

Benjamin Schonthal, *Buddhism, Politics, and the Limits of Law: The Pyrrhic Constitutionalism of Sri Lanka*

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A number of high profile Buddhist majoritarianisms across Southern Asia have attracted both the attention and alarm of scholars and activists in recent months. The rhetoric and actions of nationalist Buddhists have left many wondering about the remedies available to minority groups and the legal management of religion in predominantly Buddhist nations. Is the exercise of constitutional law an effective instrument for ensuring interreligious harmony and adjudicating interreligious disputes? What lessons from the history of the postcolonial legal management of religious life in Sri Lanka lie in wait for scholars and practitioners whose engagements with constitutional law are largely constrained to English-speaking, Euromerican juridical environments? The central thesis of Benjamin Schonthal's *Buddhism, Politics, and the Limits of Law: The Pyrrhic Constitutionalism of Sri Lanka* is that when it comes to Sri Lanka's frequently tendentious and acrimonious religious disputes, the exercise of constitutional law itself exacerbates, rather than ameliorates, conflicts amongst individuals and communities with differing religious commitments and visions of what constitutes the ideal relationship between the authority vested in religious, civil, and state actors (11). Reading together multivalent histories of Sri Lanka's postcolonial drafting and juridical legal invocations related to the management of Buddhism in particular, Schonthal argues that such a potential for conflict is in fact inherent to both the process and exercise of constitutional practice in the first place (7, 259). In order to analyze these dynamics, he introduces the framework of "pyrrhic constitutionalism," in which the outcomes of the exercise of constitutional law over matters related to religion significantly undermine its aims and ambitions (12), akin to a "pyrrhic victory," where the great cost of an achievement negates its successes.

Methodologically, the bulk of the book is comprised of what Schonthal terms "constitutional microhistories" (19). These are close examinations of the quotidian legal, social, and political contexts surrounding the development of a constitutional provision, revision, or especially a legal case surrounding the invocation of constitutional law in the adjudication of a particular religious dispute. Schonthal brings not only

the relevant text of constitutional provisions to bear on these microhistorical analyses which constitute the second half of the book, but the idiosyncratic, on-the-ground experiences and actions of local, oftentimes marginalized actors with the intent of demonstrating both how they were situated in broader legal and political currents, as well as illuminating disjunctures between their experiences and the anticipated outcomes of constitutional practice.

Legal scholars will find the book's engagement with the aims and limitations of constitutional law in the second, third, and fourth chapters particularly interesting because of their close analysis of Sri Lanka's history of postcolonial constitutional drafting and revising. Schonthal identifies three broad paradigms respecting the legal place of Buddhism on the island—promotional, protectionist, and promotional—that have defined and contextualized disputes over the constitutional management of religion beginning with but intensifying after the ratification of its first constitution in 1948 (58–59). Of particular interest here is his close reading in the fourth chapter of the legal process leading to the ratification of the 1972 constitution which inscribed the “foremost place of Buddhism (98).” Carefully reading from draft versions of resolutions and memoranda submitted by interest groups on to the eventual ratification of the “Buddhism Chapter” through assembly debate, he argues that the chapter's “multivalent language”—the result of a set of compromises between powerful stakeholders such as key government ministers, the island's monastic fraternities (*nikāyas*), and Hindu, Muslim, Christian, and secularist groups—demonstrates that even the legal process of enshrining the proper place for the island's dominant religious tradition reveals a reliance on the law's power of “ambiguity and incompleteness” despite its aims to clarify and particularize (144–45).

For scholars of Buddhism and religious life in South Asia, the second half of the book offers a number of “constitutional microhistories” in the fifth, sixth, and seventh chapters which closely examine many of the key moments in which the language of the 1972 constitution has been tested. Schonthal offers a close examination of the litigants, arguments, and social contexts leading toward the adjudication of a specific legal issue or case, such as that of a monk petitioning for a driver's license (Chapter 6). He finds that all too frequently, the legal record of invocations of the Buddhism chapter has, contrary to its aims to protect Buddhism, undermined solidarity amongst and between monastic and lay Buddhist organizations by transforming what have historically been low-intensity disputes into increasingly high-stakes, public, and acrimonious contests over the politics of membership, definitions and protections of orthodoxy, and of the authority to define these (214–16).

The book's strengths lie in these detailed historical examinations of the invocation of the Buddhism Chapter in a number of key legal battles which transpired during pivotal moments in Sri Lanka's civil war in the 1980s and 1990s. These “constitutional microhistories” aptly demonstrate key moments where “religion” and “Buddhism” become “strategic categories deployed (often opportunistically and competitively) by constitutional lobbyists, litigants, lawyers and judges in order to group together particular actors, activities, and objects, and to render them constitutionally salient” (268). Despite the close contextual nature of these examinations, I would have liked to see a greater distinction in the author's arguments between the nature of law itself and the conditions leading toward an increasing propensity of litigants to seek remedy from the law's particularizing and galvanizing gaze. In addition, the book does not

make any recommendations for legal scholars or practitioners for how to make better use of constitutional law's instruments, or for the use of a more equitable replacement. Despite this, the book constitutes a welcome intervention into both legal and religious studies scholarship by virtue of its close historical examinations of key moments in Sri Lanka's attempts to manage religious affairs on the island.

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