

The SACP Forum
Asian and Comparative Philosophy

ISSN: 1559-8489

Volume 23, Number 47, Fall 2006, Pages 82-249

2006 Editorial Staff

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SACP Website www.sacpweb.org

SACP FORUM
Asian and Comparative Philosophy
Vol. 23, No. 47, Fall 2006

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Vingetten

Buchstaben sind in der Wirklichkeit, Buchstaben sind gemacht.

—Katharina Blühm

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Steven Heine

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A Critical Survey of Works on Zen since Yampolsky

ABSTRACT

This article critically surveys and assesses major works and trends in Zen Buddhist studies since 1967, when Philip Yampolsky published a translation with substantial introduction of the *Platform Sutra* and, on the other side of the Pacific, eminent Japanese scholar Yanagida Seizan produced a breakthrough historical study of early Chan writings. The article consists of a selected bibliography based on region, chronology, and methodology, which is preceded by an essay that explains the selection process and evaluates achievements and lacunae in the field in terms of four main categories. The first two categories are conservative (“Institutional History” and “Patriarchal Literature”), and the other two are based on alternative or unconventional approaches (“Heresies, Unorthodoxies, and Stre-e-e-e-e-tching Boundaries” and “Other Approaches, Other Cultures”). The article also points to possible future directions in creating a balance between convention and the unconventional in dealing with a tradition known both for adhering to strict monasticism and encouraging irreverent iconoclasm.

INTRODUCTION: 1967—A VERY GOOD YEAR

Nineteen Sixty-Seven was indeed a very good year in the development of Zen Buddhist studies on both sides of the Pacific, as evidenced by the publication of two monumental works that forever changed the course of scholarly approaches to the history of Zen. In Japan, YANAGIDA Seizan issued what has remained the single most important book on the formation of early Zen writings in China cast in a social-historical context, *Shoki Zenshū shisho no kenkyū* (Study of the Historical Writings of the Early Chan School). This work lifted studies by Japanese scholars out of the traditional sectarian approach to Zen scholarship and into the arena of contemporary critical theoretical studies by challenging many of the myths and fabrications as well as highlighting the sheer creativity and inventiveness that characterized the early Zen school’s self-definitions.

Meanwhile, in America, Philip YAMPOLSKY, who worked with Yanagida on translation projects – and, along with his Japanese colleague, as well as Masatoshi Nagatomi and Stanley Weinstein, among others, helped train a generation of Western scholars – produced a translation with a substantial historical introduction and handy bilingual critical edition of one of the main Zen texts, the *Platform Sutra* by sixth patriarch Hui-neng. While by no means the first solid Western piece of academic work on Zen in an era still dominated by the popular writings of D. T. SUZUKI, Alan Watts, and Eugen Herrigel, as well as European scholarship by DEMIÉVILLE, GERNET, and ZÜRCHER, Yampolsky set a new standard for what a translation and book-length study in the field should accomplish. His work has for years been widely read and consulted by specialists and non-specialists alike. In 1967, the page was turned, and the mature discipline of Zen Buddhist studies was born.

It is not surprising to find that both books, while still well distributed, have been criticized for an out-of-date or old-fashioned approach, especially for unintentionally supporting a romantic, idealized view of Zen masters and ideology that the historical method they represented was supposed to be critiquing and undermining. Nevertheless, their impact will remain strong and continue to cast long shadows over other recent and future publications that struggle to capture the spirit of innovation and evoke the originality and authority of Yanagida and Yampolsky. Now, after forty years of absorbing the impact of these works, is a good time to assess what has been accomplished in the ensuing decades in addition to what has not yet or failed to develop, that is, the strengths and weaknesses, achievements and lacunae in the field of Zen studies.

What follows consists of two interconnected parts: a short essay that sums up critically the state of the field and what the student can expect to find available, which is based on a selected bibliography. The bibliography in the second part is a selected list of the major works on Zen in the West, primarily by American scholars since the time of the seminal publications cited above. Several guidelines were followed in the selection process. First, the list is intended to be representative of more advanced scholarship and thus limited in scope rather than comprehensive or exhaustive. My apologies go in advance to scholars and their works that may have been inadvertently left out. In addition, I extend an invitation for constructive feedback and suggestions about what is missing or overlooked so that the list can be improved. Second, the list

focuses primarily on books – monographs, collections, and translations – although several articles as well as a few unpublished dissertation titles and an important online resource are included, particularly in cases when a prominent scholar’s work or a sub-field is best represented that way.

Third, the list is organized into several categories and sub-categories. Following a short list of works from the years leading up to 1967, the bibliography continues with two “breakthrough” categories for monographs and collections. The notion of breakthrough used here refers to works that in their own way created at least a mini-revolution by opening up a new area of inquiry or breaking down conventional methodological barriers so as to generate a strong following and stimulate or inspire the research agendas of many others. Each of these works are being read and re-read by nearly everyone interested in Zen, Buddhist, or East Asian studies, or religious studies, philosophy, or intellectual history more generally because they cross over lines normally dividing culture, period, or method or are outstanding case studies that set a model or standard for how scholarship should be carried out. Many copies of these works will likely be considerably marked up by eager readers who have underscored or made notations in the margins about key or useful passages, and the titles are evoked at countless conferences and academic gatherings, or in publications. Following these two sections, the rest of the bibliography reflects a regional, chronological, or methodological emphasis.

A final factor in the selection process was to limit the list to works that are primarily academic or scholarly investigations of a key aspect of the history of Zen theory or practice. This has meant excluding some kinds of books that may have had a greater impact on more readers or have enjoyed a higher recognition value and are targeting a general audience. Also, studies dealing with Zen in relation to culture or arts or works associated with Kyoto School philosophy, which is sometimes seen as a branch of modern Zen, are not contained herein. Works that might be considered primary rather than secondary sources are not included here. For these and related reasons, another category that was considered for inclusion, but has been left out would have contained works on “Applying Zen,” with a variety of topics ranging from the arts and literature to psychotherapy or self-help. Such a list would be valuable to compile in a different context.

PART ONE: FIELDS AND SUB-FIELDS

This section reflects on the state of the field by organizing the main accomplishments and lacunae around thematic areas rather than following the structure of the bibliography. The first two categories below are rather “conservative” in referring to studies of the mainstream institution and its leading figures, whereas the next two categories refer to practices and methods for studying them that tend to stand outside or break the mold of the tradition’s conventions.

(1) Institutional History

Following the historical studies of Chinese Buddhism by CH’EN and Zürcher that dealt extensively with Chan as well as the early work of DUMOULIN (1953), the latter, after a series of publications, has delivered a comprehensive historical study from the formative to modern periods of Zen in China and Japan (1988-1990). More significantly, each of the main historical periods have been covered in depth beginning with the Tang (POCESKI), Song (FOULK 1987, YIFA), and Ming (YÜ) dynasties in China and continuing with the Kamakura (COLLCUTT, BODIFORD 1993, FAURE 1996), Tokugawa (WILLIAMS), Meiji (KETELAAR, JAFFE), and contemporary (KRAFT) eras in Japan. We now have a good description of the origins of the monastic institution and the rules and regulations that governed it as well as how it transferred and developed in Japanese history including modern reforms that turned celibate, nonviolent Buddhist monks into married meat-eaters.

One interesting feature of this development is that, whereas for a number of years the Rinzai sect was given priority in Western scholarship primarily because of the predilections of Suzuki, with Sōtō Zen nearly entirely overlooked, the proportionality has shifted. Now many of the best works cited above, such as Bodiford, Faure (1996), Williams, and Jaffe deal almost exclusively with this once far lesser known aspect of Zen history. What seems to be missing in this category as it now stands, however, is a balance in method in some approaches focusing on the great tradition of monks and their official affiliates, supporters, and donors and others on popular religiosity or the assimilation of folk, indigenous and esoteric Buddhist or non-Buddhist elements. The field needs to catch up with itself, so to speak, so that there would be multiple works representing diverse methodologies and outlooks on the various schools represented in the different historical periods.

(2) Patriarchal Literature

Many of the major historical figures in Zen have had their works translated and analyzed and/or lives examined. This includes Bodhidharma, Linji, Zhaozhou (Chao-chou), Yunmen (Yün-men), Zongmi (Tsong-mi), Dongshan (Tung-shan), Layman Pang, Hongzhi (Hung-chih), and Dahui (Ta-hui) in Tang and Song China, in addition to others such as Mazu (Ma-tsu), Baizhang (Pai-chang), and Huangbo (Huang-po). Also included are medieval through modern Japanese monks and thinkers including Dōgen, Ikkyū, Daitō, Tetsugen, Menzan, Hakuin, Tōrei, Bankei, Takuan, Bassui, Tosui, Ryōkan, and Hisamatsu. The translation of Chinul (BUSWELL 1986) is particularly important for understanding intellectual developments in both China and Korea. In a number of instances, there are multiple translations available, and once again in a case of Sōtō scholarship seeming to surpass Rinzai, nearly all of Dōgen's major works have been rendered in English, with a definitive version of the *Shōbōgenzō* expected to be available as a central part of the BIELEFELDT online project. The translation of *Eihei Kōroku* in LEIGHTON and OKUMURA (2004) is noteworthy. In addition, following the early work by MIURA and SASAKI on kōan literature, there have been translations of the collections that are most important from a Japanese perspective, including the *Wumenguan* (J. *Mumonkan*), *Biyuanlu* (J. *Hekiganroku*), *Congronglu* (J. *Shōyōroku*), as well as capping phrase texts used extensively in the Rinzai sect's training curriculum (HORI 2003 and KIRCHNER 2004). However, these efforts have not necessarily reflected what is most representative in terms of the history of Chinese writings.

Furthermore, if TV programming in America has been depicted as a "vast wasteland" that is all too readily accessible for all, then the case of Zen literature is one of a "vast storehouse" that is nearly inaccessible to everyone but a small handful of specialists who can read those works. That is, there are voluminous transmission of the lamp records, sayings of masters, and kōan collections and commentaries that have barely been dealt with and need to be made available. This is certainly one of the main new areas for the expansion of Zen studies in the next generation. In studies of Western religion and literature, new scholars continue to approach Augustine or Shakespeare, even though these figures have been well covered for years, whereas others pursue uncharted, seemingly obscure territories in early or late medieval writings. It is important for Zen studies as well to maintain a thoughtful balance between novel approaches to the tried-and-true and tried-and-true approaches to what appears novel.

For instance, the Song dynasty transmission records, of which the prominent *Jingde chuangdeng lu* (J. *Keitoku dentōroku*) is just one of many examples of this all important genre, has only appeared in a partial translation in CHANG (1969) and been analyzed in depth in WELTER (2006), and elsewhere. In addition to vast amounts of Chinese and literature, including quite a few kōan collections that were forgotten because they were not so popular as the small handful that caught on in Japan, there are also other huge areas that have barely been explored. These include medieval Japanese Five Mountains poetry (*gozan bungaku*) that was crucial in the intellectual development of the Rinzai sect and its interface with indigenous culture and the extensive records (*shōmono*) of commentaries by Sōtō masters that incorporated esoteric symbols along with complex literary styles and structures.

(3) Heresies, Unorthodoxies, and Stre-e-e-e-e-tching Boundaries

It has been argued that while Zen frequently and flagrantly uses the rhetoric of irreverence and iconoclasm, or what Robert Gimello has called “disingenuous blasphemy,” even or especially toward its own patriarchs who consistently get reprimanded, slapped, and upbraided in hagiographical accounts, it is like many other traditions in that it has fiercely pursued the establishment and preservation of orthodoxy along with the suppression of heresy and unorthodoxy. Therefore, much of the most interesting and important research has been involved with ferreting out areas of ideological conflict and dissent that emerged at key turning points in the development of the tradition by looking at rivalries as well as absorptions involving other schools, sects, movements, and rites. These points of challenging intersection within the school and between Zen and its rivals in a competitive East Asian religious environment were crucial at historical junctures, and were obviously prominent at the time of occurrence, but have been hidden or dormant and remain neglected since they were pushed under the rug, so to speak, like Gregor Samsa in Kafka’s *Metamorphosis*. After the early work of ZEUSCHNER, the Northern school, the original heresy of gradualness that was crucial at the time of the formation of the Southern school orthodoxy has been treated in several key works (McRAE 1986 and FAURE 1995). Similar issues include debates between Linji and Caodong factions during the Song (SCHLUTTER 2000) and the role of the Daruma school (FAURE 1991) at the dawn of Zen in early Kamakura Japan, as well as the emergence of the third sect in Tokugawa Japan which integrated kōan and *nembutsu* practice, Ōbaku (BARONI 2000).

Another significant area of inquiry responding to general academic trends emphasizing realms of society beyond and stretching or challenging conventional boundaries has been a focus on the popular religious quality evident in Zen practice throughout every phase of its historical development. This began in China where the deification of masters particularly after death was a major component in the spread of the movement, and continued in Japan where prayer temples (*kitō jiin*) featuring festivals and talismans incorporated with esoteric Buddhist and indigenous icons and images is rather the rule rather than the exception. Several works have brought out the role of funeral rites (Faure 1991), mummification (SHARF 1992), and ritual portraiture (FOULK and SHARF 1993) in preserving the images of abbots, while other studies have emphasized folk practices pervasive in the Sōtō sect, including HEINE (1999), ROWE, and Williams. In addition, popular religiosity has been treated in GIMELLO (1992) and SAWADA, and the role of women has been explored in Song literature (LEVERING) and Sōtō monasticism (ARAI). A sense has been created that we do not really know what the “real” Zen really is and that it is necessary to sort and sift through the records to find the appropriate materials rather than just rely on what the tradition says it is, especially since much of the prevalent self-definition was generated as late as early modern Japan.

(4) Other Approaches, Other Cultures

While early debates about how to conduct studies of Zen involving HU SHI (1953) and SUZUKI (1953) focused on the relation between historiography and philosophy, with the latter seeming to play a dominant role, it is clear that the field of Zen scholarship has been greatly influenced by philological and socio-historical methods over the past few decades. This has left the area of philosophical studies somewhat limited in scope and with relatively few proponents. In dealing with a school of thought that eschews logical discourse expressed through “words and letters” yet has been greatly influenced by the poetic traditions of East Asia, perhaps the most relevant work in this area has involved literary critical approaches, as in WRIGHT and WANG. One of the reasons that philosophy proper has not been applied to studies of Zen in the past twenty years is because this approach has been superseded by a newer focus, which came to the fore in the 1990s, on ethical issues. This has involved an analysis of how Zen in Japan has contributed to social problems, such as discrimination (HUBBARD and SWANSON) and nationalism/imperialism (HEISIG and MARALDO, and VICTORIA), as well as the potential for

reform (IVES and ODIN). Some of these works have tried to dethrone Zen from the lofty seat of idealism and expose it as a corrupt and tainted tradition more content with preserving its institutional status quo than seeking to liberate sentient beings from the throes of stubborn ignorance.

Finally, it seems that forty years has not been a sufficient amount of time to yield a high volume of scholarly works on Zen manifested outside China and Japan. While there are a couple of outstanding books dealing with history or practice in Korea (BUSWELL 1992) and Vietnam (NGUYEN), there remains much research to be accomplished in regard to these areas that are so rich in historical tradition and contemporary practice, particularly with the Buddhist revival in Vietnam in recent years. Studies of Zen coming to the West over the past century since it was introduced at the time of the famous 1893 World Parliament on Religions have focused primarily on narratives about individual teachers (CHADWICK) or on adoptions to the new environment (ASAI and WILLIAMS, and ROCHA). This is certainly one of the growth areas in the field.

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The Distance to the Near Side

Japanese: Hints and gestures, according to what you indicated, differ from signs and chiffers, all of which have their habitat in metaphysics.

Inquirer: Hints and gestures belong to an entirely different realm of reality, if you will allow this term which seems treacherous even to myself.¹

If we have read Martin Heidegger's "A Dialogue on Language" well, then we may have felt the "shy reverence" with which to approach a dialogue across cultures, as well as the delicacy of language itself. In this spirit, I begin my own conversation with Heidegger and Nishitani Keiji, not as a project of translating one to the other, but because they each gestured at the same target: overcoming the nihilism hatched from a maligned metaphysics. Both thinkers struggled to say things that are impossible to capture fully in language because of its historically rooted metaphysical burdens, and because of the impossibility of saying itself. Yet, each endeavored to think and express the irreducible tensions, contradictions, and differences that structure existence. While their paths are pleasantly and profoundly different, they both maintained that the way out of nihilism was a place. For Heidegger, this place is the clearing where the difference between Being and beings endures *as difference*; for Nishitani, it is the *Near Side* where the absolute self-contradictory identity of all things is held. Neither thinker took the tidier, tempting path of reconciling paradox and difference through mediation and sublation—a path that found its most sophisticated form in Hegel's dialectical unification of logic and ontology.

All three thinkers were concerned with the impact that dualistic thinking has had on both philosophy and modern society. However, for Hegel, this problem is overcome through the dialectical movement of negation and reconciliation; while for Heidegger and Nishitani, negation is only possible because of a background nothingness that cannot be dialectically sublated. In fact, these two philosophers each maintained that mistaking nothingness as something to be dialectically overcome has contributed to the nihilism of our age. On this basis, I use the

metaphors of mourning and melancholia as a way to understand how Nishitani and Heidegger each sought to turn away the “uncanniest of guests at our door.” The melancholy of holding oneself open against the desire to dialectically “cure” paradox and reconcile difference radicalizes the possibility of experiencing both the Nothing and nothingness, while assisting the journey to the *Near Side* of existence.

1. Mourning and Melancholia

In his essay, “Mourning and Melancholia,” Sigmund Freud claimed that mourning and melancholia were both rooted in loss, such as the loss of a loved one, or the loss of a more abstract love-object such as liberty or an ideal.² To this list, we might add the loss of meaning. Freud noted, however, that there was a striking difference between mourning and melancholia in that the latter was accompanied by the peculiar absence of an object of loss. In melancholia, the loss is *unknown*. He concluded that melancholia is a pathological version of mourning because the “work” of grief cannot be performed in the absence of an object. In mourning, one experiences a process of letting go whereby an acceptance of the reality of loss wins out and the binds to the object are released. The mourner may temporarily turn away from reality in a struggle against the loss; however, through the process of grief, the mourner regains meaning in the world by releasing attachment to the object of loss. In melancholia, though, the incapacity for grief work results in a narcissistic regression into the self. Thus, mourning and melancholia share a similar cause in loss; however mourning is a dialectical activity that works through grief to reconciliation. Melancholia, in contrast, is distinguished by both the absence of an object of grief and by its lack of dialectic.

As an alternative to Freud’s assessment of melancholia as a narcissistic and pathological form of mourning, an ontological account of melancholy may be suggested. In *Black Sun*, Julia Kristeva writes,

I owe a supreme, metaphysical lucidity to my melancholy. On the frontiers of life and death, occasionally I have the arrogant feeling of being witness to the meaninglessness of Being, of revealing the absurdity of bonds and beings... In his doubtful moments, the melancholic person is a philosopher, and we owe to Heraclitus,

Socrates, and more recently Kierkegaard, the most disturbing pages on the meaning or lack of meaning of Being. One must, however, go back to Aristotle to find a thorough reflection on the relationship philosophers have maintained with melancholia.³

For Aristotle, melancholia, balanced by genius, is coextensive with our anxiety in Being. Although Heidegger did not specifically address melancholia, his insights into the relationship between anxiety and Being support an understanding of melancholia as ontological. I follow his description of Angst and fear in order to say that mourning is ontic and melancholia is ontological, thereby making the latter a condition for the possibility of the former and accounting for the apparent lack of an object in melancholia. To follow the Heideggerian analysis further, melancholia, like Angst, is a fundamental *attunement* that brings us before being-in-the-world in a simultaneous revelation of the Nothing and Being. In addition, as a fundamental attunement, melancholia individualizes us because it is a state in which the recession of the world of objects necessitates that the ordinary, public modes of meaning fall away and the world offers nothing for self-interpretation. What Heidegger puts in terms of Angst also applies to melancholia:

Angst individualizes and thus discloses Da-sein as “*solus ipse*.” this existential “solipsism,” however, is so far from transposing an isolated subject-thing into the harmless vacuum of a worldless occurrence that it brings Da-sein in an extreme sense precisely before its world as world, and thus itself before itself as being-in-the-world.⁴

In this way, a fundamental attunement brings us before the world as Nothing, as well as revealing human existence as structured by a fundamental openness to Being.

By definition of the ontological difference, then, there is no object in the world at which melancholia is directed. This is not to say that ontic loss is irrelevant to an ontological understanding of melancholia. One of the consequences of existing in a world with others, as finite beings, results in a sense of ontological “loss.” Yet, how can ontological “loss” be experienced if there are no objects of possession to begin with? While ontological loss is, strictly speaking, impossible, there are certainly ontological limits or finitudes. To live *with* others is to

be partly constituted by them, thus to lose them is to lose a piece of oneself; to be towards death is to live in an essential relationship to the end of one's possibilities; the finitude of the world is the limit of oneself, for as beings in the world we comprise it as it creates us. The finitudes of existence are the fundamental ways that something exists, and so these limits are not the limitations of "what I cannot do," but instead allow a background and foreground to restrict of a space of possibilities such that we may actually exist. In fact, Nishitani called the Buddhist explanation of samsaric birth-and-death an "infinite finitude" like Heidegger's being-in-the-world.⁵

While mourning treats negation as the loss of *something*, and thus moves in accordance with the desire to overcome lack, melancholy reflects the ontological finitudes made possible by a nothingness that cannot be defined in terms of negation. Desire has often been described as arising from lack: we desire what we do not have. Such desire born of absence and negation is desire seduced by a void, rather than desire born of a plentitude made possible by nothingness. This distinction between negation and nothingness operative in desire, and in the difference between mourning and melancholy, is also crucial to how Nishitani and Heidegger each understood the logic of nihilism and the metaphysics of the atomic age.

2. The Metaphysics of the Atomic Age

In 1957, Heidegger opened his lecture on *The Principle of Identity* by asserting it as the highest principle of thought. He claimed, though, that the classic formulation of it as $A = A$ does not properly express the principle of identity if it means that every A is itself the same, for the equal sign misleads us into dualism. Even the modified formula of $A \text{ is } A$ does not say anything directly about the nature of identity, except that it presupposes the meaning of identity as belonging to the unity of a thing with itself. What would it mean, he asks, to think of the relation between $A \text{ is } A$ in terms of the relation as such and not according to what is related? We can begin, he suggests, by considering things as belonging together in terms of the *belonging* instead of the *together*. In contrast, when we think of them in the customary way, only in terms of the *together*, we place the meaning of *belonging* in "the unity of a manifold, combined into the unity of a system, mediated by the unifying center of an authoritative synthesis."⁶ On the other hand, when discrete things are not dialectically subsumed into a mediated unity, they may be held

together in the Same without reduction, conflation or synthesis. This requires us to contemplate the “constellation” between Being and beings from “the very nearness of that neighborhood in which we reside,” that is, to think the ontological difference from “the event of appropriation.”⁷ To accomplish this would be to leap out of the history of metaphysics—a history that culminates in the nihilism of the atomic age.

In 1929, when Heidegger asked, “What is Metaphysics?”, he answered his leading question with the claim that, “metaphysics is the basic occurrence of Da-sein. It is Da-sein itself. Because the truth of metaphysics dwells in this groundless ground it stands in closest proximity to the constantly lurking possibility of deepest error.”⁸ Nearly thirty years later, at the end of his 1957 seminar on Hegel’s *Science of Logic*, in the concluding lecture, “The Onto-Theo-Logical Constitution of Metaphysics,” Heidegger called for a step back out of the history of metaphysics and into the “active essence of metaphysics.”⁹ I shall leave aside the chimera of a history of metaphysics and instead focus on Heidegger’s argument that the essence of metaphysics is *transcendence* and that the essence of nihilism is both a metaphysical misunderstanding of the *nihil* and the oblivion of the ontological difference *as difference*.

The forgetting of Being in onto-theological metaphysics is the simultaneous veiling of the difference between Being and beings. Such veiling is also apparent in the use of logic by Western metaphysics to define truth propositionally and ground it in the law of non-contradiction as its first rule, rather than consider truth as unconcealing (*aletheia*). In addition, in neglecting the ontological difference *as difference*, the forgetting of Being is also a misconception of the Nothing—of that which is not a being, nor merely the negation of beings. Whenever metaphysics has actually inquired into Being, it has been only to seek it as the ground of beings (onto-) or as the highest cause (theo-). In his meditations on the Nothing, Heidegger questioned the primacy of the law of non-contradiction as the first law of thought because it conceals being, but also because it does not acknowledge that negation and contradiction are made possible because of a prior nothingness. Logicians as well as scientists ignore this to great detriment in the metaphysics of the atomic age. In Heidegger’s words:

The question arises whether the innermost essence of nihilism and the power of its dominion do not consist precisely in considering the Nothing merely as a nullity, considering nihilism as an apotheosis of the merely

vacuous, as a negation that can be set to rights at once by an energetic affirmation. Perhaps the essence of nihilism consists in *not* taking the question of the Nothing seriously.¹⁰

The nihilism of the metaphysics of the atomic age is marked by calculative thought, the technological articulation of all beings and the obfuscation of Being. What Heidegger says here about technology in “The Principle of Identity” is echoed later by Nishitani:

Technology, conceived in the broadest sense and in its manifold manifestations, is taken for the plan which man projects, the plan which finally compels man to decide whether he will become the servant of his plan or will remain its master.¹¹

The history of metaphysics has resulted in the technological domination of beings and the earth, the relegating of our most profound meanings to mere values (the very definition of nihilism for him), the veiling of the ontological difference, and the banishing of the why-question. This is a nihilism that implies life has no intrinsic meaning, and that all is subject to calculative thinking.

Calculative thought places itself under compulsion to master everything in the logical terms of its procedure. It has no notion that in calculation everything calculable is a whole before it starts working out its sums and products, a whole whose unity naturally belongs to the incalculable which, with its mystery, every eludes the clutches of calculation.¹²

Everything, including values, is subject to the indiscriminate razor of logical operation which serves to simply negate or affirm, reducing ek-sistence to calculation, while clouding the way we exist in the world, with others, as a whole.

In “The Onto-Theo-Logical Constitution of Metaphysics,” Heidegger responded to the possibilities of metaphysics beyond the problem of nihilism, calling for an attempt that, “accomplishes the step back, back out of metaphysics into the essence of metaphysics, back out of the oblivion of the difference.”¹³ So how are we to step out of the history of metaphysics as nihilism and into its active essence as transcendence?

Heidegger is clear that the finite transcendence of Da-sein’s being-in-the-world is a response to the false possibility of consummate meaninglessness; he is less clear about how the meaning between Being and the Nothing, or more strongly, Nothingness, is a response to

nihilism. Heidegger is quite straightforward about the oblivion of Being in the history of metaphysics, and he states forcefully that is the covering over of the *difference* that is the crux of the problem. What remains murky is how to think of that difference as such, or how think of relation *as relation*? Such thinking, Heidegger often reminded, is necessarily difficult and often distorted by the metaphysics of language itself.

Heidegger's shift away from the Da-sein centered analytic of *Being and Time* is well known and dramatically considered. I suggest that it is critical to see that the shift transitioned through Heidegger's attention to the issues of the *not*, and the Nothing, in their relationship to negation and nullity. This was also the path between the finite transcendence of Da-sein as being-in-the-world to the transcendence of the ontological difference as *difference*. In both cases, Heidegger was concerned with thinking about relations *as* relations without reducing them to what is being related. More importantly here, his attention to the varieties of *not* and Nothing allowed for the idea of *groundless* transcendence, in contrast to the subject-object, epistemological and theological transcendence that has so deeply troubled metaphysics. Does understanding groundless transcendence as an attention to difference assist in describing relations? This transcendence—as a relation that passes from one thing to another—is a movement that makes manifest the difference between two poles of transcendence, without hierarchy and *without collapsing them*. Groundless transcendence allows the distance created by its movement to be maintained non-dualistically. In Heidegger's words,

The human being is a creature of distance! And only by way of real primordial distance that the human in his transcendence establishes toward all beings does the true nearness to things begin to grow in him. And only the capacity to hear into the distance summons forth the awakening of the answer of those humans who should be near.¹⁴

Groundlessness is thus not privation. From this nothingness comes the transcendence which brings forth the distance and nearness required for both an I and an Other, as well as the space of existence as being-in-the-world. Thus, the groundlessness of transcendence makes care for the other and meaningful engagement with the world possible. Along with this description of distance and nearness, Heidegger's suggestion that love is the basic motivation for

phenomenology might be considered. And if such love is structured by desire, it comes not from lack but from listening.

Although the history of metaphysics as epistemological and theological transcendence has sought a source of value, its very emphasis on things, substance, and final grounds ruled out possible success. The finitudes of distance structuring groundless transcendence enable the existential spatiality of distance and nearness in such a way that a world of relevance is always recognized, encountered first as a whole—as the Nothing.

Dasein means: being held out into the Nothing. Holding itself out into the Nothing, Dasein is in each case already beyond beings as a whole. This being beyond beings we call “transcendence.” If in the ground of its essence Dasein were not transcending...holding itself out into the nothing, then it could never be related to beings nor even to itself. Without the original revelation of the nothing, no selfhood and no freedom.¹⁵

This is transcendence along the lines of the ontological difference, and a movement that manifests distinctions without hierarchy and without collapse precisely because it is groundless: the poles of transcendence are unfixed and exist on the basis of the Nothing, rather than any final ground or ultimate foundation. Thus, the groundlessness of transcendence is not privation; for by being held out into the nothing, the *why* question and a meaningful encounter with the world are made possible.

A mutiny of the *nihil* against nihilism begins to occur when the concept of the Nothing is reclaimed from considering it as mere negation or nullity. By understanding what the Nothing gives to existence, and that it is prior to those *nots* which negate meaning in nihilism, the Nothing is shown to be a primordial finitude undermining nihilistic negation. An experience of nihilism, while not sufficient to overtake nihilism, contains the hint that nothingness *reveals* something. After all, as melancholy reveals, it is not just that Being is encountered in an experience of Nothing, but one’s deepest possibilities as well. In nihilism we hover here, and for those unaccustomed to the sensation of groundlessness, vertigo urges the casting forth of a false ground to paper over the *nihil*. Becoming opaque to ourselves and treating the world in kind is such a papering over, and one of the many forms that nihilism takes—a very tempting choice for

creatures more comfortable with *terra firma* than subterranean space. For Heidegger, we cannot overcome the melancholy, homelessness of existence by treating nullity as “dark quality” we could rid ourselves of if we made sufficient progress, through a dialectic or any other means.

3. Nihilism and Sunyata

In *Religion and Nothingness*, Nishitani begins chapter three with a grim assessment of nihilism in the era of science and technology, and ends with the beauty of Muso Kokushi’s words: “Hills and rivers, the earth, plants and trees, tiles and stones, all of these are the self’s own original part.”¹⁶ What lies between this beginning and ending is the distance from *nihilism* to *sunyata* – an emancipation from nihilism to the “near side” of existence—the place where the self is reborn into its “original mode of being.” Such a passage from relative nothingness (*nihilism*) to absolute nothingness (*sunyata*) occurs by way of nothing less than an absolutely radical shift made possible by Kitaro Nishida’s “logic of the absolute self-contradictory identity.”

Nishitani opens his exploration of the boundary between nihilism and *sunyata* with the confrontation between science and religion. Despite their standoff, the boundary that separates them is a boundary that is shared; moreover, this is also the traditional space between metaphysics and philosophy. In our time, science does not concern itself with the limits of its own standpoint, and rests in a self-referential justification and “air of absoluteness” because of the “objectivity of the laws of nature that afford scientific knowledge both its premises and its content.”¹⁷ Given the absoluteness and objectivity affixed to scientific knowledge, Nishitani ponders the fate of religion, philosophy, and the arts. Are they merely subjective? Can there be more than one “absolute” truth?

He answers that we must approach the relationship between the absolute and relative by investigating science and philosophy from a new angle. Such an inquiry begins with the question “where?” He asks, “If we accept the objectivity of the laws of nature as beyond doubt...on what horizon are these laws encountered and on what dimension are they received?”¹⁸ There are, he thinks, two ways to answer this. First, phenomena are *explained* in terms of laws. Second, phenomena *live and appropriate* the laws of nature. In the first case, the scientific view, the laws of nature control the activities of living organisms. In the second case, the view endorsed by

Nishitani, the laws of nature become manifest through an “instinctive appropriation” by living organisms.¹⁹ Thus, the laws of nature appear when organisms live and act, thereby embodying and appropriating these laws.

The teleological character of this structure is at work in the dynamic between the laws of nature, technology, the advance of knowledge, and ultimately, in the nihilistic character of the human submission to mechanization. Technology originates in knowledge of the natural laws; from here knowledge advances and develops via technology while the advance of knowledge in turn furthers technological “progress.”

This is how Nishitani described the reciprocity between knowledge and technology. In the machine, the laws of nature work with an immediacy not found in nature alone, in a more purified (abstracted) form than is possible in nature itself. Human work becomes objectified in the machine to the point of assuming the very character of the laws of nature. Yet, the machines also mark liberation from the laws of nature through the control exerted by humans in their technological appropriation of these laws. Nishitani describes this double dynamic as, “The higher we proceed up the chain of being, the deeper the reach of the rule of law; but, at the same time, the more fully actualized the freedom of things that use those laws becomes.”²⁰

A serious problem emerges here, and it is one that leads into nihilism. With the emergence of the stage of intertwining between technology, nature, and being, we find an inversion in which, “the controller becomes the controlled.” As the machine has emerged into being and the laws of nature have become fully present to us, life has become progressively impersonal and mechanized. This is the first inversion: the *mechanization* of the human. A second inversion also occurs: we behave as if we stood outside the laws of nature. Here, we undergo a key movement, for in this second inversion the ground of *nihilicity* opens up. Our situation on the ground of nihilicity is one in which we are “given over to the naked vitality of life” by way of acting as though we exist over and above nature. We have become, Nishitani says, an isolated and desiring subject whose stance on the ground of nihilicity is apparent in many ways, for example in “the contemporary tendencies of great masses of people to devote themselves passionately to the races, to sports, and to other amusements.”²¹ This “crypto-nihilism” lingers in the atmosphere, yet without manifesting clearly in awareness.²² There is also an overt nihilism that consciously turns away from the masses to embrace the ground of nihilicity; either way,

nihilism has come to mean the inversion of the relationships between humans and nature, and scientific progress and human morality, as well as a sealing of the ego inside itself. In an insight reminiscent of Heidegger's analysis of the metaphysics of the atomic age, the paradigmatic example of this inversion is nuclear weaponry.

Despite the gravity of nihilism, a movement has begun in nihility that can lead through it to the emancipatory field of absolute nothingness (*sunyata*). Such a movement is not inevitable, but does begin with an initial move into the relative nothingness of nihility. This shift onto the ground of nihility occurs in the transformation of humanity into a mechanized subject in pursuit of its desires, as we saw above, and it can also occur as the Great Doubt – the uprising of a deep uncertainty about existence. We “become a question to ourselves” when we ask, “For what purpose do I exist?”²³ Nihility enters here:

Nihility refers to that which renders meaningless the meaning of life. When we become a question to ourselves and when the problem of why we exist arises, this means that nihility has emerged from the ground of our existence and that our very existence has turned into a question mark. The appearance of this nihility signals nothing less than that one's awareness of self-existence has penetrated to an extraordinary depth.²⁴

The appearance of nihility in our self-awareness also becomes a metaphysical issue of determining what is real, what is meaningful, and how to live with the apparent contradictions within reality; particularly between the self and the world. As Nishitani tells us, the standpoint of the “self-contradiction of reality,” has come to exert tremendous influence on us since the emergence of the modern, subjective ego.

Indeed, modern subjectivity had its beginnings in the emergence of the Cartesian *cogito* from a dialectic of doubt. Doubt, as an operative of nihility, is able to reveal the subject which, as Nishitani says, “can in no way ever be made an object itself.”²⁵ Descartes' doubt becomes the indubitable *cogito* however, and “the *cogito* is seen from the standpoint of the *cogito* itself, ego becomes a mode of being of the self closed up within itself... its self-evidence becomes a kind of self-deception, or fallacy unto itself.”²⁶ Thus, this is not the Great Doubt, in which the distinction between the doubter and the doubted dissolves, and the self becomes Doubt itself (such as in *samadhi*).

How, then does the standpoint of nihilism begin to transform into the standpoint of *sunyata*? As Nishitani tell us, “Nihilism cannot shake free of nihilism by itself.”²⁷ The deep implications for this are that the “depths of self-awareness” potentially brought forth by an original gaze into the abyss of nihilism at the ground of our existence halt in nihilism, for “nihilism is thwarted in its positive intentions by the very nihilism on which it stands so steadfastly.”²⁸ This is the essential dilemma of nihilism, and one that requires another kind of field to open up in which nihilism can be resolved. What is this field? It cannot be the standpoint of individual personality, nor spirit. It cannot be on the *far side*, beyond *this* world. It must lie on the *near side*, so near to us in fact that, as Meister Eckhart said, it is “nearer to the self than the self is to itself.”²⁹ For Nishitani, this is the standpoint of *sunyata*:

Sunyata is the point at which we become manifest in our own suchness as concrete human beings, as individuals with both body and personality.

And at the same time, it is the point at which everything around us becomes manifest in its own suchness.³⁰

Sunyata thus returns the self to itself in its *original mode of being* and serves as an antidote to nihilism.

The disclosure of *sunyata* as an absolutely transcendent field of absolute nothingness on our near side is a conversion to absolute death-*sive*-life and life-*sive*-death. This death-qua-life and life-qua-death are not reducible, the *sive* remains absolute such that both life and death remain visible – *the contradiction is not resolved or sublated*. Furthermore, the standpoint of *sunyata* is not a relative nothingness to nihilism, the way that nihilism is a relative nothingness (negation, doubt, the not); *sunyata* is an absolute emptiness in which no “traces of things” remain. By way of example, even in the most sophisticated expressions of nihilism found in existential nihilism, representations of nothingness as a “thing” remain. Even Heidegger is implicated here:

Nihilism is still being viewed here from the bias of self-existence as groundlessness (*Grundlosigkeit*) of existence lying at the ground of self-existence. This means that it is seen lying outside of the “existence” of the self, and therefore also as something more than that “existence,” or

distinct from it. We find this, for example, even in Heidegger's talk of self-existence as "held suspended in nothingness."³¹

The persistence of conceptual negation in nihilism retains traces of the reification of nothingness; whereas in *sunyata*, emptiness empties itself of its own standpoint as emptiness – there is absolutely no representation possible here.³² Therefore, *sunyata* is the endpoint of negation, nihilism dissolves into the field of absolute emptiness, and *sunyata* is realized as self-identical with being, rather than outside or other than being. *Sunyata* is the possibility for nihilism, just as nihilism is the possibility for becoming a question mark to ourselves, or for taking a stance over nature. Nishitani phrases this poetically: "As a valley unfathomable deep may be imagined set within an endless expanse of sky, so it is with nihilism and emptiness."³³

As the distance from nihilism to the near side of *sunyata* is charted, a shift in logic makes this geography possible. Nishitani offers a map of the far and near side in terms of degrees. In ordinary consciousness, he says, we confine ourselves by grasping ourselves from our own self-consciousness. We trap ourselves here on the far side where the ordinary mode of self-attachment is furthest away from the near side. From here, we may turn ninety degrees upward, perpendicular to the earth, and find ourselves in Plato's realm of ideas, or ascend vertically from earth to heaven towards the personal God of Christianity. Ninety degrees in the other direction lands us in the abyss of nihilism beneath our feet. One hundred eighty degrees away is the first appearance of emptiness, which is completed at three hundred and sixty degrees, whereupon 0° has become 360°. This circumnavigation of our movement to *sunyata* is meant to help us answer the question, "Where is the absolute near-side?" It is no-where of course, because as the absolute *near side* it cannot exist someplace as something – what is represented as emptiness is not true emptiness. Thus, it is said that *sunyata* is the "self-identical constitution of self-nature and the Form of the suchness of things."³⁴

In other words, the nowhere of the near side is the point at which everything which exists is manifest in its *suchness*, in unison with everything else, without being reducible to anything else. What makes this possible? The original identity of absolute openness and absolute identity, which is neither a monism, nor a dualism: "It is the absolute one, the absolute self-identity of the absolute two: the home-ground on which *we* are what we are in our self-nature and the home-ground on which *things* are what they are in themselves."³⁵ Nishida perhaps administers this with

more ease by saying it is the “contradictory identity of the many and the one.”³⁶ This is the logic of the absolute self-contradictory identity, wherein the principles of non-contradiction and hierarchical sublation at work in object logics and dialectics do not hold sway. As David Dilworth notes in his introduction to Nishida’s *Last Writings* though, Nishida himself uses the term “dialectical” in conjunction with his logic.³⁷ Despite the complications that this presents, along with his use of “Hegelian” language in his early writings, it is quite clear that Nishida’s logic cannot be dialectical in the classic definition of a movement that resolves opposites through their synthesis or sublation in a higher form. Nishida’s logic serves to hold open a space; through the resolute maintenance of the contradictory identity of the one and the many, self and the world, form and emptiness, the logic of *soku hi* (“is” and “is not”) faces the true paradoxicality of reality. This is no logic on holiday from reality, for “The real phenomenal world *is* both one and many, subjective and objective, changing and unchanging. Reality is self-contradictory.”³⁸ Reality, for Nishida and Nishitani, cannot be captured by object logics. The radical paradox at the center of existence is not expressible in language at all – Nishida attempts to show us the form of the paradox through the *soku hi* logic of the Diamond Sutra:

Because all dharmas are not all dharmas,
Therefore they are called all dharmas.
Because there is no Buddha, there is Buddha;
Because there are no sentient beings, there are sentient beings.³⁹

Nishitani cites this form as well in the saying of Zen master Daito Kokushi, “Separated from one another by a hundred million kalpas, yet not apart a single moment; sitting face-to-face all day long, yet not opposed for an instant.”⁴⁰ Or less poetically, A is A, A is not A, therefore A is A. Nishitani works the implications of this logic out in terms of substance and subjectivity, claiming that the metaphysics of traditional ontology has failed to capture the self-identity of things because it has insisted on viewing things as substance, from the standpoint of reason, as opposed to from the standpoint of the *non*-self-nature of something. For instance, it is only because fire does not burn itself that it is able to burn anything else. Fire’s home-ground is where it does not burn itself, thus the true self of fire is its non-fire-nature. The existence of something rests in its negation as much as in its self-identity as being. Or, in the famous words of the Heart Sutra, emptiness is form and form is emptiness.

Thus, the logic that holds open the space of existence as a world of the identity of absolute self-contradiction, of death-*sive*-life and life-*sive*-death, not only maintains contradiction absolutely, but by virtue of this, it is a logic which does not consider the finitude of contradiction to be privation. By taking the stance of the *sive*, we do not betray the *soku hi*, the place where the “upper sand in an hourglass becomes the lower, and then, upon turning the glass over, the lower becomes the upper, only to flow through the vanishing point of opposition once more...”⁴¹ The finitude, the limit, between “is” and “is not” marks a clearing in which the true possibilities of existence are given because it is “a unity where opposites dwell in their distinctness.”⁴² To briefly contrast this with an example from Hegel’s logic, the category of Becoming is the unity of the contradiction of Being and Nothing, yet it is a unity with inherent unrest; in fact, Becoming is “at war within itself.”⁴³ For Hegel, paradox is self-undermining and resolvable only in another category that can conceptually accommodate the categorical contents of the contradiction through its very dissolution. Contradiction is a motor which creates the movement of the dialectic, but must ultimately be overcome; it is a finitude that drives and is devoured by the dialectic. For Hegel, *aufheben* is the abolition of the self-contradictory nature of a category while preserving its conceptual contents in the cumulative elevation to the next category. Gadamer called this “reconciliation with ruination,” because contradictions are sublimated, and I think Nishida and Nishitani would agree.⁴⁴ We cannot preserve the true self-nature of something while abolishing the very contradiction that defines it. Death is death and life is life and they hold each other in the *sive*: this is a logic of melancholia which holds open the contradiction at the heart of existence.

The philosophical consequences of Hegel’s logic of mourning are evidenced in his telling of the dialectical movement of consciousness through history. In the movement of Spirit towards a whole, lost meanings are reintegrated at the end of history and loss is mediated, just as the work of grief overcomes loss in the world such that meaning can be resurrected. Thus, Hegel’s owl of Minerva takes flight in a grand act of mourning which will recover all knowing. In the logic of melancholia, however, we maintain the self’s “original part” as the “hills and rivers, the earth, plants and trees, tiles and stones,” such that we are the many, and yet we are uniquely ourselves. We do not know where the face of the flower arose from, or where it will disappear to, as Nishitani says, yet in our original part, we are the flower and it is us. By holding fast in the

“true finitude” of the unknowns in the *whence* and *whither* of all things, contradiction is not dissolved, thus allowing a breakthrough into the opening of the “true infinity” of *sunyata*.⁴⁵ To dialectically subsume the paradox is to close the opening from true finitude to true infinity; therefore, we maintain the melancholic disposition as being-toward-finitude in order that we might undertake a conversion to the near side. The overcoming of nihilism rests in a steadfastness in the presence of paradox that opens from nihility to *sunyata*.

In the departure from samsara to nirvana, a conversion from nihility to *sunyata* takes place. It is an essential conversion from “death” in its basic sense to “life” in its basic sense, from true “finitude” to true “infinity.”⁴⁶

And lest the sand not flow the other direction...the departure becomes the return.

According to Nishitani, the full overcoming of nihilism blooms in the face of a true spaciousness that can only be a space of nothingness. Although the important, but lengthy matter of whether Being was in fact Nothingness for Heidegger remains unaddressed here, the absence of a dialectical movement in Heidegger’s thought affords his openness to *non-dualistic difference* at the center of his way out of nihilism. Accordingly, Nishitani’s claim that the Nothing is a relative nothingness needs consideration. Is Being an absolute nothingness by these same terms? It remains to wonder if the openness to Being that Heidegger needs in his overcoming of nihilism may require understanding Being as absolute nothingness. This may be where the thought of both Nishida and Nishitani exceeds the Western metaphysical traces that Heidegger himself could not entirely shake. Would Heidegger have been pleased to hear Nishitani speak of the is-and-is-not of *soku-hi*? “Things are now seen in relation, as well as separately; as complementary, as well as in opposition; as antagonists which, when taken together, are expressions of the very same unity...”⁴⁷ Both thinkers advocated the resolute stance toward a limit, a finitude we may say, that is not collapsible nor subsumable in a dialectical synthesis. For Heidegger, ever the ontologist, this was the space of the difference between Being and beings, not the absolute self-contradictory identity of reality. He does, though, share wisdom with the *soku hi* – the truth of existence can only be gestured toward in a steadfast and open listening that does not deny contradiction or difference. To deny the contradiction, and the

difference, is to deny the true interconnectedness of all things, just as to deny death is to deny life, and to deny finitude is to forsake infinity. All deny the generosity of nothingness.

If *sunyata* makes nihility possible, and nihility makes negation possible, then the way an “absolute self-contradictory identity” characterizes *sunyata* may become clearer. Contradiction as it is normally understood, in nearly all logics including Hegel’s, is a destructive force, it is a virulent negation that demands a cure – either a reconciliation, a sublation, or the birth of a brand new reality that avoids the contradiction or shows it to be merely apparent. But by the very fact that contradiction is seen only as a form of negation, the primordial nothingness making negation possible is hidden. In his own meditations on the Nothing, Heidegger questioned the primacy of the law of non-contradiction as the first law of thought because it conceals Being, and also because it does not acknowledge that negation and contradiction are made possible because of a prior nothingness. In addressing the problem of nihilism, both Nishitani and Heidegger relied on logics that take nothingness to be primordial to negation, and thus to contradiction. Nishitani went a step further in following Nishida, and instructed us to overcome nihility through a radical acceptance of the absolutely contradictory nature of self-identity.

The most melancholic aspects of holding oneself open against the urge to dialectically “cure” contradiction, as “the resolutely open bearing that does not close up in itself,”⁴⁸ are a confrontation with the borders of being and nothingness, the ever present possibility of the inevitable impossibility – death, and the loss in our own being of the others who constitute us, the friend as well as the bamboo. When we bear this space, we maintain the possibility of breaking through nihility into an absolute nothingness, a space of pure freedom where the limit between the self and the world has truly become an opening not only toward others, but to ourselves as well. In death-*sive*-life as life-*sive*-death, *amor nati* accompanies *amor fati* and we are relieved of our urge to mourn the impermanence of all things. Upon arrival at the near side, the black sun of melancholia has become the unselfish shining of the sun of *sunyata*.

The sun in the sky makes no choices about where to shine its rays and shows no preferences as to likes or dislikes. There is no selfishness in its shining. This lack of selfishness is what is meant by non-ego, or *sunyata*. The perfection of God has this point in common with the Great Compassionate Heart of Buddhism.⁴⁹

Endnotes

¹ Martin Heidegger, "A Dialogue on Language," in *On the Way to Language* (New York: Harper & Row, 1971), 26.

² Sigmund Freud, "Mourning and Melancholia," in *General Psychological Theory* (New York: Simon Schuster, 1991), 178.

³ Julia Kristeva, *Black Sun* (New York: Columbia University Press, 1989), 4-7.

⁴ Martin Heidegger, *Being and Time* (Albany: SUNY Press, 1996), 76.

⁵ Nishitani's suggestion is that we might regard the Buddhist explanation of suffering, as one of the Four Noble Truths, as an "existential *interpretation* (in Heidegger's sense) of being-in-the-world...The finitude of man's being-in-the-world is here grasped as unbounded and unending in its essence." Keiji Nishitani, *Religion and Nothingness* (Berkeley: University of California Press, 1982), 169-70.

⁶ Martin Heidegger, "The Principle of Identity," in *Identity and Difference* (Chicago: University of Chicago Press, 2002), 29.

⁷ *Ibid.*, 33.

⁸ Heidegger, "What is Metaphysics?" in *Basic Writings* (New York: HarperCollins Publishers, 1977), 96.

⁹ Heidegger, "The Onto-Theo-Logical Constitution of Metaphysics," in *Identity and Difference* (Chicago: University of Chicago Press, 2002), 72.

¹⁰ Heidegger, "The Onto-Theo-Logical Constitution of Metaphysics," 21.

¹¹ Heidegger, "The Principle of Identity," 34.

¹² Heidegger, 1943 Postscript to "What is Metaphysics," in *Existentialism from Dostoevsky to Sartre*, 262.

¹³ Heidegger, "The Onto-Theo-Logical Constitution of Metaphysics," 72.

¹⁴ Heidegger, *The Metaphysical Foundations of Logic* (Bloomington: Indiana University Press, 1992), 221.

¹⁵ Heidegger, “What is Metaphysics,” p. 103. Also, in *On the Essence of Ground*, Heidegger explains that the nothing is the ‘not’ of beings, and therefore is Being, experienced from their perspective.

¹⁶ *Ibid.*, 118.

¹⁷ *Ibid.*, 78.

¹⁸ *Ibid.*, 79.

¹⁹ “Instinctive behavior is the law of nature become manifest.” *Ibid.*, 80.

²⁰ *Ibid.*, 84.

²¹ *Ibid.*, 86.

²² Jean Baudrillard writes of the false transparency of nihilism as well, albeit differently: “Nihilism no longer wears the dark, Wagnerian, Spenglerian, fuliginous colors at the end of the century... When God died, there was still Nietzsche to say so – the great nihilist before the Eternal and the cadaver of the Eternal.” Now, we remain “melancholic and fascinated” by the false transparency of the world. We have mistaken the disappearance of meaning for its transience such that passion has become “fascination for desertlike and indifferent forms, for the very operation of the system that annihilates us.” He also observes that this mood of indifferent fascination has a melancholic lining that is beyond dialectic, although his use of melancholy is more in accord with the classical Freudian analysis of it as subverted mourning. Jean Baudrillard, *Simulacra and Simulation* (Ann Arbor: The University of Michigan Press, 1994), 159-164.

²³ Nishitani, *Religion and Nothingness*, 3.

²⁴ *Ibid.*, 4.

²⁵ *Ibid.*, 13.

²⁶ *Ibid.*, 15.

²⁷ *Ibid.*, 88.

²⁸ *Ibid.*, 88.

²⁹ *Ibid.*, 90.

³⁰ *Ibid.*, 90.

³¹ Ibid., 96. Nishitani is correct, I think, if we understand Heidegger's nothingness here to be "the Nothing," but I remain undecided whether Nishitani is right that Heidegger retains traces of thingness in his other uses of nothingness, particularly when it appears with/as Being.

³² Indeed, Nagarjuna's warning about reifying emptiness is well-heeded.

³³ Ibid., 98.

³⁴ Ibid., 106.

³⁵ Ibid., 107.

³⁶ Nishida Kitaro, *Last Writings* (Honolulu: University of Hawaii Press, 1987).

³⁷ Ibid., 29.

³⁸ Robert E. Carter, *The Nothingness Beyond God* (St. Paul: Paragon House Publishers, 1997), 63.

³⁹ Nishida Kitaro, *Last Writings*, 70.

⁴⁰ Nishitani Keiji, *Religion and Nothingness*, 102.

⁴¹ Robert E. Carter, "Discontinuity in Time," 70.

⁴² Ibid., 71.

⁴³ G.W.F. Hegel, *Logic* (Oxford: Oxford University Press, 1975), 131.

⁴⁴ Ibid., 105.

⁴⁵ Nishitani Keiji, *Religion and Nothingness*, 176-77.

⁴⁶ Ibid., 177.

⁴⁷ Robert E. Carter, "Discontinuity in Time," 71.

⁴⁸ Martin Heidegger, "On the Essence of Truth," in *Basic Writings*, 126.

⁴⁹ Nishitani Keiji, *Religion and Nothingness*, 60.

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**Analogy and Comparative Philosophy:
A Hermeneutic Retrieval of Confucius and Aquinas**

I. Introduction: The Importance of Comparative Philosophy

As evidenced by scholarship in the past two decades and most recently the articles by Peimin Ni and John J. Holder, the purposes, problems, and the methodology of comparative philosophy continue to be a topic that has been widely discussed and yet still largely unresolved.⁵⁰ My goal in this paper is to partake in this ongoing important discussion and to explore it to some small extent. In addition to pointing out the urgent need of comparative philosophy in the post-modern era, I will address some of the foundational problems in the field that have been overlooked, and recommend an approach and ethical attitude (or virtue) that can complement Holder's "problematic approach" to comparative philosophy.

Although some scholars have dated the inception of comparative philosophy around the seventeenth century beginning with Leibniz, historically the early interchange of ideas and its concomitant clash between cultures has taken place long before the seventeenth century. As early as the fifth century BC, the ancient Greek historian Herodotus (485-430 BCE) gave us a vivid account of the very different ways that the ancient Greeks and Indians treated the bodies of their dead parents. Later, in an endeavor to penetrate the implication of the biblical teaching and its application in the earthly city, and an attempt to maintain Christian identity in the pagan Roman world, Augustine (354-430) composed his *City of God*, in which he contrasted the city of man with the city of God. During the period of the tenth to the thirteenth centuries, on the one hand, we see how Islamic, Jewish, and Christian thinkers such as Avicenna, Averroes, Maimonides, and Aquinas subtly utilized Greek Philosophers' theories to better explain the revealed contents of their respective religions, and how Aquinas' thought system benefited from his knowledge of other thinkers from different civilizations. Unfortunately, this was also the time when the Christian Crusades took place. Later, in the East, Catholicism's conflict with the Chinese

Confucian tradition is well known for its Chinese Rite Controversy that began in the early seventeenth century (c. 1645), lasted for almost 300 years, before it finally resolved in 1939.⁵¹

Today's fast moving technology, however, has brought this intercultural encounter and conflict to an unprecedented height. Recently, the September Eleventh tragedy in American soil and the continuing rise of conflict in the Middle East has especially awakened a sense of urgency around the globe concerning intercultural understanding. Comparative philosophy, defined as "any philosophical inquiry that draws on or relates to the study of the philosophical systems and doctrines developed in two or more civilizations,"⁵² with its promise of mutual understanding and enrichment is therefore not only practical and timely but also necessary. It provides us opportunities to reflect upon our inter-relatedness with others. Through such a philosophical reflection, comparative philosophy provides a venue with many practical advantages. First, it opens us up to other possibilities. An awareness of the otherness of different cultures and ideas can enrich and deepen our understanding of the self and the world. Second, comparative philosophy as philosophy proper engages us in a careful analysis of opposing viewpoints and unearths the presuppositions that underline them. Third, its use of rational discourse helps to reduce ungrounded prejudices that divide cultures. Fourth, when engaged properly, comparative philosophy enables us to draw upon the strengths of divergent philosophical systems as resources in solving contemporary and future societal problems.

II. Difficulties in Comparative Philosophy

Although equipped with these advantages, comparative philosophy, as Peimin Ni correctly points out, "is still conceived as a relatively new area of study, even though it can be traced back at least to Leibniz in the West, and to the Daoists and Confucians in Song Dynasty China. People still feel suspicious, however, about both the vagueness of its nature and its value."⁵³ John J. Holder expresses a similar concern. In quoting Joel Marks's and Roger Ames's opening statement of a 1995 monograph "Within the Western philosophic tradition, comparative philosophy is a relatively new and still marginal movement . . . despite the promise of mutual enrichment between Western and non-Western philosophical traditions," Holder remarks that "comparative philosophy seems forever stuck in its infancy."⁵⁴ Apparently there are unique

challenges that one faces in cross-cultural comparative philosophy. There are, first of all, two pragmatic issues that complicate cross-cultural comparative philosophizing.

(1) A lack of sufficient language skill and actual living experience in other cultures that are being compared

Language is the soul of a culture. It often indicates the way that the collective consciousness of a culture perceives and responds to its environment. Actual living experience in a culture enhances one's appreciation of the nuances of the local language and better understanding of the philosophical ideas unique to a culture. The lack of requisite language skill and living experience will remain a challenge for comparative philosophers. It should always serve as a humbling reminder of one's incomplete understanding of other traditions.

(2) A lack of common philosophical terminology and the subtleties of concepts

Although it may be difficult at times to compare Aristotle with Kant, at least these two thinkers employ similar philosophical terminology, e.g., form, matter, reason, will, God, soul, categories. Non-western thinkers tend to have quite different terminologies from those employed in the West. For example, instead of calling the transcendent "God," it was referred to as "the Tao," "the Way," or "Heaven," by the Confucians. Moreover, instead of using the term piety, Confucius refers to the virtue of revering the transcendent and other persons as ritual propriety (*li*). The lack of common philosophical terms presents a unique challenge to cross-cultural comparative philosophy. It takes time, often a long time, to familiarize oneself with the nuances of philosophical systems that stem from other civilizations.

In addition to the above two pragmatic difficulties, John Holder, in his "The Purpose and Perils of Comparative Philosophy," effectively identifies three foundational problems in comparative philosophy: (1) the doubt of any genuine philosophy existing outside of the Western tradition, (2) the problem of incommensurability, and (3) misguided syncretism.⁵⁵ In his essay, Holder argues that the traditional narrow definition of philosophy in the West as based on logical argumentation alone and that the concomitant belief in the mutual exclusiveness of "philosophy" and "religion" is largely responsible for the doubt that any philosophy exists outside of the Western traditions.⁵⁶ But what is the cause for this narrow definition of philosophy? I argue that the root of this problem might be traced as far back as Plato. Western philosophers, at least since Plato, tend to adopt a dualistic view of reality. (I am well aware of the danger of oversimplifying

the causes or stereotyping patterns. Nonetheless, for the sake of diagnosing the symptom, as Peimin Ni points out, “Sometimes we do wonder whether a worse mistake than gross generalization would be to make no generalization at all.”⁵⁷) One sees evidence in, e.g., Plato’s separation of the world of being from the world of becoming, reason from desire; Aristotle’s form versus matter, male versus female, master versus slave, humans versus Nature; Descartes’ thinking mind versus non-thinking bodies, and Kant’s noumenal world versus the phenomenal world, the rational versus the empirical, and reason versus emotions.

However, ontological dualism, as Karen Warren correctly observes, often quite easily slips into normative dualism, in which a value is assigned to each of the two opposites and one opposite is perceived to be superior to the other. In normative dualism, the two opposites differ not only in their natures and functions but one opposite is seen as above, against, and opposed to the other opposite. As a general pattern, in the West, philosophers tend to hold a hierarchical view of nature and beings, embracing the “up-down,” “either-or,” logic of exclusiveness (what Warren called, “the logic of domination”) rather than the “both-and” logic of inclusiveness or complementarity.⁵⁸ Consequently, the world of being positions itself as superior to the world of becoming, reason superior to emotions, male to female, master to slave, form to matter, mind to body, human to non-human natural environment, and the supernatural to the natural.

The Eastern traditions, under very different existential presuppositions, generally incline toward a more holistic view of the world, rejecting strict dualism. We find evidence supporting this hypothesis in Buddhism’s cosmic view of the interdependent arising of all beings, in Confucius’ emphasis on this-worldly piety, in the Taoist’s identification of Tao with Nature and the equality of opposites, and in Chan/Zen Buddhism’s finding Buddha in everyday mundane activities.

The difference in the experience of reality (whether reality is a continuum and whether it reveals itself to human reason in its totality) also generates very different philosophical methods. The Western traditions tend to philosophize analytically, whereas the Eastern traditions tend to be more synthetic, metaphorical, and indirect. The Western traditions thus generally tend to stress the “power” of reason, whereas the Eastern traditions tend to emphasize the “limit” of reason. Therefore, although one finds, for example, a discursive analytical style in the philosophy of Aristotle, Descartes, and Kant to be dominant in the West, aphorism, parable, and

paradox as seen in the classics of Lao Tzu, Confucius, and Zen masters are the preferred style in the East.

Working under these very different conceptions of philosophical method coupled with the repercussions of normative dualism, it is no small wonder that many philosophers in the West still think that serious philosophizing has occurred only in the West. Thus, to liberate comparative philosophy from its undue burden, we must first redeem “philosophy” from its traditional radical dualistic mode of thinking that pits reason against feeling/emotion, inference against intuition, intellect against imagination, and philosophy against art or religion. Comparative philosophy, in order to effectively get out of the shadow of the so called (but falsely) “mainstream philosophy,” must join its force with other progressive philosophical and social movements that express similar concerns about the problems of radical dualism.⁵⁹

III. Methodology: How do we overcome difficulties in cross-cultural comparative philosophy?

A. The ethical ramifications of incommensurability and syncretism

In face of these difficulties, a simplistic claim of total incommensurability that over-emphasizes the difference between the Western and the non-West traditions is one standard response. However, this position has several serious problems. First, it tends to embrace ethical relativism (the theory that all views are equally right no matter what as long as they are the result of culture’s choice, regardless of their contents) and, thus, its liabilities. It creates more strife than peace in the world. For, if all cultures are drastically different and there is absolutely no common ground, then any intercultural discourse to resolve disagreement becomes an illusion.⁶⁰ Second, absolute difference invites absolute dichotomy, and dichotomy often leads to preference of one group over the other. Consequently, upholding total incommensurability has the danger of overly romanticizing one tradition and belittling the other. As a result, it projects a false understanding of both traditions, and it stereotypes cultures. It can generate a subtle kind of double-edged racism—e.g., seeing all Eastern cultures as the climax of mysticism and spirituality, or conversely seeing these traditions as backward looking, illogical, and obsolete.

Any person of a particular tradition that is not a mirror image of the stereotype is conceived as being phony, strange, or abnormal.

On the other side of the spectrum of reactions is superficial philosophical syncretism. This position reduces all modes of voices into one voice—it assimilates all positions into one position, namely one’s home tradition. It disregards and disrespects genuine differences between different traditions. It implicitly declares that one’s own home tradition is in all aspects superior to others. Thus, it can subsume all other traditions into one’s own—a sort of ethnocentrism in disguise.

Although total incommensurability and superficial syncretism each has its own set of characteristics and problems, both have the liability of slipping into some form of racism and prejudice. If neither of these two positions truly contributes to intercultural understanding and the human good, is there a better alternative? In what follows, I will recommend an analogical approach, retrieved both from Confucianism and from Aquinas’s philosophy, as one among the most natural and viable ways of engaging comparative philosophy that avoids both extremes.

B. The Analogical Approach: What Can We Learn From Confucius and Aquinas?

What is “analogy”? Before we dive further into the discussion, it is appropriate to first give a working definition of the term. Analogy signifies the “resemblance, similarity, or likening of two things that are otherwise different.” It conveys “neither univocity nor equivocity.” Analogical reasoning, therefore, is a form of inductive inference that begins with an entity or state of affair that is more known or familiar and arrives at that which is less known or familiar. From this perspective, understanding by analogy is the most natural form of human reasoning.

If there is some truth in the intranslatability of language in the contemporary debate in philosophy of language and some truth in the Heideggerian understanding of hermeneutics as the finite and situated character of all human knowing, cultural prejudgment would be something ineliminable but eminently human. Peimin Ni says it well, “there is no overarching language or neutral point of view from which we can judge similarities. The result of comparison is always an infusion of one’s own culture into one’s interpretation of the other.”⁶¹ Working within these

limitations, the important issue for comparative philosophers then is how to avoid a reductionist inclination. Whether it is to “Westernize the Chinese mind” or to “Sinify the Western mind,” how can one draw the two sides closer for the sake of mutual understanding without “merely trying to squeeze one system of thought into the framework of the other”?⁶² Ni provides some useful remarks and examples of how this can be done in section three of his article, “Traversing the Territory of Comparative Philosophy.” His considerations bear much resemblance to the method of analogy, although Ni does not explicitly appeal to it as a theoretical basis. However, in what follows, I would like to suggest that this method has its historical roots both in the East and in the West. Moreover, it entails an important ethical attitude that is most relevant for the concerns of comparative philosophy.

(a) Confucianism:

Analogical inference is prominent in the *Analects*, although the term “analogy” is not used explicitly. In the *Analects*, Confucius often adopts analogy for the sake of instruction. For example, in 3:8, he uses the example of “plain silk made into finery” from the Book of Songs to illustrate the relationship between the virtue of humaneness (*jen/ren*, 仁) and ritual propriety (*li*, 禮).⁶³ Again, in 1:15, commenting on *li*’s power of transformation, Confucius says, “As cut, as filed, as chiselled, as polished.” This indirect but powerful imagery conveys the idea that ritual propriety can beautify moral actions, thus transforming morality into aesthetically beautiful actions.⁶⁴ In 7:8, he remarks on the appropriate relationship between a teacher and a student in the process of learning:

To those who are not eager to learn I do not explain anything, and to those who are not bursting to speak I do not reveal anything. *If I raise one angle and they do not come back with the other three angles, I will not repeat myself* [my emphasis].

The last sentence of this passage suggests that Confucius sees analogical reasoning to be an important learning tool and that he expects his students to be able to draw analogies from what he speaks here and now, directly or indirectly, to something new. Mencius, the second most influential thinker in the Confucian tradition, continues this instructional method in his famous arguments for the innate goodness of human nature. The willow tree example (6A:1), the water argument (6A:2), the Ox mountain analogy (6A:8), and the anecdote concerning a child about falling into a well (2A:6), all utilize analogical inference to convey a point that is opaque at the beginning.

Moreover, Confucian analogy—in addition to being an important learning tool—embodies an ethical attitude. In the *Analects*, humaneness (*jen/ren*, 仁) is often presented as the crown of all virtues. In Chinese written character, the word “*jen/ren* (仁)” consists of two roots: the root on the left (*ren*, 人) indicates “person,” and the root on the right (*erh*, 二) symbolizes the number “two.” As a whole, humaneness (*ren*, 仁) stands for the relation between two persons. Thus, in 12:22, Confucius states that to be humane is “to love others.” In 4:15, he further elucidates that the way of humaneness is to act according to the virtues of conscientiousness (*chung*, 忠) and altruism (*shu*, 恕). According to Zhu Xi (Chu Hsi, 朱熹), a great Sung Neo-Confucian and the author of the most influential commentaries on the four Confucian classic, *chung* is “to be at one’s best,” and *shu* is “to extend such a caring feeling for oneself to others.”⁶⁵ In other words, a humane person

wishing himself to be established, helps others to be established, and wishing himself to be successful, helps others to be successful. *To be able to take one’s familiar feelings as a guide may definitively be called the method of humaneness* [my emphasis] (6:30).

Thus, “the empathy of analogy” constitutes the method of humaneness. This moral feeling lays the very foundation for the classical formulation of the Golden rule in the *Analects*, “If I do not want others to inflict something on me, I also want to avoid inflicting it on others” (5:12), “Do not impose on others what you would not like yourself” (12:2). The practice of empathy and humaneness through analogy naturally begins within familial relations (the more familiar) and gradually extended to the larger communities and eventually to the world (the less familiar) in varied degrees. The virtue of humaneness, even though to be extended to all humanity, is by no means universalistic, abstract, or centering on impersonal rigid rules.⁶⁶ In the *Analects*, the word “humaneness” (*jen/ren*, 仁) occurs more than fifty times, and yet each time Confucius describes it differently. When examined closely, one sees that he intentionally does this due to the contexts of the conversation, the temperaments, and the backgrounds of the students or the conversers. From this, one can conclude that *jen/ren* as an empathetic virtue entails an ethical attitude of analogy that is particularistic, relational, and care-oriented.⁶⁷ When considering the perils of comparative philosophy, *ren/jen* with its sensitivity to context and its ethical orientation towards others is a most relevant virtue in conducting cross-cultural philosophical inquiry because only when we “care” for the other’s well-being and autonomy that we have a emotive motivation to resist the temptation of reducing the other into the selfsame.

(b) Thomas Aquinas

In the West, the use of analogy has a long tradition as well. According to Aristotle, reasoning by analogy is one of the most natural ways of human understanding. He makes use of this method in his *Metaphysics* in order to introduce the multiple meanings of being, and in *Nicomachean Ethics* to demonstrate and to define what moral virtue and the mean state is.

In the Medieval period, due to its religious ethos, philosophy of language receives much attention. Because if God is infinite, outside of space and time, what then is the proper way of predicating God? Moses Maimonides, a prominent twelfth-century Jewish philosopher, argues that humans can only know “That God is” but not “What He is” because His perfection exceeds the comprehension of human intellect and shares nothing in common with created beings.⁶⁸

Therefore, negative attributes such as immutable, incorporeal, and simple are the only correct way of describing God.⁶⁹ Affirmative attributes, for example, good or powerful, should be avoided.⁷⁰

Thomas Aquinas, one of the most influential Christian scholastic thinkers in the 13th century, on the other hand, argues that although negative attributes and understanding by negation are necessary, they are insufficient in describing our knowledge of God. Affirmative attributes must be used. For after all, the effect (the creation) must resemble the cause (the creator) in some way. In other words, although we do not know *what God is*, we can still understand *what God is like* through analogy by the representation of creatures.⁷¹ Aristotelian natural analogy is thus brought into a transcendent dimension through Aquinas.⁷²

Not surprisingly, according to Aquinas, no exact proportion or analogy can be found between the divine other and created beings (to conceive otherwise is blasphemy).⁷³ Aquinas cautions us not to understand analogical predications according to exact proportion as seen in the example of “A:B :: 2:1.” Rather, it should be understood as “A:B :: (14:7 :: 6:3).” That is, A is similar to B as 14 is similar to 6, not because there is an exact proportion between fourteen and six but because both numbers share the similarity that fourteen is *twice* seven and six is *twice* three. In other words, in making the statements that “John is good” and “God is good,” although the term “good” must refer to some common positive traits in the entities that the term “good” is predicated of (in this case, “John” and “God”), the quality denoted by the term “good” must be understood in terms of the different relations that that quality has in reference to its receptacle or underlying context.⁷⁴ What does this mean? For example, when one uses the term “good” to describe John, one refers to some developed habitual qualities in John’s character that enable John to make deliberate, rational, and sound moral judgments. It denotes an acquired mutable quality in John rather than to the whole of his substance. When describing God, however, the predicate “good” will refer to God’s substance as a whole, rather than to a part of Him due to His total simplicity. It must refer to His unchanging Being rather than a mutable quality.⁷⁵

Thus, the term “good,” when used to describe God, must be understood in its proper context of the transcendent that is mysterious and somehow hidden from us.⁷⁶ In Aquinas’

formulation of inexact proportion, if we substitute God for A and John for B, and use the predicate “good” to replace the numerical proportion, we derive the following:

Formula: A:B :: [(14:7) :: (6:3)]

Application: God : John :: [(good : God’s substance) :: (good : John’s acquired character traits)]

How can we retrieve Aquinas’ theory of analogy so that it can be a useful resource for cross-cultural comparative philosophy? I argue that the obstacles inherent in the problem of linguistic predication of God bear certain resemblance to the obstacles in cross-cultural philosophical inquiry. Just as there is a lack of proper analogue between the divine and the human, there is often a lack of common philosophical terminology between, for example, the non-Western and the Western traditions. Moreover, just as the inaccessibility to the Divine Life directly is a factor making full comprehension of the Divine essence impossible, the lack of actual living experience and language skill of other cultures renders comprehension of the other traditions imperfect. Furthermore, just as the creator and the created, the divine and the human, have very different ontological starting points, cultures that are geographical further apart often have very different philosophical presuppositions. Nonetheless, the analogical approach grants us a natural and realistic approach to begin our comparative philosophical inquiry with what is more familiar to us and yet recognizes the limitation and fallibility of our prejudgments. The approach of inexact analogy reminds us to consider the context of the ideas or traditions that are being compared, similarities in differences and differences in similarity, from the motive of mutual enrichment and care for the other.

C. An Illustration of the Analogical Method

In what follows I will briefly demonstrate this analogical method by comparing two important Christian virtues, charity (*caritas*) and piety (*pietas*), and two fundamental Confucian virtues, humaneness (*ren/jen*, 仁) and ritual propriety (*li*, 禮).

Virtue, for Aquinas, is both a necessary means and a constituent part of happiness. Charity, a divinely infused virtue, is the mother and the root of all the virtues. Charity is primarily one’s love for God, and it is through charity that one is able to love one’s neighbor

selflessly. Charity nourishes and enriches all other virtues. Closely related to charity is the virtue of piety; it is an infused virtue that is associated with both justice and charity. It is the habit of the will that enables us to show due reverence, honor, and love by external acts to those whom we owe our existence and well-being. Thus, piety is to be shown first toward God, then toward one's parents, and then toward one's country and fellow citizens. Since God is the First Principle of all beings, piety toward one's parents and country should be subordinated to one's piety toward God.

For Aquinas, God is both the efficient cause of infused virtues and the primary recipient of charity and piety. It is by way of the holy other that one loves one's neighbors and pays homage to them. Original sin and grace, however, have no place in the conceptual and ethical framework of Confucianism. Heaven (*Tian*, 天), the transcendent, functions only as a formal cause. Moral cultivation is essentially a humanistic process of self-transformation and self-transcendence. Thus, the passage from the *Analects* 7.23, "Heaven produces virtues in me," for example, must be interpreted with this in mind. It should be understood as meaning that Heaven gives us the natural laws and implants in us the natural capacity (e.g., intuitive moral feelings) that are suitable for the development of virtues from within. To apply the Thomistic concept of infused theological virtue to this passage would be imposing something foreign on Confucianism. Furthermore, it is worth noting that these two thinkers differ on their views concerning what final happiness consists in. For Aquinas, happiness rests in one's union with God and the beatific vision of God's essence in the afterlife, whereas for Confucianism happiness consists in the fulfillment of one's moral destiny in this life. Due to these differences, although both thinkers elaborate ideas of piety and love, Aquinas places more an emphasis on otherworldly piety and love (what he calls "religion" [*religio*]), whereas Confucius stresses the importance of this-worldly piety and love (e.g., filial piety [*xiao*, 孝], fraternal duty [*di*, 悌]) shown in everyday interpersonal relations.

At first sight, Confucius' essentially humanistic philosophy seems to be at complete odds with Aquinas' religiously-oriented ethical system. For example, there are no formal Confucian concepts or phrases that correspond exactly to the Thomistic concepts of charity, piety (with the

exception of filial piety), and God. Similarly, there is no mention of the two fundamental Confucian virtues, humaneness (*ren/jen*, 仁) and ritual propriety (*li*, 禮), in Aquinas' system.

Does this mean that the two systems are so far apart that no fruitful intercultural comparison is ever possible?

After a careful examination of the *Analects*, although humaneness (*ren/jen*), the crown of all Confucian virtues, is essentially “the love of humanity” (*Analects*, 12:22) Confucius insists that humaneness cannot properly manifest itself without ritual propriety (*li*), a virtue that originates from one's reverence towards Heaven (*Tian*, 天) in sacred ceremonies. But in the *Analects*, this reverence is also extended to all humans. For humans, as co-participants of the holy rites, inherently deserve due respect. Therefore, Confucianism's essentially humanistic ethics exhibits an analogical similarity to Aquinas' religious ethics by its openness to religious transcendence and its connection to a being greater than oneself in the virtue of ritual propriety (*li*). The Confucian *li* (ritual propriety) in its reverence to Heaven and to other human beings echoes Aquinas' three-fold piety: piety toward God, toward one's parents, and toward one's country or fellow-citizens. It is through *li* that the most valued Confucian virtue *ren/jen* finds its transcendental dimension as the manifestation of the Way or Mandate of Heaven (*Tien Tao*, 天道; *Tien Ming*, 天命).

Furthermore, in Aquinas' placing charity and Confucius' placing humaneness as the mother and the root of all the virtues, one sees that both traditions stress the importance of affection and community, a distinctive holistic view of the moral agent that is both rational and empathetic, autonomous and relational. In both approaches, there is no exclusive dichotomy between reason and emotion, freedom and relation, self and others. The Thomistic and Confucian moral agent is not irrational, yet his/her rationality is better fulfilled by his/her moral sentiment and openness towards others. This moral agent stands in sharp contrast with the modern Kantian conception of the moral self as self-enclosed, non-empirical, and completely rationalistic.⁷⁷

To apply the formulation of analogical approach according to inexact proportion discussed earlier to this cross-cultural comparison, we derive the following:

Formula: A:B :: [(14:7) :: (6:3)]

Application to cross-cultural comparison of virtue:

Confucius : Aquinas :: [(*li* : in relation to Heaven as the formal cause only) ::
(piety : in relation to God as the efficient cause)]

And,

Confucius : Aquinas :: [(humaneness + *li* : in relation to Heaven as the formal
cause only) :: (charity : in relation to God as the efficient cause)]

IV. Observations and Conclusion

From the above analysis, I draw two conclusions. First, in comparing Confucian *jen/ren* and Thomistic charity by the analogical approach, we find fruitful similarity and difference. Both traditions highly value the affective dimension of human experience and the importance of moral sentiment. In this regard, Confucianism and Aquinas's philosophy can support one another in the post-Kantian contemporary endeavor of communitarian ethics, virtue ethics, and care ethics in redefining what constitutes moral motivation and moral worth. The difference between Confucianism and Aquinas does exist but in this context it proves to be a moot point.

Second, these two virtues, charity and *jen*, must lie at the heart of the analogical approach. The idea of a beneficial and mutual contribution between traditions must lie at the basis (as a starting point) of the very exercise of comparative philosophy. When so guided, sensitivity to contexts (especially important in cross-cultural comparative philosophy) will be protected and total incommensurability and superficial syncretism can both be avoided. In striking the mean between the two extremes, the analogical approach also shuns the mutually exclusive dualistic mode of reasoning and its ramification discussed in Section I. The Confucian and Thomistic analogical approach can therefore function as a corrective device for the biases that some philosophers have towards comparative philosophy. The best exercise of comparative philosophy is then itself an example of Thomistic charity and Confucian *jen/ren*, a philosophical inquiry that is not content with self-enclosedness but embraces a loving relational openness to

others. As such, the Confucian and Thomistic analogical approach with its embedded ethical attitude can complement Holder's "Problem Approach" in one's engagement of comparative philosophy.

Endnotes

⁵⁰ See, for example, Gerald James Larson, "Introduction: The "Age-Old Distinction Between the Same and the Other,"" in *Interpreting Across Boundaries: New Essays in Comparative Philosophy*, ed. Gerald Larson and Eliot Deutsch (Princeton, NJ: Princeton University Press, 1988), pp. 3-18; Ninian Smart, "The Analogy of Meaning and the Tasks of Comparative Philosophy," in *Interpreting Across Boundaries: New Essays in Comparative Philosophy*, ed. Gerald Larson and Eliot Deutsch (Princeton, NJ: Princeton University Press, 1988), pp. 174-183; Fred Dallmayr, *Beyond Orientalism: Essays on Cross-Cultural Encounter* (Albany: SUNY Press, 1996); Peimin Ni, "Traversing the Territory of Comparative Philosophy," *SACP Forum* vol. 23, no. 46 (2006), <http://forum.sacpweb.org/issues/2006/1/>; John J. Holder, "The Purpose and Perils of Comparative Philosophy," *SACP Forum* vol. 23, no. 46 (2006), <http://forum.sacpweb.org/issues/2006/1/>.

⁵¹ See Thomas Merton, *Mystics and Zen Masters* (New York, NY: Farrar, Straus and Giroux, 1994), 81-90.

⁵² Holder, p.1.

⁵³ Ni, p.1.

⁵⁴ Holder, p.4.

⁵⁵ Holder, p.4.

⁵⁶ Ninian Smart, in his "The Analogy of Meaning and The Tasks of Comparative Philosophy," and Gerald James Larson in his introduction chapter to *Interpreting Across Boundaries*, make a similar observation. See n.1 for bibliographic information.

⁵⁷ Ni, p.15.

⁵⁸ Karen J. Warren, "Feminism and Ecology: Making Connections," *Environmental Ethics* (1987): 2-20. Here, at p.6.

⁵⁹ One possible strategy may be to form alliance with the movement of communitarian ethics, care ethics, and environmental ethics. An in-depth discussion on this possibility is beyond the scope of the present paper. It will have to wait until another occasion.

⁶⁰ See Henry Rosemont, Jr., “Against Relativism” in *Interpreting Across Boundaries* (Princeton, NJ: Princeton University Press, 1988), ed. Gerald James Larson & Eliot Deutsch, pp. 36-70; Walter Terence Stace, “Ethical Relativism: A Critique” in *The Concept of Morals* (New York: Macmillan Publishing Company, 1937).

⁶¹ Ni, p.13.

⁶² Ni, p.14.

⁶³ All translations of the *Analects* in this paper are from Confucius, *The Analects* (New York: Oxford University Press, 1993), trans. Raymond Dawson.

⁶⁴ For an interesting discussion on the Confucian concept of ritual propriety, its application to political constitutions, and its relevance to the modern form of democracy, see Hahm Chaihark, “Constitutionalism, Confucian Civic Virtue, and Ritual Propriety,” in *Confucianism For the Modern World*, ed. Daniel A. Bell and Hahm Chaibong (Cambridge, UK: Cambridge University Press, 2003), pp.31-53.

⁶⁵ Wing-Tsit Chan, *A Source Book In Chinese Philosophy* (Princeton, NJ: Princeton University Press, 1963), pp. 27, 785-786.

⁶⁶ The famous debate between Mencius’s gradation of love and Mo(h)ists’ universal love without distinction demonstrates that the Confucian idea of jen/ren is by no means absolutist or impersonally universalistic.

⁶⁷ Chenyang Li’s “The Confucian Concept of Jen and the Feminist Ethics of Care: A Comparative Study” in *The Sage and the Second Sex* (Chicago, IL: Open Court, 2000), pp. 23-42, makes a convincing case for the affinity of the two notions.

⁶⁸ All English translation of Maimonides’ *The Guide of the Perplexed* as appeared in the endnotes is from Moses Maimonides, *The Guide of the Perplexed*, trans. Shlomo Pines (Chicago: The University of Chicago Press, 1963), vol. 1. Page reference is given in parenthesis. Roman number stands for Part number and Arabic number stands for Chapter number. Maimonides’ view on how little one is able to apprehend God is clearly shown in the following passages. In

I.58, he said, “we are only able to apprehend the fact that He is and cannot apprehend His quiddity” (p.135). A similar point is made in I.59, where he writes, “God, may He be exalted, cannot be apprehended by the intellects, and that none but He himself can apprehend what He is, and that apprehension of Him consists in the inability to attain the ultimate term in apprehending Him.” (p.139) Again, in I.58, we read: “There is accordingly an existent whom none of the existent things that He has brought into existence resembles, and who has nothing in common with them in any respect; . . .” (p.137)

⁶⁹See *The Guide of the Perplexed*, Vol. I, Part I, chap. 57-60 passim. In I.58, as a prelude to what to come, Maimonides firmly states that:

Know that the description of God, may He be cherished and exalted, by means of negations is the correct description—a description that is not affected by an indulgence in facile language and does not imply any deficiency with respect to God in general or in any particular mode. On the other hand, if one describes Him by means of affirmations, one implies, as we have made clear, that He is associated with that which is not He and implies a deficiency in Him. . . . we have no way of describing Him unless it be through negation and not otherwise. (p.134)

⁷⁰ Maimonides comments on why affirmative attributes are inappropriate in Book I.58:

It is consequently impossible that He should have affirmative attributes. For he has no “That” outside of His “What,” and hence an attribute cannot be indicative of one of the two; all the more His “What” is not compound so that an attribute cannot be indicative of its two parts; and all the more, He cannot have accidents so that an attribute cannot be indicative of them. Accordingly He cannot have an affirmative attribute in any respect. (p.135)

If its use is unavoidable, the correct way is the following:

It has thus become clear to you that every attribute that we predicate of Him is an attribute of action or, if the attribute is intended for the apprehension of His essence and not of His action, it signifies the negation of the privation of the attribute in questions. (p.136)

⁷¹ For the distinction of various kinds of analogy that are operative in Aquinas' system, see George P. Klubertanz, *St. Thomas Aquinas on Analogy: A Textual Analysis and Systematic Synthesis* (Chicago: Loyola University Press, 1960). For the scope of this paper, I will limit my discussion only on the analogy of proportionality.

⁷² Aquinas draws his inspiration of analogical predication from Aristotle's discussion of the science of being in *Metaphysics* IV, 1-2. However, Aquinas goes beyond what was said in *Metaphysics* IV in his innovative application of the theory to the issue of theological language.

⁷³ For a good introduction to Aquinas' theory of analogy, see Joseph Owens, "Analogy as Thomistic Approach to Being," *Mediaeval Studies* 24 (1962): 303-322; Gerald Phelan, *Saint Thomas and Analogy* (Milwaukee: Marquette University, 1941); and Ralph McInerny, *Aquinas and Analogy* (Washington, DC: The Catholic University of America Press, 1996).

⁷⁴ Thomas Aquinas, *On Truth*, q. 2, a.11. The following English translation is from Thomas Aquinas, *On Truth*, tran. Mulligan, McGlynn, and Schmidt (Chicago: Regnery, 1952-54), vol. 1:

Consequently, it must be said that knowledge is predicated neither entirely univocally nor yet purely equivocally of God's knowledge and ours. Instead, it is predicated analogously, or, in other words, according to proportion. Since an agreement according to proportion can happen in two ways, two kinds of community can be noted in analogy. . . . In those terms predicated according to the first type of analogy, there must be some definite relation between the things having something in common analogously. Consequently, nothing can be predicated analogously of God and creature according to this type of analogy; for no creature has such a relation to God that it could determine the divine perfection. But in the other type of analogy, no definite relation is involved between the things which have something in common analogously, so there is no reason why some name cannot be predicated analogously of God and creature in this manner.

⁷⁵ *ST I*, q. 13, a. 5, c.:

The perfection words that we use in speaking of creatures all differ in meaning and each one signifies a perfection as something distinct from all others. Thus when we say that a man is wise, we signify his wisdom as something distinct from the other things about him—his essence, for example, his powers or his existence. But when we use this word

about God we do not intend to signify something distinct from his essence, power or existence. When "wise" is used of a man, it so to speak contains and delimits the aspect of man that it signifies, but this is not so when it is used of God; what it signifies in God is not confined by the meaning of our word but goes beyond it.

Unless otherwise noted, the English translation of Thomas Aquinas' *Summa Theologiae* as appeared in the body of the paper and the notes is from St. Thomas Aquinas, *Summa Theologiae: Latin Texts and English Translation, Introductions, Notes, Appendices, and Glossaries*, 60 vols. (London, UK: Blackfriars, McGraw-Hill, and Eyre & Spottiswoode, 1964--).

⁷⁶ Therefore, Aquinas says, "words like 'good' and 'wise' when used of God do signify something that God really is, but they signify it imperfectly because creatures represent God imperfectly. (*Sic igitur praedicta nomina divinam substantiam significant, imperfecte tamen, sicut et creaturae imperfecte eam repraesentant*) (ST I, q. 13, a. 2, c.)."

⁷⁷ For an insightful discussion on this subject, see Julia Ching, "Chinese Ethics and Kant," *Philosophy East and West* 28 (1978): 161-172.

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Feminism Inverted: Religion and the Vicissitudes of Postcolonial Feminisms

By no means is the course of society anywhere as anarchic as it appears in the accidental and always irrational form of an individual fate.—Adorno, *Negative Dialectics*

Introduction

Deepa Mehta's film *Water* (2006), the third and final installment in her trilogy, including *Fire* (1996) and *Earth* (1998), had originally been set in the Hindu holy city of Varanasi by the holy river Ganges. In *Water*, Mehta portrays what she terms a "universal message" as opposed to "liberal outrage."⁷⁸ Set in 1930s India during the nationalist movement for independence, Mehta draws on Mahatma Gandhi's concern for the condition of widows in India and the practice of child-marriage (Gandhi himself wed at the age of fourteen). Indeed, the last scene of the movie draws on precisely this tenet of Gandhi's nationalism as the widow Shakuntala (Seema Biswas) hands eight-year-old Chuyia (Sarala) to Narayana (John Abraham) on board a train with Gandhi and his fellow freedom fighters. The train, or steam engine—symbol of modernity and Britain's civilizing mission—converges with a new India that no longer has to oppress its women in order to maintain its distinctness from the colonizing power.

Chuyia, married and widowed at eight, is the Indian child/woman/bride; she has no place unless it exists through a social relation with a man. Shakuntala, who deploys the only (patriarchal) agency allowed her, "saves" Chuyia from a fate as a child prostitute, a threshold sanctioned by the eldest member of the ashram, an overweight widow with a pet parrot, and crossed with a eunuch (*hijra*) or third sex who takes both Kalyani (Lisa Ray) and Chuyia to their "clients," the wealthy landlord across the river. The eunuch, neither male nor female, becomes the passage to degradation, and the river, neither male nor female, becomes the passage to death: literal for Kalyani who drowns herself after learning that the man she wishes to marry, Narayana, is fathered by one of her "clients," a wealthy Brahman who believes that his mere sleeping with someone of a lower caste is a benefit to them, and metaphorical for Chuyia whose childhood is stolen by her marriage and widowhood and whose innocence is stolen by her rape.

The middle passage, both river and eunuch, becomes the source of gender-identity, as male or female, clean or unclean, and subalternity for a child woman such as Kalyani who is not a nationalist subject but rather the passage to India for colonial occupiers in a process whereby women “provide the ground for the development of other agendas” (Mani 1990, 35)—colonial or nationalist. Kalyani, however, can only die and the water of the Ganges bears witness to both her cleanliness and purity but also to her degradation. It is only the water that she can return to and she drowns herself even though Narayana is willing to marry her even though she has been with his father. It is not the water but a train that Chuyia is handed to as she is propelled forward, disappearing in a cloud of smoke in the arms of the new Hindu male.

In this essay, I revisit the question of feminism and religion in order to discern the limits and vicissitudes of postcolonial feminisms as they encounter the resurgence of religious fundamentalism not only in formerly colonized spaces but also in so-called first-world locations. I argue that postcolonial feminisms must grapple not with the future anticipated and alluded to by the receding train in the last scene of Mehta’s movie, a future that is now ostensibly India’s postcolonial present, but Shakuntala’s haunting face: she is literally the last shot and cannot be resolved either through a narrative of death (as Kalyani) or through a narrative of familial protection and service to the nation (as is Chuyia’s fate). Shakuntala is left behind but bears witness to a train determined to move towards independence and new nationhood/masculinity as it traverses all of India and writes its history. She is similar to the river Ganges, polluted and unkempt, but giving witness to the contortions of land and blood that presume to speak the name of the nation.

Mehta could not film her movie in India due to violent protests by a small but aggressive minority seeking to preserve Hinduism’s good name from the impurities of an ostensibly westernized woman, as the very Ganges they protect overflows with filth, and was therefore filmed in Sri Lanka, another postcolonial nation bloodied by the battles between the Tamils and the Sinhalese as they seek to decide who will be the nation’s face. The “outside” that is Sri Lanka and the “inside” that is its Tamil minority perhaps serve as metaphor for Mehta’s own position as an Indian-born Canadian citizen as well as Shakuntala’s position as “outside” conventional representations of widowhood and femininity, yet trapped within gendered patriarchal norms that neither British modernity nor Indian nationalism can resolve.

It is in keeping with Mehta's claim, therefore, that the issues she presents are not tradition and patriarchy in societies we can deem other than our own but the question of subject-constitution that I argue is central to a feminist re-examination of its own subject-constitution. Women's agency emerges not just as the exception that proves the rule (patriarchy) but also through accountability and culpability for the choices women make and the actions women take everyday. Mehta's film allows for the question of the gendered subaltern to be brought to the forefront of postcolonial and feminist philosophical analysis because her portrayal serves to underscore the specifically gendered aspects of subalternity and asks the question of crossing thresholds.

Chuyia, widowed at eight and raped by wealthy landlords across the river from the ashram where she stays with the rest of widows segregated from society, meets the same fate as Kalyani who crosses another threshold by prostituting herself in order to survive in a community where she is allowed only to beg and to keep her impure person away from her fellow human beings. Indeed, in one scene, Shakuntala, while bathing in the river notices a wedding taking place and is told by the priest to make sure that even her shadow does not fall across the bride. It is in light of shadows and thresholds that this essay pursues its examination of gendered subalternity. The first section examines colonial and nationalist discourses of gender to foreground their re-emergence in the present postcolonial context and argues that both colonial and nationalist movements relegate women to subaltern status. In the second section, I juxtapose discourses of generality (history; colonialism) with discourses of individuation (subaltern; gender) in order to argue that the latter is not set against the former as opposite nor is it reducible to it. The third section places Spivak's analysis of the subaltern in dialogue with criticisms of her position. I argue that critics such as Ania Loomba continue to deploy the native/metropolitan dichotomy at the expense of more imaginative dialectics. Instead, this essay stands in the shadow of an individual fate, with Shakuntala, belonging neither to the ashram nor to the train but to something else besides.

I. Bodies Out of Place

One of the signal contributions that feminist theory has made to the marketplace of ideas is the demonstration of how the gender divide is mapped on to the world. Colonial powers

brought with them daunting philosophical, theological, naval and mercantile traditions they used to justify occupation and control. Separating public from private, particular from universal, human from divine, family from state, and male from female realms of experience and action forms a crucial aspect of these traditions. In colonial and postcolonial contexts, the public and private realms took on a different impetus.

The expansion of European modern states into Empires of the Orient transformed the scope of the public sphere. The western male subject, fashioned on principles of moral goodness (Aristotle) and rational self-conscious individuality (Hegel), faced a contradiction. How could it be possible to justify slavery, oppression, and exploitation of native men in the colonies who as men/male are rational, individual, and superior to women and, hence, equally deserving of freedom and dignity? At this juncture, it is critical to note that the categories of male and female are always already marked through race, class, sexuality, etc., and the public and private realms along with notions of appropriate masculinity and femininity are deployed in the colonial and nationalist projects.

Postcolonial and feminist criticisms posit the public/private distinction as normative because it reinforces and elides power relations. Homi Bhabha points to the intermediary or mediating locus that feminist theory provides.

By making visible the forgetting of the “unhomely” moment in civil society, feminism specifies the patriarchal, gendered nature of civil society and disturbs the symmetry of private and public which is now shadowed, or uncannily doubled, by the difference of genders which does not neatly map on to the private and the public, but becomes disturbingly supplementary to them (Bhabha 1994, 10–11).

For Bhabha, the unhomely “dramatizes—in the figure of the woman—the ambivalent structure of the Civil State and the paradoxical boundary between public and private spheres” (8). The universal subject-citizen can only be predicated from the “disavowal” or “forgetting” of the domestic realm that nonetheless returns as “excess” or “supplementarity.” This creates “uncertainty at the heart of the generalizing subject of civil society” and “compromis[es] the ‘individual’ that is the support for its universalist aspiration” (10).

If the public/private divide represents a “shadow[ing]” or “doubling” of the difference between genders, then gender difference itself becomes supplementary to public and private. The domestic sphere, the atavistic realm of the impenetrable yet transparent eternal feminine, seems most familiar and intimate. The spilling over of what has been disavowed into public discourse creates the “unhomely” or uncanny moment whereby what is most familiar seems unfamiliar. Disruption and movement proceeds through a repetition of the public/private divide by adding to it, creating something that exceeds but also replaces. In fact,

these are moments where the private and public touch in contingency. They do not simply transform the content of political ideas; the very space from which the political itself is spoken—the public sphere itself, becomes an experience of liminality which questions ... what it means to speak from the “center of life” (14).

In other words, the public and political realm, when infused with a gender analysis reveals its inherent gendered constitution; this transforms the putative universal space. No longer objective through being beyond the private, it is the particular that is actualized in the public realm.

In the context of the gendering of nationalisms, Ann McClintock states, “Nowhere has feminism in its own right been allowed to be more than the maidservant to nationalism” (McClintock 1995, 386). A “theory of gender power” necessarily problematizes performative and pedagogical cohesiveness within normative anti-colonial and nationalist claims. Yet, despite the inextricable dialectic between the world and the home, history remains difficult or impossible to yield except in so far as it discerns how particular women and men were figured as part of the colonial project and thus became instrumental to it.

Partha Chatterjee and Mrinalini Sinha provide examples of elite Hindu nationalism through the gender politics of nineteenth century Hindu middle class Bengal. Traditionally defined as the realm of women, “the domestic space” in colonial India has been the site of contest for cultural supremacy. The “disturbingly supplementary” nature of the reworking of the “symmetry of public and private” in nineteenth century Hindu middle class Bengal can be traced according to four primary processes: (1) The categories of male/female become racially (caste, class, and religion) coded; (2) public/private are re-inscribed according to the colonial project;

(3) Victorian feminism gains a public presence and identity through “colonial difference;” (4) the “woman’s question” becomes a story of betrayal.

The British colonial project in India devised many tactics of intervention. Anglicists like Macaulay scripted their “civilizing mission” as a quest to transform “natives of this country [into] thoroughly good English scholars” to create a “class of persons, Indian in blood and color, but English in taste, in opinions, in morals and in intellect.” However, this mission did not extend to all Indians but facilitated the creation of “a class who may be interpreters between us and the millions we govern” (qtd. in Narayan 1995, 66). Orientalists, according to Uma Narayan, reintroduc[ed] the Hindu elite to the “impenetrable mystery” of its ancient lore. The Sanskritic tradition, locked up till then in the hands of a closed priesthood, was being thrown open and its treasures made available to the people in its “pristine” form ... Europeans ... were now engaged in giving to Indians the greatest gift of all: “a history” (67).

This history, in its “pristine” form would recall to Indians their historic Golden Age. Uma Narayan emphasizes, however, that in giving the Hindu elite a “history” the Europeans as part of the Aryan race were further justifying their own presence. In conjunction with Brahmanical interests, the British created an ostensibly Hindu tradition premised on the superiority of Brahmanical texts and textual as opposed to ritual importance. Disparate texts were rendered into a cohesive tradition. Such projects worked to displace the India of “barbarous customs, snakes, dust, and heat” from the British imagination to create a more palatable version for the royal subjects at home in England.

Partha Chatterjee analyzes the role assigned to Indian women in the nineteenth century in the attempt to construct an anti-colonial national identity. For Chatterjee, the Indian nationalist project involved “an ideological justification for the selective appropriation of western modernity.” In terms of gender, the colonial project for the British comprised what Lata Mani describes as “we came, we saw, we were horrified, we intervened” (Mani 1990, 55). By isolating practices such as *sati*, arranged marriages, and *purdah* colonizers “assum[ed] sympathy with the unfree and oppressed womanhood of India ... transform[ing] this figure of the Indian woman into a sign of the inherently oppressive and unfree nature of the entire cultural tradition of a

country” (Chatterjee 1993, 118). In a process whereby women “provide the ground for the development of other agendas” (Mani 1990, 35) the agenda of Indian social reform in the early nineteenth century became “a litmus test for granting political concessions to Indians” (Sinha 1995, 45).

According to Chatterjee’s account the constituted dichotomy of the world/home were reinscribed as the material and spiritual realms, respectively.

In the world, imitation of and adaptation to Western norms was a necessity; at home, they were tantamount to annihilation of one’s very identity ... the nationalist paradigm... supplied an ideological principle of selection. It was ... an attempt to make modernity consistent with the nationalist project (Chatterjee 1993, 121).

The modern Hindu Bengali woman therefore received education in classic Hindu literature while also inculcating “orderliness, thrift, cleanliness ... literacy, accounting, hygiene, and the ability to run the household according to new physical and economic conditions.” She could leave the domestic space “as long as it did not threaten her femininity.” For Chatterjee, “this latter criterion ... made possible the displacement of boundaries ... from the physical confines earlier defined by *pardah* to a culturally determinate domain set by *differences*... the essential femininity of women was fixed [as] culturally visible spiritual qualities” (130, emphasis original). Women could venture into public, receive an education, use public transportation, work in various industries, and enjoy public entertainment.

The “domain set by differences” clearly marked for the Hindu middle-class Bengali woman her “superiority” over women in the west for whom “education meant only the acquisition of material skills to compete with men in the outside world.” Bengali women therefore has greater advantages compared to women of the preceding generation “who had been denied the opportunity of freedom” and over “women of the lower classes who were culturally incapable of appreciating the virtues of freedom” (129). The putative inner domain of women thereby became invested with the urgency of preserving the sanctity of national culture.

Thus, for Chatterjee, “the new woman defined in this way was subjected to a *new* patriarchy ... Attainment by her own efforts of a superior national culture was the mark of woman’s newly acquired freedom. This was the central ideological strength of the nationalist

resolution of the women's question" (127–128). Under the guise of greater freedom, the "nationalist resolution" served to elide the problematic status of women as both participants in public contest of colonial rule as well as their traditional roles as wives and mothers, demarcated under the auspices of Hinduism as *stridharma* (see Chakravarti 1991; Jacobson and Wadley 1992; Leslie 1989). The potential effects of independent women's voices were contained *as a very part of* the nationalist vocabulary of resistance.

Another example of women's over-determined status concomitant with ineffective and appropriated nationalist activism is Mrinalini Sinha's account of the gender politics of colonization during the Ilbert Bill controversy of 1883–1884. Law Member of the Government of India, C. P. Ilbert, introduced the Ilbert Bill, which proposed to amend the Code of Criminal Procedure of the Indian Penal Code. Under this bill it would be possible for native officials to have limited jurisdiction over British subjects in the *mofussil* or country towns. What Sinha terms the "politics of colonial masculinity" juxtaposed the stereotype of the "manly Englishman" and the "effeminate Bengali *babu*" to deprive native officials the right to oversee trials of British subjects. I extend Sinha's "politics of colonial masculinity" to argue, in a manner similar to Spivak's analysis of Kant's critiques, that native men in this scenario are not only configured as lack but also, quite simply, as another order of men.

British men became identified with the proper (natural, unmediated) name (noun) of man (European). According to this reconfiguration, British patriarchy emerged from a natural division of the sexes whereas effeminate Bengali men indulged in an unnatural patriarchy whereby possession of feminine traits by both English women and Bengali men "disqualified" them from political life. For Lepel Griffin, a senior Anglo-Indian official cited by Sinha, Bengali men "must expect to be held in such contempt by stronger and braver races, who have fought for such liberties as they have won or retained." Colonial masculinity invoked "Victorian British gender ideology and the increasingly embattled status of this ideology." It also "invoked the pressures on the classical bourgeois male public sphere from the inclusion of new social actors, like women and the working class" (Sinha 1995, 35).

The problem of "new social actors" in the public sphere became a locus of the increasingly embattled status of both British and Hindu Bengali women. In colonial India, the agon of decolonization found its vocabulary through particular constructions of Victorian and

Indian womanhood. These were not articulated within the realm of history proper or as constructions mediated by the very process of differentiation but retained the symbolic and metaphoric role of women as the “innate nature” of a nation (45).

White women were in the “unique, yet contradictory” position of being “object[s] of reverence” for white men while also being “responsible for the increase in racial tension in India” because, according to Lord Stanley of the East India Association, “national and race prejudices were more accentuated and more strongly felt and shown by the women than by the men” (46–47). It became incumbent upon white women, just as it had been for the “new” Hindu Bengali women, to embody nationalist pride and dignity.

The arrival of increasing numbers of white women in India from the late seventeenth century meant stricter enforcement of Victorian British domesticity. By confining British women primarily to support and charity, the “defense of white womanhood” became a similar crux for withholding greater political rights to Indians. Victorian women, by example, were also responsible for “the enlightenment and amelioration of ... Native sisters” (48). The “manly physique” and “manly character” of the “sport-loving” British male made him a natural and justified ruler and the colonial situation itself demanded the chivalrous defense of both white and native women (41–42). The Ilbert Bill controversy thus naturalized racial privileges and placed gender outside the realm of ambiguity or cultural contest. Its authority as a “complex rhetorical strategy of social reference” (145) mobilized public opinion against the Ilbert Bill.

Sinha also describes the greater public involvement of British women in public life, in particular their vicious opposition to the Ilbert Bill. British women felt pride in the impetus placed on their shoulders and rallied to denounce any perceived slight to their honor. Sinha points out that Anglo-India was not greatly affected by challenges to public life issued by feminists in England through “new public visibility” for middle-class women in education and professional employment. Yet, although British women were publicly involved (letters, boycotts, petitions, participation in organizations, committees, and associations), the British imperial project successfully co-opted and appropriated the challenges of the “New Woman” within the racial politics of Empire (54). This “reconfigured imperial patriarchy” pre-empted any detrimental effects of women’s public outcry.

For example, Sinha describes how the Ladies' Committee in Calcutta drafted an independent petition in opposition to the Bill with the aid of the Defense Association. The petition was denied because the women signed as Miss or Mrs. rather than with their proper names. The *Englishman* pointed out, "Mrs. Smith or Miss Smith, as we should have thought every educated person knew, is not a signature but a description (57–58). For both British and Indian women their "citizenship in the nation was mediated by the marriage relation within the family" (McClintock 1995, 358). McClintock emphasizes, this "agency by designation" appears as a "domesticated relation to a man" (366). Women's "potential militancy" is "muted ... by the language of familial service and subordination" (380).

In addition, Sinha argues that the politics of "colonial masculinity" enabled British women to oppose the Bill by a "logic of womanhood" which excluded Indian women. The Bihar Ladies' Petition to the Viceroy protested:

We see that in the social systems of India women are ignorant and enslaved ... we see the men of their races insensible to their degradation, if not contented with it. Therefore, we assert that men born or bred on such a system are unfit to become the judges of women of a totally different type of society (Sinha 1995, 59).

In this dialectic the construction Indian women as victims of their culture, traditions, that is, by a particularly ruthless patriarchy enabled British men to foreground British women's comparative independence and thus to subvert further demands. British women could translate their implicit sense of superiority into benevolence and charity. This process constitutes, as Mohanty emphasizes, "third world difference" which is that

stable ahistorical something that apparently oppresses most if not all women in these countries" produces a "coherence of effects" which "discursively colonize[s] the material and historical heterogeneities of the lives of women in the third world, thereby producing/re-presenting a composite, singular "third world woman"—an image which appears arbitrarily constructed, but nevertheless carries with it the authorizing signature of Western humanist discourse (Mohanty, Russo, and Torres 1991, 53).

Sinha terms this aspect of colonial gender dialectics “maternal imperialism” (Sinha 1995, 60) which did not just reveal the racism of white women; it also subsumed feminist challenges within the imperial project.

Within this paradigm, Chatterjee’s account of the nationalist “resolution” can be understood as the recuperation of masculinity through the educated *bhadramahila*. Sinha comments on the ambiguous but growing recognition among Bengali men of the need to acknowledge a woman’s voice in public debate during the controversy. She documents native women’s public involvement in support of the Bill, such as the teachers at the Bethune School for women in Calcutta and the Bengali Ladies’ Association (Sinha 1995, 62–63). Yet, “the hegemonic domain of nationalism” (Chatterjee 1993, 74) and the debates over social reform by Indian middle-class men “were transmitted into the lives of women inside their homes. Women, consequently, had to devise strategies to cope with the new demands made upon their loyalties and their desires” (145). According to McClintock,

All too frequently, male nationalists have condemned feminism as divisive, bidding women hold their tongues until after the revolution. Yet, feminism is a political response to gender conflict, not its cause ... Asking women to wait until after the revolution serves merely as a strategic tactic to defer women’s demands ... [W]omen who are not empowered to organize during the struggle will not be empowered to organize after the struggle (McClintock 1995, 385).

In this respect, “a whole new set of controls” conferred “the dignity of citizenship” by “excluding many from its fold” (Chatterjee 1993, 155). Given that “even the same signs can appropriated, translated, rehistoricised, and read anew” (Bhabha 1994, 37) how might feminists articulate resistance and the mechanisms of power that determine negotiations of “profoundly antagonistic, conflictual, and even incommensurable” (2) discourses? For McClintock, feminist theory examines the “strategic mobilizing of popular forces, their myriad, varied trajectories, and their relation” to provide “a more theoretically complex and strategically subtle genealogy of nationalisms” (McClintock 1995, 368).

This genealogy, as Lata Mani emphasizes, inevitably encounters the “problem of women’s agency” which “remains poorly theorized” (Mani 1990, 36). For Bhabha, “in signifying the present” (Bhabha 1994, 35) the people find themselves in a fluctuating movement *which they are just giving shape to*, so that postcolonial time questions the teleological traditions of past and present, and the polarized historicist *sensibility* of the archaic and the modern. These are not simply attempts to invert the balance of power within an unchanged order of discourse [but] redefine the symbolic process through which the social imaginary—nation, culture, or community—becomes the subject of discourse, and the object of psychic identification (153, emphasis original).

Postcolonial “temporalities” undermine “our sense of the homogenizing effects of cultural symbols and icons, by questioning our sense of the authority of cultural synthesis in general” (35). This redefinition of the “symbolic process” thus compels us “to rethink the sign of history *within* those languages, political or literary, which designate the people ‘as one.’ They challenge us to think the question of community and communication *without* the moment of transcendence” (153). Bhabha nonetheless obfuscates the difference in status and authority between feminist and postcolonial discourses.

For example, in his discussion of the 1984–1985 miner’s strike in England, he speaks of women’s “understanding of the historic choice to be made” as “startlingly different and more complex.” Bhabha simply points out that

Their testimonies would not be contained simply or singly within the politics of class or the histories of industrial struggle. Many of the women began to question their roles within the family and the community—the two central institutions which articulated the meanings and mores of the *tradition* of the laboring classes around which the ideological battle was enjoined. Some challenged the symbols and authorities of the culture they sought to defend. Others disrupted the homes they had struggled to sustain. For most of them there was no return, no going back to the good old days (27).

Bhabha, however, does not elaborate on the choices that the women did, in fact, make and on what grounds. Would it not be likely that explicit feminist concerns were elided in terms

of the public discourse about the strike? More than likely, the women in question suspended feminist demands for the sake of the “values and traditions of the socialist community,” a dilemma of picking loyalties that remains well documented in the annals of black and postcolonial feminist theory.

Bhabha’s discussion of this particular moment in women’s struggles assumes that gender conflict emerged as a result of or in conjunction with the miner’s strike; the “good old days” were presumably equitable in their gender arrangements. Bhabha’s project rightly foregrounds “the importance of the hybrid moment of political change. Here the transformational value of change lies in the rearticulation, or translation, of elements that are *neither the One* (unitary working class) *nor the Other* (the politics of gender) *but something else besides*” (28, emphasis original). Yet, praxis becomes the site of explicit political and ethical intervention, a locus of action that emphasizes that *there is no equal distribution of power within the processes of negotiation*. It is precisely, however, at those moments when gender disrupts or exceeds the tropes and allegories that seek to render it intelligible that provide access to other interpretative gestures that are ignored or excluded and those that are yet to be imagined.

II. Feminism, the Subaltern, and Religion

According to Radha Kumar, secularism in India is “synonymous with providing ‘fair’ representation to different religious communities, which are defined in opposition to each other. Thus the ‘true’ representatives of different religious communities are held to be their fundamentalist leaders, rather, than say, the reformers within their ranks” (Kumar 1993, 178). She goes on to describe her encounter with “hostile women” at the pro-*sati* procession in 1983 organized by the Marwari-funded *Rani Sati Sarva Sangh* in New Delhi, an organization that propagates and supports *sati*. Kumar organized a protest rally against the receipt of a plot of land by the Rani Sati Sarva Sangh from the government to build a *sati* temple in Delhi. She felt unprepared, however, when faced with women who “appropriated the language of rights, stating that they should have the right, as Hindus and as women, to commit, worship and propagate *sati*” (174).

In terms of theoretical responses to women’s participation and leadership in communalism and fundamentalism, Tanika Sarkar and Urvashi Bhatia examine the “large-scale

movement among women of the right who bring with them an informed consent and agency, a militant activism.” The parameters of their project includes discerning

the social bases of the women’s contingent, the domestic ideology and gender notions as well as the larger social interests with which they have been mobilized, the changing forms of their mobilization and activism over time and space, the directions into which such activism was going to lead both in terms of gender politics and the politics of the Hindu right in general (Sarkar and Butalia 1995, 4).

For example, Tanika Sarkar points out that “women are usually regarded as quietist devotees who use [religion’s] mythical and ritual resources to create an autonomous cultural space that wrests from patriarchy some relief and even power” (181). Through the putative “custodianship of authentic religious traditions,” that is, as the primary bearers and transmitters of cultural values and markers of difference, women also experience a greater sense of volition, agency, and prestige. Moreover, this counters traditional gender ideology that reinforces women as atavistic, sacrificing and pacifistic elements of a culture.

Sarkar emphasizes, however, that right wing politics in India are engaged either as an “economic conjuncture” or it is a “hard form of nationalism born out of a westernist modernity.” Yet, for Sarkar, “despite the continued existence of a seventy-year-old, self-multiplying, innovative and uniquely experimental semi-fascistic formation” there exists a lack of determined confrontation with it. Women’s service to *sanghs* and *samitis* (alliances and committees), which anti-Muslim violence, is relegated to domestic service and is firmly inscribed within women’s virtue and chastity as well as the “non-concretised notion of Muslim oppression of Hindu women through the ages” (182–186).

While this movement appeals to is “upper-caste, middle-class, and urban,” it simultaneously infantilizes the Hindu male and the nation through the “mother’s mediation” (188–192). The mother is “vested with a notion of heroic political instrumentality” and it is up to her to “instill habits of deference, of obedience, of respect” (188–189). In this Oedipal family-drama, women “establish themselves as political subjects through an agenda of hatred and brutality against a besieged minority” (190).

Amrita Basu, in her analysis of Vijayraje Scindia, Uma Bharati, and Sadhvi Rithambra, three of the most prominent orators of Hindu nationalism, states that “a number of women enjoy greater prominence in Hindu nationalism than have women in the nationalist movement.” In addition, “female leadership of the *Hindutva* movement does not advocate pacifism. While their directives are most specifically targeted at Hindu men, this female leadership implicitly sanctions and indeed encourages women’s exercise of violence” (159).

Women’s militant activism relies on the invocation of a goddess tradition. This is in conjunction with the promulgation of the new Hindu woman who has sidestepped the perils of western modernity and is a person with “professional and economic opportunities, secure property ownership, legal rights to enforce them, and some degree of political power to ensure her rights” (206). According to Basu, these three leaders are celibate while also seemingly presenting a “low-caste, relatively poor, and female” perspective (159, 163). Thus, the emphasis on the “supposed strength, virility and aggression of Muslim men” purportedly evident through the quantity of meat they consume, the number of children they father, and their physical prowess, succeeds in making the “raped Hindu woman symbolic of the victimisation of the entire Hindu community” (165).

A critical aspect of the political success of these women has been the manner in which they have moved beyond normative gender roles. For Basu, “none of these three women is economically dependent on fathers, husbands, or sons; none of their identities is defined by their roles as wives and mothers.” It is through the “aura of religious and nationalist commitment” that these women have fulfilled their political ambitions (167). In this respect, as Flavia Agnes points out, goddess ideology and Hindu iconography is invoked to create a tradition of women’s strength, faith, and activism (139). The leaders also espouse a benevolent stance towards Muslim women thereby identifying Muslim patriarchy as particularly trenchant and abusive (172). Concomitantly, however, Hindu men cannot rape Muslim women because “Hindus are victims ... by virtue of being Hindu, they can be neither communal nor aggressive” (179).

Basu makes an important distinction between fundamentalism and communalism and places the advocacy of the BJP fundamentally within the confines of the latter.

Fundamentalist parties’ attempts to reorder society are guided by an orthodox, or what they would consider an authentic interpretation of religious scriptures ... Notions of

community honour thus become contingent upon safeguarding women's sexual purity and domestic roles. By contrast, the use of religious appeals, the role of the high priests of Hinduism and references to the authority of religious texts is at best ornamental to the BJP's designs (171).

This is a critical distinction, because it reveals the instrumentality of religion and technology (films, tapes, television) in combination with the "energies of a comprador consumerist bourgeoisie that is deeply committed to the commodities produced by the West" (6). This "feminism inverted" (159) provides a critical space to examine both postcolonial and first-world modernity, which has also seen the resurgence of fundamentalist movements and wars of aggression, in which western women play a critical role.

The project of postcolonial feminism, whether in India or abroad, has been to illustrate how to understand the status, meaning, and content of "Hindu tradition" while also fighting charges of "westernisation" and "inauthenticity." For Rajeswari Sunder Rajan, women are loathe to "refuse their communities' demands of loyalty or to relinquish their affiliation to [religious laws] ... for the often dubious benefits of legal rights—nor do they always have this option, where the state's laws are themselves religious" (Sunder Rajan 1999, 12). Caught between religion and the law, women leave "signposts," the title of Sunder Rajan's edited collection of essays to gesture towards thresholds and shadows that may create alternative postcolonialisms.

III. Signposts and Subalterns

Gayatri Spivak's most notorious claim regarding the subaltern interjects precisely at this juncture of impossible choices. The figuration of the subject can be appropriated for both feminist and Hindu fundamentalist and communalist ends. For Spivak, poststructuralist analysis of the other re-establishes the sovereignty of the western subject, whether through rendering the other transparent or through rendering the intellectual a transparent vehicle for the voice of the oppressed. Spivak's goal is a "developed theory of ideology" (Spivak 1988, 274) whereby one can discern "an alternative analysis of the relations between the discourses of the West and the possibility of speaking of the subaltern woman" (271). She unearths the "constitutive contradiction" within current poststructuralist discourse whereby in representing "the undivided

subject” (274) of oppression the intellectual ignores “the question of ideology” and his “own implication in intellectual and economic history” (272).

For Spivak, “The association of ‘consciousness’ with ‘knowledge’ omits the crucial middle term of ‘ideological production’” (286). Spivak attempts to render the subjects made objects, the beneficiaries of our intervention, far more complex and confounding than our philosophies have allowed. She criticizes the “positivist inclusion of a monolithic collectivity of ‘women’ in the list of the oppressed whose unfractured subjectivity allows them to speak for themselves” (278). In such a view, representation becomes simply the enabling or the transmitting of the authentic voice and needs of those who are excluded from certain circuits of power and communication.

At the heart of her argument lies the conflicted and complex relationship between desire, interest, and subjectivity and the manner in which “the constitutive subject/Subject” establishes itself through “transparency and disavowal.” I do not elaborate on the explicit details of her criticisms of Derrida, Foucault, and Deleuze. Instead, I focus on her attempt to examine the contradiction between philosophy that renders the subject fragmented and disperse (“subject” rather than “Subject”) while also rendering the other or the oppressed unified and whole. Such a move serves only to reinforce the sovereignty of the western Subject, despite his claims to being merely subject, because the other remains the product of his particular representations, in this case, as a coherent entity, such as “women” or “the working class.” The “Subject of desire and power” becomes an “irreducible methodological presupposition.” Concomitantly, the “self-proximate, if not self-identical, subject of the oppressed” (279) becomes his constituency on behalf of whom the Subject intervenes. Yet, this “S/subject, curiously sewn together into a transparency by denegations, belongs to the exploiters’ side of the international division of labor” (280).

For Spivak, poststructuralism and postcolonialism must bear the press of material conditions rather than put the economic “under erasure.” In addition, the aim of a truly deconstructive enterprise must be to examine “how an explanation and narrative or reality was established as the normative one” (281). The direction of the critique thus changes from “rendering vocal the individual” to “rendering visible the mechanism.” Spivak emphasizes that those whom we presume to speak for and speak about are, in many ways, the products and the

creations of our own ideological investments. Rather than seeking “pure forms of consciousness” our emphasis should be “moments of productive bafflement” and the “task of ‘measuring silences’” (286).

Spivak uses the example of widow immolation in India, and states that despite careful and critical scrutiny of the various textual, cultural, political, legislative, and literary sites where the discourse on widow-burning occurred, there is “no itinerary we can retrace here” (302). She cannot encounter the “voice” or the subjectivity of the women who were burned. She states, “Such a testimony would not be ideology-transcendent or ‘fully’ subjective, of course, but it would have constituted the ingredients for producing a counter sentence” (297). These sites of discourse, moreover, create widow-burning as it is spoken about. In this, the “narrow epistemic violence of imperialism gives us an imperfect allegory of the general violence that is the possibility of an *epistémè*” (287).

Spivak’s text alludes to the beginnings of a pragmatics of scholarship that will prevent the “encroachment” of the “unacknowledged Subject of the West.” In this respect, the question becomes the ability to prevent the “ethnographic Subject from establishing itself by selectively defining an Other” or from becoming “the absent nonrepresenter who lets the oppressed speak for themselves” (292). Thus, she emphasizes, “to buy a self-contained version of the West is to ignore its production by the imperialist project” (291).

Current critical and interventionist discourse must shift, according to Spivak, to the “*mechanics* of the constitution of the Other” as opposed to the “invocations of the *authenticity* of the Other.” For Spivak, the “colonized subaltern *subject* is irretrievably heterogeneous” (284, emphasis original). In fact, to “confront them is not to represent them but to learn to represent ourselves.” In doing so, one must remain vigilant of the “epistemic violence of imperialism” and the “international division of labor” both of which lead to “appropriation and reinscription” (289), that is, we constitute them according to the manner in which we seek to constitute ourselves.

Spivak’s criticism of “the non-self-abdicating intellectual” (307) also includes an attempt to make visible the “mechanisms” through which her own voice, as a postcolonial female intellectual, has been determined. She posits her “privilege” as her “loss” (287) because it prevents her from accessing another form of knowledge or another horizon of meaning and

subjectivity. In seeking to establish the parameters of appropriate representational methodology, she invokes her own identity.

Through example, she attempts to establish her preliminary methodology as the purview of all scholars attempting to speak about topics such as widow-burning. She states, “To learn to speak to (rather than listen to speak for) the historically muted subject of the subaltern woman, the postcolonial intellectual *systematically* ‘unlearns’ female privilege. This systematic unlearning involves learning to critique postcolonial discourse with the best tools it can provide and not simply substituting the lost figure of the colonized” (295, emphasis original). It is unclear what Spivak specifically means when she refers to “female privilege.” Perhaps she is referring to the sex/gender binary that has been criticized by feminist theory or perhaps she is making an allusion to Sara Suleri’s criticism of the racially coded female body as a synonym for the good. She may also be invoking any possibility of establishing a relationship of identity with the subaltern through the category of gender, in this case the “woman” who is the ostensible subject of discourses of widow-burning. The process nonetheless involves a radical refusal to reduce the subaltern to symbolic status, that is, as the static and transparent reminder of the failings of theory to speak for the subaltern.

A radical revision of the “positionality of the postcolonial intellectual as investigating subject” (296) or the “the postcolonial woman intellectual” (297) forms the space of intervention, and not, I emphasize, the subaltern woman. Although Spivak dismantles notions of the “intellectual,” particularly intellectual strategies that form particular traditions, she does not seem to make “visible” the mechanisms that lead to the “postcolonial” as the locus of a particular identity and history. I believe that, in this respect, Spivak’s work must be seen in tandem with her larger body of scholarship where “postcolonial” comes under critical scrutiny.

Spivak’s work seeks to establish or struggle for methodological and disciplinary frameworks that do not rely on identitarian knowledge creation and investments. In “Can the Subaltern Speak?” she invokes and calls upon “the female intellectual *as* intellectual” (emphasis added) rather than the female intellectual *qua* female, a privilege she indeed asks us to forego. In this, the responsibility that she invokes comes under intellectual interest in the subject at hand and its possibilities rather than identification based on sex, gender, or postcoloniality. This

responsibility, moreover, cannot be shirked. The subaltern may not be able to speak to us, and remains irreducible, but the realm of representation remains both inevitable and illusory.

For Spivak, we cannot assume that the subaltern is perfectly aware of his or her situation or particular ideological constraints. Nor does it suffice to assume that the subaltern is unified, authentic, coherent, and non-heterogeneous, especially when contemporary theoretical trends are at pains to disaggregate the Subject. In this, as Spivak points out, the “theoretical problems only relate to the person who knows. The person who knows has all the problems of selfhood. The person who is known somehow seems not to have a problematic self” (Spivak and Harasym 1990, 66). The subaltern, therefore, is not a privileged subject. It is, in fact, an insidious disavowal of power and privilege that regards lack of speech or failure of the speech act to be the sign of untainted, whole, and un-conflicted subjectivity and being.

In contrast to Spivak, Ania Loomba figures the materiality of the widow to counter the “representational stasis” (Loomba 1993, 211) between subject and object, or agent versus victim. Spivak’s controversial indictment of feminist politics that speech the subaltern through their own interests, is invoked by Loomba in order to counter Spivak’s own speech act whereby “the silence of Spivak’s subaltern is a pre-condition for her own project of representation” (217). In this respect, “the post-colonial feminist intellectual” (218) or “almost by definition the Indian woman academic working in the metropolitan academy” becomes the subject of a narrative that is putatively about the subaltern but is, in fact, “the most suitable language for talking about silence.”

In so far as the (silent) subaltern, “a conceptual and social category that comes into being only when the subject dies,” is the condition of possibility for the postcolonial feminist intellectual’s speech, the immolated woman serves as the paradigm that silences “the struggles of third world feminists in their own countries” (219). This is because “sati is produced by and functions to circulate ideologies which target and seek to position a larger body of women, whose experiences, articulations and silences are crucial to understanding the relations of power and insubordination which are central to any analysis of ‘the subaltern’” (220).

I am sympathetic to Loomba’s concern about the effective silencing of women’s voices in the third world through metonymic and metaphoric/over-determined figurative analyses that position all women in a similar situation with respect to subjectivity and voice. I do not agree,

however, with the causal relationship that she establishes between the subaltern's putative silence and the feminist intellectual's speech. The subaltern is, in fact, the condition of all speech. Rather than privileging gender and ethnicity as determinate factors in occupying or being a subject position, a critical analysis starts with the subaltern as abject.

The subaltern, moreover, does not emerge after literal death but subalternity is itself a subject position invoked by Spivak. This does not entail that subalternity is the woman's self-consciousness of herself but the subject position (none) that she inhabits to render herself intelligible to us. If, as Matilda Gabrielpillai states, the "Indian nation's central meanings are deliberately and reductively quilted to the experience of the Indian woman's body to produce an India that is culturally retrogressive," (Gabrielpillai 2000, 287) then the feminist intellectual negotiates with the manner in which the burned widow materializes in various discourses in order to create her own subject position. This negotiation, however, is not reducible to the postcolonial feminist alone but, as Spivak demonstrates, is relevant to the intellectual at large, as evident in her criticism of Derrida, Foucault, and Deleuze.

The materiality of the widow always already exists within a symbolic economy and can be accessed or apprehended in no other way. The body that burns is not prior to representation. To privilege this body is to perhaps engage in representational hierarchy that is just as gratuitous as the supposed privileging of the postcolonial feminist intellectual. If one posits "a feminist postcolonial imaginary of national identity" in order to discern an "intending subject of resistance" (289), this may be tantamount to an "indigenization of their [the intellectual] postcolonial feminist struggle" (292), that is, creating a subject over there who is evidence of our intellectual concerns over here; this is, however, different from delineating "the incommensurate in postcolonial subjectivity as that which needs cultural intervention" (293), that is, appropriating the impossibility of subaltern speech as a problem of one's own subjectivity.

The Indian subaltern (and this itself is an oxymoron) is not to be the shadow of the Indian woman, intellectual or otherwise, nor is she a threshold to be crossed for theory to be 'successful' or inclusive. The subaltern and her absent body do not mark an undomesticated or unincorporated space but are interventions of what is properly real and what must properly be contended with. In this respect, Mehta's call, that her film be seen for the universal issues it

presents rather than for liberal outrage, becomes a threshold one can cross to think through the distance we must travel to become that which is left behind.

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Endnotes

78 Andre Meyer, "Digging Deepa: Canadian Filmmaker Shines with Water," November 3 2005. www.cbc.ca/arts/film/water.html

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Eroticizing Historical Space: Subverting the Post Colonial Other⁷⁹

Introduction

Thinking about women's crimes has not been an easy task for feminists: The discourse of law as it pertains to sexual crimes against women, and more specifically, on rape, discriminates against women.⁸⁰ The institutional structures and the decision-making processes of the criminal justice system work in concert to reproduce relations of race and gender subordination in the processing of rape cases. As Gary LaFree's empirical studies of rape enforcement practices illustrate, each discretionary decision point in a legal system creates a space in which legal agents can deploy racialized and erotized images of female sexuality⁸¹. Because these images are often erotically, racially, and sexually charged, their circulation in the processing of rape cases is a vehicle through which State power becomes embedded in, and subordinate to the cultural logic of male supremacy. Feminists' legal reforms that attempt to target the criminal justice system and alter the substantive criminal element of rape are unlikely to change these patterns of law affecting society because much of the discretion inherent in legal rationale applies formal legal standards to complex factual events.

A further problem is that even the most unbiased legal system will not eliminate rape as long as women are easy and acceptable targets for male sexual aggression. Consequently, the legal struggle pertaining to women's freedom from discriminatory laws must be conceptualized as a struggle that extends beyond reforming the criminal justice system. Feminists need to target the discourses surrounding legal processes that silence women's voices.

By connecting post colonial discourse on rape laws in Pakistan to key British colonial debates pertaining to women's ideology as well as subjectivity and language in India, this paper further problematizes the complexities of colonial and post colonial subjects and identities by evaluating public attitudes that shape discriminatory laws against women. Furthermore I will show how even today, law making and legal institutions of once dominated colonial countries continue the traces of colonial oppression against women resulting in the greatest discrimination

against and legal despair for women in these countries. As a way of illustration I am going to discuss Pakistan's post colonial implementation of Rape laws pertaining to women.

Methodology

This paper is divided into three sections reflecting the separate but similar periods dealing with discriminatory laws against women in the history of Pakistan's criminal justice system. The sections will proceed as follows: Section One will examine the implementation of current Rape laws in Pakistan based on the *Hudood Ordinance*⁸². This section will deal with an analysis of rape laws and observation about the kinds of legal strategies that operate against women in Pakistan today; Section Two will deal with the implementation of Rape laws prior to the enforcement of the Hudood Ordinance. These laws based on the Pakistan Penal Code are a replication of the Indian Penal Code. The purpose of this section is to elucidate that contrary to a widespread belief that the current oppressive rape laws of Pakistan are directly based on what is popularly presented as traditional Islamic law, these laws are influenced to a large extent by the legacy of the colonial patriarchal rule.

This Section by examining Rape and other laws pertaining to women under the British Raj, will attempt to trace women's oppression in criminal justice systems to colonial intervention in India. I'm going to argue that women's crimes were largely induced by colonial intervention, oppression, exploitation and punishment was used as a method of social control and repression. Furthermore this paper will show that under British colonial rule moral deviance was defined as a crime in modern terms and that laws were passed to punish the guilty, but women were left obeying these laws. Thus while colonial intervention often reformulated and intensified older customs, it also invented newer practices extending women's oppression to each aspect of its domination as the need arose.

I have undertaken an examination of these two systems of law as a way to emphasize that even though each system has unique cultural and historical traditions they all have one underlying theme, they all provide lenient treatment for men who commit crimes against women. In attempting to reject the explanation that each period of the criminal justice system has unique characteristics, I'm going to argue in my concluding section that the legal systems' handling of crimes against women is founded on common attitudes about men's rights and women's role in

society. My point in this paper is that it is not Islamic law, but law as an institution at large which discriminates against women. The institutional structures and decision making procedures of the criminal system create the opportunity for rape processing practices to reproduce relations of inequality and gender subordination.

According to Ania Loomba, in her book *Colonialism-Postcolonialism*, the analysis of the postcolonial societies too often works with a sense that colonialism is the beginning of history for these societies. She further states that questions pertaining to “what came before colonial rule? What ideologies, practices and hierarchies existed alongside colonialism and interacted with it?”⁸³ are rarely examined. Even if records were available of the pre-colonial period in India (which they are not), a comparison of crime and punishment between the two periods would be practically impossible because of the marked difference between Hindu/Muslim and the British criminal justice systems and penal laws. I will therefore limit my critique of Pakistan’s laws against women to a colonial and a postcolonial perspective.

Section One

The Post Colonial Interpretation of Law in South Asia: The Pakistani Penal Code

Radhika Coomaraswamy in her essay, “To Bellow Like a Cow: Women, Ethnicity and the Discourse of Rights,” illustrates the negative role the Post Colonial State has played in South Asia in promoting women’s rights.⁸⁴ She further says that for women’s rights to be effective, they have to go beyond the normative, textual essence and become part of the legal culture of a given society. They must strike a responsive chord in the general public consciousness with regard to political and public issues. The barriers to the implementation of law are two fold in South Asia. First the lack of proper implementation machinery to make rights real in the lives of women is an obstacle, as is women’s lack of awareness of the rights machinery that would empower them. The second and more formidable barrier is the refusal to accept the values in and of themselves: an ideological resistance to women’s rights themselves.⁸⁵

The State, within the context of Pakistan, uses an argument based on the religious nature or sanctity of personal laws to retain the privileges of men, and deny equality to women. Nationalistic discourse in Pakistan is often fractured by gender, class, and ideological values to bring the laws of Pakistan into conformity with Islam. Issues related to violence against women are manifested in

the implementation of Pakistani laws, specifically the “*Hudood Ordinances*” (literally meaning ‘fixed punishments’), a set of laws sets out different legal status between women and men. It is widely held and firmly believed that a legal backslide for women in Pakistan was initiated in 1977, under the military rule of President Zia-Ul-Haq, with the recommendations of his appointed Council on Islamic Ideology. The council recommended a reordering of women’s lives in line with the *Shariat* code (Laws derived from the interpretation of Islamic Laws) of Islamic behavior. The replacement of civil law with Islamic law, in particular within criminal law and the rule of evidence, resulted in egregious violations of women’s rights to life, liberty, and equality under the law. It is the *Zina Ordinance* (*zina* means adultery) in the Hudood that outlined the legal punishment for sex crimes of rape, adultery, and any sexual intercourse out of wedlock. In the Islamic context, sex crime is a legal issue when both individuals of the accused couple confess to willful intercourse out of wedlock under oath, or when the act of *zina* is actually witnessed by four pious Muslim males.⁸⁶ Other slipshod interpretations and applications of the Zina Ordinance exist due to a second definition: The “*Zina-bil-jabr*”⁸⁷ category of a sex crime. Other slipshod interpretations and applications of Zina exist due to the second definition of the “*Zina bil jabr*”⁸⁸ category of sex crime.

As defined by the Hudood Ordinance, a person is said to commit *zina-bil-jabr* ,(literally meaning “adultery by force”) if he or she has sexual intercourse with a woman or man, as the case may be, to whom he or she is not validly married.⁸⁹ In cases where a female alleges she has been a victim of rape, should the prosecution fail either to prove rape or to convict the accused for lack of evidence, the fact that the woman admitted that intercourse took place is tantamount to a confession of adultery. If the court rules that intercourse involved consent, the female who brought the rape charge is herself charged with *zina*. The fact that the rape charge was brought, constitutes proof that intercourse truly did take place. In the majority of cases where men were originally accused of rape but were subsequently acquitted, the female victim has consequently been convicted. In Pakistan’s legal discourse, there is the absence of a word to describe rape outside of the legal jargon (*Zina-bil-jabr*), which is used only in court and by lawyers or those familiar with court proceedings.⁹⁰ The use of the word *zina* to speak of a crime which is victimless (although rape is a crime of violence aimed at a specific victim) has disturbing implications. It reflects, as well as strengthens, the tendency in Pakistani society to imply consent

on the part of a woman who has been raped, and minimizes the difference between rape and *zina* so that rape becomes invisible. This has also resulted in a blurring of the distinction between adultery and rape as separate crimes.⁹¹

Pakistan's legislative body has not framed its own penal code, and the Indian Penal code is followed in Pakistan as the law of crimes of the land by virtue of section 18, subsection 3 of the Indian Independence Act of 1947.⁹² The Indian Penal code (IPC) was in turn codified by, and based on the British common law and criminal law systems. Since the Pakistan Penal Code's adaptation in 1947, the code has been amended several times after the independence of Pakistan as is the case with enactment of the Hudood Ordinances in 1977 under the rule of president Zia-Ul-Haq.

Consequently, if Pakistan mirrored the colonial system of law, then a viable question to ask is: What rights were attributed to women under British colonial law, and were they substantially different from the present laws? The purpose of the following discussion is to explain the influence and impact common law and British legislative initiatives had (in their different ways) during the period before Zia-Ul-Haq's regime. My aim in the discussion below is to elucidate that the codification and subsequent implicit definition of social deviance in the Indian Criminal System, particularly as it applied to women were new innovations that were instituted under the British Raj.

Section Two

The Colonial Interpretation of Law

In "The Making and Unmaking of Political Structure," Ashis Nandy analyzes the roots of the modern South Asian crises in the disjunction between the traditions of Indian civil society and the colonial inheritance of a modern nation-state run on Weberian lines, with bureaucracy and market being the central organizational features. The law is the central instrument in this colonial process that aims at erasing tradition and plurality, as well as restructuring civil society along modern lines.⁹³ Nandy's argument is supported by Deepak Lal's two volume work, *The Hindu Equilibrium*.⁹⁴ In this view of the dichotomy between the civil society and the state, the root of all evil is located at the colonial encounter where the Weberian concept of state was transferred to Indian soil. The competition among political parties, struggle for state resources,

and supremacy of state power are what Nandy points to as the main reasons for what Atul Kohli calls the “crises of governability.”⁹⁵

The first law commission, under the leadership of Macalay produced the draft of the Indian Penal Code. The IPC was introduced as the law of the land in 1860, and the second commission devised the code of criminal procedure which was introduced in 1861 reorganizing the Indian Court system and seriously undermining rights of women in India.⁹⁶

Reinforcing the division of personal and political, it refused to make a similar modification in the particular area of family law.⁹⁷ Subject to a few statutory ameliorations, the colonial state left the women’s position within the family to be governed by the customary laws and practices of different communities. At the same time it disregarded the interpretive guidelines internal to indigenous systems, which allowed for a degree of flexibility and change. Instead it applied common law rules with varying degrees of latitude. Not surprisingly there were many contradictions between the individual freedom supported by public law and the social constraints strongly imposed by the personal law. Though they had profound implications for all layers of Indian society, the contradictions were especially pronounced in definitions of the rights of women.

Defense of “Grave and Sudden Provocation”

The codification of Indian law resulted in the government’s decision to import and to legislate certain English domestic laws alien to Indian society—but the unfairness of it was that it required wives, not husbands to obey them. Such immunity of husbands from the law may actually have encouraged abuse and violence against wives and women in general.⁹⁸ One such example was the “grave and sudden provocation” law.⁹⁹ The IPC did not formally recognize a defense for men who kill their wives: For example, the clause “grave and sudden provocation” recognized it as unjust to punish men for their actions when they themselves were victims of an irresistible impulse caused by “grave and sudden provocation.” When applied to the crime of adultery, the clause meant that if a man found his wife in the act of committing adultery, and killed her, he would be acting while deprived of the power of self-control through “grave and sudden provocation.” Consequently, his crime would be mitigated from murder to manslaughter. In cases similar to this, the law has often looked sympathetically on the accused, and mitigated

his crime under IPC section 300-304 of “grave and sudden provocation” to a lesser one. The “grave and sudden provocation” defense had often been accepted even when men killed their wives upon finding them in compromising positions. The “grave and sudden provocation” clause in adultery cases not only applied to wives but to erring sisters as well, as the Appellate Criminal case *Queen Empress v. Chunni* illustrates.¹⁰⁰ Chunni, the defendant, argued that he had found his sister having illicit relations with a man and, in a fit of passion, killed them both. In deciding the case, the justices ruled that the crime had been committed under “grave and sudden provocation,” therefore the crime amounted to culpable homicide rather than murder. While noting the difference between the provocation Chunni received when he found his sister dishonoring his family, the judges nonetheless felt that the “latter provocation could not in common sense and in one’s experience of the world, be looked upon as a light one.... The law of England was, no doubt, very strict in these matters.”¹⁰¹ Therefore, Chunni was sentenced to five years of rigorous imprisonment for murdering two people.¹⁰²

With such laws in effect, it is not surprising that a common knowledge had prevailed among the villagers that the *Sarkar* “government” took a merciful view of the killings of wives if the parties were discovered in the very act. Husbands who battered or mutilated their wives were either not punished or were given very light sentences.¹⁰³ In one such instance, a villager whose wife disobeyed him, was fined merely fifty rupees by an Indian judge for hacking her body nearly to dismemberment with an ax.¹⁰⁴ In another case, even though an accused confessed to murdering his wife, he was acquitted.¹⁰⁵ What in fact this clause did was to essentially reconfirm a husband’s right to punish his wife, even murder her, while excluding man’s moral deviancy from the law.¹⁰⁶

Law of “Conjugal Rights”

Another English law that was new to India was legislation to uphold the conjugal rights of husbands, thereby forcing a wife reluctant to live with her husband with the threat of imprisonment.¹⁰⁷ Thus, the English law had carried women’s oppression still farther—it had imported a process from its own system previously unknown in India.¹⁰⁸

How such laws might have encouraged serious crimes against women can be understood through the following two accounts: During 1890 in Shahjahanpur, an accused man confessed to

following his wife and repeatedly striking her with a *lathi* “staff” until she died. He then dragged her and left her in a ditch of water. He killed her because she persistently left his house for her parent’s home. However, the session judge acquitted him. In that same year, within the same district, another man brutally murdered another woman, also through *lathi* blows, because the woman had refused to keep his company.¹⁰⁹ There is reason to believe that those hardships had been aggravated by the application of some of the rules from English law to Hindu society—especially those that enforce the restitution of conjugal rights, with more peremptory distinctiveness than is to be found under the Hindu code.

Execution of Rape Laws

In a rape case, corroboration of the testimony by a woman was required since the logic of the courts maintained that a woman guilty of adultery will accuse a man of rape in order to exonerate herself. In the definition of rape under the IPC, the first clause operates where the woman is in possession of her senses, and is therefore capable of consenting. The second clause operates where she is insensible (whether from drink or any other cause) or an imbecile such that she is incapable of giving rational consent. The third and fourth clauses operate where there is consent, but given through fear or fraud.¹¹⁰ Punishment is transportation for life or imprisonment. According to the IPC, the consent of a woman to sexual intercourse obtained by putting her in fear of death or hurt is no defense for an accused person, but if the fear which a woman is subjected to is neither death nor hurt, but is instead fear of arrest when there is no reason for her arrest, consent though obtained by fraud is nonetheless consent; for she is willing to allow sexual intercourse for a price, which is a fictitious one. In such instances the accused cannot be convicted. Acquittals of the accused in such cases were based on the logic of the British law which, for example, was relied upon in the decision by Wills J. in the case *Queens v. Clarence*¹¹¹ where the following observation was made:

that consent obtained by fraud is no consent at all is not true as a general proposition either in fact or in law. If a man meets a woman on the streets and knowingly gives her bad money in order to procure her consent to intercourse with him he obtains her consent by fraud, but it would be childish to say that she did not consent.¹¹²

To give an example, in *R v. Flattery*¹¹³ a medical practitioner had sexual intercourse with a girl under the pretext that he was medically treating her. The girl's consent was given for medical treatment—*not* for sexual intercourse: Thus, the act amounted to rape. Unfortunately in the English law of rape, fraud or misconception must relate either to the identity of the man or to the nature of the act to nullify consent. Other causes that included inducing consent may have been found to amount to fraud or to have led to misconception of fact, but they were not held as sufficient grounds to nullify the consent so as to render the sexual intercourse as constituting rape.¹¹⁴

While the burden of proving the commission of the offense by the accused is on the prosecution, certain features which are peculiar to the proof of rape require serious reconsiderations: One such feature is constituted by section 155, subsection 4 of the Evidence Act in the IPC: The woman complainant is necessary as the most important witness in rape cases. Section 155 of the Evidence Act deals with the question of how the credibility of a witness may be impeached. While the first three subsections are common to all witnesses, subsection 4 is specific to a prosecutrix for rape. It is written as follows:

When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.¹¹⁵

Section 155, subsection 4 thus makes evidence of her bad character relevant. It has been said that a female victim of rape as a prosecution witness faces herself to be on trial: Instead of the accused, the complainant is on trial regarding her character. This is based on the presumption that a "prosecutrix who is generally of immoral character is presumed to have easily given consent to sexual intercourse."¹¹⁶ A related case is that of a girl who was raped, then medically examined for further proof of her rape. The doctor reported her to be seventeen or eighteen years old and that she was used for sexual intercourse. Through these facts, that are generally interpreted to be an indication of immoral character, bail was granted to the accused.¹¹⁷ The age-old myth that a woman cannot be raped unless she wants to be raped, was applied generally to ignore rape victims. Some magistrates believed that, except in cases of young girls, it was rare for a grown woman to ever be raped. This was because they believed the only way a woman was raped was either when she was drugged or overpowered by several men. If that had not occurred, they had to be adulterous women who preferred charges when caught.¹¹⁸ Correspondingly, in

India, every woman knew that rape meant ostracism and prostitution for the remainder of her life; an existence which was “tantamount to death.”¹¹⁹ Still, such statements as “this crime rape has somewhat increased. The percentage of convictions will always continue to be low, as false accusations under this section are so frequent,” are to be found in many police reports.¹²⁰ Furthermore, there were numerous cases in which women were counter-charged for reporting rape under the clause of “false charge,” as was the case with *Empress v. Jamni*.¹²¹ Jamni had initially complained to the police that she was raped by Ram Prasad. However, the investigating police reported her case as being false. She then lodged a second complaint with the deputy magistrate. While Jamni’s own petition was pending, she was convicted and imprisoned for six weeks under “false charge.” Later, when Jamni’s case was heard, the presiding judge found the first proceeding irregular. The Indian Penal code had this to say about a victim of rape:

In the majority of the cases, the only direct evidence of the rape is that of the prosecutrix herself. Where this breaks down or cannot be obtained as where the female from extreme youth, or from some incapacity, such as being deaf and dumb, cannot give her testimony and there is no evidence producible (see *R v. Whitehead*, L.R. I, C.C. 33), there is nothing for it but to acquit. Her evidence should always be received not with distrust, but with caution, remembering that the charge is one easy to make and hard to refute.¹²²

Mens Rea

The special feature of the IPC in defining the offense of rape and other offenses punishable under it is that it dispenses with the requirement of a general *mens rea* “criminal intent”. It specifies for each particular offense whatever knowledge or intention is necessary before a person can be held guilty for the commission of that offense. However, when a reference to knowledge or intention is not expressed, it can be implied. Thus, the implicit requirement of this law as it applies to rape cases is that the accused must know that the victim of the rape did not consent to sexual intercourse in order to be found guilty. But cases may occur in which the accused may plead that he responsibly believed that a woman was consenting to sexual intercourse. The burden of proof in such cases is on the prosecution to show that the complainant did not consent to the sexual intercourse. Unfortunately such a claim can be easily disproved and subsequently discharged. The victim of rape has only to prove the negative (an absence of consent): It is the defense’s

responsibility to prove the positive (that consent was given). Of course the positive is also provable by the existence of several failed tests of the negative, such as the complainant failing to give a reasonable amount of resistance or not shouting at the threat of and during sexual intercourse. It then remains for the complainant to explain why she did not resist or shout. She may state that she was put in fear of injury or the strength of the man was such that she was unable to resist; but in all these discussions, the questions of *mens rea* does not arise.¹²³

Police as Agents Reinforcing the Powerlessness of Women

Cases in which police have stripped women naked to elicit confessions were not rare. In Banares, a head constable and his assistant, after ill treating a Brahmin and his wife under suspicion of theft, took the wife to a public street, stripped her naked, and abused her to the extent that she had a miscarriage.¹²⁴ Indecent assault, harassment, confinement, and rape of women by the police were often deliberate and based on the police's desire to sexually abuse them. Consequently, we can see that if some laws caused women to be disadvantaged, then the law enforcement agency's network of *chaukidars* (local security officers) and police became another instrument of women's oppression and grief. While the *chaukidar* served a useful purpose as a tool of surveillance for the alien ruling power, they did not help the cause of women at all. Because the much despised *chaukidar* was rewarded for reporting crimes, he made it his business to know not only of the murders, deceits, robberies, and thefts, but also of the widows in the village, of village sexual intrigue, incests, births, and the like. In the pre-colonial period, many offenses involving women may have been ignored or hidden, but with the arrival of the *chaukidar* as the reporting and patrolling agency in the discovery and punishment of crimes, this meant little escape from disgrace and punishment.¹²⁵

Protecting the Colonial Regime

Assaults, violence, and harassment of the people in general, as well as ill-treatment and rapes of poorer women by British soldiers with the sanction of their English rulers, and by the servants of the railway companies, were frequent and exceedingly glaring. In fact, a law had been passed in 1825 prohibiting magistrates "not only from punishing a British European belonging to the forces, but also even hearing evidence to the charge."¹²⁶

Consequently, the colonial government's objective in legislating laws was not so much to protect the well being of the Indian individual as it was to render services and protection to the colonial regime: A major flaw in the criminal justice system. By separating women in the public sphere to upper and lower class women, the colonial regime created two distinct groups of women; decent and indecent classes. The persecution of women in civilian life was solely confined to lower class women. Their morality and their very personal rights were seized by the magistrates in the courts under the orders of the state itself. The language of calling and labeling a large majority of women "immoral" was also a colonial invention to exploit the helpless class of females.

This direction which came to light in 1888, specified that magistrates were expected "to provide healthy, young and handsome women procured from among the wives and daughters of peasants" for the "immoral" purposes of the British soldiers.¹²⁷ The laws under the Contagious Diseases Act had long been in force, and were mainly designed to prevent the spread of venereal diseases among the British soldiers (implicitly providing women for soldiers).¹²⁸ Consequently, there were always a large number of prostitutes living in the cantonment residences. In Cawnpore, there were 445 registered prostitutes in 1874, then 398 in 1875.¹²⁹ With fourteen army cantonments in the northwestern Provinces and Oudh, located at Bareilly, Meerut, Agra, Moradabad, Shahjahanpur, Muttra, and Jhansi, it is not known how many females were forced into prostitution by the government's policy.

Legislation Reformation

During the colonial rule prisons were based on the Western model and were established in the provinces by the East India company as a form of social control.¹³⁰ Legal definitions of 'crime' and the corresponding prescribed punishments profoundly affected the Indian population, thereby making the Indian society a creation of the colonial government. Further there was no other system that had a more profound effect on girls and women than the colonial prison system. This system resulted in the labeling of every juvenile who had a previous conviction, a "habitual," regardless of how trifling their first offense was, thus sending them to Agra Central Jail—which often turned them into hardened criminals.¹³¹ The condition for the jailed girls was particularly deplorable and socially destructive. In spite of Miss Carpenter's

devastating report on Indian jails in 1867, over thirty years later in 1900, it was still reported that “it was a deplorable spectacle to witness girls of tender ages ranging from nine to twelve mixing indiscriminately with hardened criminals of the deepest dye.”¹³² In her report she noted the dreadful state of the prison discipline. She found it incredible that after the settlement in India for nearly a century and a half, after thousands of British citizens had amassed vast fortunes in the East and had retired happily to England, after the strict governing authority¹³³ of the East India Company was replaced by the “mild rule of her most gracious Majesty and Queen, the criminals of all classes old, young, male, and female were in ordinary prisons mixed and mingled together rather like brute beasts than human beings.”¹³⁴

Lord Macaulay suggested in 1835 that “it was of the greatest importance to establish such regulations as shall make imprisonment to wrongdoers.”¹³⁵ Eight years later, (1843), Lord Ellenborough suggested the death penalty and corporal punishment be used in more serious offenses to make criminals “examples for the society by punishing them severely.”¹³⁶ This repressive British ideology formed the basis of the Criminal Tribes Act XXVII of 1871, providing for strong measures against almost thirteen million people until its repeal in 1947.

Section Three

Conclusion

The oppression of women in Southeast Asia, namely Pakistan, as I have shown in Section One of my paper, continues even today. But what is especially problematic about current post colonial accounts of such oppressions is that they are too often explained—in terms of Pakistan’s patriarchal ideology and implicit culture against women. By proposing that oppression of women in South Asia is a result of cultural norms and practices, only leads to static and incomplete explanations of history making any change in their social condition considerably less likely. Furthermore, such limited interpretations tend to separate colonial history from the postcolonial period when Pakistan and India supposedly went from modern to orthodox in their practices toward women.

Even though the West has itself interpreted colonial rule as one of modernization and of improving the moral and material conditions of women my paper has elucidated that while progressive forces-in politics, philosophy, economy and the judiciary system were all being

ushered in at a tremendous pace, ancient social institutions mostly affecting women were being preserved by the native patriarchy with help from the colonial government. This ideology of the colonial period (which introduced the concept of modern law to the Indian subcontinent) was reflected in the implementation of laws relating to women.

As I have demonstrated in my paper, colonial history shows us that for better or worse, changes do, in fact, occur continually, and are due to multiple factors from multiple origins. It is important to point out that while South Indian women's lower position in society has been a documented fact, the generally negative impact of the "colonial culture" on all the women was so profound and so prolonged that to expect women's exploitation to suddenly disappear with postcolonial independence is unrealistic.

As Loomba correctly articulates, this further complicates the meanings of the term *postcolonial*. To begin with, the prefix *post-* complicates matters because it implies an aftermath in two senses—temporal (as in coming after) and ideological (as in supplanting). It is the second implication which critics of the term have found contestable: If the inequities of colonial rule have not been erased, it is premature to proclaim the demise of colonialism.¹³⁷

Loomba believes that we cannot dismiss the importance of either formal decolonization, or the fact that unequal relations of colonial rule are reinscribed in the contemporary imbalances between the first and third world nations making it debatable whether once colonized countries can be properly labeled *postcolonial*. This term *post-* does not apply to those who are still "at the far economic margins of the nation-state,"¹³⁸ so there is nothing *post-* about their colonization as is the case with Pakistan.

Independence has brought no social revolution to change the structure of the Pakistan's legal discourse or the culture of colonialism. While laws have been enacted to give women equal rights and better their lives, changes under a new patriarchal society have been slow in coming. As shown through the Zina Ordinance's continued form, failure to enforce laws protecting women has been slow. Similarly, just as independence has not been able to overcome the deep social differences created and left by colonialism, so too the remaining oppression of women has not been overcome. Therefore, the question of women in Pakistan's process of development is highly related to the colonial question. Women's victimization and oppression

cannot be simply attributed to "an Islamic ideology," implemented and enforced through Zia-Ul-Haq's Hudood ordinance.

Endnotes

⁷⁹ This paper was originally presented at the APA Group Session on Postcolonial Histories: Society for the Philosophy of History Chicago, Friday April 28, 2006. I would like to acknowledge David B. Milch (Graduate Student, C. W. Post, Long Island University, Brookville, New York) for his contributions toward this article.

⁸⁰ Shaireen Rasheed, "A Critical Examination of the Status of the Female Child in Pakistan," *Childhood in South Asia: A Critical Look at Issues, Policies, and Programs*, ed. Jyotsna Pattnaik (Greenwich, CT: Information Age Publishing, 2004) and Shaireen Rasheed "Gendered Ethical Discourse and the Impartiality of Justice," *Journal of Human Rights, Minority Rights, Women's Rights*, ed. Alexander Brostl and Marijan Pavcnik, (Stuttgart, Germany: Franz Steiner Verlag, 2001).

⁸¹ Gary Lafree, *Rape and Criminal Justice: The Social Construction of Sexual Assault*, (Belmont, CA: Wadsworth, 1989).

⁸² These ordinances comprise a set of five criminal laws dealing with the following crimes:

- 1) theft or robbery-property
- 2) prohibition of alcohol and narcotics
- 3) crimes of rape, abduction, adultery and fornication, zina,
- 4) false accusation of zina
- 5) execution of punishment and whipping ordinance prescribing the modes of penalty under the Hudood ordinances. It has been argued that Islamization has affected personal laws, which have by constitutional amendment been made dependent on the interpretation of the sect to which they are applied, and have thus been removed from the possibility of progressive interpretation. Shaukat Mahmood, *Muslim Penal Laws* (Lahore, Pakistan: Legal Research Center, 1983).

⁸³ Ania Loomba, *Colonialism-Postcolonialism*, (New York: Routledge, 1998): xvii.

⁸⁴ Randhika Coomaraswamy, "To Bellow Like a Cow: Women, Ethnicity and the Discourse of Rights," *Human Rights of Women: National and International Perspectives*, ed. Rebecca J. Cook, (Philadelphia: University of Pennsylvania Press, 1994): 39-57.

⁸⁵ Ibid. 39

⁸⁶ The definition of adultery in the Hudood ordinance is based on the passage (24:2) from *The Holy Quran* on adultery that defines the offense of adultery, zina to include willful sexual intercourse between a man and woman not validly married to each other, and is punishable by a hundred lashes. Most of the other passages are concerned with the criticism of unsupported allegations, stipulating either a voluntary confession by the concerned parties, or the evidence of four witnesses to prove zina. Failure to provide concrete evidence makes the incriminator a criminal, liable to punishment for slander Qazf (eighty lashes). The person facing false charges also faces the threat of being discredited as a competent witness in the future (*The Holy Quran*, 24:4). Trans. Yousuf Ali (Lahore, Pakistan: Shaikh Muhammad Ashraf, 1976). Clearly, the rationale of this injunction is to deter scandalous accusations that interfere in the private matters of families; that is backed by the severity of the sentence for uncertain or unmistaken. See Zina Ordinance #4, 5 PLD 1979, Pakistani Penal Code.

⁸⁷ See Zina Ordinance #6 PLD 1979, in Muslim Penal Laws.

⁸⁸ See Zina Ordinance #6 PLD 1979, in Muslim Penal Laws.

⁸⁹ As defined by the Hudood Ordinance a person is said to commit *zina-bil-jabr* if he or she has sexual intercourse with a woman or man, as the case may be, to whom he or she is not validly married, in any of the following manner:

- a) Against the will of the victim
- b) Without his or her consent
- c) With the consent of the victim, when the consent has been obtained by putting the victim in fear of death or hurt or
- d) With the consent of the victim, when the offender knows that the offender is not validly married to the victim and that the consent is given because the victim believes that the offender is another person to whom the victim is or believes herself or himself to be validly married. The form of punishment is the same as for zina.

⁹⁰ Given the abysmally low levels of literacy in Pakistan, it is not surprising that few will ever refer to rape by its legal term. Instead, euphemisms such as *izzat khona/izzat loti jana* (loss of virtue/loss of theft) are common allusions to acts of sexual violence. Such understandings are representative of a facade that publicizes the false respectability of a community, and suggests its purity through the denial to recognize "impure" crimes. The phrases used to allude to rape suggest the loss of male honor, and hence his shame, due to the loss of theft of female virtue. This reason stems from the fact that women are properties of their male relatives and thus representative for the latter's honor. Thus, as property of her custodial male, a woman is not only the object of his pleasure, but also the repository of male defined honor and status in the community. This concept is instrumental in restricting women's movements and behavior, because they are socially conditioned to believe that any non-conformist behavior will result in a loss of this vested honor. Even when the woman is a helpless victim of a sex crime, the latter will be considered an assault on male honor, and often because it is the woman who is the cause of this shame, she will also be at the receiving end of punitive action. Afiya Shahrbanu Zia, *The Islamic Context of Sex Crimes*, (Lahore, Pakistan: Asr Press, 1994): 18-19.

⁹¹ Jelani and Jehangir, *The Hudood Ordinances: A Divine Sanction?*, (Lahore, Pakistan: Rhotas Books, 1990).

⁹² Which states: "Save as otherwise expressly provided in this act, the law of British India and of several parts thereof existing immediately before the appointed day shall so far as applicable and with the necessary adaptations continue as the law of each of the new dominion and the several parts thereof until provision is made by laws of the legislature of the dominion in question or by any other legislature or other authority having power in that behalf." *Indian Penal Code*.

⁹³ Ashis Nandy, "The Making and Unmaking of Political Cultures in India," *At the Edge of Psychology*, ed. Ashis Nandy (New Delhi: Oxford University Press, 1988): 47.

⁹⁴ Deepak Lal, *The Hindu Equilibrium* (Oxford: Claridon Press, 1988).

⁹⁵ Atul Kohli, *Democracy and Discontent*, (Cambridge: Cambridge University Press, 1991).

⁹⁶ Dua Shiva, *Society and Culture in Northern India 1850-1900*, (New Delhi: India Bibliographics Bureau, 1985).

⁹⁷ See *Penal Code* (1860), *The Code of Criminal Procedure* (1898) and the *Code of Civil Procedure* (1872), and the *Evidence Act* (1872).

⁹⁸ Priyam Singh, *Victims or Criminals?: A study of Women in Colonial North-Western Provinces and Oudh, India, 1870-1910* (Middletown, NJ: Caslon, 1996): 53.

⁹⁹ “If the offender, while deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation... [then he or she will incur a lighter sentence than that given for murder].” *Indian Penal Code* (1860), #300.

¹⁰⁰ Singh, *Victims or Criminals?*, 53 (see n. 21).

¹⁰¹ Indian Law Reports, (ILR) Allahabad Series, Vol. XVIII (Allahabad, India: 1896), 1131, *Victims and Criminals*, 96.

¹⁰² Ibid.

¹⁰³ Singh, *Victims or Criminals?*, 99 (see n. 21).

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid., 53.

¹⁰⁷ Ibid.

¹⁰⁸ H. R. Fink, “Crimes and Punishments under Hindu Law,” *The Calcutta Review* 61 (1875): 123-141.

¹⁰⁹ The Pioneer, (October 2, 1890), 3, *Victims or Criminals?*, 54 (see n. 21).

¹¹⁰ IPC Section 375 states that a man is said to commit rape who has sexual intercourse with a woman under circumstances falling under any of the 5 following descriptions:

- 1) Against her will
- 2) Without her consent
- 3) With her consent when her consent has been obtained by fear of death or hurt
- 4) With her consent when the man knows he is not her husband, her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
- 5) With or without her consent when she is under fourteen years of age. Exception: sexual intercourse by a man with his wife, the wife not being under thirteen years of age is not rape.

¹¹¹ V. S. Deshpande, *Women and the New Law*, (Chandigarh, India: Punjab University Press, 1984): 10.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid, 31. Glainsville William calls rape an act of sexual aggression. He seriously questions whether non aggressive behaviour amounts to rape, and asks the question “whether there are any threats other than force that vitiate consent,” his answer is “law is doubtful.”

¹¹⁵ IPC #155, (4).

¹¹⁶ Maj. Waheedudd Virk, *Criminal Reference: A Referencer of Reported Criminal Cases Arranged Under Topical Headings from 1947-1978*, ed. Shaikh Abdul Halim, (Lahore, Pakistan: Law Publishing Company). Also, see Air 1926, Lah 772, 29: Court ruled that where the evidence showed that the girl who was raped was unchaste, the sentence shouldn't be very harsh.

¹¹⁷ Supreme Court, *CriminalReferencer*, (1976), SCM R: 157-97.

¹¹⁸ Police Reports for 1881, no.1552A of 1882, p. 2, and no. 352-VI-136-1915 of 1915, p. 6, *Victims or Criminals?*. 99 (see n. 21).

¹¹⁹ Ram Ahuja, *Crimes Against Women*, (Jaipur, India: Rawat Publications, 1987), 6.

¹²⁰ Police Reports for 1879, no. 851A of 1880 p.2, *Victims or Criminals?*, 99 (see n. 21).

¹²¹ ILR. Allahabad Series, Vol. V, 1883, Empress vs. Jamni, False Charge-Act XLV of 1860 (Indian Penal Code), March 9, 1883, p. 370-73, *Victims or Criminals?*, 100 (see n. 21).

¹²² IPC #375.

¹²³ This issue came to a head in the notorious case of DPPA VS. Morgan in 1976. The findings were that four friends of Morgan were led to believe that the victim consented to sexual intercourse although Mrs. Morgan kicked and shouted against the offenders and immediately reported the rape to the police. Although this is a recent case in India, the question of law important in this case is based on precedent from colonial law. The question of law which is important in this case is this: Is it a defense for the accused in a case of rape to state that he in fact believed that the woman was consenting to the act? The issue at stake here is whether the lack of consent has to be an objective or subjective belief on the defendant's part. The House of Lords held the latter view. It is on this ground that they acquitted the four accused, even though

they convicted Morgan for abatement of rape (see Dolly Alexander, *Twenty Years of Morgan: A Criticism of the Subjectivist View of Mens Rea and Rape in Great Britain*, 7 Pace International Law Revue XII, no. 1 (1995): 233-34.). Alexander delineates three "states of mind" that illustrate the way rape as sex gets coded legally to meet the traditional requirement in rape cases that sexual intercourse involves a guilty "state of mind," or *mens rea*: First, the defendant realizes that the woman may not be consenting but hopes that she is. Second, the defendant realizes the woman may not be consenting but determines to have intercourse with her regardless. Third, the defendant is so intent on having intercourse with the woman that although it occurs to him that she may not be consenting, he suppresses the thought, and closes his mind to the risk. Under this standard of *mens rea*, sexual intercourse does not trigger criminal liability if the defendant does not admit to the issue of consent at all. This may occur if the defendant's mind is "a total blank"—if it simply does not occur to the defendant that the woman might not be consenting, or if "the defendant, having realized that the woman might not be consenting, wrongly concludes that she is" (p. 33). In each instance, the refusal to acknowledge criminal culpability treats the woman's consent as only contingently related to it, rather than an essential element of the sexual act. This is a position that implicitly "views women as means to an end, rather than a partner with equal interest in the activity" (p. 35). (Also see Lani Anne Remick, "Read Her Lips: An Argument for a Verbal Consent Standard in Rape," University of Pennsylvania Law Revue 141, no. 3. (1993): 1103-51. in which she argues that courts should adopt an objective verbal standard in rape cases.)

¹²⁴ Confidential Selections, 28 November 1881 p. 690, *Victims or Criminals?*, 98 (see n. 21).

¹²⁵ Ibid. 97.

¹²⁶ Dharma Bhanu, *History and Administration of the North-Western Provinces* (Agra, India: Shiva Lal Agrawala and Co. Private Ltd., 1955).

¹²⁷ Police Department Proceedings, "Enquiries into the Complaints of Police Misconduct," July 1912, File No. 228 of 1911, p. 1, *Victims or Criminals?*, 84 (see n. 21).

¹²⁸ Ibid.

¹²⁹ Police Inquiry of 1891, p. 17, *Victims or Criminals?*, 85 (see n. 21).

¹³⁰ Sushil Chandra, *Sociology of Deviation in India*, (Bombay, New York: Allied Publishers, 1967), 197-98.

¹³¹ Divan Bahadur R. Ragonatha Rao, "Punishment by Imprisonment," *Pioneer*, 10 May 1890, p. 2, *Victims or Criminals?*, 101 (see n. 21).

¹³² Jail Reports for 1900, no. 3200/H-48 of 1901, *Victims or Criminals?*, 102 (see n. 21).

¹³³ Miss Carpenters, "Our Mission Work in India," in A. P. Hopwell. *Note on Jails and Jails Disciplines in India*, (Calcutta: Government Printing Press, 1868).

¹³⁴ *Ibid.*

¹³⁵ Chandra, *Sociology of Deviation*, 197-98 (see n. 53).

¹³⁶ *Ibid.*

¹³⁷ Loomba, *Colonialism-Postcolonialism*, xviii (see n. 4).

¹³⁸ J. Jorge Klor de Alva. "The Postcolonization of the (Latin) American Experience, A Reconsideration of 'Colonialism', 'Postcolonialism', and 'Mestizaje'" *After Colonialism: Imperial Histories and Postcolonial Displacements*, ed. Gyan Prakesh (Princeton, NJ: Princeton University Press, 1995) 241-75.

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Engagement, Virtue, and Violence in Therāvada and Sri Lankan Buddhism

Abstract

Several scholars have argued that Buddhist ethics is a variety of virtue ethics. I argue in this paper that the virtue ethics character of Therāvada Buddhism clarifies issues of war and violence, compassion and peace in traditional Therāvada and contemporary Sri Lankan Buddhism. The problems revealed by the relation between Buddhism, politics, and violence in Asia should serve as a caution to and a source of self-reflection for the contemporary project of socially engaged Buddhism. Given the everyday logic of circumstances and making exceptions, and consequently the possibility of acting from the condition of exception and emergency as the norm, as well as the customary division between friend and enemy, ethical and social norms and practices—no matter how well intentioned and altruistic, such as in the canonical Therāvada ethics of loving kindness (*metta*), generosity (*dana*), and compassion (*karuna*)—can potentially be used to reproduce and intensify rather than resolve social conflicts. Thus, despite the many merits of the recent ethical and religious turns in contemporary thought and culture, the related privatization of social-political issues into private ones of charity and compassion can result in ideological blindness to and precarious one-sidedness in addressing issues of social justice. The ethical requires an understanding of and concern with society beyond individual attitudes, intentions, and virtues if it is not to become unethical and abstract cult of virtue or misused in the name of religious, moral, national, and ethnic identities.

1. Introduction

Morality, meditation, and wisdom constitute the three-fold basis of Therāvada Buddhist practice. As the foundation and prerequisite of the path, virtue (*sila*) is the first part of Bhadantācariya Buddhaghosa's great commentary *Visuddhimagga*.¹³⁹ Therāvada Buddhist ethics is a variety of virtue ethics because it emphasizes: (1) morality (*sila*) as a way of life rather than a system of rules, (2) the cultivation of morality through precepts and as perfections and virtues,

(3) moral psychology, which is richly developed in the Pali Suttas and commentaries, and (4) the need for skillfulness, fittingness, and appropriateness in applying morality to the situation.¹⁴⁰

Although Therāvada ethics differs from other kinds of virtue ethics in a number of significant ways, such as its focus on the actual and concrete suffering of the other and of all sentient beings, it is comparable to Aristotelian and Confucian ethics in stressing the need for the cultivation of an apt ethical discernment that is responsive to the context through the suitable application of morality.¹⁴¹

Whereas appropriateness is secondary to principle in rule-based ethics and to command and law in the legalism of command theory, virtue ethics is defined by the recognition that appropriateness is not accidental but constitutive of the ethical. Ethical life calls for the development of moral sensibility or judgment, since the richness and complexity of life cannot be adequately articulated and addressed through an abstract system of mechanical rules or rigid commands. Some might object that Buddhism has no ethics but only calls for a non-moral meditative insight into the causality of karma. This view of karmic determinism is clearly false. For the Buddha, as he is said to state repeatedly throughout the *Sutta Nipata*, the path is intrinsically ethical although morality alone is insufficient for liberation (SN IV.898). Buddhism is about deeds rather than rules and rites (SN II. 249-250). One should focus on moral conduct, virtue and responsibility instead of the fate or destiny of caste or birth (SN I. 136-140, III. 462, III. 648-650); since there is no shelter except the actual good we have done (AN III. 51).¹⁴²

Given that family resemblances and analogies do not entail identity, it is important not to conflate Buddhist with other varieties of virtue ethics. This context-sensitive and flexible responsiveness articulated in Buddhism is not based in political prudence, interpreted as discriminatory judgment, and the hierarchy of social relations legitimated by Aristotelian ethics. Buddhist social ethics is often interpreted as being more republican and egalitarian, due to the Buddha's historical origins and message,¹⁴³ and Buddhist virtues are oriented towards mindfulness developed and disclosed in meditative practices. The primary example of such mindfulness is the Buddha himself as the embodiment of a purely skillful and spontaneous ethical responsiveness towards all beings. This openness and situatedness also opens up possibilities for misunderstanding and misapplication when the person acts, speaks, and thinks without mindfulness. The lack of mindfulness might generate the conclusion that the first precept

of non-harm (ahimsa) can be bracketed in the name of another good such as the protection of Buddhism. Such a perspective is found in utilitarian interpretations of Buddhist ethics, where the lives of the many might outweigh one life, and in the phenomenon that has been described as “Buddhist fundamentalism.” The latter is more aptly described as the nationalistic and communalistic cooption of Buddhism, since it is not based in the authority of the Pali Canon (which the word fundamentalism would suggest).¹⁴⁴ The Buddhist Suttas forbid violence and call for non-attachment even ultimately to Buddhism itself. Such non-attachment is often conflated with indifference.¹⁴⁵ Yet it is clear from the Pali canon that the Buddha is never portrayed as advocating moral indifference to the fate of others. On the contrary, the noble person is: “One who is devoted to one’s own welfare and cultivates the virtues, while at the same time [being] devoted to the welfare of others by causing others to cultivate their virtues.”¹⁴⁶ The treatment of Buddhism as a reified cultural identity and possession is at odds with its moral content, which explicitly calls for taking up others well-being, and in particular its universalism and cosmopolitanism that extends to the entirety of sentient life. The violent promotion of Buddhism as a particular way of life conflicts with the very practice and aim of that way of life. This problematic nexus between Buddhism and the political is as much an issue for contemporary “engaged Buddhism” as it is for traditional Buddhism.

Nevertheless, utilitarian and contextualist readings imply that in some cases moral agents are justified in sacrificing their own virtues and the goods and lives of others for the sake of a greater good. For instance, in common dilemmas from moral philosophy, agents might be justified in killing one person who would otherwise kill hundreds or thousands. The argument that it is legitimate for the first precept demanding ahimsa to be suspended under limited exceptional circumstances, i.e., in order to assimilate some forms of self-defense, is itself conditional, since it is clear from the Suttas that karmic responsibility is unavoidable. Violence only creates more violence and, no matter how necessary or legitimate it seems, always has its consequences such that the end can not cleanse or sanctify the means. But even given this understanding, individuals and groups have felt compelled for various reasons to engage in violence, and with some justification in cases of self-defense.

Reflection on the history of South and South-East Asia illustrates that the Buddha’s commitment to non-harm and non-violence has often been in tension with political institutions

that have never abandoned the right to use force and established social practices involving the mistreatment of other humans and animals. The idea that ahimsa is a primary virtue has coexisted with its repeated violation. Since the canonical virtue of ahimsa can be overridden by the weight of circumstances in societies that have claimed to promote the *Dhamma*, it is worthwhile to consider the logic at work in the justification of internal coercion and external war. This raises the question of whether violence is inherently incompatible with the *Dhamma*, as the Buddha is generally portrayed as advocating, or whether there is a “Buddhist just war theory” based on other canonical sources and non-canonical popular “lived” practices and ways of reasoning?¹⁴⁷

2. Engaging Buddhism?

In multiple senses Buddhism is inherently ethically engaged. Buddhism is about practices and a way of life, and the Buddha called for the appropriate practice of the virtues (SN I. 73). Compassion, generosity, and loving-kindness are primary Therāvada virtues. These are genuinely altruistic and other-oriented since they are ultimately not done out of any “need” but out of freedom (SN I. 25). Although Richard Gombrich is correct when he asserts that the Buddha’s primary goal was not social reform but spiritual liberation,¹⁴⁸ the historical Buddha remains an ethical model and exemplar who confronted social injustices, such as caste hierarchy and the exclusion of “untouchables,” and the social pathologies of violence and war. He did not do so because he was commanded to do so to avoid punishment by a divine being. He is described as responding immanently from out of his own condition to the concrete suffering of others. To the degree that the traditional account of the Buddha is accurate, it was precisely being affected by the other’s suffering—the disquiet, sickness, old age, and death of others—that set him on the path of awakening.¹⁴⁹ This encounter with and uncalculated response to suffering provided the basis for *kamma* (karma) becoming ethical and the universe a basically moral arena in early Buddhism.¹⁵⁰

Assuming it is true that socially engaged Buddhism is a relatively new and western inspired phenomenon, then something else must be meant besides traditional forms of Buddhist ethical engagement for sentient life. First, this claim is inaccurate: Engaged Buddhism is not merely a contemporary western construct insofar as there are qualities in traditional Buddhism

allowing contemporary western redeployments. Western interpretations have often focused on the individualism of Buddhism, and there are elements emphasizing working for one's own salvation. Yet Asian Buddhists have interpreted it as inherently social. *Kamma* inherently binds one to others, forming a network of freedom and fate, and responsibility extends beyond the immediacy of the moment into the past and future of this and other lives.¹⁵¹ Further, a number of contemporary ethical issues such as the ethical status of animals and the environment are arguably more fully articulated in Buddhist than in traditional western discourses. Secondly, the notion of social engagement said to be lacking in traditional Buddhism is not so much a traditional Christian idea, which is not necessarily altruistic or purely ethical in the Kantian sense since charity is done for the reward of salvation rather than purely for its own sake, as it is a modern one emerging from the moral and political thought of the enlightenment.¹⁵² The modern focus on social activism and engagement is motivated by enlightenment ideas of liberty, equality, and fraternity and the social movements of the Nineteenth and Twentieth-Centuries. As varied responses of historical agents, who can interpret and engage their contexts and are not the mere passive product of colonial hegemony, anti-colonial liberation struggles involve a multiplicity of traditions and inspirations that are more than their Western and Christian sources.

Socially engaged Buddhism, inconceivable without its Asian sources, brings traditions of Buddhist ethical reflection to bear on contemporary moral and social issues. If ethical insights of the *Dhamma* are needed in a world that all too readily resorts to intolerance, persecution, and violence, then mindfulness of the possible dangers (whether to non-Buddhists or to Buddhists themselves) of inappropriately and unskillfully engaging Buddhist ethics remains vital to such engagement for peace, social justice, and the common welfare. These dangers are apparent in the history of Asian Buddhism and should serve to stimulate Western reflection on the character and potential consequences of moral and political engagement.

The first danger is the possibility of the *Dhamma* being appropriated by and limited to a political program such that it becomes part of the ideological legitimation of problematic political practices and institutions. One is unlikely to critically engage a political order with which one is complicit. In engaging politics, Buddhism—like any other philosophy, religion, or way of life—risks becoming an instrument of the state or a party. Providing an ethical basis for action also means establishing a foundation for the justification and legitimation of action. On

the one hand, this makes ethics and moral judgment possible. On the other hand, it opens up the danger of losing the ethical in its very institutionalization. There are numerous historical examples that show how moral values and ideals are used to excuse horror such that peace becomes war, justice turns into injustice, humanitarian compassion justifies violence, and freedom is turned into tyranny. Connections with the state, the military, political parties and economic powers have at times morally compromised Buddhism and can do so again in the future. This is not without its rationale within Buddhism, which often—analogously to the Christian two kingdom doctrine—either accommodated itself to the state or left it to its own devices.¹⁵³

Social engagement or activism, which counters tendencies toward the privatization of moral questions, is by itself an insufficient condition or criterion. Buddhism should not be reduced to engagement because it is “other-worldly” but insofar as engagement blinds one to the need for mindfulness and comprehension (*sampajano*) in general and comprehension of suitability (*sappaya sampajano*) or the “art of practicality” in particular. This art involves the skillfulness in the choice of the right means (*upaya-kusala* in Pali, *upaya-kausalya* in Sanskrit) for the right situation at the right moment. This virtue is one that the Buddha possesses preeminently and, according to several interpretations of Therāvada Buddhism, perhaps exclusively.

Although the *Dhamma* is oriented towards peace, moral responsibility and compassion, a second danger can be seen in attempts to use Buddhism to justify violence and war. The various forms of Japanese Buddhism, subordinated to the interests of the Imperial state and state-Shinto after the persecutions of the Meiji era, became part of a militaristic system of justifying expansion, colonization, and war.¹⁵⁴ It was the reduction of the *Dhamma* to socio-political interests that legitimated acting contrary to the *Dhamma*. Distinguishing “reactionary” and “progressive” engagement by itself does not resolve this issue. Imperial Japan is an extreme example, but this question can be raised in contemporary contexts. There are Buddhists who actively work for the non-violent resolution of the Sinhalese-Tamil conflict, for example the Buddhists involved in *Sarvodaya Shramadana*, while other Buddhists have played a significant role in intensifying the conflict. We can thus find two conflicting models of socially engaged Buddhism in contemporary Sri Lanka, at least one of which is deeply problematic.

What lessons should be drawn from morally problematic uses of Buddhism? Are there sources within Buddhist teaching, as Brian Victoria has argued of Zen and Tessa Bartholomeusz of Sri Lankan Therāvada, which potentially legitimate violence and war?¹⁵⁵ The First Precept, or first moral rule, of Buddhism seems clear: I undertake the precept to refrain from destroying living creatures (*Panatipata veramani sikkhapadam samadiyami*). The first precept of ahimsa, a vow taken to dedicate oneself to non-harm and non-violence, does not seem a promising start for justifying violence and yet it is not the case that individuals and groups claiming to be Buddhist have never engaged in violence. One can blame this on the imperfection of human character, and accordingly people often distinguish the pleasant ideal from the unpleasant reality. This separation of norms and practices, besides being dualistic, precludes critical discussion and leaves unanswered the question of whether there are possible sources within Buddhist teaching for departing from the moral demand of ahimsa to not harm sentient beings.

3. Questioning Violence and War

The obligation to cultivate compassion, loving-kindness, respect, and reverence for all human and sentient life does not seem a hopeful beginning for the justification of war. The argument that it is better to suffer harm than to do harm appears less auspicious. Buddhists and non-Buddhists alike often take for granted that there is no legitimate Buddhist justification of war much less a Buddhist tradition of just-war theory. To use violence is to betray the Buddha's teachings: "There is a person who abstains from the destruction of life; with the rod and the weapon laid aside, he is conscientious and kindly and dwells compassionately towards all living beings."¹⁵⁶

There are noticeable historical exceptions to the obvious interpretation of the Buddha's first precept demanding non-harm. Traditional Buddhist kings have raised and used armies. Buddhist monks have developed and used martial arts. In Medieval China and Japan, monks have justified killing, carried weapons, formed armies, and been involved in rebellions.¹⁵⁷ Tibetan Buddhism tells of a future king who will militarily liberate them from external oppression in the stories associated with Shambhala and the *Kalachakra Tantra*. Japanese Buddhists supported the expansion of imperial Japan. There are questionable relations between Buddhists and the military in countries such as Burma and Thailand. Currently in Sri Lanka,

Therāvada monks and laity have been implicated in persecution and violence in the Sri Lankan ethnic conflict and civil war.

Because of (1) the Buddha's rejection of violence and war as a legitimate means of achieving one's ends and (2) the long history and dedication to peace and non-violent social change in the Buddhist tradition, it is important to reflect on these historical exceptions. The powerful ethical character of Buddhism can be seen from the Buddha's critique of war, violence and social injustice to more contemporary movements as diverse as the Vietnamese peace movement of the 1960s, the Tibetan struggle for religious freedom, the Burmese pro-democracy movement, and in Sri Lanka the lay Sarvodaya Shramadana movement for peace, communal self-help, and popular empowerment.

Counterexamples to normative Buddhism, which was a plural and contested Asian "construct" before it was a western one, implicitly reveal the moral character of Buddhism in limiting and countering the drive to hatred, violence and war by the very fact that violence is deeply problematic in Buddhism. Those claiming to be Buddhists who engage in war are forced to appeal to the limited and contested (in Buddhist thought) idea of self-defense or to a questionable antinomian non-attachment to the ethical core of Buddhism itself—loving-kindness and compassion. Although one cannot and should not expect to exclude all possibilities for self-defense and especially non-violent resistance, practices contradicting this minimalist idea reveal that other motives and self-deception can be at work. Rather than there being a general "antinomianism" or "nihilism" inherently at work in Buddhism, the problem lies in the ambiguity about moral appropriateness, including skillful means and skillfulness in Buddhism. Buddhist ethics does not advocate the application of one single rule or principle that is eternally and universally valid in all cases but involves ethics understood as (1) appropriateness, (2) a way of life and (3) part of the way. Although it is not the end or entirety of the Buddhist path, morality is its necessary prerequisite.¹⁵⁸

Because of the virtue-ethical and context-sensitive character of Buddhism, a number of Buddhists and non-Buddhists suggest that there is a condition beyond ethical virtues and appropriateness. The art of suitability and skillfulness should direct the mind to considering the context and the level of understanding of oneself and others. This prudential context-sensitivity can be misunderstood as an excuse for unethical behavior among some Buddhist individuals and

groups. Buddhist ethics at its simplest levels appeals to prudential self-interest, especially through the popular logic of merit and merit transfer,¹⁵⁹ yet continuing to act out of self-interested motives is canonically considered only the lowest level of moral action.¹⁶⁰ Egotistical self-interest and attachment to one's own individual or group superiority undermines the basic equality of sentient beings that is asserted in the Buddhist tradition as well as the fundamental practices and virtues of loving kindness (*metta*), generosity (*dana*), and compassion (*karuna*).

It is fair to say that Buddhism does not endorse the use of violence. Still it is untrue that Buddhists—or at least individuals and groups claiming to be Buddhists and engaging in at least some of the practices associated with Buddhism—never engage in acts of war, hatred, and conflict. This is no doubt caused by human imperfection. Nevertheless, it should not just be accepted as human imperfection, since such actions always involve accruing *kamma* (karma) and Buddhism insists that beings strive for and realize universal wisdom and compassion. The Buddhist emphasis on non-attachment, including to itself, and developing universal compassion and self-criticism, especially of inadequate understandings of Buddhism, demands a greater emphasis on and means to critique one's own behavior towards others. The aggressive and brutal colonialism justified by Japanese Buddhists, the right-wing rhetoric and practices of some Sri Lankan monks and laity, and the connections between Buddhism and the military in Burma, serve as important examples of the dangers of treating Buddhism as a cultural possession or ideology of political legitimation, of taking it as an end rather than a means and a way.¹⁶¹

4. The Question of Moral Appropriateness

Tessa Bartholomeusz, whose detailed critical account of just war thinking in Sri Lanka I will partly rely on and partly critically modify in section five, has located the issue of violence in the pragmatic and prudential character of Buddhist ethics.¹⁶² She is correct to the extent that Buddhist ethics is not based in rigidly following one principle or rule but is a way of life grounded in the cultivation of multiple precepts or virtues. Even authors such as David Kalupahana, for whom Buddhist ethics is principally an ethics of principle, acknowledge that the principle can be modified according to new circumstances.¹⁶³ When there are new circumstances or a conflict between two different virtues or moral rules, this question becomes pressing: one must decide the moral dilemma through a sense of what is appropriate. When a principle

becomes uncertain, it can only be interpreted rather than mechanically applied. A system of rules does not provide an infinite number of further rules explaining how to apply them. That is, there cannot be, on pain of infinite regress, another principle stating how to apply the first principle. This means that there is no further precept to explain the first precept of ahimsa. In cases of moral conflict, one has to adjudicate the sense of ahimsa through the context of Buddhist ethics as a whole and the pressing features of the situation itself. This raises the question of whether the first precept can be outweighed at times by other considerations such as utilitarian considerations of sacrificing one life in order to save multiple lives. Can one then in exceptional circumstances destroy or allow one life to be destroyed in order to save the lives of a community or multitude of individuals?

This reasoning about exceptions and the force of necessity is not only an abstract and speculative question. It has occurred within Buddhist historical traditions and has given birth to a Buddhist tradition that has been likened by some scholars to western “just-war theory” Just war theory seeks to explain the circumstances under which it might be legitimate or at least necessary to take life in armed conflict. Whereas scholars of Therāvada such as Damien Keown have argued that killing can sometimes be a legitimate response to suffering, other scholars such as Rupert Gethin have rejected this argument since it does not address *dukkha* as a reality that must be understood and worked through rather than suppressed.¹⁶⁴ The issue is not that people claiming to be Buddhists at times engage in violence and war in the name of self-defense. It is difficult if not impossible to demand the saintliness according to which it is illegitimate to defend one’s parents, family, friends or community under any circumstances. The problem is the “slippery slope,” i.e., when and how this reasoning can go wrong and become an ideological excuse for morally illegitimate violence and war.

The expression “Skill in means” or “skillful means” (Sanskrit, *upayakaushalya*; Pali, *upayakusala*) is a basic Mahāyāna concept, developed in the context of the compassion and wisdom of the Bodhisattva, and rarely found in the Pali canon. The roots of this expression, both *upaya* (“way, means or resource”) and in particular *kusala* (“skillful, profitable or expedient,” often used as equivalent for “good, moral, wholesome”), are present in the Pali Canon.¹⁶⁵ *Upaya*, the ability of the Buddha to teach at different levels according to the understanding of the recipients, is restricted to the Buddha. *Kusala*—skillfulness and wholesomeness as opposed to

unskillfulness and unwholesomeness—in action, thought, and word is advocated for all following the path in Therāvada Buddhism.¹⁶⁶ The use of a number of expressions indicating different abilities and capacities requiring appropriateness and skillfulness—such as *kusala*, *sappaya*, *upaya*, and *yoniso manasikārā* (wise or appropriate attention), *ugghatitaññu* (swiftness of understanding), *patisambhida* (the knowledge to appropriately discriminate things)—can be seen in the Pali Canon.

For the Buddha, in the *Sangiti Sutta* of the *Digha Nikaya*, there are “three kinds of skill: skill in progress, skill in regress, and skill in means” (*tini kosallani: aya kosallam, apaya kosallam, upaya kosallam*).¹⁶⁷ The use of *upaya kosallam* in this context shows that skillful means is not foreign to the sense of skillfulness in the Pali Canon and that it is not limited to the Buddha, at the same time as the Buddha perfectly embodies such skillfulness.¹⁶⁸ Skill in the Buddha’s discourses does not seem to mean casuistry, cleverness or a merely calculative pragmatic prudence that is more political than ethical. It is an art that cultivates a moral ability and insight consisting of appropriately applying the *Dhamma* to the situation. This is confirmed by another reference to the aptness of skillfulness in the *Nava Sutta* of the *Sutta Nipata*, where it is said that the one who knows *Dhamma* is like the skillful boatman who is able to ferry others across a dangerous river (SN II.8). Here again appropriateness is explained as being like an art or craft such that it is not simply the mechanical application of an abstract principle.

In another passage, understanding what is fitting and skillfully attending is the basis of wisdom.¹⁶⁹ In the *Avijja Sutta*, skillfulness is associated with knowing and ignorance, when the Buddha is said to discuss how ignorance leads to unskillful qualities and knowing to skillful ones (SN XLV.1, also compare SN XLIX.1). In *The Group of Ones*, appropriateness and skillfulness are interconnected such that both are essential to the path: “A bhikkhu who attends appropriately abandons what is unskillful and develops what is skillful” (*Itivuttaka*, 16). This use of “skillful,” which points to the cultivation of spontaneous activity as in learning a craft to the point where it becomes second nature, is not accidental to the Buddha’s discourses.

Not only morality, but also meditation is often compared to a skill that requires development. For example, in the *Anguttara Nikaya*, the Buddha is said to say: “Just as, monks, an archer or his apprentice might practice on a straw man or a pile of clay, and thereby later become a long-distance shot, an impeccable marksman who can fell a large body, just so it is

with a monk who reaches the destruction of the taints in dependence on the first jhana.”¹⁷⁰ This sense of skill provides a partial basis for the later Mahāyāna reinterpretation and extension of skillfulness (*kusala*) as skilful means or skill in means (*upayakausalya*). In early Mahāyāna texts such as *The Skill in Means Sutra* (*Upayakausalya Sutra*), and canonical texts such as *The Lotus Sutra*, morality is fully absorbed into or subordinated to compassion such that the compassion of the Bodhisattva transcends the cultivation of the precepts considered as rules or virtues.¹⁷¹

Insofar as Therāvada ethics, like most Buddhist and many forms of non-Buddhist ethics such as Aristotelian and Confucian, is a form of virtue ethics it faces the issue of appropriate action. If this is the case, then acting *from* the precepts, and the *Vinaya* in general, cannot be reduced to legalistic external conformity with them. Codes, precepts, and rules demand the ability to distinguish between the hypocrisy of breaking them for one’s own advantage and the moral insight to adopt them to circumstances. For example, a Sri Lankan *bikkhu* should not possess money, yet it might not be inappropriate for him to carry money for purposes that are difficult to avoid such as carrying bus fare to get across town.¹⁷² Rules cannot be mechanically applied but require the skillful application of the *Dhamma* in acting in the proverbial right way at the right time in the right place.¹⁷³ A third source of the use of skillfulness in contemporary Therāvada Buddhism would be from the growing knowledge of Mahāyāna traditions of interpretation.

Is the Buddhist notion of skillfulness too open or ambiguous such that it can possibly justify unethical behavior in the name of a greater good? Can it potentially be used to justify behavior contrary to the basic ethical principles of Buddhism such as the Buddha’s critique of violence and war? This question of skillfulness seems a more basic issue than that of ethical antinomianism and nihilism developed in some critiques of Buddhism, since context-sensitive appropriateness would provide the justification for going “beyond good and evil” and other such expressions. This is not only a potential problem in Zen or Mahāyāna but in all Buddhism, given that the issue of appropriateness is already significant in the Pali Canon and in contemporary Therāvada Buddhism.

5. Buddhism and Conflict in Contemporary Sri Lanka

The Sri Lankan conflict has its origins in the development of Sinhalese nationalism in response to British colonialism and during the post-war independence movement. The British played off Sinhalese and Tamil interests and sentiments in order to retain power during the colonial period, much as they did in their other colonies. The postcolonial period saw the deepening of various narratives of ethnic self-identity among both the Sinhalese and the Tamil populations. Successive democratically elected Sri Lankan governments have reflected the interests and aspirations of the Sinhalese, contributing to Tamil sentiments of disenfranchisement. The resulting episodic civil war has killed over 65,000 people since the 1980s.

The ethnic conflict has occurred between a series of elected governments, led by various parties from the right to the left who have been supported by the mostly Buddhist Sinhalese majority, and the terrorist—insofar as suicide bombings, assassinations, eliminating all Tamil rivals, etc., are terrorist—and or self-described “liberation” organization Liberation Tigers of Tamil Eelam (LTTE) organization based in the mostly non-Buddhist Tamil minority.¹⁷⁴ The best option for both sides would be a peaceful resolution and mutual cooperation, which seems presently unlikely. On the one hand, there is much to criticize in the Sri Lankan government and Sinhalese nationalists, from conservative Buddhists to socialist populists, who have fanned the passions of war. On the other hand, the legitimate grievances of the Tamil population are used to support an authoritarian, nationalistic, and violent organization.¹⁷⁵

Critics of Buddhism, including contemporary western engaged Buddhists who want to free Buddhism from its traditional Asian contexts, point to both Imperial Japan and the current conflict in Sri Lanka as examples proving traditional Buddhism’s deep complicity with violence, exploitation, and domination. This argument appeals, in the case of Sri Lanka, to the fact that various Therāvada Buddhist monks and laity have been implicated in various forms of violence and calls for violence against the LTTE and/or the Tamil population. Any adequate consideration of this conflict begins to reveal the need for a more nuanced and differentiating approach to the question of what role Buddhism plays in the current conflict. This conflict raises two significant questions: (1) what is the role of Buddhism in promoting the conflict? (2) What are the arguments for and against the justice of war in the Buddhist traditions of Sri Lanka? The second question can be made more exact in the following terms: What possible justifications of violence

are there in (i) the Pali Canon, (ii) tales about Asoka and the universal wheel-turning monarch (*cakkavatti*) as well as postcanonical narratives such as the *Mahavamsa*,¹⁷⁶ and (iii) contemporary postcolonial Sri Lankan Buddhism?

In the remainder of this paper, I will begin to sketch out a possible answer addressing a few aspects of these questions. One strategy is to analyze Buddhist ideas in the context of western just-war and ethical theory and conclude that Buddhism as it is actually practiced in distinction from its normative ideal not only has a rigorous tradition of nonviolence and loving kindness but also a long history of thinking about war from which reasoned as well as opportunistic assertions of the possible justice or unfortunate necessity of war can emerge. Buddhism privileges non-violence *and* Buddhists have justified war under certain conditions.

Buddhism is a diverse set of norms and practices; this diversity is also true of Sri Lankan Buddhism where one can see three approaches to the question of war. First, there is a position which some call Buddhist fundamentalism. Fundamentalism suggests a return to the fundamentals of Buddhism, which would mean to renounce violence as a means. As Mahinda Deegalle argues this position is not so much Buddhist as it is Sinhalese nationalist, which appropriates Buddhism as a symbol of Sinhalese heritage and identity.¹⁷⁷ This raises the interesting question whether there is actually such a thing as religious fundamentalism. Many movements labeled as fundamentalist seem to be more about the use of the religious for nationalistic economic and political interests. The nationalist and “just war” positions can both appeal to the *Mahavamsa*, which describes the Buddha’s legendary visits to Sri Lanka and the military victories of ancient Sinhalese Buddhist kings against invading Hindu Tamils.¹⁷⁸

The nationalists explicitly demands that the Sinhala-Tamil conflict must conclude not only with the defeat of the LTTE but with the restoration of a unified and fully Sinhalese and Buddhist Sri Lanka. Their argument for war generally follows a three step legitimization of anti-Tamil sentiment: (1) Sinhala and Buddhist identity constitute a unity that is radically distinct from the Dravidian Hindu Tamil interlopers from South India; (2) Sri Lanka is the island of *Dhamma* (*dhammadwipa*) ordained by the Buddha himself (during his three apocryphal visits) for Buddhism such that the whole island is a sacred relic of the Buddha’s and the loss of its integrity would destroy this legacy; (3) the justice of a defensive war for the *Dhamma* justifies the preservation of Sri Lanka in its unity as a majority Sinhalese Buddhist nation through

military action against the Tamils, identified with the invading *damila* of the medieval epics, thus associating the present dispute with past threats as well as the fear of tiny Sri Lanka being submerged in the vastness of India. Bartholomeusz contends that it is paradoxically Buddhist beliefs about pacifism—i.e., that Buddhists are more fair, tolerant, and peaceful—that leads Buddhists to differentiate themselves from others and turn to violence to protect that very ideal. The perceived need to preserve endangered Buddhist peacefulness creates the conditions for violence¹⁷⁹ Yet Buddhism is not so much the cause of such attitudes as it—or rather its surface historical facticity as uniquely Sinhalese—is instrumentally incorporated into conservative Sinhalese discourses and, more generally, the Sinhalese side of the “ethnic outbidding” that Neil DeVotta characterizes as a cancer eating away at Sri Lankan political life.¹⁸⁰

The second range of views might be characterized as the moderate justification of the use of force, and maintains the justice of undertaking “defensive military action” against insurgencies. Even if the insurgents draw on some legitimate grievances. The war is interpreted as the defense of the territorial integrity and peace of the nation, as a proper function of the modern secular state, and/or the defense of the nation’s endangered Buddhist identity. This model appeals to the conventional model of international law and its account of the justice and limits of war as well as to Buddhist principles such as maximizing well-being. Assuming one is attacked, and if common well-being outweighs the well-being of the attacker, it is then justifiable to defend oneself, one’s parents and family, one’s fellow citizens, including if it involves violence and killing. This argument is of course reasonable, and self-defense is not without its pragmatic justification and traditional authority. The problem is that such arguments often move imperceptibly from the exceptional justification of minimal violence under “conditions of necessity” to the ideological normalization of the state of war. Violence, once it is justified as an exception, becomes the norm from which there seems no escape. The ethical loses its normative and critical force and becomes part of the social reproduction and intensification of conflict rather than a medium of its resolution.

There are multiple strategies used by Sri Lankans to answer the question of how Buddhists can justify engaging in conflict and war. Some stress the unfortunate necessity of military action despite its negative karmic consequences. Others, perhaps motivated by the need for a more inspirational message, suggest that righteous war (i.e., one with a morally legitimate

goal and fought in an honorable fashion with morally acceptable means) has meritorious karmic consequences. Both strategies presuppose that the precept of nonviolence is a *prima facie* rather than an absolute duty such that nonviolence is a first duty that can be overridden under certain circumstances as a last resort.¹⁸¹

Therāvada ethics, especially when it is interpreted textually through the Pali Canon, is seen as placing absolute value on acting out of compassion and avoiding harm. In practice, Sri Lankan Buddhists reason with a plurality of context-sensitive *prima facie* duties. The precept against violence is not absolute and can be overridden by more pressing obligations such as defense of one's parents, country, or the *Dhamma*. The Buddha's account of moral skillfulness suggests, according to this reading, the use of practical judgment or a sense of appropriateness to apply moral principles to the situation. The Buddha's precepts are primary and conflicts between precepts require contextual reasoning that employs considerations that scholars have compared with utilitarian (maximizing compassion and minimizing suffering) and virtue ethical (the effects actions have on one's condition) reasoning. In this way, Buddhist ethical reasoning is used to justify violence for the sake of nonviolence and the Sri Lankan government's claim to wage "war for peace." The justification of war requires the fulfillment of certain conditions comparable to Christian and western just war criteria. A number of Sri Lankan Buddhists, in line with traditional justifications of war in the Buddhist kingdoms of South-East Asia,¹⁸² appeal to the Hindu *Bhagavad-Gita* and the Pan-Indic idea that *raja* (and *ksatriya* fulfilling their military duties) are exempt from *ahimsa*.

Historically numerous leaders and societies claiming to be Buddhist have had armies, police forces, prisons, etc., with actual weapons and the possibility of using them. This is based in Pan-Indian ideas about kingship and in several Buddhist traditions. In the Pali canon, the Buddha abandoned becoming a universal wheel-turning monarch in order to become liberated. This prioritized liberation, and the renunciation of violence and harm that is essential to its realization, yet at the same time gave a secondary legitimacy to political leadership. Such monarchs are portrayed as universally wise and generous but do not abandon the state's monopoly on force. This model of righteous kingship is the basis for the Buddhist warrior-kings of the *Mahāvamsa*.

Popular Sri Lankan Buddhism incorporates a tacit “just war theory” according to which war is justifiable when fought with the appropriate intent and means. The Sinhalese supporters of war appeal to such ideas of the legitimacy of defensive war, which is defined by the intention to protect rather than greed or hatred. It is interesting that the extreme Sinhalese nationalists, insofar as they still claim to operate within the framework of Buddhism, are forced to appeal to an extended notion of defensive war (i.e., the unity of Sri Lanka as a whole) since Buddhism provides no basis for offensive or aggressive war.¹⁸³ Buddhism does not have the tradition of offensive “holy war” and, since motivation and intention are more important than external ritual and obedience, there is no basis for war to convert others by force for their own good.

The first militant nationalistic and second moderate pro-war Sinhalese positions described above are differentiated by the portrayal of what is being defended and what means are justifiable. This remains an active question given the fragility of peace, the continuation of death and destruction, the conflicting assertions about the “righteousness” of each side, and the competing claims about the justice and injustice of military action.

Finally, in a third category of positions, there are Sri Lankan Buddhists who reject all violence as an impediment to *nibbana* (nirvana) and who have been prominently engaged in promoting the peace process and reconciliation. Bartholomeusz contends that this must be a consequence of giving the first precept of ahimsa a deontological status. That is, it is a universally valid principle and duty that is applicable regardless of circumstances and has no exceptions. The Buddha does not claim that violence is only sometimes wrong but that violence, no matter how righteous, always produces more violence; and warriors, no matter how virtuous, always suffer the consequences of war. However, the Buddhist precepts do not have to be interpreted according to the model of rule based ethics, or applying a conceptual principle to all cases, in order for Buddhists to unconditionally reject war. The most appropriate skillfulness may well generally result in the rejection of violence and war given its personal costs and karmic consequences.

According to the Buddha, “Conquest begets enmity; the conquered live in misery; the peaceful live happily having renounced both conquest and defeat” (*Dhammapada*, verse 201). This position is in fact the only consistent one with the Pali Canon, if not later non-canonical Sinhalese texts such as the *Mahavamsa* that are also historically significant in shaping Sinhalese

self-interpretations of their own identity and the possibility—albeit limited and tenuous—of a Buddhist theory of “just war.” This difference shows the value of not reducing the normative dimension of Buddhism to its popular manifestations, and of not minimizing canonical texts and the “philosophical” dimension of Buddhism in the face of its “violent” lived reality.¹⁸⁴ Since norms and exemplars are richly embodied in images and narratives, the distinction between normative claims and actual practices does not entail the reduction of Buddhism’s symbolic dimension to an impoverished rationalized shadow. Exemplars and norms often serve a critical, regulative, and self-reforming function, providing a textured fabric and context to which individuals can appeal so as to engage their circumstances and practices differently. If it is illegitimate to isolate and reify supposedly “elite” normative or canonical Buddhism on the authority of “anti-essentialism,” it seems similarly problematic to eliminate all normative and regulative claims in the name of “popular practices.”

6. Conclusion

The Sri Lankan conflict is not a question of one individual’s insight and virtue; it is a structural crisis that requires a political solution that has to rely on a plurality of ethical, religious, and social possibilities and voices. This claim contradicts many current ubiquitous tendencies that (1) seek to privatize social problems into issues of personal virtue or (2) reduce the plurality of public life to one theological vision of the good life and religious redemption. To the degree that Buddhism shares these features, which is appropriate given its primary goal of spiritual liberation, it is not adequate by itself to resolve structural social-political crises. Like other ethical and religious ideals, Buddhism can become a constituent part of social ills, if the Buddhist does not recognize the independent structural and plural qualities of social-political life. Nonetheless, because of its responsiveness to the suffering of others as well as its self-critical, non-coercive and egalitarian character, Buddhism provides a powerful and cogent individual way of life. And, as such, it can contribute to the resolution of conflict and suffering.

The conclusion that Buddhism is not the primary cause of the Sri Lankan conflict and can be part of its peaceful resolution is not a new thesis. P. D. Premasiri reasonably concludes that there is no place for righteous war within Pali Buddhism: “the idea of a just or righteous war

(*dharma yuddha*) involving the use of weapons of war and violence is conspicuously absent in the Buddhist canon. The Buddha countered the prevailing belief that soldiers of war who fight for a cause could, as a consequence of their rightful performance of duty, aspire to attain a heavenly rebirth if they succumb to their injuries while in combat. According to the Buddha one who fights a war does not generate wholesome thoughts but thoughts of malice and hatred, which are absolutely unwholesome. Therefore, their future destiny will be a woeful one, which is in accordance with their unwholesome kamma.”¹⁸⁵

According to the argument unfolded in this paper, Buddhism shares some of the potential problems of other varieties of virtue ethics. In particular, (1) moral appropriateness and skillfulness can become a potentially dangerous doctrine legitimating unethical behavior and (2) the ethics of individual self-cultivation of character can become ideologically complicit with systems of exploitation and domination. First, skillfulness can be reduced to an instrumental manipulation of means without regard for the quality of the ends, such that it is removed from its ethical context of loving-kindness, generosity, compassion, and ahimsa. Second, the privatization of the ethical separates questions of character from the reproduction of social-political systems, such that the moralist as well as the ideologue appeals to the good intentions of individuals without regard for underlying relations of power. Socially engaged Buddhists ought to be mindful of both issues if they are to counter the potential betrayal of the moral core of the *Dhamma* through individual practices and social-political institutions. These possibilities cannot be excluded a priori and indicate the need to be vigilant in cultivating and practicing the art of ethical appropriateness and skillfulness.

Like other forms of context-sensitive ethics, Buddhist ethics cannot be understood according to the model of a single universal rule, such as utility or the categorical imperative. Instead it ought to be seen as developing an ethical mode of comportment and disposition from which one can ethically respond to a variety of new and different circumstances. Without this ethical orientation and context, a decontextualized notion of skillfulness—and appropriate judgment in general—can and has been used to justify violence and war in ways that run contrary to the Buddha’s teachings. Although skillfulness (*kusula*) can be more believably used to justify less morally problematic forms of violence such as self-defense, and as a consequence potentially providing a limited quasi-Buddhist just-war-theory, it cannot consistently be used to

justify aggressive violence and war. Yet if it is not to betray the realization of *Dhamma* right here in this life, then even such a pragmatically reasonable position goes too far. Despite actual and potential problems with Buddhists, who would like but have not yet realized the *Dhamma*, it remains a commendable virtue of Buddhism that it provides the means to rigorously question violence and war as well as demanding the proper cultivation of the skillfulness and insight to do so. Such insight means that one is not only attentive to what others do but more importantly to one's own activities and disposition, even more when one has the self-satisfaction of it seeming most sensible and decent.¹⁸⁶

Endnotes

¹³⁹ Bhadantācariya Buddhaghosa, *The Path of Purification*. Bhikkhu Nanamoli (trans.), (Seattle: Buddhist Publication Society Pariyatti Editions, 1999).

¹⁴⁰ Damien Keown states that “Buddhist ethics is aretaic: it rests upon the cultivation of personal virtue” in *The Nature of Buddhist Ethics* (Basingstoke: Palgrave, 2001), 2. The view that Mahāyāna involves a kind of virtue ethic has been more extensively developed, especially given the claim that the Bodhisattva's compassion can override rules. Arguments for Zen and Mahāyāna virtue ethics are found in: Simon P. James, *Zen Buddhism and Environmental Ethics* (Aldershot: Ashgate, 2004) and David E. Cooper and Simon P. James, *Buddhism, Virtue and Environment* (Aldershot: Ashgate, 2005).

¹⁴¹ Keown's argument for the parallel between Buddhist and Aristotelian ethics (Keown, 2001, ch.8) is problematic given that Aristotle's *phronesis* is primarily an aristocratic mastery, an accomplishment of the patriarchal householder and active citizen, whereas Buddhist moral skillfulness (*kusala*) transcends the *ekos* and *polis* to a kind of freedom in relation to people and things. This is not the freedom of indifference but of compassion (*karuna*, the core virtue) as a spontaneous responsiveness constituted by instead of transcending the ethical. Such freedom evokes one aspect of a different variety of ancient Greco-Roman virtue ethics—the cosmopolitanism of the Cynics and Stoics. Rather than restricting the ethical to the polis, the nation, or even the human, ethical responsiveness extends to all sentient beings and to the world

itself. This suggests a kind of Buddhist world-citizenship (*cosmo-polis*), which is further supported in the traditional paradigm of the *cakkavatti* as a universal and inclusive wheel-turning monarch.

¹⁴² Most passages cited from SN can be found in the following incomplete translation: *The Sutta-Nipata*, tr. H. Saddhatissa (Surrey: Curzon, 1994). *Numerical Discourses of the Buddha*, tr. and ed. Nyanaponika Thera and Bhikkhu Bodhi (Walnut Creek: AltaMira Press, 2000) is a selective translation of the *Anguttara Nikaya* (hereafter cited as AN).

¹⁴³ David J. Kalupahana, *Ethics in Early Buddhism* (Honolulu: University of Hawaii Press, 1995), 100-101.

¹⁴⁴ This expression is developed in Tessa J. Bartholomeusz and Chandra R De Silva (eds.), *Buddhist Fundamentalism and Minority Identities in Sri Lanka* (Albany: SUNY Press, 1998).

¹⁴⁵ Critics of Buddhism often confuse non-attachment and indifference, conflating Stoicism (with its supposed repression of the emotions for the sake of virtue and the equanimity of *ataraxia*) and Buddhism (which calls for recognizing, working with, and transforming emotions). Another critique would reduce Buddhism to the opposite of indifference—egotistical self-satisfaction and joy in oneself. The idea that Buddhism is a spiritual mental “autoeroticism” and masturbation, because it lacks “religious obligation,” misses its ethical core, which far from denying obligations deepens their necessity (beyond the egoism of reward and punishment) and extends them from human life to all sentient beings. Elizabeth Harris has an interesting analysis of such claims in “Buddhism in the Media” in Karma Lekshe Tsomo (ed.), *Innovative Buddhist Women: Swimming against the Stream* (London: RoutledgeCurzon, 2000). The implausible view that Buddhism aims at Stoic indifference excluding possibilities for transformation is also found in other figures, such as Gillian Rose’s critique of what she calls Levinas’s “Buddhist Judaism” in *Mourning Becomes the Law: Philosophy and Representation* (Cambridge: Cambridge University Press, 1996), 37-38.

¹⁴⁶ Kalupahana, 1995, 76.

¹⁴⁷ Ananda Abeysekara denies this apparent paradox by arguing that Buddhism cannot be separated into an authentic philosophical discourse stemming from the Buddha and popular violence, since they are contingent and constructed categories, in his *Colors of the Robe*:

Religion, Identity, and Difference (Columbia: University of South Carolina Press, 2002), 204.

Yet this paradox cannot be evaded if Buddhism does not only consist of practices but normative claims that can potentially problematize those very practices.

¹⁴⁸ Richard Gombrich, *Theravada Buddhism* (London: Routledge, 1988), 30, 68.

¹⁴⁹ On the general importance of feeling, affective response and moral sentiment in Buddhist thought and practice, see Keown, 2001, 68-78.

¹⁵⁰ Gombrich, 1988, 69.

¹⁵¹ On the social character of karma and responsibility, see Jonathan S. Walters, “Communal Karma and Karmic Community in Therāvada Buddhist History” in *Constituting Communities*. Edited by J.C. Holt, J.N. Kinnard, Jonathan S. Walters (Albany: SUNY Press, 2003), 9-39, see especially 10, 18, 28. According to Walters, the notion of rebirth in Sri Lankan popular Buddhism only deepens one’s sense of responsibility for others and the social character of karma. My relations with others are unavoidable, given that I am bound to them not only in this life but in others as well. The suffering that I ignore today, because I believe the other person deserves that suffering because of past deeds, will become part of my own suffering.

¹⁵² Compare Rita Gross’s discussion of the claim that Christianity is the source of socially engaged Buddhism in *Soaring and Settling: Buddhist Perspectives on Contemporary Social and Religious Issues* (New York: Continuum, 1998), 13-18. No doubt the encounter between East and West has promoted contemporary engaged Buddhism, yet this would have remained unlikely if it did not have a basis within Buddhism itself.

¹⁵³ See Gombrich, 1988, 70 and 116.

¹⁵⁴ The extent of this complicity and active engagement has become apparent from the work of Brian Daizen Victoria, *Zen at War* (Lanham: Rowman & Littlefield, 2005) and *Zen War Stories* (London: RoutledgeCurzon, 2003).

¹⁵⁵ Brian Daizen Victoria, *Zen War Stories* and Tessa J. Bartholomeusz, *In Defense of Dharma: Just-War Ideology in Buddhist Sri Lanka* (London: RoutledgeCurzon, 2002).

¹⁵⁶ AN, X, 206, also compare AN, IX, 7.

¹⁵⁷ A classic article on such issues in East Asia is: Paul Demiéville, “Le bouddhisme et la guerre. Post-scriptum a l’«Histoire des moines guerriers du Japon» de Gaston Renondeau”, *Mélanges publiés par l’Institut des Hautes Etudes chinoises*, Tome I, Paris, 1957, 347-385.

¹⁵⁸ AN, XI, 1-2. This point is developed in Gombrich, 1988, 74, 89; Keown, 2001, 50-53.

¹⁵⁹ Gombrich, 1988, 78.

¹⁶⁰ Kalupahana, 1995, 76.

¹⁶¹ Compare Stanley Tambiah, *Buddhism Betrayed? Religion, Politics, and Violence in Sri Lanka* (Chicago: University of Chicago Press, 1992), 59.

¹⁶² Tessa J. Bartholomeusz, *In Defense of Dharma: Just-War Ideology in Buddhist Sri Lanka* (London: RoutledgeCurzon, 2002).

¹⁶³ Kalupahana, 1995, 95. See ch. 10 (90-95) for his account of moral principle.

¹⁶⁴ Gethin develops this claim against Keown’s position in “Can Killing a Living Being Ever Be an Act of Compassion? The analysis of the act of killing in the Abhidhamma and Pali Commentaries.” *Journal of Buddhist Ethics*, Vol. 11, 2004, pp. 168-202.

¹⁶⁵ Two excellent accounts of the history and concept of skillful means in Mahāyāna Buddhism are those of Thomas Kasulis, who traces *upaya* back to the Abhidharma, *Skillful Means: The Heart of Buddhist Compassion* (Honolulu: University of Hawaii Press, 2001) and Michael Pye, *Skillful Means: A Concept in Mahayana Buddhism* (London: Routledge, 2004). Also see Keown, 2001, 157-162.

¹⁶⁶ On skillfulness (*kusala*) as an equivalent term for morality in Therāvada Buddhism, see Gombrich, 1988, 62. On the basic role of *kusala* in the Pali canon, see Peter Harvey, *An Introduction to Buddhist Ethics* (Cambridge: Cambridge University Press, 2000), 42-49.

¹⁶⁷ DN III.220. *The Long Discourses of the Buddha: A Translation of the Digha Nikaya*, tr. Maurice Walshe (Boston: Wisdom Publications, 1995), 486, translation modified.

¹⁶⁸ Michael Pye stresses the continuity between pre- Mahāyāna and Mahāyāna Buddhism and the importance of skillful means for Buddhism in general in Pye, 2004, ch. 7.

¹⁶⁹ MN 9. *The Middle Length Discourses of the Buddha: A Translation of the Majjhima Nikaya*, tr. by Bhikkhu Nanamoli (Boston: Wisdom Publications, 1995), 93.

¹⁷⁰ AN IX.35, also see AN IX.36 not included in this translation: *Numerical Discourses of the Buddha*, 235.

¹⁷¹ *The Skill in Means Sutra (Upayakausalya Sutra)*. Tr. Mark Tatz (New Dehli: Motilal Banarsidass, 2001).

¹⁷² On the strict canonical prohibition of money, and ways of lessening it, see Gombrich, 1988, 103. Also note Harvey, 2000, 203-205.

¹⁷³ Keown, 2001, 47-48.

¹⁷⁴ Recent accounts of the LTTE's uses of terrorism include: Ami Pedahzur, *Suicide Terrorism* (Oxford: Blackwell, 2005), 70-88; Kingsley de Silva, "Terrorism and political agitation in post-colonial South Asia: Jammu-Kashmir and Sri Lanka" in Ramesh Thakur and Oddny Wiggen (eds.), *South Asia in the World: Problem-Solving Perspectives on Security, Sustainable Development, and Good Governance* (Tokyo: United Nations University Press, 2004), ch. 7; Shri D.R. Kaarthikeyan, "Root Causes of Terrorism? A Case Study of the Tamil Insurgency and the LTTE" in Tore Bjørgo (ed.), *Root Causes of Terrorism: Myths, Reality and Ways Forward* (London: Routledge, 2005), ch. 10.

¹⁷⁵ Although some justify the violence of the Liberation Tigers of Tamil Eelam as a legitimate response to Sinhalese nationalism, it should be kept in mind that the LTTE is "just as fanatically committed to a particular authoritarian agenda as the JVP and just as strongly nationalist. The Tamil Tigers' compulsive resort to terror has earned them, too, a justifiable comparison to the Khmer Rouge." P. 97, K. M. de Silva, "Sri Lanka: Surviving Ethnic Strife." *Journal of Democracy*, 8.1 (1997) 97-111.

¹⁷⁶ *The Mahavamsa: The Great Chronicle of Sri Lanka* (Berkeley: Asian Humanities Press, 1999). For a detailed account of the legacy of the *Mahavamsa*, see Steven Kemper, *The Presence of the Past* (Ithaca: Cornell University Press, 1991).

¹⁷⁷ Mahinda Deegalle, "Therāvada Attitudes towards Violence." Bath Conference on Buddhism and Conflict in Sri Lanka. *Journal of Buddhist Ethics*, Vol. 10, 2003. Also compare Gombrich, 1988, 141-142; Harvey, 2000, 255-260.

¹⁷⁸ On the question of *The Mahavamsa*, nationalism, and mythic violence, see John Clifford Holt, *The Buddhist Viññu* (New York: Columbia University Press), 63-65, 93-94, 266-267. Also note

the descriptions in Gombrich, 1988, 141-142; Harvey, 2000, 255-258. Steven Kemper also emphasizes the role of colonial and other westernizing forces in the creation of modern Sinhalese nationalism (Kemper, 1991, 196-214).

¹⁷⁹ Bartholomeusz, 2002, 16.

¹⁸⁰ Neil DeVotta, "Illiberalism and Ethnic Conflict in Sri Lanka." *Journal of Democracy*, 13.1 (2002), 83.

¹⁸¹ Bartholomeusz, 2002, 26-29.

¹⁸² See in particular Trevor Oswald Ling, *Buddhism, Imperialism and War: Burma and Thailand in Modern History* (London: G. Allen & Unwin, 1979).

¹⁸³ Bartholomeusz, 2002, 121-123.

¹⁸⁴ Compare *ibid.*, 110.

¹⁸⁵ P. D. Premasiri, "The Place for a Righteous War in Buddhism." Bath Conference on Buddhism and Conflict in Sri Lanka. *Journal of Buddhist Ethics*, Vol. 10, 2003.

¹⁸⁶ I would like to thank Lori Witthaus and Namita Goswami for their comments on earlier versions of this paper. This paper incorporates some material from Eric Sean Nelson, *Buddhism and War: Two Reviews*; Brian Daizen Victoria, *Zen War Stories* (Routledge, 2003); Tessa J. Bartholomeusz, *In Defense of Dharma: Just-War Ideology in Buddhist Sri Lanka* (Routledge, 2002). *Journal of Military Ethics*, 2003, 2:3, pp. 252-255.

Jacques Amano

A Rabbit's Report

Hi, I am back. I want to tell you that I made a debut in the literary world in 1999, the year of the rabbit according to the Asian zodiac calendar. Hereby I reproduce my report of that year with much updated information, enabled thanks to the Google (Image) search engine.¹⁸⁷



Since of old, Japanese children have been taught to recognize a rabbit on the full moon, pounding rice to make rice cakes. Apparently, the Aztecs, the natives in South Africa, Celts, and ancient Egyptians also associated rabbits or hares with the moon, as the dark spots on the moon conjured up the image. Chinese children are to see a rabbit, pounding with pestle cinnamon bars or fragrant herbs of longevity in a mortar.¹⁸⁸ For other Chinese children, the image on the moon is that of a three-legged toad and a beautiful woman Chang-er. It is said that Chang-er was lifted to the moon, after she drank the elixir of immortality, which she stole from her husband to stop his despotic regime.



Having wondered why my ancestors got associated with the moon, I visited Professor Doonaught, a grandniece, or so I understand, of that famous Dr. Doolittle. "Hello, Mr. Rabbit, nice to see you. What can I do for you?" she said, welcoming me. I narrated the link between the

rabbit and the moon and asked: “Could you possibly find out how that association got started?” Professor Doonaught found my request intriguing and promised me to do her best.

A few days later I found myself again in her office. Professor Doonaught said: “My dear Mr. Rabbit, I found a tale entitled ‘How the three beasts practiced the way of the bodhisattva and the rabbit roasted himself.’” “Where did you find it?” I asked. She said, “It was in a Japanese collection of ancient and contemporary tales from India, China and Japan, compiled around the year 1120—that is, towards the end of the Heian Period. This collection is called *Konjaku Monogatari* [*Tales of Times Now Past*].” She then told me the story. OK, despite its gruesome title, I found the story to be not so horrifying. Here is the gist of it:

Once upon a time, in an Indian village there lived three animals, a rabbit, a fox, and a monkey—all inspired by the teaching of Shakyamuni Buddha and assiduously practicing the bodhisattva path. That is, they were practicing the teaching of altruism by transcending their ego-ridden selves to embody the egolessness, the essence of which is compassion that motivates them to do things that benefit others.

Indra, the chief of the Vedic gods, saw the three animals from heaven and thought to test their sincerity. He transformed himself into an old man and appeared in front of the three animals, begging for alms. He implored: “I am so old but have no family who looks after me. I heard the reputation that you are compassionate. That’s why I am here. Please feed me.” Thereupon, the monkey gathered all kinds of nuts and fruit, and offered them to the old man. The fox also collected some rice-cake and fish, left behind after a funeral service in the village, and offered them to the old man. But the rabbit could not find any food, however hard he tried. Eventually he thought to himself: “If I go into the village, I will be hunted by human beings and

will be killed. If I go into the forest, I will be a prey to ferocious beasts. Rather than wasting myself in vain in such manners, why not offer my flesh as food to the old man? That will be the way for me to end the cycle of rebirth, as well.” Therefore, one day the rabbit said to the monkey and the fox to gather firewood and make a bonfire and that he was going to get some food to roast. When he returned from his hunting expedition with nothing in hand, he told them: “I have neither the ability to find food nor the physical strength to bring anything to you. But I am able to roast myself in the fire and offer myself as food to the old man.” Saying thus, he jumped into the flame and died. Indra immediately transformed himself back into his original figure and transferred the image of the burning rabbit onto the moon, to commemorate forever the compassionate act of the rabbit. Thus ends the story.¹⁸⁹

“Wow,” I said. “So, it turns out that we rabbits have an incredibly courageous selfless ancestor to be proud of.” Apparently, once we came to be associated with the moon, the graphic story of our ancestor roasting himself receded to the background, only the image of the rabbit on the moon to remain. I, a rabbit, am glad in a way that the action of our august ancestor got gradually laid to rest and went into oblivion.

Human beings are a funny bunch of animals in that they cannot help but think in a symbolic way. Professor Doonaught told me that in the West, especially in the Christian tradition, rabbits (or hares) were considered to symbolize virtue. Our seeming meekness was also likened to humanity, who before God is helpless and must utterly trust God.

In this connection, Professor Doonaught pointed out a fascinating image—a composition of three rabbits running in a circle. According to her, this motif was widespread around the first turn of the millennium, depicted in the Church stained glass windows and protruding wall

ornaments called “bosses.” If you look closer, you will see three rabbits’ ears form a triangle, which in the Christian context stands for the Holy Trinity. This composition is also said to imply the fleeting nature of time and the cyclical course of time.¹⁹⁰ Professor Doonaught also told me that a group of researchers and a professional photographer launched a “Three Hares Project” in 2000, tracing and mapping this motif, which is not only found in England, Germany, France, Switzerland, and other parts of Europe, but also in ancient Persia and way back east in Dunhuang caves in China. These researchers speculate that this motif was carried from China to Europe via the Silk Road. For more images, go to their wonderful website:



www.chrischapmanphotography.com/hares/index.html.¹⁹¹

Professor Doonaught further pointed out the obvious: rabbits have also been associated with the arrival of the spring; the remnant of which can still be seen at the time of the Easter, when bunnies and eggs are featured so prominently. Spring means the time of the emergence of life force in nature and hence, fertility. In this context Professor Doonaught found a drawing by Albrecht Dürer (1471-1528), entitled “The Holy Family with three Hares” (1498), in which three hares are said to “symbolize fertility and the Holy Trinity.”¹⁹²



She also told me that going back in time, the ancient Romans saw in our “speed” and “vigilance” a “divine” quality.¹⁹³ That we can run up the hill, undaunted, was appreciated as the symbol of the spirited mettle that easily handles “the uphill battle.”¹⁹⁴

Well, it looks like Professor Doonaught can uncover much more interesting information on my folks. For me, though, it is time to be excused and return to the moon to recover from symbolic associations! But perhaps, you might want to ask your friends next time what they see on the moon. It might be the beginning of an interesting and eye-opening conversation, or so at least I hope. Au revoir!

Endnotes

¹⁸⁷ The first image is that of the Aztec rabbit in the moon taken from www.mexicolore.co.uk. The second image, the Japanese rabbit pounding rice, is on www.perth.au.emb-japan.go.jp, a website of the Japanese Embassy in Western Australia. Both images are also found on www.laputanlogic.com/articles/2004/04/05-0001.html, and the second image is taken from this website.

¹⁸⁸ James Hulbert, trans., Hans Biedermann, *Dictionary of Symbolism* (New York & Oxford: Facts on File, 1992), see under “hares,” pp. 164-65.

¹⁸⁹ Marian Ury, trans., *Tales of Times Now Past* (Berkeley, Los Angeles, & London: University of California Press, 1979), pp. 56-58.

¹⁹⁰ Biedermann, *op. cit.*

¹⁹¹ The image of three hares in a circle is taken from their website.

¹⁹² The drawing is taken from www.wga.hu, website created by Emil Kren and Daniel Marx.

¹⁹³ In the Japanese myth, the “rabbit of Inaba,” which was injured by a school of dolphins and rescued by the deity Ohkuninushi, became the “hare deity,” endowed with the power of prognostication. Basil H. Chamberlain, tr., *The Kojiki, Records of Ancient Matters*, (Rutland, Vermont & Tokyo: Tuttle, 1981), p. 82.

¹⁹⁴ Biedermann, *op. cit.* Also see “Rabbits” in Mircea Eliade, editor in chief, *The Encyclopedia of Religion*, (New York & London: Macmillan, 1987) vol. 12, pp. 192-93.

The Long Way Home: In Memory of Leroy Rouner

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We are assembled here to honor and pay tribute to the memory of Leroy Rouner, who passed away on February 11 of this year. For all those who knew him, and especially for his friends, this is a sad occasion. Yet, our sorrow is not the sadness of despair or gloom. As we all know, Leroy was also a Christian minister and thus, for him, passing away was not and could not be the end of the story but only another threshold, another step on a longer journey filled with hope and guided by a promise. In a way, his departure from us is just an episode in his peregrination, a turning point on his own “long way home.”

My friendship with Leroy is of *longue durée*, stretching back over nearly three decades. Basically, our relationship has been anchored in two domains: first, our joint commitment to comparative philosophy and especially to “East-West” encounters; and second, his work as editor of the Boston University Studies in Philosophy and Religion. In the first domain, I have fond and vivid memories of Leroy’s participation in comparative philosophy meetings in Hawaii and elsewhere. As a past president of the Society, I should mention and can attest to the fact that Leroy has been for many years a faithful member of the Society for Asian and Comparative Philosophy (SACP) and, as such, has presented numerous probing and stimulating papers at our annual gatherings. As you surely know, our Society during past decades has maintained a close and friendly relation with the East-West Center in Hawaii; as a result, many of our members have made it a habit of attending also the large East-West Philosophers’ Conferences held every four years in Hawaii. This is in fact where my last meeting with Leroy took place.

It was in the summer of 2005, at the Ninth East-West Philosophers’ Conference in Hawaii. It so happened that Eliot Deutsch—one of the distinguished founders both of SACP and of the series of East-West conferences—invited a number of his friends to his home for a Sunday afternoon gathering. The invited guests included Tu Weiming, Marietta Stepaniants, Henry Rosemont Jr., Rama Rao Pappu, Leroy and myself. Eliot’s house is located somewhere in the mountains or hills of Manoa, at a certain distance from Honolulu. Leroy had rented a car, and since I was not motorized, he proposed to pick me up and take me into the hills. I waited for him

in front of my hotel, expecting a drab rental car to drive up. Great was my surprise when Leroy showed up in a shiny white BMW convertible. As I climbed into the plush leather upholstery next to him, I could not refrain from asking: “Leroy, what made you choose a car like that?” Beaming at me with an irresistibly contagious smile he said: “Listen, when you are at my age, you may just as well enjoy every minute of it.” This was vintage Leroy: a faithful Christian, but completely untouched by any dour Calvinist self-deprecation.

The other domain in which our relationship was anchored was his role as editor of the Boston University Studies. These studies originated in conferences held annually at Boston University and organized by Leroy and some of his colleagues; but they were actually published by University of Notre Dame Press. Having served on the faculty of Notre Dame since 1979, I was a close friend of the director of Notre Dame Press, James Langford; and it was through Langford that I gained another entrée into Leroy’s scholarly and intellectual world (Leroy actually served as minister at the wedding of Langford and his wife). The Boston series is well-known and justly famous for its broad thematic scope and its lively literary style accessible to scholars and lay persons alike. In addition to writing prefaces or introductions, Leroy himself contributed chapters to a number of volumes in the series, including the following: *Civil Religion and Political Theology* (1986), *Knowing Religiously* (1985), *On Community* (1991), and *In Pursuit of Happiness* (1995). All the volumes in the series are distinguished by their opposition to pedantry, bigotry, and parochial self-enclosure; all are suffused with the Erasmian spirit of “*eruditio et pietas*,” that is, with the commitment to a public civility free from (clerical or secular) sectarianism and to a philosophizing nurtured by lived experience. (In the latter respect, the influence of William Ernest Hocking—on whom Leroy wrote his doctoral dissertation—is clearly in evidence.)

Rather than roaming over the entire series, permit me to focus briefly on one of the more recent volumes which is titled *Religion, Politics, and Peace* and constitutes volume 20 in the series (1999). In his Preface to the book, Leroy succinctly pinpoints the basic thrust of Boston University Studies. This thrust, he writes, is to foster an “interdisciplinary approach to fundamental issues of human life” and to provide “an ecumenical and interdisciplinary forum” for the discussion of these issues. This approach stands in opposition to dominant features in contemporary academia: especially to the “narrow specialization” of curricula and to trends

which “emphasize technical expertise in a ‘multi-versity’ and gradually transform undergraduate liberal arts education into professional training.” The aim of Boston University Studies, however, reaches beyond the confines of academia. Because of its importance for contemporary education, I want to cite here a longer passage from the Preface:

Outside the university we seek to recover the public tradition of philosophical discourse which was a lively part of American intellectual life in the early years of the century before the professionalization of both philosophy and religious reflection made these two fields virtually unavailable to an educated public. . . . This commitment to a public tradition in American intellectual life has important stylistic implications. At a time when too much academic writing is incomprehensible, or irrelevant, or both, our goal is to present readable essays by acknowledged authorities on critical human issues.

Having myself spent more than forty-five years in academia, I can only heartily endorse Leroy’s comments. As I see it, professionalization has erected a gulf between learning and life, between specialized knowledge and ordinary experience—which translates into a gulf between specialized elites and shared public discourse and civility. As an antidote we need a good dose of that “Boston Personalism” of which Leroy was such a distinguished and articulate representative. By way of conclusion let me just mention some of the ways in which Leroy endeavored to keep his thinking or philosophizing in close touch with ordinary lived experience. Some of his book titles testify to this endeavor. His dissertation on Hocking was titled *Within Human Experience* (1969), and some of his more recent books bear such titles as *To be at Home* (1991), *If I Should Die* (2001), and *Walking with God in a Fragile World* (2003). The closest affiliation and interpenetration of thought and experience, however, is manifest in Leroy’s autobiographical narrative *The Long Way Home* (1989). About ten years ago, when I happened to meet Leroy, he gave me a copy of this book and wrote in it these lines: “For Fred—In the good hope that something in my story may touch something in yours.” The story recounted in the book revolves around events that happened in August of 1977 and involved his son Timmy. In August of 1977, Leroy was en route from Sri Lanka to Bombay (Mumbai); there he was to meet briefly a befriended couple and then to continue on to Tel Aviv and finally back to America. On his step-

over in Bombay, however, something happened which radically changed his plans and transformed his return into a “long way home.”

Permit me to read some passages from the book which deal with the event that happened in Bombay. From these passages you can get a sense of the “person” of Leroy.

We arrived in Bombay forty minutes late. I had to confront my cultural prejudice. The courteous lies of Caucasians are as phony as the loquacious circumlocutions of Orientals.

I had just twenty minutes to make my flight to Tel Aviv. I pushed to the head of the aisle when the door opened and was among the first half dozen or so to get off the plane. I walked into a blast of heat. I thought at first that it must be from the engines, and then realized that they were shut down. The heat was Bombay in August.

Air India had ground personnel to meet incoming international flights, and at the bottom of the stairway on the tarmac was a man in an Air India uniform with a clipboard, making some sort of announcement as we got off the plane. I pressed my way down the stairs as he repeated his announcement, and as I reached the bottom, I finally heard what he was saying:

“Dr. Rouner; Dr. Lee Rouner: a message for Dr. Rouner.”

He even pronounced my name right. I said: “I am Dr. Rouner, do you have a message for me?”

He looked up with some surprise. I don’t think he thought there was a real Dr. Rouner. I think he thought his job was to repeat this sentence until all passengers were off the plane and then report to his office. But he recovered quickly. “This way, please.” I thought to myself, “I’m going to miss the plane to Tel Aviv. Why am I following this jerk?”

And then immediately I thought, “I hope it’s Dad. Let it be Dad. That would be OK. It’s time.”

The only other emergency message I had had in India was in 1964. My brother had called to say that my father was dying and I’d better come. I flew to New York the next day. He eventually recovered, and he and my mother had a wonderfully happy retirement. But he was in his eighties now, and no one lives forever. That would be OK, I thought.

The guy from Air India was leading me through the crowd and through turnstiles and waiting rooms which were all a blur, and then to a counter where he gave me a telephone and said that I should call the American Consulate in Bombay, that they had a message for me.

So I called, and said, “This is Dr. Lee Rouner.”

The Indian receptionist said, “Who?”

“Dr. Lee Rouner.”

“What is your name?”

“Rouner. Dr. Lee Rouner.”

“What do you want?”

“I was told that you have a message for me.”

“What?”

“I was told that you have a message for me.”

“What message?”

“I don’t know. Do you have a message for me?”

“What is your name?”

“My name is Dr. Lee Rouner.”

Finally she said, “We have no message for a Dr. Rouner.”

I hung up, relieved. I turned to the chap from Air India and told him that they had no message. He seemed undistressed. I learned later that he knew what the message was. He had it there on his clipboard. He was just looking for someone to give it to me.

Then he said, “A Mr. Eric Gass is here. Do you want to see him?” I said, “Of course,” with exasperation. Why hadn’t he told me that in the first place?

Eric is an old friend. We were missionaries together with the same mission board, and he was now head of the Inter-Mission Business Office in Bombay. We used to see a lot of the Gasses during our summer holidays together in Kodaikanal. Eric looks like Gregory Peck, only more so, and his wife Pat is better looking than he is. I used to tease them about being too beautiful to be missionaries.

Once again the guy from Air India led me through turnstiles and waiting rooms and crowds of curious folk who turned to watch us as we hustled through,

wondering what we were about, and then on the other side of a final barrier there were Eric and Pat, strong and still and unsmiling.

I said, "Eric, you have bad news."

Eric said, "Yes."

I said, "What is it?"

He said, "It's Timmy."

I said, "What happened?"

He said, "He's dead."

I said, "No!"

(I thought, "*Don't tell me that!* Tell me it's Dad, I can cope with that. I know about that. That was something that is supposed to happen. Don't tell me it's Timmy.")

"Timmy didn't do anything!"

I slumped against the wall and sank down on a bench, and Pat knelt in front of me and Eric sat next to me with his arm around me, and I just kept saying "No!" "Shit!" and cried, and twisted my body and my hands and my face, trying to get away from it, and escape and be free and have it not have happened, and get back to where I was before, when I didn't know, and there was still Timmy.

Funny Tim, the long, gawky kid who knew how to take a joke. Timmy who cared about us all, and went to the National Training Laboratory psychology program in Colorado and came home and tried to make a happy family out of two contentious parents. The Tim who came to my study in the evening to talk about his homework, and how the American Indians had the best values, and how we had to get back to that. The kid with the girlfriends, the kid who wrote poetry; the awkward one who seemed embarrassed when you hugged him, but who was always the last one to let go.

“No, for Chrissake NO! Not Timmy, OK? *Not Tim! That’s not fair!*”

In 1977 Leroy had to change his itinerary and fly via Zurich, Boston, and Seattle to Canada in order to recover the body of his son. Now, in 2006, Leroy embarked on another still farther itinerary which—I believe—has brought him safely the long way home.

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Review of Hans-Georg Moeller, *The Philosophy of the Daodejing*. New York: Columbia University Press, 2006. Pp. xii +168.

Moeller presents us with a perceptive and carefully argued reading of the *Daodejing* (DDJ). He distances us from the strange world of the DDJ, and at the same time he makes the DDJ relevant to our familiar philosophical concerns. Here lies the creative tension in Moeller's book, and also the difficult balancing act of its argument. In the following I summarize Moeller's argument chapter by chapter and highlight the points on which I think his interpretation can be productively questioned.

The DDJ, says Moeller, appears to us "obscure and vague," but in the context of its own culture it was "distinct and coherent. We must realize, says Moeller, "that contemporary hermeneutical principles cannot readily be applied" to the DDJ, and that "many of the assumptions with which we normally approach a philosophical text act as obstacles when reading the Laozi" (ix-xi).

In the first chapter Moeller then suggests a way of reading that dispels the vagueness and obscurity and restores the philosophical clarity of the DDJ. According to Moeller, the DDJ is not the expression of individual thought (there is no author), it has no clearly stated topic, not even a beginning and an end, and, most troubling for a reader of modern philosophy, "there are no analytical steps taken to solve any explicit philosophical problem" (3). To approach such a text, Moeller suggests that we read it not as we read "traditional linear texts of our culture, such as books, essays, or speeches" (4), but as we read the hypertext of the Internet. For, like the DDJ, the hypertext of the Internet lacks a specific author, and it does not contain a straight line of argument but complex links without beginning or end. According to Moeller, we must read the DDJ much like we surf the Internet, moving from link to link in order to create coherence and clarity in a text that does not itself take any analytic steps towards solving any philosophical problems.

This is an intriguing suggestion, but it raises some questions that Moeller does not consider. First, is "surfing" the same as "reading"? Secondly, does the hypertext of the Internet

contain any philosophy? If we, as I am inclined to do, answer these questions in the negative, then we must, on Moeller's analogy, say that, strictly speaking, we cannot really read the DDJ and that the DDJ contains no philosophy. Moeller, of course, does believe that we can read the DDJ and that the DDJ does contain philosophy. But this belief is justified precisely by seeing how the DDJ *differs* structurally from the hypertext of the Internet. For, whereas the content and connections of the Internet are limitless and aims at no particular end, the DDJ contains a small number of key images that are selected for their particular rhetorical effect. Moeller expertly surfs the "links" between these images and shows how the DDJ, read in this way, has a "structure" with its own "efficacy," and that it teaches "a strategy" for action (8). Ultimately, says Moeller, "the common structure of all these images" refers to the fundamental opposition in the DDJ between "presence" (*you*) and "non-presence" (*wu*) (12-13). What Moeller presents here is a structural analysis of the text -- he is not just surfing -- based on the presumptions that the text has coherence and intention. But is that really so different from the way we read "traditional linear texts of our culture, such as books, essays, or speeches"?

In chapter two, "The Dao of Sex," Moeller argues that the DDJ views sexuality from a cosmic and not a human perspective, and therefore it has no place for the erotic. Moeller draws an illuminating comparison with ancient Greek philosophy, where, as is well known, *eros* was of paramount importance. In Plato's *Symposium*, *eros* transcends physical sexuality and becomes the drive towards truth and beauty. Nothing like that takes place in the DDJ, and, following Moeller's argument, we begin to feel that the DDJ is a rather peculiar philosophical text: it contains no *logos* (logical discourse) and no *eros* (desire for the true, the beautiful, and the good).

In chapter three Moeller considers central Daoist terms: *yin* and *yang*, *qi*, *dao*, *de*, and *tian*. Much of this will be familiar to readers of Daoism. In this chapter also Moeller adopts the notion of "autopoiesis," a term coined by the biologists Humberto Maturana and Francisco Varela, to explain the Daoist notion of *ziran*. The idea of autopoiesis combines absolute immanence with productivity, and it is, says Moeller, well suited to explain the Daoist view of ceaseless creation without a creator. Readers of the *Zhuangzi* will recall, however, that the notion of a creator is to be found in early Daoism, and therefore the contrast between Daoist autopoiesis and Western creationism is not as clear-cut as Moeller suggests.

According to Moeller the DDJ is above all a text of political philosophy, and in chapter four he then considers the politics of the DDJ. We learn from this chapter, however, that the DDJ negates all politics. To be sure, the DDJ is centrally concerned with ordering society, but order has to be maintained precisely by negating politics as the field of antagonistic relations between interest groups and between ruler and ruled. According to the DDJ, says Moeller, “the last thing he [the ruler] wants is to encourage the people to become political agents themselves” (61). To be a political agent is, according to the DDJ, the same as being cunning and selfish. Therefore the ruler keeps people’s “lives free of politics” (63), and he makes sure that “people would not enter political disputes and quarrels” (62). Moeller argues that this is not totalitarianism but rather designed to prevent the rise of any regime at all: “The ruler’s main duty is to prevent himself, and subsequently others, from wanting to form a regime in the first place. To keep society peaceful and effective, the ruler has to ensure that order emerges from ‘nowhere’ and that there is no observable person or personal interest at the center of power” (62). It could be objected, however, that the negation of the political is the essence of totalitarianism, and that when the ruler is situated in a “nowhere” then his power is impossible to oppose, and so it is total. Moeller, however, thinks that the political philosophy of the DDJ may teach us that humans need not be the central focus of politics (nature is also important), and that our rulers should strive to be impartial and realize that they do not control much anyway (72-74).

In chapter five Moeller considers the DDJ’s critique of warfare. According to the DDJ, warfare is the result of the “eruption of desire” (76), and therefore a ruler must be without desire and see to it that the people have only few desires. Moeller points out that the DDJ “does not connect war with heroism, justice, and collective pride” (82), and, on the other hand, it does not see war as a crime against humanity. Reflecting on this radically non-humanistic position, Moeller remarks: “Perhaps pacifism and heroism are, in the humanist semantics of war, as closely related as Dr. Jekyll and Mr. Hyde – and, consequently, neither of them appears in the *Laozi*” (86).

Chapter six goes further into the question of desire. The DDJ recommends that basic desires are fulfilled, but that one does not have extreme tastes. In this way one becomes master of satisfaction and “taste the tasteless,” namely the Dao. According to the DDJ, says Moeller, “satisfaction is only possible if no desires exist that violate a perfect contentment with the

present” (94). The ancient Greek Epicureans held a similar view. The DDJ will, however, also curb the desire for knowledge, for, as Moeller explains, “knowledge can endanger social harmony” (96). Here we are far from the Greeks, and especially far from Aristotle, who certainly wanted to curb desires, but regarded theoretical knowledge as the purest joy. To give up such joy may be too high a price to pay for social harmony.

In chapter seven Moeller considers the “indifference and negative ethics” taught by the DDJ. The crucial issue here is, of course, that the Daoist sage is indifferent to moral distinctions between good and bad. Moeller confronts this problem head on and argues “from a Daoist perspective, indifference is particularly important when it comes to moral evaluations” (105). For moral distinctions are partial, and can turn antagonistic and become a threat to social harmony. Moeller instructively takes Mencius’ famous example and asks: how would a Daoist sage react to seeing a child about to fall into a well? According to Moeller, the Daoist would save the child, not from moral dispositions and considerations, but “because it simply is natural” (109). Unlike Mencius, the DDJ does not claim that human nature contains moral values. In line with its basic philosophical position, the DDJ posits an “empty” point beyond all moral distinctions, from which “right” action springs spontaneously. It is an open question, however, if this is a sublime ethical position, or, on the contrary, a position that could justify immoral, even evil, acts.

In chapter eight, Moeller turns to the notion of time in the DDJ. Moeller explains that the DDJ emphasizes “permanence” as the continuous, orderly timeliness of nature. This permanence is at once the orderly cycle of changes and “a central ‘beginning’ that continuously keeps the sequence going” (117). Moeller contrasts this notion of time with that of St. Augustine and observes that in Christianity temporality is devalued in face of the full presence of the transcendent eternal. In the DDJ, on the other hand, “true presence is located within temporality. ... there is a continuous sequence of extended phases of presence, regulated by a non-presence at its center, with no external presence that is beyond temporality” (119-120). Here one may ask, however, if the non-presence at the center is not beyond temporality and, in its own way, as transcendent as Christian eternity? In other words, is an immanent transcendence less transcendent than a transcendent transcendent?

In chapter nine Moeller considers the view of death in the DDJ. The DDJ, says Moeller, views life and death as “complementary elements of a cycle of change” (122). Fear of death is

overcome, and immortality attained by giving up one's individuality. Moeller then turns to the view of capital punishment in the DDJ. Here we learn that in Daoism capital punishment "was, just like medical practice, mainly preventative," and that the Daoist ruler uses the death penalty in order "to prevent 'unhealthy' social phenomena" (127). This use of medical vocabulary to identify social misfits should raise red flags. Moeller, however, argues that the Daoist position is neither better nor worse than the Western (Christian) justification of punishment in terms of free will and guilt. According to Moeller, who here takes the position of a cultural relativist, it is just another "semantics."

In the final chapter, Moeller sums up the basic theme of his book: Daoist anti-humanism. Moeller explains that for the Daoist sage "human beings are not essentially different from dogs," and that the sage is "indifferent to human beings altogether" (136-137). This anti-humanism, says Moeller, "integrates humans seamlessly into the world. ... There is nothing human left which is 'transcendent' with respect to the world" (140). Moeller thinks that this anti-humanism of the DDJ is comparable to "post-humanist" and "postmodern" thought in the style of Nietzsche, Foucault, and Deleuze (141-142). Moeller does not develop this comparison, and in reading his book one begins to doubt that such a comparison is possible at all. For, as we have seen, on Moeller's account the philosophy of the DDJ is a philosophy without *logos* and without *eros*, and it is a political philosophy that negates the political. It may be hard to recognize this as philosophy at all, and, indeed, Moeller's major achievement is to make the "philosophy" of the DDJ fundamentally questionable for us today.

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Review of Shūzo Kuki and Michael F. Marra (Translator and editor), *Kuki Shūzo: A Philosopher's Poetry and Poetics*. Honolulu: University of Hawaii Press, 2004. Pp. x + 357.

As the title suggests, *Kuki Shūzo: A Philosopher's Poetry and Poetics* is primarily structured around the intersection of philosophy and the art of literature. Michael F. Marra has assembled this collection of Kuki's writings, which includes critical essays, original poetry, and personal memoirs, in a way that demonstrates the range and depth of Kuki's philosophical thought. For although Kuki Shūzo is renowned for *Iki No Kozo*, his hermeneutic investigations into the Japanese *iki* aesthetic, this volume presents a number of lesser-known works which not only shed light on his literary convictions but also provide a variety of entry points for developing a better understanding of Kuki's work as a whole. What emerges is a portrait of a uniquely versatile thinker who is deeply concerned with questions of art and language across distinct and sometimes divergent cultures.

In many ways, Kuki's poetry and poetics interrelate with his philosophy. This book contains an essay by Marra that provides an introductory backdrop thorough enough for those new to Kuki's work to gain a general grasp of his life and thought, but which also serves the more familiar reader by recasting the history of Kuki scholarship in a contemporary light. Specifically, Marra's "Worlds in Tension" considers a number of recurrent oppositions that appear in Kuki's writings. Perhaps the most obvious and overarching of these is described as a tension between East and West in which Kuki's affinity for the European philosophy he studies overseas contends with his devotion to his native Japan and what he views as a uniquely Japanese mode of being in the world.

Yet the apparent East-West opposition is but one of many persistent conflicts that can be identified in Kuki's thought, as Marra makes evident through additional demarcations along such lines as Tokyo versus Kyoto, rural versus urban, isolation versus civilization, and German versus French philosophical thought. Moreover, there seems to be a multi-layered complexity to these tensions. Each fork of an opposition invariably gives way to another schism lying beneath it, and at times these oppositions can be interwoven across categories. For example, despite the noted

tension between the Japanese and European aspects of Kuki's thought, parallels have also been drawn between his life in Tokyo and Paris as opposed to days spent in the more subdued environments of Kyoto and Freiburg (3).

Whereas the initial temptation might be to attempt to resolve these tensions, Marra holds to the notion that maintaining them is pivotal to fully appreciating Kuki's work. This element of the irreconcilable, Marra proposes, seems indicative of the effect that Heidegger had on Kuki's phenomenological commitments (9). Here Kuki's tensions appear to follow Heidegger's formulation of Being as that which shows itself precisely through opposition; that is, by resisting the reductive techniques that the promise of a disindividualized, fabricated harmony so often employs. No sooner is Heidegger's influence established, however, than this too is tempered by an opposition to the strands of Bergson's thought that furnish Kuki with an alternative approach to temporality. Certainly an air of Bergson's notion of "pure duration," with its focus on a fluid and qualitatively immeasurable sense of inner time, can be found in Kuki's approach to poetry (27).

During his lifetime, Kuki authored several books of original poetry. The extensive collection of poems compiled in this volume is divided into three sections: free verse (*shi*), short poems (*tanka*), and rhyming poems. Kuki's philosophical considerations are scattered throughout, and are at times invoked more overtly than others. Admittedly, some readers might bristle when encountering poems that reference the categorical imperative or verses that sing of the thesis and antithesis of dialectic in rhyme. These distractions notwithstanding, there are a number of gems to be found among Kuki's poems, most notably those that express the enchantment and occasional melancholy that he experienced as a traveler in France during the 1920s.

Regardless of how one judges Kuki's poetic aptitude, collectively his poems do provide a wealth of insight to draw upon when approaching his essays. In "The Genealogy of Feelings: A Guide to Poetry" Kuki contends that poetry can be viewed as an archetype for the expression of emotions, a claim he supports by outlining, in great detail, a hierarchical lineage of human emotions. Although he expounds on certain senses of temporality and employs numerous illustrations taken from the ancient book of *Ten Thousand Leaves* (*Shin Man'yōshū*), the stark austerity of the essay presents a sharp contrast to the free-flowing sentiments of inner life that are

articulated in his poetry. Method, it would seem, takes precedence over subject matter in this instance. Should this essay be taken at face value? Or does he hint at something more?

In “The Metaphysics of Literature,” Kuki does appear to be striving to articulate the tension between the rigors of philosophy and the creative freedom of literature by attempting to craft an essay that does adequate justice to both. This essay is one of the strongest additions to the book as it brings clarity to a number of points proposed by Marra that as of yet remained underdeveloped. Chiefly, Kuki directly addresses the topic of duration and posits art as something that exists outside of common, everyday conceptions of time. He opposes art to a type of scientific temporality that “proceeds rationally from cause to conclusion” (176). Where does this leave the philosophical domains of knowledge and morality? Insofar as they can be expressed through various forms of literature, they depart from the realm of truth-functional measurability to one in which the stories being told are free to intertwine a sense of the present with tales of the past or while moving toward a future ending.

As for poetry, Kuki maintains that it is unique among the literary arts. He argues that all literature expresses a sense of the present, but the novel is also shaded by a temporality akin to history or similar forms of scholarship in that it is oriented by a retelling of the past. Drama, on the other hand, reflects a temporal shading oriented toward a future outcome and so is closer to the choices of morality. Yet poetry, Kuki asserts, is the literary art that most consistently issues a continuous and infinite sense of the present, and is thus best able to break free from traditional conceptions of time. This opens up a number of possibilities for thinking about art in relation to contingency, a topic that Kuki seems to continually return to throughout his life.

According to Kuki, there is an element of necessity to poetry in that it must conform to certain configurations. This is most apparent in classical examples such as the 5-7-5 syllable haiku or the 5-7-5-7-7 structure of tanka (125, 206). These structures then support a rhythmic movement through which an unrestrained overflow of emotions comes forth. It is here that we may begin to get a sense of contingent possibility, as creative freedom or an affirmation of chance.

To his credit, Kuki warns against being overly reductive or interpreting his categorizations too literally. Yet there are still times when it might be fair to accuse him of oversimplification in setting up his groupings and oppositions. Bearing this in mind, the more

personal essays that are also included in this book provide another glimpse into how Kuki's thoughts on art might connect with other aspects of his philosophy. While these essays are a bit hit-and-miss in this regard, as memoirs they often display a rather Proustian quality that seems to exemplify a multi-layered temporality:

Now I feel only an almost undiluted respect for Mr. Okakura. All my memories of him are beautiful, both the bright and the dark aspects. No one is bad. Everything is as beautiful as a poem. (239)

Even as a memoir, there seems to be an aspect of possibility being conveyed here, and it is therefore fitting that these personal writings lead to additional essays that focus on the subject of contingency. In these works Kuki is more explicit in stating his position on contingency as that which escapes necessity. He advances the view that, despite the structures of necessity that appear to order our lives, they are always subject to the unexpected alteration of pure contingency (259). Kuki describes this contingency as analogous to heading toward a destination and the possibility of a chance meeting with another person, when

it is not settled that we will necessarily meet that person; the openness of the way of the encounter to the possibility of either meeting or not meeting is what makes the meeting contingent. (260)

Put another way, just as a poem exceeds the limitations of its structure, in life itself there is always a component of chance that preserves the possibility for surprise. This open-ended possibility, it would seem, is what allows Kuki to sustain his various tensions without being forced into a definitive stance or lapsing into theoretical gridlock.

To that effect, the book concludes with a few short pieces that speak to the East-West opposition that Marra has depicted as an ongoing tension in Kuki's work. One charge that has been leveled against Kuki is that after returning to Japan he developed a pernicious slant toward nationalism. The tone of the essay "On Loanwords" might seem to lend support to that

interpretation. While some scholars have tried to argue otherwise on Kuki's behalf, Marra allows Kuki's response, "Tradition and Progressivism," written years later, to speak for itself.

Referring to "On Loanwords," Kuki acknowledges that he, "...probably gave some readers the impression that I was flattering the Japanese nationalism that was quite popular at the time" (285). To the contrary, Kuki claims that the source of those statements is his continued dedication to the preservation of Japanese culture and language. This is a task which is not always aligned with Western art or philosophy but which need not be viewed as bent on their decimation, either. His convictions did not change, Kuki avows, but the circumstances surrounding their interpretation did (285). Then, as a final note, he addresses the accusation that his work in this regard reflects an excessive attachment to the past and that he is too backward-looking in his thought, by stating:

I indeed have the smell of the traditional past. My love for tradition, however, is not as faint as a scent. (285)

Very much in keeping with this book's poetic orientation, Kuki answers his critics in a way that escapes simple reduction while still retaining a facet contingent possibility.

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Review of Joseph Walser, *Nāgārjuna in Context: Mahāyāna Buddhism and Early Indian Culture*. New York: Columbia University Press, 2005. Pp. xiv + 369.

Martin Heidegger once prefaced a lecture on Aristotle by noting, “He was born, he worked, and he died.” Heidegger seems to imply that great thinkers can be lifted out of their contemporary intellectual nexus without losing anything of philosophical significance. This view is not uncommon; it is implicit in the understanding of a philosophical canon of participants in a “great conversation” outside their historical contexts. But there is another view, which has gained considerable strength in recent decades and finds expression in a new emphasis on the sociology of knowledge and in the many recent philosophical biographies that seek to understand the relation between a philosopher’s thought and her intellectual and institutional situatedness. According to this view, we fail to appreciate the strategies of even abstruse and highly technical texts if we neglect the first audience for whom they are produced. Understanding how a thinker is embedded in particular debates, then, is necessary for adequate interpretations of philosophical texts. Joseph Walser’s *Nāgārjuna in Context: Mahāyāna Buddhism and Early Indian Culture* represents the first significant attempt to understand Nāgārjuna’s writings in the institutional and social context in which they were produced. While philosophers may feel that their understanding of Nāgārjuna’s arguments has not been significantly augmented, this excellent study makes a compelling case that the ways in which Nāgārjuna articulates his arguments constitute a response to local contexts.

Walser makes no attempt to explicate Nāgārjuna’s contested teachings on emptiness, or evaluate the viability and coherence of his arguments. Instead, he seeks to show that the specific arguments Nāgārjuna employs, and even his choice of philosophical opponents, are motivated by non-philosophical concerns; his primary interest, according to Walser, is the survival of the small and diffuse movement that constituted Mahāyāna. Throughout, Walser refers to the Mahāyāna “movement,” thereby emphasizing his interest in the Mahāyāna not as a system of tenets, a set of philosophical or religious doctrines, but as disparate groups of people who constituted minorities within their own monasteries. Walser argues persuasively that some of Nāgārjuna’s idiosyncratic

writings and his Mahāyāna interpretations of traditional Buddhist teachings are best understood as strategies employed to gain access to institutional and cultural resources that would make possible the transmission and preservation of Mahāyāna texts and practices. Walser sets himself two tasks then. First, he wants to explore the constraints that would have applied to Nāgārjuna as a Mahāyānist. Second, Walser seeks to demonstrate that Nāgārjuna's writings manifest strategies that successfully respond to these constraints and ensure the transmission and preservation of Mahāyāna texts. In *Nāgārjuna in Context*, clearly a fruit of much labor, Walser achieves success in both tasks.

Before discussing the institutional constraints that would have applied to Nāgārjuna, Walser must first give an account of the institutional and geographical development of the Mahāyāna movement, which is his focus in chapter one. Drawing on evidence from inscriptions, Mahāyāna *sūtras*, Buddhist doxographies and histories, Chinese translations and travelogues, and the most important recent scholarship on early Mahāyāna, Walser argues that until the fifth century the Mahāyāna movement was a small and marginalized minority in monastic institutions where it lacked the resources for its own preservation.

Because the power of the Mahāyāna was not uniform across South Asia, in chapter two Walser sets himself the task of narrowing down the place and time of Nāgārjuna's work, or rather, of one work: the *Ratnāvalī*. While there is an abundance of hagiographic material on Nāgārjuna, there is a dearth of the kind of evidence that could easily resolve the questions Walser addresses. Walser admits as much. Nevertheless, he pieces together a coherent narrative and achieves remarkable success in making his case. Again, drawing on epigraphic, textual, archeological, and historical evidence, Walser argues that Nāgārjuna was probably active during the later part of the second century or the early part of the third century, and, at least when he wrote the *Ratnāvalī*, lived in a Mahāsāṅghika monastery in present day Andhra Pradesh.

Locating Nāgārjuna is significant for Walser's project because there is no evidence for a majority Mahāyāna monastery in which Nāgārjuna could have been writing. Chapter three, therefore, is a discussion of the various constraints Nāgārjuna would have faced. Most significantly, he would have to show that Mahāyāna texts ought not to be proscribed for causing schism in the *saṅgha*, and they ought to be preserved because they have the authority and legitimacy of the "word of the Buddha." Nāgārjuna also had to persuade the laity, especially the

king, that Mahāyāna was legitimate and should be supported. In chapter four, Walser investigates the practices of textual reproduction, the material conditions necessary for transmission of texts, and the principles that determined which texts would be copied. The monastery generally controlled the financial resources necessary for textual transmission, without which the minority Mahāyānists would lack the paraphernalia required for writing or the ability to hire scribes. Thus, Nāgārjuna and other Mahāyānists pursue strategies to access resources that would ensure their survival.

The most important strategy Nāgārjuna pursues, according to Walser, is to situate Mahāyāna texts within the institutional category of “word of the Buddha.” This is the focus of chapter five, where Walser shows how Nāgārjuna and other Mahāyānists present their ideas clothed in terminology or tropes familiar to non-Mahāyānists. For example, Mahāyānists begin their *sūtras* with the familiar “Thus have I heard,” seeking to endow them with the same authority as those scriptures which were considered “word of the Buddha.” Mahāyāna *sūtras* are classified as *vaipulya*, a traditional category of *sūtra*, and some Mahāyāna texts curse those who reject the authority of Mahāyāna *sūtras*. Walser devotes much of chapter five to an investigation of the subtle ways in which Nāgārjuna frames his account of emptiness in a conceptual and scriptural framework familiar and acceptable to non-Mahāyānist monks. According to Walser, Nāgārjuna’s purpose was to demonstrate not only that there is no contradiction between Mahāyāna and non-Mahāyāna doctrines, but that Mahāyāna doctrines can be found in non-Mahāyāna texts. Additionally, Nāgārjuna argues that pre-Mahāyāna concepts, such as dependent origination, actually require a Mahāyāna interpretation of emptiness, thereby confirming the contiguity of Mahāyāna and non-Mahāyāna. In contrast to later Mahāyāna authors who were active in monasteries dominated by Mahāyānists, Nāgārjuna and early Mahāyāna monks sought to secure the preservation of Mahāyāna texts by emphasizing their conceptual and scriptural continuity with non-Mahāyāna works, thus legitimizing them as “word of the Buddha” and deserving of preservation.

Both popular and scholarly texts on Mahāyāna tend to emphasize the ways in which Mahāyāna constitutes a rejection of *Abhidharma*. In chapters six and seven, Walser problematizes this easy opposition, demonstrating the significance of *Abhidharma* for sectarian identity and showing how Nāgārjuna follows a subtle path of endorsing some *abhidharmic*

doctrines while refuting others. Walser clarifies important differences among the various collections of *Abhidharma* and argues that Nāgārjuna's texts complement Mahāsāṅghika texts; in his critique of Sarvāstivāda *Abhidharma*, Nāgārjuna employs doctrines from the Mahāsāṅghika *Abhidharma*. In line with Walser's overall argument, he insists that Nāgārjuna's strategy is to write neither solely for his Mahāyāna supporters, nor for his Sarvāstivādin opponents, but for the Mahāsāṅghikas who controlled the monastic resources and would determine which texts were copied and preserved.

Considering that much of the evidence required for his argument is ambiguous or unavailable, Walser has undertaken an ambitious project and achieved significant results. Drawing on an enormous body of texts from Chinese, Tibetan, and Sanskrit sources, Walser argues persuasively that we should not read Nāgārjuna's texts, or other early Mahāyāna writings, simply as expressions of a new school, but as products of creative negotiations with institutional constraints. These hybrid productions are necessary until Mahāyāna achieves control of its own resources, which, according to Walser, did not happen until the fifth century, when Mahāyāna first becomes visible on a wider scale in the archeological record. Precisely because there is so much ambiguous evidence, some of Walser's claims are bound to be disputed, for instance his account of the early Mahāyāna as such a weak movement. And I would have preferred more consideration of the social context that encouraged Mahāyāna. Walser is right to emphasize the social and institutional forces manifest in philosophical and religious texts. But local context, presumably, was not only functioning to create constraints and obstacles; there must have been some social context that supported and nourished the growth of the Mahāyāna. What motivated and sustained the Mahāyānists in their commitment to overcome institutional constraints? This is one of the many questions Walser's work opens for future research. Finally, the text contains a surprising number of grammatical errors, omitted words, and other minor mistakes, and would have benefited from one more draft. But these are minor blemishes on what is a compelling and groundbreaking study of Nāgārjuna's response to institutional and social contexts.

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All Queers are Men, All Feminists are Straight, but Some of Us are Brave

Review of Gayatri Gopinath, *Impossible desires: Queer diasporas and South Asian public cultures*. Durham: Duke University Press, 2005.

Gloria T. Hull, Patricia Bell Scott, and Barbara Smith's edited volume, *All the Women are White, All the Blacks are Men, But Some of Us Are Brave: Black Women's Studies* (1982), examined the (im)possibilities of being both black and female in America, a middle passage relegating black women unaccounted for and invisible in contemporary accounts of racism and sexism. Gayatri Gopinath's *Impossible Desires* follows this tradition of (im)possibilities in another movement, the "Indian" nation and "its" diaspora. She examines how "the diaspora within nationalist discourse is often positioned as the abjected and disavowed Other to the nation" while "the nation also simultaneously recruits the diaspora into its absolutist logic" (7). Both rely, however, on "patriarchal and heteronormative underpinnings" (5) in order to become legible as "sight" and "sites" (152) of identity and affiliation.

Although scholars and activists have challenged Hindu communalism, heterosexism, and caste and class politics, Gopinath asks, "How do we clear the theoretical and representational space to imagine a queer subjectivity that is not always already male, of a female subjectivity that is not always already heterosexual?" (78). It is this (im)possibility of a "frame of analysis that is queer *and* feminist" (91, emphasis original) that Gopinath transforms into the possibility for intervention, through different economies of pleasure, spectatorship, and imagined communities. Diaspora, therefore, refers not just to a literal space, movement of people *to* pre-defined nations, gaining legibility according to often racist (post)colonial norms of citizenship and naturalization. It also does not refer to people *from* these nations, returning to a pre-defined "home," gaining legibility according to often communalist (post)colonial norms of citizenship. Rather than outsider status, mobility may be transformed into a viewing practice that undermines notions of authenticity (in the "home") as well as a teleological model of public visibility,

progress, and rights based on transparent and pre-formed identities (in the “diaspora”) (140, 156).

For Gopinath, queer female desire and subjectivity allows nation and diaspora to be put in motion. Queerness itself is destabilized, as the third term in this overdetermined dialectic of nation/diaspora: “If ‘diaspora’ needs ‘queerness’ in order to rescue it from its [oedipal and patrilineal] genealogical implications, ‘queerness’ also needs ‘diaspora’ in order to make it more supple in relation to questions of race, colonialism, and globalization” (11). Queer refers, therefore, to “a range of dissident and non-heteronormative practices and desires” and forms the sight and site of challenging “nationalist framings of women’s sexuality” when “translated into the diaspora,” and how “diasporic women’s sexuality” is “central to the production of nationalism in the home nation” (9). A “queer diasporic viewing public” (97) locates “moments emerging at the fissures of rigidly heterosexual structures” (103) in order to build on “the uses of invisibility” (110) for creating “new architectures of being” (186). It is “queer female subjectivity ... aggressively disavowed by both dominant nationalist and diasporic discourses” (130) that forms the sight/site of this possibility in impossibility.

Gopinath’s book, critical to the burgeoning scholarship in postcolonial and feminist studies (in India and abroad), rightly criticizes their implicit heterosexism and heteronormativity. Each chapter is dedicated to different forms of public culture and the imagined communities they create in order to discern the ways in which queer female desire further destabilizes diaspora’s always already destabilization of nation, in India or elsewhere. In “Communities of Sound” Gopinath emphasizes the “imagined sonic community” (43) created by *giddha*, a Punjabi women’s dance and song ritual, which “conjures forth a ‘community of sound’ that in a sense lies beyond the realm of audibility of ADF’s or Fun’da’mental’s singular narratives of militant, anti-racist politics” (51). The “new audibility of South Asian diasporic culture” (36) can be deployed to “restore the impure, inauthentic, nonreproductive potential of the notion of diaspora” (34), one not based on patrilineal descent. *Giddha* allows for “more radical subaltern histories of transnational alliances and affiliations” instead of “a mythic, spiritual, dehistoricized, and implicitly Hindu India (37). This “queer audiotopia” (59), a reformulation perhaps of Foucault’s heterotopia, creates a “discursively instantiated public that is self-produced (rather than externally, institutionally produced) through the very act of address” (60).

Gopinath continues her reading of “cultural practices that emerge from seemingly tangential spaces of cultural production” (56) in her second chapter on Naipaul’s legacy, in order to “speak to the gendered and racialized effects of globalization on local sites” (56). If the “space of the home is hardly private but rather a key site of labor within the global restructuring of capital” (56), then Naipaul’s legacy of appropriate masculinity, imbibed by texts such as *Surviving Sabu* and *East Is East*, creates “a fortified racialized masculine subject ... only at the expense of the racialized female subject” (77). Gopinath creates new “looking relations” (69) by *looking at* “the eruption of female diasporic pleasure,” which “threatens to undo oedipal narratives of patrilineal descent” (91). This excess and illegibility in narrative content also undermines “the racist amnesia that would deny the cultural and economic imprint of colonialism and migration on the national culture and economy” of (in this case) Britain, and foregrounds “the interdependence of finance capitalism and imperialism in early-twentieth-century” (89).

Gopinath acknowledges the “centrality of Bollywood cinema in producing the public culture of the diaspora” (88), and locates “queer representation and spectatorial agency” (97) in the song and dance sequences. Her next chapter emphasizes that “song and dance sequences are the primary arena in which the female body and female sexuality are on display” (100) and because of its “place of fantasy and excess” and its “unmoored quality” become a “specifically queer *diasporic* form” (101). The song and dance sequence allows for the “disassociation between (hyper)femininity and heterosexuality” (104), even as a queer diasporic viewing practice renders “explicit their homoeroticism” (112). She criticizes Mira Nair’s acclaimed *Monsoon Wedding* (2001) for its implicit heterosexism, couched in a feminist “ethnographic realism” serving as both “native informant and tour guide” (115). Gopinath’s critique of (post)colonial reason, therefore, questions who becomes invisible in translation: from Bollywood to Hollywood, from Hollywood to Bollywood.

Gopinath is perhaps most well-known for her work on Deepa Mehta’s film *Fire* (1996), as much of her next chapter already appeared prior to the publication of this book. Gopinath argues that Mehta’s representation of queer female desire, in many ways contrary to her own statements about the film, functions “first, within developmental narratives of gay and lesbian identity in Euro-American contexts; second, within a discourse of religious nationalism in India,

which is reproduced in the diaspora; and third, within liberal humanist discourses within both India and the diaspora” (140). This three-pronged intervention, marked by the American and Canadian response to the film as realistically depicting a pre-feminist and backward India; by Hindu communalist challenges to Mehta’s authenticity and the casting of lesbianism as foreign perversion; and by the rights based individualism of activist groups such as New York-based South Asian Lesbian and Gay Association (SALGA) and New Delhi-based Campaign for Lesbian Rights (CALERI). Yet, Radha and Sita’s desire (the protagonists of the film) emerges “within the cracks and fissures of rigidly heteronormative arrangements” (153) and disrupts from within. Ismat Chughtai’s story, *The Quilt* (1941), also analyzed in this chapter, presents another such disruption, in a Muslim home, through the relationship between the mistress and the maid. Literal architectures become symbolic of exclusion and hierarchy and the quilt itself, as Gopinath points out, functions as a third sight and site, within and without the home, that creates the literal and metaphorical space for disallowed and disavowed queer female desire.

It is the sight and site of third spaces, in Homi Bhabha’s articulation, ambivalent and in “camouflage” (Bhabha 1994, 36-39, 101, 120), that lead Gopinath into her final chapter as she examines Shyam Selvadurai’s *Funny Boy* (1994) and Shani Mootoo’s *Cereus Blooms at Night* (1996). The diaspora is no longer simply the west but also forced migration and indentureship. By establishing a parallel between imperial and neo-imperial management of women’s sexuality and labor and contemporary nationalism and community identity, Gopinath traces local sites and global contexts, global sites and local contexts, to place diaspora and nation firmly in relation. Thus, “home under indentureship” (182) is no longer colonialism, British racism, U.S. Orientalism, and right-wing Hindu communalism, but also the impossibility of inhabiting one’s body and desires. Gopinath’s text, therefore, is dedicated to precisely those “who occupy impossible spaces transform them into vibrant, livable spaces of possibility” (194).

Impossible Desires is a critical sight and site for scholarship on sexuality and challenges the uses of homophobia for nation and community building. The “developing” world does not function as the easy repository for “developed” societies to displace aspects of themselves they are unable to acknowledge or confront. Instead, it reminds us that in the world order in which we live, and in which we are writing today, “W” is for homophobe.

Work Cited

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