

JOURNAL OF BUDDHIST ETHICS

VOLUME 2: 1995 191-203

RESEARCH ARTICLE

THE KURUDHAMMA: FROM ETHICS TO STATECRAFT

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Publication Date: 15 November 1995

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ABSTRACT

This article compares two literary treatments of a Buddhist ethical motif. In the prose sections of the //Kurudhamma Jaataka// the motif is expanded into a collection of ethical casuistry. In the //Kurudhamma ka.n.da pa~nho//, it is expanded into a series of job descriptions for the king and ten of his subordinates. Description of these provokes discussion of the history of the practice of ethics by Buddhist monks and Buddhist courtiers.

TEXT

This article compares two literary treatments of a Buddhist ethical motif. Once upon a time, according to the motif, King Dhana~njaya ruled over a community where everyone, from top to bottom of the social scale, scrupulously followed the moral code. These people of Kuru were humble as well as virtuous: despite their exemplary behaviour none of them had a clear enough conscience to expound the Dhamma to others. The motif is canonical and may be found in the verses of the //Kurudhamma Jaataka// [No. 276] [1]. It can be interpreted variously. Perhaps it attacks the self-satisfaction of the law-abiding citizen. Perhaps it means that truly moral people cannot ever know that they are truly moral. Or perhaps it hints that those who can, do, while those who can't, teach. I discuss two treatments each of which takes the motif in a radically different direction. The prose expansion of the Jaataka verses, which technically counts as commentary and must have reached its present form in 5th century CE Sri Lanka, converts the motif into a collection of ethical casuistry. It recounts eleven hypothetical hard cases and promotes a particular solution to each of them. The second text, the //Kurudhamma ka.n.da pa~nho//, was probably composed in the Middle Mekong region some time between the 8th and the 18th century. It moves us from ethics to statecraft by using the dramatis personae of Jaataka No. 276 to expound palace life from a management studies perspective. It provides job

descriptions and flow-charts of responsibility for the king and for ten of his subordinates. I draw attention to these texts in order to make two points. Speaking as a legal historian, I am impressed by the shift in attitude towards ethics as between the canon and the commentaries. I understand it as a move from simple to complex, from amateur to professional and from the boring to the interesting. Speaking as a South East Asianist, I hope to interest the reader in the vast but relatively unknown field of Southeast Asian Buddhist literature. >From the 13th to the 20th centuries authors, particularly those from the Middle Mekong and Upper Burma regions, were concerned to extract practical implications from the Paali canon and apply them to contemporary society. Their thoughts were expressed in many genres, including sermons, chronicles, birth-stories, law texts and works on //raajadhamma//. To discuss Theravaada ethics in ignorance of this material is like discussing Christian ethics in ignorance of Thomas Aquinas and John Bunyan.

I shall deal first with the legal historical issue of the shift towards complexity. In contemporary Theravaada countries - at least in Southeast Asia - the village monk is also the village ethical counsellor. This extends beyond advising individuals. The monk can usually draw on sufficient prestige to force disputants within the village to settle on terms that he suggests. When did monks first adopt this role? The question lies on the boundary between the sociology of law and the sociology of the professions. It is treacherous terrain, but Max Weber is a reliable guide. His account stresses that the counsellors were enthusiasts, //amateurs// in the literal sense, before they turned professional. He labels this pre-professional stage that of the //honoratiores//, the "well-respected men," who gave up much of their spare time to study ethics and were rewarded both by greater status and by the social pleasures of debate with those who shared the hobby. Calder has applied Weber's model with great success to the emergence of the Islamic legal profession in the 9th and 10th centuries AD [2]. Can the Buddhist data also be squeezed to fit Weber's model? Was there a period in Buddhist history before monks acted as ethical counsellors? Can we talk about Buddhist //honoratiores//, meaning a sub-group of the Sangha who fostered a common enthusiasm for discussion of ethical hypotheticals? How far would such a group have overlapped with the Vinaya experts? My analysis of the //Kurudhamma Jaataka// suggests an answer to the second of these questions. I shall leave the others to hang unanswered in the air.

The Dhamma practised by the Kuru people and maintained by their king Dhana-njaya is nothing more exotic than the five //siila//. As Gombrich summarises them:

"... don't kill, don't steal, don't have wrong sex, don't lie and don't drink, because that leads to the other things." [3]

Gombrich then makes a throwaway comment which I find very illuminating. Though the five //siila// are at the heart of Buddhist ethics, perhaps they are not complex enough to withstand detailed critical scrutiny:

"Ethically they are admirable. But their generality makes them intellectually uninteresting: they provide little material for discussion." [ibid.]

I value this remark more for his recognition that a problem exists than for his description of what it is. The problem is that an element we would expect to find in early Buddhist ethics is missing. The absence which Gombrich senses is, I suggest, that of casuistry. It is not that the five //siila// provide little material for casuistic discussion, it is rather that such discussion did not take place until a later stage. Because of his omniscience, the Buddha cannot be a casuist. He cannot seek to persuade his companions to adopt a particular solution to a hypothetical case because he and his companions are not on an equal footing. He knows because he can see. They know because he has told them [4]. I would guess that several centuries elapsed before the Buddha's charisma was routinised and monks found the confidence to discuss hard cases. In the Vinaya context such discussions certainly preceded the fixture of the //Suttavibha"nga's// text, since large collections of casuistry form the //Viniita-vatthu// sections of that text. But the earliest collection of rulings on the five //siila// that I am aware of is the prose section of the //Kurudhamma Jaataka//. This prose text took on its final form during the commentarial period. It would be very useful to know when the earliest versions of this and similar texts might have circulated, since we could then begin to date the transition from uninteresting generalised ethics to semi-professional case-specific ethics. The text preserves particular solutions to eleven ethical hard cases. It must have been produced by and for monks who had acquired a taste for such discussions. And surely such specialists practised their specialty? These monks must have spent some of their time acting as ethical counsellors to the laity.

The //Kurudhamma Jaataka// [No. 276] shares the same plot mechanism as the //Vessantara Jaataka// [No. 546]. In both of these birth-stories a nation suffering from drought seeks assistance from its more fortunate neighbour. In both stories rain is expected to follow from possession of the great Elephant of State. Prince Vessantara gladly gives the elephant to his neighbours even though his subjects will thereby be driven to revolt. Dhana-njaya, king of the Kuru, is just as generous, but the arrival of his elephant does not cause the expected end to the drought. His neighbours finally come to realise that rain falls on the Kuru people because they follow the //kurudhamma//: they send another delegation across the frontier to discover the Kuru morality and inscribe it on a golden plate. First they ask the king, but he doubts his ethical purity and refers them to the Queen Mother. She, for similar reasons, refers them to the Queen Consort. By the end of the Jaataka the delegation has conducted eleven interviews, listed as follows in the first verse:

"King, mother, consort, viceroy, chaplain too
Driver and charioteer and treasurer,
and he that governed the king's granaries
Porter and courtesan, eleven in all

observed the rules of Kuru righteousness." [p. 251]

At this point the narrative logic breaks down. The delegation are

supposed to be discovering what the ethics of the Kuru are, but at the end of each interview they sit in moral judgement on their interlocutor. As each of the eleven recounts a misdeed to explain why they are unworthy to pass on the //kurudhamma//, the delegation reassures them with phrases such as:

"But O king ... you had no intent to take life. Without the intent of the heart, there is no taking of life." [p. 254]

or

"But ... you had no thought of thieving; without this one cannot be proclaimed guilty of theft." [p. 258]

or

"You said it because you thought so; this does not break your virtue." [p. 259]

What is the point of all this? Malalasekera says that the confession of these misdeeds "only served to emphasise how scrupulously they had conducted themselves" [5]. I think there is a little more to it. The delegation pass judgement, in effect, on eleven hard cases concerning the application of the five //siila//. They dispose of the nagging moral doubts felt by their eleven Kuru interviewees. The very inclusion of their opinions in the canon hints that we are meant to take them as authoritative. The framing story, which speaks of "Wise men of old. . . [who] felt remorse about mere trifles" [p. 251], and the appearance of Sakka to endorse the virtue of the courtesan in the eleventh and last of the cases [p. 260] are further evidence that this is intended as an authoritative collection of ethical casuistry.

In the text the eleven cases are arranged in order of precedence: we descend the social scale from the king down through the royal family and ministers to the porter and prostitute. I shall rearrange them according to legal criteria, to bring together cases concerned with the same ethical rule. I start with the most serious of the rules "Don't kill" and its extension "Don't inflict harm on living beings". What troubles King Dhana~njaya's conscience is that, in the course of celebrating the late October festival, he fired off the four decorative arrows that custom demanded, but lost track of one of them:

"I shot an arrow in the air:
it fell to earth I know not where."

Perhaps it fell in the lake? And perhaps it injured a fish? A more robust ethical counsellor might have told the king to stop worrying about hypotheticals: instead the delegation absolve him on the grounds that he had no intention to kill a fish. I assume that this opinion preserves one side of a scholastic debate. Some Buddhist authorities must once have held that in these circumstances the king acquired demerit. My reconstruction of the suppressed alternative view is as

follows: though the king did not intend to kill a fish he did intend to shoot an arrow in the air, being reckless as to where it might land. Such recklessness should be subsumed within the concept of intention. To this the compilers of the Jaataka could have responded: recklessly shooting four arrows is precisely the royal duty that the king must perform when celebrating the late October festival: a king should not bear the kammic consequences of performing his royal

duties. If my reconstruction is correct, the view held by the compilers entailed a denial of the principle that "Every violent act, however justifiable, has its retribution" [6]. The locus classicus of this principle is the //Temiya Jaataka// [No. 538] which declares that the king's punishment of criminals attracts bad kamma, however deserved the punishment and however fair the trial.

The Viceroy's case raises the question whether negligence and intention are equivalent. He is troubled by the memory of an occasion when people did suffer because of his carelessness. Every evening he would indicate to the petitioners at court whether he would be available later that night. One day, having signalled his availability, he was prevented from returning by a sudden storm. All night the crowd of petitioners waited for him in the rain, in vain. The delegation soothe his qualms with these words:

"You never had the wish to plague those people. What is not intended is not counted to one's score." [p. 256]

But again we must ask exactly what "intention" means in this context. The viceroy intended to change his plans because of the storm, but forgot to inform those who would be inconvenienced thereby. The inconvenience, implies the delegation, was the unintended result of this forgetfulness. Putting it in legal terms, negligence does not amount to intention.

The case of the driver (who seems to have doubled as a land registrar) presents a problem of conflicting duties. What should we do when in order to keep one precept we must break another? One day he was surveying a field for official purposes:

"The stick tied to the end of the cord which he held came to a crab's lurk-hole. Thought he, "If I put the stick in the hole, the crab in the hole will be hurt: if I put it on the other side, the king's property will lose; and if I put it on this side, the farmer will lose. What's to be done?" [p. 257]

What is more important: the precept against killing, or the precept against stealing? And how does the death of a crustacean compare with the integrity of human property rights? The driver ranks cheating humans as worse than killing crabs, and is applauded for it by the delegation, but he does at least try to avoid unnecessary harm:

"Then he thought again 'The crab ought to be in his hole; but if he were he would show himself' so he put the stick in the hole."

The case of the charioteer mixes this kind of conflict with a problem in causation. A storm threatened as the charioteer was driving the king back from the park, so the charioteer whipped the horses to hurry them back home. His duty to avoid injuring the horses and his duty to serve the king to the best of his endeavour could not be reconciled. (The problem might be more to modern taste if we pretended that the charioteer was driving an urgent medical case to hospital.) Though the charioteer faced this choice only once, the well-trained horses repeat the consequences again and again: they now speed up automatically whenever they reach the spot where he applied the whip:

"If the king is wet or dry, tis no fault of mine; but I have given a touch of the goad out of season to these well-trained steeds, and so they run at speed again and again til they are tired." [p. 258]

The delegation apparently treat this as a problem in causation. They distinguish the original intentional whipping (for which he acquires demerit) from its unintended echoes in the horses' subsequent behaviour (for which he is not responsible) [7]. The opposite view (that even unintended consequences of an intentional act should be penalised) is perfectly respectable and was doubtless promoted by some other Buddhist casuists. In fact this was the English approach to the problem (which we call remoteness of damage) until the Privy Council adopted the //kurudhamma// solution in 1964. I am presupposing that the ethical casuists deployed quite sophisticated concepts of intention, motive and recklessness in their debates: that they have been given less credit than they deserve as skilled dialecticians. The Vinaya casuists appear to have used such concepts early on, as can be demonstrated by the viniita-vatthu cases on murder (V.iii.78-85). Our first principle for understanding these precedents must be Thanissaro Bhikkhu's interpretative assumption that the compilers of the Vinaya gave us all the information we need for a full understanding of these rulings [8]. On that understanding the casuistry can only yield non-contradictory results if we bring concepts of intention, recklessness and primary motive into play. The Vinaya experts must at least have been able to express these distinctions by paraphrase: they need not necessarily have coined a word for each concept.

I turn to the four cases concerning the ambit of the precept against theft. The chaplain merely wished to own someone' else's property. On seeing the king's new chariot he coveted it, and therefore felt he must refuse it vehemently when the king offered it to him. His mental turmoil is brought about by his having sinned in his mind, and the delegation quickly point out that "Not by mere uprising of covetise is virtue broken." [p. 257]. The rich man did indeed deprive the king of property, to wit one tenth of a handful of rice: he used a handful of rice-stalk from an untaxed field to bind a bulging head of rice to a supporting stick. For the defence one could argue //de minimis non curat lex//, or that the king's loss was outweighed by the king's gain of his share of the bulging head of rice. The delegation take the ethical high ground and argue the case on intention: "But you had no thought of thieving; without this one cannot be proclaimed guilty of theft" [p. 258]. They offer exactly the

same comfort to the Master of the Granaries, who is still worried because he once used some grains of rice as counters and then forgot whether he had placed them on the king's pile or the farmer's pile. His case is presumably added to provide symmetry: it shows that tax should be assessed scrupulously, while the rich man's case demonstrates that tax should be paid scrupulously. The most interesting case on theft is that which involves the Queen Mother. Dhana~njaya gave her some tribute from a neighbouring king--a valuable necklace and a phial of sandal-wood perfume. She decides to pass the gifts on to her daughters-in-law, "to each according to her need". The younger daughter-in-law, the viceroy's wife, is poor and should therefore get at least as much as the elder, Dhana~njaya's wife. But now she worries that by not following precedence, she has done the elder daughter down by cheating her of her due. The delegation reassure her in these words: "When it is in your hands, a thing is

given even as you will" [p. 255]. Casuistry on theft must inevitably lead to a legalistic analysis of ownership. The Queen Mother feels that she is merely a trustee or mandatee over the presents: she has no right to dispose of them as she wishes. The delegation reply by invoking the absolute character of ownership, including the right of general disposition.

Contrasting with the immense Vinaya jurisprudence on the subject, there is only one //kurudhamma// case concerning wrong sex. Perhaps lay people have a shrewd knowledge of what is permitted and what is forbidden in this area? Dhana~njaya's queen confesses to having fantasised about her brother-in-law. She is firmly informed that "Sin is not the mere uprising of a thought" [p256]. There is not even a single case illuminating the precept against alcohol. Perhaps it is less important because it a derivative sin, wrong only because it leads to worse wrongs. Or perhaps whether or not you choose to get drunk is an unproblematic issue that does not engender casuistry. Even the Vinaya controversialists took 1,500 years to hit their stride on this subject: the first indications of conflicting interpretations of the monastic precept against strong drink come from the 13th century //Vinaya-.tiikaas// [9]. There are, however, two cases on the precept against lying which happen to involve the lowest two rungs on the social ladder. The gatekeeper remembers an occasion when he was shutting the city gates for the night and a couple came running in at the last minute. "Have you been making love in the forest?" he jeers. "No, this is my sister and we have been collecting firewood." comes the reply. The delegation soothe the gatekeeper with the defence of reasonable mistake: "You had grounds on which to say that; this does not break your virtue" [p. 259] [10].

The final case, that of the prostitute whose commercial integrity is tested by Sakka, is the only one to have escaped from the canonical Jaataka into the general stock of Southeast Asian folk tales. It reminds us that //sacca//, the virtue of truth, is also the virtue of keeping one's promise. The negative precept against lying is also a positive precept that agreements should be honoured. Sakka hands over a large sum of cash to the courtesan in return for a later assignment. The courtesan waits for him, turning away all other offers, until she becomes impoverished. Then she goes to the Chief Justices and asks

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for their ruling. The verdict is: "If he does not come for three years, what can you do? Earn your wage as before" [p. 259]. She is about to receive her first client - her hand is outstretched to receive the money - when Sakka reappears, and she goes with him instead. She is mortified that, by stretching out her hand to receive another man's money, she has breached faith with Sakka. Since Sakka has publicly proclaimed her virtue and showered her with seven kinds of jewels this might seem over-scrupulous, but the delegation wearily reassure her "Merely to hold out your hand is not a breach of virtue" [p. 260]. In fact the ethical issues here are more complicated and more interesting, since they concern the interplay between morality and law. To keep to one's contract is both a moral and a legal duty. If the legal authorities have freed you from the legal duty, can the moral duty survive on its own? The prostitute thinks it can: the delegation impliedly disagree. Like Sophocles' //Antigone//, this story is concerned with conflict between normative systems.

No one can dispute the virtue of the people of Kuru, but, if our sample of eleven people is at all representative, virtue does not seem

to have made them happy. They all suffer from anxiety that they have failed to meet the highest moral standards. Something like the anxiety that Weber describes among Puritan believers in predestination appears to have infected lay Buddhist believers in //siila// and kamma. To them the delegation preach a consistent message: "We know how kamma works. You're in the clear. Relax and be happy." But how can the delegation be sure of this? Ethical reward and punishment is a natural process, governed by kamma. Those who expound kamma's finer discriminations must have looked deep into the workings of kamma: only Buddhas and arahants need apply. One of the messages implicit in the //Kurudhamma Jaataka// will have aroused interest outside the Sangha: that people like the delegation, "brahmins and courtiers" [p. 254], are qualified to interpret //siila// to the laity.

The related text to which I now turn is a product of mature Buddhist political philosophy. The //Kurudhamma ka.n.da pa~nho// is a Paali text about twice as long as its namesake Jaataka. It has been published by Jaini as chapter 37 of //Lokaneyyappakara.na.m// [11], a pseudo-Jaataka and "Treatise on Secular Discipline" which Jaini ascribes to an unknown 15th century monk living in the region around Chiang Mai. The manuscript which Jaini edited is held by the National Museum of Bangkok: its convoy evidence suggests that it was written in Keng Tung at the western extreme of the Middle Mekong culture area [xi:n2]. Jaini treats all 41 of its chapters as a single, through-composed text. Unfortunately Jaini did not consider some closely related manuscripts described by Saddhatissa [12]. Saddhatissa summarises a Laotian vernacular manuscript entitled //Lokavinaya// which, he says, translates a "Paali text entitled //Dhana~njaya// published by Dharmabhakti in Bangkok". If this //Lokavinaya// is the work which Finot catalogued as No. 331 of his "Liste Generale des Manuscrits Laotiens" [13], then it was held in the Royal Library of Luang Prabang. Which would in turn fit with Wyatt's information that a //Lokanaya// manuscript appears "on a list of manuscripts copied, probably in Luang Prabang, for the kings of Nan" [14]. Under various titles and in more than one language, this work was known across the

Middle Mekong, from Keng Tung in the west to Luang Prabang in the east. But its contents were not the same in these different manifestations. Comparing Saddhatissa's description of the 25 chapters of the Laotian manuscripts with Jaini's description of the 41 chapters of the Bangkok manuscript, the shorter version would appear to be the earlier version. The Laotian version sticks closely to the life and adventures of Dhana~njaya, which owe rather more to the //Mahosadha// or //Great Tunnel Jaataka// [No. 546] than to Dhana~njaya, the exponent of the //kurudhamma// in No. 276. Our hero gains the king's favour by his wise answers to riddles when a mere seven year old. He arouses the jealousy of the king's other counsellors, survives an attempted assassination by elephant, goes into exile, establishes his reputation abroad, marries an intelligent and beautiful wife, and returns home in triumph because he alone can solve the riddle of the drums. We are told of his wife's clever defence of her chastity against the wicked Purohita, then Dhana~njaya becomes crown prince and brings the story to a climax with his defeat of an invading army by means of Dhamma rather than brute force. At this point the Laotian version ends, but the Bangkok manuscript, which has already interpolated ten irrelevant chapters doubling up on existing plot elements, tacks on two very lengthy chapters. These purport to be sermons given by Dhana~njaya after his triumph but before he installed his son as crown prince and retired to become an ascetic. The second of these long sermons is the

//Kurudhamma ka.n.da pa~nho//. Though some attempt has been made to incorporate it smoothly into the existing narrative, we must, nonetheless, treat it as a separate text which the redactor of the Bangkok manuscript has inserted into his version of the //Lokaneyya//. There would be two reasons for doing this: firstly, both the //Lokaneyya// and the //Kurudhamma ka.n.da pa~nho// discuss lay discipline or the way to guide the world; secondly Dhana~njaya is the hero of both texts.

If we can take the //Kurudhamma ka.n.da pa~nho// as a sermon on statecraft written somewhere in Southeast Asia, then it becomes valuable evidence for prevailing ideas on social organisation. Jaini summarises it in six pages [xxvii-xlii] which I summarise still further. The full moon day approaches. Sakka makes the necessary arrangements for the Bodhisatta Dhana~njaya to give a sermon to all the kings of Jambudiipa. Dhana~njaya, enthroned on the high seat of the law under the Bodhi tree in front of a great assembly, proceeds to answer [1] Sakka's riddle about the stages of the path to enlightenment [2] Sakka's question about the four castes (//va.n.nas//) and [3] Sakka's request that he preach the //raajadhammas// to the assembled kings. The sermon on the four castes gives us an interesting insight into what people unfamiliar with the institution made of the ubiquitous references to caste in the Paali canon. We are told that the Brahmans are good at astrology, medicines and animal training, and are useful intercessors with the local cadastral spirits. But they can use these skills to deceive honest people, so the only real Brahmans worthy of the name are the noble arahants. The warrior caste are those responsible for the arrest, punishment and execution of offenders. They are prone to hunt animals and loot other kingdoms, and so the only Khattiya worthy of the name is he who complies with the four //sangahavatthu// [15]. The other two castes are Ministers and

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Merchants. The righteous Minister is he who refuses to carry out a wicked royal order. The righteous Merchant does not cheat his customers, is not an arms-dealer and uses standard coinage. Echoes of this approach to social stratification can be heard in the Southeast Asian legal literature. The //Manugye dhammathat//, which was compiled in Upper Burma around 1756, discusses the situation where a debtor and creditor are not from the same class. It uses a six fold stratification into [1] the royal family [2] brahmans [3] ministers [4] rich men [5] merchants and [6] poor men [16].

Sakka's third request is that the Bodhisatta preach //raajadhamma// for the prosperity and well-being of the assembled kings and their kingdoms. Dhana~njaya responds by reciting the Jaataka verse quoted above listing the eleven members of the king's household who keep the //kurudhamma//. But we are not about to hear ethical casuistry about the five precepts:

"Instead, our author uses the framework of this Jaataka in order to delineate in great detail the duties of members of the royal court, providing thereby a virtual textbook on polity unlike anything found elsewhere in Paali literature."
[xl]

The king himself must follow the ten //raajadhamma//. This list of virtues which a king should aspire to follow is ubiquitous in the Jaataka, including the older verse portions (J.iv.200), but is not found anywhere else in the canon. Nonetheless, they are treated both

within and without the tradition as if they contain the key to Buddhist political philosophy. Contemporary scholars of Buddhism are liable to be seduced by a numerical list just as much as the courtiers of pre-modern Southeast Asia. In truth the ten //raajadhamma// promise much but deliver little. They are simply a list of five abstract virtues which are then doubled by adding five close synonyms [17]. The //Kurudhamma ka.n.da pa~nho// actually gives a fuller account of what these virtues mean than anything in the canon. Having dealt with the king, the text continues down the social scale. The Queen Mother must be compassionate to all, and impartial towards her sons and daughters-in-law. The crown-prince must share the king's responsibilities in court and on the battlefield and must supervise the ministers and the treasurer. The Treasurer must excel in generosity, in particular by offering a ritualised feast at each of the nine stages of the rice harvest. And so on, down to the prostitute, the virtuous embellisher of the city, who must display impartiality to all her customers. At this point an objection is noted: can the prostitute be truly virtuous, given the prohibition of wrong sex? The reply is that she is able to keep the //kurudhamma// because - and I paraphrase - the taxi-driver is not responsible for what happens inside the taxi.

What sources were drawn on for this remarkable analysis of duties among the royal household? Jaini thinks it is

"... not unlikely that our author was drawing upon some other source, now non-extant, in composing this section." [xl]

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This conjecture is certainly possible: we know the names of many Southeast Asian works on //raajadhamma//, few of which have survived. However, if one treats the //Kurudhamma ka.n.da pa~nho// as a separate text of uncertain provenance, the conjecture becomes unhelpful: we don't know when or where it was written, nor do we know when or where the texts it drew on were written. The only helpful way forward is to focus on the connections between the two texts I have discussed. Why has this raajadhammic text been put in the mouth of Dhana~njaya? What is the connection between observing the five //siila// and ensuring that members of the royal court know the duties appropriate to their rank? There are other passages in the canon that could have been exploited to produce a list of political duties, most notably the lengthy description of how to be a perfect royal counsellor given by Vidhura to his children [Jaataka No. 545]. Why not develop this to cover the other ten palace functionaries? The likely answer is that some Middle Mekong city treated Dhana~njaya as its founding father. It rewrote its pre-Buddhist legends of origin to promote the image of a virtuous population, united in observation of the five //siila//. As the original Kuru country was the region around present-day Delhi, we can postulate an early Northern Tai king anxious to found "New-Delhi-on-the-Mekong" - a city of exemplary virtue where even the prostitutes observe the //kurudhamma//. A couple of surprising facts lend some substance to this proposal. Firstly, the //Code de Vientaine// is unique among all the Southeast Asian law texts in taking its organising principle from the //kurudhamma// [18]. Its five books deal successively with murder, theft, sexual offences, lying and drunkenness. This form of organisation is not a success, since even after being padded out with material of dubious relevance, the fifth book on Drunkenness is still much shorter than the first three books. Secondly, the Guardian Angels of Luang Prabang are descended from Dhana~njaya. This fragment of city-founding

myth comes from the edifying Laotian novel //Bhuddhasen// [19]. The story ends with Buddhasen and his faithful wife becoming (and giving their names to) the two mountain peaks opposite Luang Prabang on the right bank of the Mekong. The romance mixes up attributes of two or three different Dhana~njayas mentioned in the canon and commentaries: Buddhasen's mother Canda-Paduma is described as one of the twelve daughters of Dhana~njaya, which is an inaccurate reminiscence of Dhana~njaya the stream-winner, rich man and contemporary of the Buddha [20]. On the other hand Buddhasen's grandfather lived in Indapattha, capital of the Kuru country and home of King Dhana~njaya the Bodhisatta. How much weight should we ascribe to such Buddhicisations of indigenous legends? Which figure from the canon is chosen to represent your pre-Buddhist tutelary deity is surely not decided at random. My reading of the //Bhuddhasen// evidence is that Buddhism came to Luang Prabang via a city which paid special reverence to Dhana~njaya and the //kurudhamma//. In all likelihood this city was somewhere in the middle Mekong, but whether it flourished during the first or second millennium is unclear. Its influence has left a Dhana~njayic stamp on Middle Mekong Buddhist culture so that, when it was time to write down the laws for the laity or the bureaucratic structure of the palace, the scribes naturally used the five //siila// and the //Kurudhamma Jaataka// as organising principles.

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Neither of the texts I have discussed belongs to the earliest stratum of the canon. If the motif was present back in the days before monks discussed ethical hard cases and advised the laity on virtuous behaviour, it must have been a mere trope about the super-sensitivity that comes with being lay paragons of virtue. One reason for its subsequent popularity was that it provided the skeleton on which another Buddhist utopia could be constructed: a far-off land where even the Gate-keepers (who in reality must have been about as popular as traffic cops) and prostitutes (whom every society has treated as morally ambivalent) were moral. It is this aspect of the motif which led to its adoption in the Middle Mekong as a town charter. But the aspect on which my two texts elaborate is the verse listing the eleven inhabitants of Dhanajaya's court. This is the foundation on which the casuists can build a collection of rulings in ethical hard cases and the politicians can erect a manual of good government. We can safely put the latter development after the former. The movement of the //kurudhamma// theme, as with other Buddhist motifs, has been from ethics to statecraft. Or, to include the earliest stage of development, from rhetoric to ethics to statecraft.

NOTES

[1]. E. Cowell, & W. Rouse, *The Jaataka translated from the Paali by various hands*, III:251-260 (Cambridge: Cambridge University Press, 1897). Unadorned page numbers in the text refer to this.

[2]. N. Calder, *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993).

[3]. R.F. Gombrich, "The Duty of a Buddhist according to the Paali Scriptures," in *The Concept of Duty in S. Asia*, edited by J.M.D. Derrett & W.D. O'Flaherty (Delhi: Vikas Publishing House / SOAS, 1978), p. 108.

[4]. For the same reason the Buddha is incapable of being bound by his

own rules and on one occasion advised a monk not to bother with the discipline of the Vinaya. See Andrew Huxley, "The Vinaya: Legal System or Performance-Enhancing Drug?" forthcoming in The Buddhist Forum.

[5]. G.P. Malalasekera, Dictionary of Paali Proper Names, 2 volumes, Indian Text Series (London: John Murray, 1937), Volume 1, p. 643

[6]. C. Duroiselle, Notes on the Ancient Geography of Burma (Rangoon: Office of the Superintendent of Government Printing, 1906), p. 5. This article first appeared in French: C. Duroiselle, "Notes sur la Geographie Apocryphe de la Birmanie," Bulletin de l'Ecole Francaise de l'Extreme-Orient 5 (1905): 146-167.

[7]. I am grateful to an anonymous Journal of Buddhist Ethics manuscript evaluator of an earlier version of this article for pointing out the translation in Cowell & Rouse (1897) is misleading.

[8]. G. DeGraff (Thanissaro Bhikkhu), The Buddhist Monastic Code (California: Metta Forest Monastery, 1994), p. 14.

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[9]. P.V. Bapat, "Vimati-vinodani, a Vinaya commentary, and Kundalkesi-vatthu, a Tamil Poem," Journal of Indian History 45 (1967): 689-694

[10]. Again I have gratefully adopted the anonymous reader's clarification of a misleading passage in Cowell & Rouse (1897).

[11] P.S. Jaini, Lokaneyyappakara.na.m, Paali Text Society Text Series No. 175 (London: Routledge & Kegan Paul, 1986). Unadorned Roman numerals in the text refer to Jaini's introduction.

[12]. H. Sadhatissa, "Paali Literature from Laos," in Studies in Paali & Buddhism in honour of Bhikkhu Jagdish Kashyap, edited by A.K. Narain (Delhi: BR Publishing Corporation, 1979), pp. 331 & 338.

[13] L. Finot, "Recherches sur la Litterature Laotienne," Bulletin de l'Ecole Francaise de l'Extreme-Orient 17:5 (1917): 175.

[14]. E-mail from David Wyatt, July 18, 1995.

[15]. This list of four qualities by which a king should win hearts and minds is often mentioned in the canon (e.g., D.iii.61; S.i.87) and seems originally to have been a parody of four Vedic sacrifices.

[16]. D. Richardson, The Damathat or the Laws of Menoo (Moulmein: American Baptist Mission Press, 1847), p. 91.

[17]. I elaborate this argument in a forthcoming article "Raajadhamma in the Mahanipata."

[18]. A. Raquez, Pages laotiennes (Hanoi: Schneider, 1902), pp. 403-448.

[19]. Finot, "Recherches sur la Litterature Latienne," pp. 133-35. There is also a different, Cambodian, recension of this romance.

[20]. According to Malalasekera, Dictionary of Paali Proper Names, Volume 1, p. 1130), Canda-Paduma was the mother of Dhana~njaya the

rich man.