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French aims to build foundation for study of Buddhist law



"The Tibetan legal system is very different because it takes each criminal case as unique and doesn't make rules as a result of a case, so it has no connection to finality or closure — it's not goal-oriented."

— Professor Rebecca Redwood French

By Donna Budniewski

In the early 1990s, Rebecca Redwood French spent several years living in India and Tibet, learning firsthand from Tibetans the intricacies of a legal system that was, prior to China's invasion, based primarily on Buddhist principles.

A legal anthropologist and a professor in the UB Law School, Rebecca French hopes to build an academic foundation for the study of Buddhist law in Asian societies and how it can inform the legal traditions of the West and the rest of the world.

A highly respected and world-renowned expert on Tibetan law, French has worked in the field for more than 20 years, speaks Tibetan and is a practicing Buddhist. While she shies away from talking about the Dalai Lama, much of the nearly four years she lived in Asia was spent at his compound in Dharmasala, India, studying with a former Tibetan magistrate and guru, and interviewing Tibetan refugees.

At one time a successful litigator, French now works primarily in the small field of legal anthropology, which, in part, examines the processes by which people regulate themselves, settle disputes, achieve resolution and avoid conflict within their communities, she says.

"I practiced law for about six years and then started thinking about the ethical implications of law, and the more I thought about it, the more I couldn't get away from it. I made the decision to go back into academics and, of course, everyone thought I was crazy from an economic point of view," says French.

Her goal now is to help build an academic foundation for the study of Buddhist law and how it can inform the legal traditions of the West and the rest of the world in the move toward globalization.

The Baldy Center for Law and Social Policy in the Law School recently hosted, with French and several others at the helm, a conference titled "Locating Buddhist Law in Society." The conference consisted of a major brainstorming session on ways to begin a more formalized study of Buddhist law within the academy. The event brought together scholars in



Buddhist and Asian studies, anthropology, history, sociology, religion and law. No one presented papers and everything was fair game for discussion, says French, adding that chaos was kept at bay by the distilling of hundreds of ideas into a fairly organized framework for future discussion. A documentary about the conference is being edited and a Web site devoted to the work generated at the conference is planned, as is development of bibliographies to post online, for starters.

French views herself partly as a facilitator in helping fulfill the vision of the man she studied with in Dharmasala in spreading westward a fundamental understanding about a rich and complex legal heritage. Tibetan law – shaped and informed by a major world religion – still permeates Tibetan society, even in exile.

“The person I trained with for nearly four years was a high-level official and completely devoted to the Dalai Lama for his entire life. He had this real vision that Tibetan law and ideas about Buddhist law in general needed to get out to the West, and I was a conduit,” says French.

As she points out, the United States’ own laws and Constitution also were framed almost entirely in a religious context, although their secularization is nearly complete. In much of her work, she draws informative contrasts and parallels between both legal systems.

“The Tibetan legal system is very different because it takes each criminal case as unique and doesn’t make rules as a result of a case, so it has no connection to finality or closure — it’s not goal-oriented. That’s not to say there aren’t problems with that, but the aim is resolution in people’s minds. If the minds of those involved in a dispute are not harmonious at the end of the process, what they’ll tell you is that the anger will spill over somewhere else in society and cause further harm,” she says.

Legal anthropology fills a hole that French believes exists in the study and practice of law.

“The real problem is that you need people thinking about society in a larger sense, in a total way, and that is what’s

missing. Legal anthropology does that — it looks at how we are dressing and the way we talk to each other. It asks questions about sanctions, the lack of communal values and the kinds of dispute practices that exist in a society.

“It can focus on everything from how legal decisions are made in a commodities market to how prostitution is sanctioned in society,” she notes. “Legal anthropologists are invariably asking questions that are, to a large extent, antagonistic to the legal profession. They’re not asking, ‘How can you be a lawyer more effectively,’ which has more to do with economic gain,” she says.

Because of the reputation of the Dalai Lama and ideas centered on compassion, thoughtfulness, ethics and right living as themes flooding the popular press, French believes that the formal study of Buddhist law is essential and, for academe, only a matter of time.

“If there’s anything that Iraq and Afghanistan have taught us, it is that we really need to think about the relationship between religion and law. We just have to figure out how to tap that relationship and give it a strong academic visibility and foundation.”

French’s own pioneering work, *The Golden Yoke: The Legal Cosmology of Tibet*, is considered an important contribution to historical and comparative legal studies. In part, she notes the processes of dispute settlement used by Tibetans and gives a detailed description of their worldview. Interestingly, French points out that in cases of murder in Tibetan society, emphasis was placed on compensation, not only to the victims, but to others affected by the crime, and in many cases, the offender could be publicly punished.