

Becoming Buddhists, Committing Crimes and Making Contracts: An Initial Research on the Legal Facts of Buddhists between the First Century and the Sixth Century

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Abstract

In the past, few scholars researched the issue of "buddhists and the law" between the first and the sixth century from the perspective of legal system history. This article chooses three main activities to study the relationships between buddhists and the law in this period and is so named "Becoming Buddhists, Committing Crimes and Making Contracts.

As to the activity of becoming a buddhist, the government showed its basic attitudes from "wait-and-see", "prohibiting", and then to "controlling" at the last. These variations proceeded with the implementation of legal means. The process showed the contention between monarchy and religious right. It's the eventual tendency that monarchy controlled and utilized religious right.

Some literature records show that some bad buddhists repeatedly committed crimes, violating criminal laws. Though buddhists and normal people refused to talk about it, its existence was out of doubt. The sources of the buddhists' offences didn't appear by chance. Besides the general principles of Criminology, they directly connected with a series of variations of Buddhism during it's spreading in China. Some historical informations about the buddhists' activities of making contracts is preserved in the unearthed contracts in Turpan. These information show that, impacted by Chinese Mahayana Buddhism that spread back to Turpan

in Northern Dynasty, buddhists were equal with normal people in civil laws in this area. The result of the secularization of the Gaochang Buddhism. Perhaps we can use this theory as a reference of understanding the civil activities and civil legal status of buddhists in Central Plains region.

Keywords: between the first century and the sixth century, buddhists, Becoming Buddhists, Committing crimes, Making contracts