the law”. The commentary states that these gāthās were spoken by the Buddha after being informed by a group of bhikkhus of ministers deciding cases in the hall of justice (*vinicchayasāla*) unjustly (*adhammika*) after having receiving bribes from the parties of a dispute. Before offering these verses the Buddha says to the monks *na bhikkhave chandādivasikā hutvā sāhasena atthaṃ vinicchinantā dhammaṭṭhā nāma honti aparādhaṃ pana anuvijjivā aparādhānurūpaṃ asāhasena vinicchayaṃ karontā eva dhammaṭṭhā nāma honti*<sup>1193</sup> “Monks, those who are followers of desire (*chanda*), etc. and decide cases by force are not called established in dhamma. But those who have investigated (*anuvijjivā*) the offence (*aparādha*) and pass unforced judgment according to the offence are called established in dhamma.” The commentary says that

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glossed as *khyvat yvaṇḥ so*, “error”. Most translators of the Dhp seem to prefer “arbitrary” as the correct translation of *sāhasa* in this context. The Burmese glosses on these passages, however, make it clear that they at least understood the term here to mean “forced” judgments or “judging by force”, on which see below.

<sup>1189</sup> Here the nissaya takes *niccheyya* in the same meaning as *naye > chumḥ phrat* “judge”.

<sup>1190</sup> Here the commentator adds as an alternative gloss for *nayati*, *vā aonḥ khraṇḥ chumḥ khraṇḥ sui. yok* | “or, [who] arrives at [a decision regarding] victory and failure” (i.e. in a dispute).

<sup>1191</sup> Other translators, following the commentary, take this as *dhammassa gutto* as “guarded by dhamma”.

<sup>1192</sup> Aggadhammālaṅkāra, *Dhammapadapāli tau nissaya*, pp. 209-10.

<sup>1193</sup> Dhp-a-CSCD; Prasad kyoṇḥ Sayadaw Sāradassī Mahādhammarājāguru, *Dhammapada-aṭṭhakathā nissaya*, Vol. IV, Yangon, Piṭakat tau pran. pvāḥ reḥ, 1975, pp. 1-2.

then the Buddha spoke the two verses cited above. In its gloss of the meaning of the gāthās the commentator says:

By *sāhasā naye* ‘should one pass judgment by force<sup>1194</sup>, is meant: Established in desire (*chanda*), etc. (*ādi*), he would judge by force (i.e. would ‘force’ a decision), by telling lies (*musavāda*). Indeed, established in desire (*chanda*) he lies, designating his own relative or friend as the owner (*sāmika*) of someone else’s property. [Glossing *ādi* ‘etc.’:] Established in hatred (*dosa*) he lies about an enemy, dispossessing him of his property. Established in ignorance (*moha*) he takes bribes and at the moment of judgment, looking here and there as though otherwise preoccupied (*aññavihito viya*), he lies, throwing out the other [litigant] saying ‘[the dispute] is won by this one, this one is the loser’. Established in fear (*bhaya*) he grants victory to whomever has power, even though he should be the loser [of the dispute]. This person is called the one who conducts a case by force. The meaning is that he is not called established in dhamma.<sup>1195</sup>

The text of the Dhp-a is not cited in any dhammasattha text and the commentary is not even referred to by name. It is not certain that this passage is the “source” in any strict sense for the connections drawn in the MSR and other legal texts between the four bad courses and the model of an upright judge. The MSR continues to further elaborate on the theme of the four bad courses, as follows:<sup>1196</sup>

I put forth this gāthā [from the dhammasattha] concerning the support given by judges to litigants (*amhu*):

*yo karoti anubalaṃ | pakkhānaṃ bahuvādīnaṃ |*

<sup>1194</sup> The gloss of *sāhasa* in this nissaya is *nuiṇ thak mū*, “violence”, “force”.

<sup>1195</sup> Dhp-a-CSCD; Sāradassī, Dhp-a-nis., iv, 2-3:

*sāhasā nayeti chandādīsū patitṭhito sāhasena musāvādena viniccheyya || yo hi chande patitṭhāya nātīti vā mittoti vā musā vatvā asāmikameva sāmikaṃ karoti | dose patitṭhāya attano verīnaṃ musā vatvā sāmikameva asāmikaṃ karoti | mohe patitṭhāya lañjaṃ gahetvā vinicchayakāle aññavihito viya ito cito ca olokento musā vatvā iminā jitaṃ, ayaṃ parājītoti paraṃ nīharati | bhaye patitṭhāya kassacideva issarajātikassa parājayaṃ pāpuṇantassāpi jayaṃ āropeti | ayaṃ sāhasena atthaṃ neti nāma || eso dhammaṭṭho nāma na hotīti attho ||*

<sup>1196</sup> The following is from MSRa-nis. ko(v) ff.; MSRh-nis. gī(v) ff.; MSRm khaṃ(v) ff.

*bahumāyānaṃ niraye | patate va punappunaṃ*

[From the nissaya:]

A judge who persists in supporting a litigant (*amhu*) who is involved in excessive disputes (*ñraṅḥ khum*) and is extremely deceptive, shall fall to hell many times.<sup>1197</sup>

I put forth this gāthā [from the dhammasattha] regarding the condition of judges who take bribes (*tan chuiḥ*):

*yo ce lañcaṃ khāditvāna*<sup>1198</sup> | *viniccheyya adhammiko* |  
*nirayaṃ kaṭukaṃ dukkhaṃ* | *gacchate va nirantaraṃ* ||  
*tato muccitvā samamsaṃ* | *khādateva muruṃ muruṃ* |  
*kuddālapamāṇo*<sup>1199</sup> *nakho* | *peto hutvāna punappunaṃ* ||

[From the nissaya:]

A judge who takes a bribe,<sup>1200</sup> is unjust.<sup>1201</sup> Should he pass judgment [having taken a bribe], that judge goes directly<sup>1202</sup> to a hell of terrible suffering (*dukkha*; *chaṅ rai*).<sup>1203</sup> When he is released from that hell he shall be a *peta* with spade-claws on his hands and feet, and crunch crunch crunch pieces of his own flesh and eat them.<sup>1204</sup>

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<sup>1197</sup> *yo | akraṅ tarāḥ sū krīḥ saññ | bahuvādīnaṃ | myā cvā ñraṅ khum khraṅ kuṃ so | pakkhānaṅ ca | amhu saññ tui. āḥ laññ koṅḥ | bahumāyānaṃ | myāḥ cvā caññ lai caññ cā rhi kun so | pakkhānaṅ ca | amhu saññ tui. āḥ laññ koṅḥ | anubalaṃ | acaññ āḥ peḥ khraṅḥ kui | karoti | pru tat e\* | so | thui tarāḥ sū krīḥ saññ | niraye | ñarai n\* | punappunaṃ | akrim myāḥ cvā | patate va | kya sa lhyaṅ ka taññ |*

<sup>1198</sup> MSRm-nis. *yo lañcanaṃ khādetvā*

<sup>1199</sup> From MSRh-nis. MSRa-nis. reads *kuṭālapamāṇo*; MSRm-nis. *kuṭālapamāṇo*. Perhaps these readings are understanding *kūṭa* (“pickaxe”) *lambamāna* “hanging down” rather than *kuddāla* (“spade”) - *pamāna* (“like”, “size”, etc.) The conjuncts -mp- -mb- -mm- -pp-, etc. are easily transposed by Burmese scribes.

<sup>1200</sup> *lañcaṃ khādetvā | tan chuiḥ cāḥ*: “eats a bribe”.

<sup>1201</sup> *adhammiko | ma tarāḥ*

<sup>1202</sup> That is, after he dies. The gloss reads *bhava akhyāḥ ma rhi*, “he does not have another life”.

<sup>1203</sup> The language here and below seems to draw a distinction between merely taking a bribe and taking a bribe and letting it influence the outcome of a case. Both are characterized as against the law, though the latter is far worse, and leads to the hell and *peta* punishments.

<sup>1204</sup> *yo | akraṅ tarāḥ sū krīḥ saññ | lañcaṃ | tan chuiḥ kui | khādetvā | cāḥ r\* | adhamiko | ma tarāḥ saññ phrac r\* | ce viniccheyya | chumḥ phrat ññāḥ aṃ. | so | thui tarāḥ sū krīḥ saññ | kaṭukaṃ dukkhaṃ | praṅḥ cvā so chaṅ rai khraṅḥ rhi so | nirayaṃ | ñarai sui. | nirantaraṃ | bhava akhrāḥ ma rhi | gacchate va | rok le sa lhyaṅ ka taññ | tato | thui ñarai mha | mucchitvā | lvat mrīḥ r\* | kuṭālapamāṇo na kho | pok tū mhya lak saññ khye saññ rhi so | peto | prittā saññ | hutvā | phrac r\* | punappuna | aphan ta*

[The vernacular *adhippāya* section:]

The meaning of this is as follows. Any judge who takes a bribe and concludes a case based on a judgment that is in opposition to law (*tarāḥ*) will arise in hell after his death (lit. the end of his bodily existence). He will suffer miserable torments in an terrible hell. And yet when he is free from that hell, the nails on his hands and feet will be like spades and he will have to cut and scrape pieces of his own flesh and eat them. That is the meaning<sup>1205</sup>. Also, the following comes to us from the *Visādi Jāt[aka]*:<sup>1206</sup>

The Brāhamaṇa (*puṇṇāḥ*)-purohita, the teacher (*charāḥ*) of King Bimbisāra, took a bribe and allowed a case to conclude based on an unjust [i.e. not according to *tarāḥ*] decision. Because of this, in the Himavantā Range, near the Kosila-Gaṅgā in a dense mango forest three *yojana* in extent, his body became eighty cubits (*atoṇ*) large and red like the blossom of a Flame Tree<sup>1207</sup>. The nails on his hands became long like spades and with them he had to cut and scrape pieces of his own flesh and eat them. With pitiful cries he suffered horrible torment. Also this tale comes to us in the *Petavatthu*. Because he had taken a bribe and tried a case, a member of King Bimbisāra's retinue<sup>1208</sup> became a *peta* on a plateau in the Himavantā mountains. He ate the flesh of his own back and suffered great misery. When we compare (*nhuiṇ rhaññ*) these tales which come from the *piṭaka* with what is said in the dhammasat treatise we find that they are parallel (*ññi kra*).<sup>1209</sup>

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*lai lai | samaṃsaṃ | mi mi asāḥ kui | muraṃ muraṃ | khyut khyac* [MSRh-nis. and MSRM-nis. have *khрут khрут khрут khрут*] *mhu r\* | khādate va | cāḥ sa lhyaṇ taññ |*  
<sup>1205</sup> *hū lui sa taññ*; and also below.

<sup>1206</sup> *adhippay kāḥ akraṇ tarāḥ sū krīḥ saññ tan chuiḥ cāḥ r\* tarāḥ ma hut so achumḥ  
aphrac phraṇ. amhu kui prīḥ ce e\* | thui* [MSRh gu(r)] *sui. so tarāḥ sū krīḥ saññ | thui  
kuiy e\* aphrac mha cvan khai r\* | nārai n\* phrac le r\* | praṇḥ cvā so chaṇḥ rai  
vedanā kui | khaṃ ra le rā e\* | thui nārai mha lvat tuṃ say lh* [MSRa kau(v)]  
*pok tū mhya lok so lak saññ khre saññ phraṇ. | mi mi e\* asāḥ kui khрут khрут r\* akrim  
myāḥ cvā cāḥ ra le e\* hū lui sa taññ | ī sui. laññ vīsādi jāṭ n\* vatthu lā e\* |*

<sup>1207</sup> The *pok* tree (*Butea frondosa*, Pali, *kiṃsuka*). Cf. KAN, s.v.

<sup>1208</sup> The word *akhyaṇḥ* can mean companion, attendant, relative, etc.

<sup>1209</sup> *bimbasāra maṇḥ e\* charā phrac so paroḥi puṇāḥ saññ sū e\* tan chui cāḥ r\* ma  
tarāḥ so amhu phraṇ. chumḥ phrat r\* sū tui. e\* amhu kui prīḥ ce so kroṇ. himavantā  
toṇ yaṃ n\* suṃ yūjanā atuiṇ arhaññ rhi so kosila amaññ rhi so gaṅgānāḥ n\* sarak to  
aup ta khu n\* atoṇ rhac chay atuiṇ arhaññ rhi saññ phrac r\* pok pvaṇ. kai. sui. nī tve  
so kuiy rhi saññ phrac r\* pok tu mhya atuiṇ arhaññ rhi so lak saññ tui. phraṇ mi mi e\*  
asāḥ kui khyut khyac r\* cāḥ r\* kraṇ nā cvā nui lyak praṇ cvā chaṇ rai so vedanā kui  
khaṃ ra lhyaṇḥ sa taññ | petavatthu n\* tuṃ saññ laññ | bimbasāra maṇḥ e\* tan chuiḥ  
kui cāḥ r\* ma tarāḥ so achum aphrat phraṇ. amhu kui pru so kroṇ. ta khu so toṇ  
avham n\* prittā phrac r\* mi mi kyok kun sāḥ kui cāḥ r\* krīḥ cvā so chaṇ rai vedanā  
kui khaṃ ra le sa taññ | ī gāthā kui nhuiṇ rhaññ sau dhammasat kyam n\* lā so aprac  
nhaṇ. piṭakat n\* lā so aprac saññ ññi kra e\* hū lui sa taññ |*

This passage is particularly important because it is one of the very few instances in the MSR-nis. where the names of other texts are invoked. Recall that here the references to the “*Visādi*” *Jātaka* and *Petavatthu* are not found in the MSRP, but supplied by the glossator in the vernacular *adhippāya* section explaining the *gāthā* from the MSRP concerning the *peta* punishments of judges who take bribes. The reference of the apparent proper name *Visādi Jātaka* is slightly uncertain. Other manuscripts transcribe this as *Visādi* (MSRh) or *Visāta* (MSRm). There are numerous locations in the Jāt-a where judges are characterized as corrupt for taking bribes.<sup>1210</sup> Of course, the most immediate possibility is that this is a reference to the *Visati Nipāta* of the *Jātaka*, comprising tales 497-510 in modern Burmese, PTS, etc., editions of the commentary. Indeed, in the 1442 epigraphic book-list discussed above we find this spelling in a reference to “*aṭhakathā visādi jac*” (“the commentary on the *Visati [Nipāta]* of the *Jātaka*”) in a list of the commentaries on the various *Jātaka nipātas* alongside other text of the *Khuddaka Nikāya*.<sup>1211</sup> The problem is that there is no tale included in the *Visati-nipāta* that closely parallels this narrative. However, there are close parallels with aspects of the story of the *Kimchanda Jātaka* (Jāt-a, v, 1-11; *Jātaka* #511 in modern editions), which begins the *Timṣa-nīpata* that immediately follows the *Visati-nīpata*. That story describes the *purohita* of King Brahmadata of Bārāṇasi as “one who passes false judgments, an eater of bribes, a backbiter” (*parapiṭṭhimamsiko lañjakhādako kūṭavinicchayiko*). Because of his false judgments he is punished in the next life by having to spend his days as a *peta* ghost in a mango forest three *yojana* in

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<sup>1210</sup> Jāt-a, ii, 186-7; v, 118 (where *yuttakalañ ca* should be read *yuttakā lañcaṃ* (or *lañjaṃ*) with CS-ed.); v, 229; vi, 131.

<sup>1211</sup> Cf. Luce and Tin Htway, “A 15th Century Inscription”, p. 229. For a transcription see RMK, V, p, 29, ln. 50.

extent near the Kosiki-Gaṅgā in the Himavantā. The commentary describes the punishment he must suffer as a peta as follows:

He is transformed to the size of a palm-tree eighty cubits (*hattha*) high, and his whole body is ablaze like the blossoms of a Forest-flame (*kiṃsuka*) tree.<sup>1212</sup> On each finger on either hand there are nails (*nakha*) the size of huge spades (*mahā-kuddāla-ppamāṇa*). With those nails he cuts and tears up the flesh of his own back (*attano piṭṭhimamsam*)<sup>1213</sup> and eats it. Afflicted by torments and screaming at the top of his lungs, he suffers horrible pain.<sup>1214</sup>

This passage is virtually identical to the vernacular tale attributed to the “*Visādi Jāt*” in the MSR. Here the term *mahākuddālappamāṇā nakhā* “nails the size of huge spades”, is parallel with the *gāthā* from the MSR above (though in the MSR there is no *mahā-*, “huge”). We will note also that the name of tree in the simile of his burning body is identical, as are the measurements of the extent of the mango forest and the size of the *petas* body. There some differences, however. In the *Jātaka* the king associated with the *kūtavinicchayiko*, the *purohita* “who passes false judgment”, is Brahmadata, whereas in the MSR he is Bimbisāra. Also, in the MSR the location of the mango forest is said to be near Kosīla-gaṅgā where in the *Jāt-a* it is placed near Kosiki-gaṅgā. It seems nearly certain that it is this tale from the *Kimchanda Jātaka* commentary that is implied by the citation “*Visādi Jāt*”, though this raises the question of whether in the mid-17th century when the MSR-nis. was written this *Jātaka* was regarded as part of the *Visati-nipāta*.

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<sup>1212</sup> In Bse known as *pok*. The *Butea frondosa*. Cf. DOP, s.v.

<sup>1213</sup> Note the pun on the term *piṭṭhi-mamsiko*. While alive the corrupt judge is characterized as a “one who bites the flesh on the backs of others”, a “backbiter”. In his punishment he is condemned to literally eat the flesh of his own back.

<sup>1214</sup> *Jāt-a*, v, 2; CSCD: *asītihatthatālakkhandhappamāṇo attabhāvo nibbattati, sakalasarīraṃ jhāyati, supupphitakiṃsuko viya hoti. Dvīsu hatthesu ekekāva aṅguli, tattha mahākuddālappamāṇā nakhā honti. Tehi nakhehi attano piṭṭhimamsam phāletvā uppāṭetvā khādanto vedanāppatto mahāravaṃ ravanto dukkhaṃ anubhoti.*

The earliest complete manuscript list of the Jātakas organized in terms of their groupings in nipātas from Burma that I am aware of comes from a *Piṭakat Samuiñḥ* text entitled *Pitakap Mhan* (“*Piṭaka*-mirror”), perhaps copied in 1640. This is quite early for a surviving Burmese manuscript, particularly one in such well-preserved condition, so the dating of the copy must be somewhat tentative.<sup>1215</sup> The dating is also made difficult because aside from the colophon the manuscript contains no prose, it is simply a long columnated list of the various divisions of the *piṭaka* with a catalogue of their contents. Occasionally it is possible to speculate whether a manuscript is late (say late 19th century) on the basis of orthographical data, but this is not a foolproof strategy for Burmese, and works only for vernacular texts in which certain spellings tended to evolve in particular directions. The 64 folios of this manuscript begin with the *Vinaya-pārājika* and continue through the *mūla* texts of the *tipiṭaka*, listing the various sub-divisions of individual works in full. In the section that describes the various Jātakas and their divisions into vaggas and nipātas, the texts align closely with modern divisions, with the exception that in several cases alternate titles for certain Jātakas are provided. It situates the *Kimchanda Jātaka* squarely at the beginning of the *Timṣa-nipāta*, which agrees with its location in modern editions.<sup>1216</sup> This evidence is hardly conclusive, however, as to the where the *Kimchanda* was placed in the nipātas according to the glossators of the MSR. Although we know that in very early lists of

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<sup>1215</sup> MORA 4100 ff. ka-ca, 10 lines per folio. The colophon reads:  
*sakkarāg 10002 praññ. nattaui la chan 11 rak ne mvan lvai akhyim tvañ pitakap mhan  
kui reḥ kūḥ r\* prīḥ prīḥ || pu di āḥ nhañ. praññ. cuṃ pā luiv e\* | lak kha cāḥ ma hut  
reḥ r\* lhyūḥ sh lakkha ma luiv | cā reḥ pri? piḥ mha lū thvak tau. may bhurāḥ u tañ pā  
se e\* charā tau*

“In the year 10002 [probably 1002 = 1640], the 11th waning Nattau, in the afternoon, the copying of the *Pitakap Mhan* is finished. May it be for the attainment of the *pu*[*bbenivāsānussati*], *di*[*bbacakkhu*], *āḥ* [*~āsavakkhaya*]. It is not copied for a fee and I do not desire such remuneration. Sayadaw, having copied this text may I be released from the realm of men (*lū thvak*).”

<sup>1216</sup> MORA 4100, f. ño(v).

the order of Jātakas at Pagan there was occasionally some confusion as to the “correct” numbering and nipāta placement, it is difficult to say precisely what is intended in the MSR.<sup>1217</sup>

Fortunately, the reference to the *Petavatthu* is far more straightforward, and is easily attributable as a parallel with the *Kūṭavinicchayika-petavatthu*, which is a tale that in many respects parallels the narrative of the *Kimchanda Jātaka*. Interestingly, in the version in the Pv-a the king who is associated with the *kūṭavinicchayika purohita* who must cut and devour his own flesh as a peta as a result of his deceitful judgments is Bimbisāra, not Brahmadata.<sup>1218</sup> In both of these instances of referring the dhammasat back to the “*piṭaka*” we witness the glossator of the MSRP attempting to establish parallels between the legal text and a broader corpus of authoritative literature. I do not read this as an attempt to establish the “legitimacy” of dhammasattha (when was it ever in question?) in light of the *tipiṭaka*. Yet it is curious that it is precisely in this instance, in reference to the *peta* punishment of *adhammika* judges, that the glossator has chosen to invoke a parallel. As we have seen there are extensive points of overlap between dhammasattha and Pali *mūla* and commentarial texts—so why point out such connections only here? The glossator says “When we compare these tales which come from the *piṭaka* with what is said in the dhammasat treatise we find that they are parallel.” Yes, but such parallels are everywhere in dhammasattha. A possible explanation for this is that this “parallel” may have been less well known to the hearers of the MSR in 17th century Burma. Other key

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<sup>1217</sup> On the variant numbering and organizational schemes for the Jātakas at Pagan see G.H. Luce, “Pali & Old Mon Ink Glosses in Pagan Temples”, *JBRIS*, LVIII, ii (Dec 1975), pp. 118-214, 215-273, esp. pp. 242-73; *Old Burma Early Pagan*, I, 269-274 and *passim*, on nipāta arrangement in particular see p. 323; “The 550 Jātakas in Old Burma”, *Artibus Asiae*, 19, 3/4 (1956), pp. 291-307. G.H. Luce and Ba Shin, “Pagan Myinkaba Kubyauk-gyi Temple of Rājakumār”, *Bulletin of the Burma Historical Commission*, II (1961), pp. 277-416, esp. 321 ff.

<sup>1218</sup> For the story see Pv-a, 209-11.

dhammasattha themes which have other direct parallels with Pali literature—the four bad courses, the four *tulyapakkhas*, as well as a host of others that I have not discussed here—might have been more generally familiar to the audience of the text.

The MSRP Book One continues with a long discussion of the daily routine of a king (here: *ekarāja*) followed by some additional remarks on judges. Legal authority is principally vested in the king as the paradigmatic judge, even if only a very small minority of actual disputes were ever tried by him. The MSR provides a detailed description of the way in which a universal king (*ekarājā*) should behave in a legal tribunal, and the various considerations he should take into account in his deliberations, which recalls Sanskrit dharmasāstra depictions of a king’s daily routine found in the AŚ and MDh.<sup>1219</sup> This description begins with a brief discussion of how the king should act during the three watches of the night.<sup>1220</sup> During the first watch he should enjoy entertainment (dancing, singing, and music); during the second watch he should listen to the recitation of tales of former righteous kings;<sup>1221</sup> and only during the final watch should he sleep. After waking in the morning the king should face northwest and clean his teeth in silence with “an oiled tooth-stick (*dantakaṭṭha*, Skt. *dantakāṣṭha*) one hand-span in length”. Then he should do obeisance to the triple gem, put on his ornaments, and take his seat on the throne. The first people he is to consult with are his learned paṇḍita, astrologer (*gaṇaka*)<sup>1222</sup>, doctor (*vejja*), and chief brāhmaṇa (*brāhmaṇa-purohita*). Then the nissaya continues:

<sup>1219</sup> Cf. AŚ 1.196-24; MDh 7.145-7.226. See also

<sup>1220</sup> The following is taken from MSRa-nis. kau(v) ff.

<sup>1221</sup> MSRa-nis. kaṃ(r): *dhammaporāṇamāgataṃ | rheḥ n\* phrac so mañ caññ cuiḥ chak vatthu nidān tarāḥ ca kāḥ kui | suṇeyya | nā rā e\**

<sup>1222</sup> The Bse gloss is “one who knows the hūrāḥ”, from Skt. *hora*. An astrologer who specializes in reckoning the calendar and horoscopy.

I shall put forth these gāthās [from the dhammasattha] that describe the duties of the king who enters the tribunal (or ‘place of judgment’)<sup>1223</sup> [...] — From his throne, it is proper for a king to approach the tribunal with his right hand raised and his face turned up. He should then take his seat. I shall put forth these gāthās that describe matters concerning judicial considerations (*cī rañ thok thāḥ*) that should be borne in mind by kings passing judgment among two litigants — Having arrived at the place of judgment (*tarāḥ tañ kut*) in order to judge a dispute, [the king] should not treat either side of the case as a friend (*khañ pvañ*) or enemy (*rañ sū*). He should keep in mind that the dangers and misfortunes of the litigants are like his own dangers and misfortunes. Bearing this in mind, and with other *khattiyas* (*mañḥ*), brāhmaṇas, ministers (*macca, amat*) and paṇḍitas at his side, the king should listen with due regard to the testimony (*katha, ca kāḥ*) of the two sides. Then, he should investigate and deliberate (*cūḥ cam chañ khyañ*) upon the following: the testimony of the litigants, their ‘face’ (*mukha, myak nhā*), their gaze (*viloka, kraññ. rhu*), their action (*kaṇa, apru amū*), and their class (*jātigotta, amyuiḥ anvay*). In such affairs a judge should refrain from following his own desire. Granting the two sides permission to leave,<sup>1224</sup> demarcating<sup>1225</sup> rulings (*vinicchaya, achumḥ aphrat*) that accord with the meaning of the dhammasat, he should prepare the case (*aṭṭa, tarāḥ*) well. At the time of preparing the case in this manner he should consider [the implications for] future disputes (*amhu*) in the cities, the capital (*rājaṭhāni*), and the villages. Then he should deliver his judgment.

The lengthy vernacular *adhippāya* passage following the nissaya section is substantially the same in meaning, but then continues to add the following not found in the MSRP:

In investigating (*ci cac*) a case, a ruling should mitigate major disputes and dissolve minor disputes. A ruling should settle the offence so that there is no destruction caused in the towns, villages, market towns, or districts. Thus a judge should make a ruling after deliberating in such a manner. When the rulings of judges who have deliberated thoroughly are proper they will be followed and appreciated by the people who live in the towns, villages, market towns, or districts. Because of that the ṛṣi Manu has said

<sup>1223</sup> *vinicchayaṭhāna* | The Burmese term gloss is *tarāḥ tañ{ḥ} kut*, on which see JD s.v. In modern Burmese *tañḥ kut* refers specifically to a shed or barn, e.g., used to house animals. Other texts gloss *vinicchaya[ṭ]ṭhāna* with the more literal *tarāḥ thumḥ phrat rā*, “place of judgment”. Cf. Sāradassī, *Dhp-a-ns*, vol. 3, MORA, 1973, p. 240.

<sup>1224</sup> *te samanujā ānāpetvā* | *khvañ pru ce r\**

<sup>1225</sup> *pariggayha* | *puññ khyāḥ chañ khyañ*

[in the dhammasat] to investigate, consider, and deliberate to mitigate major disputes and then pass judgment.<sup>1226</sup>

Although explicitly concerned with the appropriate behavior of a king, this passage might be read as having a wider application to any individual who would act as a judge in a case. The principle that cases should be handled such that major disputes are mitigated and minor disputes are dissolved is a maxim that is found in a number of dhammasatthas and also prescribed to judges in Royal Orders.

The final gāthās of MSRP Book One contain something of a summation of the characteristics of judges<sup>1227</sup>:

*tadā pakkhe avaṇṇe ca | akkosane paribhāsane |  
nakuppe sace kuppeyya | akkhadasso na kāraye ||  
yo na dhanam vilokeyya | bahumāyam na issaye |  
tam vādachindam kāraye | soko dukkham vinassati ||  
āyuyaso ca kitti ca | puṇṇacandova vaḍḍhati |  
nagaram addham phitañca | verijeyo bhavissati ||  
sa c'etaṃ anusāsanam | katvādāsam samutṭhitam |  
āgataṃ vinicchayaṃ nettaṃ sabbavādinicchaye ||*

Which the nissaya translates as follows:

When investigating a case, a judge should not become angry at a litigant worthy of blame or who deserves to be scolded or cursed. A judge should not pass judgment out of anger. That judge who passes judgment without consideration of material gain or regard for deceptions will find his grief and misfortune destroyed. The duration of his

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<sup>1226</sup> MSRh ge(v): *thuiiv amhu kuiv ci cac so akhā n\* krīḥ so amhu kuiv ṇay aon | ṇay so amhu kuiv pyok aon pru r\* chumḥ phrat pe rā e\* | ta pāḥ laññ thuiiv amhu tuiv. kuiv aphrac e\* alyok priḥ aon chumḥ phrat pe bhi saññ rhi sau mruiv. rvā nigum janapud tuiv. saññ phyak ciḥ pe rā khan so thuiiv kroṇ. chañ khyaṇ r\* chumḥ phrat pe rā e\* | ta pāḥ tuṃ saññ laññ thuiiv suiv. cū cam chañ khyaṇ r\* chumḥ phrat pe so tarāḥ sū krīḥ tuiv. āḥ tarāḥ chumḥ phrat khyaṇ n\* sañ. tañ saññ rhi sau mruiv. rvā nigum janapud n\* ne so sū tuiv. saññ luik nā aṃ. so akroṇ laññ phrac e\* | pvañ. lañ aṃ. so akroṇ laññ phrac e\* | thuiiv kroṇ. amhu krīḥ ṇay tuiv. kuiv ci cac thok thāḥ r\* chumḥ phrat ap e\* | hu manusāra rhañ rasse. min e\* ||*

<sup>1227</sup> MSRh ge(v)ff.; MSRm gā(r)ff.

life and his good fortune and fame shall increase to be like a full moon. His realm (or town, etc.) will be rich and prosperous. He will conquer his enemies. Therefore having followed this instruction, he should pass judgment in all disputes, training his eye on the dhammasat [glossing *āgatavinicchayaṃ*] like a mirror standing in front of him.<sup>1228</sup>

### III. Witnesses (*sakse*, P. *sakkhi*) and their oaths

Depictions of qualified witnesses in the MSR and other dhammasatthas operate in a similar fashion to those of judges. However, one of the more interesting facets of discourses concerning witnesses is the often close parallels they reveal with provisions in Sanskrit jurisprudence which have no direct analogues in Pali literature. The various types of witnesses are introduced first in MSR-nis. Book Four, as follows<sup>1229</sup>:

I shall put forth the following *gāthā* [from the dhammasattha] concerning the thirty-four types of witnesses, among whom three should be established as witnesses and thirty-one should not be established as witnesses:

<sup>1228</sup> This section does not have a vernacular *adhippāya*, so the translation here is compiled from the nissaya. The nissaya reads: *tadā* when a judge is investigating a case | *avaṇṇe pakkhe ca* a litigant that is worthy of blame (*kai. rai.*) | *akkosane ca* a litigant that is worthy of scolding | *paribhāsane ca* a litigant which worth of cursing (*kyin chai*) | *na kuppeyya* [the judge] should not get angry | *sace kuppeyya* [if a judge] should get angry | *akkhadasso* a judge | *vinicchayaṃ* the judgment | *na kāraye* should not make [a judgment] | *yo* a judge | *dhanam* property | *na vilokeyya* should not look upon | *bahumāyaṃ* many deceptions (*caññh lai caññh cāh*) | *na issaye* should not look after (MSRh *rhu*; MSRm *rhā*) | *taṃ vādachindaṃ* the judgment (*chinda ~ phrat khrañ*) of that legal dispute (*vāda ~ nriñ khum*) | *kāraye* should make | [supplying:] *tassa* the judge who makes [a judgment in this manner] | *soko* grieving (*cuivh rim*) | *dukkhaṃ* misfortune | *vinassati* [it is] destroyed | *āyu ca* a long life | *yaso ca* great good fortune (*caññh cim kyamh sā krīh*) | *kitti ca* fame | *puṇṇacandova* like the full moon | *vaḍḍhati* increases | *nagaraṃ* the town, realm (*praññ*), and village | *aḍḍhaṃ* wealth (*krvay va*) | *phitaṃ* prosperity (*va pro*) *bhavissati* it will be | *veri* enemy | *jayo* conquer | *bhavissati* it will be | [supplying:] *tasmā* therefore [supplying:] *so* that judge | *etaṃ anusāsanaṃ* the instruction that is given in this manner | *samuṭṭhitaṃ ādāsaṃ va* like a mirror standing in front | *katvā* having made [a judgment] | *āgatavinicchayaṃ* a judgment according to the dhammasat | *nettaṃ katvā* having trained the eye (*myak ci pru*) | *sabbavādaṃ* the matters under dispute (*añrimh akhum*) for all parties concerned | *vinicchaye* [a judge] should pass judgment ||

<sup>1229</sup> MSRh-nis. *chū(r)* ff.; MSRm-nis. *cī(v)* ff.

*alubbhanaṃ saddhāmoḥaṃ | tayo sakkhi puccheyya te |*  
*asaddheyya vikiṇṇeyyaṃ | dhanena vādadaṣivā ||*  
*ññātivādaṃ mittavādaṃ | tathā ca kalahavādanaṃ |*  
*bahuvādaṃ atirogaṃ | jayāmahallakāni ca ||*  
*kumāradaharo ceva | ropanāduss{a} naccaka |*  
*gītakānubhāvañ ceva | suvaṇṇalohalaṅkāraṃ ||*  
*kaṃsakareyyaṃ pāduka | kareyyaṅca apākataṃ |*  
*{vadh}adosaṅca vajjaṅca | napuṃsakaṅcavesiyā {/-aṃ} ||*  
*cittaviḡhātaṃ ummatta | rogaṃ hinaṅca dubbhikkhaṃ |*  
*tassa {/tathā} akkhavikiḷaṅca | mahākodhaṅca corakaṃ |*  
*itthigabbhaty ekatimsa | na puccheyya tathā pana ||*  
*sace pakkhe manuññātaṃ | pucchitabbantivihitaṃ ||*

[The nissaya glosses this as follows:]

- [1.] One who is not greedy for another's property (*alubbhanaṃ | mak mo*)
- [2.] One who believes in *saṃsāra* (*saddhaṃ | saṃsarā kui yuṃ kraññ*)
- [3.] Paṇḍitas (*paññā rhi*) who are not confused [in their judgments]

These three [types of witnesses] are appropriate to question.

The following thirty-one should not be questioned as witnesses:

- [1.] One who does not believe in the benefits connected with belief in *saṃsāra*
- [2.] One who sells another's property
- {[3.] A slave belonging to one of the litigants (*vādadaṣi*)
- {[4.] Relatives of a litigant
- {[5.] Friends of a litigant
- {[6.] Someone involved in a quarrel with a litigant
- [7.] One who is involved in many disputes (*bahuvādaṃ vā*)<sup>1230</sup>
- [8.] One who is very ill
- [9.] One who is old and weak (*jarā-mahāllaka | chui myaññ aui maṅ prīḡ*)
- [10.] One who is very young
- [11.] One who accuses another of a wrong
- [12.] Dancers (*naccaka | ka kre*)
- [13.] Singers
- [14.] One who has supernormal powers [of *iddhi*]<sup>1231</sup>
- [15.] Goldsmiths
- [16.] Blacksmiths

<sup>1230</sup> MSRh does not gloss numbers 3-6. It is likely that when this manuscript was copied, either by sight or by transcribing the recitation of another manuscript, the scribe or reciter confused *vādadaṣi* with *bahuvādaṃ*. Such oversights are somewhat common.

<sup>1231</sup> *tan khuiḡ ānubhau |*

- [17.] Coppersmiths  
 [18.] Shoemakers  
 [19.] One whose family, name, and residence is unknown (*apākaṭa*)  
 [20.] An executioner or murderer (*vadhadosa*)  
 [21.] A doctor who practices medical sorcery<sup>1232</sup>  
 [22.] A *napuṃsaka*<sup>1233</sup>  
 [23.] A prostitute (*vesiyā* | *praññ tan chā*)  
 [24.] One who is malicious (*ran ññuivḥ phvai.*)  
 [25.] One who is afflicted with madness (*ummatta-rogaṃ*)  
 [26.] A person of the inferior class (*hīna* | *sū yut*)  
 [27.] One who is starving  
 [28.] One who gambles at dice  
 [29.] One who has a great deal of anger  
 [30.] A thief  
 [31.] A pregnant woman
- However, if both sides of a dispute authorize any one of them, they may be questioned as a witness.

This list and others like them in different dhammasattha texts are very similar to Brāhmanical catalogs of the various types of witnesses who should not be admitted. None of these lists are exactly parallel, however.<sup>1234</sup> The notion that the acceptance of a witness by both parties in a dispute constitutes the ultimate test of their acceptability is found in *Nāradasmṛti*.<sup>1235</sup> The MSR-nis. continues with a long vernacular passage with no parallel in the MSRP which describes other aspects concerning witnesses. The text says that the 31 types of witnesses must take an oath before it is appropriate to question them. If during seven days from the date of taking the oath none of the “Eight Calamities” befalls a witness, then the litigant against whom he testified should

<sup>1232</sup> *che kyam tat so che sa mā* | Reading *kyam* as *kram*.

<sup>1233</sup> Literally, ‘not sexed male’; for Pali usages cf. PED s.v. The Burmese gloss is *minma lhyā*. *Minma lhyā* in contemporary Burmese can refer to male transvestites, transsexuals, or men who have feminine characteristics. It is not evident what this term may have implied in mid-17th century Burma beyond, roughly, “feminine men”.

<sup>1234</sup> Cf. Kane, *History*, III, p. 334 ff.

<sup>1235</sup> Nār. 1.172-4.

compensate him with half the property in question in the dispute.<sup>1236</sup> If a witness encounters one of the calamities, however, the witness is responsible for paying compensation equal to one-half of the property in question to the litigant against whom he testified. The imposition of a waiting period to see whether calamities befall a witness to ensure whether their oaths are based on truth is also found in Sanskrit dharmaśāstra texts such as MDh, *Kātyāyana* and *Divyatattva*. According to MDh<sup>1237</sup> the waiting period is seven days, whereas in the latter texts it is fourteen days or longer.<sup>1238</sup> Also, some Sanskrit texts provide that a witness who has met with calamity within the allotted waiting-period—and is thus shown to have perjured himself under oath—is responsible for compensating the litigant against whom he testified.<sup>1239</sup>

Bhikkhus may be accepted as witnesses, and should be questioned in their monasteries. In giving a statement, the words of the virtuous (*guṇ kheḥ jūḥ so sū*) may be accepted as true. Here the implication is presumably that monk-witnesses need not take an oath before giving testimony. This is in contrast to MRK which states that, in certain cases, before giving testimony a monk must be made to hold “a manuscript of the *kammavācā* of the *Vinaya-sikkhāpadas*” and take an oath of truth stating, “if what I say is false, may I have transgressed the discipline in which I am established, may I

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<sup>1236</sup> The “Eight Calamities” or “Dangers” (*aṭṭhabhaya*) that may befall untruthful witnesses are detailed in the following *gāthā* in MSRP and glossed several folios on in the nissayas. They are: fire (*aggi*), kings (*rāja*), water (*udaka*), ogres (*yakkha*), thieves (*cora*), the insane (*ummataka*), leprosy (*kuṭṭha*), and epilepsy (*susuroga* | *vak rūḥ anā*).

<sup>1237</sup> 8.108.

<sup>1238</sup> Cf. Kane, ed. *Kātyāyanasmṛti*, 410; Richard W. Lariviere, ed. and trans., *The Divyatattva*, New Delhi, Manohar, 1981, pp. 220. The parallel passage from the DhV was cited in Chapter Four. In the DhV, if a witness who has taken an oath encounters one of the Eight Dangers within seven days, this is grounds for the defeat of the litigant on whose behalf the sworn testimony was given. The DhV does not mention compensation of any sort in this context.

<sup>1239</sup> MDh 8.108; *Daṇḍaviveka*, trans. Bhabatosh Bhattacharya, Calcutta, Asiatic Society, 1973, p. 287; Kane, *History*, III, pp. 352-3.

be excommunicated (*rve. lhyo*) from the dispensation of the Lord Buddha”.<sup>1240</sup> The practice of monks swearing testimony while holding (or in the presence of) a *kammavācā* manuscript persisted until at least the 19th century, when it is documented in disputes tried by non-monastic judges.<sup>1241</sup> We have other examples of individuals holding texts while taking the oath—already at Pagan a text of the *abhidhamma* was used in such instances, as were Buddha relics and images—but in the MSR such book-oaths are not mentioned.<sup>1242</sup> The MSR continues to state that members of the *mañḥ* or brāhmaṇa class (*myuiḥ*) are to be questioned in places that are equal in cleanliness and purity (*cañ kray san pran*) to their own residences. They should be made to pledge simply: “My class (*amyuiḥ*) is pure, my dwelling is pure, I shall speak the pure truth accordingly”. Those of the merchant class (*kun saññ myuiḥ*) should make an oath by holding *pu chui* cloth or gold and silver and expensive objects; those of the agriculturalist class (*lay thvan myuiḥ*) by grasping their cow, buffalo, harrow, shoulder-yoke, rice, corn, or millet<sup>1243</sup>; and those of the inferior class (*yut so amyuiḥ*) “in the presence of something or someone who is venerated”<sup>1244</sup>. Again, here the

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<sup>1240</sup> MRK, p. 95. Importantly, the MRK does not state that under normal circumstances monks must take an oath. This rule includes also brāhmaṇas and members of the *mañḥ* class—ordinarily they are to be believed without swearing to the truth. An oath is only necessary when the customary modes of establishing such a witness are not available. In the case of monks, the MRK says that in addition to making the oath on the *kammavācā*, the bhikkhu in question should not be accepted as a witness unless he can correctly recite the *sikkhāpadas* in Pali—so oaths seem to have been necessary only in instances where the “legitimacy” of a bhikkhus status was in question.

<sup>1241</sup> Thein Swe Oo, *Lawsuits*, p. 48.

<sup>1242</sup> Than Tun, *Khet hoñḥ mran mā rājavan*, pp. 158-9. Compare also Chapter Four where passages from the KyT and DhV concerning the taking of oaths in front of Buddha images are mentioned.

<sup>1243</sup> Two different types of millet are mentioned *lūḥ* and *chap*.

<sup>1244</sup> *leḥ mrat kuiḥ kvay mhī khuiḥ rā phrac so rai so arap n\* ne ce* | The meaning of this phrase is not as explicit as we might like, but suggests being in the presence of something or someone worshipped, respected, or relied upon for support. It is possible that a bhikkhu, Buddha image, or brāhmaṇa might be implied. See below concerning

touching of “sacred objects” in oath-swearing has numerous parallels in Sanskrit legal literature.<sup>1245</sup>

According to the MSR, the oath that is to be sworn is one of two varieties, as follows:

[Oath 1, “Oath of the [Punishment of the] Ten Regions”:]

[If what I say is false:] [1.] May I arrive at a place where there is no Buddha, [2.] may I arrive at a place inhabited by tigers, [3.] may I arrive at a place inhabited by ogres (*bhīlū*), [4.] may I become homeless, [5.] may I fall down a flight of stairs, [6.] may I fall from a bridge, [7.] may I be exiled from the city (*mruīḥ*), [8.] may I arrive at a place of danger (*bhe*), [9.] may I live in a place that is impure, [10.] may I live in a dwelling among lepers.<sup>1246</sup>

[Oath 2, “Oath of the Ten Punishments”:]

[If what I say is false:] [1.] May my throat be sliced, [2.] may my nose be sliced off, [3.] may my eyes be gouged out, [4.] may my mouth be sliced, [5.] may my tongue be sliced, [6.] may my legs be chopped off, [7.] may my hands be chopped off, [8.] may I be disemboweled, [9.] may my form be mutilated [10.] and my life destroyed.

These different punishments should be understood as relating not only to the context of witness telling lies under oath, and have numerous parallels with catalogs of punishments in both Indian and Chinese legal literature. According to dharmaśāstra occasionally severe punishments were imposed upon perjury. In most cases perjury meant that the witness must pay compensation or suffer banishment.<sup>1247</sup> It is clear to

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the braking of oaths made in front of such people, as well as further concerning the identity of the *sū yut*, “the inferior”.

<sup>1245</sup> Cf. S.N. Pendse, *Oaths and Ordeals in Dharmaśāstra*, Vadodara, University of Baroda, 1985, Ch. 6. Pendse discusses a book-oath described in the *Smṛticintāmaṇi* in which an individual must swear while holding a copy of *Harivaṃśa*.

<sup>1246</sup> MSRm cu(r). MSRh reads for number ten “may I live among those who have been banished (*sū nut*)”. There are a number of variants in lists of the “Ten Regions” in different texts concerning witnesses. For alternative formulations in Mon dhammasāt see MDT, p. 548, p. 570, p. 601.

<sup>1247</sup> *Daṇḍaviveka*, p. 289.

see how these punishments of arriving at any of the “Ten Regions” echo the important punishment of banishment often prescribed for perjurers in the smṛtis. Numerous dharmaśāstra texts describe the otherworldly tortures that await witnesses who give false testimony,<sup>1248</sup> and some of them provide that they should receive corporal punishment.<sup>1249</sup> MDh postulates “ten places where punishment may be inflicted”, according to the latter text these are: the genitals, stomach, tongue, hands, feet, eyes, nose ears, wealth, and body”<sup>1250</sup>. Nine of these then correspond to corporal punishment (with the exception of the genitals) mentioned in the MSR, while punishment by wealth refers to the notion that false witnesses should be fined or made to compensate the litigant against whom they have testified. We should also mention that there may be certain parallels here with forms of corporal punishment invoked in Chinese legal literature—the notion of *lingchi* (“death by slicing”), for example<sup>1251</sup>—although far more research is required on the interplay of Burmese and Chinese penal modes.<sup>1252</sup>

At this point this vernacular section of the MSR-nis. continues to elaborate upon the foregoing remarks concerning witnesses. It begins by stating that witnesses should have “attained the six characteristics of witnesses” (*aṅgā khrok pāḥ nhañ. praññ chum̐m ce rā*). An acceptable witness must 1. be a householder (*aim thoñ*

<sup>1248</sup> Devanabhaṭṭa’s *Smṛticandrikā* collects a wealth of citations from the various smṛtis on this point. See J.R. Gharpure, trans., *The Smṛticandrikā Vyavahāra Kāṇḍa*, Hindu Law Texts XXIX, Bombay, Aryabhushan Press, 1948, pp. 138-174.

<sup>1249</sup> *Daṇḍaviveka*, p. 290. The matter of punishment is utterly more complex in the Sanskrit materials than can be stated here. On the various expressions of “judicial penalties” in the smṛti literature see Terence P. Day, *The Conception of Punishment in Early Indian Literature*, Waterloo, Wilfred Laurier University Press, 1982, pp. 166 ff.

<sup>1250</sup> MDh 8.124-4.

<sup>1251</sup> Compare Timothy Brook, Jérôme Bourgon, and Gregory Blue, *Death by a Thousand Cuts*, Cambridge, Harvard University Press, 2008.

<sup>1252</sup> On Burmese penal regimes in such a comparative perspective see Toru Ohno, “A Study on the Systems of the Criminal Punishments in Despotism of Asia”, *Journal of Osaka University of Foreign Studies*, 33 (2006), pp. 103-130.

*parikkhrā nhañ. praññ chum*), 2. have offspring, 3. observe the duties of the Good Person (*sū tau koñḥ kyañ*), 4. strive for merit (*kusuil koñ mhu*), 5. conduct oneself with honor (*asare* > Skt. śrī?), and 6. be trustworthy.<sup>1253</sup> After their lineage (*amyuiḥ anhvay*) has been investigated they should take the oath before being questioned. These “six characteristics” are aligned in form if not in content with the stipulation in the Sanskrit MDh that “[1.] Householders, [2.] men with sons, [3.] natives of the region, [4.] kṣatriyas, [5.] vaiśyas, and [6.] sūdras, when they are called by the plaintiff, are competent to give testimony [...] Trustworthy men (*āptāḥ*) of all social classes may be called as witnesses [...]”.<sup>1254</sup> Yet in the MSR we note that the “six” have been given a distinctively Buddhist significance. This section then concludes by specifying further situations in which a false witness might be grounds for defeat in a case, which includes a lengthy discussion (again, entirely in the vernacular) of “secret witnesses” and of the differences between written testimony and testimony that is given verbally under oath, both of which are common themes in dharmaśāstra. It is not necessary for present purposes to explore these parallels in detail.

Here it is essential however to explicate the provision that reliable witnesses “observe the duties of the Good Person”. The only other section of the MSR to discuss the characteristics of witnesses, which falls in the middle of Book Ten, also invokes this important category of moral individual, as follows:<sup>1255</sup>

[Verses 1 and 2:]

*sīlavā dā{na}cāgo ca | saccaṃ dhammo hirottappo |  
sakkhilesañ ca jānanto | niddosañ ca pakaraṇaṃ ||  
vāyamanto sappurisa | dhamme ca ujuko bahuṃ |  
parivāro bhogavā ca | yasavā cāpi yo naro ||*

<sup>1253</sup> MSRm cu(r)-(v); MSRh chai(v).

<sup>1254</sup> MDh 8.62-63; For other lists of the characteristics of witnesses see *Smṛticandrikā*, pp. 138-40.

<sup>1255</sup> The following is principally from MSRh-nis. thai(v) [218]; MSRa f. khi(r) [5680].

*esa ce sakkhitam patto | na puccham iti no vade ||*

[Which the nissaya glosses as:]

1. Those who observe *sīla*
2. Those who make gifts of merit
3. Those who observe the True Law
4. Those who adhere to propriety (*hiri-ottappa; arhak akrok*)
5. Those who are aware of the pretexts (*lesa; amrvak*) that are [potentially] involved in establishing witnesses<sup>1256</sup>
6. Those who strive for that which is without fault (*niddosa*)
7. Those with upright practices (*vāyamanta ujuka*) according to the Law (*dhamma; tarāḥ*) of the Good Person (*sappurisa; sū tau*)
8. Those with many attendants
9. The rich (*bhogavā; caññ cim khyam sā rhi*)
10. The renowned (*yasavā*)

If any of these ten types of virtuous people are made witnesses, [their integrity] should not be questioned nor their testimony criticized. This is the law relating to the virtuous characteristics of a witness.<sup>1257</sup>

The significance of many of these categories is relatively straightforward, especially since certain attributes mentioned here are also predicated of qualified judges. It is worth noting the distinct authority given to individuals on the basis of socioeconomic status. The rich and those with many attendants are, quite naturally according to the

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<sup>1256</sup> Both *lesa* and its vernacular gloss here *amrvak* can mean “verbal trick”, “pretext”. *Amrvak* also has the sense of “brief utterance”, “speech”. Without further context it is difficult to determine precisely what is meant here, but this reference seems to imply that a witness should be aware of the types of verbal deceptions witnesses may be engaged in.

<sup>1257</sup> *yo naro | akraṇ sū saññ | sīlavā | sīla sa taṇ rhi e\* | dānacāgo ca | alhū dāna laññ rhi e\* | saccādhammo ca | saccā tarāḥ kui laññ coṇ. e\* | hirottappo ca | arhak akrok kuiv laññ coṇ. e\* | sakkhilesaṇ ca | sak se taññ saññ e\* amrvak kuiv | jānanto | si e\* | niddosaṇ ca pakaraṇaṃ | aprac kaṇ so arā kuiv laññ | vāyamanto | luṃ. la pru e\* | sappurisdhamme ca | sū tau tarāḥ n\* laññ | ujuko | phroṇ. phroṇ. kyaṇ. e\* | bahuparivāro ca | myāḥ so akyam araṃ laññ rhi e\* | bhogavā ca | caññ cim kyam sā laññ rhi e\* | yasavā cāpi | kyau co kraṇ laññ rhi e\* | esaeso naro | ī suiv. so chay pāḥ so kyeḥ jūḥ rhi so sū saññ | sakkhitam | sak se e\* aprac suiv. | ce patto | rok ṇrāḥ aṃ. | na pucchā | nā ma me.ḥ priḥ | iti evaṃ vacanaṃ | ī suiv. so cakāḥ kui | novade | ma chui rā pa khre taññ | sakse mrok tuik so kyeḥ jūḥ tarāḥ |*

socio-cosmology of the Burmese Buddhist class system, inherently more virtuous, and hence more reliable as witnesses, than the poor. The important term to isolate here, however, is *sū tau koṅḥ* (often encountered also as *sū tau*), “Good Person”, which is never, unfortunately, fully unpacked in dhammasattha literature. The term is used as a Burmese gloss for the Pali terms *sādhu* (or *sādhujana*), *sajjana* (or *sujana*), and *sappurisa* the qualities of whom are defined in numerous locations in the *tipiṭaka* and commentarial literature. It seems that the earlier Pali term used in the nikāyas was *sappurisa* (“Good Man”) and according to later commentators this came to be regarded as equivalent to the notions of the *sādhujana* and *sajjana*, which would seem to include members of both sex.<sup>1258</sup> The term *sādhujana* is far rarer and perhaps later than the other two—it does not appear in the nikāya texts.<sup>1259</sup> Each chapter of the *Vism*, for example, ends with the phrase *iti sādhujanapāmojjatthāya kate visuddhimagge [X] nāma [Y] paricchedo* “Thus the [X] division number [Y] in the *Visuddhimagga* composed for the gladdening of Good People”.

According to the *Sappurisdhamma sutta* in the 10th nipāta of the AN, the ten dhammas or “qualities” of the “Good Man” correspond to the Ariyan tenfold path, which comprises: right view (*sammādiṭṭhi*), right intention (*sammāsaṅkappa*), right speech (*sammāvācā*), right action (*sammākammanta*), right livelihood (*sammājīva*), right effort (*sammāvāyāma*), right mindfulness (*sammāsati*), right concentration (*sammāsamādhi*), right wisdom (*sammāñānam*) and right liberation (*sammāvimutti*).<sup>1260</sup> Yet elsewhere the *sappurisa-dhamma* is understood as sevenfold,

<sup>1258</sup> On these terms and their equivalence in later Pali lexicons, see Abh-ṭ 333, 790, 957. On *sujana* as *sajjana* see *Sūbodhālankāra-ṭikā*-CSCD on verse 27; For a nissaya of the relevant passage see Kumāra, *Alaṅkā paṅḥ kuṃḥ*, Yangon, Taḥ taṅ aeh, 1980, pp. 45-6.

<sup>1259</sup> And *sajjana* itself may be used first only in the Mil.

<sup>1260</sup> AN V, 245. On the tenfold path (the eightfold path plus the supermundane goals of right wisdom and right liberation) see Masefield, *Divine Revelation*, ch. 2.

and equivalent with what certain texts call the *satta saddhama*, the “seven good qualities”.<sup>1261</sup> In the *Cūlapuṇṇama sutta* these seven qualities of the *sappurisa* are described: the Good Man is faithful (*saddha*), modest (*hirimā*), fearful of committing a wrong (*ottappī*), learned (*bahussuta*), resolute [in the path] (*āraddhavīriya*), mentally concentrated (*upaṭṭhitassati*), and wise (*paññavā*).<sup>1262</sup> Furthermore, in the *Sangīti sutta* of the DN, “seven qualities of the Good Man” (*sappurisadhammā*) are glossed as: one who is a knower of dhamma (*dhammaññū*), of [the] meaning [of dhamma] (*atthaññū*), of [the nature of] self (*atthaññū*), of moderation (*mattaññū*), of [the appropriate] time (*kālaññū*), of [the eightfold] assemblies (*parisaññū*), and of individuals [worthy of association] (*puggalaññū*).<sup>1263</sup> Although these various lists are repeated in different locations in the *tipiṭaka* and commentaries, they should not be seen as at odds with one another. According to classical definitions the notion of the Good Person comprises all of these different attributes.

Precise data on the character of the *sū tau koṇḥ* from Burma is scarce for the earliest periods. We have noted its appearance at Pagan in connection with legal culture, in a reference to a reliable witness whose testimony is to be admitted as evidence. The term makes frequent appearances in the vernacular poetry of the early 16th century, and remains central to vernacular discussions of the moral individual in Burmese Buddhist literature. Here I refer to only a very few instances aside from nissayas on *tipiṭaka* and commentarial texts, in which the term is used repeatedly to gloss the Pali terms discussed above. Mahāraṭṭhasāra’s *Lak sac toṇ tā chuṃḥ ma cā* advises that “one should seek fellowship with the Good People and avoid those who

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<sup>1261</sup> Cf. DN III, 252; Vin V, 136; Sp-ṭ-CSCD.

<sup>1262</sup> MN, III, 23.

<sup>1263</sup> DN, III, 252. An understanding of this passage rests heavily on the assistance of the commentator; for our purposes it is not necessary to go into all the details. For a full discussion of the meaning see Paññājotamahāthera, *Sut pātheyya aṭṭhakathā nīya*, 2, Mandalay, Padesā, 1961, pp. 367-8.

are wicked (*sū muik*)”. The latter category of the wicked person is further identified as *sū yut*, “the inferior” or “the contemptible”, whom we have also encountered as the basest class of witness in the MSR above.<sup>1264</sup> According to the *Lokasāra pyui*, the Good People (here as *sū tau*) are opposed to the conduct of the inferior (*yut saññ. caruik*) practiced by “wicked people who cannot see with the Wisdom-Eye (*paññā myak cī*),<sup>1265</sup> ignorant of the Law, holding wrong views, who attain no benefit or prosperity.”<sup>1266</sup> The term was deeply intertwined with *nīti*-related discourse as well. In nissayas of the *Lokanīti* the title of the second chapter “On *Sujana*” is glossed as “on the *sū tau koṇḥ*” and followed by the chapter “On *Dujjana*” (Bad People), whom the nissayas gloss as *sū muik*, “the wicked”.<sup>1267</sup>

The class of Good People was equally applicable to laypersons, monastics, and brāhmaṇas. This is evident from the way *sappurisa* is used in the *nikāyas* and commentarial literature, as well as from the usages of *sū tau koṇḥ* in dhammasattha. In the DhV-related group of legal texts this point is made quite clearly, although unfortunately there are some variants precisely at this instance in the relevant texts, which state:<sup>1268</sup>

<sup>1264</sup> *Chumḥ ma cā poṇḥ khyup*, p. 17.

<sup>1265</sup> Equivalent to the notion of the *paññācakkhu*, on which see Alex Wayman, “The Buddhist Theory of Vision”, in George Elder, ed., *Buddhist Insight, Essays by Alex Wayman*, Delhi, Motilal Banarsidass, 1990, ch 7.

<sup>1266</sup> *Lokasāra pyui.*, p. 21.

<sup>1267</sup> For the vernacular terminology used to gloss these chapters see *Lokanīti pāṭh nisya*, MORA 4553, kaṃ(v)-khi(v).

<sup>1268</sup> The cited passage corresponds to the following locations in DhV related manuscripts: *Kyak ruiḥ* NL Bhāḥ 60 ghi-r; DhV UBhS 163-582 gī-r; DhV UCL 7490 gai-r ; DhV UCL 9926 go-v; DhV Kaṇḥ 18 khau-v; *Dhammasat kyau* IOR Add 12249 ga-v; KNDh NL Bhāḥ 43 cā-r. The sense of KNDh is substantilly the same although the wording is quite different. Other manuscripts are nearly verbatim.

The law regarding persons who have broken an oath of truth made before such [Good People]<sup>1269</sup> as a bhikkhu (*rahanḥ*) or brāhmaṇa (*puṇṇāḥ*), et. al., while saying they will not break the oath.

[gāthā; from NL Bhāḥ 60 ghi-r]

*gāme janapade raṭṭhe | samaṇabrahmaṇānaṃ | tam pumukkhā | saccadaḷakaraṃ  
katvā | gacchāmi | vīparissatu*

[Nissaya]

Whosoever, having made a firm oath in a village, a janapada village, or [anywhere in] the whole dominion (*tuṇṇi nuiṇi ṇaṃ*) before such person as a bhikkhu, brāhmaṇa<sup>1270</sup>, et. al. and then later breaks that oath, shall be judged.

[Vernacular only:]

In this gāthā, due to the presence of the text “*gāma janapada raṭṭha*” we refer to the [explication of the] saying “*nagara gāma nigama janapada raṭṭha*”<sup>1271</sup>. *Nagara* means a fortified town (*mruī.*) which has a market. That which is called a *gāma* is either a fortified town with no market or place with a market that is not a fortified town. A place with neither a fortified town nor a market is called a “*niguṇ* village” [*niguṇ rvā*, i.e. *nigama*]. “*Janapud*” [i.e. *janapada*] refers to each of the various districts (*kharuṇi*) in a dominion (*nuiṇi ṇaṃ*, “country”) ruled by a lord (*maṇḥ*) who carries the umbrella [of sovereignty]. *Raṭṭha* refers to the entire dominion [of a king] where there is no other political power (*āṇācak* > P. *āṇācakka*) of [another lord or king] who carries the umbrella of sovereignty. In these fortified towns and large and small villages of the realm (*praṇṇi*) and districts of the dominion (*tuṇṇi*) that have been described, whosoever makes an oath of truth in front of [Good People,]<sup>1272</sup> such as bhikkhus and brāhmaṇas, et. al., saying that they will not break the oath, and then at a later time breaks that oath, they should be mercilessly beaten with the cane so that in the future they do not do (*kyaṇi.*) it.<sup>1273</sup> If the oath-breaker is a person of importance (*krīḥ so sū*), he should be dragged down from his residence, his head-covering and

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<sup>1269</sup> KNDh only.

<sup>1270</sup> Only NL Bhāḥ 60 and UCL 7490 contain and the Pali *samaṇabrahmaṇānaṃ*; the other mss read only *samaṇānaṃ*. But UCL 9926, Kaṇḥ 18, and KNDh gloss *samaṇānaṃ* as inclusive of both *rahanḥ* (bhikkhus) and *puṇṇāḥ* (brāhmaṇas). UBhS 163-582 glosses *samaṇānaṃ* as only *rahanḥ*. However all five manuscripts state earlier in the passage that the law applies to oaths taken in front of both bhikkhus and brāhmaṇas.

<sup>1271</sup> These terms are frequently collocated in Pali literature to describe the basic political geography of a territory.

<sup>1272</sup> Only in UBhS 163-582 and Kaṇḥ 18.

<sup>1273</sup> UCL 9926 and Kaṇḥ 18: *kranḥ/kram krut cvā krin luṃ lhaṇi kan put khat*; UBhS 163-582: *krim lun lham kam kat*

face-cloth<sup>1274</sup> should be removed, and with his head bent down [in shame] he leave his relatives and go to work like a gravedigger (*dvanḥ caṇḍāḥ*). He should be put in the elephant or horse stable under the house. Let him collect the elephant and horse shit for a couple days, or for four or five days, or for six or seven days, or for eight days, nine days, ten days, or half a month. Such is the punishment he should receive. This type of punishment is known as *maṇḥ daṇ* (< *maṇḥ* + *daṇḍa*; “punishment of the sovereign”, cf. *rājadaṇḍa*). If he will not accept this sort of punishment once it has been given, let him pay a fine of 5 gold pieces or 100 silver coins.<sup>1275</sup> He should never be trusted. He should suffer defeat in his legal affairs. However, if such a man is executed (*aseḥ sat*) <or if his feet or hands are cut off,><sup>1276</sup> one should not invoke (*maññ*) the dhammasat. [In such cases] one has invoked *rājasat* [i.e. law legislated by the king, *rājasattha*]. The judge who does this [i.e. invokes the dhammasat] shall suffer punishment in the Four Hells. Thus has the ṛṣi Manu said. Thus is finished the law regarding persons who have broken an oath of truth made before a bhikkhu or brāhmaṇa, et. al., while saying they will not break the oath.

There are a number of interesting things going on in this passage. It reinforces our discussion above concerning the grave punishments that await false witnesses. It also invokes an important distinction between dhammasat and so-called *rājasat* law, which is equivalent to the legislation of the king. The punishments corollary to *rājasat* were known as *maṇḥ daṇ* (i.e. *rāja-daṇḍa*, “punishment of the sovereign”) and were distinct from the remedies contained in dhammasat texts.<sup>1277</sup> Principally, such punishments involved corporal sanction that was, for the most part, of only peripheral importance in dhammasattha literature. This passage also tells us that bhikkhus, brāhmaṇas, and other “Good People” may have played a role in the deposition of witnesses. As indicated above there is some variation concerning the use of the term

<sup>1274</sup> UCL 7490: *u rac myak sut*

<sup>1275</sup> *rhve ñāḥ kyap ñve sau ta rā lyau ce* | Cf. ROB X, 131 *so. prāḥ* “Chinese coin” (1828). JD, s.v., *sau*, “Chinese coin”.

<sup>1276</sup> not in UCL 9926

<sup>1277</sup> The opposition between dhammasat and *rājasat* (*rājasattha*; *rājaśāstra*) is a conception that in Burma goes back at least as early as the late Pagan era. It has numerous analogues in Sanskrit as well as Pali jurisprudence. Unfortunately a detailed examination of the Burmese permutations of *rājasat* is beyond the scope of the present chapter.

*sū tau koṇḥ* in the manuscripts where this text is presented. Perhaps this is simply because it would have been perfectly well understood among the audience of the MSR that bhikkhus and brāhmaṇas and others like them comprised members of the class of Good People. The MSR, however, does not include these provisions for taking an oath in front of Good People. Its discussion of the revocation of an oath comes in Book Ten almost immediately following the description of the virtues of the good people:<sup>1278</sup>

*yo likkhismiṃ sapatissam | vatvā taṃ na kare pacchā |  
sakkhi so ce niddhareyya | tassokāso parājayo |*

[Which the nissaya glosses as:]

Whosoever pledges (*chuiṃ*) in writing with the words ‘I will make an oath of truth’,<sup>1279</sup> and at a later time does not take the oath should be dismissed<sup>1280</sup> as a witness. A dismissed witness is an occasion for defeat [for the party in support of whom the witness was produced]. This is the law regarding the dismissal of witnesses after they have pledged (*khyup*) in writing ‘I will make an oath’.

*Dassetvā likkhasakkhi yo | na taṃ puccheyya sapataṃ |  
likkhisantaṃ sapataññaṃ | ce kare so parājayo |*

<sup>1278</sup> Before the following there is an intervening nissaya on gāthās which states:  
*yo | akraṇ sū saññ | vane | to n\* | ce va duppanno | khuik ran tve. nṛāḥ aṃ. | so | thuiv sū saññ | tattha manussakaṃ | thuiv to n\* rhi so lū kuiv | pucche | meḥ rā e\* | [MSRh tho(r); 218] nāvāyaṃ | lhe n\* | ce vā duppanno | khuik ran tve. nṛā aṃ. | tattha | thui lhe n\* | manussakaṃ | lū kuiv | pucche | meḥ rā e\* | maggantare | kha riḥ lay n\* | ce vā duppanno | khuik ran tve. nṛāḥ aṃ. | tam pathakaṃ | thuiv ta cu taññ svāḥ so sū kui | puccheyya | meḥ rā e\* | rathe | lhaññ n\* | ce vivādo | khuik ran. tve nṛāḥ aṃ. | tattha manussakaṃ | thuiv lhaññ n\* rhi so lū kui | puccheyya | meḥ rā e\* | ghare | aim n\* | ce vā duppanno | khuik ran tve. ññāḥ aṃ. | ghare manussakaṃ | aim n\* rhi so lū kuiv | pucche | meḥ rā e\* | meḥ rā so sak se tarāḥ | “If anyone witnesses an altercation (*khuik ran*) in the forest, then that person in the forest should be questioned (*meḥ*). Or, if someone witnesses an altercation on a boat, then that person on the boat should be questioned. Or, if someone witnesses an altercation on a journey, then the person who was on the journey should be questioned. Or, if someone witnesses an altercation upon a cart then that person upon the cart should be questioned. Or, if someone witnesses an altercation in a house, then that person in the house should be questioned. Such is the law of witnesses who should be questioned.”*

<sup>1279</sup> *sapatissam*, lit. “I will swear” = *saccā pru aṃ*.

<sup>1280</sup> *niddhareyya* = *thut aṃ*.

[Which the nissaya glosses as:]

Anyone who has produced a witness that has pledged in writing that he shall make an oath is defeated if that witness is not called upon to make the oath. Anyone who does not make an oath that has been pledged in writing, but instead swears some other truth, is defeated. This is the law regarding not calling upon witnesses who have been established and swearing other oaths besides those that have been pledged.<sup>1281</sup>

*yo likkhisantasakkhañ ca | apucchanto va aññakaṃ |  
sakkhi sace niddhareyya | tassa parājayokāso |  
kasmā tassa jīvhekāpi | vācādvēḥaka bhāvato ||*

[Which the nissaya glosses as:]

If it happens that someone refuses to question the witness who has pledged in writing [lit. “possesses a text”] then the other witness will be dismissed. This is an occasion for defeat [for the party who refuses to question the witness]. If one asks for the reason for this it is because the tongue of the litigant expresses words that are doubtful. This is the law regarding refusal to question a witness and the dismissal of another witness.<sup>1282</sup>

Here we should point out that the punishments for not making an oath that has been pledged in writing, or for making an oath otherwise than the one that has been so pledged, are far less horrendous than those prescribed in the DhV. What is at stake in such instances is not corporal punishment or execution but merely defeat in a dispute.

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<sup>1281</sup> *yo | akrañ sū saññ | likkhasakkhi | sā reḥ pe khyup rhi so sakse kui | dassetvā | pra prīḥ sau | taṃ | thui sakse kui | na puccheyyaṃ | ma meḥ vaṃ. aṃ. | sapataṃ | saccā kui | ce kare | pru nīrāḥ aṃ. | so | thui suiv. pru so sū saññ | parājayo | rhumḥ kre e\* | yo | akrañ sū saññ | likkhisantaṃ sapataṃ | cā reḥ pe khyup rhi prīḥ so saccā kui | [supplying:] akaronto | ma pru vaṃ. saññ phrac r\* | sapataññaṃ | ta pāḥ so saccā [MSRh tho(v); 219] kuiv | ce kare | pru nīrāḥ aṃ. | so thui pru so sū saññ | parājayo | rhumḥ khre e\* | sakse taññ prīḥ mha ma me vaṃ. r\* saccā pru luiv sau khyup prīḥ so saccā pru prīḥ mha ta pāḥ saccā kuiv pru luiv so tarāḥ ||*

<sup>1282</sup> *yo akrañ sū saññ | likkhasantasakkhañ ca | cā n\* rhi so sakse kuiv | apucchanto va | ma meḥ vaṃ. saññ phrac r\* lhyañ | aññakaṃ sakkhi | sakse ta pāḥ kuiv | saceniddhareyya | thut nīrāḥ aṃ. | tassa | thui sū āḥ | parājayokāso | rhumḥ so arā phrac khre e\* | kasmā | abay kroñ. naññ hū mū kāḥ | tassa | thui sū e\* | jīvā | lhyā saññ | kopi | ta khu sā lyak | vācādvēḥakabhāvato | cakāḥ n\* | nhac khvan rhi khre so kroñ. taññ | taññ prīḥ so sakse kui ma meḥ vaṃ. r\* | sakse tapāḥ kui thut lui so tarāḥ ||*

The act of having pledged in writing is a binding contract. The authority of the written document functions analogously to the authority of the “Good Person” who witnesses an oath in the DhV.

#### IV. Composite texts and legal history

The foregoing analysis suggests the complex textual world in which dhammasattha and the related Burmese legal culture participated. Dhammasattha echoes jurisprudential concepts and narratives attested elsewhere in both Pali and Sanskrit literature. As Chapter Two noted, a great deal has been made over the course of the past 150 years in the scholarship on Southeast Asian law as to whether or not the surviving witnesses to the tradition suggest that Burmese, Siamese, Cambodian, etc. written law was more “Hindu” or “Buddhist”. The discussion has been entirely misguided, and based upon inaccurate presuppositions that stipulate strict sectarian divisions in the legal culture. Written law in premodern Southeast Asia was always an ecumenical affair, which developed in light of discourses sourced from Buddhist and Brāhmaṇical literature. It is not wrong to characterize dhammasattha as a Buddhist genre, but the correct interpretation of this characterization rests on how carefully we understand the perceived boundaries between Buddhist and Brāhmaṇical culture in premodern Burma and elsewhere in Southeast Asia.

Chapter Seven has also explored one of the most salient contexts in which ethical conceptions are central to dhammasattha discourse. Accounts of “Buddhist ethics” rarely consider the extent to which Buddhist cultures in history may have drawn on normative ideals sourced not from the *tipiṭaka* and commentaries but with closer parallels in Brāhmaṇical texts, particularly dharmaśāstra, *subhaṣita* and *nīti* genres. With the exception of pathbreaking work by Sternbach, Bechert, and Braun on the transmission of *nīti* texts in Burma and Southeast Asia, the composite nature of

Buddhist normative thought in the region is virtually unexplored. When approached in light of the criticisms of dhammasattha noted in Chapter Six, we can see how texts perceived as deriving from “Vedic” contexts were not regarded as opposed to Buddhist learning and practice, but were often rationalized as fully legitimate according to orthodox *Buddhavacana* accounts.

This brief survey of certain aspects of the composite legal ethics of dhammasattha returns us to the arguments of Chapter Three. That chapter claimed that we should not approach dhammasattha as the spontaneous product of a “Theravāda” Buddhism flourishing among the Mon or at Pagan. We should trace its diffuse genesis elsewhere in the dynamic cultural and intellectual traffic between Buddhist and Brāhmanical culture occurring across first millennium India and Southeast Asia. Naturally, this tradition was not set in stone—despite perhaps the self-representations of later dhammasattha texts themselves—and was later transformed in light of Pali learning as well as vernacular social and administrative practices in Burma. Since our surviving Burmese dhammasatthas may only be dated at the earliest to the early 17th century there are necessarily large historical gaps in our understanding. But the comparison and analysis of parallels with regional legal texts is the most productive, if not the only, viable methodology for further research that seeks to investigate the early history and transmission of the genre.

## CHAPTER EIGHT

### CONCLUSION: DEATH OF A THERA

This dissertation began in Chapter Two with the question of the significance of an appeal to the textual authority of “dhammasāt” in an epigraphic record of a legal dispute at Pagan in the early 13th century. Here I suggested that this reference likely indicated a vernacular compilation dealing with inheritance law and then explored the possibility of the circulation of Sanskrit dharmaśāstra at Pagan in light of records of Sanskrit learning in early Burma. I argued that both the Burmese inscriptional record as well as surviving manuscript traditions are incapable of providing a sufficient account of the early history of the dhammasattha genre, and that the level of Sanskrit literacy at Pagan was relatively modest. Chapter Three turned to an investigation of the salience of dharmaśāstra-related idioms and the transmission of dharmaśāstra literature among Buddhists in South and Southeast Asia during the 1st and early 2nd millennia C.E. Although this history is fragmentary, I developed a new argument concerning the relationship between written law and religion in early Southeast Asia, which contended that aspects of dharmaśāstra written law, akin to other śāstric disciplines such as alchemy or medicine, were applied in both Buddhist and Brāhmanical contexts, and that this ecumenical legal culture persisted in certain areas such as Burma and Java well into the early modern period. The lines of direct influence of this early Buddhist dharmaśāstra on the surviving Burmese (or Thai or Mon, etc.) texts are not certain. Yet the circulation and application of such concepts among Buddhists was not an invention of Pagan.

Against the background of this genealogy, Part Two provided an introduction to Burmese manuscript culture and then proceeded to a detailed discussion of a selection of surviving dhammasattha manuscripts. Here I focused on two of the

earliest traditions of texts: the *Dhammavilāsa-dhammasat*, a mostly vernacular treatise probably compiled before 1628, and the *Manusāra-dhammasattha*, a Pali and nissaya legal text compiled in 1651. Before we can begin to discuss questions of authorship and content we must first read and compare manuscripts and their variants carefully to map the porous boundaries between texts and to determine their techniques of compilation. Before we ask why the law was written, we should ask how the law was written. In this our best evidence derives from a careful examination of questions of form. To this end I explored formal features relating to structure, style, language, citation, manuscript presentation, etc., which revealed important clues about the meaning of dhammasattha, its aims, and the connections among different treatises, commentaries, and digests. Chapter Four looked in detail at the tradition of the DhV as an example of how a large corpus of related legal material is expressed differently through interconnected recensions. The five texts and their manuscripts examined help us understand the multiple ways in which law was expressed in writing and the dynamic interplay between legal source-text and commentary. Among other things I highlighted the use of nissaya not as a form of gloss on a pre-existing Indic source-text but as a viable mode of independent, bilingual authorship in its own right, and also as a way of putting vernacular texts into the “distinct and unambiguous” technical language of Pali. Chapter Five presented an analysis of over twenty manuscripts of the MSR, a treatise which comprises two texts, the Pali MSRP and the bilingual nissaya MSR-nis. Here the emphasis was again on the structure and organization of these texts and the relationship between them, particularly in terms of the relationship between Pali and nissaya gloss. Far from a direct or even remotely close translation of the MSRP, the MSR-nis. provides extensive vernacular supplementation of the content of its source-text. In the second half of Chapter Five I turned to a detailed examination of the history of the MSR and its compilers, Toṅ Bhī Lā Sayadaw and the Eater of

Kuiṅḥ. I looked at Toṅ Bhī Lā’s own assertions about his lineage identity, his relationship with kingship, his activities as an alchemist, and how he is remembered by the chronicle literature. Although far less information about the Eater of Kuiṅḥ survives, I attempted to sketch a picture of him via a survey of his other legal treatise, the MRK, as well as later narratives in other dhammasatthas.

Chapter Six discussed certain features of the content of the MSR, and particularly its representation of legal and textual authority. I began with a presentation and study of the opening narrative of the *aṭṭhuppatti* or genealogy of the text, which recounts the mythic origin of written law on the boundary of the world-system and its transmission to earth via the intercession of ṛṣis who had achieved supernormal powers. This narrative, I argued, does more than simply “legitimate” dhammasattha through mythopoeisis. First, it provides an occasion for homilies on a range of issues—e.g. the dangers of sexuality, the bonds of family lineage—less directly connected with law. Second, and more importantly, it narrativizes a theory of textual authority that is central to the MSR. This theory stipulates that dhammasattha is authoritative not because it is a form of enacted legislation or has its source in *Buddhavacana* or the Pali *tipiṭaka*, but because it is a *lokiya-sattha*, a mundane (yet cosmically derived) written treatise without author. This self-representation is crucial to any understanding of the way dhammasattha was critiqued and reformulated by later Buddhist authors.

After discussing in detail the long history of Buddhist conceptions of *lokiya-sattha* according to the hermeneutics of early Pali texts and later commentaries, I moved in Section Two to explore the ways that this term was applied to dhammasattha by Burmese critics of the genre writing in the 17th through early 19th centuries. The cosmological and textual sanction that dhammasattha claimed for itself did not sit easily alongside notions of the origins and authority of properly Buddhist legislation

drawn from the *tipiṭaka* and its commentaries. In this sense dhammasattha is not exceptional; many texts and practices found throughout Burma and Buddhist cultures elsewhere in Southeast Asia are not immediately congruent with the Pali imaginary. Vernacular and Pali adaptations of Sanskrit alchemical, astrological, or medical texts, for example, presented some audiences with similar uncertainties about authorship and authority. But the vast Pali corpus provided extensive conceptual and textual resources which in the hands of skilled readers could be used to manage such diversity and reconcile these genres and their practices in the terms of the tradition itself. One of the important contributions of Chapter Six has been to explore the precise ways in which the legitimacy of dhammasattha (and other śāstric or so-called “Vedic” texts) was rationalized by Burmese monastic authors. The ongoing reinterpretation of dhammasattha in light of the *tipiṭaka* and commentaries, and vice versa, produced new meanings for both.

Chapter Seven presents another way of thinking about textual authority in relation to dhammasattha. Here I provided an extended analysis of representations of the judge as the proximate and practical authority tasked with executing written law in the context of disputes. Against the background of a discussion of other records of juridical culture and administration in premodern Burma, I showed how the judge, paradigmatically represented in the figure of the sovereign, was qualified to act as a legal authority on the basis of both moral and educational criteria. This is one of the fundamental areas in which Buddhist ethical conceptions become essential to the working out of the law. Yet another is that of the witness, who is meant to be a “Good Person” (*sajjana* or *sū tau koṅh*), an important legal-ethical concept whose doctrinal foundations and Burmese interpretation was explored in the conclusion to that chapter. I argued that the representations of these figures are parallel with materials drawn from Pali literature and Sanskrit dharmaśāstra, and that the existence of this textually

composite ethics suggests important clues concerning the complex genealogy of the genre.

This dissertation has privileged and analysis of the MSR in part since as the earliest securely dated dhammasattha it provides a sound basis for future comparison with later legal materials. Although I have discussed comparisons with later texts compiled after 1750 I have focused less on the development of the tradition in favor of a synchronic analysis of texts written in the 17th and early 18th century. Much work remains to be done on the subsequent elaboration of the tradition. In the course of the development of dhammasattha we witness a gradual transformation in the way the genre orients itself to conceptions of authority. In the DhV, MSR, and other texts analyzed above we already find a thoroughgoing engagement with a range of Pali Buddhist materials. These should not be understood as parallels in the strict sense since in nearly all cases sources are not cited by name, although they nonetheless invoke principles of jurisprudence common to a broad corpus widely regarded as authoritative. Yet, the status of dhammasattha relative to competing conceptions of authority represented by and rooted in certain Pali texts gave rise to significant interpretive problems in the history of the genre in Burma and contributed substantially to ongoing textual developments. Much of the dynamism of the legal-commentarial tradition between the period 1750-1885 can be attributed to the often ambiguous place dhammasattha occupied in the hierarchy of scripture.

There are few examples of direct conflict, where for example a legal provision of dhammasattha is explicitly at odds with a rule sanctioned by the Pali tradition as

*Buddhavacana*. One such instance occurs already in the MSR, in the context of a discussion of monastic inheritance law:<sup>1283</sup>

[1.] *rahan tuiv. amve uccā parikkharā kui chui lui r\* ī gāthā kui tak aṃ. saññ ||*

[gāthā:]

*mate saṅghassa pitari | pabbajjitaparikkhāraṃ |  
dāyaṃ dānavatthañ cāpi | mahāthero va labbhare ||  
dhanadāsacatubhāgaṃ | katvā vāso duvidaṃ labhe |  
therekaṃ catudhāsesaṃ | tayobhikkhunavolabhe ||  
sāmaṇero labhatekaṃ | gīhidinnaṃ va labhare |  
te ce natthi samo bhikkhu | gihissābandhubhāvato ||*

[nissaya:]

*saṅghassapitari | saṅgha mi bha phrac so mahāther saññ | saññ | mate | khandhā proṇ khai. saññ rhi sau | pabbajjitaparikhārañca | rahan parikkharā kui laññ koṇ | dāyañca | uyāññ re kan kuiv laññ koṇ | dānavattañcapi | dānavatthu kui laññ koṇ | mahātherova | laññ saññ phrac so mahāther saññ sā lhyañ | labbhare | ra rā e\* | dhanadāsaṃ | uccā kye kyvan kui kā | catubhāgaṃ katvā | leḥ cu pru r\* [co(v), 0076] duvidaṃ | nhac cu kui | so | thui saññ saññ | ther saññ | labhare | ra rā e\* | ekaṃ | ta bhui. kui kā | thero laññ saññ aok ther saññ sā lhyañ | labhe | ra rā e\* | sesaṃ | akrañ ta bhui. kuiv kā | catudhā katvā | leḥ cu pru r\* | navobhikkhu | pañcañ sac saññ | tayo bhāge | sumḥ bhui. tuiv. kui | labhe | ra rā e\* | sāmaṇero | sāmaṇe saññ | ekaṃ | akrañ ta cu kui | labhati | ra rā e\* | gīhī | lū phrac kun so alup akyveḥ achve amyuiḥ tuiv. saññ kā | dinnaṃva | myak mhok lak n\* taññ. r\* peḥ so uccā kui sā lhyañ | labhare | ra kun rā e\* | te | thui tapaññ. ca to pe khai. so sū tuiv. saññ | cenatthi | ma rhi kun mū kā | sabho tū so rahan bhau khrañ tuiv. saññ sā lhyaḥ | labhe | ra kun rā e\* | kasmā | abhay. kroṇ naññ hū mū kā | gihissa | lū e\* | abandhu bhāvato | rahan saññ achve amyuiḥ ma hut khre so kroṇ. taññ |*

[adhippāya section:]

[2.] *adhippāyā kā | saṅghā tuiv. e\* mi bha phrac so mahāther saññ khandhā proṇ khai. saññ rhi sau | rahan tuiv. e\* parikkharā phrac so ta kuṭ sañ kan kha pan sañ puññ kha ruññ pai khap sa pit ap taññ hū so parikkharā rhac pāḥ tuiv. kui laññ koṇ | uyaññ re kan tuiv. kui laññ koṇ | dānacatthu khai phvay ca saññ tuiv. kuiv laññ koṇ | laññ saññ | phhrac so saṅghā tuiv. e\* akriḥ mahāther saññ laññ koṇ | sā lhyañ ra thuik e\* kye kyvan uccā taññ rhi mū kāñ | leḥ cu pru r\* nhac cu kui laññ saññ phrac so mahā ther*

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<sup>1283</sup> MSRh-nis., f.cai(v) ff. [0076]. Emphasis mine. The Burmese text of this passage reads:

*saññ lh koṇ ra thuik e\* | ta cu kui laññ saññ aok ther saññ ra thuik le e\* | akvraṇ ta cu kui leḥ cu pru pran r\* sum cu kui pañcaṇ sac tui. ra thuik e || ta cu kuiv sāmaṇera thuik e\* | lū phrac [co(v), 077] so tapaññ. chve myuiḥ ññātakā lup kyveḥ pā so sū tuiv. saññ kāḥ alhū koṇ mhu mhya sā taññ | thui sū tuiv. saññ kāñ | lak n\* thaññḥ. khay. sa rve. kuiv sā ra khre sa taññ | thui leḥ pā kun so tapaññ. tuiv. saññ ma rhi sau kā | amve cāḥ pā thuik so rahan tuiv. sā lhyaṇ khaṃ thuik le kun e\* | abhay kroṇ. naññ hū mū kā | rahan tuiv. saññ lū tuiv. chve myuivḥ ma hut khre phrac so kroṇ. ī suiv. cī raṇ le saññ hū sa taññ || **ī kāḥ dhammasat chumḥ phrat so atuiṇ kui chuiv sa taññ |***

[3.] *vinaññ achumḥ aphrat tuṃ sau laññ | thui mahāther saññ ma ī ma kyan saññ phrac r\* nā phyā rā n\* | nā phyā rā n\* tapaññ. rañḥ tuiv. saññ lup kyveḥ sau laññ koṇ | tapaññ. rañḥ mahut so sū tuiv. saññ lut kyveḥ sau laññ koṇ | thui arap n\* rhi so rahan tuiv. nhaṇ amhya ve bhan rā e\* || thui suiv. ve bhan rā tvaṇ laññ | thui sū nā kui lut kyveḥ pe so pañcaṇ saññ ta cu ra pran le rā e\* | sāmaṇekā | ta cu kvai ra thuik e\* | pañcaṇ sau laññ koṇ sāmaṇe sau laññ koṇ | lū sau laññ koṇ | alup akraṃ pru pā nṛāḥ sau laññ myak mhok lak n\* thaññ. khai. so uccā kui sā lhyaṇ ra thuik khye saññ | lak suiv. ma rok so uccā kui kāḥ amve khaṃ phrac so rahan tuiv. saññ sā lhyaṇ puin thuik le sa taññ || sāmaṇe saññ thui sū nā rahan kui aprīḥ acīḥ tuiṇ aon lup kyveḥ pā sau kāḥ | parikharā rhac pāḥ kui laññ koṇ thui rahan myāḥ tuiv. e\* acu tvaṇ ta vak kuiv laññ koṇ ra thuik e\* | lū raññ lup kyve pā say kā | parikkharā rhac pāḥ e\* abhuiv. kui sā ra thuik e\* | thui mha kvraṇ so paccaññ parikkharā kui sau kāḥ ma ra sā pa le | abhay kroṇ. naññ hū mū kāḥ [cau(r), 077] rahan khyaṇ sā amyuiḥ maññ so kroṇ. taññ | thui sū de e\* paccaññ parikkharā saññ ta pāḥ mhā nham r\* rhi le sau laññ thui paccaññ rhi le rā arap n\* rhi so rahan tuiv. saññ sā lhyaṇ puin thuik le sa taññ |*

[1.] I cite this gāthā [from the dhammasattha] regarding the inheritance of the property and requisites (*parikkhāra*) of bhikkhus: [...gāthā...].

[nissaya:]

When a *mahāthera*, parent of the saṅgha, dies (*khandhā proṇ*) a *mahāthera* shall receive his requisites of going forth (*pabbajjita-parikkhāra*), gardens and water tanks which constitute donations (*dāya*) and offerings (*dānavatthu*). As for his *dhana-dāsa*, that is his property, money (*kye*), and slaves, they should be divided into four shares. Of these a *mahāthera* receives two shares. One share goes to the *theras* lower in rank (*aok ther*). The remaining one share should be divided into four shares. [Of these four] the newly ordained monks (*navo bhikkhu ~ pañcaṇ sac*) should receive three shares, while the novices (*sāmaṇera*) should receive the remaining one share. As for lay attendants (*alup akyveḥ*) and relatives (*achve*) and kinsmen (*amyuivḥ*)<sup>1284</sup> who are

<sup>1284</sup> Typically in Burmese *achve amyuiḥ* is used as a compound to refer simply to “relatives”. Nissayas and premodern lexica, however, sometimes note shades of different meaning between these two elements. *Achve* occasionally seems to carry a meaning of relation based on ascribed familial or group identity (Pali *bandhava*, *bandhu*, *sajana*), whereas *amyuiḥ* seems to refer to more narrowly to the kin-

householders (*gīhi ~ lū*), they should get only those gifts (*dinna*) that are in hand at the time [of death]. If there are no such people who gave and were his disciples, then those monk-associates (*rahan bhau khrañ*) who were close to him should receive [such gifts that were in hand].<sup>1285</sup> Why is the rule thus? Because monks are not the relatives of householders (*kasmā? gihissa abandhu bhāvato*).

[Vernacular *adhippāya* section:]

[2.] The meaning is as follows. When a *mahāthera* who is like the parents of the saṅgha dies, the eight requisites (*parikkhāra*) of the monk—the *takuṭ*,<sup>1286</sup> *sañkan*,<sup>1287</sup> *kha pan* (girdle), *sañ puññ*,<sup>1288</sup> *kharuññ* (water ladle), *pai khvap* (cutter)<sup>1289</sup>, *sabit* (bowl), *ap* (needle)—his gardens and water-tanks, and his donative offerings (*dānavatthu*), are to be received by the most senior *mahāthera* among the *saṅghas*. If there is any money, slaves, or property, this should be divided into four shares. Two shares go to the *mahāthera*, one share goes to the *theras* of lesser rank. The remaining one share should be divided into four shares. Three shares of this go to the newly ordained monks, one share goes to the novices. As for those non-monastics (*lū*) who were his disciples (*tapaññ.*), kinsmen (*chve*), relatives (*myuiḥ ññātakā*), and attendants (*lup kyveh*), they are entitled to as much as had been delivered into his hand, equivalent to [the amount of] their acts of merit (*ahlū koñ mhu mhya sā*, i.e. their donations). If there are none of these four types of lay-disciples, then the monks who are entitled to inherit should receive such property. Why is this? Because monks are not relatives of laymen. [The point in saying this is that the lay relatives of the monk cannot inherit unless they have made donations and are classed as disciples who can inherit]. Thus it says in the text. **This is according to the rulings (*chumḥ phrat*) of the dhammasat.**

[3.] **However, the rulings of the Vinaya are as follows:** When a *mahāthera* becomes sick, whether his own disciples or others have attended to him in his place of illness (*nā phyā rā*), [his property after his death] should be equally distributed to all the

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relationship defined by birth (Pali *ñātaka, ñāti*). KAN notes these and other differences at §243. The reason I mention this here is that below these two terms seem to be taken separately in the list of the 4 non-monastics who may inherit a monk's property.

<sup>1285</sup> Note the different vocabulary associated with the several types of monastic property mentioned here. 1. *parikkhāra* (requisites), *dāya* (donations), and *dānavatthu* (offerings), which are transferred to a *mahāthera*; 2. *dhana-dāsa* (property and slaves), which are apportioned to other members of the saṅgha, and 3. *dinna* (gifts), which may revert to their lay donors if they were recently donated at the time of death.

<sup>1286</sup> The large upper robe of the monastic *ticīvara*. See Voh., p. 701.

<sup>1287</sup> The *saṅghāṭī* robe of the monastic *ticīvara*.

<sup>1288</sup> The lower robe of the monastic *ticīvara*.

<sup>1289</sup> In modern lists of the 8 requisites *vāsi* is often translated as “razor” (Bse. *sañ dhunḥ*). On *paiḥ kvap* used to gloss Pali *tacchanī* (Skt, *takṣanī*), “cutter”, see KAN §393.

monks in that place. And in apportioning his property in this way those monks (*pañcaṇ*) who gave assistance to the sick should receive one additional share. A novice receives half a share. Whosoever serves as an attendant, whether a monk (*pañcaṇ*) or a novice or a layperson (*lū*), shall keep whatever property was received by their hand [i.e. they keep anything given to them by the deceased]. Any property not delivered over to them shall belong to the monks who are entitled to inherit. If a novice attended to the sick monk until the very end (*apriḥ aciḥ tuiṇ aon*) he should receive the eight requisites (*parikkhāra*) and one half of a share given to the monks. If a layman gave assistance [to the sick monk] he should receive only the value of the eight requisites; if there is any remaining property or requisites he is not entitled to them. What is the reason for this rule? Because only a monk is [his] relative (*amyuiḥ*). If upon his death his property and requisites are deposited in another place, it is right that only the monks in that place are the owners.

Here Manurājā cites and then explains gāthās concerning monastic inheritance from the MSRP but adds that this law is different from that stipulated by the Vinaya. The portion of vernacular text in section three is not included in the MSRP. Although the source text is not cited, here the Vinaya rule is based on the commentary to the *Matasantakakathā* (“Discourse on the property of the dead”) of the *Mahāvagga* in the Sp.<sup>1290</sup> That the MSRP gāthās provoked this interjection is telling in a number of respects. First it shows clearly that there were different laws for monastic conduct circulating in 17th century Burma. These included laws that were not sanctioned by the Pali Vinaya or its commentaries, but derived rather from dhammasattha, although on the basis of this reference alone it would be impossible to determine what practical impact if any such laws may have had. Secondly, it tells us that the conflicts between dhammasattha law and the laws of the Vinaya were recognized. Despite this recognition it is interesting that here Manurājā does not argue that either set of laws should be preferred over the other; the conflict is simply noted and left unresolved.

Inasmuch as later dhammasatthas also discuss monastic inheritance, dissonance with Vinaya accounts often receive extended comment. For example, in

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<sup>1290</sup> Sp V, 1133-34; Ma Aū Sayadaw, *Mahāvā aṭṭhakathā-nis.*, Mandalay, Kavilakkhaṇa, 1960, pp. 404-07. For the *mūla* text see Vin I, 303-05.

both the VinP and the *Manuvaṇṇanā*, Vaṇṇadhamma provides lengthy citations from the *Mahāvagga* to show in even more detail how “the old dhammasats are not in accordance with the Vinaya” on the issue.<sup>1291</sup> In one of the latest treatises, the *Gaṇṭhi-dhammasat-nissaya*, written in 1869, there is no mention of earlier dhammasattha laws for monastic inheritance at all, only a sustained discussion of provisions from the Vinaya commentaries.<sup>1292</sup> These and other later texts reveal the increasing influence of Vinaya jurisprudence on conceptions of monastic inheritance, and often include detailed discussions (absent in the MSR) of the different treatment of *saṃghika* (“communal”) and *puggalika* (“personal”) monastic property and *lahubhaṇḍa* (“light”) and *garubhaṇḍa* (“heavy”) monastic property, all of which are parallel with accounts in the Sp and other Vinaya texts.<sup>1293</sup>

A great deal of research remains to be done on comparing these and similar developments in the dhammasattha tradition. Here the key question becomes that of the fate of the genre in the context of what we might call “legal reform”. Reform must be understood, however, not in terms of an opposition between what is new and what is traditional, since this gives the false impression that dhammasattha was a static and conservative discourse. As we have seen even in the 17th century there is a wide gulf that separates the DhV and MSR both in terms of their literary styles and their positive legal content, and thus difference and innovation has always been a hallmark of the genre. However, vernacular and Pali sources compiled between the 17th and 19th centuries show quite clearly that during this period a gradual transformation in the legal culture was underway that stimulated the production and dissemination of new

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<sup>1291</sup> For our purposes here it is acceptable to consult the printed editions of VinP, p. 52; *Manuvaṇṇanā*, p. 75.

<sup>1292</sup> *Gaṇṭhi-dhammasat-nissaya*, NL 2096, f.cau(v)-cha(r).

<sup>1293</sup> For additional citations regarding monastic inheritance from later dhammasatthas see DBBL I, Ch. XXV. My future work will explore this issue in more sustained detail.

forms of written law. The criticisms of dhammasattha begun in the 17th century and noted in Chapter Six already participated in these developments, which were increasingly elaborated along two axes: 1.) an intensified orientation towards a distinctive conception of Buddhist textual orthodoxy founded on a core set of authoritative texts and commentaries, which effectively repositioned the status of dhammasattha as a genre of Buddhist legislation sanctioned by the *tipiṭaka*; and, 2.) the gradual encroachment of European trade, ideas, printing technology, and colonialism and the emergence of a new understanding of a national administrative and political domain, which eventually turned to British India, even prior to colonization, for models of a reformed jurisprudence.<sup>1294</sup> These trends had far-reaching consequences for Burmese religious and intellectual life in general, but their impact on legal culture was particularly profound. They culminated in the middle of the 19th century with a self-conscious project of judicial reform carried out by the administrations of the last two monarchs of Burma, who utilized the printing press beginning in 1864 to disseminate legislation based on both a revised understanding of the function of traditional kingship and imported European juridical techniques.<sup>1295</sup>

While these transformations were in part a response to new global networks of intellectual and economic exchange and colonialism, they were fundamentally

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<sup>1294</sup> An increasing emphasis on the centrality of the *tipiṭaka* in the context of monastic education is witnessed also in 18th Century Sri Lanka. Compare Anne Blackburn, *Buddhist Learning and Textual Practice in Eighteenth-Century Lankan Monastic Culture*, Princeton, Princeton University Press, 2001.

<sup>1295</sup> Few studies have addressed the legal culture of this period. These deal only secondarily—or not at all—with questions of reform and with the relation of law and Buddhism. The most detailed and well-researched work is Bha Thaug, “Kunḥ bhoṅ khet tarāḥ upade”. See also Yi Yi, “The Judicial System of King Mindon”, *Journal of the Burma Research Society*, XLV, i (1962), 7-27; Toe Hla, *Kunḥ bhoṅ khet mran mā. lū mhu aphvai. acaññḥ nḥaṅ. tarāḥ mhu khanḥ myāḥ*, Yangon, Universities Historical Research Centre, 2004; Kyin Swi, “The Judicial System in the Kingdom of Burma”, Unpublished PhD Dissertation, University of London, 1965.

catalyzed by the progressive elaboration of earlier ideas and practices. Earlier approaches to written law as a primary instrument of juristic pedagogy addressed to judges did not cease, but were refigured by new perspectives that by the mid-19th century increasingly regarded law as embodied primarily in written texts understood as statutes (*upade* or *upadesa*) enacted by the state. The idea of statutory law was not new in Burma but was modeled after the *rājaśāsana* or *amin tau*, the “royal edict”, a form of state-centered legislative practice that has a long history in Burma and elsewhere in South and Southeast Asia, and which is provided for in dhammasattha as well as dharmaśāstra texts. Such statutes were meant to be uniformly applied by judges and magistrates throughout Burmese territories in the context of dispute resolution, and even provided “secondary rules” governing procedure. Although manuscript culture remained remarkably stable from the 17th century until the advent of print (and even beyond and within print culture itself), as did the formal techniques of compilation discussed in chapters Four and Five, these state-led reforms were in part related to changes in the technologies used for the dissemination of written law well before the advent of printing in Burma, notably the increased reliance upon black parabaik as a support for administrative documents and orders. When legal texts began to be printed in the mid-19th century, this served to further extend certain aspects of the new manuscript culture (e.g., the possibility of wide dissemination, reproducibility, and private or silent reading), while minimizing others (e.g., the dangers of scribal variation).

Most significantly, the theological status and foundational mythologies of dhammasattha were increasingly refashioned along cosmopolitan, neo-orthodox lines. Dhammasattha compilers for the first time felt the need to assert the “properly” Buddhist credentials of the genre by citing from Pali texts perceived as canonical to support their rulings. Content that appeared to contradict the dicta of the *tipiṭaka* and

commentaries was expunged. Another salient feature of the later era was the elaboration of the concept of legal jurisdictions and their connection to different genres of written law. The spheres of “civil” and “criminal” law—words which enter Burmese in the 19th century—were defined primarily by edicts, *dhammasattha*, and *upadesa*, while *bhikkhus* were, in theory, regulated by rulings of ecclesiastical officials (*vinicchaya*) derived from the *Vinaya* and its commentaries. However, this separation was never complete in precolonial Burma, and there continued to be disputes in which monks were tried by law derived not from the *Vinaya* but from *dhammasattha*. Similarly, jurisdiction over *brāhmaṇas* and “Indian Muslims” (*pasī kulāḥ*) in Burma was increasingly relegated to the “customs” (*thumḥ cam*) and religious treatises (*bhāsā kyamḥ*) of these different groups.<sup>1296</sup> Although this separation was enacted by royal edict at least as early as 1805, the British were the first to insist on an understanding of jurisdiction in the explicit terms of a difference between “secular” and “religious” law, concepts that derived exclusively from European theology and jurisprudence and came to supplant, in the legal context, the old juxtaposition of *lokiya* and *lokuttara*. *Dhammasattha* as a genre continued to be written until the early 1880s, the very twilight of precolonial Burma. Although the genre was redeployed in bastardized form by the colonial legislature and institutionalized under section 13 of the Burma Laws Act of 1898 as a mutant Buddhist customary civil law that still persists in the current legal system of Myanmar, *dhammasattha* effectively ceased to be a viable form of literary and legal expression.

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<sup>1296</sup> On the separation of these jurisdictions see MMOS, iv, pp. 252-254.

## APPENDIX I

### *Manusāra-dhammasattha-pāṭha*<sup>1297</sup>

ka-verso

- 1) namotassabhagavato arahato sammāsambuddhassa      ||
- 2) sajjanāsajjanāsevam
- 3) narānarābhivuḍḍhikaṃ
- 4) pāraṅgampāraṅgaṃ netam
- 5) viram viram bhivandiya      ||
- 6) ādikappanarindena
- 7) hitakāmenadhimatā
- 8) mahāsamatarājena
- 9) patitthitoyovinicchayo      ||
- 10) tatorājanukkamena
- 11) pattharitāmahitale
- 12) byū maṃ dhī rājakālasmiṃ
- 13) aparante janapade      ||
- 14) socadevānamindoca
- 15) tāpassoca tayojanā
- 16) tassa sugahaṇatthāya
- 17) saṃkhepāsuddhamāgadhā      ||
- 18) tatorāmaññadeseca
- 19) anuppattevinicchayo
- 20) tassasugīhaṇatthāya
- 21) tabbohārenatthapitā      ||
- 22) tatorāmaññabhāsāya
- 23) uparājenayācito

kā-recto

- 1) setanāgindabhūkāle
- 2) tassorasenadhīmatā      ||
- 3) dhammasatthaṃ vicāreti
- 4) buddhaghosotināmako
- 5) hitatthikomahāthero
- 6) subodhatthaṃ suṇāthatam      ||
- 7) passaṃkāme ādinavaṃ
- 8) nikkhameca ānisamsam
- 9) abhiññā pāramesanto
- 10) abhiññāpāramīgato      ||
- 11) samāpattisamāpanno
- 12) sabbasattānukampako
- 13) ubhayatthahitesanto

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<sup>1297</sup> Largely unreconstructed and principally following MSRh (BL Or Add 12241). See Chapter Five for details on this and other manuscripts mentioned in the notes.

- 14) manusārotināmako
- 15) cakkavālassapākārā
- 16) asāthamḍhammatakkharaṃ
- 17) visālaṃtosentaṃdhīraṃ
- 18) suvisuddhaṃsukhāvahaṃ ॥
- 19) gambhīratthavinicchayaṃ
- 20) vicittanayamaṇḍitaṃ
- 21) mohāgativilumcchitaṃ
- 22) dhammasattapakaraṇaṃ ॥
- 23) sarājasabbalokānaṃ
- 24) hitatthāya

kā-verso

- 1) manāgate
- 2) mahāsamatarājassa
- 3) āharatimahīta ॥
- 4) ādokappasamuṭṭhānā
- 5) amhākaṃbodhiyopajā
- 6) samatarājāhutvāna
- 7) janaṃdhammenarakkhati ॥
- 8) tadābrahmadevonāma
- 9) brahmābrahmabhavācuta
- 10) samatarājavaṃsamhi
- 11) mattakulapajāyate ॥
- 12) yuvassakālesampatte
- 13) bhōjitvāmattasampatti
- 14) janābhavegaraththe
- 15) taṃsuṇātibahujanā ॥
- 16) gharāvāsampaajahitvā
- 17) karitvā isipabbajjaṃ
- 18) caritvā issaraṭhānaṃ
- 19) mandākīṇisamīpakaṃ
- 20) vajīrapabbatayuttaṃ
- 21) selagūhaṃpavāsaya ॥
- 22) aggijālītvasāyaṇhe
- 23) jālaṃvandaticīvaraṃ
- 24) katvāruṇavaṇṇabhūmi
- 25) vidatthicaṭuraṅgulaṃ ॥
- 26) samukhaṃkasiṇiṃdisvā
- 27) bhāvetvā pathavīkasi
- 28) paṭibhāganimitassa
- 29) dakkhedakkhekasidasse ॥
- 30) labhitvāpaṭhamaṃ jhānaṃ
- 31) kammenadutiyaḍdikaṃ
- 32) pañcābhīṇṇā uppādetvā
- 33) aṭṭhasamāpatīpadā ॥

- 34) vicāretvāsakaṃbhavaṃ
- 35) sāyumbhādārajaṃputtaṃ
- 36) samatarājavaṃsāna
- 37) ññāsiraññopakāraṃ ᑭᑭ
- 38) pathamegimmaḱālasmiṃ
- 39) candanādihimavane
- 40) mīsakavanasannibhā
- 41) passobhāpupphamaṅgurā ᑭᑭ
- 42) kiḱanti devatātatra
- 43) subhāgandhabbakinnaṃ
- 44) pupphasabhaṅgurāsabhā
- 45) phalāphalānigahitā ᑭᑭ
- 46) sūriyetapegandhabbā
- 47) kiḱāmandākiṅisare
- 48) dibbatūriyegītehi
- 49) kilayantidinedine ᑭᑭ
- 50) gimma utukhayepatte
- 51) mahāmeghopavassati
- 52) mahāvātasamuṭṭhānāsāṃkampiṃpavanitadā ᑭᑭ
- 53) tasmi ekisigandhabbi
- 54) ghoravātābhayāruḱi
- 55) nānādisānigacchanti
- 56) ekavijjādharabhayā ᑭᑭ
- 57) gacchati issayaraḱaṃ
- 58) paggayhapadumaṅguliṃ
- 59) rodantāmatagadāva
- 60) yācatekaṭṭhānaṃvasaṃ ᑭᑭ
- 61) issayotassayaṃsutvā
- 62) apehitvaṃ upāsikānanumātugāmonāma
- 63) akappiyotisoṃvade ᑭᑭ
- 64) bhantelokaṃāthosotvaṃ
- 65) mayaṃvijjādharāṃbhita
- 66) kāruṅṅāñca upāda

ki-recto

- 1) tha
- 2) ekarattavasāmaḱaṃ ᑭᑭ
- 3) jīvitassakkhayābhito
- 4) tuṅhimahesayotadā
- 5) nevadassatigandhabbi
- 6) sācatuṅhisuvassati
- 7) puna aggihutesāyaṃ
- 8) aggobhāsenadassati
- 9) uttamarūpadharaṅi
- 10) sudassivaraḱinnarā ᑭᑭ
- 11) hitvānalokiyaṃjhānaṃ

- 12) taṇhārāgasamuṭṭhitam
- 13) gandhabbirūpaṇdisvāna
- 14) cittanikantirañjati ||
- 15) takhaṇeyāgacittena
- 16) muduhatthena issayo
- 17) netvā attavasamguham
- 18) khānakilesaṃupādayi ||
- 19) bahurāgohisilavā
- 20) aggobhāsalaḥbhāriva
- 21) pharaṇāpitubbajjanti
- 22) jhānābhiññāvinodayi ||
- 23) mamodabandhāgandhabbi
- 24) kāmarāgavasagatā
- 25) nevadassesakaṃbandhu
- 26) gharāvāsamakārayi ||
- 27) ekasaṃvaccharepatte
- 28) paṭisandhi uppajjati
- 29) paripākagabbhakāle
- 30) puttamañvijāyisobhaṇam ||
- 31) pharaṇāpituppaggitvā
- 32) disvāputtaṃsusobhaṇam
- 33) subhadraṃnāmakumāram
- 34) vadantisukukhubhayā ||
- 35) tatiyesaṃvacchayepatte
- 36) gandhabbipunaṃputtakam
- 37) bhātarihasitavākye
- 38) māṭāpitarasantike
- 39) manuññāvākyabhāsanto
- 40) manusārotināmako ||
- 41) sattaṃvaccharepatte
- 42) ṭhatvānubhayasantike
- 43) paridevamupādesuṃ
- 44) puttebhāvetvābhāvanam ||
- 45) brahmalokagatosvāham
- 46) rājavaṃsagatā ubho
- 47) tumhaṃmatāgamissati
- 48) puraṃgandhabbapabbatam ||
- 49) tathāpucchanti teputtā
- 50) kulaṃvaṃsaṃsasambhavam
- 51) mahesayopaṭivādi
- 52) manussattaṃsasambhavam
- 53) samatavaṃsaṃ ññatvāna
- 54) jambūdīpatalaṃvasam
- 55) mātukulañcagandhabbam
- 56) dohaḷasumupāditaṃ ||

- 57) icchāyatam isibhāvam
- 58) attakulamdassissāma
- 59) yadivātvamīkatvā
- 60) jhānambhāvethabhāvanam ||
- 61) ekasmisundarasele
- 62) mātāpitarasantike
- 63) ubhopi isitamkatvā
- 64) jhānambhāvesum̐bhāvanam
- 65) labhitvāsakalam̐jhānam
- 66) abhisumupādītā ||
- 67) pacchācutam̐brahmadevam̐
- 68) jhāpetvācandaka {ṭ}thehi

ki-verso

- 1) yathāpitarasāsanam
- 2) gantācatucakkavālam̐ ||
- 3) subhadrācakkavālā
- 4) likhitvālokiyam̐sāram
- 5) dhammasattam̐ manusāro
- 6) likhitvācavācuggatoll
- 7) sabbalokahitāvahā
- 8) isikaniṭṭhabhātaro
- 9) ākāsenēvabbhuggantvā
- 10) -nuppatvāsamatagharam̐ ||
- 11) sammatarājubhodisvā
- 12) ditvāna issayāsanam̐
- 13) padumañjalikarivā
- 14) pucchatāgatakāraṇam̐ ||
- 15) visajjesum̐ ubhorañño
- 16) attanorājavamsatam̐
- 17) sabbalokesukāraṇam̐
- 18) lokiyam̐dhammasattakam̐ ||
- 19) tadāmaccasutabhāvam̐
- 20) vanacārocārocati
- 21) brahmadevaghārāvāsam̐
- 22) gandhabbiputtamubhayam̐
- 23) paṇitam̐bhojanam̐datvā
- 24) -bhuñjāpetvānatecubho
- 25) sabbaggandhappakāraṇe
- 26) yathāvuttam̐āvattate ||
- 27) samatarājā ādityā
- 28) tadāparāparābhatam̐
- 29) lokopakāram̐kathitam̐
- 30) dhammasattapakāraṇam̐ ||
- 31) yoca akkhadasso tasmā
- 32) agatisu patiṭṭhito

- 33) nihayati tassa yaso  
 34) kālapakkheva candimā ||  
 35) akkhadasso viniccheyya  
 36) agatisu natitthito  
 37) pavaḍḍhati tassa yaso  
 38) sukkaḥakkheva candimā ||  
 39) yokarotimanubalaṃ  
 40) pakkhānaṃbahuvādīnaṃ  
 41) bahumayānaṃniraye  
 42) patatevapunapunnāṃ ||  
 43) yocelañcaṃkhādītvāna  
 44) viniccheyya adhammiko  
 45) nirayaṃ kaṭukaṃ dukkhaṃ  
 46) gacchate vaniyantaraṃ ||  
 47) tatomucchitvāsamaṃsaṃ  
 48) khādateva { dato } muruṃmuruṃ  
 49) kuttālapamāṇonakho  
 50) petohutvānapunappunnāṃ ||  
 51) yorājapathameyāme  
 52) suṇeyyanaccagitaṃ  
 53) vāditañcatatopacchā  
 54) dhammaporaṇamāgathaṃ ||  
 55) pacchimesamāsayītvā  
 56) papujhitvātatoparaṃ  
 57) vidatthimattamaṃsasnehaṃ  
 58) dantakaṭṭhamaṃsakaṇḍakaṃ ||  
 59) pupputtara abhimukhaṃ  
 60) nakiñcipaṭivācakaṃ  
 61) khādeyyataṃvisodhetvā  
 62) suddhaṭṭhānevakhipaye ||  
 63) mukhaṃdhovitvābundhādīṃ  
 64) natvālaṅkārabhusanaṃ  
 65) hasanaṃsamukhaṃkatvā  
 66) dhanassāropaññhāyanaṃ  
 67) rājāsanenisīditvā  
 68) pathamaṃcaturō

kī-recto

- 1) jane  
 2) paṇḍitaṃgaṇakaṃvajjaṃ  
 3) purohitaṃvipassaye ||  
 4) tamhācadakkhiṇahatthaṃ  
 5) ukkhipitvā uggayhakaṃ sammāvinicchayaṭṭhānaṃ  
 6) upantonisīdaye ||  
 7) tato ubhosupakkkhesu  
 8) mittāmittenakāraye

- 9) antarāyadukkhaṃtesaṃ
- 10) attanoviyakāraye ||
- 11) tato khattiyabrahmaṇā
- 12) maccapaṇḍitasamukhe
- 13) ubhopakkhānaṃdhaṇaṃ
- 14) ādarenaṣuṇeyyaso ||
- 15) tatotesaṃkathimukhaṃ
- 16) vilokanañcakaṇaṃ
- 17) jātigottaṃpurakkhitvā
- 18) yathākāmaṃnakāraye<sup>1298</sup> ||
- 19) tesamanujānāpetvā
- 20) dhammasatteyathāgataṃ
- 21) vinicchayaṃpariggayha
- 22) samā aṭṭamāropaye ||
- 23) tathācāropānakāle
- 24) nagararājathāniye
- 25) gāmajanappadebhāge
- 26) pariggayha anāgate ||
- 27) tadāpakkhe avaṇṇoca
- 28) akkosane paribhāsane
- 29) nakuppe sace kuppeyya
- 30) akkhadasso na kāraye ||
- 31) yonadhanaṃvilokeyya
- 32) bahumāyaṃ na issaye
- 33) taṃ vādachindaṃ kāraye
- 34) soko dukkhaṃ vinassati ||
- 35) āyu yaso ca kitti ca
- 36) puṇṇacandovavaddhati
- 37) nagaraṃ addhaṃ phitañca
- 38) verijeyobhavissati ||
- 39) sacetaṃanusāsanaṃ
- 40) katvādāsaṃsamuṭṭhitaṃ
- 41) āgataṃ vinicchayaṃ nettaṃ sabbavādavinicchaye ||
- 42) kuiṅgāmassaphalindena
- 43) paṇḍitenasukhesinā
- 44) narādhipupanissāya
- 45) kālokānamatthaśādhakaṃ
- 46) sattepicācariyehi<sup>1299</sup> ||
- 47) sodhitaṃ<sup>1300</sup> dhammasattakaṃ<sup>1301</sup> ||END BOOK ONE

<sup>1298</sup> MSRe skips to kī(v) ln. 45 below.

<sup>1299</sup> MSRj ka(v): *sattehitacariyehi*

<sup>1300</sup> MSRj ka(v): *sovidhaṃ*

<sup>1301</sup> End of Book 1; MSRh go(r) | MSRk is the only mss to clearly distinguish and enumerate chapters 1-10 in a Pali version of the MSR. Here MSRk, ki(r), inserts:

- 48) tattha aṭṭādvīdhāvuttā<sup>1302</sup>  
 49) mūlasākhappabhedato  
 50) mūlāṭṭhārasadhāsākhā  
 51) tidhinnāṭṭimanekadhaṃ || \*  
 52) inadhaṃsannidhānaṃ  
 53) nasakaṃparikinitaṃ  
 54) adhammadhanavibhāgaṃ  
 55) dhanaṃdatvāpacchāgaṇhaṃ ||  
 56) bhaṭṭikassabalibote  
 57) bahumajjhesusamukhe  
 58) yaṃvacanaṃkathetvāna  
 59) pacchāpunakathentitaṃ ||  
 60) kinitvāpuna icchati  
 61) vikiṇṭvāvivattati  
 62) dvīpadāvācatupadā  
 63) sabbemaṇussaḥṭṭikā ||  
 64) pathavivibhattivācā  
 65) aññadosaparopitaṃ  
 66) paraḥhātaṃgharaṃgacche  
 67) itthipurisavigate  
 68) vibhatticadhaṇaṇetu  
 69) akkha

kī-verso

- 1) dhutthapaṭibhāro  
 2) etemūlā aṭṭhārasa  
 3) dhammasattepakāsītā || \*  
 4) tidinnaṃ dve ca abbhūtā  
 5) catubhariyā sattadāsakā  
 6) dvādasaputtavaṇṇā ca  
 7) tilaṅcāgaticattāri ||  
 8) sattadāyajjācatukañña  
 9) itthekapiyaṭhapitā  
 10) chaṭṭetabbāpañcitthiyo  
 11) du ācāra cha itthiyo ||  
 12) pañcalolitthiyo unnā  
 13) catudhāpañcakuppanā  
 14) dvikiṇeyyavikiṇeyya  
 15) avikinācatudhanā ||  
 16) catutisasakkhivaṇṇā

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*uddharitvāna satthehi | acariyehi ca sandhiya | nānāyavisobhāsaṃ | sodhitaṃ  
 dhammasatthakaṃ | itimanusāradhammasatthe bahirajjhattanidānovādaparipuṇṇo  
 dvāsītiyā gāthāya paṭimaṇḍito pathamo kaṇḍo | ekaṃ dutiya rājaññaṃ |  
 dvīdhādhammassa desakaṃ | natvā jinaṃ mahaṃ dāni | kassaṃ dutiyakaṇḍaṃ*

<sup>1302</sup> MSRh-nis., gāḥ(r).

- 17) sattadhāparadārikā
- 18) dasapothhāpañcakkosā
- 19) catudhāpakkhācariyā       ||
- 20) tulyapakkhācatuvaṇṇā
- 21) catugaṇhādvemuccanā
- 22) tividhāpaṭibhogāca
- 23) catudānālabheyadve       ||
- 24) iti etehi ādīhi
- 25) lañjaṃ katvā va paṇḍito
- 26) paravādecechindeyya
- 27) sugati adhigacchati || \*
- 28) sinnehācadhanaṃdinnamṭipibhayato
- 29) saddhāyacadhanaṃdinnamṭ
- 30) tividhamṭdannalakkhaṇamṭ ||
- 31) sinnehāyadhanaṃdatvā
- 32) paccāce attadukkhito
- 33) taṃ santamṭ paṭigaṇheyya
- 34) tasminaṭhenayācayell \*
- 35) yo ca bhayādhanamṭ datvā
- 36) pacchagaṇheyyataṃdhanamṭasantepikate tabbamṭ
- 37) vuttamevabhayākasmā       || \*
- 38) yaṃ saddhāyadhanamṭdatvā
- 39) pacchāsantepi asante
- 40) na gaṇheyyanavāceyya
- 41) taṃ phalamṭ paṭilābhato       || \*
- 42) sinnehāyamṭvācamṭvade
- 43) tañcagaṇheyyabhayato
- 44) nacagaṇheyyasaddhāya
- 45) gaṇheyyacevasaddhaye       || \*
- 46) dosākaroti abbhūtamṭ
- 47) ekaṃ adosatopi ca
- 48) ekaṃkarotiabbhūtamṭ
- 49) dvidhā abbhūtalakkhaṇā       || \*
- 50) dosā[-]abbhūtamṭnakhādeyya
- 51) niyamassa abhāvato
- 52) adosadhanamṭkhādeyya
- 53) taṃvijjamānābhāvato       || \*
- 54) sannidhānamṭdhanamṭbhaṇḍamṭ
- 55) pivādamlumpitamṭdhanamṭ
- 56) dhanabbhūtodhanacoro
- 57) vihānesetachattakamṭ       ||
- 58) sattavidhamṭ imamṭ dhanamṭ
- 59) vippallāsenabhāti       || \*

- 60) ekā itthirājakulā<sup>1303</sup>
- 61) brahmaṇakulācavaṇijjā
- 62) ekā itthicakassakā
- 63) catuvaṇṇācabhariyā || \*
- 64) itthiyāpurisematedasabhāgaṃkare
- 65) tassatassāvibhajjeyya
- 66) taṃ taṃ kulānurūpa

ku-recto

- 1) to ||
- 2) rājakulācatubhāgaṃ
- 3) tibhāgaṃ brahmaṇakulā
- 4) dvebhāgaṃvāṇijjākulā
- 5) ekabhāgañcakassakā || \*
- 6) tato bahikulitthiyo
- 7) hatthagataṃvalabbhare
- 8) kasmātātāsañcakulānahinatthā iti vuccati || \*
- 9) vikiṇeyyadhanadāsā
- 10) puttadāsāmātāpitā
- 11) jātidāsā aññādinā
- 12) aṭṭadāsāca<sup>1304</sup> bhattikā ||
- 13) verijayācadāsāca
- 14) sattavaṇṇācapesitā \*
- 15) muñcanābhikkhudāsāca<sup>1305</sup>
- 16) brahmadāsābhikkhunā
- 17) bhikkhubrahmaṇābrahmaṇā
- 18) bhatthisilā aññejanā
- 19) khattadāsābhisatteva
- 20) dāsakammānalabbhare || \*
- 21) orasaputtākhattajā
- 22) heṭṭhimāceva puppakā
- 23) kittimāca apatiṭṭhā
- 24) chaputtadāyabandhavā || \*
- 25) dinnāsahoḍhāpunanubbhavākīḷitasvānutthā
- 26) chātabhattaparittasā
- 27) asādālanāchate || \*
- 28) tesusabbesusantesu
- 29) tesamaṃsatisasāmike
- 30) sāmiko assa issaro yassasinno va issaro || \*
- 31) ye ca āditayoputtā
- 32) orase catubhāgaso

<sup>1303</sup> *kasmā* is written above this gāthā but there doesn't appear to be the usual sigla used by the scribe to note where it should be inserted.

<sup>1304</sup> MSRe go(r) reads *aññādinā* and *aṭṭadāsā*

<sup>1305</sup> MSRh-nis. ghī(v).

- 33) hetṭhimo  
 34) ekabhāgāca  
 35) aḍḍhabhāgācakhettajā ||  
 36) sahatā {samātā} <sup>1306</sup> attanobhāgā  
 37) sacenatthisakāmātā  
 38) aḍḍhabhāgaṃvalabbhati  
 39) itivuttaṃ mahesinā || \*  
 40) mātāpitasacegehe  
 41) ṭhitā orasakittimā  
 42) orasopañcabhāgāca  
 43) ekabhāgaṃ vi kittimā || \*  
 44) orasebahinikkhante  
 45) catubhāgevalabbhare  
 46) kittimebahinikkhante  
 47) na so labhati dāyajjaṃ || \*  
 48) orasekitimenatṭhe  
 49) apatiṭhenaññātakā  
 50) samalabhetesutesu  
 51) naṭhesurājābhogiso || \*  
 52) mātāpitunaṃyādhitvā  
 53) anādaraṃkareyyā ca  
 54) sunakhaṃḍsāpeyya  
 55) putto akkātapetape {-betape} {akkotapetape} <sup>1307</sup> || \*  
 56) mātāpituviivāhitā  
 57) ṭhatvānubhogharantare  
 58) anicchantācachaṭṭeyyūṃ  
 59) bhājitvāparasamukhe ||  
 60) puna ca tesāṃ vāseyyūṃ dosodinnaṃ na vijjati  
 61) dhītāvāsaṃ

ku-verso

- 1) gharaṃ gantvā {gantā}  
 2) bhuñjeyyacekabhājane ||  
 3) samacittesu ubhosu  
 4) nicchantāmātāpitaro  
 5) gaṇheyūṃ punacesādhu  
 6) tesāṃ issarabhāvato || \*  
 7) matāpituviivāhitā  
 8) nirāsādinnaśāṃmike  
 9) etissādviguṇaṃsuṅkaṃ  
 10) gaṇheyya agghamevavā || \*  
 11) matāpituviivāhitā  
 12) micchācāraññapurase

<sup>1306</sup> MSRe, gaṃ(r)

<sup>1307</sup> MSRe, gāḥ(r)

- 13) somikocenaseveyaṃ
- 14) kāmasuṅkaṃdadeyyasā     || \*
- 15) sevededviguṇaṃsuṅkaṃ
- 16) yañṇadinnāṃsachannaṃkaṃ
- 17) matāpitudinnaṃseve
- 18) svadagghaṃsāminodade<sup>1308</sup> || \*
- 19) pumā anicchaṃ na labhe
- 20) sukaṃvāsagharaṃgate
- 21) tivassātikkaṃmemuñca
- 22) tamhāsākhamabhāvato     || \*
- 23) yo ca dhaṇaṃ alabhitvā
- 24) dhītaraṃ nadadeyyataṃ
- 25) cedadeyya idamicchā
- 26) sāhikāmasādinnaṃ ||
- 27) yañcatenadhaṇaṃdinnāṃ
- 28) taṃvalabhatiyaṃnoce
- 29) nacalabhatitaṃtassa
- 30) iṇābhāvātivuccati     || \*
- 31) brahmādadeyyākareyyā
- 32) suruppiggassa bhaḍakā
- 33) abyādhitācasamasā
- 34) itikāmaṭhadhāmatā     || \*
- 35) sukulaṃparasamukhe
- 36) vatvādhitāvivāhitā
- 37) nasukulaṃtaṃchaṭṭeyya
- 38) pitābrahmakulato     || \*
- 39) dassantisamukhevatvā
- 40) dhītaraṃicchitaṃdade
- 41) dinnāṃlabhedhanādinnaṃ
- 42) deyyākāmaṃbhāvato     || \*
- 43) karissaṃsumukhevatvā
- 44) icchitadhītaraṃdade
- 45) mātāpitugharekatvā
- 46) tivaṃsaṃmuñcatetato || \*
- 47) dharissaṃsamukhevatvā
- 48) dinnassasudinnādhītā
- 49) asamakulacittāce agghatassadadantite     || \*
- 50) ubbiggasādhītādinnaṃ
- 51) nubbiggāvācayepuna
- 52) bhaḍakākāmarañcece
- 53) ariyāpurisassasā     || \*
- 54) abyādhitādhītādinnaṃ
- 55) kāmaladdhākumārikābyādhimokkhonadinnāce

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<sup>1308</sup> MSRe, gāḥ(v).

- 56) vejjassakulagghaṃdade || \*  
 57) puttipumenakāmehi  
 58) samacittāvamicchati  
 59) nalajjāmātāpitunaṃ  
 60) dadeyyuṃtaṃkumārikaṃ || \*  
 61) yecubhoparasamukhe  
 62) dassetvāputtadhītarō  
 63) bandhavapaṭiññaṃdenti  
 64) tulyāchandena te cubho ||  
 65) ubhoputtesu ehāya {tekāya}<sup>1309</sup> {ekādasa}<sup>1310</sup>  
 66) matāyadentisesakaṃ  
 67) nocedenti alaññaṃsa  
 68) aḍḍha-

kū-recto

- 1) -bhāgaṃviluppaye ||  
 2) yathāhipaṭiññaṃkathaṃ  
 3) tathākātuṃviyujjati  
 4) abhūtapuppaṃtaṃvācaṃ  
 5) viparitantibhāsitaṃ || \*  
 6) mātāpitā agārena  
 7) yojetvāputtadhītarō  
 8) gahetvāpunaceyoje  
 9) aññaṃkammaṃnacidaṃ || \*  
 10) ye ca chaṭṭeyyaṃ aññaṃaññaṃ  
 11) nissayodviguṇaṃlabhe  
 12) ekaguṇaṃcānissayo  
 13) iṇadhaṃtaṃthevaca ||  
 14) sakaṃdhaṃsakaṃlabhe  
 [inserted in margin:]  
 a. tasmikhaye anussako  
 b. puttaṃlabheyyapuriso  
 c. itthilabheyyadhītaraṃ \*  
 d. || || purisoputtānugataṃ  
 e. | vikiṇeyya adussako dhītaraṃ  
 f. agghaṃ dātabbaṃ esevana yo  
 g. itthiyā \*  
 15) yoputtaṃ sasuragehā  
 16) gahetvākammaṃkāraye  
 17) tasmimkālaṅkatetassa  
 18) natthidosovakociṇi  
 19) balavasnehabhāvato || \*  
 20) mātāpitunusāsanaṃ yo saddahenadāyajjaṃ

<sup>1309</sup> MSRk, kī(r).

<sup>1310</sup> MSRe ghi(v).

- 21) nakhādetassadāyajjaṃ
- 22) purisoyevalabhante {labhe na}
- 23) khāditabbañcapitaroll
- 24) soyevamātāpitunaṃ
- 25) dhaṇaṃgaṇḥeyyaṃ appakaṃ
- 26) coradaṇḍassadātabbaṃ
- 27) puttadhammesutiṭhato      || \*
- 28) yassādhaṇaṃpaṭigaṇḥe
- 29) nalabhatiputtampurā
- 30) pahimatācedāyajjaṃ
- 31) purisoyevalabhate      ||
- 32) matāyantogehelabbhaṃ
- 33) mātāpitavāhināma
- 34) dhaṇaṃgaṇḥe anto mātu
- 35) sāmikobahi issaro      || \*
- 36) snehāparassayaṃdinnaṃ
- 37) hatthakaṃnevavācayuaṃ
- 38) puttanaṭṭā ahatthakaṃ
- 39) cetamaḍāyajjanāmakamaṃ      || \*
- 40) yoparassakatagaṇā
- 41) yadābhogamadhigato
- 42) taṃgāraṇḍaposaṇḍa
- 43) mātāpituvakāraye      ||
- 44) nocetassa aḍḍhabhogaṃ
- 45) dadayyamātāpitunaṃ
- 46) sabbabhogaṃvilumpiya
- 47) taṃdūrevaṭṭhapaye      || \*
- 48) yosasuraṃakkoseyya
- 49) paṭigaṇḥeyyaṃdhītaraṃ
- 50) divasamāsnavaṣṣake
- 51) garukatodadeyyataṃ      ||
- 52) socetañcapahareyya
- 53) sabbabhogaṃvilumpaye
- 54) tañcadūrevaṭṭhapaye
- 55) mariyādassabhinnako      || \*
- 56) yocavuddhāpacāyanaṃ
- 57) nakareparibhāsaye
- 58) sotassara esataṃ
- 59) dadeyyabhinnācārato      || \*
- 60) purisoādatādāsī
- 61) itthiyādāsī āgatā
- 62) ubhayā āgatādāsī
- 63) mātāpitucāyācitā      ||
- 64) imācatassobhariyā
- 65) paṇḍitehivijāniyyā \*

kū-verso

- 1) purisāyāgatādāsi
- 2) puttalabhemuccimatepatimhidhītarāṃ labhe
- 3) namuccemahantitthiyā \*
- 4) itthiyā āgatadāsilabhīpiputtadhītarō
- 5) namuccedāsibhāvena
- 6) amatāyamahitthiyā || \*
- 7) tathā ubhayatodāsī
- 8) sadhītarāpurisāgatā
- 9) laddhāputtipimucceyyamatāyamahantitthiyā || \*
- 10) matāya itthiyāgatā
- 11) puttalābhisaputtakā
- 12) dhītarāṃ nesādhitāva
- 13) mucceyya ubhatotathā<sup>1311</sup> || \* END BOOK TWO
- 14) lañcātītiividhāvuttā<sup>1312</sup>
- 15) suññātibandhavana ca
- 16) mittāpekkhāditoceva
- 17) dhanapekkhāparassavā ||
- 18) chandādosābhayāmohā
- 19) agatīticatubbidhā
- 20) sādhu agati na kāraye
- 21) asādhu gatibhavato ||
- 22) mātāputtehidhītūhitathāpitāputtehica
- 23) dhītūhicabahuputto
- 24) puppāpuppitthinampica
- 25) pathevacapurisānaṃ
- 26) sattadhādāyajjāmatāll
- 27) tathādopitarimate
- 28) mātāputtehivuccate
- 29) cepitubhāramāvato
- 30) sāmikenāsīdhāritāṃ
- 31) so pituparibhogañca
- 32) hatthi assaṅcapurisāṃ
- 33) vatthādikhettakañcava
- 34) vatthuṃlabhethapathamaṃ
- 35) gomahiṃsa ajameṇḍa
- 36) sukarakukkuṭāḍica

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<sup>1311</sup> End Book Two; MSR<sub>h</sub>-nis., nī(r); MSR<sub>k</sub>, ki(r), inserts: *iti manusāraddhammasatthe tidinnādinānekadhāya vinicchayakathāya paripunnō sattasattiyāgāthāya paṭimaṇḍito dutiyo kaṇḍo | ekaṃ dutiyarājaññaṃ | tidhā dhammassadesakaṃ | natvā jinaṃ mahaṃ dāni | kassaṃ tatiya kaṇḍakaṃ | gambhīraññākavissaraṃ | dukkho gāhakaṭhānakaṃ | dāyajjanissitaṃ yidha tasmā dhāresasādhukaṃ*

<sup>1312</sup> MSR<sub>h</sub>-nis., nai(r).

- 37) tibhāgaṃhatālabhetha
- 38) puttenekovalabbhatill
- 39) mekhalākuṇḍalāhattha
- 40) pādalaṅkāravimānāsapitusamukhedinnā
- 41) kociputtonalumpaye            ||
- 42) sesasuvanṇarajataṃ
- 43) ayalohāsidaññaṃvā
- 44) tilaṃmātutibhāgeva
- 45) puttassekaṃvibhajjaye        ||
- 46) dhanuppatticindiyāna
- 47) puttopitādhanarakkhane
- 48) kasmā mātātibhāgekaṃ
- 49) puttopituṭhānavasā    ||
- 50) mātuyāvuddhātisnehā
- 51) laddhodāsotibhāgasoputtekaṃdāsīmātāva
- 52) dasaputtāpicetathā    ||
- 53) vijjamānevapitari
- 54) mātāpituḥidinnakā
- 55) dhītuyāvalayādayo
- 56) labhitabbāvadhītuyāll
- 57) tatosekakuladāsa
- 58) goyuggadhaññaṃmāsakā
- 59) dhītuyānyrūpāladdhā
- 60) sesemātāvalabhati    ||
- 61) siyāpitudhītānunu { nuna }

ke-recto

- 1) mātāvadhitu issarā
- 2) nissesamjivinihādā
- 3) hotunocelabhetasā ||
- 4) kālaṅkatāyamātari
- 5) pituputtehivuccate
- 6) puttodhanaṃnajanāti
- 7) mātāpitāvaḍḍhare    ||
- 8) pitāputtodūrathānā
- 9) haritvāmāturakkhitam
- 10) ambhākaṃjivitaḥetuputtonettādinampica    ||
- 11) jivamānesu ūbhosu
- 12) puttodinnadhaṃlabhe
- 13) dukkhitesupunasantaṃ
- 14) gaṇheyuṃtaṃdhanam ubho        ||
- 15) ubhocedukkhitāputtā
- 16) sampannadhaninosiyuṃ
- 17) attānaṃvikayaṃkatvā
- 18) poseyyuṃmātāpitaro        ||
- 19) vināsapattakālesu

- 20) puttabhāgaṃlabhiṃsute  
 21) sampattiadḍhakālesu  
 22) dāyajjaṃdhādayiṃsute      ||  
 23) mātāpituhidinnakaṃ<sup>1313</sup>  
 24) puttānaṃtaruṇakkhaṇe  
 25) puttālabhantimātuyā  
 26) gehethitadhanesupi  
 27) varaṇṇaṃpunalabheyya  
 28) gomahimsekayuggalaṃ  
 29) dvidhenuyuggapaṇḍuka  
 30) gavaṃvisājītiyuddhe      ||  
 31) labhatipānāpitāva  
 32) tatosesaṃbahudhanaṃpitāpanasaputtānaṃ  
 33) yathārahaṃvibhajaye      ||  
 34) kālaṅkatāyamātari  
 35) pitudhituhivuccate  
 36) mātuhidhituyādinnā  
 37) labhatedāsābharaṇā ||  
 38) mātu ābharaṇaṃsethaṃ  
 39) dhanāṃpaṭilabhatisā  
 40) gomahimṣayuggaṃ ehaṃtathādhenudasāpica      ||  
 41) visājīyosudadāsi  
 42) dhītāvalabhatitāto  
 43) sesabāhutadhaṇṇādi  
 44) dhanāṃpitāvalabhate      ||  
 45) mātāpitūsumatesu  
 46) puttesulabhatijeṭho  
 47) dvayaṃkaniṭhodiyaḍḍhaṃ  
 48) ekaṃsabbakaniṭhako      ||  
 49) jeṭhabhagīnijeṭhena  
 50) kaniṭhenatubhagīni  
 51) samaṃsabbāṃkaniṭhena  
 52) sabbakaniṭhabhagīni  
 53) ussabha eḷakejeṭhe  
 54) jeṭhojeṭhakabhagīni  
 55) anāvāhavivāhānaṃputtānaṃ evaṃbhājaye ||  
 56) matāyamātāripitā  
 57) āneticullitthighare  
 58) pacchātupitarimate  
 59) puttotāyavitajjaye      ||  
 60) mātāpitāgatadhanaṃ  
 61) puttolabhetibhāgaso  
 62) cullamātā ekaṃsmā

<sup>1313</sup> MSRe, khi(r).

63) bhariyapitunāmakā ||

64) naṭhesuputtadhītūsu

ke-verso

- 1) purisomaraṇaṅgato
- 2) dhaṇaṃkhādeyyacullitthi
- 3) purisopitathevaca ||
- 4) ubhinnaṃkammatoḍḍhanaṃ
- 5) navaputtodvidhālabhe
- 6) mañcacullitthiputti
- 7) putto ekaṃvalabhatai ||
- 8) jeṭṭhabhātikobhagīni
- 9) mātāpitāvaposaye
- 10) goṇayugge ajjamende
- 11) jeṭṭhassapathamaṃdade ||
- 12) jeṭṭhakolabhedvidhā
- 13) diviyaddhaṃjeṭṭhabhagini
- 14) ekaṃkaniṭṭhaputtakā
- 15) anāvāhāvibhajjayuṃ ||
- 16) pitācemaraimātā
- 17) navapaṭipayujjati
- 18) matāyamātariputto
- 19) tibhāgaṃlabhatedhanaṃ ||
- 20) ekaṃcullapitānava
- 21) dhaṇaṃmulassaputtekaṃ
- 22) callaputtodvibhāgava
- 23) pañcabhāgaṃcullapitā ||
- 24) mātāyamātarimate
- 25) cullapitarivibhajjeyyuṃ
- 26) puppapitāgatadhaṇaṃpuppaputtovalabhatai
- 27) cullapitācullaputto
- 28) puppatthiputtātathevaca ||
- 29) matāyamātaripitā
- 30) aññitthibandhatighare
- 31) ubhopaccākālaṅkatā
- 32) dvinnaṃputtāvibhajjasuṃ ||
- 33) mātumūlaṃgataṃdhaṇaṃ
- 34) mūlaputtovalabbhatai
- 35) navitthiyāgatādhaṇaṃ
- 36) navaputtāvalabhatai ||
- 37) tehikataṃnavadhaṇaṃ
- 38) dānabhāgañcadhapiya
- 39) dvibhāgenavitthiputto
- 40) puppatthiputtolabbhekathaṃ ||
- 41) samātāpitūhikasmā
- 42) dvidhāgenavatthiputto

- 43) pitokāsalabhāpubbi  
 44) pittiputtolabharekakam ||  
 45) jettheputtokhettajoca<sup>1314</sup>  
 46) hetthimo tividhāsiyuṃ  
 47) mātāpitumatepuppe  
 48) vuttanayāvākārayyuṃ ||  
 49) sacemātāpitā atthi  
 50) dāyajjaṃ tenakhādayuṃ  
 51) mātāpitākālāṅkatā<sup>1315</sup>  
 52) dāyajjaṃkhāyuñjatell  
 53) cepitaramatemātā  
 54) ajjaputtehidāyajjaṃ  
 55) atthabhāgaṃgamotvāna  
 56) saṃvasanavapurisaṃ ||  
 57) missaṃmatāyamātari  
 58) dāyajjaṃkhādipuriso  
 59) natāṃputtācakasmāhi  
 60) laddhassabhāgabhāvato ||  
 61) dayajjaṃlabhitvājettho  
 62) posesabbakaniṭṭhakam  
 63) kaniṭṭhopacajetthampi  
 64) garuṃpituvakāraye ||  
 65) bhātikoyomahicchāya  
 66) khādebhāgaṃkaniṭṭhakam  
 67) nalabhepitudāyajjaṃ  
 68) dātābbaṃrājadaṇḍakam ||
- kai-recto
- 1) vadeyyuṃcekaniṭṭhāca
  - 2) vasāma aññasmimghare
  - 3) dajjāmakusaladānaṃ
  - 4) dāyajjaṃ vibhajjayell
  - 5) mātāpitubhārāvaho
  - 6) ekaṃlabheyyajetthako
  - 7) dāyajjaduvidhaṃkatvā
  - 8) punetaravaraṃlabhell
  - 9) sesaṃnavavidhaṃkatvā
  - 10) ekaṃpunalabheyyaso
  - 11) jaṭṭhaladdhaṃnavavidhaṃ
  - 12) katvekaṃkaniṭṭholabhe ||
  - 13) sesaṃkaniṭṭhakaṃbhāgaṃ
  - 14) katvānavavidhaṃpuna
  - 15) jetthekaṃkaniṭṭhosesaṃ

<sup>1314</sup> MSRa-nis., gha(r).

<sup>1315</sup> MSRa-nis., gha(v).

- 16) labheyyevaṃvibhāgaso      ||  
17) vibhajjantyācariyaññe  
18) duvidhejetṭhakolabhe  
19) diyaddhammajjhimo eka  
20) bhāgaṃcullakaniṭṭhako      ||  
21) cejetṭhabhagini atthi  
22) catutakaniṭṭhabhāgaṃ  
23) katvā ekaṃ labheyyasā  
24) ajameṇḍañcajetṭhako      ||  
25) hatthiassagomahiṃsa  
26) mayurakaṅgu ādikaṃ  
27) kaniṭṭhasamaṃbhājeyyuṃ vuttanayaṃvasajavaṃ ||  
28) puttekamātāpitūnaṃ  
29) vibhāgoṃññūhimato      ||  
30) appāyukojetṭhaputto  
31) dīdhāyukocullitthiyo  
32) usabhekaṃmahantassa  
33) dadebhājeyyakulato ||  
34) chakulitthiputtāsace  
35) atthicatubhāgaṃlabhe  
36) rājakulitthijoputto  
37) tibhāgaṃdvijakulajo      ||  
38) dvibhāgaṃñijitthiyo  
39) ekaṃkassakakulajjo  
40) tathāsūrakulitthijo  
41) nicittijodinnalabhe ||  
42) natthimhicatutthiputte  
43) matesumātāpitūsu  
44) nicittaputtodvilabhe  
45) ekaṃlabhantiññātakā      ||  
46) yāladdhāsattadhītarō  
47) paccāladdhekaputtaho  
48) tesamaṃvibhajjaye  
49) tācemahantakhuddakā      ||  
50) jetṭhakājetṭhakasamā  
51) majjhimāmajjhimasamā  
52) kaniṭṭhākaniṭṭhasamā  
53) dvidiyaddhekatabhaje      ||  
54) yaṃdhanāṃputtuppatthambhakaṃ  
55) natāṃputtāvakhādayuṃ  
56) tesāṃputtanatthāsanti  
57) tedāyajjampikhidayuṃ {khinadayuṃ}      ||  
58) vivāhitāyāyayaṃdinnāṃtāṃdhanāṃtālabhate<sup>1316</sup>

<sup>1316</sup> MSRh-nis., ce(r)

- 59) natamputtenatamdaññaṃ  
 60) samabhāgenabhājaye        ||  
 61) tesamceputtadhitatthilabhatitam̐yathārahaṃ        ||  
 62) bahicenikkhantoputtadhītaroca aputta

kai-verso

- 1) kāmātādāyajjam̐jāyāya  
 2) laddhappam̐yevapatinā        ||  
 3) samvasantisamachandā<sup>1317</sup>  
 4) balakkārā aputtakā  
 5) matācetattha issarā  
 6) mātāpitāvanapati        ||  
 7) avivāhesutoladdhā<sup>1318</sup>  
 8) vivāhecaladdhosutomatāyatesupacchimo  
 9) dāyajjako achindako        ||  
 10) puttekobahavodārā  
 11) puttova adhikaṃlabhe  
 12) cenatthisamakulatā  
 13) samamevavibhajjayuṃ  
 14) cesiyuṃhinapaṇitā  
 15) vuttanayenakārayuṃ        ||  
 16) pitāmatācullapitā  
 17) pitubhātānakhādaye  
 18) puttevakhādedāyajjam̐  
 19) puttanattāpinatthice ||  
 20) kittimenevaladdhabbaṃ  
 21) tesunatt̐hesvāpatit̐tho  
 22) tasmim̐nat̐themātāpitā  
 23) sīssassācariyotathā ||  
 24) matesaṅghassapitari<sup>1319</sup>  
 25) pabbajjitaparikkhāraṃ  
 26) dāyajjam̐dānavuttañcāpi  
 27) mahātherovalabbhare        ||  
 28) dhanadāsam̐catubhāgaṃ  
 29) katvāsoduvidham̐labhe  
 30) therekaṃcatudhāsesaṃ  
 31) tayobhikkhunavolabhe        ||  
 32) sāmaṇeronalabhatekaṃ  
 33) gīhidinnaṃvalabbhare  
 34) tecenatthisamobhikkhu  
 35) gihissābandhubhāvato        ||  
 36) brahmaṇassañātisissā<sup>1320</sup>

<sup>1317</sup> MSRa-nis., ghu(r); MSRh-nis., ce(v)

<sup>1318</sup> MSRa-nis., ghu(v)

<sup>1319</sup> MSRh-nis., cai(v)

- 37) natthicesahabrahmaṇā
- 38) dvinnaṃdhanaṃvippahāyaṃ
- 39) ññātakānaṃlabherājā      ||
- 40) pubbaputtehiladdhappam
- 41) santakaṃpubbapatino
- 42) navaputtehisantakaṃ
- 43) laddhabbaṃnavapatino
- 44) jeyyataṃ ya ābharaṇaṃbhariyāyadinnamevasapitarā
- 45) nevaputtākamaṃ { taṃ } bhājeyyumaṃ
- 46) paṇḍitehipakāsita      ||
- 47) puttesutesu ekacco
- 48) napuṃsakosacesiyā
- 49) tassasamaṃnabhājeyya
- 50) bhājeyyataṃyathārahaṃ      ||
- 51) jeṭṭhakaniṭṭhabhātūhi
- 52) vāṇijjaññāṭṭahetunā
- 53) dhanaṃladdhupacitaṃyaṃ
- 54) tesamaṃsamaṃvibhajjayaṃ      ||
- 55) sapaññācittāyācanā
- 56) hetunaṃlabhatidhanaṃ
- 57) taṃdhanaṃsovasāmico
- 58) khāditabbaṃpakāsitaṃ      ||
- 59) natṭhepitariputteca
- 60) mātāvalabhatidhanaṃ
- 61) bhāgakāle
- 62) iṇabhāgaṃ
- 63) ṭhapetabbanhānadhanaṃ      ||
- 64) avivāhitaputtesu
- 65) dhanabhāgañcadhapaye      ||

ko-recto

- 1) tesvekasamigateparam
- 2) tassabhāgañcadhapaye
- 3) ekonakhādecematokhādeyyumaṃputtabharyā      ||
- 4) tāsunaṭṭhisuñātissā
- 5) lohitasahavāsinaṃ
- 6) appamānaṃ anuloketvā<sup>1321</sup>
- 7) vibhajjeyyumaṃcapaṇḍito      ||
- 8) khattavattābharaṇādi
- 9) laddhabbaṃheṭṭhimenaca
- 10) samaṃnissitajane
- 11) itivuttaṃ va isinā      ||
- 12) yopattabhāgamattano

<sup>1320</sup> MSRa-nis., ge(v)

<sup>1321</sup> MSRa-nis., ghai(v)



- 42) ekākaññāsamacchandā
- 43) ekākaññācanosamā
- 44) ekākulasamachandā
- 45) samachandācanokulā || \*
- 46) sā{dhu}<sup>1329</sup> ācārasampannā
- 47) otthipiyekanāmakā {pakā}
- 48) niccarogāturitthiyo
- 49) itthekānāmatthapiyāll
- 50) vañjitthiladdhaputtica
- 51) kuṭṭharogi anācāri
- 52) anicchantisapurise
- 53) chaṭṭetabbāvapañcimā || \*
- 54) sūrāpāṇāca adurā
- 55) sāmivādanāsamukhā
- 56) niccāmparagharavāsi
- 57) gehadāranisidanā || \*
- 58) dhanālaṅkāralolāca
- 59) āhārapa{va}ssaloliyā
- 60) purisalolomāpañca
- 61) pothetabbānacajjahe{te} || \*
- 62) rūpa unnāgotta unnā
- 63) ññātisālohitā unnā
- 64) dhana unnānachattēyyuṃ
- 65) catu unnā ca itthiyo || \*
- 66) puttādayovikuppeyya
- 67) tuṅhibhāvañca ādito

ko-verso

- 1) tatokarelajjāpanaṃ
- 2) tatobandhanatāpaye || \*
- 3) tatopahāraṃdadeyya
- 4) tatobhogavilumpanaṃ
- 5) natatosahasamvāsam
- 6) itipañcavikuppanā || \*
- 7) kiṇeyyaparasaṃmukhaṃ
- 8) pulyaṃagghaṃdvidhākiṇaṃ
- 9) tulyagghaparasamukhaṃvikiṇaṃsāmijānaṃ || \*
- 10) dūreṭhitamnasamukhaṃ
- 11) dhanagghappahonakaṃ
- 12) tena uppattitaṃ vajjaṃ vikiṇetaṃdhanamcatu || \*
- 13) alubbhanaṃ saddhāmohaṃ
- 14) tayosakkhipuccheyyate

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*jinam maham dāni | kassam catuttha kaṇḍakaṃ | vigataṃ pajjatoṭhānaṃ | pūrento  
nava pajjakaṃ | vinicchayamasesetvā | kassam yidha maham tatho |*

<sup>1329</sup> MSRe, cā(r).

- 15) asaddheyyaṃvikiṇeyya
- 16) dhanenavādadaṣivā ||
- 17) ññātivādaṃmittavādaṃ
- 18) tathācakalahavādaṃ
- 19) bahuvādaṃ atirogaṃ
- 20) jarāmahallakānica ||
- 21) kumāradaharāceva
- 22) ropanādūsanaccakaṃ
- 23) gītakānubhāvañceva
- 24) suvaṇṇalohalaṅkāraṃ ||
- 25) kaṃsakareyyapāduka
- 26) kareyañca apākaṭaṃ
- 27) vadhadosañcavajjañca
- 28) napuṃsakañcavesiyaṃ ||
- 29) cittaviḡhātaṃ ummatta
- 30) rogaṃhinañcadubbhikkhaṃ
- 31) tathādakkhaviḡiḷaṅca
- 32) mahākodhañcacoraṃ ||
- 33) ittigambhantekatiṃsa
- 34) napuccheyyatathāpana
- 35) sace pakkha anuññātaṃ
- 36) pucchitabbantivihitaṃ || \*
- 37) aggirāja udakā ca
- 38) yakkhacora ummatakā
- 39) kuṭṭhañ ca susurogañca
- 40) ime aṭṭhabhayāmatā || \*
- 41) hatthagāhaṃgharappattaṃ
- 42) guyhaṭṭānañcasallāpaṃ
- 43) senidvārañcasesaṅca
- 44) sattadhā{ta}paradārikā \*
- 45) kosanaṃpothanaṃvadhaṃ
- 46) coraṃdāraṃvilumpanaṃ
- 47) abbhūtaṃsattimeputtadārassaca adūssakā || \*
- 48) kesamuṭṭhibhinnaṣisaṃ
- 49) mukhahanaṃ kaṇṇacchinnāṃ
- 50) uraṃpādenahanati
- 51) puṭacaṃmavilohitaṃ ||
- 52) sakalasariyahanāṃ
- 53) aṭhibhinnaṃjarahanaṃ
- 54) paharivācamatocetī{i}
- 55) dasapothātanāmakā || \*
- 56) andhasuññavanaṭhāne
- 57) natthisakkhitunagare
- 58) antarāpaṇesālāyaṃ
- 59) titthaṭṭānecatusakkhi || \*

- 60) sīlavādaharojīṇṇo<sup>1330</sup>  
 61) rogummatthorājissaro  
 62) maṃsamaccha anapekhho  
 63) vamaṣatta adūsakā || \*  
 64) tvaṃyakkhinitvaṃcorosi  
 65) dāsobhinnamariyādo<sup>1331</sup>  
 66) taṃ taṃ vadhotinoceva  
 67) siyāteva vilumpaye<sup>1332 1333</sup> || \*

END BOOK FOUR

kau-recto

- 1) kulasīlaguṇupeto<sup>1334 1335</sup>  
 2) saccadhammaparāyano  
 3) kavinopasīlodakkho  
 4) akkhadassavidhāyako ||  
 5) khattiyobrahmaṇomacco  
 6) paṇḍitocaturōjanā  
 7) ete aṭṭhaṅgasampannā  
 8) catudhāpakkhācariyā || \*  
 9) pakkha akkhadasso<sup>1336 1337</sup>  
 10) raṭṭhako samasāsiko  
 11) anuṭṭhapitorājeko  
 12) anuññātochaṭṭhāmatā || \*  
 13) kālaṃdesaṃdhanamaḅḅhaṃ  
 14) tulyapakkaṃ catubbidhaṃ  
 15) ññatvā aṭṭaṃ āropeyya  
 16) tatthatatthayathārahaṃ || \*  
 17) gaṇhanaṃdhanakāmena

<sup>1330</sup> MSRa-nis., ghi(r)

<sup>1331</sup> MSRa-nis., ghi(v)

<sup>1332</sup> MSRh-nis., jo(r).

<sup>1333</sup> Beginning with Book Three and here in particular MSRk increasingly departs from MSRh and other mss. Here MSRk, ko(r), inserts *anāpetvānapasame | dade dvipaṅcatīni vā | dakanimmujjummujjane | natthi paraṃ sataṃ dade | sesesaccaṃ vaniceyyaṃ | asaccantu ekaṃ dāsaṃ | vadotthe dasaposakaṃ | evaṃ niccetaviñño | māṭāpitudvije sikkhukareyya nādaraṃ sace | pūjesamaṅabrahmaṇe | matāramhidhanaṃ lumpe | adavāyadavāyake | avaccāyasavaccaye | nicco uccassa <bh?>asmike | rājadaṅḍaṃ dadāpeyya | niccaṃ nico tvaṇādaraṃ | dadapaṅcasataṃ tathā | ucco niccaṃ tvaṇādaraṃ | dātabbatarajataṃ <? mss slightly damaged > | saṃsayetthamidaṃ niccaṃ | ṭhapetvāna anavadaraṃ | akkosāṃ paribhāsaṃ ca | parihāraṃ maṅgule | desakepaṅcasataṃ va | dukkhitesu yathā rahaṃ | atidukkhe carāpeyya | evaṃ lakkheyya paṇḍito |*

<sup>1334</sup> MSRh-nis., jha(r)

<sup>1335</sup> cf. MSRe, ghau(v)

<sup>1336</sup> MSRk contains another long insertion here.

<sup>1337</sup> MSRe nai(v)

- 18) vivādenacagaṇhanam
- 19) amittacorenagaṇhanam
- 20) itigaṇhamcatubbidham || \*
- 21) pamuñcanadhanaṃdinnam
- 22) aṭṭakkhātapamuñcanam
- 23) pamuñcanamdivdhātatha
- 24) paṇḍitenapakāsitam || \*
- 25) ekoattapaṭibhogo
- 26) ekodhanapaṭibhogo
- 27) attadhanapaṭibhogo
- 28) tividhātipaṭibhogā || \*
- 29) eko attapaṭidinno
- 30) dhanadinnopaṭi eko
- 31) dvidho attadhanadinno
- 32) catudinnātidipitā || \*
- 33) parahetunāsadhanam
- 34) paralumpeyyatamadhanam
- 35) dviguṇamyevalabheyya
- 36) dhammasattepakāsītā<sup>1338 1339</sup> || \*
- 37) ekabalamhinakulam
- 38) rājakulañcadvibalam
- 39) kutumpikamcatubalam
- 40) pañcabalañcavāṇijam || \*
- 41) ekam iṇamsamūlaggam
- 42) dinna aggañcalūlakam
- 43) sabbasesaṃyathā aggam
- 44) dviguṇaggañcachabbidham || \*
- 45) parakāmoghaḍitovā
- 46) tassadadāminotivā
- 47) tuñnivācatudhāpetā
- 48) dhanasandhissalakkhaṇā || \*
- 49) yathāpakatikam ekam
- 50) yathādhammena ekakam
- 51) sucaritamkattabbañca
- 52) dhanakāmaṃcatubbidham || \*
- 53) divasasaṅkarañceva
- 54) tathāmāsenasaṅkaram
- 55) vasenasaṅkarañceti
- 56) tidhāsaṅkaralakkhaṇam<sup>1340</sup> || \*

<sup>1338</sup> In MSRk, ko(r), this marks the end of Book Four. The text has long insertion not attested in other mss, similar to the endings to Books 1-3 in MSRk above, and continues to intermittently parallel other mss with *ekam balam hinam kulam*.

<sup>1339</sup> In VDhM-pāṭha, UCL 6757, f.khā(v) this line constitutes the end of Book Five.

<sup>1340</sup> MSRj-nis., cha(v)

- 57) terasādhikavassamhi<sup>1341</sup>  
 58) sakkārājenasahake<sup>1342</sup>  
 59) jantunaṃhitasukhattaṃ<sup>1343</sup>  
 60) dhammarājenayācitaṃ<sup>1344</sup>  
 61) amitaguṇasampannaṃ  
 62) garuṃkatvātaṭhānataṃ<sup>1345</sup> ||  
 63) manurājakkhadassena  
 64) mahā kuiṅbalibhoginā<sup>1346</sup>  
 65) susodhitamidaṃgandhaṃ<sup>1347</sup>  
 66) sādhujanenatositaṃ<sup>1348 1349</sup> ||  
 67) tenapuññenasabbesaṃ  
 68) pajānaṃvuddhikampica  
 69) amhakaṃrājino capipatthitaṃijjhatamvaranti<sup>1350 1351 1352</sup> || END BOOK FIVE  
 70) santicchetaṃbhinnasaññaṃ

kau-verso

- 1) tathārūpavināsaṃ  
 2) kusanaṃlumpanaṅcava  
 3) pañcadhācoralakkhaṃ ||  
 4) hapakkhapalapanam<sup>1353</sup>  
 5) kilakaṃpuññakaraṇam  
 6) kiṇanavadhanaṃ ||  
 7) mesantakantipalapanam  
 8) mesantakenasadisaṃ  
 9) paragaṇhanaṃtividha upavādassalakkhaṃ ||  
 10) ba{pa}vuttantarāsamukhaṃ

<sup>1341</sup> MSRj: *terasadhikavassamhi*

<sup>1342</sup> MSRj: *sakarāje sahasake*

<sup>1343</sup> MSRj: *jantanaṃ hitessatthaṃ*

<sup>1344</sup> MSRj: *yājitaṃ*

<sup>1345</sup> MSRj; MSRk, kaṃ(r): *garuṃ katvā paṭhānakaṃ*

<sup>1346</sup> MSRj: *phaliboginā* | MSRk *mahākuiṅgāmabhoginā*

<sup>1347</sup> MSRj: *susodhitamigantu*

<sup>1348</sup> MSRj: *sādhajanatāsitaṃ*

<sup>1349</sup> MSRk: *sādhujjanehi thomitaṃ* | *aṭṭo bhāsajalojutaṃ*

<sup>1350</sup> MSRh-nis., ññi(v); gāthās are divided differently in MSRj:

*tenapuññanasabbesaṃpajānaṃ* | *vuddhitam pi ca amhākaṃ* | *rājinojāpipattitaṃ icchitaparanti* ||

<sup>1351</sup> MSRk inserts: *akālakatarupamaṃ* | *iṇamaṃsāmaṇḍiyuttakaṃ* | *yato parājapamaṃcidaṃ* | *tulayeññañebhujanā* | *itimanusāraddhammasatthe iṇamaggādīnānekadhāya vinicchayakathāya paripuṇṇo pañcanavutiūgāthāya paṭimaṇḍito pañcamokaṇḍo* | *ekaṃ dutiyarājāññaṃ* | *sadhādhammassadesakaṃ* | *natvā jinaṃ mahaṃ dāni* | *karissaṃ chaṭṭhakaṇḍakaṃ* |

<sup>1352</sup> MSRe kai(r).

<sup>1353</sup> Here MSRk performs another major departure from MSRh.

- 11) dveḷakamsadosampica  
 12) iccetācatudhāvācā  
 13) karitesaddahemicchā      ||  
 14) sahapakkha[alapanam  
 15) kilakaṃpuññakaraṇam  
 16) kiṇanamnavadhanampañca  
 17) palapanassalakkhaṇam      ||  
 18) pasayhanam abbhūtañca  
 19) paradārañcavadhakam  
 20) vañcanamguhanamḷumpam  
 21) corakamghātakantime      ||  
 22) aṭṭānavaviparite  
 23) rājāvināvinicchayo  
 24) napana iṇakadāsa  
 25) pacchāpassamḷāyanam<sup>1354 1355</sup>      ||      END BOOK SIX  
 26) dukkhanirogo asāmoca  
 27) moholasotichandako  
 28) jarāvikalla aṭheca{va}  
 29) bhariyāparibhāsaye<sup>1356</sup>      || END BOOK SEVEN  
 30) purimāpacchimāghatā  
 31) pacchimāyacapurimā  
 32) abhimukhāduṭṭhacittā  
 33) utrāsāvātabbahatā<sup>1357</sup>      ||      END BOOK EIGHT  
 34) dārañcapurisopothā  
 35) khuddakamḷamahatāpica  
 36) ekaṃdvinnamḷapothañca  
 37) dvidaṇḍāpothapothato<sup>1358</sup>      ||  
 38) yā itthivasanāsīsam  
 39) purisopothanadosā  
 40) naphothimḷsarajataṃ  
 41) dātabbantipakāsītaṃ      ||  
 42) yo puriso itthiyāvā  
 43) vasanālumpatilajjā  
 44) tasmādassanadhammasatthaṃ  
 45) tiṇidukkhapañcasukhā      ||  
 46) yocagāmarajjaṭṭhitā

<sup>1354</sup> MSRh-nis., ṭū(v)

<sup>1355</sup> Here MSRk, kha(r), provides a chapter ending in the usual form, then writes *kassaṃ sattama kaṇḍakam | etthā pi ekaṃ gāthā*.

<sup>1356</sup> MSRh-nis., ṭhai(v). Note this is the only gāthā glossed in the entirety of Book Seven.

<sup>1357</sup> MSRh-nis., dhā(r). Note this is the only gāthā glossed in the entirety of Book Eight.

<sup>1358</sup> MSRh-nis., dhū(r).

- 47) aṭṭa iṇānatevadā
- 48) dasavassāvadāniṭhā
- 49) bhedachattamaṇṇalabhati      ||
- 50) yo aṭṭa āgatopakkhā
- 51) pacchāvādāmukhacinnā
- 52) punagaṇhāhatthachinnā
- 53) vicāraṇāsapaññavā      ||
- 54) aṭṭachinnā icchālabhā
- 55) ekatotivassoṭṭo
- 56) atikkantobhedachattamaṇṇa { chuttamaṇṇa }
- 57) navadātipakāsītā      ||
- 58) yodidhāsamukhavaṇṇā
- 59) atthavācācanavadā
- 60) icchāvādāpunadaṇḍā
- 61) timāsāsaṭṭhinalabhā
- 62) iti evamaṇṇa lumpadhanā
- 63) parājayānasaddahe      ||
- 64) yodukkhonamasasukhamaṇṇa
- 65) bhāsatinādarakamma
- 66) satarajataṇḍarabbaṇṇasukhotamaṇṇasattarajataṇḍa      ||
- 67) yosinehādhitādā
- 68) puna icchā agghā aḍḍhā nakā

kaṇṇa-recto

- 1) masamaṇṇasaggā aḍḍhā
- 2) dadācakaṇṇamasamaṇṇasaggā      ||
- 3) yodāraṇṇaparamdadāti
- 4) nakāmasamaṇṇasaggāpuna
- 5) agghamaḍḍadācasinehā
- 6) dāsavittā aḍḍhāpuna      ||
- 7) yosapaññaṇṇaparaḍāti
- 8) punicchāpujemaṇṇasikkhā
- 9) punavadānasiddhikā
- 10) nāvattati icchālabbhā      ||
- 11) yosinehāgehamaḍḍadā
- 12) tato ekokālaṇṇakato
- 13) natthiputtāññātivamaṇṇā
- 14) atthiṇṇavadhāsāmi
- 15) atthiputtāvittidāsā
- 16) māṭadāsisaṇṇakhalabbhā      ||
- 17) yosinehāvitadāsā
- 18) natthihatthādūraṭṭhānā
- 19) dadeyyasolabhākhādā
- 20) kasmā atthasahatthako
- 21) vidakhādānagaṇṇhāca
- 22) navadeti { hi } pakāsītā      ||

- 23) yoca atthadukkhidāsi  
 24) naputtaṃvuḍḍhābhattathani  
 25) agghadadāsayaṃvuḍḍhā  
 26) navadeyyathana agghā     ||  
 27) sattavassābhata agghā  
 28) dadācasattamavaso  
 29) thana agghādadātīni  
 30) dvecamuttā ekālabbhā     ||  
 31) yocagacchāparaṃtṭhānaṃdāsabhāvapaṃtigāmā  
 32) najānantinatthidoso  
 33) cejānantidaṇḍaṃdade     ||  
 34) tasmāraṃtṭhabhāravābhāraṃ  
 35) dāreyyasattatānikaṃ  
 36) yasokittidīgha āyu  
 37) sattaruṃjinobhavissati  
 38) antesaggaṃgamissati  
 39) dhammasattepakāsitaṃ     ||  
 40) yocadāso agghaṃdadā  
 41) patikhādāna icchanti  
 42) kasmābhinnasabhāvaca  
 43) aniccāsān̄bharātica     ||  
 44) yecadāsādādāceva  
 45) samacittā adosakā  
 46) tepativivāhadadā  
 47) agghamuttāpakāsitā ||  
 48) patikinadāsīsāmi  
 49) samacittenaposaye  
 50) nadāsīnacapositā  
 51) aḍḍhahinānasamacittā issarakammā aḍḍhadadā  
 52) sācamītāparadāsi  
 53) balakkārāpurāmuttā ||  
 54) yovatthāpara aṭṭāca  
 55) vittādāsālabbhākhādā  
 56) māsavasse atikkante  
 57) nāladdhācavittadāsā  
 58) khādavittādvidhādade  
 59) kasmākhādānalabbhate     ||  
 60) yo aññadāsapaṃpalābeti  
 61) aññohantikāraṃaṃ  
 62) aḍḍha agghaṃ dadeyyāti  
 63) dhammasattepakāsitā     ||  
 64) khādigahetvādhoveti  
 65) natibbalipiṭṭhikharā  
 66) chinnātathevamattakaṃ

kaṃ-verso

- 1) nalabbhatinatthe agghā ||
- 2) yoca ekobhatikhādā
- 3) nakhādāvābhatikammaṃ
- 4) nakaroti
- 5) nalabbjati
- 6) dhammasattepakāsitaṃ ||
- 7) pakkositvā ekakammaṃ
- 8) gacchamḍāsamputtampica
- 9) nakinati adūsakā
- 10) kinaticacoraṃdaṇḍoll
- 11) yañcadāsambahudāsā
- 12) gahetvānapalāyanti
- 13) nakinanti adūsakā
- 14) kinaticacoraṃdaṇḍo ||
- 15) napanakinantisaccaṃ
- 16) jānāpessāmasāmikaṃ
- 17) paṭicchannāvathapento
- 18) mahantadāsasāmikā ||
- 19) bahudāselabhatīti
- 20) sutvāna ekadāsako
- 21) gantvānasāmikepucche
- 22) najānāmitivadati ||
- 23) ekadāsikenasopi
- 24) laddhāpuṭṭho
- 25) paṭicchannā
- 26) coradaṇḍamḍadeyyate
- 27) paṭicchannāmayantica ||
- 28) vuttepana adūsakā
- 29) sopalātopatibhāro
- 30) dāsakammapatiṭhato ||
- 31) yosadhanamparamnatthi
- 32) atthicālikamḍbhāsati
- 33) natthinisamadātammaṃ
- 34) dhammasattepakāsitaṃ ||
- 35) paramḍhanaṃsakahatthe
- 36) atthinatthītivadati
- 37) alikamḍbhaṇitattattā
- 38) dvidhādadaḍpakāsitaṃ ||
- 39) paradhanaṃsakahatthe
- 40) atthimatājetṭhakā
- 41) sirirakiccā adūsakā
- 42) catubhāgāsakhi ekaṃ
- 43) tibhācaññātivasā
- 44) ekañcadāyajj{jh}akhādā
- 45) tathevadhanamḍdātammaṃ

- 46) dhammasattepakāsitaṃ     ||  
47) yo eko issarokammaṃ  
48) nakammaṃlumpatidhanaṃ  
49) dvedadārājadaṇḍopi  
50) dātabbotipakāsitaṃ ||  
51) itthimuttāpatidāso  
52) itthikorovabhavati  
53) patimutto itthidāsi  
54) patikorovabhavati     ||  
55) dvedāsakā aññamaññaṃ  
56) thenetvāna adosakā  
57) pathokāsagamikānaṃ dhammasattepakāsitaṃ     ||  
58) pādebbhinne akkhikāṇe  
59) kaṇṇehatthecacinnake  
60) bhinnesabbasmittaṃsāmi  
61) taṃniyatethakiṇato ||  
62) anijjhayagghaṃtibhāgā  
63) dvibhāgakiṇakodade  
64) nocadāsissaromutto  
65) nasonikkhantasāmiko     ||  
66) navāya avakujjāya  
67) jalevāpatitedhane  
68) taṃthānesāmiko

kāḥ-recto

- 1) saññaṃ  
2) kareyopana aññaṃ ||  
3) ajānāpetvāsāmikaṃ  
4) tañcanileyya esitvā  
5) kiṇeyyatassacorakaṃ  
6) daṇḍaṃviniccheyyakasmā  
7) tasmālayamachinditvā  
8) saññāṭhapitabhāvato  
9) athaladdhānilentoso  
10) tassapatidadeyyataṃ  
11) tibhāgekañcasāmiko  
12) dadekasmāsacittako ||  
13) yobahutaparadhanaṃ  
14) iṇeyyaso appaṃdade  
15) karetaṃsāmiko aggamaṃ  
16) khādakenakataṃmūlaṃ     ||  
17) aññocejānatonatthi  
18) māsādi aggagahaṇaṃ  
19) dvinnasamamadhikaṃvā  
20) vadenoggaṃvataṃdhanam ||  
21) athaggamappakambahu

- 22) dinnamūlamvadedade
- 23) appampitamśāmi vade
- 24) evaṃkarissaṃcemūlam
- 25) cesuṇaṃatthitamvācam
- 26) mūlamvanāmatamḍhanam ||
- 27) bahudhaneva aññasmim
- 28) santepi etthakam yadi
- 29) dassatiniṭṭhapessanti
- 30) sāmikotassatamvade ||
- 31) atthicelikkhitamṣuṇam
- 32) sāmikopunanavade
- 33) cevademāyāvināma
- 34) atṭāvahocanāmaso ||
- 35) yoca eḷakassasāmiko
- 36) yo eḷakiyāsāmiko
- 37) meṇḍo eḷakim anuggato
- 38) sāca anuggato eḷakam ||
- 39) meṇḍakesāmikoghare
- 40) uyyojemeṇḍasāmiko
- 41) tasmimṇana esitetam
- 42) dadeyyaso adosako
- 43) nilantonadadecessa
- 44) coradaṇḍamvinicchaye ||
- 45) yañcarakkhe anurakkhe
- 46) niyuñce itthiyañcatā
- 47) visāsesallapebhinne
- 48) tamyojerājadaṇḍakam ||
- 49) atthatāpurisampattā esaneniyaḍeyyatā
- 50) socadosamuttotāce
- 51) nileyatāladdhātāyam
- 52) maṇṇiletiticevadum
- 53) coradaṇḍamvinicchaye ||
- 54) yosampattāyaitthiyā
- 55) saghareparadārakam
- 56) najāneyyaparassaso
- 57) tamdassetvānaposaye ||
- 58) sopaccāsattaputtepi
- 59) laddhātassāvasāmike
- 60) pattetampatidadeyya
- 61) tassasoca adosako ||
- 62) noceparadāradaṇḍam
- 63) pateyyajānantopiso
- 64) pa

kāḥ-verso

- 1) ssaṃnavadetivassā



- 47) yoca ajānantovāpi
- 48) paradāsattaṃdubbhikkhe
- 49) bhojeyyadubbhikkhemutte
- 50) sampattetassasāmike        ||
- 51) dubbhikkhaṃlahuvattaṃce
- 52) sāmivbhattabhājakoekaṃlabheyyatamiṃca
- 53) jātevassacadvitikaṃ||
- 54) tedvesamaṃvabhājeyyuṃ
- 55) athataṃsāmibhojakaṃ
- 56) jāma, pinavadetasmīṃ
- 57) mutte akkheyyanavade        ||
- 58) kasmāyodubbhikkhedāsaṃ
- 59) pasampinavadetasmīṃ
- 60) muttevadeyyacetassatāvataṃmāyābhāvato   ||
- 61) pādapo

kha-recto

- 1) cevaveḷuca
- 2) kupopokkharāṇinādī
- 3) nettakaṃsombhaṃracchāca
- 4) pappatomarumpaṃsakkharaṃ        ||
- 5) vākaṃkathalaṅkāraṃgosīsaṃ atthikhāṇukaṃ
- 6) dāruthambhoti etena
- 7) katthāsaññaṅcadaḷakaṃ        ||
- 8) khettaṅcapariyādanto
- 9) evaṃmadeyyanocetaṃ
- 10) gāmajetthakabrahmaṇā
- 11) bhikkhunaṃtaṃsaṅjāniya
- 12) mariyādeyyanoceva
- 13) natadantogadhaṃbhava        ||
- 14) yokhettedhapitakaṅḍaṃbhindetheyyenakanituṃ
- 15) issarotassa attānaṃ athakhameyyakarisaṃ ||
- 16) kaṅḍapūreyyanettikaṃ
- 17) nadībhindeyyathambhakaṃ
- 18) uddharedaṅḍakabhinde
- 19) rajjuṃchindeyyataṃladdhe
- 20) pañcatiṃsarajatāni
- 21) jānidadeyyatassaso   ||
- 22) yovane abbhūtogharaṃ
- 23) patvākameyyaceparo
- 24) jānantokāmayenoca
- 25) nasolabheyyakāpituṃ
- 26) kasmāṅhitassa abbhūte
- 27) nisaccadhamabhāvato        ||
- 28) yocakuṭumpikādīnaṃ
- 29) samukhemuṭṭhipāṇīnaṃ

- 30) ghaṭaṇaṃ abbhūtaṃkare
- 31) agghaṃlabheyyasokasmā
- 32) uttamasamukhedinnaṃ
- 33) katakathikabhāvato ||
- 34) yokarevijjhanābbhūtaṃ
- 35) khīpanalaṅghanādikaṃ
- 36) bhārāvahañcapoṭhanaṃ
- 37) viddhasokātatisudve
- 38) labhekasmāssaviyatti
- 39) sippavimamsabhāvato ||
- 40) yorukkhārūhanābbhūtaṃ
- 41) udāyuhamaṅgajādīni
- 42) anuvegaṃmutṭhimallaṃ
- 43) daṇḍaṅcamaññaṃvijjanaṃ ||
- 44) savijjhanañcakareyya
- 45) sabbamaṃlabheyyasokasmā
- 46) tesamaṅjivāyuvaveva
- 47) nissāyakatabhāvato ||
- 48) tesuca abbhūtesvo
- 49) vivādocevajāyate
- 50) sakkipuccheyyayojayi
- 51) sodvelabheyya abbhūte ||
- 52) yoakkhādikiḷaṃkareyyakukkuṭameṇḍayujjanaṃ
- 53) taṃvacodeyyagaṇheyya
- 54) nassaputtañcabhariyaṃ ||
- 55) cegaṇhehāyatyabbhūtaṃ
- 56) athassaputtābhariyākareyumpaṭibhogañca
- 57) jānanto atthigaṇheyya ||
- 58) anakkoseyyabandheyya
- 59) kasmāniṇādibhāva

kha-verso

- 1) to
- 2) cepahareyyabhinnaṃtaṃ
- 3) hāyatidaṇḍakaṃdade ||
- 4) jītvā akkhādiyomate
- 5) balātenalabheyyaso
- 6) vuttadārenakāmeyya
- 7) tesañcādosabhāvato
- 8) kasmānavasu aṭṭasu
- 9) dhammasattenavuttato ||
- 10) meṇḍādikiḷanetattha
- 11) vādejāte adosako
- 12) bhinnocematodadagghaṃ
- 13) kasmāssasamakīḷanā ||
- 14) athaññotaṃpahareyya

- 15) daṇḍaṃdādeyyajayakaṃ  
 16) parājayonilentotaṃsadaṇḍa abbhūtaṃ dade<sup>1359</sup> <sup>1360</sup> ||  
 17) dhammasattaṃnavamakaṇḍāṃ<sup>1361</sup> END BOOK NINE  
 18) yosadāsampaṃparassace<sup>1362</sup>  
 19) kiṇitvāvassamettakaṃ imagghaṃ paṭidassāmi  
 20) atitehotunicchato ||  
 21) vadevaṃparasamukhe  
 22) apattetaṃkaretagghaṃ  
 23) cedadedāsasāmiko  
 24) khādenocevikinato  
 25) taṃmuttokasmādāsassa  
 26) saddhagghābhāvato ||  
 27) yaṃdaharaṃputtadāraṃ  
 28) ñātīdāsañcavikiṇe  
 29) sāmīṇāvāhitetasmiṃsocialabheyyaputtakaṃ ||  
 30) pacchākkhemūlasāmiko  
 31) bhājeyyumaṃdevakiṇitvā  
 32) kasmāsapāṭibhāgānaṃ  
 33) anārocetvāvivāhato ||  
 34) athatenabahuputte  
 35) laddhetāṃsāmikocīraṃ  
 36) poseyyamūlasāmice  
 37) akkheyyaṃnalabheyyataṃ ||  
 38) yocapalātadāsaṃkaṃ  
 39) anugacchatiyassaso  
 40) ṭhānepassati taṃsāmi  
 41) nadadesocatabbhāro  
 42) kasmāsadadosadhanassa  
 43) ñātassadinnabhāvato ||  
 44) yo amaggepalātena  
 45) dāsenasahagacchati  
 46) aññamaññavadantivā  
 47) sāmīcetamanuggato  
 48) parocetaṃnajāneyya  
 49) adoso athaññātako  
 50) tañcajāneyyasocoro

<sup>1359</sup> Following this line MSRI inserts at the end of book 9: *iminā sabbasattānaṃ muttāva sokabandhanā tatheva {j}antujanindassa | navama*. However this line is cited and glossed in MSRh-nis., ṇai(r). The omission here it probably a scribal oversight.

<sup>1360</sup> MSRB then reads *iminā sabbasattānaṃ muttāvasokabandhanā | tat{h?}ekkejanandassa* and continues on ln 18.

<sup>1361</sup> Line 17 is not actually glossed by the nissaya. The previous gāthā 14-16 is glossed at MSRh-nis., ṇe(v).

<sup>1362</sup> MSRh-nis., ṇaṃ(r).

- 51) kasmādudesabhāvato      ||
- 52) yopalātoparadāso
- 53) maggevasahaññatinā
- 54) vadatigacchatitasmā
- 55) sāmikotamanuggato||
- 56) nanikkhameyya ekamhaghara gāmādiṭṭhānato
- 57) nacorocenikkhameyya
- 58) ñātakosopicorako
- 59) yo

khā-recto

- 1) pālātenadāsena
- 2) ekāpaṇecamaṇḍappe
- 3) sālāyaṃtitthanāvāsu
- 4) rattivaseyyasahasō
- 5) sāmīladdhepinocoro
- 6) kasmābahunivāsato ||
- 7) sañātakamparadāsam
- 8) labhitvāyomaggantare
- 9) nāvāropeyyasāminā
- 10) tasmīladdhepinocorako      ||
- 11) tivassañcapaṭibhāgaṃ
- 12) gatvāmuttovasokasmā
- 13) palātaparadāsassa
- 14) attanoñātibhāvato      ||
- 15) palātiñātakopara
- 16) dāsorattivaseghare
- 17) tatthaladdhepinocoro
- 18) kasmānilentabhāvato      ||
- 19) rattisakegharetañca
- 20) vāsītvānagarādīnaṃ
- 21) yācadvārāvapatheyyaṃ
- 22) vahantopīadosako      ||
- 23) tatoññāthānaṃ
- 24) vahanto
- 25) laddhopyacorakoputto
- 26) tivassapaṭibhāgo
- 27) paroniccheyyacoraṃ      ||
- 28) palāyantoparadāso
- 29) yenasāmivadāpaye
- 30) dassāmimama agghanti
- 31) sotamṭassa ārocaye      ||
- 32) sāmice appaggaṃgaṇheyyadadeyya yathāgghanikaṃ
- 33) nasodadeyyatamṭassa
- 34) dassetvā adosako      ||
- 35) athatamparadāsañca

- 36) nasodadeyyatabbāro
- 37) kasmācittasamatāya
- 38) sāsānāharabhāvato ||
- 39) yodāsonicchitocesa
- 40) sāmimhāvasitukāmo
- 41) tadārohapariṇāhaṃ
- 42) disvāgaṇheyathāgghaṃ
- 43) mātāpitāgatadāso
- 44) sasāmikassa agghañca
- 45) dadena issaro atha
- 46) sāmikenicchita agghaṃ
- 47) dadegaṇheyyasokasmā
- 48) nagarakrāmo
- 49) tadārohapariṇāhaṃssavivattanā ||
- 50) palāyantāyadāsiyā
- 51) yocājānaṃvadāsattaṃ
- 52) bhaṇḍaṃdatvānaposeyya
- 53) pacchāladdhāyasāminā ||
- 54) sobhaṇḍaṃpaṭidatvāssa
- 55) labheyyajānamathaso
- 56) sāmikassanārocetvā
- 57) bhaṇḍaṃdatvānaposaye ||
- 58) laddhāyetāyahāyati
- 59) bhaṇḍaṃcesāmikedūre
- 60) sonāroceyyaladdhāya
- 61) labheyagghaṃvabhaṇḍakaṃ ||
- 62) palā

khā-verso

- 1) toyasmiṭhāneyo
- 2) vasetāṃhetusonaro
- 3) daṇḍaṃdadeyyadhaṇaṃvā
- 4) datvājāmātaraṃkarell
- 5) sāmiladdhecasodhanaṃ
- 6) patidatvānataṃlabhe
- 7) athajānampidāsattaṃ
- 8) norocedhanahāyako ||
- 9) cenāceroyyadūresolabbhetaddhagghahāyako
- 10) kasmādāsaṃvajānetvā
- 11) mūlakaraṇabhāvato ||
- 12) tatopalātadāsako
- 13) theneyyatassasāmiko
- 14) nodosaññotaṃpahāro
- 15) hantissaroca athaca ||
- 16) ahantākammakaṃkāre
- 17) laddhakālecatāṃagghaṃ

- 18) nicchayitvāsāmi agghaṃ
- 19) aḍḍhamāghātakolabhe
- 20) kasmādāsassasāmikā
- 21) pakatattātivuccare ||
- 22) yopalātaṃpadāsaṃ
- 23) ajānantovagaṇheyya
- 24) nāvāroyeyyavāladdhebalimādāyasodade ||
- 25) athasotaṃgahetvāna
- 26) karontotassadassanaṃ
- 27) paṇṇākāraṃgahetvātaṃ
- 28) pakkoseyyabhayaṃgate
- 29) dassanabhāraḥkasmā
- 30) tassasaddhahabhāvato ||
- 31) lañcaṃdatvānayoyena
- 32) parassadhanadāsake
- 33) vikiṇeyyakiṇāpetvā
- 34) laddhetesāmikolabhe ||
- 35) kiṇato ekadāsaṃsodaṇḍaṃdadevikinatocoraṇḍaṃdadekasmā
- 36) tassa āṇattibhāvato ||
- 37) aññakoparadāsañca
- 38) tenetvāvakinedūre
- 39) ñāte aññenavānovā
- 40) vikiṇitvāvaceparo ||
- 41) āharetāñcapseyya
- 42) dāsaṃpuccheyyasāmiko
- 43) saccaṃvikinitaṃtassa
- 44) agghaṃdatvāssataṃlabhe ||
- 45) aññadāsaputtadāraṃ
- 46) thenetvāññagharevase
- 47) taṃsāmiladdhakāleca
- 48) theynettaṃgharasāmiko ||
- 49) najānenipparādhotha
- 50) jānantopikahāpaṇaṃ
- 51) gahetvātaṃvasāpeyya
- 52) ghareladdhevasāminā ||
- 53) corakodviguṇaṃghara
- 54) sāmikocadade ekaṃ
- 55) kasmā adhapiṭabbassa
- 56) gharedhapita bhāvato ||
- 57) yassatassaggalañcādi
- 58) bhaṇḍaṃdinnaṃ upaḍḍhaṃva
- 59) seseḍḍhama

khi-recto

- 1) dinnamaṃrājānagarādihmivaṭṭe ||
- 2) navedeyyacāsāmiko

- 3) imaṃvinicchayaṃparo
- 4) cejānaṃnatthilikkhitam
- 5) saññāṇaṇcagadāmase ||
- 6) athesaññāṇalikkhitam
- 7) tañjānaṃatthiceparo
- 8) vassasataccayenāpi
- 9) taṃsesaṃpunakāmaye ||
- 10) kasmālikkhittasikkhinam
- 11) thapanamlikkhitabhūmi
- 12) nitahitajānānamva
- 13) tadappamādabhāvato ||
- 14) aṭṭejātecasācitta
- 15) dubbhabbattovasovade
- 16) tumhevadethame aṭṭam dassāmi dhitaramiti ||
- 17) aṭṭeceniṭṭhitchatā
- 18) pitudhitācacechando
- 19) soppubbavacanissaro ||
- 20) nocetassagghaṃgahetvā
- 21) taṃmuñceyyakasmāso
- 22) dukkhapiḷatatoade ||
- 23) yassa aṭṭojātosoca
- 24) samipaṇcaṭṭavādakaṃ
- 25) pakkositvāvadāpeyyam
- 26) akkhamam aṭṭavādako ||
- 27) akkosantocavivādam
- 28) kareceparasmimḃhinne
- 29) mateca aṭṭasāmiko
- 30) aṭṭavācecadvesamam
- 31) jānidadeyyakasmāñña
- 32) maññupathambhabhāvato ||
- 33) yoca aṭṭiṇabhārehi
- 34) paraṃgaṇheyyaroginā
- 35) muñjitvātamaṃgharepatvā
- 36) cematosoadosako ||
- 37) athatassagharesoca
- 38) matodhanappehāyate
- 39) cebahutagghaṃhāpetvā
- 40) sesaṃkāmeyyasokasmā
- 41) dhanasāmikacittassa
- 42) maraṇāsarasambhavā ||
- 43) purisitthiyāmahanto
- 44) dabārenacadvenarā
- 45) ekenāraññamaññaṃ
- 46) suñña
- 47) raheṭṭhānepapotheyyūṃ ||

- 48) paroĵānantopassanto
- 49) dvipothanecakammāso
- 50) vaṇonasaddhahekaśmā
- 51) sāmātyānaṃ asaṃacenaṭṭhitassaśakasmāso
- 52) vaṇoceatthipumaśsa
- 53) pothane itthimaḥato ||
- 54) dabārapothaneḍvinnāṃ
- 55) saddheyya ekaḥpothane
- 56) attha itthiyāpurisaḥpothadeḍaḥaraśsaśa ||
- 57) maḥantaḥpothaneśkaśsa
- 58) dvipothanecakammāso
- 59) vaṇonasaddhahekaśmā
- 60) sāmātyānaṃ asaṃato
- 61) maroĵānantopassa

khi-verso

- 1) nto
- 2) ceatthisaddaḥeyyaṭaṃ ||
- 3) yecaññaṃaññaṃpoḥenti
- 4) paṭṭamaḥpoṭṭaśkaśmicchā
- 5) aṭṭapaṭṭamaśkaśsaṃ ekaṃpaścchācaḥaḥuśkaśṃ ||
- 6) paṭṭamaḥpoṭṭanaṃ ekaṃ
- 7) micchābaḥucaḥpaṭṭamaṃ
- 8) abhinṃomaṭopaścchā
- 9) bhinṃomaṭocaśomicchā ||
- 10) purisaḥpaṭṭamaṃ itthi
- 11) maḥallaśkaśpaḥdaḥaraṃ
- 12) utṭamaḍuśkaśḥitaśkaśka
- 13) saṃtopiṃomicchā aṭṭa ||
- 14) itthiḥpurisaṃḍaḥaro
- 15) ḥantaṃḍuśkaśḥituttamaṃ
- 16) tāvaṇṇosaṭitemicchāśkaśmāgāraḥvaṭṭḥānaṭo ||
- 17) teṭayopiakkaśsaṃto
- 18) paṭṭamaṃśocaḥpurisa
- 19) maḥallaśkaśpaṇitoca
- 20) akkaśseyyaṃateḥpuna ||
- 21) naḥaḥareyyañcaśkaśmā
- 22) ḥiṃeśujāyābhāḥvato
- 23) ḥiṃakeḍaḥareśuca
- 24) itthiyaṃ akkaṃantaṭe
- 25) paṭikkaśseyyaṃpoṭṭheyyuṃ
- 26) naṭeḍaṇḍalaḥbhāraḥa ||
- 27) kuḥlaḥbhogaśsaśeśaṃ
- 28) aññaṃaññaṃḥaśeśama
- 29) viḥāśete akkaśseyyaṃ aḍosaśkāḥḍe aṭṭa ||
- 30) so uyoĵitaḍāśena

- 31) akkoseyyaparaṃsaha
- 32) sosāmicchākaśmāparakulāvamānato ||
- 33) yo {g}āmasāmico aṭṭaṃ<sup>1363</sup>
- 34) niyuñceso adhammiko
- 35) raṭṭha akkhadassopuna
- 36) niyuñcaso adhammiko ||
- 37) nagara akkhadassoca
- 38) niyuñceso adhammiko
- 39) rakkhakopaṭiniyuñce
- 40) so adhammohāmacco ||
- 41) niyuñcepuna adhammo
- 42) uparājācamahesi
- 43) paṭiniyuñceyyatece
- 44) adhammikācakhattiyo ||
- 45) niyuñcepunacādhammo
- 46) samaṇodvijapaṇḍito
- 47) sāseyyaṃ tañcācariyo
- 48) nasakkhisubahulokāll
- 49) senāpatinā amacca
- 50) uparājehideviyā
- 51) saharājassadhammesu ṭhitabhāvaṃ va kāreyuṃ ||
- 52) yodvigoṇedvimahiṃse
- 53) dvimeṇḍasunakhādike aññamaññakate etc
- 54) yuddhāpeyyacategoṇā ||
- 55) mahiṃsameṇḍasunakhā
- 56) bhinnā andhācatematā
- 57) tappamāṇaṃdadejānī
- 58) soka

khī-recto

- 1) smātiracchānehi
- 2) matattassa aññātattā
- 3) manussenevaññātako ||
- 4) yassa paṭisotaṇāva
- 5) sotānunaṇvahaḡatā
- 6) avakujjāyasvadosonāvāsotaṇugā athā ||
- 7) paṭisotaṇāvaḡatā
- 8) tena aññadhanebhinne
- 9) naṭṭhepaṭidade anu
- 10) sotaṇāvāpaṭisotā
- 11) paṭiṭṭhaṇāvaḡataṇce
- 12) avakujjāyataḡdhane
- 13) bhinnenāṭṭhepaṭidade
- 14) bhinnemaḡpiyerajjuṃ ||

<sup>1363</sup> MSRh-nis., to(r).

- 15) chinnevātahatāyavā
- 16) aññamaññaṃvacegatā
- 17) tenevasabbasmibhinne
- 18) avakujjāyadosakā ||
- 19) yosūriyapaṭiggato
- 20) sūriyassa anuggataṃ
- 21) gatotenāññasmim̐bhinne
- 22) matepiso adosako ||
- 23) athasūriyānugato
- 24) gatocetappatiggataṃ
- 25) bhinnematetappamāṇaṃ
- 26) dadeyyabhāramāvaho ||
- 27) abhāraṃgatonoce
- 28) doso abhārakobhārā
- 29) vahaṃgatotabbamāṇaṃdade atha utrāsena
- 30) aññamaññaṃgatotabbam̐
- 31) dosonathevatassasoyomaddo ummattarogī
- 32) maggantarepaṭiṭṭhito
- 33) hatthi assagomahimsā ummattārāgalagganā ||
- 34) gaṇhituṃ asamatthātaṃ
- 35) tadātasmiṃbhinnemate
- 36) teca adosakā atha
- 37) gagādayo anumatta ||
- 38) tabbālakenagāmitā
- 39) tenatasmiṃmatesata
- 40) rajatañcadadenoce
- 41) paññāsarajataṃdadell
- 42) amaddādayo āgate
- 43) gajādikepipasanto
- 44) nāpatāmatesmiṃ adosakovaso athall
- 45) taṃpālakenate apa
- 46) gataṃvāgāmitātasmiṃ
- 47) matepaññāsarajataṃ
- 48) nocepañcavīsadade ||
- 49) yovatirakkhitaṃrukkhe
- 50) puppaṃtheneyyarattīyaṃ
- 51) vijjādināmatetasmiṃ
- 52) adosovadhakonoce ||
- 53) ekapubbaṃsataṃdade
- 54) divāhantunacissaro
- 55) lumpissaranocepāto
- 56) yāvachāyāpavaḍḍhanā ||
- 57) bandhanaṃpothanaṃkatvā
- 58) muñceyya athatenakaṃ
- 59) pātopasampisuṇampi

60) navadesoma

khī-verso

- 1) jjhantike
- 2) atikkantenasokasmā
- 3) pubbānamāsukhiṇato      ||
- 4) pubbanamvaticenatthi
- 5) gaṇantopi adosako
- 6) kasmābhogassa aññesaṃsādhāraṇassabhāvato
- 7) vatiyārakkhitaphalaṃ
- 8) theneyyasoyathāvuttam
- 9) athapātovagaṇhantaṃ
- 10) passampinavadeyyaso
- 11) phalabhiṇecanavade
- 12) kasmāssa āyukhiṇato      ||
- 13) yopatitaṃphalaṃpuppaṃ
- 14) gaṇhesvasodakokasmā
- 15) bhummyudakaṭṭhabhogassa
- 16) sattadhāraṇatta to      ||
- 17) yocanakkhattasabhāyaṃ<sup>1364</sup>
- 18) devānaṃnaṇekaraṃ
- 19) vivādaṃ aññamaññaṃva
- 20) bhāgaṃpotheyyārājūnaṃ      ||
- 21) pañcasatarajataṃso pothitassavaṇaṃkulaṃ
- 22) niyametvādadekasmā
- 23) rājasīripabhinnato      ||
- 24) yesamaṇābrahmaṇāca<sup>1365</sup>
- 25) aññamaññaṃvivādakā
- 26) gahaṭṭhaṃpakkosetvāna
- 27) pothāpeyyupathambhakaṃ      ||
- 28) socapotheyyapothake
- 29) sabbevakiṇa issaro
- 30) kasmātaṃññātakābhāvā
- 31) tesāṃsoathadāsako
- 32) sīssopothambhi adosako
- 33) kasmāssa issariyato      ||
- 34) yovijjamahāramalla
- 35) muṭṭhikāmāvakkantica
- 36) vakkasattāhabhūmi
- 37) ṭhitesuddhīsusamakaṃ      ||
- 38) bhinnematepinadoso
- 39) athaekovavakkanto
- 40) sattaḡāhobhūmiṭṭhito

<sup>1364</sup> MSRe, jhau(r).

<sup>1365</sup> MSRh-nis., tha(v); MSRa-nis., kaṃ(v); MRSb-nis., dhau(v).

- 41) tasmimmate adosako      ||  
 42) avakkantāsattigāho  
 43) gharatthitovacemato  
 44) jānidadeyyasokasmā  
 45) yuddhassāsamābhāvato      ||  
 46) yonimittasamajjanitthāne<sup>1366</sup>  
 47) uccārapassāvampātaye  
 48) bhikkhubrahmaṇarājā  
 49) maccādivasanatthāne      ||  
 50) nisidaye ābharaṇaṃ  
 51) tesam dhāreyya tassayo  
 52) rājadaṇḍaṃ dade atha  
 53) utrāsena yogato  
 54) yuddhaṭhāne nikkhantena  
 55) kareyya so adosako ||  
 56) yocanāvāyaṃratheca  
 57) vanāpaṇenacavāṇijjaṃ  
 58) sabbanicchayitvāsaññaṃ  
 59) dadeyyatāvabhaṇḍakaṃ      ||  
 60) pacchatotañcakiṇeyya  
 61) micchāvabha

khu-recto

- 1) ṇḍa aggādi  
 2) gaṇanaṃsodadekasmā  
 3) aññaṃaññaṃavañcanato      ||  
 4) yāmaṇikācavāṇijjaṃ  
 5) ta{sa}bbanicchayitvāsaññaṃ  
 6) dadeyyatāvabhaṇḍakaṃ      ||  
 7) pacchatotañcekiṇeyyalumpantiyovikinituṃ  
 8) vivādakā akkoseyyuṃ  
 9) coītitā adosakā      ||  
 10) atathāsahapopotheyyuṃ  
 11) tenabhinnācacematā  
 12) yathākkammaṃdadedeṇḍaṃ  
 13) kasmātaṃvacanassaca  
 14) adosabhāvatotassa  
 15) hatthassadosabhāvato      ||  
 16) yāpaṇikāyāpaṇasuṅki  
 17) aññaṃaññaṃvivādakā akkoseyyuṃcataṃkesaṃ  
 18) gaṇheyyuṃtā adosakā      ||  
 19) atathāsahapothentā  
 20) bhinnācedaṇḍakaṃ  
 21) dadekasmātāhimahantassa

<sup>1366</sup> MSRh-nis., thā(v).

- 22) kammassākarāṇiyato  
 23) patisāpatikāheva  
 24) sissācariyakehica ॥  
 25) atidukkhito kappāṇo  
 26) akamantoca uttamaṃ  
 27) akkoseyyakhipeyyassa  
 28) katvāpothādikaṃmuñce  
 29) navadedandaṃkasmā  
 30) daṇḍārahassabhāvato ॥  
 31) yo uttamo cavāṇijjaṃ  
 32) ārāmaṃsyakarakukkuṭaṃ  
 33) paṇṇaphalañcaropitaṃ  
 34) imaṃdubbhitasantaṃ ॥  
 35) balakkārenagaṇeyya  
 36) dukkhito anattamaṇo  
 37) vivarantoparaṃmukhaṃ  
 38) akkoseyya adosako  
 39) athasothañcadukkhitaṃpotheyyadaṇḍakaṃdada ॥  
 40) yocanakkhattasabhāya<sup>1367</sup>  
 41) kiḷatṭhānecanagara  
 42) devabaliṭṭhāneghara  
 43) devatābaliṭṭhānake ॥  
 44) rājābhisekasabhāya  
 45) ṭṭhānesenāsandhanassa  
 46) ṭṭhānecadhammasavanatṭhānecābhayaṭṭhānake ॥  
 47) tesudhanaṃnakāmeyya  
 48) cekāmerājadaṇḍakaṃ  
 49) cegaṇetaṃdhanahāni  
 50) kasmāññasukhaṭṭhānato ॥  
 51) yocavatthugharaṭṭhāne  
 52) suññaṭṭhānecapavane  
 53) nadīyaṃkasmiñciṭṭhāne  
 54) paranidahitaṃ dhanam ॥  
 55) tassa cittaṃ ca vañcetaṃ  
 56) rahobalakkārena vā  
 57) khaṇeyya so daṇḍakañca  
 58) dhanañcataṃdadaṃjāni ॥  
 59) athataṃsāmikasāññā  
 60) natthirājā ca vivatto adosākha

khu-verso

- 1) ṇako kasmā  
 2) bhūmisuññudakesuvā  
 3) vanevāsantadhanassa

<sup>1367</sup> MSRb-nis., dhāḥ(v).

- 4) raññosantakabhāvato ||
- 5) taṃdhanam̐brahmaṇolabhe<sup>1368</sup>
- 6) katvādvibhāgamaddhakam̐
- 7) rājālabhebrahmaṇodḍham̐
- 8) taṃlabhe ce gahapati ||
- 9) katvāna vīsatibhāgam̐
- 10) rājālabheyya dvādasa
- 11) gahapatiko aṭṭha ca
- 12) dukkhito tañcadelabhe
- 13) tibhāgam̐rājādvilabhe
- 14) dukkhito ca ekam̐ labhe ||
- 15) yodāsakañcakinanto
- 16) vāṇijjotāvakāliko
- 17) iṇoaṭṭavādosabba
- 18) kamme likkheyya taṃ cīram̐ ||
- 19) param̐mukham̐ navalikkham̐
- 20) likkheyya attanāvataṃ
- 21) nandogataṃkasmālikkha
- 22) sāmikānam̐ ālasabhāvato<sup>1369</sup> ||
- 23) yo rājadhanam̐ iṇeyya
- 24) rājātena dinnamattaṃ
- 25) gaṇheyyanodadetañce
- 26) dukkhitodāsattaṃkare ||
- 27) dāsattaṃrājābrahmaṇe
- 28) nokarebrahmaṇadhanam̐
- 29) yathāvuttaṃvadukkhitaṃ
- 30) dhanamiṇeyyasoyathā
- 31) vacanam̐sonahineyya
- 32) nodadāmitinavade ||
- 33) yomahuttadhanam̐lañcam̐
- 34) nadhānam̐tāvadhaṇḍakam̐
- 35) khādetvāmatodāyajjam̐
- 36) bhakkhaputtadārādadam̐
- 37) athateca ajānantātadabhakkhācādosakā ||
- 38) yomahuttadhanam̐lañcam̐
- 39) nidhānam̐tāvabhaṇḍakam̐
- 40) parassadatvāmatotaṃ
- 41) puttadārāvakāmayuṃ
- 42) athadāyajjabhakkhā
- 43) etetañcanakāmayuṃ ||
- 44) mātāpitācakkittima
- 45) puttassabhaṇḍakam̐dhanam̐datvāgarapayojayūṃ

<sup>1368</sup> MSRh-nis., thu(v).

<sup>1369</sup> MSRh-nis., thu(v).

- 46) kittimo uttamobhave           ||
- 47) tepara iṇaṃkhādetvā
- 48) matātaṃ kittimodade
- 49) atha orasodāyajjaṃ
- 50) akkho atthi adosako ||
- 51) yassapitāpitāmaha
- 52) dāyajjaṃkhādetvāmato
- 53) pitāmahabhakkhamikaṃsoceditopinodade
- 54) natthākasmāca iṇakaṃ
- 55) dvisantati abhāvato ||
- 56) khādeyya aññiṇaṃ aggaṃ
- 57) patvāmūlappamāṇakaṃ
- 58) natthaggaṃ kasmāsākhāya
- 59) khandāmahantabhāvato       ||
- 60) yocaparehinidhānaṃ
- 61) dhanamkareyyavāṇijjaṃ
- 62) co

khū-recto

- 1) dentopisāmikonolabbhevassādikegate       ||
- 2) so aggaṃtaṃdadeyyāyaṃ
- 3) nacodesāmikobahu
- 4) vassehontepinodade
- 5) kasmāsāṇabhāvato           ||
- 6) yodāyajjaṃdhanamkare
- 7) vāṇijjaṃvassamāsake
- 8) hontepi aggaṃnatthissa
- 9) kasmāṇiṇādibhāvato       ||
- 10) yocamahuttavāṇijjaṃ
- 11) kinitvādinnakālakamnavadevassamāsake
- 12) patthepinatthaggasataṃ
- 13) dinnakālaṃmariyāde
- 14) tadatite aggaṃdade ||
- 15) silavā dānacāgo ca
- 16) saccaṃ dhammohirottappo
- 17) sakkhilesaṃ ca jānanto
- 18) niddosaṃ ca pakaraṇaṃ       ||
- 19) vāyamantosappurisa       ||
- 20) dhammeca ujuko bahuṃ
- 21) parivārobhogavāca
- 22) yassavācāpiyonaro
- 23) esacesakkhitampatto
- 24) napucchāmitinovade       ||
- 25) yovanevāduppannoce
- 26) tathamanussakampucche
- 27) nāvāyaṃvāduppannoce

- 28) tatthamanussakampucche ||  
 29) maggantarevāduppanno  
 30) pucchetampathakamrathe  
 31) vivādotatthapuccheyya  
 32) gharevāduppannoghare ||  
 33) yo likkhismiṃ sapatissaṃ  
 34) vatvā taṃ nakare pacchā  
 35) sakkhi so ce niddhareyya  
 36) tassokāsoparājayo ||  
 37) dassetvā likkhasakkhiyo  
 38) taṃ napuccheyya sapatam  
 39) [likkhisantam] sapataññaṃ  
 40) ce kare so parājayo ||  
 41) yolikkhisantasakkhiñ ca  
 42) apucchanto va aññaṃ  
 43) sakkhi sace niddhareyya  
 44) tassa parājayokāso  
 45) kasmā tassa jīvhekopi  
 46) vācādvēlaka bhāvato ||  
 47) malacchedāpurisagghaṃ  
 48) caturajatitthiyātiṇivacasaññāpārumpānārahēpannarasa ||  
 49) itthiyādasakammantā  
 50) rahecapañcatiṃsakaṃ  
 51) itthiyāpañcaviṣaṇca aḍḍhākhatyapumāmacce ||  
 52) senāpatimahāmacce  
 53) uparājemaheṣiyā  
 54) tesamagghaṃdvidiguṇaṃ  
 55) yathākkamaṃvakāraye ||  
 56) dāsaputteca ādito  
 57) purise aggaṃtipādaṃ  
 58) itthiyādvipādaṃ agghaṃ  
 59) daḷhaṃpārūpanādikepurisodasatassagghaṃ  
 60) itthiyāsattarajataṃvuḍḍhipatte

khū-verso

- 1) ca purise  
 2) tiṃsaṇca itthiyāvisaṃ  
 3) matamanussa agghañca  
 4) kareyyadasarajataṃ ||  
 5) hatthi agghaṃpādasataṃ  
 6) assa agghañcapaññāsaṃ  
 7) mahiṃsa agghaṃtipādaṃ  
 8) goṇagghaṃdvayarajataṃ ||  
 9) eḷakagghaṃ ekapādaṃ  
 10) sukaragghañcapādaḍḍhaṃ  
 11) sunakkhagghaṃmayūraṇca ekamāsañcarājataṃ ||



## APPENDIX II

*Manusāra-dhammasat-nissaya (dhammasat aṭṭhuppatti)*<sup>1371</sup>

ka-verso

{ 1 } namotassa... sajjanāsajjanā<sup>1372</sup> sevaṃ | narā narābhivuddhitam<sup>1373</sup> | pāraṅgaṃ  
pāraṅgaṃ netam<sup>1374</sup> | <viraṃ viraṃ bhivandiya |><sup>1375</sup> ahaṃ | nā saññ |  
sajjanāsajjanā<sup>1376</sup> sevaṃ | <sū tau sū ma tau tui><sup>1377</sup> e\* | aphaṃ ta lai lai mhī vai rā  
phrac tha so | narā narābhivuddhutaṃ | lū nat tuiv e\* <a kyuiḥ><sup>1378</sup> cī pvāḥ kuiv pru tat  
tha so | pāraṅgaṃ | nibbān sui. rok prīḥ tha so | apāraṅgaṃ<sup>1379</sup> | nibbān sui. ma rok seḥ  
so sū kui | netam | nibbān sui. rok aon choñ tau mhu tat tha so | viraṃ<sup>1380</sup> | sattavā tui.  
thak lulla<sup>1381</sup> krīḥ tau mhu tha so |

kā-recto

viraṃ | mrat cvā bhurāḥ kui | abhivandiya<sup>1382</sup> | <dvāra suṃḥ maññ><sup>1383</sup> | cit kraññ  
ññvat<sup>1384</sup> nūḥ rhi khuiḥ ūḥ r\* | { 2 } ādikappanarindena | hitakāmena<sup>1385</sup> dhimatā |

<sup>1371</sup> Principally following MSRa-nis. (MORA 95). The nissaya comprises a gloss of MSRP transcribed in Appendix I corresponding to ka(v) to ki(v), line 30. Abbreviations for different manuscripts are listed in Chapter Five. Numbers within braces correspond to sections of a working translation of the MSR-nis. not included in the dissertation.

<sup>1372</sup> a. sujanāsajjanā

<sup>1373</sup> b., e., h. paṭṭh -vuddikaṃ; f. -ka; g. -ḍika; f. -vuddhika

<sup>1374</sup> e. nitam

<sup>1375</sup> not in e.; f. <dhiraṃ dhiraṃ bhiv[i?]ndiya>

<sup>1376</sup> a. sujanāsajjanā

<sup>1377</sup> Most mss gloss the compound here as sujjanā asujjanā; only a. glosses <sū tau koñ>, simply “Good Men”. e. gives the longer <sū tau hut so sū sū tau ma hut so sū>.

<sup>1378</sup> not in c.; here e. <alvhaṃ so>.

<sup>1379</sup> a., f., h. pāraṅgaṃ

<sup>1380</sup> f. dhiraṃ

<sup>1381</sup> = luṃ. la, as in h.

<sup>1382</sup> e. -vandiyya

<sup>1383</sup> e. <ajjathakāya [=ajjhatakāya?] rhvañ pra sun mañ>

mahāsammatarājena | patthito yo vinicchayo<sup>1386</sup> | tato rājānukkamena | pattharivā<sup>1387</sup>  
mahitale | pyūṇmadhi<sup>1388</sup> rājā kālasmī<sup>1389</sup> | aparante<sup>1390</sup> janapade | so ca devānam  
indo<sup>1391</sup> ca | tāpaso<sup>1392</sup> ca tayo janā | tassa sugahaṇatthāya<sup>1393</sup> | saṅkhepāsuddha<sup>1394</sup>  
māgadhā<sup>1395</sup> | tato rāmaññadese ca | anuppatte<sup>1396</sup> | vinicchayo<sup>1397</sup> | tassa  
sugahaṇatthāya | tappohārena<sup>1398</sup> ṭhapitā<sup>1399</sup> | ādikappanarindena | kambhā ū sū tui. kui  
acui ra

kā-verso

tha so | hitakāmena | sattavā tui. e\* akyuiḥ cī pvāḥ kui alui rhi<sup>1400</sup> tha so | <dhimatā<sup>1401</sup>  
| kap sim so kicca kui prī ce tat so paññā <laññ> rhi tha so | ><sup>1402</sup> mahāsammatarājena |  
mahāsamata mañḥ mrat saññ | <yo><sup>1403</sup> vinicchayo<sup>1404</sup> | akrañ <tarāḥ><sup>1405</sup> achumḥ  
aphrat kui | patthito<sup>1406</sup> | <alui rhi r\*><sup>1407</sup> toñ ta <tat><sup>1408</sup> e\* | <taṃ | thui toñ. ta so

<sup>1384</sup> b. mrat

<sup>1385</sup> e. hitaṃ kamenam

<sup>1386</sup> e. paṭhitayam vinicchayam

<sup>1387</sup> a., h-nis. pattarivā; b. pattharivāḥ

<sup>1388</sup> c. byū mañ dhi; h. byumañdhi

<sup>1389</sup> b. -kālasmī

<sup>1390</sup> e. aparaṃnte

<sup>1391</sup> c. so ca devādevānam indo; e. so ca devānam indā

<sup>1392</sup> b., h. tāpasso

<sup>1393</sup> c., e. sugahanatthāya

<sup>1394</sup> e. saṅkhittāsuddha

<sup>1395</sup> e. kā-verso

<sup>1396</sup> a. anuppatto

<sup>1397</sup> e. -yam

<sup>1398</sup> c., h. tabbo-

<sup>1399</sup> e. -o

<sup>1400</sup> e. hi [archaic]

<sup>1401</sup> e. suddhimatā

<sup>1402</sup> e. <suddhimatā | pri ce tat tha so | dhimatā | paññā hi>

<sup>1403</sup> not in e.

<sup>1404</sup> e. -yam

<sup>1405</sup> not in e.

<sup>1406</sup> c. pattito; e. paṭhitam

achun aphrat sh | ><sup>1409</sup> tato | thui mahāsammata mañḥ mha | <paṭhāya |><sup>1410</sup> ca r\*<sup>1411</sup> |  
rājānukkamena | mañḥ <e\*> acaññ acak<sup>1412</sup> atuiñḥ | mahitale | jambū<sup>1413</sup> mre apraṇ n\* |  
pattharivā<sup>1414</sup> | pran. pvā | lat r\* | aparantajanapade<sup>1415</sup> | sunāparaṃ<sup>1416</sup> | kyamḥ  
mān<sup>1417</sup> aoñ nhip kyvan<sup>1418</sup> <ū><sup>1419</sup> thip<sup>1420</sup> n\* | byūñmadhi<sup>1421</sup> rājakālasmiṃ<sup>1422</sup> | pyū  
mañ thiḥ<sup>1423</sup> mañ pru so akhā<sup>1424</sup> n\* | anuppattassa<sup>1425</sup> | <acaññ><sup>1426</sup> rok lat<sup>1427</sup> [4589]  
<tha><sup>1428</sup> so | tassa | thui dhammasat<sup>1429</sup> kyamḥ e\* | achuṃḥ aphrat kui |  
sugahaṇatthāya | koñ cvā <si><sup>1430</sup> cim. so ñhā | so ca | thui <pyū mañ thī><sup>1431</sup> saññ laññ  
koñḥ | devānam indo ca | sikrāḥ<sup>1432</sup> mañ saññ lh koñḥ | tāpasso ca | <rasse. saññ laññ  
koñ | iti | i sui.><sup>1433</sup> | tayo janā<sup>1434</sup> | thui tan khuñḥ kri so sū mrat suṃ yok tui. saññ |

<sup>1407</sup> e. only; difficult to read

<sup>1408</sup> b., c. at; not in e.

<sup>1409</sup> e.

<sup>1410</sup> not in e.

<sup>1411</sup> b. paṭhāya ca r\*

<sup>1412</sup> e. <mañḥ chak acaññ>

<sup>1413</sup> e. cambu

<sup>1414</sup> c. pattarivā; e. paḍḍarivā

<sup>1415</sup> c. -janappade; e. aparante janapade

<sup>1416</sup> b. sūnaparān

<sup>1417</sup> c. man

<sup>1418</sup> e. kyvan maṃ aoñ nhip kyvan (cf., ran mār aoñ nhip kyvanḥ as gloss for arimaddanā)

<sup>1419</sup> a., b., e.

<sup>1420</sup> b. ahip

<sup>1421</sup> c. bru mañḥ dhi; e. pyu maṃ dhi

<sup>1422</sup> c., e. kālasmi

<sup>1423</sup> e. pru mañ dhi

<sup>1424</sup> c. kāla

<sup>1425</sup> a. anuppattassa

<sup>1426</sup> not in e.

<sup>1427</sup> c. la tha

<sup>1428</sup> e.

<sup>1429</sup> e. dhammassat

<sup>1430</sup> e. sañ

<sup>1431</sup> e. phru co dhīḥ

<sup>1432</sup> c. sakrāḥ

<sup>1433</sup> e. <sikrāḥ charā rhañ rsse. la koñ>

<saṅkhepā | <saṅkhepāya | ><sup>1435</sup> akyaññā āḥ phraṇ | ><sup>1436</sup> suddhamāgadhā<sup>1437</sup>  
 <suddhamāgadhāya><sup>1438</sup> | sak sak māgadhābhāsā <phraṇ><sup>1439</sup> | <ṭhapesuṃ | thāḥ pe  
 kun e\*><sup>1440</sup> | {3} tato | thui sunāparaṃ<sup>1441</sup> tuiñ mha | rāmaññadesa <ca><sup>1442</sup> |  
 rāmañña<desa><sup>1443</sup> tuiñ sui. | anupatto<sup>1444</sup> | acaññ rok lat so<sup>1445</sup> | tassa | tui  
 dhammasat kyamḥ e\* | vinicchayo | achuṃḥ aphrat kui | <sugahaṇatthāya><sup>1446</sup> | si lvay  
 cim. so nhā | tappoharena<sup>1447</sup> | tui rāmaññadesabhāsā phraṇ. | <ṭhapito><sup>1448</sup> | kyoñ ū  
 vihāra kui ne so <raṇṇavaṃsa amaññ rhi tha so><sup>1449</sup> pugguil mrat saññ | pran <r\*>  
 thāḥ ap pe e\* | {4} tato rāmaññabhāsāya | uparājena yājito<sup>1450</sup> |  
 setanāgindabhū<ta><sup>1451</sup> kāle

ki-recto

< tasso rasena<sup>1452</sup> dhimatā | dhammasatthaṃ vicāreti | buddhaghosoti<sup>1453</sup> nāmako |  
 hitatthiko mahāthero | subodhatthaṃ<sup>1454</sup> | suṇātha taṃ | setanāgindābhū<ta><sup>1455</sup> kāle

<sup>1434</sup> e. <tayo janā tīhi janehi>.

<sup>1435</sup> c.

<sup>1436</sup> not in e.

<sup>1437</sup> e. -māgathā (*passim*)

<sup>1438</sup> not in e.

<sup>1439</sup> e. kui

<sup>1440</sup> e. <saṅkhittā | akrañ āḥ | phraṇ. | thāḥ pe e\*>

<sup>1441</sup> c. sunāparanta

<sup>1442</sup> e.

<sup>1443</sup> e.

<sup>1444</sup> c. anuppate, e. anupatto

<sup>1445</sup> c. rok saññ rhi so

<sup>1446</sup> e. subodhanatthāya

<sup>1447</sup> b., c. tabboharena

<sup>1448</sup> e. [da?]desahito

<sup>1449</sup> e.

<sup>1450</sup> b. yācityo

<sup>1451</sup> c.; e. transcribes the name as setagajidaṃbhuta

<sup>1452</sup> c. tase madhusena, clearly an error

<sup>1453</sup> c. buddhagho | so ti

<sup>1454</sup> b. subodhattaṃ

<sup>1455</sup> c.

><sup>1456</sup> | chañ prū myāḥ sikhañ bhava rhañ mañ tarāḥ<sup>1457</sup> krīḥ lak thak tau n\* |<sup>1458</sup> tassa |  
tui chañ <phrū myāḥ sikhañ | bhava><sup>1459</sup> rhañ mañḥ tarāḥ<sup>1460</sup> krī e\* | orasena | rañ  
nhac saññḥ krāḥ<sup>1461</sup> | sāḥ phrac tau mhu so | dhimatā | achañ akhyañ paññā añ rhi tau  
mhu tha so | uparājena | aim rhe. mañḥ saññ | yācito<sup>1462</sup> | toñ pan ap so | hitatthiko |  
praññ. sū lū myāḥ<sup>1463</sup> e\* akyuiḥ cīḥ pvāḥ kui alui rhi <tha><sup>1464</sup> so | buddhaghoso ti  
nāmako | buddhaghosā <hū so><sup>1465</sup> amaññ rhi <tha><sup>1466</sup> so | <mahāthero | ><sup>1467</sup>  
mahāther saññ | subodhattaṃ<sup>1468</sup> | koñḥ cvā si lvay cim. so ñhā | <tato | thui  
dhammasat kyamḥ hoñḥ mha | yāmaññabhāsāya | rāmaññabhāsā phrañ. | ><sup>1469</sup>  
dhammasatthaṃ | <trāḥ nhañ. ññī cvā><sup>1470</sup> chuṃ phrat kroñḥ phrac so dhammasat  
kyamḥ vicāreti | cī rañ e\* | {5} taṃ | † thui dhammasat<sup>1471</sup> kyamḥ kui | tumhe sādhave  
| <sū tau koñḥ tui saññ><sup>1472</sup> | sunātha | ma pyaṃ.<sup>1473</sup> ma lvañ. sañ. tañ. tañ kraññ cvā

<sup>1456</sup> e. gives only <rajitaṃ dhammasatthakaṃ buddhaghosena therena subodhatthaṃ sunāthanaṃ | setāgajindabhukāle>

<sup>1457</sup> c. trāḥ

<sup>1458</sup> e. <uparājena | achañ akhyañ lak run añ prañ chuṃ tau mhu tha so | tassa | thui ava rhañmañ tarāḥ krīḥ e\* sāḥ tau rañ nhac uparaj sh | yācito | toñ paṃ ap saññ phrac r\* | buddhaghosena | buddhaghosā amaññ rhi so | therena | ma thaññ saññ | subhodhatthaṃ | koñ cvā si lvay cim. so ñā | dhammasattakaṃ | dhammasat kyan kui | tato thui rāmañña mañ so ta luiñ bhāsā mha | mrammābhāsāya | mrammā bhāsā phrañ | ya-[ms damaged]-taṃ | cī rañ e\*> then follows from †

<sup>1459</sup> a., b.

<sup>1460</sup> c. trāḥ

<sup>1461</sup> c. khyā

<sup>1462</sup> c. yājito

<sup>1463</sup> c. mrāḥ

<sup>1464</sup> c.

<sup>1465</sup> a., b.

<sup>1466</sup> c.

<sup>1467</sup> c

<sup>1468</sup> c. subodhatthaṃ

<sup>1469</sup> c.

<sup>1470</sup> a. <dhammasat nhañ. ū cvā>

<sup>1471</sup> c. ki-verso

<sup>1472</sup> e. <mohāgati mha lvat kuṃ so sañ sū tau ñe tui.>

<sup>1473</sup> c. pran

nā lañ. kun | {6} dhammasat kyamḥ e\* athuppatti<sup>1474</sup> kui chui lui r\* ī gāthā kui tak aṃ  
 saññ | passaṃ kāme ādinavaṃ<sup>1475</sup> | nikkhamme ca ānisaṃsaṃ | <abhiññā pāramesanto |  
 abhiññā pārami gato | sammāpatti sammāpanno><sup>1476</sup> | sabbasattānūkammako<sup>1477</sup> |  
 ubhayatthahitesanto<sup>1478</sup> | manusāroti<sup>1479</sup> namako | cakkavāḷassa pākārā | ābhatam  
 dhammatakkaṃ<sup>1480</sup> | visālam tosentam<sup>1481</sup> | dhiraṃ | suvisuddham<sup>1482</sup> | sukhāvahaṃ  
 | gambhiratthavinicchayaṃ | vicittanayamaṇḍitaṃ | mohāgati vimuccitaṃ |  
 dhammasatthapakaraṇam<sup>1483</sup> | sarājasabbalokānam | hitatthāyam<sup>1484</sup> anāgate |  
 mahāsammatarājassa<sup>1485</sup> | āharati ma-

ki-verso

hitalam | kāme | vatthukaṃ kilesakaṃ n\* | adinavaṃ<sup>1486</sup> | <aprac kuiv | passaṃ  
 passanto | mrañ tat tha so | nikkhame ca | aim rā ma thoñ khrañ n\* laññ <koñ> |  
 ānissamsam<sup>1487</sup> | akyuiḥ kuivḥ | passaṃ pasanto | mrañ tat tha so abhiññā  
 pāramesanto<sup>1488</sup> | ><sup>1489</sup> abhiññān <apri kui><sup>1490</sup> rhā mhiḥ tat tha so |  
 abhiññāpāramigato<sup>1491</sup> | <abhiññān aprīḥ><sup>1492</sup> sui. rok prī tha so | <sammāpatti

- 
- <sup>1474</sup> b. atthuppatti  
<sup>1475</sup> a. ādidhanaṃ  
<sup>1476</sup> e. <abhiññam pāramipatto paññcabhiññāpaṭiladdho>  
<sup>1477</sup> b. ki kyo  
<sup>1478</sup> e. -hidesiko  
<sup>1479</sup> c. manussar-  
<sup>1480</sup> a. dhammatakaram  
<sup>1481</sup> c. visālam to | santam; e. visālatosanto  
<sup>1482</sup> a. sivisuddham  
<sup>1483</sup> dhammasattapakāraṇam; e. dhammasattam pakāsita  
<sup>1484</sup> c. -atta-  
<sup>1485</sup> e. mahāsamata  
<sup>1486</sup> here b.; c. ādhinavaṃ; a. adinam [for ādhīnavaṃ?]  
<sup>1487</sup> c., e. ānisaṃsaṃ  
<sup>1488</sup> e. paramīsanto  
<sup>1489</sup> b., c., e.  
<sup>1490</sup> e. pāramī kui  
<sup>1491</sup> e. -patto

sammāpanno | sammāpat<sup>1493</sup> rhac pāḥ kui vaṅ <tha><sup>1494</sup> so><sup>1495</sup> |  
sabbasattānukammako | khap simḥ so sattavā tui. kui sa nāḥ tat tha so |  
ubhayatthahitesanto<sup>1496</sup> | nhac pāḥ so paccuppān saṃsarā acīḥ apvāḥ<sup>1497</sup> kui rhā tat tha  
so | manusāroti namako | manusāra amaññ rhi so rhaṅ rasse. saññ | <cakkavāḷassa |  
cakkavaḷā e\* | pākārā | tan tuiṅḥ mha><sup>1498</sup> | ābhatam | choṅ khai. ap so |  
dhammatakkharam | dhammatā sabho <phraṅ.><sup>1499</sup> phrac so akkharā<sup>1500</sup> lh rhi tha so |  
visālam | kray<sup>1501</sup> so anak lh rhi tha so | dhiram | <paññā rhi tui kui><sup>1502</sup> | tosentam<sup>1503</sup> |  
nhac sak ce tat <tha><sup>1504</sup> so | suvisuddham | <alvam<sup>1505</sup>><sup>1506</sup> caṅ kray<sup>1507</sup> tha<sup>1508</sup> so |  
sukhāvaham | kuiy cit e\*<sup>1509</sup> khyamḥ sā kui choṅ tat tha so | gambhīrattham<sup>1510</sup>  
vinicchayam | nak nai so achumḥ aphrat laññ rhi tha so | vicittanayamaṅḍitam | <athuḥ  
sa phraṅ.><sup>1511</sup> chanḥ kray<sup>1512</sup> so naññḥ tui. phraṅ tan chā chaṅ ap tha<sup>1513</sup> so | mohāgati  
vimuccitam<sup>1514</sup> | mohāgati mha lvat ce tat tha so | dhammasatthapakaraṅam<sup>1515</sup> |

1492 e. abhiññān pāramī

1493 c. -pāt

1494 a. cāḥ

1495 e. has instead: paññcabhiññāladdho | abhiññān nā pā [ki-verso] tui r\* prī so

1496 b. ubhayatthahite | santo

1497 c. cīḥ pvāḥ; e. akyuiḥ

1498 e. cakkavāḷassa pākārā | cakravaḷā tam tuiṅ mha

1499 not in a.

1500 c. arā

1501 b., c. kyay

1502 e. paññā rhi tui. e\* cit kuiv

1503 a. sositam; e. tosanto

1504 not in c.

1505 b. alvham

1506 e. koṅ cvā

1507 e. kyay

1508 b. caṅ kray cvā tha

1509 c. saññ

1510 e. gambhiyattam

1511 e. alvham

1512 c. kyay

1513 e. dha

1514 c. mudj'i-

<dhammasat kyaṃḥ kui><sup>1516</sup> | anāgate | noṃ kāla n\* | sarājasabbalokānaṃ<sup>1517</sup> | maṅḥ  
 nhaṅ. <ta kva><sup>1518</sup> so khap simḥ so sū tui. e\* | hitatthāya | akyuiḥ cīḥ pvāḥ <alui><sup>1519</sup>  
 ṅhā | mahāsammatarājassa | mahāsamata maṅḥ āḥ | mahitalaṃ | jambū<sup>1520</sup> mre<sup>1521</sup>  
 apraṅ sui | āharatī<sup>1522</sup> | choṅ pa<sup>1523</sup> khre e\* | ī gāthā n\*<sup>1524</sup> | adhippāy sh<sup>1525</sup> | ṅā tui.  
 puiṅḥ khyāḥ<sup>1526</sup> <khai.><sup>1527</sup> prīḥ so kyeḥ jūḥ apuṃ rhi so <rhaṅ rasse. sh | noṃ so akhā  
 n\* | sattavā tui. akyuiḥ cīḥ pvāḥ kui phrac ce khraṅ ṅhā | ṅāḥ tui. khyim<sup>1528</sup> mvamḥ<sup>1529</sup>  
 prīḥ

kī-recto

so kyeḥ jū apuṃ rhi so><sup>1530</sup> | dhammasat kyaṃḥ kui cakkavaḷā tan tuiṅ mha  
 jambūdip<ā><sup>1531</sup> mre praṅ sui. choṅ khai r\* mahāsamata maṅḥ āḥ pe e\* <hū lui  
 saṅṅ<sup>1532</sup>><sup>1533</sup> | {7} manusāra<sup>1534</sup> rasse. e\* atuppatti nhaṅ. choṅ khai so dhammasat  
 kyaṃḥ e\* acī araṅ kui akyay āḥ phraṅ <chui lui r\* <ī gāthā kui><sup>1535</sup> tak aṃ saṅṅ><sup>1536</sup> |

<sup>1515</sup> e. dhammasattapakaraṇaṃ; c. ki-recto

<sup>1516</sup> e. dhammasat myam kui | pakāsītā | pra pe e\*

<sup>1517</sup> c., e. sarājasabbalokānaṃ

<sup>1518</sup> e. akva kuṃm

<sup>1519</sup> not in e.

<sup>1520</sup> e. jambudīpā

<sup>1521</sup> not in a.

<sup>1522</sup> b. avahāti, perhaps evidence of silent text copying?

<sup>1523</sup> b. pe; not in e.

<sup>1524</sup> e. e\*

<sup>1525</sup> e. sau kā

<sup>1526</sup> b. ki-vamḥ [4592]

<sup>1527</sup> c., e.

<sup>1528</sup> c. khyī

<sup>1529</sup> a. ī tui khrīḥ mvamḥ

<sup>1530</sup> not in e.

<sup>1531</sup> c., e. jambudit

<sup>1532</sup> c. sa taṅṅ

<sup>1533</sup> not in e.

<sup>1534</sup> c. manussāra

<sup>1535</sup> b. only

<sup>1536</sup> e. ī sui. bhui pe e\*

ādokappasamuṭṭhānā<sup>1537</sup> | amhākaṃ bodhiyopajā | sammatarājāhutvāna | janaṃ  
 dhammena rakkhati | ādokappasamuṭṭhānāya | kambhā ūḥ n\* phrac so | pajāpajāya |  
 sattavā n\* | amhākaṃ | nā tui. e\* | bodhiyo | bhurāḥ aloṅ sh | sammatarājā |  
 mahāsammata maṅḥ sh | hutvā | phrac r\* | janaṃ | lū apoṅḥ kui | dhammena | maṅḥ e\*  
 tarā chay pāḥ naṅ. | rakkhati | coṅ. tau mhu e\* | tadābrahmadevonāma |  
 brahmābrahmābhavācuto | sammatarājajavaṃsamhi | mattakūlūpajāyate<sup>1538</sup> | tadā thuiv  
 na tuiv. bhurāḥ loṅḥ mahāsammata maṅḥ phrac so akhā n\* | brahmadevonāma |  
 brahmādeva amaṅḥ rhi so | brahmā | brahmā maṅḥ saṅḥ | brahmabhavā | brahmā praṅḥ  
 mha | cuto | rve. la<sup>1539</sup> saṅḥ phrac r\* | samatarājajavaṃsamhi | mahāsammata maṅḥ e\*  
 anvay phrac so | mattakūlaṃ | amat amyui n\* upajāyate | phrac lhā pe e\* | yuvassa<sup>1540</sup>  
 kāle sampatte | bhojivāmattasampadaṃ | janābhāvegārahatte<sup>1541</sup> | taṃ sunāti bahujanā  
 | assa | thui brahmadeva e\* | yuvakale | lu laṅ akhā saṅḥ | sampatthe | rok la so |  
 mattasampadaṃ | amat e\* caṅḥ cimḥ khyamḥ sā kui | bhojivā | kaṃ ca ūḥ r\*<sup>1542</sup> |  
 garahatthe<sup>1543</sup> | kai. rai ap so sabho rhi so | janabhāve | lū e\* aphaṃ n\* | bahujano<sup>1544</sup> |  
 lū apoṅ mha | taṃ garahaṃ<sup>1545</sup> | thui kai rai khraṅḥ kui | sunati<sup>1546</sup> | krāḥ e\*<sup>1547</sup> |  
 gharāvāsaṃ pajahitvā | karitvā | isipabbajjaṃ |

kī-verso

- 
- <sup>1537</sup> b. samuṭṭhānā  
<sup>1538</sup> b. -kulu-; c. mattakūlapajāyato  
<sup>1539</sup> b. cute khai; c. rhve. lat  
<sup>1540</sup> b. yuthasa; c. yuvasā  
<sup>1541</sup> b. janabhāvegārahatte  
<sup>1542</sup> c. kī-recto  
<sup>1543</sup> b. -hatte  
<sup>1544</sup> b. janā  
<sup>1545</sup> b. garahitaṃ  
<sup>1546</sup> b. suṅṅāti  
<sup>1547</sup> b. aṃ.

caritvā | issaraṭṭhānaṃ | manākīṇisamipakaṃ<sup>1548</sup> | vajīrapabbataṃ yuttaṃ | selaguhaṃ  
 pavāsaya | gharāvāsaṃ | aim yā thoṇ khraṇ kuiv | pajahitvā | cvan ū r\* | isipabbajjaṃ |  
 rasse rahanḥ aphrac kui | karitvā | pru ū r\* | mandākīṇisamipakaṃ | mandāgīṇi auiṇ e\*  
 anīḥ phrac so | issaraṭṭhānaṃ | mrat so arap kui | karitvā | myaṇ laññ<sup>1549</sup> ū r\* |  
 vajīrapabbataṃ | vajira toṇ phrac so | yuttaṃ | rasse thui āḥ lyok pat cvā tha so |  
 selagūhaṃ | ta khai nak phrac so kyok lhuin kui | pavāsaya | amhī pru r\* ne e\* |  
 aggijalitvā | sāyaṇhe | jālaṃ vandati cīvaraṃ | katvāruṇavaṇṇabhūmi |  
 vidatthacaturaṅgulaṃ<sup>1550</sup> | samukhākasiṇaṃ disvā | bhāvetvāpathavīkasi<ṇaṃ><sup>1551</sup> |  
 paṭibhāganimittaṃ | dakkhedakkhekasidasse<sup>1552</sup> | sāyaṇhasamaye | ña khyamḥ a khā  
 n\* | aggi | mīḥ | kui | jalitvā | ññhi ū r\* | jālaṃ | mī lhyaṃ kui | cīvaraṃ katvā | saṅkanḥ  
 caṇḥ kai. sui nha luṃḥ svaṇḥ r\* | vandati | rhi khuiḥ e\* | aruṇavaṇṇabhūmi | ne aruṇ  
 acaṇḥ nhaṇ. thū so mre kui | vidatthacaturaṅgulaṃ | ta thvā le sac atuiṇḥ arhaññ. rhi  
 saññ kui | katvā | pru r\* | samukhā | myak mhok | kasiṇaṃ | kasuiṇ kui | disvā | rhu r\* |  
 paṭhavīkasi | pathavī kasuiṇ kui | bhāvetvā | cīḥ pranḥ r\* | paṭibhāganimittaṃ |  
 paṭibhāganimit | sh | assa | phrac \* | dakkhedakkhe | rhu tuiṇḥ rhu tuiṇḥ | kasi | kasuiṇ  
 kuiv<sup>1553</sup> | disse | mraṇ le e\* | {8} labhitvā pathamajhānaṃ | kamenadutiyaḍikaṃ |  
 pañcabhiññā uppādetvā | aṭṭhasammāpaṭipadā | vicāretvāsakaṃbhavaṃ | svāyuma  
 svādārajaṃ puttaṃ<sup>1554</sup> | sammatarājavaṃsānaṃ | ññāsiraññopakāraṇaṃ |  
 paṭhamajhānaṃ | paṭhama jhān kui | labhitvā | ra ū r\* | kamena | acaññ sa phraṇ. |  
 dutiyaḍikaṃ | dutiya jhān ca sañ kui laññ | labhitvā |

<sup>1548</sup> b. mandākīṇisamipakaṃ

<sup>1549</sup> b. kī-r

<sup>1550</sup> a. vidatta-; in e. here vidakki- but later in nissaya vidatthi-

<sup>1551</sup> b., e. only

<sup>1552</sup> b. -disse

<sup>1553</sup> b.

<sup>1554</sup> c. sāyusādārajjaṃputtaṃ

ku-recto

ra prī r\* | pañcabhiññā ca | nāḥ pāḥ so abhiññān tui. kui laññ koṇḥ |  
atṭhasamāpaṭṭipadā ca | sammāpat rhac pāḥ<sup>1555</sup> tui. kui laññ koṇḥ | uppādetvā | phrac ce  
ū r\* | sakam bhavañ ca | mi mi bhava kui laññ koṇḥ | svāyumu ca | mi mi asak kui laññ  
koṇḥ | svādārājam puttam mi mi mayāḥ mha phrac so sāḥ kui laññ koṇḥ | vicaretvā |  
chañ khyañ ū r\* | sammatarājavamsānam | mahāsamata maṇḥ e\* anvay kui laññ koṇḥ |  
rañño ca | maṇḥ e\* lh koṇḥ | upakāram | kyeḥ jūḥ rhi so a phrac kui | aññāsī | si e\* | {9}  
pathame gimmakalasmim<sup>1556</sup> | candanādihimevane | missakavanasannibhā |  
pasobhā<sup>1557</sup> puppham<sup>1558</sup> aṅgurā<sup>1559</sup> | kiḷanti devatā | tatra | subhāgandhabbakinnarā |  
pupphasabhaṅgurāsabhā<sup>1560</sup> | phalāphalāni gahitā<sup>1561</sup> | paṭhamegimmakālasmiṃ | ta  
poṇḥ la praññ <kyau><sup>1562</sup> thvak ta rak phrac so aca cvā so gimma<sup>1563</sup> kāla<sup>1564</sup> n\* |  
candanādihimevane | canda kūḥ to aca rhi so himavanā n\* | missaka vana sannibhā |  
missakalatā u yyān nhañ. thū kun saññ phrac r\* | pasobhā puppha maṅgurā | sac pvañ.  
sac ññvan. sac sīḥ tui. phrañ. tañ. tay khrañḥ rhi kun saññ | asubhavanti | phrac kun e\* |  
tatra | thui to n\* | devatā | nat tui. saññ laññ koṇḥ | gandhabbakinnarā ca | gandhabba  
kinnarā tui. saññ laññ koṇḥ | kiḷanti | ka cāḥ mruīḥ thūḥ kuṃ e\* | pupphasabhā ca |  
apvañ. sabhañ tui sh laññ koṇḥ | aṅgurasabhā ca | aññvan. sabhañ tui. saññ laññ koṇḥ |  
phalāphalāni ca | sac sīḥ kriḥ ṇay tui kui | chvat cāḥ khrañḥ sabhañ tui. kui laññ koṇḥ |  
gahitā | yū ap<sup>1565</sup> kun e\* |

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<sup>1555</sup> c. kī-verso

<sup>1556</sup> c. pathame gimhakālasmiṃ

<sup>1557</sup> upasobhā

<sup>1558</sup> a. vubyam

<sup>1559</sup> b. pasokā pubbam aṅgurā; c. pasobhā puppamaṅkurā; read ankura

<sup>1560</sup> b. pubbasabhāsaṅgurasabhā

<sup>1561</sup> b. phalāphalāni | gahitā; c. pubbasabhaṅkurā | sabhāphalāphalānigahitā

<sup>1562</sup> b.

<sup>1563</sup> b. gīmha

<sup>1564</sup> b. ki-verso

<sup>1565</sup> b. at

{10} sūriyetapegandhabbā | kiḷamandākiṇisare | dibbadūriyehi gītehi | kiḷayanti  
didedine | te gandhabbā | sui gandhabba nat tui. saññ | sūriye | ne saññ |

ku-verso

tape | pū lat saññ rhi sau | mandākiṇisare | mandākiṇi auñ n\* | kiḷā | ka cāḥ kun saññ |  
bhavanti phrac kun e\* | dibbatūriyehi<sup>1566</sup> | nat e\* caññ choñḥ ññhañ tui. phrañḥ laññ  
koñḥ | gitehi | nat e\* siḥ khyañ tui. phrañ. laññ koñḥ | dinenine | ne tuiñḥ ne tuiñḥ |  
kiḷayanti | ka cāḥ mrūḥ thūḥ kun e\* | {11} gimha utukhayepatthe |  
mahāmeghopavassati | mahāvātasamuṭḥānā | saṃkappīpavanitadā<sup>1567</sup> | gimha utukhaye  
| gimha kā la utu e\* kun khrañ sui. | patte | rok lat saññ rhi sau | mahāmegho | muigh  
krīḥ saññ | pavassati | rvā lat e\* | tadā | thui rvā so akhā n\* | mahāvātasamuṭḥānā | prañ  
cvā so le e\* tha khrañ kroñ. | pavanī | to aup krīḥ saññ | asakammi | kyok khyāḥ tuṃ  
lup kun e\* | {12} tasmi ekisigandhabbi | ghoravātābhayārūci<sup>1568</sup> | nānādisānigacchanti |  
ekavijjādharabhayā | gacchati issaya gūhaṃ | paṅgayhapadumaṅguli |  
rodantāmatagatāca | yācatekuṭānaṃvasaṃ<sup>1569</sup> | tasmim kāle | thui ro akhā n\* | ekisi  
gandhabbi | ta yok so gandhabbi nat smī saññ | ghoravātabhayā | le phrañ. bhe | kui  
krok r\* laññ koñḥ | ekavijjādharabhayā | ta yok so vijjādhuī bhe kui krok r\* lh ñe<sup>1570</sup> |  
rūci | alui atuiñḥ | nānādisāni | thui thui so arap myak nhā sui. | gacchanti | svāḥ rhā le  
saññ rhi sau | sāgandhabbi | thui gandhabba nat smīḥ saññ | padumaṅguli | pudimmā  
krā nhañ, tū so lak aup<sup>1571</sup> kui | paṃggayha | khyī r\* | issaragūhaṃ | brahmadeva  
amaññ rhi so rhañ rasse. e\* gū va sui. | gaccanti | rok le e\* | amatagatāva<sup>1572</sup> | amruik

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<sup>1566</sup> e. dibbadūriyehi

<sup>1567</sup> h. saṃkammipavanitadā

<sup>1568</sup> h. khāḥ-v

<sup>1569</sup> h. paggayhamadumaṅglyirodantimatagadāyācasekaṭḥānavasa

<sup>1570</sup> h. vijjā dhuir ra bhe kui krok so kroñ. laññ koñ

<sup>1571</sup> b. ku-r

<sup>1572</sup> h. amattagatā

nhañ. tū so asaṃ e\* e rañ. khyañ kui | rodanti | ñui saññ phrac r\* | ekaṭhānaṃ | ta ku so  
arap kui | vassaṃ<sup>1573</sup> vassāmi | ne pā aṃ. | iti |

kū-recto

ī sui. | vatvā | chui ūḥ r\* yācati | toñ pan e\* | { 13 } issaro | tassaraṃsutvā | apehi<sup>1574</sup>  
tvaṃ upāsikā | nanu mātukāmenāma<sup>1575</sup> | akappīya ti so vade<sup>1576</sup> | so issayo | thui  
brahmadeva maññ so rhañ rasse. saññ | tassaraṃ | thui gandhabba nat smīḥ e\* asaṃ  
kui | sutvā | krāḥ r\* | upāsikā | dāyakā ma | tvaṃ | dāyakā ma saññ | apehi | phai le lo |  
mātukāmonāma | mātukāma maññ saññ kāḥ | akappīyo nanu | ña tui rasse. nhañ. ma  
ap saññ ma hut tuṃ lo | itivacanaṃ | i sui. so ca kā kui | vade | chui pe e\* | { 14 }  
bhantelokanātho so tvaṃ | mayaṃ vijjādharmaṃ bhitākāruññañcaupādatha |  
ekarattipasāmaḥ | bhante | rhañ rasse. mrāt | lokanatho | lū tui. e\* kui kvay rā saññ |  
asi | phrac saññ ma hut tuṃ lo | mayaṃ | akvyan nup saññ | vijjādharmaṃ bhitā |  
vijjādhuir bhe kui krok kun e\* | kāruññaṃ<sup>1577</sup> | sa nāḥ khrañ kui | upādatha | phrac pā  
ce kun lo | ekaratti | ta ññaññ. mhya lhyañ | ahaṃ | kvyan nup saññ | vassāmi | ne pā  
aṃ. | { 15 } jīvapanakkhayābhito<sup>1578</sup> | tuṃhimahesayotadā | nevadassati<sup>1579</sup> gandhabbi |  
sācuñhisuvasati | tadā | thui sui. toñ pan so akhā n\* | mahesayo | rasse. mrāt sh |  
jīvapanakkhayābhito | asak chuṃḥ rhuṃḥ khrañḥ mha kro saññ phrac r\* | tuñhi | chit  
chit ne saññ | bhavati | phrac e\* | saccagandhabbi | thui kinnarā ma saññ laññ | tuñhi |  
chit chit | suvasati | konñ cvā ne e\* | rūpaṃ | gandhabba nat e\* arup sañṭhān kui |  
nevadassati | ma mrañ | { 16 } puna aggihutesāyaṃ aggobhāsena | uttamarūpadharanī |

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<sup>1573</sup> h. vasaṃ

<sup>1574</sup> b. apeti

<sup>1575</sup> h. nanumātugāmonāma

<sup>1576</sup> h. akappiyotisovade

<sup>1577</sup> h. ga-r

<sup>1578</sup> h. hard to read, but perhaps jīvitassakkhayābhito

<sup>1579</sup> a. vadassuti

sudassīgandhabbi<sup>1580</sup> | puna | ta phan | sāyaṃ | ña kyamḥ so akhā n\* | agghihute | mīḥ  
pujjo rā n\* | agghobhāsesena |

kū-verso

mīḥ lhyaṃ e\* aroṇ phraṇ. uttamarūparūpadharaṇi | mrat so aroṇ achaṇ kui choṇ tat  
tha so | sudassīgandhabbi<sup>1581</sup> | rhu khraṇ phvay so catu mahārāj nat maṇ e\* mayā  
nhaṇ. tū so kinnarā ma kui | dassati | mraṇ le e\* | { 17 } hitvāna lokiyaṃ | jhānaṃ taṇha  
rāga samuditaṃ | gandhabbīpūpaṃ disvāna | cittanikantirañcati | lokīyajhānaṃ | lokī  
jhān kui | hitvā | pay r\* | taṇhārāgasamuditaṃ | taṇhārāga e\* phrac khraṇḥ sh | asi |  
phrac e\* | gandhabbirūpaṃ | gandhabbi nat smī e\* | achaṇ kui | disvāna | mraṇ ma taññ  
ka lhyaṇ | cittanikantiyā | cit e\* tat khraṇ kroṇ. phrac so lobhajo phraṇ. | | rañcati | tap  
bhi le e\* | { 18 } taṅkhaṇe rāgacitte | muduhatthena issayo | netvā atthavasamgūhaṃ |  
jhānakilesaṃ upādayi | taṅkhaṇe | thui khaṇa n\* | issayo | brahmadeva rhaṇ rasse. saññ  
| rāgacittena | rāgacit phraṇ. | muduhatthena | nū ññaṃ. cvā so lak phraṇ. |  
attavasamgūhaṃ | mi mi e\* ne rā phrac so gū sui. | netvā | choṇ le r\* | jhānakilesaṃ<sup>1582</sup>  
| jhān e\* ññac ññū khraṇ kui | upādayi | phrac ce e\* | { 19 } bahurāgo hi silavā |  
agghobhāselabhāriva | pharaṇāpītuppajanti | jhānabhiññāvinodati | hi | saṇ. cva | sila vā  
| sila rhi so sū saññ | bahurāgo | myāḥ so rāga rhi saññ | bhavati | e\* | pharaṇāpīti | kui  
luṃḥ nhaṃ so pīti saññ | uppajanti | phrac saññ phrac r\* | jhānābhiññā | jhān abhiññāṇ  
tui. kui | vinodati | phyok tat e\* | kimiva | abay kai. sui. naññḥ hū mū kāḥ |  
agghobhāsalabhāriva | mīḥ lhyaṃ e\* aroṇ nhaṇ. tve. so puiḥ phalaṃ kai. sui. taññ | { 20 }  
pamodabandhogandhabbī | kāmarāgavasamgatāneva | dassesakambandhu |  
gharāvāsamakārayi<sup>1583</sup> | pamodabandhā | vam mrok khraṇ phraṇ. nhoṇ phvai. tat tha so

<sup>1580</sup> h. sudassīvarakinnarā

<sup>1581</sup> h. sudassīvarakinnarī

<sup>1582</sup> h. ga-v

<sup>1583</sup> h. kāmarāgavasagatā | nevadassesakambandhagharāvāsamakārayi |

ke-recto

sudassīgandhabbī | kāmārāgavasamgatā | kāmārāga tarāḥ e\* nuiñ ñ sui. luik ta tha so |  
gandhabbī | kinnarā ma saññ | sakam̐ bandhu | mi mi tui achvai amyuiḥ tui kui |  
nevadassetvā | ma pra mhu r\* | gharāvāsam̐ | aim rā thoñ khrañ kui | akārayi | pru le e\*  
| {21} ekasam̐vacchare patte | paṭisandhi upadyati<sup>1584</sup> | paripākagabbhakāle  
puttam̐vijāyisobhaṇi<sup>1585</sup> | ekasam̐vacchare | ta nhac sh | patte | rok lat sau | paṭisandhi |  
paṭisandhe sh | upadyati | phrac e\* | paripākagabbhakāle | paṭisandhe rañ. prī so akhā  
n\* | sobhaṇam̐ puttam̐ | tañ tay khrañḥ nhañ. prañ cum̐ so sāḥ kui | vijāyi | phvāḥ e\* |  
{22} pharaṇāpitubbajjivā | disvā puttam̐ susobhaṇam̐ | subhadram̐ nāma kumāram̐ |  
vadantisamukhabhayā | pharaṇāpiti | kuiy lum̐ḥ nham̐ so piti saññ | uppajjivā | phrac  
r\* | susobhaṇam̐ puttam̐ | koñ mvan cvā so lakkhaṇā nhañ praññ cum̐ so sāḥ kui disvā |  
mrañ r\* | kumāram̐ | sa tui. sāḥ | subhadram̐ nāma | subhadra hū so amaññ kui |  
samukhubhayā | ami apha nhac pā | chuṇḥ tui. e\* | myak mhok sa mhat khrañ phrañ. |  
vadanti | khau vau samut pe kun e\* | {23} tatiye sam̐vacchare<sup>1586</sup> patte |  
gandhabbipunaputtakam̐ | bhātarihāsivākya mātāpitarasantake |  
manuññāvākyabhāsanto | manusāroti nāmako | tatiye sam̐vacchare | sum̐ nhac saññ |  
patte | rok prīḥ sau | bhātari | subhadra maññ so ac kui saññ | mātāpitarasantike | ami  
apha tui. e\* atham̐ n\* | hasivākya | prum̐ḥ ray so ca kāḥ kui | bhāsante | chui tat prīḥ so  
| gandhabbi | gandhabba nat smīḥ saññ | puna | ta phan | puttakam̐ | sāḥ yokyāḥ ta yok  
kui | vijāyi | myak nhā mrañ pran e\* | manuññāvā-

ke-verso

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<sup>1584</sup> h. uppajjati

<sup>1585</sup> h. -bhaṇam̐

<sup>1586</sup> h. gā-r

kyaṃ bhāsanto | nhac lui phvay so ca kāḥ kui chui tat so kroṇ. | manusāroti nāmako |  
 manusāra amh rhi saññ | bhavati | phrac e\* | {24} sattasaṃvacchare patte<sup>1587</sup> |  
 ṭhapetvānabhayasantike<sup>1588</sup> paridevamupādesuṃ | puttebhāvetvābhāvanaṃ |  
 brahmaloka<ga><sup>1589</sup>to svāhaṃ | rājavaṃsagatā ubho tuṃhaṃ | mātāgamissati | pūraṃ  
 gandhabbipibbatam<sup>1590</sup> | sattasaṃvacchare | khu nhac saññ | patte | rok prīḥ sau | pītā |  
 apha saññ | putte | sāḥ tui. kui | avoca | chui e\* | svāhaṃ | thui nā saññ | bhāvanaṃ |  
 bhāvanā kui | bhāvetvā | cīḥ pranḥ r\* | brahmalokato | brahma praññ sui. svāḥ saññ |  
 bhavissāmi | phrac aṃ. | ubho | nhac yok kun so | tumhe sañ tui. sh | rājavaṃsagatā |  
 mahāsamata mañḥ e\* | anvay sui. svāḥ kun | saññ | bhavatha | phrac kun lo | tumhe |  
 sañ tui. e\* | mātā | ami saññ | gandhabbapabbatam | gandhabba toṇ n\* taññ so | pūraṃ |  
 nat praññ sui | gamissati | svāḥ lattan | iti | sui. | vutte | shui pe sau | puttā | sā nhac yok  
 tui. saññ | ubhayaśantike | ami apha nhac pāḥ cuṃ tui. e\* athaṃ n\* | ṭhatvāna | taññ uḥ  
 r\* | paridevaṃ | ñuiḥ kyveḥ khrañ kui | upādesuṃ | phrac ce kun e\* | {25}  
 tadāpuccitta<sup>1591</sup> te puttā | kulaṃvaṃsaṃ sasambhavaṃ | mahesayo | patipādi<sup>1592</sup> |  
 manussattam sasambhavaṃ | tadā | thui sui. apha chui so<sup>1593</sup> akhā n\* | te puttā | thui  
 sāḥ nhac yoṃ tui. sh | sambhavaṃ | anvay akroṇḥ nhañ ta kva so | kulavaṃsaṃ |  
 amyuiḥ anvay kui | pucchittha<sup>1594</sup> | meḥ kui e\* | mahāsayo | brahmadeva rasse. mrat  
 sh | sa sambhavaṃ | anvay akroṇḥ nhañ. ta kva so | manussattam | lū e\*

kai-recto

<sup>1587</sup> Here, rather interestingly a. begins the nissaya gloss. This betrays the order of the text thus far, and seems to be striking evidence that this text was copied off another manuscript, perhaps by sight.

<sup>1588</sup> h. ṭhatvānubhayaśantike |

<sup>1589</sup> h.

<sup>1590</sup> h. gandhabbipabbatam

<sup>1591</sup> h. pucchanti

<sup>1592</sup> h. paṭivādi

<sup>1593</sup> h. gā-v

<sup>1594</sup> h. pucchanti

aphrac kui | paṭivādi | chui pran pe \* | {26} sammatavaṃsaṃññātvāna |  
 jambudīpatalavasam<sup>1595</sup> | mātukūlañca gandhabbam | dohaḷaṃsamuppāditaṃ |  
 jambudīpatalaṃvasam | jambudīp apraṇ n\* ne tha so | sammatavaṃsaṃ |  
 mahāsammata mañḥ e\* anvay kui | ñātvāna | si ū r\* | gandhabbam | gandhabbanat  
 phrac so | mātukūlañca | ami myuiḥ kui lh | ñātvā | si prīḥ r\* | dohaḷam | mi mi e\*  
 amyuiḥ kui mraṇ lui so khyaṇ khraṇḥ kui | samuppāditaṃ | koṇ cvā phrac ce e\* | {27}  
 icchāyataṃ iti bhāvaṃ | attakūlam dassāmanā | yadivā tvam isi katvā | jhānaṃ  
 bhāvetha bhāvanaṃ | svātaṃ | saṇ thui nhac yok sh | atthakūladassāmanā | mi mi  
 amyuiḥ kui mraṇ lui so nha luṃḥ rhi kuṃn saññ | yadi siyuṃ | phrac kun nraḥ aṃ. |  
 isibhāvaṃ | rasse. rahanḥ aphrac kui | icchāyataṃ | icchāyatu | alui rhi ce sa taññ | isi |  
 rasse. rahanḥ aphrac kui | katvā | pru u r\* | jhānabhāvaṃ | jhān e\* pvāḥ khraṇ kui |  
 bhāvetha | pvāḥ ce kuṃ lo | {28} ekasmiṃ sundarasele<sup>1596</sup> | mātāpitarasantike | ubho pi  
 isitthaṃ<sup>1597</sup> katvā | <jhānabhāvaṃ bhāvesuṃ bhāvanaṃ><sup>1598</sup> | labhitvā sakalam jhānaṃ  
 | abhiññāsamupāditaṃ | ubho pi | ñi noṇ nhac yok tui. sh lh | ekasmiṃ sundarasele | ta  
 khu so koṇ mvan sā yā so toṇ thip n\* | mātāpitarasantike | mi bha tui. e\* athaṃ n\* |  
 issitthaṃ | radde. rahan aphrac kui | katvā | pru r\* | jhānabhāvaṃ | jhān bhāvanā kui |  
 bhāvesu | cī pranḥ kuṃ e\* | sakalajhānaṃ | aluṃḥ cuṃ so jhān tarāḥ kui labhitvā | ra r\*  
 | abhiññā | abhiññāṇ tui. kui samupāditaṃ<sup>1599</sup> | phrac ce ap kun e\* | {29}  
 pacchābrahmadevaṃ cutaṃ<sup>1600</sup> | jhāpetvācandane{te}va<sup>1601</sup> | yathāpitarasāsanā |  
 gantvā <ca><sup>1602</sup> catucakkavaḷam | subhadrā cakkavāselā

<sup>1595</sup> h. vaṃsaṃ here and in the nissaya

<sup>1596</sup> h. -kāle

<sup>1597</sup> h. here and below isitaṃ

<sup>1598</sup> a. jhānaṃ bhāvetha bhavanaṃ

<sup>1599</sup> h. gi-r

<sup>1600</sup> h. pacchācutaṃ brahmadevaṃ

<sup>1601</sup> h. jhāpetvācandakathēhi

<sup>1602</sup> not in h.

kai-verso

likkhitvā lokiyaṃ sāraṃ | dhammasatthaṃ manusāro | likkhitvā camuggato<sup>1603</sup> | paccā |  
thui pri noṇ mha | cutaṃ brahmadevaṃ | cuti cit <pa><sup>1604</sup> prat so brahmadeva kui |  
candanakatheheva<sup>1605</sup> | candakūḥ thaṇḥ tui. phraṇ. sā lhyaṇ | jhāpetvā | phut kraññ  
khai. r\* | yathāpitarasāsaṇaṃ | apha rasse. mha khai. tuiṇḥ | catudīpacakkavāḷaṃ | leḥ  
kvyanḥ luṃ kui raṃ so cakkavaḷā tan tuiṇḥ sui. | gaṃtvāna<sup>1606</sup> | svāḥ le r\* | subhadro |  
subhadra rasse. sh | cakkavāḷapākārāca | cakkavaḷa tan tuiṇḥ mha | lokiyasāraṃ | lokīḥ  
sāḥ tui. e\* anhaç phrac so | aṇḥ mantarāḥ <bedaṇ><sup>1607</sup> kyamḥ kui | likkhitvā | reḥ khai.  
r\* | vācuggato | ale. alyak choṇ khai. e\* | manusāro | manusāra rasse sh |  
dhammasatthaṃ | dhammasat kyamḥ kui | likkhitvā | reḥ khai. r\* | vācuggato | ale.  
akyak choṇ khai. e\* | {30} sabbalokahitāvahā | isikaṇiṭṭhabhātaro |  
ākāsenevabbhaggantā<sup>1608</sup> | nuppattaṃ sammatam<sup>1609</sup> gharaṃ | sabbalokaṃ hitāvahā |  
khap simḥ so sū tui. e\* aciḥ apvāḥ kui choṇ tat kun tha so | isikaṇiṭṭhabhātaro | rasse.  
ñī noṇ nhaç yoṃ tui. sh | ākāseneva | koṇḥ kaṇḥ phraṇ. lhyaṇ | abbhaggantvā | pyaṃ  
tat<sup>1610</sup> le r\* | sammatagharaṃ | mahāsammata maṇḥ e\* eimḥ sui. anuppattā | rok le kun  
e\* | {31} sammatarājatodisvā<sup>1611</sup> | datvānanissarāsaṇaṃ | padumañjalīkaritvā |  
pucchatākākāraṇaṃ<sup>1612</sup> | sammatarājā | sammata maṇḥ saññ | ubho | ñī noṇ nhaç yok  
tui. kui | disvā | mraṇ r\* | issarāsaṇaṃ | mrat so ne rā kui | datvāna | peḥ u r\* |  
padumañjalī | padummā krā nhaṇ. tu so lak aup kui | karitvā | khyī r\* | āgatakāraṇaṃ |

<sup>1603</sup> h. cavācuggato; e. likkhitvā vācamukkato

<sup>1604</sup> h. mha

<sup>1605</sup> h. candanakatḥheheva; i.e. katḥhehi “firewood”

<sup>1606</sup> h. gantvā

<sup>1607</sup> h.

<sup>1608</sup> h. ākāsenevabbhuggantvā

<sup>1609</sup> h. nuppattāsammataṃ

<sup>1610</sup> h. tak

<sup>1611</sup> h. sammatarājubho disvā

<sup>1612</sup> h. pucchatāgatakāraṇaṃ

rok lha so akroñḥ kui | pucchati | meḥ pe e\* | {32} visajjesuṃ ubho<sup>1613</sup> rañño |  
attanorājavamsataṃ | sabbalokesukāraṇaṃ |

ko-recto

lokiyaṃ dhammasatthakaṃ | ubho | rasse. ñī noṇ nhac yok tui sh | rañño |  
mahāsammata mañ āḥ | attano | mi mi e\* | rājavamsataṃ | mahāsammata mañ myuiḥ  
phrac so akroñ kui laññ hoñḥ | sabbalokesu | khap simḥ so loka tui. n\* | kāraṇaṃ |  
akroñḥ phrac so aṇ mantarāḥ bedaṇ kyaṃ kui laññ koñḥ <lokiyaṃ | lokī n\* phrac so |  
dhammasatthakaṃ><sup>1614</sup> | dhammasat kyaṃ kui laññ koñḥ | visajjesuṃ | pra pe kun e\* |  
{33} tadāmaccasutabhāvaṃ | vanacārocāroceti<sup>1615</sup> | brahmadevagharaṇvāsaṃ |  
gandhabbiputtamubhayaṃ | tadā | tui ro akhā n\* | vanacāro ca | <to svāḥ mu chui><sup>1616</sup>  
saññ lh | brahmadevagharaṇvāsaṃ | brahmadeva e\* aim rā thoṇ khrañḥ kui lh koñḥ |  
ubhayaṃ | nhac pāḥ chuṃ so rasse.<sup>1617</sup> tui. e\* | amaccasutabhāvaṇ ca | brahmadeva  
amat e\* sāḥ aḥphrac kui lh koñḥ | <gandhabbīputtaṇ ca | gandhabbakinnarā ma e\* sā  
aḥphrac kui laññ koñḥ |><sup>1618</sup> rañño | mahāsammata mañḥ āḥ | āroceti<sup>1619</sup> | krāḥ lhā pe e\*  
| {34} paṇitaṃ bhojanaṃ | datvā bhuñjāpetvāna te cuto | sabbagandhappakāraṇe |  
yathā vuttaṃ tāvattate<sup>1620</sup> | rājā | mahāsammata mañḥ saññ | paṇitaṃ bhojanaṃ | mvan  
mrāt so bhojaññ kui | datvā | peḥ ū r\* | te ubho | thui rasse. ñī noṇ nhac yok tui. kui |  
bhuñjāpetvāna<sup>1621</sup> | <phumḥ peḥ><sup>1622</sup> ce prīḥ r\* | sabbagandhappakāraṇe | aluṃḥ co so

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<sup>1613</sup> h. gi-verso

<sup>1614</sup> from h.

<sup>1615</sup> h. vanacārocāroceti

<sup>1616</sup> h. to sāḥ mu chuiv

<sup>1617</sup> h. sū

<sup>1618</sup> left out of a. and corrected as an annotation in the margin.

<sup>1619</sup> h. aroceti

<sup>1620</sup> h. āvattate

<sup>1621</sup> h. bhuñjitvāna

<sup>1622</sup> h. parabhut

<añḥ mantarāḥ kyamḥ dhammasat kyamḥ><sup>1623</sup> tui. kui | yathā vuttaṃ | rhañ rasse. tui.  
 saññ ho khai. so atuiñḥ | āvattate | pran pran ce e\* | {35} manusāra amh rhi so rhañ  
 rasse. e\* athuppatti nhañ. dhammasat kyamḥ e\* acī arañ kui chui so arā kāḥ i\* vay rve.  
 lhyañ prīḥ praññ. chuṃ e\* {36} sammatarājā āditya | tadā paraṃparābhataṃ |  
 lokopakāraṃ kathitaṃ | dhammasatthapakaraṇaṃ | sammatarājā<sup>1624</sup> | mahāsammata  
 mañḥ saññ | aditya | nat rvā lāḥ khai. sh rhi sau | tadā | thui akhā mha ca r\* |  
 paraṃparābhataṃ | achak chak sh choñ ap so | lo-

ko-v

kopakāraṃ | lū tui. āḥ myāḥ so kyeḥ jūḥ rhi so | dhammasatthapakaraṇaṃ | chuṃḥ  
 phrat rā chuṃḥ phrat kroñḥ phrac so manusāra amh rhi so dhammasat kyamḥ kui |  
 kathitaṃ | ho ap e\* |

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<sup>1623</sup> h. aṅḥ mantarāḥ bedaṅ kyamḥ dhammasat kyamḥ

<sup>1624</sup> h. gī-r

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