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# The Mūlasarvāstivāda *Bhikṣuṇī* Has the Horns of a Rabbit: Why the Master’s Tools Will Never Reconstruct the Master’s House

Bhikṣuṇī Lozang Trinlae<sup>1</sup>

## Abstract

At the First International Congress on the Buddhist Women’s Role in the Saṅgha held at the University of Hamburg in 2007, Venerable Samdhong Rinpoche offered the pronouncement, “Our efforts toward re-establishing the Mūlasarvāstivāda *bhikṣuṇī* ordination are not driven by Western influence or feminist concerns about the equality of the sexes—this issue cannot be determined by social or political considerations. The solution must be found within the context of the *Vinaya* codes” (Mohr and Tsedroen 256). Using the perspective and comparative analysis of contemporary moral theory, I argue to the contrary that restoration of Mūlasarvāstivāda *bhikṣuṇī* communities by *Vinaya* [discipline rules] alone is most unlikely, if not entirely impossible, without a consideration of gender equality, and, by extension, social considerations and Western influence. Thus *Vinaya* code compliance may be seen as a necessary but insufficient condition for produc-

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ing Mūlasarvāstivāda (Mula) *bhikṣuṇī* communities. Furthermore, not only the result of *bhikṣuṇī Vinaya* restoration, but also the cause of it, a desire for its existence, is also very unlikely, if not entirely impossible, in a convention-determined *Vinaya* framework whose stance is self-defined as being mutually exclusive with post-conventional morality. A fundamental change of attitude embracing modern perspectives of women's rights is itself necessary.

## Introduction

No compelling evidence has been produced to indicate that Tibetan Buddhism has ever maintained a complete monastic community that included fully ordained women. Over the past several decades, however, a number of women practitioners of Tibetan Buddhism, ordained as Mula novice nuns, have sought and obtained full-ordination following *Dharmaguptaka Vinaya* procedures preserved in Chinese Mahāyāna Buddhist societies. Demand for *bhikṣuṇī* ordination has led to the administration of several *bhikṣuṇī* ordination ceremonies in various countries designed to accommodate the needs of international candidates, and to on-going questions among Tibetan Buddhists about whether it is possible and suitable for Tibetan Buddhist monastic groups following Mula *Vinaya* to directly offer full-ordination to women.

Despite regular opportunities to discuss the prospect of offering full-ordination to Tibetan Buddhist women, there is little evidence of widespread support for it among Mula clergy. Contemporary moral theory can help us to identify possible reasons for this apparent lack of support, and can help indicate specific obstacles that will have to be overcome before Tibetan Buddhist groups are likely to invite women to join its communities as fully ordained members.

Contemporary social cognitivist Lawrence Kohlberg of Harvard's Center for Moral Education, in his stage theory of moral development, plotted a six-stage evolutionary trajectory of moral development spanning pre-conventional, conventional, and post-conventional levels. It has been referenced in the constructive-developmentalism object-relations psychological development model of research-theorist Robert Kegan (52-53). It can be further summarized as shown in figure 1:

Developmental Level	Over-Riding Moral Principle	Rationale	Perspective	
<b>1: External Law Morality</b>	Obey rules and avoid harm	Carrot and stick	Egocentric	<i>pre-conventional</i>
<b>2: Individual and Instrumental</b>	Meet immediate interests of self and agreement obligations	Enlightened self-interest (you scratch my back, I'll scratch yours)	Individualistic and relative	
<b>3: Interpersonal Conformity</b>	Meet social expectations	Reputation; maintenance of authority and prevailing stereotypes	Individual with respect to others without a generalized perspective of empathy	<i>conventional</i>
<b>4: Social System</b>	Obey and uphold laws; contribution to the group	Institutional integrity; avoiding schisms	Systemic with respect to rules and regulations; individual considered insofar as relevant to the system	

Developmental Level	Over-Riding Moral Principle	Rationale	Perspective	
<b>5: Social Contract</b>	Uphold a pluralist system of values within which certain absolutes nevertheless persist, such as right to life	Social obligation to voluntarily engage in a contract to provide for rights and welfare of all	Integration of pluralism via formal mechanisms of laws and contracts	<b>post - conventional</b>
<b>6: Universal Ethics</b>	Universal principles of human dignity, and respect and human rights of individuals; the validity of social contracts and laws derive from their coherence with the universal principles	Conviction in the validity of universal ethical principles; personal dedication upholds them	Moral perspective of human integrity and dignity	

Fig. 1. Kohlberg's stages of Moral Development

Kohlberg's research was conducted in Mexico, the Bahamas, Taiwan, Indonesia, Turkey, Honduras, India, Nigeria, and Kenya (Schaffer 353) and thus suggests universal ethnic applications of moral stages. Although Kohlberg's research has been faulted for applying generalizations to the diverse general population based on predominantly male population samples, it has withstood such scrutiny.<sup>2</sup>

<sup>2</sup>Schaffer, *Social and Personality Development*, p. 417-418. Kohlberg's work has been scrutinized by feminists and others, but his research results appear to stand, despite gender-related reservations. Regarding Kohlberg's work, theorist Carol Gilligan remarks,

However, two further considerations are relevant. First, where a dominant social group asserts its socio-moral perspective to be definitively authoritative and is unwilling or unable to take other views into account, such that its view is the one to which all others must necessarily be subordinated, anyone in that society entertaining a varying viewpoint may be constrained to accept such variations as valid. Second, research theorist Carol Gilligan's research has noted that women's characterizations of the moral perspective correlative to the stage five Social Contract level are from a perspective which includes custodial activities with respect to the wider society. She calls this an "ethic of care" (73-74),<sup>3</sup> which is not merely a matter of negotiating individual rights, i.e., the generalized allotment of rights of the individual vis-à-vis

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While in Piaget's account of the moral judgment of the child, girls are an aside, a curiosity to whom he devotes four brief entries in an index that omits 'boys' altogether because the 'the child' is assumed to be male, in the research from which Kohlberg derives his theory, females simply do not exist. Kohlberg's six stages that describe the development of moral judgment from childhood to adulthood are based empirically on a study of eighty-four boys whose development Kohlberg has followed for a period of over twenty years. Although Kohlberg claims universality for his stage sequence, those groups not included in his original sample rarely reach his higher stages. Prominent among those who thus appear to be deficient in moral development when measured by Kohlberg's scale are women, whose judgments seem to exemplify the third stage of his six-stage sequence. (18)

Gilligan cites the respective empirical research: Lawrence Kohlberg, *The Development of Modes of thinking and choices in years 10 to 16* (Ph.D. thesis, University of Chicago, 1958); and *The Philosophy of Moral Development*, (1981). D. Schaffer, in *Social and Personality Development* (1994), remarks "Research has consistently failed to support the claim that Kohlberg's theory is biased against women." Readers may find it worthwhile to review the research referred to by D. Schaffer. It is also useful to note the publication timeline: Kohlberg published in 1958 and 1981, Kegan in 1982, and Gilligan in 1982. Kohlberg was doing research at Harvard's Center for Moral Education, and both Kegan and Gilligan were faculty at the Harvard Graduate School of Education. Kegan mentions Gilligan's work several times in *Evolving Self*. Convenient circumstances thus existed for intellectual interchange of ideas and concerns.

<sup>3</sup> Gilligan also notes "...an ethic of care rests on the premise of nonviolence...." (174)

society or the state. That is, Gilligan's research indicates that when women's voices are included in the definition of morality, the perspective expands from an exclusively male perspective "and the underlying epistemology correspondingly shifts from the Greek ideal of knowledge as a correspondence between mind and form to the Biblical conception of knowing as a process of human relationship" (173). This is of potential interest here because, taken into the context of Buddhism, it suggests that the single existing *Vinaya* system whose *bhikṣuṇī* order is intact, namely, the Dharmaguptaka, could have a more expansive definition of its socio-moral perspective *precisely because* it has benefited, for nearly two thousand years, from a plurality of representation. In contrast, those existing *Vinaya* communities which have no *bhikṣuṇī* monastics, despite having similarly existed for millennia, have no corresponding systemic representative gender plurality with which to constitute their socio-moral perspectives.

### **The Contemporary Mūlasarvāstivāda Moral Domain**

Venerable Samdhong Rinpoche is both the Kalon Tripa, the most senior elected official of the Tibetan government-in-exile, and its most senior ranking monastic other than His Holiness the Dalai Lama, for whom he is a close aid. He is also the former principal and director of the Central Institute of Higher Tibetan Studies at Varanasi. His public statements can thus earn widespread attention from Tibetan clergy, scholars, and laity, and may also represent Tibetan public and official opinion. His public statements regarding the prospect of full ordination of nuns in the Tibetan tradition are, therefore, of great interest.

At the 2007 First International Congress on the Buddhist Women's Role in the Saṅgha, he stated, "The solution [to re-establishing the Mūlasarvāstivāda *bhikṣuṇī* ordination] must be found within the context of the *Vinaya* codes." This statement clearly fits into Kohlberg's developmental level called "Social System" in the "conventional level"

socio-moral stage, where the over-arching principle is conformity to conventions and rules. On the other hand, values such as women's rights and gender equality (and Western values of governance and jurisprudence, insofar as they can be considered to derive from legal instruments or ethical norms formulated on Social Contract and Universal principles) clearly fall into the "post-conventional," "Social Contract" and "Universal Ethics" socio-moral domains. In describing the Social System moral stage, Robert Kegan says:

At Kohlberg's stage 4 social objects of the world (people) are not guaranteed their distinctions apart from their identification with the social order. Kohlberg's stage 4 is essentially the psychological birth of ideology, which is a meaning system that is above all factional (Mannheim, 1936)—that is, it is a truth for a group, caste, class, clan, nation, church, race, generation, gender, trade, or interest group. This ideology can be implicit and tacit, or explicit and public. It is identified, in any case, by the extent to which it makes the maintenance and protection of its own group the ultimate basis of valuing, so that "right" is defined on behalf of the group, rather than the group being defined on behalf of the right. It is identified by the way it tends to draw the lines of membership in the human community according to the particular faction it makes ultimate, creating what Erikson (1972) called the "pseudo-species." The classic picture of the limits of this construction is the law-and-order philosophy in which the right is defined **by** the law rather than seeing the law as an imperfect, organic, in-process attempt to serve the right.

Such a construction of the socio-moral has no way to separate manners from morals, custom and tradition from ethics. In its more benign or amusing forms this can translate into a moral investment in manners of dress and address. In its more lethal

forms it amounts to nothing less than the inability to protect a person against arbitrary abuses and exclusions simply because he or she seems to be against [or merely falls outside] the interests of the group. (63-65) [Emphases in original]

And further, regarding further (stage five and six) moral evolution, Kegan eloquently explains:

It is this kind of absolutism, practically excluding from the human community those who fall outside the ideological or social group, which can come to an end when the evolution of meaning transcends its embeddedness in the societal. One begins to differentiate from the societal; it begins to “move” from subject to object; it is no longer ultimate....

The...solution, which Kohlberg calls the construction of universalizable principles, may be the consequence of an evolution which not only differentiates from the societal, but reintegrates it into a wider system of meaning which reflects on and regulates it. The result is that one comes to distinguish moral values apart from the authority of groups holding those values. These values do not make the law or the maintenance of the group ultimate, but rather orient to a process by which the laws are generated, to which they can be appealed for modification on behalf of equally protecting the dignities and opportunities of **all** parties. (66-67) [Emphases in original]

Venerable Samdhong Rinpoche’s statement can be taken to indicate, from a contemporary, staged morality viewpoint, a willingness to entertain *bhikṣuṇī* membership in the Mula *sangha* *only* insofar as it meets Social System/conventional level/stage four morality, and will be offered *no further moral consideration*. On the other hand, a prospective post-conventional level, socio-moral perspective statement *exceeding* stage

four might read, “I enjoy the rights and privileges of being a fully ordained Mula community member; why can’t our social structure accommodate the *nuns*?” or, “He enjoys the rights and privileges of being a fully ordained Mula *sangha* member, why can’t I?” Recorded statements to date do not show that such questions are arising significantly among Mula monks and nuns. Although there are a few known cases of Tibetan clergy supporting full ordination of Buddhist nuns, such as His Holiness the Fourteenth Dalai Lama (Mohr and Tsedroen 279), His Holiness the Twelfth Gyalwang Drukpa (Drukpa), and Venerable Geshe Ngodrup (Chodron), they are statistically insignificant representations of any larger group. Within a conventional level, those with socio-moral perspectives at Social System stage four might state, “I do not see any compelling value to be gained if Mula monastic communities introduce *bhikṣuṇī* membership, but if the rules and regulations do not forbid it, and if such membership is seen to conform to the rules, then I would have to accept it as possible and perhaps even inevitable.”

Yet moral empathy and a desire for pluralism in the Mula *sangha* are precisely the necessary conditions for establishing a Mula *bhikṣuṇī* community. Such a socio-moral perspective has yet to be expressed by a majority of Mula community members.

Despite the fact that numerous international conferences of scholars have explored an abundance of evidence suggesting Buddhist precedents of legal feasibility, the consideration of Mula *bhikṣuṇī* community membership continues to hit a dead end. Those engaged in the discourse, who have until now assumed that desire for the creation of a Tibetan Buddhist *bhikṣuṇī* order of monastics would be spontaneously forthcoming once *Vinaya* feasibility was determined, may discover that prior assumptions about the prevailing socio-moral perspectives among the majority of Tibetan Buddhist monastics have been overestimated. An accurate conceptual framework for carrying the discourse toward even-

tual actualization appears to be lacking. In other words, the obstacle appears to be a systemic philosophical and socio-psychological one, and is not merely technical.

To put it another way, if a critical mass of Mula clerics were seen to possess a post-conformist, principled moral perspective, transcendent yet inclusive of Social System ethical code governance alone, they would already have initiated, spontaneously and solely by their own initiative, an effort to see novice nuns given the prospect of full ordination, without any external influence whatsoever from Mula novice nuns or foreigners. Legal precedents such as scriptural accounts of the ordination of Mahāprajāpatī Gautamī by Śākyamuni Buddha Siddhārtha Gautama, and previous historical cases of procedural collaboration between Dharmaguptaka and Mūlasarvāstivāda monastics, could be easily admitted as more than sufficient and justified material *Vinaya* evidence. The international existence of multi-lingual, Dharmaguptaka *bhikṣuṇī* monastics could similarly serve to overcome reservations about practical implementation.

### **Implications of the Mūlasarvāstivāda Moral Perspective Respecting *Bhikṣuṇī* Ordination**

#### *General implications*

Venerable Samdhong Rinpoche's statements can be taken to suggest that post-conventional socio-moral perspectives cannot be considered grounds for producing Mula *bhikṣuṇī* communities. One simple explanation (politics aside) may be that sufficient numbers of monastics upholding such perspectives individually, and/or a systemic post-formal *pratimokṣa* ethics culture, do not themselves exist in the first place. For example, regarding the latter case, someone could object that although "there may be post-conventional ethics perspectives in the minds of some Mula monastics, but such perspectives belong to the *Vinaya* do-

main of bodhisattva ethics, and *pratimokṣa Vinaya* procedure may not be held contingent upon bodhisattva ethics perspectives.” Thereby, any pre-existing post-conventional ethics perspective remains at the level of abstract generality, immune to concrete application, at least with respect to the prospect of creating of a Tibetan Buddhist *bhikṣuṇī sangha*.

Yet wasn’t the argument for *bhikṣuṇī* ordination, put forth by Venerable *Ānanda* to the Buddha, proposing women’s equal value, capability, and entitlement to spiritual development and the path of *Vinaya* practice, itself derived from just such a post-conventional, universal ethics perspective? According to the historical narrative, the very birth of the entire *bhikṣuṇī* order is itself derived from nothing other than arguments upholding the morality of gender equality and women’s rights. Of course, Śākyamuni Buddha, with his completely perfected, fully-awakened qualities, would not have needed to extend himself to embrace a universal ethics perspective. In any case, the decision to proceed was a simple matter of pronouncement, by his singular authority. Moving the entire massive diaspora of contemporary Mula monastics beyond their social-group-bound socio-moral *Vinaya* perspective to a post-conventional practical level is another matter indeed.

Yet no loud and clear call for *bhikṣuṇī Vinaya* is seen to arise from the direction of Tibetan Buddhist novice nuns. Why might this be so? Among numerous possibilities, either they may ascertain no significant value of fully ordained membership in the Mula monastic community, and/or have no sense of personal and individual entitlement to such membership. The entitlement sentiment is consistent with a post-conventional moral perspective. Without it, where will the impetus be found among Mula novice nuns to want to see the Social System moral perspective extended to include themselves as full members?

Regardless, consider a hypothetical case of a critical mass of Mula novice nuns with a moral perspective by which they indeed *do* see them-

selves as entitled to the rights and privileges of the fully ordained nuns' *Vinaya* code. Would that alone be enough for them to see significant value in assuming fully-ordained membership in the Mula *sangha*? That is, would one in possession of a post-conventional socio-moral perspective desire membership in a community where the socio-moral center of gravity is conventional or pre-conventional, i.e., where their new membership might be welcomed by few, tolerated at best, and ignored, resented or disdained at worst? What of value would significantly and materially change for the nuns?

However, possession of a post-conventional socio-moral perspective is itself incoherent with the prevailing social system governing most existent *bhikṣu* communities. That system gives perpetual privileges of legal seniority and right to dominance to the Buddhist *bhikṣu* and his community over the *bhikṣuṇī sangha* members, claimed by way of a presumed scriptural authority proclaiming the eight heavy rules (Tibetan: *lci-ba'i chos*; Sanskrit: *gurudharma*; Pali: *garudhamma*), *pratimokṣa* ordination procedure, and various *bhikṣuṇī pratimokṣa* behavioral rules. This entrenches the *bhikṣu* and *bhikṣuṇī Vinaya* governance systems in a perpetual Social System-grounded state, a priori unwilling and unable to embrace contemporary post-conventional ethics practice. Thus it can be seen that the moral perspective of the *Vinaya* code context governing the procedure of *bhikṣuṇī* ordination is already obsolete (by contemporary international standards) in its inherent inequity of governance and entitlement. What is the motivation of the Mula novice nun, already in an inherently disenfranchised state, to seek enfranchisement in a system of ethics that pronounces her perpetually short of full self-governance?

*Integrating archaic moral perspectives of Vinaya with contemporary principles of jurisprudence and governance*

Those familiar with the topic of Tibetan Buddhist *bhikṣuṇī* ordination often hear a refrain which is approximately rendered, "If Śākyamuni

Buddha were here in the world today, undoubtedly he would see to it that *bhikṣuṇī* ordination accrued to all who would seek it.<sup>4</sup> I here propose a reconstruction that pertains to Buddhists belonging to societies where universal ethics principles are increasingly becoming the norm. It would be: “If Śākyamuni Buddha were here in the world today, undoubtedly he would see to it that *bhikṣuṇī* communities establish themselves independently, as their own self-governing legal entities, with all of the rights and privileges completely equal to *bhikṣu* monastics (and individuals in the wider society), including the right to perform their own ordinations without any contingencies whatsoever imposed from without, by those who are not themselves ordained with *bhikṣuṇī* precepts.”

Yet if traditional *Vinaya* moral perspectives are archaic, why do contemporary, politically liberated women continue to take refuge in them? How do contemporary Dharmaguptaka *bhikṣuṇī* community members who possess universal ethics moral perspectives (or even still *more* evolved perspectives) find compelling inspiration for undertaking ordination using an ethics code that, in the case of explicitly discrimination line items<sup>5</sup> subordinating ordained women to the authority of male clerics, are obsolete and insufficient to their moral stage? Perhaps these insufficiencies are considered mere formalities that are thereafter left unemphasized, and de facto obsolete, during all other functions governing daily life. Or, perhaps a critical mass, i.e., a minimal majority, of Dharmaguptaka *bhikṣu* monks themselves already actualize post-conventional ethics moral perspectives *in practice*, the obsolescence of the code is irrelevant. I.e., although the monks are given the privilege, via the Social

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<sup>4</sup> A version of this was proclaimed by His Holiness the Dalai Lama at the First International Congress on Buddhist Women’s Role in the Saṅgha (Mohr and Tsedroen 269)

<sup>5</sup> For example, *Vinaya* procedures requiring nuns’ ordination by both nuns and monks, the *gurudharma Vinaya* addenda requiring explicit behavioral subservience of nuns to monks, and the *bhikṣuṇī pratimokṣa Vinaya* rules by which nuns’ functional governance is contingent upon the approval of male clerics

System-stage Buddhist *Vinaya*, of exercising a male supremacist relationship with their ordained sisters, they do so less and less.

Returning to a contemporary hypothetical emancipation proclamation for Buddhist women, the Buddha might suggest that with a bit more post-conventional evolution of moral perspective of the Dharmaguptaka *bhikṣu*, the day will soon dawn when it will be feasible to seek formal amendment to the respective *bhikṣu* and *bhikṣuṇī* Dharmaguptaka *Vinaya* constitutions, and legally pronounce and ratify the full legal emancipation and equality of the *bhikṣuṇī* order. It would then forever be permitted to conduct all legal proceedings regarding its internal affairs in complete independence and self-sufficiency. By what means, in such a case, would *bhikṣuṇī* communities be bound to the remaining three sectors of the four-fold Buddhist sangha community of monastic and lay practitioners, divided into male and female practitioners? The virtue of actualizing their vows to observe the spirit of their ordination precepts, and subsequent Dharma practice alone, could be the determinants.

Nuns in general do not depend on monks for financial or infrastructural support, nor are they typically offered any from that direction. In fact, it is not clear what, if anything, the female monastic gains from affiliation with any male order (aside from her subordinate status) that could not be gained without it, other than the formal ratification of her *bhikṣuṇī* ordination procedure. Thus, the above-mentioned insufficiencies are not merely with respect to the internal, psychological moral perspective, but are obsolete for all other practical purposes, except for the full ordination procedure itself.

I suggest neither that contemporary *bhikṣuṇī* communities should consider mobilizing a liberation struggle nor that they should seek to establish some isolated female Buddhist utopia. Rather, I suggest that we consider the possibility of using presently-evolving, post-conventional ethics, now becoming accepted as normal in the wider world, as the gold

standard by which present and future agendas and activities can be guided. A shift from the ethics conventions of an archaic and mythic past, to practices more aligned with universal ethics appears warranted on a variety of grounds, not least of all, H.H. Dalai Lama's own declarations on universal responsibility and the ideals stated in *Ethics for a New Millennium*. *Bhikṣus*, *bhikṣuṇīs*, laymen, and laywomen respectively can administer their own internal affairs based on their respective precepts, *Vinaya* codes, community incorporation articles, etc., and where they seek to share interests and capital, etc., they can incorporate newly created governance charters to administer such needs, without reverting to legal instruments based on principles of authoritarianism and discrimination.

Where such a socially progressive four-fold Buddhist sangha exists, it represents a religion that fundamentally upholds and seeks to cultivate universal ethics among its membership, as both theory and practice. Such a sangha community, permeated by universal ethics, is surely the prerequisite needed to inspire significant numbers of like-minded others to put themselves forward for candidacy as members, to seek communion for the benefit of the many. Surely a sangha with a center of gravity firmly settled in a universal ethics socio-moral perspective, whose ethics codes and moral social contract are made to permit evolution of its very center of gravity, would be the ideal forward momentum so sorely needed by the rest of humanity to propel evolution onward, toward more and more effective and pacifistic moral perspectives and conduct.

In the meantime, His Holiness the Dalai Lama suggests that Tibetan Buddhist Dharmaguptaka *bhikṣuṇīs* to carry on certain select functions in Tibetan society in the Tibetan language, following and conforming, as much as humanly possible, to the rest of Tibetan Buddhist society (Chodron). In that way, Dharmaguptaka *bhikṣuṇī* nuns may

be seen publicly to accommodate and uphold the moral perspectives conventional to the Tibetan Buddhist population. As *bhikṣuṇīs* ordained within the Dharmaguptaka formal Social System context, abiding a de facto Social Contract perspective, they condone gender discrimination and paternalism temporarily as formal ordination procedure requires, and then resume self-sufficiency and independent self-governance for the majority of the time thereafter. They also become the true and perhaps only feasible refuge in the world for any and all Tibetan Buddhists with genuine universal ethics moral perspectives seeking to practice a Buddhism that has extirpated itself from gender-based discrimination and domination (at least the majority of the time, full ordination procedures aside). Thus, the community serves as an inspiration for those yet to entertain such principles, as being a suitable orientation for *Vinaya* practice. It is an osmosis method of *Vinaya* transmission.

It is clear that conventional and pre-conventional moral perspectives are not sufficient to warrant a desire and willingness among Mūlasarvāstivāda *bhikṣus* to establish a Mūlasarvāstivāda *bhikṣuṇī* sangha coherent with Mūlasarvāstivāda *Vinaya* code, even if such coherence is affirmed. An ethics community that is situated in conventional moral stages, in both word and meaning, may furthermore be insufficient to succeed in attracting large numbers of Tibetan Buddhist women already possessing universal ethics moral perspectives. It will also be inadequate to entice Tibetan Buddhist women of conventional and pre-conventional ethics perspectives to trade in a marginal status for another perhaps even more marginal status<sup>6</sup>.

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<sup>6</sup> It is easy to make the cynical case that the entire female gender was jettisoned from inclusion in *bhikṣu* moral philosophy from the earliest eras, i.e., by not inviting the first *bhikṣuṇīs* to participate in the sangha councils, their status as sangha outsiders was ratified de facto. By enshrining the eight *gurudharma* rules as doctrine, their status as an inferior class, and subsequent disenfranchisement to participate in the Social System moral perspective administering the dominant social group, was legitimized for the latter. By propagating doctrines proclaiming the notion that the female gender is a mis-

*Overlapping domains of Vinaya moral perspectives of modern nation-state governance*

From a contemporary, post-conventional ethics perspective, a panorama exists wherein Buddhist monastics abide by their *Vinaya* moral commitments within another, larger moral context, as members of nation-states. In the case where such nation-states guarantee their citizens rights to gender equality and sign multilateral, international universal ethics conventions such as the *Universal Declaration of Human Rights*, the post-conventional moral perspective itself has begun to become conventional, at least to some minimal degree. Such social transcendence relegates previously conventional yet gender-unequal *Vinaya* contracts as contrary to the prevailing laws of the land, and de facto pre-conventional with respect to nationally assimilated universal ethics conventions.

For example, a Buddhist teacher advocating a layman's marriage to a pubescent girl may not find anything forbidding such a practice in Buddhist canonical sources, and therefore may presume that such practice is not in any way proscribed by Buddhist law. However, contemporary persons who acted on such advocacy would very likely find

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fortune to be avoided, women (of whom the nuns, failing to transcend their gender stereotype via ordination, are a subset,) are further demoted from the Interpersonal stage moral perspective, and thereby, their consideration is then made to fall *outside all of the conventional levels* of moral consideration. Finally, by enshrining female inferiority as an infallible doctrine of scriptural authority, woman is not only thrown completely outside even the *pre-conventional levels* of subjective moral consideration, but in fact, her ghost then gets reincorporated into the prevailing moral perspective, by becoming a standard of *punishment* and *retribution* for all moral lapse. Thereby, a compelling *rationale* is established for the dominant social group to willingly abide by their self-defined, exclusionary, moral authority. Consequently, consideration of women as dignified human participants in the moral sphere is made to fall outside of the moral philosophy itself, and gender bigotry is enshrined as legitimate morality, although *explicit* harm to *individual* women is still forbidden.

themselves imprisoned on charges of statutory rape, and possibly even child abuse, according to the current laws of numerous countries around the world. Any such assumed ethic would not only be obsolete with respect to current norms, but would in fact be *discordant* with the conventional moral perspective underpinning the wider social context of the nation state. Buddhist sermons condoning gender inequality may likewise be discordant with moral perspectives underlying the laws of the land. Where such perspectives are codified in law, as is the case in countries who are signatories to the United Nation's Universal Human Rights and CEDAW conventions, for example, Buddhist monastics who engage in *actual* gender unequal, discriminatory activity will be executing behavior which is completely discordant with the principles embodied in the local statutes, and may be illegal.

Therefore, while appealing to post-conventional morality to establish *bhikṣuṇī Vinaya* may be presently out of the question for Mūlasarvāstivādin clerics, if the notion of situating conventional Social System-level *Vinaya* morality within the context of the wider society's morality conventions is similarly inconceivable, then as the moral perspectives approaching universal ethics stages reach a majority of humanity, and thereby become universally standard, Buddhist *Vinaya* will likely find itself in a perpetual regression, relatively speaking.

Conversely, to achieve a theocratic, Buddhist *Vinaya*-governed, utopian nation-state, allegiance to gender-unequal *Vinaya* conventions implies that such inequality would have to be embodied in the national constitution articles in order to make the latter morally consistent with the prevailing *Vinaya* conventions. It is hard to envision contemporary citizens willingly abiding a governance scenario of codified discrimination. Thus, the moral perspectives of the citizenry will have surpassed that of the monastics originally ordained to provide the standard of moral integrity and inspiration for the wider society!

*Implications with respect to Tibetan society*

In the case of ethnic Tibet, the prospect of general Tibetan Buddhist religious practice being free of discrimination and political interference is itself predicated on the Communist Chinese political administration *also* being able to assimilate a post-conventional moral perspective. Here again Social System morality is a deficient remedy. Thereby Tibetan monastics as well as the Chinese communist administration are left with the dilemma of requiring a post-conventional moral perspective to resolve political problems, while being themselves unable or unwilling to entertain such a perspective with respect to their own internal affairs.

Considering the efficient police state infrastructure and military might securing today's T.A.R, His Holiness the Dalai Lama's insistence on a non-violent approach to political resolution of refugee displacement from Tibet is clearly the only approach that Tibetan clerics, with the weight of institutional inertia, can exercise with relative advantage, and it is mistaken to regard the non-violent approach as merely sentimental. Nevertheless, in exile, Tibetan monastics find the moral high ground rapidly shifting beneath their own feet, upward and onward toward universal ethics moral perspectives, as these conventions are assimilated in societies around the world. Not only gender equality and universal human rights, but also the Tibetan's group-bound allegiance to preserving the integrity of a unique Tibetan ethnic identity, all sit on the tectonic fault line of shifting moral tensions. The profoundly substantial difficulties of transcending the stage four Social System socio-moral perspective, as well the ultimate impending costs of failing to do so, are utterly apparent.

**Conclusion**

Observers and arbiters of Buddhist *Vinaya* systems can elect to regard monastic governance instruments as rigid, unaccommodating methods

of preserving a by-gone past; or as nimble, living documents that can be used to support the very entities they were designed to serve. During the twenty-five hundred years since the turning of the wheel of dharma by Siddhartha Gautama, has there been no evolution of humanity's moral perspectives, and no need for a corresponding evolution of its governing instruments, even among Buddhists? If not, the argument that spiritual practice and inner development could have an enduring positive impact on the morality of humanity is not very persuasive.

Buddhist ethics systems that fail to comprehend and accept contemporary socio-moral conventions upholding the dignity of all human beings equally will be of limited benefit to humanity, so long as they refuse to admit the beneficial moral imperatives of the societies they inhabit. Buddhist communities that preserve and condone archaic practices of domination and discrimination must ask themselves if they are thoroughly abandoning suffering and all of its causes!

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