

BOOK REVIEW

***Buddhism in Court: Religion, Law, and Jurisdiction in China.* Cuilan Liu. Hardback. Published: 29 August 2024. 288 Pages. ISBN: 9780197663332. £78.00**

Paul R. Katz

Institute of Modern History, Academia Sinica, Taipei, Taiwan

Email: mhprkatz@as.edu.tw

Buddhism in Court represents a significant breakthrough in our understanding of the complex interactions between Asian religious groups and the governments that strove to regulate them. Its contents present the results of long-term research by Liu Cuilan, currently Assistant Professor in the Department of Religious Studies at the University of Pittsburgh, including her doctoral thesis (2014) and five articles published prior to 2020 listed in the book's bibliography.

The goal of this book is to explore attempts at mediating legal boundaries between religion and the state using a transnational perspective covering both India and China and an ambitious temporal scope ranging from ancient times to the present day (p. 3). Liu draws on a prodigious range of Pali, Sanskrit, Tibetan, and Chinese sources, including monastic law texts, imperial compilations of laws, official histories, private writings, etc., to demonstrate that the struggle to attain clerical legal privileges was a consultative project featuring extensive negotiations between Buddhists and the state, which Liu hypothesizes took place in a tripartite legal system of state, monastic, and hybrid courts (pp. 78, 101, 133). *Buddhism in Court* is particularly noteworthy for challenging Eurocentric views of the relationship between religion and the state (p. 187), while also surpassing previous scholarship by uncovering new evidence that Chinese Buddhist campaigns to attain clerical legal privileges originated in India (p. 78).

Buddhism in Court is divided into two main sections. Part I: Indian Origins consists of four chapters that examine how Indian Buddhists viewed their legal rights and duties during courtroom proceedings, and their efforts at attaining legal privileges prior to or after ordination (including exemption from prosecution). Liu also presents a stimulating analysis of how Indian Buddhists strove to expand these privileges through works that circulated in public doctrinal texts, including oral and visual media.

Part II: In the Chinese Courtroom opens with one of the book's key chapters, entitled "Hybrid Courts, Hybrid Laws," which treats how Chinese Buddhists and the state strove to define clerical legal privileges from the fourth century up to 1949. Liu's research reveals that two issues were of highest concern: 1) Who had legal authority over ordained Buddhists? 2) Which types of laws should be used to judge Buddhists who were on trial? According to Liu, one key result of these negotiations was the creation of hybrid courts and hybrid laws to deal with such matters, with the bulk of the chapter devoted to presenting examples about how such courts were supposed to operate.

The book's next two chapters consider how courts in contemporary China have dealt with legal issues involving Buddhist monks and nuns. Chapter 6 ("A Fallen Abbot") examines how China's legal system addressed the case of the monk Xuecheng 學誠 (b. 1966), who, in 2018, was accused of sexual, financial, and administrative misdeeds. Chapter 7 ("Dead Monks, Living Heirs") features thoughtful analysis of how the Chinese Communist Party (CCP) and Buddhist organizations attempted to resolve legal disputes between monastic institutions and the heirs of deceased clerics. Both chapters deserve credit for shedding new light on the contexts of Buddhist court cases in China today, including efforts by Chinese legislators to define sexual harassment (pp. 136, 150) and People's Republic of China (PRC) policies aimed at protecting the interests of ordained Buddhists after they had passed away (p. 164). There is also useful data on monastic wills (pp. 172, 194) plus distinctions between private and monastic/communal property (pp. 171–172).

Liu's Epilogue features a critical assessment of ongoing efforts to conceal Buddhist clerical crimes, which adopts a comparative perspective to advance the fascinating argument that Buddhists controlled access to legal privileges more tightly than Christians (pp. 181, 186–188).

Data presented in *Buddhism in Court* can also serve as a guide for scholars interested in future research topics. One such topic is monastic courts that conducted trials using Buddhist monastic law, such as the *Pure Rules of Baizhang* (*Baizhang qinggui* 百丈清規), and could administer strict punishments (including beatings) without consulting the authorities or other outsiders (pp. 7, 102, 126–127). Another involves comparing how the state administered legal matters involving Daoists, a subject briefly mentioned in the book (see, for example, pp. 104, 109, 113) but not explored in any detail.¹

As is the case with most pioneering studies, *Buddhism in Court* raises key issues that merit closer consideration. The first and perhaps most important of these involves the extent to which hybrid courts were able to administer hybrid law. Liu proposes two slightly different definitions of hybrid court: "a judicial office that was physically located within the state government...[and] followed a set of hybrid laws...consolidating relevant rules from both state and Buddhist

¹ Vincent Goossaert, *The Taoists of Peking, 1800–1949. A Social History of Urban Clerics* (Cambridge, MA: Harvard University Asia Center, 2007); Wang Chien-chuan 王見川 & Gao Wansang 高萬桑 (Vincent Goossaert), eds., *Jindai Zhang Tianshi shiliao huibian* 近代張天師史料彙編 (Taipei: BoyYoung Publishing, 2013); Richard G. Wang, *Lineages Embedded in Temple Networks: Daoism and Local Society in Ming China* (Cambridge, MA: Harvard University Asia Center, 2022), 93–103

monastic law” (p. 7); and, a “trial venue where both Buddhist monastic law and Chinese state law are referred to when interrogating ordained Buddhist offenders” (p. 100; emphasis added). While it is abundantly clear that the Chinese authorities did establish offices for regulating Buddhist (and Daoist) clergy, most texts about such offices tend to be normative, which makes it difficult to assess whether such offices functioned as courts and utilized hybrid law while doing so. For example, Liu cites one imperial edict from the Northern Wei dynasty (386–534) decreeing that monks who had been accused of less serious crimes be tried by the Office for the Illumination of Mysteries (Zhaoxuan cao 昭玄曹) using Buddhist monastic and state law (p. 103), but sources from that era do not indicate how such cases were adjudicated in practice.

Fortunately, the discovery of new archival materials from the late imperial and modern eras allows us to better understand these issues. For example, Gilbert Z. Chen’s recent research on the Baxian 巴縣 Archives shows that the Office of the Buddhist Registry (Senglu si 僧錄司; known as the Office of the Buddhist Assembly or Senghui si 僧會司 at the county level) could be used by officials, clerics, and laypeople for resolving legal disputes but was also charged with other administrative duties, including keeping track of local monastic populations. Moreover, the extent to which hybrid laws were applied by such offices is uncertain, since rationales underlying judicial decisions were generally not provided (as was also the case for many magistrates’ decisions).² A more obvious example of a hybrid court (albeit outside of the religious realm) might be the Shanghai Mixed Court (Huishen gongxie 會審公廨).³

Turning to contemporary China, the data presented in Chapters 6–7 indicate that the disputes Liu discusses were almost always adjudicated in state courts. While so-called “third party agencies” such as the State Administration of Religious Affairs (Guojia zongjiao shiwuju 國家宗教事務局) and the Buddhist Association of China (Zhongguo Fojiao xiehui 中國佛教協會) could play important roles in mediating Buddhist legal conflicts (including providing written statements about cases and offering financial help to the lay relatives of deceased sangha; see pp. 137, 156–159, 165–166), their ability or authority to function as hybrid courts is unclear. Liu does describe one convincing example of a hybrid document that merged Buddhist and state legal concepts, namely the *General Principles and Regulations for Communal Living in Chinese Buddhist Monasteries*, first passed by the Buddhist Association of China in 1993 (p. 177), but does not clarify whether these principles were applied in court cases. More recent work on cases involving clerical marriages indicates that PRC courts did not tend to seek input from the “third-party agencies” Liu mentions.⁴

² Gilbert Z. Chen, “The Hybrid Court at Work: The Local Practice of the Buddhist Office in Qing China,” *Buddhism, Law & Society* 8 (2022–23): 55–80.

³ Thomas B. Stephens, *Order and Discipline in China: The Shanghai Mixed Court, 1911–27* (Seattle: University of Washington Press, 1992).

⁴ Gilbert Z. Chen, “Monk Husband and Nun Wife: Clerical Marriage, Law, and the State in Contemporary China,” *Modern China* 51.4 (2025): 1–25.

Finally, a few minor matters: 1) The story of the Buddhist nun Yuanman 圓滿's mercy killing of 60 thieves using salty vinegar is repeated on both pp. 61–62 and p. 194, note 4; 2) It would probably be best to avoid using “Southern Song” for the Liu Song dynasty (p. 106), as these reigns were nearly eight centuries apart; 3) It might not be advisable to use the term “legislators” for imperial officials (pp. 111, 113).

The presence of such flaws in no way detracts from the overall intellectual impact of Liu's work, however. By preparing an invaluable synthetic overview of Buddhist legal history in India and China, *Buddhism in Court* succeeds in drawing our attention to the legal boundaries between religion and the state, as well as the ways in which such boundaries transformed across space and over time.

doi:[10.1017/S0738248025101119](https://doi.org/10.1017/S0738248025101119)