

Benjamin Schonthal, *Buddhism, Politics and the Limits of Law: The Pyrrhic Constitutionalism of Sri Lanka* (New York: Cambridge University Press, 2016) pp 320. Hardcover: \$86.00.
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In recent decades, high-profile controversies concerning monks involved in law and politics, as well as in serious violent conflict across South and Southeast Asia have revealed our current knowledge of relevant causes and consequences to be insufficient. This has generated renewed scholarly interest in the study of Buddhism, law, and politics. Benjamin Schonthal's book on *Buddhism, Politics and the Limits of Law* is part of this exciting and timely new generation of scholarly engagement on Buddhism and law in Asia.

As a leading scholar in the field, Schonthal demonstrates and cements his position as a pioneer in the contemporary study of Buddhism and law. His book joins a small but growing body of literature exemplified in such works as the edited volume *Buddhism and Law*,¹ the special journal issue of *Buddhism and Law in Asia*² (of which Schonthal is the co-editor), and Walton's *Buddhism, Politics and Political Thought in Myanmar*.³ In addition, Schonthal is on the editorial board of a new journal, *Buddhism, Law and Society*, which was launched in 2016 and is set to become the latest forum for this growing body of research. In short, Schonthal's work represents a new turn in the study of contemporary Buddhism and comparative law, and marks the consolidation of this area of study.

In *Buddhism, Politics and the Limits of Law*, Schonthal offers a rich, empirical analysis of a timely and sensitive issue across Asia—the interaction between constitutional law and Buddhism. His book exhibits exemplary socio-legal research—a quality that has been previously recognized, as his thesis (upon which the book is based) received the Law and Society Association Dissertation Prize (2013). His book is written in a compelling and accessible style, beginning with an opening story that raises the anomaly of monks (emblematic of religion and the private sphere) in court (symbolic of the public sphere). This powerful visual conundrum of who should stand up to honour whom in a courtroom—religious monks or the secular judge—pulls the reader into this intriguing dilemma.

Methodologically, Schonthal builds upon the idea of microhistory and expands on this to develop the concept of constitutional microhistory (illustrated well in Chapter 6, p. 18). This approach enables Schonthal to justify and advocate for the use of sources and materials beyond normative sources of constitutional law.

The animating idea central to Schonthal's work is the concept of pyrrhic constitutionalism (pp. 11–17). As comparative constitutional law scholars should note, Schonthal is careful to explain that, by “constitutionalism,” he is referring to a narrow understanding of “practices of drafting and adjudicating constitutional law,” rather than the wider use of government limited by law (p. 12). His idea then of pyrrhic constitutionalism is one in which the practice of constitutional law may upset the intended aims of the law, including its broader influence on social life.

1. French & Nathan (2015).

2. Schonthal & Ginsburg (2016).

3. Walton (2016).

Schonthal builds up this picture of pyrrhic constitutionalism and its pitfalls in two phases. In the first section, Chapters 2–4, Schonthal focuses on the period from the 1940s to the 1970s, when there were intense efforts to broker a constitutional settlement on religion in Sri Lanka. He traces the origins and foundations of the all-important Buddhism Chapter in the Constitution as the touchstone for ensuing debates and controversies. In doing so, Schonthal characterizes the historical debate in Sri Lanka as shaped by two competing paradigms: one that protects rights and the other that promotes Buddhism.

In the second section, Chapters 5–7, Schonthal shows how the Buddhism Chapter has been deployed and debated in practice. He identifies the way in which the efforts to protect Buddhism have actually amplified the perceived threats to Buddhism. The reliance on constitutional law has deepened conflict within Buddhism, and between Buddhism and other religions. He emphasizes the polarizing effect that reliance on constitutional litigation has, capturing this in the phrase “Buddhist-interest litigation” (a play on public-interest litigation) (p. 153). In this way, he skilfully demonstrates that constitutional law is never neutral. At times, reliance on constitutional law may in fact solidify divisions between religious groups. As a result, constitutional law amplifies conflict over religion (p. 7) and this is the cost of constitutional law for religion.

Anyone interested in how Constitutions manage religion should read this book. In addition, scholars who find themselves surrounded by an unwavering faith in the Constitution will have their assumptions about the inherent goodness of constitutional law shaken. The arguments in this book have long-lasting and broad implications for the way in which we think about and study law and religion. Schonthal’s book has resonance not only for contemporary debates in other Buddhist majority countries that constitutionally recognize Buddhism, such as Myanmar and Thailand, but also for broader debates over the relationship between religion and constitutional law.

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Beginning in the 1980s, the Party-state in China began to pivot politically from its Marxist legacy, once mired by its staunch rejection of human rights, to a rhetoric of public support for